

**Barnesville City Council  
Regular Meeting  
April 12, 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, Public Works Supt. Dave Riddering, TEC Manager Guy Swenson, EDA Director Karen Lauer, Finance Director Laurie Schell, Brandon Anderson with People Service, Dan Hanson with Ulteig Engineers, Barbara Carlisle, Diane Peterson, Beverly Hanson, Don Larson, Steve Montplaisir 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 next asked if there were any additions or corrections to the agenda. City Administrator Mike Rietz stated that we needed to add the 1<sup>st</sup> reading of Ordinance 2010-3, a tree ordinance.

**04-12-10-01** Motion by Mr. Krause and second by Mr. Ellefson to approve the agenda and consent agenda, with the addition of the 1<sup>st</sup> reading of Ordinance 2010-3, a tree ordinance. Motion carried.

The following items were on the consent agenda.

1. Approval of the minutes of the regular meeting held on March 8, 2010.
2. Approval of the minutes of the special meeting held on March 23, 2010.
3. Department head reports.
4. Finance report
5. Approval of check numbers 68388-68548 in the amount of \$201,535.28 and EFT payments in the amount of \$205,435.20.
6. Approval to hire the 2010 lifeguards:
  - a. Alec Albright \$9.20
  - b. Zach Olson \$8.90
  - c. Zach Schultz \$8.60
  - d. Shelby Lien \$8.60
  - e. Taylor Dobmeier \$8.30
  - f. Andrew Stout \$8.10
  - g. Mike Knutson \$7.40

- h. Eric Buchholtz           \$7.40
  - i. Brady Dokkenbakken \$7.40
  - j. Kalene Krebs           \$7.40
  - k. Brett Johnson           \$7.40
  - l.
7. Approval of the 2010 phone book revenue in the amount of \$3233.20
  8. Approval of the Badger Communications Technical support in the amount of \$50.00 per call.
  9. Approval of the MTV Networks Contract renewal with the term to expire March 31, 2014.
  10. Approval of the Scripps Networks Contract renewal with the term to expire September 30, 2014.
  11. Approval of travel for TEC Manager Guy Swenson to attend the Missouri River Energy Services annual meeting on May 13-14, 2010.
  12. Approval of the Barnesville Public School Summer Recreation request in the amount of \$15,000.00.
  13. Approval of travel for City Administrator Mike Rietz for the following travel:
    - a. 2010 MCMA Annual Conference-May 5-7, 2010
    - b. 2010 LMC Annual Conference-June 23-25, 2010
  14. Approval of travel for Finance Director Laurie Schell for PERA annual training-April 28, 2010.
  15. Approval to hire Darla Ackerson as the Pro Shop Golf Manager at \$10.00 per hour.
  16. Approval to hire Cheri Larson and Brandi Fowler as Liquor Store Clerks at \$8.86 per hour.

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

Council member Merlin Strom stated that the Planning & Zoning are working on some language changes. Council member Jason Rick stated that the airport is now open. Mayor Dahnke stated that the Fire Department will be meeting on Tuesday evening. Council member Jeremy Krause stated that the Golf Course is open, and that they have been busy.

**04-12-10-02** Motion by Mr. Davis and second by Mr. Rick 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.

Ms. Barbara K. Carlisle approached the council and stated that City Hall is trying to squelch her requests for public information. Ms. Carlisle stated that the information needs to be on-line. Ms. Carlisle also stated that she feels that all the residents need to pay for the Front Street project.

Mayor Dahnke asked if there were any other 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 Ordinance 2010-1, an ordinance on accessory structures. City Administrator Mike Rietz discussed the changes in the Ordinance. Council member Del Ellefson had questions on the height requirement. After much discussion, council members wanted this second reading to be tabled to the May regular meeting.

Mayor Dahnke stated the next item on the agenda was the 2<sup>nd</sup> reading of Ordinance 2010-2, an ordinance on Wind Energy Conversion. City Administrator Mike Rietz discussed the ordinance with council members.

**04-12-10-03** Motion by Mr. Davis and second by Mr. Allmaras to approve the 2<sup>nd</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.

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

(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).

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

(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 height	1.25 times the total height	1.25 times the total 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 12<sup>th</sup> day of April, 2010.

Voting Aye: Rick, Allmaras, Ellefson, Davis, Strom, Krause  
Voting No: None  
Abstaining: None  
Absent: None

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 2<sup>nd</sup> reading of the Summary Ordinance 2010-2.

**04-12-10-04** Motion by Mr. Davis and second by Mr. Krause to approve the 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:

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Fred Dahnke, Mayor

ATTEST:

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Jeri Reep, City Clerk

1<sup>st</sup> Reading: March 8, 2010  
2<sup>nd</sup> Reading: April 12, 2010  
Adopted: April 12, 2010  
Date of Publication: April 19, 2010

Mayor Dahnke stated the next item on the agenda was the Memorandum of Understanding with Clay County. City Attorney John Shockley discussed the MOU with council members. Mr. Shockley stated that the relationship is between Clay County and the City.

