

Barnesville City Council
Regular Meeting
March 12, 2007

Mayor 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, Kim Simonsen and Merlin Strom. Also in attendance were City Attorney John Shockley, City Clerk Jeri Reep, EDA Director Karen Lauer, Police Chief Dean Ernst, TEC Coordinator Guy Swenson, Public Works Supt. Dave Riddering, Brandon Anderson with People Service, Marty Soma, Tom Well, Dan Hanson and Seth Lethi with Ulteig Engineers, and Pam Aakre with the Record Review.

City Clerk Jeri Reep 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.

Mayor Bauer asked if there were any additions to the agenda. There were no additional items for the agenda. Mayor Bauer next turned the meeting over to Vice-Mayor Kim Simonsen to conduct the meeting.

3.12.7.1 Motion by Mr. Davis and second by Mr. Ellefson to approve the agenda and consent agenda as presented. The following items were on the consent agenda.

1. Approval of the regular council meeting minutes held on February 12, 2007.
2. Approval of the minutes from the joint meeting held with the City Council, School Board, and the EDA held on January 22, 2007.
3. Department Head Reports.
4. Finance Reports-Approval of check numbers 60623-60788 in the amount of \$408,330.88 and EFT payments in the amount of \$114,620.11.
5. Appointment of Del Ellefson and Kim Simonsen to the City/School/EDA committee.
6. Approval of travel for Jeri Reep and Dave Riddering to attend the LMC Safety & Loss Control Workshop in Mahanomen.
7. Approval of up to six employees to attend the TOC Conference on May 8-10, 2007 in Fargo, ND.
8. Approval of the golf board wages as presented.
9. Approval to hire Kay Waller as a Liquor Store Clerk at a rate of pay of \$8.86 per hour.

Vice-Mayor Kim Simonsen stated that the next item on the agenda was the board and commission reports.

3.12.7.2 Motion by Mr. Davis and second by Mr. Cooper to approve the board and commission reports as presented. Motion carried.

Vice Mayor Simonsen asked if there were any citizens present to be heard. There were none.

Vice Mayor Simonsen stated the next item on the agenda was the Independent School Dist #146 Summer Recreation request. Council member Hagen stated that this is an annual request and a budgeted item in the amount of \$15,000.00

3.12.7.3 Motion by Mr. Hagen and second by Mr. Strom to approve the Independent School Dist. 146 Summer Recreation request in the amount of \$15,000. Motion carried.

Vice Mayor Simonsen stated that the next item on the agenda was the discussion of the High School Basketball tournaments broadcasting. TEC Coordinator Guy Swenson informed council members that the High School hockey and basketball tournaments held in Minneapolis are not carried on local channels, and can only be seen through a Minneapolis station. The cost to provide the signal is .20 cents per subscriber, approximately \$151.00 per month for the months of March and April.

3.12.7.4 Motion by Mr. Ellefson and second by Mr. Strom to authorize TEC Coordinator Guy Swenson to provide coverage of the MN High School hockey and basketball tournaments on Channel 9, not to exceed \$500.00. Motion carried.

Vice Mayor Simonsen stated the next item on the agenda was the Sprint/PCS Interconnection and Reciprocal Compensation Agreement. TEC Coordinator Guy Swenson informed council members that calls from cell phones to Barnesville must be completed at our central office. This agreement would all Barnesville Telephone to bill for all Sprint/PCS wireless minutes of use at a rate of .010305 per minute. This would be approximately \$300-\$350 income per month.

3.12.7.5 Motion by Mr. Ellefson and second by Mr. Strom to authorize Mr. Swenson to sign the agreement with Sprint/PCS Interconnection and Reciprocal Compensation Agreement. Motion carried.

Vice Mayor Simonsen stated the next item on the agenda was the 2nd Reading of Ordinance 2007-3, the Broadband and Internet Service Ordinance.

3.12.7.6 Motion by Mr. Davis and second by Mr. Strom to approve the 2nd reading of Ordinance 2007-3. Motion carried.

ORDINANCE 2007-3

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. 2006-22 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	SPEEDS	
	Internet/DSL	Down speed	Up speed
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
6.	\$79.90 ***	640 kbps	256 kbps
7.	\$89.90 ***	640 kbps	384 kbps

* New DSL customers only

** 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 levels 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: Options

- 1) Customer can provide their own modem, or
- 2) Purchase a Modem/router from City Hall
 - Purchase: Modem/Router \$130.00
 - Purchase Modem/Wireless Router \$140.00
 - Monthly: \$4.95 per month rent
- 3) 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 12th day of March, 2007.

