

**Barnesville City Council
Regular Meeting
December 14, 2009**

Mayor Dahnke called this regular council meeting to order at 7:00 p.m. Members present were Mayor Dahnke and council members Larry Davis, Jr., Del Ellefson, Chad Hagen, Jeremy Krause, Roger Cooper and Merlin Strom. Others in attendance were City Attorney John Shockley, City Administrator Mike Rietz, City Clerk Jeri Reep, Sr. Accountant Laurie Schell, EDA Director Karen Lauer, Public Works Supt. Dave Riddering, TEC Manger Guy Swenson, Police Chief Dean Ernst, Jason Rick, Darin Allmaras, Dan Hanson with Ulteig Engineers, Jeff Cihak, Matt Cihak, Brandon Anderson with People Service, Diane Nelson, JoAnn Halverson, Dave Callister with Ehlers & Associates, and Pam Aakre from the Record Review.

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

Mayor Dahnke asked City Administrator Mike Rietz to take roll call.

The next item on the agenda was the pledge of allegiance. All rose to recite the pledge.

Mayor Dahnke asked if there were any additions or corrections to the agenda. There following were added to the agenda: EAS Encoder/Decoder, Fire Dept. Resolution, and Fire Dept. Ordinance.

12-14-09-01 Motion by Mr. Cooper and second by Mr. Davis to approve the agenda and consent agenda as presented, with the following additions: EAS Encoder/Decoder, Fire Dept. Resolution, and Fire Dept. Ordinance. Motion carried.

The following were on the consent agenda:

1. Approval of the minutes of the regular meeting held on November 9, 2009.
2. Approval of the minutes of the regular meeting held on November 18, 2009.
3. Department Head reports
4. Approval of check numbers 67598-67857 in the amount of \$346,541.89 and EFT payments in the amount of \$265,046.94.
5. Appoint Brian Meyer and Carol Dodge to the Park Board for a 3 year term.
6. Approve the 2010 Operation and Maintenance with People Service in the amount of \$15,220.00 monthly.
7. Approve the Otter Tail Power Co. truck/office space lease in the amount of \$300.00 monthly.
8. Approve the Barnesville Fire Dept. gambling request for Jan. 29, 2010.
9. Accept the resignation of Planning & Zoning member Michael Osten.
10. Appoint Brent Berg as Planning & Zoning member for a four year term.
11. Appoint Steve Mortenson as a Planning & Zoning member for a four year term.
12. Approval of the following 2010 liquor licenses: Ratzos Pool Hall, VFW Post #4628, American Legion Post #153.
13. Approval of the following 2010 cigarette licenses: Fire Hall Liquors, Barnesville Grocery, Barnesville Amoco, and Farmers Co-op General Store.

14. Hire Bernard Kieselback as a Liquor Store Clerk at \$8.86 per hour.

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

Council member Merlin Strom stated that the Planning & Zoning added Brent Berg as a new member, and re-appointed Steve Mortenson for a four year term. Council member Merlin Strom wanted to thank Mike Osten for his time on the Planning & Zoning.

Council member Larry Davis, Jr. stated that the Park board request was an agenda item later in the agenda.

2-14-09-02 Motion by Mr. Strom and second by Mr. Davis to approve the board and commission reports as presented. Motion carried.

Mayor Dahnke next wanted to thank Council members Roger Cooper and Chad Hagen for their years and dedication while on the City Council.

Mayor Dahnke next asked if there were any citizens present for the public forum. There were no citizens to be heard.

Mayor Dahnke stated the next item on the agenda was the Barnesville Cemetery donation request. JoAnn Halvorson approached the council, and informed council members that the Cemetery was pleased to get perpetual care back in place. Mayor Dahnke stated that the Cemetery donation has been placed into the 2010 budget in the amount of \$2500.00.

Mayor Dahnke stated the next item on the agenda was the Historical and Cultural Society membership.

12-14-09-03 Motion by Mr. Davis and second by Mr. Ellefson to approve the Historical and Cultural Society membership in the amount of \$125.00. Motion carried.

