

Barnesville City Council
Regular Meeting
August 10, 2009

Mayor Dahnke called this regular council meeting to order at 7:00 p.m. Members present were Mayor Dahnke and council members Roger Cooper, Larry Davis, Jr., Del Ellefson, Chad Hagen, Jeremy Krause, and Merlin Strom. Others in attendance were City Attorney John Shockley, City Clerk Jeri Reep, Sr. Accountant Laurie Schell, EDA Director Karen Lauer, Public Works Supt. Dave Riddering, Police Chief Dean Ernst, Brandon Anderson with People Services, Ambulance Manager Jon Yeske, Dan Hanson with Ulteig Engineers, Josh Kadrmas and Bruce Albright with Houston Engineering, Bill Radio with Missouri River, Theresa Olson, Elaine Austin, Jayne Lien, Mike Sacrison, Tom Jensen, Mark Kava, and Pam Aakre from the Record Review.

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

Mayor Dahnke asked City Clerk Jeri Reep to take roll call.

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

Mayor Dahnke next asked if there were any additions or corrections to the agenda. City Clerk Jeri Reep stated that we needed to add the following: approval of the Ducks Unlimited gambling permit, remove the resignation of Liquor Store clerk Brenda Amundson, update on Old City Hall project, approve the resignation of Liquor Store Manager Angie Mikulecky, approve advertising for a Liquor Store Manger.

08-10-09-01 Motion by Mr. Hagen and second by Mr. Cooper to approve the agenda and consent agenda as presented, with the following additions: approval of the Ducks Unlimited gambling permit, remove the resignation of Liquor Store clerk Brenda Amundson, update on Old City Hall project, approve the resignation of Liquor Store Manager Angie Mikulecky, approve advertising for a Liquor Store Manger. Motion carried. The following items were on the consent agenda:

1. Approval of the minutes of the Regular meeting held on July 13, 2009.
2. Approval of the minutes of the Special meeting held on July 1, 2009.
3. Approval of the minutes of the Special meeting held on July 8, 2009.
4. Approval of the minutes of the Special meeting held on July 20, 2009.
5. Approval of Department Head reports.
6. Approval of check numbers 66787-67024 in the amount of \$385,352.98 and EFT payments in the amount of \$127,221.79.
7. Finance report-there was none.
8. Approval of the MMUA Safety inspection repairs.
9. Approval of the Power Limited Continuing Education for Tom Olson and Mike Pearson, not to exceed \$380.00 plus travel expense.
10. Approval to hire EMT Bob Albin as the Part-time 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 have been receiving questions about accessory buildings. Mayor Dahnke stated that the Fire Dept is working on the budget.

08-10-09-02 Motion by Mr. Cooper and second by Mr. Ellefson to approve the board and commission reports as presented. Motion carried.

Mayor Dahnke stated the next item on the agenda as the Public Forum. Mayor Dahnke asked if there were any citizens present to be heard. There were none.

Mayor Dahnke stated the next item on the agenda was the Potato Days Community Wide Festival Resolution. City Attorney John Shockley discussed the resolution with council members.

08-10-09-03 Motion by Mr. Krause and second by Mr. Ellefson to approve the following resolution. On roll call vote, the following Council Members voted aye: Council members Hagen, Cooper, Ellefson, Davis, Strom, and Krause. The following Council Members voted nay: none. The following Council Members were absent and not voting: none. The majority having voted aye, the motion carried and the Resolution was duly adopted.

08-10-09-03
**1RESOLUTION 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 28 through August 29, 2009; 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 1Section 5.33 of the Barnesville City Code; and

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

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

BE IT FURTHER RESOLVED that the dates of August 28 through August 29, 2009 are designated as dates during which the City of Barnesville may issue special event community-wide festival licenses.

Dated: August 10, 2009.

APPROVED:

Mayor

ATTEST:

City Administrator

The motion for the adoption of the foregoing Resolution was duly seconded by Council Member _____. On roll call vote, the following Council Members voted aye: _____. The following Council Members voted nay: none. The following Council Members were absent and not voting: _____. The majority having voted aye, the motion carried and the Resolution was duly adopted.

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Mayor Dahnke stated the next item on the agenda was the Barnesville KC's liquor license request. Council member Roger Cooper questioned if the KC's were still planning on selling strong beer. KC member Mark Kava stated that they will only be serving strong beer, and a few other items.

08-10-09-04 Motion by Mr. Davis and second by Mr. Ellefson to approve the Barnesville Knights of Columbus liquor request for August 30, 2009. Motion carried.

Mayor Dahnke stated the next item on the agenda was the Barnesville VFW Post #4628 liquor license request. There was no representative at the meeting from the VFW Post 4628.

