

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

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, Jeremy Krause, Jason Rick, Darin Allmaras and Merlin Strom. Others in attendance were City Attorney John Shockley, City Administrator Mike Rietz, EDA Director Karen Lauer, Public Works Supt. Dave Riddering, TEC Manger Guy Swenson, Police Chief Dean Ernst, Ambulance Manager Jon Yeske, Brandon Anderson with People Service, Dan Hanson with Ulteig Engineers, DeLyle Fankhanel, Arnold Fankhanel, John Thompson, Butch Boone, Tara Andvik, Ron Baebler 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 were none.

02-08-10-01 Motion by Mr. Krause and second by Mr. Strom to approve the agenda and 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 11, 2010.
2. Department head reports.
3. Approval of check numbers 68042-68198 in the amount of \$241,805.69 and Drafts in the amount of \$215,644.75.
4. Accept resignation of Kori Krause as Ice Rink Attendant.
5. Approval to hire Jason Stall as Ice Rink Attendant at \$7.25 per hour.
6. Approval of travel for City Clerk Jeri Reep to attend the Municipal Clerks and Finance Officers Conference-March 16-19th-St. Cloud
7. Approve gambling permit-Trojan Takedown Club-March 20, 2010
8. Approve gambling permit-Barnesville Thursday Nite Lions-Aug.28, 2010
9. Approve gambling permit-Barnesville Thursday Nite Lions-July 17-18,2010
10. Approve gambling permit-Barnesville Thursday Nite Lions-March 20, 2010

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

Council member Merlin Strom stated that the Planning & Zoning and Park Board would be having a joint meeting in March and be considering changes to the Wind Energy Conversion Ordinance and have reviewed FEMA's revisions to Flood Maps. Council

member Davis reported that the Park Board application for Blue Eagle Lake dredging was not approved. Council Member Rick reported that the Community Education Committee is looking for members. Council member Jeremy Krause stated that the golf board plans to have a Chili Open but is still working on a date.

02-08-10-02 Motion by Mr. Ellefson and second by Mr. Davis 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 the next item on the agenda was a proposed revision of the Inclement Weather policy in the personnel manual. After discussion the Council determined that no change was necessary and took no action on this item.

Mayor Dahnke stated that the next item on the agenda was authorization of disposal of Next level Equipment. Since these items are \$100 or less in value, the Council can declare these items to be surplus property and then the City Administrator can sell the property through negotiated sale.

02-08-10-03 Motion by Mr. Ellefson and second by Mr. Allmaras to declare the Next level Equipment surplus property and authorize disposal by negotiated sale. Motion carried.

Mayor Dahnke stated the next item on the agenda was to approve the Yukon software support agreement renewal. TEC Manager Guy Swenson informed council members that this renewal is for the Yukon (load management) Server software. This server controls and reads the AMR meters and the load management controllers. This also includes software updates as well as 24/7 Tech support. Mr. Swenson stated that this is a budgeted item.

02-08-10-04 Motion by Mr. Ellefson and second by Mr. Strom to approve the renewal of the Yukon software support agreement in the amount of \$5,271.50. Motion carried.

Mayor Dahnke stated the next item on the agenda was to purchase Cannon/Cooper load control equipment. TEC Manager Guy Swenson informed council members that this request is for 36 additional load controllers at a cost of \$128.00 per controller. Mr. Swenson stated that this is a budgeted item.

02-08-10-05 Motion by Mr. Allmaras and second by Mr. Rick to approve the purchase of 36 Cannon/Cooper load controllers for \$5,016.96. Motion carried.

Mayor Dahnke stated the next item on the agenda was to purchase 2 multiplexors to accommodate new Discovery HD channels. TEC Manager informed council members that we have received a contract with the Discovery Networks. To complete the addition of the 4 standard definition channels, (Plant Green, Discovery Kids, Science Channel,

and Investigative Discovery) and 6 High Definition channels (Discovery HD, HD Theater, Animal Planet HD, Science Channel HD, TLC HD, and Planet Green HD) we need to purchase 2 additional Multiplexors (MUX) at \$12,500.00 each and one receiver at \$2,500.00. Total for this expenditure will be \$27,500.00 plus shipping and taxes. Mr. Swenson stated that this is a budgeted item.

02-08-10-06 Motion by Mr. Ellefson and second by Mr. Strom to approve the purchase of two multiplexors from TVS and one receiver from NCTS for a total of \$27,500 plus taxes and shipping. Motion carried.

Mayor Dahnke stated the next item on the agenda was the contracts with Discovery Network to add 4 new digital channels and 6 channels to the high definition line-up. TEC Manager Guy Swenson stated that the following contracts would need to be approved: CMC Transport Amendment, HD Simulcasts, Fit TV Agreement, DDN Agreement, and BBCA Agreement. Mr. Swenson stated that City Attorney John Shockley has reviewed the contracts.

