

**Barnesville City Council**  
**Regular Meeting**  
**July 10, 2006**

Mayor Ken 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 Clerk Jeri Davis, Police Chief Dean Ernst, TEC Coordinator Guy Swenson, Public Works Supt. Dave Riddering, EDA Director Karen Lauer, Gary Giltner with People Service, Rob Rys with KDV, City Attorney John Shockley, Barbara Carlisle, Jeremy Krause, Dana Eggiman and Pam Aakre with the Record Review.

Mayor Bauer stated the first item on the agenda for the evening was the pledge of allegiance. All rose to recite the pledge.

Mayor Bauer asked if there were any additions or amendments to the agenda. The following items were added to the agenda. Approve hiring of Mr. Mike Ness in the Public Works Dept, Approval of a gambling permit for the Barnesville Rod & Gun , School Resource Officer employment, Discussion of KDV to perform mini-audit, correction of the minutes on June 12, 2006, payment request from Quam Construction, Viser Scraper and Caldwell Tanks.

**7.10.6.1** Motion by Mr. Ellefson and second by Mr. Davis to approve the agenda as presented with the additional items. Motion carried.

**7.10.6.2** Motion by Mr. Davis and second by Mr. Ellefson to approve the consent agenda as presented. The following items were included in the consent agenda.

1. Approval of the June 12, 2006 minutes, with the correction of the minutes regarding the Old City Hall Remodeling Project.
2. Department Head reports
3. Finance report-approval of check numbers 55896-56086 in the amount of \$1,432,382.07, and EFT payments in the amount of \$110,881.74.
4. Accept Brent Enge resignation.
5. Hire Mike Ness for the Street & Parks Maintenance I position with a rate of pay of \$10.00 per hour effective July 10, 2006.
6. Hire Ashley Tougas for the Golf Course refreshment driver at a rate of pay of \$6.15 per hour.
7. Approval of the gambling permit for the Barnesville Rod & Gun for August 26, 2006 at Ratzos Pool Hall.

Mayor Bauer next went thru the board and commission reports. Mayor Bauer informed council members that both the Golf Course and the Liquor Store recently passed the liquor compliance check.

**7.13.6.3** Motion by Mr. Davis and second by Mr. Hagen to approve the board and commission reports as presented. Motion carried.

Mayor Bauer 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 with Errol Ernst regarding the airport runway. Mr. Ernst was not present to discuss the airport runway use with the council.

Mayor Bauer next opened the public hearing at 7:10 p.m. for the vacating of the alley located between Lots 1-5, and 7-11, Block 1, McGrath's Third Addition.. EDA Director Karen Lauer stated that City Attorney John Shockley has prepared a resolution to vacate the alley. There were no citizens present to comment on the vacation of the alley.

Mayor Bauer closed the public hearing at 7:12 p.m.

EDA Director Karen Lauer informed council members that there is a cost involved in vacating the alley. Normally the person requesting the vacation would be responsible for these costs. Mayor Bauer asked Mr. Dana Eggiman if he is willing to be responsible for these costs. Mr. Eggiman stated that he would accept the costs involved to vacate the alley located between Lots 1-5, and 7-11, Block 1, McGrath's Third Addition, City of Barnesville.

**7.13.6.4** Motion by Mr. Simonsen and second by Mr. Ellefson to approve the following resolution. Motion carried.

BE IT RESOLVED: by the City Council of the City of Barnesville that is the public interest to vacate that portion of the alley right-of-way located between Lots 1-5 and 7-11, Block 1, McGrath's Third Addition to the City of Barnesville, and the same is hereby vacated, subject, however, to reserving a utility easement over, under and above the existing right-of-way for the purposes of maintaining, constructing, and repairing existing City utility easements, including but not limited to water, sewer, telephone, electric, and cable television.

NOW, THEREFORE; be it resolved by the City Council of the City of Barnesville that the existing alley right-of-way located between Lots 1-5, and 7-11, Block 1, McGrath's Third Addition to the City of Barnesville is hereby vacated subject to the above-described utility easement in favor of the City of Barnesville.

Approved:

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Mayor Ken Bauer

Attest:

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Jeri L. Davis, City Clerk

- 7.13.6.5** Motion by Mr. Strom and second by Mr. Simonsen that Mr. Dana Eggiman be responsible to pay all recording fees and other charges to vacate the alley between Lots 1-5, and 7-11, Block 1, McGrath's Third Addition, City of Barnesville. Motion carried.

