

**Barnesville City Council
Regular Meeting
January 11, 2010**

Mayor Dahnke called this regular council meeting to order at 7:00 p.m. Members present were Mayor Dahnke and council members Larry Davis, Jr., Del Ellefson, Jeremy Krause, Roger Cooper and Merlin Strom. Council member Chad Hagen was absent. Others in attendance were City Attorney John Shockley, City Administrator Mike Rietz, City Clerk Jeri Reep, EDA Director Karen Lauer, Public Works Supt. Dave Riddering, TEC Manger Guy Swenson, Police Chief Dean Ernst, Ambulance Manager Jon Yeske, Dan Lubbesmeyer with People Service, Ron Baebler, Jason Rick, Darin Allmaras, Dan Hanson with Ulteig Engineers, Diane Krile with Digicom, Derek Hanson, Kyler Votatva, and Pam Aakre from 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.

Mayor Dahnke asked if there were any additions or corrections to the agenda. Mayor Dahnke had the following additions to the agenda: Lions Club gambling request, laptops for council member's discussion, and the telephone budget carry over request.

01-11-10-01 Motion by Mr. Cooper and second by Mr. Davis to approve the agenda and consent agenda as presented, with the following additions: Lions Club gambling request, laptops for council member's discussion, and the telephone budget carry over request. Motion carried. The following items were on the consent agenda:

1. Approval of the minutes of the regular meeting held on December 14, 2009.
2. Department head reports.
3. Approval of check numbers 67858-68041 in the amount of \$1,313,003.58 and EFT's in the amount of \$167,341.79.
4. Approval to hire Tyler Januscheitis as Ice Rink Attendant at \$\$7.25 per hour.
5. Approval to hire Kori Krause as Ice Rink Attendant at \$7.25 per hour.
6. Approval to appoint Trent Bielejeski to a 3 year term on the TEC Board.
7. Approval to appoint Del Ellefson and Merlin Strom to the TEC Board.
8. Change Laurie Schell's job description from Sr. Accountant to Finance Director.
9. Approval to appoint Eric Spilde to the EDA Board.
10. Approval of the Barnesville Rod & Gun Club gambling request-Feb. 19, 2010.
11. Approval of travel for City Administrator Mike Rietz to attend the 2010 Mid-Winter Professional Development Seminar-Feb. 5-6, 2010.
12. Approval of the Barnesville Lions Club gambling request-July 15-17, 2010.
13. Approval of the Barnesville Lions Club gambling request-August 28, 2010.

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

Council member Merlin Strom stated that the Planning & Zoning and Park Board would be having a joint meeting in February. Council member Jeremy Krause stated that the golf course is doing maintenance on some equipment.

01-11-10-02 Motion by Mr. Davis and second by Mr. Ellefson to approve 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. There were none.

Mayor Dahnke next called on Council member Roger Cooper and thanked Mr. Cooper for his years of service, from 1983 to 2009, and presented Mr. Cooper with a clock in his appreciation.

Mayor Dahnke stated the next item on the agenda was the oath of office for the Mayor and council members. City Administrator Mike Rietz next called on Mr. Fred Dahnke and asked Mr. Dahnke to read the oath of office for Mayor. City Administrator Mike Rietz next called on Larry Davis, Jr., Darin Allmaras, and Jason Rick. Mr. Rietz presented the oath of office to each council member.

Mayor Dahnke next discussed the council representatives and appointments that Mayor Dahnke had prepared.

01-11-10-03 Motion by Mr. Ellefson and second by Mr. Davis to approve the council representatives and appointments as presented. Motion carried.

Portfolios Holders and Committee Assignments

Admin, Finance & Personnel	Ellefson, Krause
Liquor, Ordinances, & Buildings	Davis, Strom
Water/Wastewater	Allmaras, Rick
Streets & Parks	Allmaras, Rick
Police, Fire, & Ambulance	Dahnke, Rick
TEC Advisory Board	Ellefson, Strom, Lee Follingstad Rick Raftevoid, Trent Bielejeski
Planning Commission	Strom
Airport Advisory Board	Rick
Park Board	Davis
Community Education	Rick
Barnesville HRA	Davis
EDA	Ellefson, Allmaras
WACCO	Dahnke, Ellefson-(Alternate)
Emergency Operations Director	Dahnke, Rick

JP Zoning Board	Strom, Allmaras
JP Board of Adjustment	Davis
Library Board	Krause
Golf Board	Strom, Krause
Clay County Rural Transit	Krause
Dev. Control Board	Ellefson, Allmaras
Clay County Collaborative Board	Krause

Mayor Dahnke stated the next item on the agenda was to approve the city officers.

