

**Barnesville City Council  
Regular Meeting  
June 11, 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, Public Works Supt. Dave Riddering, TEC Coordinator Guy Swenson, Police Chief Dean Ernst, Main Street Director Theresa Olson, Levi Lass, Del Peterson, Eric and Jeana Lanum, Lori Gudia, Leonard Boone, Dan Hanson with Ulteig Engineers, and Pam Aakre with the Record Review.

City Clerk Jeri Reep took toll 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. Mayor Bauer stated that the Barnesville Rod & Gun gambling permit for August 25, 2007 would be added to the consent agenda.

**06-11-07-01** Motion by Mr. Davis and second by Mr. Ellefson to approve the agenda as presented with the addition of the Barnesville Rod & Gun gambling permit request for August 25, 2007. Motion carried.

**06-11-07-02** Motion by Mr. Cooper and second by Mr. Davis to approve the consent agenda as presented. Motion carried. The following items were included on the consent agenda.

1. Approval of the minutes of the regular meeting held on May 14, 2007.
2. Approval of the department head reports.
3. Finance reports – approval of check numbers 61201-61359 in the amount of \$187,295.66 and EFT payments in the amount of \$94,025.68.
4. Approval of the CPAP purchase for the Ambulance Dept.
5. Approval of the Main Street Dues in the amount of \$200.00.
6. Approval of the KC's liquor license-August 25, 2007.
7. Approval for travel for Ione Hammer and Guy Swenson to attend the NECA training in Fargo-June 19<sup>th</sup>.

Mayor Bauer stated the next item on the agenda was the board and commission reports. Council member Larry Davis, Jr. informed members that the new Park Board member is Rani Mark.

**06-11-07-03** 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 the Fly Club update. Council member Chad Hagen stated that only one person has contacted him. Mr. Hagen would like the Fly Club discussion to be removed from the agenda until a later date. Council member Kim Simonsen stated that he felt that the city should have control of the airport. EDA Director Karen Lauer informed council members that the EDA does not want to deed the property back to the Township.

Mayor Bauer stated the next item on the agenda was the discussion of the dust control for Leonard Boone at 180<sup>th</sup> Street South. Council member Chad Hagen stated that Mr. Leonard Boone would like to have dust control by his residence, and for the other three residences by him. Council member Chad Hagen will get some prices for dust control, and report back at the July regular meeting.

Mayor Bauer stated the next item on the agenda was the 125<sup>th</sup> Birthday celebration. Main Street Director Theresa Olson discussed with council members the celebration. Mrs. Olson informed council that the date had been changed from the original date, and the celebration will be held on Thursday, August 2, 2007 in conjunction with the Community Picnic. Mrs. Olson discussed the activities planned. Mayor Bauer stated he felt that the city should pay for the cost of the meal.

**06-11-07-04** Motion by Mr. Simonsen and second by Mr. Ellefson to authorize the 125<sup>th</sup> Birthday celebration committee not to exceed \$6700.00 for the expenses for the celebration. These monies will be from the discretionary fund. Motion carried.

Mayor Bauer stated the next item on the agenda was the discussion of the present animal ordinance. Council members discussed the present animal ordinance. City Attorney John Shockley presented members a proposed ordinance change to allow for additional animals, stated that this ordinance change would state that each pet would need a permit, and the recommendation would come from the Animal Control Officer. Council member Kim Simonsen stated that he enjoys pets, but has checked with former animal control officer, and she stated that ducks carry many diseases. Jeana Lunum stated that the ducks that they have, are 98% disease free. Mayor Bauer questioned if we were to change the ordinance, could we change the ordinance back to the way it was again. Council member Roger Cooper concerned about how early the animals are going to wake up the bedroom community that we have. Council member Merlin Strom stated that the Planning and Zoning does not endorse an ordinance change. Animal control officer Nikki Bartelson had many questions for the council, on how to monitor and control such animals. After much discussion, the following motion was made.