Mayor Bauer stated the next item on the agenda was the approval of Partial Payment No. 1 to Quam Construction in the amount of \$352,992.60 for the Del Acres-Gilbertson First Addition-Phase 1.

- 7.13.6.6** Motion by Mr. Simonsen and second by Mr. Ellefson to approve the Partial Payment No. 1 in the amount of \$352,992.60 to Quam Construction for the Del Acres-Gilbertson First Addition-Phase 1. Motion carried.

Mayor Bauer stated that Mr. Errol Ernst has arrived at the council meeting, and that they would discuss the airport runway use with him at this time.

Mr. Allen Shepard, representing Mr. Ernst discussed with council members of Mr. Ernst request. Mr. Ernst would like permission to use the airport runway for his spray plane. Mr. Shepard stated that Mr. Ernst would be responsible for any problems that may occur at the runway. City Attorney John Shockley stated that the present ordinance prohibits spray planes at the airport, and the council would need to revise the ordinance to allow this use. After much discussion, Council member Chad Hagen will visit with Mr. Errol Ernst and report back at the August regular council meeting.

Mayor Bauer stated the next item on the agenda was the discussion of the telephone donation policy. TEC Coordinator Guy Swenson discussed with council members the proposed policy.

- 7.13.6.7** Motion by Mr. Simonsen and second by Mr. Strom to approve the following policy. If a local non-profit organization is sponsoring an event or activity to raise money for a local cause, or an individual or family suffering from a fire, natural disaster or medical crisis, Barnesville Municipal Telephone will donate a cordless telephone. The estimated retail value of the cordless telephone is \$39.95, with our cost being \$24.95. Requests will be handled by either City Marketing Director Karen Lauer or TEC Coordinator Guy Swenson. Motion carried.

TEC Coordinator Guy Swenson next discussed with council members the Touch America Undisputed Claim Purchase. Mr. Swenson stated that Liquidity Solutions, Inc. has expressed an interest in purchasing our undisputed claim of \$1,805.44 against the

bankrupt Touch America Inc. for \$1,263.80 This bankruptcy has been ongoing for several years, and the claim could be reduced further.

**7.13.6.8** Motion by Mr. Simonsen and second by Mr. Ellefson to approve the Touch America Undisputed Claim Purchase as presented. This will allow Liquidity Solutions, Inc. to purchase our undisputed claim of \$1,805.44 against the bankrupt Touch America for \$1,263.80. Motion carried.

Mayor Bauer stated the next item on the agenda was the new cable channel lineup. TEC Coordinator Guy Swenson discussed with council members the cable TV lineup. Mr. Swenson stated that by adding the DIY (Do It Yourself) Channel was available to be added for a cost of \$1,015.00 for the digital receiver.

**7.13.6.9** Motion by Mr. Ellefson and second by Mr. Strom to approve the DIY (Do It Yourself) Channel to our cable lineup and the purchase of the digital receiver in the amount of \$1,015.00. Motion carried.

Mayor Bauer stated the next item on the agenda was the Broadband/Internet Ordinance. TEC Coordinator Guy Swenson informed council members that with the increase in DSL speeds and the creation of a new level of service, the Broadband Internet Ordinance needs to be updated.

**7.13.6.10** Motion by Mr. Simonsen and second by Mr. Ellefson to approve the 1<sup>st</sup> reading of the Broadband/Internet Ordinance. Motion carried.

Mayor Bauer stated the next item on the agenda was the dispute of a PIC Charge. TEC Coordinator Guy Swenson informed council members that a customer had requested a PIC change for both inter lata and intra lata. By tariff, the city has to charge \$5.50 per lata to make these changes. City Attorney John Shockley informed council members that the customer has a right to appeal.

Barbara Kay Carlisle discussed with council members the PIC charge on her telephone billing. Ms. Carlisle stated that she has contacted the Attorney Generals Office in regards to her charge of \$11.00 on her telephone billing for the PIC change.

**7.13.6.11** Motion by Mr. Ellefson to deny the request to waive the \$11.00 charge on Barbara Kay Carlisle telephone billing for the PIC Change. Motion by Mr. Strom. City Clerk Jeri Davis informed council members that Ms. Carlisle did sign a PIC Change Form request authorizing the city to perform the PIC Change. Motion carried.

