

**Barnesville City Council
Regular Meeting
February 11, 2008**

Mayor Dahnke called this regular meeting to order at 7:00 p.m. Present were Mayor Dahnke, and Council members Roger Cooper, Larry Davis, Jr., Del Ellefson, Chad Hagen, Jeremy Krause and Merlin Strom. Others in attendance were City Attorney John Shockley, COO Mike Brethorst, EDA Director Karen Lauer, Sr. Accountant Laurie Schell, Public Works Director Dave Riddering, Police Chief Dean Ernst, Ambulance Manger Jon Yeske, TEC Coordinator Guy Swenson, Dan Hansen with Ulteig Engineers, Brandon Anderson with People Service, and Pam Aakre from the Record Review.

COO Mike Brethorst took roll call. Mayor Dahnke stated the next item on the agenda was the pledge of allegiance. All rose to recite the pledge.

Mayor Dahnke next asked if there were any additions or corrections to the agenda. No additional items were added to the Agenda.

02-11-08-01 Motion by Mr. Ellefson and second by Mr. Davis to approve the agenda and the consent agenda with no additions: Motion carried. The following items were on the consent agenda.

1. Approval of the minutes of the Regular meeting held on January 14, 2008.
2. Approval of the department head reports.
3. Finance report-approval of check numbers 62923-63252 in the amount of \$368,952.63 and EFT payments in the amount of \$137,631.41.
4. Approved MN Telecom Alliance Dues in the amount of \$2,530.00
5. Ambulance drivers pay

02-11-08-02 Motion by Mr. Cooper and second by Mr. Hagen to approve the board and commission reports as presented. Motion carried.

Mayor Dahnke stated the next item on the agenda was the public forum. Mayor Dahnke asked if there were any citizens present to be heard. There were none.

Mayor Dahnke stated he would like to see an ex-officio member to sit on the Golf Board. COO Mike Brethorst stated that the appointment could be appointed by simple motion by the Council as the position would be a nonvoting member.

MRES Rate Study Presentation – Due to the weather MRES staff was unable to attend the Council meeting to discuss the Electric Rate Study. COO Mike Brethorst and TEC Coordinator Guy Swenson presented a power point presentation to the Council which outlined the findings of the study. MRES staff will attend the March 2008 regular Council meeting to formally present the study and findings within the study.

02-11-08-03 Motion by Mr. Krause and second by Mr. Hagen to approve the 1st reading of Ordinance 2008-02 Electric Rates. Motion carried unanimously.

Mr. Ellefson asked why the City needs a million dollar cash reserve. COO Mike Brethorst stated according to the MRES study that the recommended amount is determined by the capital needs, operational cash needs and emergency contingency funds. He also asked if we could stretch out the time that the City estimated to generate the million dollars. COO Mike Brethorst stated all the projections were based on the million dollar cash reserves and would need additional time to determine the impact. No action was requested to further explore this option.

ORDINANCE 2008-02

**AN ORDINANCE DELETING ORDINANCE, 2002-14, 2003-16, 2005-11, 2007-2
AN ORDINANCE TO COMBINE ALL EXISTING ORDINANCES RELATING
TO ELECTRIC SERVICES AND REVISE RATES LISTED AS RATE
SCHEDULE 1 FOR RESIDENTIAL AND RATE SCHEDULE 2 FOR
COMMERCIAL.**

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

WHEREAS, the City Council did previously enact the above listed Ordinances; and

WHEREAS, the Telephone/Electric/Cable TV (T.E.C.) Advisory Board for the City has recommended that the above listed Ordinances be combined and replaced;

NOW, THEREFORE, Ordinance No. , *2002-14, 2003-16, 2005-11, 2007-2* 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, and the meter location shall also be designated by the City. 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

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 ~~\$45.00~~ **\$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 ~~\$95.00~~ **\$200.00**.

- B. Formal payback agreement is established within the city utilities which shall include the reconnect fee whether it is \$45.00 ~~\$100.00~~ or \$95.00 ~~\$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.

