

**Barnesville City Council
Regular Meeting
February 14, 2011**

Mayor Dahnke called this regular meeting to order at 7:00 p.m. Members present were Mayor Dahnke and Council members Darin Allmaras, Larry Davis, Jr., Del Ellefson, Jeremy Krause, Jason Rick and Merlin Strom. Others in attendance were City Attorney John Shockley, City Administrator Mike Rietz, TEC Manager Guy Swenson, EDA Director Karen Lauer, Finance Director Laurie Schell, Police Chief Dean Ernst, Ambulance Manager Jon Yeske, Public Works Supt. Dave Riddering, Brandon Anderson with People Service, Dan Hanson, Brian King and Jon Olson with Ulteig Engineers, John Young, and Pam Aakre with the Record Review.

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

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

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

Mayor Dahnke asked if there were any additions or corrections to the agenda. City Administrator Mike Rietz stated that the following item needed to be added to the agenda: Withdraw from the NECA DSL Tariff.

02-14-11-01 Motion by Mr. Ellefson and second by Mr. Rick to approve the agenda as presented, with the following additions: Withdraw from the NECA DSL Tariff. Motion carried.

02-14-11-02 Motion by Mr. Krause and second by Mr. Rick to approve the consent agenda as presented. Motion carried. The following items were on the consent agenda.

1. Approval of the minutes of the regular meeting held on January 10, 2011.
2. Approval of the minutes of the special meeting held on January 10, 2011.
3. Department head reports
4. Approval of check numbers 70400-70587 in the amount of \$341,770.30 and EFT payments in the amount of \$229,967.74.
5. Approval to hire Elliot Goheen as Combination Tech at a rate of pay of \$24.00 per hour and a beginning vacation balance of 40 hours.
6. Approval of the TEC Board purchasing 4 Front St. bricks.
7. Approval of the TEC Board Main St. Membership.
8. Approval of Hallmark Channel contract renewal.
9. Approval of American Movie Classic contract renewal.
10. Approval of the Barnesville Lions gambling request for August 27, 2011 at the Barnesville VFW.
11. Approval of the Barnesville Lions Club gambling request for July 14-16, 2011 at the Clay County Fairgrounds.

12. Approval of the Barnesville Thursday Nite Lions gambling request for July 16-17, 2011 at the Clay County Fairgrounds
13. Approval of the Barnesville Thursday Nite Lions gambling request for August 26, 2011 at the American Legion Post 153.
14. Approval of the appointment of Tom Ishaug and Staci Marich to the Barnesville Community Education Advisory Board.
15. Approval of the appointment of Ross Amundson to the Park Board.
16. Approval of a lot merge request for the Barnesville Area Clinic.

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

02-14-11-03 Motion by Mr. Davis and second by Mr. Ellefson to approve the board and commission reports as presented. Motion carried.

Mayor Dahnke stated the next item on the agenda was the introduction of the engineering representative from Ulteig Engineering. Dan Hanson, who is leaving Ulteig, introduced Brian King and Jon Olson who will be the engineers assigned to the City. Jon Olson will be the primary contact as he was the engineer in Park Rapids when they went through a reconstruction project last year. Dan Hanson thanked the Council and stated that he greatly enjoyed the time he spent working with them.

Mayor Dahnke stated the next item was an update on the Front St. Project. City Engineer Jon Olson provided a tentative project schedule that has the bids being awarded at the April Council meeting. In order to meet that schedule, plan approval from MNDOT needs to be completed by the end of February. Construction is still expected to start in mid-May.

Mayor Dahnke stated that for the next item we would move the presentation from Lakes and Prairie Community Action to this point on the agenda. The Council heard a presentation from representatives of Prairie Lakes Community Action. They will be in the city this summer volunteering to help with home repairs and are seeking some assistance with funding. The Council referred this to the Personnel and Finance Committee for a recommendation.

Mayor Dahnke stated the next item was the approval of the development agreement on the Del Acres – Peterson Subdivision.

