

**Barnesville City Council
Regular Meeting
March 8, 2004**

Mayor Ken Bauer called this meeting to order at 7:00 p.m. Present were Mayor Ken Bauer, Council members Roger Cooper, Chad Hagen, Del Ellefson, Charles Martinson, Guy Swenson and Kim Simonsen. Others in attendance were City Administrator Ray Miller, General Manger Gerald Dow, Finance Director Brian Jacobson, City Attorney Mike Hannaher, EDA Director Karen Lauer, Public Works Superintendent Dave Riddering, Police Chief Dean Ernst, Electrical Superintendent Jerryl Tenderholt, Deputy Clerk Jeri Davis, Pam Nelson, Char Nelson and Gene Prim from the Record Review.

- 03-08-04-01** Motion by Mr. Ellefson and second by Mr. Swenson to approve the agenda and the supplemental agenda as presented. Motion carried.
- 03-08-04-02** Motion by Mr. Martinson and second by Mr. Simonsen to approve the February 9, 2004 regular council meeting minutes as presented. Motion carried.
- 03-08-04-03** Motion by Mr. Cooper and second by Mr. Ellefson to approve the February 25, 2004 special council meeting minutes as presented. Motion carried.

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

Gene Prim asked council the status of the plaque in memory of former council member Harry Holland. Mr. Prim stated that he thought it may have been a Main Street program project. City Administrator Ray Miller will check the status of the plaque and report back at the next regular council meeting.

Pam Nelson was present and questioned the status of her termination with the city. Mayor Bauer stated that this item was on the regular agenda and would be discussed at that time.

There was no other citizen input.

Mayor Bauer next went thru the department head reports.

Police Chief Dean Ernst asked council what they wish to do with the old black and white squad car. Chief Ernst stated that the Animal Control Department would like to use it for their department. Council felt that this should be an agenda item for the April meeting after the police portfolio could discuss this with Chief Ernst.

Mayor Bauer asked to approve the individual department head reports, as presented, unless department heads had something more to add.

03-08-04-04 Motion by Mr. Swenson and second by Mr. Martinson to approve the department head reports as presented. Motion carried.

Mayor Bauer next went thru the various board and commission reports with council members.

03-08-04-05 Motion by Mr. Simonsen and second by Mr. Swenson to approve the board and commission reports as presented. Motion carried.

Council members next discussed the termination of part-time custodian Pam Nelson. Council member Simonsen stated that the summary of performance review of City Administrator Ray Miller would be available on Tuesday, March 9th.

Mayor Bauer asked how council wished to proceed with the termination of Pam Nelson. Council member Guy Swenson stated he was opposed to any wording of Ms. Nelson being fired, and the wording should be changed to dismissal.

03-08-04-06 Motion by Mr. Simonsen and second by Mr. Swenson to confirm the dismissal of part-time custodian Pam Nelson. Motion carried.

Public Works superintendent Dave Riddering presented council with the seal coat bids he had received. Council members discussed with Mr. Riddering the bids that were presented. Mr. Riddering stated he had talked to two customers that had Moorseal, Inc. perform work, and stated that they were pleased with the work from Moorseal, Inc.

03-08-04-07 Motion by Mr. Cooper and second by Mr. Ellefson to accept the seal coat bid from Moorseal, Inc. for a total of \$60,943.00. Motion carried.

03-08-04-08 Motion by Mr. Ellefson and second by Mr. Martinson to approve the first reading of the following ordinance.

Ordinance No. 2004-2
Section 16.10
P Public Facilities District

16.11 Purpose: The P District is established to promote the development, maintenance, use and identification of City owned, dedicated, or leased land, structures, open space, parks, and other property.

16.12 Permitted Uses:

- a. Essential services and essential service structures.
- b. Municipally owned parks and open space.
- c. Municipally owned golf courses, tennis courts, skating rinks and playing fields.

16.13 Project Review:

- a. The Planning Commission will review all development within the Public Facilities District.

16.14 Yard Requirements:

- a. None, except if the property abuts another zoning district, buildings and other structures must be set back the same distance as is required in the abutting district.

16.15 Maximum Building Height:

- a. None.

16.16 Maximum Lot Coverage:

- a. None.

This first reading was approved by a unanimous vote of the council.

Council members next discussed the proposed water ordinance.

Water/Wastewater Superintendent Todd Meyer arrived at 7:30 p.m.

Mr. Meyer discussed the proposed ordinance with council members. Mr. Meyer stated that most other communities are going to this type of water restrictions. Council member Simonsen questioned how the public was going to be informed of the water restrictions.

