

**MINUTES – BENSON CITY COUNCIL – SPECIAL MEETING
JANUARY 2, 2007**

The meeting was called to order at 5:00 p.m. by Mayor Paul Kittelson. Members present: Sue Fitz, Lee Westrum, Bob Claussen, Gary Landmark, and Paul Kittelson. Members absent: None. Also present: City Manager Rob Wolfington, Finance Director Glen Pederson, and Public Works Director Elliot Nelson.

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

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

- a. December 11, 2006 Regular City Council Meeting
- b. December 18, 2006 Regular City Council Meeting
- c. October 16, 2006 UMVRDC Meeting
- d. November 8, 2006 Benson HRA Meeting
- e. November 9 and November 21, 2006 Benson Area Tourism Board Meeting
- f. December 13, 2006 Prairie Country RC & D Meeting

The City Manager reviewed the following correspondence:

- a. Conway, Deuth and Schmiesing – It was moved by Fitz, seconded by Westrum and carried unanimously to approve a three-year contract with CDS to conduct the following audits: 2006 - \$14,500, 2007 - \$15,250, and 2008 - \$16,000.
- b. Charter Communications dated December 21, 2006
- c. Chamber of Commerce regarding Annual Meeting
- d. Chamber of Commerce dated December 18, 2006. It was moved by Landmark, seconded by Claussen and carried unanimously to approve donating a swimming pool family pass for the 2007 season to the Benson Area Chamber of Commerce for a raffle at their annual meeting.
- e. Prairie Country RC & D dated December 21, 2006

It was moved by Fitz, seconded by Claussen and carried unanimously to approve a Minnesota Lawful Gambling Exempt Permit to the Minnesota Deer Hunters Association, Chippewa Valley Chapter, for a raffle on February 2, 2007 at the Benson Bowler.

It was moved by Claussen, seconded by Fitz and carried unanimously to approve the following appointments:

Economic Development Authority	Claussen and Kittelson
Fire Board	Sue Fitz and Gary Landmark
Library Board	Fitz
Liquor Committee	Fitz and Landmark
Park Board	Westrum and Kittelson
Personnel Committee	Landmark and Westrum
Planning Commission	Claussen
President Pro-Tem	Landmark
Swift County RDA Board	Kittelson
City Attorney [Civil Cases]	Don Wilcox
Assistant City Attorney	Tara Ulmaniec
Attorney Handling Criminal Cases	Finke Law Office

The City Manager informed the Council that with his being out on an extended medical leave he recommended appointing Glen Pederson, Finance Director, as Acting City Manager. It was moved by Landmark, seconded by Claussen and carried unanimously to appoint Glen Pederson as Acting City Manager as recommended.

It was moved by Fitz, seconded by Westrum and carried unanimously to designate the Monitor News as the official newspaper for the City in 2007.

It was moved by Westrum, seconded by Claussen and carried unanimously that state banks, national banks, and thrift institutions located either within or outside the State of Minnesota that qualify as depositories under Minnesota Law are hereby designated as depositories of this municipality pursuant to Minnesota Statutes Section 118.005.

A brief review of the 2007 calendar was held. It was moved by Landmark, seconded by Claussen and carried unanimously to designate meeting dates for 2007 on the second and fourth Mondays of each month at 5:30 p.m. with public hearings to be scheduled at 6:00 p.m.

It was moved by Fitz, seconded by Westrum and carried unanimously that the following were authorized as check signers for the following accounts:

All Accounts:	Mayor Paul Kittelson, City Manager Robert Wolfington, and Director of Finance Glen Pederson
Incidental Fund:	Nancy Kellner and Marge Scheffler
Meter Rent Account:	Nancy Kellner
Hospital Fund:	Nancy Kellner

It was moved by Fitz, seconded by Westrum and carried unanimously to appoint Barb Nelson to the Benson HRA with her term expiring December 31, 2011.

