

BARNESVILLE CITY COUNCIL
Regular Meeting
September 8, 2003

Mayor Gene Prim opened this regular meeting of the Barnesville City Council at 7:00 p.m. with members Chad Hagen, Roger Cooper, Larry Davis Jr., Charles Martinson, and Kim Simonsen. Jerry Ames was not present. Also present were City Administrator Ray Miller, City Attorney Mike Hannaher, City Engineer, Tom Trowbridge, EDA Director Karen Lauer, Main Street Director Brenda Brand, General Manager Gerald Dow, Finance Director Brian Jacobson, department heads, Ken Bauer, Bob Smith, Minutes Recorder Leslie Brenner, and Karen Carpenter of the Record Review.

09-08-03-01 Motion by Mr. Cooper and second by Mr. Hagen to approve the agenda.

09-08-03-02 Motion by Mr. Cooper and second by Mr. Hagen to approve the minutes from the August 11, 2003 regular meeting with the removal change the 08-11-03-04 variances for the approval with adding a handicapped parking spot and help make City Hall more handicapped accessible. Carried. Mr. Davis and Mr. Martinson approved the City minutes. Carried.

09-08-03-03 Motion by Mr. Martinson and second by Mr. Davis to approve the Barnesville Dollars for Scholars to hold a Phon - a - thon. Jane Salber asked if the city would allow the usage of seven or eight telephone lines for long distance services this fall to help raise funds for our scholarship program that is set for October 25 and 26. Carried.

Tom Trowbridge City Engineer was present to here the discussion from several citizens dissatisfied with the work over the summer all of the improvements along Second Street Northeast, Eighth Avenue Southeast and the Clay County Fairgrounds. The biggest concern was the lack of grass along the boulevard, the replacement of concrete and potential drainage problems. Mr. Trowbridge stated the reason the grass is so difficult to grow in the boulevards along Second Avenue Northeast is because the depth of the topsoil is not ample for seed or sod to take root. Trowbridge assured the citizens that Larson – Peterson and Associates will correct the problem.

Also the council discussed the Clay County Fair grounds. The topsoil that was brought in has settled and there is no grass growing in that area. Mr. Ron Sacrison was dissatisfied with the curb portion of his sidewalk that was removed last fall order for the reconstruction to occur. Erosion has acquired because this was not completed until the summer. Mr. Trowbridge has agreed to meet with Mr. Sacrison to work this problem out.

Department head reports were presented with a discussion on making City Hall more easily handicapped accessible and to provide a handicapped parking spot. The warming house has not been yet been recommended for approval by the Planning Commission. There is still a problem in meeting the setbacks of the R-2 zone. A special Planning Commission meting is scheduled for October 2nd to resolve this issue.

09-08-03-04 Motion by Mr. Simonsen and second by Mr. Martinson to approve adding a handicapped parking spot and to make City Hall more handicapped accessible. Carried.

09-08-03-05 Motion by Mr. Simonsen and second by Mr. Martinson to approve the partial payment to Quam Construction Company for street and underground utility improvements at Stoneridge. Carried.

09-08-03-06 Motion by Mr. Simonsen and second by Mr. Martinson to hold a Public Hearing on Monday, October 13th at 6 pm to consider and possibly adopt the proposed assessment for street and underground utility improvements of Stoneridge Addition and Second Avenue NE. Carried.

09-08-03-07 Motion by Mr. Simonsen and second by Mr. Martinson to approve the second reading of the following ordinance. Carried.

