

**MINUTES - BENSON CITY COUNCIL - REGULAR MEETING
DECEMBER 3, 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. Members Absent: Lucas Olson. Also present: City Manager Rob Wolfington, Police Chief Ian Hodge, Public Works Director Dan Gens and Roxy Lewis.

The Council recited the Pledge of Allegiance.

Mayor Collins asked for any changes or additions to the agenda. Wolfington asked to add League of Minnesota Cities Insurance Liability Waiver and two applications to the Airport Board. It was moved by Evenson, seconded by Schreck and carried unanimously to approve the agenda.

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

- November 19, 2018 City Council Minutes
- October 15, 2018 EDA Minutes
- October 22, 2018 Special EDA Minutes
- Application to the Park Board by Mike Berreau
- Application to the Airport Board by Leroy Noreen
- Application to the Airport Board by Gene Doscher
- Northern Lights Trails Gambling Permit for April 6, 2019
- 2019 MRES Electrical Line Worker Scholarship
- Spectrum Smart Cities Letter
- MRES Official Notice of S-1 Rates Effective 1/1/2019
- Public Works Report

There was no one with unscheduled business.

Wolfington presented a proposed resolution from Charter Communications. Upon review from Moss & Barnett, they have countered with a resolution containing language in the best interest of the City.

Councilmember Evenson offered the following resolution:

**APPROVING THE ASSIGNMENT OF
THE CHARTER CABLE FRANCHISE
(RESOLUTION 2018-25)**

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”); and

WHEREAS, Grantee operates a cable television system (“System”) that provides cable services and other communication services in the City; and

WHEREAS, Charter Communications, Inc., (“Charter”) is the ultimate parent company of Grantee; and

WHEREAS, on or about October 1, 2018 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, under the Application Grantee and Charter have requested the City’s approval of the proposed assignment of the Franchise (“Assignment”) from Grantee to Spectrum Mid-America, LLC, a Delaware limited liability company (“Spectrum”); and

WHEREAS, Spectrum will become the new holder of the Franchise in the City; 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 January 29, 2019; and

WHEREAS, Minnesota state law and the Franchise require the City’s advance written consent prior to the proposed Assignment; and

WHEREAS, the City has reviewed the Application and the proposed Assignment, and based on information provided by Grantee and information otherwise publicly available, the City has elected to approve the Assignment 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 of the Assignment as set forth in the Application.
4. The City’s consent to the Assignment shall not serve to waive any rights the City may have under applicable law to hold the Grantee or Spectrum liable for any and all liabilities, known and unknown, under the Franchise.
5. The City expressly reserves any and all rights it may have under applicable law to enforce compliance with the terms of the Franchise against Grantee and Spectrum.
6. In the event the Assignment contemplated by the Application is 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.

Councilmember Schreck seconded the foregoing resolution and the following vote was recorded: AYES: Evenson, Schreck, Collins, Buyck. NAYES: None. Thereupon the Mayor declared Resolution 2018-25 duly passed and adopted.

Wolfington discussed Doug Griffith’s visit and the intent of having him come back with planning and marketing strategies. He proposed having Griffith and Stantec come for the Council’s annual Strategic Planning session the end of January 2019 then in the late spring or summer for the marketing piece. He said they have engaged MRES to conduct the strategic planning session for the Council. He proposed cancelling the traditional two day strategic planning session and just bringing in Griffiths. He asked for Council input. Schreck said he feels the traditional strategic planning is good as administrative input is valuable. After discussion, it was decided on December 10, 2018 to have a conference call with

the Mayor, City Manager and Griffith and propose the two meetings, bringing Stantec in for the planning aspect, and EDA in on the marketing aspect. We will then discuss this further at the next Council meeting.

Next was a request for reimbursement for damages from a homeowner on Sanford Road for a sewer back-up. Wolfington said there was a call-out on October 27, 2018. The crew went out and flushed the sewer line which was flowing fine. The homeowner had a back-up in their sewer line. He said no neighbors had any problems with sewer back-ups and recommended to the Council they deny the request for reimbursement. After discussion, it was moved by Evenson, seconded by Buyck and carried unanimously to deny the request and direct staff to compose a letter stating the City is not responsible for the back-up.

Next was a public works request to review the septic hauler fees for dumping in our wastewater system. Wolfington asked to table this request until the next meeting.

Gens presented a list of all the sewer lift stations. They are now all equipped with updated visual and auto dialer alarms and are operational.

Councilmember Buyck offered the following resolution:

**RESOLUTION TO APPROVE TRANSFER FROM LIBRARY ENDOWMENT FUND
(RESOLUTION NO. 2018-26)**

WHEREAS, the City of Benson established the Library Endowment Fund in March of 1995 with excess dollars left over from the new building construction, and

WHEREAS, the interest earned in this fund is available for the purchase of capital equipment, and

WHEREAS, the fund has earned \$353.28 in interest during 2018, and

WHEREAS, the City Council has budgeted to transfer interest earnings in an amount up to \$400.00.

