

SEPTEMBER 6, 2022

The Regular Meeting of the Lake Benton City Council was held on Tuesday, September 6, 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 and was absent. City Administrator/Clerk Eileen Christensen, and Maintenance Supervisor Todd Draper 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 August 15, 2022 were reviewed. **MOTION** by Mark Dunn, seconded by Daryl Schlapkohl to approve the minutes of the Regular Meeting of August 15, 2022. Motion carried.

The next item of business was to approve Pay Request Number Two (2) to A & C Excavating for the Mork & Giles Infrastructure Project. The General Contractor has provided Pay Request Number Two (2) in the amount of \$224,997.30 which is justified in the work that has been completed. Banner Associates approved the pay request and have presented it to the Council for approval. **MOTION** by Rosie DeZeeuw, seconded by Mark Dunn to approve Pay Request Number Two (2) for \$224,997.30 to A & C Excavating for the Mork & Giles Infrastructure Project. Motion carried.

CLAIMS PRESENTED AGAINST THE CITY OF LAKE BENTON:

C & B OPERATIONS	\$ 1,938.13	ECOLAB	\$ 105.00
BOLT'S LB GROCERY	\$ 3.20	OTTERTAIL	\$ 1,181.23
ITC	\$ 315.25	LEAGUE OF MN CITIES	\$ 15,110.00
QUARNSTROM-DOERING	\$ 187.50	STATION ONE	\$ 367.49
LINCOLN CTY TREASURER	\$ 1.65	TODD DRAPER	\$ 32.00
PAT HAYNES	\$ 275.00	LMC – DUES	\$ 956.00
MN LIFE	\$ 5.10	LB CHAMBER	\$ 220.71
LINCOLN CTY RECORDER	\$ 46.00	HEIMAN	\$ 343.00
MN DEPT HEALTH	\$ 789.00	SW SANITATION	\$ 3,705.41
EMPIRE PIPE SERVICES	\$ 6,710.00	TROY NORDMEYER	\$ 32.00
KYLIE ROCHEL	\$ 90.00	ONE OFFICE SOLUTIONS	\$ 174.60
BUFFALO RIDGE NEWS	\$ 174.15	CENTER POINT	\$ 47.94
DANNY/MEGAN KROTZER	\$ 250.00		

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 to review/act on rehab grant requests. Four payment requests were received for the Rehab Grant Program: Contractors James Lozinski Construction in the amount of \$7,450.00, Construction Partners in the amount of \$11,050.00, and DK Construction in the amount of \$7,800.00, and Administration fees of \$3,000.00 to DSI. The total funds of \$29,300.00 were requested to be deposited into the account. **MOTION** by Patrick Haynes, seconded by Mark Dunn to approve payment of the rehab grant checks presented. Motion carried.

PUBLIC WORKS UPDATE

Maintenance Supervisor Todd Draper gave an update on the Mork and Giles Addition infrastructure. The curb and gutters are completed except for replacing a section of the curb. Benton Street is completed as well. Banner Associates are collaborating with the contractor to address a few issues before the blacktop will be laid. Mayor Michael Carpenter thanked Todd for overseeing this project.

Maintenance Supervisor Todd Draper then updated the Council on the televising of the sewer lines by Empire Pipe. Todd talked with the City Attorney who stated the City's ordinance is in place and will allow the City to move forward to address issues homeowners may have with their sewer lines. Todd talked with the Mayor to schedule a special meeting to show the Council the problem areas and options on enforcing the issues in the future. The issues will not be resolved this fall as there is not enough time, but if we start preparing the information now, the City can move forward with this project in the spring. The Council agreed to schedule a special meeting after the preliminary budget is complete.

Maintenance Supervisor Todd Draper then informed the Council that Otter Tail is working on their substation in Lake Benton and will be completed before winter. **MOTION** by Daryl Schlapkohl, seconded by Rosie DeZeeuw to approve the public works update. Motion carried.

