

Barnesville City Council
Regular Meeting
September 8, 2008

Mayor Dahnke called this regular meeting to order at 6:00 p.m. 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, COO Mike Brethorst, City Clerk Jeri Reep, EDA Director Karen Lauer, TEC Coordinator Guy Swenson, Public Works Supt. Dave Riddering, Police Chief Dean Ernst, Sr. Accountant Laurie Schell, Brandon Anderson, Dan Lubbesmeyer and Paul Christianson from People Service, Dan Hanson from Ulteig Engineers, and Pam Aakre from the Record Review.

Mayor Dahnke asked COO Mike Brethorst 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. COO Mike Brethorst stated that we needed to add the Library Card Resolution, appoint Carol Dodge as the new Park Board member, and an update on the building permit at 420 2nd Street NW.

09-08-08-01 Motion by Mr. Krause and second by Mr. Ellefson to approve the agenda and consent agenda as presented with the addition of the Library Card Resolution, appointment of Carol Dodge to the Park Board, and an update on the building permit at 420 2nd Street NW. Motion carried.

The following items were on the consent agenda:

1. Approval of the minutes of the Regular meeting held on August 11, 2008.
2. Department head reports.
3. Finance Report-approval of check numbers 64516-64744 in the amount of \$492,219.26 and EFT payment in the amount of \$139,152.10.
4. Appointment of Carol Dodge to the Park Board, with her term to expire December 31, 2009.
5. Approval of the West Central MN Communities Action agreement.
6. Approval of the Sprint Cell phone Contract, a one year contract in the amount of \$437.96 monthly.
7. Approval of the MMUA 2008-2009 Safety Management Program Contract in the amount of \$12,150.00.
8. Approval of the Total Register Systems proposal in the amount of \$1,938.00.
9. Approval to hire Jessica Dabbert, Tom Hamm and Ashley Gilbertson as an EMT.
10. Accept the resignation of Kayla Kunz, Noah Schultz, Tammy Brusewitz and Scott Erdmann as an EMT.

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

Council member Merlin Strom reported that the Planning Commission held hearings this past meeting. Council member Larry Davis, Jr. invited everyone to a Wagner Park appreciation dinner on Thursday, September 11th.

09-08-08-02 Motion by Mr. Davis and second by Mr. Hagen to approve the board and commission reports as presented. Motion carried.

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.

COO Mike Bret horst informed council members that this is an annual waiver limit of \$1,000,000 from the League of MN Cities Insurance Trust (LMCIT).

09-08-08-03 Motion by Mr. Hagen and second by Mr. Cooper to approve the LMC Cities Insurance Waiver, in the amount of \$1,000,000. Motion carried.

Mayor Dahnke stated the next item on the agenda was the update on the Lass drainage ditch. City Attorney John Shockley discussed with council members the options that were available. City Engineer Dan Hanson discussed with council members that width of a ditch, Mr. Hanson stated that he would contact Mr. Bruce Albright from the Buffalo Watershed District and get his opinion on the ditch. Public Works Supt. Dave Riddering stated that staff would do the ditch work. Council member Del Ellefson stated that he was uncomfortable with the Lass's using our ditch. Council members agreed to make a counter offer to Duane and Ione Lass, to accept the price of the land in the amount of \$8,500, and to continue the swale as is, and any new ditching will not come into the city ditch.

09-08-08-04 Motion by Mr. Hagen and second by Mr. Ellefson to offer to Duane and Ione Lass the following counter offer: to accept the price of the land in the amount of \$8,500, and to continue the swale as is, and any new ditching will not come into the city ditch. If Duane and Ione Lass reject the counter offer, then the city will continue as planned before the counter offer. Motion carried.

Mayor Dahnke stated the next item on the agenda was the Tract B-excess land discussion. COO Mike Brethorst stated that after reviewing the costs associated to Phase 2 Commercial park land, also referred to as Tract B, it is staff's recommendation to sell a portion thereof at a minimum price of \$7,500 per acre. This land is excess and should be sold and place the parcel up for a public auction and award it to the highest bidder.