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 | <i>May 1, 2008</i> | <i>January 1,</i> |
|---|----------------|---------------------|---------------------|
| <i>2009</i> | | | |
| Base Charge | \$11.00 | <i>\$12.00</i> | <i>\$13.00</i> |
| Energy Charge | \$.072 per kwh | <i>.078 Per kwh</i> | <i>.085 per kwh</i> |
| Available to all residential customers. | | | |

B. RATE SCHEDULE #2:

GENERAL SINGLE PHASE service Commercial: (RC1 & DI1)

| | Current | <i>May 1, 2008</i> | <i>January 1,</i> |
|--|----------------|---------------------|---------------------|
| <i>2009</i> | | | |
| Base Charge | \$12.00 | <i>\$14.00</i> | <i>\$16.00</i> |
| Energy Charge | \$.079 per kwh | <i>.083 Per kwh</i> | <i>.088 per kwh</i> |
| Available to commercial customers for single phase service | | | |

C. RATE SCHEDULE #3

GENERAL THREE PHASE SERVICE: (GS6 & DI9)

| | Current | <i>May 1, 2008</i> |
|------------------------|----------------|---------------------|
| <i>January 1, 2009</i> | | |
| Base Charge | \$16.00 | \$19.00 |
| Energy Charge | \$.079 per kwh | .083 Per kwh |
| Demand Charge | | .088 per kwh |
| 0-35 kw | no charge | |
| over 35 kw | \$8.00/kw | |

Available to all customers for three phase service *with a calculated demand of 20 KW or less.* only when kwh of energy used is less than 10,000 kwh during any billing period. Available as an alternate to Rate Schedule #4.

~~D. RATE SCHEDULE #4:~~

~~GENERAL THREE PHASE SERVICE: (GS1)~~

| | |
|--------------------------|---------------------------|
| Base Charge | \$15.00 |
| Energy Charge | \$.049 per kwh |
| Demand Charge | \$7.00/kw |

~~Available to all customers for three phase service, with less than 15 kw demand measured during any 15 minute interval. This rate will also be available to customers who chose to purchase and install individual demand controllers to limit their demand measured to 15 kw or less during any 15 minute interval, even if these customers have already been placed in the large power rate group. Available as an alternate to Rate Schedule #3.~~

~~E. D. RATE SCHEDULE #5-4~~

~~LARGE POWER THREE PHASE SERVICE (LP1 & DI1)~~

| | Current | <i>May 1, 2008</i> | <i>January 1,</i> |
|---------------|----------------|---------------------|---------------------|
| <i>2009</i> | | | |
| Base Charge | \$20.00 | \$28.00 | \$36.00 |
| Demand Charge | | | |
| <i>All kw</i> | | \$7.80/kw | \$9.00/kw |
| First 50 kw | \$7.00/kw | | |
| Exeess kw | \$5.20/kw | | |
| Energy Charge | | | |
| All kwh | \$.049 per kwh | .049 Per kwh | .051 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.

~~F. E.~~ RATE SCHEDULE #6

| | | | |
|-------------|------------------------------------|--------------------|-------------------|
| | SECURITY LIGHTS: (YL1) | | |
| | Current | <i>May 1, 2008</i> | <i>January 1,</i> |
| <i>2009</i> | | | |
| | Charge per light \$12.25 per month | <i>\$12.25</i> | <i>\$12.25</i> |

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

~~G. 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.

~~H. —~~ RULES FOR CHOICE OF OPTIONAL RATES

- ~~1. Any of the alternate rates available to the customer may be selected. The customer shall have 90 days from the effective date of this ordinance to select the rate he/she wishes to use. Upon selection of a rate alternate, the customer shall be required to use that option for one year.~~

~~I. G.~~ CHARGE TO DELIVER DISCONNECT NOTICES

1. A charge of \$25.00 will be applied to utility accounts when in the process of collecting past due charges for electricity it is necessary to hand carry and post a disconnect notice at the customer premise.
2. This charge will be waived one time per customer account.

3. This charge does not apply to notices delivered by mail.

Section 9 Electric Rate Incentives

| | | | | |
|---|--|---------|-------------------|-------------------|
| A | Dual Fuel Services (OP-1 & OP-2) (HP-1 & HP2 Winter Rate) | Current | May 1, 2008 | January 1, 2009 |
| | Dual Fuel Service Rate: \$.0405/kwh | | \$.042/kwh | \$.044/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. All potential dual fuel commercial customers will require prior approval of the T.E.C. Advisory Board or City Council. ***(Not available to accounts that are delinquent). (This incentive will be activated and de-activated by resolution at Council discretion; all incentives are subject to budget availability)***

This incentive will be calculated using the following formula:

Number of gallons of fuel used during the previous heating season multiplied by BTU's per gallon (per fuel chart) then multiply by furnace efficiency percentage then divided by 3412 then multiply by dual fuel rate then multiply by 0.39 = Incentive to install dual fuel

Example 1

Fuel oil: _____ gallons x 137,520 x .75 divided by 3412 x appropriate dual fuel rate x .039 = this amount is the incentive.

