

NOVEMBER 6, 2017

The Regular Meeting of the Lake Benton City Council was held on Monday, November 6, 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 October 16, 2017 were reviewed. **MOTION** by Daryl Schlapkohl, seconded by Dave Enke to approve the minutes of the Regular Meeting of October 16, 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:

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|---------------------|-------------|-----------------------|-------------|
| SHELLY FINZEN | \$ 53.50 | OTTERTAIL | \$ 1,744.52 |
| ITC | \$ 272.47 | LEAGUE OF MN CITIES | \$ 918.00 |
| USTI | \$ 53.23 | L-P RURAL WATER | \$ 3,222.60 |
| GOPHER STATE | \$ 5.40 | POSTMASTER | \$ 112.54 |
| LINCOLN CTY TREAS. | \$ 109.41 | S & E AUTO | \$ 252.72 |
| TODD DRAPER | \$ 44.25 | PAT HAYNES | \$ 240.00 |
| MN LIFE | \$ 6.80 | TASTE OF HOME | \$ 12.98 |
| ANTHONY SIEVERT | \$ 352.00 | HENRY SOLLIE POST #10 | \$ 50.00 |
| KJERGAARD SPORTS | \$ 72.36 | MIKE OTTO | \$ 1,714.50 |
| MICHAEL FREDERICK | \$ 25.00 | SCOTT'S ELECTRONICS | \$ 20.00 |
| TROY NORDMEYER | \$ 32.00 | KYLIE ROCHEL | \$ 40.00 |
| ONE OFFICE SOLUTION | \$ 163.25 | VERIZON | \$ 35.07 |
| KENNEDY & GRAVEN | \$ 1,146.33 | QUILTING MAGAZINE | \$ 24.97 |
| THOMAS PLUMBING | \$ 260.00 | ZUERCHER TECH | \$ 3,107.50 |
| FULLER PAVING | \$11,000.00 | ENVIRO PLUS-PUMP | \$ 1,610.00 |

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 City Administrator/Clerk to make payment.

The next item of business was the October Police Report by Police Chief Tony Sievert. Tony informed the Council the mobile CAD system is up and running. There were a few complications but they have been able to work through them. The mobile CAD has been a huge help thus far for the Police Department.

Police Chief Tony Sievert gave the Council an update on the property at 116 S. Morton Street. Maintenance Supervisor Todd Draper, Maintenance Worker Troy Nordmeyer, Police Chief Tony Sievert and the property owner worked on cleaning up the property. Police Chief Tony Sievert wanted to thank all those involved in this process along with the property owner for his cooperation. Photos of the property were handed out to the Council for their review.

The Lake Benton Police Department has qualified in the low light/inclement weather shoot this last month along with the Lincoln County Sheriff's Office. The Police Department's squad rifle should be upgraded in the near future. Police Chief Tony Sievert received a bid from Keeps for \$950.00.

Police Chief Tony Sievert talked with City Administrator/Clerk Eileen Christensen and it was decided to get the Lake Benton Archery Hunt Committee together after the Christmas Season.

The squad has 78,507 miles and is running good. An oil change on the squad is scheduled for the end of the week. There is a recall on the squad for a carbon monoxide leak and Police Chief Tony Sievert will schedule to get that done at a Ford dealership sometime soon.

The Council thanked Police Chief Tony Sievert and the Maintenance Department for cleaning up the property at 116 S. Morton and it looks great. **MOTION** by Dave Enke, seconded by Mark Dunn to approve the October Police Report. Motion carried.

The next item of business was to review/act on renting a stall from Tyler Bus Service to store the Police Squad. City Administrator/Clerk Eileen Christensen explained at the May 1, 2017 City Council meeting the Council approved renting a stall in the bus garage by the school for \$50.00 a month for six months through November 21, 2017. City Administrator/Clerk Eileen Christensen contacted Tyler Bus Service who agreed to rent the garage stall again for \$50.00 a month for six months.

Police Chief Tony Sievert informed the Council there needs to be a light put on the garage door when opening because it is very dark in the garage. City Administrator/Clerk Eileen Christensen will contact Jordan Bennett to request a light be installed on the garage door.

MOTION by Mark Dunn, seconded by Rosie DeZeeuw to rent Tyler Bus Service's garage stall by the school to store the Police squad in for \$50.00 a month for six months through May 21, 2018 with the lighting fixed on the garage door. Motion carried.

The next item of business was to review/act on amending Animal Ordinance No. 91.06 – Kennels which was tabled from the October 16, 2017 meeting.

