

**Barnesville City Council
Regular Meeting
October 12, 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, City Clerk Jeri Reep, Sr. Accountant Laurie Schell, EDA Director Karen Lauer, Public Works Supt. Dave Riddering, TEC Manger Guy Swenson, Ambulance Manger Jon Yeske, Police Chief Dean Ernst, Brandon Anderson with People Service, Jason Rick, Tom Jensen, Todd Meyer, Stan and UnaMae Thurlow, and Dan Hansen from Ulteig Engineers, and Pam Aakre from the Record Review.

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

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.

Mayor Dahnke next asked if there were any additions or corrections to the agenda. Council member Del Ellefson stated that he would like to add the discussion of a third employee for the Telephone and Cable Departments. There were no other additions or corrections.

10-12-09-01 Motion by Mr. Krause and second by Mr. Davis to approve the agenda and consent agenda as presented, with the addition of the discussion of a third employee for the telephone and cable department. Motion carried.

The following items were on the consent agenda:

1. Approval of the Minutes of the Regular meeting held on September 14, 2009
2. Approval of the Minutes of the Special meeting held on September 9, 2009
3. Approval of the Minutes of the Special meeting held on September 24, 2009
4. Approval of the Minutes of the Special meeting held on September 25, 2009
5. Department Head reports
6. Approval of check numbers 67264-67451 in the amount of \$248,587.20 and EFT payments in the amount of \$151,646.65.
7. Finance Report-none
8. Approval of travel for TEC Manager Guy Swenson to attend the Missouri River Energy Service meeting.
9. Approval of travel for Sr. Accountant Laurie Schell to attend the Tyler Technologies Midwest User Group meeting.
10. Approval of travel for Sr. Accountant Laurie Schell to attend the MN GFOA Workshop.
11. Approval of the transfer of the City owned copier to the Potato Days Festival.

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

Council member Merlin Strom stated that the Planning and Zoning are working on some side yard issues. Mayor Dahnke stated that the Fire Board will be meeting soon. Council member Jeremy Krause stated that the Golf Course would be closing on October 25th.

10-12-09-02 Motion by Mr. Ellefson and second by Mr. Cooper to approve the board and commission reports as presented. Motion carried.

Mayor Dahnke next asked if there were any citizens present to be heard. Mayor Dahnke thanked the Boy Scout representatives for attending the meeting. There were no other citizens present.

Mayor Dahnke stated the next item on the agenda was to hire Mr. Michael Rietz as the City Administrator. Council members discussed the proposed employment agreement with Mr. Rietz. There was some discussion on the City paying the civic organization membership dues for Mr. Rietz. Council member Roger Cooper stated that he did not think the City should pay for the membership dues for civic organizations for Mr. Rietz. Council member Chad Hagen suggested that the city limit the civic membership dues to one organization. per year.

10-12-09-03 Motion by Mr. Davis and second by Mr. Strom to approve the proposed employment agreement, with Mr. Michael Rietz, with the city paying only one civic club organization dues, per year. Motion carried.

Mayor Dahnke stated the next item on the agenda was to renew the contract for the Main Street Business Incentive Program. EDA Director Karen Lauer informed council members that the Business Incentive Program was started by the Main Street Program 16 years ago. The program provides free hookup and base utility charges for electric, water, sewer and telephone for businesses within the Barnesville service district who have new services connected or installed.

10-12-09-04 Motion by Mr. Ellefson and second by Mr. Krause to renew the contract with the Main Street Business Incentive Program for the year 2010. Motion carried.

Mayor Dahnke stated the next item on the agenda was the Motorola Receiver and Modulator purchase. TEC Manager Guy Swenson informed council members that this is a requirement from Discovery Networks for an ID Channel as well as Planet Green and the Science Channel be added to our Preferred channel lineup before we can receive the HD content for all of the Discovery Network channels. Mr. Swenson stated that there were funds available in the supplies and maintenance and the capital expenditures.

