

Barnesville City Council
Regular Meeting
May 12, 2014

Mayor Gene Prim called this regular meeting to order at 7:00 p.m. Members present were Council members Betty Strom, Richard Sylvester, Larry Davis, Jr, Don Goedtke, Jason Rick and Cathy Enstad. Others in attendance were, City Administrator Mike Rietz, Sara Nyhus-Wear with Ohnstad Twichell, City Clerk Jeri Reep, Finance Director Laurie Schell, Police Chief Dean Ernst, TEC Manager Guy Swenson, EDA Director Karen Lauer, Mike Sonmor with People Service, Ambulance Manager Jon Yeske, Scot Nelson, DeLyle Fankhanel, Ron Miller, Arlin Miller, Tom Koop and Mary Reedy with Clifton LarsonAllen, and Jacob Underlee with the Record Review.

Mayor Prim asked City Administrator Mike Rietz to take roll call.

The next item on the agenda was the pledge of allegiance. All rose to recite the pledge of allegiance.

Mayor Prim next asked if there were any corrections or additions to the agenda. City Administrator Mike Rietz stated that there were no additions or corrections to the agenda.

05-12-14-01 Motion by Mr. Sylvester and second by Mrs. Strom to approve the agenda as presented. Motion carried.

05-12-14-02 Motion by Mr. Davis and second by Mr. Rick to approve the consent agenda as presented. Motion carried. The following items were on the consent agenda:

1. Approval of the minutes of the regular meeting held on April 14, 2014.
2. Approval of the minutes of the special meeting held on April 21, 2014.
3. Approval of the minutes of the special meeting held on April 30, 2014.
4. Department head reports.
5. Approval of check numbers 77611 – 77775 in the amount of \$516,474.21 and EFT payments in the amount of \$187,874.73.
6. Approval of the gambling permit for Barnesville Lions Club-August 23, 2014.
7. Approval to hire the following seasonal golf course employees: Allan Kertscher, Kenneth Emerson, John Neumann, Benjamin Norman, Cody Schepp, Chelsey Halverson, and Gloria Emerson.

Mayor Prim next called on Ambulance Manger Jon Yeske. Mr. Yeske introduced Scott Nelson to council members. Mr. Yeske stated that Mr. Nelson would be taking over as the new ambulance manger as of June 2, 2014.

Mayor Prim stated the next item on the agenda was the board and commission reports.

Council member Goedtke next called on EDA Director Karen Lauer to update council members on the 2014 marketing campaign. Mrs. Lauer stated that the kick off for marketing would be on Pandora radio this year.

Council member Sylvester stated that the airport is not open at this time.

Council member Goedtke stated that the Joint Powers discussed the wellhead protection.

Council member Strom stated that the Parks portfolio will be meeting the last Thursday of the month instead of the first Thursday of the month.

Mayor Prim next asked if there were any citizens present to be heard.

Mr. Arlin Miller next approached the council. Mr. Miller was asking for an extension on his building permit. Council member Sylvester asked how long of an extension were they looking at. City Administrator Mike Rietz stated that the property maintenance committee would be meeting on Tuesday afternoon, and they could review this request at that time and report back at the June regular meeting.

Mr. DeLyle Fankhanel next approached the council stated that he had a letter from four years ago regarding a parking violation. Mr. Fankhanel stated that he had received another letter regarding two tires and rims. Police Chief Ernst stated that Mr. Fankhanel is in compliance at this time.

Mayor Prim asked if there were any other citizens present to be heard. There were none.

Mayor Prim stated the next item on the agenda was the 2013 annual audit report.

Mr. Tom Koop and Mary Reedy with Clifton LarsonAllen next discussed with council members the 2013 audit. Mr. Koop stated that their primary responsibility is to provide their opinion on the fairness of presentation of the financial statements. Mr. Koop stated that they found no unusual transactions. Mr. Koop stated that there were three material weaknesses: segregation of duties, audit adjustments and auditor drafts financial statements and notes. The only Minnesota legal compliance has seven areas, only one finding, that being the collateral coverage was not sufficient. Ms. Reedy stated that there were lower transfers into the general fund. This is favorable for the tax payers. The number of general fund day's expenditures in fund balance is 297. The State Auditor recommends no less than 5 months of operating expenditures for the general fund. Mr. Koop and Ms. Reedy went thru each fund and discussed any changes in the funds. Ms. Reedy stated that the audit report has been sent to the State Auditor's office. Mr. Koop stated that this was a positive audit. Mr. Koop stated that the staff does a good job; people are on top of their duties.

