

Barnesville City Council
Regular Meeting
January 12, 2009

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, City Clerk Jeri Reep, Public Works Supt. Dave Riddering, Sr. Accountant Laurie Schell, Librarian Shaw Simonsen, Police Chief Dean Ernst, TEC Coordinator Guy Swenson, Cliff Johnson, Mark Pearson, Ryan Beattie, Dennis Braton, Diane Peterson and Pam Aakre with the Record Review.

Mayor Dahnke asked City Clerk Jeri Reep 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. City Clerk Jeri Reep stated the only addition is to add Brian Meyer as an appointment to the Park Board.

01-12-09-01 Motion by Mr. Krause and second by Mr. Ellefson to approve the agenda and consent agenda as presented, with the addition of the Park Board appointment of Brian Meyer. Motion carried. The following items were on the consent agenda.

1. Approval of the minutes of the Regular meeting held on December 8, 2008.
2. Department head reports
3. Finance Report-Approval of check numbers 65344-65593 in the amount of \$935,591.24 and EFT payments in the amount of \$170,670.01.
4. Approval to hire Shelby Lien and Jason Stall as Ice Rink Attendants at \$6.55 per hour.
5. Approval to the Park Board appointment of Brian Meyer with his term to expire December 31, 2009.
6. Approval to hire Ryan Beattie as a Police Officer at \$15.20 per hour.
7. Approval of the contract with Record Review for the Telephone Book contract, for a three year term.
8. Approval of the Rod & Gun gambling permit at the American Legion on Feb. 20, 2009.
9. Approval of the Barnesville Fire Dept. gambling permit at the American Legion on January 30, 2009.
10. Appointment of Acting City Administrator Jeri Reep, with a \$2.00 increase in pay.
11. Approval to hire Wayne Hanson as seasonal part-time Pro Shop/Club House Manager @ \$10.00 per hour.

12. Approval to accept the resignation of Wally Mulcahy as Golf Grounds Keeper effective January 8, 2009.
13. Accept the resignation of Ashley Gilbertson as EMT.
14. Accept the resignation of Mary Mahar as an EMT.
15. Approval to hire Carol Krump as part time EMT @ \$7.25 per hour.

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

Council member Merlin Strom informed council members that Paul Karsnia is the new Planning Commission member. Mayor Dahnke informed members that they had met with Clay County for additional monies from the County. Council member Larry Davis, Jr. informed members that the Park Board is now full with the appointment of Brian Meyer.

01-12-09-02 Motion by Mr. Davis and second by Mr. Hagen 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. Librarian Shaw Simonsen approached the council and invited council members to an open house to be held at the library on January 20th. Police Chief Dean Ernst next introduced Mr. Ryan Beattie as the new police officer. There were no other citizens present.

Mayor Dahnke stated the next item on the agenda was the Personnel Policy update. Council member Del Ellefson stated that the Personnel and Finance committee had reviewed the current personnel policy, and recommends changing the time off for salaried employees. If a salaried employee works on a weekend or holiday, that the employee would receive hour to hour time off. This time off would have to be used within a 12 month period of being earned, or the time would be lost. Mr. Ellefson would like to see this change, effective December 1, 2008.

01-12-09-03 Motion by Mr. Krause and second by Mr. Ellefson to amend the personnel policy as follows: If a salaried employee works on a weekend or holiday, that the employee would receive hour to hour time off. This time off would have to be used within a 12 month period of being earned, or the time would be lost. The effective date of this change will be December 1, 2008. Motion carried.

Council member Larry Davis Jr. wanted to thank Public Works Supt. Dave Riddering and the Public Works Dept. for the great job they have been doing for the snow removal.

The next item on the agenda was the project status/exit memo prepared by COO Mike Brethorst. Mayor Dahnke stated that this was for information only.

Mayor Dahnke stated the next item on the agenda was the 1st reading of Ordinance 2009-1, an ordinance on electric rates.

TEC Coordinator Guy Swenson informed council members that this ordinance is just clarifying wordage.

01-12-09-04 Motion by Mr. Ellefson and second by Mr. Hagen to approve the 1st reading of Ordinance 2009-1. Motion carried.

ORDINANCE 2008-XX

AN ORDINANCE TO ~~ESTABLISH~~ REVISE ELECTRIC RATES AND CHARGES LISTED AS RATE SCHEDULE 1 FOR RESIDENTIAL AND RATE SCHEDULE 2 FOR COMMERCIAL *ELECTRIC SERVICES*.

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

WHEREAS, the City Council did previously Ordinance No. 2008-14 an ordinance to establish charges and,

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

NOW, THEREFORE, Ordinance No. , 2008-14 is hereby replaced as follows

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

Section 1. Code Requirement.

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

Section 2. Services.