02-14-11-04 Motion by Mr. Davis and second by Mr. Allmaras to approve the development agreement regarding the Del Acres – Peterson Subdivision. Motion carried.

Mayor Dahnke stated the next item was the approval of the development agreement with Gary Meyer.

02-14-11-05 Motion by Mr. Allmaras and second by Mr. Rick to approve the development agreement with Gary Meyer. Motion carried.

Mayor Dahnke stated the next item was the approval of the development agreement with Thomas Anderson.

02-14-11-06 Motion by Mr. Davis and seconded by Mr. Strom to approve the development agreement with Thomas Anderson. Motion carried.

Mayor Dahnke stated the next item was the approval of the development agreement with the EDA regarding the Heartland Subdivision.

02-14-11-07 Motion by Mr. Davis and second by Mr. Allmaras to approve the development agreement with the EDA regarding the Heartland Subdivision. Motion carried.

Mayor Dahnke stated the next item was the approval of the development agreement with the EDA regarding the Stoneridge Subdivision.

02-14-11-08 Motion by Mr. Davis and second by Mr. Strom to approve the development agreement with the EDA regarding the Stoneridge Subdivision. Motion carried.

Mayor Dahnke stated the next item was the approval of the development agreement with Jeremy Anderson.

02-14-11-09 Motion by Mr. Davis and seconded by Mr. Rick to approve the development agreement with Jeremy Anderson. Motion carried.

Mayor Dahnke stated the next item was the approval of the development agreement with Midwest Regional Development.

02-14-11-10 Motion by Mr. Allmaras and seconded by Mr. Davis to approve the development agreement with Midwest Regional Development. Motion carried.

Mayor Dahnke stated the next item on the agenda was the discussion of excess liability insurance. City Administrator Mike Rietz stated that Personnel & Finance discussed this at their portfolio meeting. This would be an additional expense that was not included in the 2011 budget and it will be included in the discussions for the 2012 budget.

Mayor Dahnke stated the next item on the agenda was the discussion of purchasing more set top boxes from Transparent Video Solutions. TEC Manager Guy Swenson stated that with the new channels being added only to the digital portion of the system, demand for set-top boxes has increased dramatically.

02-14-11-11 Motion by Mr. Ellefson and second by Mr. Strom to approve the purchase of 155 SD boxes at \$180.00 per box, and 40 HD PVR Boxes at \$180.00 per box, plus shipping and taxes for a total expenditure not to exceed \$20,000. Motion carried.

Mayor Dahnke stated the next item on the agenda was the first reading of an ordinance establishing cable rates. The TEC Board is recommending an increase in order to cover the increase in the cost of programming. This ordinance would increase the premium basic rate by \$4.00 over the next 18 months. It would include a \$1.50 increase on April 1, 2011, a \$1.50 increase on October 1, 2011 and a 1.00 increase on April 1, 2012.

02-14-11-12 Motion by Mr. Ellefson and second by Mr. Strom to approve the first reading of Ordinance 2011-03. Motion carried.

ORDINANCE 2011 - 03

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 2010-11, an ordinance to set the monthly rate for cable TV services to institutions or businesses providing their tenants or guests with quality cable programming; and

WHEREAS, the Telephone/Electric/Cable TV (T.E.C.) Board for the City has recommended the following charges for Cable TV services apply;

NOW, THEREFORE, Ordinance No 2010-11 is replaced as follows:

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

	Current	<i>April 21, 2011</i>	<i>October 1, 2011</i>	<i>April 1, 2012</i>
Economy Basic Cable	\$15.95	-----	<i>No Change</i>	-----
Preferred Basic	\$45.95	<i>\$47.45</i>	<i>\$48.95</i>	<i>49.95</i>
HD TIER **	\$9.99	-----	<i>No Change</i>	-----

** Requires Preferred Basic Service

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

HBO	\$13.25	-----	<i>No Change</i>	-----
CINEMAX	\$ 8.50	-----	<i>No Change</i>	-----

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

HBO/CINEMAX	\$19.25	-----	<i>No Change</i>	-----
STARZ/ENCORE	\$ 7.95	-----	<i>No Change</i>	-----

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

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

Additional boxes will be charged at the following monthly rates:

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

Set Top Boxes can be purchased at the following Rates:

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

Section-5. Monthly cable TV costs for businesses and institutions such as Nursing homes, Assisted living, Hotels and Motels. This section is exclusive to the above mentioned institutions

BULK RATE:*

Utilize the current monthly Basic/Preferred Basic rate plus the total number of living units multiplied times the current wholesale cost of programming.

