

**Barnesville City Council  
Regular Meeting  
November 8, 2010**

Mayor Dahnke called this regular meeting to order at 7:00 p.m. Members present were Mayor Dahnke and Council members Darin Allmaras, Larry Davis, Jr., Del Ellefson, Jeremy Krause, Jason Rick and Merlin Strom. Others in attendance were City Attorney John Shockley, City Administrator Mike Rietz, City Clerk Jeri Reep, TEC Manager Guy Swenson, EDA Director Karen Lauer, Ambulance Manger Jon Yeske, Finance Director Laurie Schell, Police Chief Dean Ernst, Dan Lubbesmeyer with People Service, Dan Hanson with Ulteig Engineers, Leonard Boone, Frank Boone, Leonard Boone, Dan Hanson with Ulteig Engineering and Pam Aakre with 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 of allegiance.

Mayor Dahnke asked if there were any additions or corrections to the agenda. City Administrator Mike Rietz informed council members that the two additions were a travel request for Public Works Supt. Dave Riddering, and a Park fund request.

**11-08-10-01** Motion by Mr. Krause and second by Mr. Rick to approve the agenda as presented, with the following additions: travel request for Public Works Supt. Dave Riddering, and a Park fund request. Motion carried.

**11-08-10-02** Motion by Mr. Krause and second by Mr. Ellefson to approve the consent agenda as presented. Motion carried. The following items were on the consent agenda:

1. Approval of the minutes of the regular council meeting held on October 11, 2010.
2. Approval of the minutes of the special council meeting held on October 15, 2010.
3. Department head reports.
4. Approval of check numbers 69883-70013 in the amount of \$261,980.74 and EFT payments in the amount of \$139,818.84.
5. Approval of a wage adjustment for intern Public Works Supt. Terry Ystenes of \$1.00 per hour retroactive to Sept. 27, 2010.
6. Approval of travel for Public Works Supt. Dave Riddering to attend a workshop in Brainerd.
7. Approval to hire Nick Pinosonneault as part-time EMT.

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

Council member Merlin Strom informed members that the Planning Commission is working on some language changes. Mr. Strom also stated that Planning Commission member Pat Berndt has resigned, and will be looking for a new board member.

Mayor Dahnke stated that the Fire board had met, and things went well.

**11-08-10-03** Motion by Mr. Davis and second by Mr. Strom to approve the board and commission reports as presented. Motion carried.

Mayor Dahnke stated the next item on the agenda was the Boone detachment request. City Administrator Mike Rietz stated that the resolution for detachment is in the packet. Mr. Rietz informed council members that he had spoke to Kelly Peppel, and was informed that Raymond Peppel is not interested in detachment from the City. Council member Larry Davis, Jr. questions why Peppels are being included, that they don't want to be out of the City. Mr. Davis stated that he would like to see the Peppel's left out. Mr. Frank Boone handed out a map showing the properties. City Attorney John Shockley stated that changes could be made on the proposed resolution, leaving the Peppel's out of the detachment.

**11-08-10-04** Motion by Mr. Davis and second by Mr. Rick to approve the following resolution. Upon a roll call vote, the following voted aye: Rick, Allmaras, Davis, Strom and Krause. The following voted nay: Ellefson. The following were absent: none. Motion approved.

**CITY OF BARNESVILLE  
CLAY COUNTY, MINNESOTA  
RESOLUTION 11-08-10-04  
RESOLUTION APPROVING DETACHMENT**

**WHEREAS**, the City of Barnesville received a "Petition for Detachment of Property from City" (hereinafter referred to as the "Petition") (attached as Exhibit A) on or about July 26, 2010; and

**WHEREAS**, the Petition was signed and submitted by Leonard Boone, Caroline Boone, Frank Boone and Milissa M. Boone (hereinafter the "Boones"); and

