

**MINUTES - BENSON CITY COUNCIL - REGULAR MEETING  
OCTOBER 5, 2015**

The meeting was called to order at 5:30 p.m. by Mayor Kittelson. Members present: Paul Kittelson, Jack Evenson, Mike Fugleberg & Stephanie Heinzig. Members Absent: Sue Fitz. Also present: City Manager Rob Wolfington, Director of Finance Glen Pederson, Director of Public Works Dan Gens, Police Chief Ian Hodge, Fire Chief Mark Schreck, Fireman Jeff DeHaan, City Attorney Don Wilcox, Swift County-Benson Hospital Manager Kurt Waldbillig, Scofield Board Members Marlys Boone, Bill Hoberg, Lois Fennell, John Kelly, Marcene Pederson and Mark Frank, Swift County-Benson Hospital Foundation Members Ron Laycock, Larry Kenyon, Jay Alsaker and Jerry Peterson, Gary Landmark, Larry Smith, Jonathon Pogge-Weaver and Dr. Rick Horecka.

The Council recited the Pledge of Allegiance.

It was noted there needed to be a name correction on the September 21, 2015 minutes which stated Dan and Mark Pillatzki attended the Council meeting on September 21, 2015. It should say Todd and Mark Pillatzki. It was moved by Evenson, seconded by Heinzig and carried unanimously to approve the following minutes with this correction:

- September 21, 2015 City Council Minutes

Wolfington presented a letter from the Swift County-Benson Hospital Governing Board stating their support for the hospital's plan for an assisted living project.

It was moved by Evenson, seconded by Heinzig and carried unanimously to approve a gambling permit for the Chippewa Valley Chapter of the Deer Hunters Association at McKinney's on February 5, 2016.

Wolfington discussed the request to waive the charge for the Pillatzki Fire call. He said the call came into dispatch as a structure fire. When the police officer arrived he called the Fire Department off from the call. Fire Chief Schreck said when the Fire Department was en route, they noticed a lot of black smoke and decided to send a truck to be sure everything was fine. Upon arrival, the Pillatzkis were burning construction debris and garbage. After further discussion, it was moved by Evenson, seconded by Heinzig and carried unanimously to reject the appeal by the Pillatzkis, and the fire call charge of \$750.00 will stand.

Waldbillig approached the Council and explained his plan for the Swift County-Benson Hospital remodel and addition to accommodate assisted living and memory care. Wolfington asked about the time line for the project. Waldbillig said if the Hospital board approves his plan, they can be up and running by March of 2017. He said the Hospital District will go out for bonds and will need City and County approval for that. Mayor Kittelson discussed his disapproval of the project and asked the Hospital Board to look at other options to solve the hospital's financial deficit.

Wolfington presented a report from Brian Grogan with Moss & Barnett on the Cable Franchise Merger. Council Member Heinzig offered the following resolution:

**APPROVING THE PROPOSED TRANSFER OF  
THE CABLE FRANCHISE CURRENTLY HELD BY  
CC VIII OPERATING, LLC D/B/A CHARTER COMMUNICATIONS  
RESOLUTION NO. (2015-18)**

**WHEREAS**, CC VIII Operating, LLC (hereinafter referred to as “Grantee”), currently holds a cable television franchise (“Franchise”) granted by the City of, Benson, Minnesota (“City”).

**WHEREAS**, Grantee owns, operates and maintains a cable television system in the City (“System”) pursuant to the terms of the Franchise.

**WHEREAS**, on May 23, 2015, Charter Communications, Inc. (“Charter Communications”), the ultimate parent company of Grantee, directly and indirectly, with its subsidiary CCH I, LLC (“New Charter”), entered into agreements with Advance/Newhouse Partnership and A/NPC Holdings LLC (collectively “A/N”), the ultimate parent company of Bright House Networks, LLC (“BHN”), Time Warner Cable Inc. (“TWC”), and Liberty Broadband Corporation (“Liberty”) (collectively “the Agreements”), the purpose of which are to effectuate the acquisition of BHN and merge with TWC (the “Transactions”); and

**WHEREAS**, Charter Communications will merge with and into New Charter, and all shares of Charter Communications will be converted into shares of New Charter, and New Charter will assume the Charter Communications name; and

**WHEREAS**, pursuant to the Agreements, A/N, TWC shareholders, and Liberty will acquire ownership interests in New Charter; and

**WHEREAS**, on or about July 1, 2015 the City received from Grantee, FCC Form 394 - Application for Franchise Authority Consent to Assignment or Transfer of Control of Cable Television Franchise (“Application”); and

**WHEREAS**, Federal law, and the terms of the Franchise require that the City take action to consider the Application within one hundred twenty (120) days of the date of receipt, or on or before October 29, 2015; and

**WHEREAS**, Minnesota state law and the Franchise require the City’s advance written consent prior to the Grantee’s change in ownership; and

**WHEREAS**, as a result of the proposed Transactions Grantee has requested consent from the City to the proposed change in ownership; and

**WHEREAS**, the City has reviewed the proposed Transactions, and based on information provided by Grantee and information otherwise publicly available, the City has elected to approve the proposed Transactions subject to certain conditions as set forth herein.

