

JUNE 21, 2021

The Regular Meeting of the Lake Benton City Council was held on Monday, June 21, 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, Andrea Gorter, Denny Johansen, Gwen Johansen, Danny Johansen, Sheriff Chad Meester, Lisa Willert, and Leslie Willert with 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 7, 2021 were reviewed. **MOTION** by Rosie DeZeeuw, seconded by Mark Dunn to approve the minutes of the Regular Meeting of June 7, 2021. Motion carried.

CLAIMS PRESENTED AGAINST THE CITY OF LAKE BENTON:

QUARNSTROM/DOERING	\$ 799.50	EXPRESSWAY	\$ 294.13
LINCOLN CTY TREASURE	\$ 3,400.00	MN LIFE	\$ 5.10
CHS, INC.	\$ 120.00	DOUBLE D GRAVEL	\$ 72.50
MN DEPT OF HEALTH	\$ 789.00	SW SANITATION	\$ 33.56
BANNER ASSOCIATES	\$ 1,540.00	TITAN MACHINERY	\$ 305.65
PALISADES	\$ 15,840.00	LINCOLN CTY SHERIFF	\$ 56,160.00
CARDMEMBER SRVCS	\$ 345.60	PERFORMANCE	\$ 15.00

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 Administrator/Clerk to make payment.

The next item of business was to review/act on rehab grant requests. Five payment requests were received for the Rehab Grant Program: Contractor requests of \$9,011.00 and \$7,500.00 to DK Construction; \$500.00 to Scarcely for LEAD clearance; \$46.00 to the Lincoln County Recorder; and \$4,000.00 to DSI for Administration fees. The total funds of \$21,057.00 were requested to be deposited into the account. **MOTION** by Dave Enke, seconded by Mark Dunn to approve payment of the rehab grant checks presented. Motion carried.

LAW ENFORCEMENT UPDATE

The Council reviewed the May Law Enforcement update. The Council felt the presence of the Lincoln County Sheriff's Office over the Saddle Horse weekend was visible, and they did a good job. **MOTION** by Daryl Schlapkohl, seconded by Mark Dunn to approve the Law Enforcement update. Motion carried.

PUBLIC WORKS UPDATE

No report.

The next item of business was to review/act on a building permit for Steve and Cindy Straka to install an 8' x 16' privacy fence in their backyard at 113 Parkview Drive. Maintenance Supervisor Todd Draper confirmed there were no setback concerns and everything is in compliance with the Ordinance. The \$25.00 application fee has been paid. **MOTION** by Mark Dunn, seconded by Dave Enke to approve the building permit for Steve and Cindy Straka to install an 8' x 16' privacy fence in their backyard at 113 Parkview Drive. Motion carried.

The next item of business was to review/act on a Variance permit for Andrea Gorter to build a privacy fence in her backyard at 226 W. Benton Street. Mayor Michael Carpenter reminded the Council to build a privacy fence, the property owner is to meet the Ordinance's specifications of a three (3) foot setback from any property line on the side yard to property maintain the yard around the structure. Andrea will not be in compliance with the Ordinance and has applied for a Variance permit to build her fence with a setback of one (1) foot from any property line on the side yard.

Andrea Gorter addressed the Council and stated she is having problems with her neighbor's using her swings and other equipment in her yard when she is gone. They are going through her front and back yard and she got to the point where she had to install security cameras. Andrea is concerned of liability issues and is tired of dealing with the neighbors always in her yard. The Council asked Andrea why she wanted to have a setback of one foot instead of the three foot setback; she stated that she is losing a lot of her yard with the three foot setback.

Mayor Michael Carpenter informed Andrea there is a process to follow which includes a public hearing, a publication and legal fees. Mayor Michael Carpenter opened it up for discussion among the Council which consisted of setting a precedence for other's that don't want to follow the three foot setback – if you do this for one individual, you will do it for everyone; and it is unfortunate homeowners need to build a fence and not enjoy the property in which they pay taxes. **MOTION** by Mark Dunn, seconded by Dave Enke to table the Variance Permit request until the next meeting of July 6, 2021 after checking with Legal Counsel on the Ordinance, and Maintenance Supervisor Todd Draper to confirm utility easements. Motion carried.

The next item of business was to update the Council on the Mork and Giles Addition infrastructure. Mayor Michael Carpenter informed the Council the City is in the process of selling the last two front lots on Benton Street in the Mork and Giles Addition. Lots Seven (7) and Eight (8) of Block Three (3) will be exiting their home on Harrison Street, not Benton Street, and the sewer, water and street infrastructure needs to be completed on Harrison Street. Mayor Michael Carpenter then informed the Council that he, Trustee Dave Enke, and Administrator/Clerk Eileen Christensen will be meeting with Vince Robinson and Shannon Sweeney on Thursday, June 24, 2021 about creating a new TIF District on the east side of the Mork and Giles Addition. The current TIF District will expire in December 2026 and currently has approximately \$30,000.00 in the account to possibly use towards the new district. Mayor Michael Carpenter will update the Council at their next meeting after meeting with Vince and Shannon. The engineers will schedule a design and construction phase this fall, collect bids in February 2022, and begin the project in the spring of 2022.