Example 2

Propane: _____ gallons x 91,600 x .75 divided by 3412 x appropriate dual fuel rate x .039 = this amount is the incentive

An additional \$100.00 incentive will be paid to the contractor selling and promoting, the dual fuel system. ***(This incentive will be activated and de-activated by resolution at Council discretion; all incentives are subject to budget availability)***

C. Dual Fuel Incentive for New Construction

A \$200.00 one-time payment will be made to the general contractor. ***(This incentive will be activated and de-activated by resolution at Council discretion; all incentives are subject to budget availability)***

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. ***(This incentive will be activated and de-activated by resolution at Council discretion; all incentives are subject to budget availability)***

E. Off Peak Services

| | Current | May 1, 2008 | January 1, 2009 |
|------------------------|-------------|--------------------------|--------------------------|
| Off Peak Service Rate: | \$.0405/kwh | <i>\$.042/kwh</i> | <i>\$.044/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 customers shall be eligible for a rebate of \$2.00 per gallon for the installation of a new electric water heater with a storage capacity of at least 50 gallons. This rebate increases to \$3.00 per gallon for new water heaters with a minimum storage capacity of 80 gallons. Water heaters must be controlled by the city's load management. The rebate shall be credited on the customer's utility bill as soon as the following are provided. ***Demand water heaters without storage do not qualify for this rebate.***

1. Proof of purchase and installation of a qualifying water heater; and
2. Verification by electric utility personnel that the load controls have been installed and properly wired.

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 10th day of March, 2008.

02-11-08-04 Motion by Mr. Ellefson and second by Mr. Cooper to approve a cash carryover of \$14,104 for electric system upgrades. Motion carried unanimously.

The electrical upgrades were a 2007 expenditure and were budgeted however, due to weather the upgrades were not completed.

02-11-08-05 Motion by Mr. Cooper and second by Mr. Ellefson to approve a cash carryover of \$63,500 for telephone system upgrades. Motion carried unanimously.

The telephone upgrades were a 2007 expenditure and were budgeted however, due to weather the upgrades were not completed.

02-11-08-06 Motion by Mr. Krause and second by Mr. Ellefson to approve the 1st reading of Ordinance 2008-03 DSL Ordinance Rates. Motion carried unanimously.

ORDINANCE 2008-03

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. 2007-3 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. 2007-3 is hereby replaced as follows:

Section 1. Costs for DSL service

MONTHLY COSTS
Internet/DSL

SPEEDS
Down speed Up speed

| | | | | |
|----|------------------------------------|-----------|---------------------|---------------------|
| 1. | \$24.95 | (Bronze)* | 128 kbps | 128 kbps |
| 2. | \$36.95 | (Silver) | 512 kbps | 256 kbps |
| 3. | \$52.95 | (Gold) | 1 Megbps | 512 kbps |
| 1. | \$24.95* | | 128 kbps | 128 kbps |
| 2. | \$36.95 (Student DSL)** | | 256 kbps | 128 kbps |
| 3. | \$43.90** | | 384 kbps | 128 kbps |
| 4. | \$52.90** | | 512 kbps | 128 kbps |
| 5. | \$69.90** | | 640 kbps | 128 kbps |
| 6. | \$79.90*** | | 640 kbps | 256 kbps |
| 7. | \$89.90*** | | 640 kbps | 384 kbps |

* New DSL customers only

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

*** Upload Speed increase available for 640 kbps levels 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: ~~\$95.00~~ **\$99.00** 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**

Purchase: Modem/Router \$130.00

Purchase Modem/Wireless Router \$140.00 (plus applicable taxes)

Monthly: \$4.95 per month rent

3) Rent a Modem/router for \$4.95 per month.

~~3) Next Level Etherset (available at City Hall)~~

~~–Purchase: \$225.00 (plus applicable taxes)~~

~~–Monthly: \$4.95 per month rent~~

SOFTWARE REQUIRED/RECOMMENDED

INTERNET BROWSER: Customer provided

FIREWALL: ~~Router~~, 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

All rates listed will apply equally to residential of 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 Long Distance and Barnesville Cable TV service) |

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 $\frac{1}{2}$ ~~month~~ 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 ~~for new businesses.~~

1) First time DSL customers receive a \$10.00 per month credit for 3 months with one year service agreement. ~~(Will be activated and deactivated at council discretion)~~ (This incentive will be activated and ~~de-activated~~ by resolution at Council discretion)

~~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 3 years. (Karen Lauer would like this put back in)~~

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:

Fred Dahnke, Mayor

ATTEST:

Michael Brethorst
Chief Operations Officer

02-11-08-07 Mr. Ellefson moved and Mr. Hagen seconded that the City of Barnesville work with the Barnesville EDA to make improvements to the cable television system consisting of equipment for the provision of digital cable, and to authorize staff to prepare a new lease and all necessary bond documents to refinance the existing bond debt to cover the cost of the digital cable improvements. The motion passed unanimously.