**04-12-10-05** Motion by Mr. Ellefson and second by Davis to approve the Memorandum of Understanding with Clay County and the City. Motion carried.

Mayor Dahnke stated the next item on the agenda was the revised feasibility study for the Front Street Project.

Mr. Dan Hanson with Ulteig Engineering next discussed the revised feasibility study for Front Street. Mr. Hanson stated that included in the estimated costs will be the replacement of all utilities underneath the roadway, the roadway itself, and sidewalks in the project area. This report will be utilized by both the City and Clay County to approximate project costs so that both agencies can budget for the upcoming expenses as well as schedule when the project would be feasible to complete. The estimated improvement costs for the project from State Highway 9 south to the City limit sign is \$3,755,000 to be cost shared between Clay County and the City. The estimated cost for

properties not abutting Front Street within the area wide district is \$1,589.33 or \$11.55 monthly for 20 years.

**04-12-10-06** Motion by Mr. Allmaras and second by Mr. Ellefson to set preliminary hearing for the Front Street project.

**04-12-10-07** Motion by Mr. Allmaras and second by Mr. Ellefson to amend previous motion. Motion to approve the following resolution.

CITY OF BARNESVILLE  
COUNTY OF CLAY  
STATE OF MINNESOTA

RESOLUTION RECEIVING FEASIBILITY REPORT  
AND CALLING HEARING ON IMPROVEMENT  
RESOLUTION NO. 04-12-10-07

Member Allmaras introduced the following Resolution and moved for its adoption:

WHEREAS, pursuant to resolution of the Council adopted June 4, 2009, a report has been prepared by Dan Hanson of Ulteig Engineers with reference to proposed South Front Street Improvement District No. 1, the improvement located one block north of the centerline of Main Avenue (Minnesota Highway No. 9) to the southern City limits and consisting of street reconstruction, water main and sanitary sewer replacement, sidewalk reconstruction, streetscape improvements, and street lights, and this report was received by the Council on April 12, 2010; and

WHEREAS, the report provides information regarding whether the proposed improvement is necessary, cost-effective, and feasible; whether it should best be made as proposed or in connection with some other improvement; the estimated cost of the improvement as recommended; and a description of the methodology used to calculate individual assessments for affected parcels.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BARNESVILLE, MINNEOSTA:

1. The Council will consider the improvement of such street in accordance with the report and the assessment of abutting property for all or a portion of the cost of the improvement pursuant to Minnesota Statutes, Chapter 429, at an estimated total cost of the improvement of \$3,755,000.

2. A public hearing shall be held on such proposed improvement on the 17<sup>th</sup> of May, 2010, in the Barnesville School at 7:00 p.m., and the Clerk shall give mailed and published notice of such hearing and improvement as required by law.

Adopted by the Council this 12th day of April, 2010.

APPROVED:

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Fred Dahnke  
Mayor

ATTEST:

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Jeri Reep  
City Clerk

The motion for the adoption of the foregoing Resolution was duly seconded by Member Ellefson. On roll call vote, the following Members voted aye: Rick, Allmaras, Ellefson, Davis, Strom and Krause. The following Members voted nay: none. The following Members were absent and not voting: none. The majority having voted aye, the motion carried and the resolution was duly adopted.

Mayor Dahnke stated the next item on the agenda was the resolution adopting the financial plan for the Front Street project. City Administrator Mike Rietz stated that this item should be tabled at this time.

**04-12-10-08** Motion by Mr. Ellefson and second by Mr. Rick to table the resolution adopting the financial plan for the Front Street project. Motion carried.

Mayor Dahnke stated the next item on the agenda was the revised contract between Ulteig Engineers and the City of Barnesville.

City Attorney John Shockley stated that he has reviewed the contract and sees no red flags, and that it is a good cost share with Ulteig Engineering.

**04-12-10-09** Motion by Mr. Ellefson and second by Mr. Strom to approve the following resolution.

CITY OF BARNESVILLE  
COUNTY OF CLAY  
STATE OF MINNESOTA

RESOLUTION APPROVING AGREEMENT WITH ENGINEER 1

RESOLUTION NO. 04-12-10-09

Member Ellefson introduced the following Resolution and moved for its adoption:

WHEREAS: Dan Hanson, a registered professional engineer with Ulteig Engineers, the engineers for the City, has presented an agreement for engineering services to the City Council of the City of Barnesville regarding South Front Street Improvement District No. 1.

NOW, THEREFORE, be it resolved that the agreement for engineering services presented by the registered professional engineer for South Front Street Improvement District No. 1 is hereby approved.

APPROVED:

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Fred Dahnke  
Mayor

ATTEST:

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Jeri Reep  
City Clerk

The motion for the adoption of the foregoing Resolution was duly seconded by Member Strom. On roll call vote, the following Members voted aye: Rick, Allmaras, Ellefson, Davis, Strom, and Krause. The following Members voted nay: none. The following Members were absent and not voting: none. The majority having voted aye, the motion carried and the resolution was duly adopted.

