

**Barnesville City Council**  
**Regular Meeting**  
**July 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, TEC Manager Guy Swenson, EDA Director Karen Lauer, Finance Director Laurie Schell, Police Chief Dean Ernst, Ambulance Manager Jon Yeske, Dan Lubbesmeyer with People Service, Dan Hanson with Ulteig Engineers, Gene Prim, Mark Kava, Jill Kluck, Judy Siggerud, Donna Dunham, Ken Bauer, Barbara Carlisle, Leonard Boone, Frank and Milissa Boone, and Pam Aakre with the Record Review.

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

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

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

Mayor Dahnke asked if there were any additions or corrections to the agenda. City Administrator Mike Rietz stated that we needed to add the resignation for meter reader Jayne Olson.

**07-12-10-01** Motion by Mr. Krause and second by Mr. Strom to approve the agenda and consent agenda with the addition of adding the resignation of meter reader Jayne Olson. Motion carried. The following items were on the consent agenda:

1. Approval of the minutes of the regular meeting held on June 14, 2010.
2. Department Head reports
3. Approval of check numbers 68977-69225 in the amount of \$511,758.74 and EFT payments in the amount of \$174,444.89.
4. Approval of the Game Show Networks contract renewal for a 4 year contract renewal.
5. Approval to install 2 small concrete pads installed from L & F Construction in the amount not to exceed \$800.00.
6. Approval of travel for TEC Manager Guy Swenson to attend the Cooper/Cannon Conference on October 4-6, 2010.
7. Approval of the vendor agreement with Community Action for the Energy Assistance Program.
8. Accept the resignation for Jayne Olson as a meter reader.
9. Approval to advertise for a meter reader.
10. Approval of the Gambling Permit for the Ducks Unlimited for August 19, 2010.
11. Approval of the lot merge request from Rani Hooker.

12. Approval to hire John Neuamann as seasonal part-time Golf Course Groundskeeper at \$8.00 per hour.
13. Accept the resignation of EMT Jill Kluck.
14. Accept the resignation of EMT Judy Siggerud.
15. Approval to hire Booke Roeder as EMT.

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

Council member Merlin Strom stated that the Planning and Zoning are working on a Right-of-Way Ordinance. Mayor Dahnke stated that the Fire Board would be meeting on Tuesday.

**07-12-10-02** Motion by Mr. Davis and second by Mr. Krause to approve the board and commission reports as presented. Motion carried.

Mayor Dahnke stated that he would like to present Jill Kluck and Judy Siggerud an award for their years of service to the Ambulance Department. Ambulance Manager Jon Yeske discussed the skills that EMT Jill Kluck and EMT Judy Siggerud have provided. Mr. Yeske stated that the two EMT's have three key elements, critical thinking, remain calm during a call, and caring for the patient. Mr. Yeske next presented a plaque to EMT Jill Kluck for her 25 years of service and to EMT Judy Siggerud for her 20 years of service.

Mayor Dahnke next asked if there were any citizens present to be heard.

Mr. Ken Bauer approached the council and stated that he favors a City wide assessment for the Front Street project. Mr. Bauer stated that he would like to see the city wide assessment for this project be put to a vote for the November election.

Mr. Gene Prim next approached the council and stated that he was formally asking for a special election vote for the Front Street project for the November election. Mr. Prim was asking for an election for the citizens asking on how the citizens want to be assessed for this project, area wide or city wide.

Ms. Barbara K. Carlisle next approached the council and questioned why we do not use the water and sewer replacement fund for the Front Street project. Ms. Carlisle also questioned on how TEC Manger Guy Swenson was paying for the telephone system upgrade.

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 resolution declaring Potato Days a Community Wide Festival.

**07-12-10-03** Motion by Mr. Krause and second by Mr. Allmaras to approve the following resolution.

07-12-10-03

**RESOLUTION DECLARING BARNESVILLE POTATO DAYS A  
COMMUNITY-WIDE FESTIVAL**

WHEREAS, Barnesville Potato Days is an annual festival occurring in the City of Barnesville; and

WHEREAS, Barnesville Potato Days involves activities and entertainment that involve not only the Barnesville community but surrounding communities; and

WHEREAS, Barnesville Potato Days will occur on August 27 through August 28, 2010; and

WHEREAS, the Barnesville City Council desires to promote Potato Days and encourage local businesses to participate in Barnesville Potato Days; and

WHEREAS, it is necessary to designate Potato Days as a community festival to enable and authorize the City of Barnesville to grant community festival special event liquor licenses pursuant to Section 5.33 of the Barnesville City Code; and

WHEREAS, the Barnesville City Council desires to formally recognize Potato Days as a community-wide festival.