02-11-08-08 Mr. Ellefson moved and Mr. Hagen seconded to authorize the Staff to prepare a request for bids, advertise for bids, accept bids, and recommend to the City the lowest responsible bid for improvements to the Barnesville Cable system, consisting of equipment to provide digital cable. The motion passed unanimously.

02-11-08-09 Mr. Hagen moved and Mr. Ellefson seconded to approve the 1st reading of Ordinance 2008-04 Cable Ordinance Rates. Motion carried unanimously.

The Council also directed that the Ordinance go back to the TEC Board to discuss the possibility of consolidating the rate increases to a two tear system vs. a three tear system.

ORDINANCE 2008-04

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 2007-17, 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 2007-17 is replaced as follows:

| Section 1. Per month service rate* | Current | <i>May 1, 2008</i> | <i>Jan. 1, 2009</i> | <i>July 1, 2009</i> |
|--|---------|-----------------------|-----------------------|-----------------------|
| Economy Basic Cable | \$11.95 | <i>\$13.95</i> | <i>\$15.95</i> | <i>\$15.95</i> |
| Preferred Basic | \$34.95 | <i>\$37.95</i> | <i>\$43.95</i> | <i>\$45.95</i> |
| Section 2. Per month premium channel rate* | | | | |
| HBO | \$12.00 | <i>\$12.00</i> | <i>\$12.25</i> | <i>\$12.50</i> |
| CINEMAX | \$ 8.00 | <i>\$ 8.00</i> | <i>\$ 8.25</i> | <i>\$ 8.50</i> |
| Section 3. Per month premium channel package rate* | | | | |
| HBO/CINEMAX | \$18.00 | <i>\$18.00</i> | <i>\$18.25</i> | <i>\$18.50</i> |
| STARZ/ENCORE | \$ 7.95 | <i>\$ 7.95</i> | <i>\$ 7.95</i> | <i>\$ 7.95</i> |

Section 4. 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*

\$34.95 plus 11 living units x \$23.20 (the wholesale cost of programming) = \$290.15 plus tax and FCC charge.

Effective May 1, 2008

\$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.

Basic*

\$11.95 plus 11 living units x \$6.00 (the wholesale cost of programming) = \$77.95 plus tax and FCC charge.

Effective May 1, 2008

\$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)

\$34.95 plus 11 living units x \$6.00 (the wholesale cost of programming) = \$100.95 plus tax and FCC charge.

Effective May 1, 2008

\$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 5 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 users 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.**

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:

Fred Dahnke, Mayor

ATTEST:

Michael Brethorst
Chief Operations Officer

02-11-08-10 Motion Mr. Ellefson and seconded by Mr. Hagen to remove the District Superintendents responsibility to authorize advertisements for solicitation of funds from

the Barnesville Community Television Channel 12 Operating Rules and Regulations and add the City Administrator in the Superintendents place. Motion carried unanimously.

The Council recessed at 8:27 pm to allow for a break and the Council rejoined at 8:33pm.

It was the coconscious of the Council to keep the current policies and practices in place regarding the advertisements or promotions for commercial products or services.

02-11-08-11 Motion Mr. Hagen and seconded by Mr. Strom to award the Construction and testing of Production Well No. 10 to Lako Drilling, Inc in the amount of \$79,093.00. The motion passed unanimously.

COO Michael Brethorst stated that the funding for this project would come from Cash Reserves.

02-11-08-12 Motion by Mr. Strom and seconded by Mr. Ellefson for the first reading of Ordinance 2008-01 Vehicle Impounding. The motion passes unanimously.

1ORDINANCE NO. 2008-01

AN ORDINANCE TO AMEND AND REENACT SECTION 7.01 OF THE BARNESVILLE CITY CODE TO INCLUDE ADDITIONAL DEFINITIONS; TO AMEND AND REENACT SECTION 9.11, SUBD. 4, OF THE BARNESVILLE CITY CODE RELATING TO PENALTIES; AND TO CREATE AND ENACT SECTION 9.12 OF THE BARNESVILLE CITY CODE RELATING TO IMPOUNDING AND DISPOSITION OF VEHICLES.

