

Barnesville City Council
Regular Meeting
February 10, 2003

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

02-10-03-01 Motion by Mr. Martinson and second by Mr. Ames to approve the agenda as written. Carried.

02-10-03-02 Motion by Mr. Cooper and second by Mr. Martinson to approve the January 13, 2003 Regular Meeting minutes with the addition of Mr. Martinson voting nay on motion 1-13-03-12. Carried.

Karen Lauer presented the EDA annual report to the Council. The report outlined the 2002 accomplishments of the Barnesville Development Authority. These accomplishments included housing, general business, commercial park development, and other ongoing projects of the EDA. The focus for 2003 will be on business development.

Brenda Brand presented the Council with a listing of the 2002 Main Street Program Accomplishments. Ms. Brand stated that this year's Showcase will have a construction theme.

Tom Trowbridge from Larson-Peterson presented the council with a preliminary engineering report for Capital Improvements in the City of Barnesville. Mr. Trowbridge stated that looking for a site on which to place a new wastewater treatment facility should be a top priority for the City. The process to get approval is lengthy so it is important to begin this process as soon as possible. A new water tower will also be needed. The engineering report gave an outline of the existing facilities in the city including streets, sanitary sewer system, and water systems.

Mr. Trowbridge stated the need to replace streets over 30 years old. Fifty-two percent of the city streets are more than 30 years old. Bituminous pavement has a useful life of 20 to 30 years before replacement is needed. The approximate replacement cost for these street replacements would be \$7,392,000.

Other items that will be needed in the next 20 years are sanitary sewer replacement at a cost of approximately \$2,475,000, water main replacement at a cost of approximately \$1,870,000, a new water tower at a cost of approximately \$475,000, water treatment plant expansion at a cost of approximately \$1,000,000, and a new well at a cost of approximately \$60,000.

Mr. Trowbridge also gave the Council financing alternatives for the needed projects. The City will need to raise funds through taxes, assessments, or fees. Mr. Trowbridge also recommended the City apply for grants and low-interest loans. The availability of grants at the current time is limited.

Mr. Trowbridge feels that for the short term, the City should pursue projects that involve outside sources of funding, such as County and State Highways. This would give the City time to gradually phase in the needed tax and fee increases and possibly build up some reserve funds.

Dave Riddering, from the Streets and Parks Department, presented the Council with alternate CSAH NO. 43 designations. A map with five possible designation alternatives was included.

02-10-03-03 Motion by Mr. Simonsen and second by Mr. Martinson to send the designation alternatives to the portfolio holders to decide which alternative would be the best choice. Carried.

Police Chief Dean Ernst introduced Jeff Tharaldson as the new School Resource Officer. Chief Ernst will schedule the repairs that need to be made to the roof of the Old City Hall building.

Mayor Prim announced that the new fire truck will be arriving in March.

Diane Peterson was present with a report on the current liquor store finances. The store had an increase in profits since changing hours of operation and employee hours. It is currently operating in the black.

Mr. Cooper reported that he is currently working with the insurance adjustor on the previous LeNoue water issue.

02-10-03-04 Motion by Mr. Simonsen and second by Mr. Cooper to approve the second 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.

02-10-03-05 Motion by Mr. Ames and second by Mr. Simonsen to approve the second reading of the following ordinance. (nay vote- Mr. Davis) 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; 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 2002-11 is replaced as follows:

A presentation was made by Todd Meyer and Mike Howe of the Minnesota Department of Health in regards to the preparation and implementation of wellhead protection plans for the City of Barnesville. Well-head protection prevents contamination of the city drinking water source. City wells are vulnerable to ground water contamination, with most of the city's drinking water coming from the Whiskey Creek aquifer. The Council needed to approve a request to allow qualified companies to further study the vulnerability of City wells. The report will look at proactive ways to prevent drinking water contamination, complete an inventory, and develop a management plan for potential contaminant sources.

02-10-03-06 Motion by Mr. Simonsen and second by Mr. Ames to accept the drinking water management area (DWSMA) and wellhead protection areas (WHPA) report. Carried.

02-10-03-07 Motion by Mr. Simonsen and second by Mr. Martinson to approve the RFP for Consultant Development of Wellhead Protection Management Plan. Carried.

Mr. Trowbridge recommended that the current watermain from the watertower to Highway 9 be replaced with a ten-inch watermain. The current pipe is not directly connected to the watertower. If there were to be an emergency, firefighters would be unable to get enough water flow from the hydrants in that area.

