

**Barnesville City Council
Regular Meeting
September 14, 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, Jason Rick, Tom Jensen, 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 discussion of the City Administrator candidate's transportation air fare, and also to award the bid for the transformer bids.

09-14-09-01 Motion by Mr. Cooper and second by Mr. Strom to approve the agenda and consent agenda, with the additions of the discussion of the City Administrator candidates transportation air fare, and also to award the bid for the transformer bids. Motion carried. The following items were on the consent agenda:

1. Approval of the minutes of the Regular meeting held on August 10, 2009.
2. Department Head reports.
3. Approval of check numbers 67025-67263 in the amount of \$331,758.20 and EFT payments in the amount of \$145,260.39.
4. Approval for travel for Public Works Supt. Dave Riddering to attend the MWWA conference.
5. Approval for travel for TEC Manager Guy Swenson, and Darin Allmaris to attend the Cannon Conference.
6. Approval of the Statement of Interest in All-Hazard Mitigation Planning.
7. Approval of the Agreement of Special Assessment & Waiver of Irregularity and Appeal.
8. Appointment of the following election judges for the November 3, 2009 election. Darlene Erickson, Maggie Willard, Betty Ishaug, Mabel Sacrison, Joetta Steinke, Mary Ann Thompson, Dar Hines, Vivian Montplaisir, Karen Prim and Bernie Kieselbach.
9. Approval of the resignation of Main Street Director Theresa Olson.
10. Approval of additional pay of \$1.00 per hour for Liquor Store clerk Kay Waller as the interim manager.
11. Approval to hire Sara Lien as the Liquor Store Manger at \$13.50 per hour, starting September 21, 2009.

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

Council member Merlin Strom stated that the Planning & Zoning will have a public hearing coming up in the near future. Council member Jeremy Krause stated that the City received the insurance money for the irrigation system.

09-14-09-02 Motion by Mr. Davis 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 was the public forum. Mayor Dahnke asked if there were any citizens present to be heard. There were none.

Mayor Dahnke stated the next item on the agenda was the League of Minnesota Cities Insurance waiver. City Clerk Jeri Reep informed council members that this was an annual liability coverage waiver. In the past, we have waived the monetary limits on tort liability established by Minnesota Statutes 466.04, to the extent of the limits of the liability coverage obtained from the LMCIT.

09-14-09-03 Motion by Mr. Hagen and second by Mr. Ellefson to waive the monetary limits on tort liability established by Minnesota Statutes 466.04, to the extent of the limits of the liability coverage obtained from the LMCIT. Motion carried.

Mayor Dahnke stated the next item on the agenda was the 2010 health insurance coverage discussion. City Clerk Jeri Reep informed council members that the city's health insurance rates were reduced for the 2010 rates.

09-14-09-04 Motion by Mr. Davis and second by Mr. Strom to approve the 2010 health insurance rates with Lakes Country Service Cooperative for the City of Barnesville employees. Motion carried.

Mayor Dahnke stated the next item on the agenda was the request from the VFW Post 4628 for a special liquor license. City Clerk Jeri Reep informed council members that the VFW is requesting a one day permit to sell alcohol in a fenced in area on September 26, 2009.

09-14-09-05 Motion by Mr. Ellefson and second by Mr. Strom to approve the VFW Post 4628 liquor license request to serve alcohol in a fenced in area on September 26, 2009. Motion carried.

Mayor Dahnke stated the next item on the agenda was the discussion of the travel requests for the City Administrator candidates. Mayor Dahnke stated that two of the candidates have requested that the City pay for the air fare for the interview. After some discussion, council members agreed not to reimburse the candidates for the air fare expense.

09-14-09-06 Motion by Mr. Ellefson and second by Mr. Cooper to refuse the request to pay for the air fare expense for candidates wishing to interview for the City Administrator position. Motion carried.

Mayor Dahnke stated the next item on the agenda was the Onvoy Voice services contract renewal. TEC Manager Guy Swenson informed council members that this is a three year term, with all pricing remaining the same as in the previous contract, with one exception, the CNAM rate will actually go down. Based on our current month's activity, the cost will decrease by approximately \$1.60 per month. City Attorney John Shockley has reviewed the contract.

09-14-09-07 Motion by Mr. Hagen and second by Mr. Ellefson to approve the Onvoy Voice Services contracts and authorize TEC Manager Guy Swenson to sign the Onvoy Voice Services contracts. Motion carried.

Mayor Dahnke stated the next item on the agenda was the DSL speed increase ordinance. TEC Manger Guy Swenson was recommending increasing the DSL speeds for the silver package, and the gold package. Mr. Swenson was recommending no increase in the package rates at this time.

09-14-09-08 Motion by Mr. Davis and second by Mr. Hagen to approve the 1st reading of the following ordinance. Motion carried.