Mayor Dahnke stated the next item on the agenda was to amend the resolution adopting the area wide assessment district.

**04-12-10-10** Motion by Mr. Ellefson and second by Mr. Davis to approve the following resolution.

CITY OF BARNESVILLE  
COUNTY OF CLAY  
STATE OF MINNESOTA

RESOLUTION AMENDING THE SIZE AND SHAPE OF SOUTH FRONT STREET  
IMPROVEMENT DISTRICT NO. 1

RESOLUTION NO. 04-12-10-10

Member Ellefson introduced the following Resolution and moved for its adoption:

WHEREAS, the City Council created South Front Street Improvement District No.1 on or about June 4, 2009; and

WHEREAS, Dan Hanson, a Registered Professional Engineer for the City of Barnesville, has recommended that South Front Street Improvement District No. 1 be expanded to the south to be consistent with the City of Barnesville's special assessment policy manual.

NOW, THEREFORE, be it resolved that the boundaries of South Front Street Improvement District No. 1 are amended, and shall be as follows:  
SEE ATTACHED

APPROVED:

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Fred Dahnke  
Mayor

ATTEST:

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Jeri Reep  
City Clerk

The motion for the adoption of the foregoing Resolution was duly seconded by Member Davis. On roll call vote, the following Members voted aye: Rick, Allmaras, Ellefson, Davis, Strom and Krause. The following Members voted nay: none. The following Members were absent and not voting: none. The majority having voted aye, the motion carried and the resolution was duly adopted.

Mayor Dahnke stated the next item on the agenda was the discussion of the Miss Barnesville float. City Administrator Mike Rietz informed council members that the Miss Barnesville court is need of a new float. The cost of a new trailer and decorations is \$1600.00. The funds were not budgeted for in the 2010 general budget process. There are funds available in the reserve fund and requests approval to purchase the detailed trailer for continued use in promoting the City.

**04-12-10-11** Motion by Mr. Ellefson and second by Mr. Krause to approve the expenditure of \$1600.00 for a new Miss Barnesville trailer and decorations. The funds will be paid from the reserve fund. Motion carried.

Mayor Dahnke stated the next item on the agenda was the out of state travel policy. City Administrator Mike Rietz informed council members that the elected out of state travel policy is a requirement that we must have in our personnel policy. Mr. Rietz stated that the meals rates were also increased.

**04-12-10-12** Motion by Mr. Krause and second by Mr. Rick to approve the recommended changes in Sections 11-13 in the City of Barnesville personnel policy. Motion carried.

Mayor Dahnke stated the next item on the agenda was the SAIFI, SAIDI & CAIDI reports. TEC Manager Guy Swenson informed council members that this is a annual outage report.

**04-12-10-13** Motion by Mr. Allmaras and second by Mr. Strom to approve the annual SAIFI, SAIDI, and CAIDI reports as presented. Motion carried.

Mayor Dahnke stated the next item on the agenda was the Qwest settlement agreement. TEC Manager Guy Swenson informed council members that this agreement relating to Qwest Intralata feature group C toll and other traffic in the State of Minnesota. The issue dealt with toll data supplied by Qwest contained unidentified phantom traffic that was not usable in billing. This agreement will make the interim solution permanent and will not have an impact on our daily business as we only average 6000 minutes of traffic through the Qwest tandem switch. All MTA members need to sign the agreement for it to be effective. Staff recommends signing the agreement.

**04-12-10-14** Motion by Mr. Ellefson and second by Mr. Rick to approve and authorize TEC Manager Guy Swenson to sign and execute the “Agreement relating to Qwest Intralata Feature Group C Toll and other traffic in the State of Minnesota”. Motion carried.

Mayor Dahnke stated the next item on the agenda was the D-4 Channel Bank upgrade. TEC Manager Guy Swenson informed council members that the Central Office D-4 channel bank is the component that allows connectivity of our Foreign Exchange (FX) circuits; these circuits allow a customer to have a phone number from another exchange terminate in their office. Staff recommends replacing the D-4 channel bank, total cost for all of the components needed is \$1,700.81, not including shipping and taxes.

**04-12-10-15** Motion by Mr. Ellefson and second by Mr. Allmaras to approve the purchase of a new D-4 channel bank to improve the Foreign Exchange circuit quality of service and dependability, not to exceed \$1700.81 plus shipping and taxes. Motion carried.

Mayor Dahnke stated the next item on the agenda was the draft revised Watershed Management Plan. City Administrator Mike Rietz informed council members that this was information only. Mr. Rietz stated that the Clay County Commissioners will be meeting on Tuesday, April 13<sup>th</sup> morning and he planned to attend the meeting.

Mayor Dahnke stated the next item on the agenda was the 2010 seal coat bids. Public Works Supt. Dave Riddering informed council that he received 3 bids. The bids received were as follows:

Caldwell Asphalt Co.	\$132,391.50
Morris Sealcoat	\$116,980.00
Bituminus Paving	\$161,980.00

Mr. Riddering was recommending the bid from Morris Sealcoat in the amount of \$116,980.00 be approved.

