

JUNE 7, 2021

The Regular Meeting of the Lake Benton City Council was held on Monday, June 7, 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, Karen Lichtsinn, 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 May 17, 2021 were reviewed. **MOTION** by Daryl Schlapkohl, seconded by Dave Enke to approve the minutes of the Regular Meeting of May 17, 2021. Motion carried.

CLAIMS PRESENTED AGAINST THE CITY OF LAKE BENTON:

C & B OPERATIONS	\$ 186.37	BOLT'S LB GROCERY	\$ 13.86
OTTERTAIL	\$ 2,211.91	ITC	\$ 326.03
VADIM MUNICIPAL SFTW	\$ 270.00	L-P RURAL WATER	\$ 8,360.63
RETHWISCH & SON	\$ 777.31	GOPHER STATE	\$ 9.45
CITY OF LAKE BENTON	\$ 175.51	BUFFALO RIDGE AGENCY	\$ 554.00
POSTMASTER	\$ 32.00	POSTMASTER	\$ 119.16
UTILITY CONSULTANTS	\$ 385.75	TODD DRAPER	\$ 32.00
PAT HAYNES	\$ 490.07	MN LIFE	\$ 5.10
HEIMAN	\$ 812.15	MN DEPT OF HEALTH	\$ 23.00
SW SANITATION	\$ 3,668.70	BIOAG ENERGY	\$ 566.79
LIPINSKI SMALL ENG	\$ 534.99	TROY NORDMEYER	\$ 32.00
HYDRO TECH SERVICES	\$ 14,500.00	LIBERTY SEPTIC, INC.	\$ 250.00
ROBERT LICHTSINN	\$ 60.00	TOBY KID KLAUENBERG	\$ 340.00
KYLIE ROCHEL	\$ 80.00	ONE OFFICE	\$ 188.97
A & C EXCAVATING	\$ 4,519.00	MAGAZINE LINE	\$ 84.89
LB OPERA HOUSE	\$ 4,280.38	IREAD	\$ 150.00
AMAZONE CAPITAL	\$ 888.83		

MOTION by Mark Dunn, seconded by Rosie DeZeeuw 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 informed the Council the Lakewood Drive/Oakwood Drive repaving has been completed and the cost came in under budget. The restoration of the Lake Benton Resort Sewer Lift Station is complete and went from a one pump station to a two pump station. A & C Excavating assisted in taking down the pump house on Lakeshore Drive. The Maintenance Department will complete the siding and plant grass seed. The City should see an immense drop in LP usage at the pump house. City Staff met with Lincoln County and Duinink for the preconstruction meeting on the Lakeshore Drive property. The project is scheduled to be done before July 1, 2021, but Duinink has not provided a start date at this time. **MOTION** by Rosie DeZeeuw, seconded by Dave Enke to approve the Public Works Update. Motion carried.

The next item of business was to review/act on paving a 22' x 11' area behind the Heritage Center. Karen Lichtsinn was present and informed the Council the Food Shelf has \$896.00 in grant funds for resurfacing the driveway approach behind the Heritage Center. It is currently an area of 11' x 22' of gravel and unloading the food from the trucks is very difficult during the spring and after a rain. Karen inquired if the Council would consider getting the area resurfaced if any contractors are scheduled to come and do other resurfacing for the City. It was suggested to get cost estimates on both repaving and concrete to resurface the area. Maintenance Supervisor Todd Draper will get cost estimates for both paving and concrete, and report back to the Council at their next meeting. **MOTION** by Daryl Schlapkohl, seconded by Dave Enke to authorize Todd Draper to get cost estimates for paving and/or concrete the 11' x 22' driveway approach behind the Heritage Center. Motion carried.

The next item of business was to review/act on renewing Palisades LP Contract. The City of Lake Benton contracted with Palisades for 12,000 gallons of LP at \$0.809 per gallon for the 2020-2021 heating season (June 1, 2020 through May 31, 2021). The contract has 5,923.93 gallons remaining as of June 4, 2021. Palisades is offering the City a cost of \$1.32/gallon prepaid for the 2021-2022 heating season (\$15,840.00).

