

**MINUTES - BENSON CITY COUNCIL - REGULAR MEETING
AUGUST 6, 2012**

The meeting was called to order at 5:30 p.m. by Mayor Kittelson. Members present: Paul Kittelson, Mike Fugleberg, Ben Hess, Gary Landmark and Sue Fitz. Members Absent: None. Also present: City Manager Rob Wolfington, Director of Finance Glen Pederson, Building Inspector Mike Jacobson, Public Works Director Elliot Nelson and Assistant City Attorney Ben Wilcox.

The Mayor opened the Public Hearing to determine a Public Nuisance at 516 15th St N. The Building Official reviewed the reason for the public hearing. Councilmember Landmark offered the following resolution and moved its adoption.

**RESOLUTION TO ABATE NUISANCE AND ASSESS COSTS.
RESOLUTION NO. 2012-19**

WHEREAS, the City Council has heard the report of the City Building Inspector regarding nuisance conditions on the property located at 516 15th St. N. in Benson, Minnesota, legally described as Lot 6, Block 3, Railway Second 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:

1. The owners of record of the above described property are Jesse Knuteson and Amanda Petersen of Benson, MN.
2. On May 4, 2012, Mr. Knuteson and Ms. Petersen were sent a notification to correct a public nuisance by removing the trash, junk and worthless or unused materials from their property at 516 15th St. N. in Benson within 14 days of his receipt of the notice. These conditions are evidenced by photographs included as part of the public record.
3. On June 26, 2012, Mr. Knuteson and Ms. Petersen were sent a second notice which included pictures of the nuisance conditions and listed a deadline of 12:00 Noon on July 10, 2012 for removal of the nuisance conditions. This letter also contained notice of the public hearing to take place on August 6, 2012 at 5:30 PM.
4. 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.
5. As of August 6, 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 August 20, 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 \$465.00.

Councilmember Fitz seconded the motion and the following vote was recorded: AYES: Kittelson, Fitz, Landmark, Fugelberg, Hess. NAYS: None. Whereupon the Mayor declared Resolution 2012-19 duly passed and adopted.

At 5:37 the Mayor closed the public hearing.

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

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

- July 16, 2012 City Council Meeting
- July 12, 2012 Safety Committee Meeting
- May 18, 2012 EDA Meeting
- July 2, 2012 Planning Commission Meeting
- July 19, 2012 EDA Meeting

Wolfington reviewed a letter from The Department of Energy regarding the Power Marketing Administrations and Energy Secretary Chu's "foundational goals" for the PMAs. A substantial amount of our electrical power comes from the PMAs and Secretary Chu's proposals would result in higher electrical costs.

The Council was reminded of one vacancy on the Airport Commission and two on the Park Board.

A letter was received from Patricia Walsh who lives at 413 10th St. N. regarding a Community Development loan she obtained back in 1982. More work is needed to her home that she plans to seek grant funding for. She requested that the Council consider forgiving the original loan. After discussion the Council didn't feel they would be able to honor her request. No action was taken.

It was moved by Hess, seconded by Fugleberg and carried unanimously to approve the 2nd Reading of An Ordinance to Amend Chapter 93: Nuisances.

The Council learned that Julie Carroll at Northside Elementary School is the winner of a \$10,000 classroom makeover through the Got 2B Safe! Program provided by Honeywell and the National Center for Missing & Exploited Children. Consensus of the Council was to allow the Mayor to proclaim August 21, 2012 as The Got 2B Safe! Child Safety Day in Benson, Mn.

The City Manager presented a contract with the Upper Minnesota Valley Regional Development Commission to prepare and submit a Small Cities Grant Application on the City's behalf. Residential rehabs and funding for home daycare projects will be targeted. Motion was made by Landmark seconded by Fugelberg and carried unanimously to enter into the contract for professional services in the amount of \$6,000.

Next for discussion was the Commercial Storm Water Fees. Staff had calculated the fees but felt that an attempt should be made to apply adjustments for impervious surface coverage of less than 80%.

Consensus of the Council was for staff to make the adjustments and report the revised numbers at the next meeting.

Pederson reviewed his memo with recommendations on proceeding with work on the City Hall's heating, ventilating and air conditioning (HVAC) and roof. Motion was made by Landmark seconded by Fugelberg and carried unanimously to solicit quotes to replace the one HVAC unit that does not work. The council concurred with operating the HVAC units in both heat and A/C mode to bring in the maximum amount of outside air possible through use of economizers. Motion was made by Fitz seconded by Fugelberg and carried unanimously to solicit quotes to replace the roof with the added insulation.

Councilmember Hess requested staff to review if another street light could be added on 18th St S.

Councilmember Fugelberg asked staff to look at the hedge on the NE corner of Church Street and Minnesota Avenue to see if it obstructs the view of motorists and if so to contact the owner to have it trimmed.

Councilmember Fitz reported that she had received positive feedback on the porta potty that was placed in Roosevelt Park.

There being no other business, it was moved by Landmark, seconded by Fugleberg and carried unanimously to adjourn the meeting at 6:22 p.m.

Mayor

City Manager