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

A. Temporarily during new construction;

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

Section 3. Electrical Installations.

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

- A. Motors of 20 HP or more must have line compensators on same. 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 / Service Charges

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

- A. Current bill, penalties service order charge and reconnect fee of \$100.00 are paid in full; however, should the customer request reconnection outside of the above mentioned regular business hours or on holidays, the reconnect fee shall be \$200.00.
- B. Formal payback agreement is established within the city utilities which shall include the reconnect fee whether it is \$100.00 or \$200.00.
 1. Failure of the customer to adhere to the payment plan as established by the Barnesville Utilities shall result in immediate disconnection of service.
- C. Relocates: Relocating an established electric service from one location to another. \$19.95 Administrative fee applies.

Section 7 Electric Heating System Regulations

A. VIOLATION A MISDEMEANOR.

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

Section 8 Electric Rate Schedules

A. RATE SCHEDULE #1:

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

		Current	May 1, 2008	January 1,	
2009					
	Base Charge	\$11.00	\$12.00	\$13.00	
kwh	Energy Charge	\$.072 per kwh	\$.078 Per kwh	\$.0885	per

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	
kwh	Energy Charge	\$.079 per kwh	\$.083 Per kwh	\$.0925	per

Available to commercial customers for single phase service

C. RATE SCHEDULE #3

GENERAL THREE PHASE SERVICE: (GS6 & DI9)

		Current	May 1,	2008	
	Base Charge	\$16.00	\$19.00	\$22.00	
kwh	Energy Charge	\$.079 per kwh	\$.083 Per kwh	\$.0925	per

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	\$9.60 /kw
Energy Charge			
All kwh	\$.049 per kwh	\$.049 Per kwh	\$.052 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 \$.045 /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	\$.045 /kwh

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

F. Water Heater Incentive Program

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

All customers shall be eligible for a rebate of \$2.00 per gallon for the installation of a new electric water heater with a storage capacity of at least 50 gallons. This rebate increases to \$3.00 per gallon for new water heaters with a minimum storage capacity of 80 gallons. ~~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.
3. ***Tampering with, bypassing or in any way rendering the water heater control inoperative will result in the immediate loss of the water heater rebate. The customer will be responsible for all costs associated with the replacement and reconnection of the load controller including the cost of the replacement controller, any administrative fees, and, at council discretion, may result in criminal charges for destruction of property.***

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

G. Central Air Conditioning Incentive Program

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

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

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 9th day of February, 2009.

APPROVED:

Fred Dahnke, Mayor

ATTEST:

Jeri Reep
City Clerk

First Reading: January 12, 2009
Second Reading: February 9, 2009
Adopted: February 9, 2009
Publication: February 16, 2009

Mayor Dahnke stated the next item on the agenda was the summary of Ordinance 2009-1, this is a summary of the electric rates. TEC Coordinator Guy Swenson stated that City Attorney John Shockley has reviewed both the ordinance and summary ordinance and recommends approval.

01-12-09-05 Motion by Mr. Hagen and second by Mr. Cooper to approve the summary of Ordinance 2009-1. Motion carried.

SUMMARY - ORDINANCE 2009-1

AN ORDINANCE TO ~~ESTABLISH~~ REVISE ELECTRIC RATES AND CHARGES LISTED AS RATE SCHEDULE 1 FOR RESIDENTIAL AND RATE SCHEDULE 2 FOR COMMERCIAL ELECTRIC SERVICES.

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

WHEREAS, the City Council did previously Ordinance No. 2008-14 an ordinance to establish charges and,

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

NOW, THEREFORE, Ordinance No. , 2008-14 is hereby replaced as follows

Section 2. Services.

New or changed service installations shall be made at the expense of the consumer, placed underground where designated by the City (*refers to the exact buried location and whether the service should go to the transformer or closest pedestal*), and the meter location shall also be designated by the City (*refers to*

mounting the meter inside or outside of the building, on the building or on at the transformer). Overhead service installations may be permitted by the City

H. Water Heater Incentive Program

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

All customers shall be eligible for a rebate of \$2.00 per gallon for the installation of a new electric water heater with a storage capacity of at least 50 gallons. This rebate increases to \$3.00 per gallon for new water heaters with a minimum storage capacity of 80 gallons. ~~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.

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

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 9th day of February, 2009.

APPROVED:

Fred Dahnke, Mayor

ATTEST:

Jeri Reep

City Clerk

First Reading: January 12, 2009
Second Reading: February 9, 2009
Adopted: February 9, 2009
Publication: February 16, 2009

Mayor Dahnke stated the next item on the agenda was the discussion of the policy change for electric service deposits.

TEC Coordinator Guy Swenson recommended to council members to change the \$50.00 deposit for electric service to a \$50.00 prepay. This prepayment would be applied to the customer's utility bill.

