

JANUARY 19, 2021

The Regular Meeting of the Lake Benton City Council was held on Tuesday, January 19, 2021 at 5:30 PM in the Lake Benton Area Community and Event Center. Mayor Michael Carpenter, Trustees Rosie DeZeeuw, and Dave Enke were present.

Mayor Michael Carpenter called the meeting to order. Due to circumstances beyond their control, a **MOTION** was made by Rosie DeZeeuw, seconded by Dave Enke and carried to continue the meeting to Wednesday, January 20, 2021 at 5:30 PM.

January 20, 2021

The January 19, 2021 meeting of the Lake Benton City Council was continued at 5:30 PM on January 20, 2021. 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, Deputy Jake Jenson, Sheriff Chad Meester, Pat Haynes, Library Director Janine Schaap, Lisa Willert, and Miranda Deutz 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 January 4, 2021 were reviewed. **MOTION** by Mark Dunn, seconded by Dave Enke to approve the minutes of the Regular Meeting of January 4, 2021. Motion carried.

CLAIMS PRESENTED AGAINST THE CITY OF LAKE BENTON:

ITC	\$ 403.16	LMC – BERKLEY	\$ 10,532.00
RS DOORS, LLC	\$ 630.00	VADIM	\$ 1.44
QUARNSTROM/DOERING	\$ 70.80	L-P RURAL WATER	\$ 5,554.87
RETHWISCH & SON	\$ 2,681.07	EXPRESSWAY	\$ 253.68
RICK'S WELDING	\$ 60.00	GOPHER STATE	\$ 2.70
CITY OF LAKE BENTON	\$ 173.77	POSTMASTER	\$ 172.60
CITY OF TYLER	\$ 66.00	LAKE BENTON EDA	\$ 9,655.00
LB CHAMBER-CVB	\$ 7,722.70	LB HISTORICAL SOCIETY	\$ 6,500.00
LB DINERS CLUB	\$ 1,500.00	HEIMAN	\$ 418.50
SW SANITATION	\$ 3,681.18	BANNER ASSOCIATES	\$ 3,080.00
CARDMEMBER SRVCS	\$ 16.02	BUFFALO RIDGE NEWS	\$ 5.90
SW INITIATIVE FUND	\$ 350.00	LINCOLN CTY HRA	\$ 1,951.82

MOTION by Mark Dunn, seconded by Daryl Schlapkohl 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.

The next item of business was to review/act on rehab grant requests. Four payment requests were received for the Rehab Grant Program: Contractor request of \$4,340.40 to Dean Brandt, lead assessment request of \$250.00 to Scarcely, \$46.00 to Lincoln County Recorder, and \$3,000.00 to DSI for Administration fees. The total funds of \$7,636.40 were requested and deposited in the account. **MOTION** by Dave Enke, seconded by Mark Dunn to approve payment of the rehab grant checks presented. Motion carried.

PUBLIC WORKS UPDATE

Maintenance Supervisor Todd Draper did not have anything to bring forward to the Council at this time, but was present to review the 2021 construction projects which were the next item on the agenda.

The next item of business was to review/act on Funding for three watermain/street projects. The first being the Fremont Street Watermain Project. Maintenance Supervisor Todd Draper informed the Council that he, Administrator/Clerk Eileen Christensen met with the Water Committee (Mayor Michael Carpenter and Trustee Dave Enke) last week to discuss funding for the 2021 summer Fremont Street Watermain Replacement project. There have been multiple water breaks on Fremont Street from ExpressWay to the south end of the school playground. The cost to replace the watermain is \$178,000.00 with engineering included. It was also suggested to add the repair of the watermain from Lincoln Avenue (north of ExpressWay) through the alley to Center Street to this project. The estimated cost for this is \$15,900.00 for a total project cost of \$193,900.00. If the projects are done together, the City can negotiate with the contractor to add the watermain repair on Lincoln Avenue to the Fremont Street Watermain project because it is 30% below the project cost.

There are two options the City can use for funding the projects: The first is get a MN Rural Water Association Loan for either seven years (\$40,000.00/year) or fifteen years (\$19,000.00/year); and the second is funding the project with utility funds from water and sewer (Water = \$52,000.00, Sewer = \$760,000.00).

The second project is the Oakwood Drive/Lakewood Drive reclaiming of existing surface, grade and re-pave. The City received estimates prior to the intent to get a bid for \$92,500.00. The City can get a quote from two contractors and negotiate a price to get this project and either the Fremont Street overlay or Lakeside Park overlay done at the same time.

