

**MINUTES - BENSON CITY COUNCIL - REGULAR MEETING
APRIL 7, 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, Director of Finance Glen Pederson and Public Works Director Dan Gens.

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

- March 17, 2014 City Council Meeting
- March 13, 2014 Safety Committee Meeting
- January 13, 2014 Park Board Meeting
- November 11, 2013 Cemetery Board Meeting

It was moved by Evenson, seconded by Fitz and carried unanimously to appoint Lyle Popma to the Planning Commission with his term ending December 31, 2016.

Wolfington noted the League of Minnesota Cities Annual Conference is June 18-20, 2014 in St. Cloud. If any Councilmember wishes to go they should let him know.

Wolfington informed the Council that Missouri River Energy Services and Western Minnesota Municipal Power Agency have approved moving forward with constructing the Red Rock Hydroelectric Project, which will be built at the Red Rock Dam along the Des Moines River near Pella, Iowa. The purpose is to replace and expand electrical resources.

Next was a request from the Chamber of Commerce to use the parking lot to the south of the Armory before the Band Fest Parade for an arts & crafts event. After discussion it was moved by Fitz, seconded by Fugleberg and carried unanimously to grant permission to the Chamber of Commerce use of the Armory parking lot from noon-4pm on June 14, 2014.

The Mayor will be attending the annual Mayor's Conference in Fergus Falls, Minnesota April 25-26, 2014.

Next was a conference call with LeAnn Herrera from Charter. She informed the Council Charter is going to an all-digital platform transformation in September 2014. Currently Charter is analog and changing to digital will allow faster internet as well as several enhancements to programming. One change Charter would like to make is to the local access channel. They would like to move it to a different channel which will be grouped with other governmental channels. Herrera stated there will be a marketing campaign to inform Charter users of the changes. There will be no need to enter homes for the change. Fitz asked about any changes to the monthly bill. Herrera said only if you currently do not have a box for service in your home, you will need to pay for one, other than that no increase to the bill. After discussion, it was moved by Evenson, seconded by Fugleberg and carried unanimously to authorize staff to sign the consent for Charter to conduct the digital conversion, pending review by Attorney Brian Grogan.

Wolfington noted the Minnesota Pollution Control Agency has approved our Air Emission Permit for the Power Plant.

Wolfington presented two quotes from RDO Equipment and Titan Machine for a new loader. There is \$140,000 in the budget for the loader. Bids came from the state bid package. Wolfington said the bid from RDO Equipment is for a 2014 John Deere 544K for \$153,436.00. The quote from Titan Machinery is for a 2014 Case 721F for \$151,655.00. After discussion it was moved by Fitz, seconded by

Evenson and carried unanimously to approve the bid with Titan Machinery for the Case loader in the amount of \$151,655.00

Next was a state contract price quote for a new electric cargo van with shelving. This item is in the 2014 budget. After discussion, it was moved by Evenson, seconded by Heinzig and carried unanimously to approve the cargo van & shelving from Thane Hawkins Polar Chevrolet in the amount of \$28,897.95.

Councilmember Fitz offered the following resolution:

**RESOLUTION TO CONTRACT FOR SALE OF
SURPLUS, OBSOLETE OR UNUSED EQUIPMENT
(RESOLUTION NO. 2014-08)**

WHEREAS, the City of Benson has a need from time to time to sell surplus, obsolete or unused equipment; and,

WHEREAS, the Minnesota Municipal Contracting Law, Minnesota Statutes Section 471.345, Subdivision 17 permits a municipality to sell such surplus, obsolete or unused equipment, without a requirement of competitive bidding, by using an electronic selling process in which purchasers compete to purchase the surplus equipment at the highest price in an open and interactive environment; and,

WHEREAS, the City Council finds that the use of such an electronic selling process would be cost effective, efficient and in the best interest of the City and its citizens; and,

WHEREAS, J.A.X. of Benson is a local franchisee of K-Bid and is able to provide an electronic selling process which will fill the needs of the City; and,

WHEREAS, Jack Evenson, the owner of J.A.X. of Benson is a member of the Benson City Council and therefore a public officer of the City of Benson, Minnesota Statutes Section 471.87 prohibits a public officer who is authorized to take part in any manner in making any sale, lease or contract in an official capacity from having a financial interest in that sale, lease or contract or from personally benefitting therefrom; and,

WHEREAS, Minnesota Statutes Section 471.88 provides an exception to the prohibition stated in Minnesota Statutes Section 471.87 for a contract for which competitive bids are not required by law; and,

WHEREAS, competitive bids are not required by law to enter into a contract for services for arranging the sale of city property; and,

WHEREAS, the City Council finds that the contract price offered by J.A.X of Benson is as low as or lower than the price at which the services could be obtained elsewhere.

NOW THEREFORE IT IS HEREBY RESOLVED that the city manager is authorized to enter into a contract with J.A.X of Benson for the sale of surplus, obsolete or unused City equipment through the use of an electronic selling process which meets the requirements of Minnesota Statutes Section 471.345, Subdivision 17.

Council Member Heinzig seconded the foregoing Resolution and the following vote was recorded: AYES: Fugleberg, Fitz, Kittelson, Heinzig. Abstain: Evenson. NAYS: None. Thereupon the Mayor declared Resolution 2014-08 duly passed and adopted.

