

Barnesville City Council
Regular Meeting
August 13, 2012

Mayor Dahnke called this regular meeting to order at 7:00 p.m. Members present were Mayor Dahnke and Council members Darin Allmaras, Betty Strom, Richard Sylvester, Cathy Enstad, Larry Davis, Jr. and Jason Rick. Others in attendance were, City Administrator Mike Rietz, City Clerk Jeri Reep, EDA Director Karen Lauer, Finance Director Laurie Schell, Police Chief Dean Ernst, Brandon Anderson with People Service, TEC Manager Guy Swenson, Public Works Supt. Terry Ystenes, Dan Hanson with Moore Engineering, Ambulance Manager Jon Yeske, Michaela Kemp, Del Ellefson and Pam Aakre with the Record Review.

Mayor Dahnke called the meeting to order at 7:00 p.m.

Mayor Dahnke 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 Dahnke next asked if there were any corrections or additions to the agenda. City Administrator Mike Rietz stated there were two additions: approval to hire Jason Thompson as a volunteer EMT and discussion of the roll off compost bin at the Recycling Center.

08-13-12-01 Motion by Sylvester and second by Mrs. Strom to approve the agenda with the following additions: approval to hire Jason Thompson as a volunteer EMT and discussion of the roll off compost bin at the Recycling Center. Motion carried.

08-13-12-02 Motion by Mr. Sylvester and second by Mr. Allmaras to approve the consent agenda. Motion carried. The following items were on the consent agenda.

1. Approval of the minutes of the regular meeting held on July 9, 2012
2. Approval of the department head reports.
3. Approval of check numbers 73735 – 73957 in the amount of \$657,096.74 and EFT payments in the amount of \$154,461.33.
4. Approval of the Barnesville VFW Post 4628 liquor license request for Potato Days.
5. Approval of Ratzos Pool Hall liquor license request for Potato Days.
6. Approval of lot split request for Brent Berg, 620 5th Ave. NW.
7. Approval to hire Tom Kempel for part-time Recycling Center attendant at \$8.70 per hour.
8. Authorize TEC Manager Guy Swenson to get pricing and proceed with tree trimming, not to exceed \$10,000.00.
9. Approval to hire Brad Hersch as a volunteer EMT.

10. Approval to ratify the deferred stormwater assessment to K & M Tire in the amount of \$11,371.43.

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

Mayor Dahnke stated that the fire department ordered a new 6 x 6 ATV.

Council member Sylvester informed council that the Community Education had no quorum at their meeting.

08-13-12-03 Motion by Mr. Davis and second by Mr. Sylvester to approve the board and commission reports. Motion carried.

Mayor Dahnke stated the next item on the agenda was the 1st reading of Ordinance 2012-10.

City Administrator Mike Rietz informed council that two sections of the current code prohibit the cannon as it was used at the football games last year. There are certain ordinances where the enforcement occurs once there is a complaint. There was a formal complaint at the end of the season last year and there was an agreement reached with that person to make some modifications and allow it to continue through the rest of the season. The proposed ordinance creates an exception that puts a limit on the decibel level at 125 decibels at 25 feet and limits the use of the cannon to touchdowns and the end of the game during Barnesville High School football games. This ordinance is recommended by the Liquor, Ordinances and Buildings committee.

08-13-12-04 Motion by Mr. Davis and second by Mrs. Enstad to approve the 1st reading of Ordinance 2012-10. Council member Sylvester stated that a resident of his ward is against the cannon going off during the football games. Mr. Del Ellefson stated that the wind, humidity are all taken into consideration of the firing of the cannon. The following voted aye: Council members Rick, Strom, Davis, Sylvester, and Enstad. The following voted nay: Council member Allmaras. Motion carried.

ORDINANCE NO. 2012-10

AN ORDINANCE TO AMEND AND REENACT SECTIONS 10.31 AND 10.43 OF THE BARNESVILLE CITY CODE RELATING TO DANGEROUS WEAPONS AND ARTICLES AND DISORDERLY CONDUCT.

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

Sections 10.31 subd. 4 and 10.43 subd. 1 of the Barnesville City Code is hereby amended and reenacted to read as follows:

SEC. 10.31 DANGEROUS WEAPONS AND ARTICLES

Subd. 3. Discharge of Firearms, Explosives, or Other Dangerous Weapons. It is unlawful for any person to fire or discharge, or otherwise release or trigger within the City limits, any cannon, gun, pistol or other firearm, firecracker, rocket or other

fireworks, slingshot, blow gun, air gun, air rifle, or other similar device commonly referred to as a B-B gun, or bow equipped with anything other than a blunt target arrow unless it is discharged at a firing range which has been approved in advance by the Chief of Police.