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

SECTION 1. Section 7.01 of the Barnesville City Code is hereby amended and enacted to read as follows:

SEC. 7.01. DEFINITIONS: Except as otherwise defined in the City Code, or where the context clearly indicates a contrary intent, the words and terms defined in Minnesota Statutes, Chapter 169, shall be applicable to City Code, Chapters, 7, 8 and 9:

PARKING: The voluntary standing of a vehicle upon any highway, street or avenue whether accompanied or unaccompanied by an operator; but, where the driver of a vehicle seeks to load or unload passengers, goods or merchandise in or from the vehicle, then parking shall mean the standing of the vehicle upon the highway, street or avenue only for the period of time which is reasonably necessary to load or unload passengers or goods close at hand ready to be loaded or unloaded as the case may be.

STREET OR Shall be considered the entire width between

HIGHWAY: boundary lines of any way or place when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic, as defined by chapter 169 of the Minnesota Statutes, as such chapter may be from time to time amended, supplemented or replaced. Streets in the City may be designated "Streets," "Drives," "Courts," "Avenues," "Lanes," "Circles," "Boulevards" or "Ways".

VEHICLE: Every vehicle, motor vehicle, motorcycle, motorized bicycle, bicycle, snowmobile, trailer or semitrailer as the same are defined in chapter 169 of the Minnesota statutes, as such chapter may be from time to time amended, supplemented or replaced.

SECTION 2. Subdivision 4 of Section 9.11 of the Barnesville City Code is hereby amended and reenacted to read as follows:

SEC. 9.11. SNOW REMOVAL; PARKING RESTRICTIONS.

Subd. 4. Penalties and Impoundment. Violation of this Section shall be considered a petty misdemeanor. Additionally, vehicles violating this Section may be impounded and will be released to the owner only upon the payment of towing charges, daily impound fees of \$10.00 per day, the petty misdemeanor fine, and any other costs relating to the towing and impound of the vehicle.

SECTION 3. Section 9.12 of the Barnesville City Code is hereby created and enacted to read as follows:

SEC. 9.12. IMPOUNDING AND DISPOSITION OF VEHICLE:

A. Impounding Procedures:

1. Establishment: The Council may establish and provide one or more impounding lots for the purpose of keeping and storing impounded motor vehicles.
2. Removal of Vehicle: Whenever any police officer finds any vehicle obstructing the traffic or improperly parked so as to be hazardous to public safety on any street or obstructing the entrance of any private driveway, or interfering with the maintenance, cleaning, repairing or snow removal on any streets, or if the vehicle needs to be safeguarded after its driver has been arrested, the officer may remove the vehicle and hold it in the impounding lot or lots or until the City is reimbursed for all costs and charges of the removal and storage or until the same has been disposed of as hereinafter provided. This subsection shall be applicable to any motor vehicle found standing in or upon any street where the same has not been moved or used for a period of twenty four (24) hours, regardless of the requirements set out in this Section.

3. Charges: The City Council shall set by resolution the fee for towing a motor vehicle so impounded from the place where found to the place where it is impounded, and shall be resolution set an administrative fee and a storage fee for the motor vehicle so impounded.
4. Lien: The City shall have a lien upon the motor vehicle for the tow charge and for ground use. If any sum secured by such lien be not paid within thirty (30) days after the motor vehicle has been impounded, the City may sell the property and out of the proceeds of the sale there shall be paid first, all charges and disbursements of the sale; second, all charges paid by the City to any other person in connection with the towing and storage of the motor vehicle; and third, the total indebtedness then secured by the lien.
5. Foreclosure by Sale: The sale shall be made at public auction where the property is situated. A notice stating the time and place of sale, the amount which will be due on the date of sale exclusive of the expenses of advertising and sale, and the grounds of the lien, giving a general description of the property to be sold, shall be served personally on the owner of the property if the owner can be found within the City or within the county in which the property is stored, and if the owner cannot be found, then it shall be mailed to the owner at least three (3) weeks before the time fixed for the sale if the place of residence or post office address of the owner is known to the city officials or with due diligence can be learned by the City authorities, and shall be published once each week for three (3) successive weeks in the official newspaper. The last publication of such notice shall be at least one week prior to the date of sale. In case neither the place of residence nor the post office address of such owner is known to the City authorities and cannot with reasonable diligence be learned, the publication of notice shall be sufficient to authorize such sale.
6. Sale: The property sold shall be in view at the time of the sale. Under the power of sale, any motor vehicle impounded may be sold to satisfy the amount due at the time of sale, including expenses, and the property may be offered for sale and sold in the form and condition that the same was received by the City. The City, its representatives or officials, may fairly and in good faith purchase any property sold under this Section, provided the sale is conducted by the sheriff of the county, the sheriff's deputy, or a licensed auctioneer.
7. Papers to be filed: All papers had and made in connection with the sale provided for shall be filed with the City Clerk.
8. Foreclosure by Action: Nothing in this Section shall prohibit the City from foreclosing the lien by action in the District Court and pursuant to the order of the Court made in such action.
9. Release of Impounded Vehicles: No person shall take from the impounding lot or other place designated by the Council, any

impounded vehicle without first paying all charges and liens against the same.