The third project is the Lakeside Park Road project. There will have a bid opening on February 8, 2021 at the Lincoln County Courthouse because it is a state aid project and Lincoln County is administering the funds. The City received a DNR grant for this project and is only responsible for the engineering costs. The City has paid \$13,500.00 and owes an additional \$13,500.00 when the construction begins.

MOTION by Daryl Schlapkohl, seconded by Dave Enke to proceed with the three projects subject to final cost estimates. Motion carried.

Should the Council agree to get a loan for the Fremont Street Watermain project, they must approve either a seven year loan or a 15 year loan, and the loan application must be completed as soon as possible to get the funding to begin the project this summer. Mayor Michael Carpenter reminded the Council several years ago in 2008 the Council applied an assessment to each homeowner's utility bill - \$20.00 for water, and \$20.00 for sewer. This was put in place for projects such as these. Should the Council agree to use the utility funds, an interdepartmental transfer from sewer to water could be done or just take it out of the sewer fund. The Fremont Street Watermain project will be assessed for approximately \$27,800.00 which would be deposited into the sewer fund over the next 10 years.

After some discussion on getting a loan versus using the City's funds, Mayor Michael Carpenter explained the City has ample funds in their utility funds to take care of the estimated \$194,000.00 Fremont Street Watermain project. The Oakwood Drive/Lakewood Drive resurfacing is \$92,500.00 and the City approved a resolution to use \$75,000.00 from unallocated funds from the sale of the Police vehicle, sale of property, and FEMA reimbursements. The City budgeted \$30,000.00 in Street Capital Outlay so the City has ample funds for that project as well. The Lakeside Park Road project is still owed \$13,500.00 in engineering fees and the General Fund has enough funds to cover this project.

If we move ahead with the Fremont Street Watermain project, there is hope not to interfere too much with traffic flow. A plan was submitted to MnDOT and we are waiting to hear back from them. The Council needs to make a decision soon on the funding so the project can get done this summer. The majority of the Council felt as long as we have the funding, use it. **MOTION** by Rosie DeZeeuw, seconded by Mark Dunn to use the City's utility funds to fund the Fremont Street Watermain project. Motion carried. **MOTION** by Dave Enke, seconded by Daryl Schlapkohl to use the unallocated funds to grade and re-pave Oakwood Drive/Lakewood Drive and complete the Lakeside Park Road project. Motion carried.

LAW ENFORCEMENT UPDATE

Deputy Jake Jenson and Sheriff Chad Meester were present to provide the 2020 law enforcement report for the City of Lake Benton. Sheriff Chad Meester presented the Council with an overview of the year-to-date statistics. Sheriff Meester thanked the Council and City employees on a great working relationship, and their service to the City. Sheriff Meester then said the Deputies are doing a fantastic job for the City of Lake Benton. They patrol at night and citizens are happy to see them around. Deputy Jake Jenson then presented the 2020 Calls For Service and Lincoln County averaged 30 hours a week which is over their contracted amount of 24 hours. The Council is very satisfied with the Lincoln County Sheriff's Department and their service to the City of Lake Benton. **MOTION** by Daryl Schlapkohl, seconded by Dave Enke to approve the law enforcement update. Motion carried.

The next item of business was to review/act on the Service Contract for the Local Access Channel and the Electronic Sign between the City and Pat Haynes from February 1, 2021 through January 31, 2022. The agreement states Pat will spend eight (8) hours a month to service and update the Local Access Channel and spend four (4) hours a month to service and update the Electronic Sign.

Pat Haynes was present and informed the Council he is still attempting to move forward with changing the current set-up with an IP address and new cable versus a modem. When it gets warmer outside, he will contact the company that made the sign to do an annual check to verify all is in working order. **MOTION** by Rosie DeZeeuw, seconded by Daryl Schlapkohl to approve the Service Contract for the Local Access Channel and Electronic Sign between the City and Pat Haynes from February 1, 2021 through January 31, 2022 for \$250.00 a month. Motion carried.

LIBRARY UPDATE:

The Library Update was given by Library Director Janine Schaap. Janine presented the Council with the Library's Mission Statement which states is to enrich lives, build community, and foster success by bringing people, information, and ideas together in a respectful manner. The Library's goals will be worked on as a team. Together, Janine and Corinne Crowe will work towards improving and promoting the library. Janine and Corinne are looking forward to 2021 and implementing their goals based on the mission statement.

Janine also presented the library's goals which included increasing patron usage through programming (dependent on COVID situation) and promote the programs in newspaper advertising, the monthly newsletter and posting flyers throughout Lake Benton, have at least four (4) programs a year that appeal to children, men, women and families, and partnering for programs with the Chamber, Diners Club and the school; weeding out the old collections and replacing with new is an ongoing task; applying for a Thrivent Financial Grant and looking into more grants that can be used; add new furniture to include a children's bin; support the Friends of the Library (FOL) with bake sales and fundraisers, promote eye catching signs and brochures; track supplies and collections closely be using a spreadsheet; become involved in local, state and national associations; update policy and procedure book; and work on literacy knowledge.