Subd. 4. Exception. Nothing in Subdivision 3 of this Section shall apply to a display of fireworks by an organization, or group of organizations, authorized in writing by the Council, or to a peace officer in the discharge of his/her duty, or to a person in the lawful defense of his/her person or family, or to a person or his/her person's designee, annually authorized in writing by the Council to discharge an unloaded cannon, with the sound limited to 125 decibels at 25 feet, during Barnesville High School football games after a touchdown by the Barnesville High School football team during those games and at the end of the game. The cannon must be aimed in the direction of the football field.

SEC. 10.43. DISORDERLY CONDUCT - NOISE CONTROL REGULATIONS.

Subd. 1. Unlawful to Make Loud or Unnecessary Noises: It shall be unlawful for any person to make, or cause to be made, any loud, unnecessary or unusual noise which either annoys, disturbs, or affects the comfort, repose, health, or peace of others, with the exception of a person, or his/her designee, annually authorized in writing by the Council to discharge an unloaded cannon, with the sound limited to 125 decibels at 25 feet, during Barnesville High School football games after a touchdown by the Barnesville High School football team during those games and at the end of the game. The cannon must be aimed in the direction of the football field.

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 ____ day of _____, 2012.

APPROVED BY:

Mayor

ATTEST:

City Clerk

First Reading: August 13, 2012
Second Reading: August 20, 2012
Approved: August 20, 2012
Date of Publication: August 27, 2012

Mayor Dahnke stated that there will be a special meeting Monday, August 20, 2012 at 7:00 p.m. to have the 2nd Reading of Ordinance 2012-10.

City Attorney John Shockley arrived at 7:27 p.m.

Mayor Dahnke stated the next item on the agenda was the Community Fund donation request.

Mrs. Shelly Dunham next approached the council and thanked the City of Barnesville for their donations in the past. The Community Fund looks to the City for a major donator. Since 1990, \$799,756.00 has been given back to the Barnesville area. September the Community Fund will kick off with a new pledge drive. The Community Fund is asking for a \$15,000.00 donation per year for four years from the city. Mayor Dahnke stated that the Community Fund request will be discussed at the next Personnel & Finance committee meeting.

Mayor Dahnke stated the next item on the agenda was the resolution awarding of bids for the Commercial Park expansion.

City Administrator Mike Rietz informed council that on August 7th, sealed bids were opened for the Commercial Park Expansion District No. 1 project. Seven bids were opened with bids ranging from \$196,148.00 to \$297,232.45. The lowest responsible bid was from Sellin Brothers in the amount of \$196,148.00.

08-13-12-05 Motion by Mr. Rick and second by Mr. Allmaras to approve the following resolution. Upon a roll call vote, the following members voted aye: Council members Rick, Allmaras, Strom, Davis, Sylvester and Enstad. The following voted nay: none. Motion carried.

**CITY OF BARNESVILLE
COUNTY OF CLAY, MINNESOTA**

RESOLUTION NO. 08-14-12-05

Resolution Accepting Bids

WHEREAS, pursuant to an advertisement for bids for Barnesville Commercial Park Expansion District No. 1, the improvement of the Commercial Park Expansion Area, including 4th Ave. NE from the point of its current termination to a point approximately 545 feet to the east, and including a storm water retention pond in the NW corner of the expansion area by extension of sanitary sewer, sewer and water services, street and curb and gutter and installation of a storm water retention pond, bids were received, opened and tabulated according to the law, and the following bids were received complying with the advertisement:

Hough Inc. of Detroit Lakes	\$203,380
Sellin Brothers, Inc.	\$196,148
Kuechle Underground, Inc.	\$217,621
R.L. Larson Excavating, Inc.	\$227,503
Quam Construction Company, Inc.	\$252,627.30
Key Contracting, Inc.	\$298,182.45
Johnson Excavation	\$214,142.15

AND WHEREAS, it appears that Sellin Brothers of Hawley, MN is the lowest responsible bidder,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BARNESVILLE, MINNESOTA:

1. The Mayor and Clerk are hereby authorized and directed to enter into a contract with Sellin Brothers, Inc. of Hawley in the name of the City of Barnesville for the improvement of the Commercial Park Expansion Area, including 4th Ave. NE from the point of its current termination to a point approximately 545 feet to the east, and including a storm water retention pond in the NW corner of the expansion area by extension of sanitary sewer, sewer and water services, street and curb and gutter and installation of a storm water retention pond according to the plans and specifications therefore approved by the City Council and on file in the office of the City Clerk.
2. The city clerk or her designee is hereby authorized and directed to return forthwith to all bidders the deposits made with their bids, except that the deposits of the successful bidder and the next lowest bidder shall be retained until a contract has been signed.

Adopted by the Council the 13th day of August, 2012.

