

APRIL 19, 2021

The Regular Meeting of the Lake Benton City Council was held on Monday, April 19, 2021 at 5:30 P.M. in the Lake Benton Area Community and Event Center. Mayor Michael Carpenter, Trustees Rosie DeZeeuw, Mark Dunn, Daryl Schlapkohl, and Dave Enke were present. City Attorney Mike Cable was absent. City Administrator/Clerk Eileen Christensen, Maintenance Supervisor Todd Draper, Lisa Willert, and Leslie Willert from the Lake Benton Valley Journal were also present.

Mayor Michael Carpenter called the meeting to order. The Pledge of Allegiance was recited by all present.

Mayor Michael Carpenter then asked if anyone in attendance had an item, not on the agenda, to bring up during the Open Forum part of the meeting. If so they had two minutes to state their concern. No items were brought forward at this time.

The minutes of the Regular Meeting of April 5, 2021 were reviewed. **MOTION** by Rosie DeZeeuw, seconded by Mark Dunn to approve the minutes of the Regular Meeting of April 5, 2021. Motion carried.

The minutes of the Special Board of Review Meeting of April 6, 2021 were reviewed. **MOTION** by Dave Enke, seconded by Daryl Schlapkohl to approve the minutes of the Special Board of Review Meeting of April 6, 2021. Motion carried.

CLAIMS PRESENTED AGAINST THE CITY OF LAKE BENTON:

ITC	\$	328.77	VADIM	\$	4.56
QUARNSTROM/DOERING	\$	135.00	L-P RURAL WATER	\$	6,311.11
RETHWISCH & SON	\$	496.78	EXPRESSWAY	\$	205.71
CITY OF LAKE BENTON	\$	181.26	POSTMASTER	\$	174.88
UTILITY CONSULTANTS	\$	63.62	MN LIFE	\$	5.10
ALLEGIANT EMERGENCY	\$	245.25	BANNER ASSOCIATES	\$	1,540.00
BIOAG ENERGY	\$	519.80	CARDMEMBER SERVICES	\$	12.00
HYDRO TECH SRVCS	\$	1,400.00	LINCOLN CTY AUDITOR	\$	15.00
ONE OFFICE SOLUTION	\$	90.35	BUFFALO RIDGE NEWS	\$	321.40
MIKE CZECH	\$	139.99	WEST SHORE SERVICES	\$	650.00

MOTION by Mark Dunn, seconded by Dave Enke to approve payment of the claims presented against the City of Lake Benton. Motion carried and the Mayor authorized the City Administrator/Clerk to make payment.

LAW ENFORCEMENT UPDATE

The Council reviewed the March law enforcement update. **MOTION** by Mark Dunn, seconded by Rosie DeZeeuw to approve the law enforcement update. Motion carried.

PUBLIC WORKS UPDATE

Maintenance Supervisor Todd Draper reminded the Council the bid letting for the Fremont Watermain Improvement Project is scheduled for April 29th. Banner informed Todd six contractors have requested specs for the project. Maintenance Supervisor Todd Draper then informed the Council that he, Mayor Michael Carpenter, Trustee Dave Enke, and Administrator/Clerk Eileen Christensen will be meeting with Minnesota Pollution Control Agency representative Brad Gillingham on April 27th to talk about the sewer lagoons. **MOTION** by Rosie DeZeeuw, seconded by Dave Enke to approve the public works update. Motion carried.

The next item of business was to review/act on a building permit for Vernon Dixon to install a deck. Vernon Dixon did not file the application or make the \$25.00 payment. No action taken was take on this item.

The next item of business was to review/act on Authorization to Satisfy Mortgage and Promissory Note for the Rehab Program. Mayor Michael Carpenter informed the Council that he, Trustee Dave Enke and Administrator/Clerk Eileen Christensen met with City Attorney Mike Cable regarding the lien the City has on a home in the Rehab program. The City is fourth in line to receive monies owed on the grant and deferred loan. The amount owed is \$21,113.31 and after all previous liens and closing costs are paid, the remaining amount available to the City is \$6,456.90. There is a sale pending and if the City approves the Resolution and satisfies the Mortgage and Promissory Note, the sale will go through on May 14, 2021. Should the Council not approve the resolution and satisfy the Mortgage and Promissory Note, the sale will not go through and the house will remain vacant.

Mayor Michael Carpenter read the Resolution for the City of Lake Benton Housing Rehabilitation Program Combination Mortgage & Deferred Loan Agreement. **MOTION** by Mark Dunn, seconded by Daryl Schlapkohl to approve the Resolution for the City of Lake Benton Housing Rehabilitation Program Combination Mortgage and Deferred Loan Agreement to receive the amount of \$6,456.90, and authorize the Mayor and Administrator/Clerk to sign said resolution. Motion carried.