The next item of business was to review/act on renewing the Agreement of Commercial Lease – MnDOT Building. Administrator/Clerk Eileen Christensen talked with Ken Schmitz with MnDOT to explain the agreement between the City and MnDOT will expire September 30, 2022 and reminded him MnDOT had agreed to transfer the Maintenance Building on Benton Street to the City of Lake Benton. Ken Schmitz informed Eileen the process to transfer the building over to the City will take longer than six months and suggested they extend the lease five more years until the paperwork gets completed to transfer the property. The lease will automatically dissolve as soon as the transfer is complete. **MOTION** by Mark Dunn, seconded by Patrick Haynes to approve renewing the Agreement of Commercial Lease with MnDOT on the Maintenance Building for five years beginning September 30, 2022 through September 30, 2027. Motion carried.

The next item of business was to review/act on the finalization of transfer of real property in the Mork & Giles Addition to the Lake Benton Economic Development Authority (EDA). The documents that need to be approved include a Proposed Quit Claim Deed, a Certificate of Resolution Authorizing Conveyance of Lots 11, 12 & 13 of Block Five (5) of the replat of part of Mork & Giles Addition, and a Resolution for Transfer of Lots 11, 12 & 13 of Block Five (5) of the replat of part of Mork & Giles Addition. These lots will be used to construct two duplex units on the north west corner of Mork & Giles Addition.

*RESOLUTION FOR TRANSFER OF LOTS ELEVEN (11), TWELVE (12), AND THIRTEEN (13), OF BLOCK NUMBERED FIVE (5) OF THE REPLAT OF A PART OF GILE & MORK'S ADDITION, CITY OF LAKE BENTON, COUNTY OF LINCOLN, STATE OF MINNESOTA. **WHEREAS**, the City of Lake Benton owns that real property described as Lots Numbered Eleven (11), Twelve (12), and Thirteen (13), of Block Numbered Five (5) of the Replat of a Part of Gile & Mork's Addition, City of Lake Benton, County of Lincoln, State of Minnesota, and **WHEREAS**, the City of Lake Benton wants to transfer this real property to the Lake Benton Economic Development Authority, a public body politic and corporate and a political subdivision. **NOW THEREFORE**, be it resolved that the City of Lake Benton adopts the following: (1) Conveys, by Quit Claim Deed, the real property described as follows: Lots Numbered Eleven (11), Twelve (12), and Thirteen (13), of Block Numbered Five (5) of the Replat of a Part of Gile & Mork's Addition, City of Lake Benton, County of Lincoln, State of Minnesota to the Lake Benton Economic Development Authority, a public body politic and corporate and a political subdivision. (2) Said conveyance shall be no consideration. **EFFECTIVE DATE**: the effective date of the Resolution is the date of its passage by a majority of the members of the City Council.*

MOTION by Daryl Schlapkohl, seconded by Rosie DeZeeuw to approve the Proposed Quit Claim Deed conveying the real property described in said Deed to the Lake Benton Economic Development Authority. Motion carried.

MOTION by Rosie DeZeeuw, seconded by Patrick Haynes to approve the Certificate of Resolution Authorizing the Conveyance of Lots Eleven (11), Twelve (12), and Thirteen (13), of Block Numbered Five (5) of the Replat of a Part of Gile & Mork's Addition, City of Lake Benton, County of Lincoln, State of Minnesota to the Lake Benton Economic Development Authority, a public body politic and corporate and a political subdivision. Motion carried.

MOTION by Daryl Schlapkohl, seconded by Patrick Haynes to approve the Resolution for Transfer of Lots Eleven (11), Twelve (12), and Thirteen (13), of Block Numbered Five (5) of the Replat of a Part of Gile & Mork's Addition, City of Lake Benton, County of Lincoln, State of Minnesota to the Lake Benton Economic Development Authority, a public body politic and corporate and a political subdivision. Motion carried.

The next item of business was to review/act on City on-sale and off-sale liquor licenses for September 1, 2022 through April 30, 2023. Homers, LLC (former Lake Benton Bar) has applied for an on-sale and an off-sale liquor license effective September 1, 2022 through April 30, 2023. **MOTION** by Patrick Haynes, seconded by Mark Dunn to approve the new application for an on-sale and off-sale liquor license for Homers, LLC from September 1, 2022 through April 30, 2023. Motion carried.

