

Barnesville City Council
Regular Meeting
May 14, 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, Animal Control Officer Nikki Bartelson, Gary Giltner with People Service, Nita Fenner, Mikki Bang, Earl Ernst, Allan Sheppard, Margo Askin, Chanda Christensen, Wendy Duphorn, Eric and Gina Lanum and Levi Lass.

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.

Mayor Bauer asked if there were any additions to the agenda. Council member Kim Simonsen stated that he would like to add the discussion of the water ordinance. Mayor Bauer stated that the discussion of the animal ordinance would be moved to under the Administration part of the agenda.

05-14-07-01 Motion by Mr. Hagen and second by Mr. Davis to approve the consent and regular agenda as presented, and adding the discussion of the water ordinance. Motion carried. The following items were included in the consent agenda.

1. Approval of the regular meeting minutes held on April 8, 2007.
2. Approval of the special meeting minutes held on April 25, 2007.
3. Approval of the department head reports.
4. Finance reports-approval of check numbers 60976 - 61182 in the amount of \$217,835.52 and EFT payments in the amount of \$99,563.50.
5. Approval to hire seasonal part-time public works maintenance-Carl Renecker at \$8.00 per hour, Tanner Larson at \$7.50 per hour, and Cody Stangeland at \$7.00 per hour.
6. Approval of the VFW Post #4628 gambling permit for August 25, 2007.
7. Approval to hire Lisa Davis as an EMT Basic employee.
8. Approval for the following travel-Jeri Reep to attend the League of MN Cities Annual Conference-Duluth, June 27-29th. Guy Swenson to attend the Regional Ethernet meeting -Fergus Falls.
9. Accept the resignation of Sara Lien-Liquor Store Clerk-effective April 30, 2007.
10. Hire Cheri Milligan as a Liquor Store Clerk at a rate of pay of \$8.86 per hour.
11. Hire Amber Votava as a Liquor Store Clerk at a rate of pay of \$8.86 per hour.

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

05-14-07-02 Motion by Mr. Cooper 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.

Nita Fenner and Wendy Duphorn approached the council and had concerns about some property in their neighborhood. They were concerned about the garbage around some homes, open windows, and houses deteriorating. Mayor Bauer directed Police Chief Dean Ernst to check on the properties, and report back at the June regular meeting. Mayor Bauer thanked Mrs. Fenner and Mrs. Duphorn for their concern on the properties.

There were no other citizens present to be heard.

Mayor Bauer stated the next item on the agenda was the discussion concerning the Fly Club. Council member Chad Hagen informed council members that the Fly Club would like the city to deed the airport property back to the Fly Club. That the Fly Club would operate for one year, and would perform the maintenance on the property. Council member Chad Hagen stated that he felt the city should be promoting the airport. Mayor Bauer asked council members if the city is interested in deeding the airport property back to the Fly Club. There were no comments from any council member. Council member Chad Hagen stated the estimated cost to perform the maintenance is \$4,000 - \$5,000 yearly. Council member Del Ellefson stated he felt it was in the city's best interest to keep the airport. After much discussion, Council member Chad Hagen will report back at the June meeting.

Mayor Bauer stated the next item on the agenda was the discussion of the City's 125th Celebration. Mrs. Margo Askin representing the 125th Celebration committee discussed the plans for the celebration. Mrs. Askin stated that the committee wanted a date different from the Clay County Fair or the Potato Days celebration. Mrs. Askin was asking council members for a commitment for the official celebration, investment to the celebration, and input from the community.

05-14-07-03 Motion by Mr. Simonsen and second by Mr. Ellefson to officially set the City of Barnesville's 125th Celebration as July 21st. Motion carried.

Council member Kim Simonsen informed Mrs. Askin that he would like to see what other organization contribute to the celebration before the city makes any monetary donation. Mr. Simonsen stated that this item will be on the June regular council meeting.