**WHEREAS**, the property owned by Leonard and Carolyn Boone contains 40 acres, more or less; and

**WHEREAS**, the property owned by Frank Boone and Milissa M. Boone contains 40 acres, more or less; and

**WHEREAS**, the Barnesville City Council reviewed said Petition and determined that the granting of the Petition would result in shared maintenance of Third Avenue Southwest<sup>1</sup> (hereinafter referred to as the “road”), a road on the eastern edge of the property covered by the Petition; and

**WHEREAS**, the road is bordered on each side by property owned by Richard and Raymond Peppel (hereinafter referred to as the “Peppels”) and the Boones (hereinafter collectively referred to as (with the Peppels) as the “adjoining property owners”); and

**WHEREAS**, the Barnesville City Administrator provided the Peppels with the opportunity to file a petition in this matter so as to have all of the adjoining property owners join in the petition for detachment; and

**WHEREAS**, the Peppels did not join in the petition and the property owned by the Peppels contains 23.26 acres more or less; and

**WHEREAS**, the matter of the detachment petition by the Boones came before the Barnesville City Council at its regular November 8, 2010, meeting.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS**, the Barnesville City Council, based upon the record herein and the evidence before it, hereby makes and adopts the following findings of fact:

1. The land that is the subject of this Resolution is legally described as follows<sup>1</sup>:

Clay County Parcel No.	Owner(s)	Legal Description	Acres
509000720	Leonard O. Boone & Carolyn Boone	N½ of S½ of NE¼ S36 T137 R 46	40
509000710	Frank R. Boone, a/k/a Francis R. Boone & Milissa M. Boone	S½ of S½ of NE¼, less the S½ of S½ of SE¼ of NE¼ S36 T137 R46	30
502000715	Frank R. Boone, a/k/a Francis R. Boone & Milissa M. Boone	S½ of S½ of SE¼ of NE¼ S36 T137 R46	10

(hereinafter referred to as the “detachment property”).See also Exhibit B.

2. The area of the detachment property is greater than 40 acres in area.

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<sup>1</sup> Clay County identifies the road as 180<sup>th</sup> St. S.

3. The Petition for Detachment was signed by more than seventy five percent (75%) of the property owners.
4. The detachment property is identified in Exhibit "C" as the shaded area.
5. The detachment property is currently situated within the city limits of the City of Barnesville. See Exhibit "C"
6. The detachment property is abutting the municipal limits of the City of Barnesville. See Exhibit "C"
7. The detachment property is rural in character. The property is located in the extreme southeast corner of the City of Barnesville. The detachment parcel has four (4) residents. There are a total of seven (7) buildings located on the detachment property. The buildings and structures in the area to be detached are farm related and single family homes located on farmsteads. Some of the property is utilized for livestock. The area is naturally separated from the City of Barnesville by railroad track and has gravel roads.
8. The only municipal infrastructure within the detachment property consists of gravel roads. The homes are served by private wells and private sanitary systems.
9. The property is currently zoned SC-1 (Conservation District).
10. The property is rural in character and has not been developed for urban residential, commercial or industrial purposes.
11. The detachment of the detachment property would not unreasonably affect the symmetry of the City of Barnesville.
12. The detachment property is not needed for reasonably anticipated future development.
13. The detachment of the detachment property would not negatively impact the City of Barnesville to carry on the functions of local government.
14. The detachment of the detachment property would not cause the City of Barnesville to incur undue hardship.
15. These findings of facts relate only to the detachment property.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Barnesville City Council that, based upon the foregoing findings of facts, the shaded area set forth in Exhibit C may be detached from the City of Barnesville by having the owners of said land submit this Resolution along with their Petition to the Minnesota Office of Administrative Hearings, Municipal Boundary Adjustments. Any and all costs associated with the detachment proceedings by the Minnesota Office of Administrative Hearings, Municipal Boundary Adjustments shall be the sole responsibility of the owners of the land in the detachment area.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Barnesville City Council that it does not object to the detachment of the shaded area set forth in Exhibit C, but it shall be provided of notice of said filing and of any action by the Minnesota Office of Administrative Hearings, Municipal Boundary Adjustments.

