

**MINUTES - BENSON CITY COUNCIL - REGULAR MEETING  
AUGUST 5, 2013**

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

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

- July 1, 2013 City Council Meeting
- April 2, 2013 Cemetery Board Meeting
- June 20, 2013 EDA Meeting

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

Wolfington presented a letter from Western Area Power Administration stating there will be no estimated changes to the Drought Adder component of the Pick-Sloan ED Firm Power Rate in January 2014.

Next there was a letter from Minnesota Pollution Control Agency, with a notice of violation for failing to turn our air permit into them 180 days prior to expiration. We are required to submit a written plan describing how we will ensure to submit our future air permits on time.

The Minnesota Public Utilities Commission approved our request to exchange electrical service territory with Agralite Electric Coop and are working on updating the maps.

Councilman Gary Landmark addressed the Council, stating there was an ad-hoc committee to explore the possibility of a new prosecuting attorney for the City of Benson. He said he, Police Chief Hodge and Wolfington met with the local attorneys and were ready to make a recommendation. It was moved by Landmark, to change the City prosecuting attorney serves to Wilcox Law office for one year, at which time there will be a review of services. The motion was seconded by Hess. There was discussion on why the change to which Landmark replied there have been issues with the current prosecution services. The motion carried unanimously.

Gary Landmark excused himself from the meeting.

Next Wolfington conducted a conference call with attorney Brian Grogan with Moss & Barnett. Grogan has worked with the City in the past on our Charter Communications franchise agreement. Grogan explained we have been in negotiations with Charter for almost a year now to renew the franchise agreement. The agreement is usually good for 10 years. Our current agreement expires in October 2013 and the proposed agreement has significant changes. Negotiating could be costly to the City of Benson. Grogan's suggestion is to apply for a 15 month extension, and wait and see how the larger cities fare with the new agreement. During that time we will continue to operate under the current agreement. It was the consensus of the Council to prepare the necessary documents to obtain a 15 month extension.

Next was a variance application for 311 – 17<sup>th</sup> St. S. for an ancillary garage. Fitz stated Keith Gimberlin applied for the variance. There was a public hearing at the Planning Commission today at their meeting. She summarized the Planning Commission's findings, and stated the Planning Commission passed a motion to recommend that the Council approve the variance. After discussion it was moved by Fitz, seconded by Fugleberg and carried unanimously to approve the variance.

Wolfington presented the Minnesota Department of Transportation maintenance and operation agreement for the airport for 2014-2015. It was moved by Hess, seconded by Fitz and carried unanimously to approve the 2014-2015 Maintenance and Operation Agreement for the airport.

Councilmember Hess offered the following resolution:

**AUTHORIZATION TO EXECUTE  
MINNESOTA DEPARTMENT OF TRANSPORTATION  
GRANT AGREEMENT FOR AIRPORT MAINTENANCE AND OPERATION  
(RESOLUTION 2013-13)**

It is resolved by the City of Benson as follows:

1. That the state of Minnesota Agreement No. 03843, "Grant Agreement for Airport Maintenance and Operation," at the Benson Municipal Airport is accepted.
2. That the Mayor and City Manager are authorized to execute this Agreement and any amendments on behalf of the City of Benson.

Council Member Fitz seconded the foregoing Resolution and the following vote was recorded:  
AYES: Fitz, Kittelson, Hess, Fugleberg. NAYS: None. Thereupon the Mayor declared Resolution 2013-13 duly passed and adopted.

Wolfington presented a request from Verizon for an application of essential services to put cellular antennas on top of the Parkview Manor building. Wolfington said the Planning Commission had a conference call with Ralph from Faulk & Foster at their meeting today. The antennas will not rise above the roof of the building, and the cellular frequency will not interfere with aircraft or emergency frequencies. The Housing and Redevelopment Authority will receive \$1,000 a month rent from Verizon. The Planning Commission asked that when Verizon needs to enter the building to access their equipment, they will have to notify the HRA. It was moved by Fugleberg, seconded by Fitz and carried unanimously to approve the antenna placement on top of the Parkview Manor building with the Planning Commission recommendations.

Wolfington updated the Council on the Railroad Storm Sewer Project. He said they have reduced the scope of work which was approved by BNSF Railroad. The cost has come down to \$180,000. He said MnDOT has verbally offered to replace the storm sewer north of the tracks when they repair highway 9 west in 2017.

Next was a pay request from Ziegler CAT for modifications that were needed on the generator RICE Standards project. It was moved by Fitz, seconded by Fugleberg and carried unanimously to approve the pay request from Ziegler CAT in the amount of \$15,663.07.

Bids were taken on August 1, 2013 for repairs to water mains on Church Street and 15<sup>th</sup> Street South, as well at a sewer project on Hall Avenue. The bids were as follows:

Dunnick Inc.	\$414,875.00	Quam Construction	\$349,621.05
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It was moved by Fitz, seconded by Fugleberg and carried unanimously to reject these bids, and rebid the project next year.

Bids were also taken for demolition of the old water pump house next to City Hall, and the old Standard Lumber buildings on highway 9 west. The bids were as follows:

<u>BIDDER</u>	<u>BASE BID</u>	<u>ALT. BID</u>	<u>BASE &amp; ALT.</u>
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M.A.A.C. Inc.	\$ 54,000.00	\$47,750.00	\$101,750.00
T & K Kennedy Excavating, Inc.	\$ 68,521.00	\$28,599.00	\$ 97,120.00
Quam Construction	\$ 111,625.00	\$57,925.00	\$169,550.00

The base bid was to just take down the old Standard Lumber building. There was also a bid alternate which would include the surrounding buildings, along with the old pump house on Kansas Avenue. After discussion it was moved by Hess, seconded by Fitz and carried unanimously to approve the base bid, low bid with M.A.A.C., Inc. in the amount of \$54,000.00.

Wolfington updated the Council on storm related items. He said President Obama declared a disaster in Minnesota, to include the City of Benson. There will be a meeting on August 6, 2013 to meet with FEMA to start the application process. Wolfington stated we have mapped and documented 297 stumps and root balls left to be removed from public property. The City will also have some insured losses.

Wolfington also reported on an ad hoc Tree Planting Committee, made up of Rick Horecka, Ron Simonson and Bob Claussen have been discussing how to help citizens that lost trees in the June storm plant new trees. The Committee proposes the Council designate \$10,000 toward purchasing trees from two nurseries in town. Citizens then would purchase up to 3 trees at a shared cost with the City. The trees available to choose from would be disease resistant elms, lindens or hackberries. Any trees left would be placed in the City Parks. After discussion it was moved by Fitz, seconded by Hess and carried unanimously to designate \$10,000 from the General Fund to purchase trees.

LandTeam submitted a pay request for engineering services for water main replacement and sewer repairs. It was moved by Hess seconded by Fugleberg and carried unanimously to approve a pay request from LandTeam Inc. for survey, and design for water main replacement and sewer repairs in the amount of \$29,112.28.

Wolfington presented a policy for Title VI Plan for the Heartland Express. This plan says that discrimination is illegal, and outlines the process for complaints. This plan is required of transit services that received federal aid for operation. It was moved by Fugleberg, seconded by Hess and carried unanimously to approve Title VI Plan for the Heartland Express.

Pederson presented the June 2013 budget report.

It was moved by Hess, seconded by Fitz and carried unanimously to approve the June 2013 bills and warrants in the amount of \$578,364.71.

Councilman Hess announced he will not be running for re-election in the fall elections.

There being no other business, a motion was made by Hess, seconded by Fitz and carried unanimously to adjourn the meeting at 6:21 p.m.

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Mayor

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City Clerk