

SEPTEMBER 19, 2022

The Regular Meeting of the Lake Benton City Council was held on Monday, September 19, 2022 at 5:30 P.M. in the Lake Benton Area Community and Event Center. Mayor Michael Carpenter presided. Trustees Rosie DeZeeuw, Mark Dunn, Patrick Haynes and Daryl Schlapkohl were present. City Attorney Mike Cable was absent. City Administrator/Clerk Eileen Christensen, Maintenance Supervisor Todd Draper, Deputy Jake Jenson, Deputy Karter DeSmet, 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 September 6, 2022 were reviewed. **MOTION** by Daryl Schlapkohl, seconded by Patrick Haynes to approve the minutes of the Regular Meeting of September 6, 2022. Motion carried.

The minutes of the Special Budget Meeting of September 13, 2022 were reviewed. **MOTION** by Mark Dunn, seconded by Rosie DeZeeuw to approve the minutes of the Special Budget Meeting of September 13, 2022. Motion carried.

The next item of business was to review/act on rehab loan request. An individual that applied for the City's Rehab Program is requesting a loan from the City's Revolving fund in the amount of \$6,604.80 to assist with the renovations. This individual meets the requirements to borrow money from the revolving fund. Monthly payments of \$66.06 will be repaid in nine (9) years. The amount of \$6,604.80 will be deposited into DSI's Escrow Account. **MOTION** by Daryl Schlapkohl, seconded by Rosie DeZeeuw to approve the loan request from the City's Revolving fund in the amount of \$6,604.80 to be deposited into DSI's Escrow Account. Motion carried.

CLAIMS PRESENTED AGAINST THE CITY OF LAKE BENTON:

JENN BUSE	\$ 55.00	IVANHOE SERVICE CENTER	\$ 1,440.41
LEAGUE OF MN CITIES	\$ 19,730.00	L-P RURAL WATER	\$ 4,360.34
RETHWISCH & SON	\$ 226.19	DSI ESCROW ACCT	\$ 6,604.80
THOMAS ELECTRIC	\$ 335.59	GOPHER STATE	\$ 10.80
CITY OF LAKE BENTON	\$ 175.33	POSTMASTER	\$ 141.68
LINCOLN CTY TREASURER	\$ 45.00	MN LIFE	\$ 5.10
FIRST SECURITY BANK	\$ 25,000.00	SW SANITATION	\$ 50.00
BIOAG ENERGY	\$ 838.31	CARDMEMBER SRVCS	\$ 102.03
MEADOWLAND	\$ 345.51	ONE OFFICE	\$ 19.18
BUFFALO RIDGE NEWS	\$ 283.30		

MOTION by Mark Dunn, seconded by Patrick Haynes 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.

PUBLIC WORKS UPDATE

Maintenance Supervisor Todd Draper gave an update on the Mork and Giles Addition Infrastructure Project. The work was substantially completed on September 12, 2022 which is behind the agreed upon substantial completion date of August 29, 2022. The blacktop and seeding are complete, and all tests have been passed. Banner will then do an inspection, address the height of the curbs, and review quantities. There will be a meeting between Banner, A & C Excavating and the City to review the final payment. This may not be completed until after the October 3, 2022 scheduled regular Council meeting. Otter Tail is in the process of adding street lights in the area and will not be completed until this winter.

Mayor Michael Carpenter suggested the City send a letter to the owners of the lots in the Mork & Giles Addition informing them the City is almost complete and they can plan to build. This was agreed upon by the Council and Maintenance Supervisor Todd Draper.

Maintenance Supervisor Todd Draper then reminded the Council of the water break on Highway 75 this past winter and he discovered the City needs a different valve in their meter building as the water was going through so fast, it took 45 minutes to shut the water off. Todd contacted Dave Bouchet for a price of a new valve and installation. The total cost is \$10,100.00. Todd talked with Lincoln-Pipestone Rural Water (LPRW) as the City cost shared with them when the meter building was built. LPRW has agreed to contribute \$4,100.00 and the City will pay the remainder. This will help control the amount of water going through the system when the City experiences a water break. This is a hydraulic valve that senses large amounts of water passing through. This will not stop a water break but aid the City when shutting down the water. LPRW is now putting new valves in their meter buildings. There are still funds available through the America Rescue Plan (ARP) to pay for the new valve. It will take approximately five (5) to eight (8) weeks to receive the valve as it is on back order and can be installed this fall/winter. The installer will send a statement to the City who will then bill LPRW. **MOTION** by Patrick Haynes, seconded by Daryl Schlapkohl to purchase a new valve and get it installed this fall/winter. Motion carried.

