

**Barnesville City Council**  
Regular Meeting  
January 13, 2003

Mayor Gene Prim opened this regular meeting of the Barnesville City Council at 7:00 p.m. with members Chad Hagen, Roger Cooper, Larry Davis Jr., Charles Martinson, Kim Simonsen, and Jerry Ames present. Also present were City Administrator Ray Miller, General Manager Gerald Dow, Finance Director Brian Jacobson, Department Heads, Main Street Director Brenda Brand, Youth Representative Marie Emmerich, City Attorney Michael Hanneher, Minutes Recorder Angie Ernst, and Pam Aakre from the Record Review.

**1-13-03-01** Motion by Mr. Ames and second by Mr. Martinson to approve the agenda as written. Carried.

**1-13-03-02** Motion by Mr. Ames and second by Mr. Cooper to approve the minutes from the December 9, 2002 Regular Meeting, the December 9, 2002 Public Hearing, the December 11, 2002 Special Meeting, and the December 18, 2002 Special Meeting. Carried.

Del Ellefson presented an alternative for the liquor store. Mr. Ellefson would like to purchase or lease the current Municipal Liquor Store and have the store become privately owned. Mr. Ellefson would open the store in the former Wagon Wheel Restaurant Building. Plans and financing are in place for this option. Jeff Berg was also present as the owner of the Wagon Wheel building. Mr. Berg feels that opening a liquor store in this location would be a positive step for the community. The Council decided to have the liquor committee meet to discuss options for the liquor store.

General Manager Dow made note of the February 5, 2003 meeting scheduled for the T.E.C. Board and the Council to meet together. The meeting will be held at 6:30 p.m.

Marie Emmerich was present to give the Youth Alive report. The Youth Center was open three Saturdays in December, plus December 27, 30, and 31<sup>st</sup> during Christmas vacation. The Center purchased a new 55-inch television and finished four lap quilts for nursing home residents.

Police Chief Dean Ernst was asked to speak to Ed Poppel about getting his salvage yard cleaned up. Crushing and clean up need to be done.

The EDA is looking at demolishing the antique store building on Front Street.

Brenda Brand stated that the annual Main Street meeting will be held on Wednesday January 15, 2003 at the Eagle Cafe. The meeting is scheduled to begin at noon.

Mr. Davis reported that the airport is closed for the winter.

The Barnesville Cemetery Association will be taken off the previously tabled item agenda.

Mr. Cooper reported that Craig LeNoue has not taken care of his insurance issue regarding the damage to his equipment in the Frosty Ice building.

**1-13-03-03** Motion by Mr. Ames and second by Mr. Hagen to allow the Water/Wastewater Committee to take action in billing Mr. LeNoue for his water usage as the committee sees fit. Carried.

**1-13-03-04** Motion by Mr. Simonsen and second by Mr. Davis to designate official depositories of Wells Fargo Bank, Wells Fargo Investment Services, Midwest Bank, Minnesota Municipal Money Market Funds, Solomon Smith Barney, Pershing/Financial Network Investment Corp., and Dain Rauscher Investment Services. Carried.

**1-13-03-05** Motion by Mr. Simonsen and second by Mr. Martinson to approve the first reading of the following ordinance. Carried.

**ORDINANCE NO. 2002-21**

**AN ORDINANCE TO ADOPT STANDARDS FOR VARIANCES**

**SECTION 33.10  
VARIANCE**

33.11 Purpose: The purpose of a variance is to provide for deviations from the literal provisions of this section in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration.

**1-13-03-06** Motion by Mr. Martinson and second by Mr. Simonsen to approve the second reading of the following ordinance. Carried.

**ORDINANCE 2002-11**

**AN ORDINANCE TO SET THE MONTHLY RATE FOR CABLE TV SERVICES TO INSTITUTIONS OR BUSINESSES PROVIDING THEIR TENANTS OR GUESTS WITH QUALITY CABLE PROGRAMMING.**

**1-13-03-07** Motion by Mr. Davis and second by Mr. Simonsen to approve the second reading of the following ordinance. Carried.

**Ordinances No. 1988-3 is hereby amended as follows:**

**ORDINANCE NO. 2002-18**

**AN ORDINANCE TO INCREASE FEES FOR SEWER AND WATER & STREET CAPITAL REPLACEMENT AND MAINTENANCE FUND AND ESTABLISH A FEE FOR STORM WATER INFRASTRUCTURE REPLACEMENT**

**1-13-03-08** Motion by Mr. Davis and second by Mr. Cooper to approve the second reading of the following ordinance. Carried.

**Ordinance No. 1994-4 is hereby amended as follows:**

**ORDINANCE NO. 2002-19**

**AN ORDINANCE TO INCREASE FEES FOR WATER SERVICE**

**1-13-03-09** Motion by Mr. Davis and second by Mr. Martinson to approve the second reading of the following ordinance. Carried.