Utilize a mix & match process. Subscribe to Preferred Basic for the "House" location and the Basic rate for the resident units

Example:

Preferred Basic*

Currently
\$45.95 plus 11 living units x \$23.20 (the wholesale cost of programming) = \$301.15 plus tax and FCC charge.

Effective April 21, 2011
\$47.45 plus 11 living units x \$32.29 (the wholesale cost of programming) = \$402.64 plus tax and FCC charge.

Effective October 1, 2011
\$48.95 plus 11 living units x \$32.29 (the wholesale cost of programming) = \$404.14 plus tax and FCC charge.

Effective April 1, 2012
\$49.95 plus 11 living units x \$32.29 (the wholesale cost of programming) = \$405.14 plus tax and FCC charge.

Economy Basic*

Currently
\$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)

Currently

\$45.95 plus 11 living units x \$6.00 (the wholesale cost of programming) = \$111.95 plus tax and FCC charge

Effective April 21, 2011

\$47.45 plus 11 living units x \$6.00 (the wholesale cost of programming) = \$113.95 plus tax and FCC charge.

Effective October 1, 2011

\$48.95 plus 11 living units x \$6.00 (the wholesale cost of programming) = \$114.95 plus tax and FCC charge.

Effective April 1, 2012

\$49.95 plus 11 living units x \$6.00 (the wholesale cost of programming) = \$115.95 plus tax and FCC charge.

Premium Channels*

HBO: \$13.25 per month per subscriber when provided on an individual occupant basis.

\$4.00 per month per subscriber when provided to all occupants.

Cinemax: \$8.00 per month per subscriber when provided on a individual occupant basis.

\$4.00 per month per subscriber when provided to all occupants.

Starz/Encore: \$7.95 per subscriber

Section-6 Service Charges

New Install \$49.95
Applicable to a residence/business to which Cable TV service has never been installed. Does not apply to multi-tenant buildings.

Relocates: \$19.95
Relocating established cable service from one location to another.

Install additional outlet: \$15.00
Outlets installed at the time when service is established or relocated.

Reconnect: \$19.95
Restoring service previously disconnected.

Service Call: \$19.95
Charge applies for services performed at user's request. Also applies when repair calls are made as a result of defective or improperly tuned customer owned equipment.

Install Outlet: \$19.95

Charge applies to each additional outlet installed at a current subscriber's location.

*Premium channels not included. All rates subject to change.

Section – 7 Incentives

1) Refer a Friend Program:

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

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

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

PASSED AND ADOPTED by the Barnesville City Council this 14th day of March 2011.

APPROVED:

Fred Dahnke, Mayor

ATTEST:

Jeri Reep
Clerk

First Reading: February 14, 2011
Second Reading: March 14, 2011
Adopted: March 14, 2011
Publication: March 21, 2011

Mayor Dahnke stated the next item on the agenda was the addition of the Big Ten Network to the cable system.

02-14-11-13 Motion by Mr. Ellefson and second by Mr. Davis to have the TEC analyze the addition of the Big Ten Network and bring a recommendation to the March council meeting. Motion carried. For: Ellefson, Rick, Strom and Krause. Against: Davis and Allmaras.

Mayor Dahnke stated the next item on the agenda was to consider exiting the NECA DSL Tariff. TEC Manager Guy Swenson explained that we are currently paying to be a part of the NECA DSL Tariff and that we could handle this ourselves by adding this to our local tariff.