APPROVED:

K. J. Bauer, Mayor

ATTEST:

Jeri Reep, City Clerk

Vice Mayor Simonsen stated the next item on the agenda was the discussion of the electric trenching rebate. TEC Coordinator Guy Swenson informed council members that the current policy for trenching electrical hookups for new homes offers a \$250.00 rebate to the contractor. Mr. Swenson was recommending changing the policy to a time frame of six months of time of closing on the new home. EDA Director Karen Lauer also supported the six month time frame.

3.12.7.7 Motion by Mr. Strom and second by Mr. Hagen to authorize Mr. Swenson to change the current trenching electrical hookup rebate to change the wording to a six month from date of closing to be eligible to receive the \$250.00 rebate for electrical trenching. Motion carried.

Vice Mayor Simonsen stated the next item on the agenda was the DSL modem purchase discussion. TEC Coordinator Guy Swenson informed council members that he would like to purchase 20 modems at \$68.00 each. Mr. Swenson stated that the DSL customers continue to increase and the current supply of modems is exhausted.

3.12.7.8 Motion by Mr. Strom and second by Mr. Ellefson to allow TEC Coordinator Guy Swenson to purchase an additional 20 modems at \$68.00/each for a total cost of \$1,448.40. Motion carried.

The next item on the agenda was the discussion of the video taping of council meetings. TEC Coordinator Guy Swenson informed council members that a student from the school is interested in taping council meetings for \$20.00 per event. Mayor Bauer stated that he thought this would be a good idea. Council member Simonsen stated that this would be another program on the local Channel 12. City Attorney John Shockley recommended that if the recording was to be done, that adequate recording of voices should be heard.

3.12.7.9 Motion by Mr. Ellefson and second by Mr. Strom to allow Mr. Swenson to proceed with the video recording of the council meetings. The taping fee will be \$20.00 per meeting, and will be recorded from a student from the High School. Motion carried.

Vice Mayor Simonsen stated the next item on the agenda was the Vacuum bubble technology update. Council member Del Ellefson informed council members that he has been researching putting in four aerators in the lagoons. Mayor Bauer questioned if we could submit this expense to the PFA loan monies. Tom Welle with Ulteig Engineers stated that the MPCA would question the expense that it was not in the expenses originally. Public Works Supt. Dave Riddering stated that this would be for an odor control problem only, that we don't have a sludge problem. After much discussion, council member Del Ellefson wanted to go on record to support the citizens for the odor concern from the lagoons. Council took no further action on the aerators in the lagoons at this time.

Mr. Dan Hanson from Ulteig Engineers next informed council members an update on the Front Street project. Mr. Hanson stated that he along with Gary Nansen had met with Mr. Dave Overboe with Clay County concerning the Front Street project. Mr. Hansen is trying to obtain a cost from Clay County and is working on an assessment policy. Council members had no further questions for Mr. Hansen.

Mr. Hansen next discussed the new well project. Mr. Hansen stated that they are working on the new well easements at this time.

Vice Mayor Simonsen stated the next item on the agenda was the discussion of the water and sewer billing. Mr. Simonsen suggested forming a committee to review the water and sewer billing for the apartment complexes and hold a special meeting. Council member Cooper stated that a short term fix won't fix the problem.

3.12.7.10 Motion by Mr. Cooper and second by Mr. Ellefson to hold a portfolio meeting regarding the water and sewer billing process for the apartment complexes and report back to the council. Motion carried.

Vice Mayor stated the next item on the agenda was the wheel loader bids. Public Works Supt. Dave Riddering stated that three of the seven bids received did not meet specifications. Council member Davis stated that he would like to ask for a reference for the bids that we did receive.

3.12.7.11 Motion by Mr. Davis and second by Mr. Ellefson to authorize Public Works Supt Dave Riddering to test drive the two lowest bids and allow Mr. Riddering to accept the bid. Council member Hagen wanted to thank Mr. Luke Benedict from Barnesville for submitting a bid in behalf of RDO Company. Motion carried.

Vice Mayor Simonsen stated the next item on the agenda is the 1st reading of Ordinance 2007-4, Section 11.37 Public Facilities Zone. EDA Director Karen Lauer stated that City Attorney John Shockley also recommended the change to the ordinance.

