

Barnesville City Council
Regular Meeting
March 10, 2008

Mayor Dahnke called this regular meeting to order at 7:00 p.m. Present were Mayor Dahnke and Council members Roger Cooper, Larry Davis, Jr., Del Ellefson, Chad Hagen, Jeremy Krause, and Merlin Strom. Others in attendance were City Attorney John Shockley, COO Mike Brethorst, EDA Director Karen Lauer, City Clerk Jeri Reep, EDA Director Karen Lauer, Public Works Supt. Dave Riddering, Police Chief Dean Ernst, TEC Coordinator Guy Swenson, Sr. Accountant Laurie Schell, Dan Hansen with Ulteig Engineers, Librarian Shaw Simonsen, John Bodine, Karen Weeden with Missouri River, Chris Hoppe, and Pam Aakre with the Record Review.

Mayor Dahnke asked COO Mike Brethorst 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 additions or corrections to the agenda. The following were added to the consent agenda: Approval of the gambling permits for the Barnesville Lions for July 10, 11, 12, 2008 and August 23, 2008, and also approval of the summary for publication of Ordinance 2008-2. There were no other additions or corrections.

03-14-08-01 Motion by Mr. Krause and second by Mr. Davis to approve the agenda and the consent agenda as presented, with the addition of approval of the gambling permits for the Barnesville Lions for July 10,11,12, 2008 and August 23, 2008, and also approval of the summary for publication of Ordinance 2008-2. The following items were on the consent agenda. Motion carried.

1. Approval of the minutes of the Regular meeting held on February 11, 2008.
2. Approval of the Department Head reports.
3. Finance report-approval of check numbers 63253-63414 in the amount of \$298,153.34 and EFT payments in the amount of \$151,462.95.
4. Approval to hire the recommended lifeguards for the 2008 season.
5. Approval to approve the Memorandum of Understanding between Barnesville Cable TV and KSTC-TV, LLC.
6. Approval of the Turner Network Sales-Cartoon Network Agreement.
7. Approval to renew the Certificate of Deposit at Midwest Bank.
8. Approval of the Gambling permit for the Barnesville Thurs. Nite Lions for July 12-13th, 2008.
9. Approval of the Gambling permit for the Barnesville Thurs. Nite Lions for August 22, 2008.
10. Approval of the appointment of Don Goedkte to the EDA board, with term to expire December 31, 2013.

11. Approval of the appointment of Darlene Lien to the HRA Board, with term to expire December 31, 2013.
12. Approval to hire the Golf Course employees as recommended.
13. Approval to appoint Taylor Hendrickson and Ryan LeNoue to the Golf Course Board with their term to expire December 31, 2008.

Mayor Dahnke next called on Mr. John Bodine. Mayor Dahnke presented Mr. Bodine a clock for his years of service on the TEC Board. Mr. Bodine served on the TEC Board from 2000 thru 2008. Mayor Dahnke thanked Mr. Bodine for his years of service to the TEC Board.

Mayor Dahnke stated the next item on the agenda was the Board and Commission reports.

03-14-08-02 Motion by Mr. Davis and second by Mr. Cooper to accept the board and commission reports as presented. 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.

Mr. Chris Hoppe approached the council and questioned the house that is being constructed at 420 2ND Street NW. COO Mike Brethorst informed council members that the building permit has expired, that the homeowner had some medical issues, but plans to complete the home by April. Mayor Dahnke asked that this item be placed on the April Planning & Zoning agenda.

Mayor Dahnke asked if there were any other citizens present to be heard. There was no one else to be heard.

Mayor Dahnke next called on Librarian Shaw Simonsen. Mrs. Simonsen approached the council and informed council members the status of the Library of the Future project. Mrs. Simonsen stated that the spring focus will be the outside area, an improved atmosphere and safer access to parking. The next improvement will be the interior focus. Mayor Dahnke asked if council members had any other questions for Mrs. Simonsen. Council had no other questions for Mrs. Simonsen. Mayor Dahnke thanked Mrs. Simonsen for the update on the project.

Mayor Dahnke stated the next item on the agenda was the city attorney contract. COO Mike Brethorst informed council members that this is a three year contract with the Ohnstad Twichell, P.C. law firm in the amount of \$1800.00 per month during the first two years, and \$1,850.00 per month during the last year of the agreement.

03-10-08-03 Motion by Mr. Cooper and second by Mr. Hagen to approve the city attorney contract with the Ohnstad Twichell, P. C. law firm. The contract will run from June 1, 2008 thru June 1, 2011. The amount will be \$1,800.00 during the first two years, and \$1,850.00 per month during the last year of the agreement. Motion passed.

Mayor Dahnke stated the next item on the agenda was the update on the W.R. Grace & Co. settlement. City Attorney John Shockley informed council members that no settlement has occurred yet.

Mayor Dahnke next called on Ms. Karen Weeden with Missouri River. Ms. Weeden presented a slide presentation regarding Missouri River and the City of Barnesville rates. Mayor Dahnke asked if anyone had any other questions for Ms. Weeden, there were no other questions. Mayor Dahnke thanked Ms. Weeden for the slide presentation.

The next item on the agenda was the electrical system upgrade. TEC Coordinator Guy Swenson discussed with council members the need to repair the primary lines at the north end of town. Mr. Swenson stated that Otter Tail Power would do the work, and the estimate was \$8721.05. This is a budgeted item,

03-10-08-05 Motion by Mr. Ellefson and second by Mr. Hagen to proceed with Otter Tail Power to perform the electric system upgrade at the North end of town in the amount of \$8721.05. Council member Jeremy Krause abstained from the vote. Motion carried.

Mayor Dahnke stated the next item on the agenda was the approval of the SAIFI, SAIDI & CAIDI reports. TEC Coordinator Guy Swenson discussed with council members that this is a report that is required regarding service interruption within the city.