03-08-04-09 Motion by Mr. Ellefson and second by Mr. Cooper to approve the first reading of the following ordinance.

**Ordinance No. 2004-5
Amending Ordinance No. 1982-3**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BARNESVILLE,
CLAY COUNTY, MINNESOTA AS FOLLOWS:

WHEREAS; Ordinance 1982-3 sets forth certain rules and regulations regarding the City of Barnesville water utility; and

WHEREAS: the City Council desires to amend said Ordinance to provide specific requirements regarding access to water meters;

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

That Ordinance No. 1982-3 is hereby amended as follows:

Section 4. Water System, General Regulations

- G. Restricted hours. Whenever the council determines that a shortage of water supply threatens the city, it may, by resolution limit the times and hours during which city water may be used for sprinkling, irrigation, car washing, air conditioning, or other specified uses. After publications of the resolution or two days after the mailing of the resolution to each customer, no person shall use or permit water to be used in violation of the resolution and any customer who does so shall be charged \$25.00 for each day of violation. *Second violation in the same calendar year, shall be charged \$40.00 for each day of the violation*, and the charge shall be added to the next water bill. If the emergency requires immediate compliance with terms of the resolution, the council may provide for the delivery of a copy of the resolution to the premises of each customer and any customer who has received such notice and thereafter uses or permits water to be used in violation of the resolution shall be subject to the charge provided above. Continued violation shall be cause for discontinuance of water service.

Stage 1:

Water restrictions in effect from May 1st to September 30th. No lawns shall be watered between the hours of 10 am and 8 pm. Residents with an odd-number shall water lawns when necessary only on odd-numbered calendar days and those with even-numbered address shall water lawns or wash cars only on even-numbered days. Lawns shall not be watered between the hours of 10:00 a.m. and 8:00 p.m.

Exception may be granted for recently established lawns. Those lawns may be watered daily for up to one month after installation, but only during the hours listed above.

The use of hand-held water devices is permitted without restriction for any purpose except when the device is left on unattended, or no device is used to control the flow of water. If a hand-held watering device is left on unattended, it is subject to the restriction for an automatic sprinkler device.

Stage 2:

The city is divided into three (3) areas; these are your voting wards. During stage 2 phase, the city would limited turf watering to every five (5) days, hand-held

watering device to water trees, and shrubs could be watered every three (3) days. Car washing is prohibited.

*For example:lawn watering Sat. Sun. Mon. Tues. Wed. Thur. Frid.
Ward Number 1 2 3*

Stage 3:

At this stage the city would implement a complete ban on all nonessential water usage.

K. is hereby added and adopted as follows:

- K. Meter Reading Card. In the event the customer's water meter cannot be read by the meter reader, a Meter Reading Card shall be left at the residence. The meter must be read by the customer and then the reading filled in the space on the card, and the card then returned to the City by the 15th of the month.

If the card is not received, the City shall bill the customer's account an amount equal to the highest charge for water in any month of the previous year plus an \$18.50 late charge. This shall continue for each month until the meter reading is received by the City.

The remainder of Ordinance 1982-3 is unaffected and remains in full force and effect.

Council member Hagen asked to correct the wordage on Stage 1.

This first reading was approved by a unanimous vote of the council.

03-08-04-10 Motion by Mr. Simonsen and second by Mr. Swenson to approve the first reading of the following ordinance.

**Ordinance 2004-7
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. 2003-14, an ordinance to establish charges for DSL 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. 2003-14 is hereby replaced as follows:

Section 1. Costs for DSL service

	MONTHLY COSTS Internet/DSL	SPEEDS	
		Down speed**	Up speed**
RESIDENTIAL			
1.	\$39.95 (Student DSL)	128 kbps	128 kbps
2.	\$46.90	256 kbps	128 kbps
3.	\$55.90	384 kbps	128 kbps
4.	\$79.90	512 kbps	128 kbps
HOME OFFICE/SMALL BUSINESS/BUSINESS			
1.	\$59.90	256 kbps	128 kbps
2.	\$79.90	312 kbps	128 kbps
3.	\$99.90	584 kbps	128 kbps

Cost for additional Email accounts: \$2.00 per month
Cost for 2nd Static IP addresses \$10.00 per month

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 Ethernet (available at City Hall)

Purchase: \$225.00 (plus applicable taxes)

Monthly: \$4.95 per month rent

Rent to Own: \$4.95 per month with a \$2.50 per month credit towards ownership.

The amount of credit granted will not exceed the purchase price of the modem.

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 or business service.

