

**MINUTES – BENSON CITY COUNCIL – REGULAR MEETING
NOVEMBER 22, 2004**

The meeting was called to order at 7:00 p.m. by Mayor Kittelson. Members present: Sue Fitz, Lee Westrum, Gary Landmark, and Paul Kittelson. Members absent: Bob Claussen. Also present: City Manager Rob Wolfington, Finance Director Glen Pederson and Public Works Director Elliot Nelson.

There was no one present with unscheduled business to come before the Council.

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

- a. November 8, 2004 Regular City Council Meeting
- b. September 20, 2004 UMRDC Meeting
- c. September 16, 2004 Pioneerland Library Board Meeting
- d. November 8, 2004 Benson Park Board Meeting

At 7:03 p.m. the Mayor opened the Concrete Work of 2004 Public Hearing. There was no one present for the Public Hearing. The Council left the hearing open and continued with the meeting.

Staff presented a revised flood plain map that shows what the flood zones would be if the railroad bridge was improved. The City Manager mentioned that he thought the 90 day comment period would begin after the first of the year.

It was moved by Fitz, seconded by Landmark and carried unanimously to approve the Second Reading of An Ordinance to Vacate Utility Easements. The unused utility easements are described as follows:

1. That utility easement dated December 9, 1959 and filed for record December 9, 1959 in Book 85 of Deeds page 349 as Document number 131000 in the office of the Swift County Recorder covering land located in Swift County, Minnesota described as the Northwest Quarter (NW ¼) of Section One (1), Township One Hundred Twenty-one (121), Range Forty (40).
2. That utility easement dated January 21, 1956 and filed for record July 8, 1957 in Book 80 of Deeds page 618 as Document number 126903 in the office of the Swift County Recorder covering land located in Swift County, Minnesota described as the Southeast Quarter (SE ¼) of Section One (1), Township One Hundred Twenty-one (121), Range Forty (40).

The Public Works Director informed the Council that they will re-excavate some areas of the 13th Street Water Main project on Tuesday and resurface those areas before winter.

Council Member Landmark offered the following Resolution and moved its adoption:

**RESOLUTION SETTING ASSESSMENTS FOR SERVICES
RENDERED UNDER WEED CONTROL BY THE CITY OF
BENSON, MINNESOTA FOR 2004 PAYABLE 2005
(RESOLUTION NO. 2004-34)**

BE IT RESOLVED, by the Benson City Council that the assessment roll 2004 weed cutting program as prepared by the City Manager is hereby approved including a minimum rate of \$50.00 per hour and made a part thereof; and,

BE IT FURTHER RESOLVED, that the assessments hereinafter noted shall be submitted to the County Auditor on or before December 1, 2004 and placed on the tax roll for collection with the taxes collectable in 2005.

Name and Mailing Address	Legal Description and Parcel No.	Mowing Fee Due
Gary Hillenbrand 1309 Campbell Ave. NW Willmar, MN 56201	Lot 11, Block 2 Fairview 2 nd Addn. #23-0861-000	\$50.00
Countrywide Home Loans 301 E. Vanderbilt Way, Suite 350 San Bernardino, CA 92408-3558	Lots 19-22, Block 18 Original Townsite #23-0108-000	\$300.00
TOTALS		\$350.00

Council Member Westrum seconded the foregoing Resolution and the following vote was recorded: AYES: Landmark, Westrum, Fitz, Kittelson. NAYS: None. ABSENT: Claussen. Whereupon the Mayor declared Resolution No. 2004-34 duly passed and adopted.

Council Member Westrum offered the following Resolution and moved its adoption:

**RESOLUTION SETTING ASSESSMENTS FOR SERVICES
RENDERED UNDER DUTCH ELM DISEASE PROGRAM
FOR REMOVAL OF DISEASED TREES BY THE CITY OF
BENSON, MINNESOTA FOR 2004 PAYABLE 2005
(RESOLUTION NO. 2004-35)**

BE IT RESOLVED, by the Benson City Council that the assessment roll 2004 for the Dutch Elm Disease Program as prepared by the City Manager is hereby approved including the rate of one-half the cost to remove a Dutch Elm diseased tree and made a part thereof; and,

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BE IT FURTHER RESOLVED, that the assessments hereinafter noted shall be submitted to the County Auditor on or before December 1, 2004 and placed on the tax roll for collection with the taxes collectable in 2005.

