

**Barnesville City Council
Regular Meeting
January 10, 2005**

Mayor Ken Bauer called this meeting to order at 7:00 p.m. Present were Mayor Ken Bauer and Council Members Chad Hagen, Roger Cooper, Del Ellefson, Charles Martinson and Guy Swenson. Absent was Council member Kim Simonsen. Others in attendance were COO Michael Brethorst, Police Chief Dean Ernst, EDA Director Karen Lauer, General Manager Gerald Dow, Public Works Superintendent Dave Riddering, Acting Water Superintendent Les LaFayette, City Attorney Michael Hannaher, Animal Control Officers Terry Lapos and Nikki Bartelson, Deputy Clerk Jeri Davis, Paul Christensen from People Services, Richard and Emy Hanson, Jeremy Krause, Jerry Tenderholt, Building Inspectors Don Sakry and Roland Holm, Scott and Michelle Zajac and Pam Aakre from the Record Review.

Mayor Bauer stated the first item on the agenda was the pledge of allegiance. All rose to recite the pledge of allegiance.

01-10-05-01

Motion by Mr. Hagen and second by Mr. Martinson to approve the consent agenda as presented. Motion carried.

Mayor Bauer next went thru the board and commission reports. Erica Maligen and Jessica Knight presented the Youth Alive report to the council.

01-10-05-02

Motion by Mr. Ellefson and second by Mr. Martinson to approve the board and commission reports as presented.

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

Mr. Jeremy Krause approached the council to discuss a recent ambulance call to his mother's residence. Mr. Krause stated that the ambulance and police department had received an incorrect 911 address from dispatch. Mr. Krause felt an apology from the city to the police and ambulance department should be done. General Manager Gerald Dow stated that he had spoke to the Police Chief today about this call. Mr. Dow stated that the data base was correct in the telephone system but would check into it further to see where the problem was.

Police Chief Dean Ernst introduced Nikki Batelson to the council. Mrs. Bartelson is the new Animal Control Officer.

Mr. Ken Just, representing the VFW Post 4628 approached the council to commend the City for the improvements on Front Street. The local VFW Post benefited from these funds and they appreciated the improvements.

Mayor Bauer asked if there were any other citizens present to be heard. There was none.

Mayor Bauer stated the next item on the agenda was the building code enforcement at 116 2nd Street NE. Emy Hanson discussed with council a few concerns that they had with the city. Mrs. Hanson questioned the city council on why they advertised for a business that wasn't certified as a building contractor. Mayor Bauer informed Mrs. Hanson that the council would not be able to make a decision on these issues tonight, but would refer this matter over to the legal counsel. City Attorney Michael Hannaher recommended that the city utilize a different legal firm to resolve these concerns.

01-10-05-03

Motion by Mr. Cooper and second by Mr. Swenson to compile data and history on this project at 116 2nd Street NE and report back to council with a recommendation as to what additional options are available. Motion carried.

Emy Hanson next discussed with council members a request to reimburse her for sanitation fees for her former property since she was billed sanitation fees at another location during this time also.

01-10-05-04

Motion by Mr. Swenson and second by Mr. Hagen to reimburse Emy Hanson \$110.50 for sanitation fees at 116 2nd Street NE. Motion carried.

EDA Director Karen Lauer next discussed with council members a CUP request for a Pre-Built Home for Scott and Michelle Zajac. Mrs. & Mrs. Zajac are requesting to place a pre-built home on Block 4, Lot 1, Holland Addition. The Zajacs will also add an attached two-stall garage on the home, which will match the home.

01-10-05-05

Motion by Mr. Ellefson and second by Mr. Martinson to approve the CUP request for Scott and Michelle Zajac to place a pre-built home on Block 4, Lot 1, Holland Addition with the conditions as recommended. Building Inspector Don Sakry stated that these are good solid homes. Motion carried.

COO Michael Brethorst discussed with council the proposed sign ordinance. Mr. Brethorst stated that this ordinance is a little clearer of what we want. Council member Roger Cooper questioned section 17.12-the size of a sign. Planning Commission member Jeremy Krause stated that this item was discussed with previous City Administrator Ray Miller and that the Planning Commission has gone thru this ordinance again.