09-08-08-05 Motion by Mr. Ellefson and second by Mr. Davis to approve to classify PID 509000246, Tract B, which is described as the north 717 feet of Tract B, excluding the westernmost 70 feet of that area as excess land and make it available for sale. To set a minimum sale/bid price of Tract B at \$7,500 per acre, less the trail land and all land east of the trail. The purchaser must take possession of the trail. Motion carried.

Mayor Dahnke stated the next item on the agenda was the Library Card Resolution.

09-08-08-06 Motion by Mr. Ellefson and second by Mr. Strom to approve the following resolution. Motion carried.

**CITY OF BARNESVILLE
LIBRARY CARD SIGN-UP MONTH
PROCLAMATION**

WHEREAS: the smartest card is a library card;

WHEREAS: a library card opens up a world of opportunity for people of all ages;

WHEREAS: a library card is a ticket to quality family time, with something for everyone;

WHEREAS: a library card provides access to a goldmine of books, magazines, CD's, videos, computers, the Internet and more;

WHEREAS: libraries transform communities;

WHEREAS: children who have library cards and use the library perform better in school;

WHEREAS; BE IT RESOLVED; that I, Fred Dahnke proclaim September, Library Card Sign-Up Month in Barnesville, Minnesota and encourage everyone to sign up for the smartest card at your library.

Fred Dahnke
Mayor

Attest:

Jeri L. Reep
City Clerk

Mayor Dahnke stated the next item on the agenda was the system upgrade for the 900 block of 2nd Ave. SE and 3rd Ave. SE. TEC Coordinator Guy Swenson informed council members that this is to bury the primary power lines at 900 block of 2nd Ave SE and 3rd Ave. SE, not to exceed \$12,000.

09-08-08-07 Motion by Mr. Hagen and second by Mr. Davis to approve the system upgrade at 900 2nd Ave. SE and 3rd Ave SE, not to exceed \$12, 00.00. Motion carried.

Mayor Dahnke stated the next item on the agenda was the 1st reading of Ordinance 2008-11, and ordinance to increase the cable rates.

09-08-08-08 Motion by Mr. Hagen and second by Mr. Ellefson to approve the 1st reading of Ordinance 2008-11. Motion carried.

ORDINANCE 2008-11

AN ORDINANCE TO ESTABLISH RATES FOR CABLE TV SERVICES.

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

WHEREAS, the rates for Cable TV services were previously established by City Council resolution; and

WHEREAS, the City Council did previously enact Ordinance 2008-04, an ordinance to set the monthly rate for cable TV services to institutions or businesses providing their tenants or guests with quality cable programming; and

WHEREAS, the Telephone/Electric/Cable TV (T.E.C.) Board for the City has recommended the following charges for Cable TV services apply;

NOW, THEREFORE, Ordinance No 2008-04 is replaced as follows:

Section 1. Per month service rate* (*plus applicable taxes and FCC charges*)

Current Jan. 1, 2009 July. 1, 2009

| | | | |
|---------------------|---------------|---------------|---------|
| Economy Basic Cable | \$13.95 | \$15.95 | \$15.95 |
| Preferred Basic | \$37.95 | \$43.95 | \$45.95 |
| HD TIER ** | \$9.99 | \$9.99 | |

**** Requires Preferred Basic Service**

Section 2. Per month premium channel rate* (plus applicable taxes and FCC charges)

| | | | |
|---------|---------|---------|---------|
| HBO | \$12.00 | \$12.25 | \$12.50 |
| CINEMAX | \$ 8.00 | \$ 8.25 | \$ 8.50 |

Section 3. Per month premium channel package rate* (plus applicable taxes and FCC charges)

| | | | |
|--------------|---------|---------|---------|
| HBO/CINEMAX | \$18.00 | \$18.25 | \$18.50 |
| STARZ/ENCORE | \$ 7.95 | \$ 7.95 | \$ 7.95 |

Section 4. Per Month equipment charges (plus applicable taxes and FCC charges)

Each Cable customer will be allowed up to two (2) Standard Definition (SD) Set Top Boxes or 1 High Definition (HD) Set Top Box at no charge per month.

