

Barnesville City Council
Regular Meeting
February 12, 2007

Mayor Ken Bauer called this regular meeting to order at 7:00 p.m. Present were Mayor Bauer and Council members Roger Cooper, Larry Davis, Jr., Del Ellefson, Chad Hagen, and Kim Simonsen. Also in attendance were, EDA Director Karen Lauer, Police Chief Dean Ernst, Public Works Supt. Dave Riddering, Gary Giltner with People Service, TEC Coordinator Guy Swenson, Mary Soma with Ulteig Engineers, and Gene Prim with the Record Review. Absent were Council Member Merlin Strom, City Attorney John Shockley, City Clerk Jeri Reep, and Ambulance Manager Ginny Jacobson

TEC Coordinator Guy Swenson took roll call. Mayor Bauer stated the first item on the agenda was the pledge of allegiance. All rose to recite the pledge of allegiance.

7:03 Council Member Merlin Strom, City Attorney John Shockley arrive.

Mayor Bauer asked if there were any additions to the agenda. Mayor Bauer then added under Council business: 7;A,b Regional Smoking Risk Taskforce, and 7;A,c Mortenson Cleanup.

2.12.7.1 Motion by Mr. Cooper and second by Mr. Davis to approve the consent agenda and regular agenda as presented. Motion carried. The following items were included in the consent agenda:

1. Approval of the minutes of the regular council meeting held on January 8, 2007
2. Approval of the minutes of the special council meeting held on January 2, 2007
3. Department Head Reports
4. Finance Report-Approval of check numbers 60412-60622 in the amount of \$460,374.29 and EFT payments in the amount of \$105,622.83.
5. Approval of the Digital Cable TV-QAM Modulator Purchase Request \$4,777.00 plus shipping.
6. Approval of the Digital TV / Monitor Purchase \$1,000.00
7. Approval of the MMUA annual Dues \$2,038.00.
8. Approval of the Sensus Software Support Annual Renewal \$1200.00
9. Approval of the Cannon-Yukon Support Annual Renewal \$3241.60.
10. Approval of the UHF Antenna Purchase for Off-Air Channels \$209.00 plus shipping and handling.

11. Approval of Resolution accepting the donation to the Fire Dept. from Steve Krebs Flooring valued at \$1625.00
12. Approval of Gambling permit-Barnesville Lions Club for August 25, 2007
13. Approval of Gambling permit-Barnesville Lions Club for July 12-14, 2007
14. Approval of Personnel Policy change regarding vacation accrual.
15. Approval renewal of Sanitation Contract with Fuchs Sanitation.
16. Approval to appoint Pat Berndt to the Barnesville Planning Commission with her term to expire December 31, 2010.
17. Approval of travel for Dean Ernst to attend the MN Chiefs of Police Spring Training in St. Cloud April 16-19, 2007
18. Approval of travel for Dave Riddering to attend Water School in St. Cloud March 6-8, 2007
19. Approval of travel for Guy Swenson to attend MRES Demand Side Management workshop in Sioux Falls February 27, 2007

Mayor Bauer stated the next item on the agenda was the board and commission reports. Council member Larry Davis, Jr. asked TEC Coordinator Guy Swenson to Post a Notice that the March Park Board Meeting was cancelled. Youth Representative Melissa Honrud provided a handout and gave a brief overview of the handout.

02-12-07-02 Motion by Mr. Hagen and second by Mr. Strom to approve the Board and Commission reports as presented. Motion carried.

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

Mayor Bauer stated the next item on the agenda was Group Work camp Project. Joe Pederson representing Lakes & Prairies Community Action Partnership and Northern Lights Workcamp asked the council for a \$5,000.00 donation to support this effort. Mr. Pederson provided a handout and explained the program and the benefits of the program to the community and what type of work could be completed. Mr. Pederson stated that they have received close to 100 applications with 16 of those from Barnesville. Mr. Pederson also stated that they hope to complete 60 to 80 homes in Barnesville which would have an impact of over \$300,000.00 to the local economy due to the sale of building materials, gas, food, etc. Students should arrive July 15, 2007 to begin work.

Mr. Pederson stated that these students pay \$395.00 each to participate in the program for one week, so it's important to ensure funding is available to reach the goal of 60 to 80 homes. Mr. Pederson explained that the \$5,000.00 donation would qualify for CIP – Conservation Improvement Program funds for home weatherization. Mayor Bauer asked TEC Coordinator Guy Swenson if there were any funds available in the CIP Program. TEC Coordinator Guy Swenson stated that the Barnesville's CIP program was set for the next 2 years with \$1,000.00 to \$2,000.00 annually planned for home weatherization through West Central Community Action, Inc.

