

JUNE 5, 2017

The Regular Meeting of the Lake Benton City Council was held on Monday, June 5, 2017 at 5:30 P.M. in the Heritage Center/City Office. Mayor Bob Worth presided. Trustees Mark Dunn, David Enke and Daryl Schlapkohl were present. Trustee Rosie DeZeeuw and City Attorney Mike Cable were absent. City Administrator/Clerk Eileen Christensen, Maintenance Supervisor Todd Draper, Acting Police Chief Tony Sievert, Phil Nasby-DNR Representative, Scott Christensen, Garrett Petersen, Larry and Jeanne Robins, Bridget Dinnel, Nathan Carter, and Shelly Finzen from the Lake Benton Valley Journal were also present.

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

Mayor Bob Worth 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.

Garrett Petersen updated the Council that he received the permits from MnDOT and the DNR to fix the turnaround road by Highway 75. The Sportsman's Club will be working to repair the holes and "rip-rap" on Saturday, June 10, 2017. A notice has been posted on the local access channel to inform the community of the closure of the road. The City will make payment to the Sportsman's Club after the work is completed.

The minutes of the Regular Meeting of May 15, 2017 were reviewed. **MOTION** by Dave Enke, seconded by Mark Dunn to approve the minutes of the Regular Meeting of May 15, 2017. Motion carried.

CLAIMS PRESENTED AGAINST THE CITY OF LAKE BENTON:

SHELLY FINZEN	\$ 67.41	OTTERTAIL	\$ 1,947.51
ITC	\$ 261.36	USTI	\$ 306.00
L-P RURAL WATER	\$ 3,728.80	LB PARTS	\$ 137.84
LB HARDWARE	\$ 65.91	GOPHER STATE	\$ 18.90
FIRST SECURITY INS	\$ 695.49	LINCOLN CTY TREAS.	\$ 183.00
TODD DRAPER	\$ 32.00	MN POLLUTION CONTROL	\$ 23.00
PAT HAYNES	\$ 240.00	MINNSOTA LIFE	\$ 5.10
ANTHONY SIEVERT	\$ 26.50	HEIMAN FIRE EQUIP	\$ 143.70
MN DEPT OF HEALTH	\$ 516.00	USA BLUE BOOK	\$ 69.82
GARDEN GATE	\$ 460.00	TROY NORDMEYER	\$ 32.00
GALLS	\$ 45.36	ONE OFFICE SOLUTION	\$ 131.93
KENNEDY & GRAVEN	\$ 814.85	QUILTING MAGAZINE	\$ 21.97
BUFFALO RIDGE NEWS	\$ 29.00	SCHUNEMAN EQUIP	\$ 97.71
GARY SERIE	\$ 360.00		

MOTION by Mark Dunn, seconded by Daryl Schlapkohl to approve payment of the claims presented against the City of Lake Benton. Motion carried.

The next item of business was to review/act on surveying the property at Wayside Park. Phil Nasby, DNR Representative was present to address the Council on the situation at the park and the boat landing access.

Phil Nasby informed the Council the DNR has been working on the boat landing access project for a few years. They received enough money to begin the design phase and when they put a design together they found issues with the ownership of parcels and easement in the area. Phil passed out a picture of the property to the Council and explained portions of the property were presumed to be the City of Lake Benton's property, but the records show the property belonging to MnDOT and Lincoln County. There is no right-of-way access to the property owned by

Dennis Rieken. DNR will need to have a survey completed to clean up the properties and easements before they can proceed with the next phase. The DNR has requested Westwood Services to give them a quote on doing a survey along the area to identify the boundaries. Westwood Services gave the DNR a quote of \$7,000.00 to identify and set the boundaries. This quote also includes the findings and title search of the area.

Phil Nasby informed the Council the State is asking the City of Lake Benton to split the cost of the survey which would be \$3,500.00 maximum and the State will pay anything over and above the \$7,000.00 quote.

Phil Nasby then informed the Council the City of Lake Benton and the State have a Joint Powers Agreement and the minutes from this meeting will be added as an amendment to that agreement. Should the Council authorize payment of the survey, the State can move forward with the next phase of the boat landing access and hoping to complete fiscal 2018.

After some discussion about the amount of money to do a survey, it was questioned if anything else will come forward the City will need to be aware of. The survey will assist in clearing up and recording the ownerships, the boundaries and easements of this large piece of property and the City should not need to worry about this issue in the future. **MOTION** by Daryl Schlapkohl, seconded by Dave Enke to hire Westwood Services to complete the survey of the local access area and pay \$3,500.00 towards the survey. Motion carried.

The next item of business was the hearing with property owners on nuisance violations.