Mayor Prim asked if council members had any further questions for Mr. Koop or Ms. Reedy. There were no other questions asked about the 2013 audit.

Mayor Prim stated the next item on the agenda was the 2nd reading of Ordinance 2014-04.

Mr. Greg Palmer with Xcel Energy next approached the council and stated that they are still planning on going ahead with this project. They have a target date of October 1st, 2014. Mr. Mark Nisbet stated that they are looking at an aggressive working schedule. Xcel Energy is going thru the permit process now.

05-12-14-03 Motion by Mr. Davis and second by Mr. Sylvester to approve the 2nd reading of Ordinance 2014-04. Motion carried.

**CITY OF BARNESVILLE
ORDINANCE NO. 2014-04**

AN ORDINANCE TO CREATE AND ENACT SECTION 2-0202 OF THE REVISED BARNESVILLE CITY CODE OF 2013 RELATING TO NORTHERN STATES POWER COMPANY, A MINNESOTA CORPORATION, D/B/A XCEL ENERGY GAS FRANCHISE.

BE IT ORDAINED by the City Council of the City of Barnesville, as follows:

SECTION 1. Section 2-0202 of the Revised Barnesville City Code of 2013 is hereby created and enacted to read:

SEC. 2-0202. REGULATION OF NON-EXCLUSIVE GAS FRANCHISE. Northern States Power Company, a Minnesota corporation, shall be authorized to install, maintain, and use the necessary gas pipes, mains and appurtenances for the transmission or distribution of gas to the City and its inhabitants and others and transmitting gas into and through the City and to use the public grounds and public ways of the City for such purposes. Nothing in this Ordinance shall be deemed to prohibit the operation or maintenance of existing or future propane tanks or heating systems within the City of Barnesville.

Sub. 1. Short Title: This Ordinance shall be known and cited as the *CITY OF BARNESVILLE GAS FRANCHISE ORDINANCE*, hereinafter referred to as the "Ordinance".

present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The words "shall" and "will" are mandatory and "may" is permissive. Words not defined shall be given their common and ordinary meanings.

CITY:

the City of Barnesville, or any officer, official, employee, or agent thereof, the designee of any of the foregoing, or any successor thereto.

CITY UTILITY SYSTEM:

forms of energy.

COMMISSION: The Minnesota Public Utilities Commission, or any successor agency or agencies, including an agency of the federal government, which preempts all, or part of the authority to regulate Gas retail rates now vested in the Minnesota Public Utilities Commission.

COMPANY: Northern States Power Company, a Minnesota corporation

, d/b/a Xcel Energy, its successors and assigns.

GAS:

GAS FACILITIES: Pipes, mains, regulators, and other facilities owned or operated by Company for the purpose of providing gas service for public use.

GROSS

REVENUE: Means all revenue derived by the Company from the operation of the Gas Facilities in the franchise area to provide Gas, and from any future additions thereto and betterments thereof, including all income and receipts derived from rates, fees and charges for services, facilities, products and by-products of the Gas furnished or sold to the City and its inhabitants and all other customers. Gross Revenue does not include refundable deposits, bad debt, late fees, investment income, programming launch support payments, advertising sales commissions, nor any taxes, fees or assessments imposed or assessed by any governmental authority.

NOTICE: A written notice served by one party on the other party referencing one or more provisions of this Ordinance. Notice to Company shall be mailed to the General Counsel, 414 Nicollet Mall, 5th Floor, Minneapolis, MN 55401. Notice to the City shall be mailed to the City Administrator, P.O. Box 550, Barnesville, MN 56514. Either party may change its respective address for the purpose of this Ordinance by written notice to the other party.

PUBLIC

GROUND: Land owned by the City for park, open space or similar purpose, which is held for use in common by the public.

PUBLIC WAY: Any street, alley, walkway or other public right-of-way within the City.