03-10-08-06 Motion by Mr. Hagen and second by Mr. Ellefson to approve the SAIFI, SAIDI & CAIDI reports as presented. Motion carried.

Mayor Dahnke stated the next item on the agenda was the 2nd reading of Ordinance 2008-2, and the summary of Ordinance 2008-2, an ordinance to combine all existing ordinances relating to electric services, and revise rates.

03-10-08-07 Motion by Mr. Ellefson and second by Mr. Hagen to approve the 2nd reading of Ordinance 2008-2 and the summary of Ordinance 2008-2. Motion carried.

ORDINANCE 2008-02

**AN ORDINANCE DELETING ORDINANCE, 2002-14, 2003-16, 2005-11, 2007-2
AN ORDINANCE TO COMBINE ALL EXISTING ORDINANCES RELATING
TO ELECTRIC SERVICES AND REVISE RATES LISTED AS RATE
SCHEDULE 1 FOR RESIDENTIAL AND RATE SCHEDULE 2 FOR
COMMERCIAL.**

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

WHEREAS, the City Council did previously enact the above listed Ordinances; and

WHEREAS, the Telephone/Electric/Cable TV (T.E.C.) Advisory Board for the City has recommended that the above listed Ordinances be combined and replaced;

NOW, THEREFORE, Ordinance No. , *2002-14, 2003-16, 2005-11, 2007-2* 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, and the meter location shall also be designated by the City. 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. 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/COMMERICAL:
 - 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

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.

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-3 & HP-4 Summer Rate)

2009 Current May 1, 2008 January 1,

Base Charge	\$11.00	\$12.00	\$13.00
Energy Charge	\$.072 per kwh	.078 Per kwh	.085 per kwh

Available to all residential customers.

B. RATE SCHEDULE #2:

GENERAL SINGLE PHASE service Commercial: (RC1 & DI1)

	Current	May 1, 2008	January 1,
2009			
Base Charge	\$12.00	\$14.00	\$16.00
Energy Charge	\$.079 per kwh	.083 Per kwh	.088 per kwh

Available to commercial customers for single phase service

C. RATE SCHEDULE #3

GENERAL THREE PHASE SERVICE: (GS6 & DI9)

	Current	May 1, 2008	January 1, 2009
Base Charge	\$16.00	\$19.00	\$22.00
Energy Charge	\$.079 per kwh	.083 Per kwh	.088 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	May 1, 2008	January 1,
2009			
Base Charge	\$20.00	\$28.00	\$36.00
Demand Charge			
All kw		\$7.80/kw	\$9.00/kw
Energy Charge			
All kwh	\$.049 per kwh	.049 Per kwh	.051 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	May 1, 2008	January 1,
2009			

Charge per light \$12.25 per month \$12.25 \$12.25

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

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 & HP2 Winter Rate)
 Current May 1, 2008 January 1,
 2009

Dual Fuel Service Rate: \$.0405/kwh \$.042/kwh \$.044/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	May 1, 2008	January	1,
2009				
Off Peak Service Rate:	\$.0405/kwh	\$.042/kwh	\$.044/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 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. Water heaters must be controlled by the city's load management. 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.

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.

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 10th day of March, 2008.

APPROVED:

Fred Dahnke, Mayor

ATTEST:

Michael Brethorst
Chief Operations Officer

SUMMARY - ORDINANCE 2008-02

**AN ORDINANCE DELETING ORDINANCE, 2002-14, 2003-16, 2005-11, 2007-2
AN ORDINANCE TO COMBINE ALL EXISTING ORDINANCES RELATING
TO ELECTRIC SERVICES AND REVISE RATES LISTED AS RATE
SCHEDULE 1 FOR RESIDENTIAL AND RATE SCHEDULE 2 FOR
COMMERCIAL. A FULL AND COMPLETE COPY OF THE ORDINANCE
2008-02 CAN BE FOUND AT THE CITY WEBSITE AS WELL AS CITY HALL.**

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

WHEREAS, the City Council did previously enact the above listed Ordinances; and

WHEREAS, the Telephone/Electric/Cable TV (T.E.C.) Advisory Board for the City has recommended that the above listed Ordinances be combined and replaced;

NOW, THEREFORE, Ordinance No. , **2002-14, 2003-16, 2005-11, 2007-2** hereby replaced as follows

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

Section 6. Reconnection

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:

- C. 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.
- D. 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.

Section 8 Electric Rate Schedules

A. RATE SCHEDULE #1:

GENERAL SINGLE PHASE service Residential: (RL1 & AR1)(HP-3 & HP-4 Summer Rate)

	Current	May 1, 2008	January 1,
2009			
Base Charge	\$11.00	\$12.00	\$13.00
Energy Charge	\$.072 per kwh	.078 Per kwh	.085 per kwh
Available to all residential customers.			

B. RATE SCHEDULE #2:

GENERAL SINGLE PHASE service Commercial: (RC1 & DI1)

	Current	May 1, 2008	January 1,
2009			
Base Charge	\$12.00	\$14.00	\$16.00
Energy Charge	\$.079 per kwh	.083 Per kwh	.088 per kwh
Available to commercial customers for single phase service			

C. RATE SCHEDULE #3

GENERAL THREE PHASE SERVICE: (GS6 & DI9)

	Current	May 1, 2008	January 1, 2009
Base Charge	\$16.00	\$19.00	\$22.00
Energy Charge	\$.079 per kwh	.083 Per kwh	.088 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	May 1, 2008	January 1, 2009
Base Charge	\$20.00	\$28.00	\$36.00
Demand Charge			
All kw		\$7.80/kw	\$9.00/kw
Energy Charge			
All kwh	\$.049 per kwh	.049 Per kwh	.051 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	May 1, 2008	January 1, 2009
Charge per light	\$12.25 per month	\$12.25	\$12.25

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

Section 9 Electric Rate Incentives

A Dual Fuel Services (OP-1 & OP-2) (HP-1 & HP2 Winter Rate)

	Current	May 1, 2008	January 1, 2009
Dual Fuel Service Rate:	\$.0405/kwh	\$.042/kwh	\$.044/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:

7. A heating system must use electricity as its primary source of heat; and
8. 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
9. The dual fuel load shall be metered separately. Metering may be subtractive or direct metered
10. The customer must make a five year commitment to the program.
11. 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.
12. 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

E. Off Peak Services

	Current	May 1, 2008	January	1,
2009				

Off Peak Service Rate:	\$.0405/kwh	\$.042/kwh	\$.044/kwh
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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.