10. Records: The Police Department shall keep a full and complete record of all motor vehicles impounded, together with a record of all charges and fees against the same in a book provided therefor by the City.

B. Disposition of Unclaimed Motor Vehicles: Any motor vehicle which is in the custody of the City by reason of having impounded the same, or otherwise lawfully coming into the possession of the City and remaining unclaimed by the owner, may be disposed of by the City at a public auction sale conducted by a representative of the Police Department in the following manner:

1. The vehicle must have been in possession of the City for a period of not less than thirty (30) days after the mailing of notice to the registered owner, if any.
2. Prior to disposal of any such motor vehicle, the City shall mail to the registered owner, if any, as shown by the records of the state registrar of motor vehicles, notice of its possession and intent to dispose of said motor vehicle.
3. The definition of motor vehicle shall be the same as that set forth in section 169, Minnesota Statutes.
4. The motor vehicle shall be sold to the highest bidder at a public auction sale. Notice of auction must be published in the official publication of the City once each week for two (2) successive weeks.
5. The net proceeds of any such sale shall be placed in the general revenue fund of the City, the net funds being described as the sale price less any costs of handling, storing or sale of such vehicle. Any such net proceeds shall be paid over to the former owner of the motor vehicle upon application and satisfactory proof of ownership within six (6) months of the sale.

SECTION 4. This ordinance shall take effect upon publication in accordance with the Barnesville City Charter.

PASSED by the City Council of the City of Barnesville this 10th day of March, 2008.

02-11-08-13 Motion by Mr. Ellefson and seconded by Mr. Davis to approve a resolution pertaining to releasing Bonds for Transportation funding in Minnesota.

CITY OF BARNESVILLE
COUNTY OF CLAY
STATE OF MINNESOTA
RESOLUTION 02-11-08-13

A RESOLUTION PERTAINING TO RELEASING BONDS FOR
TRANSPORATION FUNDING IN MINNESOTA

WHEREAS: we the undersigned elected officials of the City of Barnesville recognize that the revenue for Minnesota's transportation infrastructure has failed to keep pace with the needs of Minnesota's transportation infrastructure; and

WHEREAS: Minnesota's transportation infrastructure with a particular emphasis on roads and bridges needs an immediate source of revenue for improvements, maintenance and developments; and

WHEREAS: Minnesota must provide for the safety and security of those who drive on the state's roads and bridges; and

WHEREAS: the Minnesota Legislature should find an acceptable, reasonable and sustainable compromise that delivers an immediate source of revenue to county roads and bridges;

NOW, THEREFORE, be it resolved we hereby declare our support for a capital investment bill that spends at least 50 percent of its total on roads and bridges in Minnesota.

RESOLVED, this 11th day of February, 2008.

PASSED by a vote of six to six.

Fred Dahnke
Mayor

ATTEST:

Michael M. Brethorst

Chief Operating Officer

An Ordinance to amend and reenact subdivision 2 of Chapter 2.18 of the Barnesville City Code relating to General Provisions of Admin. citation and civil penalties was tabled.

02-11-08-14 Motion by Mr. Cooper and seconded by Mr. Ellefson to approve a resolution authorizing the City to adopt schedule of Offenses and Admin. Penalties. Resolution passed unanimously.

CITY OF BARNESVILLE
COUNTY OF CLAY
STATE OF MINNESOTA
RESOLUTION 02-11-08-14

RESOLUTION AUTHORIZING THE CITY OF BARNESVILLE
TO ADOPT A SCHEDULE OF OFFENSES AND ADMINISTRATIVE PENALTIES

WHEREAS, the City Council of the City of Barnesville has adopted an ordinance establishing a procedure for adjudicating administrative offenses and providing for a schedule of offenses and administrative penalties; and

WHEREAS, said ordinance authorizes the City Council from time to time to identify administrative offenses and establish penalties for such offense.

