

**MINUTES – BENSON CITY COUNCIL – REGULAR MEETING
NOVEMBER 27, 2006**

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, Assistant City Attorney Tara Ulmaniec, Hospital Administrator Frank Lawatsch, Orié Mills, Tony and Monique Hughes, and Gerald Kurkosky.

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. November 13, 2006 Benson City Council Meeting
- b. November 13, 2006 Benson Park Board Meeting
- c. November 6 and November 20, 2006 Benson Planning Commission Meetings
- d. September 18, 2006 UMVRDC Board Meeting

The City Manager reviewed the following correspondence:

- a. Representative Aaron Peterson dated November 16, 2006
- b. Duffy's Bar and Grill – Letter was not received.
- c. Clean Up the River Environment (CURE) dated November 17, 2006
- d. DAC dated November 20, 2006
- e. CVEC dated November 14, 2006
- f. Pioneerland Library System dated November 17, 2006. Council Member Fitz offered the following Resolution and moved its adoption:

**RESOLUTION IN SUPPORT OF STATE AID FOR
MINNESOTA REGIONAL LIBRARIES
(RESOLUTION NO. 2006-29)**

WHEREAS, the regional public library systems in Minnesota provide an important service through library operations to the entire population of the State of Minnesota, and

WHEREAS, the regional public library systems are funded primarily through local tax levies, and by the State of Minnesota through Regional Library Basic System Support, and

WHEREAS, the State of Minnesota has not increased its contribution to Regional Library Basic System Support in over a decade, and

WHEREAS, the funding for regional public library systems has increasingly fallen on local property tax dollars, therefore,

BE IT RESOLVED, that the Benson City Council hereby requests its legislative representatives and the Governor to place a high priority on a substantial increase in the Regional Library Basic System Support appropriation during the 2007 legislative sessions, and,

BE IT FURTHER RESOLVED, that the Benson City Council hereby requests that the League of Minnesota Cities (LMC) join the Minnesota Library Association (MLA) in supporting this increase during the 2007 Legislature session.

Council Member Claussen seconded the foregoing Resolution and the following vote was recorded: AYES: Fitz, Claussen, Landmark, Westrum, Kittelson. NAYS: None. Whereupon the Mayor

declared Resolution No. 2006-29 duly passed and adopted.

Hospital Administrator Frank Lawatsch updated the Council on the proposed Swift County-Benson Hospital expansion and parking lot projects. The Hospital has made some changes to the original parking lot plans to address concerns expressed by the neighbors. Tony Hughes (1836 Wisconsin Avenue) expressed that they do not want to live next to a parking lot and plan to move. Orié Mills (1817 Kansas Avenue) expressed concern that property values may decrease due to the parking lot. He mentioned whether the Hospital would consider paying the difference in property values if they decrease.

The Assistant City Attorney explained that a conflict of interest exists if an individual has a personal gain or interest in a matter. The following Council Members disclosed their conflicts:

Sue Fitz – an employee of the Hospital

Lee Westrum – his wife and mother-in-law are employees of the Hospital

Bob Claussen – his wife is an employee of the Hospital and he is a member of the Hospital Board

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

**RESOLUTION APPROVING VARIANCE REQUEST NO. 2006-05 FOR
SWIFT COUNTY BENSON HOSPITAL
(RESOLUTION NO. 2006-30)**

WHEREAS, Swift County Benson Hospital has applied to the City of Benson for a variance to allow an 8 feet setback instead of a 10 feet setback for a proposed hospital expansion along Wisconsin Avenue and 19th Street for the purpose of adding additional operating rooms and pre/post operative rooms with required support areas; and

WHEREAS, the Benson City Council hereby makes the findings listed below:

1. The proposed variance will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.

2. The proposed variance will not impede the normal and orderly development of the area as the building addition is being constructed on property that is currently owned by the applicant. In addition, the expansion to the hospital will be a one-story addition that resembles the existing architecture of the building.

3. The applicant will be working closely with the Public Works Department, the Zoning Administrator, and Building Inspector and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements.

4. The proposed expansion will accommodate additional operating rooms and pre/post operative rooms with required support area that are necessary given the growing demand for orthopedic procedures. The addition to the hospital will be a one-story addition that resembles the existing architecture of the building. The expansion is consistent with the City of Benson Comprehensive Plan 2000.