10-12-09-05 Motion by Mr. Krause and second by Mr. Ellefson to approve the purchase of 2 Motorola DSR-4410MD cable tv receivers for \$2670.00 each and 2 Blonder Tongue modulators for \$395.00 each for a total of \$6130.00. plus any shipping

and taxes. The expenditures will be split between the supplies and maintenance account and the capital expenditures account. Motion carried.

Mayor Dahnke stated the next item on the agenda was the DSL Modem purchase discussion. TEC Manager Guy Swenson was requesting to purchase 200 DSL routers. Mr. Swenson stated that these routers are necessary to continue providing service to new customers as well as migration of existing customers from the Motorola Nextlevel DSL platform to the Calix DSL platform. Mr. Swenson stated that this is a budget item, for a cost of \$12,320.00 plus shipping and taxes.

10-12-09-06 Motion by Mr. Hagen and second by Mr. Krause to approve the purchase from Goldfield Telecom LC in the amount of \$12,320.00 plus shipping and taxes for 200 DSL routers. Motion carried.

Mayor Dahnke stated the next item on the agenda was the Ottertail Valley Railroad boring permit. TEC Manager Guy Swenson informed council members that this permit is required for the installation of an 8 inch plastic pipe with 6-2 inch interdicts inside. Only fiber will be installed into one of the 2" conduits at this time. The remaining conduits are for future use by Electric and Cable TV. The fees for the permits are as follows: Wire line application fee-\$1,000.00, engineering plans-\$1500.00., contractor Access Fee-\$1500.00, for a total of \$4,000.00 per crossing. Because we are applying for both crossings at the same time, they are discounting our fees by \$1500.00, making the total of all the fees for both crossings \$6500.00. Mr. Swenson stated that this is a budget item.

10-12-09-07 Motion by Mr. Ellefson and second by Mr. Hagen to authorize TEC Manager Guy Swenson to make application for the permits from Otter Tail Valley Railroad to bore under the railroad crossings at Hwy 9 and 4th Ave NW to install an 8 inch plastic pipe with 6-2 inch interdicts inside. The total cost of the permit fees is not to exceed \$6500.00. Motion carried.

Mayor Dahnke stated the next item on the agenda was the Line Number Portability Rate. TEC Manager Guy Swenson informed council members that several years ago, the FCC required all telephone companies to install the equipment necessary to enable the porting of a phone number. The FCC is allowing telephone companies to recover some of the costs associated with the implementation of the line number portability.

10-12-09-08 Motion by Mr. Ellefson and second by Mr. Strom to approve and authorize the following line number portability (LNP) rates, LNP end used basic charge \$0.35 per line, LNP end user ISDN-PR1 charge \$1.75 per line, and LNP end user PBX charge \$3.15 per line. This rate will stay in effect for five years, beginning with the November 2009 billing. Motion carried.

Mayor Dahnke stated the next item on the agenda was the Calix ODC Cabinet purchase. TEC Manager Guy Swenson informed council members that this request is to purchase a Calix ODC-1000 cabinet with upgrade kit including backup battery, associated cables, battery heater, and cross connects for a cost of \$40,243.25 plus shipping and taxes. This

cabinet will be placed on the west side of the railroad tracks at the Hwy 9 crossing. This is a fiber over copper cabinet that will allow us to reduce the copper run length to all of the customers on the west side of the railroad tracks. This cabinet has the ability to deliver DSL as well as telephone service. Mr. Swenson stated that this is a budgeted item.

10-12-09-09 Motion by Mr. Hagen and second by Mr. Strom to approve the purchase from Calix Network in the amount of \$40,243.25 plus shipping and taxes. This is for a Calix ODC-1000 cabinet with upgrade kit including backup battery, associated cables, battery heater, and cross connects. Motion carried.

Mayor Dahnke stated the next item on the agenda was the utility move request. TEC Manager Guy Swenson informed council members that John Hough has requested to move the telephone, electric, and cable utilities that are currently buried on the south end of Lot 4, Block 6, Heartland Addition, to the newly created utility easement, located on the southern edge of the property. Mr. Hough has agreed to pay the costs associated with moving the utilities once the house sells. Mr. Swenson stated the cost to move the utilities is \$3,000.00.

