

**MINUTES - BENSON CITY COUNCIL - REGULAR MEETING
NOVEMBER 10, 2008**

The meeting was called to order at 5:30 p.m. by Mayor Paul Kittelson. Members present: Sue Fitz, Anne Johnson, Bob Claussen, and Paul Kittelson. Members absent: Gary Landmark. Also present: City Manager Rob Wolfington, Finance Director Glen Pederson, Public Works Director Elliot Nelson, and David Gelhar.

At 5:30 p.m., the Mayor opened the Public Hearing for a Minnesota Investment Fund loan to Ritalka, Inc. David Gelhar, representing Ritalka, Inc., was present for the public hearing.

There was no one under unscheduled business to come before the Council.

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

- a. October 20, 2008 Regular City Council Meeting
- b. October 27, 2008 Special City Council Meeting
- c. September 29, 2008 SCBH Board Meeting
- d. September 10, 2008 Prairie Country RC & D Council Meeting
- e. October 16, October 23, and October 30, 2008 Benson EDA Meetings – It was noted that in the October 30 minutes that the motion to adjourn the meeting should be Frank and not Fitz.
- f. October 16, 2008 Safety Committee Meeting
- g. September 15 and November 3, 2008 Benson Area Tourism Board Meeting

The City Manager reviewed the following correspondence with the Council:

- a. Swift County Assessor RE: Board of Review Training Sessions – Member Claussen was available to attend the training.
- b. Charter Communication RE: Adjustments to retail prices
- c. Benson Chief of Police RE: Officer Matt Siefkes Commendation
- d. MN Department of Corrections RE: Commending Officers in apprehension of an offender

Dave Gelhar informed the Council what businesses are occupying their building located at 2100 Minnesota Avenue, improvements that have been made to the building and the progress they have made in hiring personnel. They created 15 positions and have currently hired twelve. Council Member Claussen offered the following Resolution and moved its adoption:

**CITY OF BENSON
ECONOMIC DEVELOPMENT PROGRAM RESOLUTION
(RESOLUTION NO. 2008-20)**

BE IT RESOLVED that the City of Benson (Applicant) act as the legal sponsor for the project contained in the Business and Community Development Application to be submitted on November 12, 2008 and that Rob Wolfington, Benson City Manager, and Glen Pederson, Benson Finance Director, are hereby authorized to apply to the Department of Employment and Economic Development for funding of this project on behalf of the City of Benson.

BE IT FURTHER RESOLVED that the City of Benson has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure

adequate construction, operation, maintenance and replacement of the proposed project for its design life.

BE IT FURTHER RESOLVED that the City of Benson has not incurred any costs and has not entered into any written agreements to purchase property.

BE IT FURTHER RESOLVED that the City of Benson has not violated any Federal, State, or local laws pertaining to fraud, bribery, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice.

BE IT FURTHER RESOLVED that upon approval of its application by the state, the City of Benson may enter into an agreement with the State of Minnesota for the above-referenced project, and that the City of Benson certifies that it will comply with all applicable laws and regulations as stated in all contract agreements and described on the Compliance Certification of the Business and Community Development Application.

AS APPLICABLE, BE IT FURTHER RESOLVED that the City of Benson has obtained credit reports and credit information from Ritalka, Inc. and Kevin Wald. Upon review by the City of Benson and Donald A. Wilcox, City Attorney, no adverse findings or concerns regarding, but not limited to, tax liens, judgments, court actions, and filings with state, federal and other regulatory agencies were identified. Failure to disclose any such adverse information could result in revocation or other legal action.

NOW, THEREFORE BE IT RESOLVED that the City Manager and Finance Director, or their successors in office, are hereby authorized to execute such agreements, and amendments thereto, as are necessary to implement the project on behalf of the applicant.

Council Member Johnson seconded the foregoing Resolution and the following vote was recorded: AYES: Claussen, Johnson, Fitz, Kittelson. NAYS: None. ABSENT: Landmark. Whereupon the Mayor declared Resolution No. 2008-20 duly passed and adopted.

The City Manager informed the Council that the Cottage Square developers have asked for a one year extension to the developer's agreement. A requirement of the developer's agreement was that the developer was to construct two houses by this time. The building permits were issued in December of 2007 for these two houses, but they were not constructed. The Planning Commission recommended that the Council amend the developer's agreement and extend that requirement to November 1, 2009 but to suspend the two building permits that were issued in December of 2007. It was moved by Fitz and seconded by Claussen to approve the recommendation from the Planning Commission to amend the developer's agreement and extend the agreement to November 1, 2009 but they will need to reapply for the building permits. The following vote was recorded: AYES: Fitz, Claussen, Kittelson. NAYS: None. ABSTAIN: Johnson. ABSENT: Landmark.

The City Manager updated the Council on the following grant applications: 1) Capital grants for rail line improvement projects, 2) Contamination investigation and RAP development grant, and 3) Small Cities Development Program.

It was moved by Claussen, seconded by Fitz and carried unanimously to approve a pay request from DGR for professional services through September 30, 2008 for the Electric System Improvements in the amount of \$22,111.53 (\$8,295 for 115 kV Substation, \$914 for Distribution Feeders, and \$12,902.53 for 115 kV Transmission Line.)

It was moved by Fitz, seconded by Johnson and carried unanimously to approve a pay request from Bonestroo for professional services from 09.28.08 to 10.25.08 in the amount of \$16,663.84:

- a. Water Well Test Drilling - \$155
- b. Lift Stations - \$16,508.84

It was moved by Johnson, seconded by Claussen and carried unanimously to approve a pay request from Communication Technologies, Inc. for the Transmission Line Project in the amount of \$11,773.

The City Manager informed the Council that the Planning Commission will be meeting with local eating establishments to discuss and receive their input regarding a draft sidewalk cafes ordinance.

The City Manager informed the Council that Kim Ross has submitted her resignation as Benson head librarian effective November 28, 2008. Pioneerland Library System (PLS) is looking at filling this vacancy by combining the Benson head librarian position with another PLS head librarian position. No action was taken at this time.

The City Manager informed the Council that the Service Territory Exchange of property with Agralite was signed last week.

At 6:08 p.m. the Mayor closed the Public Hearing for a Minnesota Investment Fund Loan to Ritalka, Inc.

It was moved by Fitz, seconded by Claussen and carried unanimously to adjourn the meeting at 6:09 p.m.

Mayor

Attest: _____
City Manager