5. With the approval of the variance, this development will be in conformance with the applicable regulations of the zoning code.

6. By reason that the owner can show that the strict compliance with the zoning regulation is unreasonable, and the circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic

considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

7. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

8. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

9. Allowing this variance and the hospital expansion to take place will benefit the city and its residences and is consistent with the City of Benson Comprehensive Plan 2000.

NOW, THEREFORE, BE IT RESOLVED BY THE BENSON CITY COUNCIL as follows:

That the Variance request is approved for the reasons hereinabove with the understanding that the Applicant will be in full conformance with the remaining applicable regulations of the zoning code.

Council Member Westrum seconded the foregoing Resolution and the following vote was recorded: AYES: Landmark, Westrum, Claussen, Kittelson. NAYS: None. ABSTAIN: Fitz. Whereupon the Mayor declared Resolution No. 2006-30 duly passed and adopted.

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

**RESOLUTION APPROVING APPLICATION FOR
CONDITIONAL USE PERMIT NO. 2006-02
FOR SWIFT COUNTY BENSON HOSPITAL
(RESOLUTION NO. 2006-31)**

WHEREAS, Swift County Benson Hospital has applied to the City of Benson for a conditional use permit to provide a new 57 vehicle parking lot on the north side of Wisconsin Avenue for patient parking; and

WHEREAS, Swift County Benson Hospital has been at its current location since 1949; and

WHEREAS, the Benson City Council hereby makes the findings listed below:

1. The use requested are among those listed as eligible conditional uses in the district in which the subject property is located or is to be located.

2. The requested conditional use permit is either essential or desirable for the public convenience and welfare.

3. The requested permit will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health, safety or welfare of the community.

4. The requested conditional use will not seriously depreciate the surrounding property values.

5. The requested conditional use will increase the number of off street parking available for the hospital and clinic and will likely improve the current traffic conditions on the surrounding streets and may prevent potential hazards by providing more visibility for homeowners, drivers, and pedestrians in the surrounding area.

6. The requested permit is consistent and in harmony with the objectives of the City of Benson Comprehensive Plan 2000 as set forth in detail in Chapter 6 of the Plan.

7. The applicant will work closely with the Public Works Department, the Zoning Administrator, and City Building Inspector and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements.

NOW, THEREFORE, BE IT RESOLVED BY THE BENSON CITY COUNCIL as follows:

That a Conditional Use Permit be, and it hereby is, approved for the reasons hereinabove stated subject to the additional stipulations and conditions set forth hereinafter; and

BE IT RESOLVED FURTHER that the Benson City Council hereby approves the application for the conditional use permit in accordance with the City of Benson Comprehensive Plan 2000 attached hereto and incorporated herein by reference with specific conditions as listed below:

1. The use of the parking lot shall be restricted to the parking of passenger automobiles only.
2. No commercial vehicles shall be parked or stored.
3. The parking lot shall at no time be used for outdoor sales, display or storage.
4. The parking lot shall be landscaped and screened pursuant to the provisions of § 154.019.
5. The parking lot shall remain in the ownership and possession of the hospital and clinic for which it is designed.
6. The parking lot shall conform with all requirements of § 154.019, including site plans.

Council Member Landmark seconded the foregoing Resolution and the following vote was recorded: AYES: Claussen, Landmark, Westrum, Kittelson. NAYS: None. ABSTAIN: Fitz. Whereupon the Mayor declared Resolution No. 2006-31 duly passed and adopted.

Discussion of Lot 6, Block 1, Lynn Park Addition continued from the November 13 Council meeting. Gerald Kurkosky is interested in purchasing and constructing a residential storage building on the lot. The City Manager informed the Council that the City has invested \$23,281.41 in this lot for acquisition, demolition, cleanup, etc. A letter from School District 777 was received expressing interest in pursuing the possibility of constructing a home by the Trades and Industrial Carpentry Class on this lot. There was a consensus of the Council to meet with the school to explore the possibility of the school constructing a house on this lot. If after meeting with the school and it is found that the school is no longer interested in constructing a house on this lot, the City will then proceed with advertising that this lot is for sale.

