

Barnesville City Council
Regular Meeting
July 13, 2009

Mayor Dahnke called this regular council meeting to order at 7:00 p.m. Members 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, Sr. Accountant Laurie Schell, EDA Director Karen Lauer, Public Works Supt. Dave Riddering, Police Chief Dean Ernst, Dan Lubbesmeyer with People Services, Ambulance Manager Jon Yeske, Dan Hanson with Ulteig Engineers, Robert Lenoue, Tom Jensen, Mark Kava, Pam Aakre from the Record Review.

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

Mayor Dahnke asked Sr. Accountant Laurie Schell to take roll call.

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

Mayor Dahnke next asked if there were any additions or corrections to the agenda. Mayor Dahnke added Item H under Administration – Sales Tax Recovery and Item I under Administration – Modified Schedule from Brimeyer Group.

07-13-09-01 Motion by Mr. Ellefson and second by Mr. Strom to accept the agenda and the consent agenda as presented. Motion carried. The following items were on the consent agenda.

1. Approval of the Minutes of the Regular meeting held on June 8, 2009-1
 - a. Approval of the minutes of the Special meeting held on June 4, 2009-11
 - b. Approval of the minutes of the Emergency meeting held on June 11, 2009-14
 - c. Approval of the minutes of the Special meeting held on June 11, 2009-15
 - d. Approval of the minutes of the Special meeting held on June 23, 2009-17
2. Department Head Reports
3. Finance Report - Approval of check numbers 66519-66786 in the amount of \$887,321.91 and EFT payments in the amount of \$201,726.78.
4. Approval to hire Jennifer Hodge as Sr. Lifeguard @ \$8.65 per hour.
5. Accept Missouri River proposed T-1 Agreement
6. Approval to hire Robert Harris as Groundskeeper @ \$8.00 per hour.
7. Approve the resignation for Carol Krumpp as EMT.
8. Approval to hire Ginny Jacobson as a Volunteer Paramedic for the summer months.

Mayor Dahnke stated the next item on the agenda was the board and commission reports. Council Member Merlin Strom informed council members that 5 planning commission members attended a teleconference in Fergus Falls and their next meeting is scheduled for August 3rd. Mayor Dahnke informed council members the next fire board meeting will be held on July 27th. Mayor Dahnke met with surrounding mayors at a WACCO meeting last Thursday night and will be attend a meeting on Wednesday, July 15th.

07-13-09-02 Motion by Mr. Cooper and second by Mr. Hagen to approve the board and commission reports as presented. Motion carried.

Mayor Dahnke stated that the next item on the agenda was the citizens to be heard. At this time Mr. Robert LeNoue spoke. He made the comments that grass gets cut, streets are well maintained, bills are mailed out timely, etc. He is concerned about another layer of management. He questions why the City needs to hire a high priced City Administer when things appear to running just fine.

Mayor Dahnke stated the next item on the agenda was the Barnesville Homes. Mayor Dahnke stated that this item would be tabled, Mr. Johnson was not present.

Mayor Dahnke stated the next item on the agenda was the Barnesville Library remodeling. The low bid was from Progressive Builders. During the remodeling phase the Library will relocate to Old City Hall Building.

07-13-09-03 A motion was made by Mr. Ellefson and seconded by Mr. Hagen to accept the bid from Progressive Builders and the funding in the amount of \$16,383.00 which is the City's share of the project. Motion Carried.

Mayor Dahnke stated the next item on the agenda was the Temporary On-Sale Liquor License request from the KC's. Mr. Mark Kava was present and stated that they would like to serve strong beer. Mr. Jeremy Krause questioned the dates liquor will be sold. If the intent was to serve after midnight on the 29th of August they would need to apply for a two day permit, not a one day. Mr. Kava had no problem with revising the application to reflect a two day permit. Mr. Larry Davis, Jr. questioned whether they intended to sell hard liquor and Mr. Kava stated they had no intention of that. The council agreed to a stipulation of beer only for the temporary liquor license.

07-13-09-04 A motion was made by Mr. Cooper and seconded by Mr. Davis to grant the KC's a two day Temporary On-Sale Liquor License with the stipulation of beer only. Motion Carried.

Mayor Dahnke stated the next item on the agenda was to set the Temporary On-Sale Liquor License Fee. Mr. Shockley researched area communities that have imposed such a fee and the average fee was approximately \$35.00.

07-13-09-05 A motion was made by Mr. Ellefson and seconded by Mr. Davis to set the Temporary On-Sale Liquor License Fee at \$35.00 per day. Motion Carried.

Mayor Dahnke stated that the next item on the agenda was the Community Education Summer Recreation Program donation. This is an annual donation of \$15,000.00 budgeted in the Parks Department.

07-13-09-06 A motion was made by Mr. Hagen and seconded by Mr. Cooper to make the \$15,000.00 donation to the Community Education Summer Recreation Program. Mr. Ellefson abstained. Motion carried.