Additional boxes will be charged at the following monthly rates:

Standard Definition Set (SD) Top Boxes \$4.95 per month per box
High Definition (HD) Set Top Boxes \$8.95 per month per box
Standard Definition (SD) Digital Video Recorder (DVR).... \$10.95 per month per box

Set Top Boxes can be purchased at the following Rates:

Standard Definition Set (SD) Top Boxes Purchase Price \$87.40 per box
High Definition (HD) Set Top Boxes Purchase Price \$327.75 per box
Standard Definition (SD) Digital Video Recorder (DVR) Purchase Price \$362.00 per box

Section 5. Monthly cable TV costs for businesses and institutions such as Nursing homes, Assisted living, Hotels and Motels. This section is exclusive to the above mentioned institutions

BULK RATE:*

Utilize the current monthly Basic/Preferred Basic rate plus the total number of living units multiplied times the current wholesale cost of programming.

Utilize a mix & match process. Subscribe to Preferred Basic for the "House" location and the Basic rate for the resident units

Example:

Preferred Basic*

\$37.95 plus 11 living units x \$23.20 (the wholesale cost of

programming) = \$293.15 plus tax and FCC charge.

Effective January 1, 2009

\$43.95 plus 11 living units x \$23.20 (the wholesale cost of programming) = \$299.15 plus tax and FCC charge.

Effective July 1, 2009

\$45.95 plus 11 living units x \$23.20 (the wholesale cost of programming) = \$301.15 plus tax and FCC charge.

Economy Basic*

\$13.95 plus 11 living units x \$6.00 (the wholesale cost of programming) = \$79.95 plus tax and FCC charge.

Effective January 1, 2009

\$15.95 plus 11 living units x \$6.00 (the wholesale cost of programming) = \$81.95 plus tax and FCC charge.

Mix & Match* (Preferred Basic & Basic)

\$37.95 plus 11 living units x \$6.00 (the wholesale cost of programming) = \$103.95 plus tax and FCC charge.

Effective January 1, 2009

\$43.95 plus 11 living units x \$6.00 (the wholesale cost of programming) = \$109.95 plus tax and FCC charge.

Effective July 1, 2009

\$45.95 plus 11 living units x \$6.00 (the wholesale cost of programming) = \$111.95 plus tax and FCC charge

Premium Channels*

HBO: \$12.00 per month per subscriber when provided on an individual occupant basis.

\$4.00 per month per subscriber when provided to all occupants.

Cinemax: \$8.00 per month per subscriber when provided on a individual occupant basis.

\$4.00 per month per subscriber when provided to all occupants.

Starz/Encore: \$7.95 per subscriber

Section 5-6 Service Charges

New Install \$49.95
Applicable to a residence/business to which Cable TV service has never been installed. Does not apply to multi-tenant buildings.

Relocates: \$19.95

Relocating established cable service from one location to another.

Install additional outlet: \$15.00
Outlets installed at the time when service is established or relocated.

Reconnect: \$19.95
Restoring service previously disconnected.

Service Call: \$19.95
Charge applies for services performed at user's request. Also applies when repair calls are made as a result of defective or improperly tuned customer owned equipment.

Install Outlet: \$19.95
Charge applies to each additional outlet installed at a current subscriber's location.

*Premium channels not included. All rates subject to change.

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 10th day of March, 2008.

APPROVED:

Fred Dahnke, Mayor

ATTEST:

Michael Brethorst
Chief Operations Officer

First Reading: September 8, 2008
Second Reading October 13, 2008
Adopted: October 13, 2008
Published: October 20, 2008

Mayor Dahnke stated the next item on the agenda was the utility billing policy. COO Mike Brethorst presented council members the financial impact if the city was to change the policy. Mr. Brethorst stated that staff recommendation was option D-which is to make no changes to the policy. Mr. Brethorst stated that People Service is working on a rate study for the City to get

updated projections. Council member Roger Cooper stated that he would like to see the billing as is, with a new rate study in 90 days.