**04-12-10-16** Motion by Mr. Davis and second by Mr. Krause to accept the 2010 seal coat bid from Morris Sealcoat in the amount of \$116,980.00. Motion carried.

Mayor Dahnke stated the next item on the agenda was the purchase of a new lawn mower for the parks department. Public Works Supt. Dave Riddering informed council members that he received three quotes for a new lawn mower. The lowest quote was from Fargo Tractor for a Kubota F3680 mower in the amount of \$12,475.00 plus tax.

**04-12-10-17** Motion by Mr. Ellefson and second by Mr. Allmaras to authorize the purchase of a Kubota F3680 from Fargo Tractor in the amount of \$12,475.00 plus tax. Motion carried.

Mayor Dahnke stated the next item on the agenda was the 1<sup>st</sup> reading of Ordinance 2010-3, a tree ordinance.

City Attorney John Shockley stated that this is a proposed revision to the tree ordinance.

**04-12-10-18** Motion by Mr. Davis and second by Mr. Krause to approve the 1<sup>st</sup> reading of Ordinance 2010-3. Motion carried.

#### ORDINANCE NO. 2010-3

AN ORDINANCE TO AMEND AND REENACT SECTION 7.05 OF THE BARNESVILLE CITY CODE RELATING TO REGULATION OF ICE, SNOW, TREES, GRASS, AND WEEDS ON PUBLIC SIDEWALKS AND STREETS, AND TO REPEAL SECTION 7.20 IN ITS ENTIRETY.

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

SECTION 1. Section 7.05 of the Barnesville City Code is hereby amended and reenacted to read as follows:

#### **SECTION 7.05. ICE, SNOW, TREES, GRASS AND WEEDS ON PUBLIC STREETS AND SIDEWALKS**

**Subd. 1. Definitions.** As used in this section, the following words and terms shall have the following meanings:

- A. **“City”** shall mean the City of Barnesville.
- B. **“Large Tree”** shall mean any plant material that will grow to a height of over 50 feet.

- C. “Medium Tree” shall mean any plant material that will grow to a height of no more than 50 feet.
- D. “Person” shall mean natural persons, firms or partnerships, corporations, joint companies and associations of every kind.
- E. “Public Place” shall mean any public street, the area within the lines of any street or utility right of way, lane, alley, highway, parkway, playground, and any other public grounds or place of any description.
- F. “Public Tree” shall mean any tree, shrub, bush or other woody vegetation growing in any Public Place.
- G. “Private Tree” shall mean any a tree, shrub, bush or other woody vegetation growing on private property within the City.
- H. “Public Utility” shall mean any public, private, or cooperatively owned line, facility or system for producing, transmitting or distributing communications, power, electricity, light, heat, gas, oil products, water, waste or storm water, which directly or indirectly serves the public or any part thereof within the corporate limits of the City.
- I. “Sidewalk” shall mean a walkway for pedestrians located within any public street right of way property line.
- J. “Small Tree” shall mean any plant material that will grow to a height of no more than 30 feet
- K. “Tree Inspector” Shall mean the individual(s) appointed by the City Administrator to serve as tree inspector(s).
- L. “Wires” shall mean electric light, electric power, telephone, telegraph and guy wires, and all other wires of every description in or suspended over public places as herein defined.

~~**Subd. 1. Ice and Snow a Nuisance.** All snow and ice remaining upon public sidewalks in the areas of the City zoned Commercial C-1 and C-2 is hereby declared to~~

~~constitute a public nuisance and shall be abated by the owner or tenant of the abutting private property within twenty-four (24) hours after such snow or ice has ceased to be deposited.~~

**Subd. 2. Public Sidewalk Requirements.** Public sidewalks are required in all areas of the City zoned C-1, as well as other areas deemed necessary by the Council which may include but not be limited to school property, church property, residential and business properties not in C-1. Sidewalks are optional in other areas of the City. Sidewalk construction, repair, replacement, or removal where not required are the responsibility of the abutting property owner, and before commencing any such work, a permit must be obtained from the City Administrator.

**Subd. 3. Sidewalk Repair.** The owner of any property in the city which has a public sidewalk abutting said property shall keep the sidewalk in good repair and in safe condition for pedestrians. Repairs shall be made in strict accordance with specifications and standards on file in the office of the Streets and Parks Superintendent, which are based on DOT *Standards and Specifications for Construction*, 1995 Edition. Before commencing such repair, the property owner shall obtain a permit from the City Administrator.

**Subd. 4. Enforcement.** If by inspection by City personnel or by discovery through citizen complaints, the sidewalk is found to be in need of repairs to make it safe for pedestrians, the City shall serve notice to the property owner and order the owner to have the sidewalk repaired and made safe within 30 days of the notification, and stating that if the property owner fails to do so, the repairs will be made by the City, either by contractor or by City crews, and that the expenses thereof must be paid by the owner at 100% of the cost, and that if unpaid it will be made a special assessment against the property concerned.

