

**MINUTES - BENSON CITY COUNCIL - REGULAR MEETING
JANUARY 2, 2018**

The meeting was called to order at 5:30 p.m. by Mayor Collins. Members present: Terri Collins, Jack Evenson, Mark Schreck & Lucas Olson. Members Absent: None. Also present: City Manager Rob Wolfington, Director of Finance Glen Pederson, Assistant City Attorney Ben Wilcox, Police Chief Ian Hodge, Public Works Director Dan Gens, Tim & Olive Berens, Patty Schreck, Larry Smith and Scott Collins.

The Council recited the Pledge of Allegiance.

Pederson approached the Council to perform the Oath of Office with new Mayor Terri Collins and Councilmembers Mark Schreck and Jack Evenson.

Mayor Collins asked if there were any changes to the agenda. Wolfington asked to add correspondence from MPCA on the City lead & copper testing. It was moved by Evenson, seconded by Olson and carried unanimously to approve the amended agenda.

It was moved by Evenson seconded by Olson and carried unanimously to approve the following items on the Consent Agenda:

- December 18, 2017 City Council Minutes
- Charter Communications Channel Changes
- Larry Smith to the Park Board
- Larry Smith to the Airport Board
- Pastor Zane Anderson to the Cemetery Board
- Jan Baukol to the Park Board

The Mayor asked for people with unscheduled business to which there were none.

Mayor Collins opened the Public Hearing at 5:34 p.m. on a nuisance structure. The structure runs from the house to the garage at 1950 McKinney Ave. covered in plastic. Wilcox and Wolfington approached the Council. Wilcox explained ordinance Chapter 97 addressing temporary and dangerous structures. Wolfington explained after the structure went up, staff determined the structure to be a nuisance and likely won't hold up in the weather. Tim Berens approached the Council. He explained he should be able to keep the structure as he has had a fractured hip, and it wouldn't be good if he fell on the ice, so he put up the temporary structure. He said he would take it down in the spring and is open to working with the building official to making a permanent structure in the summer. Evenson asked if the structure would be up every year to which Berens replied no. Wolfington had Building Official Mike Jacobson on speaker phone. Jacobson stated he has had several conversations with Berens on the structure. Berens asked what he could construct. Jacobson said he needs plans, schematics of how it will look and that it needs to look like it is part of the house. Once plans are approved and a building permit obtained, he can move forward. After further discussion, it was moved by Evenson, seconded by Olson and carried unanimously to declare the structure a nuisance. Wilcox stated once the structure is declared a nuisance, the homeowner will have a time frame to remove it. If not removed by the homeowner the City will remove it at the homeowner's expense. It was moved by Olson to bring plans for an approved structure to the January 22, 2018 City Council Meeting and discuss the removal of the current structure at the time. The motion was seconded by Schreck and carried unanimously. Mayor Collins closed the public hearing at 6:06 p.m.

Councilmember Evenson offered the following resolution:

**RESOLUTION DECLARING A VACANCY
IN BENSON CITY COUNCIL
(RESOLUTION NO. 2018-01)**

WHEREAS, Councilmember Terri Collins was elected to the office of Mayor at the November 7, 2017 municipal election and,

WHEREAS, Mayor Collins has taken the oath of office as Mayor for the City of Benson.

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

The council declares that a vacancy exists on council effective on January 2, 2018.

Councilmember Schreck seconded the foregoing resolution and the following vote was recorded: AYES: Collins, Evenson, Schreck, Olson. NAYES: None. Thereupon the Mayor declared Resolution 2018-01 duly passed and adopted.

There was discussion on filling the vacant position on the Council. It was moved by Olson, seconded by Schreck and carried unanimously to table this discussion to the Strategic Planning Meeting January 19 & 20, 2018.

Councilmember Evenson offered the following resolution:

**A RESOLUTION GRANTING CHARTER COMMUNICATIONS
A FRANCHISE EXTENSION TO JUNE 30, 2018
(RESOLUTION NO. 2018-02)**

WHEREAS, on or about July 14, 2003, the City of Benson, Minnesota (“City”) granted a Cable Television Franchise Ordinance (“Franchise”) to CC VIII Operating, LLC d/b/a Charter Communications (“Charter”); and

WHEREAS, the initial term of the Franchise expired on or about September 18, 2013; and

WHEREAS, the City adopted Resolution No. 2013-14 on August 19, 2013 extending the term of the Franchise through and including September 19, 2014; and

WHEREAS, Charter executed said Resolution No. 2013-14 and agreed to continue complying with the Franchise, as amended by the Resolution; and

WHEREAS, the City adopted Resolution No. 2014-13 on September 8, 2014 extending the term of the Franchise through and including March 31, 2015; and

WHEREAS, Charter executed said Resolution No. 2014-13 and agreed to continue complying with the Franchise, as amended by the Resolution; and

WHEREAS, the City adopted Resolution No. 2015-04 on March 2, 2015 extending the term of the Franchise through and including August 31, 2015; and

WHEREAS, Charter executed said Resolution No. 2015-04 and agreed to continue complying with the Franchise, as amended by the Resolution; and

