

**MINUTES – BENSON CITY COUNCIL – REGULAR MEETING  
APRIL 21, 2008**

The meeting was called to order at 5:30 p.m. by Mayor Paul Kittelson. Members present: Sue Fitz, Anne Johnson, 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, Jack and Darlene Wagner, and Wayne Knutson and Ed Peterson from the County Assessor's Office.

Under unscheduled business, Jack and Darlene Wagner, 813 – 11<sup>th</sup> Street North, informed the Council that since the water break at 11<sup>th</sup> Street North and Ada Avenue they have had a plumber clean out their sanitary sewer five times. There was a consensus of the Council to have staff meet with the Wagners to discuss their bills and see if something can be worked out.

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

- a. April 7, 2008 City Council Meeting
- b. March 20, 2008 Benson EDA Meeting
- c. March 25, 2008 Benson EDA Meeting
- d. March 25, 2008 Benson HRA Meeting
- e. February 18, 2008 UMRDC Meeting
- f. April 14, 2008 Benson Park Board Meeting
- g. March 20, 2008 Benson Area Chamber Board Meeting

The City Manager reviewed the following correspondence with the Council:

- a. Western MN Prairie Waters dated 4.9.08 – Regarding the BAM (Bicycling Across MN) Routes
- b. SCBH Foundation dated 1.16.08 – Regarding donation request, there was a consensus to wait and see how their fundraising progresses
- c. Temporary Liquor License Information – This was informational with no action taken

The City Manager informed the Council that he has received e-mail and telephone confirmations from BNSF Railroad that they are approving the right-of-way permit to allow construction of the 115 kV transmission line from the City's substation to Fibrominn. He expects to receive the final permit any day. There was consensus of the Council to authorize signature of the permit when received.

The Public Works Director and City Manager informed the Council that plans and specifications have been completed for the construction of the approximate 1.3 miles of 115 kV transmission line. Staff is recommending that the Council approve going out for bids for the construction of the 115 kV transmission line. It was moved by Fitz and seconded by Claussen to authorize staff to advertise for bids for the 115 kV transmission line with bids to be opened at 2:00 p.m. on May 7, 2008. After further discussion, it was moved by Fitz and seconded by Claussen to amend the motion to include approval of the plans and specifications as presented by staff. The motion as amended was unanimously approved.

The Public Works Director asked for authorization to order steel pipe for the transmission line construction. It was moved by Landmark, seconded by Claussen and carried unanimously to authorize the purchase of the steel pipe in the amount of \$8,908.83 from Border States Electric.

The Council reviewed some photographs of a public nuisance issue (garage) at 1615 Pacific Avenue. The City Manager recommended that the Council authorize staff to proceed with an Order to Correct the public nuisance. It was moved by Landmark, seconded by Claussen and carried unanimously to authorize staff to proceed with an Order to Correct the public nuisance at 1615 Pacific Avenue.

The City Manager informed the Council that when City crews started demolition in the police department offices, they suspected there was asbestos wrap on some pipes. An inspection of the offices was conducted and it was determined that it was asbestos. An asbestos removal company completed an abatement of the asbestos today. There was some additional asbestos found in the telephone room and a pipe above the suspended ceiling that was also removed.

It was moved by Claussen, seconded by Johnson and carried unanimously to approve the following Proclamation:

### **ARBOR DAY PROCLAMATION**

Whereas, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

Whereas, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and Arbor Day is now observed throughout the nation and the world, and

Whereas, trees reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

Whereas, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

Whereas, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

Whereas, trees, wherever they are planted, are a source of joy and spiritual renewal, and

Whereas, Benson has been recognized as a Tree City USA by The National Arbor Day Foundation and desires to continue its tree-planting practices.

NOW, THEREFORE, I, Paul Kittelson, Mayor of the city of Benson, do hereby proclaim April 28, 2008 as

### **ARBOR DAY**

in the City of Benson, and urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

Further, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

At 6:00 p.m. the Board of Equalization Hearing was called to order. County Assessor Edward Pederson came before the Council to review and discuss property valuations. Mr. Pederson informed the Council that the following residents have requested that their property to reviewed:

<b>Property Owner</b>	<b>Parcel No.</b>
David Freberg	23-0109-000
NFG, LLC	23-0309-100
NFG, LLC	23-0310-000

There was no one in attendance to address the Council on property valuations. The Council left the hearing open and continued with other business.

The Council reviewed a proposed amendment to Chapter 90, Animals, of the Benson City Ordinance Code. Member Johnson inquired about regulating kennels and whether a variance would allow a kennel to operate in town. Staff will check on clarification of a variance for kennels and have an updated draft ready for the first reading of the ordinance at the next meeting.

It was moved by Fitz, seconded by Johnson and carried unanimously to approve a pay request from Stiffel Drilling and Pump Inc. for the water well test drilling project in the amount of \$11,518.75.

It was moved by Fitz, seconded by Johnson and carried unanimously to approve bills and warrants in the amount of \$367,332.31.

The City Manager mentioned that the Fire Department was working on another grant application. This was informational with no action taken.

Council Member Landmark informed the Council that the VFW Post 1403 plans to start selling pull tabs at the old D. S. Lageson's building (300 – 14<sup>th</sup> Street South) on May 12. Council Member Fitz offered the following Resolution and moved its adoption:

**RESOLUTION APPROVING APPLICATION  
FOR THE BENSON VFW POST 1403  
TO CONDUCT GAMBLING AT 300 – 14<sup>th</sup> STREET SOUTH  
(RESOLUTION NO. 2008-06)**

WHEREAS, the Benson VFW Post 1403 is applying to conduct gambling at 300 – 14<sup>th</sup> Street South from the present time until February 28, 2010, and

WHEREAS, this is a new site for the base organization Premise Permit Number A-00377-001.

NOW, THEREFORE, BE IT RESOLVED that the Benson City Council approves the application and authorizes the City Clerk to submit a certified copy of the resolution to the Benson VFW Post 1403 to be included in their application to the Gambling Control Division.

Council Member Claussen seconded the foregoing Resolution and the following vote was recorded: AYES: Fitz, Claussen, Johnson, Landmark, Kittelson. NAYS: None. Whereupon the Mayor declared Resolution No. 2008-06 duly passed and approved.

The Mayor informed the Council that the City Manager will be out of state from April 23 to May 2 and that the Finance Director will be the acting City Manager.

At 6:28 p.m. the Mayor recessed the meeting to allow time for any residents to come in regarding their valuation.

At 7:00 p.m. the Mayor reconvened the meeting. The County Assessor informed the Council that no additional individuals came in to speak regarding their valuation. There was a consensus of the Council to accept the Assessor's recommendations and approve the following:

<b>Property Owner</b>	<b>Parcel No.</b>	<b>Current Market Value</b>	<b>Assessor's Recommended Market Value</b>
David Freberg	23-0109-000	\$ 72,500	Reduce to \$58,400
NFG, LLC	23-0309-100	\$ 4,500	Remain the same
NFG, LLC	23-0310-000	\$174,600	Remain the same

It was moved by Johnson, seconded by Claussen and carried unanimously to adjourn the meeting at 7:01 p.m.

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Mayor

Attest: \_\_\_\_\_  
City Clerk