H. 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.

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 10th day of March, 2008.

APPROVED:

Fred Dahnke, Mayor

ATTEST:

Michael Brethorst
Chief Operations Officer

Mayor Dahnke stated the next item on the agenda is the 2nd reading of Ordinance 2008-3, an ordinance to establish the rates and charges for Broadband and Internet service.

03-10-08-08 Motion by Mr. Hagen and second by Mr. Strom to approve the 2nd reading of Ordinance 2008-3. Motion carried.

ORDINANCE 2008-03

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. 2007-3 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. 2007-3 is hereby replaced as follows:

Section 1. Costs for DSL service

	MONTHLY COSTS		SPEEDS	
	Internet/DSL		Down speed	Up speed
1.	\$24.95	(Bronze)*	128 kbps	128 kbps
2.	\$36.95	(Silver)	512 kbps	256 kbps
3.	\$52.95	(Gold)	1 Megbps	512 kbps

* 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 \$5.00 per month discount on the cost of the level

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

DSL Installation charge: \$99.00 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

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 \$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.

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 10th day of March, 2008.

APPROVED:

Fred Dahnke, Mayor

ATTEST:

Michael Brethorst
Chief Operations Officer

Mayor Dahnke stated the next item on the agenda was the 2nd reading of Ordinance 2008-4, an ordinance to establish rates for Cable TV.

03-10-08-09 Motion by Mr. Davis and second by Mr. Strom to approve the 2nd reading of Ordinance 2008-4. Motion carried.

ORDINANCE 2008-04

AN ORDINANCE TO ESTABLISH RATES FOR CABLE TV SERVICES.

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

WHEREAS, the rates for Cable TV services were previously established by City Council resolution; and

WHEREAS, the City Council did previously enact Ordinance 2007-17, an ordinance to set the monthly rate for cable TV services to institutions or businesses providing their tenants or guests with quality cable programming; and

WHEREAS, the Telephone/Electric/Cable TV (T.E.C.) Board for the City has recommended the following charges for Cable TV services apply;

NOW, THEREFORE, Ordinance No 2007-17 is replaced as follows:

Section 1. Per month service rate*	Current	May 1, 2008	Jan. 1, 2009	July 1, 2009
Economy Basic Cable	\$11.95	\$13.95	\$15.95	\$15.95
Preferred Basic	\$34.95	\$37.95	\$43.95	\$45.95
Section 2. Per month premium channel rate*				
HBO	\$12.00	\$12.00	\$12.25	\$12.50
CINEMAX	\$ 8.00	\$ 8.00	\$ 8.25	\$8.50
Section 3. Per month premium channel package rate*				
HBO/CINEMAX	\$18.00	\$18.00	\$18.25	\$18.50
STARZ/ENCORE	\$ 7.95	\$ 7.95	\$ 7.95	\$ 7.95
Section 4. Monthly cable TV costs for businesses and institutions such as Nursing homes, Assisted living, Hotels and Motels. This section is exclusive to the above mentioned institutions				

BULK RATE:*

Utilize the current monthly Basic/Preferred Basic rate plus the total number of living units multiplied times the current wholesale cost of programming.

Utilize a mix & match process. Subscribe to Preferred Basic for the "House" location and the Basic rate for the resident units

Example:

Preferred Basic*

\$34.95 plus 11 living units x \$23.20 (the wholesale cost of programming) = \$290.15 plus tax and FCC charge.

Effective May 1, 2008

\$37.95 plus 11 living units x \$23.20 (the wholesale cost of programming) = \$293.15 plus tax and FCC charge.

Effective January 1, 2009

\$43.95 plus 11 living units x \$23.20 (the wholesale cost of programming) = \$299.15 plus tax and FCC charge.

Effective July 1, 2009

\$45.95 plus 11 living units x \$23.20 (the wholesale cost of programming) = \$301.15 plus tax and FCC charge.

Basic*

\$11.95 plus 11 living units x \$6.00 (the wholesale cost of programming) = \$77.95 plus tax and FCC charge.

Effective May 1, 2008

\$13.95 plus 11 living units x \$6.00 (the wholesale cost of programming) = \$79.95 plus tax and FCC charge.

Effective January 1, 2009

\$15.95 plus 11 living units x \$6.00 (the wholesale cost of programming) = \$81.95 plus tax and FCC charge.

Mix & Match* (Preferred Basic & Basic)

\$34.95 plus 11 living units x \$6.00 (the wholesale cost of programming) = \$100.95 plus tax and FCC charge.

Effective May 1, 2008

\$37.95 plus 11 living units x \$6.00 (the wholesale cost of programming) = \$103.95 plus tax and FCC charge.

Effective January 1, 2009

\$43.95 plus 11 living units x \$6.00 (the wholesale cost of programming) = \$109.95 plus tax and FCC charge.