Councilmember Fugleberg offered the following resolution:

**POLICE OFFICER DECLARATION
(RESOLUTION NO. 2014-09)**

WHEREAS, the policy of the State of Minnesota as declared in Minnesota Statutes 353.63 is to give special consideration to employees who perform hazardous work and devote their time and skills to protecting the property and personal safety of others; and

WHEREAS, Minnesota Statutes Section 353.64 permits governmental subdivisions to request coverage in the Public Employees Police and Fire plan for eligible employees of police departments whose position duties meet the requirements stated therein and listed below.

BE IT RESOLVED that the City Council of the City of Benson hereby declares that the position titled Part-Time Police Officer, currently held by Scott Girard meets all of the following Police and Fire membership requirements:

1. Said position requires a license by the Minnesota peace officer standards and training board under sections 626.84 to 626.863 and this employee is so licensed;
2. Said position's primary (over 50%) duty is to enforce the general criminal laws of the state;
3. Said position charges this employee with the prevention and detection of crime;
4. Said position gives this employee the full power of arrest, and
5. Said position is assigned to a designated police or sheriff's department.

BE IT FURTHER RESOLVED that this governing body hereby requests that the above-named employee be accepted as a member of the Public Employees Police and Fire Plan effective the date of this employee's initial Police and Fire salary deduction by the governmental subdivision.

Council Member Evenson seconded the foregoing Resolution and the following vote was recorded: AYES: Fugleberg, Fitz, Kittelson, Heinzig, Evenson. NAYS: None. Thereupon the Mayor declared Resolution 2014-09 duly passed and adopted.

Wolfington stated the City has obtained the leases Burlington Northern Santa Fe (BNSF) railroad had with Glacial Plains Cooperative. Glacial Plains would like to purchase some of the land across from their convenience store from the City with intentions of installing a high speed diesel fueling station, contingent on approval of a Conditional Use Permit. Wolfington stated there are currently no pending environmental issues on this land. After discussion, it was moved by Heinzig, seconded by Evenson and carried unanimously to direct staff to negotiate and draft a purchase agreement with Glacial Plains Cooperative to purchase the land across from their convenience store.

Next Wolfington said the State is requiring transit systems to install cameras on busses as part of the Homeland Security Act. 80% Of the cost will be paid for by the State. Cost to the City will be \$18,000. It was moved by Fugleberg, seconded by Fitz and carried unanimously to approve the bus camera purchases in the amount of \$18,000.

Pederson approached the Council. He said last July the Council approved a late fee structure change for utility bills. The penalty for late payment went to 10% of the utility bill. Pederson went on to say this has become a hardship for those struggling to pay their bills, and feels it is excessive. He would like to see the penalty be more in line with standard interest rates.

Evenson offered the following resolution:

**A RESOLUTION ADOPTING A SCHEDULE OF FEES AND CHARGES
FOR VARIOUS SERVICES
FOR THE CITY OF BENSON, MINNESOTA
(RESOLUTION NO. 2014-10)**

Now Therefore, the City Council of the City of Benson, Minnesota, resolves:

Section 1. All fees and charges in effect as of the date of the adoption of the city code for the city shall remain in effect unless otherwise modified by the provisions of this resolution. All citations below are to various sections of the city code unless otherwise indicated.

Section 2. The following are the fees and charges for the permits, licenses and services listed below which are referenced to the section of the city code which authorizes their establishment:

1. Pursuant to Ch. 50: Appendix: Utility Rates, Ch. 52: Appendix: Sewer Service Charges, Ch. 53 & Ch. 55, the utility rates are as follows:

A) The monthly penalty assessed for all utility services is 1.5% to be effective on the first day of the month this resolution is adopted.

Council Member Fitz seconded the foregoing Resolution and the following vote was recorded: AYES: Fugleberg, Fitz, Kittelson, Heinzig, Evenson. NAYS: None. Thereupon the Mayor declared Resolution 2014-10 duly passed and adopted.

It was moved by Fugleberg, seconded by Evenson and carried unanimously to approve a pay request from Stantec in the amount of \$7,334.80 for engineering services for the trickling filter repairs, GIS records, and mapping.

Wolfington informed the Council four citations to BNSF for blocking the railroad crossings have been combined into one case. There have been 3 more citations since. This June there will be a court date where BNSF is expected to contest the citations and state statute. The Attorney General will be attending the hearing. The Judge hearing the case will have 90 days to hand down a decision. Wolfington would like to consult with an engineer to help draft up talking points for the hearing. He also hopes the hearing will help to develop best practices and solve the issue of trains spending so much time blocking crossing. It was the consensus of the Council for Wolfington to move ahead and consult an engineer in the railroad field. Fugleberg asked with all the oil cars coming through Benson if the Firemen are trained in HazMat and handling spilled oil. Wolfington said there was recently a class in Morris the Fire Department attended.

Pederson noted there are budget books on the council table for each Councilmember.

There being no other business, a motion was made by Fitz, seconded by Evenson and carried unanimously to adjourn the meeting at 6:22 p.m.

Mayor

City Clerk