

**MINUTES - BENSON CITY COUNCIL - REGULAR MEETING  
JUNE 20, 2011**

The meeting was called to order at 5:33 p.m. by Mayor Paul Kittelson. Members present: Paul Kittelson, Sue Fitz, Gary Landmark, Ben Hess and Bob Claussen. Members absent: None Also present: City Manager Rob Wolfington, Director of Finance Glen Pederson, and Director of Public Works Elliot Nelson

Mayor Kittelson called a recess at 5:34 p.m. to go over to the DeMarce Theatre for a demonstration of the new equipment recently installed.

The meeting reconvened at 5:43 p.m.

It was moved by Landmark, seconded by Hess and carried unanimously to approve the June 6, 2011 City Council Minutes, May 19, 2011 Regular EDA Meeting Minutes and the June 6, 2011 Planning Commission Minutes.

Next was a request from the Benson Bakery to close off Kansas Ave. behind their business for an open house/80<sup>th</sup> birthday party for Jerry Johannessen. It was moved by Fitz, seconded by Claussen and carried unanimously to approve closing the street on June 22, 2011 from 2-4 p.m.

The next item of correspondence was from the Minnesota Department of Transportation concerning the potential temporary suspension of State contract performance. Wolfington informed the Council with the possible shut down of the State offices on July 1, 2011, he has received information from several different agencies warning of the risk of non-payment if the State should not balance the budget and be forced to shut down. Wolfington continued to say that at this time we will continue to operate all services as normal.

Wolfington discussed a memo from Flaherty and Hood, P. A., referring to the Coalition of Greater Minnesota Cities (CGMC) dues assessments for the 2012. Dues have been frozen for 2009, 2010 and 2011. The CGMC Board would like to unfreeze the dues and resume the current dues structure. It was moved by Claussen, seconded by Landmark and carried unanimously to approve the 2012 CGMC dues.

Patty Grube and Brett Aamot from Conway, Deuth and Schmiesing presented the 2010 Audit. It was noted that the City received a clean opinion with no management recommendations being made.

Police Chief Crace reviewed the 2010 Benson Police Department Annual Report with the Council.

Council Member Landmark offered the following Resolution and moved its adoption:

**POLICE OFFICER DECLARATION  
(RESOLUTION NO. 2011- 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 Brandon Grimsley, 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 Claussen seconded the foregoing Resolution and the following vote was recorded: AYES: Landmark, Claussen, Fitz, Kittelson, Hess. NAYS: None. Whereupon the Mayor declared Resolution No. 2011-09 duly passed and adopted.

Next was a request from the Swift County-Benson Hospital Auxiliary asking the City of Benson to purchase advertising at their annual golf event. A motion was made by Landmark, second by Hess and carried unanimously for the electric utility to sponsor a hole for \$150.00 at the Auxiliary's Annual Golf Classic.

Council Member Claussen offered the following Resolution and moved its adoption:

**RESOLUTION OF APPROVAL  
PARTICIPATION IN THE COUNCIL ON LOCAL RESULTS & INNOVATION  
(RESOLUTION NO. 2011-10)**

WHEREAS the Minnesota Legislature created the Council on Local Results and Innovation and the Council released a standard set of ten performance measures for cities that will aid residents, taxpayers, and state and local elected officials in determining the efficiency of cities in providing services; and,

WHEREAS Cities that chose to participate in the standard measures may be eligible for a reimbursement in LGA, and exemption from levy limits,

WHEREAS The City of Benson officially adopted the recommended ten performance benchmarks developed by the Council on Local Results and agrees to implement them in 2011.

NOW, THEREFORE BE IT RESOLVED, the City of Benson, City council passed a motion to authorize this resolution at their regular City Council Meeting on June 20, 2011 to participate in the council on Local Results and Innovation and to adopt the Council recommended ten performance benchmarks for cities.

Council Member Fitz seconded the foregoing Resolution and the following vote was recorded: AYES: Landmark, Claussen, Fitz, Kittelson, Hess. NAYS: None. Whereupon the Mayor declared Resolution No. 2011-10 duly passed and adopted.

Next on the agenda was to review bids received on the Benson Market Demolition project. T & K Kennedy Excavating Inc. had the low bid. A motion was made by Fitz, second by Hess and carried unanimously to accept Kennedy Excavating's bid of \$41,727.00.

Wolfington stated he received the agreement to sign ownership of the creamery building from James Monson to the City as well as the deed. A motion was made by Claussen, second by Hess and carried unanimously to accept the creamery property.

Next were bids received for asbestos removal at the creamery building. MAAC Inc. from Montevideo had the low bid. A motion was made by Claussen, second by Landmark and carried unanimously to accept MAAC, Inc.'s bid of \$6,100.00 to perform asbestos removal at the creamery building.

Next Public Works Director Nelson presented a proposal from American Engineering Testing Inc. for construction testing services at the water treatment plant project. Nelson recommended approval. After discussion a motion was made by Claussen, second by Hess and carried unanimously to accept American Engineering Testing's proposal in the amount of \$13,385.00.

Nelson presented a pay request from States Border Construction for work done on Sandy's Lift Station. A motion was made by Landmark, second by Fitz and carried unanimously to approve the request in the amount of \$62,090.10.

Nelson presented a pay request from Bonestroo for the following:

- General engineering services - \$4,428.00
- Water Treatment Plant improvements - \$19,898.20
- Sandy's Sanitary Lift Station Renovation - \$13,990.64

A motion was made by Claussen, second by Hess and carried unanimously to pay Bonestroo in the amount of \$38,316.84.

Wolfington reported to the council a request from Pete Sampair, who owns the trailer park property on 10<sup>th</sup> Street North in Benson. He had a water leak in the trailer park in 2007 and after non-payment the bills were assessed to the property. Mr. Sampair has contacted the City staff several times over the past few years to understand the source of the charges. After discussion, Wolfington suggested we forgive the City's portion of penalties and interest owed on the delinquent taxes. A motion was made by Claussen, second by Landmark and carried

unanimously to dismiss the City's portion of penalties and interest when Sampair pays the delinquent taxes and the funds are forwarded to the City.

A was motion was made by Fitz second by Hess and carried unanimously to approve bills and warrants in the amount of \$780,187.73.

Lastly, Wolfington discussed the Chief of Police applications and interviews that were conducted. Wolfington recommended the City Council appoint Officer Mike Jambor to the position. A was motion was made by Landmark second by Claussen and carried unanimously to appoint Mike Jambor as the new Chief of Police.

It was moved by Landmark, seconded by Claussen and carried unanimously to adjourn the meeting at 6:55 p.m.

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Mayor

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City Clerk