**Subd. 5. Snow and Ice on Public Sidewalks.** All snow and ice remaining upon public sidewalks in all zones are hereby declared to constitute a public nuisance and shall be abated by the owner or tenant of the abutting private property within twenty-four (24) hours after such snow or ice has ceased to be deposited.

**Subd. 6. City to Remove Snow and Ice.** The City may cause to be removed from all public sidewalks, beginning twenty-four (24) hours after snow or ice has ceased to fall, all snow or ice which may be discovered thereon, and it shall keep a record of the cost of such removal and the private property adjacent to which such accumulations were found and removed.

**Subd. 7. Cost of Removal to be Assessed.** ~~The City Administrator shall, upon direction of the Council, and on receipt of the information provided for in the preceding Subdivision, The City shall bill the property owner 100% of the cost of the snow and ice removal, if after 30 days, the property owner fails to pay said billing, the City Administrator shall upon direction of the Council, and on the receipt of the information provided for in the previous subdivision, extend the cost of such removal of~~

snow or ice as a special assessment against the lots or parcel of ground abutting on walks which were cleared, and such special assessments shall at the time of certifying taxes to the County Auditor be certified for collection as other special assessments are certified and collected.

~~**Subd. 4. Civil Suit for Cost of Removal.** The City Administrator shall, in the alternative, upon direction of the Council, bring suit in a court of competent jurisdiction to recover from the persons owning land adjacent to which sidewalks were cleared, as provided in Subdivision 5, hereof, the cost of such clearing and the cost and disbursement of a civil action therefor.~~

**Subd. 8. Tree Trimming in Public Places.** No person shall trim, cut, break, injure, remove or destroy any tree now or hereafter growing, standing or located on or within the public places of the City unless such work is done by the City or with prior written permission of the City.

**Subd. 9. Tree Planting Requirements.**

- A. **Planting in Street Right of Way.** Any person may plant any shade tree or ornamental tree in any part of the street right of way between the lot line and pavement, by complying with the following standards:
- i. No tree shall be planted in such a location that its roots will be likely to damage any public sidewalk, any part of the street pavement, or any driveway or parking area.
  - ii. No tree shall be planted in such a location that it will at any time block the view of the drivers of vehicles approaching an intersection.
  - iii. The written approval of the Tree Inspector must be obtained prior to the tree being planted.
- B. **Planting in New Residential, Commercial or Industrial Developments.** Any person may plant any shade tree or ornamental tree in any part of the street right of way between the lot line and pavement within a new residential, commercial or industrial development by complying with the following standards
- i. In conjunction with issuing a building permit, the Tree Inspector will review landscaping plans and may require trees to be planted in any of the streets, parking lots, parks and other public places abutting the lands developed and/or subdivided, in accordance with guidelines established by the City.
  - ii. The City shall develop and maintain a list of desirable trees for planting along streets in three size classes: small, medium and

large. A list of trees not suitable for planting will also be created and enforced by the City.

- iii. The spacing of street trees will be in accordance with the three species and size classes listed in this Section, and no trees may be planted closer together than the following: small trees, 30 feet; medium trees, 40 feet; and large trees, 50 feet; except in special plantings designed or approved by the Tree Inspector.
- iv. No trees may be planted under or within 10 lateral feet of any overhead utility wire or within ten (10) lateral feet of any underground utility.
- v. The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the three species size classes listed in this Section, and no trees may be planted closer to any curb or sidewalk than the following: small trees, 2 feet; medium trees, 3 feet; and large trees, 4 feet.
- vi. No street tree shall be planted closer than 35 feet to any street corner, measured from the point of nearest intersecting curbs or curb lines. No street tree shall be planted closer than 15 feet to any fire hydrant, nor 5 feet from any driveway.

**Subd 10. Trees in Public Places; Planting, Care and Removal.**

- A. The City shall have the right to plant, prune, maintain, and remove trees, plants and shrubs within the lines of all street and public right of ways, streets, alleys, avenues, lanes, squares, and public places as may be necessary to insure the public safety or to preserve or enhance the symmetry and beauty of public places.
- B. The Tree Inspector may remove or cause to be removed any public or private tree or part thereof which is in an unsafe condition or which by reason of its location or nature is injurious to or infringes upon any public utility or public improvement, or is affected with any injurious fungus, insect, or other pest. Every tree overhanging any street or right-of-way within the City shall be pruned so that the branches will not obstruct the light from any street lamp or obstruct the view of any street intersection, and so that there is a clear space of at least 8 feet above the sidewalk and 13 feet above the road surface.
- C. Any tree located on City property in the immediate vicinity of any excavation, demolition or construction site of any building, structure, street or utilities work which has potential for injury, shall be protected from such injury by the property owner or contractor.