01-10-05-06 Motion by Mr. Ellefson and second by Mr. Martinson to approve the first reading of the sign ordinance. Motion carried.

AN ORDINANCE RESCINDING ARTICLE 4, SECTION 17 OF THE BARNESVILLE

ZONING ORDINANCE (SECTION 17 REGULATING SIGNAGE) SECTION 17.00
PERTAINING TO AND REGULATING SIGNAGE SHALL BE REPLACED IN
WHOLE WITH ORDINANCE XXXXXXXX

ORDINANCE REWRITE – 1/03/05

ARTICLE 4 - SUPPLEMENTARY DISTRICT REGULATIONS

SECTION 17.00
SIGNAGE

17.01 General: The purpose of this section is to protect, insure, maintain and regain the natural and scenic beauty and attractiveness of the roadsides throughout the city. By the construction of public roads, the public has created views to which the public retains a right-of-view and it is the intent of these standards to prevent the taking of that right. Signs are recognized as accessory uses and are permitted in all districts subject to the regulations of this Ordinance.

Some general provisions of the sign ordinance include the following:

- a. All permanent sign installations require a building permit except for political signs, temporary signs, identification signs, construction signs, and real estate signs 16 square feet or less of aggregate signage (ie. front and back total).
- b. No sign shall be allowed that is a hazard to the public health, safety, convenience, welfare, or that prevents ingress or egress, from any door, window or fire escape; that tends to accumulate debris as a fire hazard; or that is attached to a standpipe or fire escape.
- c. The regulations contained herein do not apply to signs painted, attached by adhesive, or otherwise attached directly to or visible through windows and glass portions of doors.
- d. No sign may be erected that, by reason of position, shape, movement, color or any other characteristic, interferes with the proper functioning of a traffic sign or signal or otherwise constitutes a traffic hazard. No signs shall be permitted which would interfere with traffic control.
- e. Private traffic circulation signs and traffic warning signs in alleys, parking lots, or in other hazardous situations may be allowed on private property, provided that such individual signs to not exceed 3 square feet and are utilized exclusively for the purposes intended.

f. Signs are prohibited within the public right-of-way of any street or easement except in those commercially zoned areas where buildings are built up to the street right-of-way. In those areas, signs may project out from the building but must leave at least eight feet clear below the sign, must be set back at least one foot from a vertical line drawn above the curb, and must not exceed 32 square feet in area.

g. Any sign which constitutes a hazard to traffic including, but not limited to, signs located within the sight triangle of an intersection, which shall be within thirty feet (30') of an intersecting curb line of an intersection, if it shall impede vision between a height of thirty inches (30") and eight feet (8').

h. In any zoning district, animal displays, lights directed skyward, pieces of sculpture, fountains, or other displays or features which do not clearly fall within the definition of a sign, but which direct attention to a product, place, activity, institution, organization or business shall be considered a conditional use.

i. Signs giving off an intermittent or rotating beam or ray of light shall be prohibited.

j. No sign shall contain any indecent or offensive picture or written matter. The Zoning Officer shall be given the authority to determine offensive nature. The Planning Commission will decide any appeal.

k. In all zoning districts, one identification sign shall be required per building except accessory structures and residential buildings which shall only be required to display the street address or property number.

l. It is the obligation of the installer of any sign to check for any or all underground utilities and services before excavating for sign foundations.

17.02 Definitions:

a. Banner sign – a temporary sign made of durable, weather resistant fabric or other non-rigid material, with no framework.

b.

Business sign - a sign which directs attention to a business, commodity, or to a commodity service or entertainment sold or offered upon the premises where such a sign is located.

c.

Electronic sign - a sign that utilizes LCD or similar technology to display time, temperature or messages on either a fixed or moving basis, using words and/or graphics..

d. Illuminated sign - a sign characterized by the use of artificial light, either projecting through its surface(s), internally illuminated, or reflecting off its surfaces(s).

e.

Off-Premise Advertising Sign – any sign which directs attention to a business, profession, product, service, activity or entertainment not conducted, sold or offered on the premises upon which the sign is located.

f.

Political sign - a sign that sponsors a particular candidate for a particular election.

g.