At the last regular Council meeting, the Council approved having a hearing at Monday evening's meeting to meet with five (5) property owners regarding the appearance of their properties. The five property owners include:

1. 230 S. Grant Street – Property looks good.
2. 114 S. Sherman Street – Making an effort, but still has a junk vehicle, several trailers, piles of wood pallets, stacks of junk, and a motorcycle, a boat, a jet ski and (2) ATV's (not registered with the City) parked in his backyard. It looks as if he is leaning fencing against fencing to hide some of the junk.
3. 116 S. Morton Street – Making an effort, but still has piles of wood pallets, tires, junk, couch/chair, trailers full of junk and empty barrels and cardboard boxes in his yard. He also has an ATV that is not registered with the City.
4. 213 S. Garfield Street – Property looks good.
5. 211 Center Street – Removed the unregistered boat and one vehicle with expired tabs. Property owner contacted and informed City Staff the property owner is waiting for a title on the remaining vehicle and will get it registered and/or removed as soon as they can.

Acting Police Chief Tony Sievert talked with City Attorney Matt Gross who explained the options the Council has for moving forward with the nuisance process. The Council can either take the criminal route or the abatement route. The criminal route is a longer process and not always a long term fix. The property owners could face a fine and up to 90 days in jail. The abatement route is a quicker solution. The Council can request the property owner clean up their property within ten (10) days. If the property is not cleaned to the Council's satisfaction after the ten (10) days, the City can then file abatement and provide pictures, letters and ordinances sent to the property owners to the City Attorney. The filing fee for abatement is \$327.00 per property and when the judgement has been handed down, the Council can decide whether to have the City employees or hire a cleaning crew to clean the property and garnish the wages, assess taxes, etc. of the property owner.

The City Attorney can assist with the abatement, and it was suggested to have City employees clean up property instead of an outside source.

The Council confirmed the property owners have been given 60 days-notice to clean their properties, and now the Council can proceed to give the property owners an additional 20 days-notice before the abatement begins. After some discussion the Council will follow the abatement process which will include the \$327.00 filing fee, disposal of items in the landfill, and an hourly rate of the employees that clean the property. Since one of the property owners informed City Staff they would be attending late, a **MOTION** was made by Dave Enke, seconded by Daryl Schlapkohl to table this matter until the property owner could meet with the Council. Motion carried.

City Administrator/Clerk Eileen Christensen requested Council approval to send out First Notice of Nuisance Violation letters to four (4) additional properties which included:

1. 205 E. Benton Street
2. 211 Garfield Street
3. 112 S. Fremont Street
4. 125 Center Street

MOTION by Daryl Schlapkohl, seconded by Dave Enke to send First Notice of Nuisance Violation letters to the property owners at 205 E. Benton Street, 211 Garfield Street, 112 S. Fremont Street, and 125 Center Street. Motion carried.

City Administrator/Clerk Eileen Christensen also requested Council approval to send a Notice of Council Hearing to the property owners on Fremont Street. **MOTION** by Dave Enke, seconded by Mark Dunn to send a Notice of Council Hearing to the property owners on Fremont Street to attend the July 5, 2017 Council meeting. Motion carried.

The business on Benton Street is making some progress and willing to comply for Saddle Horse Holidays. However, this will be an ongoing issue with them, and the Council reiterated that the ordinances being enforced are not only for residential owners but commercial owners as well. The City may have to do something if the business has not complied with what was asked before Saddle Horse Holidays.

The next item of business was the Police Report for May by Acting Police Chief Tony Sievert. The Lake Benton Police Department is pleased to announce they have hired part-time officer Dallas Cornell who began his duties on June 1, 2017. Officer Dallas Cornell will be a good fit for the community and department. **MOTION** by Dave Enke, seconded by Daryl Schlapkohl to approve the Police Report for May. Motion carried.

The owner of 114 S. Sherman Street appeared before the Council regarding their property. **MOTION** by Dave Enke, seconded by Mark Dunn to bring the tabled item of the Hearing with Property Owners on Nuisance Violations back to the meeting. Motion carried.

The property owner was informed the City has ordinances and need to abide by them. The property owner asked the Council to be more specific on what needed to be cleaned up and was then shown pictures that were recently mailed to them. The property owner was informed there are vehicles on his property that are not registered and licensed, and junk needs to be removed and the back yard needs to be cleaned up.

After some discussion, the Council agreed they need to be consistent with enforcing the ordinances and they are doing their job for the betterment of the community. The property owner was informed they were given 60 days to clean up the yard, and wanted confirmation something will be done in the next 20 days. The property owner stated they will try to clean the yard up and remove the unregistered and unlicensed vehicle within the next 20 days.

MOTION by Dave Enke, seconded by Daryl Schlapkohl to move forward with giving #2 and #3 20 additional days to clean their properties and authorize the City Attorney to file abatement on the two properties. Motion carried.

The next item on the agenda was to review/act on hiring a full-time Police Chief. Mayor Bob Worth requested a motion to move forward with hiring a full-time Police Chief. The Council discussed if additions can be made to the ads and job description to include residency. Mayor Bob Worth explained to the Council they cannot require the full-time Police Chief to live in the City, however, the City can set a response time. After further discussion, it was the consensus of the Council to discuss reasonable response time of a Police Chief/Officer while on-call at the time of hiring the new Police Chief.

MOTION by Dave Enke, seconded by Mark Dunn to advertise for a full-time Police Chief and contact the AFSCME Union Representative the City is advertising for a full-time Police Chief position. Motion carried.

