

**MINUTES – BENSON CITY COUNCIL – REGULAR MEETING**  
**JUNE 25, 2007**

The meeting was called to order at 5:30 p.m. by Mayor Paul Kittelson. Members present: Sue Fitz, Bob Claussen, and Paul Kittelson. Members absent: Gary Landmark and one vacancy. Also present: City Manager Rob Wolfington, Director of Public Works Elliot Nelson, Director of Finance Glen Pederson, Larry Wepplo, and Patty Grube.

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

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

- a. June 11, 2007 City Council Meeting
- b. April 30, 2007 SCBH Board Meeting
- c. May 9, 2007 Benson HRA Meeting
- d. April 16, 2007 UMRDC Meeting
- e. May 17, 2007 Pioneerland Library System Board Meeting
- f. June 11, 2007 Benson Park Board Meeting

The City Manager reviewed the following correspondence:

- a. Southwest Initiative Foundation dated June 14, 2007 RE: Funding Request. Referred to the EDA
- b. Lakes Area Model Railroad Association dated June 16, 2007. It was moved by Claussen, seconded by Fitz and carried unanimously to approve waiving the fee for the Lakes Area Model Railroad Association to have their display at the Armory during Kid Day the weekend of July 20-21.
- c. Clark's Rexall Drug dated June 21, 2007. RE: Request for Two-Way Traffic on Utah Avenue – Referred to Planning Commission

It was moved by Fitz, seconded by Claussen and carried unanimously to appoint Heather LeClair to fill a vacancy on the Benson Area Tourism Board with her term expiring December 31, 2007.

It was moved by Claussen, seconded by Fitz and carried unanimously to approve a gambling permit for the Church of St. Francis for a raffle on September 9, 2007.

Larry Wepplo and Patty Grube from Conway, Deuth and Schmiesing presented the 2006 Audit.

The City Manager informed the Council that a herbicide spill occurred on June 12, 2007 on land the City purchased from the railroad in 2002. The spill occurred by a contractor that was spraying railroad property. Staff took photos, GPS coordinates, took soil samples and samples from the drinking well that is in close proximity to the spill, and contacted the State Duty Officer who came out to inspect the site on June 13. The City is waiting for the results of the samples. This was informational at this time with no action taken.

It was moved by Fitz, seconded by Claussen and carried unanimously to approve donating 100 swimming pool passes (40 children, 40 teens, and 20 adult) for the Swift County Human Services to dispense. This is to be an annual occurrence.

The City Manager presented an estimate from Widseth Smith Nolting to replace the boiler at the Armory for \$125,000 and \$15,000 for engineering. Staff is checking other options and will need more time to assess those options.

It was moved by Fitz, seconded by Claussen and carried unanimously to approve the Second Reading of An Ordinance to Amend Chapter 70, Traffic Code.

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

**RESOLUTION IN SUPPORT OF A 2007 SPECIAL LEGISLATIVE SESSION TO  
CONSIDER THE OMNIBUS TAX BILL  
(RESOLUTION NO. 2007-07)**

WHEREAS, the Minnesota Legislature, in its 2007 regular session, passed the 2007 Omnibus Tax Bill (House File No. 2268); and,

WHEREAS, the Omnibus Tax Bill contained provisions, including:

- homestead property tax refunds
- increases in local government aid, which would benefit cities, counties and townships
- veterans' benefits
- higher education tuition deductions
- incentives for farm and business expansion; and,

WHEREAS, the regular legislative session of the 2007 Legislature has now ended; and,

WHEREAS, the Omnibus Tax Bill was vetoed by Minnesota Governor Tim Pawlenty on May 30, 2007; and,

WHEREAS, enactment of the Omnibus Tax Bill would be a great benefit for the taxpayers of Minnesota, especially property taxpayers; and,

WHEREAS, a special session should only be convened if there is a pre-agreed agenda that includes provisions similar to the tax bill passed at the end of the Legislative session, including \$70 million in the Local Government Aid program and no levy limits; and

WHEREAS, a special session would permit the enactment of the Omnibus Tax Bill,

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BENSON, MINNESOTA THAT** this Council requests that the Governor of the State of Minnesota, Tim Pawlenty, convene a special legislative session without delay to enact the 2007 Omnibus Tax Bill.

**AND BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF BENSON THAT** this Council urges the Governor and State Legislature to reach an agreement on a tax bill that includes at least \$70 million in the Local Government Aid program and does not constrict the ability of municipalities to generate revenue for municipal services.

Council Member Claussen seconded the foregoing Resolution and the following vote was recorded: AYES: Fitz, Claussen, Kittelson. NAYS: None. ABSENT: Landmark and one vacancy. Whereupon the Mayor declared Resolution No. 2007-07 duly passed and adopted.

It was moved by Claussen, seconded by Fitz and carried unanimously to approve four pay requests from DGR for the Electric System Improvements for professional services through May 31, 2007 (\$25,000, \$1,126, \$1,164.50 and \$234) in the amount of \$27,524.50.

It was moved by Fitz, seconded by Claussen and carried unanimously to approve a pay request from Lakes Area Paving and Striping for 2007 Bituminous Work in the amount of \$8,612.44.

The Public Works Director informed the Council that some phone cables were cut when the line crew was boring under 13<sup>th</sup> Street South. He expects a bill from the phone company to cover the repairs.

The Mayor informed the Council that staff recently sent letters informing some businesses that it is against City ordinances to place temporary signs on City right-of-way. After discussion, there was a consensus of the Council to refer this to the Planning Commission for their recommendation.

