

**MINUTES - BENSON CITY COUNCIL - REGULAR MEETING
JUNE 1, 2015**

The meeting was called to order at 5:30 p.m. by Mayor Kittelson. Members present: Paul Kittelson, Sue Fitz, Mike Fugleberg, Jack Evenson & Stephanie Heinzig. Members Absent: None. Also present: City Manager Rob Wolfington, Director of Finance Glen Pederson, Police Chief Ian Hodge, Jennifer & Terry Sullivan, Anna Jensen and Fire Department Officers Mark Schreck, Dave Vollan and Rob Lee.

The Council recited the Pledge of Allegiance.

It was moved by Fitz, seconded by Fugleberg and carried unanimously to approve the following minutes:

- May 4, 2015 City Council Minutes
- May 11, 2015 Special City Council Minutes
- May 15, 2015 Special City Council Minutes
- March 16, 2015 EDA Minutes

Wolfington presented a letter from the League of Minnesota Cities with the maximum due schedule increase for its next fiscal year. The amount will not be more than a 5% increase from last year.

Next was a letter from a citizen living in an apartment, asking for the Council to waive the fire call fee she had received from her land lord for her grandson pulling the fire alarm. Building Official Jacobson checked into the height of the fire alarms, and found them to be mounted at the correct height on the wall. It was noted our bill is with the management company, not the individual. There was discussion of forgoing the fee if the property owners put covers over the alarm as to deter children from grabbing and pulling the alarm. There have been several calls to this location for false alarms. After discussion, it was the consensus of the Council to waive the false alarm fee if the apartment building agrees to install covers over the alarm pull stations.

There was a conditional Use Permit from Berent Klemm for a home occupation to sell worms and leeches from his residence at 404 – 19th St. S. Wolfington noted the Planning Commission recommended approval of the Conditional Use Permit. Councilmember Fitz offered the following resolution:

**A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT AT
404 – 19TH STREET SOUTH FOR A HOME OCCUPATION
(RESOLUTION 2015-09)**

FINDINGS OF FACT AND CONCLUSIONS OF LAW

WHEREAS, the Planning Commission of the City of Benson, based on its meeting on June 1, 2015, makes the following findings of fact:

1. Berent R. Klemm owns the property at 404 19th St. South in Benson, Minnesota.
2. On April 13, 2015, the City of Benson Planning Commission was presented with an application for a Conditional Use Permit to allow a home occupation selling bait and tackle on the above-described property.

3. The above-described property is zoned R-3 High Density Residential. The proposed use is permitted with a Conditional Use Permit, the conditions of which are to be set by the City, provided the requirements set forth in City of Benson Code section 154.178 are met.

NOW THEREFORE, based on these findings of fact, the City of Benson Planning Commission makes the following conclusions of law:

1. The proposed use would comply with the Comprehensive Plan.
2. The proposed conditional use would not be detrimental to or endanger the public health, safety, morals or comfort.
3. The proposed conditional use would not be injurious to the use and enjoyment of other property in the immediate vicinity and would not substantially diminish and impair property values in the neighborhood.
4. The establishment of the conditional use would not impede the normal and orderly development and improvement of surrounding residential property.
5. The conditional use would, in all other respects, conform to the applicable regulations of the district in which it is located.
6. The conditional use would comply with the general and specific performance standards as specified by section 154.178.
7. Because the conditions set forth in section 154.178 of the Benson Code of Ordinances have been met, the Planning Commission recommends approval of the conditional use permit **subject to the following Conditions of Use:**
 - a. The business is limited to selling Worms, Leeches, and Tackle.
 - b. The business must take place wholly inside the dwelling.
 - c. The business must operate between the hours of 7:00 a.m. and 10:00 p.m.
 - d. The only allowed signage shall be one non-illuminated nameplate no larger than one square foot in area, which must be attached to the building entrance.
 - e. The business must comply with all City, State and Federal laws.

Council Member Evenson seconded the foregoing Resolution and the following vote was recorded: AYES: Fitz, Kittelson, Heinzig, Evenson, Fugleberg. NAYS: None. Thereupon the Mayor declared Resolution 2015-09 duly passed and adopted, and the Conditional Use Permit approved.

Terry and Jennifer Sullivan approached the Council, asking to block off the street on July 18, 2015 for a street dance and other activities in conjunction with Kid Day. They would like to hold a bean bag tournament, and will be participating in the Amazing Race promoted by the Kid Day Committee. After discussion it was moved by Evenson, seconded by Heinzig and carried unanimously to approve closing off 13th Street South between Kansas Avenue and Pacific Avenue from 6:00 a.m. to 3:00 a.m. July 19-20, 2015 for the Kid Day events.

Next Fire Department Officers Schreck and Vollan approached the Council. They presented specs for a new 100' ladder truck, to be considered for the 2016 budget. After discussion, it was moved by Fitz, seconded by Evenson and carried unanimously to approve proceeding with plans and specs, for the 100' ladder truck after financing is locked in.

It was moved by Fugleberg, seconded by Fitz and carried unanimously to approve the Utility Fund sponsoring a hole at the Annual Swift County-Benson Hospital Auxiliary Golf outing on August 9, 2015 in the amount of \$150.

Chief Hodge gave his Police report for April and May 2015.

Wolfington presented the monthly Public Works Report. He stated Stony Ridge Foods is expanding their business, and a larger transformer is needed to handle the electric load. After discussion, it was moved by Evenson, seconded by Fitz and carried unanimously to approve the purchase of a 500 KVA transformer from T & R Electric in the amount of \$8,156.00.

There was a pay request from NorthMarq Real Estate Services for negotiating the new lease between CNH and the City of Benson at the Civic Center. It is a 3 year lease. It was moved Heinzig, seconded by Fugleberg and carried unanimously to approve the pay request in the amount of \$6,750.

Next was pay request from Stantec for Railroad Crossing Study analysis. It was moved by Fugleberg, seconded by Evenson and carried unanimously to approve the pay request to Stantec in the amount of \$5,990.00.

Next the Council reviewed the April 2015 budget report. Pederson discussed the the balance of the Water and Sewer funds.

Fitz said the Liquor Committee has interviewed Liquor Store Manager candidates and would like to make an offer to one of the finalists. It was moved by Fitz, seconded by Heinzig and carried unanimously to authorize staff to extend an offer for a new Liquor Store Manager.

There being no other business, a motion was made by Evenson, seconded by Fugleberg and carried unanimously to adjourn the meeting at 6:05 p.m.

Mayor

City Clerk