

**MINUTES - BENSON CITY COUNCIL - REGULAR MEETING  
NOVEMBER 16, 2009**

The meeting was called to order at 5:30 p.m. by Mayor Paul Kittelson. Members present: Sue Fitz, Anne Johnson, Bob Claussen [arrived at 5:45 pm], Gary Landmark, and Paul Kittelson. Members absent: None. Also present: City Manager Rob Wolfington, Public Works Director Elliot Nelson, Tom Klemenhagen, Ron Laycock, and Jill Hedman.

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

At 5:30 p.m. the Mayor opened the Public Hearing for the 2009 Atlantic Avenue Sidewalk Assessments. The Council then continued with the meeting.

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

- a. October 29, 2009 Special City Council Meeting
- b. November 2, 2009 Regular City Council Meeting
- c. November 5, 2009 Special City Council Meeting
- d. October 14, 2009 Benson HRA Meeting

The City Manager reviewed the following correspondence with the Council:

- a. Benson Women of Today Dated 11.3.09 RE: Toys for Tots Program
- b. Positively Minnesota Dated 11.6.09 RE: Redevelopment Grant Program
- c. Swift County HRA. It was moved by Fitz, seconded by Johnson and carried unanimously to approve a small cities owner occupied residential grant for S&LM in the amount of \$17,402.
- d. CapX2020 Dated 10.22.09 RE: Draft EIS Public Meetings and Public Hearings
- e. LMC RE: 2010 Dues Statement
- f. Flaherty & Hood RE: Unallotment Lawsuit

It was moved by Landmark, seconded by Fitz and carried unanimously to approve a Special Use Permit to allow Thonvold Excavating LLC of Sunburg, MN to dispose of sludge and sewage into the Wastewater Treatment Plant for 2009.

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

**POLICE OFFICER DECLARATION  
(RESOLUTION NO. 2009-28)**

WHEREAS, the policy of the State of Minnesota as declared in Minnesota Statutes 353.63 is to give special consideration to employees who perform hazardous work and devote their time and skills to protecting the property and personal safety of others; and

WHEREAS, Minnesota Statutes Section 353.64 permits governmental subdivisions to request coverage in the Public Employees Police and Fire plan for eligible employees of police departments whose position duties meet the requirements stated therein and listed below.

BE IT RESOLVED that the City Council of the City of Benson hereby declares that the position titled Part-Time Police Officer, currently held by Robert Braness, meets all of the following Police and Fire membership requirements:

1. Said position requires a license by the Minnesota peace officer standards and training board under sections 626.84 to 626.863 and this employee is so licensed;
2. Said position's primary (over 50%) duty is to enforce the general criminal laws of the state;
3. Said position charges this employee with the prevention and detection of crime;
4. Said position gives this employee the full power of arrest, and
5. Said position is assigned to a designated police or sheriff's department.

BE IT FURTHER RESOLVED that this governing body hereby requests that the above-named employee be accepted as a member of the Public Employees Police and Fire Plan effective the date of this employee's initial Police and Fire salary deduction by the governmental subdivision.

Member Landmark seconded the foregoing Resolution and the following vote was recorded: AYES: Johnson, Landmark, Fitz, Kittelson. NAYS: None. ABSENT: Claussen. Whereupon the Mayor declared Resolution No. 2009-28 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 2009 PAYABLE 2010  
(RESOLUTION NO. 2009-29)**

BE IT RESOLVED, by the Benson City Council that the following assessments for 2009 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, 2009 and placed on the tax roll for collection with the taxes collectable in 2010.

Charges	Name & Mailing Address	Legal Description & Parcel No.	Amount Due
Garbage Removed @ 402 – 15 <sup>th</sup> St. So.	Bank of America P. O. Box 650070 Dallas, TX 75265-0070	Lot 1, Block 7 McKinney's First Addn. 23-0450-000	\$65.00
Mowing Charges @ 402 – 15 <sup>th</sup> St. So.	Bank of America P. O. Box 650070 Dallas, TX 75265-0070	Lot 1, Block 7 McKinney's First Addn. 23-0450-000	\$130.00
Sidewalk & Sewer Repairs	Nathan Duhoux 1310 Utah Ave., Benson	E. 75 ft. of Lots 6-10, Block 25 Original Townsite, 23-0153-000	\$1,183.34
Garbage Removal	Edward Garrity 1445 Minn. Ave, Benson	W. 90 ft. of Lots 9-10, Block 8 Southside Addn., 23-0921-000	\$65.00
Mowing Charges	Edward Garrity 1445 Minn. Ave, Benson	W. 90 ft. of Lots 9-10, Block 8 Southside Addn., 23-0921-000	\$130.00
Disease Elm Tree Removal	Roy F. Goulet 210 – 12 <sup>th</sup> St. No., Benson	Lots 19-20, Block 15 Original Townsite, 23-0091-000	\$414.20
Garbage Removed @ 601 Church St.	Bernard Drivdahl 1307 Minn. Ave., Benson	Pt. of Lots 1-2, Block 1 Hansen's Addn., 23-0751-000	\$65.00
Mowing Charges @ 212 – 10 <sup>th</sup> St. No.	Jackie A. Solomon 220 Brown Ave. NE Bagley, MN 56621-8762	Lots 16-17, Block 3 Original Townsite, 23-0021-000	\$585.00
Garbage Removed @ 314 – 16 <sup>th</sup> St. No.	Roberta Bee Hill TO: Olive Taylor 1087 W. Jassamine Ct. St. Paul, MN 55117	Lots 18-20, Block 38 Original Townsite, 23-0239-000	\$170.00
<b>TOTALS</b>			<b>\$2,807.54</b>

Member Landmark seconded the foregoing Resolution and the following vote was recorded: AYES: Fitz, Landmark, Johnson, Kittelson. NAYS: None. ABSENT: Claussen. Whereupon the Mayor declared Resolution No. 2009-29 duly passed and adopted.

