

Barnesville City Council
Regular Meeting
April 9, 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 Simonson and Merlin Strom. Also in attendance were City Attorney John Shockley, City Clerk Jeri Reep, Police Chief Dean Ernst, EDA Director Karen Lauer, Public Works Supt. Dave Riddering, TEC Coordinator Guy Swenson, Gary Giltner with People Service, Librarian Shaw Simonsen, Levi Lass, Becky and Dana Eggiman, Ed Ernst, Allan Sheppard, Mike Stetz, Marlene Neuswander, John Allen, Mike Pearson, 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.

04-09-07-01 Motion by Mr. Cooper and second by Mr. Ellefson 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 regular council minutes held on March 12, 2007.
2. Approval of the special council minutes held on March 26, 2007.
3. Department head reports.
4. Finance reports-approval of check numbers 060837-060975 in the amount of \$246,438.60 and EFT payments in the amount of \$109,171.59.
5. Hire the following lifeguards Heather Dahl, Alyssa Peterson, Lacey Bjornson at a rate of pay of \$8.10, Alec Albright at a rate of pay of \$6.55, Brianna Berg, Valerie Fankhanel, Jennifer Hodge at a rate of pay of \$6.90, and Jennifer Hodge, Katie Skogen, Logan Lass, Luke Berg, and Tyler Januscheitis at a rate of pay of \$6.15 per hour.
6. Approval of the following travel: Jeri Reep-LMC class, Dave Riddering-waste water school, Guy Swenson, MRES Annual meeting, WAPA meeting, MRES meeting.
7. Approval to hire Tom Rudd and Erik Nielsen for the Golf Course Pro Shop at a rate of pay of \$6.50 per hour.
8. Approval of Golf Course Management Board.
9. Accept Custodian Kari Fankhanel's resignation
10. Approval to hire Kay Waller as the Liquor Store Custodian at a rate of pay of \$8.86 per hour.

11. Approval to purchase vacuum cleaner for the Liquor Store.

04-09-07-02 Motion by Mr. Davis and second by Mr. Strom to approve the department head reports as presented. Motion carried.

Mayor Bauer stated the next item on the agenda was the board and commission reports.

04-09-07-03 Motion by Mr. Ellefson 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 the discussion of the Fly Club. Mr. Allan Sheppard next discussed with council members the Barnesville Fly Club. Mr. Sheppard asked council members if they would consider deeding the airport back to the Fly Club. City Attorney John Shockley stated that the city has obligations to follow, and would examine if the city can give property away. After much discussion, Council member Chad Hagen will meet with the Fly Club members, and report back at the May regular council meeting. Council member Larry Davis Jr. asked how many Fly Club members they have. Mr. Ernst stated that they only have three at this time, but they have approximately up to 15 people that are interested in becoming members.

The next item on the agenda was the Library of the Future presentation. Mr. Mark Rustad discussed with council members the plans for the Library of the Future. LARL has chosen the Barnesville Library, that we have an outstanding Librarian, and that we are a growing community. The Library of the Future committee is asking for a monetary commitment from the city, at a minimum of \$100,000. Mayor Bauer questioned what happens if the city contributes, and LARL doesn't meet their commitment of matching funds. Council member Kim Simonsen stated that the council would not be willing to make a commitment tonight, and that we could possibly put this expense in the 2008 budget.

The next item on the agenda was the discussion of dust control on 13th Street Southeast. Mr. Mike Stetz approached the council and asked for dust control on 13th Street Southeast. Mr. Stetz presented council members a petition from people in the neighborhood asking for dust control. The approximate cost is \$1302.00.

04-09-07-04 Motion by Mr. Simonsen and second by Mr. Davis to approve the dust control for 13th Street Southeast in the amount of \$1302.00. This expense will be from the discretionary fund. The township will continue to maintain the road, and this dust control applications will be with the approval of the township. Motion carried.

Mayor Bauer stated the next item on the agenda was the Ohnstad Twichell, P.C. agreement.