NOW, THEREFORE BE IT FURTHER RESOLVED that the detachment shall only be effective upon the issuance of an order by the Minnesota Office of Administrative Hearings, Municipal Boundary Adjustments, approving of the detachment.

**City of Barnesville Contact Information**

**City of Barnesville  
Mike Rietz, City Administrator  
P.O. Box 550  
102 Front Street North  
Barnesville, MN 56514  
218-354-2292**

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Fred Dahnke, Mayor

ATTEST:

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Michael Rietz, City Administrator

Mayor Dahnke stated the next item on the agenda was the Braton Excavating nuisance enforcement.

Mayor Dahnke stated that he brought this item to the task force for discussion. City Attorney John Shockley informed council members that Administrative fines could be charged to this property, or we could go to court with the property owner. Police Chief Dean Ernst stated that the property owner felt that putting up a fence took care of the problem. Council member Jason Rick asked the status of the fence financing. Council member Larry Davis, Jr and Del Ellefson both stated that this property needed to be cleaned up. Council member Jeremy Krause stated that Mr. Braton's backhoe work is separate from this cleaning up of his property.

**11-08-10-05** Motion by Mr. Ellefson and second by Mr. Strom to send a letter to Mr. Dennis Braton to clean up his property at 908 Front Street South before May 1, 2011 to bring this property into full compliance. Motion carried.

Mayor Dahnke stated the next item on the agenda was the 2<sup>nd</sup> reading of Ordinance 2010-9, amending Section 11.61, fences & screening.

City Administrator Mike Rietz informed council members that this is a second reading regarding fences on an easement with a CUP. Council member Jeremy Krause stated that he would like to see a list of fences and buildings on an easement. Council members directed staff to prepare a list of buildings and fences on easements.

**11-08-10-06** Motion by Mr. Krause and second by Mr. Davis to approve the 2<sup>nd</sup> reading of ordinance 2010-9. Motion carried.

#### Ordinance 2010-9

#### AN ORDINANCE TO AMEND SECTION 11.61, SUBD. 5(G) OF THE BARNESVILLE MUNICIPAL CODE RELATING TO FENCING AND SCREENING

BE IT ORDAINED by the City Council of the City of Barnesville that the following Section of the Barnesville Municipal Code is hereby amended to read:

#### **SEC. 11.61 FENCING AND SCREENING**

Subd. 5. Residential District Fences.

G. All fences located within a utility easement require a conditional use permit. Fences are not allowed within utility easements. Existing fences obstructing the use of utility easements shall be removed at the owner's expense when access is required by the utility. Existing fences are those that are existing as of October 1, 2010.

PASSED AND ADOPTED by the Barnesville City Council this 8th day of November, 2010.

By:

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Fred Dahnke  
Mayor

Attest:

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Jeri Reep  
City Clerk

First Reading:           October 11, 2010  
Second Reading:       November 8, 2010  
Adopted:                November 8, 2010  
Published:              November 15, 2010

Mayor Dahnke stated the next item on the agenda was the 2<sup>nd</sup> reading of Ordinance 2010-10, regarding set back changes in the R1 and R2 Districts.

**11-08-10-07** Motion by Mr. Davis and second by Mr. Allmaras to approve the 2<sup>nd</sup> reading of Ordinance 2010-10. Motion carried.