Fred Dahnke
Mayor

Jeri Reep
City Clerk

Mayor Dahnke stated the next item on the agenda was the 2nd reading of Ordinance 2012-07, an ordinance on dangerous dog bond requirement.

City Administrator Mike Rietz stated this ordinance is increasing the amount required for the surety bond.

08-13-12-06 Motion by Mr. Davis and second by Mr. Allmaras to approve the 2nd reading of Ordinance 2012-07. Motion carried.

**CITY OF BARNESVILLE
ORDINANCE NO. 2012-07**

**AN ORDINANCE AMENDING CHAPTER 10, SEC 10.02, SUBD. 7(B)(2) OF THE
MUNICIPAL CODE REGARDING THE AMOUNT OF INSURANCE OR
SURETY BOND REQUIRED BY AN OWNER OF A DANGEROUS DOG.**

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

CHAPTER 10, SECTION 10.02, Subd. 7(B)(2) amended to read as follows:

Subd 7 Dangerous Dogs:

2. A surety bond issued by a surety company authorized to conduct business in the State of Minnesota in a form acceptable to the City in the sum of at least ~~\$50,000~~ \$300,000, payable to any person injured by the dangerous dog, or a policy of liability insurance issued by an insurance company authorized to conduct business in the State of Minnesota in the amount of at least ~~\$50,000~~ \$300,000, insuring the owner for any personal injuries inflicted by the dangerous dog.

PASSED AND ADOPTED by the Barnesville City Council this 13th day of August, 2012.

APPROVED:

Fred Dahnke, Mayor

Attest:

Jeri Reep
City Clerk

First Reading: July 9, 2012
Second Reading: August 13, 2012
Adopted: August 13, 2012
Publication: August 20, 2012

Mayor Dahnke stated the next item on the agenda was the 2nd reading of Ordinance 2012-08, an electric motor starter update.

08-13-12-07 Motion by Mr. Davis and second by Mrs. Enstad to approve the 2nd reading of Ordinance 2012-08. Motion carried.

ORDINANCE 2012-08

AN ORDINANCE TO ESTABLISH ELECTRIC RATES AND CHARGES FOR RESIDENTIAL AND COMMERCIAL ELECTRIC SERVICES.

The City Council of the City of Barnesville does hereby ordain as follows:

WHEREAS, the City Council did previously Ordinance No. 2010-8 an ordinance to establish charges and,

WHEREAS, the Telephone/Electric/Cable TV (T.E.C.) Advisory Board for the City of Barnesville has recommended the following rates and charges for residential and commercial electric services;

NOW, THEREFORE, Ordinance No. , 2010-8 is hereby replaced as follows

MUNICIPAL AND PUBLIC UTILITIES - RULES AND REGULATIONS, RATES, CHARGES AND COLLECTIONS

Section 1. Code Requirement.

All wiring, connections and appurtenances shall be installed and performed strictly in accordance with the National Electrical Code. Failure to install or maintain the same in accordance therewith or failure to have or permit required inspections shall, upon discovery by the City, be an additional ground for termination of electrical service to any consumer.

Section 2. Services.

New or changed service installations shall be made at the expense of the consumer, placed underground where designated by the City (refers to the exact buried location and whether the service should go to the transformer or closest pedestal), and the meter location shall also be designated by the City (refers to mounting the meter inside or outside of the building, on the building or at the transformer). Overhead service installations may be permitted by the City

- A. Temporarily during new construction;
- B. Temporarily during an emergency to prevent danger to persons or property;
- C. For a period of not more than seven months when soil conditions make excavation for underground service impractical; or
- D. Where to require underground service, the consumer has shown that such requirement is unduly burdensome.

Section 3. Electrical Installations.

All electrical installations shall comply with the following, where applicable:

- A. ~~Motors of 20 HP or more must have line compensators on same.~~ ” ***Soft starts may be required (as determined by the city’s electrical engineer) for 20 to 30 HP motors and are required for motors larger than 30 hp***”
Provided, however, that ~~The~~ City may, at its option, make an exception if the total connected motor load required is smaller than the consumer connected load, and the motor starting current is less than the current corresponding to the consumer's total connected load.
- B. Any establishment having a total motor load of 125 HP or more is required to have 440 volts for its motor load.
- C. All motor installations of less than 5 HP shall be supplied with 240 volt single phase energy except: (1) motors of 1/2 HP or smaller may be 120 volt; or (2) three phase motors of 3 HP or more may be served from existing secondary power circuits where only service wires and meters are required.
- D. The City shall make an installation charge for extraordinary expenses required by a consumer.

Section 4. Replacing or Converting to Underground.

- A. Converting to Underground. The City may, at its option and at its expense, convert any present service where no change is otherwise required by the consumer, from overhead to underground. Where this is

done, the City shall only cover and refill the trench and other ditching maintenance or repair, and all subsequent changing and repairing of the service shall be the obligation of the consumer.