Mayor Dahnke stated the next item on the agenda was the General Obligation refunding bonds. Mr. Dave Callister with Ehlers & Assoc. discussed with council members the \$1,220,000 General Obligation Refunding Bonds, Series 2010A. Mr. Callister stated that this is to provide financing for a crossover refunding of the City's outstanding General Obligation Improvement Bonds, Series 2002; and for a current refunding of the City's outstanding General Obligation Street and Utility Revenue Bonds, Series 2003A. Mr. Callister stated that six bids were received earlier in the day, and the lowest bidder was Midwest Bank, Barnesville in the amount of 3.1467%. Mr. Callister stated that the City of Barnesville rating was a A-, with a stable outlook. Mr. Callister stated that the city should see about a \$170,000.00 savings over the next 14 years.

12-14-09-04 Motion by Mr. Ellefson and second by Mr. Davis to approve the following resolution. (see attached)

12-14-09-05 Motion by Mr. Ellefson and second by Mr. Davis to authorize City Administrator Michael Rietz to call for the \$1,220,000 General Obligation Refunding Bonds, Series 2010A bond. Motion carried.

Mayor Dahnke stated the next item on the agenda was the 2nd reading of Ordinance 2009-06, an electrical rate increase.

12-14-09-06 Motion by Mr. Hagen and second by Mr. Strom to approve the 2nd reading of Ordinance 2009-06. Motion carried.

ORDINANCE 2009-06

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. 2009-1 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. , 2009-1 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	January 21, 2010
Base Charge	\$13.00	\$13.00
Energy Charge	\$.0885 per kwh	\$.0935 Per kwh

Available to all residential customers.

B. RATE SCHEDULE #2:

GENERAL SINGLE PHASE service Commercial: (RC1 & DI1)

	Current	January 21, 2010
Base Charge	\$16.00	\$16.00
Energy Charge	\$.0925 per kwh	\$.0975 Per kwh

Available to commercial customers for single phase service

C. RATE SCHEDULE #3

GENERAL THREE PHASE SERVICE: (GS6 & DI9)

	Current	January 21, 2010
Base Charge	\$22.00	\$22.00
Energy Charge	\$.0925 per kwh	\$.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	January 21, 2010
Base Charge	\$36.00	\$36.00
Demand Charge		
All kw	\$9.60 /kw	\$10.30/kw

Energy Charge

All kwh \$.052 per 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 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

January 21, 2010

Dual Fuel Service Rate: \$.045/kwh ***\$.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	January 21, 2010
Off Peak Service Rate:	\$.045/kwh	<i>\$.046/kwh</i>

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.

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 14th day of December, 2009.

APPROVED:

Fred Dahnke, Mayor

ATTEST:

Jeri Reep
City Clerk

First Reading: November 9, 2009
Second Reading: December 14, 2009
Adopted: December 14, 2009
Publication: December 21, 2009

Mayor Dahnke stated the next item on the agenda was the summary of Ordinance 2009-6.

12-14-09-07 Motion by Mr. Hagen and second by Mr. Ellefson to approve the summary of Ordinance 2009-6. Motion carried.

SUMMARY - ORDINANCE 2009-06

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. 2009-1 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. , 2009-1 is hereby replaced as follows

Section 8 Electric Rate Schedules

A. RATE SCHEDULE #1:

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

	Current	January 21, 2010
Base Charge	\$13.00	\$13.00
Energy Charge	\$.0885 per kwh	\$.0935 Per kwh

Available to all residential customers.

B. RATE SCHEDULE #2:

GENERAL SINGLE PHASE service Commercial: (RC1 & DI1)

	Current	January 21, 2010
Base Charge	\$16.00	\$16.00
Energy Charge	\$.0925 per kwh	\$.0975 Per kwh

Available to commercial customers for single phase service

C. RATE SCHEDULE #3

GENERAL THREE PHASE SERVICE: (GS6 & DI9)

	Current	January 21, 2010
Base Charge	\$22.00	\$22.00
Energy Charge	\$.0925 per kwh	\$.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	January 21, 2010
Base Charge	\$36.00	\$36.00
Demand Charge		
All kw	\$9.60 /kw	\$10.30/kw

12-14-09-08 Motion by Mr. Ellefson and second by Mr. Strom to approve the 1st reading of Ordinance 2009-7. Motion carried.