Ordinance 2010-10

AN ORDINANCE TO AMEND SECTION 11.11, SUBD. 4 AND SECTION 11.12  
SUBD. 4 OF THE BARNESVILLE MUNICIPAL CODE RELATING TO YARD AND  
LOT REQUIREMENTS

BE IT ORDAINED by the City Council of the City of Barnesville that the following Sections of the Barnesville Municipal Code is hereby amended by repealing and recreating

Section 11.11, Subd 4 and Section 11.12, Subd. 4 to read:

**SEC. 11.11 R-1 SINGLE FAMILY RESIDENTIAL DISTRICT**

**Subd. 4. Yard and Lot Requirements:**

Accessory <u>Structures</u>	One <u>Family</u>	All <u>Other Uses</u>	
Minimum Lot Area (sq. ft.)	7,200	7,200	
Minimum Lot Width at Setback Line (ft.)	60	60	
Minimum Lot Depth (ft.)	120	120	
Minimum Rear Yard Setback (ft.)	25	25	[2]
Minimum Front Yard Setback (ft.)	25	25	25
Minimum Side Yard Setback	[1]	[1]	[2]
Maximum Lot Coverage	35%	35%	

[1] 10% of the lot width at the front yard setback. On corner lots, the setback on the side yard adjacent to the street ~~Side yard setback on corner lots~~ shall be a minimum of twelve (12) feet from the property line.

[2] Five (5) feet unless a garage entrance faces onto a street, avenue or alley, the minimum setback will be 18 feet from the property line to accommodate vehicle parking off the right-of-way. On corner lots, the setback on the side yard adjacent to the street shall be a minimum of twelve (12) feet from the property line. A setback of ten (10) feet is required if there is a utility easement. On a lot 30,000 sq. ft. or larger accessory buildings with sidewalls greater than ten feet shall have a required setback of 15 feet from the property line.

**SEC. 11.12 R-2 URBAN RESIDENTIAL DISTRICT**

**Subd. 4. Yard and Lot Requirements:**

Accessory <u>Structures</u>	One <u>Family</u>	All <u>Other Uses</u>	
Minimum Lot Area (sq. ft.)	6,000	6,000	
Minimum Lot Width at Setback Line (ft.)	50	50	
Minimum Lot Depth (ft.)	120	120	
Minimum Rear Yard Setback (ft.)	25	25	[3]
Minimum Front Yard Setback (ft.)	[1]	[1]	25
Minimum Side Yard Setback	[2]	[2]	[3]
Maximum Lot Coverage	35%	35%	

[1] Twenty-five (25) feet from the property line except on residential streets where the right-of-way is one hundred (100) feet, in which case the setback shall be seventeen and one-half (17.5) feet from the property line.

[2] 10% of the lot width at the front yard setback. On corner lots, the setback on the side yard adjacent to the street ~~Side yard setback on corner lots~~ shall be a minimum of twelve (12) feet from the property line.

[3] Five (5) feet unless a garage entrance faces onto a street, avenue or alley, the minimum setback will be 18 feet from the property line to accommodate vehicle parking off the right-of-way. On corner lots, the setback on the side yard adjacent to the street shall be a minimum of twelve (12) feet from the property line. A setback of ten (10) feet is required if there is a utility easement. On a lot 30,000 sq. ft. or larger accessory buildings with sidewalls greater than ten feet shall have a required setback of 15 feet from the property line.

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

PASSED AND ADOPTED by the Barnesville City Council this 8th day of November, 2010.

By:

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Fred Dahnke  
Mayor

Attest:

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Jeri Reep  
City Clerk

First Reading: October 11, 2010  
Second Reading: November 8, 2010  
Adopted: November 8, 2010  
Published: November 15, 2010

Mayor Dahnke stated the next item on the agenda was the approval of summary Ordinance 2010-10.

**11-08-10-08** Motion by Mr. Krause and second by Mr. Rick to approve the Summary Ordinance 2010-10. Motion carried.

***TITLE AND SUMMARY OF ORDINANCE NO. 2010-10***

The following Ordinance is hereby published by title and summary:

**1. Title of Ordinance:**

An ordinance to amend section 11.11, subd. 4 and section 11.12 subd. 4 of the Barnesville Municipal Code relating to yard and lot requirements.

**2. Summary of Ordinance:**

The provisions of this ordinance adjust the setbacks for accessory buildings in the R-1 and R-2 zoning districts.

