

**MINUTES - BENSON CITY COUNCIL - REGULAR MEETING
SEPTEMBER 7, 2010**

The meeting was called to order at 5:30 p.m. by Mayor Paul Kittelson. Members present: Sue Fitz, Ben Hess, Bob Claussen, Gary Landmark, and Paul Kittelson. Members absent: None. Also present: City Manager Rob Wolfington, Finance Director Glen Pederson, Public Works Director Elliot Nelson, Police Chief Jim Crace, and H. Joyce Smith.

Under unscheduled business, H. Joyce Smith of 1925 Denfeld Drive came before the Council to inform the Council that they had a sewer backup into their basement in July. She asked the Council to consider paying for cleanup costs. The Council informed her they would check into this issue and let her know.

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

**RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT
(RESOLUTION NO. 2010-15)**

Be it resolved that the Benson Police Department enter into a grant agreement with the Minnesota Department of Public Safety, Office of Traffic Safety for the project entitled SAFE & SOBER COMMUNITIES during the period from October 1, 2010 through September 30, 2011.

The Police Chief of the City of Benson is hereby authorized to execute such agreements and amendments as are necessary to implement the project on behalf of the Benson Police Department.

Be it further resolved that the Kandiyohi County Auditor/Treasurer is hereby authorized to be the fiscal agent and administer this grant on behalf of the Benson Police Department.

Councilmember Hess seconded the foregoing Resolution and the following vote was recorded: AYES: Claussen, Hess, Fitz, Landmark, Kittelson. NAYS: None. Whereupon the Mayor declared Resolution No. 2010-15 duly passed and adopted.

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

- a. August 16, 2010 Regular City Council Meeting
- b. July 7, 2010 Benson Planning Commission Meeting
- c. July 15, 2010 Benson EDA Meeting
- d. July 26, 2010 SCBH Board Meeting

The following correspondence was reviewed:

- Benson Women of Today dated 7.29.10: It was moved by Hess, seconded by Fitz and carried unanimously to waive the rental fee for the Benson Women of Today to use the armory on October 18 for their annual holiday expo.
- MRES dated 8.13.10 RE: Appreciation for the Demand-Side Management Task Force
- Minnesota Sheriffs' Association dated 8.27.10 RE: Car Camera Grant
- CGMC dated 8.31.10. It was moved by Landmark, seconded by Claussen and carried unanimously to approve the 2011 CGMC dues in the amount of \$4,936.

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

**RESOLUTION
TO DETERMINE A HAZARDOUS BUILDING
AND ORDER FOR RAZING AND REMOVAL OF HAZARDOUS BUILDING
AT 500 – 9th STREET NORTH
(RESOLUTION NO. 2010-16)**

WHEREAS, the City Council has reviewed the condition of the house at 500 – 9th Street North, Benson, Minnesota legally described as Lot 11, Block 1, Prairieview Addition to the City of Benson, Minnesota, and

WHEREAS, this property had a house fire on August 14, 2009, and

WHEREAS, the owners of this property have made no attempts to improve the condition of the house, and

WHEREAS, the City Council has determined that this building is hazardous because it has been inadequately maintained, physically damaged due to the fire, and abandoned which constitutes a serious threat to the health and safety of the public.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Benson, Minnesota hereby orders the owners to raze and remove the hazardous building at 500 – 9th Street North, Benson, Minnesota within ninety (90) days.

Councilmember Hess seconded the foregoing Resolution and the following vote was recorded: AYES: Fitz, Hess, Claussen, Landmark, Kittelson. NAYS: None. Whereupon the Mayor declared Resolution No. 2010-16 duly passed and adopted.

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

**RESOLUTION
TO DETERMINE A HAZARDOUS BUILDING
AND ORDER FOR RAZING AND REMOVAL OF HAZARDOUS BUILDING
AT 1020 PACIFIC AVENUE
(RESOLUTION NO. 2010-17)**

WHEREAS, the City Council has reviewed the condition of the building at 1020 Pacific Avenue, Benson, Minnesota (Parcel No. 23-1380-100), and

WHEREAS, this property has external evidence that the structure is unstable and in a state of rapid deterioration, and

WHEREAS, the owners of this property have made no attempts to improve the condition of the building, and

WHEREAS, the City Council has determined that this building is hazardous because it has been inadequately maintained, dilapidated, physically damaged, and abandoned which constitutes a serious threat to the health and safety of the public.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Benson, Minnesota hereby orders the owners to raze and remove the hazardous building at 1020 Pacific Avenue, Benson, Minnesota within ninety (90) days.

Councilmember Claussen seconded the foregoing Resolution and the following vote was recorded: AYES: Fitz, Claussen, Hess, Landmark, Kittelson. NAYS: None. Whereupon the Mayor declared Resolution No. 2010-17 duly passed and adopted.

