

**MINUTES - BENSON CITY COUNCIL - REGULAR MEETING
OCTOBER 1, 2012**

The meeting was called to order at 5:30 p.m. by Mayor Kittelson. Members present: Paul Kittelson, Mike Fugleberg, Ben Hess, Sue Fitz, Gary Landmark. Members Absent: None. Also present: City Manager Rob Wolfington, Director of Finance Glen Pederson, City Attorney Don Wilcox and Mark Anderson.

There was no one with unscheduled business.

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

- September 10, 2012 City Council Meeting
- August 20, 2012 EDA Regular Meeting
- September 10, 2012 Regular Planning Commission Meeting
- September 24, 2012 Special Planning Commission Meeting

There was correspondence from PeopleServices announcing new Regional Manager Greg Stang.

The Benson Golf Club offered a thank you for supporting Rib Fest. Also Pilgrim Congregational Church thanking the City for their cooperation in moving the port-a-potty at Roosevelt Park to accommodate their Annual Party in the park.

Next was the Variance Application at 810 Kansas Ave. Fitz said the Findings of Fact and Conclusions of Law was discussed at the Planning Commission meeting today at noon. She said there was much discussion on the Ordinance dealing with zoning and garages. The Planning Commission voted to approve the Variance application. It was moved by Fugleberg, seconded by Fitz and carried unanimously to approve the Variance Application as long as a building permit for the second garage is submitted within the next 30 days.

Next City Attorney Don Wilcox approached the City Council and reviewed the WAPA Contract renewal. He stated the current contract expires in 2020, but WAPA would like to extend the contract to 2050, while the power industry is still stable. Missouri River Energy Services is encouraging the contract extension.

Council member Fitz offered the following Resolution:

**A RESOLUTION APPROVING THE CONTRACT FOR FIRM ELECTRIC SERVICE,
INTERCONNECTION AGREEMENT AND FACILITIES AGREEMENT WITH THE
WESTERN AREA POWER ADMINISTRATION
(RESOLUTUION 2012-25)**

WHEREAS, pursuant to previous action taken, the City of Benson has entered into an agreement to obtain an allocation of federal hydroelectricity from the United States Department of Energy, Western Area Power Administration, Pick-Sloan Missouri Basin Program, Eastern Division ("Western") pursuant to a Contract for Firm Electric Service to the City of Benson, Minnesota; and

WHEREAS, the Contract for Firm Electric Service is, by its terms, set to expire on December 31, 2020; and

WHEREAS, both Western and the City of Benson desire to enter into a new agreement to continue to provide and to receive the allocation of federal hydroelectricity; and

WHEREAS, Western has asked the City of Benson to consider approving a new (a) Contract for Firm Electric Service to the City of Benson, Minnesota, and its associated exhibits; (b) Interconnection Agreement and its associated exhibits; and (c) Facilities Agreement, each effective commencing January 1, 2021 and continuing for a term through December 31, 2051; and

WHEREAS, the City Attorney has reviewed the agreements and has concluded that this governing body has the authority and right to enter into these agreements; and

WHEREAS, the City Council finds that it is in the public interest to enter into these long-term agreements to provide its citizens with a reliable, low-cost and environmentally friendly source of power and energy;

NOW THEREFORE IT IS HEREBY RESOLVED that:

1. That the (a) Contract for Firm Electric Service to the City of Benson, Minnesota, and its associated exhibits; (b) Interconnection Agreement and its associated exhibits; and (c) Facilities Agreement, and its associated exhibits, be and hereby are approved.
2. That the Mayor and the City Manager are authorized to sign said agreement on behalf of the City of Benson.

Member Fugleberg seconded the foregoing motion and the following vote was recorded: AYES: Hess, Fitz, Landmark, Kittelson, Landmark NAYS: None. Whereupon Mayor Kittelson declared Resolution No. 2012-25 duly passed and adopted.

Prairie 5 submitted a request for support with their emergency heating program. It was moved by Fugleberg, seconded by Hess and carried unanimously to contribute \$1,000 to Prairie Five's "Reach out for Warmth Program".

Benson High School submitted a request for a contribution to the BHS Renaissance Program, which rewards students with high academics, as well as exemplary social skills. It was moved by Landmark, seconded by Fitz and carried unanimously to contribute \$200.00 from the Liquor Fund and \$250.00 from the Electric Fund to the BHS Renaissance Program.

Next the Council recognized a letter from Minnesota Department of Employment and Economic Development (DEED) awarding the city \$41,235.00 for the redevelopment of the Benson Market South property.

The Mayor opened the Public Hearing at 6:38 p.m. for the Small Cities Grant Update. It was required there be an extra public hearing required to review the program. It was noted all the funds have been committed, but not all have been closed as of yet.

Cable franchise renewal negotiations are in process. In the past, Charter Communications has paid our attorney fees for the renewal process, but now they no longer want to pay these fees. Brian Grogan with Moss & Barnett is representing the City in this matter.

MRES sent a notice to all its service members declaring wholesale rates will remain unchanged for 2013.

Toby Johannessen submitted a request to close off the street behind the bakery to celebrate the Benson Bakery's 80th Anniversary. It was moved by Hess, seconded by Fitz and carried unanimously to allow Kansas Avenue to be closed off between 13th & 14th Street South on October 11, 2012 from Noon - 5pm.

Wolfington said the City of DeGraff is looking into wastewater treatment options. One option would be to tie into the City of Benson's Wastewater facility. There was discussion about the impact it would have on our plant. Degraff is pursuing other options as well.

Wolfington stated there have been 3 neighborhood meetings with residents in the northwest corner of town, which discussed the possibility of a permanent non-certified levee on the north side, and raising the golf course maintenance road on the west side, along with temporary barriers and other preventative measures. The 27 homeowners have been asked to sign a petition stating yes or no to participate in the program. Costs would be assessed to their property for permanent expenses. The Department of Natural Resources has granted \$125,000 toward the project, which should pay about 50% of the permanent costs. The barriers do not hold up well on gravel, so as an added expense, the Golf Course maintenance road would have to be paved. Wolfington said he has received 20 petitions back with less than half committing to the project.

Mark Anderson addressed the City Council, wondering if the Order to Remove the second garage at 810 will be removed since the variance has been granted. It was agreed by the Council to rescind the Order to Remove the second ancillary garage at 810 Kansas Avenue.

Mayor Kittelson closed the Public Hearing at 6:03 p.m.

Wolfington informed the Council there is a new Small Cities Grant in the works. Surveys have been sent out, and the response has not been as great as in the past, so there is the possibility of opening it to commercial properties as well.

Pederson gave the August 31, 2012 budget report.

There being no other business, it was moved by Landmark seconded by Fitz and carried unanimously to adjourn the meeting at 6:13 p.m.

Mayor

City Manager