

**MINUTES - BENSON CITY COUNCIL - REGULAR MEETING  
DECEMBER 4, 2017**

The meeting was called to order at 5:30 p.m. by Mayor Landmark. Members present: Terri Collins, Jack Evenson, Gary Landmark, Stephanie Heinzig & Lucas Olson. Members Absent: None. Also present: City Manager Rob Wolfington, Public Works Director Dan Gens and Mark Schreck.

The Council recited the Pledge of Allegiance.

Mayor Landmark asked if there were any changes to the agenda. Wolfington asked to add a Special Election Opinion and detachment request to the agenda. It was moved by Evenson, seconded by Olson and carried unanimously to approve the amended agenda.

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

- November 11, 2017 City Council Minutes
- Missouri River Energy Services S-1 Power Sale Agreement Rate Change
- Police Report
- Public Works Report

It was moved by Collins, seconded by Evenson and carried unanimously to appoint the following members to the Library Board with their term expiring December 31, 2020: Arlon Lee, Dixie Golden and Linda Carstens.

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

Next was a pay request from Benson Community Education. Wolfington discussed the expenses for the program. After discussion, it was moved by Evenson, seconded by Heinzig and carried unanimously to approve the pay request from Benson Community Ed in the amount of \$30,790.40.

Wolfington discussed the Missouri River Maintenance and Operation (M & O) Agreement and brought Joni Livingston from Missouri River Energy Services on speaker phone to discuss the renewal of this contract for services. She also discussed reductions, additions and mutual aid to other states. After discussion, it was moved by Collins, seconded by Heinzig and carried unanimously to approve the Missouri River Energy Services M & O Agreement dated January 1, 2018 – January 1, 2023 as presented.

Wolfington discussed on Wednesday, December 6, 2017 Great River Energy (GRE) is required to run NERC compliance tests on the substation. Past experience has shown some service problems which were found to be in computer codes. Steps have been taken to prevent future outages. Currently there have been ads in the paper alerting the public of testing as well as radio ads, and Wolfington has been contacting local businesses to inform them of the testing. Testing will run 9:30 am - 4:30 p.m.

Councilmember Evenson offered the following resolution:

**RESOLUTION SETTING ASSESSMENTS FOR WATER AND  
SEWER SERVICES RENDERED BY THE CITY OF  
BENSON, MINNESOTA FOR 2017 PAYABLE 2018  
(RESOLUTION NO. 2017-31)**

BE IT RESOLVED, by the Benson City Council that pursuant to Minnesota Statutes Chapter 444 that the assessment roll for 2017 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, 2017 and placed on the tax roll for collection with the taxes collectable in 2018.

<b>Account Number, Name &amp; Address</b>	<b>Legal Description &amp; Parcel No.</b>	<b>Sewer</b>	<b>Water</b>	<b>Totals</b>
104-0055-00-01 708 11 <sup>th</sup> St. N Orlen Pangrac	Lynn Park Addition Lot 2 & S ½ Lot 3 Blk 8 23-0692-000-01	\$413.50	\$6.36	\$419.86
104-0090-00-05 709 11 <sup>th</sup> St. N Hinten Properties	Lynn Park Addition S 40' Lot 7 Blk 7; N 25' Lot 5 Blk 7 23-0687-000-01	\$329.90	\$347.76	\$677.66
201-0020-00-07 516 15 <sup>th</sup> St. N Jesse Knuteson/Amanda Peterson	Railway 2 <sup>nd</sup> Addition Lot 6 Blk 3 23-0383-000-01	\$93.33	\$66.11	\$159.44
202-0051-00-14 209 18 <sup>th</sup> St. N Joel/Beverly Bailey	Arthur Thornton Addition Lts 5 & 6 Blk 50 23-0314-000-01	\$413.50	\$6.36	\$419.86
202-0095-00-07 2010 Atlantic Ave Jason McVinua/Nick Wrobleski	Alton Hume Addition Lot 7 Block 1 23-0771-000-01	\$162.50	\$147.01	\$309.51
202-0097-00-13 2104 Atlantic Ave Eugene R. Weber	Alton Hume Addition Lot 8 Blk 1 23-0772-000-01	\$74.70	\$114.16	\$188.86
203-0075-00-07 209 Meadow Lane Brooke Dillon	Park Place Sub-Div Lot 3 Blk 3; S 5' Lt 2 Blk 3 23-1028-000-01	\$49.25	\$35.70	\$84.95
302-0114-00-20 1615 Pacific Ave Gene Weber	Morris & Payte's Addition Lts 8 & 9 Blk 44 23-0282-000-01	\$51.38	\$45.03	\$96.41
304-0002-00-19 201 17 <sup>th</sup> St S Ebnet Investments, LLC	Morris & Payte's Addition Lts 23 & 24 Blk 43 23-0279-000-01	\$292.50	\$188.74	\$481.24
304-0141-00-02 203 18 <sup>th</sup> St. S Deb Leibold	Stone Addition; Lts 20&21 Blk 50; S 15' Lt 22 Blk 50 23-0553-000-01	\$413.50	\$6.36	\$419.86
402-0185-00-12 212 9 <sup>th</sup> St. S Jose Salinas	City of Benson Lots 10,11, & 12 Blk 6 23-0029-000-01	\$502.20	\$6.36	\$508.56
<b>TOTALS</b>		<b>\$2,796.26</b>	<b>\$969.95</b>	<b>\$3,766.21</b>