**Ordinance 2003-17
An Ordinance Amending Ordinance 2002-9**

THE CITY OF BARNESVILE DOES HEREBY ORDAIN:

WHEREAS, the City Council did previously enact Ordinance No. 2002-9, adopting the Minnesota State Building Code: and

WHEREAS, Section 2. Permits and Fees, has been identified as needing updating or modification:

NOW THEREFORE, Ordinance No. 2002-9 is hereby amended as follows:

PERMITS AND FEES

**EXTRACTED FROM THE 1985, 1988 AND 1991 UNIFORM BUILDING CODE
TABLE NO. 3-A-BUILDING PERMIT FEES**

TOTAL VALUATION	FEE
\$1.00 to \$500.00	\$15.00
\$501.00 to \$2,000.00	\$15.00 for the first \$500.00 plus \$2.00 for each additional \$100.00 of fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$45.00 for the first \$2,000.00 plus \$9.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$252.00 for the first \$25,000.00 plus \$6.50 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$414.50 for the first \$50,000.00 plus \$4.50 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00

\$100,001.00 to \$500,000.00	\$639.50 for the first \$100,000.00 plus \$3.50 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$2,039.50 for the first \$500,000.00 plus \$3.00 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	\$3,539.50 for the first \$1,000,000.00 plus \$2.00 for each additional \$1,000.00 or fraction thereof

Other Inspections and Fees:

1. Inspections outside of normal business hours \$30.00 per hour
(minimum charge-two hours)
2. Reinspection fees assessed under provisions of
Section 305 (g)\$30.00 per hour
3. Inspections for which no fee is specifically indicated\$30.00 per hour
(minimum charge-one-half hour)
4. Additional plan review required by changes, additions
or revisions to approved plans\$30.00 per hour
(minimum charge - one-half hour)

MISCELLANEOUS FEES

Mfg. Bldgs., Houses moved in, Swimming Pools & Signs -- by value above.	
Moving Permits (to be obtained by Licensed Mover) ----	\$50.00
Demolition Permits (Houses & detached buildings) -----	\$50.00
Re-Roof Permits-----	\$25.00

STATE SURCHARGE FEE

(applies to all permits except the moving permit and demolition permit)

The State Of Minnesota surcharge as per law is .0005 per thousand (\$0.50 per \$1,000) to \$1,000,000.00.

THERE ARE NO EXEMPTIONS FOR PERMIT FEES OR SURCHARGES

09-08-03-08 Motion by Mr. Simonsen and second by Mr. Martinson to approve the second reading of the following ordinance. Carried.

ORDINANCE NO. 2003-5

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

THE CITY OF BARNESVILLE DOES HEREBY ORDAIN:

WHEREAS, the City Council did previously enact Ordinance No. 1994-9, a zoning ordinance for the City of Barnesville; and

WHEREAS, several sections have been identified as needing updating or modification:

NOW THEREFORE, Ordinance No. 1994-9 is hereby amended as follows:

SECTION 8.00
R-1 SINGLE FAMILY RESIDENTIAL DISTRICT

8.01 Purpose: R-1, the Single-Family residential District, is designated for low density single-family residences and to provide certain private and public facilities and services that are compatible with the neighborhood.

8.02 Permitted Uses:

- a. Agriculture (*See Section 26.00*)
- b. Single-Family Dwellings
- c. Public and Private Schools
- d. Public Parks & Playgrounds
- e. Essential Services
- f. Accessory Uses (*See Section 28.00*)
- g. Day care facilities serving 12 or fewer persons, residential care facilities serving 6 or fewer persons, and group family day care facilities licensed under Minnesota Rules, parts 9502.0315 to 9502.0445, serving 14 or fewer persons.
- h. Manufactured Housing (*See Section 20.00*)

8.03 Conditional Uses:

- a. Cemeteries
- b. Home Occupations (*See Section 18.01*)
- c. Non-Profit Recreational Uses
- d. Nursery Schools
- e. Hospitals and Clinics for Humans
- f. Public Utility Buildings
- g. Water Recreation & Storage
- h. Fire Stations
- i. Municipal Buildings and Libraries
- j. Two Family Dwellings
- k. Planned Unit Residential Projects
- l. Greenhouses
- m. Private Schools
- n. Nursing Homes
- p. Churches
- ~~q. Second Garages~~
- q. *Bed and Breakfast Facilities (See Section 18.02)*

8.04 Yard and Lot Requirements:

	<u>One Family</u>	<u>All Other Uses</u>	<u>Accessory Structures</u>
Minimum Lot Area (sq. ft.)	7200	7200	

8.04 Yard and Lot Requirements (Continued):

	<u>One Family</u>	<u>All Other Uses</u>	<u>Accessory Structures</u>
Minimum Lot Width at Setback Line (ft.)	60	60	
Minimum Lot Depth (ft.)	120	120	
Minimum Rear Yard Setback (ft.)	25	25	[2]
Minimum Front Yard Setback (ft.)	25	25	25
Minimum Side Yard Setback (ft.)	[1]	[1]	5
Maximum Lot Coverage	35%	35%	

[1] 10% of lot width at front yard setback. Side yard setback on corner lots shall be a minimum of twelve (12) feet from the property line.