The library's achievements for 2020 included changing the books to show up in the computer for ease of finding books; applied for two (2) grants and received to purchase patio furniture and two (2) children's bins; programming that included the Summer Reading Program, Friday Morning Fun, and the Winter Reading Program; assisted the Friends of the Library by selling t-shirts and fudge and 100% of the funds received will be into the Library for any needs; and informed the public of new on the Library through their monthly newsletter, library column in the newspaper, and hanging flyers around town.

Trustee Dave Enke is the Library Board liaison and stated the Board is very happy with Janine and her staff. Everything is going very well. Trustee Dave Enke also explained the terms of board members are effective each January with City Council approval. Mayor Michael Carpenter thanked Janine for a great job and dedication to the Library. **MOTION** by Dave Enke, seconded by Mark Dunn to accept the Library update. Motion carried.

The next item of business was to review/act on a resolution and Earnest Money Contract of Sale with Jack and Marie Christiansen. City Attorney Mike Cable prepared the Earnest Money Contract of Sale to convey the real estate in the Replat of a part of Giles and Mork's Addition described as Lots One (1) & Two (2) of Block Three (3). The Earnest Money Contract of Sale will need to be authorized by the City of Lake Benton and after authorization is obtained, the Earnest Money Contract of Sale will need to be signed in the presence of a Notary Public by Mayor Michael Carpenter, Administrator/Clerk Eileen Christensen, and Jack and Marie Christiansen. After the Earnest Money Contract of Sale is signed by all parties, Jack and Marie will need to send a check in the amount of \$1,000.00 to Quarnstrom & Doering, P.A. Trust Account. Jack and Marie Christiansen have agreed to order an Abstract of Title for the property and pay the same. The remaining amount of \$10,000.00 will be paid to the City on or before the date of closing which is still to be determined.

Maintenance Supervisor Todd Draper explained the entrance to the football field from Benton Street goes through the western half of the lots being sold. The City will need to block the entrance and make a new gravel platted road entrance.

City Attorney Mike Cable also prepared the necessary resolution that will need to be approved to convey said real property: **WHEREAS**, the City of Lake Benton met in regular session on January 19, 2021 for the purpose of selling that real property described as follows: Lots One (1) and Two (2) of Block Three (3) of the Replat of a part of Giles and Mork's Addition, City of Lake Benton, State of Minnesota, **WHEREAS**, the City of Lake Benton wants to sell said real property, and **WHEREAS**, Jack Christiansen and Marie Christiansen, husband and wife, offered to pay the City of Lake Benton Eleven Thousand and No/100 (\$11,000.00) Dollars, and **WHEREAS**, the City of Lake Benton met in regular session on January 19, 2021 for the purpose of accepting the offer of Jack Christiansen and Marie Christiansen, husband and wife, as Joint Tenants. **NOW, THEREFORE**, the City Administrator/Clerk of the City of Lake Benton certifies the following:

1. That on January 19, 2021 upon a motion made by Rosie DeZeeuw, seconded by Mark Dunn, and carried that real property described as follows: Lots One (1) and Two (2) of Block Three (3) of the Replat of a part of Gile and Mork's Addition, City of Lake Benton, State of Minnesota, was sold to Jack Christiansen and Marie Christiansen, husband and wife, as Joint Tenants, for Eleven Thousand and No/100 (\$11,000.00) Dollars.

The next item of business was to review/act on a resolution with the DNR for a City-Wide Hunt in 2021. The resolution authorizes the City of Lake Benton to work with the DNR to allow a special hunt in 2021. The City is aware there is a proficiency requirement for any new hunters applying, and the City will need to get the landowners permission (i.e. Lincoln County) prior to hunting on their property. The application with the DNR will need to be completed prior to May 2021. **MOTION** by Dave Enke, seconded by Daryl Schlapkohl to approve the resolution with the DNR for a City-Wide Hunt in 2021. Motion carried.

The next item of business was to review/act on Off-Sale Liquor Licenses in the City of Lake Benton. Mayor Michael Carpenter informed the Council a City our size can have up to four (4) on-sale licenses, and off-sale licenses is unlimited. Years ago the City had the municipal liquor store and, by law, no other establishment can sell off-sale licenses. When the City sold the bar in 2012 they sold the exclusive rights and this right would follow the buyer or its assigns through October 29, 2022. In June 2015, the agreement was amended and extended to October 29, 2025. The agreement states in the event the buyer or buyer's assigns do not have an off-sale license, lose the off-sale license because of a violation of an ordinance, or do not operate an off-sale intoxicating liquor business this restriction is null and void. Legal Counsel approved the stipulation of the exclusive right is null and void. The City can issue as many off-sale licenses as they want.