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

1. All of the above recitals are hereby incorporated by reference as if fully set forth herein.
2. The Franchise is in full force and effect and Grantee is the lawful holder of the Franchise.
3. The City hereby consents and approves the proposed Transactions.
4. Grantee will be the lawful holder of the Franchise after completion of the Transactions.
5. The City’s consent to the Transactions shall not serve to waive any rights City may have under applicable law to hold Grantee liable for any and all liabilities, known and unknown, under the Franchise.
6. In the event the proposed Transactions contemplated by the foregoing resolution are not completed, for any reason, the City’s consent shall not be effective and shall be null and void.

This Resolution shall take effect and continue and remain in effect from and after the date of its passage, approval, and adoption.

Council Member Fugleberg seconded the foregoing Resolution and the following vote was recorded: AYES: Kittelson, Heinzig, Fugleberg, Evenson. NAYS: None. Thereupon the Mayor declared Resolution 2015-18 duly passed and adopted.

Gens presented the Public Works report. Wolfington said he and Gens had attended a meeting with MnDOT about the 2017 highway reconstruction project coming through Benson. Gens explained the work to be done with curb, sidewalk, handicapped ramp and storm sewer repairs that will be done at this time. This project is estimated to be \$5.6 million, with an estimated cost share to the City of \$30,000.

Wolfington said the surveys for the Small Cities Grant application have gone out to all residents in the City of Benson.

Wolfington said the Golf Course Board would like to meet with the City Council to discuss budget and building improvements. It was moved by Fugleberg, seconded by Heinzig and carried unanimously to set a Special City Council Meeting on October 14, 2015 at 5:30 p.m. at the Benson Golf Course.

Prairie 5 submitted a request for support with their emergency heating program. It was moved by Evenson, seconded by Heinzig and carried unanimously to contribute \$1,000 from the Utility Fund to Prairie Five's "Reach Out for Warmth Program".

It was moved by Evenson, seconded by Fugleberg and carried unanimously to approve the following proclamation:

**GENERAL AVIATION APPRECIATION  
MONTH PROCLAMATION**

WHEREAS: the city of Benson in the state of Minnesota has a significant interest in the continued vitality of general aviation, aircraft manufacturing, aviation educational institutions, aviation organizations and community airports; and

WHEREAS: general aviation and the Benson Municipal Airport has an immense economic impact on the city of Benson; and

WHEREAS, Minnesota is home to 153 public-use airports, which serve 12,478 pilots and 4,365 active general aviation aircraft; and

WHEREAS, Minnesota is home to 109 fixed-based operators, 51 repair stations, 522 heliports, 11 FAA-approved pilot schools, 1,933 flight students and 2,500 flight instructors; and

WHEREAS, general aviation in Minnesota contributes over \$5.3 billion to the state's economy annually; and

WHEREAS: general aviation not only supports Minnesota's economy, it improves overall quality of life by supporting emergency medical and healthcare services, law-enforcement, firefighting, disaster relief, and by transporting business travelers to their destinations quickly and safely; and

WHEREAS: the nation's aviation infrastructure represents an important public benefit, and Congressional oversight should be in place to ensure stable funding of this system;

THEREFORE, I, Paul Kittelson, Mayor of Benson, Minnesota, do hereby proclaim general aviation a vital strategic resource to the city of Benson and declare October 2015 to be General Aviation Appreciation Month.

It was moved by Fugleberg, seconded by Evenson and carried unanimously to approve a pay request from Kue Contractors, Inc. in the amount of \$236,029.00 for work on the street garage building addition.

Pederson approached the Council with a pay request from Midwest Irrigation. It was moved by Fugleberg, seconded by Heinzig and carried unanimously to approve pay request #1 to Midwest Irrigation of Illinois, LLC in the amount of \$213,346.44 for work on the irrigation system at the Golf Course.

It was moved by Evenson, seconded by Fugleberg and carried unanimously to approve Change Order #1 with Midwest Irrigation of Illinois, LLC in the amount of \$4,447.00.

There being no other business, a motion was made by Evenson, seconded by Heinzig and carried unanimously to adjourn the meeting at 6:34 p.m.

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Mayor

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City Manager