09-08-08-09 Motion by Mr. Cooper and second by Mr. Ellefson to table the utility billing policy for 90 days. Mr. Cooper changed his motion to table his motion until the October regular meeting, second by Mr. Ellefson. Motion carried.

Mayor Dahnke stated the next item on the agenda was the discussion of the water discoloration. Mayor Dahnke stated that there are a lot of citizens concerned about the water quality, and would like to work together with People Service to get this resolved. Mr. Paul Christiansen with People Service thanked the council and citizens for their patience to get this resolved. Mr. Christianson stated that the water quality is coming from the distribution plant, not from the water plant. Mr. Christianson stated that this problem is not unique to the city of Barnesville. The council members had no other questions for Mr. Christianson.

Mayor Dahnke stated the next item on the agenda was the 1st reading of Ordinance 2008-12, a noise ordinance revision. Police Chief Dean Ernst stated that this will define the ordinance.

09-08-08-10 Motion by Mr. Hagen and second by Mr. Ellefson to approve the 1st reading of Ordinance 2008-12. Motion carried.

ORDINANCE NO. 2008-12__

AN ORDINANCE TO AMEND AND REENACT SECTIONS 10.41 AND 10.43 OF THE BARNESVILLE CITY CODE RELATING TO DISORDERLY CONDUCT.

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

SECTION 1. Section 10.41 of the Barnesville City Code is hereby amended and reenacted to read as follows:

SEC. 10.41. DISORDERLY CONDUCT. It is unlawful for any person, in a public or private place, knowing, or having reasonable grounds to know, that it will, or will tend to, alarm, anger or disturb others or provoke any assault or breach of the peace, to do the following: (1) engage in brawling or fighting; or, (2) disturb an assembly or meeting, not unlawful in its character; or, (3) engage in offensive, obscene or abusive language or in boisterous and noisy conduct tending reasonably to arouse alarm, anger or resentment in others; or, (4) willfully and lewdly expose his/her person or the private parts thereof, or procure another to so expose himself or herself; and any open or gross lewdness or lascivious behavior, or any act of public indecency; or, (5) whether or not posted with signs so prohibiting, voluntarily enter the waters of any river or public swimming pool at any time when said waters are not properly supervised by trained life-saving personnel in attendance for that purpose, or enter such waters without being garbed in a bathing suit sufficient to cover his/her person and equal to the standards generally adopted and accepted by the public; or, (6) urinate or defecate in a place other than (a) if on public property then in a plumbing fixture provided for that purpose, or (b) if on the private property of another then in a plumbing fixture provided for that purpose, or (c) if on private property not owned or controlled by another, then within a building; or, (7) cause the making or production of an

unnecessary noise by shouting or by any other means or mechanism including the blowing of any automobile or other vehicle horn; or, (8) use a sound amplifier upon streets and public property without prior written permission from the City; or, (9) use a flash or spotlight in a manner so as to annoy or endanger others; or, (10) cause defacement, destruction, or otherwise damage to any premises or any property located thereon; or, (11) strew, scatter, litter, throw, dispose of or deposit any refuse, garbage, or rubbish unto any premises except into receptacles provided for such purpose; or, (12) enter any motor vehicle of another without the consent of the owner or operator; or, (13) fail or refuse to vacate or leave any premises after being requested or ordered, whether orally or in writing, to do so, by the owner, or person in charge thereof, or by any law enforcement agent or official; provided, however, that this provision shall not apply to any person who is owner or tenant of the premises involved nor to any law enforcement or other government official who maybe present thereon at that time as part of his/her official duty, nor shall it include the spouse, children, employee or tenant of such owner or occupier.

SECTION 2. Section 10.43 of the Barnesville City Code is hereby amended and reenacted to read as follows:

SEC. 10.43. DISORDERLY CONDUCT - NOISY PARTIES NOISE CONTROL REGULATIONS.

