

**MINUTES - BENSON CITY COUNCIL - SPECIAL MEETING  
JULY 9, 2012**

The meeting was called to order at 5:30 p.m. by Mayor Kittelson. Members present: Paul Kittelson, Mike Fugleberg, Ben Hess and Sue Fitz. Members Absent: Gary Landmark. Also present: City Manager Rob Wolfington, Assistant City Attorney Ben Wilcox and Police Chief Mike Jambor.

There was no one with unscheduled business for the Council. The Mayor opened the public hearings. Wolfington began by presenting the three nuisance properties in violation of the City Nuisance Ordinance. He presented photos of all three properties taken today at 3:30 p.m. Wolfington went on to explain the resolutions provide two more weeks to clean up their property of debris. If the property remains in violation at the end of the two weeks, the City will hire a contractor to perform the cleanup while accompanied by a police officer and the City Manager.

Wilcox explained the property at 215 – 15<sup>th</sup> St. N. owned by Wendell & Agnes Plumhoff, has been cleaned up. The property at 201 – 18<sup>th</sup> St. S. owned by Peter Ollendick had little progress and still is not cleaned up. The property at 305 – 16<sup>th</sup> St. S. owned by Karen & Bert Schroeder is not cleaned up. The resolutions have been drafted individually to reflect each property.

Wolfington stated administrative costs for publication of hearing, staff time and salaries came to \$465.00 for each property. To finishing cleaning the Ollendick & Schroeder properties the cost is estimated to be \$500.00 each.

There was discussion on costs to assess to each property. Wolfington stated there are other properties in Benson that are in this same process now. He also said even though staff followed the current ordinance directly, the Council may want to consider amending the current nuisance ordinance to define what costs should be assessed to property owners in the nuisance ordinance. He also recommended the process include letters of notification not only to the property owner, but renters that may be in the residence as well.

It was moved by Fugleberg to assess no costs to the Plumhoff property. The motion died for a lack of a second.

After more discussion on what costs to assess the Plumhoff property, it was moved by Hess, seconded by Fitz to assess Plumhoff's the \$465.00 administrative and publication fees. The following vote was recorded: AYES: Fitz, Hess. NAYS: Kittelson, Fugleberg. The motion failed.

Councilmember Fitz offered the following resolution and moved its adoption:

**RESOLUTION TO ABATE NUISANCE AND ASSESS COSTS  
RESOLUTION NO. 2012-13**

WHEREAS, the City Council has heard the report of the City Building Inspector regarding nuisance conditions on the property located at 215 15<sup>th</sup> St. N. in Benson, Minnesota, legally described as Lots 1 & 2, Block 39, Original Townsite of the City of Benson, Swift County, Minnesota,

WHEREAS, the City Council has reviewed said report, and based on this report makes the following findings of fact:

1. The owners of record of the above described property are Wendell and Agnes Plumhoff of Benson, MN.

2. On May 21, 2012, Mr. and Mrs. Plumhoff were sent a notification to correct a public nuisance by removing the old appliances, old camper, lumber, trash, and worthless or unused materials from their property at 215 15<sup>th</sup> St. North within 14 days of their receipt of the notice. These conditions are evidenced by photographs included as part of the public record.
3. On June 6, 2012, Mr. and Mrs. Plumhoff were sent a second notice which included pictures of the nuisance conditions and gave a deadline of 12:00 Noon on June 20, 2012 for removal of the nuisance conditions. This letter also contained notice of the public hearing to take place on July 9<sup>th</sup>, 2012 at 5:30 PM.
4. As of July 6, 2012, the nuisance conditions had been removed from the above described property.

NOW THEREFORE, pursuant to Chapter 93 of the City of Benson Code of Ordinances, The City Council of the City of Benson, Minnesota resolves that a public nuisance no longer exists on the above described property.

Member Fugleberg seconded the foregoing motion and the following vote was recorded: AYES: Fugleberg, Kittelson, Hess, Fitz. NAYS: None. Whereupon the Mayor declared Resolution 2012-13 duly passed and adopted.