08-10-09-05 Motion by Mr. Ellefson and second by Mr. Davis to approve the Barnesville VFW Post 4628 liquor license request for August 29, 2009. Motion carried.

Mayor Dahnke stated the next item on the agenda was the liquor license request for the Ratzos Pool Hall. Business owner Jayne Lien stated that the Ratzos Pool Hall could not afford the fee that the Potato Days committee is charging them to serve alcohol outside of their building. Ms. Lien stated that they were asking for a fence of their own to serve alcohol.

08-10-09-06 Motion by Mr. Ellefson and second by Mr. Davis to approve the liquor license request for Ratzos Pool Hall for August 29-30th, pending Potato Days approval. Motion carried.

Mayor Dahnke stated the next item on the agenda was the Library electrical wiring agreement. Council member Del Ellefson stated that the Library is getting remodeled, and the lights that are recommended are energy savings, and a rebate is available. Mr. Ellefson stated that there are monies available in the repairs and maintenance.

08-10-09-07 Motion by Mr. Strom and second by Mr. Ellefson to approve the expenditure from Anderson Electric for lighting in the Library. The expenditure will be paid as follows: \$2200.00 from building and grounds, and \$500.00 from the Library. Motion carried.

Mayor Dahnke stated the next item on the agenda was Missouri River Energy Services T-1 Agreement. Mr. Bill Radio with Missouri River discussed with council members the T-1 agreement. Mr. Radio stated that if all MRES members sign the agreement, and it does not look like all members will sign, our transmission costs would drop from \$7.23 per KW to \$6.81. Staff feels that signing the T-1 agreement minimizes our financial exposure to increases in transmission costs due to transmission line improvements or replacement.

08-10-09-08 Motion by Mr. Ellefson and second by Mr. Hagen to authorize staff to sign the Missouri River Energy Services T-1 Agreement. Motion carried.

Mayor Dahnke stated that the next item would be to discuss the engineering on sediment pond dredging project. Mr. Josh Kadrmas from Houston Engineering next discussed with council members costs and alternatives for the dredging project on the sediment pond of Blue Eagle Lake. Mr. Kadrmas estimated the cost to be \$50,000 - \$130,000. Public Works Superintendent Dave Riddering stated that they were just looking on a direction on where to precede, that funding may available for this project.

08-10-09-09 Motion by Mr. Davis and second by Mr. Ellefson to authorize staff to proceed with the engineering on the sediment pond dredging project, and to have discussions with the land owners. Motion carried.

Mayor Dahnke stated the next item on the agenda was the downtown substation repair. Council member Del Ellefson stated that the city downtown substation was hit by lightning and dropped off line. The city's load is now carried on the East substation.

Mr. Ellefson recommended that the city authorize engineering service with Ulteig Engineers for plans and specs; advertise for bids, for a new transformer.

08-10-09-10 Motion by Mr. Hagen and second by Mr. Strom to authorize staff to proceed with engineering services with Ulteig Engineers for the purpose of creating plans and specs, advertise for bids, oversee the bid process as well as the installation of a new 500kva substation transformer for the downtown substation. Motion carried.

Mayor Dahnke stated the next item on the agenda was the discussion of the water tower and clear well cleaning. Public Works Supt. Dave Riddering stated that the Public Works sub-committee recommends that we have Utility Service Company clean the water tower and clear well for the quoted price of \$1750.00 each. The expenditure will be from the unexpended capital account of the water fund. Mr. Brandon Anderson with People Service stated that this should be completed every 3-4 years.

08-10-09-11 Motion by Mr. Ellefson and second by Mr. Strom to authorize staff to proceed with the water tower and clear well cleaning, from Utility Service Company in the amount of \$1750.00 each. The expenditure will be from the unexpended capital account of the water fund. Motion carried.

Mr. Brandon Anderson from People Service informed council members that People Service employees had received new telephone numbers, and wanted to inform council.

Mayor Dahnke stated the next item on the agenda was the MN DOT renewal of sand/salt partnership agreement. Public Works Supt. Dave Riddering stated that this agreement has worked very well in the past.

08-10-09-12 Motion by Mr. Ellefson and second by Mr. Cooper to approve the following resolution. Upon a roll call vote, the following voted aye: Council members Hagen, Cooper, Ellefson, Davis, Strom, and Krause. Those voted against: none. Motion carried.

**CITY OF BARNESVILLE
COUNTY OF CLAY
STATE OF MINNESOTA
RESOLUTION 08-11-09-12**

This Amendment is by and between the state of Minnesota, through its Commissioner of Transportation (“MNDOT”) and the City of Barnesville, through its City Council (“City”) and the county of Clay, through its Board of Commissioners (“County”).