01-12-09-06 Motion by Mr. Davis and second by Mr. Ellefson to change the \$50.00 deposit for utility service to a \$50.00 prepayment, which will be applied to the customer's utility account as a credit. Motion carried.

Mayor Dahnke stated the next item on the agenda was the discussion of the policy change for electric trenching rebates.

TEC Coordinator Guy Swenson recommended clarifying the policy on the electric trenching policy. Mr. Swenson was recommending that the electric trenching rebate that the contractor must request the rebate within six months after the closing date. Also that to qualify for the rebate, that the service must be buried.

01-12-09-07 Motion by Mr. Cooper and second by Mr. Hagen to approve the following policy. It is the policy of Barnesville Municipal Utility to pay contractors \$250.00 per new house to help defray the cost of burying the electric service. To qualify for the Electric Trenching Rebate, the contractor must request the rebate within six months after the closing date. Motion carried.

Mayor Dahnke stated the next item on the agenda was the MUX/HD Receiver purchase.

TEC Coordinator Guy Swenson informed council members that this is to purchase additional MUX's and 2 HD receivers, at a cost of \$29,600 plus shipping and taxes. This would offer six additional channels on the HD tier. Mr. Swenson stated that this purchase is in the 2009 budget.

01-12-09-08 Motion by Mr. Hagen and second by Mr. Ellefson to approve the purchase of 2 MUX's at \$12,500 each from Transparent Video System and 2 HD receivers at \$2300 each from the National Cable TV Cooperative, for a total of \$29,600 plus shipping and taxes. Motion carried.

Mayor Dahnke stated the next item on the agenda was the HITS programming Transport Agreement.

TEC Coordinator Guy Swenson informed council members that this agreement is needed to enable receipt of the HD content on several channels we currently receive. Mr. Swenson stated that City Attorney John Shockley has reviewed the contract, and recommends staff to sign the agreement.

01-12-09-09 Motion by Mr. Ellefson and second by Mr. Strom to approve the HITS Programming Transport Agreement and authorize staff to sign the 14 month agreement. Motion carried.

Mayor Dahnke stated the next item on the agenda was the WDAY Retransmission Agreement.

TEC Coordinator Guy Swenson informed council members that the WDAY retransmission agreement expired on December 31, 2008. This new agreement is an extension of the last agreement, with a per sub fee of .15 per month. The term of this agreement is three years, with the fee remaining at .15 per sub per month for the entire agreement. Mr. Swenson stated that City Attorney John Shockley has reviewed the agreement and recommends approval.

01-12-09-10 Motion by Mr. Strom and second by Mr. Hagen to authorize staff to sign the WDAY Retransmission Agreement, with a per sub fee of .15 per month for three years. Motion carried.

Mayor Dahnke stated the next item on the agenda was the 2nd Reading of Ordinance 2008-15, an ordinance on sump pump regulations.

01-12-09-11 Motion by Mr. Davis and second by Mr. Ellefson to approve the 2nd Reading of Ordinance 2008-15. Motion carried.

ORDINANCE NO. 2008- 15

AN ORDINANCE TO AMEND AND REENACT SUBDIVISION 2 OF SECTION 3.60 OF THE BARNESVILLE MUNICIPAL CODE RELATING TO SUMP PUMP DRAIN REGULATIONS

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

SECTION 1. Subdivision of Section 3.60 of the Barnesville City Code is hereby amended and reenacted to read as follows:

Subd. 2. Sump Pump Drainage. All premises upon which sump pumps are, presently or in the future, installed or in use shall have permanently installed thereon a drain for the discharge of water from such pump directly into the storm sewer system or into a natural waterway. Property owners shall maintain their sump pump discharge so as to avoid unnecessary build-up of ice near the sump pump discharge point. In the event that sump pump water discharge is causing ice build-up in the streets, on the sidewalks and/or gutters, the property owner shall divert the water into their back yards, until such time that ice build-up no longer occurs. Dumping the sump pump discharge water into the sanitary sewer is still not allowed under these conditions. The type, size and placement of materials used, and the manner of construction of the drain from the discharge on the pump to the discharge end of the drain, shall be incorporated into written standards proposed by the Wastewater Superintendent, and adopted by resolution of the Council. All underground drain construction hereafter performed shall be inspected by the Wastewater Superintendent before it is covered.

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

Passed by the City Council of the City of Barnesville this 12th day of January, 2009.

APPROVED BY:

Fred Dahnke
Mayor

ATTEST:

Jeri Reep
City Clerk

First Consideration: December 8, 2008

Second Consideration: January 12, 2009

Date of Publication: January 19, 2009

Mayor Dahnke stated the next item on the agenda was the CUP request for Leadership Barnesville. EDA Director Karen Lauer informed the council that this is a request from the Leadership project team to erect a 4' x 8' "Welcome to Barnesville" sign in the triangle of City land at the corner of Front Street and 7th avenue SE. Mrs. Lauer stated that the Planning & Zoning recommend approval with the conditions as set forth. Mrs. Lauer stated that the Leadership program would gift the sign to the city.