01-11-10-04 Motion by Mr. Davis and second by Mr. Rick to approve the following city officers. Motion carried.

Acting Mayor	Larry Davis, Jr.
City Administrator	Michael Rietz
City Attorney	John Shockley
City Clerk	Jeri Reep
Chief of Police	Dean Ernst

Mayor Dahnke stated the next item on the agenda was to designate the official depositories.

01-11-10-05 Motion by Mr. Rick and second by Mr. Strom to approve the following as the official depositories for the City of Barnesville. Wells Fargo, Wells Fargo Investment Services, Midwest Bank, MN Municipal Money Market Funds. Motion carried.

Mayor Dahnke stated the next item on the agenda was to designate the Official City Newspaper.

01-11-10-06 Motion by Mr. Strom and second by Mr. Ellefson to approve the Barnesville Record Review as the official city newspaper. Motion carried.

Mayor Dahnke stated the next item on the agenda was the discussion of the Planning and Zoning Administrator position. Council member Del Ellefson stated that he has spoken to some council members, and they feel that this position should be handled in City Hall with City Administrator Mike Rietz.

01-11-10-07 Motion by Mr. Ellefson and second by Mr. Strom to appoint City Administrator Mike Rietz as the Zoning Administrator for the City of Barnesville effective March 1, 2010. Council member Merlin Strom thanked EDA Director Karen Lauer for everything she has done over the years as zoning administrator. Mr. Strom stated that Mrs. Lauer went over and beyond for her performance. Motion carried.

Mayor Dahnke stated the next item on the agenda was the Clay County Joint Powers Committee Retreat. Mayor Dahnke stated that the 2010 Annual Intergovernmental Retreat is scheduled for Friday, January 22, 2010 at the Courtyard by Marriott in Moorhead. Mayor Dahnke stated that City Administrator Mike Rietz, Del Ellefson and he were planning on attending. Mayor Dahnke asked if anyone was interested in attending, to let City Administrator Mike Rietz know.

Mayor Dahnke stated the next item on the agenda was the discussion of purchasing laptop computers for council members and the Mayor. City Administrator Mike Rietz stated that monies were put in the 2010 budget for this expenditure. Mr. Rietz stated that this would reduce the paper costs. Mrs. Diane Krile with DigiCom showed council members a mini laptop computer, along with a regular laptop computer. Council members preferred the regular laptop computer size. Mrs. Krile stated the estimated cost would be \$955.00 per laptop, plus the carrying bag. There was no further discussion.

Mayor Dahnke stated the next item on the agenda was the broadband and internet ordinance change ordinance. TEC Manager Guy Swenson stated that this ordinance states that the City would no longer have dial up internet sales.

01-11-10-08 Motion by Mr. Ellefson and second by Mr. Allmaras to approve the 2nd reading of ordinance 2009-7. Motion carried.

ORDINANCE 2009-7

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. 2009-04 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. 2009-04 is hereby replaced as follows:

Section 1. Costs for DSL service

	MONTHLY COSTS		SPEEDS	
	Internet/DSL		Down speed	Up speed
1.	\$24.95	(Bronze)*	128 kbps	128 kbps
2.	\$36.95	(Silver)	1 Megbps	512 kbps
3.	\$52.95	(Gold)	3 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: \$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 11th day of January, 2010

APPROVED:

Fred Dahnke, Mayor

ATTEST:

Jeri Reep
City Clerk

First Reading: December 14, 2009
Second Reading: January 11, 2010
Adopted: January 11, 2010
Publication: January 25, 2010

Mayor Dahnke stated the next item on the agenda was the Calix CMS agreement. TEC Manager Guy Swenson informed council members that this is for Calix support for equipment setup and problem resolution. Mr. Swenson stated that the CMS subscription with Calix is in the amount of \$1188.00.