NOW, THEREFORE, BE IT RESOLVED, that Barnesville Potato Days is hereby designated a community-wide festival.

BE IT FURTHER RESOLVED that the dates of August 27 through August 28, 2010 are designated as dates during which the City of Barnesville may issue special event community-wide festival licenses.

Dated: July 12, 2010

APPROVED:

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

ATTEST:

\_\_\_\_\_  
Mike Rietz  
City Administrator

Upon a roll call vote, the following voted aye: Krause, Strom, Davis, Ellefson, Allmaras and Rick. The following voted against: none. The following were absent: none. Resolution passed.

Mayor Dahnke stated the next item on the agenda was the Barnesville KC's liquor request.

Mr. Mark Kava informed council members that the KC's would like to operate a "beer garden" during the Potato Days festival. The KC's are asking for a two day license for August 28<sup>th</sup> and August 29<sup>th</sup>. Mr. Kava stated that they will sell only malt liquor only; no hard liquor would be sold.

**07-12-10-04** Motion by Mr. Davis and second by Mr. Ellefson to approve the Barnesville KC's liquor request for August 28<sup>th</sup> and August 29<sup>th</sup>, 2010. Council member Larry Davis, Jr. questioned if the KC's have a buyer's card. Mr. Kava stated he would check to see if they have a buyer's card. Motion carried.

Mayor Dahnke stated the next item on the agenda was the American Legion liquor request. City Clerk Jeri Reep informed council members that the American Legion was asking for a resolution authorizing outside sales during the Clay County Fair.

**07-12-10-05** Motion by Mr. Ellefson and second by Mr. Krause to approve the following resolution.

CITY OF BARNESVILLE  
COUNTY OF CLAY  
STATE OF MINNESOTA

RESOLUTION FOR SITE AUTHORIZATION FOR OUTSIDE  
SALES DURING THE CLAY COUNTY FAIR

RESOLUTION NO. 07-12-10-05

WHEREAS: the American Legion (the "Legion") is located on Lots 1 to 4, in Block 33 of the Original Townsite in the City of Barnesville, Minnesota (the "City"); and

WHEREAS: the Legion has both on-sale state and local liquor licenses which define the premises to include all of the above-described property; and

WHEREAS: the Legion desires to have an outside fenced area on its premises in its parking lot during the Clay County Fair; and

WHEREAS: the City and the Legion desire to clarify the legion's obligations and responsibilities under the Barnesville City Code.

NOW, THEREFORE, the Legion is authorized to have an outside fenced area on its premises in its parking lot during the Clay County Fair pursuant to the following terms and conditions:

1. The event shall start on July 17<sup>th</sup>, 2010 at 4:00 p.m. and conclude on or before July 18, 2010 at 12:30 a.m.

2. The Legion shall adhere to all the terms and conditions of the Barnesville City Code as set forth in Chapter 5 of the Barnesville City Code relating to liquor licensing; including, but not limited to, insurance, sales, hours of operation and conduct.
3. The Legion shall only conduct sales of alcoholic beverages on its premises and shall not conduct any sales in the public right-of-way, public property or any other private property.
4. The Legion shall fence any area where alcoholic beverages are sold to ensure that it has complete control regarding who shall be admitted to the premises.
5. No one under the age of twenty-one (21) years shall be allowed to enter the fenced area, and alcoholic beverages shall not be sold to anyone under the age of twenty one (21) years.
6. The Legion shall coordinate with the Barnesville Police Department prior to the start of the event to ensure that the fencing and entrance controls to the premises area appropriate. The Chief of the Barnesville Police Department shall have the authority to determine if the fencing is adequate.
7. If the Legion fails to comply with the above terms and conditions, this authorization shall immediately terminate.

AMERICAN LEGION

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

CITY OF BARNESVILLE

Dated: \_\_\_\_\_

By: \_\_\_\_\_

City Administrator

BARNESVILLE POLICE  
DEPARTMENT

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Police Chief

Upon a roll call vote, the following voted aye: Rick, Allmaras, Ellefson, Davis, Strom and Krause. The following voted against: None. The following were absent: none. Resolution passed.