Trustee Mark Dunn informed the Council he did research on the League of Minnesota's website and it explained services animals are to assist individuals with a disability.

Tami Benck read information from the ADA and FDA and stated her son needs two or more service animals for his disability – one to remind him to take his medication, and one to provide safety checks. Her son interacts with all six dogs. Tami stated these dogs are a protective breed and they have spent \$30,000.00 on them. She is also working with other kennels to sell the dogs to be trained to be service animals for other individuals with disabilities.

The Council then expressed their disappointment and frustration with the Benck's in purchasing the dogs without contacting the City Office or reading the Animal Ordinance. The City Ordinances were already set when they decided to get five additional dogs.

The statement was again made that ignorance of not understanding the Ordinances is not the City's problem. The Benck's have placed the Council in a bad situation. The Council has more important issues to deal with than individuals not following the City's Ordinances.

The Council discussed staying with the current Ordinance of only four dogs. If the Benck's keep only four dogs, they can breed them. However, should the Council agree to let the Benck's keep six dogs to take care of their child with special needs, they cannot breed them. If the dogs are bred, the Benck's will be in violation. Tami informed the Council two of their dogs are pregnant.

Police Chief Tony Sievert recommended the Council table this issue again until Legal Counsel has reviewed what has been presented to the Council and the City is doing things correctly.

MOTION by Daryl Schlapkohl, seconded by Dave Enke to table this issue until the next regular meeting of November 20, 2017 after Legal Counsel has had time to review the information and the Ordinance. Motion carried.

The next item of business was to approve Ordinance No. 208 – Amending Paragraph (C) of Section 52-54 of Chapter 54 Rates and Charges of Title V: Public Works. At the October 16, 2017 meeting, the Council approved amending Ordinance No. 52-24 Payment of Charges; Late Payments; Collection. The amendment to the Ordinance will state a time period not to exceed 60 days in place of 90 days. The aging report will be sent out monthly for those utility bills that are 60 days past due.

City Administrator/Clerk Eileen Christensen informed the Council should they approve Ordinance No. 208, she will publish it in the newspaper.

MOTION by Mark Dunn, seconded by Rosie DeZeeuw to approve Ordinance No. 208 – Amending Paragraph (C) of Section 52-54 of Chapter 54 Rates and Charges of Title V: Public Works and authorize City Administrator/Clerk Eileen Christensen to publish the amended Ordinance in the paper. Motion carried.

The next item on the agenda was to review and act on the Site Use Agreement between the City of Lake Benton and Lutheran Social Services Senior Nutrition Program. The agreement allows the Nutrition Program use of the facility kitchen/dining areas for the term of January 1, 2018 to December 31, 2018 to be used as a nutrition site for seniors. The agreement has not changed since the previous year. **MOTION** by Dave Enke, seconded by Daryl Schlapkohl to approve the Site Use Agreement between the City of Lake Benton and Lutheran Social Services Senior Nutrition Program from January 1, 2018 to December 31, 2018 and authorize the Mayor to sign the agreement. Motion carried.

The next item of business was to review/act on a Resolution Accepting Donations to the Library. The Library received a \$100.00 donation from Dorthea Eichhoff in memory of Carl Burk. Minnesota Statutes state the Library can accept donations for the benefit of recreational services. The Council needs to pass a resolution accepting the donation to the Library. **MOTION** by Daryl Schlapkohl, seconded by Rosie DeZeeuw to approve the Resolution Accepting a Donation of \$100.00 from Dorthea Eichhoff to the Library. Motion carried.

The next item of business was to review/act on purchasing new chairs for meetings at the Heritage Center. Mayor Bob Worth requested City Administrator/Clerk Eileen Christensen check into purchasing new chairs for the meeting area at the Heritage Center/City Office. The Council was given a copy of Office One Solutions' catalog showing the various training/conference room chairs (i.e. rollers, arms, no arms, etc.). Office One Solutions offers the City a 40% discount from the list price. After a brief discussion, it was the consensus of the Council they do not need new chairs.

The next item of business was to review/act on Medical Reimbursement Account for Full-Time Employees. City Administrator/Clerk Eileen Christensen reminded the Council the City received \$7,667.43 from SW/WC Service Coop for the Group's 2016 Insurance Pool settlement. Due to the favorable experience of our group, these funds are being returned to the City as a savings through the SW/WC Service Cooperative Minnesota CCOGA (Cities/Counties/Other Governmental Agencies). The City of Lake Benton is a member of the pool through a joint powers agreement.

