

**JULY 6, 2021**

The Regular Meeting of the Lake Benton City Council was held on Tuesday, July 6, 2021 at 5:30 PM 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 June 21, 2021 were reviewed. **MOTION** by Daryl Schlapkohl, seconded by Rosie DeZeeuw to approve the minutes of the Regular Meeting of June 21, 2021. Motion carried.

**CLAIMS PRESENTED AGAINST THE CITY OF LAKE BENTON:**

BOLT'S LB GROCERY	\$	28.52	OTTERTAIL	\$	2,601.69
THOMAS ELECTRIC	\$	2,308.58	POSTMASTER	\$	11.00
TODD DRAPER	\$	32.00	PAT HAYNES	\$	370.95
HUGH GRINNELL	\$	23.99	DOUBLE D GRAVEL	\$	829.46
CORE & MAIN	\$	213.66	XION	\$	422.66
US TREASURY	\$	7.98	TROY NORDMEYER	\$	32.00
KYLIE ROCHEL	\$	125.00	ONE OFFICE	\$	106.69
THOMAS PLUMBING	\$	455.25	AMAZONE CAPITAL	\$	557.99
CENTER POINT	\$	44.34	MIDWEST TRNG ASSOC	\$	735.00

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

**PUBLIC WORKS UPDATE**

Maintenance Supervisor Todd Draper updated the Council on the 2021 projects: Lakeshore Drive was paved last week and looks good. This was a state aid project with the City paying for Engineering, and the Lincoln County Engineer overlooking the project; There is a preconstruction meeting scheduled for Friday, July 9, 2021 at 11:00 AM regarding the Fremont Street Watermain Project. The contractor is hoping to get started next week with putting temporary water service through fire hydrants to the nine (9) residences.

Mayor Michael Carpenter informed the Council that he, Trustee Dave Enke, Administrator/Clerk Eileen Christensen and Vince Robinson met with Shannon Sweeney to discuss creating a new TIF District in the Mork and Giles Addition. The last football game in the Addition is scheduled for July 24, 2021, and the Maintenance Department will proceed with taking down the items at the football field after the game. Discussion was held in regards to the next planning step in the Mork and Giles Addition. Mayor Michael Carpenter informed the Council it was suggested the City confirm the funding used for the Fremont Street Watermain Project before committing to an amount to borrow for the Mork and Giles Addition. After this is completed, the City is in a position to proceed with a preliminary report and draw up a contract with Banner Associates in the early fall.

Mayor Michael Carpenter reminded the Council of the Special Meeting scheduled for Monday, July 12, 2021 at 5:30 PM to meet with MnDOT regarding the 2027 Fremont Street Reconstruction Project. This is an informational meeting and MnDOT will get the Council's input on the width of sidewalks, width of highway, lighting, retaining walls, and trees.

**MOTION** by Rosie DeZeeuw, seconded by Mark Dunn to approve the Public Works Update. Motion carried.

The next item of business was to review/act on a Variance Permit for Andrea Gorter to build a privacy fence. This item was tabled from the June 21, 2021 meeting to check on the costs associated with the Ordinance, draw up the paperwork, publish the hearing, and record the order which is estimated to be \$500.00. Mayor Michael Carpenter stated that if the Council wants to set a precedence on granting a variance for this property, items five (5) and six (6) are also requesting a variance. Mayor Michael Carpenter then stated he had read previous minutes and there have not been a lot of variances approved for fences over the years. If there were requests, they were denied. The Ordinance states a three foot setback and Andrea wants a one foot setback. Issues that arise with a one foot setback include how is the homeowner planning to maintain their side of the fence without trespassing on to the neighbor's property? In the future, how is it going to affect the new owners and the sale of the property? The City can find most of the pins for the property lines and to find a legal description of the property may include hiring a surveyor. Mayor Michael Carpenter then stated if the Council wants to amend the Ordinance from a three foot setback to a one foot setback, there will be an agreement drawn up that everyone understands it is the property owner's obligation and expense to determine where their boundary line is. Mayor Michael Carpenter then opened this item up for discussion.

Discussion included: Agree to stay with the current Ordinance setback of three feet so the property owner can maintain both sides of the fence without trespassing; The Council was elected to represent the citizens of the City. The City should not mandate where residents should put a fence and these residents pay taxes on their entire property; The present Ordinance was adopted for a reason which was to alleviate previous issues of property lines and the three foot setback was there for a reason. Although there are good points brought forward, where is one foot enough room? In support of declining the variance; The previous Ordinance was five feet and changed to three feet. Since the current Ordinance has been in place no one has had a problem with the three foot setback.