Effective July 1, 2009

\$45.95 plus 11 living units x \$6.00 (the wholesale cost of programming) = \$111.95 plus tax and FCC charge

Premium Channels*	
individual	HBO: \$12.00 per month per subscriber when provided on an occupant basis.
	\$4.00 per month per subscriber when provided to all occupants.
	Cinemax: \$8.00 per month per subscriber when provided on a individual occupant basis.
	\$4.00 per month per subscriber when provided to all occupants.
	Starz/Encore: \$7.95 per subscriber

Section 5 Service Charges

New Install	\$49.95
Applicable to a residence/business to which Cable TV service has never been installed. Does not apply to multi-tenant buildings.	
Relocates:	\$19.95
Relocating established cable service from one location to another.	
Install additional outlet:	\$15.00
Outlets installed at the time when service is established or relocated.	
Reconnect:	\$19.95
Restoring service previously disconnected.	
Service Call:	\$19.95
Charge applies for services performed at users request. Also applies when repair calls are made as a result of defective or improperly tuned customer owned equipment.	
Install Outlet:	\$19.95
Charge applies to each additional outlet installed at a current subscriber's location.	

*Premium channels not included. All rates subject to change.

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 10th day of March, 2008.

APPROVED:

Fred Dahnke, Mayor

ATTEST:

Michael Brethorst
Chief Operations Officer

Mayor Dahnke stated the next item on the agenda is the 2nd reading of Ordinance 2008-7, an ordinance to amend and reenact Section 2.65 of the Barnesville City Code relating to the creation, purpose, and membership of the Telephone/Electric/Cable (T.E.C.) Advisory Board..

03-10-08-10 Motion by Mr. Davis and second by Mr. Ellefson to approve the 2nd reading of Ordinance 2008-7. Motion carried.

ORDINANCE 2008-7

AN ORDINANCE TO AMEND AND REENACT SECTION 2.65 OF THE BARNESVILLE CITY CODE RELATING TO THE CREATION, PURPOSE AND MEMBERSHIP OF THE TELEPHONE/ELECTRIC/CABLE (T.E.C.) ADVISORY BOARD

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

SECTION 1. Section 2.65 of the Barnesville City Code is hereby amended and reenacted to read as follows:

SEC. 2.65 TELEPHONE/ELECTRIC/CABLE TV (T.E.C.) ADVISORY BOARD The Telephone/Electric/Cable TV (T.E.C.) Advisory Board is hereby established. The purpose of this Board is to advise the Council as to the rates and charges for telephone, electric, cable TV and DSL services provided by the City. The Board shall be composed of ~~seven (7) members, two of them shall be members of the council, who shall serve staggered six year terms,~~ five (5) voting members, two (2) of whom shall be members of the city council and whom shall be appointed by the Mayor with the advice

and consent of the City Council. The two (2) City council members shall be appointed each and every year at the first regular City Council Meeting held in January and shall serve a one year term. The Mayor with the advice and consent of the City Council shall appoint three (3) reputable residents of the City as members of the Board, whom shall be referred to as the at large members. The at large members appointed to the first Board after the effective date of this ordinance shall hold office respectively, for the terms designated by the mayor when the appointments are made as follows:

- (1) One member shall hold office until the first meeting of the City Council in January of the first odd-number year following that member's appointment.
- (2) One member shall hold office until the first meeting of the City Council in January in the first even year following that member's appointment.
- (3) One member shall hold office until the first meeting of the City Council in January of the second odd-number year following that member's appointment.

At the first regular meeting of the City Council held in January of each year, or as soon thereafter as practicable, the mayor with the advice and consent of the City Council shall appoint one (1) at large member of the Board in addition to the two (2) City council members. After the members of the first board created by this ordinance have been appointed as provided in this section each at large appointment shall be made for a term of three years. The mayor shall appoint a non-voting youth representative to the board. Each and every February the Board shall select from its membership a person to act as chairperson.

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 14th day of April, 2008.

Approved by:

Fred Dahnke
Mayor

ATTEST:

Michael M. Brethorst
Chief Operating Officer

Mayor Dahnke next asked if there was any discussion for the water and sewer portion for the meeting. Council member Ellefson asked if we could do extra water testing. COO Mike Brethorst stated that he would pass the information onto People Service.

Mayor Dahnke stated the next item on the agenda was the 2nd reading of Ordinance 2008-1, an ordinance regarding impounding & disposition of vehicles.

03-10-08-11 Motion by Mr. Strom and second by Mr. Ellefson to approve the 2nd reading of Ordinance 2008-1. Motion carried.

1 ORDINANCE NO. 2008-01

AN ORDINANCE TO AMEND AND REENACT SECTION 7.01 OF THE BARNESVILLE CITY CODE TO INCLUDE ADDITIONAL DEFINITIONS; TO AMEND AND REENACT SECTION 9.11, SUBD. 4, OF THE BARNESVILLE CITY CODE RELATING TO PENALTIES; AND TO CREATE AND ENACT SECTION 9.12 OF THE BARNESVILLE CITY CODE RELATING TO IMPOUNDING AND DISPOSITION OF VEHICLES.

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

SECTION 1. Section 7.01 of the Barnesville City Code is hereby amended and enacted to read as follows:

SEC. 7.01. DEFINITIONS: Except as otherwise defined in the City Code, or where the context clearly indicates a contrary intent, the words and terms defined in Minnesota Statutes, Chapter 169, shall be applicable to City Code, Chapters, 7, 8 and 9:

PARKING: The voluntary standing of a vehicle upon any highway, street or avenue whether accompanied or unaccompanied by an operator; but, where the driver of a vehicle seeks to load or unload passengers, goods or merchandise in or from the vehicle, then parking shall mean the standing of the vehicle upon the highway, street or avenue only for the period of time which is reasonably necessary to load or unload passengers or goods close at hand ready to be loaded or unloaded as the case may be.

STREET OR HIGHWAY: Shall be considered the entire width between boundary lines of any way or place when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic, as defined by chapter 169 of

the Minnesota Statutes, as such chapter may be from time to time amended, supplemented or replaced. Streets in the City may be designated "Streets," "Drives," "Courts," "Avenues," "Lanes," "Circles," "Boulevards" or "Ways".