02-08-10-07 Motion by Mr. Ellefson and second by Mr. Allmaras to authorize TEC Manager Guy Swenson to sign the following contracts: CMC Transport Amendment, HD Simulcasts, Fit TV Agreement, DDN Agreement, and BBCA Agreement. Motion carried.

Mayor Dahnke stated the next item would be the re-zoning request from DeLyle Fankhanel in order to accommodate the applicant and others from the public interested in this item. The rest of the agenda would be taken in order.

The City Council was provided a copy of the report from staff which contained a copy of the proposed findings. Council member Strom introduced this item by giving a summary of the Planning and Zoning Board's analysis of this item. The Planning Commission took comments from the public on this application at a public hearing held at the last Planning Commission meeting and that based on the public comment and the analysis of staff, the Planning Commission is recommending that the Council deny the application. Zoning Administrator Karen Lauer gave some additional background including explaining that this application would rezone more than just the Fankhanel property in order to avoid spot zoning.

Mayor Dahnke then recognized the applicant, Delyle Fankhanel who stated that he is operating a trucking company and that he would like to change the zoning of his property to allow him to have semi tractors and trailers on the property. A change to the C-2 zoning would allow him to do that for 72 hours before being required to move them off the property. Mr. Fankhanel said stated that would work for him because he would be using the trucks on a regular basis in the summer and in the winter he could store them elsewhere.

The Council, staff and the applicant then discussed this application for re-zoning, City parking regulations, and what the applicant is currently allowed to do as a non-

conforming commercial use in a residential zone. The City Attorney was directed to provide some clarification on these issues prior to the consideration of the second reading of this re-zoning application at the March council meeting

02-08-10-08 Motion by Mr. Ellefson and second by Mr. Allmaras to approve the 1st reading of rezoning parcel 50.575.1810 and 50.575.1820; 702 Front Street South parcels 50.575.3340, 50.575.1830, 50.575.1840, directly abutting Front Street from 6th Avenue to 8th Avenue and the two parcels 50.575.1690, 50.575.1740 immediately south of 8th Avenue abutting Front Street from R-2, Urban Residential District to C-2 Commercial District. The following voted in favor of: Council members Allmaras, Rick, Ellefson, and Krause. The following voted against: Council members Davis and Strom. Motion carried.

Mayor Dahnke stated the next item on the agenda was approval of the submission of the water supply plan to the DNR.

02-08-10-09 Motion by Mr. Ellefson and second by Mr. Rick to approve the water supply plan for submission to the DNR. Motion carried.

Mayor Dahnke stated the next item on the agenda was advertising for bids for the 2010 seal coat project. Public Works Supt. Dave Riddering informed council members that this is to advertise for bids for the 2010 seal coating streets. Mr. Riddering stated the bids will be opened on March 31st, with a recommendation to council to award the bid at the April council meeting.

02-08-10-10 Motion by Mr. Davis and second by Mr. Allmaras to approve advertising for bids for the 2010 seal coat project. Motion carried.

Mayor Dahnke stated the next item on the agenda was the Fire Department resolution for rates and charges for fire calls. City Attorney Shockley stated that this resolution was being done to change some of the language at the request of the Fire District Board.

02-08-10-11 Motion by Mr. Davis and second by Mr. Rick to approve the following resolution. The following members voted aye: Krause, Strom, Davis, Ellefson, Rick and Allmaras. The following voted against: none. Motion carried.

**AMENDED 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 to from time to time to set the rates and charges for said fire calls; and

WHEREAS, the City of Barnesville is a member of the Barnesville Area Fire Board and the Barnesville Area Fire Board has adopted rates and charges for fire calls; and

WHEREAS, as part of its membership in the Barnesville Area Fire Board the rates and charges for fire calls are established by the Barnesville Area Fire Board and the City serves as a pass through entity and hereby adopts the rates and charges for fire calls as set by the Barnesville Area Fire Board; and

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 Area Fire Board 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
1-1½x50' 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 2010-1, Accessory Structures, which is a revision to the accessory structure section of the Zoning Code as recommended by the Planning Commission.

02-08-10-12 Motion by Mr. Krause and second by Mr. Strom to approve the 1st reading of Ordinance 2010-1. Motion carried.

Ordinance 2010-1

AN ORDINANCE TO AMEND SECTION 11.62 OF THE
BARNESVILLE MUNICIPAL CODE RELATING TO ACCESSORY STRUCTURES

BE IT ORDAINED by the City Council of the City of Barnesville that the following Section of the Barnesville Municipal Code is hereby amended by repealing and recreating Section 11.53 to read:

SEC. 11.62. ACCESSORY STRUCTURES IN RESIDENTIAL DISTRICTS

Subd. 1. Structure Placement. No accessory building shall be erected or located within either a front or side yard, except that accessory buildings in residential districts may be permitted in the side yard behind the front building line of the principal structure, provided that the side yard setback required for a principal structure is maintained.