It was moved by Westrum, seconded by Claussen and carried unanimously to approve the following board and commission reappointments:

Cemetery Board:	Marion Oglesby (terms expire 12/31/2009)
EDA:	Pat Hawley (term expires 12/31/2010)
Park Board:	Donna Anderson (term expires 12/31/2009)
Planning Commission:	Ronan Rolland & Chuck Koenigs (terms expire 12/31/2009)

The City Manager updated the Council on the land swap deal with the Burlington Northern Sante Fe (BNSF) Railroad. Because the land swap is not a one-for-one exchange, BNSF Railroad is asking for approximately \$50,500 for the exchange of parcels and the elevator site. He also presented a lease agreement with Northern Ag Service to lease the elevator site. New language needs to be added to the lease agreement that states Northern Ag Service is responsible to pay taxes.

The City Manager also informed the Council that a price of \$100,000 has been placed on the Glacial Plains property west of the new parking lot in the North-West Railroad Park. Concern was expressed whether the property where a gas station used to be located within the Glacial Plains property is clean. It was mentioned that maybe the City should let Glacial Plains know the City is interested in the property and request access to the property to do a Phase One investigation. There was a consensus to have the lease agreement with Northern Ag Service amended and discuss these land deals at the January 8, 2007 Council meeting.

It was moved by Westrum, seconded by Claussen and carried unanimously to approve the Second Reading of An Ordinance to Allow Transfer of an Additional \$35,768 from the Utility Fund to the General Fund.

A brief review of the safety calendar for 2007 was held.

Council Member Fitz offered the Resolution and moved its adoption:

RESOLUTION NO. 2007-01
A RESOLUTION ADOPTING A SCHEDULE OF FEES AND CHARGES
FOR VARIOUS SERVICES, LICENSES AND PERMITS
FOR THE CITY OF BENSON, MINNESOTA

Now Therefore, the City Council of the City of Benson, Minnesota, resolves:

Section 1. All fees and charges in effect as of the date of the adoption of the city code for the city shall remain in effect unless otherwise modified by the provisions of this resolution. All citations below are to various sections of the city code unless otherwise indicated.

Section 2. The following are the fees and charges for the permits, licenses and services listed below which are referenced to the section of the city code which authorizes their establishment:

1. Pursuant to § 30.01, an inexcusable absence of a Council Member or the Mayor from any meetings, special or regular, shall result in a fine of \$10 levied against the absent member upon majority vote of those members of the Council present.
2. Pursuant to § 33.34, if any item of unclaimed property in possession of the city appears to have a value of \$5 or less, is hazardous to store, or is perishable, the Chief of Police or his or her authorized representative may sell or otherwise dispose of such property in whatever manner the Chief of Police determines reasonable and appropriate.
3. Pursuant to Ch. 50: Appendix: Utility Rates, Ch. 52: Appendix: Sewer Service Charges, and Ch. 53, the utility rates are as follows:

RESIDENTIAL SERVICE

Customer charge	\$8.00
Energy charge per kWh	\$.063
Minimum charge shall be the customer charge	
Controlled water heating credit	\$3.00

COMMERCIAL ELECTRIC SERVICE

Customer charge single phase	\$12.00
Customer charge three phase	\$18.00
Energy charge per kWh	\$.065
Minimum monthly charge shall be the customer charge	

LARGE POWER SERVICE The Utilities Board may adopt regulations by resolution governing the eligibility requirements, use of special equipment, type of materials, and other items that it deems desirable.

Customer charge	\$32.00
Demand charge	\$8.80

Energy charge per kWh \$0.29
 Minimum charge is the customer charge

INTERRUPTIBLE RATE

Energy charge \$0.35
 per kWh

STREET LIGHTING

Monthly rate energy charge \$10
 per kWh

SECURITY LIGHT RENTAL AND OTHER FLAT RATE CHARGES The following charges shall be made for security lighting unless energy is furnished by the consumer:

Units	Flat Rate Charge
100 Watt	\$5.75 per month
150 Watt	\$7.25 per month
250 Watt	\$11.50 per month
400 Watt	\$14.50 per month
1000 Watt	\$27.00 per month

POWER COST ADJUSTMENT BASE PER KWH. \$0.34

ELECTRIC SERVICE CONNECTION FEE: A flat rate of \$35 for each temporary service shall be charged and collected prior to installation of any temporary service.