01-11-10-09 Motion by Mr. Davis and second by Mr. Strom to approve the annual CMS subscription with Calix in the amount of \$1188.00. Motion carried.

Mayor Dahnke stated the next item on the agenda was the 702 helpdesk internet support and broadband contract. TEC Manager Guy Swenson informed council members that in the past year we have added 127 new DSL customers. Mr. Swenson stated that this is a new contract with 702 Communications increasing our bandwidth to 30mb at \$2100.00 per month.

01-11-10-10 Motion by Mr. Ellefson and second by Mr. Rick to approve the new contract with 702 Communications increasing our bandwidth to 30mb at \$2100.00 per month. Motion carried.

Mayor Dahnke stated the next item on the agenda was the Home Shopping Network Contract renewal. TEC Manager Guy Swenson informed council members that the Home Shopping Network contract is expiring on October 31, 2014. Mr. Swenson stated that this year, there are two contracts for HSN, one for the analog feed and the second is for the digital feed. The terms and rates are the same on both contracts. The new contracts will expire on October 31, 2014 with the rate remaining the same as previous contract at 5% of the net sales.

01-11-10-11 Motion by Mr. Allmaras and second by Mr. Strom to authorize TEC Manger Guy Swenson to sign both the Analog and Digital contracts with Home Shopping Network. Motion carried.

Mayor Dahnke stated the next item on the agenda was the telephone budget carryover request. TEC Manager Guy Swenson was requesting the following amounts be carried over to the 2010 budget. Central Office DC power upgrade-\$40,000. The upgrade of the central office batteries and power inverter. Due to components on backorder, this project will not be complete until after the 2009 budget is closed. The other item is the balance of \$20,717.26 to bore conduits under the railroad tracks at the Highway 9 crossing and the 4th Ave. NW crossing. Problems with securing the permits prevented this project from being completed prior to freeze-up. Mr.Swenson stated that staff plans to complete this project in June 2010.

01-11-10-12 Motion by Mr. Ellefson and second by Mr. Davis to approve the 2009 carry-over of \$60,717.26 from the telephone line item 652-49870-580 to the telephone restricted fund. Motion carried.

Mayor Dahnke stated the next item on the agenda was the 2nd reading of Ordinance 2009-8, an ordinance to amend and reenact Section 2.32 of the Barnesville City Code relating to the Barnesville Fire Department.

01-11-10-13 Motion by Mr. Davis and second by Mr. Rick to approve the 2nd reading of Ordinance 2009-8. Motion carried.

ORDINANCE NO. 2009-8

AN ORDINANCE TO AMEND AND REENACT SECTION 2.32 OF THE BARNESVILLE CITY CODE RELATING TO THE BARNESVILLE FIRE DEPARTMENT.

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

SECTION 1. Section 2.32 of the Barnesville City Code is hereby amended and reenacted to read as follows:

SEC. 2.32. FIRE DEPARTMENT.

Subd. 1. Joint Powers. The Fire Department functions of the City shall be provided by the Barnesville Area Fire District under a joint powers agreement. The Council shall adopt specific contractual terms with the Barnesville Area Fire District from time to time and adopt such agreement by resolution. The Chief of the Barnesville Area Fire District, or his designee, shall have authority within the corporate limits of the City to superintend the preservation of all property endangered by fire and shall have control and direction of all persons engaged in preserving such property. In case of the absence or disability of the Chief for any cause, the Assistant Chief shall exercise all the powers, perform all the duties and be subject to all the responsibilities of the Chief. The Chief shall make and file such reports as may be requested by the Council.

Subd. 2. Purposes and Intent. This ordinance is adopted for the purpose of authorizing the City of Barnesville to charge for fire service as authorized by Minnesota Statutes §§ 366.011, 366.012, and 415.01.

Subd. 3. Definitions.

- (A) “Fire service” means any deployment of fire fighting personnel and/or equipment to extinguish a fire or perform any preventative measure in an effort to protect equipment, life, or property in an area threatened by fire. It also includes the deployment of fire fighting personnel and/or equipment to provide fire suppression, rescue, extrication, and any other services related to fire and rescue as may occasionally occur.
- (B) “Fire service charge” means the charge imposed by the City for receiving fire service.
- (C) “Motor vehicle” means any self-propelled vehicle designed and originally manufactured to operate primarily upon public roads and highways, and not operated exclusively upon railroad tracks. It includes semi trailers. It does not include snowmobiles, manufactured homes, all terrain vehicles, or park trailers.
- (D) “Fire protection contract” means a contract between the City and a town or other city for the City to provide fire service.
- (E) “Mutual aid agreement” means an agreement between the City and a town or other city for the City’s fire department to provide assistance to the fire department of a town or other city.

