

**Barnesville City Council**  
**Regular Meeting**  
**September 13, 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, Public Works Supt. Dave Riddering Dan Lubbesmeyer with People Service, Dan Hanson with Ulteig Engineers, Leonard Boone, Barbara Carlisle, Frank and Melissa Boone, Walter and Jo Ann Schmidt, Ruth Power, Sandra Hanson, 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 the only addition was the authorization to purchase HVAC equipment pursuant to the Grant Agreement.

**09-13-10-01** Motion by Mr. Krause and second by Mr. Rick to approve the agenda and consent agenda as presented, with the following addition: the authorization to purchase HVAC equipment pursuant to the Grant Agreement. Motion carried. The following items were on the consent agenda:

1. Approval of the minutes of the Regular meeting held on August 9, 2010.
2. Approval of the minutes of the Special meeting held on August 23, 2010.
3. Department head reports.
4. Approval of check numbers 69411-69697 in the amount of \$284,234.81 and EFT's in the amount of \$174,482.70.
5. Approval of travel for TEC Manager Guy Swenson to attend the Northern Cities Group Transport meeting in Alexandria.
6. Approval of travel for TEC Manager Guy Swenson, Shana Cihak, and Diane Hanson to attend the Steller Billing open house in Willmar.
7. Approval of the waiver of irregularity regarding the special assessments with the City and Buffalo Red River Watershed District-
  - a. Lot 3, Block 2, Barnesville Commercial Park, Parcel No. 50053.0100
  - b. Lot 2, Block 2, Barnesville Commercial Park, Parcel No. 50053.0090
8. Authorization to purchase HVAC equipment pursuant to the Grant Agreement.
9. Approval of travel for Liquor Store Manager Sara Lien to attend the MMBA meeting in Alexandria.

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 planning to send a letter to Clay County regarding the removal of the four way stop sign on Front Street.

**09-13-10-02** Motion by Mr. Davis and second by Mr. Allmaras to approve the board and commission reports as presented. Motion carried.

Mayor Dahnke stated the next item on the agenda was the Rothsay Coop request for parking restrictions.

City Administrator Mike Rietz informed council members that the Planning and Zoning discussed this item at their last meeting, and will revisit after the Front Street project is completed to see if there still is a problem after that.

Mayor Dahnke stated the next item on the agenda was the Boone petition for detachment.

City Administrator Mike Rietz informed council members that the State requirement for a survey for detachment was not necessary as long as a sufficient map is provided. Mr. Rietz stated that the City needs to deal with the shared maintenance costs on the road. Council member Del Ellefson questioned if the City could give up a road. Council member Jason Rick questioned how far away are the Boone's from detachment. Mr. Leonard Boone approached the council and stated that he has spoken to the Clay County Engineer, and the County maintains the road in the summer, and the City maintains the road in the winter. Mr. Boone stated that this is a standing agreement with the City that Clay County has. Mr. Boone suggested a few options for the City-that the City would maintain the road, and they would charge the township/county an annual fee, maintain up to the Peppel residence, and the County would maintain the rest of the road, know what the agreements are before the City proceeds. After some discussion, this item will be tabled until the October regular council meeting.

Mayor Dahnke stated the next item on the agenda was the CUP request on a utility easement on Lot 2, Block 1, Blue Eagle Parkway Addition.

City Administrator Mike Rietz informed council members that the Planning and Zoning recommend approving the CUP request from Walter Schmidt, who owns the undeveloped lot north of the 11<sup>th</sup> Street cul-du-sac, and east of the Blue Eagle Park ball diamonds. Mr. Schmidt has applied for a CUP for the construction of a fence on the south lot line of his property, which is within the 30 foot utility easement that borders the property on the south and east sides. Sewer, water, cable, and telephone are all buried in the south half of that easement. The location that the proposed fence is just about on top of the telephone line in the easement. The location that the Planning Commission chose to recommend would put the fence in a place that would allow convenient access to the utilities for maintenance without the fence being a problem. Mr. Walter Schmidt stated that they would like to put the fence on the lot line. Council member Darin Allmaras stated that he is against anything in the easement. Council member Larry Davis, Jr. asked Mr. Schmidt

if the easement was there when he purchased the property. Mr. Schmidt stated “yes”. Council member Merlin Strom stated that the City needs to control the easements.