Since the City purchased 12,000 gallons of LP last year with a carry-over of 5,924 gallons, it is assumed the usage will remain about the same due to the fact the City has a carry over. The Council was asked if they would like to get quotes from other LP providers (CHS or Meadowland) or continue with Palisades and request a contract. The Council discussed soliciting closed bids because it is a competitive market and will consider doing that for the 2022-2023 heating season. **MOTION** by Daryl Schlapkohl, seconded by Dave Enke to purchase 12,000 gallons of LP from Palisades for \$1.32 per gallon for the 2021-2022 heating season; and solicit for closed bids for the 2022-2023 heating season. Motion carried.

The next item of business was to review/act on televising the City's main sanitary sewer and lateral connections. Mayor Michael Carpenter reminded the Council of the excess water flowing into the ponds caused by inflow and infiltration (I & I) and the MPCA is looking at the City as well as other cities with the same issues. The ground surface water is seeping into the sanitation sewer lines and going to the main lines. Maintenance Supervisor Todd Draper had previously indicated the lines are old. Mayor Michael Carpenter informed the Council that he, Trustee Dave Enke, Maintenance Supervisor Todd Draper, and Administrator/Clerk met with Banner Associates last week regarding the City's main sanitary sewer and the sewer ponds.

Banner informed the committee the current technology includes blowing a sleeve into the line to eliminate seepage, and if the outer line (i.e. clay or copper piping) is disturbed at a later time, the current sleeve will not be disturbed. The question arose on how do we know if and what lines are seeping. Banner suggested televising the main and lateral lines, and retrieving a report from the findings. The cost estimate to televise the lines could cost up to \$1,000.00 per block. Mayor Michael Carpenter then informed the Council the City will be receiving funds from The American Rescue Plan of 2021 (ARPA) that will be appropriating \$19.53 billion to States for distribution to tens of thousands of non-entitlement units of local government which are local governments typically serving a population under 50,000. The City should receive approximately \$70,000.00 over two years (\$35,000.00/year) and these funds can be used to invest in water and sewer infrastructure. These funds could be deposited into the utility fund.

The first step is to find out where the water is coming from. It was suggested to begin at the west end of town because it is the lowest. This would include Sherman Street west to Harrison Street. There are a lot of sump pumps running on those streets and the Mork and Giles Addition mains have been replaced. Maintenance Supervisor Todd Draper contacted two contractors that perform cleaning and televising lateral lines and manholes for 10" and 8" lines. Todd presented them with an estimate of feet and they gave Todd an estimate of \$40,000.00.

The contractor encouraged the City to get exact footages and plan for the work to be done in the spring of 2022 because the City will not see much seepage due to the current drought conditions. Maintenance Supervisor Todd Draper reminded the Council the new Ordinance states the City is responsible for the main that runs down the center of the street to the curb stop. The lateral and the service lines from the curb stop to the home are the responsibility of the homeowner. Todd then reminded the Council the ponds were designed in 1967 and built in 1968 and there was a larger population compared to now. If the City fixes the inflow and infiltration (I & I), the ponds should be big enough. Televising and cleaning the lines will give the City a clear picture of where the water is seeping and what steps to take to correct it. **MOTION** by Mark Dunn, seconded by Daryl Schlapkohl to get the exact footage of lines and get a firm cost estimate to televise and clean the lines from Sherman Street west to Harrison Street, excluding the Mork and Giles Addition; and after the reports have been generated, meet with Banner Associates to proceed to the next step. Motion carried.