ORDINANCE 2009-7

AN ORDINANCE TO ESTABLISH THE RATES AND CHARGES FOR BROADBAND AND INTERNET SERVICE.

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

WHEREAS, the City Council did previously enact Ordinance No. 2009-04 an ordinance to establish charges for broadband and internet service.

WHEREAS, DSL service is a service regulated by National Exchange Carrier Association (NECA) and the City of Barnesville doing business as Barnesville Municipal Telephone is a member of NECA and,

WHEREAS, NECA has filed the appropriate tariffs with the Federal Communications Commission which establish wholesale charges for DSL services and,

WHEREAS, the Telephone/Electric/Cable TV (T.E.C.) Advisory Board for the City of Barnesville has recommended the following rates and charges for DSL and Dial-up Internet service provided to customers by the Broadband and Internet Enterprise.

NOW THEREFORE, Ordinance No. 2009-04 is hereby replaced as follows:

Section 1. Costs for DSL service

	MONTHLY COSTS		SPEEDS	
	Internet/DSL		Down speed	Up speed
1.	\$24.95	(Bronze)*	128 kbps	128 kbps
2.	\$36.95	(Silver)	1 Megbps	512 kbps
3.	\$52.95	(Gold)	3 Megbps	512 kbps

* New DSL customers only

Cost for additional Email accounts: \$ 2.00 per month
Cost for 2nd Static IP addresses \$10.00 per month

DSL “Combo” package

When DSL is purchased along with Barnesville Long Distance and Barnesville Cable TV service the customer will receive a \$5.00 per month discount on the cost of the level

DSL service selected. The DSL “Combo” package is available to business and residential customers.

DSL Installation charge: \$250.00 non-recurring (DSL Installation charges will increase along with NECA increases)*-*

- DSL Installation charge may be waived.

Conditions for waiver: Customer agrees to maintain DSL service for a minimum period of twelve months. Customer will be billed DSL service installation charge should they fail to maintain DSL service for the twelve-month period. Service order charges are not waived.

Section 2. Equipment Provided by Customer

Network Interface Card (NIC)

Modem: Options

- 1) Customer can provide their own modem, or
- 2) Purchase a Modem/router from City Hall - \$140.00 (plus applicable taxes), or
- 3) Rent a Modem/router for \$4.95 per month.

SOFTWARE REQUIRED/RECOMMENDED

INTERNET BROWSER: Customer provided

FIREWALL: Software and electrical surge protector are responsibility of subscriber.

Section 3. Equipment provided for Customer

3 meter CAT 5 patch cord

Section 4. Cost for Dial up Internet service ***Dialup Service will no longer be offered after February 18, 2010. Current dialup customers will continue to be supported and can remain on the system for as long as they choose, however, once a customer leaves dialup service they cannot get reconnected to dialup. (These customers will qualify for the Bronze DSL package)***

All Dialup rates will remain in affect until the last customer has choosen to disconnect from the dialup system.

All rates listed will apply equally to residential or business service.

- | | | | |
|----|---------------------|---------|------------------------------------|
| 1. | 35 hours per month | \$9.95 | (20 cents per hour over 35 hours) |
| 2. | 100 hours per month | \$14.95 | (15 cents per hour over 100 hours) |
| 3. | Unlimited | \$19.95 | |
| 4. | Unlimited Package | \$14.95 | (when purchased with Barnesville |

Section 5. Equipment provided by Customer

Modem 56 kbps

Section 6. Billing

The monthly charge for Broadband and Dial up Internet service will be billed forward.

If service is disconnected, the billing for service will be ½ the monthly rate if disconnected on or before the 15th day of the present month. Service disconnected after the 15th day of the present month will be billed for the full month.

Section 7. Rate adjustments.

1) First time DSL customers receive a \$10.00 per month credit for 3 months with one year service agreement.

2) In support of Economic Development efforts and with Council approval, DSL monthly service charges may be reduced up to 50 percent for a time period no longer than 1 year.