Subd. 3. Adoption of Franchise.

for public and private use within and through the limits of the City as its boundaries now exist or as they may be extended in the future. For these purposes, Company may construct, operate, repair and maintain Gas Facilities in, on, over, under and across the Public Grounds and Public Ways of the City, subject to the provisions of this Ordinance. Company may do all reasonable things necessary or customary to accomplish these purposes, subject, however, to such reasonable regulations as may be imposed by the City pursuant to ordinance and to provisions of a separate franchise agreement.

by Council resolution, may revoke the franchise agreement if Company does not file a written acceptance with the City within 90 days after publication.

party of the default and the desired remedy. The notification must be written. Representatives of the parties must promptly meet and attempt in good faith to negotiate a resolution of the dispute. If the dispute is not resolved within 30 days of the written notice, the parties may jointly select a mediator to facilitate further discussion. The parties will equally share the fees and expenses of this mediator. If a mediator is not used or if the parties are unable to resolve the dispute within 30 days after first meeting with the selected mediator, either party may commence an action in District Court to interpret and enforce this franchise or for such other relief as may be permitted by law or equity for breach of contract, or either party may take any other action permitted by law.

Subd. 4. Location, Other Regulations.

operation of any City Utility System previously installed therein. Gas Facilities will be located on Public Grounds as determined by the City. Company's construction, reconstruction, operation, repair, maintenance and location of Gas Facilities will be subject to permits if required by separate ordinance and to other reasonable regulations of the City to the extent consistent with the terms of a separate franchise agreement. Company may abandon underground gas facilities in place. Upon request by the City, Company will remove abandoned metal pipe interfering with a City improvement project, but only to the extent such metal pipe is uncovered by excavation as part of the City's improvement project.

may impose a reasonable fee. Permit conditions imposed on Company will not be more burdensome than those imposed on other utilities for similar facilities or work. Company may, however, open and disturb any Public Ground or Public Way without permission from the City where an emergency exists requiring the immediate repair of Gas Facilities. In such event, Company shall notify the City by telephone to the office designated by the City as soon as practicable. Not later than the second working day thereafter, Company shall obtain any required permits and pay any required fees.

existed, and shall maintain any paved surface in good condition for two years thereafter. The work must be completed as promptly as weather permits, and if Company does not promptly perform and complete the work, remove all dirt, rubbish, equipment and materials, and put the Public Ground or Public Way in the said condition, the City has, after demand to Company to cure and the passage of a reasonable period of time following the demand, but not to exceed five days, the right to make the restoration at the expense of Company. Company shall pay to the City the cost of such work done for or performed by the City. This remedy will be in addition to any other remedy available to the City for noncompliance with this subsection D, but the City hereby waives any requirement for Company to post a construction performance bond, certificate of insurance, letter of credit or any other form of security or assurance that may be required, under a separate existing or future ordinance of the City, of a person or entity obtaining the City's permission to install, replace or maintain facilities in a Public Way.

improvement. The notice must contain (1) the nature and character of the improvements, (2) the Public Grounds and Public Ways upon which the improvements are to be made, (3) the extent of

the improvements, (4) the time when the City will start the work, and (5) if more than one Public Ground or Public Way is involved, the order in which the work is to proceed. The notice must be given to Company a sufficient length of time in advance of the actual commencement of the work to permit Company to make any necessary additions, alterations or repairs to its Gas Facilities.

Subd. 5. Relocations.

or reconstruct any City Utility System in any Public Way, it may order Company to relocate its Gas Facilities located therein if relocation is reasonably necessary to accomplish the City's proposed public improvement. Except as provided in subsection C, Company shall relocate its Gas Facilities at its own expense. The City shall give Company reasonable notice of plans to vacate for a City improvement project, or to grade, regrade, or change the line of any Public Way or to construct or reconstruct any City Utility System. If a relocation is ordered within five years of a prior relocation of the same Gas Facilities, which was made at Company expense, the City shall reimburse Company for Non-Betterment Costs on a time and material basis, provided that if a subsequent relocation is required because of the extension of a City Utility System to a previously unserved area, Company may be required to make the subsequent relocation at its expense. Nothing in this Ordinance requires Company to relocate, remove, replace or reconstruct at its own expense its Gas Facilities where such relocation, removal, replacement or reconstruction is solely for the convenience of the City and its not reasonably necessary for the construction or reconstruction of a Public Way or City Utility System or other City improvement.

have become or will become a substantial impairment to the existing or proposed public use of the Public Ground.

is financially subsidized in whole or in part by the Federal Government or any agency thereof, unless the reasonable non-betterment costs of such relocation are first paid to Company. The City is obligated to pay Company only for those portions of its relocation costs for which the City has received federal funding specifically allocated for relocation costs in the amount requested by the Company, which allocated funding the City shall specifically request. Relocation, removal or rearrangement of any Company Gas Facilities made necessary because of a federally-aided highway project will be governed by the provisions of Minnesota Statutes, Section 161.46, as supplemented or amended. It is understood that the rights herein granted to Company are valuable rights.

installations within a Company right-of-way acquired by easement or prescriptive right before the applicable Public Ground or Public Way was established, or Company's rights under state or county permit.

