

**MINUTES - BENSON CITY COUNCIL - REGULAR MEETING
MAY 20, 2013**

The meeting was called to order at 5:30 p.m. by the Mayor. Members present: Mike Fugleberg, Paul Kittelson Gary Landmark, Ben Hess & Sue Fitz. Members Absent: None. Also present: City Manager Rob Wolfington and Director of Finance Glen Pederson.

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

- May 6, 2013 City Council Meeting
- April 1, 2013 Planning Commission Meeting
- May 6, 2013 Planning Commission Meeting
- May 13, 2013 Benson Public Library Board Meeting

The Mayor acknowledged openings on the Park Board and Benson Area Tourism Board.

Wolfington informed the Council Benson High School student Abby Tolifson received a \$1,000 Missouri River Energy Services college scholarship.

Wolfington updated the Council on the Charter Communications Cable TV Franchise agreement. There has been no response from Charter's Attorney. The Franchise agreement expires in September of 2013.

Mayor Kittelson acknowledged Wolfington attending the Transit Grant Workshop on June 5, 2013 in Bemidji, Minnesota.

Next was a request from the Benson Women of Today asking to waive the fee for their Holiday Expo they are holding in the Armory in October of 2013. After discussion it was moved by Fitz, seconded by Fugleberg and carried unanimously to waive the Armory rental fee for the Annual Holiday Expo on Saturday, October 19, 2013.

Wolfington informed the Council he would like to apply to be on the Board of Directors for the League of Minnesota Cities (LMC) in order to help represent small city concerns on the board. It was the consensus of the Council to approve Wolfington applying for the LMC Board of Directors.

Wolfington said Ray Wahle with MRES contacted him on May 4, 2013 in reference to the 2.3 MW contract with our two oldest generators which we were planning on decommissioning. MRES and MISO need to keep these types of units as a resource and would like to extend our contract for one more year. They would be allowed no more than 500 hours of generation on each of them. This will bring an income of around \$35,000 to the Utility. It was moved by Landmark, seconded by Hess and carried unanimously to keep the Enterprise and the Worthington generators in operation through 2014.

One year ago, the City asked Burlington Northern-Santa Fe (BNSF) Railroad for a purchase price of the railroad land across from Glacial Plains on east highway 12, and the land on west highway 9 where the old lumber yard was. They have contacted us with a price of \$111,000.00. Wolfington stated he would like to make it part of the down-town beautification plan by demolishing the dilapidated buildings. The EDA Board recommends purchase of the land. There was concern about the excessive cost put on the land by BNSF. After discussion, it was moved by Fugleberg and seconded by Hess to proceed with the purchase of the land. The following vote was recorded: AYES: Kittelson, Fugleberg, Hess. NAYS: Fitz, Landmark. The motion passed.

Wolfington stated he will bid the demolition of the old lumber yard buildings this summer, and Glacial Plains will turn their lease with the Railroad over to the City when we close on the property at the end of the year.

Fugleberg stated he has had citizens ask about having poultry in their back yard. Wolfington stated our current animal control ordinance does not permit poultry. There was discussion on what would go into an ordinance allowing poultry on private property in the City. It was the consensus of the Council not to pursue a poultry ordinance at this time.

Wolfington informed the Council there will be foundation work on the old school house out at Ambush Park this summer. There was also talk about possibly moving the school house to another location. It was recommended by the Council to have the Park Board review moving the school at their next meeting.

Councilmember Fitz offered the following resolution:

**POLICE OFFICER DECLARATION
(RESOLUTION NO. 2013-05)**

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 Michael Nadeau 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: Landmark, Fitz, Hess, Kittelson, Fugleberg. NAYS: None. Thereupon the Mayor declared Resolution 2013-05 duly passed and adopted.

Pederson presented the utility ordinance to the council. After discussion, it was moved by Landmark, seconded by Hess and carried unanimously to approve the 2nd Reading of an Ordinance to Amend Chapter 50: Utilities.

Councilmember Hess presented the following resolution:

**A RESOLUTION ADOPTING A SCHEDULE OF FEES AND CHARGES
FOR VARIOUS SERVICES
FOR THE CITY OF BENSON, MINNESOTA
(RESOLUTION NO. 2013-06)**

Now Therefore, the City Council of the City of Benson, Minnesota, resolves:

Section 1. All fees and charges in effect as of the date of the adoption of the city code for the city shall remain in effect unless otherwise modified by the provisions of this resolution. All citations below are to various sections of the city code unless otherwise indicated.

Section 2. The following are the fees and charges for the permits, licenses and services listed below which are referenced to the section of the city code which authorizes their establishment:

1. Pursuant to Ch. 50: Appendix: Utility Rates, Ch. 52: Appendix: Sewer Service Charges, Ch. 53 & Ch. 55, the utility rates are as follows:
 - a) Fee for reconnection is \$75.00 during regular business hours and \$150.00 for after hours
 - b) Payment arrangement fee of \$50.00
 - c) The monthly penalty assessed for all utility services is 10%.

Council Member Fugleberg seconded the foregoing Resolution and the following vote was recorded: AYES: Landmark, Fitz, Hess, Kittelson, Fugleberg. NAYS: None. Thereupon the Mayor declared Resolution 2013-06 duly passed and adopted.

Wolfington presented a pay request from DGR Engineers for work on the power plant upgrades. It was moved by Landmark, seconded by Fitz and carried unanimously to approve pay request No. 1 from DGR in the amount of \$100,012.50.

The Council acknowledged the April 2013 budget report.

It was moved by Landmark, seconded by Hess and carried unanimously to approve bills and warrants in the amount of \$377,498.01.

There being no other business, a motion was made by Fitz, seconded by Fugleberg and carried unanimously to adjourn the meeting at 6:09 p.m.

Mayor

City Clerk