- B. Replacing. Nothing herein shall prevent the City from replacing an overhead service with the same type.
- C. Meters and Placement Service. Placement of services and meters shall be determined by the City.

Section 5 Installation of Electric By-Pass Switches

A. RESIDENTIAL:

1. New Housing

All metered electric services will be equipped with an ELECTRIC BY-PASS SWITCH.

2. Existing Housing

When the existing metered electric service is upgraded or replaced an ELECTRIC BY-PASS SWITCH will be installed.

B. INDUSTRIAL/COMMERCIAL:

1. New Buildings

All metered electric services will be equipped with an ELECTRIC BY-PASS SWITCH.

2. Existing Buildings

When the existing metered electric service is upgraded or replaced an ELECTRIC BY-PASS SWITCH will be installed.

C. FAILURE TO COMPLY:

In the event a contractor, home owner or building owner fails to comply with this ordinance an electric meter will not be installed and the electric service cables will not be connected to the Barnesville Municipal Power distribution system.

Section 6. Reconnection / Service Charges

Reconnection services will occur only during regular business hours, 7:30 a.m. through 4:30 p.m., Monday through Friday, except for Holidays, providing:

- A. Current bill, penalties service order charge and reconnect fee of \$100.00 are paid in full; however, should the customer request reconnection outside of the above mentioned regular business hours or on holidays, the reconnect fee shall be \$200.00.

- B. Formal payback agreement is established within the city utilities which shall include the reconnect fee whether it is \$100.00 or \$200.00.
- 1. Failure of the customer to adhere to the payment plan as established by the Barnesville Utilities shall result in immediate disconnection of service.
- C. Relocates: Relocating an established electric service from one location to another. \$19.95 Administrative fee applies.

Section 7 Electric Heating System Regulations

A. VIOLATION A MISDEMEANOR.

Every person whom violates a section, subdivision, paragraph or provision of this Chapter when he/she performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

Section 8 Electric Rate Schedules

A. RATE SCHEDULE #1:

GENERAL SINGLE PHASE service Residential: (RL1 & AR1)(HP-2 & HP-4 Summer Rate)

	Current
Base Charge	\$13.00
Energy Charge	\$.0935 per kwh

Available to all residential customers.

B. RATE SCHEDULE #2:

GENERAL SINGLE PHASE service Commercial: (RC1 & DI1)

	Current
Base Charge	\$16.00
Energy Charge	\$.0975 per kwh

Available to commercial customers for single phase service

C. RATE SCHEDULE #3

GENERAL THREE PHASE SERVICE: (GS6 & DI9)

	Current
Base Charge	\$22.00
Energy Charge	\$.0975 per kwh

Available to all customers for three phase service with a calculated demand of 20 KW or less

D. RATE SCHEDULE #4

LARGE POWER THREE PHASE SERVICE (LP1 & DI1)

	Current
Base Charge	\$36.00
Demand Charge	
All kw	\$10.30 /kw
Energy Charge	
All kwh	\$.054 per kwh

Available to all customers for three phase service with a calculated demand over 20 KW. Billing demand to be the maximum measured during any 15 minute interval during the billing period.

E. RATE SCHEDULE #6

SECURITY LIGHTS: (YL1)

	Current
Charge per light	\$12.25 per month

Available to all customers for un-metered lights, 200 watts or less, owned, installed and maintained by the City.

SECURITY FLOOD LIGHTS: (YL2)

	Current
Charge per light	\$24.50per month

Available to all commercial customers for un-metered lights, 200 watts or greater, owned, installed and maintained by the City.

F. DEFINITION OF TERMS:

1. Residential Customers: any electric service which includes the primary residence of any person or people.
2. Commercial Customers: any electric service which does not include the primary RESIDENCE of any person or people.
3. Base Charge: Applies to all services where a meter is required to measure energy or demand usage. The base charge does not apply to

those meters installed where the only purpose is to measure energy utilized by dual fuel or off peak heating sources.

G. CHARGE TO DELIVER DISCONNECT NOTICES

1. A charge of \$25.00 will be applied to utility accounts when in the process of collecting past due charges for electricity it is necessary to hand carry and post a disconnect notice at the customer premise.
2. This charge will be waived one time per customer account.
3. This charge does not apply to notices delivered by mail.