Mayor Bauer stated the next item on the agenda was the reviewing of the present animal ordinance. Council member Kim Simonsen stated that he felt it was needed to re-visit the present animal ordinance to allow for other pets. Mrs. Gina Lanum discussed with the council members that their children had found a duck's nest with 12 eggs, and all twelve

eggs had hatched. The Lanum's gave away 10 of the ducklings, but kept two ducklings. These ducks have become Lanum's pets, that the ducks are like have a dog or cat for a pet. Mrs. Lanum was asking council to re-define the present ordinance. Council member Chad Hagen voiced his concerns on how to police this in the future, possibly would need to get the neighbor's consent to allow for such an animal. Council member Larry Davis, Jr. stated that the present ordinance was created for a reason. Council member Roger Cooper suggested that the council be very cautious if we were to change the ordinance. City Attorney John Shockley stated that he could review the ordinance and report back at the June meeting. Animal Control Officer Nikki Bartelson informed council members that Moorhead or Fargo do not allow ducks in the city limits. Council member Del Ellefson commended Animal Control Officer Nikki Bartelson and Police Chief Dean Ernst for enforcing the ordinance. City Attorney John Shockley will report back to council members at the June regular meeting.

Mayor Bauer stated the next item on the agenda was the Rural Cellular Corp. Interconnection and Reciprocal Compensation Agreement. TEC Coordinator Guy Swenson informed council members that this is similar to the Sprint Agreement, and that this agreement would generate some income for the city.

05-14-07-04 Motion by Mr. Simonsen and second by Mr. Strom to authorize Mr. Swenson to sign the Rural Cellular Corporation Interconnection and Reciprocal Compensation Agreement. Motion carried.

Mayor Bauer stated the next item on the agenda was the discussion of the Cisco 7204 Router update. TEC Coordinator Guy Swenson informed council members that it is necessary to upgrade or replace our current Cisco 7204 router. Mr. Swenson suggested upgrading the current router, rather than purchasing a new router. The cost to upgrade the router is \$11,349.00.

05-14-07-05 Motion by Mr. Ellefson and second by Mr. Strom to purchase the upgrade for our Cisco 7204 router in the amount of \$11,349 from Midwave. Motion carried.

Mayor Bauer stated the next item on the agenda was the discussion of the Calix invoice. TEC Coordinator Guy Swenson informed council members that we had just received an invoice from Calix dated Nov. 25, 2006 in the amount of \$20,998.53. Mr. Swenson stated that he was with the understanding that all invoices had been paid for 2006, but then this invoice from Calix was just received. Mr. Swenson stated that we do owe the amount shown.

05-14-07-06 Motion by Mr. Simonsen and second by Mr. Ellefson to approve the payment to Calix in the amount of \$20,998.53. Motion carried.

The next item on the agenda was the VAL-ED Memorandum of Understanding. TEC Coordinator Guy Swenson that this is a request to provide access circuits across the state of Minnesota, and that this defines the responsibilities of each party.

05-14-07-07 Motion by Mr. Strom and second by Mr. Hagen to authorize Mr. Swenson to sign the Memorandum of Understanding to VAL-ED Joint Venture LLC. Motion carried.

Mayor Bauer stated the next item on the agenda was the 2nd reading of Ordinance 2007-9. An ordinance to increase the cable rates.

05-14-07-08 Motion by Mr. Simonsen and second by Mr. Ellefson to approve the 2nd Reading of Ordinance 2007-9. Motion carried.

ORDINANCE 2007-9

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 January 2008

\$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*

HBO: \$11.00 per month per subscriber when provided on an individual 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 lifting the watering ban that we have in our present Water Ordinance. Council member Kim Simonsen stated that people want to water their lawns, and questioned if we could lift the watering ban since we have the new water tower in place. Council member Del Ellefson voiced his concerns about the current well not being able to produce enough water if we would lift the watering ban. Mr. Ellefson stated that the water and wastewater portfolio will discuss at the next committee meeting, and report back at the June regular council meeting.