Mayor Bauer stated the next item on the agenda was the discussion of services provided by People Service. Mr. Paul Christensen with People Service discussed with council members the services that People Service has been providing. Mr. Christensen stated that they have had some communication problems. Mr. Christensen also was aware that the fire hydrant repairs should have been completed earlier. Mr. Christiansen stated that the

water quality issues have been addressed also, and they have made some changes. City Council member Kim Simonsen stated that calls have been made to People Service with no response. Mr. Simonsen informed Mr. Christensen that the water quality issue has been for several months now. Council member Del Ellefson voiced his concerns on the present lagoon weed growth. Mr. Christensen stated that he would check into the lagoon weed growth. There were no other questions for Mr. Christensen.

Mayor Bauer stated the next item on the agenda was the approval of the Partial Payment No. 1 for the Stabilization Pond System.

**7.13.6.12** Motion by Mr. Cooper and second by Mr. Hagen to approve the Partial Payment No. 1 for the Stabilization Pond Expansion to Visser Scraper Service in the amount of \$249,057.18. Motion carried.

Mayor Bauer stated the next item on the agenda was the approval of the Partial Payment No. 5 to Caldwell Tanks.

**7.13.6.13** Motion by Mr. Davis and second by Mr. Ellefson to approve the Partial Payment No. 5 to Caldwell Tanks in the amount of \$65,601.55. Motion carried.

Mayor Bauer next called on Mr. Rob Rys with KDV. Mr. Rys discussed with council members the 2005 audit. Mr. Rys stated that the total revenues had went down from the year before, and that the main reason was the tax levy. Mr. Rys recommends monitoring the Golf Course and the Liquor Store operations. Mr. Rys asked if the council members had any questions for him. Council member Kim Simonsen stated that he would like to have KDV here on a monthly or bi-monthly basis to perform a mini-audit. Mr. Rys stated that he would have Mr. Steve Wischman with KDV contact City Clerk Jeri Davis to set this up.

**7.13.6.14** Motion by Mr. Simonsen and second by Mr. Ellefson to approve the request for KDV to perform a mini-audit, starting in July. Motion carried.

Mayor Bauer stated the next item on the agenda was the discussion of tree trimming. Public Works Supt. Dave Riddering questioned who is responsible for a tree when it falls onto private property. TEC Coordinator Guy Swenson questioned who is responsible when a tree falls on a utility service. After much discussion, this item will be tabled to the TEC Board and report back at the August regular council meeting.

Mayor Bauer stated the next item on the agenda was the discussion of the School Resource Officer Retention. Police Chief Dean Ernst stated that the School is willing to contract for a school resource officer. By this contract, Police Officer Gabe Tweten would replace the need for any part-time officers. Mr. Ernst recommends entering into the agreement with the school district for a five year agreement for this position.

**07-13-06-15** Motion by Mr. Hagen and second by Mr. Simonsen to enter into an agreement with the Barnesville Public School Dist 146 for a five year agreement for a School Resource Officer Position with Mr. Jeff Tharldson. Motion carried.

Police Chief Dean Ernst informed council members that Officer Tweten employment is for a five year position as a police officer.

**7.13.6.15** Motion by Mr. Ellefson and second by Mr. Strom to approve the five year agreement with Mr. Gabe Tweten for a police officer

**7.13.6.16** Motion by Mr. Ellefson to amend his motion to change this position to a full time permanent police officer position. Motion carried.

Mayor Bauer stated the next item on the agenda was the 2<sup>nd</sup> reading amending certain sections of the City Code.

**7.13.6.17** Motion by Mr. Simonsen and second by Mr. Strom to approve the 2<sup>nd</sup> reading of Ordinance 2006-13. Motion carried.

**Ordinance 2006-13  
City of Barnesville  
County of Clay**

The Barnesville City Code, a complete codification of the general and permanent ordinances of the City of Barnesville, Minnesota, was adopted by the City Council of the City of Barnesville and went into effect on the 15<sup>th</sup> day of November, 2004. It is now the desire of the City Council to amend those certain sections of the City Code as adopted relating to zoning.

The following sections of the City Code related to zoning are hereby repealed:

11.04 Subd. 1	11.37
11.04 Subd. 2	11.40
11.10 Subd. 2b	11.41 Subd.1,2
11.10 Subd. 2	11.43
11.11 Subd 2,3,4,5	11.61
11.12 Subd. 2,3,4,5	11.62
11.13 Subd. 4, 5	11.81 Subd.1,2,3,4
11.14 Subd. 6	11.82 2,3,4
11.20 Subd. 2, 3	
11.21 Subd. 3, 7	
11.30 Subd. 2,3,4,5	
11.31 Subd. 4,5	
11.36 Subd. 3,4,5	

The following ordinances, in place prior to enactment of the City Code are hereby re-adopted since it was never the City Council's intention to repeal them:

2001.11	2002-21
2001.8	2002-7
2001.3	2003-2
2000.2	2003-3
1999.9	2003-5
1999.10	2004-6
2002-2	
2002-13	

In addition, the following amendments adopted after the approval of the City Code are hereby ratified and reaffirmed:

2006-5	2005-14
2006-4	2005-4
2006-3	2005-1
2006-2	

The above referenced ordinances which are adopted and ratified, as set forth above, shall be re-codified and renumbered so that they are inserted in the City Code as follows:

Chapter 11 changes and additions.

