

**MINUTES - BENSON CITY COUNCIL - REGULAR MEETING
FEBRUARY 2, 2015**

The meeting was called to order at 5:30 p.m. by Mayor Kittelson. Members present: Paul Kittelson, Mike Fugleberg, Jack Evenson, & Stephanie Heinzig. Members Absent: Sue Fitz. Also present: City Manager Rob Wolfington, Director of Finance Glen Pederson, Public Works Director Dan Gens, Police Chief Ian Hodge, Upper MN Valley Development Representatives Jacki Anderson and Erin Smith, Bob Zielsdorf, Anita Flodstrom, Steve Benson, Joyce Nokelby, Marge Friedlein, Mark Anderson, Benson Schools Superintendent Dennis Laumeier and MRES Distribution Manager Jeff Bechthold.

The Council recited the Pledge of Allegiance.

It was moved by Fugleberg, seconded by Evenson and carried unanimously to approve the following minutes:

- January 12, 2015 City Council Minutes
- January 8, 2015 Safety Committee Minutes

It was moved by Evenson, seconded by Heinzig and carried unanimously to approve Jonathon Pogge-Weaver's application for the Planning Commission, with his term ending December 31, 2017.

It was moved by Evenson, seconded by Heinzig and carried unanimously to approve Richard Horecka's application for the EDA, with his term ending December 31, 2018

It was moved by Evenson, seconded by Heinzig and carried unanimously to approve Lyle Popma's application for the Library Board, with his term ending December 31, 2017.

It was moved by Evenson, seconded by Heinzig and carried unanimously to approve Jo Bronniche's application for the Library Board, with her term ending December 31, 2017.

It was moved by Evenson, seconded by Heinzig and carried unanimously to approve Linda Stauffacher's application for the Benson HRA Board, with his term ending December 31, 2019.

It was moved by Fugleberg, seconded by Evenson and carried unanimously to approve the Prom Afterbash event at the Armory rent free the week of April 19, 2015.

Wolfington brought the blighted property ordinance to the Council with all references to interior repairs removed. It was moved by Evenson to approve the 2nd Reading of an Ordinance To Amend Title IX: General Regulations; Benson City Code of 2003 Chapter 98: Structure in Disrepair. Anita Flodstrom came before the Council and read a letter from Helen Flodstrom questioning the legal process of passing the blighted property ordinance. She went on to read the letter to say the homeowners feelings were not taken into consideration when developing this ordinance. Mayor Kittelson responded by stating neighbors to blighted properties have rights also. Fugleberg stated after a previous Council meeting, he hoped to get names of community volunteers interested in helping homeowners with their blighted property. He also stated individuals can on their own volunteer and work together to solve these issues. The motion was seconded by Heinzig, and the motion carried.

Jacki Anderson and Erin Smith with the Upper Minnesota Valley Regional Development Commission approached the Council. Anderson said they are working on a new plan for strategic planning and zoning with local communities. They will be meeting on March 13 to discuss this further. She also announced the UMVRDC has \$300,000 available for business development. Smith presented the Clean Energy Resource Team (CERTs). She is the CERTs program coordinator working to connect

businesses and industry to the resources they need to identify and implement community-based clean energy projects.

Wolfington explained the School is proposing an addition to the north side of the senior high school. The school has requested a vacation of the street at the corner of 14th St. N. and Elizabeth Avenue. In order for the Council to approve of the street vacation there will need to be a public hearing and ordinance passed. Gens stated the water, sanitary and storm sewer will need to be moved and the school has agreed to pay for all costs associated with moving utilities. After discussion it was the consensus of the Council to hold a public Hearing on Monday, March 2, 2015 at 6pm in the Council Chambers to obtain feedback on the vacation of the street. Wolfington stated abandoning the street is contingent on the success of the referendum.

Chief Hodge presented the 2014 Annual Police Report.

Wolfington informed the Council on January 21, 2015 Mayor Kittelson signed a proclamation declaring a local emergency. The business at 1226 Atlantic Avenue experienced broken water pipes that flooded the basement, which in turn caused water damage to the neighboring businesses basements. The proclamation was to stop the flooding, and to protect the health and safety of the neighboring property owners and leasers. City crews along with EnviroDyne spent many hours pumping the water from the basement.

Councilmember Heinzig offered the following resolution:

**RESOLUTION TO ORDER REPAIR OF HAZARDOUS CONDITIONS
(RESOLUTION 2015-04)**

WHEREAS, the City Council has heard the report of the Public Works Director regarding the property located at 1226 Atlantic Ave. in Benson, Minnesota, legally described as Part of Lot 10 Block 21 beginning at the southeast corner of lot 10; thence westerly 20 feet 10.5 inches; thence northerly 52 feet; thence easterly 4 inches; thence northerly 7 feet 4 inches; thence easterly 1 foot 4 inches; thence northerly 14 feet 3 inches; thence westerly 5 feet 6 inches; thence northerly 56 feet 3 inches; thence easterly 10 feet 10.5 inches to the northeast corner of lot 10; thence southerly 130 feet to the point of beginning; Original Townsite of the City of Benson, Swift County, Minnesota,

WHEREAS, the City Council has determined, based on said report, that the building was damaged by flood and conditions currently exist in the building on the above described property which make said building dangerous or substandard,

NOW THEREFORE, pursuant to Chapter 97 of the City of Benson Code of Ordinances and Minnesota Statutes, chapter 463, The City Council of the City of Benson, Minnesota resolves:

1. That the building located on the above described property is a dangerous or substandard building according to the definitions provided by the City of Benson Code of Ordinances, chapter 97 and Minnesota Statutes, chapter 463.
2. That an order to repair said conditions on the above described property be served upon the owners and tenants of the above described property in accordance with the City of Benson Code of Ordinances, chapter 97.