This Ordinance shall take effect upon publication in accordance with the Barnesville City Charter.

**3. Availability of Ordinance:**

A complete, printed copy of this Ordinance is available for inspection by any person during regular business hours in the office of the City Clerk, Barnesville City Hall, 102 Front Street North, Barnesville, Minnesota.

This Ordinance was passed by the City Council of the City of Barnesville on the 8<sup>th</sup> day of November, 2010.

APPROVED:

\_\_\_\_\_  
Fred Dahnke, Mayor

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ATTEST:

\_\_\_\_\_  
Jeri Reep, City Clerk

First Reading: October 11, 2010  
Second Reading: November 8, 2010  
Adopted: November 8, 2010  
Published: November 15, 2010

Mayor Dahnke stated the next item on the agenda was the public nuisance assessment.

**11-08-10-09** Motion by Mr. Davis and second by Mr. Ellefson to approve the public nuisance assessment for the following properties:

PARCEL	ADDRESS	LEGAL	OWNER	AMOUNT
505752350	219 2ND AVE SE	ORIGINAL-LOT 009, BLK 28, E 60' 9-12	DANIEL ALTO	800
505750420	410 4TH ST SE	LOT 11 & 12, BLK 5-ORIGINAL	DONALD GRAENING	600
502500340	420 2ND ST NW	LOT 8, BLK 6, 1ST RAILWAY	ROBERT WOJCIK	600

509000490	606 3RD AVE SE	N 100' OF E 35' OF W 1/2 OUTLOT	KINDRA LARSEN	580
505752350	219 2ND AVE SE	ORIGINAL-LOT 009, BLK 28, E 60' 9-12	DANIEL ALTO	400
505752350	219 2ND AVE SE	ORIGINAL-LOT 009, BLK 28, E 60' 9-12	DANIEL ALTO	7600
505752350	219 2ND AVE SE	ORIGINAL-LOT 009, BLK 28, E 60' 9-12	DANIEL ALTO	8000
50250080	203 6TH AVE NW	BLK 2, 1ST RY ADDN	KEVIN BARTA	400
50250080	203 6TH AVE NW	BLK 2, 1ST RY ADDN	KEVIN BARTA	1800
50250080	203 6TH AVE NW	BLK 2, 1ST RY ADDN	KEVIN BARTA	2000
<u>505752890</u>	<u>118 FRONT ST S</u>	<u>LOTS 20-23, BLK 23</u>	<u>IB PROPERTY HOLDINGS</u>	<u>400</u>
505752890	118 FRONT ST S	LOTS 20-23, BLK 23	IB PROPERTY HOLDINGS	8000
505752360	215 2 AVE SE	BLK 28, LOT 9, ORIGINAL	HAROLD MUDDERMAN	400

PARCEL	ADDRESS	LEGAL	OWNER	AMOUNT
505752020	519 3 ST SE	LOT 21 BLK 24-ORIGINAL	US BANK HOME MORTGAGE	400
502500340	420 2ND ST NW	Lot 8, Blk 6, 1st RY ADDN	BOB WOCIK	400
505752170	402 2ND ST SE	LOT 7 BLK 25-ORIGINAL	WEST CENTRAL MN HOUS	200
505752020	519 3 ST SE	LOT 21 BLK 24-ORIGINAL	US BANK HOME MORTGAGE	75
505750070	812 4 ST SE	LOT 19 BLK 1-ORIGINAL	TRACY GOULD	75
507250280	101 6 ST SE	LOT 11 BLK 5-ROOSENS ADD	CARA SULLIVAN	125
507450060		LOT 6 BLK 1, STONERIDGE ADD	GARY MEYER	600

507450070		LOT 6 BLK 1, STONERIDGE ADD	GARY MEYER	600
507450080		LOT 6 BLK 1, STONERIDGE ADD	GARY MEYER	600
507450090		LOT 6 BLK 1, STONERIDGE ADD	GARY MEYER	600
-	-	-	-	-

Mayor Dahnke stated the next item on the agenda was to set the date for the Truth in Taxation date.