The next item of business was to review/act on garbage collection payments. Mayor Michael Carpenter informed the Council that he, Trustee Dave Enke and Administrator/Clerk Eileen Christensen met with City Attorney Mike Cable regarding the City's ordinance on garbage collection for residential homeowners. Legal Counsel informed them according to the City's Ordinances in place (#50.03, #52.54 and #54.02) the Council has the authority to enforce payment from all residential homeowners for the collection of garbage. The auditor informed the City the garbage fund will be short again and needs to be resolved. The City has transferred funds from the water and sewer funds to correct the garbage fund deficit in June 2016, June 2017, and May 2020. There are 315 residential homes with garbage and 30 of the 315 are not paying garbage the entire year and they include snow birds, vacant houses, and residents that take their garbage elsewhere. The City needs to get the garbage fund back in the black and keep it there.

Mayor Michael Carpenter informed the Council of what other cities are doing with their garbage costs which included: Hendricks updated their ordinance to include if a resident has a water connection, they will pay for garbage; they allow snow birds to not pay over the winter months, and if a house is vacant they may allow them a grace period. Tyler takes care of their garbage. Ivanhoe sends the contractor a list of service counts each month. The City of Lake Benton provides a service count to the contractor every six months.

Mayor Michael Carpenter then opened the issue up for discussion. Discussion included simplifying the process by having everyone pay if they use it or not. There will be feedback from those individuals, but there could be feedback from those taxpayers paying for garbage and knowing others are not paying their fair share. The only way to address this issue is to make everyone pay, and the City has the right to assess the amount to the residential owner's taxes should they refuse to pay. It was further discussed to enforce the ordinance and charge all service counts for their size garbage container indicated on their account beginning July 1, 2021 to be on the August bill. Discussion on how to notify the public of this change was to post it at the City office, local access channel, newspaper, Snippets, and the City's website. **MOTION** by Daryl Schlapkohl, seconded by Dave Enke to proceed with enforcing the ordinance and charging all 315 service counts for garbage collection beginning July 1, 2021 to be on the August billing; and notification to be posted at the City office, on the City's website, local access channels, newspaper and Snippets. Motion carried.

The next item of business was to review/act on city licenses for May 1, 2021 through April 30, 2022. City Administrator/Clerk Eileen Christensen provided the Council with information on the liquor and tobacco licenses for the City as well as the temporary liquor and dance licenses for the Fireman's Dance from 8:00 PM on June 19, 2021 through 1:00 AM June 20, 2021 and temporary liquor licenses for two wedding receptions on June 12, 2021 and July 24, 2021. City Administrator/Clerk Eileen Christensen also stated the Sheriff needs to sign the Liquor applications so she can get them

sent into the state before May 1, 2021. Sheriff Chad Meester performed a background check and signed the necessary applications.

MOTION by Mark Dunn, seconded by Dave Enke to approve the following City Licenses for May 1, 2021 through April 30, 2022 with proof of liability insurance from those with On Sale Liquor Licenses: **Cigarette:** Express Way-Lake Benton, **Off Sale Beer:** Express Way-Lake Benton; **On Sale Liquor:** Country House Supper Club; **On Sale Liquor (Sunday):** Country House Supper Club; and to approve the Temporary Liquor and Dance Licenses to the Lake Benton Fire Department at 110 Benton Street for the Fireman's Dance from 8:00 PM on June 19, 2021 through 1:00 AM on June 20, 2021, and two Temporary Liquor Licenses to the Lake Benton Fire Department at 114 South Center Street for two wedding receptions on June 12, 2021 through June 13, 2021 and July 24, 2021 through July 25, 2021. Motion carried.

The next item of business was to review/act on the 2021 contract for mowing the north ditch at cemetery hill for \$285.75 per time not to exceed seven (7) times or \$2,000.25. Mike Otto mowed the hill last year at a cost of \$285.75 per time not to exceed seven (7) times or \$2,000.25. If the ditch needs to be mowed more often Mike will contact the Mayor for approval. Mike also provided proof of liability insurance. **MOTION** by Daryl Schlapkohl, seconded by Mark Dunn to approve the 2021 contract with Mike Otto to mow the north ditch at cemetery hill at \$285.75 per time not to exceed seven (7) times or \$2,000.25. Motion carried.

COMMITTEE REPORTS:

Trustee Mark Dunn – No report.

Trustee Rosie DeZeeuw – The Chamber met last week and the May Business of Month is Pat Haynes Computer. The Diner's Club is continuing their drive-thru meals the second Thursday of the month through June, and they plan to have an outdoor picnic in July. The Chamber and Historical Society received a \$1,000.00 grant from the Lake Benton Foundation to purchase a laptop and laser printer. The Chamber continues talking about Saddle Horse Holiday – the fireworks display is scheduled for Friday evening; and due to conflicts with the parade being on Saturday evening, the Chamber changed the parade back to Sunday. The Yard of The Week begins the week of June 7 through Labor Day.