3.12.7.12 Motion by Mr. Davis and second by Mr. Strom to approve the 1st reading of Ordinance 2007-4. Motion carried.

Ordinance 2007 - 4

**AN ORDINANCE TO AMEND SECTION 11.37 OF THE BARNESVILLE
MUNICIPAL CODE RELATING TO ZONING DISTRICTS**

BE IT ORDAINED by the City Council of the City of Barnesville that Section 11.37 is hereby amended as follows:

SEC. 11.37. P PUBLIC FACILITIES DISTRICT.

Subd. 1. 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.

Subd. 2 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.
- D. Public Preschool, Elementary, Junior or Senior High Schools

Subd. 3. Project Review. The Planning Commission will review all development within the Public Facilities District, and shall determine if the proposed development is consistent with the following factors:

- A. Whether the proposed facility is compatible with the area and neighboring uses.
- B. Whether the proposed development would create of cause any of the following:
 - i. An adverse traffic impact of a traffic safety hazard, including, but not limited to, an adverse impact of traffic circulation;
 - ii. Pedestrian-vehicle conflicts of pedestrian safety hazards;
 - iii. An accumulation of garbage or trash;
 - iv. Excessive noise

v. Intrusive Lighting

vi. Excessive or unpleasant odors;

vii. Noxious fumes;

viii. Interference with neighboring properties or uses due to activities associated with the proposed facility or due to its hours of operation.

C. The use shall comply with the performance standards of the fencing and screening provisions of this Chapter.

D. The use shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds, adjacent buildings and property.

E. The use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.

F. The use shall organize vehicular access and parking to minimize traffic

G. Other similar elements, although not specifically stated in this ordinance

Subd. 4. 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.

Subd. 5. Maximum Building Height. None.

Subd. 6. Maximum Lot Coverage. None.

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

PASSED AND ADOPTED by the Barnesville City Council this 9th day of April 2007.

Approved:

Kenneth J. Bauer
Mayor

Attest:

Jeri L. Reep
City Clerk

Vice Mayor Kim Simonsen stated the next item on the agenda was the 1st reading of Ordinance 2007-5, Section 11.03 Non conforming uses/structures. EDA Director Karen Lauer informed council members that this is required by State Statue.

3.12.7.13 Motion by Mr. Strom and second by Mr. Davis to approve the 1st reading of Ordinance 2007-5. Motion carried.

Ordinance 2007-5

AN ORDINANCE TO AMEND AND REENACT SECTION 11-03, SUBD. 4.B OF THE BARNESVILLE CITY CODE RELATING TO NONCONFORMING STRUCTURES; AND SECTION 11.70, SUBD. 11.E RELATING TO NONCONFORMING USES IN THE FLOOD PLAIN MANAGEMENT DISTRICT.

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

SECTION 1. Subdivision 4.B of Section 11-03 of the Barnesville City Code is hereby amended and reenacted to read as follows.

Subd. 4. Nonconforming Structures.

B. Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at time of destruction and no building permit has been applied for within 180 days of when the property is damaged, it shall not be reconstructed except in conformity with the provisions of this Chapter.

SECTION 2. Subdivision 11.E of Section 11.70 of the Barnesville City Code is hereby amended and reenacted to read as follows:

Subd. 11. Non-Conforming Uses

E. If any non-conforming use or structure is destroyed by any means, including floods, to an extent of 50 percent or more of its market value at the time of destruction and no building permit has been applied for within 180 days of when the property is damaged, it shall not be reconstructed except in conformity with the provisions of this Section. The applicable provisions for establishing new uses or new

structures will apply depending upon whether the use or structure is in the Floodway or Floor Fringe District, respectively.

SECTION 3. This ordinance shall take effect upon publication in accordance with the Barnesville City Charter.

PASSED by the City Council of the City of Barnesville this 9th day of April, 2007.

APPROVED:

Kenneth J. Bauer
Mayor

Attest:

Jeri L. Reep
City Clerk

Vice Mayor Simonsen stated the next item on the agenda was the 1st reading of Ordinance 2007-6, Section 11.51 Off Street Parking & Loading. Council member Merlin Strom stated that his ordinance is to control some issues of fish houses, pontoons, 4-wheelers, etc.

