

## NOVEMBER 15, 2021

The Regular Meeting of the Lake Benton City Council was held on Monday, November 15, 2021, at 5:30 PM in the Lake Benton Area Community and Event Center. Mayor Michael Carpenter, Trustees Rosie DeZeeuw, Mark Dunn, Dave Enke, and Daryl Schlapkohl were present. City Attorney Mike Cable was absent. City Administrator/Clerk Eileen Christensen, EDA Board Member Curtis Rethwisch, Lincoln County Sheriff Chad Meester, and Kristina Hernandez 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 November 1, 2021 were reviewed. **MOTION** by Daryl Schlapkohl, seconded by Rosie DeZeeuw to approve the minutes of the Regular Meeting of November 1, 2021. Motion carried.

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

ITC	\$	334.01	VADIM MUN SOFTWARE	\$	513.50
M & H COMMUNICATIONS	\$	160.00	SANITATION PRODUCTS	\$	785.00
L-P RURAL WATER	\$	6,574.31	RETHWISCH & SON	\$	583.89
EXPRESSWAY	\$	275.78	GOPHER STATE	\$	5.40
CITY OF LAKE BENTON	\$	179.53	POSTMASTER	\$	189.20
LINCOLN CTY TREAS	\$	15.00	MN RURAL WATER ASSOC	\$	300.00
LB HISTORICAL SOCIETY	\$	375.36	DOUBLE D GRAVEL	\$	287.50
SW SANITATION	\$	3,710.58	BANNER	\$	2,200.00
BIOAG ENERGY	\$	743.76	NICHOLAS PLANK	\$	18.67
CARDMEMBER SRVCS	\$	118.86	MN DNR	\$	3,500.00
ONE OFFICE SOLUTION	\$	388.47	DISPLAY SALES	\$	71.32

**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.

### **PUBLIC WORKS UPDATE**

No report.

### **LAW ENFORCEMENT UPDATE**

The Council reviewed the October law enforcement update. Sheriff Chad Meester reminded the Council they receive monthly reports and at the beginning of the new year he will have the complete 2021 stats which totals approximately 437 calls for service in Lake Benton with an average of 30 calls per month. The Council inquired about how the City of Lake Benton compares with the City of Hendricks, and Sheriff Meester reminded them they are two different communities with Hendricks having a hospital and the City of Lake Benton having two major highways going through. The Council thanked Sheriff Meester for being in attendance. **MOTION** by Mark Dunn, seconded by Daryl Schlapkohl to approve the October Law Enforcement Update. Motion carried.

The next item of business was to discuss the infrastructure at Johnson Commercial Park. EDA board member Curtis Rethwisch was present to request the Council appoint a Joint Task Force for the City and the EDA to discuss the infrastructure needs (street layouts and septic system) at Johnson's Commercial Park for an interested business to locate in the area. The task force will include two EDA members, two City Council members and Vince Robinson.

Curtis reminded the Council that there is still no letter of intent from the interested party but anticipates something soon. Therefore, the City needs to appoint the committee and plan to meet with their engineers and the interested party's engineers regarding access roads and a septic system. Also, since the City owns the title to the property, they may want to begin the process on funding and bonding if needed. Curtis also informed the Council the EDA is willing to appoint two members to the committee (Matt Schreurs and Karen Lichtsinn) since they have attended meetings with the interested party.

It was noted that Mayor Michael Carpenter and Trustee Dave Enke cannot both serve on the task force or there will be a quorum for the EDA board and possibly being in violation of the open meeting law. The Council then discussed who will steer the committee for the City and work together as a team with the EDA and Vince Robinson. Trustees Dave Enke and Daryl Schlapkohl agreed to be on the committee and set up a date to meet with Vince, Matt, and Karen. **MOTION** by Mark Dunn, seconded by Rosie DeZeeuw to appoint Trustee Dave Enke and Trustee Daryl Schlapkohl to the Joint Task Force for the Johnson Commercial Park infrastructure and coordinate with Vince Robinson and two EDA board members to form the committee. Motion carried.

The next item of business was to review/act on Notice and Order authorizing the City to abate nuisance property. Attorney Matt Gross sent City staff the Notice and Order authorizing the City to abate the nuisance property at 114 North Center Street. The City has to wait until after November 24, 2021 to clean up the property. The City can choose not to do anything, but since the City has already gone through the process to obtain an order, it would be advisable to go ahead and clean up the property. The City can also choose to wait until a later date to clean the property, as the City has until November 30, 2021 to assess any costs to the property real estate taxes for the year 2022. If the City waits until after November 30, 2021, the costs will need to be assessed for the 2023 tax year.