Subd. 6: Tree Trimming. Company is also granted the permission and authority to trim all shrubs and trees, including roots, in the Public Ways of the City to the extent Company finds necessary to avoid interference with the proper construction, operation, repair and maintenance of Gas Facilities, provided that Company shall save the City harmless from any liability in the premises.

Subd. 7. Indemnification.

A. Indemnity of City. Company shall indemnify, keep and hold the City free and harmless from any and all liability on account of injury to persons or damage to property occasioned by the construction, maintenance, repair, inspection, the issuance of permits, or the operation of the Gas Facilities located in the Public Grounds and Public Ways. The City will not be indemnified for losses or claims occasioned through its own negligence except for losses or claims arising out of or alleging the City's negligence as to the issuance of permits for, or inspection of, Company's plans or work. The City will not be indemnified if the injury or damage results from the performance in a proper manner of acts reasonably deemed hazardous by Company, and such performance is nevertheless ordered or directed by the City after notice of Company's determination.

B. Defense of City. In the event a suit is brought against the City under circumstances where this agreement to indemnify applies, Company at its sole cost and expense shall defend the City in such suit if written notice thereof is promptly given to Company within a period wherein Company is not prejudiced by lack of such notice. If Company is required to indemnify and defend, it will thereafter have control of such litigation, but Company may not settle such litigation without the consent of the City, which consent shall not be unreasonably withheld. This subsection is not, as to third parties, a waiver of any defense or immunity otherwise available to the City, and Company, in defending any action on behalf of the City, shall be entitled to assert in any action every defense or immunity that the City could assert in its own behalf.

Subd. 8. Vacation of Public Ways. The City shall give Company at least two weeks prior written notice of a proposed vacation of a Public Way. Except where required for a City improvement project, the vacation of any Public Way, after the installation of Gas Facilities, shall not operate to deprive Company of its rights to operate and maintain such Gas Facilities, until the reasonable cost of relocating the same and the loss and expense resulting from such relocation are first paid to Company. In no case, however, shall City be liable to Company for failure to specifically preserve a right-of-way under Minnesota Statutes, Section 160.29.

Subd. 9. Change in Form of Government. Any change in the form of government of the City will not affect the validity of this Ordinance. Any governmental unit succeeding the City shall, without the consent of Company, succeed to all of the rights and obligations of the City provided in this Ordinance.

Sub. 10. Franchise Fee.

A. Fee. Company shall pay an annual Franchise Fee, of five percent (5%) of Company's Gross Revenues.

B. Collection of the Fee. The franchise fee will be payable quarterly. The payment will be due the last business day of the month following the period for which the payment is made. The franchise fee may be changed by ordinance from time to time; however, each change must meet the same notice requirements and not occur more often than annually. No franchise fee will be payable by Company if Company is legally unable to first collect an amount equal to the franchise fee from its customers for gas service. Company may pay the City

the fee based upon the surcharge billed subject to subsequent reductions to account for uncollectibles, refunds and correction of erroneous billings. Company agrees to make its records available for inspection by the City at reasonable times provided that the City and its designated representative agree in writing not to disclose any information which would indicate the amount paid by an identifiable customer or customers or any other information regarding identified customers. The City and the Company shall enter into an agreement prior to Company commencing operation of the gas facilities.

Subd. 11. Provisions of Ordinance.

A. Severability. Every section, provision, or part of this Ordinance is declared separate from every other section or part, and if any section, provision, or part shall be held invalid, it shall not affect any other section, provision, or part. Where a provision of any other City ordinance conflicts with the provisions of this Ordinance, the provisions of this Ordinance will prevail.