RESIDENTIAL GARBAGE

Hauling rate: Includes a weekly pickup service of one
 30 gallon container not to exceed 40 pounds \$11.00
 per month
 Additional container charge \$1.25 per container
 Charge for overage/unsorted garbage \$4.00 per bag

WATER RATE

Residential service charge \$4.00
 Commercial service charge:
 5/8" - 1" meter \$8.00
 1 1/4" - 2" meter \$20.00
 Larger than 2" meter \$50.00
 Usage charge \$1.25 per 100 cu. ft.
 Water main connection fee:
 5/8" - 1" meter \$250.00
 1 1/4" - 2" meter \$350.00
 Larger than 2" meter \$500.00
 Water meter tap fee \$40.00/hr.
 Water meter remote installation fee \$35.00

All water meters are read and billed monthly. Meters will be estimated if readings are not received. All water is billed in units of 100 cu. ft. which is equal to approximately 750 gallons.

SEWER RATE

Minimum charge	\$19.50 per month
Unit rate	\$3.90 per 100 cu. ft.

METER DEPOSITS:

Residential	
Electric	\$20.00
Water	\$20.00
Commercial	One month average bill

The maximum penalty assessed for all utility services is 10%.

Fee for disconnection and reconnection is \$25.00.

4. Pursuant to § 51.06, the fee for garbage collectors license shall be \$100 per year.
5. Pursuant to § 52.16, before commencement of construction of a private sewage disposal system, a permit and inspection fee of \$5 shall be paid to the Building Inspector at the time the application is filed.
6. Pursuant to § 52.17(A), a special use permit fee of \$50 shall be paid to the City Manager at the time the application is filed.
7. Pursuant to § 52.17(F), a charge shall be levied to the holder of a valid permit for each discharge made in the following manner:

Type	Rate	Minimum Charge/Discharge
Septic Tank Sludge	\$2/100 gals. or \$20/1000 gals.	\$20
Holding Tank Sewage	\$1.50/100 gals. or \$15/1000 gals.	\$15

8. Pursuant to § 52.30, the fee to connect to the city sewer system and an inspection fee shall be payable to the City at the time the application is filed:

Residential: \$2,000 per Residential Unit of Service

Commercial: Calculated on an estimated water usage divided by residential equivalent unit use of 172 gallons per day, raised to the 0.7th power and multiplied times \$2,000. After one year, the actual water consumption shall be used to determine any refund or additional charge due.

9. Pursuant to § 52.38, no sewer tap license shall be issued to any person as aforesaid until he or she shall have paid to the City Manager a license fee of \$50.
10. Pursuant to § 90.17, a dog license shall be valid for a period of one year commencing January 1 and expiring December 31 of the year issued; and, except as hereinafter provided, shall be issued only upon payment to the city a license fee of \$5.
11. Pursuant to § 90.18, upon payment of fees, the city shall furnish each licensee with a metallic tag upon which the licensee shall have stamped or engraved the registered number of the dog, the word "Benson," and the year registered. The design of the tag shall be changed from year to year. In case the metallic tag is lost or stolen after having been regularly issued as herein

provided, the licensee, upon presenting to the city the license or receipt issued when the dog was registered, shall receive a duplicate tag and license upon the payment of \$.50 to the city.