The next item of business was to review/act on Otter Tail Power Company Easement Update. Otter Tail power Company is requesting an additional 20.00 foot wide easement for electrical line purposes over, under, and across part of Government Lots 4 and 8, Section 8, Township 109 North, Range 45 West of the 5th Principal Meridian, Lincoln County, Minnesota. The centerline of said easement is described in Exhibit "A" – Lake Benton, MN OHE Line Easement. This area is from Highway 14 south from Crystal Springs through the slew towards the lift station on Parkview Drive and onto Otter Tail's substation. Some of the poles are rotten and the power lines are too close to trees. Otter Tail is looking to realign the poles and power lines and they need an overhead easement. Otter Tail is aware of the City's utilities in the area. **MOTION** by Mark Dunn, seconded by Patrick Haynes to approve an additional 20.00 foot wide easement for electrical line purposes over, under and across part of Government Lots 4 and 8, Section 8, Township 109 North, Range 45 West of the 5 Principal Meridian, Lincoln County, Minnesota for Otter Tail Power Company subject to Legal Counsel approval. Motion carried.

MOTION by Mark Dunn, seconded by Rosie DeZeeuw to approve the Public Works update. Motion carried.

LAW ENFORCEMENT UPDATE

Deputy Jake Jenson presented the August calls for service in Lake Benton. The Council told Deputy Jenson they appreciate the work they have been doing on the Buffalo Ridge Task Force. **MOTION** by Daryl Schlapkohl, seconded by Mark Dunn to approve the law enforcement update. Motion carried.

The next item of business was to review/act on a building permit for Chris & Rachel Robinson to install a 10' x 12' utility shed at 111 S. Coteau Street. Chris and Rachel were given the setbacks from the property lines on which they can install the utility shed. Maintenance Supervisor Todd Draper confirmed there were no setback concerns and everything is in compliance with the Ordinance. The fee of \$25.00 has been paid. **MOTION** by Rosie DeZeeuw, seconded by Mark Dunn to approve the building permit for Chris and Rachel Robinson to install a 10' x 12' utility shed at 111 S. Coteau Street. Motion carried.

The next item of business was to review/act on a building permit for Nathan Carter to build a 24' x 22' lean-to on the back of his current garage to store his ATV/Bike/Jet Ski. Nathan also wants to replace a 16' x 15' shed in his backyard and add an 8' x 16' lean-to to store his firewood and splitter at 114 Sherman Street. Nathan was given the setbacks from the property lines on which he can install the lean-to and replace a shed with a lean-to. Maintenance Supervisor Todd Draper confirmed there were no setback concerns and everything is in compliance with the Ordinance. The fee of \$25.00 has been paid. **MOTION** by Daryl Schlapkohl, seconded by Mark Dunn to approve the building permit for Nathan Carter to build a 24' x 22' lean-to on the back of his garage and replace a 16' x 15' shed and add an 8' x 16' lean-to to store firewood and a splitter at 114 Sherman Street. Motion carried.

The next item of business was to review/act on a resolution and Earnest Money Contract of Sale with Bryan Schaefer. 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 Three (3) & Four (4) 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 Bryan Schaefer. After the Earnest Money Contract of Sale is signed by all parties, Bryan Schaefer will need to send a check in the amount of \$1,000.00 to Quarnstrom & Doering, P.A. Trust Account. Bryan Schaefer has 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: **WHEREAS**, the City of Lake Benton met in regular session on September 19, 2022 for the purpose of selling that real property described as follows: Lots Three (3) and Four (4) 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**, Bryan Schaefer, 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 September 19, 2022 for the purpose of accepting the offer of Bryan Schaefer. **NOW, THEREFORE**, the City Administrator/Clerk of the City of Lake Benton certifies the following: 1. That on September 19, 2022 upon a motion made by Daryl Schlapkohl, seconded by Rosie DeZeeuw, and carried that real property described as follows: Lots Three (3) and Four (4) 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 Bryan Schaefer for Eleven Thousand and No/100 (\$11,000.00) Dollars. Motion carried.

The next item of business was a public hearing on nuisance property. At the last regular meeting of September 6, 2022, the Council authorized City staff to send a Notice of Hearing to one property owner asking them to attend Monday evening's meeting. Mayor Michael Carpenter reminded the Council that the Council previously sent letters to two (2) nuisance properties. The property on East Benton Street is in the process of getting asbestos removed and waiting for the contractor to excavate the building.

Mayor Michael Carpenter then requested Jordan Kelly to appear before the Council; Mayor Michael Carpenter asked a second time to requested Jordan Kelly to appear before the Council; Mayor Michael Carpenter requested a third time for Jordan Kelly to appear before the Council. Jordan Kelly did not appear before the Council regarding his property at 302 West Benton Street. This property had two vehicles on the east side of his garage but one has been moved. The vehicle still there is not registered. Mayor Michael Carpenter reminded the Council they asked Jordan Kelly to attend the meeting and update the Council on what is doing to take care of the nuisance. The Council is following the abatement process correctly and the next step in the process is to serve Notice of Council Order. **MOTION** by Daryl Schlapkohl, seconded by Patrick Haynes to serve the Notice of Council Order and inform Legal Counsel. Motion carried.