**06-11-07-05** Motion by Mr. Ellefson and second by Mr. Davis to change the present animal ordinance to allow for exotic pets. The following voted in favor of: Council member Ellefson. Those voting against: Council members Hagen, Cooper, Davis, Strom, and Simonsen. Motion was defeated five to one. Mayor Bauer informed Mr. & Mrs. Lanum that they have 30 days to remove the ducks from the city.

Mayor Bauer stated the next item on the agenda was the update on the Public Nuisance property. Police Chief Dean Ernst stated that he reviewed the homes. City Attorney John Shockley stated that one of the homes will be on the July agenda for the dangerous building violation.

Mayor Bauer called on Main Street Director Theresa Olson. Mrs. Olson stated that she will need a motion to approve the KC's to sell alcohol in the park for the 125<sup>th</sup> Birthday celebration.

**06-11-07-06** Motion by Mr. Ellefson and second by Mr. Simonsen to allow the KC's to sell alcohol in the Blue Eagle Park on August 2, 2007 during the 125<sup>th</sup> Birthday celebration. Motion carried.

Mayor Bauer stated the next item on the agenda was the ditch improvement agreement. Public Works Supt. Dave Riddering informed council members that Mr. Del Peterson approached Mr. Del Ellefson about this project. In this agreement, the grade of the drainage ditch running on the east side of 13<sup>th</sup> Street between 2<sup>nd</sup> Ave. SE and the inlet into the trunk storm sewer poses safety concerns relating to the mowing on the sides of the ditch. Mr. Riddering estimated the cost approximately \$17,000. Mr. Delbert Peterson will assist in the project.

**06-11-07-07** Motion by Mr. Cooper and second by Mr. Ellefson to authorize staff to sign the Ditch Improvement Agreement and proceed with the project on the east side of 13<sup>th</sup> Street between 2<sup>nd</sup> Ave SE and the inlet into the trunk storm sewer, not to exceed \$20,000. The funds will be from the Storm Sewer Fund. Mr. Dan Hanson with Ulteig Engineers stated that this is a good thing to do, and will look very nice. Motion carried.

Mayor Bauer stated the next item on the agenda is the drainage issues at 11<sup>th</sup> Avenue Southeast. City Attorney John Shockley informed council members that he had met with the landowners, and discussed a few options. Council directed staff to continue to research options, and report back to council.

Mayor Bauer next called on Mr. Leonard Boone. Mr. Boone stated that some road work needed to get done before any dust control could be put down. Council member Del Ellefson questioned if Visser Scraper Service could scrape the road when they are here. This item will be tabled until the July meeting.

Mayor Bauer stated the next item on the agenda was the reviewing of the present water ordinance. Council member Del Ellefson recommended that we leave the ordinance the way it is now. Mr. Dan Hansen with Ulteig Engineers informed council members that

the current pumps are 20 years old. Ulteig Engineers did not put this expenditure in the water tower project. Council member Del Ellefson questioned if we wanted Ulteig Engineering to continue on the pump project. Council member Kim Simonsen stated that he would like to see a Request for Proposal go out for this project. Council members directed the portfolio holders to form a committee to discuss the engineering firms and the high service pumps and report back at the July meeting.

Mayor Bauer stated the next item on the agenda was the lagoon project update. Council member Del Ellefson informed council members that Visser Scraper Service has started to mobilize their equipment. Public Works Supt. Dave Riddering questioned if Visser would be asking for time extension. Mr. Riddering stated he felt that there should not be any weather delay extension until Visser is here. Visser Scraper Service has not been working in Barnesville in the year 2007 as of this date.

Mayor Bauer stated the next item on the agenda was the Barnesville High School parking lot lighting. TEC Coordinator Guy Swenson informed council members that the school wants to extend their parking lot. The request is to move three poles to better illuminate the parking lot on the south side of the high school.

**06-11-07-08** Motion by Mr. Simonsen and second by Mr. Strom to approve moving the three light poles and installing underground wires to feed the streetlights at the High School. Motion carried.