01-12-09-12 Motion by Mr. Strom and second by Mr. Cooper to approve the CUP request from Leadership Barnesville project team to erect a 4' x 8' "Welcome to Barnesville" sign, with the conditions set forth.

1. The maximum height of the sign as measured from the ground will be 8 feet; with a maximum size of 32 square feet.
2. The City of Barnesville agrees to accept the gift of the sign from the Leadership Barnesville Project Team and maintain the sign.
3. A City of Barnesville building permit will be obtained before erecting the sign.
4. The City of Barnesville reserves the right to inspect the property for conformity with these conditions.

Motion carried.

Mayor Dahnke stated the next item on the agenda was the CUP request from Mr. Dennis Braton. EDA Director Karen Lauer informed council members that Dennis Braton removed the building at the old well house, and would like to utilize this structure as part of an addition to his commercial building located at 908 Front Street South. Mr. Braton plans to place the 18' x 34' building on the western edge of the slab, and raise the structure by 6 feet. When the work is completed, the extended building will allow Mr. Braton to drive his semi cab and attached trailer/backhoe into the structure for storage. Mayor Dahnke asked several questions in regards to past history of compliance from Mr. Braton, the building structure, and if the building would meet the requirements. Council member Chad Hagen asked if the Planning Commission approved of the CUP. Council member Merlin Strom stated that the Commission did approve, but they were two members short. Council member Chad Hagen asked Mr. Braton if he would meet the requirements. Mr. Braton stated he would meet the requirements. Council member Merlin Strom stated that he was concerned about the safety, that there could be a better use for the building, and questioned if the project would get done.

01-12-09-13 Motion by Mr. Strom to deny the CUP request from Mr. Dennis Braton, and authorize City Attorney John Shockley to list a fact and findings of the CUP. Mayor Dahnke asked if there was a second to the motion. Mayor Dahnke asked three times for a second. Motion fails.

01-12-09-14 Motion by Mr. Ellefson and second by Mr. Davis to approve the CUP for Dennis Braton at 908 Front Street South with the conditions set forth.

1. Mr. Braton must apply for a building permit prior to work commencing.
2. All construction will adhere to the standards of the International Building Code, including meeting requirements of the State Electrical Code.
3. By July 31, 2009 the structure will be in-place, raised with the garage door installed on the west end, and the in-fill construction will be completed. By that date, the west face of the existing building, the entire moved-in structure and the in-fill construction sided with grey vertical steel to match the existing fence.
4. By September 1, 2009 the moved in structure shall be lined with either drywall or a steel liner to minimize the fire damage.
5. All current fire extinguishers in the existing building must be tested and an additional fire extinguisher should be added to the addition by July 31, 2009.
6. The City of Barnesville reserves the right to inspect the property on a regular basis for conformity with these conditions.
7. A permanent Certificate of Occupancy must be issued on or before September 1, 2009 or the Conditional Use Permit will be revoked.

Those voting in favor of were council members Jeremy Krause, Larry Davis, Jr, Del Ellefson, Roger Cooper and Chad Hagen. Those voting against were Council member Merlin Strom. Motion carried.

Mayor Dahnke stated the next item on the agenda was the discussion to decertify two blocks from the Heartland TIF District.

EDA Director Karen Lauer stated that Mr. Bob Stefko is requesting to replating and re-zoning two blocks in the Heartland Addition. City Attorney John Shockley informed council members that this area is in the TIF District that the request is to have two parcels be taken out so the lots can be larger. Mr. Shockley stated that this amendment can be done at the February meeting, and there is no need to hold a public hearing.

01-12-09-15 Motion by Mr. Ellefson and second by Mr. Strom to authorize staff to proceed with the decertifying of two blocks from the Heartland TIF District. Motion carried.

Mayor Dahnke stated the next item on the agenda was the 2009 LGA reductions. Mayor Dahnke stated that all departments will have a freeze on all capital expenditures until the State announces what the city will receive for a reduction of LGA monies.

Mayor Dahnke next called on Mr. Dan Hanson with Ulteig Engineering. Mr. Hanson informed council members that he is working with Clay County Engineer Dave Overboe for the Front Street project, and hopefully the county and city will receive funds for the project. Mr. Hanson also presented the city with a current aerial view of the City.

01-12-09-16 Motion by Mr. Davis and second by Mr. Ellefson to adjourn the meeting at 8:11 p.m. Motion carried.

Submitted by:

Attest:

Jeri L. Reep
City Clerk

Fred Dahnke
Mayor