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

**RESOLUTION
TO ORDER NUISANCE ABATEMENT
AND SCHEDULE PUBLIC HEARING
AT 614 – 12th STREET SOUTH
(RESOLUTION NO. 2010-18)**

WHEREAS, the City Council reviewed a written report from the Benson Arborist that diagnosed a tree with Dutch Elm Disease at 614 – 12th Street South, Benson, Minnesota legally described as Lots 5-7 and Part of Lot 4, Block 1, Sunnyside 1st Addition to the City of Benson, Minnesota, and

WHEREAS, a letter was mailed to the property owner on July 8, 2010 notifying them that their diseased elm tree has the potential of infesting other elm trees and gave them 30 days to remove the diseased elm tree, and

WHEREAS, the owners of this property have made no attempts to remove this diseased elm tree, and

WHEREAS, the City Council determined that this diseased elm tree is a public nuisance.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Benson, Minnesota hereby orders the owners to remove the diseased elm tree at 614 – 12th Street South, Benson, Minnesota no later than September 16, 2010 and if the tree is not removed a public hearing will be held on Monday, October 4, 2010 at 5:30 p.m. to consider taking action to abate the nuisance condition of a diseased Dutch Elm tree and special assessments for the cost to abate said nuisance condition.

Councilmember Fitz seconded the foregoing Resolution and the following vote was recorded: AYES: Landmark, Fitz, Hess, Claussen, Kittelson. NAYS: None. Whereupon the Mayor declared Resolution No. 2010-18 duly passed and adopted.

The Council was informed that the owners of property at 801 – 10th Street North have been served notice to clean up a refrigerator, trash, junk, waste, and worthless or unused materials or articles from their property. Staff is asking the Council to schedule a public hearing to determine whether a public nuisance exists on this property and if necessary to set special assessments against this property. It was moved by Claussen, seconded by Hess and carried unanimously to schedule a public hearing at 5:30 p.m. on October 4, 2010 if necessary.

The City Manager reviewed the proposed 2011 General Fund Budget and Levy with the Council. Council Member Claussen offered the following Resolution and moved its adoption:

**RESOLUTION CERTIFYING THE PROPOSED OPERATING BUDGET
FOR THE CALENDAR YEAR 2011 FOR THE CITY OF BENSON, MINNESOTA
(RESOLUTION NO. 2010-19)**

BE IT RESOLVED, that the proposed Operating Budget for the City of Benson, Minnesota, for the fiscal year beginning January 1, 2011 and ending December 31, 2011 is hereby approved.

BE IT FURTHER RESOLVED, that the budget is summarized as follows:

Revenues

Taxes - General Fund	\$1,211,594
Taxes - Library Fund	100,496
State Grants and Aids	1,122,965
Other Revenues	<u>975,562</u>
Total Revenues	\$3,410,617

Expenditures

General Government	\$653,120
Public Safety	871,359
Highways, Streets and Roads	515,910
Parks and Recreation	326,585
Public Transit	176,600
Public Library	102,171
Capital Outlay	381,000
Other Expenditures	<u>182,961</u>
Total Expenditures	\$3,209,706

Excess (Deficiency) of Revenues over Expenditures **\$200,911**

BE IT FURTHER RESOLVED, that the City Manager shall cause the entire Proposed Operating Budget to be printed and filed in the City Office for inspection and reference by the public.

Councilmember Landmark seconded the foregoing Resolution and the following vote was recorded: AYES: Claussen, Landmark, Fitz, Hess, Kittelson. NAYS: None. Whereupon the Mayor declared Resolution No. 2010-19 duly passed and adopted.

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

**RESOLUTION ADOPTING PROPOSED 2010 PROPERTY
TAX LEVY, COLLECTIBLE IN 2011
(RESOLUTION NO. 2010-20)**

BE IT RESOLVED by the City Council of the City of Benson, County of Swift, Minnesota that the following proposed sums of money be levied for the current year, collectible in 2011, upon the taxable property in the City of Benson, for the following purposes:

General Fund Levy	\$475,102
2010 LGA/MVHC	232,413
Police Personnel	485,379
Claussen Properties II Abatement	18,700
Library Fund Levy	100,496
G.O. Capital Street Equipment 2006	<u>35,025</u>
Total	\$1,347,115

BE IT FURTHER RESOLVED that the following sum of money be levied for the current year, collectible in 2011, based upon the market value of the taxable property in the City of Benson, for the following purpose:

G.O. Swimming Pool	<u>81,320</u>
Total	\$81,320

BE IT FURTHER RESOLVED that the City Council will hold its Truth in Taxation Hearing on Monday, December 6, 2010 at 5:30 p.m. in the Benson City Council Chambers. Comments may be made by calling 320-843-4775 or by mail to 1410 Kansas Avenue, Benson, MN 56215.

