

**MINUTES - BENSON CITY COUNCIL - REGULAR MEETING
DECEMBER 5, 2011**

The meeting was called to order at 5:30 p.m. by Mayor Paul Kittelson. Members present: Paul Kittelson, Bob Claussen, Ben Hess, Gary Landmark and Sue Fitz. Members absent: None. Also present: City Manager Rob Wolfington, Director of Public Works Elliot Nelson, Director of Finance Glen Pederson, Chief of Police Mike Jambor, Mike Fugleberg, Liquor Store Manager Pat McGeary, Chamber of Commerce Manager David Stewart, Centerpoint Energy Representatives Roger Brandel and Neil Larson, Swift County Sheriff John Holtz and Appleton Police Chief Doug Moe.

Roger Brandel approached the City Council and expressed his appreciation for the use of City Hall and the public sector support during their emergency gas outage operation earlier this fall. He stated the City's assistance was invaluable. Mr. Brandel then presented a \$2,500.00 check to the Mayor in support of all the assistance provided to Centerpoint.

It was moved by Fitz, seconded by Hess and carried unanimously to approve the following minutes on the consent agenda:

- November 14, 2011 City Council Meeting
- November 14, 2011 Park Board Meeting
- November 17, 2011 EDA Regular Meeting
- November 17, Safety Committee Meeting
- October 31, 2011 Swift County-Benson Hospital Board Meeting

It was moved by Hess, seconded by Fitz and carried unanimously to approve a gambling application for the Chippewa Valley Chapter of Minnesota Deer Hunters.

The following correspondence was reviewed:

- Missouri River Energy Services is offering a Policy Makers Workshop to assist policy makers stay abreast of challenges and opportunities facing MRES and local utilities. Wolfington asked if there was any interest from the Council to contact him.
- A letter from the Swift County Humane Society requesting better cat control by the City. Also a request for reimbursement for expenses from a recent animal hording incident.
- A thank you letter from Benson Public Schools for the assistance from Glen Pederson in a job well done executing the District 777 levy referendum election.

Next Benson Police Chief Jambor, Sheriff Holtz and Appleton Police Chief Moe approached the Council. Jambor is seeking approval to purchase a joint records management program in 2012 with the City of Appleton and Swift County law enforcement agencies. The current system is becoming outdated. County law enforcement will be able to share records state wide. Reports will be streamlined to the County Attorney's office. Holtz interjected all the counties around Swift County have this system. Moe stated the Appleton City Council has approved the purchase, and Holtz said it was tabled at the last Swift County Commissioners meeting pending approval by Benson. It was moved by Claussen, second by Fitz and passed unanimously to approve the purchase of the joint records management system at a cost of \$29,860.71.

Next David Stewart with the Chamber of Commerce presented the tourism budget to the Council. It was moved by Fitz, seconded by Hess and passed unanimously to approve the 2012 Tourism Budget.

The next item on the agenda was County Attorney Robin Finke asking for the City to enter into a Joint Powers Agreement between the City and the Bureau of Criminal Apprehension (BCA). Finke stated he needs to reference BCA records to research prosecution cases, and stated there is no additional cost to the City. After discussion, Councilmember Landmark offered the following Resolution and moved its adoption:

**RESOLUTION APPROVING STATE OF MINNESOTA JOINT POWERS AGREEMENTS
WITH THE CITY OF BENSON ON BEHALF OF ITS CITY ATTORNEY AND POLICE
DEPARTMENT
(RESOLUTION NO. 2011-24)**

WHEREAS, the City of Benson on behalf of its Prosecuting Attorney and Police Department desires to enter into Joint Powers Agreements with the State of Minnesota, Department of Public Safety, Bureau of Criminal Apprehension to use systems and tools available over the State's criminal justice data communications network for which the City is eligible. The Joint Powers Agreements further provide the City with the ability to add, modify and delete connectivity systems and tools over the five year life of the agreement and obligates the City to pay the costs for the network connection.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Benson, Minnesota as follows:

1. That the State of Minnesota Joint Powers Agreements by and between the State of Minnesota acting through its Department of Public Safety, Bureau of Criminal Apprehension and the city of Benson on behalf of its Prosecuting Attorney and Police Department, are hereby approved. Copies of the two Joint Powers Agreements are attached to this Resolution and made a part of it.
2. That the Chief of Police, Michael Jambor, or his or her successor, is designated the Authorized Representative for the Police Department. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the City's connection to the systems and tools offered by the State.
To assist the Authorized Representative with the administration of the agreement, the Police Administrative Assistant is appointed as the Authorized Representative's designee.
3. That the Benson City Prosecutor, Robin Finke, or his or successor, is designated the Authorized Representative for the Prosecuting Attorney. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the City's connection to the systems and tools offered by the State.
To assist the Authorized Representative with the administration of the agreement, Assistant Prosecuting Attorney, Dannielle Olson is appointed as the Authorized Representative's designee.
4. That Paul Kittelson, the Mayor for the City of Benson, and Glen Pederson, the City Clerk, are authorized to sign the State of Minnesota Joint Powers Agreements.

