

**MINUTES - BENSON CITY COUNCIL - REGULAR MEETING
FEBRUARY 10, 2014**

The meeting was called to order at 5:30 p.m. by the Mayor. Members present: Mike Fugleberg, Paul Kittelson, Jack Evenson, Stephanie Heinzig & Sue Fitz. Members Absent: None. Also present: City Manager Rob Wolfington, Director of Finance Glen Pederson, Public Works Director Dan Gens, Assistant City Attorney Ben Wilcox, Fire Chief Mark Schreck, Firemen Bob Hoberg, Brad Pecora, Dave Vollan, Morris City Manager Blaine Hill, Morris Mayor Sheldon Giese, Civic Center Treasurer Ron Vadnais, Hockey Association Representative Jeff DeHaan.

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

- December 2, 2013 Planning Commission Meeting
- December 19, 2013 EDA Meeting
- January 16, 2014 Safety Committee Meeting

Heinzig made a correction to the January 13, 2014 City Council Meeting Minutes. The change will be made and brought to the next Council meeting for review.

It was moved by Fugleberg, seconded by Evenson and carried unanimously to appoint Jim Hilleren to the Cemetery Board with his term ending December 31, 2016.

It was moved by Fugleberg, seconded by Evenson and carried unanimously to appoint Michelle Lee to the Cemetery Board with her term ending December 31, 2016.

It was moved by Fugleberg, seconded by Evenson and carried unanimously to appoint Tara Ulmaniec to the Planning Commission with her term ending December 31, 2016.

It was moved by Fugleberg, seconded by Evenson and carried unanimously to appoint Marlene Skold to the Library Board with her term ending December 31, 2016.

It was moved by Evenson, seconded by Fitz and carried unanimously to approve a gambling permit for Ducks Unlimited on March 29, 2014.

Wolfington called the Council's attention to a letter from Missouri River Energy Services about three bills before the Minnesota House of Representatives.

It was moved by Fitz, seconded by Fugleberg and carried unanimously to defer the Armory rent for the Prom Afterbash for 2014.

Wolfington introduced new Director of Public Works Dan Gens to the Council. The Mayor and Council welcomed Gens to the City.

Wolfington introduced the Mayor of Morris Sheldon Giese and City Manager Blaine Hill. They came before the Council to talk about how the special assessment process for city infrastructure has worked in Morris. Items discussed were possible federal grants, how they figured the assessment per property owner, and financing projects with bonds. Mayor Kittelson thanked them for our continued partnerships we have had in the past and for coming to the meeting tonight.

Wolfington discussed a development agreement we have with TK Management LLC to develop property in the Cottage Square Subdivision. Part of the agreement was the City provided a \$75,000 subsidy for engineering cost to develop the project. The developer was to construct the first house no later than June 2008. The Council granted an extension for the deadline to November 2009. There has not been

any development in the subdivision. Wolfington suggested the Council direct Assistant City Attorney Wilcox to place a \$75,000 lien on the property. That way if the owners sell the property, we will be able to get the \$75,000 back. It was moved by Evenson, seconded by Fitz and carried unanimously to direct Wilcox to move ahead with placing a lien on the property owned by TK Management LLC.

Fire Chief Schreck and Fire Department Secretary Pecora approached the Council and presented the 2013 Fire Report. Schreck said he is looking to hire two full-time and one part-time firefighter. Schreck also said they have applied for two FEMA grants through a grant writer out of Fergus Falls, Minnesota. The Fire Department would like to look at a new aerial fire apparatus, as the current aerial apparatus is 35 years old. After discussion it was the consensus of the Council to have Schreck look into the cost of a different aerial apparatus. The Council thanked the Fire Department for their report and service.

