

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

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, City Clerk Jeri Reep, Main Street Director Karen Hagen, Public Works Supt. Dave Riddering, TEC Manager Guy Swenson, EDA Director Karen Lauer, Police Chief Dean Ernst, Finance Director Laurie Schell, Tom Jensen, DeLyle Fankhanel, Maraget Follingstad, Ron Baebler, Dan Berg, John Thompson, Leonard Boone, Mr. and Mrs. Walter Schmidt, Dan Lubbesmeyer with People Service, Dan Hanson with Ulteig Engineers, 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. The following items were added to the agenda: Gambling premise resolution for the Barnesville Booster Club, hiring Doris Hanson as the interim Golf Course Pro Shop Manager, and Krueger litigation-City of Barnesville vs. Chad Krueger, which will be a closed meeting. There were no other items added to the agenda.

**03-08-10-01** Motion by Mr. Krause and second by Mr. Ellefson to approve the agenda and consent agenda, with the following additions: Gambling premise resolution for the Barnesville Booster Club, hiring Doris Hanson as the interim Golf Course Pro Shop Manager, and Krueger litigation-City of Barnesville vs. Chad Krueger, which will be a closed meeting. Motion carried. The following were on the consent agenda:

1. Approval of the minutes of the regular meeting held on February 8, 2010.
2. Department Head reports.
3. Approval of check numbers 68199-68387 in the amount of \$215,183.90 and EFT payments in the amount of \$217,885.06.
4. Approval of travel for Public Works Supt. Dave Riddering to attend the following:
  - a. Spring Maintenance Training Expo-April 20-21, 2010
  - b. Wastewater Operator Training-April 27-29, 2010
5. Approval of the 2010 Showcase Booth in the amount of \$132.00.

6. Approval of travel for TEC Manager Guy Swenson, TEC Assistant Diane Hanson, Telephone Supt. Tom Olson, and Cable Technician Mike Pearson to attend the TOC Conference –May 11-13, 2010.
7. Approval to purchase one Cobra head Induction streetlight in the amount of \$430.00.
8. Approval of the Project New Hope Day Proclamation
9. Accept the resignation of Golf Course Supt. Wayne Hanson.
10. Approval of the Golf Course wages.
11. Accept resignation for Liquor Store Clerk Bernie Kieselbach.

Mayor Dahnke next called on the boy scouts present and asked their names. Mr. Jason Berg and Mr. Jason Nosal were present for Boy Scouts. Mayor Dahnke thanked the Boy Scouts for attending the council meeting.

Mayor Dahnke stated the next item on the agenda was the board and commission reports. Council member Merlin Strom stated that the Planning Commission would be holding a public hearing on April 5<sup>th</sup>. Mr. Strom also stated that the joint Planning Commission meeting and Park Board meeting went well.

**03-08-10-02** Motion by Mr. Davis and second by Mr. Strom 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 the 2<sup>nd</sup> reading of the DeLyle Fankhanel rezoning request. Zoning Administrator Karen Lauer informed council members that this rezoning request is not in accordance with the 2004 City of Barnesville Comprehensive plan. Based on the evidence presented, it appears this rezoning would not be compatible with the surrounding residential neighborhood. Mrs. Lauer stated that the Planning Commission recommends denying the rezoning request of parcel numbers 50.575.1810 and 50.575.1840, directly abutting Front Street from 6<sup>th</sup> Avenue to 8<sup>th</sup> Avenue; and the two parcels 50.575.1690, 50.575.1740 immediately south of 8<sup>th</sup> Avenue abutting Front Street from R-2, Urban District to C-2 Commercial District. Mrs. Lauer stated that the interior use of the building for truck storage and truck repair of Sunrise Transportation trucks will continue to be “grandfathered-in”. The “grandfathered-in” allowance would not however permit the servicing of other trucks not owned by Sunrise Transportation. Council member Merlin Strom stated that during the public hearing, neighbors were concerned about this property being zoned commercial.

**03-08-10-03** Motion by Mr. Strom and second by Mr. Allmaras to deny the rezoning request from Mr. DeLyle Fankhanel of parcel numbers 50.575.1810, 50.575.1840, 50.575.1690, and 50.575.1740. Mr. Ron Baebler stated that everything is fine, and has no problem with the rezoning request. Mr. Tom Jensen stated that he hears noise late into the evening, doesn't want to see his land value drop and he does have a problem if the property gets turned into Commercial zoning. Council member Darin Allmaras stated that he doesn't want the property to be turned into Commercial zoning. Motion carried.