10-12-09-10 Motion by Mr. Davis and second by Mr. Cooper to approve the request to move the telephone, electric, and cable utilities that are currently buried on the south end of Lot 4, Block 6, Heartland Addition, to the newly created utility easement, located on the southern edge of the property. Mr. Hough has agreed to pay the costs associated with moving the utilities once the house sells. Total cost is \$3,000.00. Motion carried.

Mayor Dahnke stated the next item on the agenda was the discussion of adding additional staff to the telephone and cable department. Council member Del Ellefson stated that they have been looking at adding another employee for the telephone department. TEC Manager Guy Swenson stated that he put this request in the 2010 budget. Mr. Swenson stated that there are times when there just isn't enough people for the work. Mr. Swenson stated that the new person would need to start learning the telephone system. Mr. Swenson stated that when former employee Dennis Brown retired, the council said they would replace him, and that has not happened. Council member Larry Davis, Jr. questioned if this person would be cross-trained. Council member Del Ellefson stated that this is for information only at this time, and it is in the 2010 budget to add another employee. Council member Chad Hagen stated that customer service has to be the number one priority. Council member Jeremy Krause suggested leaving it in the budget at this time.

Mayor Dahnke stated the next item on the agenda was the Public Hearing for the Small Cities Development Program Grant. Mayor Dahnke opened the Public Hearing at 7:32 p.m.

Stan Thurlow discussed with council members the status of the Small Cities Development Grant. Mr. Thurlow stated that it has been 30 months to administer. Mr. Thurlow stated that the businesses received one type of assistance, and the residential

received a different type of assistance. Mr. Thurlow stated that they did not receive as much businesses as they had hoped for. The program handled 23 cases. Mr. Thurlow stated that most of the projects are complete, and they hope to be completely finished by December 31, 2009. There is less than \$10,000.00 left in the program. Council members had not further questions for Mr. Thurlow.

Mayor Dahnke asked if there were any other questions from the public. Mayor Dahnke closed the public hearing at 7:39 p.m.

Mayor Dahnke stated the next item on the agenda was the People Service contract renewal discussion. Public Works Supt. Dave Riddering stated that the People Service contract will expire February 2010. Mr. Riddering was suggesting that we renew the contract for the automatic year, but with a modification to the contract of removing the paragraph 7 within Article VII-Miscellaneous. Council member Del Ellefson stated that the Personnel and Finance committee recommend this option also. Council member Roger Cooper with the Water and Sewer committee stated that is their recommendation also.

10-12-09-11 Motion by Mr. Ellefson and second by Mr. Cooper to renew the contract with People Service for the automatic year, but with a modification to the contract of removing the paragraph 7.6 within Article VII-Miscellaneous. If People Service does not agree to this, then the City will let the contract renew automatically without changes. Motion carried.

Mayor Dahnke stated the next item on the agenda was the request to deed property to the EDA. EDA Director Karen Lauer discussed the transferring of ownership of the Commercial Park expansion from the City to the EDA utilizing a Development Agreement similar to that put in place for the first phase of the Commercial Park. Mrs. Lauer stated that this was in the best interests of the city. Mrs. Lauer stated that the question came up what would happen with the lease with the farmer, where would that revenue go.

10-12-09-12 Motion by Mr. Ellefson and second by Mr. Krause to transfer the ownership of the Commercial Park expansion from the City to the EDA utilizing a Development Agreement similar to that put in place for the first phase of the Commercial Park. The first payment from Gale Gross, for the farm land rent to be received by the City, and after that, the revenue from Gale Gross, for the farm land rent to be received by the EDA. Motion carried.

Mayor Dahnke stated the next item on the agenda was the 1st Reading of Ordinance 2009-5, Permitted Intrusions into front and side yard setbacks. EDA Director Karen Lauer stated that this is language changes only.

10-12-09-13 Motion by Mr. Strom and second by Mr. Davis to approve the 1st reading of Ordinance 2009-5. Motion carried.