Section 9 Electric Rate Incentives

A Dual Fuel Services (OP-1 & OP-2) (HP-1 & HP3 Winter Rate)
Current
Dual Fuel Service Rate: \$.046/kwh

This rate is available to all customers with a dual fuel heating system (Including Heat Pumps) controlled by the city's load management system. To qualify:

1. A heating system must use electricity as its primary source of heat; and
2. The secondary source of heat must be fossil fuel, thermostatically controlled and capable of heating the structure to 68 degrees and maintaining that temperature; and
3. The dual fuel load shall be metered separately. Metering may be subtractive or direct metered
4. The customer must make a five year commitment to the program.
5. Tampering with, bypassing or in any way rendering the electric heat control inoperative will result in the immediate and permanent loss of the dual fuel rate, and, at council discretion, may result in criminal charges for theft of services.
6. Failure to fulfill the 5 year commitment will result in the immediate and permanent loss of the dual fuel rate.

B. Dual Fuel Incentive for Existing Buildings

An incentive will be offered for all customers converting to a dual fuel system.

A \$300.00 incentive will be paid to all customers that convert from an all electric heated home to a qualified dual fuel heating system. (ref section 9,A,1 - 5).

A \$100.00 incentive will be paid to all customers that that convert from a fossil fuel heating system to a qualified dual fuel heating system. (ref section 9,A,1 - 5).

C. Dual Fuel Incentive for New Construction

A \$200.00 one-time payment will be made to the general contractor.

D. Financing for Dual Fuel Installations

All new approved dual fuel heating installations are eligible for a 5 year, 6% annual interest loan of up to \$2,000.00. This loan will be paid back in equal monthly installments on the customer's utility bill. Loans for commercial customers will require prior approval by the T.E.C. Advisory Board or the City Council.

E. Off Peak Services

	Current
Off Peak Service Rate:	\$.046/kwh

This rate is available for electric thermal storage (ETS) space heaters, under concrete slab electric heating systems and electric heated liquid filled under concrete slab heating systems. Off Peak Services must be metered separately and controlled by the city's load management system. Central Air-conditioners and water heaters do not qualify for the off peak rate, Ref paragraph F for water heater incentives and paragraph G for Central Air-conditioner incentives.

F. Water Heater Incentive Program

All electric water heaters are required to be connected to / and controlled by the city's load management system.

All customers shall be eligible for a rebate of \$2.00 per gallon for the installation of a new electric water heater with a storage capacity of at least 50 gallons. This rebate increases to \$3.00 per gallon for new water

heaters with a minimum storage capacity of 80 gallons. The rebate shall be credited on the customer's utility bill as soon as the following are provided. Demand water heaters without storage do not qualify for this rebate.

1. Proof of purchase and installation of a qualifying water heater; and
2. Verification by electric utility personnel that the load controls have been installed and properly wired.
3. Tampering with, bypassing or in any way rendering the water heater control inoperative will result in the immediate loss of the water heater rebate. The customer will be responsible for all costs associated with the replacement and reconnection of the load controller including the cost of the replacement controller, any administrative fees, and, at council discretion, may result in criminal charges for destruction of property.

This incentive is limited to one rebate per address during any 5-year period. : (Water heater incentive subject to budget availability).

G. Central Air Conditioning Incentive Program

A \$3.00 per month credit is available to all customers that allow their central air-conditioner to be controlled by the city's load management system. This credit is available for the months of June through September. Qualifications for this rebate are;

1. Customer must have a central air-conditioning system such as a ducted or hi-velocity system. Window units and ductless mini split systems are not eligible.
2. Air-source heat pumps and geothermal heat pumps qualify if they are controlled by the city's load management system and are not receiving the dual fuel rate.

H. Distributed Generation Interconnection for Co-generation and Small Power Production.

1. The Distributed Generation Workbook is part of this ordinance and requires that;
2. All "Qualifying Facilities" must comply with the Distributed Generation Workbook. The Distributed Generation Workbook is available at City Hall.

3. All “Qualifying Facilities” must maintain insurance and submit proof of insurance certificates to City Hall annually.
4. All “Qualifying Facilities” will be charged an Application Fee of \$50.00 for a small Qualifying Facility and a \$250.00 to \$1,500.00 Application Fee for a large Qualifying Facility based on interconnection type and load (kw) size as detailed in the Generation Interconnection Application Fees in Section 9, Page 10 of the Distributed Generation Workbook.
5. Any changes to the generation or interconnection of a Qualifying Facility must be submitted to City Hall in writing 60 days before the proposed changes are to take effect.

EFFECTIVE DATE: This ordinance shall become effective upon its passage and enactment, followed by publication according to law.

PASSED AND ADOPTED by the Barnesville City Council this 13th day of August, 2012.

APPROVED:

Fred Dahnke, Mayor

ATTEST:

Jeri Reep
City Clerk

First Reading: July 9, 2012
Second Reading: August 13, 2012
Adopted: August 13, 2012
Publication: August 20, 2012

Mayor Dahnke stated the next item on the agenda was the approval of the Summary Ordinance 2012-08.

08-13-12-08 Motion by Mr. Davis and second by Mrs. Enstad to approve the Summary Ordinance 2012-08. Motion carried.