Mayor Dahnke stated the next item on the agenda was the 2<sup>nd</sup> reading of Ordinance 2010-1, an ordinance on Accessory Structures. Mr. Walter Schmidt was present and questioned if he would be allowed to have a 10' to 12' door on his house that he is building. Council member Jeremy Krause had several questions regarding the ordinance. Mr. Krause stated he would like to see this sent back to Planning and Zoning for review before the 2<sup>nd</sup> reading is approved.

**03-08-10-04** Motion by Mr. Krause and second by Mr. Ellefson to send the 2<sup>nd</sup> reading of Ordinance 2010-1 back to the Planning Commission for review. Motion carried.

Mayor Dahnke stated the next item on the agenda was the approval of summary Ordinance 2010-1.

**03-08-10-05** Motion by Mr. Krause and second by Mr. Strom to table the summary Ordinance 2010-1. Motion carried.

Mayor Dahnke stated the next item on the agenda was the 1<sup>st</sup> reading of Ordinance 2010-2, a Wind Energy Conversion System Ordinance. City Administrator Mike Rietz informed council members that this ordinance is an amendment to the Zoning Ordinance relating to Wind Energy Conversion Systems as recommended by the Planning Commission.

**03-08-10-06** Motion by Mr. Ellefson and second by Mr. Krause to approve the 1<sup>st</sup> reading of Ordinance 2010-2. Motion carried.

#### ORDINANCE NO. 2010-2

AN ORDINANCE OF THE CITY OF BARNESVILLE, MINNESOTA, AMENDING CITY CODE CHAPTER 11 ENTITLED "ZONING CODE" BY REPEALING AND RECREATING SEC. 11.53 AS FOLLOWS.

THE CITY COUNCIL OF BARNESVILLE ORDAINS:

Section 1. City Code Chapter 11 is hereby amended by repealing and recreating Section 11.53 to read:

**§11.53 WIND ENERGY CONVERSION SYSTEMS.**

(A) Purpose. The ordinance is established to regulate the installation of Wind Energy Conversion Systems (WECS) within the City, not otherwise subject to siting and oversight by the State of Minnesota.

(B) Interpretation, Conflict, and Separability.

(1) Interpretation. In interpreting these regulations and their application, the provisions of these regulations shall be held to be the minimum requirements for the protection of public health, safety, and general welfare

(2) Conflict. These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulations, statute, or other provision of law except as provided in these regulations. If any provision of these regulations that impose restrictions different from any other ordinance, rule or regulation, statute, or provision of law, the provision that is more restrictive or imposes higher standards shall control, except for tower height.

(3) Separability. If any part or provision of these regulations or the application of these regulations to any developer or circumstances is found invalid by any competent jurisdiction, the judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which the judgment shall be rendered and shall not affect or impair the validity of the remainder of these regulations or the application of them to other developers or circumstances.

(C) Definitions. As used in this Chapter, the following terms shall have the meanings indicated:

(1) Aggregated Project. Aggregated projects are those which are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual WECS within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also included as part of the aggregated project.

(2) Commercial WECS. A WECS of equal to or greater than 5 kW in total name plate generating capacity.

(3) Decommissioning. Decommissioning shall mean removal of wind turbines, buildings, cabling, electrical components, foundations, and any other associated facilities.

(4) FAA. The Federal Aviation Administration.

(5) Fall Zone. The area, defined as the furthest distance from the tower base, in which a tower will collapse in the event of a structure failure. This area is not less than the total height of the structure.

(6) Feeder Line. Power lines that transport electrical power from one or more wind turbines to the point of interconnection with a high-voltage transmission line.

(7) High-voltage Distribution or Transmission Line. A conductor of electric energy and associated facilities designed for and capable of operations at a nominal voltage of 2 kilovolts or more.

(8) Hub Height. Shall mean, when referring to a WECS, the distance measured from ground level to the center of the turbine hub.