Subd. 12. Amendment Procedure. This Ordinance may be amended at any time by the City passing a subsequent ordinance declaring the provisions of the amendment, which amendatory ordinance shall become effective upon the filing of Company's written consent thereto with the City Clerk within 90 days after the date of final passage by the City of the amendatory ordinance.

Subd. 13. Previous Franchises Superseded. This franchise supersedes any pervious Gas franchise granted to Company or its predecessor.

SECTION 2. This ordinance shall take effect upon publication in accordance with the Barnesville City Charter.

PASSED by the City Council of the City of Barnesville this 12th day of May, 2014.

APPROVED BY:

Eugene Prim, Mayor

ATTEST:

Jeri Reep, City Clerk

First Consideration: April 30, 2014

Second Consideration: May 12, 2014

Date of Publication: May 19, 2014

Mayor Prim next asked Xcel Energy representatives to meet with council members at their regular scheduled meeting in June for an update on this project.

Mayor Prim stated the next item on the agenda was the summary ordinance 2014-04.

05-12-14-04 Motion by Mr. Davis and second by Mr. Sylvester to approve the summary ordinance 2014-04. Motion carried.

TITLE AND SUMMARY OF ORDINANCE NO. 2014-04

The following Ordinance is hereby published by title and summary:

1. Title of Ordinance:

An Ordinance to Create And Enact Section 2-0202 of the Revised Barnesville City Code of 2013 Relating to Northern States Power Company, a Minnesota Corporation, D/B/A Xcel Energy Gas Franchise.

2. Summary of Ordinance:

This establishes a non-exclusive franchise with Xcel Energy for 20 years and sets a franchise fee of 5% of gross revenues.

This Ordinance shall take effect upon publication in accordance with the Barnesville City Charter.

3. Availability of Ordinance:

A complete, printed copy of this Ordinance is available for inspection by any person during regular business hours in the office of the City Clerk, Barnesville City Hall, 102 Front Street North, Barnesville, Minnesota.

This Ordinance was passed by the City Council of the City of Barnesville on the 12th day of May, 2014.

APPROVED:

Eugene Prim, Mayor

ATTEST:

Jeri Reep, City Clerk

First Reading: April 30, 2014
Second Reading: May 12, 2014
Adopted: May 12, 2014
Published: May 19, 2014

Mayor Prim stated the next item on the agenda was the property assessment request from Jennifer Moen.

City Administrator Mike Rietz informed council members that Police, Fire and Ambulance portfolios are recommending to approve forgiveness of \$1,800.00 of the \$2,000.00 fine assessed to the property of Jennifer Moen, 702 8th Ave. SE.

Ms. Moen received a \$2,000.00 fine for violating the property maintenance code by having an unlicensed vehicle on her property. This fine was assessed in November 2013 to her property. Ms. Moen has come into compliance and the vehicle is gone.

05-12-14-05 Motion by Mr. Davis and second by Mr. Rick to approve forgiveness of \$1,800.00 fine assessed to the property of Jennifer Moen, 702 8th Ave. SE. Motion carried.

Mayor Prim stated the next item on the agenda was to approve the purchase of playground equipment for Holland Park.

City Administrator Mike Rietz informed council members that the Park Board has put together a plan to add playground equipment to Holland Park. Council member Strom stated that this is a good thing to do, and the information is in the packet.

05-12-14-06 Motion by Mr. Rick and second by Mrs. Strom to approve the purchase of \$35,387.00 in playground equipment from Dakota Fence for Holland Park as recommended by the Park Board. Motion carried.

Mayor Prim stated the next item on the agenda was the approval to resurfacing of the tennis courts.

City Administrator Mike Rietz stated that two quotes were received for the resurfacing of the tennis courts. The lowest quote was from Border States Paving for \$18,500.00. This will give the courts a new surface and cover the cracks. The colored coatings and lines will be put on the surface about a month after this asphalt has been installed at a cost of approximately \$6,164.00. This is a budgeted item.

05-12-14-07 Motion by Mr. Rick and second by Mrs. Strom to approve the resurfacing of the tennis courts by Border States Paving, Inc. in the amount of \$18,500.00 as recommended by the Park Board. Motion carried.

Mayor Prim stated the next item on the agenda was the variance request for Mel and April Quistorff.