SUMMARY ORDINANCE 2012-08

AN ORDINANCE TO ESTABLISH ELECTRIC RATES AND CHARGES FOR RESIDENTIAL AND COMMERCIAL ELECTRIC SERVICES.

The City Council of the City of Barnesville does hereby ordain as follows:

WHEREAS, the City Council did previously Ordinance No. 2010-8 an ordinance to establish charges and,

WHEREAS, the Telephone/Electric/Cable TV (T.E.C.) Advisory Board for the City of Barnesville has recommended the following rates and charges for residential and commercial electric services;

NOW, THEREFORE, Ordinance No. , 2010-8 is hereby replaced as follows

MUNICIPAL AND PUBLIC UTILITIES - RULES AND REGULATIONS, RATES, CHARGES AND COLLECTIONS

Section 3. Electrical Installations.

All electrical installations shall comply with the following, where applicable:

- A. ~~Motors of 20 HP or more must have line compensators on same.~~ ” *Soft starts may be required (as determined by the city’s electrical engineer) for 20 to 30 HP motors and are required for motors larger than 30 hp*” ~~Provided, however, that~~ ~~The City may, at its option, make an exception if the total connected motor load required is smaller than the consumer connected load, and the motor starting current is less than the current corresponding to the consumer's total connected load.~~

EFFECTIVE DATE: This ordinance shall become effective upon its passage and enactment, followed by publication according to law.

PASSED AND ADOPTED by the Barnesville City Council this 13th day of August, 2012.

APPROVED:

Fred Dahnke, Mayor

ATTEST:

Jeri Reep

City Clerk

First Reading: July 9, 2012
Second Reading: August 13, 2012
Adopted: August 13, 2012
Publication: August 20, 2012

Mayor Dahnke stated the next item on the agenda was the 2nd reading of Ordinance 2012-09, a ordinance on DSL package combo discounts change.

TEC Manager Guy Swenson informed council members that this ordinance will offer DSL combo discounts.

08-13-12-09 Motion by Mr. Allmaras and second by Mrs. Strom to approve the 2nd reading of Ordinance 2012-09. Motion carried.

ORDINANCE 2012-09

AN ORDINANCE TO ESTABLISH THE RATES AND CHARGES FOR BROADBAND AND INTERNET SERVICE.

The City Council of the City of Barnesville does hereby ordain as follows:

WHEREAS, the City Council did previously enact Ordinance No. 2010-04 an ordinance to establish charges for broadband and internet service.

WHEREAS, DSL service is a service regulated by National Exchange Carrier Association (NECA) and the City of Barnesville doing business as Barnesville Municipal Telephone is a member of NECA and,

WHEREAS, NECA has filed the appropriate tariffs with the Federal Communications Commission which establish wholesale charges for DSL services and,

WHEREAS, the Telephone/Electric/Cable TV (T.E.C.) Advisory Board for the City of Barnesville has recommended the following rates and charges for DSL and Dial-up Internet service provided to customers by the Broadband and Internet Enterprise.

NOW THEREFORE, Ordinance No. 2010-04 is hereby replaced as follows:

Section 1. Costs for DSL service

MONTHLY COSTS

SPEEDS

	Internet/DSL		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				
3.	\$52.95	(Gold)	up to 6 Megbps	up to 1
Megbps				
4.	\$69.95	(Platinum)	up to 10 Megbps	up to 1
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

~~\$5.00~~ **\$10.00** per month discount for Silver DSL service

~~\$10.00~~ **\$15.00** per month discount for Gold DSL service

~~\$15.00~~ **\$20.00** per month discount for Platinum DSL service.

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

DSL Installation charge: \$250.00 non-recurring (DSL Installation charges will increase along with NECA increases)*-*

- DSL Installation charge may be waived.

Conditions for waiver: Customer agrees to maintain DSL service for a minimum period

of twelve 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 hours)	\$9.95	(20 cents per hour over 35
2.	100 hours per month hours)	\$14.95	(15 cents per hour over 100
3.	Unlimited	\$19.95	
4.	Unlimited Package Barnesville	\$14.95	(when purchased with 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.

EFFECTIVE DATE: This ordinance shall become effective upon its passage and enactment, followed by publication according to law.

PASSED AND ADOPTED by the Barnesville City Council this 13th day of August, 2012.

APPROVED:

Fred Dahnke, Mayor

ATTEST:

Jeri Reep
City Clerk

First Reading: July 9, 2012
Second Reading: August 13, 2012
Adopted: August 13, 2012
Publication: August 20, 2012

Mayor Dahnke stated the next item on the agenda was the approval of the Summary Ordinance 2012-09.