(9) Meteorological Tower. For the purposes of this Chapter, meteorological towers are those towers which are erected primarily to measure wind speed and directions plus other data relevant to siting WECS. Meteorological towers do not include towers and equipment used by airports, the Minnesota Department of Transportation, or other similar applications to monitor weather conditions.

(10) Non-Commercial WECS. A WECS of less than 5 kW in total name plate generating capacity.

(11) Power Purchase Agreement. A legally enforceable agreement between one or more persons and a utility where one or more of the signatories agrees to provide electric power and one or more of the signatories agrees to purchase the power.

(12) Public Conservation Lands. Land owned in fee title by State or Federal agencies and managed specifically for conservation purposes, including but not limited to State Wildlife Management Areas, State Parks, State Scientific and Natural Areas, federal Wildlife Refuges, and Waterfowl Production Areas. For the purposes of this section, public conservation lands will also include lands owned in fee title by non-profit conservation organizations. Public conservation lands do not include private lands upon which conservation easements have been sold to public agencies or non-profit conservation organizations.

(13) Rotor Diameter. The diameter of the circle described by the moving rotor blades.

(14) Substations. Any electrical facility designed to convert electricity produced by wind turbines to a voltage for interconnection with transmission lines.

(15) Total Height. The highest point, above ground level, reached by a rotor tip or any other part of the WECS.

(16) Tower. Towers include vertical structures that support the electrical generator, rotor blades, or meteorological equipment.

(17) WECS – Wind Energy Conservation System. An electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: towers, power lines, transformers, substations, and meteorological towers, that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or distributed into the electrical grid.

(18) Wind Turbine. A wind turbine is any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind.

(D) Application Procedures. Application for WECS shall be reviewed and processed in accordance with the conditional use permit procedures established in Section 11.84 of this Chapter. The following information is required in addition to the information required for a site plan or conditional use permit application.

(1) The application for all WECS shall include the following information:

- (a) The names and addresses of project applicants.
- (b) The name and address of the project owner.
- (c) The legal description and address of the project.
- (d) A description of the project including: number, type, name plate generating capacity, tower height, rotor diameter, tower construction, and total height of all wind turbines and means of interconnection with the electrical grid.

(e) Site layout, including the location of property lines, wind turbines, electrical wires, interconnection points with the electrical grid, and all related accessory structures. The site layout shall include distances and be drawn to scale.

(f) Evidence, being certificate of insurance, insurance policy, or other certification satisfactory to City, that the applicant can obtain and maintain adequate liability insurance for the WECS and subject property.

(g) Evidence of a power purchase agreement.  
(Commercial WECS only).

(h) Registered Engineer's certification. (Commercial WECS only).

(i) Documentation of property ownership or legal control of the property.

(j) Decommissioning Plan as required in part (G)(2)(i) and (G)(2)(j) of this section.

(k) A noise study, prepared by a qualified professional or WECS provider, that demonstrates that except for intermittent episodes, the WECS shall not emit noise in excess of the limits established in Minnesota Rules 7030 governing noise. (Commercial WECS only). Non-commercial WECS shall comply with the noise limits established by Minnesota Rules 7030.

(l) (Commercial WECS only) A shadow flicker model that demonstrates that shadow flicker shall not fall on, or in, any existing residential structure. Shadow flicker expected to fall on a roadway or a portion of a residentially zoned property may be acceptable if the flicker does not exceed 30 hours per year; and the flicker will fall more than 100 feet from an existing residence; or the traffic volumes are less than 500 vehicles (ADT). The shadow flicker model shall:

(i) Map and describe with a 1000 foot radius of the proposed WECS the topography, existing residences and location of their windows, location of other structures, wind speeds and directions, existing vegetation, and roadways. The model shall represent the most probable scenarios of wind constancy, sunshine constancy, and wind directions and speed;

(ii) Calculate the locations of shadow flicker caused by the proposed project and the expected durations of the flicker at these locations, and calculate the total number of hours per year of flicker at all locations.

(iii) Identify problem areas where shadow flicker will interfere with existing or future residences and roadways and describe proposed mitigation measures, including, but not limited to, a change in siting of the WECS, a change in the operation of the WECS, or grading or landscaping mitigation measures.

(m) (Non-Commercial WECS only) A Non-Commercial WECS shall not cause shadow flicker on adjoining residences.