02-10-03-08 Motion by Mr. Cooper and second by Mr. Simonsen to add a ten-inch watermain on to the Highway 9 project with expenses to come out of the City budget. Carried.

Karen Lauer introduced Mr. Ron Rothhouse to the Council. Mr. Rothhouse is proposing two eight-plex condos be built in an R-3 zone in the Blue Eagle Parkway Addition. Mr. Gary Jerger is the current property owner where the condos are proposed. The condos will have double garages and a central community room. Mr. Rothhouse will pre-market to sell some of the condos before they are built. Construction is proposed to begin in the Spring of 2003. Mr. Rothhouse requested that Bauer Lane (5th Ave. NE) be used as an access road onto his property as there is no current street access. Issues such as traffic impact on Bauer Lane and drainage were discussed. Bauer Lane was constructed as a light traffic street. Council members were concerned as to the damage that delivery and garbage trucks would do to the street if access is granted. The Council decided that the developer would have to upgrade the bituminous with an additional one and one half to two inches overlay, work with the city engineer on a drainage plan, and complete a sanitary sewer plan. Discussion ensued over who would be responsible for the cost of the bituminous overlay. There was no final decision on the financial responsibility of the overlay. Mr. Rothhouse will work with the street portfolio committee on an agreement regarding the overlay, drainage plan, and sanitary sewer plan.

02-10-03-09 Motion by Mr. Cooper and second by Mr. Simonsen to give street access on Bauer Lane (5th St. NE) to Mr. Rothhouse for his development with cost of needed improvements to be worked out in developer negotiation. Carried.

Mr. Miller received Ottertail Valley Railroad permit applications for watermain and sanitary sewer pipeline crossings on Minnesota State Trunk Highway No. 9. Mr. Miller is to return the permit forms along with two checks of \$1,200 each payable to Rail America for the permit fees.

02-10-03-10 Motion by Mr. Davis and second by Mr. Cooper to allow Mr. Miller to sign and return the pipeline crossing forms to the Ottertail Valley Railroad with two checks of \$1,200 each. Carried.

02-10-03-11 Motion by Mr. Simonsen and second by Mr. Martinson to adopt the following resolution. Carried.

RESOLUTION SUPPORTING
BUFFALO-RED RIVER WATERSHED DISTRICT LEGISLATION
TO CREATE FUND FOR "COMMON BENEFIT" PROJECTS/PROGRAMS

WHEREAS, There is a recognized need for the Buffalo-Red River Watershed District (BRRWD) to have taxing authority for the development of projects/programs that benefit the District; and

WHEREAS, The BRRWD has a history of using funds from the Red River Watershed Management Board (RRWMB) account for projects such as: LIDAR mapping, floodplain management, stream bank erosion, and education; and

WHEREAS, The Board of Managers, BRRWD, has decided to withdraw their membership from the RRWMB, effective October 1, 2002, which means they will no longer be allowed to use the Joint Powers taxation, and there will be no way in the future for the BRRWD to fund local projects/programs; and

WHEREAS, The BRRWD has proposed a bill for an act related to taxation, that would amend Minnesota Statutes Annotated (M.S.A.) 103D.905, Subd. 5, allowing for a local taxation to replace the RRWMB tax so they can continue with the development of projects/programs of common benefit to the district; and

WHEREAS, Counties appointing Managers to the BRRWD would have ultimate control regarding use of said taxation through their appointments;

NOW, THEREFORE, BE IT RESOLVED, that the Barnesville City Council urges the Minnesota Legislature to approve this proposed bill for the BRRWD.

Dated this 10th day of February, 2003

02-10-03-12 Motion by Mr. Cooper and second by Mr. Davis to adopt the following resolution. Carried.

**RESOLUTION-SUPPORTING LEGISLATION TO PROVIDE IMPROVED FUNDING
OPTIONS FOR CITY STREET IMPROVEMENTS**

WHEREAS, Minnesota contains over 135,000 miles of roadway, and over 19,000 miles (or 14 percent) are owned and maintained by Minnesota's 853 cities; and

WHEREAS, city streets are a separate but integral piece of the network of roads supporting movement of people and goods; and

WHEREAS, existing funding mechanisms, such as Municipal State Aid (MSA), property taxes, special assessments and bonding, have limited applications, leaving cities under-equipped to address growing needs.