VEHICLE:

Every vehicle, motor vehicle, motorcycle, motorized bicycle, bicycle, snowmobile, trailer or semitrailer as the same are defined in chapter 169 of the Minnesota statutes, as such chapter may be from time to time amended, supplemented or replaced.

SECTION 2. Subdivision 4 of Section 9.11 of the Barnesville City Code is hereby amended and reenacted to read as follows:

SEC. 9.11. SNOW REMOVAL; PARKING RESTRICTIONS.

Subd. 4. Penalties and Impoundment. Violation of this Section shall be considered a petty misdemeanor. Additionally, vehicles violating this Section may be impounded and will be released to the owner only upon the payment of towing charges, daily impound fees of ~~\$10.00 per day~~, the petty misdemeanor fine, and any other costs relating to the towing and impound of the vehicle.

SECTION 3. Section 9.12 of the Barnesville City Code is hereby created and enacted to read as follows:

SEC. 9.12. IMPOUNDING AND DISPOSITION OF VEHICLE:

A. Impounding Procedures:

1. Establishment: The Council may establish and provide one or more impounding lots for the purpose of keeping and storing impounded motor vehicles.
2. Removal of Vehicle: Whenever any police officer finds any vehicle obstructing the traffic or improperly parked so as to be hazardous to public safety on any street or obstructing the entrance of any private driveway, or interfering with the maintenance, cleaning, repairing or snow removal on any streets, or if the vehicle needs to be safeguarded after its driver has been arrested, the officer may remove the vehicle and hold it in the impounding lot or lots or until the City is reimbursed for all costs and charges of the removal and storage or until the same has been disposed of as hereinafter provided. This subsection shall be applicable to any motor vehicle found standing in or upon any street where the same has not been moved or used for a period of twenty four (24) hours, regardless of the requirements set out in this Section.
3. Charges: The City Council shall set by resolution the fee for towing a motor vehicle so impounded from the place where found to the place where it is impounded, and shall be resolution set an

administrative fee and a storage fee for the motor vehicle so impounded.

4. Lien: The City shall have a lien upon the motor vehicle for the tow charge and for ground use. If any sum secured by such lien be not paid within thirty (30) days after the motor vehicle has been impounded, the City may sell the property and out of the proceeds of the sale there shall be paid first, all charges and disbursements of the sale; second, all charges paid by the City to any other person in connection with the towing and storage of the motor vehicle; and third, the total indebtedness then secured by the lien.
5. Foreclosure by Sale: The sale shall be made at public auction where the property is situated. A notice stating the time and place of sale, the amount which will be due on the date of sale exclusive of the expenses of advertising and sale, and the grounds of the lien, giving a general description of the property to be sold, shall be served personally on the owner of the property if the owner can be found within the City or within the county in which the property is stored, and if the owner cannot be found, then it shall be mailed to the owner at least three (3) weeks before the time fixed for the sale if the place of residence or post office address of the owner is known to the city officials or with due diligence can be learned by the City authorities, and shall be published once each week for three (3) successive weeks in the official newspaper. The last publication of such notice shall be at least one week prior to the date of sale. In case neither the place of residence nor the post office address of such owner is known to the City authorities and cannot with reasonable diligence be learned, the publication of notice shall be sufficient to authorize such sale.
6. Sale: The property sold shall be in view at the time of the sale. Under the power of sale, any motor vehicle impounded may be sold to satisfy the amount due at the time of sale, including expenses, and the property may be offered for sale and sold in the form and condition that the same was received by the City. The City, its representatives or officials, may fairly and in good faith purchase any property sold under this Section, provided the sale is conducted by the sheriff of the county, the sheriff's deputy, or a licensed auctioneer.
7. Papers to be Filed: All papers had and made in connection with the sale provided for shall be filed with the City Clerk.
8. Foreclosure by Action: Nothing in this Section shall prohibit the City from foreclosing the lien by action in the District Court and pursuant to the order of the Court made in such action.
9. Release of Impounded Vehicles: No person shall take from the impounding lot or other place designated by the Council, any impounded vehicle without first paying all charges and liens against the same.

10. Records: The Police Department shall keep a full and complete record of all motor vehicles impounded, together with a record of all charges and fees against the same in a book provided therefor by the City.

B. Disposition of Unclaimed Motor Vehicles: Any motor vehicle which is in the custody of the City by reason of having impounded the same, or otherwise lawfully coming into the possession of the City and remaining unclaimed by the owner, may be disposed of by the City at a public auction sale conducted by a representative of the Police Department in the following manner:

1. The vehicle must have been in possession of the City for a period of not less than thirty (30) days after the mailing of notice to the registered owner, if any.
2. Prior to disposal of any such motor vehicle, the City shall mail to the registered owner, if any, as shown by the records of the state registrar of motor vehicles, notice of its possession and intent to dispose of said motor vehicle.
3. The definition of motor vehicle shall be the same as that set forth in section 169, Minnesota Statutes.
4. The motor vehicle shall be sold to the highest bidder at a public auction sale. Notice of auction must be published in the official publication of the City once each week for two (2) successive weeks.
5. The net proceeds of any such sale shall be placed in the general revenue fund of the City, the net funds being described as the sale price less any costs of handling, storing or sale of such vehicle. Any such net proceeds shall be paid over to the former owner of the motor vehicle upon application and satisfactory proof of ownership within six (6) months of the sale.

SECTION 4. 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 10th day of March, 2008.

APPROVED BY:

Fred Dahnke
Mayor

ATTEST:

Michael M. Brethorst
Chief Operating Officer

Mayor Dahnke stated the next item on the agenda is the resolution supporting Congressional Appropriation for Reconstruction of County State & Highway (CSAH) 52.

03-10-08-12 Motion by Mr. Ellefson and second by Mr. Hagen to approve the following resolution. Motion carried.

