

**MINUTES - BENSON CITY COUNCIL - REGULAR MEETING
APRIL 6, 2009**

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, Tom Klemmenhagen, Troy Gocha, Angie Kolden, Cindy Evenson, Shawn Tolifson, Leroy Noreen, Nathan and Bea DuHoux, and Jerome and Beth Schlangen.

Under unscheduled business, Leroy Noreen inquired about the failed sewer at 1310 and 1320 Nevada Avenue. The Public Works Director informed the Council that staff is proposing to install a new sewer main on Nevada Avenue that will allow the four residences at 1310, 1320, 1330 and 1340 Nevada Avenue to tap into the new line. R.L. Larson Excavating has agreed to add this project to the lift station improvements contract in the amount of \$22,830 that does not include street repairs. The Public Works Director mentioned that they could start as early as Thursday if authorization from Mn/DOT is received. It was moved by Fitz, seconded by Johnson and carried unanimously to amend the contract with R.L. Larson Excavating to include the installation of a new sewer main on Nevada Avenue between 13th Street and 14th Street. The residents on Nevada Avenue will need to hire a contractor to install a sewer line from their house to the connection point that will be located on the north side of the sidewalk. When the residents connect to the line, the City will bill them for the cost to install the line from the main to the connection point.

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

- a. March 16, 2009 Regular City Council Meeting
- b. February 11, 2009 Prairie Country RC & D Council Meeting
- c. March 12, 2009 Benson EDA Meeting
- d. February 23, 2009 SCBH Board Meeting

The City Manager reviewed the following correspondence with the Council:

- a. KSCR/KBMO dated 3.30.09 Regarding a request to waive or reduce the rental fee for the armory for the Farm, Home and Sports Show. No action was taken.
- b. MN State Demographic Center dated 3.6.09. RE: Census 2010 Town Hall Meetings

The City Manager reviewed the following zoning applications:

1. Variance No. 2009-02 from Jerome J. Schlangen, 312 – 17th St. So. – It was moved by Fitz, seconded by Landmark and carried unanimously to approve Variance No. 2009-02 to allow Mr. Schlangen to construct a 1,224 sq. ft. detached garage.

2. Conditional Use Permit [Home Occupation] No. 2009-01 from Angela Kolden, 1550 Wisconsin Ave. - It was moved by Landmark, seconded by Johnson and carried unanimously to approve Conditional Use Permit [Home Occupation] No. 2009-01 to allow Ms. Kolden to operate a tattoo business with the following conditions:

- comply with County and City ordinances
- no signs allowed
- no additional lighting
- limit off-street parking to no more than two vehicles
- no business conducted during the hours of 10:00 p.m. and 7:00 a.m.

3. Conditional Use Permit No. 2009-02 from Herb Rajewski to move a single family dwelling from 1700 McKinney Ave. to Lot 6, Block 1, Prairie View Addition [735 Montana Ave.] No action was taken due to Mr. Rajewski rescinding his application.

4. Variance No. 2009-03 from Agvise Laboratories, 902 – 13th St. No. – It was moved by Fitz, seconded by Johnson and carried unanimously to approve Variance No. 2009-03 to allow Agvise to construct an addition to their building at 902 – 13th Street North with the following conditions:

- replace curb and gutter on 13th Street
- allow alley access from the south through the Agvise parking lot
- construct a 6 ft. privacy fence between Agvise property and the resident at 820–13th St. No.
- construct barrier around argon tank

5. Variance No. 2008-03 from Meak & Associates [Ron Holtan], 1321 Pacific Ave. – It was moved by Claussen, seconded by Landmark and carried unanimously to deny Variance No. 2008-03.

The City Manager informed the Council that the Swift County-Benson Hospital (SCBH) is requesting permission from the City and Swift County to borrow money to upgrade their mammography equipment in the amount of \$239,000. The City Manager mentioned that there were discussions regarding the City and County possibly funding the loan. It was moved by Landmark and seconded by Johnson to authorize the SCBH to borrow the needed money for the equipment. The following vote was recorded: AYES: Landmark, Johnson, Kittelson. NAYS: None. ABSTAIN: Fitz, Claussen.

Tom Klemmenhagen from Landteam Inc. reviewed the 2009 Atlantic Avenue Sidewalk Improvements with the Council. After discussion, it was moved by Fitz, seconded by Claussen and carried unanimously to approve the Feasibility Report for the 2009 Atlantic Avenue Sidewalk Improvements and set the preliminary assessment hearing for the project at 5:30 p.m. on April 20, 2009.

Discussion of the Transit Committee Report was tabled to allow time for the drivers to respond to the proposed changes.

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

**RESOLUTION ADOPTING DISEASED ELM TREE REMOVAL CHARGES
(RESOLUTION NO. 2009-08)**

WHEREAS, the City Council of the City of Benson, Minnesota resolves:

In Section 3 of the Benson Rate Resolution that the following Diseased Elm Tree Removal Charges are hereby established with adoption of this resolution:

TREE LOCATED:

- on property owner's rear yard – 100% property owner cost
- on side yard boulevard – 100% City cost
- on property owner's front yard – 100% property owner cost
- on front yard boulevard – 50% City/50% property owner cost

The property owner has the option of hiring someone other than the City's tree contractor to remove a diseased elm tree on the front yard boulevard but then the City will not participate in the cost to remove the tree.

Member Claussen seconded the foregoing Resolution and the following vote was recorded: AYES: Landmark, Claussen, Johnson, Fitz, Kittelson. NAYS: None. Whereupon the Mayor declared Resolution No. 2009-08 duly passed and adopted.

A brief discussion on the Residential Clean Up days that are scheduled for April 29 thru May 1 was held. This was informational with no action taken.

The Public Works Director informed the Council that the following two quotes were received to apply the oil and chips for the 2009 seal coating project:

Bidder	Total Bid
Caldwell Asphalt Co. Hawick, MN	\$12,782.00
Morris Sealcoat & Trucking Morris, MN	\$16,704.10

The Public Works Director also informed the Council that Koch quoted a price of \$39,255.90 that includes tax and freight for the oil for the 2009 seal coating project. It was moved by Fitz, seconded by Claussen and carried unanimously to accept the quote from Caldwell Asphalt Co. in the amount of \$12,782.00 and the quote from Koch for the oil in the amount of \$39,255.90 for the 2009 seal coating project.

The Finance Director reviewed the 2008 Year End Budget Report with the Council.

Member Fitz mentioned that she had received complaints about some nuisance/garbage issues at 303 – 12th Street South and 305 – 16th Street South.

It was moved by Claussen, seconded by Fitz and carried unanimously to adjourn the meeting at 6:27 p.m.

Mayor

Attest: _____
City Manager