Mayor Dahnke stated the next item on the agenda was to appoint election judges for the upcoming elections.

**07-12-10-06** Motion by Mr. Krause and second by Mr. Allmaras to approve the following resolution.

**CITY OF BARNESVILLE OF CLAY COUNTY, MINNESOTA  
APPOINTING ELECTION JUDGES  
FOR THE ELECTION OF  
AUGUST 10, 2010 AND NOVEMBER 2, 2010**

WHEREAS: a Primary Election will be held on August 10, 2010, and a General Election will be held on November 2, 2010; and

WHEREAS: MN Statute 204B, subd. 2, requires election judges for precincts in a Municipality be appointed by the governing body of the municipality; and

WHEREAS: the City of Barnesville has one voting precinct; and

WHEREAS: the following City of Barnesville residents have agreed to serve as election Judges and have met the qualifications established by the State of Minnesota.

NOW, THEREFORE, BE IT RESOLVED, that the City of Barnesville hereby appoints the following persons to serve as election judges for the Primary and General Election of 2010, with the understanding that amendments may be necessary to the appointments in order to fill vacancies and meet party splits.

Judges: Carolyn Gabel, Nancy Holm, Darlene Erickson, Maggie Willard, MaryAnn Thompson, Joetta Steinke, Betty Ishaug, Dar Hines, Vivian Montplaisir, Karen Prim, and Bernie Kieselbach.

Adopted by the City Council of the City of Barnesville this 12<sup>th</sup> day of July, 2010.

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

Attest:

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

Upon a roll call vote, the following voted aye: Rick, Allmaras, Ellefson, Davis, Strom and Krause. The following voted against: None. The following were absent: none. Resolution passed.

Mayor Dahnke stated the next item on the agenda was the 1<sup>st</sup> reading to amend the I-1 Zoning District. City Administrator Mike Rietz informed council members that this is amending the I-1 zoning district and creating a new C-3 zoning district.

**07-12-10-07** Motion by Mr. Strom and second by Mr. Krause to approve the 1<sup>st</sup> reading of Ordinance 2010-5. Motion carried.

#### Ordinance 2010-5

### AN ORDINANCE TO AMEND SECTION 11.30 OF THE BARNESVILLE MUNICIPAL CODE RELATING TO I-1 LIGHT INDUSTRIAL DISTRICT

BE IT ORDAINED by the City Council of the City of Barnesville that the following Section of the Barnesville Municipal Code is hereby amended by repealing and recreating Section 11.30 to read:

#### **SEC. 11.30 I-1 LIGHT INDUSTRIAL DISTRICT**

**Subd. 1. Purpose.** The I-1, Light Industrial District, provides space for industries that are compatible with adjacent residential or commercial districts and are free from objectionable influence upon small urban development.

#### **Subd. 2. Permitted Uses:**

- A. Retail businesses.
- B. Offices.
- C. Personal and professional services.
- D. Governmental buildings.
- E. Research and Testing Laboratories
- F. Supply Yards
- G. Warehousing of non-explosive material or equipment
- H. Distribution Centers
- I. Truck Terminals
- J. Light Manufacturing
- K. Essential Services
- L. Ag Warehousing and sales
- M. Vehicle repair, services and sales

- N. Recreational vehicle/trailer sales, service and repair
- O. Storm water retention areas
- P. Wholesale businesses

**Subd. 3 Conditional Uses:**

- A. Manufacturing
- B. Water Recreation and storage
- C. Locker plant
- D. Chemical Fertilizer storage
- E. Bulk storage
- F. Oil filtering or mixing
- G. Accessory Uses

**Subd. 4. Yard and Lot Requirements:**

Minimum Lot Area (sq. ft.)	7,200 ft.
Minimum Lot Width (ft.)	60 ft.
Minimum Lot Depth (ft.)	120 ft.
Minimum Setback (ft.)	50 ft.

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

PASSED AND ADOPTED by the Barnesville City Council this \_\_\_\_ day of \_\_\_\_\_, 2010.