Mayor Bauer stated the next item on the agenda was the Dark Fiber Lease. TEC Coordinator Guy Swenson informed council that this is a lease with Red River Telephone. Mr. Swenson stated that this lease will be short term, in the amount of \$25.00 per month.

**06-11-07-09** Motion by Mr. Strom and second by Mr. Davis to approve the Dark Fiber lease with Red River Telephone in the amount of \$25.00 per month. Motion carried.

TEC Coordinator Guy Swenson next informed council members that the Hallmark Channel Agreement is actually a 25% reduction and is a three year agreement.

**06-11-07-10** Motion by Mr. Simonsen and second by Mr. Hagen to authorize staff to sign the renewal agreement with the Hallmark Channel. Motion carried.

Mayor Bauer stated the next item on the agenda was the Comedy Central Agreement. This agreement is a three year agreement.

**06-11-07-11** Motion by Mr. Ellefson and second by Mr. Simonsen to authorize TEC Coordinator Guy Swenson to sign and return the renewal agreement to NCTC-Comedy Central. Motion carried.

Mayor Bauer stated the next item on the agenda was the FTTH material purchase. TEC Coordinator Guy Swenson stated that this is to purchase materials to continue the fiber to the home in a five block area from 5<sup>th</sup> Ave. SE to 10<sup>th</sup> Ave. SE. Estimated cost is \$60,000 for the material only, and is a budgeted item.

**06-11-07-12** Motion by Mr. Simonsen and second by Mr. Cooper to allow staff to purchase the materials for the FTTH project, not to exceed \$60,000. Motion carried.

TEC Coordinator Guy Swenson next discussed the FOX news receiver purchase. Mr. Swenson was requesting to purchase a new receiver for Channel 52-FOX news. This is a system upgrade in the amount of \$889.00 plus shipping.

**06-11-07-13** Motion by Mr. Davis and second by Mr. Simonsen to approve the purchase of the Scientific Atlanta Model 9850 receiver from NCTC for \$899.00 plus shipping costs. Motion carried.

TEC Coordinator Guy Swenson next discussed the need for additional rock at the East Substation.

**06-11-07-14** Motion by Mr. Cooper and second by Mr. Strom to approve the purchase of two loads of rock for the East Substation, not to exceed \$1300.00. Motion carried.

Mayor Bauer stated the next item on the agenda was the approval of the 2007 Small Cities Policies and Procedures Grant. EDA Director Karen Lauer stated that she is preparing a contractor's list for the 2007 Small Cities Grant. Mrs. Lauer stated that applications will be accepted on June 26<sup>th</sup>.

**06-11-07-15** Motion by Mr. Simonsen and second by Mr. Strom to approve the 2007 Small Cities Grant Policies & Procedures as presented. Motion carried.

Mayor Bauer stated the next item on the agenda was the request for additional financial assistance. Council member Kim Simonsen informed council members that he has received a verbal extension of 45 days for our State Audit report that is due June 30<sup>th</sup>. Eide Bailly will provide accounting assistance for the city for the year 2006, at a rate of \$90 - \$145 per hour.

**06-11-07-16** Motion by Mr. Simonsen and second by Mr. Davis to authorize Eide Bailly to provide accounting assistance for the year 2006, and to authorize staff to sign the letter of agreement. Motion carried.

Mayor Bauer stated the next item on the agenda was the termination of Liquor Store Clerk Kari Fankhanel.

**06-11-07-17** Motion by Mr. Davis and second by Mr. Hagen to terminate the employment for Liquor Store Clerk Kari Fankhanel immediately. Motion carried.

City Attorney John Shockley informed council members that CM Repair raised the conflict of interest issue with their law firm. Mr. Shockley would like to authorize Pemberton Law Firm to continue with this case.

**06-11-07-18** Motion by Mr. Ellefson and second by Mr. Hagen to authorize the Pemberton ,Sorlie, Rufer, Kershner Law Firm to continue with the CM Repair case. Motion carried.

Mayor Bauer adjourned the meeting at 9:17 p.m.

Submitted by:

Attest:

Jeri Reep  
City Clerk

Kenneth J. Bauer  
Mayor