(n) The latitude and longitude of individual wind turbines. A USGS topographical map, or map with similar data, of the project site including boundaries of the project area, surrounding property within one-quarter mile, and any other WECS within ten rotor diameters of the proposed project. (Commercial WECS only).

(o) Location of wetlands, scenic, and natural areas (including bluffs) within one mile of the proposed WECS. (Commercial WECS only).

only). (p) FAA permit application. (Commercial WECS

(q) Location of all known communications towers within two miles of the proposed project. Provide proof that the WECS will not interfere with emergency or other microwave communications. (Commercial WECS only).

(r) Description of potential impacts on nearby WECS and wind resources on adjacent properties. (Commercial WECS only).

(s) Additional information as stated in Minnesota Rules, Part 7854.0500 (Sub-part 1), as amended.

(2) Application Procedures for Aggregated Projects.

Aggregated Projects may jointly submit a single application and be reviewed under joint proceedings, including notices, hearing, reviews, and as appropriate, approvals. Permits will be issued and recorded separately. All aggregated projects over the 5 MW threshold currently outlined in State Statute are subject to State regulation.

(E) District Regulations. WECS will be conditionally permitted or not permitted based on the generating capacity and land use district as established in the table below.

Zoning Meteorological District	Non-Commercial	Commercial	
	WECS	WECS	Tower
SC, P	Conditionally Permitted	Conditionally Permitted	Conditionally Permitted
R-1, R-2, R-3, R-4	Conditionally Permitted	Not Permitted	Not Permitted
C-1, C-2	Conditionally Permitted	Conditionally Permitted	Conditionally Permitted
I-1, I-2	Conditionally Permitted	Conditionally Permitted	Conditionally Permitted

(F) Setbacks. All towers shall adhere to the setbacks established in the following table.

Meteorological Tower Property Lines total	Non-Commercial	Commercial WECS	
		1.25 times the total	1.25 times the total

	height	height	height
Other existing WECS	N/A	600 feet	600 feet

(G) Requirements and Standards.

(1) Safety Design Standards.

(a) Engineering Certification. For all Commercial WECS, the manufacturer's engineer or another qualified engineer shall certify that the turbine, foundation, and tower design of the WECS is within acceptable professional standards, given local soil and climate conditions.

(b) Clearance. Rotor blades or airfoils must maintain at least 30 feet of clearance from trees and structures and 20 feet of clearance between their lowest point and the ground.

(c) Warnings. For all Commercial WECS, a sign or signs shall be posted on the tower, transformer, and substation warning of high voltage. Signs with emergency contact information shall also be posted on the turbine or at another suitable point. Painted aviation warnings are recommended on meteorological towers less than 200 feet.

(d) Residentially Zoning Areas. No towers shall be constructed on or attached to structures.

(e) Braking. All WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS operation in winds of 40 miles per hour or greater.

(f) Grounding. All WECS shall be grounded to protect against natural lightning strikes in conformance with the Electrical Code as adopted by the City.

(2) Standards.

(a) Total height and number per parcel. Non-Commercial WECS shall have a total height of less than 120 feet and commercial WECS shall have a total height of less than 180 feet. No more than one WECS tower shall be permitted per parcel.

(b) Tower configuration. All wind turbines shall be installed with a tubular, monopole type tower.

(c) Color and finish. All wind turbines and towers shall be white, off-white, grey, or light blue in color. Blades may be black in order to facilitate

deicing. Finishing shall be matte or non-reflective. Metrological towers are exempt from this requirement.

(d) Lighting. Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by FAA permits and regulations. Red strobe lights are preferred for night-time illumination to reduce impact on migrating birds. Red pulsating incandescent lights shall be avoided.

(e) Other signage. All signage on site shall comply with City ordinances. The manufacturer's or owner's company name and/or logo may be placed upon the nacelle, compartment containing the electrical generator of the WECS.

(f) Feeder lines. All communications and feeder lines, equal to or less than 34.5kV in capacity, installed as part of a WECS shall be buried where reasonably feasible. Feeder lines installed as part of a WECS shall not be considered an essential service. This standard applies to all feeder lines subject to City authority. The owner must apply for a variance if the owner desires not to bury the feeder line.