Subd. 1. ~~It is unlawful for any person or persons to congregate on any private lands because of, or participate in, any party or gathering of people from which noise emanates of a sufficient volume or of such nature as to disturb the peace, quiet or repose of other persons. Any owner or person in lawful possession or control of such private lands who has knowledge of the disturbance and fails to immediately abate said disturbance shall be guilty of a violation of this Section.~~ **Unlawful to Make Loud or Unnecessary Noises:** It shall be unlawful for any person to make, or cause to be made, any loud, unnecessary or unusual noise which either annoys, disturbs, or affects the comfort, repose, health, or peace of others.

Subd. 2. ~~It is unlawful for any person or persons to congregate on any private lands of another because of, or participate in, any party or gathering of people in the absence of the owner of said private lands being present, without first having obtained written permission from the landowner or other person in lawful possession of such private lands. Such written permission shall at all times be in the possession of one or more persons at the site of such congregation. The document containing the written permission must bear the signature of the landowner and date of the permitted use. Failure to display written permission upon request shall be considered prima facie evidence of an absence of permission from the owner.~~ **Unlawful Acts:** The following acts set forth in the following subsections are declared to be loud, disturbing, and unnecessary noises in violation of this section, but said enumeration shall not be deemed to be exclusive:

1. Horns; Signaling Devices: The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle, except as a danger warning.

2. Radios, Tape and Disc Players, Etc.: The using, operating, or permitting to be played any radio receiving set, tape or disc player, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner, considering the time and place and the purpose for which the sound is produced, as to disturb the peace, quiet or repose of a person or persons of ordinary sensibilities.
- a. The play, use, or operation of any radio, tape or disc player, musical instrument, phonograph or other machine or device for the production or reproduction of sound in such a manner as to be plainly audible at a distance of fifty feet (50') from such machine or device shall be prima facie evidence of a violation of this Section.
 - b. When sound violating this Section is produced or reproduced by a machine or device that is located in or on a vehicle, the vehicle's owner is guilty of the violation, provided, however, that if the vehicle's owner is not present at the time of the violation, the person in charge or control of the vehicle at the time of the violation is guilty of the violation.
 - c. Persons or entities may apply for a sound amplification permit from the City for events or activities which may otherwise violate the terms of this Section. The guidelines for the issuance of permits are set by a resolution adopted by the City Council.
 - d. This Section shall not apply to sound produced by the following:
 - (1) Amplifying equipment used in connection with activities which are authorized, sponsored or permitted by the City, as long as the activity is conducted pursuant to the conditions of the license, permit or contract authorizing such activity.
 - (2) Church bells, chimes or carillons.
 - (3) School bells.
 - (4) Anti-theft devices.
 - (5) Machines or devices for the production of sound on or in authorized emergency vehicles.
 - (6) Sound amplifying equipment used to announce sporting events at athletic facilities owned by the City, the Barnesville Public School District, or any parochial schools in the City.

e. With the exception of the machines or devices listed in subsection B2d of this Section, this Section shall apply to all radios, tape and disc players, musical instruments, phonographs, and machines and devices for the production or reproduction of sound, whether on public or private property.

3. Loudspeakers And Amplifiers For Advertising: The using, operating, or permitting to be played any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure in any residentially zoned district or in any district between the hours of ten o'clock (10:00) p.m. and eight o'clock (8:00) a.m.

4. Yelling, Shouting, Etc.: Yelling, shouting, hooting, whistling, or singing at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel, motel, or other place of residence, or of any persons in the vicinity.

5. Animals; Birds: The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort or repose of any persons in the vicinity.

6. Whistles or Sirens: The blowing of a locomotive whistle or steam whistle attached to any stationary boiler or any siren whatsoever except to give notice of the time to begin or stop work or as a warning of fire or danger, or by public emergency vehicles.

7. Exhausts: The discharge into the open air of the exhaust of any vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

8. Defect in Vehicle or Load: The use of any automobile, motorcycle, or vehicle so out of repair, so loaded, or in such manner as to create loud and unnecessary grating, grinding, rattling, or other noise which shall disturb the comfort or repose of any persons in the vicinity.

9. Sound Trucks: The use of sound trucks or any other vehicle equipped with sound amplifying devices for any purposes except as permitted by subsection B3 of this Section or pursuant to a permit issued pursuant to subsection B2c of this Section.

