

**MINUTES - BENSON CITY COUNCIL - REGULAR MEETING  
FEBRUARY 4, 2013**

The meeting was called to order at 5:30 p.m. by Mayor Kittelson. Members present: Gary Landmark, Sue Fitz, Ben Hess, Mike Fugleberg & Paul Kittelson. Members Absent: None. Also present: City Manager Rob Wolfington, Assistant City Attorney Ben Wilcox, Swift County RDA Representative Jennifer Frost and UMVRDC Representative Jacki Anderson.

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

- January 14, 2013 City Council Meeting
- December 13, 2012 EDA Meeting

It was moved by Landmark, seconded by Hess and carried unanimously to appoint Kathy Polzin to the Planning Commission with a term ending 12/31/2015.

Mayor Kittelson opened the public hearing at 5:33 p.m. for the 2013 Small Cities Housing Grant Application. Wolfington introduced Jacki Anderson from the UMVRDC, who is authoring our Housing Grant Application. Anderson approached the Council and explained the grant application process as well as summarized the previous two Small Cities grants we have executed.

Councilman Fugleberg offered the following resolution:

**RESOLUTION AUTHORIZING THE CITY OF BENSON TO APPLY TO THE DEPARTMENT  
OF EMPLOYMENT AND ECONOMIC DEVELOPMENT FOR A SMALL CITIES  
DEVELOPMENT PROGRAM GRANT  
(RESOLUTION 2013-03)**

BE IT RESOLVED that the City of Benson act as the legal sponsor for the project contained in the SCDP Application to be submitted on or before February 28<sup>th</sup>, 2013 and that the City of Benson Mayor, Paul Kittelson and the City Manager, Rob Wolfington are hereby authorized to apply to the Department of Employment and Economic Development for funding of this project on behalf of the City of Benson.

BE IT FURTHER RESOLVED that the City of Benson has the legal authority to apply for financial assistance, and the institutional, managerial and financial capability to ensure adequate construction, operation, maintenance and replacement of the proposed project for its design life.

BE IT FURTHER RESOLVED that the City of Benson has not violated any Federal, State or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice.

BE IT FURTHER RESOLVED that upon approval of its application by the State, City of Benson may enter into an agreement with the State of Minnesota for the approved project, and that the City of Benson certifies that it will comply with all applicable laws and regulations as stated in all contract agreements.

NOW, THEREFORE BE IT RESOLVED that the City of Benson Mayor, Paul Kittelson and Benson City Manager, Rob Wolfington, or their successors in office, are hereby authorized to execute such agreements and amendments thereto, as are necessary to implement the project on behalf of the Applicant.

Council Member Landmark seconded the foregoing Resolution and the following vote was recorded: AYES: Fugleberg, Landmark, Kittelson, Fitz, Hess. NAYS: None. Thereupon the Mayor declared Resolution 2013-03 duly passed and adopted.

Anderson presented a citizen participation plan which outlines the City's responsibilities to hold public hearings and provide the public information and records upon request. It was moved by Fitz, seconded by Gary and carried unanimously to approve the Citizen Participation Plan.

The Mayor closed the public hearing at 6:48 p.m.

Wolfington said the Planning Commission reviewed the replica gun ordinance, and decided to approve changes to the ordinance and pass it on to the City Council. Wilcox discussed changes to the ordinance. After discussion, it was moved by Hess, seconded by Fitz and carried unanimously to approve the 1<sup>st</sup> Reading of An Ordinance to Amend Title XIII: General Provisions, Chapter 103: General Offenses; § 130/01 of the Benson City Code of 2003.

Next Wolfington presented the renewal of the tobacco compliance contract with Countryside Public Health. It was moved by Landmark, seconded by Fugleberg and carried unanimously to approve the 2013 Tobacco Compliance contract with Countryside Public Health.