Portable sign – any sign which is constructed so as to be movable, either by skids, wheels, truck or other conveyance; any sign which does not have a permanent foundation or is otherwise permanently fastened to the ground and/or which is not wired for electricity in accordance with this code. When on a trailer, the removal of the wheels or undercarriage does not place the sign in another category; neither does the anchoring of the sign by means of concrete blocks, sandbags, or other types of temporary anchors.

h. Real Estate sign - a sign which offers a structure or lot for sale, rent, or trade.

17.03 Banner Signs. Temporary advertisement signs in the form of durable, weather resistant banners may be erected with a temporary sign permit, provided:

a. The total area of all temporary signs in the form of banners must not exceed 200 square feet and two signs per building.

b.

Banners are allowed to be displayed on existing fences, accessory buildings, and principal building facades providing they meet the setback requirements.

c.

In a multi-tenant structure the banner must not exceed the width of the front of the space to be occupied or 200 square feet, whichever is less.

d.

Each business is allowed a maximum of 20 permits in a calendar year. Each permit will be for 90 days. No temporary sign permit will be issued to any business or institution

found guilty of violating the provisions of the temporary sign ordinance more than once in the previous calendar year.

17.04 Business Signs

In commercial and industrial districts, on-site signs shall be permitted according to the following provisions:

a. One monument or freestanding sign and one wall mounted sign identifying the premises shall be allowed. In structures with joint tenancy and individual outside entrances, each tenant can have its own wall sign.

b. The maximum height of any freestanding sign shall be 25 feet from the ground to the top of the sign. A conditional use permit may be considered for taller signs.

c. There is no setback required from the edge of the road right-of-way to the nearest portion of any freestanding sign. Side yard setback is the same as for the building.

d.

The total area of freestanding signage shall not exceed 100 square feet.

e.

Wall signs may not exceed a maximum of five (5) square feet for every linear foot of building frontage. This formula applies to buildings with either single or joint tenancy.

17.05 Construction Signs

Construction signs shall not exceed 32 square feet in area. Such signs shall be removed when the project is complete.

17.06 Home-Based Business Signs

Individuals conducting a bona fide home-based business will be allowed one wall-mounted sign not to exceed an aggregate of 8 square feet facing the street and one free standing sign not to exceed 8 square feet aggregate

17.07 Illuminated Signs

Illuminated signs may be permitted by conditional use. Illuminated signs shall be diffused or indirect so as not to direct rays of light into adjacent property or onto any public way obstruct the view adjacent properties and or signage.

17.08 Motion Signs

Motion signs are permitted by conditional use in C-1, C-2 and I-1 zoning areas.

17.09 Off-Premise Signs

Off-Premise signs are permitted with the permission of affected property owner and said sign does not exceed the allowed signage for the parcel were the sign is located.

17.10 Political Signs

Political signs are allowed in any district, on private property, with the consent of the owner of the property. Such signs must be removed within 7 days following the date of the election or elections to which they are applied and may be displayed no earlier than 2 months before such date.

17.11 Portable Signs

An annual portable sign permit must be obtained from the City of Barnesville at a cost of \$15 prior to placement of a portable sign. Portable signs may be used for a period not to exceed thirty (30) days at a time. Upon removal of the portable sign it must be at least fourteen (14) days before a portable sign may be used at that location, provided that portable signage on that site does not exceed fifty-six (56) days within one calendar year.

a.

Portable signs may only be used in C-1, C-2 and I-1 zoning areas.

b. No portable sign may exceed sixty (60) square feet in area per side, with the sign face to not exceed six feet (6') in height or ten feet (10') in width, and may not exceed eight feet (8') in overall height.

17.12 R-1 and R-2 Residential Signs

a. Residential signs shall not exceed 2 square feet in area and bear only the name, and address of the occupants of premises.

b.

No dimension of a sign may be more than twice the other dimension.

17.13 R-3 Residential Signs

a.

One free-standing, monument or wall sign, not greater than forty-eight (48) square feet per face indicating the name and/or address of the building, as well as vacancy information. Signs from forty-eight (48) to sixty-three (63) square feet per face may be allowed with a Conditional Use Permit.

17.14 Real Estate Signs

Real estate signs for individual lots or structures may be placed in any yard provided such signs are not closer than 10 feet to any property line and they do not exceed 16 square feet.