(g) Shadow flicker. Shadow flicker may not exceed 30 hours per year and shall not fall more than 100 feet from an existing residential property.

(h) Waste disposal. Solid and hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site promptly and disposed of in accordance with all applicable local, state, or federal regulations.

(i) Discontinuation and decommissioning. A WECS shall be considered a discontinued use after one year without energy production, unless a plan is developed, submitted to, and approved by the city zoning officer outlining the steps and schedule for returning the WECS to service. All WECS and accessory facilities, including the foundation, shall be completely decommissioned within one year of the discontinuation of use.

(j) Decommissioning Plan. Each WECS shall have a decommissioning plan outlining the anticipated means and cost of removing WECS at the end of their serviceable life or upon becoming a discontinued use. The cost estimates shall be made by a competent party; such as a professional engineer, a contractor capable of decommissioning, or a person with suitable expertise or experience with decommissioning. The plan shall also identify the financial resources that will be available to pay for the decommissioning of the WECS and accessory facilities.

(k) Orderly development. Upon issuance of a conditional use permit, all Commercial WECS greater than 5 MW shall notify the Energy Facility Permitting staff or Department of Commerce of the project location and details on the form specified by the Department.

(l) Noise. All WECS shall comply with Minnesota Rules 7030, governing noise.

(m) Complaint resolution. The owner/operator of all Commercial WECS shall develop a process to resolve complaints from residents and owners of nearby properties. The process shall use an independent mediator or arbitrator and include a time frame for acting on a complaint. The applicant shall make every reasonable effort to resolve any complaint.

(n) Electrical codes and standards. All WECS and accessory equipment and facilities shall comply with the National Electrical Code and other applicable standards.

(o) FAA. All WECS shall comply with FAA standards and permits.

(p) Minnesota State Building Code. All WECS shall comply with the Minnesota State Building Code adopted by the State of Minnesota, as amended from time to time.

(q) Interference. The applicant shall minimize or mitigate interference with electromagnetic communications, such as radio, telephone, microwaves, or television signals caused by any WECS. The applicant shall notify all communication tower operators within two miles of the proposed WECS location upon application to the City for permits. No WECS shall be constructed so as to interfere with any microwave transmissions.

(r) Right of entrance. By the acceptance of the conditional use permit, the owner/operator grants permission to the City to enter the property to remove the WECS pursuant to the terms of the conditional use permit and to assure compliance with other conditions set forth in the permit.

(s) Compliance. All WECS shall comply with any applicable local, state, or federal laws, rules, standards, or regulations impacting their location, construction, operation, or decommissioning.

(t) Signage. No advertising signs or banners of any nature shall be allowed on the WECS, except as set forth herein.

(u) Ladders. Any access ladder existing on the outside of the tower shall start a minimum of 15 feet above ground level.

(v) Such other conditions can be attached to the conditional use permit as the City deems reasonable.

(w) Meteorological towers shall not exist in one location for more than 18 months. The location of a meteorological tower shall not be considered to have moved unless the meteorological tower shall have moved at least 1,000 feet from its prior location.

(x) Should a WECS not be decommissioned as required herein, the City shall have the right to enter upon the land where the WECS is located for the purpose of decommissioning the WECS. The cost of decommissioning shall be the responsibility of the owner of the land where the WECS is located and the owner of the WECS, jointly and severally. Should either or both fail to pay the City the cost the City incurred in decommissioning the WECS, the City may then spread the charges against the real property benefited as a special assessment under the authority of M.S. § 429.101, as it may be amended from time to time, and other pertinent statutes for certification to the County Auditor for collection along with current taxes the following year or in annual installments, not exceeding 10, as the City may determine in each case.

(y) Applicant shall conform to the latest Distributed Generation Interconnection Agreement and Tariff on file with Barnesville Municipal Utilities. This agreement establishes technical requirements promoting the safe and reliable parallel operation of on-site generation resources. This is required by the State of Minnesota (MN Statute 216B.1611) and has been set forth by Barnesville Municipal Utilities.

(3) Avoidance and mitigation of damages to infrastructure and utilities.

(a) Roads. Applicants shall:

(i) Identify all county, city, or township roads to be used for the purpose of transporting commercial WECS, substation parts, concrete, and/or equipment for construction, operation, or maintenance of the WECS and obtain applicable weight and size permits from the impacted road authority(ies) prior to construction.

