

**MINUTES - BENSON CITY COUNCIL - REGULAR MEETING
JULY 19, 2010**

The meeting was called to order at 5:50 p.m. by Mayor Paul Kittelson. Members present: Sue Fitz, Ben Hess, Bob Claussen, Gary Landmark, and Paul Kittelson. Members absent: None. Also present: Finance Director Glen Pederson, Public Works Director Elliot Nelson, Assistant City Attorney Tara Ulmaniec, and Sheila Szczur.

There was no one 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. July 6, 2010 Regular City Council Meeting
- b. June 14, 2010 Benson Planning Commission Meeting
- c. June 9, 2010 Benson HRA Meeting
- d. June 4, 2010 Benson Area Tourism Board Meeting

The following correspondence was reviewed:

- a. MRES dated 7.7.10 RE: Webinars Over the EPA Reciprocating Internal Combustion Engines Rule, Impact on Existing Diesel Generators
- b. LMC dated 7.7.10 RE: 2011 Dues Information
- c. State Demographic Center RE: 2009 Population and Household Estimates
- d. Swift County Auditor dated 7.12.10. It was moved by Landmark, seconded by Fitz and carried unanimously to not take possession of Parcel Numbers 23-0021-000 and 23-0702-000. These are tax forfeited properties.

The next item discussed was Variance No. 2010-03. John and Sheila Szczur, 700 – 10th St. So., are proposing to add a 14' x 30' addition to the north side of their house. This addition would be 5 feet of the north property line when zoning requires a 40 foot setback. The Planning Commission conducted a public hearing on July 7 and recommended that the Council approve Variance No. 2010-03 with no conditions. It was moved by Fitz, seconded by Hess and carried unanimously to approve Variance No. 2010-03 as recommended by the Planning Commission.

Tara Ulmaniec reviewed the proposed amendment to Chapter 117: Sexually Oriented Businesses. After discussion, it was moved by Claussen, seconded by Fitz and carried unanimously to approve the First Reading of An Ordinance to Amend Chapter 117: Sexually Oriented Businesses of the City of Benson Code of Ordinances.

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

**CITY OF BENSON
LOCAL GOVERNMENT APPLICATION RESOLUTION
(RESOLUTION NO. 2010-13)**

BE IT RESOLVED that the City of Benson act as the legal sponsor for project(s) contained in the Redevelopment Grant Program to be submitted on July 26, 2010 and that the City Manager is hereby authorized to apply to the Department of Employment and Economic Development for funding of this project on behalf of the City of Benson.

BE IT FURTHER RESOLVED that the City of Benson has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure adequate project administration.

BE IT FURTHER RESOLVED that the sources and amounts of the local match identified in the application are committed to the project identified.

BE IT FURTHER RESOLVED that the City of Benson has not violated any Federal, State or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice.

BE IT FURTHER RESOLVED that upon approval of its application by the state, the City of Benson may enter into an agreement with the State of Minnesota for the above referenced project(s), and that the City of Benson certifies that it will comply with all applicable laws and regulation as stated in all contract agreements.

NOW, THEREFORE BE IT FINALLY RESOLVED that the Mayor and the City Clerk are hereby authorized to execute such agreements as are necessary to implement the project on behalf of the applicant.

Councilmember Claussen seconded the foregoing Resolution and the following vote was recorded: AYES: Landmark, Claussen, Fitz, Hess, Kittelson. NAYS: None. Whereupon the Mayor declared Resolution No. 2010-13 duly passed and adopted.

The City Attorney submitted a written opinion concerning the City's obligation regarding the DeToy's Restaurant sign that is located on the lot the City purchased from the DeToys. A condition of the amendment to the purchase agreement in 2005 was that the sign can remain on this parcel as long as the City owns the parcel and the restaurant continues to operate and zoning laws do not prohibit such a sign. Due to the restaurant no longer being open, the City Attorney determined that if the City wants to remove the DeToy's Restaurant sign they should act on removing the sign. After discussion, it was moved by Claussen, seconded by Fitz and carried unanimously to have staff remove the DeToy's Restaurant sign and place it in storage.

It was moved by Claussen, seconded by Hess and carried unanimously to approve a pay request from Bonestroo in the amount of \$6,876.78 (City of Benson General - \$5,143.00, 11th Street South Reconstruction - \$643.78, and Sandy's Lift Station - \$1,090.00).

It was moved by Landmark, seconded by Fitz and carried unanimously to approve two pay requests from TKDA for professional services from 5.30.10 to 6.26.10 in the amount of \$6,107.77 (2010 Industrial SWPPP - \$4,500.00 and the Airport Layout Plan Update - \$1,607.77).

The Public Works Director informed the Council that two quotes were solicited for street light poles and fixtures to finish the downtown area and the two school crossings (13th St. No. at Montana Ave. and Hwy. 29 at Nevada Ave.). The low quote of \$45,255.93 was for 38 light poles and fixtures for the downtown area and 3 for the school crossings. He is also recommending that the Council approve ordering solar lights and poles for the school crossings at a cost of about \$7,500 per crossing of which the school will pay \$3,500 per crossing. It was moved by Claussen, seconded by Landmark and carried unanimously to approve the purchases as recommended by the Public Works Director in the amount of \$45,255.93 from Border States and \$15,000 from TAPCO.

The Finance Director reviewed the budget report through June 30, 2010.

It was moved by Claussen, seconded by Hess and carried unanimously to approve the bills and warrants in the amount of \$466,538.75.

Member Fitz mentioned she had received complaints on the following items:

- drinking fountain at pool not working: The Public Works Director mentioned that the drinking fountain is continually being fixed and appears to be being tampered with.
- a mother and child in an infant seat were each charged to enter the pool: It was suggested that this should be looked at when rates are reviewed before next season.
- skunks: It appears some may have been taken care of

The Finance Director informed the Council that John Gunyou, running mate of Margaret Anderson Kelliher, will be in City Hall at 10:30 am tomorrow if anyone was available to meet with him.

Member Landmark mentioned that he had received a complaint that the playground equipment at the swimming pool is locked and only available to those in the pool area. He asked if something could be done to make it available to those in the park area. The Public Works Director mentioned that the sand that is brought into the pool from the playground equipment area creates a problem with the filters in the pool. After discussion, it was moved by Fitz, seconded by Landmark and carried unanimously to permanently unlock the outside gate to the playground equipment and permanently lock the gate to the pool area from the playground equipment.

It was moved by Claussen, seconded by Hess and carried unanimously to adjourn the meeting at 6:30 p.m.

Mayor

Attest: _____
City Clerk