10. Schools, Courts, Churches, and Hospitals: The creation of any excessive noise on any street or private property adjacent to any school, institution of learning, church, court, or hospital while the

same are in use which unreasonably interferes with the use thereof, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.

11. Hawkers; Peddlers: The shouting and crying of peddlers, hawkers, and vendors which disturbs the peace and quiet of the neighborhood.

12. Blowers: The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of aerating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.

13. Noisy Parties and Gatherings:

a. Prohibition: No person shall, between the hours of ten o'clock (10:00) p.m. and eight o'clock (8:00) a.m. congregate at, or participate in any party or gathering of two (2) or more people from which noise emanates of a sufficient volume so as to disturb the peace, quiet, or repose of another person. No person shall knowingly remain at such a noisy party or gathering.

b. Evidence: Noise of such volume as to be clearly audible at a distance of fifty feet (50') from the structure or building in which the party or gathering is occurring, or in the case of apartment buildings, in the adjacent hallway or apartment, shall be prima facie evidence of a violation of this Section.

c. Duty To Disperse: When a police officer determines that a party or gathering is in violation of this Section, the officer may order all persons present at the premises where the violation is occurring, other than the owner or tenants of the premises, to disperse immediately. No person shall knowingly remain at such a party or gathering.

d. Cooperation of Owner or Tenant: Every owner of such premises, or tenant in charge of such premises, who has knowledge of the disturbance shall cooperate with such police officer or officers and shall make reasonable efforts to stop the disturbance and disperse the gathering.

e. Exceptions: The following are exempt from violation of this Section:

(1) Activities which are duly authorized, sponsored or licensed by the City, so long as the activity is conducted pursuant to the conditions of the license, permit or contract authorizing such activity.

(2) Church bells, chimes or carillons.

(3) Persons who have gone to a party for the sole purpose of abating the violation.

(4) Sporting events held at athletic facilities owned by the City, the Barnesville Public School District, or any parochial schools in the City.

f. Prima Facie Evidence of Violation by Owner or Tenant of This Section:

(1) As to tenants, and owner if owner resides on the premises, if twice or more on the same day, or if on successive days, the Barnesville Police Department is called upon to enforce the terms of this Section either by citizen complaint or by personal investigation of a peace officer.

(2) As to the owner, if the owner does not reside at the premises, if after owner receives written notice of three (3) violations of this Section by his tenants at any premises owned by owner in the City within a six (6) month period, and after receipt of such written notice, the Barnesville Police Department is called upon to enforce this Section either by citizen complaint or by personal investigation of a peace officer.

~~**Subd. 3.** A violation of subdivision 1 or 2 of this section shall give a peace officer the authority to order all persons present, other than persons identifying themselves as the owner or person in lawful possession or control of such land, to immediately disperse. Any person who shall refuse to leave after being ordered to do so by a peace officer shall be guilty of a violation of this section. Penalty: Any person violating any provisions of this Section shall be, upon conviction, penalized in accordance with the provisions of Section 1.03 of this Code.~~

SECTION 3. This ordinance shall take effect upon publication in accordance with the Barnesville City Charter.

PASSED by the City Council of the City of Barnesville this ____ day of _____, 2008.

APPROVED BY:

Mayor

ATTEST:

City Clerk

First Consideration: September 8, 2008

Second Consideration: October 13, 2008

Date of Publication: October 20, 2008

Mayor Dahnke stated that next item on the agenda is the 2nd reading of Ordinance 2008-10, an ordinance on geothermal heating systems.

09-08-08-11 Motion by Mr. Davis and second by Mr. Strom to approve the 2nd reading of Ordinance 2008-10. Motion carried.

Ordinance 2008-10
AN ORDINANCE TO AMEND CHAPTER 19 OF THE BARNESVILLE
MUNICIPAL CODE RELATING TO CONSOLIDATED FEES, RATES AND
CHARGES:

BE IT ORDAINED by the City Council of the City of Barnesville that Chapter 19 is hereby amended by adding:

CHAPTER 11

| | | |
|-------------------|-----------------------------------|-----------------|
| SEC. 11.65 | GEOTHERMAL HEATING SYSTEMS | |
| Subd. 9 | Application Fee | \$150.00 |

EFFECTIVE DATE: This ordinance becomes effective upon its passage and enactment, followed by publications according to law.