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

PASSED AND ADOPTED by the Barnesville City Council this 11th day of January, 2010

APPROVED:

Fred Dahnke, Mayor

ATTEST:

Jeri Reep
City Clerk

First Reading: December 14, 2009
Second Reading: January 11, 2010
Adopted: January 11, 2010
Publication: January 18, 2010

Mayor Dahnke stated the next item on the agenda was the DMS-10 annual support plan agreement. TEC Manager Guy Swenson informed council members that this is for the Nortel DMS-10 support plan agreement, in the amount of \$6,3224.00. Mr. Swenson stated that Nortel does not have an upgrade scheduled for this year, and this will be the only cost. Mr. Swenson stated that this is a budgeted item.

12-14-09-09 Motion by Mr. Ellefson and second by Mr. Hagen to approve the DMS-10 annual support plan agreement with Nortel, in the amount of \$6,324.00. Motion carried.

Mayor Dahnke stated the next item on the agenda was the EAS Encoder/Decoder. TEC Manager Guy Swenson informed council members that customers with a cable box, the Emergency Alert System does not work. Mr. Swenson stated the cost is \$5,330.00. Mr. Swenson stated that monies are available to repair this in the travel, maintenance and training budget. Mr. Swenson stated that this is a life safety issue.

12-14-09-10 Motion by Mr. Ellefson and second by Mr. Davis to approve the EAS Encoder/Decoder Trilithic EasyPlus Encoder/Decoder from Trilithic in the amount of \$5,330.00. Motion carried.

Mayor Dahnke stated the next item on the agenda was the Park Board request. City Administrator Mike Rietz informed council members that the Park Board would like to request that the balance of \$9,790.39 be placed into the Park Board sinking fund line to help pay for the Blue Eagle dredging project.

12-14-09-11 Motion by Mr. Cooper and second by Mr. Strom to allow the Park Board to carry over the 2009 balance of \$9,790.39 be placed into the Park Board sinking fund line to help pay for the Blue Eagle dredging project. This is to offset the 2010 sinking revenue fund. Motion carried.

Mayor Dahnke stated the next item on the agenda was the Fire Department resolution for rates and charges for fire calls.

12-14-09-12 Motion by Mr. Cooper and second by Mr. Strom to approve the following resolution. The following members voted aye: Krause, Strom, Davis, Ellefson, Cooper and Hagen. The following voted against: none. Motion carried.

**RESOLUTION AUTHORIZING THE CITY OF BARNESVILLE
TO ADOPT A SCHEDULE OF RATES AND CHARGES FOR FIRE CALLS**

WHEREAS, the City Council of the City of Barnesville has adopted an ordinance establishing a procedure for the billing and collection of fire service charges; and

WHEREAS, said ordinance authorizes the City Council from time to time to set the rates and charges for said fire calls.

NOW, THEREFORE, be it resolved by the City Council of the City of Barnesville that the rates and charges for providing fire services by the Barnesville Fire Department shall be as follows:

<u>Service</u>	<u>Fee</u>
Class A Foam	\$ 65.00/5 gal.
Class B Foam	\$137.10/5 gal.
Flat Rate for Foam - Other Dept.	\$100.00
Hazmat Fee	\$150.00-\$200.00 per call
1-12x50' Standard Hose	\$105.00
1 Scuba Charge Per Tank	20.00
Hourly Charge Per Fireman at Scene after 1 Hour	\$10.00
Minimum Charge Per Fire Call	500.00
Minimum Charge Per Hour After First Hour	\$150.00
False Calls	\$100.00

All other fire equipment is priced at the time of the nature of the call. The property owner is responsible for the cost to replace any and all equipment damaged.

APPROVED:

Fred Dahnke
Mayor

ATTEST:

Michael Rietz
City Administrator

Mayor Dahnke stated the next item on the agenda was the Fire Department Ordinance 2009-8.

12-14-09-13 Motion by Mr. Cooper and second by Mr. Ellefson to approve the 1st reading of Ordinance 2009-8. Motion carried.

ORDINANCE NO. 2009-8

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

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

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

SEC. 2.32. FIRE DEPARTMENT.

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

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

Subd. 3. Definitions.

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

Subd. 4. Parties Affected.

- (A) Owners of property within the City who receive fire service.
- (B) Anyone who receives fire service as a result of a motor vehicle accident or fire within the City.

- (C) Owners of property in towns or cities to which the City provides fire service pursuant to a fire protection contract.

