

**MINUTES – BENSON CITY COUNCIL – REGULAR MEETING
NOVEMBER 14, 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, Liquor Store Manager Pat McGeary, Assistant City Attorney Tara Ulmaniec, Heather LeClair, Dan Enderson, and Joe Schnitzler.

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 minutes on the consent agenda:

- a. October 24, 2005 Benson City Council Meeting
- b. October 20, 2005 Benson EDA Meeting
- c. October 12, 2005 Benson HRA Meeting
- d. September 15, 2005 Pioneerland Library System Board Meeting

The City Manager reviewed the following correspondence:

- a. FEMA, dated October 14, 2005
- b. MRES regarding Big Stone II Power Plant Proposal, dated October 21, 2005
- c. Benson Chamber of Commerce, dated November 2, 2005. It was moved by Fitz, seconded by Landmark and carried unanimously to approve donating \$250 to the Chamber for the Santa Truck.

Dan Enderson and Joe Schnitzler, representing the Benson Golf Club, reviewed the Golf Club annual report through September 2005 with the Council. After discussion, it was moved by Claussen, seconded by Fitz and carried unanimously to approve raising the guaranteed loan amount to \$95,000.

Liquor Store Manager Pat McGeary reviewed year to date figures with the Council and presented the 2006 Liquor Store budget.

The Assistant City Attorney and City Manager presented a Lodging Tax Ordinance for the Council to consider. The City Manager informed the Council that one business sent a letter stating they were opposed to the ordinance. The Mayor presented an amendment to Section 118.17(A) as follows: "Appointment of Members. The Benson Area Tourism Board is hereby established for the purpose of advising and assisting the City Council on the promotion of the Benson area as a tourist destination and/or convention site in the allocation and utilization of the lodging tax proceeds collected within the City to further that purpose. The first board shall consist of seven persons; the Chamber of Commerce Manager, two persons appointed for a term of one year, two persons appointed for a term of two years, and two persons appointed for a term of three years. Thereafter each appointment or reappointment shall be for three years. No person may serve longer than two consecutive terms other than the Chamber of Commerce Manager. When making the appointments, priority shall be given to recommendations of the Chamber of Commerce. The Council may, at their discretion, ensure that there is representation on the board of a person or persons engaged in the business of providing lodging in the Benson area." It was moved by Landmark, seconded by Claussen and carried unanimously to approve the amendment to Section 118.17 (A) of the proposed Lodging Tax Ordinance. It was moved by Fitz, seconded by Claussen and carried unanimously to approve the First Reading of An Ordinance to Amend Title XI of the Benson City Code of 2000 to Adopt Chapter 118 Enacting a Lodging Tax Ordinance in the City of Benson as amended.

It was moved by Westrum, seconded by Claussen and carried unanimously to approve the First Reading of An Ordinance to Amend Title XV of the Benson City Code of 2000 to Amend Section 154.002, Definitions, of the Benson Zoning Ordinance.

It was moved by Landmark, seconded by Westrum and carried unanimously to approve the First Reading of An Ordinance to Amend Title XI of the Benson City code of 2000 to Amend Chapter 114, Peddlers and Solicitors.

The Council then discussed repealing the current Chapter 112, Tobacco Products, and enacting a new Chapter 112, Tobacco Dealers. After discussion, there was a consensus of the Council to send a copy of the proposed new Chapter 112, Tobacco Dealers, to the current tobacco licensees before proceeding further.

The City Manager presented a proposal to swap land with the Burlington Northern and Santa Fe Railway Company. After discussion, it was moved by Claussen, seconded by Landmark and carried unanimously to approve the land swap with the railroad as presented.

It was moved by Landmark, seconded by Fitz and carried unanimously to approve entering into an Easement Agreement with Glacial Plains Cooperative that would allow access to a public parking area in the west end of Railroad Park.