Mayor Michael Carpenter informed the Council this is the only property out of five that have not made an effort to clean up their property. The water and electricity are off on this property. Mayor Michael Carpenter then read the notice aloud:

*The above entitled matter came on for a default enforcement hearing before the Honorable Tricia Zimmer, Judge of District Court, via Zoom (video) at the Lincoln County Courthouse, Ivanhoe, Minnesota on November 10, 2021. Attorney Matthew B. Gross appeared on behalf of the Plaintiff City of Lake Benton. There were no appearances by Defendant. Based upon information, evidence and arguments made at said hearing, the Court orders as follows:*

- 1. Pursuant to Minn. Stat. 463.21 and Lake Benton City Ordinance 92.23 and 92.24, the City of Lake Benton is authorized to enforce its Abatement Order dated June 22, 2021 and abate the nuisances on the property located at 114 North Center Street in the City of Lake Benton, legally described as: Lots 8 and 9, Block 1, Original Plan of the City of Lake Benton.*
- 2. The City of Lake Benton, its officers, officials, and employees as duly designated by the City of Lake Benton, are hereby granted authority to enter the property located at 114 North Center Street at any time after November 24, 2021, at a date and time that the City of Lake Benton deems fit and appropriate, to accomplish the provisions of this Order on such terms that the City of Lake Benton may deem appropriate.*
- 3. The City of Lake Benton, its officers, officials, and employees, as duly designated by the City of Lake Benton, are authorized to remove all personal property constituting a nuisance and to remove all personal property to place said personal property into storage at the expense of the owners.*

4. *The City of Lake Benton may assess a special assessment against the real property described herein for costs of the abatement of the nuisances incurred by the City of Lake Benton in the enforcement of this Order.*

The Council discussed proceeding forward and indicated City staff should document their hours and any mileage. These costs will be assessed to the property in 2022. The Council inquired if the fence can be taken down as well, and were informed that yes, the fence can be removed and stored. **MOTION** by Mark Dunn, seconded by Dave Enke to proceed with the abatement and retain the property in storage prior to November 30, 2021; and assess the mileage and wages to the 2022 property taxes at 114 North Center Street. Motion carried.

The next item of business was to review/act on a Resolution Establishing Combined Polling Places for Elections in 2022. City Administrator/Clerk Eileen Christensen informed the Council effective July 1, 2017, Minnesota Statutes Chapter 204B, requires all cities and townships to pass a resolution by December 31st of each year establishing a combined polling place for any elections in the following year. The Resolution is establishing a designated polling place for all elections at the Lake Benton Area Community & Event Center at 114 South Center Street, Lake Benton, MN. Included in the resolution are combined townships of Diamond Lake, Drammen, Lake Benton, and Verdi because they use the same facility at the same time as the City of Lake Benton. **MOTION** by Mark Dunn, seconded by Rosie DeZeeuw to adopt the Resolution Establishing Combined Polling Places for Elections in 2022 at the Lake Benton Area Community & Event Center at 114 North Center Street, Lake Benton, MN. Motion carried.

#### **COMMITTEE REPORTS:**

Trustee Mark Dunn – No report.

Trustee Rosie DeZeeuw – The Chamber met last week, and the Businesses of the Month include the Christmas Shoppe in November, Country Side Nursery in December, and possibly the Sportsman's Club in January. The Diner's Club Thanksgiving meal will be on November 23, 2021 at the Manor. The Legacy Bistro has agreed to provide meals for the Diner's Club on Mondays during the winter months. As of last week, the Opera House sold over 1,000 tickets for Elf, The Musical. The sign at the Heritage Center was installed November 2, 2021 and the flower pots have been decorated and placed on the sidewalks on Benton and Center Streets. Santa Day is scheduled for December 4, 2021 at the Lake Benton Elementary school. Ottertail Power is contributing to the season's lighting contest this year, and the judging will be taking place on December 10, 2021 at 6:00 PM.

Trustee Dave Enke – The EDA met last week. The second delineation was completed at Johnson's Commercial Park and are waiting for the final report on both areas that were delineated. Dave extended his appreciation to the Council for endorsing the Joint Task Force for the infrastructure at Johnson's Commercial Park. The housing development in the Mork & Giles Addition is moving forward as they wait for the design changes and cost estimates to be provided by the end of the month. After the board reviews the design, they will begin financing options.

Trustee Daryl Schlapkohl – No report.

Mayor Michael Carpenter thanked the Council members for attending their committee meetings and appreciates their time and effort to attend. **MOTION** by Mark Dunn, seconded by Daryl Schlapkohl to approve the committee reports. Motion carried.

#### **ADMINISTRATOR/CLERK REPORT:**

Administrator/Clerk Eileen Christensen reminded the Council of the Special Meeting with MnDOT on Tuesday, November 16, 2021 at 5:30 PM to review the concept layouts; and review preferred options on additional drainage options.

The City office will be closed Thursday and Friday, November 25-26, 2021 in observance of the Thanksgiving Holiday.

**MAYORAL REPORT:**

Mayor Michael Carpenter reminded the Council they instructed the Mayor and Administrator to review the proposed cost for the infrastructure in the Mork & Giles Addition which was completed in April 2021. It was determined that after the first of the year, the City will check any additional cost factors prior to the bidding process.

Mayor Michael Carpenter received a flyer in the mail from Ottetail regarding their future enhancements. Mayor Carpenter walked around the Ottetail substation and noticed the fencing around the building is bad. Mayor Carpenter requested the Council drive by the area and this topic will be added to the December 6, 2021 agenda to review and inquire if Ottetail is planning to put up new fencing.

Mayor Michael Carpenter requested an update on the Ferguson Waterworks Meter Reader and the Council was informed Administrator/Clerk Eileen Christensen will be taking the training on the Neptune 360 License this week.

Mayor Michael Carpenter again reminded the Council of the special meeting with MnDOT tomorrow evening on the Highway 75 reconstruction project in 2027. The next Council meeting is scheduled for December 6, 2021 and will include the Truth-In-Taxation Hearing, and the Public Hearings on the Introduction and Adoption of the Ordinance for dwelling in the commercial business district.

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

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MAYOR

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ADMINISTRATOR/CLERK