Councilmember Hess seconded the foregoing Resolution and the following vote was recorded: AYES: Kittelson, Hess, Claussen, Landmark, Fitz. NAYS: None. Whereupon the Mayor declared Resolution NO 2011-24 duly passed and adopted.

At 6:00 p.m. the Mayor opened the Truth in Taxation Public Hearing. There was no one in attendance for the hearing. The City Manager gave a presentation on the 2012 budget, 2011 Accomplishments and the 2012 Project Plans.

The Mayor recognized a resignation letter from Pat McGeary. Pederson addressed the Council sharing what an asset McGeary has been to the Benson Municipal Liquor store, and thanked him for his years of service. Pederson presented the past twenty years of Liquor Store sales history and the future of the Benson Municipal Liquor Store. The Council directed Pederson to bring options for them to consider to the December 19, 2011 meeting. Fitz commended McGeary on his hard work over the years.

The next item was a written request from Brenda Luberts, a landlord in the City of Benson asking for relief of a bill the City sent to her for a diseased elm removed on her property. Wolfington explained the procedure for elm tree removal. Ms. Luberts claims she didn't receive a letter or any phone calls from

Duane Hopp with the Parks Department. After discussion, it was moved by Landmark, second by Hess and passed unanimously to collect the bill for the diseased elm tree in the amount of \$1,645.65.

Next Pederson presented a resolution for a change in water rates, which is the second step in a two step increase which started last year. Councilmember Fitz offered the following Resolution and moved its adoption:

**RESOLUTION ADOPTING WATER RATES
(RESOLUTION NO. 2011-25)**

WHEREAS, a Water Rate Study and Water Supply and Distribution Study were conducted; and

WHEREAS, the Supply and Distribution Study showed the need to upgrade the existing Water Treatment facilities; and

WHEREAS, construction is in progress and it appears that costs are projected to be on budget; and

WHEREAS, the City Council had determined that the 2010 water rates were not adequate to meet the fixed operating costs and new debt service amounts for the upgraded Water Treatment Plant and approved the first of a two step rate increase in 2011.

NOW THEREFORE BE IT RESOLVED that the following water rates are adopted effective January 1, 2012:

RESIDENTIAL		COMMERCIAL	
Service Charge	\$17.50	Service Charge	
		5/8" – 1" Meters	\$22.50
Consumption Rates		1 1/4" – 2" Meters	\$34.50
0-3 Units	\$ 1.45	Larger than 2" Meters	\$67.50
4-7 Units	\$ 1.70		
Over 7 Units	\$ 2.00	Consumption Rate	\$ 1.70

Councilmember Claussen seconded the foregoing Resolution and the following vote was recorded: AYES: Kittelson, Hess, Claussen, Landmark, Fitz. NAYS: None. Whereupon the Mayor declared Resolution NO 2011-25 duly passed and adopted.

The City Manager informed the Council that the AFSCME union members have approved a two year contract with varied increases to adjust for previous contract percentage increases. He also stated there was language changes and increases to health and life insurances. It was moved by Landmark, second by Claussen and passed unanimously to approve the 2012 – 2013 ASFCME Union contract as presented.

Nelson presented pay request No. 4 from States Border Construction for work on Sandy's Lift Station. It was moved by Fitz, second by Claussen and passed unanimously to approve States Border pay request in the amount of \$38,496.85.

There was pay request No. 4 from KHC Construction, Inc. for work on the Water Filter Plant. It was moved by Landmark, seconded by Hess and passed unanimously to approve KHC Construction's pay request in the amount of \$633,233.00

Nelson presented a pay request from Duininck, Inc. for black top mix used on various projects around the City. It was moved by Claussen, seconded by Hess and passed unanimously to approve the pay request to Duininck Inc. in the amount of \$41,911.61

Nelson presented a pay request from Quam Construction for installation of manholes on 13th St. S. It was moved by Fitz, seconded by Claussen and passed unanimously to approve the pay request to Quam Construction in the amount of \$9,710.00

Next was a memorandum from Flaherty & Hood P.A. asking for a vote on behalf the Coalition of Greater Minnesota Cities (CGMC) to amend the by-laws. The language change will give the CGMC the flexibility to adjust dues based on special circumstances that may arise between annual meetings. It was moved by Landmark, seconded by Hess and passed unanimously to vote yes to amend the CGMC by-laws.