[2] Five (5) feet unless a garage entrance faces onto a street, avenue, or alley, the minimum setback will be 18 feet from the property line to accommodate a vehicle from encroaching onto public right-of-way. A setback of ten (10) feet is required if there is a utility easement.

8.05 Garage Space:

All single family homes built, assembled or placed on residential lot must provide, at the minimum, access to and space for sheltered, off-street parking for two standard sized automobiles.

8.06 Permitted Intrusions Into Front Yards:

Uncovered porches and platforms which do not extend above the floor level of the first floor, provided, that they may extend eight feet into the front yard, but in no case will the remaining front yard set be less than 15 feet.

09-08-03-09 Motion by Mr. Simonsen and second by Mr. Martinson to approve the second reading of the following ordinance. Carried.

ORDINANCE NO. 2003-6

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

THE CITY OF BARNESVILLE DOES HEREBY ORDAIN:

WHEREAS, the City Council did previously enact Ordinance No. 1994-9, a zoning ordinance for the City of Barnesville; and

WHEREAS, several sections have been identified as needing updating or modification:

NOW THEREFORE, Ordinance No. 1994-9 is hereby amended as follows:

SECTION 9.00
R-2 URBAN RESIDENTIAL DISTRICT

9.01 Purpose: R-2, the Urban District, is designated for land that is presently developed in predominately urban residential lots. The purpose of this district is to permit the continuation and limited expansion of the more densely populated, established sections of the city.

9.02 Permitted Uses:

- a. Agriculture (*See Section 26.00*)
- b. Single-Family Dwellings
- c. Two-Family Dwellings
- d. Public & Private Schools
- e. Public Parks & Playgrounds
- f. Essential Services
- g. Accessory Uses (*See Section 28.00*)
- h. Day care facilities serving 12 or fewer persons, residential care facilities serving 6 or fewer persons, and group family day care facilities licensed under Minnesota Rules, parts 9502.0315 to 9502.0445, serving 14 or fewer persons.
- i. Manufactured Housing (*See Section 20.00*)

9.03 Conditional Uses:

- a. Cemeteries
- b. Home Occupations (*See Section 18.01*)
- c. Non-Profit Recreational Uses
- d. Nursery Schools
- e. Nursing Homes
- f. Hospitals & Clinics for Humans
- g. Public Utility buildings
- h. Fire Stations
- i. Funeral Homes
- j. Water Recreation & Water Storage
- k. Municipal Buildings & Libraries
- ~~l. Multiple Family Dwellings~~
- l. *Bed and Breakfast Facilities (See Section 18.02)*
- m. *Planned Unit Residential Projects (See Section 19.00)*
- ~~n. Mobile Home Parks~~

~~o. Neighborhood Commercial~~

n p. Residential Facility for 7 or More Persons

o q. Churches

9.04 Yard and Lot Requirements:

	One <u>Family</u>	Two <u>Family</u>	<u>Accessory Structures</u>
Minimum Lot Area	6,000	6,000	
Minimum Lot Width			
at Setback Line (ft.)	50	50	
Minimum Lot Depth (ft.)	120	120	
Minimum Rear Yard Setback (ft.)	25	25	[3]
Minimum Front Yard Setback (ft.)	[1]	[1]	25
Minimum Side Yard Setback (ft.)	[2]	[2]	5
Maximum Lot Coverage	35%	35%	

[1] Twenty-five (25) feet from the property line except on residential streets where the right-of-way is one hundred (100) feet, in which case the setback shall be seventeen and one half (17.5) feet from the property line.