The City Manager brought up some intersections the Council needs to review regarding stop sign placement. After discussion, it was moved by Claussen, seconded by Westrum and carried unanimously to make the following changes:

- Wood & 19th Street North – make a 3-way stop intersection
- 22nd Street & Kansas Avenue – make a 3-way stop intersection
- 16th Street & Kansas Avenue – reverse the stop signs

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

**AUTHORIZATION TO EXECUTE
MINNESOTA DEPARTMENT OF TRANSPORTATION
GRANT AGREEMENT FOR AIRPORT MAINTENANCE AND OPERATION
(RESOLUTION NO. 2005-25)**

It is resolved by the City of Benson as follows:

1. That the state of Minnesota Agreement No. 88341, “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 Westrum seconded the foregoing Resolution and the following vote was recorded: AYES: Fitz, Westrum, Claussen, Landmark, Kittelson. NAYS: None. Whereupon the Mayor declared Resolution No. 2005-25 duly passed and adopted.

It was moved by Westrum, seconded by Claussen and carried unanimously to approve Pay Request #14 from Gridor Contr. Inc. for the WWTP Improvements in the amount of \$90,743.

It was moved by Landmark, seconded by Fitz and carried unanimously to approve Pay Request #15 from Gridor Contr. Inc. for the WWTP Improvements in the amount of \$132,779

It was moved by Fitz, seconded by Claussen and carried unanimously to approve the following pay requests from Bonestroo, Rosene, Anderlik and Associates:

- WWTP Improvements in the amount of \$10,711.31
- Minnesota Avenue Sanitary Sewer in the amount of \$729.50
- Railroad Park Survey in the amount of \$766.50
- Intersection Study at Hwy. 12/29 and Minnesota Avenue in the amount of \$1,300

It was moved by Westrum, seconded by Fitz and carried unanimously to approve two pay requests from TKDA for the 2005 Airport CIP Improvements in the amounts of \$8,524.63 and \$12,651.14.

It was moved by Fitz, seconded by Westrum and carried unanimously to approve two pay requests from Riley Bros. Const. for the 2005 Airport CIP Improvements in the amount of \$148,971.64.

It was moved by Landmark, seconded by Claussen and carried unanimously to approve Change Order #4 for the WWTP Improvements in the amount of \$7,512.

It was moved by Landmark, seconded by Westrum and carried unanimously to approve Change Order #5 for the WWTP Improvements in the amount of \$40,102.

It was moved by Landmark, seconded by Westrum and carried unanimously to approve the purchase of a cash register software system to streamline the cash receipts procedure in the amount of \$12,235.

The Finance Director reviewed the election judge report from the November 8 General Election. It was moved by Claussen, seconded by Fitz and carried unanimously to accept the report and declare the following results:

**FOR THE OFFICE OF MAYOR
One - 2 Year Term**

	1st Ward Northside	2nd Ward Southside	Total
Paul Kittelson	66	103	169
Write-Ins	6	7	13

**FOR THE OFFICE OF COUNCIL MEMBER
Two - 4 Year Terms**

	1st Ward Northside	2nd Ward Southside	Total
Gary Landmark	67	107	174
Lee Westrum	67	103	170
Write-Ins	4	3	7

Results:

Paul Kittelson is the duly elected Mayor for the two-year term beginning the first business day of 2006.

Gary Landmark and Lee Westrum are duly elected to four-year terms on the City Council beginning the first business day of 2006.

It was moved by Fitz, seconded by Claussen and carried unanimously to approve a bill from Benson Area Community Education for Administration of the 2005 Summer Recreation Program in the amount of \$12,388.77.

It was moved by Landmark, seconded by Fitz and carried unanimously to approve the bills and warrants in the amount of \$757,084.33.

The Council acknowledged receipt of the budget report through October 31, 2005.

The City Manager informed the Council that he was attending the County Board meeting on November 15 to obtain the County's support for the 2009 Transportation Enhancement Grant Application.

A letter was received from a resident expressing that they are unable to pay a \$468 invoice for Dutch Elm Tree removal. There was a consensus to direct staff to set up assessments over a period of time for the resident.

It was moved by Landmark, seconded by Claussen and carried unanimously to adjourn the meeting at 8:42 p.m.

Mayor

Attest: _____
City Clerk