Wolfington presented a letter from Ray Wahle with Missouri River Energy Services (MRES), reminding us the RICE standards improvements to our electric generators have to be met in May of 2013 in order to continue receiving compensation for generation. Wolfington also presented a project schedule from DGR Engineering with a completion date of May 3, 2013.

Next was an application for a conditional use permit for 1615 Minnesota Avenue. Jack Evenson has a K-bid business at this location and also sells used cars. Wolfington stated the Planning Commission recommended approval. After review and discussion it was moved by Landmark, seconded by Hess and carried unanimously to approve the Conditional Use Permit.

The Council considered a proposal from Conway, Deuth and Schmiesing, PLLP (CDS) to provide professional auditing services for the City. It was moved by Fitz, seconded by Fugleberg and carried unanimously to approve CDS to provide auditing services for fiscal years ending in 2012 at a cost of \$19,850, 2013 at a cost of \$20,675 and 2014 at a cost of \$21,550.

Wolfington presented the revised drug and alcohol testing policy for the Benson Heartland Express employees. He explained this policy applies to the City of Benson employees that fall under Federal Transit Authority regulations. It was moved by Landmark, seconded by Hess and carried unanimously to approve the Benson Heartland Express January 23, 2013 revised drug and alcohol testing policy.

Next was a proposal from Stantec Consulting Services to assist the City in completing phase II of the Wellhead Protection Plan. After review and discussion, it was moved by Hess, seconded by Hess and carried unanimously to approve Stantec's proposal to complete phase II of the wellhead protection plan in the amount of \$10,675.

There was a pay request from Everstrong Construction for work on the airport hangar project. It was moved by Fugleberg, seconded by Fitz and carried unanimously to approve pay request #2 to Everstrong Construction in the amount of \$216,222.34.

Wolfington presented a quote for a new chipper for the line department. After review it was moved by Landmark, seconded by Hess and carried unanimously to approve the quote from Vermeer Equipment for a 2012 Vermeer BC 1000XL chipper in the amount of \$23,495.40.

Wolfington notified the Council of a water main break on Church Street and Hoban Avenue recently. When crews dug into the street, it was discovered the soils had eroded the water main in several places, and was apparent the entire stretch of pipe will need to be replaced. Wolfington estimated the project will affect seven residents and crews should be able to complete the project for under \$50,000. Wolfington said there are some difficult areas along the water main and presented a proposal from

Landteam which outlined the scope of work. It was moved by Landmark, seconded by Fitz and carried unanimously to approve Landteam's proposal for engineering services on the highway 29 water main replacement not to exceed \$15,000.00.

Wolfington presented the revised feasibility study for the northwest flood levee construction and a study of the Burlington Northern Santa Fe railroad bridge. He discussed the options for the levee. It was agreed by the Council to schedule a work study session at the February 19, 2013 City Council meeting to review the study and decide how to proceed.

Wolfington stated the Benson High School has had several false alarms with their fire system in the last two months. They are in the process of a costly fire system replacement. Wolfington said they have incurred roughly \$5,000 in fire call bills for the false alarms, and recommended the Council waive these fees, so the school can put that money toward their fire alarm system instead. It was moved by Fitz, seconded by Hess and carried unanimously to approve forgiving the past 8 false alarm fire call charges to Benson Public Schools.

It was moved by Hess, seconded by Fitz and carried unanimously to renew Patrick McGeary's phased retirement option with PERA for an additional year.

Wolfington presented a pay request for roof repairs to City Hall. It was moved by Landmark, seconded by Fugleberg and carried unanimously to approve the pay request to Roof 1- RBR Inc. for City Hall roof repairs in the amount of \$40,210.00

There was a pay request for some load management equipment. It was moved by Fitz, seconded by Hess and carried unanimously to approve a pay request to Omni-Pro Software in the amount of \$10,975.00.

There being no other business, a motion was made by Landmark, seconded by Hess and carried unanimously to adjourn the meeting at 6:17 p.m.

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Mayor

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City Clerk