Mayor Dahnke stated that the next item on the agenda was the Clay County Fair Donation. Mayor Dahnke expressed the economic value of having the fair in Barnesville. Mayor Dahnke also expressed the fact that Clay County is looking at cutting their contribution to the fair by 20% next year and that would amount to a \$4,000.00 cut.

07-13-09-07 A motion was made by Mr. Davis and seconded by Mr. Ellefson to make a donation of \$1,000.00 to the Clay County Fair.

Mayor Dahnke stated that the next item on the agenda was the reverse sales tax. Ms. Schell stated the American Financial Consulting previously has performed a reverse sales tax audit for the City of Barnesville which resulted in a refund of over \$15,000.00. The consulting firm does not charge the clients a fee unless there is a recovery. If they find a recovery their fee is 30%.

07-13-09-08 A motion was made by Mr. Ellefson and seconded by Mr. Strom to sign the proposal from American Financial Consulting to perform a Reverse Sales Tax Audit.

Mayor Dahnke stated that the next item on the agenda was the modified schedule proposed by Brimeyer Group. The timeline has been adjusted.

Mayor Dahnke stated that the next item on the agenda was DMS-10 Engineering Service request. Mr. Hagen stated by authorizing Communication Network Engineers to review our DMS-10 translations and creating a map they will be able to identify calls that hit our switch in error. These calls have cost roughly \$140.00 per month to re-route with no compensation.

07-13-09-09 A motion was made by Mr. Ellefson and seconded by Mr. Strom to approve and authorize Communication Network Engineers to complete a review of the DMS-10 transmission and create a map of those translations and complete a review of our Central Office current and future needs not to exceed \$5,000.00. Motion carried.

Mayor Dahnke stated that the next item on the agenda was the Minnesota Department of Transportation Permit to Bore. Mr. Hagen stated that the security deposit is returned to the city when the job is complete and has been accepted by the MN Dept. of Transportation.

07-13-09-10 A motion was made by Mr. Strom and seconded by Mr. Hagen to approve and authorize submitting the permit application to the MN Dept of Transportation. Motion carried.

Mayor Dahnke stated that the next item on the agenda was Street Cut Fee. Mr. Riddering stated that the current fee does not cover the costs associated with the repair of asphalt after a street cut and that he recommends increasing the fee to \$400.00. This fee has not been change since 1997 and Mr. Hanson from Ulteig Engineers stated that \$400.00 was more than reasonable. Mr. Hanson said that some communities charge up to \$800.00 to hook-up utilities. Some concerns were expressed in regards to potential buyers who have already been quoted the existing fee. Council was in agreement to increase the fee to \$400.00 effective January 1, 2010 to alleviate those concerns.

07-13-09-11 A motion was made by Mr. Davis and seconded by Mr. Cooper to increase the Street Cut Fee to \$400.00 effective January 1, 2010. Motion Carried.

Mayor Dahnke stated that the next item on the agenda was the Capital purchase of a pickup. Mr. Riddering stated that this was a budgeted 2009 item and they would be replacing the van for use in the Public Works Department. This item would be sent out for quotes and brought back to Council in August for approval.

Mayor Dahnke stated that the next item on the agenda was the discussion on boulevard trees. This was referred to the County Attorney's office and they declined to prosecute. Chief Ernst stated that the County felt it wasn't the appropriate course because they could not prove intent. This could be pursued on a civil level since the City is looking more for restitution versus prosecution. Chief Ernst stated that they should look at the offense and treat as even and fair as possible and stated that he would like to set some precedence for future issues. Mr. Ellefson asked if this should be tabled and go back to the Public Works Committee. Mr. Davis and Mr. Cooper stated that something needs to be done. An option that the City could look into further would be Small Claims Court. Mr. Shockley stated that he could not present this to a Small Claims Court but he could coach the mayor as to damages which would be determined by the Public Works Department.

07-13-09-12 A motion was made by Mr. Strom and seconded by Mr. Cooper to take this through Small Claims Court. Motion carried.

Mayor Dahnke stated that the next item on the agenda was Ambulance Pay. Mayor Dahnke took this moment to commend the Ambulance, Fire, and Police for their quick response at the Demo Derby on Friday night. Mr. Yeske presented a proposal that showed current and proposed weekend pay, holiday pay, and run pay for the Ambulance Service. Due to difficulty filling the schedule Mr. Yeske was recommending to approve an increase to the weekend pay and holiday pay effective immediately and implementing the new run pay effective for the 2010 Budget. By doing this Mr. Yeske felt that it would help in retaining service members and possibly the recruiting of new members. Mr. Ellefson questioned where the money would come from if they implemented all three options immediately. Ms. Schell indicated that there was \$3,000.00 remaining in the Council discretionary fund.