After discussion, Councilmember Fugleberg offered the following resolution and moved its adoption:

**RESOLUTION TO ABATE NUISANCE AND ASSESS COSTS  
RESOLUTION NO. 2012-14**

WHEREAS, the City Council has heard the report of the City Building Inspector regarding nuisance conditions on the property located at 201 18<sup>th</sup> St. S. in Benson, Minnesota, legally described as Lots 23, 24, and the North 10' of Lot 22, Block 50, Stone Addition to the City of Benson, Swift County, Minnesota,

WHEREAS, the City Council has reviewed said report, and based on this report makes the following findings of fact:

5. The owner of record of the above described property is Peter Ollendick of Benson, MN.
6. On May 21, 2012, Mr. Ollendick was sent a notification to correct a public nuisance by removing the trash, junk, bikes, pick-up bed liner and worthless or unused materials from his property at 201 18<sup>th</sup> St. S. in Benson within 14 days of his receipt of the notice. These conditions are evidenced by photographs included as part of the public record.
7. On June 6, 2012, Mr. Ollendick was sent a second notice which included pictures of the nuisance conditions and listed a deadline of 12:00 Noon on June 20, 2012 for removal of the nuisance conditions. This letter also contained notice of the public hearing to take place on July 9<sup>th</sup>, 2012 at 5:30 PM.
8. The conditions present on the above described property constitute a public nuisance as defined in Chapter 93 of the City of Benson Code of Ordinances.
9. As of July 9, 2012, the nuisance conditions still exist on the above described property.

NOW THEREFORE, pursuant to Chapter 93 of the City of Benson Code of Ordinances, The City Council of the City of Benson, Minnesota resolves:

1. That a public nuisance exists on the above described property.
2. That unless the public nuisance conditions are removed by July 23, 2012, the City of Benson will hire a contractor to remove and/or abate the nuisance conditions. Any content removed from the property in this manner will be disposed of at a proper landfill or similar site.
3. That the costs incurred by the City of Benson relating to the removal and/or abatement of the nuisance conditions be assessed against the above described property.
4. That the reasonable minimum amount of this special assessment is \$965.00.

Member Fitz seconded the foregoing motion and the following vote was recorded: AYES: Fugleberg, Kittelson, Hess, Fitz. NAYS: None. Whereupon the Mayor declared Resolution 2012-14 duly passed and adopted.

After discussion, Councilmember Fitz offered the following resolution and moved its adoption:

**RESOLUTION TO ABATE NUISANCE AND ASSESS COSTS  
RESOLUTION NO. 2012-15**

WHEREAS, the City Council has heard the report of the City Building Inspector regarding nuisance conditions on the property located at 305 16<sup>th</sup> St. S. in Benson, Minnesota, legally described as Lot 10, Block 2, McKinney's First Addition to the City of Benson, Swift County, Minnesota,

WHEREAS, the City Council has reviewed said report, and based on this report makes the following findings of fact:

10. The owners of record of the above described property are Karen and Bert Schroeder of Woodburn, OR.
11. On May 21, 2012, Mr. & Mrs. Schroeder were sent a notification to correct a public nuisance by removing the old snowmobiles, trash and worthless or unused materials from their property at 305 16<sup>th</sup> St. S. in Benson within 14 days of his receipt of the notice. These conditions are evidenced by photographs included as part of the public record.
12. On June 6, 2012, Mr. & Mrs. Schroeder were sent a second notice which included pictures of the nuisance conditions and listed a deadline of 12:00 Noon on June 20, 2012 for removal of the nuisance conditions. This letter also contained notice of the public hearing to take place on July 9<sup>th</sup>, 2012 at 5:30 PM.
13. The conditions present on the above described property constitute a public nuisance as defined in Chapter 93 of the City of Benson Code of Ordinances.
14. As of July 9, 2012, the nuisance conditions still exist on the above described property.

NOW THEREFORE, pursuant to Chapter 93 of the City of Benson Code of Ordinances, The City Council of the City of Benson, Minnesota resolves:

5. That a public nuisance exists on the above described property.
6. That unless the public nuisance conditions are removed by July 23, 2012, the City of Benson will hire a contractor to remove and/or abate the nuisance conditions. Any content removed from the property in this manner will be disposed of at a proper landfill or similar site.
7. That the costs incurred by the City of Benson relating to the removal and/or abatement of the nuisance conditions be assessed against the above described property.
8. That the reasonable minimum amount of this special assessment is \$965.00.

Member Fugleberg seconded the foregoing motion and the following vote was recorded: AYES: Fugleberg, Kittelson, Hess, Fitz. NAYS: None. Whereupon the Mayor declared Resolution 2012-15 duly passed and adopted.

There being no other business, it was moved by Fugleberg, seconded by Hess and carried unanimously to adjourn the meeting at 5:52 p.m.

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Mayor

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City Manager