NOW, THEREFORE BE IT RESOLVED that the \$353.00 interest earned be transferred from the Library Endowment Fund to the operating Library Fund to help cover the costs of capital equipment.

Councilmember Evenson seconded the foregoing resolution and the following vote was recorded: AYES: Evenson, Schreck, Collins, Buyck. NAYES: None. Thereupon the Mayor declared Resolution 2018-26 duly passed and adopted.

Councilmember Schreck offered the following resolution:

**RESOLUTION TO APPROVE BUDGETED TRANSFERS
(RESOLUTION NO. 2018-27)**

WHEREAS, the City of Benson has maintained the following funds, and

WHEREAS, the City Council has determined that it is prudent to make transfers in 2018 in order to fund certain projects or programs.

NOW, THEREFORE BE IT RESOLVED that the following amounts be transferred from the following funds:

Budgeted Transferred

From Cemetery Perpetual Care to General Fund	1,650	1,648
TOTAL	1,650	1,648

Councilmember Evenson seconded the foregoing resolution and the following vote was recorded:
 AYES: Evenson, Schreck, Collins, Buyck. NAYES: None. Thereupon the Mayor declared Resolution 2018-27 duly passed and adopted.

Councilmember Evenson offered the following resolution:

**RESOLUTION TRANSFERRING AMOUNT DESIGNATED FOR FUTURE
 CAPITAL OUTLAY TO THE GENERAL CAPITAL OUTLAY FUND
 (RESOLUTION NO. 2018-28)**

WHEREAS, the Benson City Council has established a fund known as the General Capital Outlay Fund, and

WHEREAS, the Council desires to track all capital outlay purchases for the General Fund through this fund, and

WHEREAS, there are monies appropriated in the General Fund 2018 Budget for this purpose.

NOW, THEREFORE, BE IT RESOLVED that the following amounts be transferred from the General Fund Appropriated Fund Balance to the General Capital Outlay Fund for:

City Hall	40,000
Police Department	57,000
Street Department	276,000
Park	157,000
Airport	20,000
TOTAL	\$550,000

Councilmember Schreck seconded the foregoing resolution and the following vote was recorded:
 AYES: Evenson, Schreck, Collins, Buyck. NAYES: None. Thereupon the Mayor declared Resolution 2018-28 duly passed and adopted.

Councilmember Evenson offered the following resolution:

**RESOLUTION TRANSFERRING \$8,111 FROM THE EDA FUND AND \$12,310 FROM THE
 REVOLVING LOAN FUND TO THE GENERAL FUND
 (RESOLUTION NO. 2018-29)**

WHEREAS, the City of Benson is active in economic development, and

WHEREAS, the Economic Development Authority makes loans to local businesses in order to create jobs, and

WHEREAS, these loans are administered by personnel within the General Fund, and

WHEREAS, a 1% management fee on the beginning asset balance of these Funds is a reasonable fee to charge for this administration.

NOW, THEREFORE BE IT RESOLVED that the City Council authorized the transfer of \$8,111 from the EDA Fund and \$12,310 from the Revolving Loan Fund to the General Fund.

Councilmember Buyck seconded the foregoing resolution and the following vote was recorded: AYES: Evenson, Schreck, Collins, Buyck. NAYES: None. Thereupon the Mayor declared Resolution 2018-29 duly passed and adopted.

Councilmember Evenson offered the following resolution:

**RESOLUTION SETTING ASSESSMENTS FOR WATER AND
SEWER SERVICES RENDERED BY THE CITY OF
BENSON, MINNESOTA FOR 2018 PAYABLE 2019
(RESOLUTION NO. 2018-30)**

BE IT RESOLVED, by the Benson City Council that pursuant to Minnesota Statutes Chapter 444 that the assessment roll for 2018 Sewer and Water Bills as prepared by the City Manager is hereby approved and made a part therefore; and,

BE IT FURTHER RESOLVED that the assessments hereinafter noted shall be submitted to the County Auditor on or before December 15, 2018 and placed on the tax roll for collection with the taxes collectable in 2019.