Subd. 2. Ground Coverage/Permitted Structure Size. For lots 10,000 square feet or under in area, the total floor area of any garage(s) and accessory buildings may not exceed 1,000 square feet; for lots over 10,000 square feet to 15,000 square feet the total floor area of any garage(s) and accessory buildings may not exceed 1,200 square feet; for lots over 15,000 square feet to 20,000 square feet the total floor area of any garage(s) and accessory buildings may not exceed 1,400 square feet; for lots over 20,000 square feet to 25,000 square feet the total floor area may not exceed 1,600 square feet; for lots over 25,000 square feet to 30,000 square feet the total floor area of any garage(s) and accessory buildings may not exceed 1,800 square feet; for lots over 30,000 square feet to 35,000 square feet the total floor area may not exceed 2,000 square feet and for lots exceeding 35,000 square feet the total floor area of any garage(s) and accessory buildings may not exceed 2,200 square feet; and in all cases the total floor area may not exceed the ground coverage of the dwelling, less any attached garage.

Subd. 3. Lot Coverage. No accessory building, structure, and/or detached garage for a single family dwelling shall occupy more than twenty-five percent (25%) of the area of the rear yard. The total area of garages and accessory buildings for a two-family dwelling is limited to 750 square feet per unit.

Subd. 4. Number of Structures. Only one accessory building and/or structure on any single lot except for an accessory building for storage not exceeding one hundred fifty (150) square feet in addition to a detached garage. Buildings such as gazebo, outdoor

living rooms and pool enclosures may be constructed in addition to the accessory buildings, subject to the lot coverage requirements.

Subd. 5. Appearance of Structure. Any accessory building which is over 150 square feet or located in the side yard must be similar in design, color and roof pitch as the primary structure located on the lot.

Subd. 6. Construction type. All accessory buildings must be erected on a permanent foundation or anchored to the ground. Storage buildings not on a permanent foundation must be skirted to prevent animals or rodents access under the building or built on a concrete footing.

Subd. 7. Encroachment. All buildings, including those of less than 120 square feet may not encroach into required easements.

Subd. 8. Setback Requirements. No buildings or accessory structures are allowed in required setbacks.

Subd. 9. Height Accessory buildings of 150 square feet or less may not exceed eleven (11) feet in height to the peak. No accessory building over 150 square feet shall be higher than the principal residence. The side walls may not exceed ten (10) feet.

Subd. 10. Sequential Requirements. No accessory building or structure other than a fence or temporary construction may be constructed prior to the time of construction of the principal building or structure.

Subd. 11. Building Permit Required. Any accessory building which is 120 square feet or larger is required to have a building permit before construction may begin.

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 8th day of March, 2010.

By:

Fred Dahnke
Mayor

Attest:

Jeri Reep
City Clerk

First Reading: February 8, 2010
Second Reading: March 8, 2010
Published: March 15, 2010

Mayor Dahnke stated the next item on the agenda was the 1st reading of Summary Ordinance 2010-1, Accessory Structures.

02-08-10-13 Motion by Mr. Krause and second by Mr. Strom to approve the 1st reading of Summary Ordinance 2010-1. Motion carried.

TITLE AND SUMMARY OF ORDINANCE NO. 2010-1

The following Ordinance is hereby published by title and summary:

1. Title of Ordinance:

An Ordinance to Repeal and Recreate Section 11.62 of the Barnesville Municipal Code relating to Accessory Buildings

2. Summary of Ordinance:

The provisions of this ordinance apply to all accessory structures located in all residential districts within the City of Barnesville. It sets forth the placement, ground coverage, height, number of structures, appearance, and construction type.

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 8th day of May, 2006.

APPROVED:

FRED DAHNKE, Mayor

ATTEST:

JERI REEP, City Clerk

Mayor Dahnke stated the next item on the agenda was the EDA Annual Report for 2009. EDA Director Karen Lauer submitted and presented the report.

Mayor Dahnke stated the next item on the agenda was the 2009 4th Quarter transfers. The Personnel and Finance Committee is recommending the transfers be made as scheduled with the exception of Parks and Recreation where the transfer would be in an amount that would result in a fund balance of \$80,000.

02-08-10-14 Motion by Mr. Ellefson and second by Mr. Krause to make the 2009 4th Quarter transfers as scheduled, with the exception of the transfer to Parks and Recreation, where that transfer would be in an amount to result in an \$80,000 fund balance.

02-08-10-14 Motion by Mr. Davis and second by Mr. Rick to adjourn the meeting at 9:21 p.m. Motion carried.

Submitted by:

Attest:

Michael Rietz
City Administrator

Fred Dahnke
Mayor