The City Manager informed the Council that the application submitted by Missouri River Energy Services for three wind power turbines to be located south of Benson did not receive funding from the new Clean Energy Renewable Bonds (“CREBs”) program.

It was moved by Fitz, seconded by Westrum and carried unanimously to approve Pay Request #18 from Gridor Construction Inc. for the Wastewater Treatment Facility Improvements in the amount of \$15,499.50.

It was moved by Fitz, seconded by Claussen and carried unanimously to approve a proposal from

Bonestroo, Williamson, Kotsmith for soil borings, the survey and the report for the East Pacific Avenue (commonly referred to as Gusty's Road) reconstruction project in the amount of \$13,490. Funding for this project will come out of the Economic Development Fund.

It was moved by Claussen, seconded by Landmark and carried unanimously to approve the purchase of a polling master control panel to include engineering and field services from Automatic Systems Co. in the amount of \$10,595 plus tax.

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

**RESOLUTION SETTING ASSESSMENTS FOR WATER AND
SEWER SERVICES RENDERED BY THE CITY OF
BENSON, MINNESOTA FOR 2006 PAYABLE 2007
(RESOLUTION NO. 2006-32)**

BE IT RESOLVED, by the Benson City Council that pursuant to Minnesota Statutes Chapter 444 that the assessment roll for 2006 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, 2006 and placed on the tax roll for collection with the taxes collectable in 2007.

Account Number, Name & Address	Legal Description & Parcel No.	Sewer	Water	Totals
102-0048-00-01 607 10 th St. N. Karl Maska	Lot 10, Block 5 Lynn Park Addition 23-0675-000-01	\$247.50	\$82.46	\$329.96
201-0020-00-00 516 15 th St. N. Tammy Drivdahl	Lot 6, Block 3 Railway 2 nd Addition 23-0383-000-01	\$76.31	\$23.71	\$100.02
201-0106-00-00 204 17 th St. N. Arol Olson	Lots 11-13, Block 46 Morris & Paytes Addition 23-0293-000-01	\$165.00	\$9.21	\$174.21
301-0065-00-00 703 15 th St. S. Bernard Drivdahl	Lot 9, Block 7 Southside Addition 23-0913-000-01	\$505.14	\$131.63	\$636.77
401-0110-00-02 713 12 th St. S. Ryan Lee	Lots 5-7, Block 2 Stone's 2 nd Addition 23-0572-000-01	\$74.84	\$47.10	\$121.94
TOTALS		\$1,068.79	\$294.11	\$1,362.90

Council Member Westrum seconded the foregoing Resolution and the following vote was recorded: AYES: Claussen, Westrum, Fitz, Landmark, Kittelson. NAYS: None. Whereupon the Mayor declared Resolution No. 2006-32 duly passed and adopted.

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

**RESOLUTION SETTING ASSESSMENTS FOR CURRENT SERVICES
BY THE CITY OF BENSON, MINNESOTA FOR 2006 PAYABLE 2007
(RESOLUTION NO. 2006-33)**

BE IT RESOLVED, by the Benson City Council that the following assessments for 2006 as prepared by the City Manager are hereby approved 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, 2006 and placed on the tax roll for collection with the taxes collectable in 2007.