Account Number, Name & Address	Legal Description & Parcel No.	Sewer	Water	Totals
102-0150-00-01 207 9 th St. N Betty Twitchell	City of Benson Lts 4,5 & 6 Blk 3 23-0016-000-01	\$101.25	\$0.00	\$101.25
104-0196-00-01 812 13 th St. N MR Properties LLC Gene Weber	Benson-Acre Lots PT SE ¼ of NW1/4 N 50 FT of the following Property: Beg at a PT on the W Line of BK 9. 23-1363-000-01.	\$35.16	\$25.07	\$60.23
201-0020-00-09 516 15 th St. N Jesse Knuteson/Amanda Peterson	Railway 2 nd Addition Lot 6 Blk 3 23-0383-000-01	\$236.25	\$287.98	\$524.23
202-0076-00-04 211 19 th St. N Ebnet Investments LLC	Arthur Thornton Addition Lts 1 & 2 Blk 51 23-0320-000-01	\$98.09	\$59.93	\$158.02
202-0095-00-07 2010 Atlantic Ave Jason McVinua/Nick Wrobleski	Alton Hume Addition Lot 7 Block 1 23-0771-000-01	\$54.18	\$32.26	\$86.44
202-0097-00-17 2104 Atlantic Ave Eugene R. Weber	Alton Hume Addition Lot 8 Blk 1 23-0772-000-01	\$40.15	\$27.40	\$67.55
301-0065-00-14 703 15 th St. S Kristine Knuteson	Southside Addition Lot 9 Blk 7 23-0913-000-01	\$184.92	\$102.81	\$287.73
304-0002-00-19 201 17 th St S Ebnet Investments, LLC	Morris & Payte's Addition Lts 23 & 24 Blk 43 23-0279-000-01	\$33.75	\$20.00	\$53.75
301-0123-00-02 802 17 th St. S Marvin & Elaine Schultz	Southside Addition Lot 4 Blk 14 23-0954-000-01	\$369.90	\$164.30	\$534.20
402-0059-00-04 204 11 th St. S	City of Benson Lts 1,2,3,4 & 5 Blk 18	\$66.75	\$53.37	\$120.12

Joseph & Kristina Schafer	23-0101-000-01			
402-0185-00-12 212 9 th St. S Jose Salinas	City of Benson Lots 10,11, & 12 Blk 6 23-0029-000-01	\$444.00	\$6.36	\$450.36
501-0087-00-08 1316 Atlantic Ave Angela Ellingson	City of Benson W 16 FT of Lt 8 Blk 28; E 9 Ft of LT9 Blk 28 23-0171-000-01	\$619.00	\$464.37	\$1083.37
TOTALS		\$2,283.40	\$1,243.85	\$3,527.25

Councilmember Schreck seconded the foregoing resolution and the following vote was recorded:
 AYES: Evenson, Schreck, Collins, Buyck. NAYES: None. Thereupon the Mayor declared Resolution 2018-30 duly passed and adopted.

Councilmember Schreck offered the following resolution:

**RESOLUTION SETTING ASSESSMENTS FOR CURRENT SERVICES
 BY THE CITY OF BENSON, MINNESOTA FOR 2018 PAYABLE 2019
 (RESOLUTION NO. 2018-31)**

BE IT RESOLVED, by the Benson City Council that the following assessments for 2018 as prepared by the City Manager are hereby approved and made a part thereof; and,

BE IT FURTHER RESOLVED, that the assessments hereinafter noted shall be submitted to the County Auditor on or before December 15, 2018 and placed on the tax roll for collection with the taxes collectable in 2019.

Charges	Name & Mailing Address	Legal Description & Parcel No.	Amnt Due
Broken Meter Plate 2010 Atlantic Ave.	Jason McVinua 412 – 16 th St. S Benson, MN 56215	Lots 7, Block 1 Alton Hume Addition 23-0771-000	\$80.00
Mowing & Garbage Removal 516 – 15 th St. N.	Amanda Peterson & Jesse Knuteson 108 Meadow Lane Janesville, MN 56048	Lots 6, Block 3 Railway 2 nd Addition 23-0383-000	\$1,298.50
Diseased Elm Tree 209 – 12 th St. N.	Christopher Rengstorff 209 – 12 th St. N. Benson, MN 56215	Lots 1, 2 & 3, Block 22 City of Benson Addition 23-0134-000	\$563.40
TOTALS			\$1,941.90

Councilmember Buyck seconded the foregoing resolution and the following vote was recorded:
 AYES: Evenson, Schreck, Collins, Buyck. NAYES: None. Thereupon the Mayor declared Resolution 2018-31 duly passed and adopted.

Mayor Collins opened the Truth in Taxation Hearing at 6:00 p.m.

The City Manager presented the Council with the updated 2019 proposed budget, significant accomplishments from 2018 and goals to be accomplished in 2019. Citizen Lewis asked some questions on the City budget. It was moved by Evenson, seconded by Buyck and carried unanimously to close the public hearing at 6:26 P.M.

Wolfington presented a Liability Coverage Waiver Form from the League of Minnesota Cities Insurance Trust. There is a statutory tort limit for liability for cities that purchase liability insurance from them. We have the option to waive the limit and purchase a higher liability policy from them. After discussion it was moved by Evenson, seconded Buyck and carried unanimously to not waive the monetary limits on municipal tort liability established by Minn. Stat. §466.04.

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 6:28 p.m.

Mayor

City Clerk