

**MINUTES - BENSON CITY COUNCIL - REGULAR MEETING
AUGUST 19, 2013**

The meeting was called to order at 5:30 p.m. by the Mayor. Members present: Mike Fugleberg, Paul Kittelson & Sue Fitz. Members Absent: Ben Hess, Gary Landmark. Also present: City Manager Rob Wolfington, Director of Finance Glen Pederson, Assistant City Attorney Ben Wilcox, Carol Gilbertson, Mark Anderson, Anita Flodstrom and Police Chief Ian Hodge.

There was no one with unscheduled business.

At 5:31 p.m. the Mayor opened the Public Hearing to determine a public nuisance at 810 Kansas Avenue. Kittelson reviewed ordinance infractions on the property. There was discussion about multiple vehicles and other items that have accumulated in the yard. Flodstrom stated they are in the process of cleaning up the property. It was the consensus of the Council to issue an order for Flodstroms to clean the property by the next Council Meeting, and to make sure an inspection is conducted the afternoon of the next Council meeting. Flodstrom asked to be present at the inspection. Staff will set up a time for the inspection. The Mayor declared the public hearing closed at 5:43 p.m.

At 5:44 p.m. the Mayor opened the Public Hearing to determine a public nuisance at 314 – 16th St. N. The property owner was not present. The garage is full of garbage. Countryside Public Health sent orders to clean the garbage out of the garage, but nothing had been cleaned out. It was moved by Fitz, seconded by Fugleberg and carried unanimously to issue an order to the homeowner to abate the nuisance in three days to avoid City assessments. The Public hearing was closed at 5:45p.m.

Next the Council addressed a standing order to raze and remove a garage at 212 – 15th St. S. that had been in a fire last year. The garage still needs siding and a door installed. It was moved by Fugleberg, seconded by Fitz and carried unanimously to send a final order to obtain a certificate of occupancy within 30 days to avoid execution of the standing raze and remove order of the garage.

Carol Gilbertson owner of commercial property at 503 – 14th St. S. addressed the Council disputing mowing charges to her property. She says it only takes her 1 hour to mow her property, and there was no warning of the tree that was removed from her property. Chief Hodge stated the voluntary tree was obstructing line of sight for drivers. Wolfington stated we send only one notice to landowners during the mowing season, and Ms. Gilbertson was sent a letter on May 30, 2013 in regards to her property. After discussion, it was the consensus of the Council that mowing charges will stand.

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

- August 5, 2013 City Council Meeting
- July 1, 2013 Planning Commission Meeting
- July 18, 2013 EDA Meeting

The Mayor acknowledged openings on the Park Board, Airport Commission, Planning Commission and Benson Area Tourism Board.

The Mayor acknowledged a thank you from the Bloodmobile for use of the Armory.

There was notice from CenterPoint Energy they have filed with the Minnesota Public Utilities Commission to change its rates for utility distribution service. The process for changing the rates will take about one year, with interim rates implemented on October 1, 2013, and final rates implemented in 2014.

Next was notice from the Coalition of Greater Minnesota Cities. The membership voted to increase base dues and annual rates the next two years. Dues have remained the same since 2003.

The Mayor acknowledged a thank you from Missouri River Energy Services for 45 years of partnership.

Wolfington presented the final Reserved Capacity Agreement from Missouri River Energy Services (MRES) for review. Wilcox Law Office was given a copy for their legal opinion. After discussion, it was moved by Fugleberg, seconded by Fitz and carried unanimously to approve the final Reserved Capacity Agreement for generating capacities between MRES and the City of Benson, and also directing the Mayor and City Manager to execute the contract.