04-09-07-05 Motion by Mr. Cooper and second by Mr. Simonsen to approve the Ohnstad Twichell, P.C. agreement in the amount of \$1800.00 per month. Motion carried.

The next item on the agenda was the KDV Agreement to perform additional work for the 2006 audit.

04-09-07-06 Motion by Mr. Simonsen and second by Mr. Ellefson to approve the KDV Agreement for additional auditing services for the 2006 audit. Motion carried.

The next item on the agenda was the hiring of Mr. David Decker as our Finance Director.

04-09-07-07 Motion by Mr. Simonsen and second by Mr. Ellefson to hire Mr. David Decker as the Finance Director, contingent upon the background check. Motion carried.

The next item on the agenda was the approval of the City of Moorhead staff to assist in performing financial tasks until we have a full time Finance Director.

04-09-07-08 Motion by Mr. Simonsen and second by Mr. Ellefson to approve the City of Moorhead staff to assist in performing financial tasks for the City of Barnesville. Motion carried.

Mayor Bauer stated the next item on the agenda was the second reading of Ordinance 2007-4.

04-09-07-09 Motion by Mr. Strom and second by Mr. Ellefson to approve the second 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

The next item on the agenda is the second reading of Ordinance 2007-5.

04-09-07-10 Motion by Mr. Strom and second by Mr. Hagen to approve the 2nd 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

Mayor Bauer stated the next item on the agenda was the 2nd Reading of Ordinance 2007-6.

04-09-07-11 Motion by Mr. Davis and second by Mr. Strom to approve the 2nd reading of Ordinance 2007-6. Council member Merlin Strom informed council members that this ordinance relates to off-street parking and loading regulations. EDA Director Karen Lauer stated that this is very similar to Moorhead regulations. TEC Coordinator Guy Swenson questioned if the date could be changed to May 1st. Those voting in favor of: None. That opposed-Simonsen, Strom, Davis, Cooper, Hagen, Ellefson.

04-09-07-12 Motion by Mr. Davis and second by Mr. Strom to approve the second reading of Ordinance 2007-6, with changing the dates to May 1st to October 31st. 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 May 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

Mayor Bauer stated the next item on the agenda was the 2nd reading of Ordinance 2007-7.

04-09-07-13 Motion by Mr. Davis and second by Mr. Strom to approve the 2nd reading of Ordinance 2007-7. Council member Del Ellefson questioned if we could put up signage, EDA Director Karen Lauer stated that this is private property. 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 2nd reading of Ordinance 2007-8.

04-09-07-14 Motion by Mr. Strom and second by Mr. Davis to approve the 2nd 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

The next item on the agenda was the CUP request from Becky Eggiman. EDA Director Karen Lauer informed council members that Becky Eggiman is requesting at Conditional Use Permit to operate a home based floral business, to be called Designs by Becky. Mrs. Lauer stated that the Planning & Zoning recommends the CUP.

04-09-07-15 Motion by Mr. Cooper and second by Mr. Simonsen to approve the CUP request from Becky Eggiman, at 102 4th Street SW, doing business as Designs by Becky, with the conditions set forth in the CUP. Motion carried.

EDA Director Karen Lauer next updated council members on the Old City Hall Renovation project. Council member Merlin Strom commended Karen Lauer for all the extra work she has done on this project, and stated that the Old City Hall looks very nice.

Mayor Bauer stated the next item on the agenda was the 1st Reading to increase the Cable TV rates.

04-09-07-16 Motion by Mr. Simonsen and second by Mr. Strom to approve the first reading of Ordinance Number 2007-9, an ordinance to increase the Cable TV rates. Council member Larry Davis Jr. questioned the number of channels. TEC Coordinator Guy Swenson stated that some of the companies pay us for broadcasting their station. Those voting in favor of were: Council member Simonsen, Strom, Ellefson, Cooper, and Hagen. Those voting against: Larry Davis, Jr. Motion carried.

