

**MINUTES - BENSON CITY COUNCIL - REGULAR MEETING  
SEPTEMBER 8, 2014**

The meeting was called to order at 5:30 p.m. by the Mayor. Members present: Paul Kittelson, Jack Evenson, Mike Fugleberg, Stephanie Heinzig & Sue Fitz. Members Absent: None. Also present: City Manager Rob Wolfington, Director of Finance Glen Pederson, Director of Public Works Dan Gens, Assistant City Attorney Ben Wilcox, PeopleServices Representative Greg Stang, Swift County Administrator Mike Pogge-Weaver, Anita Flodstrom, Vanessa Bartz and Mark Anderson

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

- August 18, 2014 City Council Meeting
- July 17, 2014 EDA Meeting
- August 18, 2014 Stantec Rail Crossing Study Meeting

It was moved by Fugleberg, seconded by Evenson and carried unanimously to approve a gambling permit for the Benson Hockey Association on November 25, 2014.

The Mayor noted openings on boards and commissions.

Wolfington noted a Thank-You from the Girl Scouts for City support of their use of Ambush Park and the Swimming Pool.

Next Wolfington shared a memo from the Minnesota Department of Education certifying Benson's required minimum level of financial support for 2015 to the public library.

It was moved by Evenson, seconded by Fitz and carried unanimously to approve the League of Minnesota Cities annual dues in the amount of \$3,206.00 for the year beginning September 1, 2014.

The Mayor noted overnight travel. The City Manager will be at a MRES Board meeting September 10, 2014, The City Manager will be at Flood Insurance Training September 16, 2014 and the City Finance Director will be at the Minnesota Finance Officers Conference September 24-25, 2014.

Wolfington informed the Council of a public hearing for a Conditional Use Permit held at the Planning Commission meeting at noon today. The Conditional Use Permit was for Benson Auto Sales & Quick Lube. They wish to sell used cars and light duty trucks at their location at 1428 Atlantic Avenue in Benson. Wolfington noted the residents within 350' were notified, and the public hearing was published in the paper. There were no comments from the public. He also noted the Planning Commission approved the Conditional Use Permit application at their meeting today, with the stipulations the parking and sign ordinances were followed. After discussion, it was moved by Fitz, seconded by Fugleberg and carried unanimously to approve the Conditional Use Permit application for Benson Auto Sales & Quick Lube as long as parking and sign ordinances are followed.

Next the Council discussed the Blight Ordinance. Fitz stated this ordinance is very close to the national code. She voiced concerns some citizens won't be able to afford the repairs to their homes stated in this ordinance. Evenson said he has concerns about how a citation or going to court would affect a citizen that cannot afford the repairs their home may need. Flodstrom asked the Council if this ordinance applies to businesses as well. Fitz said commercial businesses should keep their buildings up as well. After more discussion, it was moved by Evenson, seconded by Fitz and carried unanimously to approve the 2<sup>nd</sup> Reading of an Ordinance To Amend Chapter 98: Structures in Disrepair. Wolfington said the ordinance will be published in the Monitor Newspaper, and 30 days after publication the ordinance will

become law. If the citizens disagree with this ordinance they can petition the ordinance. The number of signatures needed is a percentage of registered voters that voted in the last City General Election.

Gens approached the Council to report on the lead/copper tap water monitor report from the Minnesota Department of Health. Gens said the City failed 4 of 10 samples sent in. The City is now required to send in 20 samples every 10 months and come up with a solution. He said the water is safe to drink, and Stantec has been out to help work through the issue. Since the City is drawing from a new aquifer, treatment of the water is different.

Next the Council discussed the Special Assessment Policy. There was discussion on the dollar limit of an assessment, and percentage of the project amount assessed to the property owner. Gens stated the percentage can be a different amount for each street, water and sewer infrastructure if the Council wishes. Gens agreed to bring back a graph for the next meeting outlining assessments based on different percentages for the Council to review.