By:

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

Attest:

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

First Reading: July 12, 2010  
Second Reading: August 9, 2010  
Adopted: August 9, 2010  
Published: August 16, 2010

Mayor Dahnke stated the next item on the agenda was the 1<sup>st</sup> reading of Ordinance 2010-6, an ordinance creating a C-3 Zoning District. City Administrator Mike Rietz stated that this was to create a new zoning district and that this will help in future comprehensive planning.

**07-12-10-08** Motion by Mr. Ellefson and second by Mr. Strom to approve the 1<sup>st</sup> reading of the following ordinance. Motion carried.

#### Ordinance 2010-6

### AN ORDINANCE TO CREATING SECTION 11.22 OF THE BARNESVILLE MUNICIPAL CODE RELATING TO C-3 COMMERCIAL PARK DISTRICT

BE IT ORDAINED by the City Council of the City of Barnesville that the following  
Section of the Barnesville Municipal Code is hereby enacted as Section 11.22:

#### SEC. 11.22. C-3 COMMERCIAL PARK.

Subd. 1. Purpose. The C-3 Business District is designated for businesses providing goods and services in a business park setting.

Subd. 2. Permitted Uses:

- Q. Retail businesses.
- R. Offices.
- S. Personal and professional services.
- T. Governmental buildings.
- U. Trade and vocational schools
- V. Research and testing laboratories
- W. Supply yards
- X. Warehousing of non-explosive material/equipment
- Y. Distribution centers
- Z. Medical, dental and optical laboratories
- AA. Wholesale businesses
- BB. Freight and parcel shipping facilities
- CC. Rental establishments
- DD. Essential services
- EE. Storm water retention areas

- FF. Recording studios
- GG. Daycare Centers
- HH. Car Wash
- II. Laundromat
- JJ. Rental storage units

Subd. 3. Conditional Uses:

- A. Light manufacturing and assembly
- B. Transportation terminals
- C. Radio and television offices and stations
- D. Home and trailer sales and displays
- E. Vehicle repair and service
- F. Recreational vehicle/trailer sales, service & repair
- G. Accessory Uses

Subd. 4. Yard and Lot Requirements:

Minimum Lot Area (sq. ft.)	7,200 ft.
Minimum Lot Width (ft.)	60 ft.
Minimum Lot Depth (ft.)	120 ft.
Minimum Front Yard Setback (ft.)	50 ft.
Minimum Side and Rear Yard Setback (ft.)	15 ft. or half the height of the height of the building, whichever is greater.

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

PASSED AND ADOPTED by the Barnesville City Council this \_\_\_\_ day of \_\_\_\_\_, 2010.

By:

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

Attest:

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Jeri Reep  
City Clerk

First Reading: July 12, 2010  
Second Reading: August 9, 2010  
Adopted: August 9, 2010  
Published: August 16, 2010

Mayor Dahnke stated the next item on the agenda was to approve the copier lease with Marco. City Administrator Mike Rietz informed council members that this is a new lease with Marco for two new copiers. The cost savings will be approximately \$77.00 per month from our previous contract with Reardon's. Mr. Rietz stated that this will eliminate some other office equipment.

**07-12-10-09** Motion by Mr. Ellefson and second by Mr. Rick to approve the Marco lease for a 63 month contract in the amount of \$746.82 per month. Motion carried.

Mayor Dahnke stated the next item on the agenda was the revisions to the Personnel Manual. City Administrator Mike Rietz informed council members that he has reviewed the personnel manual, and the following are recommended changes.

**Article 1, Section 3 – Applications and Amendments**

(D) Amendments to these policies may be proposed by the City Administrator, or any member of the city council. No part of this policy may be changed or deleted without said amendment being placed on the agenda of a regularly scheduled city council meeting for discussion, and motion made to approve said amendment.

**Article 2, Section 3 – Working Hours**

(D) Exempt employees may be absent for periods of less than four hours without using accumulated vacation or sick leave.

**Article 2, Section 6 – Callout Time**

(C) Department Heads are responsible to determine if a callout is warranted. They can only be overruled by the City Administrator or, in the absence of the City Administrator, their portfolio holder.

**Article 2, Section 8 – Time Records**

(C) Employees and supervisors are responsible for submitting time sheets that comply with the City's personnel policy. The Finance Director, City Administrator and TEC Manager reserve the right to amend time sheets that are not in compliance with the personnel policy. Attempts to notify affected employees will be made, but are not required, before amending time sheets. Employees not in agreement with changes made may discuss the matter with the person making the changes and, if a disagreement remains, may appeal the matter to the City Administrator, and if the matter is still not resolved, the City Council.