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

Subd. 6. Billing and Collection.

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

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

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

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

APPROVED BY:

Fred Dahnke
Mayor

ATTEST:

Michael Rietz
City Administrator

First Consideration: December 14, 2009
Second Consideration: January 11, 2010
Date of Publication: January 18, 2010

Mayor Dahnke stated the next item on the agenda was the 2009 audit discussion. City Administrator Mike Rietz informed council members that Larson-Allen had submitted a letter of understanding for the 2009 audit estimated at \$29,500.00.

12-14-09-14 Motion by Mr. Davis and second by Mr. Hagen to approve the letter of understanding from Larson-Allen for the 2009 audit. The estimated cost is \$29,500.00. Motion carried.

Mayor Dahnke stated the next item on the agenda was the GASB 45 discussion. City Administrator Mike Rietz informed council members that this is a requirement to be in compliance. Mr. Rietz stated that we received two proposals, and the lowest proposal was from Hildi Incorporated in the amount of \$1200.00.

12-14-09-15 Motion by Mr. Ellefson and second by Mr. Krause to approve the GASB 45 proposal from Hilidi Incorporated in the amount of \$1200.00. Motion carried.

Mayor Dahnke stated the next item on the agenda was the truth in taxation hearing.

12-14-09-16 Motion by Mr. Ellefson and second by Mr. Strom to open the truth in taxation public hearing at 7:41 p.m.

City Administrator Mike Rietz presented the 2010 proposed budget and levy. Mr. Rietz discussed the revenues and expenses, and the local government aid. Mr. Rietz asked council members if they had any questions for him. Council had no further questions for Mr. Rietz.

12-14-09-17 Motion by Mr. Cooper and second by Mr. Davis to close the public hearing at 7:49 p.m. Motion carried.

Mayor Dahnke stated the next item on the agenda was the 2010 levy resolution.

12-14-09-18 Motion by Mr. Ellefson and second by Mr. Davis to approve the following 2010 levy resolution. A roll call vote was taken; those voting aye were the following: Hagen, Cooper, Ellefson, Davis, Strom and Krause. Those voting against: None. Motion carried.

2010 LEVY RESOLUTION
NUMBER 12-14-09-18

BE IT RESOLVED, That the following sums be, and hereby are levied upon the taxable property in the City of Barnesville, County of Clay, State of Minnesota for the year 2009, payable in the year 2010, for the following purposes to-wit:

	ACTUAL YEAR 2009	FINAL YEAR 2010
General Fund - General	1000	3000
General Fund - Police		0
General Fund - Admin		
General Fund - Parks	266000	280750
General Fund - Streets		
General - Ambulance	57000	59507
General - Golf Course	8000	9000
2003A GO Street Reconstruction (Fund 311)	24904	24242
2003A GO Street Reconstruction (Fund 311) - GAP	15096	0
2002 GO Bond Debt Service (Fund 308)	0	15000
2005A GO Bond Debt Service (Fund 312)	3206	6613
2005A GO Bond Debt Service (Fund 312) - GAP	36689	58387
Sewer Treatment Bond (Fund 602)	0	0
Del Acres Gilbertson Pre-Levy (Fund 314)	6250	7000
EDA - Specials - Stoneridge (Fund 308)	12167	9732
TOTAL LEVY	430312	473231
Before 2010 Tax Capacity	39.23%	41.88%
After 2010 Tax Capacity		9.97%

Adopted this 14th day of December, 2009.

Approved this 14th day of December, 2009

Fred Dahnke
Mayor

Michael Rietz
Administrator

Mayor Dahnke stated the next item on the agenda was the 2010 budget resolution.

12-14-09-19 Motion by Mr. Ellefson and second by Mr. Davis to approve the 2010 budget resolution. Upon a roll call vote, the following voted aye: Hagen, Cooper, Ellefson, Davis, Strom, and Krause. Those voting against: none. Motion carried.

CITY OF BARNESVILLE
OF CLAY COUNTY, MINNESOTA
2010 BUDGET
RESOLUTION 12-14-09-19

BE IT RESOLVED that the City of Barnesville, Minnesota is required to maintain a budget for its fiscal operations.