PASSED AND ADOPTED by the Barnesville City council this 8th day of September, 2008.

By:

Fred Dahnke
Mayor

Attest to:

Jeri L. Reep
City Clerk

First Reading: August 11, 2008
Second Reading: September 8, 2008
Published: September 15, 2008

Mayor Dahnke stated the next item on the agenda was the drainage study on the Commercial Park.

Mr. Dan Hanson with Ulteig Engineers discussed with council members the I-94 commercial Park Expansion. Mr. Hanson stated that by having one southern pond is of the most benefit to the City based upon the following: 1. the efficiency obtained by constructing one pond as proposed to two ponds. 2. There will be more developable land remaining with the southern pond alternative. 3. There will be one benefit to the entire watershed area from the trunk storm sewer line allowing the city to assess deferred costs. 4. With one pond, there will be less future maintenance costs to the city. 5. It allows for future rear yard drainage for the future lots south of 4th Avenue to overland flow to the pond without installing storm sewer piping. Mr. Hanson stated that this is a study only. Council members had no other questions for Mr. Hanson.

Mayor Dahnke stated the next item on the agenda was the EDA lot split request.

EDA Director Karen Lauer informed council members that this request for a lot split is for Block 1, Lot 1 of the Barnesville Commercial Park to be split into two parts. The south 90 feet of the lot is to be sold as part of a business transaction, and the north area will be retained by the Barnesville EDA.

09-08-08-12 Motion by Mr. Cooper and second by Mr. Krause to approve the lot split in the Commercial Park, Block 1, Lot 1 to be split into two parts. The south 90 feet of

the lot is to be sold as part of a business transaction, and the north area will be retained by the Barnesville EDA. Motion carried.

Mayor Dahnke stated the next item on the agenda is the Habitat for Humanity Home special discussion.

EDA Director Karen Lauer discussed with council members that Lake Agassiz Habitat for Humanity is interested in constructing a Habitat home in Barnesville in 2009. At the EDA meeting, the EDA went on record with the intent to donate the former "Johnny Johnson" 100 x 130 lot for the construction of the home. This lot was a tax forfeit lot which was acquired by the EDA for a public purpose. By providing this home to the Habitat to Humanity would meet that definition.

09-08-08-13 Motion by Mr. Ellefson and second by Mr. Strom to approve to reduce the specials in the amount of \$5500.00 at the former Johnny Johnson 100 x 130' lot in Holland Addition, and setting up a 15 year payment schedule. Motion carried.

Mayor Dahnke stated the next item on the agenda was the Dave and Melissa Johnson CUP request.

EDA Director Karen Lauer informed council members that Dave and Melissa Johnson have asked for a CUP at Block 1, Lots 3,4,5,6, 7 and a portion of Lot 1, Barnesville Commercial Park. Mrs. Lauer stated that it is staff recommendation to approve the CUP for the construction and operation of a Modular Home Sales Center and Display with the following conditions.

1. The Development Control Board approves the plans and specs for the development of the property.
2. Building permits will be obtained for the construction of the 40' x 80' pole building as well as the office which will be required to be placed on a permanent foundation per the City's zoning ordinance.
3. Only modular homes can be displayed and sold on the property. If trailer units are to be added to the inventory, application will be required for an additional CUP.
4. The City of Barnesville reserves the right to inspect the property for compliance with these conditions.

09-08-08-14 Motion by Mr. Ellefson and second by Mr. Cooper to approve the Dave and Melissa Johnson CUP, with the conditions as set forth as above, at the Barnesville Commercial Park, Block 1, Lots 3,4,5,6,7 and a portion of Lot 1. Motion carried.