Charges	Name and Mailing Address	Legal Description and Parcel No.	Amount Due
Remove Diseased Elm Tree	Janice Baukol 315 – 11 th St. So. Benson, MN 56215	Lots 13-15, Block 5 Railway 1 st Addn. #23-0366-000	\$475.25
Remove Diseased Elm Tree	Bernard Drivdahl 601 Church St. Benson, MN 56215	Pt of Lots 1-2, Blk 1 Hansen's Addition #23-0751-000	\$278.13
Remove Diseased Elm Tree	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	\$133.75
Remove Diseased Elm Tree	Mark Fennell & A. Gorres 1812 Atlantic Ave. Benson, MN 56215	Benson Acre Lots Sect-06, Twp-121, Range-39 23-1425-000	\$105.00
Remove Diseased Elm Tree	Robert & Tracy Heim 407 – 13 th St. So. Benson, MN 56215	Lots 32-34, Blk 3 Railway 1 st Addn. 23-0347-000	\$600.07
Remove Diseased Elm Tree	Jeremiah Johnson 404 – 16 th St. So. Benson, MN 56215	Lots 2 - 3, Blk 6 McKinney's 1 st Addition 23-0442-000	\$130.63
Remove Diseased Elm Tree	Marie Lamarque 309 – 16 th St. No. Benson, MN 56215	Lot 5, Blk 1 McKinney's 3 rd Addn. 23-0505-000	\$259.50
Remove Diseased Elm Tree	JoEllen Lohn 503 -9 th St. No. Benson, MN 56215	Pt of Lots 9 & 10, Blk 3 Lynn Park Addn. 23-0656-000	\$268.13
Remove Diseased Elm Tree	Matt Ollendick & R. Goulet 207 – 12 th St. So. Benson, MN 56215	Lots 19 – 22, Blk 18 Original Townsite 23-0108-000	\$388.44
Remove Diseased Elm Tree	Dion Rode 419 - 9 th St. No. Benson, MN 56215	Lots 1 - 6, Blk 1 Original Townsite 23-0001-000	\$144.38
Remove Diseased Elm Tree	Allen Skare 703 – 16 th St. So. Benson, MN 56215	Lot 10 & No ½ of Lot 9 Blk 10, Southside Addn. 23-0936-000	\$778.13
Remove Diseased Elm Tree	Jason Schwiderski 802 Church St. Benson, MN 56215	Lots 1-2, Blk 3 Southside Addn. 23-0879-000	\$116.88
Remove Diseased Elm Tree	Cherie Stielow 402 – 16 th St. So. Benson, MN 56215	Lot 1, Blk 6 McKinney's 1 st Addn. 23-0441-000	\$130.63
Remove Diseased Elm Tree @ 702–16 th St. So., Benson	Carl & Janice Trinkle 30000 Kasson Rd., #39 Tracy, CA 95304	Lot 1, Blk 15 Southside Addn. 23-0955-000	\$144.38
Mowing @ 512–10 th St. No., Benson	Citi Financial Mortgage Co. 1111 Northpoint Dr. Coppell, TX 75019-3831	Lot 2 & So. ½ of Lot 3, Blk 3 Lynn Park Addn. 23-0652-000	\$65.00
Mowing @ 207–11 th St. So., Benson	Michael & Susan Miller 401 – 9 th St. No. Benson, MN 56215	Lots 19-21 & Pt of Lot 22, Blk 7, Original Townsite 23-0041-000	\$65.00
Fire Call	Bernard & Tammy Drivdahl 516 – 15 th St. No. Benson, MN 56215	Lot 6, Blk 3 Railway 2 nd Addn. 23-0383-000	\$850.00

Fire Call @ Benson Mobile Manor	JCB Properties 4744 Washington Ave. White Bear Lake, MN	Benson Acre Lots Sect-05, Twp-121, Range-39 23-1347-000	\$500.00
TOTALS			\$5,433.30

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. 2006-33 duly passed and adopted.

The Finance Director presented a revised pay equity report for the Council to consider. After discussion, it was moved by Westrum, seconded by Claussen and carried unanimously to approve the revised pay equity report and authorized submitting the report as presented.

The budget report for the month ended October 31, 2006 was presented to the Council for their review.

It was moved by Fitz, seconded by Westrum and carried unanimously to approve a \$3,000 donation to Northern Lights Trails Snowmobile Club for the WPSA Extreme Ice Racing on January 13-14, 2007. Funding for this donation is to come out of the Liquor Fund.

Member Landmark brought up that there are still vehicles with expired plates in the lot at Tom's Service, 208 – 14th Street South. The City Manager has talked with Tom Ascherman of Tom's Service and he has agreed to remove the vehicles by the end of the year. He will remove the vehicles gradually until they are all removed by December 31, 2006. There was a consensus of the Council to give Mr. Ascherman until December 31, 2006 to remove the vehicles, but if the vehicles aren't removed by December 31, the City will begin the public hearing process.

It was moved by Westrum, seconded by Claussen and carried unanimously to adjourn the meeting at 8:17 p.m.

Mayor

Attest: _____
City Clerk