BE IT FURTHER RESOLVED that the City of Barnesville, Minnesota has the legal authority to use its taxation authorities to levy necessary funds to operate the city.

BE IT FUTHER RESOLVED that the City of Barnesville, Minnesota is continually monitoring its budget and develops a fiscal budget based on the calendar year.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Barnesville that 2010 budget be adopted.

Adopted this 14th day of December, 2010.

Approved this 14th day of December, 2010.

Fred Dahnke
Mayor

Attest: _____
Michael Rietz
Administrator

Mayor Dahnke stated the next item on the agenda was the 2010 employee wages.

12-14-09-20 Motion by Mr. Ellefson and second by Mr. Davis to approve the following 2010 employee wages. Motion carried.

Schell, Laurie	20.80
Hanson, Diane	16.00
Rietz, Michael	38.46
Cihak, Shana	17.69
Reep, Jeri	24.48
Aberle, Holly	11.03
Swenson, Guy	27.99
Ernst, Laurie	11.20
Beattie, Ryan	17.74
Pearson, Mark	21.82
Olson, Christopher	21.29
Tharaldson, Jeff	21.29
Police Chief	29.00
Lisa Cook	11.33
Bartelson, Nickita	9.86
Riddering, Dave	31.63
Poppel, Kelly	14.00
Durensky, Shane	17.87
Lofgren, Chad	13.78
John Iverson	8.98
Wally Mulcahy	8.24
Ness, Mike	14.10
Ystenes, Terry	17.12
Summer Temp - Streets (Haugrud)	7.73
Rink attendant - Temp	7.47
Summer temp - Parks (Schultz)	8.29
Summer temp - Parks	8.24

(Jorud,Longtin)	
Summer temp - Parks	7.73
Rink Attendent	7.47
- VACANT-	

Olson, Jayne	11.23
Anderson, Jeremy	10.04
Life Guard 1 (Lien,Stout	7.78
Life Guard 2 (Lass,Brakke,Dobmeier)	8.09
Life Guard 3 (Olson)	8.60
Life Guard 4 (Hodge,Albright)	8.91
Life Guard 5 (dahl)	9.53
Pearson, Mike	23.61
Olson, Tom	27.06
Lien, Sara	14.00
Guida, Lori	9.68
Waller, Kay	9.68
Ystenes, Sandra	9.40
Froslic, Kelli	9.64
Amundson, Brenda	9.40
Ambulance Manger	17.00
EMT Parttime	7.25
Ambulance Volunteer	21.16

EDA / Market / Planner	24.57
Mainstreet Director	12.50
Secretary	10.30
Election Judge	7.25

Pro Shop Manager (Hanson)	10.30
Golf Supervisor (Nicklay)	12.88
Mower (Herbig)	8.24
Mower (Schindler)	9.01
Mower (Kercher)	9.01
Mower (Hanson)	7.73
Maintenance - Temp (Kurtz)	7.73
Maintenance - Temp (Emerson, W)	7.73
Proshop Scheduler (Cihak)	9.01

Proshop (Kava)	8.91
Proshop (Thompson)	8.91
Proshop (Emerson)	8.65
Proshop (Kieselbach)	7.98
Proshop (Christianson)	7.98
Proshop (Nosal)	7.47



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Mayor Dahnke stated the next item on the agenda was the discussion of public nuisances. Mayor Dahnke stated some properties are moving forward.

Mayor Dahnke stated the next item on the agenda was the marketing for the city of Barnesville. Mayor Dahnke stated that he would not be on the EDA board, and that Darin Allmaras would be the new member. Mayor Dahnke stated that he would like to see a task force or a sub-committee be formed for the EDA Board. Mayor Dahnke stated he would review this with the new council members.

Mayor Dahnke stated the next item on the agenda was the Potato Days. Mayor Dahnke stated that Potato Days president Theresa Olson invited Mayor Dahnke to the next Potato Days meeting. Mayor Dahnke asked council members if they had any concerns, to please let him know before the January meeting.

12-14-09-21 Motion by Mr. Davis and second by Mr. Hagen to adjourn the meeting at 8:05 p.m. Motion carried.

Submitted by:

Attest:

Jeri L. Reep
City Clerk

Fred Dahnke
Mayor