07-13-09-13 A motion was made by Mr. Ellefson and seconded by Mr. Davis to approve increasing weekend pay to \$2.00 an hour, holiday pay to \$3.00 an hour, and run pay for Paramedic's to \$75.00, EMT's to \$50.00, and First Responder's to \$30.00 effective immediately and for the transfer of \$3,000.00 from Council discretionary funds to the Ambulance Fund. Motion carried.

Mayor Dahnke stated that the next item on the agenda was the Heartland 3rd Addition Final Plat. Ms. Lauer stated that the plat was modified to create right-of-way at 10th Ave SE instead of a utility easement. Mr. Ellefson questioned the west side jog. Mr. Hanson said that it would not be significant, that the road would go straight but less right-of-way to the south. Mr. Hanson also stated that he didn't believe it would be a viable intersection because of the sight lines. Mr. Hanson would anticipate a gradual change, no offset.

07-13-09-14 A motion was made by Mr. Davis and seconded by Mr. Strom to approve the Heartland 3rd Addition Final Plat. Motion carried.

Mayor Dahnke stated that the next item on the agenda was the 2nd Reading – Permit Fee for Swimming Pools. Ms. Lauer deferred the comments to Mr. Shockley. Mr. Shockley stated that

the IRC - Appendix G of the MN code is optional but that the Administrative Code is not. Council consensus was that a permit was needed. Mr. Davis stated that it seemed like an unnecessary expense for the homeowner. Ms. Lauer relayed that Mr. Holm was concerned because a \$5.00 fee does not cover administrative expenses involved. Mr. Krause asked if Mr. Holm physically has to inspect the property and Ms. Lauer indicated yes. Mr. Strom asked if staff has been receiving calls about swimming pools and they have. Council agreed to leave the fee at \$5.00.

07-13-09-15 A motion was made by Mr. Strom and seconded by Mr. Ellefson to approve the Ordinance to Amend Section 4.02 of the Barnesville Municipal Code relating to Permits and Fees to include the Swimming Pool Permit (24 inches or deeper) of \$5.00. Motion carried.

Mayor Dahnke stated that the next item on the agenda was the Small Trees in the Commercial Park Expansion Area. The EDA recommends contracting with Dean's Bulk for the removal of trees from the 25 acres, brush mow and disc the property at a rate of \$40.00 per hour which would include equipment and labor. Council agreed to set a cap on the project at \$1,500.00 starting at the north side and stopping if the cap has been reach. At that time Dean's Bulk is to come back with an estimate of time left to complete the project. Payment for the project is to be budgeted for in the 2010 Budget.

07-13-09-16 A motion was made by Mr. Davis and seconded by Mr. Strom to contract with Dean's Bulk Service to remove the trees from 25 acres, brush mow and disc the property at a rate of \$40.00 an hour, not to exceed \$1,500.00. Motion carried.

Mayor Dahnke stated that the next item on the agenda was awarding the bid for brickwork – Old City Hall renovation project. EDA Director Ms. Lauer reported that three bids were received for the brick renovation on Old City Hall. The low bidder was Brick Stone Masonry.

07-13-09-17 A motion was made by Mr. Davis and seconded by Mr. Ellefson to award the contract to Brick Stone Masonry in the amount of \$16,680.00 to rebuild the original brick sunburst parapet. Motion carried.

Mayor Dahnke stated that the next item on the agenda was the Liquor Store Remodeling. This item was tabled.

Mayor Dahnke stated that the next item on the agenda was the 2nd Quarter Transfers. Ms. Schell recommends approval as presented.

07-13-0-18 A motion was made by Mr. Krause and seconded by Mr. Ellefson to approve the 2nd Quarter Transfers. Motion carried.

Mayor Dahnke stated that the next item on the agenda was Public Nuisances. There was discussion on several locations, some which appear to be cooperating to some degree. A task force has been set up headed by Chief Ernst.

Mayor Dahnke stated that the next item on the agenda was Clay County Rural Transit. Effective July 15, 2009 Barnesville/Sabin Commuter Route has been cut due to budget cutbacks and low ridership. Pending future funding from MnDOT, the Barnesville/Sabin Commuter Route may begin again on October 1, 2009.

Mayor Dahnke referred back to Mr. Robert LeNoue's comments on hiring a City Administrator. Mayor Dahnke stated that Barnesville is unique with all the enterprise funds and residents demand more services which results in higher volume of contact with the public, staff and council. Mr. Davis questioned City Attorney John Shockley on whether the State requires that the City have an administrator. Mr. Shockley's response was that Charter Cities can set the rules and that it is not required.

07-13-09-19 Motion by Mr. Ellefson and seconded by Mr. Davis to adjourn the meeting at 8:45 p.m. Motion carried.

Submitted by:

Attest:

Laurie Schell
Sr. Accountant

Fred Dahnke
Mayor