ORDINANCE 2007-09

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 2004-16, 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 2004-16 is replaced as follows:

Section 1. Per month service rate*

Economy Basic Cable	\$11.95
Preferred Basic	\$31.95
(effective July 2007)	\$33.45
(effective January 2008)	\$34.95

Section 2. Per month premium channel rate*

HBO	\$11.00
CINEMAX	\$ 8.00

Section 3. Per month premium channel package rate*

HBO/CINEMAX	\$15.00
STARZ/ENCORE	\$ 7.95

Section 4. Monthly cable TV costs for businesses and institutions such as Nursing homes, Assisted living, Hotels and Motels. This section is exclusive to the above mentioned

institutions

BULK RATE:*

Utilize the current monthly Basic/Preferred Basic rate plus the total number of living units multiplied times the current wholesale cost of programming.

Utilize a mix & match process. Subscribe to Preferred Basic for the "House" location and the Basic rate for the resident units

Example:

Preferred Basic*

\$31.95 plus 11 living units x \$16.80 (the wholesale cost of programming) = \$216.75 plus tax and FCC charge.

Effective July 2007

\$33.45 plus 11 living units x \$20.93 (the wholesale cost of programming) = \$263.68 plus tax and FCC charge.

Effective July 2007

\$34.95 plus 11 living units x \$20.93 (the wholesale cost of programming) = \$265.18 plus tax and FCC charge.

Basic*

\$11.95 plus 11 living units x \$6.00 (the wholesale cost of programming) = \$77.95 plus tax and FCC charge.

Mix & Match* (Preferred Basic & Basic)

\$31.95 plus 11 living units x \$6.00 (the wholesale cost of programming) = \$95.95 plus tax and FCC charge.

Premium Channels*

individual

HBO: \$11.00 per month per subscriber when provided on an occupant basis.

\$4.00 per month per subscriber when provided to all occupants.

Cinemax: \$8.00 per month per subscriber when provided on a individual occupant basis.

\$4.00 per month per subscriber when provided to all occupants.

Starz/Encore: \$7.95 per subscriber

Section 5 Service Charges

New Install	\$49.95
Applicable to a residence/business to which Cable TV service has never been installed. Does not apply to multi-tenant buildings.	
Relocates:	\$19.95
Relocating established cable service from one location to another.	
Install additional outlet:	\$15.00
Outlets installed at the time when service is established or relocated.	
Reconnect:	\$19.95
Restoring service previously disconnected.	
Service Call:	\$19.95
Charge applies for services performed at users request. Also applies when repair calls are made as a result of defective or improperly tuned customer owned equipment.	
Install Outlet:	\$19.95
Charge applies to each additional outlet installed at a current subscriber's location.	

*Premium channels not included. **All rates subject to change.**

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 May, 2007.

APPROVED:

Kenneth J. Bauer, Mayor

ATTEST:

Jeri Reep

City Clerk

Mayor Bauer stated the next item on the agenda was the discussion of the security fence by the Power Plant. TEC Coordinator Guy Swenson informed council members that with the price of copper, there has been an increase in wire theft by the power plant, and would like to install a fence along the west side of the building.

04-09-07-17 Motion by Mr. Cooper and second by Mr. Simonsen to approve the fencing along the west side of the power plant and the west side of the recycling plant building. The total cost not to exceed \$4,000.00. Motion carried.

The next item on the agenda was the discussion of the Cannon load management server. TEC Coordinator Guy Swenson informed council members that the current Cannon server has been operating at over 95 percent capacity managing the water heater load, and needs updating.

04-09-07-18 Motion by Mr. Strom and second by Mr. Ellefson to approve the purchase of the Cannon Load Management server for \$12,340.37. This expense will be funded by \$5,000 from budgeted funds, and \$7,340.37 from the AMR carry-over funds. Motion carried.

Mayor Bauer stated the next item on the agenda was the TARP Router purchase. TEC Coordinator Guy Swenson informed council members that Barnesville Telephone has been a participant in the Telecommunications Access Revenue Program for several years, and the current Cisco router in use is not capable of being upgraded. The new router will not exceed \$1,000.00.