02-12-07-03 Motion by Mr. Ellefson and second by Mr. Hagen to make a donation to Lakes and Prairies Community Action Partnership in the amount of \$5,000.00 with \$2,000.00 from CIP funds and \$3,000.00 from discretionary funds. Motion carried.

Mayor Bauer stated the next item on the agenda was a request to have Barnesville participate as a member of the Regional Smoking Task Force. Council Member Del Ellefson felt Barnesville should participate and volunteered to be the representative from Barnesville. Mayor Bauer stated the Mr. Ellefson could answer any questions the Regional Smoking Task Force had for Barnesville.

Mayor Bauer stated the next item on the agenda was the Mortensen property cleanup. Mayor Bauer stated that nothing had been done yet and the February deadline has passed. Mayor Bauer asked City attorney John Shockley what would be our next step. Mr. Shockley stated he would draft a letter to Mr. Mortensen to find out why he has not complied with the court order.

Mayor Bauer stated the next item on the agenda was A&E Television Networks Renewal. Mr. Simonsen stated that this is a 6 year renewal and includes the History Channel as well as A & E.

2.12.7.4 Motion by Mr. Strom and second by Mr. Simonsen to accept the A&E Television Networks 6 year Renewal and authorize TEC Coordinator Guy Swenson to sign and return the renewal to A&E Television Networks. Motion carried.

Mayor Bauer stated the next item on the agenda was the DSL upload Speed Increase Request. TEC Coordinator Guy Swenson explained that the TEC Board had received a request for faster upload speeds, the faster upload speeds are required for the streaming video used in the operation of an online relay service similar to a telephone relay service for the hearing impaired. Mr. Swenson stated that this would be the first reading to change the Broadband and Internet services Ordinance.

2.12.7.5 Motion by Mr. Simonsen and second by Mr. Cooper to approve the 1st reading of Ordinance 2007-XX. TEC Coordinator Guy Swenson stated there would be additional changes to the ordinance before the 2nd reading. Motion carried

ORDINANCE 2007-XX

AN ORDINANCE TO ESTABLISH THE RATES AND CHARGES FOR BROADBAND AND INTERNET SERVICE.

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

WHEREAS, the City Council did previously enact Ordinance No. 2004-12 an ordinance to establish charges for broadband and internet service.

WHEREAS, DSL service is a service regulated by National Exchange Carrier Association (NECA) and the City of Barnesville doing business as Barnesville Municipal Telephone is a member of NECA and,

WHEREAS, NECA has filed the appropriate tariffs with the Federal Communications Commission which establish wholesale charges for DSL services and,

WHEREAS, the Telephone/Electric/Cable TV (T.E.C.) Advisory Board for the City of Barnesville has recommended the following rates and charges for DSL and Dial-up Internet service provided to customers by the Broadband and Internet Enterprise.

NOW THEREFORE, Ordinance No. 2006-22 is hereby replaced as follows:

Section 1. Costs for DSL service

	MONTHLY COSTS Internet/DSL	SPEEDS	
		Down speed**	Up speed**
RESIDENTIAL			
1.	\$24.95***	128 kbps	128 kbps
2.	\$36.95 (Student DSL) ***	256 kbps	128 kbps
3.	\$43.90***	384 kbps	128 kbps
4.	\$52.90***	512 kbps	128 kbps
5.	\$69.90***	640 kbps	128 kbps
Increase Upload speed			
6.	\$10.00 ****	640 kbps	256 kbps
7.	\$20.00 ****	640 kbps	384 kbps

***First time DSL customers receive a \$10.00 per month credit for 3 months with one year service agreement.

**** Upload Speed increase available for 640 kbps level only.

HOME OFFICE/SMALL BUSINESS/BUSINESS

1.	\$49.90	384 kbps	128 kbps
2.	\$64.90	512 kbps	128 kbps
3.	\$84.90	640 kbps	128 kbps

Increase Upload speed

4.	\$10.00 ****	640 kbps	256 kbps
5.	\$20.00 ****	640 kbps	384 kbps

**** Upload Speed increase available for 640 kbps level only.

Cost for additional Email accounts: \$ 2.00 per month

Cost for 2nd Static IP addresses \$10.00 per month

DSL “Combo” package

When DSL is purchased along with Barnesville Long Distance and Barnesville Cable TV service the customer will receive a \$5.00 per month discount on the cost of the level

DSL service selected. The DSL “Combo” package is available to business and residential customers.

