

FEBRUARY 22, 2022

The February 7, 2022 meeting of the of the Lake Benton City Council was continued on Tuesday, February 22, 2022 at 5:30 P.M. in the Lake Benton Area Community and Event Center. Mayor Michael Carpenter presided. Trustees Rosie DeZeeuw, Mark Dunn, Appointed-Trustee Pat Haynes, and Daryl Schlapkohl were present. City Attorney Mike Cable was absent. City Administrator/Clerk Eileen Christensen, Fire Chief Scott Christensen, Dave Hurd, Curtis Rethwisch, and Jess Gums were also present.

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

Mayor Michael Carpenter extended a much appreciated thank you to Maintenance Supervisor Todd Draper and Maintenance Worker Troy Nordmeyer for their efforts to fix a water break when they were on their way home for the day. Their extra time and efforts are greatly appreciated. Mayor Michael Carpenter then stated that he and his wife Lynn would like to thank the community for the several cards and prayers they received when their daughter Michelle passed away. Mayor Michael Carpenter then informed the audience that the regular Council meeting of February 7, 2022 was postponed due to a lack of a quorum – Trustee Mark Dunn was out of town, Trustee Patrick Haynes had not been sworn in as a Trustee, and Mike and Daryl were dealing with family issues.

The ‘Oath of Office’ was administered to appointed Trustee Patrick Haynes by City Administrator/Clerk Eileen Christensen.

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. Dave Hurd addressed the Council regarding the dead branches on the trees in the boulevard along Grant Street that fall on the streets, and if the City will pay to cut the dead branches. The trees are getting old and Dave spoke with the Tree Inspector Jim Roggenbuck who informed him other towns pay Jim to trim the trees on an annual basis. The Council will talk with Maintenance Supervisor Todd Draper to address this issue and confirm what the practice has been in the past. ***City Staff stated the City does not own any trees in the City except for those in the parks.***

Curtis Rethwisch then addressed the Council regarding Lincoln County replacing the brick pavers in front of the businesses this spring/summer, and if they will talk with the business owners regarding customers having access to their store fronts. Maintenance Supervisor Todd Draper and Administrator/Clerk Eileen Christensen will talk with the County to confirm they talk with the business owners prior to the reconstruction.

The minutes of the Regular Meeting of January 18, 2022 were reviewed. **MOTION** by Daryl Schlapkohl, seconded by Rosie DeZeeuw to approve the minutes of the Regular Meeting of January 18, 2022. Motion carried.

The minutes of the Special Meeting of February 2, 2022 were reviewed. **MOTION** by Mark Dunn, seconded by Patrick Haynes to approve the minutes of the Special Meeting of February 2, 2022. Motion carried.

CLAIMS PRESENTED AGAINST THE CITY OF LAKE BENTON (2/7/22):

BOLT'S LB GROCERY	\$ 2.49	OTTERTAIL	\$ 2,999.55
ITC	\$ 317.90	RETHWISCH & SON	\$ 469.95
GOPHER STATE	\$ 59.45	POSTMASTER	\$ 130.00
CITY OF TYLER	\$ 96.25	UTILITY CONSULTANTS	\$ 118.77
TODD DRAPER	\$ 32.00	PAT HAYNES	\$ 250.00
MN LIFE	\$ 5.10	CHAMBER-CVB	\$ 1,156.91
LB CHAMBER	\$ 352.00	GOVOFFICE LLC	\$ 570.00
DOUBLE D GRAVEL	\$ 2,150.51	CORE & MAIN	\$ 281.37

SOUTHWEST SANITATION	\$ 3,710.58	CAREN PETERSEN	\$ 150.00
BANNER ASSOCIATES	\$ 10,200.00	BIOAG	\$ 764.76
TROY NORDMEYER	\$ 32.00	DAKOTA SUPPLY GROUP	\$ 1,765.20
KYLIE ROCHEL	\$ 85.00	ONE OFFICE	\$ 63.17
MAGAZINE LINE	\$ 27.97	BUFFALO RIDGE NEWS	\$ 106.80
AMAZON	\$ 583.83	CENTER POINT	\$ 45.54
DANNY/MEGAN KROTZER	\$ 250.00		