That along with said order, the owners, tenants and any lienholders of the above described property will be served with notice of a hearing at which the Council will consider any evidence offered by the person or persons having any estate or interest in the above described structure.

Council Member Evenson seconded the foregoing Resolution and the following vote was recorded: AYES: Kittelson, Heinzig, Evenson, Fugleberg. NAYS: None. Thereupon the Mayor declared Resolution 2015-04 duly passed and adopted.

Councilmember Heinzig offered the following resolution:

**RESOLUTION TO ORDER REPAIR OF HAZARDOUS CONDITIONS
(RESOLUTION 2015-05)**

WHEREAS, the City Council has heard the report of the Public Works Director regarding the property located at 1228 Atlantic Ave. in Benson, Minnesota, legally described as The East Half of Lot 11, Block 21 beginning at the southwest corner of lot 10; thence easterly 4 feet 1.5 inches; thence northerly 52 feet; thence easterly 4 feet 2 inches; thence northerly 7 feet 4 inches; thence easterly 1 foot 4 inches; thence northerly 14 feet 3 inches; thence westerly 5 feet 6 inches; thence northerly 56 feet 3 inches; thence westerly 4 feet 1.5 inches to the Northwest corner of Lot 10; thence southerly 130 feet to the point of beginning; Original Townsite of the City of Benson, Swift County, Minnesota,

WHEREAS, the City Council has determined, based on said report, that the building was damaged by flood and conditions currently exist in the building on the above described property which make said building dangerous or substandard,

NOW THEREFORE, pursuant to Chapter 97 of the City of Benson Code of Ordinances and Minnesota Statutes, chapter 463, The City Council of the City of Benson, Minnesota resolves:

1. That the building located on the above described property is a dangerous or substandard building according to the definitions provided by the City of Benson Code of Ordinances, chapter 97 and Minnesota Statutes, chapter 463.
2. That an order to repair said conditions on the above described property be served upon the owners and tenants of the above described property in accordance with the City of Benson Code of Ordinances, chapter 97.

That along with said order, the owners, tenants and any lienholders of the above described property will be served with notice of a hearing at which the Council will consider any evidence offered by the person or persons having any estate or interest in the above described structure.

Council Member Evenson seconded the foregoing Resolution and the following vote was recorded: AYES: Kittelson, Heinzig, Evenson, Fugleberg. NAYS: None. Thereupon the Mayor declared Resolution 2015-05 duly passed and adopted.

Wolfington discussed a letter from Ted Nelson from Prairie Five Community Action Council in Montevideo. He declined our request for dispatching services for the Heartland Express, but was interested in a possible future merger of the Heartland Express with Prairie Five Rides.

It was moved by Fugleberg, seconded by Evenson and carried unanimously to approve the Minnesota Municipal Utilities Association member dues in the amount of \$5,613.00.

Gens presented his public works report for February.

Wolfington explained the discovery of the sewer pipe from 22nd Street South west to the Wastewater plant was obstructed by tree roots, and the circa 1930 clay pipe is in disrepair hindering proper wastewater flow. EnviroDyne assisted City crews in clearing the blockages with little progress. This wastewater line collects 70% of the City's sewage. It was the City Manager's recommendation to

proceed with replacing the pipe. It was moved by Evenson, seconded by Heinzig and carried unanimously to authorize LandTeam to prepare the plans and specs for bidding this project.

Gens presented a Capital purchase request of a Bobcat skid steer for the line crew. After discussion it was move by Evenson, seconded by Heinzig and carried unanimously to approve the purchase of a T4 Bobcat Skid Steer Loader in the amount of \$39,522.70.

Next Gens presented a Capital request for a broom attachment for the Street Department bobcat. He said this is not in the 2015 budget but will be a great help with snow removal and construction clean up. It was moved by Fugleberg, seconded by Heinzig and carried unanimously to approve the purchase of an 84” Angle Broom attachment in the amount of \$4,620.80.

Next Jeff Becthold from MRES approached the Council and explained it is an OSHA requirement for all electric utilities to conduct an ARC Flash assessment. Our linemen already have the ARC flash protective clothing. This study and all necessary equipment must be in place by April 1, 2015. After discussion it was moved by Fugleberg, seconded by Heinzig and carried unanimously to approve DGR to conduct an ARC Flash Assessment for the Benson Electric Utility.

Wolfington reviewed the Benson rail study paid for by the County and City conducted by Stantec Engineers. The study looks at several options such as an overpass over the train tracks, to options for reconstructing Gusty’s road, technology tablets for emergency vehicles, and quad gates and changing the 12th & 13th Street crossings to one way, one lane traffic routes. Wolfington said he would have proposed actions at the next Council meeting.

Councilmember Heinzig offered the following Resolution:

**POLICE OFFICER DECLARATION
(RESOLUTION NO. 2015-06)**

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 Ashley Stavish 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 Fugleberg seconded the foregoing Resolution and the following vote was recorded: AYES: Kittelson, Heinzig, Evenson, Fugleberg. NAYS: None. Thereupon the Mayor declared Resolution 2015-06 duly passed and adopted.

It was moved by Evenson, seconded by Heinzig and carried unanimously to approve a revised Liquor Store Cleaning contract and increasing the payment from \$725 to \$825 per month.

Next it was noted the compressor on the beer cooler at the liquor store is going out. After discussion it was moved by Evenson, seconded by Heinzig and carried unanimously to approve a new compressor for the beer cooler in the amount of \$5,264.

There being no other business, a motion was made by Evenson, seconded by Heinzig and carried unanimously to adjourn the meeting at 6:32 p.m.

Mayor

City Clerk