02-14-11-14 Motion by Mr. Ellefson and second by Mr. Strom to approve exiting the NECA DSL Tariff. Motion carried.

Mayor Dahnke stated the next item on the agenda was the first reading of 2011-02, an ordinance changing the commercial sewer base fee. City Administrator Mike Rietz explained that this would establish a base rate system that is similar to the base rate system for water.

02-14-11-15 Motion by Mr. Krause and second by Mr. Allmaras to approve the first reading of Ordinance 2011-02. Motion carried. For: Krause, Davis, Allmaras, Rick. Against: Ellefson and Strom.

**CITY OF BARNESVILLE
ORDINANCE NO. 2011-02**

**AN ORDINANCE AMENDING CHAPTER 19, SEC. 3.41(B) OF THE
MUNICIPAL CODE REGARDING THE COMMERCIAL/INDUSTRIAL
SANITARY SEWER FLAT RATE CHARGE.**

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

CHAPTER 19, SECTION 3.41(B) is amended to read as follows:

B. Commercial/Industrial Flat Rate Charge: For each commercial/industrial connection there shall be a flat rate charge based on the size of the water meter as follows:

- I. 5/8 inch meter connection – \$26.00
- II. 1 inch meter connection – \$34.58

- III. 1.5 inch meter connection - \$45.99
- IV. 2 inch meter connection – \$49.00
- V. Large Commercial – 4 inches – \$81.36
- VI. Other sizes not listed shall be established by vote of the City Council.

PASSED AND ADOPTED by the Barnesville City Council this 14th day of March, 2011.

APPROVED:

Fred Dahnke, Mayor

ATTEST:

Jeri Reep, City Clerk

First Reading: February 14, 2011
Second Reading: March 14, 2011
Publication: March 21, 2011

Mayor Dahnke stated the next item on the agenda was the creation of the Public Works and Parks Foreman positions. These positions would take on some of the functions of the Flex position that was eliminated as well as adding some supervisory responsibilities.

02-14-11-16 Motion by Mr. Ellefson and second by Mr. Allmaras to approve the creation of the public works and parks foreman positions and to appoint Terry Ystenes as Public Works Foreman at a wage rate of \$18.75 per hour and to appoint Shane Durenky as Parks Foreman at a wage rate of \$18.75 per hour.

Mayor Dahnke stated the next item on the agenda was the 2nd reading of ordinance 2011-01 which creates a meter access fee. City Administrator Mike Rietz informed council members that the Public Works committee has been discussing this. This ordinance would assist water and electric personnel gain access to the utilities meters if access needs to be granted by the owner of the property. This is primarily a problem in the

water department because those meters are inside a building. This ordinance puts the burden on the homeowner to make sure they make arrangements to give our personnel access within 30 days of being contacted. If after 30 days, access has not been granted to allow the required task to be accomplished, the customer would see a \$50.00 surcharge on their bill each month until this issue is dealt with.

02-14-11-17 Motion by Mr. Ellefson and second by Mr. Allmaras to approve the second reading of Ordinance 2011-01. Motion carried.

**CITY OF BARNESVILLE
ORDINANCE NO. 2011-01**

**AN ORDINANCE AMENDING SECTIONS 3.04 AND 19.01 OF THE
MUNICIPAL CODE REGARDING A FEE TO BE CHARGED BY THE CITY OF
BARNESVILLE FOR FAILURE TO PROVIDE ACCESS TO A UTILITY
METER WITHIN 30 DAYS.**

WHEREAS, the City of Barnesville provides water, sewer and electric services and uses metering as a way to measure usage and determine what to charge for the services provided; and

WHEREAS, the City of Barnesville has the right to access these meters for maintenance, upgrades and to obtain readings; and

WHEREAS, the Barnesville City Charter and Minnesota Statutes permit the establishment of fees for services performed by the City of Barnesville,

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

CHAPTER 3, SECTION 3.04, Subd. 7 is repealed and recreated as follows:

Right of Entry. By applying for, or receiving, a municipal utility service, a customer irrevocably consents and agrees that any City employee acting within the course and scope of his/her employment may enter into and upon the private property of the customer, including dwellings and other buildings, at all reasonable times under the circumstances, in or upon which private property a municipal utility, or connection therewith, is installed, for the purpose of inspecting, repairing, reading meters, connecting or disconnecting the municipal utility service. Failure to allow entry to a city employee onto private property for the above stated purposes within 30 days of the City's initial request to do so shall result in a \$50 surcharge being placed on the customer's utility bill each month until access is granted and the required task accomplished.