NOW, THEREFORE, be it resolved by the City Council of the City of Barnesville that the administrative offenses and administrative penalties for such offense shall be as follows:

| Violation* | Penalty** |
|---------------------------------|------------------|
| Hazardous property condition. | \$200.00 |
| Substandard property condition. | 100.00 |
| Illegal dwelling units | 100.00 |

* Multiple code violations may be cited at the same property as distinct code violations, subject to individual penalties, compliance timelines, and/or violation remedies, or enforcement actions.

** Violations that continue beyond the established timeline or repeat violations within a 12-month period at the same property are subject to daily penalties for each day of

noncompliance beyond the established timeline. The maximum penalty per violation is \$2,000.

Costs incurred by the City of Barnesville associated with the abatement of emergency or unattended violations are charges additional to stated penalties.

Approved by:

Fred Dahnke
Mayor

Attest:

Michael M. Brethorst
Chief Operating Officer

02-11-08-15 Motion by Mr. Krause and seconded by Mr. Strom to authorize staff to purchase a police new squad car not to exceed \$25,000. The motion passed unanimously.

COO Michael Brethorst stated that the purchase would be a funded as a Lease. Brethorst also stated the final decision as to the type of vehicle would be made at the Police and Ambulance Committee.

02-11-08-16 Motion by Mr. Krause and seconded by Mr. Davis to pay the Barnesville Fire Department Volunteers \$20 per run for driving the Ambulance. The motion passed unanimously.

This will equal \$320 for all the previous call outs. This is not to be a reoccurring expense and will be mitigated by the new staffing for policies of the Ambulance.

02-11-08-17 Motion by Mr. Strom and seconded by Mr. Krause to approve a Conditional Use permit for Dean Bulk to add an electronic sign to their existing pole sign at their Convenience Store located at 624 Front Street. The motion passed unanimously.

02-11-08-18 Motion by Mr. Ellefson and seconded by Strom for the first reading of Ordinance 2008-05 Exterior Solid Fuel fired Heating Devices. The motion passes unanimously.

CITY OF BARNESVILLE
ORDINANCE 2008-05

AN ORDINANCE AMENDING THE BARNESVILLE MUNICIPAL CODE BY ADDING A NEW SECTION 11.57 , “EXTERIOR SOLID FUEL-FIRED HEATING DEVICES”.

The Barnesville City Council hereby ordains the following:

11.57 EXTERIOR SOLID FUEL-FIRED HEATING DEVICES

Subd. 1. Definitions

Exterior Solid Fuel-Fired Heating Device - An external device designed for solid fuel combustion so that usable heat is derived for the interior of a building, and includes solid fuel-fired stoves, solid fuel-fired cooking stoves, and combination fuel furnaces or boilers which burn solid fuel. This definition specifically includes all wood boilers located inside accessory buildings. Solid fuel-fired heating devices do not include outdoor fire pits, wood-fired barbeques, gas-fired fireplace logs, or wood-burning fireplaces or wood stoves in the interior of a building.

Subd. 2. Prohibition of Exterior Solid Fuel-Fired Heating Devices

Outdoor solid fuel heating devices are prohibited and shall not be installed or operated within the Barnesville City limits.

Subd. 3. Existing Exterior Solid Fuel-Fired Heating Devices

All existing solid fuel units installed within City limits at the time of adoption of this ordinance are required to meet emission standards currently required by the Environmental Protection Agency (EPA), which are hereby adopted by reference together with any amendments or modifications made to them in the future. In addition:

- A) Exterior solid fuel-fired heating devices shall burn clean fuel only, specifically, biomass pellets, corn, firewood, and clean untreated lumber or other clean wood products. Any dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities, or any use of an external solid fuel-fired heating device to burn solid fuels other than those solid fuels for which the external solid fuel-fired heating device was designed, will be declared a public nuisance.
- B) The following materials shall specifically not be used or burned in exterior solid fuel-fired heating devices: grass, leaves, oil, rubber, plastics, tires, railroad ties, construction debris, coal and painted or chemically treated lumber, composite shingles, tar paper, insulation composition board, sheetrock, wiring, paint, and hazardous and industrial solid waste.
- C) Exterior solid fuel-fired heating devices may only be used October 1 through April 15.

Subd. 4 Phasing out of Existing Exterior Solid Fuel-Fired Heating Devices

- A) If the exterior solid fuel-fired heating device is destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at time of destruction and no building permit has been applied for within 180 days, its use must be discontinued;
- B) If the use of the exterior solid fuel-fired heating device is discontinued or abandoned for twelve (12) months; its use may not thereafter be resumed.