Real estate signs may be erected for the purpose of selling or promoting a single-family or multiple-family residential project of ten or more dwelling units provided:

- a. Such signs shall not exceed 100 square feet in area.
- b. Only one such sign shall be erected on each road frontage with a maximum of 2 such signs per project.
- c. Such signs shall be removed from the project when it is totally completed, sold, or leased.
- d. Such signs shall not be located closer than 25 feet to any neighboring residence.

17.15 Roof Signs

Roof signs are permitted only by conditional use in C-1, C-2 and I-1 districts.

17.16 Sign Maintenance

- a. All signs and sign structures must be kept in good repair and in a proper state of maintenance, including, but not limited to, replacing lamps, replacing ballasts in freestanding signs, replacing transformers in building signs, painting the poles of freestanding signs, replacing or repairing the sign faces, replacing torn banners, and replacement of sign fasteners.
- b. Area around sign - the owner or lessee of any sign shall keep the grass, weeds, or other growth cut and the area free from refuse between the sign and the street and also for a distance of 6 feet behind and at the end of said sign.

17.17 Obsolete Signs

Any sign which no longer advertises a bona fide business conducted or a product sold shall be taken down and removed by the owner, agent or person having the beneficial use of the building or land upon which the sign may be found within 30 days after written notice from the Zoning Officer.

17.18 Unsafe or Dangerous Signs

Any sign which becomes structurally unsafe or endangers the safety of a building or premises or endangers the public safety as determined by the building inspector, shall be taken down and removed by the owner, agent, or person having the beneficial use of the building, structure, or land upon which the sign is located within 10 days after written notifications from the Zoning Officer.

17.19 Violations

If the Zoning Officer finds any sign in violation of this ordinance, a written notice will be issued to the owner and/or tenant specifying the violation and allowing fourteen (14) days to correct or remove the violation. If the violation is not corrected or discontinued within that time period, the owner and/or tenant of the property will be guilty of a misdemeanor,

and each day of violation after the initial time period as specified by written notice constitutes a separate offense.

COO Michael Brethorst discussed with council the adult entertainment ordinance. Mr. Brethorst stated that this was not included in the City Code, and should be.

01-10-05-06

Motion by Mr. Ellefson and second by Mr. Swenson to approve the first reading of the adult entertainment ordinance. Motion carried.

ORDINANCE NO. 2005-XX

AN ORDINANCE TO ADOPT STANDARDS FOR ADULT ENTERTAINMENT

**SECTION 11.71
ADULT ENTERTAINMENT**

11.71

Purpose: To minimize the detrimental effect that sexually-oriented businesses have on adjacent land uses, this Ordinance sets the standards for Adult Entertainment.

Definitions: The following words and terms when used in this section shall have the following meanings unless the context clearly indicates otherwise:

Adult Establishment

- a. Any business or other undertaking that is conducted exclusively for the patronage of adults and that excludes minors from patronage, either by operation of law or by policy or procedure of the owners or operators of the business; and
- b. Any business or other establishment, operation, venture or undertaking that engages in any Adult Use as defined in this Ordinance.

Adult Use

- a. Adult Body Painting Studio - An establishment or business which provides the service of applying paint or other substance, whether transparent or non-transparent to or on the body of a patron when such body is wholly or partially nude in terms of Specified Anatomical Areas as defined herein.
- b. Adult Bookstores - An establishment that has 25% or greater of its current store stock in merchandise, videos, books, magazines, software, computer programs and/or other periodicals which are distinguished or characterized by their emphasis of matters depicting, describing or relating to Specified Sexual Activities or Specified Anatomical

Areas as herein defined.

c. Adult Cabaret - A business or establishment that provides dancing or other live entertainment distinguished or characterized by an emphasis on the depiction of Specified Sexual Activities or Specified Anatomical Areas or the presentation, display or depiction of mater that seeks to arouse, evoke or excite sexual or erotic feelings or desire.

d. Adult Carwash - A wash facility for any type of motor vehicle that allows employees, agents, independent contractors, or persons to appear in a state of partial or total nudity in terms of Specified Anatomical Areas as defined herein.

e. Adult Companionship Establishment - A companionship establishment which excludes minors by reason of age, or which provides the service for a fee of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas as defined herein.