12. Pursuant to § 90.20(C), any dog may be reclaimed from the animal shelter by its owner within the time specified in the notice by the payment to the city of the license fee (if not paid for the current year) and a fee of \$15 for each day or fraction of a day that said dog has been confined as the cost of boarding.
13. Pursuant to § 90.29, no person, firm, or corporation shall maintain in this city a kennel without securing a license therefore from the City Council. The license fee shall be \$10 per year.
14. Pursuant to § 92.03, no person shall place or suffer to remain any farming implements or any agricultural or other machinery in or upon any street, lane, alley, sidewalk, or other public place in the city. No person shall in any manner or with any article or thing encumber or obstruct any street, lane, alley, sidewalk, or other public place in the city, provided, however, that any person owning or operating a business establishment for the retail sale of merchandise in the city may use the sidewalk adjacent to his or her business premises for the purpose of displaying and selling merchandise, and also, a person or organization may use all or a portion of a street, lane, alley, sidewalk, or other public place in the city for temporary use for special events, but only after such person or organization first obtains a written permit allowing such use from the City Manager. The City Manager shall have the authority to grant or deny such permit and if granted he or she shall have the authority to determine the terms, conditions, and duration of such special use permit. The City Council may revoke such permit at any time if such person receiving the permit violates the terms and conditions thereof. The person receiving such permit shall be required to pay a fee of \$5 to the city upon receipt thereof.
15. Pursuant to § 92.23, each excavation permit application shall be accompanied by a deposit fee of \$300 to be paid by the applicant.
16. Pursuant to § 111.05, the annual fee for a raffle license shall be \$5. The annual fee for a pull-tab license shall be \$100. The fee for a single event pull-tab license shall be \$20.
17. Pursuant to § 111.22, no bingo occasion shall be conducted except by an eligible organization which has secured a license for that purpose as provided in this subchapter. A license shall be valid for 12 calendar months from the date of issuance. The annual license fee shall be \$10.
18. Pursuant to § 111.25, no person shall receive more than \$12 as compensation for any duties in connection with any bingo occasion.
19. Pursuant to § 111.28, prizes for a single bingo game shall not exceed \$100, except prizes for a game of the type commonly known as a "cover-all" game. "Cover-all" prizes may exceed \$100 provided that the aggregate value of such prizes for a bingo occasion shall not exceed \$2,500, except that in the case of a bingo occasion during which a "cover-all" game is played for a maximum prize of more than \$100 but less than \$500, the aggregate value of prizes for the bingo occasion shall not exceed \$3,000. Merchandise prizes shall be valued at fair market retail value.

20. Pursuant to § 111.29, gross receipts shall be compared to the checkers' records for the bingo occasion by a person who did not sell cards for the bingo occasion. If a discrepancy exceeding \$20 is found between the amount of gross receipts for a bingo occasion as determined by the checkers' records, and the amount of gross receipts as determined by totaling the cash receipts, the discrepancy shall be reported to and investigated by the Council.
21. Pursuant to § 112.05, the fee for every such tobacco license shall be \$150 per year. Every license shall expire on December 31 after its issuance. For any license issued after January 31 in any year the fee shall be computed at the rate of \$12.50 for each month covered by the license. Licenses shall not be transferable from one person to another.
22. Pursuant to § 113.03, the annual license fee for a roller-skating rink shall be \$30, payable in advance with the application, for each year or portion of a year.
23. Pursuant to § 114.03(D), the fee for a peddler's license shall be \$20.
24. Pursuant to § 115.03, the license fee shall be \$15 for each vehicle (taxi cab) to be operated.
25. Pursuant to § 116.03, before an auction permit shall be issued, the applicant shall pay to the Treasurer the sum of \$25 as a license fee. In addition to the above-mentioned fee, there shall be paid to the Treasurer for the use of the city by every auctioneer or the owner of any goods, wares, and merchandise sold by auction, except household goods which have been used as such, 10% of the gross receipts accruing from said sale except in when the sale is made.
26. Pursuant to § 117.16(A), the sexually oriented business application and investigation fee shall be \$250.
27. Pursuant to § 117.16(B), the sexually oriented business license fee shall be \$1,200.
28. Pursuant to § 117.16(C), the sexually oriented business employee application, investigation, and license fee shall be \$250 per employee.
29. Pursuant to § 150.33, prior to connection of any municipal utility to a manufactured home placed on any lot or within any manufactured home park within the city, said manufactured home shall be inspected by the City Building Inspector and shall be in compliance with the provisions of § 150.32. The owner or occupant of said manufactured home shall make application in writing to the city hall for inspection prior to locating said manufactured home within the city, which application shall be accompanied by an inspection fee of \$50.
30. Pursuant to § 153.22, before dividing any tract of land into two or more lots or parcels, an owner or subdivider shall, unless a variance is authorized, file with the City Manager: four copies of the preliminary plan; a cash fee of \$25 plus \$1 for each lot up to a maximum amount of \$150. This fee will be used for the expenses of the city in connection with the approval or disapproval of said plan and any final plat which may thereafter be submitted.
31. Pursuant to § 154.025, relocations shall require a conditional use permit from the Council wherein the following provisions shall be met: application in the form of a building permit shall be made on forms provided by the City Clerk; and a fee of \$15 plus any necessary public costs will be made to the Treasurer, and a receipt for same shall be attached to the application and submitted to the Clerk with proof of the mover's financial responsibility.