Councilmember Fitz offered the following resolution:

**A RESOLUTION FOR APPROVAL OF RESERVED CAPACITY AGREEMENT
WITH MISSOURI BASIN MUNICIPAL POWER AGENCY
D/B/A MISSOURI RIVER ENERGY SERVICES
(RESOLUTION 2013-14)**

WHEREAS the City of Benson (Municipality) is currently party to a Capacity Purchase Agreement with Missouri Basin Municipal Power Agency d/b/a Missouri River Energy Services (MRES) pursuant to which the City sells and MRES purchases the capacity of the Municipality's electric generating facilities for the purpose of furnishing firm electric power and associated energy at wholesale to meet the requirements of the Municipality and other members under a Power Sale Agreement and to meet MRES obligations; and

WHEREAS the Municipality desires to terminate that Capacity Purchase Agreement effective December 31, 2013 by amending said Agreement, and to substitute in its place the Reserved Capacity Agreement which will continue through May 31, 2029;

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

1. The agreements with MRES, entitled "Third Amendment to the Capacity Purchase Agreement" and "Reserved Capacity Agreement", between MRES and the City of Benson, are hereby approved in substantially the form presented to this meeting.
2. The Mayor and/or City Manager shall be, and each of them are hereby authorized and directed to execute and deliver the agreements on behalf of the City of Benson.

Council Member Fugleberg seconded the foregoing Resolution and the following vote was recorded: AYES: Fitz, Kittelson, Fugleberg. NAYS: None. Thereupon the Mayor declared Resolution 2013-14 duly passed and adopted.

Wolfington told the Council the new "Welcome to Benson" Signs have been installed coming into Benson on east Highway 9 and north Highway 29.

Next was a memo from Pioneerland Library System, requesting a 3% increase for local programs and services for 2014. This request will be considered in the 2014 Budget.

There was a change order from Meier Electric Inc. for work at the power plant. It was moved by Fitz, seconded by Fugleberg and carried unanimously to approve Change Order #1 decrease in the amount of \$8,500.00. Also presented was a Certificate of Completion for the Power Plant RICE standards upgrade. It was moved Fitz, seconded by Fugleberg and carried unanimously to approve the Certificate of Substantial Completion of the Power Plant Equipment Upgrades.

Wolfington presented an e-mail from Lori Vanderhider from Minnesota Department of Transportation (MnDOT) in regards to repairs of storm sewer that is failing under the railroad and under trunk highway 9. Since video taping of the storm sewer under highway 9 revealed repairs can wait,

MnDOT has plans to repair that section of highway in 2017, and will agree to cost share in the sewer repair project if the City will wait until the 2017 highway repairs. It was the consensus of the council to hold off repairing that section of storm sewer until the 2017 highway project.

Discussion of the Parks building was tabled until the next meeting.

Pederson approached the Council, and discussed the Benson Fire Department Relief Association actuarial valuation and 2014 minimum contribution obligation notice.

Pederson presented the July 2013 budget report.

Pederson presented bills and warrants for July 2013. It was moved by Fitz, seconded by Fugleberg and carried unanimously to approve the bills and warrants in the amount of \$434,929.14.

The Council discussed the extension of the Charter Communications Franchise agreement.

Councilmember Fugleberg offered the following resolution:

**A RESOLUTION GRANTING CHARTER COMMUNICATIONS, INC.
A FRANCHISE EXTENSION TO SEPTEMBER 19, 2014
(RESOLUTION NO. 2013-15)**

WHEREAS, on or about July 14, 2003, the City of Benson, Minnesota (“City”) granted a Cable Television Franchise Ordinance (“Franchise”) CC VIII Operating, LLC d/b/a Charter Communications; and

WHEREAS, the initial term of the Franchise will expire on or about September 18, 2013; and

WHEREAS, both the City and Charter desire to extend the term of the Franchise to facilitate renewal negotiations under state and federal law.

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

1. The Franchise is hereby amended by extending the term of the Franchise from September 19, 2013 through and including September 19, 2014.
2. Except as specifically modified hereby, the Franchise shall remain in full force and effect.
3. The City and Charter hereby agree that neither waives any rights either may have under the Franchise or applicable law.
4. This Resolution shall become effective upon the occurrence of both of the following conditions: (1) The Resolution being passed and adopted by the Benson City Council; and (2) Charter’s acceptance of this Resolution.

Council Member Fitz seconded the foregoing Resolution and the following vote was recorded: AYES: Fitz, Kittelson, Fugleberg. NAYS: None. Thereupon the Mayor declared Resolution 2013-15 duly passed and adopted.

There being no other business, a motion was made by Fugleberg, seconded by Fitz and carried unanimously to adjourn the meeting at 6:24 p.m.

Mayor

City Clerk