

**MINUTES - BENSON CITY COUNCIL - REGULAR MEETING
SEPTEMBER 20, 2010**

The meeting was called to order at 5:30 p.m. by Mayor Paul Kittelson. Members present: Sue Fitz, Ben Hess, Bob Claussen, Gary Landmark, and Paul Kittelson. Members absent: None. Also present: City Manager Rob Wolfington, Public Works Director Elliot Nelson, Gary Searcy, Russ Borstad, and Eric Lempke and Ryan Capelle from Bonestroo.

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

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

- a. September 7, 2010 Regular City Council Meeting
- b. September 11, 2010 Benson HRA Meeting
- c. August 2, 2010 Benson Planning Commission Meeting
- d. August 19, 2010 Benson EDA Meeting

The following correspondence was reviewed:

- Perry and H. Joyce Smith (1925 Denfeld Dr.) Staff investigated the sewer backup into their basement that occurred July 23. The main was flushed in May and there were no other calls on this main line that reported any problems. It appears that the blockage was in their boulevard due to tree roots. Staff contacted the Smiths to let them know this was not the City's responsibility. Member Landmark asked if it was possible to send notices before the City flushes mains. He was informed this would be difficult at times due to timing. The Mayor mentioned possibly contacting the local plumbers that when tree roots are in the service line that it isn't the City's responsibility.
- Benson Public Schools dated Aug 2010: It was moved by Landmark, seconded by Claussen and carried unanimously to approve donating \$250 to the renaissance program.
- Prairie Five Community Action Council dated 9.13.10. It was moved by Fitz, seconded by Hess and carried unanimously to approve a \$500 donation to the Reach Out for Warmth Program.

The Public Works Director introduced Eric Lempke and Ryan Capelle from Bonestroo. An informational meeting regarding the Water Treatment Plant Upgrade was held at the filter plant just north of the Benson Golf Club parking lot from Noon to 1 p.m. and 3 p.m. to 5 p.m. today. Lempke and Capelle briefed the Council on the proposed project, timeline and answered questions. By the October 4 Council meeting, they hope the Intended Use Plan is ready and to have the Council make a decision regarding the proposed project.

The City Manager informed the Council that since the last meeting when the Council approved an Order to Raze and Remove a Hazardous Building (old creamery building at 1020 Pacific Avenue) Countryside Public Health has ordered the owner of this property to abate a public health nuisance. The City Attorney felt that only one order should be issued so staff has not sent the order from the City. This was informational with no action taken.

The Public Works Director informed the Council that staff is recommending that the public hearing for the diseased Dutch Elm tree at 614 – 12th St. So. be delayed because the owners and contractor assured staff that the tree will be removed within the next two weeks.

It was moved by Landmark, seconded by Fitz and carried unanimously to approve the plans and specifications for the City's Gasoline and Diesel Fuel Requirements from November 1, 2010 to November 1, 2012 with the bid opening at 3:00 p.m. on October 14, 2010.

It was moved by Fitz, seconded by Hess and carried unanimously to approve an invoice from Morris Sealcoat and Trucking for the 2010 chip seal project in the amount of \$55,159.12.

There was a brief review of the budget report through August 31, 2010.

It was moved by Landmark, seconded by Hess and carried unanimously to approve the bills and warrants in the amount of \$394,725.86.

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

**LOCAL GOVERNMENT RESOLUTION
(RESOLUTION NO. 2010-23)**

Applicant Name: **City of Benson**

BE IT RESOLVED that the City of Benson act as the legal sponsor for the project contained in the SCDP Application to be submitted on October 5, 2010 and that the City of Benson Mayor, Paul Kittelson and the City Manager, Rob Wolfington 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 violated any Federal, State or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice.

BE IT FURTHER RESOLVED that upon approval of its application by the State, City of Benson may enter into an agreement with the State of Minnesota for the approved project, and that the City of Benson certifies that it will comply with all applicable laws and regulations as stated in all contract agreements.

NOW, THEREFORE BE IT RESOLVED that the City of Benson Mayor, Paul Kittelson and Benson City Manager, Rob Wolfington, 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.

Councilmember Hess seconded the foregoing Resolution and the following vote was recorded: AYES: Claussen, Hess, Fitz, Landmark, Kittelson. NAYS: None. Whereupon the Mayor declared Resolution No. 2010-23 duly passed and adopted.

It was moved by Landmark, seconded by Claussen and carried unanimously to adjourn the meeting at 6:12 p.m.

Mayor

Attest: _____
City Manager