The next item of business was to review/act on the infrastructure at Mork and Giles Addition. Mayor Michael Carpenter informed the Council four (4) lots have been sold in the Mork and Giles Addition and two (2) more are in the process of being sold. When the Mayor, Trustee Dave Enke, Maintenance Supervisor Todd Draper and Administrator/Clerk Eileen Christensen met with Banner Associates, they also discussed the infrastructure of water, sewer and streets at the Mork and Giles Addition. Banner Associates had previously provided the City with an Opinion of Probable Cost in the amount of \$491,000.00. Maintenance Supervisor stated Block Three (3) has sewer to the eight lots, but no water. The project will consist of extending Mork Street west and Harrison Street north and meet up to form a "T", extend the water on both Mork and Harrison and extend the sewer to the remaining lots in Block Four (4) and the northwest lots. If the City is not going to move forward with the improvements, the first four lots sold can get water from Benton Street before the Lincoln County reconstruction begins this summer, and take the remaining lots off the market. If the City chooses to move forward with the improvements, the construction will not begin until 2022, and the City will need to find financing. Mayor Michael Carpenter, Trustee Dave Enke and Administrator/Clerk Eileen Christensen agreed to work together to locate funding for the improvements. **MOTION** by Mark Dunn, seconded by Rosie DeZeeuw to move forward with contracting with Banner to begin the design phase this fall, bid the project by February 2022, and begin construction in the spring of 2022; and authorize Mayor Michael Carpenter, Trustee Dave Enke, and Administrator/Clerk Eileen Christensen to work together to locate funding for the improvements. Motion carried.

The next item of business was to review/act on nuisance properties. The Council reviewed pictures and discussed the properties that were mailed a Notice of Nuisance Letter on May 18, 2021 to clean their properties by June 4, 2021. The following motions were made to send a certified Notice of Council Hearing to the following addresses to attend the June 21, 2021 Council meeting at 5:30 PM with their intentions on cleaning their property:

- 104 S. Garfield Street. **MOTION** by Mark Dunn, seconded by Daryl Schlapkohl. Motion carried.
- 114 North Center Street. **MOTION** by Mark Dunn, seconded by Dave Enke. Motion carried.
- 112 E. Bluff Street. **MOTION** by Daryl Schlapkohl, seconded by Mark Dunn. Motion carried.
- 222 W. Benton Street. **MOTION** by Dave Enke, seconded by Mark Dunn. Motion carried.
- 109 W. Benton Street. **MOTION** by Daryl Schlapkohl, seconded by Dave Enke. Motion carried.

The Council members discussed additional complaints they received on properties and discussed sending a certified First Notice of Nuisance letter. **MOTION** by Mark Dunn, seconded by Daryl Schlapkohl to table this item until pictures of the properties are taken and review them at the July 6, 2021 meeting. Motion carried.

The next item of business was to review/act on issuing an intoxicating liquor license to the Lake Benton Waterfront Resort at the Lakeside Park on Saturday, June 19, 2021 from 4:00 PM-7:00 PM during Saddle Horse weekend. The Lake Benton Area Foundation is hosting a Bingo, Brats & Beer Garden fundraiser at Lakeside Park and plan to sell beer at the event. Minnesota Statutes states the governing body of a municipality may authorize a holder of a retail on-sale intoxicating liquor license issued by the municipality to dispense liquor off premises at a community festival held within the municipality. The authorization must specify the area in which the intoxicating liquor must be dispensed and consumed. Such authorization must not be issued unless the licensee demonstrated it has liquor liability as prescribed by state statute to cover the event. Randy Lichtsinn, owner of the Lake Benton Waterfront Resort, has provided the liquor liability insurance for the event. **MOTION** by Dave Enke, seconded by Rosie DeZeeuw to approve issuing an intoxicating liquor license to the Lake Benton Waterfront Resort at Lakeside Park on Saturday, June 19, 2021 from 4:00 PM – 7:00 PM. Motion carried.

The next item of business was to review/act on a resolution and Earnest Money Contract of Sale with Wyatt and Jabel Kuiper. City Attorney Mike Cable prepared the Earnest Money Contract of Sale to convey the real estate in the Replat of a part of Mork and Giles Addition described as Lots One (1) & Two (2) of Block Four (4).

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 Wyatt and Jabel Kuiper. After the Earnest Money Contract of Sale is signed by all parties, Wyatt and Jabel will need to send a check in the amount of \$1,000.00 to Quarnstrom & Doering, P.A. Trust Account. Wyatt and Jabel Kuiper 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.