The next item of business was to update the Council on televising the City's main sanitary sewer and lateral lines and also update the Council on the sewer ponds. Mayor Michael Carpenter reminded the Council of the ground water seeping into the ground and into the sewer lines. The lines are taking on excess water and filling the sewer ponds which have more water than they should. The MPCA has radar on the City as well as other surrounding areas. Maintenance Supervisor Todd Draper contacted three companies that specialize in televising sewer lateral lines, and they highly recommended the City wait until the spring to televise due to the current drought. Mayor Michael Carpenter requested approval to authorize the Maintenance Department to get the actual footage of the lateral lines to get a more firm cost estimate. The televising will begin on Harrison Street and go east to Grace Lutheran Church. It was suggested the City might do half the town now and the remainder at a later date. **MOTION** by Daryl Schlapkohl, seconded by Mark Dunn to authorize the Maintenance Department to submit the lateral footage of the City's sewer lines to the three contractors and report back to the Council on cost estimates. Motion carried.

The next item of business was a public hearing on nuisance properties. Mayor Michael Carpenter requested the Council review the list of five properties that were invited to attend tonight's hearing and consider crossing off property owner number two (2), and property owner number four (4) as their properties look good.

Denny Johansen, Gwen Johansen, and Danny Johansen addressed the Council and expressed their disapproval of how the City handled contacting them about their property. The Johansen's requested the City let them know what Ordinances they are violating in order to make it right. The Council responded that their property looks good now and they are not violating any Ordinances at this time. After a lengthy discussion regarding the Johansen's situation of not enough space at their place of business, feeling harassed, the issue of taking care of flooding in their building from the south hill and the City not addressing the issue, it was the consensus of the Council and the Johansen's to have each Council member address each of their concerns, and sit down with the Johansen's to work out a solution for continued improvements. The Council agreed the Johansen's face a lot of challenges in the location of their business, thanked the Johansen's, and let them know they are an important business in the City of Lake Benton. Mayor Michael Carpenter then reminded Denny Johansen to contact him when he is ready to meet and address the concerns and improvements they both have.

Mayor Michael Carpenter informed the Johansen's the City is preparing the 2022 budget and the City still owes money for snow removal and repairing of City vehicles and requested they get the City a bill as soon as possible. The Johansen's agreed they will get the bill to the City.

Mayor Michael Carpenter then requested the Council review the pictures of the remaining three properties and consider sending the Notice of Council Order to the three property owners. Mayor Michael Carpenter read the Council Order:

In accordance with Lake Benton Ordinance Chapters No 71 & No. 92, the Lake Benton City Council has determined that your residence remains in violation of the Lake Benton Ordinance Chapters.

*The property owner of Address is hereby notified that you have twenty (20) days from the date of this letter to clean up the property of **issues on property**. If the property is not cleaned up to the Council's satisfaction, the City will request the City Attorney file the abatement with the Judge to make the decision based on the Ordinance violations. Should this matter go in to abatement, you will be responsible for the filing fee of \$327.00 plus the cost of outside assistance to clean up your back yard. This will be either assessed to your property taxes, or your wages may be garnished until the bill is paid in full.*

222 West Benton – **MOTION** by Daryl Schlapkohl, seconded by Dave Enke to mail a certified Notice of Council Order to the property owner of 222 West Benton St. Motion carried.

114 North Center – **MOTION** by Mark Dunn, seconded by Dave Enke to mail a certified Notice of Council Order to the property owner of 114 North Center St. Motion carried.

104 S. Garfield – **MOTION** by Daryl Schlapkohl, seconded by Mark Dunn to mail a certified Notice of Council Order to the property owner of 104 S. Garfield St. Motion carried.

COMMITTEE REPORTS:

Trustee Mark Dunn – No report.

Trustee Rosie DeZeeuw – The Chamber met and the June Business of the Month is Kinner & Company. The Diner's Club is researching options for Meals-On-Wheels should the Café close without a new buyer. The fire truck being donated to the Historical Society will be here in July or August. The Chamber is working with Mike Johnson on the construction of a new sign at the Heritage Center. Te-Tonka-Ha Days are scheduled for August 6-8, 2022.

Trustee Daryl Schlapkohl – No report.

Trustee Dave Enke – The EDA board met and the sub-committee continues to meet with the perspective tenants at Johnson’s Commercial Park. Both the EDA and the perspective tenants discussed timelines and infrastructure issues. A couple questions arose during their discussions, one was what is the area zoned and it is zoned Urban Commercial Development; and a second if there is wetlands on the property. The EDA is working on a housing survey and revisions are being made to the questionnaire to be distributed in July or August.

MOTION by Rosie DeZeeuw, seconded by Daryl Schlapkohl to approve the committee reports. Motion carried.

ADMINISTRATOR/CLERK REPORT:

There will be a special Council meeting with MnDOT on July 12, 2021 at 5:30 PM.

Administrator/Clerk Eileen Christensen provided the Council with a synopsis of individuals viewing the Council meetings on-line and the recordings. Seven (7) viewers watched the live streaming on June 7, 2021, eight (8) watched the recording of May 3, and ten (10) watched the recording of May 17, 2021.

Administrator/Clerk Eileen Christensen informed the Council she will be out of the office Friday, July 2, 2021 and the week of July 19-23, 2021. Trustee Rosie DeZeeuw will be taking the minutes of the Council meeting that evening.

MAYORAL REPORT:

Mayor Michael Carpenter and Administrator/Clerk Eileen Christensen are beginning the 2022 budget and they should have numbers to be finalized in August/September. Mayor Michael Carpenter received a letter from the Lake Benton Life Improvement requesting an allocation of \$10,000.00 for 2022. In the past the City has allocated \$3,000.00.

Mayor Michael Carpenter thanked Sheriff Chad Meester for a job well done over Saddle Horse weekend. Sheriff Chad Meester was impressed with what the City had to offer, and the Fire Department did a great job with the entertainment and keeping the crowd under control.

The next Council meeting will be Tuesday, July 6, 2021.

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

MAYOR

ADMINISTRATOR/CLERK