[2] 10% of lot width at front yard setback. Side yard setback on corner lots shall be a minimum of twelve (12) feet from the property line.

[3] Five (5) feet unless a garage entrance faces onto a street, avenue, or alley, the minimum setback will be 18 feet from the property line to accommodate a vehicle from encroaching onto public right-of-way. A setback of ten (10) feet is required if there is a utility easement.

9.05 Garage Space:

All single family homes built, assembled or placed on residential lot must provide, at the minimum, access to and space for sheltered, off-street parking for two standard sized automobiles.

9.06 Permitted Intrusions Into Front Yards:

Uncovered porches and platforms which do not extend above the floor level of the first floor, provided, that they may extend eight feet into the front yard, but in no case will the remaining front yard set be less than 15 feet.

09-08-03-10 Motion by Mr. Simonsen and second by Mr. Martinson to approve the second reading of the following Ordinance. Carried.

ORDINANCE NO. 2003-8

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

THE CITY OF BARNESVILLE DOES HEREBY ORDAIN:

WHEREAS, the City Council did previously enact Ordinance No. 1994-9, a zoning ordinance for the City of Barnesville; and

WHEREAS, several sections have been identified as needing updating or modification:

NOW THEREFORE, Ordinance No. 1994-9 is hereby amended as follows:

**SECTION 16.00
CONSERVATION DISTRICT**

16.01 Purpose: SC-1, the Conservation District is designated to provide for uses in environmentally sensitive areas. The purpose of this district is to prevent development of land that is unsuitable for development due to periodic flooding or wetland designation, and to regulate the intensity of the land use in those areas of the SC-1 District that are suitable for development. All uses located in the SC-1 District (or any other District) that are also within the boundaries of a designated wetland, determined according to the Wetland Conservation Act of 1991, must be approved by the Board of Adjustment and the Wetlands Conservation District Zoning Administrator.

16.02 Permitted Uses:

- a. Agriculture
- b. Public Parks & Playgrounds
- c. Essential Services
- d. Accessory Uses

16.03 Conditional Uses:

- ~~a. Single Family Dwellings~~
- ~~b. Home Occupations~~
- a e. Water Recreation & Water Storage
- b d. Golf Courses & Country Clubs
- ~~e. Hunting Preserves~~
- c f. Sewage Treatment
- d e. Public Utility Buildings

~~16.04 Yard and Lot Requirements:~~

	One Family	Other Uses	All Accessory Structures
Minimum Lot Area (sq. ft.)	7000	7000	
Minimum Lot Width at Setback Line (ft.)	60	60	

Minimum Lot Depth (ft.)	120	120	
Minimum Rear Yard Setback (ft.)	25	25	[2]
Minimum Front Yard Setback (ft.)	25	25	25
Minimum Side Yard Setback (ft.)	[1]	[1]	5
Maximum Lot Coverage	35%	35%	

~~[1] 10% of lot width at front yard setback. Sideyard setback on corner lots shall be a minimum of twelve (12) feet from the property line.~~

~~[2] Five (5) feet unless a garage entrance faces onto a street, avenue, or alley, the~~

~~31~~

~~minimum setback will be 18 feet from the property line to accommodate a vehicle from encroaching onto public right of way. A setback of ten (10) feet is required if there is a utility easement.~~

~~16.05 Accessory Uses and Buildings Permitted in the SC-1 District:~~

- ~~a. Home occupations:~~
- ~~b. Garage space: All single family homes built, assembled or placed on residential lot must provide, at the minimum, access to and space for sheltered, off-street parking for two standard sized automobiles.~~
- ~~c. Storage buildings: These structures are to be used exclusively for the storage of household, yard, and related supplies and equipment.~~

09-08-03-11 Motion by Mr. Simonsen and second by Mr. Martinson to approve the second reading of the following ordinance. Carried.