DSL Installation charge: \$95.00 non-recurring *

*DSL Installation charge may be waived.

Conditions for waiver: Customer agrees to maintain DSL service for a minimum period

of twelve months. Customer will be billed DSL service installation charge should they fail to maintain DSL service for the twelve-month period. Service order charges are not waived.

Section 2. Equipment Provided by Customer

Network Interface Card (NIC)

Modem: Next Level Etherset (available at City Hall)

Purchase: \$225.00 (plus applicable taxes)

Monthly: \$4.95 per month rent

SOFTWARE REQUIRED/RECOMMENDED

INTERNET BROWSER: Customer provided

FIREWALL: Router, software and electrical surge protector are responsibility of subscriber.

Section 3. Equipment provided for Customer

3 meter CAT 5 patch cord

Section 4. Cost for Dial up Internet service

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

- | | | | |
|----|----------------------------------|---------|---|
| 1. | 35 hours per month
hours) | \$9.95 | (20 cents per hour over 35 |
| 2. | 100 hours per month
hours) | \$14.95 | (15 cents per hour over 100 |
| 3. | Unlimited | \$19.95 | |
| 4. | Unlimited Package
Barnesville | \$14.95 | (when purchased with

Long Distance and
Barnesville Cable TV
service) |

Section 5. Equipment provided by Customer

Modem 56 kbps

Section 6. Billing

The monthly charge for Broadband and Dial up Internet service will be billed forward.

If service is disconnected, the billing for service will be ½ month the monthly rate if disconnected on or before the 15th day of the present month. Service disconnected after the 15th day of the present month will be billed for the full month.

Section 7. Rate adjustments for new businesses.

In support of Economic Development efforts and with Council approval, DSL monthly service charges may be reduced up to 50 percent for a time period no longer than 3 years.

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 14th day of August, 2006.

APPROVED:

ATTEST:

K. J. Bauer, Mayor

Jeri Reep, City Clerk

First Reading: February 12, 2007
Second Reading: March 12, 2007
Publication: March 19, 2007

Mayor Bauer stated the next item on the agenda was Broadband CALEA Trusted Third Party. Mayor Bauer asked TEC Coordinator Guy Swenson to provide a brief explanation of Broadband CALEA and Trusted Third Parties. Mr. Swenson explained that Broadband CALEA – Communications Assistance for Law Enforcement Act is mandated by the FCC and basically allows law enforcement to tap into the data stream of an internet user. The equipment needed to comply with CALEA is very expensive and cost prohibitive to small Internet Service Providers-ISP like Barnesville. Mr. Swenson explained that a Trusted Third Party is a company that has applied to and been accepted by the FCC to provide the data collection service for the ISP. Mr. Swenson stated that Vantage Point Solutions has provided the least cost solution for Barnesville Broadband and Internet to meet the CALEA requirements. Mayor Bauer asked if this was a budgeted item. Mr. Swenson stated that there are funds available in professional services to cover this expense.

2.12.7.6 Motion by Mr. Simonsen and second by Mr. Hagen to accept Vantage Point Solution as the Barnesville Broadband Internet CALEA Trusted Third Party and authorize TEC Coordinator Guy Swenson to sign the letter if intent (2 year contract) authorizing Vantage Point Solutions to proceed. Motion carried

Mayor Bauer stated the next item on the agenda was the Missouri River Energy Services – MRES Electric Rate Study proposal. Mayor Bauer asked when the last rate study had been completed. TEC Coordinator Guy Swenson stated that the last rate study was completed by Ulteig Engineers in 1996. Mr. Swenson stated that the cost to complete the study is \$8,000.00 and MRES will cover 50% of the cost reducing the cost to Barnesville Municipal Utility to \$4,000.00. Mr. Swenson stated that funds are available in professional services to cover this expense.

2.12.7.7 Motion by Mr. Simonsen and second by Mr. Strom to accept the Electric Rate study proposal from MRES for \$4,000.00 and authorize TEC Coordinator Guy Swenson to sign the service confirmation letter with MRES. Motion carried

Mayor Bauer stated the next item on the agenda was Pod Aeration Discussion. Council member Del Ellefson stated the estimate for installing the Vacuum Bubble Technology – VBT would be approximately \$40,000.00. Mr. Marty Soma with Ulteig Engineers will

check to see if there are any PFA funds left. Mr. Ellefson will get better numbers for the VBT installation.