- D. Owners of property adjacent to street trees shall maintain trees by periodic watering and fertilization of street trees as necessary to maintain good health and vigor and protect the trees against damage caused by lawnmowers, weed trimmers, snow blowers and similar equipment.
- E. In cases where an owner of private real property abutting City property requests City action on street trees or public trees, the requesting owner shall be financially responsible for the following:
  - i. Removal of trees, limbs, or roots preventing house moving or other construction activities
  - ii. Removal of trees, limbs, or roots for the alteration of tree or abutting property appearance where no hazard or nuisance exists;
  - iii. Spraying, fertilizing, or treatment other than may be regularly conducted on a City-wide basis by the City.

**Subd. 11. Duty of Property Owners to Cut Grass and Weeds.** Every owner of property abutting on any street shall cause the grass and weeds to be cut from the line of such property nearest to such street to the center of such street. If the grass or weeds in such a place attain a height in excess of six (6) inches it shall be prima facie evidence of a failure to comply with this Subdivision. Every owner of property abutting on any street shall, subject to the provisions herein requiring a permit therefor, trim, cut and otherwise maintain all trees and shrubs in unharmed and healthy condition, from the line of such property nearest to such street to the center thereof. Hence, the property owner bears all of the responsibility, financially and otherwise, for the grass, weeds, and trees on their property including that property nearest to a street to the center thereof.

**Subd. 12. City May Order Work Done.** The City may, in cases of failure to comply with this Section, perform such work with employees of the City, keeping an accurate account of the cost thereof for each lot, piece or parcel of land abutting upon such street.

**Subd. 13. Assessment.** If the City performs maintenance work described in the foregoing Subdivision, the City Administrator shall forthwith upon completion thereof ascertain the cost attributable to each lot, piece or parcel of abutting land. The City Administrator shall, at the next regular meeting thereof, present such certificate to the Council and obtain its approval thereof. When such certificate has been approved it shall be extended as to the cost therein stated as a special assessment against such abutting land and such special assessment shall, at the time of certifying taxes to the County Auditor, be certified for collection as other special assessments. The City may also levy administrative fines for violations of this section.

**Subd. 14. City Service.** The City may, at the discretion of the Public Works Superintendant, and taking into consideration available resources, choose to trim and or

remove trees which are on the right of way. Also, the TEC Coordinator may elect to trim around overhead service lines which may not be on the right of way, and which may be causing problems to said lines, also taking into consideration available resources. These services will be done by the City at no cost to the property owner. However, this does not release any of the responsibility of the property owner as stated in Subdivision 11.

**SECTION 2.** Section 7.20 of the Barnesville City Code is hereby repealed in its entirety.

**~~SECTION 7.20. REGULATION OF TREES, GRASS, AND WEEDS IN STREETS.~~**

~~———— **Subd. 1. City to Control Tree Planting.** The City shall have control and supervision of planting shrubs and trees upon, or overhanging, all streets and other public property. The City may establish and enforce uniform standards relating to the species and types of trees to be planted, placement and the maintenance and removal thereof.~~

~~———— **Subd. 2. Definitions.** As used in this Section, the following words and terms shall have the meanings stated:~~

- ~~A. **“Public Tree”**— A tree, shrub, bush or other woody vegetation growing on any public property owned and/or managed by the City.~~
- ~~B. **“Private Tree”**— A tree, shrub, bush, or other woody vegetation growing on private property within the City.~~
- ~~C. **“Street Tree”**— a tree, shrub, bush or other woody vegetation growing on land lying between property lines on either side of all streets, avenues and boulevards within the City.~~
- ~~D. **“Park Tree”**— a tree, shrub, bush or other woody vegetation in public parks having individual names, and all areas owned by the City, or to which the public has free access as a park.~~
- ~~E. **“Small Tree”**— Any plant material that will grow to a height of no more than 30 feet.~~
- ~~F. **“Medium Tree”**— Any plant material that will grow to a height of no more than 50 feet.~~
- ~~G. **“Large Tree”**— Any plant material that will grow to a height of over 50 feet.~~
- ~~H. **“Public Utility”**— Any public, private, or cooperatively owned line, facility or system for producing, transmitting or~~

distributing communications, power, electricity, light, heat, gas, oil products, water, waste or storm water, which directly or indirectly serves the public or any part thereof within the corporate limits of the City.