**Article 4, Section 1 – Vacation Accrual**

(F) Exempt employees only use vacation leave in either half or full day increments.

**Article 4, Section 6 – Holiday Leave**

(A) The following are the official city holidays for all permanent, full-time and part-time city employees except as otherwise provided herein:

New Year's Day	January 1 <sup>st</sup>
Martin Luther King, Jr. Birthday	3 <sup>rd</sup> Monday in January
President's Day	3 <sup>rd</sup> Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4 <sup>th</sup>
Labor Day	1 <sup>st</sup> Monday in September
Veteran's Day	November 11 <sup>th</sup>
Thanksgiving Day	4 <sup>th</sup> Thursday in November
The day after Thanksgiving	The day after Thanksgiving
Christmas Eve Day	December 24 <sup>th</sup> (City Hall closes at 11:30 am, all others have a 4 hour workday)
Christmas Day	December 25 <sup>th</sup>

**Article 4, Section 6 – Holiday Leave**

(D) Whenever a holiday falls on a Saturday, the preceding Friday shall be observed as the holiday. When it falls on a Sunday, the following Monday shall be observed. When Christmas Day falls on a Saturday or Sunday, the half-day holiday for Christmas Eve Day will become a floating holiday to be used in the same calendar year. When a holiday falls within a period of paid leave (i.e. vacation, sick leave, etc.) the employee shall be paid at their normal rate of pay for the holiday and the holiday shall not be subtracted from the accrued leave.

**Article 4, Section 7 – Sick Leave**

(N) Exempt employees only use sick leave in either half or full day increments.

**Article 7, Section 6 – Observation Period**

(A) All employees will be subject to an observation period of one hundred-eighty days, beginning with their first duty day following appointment. The observation period is an integral part of the selection process and shall be utilized for determining the employee’s suitability for the position. During this period, department heads will meet regularly with the employee to discuss their progress towards the minimum job requirements. Failure to meet ongoing requirements will be noted in writing to the employee along with recommendations for succeeding in the position.

**Article 10, Section 2 – Grievance appeal procedures**

(A)(2) If the employee is dissatisfied with the supervisor’s decision, the employee shall submit a written request for review to the Personnel Commission within five working days of their supervisor’s decision. The Personnel Commission shall be appointed by the city council at the first regularly scheduled meeting after the receipt of the request for review. This commission shall be appointed on a case-by-case basis. Said commission shall be composed of three members; two city council members who are not the employee’s portfolio holder and the City Administrator or other supervisory employee if the City Administrator is the employee’s immediate supervisor. The commission shall make such investigation as deemed necessary and shall, within ten working days after formation, inform the employee in writing of their decision.

**07-12-10-10** Motion by Mr. Davis and second by Mr. Rick to approve the proposed personnel changes as recommended. Motion carried.

Mayor Dahnke stated the next item on the agenda was the 2<sup>nd</sup> reading of Ordinance 2010-4, an ordinance to increase the DSL speeds.

**07-12-10-11** Motion by Mr. Ellefson and second by Mr. Strom to approve the 2<sup>nd</sup> reading of Ordinance 2010-4. Motion carried.

**ORDINANCE 2010-04**

**AN ORDINANCE TO ESTABLISH THE RATES AND CHARGES FOR BROADBAND AND INTERNET SERVICE.**

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

WHEREAS, the City Council did previously enact Ordinance No. 2009-7 an ordinance to establish charges for broadband and internet service.

WHEREAS, DSL service is a service regulated by National Exchange Carrier Association (NECA) and the City of Barnesville doing business as Barnesville Municipal Telephone is a member of NECA and,

WHEREAS, NECA has filed the appropriate tariffs with the Federal Communications Commission which establish wholesale charges for DSL services and,

WHEREAS, the Telephone/Electric/Cable TV (T.E.C.) Advisory Board for the City of Barnesville has recommended the following rates and charges for DSL and Dial-up Internet service provided to customers by the Broadband and Internet Enterprise.