Trustee Dave Enke – The EDA met on April 7 with nothing of real significance to report at this time. Three topics of discussion are still ongoing which include the possible tenant at the Johnson Commercial Park, new 4-Plex Units, and rental rates on the existing 4-Plex units.

Trustee Daryl Schlapkohl – No report.

MOTION by Daryl Schlapkohl, seconded by Mark Dunn to approve the committee reports. Motion carried.

ADMINISTRATOR/CLERK REPORT:

Administrator/Clerk Eileen Christensen informed the Council that Mike Tiedeman with the Buffalo Ridge Wildcats requested if the Council would consider leasing the football field to the Sioux Empire Crusaders. They usually play on the Harrisburg School football field, but the school did not want the football team playing that close to their school and denied their request. Now they do not have a place for their home games in 2021. Mike informed Eileen the Sioux Empire Crusaders Manager/Coach will sign a lease, the Accident Waiver and Release of Liability, and pay the City \$500.00. **MOTION** by Dave Enke, seconded by Mark Dunn to approve the football lease between the City and the Sioux Empire Crusaders for April 1, 2021 through July 31, 2021. Motion carried.

DSI contacted Administrator/Clerk Eileen Christensen to inform her that the state denied \$800.00 of a check issued to Buffalo Ridge Plumbing for the rehab work they provided at the Garden Gate Greenhouse. The Council approved payment to Buffalo Ridge Plumbing at their April 5, 2021 meeting in the amount of \$2,030.00 and now a new check needs to be reissued in the amount of \$1,230.00, and a check in the amount of \$800.00 will need to be issued to DSI's Escrow Account

from the City's rehab fund. The Council was concerned and questioned why the City is covering this amount when the state should have paid it. **MOTION** by Daryl Schlapkohl, seconded by Mark Dunn to reissue a check in the amount of \$1,230.00 to Buffalo Ridge Plumbing. Motion carried.

MOTION by Dave Enke, seconded by Mark Dunn to approve the payment of \$800.00 from the City's rehab account to the DSI Escrow account, and authorize Administrator/Clerk Eileen Christensen to inquire why the state denied payment. Motion carried.

(DSI informed Administrator/Clerk Eileen Christensen the state deemed "irrigation driplines" an operational expense, not a slum/blight situation, therefore denying that part of the invoice. DSI tried three times to get this thru, but to no avail. However, there are several administrators trying to push items through that are not eligible and the state is cracking down on a lot of items. This was the first time DSI received a denial from the state.)

Administrator/Clerk informed the Council she received a letter addressed to the Council from Jim Roggenbuck regarding the 14 ash trees and stumps he removed in 2018. This was at no cost to the City and the City had agreed to replace the 14 trees on the City property. Jim would like to know what the Council's timeframe is to plant the 14 trees. The Council discussed the housing and infrastructure improvements they would like to see completed at the Mork & Giles Addition before committing to planting the trees in that area. The Council agreed the City is obligated to do this, and the best time to plant the trees is in the spring and fall. Trustee Daryl Schlapkohl will talk with Jim Roggenbuck and explain to him that the City is working on a housing project and the trees will get planted in September or October. It was also suggested that Daryl ask Jim what type of trees he recommends. The Council was also reminded the teen group at the Library, By the Teens for the Teens, donated money towards planting a tree and this should be recognized.

The rabies clinic is still scheduled for Tuesday, May 4, 2021 from 4:00-6:00 PM at the Fire Hall. Appliance pickup is scheduled for May 4, 2021.

MAYORAL REPORT:

Mayor Michael Carpenter reminded the Council he, Trustee Dave Enke, Maintenance Supervisor Todd Draper and Administrator/Clerk Eileen Christensen will be meeting with the Minnesota Pollution Control Agency next Tuesday and they will report back to the Council at the next regular meeting.

The Council agreed to donate all the items in the office area by the kitchen, and in the back of the Event Center to the Legionnaires to clean out and sell. They did a fabulous job and the area looks great.

Mayor Michael Carpenter inquired what the City does for the summer rec program. He was informed the City budgets each year with the school to coordinate activities, etc. for the program.

Mayor Michael Carpenter reminded the Council the City Clean up Notice was mailed to all the homeowners and businesses, and published in the newspaper, on the City's website and the local access channels in March. Everyone was given thru the first week of May to clean up their property. After the first week of May, the Council will send out a 30-day notice addressing issues that need to be taken care of. The Council will all work together on this and no committee will be appointed. The Council agreed unanimously.

There being no further business to come before the Council at this time, a **MOTION** was made by Rosie DeZeeuw, seconded by Mark Dunn to adjourn the meeting. Motion carried.

MAYOR

ADMINISTRATOR/CLERK