City Administrator Mike Rietz informed council members that a date needed to be set for the Truth in Taxation date. Mr. Rietz stated that this could be the same date as the December council meeting.

**11-08-10-10** Motion by Mr. Ellefson and second by Mr. Rick to set the Truth in Taxation date for December 13, 2010 at 7:00 p.m. Motion carried.

Mayor Dahnke stated the next item on the agenda was to set a date for a joint council and EDA housing study presentation.

EDA Director Karen Lauer informed council members that November 29<sup>th</sup> or November 30<sup>th</sup> are the recommended dates for this meeting.

**11-08-10-11** Motion by Mr. Allmaras and second by Mr. Rick to set November 29, 2010 as the date for the joint council and EDA housing study presentation. Motion carried.

Mayor Dahnke stated the next item on the agenda was the 2<sup>nd</sup> reading of Ordinance 2010-8, changes in the electric ordinance.

TEC Manager Guy Swenson discussed the changes in the electric ordinance with council members.

**11-08-10-12** Motion by Mr. Krause and second by Mr. Ellefson to approve the 2<sup>nd</sup> reading of Ordinance 2010-8. Motion carried.

### **ORDINANCE 2010-8**

#### **AN ORDINANCE TO ESTABLISH ELECTRIC RATES AND CHARGES FOR RESIDENTIAL AND COMMERCIAL ELECTRIC SERVICES.**

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

WHEREAS, the City Council did previously Ordinance No. 2009-6 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. , 2009-6 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 ELECRC 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-2 & HP-4 Summer Rate)

Current  
Base Charge \$13.00  
Energy Charge \$.0935 per kwh  
Available to all residential customers.

B. RATE SCHEDULE #2:

GENERAL SINGLE PHASE service Commercial: (RC1 & DI1)

Current  
Base Charge \$16.00  
Energy Charge \$.0975 per kwh  
Available to commercial customers for single phase service

C. RATE SCHEDULE #3

GENERAL THREE PHASE SERVICE: (GS6 & DI9)

Current  
Base Charge \$22.00  
Energy Charge \$.0975 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  
Base Charge \$36.00  
Demand Charge  
All kw \$10.30 /kw  
Energy Charge  
All kwh \$.054 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  
Charge per light \$12.25 per month

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

***SECURITY FLOOD LIGHTS: (YL2)***

*Current*

***Charge per light \$24.50per month***

***Available to all commercial customers for un-metered lights, 200 watts or greater, owned, installed and maintained by the City.***

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 & HP3 Winter Rate)

*Current*

Dual Fuel Service Rate: \$.046/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  
Off Peak Service Rate: \$.046/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. 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.

***H. Distributed Generation Interconnection for Co-generation and Small Power Production.***

1. ***The Distributed Generation Workbook is part of this ordinance and requires that;***
2. ***All "Qualifying Facilities" must comply with the Distributed Generation Workbook. The Distributed Generation Workbook is available at City Hall.***
3. ***All "Qualifying Facilities" must maintain insurance and submit proof of insurance certificates to City Hall annually.***
4. ***All "Qualifying Facilities" will be charged an Application Fee of ~~\$500.00~~ \$50.00 for a small Qualifying Facility and ~~\$1,00.00~~ a \$250.00 to \$1,500.00 Application Fee for a large Qualifying Facility based on interconnection type and load (kw) size as detailed in the Generation Interconnection Application Fees in Section 9, Page 10 of the Distributed Generation Workbook.***
5. ***Any changes to the generation or interconnection of a Qualifying Facility must be submitted to City Hall in writing 60 days before the proposed changes are to take affect.***

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 8th day of November, 2010.

