

**MINUTES - BENSON CITY COUNCIL - REGULAR MEETING
FEBRUARY 9, 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, Finance Director Glen Pederson, Public Works Director Elliot Nelson, Byron Giese, Jackie Anderson, Michelle Bouta, Gene Skaalerud, Savannah Skaalerud, Tess Skaalerud, Jennifer Gruise, Matt Goebel, Allen Saunders, Vicky Syverson, John Thompson, Emergy Carlson, Jon Klucas, Luther Pederson, and Darlene Iverson.

Under unscheduled business, John Thompson asked the Council to consider delaying action on eliminating weekend bus service and form a citizen or ad hoc group to discuss this issue. The Mayor thought it would be a good idea to appoint a group.

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

- a. January 20, 2009 Regular City Council Meeting
- b. January 15, 2009 Benson EDA Meeting
- c. January 15, 2009 Benson Safety Committee Meeting
- d. January 9, 2009 Benson HRA Meeting
- e. January 14, 2009 Prairie Country RC & D Meeting
- f. December 29, 2008 SCBH Board Meeting

The City Manager reviewed the following correspondence with the Council:

- a. AFSCME dated 1.29.09 RE: Notifying the City that the Union rejected the City's request to freeze wages at the 2008 level.
- b. Positively MN - DEED RE: Congratulating City on successfully executing a Business Subsidy Agreement with SpecSys, Inc. for the JOBZ Program.
- c. SCBH Foundation dated 2.3.09. It was moved by Johnson and seconded by Fitz to approve donating a family swimming pool pass for a fundraiser at the Emerald Eve. The following vote was recorded: AYES: Johnson, Fitz, Landmark, Kittelson. NAYS: None. ABSTAIN: Claussen.
- d. 2009 Prom AfterBash dated 2.1.09. There was a consensus of the Council to waive the fee for use of the Armory for the AfterBash in lieu of a donation.

The Council discussed the request for a gambling premise permit for the Let's Go Fishing organization to conduct gambling at Kelly's Convenience Store, 1006 Atlantic Avenue. Tess Skaalerud was present for the discussion. After discussion, there was a consensus of the Council to have the Let's Go Fishing organization submit information for the March 2 City Council meeting regarding the number of Benson residents that participate in Let's Go Fishing activities.

It was moved by Fitz, seconded by Johnson and carried unanimously to appoint Jill Hedman to the Benson Library Board with her term expiring December 31, 2011.

It was moved by Claussen, seconded by Johnson and carried unanimously to appoint Gene Doscher to the Benson Airport Commission with his term expiring December 31, 2011.

It was moved by Fitz, seconded by Johnson and carried unanimously to approve a Lawful Gambling Permit to Northern Lights for a Bingo activity at the Benson VFW on March 27, 2009.

Jackie Anderson from the Upper Minnesota Valley RDC informed the Council that the State is requesting that the Small Cities Development Grant (SCDP) Application be modified to make Benson the primary target area for the owner occupied housing activity and the townships the secondary target area for that activity. The reason for this request is because the owner occupied housing activity in Benson is disproportionately high compared to that of the townships. The commercial portion of the application will remain as applied for. After discussion, it was moved by Claussen, seconded by Fitz and carried unanimously to amend the residential portion of the SCDP Application as discussed.

The next item on the agenda was Budget Reductions. The Public Works Director presented a number of locations to reduce the number of street lights. After discussion, it was moved by Johnson, seconded by Fitz and carried unanimously to implement the plan as presented by the Public Works Director at an estimated annual cost savings of \$4,798.72.

There was a consensus to have the Mayor establish a committee to study eliminating the weekend transit service that is to be completed within one month.

The City Manager informed the Council that the City has been awarded a Minnesota Investment Finance Grant in the amount of \$150,000 to be used for a loan to SpecSys. It was moved by Fitz, seconded by Johnson and carried unanimously to approve entering into the Grant Agreement with the State and authorized the Mayor and City Manager to sign the agreement.

It was moved by Landmark, seconded by Claussen and carried unanimously to accept the proposal from MRES to conduct an Electric Rate Study in 2009 that will cost the City \$6,000.

It was moved by Claussen, seconded by Johnson and carried unanimously to approve the Second Reading of an Ordinance to Adopt Chapter 119: Sidewalk Cafes.