The next item of business was to review/act on nuisance properties. At their last meeting of August 15, 2022 the Council approved City staff to send the first Notice of Nuisance to two property owners that are in violation of Ordinance Chapter 92. Pictures of these properties were taken and sent to the homeowner on August 17, 2022, and pictures were again taken on September 1, 2022. The homeowner at 209 East Benton Street contacted City Administrator/Clerk Eileen Christensen to inform her they have someone hired to demolish the building but they will not do it until it has been checked for asbestos. Scarcely took samples for asbestos the week of August 22, 2022 and are waiting for the results. They are hoping the contractor will demolish the building this fall. **MOTION** by Patrick Haynes, seconded by Rosie DeZeeuw to make sure the homeowners follow thru and complete the demolition this fall. Motion carried.

The homeowner at 302 West Benton Street has not contacted City staff or moved the vehicles. The next step in this process is to request the homeowners attend a hearing to inform the Council of what their plans are to rectify the situation. **MOTION** by Daryl Schlapkohl, seconded by Mark Dunn to authorize the Administrator/Clerk to send a letter requesting the homeowner at 302 West Benton to attend a hearing with the Council on September 19, 2022 at 5:30 PM. Motion carried.

The next item of business was to review/act on a Resolution Accepting Donation to the Fire Department. The Fire Department received a donation from Enel North America Donor Advised Fund in the amount of \$25,000.00. This donation is designated for the Fire Department to put into a CD towards the purchase of a new fire truck. Minnesota Statutes state the Fire Department can accept donations for the benefit of its citizens in accordance with the term prescribed by the donor. The Council needs to pass the resolution accepting the donation to the Fire Department. **MOTION** by Mark Dunn, seconded by Patrick Haynes to approve the Resolution Accepting the Donation from Enel North America Donor Advised Fund for \$25,000.00 to be designated into a CD towards the purchase of a new fire truck. Motion carried.

The next item of business was to review/act on a Resolution Accepting Donations to the Library. The Library received a donation from Eugene & Diann Moon for \$30.00 in memory of Lavar Moon. 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 Daryl Schlapkohl, seconded by Rosie DeZeeuw to approve the Resolution Accepting the Donation from Eugene and Diann Moon for \$30.00 in memory of Lavar Moon to the Library. Motion carried.

The next item of business was to set a meeting date to review the preliminary 2023 budget. Mayor Michael Carpenter informed the Council that he and Administrator/Clerk Eileen Christensen have worked on the 2023 budget and would like the Council to set a date to review. **MOTION** by Mark Dunn, seconded by Patrick Haynes to set Tuesday, September 13, 2022 at 5:00 to meet and review the preliminary 2023 budget. Motion carried.

COMMITTEE REPORTS:

Trustee Mark Dunn – No report.

Trustee Rosie DeZeeuw – The Chamber met in August and the business of the month for September is Christensen Broadcasting. The Diner’s Club meals are being delivered from the Tyler Hospital and it is going well. The Opera House production Newsies was well attended, but the Children’s Theater has been canceled. Connie VanderPoel is working on a Vendor & Craft Show on October 8, 2022.

The Library Board met last week and the circulation stats are comparable to last year. The library is running out of shelf room and the workers will weed thru the books that have not been used to create more shelf room and give them to the Friends of the Library to sell. The library is now fully staffed with Lynn Carpenter as the Director and Heidi Thomssen as an assistant. The library will need a new board member as Lynn Carpenter will step down.

Trustee Patrick Haynes – No report.

Trustee Daryl Schlapkohl – Daryl will meet with Mike Weets about repairing the outside of the Opera House prior to meeting on the budget.

MOTION by Mark Dunn, seconded by Patrick Haynes to approve the Committee Reports. Motion carried.

ADMINISTRATOR/CLERK REPORT:

Appliance pick-up is scheduled for Tuesday, October 4, 2022. **MOTION** by Rosie DeZeeuw, seconded by Mark Dunn to approve the Administrator/Clerk report. Motion carried.

MAYORAL REPORT:

Mayor Michael Carpenter reminded the Council that when the City met with the auditors earlier this year, they requested the Fire Department look into putting their funds into a PERA account. The Fire Department is not interested in putting their funds into a PERA account and have chosen to leave everything as it is.

MOTION by Daryl Schlapkohl, seconded by Rosie DeZeeuw to approve the Mayoral report. Motion carried.

There will be a special meeting on Tuesday, September 13, 2022 at 5:00 PM and the next regular meeting is Monday, September 19, 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