Subd. 4. Parties Affected.

- (A) Owners of property within the City who receive fire service.
- (B) Anyone who receives fire service as a result of a motor vehicle accident or fire within the City.
- (C) Owners of property in towns or cities to which the City provides fire service pursuant to a fire protection contract.

Subd. 5. Rates. The rates and charges for a fire call shall be as set by resolution of the Barnesville City Council.

Subd. 6. Billing and Collection.

- (A) Parties requesting and receiving fire services may be billed directly by the City. Additionally, if the party receiving fire services did not request services but a fire or other situation exists which, at the discretion of the fire department personnel in charge requires fire service, the party will be charged and billed. All parties will be billed whether or not the fire service is covered by insurance. Any billable amount of the fire charge not covered by a party's insurance remains a debt of the party receiving the fire service.
- (B) Parties billed for fire service will have 30 days to pay. If the fire service charge is not paid by that time, it will be considered delinquent, and the City will send a notice of delinquency.
- (C) If the fire service charge remains unpaid for 30 days after this notice of delinquency is sent, the City will use all practical and reasonable legal means to collect the fire service charge. The party receiving fire service shall be liable for all collection costs incurred by the City including, but not limited to, reasonable attorney fees and court costs.
- (D) If the fire service charge remains unpaid for 30 days after the notice of delinquency is sent, the City Council may also, on or before October 15 of each year, certify the unpaid fire service charge to the County Auditor in which the recipient of the services owns real property for collection with property taxes. The County Auditor is responsible for remitting to the City all charges collected on behalf of the City. The City must give the property owner notice of its intent to certify the unpaid fire service charge by September 15.
- (E) False alarms will be billed as a fire call.

Subd. 7. Mutual Aid Agreement. When the City Fire Department provides fire service to another fire department pursuant to a Mutual Aid Agreement, the billing will be determined by the Mutual Aid Agreement.

Subd. 8. Application of Collections to Budget. All collected fire charges will be City funds and used to offset the expenses of the City Fire Department in providing fire services.

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 11th day of January, 2010

APPROVED BY:

Fred Dahnke
Mayor

ATTEST:

Jeri Reep
City Clerk

First Consideration: December 14, 2009
Second Consideration: January 11, 2010
Date of Publication: January 25, 2010

Mayor Dahnke stated the next item on the agenda was the Potato Days meeting report. Mayor Dahnke stated that he along with City Administrator Mike Rietz attended the January Potato Days meeting. Mayor Dahnke stated that there was no interest from a council member to become a member of the Potato Days Board. Mayor Dahnke had nothing more to report.

Mayor Dahnke stated the next item on the agenda was the marketing for the City of Barnesville. Mayor Dahnke stated that he has spoken with EDA President Brad Field, and the Mayor expressed an interest in wanting the City to move forward, wants new television advertising, and would like to see a task force along with a focus group to be formed. Mayor Dahnke stated that Council members Del Ellefson and Darin Allmaras would be the spokespeople for the City. Mayor Dahnke listed several people that he would like to see on the focus or task force. Council member Del Ellefson stated that there is only so much money in the budget to spend for advertising. Council member Jeremy Krause stated that the Main Street may have funds available in their budget for advertising. Mr. Krause stated that the marketing just needs to have direction. City Administrator Mike Rietz stated that staff would work on a marketing strategy. Mr. Rietz stated that he would talk to EDA and report back to council.

Mayor Dahnke stated that the League of Minnesota Cities will be holding a Leadership Conference for newly elected officials, and Jason Rick and Darin Allmaras will be attending.

01-11-10-14 Motion by Mr. Davis and second by Mr. Rick to adjourn the meeting at 8:25 p.m. Motion carried.

Submitted by:

Attest:

Jeri L. Reep
City Clerk

Fred Dahnke
Mayor