Section 3. The following miscellaneous fees and charges are not addressed in the city code but are hereby established with adoption of this resolution:

BUILDING PERMIT FEES

TOTAL VALUATION	FEE
\$1.00 to \$500	\$15.00
\$501 to \$2,000	\$15 for the first \$500 plus \$2 for each additional \$100 or fraction thereof, to and including \$2,000
\$2,001 to \$25,000	\$45 for the first \$2,000 plus \$9 for each additional \$1,000 or fraction thereof, to and including \$25,000
\$25,001 to \$50,000	\$252 for the first \$25,000 plus \$6.50 for each additional \$1,000 or fraction thereof, to and including \$50,000
\$50,001 to \$100,000	\$414.50 for the first \$50,000 plus \$4.50 for each additional \$1,000 or fraction thereof, to and including \$100,000
\$100,001 to \$500,000	\$639.50 for the first \$100,000 plus \$3.50 for each additional \$1,000 or fraction thereof
\$500,001 to \$1,000,000	\$2039.50 for the first \$500,000 plus \$3 for each additional \$1,000 or fraction thereof, to and including \$1,000,000
\$1,000,001 and up	\$3539.50 for the first \$1,000,000 plus \$2 for each additional \$1,000 or fraction thereof

LICENSES	
On-Sale Liquor License	\$1,000 (Annual)
On-Sale Club Liquor License	\$500 (Annual)
Sunday Liquor License	\$50 (Annual)
Consumption & Display License	\$50 (Annual)
Off-Sale Beer License	\$15 (Annual)
On-Sale Beer License	\$50 (Annual)
On-Sale Wine License	\$50 (Annual)
RENTALS	
Armory Rent	\$30/hour - \$250/day
Bus Sign Rent	\$15/month on back of bus \$10/month on side of bus
Community Sign	\$5 per week
Shelter Reservation	\$20 plus tax
Hangar Rent	12 Month Lease Rate: \$45/month (includes 10% AV fuel discount) Monthly Rate: \$65/month (No AV fuel discount) Daily Rate: \$5/day
Land Lot Lease - Airport	\$200/year
Copy of Code of Ordinance Book	\$50
City Council Chambers	\$20/day (free to non-profit groups)
MISCELLANEOUS FEES	
Conditional Use Permit	\$150/application
Conditional Use Permit-Home Occupation	\$150/application
Variance Permit	\$150/application
Bus Fares	Regular One-Way Ride - \$1 Sr. Citizen One-way Ride - \$1 Regular Token Pack (7 rides) - \$5 Sr. Citizen Token Pack (9 rides) - \$5 Regular 1 Month Pass (unlimited rides) - \$20 Sr. Citizen 1 Month Pass (unlimited rides) - \$18 Regular 3 Month Pass (three consecutive months) - \$55 Sr. Citizen 3 Month Pass (three consecutive months) - \$50 Individual Summer Youth Pass (June-July-Aug) - \$30 Max Family Summer Youth Passes - \$75