CLAIMS PRESENTED AGAINST THE CITY OF LAKE BENTON (2/22/22):

OTTERTAIL POWER	\$ 2,452.22	QUARNSTROM-DOERING	\$ 1,028.86
L-P RURAL WATER	\$ 5,136.11	RETHWISCH & SON	\$ 295.98
EXPRESSWAY	\$ 297.39	RICK'S WELDING	\$ 39.80
CITY OF LAKE BENTON	\$ 175.65	S & E AUTO	\$ 275.90
MN LIFE	\$ 5.10	LB FIRST REpondERS	\$ 553.88
BANNER ASSOCIATES	\$ 5,100.00	BIOAG	\$ 733.30
CARDMEMBER SERVICES	\$ 43.90	LIPINSKI	\$ 3.38
FERGUSON WATERWORK	\$ 1,800.00	MED COMPASS	\$ 1,560.00

MOTION by Mark Dunn, seconded by Rosie DeZeeuw to approve payment of the February 7, and February 22, 2022 claims presented against the City of Lake Benton. Motion carried and the Mayor authorized the City Administrator/Clerk to make payment.

The next item of business was to review/act on rehab grant requests. Seven payment requests were received for the Rehab Grant Program: Contractor requests of \$2,942.00 to Stout & Evink Plumbing, \$9,662.00 to Construction Partners, \$10,316.00 and \$7,475.00 to DK Construction, \$370.00 to Efficient Electric, and \$4,500.00 to Dean Brandt HVAC; and \$5,000.00 to DSI for Administration fees. The total funds of \$40,265.00 were requested to be deposited into the account. **MOTION** by Daryl Schlapkohl, seconded by Mark Dunn to approve payment of the rehab grant checks presented. Motion carried.

PUBLIC WORKS UPDATE

Maintenance Supervisor Todd Draper was absent, so Mayor Michael Carpenter presented the Public Works update. Banner Associates is placing the advertisement for bids together for the Mork and Giles infrastructure extensions and will publish it on March 2, and March 9, 2022 with the bid opening scheduled for Tuesday, March 15, 2022 at 2:00 PM, and award of the bid at the March 21, 2022 Council meeting. Mayor Michael Carpenter will be in attendance and one other Council member can attend. Mayor Michael Carpenter reminded the Council the City is still in a good position to pay cash for the infrastructure.

MOTION by Daryl Schlapkohl, seconded by Mark Dunn to approve the Public Works update. Motion carried.

LAW ENFORCEMENT UPDATE

The Council reviewed the January 2022 activity report. **MOTION** by Daryl Schlapkohl, seconded by Mark Dunn to approve the Law Enforcement update. Motion carried.

The next item of business was to meet with the Lake Benton Area Foundation (LBAF) regarding Lakeside Park Master Plan. Mayor Michael Carpenter reminded the Council that not too long ago the DNR put in a new parking area by the boat access for trucks, boats and trailers. A representative of the LBAF is with us this evening as they are working on improvements to the Lakeside Park. Vince Robinson has been working with a private individual that wants to do a project on the pier area this spring. Vince has also been working with the DNR who is behind this project and may put additional funding into the improvements. However, the DNR is concerned people coming to the area will park in the designated parking spots for the trucks, boats and trailers. The LBAF contracted with Banner Associates to create a Lakeside Park Master Plan and agreed to pay up to \$5,000.00. The LBAF submitted the contract and Banner Associates provided a drawing to include a shelter and additional parking. Vince is working to seek DNR grant funds and LBAF is requesting assistance in the grant writing expenses.