04-09-07-19 Motion by Mr. Simonsen and second by Mr. Strom to authorize TEC Coordinator Guy Swenson to purchase a new Cisco 1721 router to be used in the new TARP network. This expense will not exceed \$1,000.00. Motion carried.

Mayor Bauer stated the next item on the agenda was the Resolution in support of balanced climate change legislation. TEC Coordinator Guy Swenson informed council members that this will not allow new generation in the Big Stone II project. Mr. Swenson stated that he will forward this resolution to the state legislatures, and other agencies.

04-09-07-20 Motion by Mr. Simonsen and second by Mr. Ellefson to approve the following resolution. Motion carried.

**Resolution in Support of Balanced
Climate Change Legislation**

WHEREAS: the Minnesota State Legislature recently passed Renewable Energy Standard (RES) legislation requiring 25% of utility companies generation portfolio to be produced by renewable generation by the year 2025, and

WHEREAS: the RES legislation would reduce the amount of additional CO2 being emitted into the environment by Minnesota utilities, and

WHEREAS: the legislature is now considering major climate changes legislation that could have significant impacts on achieving the recently adopted RES as well as on the ability of Minnesota utilities to meet the growing needs of the citizens of the State of Minnesota as well as neighboring states, and

WHEREAS: legislators are urged to consider the result of significantly more expensive power due to climate change legislation and the impact that would have on economic development throughout rural Minnesota, and

WHEREAS: the climate change legislation being considered could also compromise the reliability of the transmission grid in Minnesota and surrounding region to reliably deliver the additional electricity needed by Minnesota consumers, and

WHEREAS: any climate change legislation adopted by the State of Minnesota needs to consider the proper balance between reducing CO2 emissions and meeting the growing energy needs of the citizens of the State of Minnesota to ensure the continued health and vitality of the Minnesota economy, and

WHEREAS: the currently proposed legislation only targets the utility sector and ignores the more significant CO2 emissions from other sectors of the economy,

NOW, THEREFORE, BE IT RESOLVED that the City of Barnesville urges the Minnesota Legislature to develop climate change legislation that will broadly consider the CO2 emissions of all segments of the economy rather than only select segments of the economy, and

BE IT FURTHER RESOLVED that the legislature is urged to consider the technological feasibility of legislation being considered as well as the ability to meet the growing energy needs of the citizens of Minnesota under any climate change legislation being considered, and

BE IT FURTHER RESOLVED that City of Barnesville supports a deliberative approach to the passage of climate change legislation by the State of Minnesota involving an in depth study of the economic, technological and environmental elements to be considered in any such legislation, and

BE IT FURTHER RESOLVED that such a study be carried out in an environment that recognizes the adopted goals of the Minnesota RES but does not prohibit the electric utility segment from meeting the needs of the growing Minnesota economy.

Adopted this 9th day of April, 2007

Approved this 9th day of April, 2007

Kenneth J. Bauer
Mayor

Attest:

Jeri L. Reep
City Clerk

Mayor Bauer next called on Mr. Gary Giltner with People Service. Mr. Giltner was asking permission for People Service to perform smoke testing in the city. Council member Del Ellefson suggested sending out billing stuffers to inform residents that we will be performing the smoke testing. Mr. Giltner suggested a public notice also.

04-09-07-21 Motion by Mr. Cooper and second by Mr. Ellefson to allow People Service to perform smoke testing, at a date to be determined by People Service. Motion carried.

Mayor Bauer stated that there will be a closed meeting following the closure of this meeting.

Mayor Bauer closed the meeting at 8:50 a.m.

Mayor Bauer opened the closed meeting at 8:52 p.m.

The only item discussed was a personnel issue, no action was taken.

Mayor Bauer adjourned the meeting at 9:12 p.m.

Submitted by:

Attest:

Jeri L. Reep
City Clerk

Kenneth J. Bauer
Mayor