Cemetery:	
Grave Lot	\$350/grave
Staking Fee	\$20
Monument Fee	\$25
Diseased Elm Tree Removal	50% of the cost (public or private property)
Fire Call	\$500/call plus \$350 for the 2 nd and subsequent hours
Rescue Squad Call	\$118.50/15 min. & \$5.65/mile
AV Fuel	20% over cost
Photocopies:	
8½ x 11, 8½ x 14 & 11 x 17	10¢/side
2' x 3'	\$2
3' x 4'	\$3
Color 8½ x 11, 8½ x 14 & 11 x 17	50¢/side
FAX Charges	\$1/page to send 50¢/page to receive
Swimming Pool Fees	Residential Family Pass: \$122.48 limited to 5 immediate family members, add'l family members \$21.30 Non-Residential Family Pass: \$149.10 limited to 5 immediate family members, add'l family members \$26.63 Resident Individual Pass: \$79.88 Non-Resident Individual Pass: \$101.18 Daily Admission: Adult-\$5, Teens-\$4, Children-\$3 Family Swim is ½ of daily admission Punch Pass – Teen: \$37.28 Punch Pass – Child: \$26.63
Camping Fees	\$15 Non-hookup/night \$20 Hookup/night \$80 Non-hookup/week \$120 Hookup/week \$5 Reservation Fee \$5 Cancellation Fee
Parking Fees	\$5 - Overtime parking \$10 - Parking in yellow \$15 - Other illegal or improper parking \$25 - Snow Emergency
EQUIPMENT & MATERIALS	
Labor for Public Works & Line Crew	\$40/hour
Mosquito Spraying	\$60/hour (man & pickup)
Mosquito Spray	\$42/gallon
Mowing Fees	\$65/hour (minimum charge of \$65)
Sanding	\$60/hour + \$55/yd for sand salt (includes operator) (min .5 hr)
Sweeping	\$60/hour (includes operator)
Snow Removal	\$65/hour (minimum charge of \$65)
Tandem Dump Truck	\$65/hour (includes operator)
Tandem Truck with Plow, Wing & Sander	\$75/hour (includes operator) + \$55/yd for sand salt
5 Yard Single Axle Truck	\$60/hour (includes operator)
Water Truck (2,000 gallons)	\$60/hour (includes operator)
1991 John Deere Grader with Plow & Wing	\$85/hour (includes operator)
1990 Case Loader	\$85/hour (includes operator)
1978 Michigan Loader (Model 75-B)	\$85/hour (includes operator)
1978 Snow-Go Rotary Blower	\$75/hour (includes operator)
2000 John Deere 544H Loader	\$85/hour (includes operator)
John Deere 6420 Front Mount Blower	\$85/hour
John Deere 317 Skid Steer	\$45/hour (includes operator)

Backhoe	\$60/hour (includes operator)
Self Propelled Steel Roller Packer	\$45/hour (includes operator)
Vac-Con	\$100/hour (includes operator)
Vermeer Tree Spade	\$80/hour (includes operator)
Rubber Tire Roller Compactor	\$65/day (without operator)
Joy Air Compressor	\$90/day (without operator)
Tanaka Trash Pump	\$70/day (without operator)
Trailer Mounted Diesel Generator	\$100/day + fuel (without operator)
Trenching	\$1.10/foot
Boring	\$4.00/foot
Electric Pole Rent (Sprint)	\$4.50/pole (Annual)
Delph 6575 Hot Line Trainer	\$30/day-MRES Member, \$50/day-Non MRES Member
Sauber Tensioner	\$30/day-MRES Member, \$50/day-Non MRES Member
Felling Pole Trainer	\$30/day-MRES Member, \$50/day-Non MRES Member
Reel Trailer	\$30/day-MRES Member, \$50/day-Non MRES Member
Vermeer Wood Chipper	\$40/hour-MRES Member, \$50/hour-Non MRES Member
Ford Super Duty Small Bucket Truck	\$40/hour-MRES Member, \$80/hour-Non MRES Member + \$.50/mile member & non member
Ford F800 Hi Ranger	\$40/hour-MRES Member, \$80/hour-Non MRES Member + \$.50/mile member & non member
Case Trencher	\$40/hour-MRES Member, \$50/hour-Non MRES Member
Freightliner Versa Lift	\$40/hour-MRES Member, \$80/hour-Non MRES Member + \$.50/mile member & non-member
Ford 1 Ton Dump Truck	\$40/day -MRES Member, \$50/day -Non MRES Member + \$.50/mile member & non-member

Council Member Westrum seconded the foregoing Resolution and the following vote was recorded: AYES: Fitz, Westrum, Claussen, Landmark, Kittelson. NAYS: None. Whereupon the Mayor declared Resolution No. 2007-01 duly passed and adopted.

There was consensus of the Council to schedule the Board of Review from 6:00 pm to 7:00 pm on April 23, 2007.

At 5:48 p.m. the Council went into closed session to conduct the City Manager's performance review. At 6:14 p.m., the Council came out of closed session. The Mayor announced that they had conducted the City Manager's performance review and it was reported that he had received a satisfactory review.

It was moved by Fitz, seconded by Claussen and carried unanimously to adjourn the meeting at 6:15 p.m.

Mayor

Attest: _____
City Clerk