

Draft

**MINUTES - BENSON CITY COUNCIL - REGULAR MEETING
NOVEMBER 15, 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, Finance Director Glen Pederson, Public Works Director Elliot Nelson, Police Chief Jim Crace, Ben Wilcox, Dan Wroge, and Benson Chamber Manager Stephanie Heinzig.

There was no one with 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 18, 2010 Regular City Council Meeting
- b. September 16, 2010 Benson EDA Meeting
- c. September 27, 2010 SCBH Board Meeting
- d. October 13, 2010 Benson HRA Meeting

The following correspondence was reviewed:

- Swift County HRA. It was moved by Claussen, seconded by Hess and carried unanimously to approve a small cities owner occupied residential grant in the amount of \$18,750.

It was moved by Landmark, seconded by Fitz and carried unanimously to appoint Wendy Munsterman to a term on the Park Board from January 1, 2011 to December 31, 2013.

There was a discussion with Ben Wilcox from the City Attorney's Office regarding the City's options at the "Old Creamery Property", 1020 Pacific Avenue. Countyside Public Health issued an order to abate a public health nuisance at this property on September 13, 2010 that gave the owner 45 days to correct the nuisance. To date the nuisance has not been abated and Countryside Public Health has now referred this matter to the City. After discussion, there was consensus to obtain a court order or permission from the owner to allow the City to enter the building to conduct an inspection to determine if there are any hazardous issues, etc. at this property. Following the inspection, the City would have a better idea on the cost to demolish the wooden portion of the building. It was also mentioned that the City could talk to the taxing authorities that benefitted from the taxes collected from this property to see if they would be receptive to sharing in the cost to abate the nuisance.

Dan Wroge from PeopleService informed the Council that the City will be receiving a refund of about \$25,000 for unspent chemicals and repair costs built into the monthly contract payment. They are proposing an amendment to the O & M Agreement which amounts to a 1% increase. Council Member Fitz offered the following Resolution and moved its adoption:

**RESOLUTION TO AMEND
O & M AGREEMENT WITH PEOPLE SERVICE
(RESOLUTION NO. 2010-27)**

WHEREAS, PeopleService, Inc., a Nebraska Corporation (PeopleService), entered into an Agreement with the City of Benson, Minnesota, dated June 22, 2009, for the management, operation, and maintenance of the Owner's wastewater treatment systems (the "Agreement"), and

WHEREAS, the parties desire that the Agreement be amended to adjust the compensation for the annual change in the Consumer Price Index and the change in the chemical true-up "base amount".

NOW, THEREFORE the Agreement made and entered into between the City of Benson, Minnesota and PeopleService dated June 22, 2009, for the management, operations, and maintenance of the Owner's wastewater treatment systems is amended as follows:

- The maximum annual maintenance/repair fund contained in Paragraph 1.4 is hereby amended to increase the amount from \$26,250 to \$26,539.
- The monthly compensation contained in Paragraph 5.1 is hereby amended to decrease the monthly compensation from \$24,455 to \$23,474.
- The annual "base amount" for chemicals used at the facilities which is contained in Paragraph 5.4 is hereby decreased from \$49,000 to \$34,539.

Except as amended herein, the Operations and Maintenance Agreement entered into by the parties on June 22, 2009 is hereby ratified and confirmed and shall remain in full force and effect in accordance with the terms and conditions thereof.

This amendment shall be effective January 1, 2011, and is agreed to by both parties.

Councilmember Claussen seconded the foregoing Resolution and the following vote was recorded: AYES: Fitz, Claussen, Hess, Landmark, Kittelson. NAYS: None. Whereupon the Mayor declared Resolution No. 2010-27 duly passed and adopted.

Stephanie Heinzig presented the 2011 Benson Area Tourism Budget to the Council. It was moved by Landmark, seconded by Claussen and carried unanimously to approve the budget as presented.

The City Manager informed the Council that the cities of Benson, Clontarf, Danvers, and DeGraff are looking at submitting an application for a grant to conduct a study to look into shared services and overall efficiency improvements. It was moved by Landmark, seconded by Claussen and carried unanimously to authorize the Mayor to submit a letter of support for the grant application.

It was moved by Fitz, seconded by Hess and carried unanimously to authorize the Benson Police Chief to sign the new Master Joint Powers Agreement to provide access to the Minnesota Criminal Justice Data Communications Network.

The Public Works Director presented a proposal from DeWild Grant Reckert & Associates Company (DGR) to prepare an Overhead to Underground Electric Distribution Conversion Master Plan. This plan will assist staff in planning and budgeting for the conversion over the next 10 to 20 years. It was moved by Claussen, seconded by Landmark and carried unanimously to approve entering into an agreement with DGR to prepare the master plan in the amount of \$12,500.

It was moved by Claussen, seconded by Fitz and carried unanimously to approve an invoice from Bonestroo for the biochemical plant submittal (succinic acid EDA proposal) in the amount of \$5,807.75.

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

**RESOLUTION SETTING ASSESSMENTS FOR WATER AND
SEWER SERVICES RENDERED BY THE CITY OF
BENSON, MINNESOTA FOR 2010 PAYABLE 2011
(RESOLUTION NO. 2010-28)**

BE IT RESOLVED, by the Benson City Council that pursuant to Minnesota Statutes Chapter 444 that the assessment roll for 2010 Sewer and Water Bills as prepared by the City Manager is hereby approved and made a part therefore; and,

BE IT FURTHER RESOLVED, that the assessments hereinafter noted shall be submitted to the County Auditor on or before December 1, 2010 and placed on the tax roll for collection with the taxes collectable in 2011.

Account Number, Name & Address	Legal Description & Parcel No.	Sewer	Water	Totals
102-0004-00-01 206 10 th St. N. Penny Erickson	23-0020-000-01	\$207.00	\$6.36	\$213.36
201-0053-00-01 403 15 th St. N. Mae Staton	23-0228-000-01	\$308.00	\$73.61	\$381.61
302-0034-00-01 302-0034-00-02 302-0034-00-03 402 15 th St. S John Larson	23-0450-000-01	\$58.50 \$2.17 \$314.29	\$22.28 \$0.00 \$28.65	\$425.89
302-0112-00-01 302-0112-00-02 1619 Pacific Avenue Amber Wroblewski	23-0283-000-01	\$310.58 \$195.42	\$150.82 \$62.89	\$719.71
304-0047-00-01 1700 Minnesota Avenue Brenda Norris	23-0774-000-01	\$145.19	\$40.53	\$185.72
TOTALS		\$1,541.15	385.14	\$1,926.29

Councilmember Hess seconded the foregoing Resolution and the following vote was recorded: AYES: Landmark, Hess, Fitz, Claussen, Kittelson. NAYS: None. Whereupon the Mayor declared Resolution No. 2010-28 duly passed and adopted.

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

**RESOLUTION SETTING ASSESSMENTS FOR CURRENT SERVICES
BY THE CITY OF BENSON, MINNESOTA FOR 2010 PAYABLE 2011
(RESOLUTION NO. 2010-29)**