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

**JOINT RESOLUTION BETWEEN THE TOWN OF SIX MILE GROVE AND THE CITY  
OF BENSON DESIGNATING AN AREA FOR ORDERLY  
ANNEXATION PURSUANT TO MINNESOTA STATUTE 414.0325  
(RESOLUTION NO. 2007-08)**

Part of Section 1, Six Mile Grove Township, Swift County, Minnesota:

BE IT RESOLVED by the Town of Six Mile Grove, hereinafter referred to as “the Town”, by and through its Board of Supervisors; and the City of Benson, hereinafter referred to as “the City”, by and through its City Council, that the Town and City do hereby jointly agree to the following:

I. **Definitions**

For the purposes of this Joint Resolution the following definitions will mean:

1. **City.** Will mean the City of Benson, Minnesota, a municipal corporation duly organized and existing under the laws of the State of Minnesota.
2. **County.** Will mean the County of Swift, Minnesota, a body corporate and politic duly organized and existing under the laws of the State of Minnesota.
3. **Effective Date of Annexation.** Will mean the date Minnesota Department of Administration – Municipal Boundary Adjustment issues its order approving the annexation contemplated in the initiating Resolution.
4. **Effective Date of this Joint Resolution.** Will mean the date Minnesota Department of Administration – Municipal Boundary Adjustment accepts this Joint Resolution for filing.

5. **Initiating Resolution.** Will mean this Joint Resolution adopted by the City and filed with Minnesota Department of Administration – Municipal Boundary Adjustment.
6. **Joint Resolution.** Will mean the Joint Resolution between the Town and the City designating an area for orderly annexation pursuant to Minnesota Statute Section 414.0325.
7. **Minnesota Department of Administration – Municipal Boundary Adjustment.** Will mean Minnesota Department of Administration – Municipal Boundary Adjustment, which is created by Minnesota Statute Section 414.01.
8. **Orderly Annexation Area.** Will mean that area of the Town of Six Mile Grove, Swift County, Minnesota, legally described as:

That part of Section One (1), Township One Hundred Twenty-one (121), Range Forty (40), more particularly described as follows: Commencing at the northwest corner of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section One (1); thence Easterly on the north line of Section One (1), bearing North 90° 00' East for 360 feet and thence South for 300 feet to a point which will be the point of beginning; thence continuing South for 241.7 feet; thence West bearing South 86° 45' West for 360.4 feet to the West line of said Northeast Quarter (NE $\frac{1}{4}$ ) of Section One (1); thence Northerly on the West line of said Northeast Quarter (NE $\frac{1}{4}$ ) of Section One (1) for 262.1 feet; thence Easterly on a line parallel to the North line of said Northeast Quarter (NE $\frac{1}{4}$ ) of Section One (1) for 360 feet to the point of beginning.

and a map of which is attached as Exhibit A.

9. **Town of Six Mile Grove.** Will mean the Town of Six Mile Grove, a body corporate and politic, duly organized under the laws of the State of Minnesota.

## II. **Population**

The population of the Orderly Annexation Area is zero and the population of the City of Benson will not increase as a result of annexation.

## III. **Reason for Annexation**

It is specifically found that:

1. **Certain Properties Urban or Suburban.** Certain areas within the Town abutting upon the City are presently or are about to become urban or suburban in nature.
2. **City Capable of Providing Services.** City is capable of providing wastewater collection services and is capable of providing additional municipal service to this property to adequately protect the public health, safety, and general welfare of the property.
3. **Best Interest of City and Township.** It is in the best interest of the respective residents of the parties to agree to orderly annexation in furtherance of orderly growth.

IV. **Annexation Date**

All property within the Orderly Annexation Area will be annexed to the City upon the date that Minnesota Department of Administration – Municipal Boundary Adjustment issues its order approving annexation following Minnesota Department of Administration – Municipal Boundary Adjustment acceptance of this Joint Resolution.

V. **Zoning/Subdivision/Land Use Control Regulations**

Upon the effective date of annexation, the Orderly Annexation Area will be zoned “I-3” Special Industrial District so that the entire Orderly Annexation Area will be governed by the City’s comprehensive land use plan and subdivision regulations as such plan and regulations may be amended, modified or replaced from time to time.

VII. **No Referendum**

As all of the conditions for annexation are contained within and have been mutually agreed upon by the Town and City, at the time of annexation of the Orderly Annexation Area no referendum will be conducted.

VIII. **Modifying/Amending Joint Resolution**

The parties to this agreement concur that this agreement will not be modified or amended, nor will the stated boundaries be altered unless mutually agreed to through resolution of each party and acceptance by Minnesota Department of Administration – Municipal Boundary Adjustment.

IX. **Ordering in of Annexation**

Upon receipt of an Initiating Resolution under this Joint Resolution, Minnesota Department of Administration – Municipal Boundary Adjustment may review and comment, but will, within 30 days, orders the annexation in accordance with the terms of this Joint Resolution.

X. **Town/City Cooperation**

The Town and City resolve to fully cooperate with Minnesota Department of Administration – Municipal Boundary Adjustment in connection with this Joint Resolution and its agreements.

Council Member Fitz seconded the foregoing Resolution and the following vote was recorded: AYES: Claussen, Fitz, Kittelson. NAYS: None. ABSENT: Landmark and one vacancy. Whereupon the Mayor declared Resolution No. 2007-08 duly passed and adopted.

The Finance Director presented bills and warrants for approval. It was moved by Fitz, seconded by Claussen and carried unanimously to approve the bills and warrants in the amount of \$395,361.24.

The City Manager reminded the Council that there are three Council meetings in July. The two regular meetings and a special work session on July 16 at the Sr. Center at 5:30 p.m.

It was moved by Fitz, seconded by Claussen and carried unanimously to adjourn the meeting at 7:00 p.m.

---

Mayor

Attest: \_\_\_\_\_

City Clerk