Councilmember Olson seconded the foregoing resolution and the following vote was recorded:  
AYES: Collins, Heinzig, Evenson, Landmark, Olson. NAYES: None. Thereupon the Mayor declared Resolution 2017-31 duly passed and adopted.

Councilmember Evenson offered the following resolution:

**RESOLUTION SETTING ASSESSMENTS FOR CURRENT SERVICES  
BY THE CITY OF BENSON, MINNESOTA FOR 2017 PAYABLE 2018**

**(RESOLUTION NO. 2017-32)**

BE IT RESOLVED, by the Benson City Council that the following assessments for 2017 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, 2017 and placed on the tax roll for collection with the taxes collectable in 2018.

<b>Charges</b>	<b>Name &amp; Mailing Address</b>	<b>Legal Description &amp; Parcel No.</b>	<b>Amnt Due</b>
Broken Meter Plate 117 – 19 <sup>th</sup> St. N.	Bob Wilson/Diane Rode 3720 CR 40 NW, Lot 55 Kerkhoven, MN 56252	Lots 1, Block 1 Alton Hume Addition 23-0763-000	\$80.00
Diseased Elm Tree 311 – 10 <sup>th</sup> St. S.	Donald & Brenda Jones 311 – 10 <sup>th</sup> St. S. Benson, MN 56215	Lots 7 & S. 20' of 8, Block 6 Railway 1 <sup>st</sup> Addition 23-0372-000	\$359.50
Diseased Elm Tree 402 – 14 <sup>th</sup> St. S.	Connie Evenson 402 – 14 <sup>th</sup> St. S. Benson, MN 56215	Lots 2 & 3, Block 8 McKinney's 1 <sup>st</sup> Addition 23-0460-000	\$299.00
Broken Meter Plate 418 – 9 <sup>th</sup> St. N.	Matthew Hoffman 7489 Stoneridge Brainard, MN 56401	Benson Acre Lots 23-1401-000	\$80.00
<b>TOTALS</b>			<b>\$818.50</b>

Councilmember Collins seconded the foregoing resolution and the following vote was recorded: AYES: Collins, Heintzig, Evenson, Landmark, Olson. NAYES: None. Thereupon the Mayor declared Resolution 2017-32 duly passed and adopted.

Next Wolfington gave an update on the November 30, 2017 Minnesota Public Utility Commission (PUC) Hearing. He stated the hearing lasted 6 hours. He said several parties testified including the City of Benson in favor of disconnecting Benson Power from the power grid. Some groups that testified against the agreement were environmental groups, loggers, turkey industry groups and other suppliers that asked for a 3-5 year delay. Representative Miller asked to delay the decision until the end of the legislative session next year. The PUC voted 5-0 in favor of the Xcel petition to close Benson Power. There will be a 30 day appeal after publication, then a 60 day appeal review. Wolfington stated he will be attending subcommittee sessions to monitor the possible appeal requests.

Councilmember Collins offered the following resolution:

**RESOLUTION TO APPROVE TRANSFER FROM LIBRARY ENDOWMENT FUND  
(RESOLUTION NO. 2017-33)**

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 \$326.98 in interest during 2017, 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 \$326.00 interest earned be transferred from the Library Endowment Fund to the operating Library Fund to help cover the costs of capital equipment.

Councilmember Olson seconded the foregoing resolution and the following vote was recorded: AYES: Collins, Heinzig, Evenson, Landmark, Olson. NAYES: None. Thereupon the Mayor declared Resolution 2017-33 duly passed and adopted.

Councilmember Evenson offered the following resolution:

**RESOLUTION TO APPROVE BUDGETED TRANSFERS  
(RESOLUTION NO. 2017-34)**

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 2017 in order to fund certain projects or programs.