City Administrator Mike Rietz informed council members that Mel and April Quistorff, 203 5th St. NW have requested a variance of 10 feet to the 25 foot front yard setback requirement in order to add on to their house. Prior to the Planning Commission meeting, Quistorff's agreed that it would be difficult to make the case that there was a sufficient hardship to warrant the granting of a variance. The City Council still needs to take action denying this request because under state law if the city does not take action within 60 days of receipt of the application, the request is deemed approved.

05-12-14-08 Motion by Mr. Sylvester and second by Mr. Rick to deny the application for a 10 foot variance to the 25 foot front yard setback as requested by Mel and April Quistorff at 203 5th Street NW as recommended by the Planning Commission. Motion carried.

Mayor Prim stated the next item on the agenda was the lease with Stoneridge Software.

City Administrator Mike Rietz stated that this is a lease with Stoneridge Software with calculation of the annual lease amount based on the total square footage to be subject to the lease and planned improvements will be handled based on the current estimates. Personnel and finance portfolio are recommending approval of this lease.

05-12-14-09 Motion by Mr. Sylvester and second by Mr. Davis to enter into a lease with Stoneridge Software for Old City Hall as outlined in the lease agreement. Mayor Prim questioned if there was a penalty for exiting early from the lease. Mayor Prim questioned how is the rent going to be paid. After discussion, Mr. Sylvester moved, second by Mr. Davis to withdraw their motion.

Mayor Prim stated the next item on the agenda was the report on the outcome of the Fiber to the Premise bond sale.

City Administrator Mike Rietz informed council members that the average interest rate, which does not include the cost of issuance, is 3.88%. City Attorney John Shockley is working on the closing documents and the City will get the proceeds on May 13th. The money will be transferred to Midwest Bank.

Mayor Prim stated the next item on the agenda was the 1st reading of ordinance 2014-5.

TEC Manager Guy Swenson stated the TEC Board decided to change the DSL speed once the fiber is in place. Mr. Swenson stated that the combo discount still needs to be addressed. Mr. Swenson stated the installation costs have changed from 12 months to 6 months.

05-12-14-10 Motion by Mr. Sylvester and second by Mr. Rick to approve the 1st reading of Ordinance 2014-05. Motion carried.

ORDINANCE 2014-05

AN ORDINANCE TO AMEND SECTION 2-0113 OF THE REVISED BARNESVILLE CITY CODE OF 2013

BE IT ORDAINED by the City Council of the City of Barnesville, as follows:

SECTION 1. Section 2-0113 of the Revised Barnesville City Code of 2013 is hereby modified and to read as follows:

SECTION 2-0113. ESTABLISHMENT OF CERTAIN TELEPHONE, CABLE TV, DSL, AND HIGH SPEED INTERNET SERVICE RATES MINIMUM REQUIREMENTS, AND ADOPTION OF TELECOMMUNICATIONS TARIFFS.

Section 1. Costs for DSL service

	MONTHLY COSTS		SPEEDS	
	<u>High Speed Internet/DSL</u>		Down speed	Up speed
1.	\$24.95	(Bronze)*	up to 128 kbps	up to 128 kbps
2.	\$36.95	(Silver)	up to 3 Megbps	up to 1 Megbps
2.	\$36.95	(Silver)	up to 6 Megbps	up to 1.5 Megbps
3.	\$52.95	(Gold)	up to 6 Megbps	up to 1 Megbps
3.	\$52.95	(Gold)	up to 10 Megbps	up to 2 Megbps
4.	\$69.95	(Platinum)	up to 10 Megbps	up to 1 Megbps
4.	\$69.95	(Platinum)	up to 20 Megbps	up to 2 Megbps
5.	\$109.95	(???)	up to 40 Megbps	up to 4 Megbps
6.	\$129.95	(???)	up to 50 Megbps	up to 5 Megbps
7.	\$259.95	(???)	up to 50 Megbps	up to 10 Megbps
8.	\$389.95	(???)	up to 100 Megbps	up to 20 Megbps

* New DSL customers only

Cost for additional Email accounts: \$ 2.00 per month

Cost for 2nd Static IP addresses \$10.00 per month

DSL “Combo” package

When DSL is purchased along with Barnesville Long Distance and Barnesville Cable TV service the customer will receive a monthly "Combo" discount on the cost of the DSL level as follows:

- \$5.00 per month discount for Bronze DSL service
- \$15.00 per month discount for Silver DSL service
- \$20.00 per month discount for Gold DSL service
- \$25.00 per month discount for Platinum DSL service.
- \$30.00 per month discount for (???,???,???,???) DSL service.

