

**MINUTES - BENSON CITY COUNCIL - REGULAR MEETING
NOVEMBER 7, 2016**

The meeting was called to order at 5:30 p.m. by Mayor Landmark. Members present: Terri Collins, Jack Evenson, Stephanie Heinzig, Gary Landmark & Sue Fitz. Members Absent: None. Also present: City Manager Rob Wolfington and Assistant City Attorney Ben Wilcox.

The Council recited the Pledge of Allegiance.

Mayor Landmark asked for any additions to the agenda. Wolfington asked to add a pay request from Rosenbauer for the ladder truck chassis and also time at the end of the agenda for project updates. No consent agenda items were moved to the regular agenda. A motion was made by Evenson, seconded by Collins and carried unanimously to approve the amended agenda as presented. It was moved by Fitz, Seconded by Evenson and carried unanimously to approve the following items on the Consent Agenda:

- October 18, 2016 City Council Minutes
- October 25, 2016 Special City Council Minutes
- October 3, 2016 Planning Commission Minutes
- Thank-You Letter to Agralite
- Countryside Public Health 2017 Annual Tobacco Compliance Agreements
- FAA Permit for the Helipad

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

Wolfington informed the Council of a letter received from the Minnesota Department of Health stating the City is still having trouble with an increased level of copper in the drinking water. We have increased the polyphosphate in the water supply, and will continue to work with the Department of Health to remedy this problem.

Wolfington said the state legislators suspended funding for the highway bill by not making a decision on it. This means the 2017 highway project in Benson could be in jeopardy. MnDOT employees said they are going to continue to bid the project with confidence it will be approved in January. The concrete portion of the project isn't affected by this bill, only the asphalt part.

It was moved by Evenson, seconded by Heinzig and carried unanimously to set a Special joint City Council-Benson School Board meeting for November 15, 2016 at 5:30 p.m. in the Council Chambers.

Wolfington brought a Data Practices Policy to the Council which covers Data Practices for the members of the public and data subjects. Wilcox approached the Council and said the policy defines how we handle data requests. The Police have their own policy on this. After discussion, it was moved by Fitz, seconded by Collins and carried unanimously to approve the Data Practices Policy as presented.

Next was an estimate to tear down the property at 1620 Utah Avenue. Demolition was a better option than burning it as the properties are close in that neighborhood and disposal of ash is expensive and time consuming. It was moved by Evenson, seconded by Heinzig and carried unanimously to approve the quote for demolition from T & K Kennedy Excavating, Inc. in the amount of \$8,760.00.

Wilcox discussed the dilapidated property at 1004 – 13th St. N. The building inspector reported there is evidence unauthorized people have been in this house and the floors are unsound, which poses imminent danger. After discussion, Councilmember Collins offered the following resolution:

**RESOLUTION TO IMMEDIATELY ABATE PUBLIC NUISANCE
(RESOLUTION NO. 2016-31)**

WHEREAS, the City Council of the City of Benson was presented with an inspection report drafted by Mike Jacobson, City Building Inspector, regarding the structures on the above described property; and,

WHEREAS, the City Building Inspector's report relates to the property located at 1004 13th St. N. in Benson, legally described as Part of the NE ¼ of the NW ¼ of Section 5, Township 121, Range 39 beginning at a point 833.6 feet N from the NW corner of Block 9, Second Railway Addition to the City of Benson; thence E 300 feet; thence S 60 Feet; thence E 20.1 feet; thence N 212.9 feet; thence W 111.4 feet; thence S 18.1 feet; thence W 208.7 feet; thence S 134.8 feet to the point of beginning, Swift County, Minnesota; and,

WHEREAS, the Inspector's Report shows that the structures on the above described property are in a state of advanced disrepair to the point of creating a public nuisance which poses an imminent and serious hazard to human life or safety. The report also shows that unauthorized persons have been entering the structures; and,

WHEREAS, City of Benson Code section 93.08 allows the City, without notice or process, to immediately abate any condition which poses an imminent and serious hazard to human life or safety;

NOW THEREFORE, pursuant to Chapter 93 of the City of Benson Code of Ordinances, The City Council of the City of Benson, Minnesota resolves:

1. That the conditions on the above-described property constitute a public nuisance which poses an imminent and serious hazard to human life or safety.
2. That the City is authorized to immediately abate this public nuisance without notice or process.

Councilmember Evenson seconded the foregoing Resolution and the following vote was recorded: AYES: Collins, Heinzig, Evenson, Fitz, Landmark. NAYES: None. Thereupon the Mayor declared Resolution 2016-31 duly passed and adopted.

Wolfington discussed the contract we have with Case New Holland (CNH) at the Civic Center. CNH has called to our attention we have several leaks in the roof of the Civic Center, which is causing issues with their inventory. We recently have replaced/repared three furnaces at a cost of \$4,000, as well as updated lighting fixtures. The estimate to replace the roof above the north end of the Civic Center is \$100,000. Wolfington discussed going out for bids, and awarding the work in February 2017, and suggested using general fund reserves for this project. After discussion, it was moved by Fitz, seconded by Collins and carried unanimously to approve going out for bids for the Civic Center roof replacement.

Next was a change order request from O'Day Equipment on the diesel tank replacement project at the power plant. They discovered there was a needed to change the size of the connector used to fill the tank from 2' to 3". It was moved by Evenson, seconded by Heinzig and carried unanimously to approve the change order in the amount of \$521.69.

Wolfington presented pay request #1 from O'Day Equipment for work on the power plant diesel fuel tank. It was moved by Evenson, seconded by Collins and carried unanimously to approve pay request #1 from O'Day Equipment in the amount of \$35,217.15.

Next was a pay request from Rosenbauer South Dakota, LLC for the chassis payment on the Fire Department ladder truck. It was moved by Evenson, seconded by Fitz and carried unanimously to approve the first payment on the ladder truck to Rosenbauer South Dakota, LLC in the amount of \$260,378.00.

Wolfington gave updates on several projects.

There being no other business, a motion was made by Fitz, seconded by Evenson and carried unanimously to adjourn the meeting at 5:48 p.m.

City Clerk

Mayor