

**NOVEMBER 20, 2017**

The Regular Meeting of the Lake Benton City Council was held on Monday, November 20, 2017 at 5:30 P.M. in the Heritage Center/City Office. Mayor Bob Worth presided. Trustees Rosie DeZeeuw, Mark Dunn, David Enke, and Daryl Schlapkohl were present. City Attorney Mike Cable was absent. City Administrator/Clerk Eileen Christensen, Maintenance Supervisor Todd Draper, Police Chief Tony Sievert, Chad and Tami Benck-Benck's Lakeview Lodge, Scott Christensen, 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. No items were brought forward at this time.

The minutes of the Regular Meeting of November 6, 2017 were reviewed. **MOTION** by Daryl Schlapkohl, seconded by Rosie DeZeeuw to approve the minutes of the Regular Meeting of November 6, 2017. Motion carried.

The next item of business was to review/act on the claims presented against the City of Lake Benton.

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

VARIETY FOODS	\$ 99.10	LAKE BENTON GROCERY	\$ 10.19
USTI	\$ 270.00	QUARNSTROM/DOERING	\$ 1,101.60
M & H COMMUNICATIONS	\$ 42.00	SANITATION PRODUCTS	\$ 705.00
LB PARTS HOUE	\$ 536.10	LB HARDWARE	\$ 184.23
EXPRESSWAY-LB	\$ 1,042.40	CITY OF LAKE BENTON	\$ 135.97
S & E AUTO	\$ 61.70	UTILITY CONSULTANTS	\$ 623.25
CHAMBER-CVB	\$ 38.76	DUININCK, INC.	\$ 1,597.50
TYLER BUS SERVICE	\$ 300.00	HEIMAN FIRE EQUIP	\$ 13,056.81
SW SANITATION	\$ 3,428.30	CARDMEMBER SERVICES	\$ 331.51
KENNEDY & GRAVEN	\$ 1,951.80	A & C EXCAVATING	\$ 9,238.75
BUFFALO RIDGE NEWS	\$ 42.60	ALPHA TRAINING	\$ 100.00
DEMCO	\$ 75.99		

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

The next item of business was to review/act on Amending Animal Ordinance No. 91.06 – Kennels that was tabled from the October 16, 2017 and November 6, 2017 meetings until Legal Counsel could review.

The Council was informed that City Attorney Mike Cable informed Police Chief Tony Sievert and City Administrator/Clerk Eileen Christensen that after reviewing Minnesota Statutes and the Minnesota Board of Animal Health, it was determined the Benck's do not qualify for a kennel license in the state of Minnesota. Therefore, the Benck's must follow the City's Animal Ordinance.

Mike Cable recommended writing a letter to the Benck's explaining that the City's ordinance allows up to four dogs, and they have six. The letter should advise the Benck's that the keeping of five or more dogs on the same premises is hereby declared to be a nuisance and no person shall keep or maintain a kennel within the City. The letter should also include the following to be completed by a certain date:

- Remove the two dogs that are not registered
- Provide proof the dogs were removed (i.e. purchasers name)
- Provide proof of vaccinations for the four registered dogs

If the above items are not followed and completed by a certain date, the City will declare the Benck's dogs a nuisance and obtain a court order to remove them. The Benck's will also be responsible for paying all legal fees associated with the court order.

Discussion took place if the Council should stay with the current Animal Ordinance with a maximum of four dogs. Ordinances have been written, adopted and approved and this is proven to be a difficult issue to deal with. A vaccination record should have been provided to the City when the Benck's registered their one dog in 2016.

Trustee Dave Enke stated the U.S. Department of Justice Civil Rights Division recognizes the definitions under the ADA that a service animal is defined as a dog that has been individually trained to do work or perform tasks for an individual with a disability. Trustee Dave Enke then asked the Benck's what work or task have the dogs been trained to perform. Tami Benck replied one dog is trained on medical reminders, another dog is trained to work with night terrors, and one dog is trained to assist with sleep walking. Currently, Rosco, is being trained on protective behaviors, and Isabelle is also in training (no task mentioned).

The Benck's were also asked who trains the service dogs. Tami Benck replied that they (the Benck's) are currently training the dogs. They are working on getting assistance from other trainers out of the Twin Cities to assist with the service animal accompanying the holder to restaurants.

