

**MINUTES - BENSON CITY COUNCIL - REGULAR MEETING
MAY 5, 2014**

The meeting was called to order at 5:30 p.m. by the Mayor. Members present: Paul Kittelson, Jack Evenson, Stephanie Heinzig & Sue Fitz. Members Absent: Mike Fugleberg. Also present: City Manager Rob Wolfington, Director of Finance Glen Pederson, Public Works Director Dan Gens, Dan Enderson, Nate Burgers and Dan Connolly of CNH, Rhonda Flower, Kali Borene, Jennifer & Terry Sullivan, Beth Deitchman, Cherrie Stielow, Assistant City Attorney Ben Wilcox, Duane Miller, Chuck Koenigs and Vicki Syverson.

Mayor Kittelson called for anyone with unscheduled business. Nate Burgers from CNH approached the Council wanting to establish their facility on east highway 12 and the north half of the Civic Center as a Foreign Trade Zone. By establishing this, it will allow parts to come into the country duty free, which will keep them from becoming held up in customs. A duty tax will be paid when the product leaves the country. It is required there be full time security and fencing at the facilities. Burgers said CNH needs approval from the City as it rents the north end of the Civic Center from the City. It was moved by Evenson, seconded by Fitz and carried unanimously to approve the Foreign Trade Zone on the north end of the Civic Center, pending staff review, and authorizing the Mayor to sign the letter approving the property designation as a Foreign Trade Zone.

Next Burgers discussed the recent approval of the purchase of a John Deere loader. He reviewed the breakdown of the Case and John Deere loader bids. He discussed the specs on the loaders. The Consensus of the Council was for staff to review the two bids and to bring the information to the next Council meeting.

Beth Deitchman and Cherrie Stielow approached the Council representing a group called Citizens for Chickens. They asked the Council to consider changing the ordinance to treat chickens as domesticated animals like a cat or dog and not a farm animal. They would like to be able to have up to four hen chickens in their yard. Fitz said it was discussed at the Planning Commission meeting to have a listening meeting in order to get feed-back from the community. The Council directed staff to set the meeting up and advertise the date.

Assistant City Attorney Ben Wilcox approached the Council and presented suggested changes to the noise ordinance. There have been a lot of loud car stereos disrupting the peace. After discussion, it was move by Fitz, seconded by Evenson and carried unanimously to approve the 1st Reading of an Ordinance To Amend Title IX: General Regulations, Chapter 93: Nuisances; § 93.18 Of The Benson City Code of 2003.

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

- April 21, 2014 City Council Meeting
- February 20, 2014 EDA Meeting
- April 17, 2014 Safety Committee Meeting

It was moved by Fitz, seconded by Evenson and carried unanimously to approve a gambling license for the Chippewa Valley Chapter of the Minnesota Deer Hunters Association on June 30, 2014.

The Mayor acknowledged a letter from First Security Bank thanking the Police for handling a situation that developed in their bank.

Next Wolfington stated to the Council there has been a trend for wedding and reception inquiries at Ambush Park. Rhonda Flower and Kali Borene approached the Council with a request to rent the shelters and all the camp sites for a wedding reception on September 11-12, 2015. After discussion, it was

moved by Evenson, seconded by Fitz and carried unanimously to approve the request, pending Park Board Approval. Wolfington went on to ask the Council to direct the Park Board to review possible policies in regards to weddings and receptions at Ambush Park. It was the consensus of the Council to have the Park Board address this issue at a future meeting.

Next Jennifer and Terry Sullivan approached the Council. They own Patrick's Pub and Grill. They were approached by the Chamber Manager to consider having a street dance the weekend of Kid Day. Sullivans are proposing blocking off 13th Street South between Kansas Avenue and Pacific Avenue to hold a street dance, outdoor grill and beer/liquor garden. The area will be fenced in, with Police presence, and they will extend their insurance to cover the street area for the night. After discussion it was moved by Evenson, seconded by Heinzig and carried unanimously to approve the request from Patrick's, and directed the Sullivans to work with City Staff to be assured the activities are compliant.

Next Variance application number 2014-01 for a garage on a vacant lot was presented to the Council. The lot is south of 213 – 15th St. N. and owned by Duane Miller. Fitz stated the Planning Commission approved the variance under the condition the garage did not look like a pole barn with steel siding. It was moved by Fitz, seconded by Evenson and carried unanimously to approve variance number 2014-01 with the Planning Commission recommendations.

Councilmember Evenson offered the following resolution:

**POLICE OFFICER DECLARATION
(RESOLUTION NO. 2014-11)**

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 Benjamin J. Badowich 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.

Council Member Fitz seconded the foregoing Resolution and the following vote was recorded: AYES: Fitz, Kittelson, Heinzig, Evenson. NAYS: None. Thereupon the Mayor declared Resolution 2014-11 duly passed and adopted.

Quote were taken to clean the inside and outside of the water tower. There were two qualifying quotes received. One was from Water Tower Clean and Coat, Inc. for \$5,000.00, and the other from Tri-State Coatings in the amount of \$9,000.00. It was moved by Evenson, seconded by Heinzig and carried unanimously to accept the quote from Water Tower Clean and Coat, Inc. in the amount of \$5,000.00.

It was moved by Fitz, seconded by Evenson and carried unanimously to appoint Tom Anderson to the Swift County-Benson Hospital Board to fill out Mark Frank's term.

The Mayor called for a recess at 6:18 p.m. to go on a bus tour of City projects.

The Mayor reconvened the meeting at 7:17 p.m.

There being no other business, a motion was made by Fitz, seconded by Evenson and carried unanimously to adjourn the meeting at 7:18 p.m.

Mayor

City Clerk