

**MINUTES - BENSON CITY COUNCIL - REGULAR MEETING
JULY 6, 2009**

The meeting was called to order at 5:30 p.m. by Mayor Paul Kittelson. Members present: Sue Fitz, Anne Johnson, Bob Claussen, Gary Landmark, and Paul Kittelson. Members absent: None. Also present: City Manager Rob Wolfington, Public Works Director Elliot Nelson, Police Chief Jim Crace, Police Sergeant Mike Jambor, Vicky Syverson, Laura Milbrandt, Bill Kashmark, Tom Klemenhagen, and Kentt Habben.

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

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

- a. June 22, 2009 Regular City Council Meeting
- b. April 27, 2009 Benson Airport Commission Meeting
- c. June 18, 2009 Benson EDA Meeting
- d. June 1, 2009 SCBH Board Meeting

The City Manager reviewed the following correspondence with the Council:

- a. Senator Gary Kubly RE: Congratulations on receiving the Small Cities Development Program Grant
- b. Connie Fragodt RE: Benson Swimming Pool Fees
- c. Swift County All-Hazard Mitigation Plan Task Force Meeting on 7.16.09

Vicky Syverson, Laura Milbrandt and Bill Kashmark were present to discuss the proposed policies for the Small Cities Development Program Grant. It was moved by Landmark, seconded by Fitz and carried unanimously to approve the policies as discussed.

The Public Works Director and Tom Klemenhagen from Landteam, Inc. informed the Council about the bids for the Atlantic Avenue Sidewalk Improvements. There was a discussion on whether to include all three blocks in the project. There was agreement of the Council to only complete two blocks (12th to 13th and 13th to 14th) in the project, have staff check out the possibility of milling some of the bad spots on Atlantic Avenue from 14th to 15th Street, and to pay 50% of the cost to infill the basement wall of the building owned by Jesse and Jeandrea Nordby, Jr. (Lots 7, 8 & East 9 feet of Lot 9, Block 28, Original Townsite). After discussion, Council Member Claussen offered the following Resolution and moved its adoption:

**RESOLUTION ACCEPTING BID
RESOLUTION NO. 2009-14**

WHEREAS, pursuant to an advertisement for bids for the improvement of the 2009 Atlantic Avenue Sidewalk Improvements, bids were received, opened and tabulated according to law, and the following bids were received complying with the advertisement:

Bailey Construction	\$ 119,502.50
B.G. Amundson Construction, Inc.	\$ 136,498.15
Romsdahl Construction, Inc.	\$1,118,661.90

AND WHEREAS, it appears that Bailey Construction of Stillwater, Minnesota is the lowest responsible bidder,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BENSON, MINNESOTA:

1. The mayor and administrator are hereby authorized and directed to enter into a contract with Bailey Construction of Stillwater, Minnesota in the name of the city of Benson for the improvement of Atlantic Avenue from 12th to 13th and 13th to 14th Streets in the amount of \$85,685.50 according to the plans and specifications therefore approved by the city council and on file in the office of the city administrator.
2. The city administrator is hereby authorized and directed to return forthwith to all bidders the deposits made with their bids, except that the deposits of the successful bidder and the next lowest bidder shall be retained until a contract has been signed.

Member Johnson seconded the foregoing Resolution and the following vote was recorded: AYES: Claussen, Johnson, Fitz, Landmark, Kittelson. NAYS: None. Whereupon the Mayor declared Resolution No. 2009-14 duly passed and adopted.

It was moved by Fitz, seconded by Johnson and carried unanimously to approve a pay request from LandTeam Inc. for providing professional services from October 13, 2008 to June 27, 2009 for the Atlantic Avenue Sidewalk Improvements in the amount of \$16,015.47.

Kent Habben informed the Council that due to losing his dealership in 2010, he is looking at other ways to keep his business open. He is looking at selling used mini-trucks that are not legal on highways in the United States, but can be legal to be driven on City streets if an ordinance is adopted. There was a consensus of the Council to prepare a draft ordinance that will allow golf carts and mini-trucks on City streets.

The City Manager informed the Council that the Fire Department raised \$21,930 by doing prescribed burning of 900 acres of wildlands. After wages and expenses are paid, the remaining money will be used to purchase a vehicle to aid in fire fighting needs. The City Manager also briefed the Council on a proposed Wildland Fire Protection Cooperative Agreement between the U.S. Fish and Wildlife Service and the Fire Department. It was moved by Fitz, seconded by Johnson and carried unanimously to approve disbursement of the remaining money from the prescribed burns and to approve entering into the Wildland Fire Protection Cooperative Agreement No. 301819J130 between the U.S. Fish and Wildlife Service and the Benson Fire Department.

The City Manager informed the Council that Hawley Properties have obtained a court order to vacate approximately one-third of Hawleywood Fourth Addition. This involves certain undeveloped public rights of way and utility easements. Council Member Claussen expressed concern that the City may not want to vacate some of the utility easements. Staff will research this further and prepare a map that better identifies the utility easements. It was moved by Landmark, seconded by Johnson and carried unanimously to schedule a public hearing on the proposed vacation of rights of way and utility easements at 6:00 p.m. on August 3, 2009.

The next item discussed was the proposed Natural Gas Franchise Ordinance. It was moved by Claussen, seconded by Landmark and carried unanimously to approve the First Reading of An Ordinance Implementing a Gas Energy Franchise Fee on Centerpoint Energy Minnesota Gas for Providing Gas Energy Service within the City of Benson at a rate that will generate about \$50,000 per year.

It was moved by Fitz, seconded by Claussen and carried unanimously to approve a pay request from Bonestroo for services from April 5, 2009 to May 30, 2009 in the amount of \$50,065.69 (Replacement Wells: \$36,710.64 and Lift Stations: \$13,355.05).

It was moved by Fitz, seconded by Claussen and carried unanimously to approve pay request #9 from Harold K. Scholz Co. for the substation project in the amount of \$88,341.39.

The Public Works Director informed the Council that the following five proposals were opened on June 24, 2009 to inspect and clean the exterior of the water tower:

Bidder	Total Bid
Tri-State Coatings, Wadena, MN	\$8,000
Tight Rope, Maplewood, MN	\$3,800
Central Tank Coatings, Inc., Elgin, IA	\$1,700 [Bid is for interior inspection and cleaning, not applicable]
Classic Protective Coatings, Menomonie, WI	\$9,600
TMI Coatings, Inc., St. Paul, MN	\$8,900

It was moved by Landmark, seconded by Claussen and carried unanimously to approve the proposal from Tight Rope of Maplewood, MN in the amount of \$3,800.

The City Manager presented a proposal from Conway, Deuth and Schmiesing, PLLP to provide audit services for 2009 thru 2011. Council Member Claussen asked what the percent of increase was from 2008 to 2009 because each of the years in the proposal was a 5% increase. This item was tabled to the next meeting.

The Police Chief informed the Council that they have scheduled 61 applicants to take a test on July 15, 2009 for the police officer vacancy. After discussion, it was moved by Landmark, seconded by Fitz and carried unanimously to approve hiring a police officer and directed staff to investigate talking to the County regarding policing issues.

There being no additional items to come before the Council, the meeting was adjourned at 6:54 p.m.

Mayor

Attest: _____
City Manager