**Subd. 3. ~~Tree Planting Requirements; Species; Location:~~**

- A. **~~Landscaping Plan Review.~~** ~~In conjunction with issuing a building permit for a new dwelling, or when the development of a new subdivision or commercial property occurs, the Tree Inspector will review landscaping plans and may require trees to be planted in any of the streets, parking lots, parks and other public places abutting the lands developed and/or subdivided, in accordance with guidelines established by the City.~~
- B. **~~Tree Species.~~** ~~The City shall develop and maintain a list of desirable trees for planting along streets in three size classes: small, medium and large. A list of trees not suitable for planting will also be created and enforced by the City.~~
- C. **~~Spacing Between Trees.~~** ~~The spacing of street trees will be in accordance with the three species and size classes listed in this Section, and no trees may be planted closer together than the following: small trees, 30 feet; medium trees, 40 feet; and large trees, 50 feet; except in special plantings designed or approved by the Tree Inspector.~~
- D. **~~Planting Near Utilities.~~** ~~No trees may be planted under or within 10 lateral feet of any overhead utility wire.~~
- E. **~~Planting Near Curbs and Sidewalks.~~** ~~The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the three species size classes listed in this Section, and no trees may be planted closer to any curb or sidewalk than the following: small trees, 2 feet; medium trees, 3 feet; and large trees, 4 feet.~~
- F. **~~Distance from Corners, Fire Hydrants and Driveways.~~** ~~No street tree shall be planted closer than 35 feet to any street corner, measured from the point of nearest intersecting curbs or curb lines. No street tree shall be planted closer than 15 feet to any fire hydrant, nor 5 feet from any driveway.~~
- G. **~~Special Planting Arrangements.~~** ~~The City may grant a permit for special planting arrangements that deviate from the requirements of this Subdivision, when special circumstances exist.~~

#### **Subd. 4. ~~Public Trees; Planting, Care and Removal.~~**

- A. ~~**Care of Public Trees.** The City shall have the right to plant, prune, maintain, and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares, and public grounds as may be necessary to insure the public safety or to preserve or enhance the symmetry and beauty of public grounds. No other planting may be done without consent of the Tree Inspector.~~
- B. ~~**Removal of Trees Endangering Utilities or Other Public Improvements.** The Tree Inspector may remove or cause to be removed any tree or part thereof which is in an unsafe condition or which by reason of its location or nature is injurious to or infringes upon any public utility or public improvement, or is affected with any injurious fungus, insect, or other pest. Every tree overhanging any street or right-of-way within the City shall be pruned so that the branches will not obstruct the light from any street lamp or obstruct the view of any street intersection, and so that there is a clear space of at least 8 feet above the sidewalk and 13 feet above the road surface.~~
- C. ~~**Protection of Public Trees Near Construction Activities.** Any tree located on City property in the immediate vicinity of any excavation, demolition or construction site of any building, structure, street or utilities work which has potential for injury, shall be protected from such injury by the property owner or contractor.~~
- D. ~~**Tree Topping Prohibited.** It is unlawful for any person to top any street tree, park tree, or other tree on public property. "Topping" is defined as the severe cutting back of limbs to stubs within the tree's crown to such a degree so as to remove normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this Section, as determined by the City.~~
- E. ~~**Permits Relating to Public Trees.** It is unlawful for any person to plant, remove, cut above the ground, or disturb any tree on any street, park, or other public place without first filing an application and procuring a permit from the Tree Inspector. The person receiving the permit shall abide by the standards set forth in this Section.~~

F. ~~Adjacent Landowner Responsibility.~~ Owners of property adjacent to street trees shall maintain the trees by periodic watering and fertilization of street trees as necessary to maintain good health and vigor and protect the trees against damage caused by lawnmowers, weed trimmers, snow blowers and similar equipment.

1. ~~Public Trees – Private Property Owner Requests – Financial Responsibility.~~ In cases where an owner of private real property abutting City property requests City action on street trees or public trees, the requesting owner shall be financially responsible for the following:

a) ~~Removal of trees, limbs, or roots preventing house moving or other construction activities;~~

b) ~~Removal of trees, limbs, or roots for the alteration of tree or abutting property appearance where no hazard or nuisance exists;~~

e) ~~Spraying, fertilizing, or treatment other than may be regularly conducted on a City-wide basis by the City.~~

2. ~~Financial Responsibility.~~ Financial responsibility does not eliminate the requirement of obtaining necessary permits required by this Section.

~~Subd. 5. Duty of Property Owners to Cut Grass and Weeds and Maintain Trees and Shrubs.~~ Every owner of property abutting on any street shall cause the grass and weeds to be cut from the line of such property nearest to such street to the center of such street. If the grass or weeds in such a place attain a height in excess of six (6) inches it shall be prime facie evidence of a failure to comply with this subdivision. Every owner of property abutting on any street shall, subject to the provisions herein requiring a permit therefor, trim, cut and other wise maintain all trees and shrubs in a non-hazardous and healthy condition, from the line of such property nearest to such street to the center thereof. Hence, the property owner bares all of the responsibility, financial and otherwise, for the grass, weeds, and trees on their property including the property nearest to a street and to the center thereof.

~~Subd. 6. City May Order Work Done.~~ The City may, in cases of failure to comply with this Section, perform such work with employees of the City, keeping an accurate account of the cost thereof for each lot, piece or parcel of land abutting upon such street.