CITY OF BARNESVILLE
COUNTY OF CLAY
STATE OF MINNESOTA
RESOLUTION 03-10-08-12

A RESOLUTION SUPPORTING CONGRESSIONAL APPROPATION FOR
RECONSTRUCTION OF COUTY STATE AID HIGHWAY (CSAH) 52

WHEREAS: we the undersigned elected officials of the City of Barnesville recognize that the revenue for Clay County transportation infrastructure has failed to keep pace with the needs of Clay Counties transportation infrastructure; and

WHEREAS: Clay Country transportation infrastructure with a particular emphasis on roads and bridges needs an immediate source of revenue for improvements, maintenance and developments for the replacement of 13.7 mile segment between Sabin and Barnesville, Minnesota; and

WHEREAS: Clay County must provide for the safety and security of those who drive on CSAH 52 and bridges; and

WHEREAS: the United States Congress should find an acceptable, reasonable and sustainable compromise that delivers an immediate source of revenue to county roads and bridges;

NOW, THEREFORE, be it resolved we hereby declare our support for the replacement of 13.7 mile segment between Sabin and Barnesville, Minnesota.

RESOLVED, this 10th day of March, 2008.

PASSED by a vote of six to six.

Fred Dahnke
Mayor

ATTEST:

Michael M. Brethorst
Chief Operating Officer

Mayor Dahnke stated the next item on the agenda was the 2nd reading of Ordinance 2007-19, an Ordinance To Amend and Reenact Subdivision 2 of Chapter 2.18 of the Barnesville City Code Relating To General Provisions of Administrative Citations and Civil Penalties.

03-10-08-13 Motion by Mr. Krause and second by Mr. Strom to approve the 2nd reading of Ordinance 2007-19. Motion carried.

Ordinance 2007-19

AN ORDINANCE TO AMEND AND REENACT SUBDIVISION 2 OF CHAPTER 2.18 OF THE BARNESVILLE CITY CODE RELATING TO GENERAL PROVISIONS OF ADMINISTRATIVE CITATIONS AND CIVIL PENALTIES.

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

SECTION 1: Subdivision 2 of Section 2.18 of the Barnesville City Code is hereby amended and enacted to read as follows:

Subd. 2 General Provisions.

- A. A violation of the provisions of ~~Chapter~~ Sections 4.20, 6.50, 7.05, 10.01, 10.02, 10.03, 10.10, 10.14, 10.15, 10.16, 10.17, 10.60 and Chapter 11 of the City Code, in addition to being a possible criminal violation, is an administrative offense that may be subject to an administrative citation and civil penalties. Each day a violation exists constitutes a separate offense. The

City may elect to pursue either the administrative offense or the applicable criminal offense, but not both for the same offense.

- B. An administrative offense may be subject to a civil penalty not exceeding \$2,000.00.
- C. The city Council must adopt by resolution a schedule of fines for offenses initiated by administrative citation. The City Council may adopt a schedule of fees to be paid to administrative hearing officers.
- D. The City Clerk must adopt procedures for administering the administrative citation program.
- E. The Barnesville City Administrator is hereby appointed as the Code official to administer all sections listed above except for 10.17. The Barnesville City Administrator shall have the authority to appoint designees to carry out the inspections and to enforce the provisions of this Chapter, along with Section 4.20, 6.50, 7.05, 10.01, 10.02, 10.03, 10.10, 10.14, 10.15, 10.16, 10.17, 10.60, and Chapter 11 of the City Code. Whenever "Code Official" is stated in this Chapter, or any other Chapter, it shall include all designees of Code Official.

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 10th day of March, 2008.

Approved by:

Mayor

Attest:

Chief Operating Officer

Mayor Dahnke stated the next item on the agenda was the 2nd reading of Ordinance 2008-5, an Ordinance amending the Barnesville Municipal Code by Adding A New Section 11.57, "Exterior Solid Fuel Fired Heating Devices".

03-10-08-14 Motion by Mr. Ellefson and second by Mr. Strom to approve the 2nd reading of Ordinance 2008-5. Motion carried.

CITY OF BARNESVILLE
ORDINANCE 2008-5

AN ORDINANCE AMENDING THE BARNESVILLE MUNICIPAL CODE BY
ADDING A NEW SECTION 11.57 , EXTERIOR SOLID FUEL-FIRED HEATING
DEVICES .

The Barnesville City Council hereby ordains the following:
11.57 EXTERIOR SOLID FUEL-FIRED HEATING DEVICES

Subd. 1. Definitions

Exterior Solid Fuel-Fired Heating Device - An external device designed for solid fuel combustion so that usable heat is derived for the interior of a building, and includes solid fuel-fired stoves, solid fuel-fired cooking stoves, and combination fuel furnaces or boilers which burn solid fuel. This definition specifically includes all wood boilers located inside accessory buildings. Solid fuel-fired heating devices do not include outdoor fire pits, wood-fired barbeques, gas-fired fireplace logs, or wood-burning fireplaces or wood stoves in the interior of a building.

Subd. 2. Prohibition of Exterior Solid Fuel-Fired Heating Devices

Outdoor solid fuel heating devices are prohibited and shall not be installed or operated within the Barnesville City limits.

Subd. 3. Existing Exterior Solid Fuel-Fired Heating Devices

All existing exterior solid fuel units installed within City limits at the time of adoption of this ordinance are required to meet emission standards currently required by the Environmental Protection Agency (EPA), which are hereby adopted by reference together with any amendments or modifications made to them in the future. In addition:

- A) Exterior solid fuel-fired heating devices shall burn clean fuel only, specifically, biomass pellets, corn, firewood, and clean untreated lumber or other clean wood products. Any dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities, or any use of an external solid fuel-fired heating device to burn solid fuels other than those solid fuels for which the external solid fuel-fired heating device was designed, will be declared a public nuisance.
- B) The following materials shall specifically not be used or burned in exterior solid fuel-fired heating devices: grass, leaves, oil, rubber, plastics, tires, railroad ties, construction debris, **coal** and painted or chemically treated lumber, composite shingles, tar paper, insulation composition board, sheetrock, wiring, paint, and hazardous and industrial solid

waste.