**09-13-10-03** Motion by Mr. Strom and second by Mr. Allmaras to approve the CUP request from Mr. Walter Schmidt, lot 2, Block 1, Blue Eagle Parkway, for a fence to be placed four feet into the 30 foot easement with the following conditions.

1. Placement of the fence is allowed 4 feet into the easement, parallel to the south property line. This location is 26 feet from where the applicant has asked for the fence to be placed. The location the applicant proposes for the fence is within a foot or two of a buried telephone cable. The Planning Commission is recommending a placement that puts the fence in a location that should allow us to get access to all the utilities without disrupting the fence. The water line is 14 feet from the north edge of the easement, and that needs 10 feet on either side of the line to allow for excavation. Placement of the fence 4 feet onto the north side of the easement would place the fence 10 feet from the water line and even further from the rest of the utilities in the easement.
2. This CUP is subject to all other zoning ordinances.
3. The City of Barnesville reserves the right to add, delete, or amend these conditions if health, safety of welfare considerations warrant. No action to add, alter, or amend conditions will occur except after mailed and published notice and a public hearing before the Planning Commission to consider such addition, deletion, or alteration of these conditions.
4. The applicant agrees to revocation of the conditional use permit upon verifiable evidence of violation of any of the terms and conditions listed herein. Said revocation of other violations not listed in the CUP will not occur except after mailed and published notice and a public hearing before the Planning Commission to establish a record of said violations and to give the petitioner a right to enter into the record any mitigating or contradicting evidence.

Mrs. Sandra Hanson, 503 11<sup>TH</sup> Street NE, next voiced her concerns with the placement of the fence.

The following members voted aye: Council members Rick, Allmaras, Davis, Strom and Krause. The following voted against: Council member Ellefson. Motion carried.

Mayor Dahnke stated the next item on the agenda was the variance request for a garage at 113 5<sup>th</sup> Ave SE.

City Administrator Mike Reitz informed council members that Jim Braton of J & J Properties, LLC owns the property at 113 5<sup>th</sup> Ave. SE, which shares a garage with the neighboring property. This was at one time a single property but as some point was divided into two and the property line runs through the middle of the garage. Mr. Braton is seeking a variance for a replacement garage. This variance would allow him to build a replacement entirely on his own property and still use the existing garage. He would need an access easement from the neighbor in order to have enough room on the existing

driveway. Mr. Rietz stated that the Planning Commission recommends approving the 3.5 foot variance to the side and rearing setbacks for a garage at 113 5<sup>th</sup> Ave. SE, with conditions.

**09-13-10-04** Motion by Mr. Krause and second by Mr. Allmaras to approve the 3.5 foot variance to the side and rear setbacks for a garage for J & J Properties, LLC, 113 5<sup>th</sup> Ave. SE, W 65' of Lots 10-12, Block 36, Original City, with the following conditions:

1. The existing garage must be removed within six months of the granting of this variance.
2. The new garage must be built within 24 months of the granting of this variance.
3. The applicant shall have an access easement in place with the neighbor and recorded at the County within 60 days of the granting of this variance for use of a portion of the existing driveway in order to provide access to the new garage.
4. This variance is subject to all other zoning ordinances and the building code.
5. The City of Barnesville reserves the right to add, delete, or amend these conditions if health, safety of welfare considerations warrant. No action to add, alter, or amend conditions will occur except after mailed and published notice and a public hearing before the Planning Commission to consider such addition, deletion, or alteration of these conditions.
6. The applicant agrees to revocation of the conditional use permit upon verifiable evidence of violation of any of the terms and conditions listed herein. Said revocation of other violations not listed in the variance will not occur except after mailed and published notice and a public hearing before the Planning Commission to establish a record of said violations and to give the petitioner a right to enter into the record any mitigating or contradicting evidence.