The Council reviewed a proposed ordinance that would establish a gas franchise fee. Staff was directed to find out if Centerpoint Energy collects a fee for the cost of implementing and administering the franchise fee. It was moved by Fitz, seconded by Claussen and carried unanimously to direct the City Manager to notify Centerpoint Energy that the City is planning to proceed forward to implement a gas franchise fee.

It was moved by Landmark, seconded by Fitz and carried unanimously to approve signing the State Grant for the contamination investigation at the Benson Market Site and approved entering into an agreement with Pinnacle Engineering to complete a Phase I Environmental Site Assessment at the Benson Market Site.

It was moved by Fitz, seconded by Landmark and carried unanimously to turn back the funding for the 2010 Transportation Enhancement Grant for the North Side Trail Extension Project to the State.

The City Manager informed the Council that one establishment has not turned over any lodging tax money to the City and he is recommending scheduling a public hearing to levy special assessments for those lodging tax dollars. It was moved by Landmark, seconded by Fitz and carried unanimously to schedule a public hearing to levy special assessments for lodging taxes at 5:30 p.m. on March 2, 2009.

It was moved by Claussen, seconded by Johnson and carried unanimously to approve a contract for the Upper Minnesota Valley Regional Development Commission to provide professional services to update the City's Comprehensive Plan in the amount of \$14,820.

It was moved by Landmark, seconded by Johnson and carried unanimously to authorize staff to sign the final contract closeout documents for the Railroad and Highway Right-of-Way Crossing Construction that Dig America has completed and approved final payment to Dig America in the amount of \$6,151.08.

The Public Works Director informed the Council that preliminary estimates for the central business district sidewalk reconstruction project are \$71 per frontage foot that does not include engineering and contingencies. There was a consensus of the Council to move forward with this project and invite affected property owners to a meeting to go over the project.

The Public Works Director informed the Council that the following quotes for 100 low lead aviation fuel was received today:

100 Low Lead Aviation Fuel		
	4,000 gallons	1,000 gallons
Dooley's Petroleum, Murdock, MN		\$2.78 = \$2,780.00
Arrow Energy, Inc., Salina, MI	\$2.609 = \$10,419.60	\$3.0279 = \$3,027.90

It was moved by Landmark, seconded by Fitz and carried unanimously to approve ordering 4,000 gallons of aviation fuel from Arrow Energy, Inc. in the amount of \$2.609 per gallon for a total amount of \$10,419.60.

The Public Works Director informed the Council that the following quotes were received for the Outdoor Swimming Pool Heater and to clean, inspect and start up the splash pool heater on January 29, 2009:

Replace Main Pool Heaters

Bidder	# of units	Boiler Manuf.	CuNi Tubing	Eff.	Input Each	Output Each	Total Output	Total Cost
Hawley's Inc.	2	Laars Pennant	No	85%	500,000	425,000	850,000	\$39,875
	2	Laars Pennant	Yes	85%	500,000	425,000	850,000	\$40,875
Craig's Inc.	2	RBI	Yes	85%	750,000	637,500	1,275,000	\$45,990
	2	Lochenvar	Yes	89%	750,000	667,500	1,335,000	\$47,990
Existing	1		No	60%	1,400,000	840,000	840,000	

Clean, Inspect & Start Up Splash Pool Heaters

Bidder: Hawley's Inc.	Total Cost: \$360
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It was moved by Fitz, seconded by Claussen and carried unanimously to approve the quote from Hawley's Inc. in the amount of \$40,875 and to clean, inspect and start up the splash pool heaters in the amount of \$360.

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

**POLICE OFFICER DECLARATION
(RESOLUTION NO. 2009-03)**

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 Jared Dittbenner, 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.

The Mayor brought up that he would like more information on collecting administrative fees and mentioned contacting Cities that collect this fee.

It was moved by Landmark, seconded by Claussen and carried unanimously to approve the following 2009 budgets:

- Tax Increment District #4 – Northview Court Townhomes
- Tax Increment District #5 – LSW Southside Development, LLC
- Library Endowment Fund
- Perpetual Care Cemetery Fund
- Debt Service Funds
- Economic Development Authority
- Concrete Projects Fund
- Storm Water Fund
- General Capital Outlay Fund
- Water Fund
- Sewer Fund
- Electric Fund
- Garbage Collection

It was moved by Landmark, seconded by Fitz and carried unanimously to cancel the February 17, 2009 City Council meeting. The next City Council meeting will be March 2, 2009.

It was moved by Johnson, seconded by Fitz and carried unanimously to adjourn the meeting at 6:42 p.m.

Mayor

Attest: _____
City Clerk