f. Adult Entertainment Facility - A building or space wherein an admission is charged for entrance, or food or nonalcoholic beverages are sold, intended or available for consumption, and wherein may be observed live presentation of entertainment distinguished or characterized by an emphasis on matters depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas as defined herein.

g. Adult Health/Sport Club - A health or sport club that excludes minors by reason of age and that is distinguished or characterized by emphasis on Specified Sexual Activities or Specified Anatomical Areas as defined herein.

h. Adult Hotel or Motel - A hotel, motel or other place of accommodation for hire that excludes minors by reason of age and presents or provides to its guests or visitors material distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.

i. Adult Modeling Studio - An establishment whose major business is the provision to customers of figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engage in Specified Sexual Activities as defined herein or display Specified Anatomical Areas as defined herein while being observed, painted, painted upon, sketched, drawn, sculptured, photographed or otherwise depicted by such customers.

j. Adult Motion Picture Arcade - A place at which the public is permitted or invited where coin or slug operated or electronically, electrically or mechanically controlled or operated still or motion picture machines, projectors or other image producing devices are used to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing Specified Sexual Activities or Specified Anatomical Areas.

k. Adult Motion Picture Theater - A building or space with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas as herein defined, for observation by patrons therein. The phrase "used for" in this definition shall mean a regular substantial course of conduct and not a one-time presentation of such material.

l. Adult Mini Motion Picture Theater - A building or space with a capacity for fewer than 50 persons used for presenting material distinguished or characterized by an emphasis on matters depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas as herein defined, for observation by patrons therein. The phrase "used for" in this definition shall mean a regular and substantial course of conduct and not a one-time presentation of such material.

m. Adult Novelty Business - A business or establishment that devotes 25% or more of its floor area, excluding store rooms, stock areas, offices, basements, bathrooms or any portion of the business not open to the public, to items or merchandise depicting Specified Sexual Activities or Specified Anatomical Areas or devises that either stimulate human genitals or are designed or used for sexual stimulation.

n. Adult Sauna - a sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas as defined herein.

General Terms

a. Dwelling Unit - one or more rooms arranged for residential use containing cooking, living, sanitary and sleeping facilities and physically separated from any other rooms or dwelling units which may be in the same structure.

b. Minor - Any natural person under the age of eighteen (18) years.

c. Nudity - Means uncovered, or less than opaquely covered post pubertal human genitals, pubic areas, the post pubertal human female breast below the point immediately above the top of the areola or the covered human male genitals in a discernible turgid state. For purpose of this definition, female breast is considered uncovered if the nipple only or the nipple and the areola only, are covered.

d. Public Library - any library that provides free access to all residents of a city or county without discrimination, receives at least half of its financial support from public funds, and is organized under the provisions of Minnesota Statutes, Chapter 14.

e. Public Park - a park, reservation, open space, playground, beach, or recreation center in the City owned, leased, or used, wholly or in part, by a City, County, State, School District or Federal Government for recreation purposes.

f. Place of Worship - a building or space that is principally used as a place where people of the same faith or religion regularly assemble for worship.

g. School - a building or space that is principally used as a place where twenty-five (25) or more persons receive a full course of educational instruction. Any post-secondary or post-high school educational building, including any college or any vocational-technical college shall not be deemed a school for purposes of this Section.

h. Sign - a name, identification, description, display, or illustration which is affixed to, painted, or represented directly or indirectly upon a building or other outdoor surface or piece of land and which directs attention to an object, project, place, activity, person, institution, organization, or business. However, a "sign" shall not include any display of official court or governmental office notices nor shall it include the flag, emblem, or insignia of a nation, political unit, school, or religious group. A "sign" shall not include a sign located completely within an enclosed building unless the context shall so indicate. Each display surface of a sign shall be considered a "sign."

i. Single-Family Dwelling - a residential building containing one dwelling unit as herein defined including detached, semi-detached and attached dwellings.

j. Specified Anatomical Areas - less than completely and opaquely covered:

1. human genitals, pubic region or pubic hair, or
2. buttock, or
3. female breast or breasts below a point immediately above the top of the areola; or
4. any combination of the foregoing; or
5. human male genitals in a discernible turgid state even if completely and opaquely covered.

k. Specified Sexual Activities - include the following:

1. Human genitals in a discernible state of sexual stimulation or arousal; or
2. Acts of human masturbation, sexual intercourse or sodomy; or
3. Fondling or other erotic touching of human genitals, pubic region or pubic hair, buttock or female breast or.
4. Any combination of the foregoing.

l. State-Licensed Family Day Care Home, State-Licensed Group Family Day Care Home, State-Licensed Child Care Center - a facility holding a license from the State of Minnesota pursuant to Minnesota Statutes, Chapter 245A, and/or Minnesota Rules, Chapter 9502 or Chapter 9503, as amended.

m. Sexually-Oriented Business - an adult establishment or an adult use defined in this Section.

Zoning Regulations

a. Sexually-oriented businesses shall be only allowed in the C-2 district. and shall require a conditional use permit provided the following conditions met:

1. No sexually-oriented business shall be located closer than 1,000 feet from any other sexually-oriented business. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point of the actual business premises of the sexually-oriented business to the nearest point of the actual business premises of any other sexually-oriented business.

2.

No sexually-oriented business shall be located closer than 1,000 feet from any single family dwelling, two-family dwelling, multiple-family dwelling, planned unit development, mobile home park, place of worship, school, public park, state-licensed family day care home, state-licensed group family day care home, public library, or state-licensed child care center. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point of the actual business premises of the sexually-oriented business to the nearest point of the property line of property used as a single-family dwelling, place of worship, school, park, or state-licensed family day care home, state-licensed group family day care home, or state-licensed child care center.

COO Michael Brethorst stated that the ordinance to adopt standards for minor subdivision Chapter 12 was not included in the City Code and should be.

01-10-05-07

Motion by Mr. Cooper and second by Mr. Martinson to approve the first reading to adopt standards for minor subdivision Chapter 12. Motion carried.

ORDINANCE NO. 2005-XX

AN ORDINANCE TO ADOPT STANDARDS FOR MINOR SUDDIVISION CHAPTER 12

THE CITY OF BARNESVILLE DOES HEREBY ORDAIN :

Chapter 12, Subsection 12.08 – Words and Terms Defined

Major Subdivision: Subdivision of five (5) or more lots.

Minor Subdivision: Subdivision of four (4) or fewer lots.

Chapter 12 Subsection 12.51 - Minor Subdivisions

When in the best interest of the City and in cases of minor subdivisions, the Zoning Officer may waive the platting procedure of this Ordinance.

A. Minor subdivisions may be exempt from the platting provision in this subsection provided the following conditions are met:

1. The lot split does not contain more than four (4) lots;
2. There is no proposed or perceived need of public improvements as a result of the split;
3. That the lot split is not part of a continuing scheme of lot splitting for a particular area.
4. That the lot split does not violate any provision of the Zoning Ordinance, Comp Plan, or any other State or local ordinance; and
5. That the lot split does not adversely affect public health, safety or welfare.

B. A legal description and request letter must be submitted to the Zoning Officer, for all minor subdivisions prior to being placed on the agenda of the City Council.

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

COO Michael Brethorst discussed with council the two proposals for the Gilbertson Land Options for financing. The proposals received were from Wells Fargo Bank at 6.97% and Midwest Bank at 7.00 %.

01-10-05-08

Motion by Mr. Cooper and second by Mr. Hagen to proceed with the proposal from Wells Fargo Bank with a 6.97% and to proceed with the lease agreement. Motion carried.

COO Michael Brethorst informed council members that the city had received new rates for the health insurance. Mr. Brethorst stated that this would be a savings to the city and the employees to switch from Medica to Blue Cross/Blue Shield. Mr. Ed Dorsett will remain the city contact person.

01-10-05-10 Motion by Mr. Swenson and second by Mr. Ellefson to switch to Blue Cross/Blue Shield for health insurance per the quote of \$13,851.60. Motion carried.

COO Michael Brethorst discussed a request for an auto folder for the city. Mr. Brethorst stated that the current folder was broken and in need of repair.

01-10-05-11

Motion by Mr. Ellefson and second by Mr. Martinson to approve the request for an auto folder in the amount of \$2,999 plus tax. The expenditure will be paid by the following funds: Admin-\$2,080, Council Misc.-\$600, Sanitation-\$89, Parks-\$230 and Streets-\$195. Motion carried.