Motion carried.

Mayor Dahnke stated the next item on the agenda was the rezoning for the Barnesville Commercial Park from I-1 to C-3.

City Administrator Mike Rietz informed council members that the EDA has requested that the Barnesville Commercial Park Addition be rezoned from I-1, Light Industrial to C-3 Commercial Park. The EDA was consulted on the creation of the C-3 zoning district in order to create zoning that matches the development there thus far and to continue that type of “business park” development into the future. This zoning classification also meets the needs of the wellhead protection requirement better than the current I-1 zoning classification.

The proposed change in the zoning for the Commercial Park is consistent with the Comprehensive Plan and will further the EDA’s vision of creating a business park atmosphere for the area.

**09-13-10-05** Motion by Mr. Ellefson and second by Mr. Davis to approve the rezoning of the Barnesville Commercial Park from I-1 to C-3. Motion carried.

Mayor Dahnke stated the next item on the agenda was the resolution relating to parking restrictions on Front Street.

City Administrator Mike Rietz informed council members that this is a resolution for parallel parking only on Front Street.

**09-13-10-06** Motion by Mr. Rick and second by Mr. Davis to approve the following resolution. The following members voted aye: Council members Rick, Allmaras, Ellefson, Davis, Strom and Krause. The following voted against: none. Motion carried.

**CITY OF BARNESVILLE  
CLAY COUNTY, MINNESOTA  
RESOLUTION 09-13-10-06**

**RESOLUTION FOR PARALLEL PARKING ONLY**

WHEREAS: the City of Barnesville has submitted to the Commissioner of Transportation the plans and specifications for the improvement of Front Street from Main Avenue to the South City Limits.

WHEREAS: state aid funds will be expended on the improvement of this street, and

WHEREAS: the approved state aid standards as applicable to this project limit and restrict all parking to that which is parallel with the curb.

NOW, THEN, BE IT RESOLVED that said City of Barnesville shall require that parking of all vehicles within the corporate limits on Front Street, State Aid Route No. CSAH 52 be parallel with the curb in accordance with the State Aid Standards.

Attest:

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

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

State of Minnesota    )  
County of Clay        )  
City of Barnesville   )

I do hereby certify that the foregoing Resolution is a true and correct copy of a resolution presented to and adopted by the Council of the City of Barnesville, Minnesota at a duly authorized meeting thereof held on the 13<sup>th</sup> day of September, 2010, as shown by the minutes of said meeting in my possession.

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

(Seal)

Mayor Dahnke stated the next item on the agenda was the resolution approving a county project with the city limits.

City Administrator Mike Rietz informed council members that this is a resolution to approve a county project within Municipal corporate limits.

**09-13-10-07** Motion by Mr. Ellefson and second by Mr. Davis to approve the following resolution. The following members voted aye: Council members Rick, Allmaras, Ellefson, Davis, Strom and Krause. The following voted against: none. Motion carried.

**CITY OF BARNESVILLE  
CLAY COUNTY, MINNESOTA  
RESOLUTION 09-13-10-07**

**RESOLUTION APPROVING COUNTY PROJECT WITHIN MUNICIPAL  
CORPORTATE LIMITS**

WHEREAS: Plans for Project No. SP-14-652-08 showing proposed alignment, profiles grades and cross-sections for the construction, reconstruction or improvement of County State-Aid Highway No. CSAH 52 within the limits of the City as a State Aid Project have been prepared and presented to the City.

NOW, THEREFORE, BE IT RESOLVED: That said plans be in all things approved.

Dated this 13<sup>th</sup> day of September, 2010.

