

**MINUTES – BENSON CITY COUNCIL – REGULAR MEETING
OCTOBER 24, 2005**

The meeting was called to order at 7:00 p.m. by Mayor Paul Kittelson. Members present: Sue Fitz, Lee Westrum, Bob Claussen, Gary Landmark, and Paul Kittelson. Members absent: None. Also present: City Manager Rob Wolfington, Finance Director Glen Pederson, Public Works Director Elliot Nelson, Police Chief Jim Crace, Assistant City Attorney Tara Ulmaniec, Heather LeClair, Kathy Johnson, Les Goff, and Duaine Flanders.

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

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

- a. October 10, 2005 Benson City Council Meeting
- b. September 12, 2005 Benson HRA Meeting
- c. August 15, 2005 UMVRDC Meeting
- d. June 16, 2005 Pioneerland Library System Board Meeting
- e. October 4, 2005 Benson Cemetery Board Meeting
- f. October 10, 2005 Benson Park Board Meeting

There was a consensus of the Council to table the Humane Society of Swift County’s donation request until the Council discusses the 2006 Budget.

It was moved by Claussen, seconded by Westrum and carried unanimously to approve a \$1,000 donation to the Benson Area Chamber of Commerce to be used for the 2005 and 2006 fire works display expenses. This donation is to come out of the Enterprise Fund.

It was moved by Westrum, seconded by Fitz and carried unanimously to approve a gambling permit to the Ducks Unlimited Chapter 51 for a raffle on November 19, 2005.

At 7:15 p.m. the Mayor opened the Nuisance Abatement Public Hearing. The Council left the public hearing open and went on with other business.

Benson Area Chamber of Commerce representatives, Heather LeClair, Kathy Johnson and Les Goff, came before the Council to inform the Council how they spent the \$10,000 donation and what the Chamber’s Tourism Committee would like to accomplish. They are proposing to implement a 3% lodging tax as a way to generate funds to promote the community. There was a consensus of the Council to proceed with implementing a 3% lodging tax and to place the first reading of an ordinance to enact a lodging tax on the next Council agenda.

The City Manager and Assistant City Attorney informed the Council of an amendment to Chapter 154.197 (2) of the Flood Plain Management Ordinance. After discussion, it was moved by Westrum, seconded by Claussen and carried unanimously to amend the Second Reading of Chapter 154: Flood Plain management Ordinance.

The Council then continued the Nuisance Abatement Public Hearing for 305 – 16th Street South. There was no one present for the hearing. The City Manager informed the Council that the property has been cleaned some but that it is still unsatisfactory. The City has accumulated \$175 in expenses and he recommends giving them an additional two weeks to correct the nuisance. If they correct the nuisance within two weeks, the City will stay \$325 of the \$500 assessment. Council Member Landmark offered the following Resolution and moved its adoption:

**COUNCIL RESOLUTION TO ABATE NUISANCE ON PRIVATE PROPERTY WITHIN THE CITY
LIMITS OF BENSON AND IMPOSITION OF SPECIAL ASSESSMENTS
(RESOLUTION NO. 2005-24)**

Whereas:

The City has requested on numerous occasions that property owner abate nuisance conditions of refuse,

debris, rubbish, snowmobile, abandoned and unregistered vehicles from the following property:

305 – 16th Street South, Benson, Minnesota

Property owner has taken limited action to abate said nuisance conditions from the above-stated property;

The City has authority pursuant to Minnesota Statutes Chapter 429 to abate nuisances on public or private property and impose special assessments for said abatement of nuisances.

Now Therefore Be it Resolved as Follows by the City Council:

The City will abate nuisance conditions of refuse, debris, rubbish, snowmobile, abandoned and unregistered vehicles from the following property:

305 – 16th Street South, Benson, Minnesota

If the nuisance is not satisfactorily removed by November 7, 2005, the City will impose special assessments in the amount of \$500.00 against the property named herein for abatement of said nuisance conditions. No interest shall accrue if prepayment of said special assessments is made in full by property owner no later than 30 days after the date this resolution is passed; otherwise, interest shall accrue at the rate of 5 percent per annum against said special assessments.

Council Member Fitz seconded the foregoing Resolution and the following vote was recorded: AYES: Landmark, Fitz, Westrum, Claussen, Kittelson. NAYS: None. Whereupon the Mayor declared Resolution No. 2005-24 duly passed and adopted. At 7:50 p.m. the Mayor closed the public hearing.

The Finance Director explained the proposed Revision 3 of Exhibit A and Revision 4 of Exhibit B to Contract No. 90-BAO-513 with Western Area Power Administration. It was moved by Claussen, seconded by Westrum and carried unanimously to approve Revision 3 of Exhibit A and Revision 4 of Exhibit B to Contract No. 90-BAO-513 with Western Area Power Administration.

The Public Works Director informed the Council that Fibrominn has requested that there be no parking on both sides of Industry Drive. It was moved by Claussen, seconded by Landmark and carried unanimously to approve no parking on both sides of Industry Drive east as far as the second gate and that parking be allowed on one side of Industry Drive east of the second gate.

It was moved by Landmark, seconded by Fitz and carried unanimously to approve the following pay requests for Industrial Park Improvements:

1. Ulteig Engineers for additional construction observations in the amount of \$4,039.50
2. Ulteig Engineers for engineering services 8/1/05 to 9/30/05 in the amount of \$8,850
3. Riley Bros. Const. Pay Request #3 in the amount of \$56,718.09

The Police Chief reviewed the 2006 Police Department budget with the Council.

The Finance Director reviewed the budget report through September 30, 2005 with the Council.

It was moved by Landmark, seconded by Claussen and carried unanimously to approve the bills and warrants in the amount of \$713,626.93.

It was moved by Fitz, seconded by Claussen and carried unanimously to adjourn the meeting at 8:25 p.m.

Mayor

Attest: _____
City Clerk