**Ordinance No. 1991-3 is hereby amended as follows:**

**ORDINANCE NO. 2002-20**

**AN ORDINANCE TO INCREASE FEES FOR SEWER SERVICE**

The Mayor's New Year State of the City letter was presented to the Council.

With the resignation of Laurie Andvik, the Records Manager Position will not be filled. As a result, Lori Haick will be moved to full-time and will be assuming additional record keeping duties as Customer Service II/Billing/Records at grade 6, step 2.

Shana Cihak and Jeri Davis will also assume additional responsibilities. A 3% increase is recommended for both employees.

These items have been approved by the Personnel Committee.

**1-13-03-10** Motion by Mr. Davis and second by Mr. Simonsen to approve the above personnel changes. Carried.

**1-13-03-11** Motion by Mr. Simonsen and second by Mr. Ames to approve the hire of Kaisa Schiele and Kayla Cariveau as temporary part-time ice rink attendants at a rate of \$5.50 per hour. Carried.

Dave Riddering requested an adjustment to budget line item for the Wagner Park/Campground Project. \$96,000 was budgeted for the construction of a bathroom/shower at the Wagner Park/Campground. This item was contingent on receiving a grant from the DNR for 50% of the cost, as well as a \$17,000 grant from the Lions Club. This was included in the budget at the final budget meeting.

Since budget approval, Mr. Riddering requested and received the grant application, and has conversed with the area DNR grants manager. Through that conversation and from the material Mr. Riddering received, Mr. Riddering was informed that a bathroom/shower project by itself does not qualify for grant funding. It does qualify for an eligible recreation support facility, but not as an eligible primary recreational facility. In order for the bathroom/shower to be considered for grant funding, the scope of the project has to be changed and expanded. One viable option would be to apply for a grant to construct a bike and hiking trail around the campground. A trail would qualify as an eligible primary recreational facility. The bathroom/shower would be added on to the application as a support facility. Adding the bike and hiking trail would add approximately \$30,000 to the cost of this project.

Mr. Simonsen felt that \$30,000 could be used on other expenses the City has, as the Campground does not currently bring a lot of extra business and revenue into the City.

Main Street Director Brenda Brand feels that the Campground would be used more if it has bathroom and shower facilities.

The DNR grant is dependent on DNR approval and will be paid as reimbursement if granted.

**1-13-03-12** Motion by Mr. Davis and second by Mr. Cooper to proceed with the DNR grant application for the bathroom/shower facility. (Yea-Mr. Cooper, Mr. Davis, Mr. Ames, Mayor Prim, nay-Mr. Simonsen and Mr. Hagen) Carried.

**1-13-03-13** Motion by Mr. Davis and second by Mr. Cooper to approve the following Resolution. Carried.

## ITEM 7- LOCAL GOVERNMENT RESOLUTION

BE IT RESOLVED that The City of Barnesville Act as legal sponsor for the project contained in the Outdoor Recreation Program Application to be submitted on or around 1 March 2003 and that the Streets and Parks Superintendent is hereby authorized to apply to the Department of Natural Resources for funding of this project on behalf of the City of Barnesville.

BE IT FURTHER RESOLVED that the City of Barnesville has the legal authority to apply for financial assistance, and financial capability to meet the match requirement and ensure adequate construction, operation, maintenance and replacement of the proposed project for its design life.

BE IT FURTHER RESOLVED that the City of Barnesville has not incurred any of the cost described on Item-5 and has not entered into a written purchase agreement for any property described on Item-4.

BE IT FURTHER RESOLVED that upon approval of its application by the state, the City of Barnesville may enter into an agreement with the State of Minnesota for the above-referenced project, and that the City of Barnesville certifies that it will comply with all applicable laws and regulations as stated in the grant agreement including dedicating the park property for outdoor recreation uses into perpetuity.

NOW THEREFORE BE IT RESOLVED that the Streets and Parks Superintendent is hereby authorized to execute such agreements as are necessary to implement the project on behalf of the applicant.

**1-13-03-14** Motion by Mr. Davis and second by Mr. Martinson to set a date of February 10, 2003 at 6:30 pm for the DNR Grant Hearing for a Proposed Outdoor Recreational Bike and Hike Path around Wagner Park/Campground and a Bathroom/Shower Facility. (Yea-Mr. Davis, Mr. Martinson, Mr. Ames, Mr. Cooper, Mr. Hagen, nay- Mr. Simonsen) Carried.

Informational item LMCIT dividend Memo/Barnesville Premium and Dividend History was presented to the Council.

**1-13-03-15** Motion by Mr. Martinson and second by Mr. Ames to renew the City membership with the Clay County Historical Society at a cost of \$50.00 to come out of the discretionary fund. (Yea-Mr. Hagen, Mr. Cooper, Mr. Davis, Mr. Martinson, Mr. Ames, nay-Mr. Simonsen). Carried.