ORDINANCE 2009-04

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. 2008-3 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. 2008-3 is hereby replaced as follows:

Section 1. Costs for DSL service

	MONTHLY COSTS		SPEEDS	
	Internet/DSL		Down speed	Up speed
1.	\$24.95	(Bronze)*	128 kbps	128 kbps
2.	\$36.95	(Silver)	512 kbps 1 Megbps	256 kbps 512 kbps
3.	\$52.95	(Gold)	1 Megbps 3 Megbps	512 kbps

* New DSL customers only

Cost for additional Email accounts: \$ 2.00 per month
 Cost for 2nd 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. The DSL “Combo” package is available to business and residential customers.

DSL Installation charge: ~~\$99.00~~ **\$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

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

1.	35 hours per month hours)	\$9.95	(20 cents per hour over 35
2.	100 hours per month hours)	\$14.95	(15 cents per hour over 100
3.	Unlimited	\$19.95	
4.	Unlimited Package Barnesville	\$14.95	(when purchased with 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 15th day of the present month. Service disconnected after the 15th 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 25th day of September, 2009.

APPROVED:

Fred Dahnke, Mayor

ATTEST:

Jeri Reep
City Clerk

First Reading: September 14, 2009
Second Reading: September 25, 2009
Adopted: September 25, 2009
Publication: September 28, 2009

Mayor Dahnke stated the next item on the agenda was the Cannon meter purchase. TEC Manager Guy Swenson was recommending purchasing 45 AMR wired water electric meters and 50 AMR (non water) electric meters. Mr. Swenson stated that this is a budgeted item.

09-14-09-09 Motion by Mr. Ellefson and second by Mr. Cooper to approve the purchase of 45 AMR wired water electric meters and 50 AMR (non water) electric meters, from Cannon Technologies, not to exceed \$17,828.28. Motion carried.

Mayor Dahnke stated the next item on the agenda was the resolution to authorize transmission service agreement. TEC Manager Guy Swenson stated that this resolution is to authorize transmission service with Missouri River.

09-14-09-10 Motion by Mr. Ellefson and second by Mr. Davis to approve the following resolution. The following voted in favor thereof: Council members Hagen, Cooper, Ellefson, Davis, Strom and Krause. The following members voted nay: None. The majority having voted aye, the motion carried and the resolution duly adopted.

City of Barnesville
County of Clay
Resolution to Authorize Transmission Service Agreement (T-1)

Resolution No 09-14-09-10

WHEREAS, the City of Barnesville, Minnesota is a member of Missouri Basin Municipal Power Agency d/b/a Missouri River Energy Services (“MRES”); and

WHEREAS, the City of Barnesville is currently purchasing from MRES under the Power Sale Agreement (S-1) all electric power and energy it requires to meet the needs of its customers in excess of [City]’s firm power allocation from the Western Area Power Administration (“WAPA”); and

WHEREAS, the City of Barnesville requires transmission service to obtain delivery of the power and energy it purchases from WAPA and MRES and thereby to provide adequate electric power and energy services to its customers; and

WHEREAS, the City of Barnesville has requested that MRES provide transmission service and certain ancillary services for all of its requirements; and

WHEREAS, MRES desires and is empowered to provide transmission service and ancillary services pursuant to the purposes for which MRES was created; and

WHEREAS, due to changes in the structure of the electric utility industry, there is significant risk that the transmission costs of MRES members will increase significantly and MRES decided to optimize efficiencies and reduce risk for individual members by consolidating its existing transmission arrangements into a single Transmission Service Agreement (T-1) with a single transmission rate;

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

- (i) That the Transmission Service Agreement (T-1) between [City] and MRES and Western Minnesota Municipal Power Agency is approved in substantially the form presented; and
- (ii) That the *Mayor and City Clerk* shall be, and each of them hereby is authorized and directed to execute and deliver the Transmission Service Agreement (T-1), on behalf of City of Barnesville, Minnesota.

Mayor Dahnke stated the next item on the agenda was the discussion of the transformer bids opened earlier today. TEC Manager Guy Swenson informed council members that bids were received for a new transformer. Mr. Swenson stated that only one bid was received in time. The other three bids arrived late. The bid from Jerry’s to rebuild the existing transformer was in the amount of \$78,900.00. Mr. Swenson was recommending to council to proceed with the bid from Jerry’s in the amount of \$78,900.00.

09-14-09-11 Motion by Mr. Hagen and second by Mr. Davis to approve the rebuild existing transformer bid from Jerry's in the amount of \$78,900.00. Motion carried.

TEC Manager Guy Swenson stated if the rebuilding of the existing transformer is not available, then the City would need to look at purchasing a new transformer. Mr. Swenson stated that bids were opened for the new transformer earlier that day, and RESCO was the lowest bidder in the amount of \$152,800.00.