Jess Gums, member of the LBAF, was in attendance to provide an overview of LBAF's involvement and commitment for improvements at the Lakeside Park. Jess reminded the Council the LBAF paid for the master plan and requested if the City would consider sharing the cost for the grant writing which totals \$3,500.00 and the City's portion would be \$1,750.00. Mayor Michael Carpenter informed the Council the City has been putting away funds for the Lakeside Park improvements which includes \$5,000.00 in CDs and \$2,500.00 budgeted in 2022. Discussion then took place about replacing the floor in the current shelter versus building a new shelter. Since replacing the floor in the current structure is more costly than building a new facility, the LBAF would like to see a new shelter built with amenities. The playground equipment is part of the LBAF's effort and they will continue raising funds for that in the next few years. Vince and DSI have begun the work on the grant and are not sure when the grant will be awarded.

MOTION by Daryl Schlapkohl, seconded by Mark Dunn to pay \$1,750.00 for writing and submitting the DNR grant. Motion carried.

The next item of business was to review/act on the agreement with Lincoln- Pipestone Rural Water. Mayor Michael Carpenter informed the Council and the audience that the Lake Benton EDA has been working with a business about expanding their facility to the north of town. The organization is Lincoln-Pipestone Rural Water (LPRW) and they are looking to build a new facility. The EDA and LPRW have been talking back and forth for an extended period of time, and LPRW is looking at bringing in an office complex and storage area for piping and miscellaneous lay-down equipment. LPRW is outgrowing their current facility with 19 employees and are looking to hire an additional three to five more employees. LPRW is a public entity like the City of Lake Benton and have had their business located in Lake Benton since the 1970s. LPRW requested the Lake Benton EDA and two other cities to bid on this project. The Lake Benton EDA waited to hear back from LPRW and received a letter of commitment from LPRW to build in Johnson's Commercial Park and requested in return that the land will be available when they begin construction in 2023. Administrator/Clerk Eileen Christensen contacted Legal Counsel and he and LPRW's Legal Counsel put an agreement together and will be forwarded on to the LPRW Board at their meeting later this month. Mayor Michael Carpenter reminded the Council that this does not transfer ownership of the property until LPRW's engineers complete a survey and provide the City with a legal description. After the survey and legal description are completed, the City can then deed 15 acres more or less and provide up to \$15,000.00 for a private septic system to LPRW. It is the presumption that LPRW will sell their commercial building and the City will have the opportunity for another business to locate in Lake Benton. Mayor Michael Carpenter then informed the Council another business would like to consider building at Johnson's Commercial Park as well. The Lake Benton EDA is recommending the Council proceed with this agreement as it is a win-win for all parties involved.

Curtis Rethwisch, Chair of the Lake Benton EDA, informed the Council this project has been on the EDA's agenda since February 2021. Former Trustee and Chair of the EDA, Dave Enke, was very instrumental on this when other communities were offering similar land options with amenities to attract LPRW which included the City of Marshall and the City of Pipestone. This information was mentioned at previous Council meetings but no name was mentioned due to LPRW requesting to keep it confidential until their board agreed on a site.

At this time, Mayor Michael Carpenter opened the floor for discussion. A Trustee stated this is a great thing that the City is giving LPRW 15 acres at approximately \$5,500.00/acre for a total of \$82,500.00. That is a substantial gift, and LPRW should provide their own septic system. If anyone else builds there, will they use the septic system provided or require an additional system? The City has a lot of projects in the works such as the Mork and Giles Addition and the 2027 Highway 75 reconstruction, and the Trustee felt the City did not need to fund the septic system for LPRW. Another Trustee agreed that the City should not fund the septic system and felt LPRW should have come to the City for a closed meeting before going to the Lake Benton EDA for the transfer of property. The Council was reminded the Lake Benton EDA is the acting authority for the City to undertake the activities necessary to encourage, attract, promote and develop economically sound industry and commerce within the City, and reminded them at least two communities proposed to offer LPRW land, water and sewer.