City Attorney Mike Cable also prepared the necessary resolution that will need to be approved to convey said real property, and was read by Mayor Michael Carpenter: **WHEREAS**, the City of Lake Benton met in regular session on June 7, 2021 for the purpose of selling that real property described as follows: Lots One (1) and Two (2) of Block Four (4) 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**, Wyatt Kuiper and Jabel Kuiper, 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 June 7, 2021 for the purpose of accepting the offer of Wyatt Kuiper and Jabel Kuiper, husband and wife, as Joint Tenants. **NOW, THEREFORE**, the City Administrator/Clerk of the City of Lake Benton certifies the following: 1. That on June 7, 2021 upon a motion made by Daryl Schlapkohl, seconded by Rosie DeZeeuw, and carried that real property described as follows: Lots One (1) and Two (2) of Block Four (4) of the Replat of a part of Gile and Mork's Addition, City of Lake Benton, State of Minnesota, was sold to Wyatt Kuiper and Jabel Kuiper, 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 the application for a Gambling Exempt Permit from St. Genevieve's Fall Festival cash raffle on October 3, 2021. Due to the fact the church is having a cash raffle the application requires the local unit of government's acknowledgement and the Mayor's signature. **MOTION** by Daryl Schlapkohl, seconded by Dave Enke to approve the Gambling Permit for St. Genevieve's and authorize the Mayor to sign the acknowledgement. Motion carried.

The next item of business was to review/act on the appointment of new members to the Library Board. Trustee Dave Enke reminded the Council two members of the board resigned in March and May leaving them to search for two new members. The board would like to request the Council appoint Lynn Carpenter and Connie Bressler to complete the terms of the former

members on the Library board. **MOTION** by Daryl Schlapkohl, seconded by Rosie DeZeeuw to appoint Lynn Carpenter and Connie Bressler to the Library Board effective June 1, 2021 to complete the terms of the former members. Motion carried.

The next item of business was to review/act on a Resolution Accepting Donations to the Library. The Library received donation from Clarice Nordmeyer for \$10.00. 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 Daryl Schlapkohl to approve the Resolution Accepting Donation from Clarice Nordmeyer for \$10.00 to the Library. Motion carried.

COMMITTEE REPORTS:

Trustee Mark Dunn – No report.

Trustee Rosie DeZeeuw – The Historical Society’s annual meeting was held on May 23, 2021. The Society did not have a lot of activity in 2020 due to the pandemic, although the Society received a number of donations and grants. The Society is planning to meet the fourth Thursday of the month at 9:00 AM to put photos and newspaper clippings together. The floor displays will be completed before the Fire Truck arrives in Lake Benton. The WWI Traveling exhibit will be here October 2 through November 14, 2021.

Trustee Dave Enke – The Library Board met last week and they made the approval of the new board members. The board discussed staff absences and vacation over the summer and how the Library will be manned during their time off. The Summer Reading Program (SRP) is underway and begins this week. The special programs associated with the SRP will include Pint Size Polka on June 9th, and on June 23rd Color Your World – Tall tales and short stories for children.

Trustee Daryl Schlapkohl – No report.

MOTION by Daryl Schlapkohl, seconded by Dave Enke to approve the committee reports. Motion carried.

ADMINISTRATOR/CLERK REPORT:

No report.

MAYORAL REPORT:

Mayor Michael Carpenter informed the Council the canopy/awning for the Event Center is being completed. The cost came in under \$4,000.00 which includes the lettering “Event Center”. We anticipate having the canopy/awning up and in place for Saddle Horse Weekend.

Mayor Michael Carpenter informed the Council MnDOT would like to meet with the Council at a special meeting regarding the preliminary layout for the Reconstruction Project on Highway 75/Fremont Street. **MOTION** by Daryl Schlapkohl, seconded by Rosie DeZeeuw to authorize Administrator/Clerk Eileen Christensen to contact MnDOT to meet one of two dates – Monday, July 12, 2021 at 5:30 PM or Tuesday, July 13, 2021 at 5:30 PM. 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.

MAYOR

ADMINISTRATOR/CLERK