Next Pederson, DeHaan and Vadnais approached the Council to present the updated Master Plan for the Benson Civic Center. The most recent project was to add locker rooms to the East side of the building. The loan on this improvement has one more payment remaining. The next project the Civic Center Board has identified to be completed is an insulation and dehumidification project. During warm winter weather the roof gets warm from the sun. The cold air inside the building then condenses and water drips on the cement walk ways causing slippery areas. The condensation is not good either for the structure of the building. By insulating the roof and removing humidity this problem should be solved. Costs are estimated to be between \$240,000 - \$300,000. The project will be financed locally. Payments are made by using the rental income from the North end of the building and also through monthly payments from the Benson Hockey Association. The Civic Center Board is asking the Council to continue the current financial status by guaranteeing the loan and to continue the pass through of the rental income. After discussion, it was moved by Fitz, seconded by Fugleberg and carried unanimously to allow the Civic Center to go out for bids on the project with the intention to guarantee the loan and continue the pass through of the rental income.

Police Chief Hodge brought the West Central Special Weapons and Tactics (S.W.A.T.) Team joint powers agreement to the Council. Hodge explained the team is comprised of 14 towns in the area. This agreement is a five year agreement. After discussion it was moved by Fugleberg, seconded by Evenson and carried unanimously to approve the West Central S.W.A.T. Team agreement.

Next Wolfington presented the 2014 youth anti-tobacco compliance agreement with Countryside Public Health. It was moved by Evenson, seconded by Heinzig and carried unanimously to authorize the City Manager to enter into an agreement with Countryside Public Health to conduct required anti-tobacco compliance checks for 2014.

The Minnesota Pollution Control Agency (MPCA) Has prepared a draft five year permit outlined by the National Pollution Discharge Elimination System (NPDES) for the Benson Wastewater treatment facility. This draft permit will replace the existing permit which expires on March 14, 2014. Public Works Director Gens reviewed the draft, and found some minor corrections. The State has accepted the changes. The permit should be approved on February 18, 2014.

Councilmember Fitz offered the following resolution:

**A RESOLUTION SUPPORTING THE RENEWABLE FUEL STANDARD
(RESOLUTUION NO. 2014-04)**

WHEREAS: The Renewable Fuel Standard (RFS) has been a successful, forward-looking policy that drives down the price of gasoline, creates jobs, sparks new business and investment in our community and reduces our dependence on foreign oil; and,

WHEREAS: The U.S. Environmental Protection Agency (EPA) has recently proposed reducing the RFS targets for ethanol, which will have serious negative consequences for our local consumers, businesses and community; and,

WHEREAS: The RFS drives down the price of gas, saving consumers an average of \$1.09 a gallon in 2011 and allowing our community members to keep more of their hard-earned money; and,

WHEREAS: Ethanol is produced here in Minnesota, which creates jobs and sparks new businesses and investment in our community, supporting over \$5 billion in economic activity and 12,500 jobs in Minnesota each year according to an independent study by the Minnesota Department of Agriculture; and,

WHEREAS: Using more Minnesota-made fuels reduces our dangerous dependence on foreign oil, keeping more of our money here at home instead of sending it overseas, often to countries hostile to the United States; and,

WHEREAS: Ethanol is a cleaner-burning fuel than gasoline, reducing greenhouse gas emission and protecting our air, land and water; and,

THEREFORE BE IT RESOLVED: That our community opposes any reduction in the RFS and calls on the EPA to protect current targets for ethanol production.

Council Member Fugleberg seconded the foregoing Resolution and the following vote was recorded: AYES: Fugleberg, Fitz, Kittelson, Evenson, Heinzig NAYS: None. Thereupon the Mayor declared Resolution 2014-04 duly passed and adopted.

Wolfington presented an amendment to the operation and maintenance agreement with PeopleService, who manage our wastewater treatment facility. The City will now buy the chemicals for the plant. This will allow the City to take advantage of the newly enacted sales tax exemption. The amendment will decrease the monthly repair amount paid to PeopleService. It was moved by Evenson, seconded by Heinzig and carried unanimously to approve the second amendment to the O & M Agreement with PeopleService, Inc.

Wolfington said he is now on the Missouri River Energy Services Board. They will reimburse him for travel expenses. Wolfington stated he mostly takes his private vehicle to these monthly meetings.