C) Exterior solid fuel-fired heating devices may only be used October 1 through April 15.

D) Existing exterior solid fuel-fired heating devices must have an attached permanent stack which extends a minimum of 20 feet above the ground. Lower stacks of any existing units shall be extended or replaced within six (6) months after adoption of this ordinance.

Subd. 4 Phasing out of Existing Exterior Solid Fuel-Fired Heating Devices

A) If the exterior solid fuel-fired heating device is destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at time of destruction and the owner has not begun reconstruction within 180 days, its use must be discontinued;

B) If the use of the exterior solid fuel-fired heating device is discontinued or abandoned for twelve (12) months; its use may not thereafter be resumed.

Subd. 5 Penalty

Any violation of this ordinance is a misdemeanor. Each day a violation occurs is a separate offense.

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

PASSED AND ADOPTED by the Barnesville City Council this 10th day of March, 2008.

By:

Fred Dahnke, Mayor

Attest to:

Jeri Reep, City Clerk

City Attorney John Shockley informed Mayor Dahnke that it is necessary to accept the Findings of Fact regarding Wood Boilers.

03-10-08-15 Motion by Mr. Ellefson and second by Mr. Strom to approve the following Findings of Fact regarding Wood Boilers. Motion carried.

OVERVIEW

In late 2007, an owner of a home in Barnesville installed a wood boiler unit for purposes of heating their home. This installation raised questions regarding regulations regarding wood boiler units either from a zoning or building code perspective. While there has been several operating wood boilers in the community for many years, with the much higher fuel costs, there was concerns raised that more Barnesville residents might be interested in using wood boilers. The Planning Commission directed Zoning Administrator Karen Lauer to restrict how other communities have handled wood boilers and what regulations should be considered.

FINDINGS OF FACT

In reviewing the research that is available on outdoor wood boilers, it is clear that these units can create many health problems, stemming from the smoldering and subsequently, excessive smoke. These problems are compounded when units are used within communities with smaller building lots, versus the fact that boilers were originally designed for rural areas where open space and wood are plentiful.

Throughout the nation, as well as in Minnesota; there has been increased interest in using outdoor wood stoves to heat residential dwellings. This has created many challenges for communities across the nation, in large part because outdoor wood boilers are an unregulated industry. The Northeast States for Coordinated Air Use Management (NESCAUM) with funding from EPA, has drafted model rules to promote common regulatory standards across state and local areas. No Minnesota state agencies including Minnesota Pollution Control have issued specific regulations, but rely on the research conducted by NESCAUM.

Utilizing this research, many communities in Minnesota has put ordinances in place to stay ahead of the game and to protect residents and adjoining properties. Several communities including Perham, New Praque and Sauk Rapids prohibit wood boilers.

After considering extensive research on the units and the impact on communities, it has been determined that outdoor wood boilers, if constructed in sufficient numbers in the City of Barnesville, may create a pollution nuisance affecting the public health and welfare, adversely affecting the aesthetic quality and value of property and diminishing the quality of life of the residents of the City of Barnesville and therefore existing units should be controlled and future “exterior solid fuel-fired heating devices” should be prohibited.

In addition, The Barnesville Planning and zoning commission hereby makes the following findings of fact regarding the stack height of existing exterior outside heating devices:

1. The smoke produced by existing Solid Fuel Fired Heating Devices is injurious to public health, because it causes breathing problems when inhaled.
2. The smoke produced by existing Solid Fuel Fired Heating Devices can have an offensive odor.
3. The smoke produced by existing Solid Fuel Fired Heating Devices has the potential to interfere with the use and enjoyment of properties neighboring these devices, if the stack height for these devices is lower than the surrounding residences.
4. The smoke produced by existing Solid Fuel Fired Heating Devices has the potential to ignite flammable items on neighboring properties.

Based upon the foregoing findings the Barnesville Planning and Zoning commission finds that the stack height of existing Solid Fuel Fired heating devices is directly related to the creation of nuisances and therefore it is necessary to enact the following ordinances addressing the stack height of existing Solid Fuel Fired Heating Devices to minimize the negative effects of these units on neighboring properties.

Mayor Dahnke stated the next item on the agenda was the 2nd reading of Ordinance 2008-6, an Ordinance to Amend Section 11.61 of the Barnesville Municipal Code Relating to Fencing and Screening.

03-10-08-16 Motion by Mr. Strom and second by Mr. Davis to approve the 2nd reading of Ordinance 2008-6. Motion carried.

**City of Barnesville
Ordinance 2008-06**

**AN ORDINANCE TO AMEND SECTION 11.61 OF THE BARNESVILLE
MUNICIPAL CODE RELATING TO FENCING AND SCREENING:**

BE IT ORDAINED by the City Council of the City of Barnesville that Section 11.61 is hereby amended as follows:

SEC. 11.61. FENCING AND SCREENING

Subd. 6. ~~Business~~ Commercial and Industrial District Fences.

A. Commercial and Industrial District Fences are those fences located within commercial or industrial zoned areas of the City.

~~A.~~ **B.** Fences extending across a required front yard or a required side yard which abuts a street on a corner lot shall be at least seventy five percent (75%) open for the passage of air and light and shall maintain the traffic visibility requirements of this Section.

~~B.~~ **C.** All ~~Business~~ **commercial** and industrial fences ~~may be erected up to eight feet (8')~~ shall require a conditional use permit.

~~C.~~ **D.** Fences which are primarily erected as a security measure may have arms projecting into the applicant's property on which barbed wire can be fastened commencing at a point at least seven feet (7') above the ground.

~~D.~~ — The screening provisions for business and industrial districts shall supersede, where applicable, the provisions of this Subdivision.