The Council then questioned how soon they need to meet to discuss the response time issue. City Administrator/Clerk Eileen Christensen informed the Council the advertising will take place for three weeks and close on June 30, 2017. A background check – and additional items (fingerprinting, POST Board Licensure, etc.) if needed – may need to get completed after the interview. The applicant will be hired on the terms of passing the background and any additional items if needed. The Council will need to call a special meeting to discuss the response time issue after June 30, 2017. Mayor Bob Worth informed the Council the interview process will include the full Council and the Administrator/Clerk. Everyone will be given an outline of questions for the interview.

PUBLIC WORKS UPDATE:

Maintenance Supervisor Todd Draper thanked the Council for moving forward with the surveying process with the DNR.

Maintenance Supervisor Todd Draper then informed the Council he was approached by Barb Powell who wants to donate a 4' x 9' remote control scoreboard to the City to be displayed at the DeZeeuw Softball field in memory of her daughter Alisa Vos. In order for the scoreboard to work on the ballfield, the City will need to trench and install a 240V in the ballfield area which currently has only 120V. This cannot get done this season due to the fact teams are playing ball on it now, but it can get done in the fall. The purchase agreement would be between the City of Lake Benton and Daktronics with a ten year warranty. Discussion took place on the transfer of funds between Barb Powell, the City and Daktronics in which a suggestion was made to have the City get an invoice and a purchase agreement between the City and Daktronics and then get a check from Barb Powell for the cost of the scoreboard. The Council requested Maintenance Supervisor Todd Draper bring a price quote on the installation of the 240V, trenching and installation of the scoreboard to the Council at their next regular meeting of June 19, 2017.

Maintenance Supervisor Todd Draper than informed the Council they are having issues with the sewer lift that was installed in 1992. The sewer lift has two pumps and Todd uses a schedule to rotate between the two pumps. However, three months ago, one of the pumps locked up due to a bad valve. Todd is currently working with Dave Buchet at Hydro Tech Service, the original builder of the sewer lift, on costs and scheduling to get this fixed this summer. The Council agreed this needs to get fixed and requested Maintenance Supervisor Todd Draper bring a price quote back to the Council at their next regular meeting of June 19, 2017.

The next item of business was to appoint Trustees to the Lake Benton Fire Relief Association Board.

The Office of the State Auditor contacted Fire Relief Association Treasurer, Daryl Trigg, and informed him state law requires the board of trustees for a relief association affiliated with a city fire department to be composed of nine people. Six of these trustees must be elected from the membership of the relief association. The three municipal trustees must include one elected

municipal official, one elected or appointed official and the fire chief. The two municipal officials must be designated each year by the municipality's governing body.

The City did not make this specific appointment when the appointments were made in January 2017, and are required to do so as soon as possible. The three municipal trustees can include the Mayor or a Trustee, the City Administrator/Clerk, and the fire chief. These appointments must be made specific to the Fire Relief Association every year and will be included from this day forward.

The municipal trustees (one elected municipal official, one elected or appointed municipal official need only attend the Fire Relief Association's annual meeting which is prior to the Fire Department's annual meeting in February.

City Administrator/Clerk Eileen Christensen will provide the minutes from this meeting to the Office of the State Auditor showing the appointment of the municipal trustees to the Fire Relief Association Board to be in compliance with statutory requirements. **MOTION** by Dave Enke, seconded by Daryl Schlapkohl to appoint Mark Dunn-Trustee, Daryl Schlapkohl-Trustee, and Pat McCarthy-Fire Chief to the Lake Benton Fire Relief Association. Motion carried

COMMITTEE REPORTS:

Trustee Mark Dunn – Flyers are being made for the playground equipment costing \$46,000.00. The money will be raised through fund raising and donations.

Trustee Dave Enke – the Library Board met a couple weeks ago and the Summer Reading Program is off and running. The Library had a special program on Saturday, June 3, 2017 on the Dakota Skipper butterfly. This is a long term benefit for the community and the release of the Dakota Skipper butterfly is scheduled in the next two to three weeks. The Library had a couple resignations this past month – Ethel Anderson resigned her position as the Chair of the Library Board which she has served on for several years. Rich Riley who is currently the Co-Chair will assume the Chair seat until a new Chair is approved. The Council will then need to approve the new Chair and additional Library Board member. Alice Kern, Library Worker for the Library has resigned her position; hours have been rearranged and an advertisement for a new Library Worker to work 12 to 15 hours a month has been placed in the paper.

Trustee Daryl Schlapkohl – Mike Weets is scheduled to begin tuck-pointing on the Opera House next week. Al Trigg is still reviewing the project for the balcony on the Opera House.

ADMINISTRATOR/CLERK REPORT:

City Administrator/Clerk Eileen Christensen reminded the Council of the Strategic Planning Meeting scheduled for Thursday, June 8, 2017 at 9:00 AM at the Chalet.

MAYORAL REPORT:

Mayor Bob Worth informed the group the Strategic Planning Meeting should not take too long as they will be reviewing the results from the community meeting held in April 2017.

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