

Barnesville City Council
Regular Meeting
November 10, 2008

Mayor Dahnke called this regular meeting to order at 12:00 p.m. Present were Mayor Dahnke, and Council members Roger Cooper, Larry Davis, Jr., Chad Hagen, and Merlin Strom. Absent was Council members Jeremy Krause and Del Ellefson. Others in attendance were City Attorney John Shockley, COO Mike Brethorst, City Clerk Jeri Reep, EDA Director Karen Lauer, TEC Coordinator Guy Swenson, Public Works Supt. Dave Riddering, Sr. Accountant Laurie Schell, and Kelli Froslic from the Record Review.

Mayor Dahnke asked COO Mike Brethorst 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. There were no additions or corrections.

11-10-08-01 Motion by Mr. Hagen and second by Mr. Cooper to accept the agenda and consent agenda as presented. The following items were on the consent agenda.

1. Approval of check numbers 64965-65155 in the amount of \$317,408.16 and EFT payments in the amount of \$132,264.48.

Mayor Dahnke next asked if there were any citizens present to be heard. There were none.

Mayor Dahnke stated the next item on the agenda was the Duane and Ione Lass eminent domain update. COO Mike Brethorst informed council members that Duane and Ione Lass have accepted the offer of \$8,500 for the purchase of the 1.33 acres of land for the purpose of building a ditch. Mr. Brethorst stated that it was staff recommendation to process this purchase, and also pay the \$1,500.00 appraisal fee. Mr. Brethorst stated that if the documents are not signed by November 21, 2008, that the City would continue with the court process, with no more negotiations.

11-10-08-02 Motion by Mr. Davis and second by Mr. Strom to approve the drainage issue at 11th Avenue SE, Heartland Addition. The following conditions apply:

1. The City will pay Duane and Ione Lass a total price of \$8,500.00 to purchase 1.33 acres in fee simple. The City will also pay all costs associated with the transfer of title from seller to buyer. The City will also reimburse Duane and Ione Lass \$1,500.00 for the appraisal pursuant to state law.
2. The city will allow Duane and Ione Lass to drain the existing swale and current drainage into the new ditch. However, any future drainage will require agreement and cooperation between the parties. This is the scheme contemplated in the easement provided with your offer. The City will not allow you to place additional drainage from the ditching project that you are proposing for your land.
3. The City anticipates that it will be able to complete construction of the drain without driving on the remaining property.
4. The City will obtain all necessary permitting requirements and work with the local watershed, Minnesota Land Trust, and any other organizations necessary to ensure the ditch is properly built.
5. The City will work with the watershed to ensure the ditch is properly constructed.

Mayor Dahnke asked if there were any questions. Council member Larry Davis Jr. asked where the monies were going to be from to pay the Lass'. COO Mike Brethorst stated that the monies would be from the Storm Sewer fund. Motion carried.

Mayor Dahnke stated the next item on the agenda was the Commercial Park-Special Assessment discussion. COO Mike Brethorst stated that this is an agreement with Barnesville Homes, Inc., whose address is 1400 4th Ave NE. Mr. Brethorst informed council members that agreement is to levy and apportion the principle of the special assessment for the drainage pond and storm sewer improvements. The trunk storm sewer is at 7%, with the principle in the amount of \$67,637.48 and the retention pond improvements with the interest rate in the amount of 5.53%, with the principle in the amount of \$16,591.80. Mr. Brethorst stated that it is staff's recommendation to proceed with the agreement of special assessments and waiver of irregularity and appeal as presented.

11-10-08-03 Motion by Mr. Cooper and second by Mr. Strom to approve the agreement of special assessment and waiver of irregularity and appeal as presented for Barnesville Homes, Inc., 1400 4th Ave NE. The legal description is as follows:

The south 180 feet of Lot 1, and all of Lots 3,4,5,6, and 7, Block 1, Barnesville Commercial Park to the City of Barnesville, Clay County, Minnesota.

The City agreed to levy and apportion the principle of the special assessments for Drainage/Pond and Storm Sewer Improvements in the following manner.

- a. Trunk Strom Sewer-Interest Rate 7.00%-Principle-\$67,637.48
 - b. Retention Pond Improvements-Interest Rate-5.53%-Principle-\$16,591.80.
- Motion carried.

Mayor Dahnke next asked for a motion to adjourn.

11-10-08-04 Motion by Mr. Davis and second by Mr. Hagen to adjourn the meeting at 12:10 p.m. Motion carried.

Submitted by:

Attest:

Jeri L. Reep
City Clerk

Fred Dahnke
Mayor