1.	50 hours per month	\$9.95	(20 cents per hour over 50 hours)
2.	100 hours per month	\$14.95	(15 cents per hour over 100 hours)
3.	Unlimited	\$19.95	
4.	Unlimited in Package	\$14.95	(when purchased with Barnesville 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.

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 __ day of _____, 2004.

This first reading was approved by a unanimous vote of the council.

Water/Wastewater Superintendent Todd Meyer asked for approval to purchase a DR/2500 Spectrophotometer, which would replace the DR/2000. The water department uses this equipment for testing the influent and effluent water at the water plant.

03-08-04-11 Motion by Mr. Cooper and second by Mr. Simonsen to approve the purchase of a DR/2500 Spectrophotometer for a cost of \$2,136.00. Motion carried.

03-08-04-12 Motion by Mr. Martinson and second by Mr. Hagen to hire golf course personnel as follows: Rosalea Cihak-\$8.00, Nancy Kava and Mary Ann Thompson-\$7.40, Gloria Emerson-\$7.15, Lois Janssen-\$6.90, Rodney Ramacher and Mary Butenhoff-\$6.75, Wally Mulcahy-\$8.00, Leo Schindler and Allan Kertscher-\$7.50 and Jesse Krauth-\$6.75 per hour, Doris Hanson-\$275.00-month and Wally Holt-\$23,000 annually (March thru December). Motion carried.

General Manager Gerald Dow discussed with council the 702 Communications meeting that he had attended. Mayor Bauer and Council member Kim Simonsen informed Mr. Dow that they would like to attend these meetings also.

General Manager Gerald Dow stated that Ralph Thoennes and Trent Bielejeski were the two recommendations for the T.E.C. Advisory Board.

03-08-04-13 Motion by Mr. Simonsen and second by Mr. Swenson to appoint Mr. Trent Bielejeski to the T.E.C. Advisory Board. Motion carried.

General Manager Gerald Dow informed council members the Federal Communications Commission (FCC) mandated Local Number Portability (LNP) effective November 24, 2003. The Barnesville Telephone Company will be required to make technical modifications to meet the May 24, 2004 to provide the Local Number Portability.

03-08-04-14 Motion by Mr. Simonsen and second by Mr. Swenson to proceed with the upgrade for the Barnesville Municipal Telephone DMS 10 for an approximate cost of \$13,040.00. Motion carried.

03-08-04-15 Motion by Mr. Ellefson and second by Mr. Hagen to approve the travel for Dean Ernst to attend the MN Chief of Police Executive Training Institute in St. Cloud. Motion carried.

Council members next discussed the sewer ordinance. Mayor Bauer stated that the rates for the new ordinance would be a large increase for some of the customers. Council instructed staff to continue to bill at the old sewer ordinance rates.

03-08-04-16 Motion by Mr. Simonsen and second by Mr. Ellefson to appoint Sherrie Reading to replace Roberta Schuelke's term on the park board. Ms. Reading's term will expire on December 2006. Motion carried.

Public Works Superintendent Dave Riddering informed council of a rate increase from Fuchs Sanitation for the recycling service. The rate will be changing from \$80.00 per load to \$100.00 per load.

03-08-04-17 Motion by Mr. Cooper and second by Mr. Martinson to accept the rate increase from Fuchs Sanitation for \$100.00 per load. Motion carried.

Council member Ellefson discussed the replacement of the existing water tower. Mr. Ellefson stated that Larson-Peterson could provide a water tower replacement study for the city, and the cost would be \$2,500.00.

03-08-04-18 Motion by Mr. Ellefson and second by Mr. Simonsen to have Larson-Peterson & Associates to provide a water tower replacement study for the City for a cost of \$2,500.00 to be funded from the water replacement fund. Carried.

03-08-04-19 Motion by Mr. Simonsen and second by Mr. Ellefson to approve the following travel. Jerry Dow and Ione Hammer to travel to attend the NECA Training to be held in Fargo. Jerry Dow to attend the internet settlement meeting at Abercrombie, ND and Jerry Dow to attend the 702 Communications board meeting in Moorhead. Motion carried.

03-08-04-20 Motion by Mr. Hagen and second by Mr. Martinson to approve the check numbers 12397-12600 in the amount of \$255,550.59 and also the EFT payments in the amount of \$123,210.10. Motion carried.

03-08-04-21 Motion by Mr. Ellefson and second by Mr. Simonsen to adjourn the meeting at 8:17 p.m. Motion carried.

Submitted by:

Attest:

Jeri Davis
Deputy Clerk

Kenneth J. Bauer
Mayor