

JANUARY 9, 2023

The Special Meeting of the Lake Benton City Council was held on Monday, January 9, 2023 at 2:00 PM in the Lake Benton Area Community and Event Center. Mayor Michael Carpenter presided. Trustees Rosie DeZeeuw, Karen Lichtsinn, Patrick Haynes, and Scott Christensen were present. City Attorney Mike Cable, City Administrator/Clerk Eileen Christensen, Maintenance Supervisors Todd Draper and Travis Lustfield were also present.

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

The first item of business was to review/act on a Decision by the Council to Propose a Zoning Amendment for Zoning Ordinance No. 150 and set two public hearings. The City transferred 15 acres of property in the Johnson Commercial Park to Lincoln-Pipestone Rural Water (LPRW) and the property needs to be amended from an A-1 Agriculture District to a B-2 Highway Business District. City Attorney Mike Cable informed the Council he contacted Jason Overby with LPRW and informed him of the meeting today. Although Jason was not available to be at the meeting in person, he was available via phone. Jason inquired if LPRW needed a variance or conditional use permit and Mike Cable confirmed he does not need to apply for either a variance or conditional use permit but needs to apply for a building permit. City Attorney Mike Cable then informed the Council they will need to set two public hearings one half hour apart on the same date and send a letter to the three property owners that are within 350 feet of the property being amended. The three property owners include Jeannine & Nathan Buntrock, Linda Polkow, and Jeff & Patricia Johnson. The Council will need to set a date for the public hearings, adopt the Decision to set the public hearings, and provide ten days notification to the property owners and publish said notice in the newspaper. **MOTION** by Rosie DeZeeuw, seconded by Patrick Haynes to authorize the Mayor and Administrator/Clerk to sign the Decision to Propose a Zoning Amendment. Motion carried. **MOTION** by Patrick Haynes, seconded by Scott Christensen to authorize the Administrator/Clerk to mail the letter to the property owners and publish the public hearings in the newspaper for February 6, 2023 at 5:45 PM and 6:15 PM. Motion carried.

The next item of business was to review/act on a resolution designating a Zoning Administrator. City Attorney Mike Cable informed the Council that Maintenance Supervisor Todd Draper was the Zoning Administrator for the City for the past several years and now the City must designate a new Zoning Administrator. It was suggested to have Todd Draper consult and advise Travis Lustfield in the position until he is comfortable taking over the position. **MOTION** by Patrick Haynes, seconded by Rosie DeZeeuw to add Travis Lustfield with Todd Draper as the Zoning Administrator of the City of Lake Benton effective immediately. Motion carried.

The next item of business was to review/act on the Ordinance on Surface Runoff of the Sewer Lines and review the televising of the sewer lines. Mayor Michael Carpenter reminded the Council that the Minnesota Pollution Control Agency (MPCA) requested the City to control the infiltration and inflow drainage into their sewer ponds. The City hired a firm to televise the sewer lines from Grace Lutheran Church going west due to the low ground water area this past summer and found areas with ground water runoff into the sewer lines. The sewer lines on Fremont Street will be corrected during the 2027 Highway 75 MnDOT project.

Brad Gillingham, the MPCA representative, provided a model Ordinance for the City to consider adopting, which includes provisions that if the homeowner has an issue with clear water runoff going into the sanitary sewer system they must fix the problem in a certain amount of time or they will be fined \$100.00 a month on their utility bill until the problem is resolved, or the City can fix the problem and assess the fees to the homeowner's taxes. City Attorney Mike Cable stated the model Ordinance also includes a statement that the homeowner is required to complete an inspection and obtain a certificate of compliance issued by the City before such property is offered for sale. This is putting the Administrator/Clerk in a position to continually provide permits to homeowners prior to selling their property, which is a large undertaking.

Maintenance Supervisor Todd Draper then showed the Council clips of the televised sewer lines with clear water runoff from the homeowner's connection to the City's main sewer line. Todd reminded the Council the City owns the 8 x 10 sewer main and is responsible for any part of the main, and the homeowner is responsible for any issues with their sewer line from their home to the City's main. This could cost the homeowner approximately \$5,000.00 to fix which includes digging up the asphalt, replacing the sewer line and repairing the asphalt.

The Council then discussed drafting a new Ordinance to eliminate the City issuing a certificate of compliance, include wording that the City has the right to meet with the homeowner to inform them they are not in compliance, the homeowner has a certain amount of time to get into compliance or they will be charged \$100.00 a month until the issue is fixed or assess the homeowner's taxes, and provide the citizens pertinent information on the future goals to televise all the sewer lines in the City within a ten year period.

MOTION by Karen Lichtsinn, seconded by Patrick Haynes to direct legal counsel to draft a new Ordinance from the model Ordinance provided from the MPCA with additional terminology specific to our community. Motion carried.

The next regular meeting is scheduled for Tuesday, January 17, 2023 at 5:30 pm

There being no further business to come before the Council at this time, a **MOTION** was made by Scott Christensen, seconded by Karen Lichtsinn and carried, the meeting adjourned.

MAYOR

ADMINISTRATOR/CLERK