

**MINUTES - BENSON CITY COUNCIL - REGULAR MEETING
NOVEMBER 19, 2018**

The meeting was called to order at 5:30 p.m. by Mayor Collins. Members present: Jack Evenson, Terri Collins, Mark Schreck, Jon Buyck & Lucas Olson. Members Absent: None. Also present: City Manager Rob Wolfington, Police Chief Ian Hodge, Director of Finance Glen Pederson, Public Works Director Dan Gens, Brian Samuelson, Kory Johnson, Dave Nagler and Chad Friese from CVEC, Dan Skolness and Trumann Homme from BioPro Energy, Tom Comden and Roxy Lewis.

The Council recited the Pledge of Allegiance.

Mayor Collins asked for any changes or additions to the agenda, to which there were none. It was moved by Evenson, seconded by Schreck and carried unanimously to approve the agenda.

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

- November 5, 2018 City Council Minutes
- October 1, 2018 Planning Commission Minutes
- November 1, 2018 Safety Committee Minutes

There was no one with unscheduled business.

Homme, Friese and Skolness approached the Council. They handed out information to the Council. Friese stated the Fibrominn site is an asset for CVEC and the community and a huge potential energy source CVEC would like to harness. They could expand their plant with the use of the boiler assets. He said CVEC and BioPro Energy (BPE) have had several conversations with Xcel and Brightmark Energy. After bids for assets were taken, and per BPE's request to own half the site and Brightmark Energy use the other half of the site, Brightmark Energy expressed they were not in agreement with the proposal. BPE came back with a generous offer for the entire site. Xcel responded they had already accepted Brightmark's bid. Friese went on to say this is an opportunity that won't come around again, and it is not their intent to come between the City and Brightmark. Mayor Collins feels it is unfortunate, but feels they came into the picture too late in Xcel's process to close the plant. The plan with Brightmark has been developing for 18 months. Skolness said their project will benefit Benson and the surrounding farmers. Nagler asked if there was any way all the parties could sit down and discuss options. Skolness feels without the City, Xcel and Brightmark will not meet with them. Friese said they do not want to get into Brightmark's way, but add to the project. Friese, Homme and Skolness thanked the Council for their time.

Next Wolfington discussed last year's grind and overlay included additional engineering to improve the crosswalk over highway 29 by Northside Rec. MnDOT is requesting a revised right of way agreement. The following resolution is paperwork from last year's project. He recommended approval. Councilmember Schreck offered the following resolution:

**CITY OF BENSON – MINNESOTA DEPARTMENT OF TRANSPORTATION
LIMITED USE PERMIT
(RESOLUTION 2018-23)**

IT IS RESOLVED that the City of Benson enter into Limited Use Permit NO. 7608-0013 with the State of Minnesota, Department of Transportation for the following purposes:

To provide for maintenance and use by the City of Benson upon, along and adjacent to Trunk Highway No. 29 and the limits of which are defined in said Limited Use Permit.

IT IS FURTHER RESOLVED by the Council of the City of Benson, Minnesota that the Mayor and the City Manager are authorized to execute the Limited use Permit

Councilmember Evenson seconded the foregoing resolution and the following vote was recorded: AYES: Evenson, Schreck, Collins, Buyck, Olson. NAYES: None. Thereupon the Mayor declared Resolution 2018-23 duly passed and adopted.

Wolfington presented a resolution to extend the Charter Communications franchise agreement once again. In talking with Brian Grogan, the attorney representing the City of Benson and several other communities with their franchise agreements said there is progress being made beginning with larger communities. Councilmember Evenson offered the following resolution:

**A RESOLUTION GRANTING CHARTER COMMUNICATIONS
A FRANCHISE EXTENSION TO JUNE 30, 2019
(RESOLUTION NO. 2018-24)**

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, the City adopted Resolution No. 2018-03 on January 2, 2018 extending the term of the Franchise through and including June 30, 2018; and

WHEREAS, Charter executed said Resolution No. 2018-03 and agreed to continue complying with the Franchise, as amended by the Resolution; and

WHEREAS, the City adopted Resolution No. 2018-14 on August 6, 2018 extending the term of the Franchise through and including December 31, 2018; and

WHEREAS, Charter executed said Resolution No. 2018-14 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 1, 2019 through the date on which Charter's Franchise is either renewed or until and including June 30, 2019.
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 Buyck seconded the foregoing resolution and the following vote was recorded: AYES: Evenson, Schreck, Collins, Buyck, Olson. NAYES: None. Thereupon the Mayor declared Resolution 2018-24 duly passed and adopted.

Wolfington discussed the local access TV channel. He said it is used primarily for community event notifications, obituaries, broadcasting church services and City Council meetings. The equipment is located at the high school. The Monitor News puts ads on the channel. The school is planning their

referendum expansion and reorganization at the school and the equipment must be moved out of the school. Two options for easy access to hooking up would be the Courthouse or the Hospital, and neither location is a good option. The questions came up on cost and do we really need the channel? All the equipment will need to be rebuilt from the hookup to the tower. An option for broadcasting Council meetings is to go with a web based system where videos of meetings could be seen on the City website. Pederson said it is possible there will be a service we would subscribe to if it is decided to go with this option.

Next was a memo from Missouri River Energy Services on the agreement for backup power we have with them. We currently nominate a maximum amount of demand for each year by December 1 the previous year. Benson will most likely reduce this nomination to the 1 Megawatt effective January 1, 2019. Expected revenue from January 1, 2019 – April 30, 2027 will be \$450,000, or \$4,500 per month. Wolfington said Xcel inherited this contract. Also we should see some stranded investment income from water sales.

Wolfington shared with the Council the playset at Roosevelt Park is deteriorating and needs to be replaced. The Mayor came up with a design, and the normal cost for the playset is \$71,072 plus \$4,815 freight. Cost to install it will be \$20,253.00. He shared photos of the equipment. He went on to say with year-end discount, we can save \$14,460.01 on the equipment if we place the order this week. Delivery will not be until 2019. After discussion, it was moved by Evenson, seconded by Olson and carried unanimously to purchase the playground equipment from GameTime in the amount of \$61,427.80.

Wolfington brought to the attention of the Council the City was awarded the 2017 Water Fluoridation Quality Award, which recognized public water systems that adjust the fluoride concentration in drinking water and achieve a monthly average fluoride level that is in the optimal range for a year.

It was moved by Olson, seconded by Evenson and carried unanimously to approve the 2019 contract for services with Countryside Public Health to conduct tobacco compliance checks in the City of Benson.

The Council reviewed the 2019 Budget Proposal. Pederson said at the next council meeting we will have most of the final budget numbers, and the last meeting in December the Council will adopt the final budget for 2019.

It was moved by Evenson, seconded by Schreck and carried unanimously to approve the bills and warrants in the amount of \$348,621.51.

Wolfington reviewed the timeline of Xcel's purchasing the Fibrominn site, the history of how Brightmark Energy came to Benson, and our past letter of support for Brightmark Energy and when BioPro Energy came to wanting to acquire a part of the Xcel assets.

There being no further business to come before the Council upon motion by Evenson, seconded by Buyck and carried unanimously to adjourn the Council meeting at 6:46 p.m.

Mayor

City Clerk