APPROVED:

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Fred Dahnke, Mayor

ATTEST:

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Jeri Reep  
City Clerk

First Reading:       October 11, 2010  
Second Reading:     November 8, 2010  
Adopted:             November 8, 2010  
Publication:         December 15, 2010

Mayor Dahnke stated the next item on the agenda was the summary ordinance for Ordinance 2010-8, changes in the electric ordinance.

**11-08-10-13** Motion by Mr. Krause and second by Mr. Allmaras to approve the Summary Ordinance 2010-8. Motion carried.

#### **SUMMARY - ORDINANCE 2010-8**

#### **AN ORDINANCE TO ESTABLISH ELECTRIC RATES AND CHARGES FOR RESIDENTIAL AND COMMERCIAL ELECTRIC SERVICES.**

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

WHEREAS, the City Council did previously Ordinance No. 2009-6 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. , 2009-6 is hereby replaced as follows

Section 8 Electric Rate Schedules

E. RATE SCHEDULE #6

SECURITY LIGHTS: (YL1)

Current

Charge per light \$12.25 per month

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

**SECURITY FLOOD LIGHTS: (YL2)**

*Current*

*Charge per light \$24.50per month*

*Available to all commercial customers for un-metered lights, 200 watts or greater, owned, installed and maintained by the City.*

Section 9 Electric Rate Incentives

**H. *Distributed Generation Interconnection for Co-generation and Small Power Production.***

- 1. *The Distributed Generation Workbook is part of this ordinance and requires that;***
- 2. *All “Qualifying Facilities” must comply with the Distributed Generation Workbook. The Distributed Generation Workbook is available at City Hall.***
- 3. *All “Qualifying Facilities” must maintain insurance and submit proof of insurance certificates to City Hall annually.***
- 4. *All “Qualifying Facilities” will be charged an Application Fee of \$50.00 for a small Qualifying Facility and a \$250.00 to \$1,500.00 Application Fee for a large Qualifying Facility based on interconnection type and load (kw) size as detailed in the Generation Interconnection Application Fees in Section 9, Page 10 of the Distributed Generation Workbook.***
- 5. *Any changes to the generation or interconnection of a Qualifying Facility must be submitted to City Hall in writing 60 days before the proposed changes are to take affect.***

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 8th day of November, 2010.

APPROVED:

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Fred Dahnke, Mayor

ATTEST:

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Jeri Reep  
City Clerk

First Reading:           October 11, 2010  
Second Reading:       November 8, 2010  
Adopted:                November 8, 2010  
Publication:            December 15, 2010

Mayor Dahnke stated the next item on the agenda was the 1<sup>st</sup> reading of ordinance 2010-11.

TEC Manager Guy Swenson informed council members that this will allow existing customers to refer new customers to Barnesville Cable TV, and receive a rebate reward on their next billing.

**11-08-10-14** Motion by Mr. Ellefson and second by Mr. Strom to approve the 1<sup>st</sup> reading of Ordinance 2010-11. Motion carried.

### **ORDINANCE 2010 - 11**

#### **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 2008-11, 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 2008-11 is replaced as follows:

Section 1. Per month service rate\* (plus applicable taxes and FCC charges)

	Current	<i>Jan. 20, 2010</i>
Economy Basic Cable	\$15.95	\$15.95
Preferred Basic	\$45.95	\$45.95
HD TIER **	\$9.99	\$9.99

\*\* Requires Preferred Basic Service

Section 2. Per month premium channel rate\* (plus applicable taxes and FCC charges)

HBO	\$12.50	<b>\$13.25</b>
CINEMAX	\$ 8.50	\$ 8.50

Section 3. Per month premium channel package rate\* (plus applicable taxes and FCC charges)

HBO/CINEMAX	\$18.50	<b>\$19.25</b>
STARZ/ENCORE	\$ 7.95	\$ 7.95

Section 4. Per Month equipment charges (plus applicable taxes and FCC charges)

Each Cable customer will be allowed up to two (2) Standard Definition (SD) Set Top Boxes or 1 High Definition (HD) Set Top Box at no charge per month.