WHEREAS, the City adopted Resolution No. 2016-06 on February 22, 2016 extending the term of the Franchise through and including July 18, 2016; and

WHEREAS, Charter executed said Resolution No. 2016-06 and agreed to continue complying with the Franchise, as amended by the Resolution; and

WHEREAS, the City adopted Resolution No. 2016-18 on July 18, 2016 extending the term of the Franchise through and including December 31, 2016; and

WHEREAS, Charter executed said Resolution No. 2016-18 and agreed to continue complying with the Franchise, as amended by the Resolution; and

WHEREAS, the City adopted Resolution No. 2016-41 on December 19, 2016 extending the term of the Franchise through and including June 30, 2017; and

WHEREAS, Charter executed said Resolution No. 2016-41 and agreed to continue complying with the Franchise, as amended by the Resolution; and

WHEREAS, the City adopted Resolution No. 2017-12 on July 10, 2017 extending the term of the Franchise through and including December 31, 2017; and

WHEREAS, Charter executed said Resolution No. 2017-12 and agreed to continue complying with the Franchise, as amended by the Resolution; and

WHEREAS, both the City and Charter desire to extend the term of the Franchise to facilitate renewal negotiations under state and federal law.

NOW, THEREFORE, the City Council of the City of Benson, Minnesota hereby resolves as follows:

1. The Franchise is hereby amended by extending the term of the Franchise from January 2, 2018 through the date on which Charter's Franchise is either renewed or until and including June 30, 2018.
2. Except as specifically modified hereby, the Franchise shall remain in full force and effect.
3. The City and Charter hereby agree that neither waives any rights either may have under the Franchise or applicable law.
4. This Resolution shall become effective upon the occurrence of both of the following conditions: (1) The Resolution being passed and adopted by the Benson City Council; and (2) Charter's acceptance of this Resolution.

Councilmember Olson seconded the foregoing resolution and the following vote was recorded: AYES: Collins, Evenson, Schreck, Olson. NAYES: None. Thereupon the Mayor declared Resolution 2018-02 duly passed and adopted.

The Council discussed the Chamber of Commerce 2018 membership. After discussion it was moved by Evenson, seconded by Olson and carried unanimously to approve a \$50 Government and Retail membership and \$160 membership for the Liquor Store.

Wolfington discussed the MMUA Safety Training contract previously approved, presenting the syllabus and stated the first class will start tomorrow.

Wolfington said the Small Cities Grant funds just came in from the State. He presented a contract for professional services between the City of Benson and the Upper Minnesota Valley Regional Development Commission. After discussion it was moved by Olson, seconded by Schreck and carried unanimously to approve the contract as presented.

It was moved by Evenson, seconded by Olson and carried unanimously to approve a pay request from Heartland Security for installation of the access system at the police department in the amount of \$14,738.00.

It was moved by Evenson, seconded by Olson and carried unanimously to approve a pay request from Heartland Security for installation of the camera security system in the amount of \$10,450.00.

It was moved by Evenson, seconded by Olson and carried unanimously to approve the following appointments:

Emergency Chain of Command	Terri Collins Jack Evenson Lucas Olson Mark Schreck
Economic Development Authority	Schreck and Evenson
Fire Board	Schreck and Evenson
HRA	Olson
Library Board	Collins
Liquor Committee	Collins and Olson
Park Board	Evenson
Personnel Committee	Schreck and Collins
Planning Commission	Evenson
President Pro-Tem	Evenson
Utility Committee	Olson and Evenson
Facilities Committee	Schreck and Evenson
Kid Day Committee	Olson and Evenson
Hospital Board	Collins
Blight Committee	Collins and Olson
Civil Cases: City Attorney	Ben Wilcox
Civil Cases: Assistant City Attorney	Don Wilcox
Attorney Handling Criminal Cases	Wilcox Law Office

It was moved by Evenson, seconded by Schreck and carried unanimously to designate the Monitor News as the official newspaper in 2018.

It was moved by Evenson, seconded by Olson 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 for the City of Benson.

Meeting times and dates were reviewed for 2018. It was moved by Evenson, seconded by Olson and carried unanimously to approve the City Council meeting time and dates as presented.

It was moved by Evenson, seconded by Schreck and carried unanimously to authorize the following as check signers on all accounts: Mayor Terri Collins, City Manager Rob Wolfington and Director of Finance Glen Pederson.

It was moved by Schreck, seconded by Olson and carried unanimously to authorize the following as check signers on the Incidental Fund: Lisa Kent and Valerie Alsaker.

It was moved by Evenson, seconded by Schreck and carried unanimously to authorize Lisa Kent as a check signer on the Hospital Fund.

It was moved by Collins, seconded by Heinzig and carried unanimously to schedule the Board of Review on April 16, 2018 from 5:30 pm to 6:00 pm.

Next Gens discussed water copper and lead testing. The City has failed the copper test with the State of Minnesota. We have passed lead testing. He went on to say the City has been following direction from the State on remedying the copper issue and not getting results. He stated he and staff are digging into the issue further.

There being no further business to come before the Council upon motion by Evenson, seconded by Olson and carried unanimously to adjourn the Council meeting at 6:33 p.m.

Mayor

City Clerk