~~Subd. 7. Assessment.~~ If the City performs maintenance work described in the foregoing Subdivision, the City Administrator shall forthwith upon completion thereof ascertain the cost attributable to each lot, piece or parcel of abutting land. The

~~City Administrator shall, at the next regular meeting thereof, present such certificate to the Council and obtain its approval thereof. When such certificate has been approved it shall be extended as to the cost therein stated as a special assessment against such abutting land and such special assessment shall, at the time of certifying taxes to the County Auditor, be certified for collection as other special assessments are certified and collected.~~

~~**Subd. 8.**—City Service.—The City may, at the discretion of the Public Works Supt., and taking into consideration available resources, choose to trim and or remove trees, which are on the right of way. Also, the TEC Coordinator may elect to trim around overhead service lines, which may or may not be on the right of way, and which may be causing problems to said line also, taking into consideration available resources. These services will be done by the city at no cost to the property owner. However, this does not release any of the responsibility of the property owner as stated in Subd. 5.—~~

SECTION 3. 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 May, 2010.

APPROVED BY:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Administrator

First Consideration: April 12, 2010

Second Consideration: May 10, 2010

Date of Publication: May 17, 2010

Mayor Dahnke stated the next item on the agenda was the Working 4 Professionals contract. City Administrator Mike Rietz informed council members that this is a new ambulance billing contract. ACP, our current billing company, is downsizing.

**04-12-10-19** Motion by Mr. Krause and second by Mr. Rick to authorize staff to sign the Working 4 Professionals contract as presented. Motion carried.

Mayor Dahnke stated the next item on the agenda was the discussion to accept the donation of four lots in Stoneridge Addition.

EDA Director Karen Lauer informed council members that at the April 6<sup>th</sup> EDA Board of Directors meeting, on a 3-2 vote, the EDA board voted to recommend to the City Council that we accept the 4 residential lots located in Stoneridge Addition which are currently owned by Gary Meyer. Mrs. Lauer stated the board members felt the benefits of accepting the lots outweighed the costs and/or risks of not accepting the lots.

Council member Del Ellefson stated that he would like to accept the lots. Mr. Ellefson stated that he thought it was in the best interests of the City. Council member Jason Rick questioned if the convents could be changed in the Stoneridge Addition. EDA Director Karen Lauer stated that the lots have been marketing the lots since 2002.

**04-12-10-20** Motion by Mr. Allmaras and second by Mr. Rick to decline the offer to accept the donation of four lots in Stoneridge Addition. Those voting to decline the offer were as follows: Council members Rick, Allmaras, Davis, Strom and Krause. Those voting in favor of accepting the lots were as follows: Council member Ellefson. Motion carried.

Mayor Dahnke stated the next item on the agenda was the discussion to pay off the specials on the EDA owned lots in Stoneridge Addition. EDA Director Karen Lauer informed council members that the City has made an investment in these lots by extending the infrastructure. Each year, the levy includes \$9,732 which allows the EDA to make the special assessment payment-monies which are not being recouped if and when we find someone who will take the free lot. The original amount of special assessments against each of the lots was \$16,744. During the 5 year deferral period, interest continued to compound, until the principal amount of the specials reached \$22,163. The EDA has been making the special assessment payments since 2008. City Administrator Mike Rietz stated that we need to pay off the special assessments to determine the selling price.

Council member Darin Allmaras stated that he was in the middle for his decision. Council member Del Ellefson stated that this amounts to a saving interest for the City. Council member Jeremy Krause stated that he would like to leave as it is currently.

**04-12-10-21** Motion by Mr. Strom and second by Mr. Krause to decline to pay off the specials on the EDA owned lots in Stoneridge Addition, and review this in one year. Motion carried.

Mayor Dahnke stated the next item on the agenda was the discussion of the marketing intern cost. Council member Del Ellefson stated that the Personnel and Finance committee recommends council to approve in sharing the cost of the summer intern with the EDA. The \$1500.00 expenditure will be paid out of professional services.

**04-12-10-22** Motion by Mr. Ellefson and second by Mr. Krause to share the cost of the Marketing intern with EDA in the amount of \$1500.00, to be paid out of professional services. Motion carried.

Mayor Dahnke stated the next item on the agenda was the 2010 first quarter transfers.

**04-12-10-23** Motion by Mr. Ellefson and second by Mr. Krause to approve the 2010 first quarter transfers as presented. Motion carried.

Mayor Dahnke stated the next item on the agenda was to inform council members that a Special council meeting has been called for Wednesday, April 21, 2010 at 7:00 p.m. at the Barnesville High School.

**04-12-10-24** Motion by Mr. Ellefson and second by Mr. Strom to approve the Special Council meeting on Wednesday, April 21, 2010 at 7:00 p.m. at the Barnesville High School. Motion carried.

Mayor Dahnke stated that the 2010 League of MN Cities Annual conference will be held on June 23-25<sup>th</sup>, in St. Cloud. If anyone is interested in attending, please let City Administrator Mike Rietz know.

**04-12-10-25** Motion by Mr. Davis and second by Mr. Krause to adjourn the meeting at 8:58 p.m. Motion carried.

Submitted by:

Attest:

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Jeri L. Reep  
City Clerk

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Fred Dahnke  
Mayor