08-13-12-10 Motion by Mrs. Strom and second by Mr. Rick to approve the Summary Ordinance 2012-09. Motion carried.

SUMMARY ORDINANCE 2012-09

AN ORDINANCE TO ESTABLISH THE RATES AND CHARGES FOR BROADBAND AND INTERNET SERVICE.

The City Council of the City of Barnesville does hereby ordain as follows:

WHEREAS, the City Council did previously enact Ordinance No. 2010-04 an ordinance to establish charges for broadband and internet service.

WHEREAS, DSL service is a service regulated by National Exchange Carrier Association (NECA) and the City of Barnesville doing business as Barnesville Municipal Telephone is a member of NECA and,

WHEREAS, NECA has filed the appropriate tariffs with the Federal Communications Commission which establish wholesale charges for DSL services and,

WHEREAS, the Telephone/Electric/Cable TV (T.E.C.) Advisory Board for the City of Barnesville has recommended the following rates and charges for DSL and Dial-up Internet service provided to customers by the Broadband and Internet Enterprise.

NOW THEREFORE, Ordinance No. 2010-04 is hereby replaced as follows:

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

~~\$5.00~~ **\$10.00** per month discount for Silver DSL service

~~\$10.00~~ **\$15.00** per month discount for Gold DSL service

~~\$15.00~~ **\$20.00** per month discount for Platinum DSL service.

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

EFFECTIVE DATE: This ordinance shall become effective upon its passage and enactment, followed by publication according to law.

PASSED AND ADOPTED by the Barnesville City Council this 13th day of August, 2012.

APPROVED:

Fred Dahnke, Mayor

ATTEST:

Jeri Reep
City Clerk

First Reading: July 9, 2012
Second Reading: August 13, 2012
Adopted: August 13, 2012
Publication: August 20, 2012

Mayor Dahnke stated the next item on the agenda was the amendment to Infrastructure sharing master agreement with Centurylink.

TEC Manager Guy Swenson stated that this agreement has been a long standing agreement. City Attorney John Shockley has reviewed the amendment language and does not see any problems with it.

08-13-12-11 Motion by Mrs. Enstad and second by Mrs. Strom to authorize TEC Manager Guy Swenson to sign the Amendment to Infrastructure Sharing Master Services Agreement with Centurylink. Motion carried.

Mayor Dahnke stated the next item on the agenda was the discussion of the roll off bin.

Public Works Supt. Terry Ystenes informed council members that the roll off bin used for grass clippings is in need of repair. The cost to replace the roll off is \$9,000.00. Mr. Ystenes stated that most citizens bring their leaves and grass clippings to the public works shop composting site. The cost for Fuchs Sanitation to haul away the roll off is approximately \$2,500.00 - \$3,000.00 per year. Staff recommendation is to remove the roll off bin at the Recycling Center.

08-13-12-12 Motion by Mr. Davis and second by Mr. Rick to remove the roll off composting bin at the Recycling Center as of August 31, 2012. Motion carried.

Mayor Dahnke stated the next item on the agenda was the resolution for the Interfund Loan for TIF 1-5.

City Administrator Mike Rietz informed council that in reviewing the TIF 1-5 in preparation for the public hearing in October, the staff at Ehlers asked for a signed copy of the interfund loan resolution. We are seeking adoption of this resolution to have a signed resolution on file.

08-13-12-13 Motion by Mr. Rick and second by Mrs. Strom to approve the following resolution.

**CITY OF BARNESVILLE
CLAY COUNTY
STATE OF MINNESOTA**

Council member Rick introduced the following resolution and moved its adoption:

RESOLUTION NO. 08-14-12-13

**RESOLUTION AUTHORIZING AN INTERFUND LOAN FOR
ADVANCE OF CERTAIN COSTS IN CONNECTION WITH TAX
INCREMENT FINANCING DISTRICT NO. 1-5**

BE IT RESOLVED by the City Council (the "Council") of the City of Barnesville, Minnesota (the "City"), as follows:

Section 1. Background.

1.01. The City has heretofore approved the establishment of Tax Increment Financing District No. 1-5 (the "TIF District") within Redevelopment Project No. 1 (the "Project"), and has adopted a Tax Increment Financing Plan (the "TIF Plan") for the purpose of financing certain improvements within the Project.

1.02. The City has determined to pay for certain costs identified in the TIF Plan consisting of land/building acquisition, site improvements/preparation, utilities, other qualifying

improvements, interest and administrative costs (collectively, the "Qualified Costs"), which costs may be financed on a temporary basis from City funds available for such purposes.

1.03. Under Minnesota Statutes, Section 469.178, Subd. 7, the City is authorized to advance or loan money from the City's general fund or any other fund from which such advances may be legally authorized, in order to finance the Qualified Costs.