General Manager Gerald Dow discussed with council the editing equipment for Channel 12. The existing editing equipment is antiquated and does not interface with the digital equipment. The 2005 budget allocated \$5,000 to purchase channel 12 equipment.

01-10-05-12

Motion by Mr. Martinson and second by Mr. Ellefson to approve the purchase of the Channel 12 editing equipment which was allocated \$5,000. Motion carried.

General Manager Gerald Dow discussed with council the need to add a shelf of the Next Level DSL equipment in the Central Office. The budget included \$10,500 for additional central office DSL equipment.

01-10-05-13

Motion by Mr. Cooper and second by Mr. Swenson to approve the purchase of the Next Level DSL equipment in the amount of \$10,500. Motion carried.

General Manager Gerald Dow discussed with council the Next Level DSL equipment to remove the NIU3 and install the latest series interface the NIU5B. This will be required when digital services are offered.

01-10-05-14

Motion by Mr. Swenson and second by Mr. Cooper to approve the "HITS" funding to purchase the NIU cards in the amount of \$24,400. Motion carried.

General Manager Gerald Dow discussed with council the need to upgrade the pad for the new transformers. The estimated cost is \$5,500.

01-10-05-15

Motion by Mr. Swenson and second by Mr. Martinson to approve the expenditure in the amount of \$5,500 for the pad mount project. Motion carried.

General Manager Gerald Dow next discussed with council the DMS 10 software upgrade. The upgrade consists of installing new hardware and software, system documentation, software updates throughout the year and technical support as required.

01-10-05-16

Motion by Mr. Swenson and second by Mr. Cooper to approve the expenditure in the amount of \$32,000 for the DMS 10 software upgrade. Motion carried.

General Manager Gerald Dow discussed the Conservation Improvement Program with council members. By State Statute the amount of spending on the City Conservation Improvement Program is \$9,400.

01-10-05-17

Motion by Mr. Martinson and second by Mr. Ellefson to approve the expenditure in the amount of \$9,400 for the 2005 Conservation Improvement Program. Motion carried.

01-10-05-18

Motion by Mr. Swenson and second by Mr. Hagen to approve the following travel. Gerald Dow to attend the 702 Communications Board meeting, and to attend the MMUA Conference. Motion carried.

01-10-05-19

Motion by Mr. Cooper and second by Mr. Ellefson to approve the hiring of Valerie Fankhanel and Carl Kringler to fill the ice rink position at a rate of pay of \$5.50 per hour. Motion carried.

01-10-05-20

Motion by Mr. Hagen and second by Mr. Martinson to approve the purchase of portable radios for the ambulance department as requested. Motion carried.

01-10-05-21

Motion by Mr. Martinson and second by Mr. Hagen to approve the term of Jeremy Krause to the Planning Commission for the term to expire December 2008. Motion carried.

01-10-05-22

Motion by Mr. Ellefson and second by Mr. Martinson to approve the term of Peggy Riddering to the Park Board for the term to expire December 2007. Motion carried.

Mayor Bauer next called on Mr. Paul Christensen with People Services. Mr. Christensen approached the council and explained the proposed contract with the city. Mr. Christensen stated that People Services would be servicing the water/wastewater for the city. Mayor Bauer asked council for any questions that they had for Mr. Christensen. Council member Chad Hagen questioned what was included in the contract. Council member Guy Swenson felt there would be a lot of benefits with this proposal. This contract will be a three year contract with People Services.

01-10-05-23

Motion by Mr. Cooper and second by Mr. Ellefson to enter into a three year contract, effective February 1, 2005, subject to city attorney approval with People Services for the water/wastewater services within the city of Barnesville. Upon a voice roll call vote, all members present voted in favor of, and none against. Motion carried.

Mayor Bauer thanked Mr. Les LaFayette for his years of service with the city.

Mayor Bauer stated that there was no update on the Cris Mortenson litigation.

01-10-05-24

Motion by Mr. Ellefson and second by Mr. Hagen to adjourn the meeting at 8:20 p.m.
Motion carried.

Submitted by:

Attest:

Jeri Davis
Deputy Clerk

Kenneth J. Bauer
Mayor