**MOTION** by Daryl Schlapkohl, seconded by Dave Enke to approve sending a letter to the Benck's declaring five or more dogs on the same premises is hereby declared to be a nuisance and no person shall keep or maintain a kennel within the City. The two dogs that are not registered must be removed from the Benck's premises with proof they have been removed, and provide proof of vaccinations for the four registered dogs by December 1, 2017. If the two unregistered dogs are not removed and proof of vaccinations for the four registered dogs is not done by December 1, 2017 the City will declare the Benck's dogs a nuisance and obtain a court order to remove them. The Benck's will be responsible for paying all legal fees associated with obtaining a court order. Motion carried with three in favor and one not in favor.

This issue has gone too far when it could have been a different outcome. The Benck's should have contacted the City prior to purchasing the dogs.

The next item of business was to review/act on purchasing a rifle for the Police Department. At the last regular meeting of November 6, 2017, Police Chief Tony Sievert informed the Council the Lake Benton Police Department qualified in the low light/inclement weather shoot last month along with the Lincoln County Sheriff's Office.

Police Chief Tony Sievert received two quotes for a rifle – one from Keepers for \$950.00, and one from Kjergaard Sports for \$545.00.

The Council asked why one the price quotes is so much higher than the other quote. Police Chief Tony Sievert explained they are different brands of semi-automatics. He went on to inform the Council the current rifle is an M-16 which doesn't collapse, whereas the new M-4 has a collapsible stock.

The Council also inquired if the City could sell the M-16 and get money back. Police Chief Tony Sievert explained the current M-16 was received from the DNR and we cannot sell it. It will also be more costly to send the rifle back than it is to keep it. Therefore, the old M-16 will remain on

the City's roster and get reported as inventory each year. **MOTION** by Mark Dunn, seconded by Dave Enke to approve the purchase of a new rifle for the Police Department from Kjergaard Sports for \$545.00. Motion carried.

The next item of business was to review/act on a Resolution Establishing Combined Polling Places for Elections in 2018. 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 31, 2017 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 Community Center at 105 West Benton 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 2018 at the Lake Benton Community Center at 105 West Benton Street, Lake Benton, MN. Motion carried.

The next item of business was to review/act on the Coteau Street Improvement Project: Coteau Street Improvement Project Assessment Roll; Resolution Declaring Cost to be Assessed and Ordering Preparation of Proposed Assessment; and Resolution for Hearing on Proposed Assessment.

Maintenance Supervisor Todd Draper explained to the Council that the Coteau Street Improvement Project has been completed and the Assessment Roll has been established. Maintenance Supervisor Todd Draper also explained that the City has an Assessment Policy in place which assesses the property owners according to the lot sizes and the cost of the improvement. The Assessment Policy states the property owner can choose to pay the full assessment up front, pay the interest the first year, or assess the entire assessment to their taxes for ten years. The Policy states the City must have a public hearing with the owners before moving forward with adopting the assessment. The final assessment roll is lower than the first assessment roll presented at the hearing in August 2016.

A Notice of the Hearing on the proposed assessment needs to be published in the official newspaper at least two weeks prior to the hearing. The notice will be published on November 29, 2017 and the Council can hold the hearing any time after December 13, 2017 at 6:00 o'clock PM. The hearing can be held at the December 18, 2017 regular meeting at 6:00 o'clock PM. Legal Counsel will be available by phone if the homeowners being assessed have any questions.

A Notice of Hearing on the proposed assessment will be mailed to the owner of each parcel described in the assessment roll with the amount owed on Tuesday, November 21, 2017.

**MOTION** by Dave Enke, seconded by Mark Dunn to approve the Coteau Street Improvement Project Assessment Roll. Motion carried.

**MOTION** by Mark Dunn, seconded by Rosie DeZeeuw to approve the Resolution Declaring Cost to be Assessed and Ordering Preparation of Proposed Assessment. Motion carried.

**MOTION** by Mark Dunn, seconded by Daryl Schlapkohl to approve the Resolution for Hearing on Proposed Assessment to be held on December 18, 2017 at 6:00 o'clock PM. Motion carried.