WHEREAS, maintenance costs increase as road systems age, and no city-large or small-is spending enough on roadway capital improvements to maintain a 50-year lifecycle; and

WHEREAS, the Council of the City of Barnesville finds it is difficult to develop adequate funding systems to support the City's needed street improvement and maintenance programs while complying with existing State statutes; and

WHEREAS, the League of Minnesota Cities, the Minnesota Public Works Association and the City Engineers Association of Minnesota, have jointly sponsored the development of a report entitled Funding Street Construction and Maintenance in Minnesota's Cities wherein (1) the street systems of the cities within the State are inventoried; (2) the existing funding systems are detailed and evaluated; and (3) recommendations are made; and

WHEREAS, cities need flexible policies and greater resources in order to meet growing demands for street improvements and maintenance.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BARNESVILLE that this Council concurs with the findings of the above referenced report, and fully supports the recommendations contained in that report; and

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF BARNESVILLE that this Council supports the adoption of legislation that would provide cities with the policy options they need to address current and future challenges in providing adequate street improvement and maintenance programs.

ADOPTED by the Barnesville City Council this 10th day of February, 2003.

The City Police Department has some asbestos in a back room pipe and pipe extension going into the basement. The squad department garage also has pipe to be removed. These are the two areas of general accessibility by employees and some public visitors. Horsley Specialties bid \$1,250 for removal and there will be a \$300 air quality-monitoring fee from an independent lab for a total of \$1550. There is also a total removal option with the entire removal of all asbestos in the inspected areas of the Police Department building. The total removal option would cost \$9,380. This work will be completed next week if approved.

02-10-03-13 Motion by Mr. Ames and second by Mr. Martinson to allow for the back room pipe and extension into the basement area and squad car garage pipe to be removed at a cost of \$1550 with funds coming from the Buildings and Grounds budget. Carried.

02-10-03-14 Motion by Mr. Cooper and second by Mr. Simonsen to accept the resignation of LeAnn Jorgensen as liquor store clerk. Carried.

02-10-03-15 Motion by Mr. Davis and second by Mr. Martinson to adopt the following resolution. Carried.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BARNESVILLE AS FOLLOWS:

Whereas, the Minnesota Open Meeting Law requires, with limited exceptions, that all City Council meetings and executive sessions must be open to the public; and

Whereas, the Minnesota Open Meeting Law further requires, with limited exceptions, that meetings of any committee, subcommittee, board, department or commission of the City Council be open to the public; and

Whereas, the Minnesota Open Meeting Law, with limited exceptions, requires that proper notice be given of the aforementioned meetings.

Now therefore be it resolved as follows:

1. Unless closing a meeting is allowed by law, all meetings of the Barnesville City Council, committees, subcommittees, boards, departments or commissions of the City Council shall be open to the public. Notice as required by law shall be given.

2. The Barnesville City Clerk/Administrator is hereby designated as the individual charged with assuring compliance with the notice requirements of the Open Meeting Law. The City Clerk/Administrator, upon being notified that a meeting is to be held, shall post or publish public notice of the meeting as may be required by law.

3. In the absence of the City Clerk/Administrator the Deputy City Clerk/Administrator shall be charged with these duties.

Upon motion duly made, seconded and discussed, this motion was unanimously passed this 10th day of February, 2003.

The Council was presented with a copy of a letter Mr. Miller drafted for the Barnesville Cemetery Association. The letter notifies the Association of the financial support they will receive from the City. They association will receive \$1,500 per year for five years for maintenance and matching funds of \$5,000 per year for five years. The matching funds will

match, dollar for dollar, contributions made to the Association's permanent endowment fund. Any additional financial support by the City of Barnesville after the five-year period from 2003 to 2007 shall be solely at the discretion of future City Councils of the City of Barnesville.

02-10-03-16 Motion by Mr. Simonsen and second by Mr. Ames to authorize Mr. Miller to send a letter of notification to the Barnesville Cemetery Association. Carried.

The Council was presented with amendments made to the over time and unused sick leave buy-back policies. This item was tabled until the March Council meeting.

Barnesville Ambulance Director Ginny Jacobson was present to request the Ambulance budget for 2003 be increased by \$8,000 for education and seminars. Ms. Jacobson did research after contacting EMSRB and found approximately \$8,000 that should have been reimbursed back into the budget for education. This increase will not affect the City budget since the funds will be reimbursed.