ORDINANCE 2003-9

An Ordinance Amending Ordinance 1997-2, City of Barnesville Subdivision Ordinance

THE CITY OF BARNESVILLE DOES HEREBY ORDAIN:

WHEREAS, the City Council did previously enact Ordinance No. 1997-2, a subdivision ordinance for the City of Barnesville; and

NOW THEREFORE, Ordinance No. 1997-2 is hereby amended as follows:

Subsection 2.02 – Words and Terms Defined

Major Subdivision: Subdivision of five (5) or more lots.

Minor Subdivision: Subdivision of four (4) or fewer lots.

Subsection 3.06 - Minor Subdivisions

When in the best interest of the City and in cases of minor subdivisions, the Zoning Officer may waive the platting procedure of this Ordinance.

- A. Minor subdivisions may be exempt from the platting provision in this subsection provided the following conditions are met:
1. The lot split does not contain more than four (4) lots;
 2. There is no proposed or perceived need of public improvements as a result of the split;
 3. That the lot split is not part of a continuing scheme of lot splitting for a particular area.
 4. That the lot split does not violate any provision of the Zoning Ordinance, Comp Plan, or any other State or local ordinance; and
 5. That the lot split does not adversely affect public health, safety or welfare.
- B. A legal description and request letter must be submitted to the Zoning Officer, for all minor subdivisions prior to being placed on the agenda of the City Council.

09-08-03-12 Second Reading of Ordinance 2003-10 (Liquor License) Tabled.

ORDINANCE 2003-10

AN ORDINANCE AMENDING ORDINANCE NO. 1995-9, INCREASING LICENSE FEES AND REPEALING INCONSISTENT ORDINANCES

The City Council of the City of Barnesville does hereby ordain as follows:

Section 1 - Provisions of State Law Adopted

Provisions of Minnesota Statutes, Chapter 340A relating to the definition of terms, licensing, consumption, sales, financial responsibility of licensees, hours of sale, and all other matters pertaining to the retail sale, distribution, and consumption of intoxicating liquor are adopted and made a part of this ordinance as if set out in full.

Section 2 - License Required

Subd. 1 - General Requirement

No person, except a wholesaler or manufacturer to the extent authorized under state license, shall directly or indirectly deal in, sell, or keep for sale in the city any intoxicating liquor without a license to do so as provided in this ordinance. Liquor licenses shall be limited to "on-sale" only. "On-sale" licenses shall be issued only to hotels, clubs, restaurants, and exclusive liquor stores and shall permit "on-sale" of liquor only.

Subd. 1(a) - Temporary On-Sale Licenses

Subject to the approval of the Commissioner of Public Safety, temporary on-sale licenses shall be issued only to clubs or charitable, religious, or other non-profit organizations in existence for at least three years. A temporary license authorizes the on-sale of intoxicating liquor in connections with a social event within the City sponsored by the licensee and subject to restrictions imposed by the state liquor act." (1996-4)

Subd. 2 - On-Sale Wine Licenses

"On-sale" wine licenses shall continue to be governed by the terms and conditions of Ordinance No. 1983-5 which governs the terms and conditions of non-intoxicating malt liquor licenses and wine licenses within the City of Barnesville.

Subd. 3 - Number of Licenses

The number of licenses authorized shall be governed by state statutes.

Subd. 4 - Special License for Sunday Sales

A special license authorizing sales on Sunday in conjunction with the serving of food may be issued to any hotel, restaurant, or club which has facilities for serving at least 30 guests at one time, and which has an on-sale license. The annual fee for a Sunday license shall be \$50.00." (1996-6)

Subd. 5 - Community Festival Licenses

The holder of a retail on-sale or combination intoxicating liquor license may be issued a community festival license to dispense intoxicating liquor off premises at a community festival held within the City of Barnesville. The authorization shall specify the area in which the intoxicating liquor must be dispensed and consumed, and shall not be issued unless the licensee demonstrates that it has liability insurance as prescribed by state statutes to cover the event.

Subd. 6 - Combination Licenses

A city of the fourth class may issue an off-sale and on-sale intoxicating liquor license to the same licensee or, in lieu of issuing on-sale and off-sale licenses separately to a licensee, may issue a combination on-sale and off-sale license.