After a lengthy discussion on getting sewer to the north side of town, MPCA regulations, and why should the City provide up to \$15,000.00 for a septic system to LPRW, Mayor Michael Carpenter called for a roll call vote to adopt the following resolution between the City of Lake Benton and Lincoln-Pipestone Rural Water:

RESOLUTION FOR TRANSFER OF FIFTEEN ACRES IN GOVERNMENT LOT (1) IN SECTION NUMBERED FIVE (5) OF TOWNSHIP NUMBERED ONE HUNDRED NINE (109) NORTH OF RANGE NUMBERED FORTY-FIVE (45) WEST OF THE FIFTH PRINCIPAL MERIDIAN –
WHEREAS, the City of Lake Benton owns the real property described as Government Lot One (1) in Section Numbered Five (5) of Township Numbered One Hundred Nine (109) North of Range Numbered Forty-Five (45) West of the Fifth Principal Meridian, and **WHEREAS**, this real property was annexed into the City of Lake Benton pursuant to Ordinance #154 adopted February 21, 1995, and **WHEREAS**, Lincoln-Pipestone Rural Water wants to obtain approximately 15 acres of real property in the Northeast Corner of said Government Lot One, and **WHEREAS**, Lincoln-Pipestone Rural Water has sent a letter of commitment for the construction of facilities in said fifteen (15) acres (approximated) and has requested a similar commitment from the City of Lake Benton to convey said real property to Lincoln-Pipestone Rural Water so that Lincoln-Pipestone Rural Water can authorize its engineers to proceed with a property survey and pursuit of proposals for interested architectural firms. **NOW, THEREFORE**, be it resolved, by the City of Lake Benton that the City of Lake Benton commits to the following: **(1)** To convey approximately fifteen (15) acres in the Northeast Corner of Government Lot One (1) in Section Numbered Five (5) of Township Numbered One Hundred Nine (109) North of Range Numbered Forty-Five (45) West of the Fifth Principal Meridian for no consideration upon receipt of a property survey. **(2)** To pay up to Fifteen Thousand and No/100 (\$15,000.00) Dollars for a private sewer system to be constructed by Lincoln-Pipestone Rural Water. **EFFECTIVE DATE:** the effective date of the resolution is the date of its passage by a majority of the member of the City Council.

ROLL CALL VOTE: Trustee Patrick Haynes – Yes, Trustee Daryl Schlapkohl – Yes, Trustee Rosie DeZeeuw – Yes, Trustee Mark Dunn – No. Trustee Mark Dunn requested the minutes reflect he is not comfortable with paying for the septic system. Motion carried.

The next item of business was to review/act on a Resolution to Elect Standard Allowance Available Under the Revenue Loss Provision of ARPA. City Attorney Mike Cable e-mailed the Resolution to City staff and would like to advise the Council to pass it. In January, the U.S. Department of Treasury issued a final ruling on the ARPA funds received by cities. The Department of Treasury ruled that cities can use the full amount of the ARPA funds received for “government services” which would include road maintenance, infrastructure, general government administration, staff and administrative facilities, police, fire, and public safety services. This essentially allows the City to use these funds as it sees fit and allows the City to transfer these funds to its general account. The League of Minnesota Cities has recommended that cities pass the resolution in relation to the use of these funds which have been designated to televise lateral lines into the main system. **MOTION** by Mark Dunn, seconded by Rosie DeZeeuw to approve the Resolution to Elect Standard Allowance Available Under the Revenue Loss Provision of ARPA. Motion carried.