This ordinance shall become effective after two readings and publication as required by Minnesota Statutes and the Barnesville City Charter.

WHEREUPON said ordinance was duly declared passed, adopted and approved on the 10<sup>th</sup> day of July, 2006.

APPROVED:

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Kenneth J. Bauer  
Mayor

ATTEST:

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Jeri L. Davis  
City Clerk

First Reading: June 12, 2006  
Second Reading: July 10, 2006  
Adopted: July 10, 2006  
Published: July 17, 2006

Mayor Bauer stated the next item on the agenda was the 2<sup>nd</sup> reading for the fencing and screening ordinance.

**7.13.6.18** Motion by Mr. Davis and second by Mr. Ellefson to approve the 2<sup>nd</sup> reading of Ordinance 2006-11. Motion carried.

**Ordinance 2006 - 11**  
**An Ordinance Amending Barnesville Municipal Code**

**WHEREAS:** the City of Barnesville did previously enact the Municipal Code,

**WHEREAS:** a section has been identified as needing updating or modification;

**NOW THEREFORE:** the Barnesville Municipal Code is hereby amended as follows:

**SEC. 11.61. FENCING AND SCREENING.**

**Subd. 5. Residential District Fences.** All residential fences shall be placed within the property being fenced and conform to the following:

**A.** Fences along side property lines shall not be more than six (6) feet in height

**B.** Fences along any rear property line, which is also the rear property line of an abutting lot, shall not exceed six (6) feet in height.

**C.** Fences along a rear property line, which line constitutes the side lot line of an abutting lot, shall not exceed six (6) feet in height.

**D.** The screening provisions for residential districts shall supersede, where applicable, the provisions of this section.

**E.** All posts or similar supporting instruments used in the construction of fences, shall be faced inward toward the property being fenced.

**F.** All fences shall not obstruct drainage.

**G.** All fences located within a utility easement require a conditional use permit.

***H. Fences in required front yards shall not exceed thirty-six (36") in height except that fences that are at least seventy five percent (75%) open may be forty eight (48") in height.***

**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 10th day of July 2006.

APPROVED

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Kenneth J. Bauer  
Mayor

ATTEST:

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Jeri L. Davis  
City Clerk

Mayor Bauer stated the next item was the 2<sup>nd</sup> reading of the ordinance 2006-12.

**7.13.6.19** Motion by Mr. Cooper and second by Mr. Strom to approve the 2<sup>nd</sup> reading of Ordinance 2006-12. Motion carried.

**Ordinance 2006 - 12**  
**An Ordinance Amending Ordinance 1994-9, City of Barnesville Zoning Ordinance**

**WHEREAS:** the City of Barnesville did previously enact the Zoning Ordinance in August 2004;

**WHEREAS:** a section has been identified as needing updating or modification;

**NOW THEREFORE:** the Zoning Ordinance is hereby amended as follows:

**SECTION 17.12**

**R-1 and R-2 Residential Signs**

- a. Residential signs shall not exceed 8 square feet in area and bear only the name and address of the occupants of premises.
- b. No dimension of a sign may be more than three times the other dimension.
- c. The maximum height of any freestanding sign shall be eight (8) feet as measured from the ground to the top of the sign.

***d. Churches, schools, hospitals, clinics, libraries or similar uses may be allowed one identification sign, subject to the approval of a conditional use permit, provided that:***

- 1. Such signs shall be solely for the purpose of displaying the name of the institution and its activities or services***
- 2. The sign is not to exceed eighty (80) square feet in aggregate area***
- 3. Height is not to exceed 8 feet.***
- 4. Width is not to exceed 12 feet***
- 5. The sign is of a monument styling, rather than pole mounted***
- 6. There is ground landscaping surrounding the base of the sign***
- 7. There are no flashing lights of any type, and***
- 8. such other terms and conditions as may be appropriate and allowed by law***

**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 10th day of July 2006.

APPROVED:

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Kenneth J. Bauer  
Mayor

ATTEST:

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Jeri L. Davis  
City Clerk

Mayor Bauer stated the next item on the agenda was the 1<sup>st</sup> reading of Ordinance 2006-14, adding schools as a permitted use in the P-Zone.