**PUBLIC WORKS UPDATE:**

Maintenance Supervisor Todd Draper stated if the Council was considering new equipment purchases for the City, he received an estimate on replacing the City's current snow blower, with

a John Deere 1575 side-disc mower, snow blower and rotor broom for an estimate of \$37,500.00. The City has \$4,000.00 remaining in 2017 (to be put into a CD), and budgeted \$15,000.00 in 2018 for Equipment Outlay. John Deere will give the City \$7,500.00 for a trade-in. With these numbers, the City still has a shortfall of \$11,000.00 to finance for one, two or three years.

After the first of the year, should the City decide to move forward with purchasing this new equipment, the City could deny the trade-in and advertise to sell the current snow blower that is seven (7) years old with 3,000 hours for more money than the \$7,500.00 trade-in.

Maintenance Supervisor Todd Draper than said a new maintenance pickup is not budgeted for 2018, but he received pricing on a Dodge F150 for \$27,000.00. The maintenance pickup has 103,000 miles and would probably get \$2,000.00 to \$3,000.00 as a trade-in. It would be more valuable to keep the current maintenance pickup for various jobs around the City.

### **COMMITTEE REPORTS:**

Trustee Mark Dunn – No report.

Trustee Rosie DeZeeuw – Rosie was unable to attend the Chamber meeting last week, but received an update that the tree walk is scheduled to begin December 4, 2017 and the trees will be decorated after Thanksgiving. The light judging is scheduled for December 8, 2017. The open houses have been advertised and the turkeys have been ordered. The \$2.00 meals at the Senior Center are still going strong – December's meal has a donator and they are working on January's meal. The Sportsman's Show is scheduled in March and the local Sportsman's Club will have volunteers to assist. At this time, the Chamber-CVB and Historical Society are without a Coordinator.

Trustee Dave Enke – The Library Board met and made an offer of Library Director to Janine Bunjer and she accepted. Shelly will be done with her regular scheduled hours in November and will be available to continue training in December. From now on, the Library hours will be covered by Janine and Corinne. Several donations have been made to the Library and will be brought to the Council for approval at a later meeting. The Winter Reading Program will run from January through March, 2018. The Library Open House is scheduled for December 2, 2017 and the Friends of the Library will be available to assist with that. A special tribute to Shelly will also be taking place during the Open House.

The EDA met and discussed the loan made to a local business owner – the payments are paid up to this point, but not all the conditions of the loan agreement are in compliance. The business owner was given until November 27, 2017 to comply. The Grocery Store is working to switch from Associated Grocers to Super Valu.

Trustee Daryl Schlapkohl – No report.

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

City Administrator/Clerk Eileen Christensen gave the Council a list of chicken owners. Per Ordinance No. 91.04, these animals must be registered with the City each year accompanied with a \$10.00 fee. A letter, registration form and invoice will be mailed to the chicken owners on December 1, 2017 with payment due January 1, 2018. The license/permit is effective from January 1, 2018 through December 31, 2018.

Jordan Bennett with Tyler Bus Service informed City Administrator/Clerk Eileen Christensen that Thomas Electric will be installing a LED light sensor in the garage by the school the week of November 20, 2017. However, Jordon contacted Eileen Christensen Friday afternoon and told her to have the Police Squad moved to the next stall which has a working light.

City Administrator/Clerk Eileen Christensen will be taking vacation on Wednesday, November 22nd and Rosie DeZeeuw will be in the office from 8:00 AM – 2:00 PM that day. The City office is closed Thursday, November 23rd and Friday, November 24th for the Thanksgiving holiday.

**MAYORAL REPORT:**

Mayor Bob Worth asked if anyone had a date they would like to schedule the City Christmas Party. It was suggested Sunday January 14, 2018 at the Country House at 5:00 PM. As a reminder, each Council member, employee, and significant other is responsible for their own meal and drink.

Mayor Bob Worth then stated since each Council member is comfortable with their current board appointments he will leave them the same for 2018.

Mayor Bob Worth than made a statement of how extremely proud he is of the Lake Benton Community, the Fire Department, the First Responders and the Police Department. He could not have been more proud of them for the great job they did at his son's farm. Hats off to the Police Department, the Fire Department and the First Responders, and thank goodness no one got hurt.

Other Council members stated they too have witnessed the professionalism of the Fire Department, First Responders, Police Chief and Maintenance staff – they do a great job.

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

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MAYOR

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ADMINISTRATOR/CLERK