Ordinance 2009 - 5

AN ORDINANCE TO AMEND SECTION 11.04, 11.11 and 11.12 OF THE BARNESVILLE MUNICIPAL CODE RELATING TO ZONING DISTRICTS

BE IT ORDAINED by the City Council of the City Of Barnesville that the following Sections of the Barnesville Municipal Code are amended as follows:

SEC. 11.04 RULES AND DEFINITIONS

Subd. 2. **Definitions**

29.2. "Grade" - the elevation of the immediately adjacent finished or natural ground contour.

SEC. 11.11 R-1 SINGLE FAMILY RESIDENTIAL DISTRICT

Subd. 5. Accessory Uses and Buildings Permitted in the R-1 District:

C. Permitted intrusions into front and side yard setbacks. ~~Uncovered porches and platforms which do not extend above the floor level of the first floor, provided that they may extend eight feet into the front yard, but in no case will the remaining front yard setback be less than 15 feet.~~

Uncovered porches, stairs, stoops, or decks that are less than thirty inches (30") above grade at all points along the perimeter, may extend three feet (3') into any required interior side yard setback, eight feet (8') into any required street side yard setback, and eight feet (8') into any required front yard setback.

Add-on entryways to existing residential dwellings may encroach into the required front yard setback not more than five feet (5') and not exceed fifty (50) square feet in total size.

Covered porches that are at least fifty percent (50%) open on each of three (3) sides ("open" defined as without solid walls or windows blocking free passage of air), balconies, and decks elevated over thirty inches (30") above grade at any point on the perimeter, may extend up to five feet (5') into the required front yard setback and up to four feet (4') into the required street side yard setback.

After erecting any of the above listed, in no case may the remaining interior side yard setback be less than five feet (5'); or the street side yard setback be less than ten feet

(10') or the front yard setback be less than fifteen feet (15'). Ramps for handicapped access may extend to a property line.

SEC. 11.12 R-2 URBAN RESIDENTIAL DISTRICT

Subd. 6. **Permitted intrusions into front and side yard setbacks.** ~~Uncovered porches and platforms which do not extend above the floor level of the first floor, provided that they may extend eight feet into the front yard, but in no case will the remaining front yard set be less than 15 feet.~~

Uncovered porches, stairs, stoops, or decks that are less than thirty inches (30") above grade at all points along the perimeter, may extend three feet (3') into any required interior side yard setback, eight feet (8') into any required street side yard setback, and eight feet (8') into any required front yard setback.

Add-on entryways to existing residential dwellings may encroach into the required front yard setback not more than five feet (5') and not exceed fifty (50) square feet in total size.

Covered porches that are at least fifty percent (50%) open on each of three (3) sides ("open" defined as without solid walls or windows blocking free passage of air), balconies, and decks elevated over thirty inches (30") above grade at any point along the perimeter, may extend up to five (5') feet into the required front yard setback and up to four (4') feet into the required street side yard setback.

After erecting any of the above listed, in no case may the remaining interior side yard setback be less than 5 feet; or the street side yard setback be less than 10 feet or the front yard setback be less than 15 feet. Ramps for handicapped access may extend to a property line.

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 9th day of November 2009.

By:

Fred Dahnke
Mayor

Attest to:

Jeri Reep
City Clerk

Mayor Dahnke stated the next item on the agenda was the discussion of repairs needed at City Hall. City Clerk Jeri Reep asked for direction on repairing the water faucet at City Hall. Council member discussed if the faucet should be repaired.

10-12-09-14 Motion by Mr. Cooper and second by Mr. Ellefson to repair the water faucet in City Hall. The following voted aye: Council members Hagen, Cooper, and Ellefson. The following voted nay: Council members Krause, Strom and Davis. Mayor Dahnke cast the final vote and voted aye. Motion carried.

Mayor Dahnke informed council members that progress is being made for some of the public nuisances.

10-12-09-15 Motion by Mr. Davis and second by Mr. Hagen to adjourn the meeting at 7:55 p.m. Motion carried.

Submitted by:

Attest:

Jeri L. Reep
City Clerk

Fred Dahnke
Mayor