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

	<b>Budgeted</b>	<b>Transferred</b>
From Cemetery Perpetual Care to General Fund	1,650	1,516
From General Fund to Concrete Projects Fund	15,000	15,000
<b>TOTAL</b>	<b>16,650</b>	<b>16,516</b>

Councilmember Collins seconded the foregoing resolution and the following vote was recorded: AYES: Collins, Heinzig, Evenson, Landmark, Olson. NAYES: None. Thereupon the Mayor declared Resolution 2017-34 duly passed and adopted.

Councilmember Evenson offered the following resolution:

**RESOLUTION TRANSFERRING 25% OF THE NET PROFIT  
OF THE UTILITY FUND TO THE GENERAL FUND  
(RESOLUTION NO. 2017-35)**

WHEREAS, the City charter allows for the transfer of no more than 25% of the net profit from the Utility Fund to any other fund in any one year provided that a ten year Capital Improvement Program has been studied and implemented and that the fund does not need this money to fulfill its Improvement Program, and

WHEREAS, the City Council has adopted a ten year Capital Improvements Program as part of its 2017 Budget, and

WHEREAS, the City Council as part of its 2017 General Budget included a transfer of 25% of the net profit of the Utility Fund be transferred to the General Fund.

NOW, THEREFORE BE IT RESOLVED that the City Council transfers \$70,907 from the Utility Fund to the General Fund.

Councilmember Heinzig seconded the foregoing resolution and the following vote was recorded: AYES: Collins, Heinzig, Evenson, Landmark, Olson. NAYES: None. Thereupon the Mayor declared Resolution 2017-35 duly passed and adopted.

Councilmember Collins offered the following resolution:

**RESOLUTION TRANSFERRING AMOUNT DESIGNATED FOR FUTURE  
CAPITAL OUTLAY TO THE GENERAL CAPITAL OUTLAY FUND  
(RESOLUTION NO. 2017-36)**

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 2017 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
Fire Department	(50,000)
Street Department	276,000
Park	267,000
Armory	20,000
<b>TOTAL</b>	<b>\$610,000</b>

Councilmember Evenson seconded the foregoing resolution and the following vote was recorded: AYES: Collins, Heinzig, Evenson, Landmark, Olson. NAYES: None. Thereupon the Mayor declared Resolution 2017-36 duly passed and adopted.

Councilmember Heinzig offered the following resolution:

**RESOLUTION TRANSFERRING \$6,112 FROM THE EDA FUND AND \$12,403 FROM THE  
REVOLVING LOAN FUND TO THE GENERAL FUND  
(RESOLUTION NO. 2017-37)**

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 \$6,112 from the EDA Fund and \$12,403 from the Revolving Loan Fund to the General Fund.

Councilmember Evenson seconded the foregoing resolution and the following vote was recorded: AYES: Collins, Heinzig, Evenson, Landmark, Olson. NAYES: None. Thereupon the Mayor declared Resolution 2017-37 duly passed and adopted.

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

Next the Council reviewed a Memo from City Clerk Glen Pederson on whether there should be a special election to replace Councilmember Collins vacant Council spot once she takes over as Mayor on January 2, 2018. Also discussed was an opinion from City Attorney Wilcox. Wolfington stated the City Charter trumps Minnesota State Statute, and felt the City Attorney's recommendation was accurate. The new City Council will make a decision whether there will be a special election or an appointment to fill the vacant term.

Wolfington presented a letter from Attorney Richard Stolz on behalf of Kaleb and Paul Schwendemann requesting land detachment of 36 acres from the City between the dog park and the Chippewa River. Wolfington said this request came before the Planning Commission today. They had no recommendation to the City Council. Wolfington asked Evenson and Schreck to address the Council as they are on the Planning Commission Board. Evenson stated if this request is granted it could possibly set precedence. Schreck stated at the October meeting he and a couple members felt it could be a win-win for both parties as the Schwendemann's could get a higher reimbursement for their conservation program and the land is in the floodway, and felt the owner was led to believe they would be granted detachment. Wolfington added at the time of the request, he thought it possible to do a land swap with the township but feels now is not the right time. After discussion, it was moved by Evenson, seconded by Collins and carried unanimously to deny the Schwendemann's request for detachment.

The City Manager presented the Council with the updated 2018 proposed budget, significant accomplishments from 2017 and goals to be accomplished in 2018. Wolfington discussed the 3% proposed levy, and there should be consideration in raising that if the Council waives the Hospital assisted living building permit fee. It was moved by Evenson, seconded by Collins and carried unanimously to close the public hearing at 6:37 P.M.

There being no further business to come before the Council upon motion by Evenson, seconded by Collins and carried unanimously to adjourn the Council meeting at 6:37 p.m.

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Mayor

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City Clerk