Mayor Bauer stated the next item on the agenda was the approval of contract to administer the Small Cities Grant. EDA Director Karen Lauer stated that this agreement is with Mr. Stan Thurlow, doing business as Thurlow Planning Office. Mrs. Lauer stated that City Attorney John Shockley has reviewed the contract.

05-14-07-09 Motion by Mr. Ellefson and second by Mr. Strom to approve the contract with Mr. Stan Thurlow, doing business as Thurlow Planning Office to administer the Small Cities Grant. EDA Director Karen Lauer informed council members that we would allow the consultant to use the Council Chambers on Tuesday's and Thursday's from 8:30 a.m. until 12:00 noon, for two and one-half years. Motion carried.

Mayor Bauer stated the next item on the agenda was the Resolution of Adoption-Residential Anti-displacement and relocation assistance plan for Grantees of the Small Cities Development Program.

05-14-07-10 Motion by Mr. Davis and second by Mr. Cooper to approve the Resolution of Adoption-Residential Anti-displacement and Relocation Assistance Plan for Grantees of the Small Cities Development Program. Motion carried.

RESOLUTION OF ADOPTION

Residential Anti-displacement And Relocation Assistance Plan
for Grantees of the Small Cities Development Program

Be it resolved that the City of Barnesville hereby adopts the Residential Antidisplacement and Relocation Assistance Plan for the City of Barnesville:

The City of Barnesville anticipates participating in the Minnesota Small Cities Development Program. The consequence of participation is that the potential for displacement exists. The purpose of the Residential Antidisplacement and Relocation Assistance Plan is to describe the steps the City of Barnesville shall take to mitigate the adverse effects of displacement on low and moderate-income persons.

A. The City of Barnesville will replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to use other than as low/moderate-income housing in connection with an activity assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in 24 CFR, Part 570.606 and 24 CFR, Part 42. All replacement housing will be provided within three years after the commencement of the demolition or conversion. Before entering into a contract committing the City of Barnesville to provide funds for an activity that will directly result in such demolition or conversion, the City of Barnesville will make public and submit to the Minnesota Department of Employment and Economic Development the following information in writing:

1. A description of the proposed assisted activity; 2. The location on a map and number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low/moderate-income dwelling units as a direct result of the assisted activities; 3. A time schedule for the commencement and completion of the demolition or conversions; 4. The location on a map and the number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units. If such data are not available at the time of the general submission, the City of Barnesville will identify the general location on an area map and the approximate number of dwelling units by size and provide information identifying the specific location and number of dwelling units by size shall be submitted and disclosed to the public as soon as possible; 5. The source of funding and a time schedule for the provision of replacement dwelling units; 6. The basis for concluding that each replacement dwelling unit will remain a low/moderate-income dwelling unit for at least 10 years from the date of initial occupancy. 7. Information demonstrating that any proposed replacement of dwelling units with smaller dwelling units (e.g., a 2-bedroom unit with two 1-bedroom units) is consistent with the housing needs of low and moderate-income households in the City of Barnesville.

The City of Barnesville may request the Minnesota Department of Employment and Economic Development to recommend that the U. S. Department of Housing and Urban Development approve an exception to required replacement housing if there is an adequate local supply of vacant low/moderate-income dwelling units in standard condition. Exceptions will be reviewed on a case-by-case basis as described in 24 CFR, Part 570.488(c)(1)(B).

B. The City of Barnesville will provide relocation assistance, as described in 24 CFR, Part 570.488(c)(2), to any lower-income person displaced by the demolition of any dwelling unit or the conversion of a low/moderate-income dwelling unit to another use in connection with an assisted activity.

C. Consistent with the goals and objectives of activities assisted under the Act, the City of Barnesville will take the following steps to minimize displacement when doing SCDP funded projects:

1. Establish procedures for relocation, tailored to funded activities, that follow Section 104(d) of the Housing and Community Development Act and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA).
2. Inform applicant owners of buildings with tenants of the need to minimize displacement and of their responsibility to inform their tenants of their intent to minimize displacement during rehabilitation, as much as possible.
3. Stage rehabilitation of residential rental units to allow tenants to remain in the building, complex or general geographic area during the rehabilitation, working with empty, standard-condition units first, if possible.
4. Stage commercial rehabilitation work so that businesses can continue to serve customers while rehabilitation is underway.
5. For public facility activities, schedule utility interruptions so they are as minimally disruptive as possible.