WHEREAS: MNDOT has an agreement with CITY and COUNTY identified as MN/DOT Agreement No. 78173-P (“Original Agreement”) to provide for the Partnership sharing of the sand/salt facilities at the MNDOT truck station in the city of Barnesville; and

WHEREAS: the amended term of the agreement expired 5/1/2009, and the Parties wish to renew the agreement for an additional five-year term.

NOW, THEREFORE, the Parties agree to amend the Original Agreement as follows:

REVISION 1. Article 1. **Terms of Agreement** is amended to read as follows: This agreement shall be effective upon execution and approval by the appropriate MNDOT, County, City and State officials pursuant to Minnesota law and shall remain in effect for an initial period of (5) years from the effective date and two renewal terms of (5) years from 5-1-2004 to 5-1-2014, unless terminated earlier pursuant to Article X of this agreement.

The Original Agreement is expressly reaffirmed and incorporated herein by reference. Except as amended and modified above, original agreement and its Amendment(s) will remain in full force and effect. The Original Agreement and its Amendment(s) will be deemed to have been continually in force without interruption from May 1, 1999, to May 1, 2014.

IN WITNESS WHEREOF, the parties have caused this Contract to be duly executed intending to be bound thereby.

Fred Dahnke
Mayor

Attest:

Jeri L. Reep
City Clerk

Mayor Dahnke stated the next item on the agenda was the discussion of the Public Works pickup purchase. Public Works Supt. Dave Riddering informed council members that the Public Works sub-committee is recommending purchasing a 2010 Ford F-150 pickup in the amount of \$19,432.35. Mr. Riddering stated that this was a budget item, and is under the budget amount.

08-10-09-13 Motion by Mr. Cooper and second by Mr. Strom to authorize staff to purchase the 2010 Ford F-150 from Nelson Auto Center in the amount of \$19,432.35. Motion carried.

Mayor Dahnke state the next item on the agenda was the EDA liability on the balance sheet. EDA Director Karen Lauer stated that she had questions on the liability line advance from the General Fund-Commercial Park on the EDA's balance sheet. Mrs. Lauer stated that Mr. Chris Knopik from Larson Allen, Sr. Accountant Laurie Schell and herself had reviewed and felt that Option 1 should be recommended regarding the liability on the EDA's balance sheet.

08-10-09-14 Motion by Mr. Ellefson and second by Mr. Krause to proceed with Option 1-for the liability on the EDA's balance sheet. Option 1 is as follows: To have the debt service fund holding the special assessment receivable transfer the \$49,126.47 to the EDA. The EDA would then turn around and issue a check to the General fund for the same amount. In this option, the City would be transferring the holding risk and costs to the Debt Service Fund as they will be the fund in the future that is collecting the special assessment revenue. In this option the city will have not to worry about any changes in personnel and having to "remember" to transfer special assessments as they are collection each year. Motion carried.

Mayor Dahnke stated the next item on the agenda was the Commercial Park Expansion area. EDA Director Karen Lauer discussed with council members the removing of small trees in the 25 acres of Commercial Park expansion area which is owned by the City. Mrs. Lauer stated the area has been reviewed, and the work that has been completed to date. Mrs. Lauer discussed options available. 1: leave the property as is and mow annually to keep the trees from getting away from us again. 2: leave the property as is and advertise the property for rental for the purpose of putting up grass hay. 3: advertise the property for rent for the purpose of crop production and allow the future tenant access to the property this late summer and fall to begin tillage operations to get it into appropriate condition.

08-10-09-15 Motion by Mr. Davis and second by Mr. Strom to combine the option to leave the property as is and advertise the property for rental for the purpose of putting up grass hay and advertise the property for rent for the purpose of crop production and allow the future tenant access to the property this late summer and fall to begin tillage operations to get it into appropriate condition. Motion carried.

Mayor Dahnke stated the next item on the agenda was the Reallocation of Specials in the Heartland Addition. EDA Director Karen Lauer informed council members that \$37,500 of the special assessments in Block 2 Heartland Addition against the 3 newly platted lots in the Heartland Second Addition to the south. These reallocated special assessments will be certified to the Clay County Auditor in October of this year. Mrs. Lauer stated that this amount will between 6 lots. The EDA Housing Committee was requesting that the specials be reallocated equally against the 6 new lots, but deferred without interest accruing until the lots are sold. After discussion, the following motion took place.

08-10-09-16 Motion by Mr. Krause and second by Mr. Davis to authorize City Attorney John Shockley to proceed to reallocate the special assessments in the Heartland Second Addition, with interest. Motion carried.

Mayor Dahnke stated the next item on the agenda was the Dennis Braton CUP recommendation. EDA Director Karen Lauer informed council members that Mr. Dennis Braton has not applied for a building permit nor has applied for an extension for his project. Mrs. Lauer stated that the Planning Commission recommends that appropriate action is to remove the building.