Additional boxes will be charged at the following monthly rates:

Standard Definition Set (SD) Top Boxes ..... \$4.95 per month per box  
 High Definition (HD) Set Top Boxes .....\$8.95 per month per box  
 Standard Definition (SD) Digital Video Recorder (DVR).....\$10.95 per month per box

Set Top Boxes can be purchased at the following Rates:

Standard Definition Set (SD) Top Boxes Purchase Price \$87.40 per box  
 High Definition (HD) Set Top Boxes Purchase Price \$327.75 per box  
 Standard Definition (SD) Digital Video Recorder (DVR) Purchase Price \$362.00 per box

Section-5. 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\***

\$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.

**Economy Basic\***

\$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)**

\$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-6 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 user's 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.

#### *Section – 7 Incentives*

##### *1) Refer a Friend Program:*

***New Customers to Barnesville Cable TV can receive a one time \$10.00 credit for being referred to Barnesville Cable TV by a current Barnesville Cable TV customer. The Referring Barnesville Cable TV customer will also receive a \$10.00 credit for referring a new customer.***

- a) To receive the referral reward credit, the new customer must mention the referral at the time they sign up for service.***
- b) Only one \$10.00 referral reward credit per customer.(Name on the Account)***
- c) Current customers are eligible for multiple referral rewards. They will receive a \$10.00 referral reward credit for each new customer they refer to Barnesville Cable TV.***
- d) \$10.00 referral reward credits will be paid to the referring customer after the new customer has signed up for Barnesville Cable TV.***
- e) Previous Barnesville Cable TV customers returning to Barnesville Cable TV are eligible for the one time \$10.00 referral reward credit.***

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:

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Fred Dahnke, Mayor

ATTEST:

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Jeri Reep  
Clerk

First Reading: November 8, 2010  
Second Reading: December 13, 2010  
Adopted: December 13, 2010  
Publication: December 20, 2010

Mayor Dahnke stated the next item on the agenda was the request to advertise for a telephone technician.

TEC Manager Guy Swenson informed council members that he was requesting authorization to place ads in the local papers for a Telephone Technician. This person would eventually replace Tele. Supt. Tom Olson, who plans to go to a part-time status in 2011. Mr. Swenson stated that the new Telephone Technician would have primarily telephone background, but will learn the cable TV also.

**11-08-10-15** Motion by Mr. Davis and second by Mr. Ellefson to authorize staff to advertise for a Telephone Technician, at a rate of pay of \$20.00 - \$25.00 per hour. Motion carried.

Mayor Dahnke stated the next item on the agenda was the park fund request.

Council member Larry Davis Jr. informed council members that the Park Board was asking to set aside \$9,710 for the sediment removal project, that they hope to get Blue Eagle cleaned.

**11-08-10-16** Motion by Mr. Rick and second by Mr. Ellefson to approve the Park Board request to put \$9,710 in the sediment removal project from the Park Fund. Council member Del Ellefson stated that the Park Board was set up for the park

enhancement, not maintenance of the parks. Mr. Ellefson questioned if the monies could be used at Wagner Park. Council member Merlin Strom stated that we need to have projects shovel ready if funding is available. Council member Del Ellefson questioned if we should create a new park. Council member Larry Davis, Jr. would like stated that he would like to proceed with the sediment removal project. 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.

Mr. Dan Hanson with Ulteig Engineers next updated council members on the Front Street project. Mr. Hanson stated that the MN DOT has the paperwork, and that Ulteig is waiting to hear back from MN DOT. Mr. Hanson stated that they are looking at putting the project out for bids in January 2011.

**11-08-10-17** Motion by Mr. Dais and second by Mr. Allmaras to adjourn the meeting at 8:30 p.m. Motion carried.

Submitted by:

Attest:

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Jeri Reep  
City Clerk

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Fred Dahnke  
Mayor

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