Attest:

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

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

CERTIFICATION

State of Minnesota  
County of Clay  
City of Barnesville

I hereby certify that the foregoing Resolution is a true and correct copy of a resolution presented to and adopted by the City Council of Barnesville at a meeting therefore held in the City of Barnesville, Minnesota, on the 13<sup>th</sup> day of September, 2010, as disclosed by the records of said City in my possession.

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

(Seal)

Mayor Dahnke stated the next item on the agenda was the 2011 preliminary levy resolution.

City Administrator Mike Rietz informed council members that the levy can be decreased, but it cannot be increased. Mr. Rietz stated that this is an 18% increase in the levy.

**09-13-10-08** Motion by Mr. Ellefson and second by Mr. Allmaras to approve the following resolution. . The following members voted aye: Council members Rick, Allmaras, Ellefson, Davis, Strom and Krause. The following voted against: none. Motion carried.

2011 PRELIMINARY LEVY RESOLUTION  
 Number 09-13-10-08

BE IT RESOLVED, That the following sums be, and hereby are levied upon the taxable property in the City of Barnesville, County of Clay, State of Minnesota for the year 2010, payable in the year 2011, for the following purposes to-wit:

	ACTUAL YEAR 2010	Preliminary EST YEAR 2011
General Fund - General	3000	93,134
General Fund - Police		0
General Fund - Admin		
General Fund - Parks	280750	291358
General Fund - Streets		
General - Ambulance	59507	43680
General - Golf Course	9000	25000
2003A GO Street Reconstruction (Fund 311)	24242	23507
2003A GO Street Reconstruction (Fund 311) - GAP	0	0
2002 GO Bond Debt Service (Fund 308)	15000	30000
2005A GO Bond Debt Service (Fund 312)	6613	4566
2005A GO Bond Debt Service (Fund 312) - GAP	58387	30434
Sewer Treatment Bond (Fund 602)	0	0
Del Acres Gilbertson Pre-Levy (Fund 314)	7000	7000
EDA - Specials - Stoneridge (Fund 308)	9732	9734
TOTAL LEVY	<u>473231</u>	<u>558413</u>
Before 2010 Tax Capacity	43.14%	49.42%
After 2010 Tax Capacity		18.00%

Adopted this 13th day of September, 2010.

Approved this 13th day of September, 2010,.

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Fred Dahnke  
 Mayor

ATTEST:

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Michael Rietz  
City Administrator

Mayor Dahnke stated the next item on the agenda was the 2011 preliminary budget resolution.

City Administrator Mike Rietz stated that this resolution adopts the preliminary levy.

**09-13-10-09** Motion by Mr. Davis and second by Mr. Rick to approve the following resolution. The following members voted aye: Council members Rick, Allmaras, Ellefson, Davis, Strom and Krause. The following voted against: none. Motion carried.

CITY OF BARNESVILLE  
OF CLAY COUNTY, MINNESOTA  
PRELIMINARY BUDGET  
RESOLUTION 09-13-10-09

BE IT RESOLVED that the City of Barnesville, Minnesota is required to maintain a budget for its fiscal operations.

BE IT FURTHER RESOLVED that the City of Barnesville, Minnesota has the legal authority to use its taxation authorities to levy necessary funds to operate the city.

BE IT FUTURE RESOLVED that the City of Barnesville, Minnesota is continually monitoring its budget and develops a fiscal budget based on the calendar year.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Barnesville that 2011 Preliminary Budget be adopted.

I. 2011 Budget \$ 8,014,591

Adopted this 13th day of September, 2010.

Approved this 13th day of September, 2010.

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Fred Dahnke  
Mayor

Attest: \_\_\_\_\_

Jeri Reep  
City Clerk

Mayor Dahnke stated the next item on the agenda was the discussion of the water service leak in the Peterson-Gilbertson addition.

City Administrator Mike Rietz stated that the Public Works committee reviewed the current policy, and no recommendation to change the policy is recommended. City Engineer Dan Hanson stated that the city policy is a standard policy, the policy is up to each city, but the current policy is not out of line.