09-14-09-12 Motion by Mr. Ellefson and second by Mr. Davis to award the bid for a new transformer to RESCO in the amount of \$152,800.00. This awarding of the bid is contingent upon if the old transformer is repaired. Upon a roll call vote, the following voted aye: Council members Hagen, Cooper, Ellefson, Davis, Strom and Krause. Those voting naye: None. Motion carried.

Mayor Dahnke stated the next item on the agenda was to approve the Emergency Operations Plan. Police Chief Dean Ernst stated that the Emergency Operations Plan was updated with current information.

09-14-09-13 Motion by Mr. Hagen and second by Mr. Strom to approve the Emergency Operations Plan as presented. Motion carried.

Mayor Dahnke stated the next item on the agenda was the JV Hough lot split/merge discussion. EDA Director Karen Lauer informed council members that the Barnesville EDA is requesting to split Block 6, Lot 5, and Heartland Addition. The EDA has agreed to sell JV Hough the northern portion of Lot 5 created through the lot split. Concurrent with the lot split, JVHough would like to merge the northern portion of Lot 5, with Lot 4; then split the eastern edge of Lot 4 and merge that with Lots 3.

09-14-09-14 Motion by Mr. Ellefson and second by Mr. Strom to approve the lot split, JVHough would like to merge the northern portion of Lot 5, with Lot 4; then split the eastern edge of Lot 4 and merge that with Lots 3 in Heartland Addition. Motion carried.

Mayor Dahnke stated the next item on the agenda was the 13th street right-of-way lease concept. Council member Merlin Strom stated that the Planning and Zoning have reviewed, and maintain no use of the right-of-way. Mr. Strom stated that this was for information only.

Mayor Dahnke stated the next item on the agenda was the bids to farm the Commercial Park expansion area. EDA Director Karen Lauer informed council members that she had received two bids. One bid was from Gale Gross in the amount of \$57.00 per acre, and the other bid from Ed Gilbertson in the amount of \$35.00 per acre.

09-14-09-15 Motion by Mr. Cooper and second by Mr. Strom to award the bid for the farming of the Commercial Park expansion area to Gale Gross in the amount of \$57.00 per acre. Motion carried.

Mayor Dahnke stated the next item on the agenda was the 2010 preliminary levy resolution. Sr. Accountant Laurie Schell informed council members that the 2010 tax capacity is at 15.09% increase.

09-14-09-16 Motion by Mr. Ellefson 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 naye: None. Motion carried.

City of Barnesville
2010 Preliminary Levy Resolution
No. 09-14-09-16

BE IT RESOLVED; that the following sums be and are hereby levied upon the taxable property in the City of Barnesville, County of Clay, State of Minnesota for the year 2009, payable in the year 2010, for the following purposes to-wit:

	ACTUAL YEAR 2009	EST YEAR 2010
General Fund - General	1000	14000
General Fund - Police		0
General Fund - Admin		
General Fund - Parks	266000	288777
General Fund - Streets		
General - Ambulance	57000	59507
General - Golf Course	8000	12000
2003A GO Street Reconstruction (Fund 311)	24904	24242
2003A GO Street Reconstruction (Fund 311) - GAP	15096	0
2002 GO Bond Debt Service (Fund 308)	0	15000
2005A GO Bond Debt Service (Fund 312)	3206	6613
2005A GO Bond Debt Service (Fund 312) - GAP	36689	58387
Sewer Treatment Bond (Fund 602)	0	0
Del Acres Gilbertson Pre-Levy (Fund 314)	6250	7000

EDA - Specials - Stoneridge (Fund 308)	12167	9732
TOTAL LEVY	430312	495258

Before 2010 Tax Capacity	39.23%	43.83%
After 2010 Tax Capacity		15.09%

Adopted this 14th day of September, 2009.

Approved this 14th day of September, 2009

Mayor Dahnke stated the next item on the agenda was the 2010 preliminary budget resolution.

09-14-09-17 Motion by Mr. Ellefson 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 naye: None. Motion carried.

CITY OF BARNESVILLE
OF CLAY COUNTY, MINNESOTA
PRELIMINARY BUDGET
RESOLUTION 09-14-09-17

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 FUTHER 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 2010 preliminary Budget be adopted.

I. 2010 Budget \$ 8,309,104

Adopted this 14th day of September, 2009.

Approved this 14th day of September, 2009.

Fred Dahnke
Mayor

Attest: _____
Jeri Reep
City Clerk

Mayor Dahnke stated the next item on the agenda was the public nuisance discussion.
Mayor Dahnke stated that they have had success in some areas.

Mayor Dahnke next asked for a motion to adjourn.

09-14-09-18 Motion by Mr. Hagen and second by Mr. Davis to adjourn the meeting at 7:49 p.m. Motion carried.

Submitted by:

Attest:

Jeri Reep

Fred Dahnke

City Clerk

Mayor