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

**RESOLUTION SETTING ASSESSMENTS FOR WATER AND  
SEWER SERVICES RENDERED BY THE CITY OF  
BENSON, MINNESOTA FOR 2009 PAYABLE 2010  
(RESOLUTION NO. 2009-30)**

BE IT RESOLVED, by the Benson City Council that pursuant to Minnesota Statutes Chapter 444 that the assessment roll for 2009 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, 2009 and placed on the tax roll for collection with the taxes collectable in 2010.

<b>Account Number, Name &amp; Address</b>	<b>Legal Description &amp; Parcel No.</b>	<b>Sewer</b>	<b>Water</b>	<b>Totals</b>
102-0005-00-01 212 10 <sup>th</sup> St. N. Jackie Solomon	Lots 16-17, Block 3, Original Townsite 23-0021-000	\$234.00	\$54.36	\$288.36
103-0127-00-01 720 Atlantic Avenue Dave Norem	Pt of SW <sup>1</sup> / <sub>4</sub> of SE <sup>1</sup> / <sub>4</sub> of Section 5 23-1416-000	\$234.00	\$102.36	\$336.36
201-0087-00-01 314 16 <sup>th</sup> St. N. Dameon Taylor	Lots 18-20, Block 38, Original Townsite 23-0239-000	\$585.71	\$0.00	\$585.71
302-0114-00-06 1615 Pacific Avenue Bernard Drivdahl	Lots 8-9, Block 44, Original Townsite 23-0282-000	\$156.00	\$38.36	\$194.36
402-0087-00-01 206 10 <sup>TH</sup> St. S L. Marshall/C. Doerr	Lots 5-7, Block 7, Original Townsite 23-0036-000	\$538.02	\$164.47	\$702.49
403-0054-00-20 1307 Minnesota Avenue Bernard Drivdahl	Pt of Lots 1-2, Block 1, Hansen's Addition 23-0751-000	\$391.47	\$44.61	\$436.08
<b>TOTALS</b>		\$2,139.20	\$404.16	\$2543.36

Member Fitz seconded the foregoing Resolution and the following vote was recorded: AYES: Johnson, Fitz, Landmark, Kittelson. NAYS: None. ABSENT: Claussen. Whereupon the Mayor declared Resolution No. 2009-30 duly passed and adopted.

At 5:45 p.m. the Mayor closed the Public Hearing for the 2009 Atlantic Avenue Sidewalk Assessments. Council Member Landmark offered the following Resolution and moved its adoption:

**RESOLUTION ADOPTING ASSESSMENT  
FOR 2009 ATLANTIC AVENUE SIDEWALK IMPROVEMENTS  
(RESOLUTION NO. 2009-31)**

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:

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 ten years (unless specifically limited to one year). The first installment to be payable on or before the first Monday in January, 2010 and shall bear interest at the rate of 6 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, 2009. 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 2009 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.

Member Fitz seconded the foregoing Resolution and the following vote was recorded: AYES: Landmark, Fitz, Johnson, Claussen, Kittelson. NAYS: None. ABSENT: None. Whereupon the Mayor declared Resolution No. 2009-31 duly passed and adopted.

Ron Laycock and Jill Hedman, representing the Benson Library Board recommended that the Council increase the Head Librarian's hours by five hours per week. Council Member Fitz offered the following Resolution and moved its adoption:

**RESOLUTION OF THE CITY COUNCIL OF BENSON, MINNESOTA  
TO ADD FIVE HOURS TO WORKWEEK OF THE BENSON HEAD LIBRARIAN  
WITH FUNDING PROVIDED BY CITY OF BENSON  
(RESOLUTION NO. 2009-32)**

WHEREAS, the Benson Public Library is considered an invaluable community resource by providing a wide array of paper and electronic information services for free or for modest fees that would normally be unavailable or unaffordable to many members of the community.

WHEREAS, the City of Benson Head Librarian currently lacks sufficient time to assess the utility and user-friendliness of current informational services the library provides and implement necessary modifications to continue to maintain community needs.

WHEREAS, the Head Librarian is currently scheduled to work thirty-five hours of the fifty-two operating hours a week, which requires the Head Librarian to spend significant time completing some of the more time-consuming tasks—check-ins, checkouts, searching for holds or lost items, and shelf management—leaving little time for evaluating and modifying reference services, children’s department, volunteer training, and materials and technology.

WHEREAS, the funding for five additional work hours for the Benson Head Librarian is needed to continue to provide the reasonable and necessary current level and future level of services.

NOW THEREFORE, BE IT RESOLVED, subject to the approval of the Board of Directors of the Pioneerland Library System, the City Council of Benson, Minnesota authorizes the City of Benson to fund an additional five workweek hours for the Benson Head Librarian position.

Member Johnson seconded the foregoing Resolution and the following vote was recorded: AYES: Fitz, Johnson, Landmark, Claussen, Kittelson. NAYS: None. ABSENT: None. Whereupon the Mayor declared Resolution No. 2009-32 duly passed and adopted.

There was a brief review of the Budget Report for the month ended October 31, 2009.

The Public Works Director presented a pay request from Thein Well Company for the Well No. 32 and Pumping Facility project in the amount of \$77,805. It was moved by Fitz, seconded by Claussen and carried unanimously to approve the pay request in the amount of \$77,805.

It was moved by Fitz, seconded by Claussen and carried unanimously to approve bills and warrants in the amount of \$615,620.35

It was moved by Landmark, seconded by Claussen and carried unanimously to adjourn the meeting at 6:03 p.m.

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Mayor

Attest: \_\_\_\_\_  
City Manager