NOW THEREFORE, Ordinance No. 2009-7 is hereby replaced as follows:

Section 1. Costs for DSL service

	MONTHLY COSTS		SPEEDS	
	Internet/DSL		Down speed	Up speed
1.	\$24.95	(Bronze)*	<i>up to 128 kbps</i>	<i>up to 128 kbps</i>
2.	\$36.95	(Silver) <del>1 Megbps</del>	<i>up to 3 Megbps</i>	<del>512 kbps</del> <i>up to 1 Megbps</i>
3.	\$52.95	(Gold) <del>3 Megbps</del>	<i>up to 6 Megbps</i>	<del>512 kbps</del> <i>up to 1 Megbps</i>
4.	<b>\$69.95</b>	<b>(Platinum)</b>	<i>up to 10 Megbps</i>	<i>up to 1 Megbps</i>

\* New DSL customers only

Cost for additional Email accounts: \$ 2.00 per month

Cost for 2<sup>nd</sup> Static IP addresses \$10.00 per month

DSL “Combo” package

When DSL is purchased along with Barnesville Long Distance and Barnesville Cable TV service the customer will receive a ~~\$5.00 per month discount on the cost of the level DSL service selected.~~ *monthly “Combo” discount on the cost of the DSL level as follows:*

*\$5.00 per month discount for Bronze DSL service*

*\$5.00 per month discount for Silver DSL service*

*\$10.00 per month discount for Gold DSL service*

*\$15.00 per month discount for Platinum DSL service.*

The DSL “Combo” package is available to business and residential customers.

DSL Installation charge: \$250.00 non-recurring (DSL Installation charges will increase along with NECA increases)\*-\*

\*-\* DSL Installation charge may be waived.

Conditions for waiver: Customer agrees to maintain DSL service for a minimum period of twelve months. Customer will be billed DSL service installation charge should they fail to maintain DSL service for the twelve-month period. Service order charges are not waived.

Section 2. Equipment Provided by Customer

Network Interface Card (NIC)

Modem: Options

- 1) Customer can provide their own modem, or
- 2) Purchase a Modem/router from City Hall - \$140.00 (plus applicable taxes), or
- 3) Rent a Modem/router for \$4.95 per month.

**SOFTWARE REQUIRED/RECOMMENDED**

**INTERNET BROWSER:** Customer provided

**FIREWALL:** Software and electrical surge protector are responsibility of subscriber.

**Section 3. Equipment provided for Customer**

3 meter CAT 5 patch cord

Section 4. Cost for Dial-up Internet service - Dial-up Service will no longer be offered after February 18, 2010. Current Dial-up customers will continue to be supported and can remain on the system for as long as they choose, however, once a customer leaves Dial-up service they cannot get reconnected to Dial-up. (These customers will qualify for the Bronze DSL package)

All Dial-up rates will remain in effect until the last customer has chosen to disconnect from the Dial-up system.

All rates listed will apply equally to residential or business service.

1.	35 hours per month	\$9.95	(20 cents per hour over 35 hours)
2.	100 hours per month	\$14.95	(15 cents per hour over 100 hours)
3.	Unlimited	\$19.95	
4.	Unlimited Package	\$14.95	(when purchased with Barnesville Long Distance and Barnesville Cable TV service)

**Section 5. Equipment provided by Customer**

Modem 56 kbps

**Section 6. Billing**

The monthly charge for Broadband and Dial up Internet service will be billed forward.

If service is disconnected, the billing for service will be ½ the monthly rate if disconnected on or before the 15<sup>th</sup> day of the present month. Service disconnected after the 15<sup>th</sup> day of the present month will be billed for the full month.

**Section 7. Rate adjustments.**

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

2) In support of Economic Development efforts and with Council approval, DSL monthly service charges may be reduced up to 50 percent for a time period no longer than 1 year.

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

PASSED AND ADOPTED by the Barnesville City Council this 12th day of July, 2010.

APPROVED:

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Fred Dahnke, Mayor

ATTEST:

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Jeri Reep  
City Clerk

First Reading: June 14, 2010  
Second Reading: July 12, 2010  
Adopted: July 12, 2010  
Publication: July 19, 2010

Mayor Dahnke stated the next item on the agenda was to approve the Summary Ordinance 2010-4.

**07-12-10-12** Motion by Mr. Ellefson and second by Mr. Allmaras to approve the Summary Ordinance 2010-4. Motion carried.