**1-13-03-16** Motion by Mr. Davis and second by Mr. Ames to appoint Gene Prim to the EDA Board of Directors. Carried.

Currently, employees may work 10 hours one day and receive two hours overtime pay at time-and-a-half and take two hours off another day in the same week. If Personnel Policies are changed to reflect only forty hours per week as required by the Fair Labor Standards Act receive overtime pay for hours worked in excess of 40 in a workweek of at least one and one-half times their regular rates of pay. The FLSA does not require overtime pay for work on Saturdays, Sundays, holidays, or regular days of rest.

Extra pay for working weekends or nights is a matter of agreement between the employer and the employee (or the employee's representative). The FLSA does not require extra pay for

weekend or night work or double time pay. This pay issue will be assigned to committee for review and will be put on the February Council agenda.

**1-13-03-17** Motion by Mr. Simonsen and Mr. Davis to accept the 2002 Pay Equity Report. Carried.

**1-13-03-18** Motion by Mr. Martinson and second by Mr. Cooper to approve Raymond A. Miller and Brian K. Jacobson as Signatories to the 4M Fund. Carried.

Mayor Prim turned the meeting over to Vice-Mayor Kim Simonsen for the next item on the agenda.

**1-13-03-19** Motion by Mr. Cooper and second by Mr. Hagen to designate the Record Review as the Official Newspaper for the City of Barnesville. Carried.

Mr. Simonsen turned the meeting back over to Mayor Prim.

**1-13-03-20** Motion by Mr. Hagen and second by Mr. Ames to approve a Gambling permit for the Rod and Gun banquet to be held on February 21, 2003 at Big Bob's Bar and Grill. Carried.

**1-13-03-22** Motion by Mr. Martinson and second by Mr. Hagen to approve a Gambling permit for the Barnesville Lions Club banquet to be held on April 10, 2003 at Big Bob's Bar and Grill, the Barnesville Lions Club Bingo to be held on July 10, 11, 12, 2003 at the Barnesville Fair Grounds, and the Barnesville Lions Club Bingo and Raffles to be held on August 23, 2003 at the VFW. Carried.

Dave Riddering brought up the overtime budget issue for discussion. The overtime issue was not dealt with in the budget process. Mr. Riddering could not see how a zero overtime budget is going to work for the City, especially in Public Works, where there is snow removal, water/wastewater rounds, water breaks, wind storm damage, etc. Comp. time works to a point, but if an employee gets over 240 hours, by the rules of the Fair Standards Act, it has to be paid out as well. This will result in a cost beyond what has been budgeted for the salaries line of the budget.

Mr. Riddering questioned as to whether he is to work from the budgeted amount now in the wage and salary line and come to the council in late Fall with a shortfall in that line, or does he place an amount in the overtime and accrued salaries line.

Council decided to give the Department heads the o.k. to use discretion on the use of overtime and comp. time.

**1-13-03-23** Motion by Mr. Simonsen and second by Mr. Martinson to accept the following ordinance. Carried.

## **ORDINANCE 2003-1**

### **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 2002-11, an ordinance to set the monthly rate for cable TV services to institutions or businesses providing their tenants or guests with quality cable programming

**1-13-03-24** Motion by Mr. Simonsen and second by Mr. Martinson to approve installing a phone line in the food pantry with toll restrictions. Carried.

**1-13-03-25** Motion by Mr. Cooper and second by Mr. Davis to approve the final payment for the Water Treatment Plant Improvements in the amount of \$5,209.68. Carried.

**1-13-03-26** Motion by Mr. Davis and second by Mr. Cooper to approve the purchase of a 1992 Tandem Dump truck for the City at a cost of \$36,200.00. Carried.

**1-13-03-27** Motion by Mr. Ames and second by Mr. Hagen to approve an independent contractor agreement between the City and Brian Ellefson for building inspector services. Carried.

The Discretionary Funds Status Report was presented.

**1-13-03-28** Motion by Mr. Davis and second by Mr. Simonsen to approve the hire of Joel Haugrud as a full time temporary accountant at a rate of \$13.50 per hour without benefits. Carried.

**1-13-03-29** Motion by Mr. Davis and second by Mr. Simonsen to refund the VFW cigarette license fee of \$150 due to the VFW no longer being a retail outlet for cigarettes. Carried.

**1-13-03-30** Motion by Mr. Simonsen and second by Mr. Martinson to approve disbursement checks 9562 to 9749 in the amount of \$768,568.34 and manual checks 604 to 616 in the amount of \$30,142.97. Carried.

Mayor Prim adjourned this meeting at 8:25 p.m.

Submitted by:

Attest:

Angela Ernst  
Minutes Recorder

Eugene Prim  
Mayor