08-10-09-17 Motion by Mr. Strom and second by Mr. Hagen to authorize Zoning Officer Karen Lauer direction to send Mr. Dennis Braton a 14 day notice to remove the pre-existing structure on his property. After the 14 days, the City will then come on the property, remove the structure and Mr. Braton would be assessed for all costs related to the removal. Motion carried.

Mayor Dahnke stated the next item on the agenda was the 13th Street Right-of-Way lease concept. EDA Director Karen Lauer discussed with council a lease that releases the City from liability and allows the owner of the property to use the property with the condition that the individual is required to maintain the leased area. There usually is a charge for the lease, which could be as little as \$1.00. Council member Del Ellefson stated that he does not like the concept. After some discussion, it was recommended to refer this matter back to the Planning Commission.

Mayor Dahnke stated the next item on the agenda was the discussion of the proposed ditch east of the Commercial Park. EDA Director Karen Lauer discussed with council that she has met with Barnesville Homes and the Development Control Board for a possible solution to the drainage problems in this location. The possible solution to this drainage problem would be to build a swale on the City's property located just to the east of Barnesville Homes, with a berm on the western edge. This swale could be built to drain into the existing swale which is located on the City property to the north of Barnesville Homes. The estimated cost to complete this project is \$1,000.00.

08-10-09-18 Motion by Mr. Davis and second by Mr. Ellefson to authorize plans from Ulteig Engineering, not to exceed \$1,000.00 for a ditch east of the Commercial Park. Motion carried.

EDA Director Karen Lauer next discussed with council members an update on the Old City Hall project. Mrs. Lauer stated that the work is moving along nicely, and that they have additional items to complete, but would not exceed the budget amount.

Mayor Dahnke stated the next item on the agenda was to accept the resignation of Liquor Store Manager Angie Mikulecky.

08-10-09-19 Motion by Mr. Krause and second by Mr. Hagen to accept the resignation of Liquor Store Manager Angie Mikulecky. Council member Merlin Strom wanted to thank Ms. Mikulecky for her time with the city. Motion carried.

Mayor Dahnke stated the next item on the agenda was to authorize staff to proceed to advertise for a Liquor Store Manager.

08-10-09-20 Motion by Mr. Krause and second by Mr. Hagen to authorize staff to proceed to advertise for a Liquor Store Manager. Motion carried.

Mayor Dahnke stated the next item on the agenda was the Administrative Hearing Board Resolution.

08-10-09-21 Motion by Mr. Cooper and second by Mr. Krause to approve the following resolution. Upon a roll call vote, the following voted aye: council members Hagen, Cooper, Ellefson, Davis, Strom and Krause. The following voted against: none. Motion carried.

Resolution 08-10-09-21
Resolution Appointing Kenneth Bauer and
Gorden (A/K/A “Lefty”) Swenson to the
Administrative Hearing Board

WHEREAS: the City of Barnesville has adopted a system of Administrative Citations and Penalties contained in Chapter 2.19 of the Barnesville City Code (hereinafter referred to as the “Administrative Citation System”); and

WHEREAS: subdivision 5 of Chapter 2.19 of the Barnesville City Code provides that: The hearing Board will consist of three individuals. Two individuals will be selected by the City Council at their January meeting and serve for that calendar year. The third individual will be one of the two City Council representatives of the ward in which the violation has occurred. The City Clerk will schedule the hearing.

WHEREAS: the Barnesville Building Inspector has recommended that Kenneth Bauer and Gorden (a/k/a “Lefty”) Swenson be appointed to serve on the Administrative Hearing Board, and

WHEREAS: the Mayor has asked Kenneth Bauer and Gorden (a/k/a “Lefty”) Swenson if they would be interested in serving on the Administrative Hearing Board, and they have both indicated their wiliness to serve; and

WHEREAS: the Building Administrator intends to begin full enforcement of the property maintenance code and expects the possibility of appeals; and

WHEREAS: the Building Administrator intends to begin full enforcement of the property maintenance code and expects the possibility of appeals; and

WHEREAS: it is August 2009.

NOW, THEREFORE, BE IT RESOLVED, that Kenneth Bauer and Gorden (a/k/a "Lefty") Swenson be appointed to serve as on the Administrative Hearing Board for the remainder of 2009 and for a full one-year term commencing on January 1, 2010, and ending on December 31, 2010.

Dated: August 10, 2009.

Approved:

Fred Dahnke
Mayor

Attest:

Jeri Reep
City Clerk

Mayor Dahnke next called on Police Chief Dean Ernst. Police Chief Dean Ernst discussed a few of the public nuisances.

08-10-09-22 Motion by Mr. Davis and second by Mr. Cooper to adjourn the meeting at 9:28 p.m. Motion carried.

Submitted by:

Attest:

Jeri L. Reep
City Clerk

Fred Dahnke
Mayor