At a budget meeting this past summer, the Council briefly discussed putting this reimbursement into a healthcare savings plan for the full-time employees.

John Kozlowski, the City's Health Insurance Advisor, informed City Staff that the City can use a Select Account through SW/WC Service Coop at reduced costs for a medical trust savings plan for full-time employees. This program is called VEBA (Voluntary Employee Beneficiary Association), and is a funded Health Reimbursement Account (HRA) that public sector employers use to contribute funds to a trust on behalf of their employees.

Because the City belongs to the SW/WC Service Coop Pool, the administration fees will be waived, and the City will pay \$2.95 participant fees per person/per month with an annual cost of \$141.60.

The Council can budget an amount each year to be put into a Health Reimbursement Account. However, a written policy of who is eligible (i.e. full-time employees who work 40 hours a week), and a recommendation that the account should be funded each year needs to be approved.

Trustee Daryl Schlapkohl informed the Council that the County received a surplus of money and put \$5,000.00 in each employee's medical account. Each employee can designate an amount from their paycheck to be put into their medical account. The account gains interest and the money is there for dental, health insurance, etc. now and after retirement. It adds up quickly and is a nice perk for the employees.

After some discussion, a **MOTION** was made by Mark Dunn, seconded by Daryl Schlapkohl to approve the Medical Reimbursement Account for the four full-time employees. The amount of \$1,500.00 will be designated to each employee's Health Reimbursement Account with a minimum amount of \$50.00 per employee to be budgeted each year. Motion carried.

PUBLIC WORKS UPDATE:

Maintenance Supervisor Todd Draper updated the Council on the Coteau Street Improvement Project. The work has been completed.

The first item to be approved is the Certificate of Substantial Completion dated July 24, 2017 which includes a one year warranty on the project. Lien waivers still need to be completed, and the City will need to have a public hearing with individuals for assessments. If the hearing does not happen this year, the City will need to wait all next year before assessing the project to the homeowner's taxes. **MOTION** by Mark Dunn, seconded by Dave Enke to approve the Certificate of Substantial Completion and Maintenance Supervisor Todd Draper contact Legal Counsel to prepare the public hearing. Motion carried.

The next item to be approved is Change Order No. 1 which is for an 8" gravity connector. The Change Orders also shows the adjustment of the final quantities which totals a decrease of \$497.76. The final amount of the project is \$149,296.01. **MOTION** by Daryl Schlapkohl, seconded by Mark Dunn to approve Change Order No. 1. Motion carried.

The next item to be approved is the Pay Request Application Number Three (3) Final Payment to A & C Excavating in the amount of \$9,238.74 for the Coteau Street Improvement Project. The Engineer's estimate of the project was \$170,000.00 and the final Contractor's actual total was \$149,296.01 which was considerably less. **MOTION** by Dave Enke, seconded by Mark Dunn to approve Pay Request Application Number Three (3) Final Payment to A & C Excavating in the amount of \$9,238.74 for the Coteau Street Improvement Project after all the lien waivers have been received. Motion carried.

COMMITTEE REPORTS:

Trustee Mark Dunn – No report.

Trustee Rosie DeZeeuw – No report.

Trustee Dave Enke – The Library Board met and over the last month circulation and patron counts were down. However, program attendance was up and the public school has increased their borrowing. Grants have been received and will assist in paying for the programs that took place this summer. The Library Director position was offered and declined. A second applicant was interviewed and the Board is reviewing that information now. The EDA meets this week.

A question arose if Plum Creek has increased their funding to the Library for 2018. The Library has not heard anything at this time.

Trustee Daryl Schlapkohl – No report.

ADMINISTRATOR/CLERK REPORT:

No report.

MAYORAL REPORT:

Mayor Bob Worth talked with City Attorney Mike Cable with the intent to have a Christmas party with the Council members and City employees. Everyone will have to pay for their own meal as the City will not be paying for anything. The party does not need to be advertised. We can have the party at the Country House on a Sunday evening so everyone can make it. The Council and employees were in agreement, and if anyone has some dates in mind, please talk with Mayor Bob Worth or City Administrator/Clerk Eileen Christensen.

It is coming to that time of year where Mayor Bob Worth will be making the Committee assignments. Please let Mayor Bob Worth or City Administrator/Clerk Eileen Christensen know if you would like to change any of the committees you are on.

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

MAYOR

ADMINISTRATOR/CLERK