Mayor Bauer stated the next item on the agenda was the Visser Scraper Service Pay Request No. 8. Mr. Soma with Ulteig Engineers stated that he had reviewed the pay request and concur that Visser Scraper Service is entitled to a payment of \$215,107.44.

2.12.7.8 Motion by Mr. Cooper and second by Mr. Davis to approve the Partial Payment No. 8 to Visser Scraper Service in the amount of \$215,107.44. Motion carried

Mayor Bauer stated the next item on the agenda was the Stabilization Pond System Expansion Update. Mr. Marty Soma with Ulteig Engineers informed the council that the waste water plant telemetry was not included was not included in the original plans. Mr. Soma stated that he had overlooked it when he reviewed the plans. Mr. Soma stated that it is a simple add on to the SCADA programming and can be completed in about 8 hours. The cost of this additional programming is \$2,000.00; the cost would have been the same if it had been included in the original programming. Mr. Soma stated that there is \$8,365.00 remaining in the SCADA budget.

2.12.7.9 Motion by Mr. Ellefson and second by Mr. Cooper to complete the project with the additional SCADA programming for \$2,000.00. Funding to come from the remaining SCADA funds of \$8,365.00. Motion carried

Mayor Bauer stated the next item on the agenda was the Stabilization Pond System Expansion Update – Change Order No. 3. Mr. Marty Soma with Ulteig Engineers informed the council that the proposed change order dated January 30, 2007 in the amount of \$22,186.16 should not be approved. Change order No 3 had already been approved on October 19, 2006 at a special council meeting in the amount of \$20,800.00. The actual bill was \$1386.16 over the approved amount. Mr. Soma recommended the council not pay the difference of \$1386.16.

2.12.7.10 Motion by Mr. Simonsen and second by Mr. Hagen to only pay the approved amount of \$20,800.00 for Change Order No 3 and not pay the \$1386.16 difference. Motion carried

Mayor Bauer stated the next item on the agenda was the Stabilization Pond System Expansion Update – Change Order No. 4. Mr. Marty Soma with Ulteig Engineers informed the council that this change order would provide a permanent generator be installed at the Tri-Angle lift station. Public Works Supt. Dave Riddering stated that during a power failure there is only a 30 minute window to get power to the lift station before the system begins to back up. Mr. Soma stated that there would be no additional engineering charges for this change order there is a 12 week lead time for ordering the 25KW generator. Mr. Soma stated that there are funds available in contingency for this Change Order.

2.12.7.11 Motion by Mr. Davis and second by Mr. Ellefson to proceed with Change Order No 4 with funding to come out of contingency. Motion carried

Mayor Bauer asked Mr. Soma if there was anything else regarding the Stabilization Pond System Expansion Update. Mr. Soma stated that it will take 7 to 8 weeks to finish pond number 2 this spring, and then it will take another 4 weeks to comply with all of the Minnesota Pollution Control Agency – MPCA requirements. There is a slight possibility the council may see a request for a time extension next summer depending on the weather this spring. Mr. Soma also stated that Pond No 1 and all three lift stations are up and running at this time.

Mayor Bauer stated the next item on the agenda was the City wide Safety Committee. Public Works Supt. Dave Riddering stated that one of the recommendations from the League of Minnesota Cities Insurance Trust Loss Control Survey was to establish a city wide Safety committee with members from all departments in the city. Currently there is representation from Public Works, Golf Course, and from Telephone and Cable. This Safety Committee would meet every other month to discuss safety issues that would otherwise be missed.

2.12.7.12 Motion by Mr. Hagen and second by Mr. Simonsen to establish a City Wide Safety Committee. In addition those departments already represented. One representative from each of the following departments will be assigned to attend the City wide Safety Committee Meetings.

TEC Coordinator Guy Swenson will assign a representative from Administration. Chief Dean Ernst will assign representatives from the Police Dept., Liquor Store, and Ambulance. Council Member Larry Davis, Jr. will assign a representative from the Fire Dept. Mr. Riddering will be informed of all assignments.

Motion carried.

Mayor Bauer stated the next item on the agenda was the Motor Vehicle Records Review Program. Public Works Supt. Dave Riddering stated that the League of Minnesota Cities Insurance Trust recommends that a Motor Vehicle Records Review Program be established, but administering the program could be a problem. No action was taken by the council.