Councilmember Fitz offered the following Resolution and moved its adoption:

**RESOLUTION EXTENDING FRANCHISE
FEE AGREEMENT WITH CENTERPOINT ENERGY
(RESOLUTUION 2011-26)**

WHEREAS, The City of Benson granted a Gas Franchise to Reliant Energy Minnegasco, now known as CenterPoint Energy, by Ordinance passed and approved December 10, 2001 and accepted by Reliant Energy Minnegasco on February 25, 2002.

WHEREAS, the above described Gas Franchise was granted for a period of ten (10) years from the date of its acceptance by Reliant Energy Minnegasco, now known as CenterPoint Energy.

WHEREAS, CenterPoint Energy has requested that the franchise be extended for an additional term of ten (10) years and the City Council finds that it is in the best interests of the City of Benson to grant such an extension.

NOW THEREFORE BE IT RESOLVED:

1. That the Gas Franchise granted December 10, 2001 by Special Ordinance No.184 is extended for a period of ten (10) years, commencing on February 25, 2012.

That this extension is conditioned upon acceptance in writing by CenterPoint Energy.

Councilmember Claussen seconded the foregoing Resolution and the following vote was recorded: AYES: Kittelson, Hess, Claussen, Landmark, Fitz. NAYS: None. Whereupon the Mayor declared Resolution NO 2011-26 duly passed and adopted.

Wolfington informed the Council of a planned power outage on December 8, 2011 from 2-4 a.m. This exercise will be to test the generators from a black start. We will isolate from the power grid, then return to the grid. DGR Engineering will be on hand during the exercise. Wolfington will be personally contacting large power users to make sure they are aware of the power outage and to answer any questions.

Glen Pederson asked the Council to consider allowing him to apply for a grant for new voting booths to benefit handicapped voters. He explained the State has Federal grant monies for election equipment. Councilmember Landmark offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING THE CITY OF BENSON'S SUBMITTAL
OF A GRANT APPLICATION TO THE OFFICE OF THE MINNESOTA
SECRETARY OF STATE FOR ELECTION EQUIPMENT**

(RESOLUTION 2011-27)

WHEREAS, The City of Benson wishes to make the City's polling place more accommodating to handicapped individuals, and

WHEREAS, The Minnesota Secretary of State has a grant program by which the City can obtain funding for voting booths and other equipment, and

WHEREAS, The City agrees that new voting booths would enhance the handicapped accessibility of the City's polling place.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Benson hereby directs the City Staff to:

- A) Apply for the grant from the Minnesota Secretary of State's office for Federal Funds pursuant to Title II, Section 261 of the Help America Vote Act for the sole purpose of improving access to polling places in the City for persons with disabilities;
- B) Enter into an agreement with the Office of the Secretary of State governing the receipt, expenditure, reimbursement and reporting of such a grant;
- C) Receive and account separately in a manner sufficient to meet generally accepted government accounting principles sufficient to pass federal audit; and
- D) Expend any sums received in the manner indicated in the grant application and agreement with the Office of the Secretary of State.

Councilmember Claussen seconded the foregoing Resolution and the following vote was recorded: AYES: Kittelson, Hess, Claussen, Landmark, Fitz. NAYS: None. Whereupon the Mayor declared Resolution NO 2011-27 duly passed and adopted.

Next Pederson talked to the Council about changing our credit card vendor for City Hall and the Liquor Store. Payment Service Network, Inc. (PSN) will allow several streamline options including e-billing and online bill pay. The council directed Pederson to get references from other businesses that do business with PSN, and report back at the December 19, 2011 meeting.

Wolfington informed the Council of a donation of \$10,000.00 to the Parks Department from Kelly Gilbertson, to be used as we see fit. Mayor Kittelson expressed gratitude for the generous donation.

At 6:58 p.m. the Mayor closed the Truth in Taxation Public Hearing. The Council will adopt the 2012 operating budget and 2012 property tax levy at their December 19, 2011 meeting.

There being no other business, a motion was made by Landmark, seconded by Claussen and carried unanimously to adjourn the meeting at 6:59 p.m.

Mayor

City Clerk