CHAPTER 19, SECTION 3.04, Rules and Regulations Relating to
Municipal Utilities Is Amended to include:

Subd. 7, Right of Entry. Failure to allow entry to a city employee onto private property for the above stated purposes within 30 days of the City's initial request to do so shall result in a \$50 surcharge being placed on the customer's utility bill each month until access is granted and the required task accomplished.

PASSED AND ADOPTED by the Barnesville City Council this ____ day of _____, 2011.

APPROVED:

Fred Dahnke, Mayor

ATTEST:

Jeri Reep, City Clerk

First Reading: January 10, 2011
Second Reading: February 14, 2011
Publication: February 21, 2011

02-14-11-18 Motion by Mr. Ellefson and second by Mr. Allmaras to approve the summary Ordinance 2011-01. Motion carried.

TITLE AND SUMMARY OF ORDINANCE NO. 2011-01

The following Ordinance is hereby published by title and summary:

1. Title of Ordinance:

An ordinance to amend section 3.04 and chapter 19.01 of the Barnesville Municipal Code relating to utility fees.

2. Summary of Ordinance:

This ordinance creates a \$50.00 monthly fee upon failure to grant access to a meter within 30 days of being notified by the City.

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

3. Availability of Ordinance:

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

This Ordinance was passed by the City Council of the City of Barnesville on the 14th day of February, 2011.

APPROVED:

Fred Dahnke, Mayor

ATTEST:

Jeri Reep, City Clerk

First Reading: January 10, 2011
Second Reading: February 14, 2011
Adopted: February 14, 2011
Published: February 21, 2011

Mayor Dahnke stated the next item on the agenda was the 2010 EDA Report to the Council. EDA Director Karen Lauer submitted and presented the report.

Mayor Dahnke stated the next item on the agenda was the 2011 residential marketing campaign. EDA Director Karen Lauer reported that the EDA will be offering up to four \$2,500 incentives to people who build a home within the city. The EDA will be doing some direct marketing of this program in the Fargo/Moorhead area and will also be doing some Invest in your Valley television spots.

Mayor Dahnke stated the next item on the agenda was consideration of the remodeling bids for the Liquor Store. One bid was received from Keith Heald Custom Homes in the amount of \$25,166.00.

02-14-11-19 Motion by Mr. Davis and second by Mr. Strom to award the bid for the remodeling of the liquor store to Keith Heald Custom Homes in the amount of \$25,166.00. This is not a budgeted expense and will be paid for out of Liquor Store reserve funds. Motion carried.

Mayor Dahnke stated the next item on the agenda was an update on the parking citation issued to Delyle Fankhanel. City Attorney John Shockley explained that the judge found in favor of Mr. Fankhanel because he determined that the enforcement of parking regulations only applied to the streets and alleys. The semi-trailers in question are parked on private property, not on a street or alley. City Attorney Shockley will be reviewing the Code to determine how best to address this issue.

Mayor Dahnke Stated that the next item on the agenda was a resolution for School Board Recognition Week.

02-14-11-20 Motion by Strom and second by Rick to approve the Resolution supporting School Board Recognition Week. Roll Call: For – Rick, Allmaras, Ellefson, Davis, Strom, Krause, Against – None. Motion carried.

02-14-11-21 Motion by Mr. Davis and second by Mr. Rick to adjourn the meeting at 9:15 p.m. Motion carried.

Submitted by:

Attest:

Michael Rietz
City Administrator

Fred Dahnke
Mayor