Councilmember Fugleberg offered the following resolution:

**RESOLUTION AUTHORIZING MISSOURI RIVER ENERGY SERVICES DIRECT
REIMBURSEMENT FOR BOARD OF DIRECTOR TRAVEL EXPENSES
(RESOLUTION NO. 2014-05)**

WHEREAS, Rob Wolfington is the City Manager of the City of Benson, Minnesota; and

WHEREAS, Rob Wolfington is a member of the Board of Directors of Missouri River Energy Services (MRES); and

WHEREAS, MRES will reimburse Rob Wolfington reasonable travel and lodging expenses for attending MRES Board and Committee meetings as well as certain identified meetings sponsored by the American Public Power Association (APPA) and DEED;

WHEREAS, it will be more efficient for both City of Benson and Rob Wolfington for MRES to reimburse Rob Wolfington directly rather than making payment to City of Benson and having City of Benson reimburse Rob Wolfington, but MRES requires a motion from the City of Benson, City Council to authorize such direct reimbursement;

NOW THEREFORE BE IT RESOLVED by City of Benson that Rob Wolfington is hereby authorized to be reimbursed directly by MRES for the reasonable travel and lodging expenses associated with Rob Wolfington's attendance at MRES Board of Directors and Committee meetings as well as the meetings of the APPA and DEED designated by MRES.

Council Member Evenson seconded the foregoing Resolution and the following vote was recorded: AYES: Fugleberg, Fitz, Kittelson, Evenson, Heinzig NAYS: None. Thereupon the Mayor declared Resolution 2014-05 duly passed and adopted.

Councilmember Fitz offered the following resolution:

**POLICE OFFICER DECLARATION
(RESOLUTION NO. 2014-06)**

WHEREAS, the policy of the State of Minnesota as declared in Minnesota Statutes 353.63 is to give special consideration to employees who perform hazardous work and devote their time and skills to protecting the property and personal safety of others; and

WHEREAS, Minnesota Statutes Section 353.64 permits governmental subdivisions to request coverage in the Public Employees Police and Fire plan for eligible employees of police departments whose position duties meet the requirements stated therein and listed below.

BE IT RESOLVED that the City Council of the City of Benson hereby declares that the position titled Part-Time Police Officer, currently held by John Reigstad meets all of the following Police and Fire membership requirements:

1. Said position requires a license by the Minnesota peace officer standards and training board under sections 626.84 to 626.863 and this employee is so licensed;
2. Said position's primary (over 50%) duty is to enforce the general criminal laws of the state;
3. Said position charges this employee with the prevention and detection of crime;
4. Said position gives this employee the full power of arrest, and
5. Said position is assigned to a designated police or sheriff's department.

BE IT FURTHER RESOLVED that this governing body hereby requests that the above-named employee be accepted as a member of the Public Employees Police and Fire Plan effective the date of this employee's initial Police and Fire salary deduction by the governmental subdivision.

Council Member Heinzig seconded the foregoing Resolution and the following vote was recorded: AYES: Fugleberg, Fitz, Kittelson, Evenson, Heinzig NAYS: None. Thereupon the Mayor declared Resolution 2014-06 duly passed and adopted.

Pederson presented a request to add Public Works Director Dan Gens to the Bank of the West credit card account with a credit limit of \$5,000. It was moved by Heinzig, seconded by Fitz and carried unanimously to approve the addition of Dan Gens to the City of Benson credit card account.

Wolfington said he received a letter from Stantec on the trickling filter arm repair at the Wastewater plant. It appears there is more damage than could be seen when originally inspected. There are several components of the distributor that sustained damage and will need to be replaced. According to the information received from Stantec, the repairs will add an estimated \$30,000 to \$40,000 to the project. It was moved by Fitz, seconded by Heinzig and carried unanimously to authorize staff to execute change orders on repairs to the additional damage in the trickling filter.

It was moved by Fugleberg, seconded by Evenson and carried unanimously to approve a pay request from Stantec in the amount of \$10,149.75 for engineering services for the trickling filter repairs, creamery marketing development and staff meetings.

It was moved by Fitz, seconded by Fugleberg and carried unanimously to approve the 2014 Electric Utility Membership with Minnesota Municipal Utilities Association in the amount of \$5,746.00.

Wolfington talked about many communities experiencing freezing water and sewer service lines due to the extreme cold weather. There was discussion concerning this issue.

There being no other business, a motion was made by Fitz, seconded by Evenson and carried unanimously to adjourn the meeting at 6:52 p.m.

Mayor

City Clerk