Section 3 - Application for License

Subd. 1 - Form

Every application for a license to sell liquor shall state the name of the applicant, the applicant's age, representations as to the applicant's character (with such references as the council may require), the applicant's citizenship, the type of license applied for, the business and connection with which the proposed licensee will operate and its location, whether the applicant is the owner and operator of the business, how long the applicant has been in that business at that place, and such other information as the council may require from time to time. Every application shall also include a copy of each summons received by the applicant under Minnesota Statutes, Section 34A.802 during the preceding year. In addition to containing such information, the application shall be in the form prescribed by the Bureau of Criminal Apprehension and shall be verified and filed with the City Administrator. No person shall make a false statement in an application.

Subd. 2 - Bond

Each application for a license shall be accompanied by a surety bond or, in lieu thereof, cash or United States government bonds of equivalent market value as provided in Minnesota Statutes, Section 34A.412, Subd. 1. Such surety bond or other security shall be in the sum of \$ 500.00 for an applicant for an on-sale license.

Subd. 3 - Financial Responsibility

No liquor license may be issued, renewed, or maintained unless the applicant demonstrates proof of financial responsibility as defined in Section 34A.409 with regard

to liability under the Minnesota Statutes, Section 34A.801. Such proof shall be filed with the Commissioner of Public Safety. Any liability insurance policy filed as proof of financial responsibility under this subdivision shall conform to Minnesota Statutes, Section 34A.409.

Subd. 4 - Approval of Security

The security offered under Subd. 2 shall be approved by the city council. Liability insurance policies required by this ordinance, but not by state law, and surety bonds required under Subd. 2, shall be approved as to form by the city attorney. Operation of a licensed business without having on file with the city, at all times, effective security as required in Subdivisions 2 and 3 is cause for revocation of the license.

Section 4 - License Fees

Subd. 1 - Fees

The annual fee for ~~an on-sale liquor~~ a combination license shall be \$ ~~225.00~~.
2004 - \$325, 2005 - \$650.

Subd. 1(a) - Temporary License Fees.

The temporary license fee shall be \$50.00. (1996-4)

Subd. 1(b) - Community Festival License Fees.

The community festival license fee shall be \$25.00.

Subd. 2 - Payment

Each application for a license shall be accompanied by a receipt from the city treasurer for the payment in full of the license fee and the fixed investigation fee required under Section 5, Subd. 1, if any. All fees shall be paid into the general fund. If an application for a license is rejected, the treasurer shall refund the amount paid as the license fee.

Subd. 3 - Term; Prorata Fee

Each license shall be issued for a year except that if the application is made during the license year, a license may be issued for the remainder of the year for a prorata fee, with an unexpired fraction of a month being counted as one month. Every license shall expire on the last day of December.

Subd. 4 - Refunds

No refund of any fee shall be made except as authorized by statute.

Section 5 - Granting of Licenses

Subd. 1 - Preliminary Investigation

On an initial application for an on-sale license, and on application for transfer of an existing on-sale license, the applicant shall pay with the application an investigation fee of \$ 50.00 and the city shall conduct a preliminary background and financial investigation of the applicant. The application in such case shall be made on a form prescribed by the State Bureau of Criminal Apprehension and with such additional information as the council may require. If the council deems it in the public interest to have an investigation made on a particular applicant for renewal of an on-sale license, it shall so determine. In any case, if the council determines that a comprehensive background and financial investigation of the applicant is necessary, it may conduct the investigation itself or contract with the Bureau of Criminal Investigation for the

investigation. No license shall be issued, transferred, or renewed if the results show, to the satisfaction of the council, that issuance would not be in the public interest. If an investigation outside the state is required, the applicant shall be charged the cost, not to exceed \$10,000, which shall be paid by the applicant after deducting any initial investigation fee already paid. The fee shall be payable by the applicant whether or not the license is granted.

Subd. 2 - Hearing and Issuance

The city council shall investigate all facts set out in the application, and not investigated in the preliminary background, and financial investigation conducted pursuant to Subd. 1. Opportunity shall be given to any person to be heard for or against the granting of the license. After the investigation and hearing, the council shall, in its discretion, grant or refuse the application. No license shall become effective until it, together with the security furnished by the applicant, has been approved by the Commissioner of Public Safety.