The next item of business was to review/act on two (2) temporary on-sale intoxicating liquor licenses for the Lake Benton Fire Department to serve alcohol at the Lake Benton Sportsman’s Club Annual Game Feed on March 19, 2022; and the Lake Benton Area Foundation Gala on March 26, 2022 at the Lake Benton Area Community and Event Center. **MOTION** by Daryl Schlapkohl, seconded by Mark Dunn to approve the two (2) temporary on-sale intoxicating liquor licenses for the Lake Benton Fire Department to serve alcohol at the Lake Benton Sportsman’s Club Annual Game Feed on March 19, 2022; and the Lake Benton Area Foundation Gala on March 26, 2022 at the Lake Benton Area Community and Event Center. Motion carried.

The next item of business was to review/act on a Resolution Accepting Donations to the Library. The Library received a donation from the Fiber Guild for \$100.00. This donation will be designated for collections. Minnesota Statutes state the Library can accept donations for the benefit of recreational

services. The Council needs to pass the resolution accepting the donation to the Library. **MOTION** by Daryl Schlapkohl, seconded by Mark Dunn to approve the Resolution Accepting the Donation from the Fiber Guild for \$100.00 to the Library. Motion carried.

COMMITTEE REPORTS:

Trustee Mark Dunn – The Fire Department annual meeting was last week. The townships set their levies in March and after looking at the cost of a new truck, the townships made a motion to increase the truck fund from \$20,000.00/year to \$30,000.00. The townships would like to set their budgets and would appreciate the City letting them know what has been budgeted for the truck fund in 2023. The contracts the City has with the townships was created in 2017 and are good for ten years. However, the 2017 contract states a \$750.00 run fee, and the Fire Department changed it to \$1,000.00. Mark was informed the insurance agencies now pay up to \$1,000.00 for a fire call, which is why the amount had changed. A township would like the contract amended to reflect that change, and Trustee Mark Dunn felt it should be amended for legal purposes. After some discussion, it was decided the township(s) should contact the Fire Department regarding this issue and the Fire Department can come to the City to request an amended contract.

Trustee Rosie DeZeeuw – The Library Board met and the tracking numbers of patrons are following similar to previous years. Rich Riley will remain the Chair of the board. The library has a closure policy in place that states if the school is closed, the library will be closed. The Winter Reading Program (WRP) is underway and patrons can sign up until March 31, 2022. There is a painting class scheduled at 9:00 AM on February 26, 2022; and a candle class on April 23, 2022 at 9:00 AM. There are a few Summer Reading Programs (SRP) booked thus far.

The Chamber met and the February business of the month is Stevo’s Party Buss, and the March business of the month will be the Lake Benton Area Foundation which will be featured in the newspaper prior to the Gala. The \$3.00 Diners Club meal was canceled in February, and they are hoping to have a \$3.00 meal around Easter time. The Parks Prairie School booked a wind tower tour with Karen Lichtsinn. This is the first tour in three years and approximately 60 8th graders, college students and chaperones will attend the tour.

Trustee Daryl Schlapkohl – The EDA met and are working on building duplexes in the Mork & Giles Addition. The bid opening for the water and sewer infrastructure is scheduled for March 15, 2022. Daryl then asked the Council to look at marketing the property in Johnson’s Commercial Park to sell as land prices are substantial right now. Those funds could be used for streets and other infrastructures in the City.

MOTION by Mark Dunn, seconded by Patrick Haynes to approve the Committee Reports. Motion carried.

ADMINISTRATOR/CLERK REPORT:

Administrator/Clerk Eileen Christensen was trained on the new Neptune 360 Meter reading device on January 26, 2022 and read the meters with the new system on February 2, 2022. Everything worked well and the system is very user friendly.

The 2022 Board of Appeal and Equalization meeting for the City of Lake Benton is scheduled for Tuesday, April 12, 2022 at 7:00 PM at the Lake Benton Area Community & Event Center.

MAYORAL REPORT:

The next regular meeting is scheduled for March 7, 2022 at 5:30 PM.

There being no further business to come before the Council at this time, a **MOTION** was made by Daryl Schlapkohl, seconded by Mark Dunn and carried, the meeting adjourned.

MAYOR

ADMINISTRATOR/CLERK