The DSL "Combo" package is available to business and residential customers.

DSL Installation charge: ~~\$250.00~~ \$185.00 non-recurring (DSL Installation charges will increase along with NECA increases follow the NECA Tariff as changes occur within the tariff)*-*

- DSL Installation charge may be waived.

Conditions for waiver: Customer agrees to maintain DSL service for a minimum period of ~~twelve~~ Six months. Customer will be billed DSL service installation charge should they fail to maintain DSL service for the twelve-month period. Service order charges are not waived.

Section 2. Equipment Provided by Customer

Network Interface Card (NIC)

Modem: Options

- 1) Customer can provide their own modem, or
- 2) Purchase a Modem/router from City Hall - \$140.00 (plus applicable taxes), or
- 3) Rent a Modem/router for \$4.95 per month.

SOFTWARE REQUIRED/RECOMMENDED

INTERNET BROWSER: Customer provided

FIREWALL: Software and electrical surge protector are responsibility of subscriber.

Section 3. Equipment provided for Customer

3 meter CAT 5 patch cord

Section 4. Cost for Dial-up Internet service - Dial-up Service will no longer be offered after February 18, 2010. Current Dial-up customers will continue to be supported and can remain on the system for as long as they choose, however, once a customer leaves Dial-up service they cannot get reconnected to Dial-up. (These customers will qualify for the Bronze DSL package)

All Dial-up rates will remain in effect until the last customer has chosen to disconnect from the Dial-up system.

All rates listed will apply equally to residential or business service.

- | | | | |
|----|---------------------|---------|--|
| 1. | 35 hours per month | \$9.95 | (20 cents per hour over 35 hours) |
| 2. | 100 hours per month | \$14.95 | (15 cents per hour over 100 hours) |
| 3. | Unlimited | \$19.95 | |
| 4. | Unlimited Package | \$14.95 | (when purchased with Barnesville Long Distance and Barnesville Cable TV service) |

Section 5. Equipment provided by Customer

Modem 56 kbps

Section 6. Billing

The monthly charge for Broadband and Dial up Internet service will be billed forward.

If service is disconnected, the billing for service will be ½ the monthly rate if disconnected on or before the 15th day of the present month. Service disconnected after the 15th day of the present month will be billed for the full month.

Section 7. Rate adjustments.

- 1) First time DSL customers receive a \$10.00 per month credit for 3 months with one year service agreement.
- 2) In support of Economic Development efforts and with Council approval, DSL monthly service charges may be reduced up to 50 percent for a time period no longer than 1 year.

Section 8 Transfers to General Fund

A. Operating Transfer Calculation.

1. The operating transfer to the City of Barnesville's General Fund is determined annually during the budget process. To meet the financial goals of the Broadband and Internet fund and provide a reasonable transfer to the General Fund to meet its revenue resource requirements. The transfer amount is calculated by multiplying the number of active DSL connections reported to the National Exchange Carrier Association (NECA) in December from the previous budget year by the transfer rate of \$157.74 per active DSL Connection. (Example: 2015 transfers would be based on the number of active DSL Connections reported to NECA in December 2013)
2. Additional transfers may be authorized by the City Council provided that an unplanned, or emergency, expenditure out of the general fund budget occurs and it is necessary to fund said expenditure out of

additional transfers from the utility provided that a majority vote of the City Council is required to authorize an additional transfer.

EFFECTIVE DATE: This ordinance shall take effect upon publication in accordance with the Barnesville City Charter.

PASSED by the City Council of the City of Barnesville this 9th day of June, 2014.

APPROVED BY:

Mayor

ATTEST:

City Clerk

First Consideration:	May 12, 2014
Second Consideration:	June 9, 2014
Date Adopted:	June 9, 2014
Date of Publication:	June 16, 2014

Mayor Prim stated the next item on the agenda was the cable channel update.

TEC Manager Guy Swenson provided council members with a updated list of the new channels on Cable TV.

05-12-14-11 Motion by Mr. Davis and second by Mr. Rick to adjourn the meeting at 8:24 p.m. Motion carried.

Submitted by:

Attest:

Jeri L. Reep
City Clerk

Eugene Prim
Mayor