The next item of business was to certify the proposed property tax levy and announce the time and place of the public meeting. The certification needs to be done by September 30, 2022. It was noted that these amounts can be lowered but not raised at the Truth-in-Taxation Hearing. Mayor Michael Carpenter reminded the Council if the Council proposes a 0% increase, the budget will show a \$195.00 deficit. Should the Council propose a 1% increase the budget will show a positive balance of \$1,640.53, and a 2% increase will show a positive balance of \$3,373.53.00. Mayor Michael Carpenter then reminded the Council they will have an opportunity to decrease the tax levy, but not increase it at the first meeting in December when they certify the property tax levy at the Truth-in-Taxation Hearing. The total levy to be raised by taxes is \$260,477.00 of which \$183,477.00 is allocated to the General Fund and \$77,000.00 is allocated to the USDA-RUS Improvement Fund. The proposed budget amounts are as follows: **GENERAL FUND:** Income - \$511,086.00, Expenses - \$511,280.00; **FIRE FUND:** Income - \$90,300.00, Expenses - \$896,860.00; **LIBRARY FUND:** Income - \$53,429.00, Expenses - \$53,311.00; **UTILITY FUND:** (Water, Sewer and

Garbage) Income - \$340,141.00, Expenses - \$350,980.00; **USDA-RUS:** Income - \$77,000.00, Expense - \$77,000. The Council reviewed the budget and agreed they all did a good job putting the budget together. Last year the 2022 levy was \$183,477.00 and the 2023 levy is \$183,477.00 with a 0% increase. **MOTION** by Daryl Schlapkohl, seconded by Rosie DeZeeuw to approve the total proposed 2023 tax levy of 260,477.00 with \$183,477.00 for property tax allocated to the General Fund and \$77,000.00 allocated to the USDA-RUS Improvement Fund. Roll Call Vote: Trustee Daryl Schlapkohl –Yes, Trustee Patrick Haynes – Yes, Trustee Rosie DeZeeuw –Yes, Trustee Mark Dunn –Yes. Motion carried.

The Council then needed to announce the date and time of the public meeting for the Truth-In-Taxation. **MOTION** by Rosie DeZeeuw, seconded by Patrick Haynes to hold the Truth-In Taxation public meeting on Monday, December 5, 2022 at 6:00 PM at the Lake Benton Area Community and Event Center. Motion carried.

The next item of business was to set a date and time for a Special Joint Meeting between the City Council and the Lake Benton EDA to discuss additional development as requested by the EDA. Mayor Michael Carpenter informed the Council the EDA has received two additional requests to purchase property in the Johnson Commercial Park. Now that Lincoln-Pipestone Rural water is in place, there is a need to develop the area before anyone can purchase property. The EDA recommended meeting Wednesday, September 28, 2022 at 4:00 PM. **MOTION** by Daryl Schlapkohl, seconded by Mark Dunn to set have a Special Joint Meeting between the City Council and the Lake Benton EDA on Wednesday, September 28, 2022 at 4:00 PM at the Lake Benton Community and Event Center. Motion carried.

COMMITTEE REPORTS:

Trustee Mark Dunn – No report.

Trustee Rosie DeZeeuw – The Chamber met and the October Business of the Month is Rethwisch & Son. The Diner's Club \$3.00 meal has been increased to \$5.00 and the next meal is scheduled for November 10, 2022 at the American Legion. The November production at the Opera House is Plaid Tidings. The school open house in late August was well attended. Connie VanderPoel is working with Balaton on the Craft Vendor Fair as a joint venture.

Trustee Patrick Haynes – The EDA met and they filled in the vacancy in the 4-Plex unit. The dirt work for the new duplex units is scheduled to begin this week. The Johnson Commercial Park property was discussed and will need to have an engineer review development before moving forward. The board discussed providing deferred loans to encourage more daycare providers and will be further discuss at their next meeting.

Trustee Daryl Schlapkohl – No report.

MOTION by Mark Dunn, seconded by Daryl Schlapkohl to approve the Committee Reports. Motion carried.

ADMINISTRATOR/CLERK REPORT:

Administrator/Clerk Eileen Christensen received an e-mail from Infants Remembered in Silence, Inc. requesting the Council adopt a resolution endorsing October 15, 2022 as Pregnancy and Infant Loss Remembrance Day. **MOTION** by Mark Dunn, seconded by Rosie DeZeeuw to adopt the resolution endorsing October 15, 2022 as Pregnancy and Infant Loss Remembrance Day. Motion carried.

The Lake Benton Chamber is a planning meeting for the community of Lake Benton on Tuesday, October 18, 2022 at 6:30 PM at the Heritage Center regarding the 2023 Saddle Horse Holiday Celebration. They want everyone in the community to have a voice in any proposed changes.

The proficiency test for the archery hunt was a success. All the shooters passed with a score of 70 or higher. The comments were well received and everyone was very satisfied with the test. **MOTION** by Rosie DeZeeuw, seconded by Daryl Schlapkohl to approve the Administrator/Clerk report. Motion carried.

MAYORAL REPORT:

Mayor Michael Carpenter reminded the Council the Law Enforcement Contract with Lincoln County will need to be renewed effective January 1, 2023. Mayor Michael Carpenter, Trustee Mark Dunn and Administrator/Clerk Eileen Christensen will meet with Sheriff Chad Meester on Wednesday, September 21, 2022 at 11:00 AM to begin the preliminary discussion.

The next regular Council meeting is scheduled for October 3, 2022 at 5:30 PM.

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

MAYOR

ADMINISTRATOR/CLERK