**MOTION** by Daryl Schlapkohl, seconded by Dave Enke to proceed with a roll call vote to offer the Variance presented to Andrea Gorter. Roll Call: Mark Dunn – Yes, Rosie DeZeeuw – No, Dave Enke – No, Daryl Schlapkohl – No. Motion carried three to one not to offer the Variance presented to Andrea Gorter.

The next item of business was to review/act on a Variance permit for Jesse & Casey Martin at 326 S. Garfield Street (Item #5), and review/act on a Variance permit for Brooks Duehn at 328 S. Garfield Street (Item #6). Both parties want to put one fence on the property line. They will share expenses for the fence and legal fees. There were concerns expressed on putting the fence on the property line and how it will affect new owners. Who is responsible for damage to the fence, who maintains the fence if it is damaged on one side and not the other? This item is different from the previous item that was declined. Should the homeowners build two fences with six feet between them? The Council is not stopping homeowners from building fences; it just comes down to the Ordinance and the setbacks. It was then stated the City cannot let two people apply for a Variance for one fence. Someone has to declare who maintains the document and follows the deed. Mayor Michael Carpenter inquired if the Council would consider the Mayor talk with Legal Counsel and table this item until the next meeting. It was the consensus of the Council to move forward with a motion. **MOTION** by Mark Dunn, seconded by Daryl Schlapkohl to deny the Variance permits to Jesse & Casey Martin, and Brooks Duehn. Roll Call: Dave Enke – Yes, Daryl Schlapkohl – Yes, Mark Dunn – Yes, Rosie DeZeeuw – Yes. Motion carried.

The next item of business was to review/act on sending notice of city wide clean-up. City staff provided a list of three properties to the Council along with pictures of the properties. A letter will go out to the owners of the properties giving them until July 26, 2021 to comply with the Council's request to clean up their properties.

108 Parkview Drive – The City received complaints from citizens regarding this property with too many vehicles and junk in the yard. **MOTION** by Daryl Schlapkohl, seconded by Rosie DeZeeuw to authorize the Administrator/Clerk to send the initial letter to the owner(s) at 108 Parkview Drive. Motion carried.

212 E. Bluff Street – There is a lot of junk in the yard that needs to be removed and cleaned up. **MOTION** by Daryl Schlapkohl, seconded by Dave Enke to authorize the Administrator/Clerk to send the initial letter to the owner(s) at 212 E. Bluff Street. Motion carried.

304 S. Garfield Street – Junk in the back yard that needs to be removed and cleaned up. **MOTION** by Daryl Schlapkohl, seconded by Mark Dunn to authorize the Administrator/Clerk to send the initial letter to the resident(s) at 304 S. Garfield Street. 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 \$120.00. 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 Dave Enke, seconded by Mark Dunn to approve the Resolution Accepting Donation from the Fiber Guild for \$120.00 to the Library. Motion carried.

**COMMITTEE REPORTS:**

Trustee Mark Dunn – No report.

Trustee Rosie DeZeeuw – No report.

Trustee Dave Enke – The Library Board met last week and welcomed the new members to the board and gave them a brief introduction on what the duties of the board include. Both members will be good representatives for the community. A special program that was scheduled for June 23, 2021 was postponed to next year due to a miscommunication between the presenter and the Library. A painting class is scheduled for July 10, and the Summer Reading Program (SRP) will wrap up the season on July 28, 2021 with a build your own fairy garden.

Trustee Daryl Schlapkohl – No report.

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

**ADMINISTRATOR/CLERK REPORT:**

No report.

**MAYORAL REPORT:**

Mayor Michael Carpenter reminded the Council of the Special meeting next Monday, July 12, 2021 and the next regular meeting of July 19, 2021. The awning for the Event Center will be installed next week. One event that was scheduled at the Event Center was canceled, but there are other events still coming up. Administrator/Clerk Eileen Christensen will be on vacation July 19-23 and Rosie will take the minutes at the regular meeting of July 19, 2021.

Mayor Michael Carpenter reminded the Council the last football game is scheduled for Saturday, July 24, 2021 and then the City can move forward with the reconstruction of the Mork & Giles Addition. Discussion took place on what should be salvaged (Crow's Nest, fence and small

poles), what should be kept (bleachers and find a place to store them), and what should be sold by advertising on social media (scoreboard, goal posts and lights). **MOTION** by Mark Dunn, seconded by Dave Enke to authorize Maintenance Supervisor Todd Draper and Administrator/Clerk Eileen Christensen to advertise for sale the scoreboard, goal posts and lights and whoever purchases the items, takes everything down prior to October 1, 2021; and authorize the Maintenance Department to begin the tear down process of the other items after July 24, 2021. Motion carried.

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

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MAYOR

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ADMINISTRATOR/CLERK