3.12.7.14 Motion by Mr. Cooper and second by Mr. Davis to approve the 1st reading of Ordinance 2007-6. Motion carried.

ORDINANCE 2007-6

AN ORDINANCE TO AMEND SECTION 11.51 OF THE BARNESVILLE MUNICIPAL CODE RELATING TO OFF-STREET PARKING AND LOADING REGULATIONS

BE IT ORDAINED by the City Council of the City of Barnesville that Section 11.51 is hereby amended as follows:

Subd. 6 Off-Street Residential Parking Restrictions

~~B. Recreational equipment on trailers and motor homes may be parked on concrete or asphalt residential driveways.~~

Recreational Vehicles: Licensed recreational vehicles or equipment, utility trailers or equipment; and/or off road vehicles located in a front yard or street side yard must be parked on a paved surface; consisting of either asphalt or concrete or existing gravel driveways. Recreational vehicles or equipment; utility trailers or equipment; and/or off road vehicles located in a rear or interior side yard may be kept on an unpaved surface. Travel trailers, converted buses, or converted vans must be parked on a paved surface of either asphalt or concrete.

Unless completely enclosed within a building, no more than a total of three (3) licensed recreational vehicles or equipment, utility trailers or equipment; and off road vehicles may be stored on a property at the same time with no more than one (1) stored on the side yard. If more than one vehicle or equipment is stored on a trailer, each vehicle or equipment shall be counted separately, but not the trailer.

Regardless of the surface, watercraft may not be parked in the front yard from December 1 through March 31 and snowmobiles and fish houses may not be parked in the front yard, regardless of the surface from April 1, through October 31st.

-PASSED AND ADOPTED by the Barnesville City Council this 9th day of April, 2007.

APPROVED:

Kenneth J. Bauer
Mayor

ATTEST:

Jeri Reep
City Clerk

Vice Mayor Simonsen stated the next item on the agenda was the 1st reading of Ordinance 2007-7, Section 11.21 C-2 Commercial District. EDA Director Karen Lauer informed council members that this change relates to the C2 area.

3.12.7.15 Motion by Mr. Strom and second by Mr. Hagen to approve the 1st reading of Ordinance 2007-7. Motion carried.

ORDINANCE 2007-7

**AN ORDINANCE TO AMEND SECTION 11.21 OF THE BARNESVILLE
MUNICIPAL
CODE RELATING TO THE C-2 COMMERCIAL DISTRICT**

BE IT ORDAINED by the City Council of the City of Barnesville that Section 11.21 is hereby amended as follows:

Subd. 7 Parking Requirements (Expires December 31, 2010)

a. Any vehicle (including trucks and trailers) may be parked off-street in this zone for a period not to exceed 72 hours.

b. ~~No dolly-down (trailers must be attached to a tractor).~~ ***Trailers may be dolly-downed off street in this area for a period not to exceed 72 hours.***

PASSED AND ADOPTED by the Barnesville City Council this 9th day of April, 2007.

APPROVED:

Kenneth J. Bauer, MAYOR

ATTEST:

Jeri Reep, City Clerk

The next item on the agenda was the 1st reading of Ordinance 2007-8, Section 11.40 Signs.

3.12.7.16 Motion by Mr. Hagen and second by Mr. Strom to approve the 1st reading of Ordinance 2007-8. Motion carried.

ORDINANCE 2007-8

**AN ORDINANCE TO AMEND SECTION 11.40 OF THE BARNESVILLE
MUNICIPAL CODE RELATING TO SIGNS**

BE IT ORDAINED by the City Council of the City of Barnesville that Section 11.40

Is hereby amended as follows:

Subd. 8 ~~Motion~~ **Electronic** Signs
~~Motion~~ **Electronic** signs are permitted by conditional use in C-1, C-2 and I-1 zoning areas.

PASSED AND ADOPTED by the Barnesville City Council this 9th day of April, 2007.

APPROVED:

Kenneth J. Bauer
Mayor

ATTEST:

Jeri Reep
City Clerk

Vice Mayor Simonsen stated the next item on the agenda was an update on the CM Repair. City Attorney John Shockley stated that he has been trying to contact both parties to arrange a date and time to meet with the Mortensen's.

Vice Mayor Simonsen stated the next item on the agenda was the discussion of the City's 125th reunion. EDA Director Karen Lauer informed council members that the Mainstreet Program will accept the duties of this assignment.

Vice Mayor Simonsen stated that they will close the meeting for a personnel issue. Vice Mayor Simonsen closed the meeting at 8:16 p.m.

Vice Mayor Simonsen re-opened the closed meeting at 8:17 p.m.

Council members next discussed a staff issue. No action was taken.

Vice Mayor Simonsen adjourned the meeting at 8:39 p.m.

Submitted by:

Attest:

Jeri L. Reep
City Clerk

Kim Simonsen
Vice Mayor