Mayor Dahnke stated the next item on the agenda was the 1<sup>st</sup> reading of Ordinance 2010-7, an ordinance to increase the mosquito control fee.

**09-13-10-10** Motion by Mr. Ellefson and second by Mr. Davis to approve the 1<sup>st</sup> reading of Ordinance 2010-7. Motion carried.

**CITY OF BARNESVILLE  
ORDINANCE NO. 2010-7**

**AN ORDINANCE AMENDING SECTION 19.01 OF THE MUNICIPAL CODE  
REGARDING A SERVICE FEE TO BE CHARGED BY THE CITY OF  
BARNESVILLE FOR MOSQUITO CONTROL.**

WHEREAS, the City of Barnesville conducts annual mosquito control activities within the City of Barnesville, which requires the expenditure of City funds for various services, equipment and supplies; and

WHEREAS, the Barnesville City Charter and Minnesota Statutes permit the establishment of fees for services performed by the City of Barnesville,

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

SECTION 1. A fee, as set forth below, is hereby charged against all utility customers, to be payable monthly, and to be billed to each utility customer on the monthly utility bills issued by the City of Barnesville. The fee shall be as follows:

Two Dollars (\$2.00) per month, payable every month, along with all other charges set forth on the utility bill.

PASSED AND ADOPTED by the Barnesville City Council this 13<sup>th</sup> day of September, 2010.

APPROVED:

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Fred Dahnke, Mayor

ATTEST:

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Jeri Reep, City Clerk

First Reading: September 13, 2010  
Second Reading: October 11, 2010  
Publication: October 18, 2010

Mayor Dahnke stated the next item on the agenda was the Safe and Sober Resolution.

Police Chief Dean Ernst stated that this is a one year grant agreement with the City of Moorhead.

**09-13-10-11** Motion by Mr. Rick and second by Mr. Allmaras to approve the following resolution. The following members voted aye: Council members Rick, Allmaras, Ellefson, Davis, Strom and Krause. The following voted against: none. Motion carried.

**CITY OF BARNESVILLE  
CLAY COUNTY, MINNESOTA  
RESOLUTION 09-13-10-11**

**RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT**

Be it resolved that the Barnesville Police Department enter into a grant agreement with the Minnesota Department of Public Safety, Office of Traffic Safety for the project entitled SAFE & SOBER COMMUNITIES during the period from September 13, 2010 through September 30, 2011.

The Chief of Police, of the Barnesville Police Department is hereby authorized to execute such agreements and amendments as are necessary to implement the project on behalf of the Barnesville Police Department.

Be it further resolved that the Police Chief with the Moorhead Police Dept. is hereby authorized to be the fiscal agent and administer of this grant on behalf of the Barnesville Police Department.

I certify that the above resolution was adopted by the City Council of Barnesville, Minnesota on September 13, 2010.

SIGNED:

WITNESSETH:

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

\_\_\_\_\_  
Michael Rietz  
Administrator

Mayor Dahnke stated the next item on the agenda was the LMC Regional meetings. Mayor Dahnke stated that if anyone was interested in attending the regional meeting, to let City Administrator Mike Rietz know.

Mayor Dahnke stated the next item on the agenda was the public forum.

Ms. Barbara Carlisle next approached the council and had several questions for the council. The following is a summary of Ms. Carlisle questions or concerns: questioned why business do not pay for the mosquito spraying, that the Fairgrounds needs to level their field, the auto places have 20-30 tires outside, Old 52 Restaurant has not been mowed this summer, notice in City Hall stated that the mosquito spraying was only going to be on Tuesday and Thursday, why not Wednesday's, and since May 25, 2010 she has been bitten by mosquito's 2,354 times.

**09-13-10-12** Motion by Mr. Ellefson and second by Mr. Davis to adjourn the meeting at 8:21 p.m. Motion carried.

Submitted by:

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Jeri Reep  
City Clerk

Attest:

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Fred Dahnke  
Mayor