1.04. The City intends to reimburse itself for the Qualified Costs from tax increments derived from the TIF District in accordance with the terms of this resolution (which terms are referred to collectively as the "Interfund Loan").

Section 2. Terms of Interfund Loan.

2.01. The City hereby authorizes the advance of up to \$250,000 from the EDA fund or so much thereof as may be paid as Qualified Costs. The City shall reimburse itself for such advances together with interest at the rate stated below. Interest accrues on the principal amount from the date of each advance. The maximum rate of interest permitted to be charged is limited to the greater of the rates specified under Minnesota Statutes, Section 270C.40 or Section 549.09 as of the date the loan or advance is authorized, unless the written agreement states that the maximum interest rate will fluctuate as the interest rates specified under Minnesota Statutes, Section 270C.40 or Section 549.09 are from time to time adjusted. The interest rate shall be 2% and will not fluctuate.

2.02. Principal and interest ("Payments") on the Interfund Loan shall be paid semi-annually on each August 1 and February 1 (each a "Payment Date"), commencing on the first Payment Date on which the Authority has Available Tax Increment (defined below), or on any other dates determined by the City Administrator, through the date of last receipt of tax increment from the TIF District.

2.03. Payments on this Interfund Loan are payable solely from "Available Tax Increment," which shall mean, on each Payment Date, tax increment available after other obligations have been paid, or as determined by the City Administrator, generated in the preceding six (6) months with respect to the property within the TIF District and remitted to the City by Clay County, all in accordance with Minnesota Statutes, Sections 469.174 to 469.1799, all inclusive, as amended. Payments on this Interfund Loan may be subordinated to any outstanding or future bonds, notes or contracts secured in whole or in part with Available Tax Increment, and are on parity with any other outstanding or future interfund loans secured in whole or in part with Available Tax Increment.

2.04. The principal sum and all accrued interest payable under this Interfund Loan are pre-payable in whole or in part at any time by the City without premium or penalty. No partial prepayment shall affect the amount or timing of any other regular payment otherwise required to be made under this Interfund Loan.

2.05. This Interfund Loan is evidence of an internal borrowing by the City in accordance with Minnesota Statutes, Section 469.178, Subd. 7, and is a limited obligation payable solely from Available Tax Increment pledged to the payment hereof under this resolution. This Interfund Loan and the interest hereon shall not be deemed to constitute a general obligation of the State of Minnesota or any political subdivision thereof, including, without limitation, the City. Neither the State of Minnesota, nor any political subdivision thereof shall be obligated to pay the principal of or interest on this Interfund Loan or other costs incident hereto except out of

Available Tax Increment, and neither the full faith and credit nor the taxing power of the State of Minnesota or any political subdivision thereof is pledged to the payment of the principal of or interest on this Interfund Loan or other costs incident hereto. The City shall have no obligation to pay any principal amount of the Interfund Loan or accrued interest thereon, which may remain unpaid after the final Payment Date.

2.06. The City may amend the terms of this Interfund Loan at any time by resolution of the City Council, including a determination to forgive the outstanding principal amount and accrued interest to the extent permissible under law.

Section 3. Effective Date. This resolution is effective upon the date of its approval.

The motion for the adoption of the foregoing resolution was duly seconded by Council member Strom, and upon a vote being taken thereon, the following voted in favor thereof: Rick, Allmaras, Strom, Davis, Sylvester and Enstad and the following voted against the same: none. Motion carried.

Dated: August 13, 2012

ATTEST:

Fred Dahnke, Mayor

Mike Rietz, City Administrator

(Seal)

Mayor Dahnke stated the next item on the agenda was the Business Subsidy Agreement for K & M Tire.

City Administrator Mike Rietz stated that per Minnesota Statute, communities which provide a business subsidy of \$25,000 or more to a business must enter into a Business Subsidy Agreement with that business. Assistance provided through Tax Increment Financing is considered to be a business subsidy per State Statute. Statute requires that the local elected governing body approve the agreement.

08-13-12-14 Motion by Mr. Davis and second by Mr. Allmaras to approve the Business Subsidy Agreement with K & M Tire and Langhals Enterprise. Motion carried.

Mayor Dahnke stated the next item on the agenda was the Business Subsidy Agreement with Rothsay Farmer's Co-op.

08-13-12-15 Motion by Mr. Sylvester and second by Mrs. Enstad to approve the Business Subsidy Agreement with Rothsay Farmers Co-op. Motion carried.

Mayor Dahnke stated the next item on the agenda was the public forum. Mayor Dahnke asked if there were any citizens present to be heard. There were none.

08-13-12-16 Motion by Mr. Allmaras and second by Mrs. Strom to adjourn the meeting at 7:55 p.m. Motion carried.

Submitted by:

Attest:

Jeri Reep
City Clerk

Fred Dahnke
Mayor