(ii) Be responsible for restoring or paying damages as agreed to by the applicable road authority(ies) sufficient to restore the road(s) and bridges to preconstruction conditions.

(b) Drainage system. The Applicant and owner of the WECS shall be responsible for immediate repair of damage to public drainage systems stemming from construction, operation, maintenance, or decommissioning of the WECS.

(c) The Applicant and owner of the WECS shall be responsible for any damage to any below grade public or private utilities, due to construction, operation, maintenance, decommissioning, or action otherwise resulting for any WECS.

Section 2. City Code Chapter 10 entitled "General Provisions" is hereby adopted in its entirety, by reference, as though repeated verbatim herein.

Section 3. This ordinance shall be in force and effect from and after its passage, approval, and publication.

Passed by the City Council of Barnesville, Minnesota, on the \_\_\_ day of \_\_\_\_\_, 2010.

First Reading: March 8, 2010  
Second Reading: April 12, 2010  
Adopted: April 12, 2010

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Fred Dahnke  
Mayor

ATTEST:

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Jeri Reep  
City Clerk

Mayor Dahnke stated the next item on the agenda was the 1<sup>st</sup> reading of Summary Ordinance 2010-2.

**03-08-10-07** Motion by Mr. Ellefson and second by Mr. Krause to approve the 1<sup>st</sup> reading of Summary Ordinance 2010-2. Motion carried.

**TITLE AND SUMMARY OF ORDINANCE NO. 2010-2**

The following Ordinance is hereby published by title and summary:

**1. Title of Ordinance:**

An Ordinance to Repeal and Recreate Section 11.53 of the Barnesville Municipal Code relating to Wind Energy Conversion Systems

**2. Summary of Ordinance:**

The provisions of this ordinance apply to all Wind Energy Conversion Systems in all zoning districts within the City of Barnesville. It sets forth the application process and standards of review for Wind Energy Conversion Systems as a conditional use.

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 12<sup>th</sup> day of April, 2010.

APPROVED:

\_\_\_\_\_  
Fred Dahnke, Mayor

ATTEST:

\_\_\_\_\_  
Jeri Reep, City Clerk

Date of Publication: April 19, 2010

Mayor Dahnke stated the next item on the agenda was the Memorandum of Understanding with Clay County for Front Street. City Attorney John Shockley stated that this item would need to be tabled until the April 12, 2010 regular meeting. Mr. Shockley stated that all the information was not available at this time.

**03-08-10-08** Motion by Mr. Ellefson and second by Mr. Krause to table the MOA with Clay County for Front Street until the regular meeting on April 12, 2010. Motion carried.

Mayor Dahnke stated the next item on the agenda was the gambling resolution for the Barnesville Booster Club. Council member Jeremy Krause stated that this resolution is for the gambling premise permit for the Barnesville Booster Club.

**03-08-10-09** Motion by Mr. Davis and second by Mr. Rick to approve the following resolution. The following voted in favor of: Council members Rick, Allmaras, Ellefson, Davis, and Strom. Council member Jeremy Krause abstained. The following voted against: none. Motion carried.

**CITY OF BARNESVILLE  
COUNTY OF CLAY  
STATE OF MINNESOTA**

**Resolution 03-08-10-09**

**BE IT RESOLVED** That the City of Barnesville, agrees to approve the gambling permit for the Barnesville Booster Club, Inc. to conduct lawful gambling at 205 Front Street and 102 2<sup>nd</sup> Street SE, Barnesville, MN 56514, for the Ratzo Pool Hall and American Legion Post #153 premise permit period of April 1, 2010 through March 31, 2012

**BE IT FURTHER RESOLVED** That City Council Members Davis and Council member Rick moved the adoption of the foregoing resolution at the regular March 8, 2010 council meeting and the same was adopted upon unanimous yea vote of the following: Council members Rick, Allmaras, Ellefson, Davis and Strom. Council member Krause abstained.

**I CERTIFY THAT** The above resolution was adopted by the Barnesville City Council of Barnesville, Minnesota on March 8, 2010.