D. Definitions for the purposes of this plan are as follows:

- A “low/moderate-income dwelling unit” is a unit with a market rent, including utility costs, that does not exceed the applicable fair market rent for existing housing and moderate rehabilitation, as established under the HUD Section 8 existing housing program.
- A “vacant occupiable dwelling unit” is a vacant unit that is in standard condition; or in substandard but suitable for rehabilitation condition; or in dilapidated condition and occupied less than three months from the date of the grantee agreement.
- An “occupiable dwelling unit” is a unit that is in standard condition or has been raised to a standard condition from a substandard condition, suitable for rehabilitation.
- A “Standard Condition” dwelling unit is a unit which meets HUD Section 8 Housing Quality Standards (HQS) with no major defects in the structure and only minor maintenance is required. Such a dwelling will have the following characteristics: reliable roofs, sound foundations; adequate and stable floors, walls and ceilings; surfaces and woodwork that are not seriously damaged nor have paint deterioration; sound windows and doors; adequate

heating, plumbing, and electrical systems adequate insulation; and adequate water and sewer systems, and not overcrowded (defined as more than one person per room).

- A “Substandard Condition” dwelling unit is a unit if it does not meet HUD Section 8 Housing Quality Standards (HQS) which includes lacking the following: complete

plumbing, complete kitchen facilities, efficient and environmentally sound sewage removal and water supply, and heating source. In addition, the dwelling may be overcrowded (defined as more than one person per room).

-A "Substandard but Suitable for Rehabilitation Condition" dwelling unit, at a minimum, is a dwelling unit that does not meet Housing Quality Standards (HQS) with some of the same features as a "substandard condition" dwelling unit. This unit is likely to have deferred maintenance and may have some structural damage such as a leaking roof, deteriorated interior surfaces, and inadequate insulation. A "substandard but suitable" dwelling unit, however, has basic infrastructure (including systems for clean water and adequate waste disposal) that allows for economically and physically feasible improvements and upon completion of rehabilitation meets the definition of a "Standard" dwelling unit.

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 that he was going to close the meeting under the direction of legal counsel. Mrs. Pam Aakre with the Record Review objected and questioned why the Mayor was closing the meeting. City Attorney John Shockley informed Mrs. Aakre that it was about the client and pending litigation.

Mayor Bauer closed the meeting at 8:09 p.m.

Mayor Bauer opened the closed meeting at 8:09 p.m.

The first item to be discussed was a drainage issue. City Attorney John Shockley informed council members the choices they could make concerning this property.

Council member Del Ellefson directed City Attorney John Shockley to send a letter to the party involved, and for Mr. Shockley to report back at the regular June council meeting.

The next item council members discussed was the update on CM Repair. City Attorney John Shockley informed council members that he had met with Mr. Mortensen and Mr. Mortensen stated that he was going to clean-up his property. Council member Larry Davis, Jr. stated that he would like to proceed with contempt of court.

05-14-07-11 Motion by Mr. Strom and second by Mr. Ellefson to direct City Attorney John Shockley to proceed with a contempt of court with Mr. Mortensen. Motion carried.

Mayor Bauer stated the next item on the agenda was the Liquor Store staffing. Council member Larry Davis, Jr. informed council members that Liquor Store Manager Diane Peterson was having problems with the staffing.

05-14-08-12 Motion by Mr. Davis and second by Mr. Ellefson to terminate employment for Liquor Store clerk Kari Fankhanel. Motion carried.

Mayor Bauer adjourned the meeting at 8:44 p.m.

Submitted by:

Attest:

Jeri Reep
City Clerk

Kenneth J. Bauer
Mayor