02-10-03-17 Motion by Mr. Simonsen and second by Mr. Davis to increase the ambulance service budget by \$8,000. Carried.

The City may issue duplicate checks and to replace lost or destroyed checks. Prior to issuing the duplicate check, the owner of the lost check must do two things. 1) File an affidavit stating the ownership of the order, a description of the order, and the manner of its loss or destruction; and, 2) File an indemnifying bond in the amount of the lost check. The clerk must approve the bond sureties. The Council may dispense with this bonding requirement. The recommendation is to approve the policy for reissuing checks as follows: Requestor shall fill out the City form Affidavit of Loss and Indemnity —Negotiable Instrument and pay the fee for issuing a stop payment order with the bank. The city will then issue a duplicate within five business days after verifying the original check has not been cashed.

02-10-03-18 Motion by Mr. Davis and second by Mr. Martinson to approve the policy for issuance of duplicate checks and waive requirements of indemnity bond. Carried.

The T.E.C. Advisory Board has moved to approve the purchase of a DMS 10 upgrade at a cost of \$20,100. This upgrade was included in the 2003 Capital Budget and funded at \$23,000.

02-10-03-19 Motion by Mr. Davis and second by Mr. Martinson to approve the purchase of the DMS 10 upgrade at a cost of \$20,100. Carried.

Changes made in the 2002 State Legislature established the requirement that technicians working on or installing low voltage cabling will require a low voltage license. A prep training class will be offered at Moorhead Tech. on March 7, 2003. This class will prepare Technicians for the test. The law allows the grand fathering of working technicians, however licensing is still required. The T.E.C. Advisory Board members moved to recommend that the Council approve sending technicians to the training and testing. The course is 8 hours long and tuition is \$195. The individuals will test at the State Electrical Board office in St. Paul after successfully completing the course.

02-10-03-20 Motion by Mr. Martinson and second by Mr. Simonsen to approve sending technicians to training class and testing. Carried.

An agreement was reached between the City and the Fair Board regarding upkeep of Oliver Park. The City owns Oliver Park, which is located in Fair Grounds. The City will lease the Park to the Fair Board for 99 years at a rate of one dollar per year. All maintenance will be done by the Fair Board.

02-10-03-21 Motion by Mr. Martinson and second by Mr. Ames approve the Oliver Park lease agreement. Carried.

City Administration has been reviewing Finance Software Products for several months. Products reviewed were from five different companies. The Incode company software was the preferred system. The system being offered is valued at \$45,431. With discounts, the final cost is \$26,621. This includes software, data conversion, and extensive on-site training. This system will replace the City's existing financial software.

02-10-03-22 Motion by Mr. Davis and second by Mr. Simonsen to approve purchase of Incode for Finance Software License, Training, Data Conversion, and Installation at a cost of \$26,621. Carried.

The T.E.C. Advisory Board moved to recommend to the Council, the use of Westaff temporary employment services to meet Barnesville Municipal Telephone requirements for technical assistance during high workloads. This position was advertised for in the local paper with one person applying for the job. This person has requested a significantly higher salary than the top pay on the approved wage schedule for this position. The higher rate of pay would affect the comp worth salary schedule for the City. An alternative is to utilize an employment agency to meet BMT requirements for Technical assistance during times of high workloads. The agency with the lowest fee is Westaff. The cost to the city would be the hourly rate plus 33%. The fees include all employer responsible taxes and payments.

02-10-03-23 Motion by Mr. Martinson and second by Mr. Davis to open for discussion approval of the use of temporary employment services for the telephone and cable t.v. department. (Yea- Mr. Martinson, nay- Mr. Davis, Mr. Cooper, Mr. Simonsen, Mr. Ames) Motion defeated.

Clarification from Maximus regarding the comp worth with an independent contractor/temporary employment with a temp service is needed as of yet.

02-10-03-24 Motion by Mr. Davis and second by Mr. Cooper to approve disbursement checks 9750 to 9880 in the amount of \$100,054 and manual checks 617 to 630 in the amount of \$66,140.86 and EFT payments in the amount of \$105,339.57. Carried.

Mayor Prim adjourned this meeting at 9:10 p.m.

Submitted by:

Angela Ernst
Minutes Recorder

Attest:

Eugene Prim
Mayor