Establishments interested in being approved for an off-sale license must follow the process of completing the City Licensing Application, and the three page Alcohol Gaming Enforcement Division (AGED) application, then return them to the City Administrator with proof of liquor liability and if you have employees, provide the work comp information. Once this is completed, the City will have a background check done through the Sheriff's office and bring to the Council for approval. After Council approval, the paperwork will be forwarded on to the AGED who assigns a liquor agent to. The liquor agent will do a site visit either by phone or on-site, and when approved will forward back to AGED. AGED will then forward the signed license back to the City. As of now, ExpressWay is the only holder of an off-sale 3.2 beer liquor license.

Mayor Michael Carpenter then opened it up for questions or comments. The Council agreed they had no reason not to proceed with giving off-sale licenses to those establishments wanting to apply. The citizens of this community have been unsatisfied with the lack of off-sale in town for too long. The establishment (owner of the bar) is closed, there has been no activity, and they posted on Facebook they were closing December 31, 2020. The City received notification their liquor liability insurance was canceled effective January 15, 2021.

MOTION by Mark Dunn, seconded by Dave Enke to declare the Lake Benton Bar & Grill closed, therefore making the exclusive off-sale restriction of the agreement null and void; and offer off-sale licenses to an unlimited amount of establishments that complete the application process. Motion carried.

COMMITTEE REPORTS:

Trustee Mark Dunn – The Lake Benton Fire Department received \$1,500.00 from Millennial Farms and will receive \$1,000.00 from the Lincoln County Corn and Soy Bean Growers for grain bin rescue training.

Mayor Michael Carpenter stated that since Trustee Mark Dunn is the representative of the Fire Department, the Mayor had an individual contact him and wants to donate a 1936 Fire Truck to the City with stipulations. Mayor Michael Carpenter gave Trustee Mark Dunn a picture of the truck to show the Fire Department for their ideas/comments of what they would like to do.

Trustee Rosie DeZeeuw – The Chamber met last week. Karen Lichtsinn will be attending the trade show in Sioux Falls in early March. The Chamber belongs to the Glacier Lakes Co-op and if they attend one trade show, Glacier Lakes will show our literature at the remaining five other trade shows they attend. Lake Benton Realty was the business of the month in January, and DSI will be the February business. The Diner's Club is having a the January drive-thru meal January 21, 2021, drive-thru meals for February and March will be scheduled weather permitting. The Food Shelf list of clients is growing. They will work with churches and schools to get additional food to keep it going.

Trustee Dave Enke – The EDA met last week and they made appointments for the 2021 year. Two board members will meet with recipients of a prior loan. The County received new business assistance programs on the CARES Act with another \$250,000.00 available for those directly impacted that were not able to get assistance in the earlier round. Businesses can contact Vince Robinson and Matt Schreurs with questions regarding this. Work continues with DSI and the Hole-in-the-Mountain Park on drafting the master plan. The plan must be completed in order to apply for legacy funding in 2022 and receive the funds in 2023.

Trustee Daryl Schlapkohl – No report.

ADMINISTRATOR/CLERK REPORT:

The annual meeting of the City of Lake Benton, Lake Benton Fire Department, and Townships will be held on Thursday, February 18, 2021 at 7:00 PM at the Lake Benton Area Community & Event Center.

MAYORAL REPORT:

Mayor Michael Carpenter reminded the Council at the first meeting in December 2020, former Mayor Bob Worth appointed a committee to review a property in need of cleaning in town. There is more than one property needing clean-up in the City, and this is something the Council will need to begin addressing. Mayor Michael Carpenter handed out the ordinances on health and safety nuisances, and parking and asked the Council to review them. This item will be discussed at the next regular meeting of February 1, 2021.

Mayor Michael Carpenter requested authorization to work with Administrator/Clerk Eileen Christensen to get painting done in the front room of the Event Center so it is ready to be rented out after COVID is done. Also, the back room storage area needs to get cleaned up, and the outside entrance on the north side needs to look more inviting. **MOTION** by Daryl Schlapkohl, seconded by Mark Dunn to authorize Mayor Michael Carpenter and Administrator/Clerk Eileen Christensen paint, clean and make the Event Center more comfortable and inviting for events.

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

MAYOR

ADMINISTRATOR/CLERK