The Benson Library presented a request for new carpet and vinyl tile. The current flooring is all original, in disrepair and no longer comes clean. There is also a proposal for moving all the shelving included in the quotes. Wolfington commended Chuck Koenigs for volunteering to paint all the walls at the library. After discussion it was moved by Evenson, seconded by Fugleberg and carried unanimously to approve the new flooring/moving expenses in the amount of \$41,468.85.

Next Wolfington explained when a public building or state licensed facility is built or has improvements made to it, the State of Minnesota comes out and does the building inspections on them instead of allowing our local building official. The State keeps the fees, for even minor projects such as window replacement and reroofing. This has been taken up by the League of Minnesota Cities with the State. The City is submitting a Municipal Delegation Agreement for Building Code Administration on public buildings and state licensed facilities, which if approved by the State, will allow the City Building Official to do inspections on these facilities and the City will keep the fees. It was moved by Evenson, seconded by Fitz and carried unanimously to approve the agreement with the Minnesota Department of Labor and Industry.

Greg Stang with PeopleServices approached the Council. There was discussion on the contract the City has with PeopleServices which expires at the end of the year. It was moved by Evenson, seconded by Fugleberg and carried unanimously to approve a five year contract with PeopleServices for wastewater services as presented.

Wolfington presented the 20 year master plan for the overhead to underground conversion of the electric system. He said the scope of work outlined for this year will be completed. He called to their attention 2017 will be a costly year as there will be downtown work which is beyond our scope of work that will need to be contracted. This work will be coordinated with the 2017 highway project.

County Administrator Mike Pogge-Weaver approached the Council and discussed the County's strategic planning and organizational plan. He is asking county wide stake holders to participate in some meetings to help achieve their goal. It was the consensus of the Council to participate in the process.

Wolfington presented the Lodging Tax ordinance and Tourism By-Laws to the Council. Tourism dollars go to the Chamber of Commerce for these events, and recently the Chamber of Commerce announced they will no longer be running large community events. Heinzig said she had attended a Band Boosters meeting and they have agreed to take over the Band Fest event. The City will continue their support of the event as in the past. Heinzig stated the date may change. Kittelson suggested the possibility of a group taking over Kid Day. There was concern about tourism dollars going to the Chamber if they will no longer be running these community events.

It was moved by Fitz, seconded by Fugleberg and carried unanimously to approve a Small Cities grant payment in the amount of \$5,478.00.

It was moved by Fitz, seconded by Fugleberg and carried unanimously to approve a Small Cities grant payment in the amount of \$4,191.00.

It was moved by Fitz, seconded by Heinzig and carried unanimously to approve a pay request to Stantec in the amount of \$4,060.09 for the railroad crossing study.

Next Wolfington discussed correspondence from Charter Communications explaining the agreement they and Comcast have entered into contingent upon Comcast's pending merger with Time Warner Cable Inc. There was also a memo from Brian Grogan of Moss & Barnett, the law firm representing us with Charter Communications, explaining the correspondence we received from Charter. After discussion, Councilmember Heinzig offered the following resolution:

**A RESOLUTION GRANTING CHARTER COMMUNICATIONS, INC.  
A FRANCHISE EXTENSION TO MARCH 31, 2015  
(RESOLUTION NO. 2014-13)**

**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; 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**, 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 September 19, 2014 through and including March 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: Fugleberg, Fitz, Kittelson, Heinzig, Evenson. NAYS: None. Thereupon the Mayor declared Resolution 2014-13 duly passed and adopted.

There was discussion on the proposed 2014 tax levy to be collected in 2015. The proposed amount is an increase of 2.2% which can be reduced at the hearing in December but not increased.