#### **SUMMARY - ORDINANCE 2010-04**

##### **AN ORDINANCE TO ESTABLISH THE RATES AND CHARGES FOR BROADBAND AND INTERNET SERVICE.**

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

WHEREAS, the City Council did previously enact Ordinance No. 2009-7 an ordinance to establish charges for broadband and internet service.

WHEREAS, DSL service is a service regulated by National Exchange Carrier Association (NECA) and the City of Barnesville doing business as Barnesville Municipal Telephone is a member of NECA and,

WHEREAS, NECA has filed the appropriate tariffs with the Federal Communications Commission which establish wholesale charges for DSL services and,

WHEREAS, the Telephone/Electric/Cable TV (T.E.C.) Advisory Board for the City of Barnesville has recommended the following rates and charges for DSL and Dial-up Internet service provided to customers by the Broadband and Internet Enterprise.

NOW THEREFORE, Ordinance No. 2009-7 is hereby replaced as follows:

Section 1. Costs for DSL service

	MONTHLY COSTS		SPEEDS	
	Internet/DSL		Down speed	Up speed
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4.	<b>\$69.95</b>	<b>(Platinum)</b>	<i>up to 10 Megbps</i>	<i>up to 1 Megbps</i>

\* New DSL customers only

Cost for additional Email accounts: \$ 2.00 per month

Cost for 2<sup>nd</sup> Static IP addresses \$10.00 per month

DSL “Combo” package

When DSL is purchased along with Barnesville Long Distance and Barnesville Cable TV service the customer will receive a ~~\$5.00 per month discount on the cost of the level DSL service selected.~~ *monthly “Combo” discount on the cost of the DSL level as follows:*

*\$5.00 per month discount for Bronze DSL service*

*\$5.00 per month discount for Silver DSL service*

*\$10.00 per month discount for Gold DSL service*

*\$15.00 per month discount for Platinum DSL service.*

The DSL “Combo” package is available to business and residential customers.

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

PASSED AND ADOPTED by the Barnesville City Council this 12th day of July, 2010.

APPROVED:

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Fred Dahnke, Mayor

ATTEST:

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Jeri Reep  
City Clerk

First Reading: June 14, 2010  
Second Reading: July 12, 2010  
Adopted: July 12, 2010  
Publication: July 19, 2010

Mayor Dahnke stated the next item on the agenda was to discuss the 2010 electric and telephone underground projects. TEC Manager Guy Swenson informed council members that there are some electrical and telephone underground projects that need to get completed yet this year. Mr. Swenson stated that the following is a summary of the projects: complete the installation of primary electric wires, secondary electric wires and telephone combination wire, setting 4 transformer basements and transformers, and 5 telephone pedestals in the 9<sup>th</sup> Ave. SE upgrade. Mr. Swenson stated the cost for the projects is \$55,562.50. Mr. Swenson stated that there are funds available in the telephone and electric system upgrade. Mr. Swenson stated that it was planned to perform these projects in house, but realized that is not feasible.

**07-12-10-13** Motion by Mr. Ellefson and second by Mr. Strom to approve the following upgrades in the electric and telephone underground projects: complete the installation of primary electric wires, secondary electric wires and telephone combination wire, setting 4 transformer basements and transformers, and 5 telephone pedestals in the 9<sup>th</sup> Ave. SE upgrade. Mr. Swenson stated the cost for the projects is \$55,562.50. Motion carried.

Mayor Dahnke stated the next item on the agenda was the discussion of the water service leak in the Peterson-Gilbertson Addition. Mr. Dan Hanson with Ulteig Engineers informed council members that he does not have answers yet for the water service leak in the Peterson-Gilbertson Addition. He should be hearing back from the manufacture soon. Mr. Hanson will inform City Administrator Mike Rietz as soon as he has an update.

Mr. Leonard Boone next approached the council and stated that he thought his request to be de-annexed from the City was going to be an agenda item for the July meeting. Mayor Dahnke stated that it was not an agenda item. City Administrator Mike Rietz informed Mr. Boone that he would put the request on the August council meeting.

**07-12-10-14** Motion by Mr. Davis and second by Mr. Rick to adjourn the meeting at 7:45 p.m. Motion carried.

Submitted by:

Attest:

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Jeri L. Reep  
City Clerk

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Fred Dahnke  
Mayor