Councilmember Landmark seconded the foregoing Resolution and the following vote was recorded: AYES: Claussen, Landmark, Fitz, Hess, Kittelson. NAYS: None. Whereupon the Mayor declared Resolution No. 2010-20 duly passed and adopted.

The Finance Director reviewed information gathered as it relates to the proposed upgrade to the Water Treatment Plant such as proposed water rates, water fund budget and water annual debt service and fixed expenses. An informational meeting regarding the Water Treatment Plant Upgrade will be held at the filter plant just north of the Benson Golf Club parking lot on September 20 from 12:00 to 1:00 p.m. and 3:00 to 5:00 p.m. Any action on the proposed Water Treatment Plant Upgrade and the Sandy's Lift Station project was deferred to the October 4, 2010 Council meeting.

It was moved by Fitz, seconded by Landmark and carried unanimously to approve a quotation from Craig's Inc. for heating and cooling improvements at the Benson Fire Hall in the amount of \$5,760.

It was moved by Fitz, seconded by Hess and carried unanimously to approve permits to the following four property owners: Lots 1 and 2 (Roger and Kara Ebnet), Lot 3 (Gary and Renee Jensen), Lot 4 (Michael and Jodi Haas), and Lot 5 (James and Kathleen Weber), Block 3, Prairieview Addition to maintain and use that portion of Outlot A and the public alley which lies between the east and west boundary lines of their real property as outlined in the agreement. The permit is for a term of five years and shall be extended indefinitely until terminated by the City with no less than six months written notice. At the time of execution, each property owner is required to pay \$221.

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

**RESOLUTION ESTABLISHING A FIRE ESCROW ACCOUNT PURSUANT TO
MINN. STAT. §65A.50 FOR THE CITY OF BENSON, MINNESOTA.
(RESOLUTION NO. 2010-21)**

WHEREAS, Minnesota Statutes section 65A.50 authorizes a city to establish a trust or escrow account to receive a portion of insurance settlement proceeds from a claim on real property located in the city that is damaged by fire or explosion.

WHEREAS, the proceeds received by the city are used as security to ensure that the damaged property is repaired, replaced, removed, or demolished and brought into compliance with city code.

WHEREAS, the City of Benson finds that damaged structures may violate existing health or safety standards which endanger the public health, safety, and welfare if the damaged structures are not repaired, replaced, or removed.

NOW THEREFORE, The City Council of the City of Benson, Minnesota resolves:

1. That pursuant to Minn. Stat § 65A.50, the City Council of Benson, Minnesota does hereby establish an escrow account to receive a portion of insured real property fire or explosion settlement proceeds as prescribed by the statute.
2. That the City of Benson, Minnesota intends to uniformly apply Minn. Stat. § 65A.50 with respect to all property located within the city.
3. That the City Manager be authorized to proceed to establish the escrow account as provided for in the statute.
4. That the City Manager give the required written notification to the commissioner of Commerce of the city's intention to apply Minn. Stat. § 65A.50 and the establishment of the escrow account.
5. That the City Building Inspector is authorized to execute affidavits certifying violations of health and safety standards as required by Minn. Stat. § 65A.50, subd. 3.
6. That the City Building Inspector is authorized to receive reasonable proof that damaged or destroyed portions of an insured structure are repaired, replaced, or removed or that an insured has entered into a contract for repair, replacement, or removal of the damaged portions as required by Minn. Stat. § 65A.50, subd. 8.

Councilmember Claussen seconded the foregoing Resolution and the following vote was recorded: AYES: Landmark, Claussen, Fitz, Hess, Kittelson. NAYS: None. Whereupon the Mayor declared Resolution No. 2010-21 duly passed and adopted.

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

**POLICE OFFICER DECLARATION
(RESOLUTION NO. 2010-22)**

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 Dustin VanDerHagen, 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.

Councilmember Claussen seconded the foregoing Resolution and the following vote was recorded: AYES: Fitz, Claussen, Hess, Landmark, Kittelson. NAYS: None. Whereupon the Mayor declared Resolution No. 2010-22 duly passed and adopted.

The Finance Director presented information regarding a couple of conservation programs: Change-a-Light Program and Appliance Turn-in. This was informational with no action taken.

The City Manager informed the Council that the Public Power Week Luncheon will be at the power plant on October 13 at Noon.

It was moved by Landmark, seconded by Claussen and carried unanimously to adjourn the meeting at 6:38 p.m.

Mayor

Attest: _____
City Clerk