Councilmember Fitz offered the following resolution:

**RESOLUTION ADOPTING PROPOSED 2014 PROPERTY  
TAX LEVY, COLLECTIBLE IN 2015**

**(RESOLUTION NO. 2014-14)**

BE IT RESOLVED by the City Council of the City of Benson, County of Swift, Minnesota that the following proposed sums of money be levied for the current year, collectible in 2015, upon the taxable property in the City of Benson, for the following purposes:

General Fund Levy	\$632,084
Police Personnel	587,000
Claussen Properties II Abatement	20,000
Library Fund Levy	<u>108,936</u>
<b>Total</b>	<b>\$1,348,020</b>

BE IT FURTHER RESOLVED that the following sum of money be levied for the current year, collectible in 2015, based upon the market value of the taxable property in the City of Benson, for the following purpose:

G.O. Swimming Pool	<u>75,705</u>
<b>Total</b>	<b>\$75,705</b>

BE IT FURTHER RESOLVED that the City Council will hold its Truth in Taxation Hearing on Monday, December 1, 2014 at 6:00 p.m. in the Benson City Council Chambers. Comments may be made by calling 320-843-4775, email to [staff@bensonmn.org](mailto:staff@bensonmn.org) or by postal mail to 1410 Kansas Avenue, Benson, MN 56215.

Council Member Evenson seconded the foregoing Resolution and the following vote was recorded: AYES: Fitz, Kittelson, Fugleberg, Heinzig, Evenson NAYS: None. Thereupon the Mayor declared Resolution 2014-14 duly passed and adopted.

Councilmember Heinzig offered the following resolution:

**RESOLUTION CERTIFYING THE PROPOSED GENERAL FUND OPERATING BUDGET  
FOR THE CALENDAR YEAR 2015 FOR THE CITY OF BENSON, MINNESOTA  
(RESOLUTION NO. 2014-15)**

BE IT RESOLVED, that the proposed Operating Budget for the General Fund of the City of Benson, Minnesota, for the fiscal year beginning January 1, 2015 and ending December 31, 2015 is hereby approved.

BE IT FURTHER RESOLVED, that the budget is summarized as follows:

<u>Revenues</u>	
Taxes - General	\$1,239,084
Taxes - Library	108,936
State Grants and Aids	1,229,290
Other Revenues	<u>1,013,842</u>
<b>Total Revenues</b>	<b>\$3,591,152</b>

<u>Expenditures</u>	
General Government	\$604,050
Public Safety	1,008,900
Highways, Streets and Roads	614,430
Parks and Recreation	404,650
Public Transit	186,125
Public Library	113,160
Capital Outlay	450,000

Other Expenditures	<u>153,503</u>
<b>Total Expenditures</b>	<b>\$3,534,818</b>

**Excess (Deficiency) of Revenues over Expenditures** **\$56,334**

BE IT FURTHER RESOLVED, that the City Manager shall cause the entire Proposed Operating Budget to be printed and filed in the City Office for inspection and reference by the public.

Council Member Fugleberg seconded the foregoing Resolution and the following vote was recorded: AYES: Fitz, Kittelson, Fugleberg, Evenson, Heinzig. NAYS: None. Thereupon the Mayor declared Resolution 2014-15 duly passed and adopted.

Heinzig noted she met with Duinink's Concrete and their neighbors recently. The plant is under new management, and they have brought several improvements to the plant. They have been dealing with dust control and are installing an 8' fence around the property.

Heinzig stated the Personnel Committee conducted Dan Gens six month review. Both Heinzig and Fugleberg were satisfied with his performance. It was moved by Heinzig, seconded by Evenson and carried unanimously to approve a 2% wage increase for Gens.

Next the Council received a request from Barb Schwartz and Roger Ebnet for financial support at Northside Rec. They have received grants and donations for the dugout project and new fencing on the ball fields, but in order to finish these projects, they have fallen short by \$4,275. They are continuing to pursue additional grants, but are asking for assurance from the Council for funding they are unable to secure. After discussion, it was moved by Evenson, seconded by Heinzig and carried unanimously to approve funding for the balance of the Northside Rec ball field projects not to exceed \$4,275.

There being no other business, a motion was made by Evenson, seconded by Fitz and carried unanimously to adjourn the meeting at 7:03 p.m.

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Mayor

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City Clerk