Name and Mailing Address	Legal Description and Parcel No.	Removal Fee Due
Charles & Janice Evenson 614 – 12 th St. So. Benson, MN 56215	Lots 5-7 & Pt of Lot 4, Blk 1 Sunnyside 1 st Addn. 23-0580-000	\$153.25
Countrywide Home Loans 301 E. Vanderbilt Way, Suite 350 San Bernardino, CA 92408-3558	Lots 19-22, Blk 18 Original Townsite #23-0108-000	\$255.72
Duaine Flanders 1216 Atlantic Ave. Benson, MN 56215	Lots 1-2, Block 2 Lynn Park Addn. 23-0644-000	\$298.38
Jeff & Susan Bailey 3267 – 260 th Ave. Boyd, MN 56218	Lots 5-6, Blk 50 Arthur Thornton Addn. 23-0314-000	\$151.13
Marla Forbord 304 – 12 th St. So. Benson, MN 56215	Lots 1-4 & No ½ Lt 5, Blk 3 Railway 1 st Addn. 23-0335-000	\$43.00
TOTALS		\$901.48

Council Member Fitz seconded the foregoing Resolution and the following vote was recorded: AYES: Westrum, Fitz, Landmark, Kittelson. NAYS: None. ABSENT: Claussen. Whereupon the Mayor declared Resolution No. 2004-35 duly passed and adopted.

Council Member Landmark offered the following Resolution and moved its adoption:

**RESOLUTION SETTING ASSESSMENTS FOR WATER AND
SEWER SERVICES RENDERED BY THE CITY OF
BENSON, MINNESOTA FOR 2004 PAYABLE 2005
(NO. 2004-36)**

BE IT RESOLVED, by the Benson City Council that pursuant to Minnesota Statutes Chapter 444 that the assessment roll for 2004 Sewer and Water Bills as prepared by the City Manager is hereby approved and made a part therefore; and,

BE IT FURTHER RESOLVED, that the assessments hereinafter noted shall be submitted to the County Auditor on or before December 1, 2004 and placed on the tax roll for collection with the taxes collectable in 2005.

Account Number, Name & Address	Legal Description & Parcel No.	Sewer	Water	Totals
402-0064-00-00 207 11 th St. So. Michael & Susan Miller	Lots 19-21 & Pt of Lot 22, Block 7, Original Townsite 23-0041-000	\$376.29	\$68.74	\$445.03
102-0023-00-01 512 10 th St. No. Dale Theel	Lot 2 & So ½ Lot 3, Blk 3 Lynn Park Addition Parcel No. 23-0652-000	\$ 85.86	\$ 46.35	\$132.21
104-0074-00-01 907 11 th St. No. Joel Bailey	Lot 6 & Pt of Lot 7, Blk 12 Lynn Park Addition Parcel No. 23-0725-000	\$447.51	\$119.56	\$567.07
301-0055-00-00 608 14 th St. So. Deborah Stelzer	Lots 4-5, Blk 8 Southside Addition Parcel No. 23-0917-000	\$317.40	\$122.50	\$439.90
TOTALS		\$1227.06	\$357.15	\$1,584.21

Council Member Westrum seconded the foregoing Resolution and the following vote was recorded: AYES: Landmark, Westrum, Fitz, Kittelson. NAYS: None. ABSENT: Claussen. Whereupon the Mayor declared Resolution No. 2004-36 duly passed and adopted.

It was moved by Westrum, seconded by Landmark and carried unanimously to approve the bills and warrants in the amount of \$802,244.05.

The Finance Director reviewed the budget report through October 31, 2004 with the Council.

Council Member Fitz offered the following Resolution and moved its adoption:

**RESOLUTION ADOPTING ASSESSMENT
FOR CONCRETE PROJECT OF 2004
(RESOLUTION NO. 2004-37)**

WHEREAS, pursuant to proper notice duly given as required by law, and

WHEREAS, the Council has reviewed the attached assessment roll and passed upon all objections thereto.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BENSON, MINNESOTA:

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1. Such proposed current assessment roll, a copy of which is attached and made a part hereof, is on file with the City Clerk, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.
2. Such assessment shall be payable in equal annual installments extending over a period of five years (unless specifically limited to one year). The first installment to be payable on or before the first Monday in January, 2005 and shall bear interest at the rate of 8 percent per annum to each annual installment payment and when due shall be added interest for one year on all unpaid installments.
3. The owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole of the assessment on such property remaining unpaid except that no interest will be charged from the date of the assessment resolution until December 31, 2004. The owner may pay thereafter to the City Treasurer the entire amount of the assessment remaining unpaid with interest to December 31 of the year in which such payment is made. Such payments must be made before November 15, or interest will be charged through December 31 of the next succeeding year.
4. The Clerk shall transmit a certified duplicate copy of this assessment roll as corrected by pre-payments in 2004 to the County Auditor to be extended on the proper tax lists of the County, and such assessments shall be collected and paid over in the same manner as other municipal taxes.

Adopted this 22nd day of November 2004

Council Member Westrum seconded the foregoing Resolution and the following vote was recorded:
AYES: Fitz, Westrum, Landmark, Kittelson. NAYS: None. ABSENT: Claussen. Whereupon the Mayor declared Resolution No. 2004-37 duly passed and adopted.

At 7:28 p.m. the Mayor closed the Concrete Work of 2004 Public Hearing.

The City Manager informed the Council that Fibrominn is in the process of financial closure.

It was moved by Westrum, seconded by Fitz and carried unanimously to adjourn the meeting at 7:29 p.m.

Mayor

Attest: _____
City Clerk