Mayor Bauer stated the next item on the agenda was the Sr. Lifeguard Position. Public Works Supt. Dave Riddering stated that Child labor Laws mandates that when lifeguards are on duty, there needs to be someone on site who is 18 years old or older. Establishing a Senior Lifeguard position with a slightly higher wage would benefit help recruitment and retain those lifeguards that are in that age bracket. Mr. Riddering stated that the Sr. Lifeguard position would be available to all lifeguards that qualify.

2.12.7.13 Motion by Mr. Simonsen and second by Mr. Ellefson to Create a Sr. Lifeguard Position and wage scale of:

First Year: \$6.90 per hour

Second Year \$7.30 per hour

Third Year \$7.70 per hour

Fourth Year \$8.10 per hour

Fifth Year \$8.55 per hour

Motion carried.

Mayor Bauer stated the next item on the agenda was the Advertisement for bids for Front End Loader. Public Works Supt. Dave Riddering requested authorization to advertise for bids for a new wheeled front end loader. Mr. Riddering stated that this is a budgeted item but that the budget was also dependent on the trade in value of our current loader.

02-12-07-14 Motion by Mr. Simonsen and second by Mr. Ellefson to Advertise for bids for a new wheeled front end loader per the specifications and conditions set forth in the bid invitation.
Motion carried.

Mayor Bauer stated the next item on the agenda was the EMT Basic Employee Recommendation. Police Chief Dean Ernst stated that there is no one interested at this time and they are still looking. The council took no action.

Mayor Bauer stated the next item on the agenda was the EDA & Main street 2006 Annual Report. EDA Director Karen Lauer gave a brief overview of accomplishments and highlights from 2006. Mrs. Lauer stated there were 18 new homes built, 2.2 million in building permits issued, some of the more noticeable accomplishments were the renovation of old city hall and the demolition of both old water towers. The council did not have any questions for Mrs. Lauer.

Mayor Bauer stated the next item on the agenda was Special Assessments in Commercial Park. EDA Director Karen Lauer informed the council that she has a business prospect looking to build in the commercial park. Mrs. Lauer stated that while our land prices are competitive our specials per acre are not competitive with surrounding communities. A second challenge is that the company prefers natural gas for their production line and using propane will substantially add to their operations costs. Mrs. Lauer stated that we need to make more attractive offer to be competitive. Mrs. Lauer stated that there are 2 land options under consideration.

Option 1 is a 3.4 acre site that has land cost of \$17,500.00 and \$97,237.00 in specials \$64,378.00 from the original construction of the commercial park and \$32,859.00 in recent specials from the new trunk storm sewer and the retention pond.

Option 2 is a 4.3 acre site that has land cost of \$21,500.00 and \$122,976.00 in specials \$81,419.00 from the original construction of the commercial park and \$41,557.00 in recent specials from the new trunk storm sewer and the retention pond.

Mrs. Lauer recommends the council forgive the “Original” Specials on whichever option is selected and leave the land cost and recent specials in place. Mrs. Lauer stated that the EDA Board and the Administration, Personnel, and Finance Committee have considered all options and agree that forgiving the Original specials would be the best way to enhance the land offer. Mrs. Lauer explained the benefits attracting this company would bring to the community in the form of 10 new jobs, possible home construction, utilization of local vendors and services. TEC Coordinator Guy Swenson informed the council that based on their last years usage Barnesville Municipal utility could potentially see a \$8,000.00 increase in electric revenues. Council Member Roger Cooper asked if there were odors associated with this business. Mrs. Lauer stated there were no odors that would come from this business. Mrs. Lauer stated that the EDA will meet on February 13, 2007 and will send the proposal to the Prospective business.

02-12-07-15 Motion by Mr. Simonsen and second by Mr. Strom to forgive the “Original Specials” in the amount of \$64,378.00 for the 3.4 acre site and \$81,419.00 for the 4.3 Acre site.
Motion carried.

Mayor Bauer asked if there was any other business. Dave Olek representing Fuchs Sanitation stopped by to thank the City Council for their years of business.

Council member Kim Simonsen reminded the council that the interviews for finance director would be on Wednesday February 14, 2007 and Bruce Messholt from the City of Moorhead would be attending.

Council member Larry Davis Jr. stated that public works employees and People Service employees should be thanked for the work they performed repairing 3 water main breaks in sub zero temperatures the past week. Mayor Bauer thanked the public works and People Service employees for their dedication to their jobs and the city.

Mayor Bauer adjourned the meeting at 8:45 p.m.

Submitted by:

Attest:

Guy Swenson
TEC Coordinator

Kenneth J. Bauer
Mayor