**7.13.6.20** Motion by Mr. Strom and second by Mr. Ellefson to approve the 1<sup>st</sup> reading of Ordinance 2006-14. Motion carried.

**Ordinance 2006-14  
City of Barnesville  
County of Clay**

**AN ORDINANCE TO AMEND SECTION 10.17 OF THE BARNESVILLE  
MUNICIPAL CODE RELATING TO ZONING DISTRICTS**

BE IT ORDAINED by the City Council of the City of Barnesville that Section 11.36 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.

**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 14<sup>th</sup> day of August, 2006.

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Kenneth J. Bauer  
Mayor

Mayor Bauer stated the next item on the agenda was the 1<sup>st</sup> reading of Ordinance 2006-15.

**7.13.6.21** Motion by Mr. Simonsen and second by Mr. Strom to approve the 1<sup>st</sup> reading of Ordinance 2006-15. Motion carried.

**Ordinance 2006-15  
City of Barnesville  
County of Clay**

**An Ordinance Amending ordinance 1994-9, City of Barnesville Zoning Ordinance**

WHEREAS: the City of Barnesville did previously enact the Zoning Ordinance in August 2004;

WHEREAS: a section has been identified as needing updating or modification;

NOW THEREOFRE: the Zoning Ordinance is hereby amended as follows:

**Section 17.20**  
**P-Public Facilities Zone Signs**

**Churches, schools, hospitals, clinic, libraries or similar uses may be allowed one Identification sign, subject to the approval of a conditional use permit, Provided that:**

- 1. Such signs shall be solely for the purpose of displaying the name of the institution and its activities or services.**
- 2. The sign is not to exceed eight (80) square feet in aggregate area.**
  - 3. Height is not to exceed 8 feet.**
  - 4. Width is not to exceed 12 feet.**
- 5. The sign is of a monument styling, rather than pole mounted.**
- 6. There is ground landscaping surrounding the base of the sign.**
- 7. There are no flashing lights of any type, and**
- 8. such other terms and conditions as may be appropriate and allowed by law.**

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 14<sup>th</sup> day of August 2006.

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Kenneth J. Bauer  
Mayor

Attest:

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Jeri L. Davis  
City Clerk

Mayor Bauer stated the next item on the agenda was the 1<sup>st</sup> reading amending the Zoning Map.

**7.13.6.22** Motion by Mr. Simonsen and second by Mr. Hagen to approve the 1<sup>st</sup> reading of Ordinance 2006-16. Motion carried.

Mayor Bauer stated the next item on the agenda was the recommendation from the Planning Commission regarding fencing around swimming pools. Council member Merlin Strom stated that he would like to see the language stay as it presently states in the ordinance. Planning Commission member Jeremy Krause stated that the enforcement regarding the fencing around pools is up to the City Council. After much discussion, council members decided to not make any changes at this time.

The next item on the agenda was the discussion regarding the sump pump discharge. EDA Director Karen Lauer stated that City Attorney John Shockley and herself were working on an ordinance and recommendation. Council members discussed who is responsible to enforce the sump pump violators. Council members stated that it is People Service and the Building Inspector to enforce this ordinance.

Mayor Bauer stated the next item on the agenda was the Poppel Salvage Yard violation. City Attorney John Shockley stated that a notification will be mailed to Mr. Poppel informing him of his violation at the Salvage Yard.

EDA Director Karen Lauer informed council members that the Main Street office would like to move their office to the Wells Fargo Bank, combining the two offices of Main Street and the EDA office together. Mrs. Lauer asked for permission to add signage to the present signs at the Library and also the Recycling Center, adding the Main Street Office to those signs.

**7.13.6.23** Motion by Mr. Strom and second by Mr. Hagen to approve the signage for the Main Street Office to the Library Sign and also the Recycling Center sign. Motion carried.

City Clerk Jeri Davis informed council members that a motion was necessary to approve the 2005 audit that had been presented earlier in the evening.

**7.13.6.24** Motion by Mr. Cooper and second by Mr. Simonsen to approve the 2005 audit as presented by KDV. Motion carried.

Mayor Bauer adjourned the meeting at 9:45 p.m.

Submitted by:

Attest:

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Jeri L. Davis  
City Clerk

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Kenneth J. Bauer  
Mayor