Subd. 5 Penalty

Any violation of this ordinance is a misdemeanor. Each day a violation occurs is a separate offense.

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

PASSED AND ADOPTED by the Barnesville City Council this 10th day of March 2008.

By:

Fred Dahnke
Mayor

Attest to:

Michael M. Brethorst
Chief Operating Officer

02-11-08-19 Motion by Mr. Davis and seconded by Strom for the first reading of Ordinance 2008-06 Amendment to Commercial & Industrial District Fence. The motion passes unanimously.

**City of Barnesville
Ordinance 2008-06**

AN ORDINANCE TO AMEND SECTION 11.61 OF THE BARNESVILLE MUNICIPAL CODE RELATING TO FENCING AND SCREENING:

BE IT ORDAINED by the City Council of the City of Barnesville that Section 11.61 is hereby amended as follows:

SEC. 11.61. FENCING AND SCREENING

Subd. 6. ~~Business-Commercial and Industrial District Fences.~~

A. Commercial and Industrial District Fences are those fences located within commercial or industrial zoned areas of the City.

~~A. B.~~ Fences extending across a required front yard or a required side yard which abuts a street on a corner lot shall be at least seventy five percent (75%) open for the passage of air and light and shall maintain the traffic visibility requirements of this Section.

~~B. C.~~ All ~~Business~~ **commercial** and industrial fences ~~may be erected up to eight feet (8')~~ shall require a conditional use permit.

~~C. D.~~ Fences which are primarily erected as a security measure may have arms projecting into the applicant's property on which barbed wire can be fastened commencing at a point at least seven feet (7') above the ground.

~~D.~~ — The screening provisions for business and industrial districts shall supersede, where applicable, the provisions of this Subdivision.

Subd. 7. Required Fencing and Screening. Where any commercial, industrial use, or multi-family building of four (4) or more units (i.e. structure, parking or storage) abuts property zoned for residential use, that business, industry or multi-family building shall provide screening along the boundary of the residential property. Screening shall also be provided where a business, industry, or multi-family building of four (4) or more units is across the street from a residential zone, but not on that side of a business, industry or multi-family building considered to be the front yard. Provided, however, that the provisions of this Section will not apply where a multi-family building abuts property also zoned for multi-family use. All fencing and screening specifically required by this Section shall be subject to traffic visibility requirements of this Section and shall consist of either a fence or a green belt planting strip as provided for below:

A. A green belt planting strip shall consist of evergreen trees and/ or deciduous trees and plants and shall be of sufficient width and density to provide an effective visual screen. This planting strip shall be designed to provide substantial visual screening to a minimum height of six (6') feet. Earth mounding or berms may be used but shall not be used to achieve more than three feet (3') of the required screen. The planting plan and type of plantings shall require the approval of the ~~Board~~ **Planning Commission**.

B. A required screening fence shall be constructed of masonry, brick, wood or metal. Such fences shall provide a solid screening effect six feet (6') in height for multi-family uses and at least six feet (6') in height for **business commercial** and industrial uses unless

otherwise specified. **All screening fences require a Conditional Use Permit.** The design and materials used in constructing a required screening fence shall be **required as part of the Conditional Use Permit application** ~~subject to the approval of the City.~~ ~~Fences in excess of eight feet (8') in height shall require a conditional use permit.~~

Subd. 9. Residential, Commercial and Industrial Special Purpose Fences.

Residential, commercial and industrial fences for special purposes and fences differing in construction, height, or length may be permitted by the Building Official in any district in the City provided that reasons submitted by the applicant demonstrate the purpose is necessary to protect, buffer or improve the premises for which such fence is intended. **Applicants will be required to apply for a Conditional Use Permit.** ~~The Building Official may stipulate the height, location, construction, and type of special fence thereby permitted.~~

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

PASSED AND ADOPTED by the Barnesville City Council this 10th day of March 2008.

By:

Fred Dahnke
Mayor

Attest to:

Michael M. Brethorst
Chief Operating Officer

02-11-08-20 Motion by Mr. Krause and seconded by Strom to approve a \$25,000 one time transfers from the Special Projects Fund to the reconstruction of Old 52 Restricted fund. The motion passes unanimously.

COO Mike Brethorst stated that this \$25,000 would come from the interest earning made in 2008.

02-11-08-21 Motion by Mr. Davis and seconded by Mr. Strom to send one person to the Liquor Store Boot Camp Training. The motion passes unanimously.

Meeting adjourned 9:13 PM

Submitted by:

Michael M. Brethorst
Chief Operating Officer

Attest:

Fred Dahnke
Mayor