Subd. 7. Required Fencing and Screening. Where any commercial, industrial use or multi-family building of four (4) or more units (i.e. structure, parking or storage) abuts property zoned for residential use, that business, industry or multi-family building shall provide screening along the boundary of the residential property. Screening shall also be provided where a business, industry, or multi-family building of four (4) or more units is across the street from a residential zone, but not on that side of a business, industry or multi-family building considered to be the front yard. Provided, however, that the provisions of this Section will not apply where a multi-family building abuts property also zoned for multi-family use. All fencing and screening specifically required by this Section shall be subject to traffic visibility requirements of this Section and shall consist of either a fence or a green belt planting strip as provided for below:

A. A green belt planting strip shall consist of evergreen trees and/ or deciduous trees and plants and shall be of sufficient width and density to provide an effective visual screen. This planting strip shall be designed to provide substantial visual screening to a minimum height of six (6') feet. Earth mounding or berms may be used but shall not be used to achieve more than three feet (3') of the required screen. The planting plan and type of plantings shall require the approval of the ~~Board~~ **Planning Commission**.

B. A required screening fence shall be constructed of masonry, brick, wood or metal. Such fences shall provide a solid screening effect six feet (6') in height for multi-family uses and at least six feet (6') in height for ~~business~~ **commercial** and industrial uses unless otherwise specified. **All screening fences require a Conditional Use Permit.** The design and materials used in constructing a required screening fence shall be **required as part of the Conditional Use Permit application** ~~subject to the approval of the City~~. ~~Fences in excess of eight feet (8') in height shall require a conditional use permit.~~

Subd. 9. Residential, Commercial and Industrial Special Purpose Fences. **Residential, commercial and industrial fences** for special purposes and fences differing in construction, height, or length may be permitted by the Building Official in any district in the City provided that reasons submitted by the applicant demonstrate the purpose is necessary to protect, buffer or improve the premises

for which such fence is intended. **Applicants will be required to apply for a Conditional Use Permit.** ~~The Building Official may stipulate the height, location, construction, and type of special fence thereby permitted.~~

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

PASSED AND ADOPTED by the Barnesville City Council this 10th day of March 2008.

By:

Fred Dahnke
Mayor

Attest to:

Michael M. Brethorst
Chief Operating Officer

Mayor Dahnke stated the next item on the agenda was the 2007 year end transfers. COO Mike Brethorst recommended to council to transfer an additional \$47,000 from the Enterprise Funds to bring the 2007 balance to approximately zero.

03-10-08-17 Motion by Mr. Krause and second by Mr. Ellefson to approve the following 2007 year end transfers. Water, and Sewer, Funds-\$8,000.00 each, Refuse, Electric, Cable, Broadband and Telephone Funds-\$5,000.00 each, and \$6,000.00 from the Liquor Fund for a total of \$47,000.00. Motion carried.

COO Mike Brethorst next updated council members on the credit card processing at City Hall, Liquor Store and the Golf Course. Mr. Brethorst recommends that all processing go thru ETS Corporation. Mr. Brethorst informed council members that with all the credit card processing going thru one company, that the city could see approximately a \$600.00 savings per month.

03-10-08-18 Motion by Mr. Davis and second by Mr. Strom to allow staff to proceed with the credit card processing with ETS Corporation for City Hall, Liquor Store, and the Golf Course. Motion carried.

Mayor Dahnke next stated the next item on the agenda was the 2008 budget amendment resolution for the Golf Course.

03-10-08-19 Motion by Mr. Ellefson and second by Mr. Krause to approve the following resolution. Motion carried.

CTY OF BARNESVILLE
OF CLAY COUNTY, MINNESOTA
2008 BUDGET AMENDMENT - GOLG
RESOLUTION 03-10-08-19

BE IT RESOLVED that the City of Barnesville, Minnesota is required to maintain a budget for its fiscal operations.

BE IT FURTHER RESOLVED that the City of Barnesville, Minnesota has the legal authority to use its taxation authorities to levy necessary funds to operate the city.

BE IT FUTHER RESOLVED that the City of Barnesville, Minnesota is continually monitoring its budget and develops a fiscal budget based on the calendar year.

BE IT FUTHER RESOLVED that the City of Barnesville, Minnesota amend the Golf Course Enterprise Fund Budget to:

	Original 2008	Amended 2008
Revenue:	\$130,000	\$131,023
Expense:	<u>\$129,953</u>	<u>\$131,006</u>
Total:	\$47	\$17

NOW, THEREFORE, BE IT RESOLVED by the City Council of Barnesville that 2008 Budget be amended.

Adopted this 10th day of March, 2008.

Approved this 10th day of March, 2008.

Fred Dahnke
Mayor

Attest: _____
Michael M. Brethorst
Chief Operating Officer

Mayor Dahnke stated the next item on the agenda was the CM Repair update. COO Mike Brethorst informed council members that Mayor Dahnke, Police Chief Dean Ernst and COO Mike Brethorst reviewed the CM Repair property earlier in the day. Mr. Brethorst stated that Mr. Mortensen did meet the deadline today, and that Mr. Mortensen was asking for an extension of May 12, 2008 to clean up his property.

03-10-08-20 Motion by Mr. Davis and second by Mr. Ellefson to approve an extension to Mr. Cris Mortensen of CM Repair to allow him until May 12, 2008 to clean up his property, and allow staff to proceed with a nuisance violation letter to be sent on May 1, 2008 if Mr. Mortensen has not cleaned up his property by that date. Motion carried.

Mayor Dahnke stated the next item on the agenda was the LMC 2008 Annual Conference to be held on June 11-13, 2008. COO Mike Brethorst informed council members to let staff know if they are interested in going.

03-10-08-21 Motion by Mr. Davis and second by Mr. Hagen to adjourn the meeting at 8:50 p.m. Motion carried.

Submitted by:

Attest:

Jeri Reep
City Clerk

Fred Dahnke
Mayor