\_\_\_\_\_  
Fred Dahnke  
Mayor

Attest: \_\_\_\_\_  
Michael Rietz  
City Administrator

Mayor Dahnke stated the next item on the agenda was the Calix E5-110 ADSL +2-48 port shelf purchase. TEC Manager Guy Swenson informed council members that each of these boxes allows DSL to be delivered to 48 customers on the Calix system. To continue the conversion from the Nextlevel platform to the Calix platform, staff requests authorization to purchase 2 additional Calix E5-110 ADSL+2 48 port distribution boxes. This will allow an additional 96 customers to receive DSL. The total cost is \$7,958.30, plus shipping and taxes.

**03-08-10-10** Motion by Mr. Ellefson and second by Mr. Krause to authorize the purchase from Calix Network for the purchase of 2 Calix E5-110 ADSL+2 48 port distribution boxes and associated cabling in the amount of \$7,958.30 plus shipping and taxes. Motion carried.

Mayor Dahnke stated the next item on the agenda was the installation of a fused distribution circuit by Power Product Services. TEC Manager Guy Swenson informed council members that when the new power supply was installed in the Central Office, one item that was overlooked was the continued expansion of the Calix DSL E-5 boxes. Mr. Swenson stated that our current power distribution circuit is nearly full. The cost for this circuit for labor and materials is \$1500.00, and funds are available in the System Upgrade for this installation.

**03-08-10-11** Motion by Mr. Allmaras and second by Mr. Krause to approve the purchase from Power Produce Services for installation of a fused distribution circuit to include labor and materials, not to exceed \$1500.00. Motion carried.

Mayor Dahnke stated the next item on the agenda was the Front Street Streetscape Plan and Financing. Mrs. Margaret Follingstad presented the modifications of the Streetscape plan. Mrs. Follingstad presented the four levels of the project:

Level 1-Decorative Lighting-Aluminum Poles, includes speaker system, banner and planter arms.

Level 2-Green elements-trees and grates.

Level 3: Benches and cans (moved to Fundraised items).

Level 4: Decorative paving, pavers-accent only, medallion of colored poured concrete, simple design of concrete and stone pavers at the center, repeated every 35 feet.

Mrs. Follingstad stated that the Streetscape project Level totals are \$198,000. The fundraising elements total is \$40,000. The fundraising efforts in phases for: hanging flower baskets, banners, watering system, benches, waste receptacles, concrete planters/urns. City Administrator Mike Rietz discussed the cost of the project. Mr. Rietz stated that the cost would be split between the city, and those in the assessment district.

**03-08-10-12** Motion by Mr. Ellefson and second by Mr. Strom to approve the proposed Front Street Streetscape plan as presented. Motion carried.

Mayor Dahnke stated the next item on the agenda was the proposed City of Barnesville Marketing Plan. EDA Director Karen Lauer discussed the City of Barnesville Comprehensive Marketing Plan. Mayor Dahnke stated that Mr. Darin Allmaras and Mr. Del Ellefson are the council representatives, and asked that this item be reported back in August.

Mayor Dahnke stated the next item on the agenda was the Golf Course Pro Shop Interim Manager position. Council member Jeremy Krause informed council members that the golf board would like to recommend to hire Doris Hanson as the interim manager at \$11.00 per hour.

**03-08-10-13** Motion by Mr. Krause and second by Mr. Ellefson to hire Mrs. Doris Hanson as the interim Golf Course Pro Shop Manager at \$11.00 per hour. Motion carried.

Mayor Dahnke stated the next item on the agenda was the City vs. Chad Krueger pending litigation.

**03-08-10-14** Motion by Mr. Allmaras and second by Mr. Rick to close the public meeting at 8:34 p.m. to discuss the Chad Krueger pending litigation. Motion carried.

Council members discussed the Chad Krueger case. City Attorney John Shockley discussed with council members the options that were available in this case.

**03-08-10-15** Motion by Mr. Davis and second by Mr. Allmaras to re-open the public meeting and to direct City Attorney John Shockley to draft a tree ordinance, including the rights and obligations of the city and homeowner trees. Motion carried.

**03-08-10-16** Motion by Mr. Davis and second by Mr. Rick to adjourn the meeting at 8:50 p.m. Motion carried.

Submitted by:

Attest:

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Jeri L. Reep  
City Clerk

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Fred Dahnke  
Mayor