Mayor Dahnke stated the next item on the agenda was an update on the building permit at 420 2nd Ave. NW. This is the house located behind Barnesville Chiropractic Clinic. Council member Jeremy Krause informed council members that Building Officer Roland

Holm has been contacting the homeowner, and the homeowner is hoping to complete the outside of the home by snowfall. Council members directed City Attorney John Shockley to send a warning letter to the homeowner.

09-08-08-15 Motion by Mr. Strom and second by Mr. Ellefson to direct City Attorney John Shockley to send a letter to Mr. Robert Woscik concerning his building permit at 420 2nd Street NW. Motion carried.

Mayor Dahnke stated the next item on the agenda was the 2009 preliminary levy resolution. COO Mike Brethorst stated that the levy may go down, but the council cannot increase it after the resolution is adopted. Mr. Brethorst stated that the 2009 tax capacity is a 15% increase.

09-08-08-16 Motion by Mr. Krause and second by Mr. Ellefson to approve the following preliminary levy resolution. Those voting in favor of were council members Roger Cooper, Larry Davis, Jr., Del Ellefson, Chad Hagen, Jeremy Krause, and Merlin Strom. Those voting against: none. Motion carried.

2009 PRELIMINARY LEVY RESOLUTION

NUMBER 09-08-08-16

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 2008, payable in the year 2009, for the following purposes to-wit:

2009 LEVY

| | ACTUAL 2008 | 2009 |
|--|------------------------|-------------|
| General Fund - General | 281,500 | 0 |
| General Fund - Police | 0 | 0 |
| General Fund - Admin | 0 | 0 |
| General Fund - Parks | 0 | 266,000 |
| General Fund - Streets | 0 | 0 |
| General - Ambulance | 0 | 57,000 |
| General - Golf Course | 0 | 8,000 |
| 2003A GO Street Reconstruction (FUND 311) | 25,565 | 24,904 |
| 2003A GO Street Reconstruction (FUND 311) - GAP | | 25,098 |
| 2002 GO Bond Debt Service \$1,355,000 (FUND 308) | 64,000 | 0 |
| 2005A GO BOND DEBT SERVICE (FUND 312) | 4,978 | 3,206 |
| 2005A GO BOND DEBT SERVICE (FUND 312) - GAP | 0 | 46,794 |
| SEWER TREATMENT BOND (FUND 602) | 0 | 0 |

| | | |
|--|---------|---------|
| DEL ACRES GILBERTSON PRE LEVY (FUND 314) | 0 | 7,000 |
| EDA - SPECIALS - STONERIDGE | 12,167 | 12,167 |
| Total Levy | 388,210 | 450,169 |

Before 2009 Tax Capacity 28.09%
 After 2009 Tax Capacity 15%

Adopted this 8th day of September, 2008.

Approved this 8th day of September, 2008.

Fred Dahnke
 Mayor

ATTEST:

Michael M. Brethorst
 Chief Operating Officer

Mayor Dahnke stated the next item on the agenda was the 2009 preliminary budget resolution. COO Mike Brethorst informed council members that the 2009 preliminary budget is \$8,122,391.00.

09-08-08-17 Motion by Mr. Cooper and second by Mr. Hagen to approve the 2009 preliminary budget. Those voting in favor were the following: Council members Chad Hagen, Roger Cooper, Del Ellefson, Larry Davis, Jr., Merlin Strom and Jeremy Krause. Those voting against: None. Motion carried.

CITY OF BARNESVILLE
 OF CLAY COUNTY, MINNESOTA
 PRELIMINARY BUDGET
 RESOLUTION # 09-08-08-17

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 2008 preliminary Budget be adopted.

I. 2009 Budget \$ 8,122,391

Adopted this 8th day of September, 2008.

Approved this 8th day of September, 2008.

Fred Dahnke
Mayor

Attest: _____
Michael Brethorst
City Administrator

Mayor Dahnke next asked for a motion to adjourn the meeting.

09-08-08-18 Motion by Mr. Davis and second by Mr. Strom to adjourn the meeting at 8:15 p.m. Motion carried.

Submitted by:

Attest:

Jeri L. Reep
City Clerk

Fred Dahnke
Mayor