Subd. 3 - Person and Premises Licensed; Transfer

Each license shall be issued only to the applicant and for the premises described in the application. No license may be transferred to another person or place without city council approval. Any transfer of stock of a corporate licensee is deemed a transfer of the license, and a transfer of stock without prior council approval is grounds for revocation of the license.

Section 6 - Persons Ineligible for License

No license shall be granted to any person made ineligible for such a license by state law. No license shall be issued to an individual who is not a resident of the city. No more than one intoxicating liquor license shall be directly or indirectly issued within the city to any one person.

Section 7 - Places Ineligible for License

Subd. 1 - General Prohibition

No license shall be issued for any place or any business ineligible for such a license under state law.

Subd. 2 - Delinquent Taxes and Charges

No license shall be granted for operation of any premises on which taxes, assessments, or other financial claims of the city are delinquent and unpaid.

Subd. 3 - License Restrictions

No license shall be granted within 100 feet of any school or 100 feet of any church.

Section 8 - Conditions of Licenses

Every license is subject to the conditions in the following subdivisions and all other provisions of this ordinance and of any other applicable ordinance, state law, or regulation.

Subd. 1 - Insurance

Compliance with financial responsibility requirements of state law and of this ordinance is a continuing condition of any license granted pursuant to this ordinance.

Subd. 2 - Licensee's Responsibility

Every licensee is responsible for the conduct in the licensed establishment and any sale of alcoholic beverages by any employee authorized to sell such beverages in the establishment is the act of the licensee.

Subd. 3 - Inspections

Every licensee shall allow any peace officer, health officer, or properly designated officer or employee of the city to enter, inspect, and search the premises of the licensee during business hours without a warrant.

Subd. 4 - Display During Prohibited Hours

No "on-sale establishment" shall display liquor to the public during hours when the sale of liquor is prohibited.

Section 9 - Hours

No sale of intoxicating liquors shall be made on any Sunday between the hours of 1:00 am and 12:00 noon, nor between the hours of 10:00 pm and 12:00 midnight. Provided, however, that in any year that December 31st falls on a Sunday, license holders may stay open on that Sunday until midnight and until 1:00 am on Monday, January 1st of the next year. ~~Nor shall there be any sale of intoxicating liquor between the hours of 1:00 am and 7:00 pm on the days of any state-wide election.~~ No sale shall be made between the hours of 1:00 am and 8:00 am on any other day.

Section 10 - Suspension and Revocation

The council shall either suspend for up to 60 days or revoke any liquor license, or impose a civil fine not to exceed \$2,000, for each violation upon a finding that the licensee has failed to comply with any applicable statute, regulation, or ordinance relating to alcoholic beverages. Except in cases of failure of financial responsibility, no suspension or revocation shall take effect until the licensee has been afforded an opportunity for a hearing pursuant to Minnesota Statutes, Sections 14.57 to 14.70 of the Administrative Procedures Act. Lapse of required dram shop insurance or bond or withdrawal of a required deposit of cash or securities shall effect an immediate suspension of any license issued pursuant to this ordinance without further action of the Ordinance city council. Notice of cancellation, lapse of a current liquor liability policy or bond, or withdrawal of deposited cash or security shall also constitute notice to the licensee of the impending suspension of the license. The holder of a license who has received notice of lapse of required insurance or bond, or withdrawal of a required deposit, or of suspension or revocation of a license may request a hearing thereon and if such a request is made in writing to the City Administrator a hearing shall be granted within 10 days or such longer period as may be requested. Any suspension under this paragraph shall continue until the city council determines that the financial responsibility requirements of the ordinance have again been met.

Section 11 - Penalty

Any person violating any provision of this ordinance is guilty of a misdemeanor and upon conviction shall be punished by fines and imprisonment up to a maximum as provided by state law for misdemeanor convictions.

Section 12 - Repeal

Ordinance No. 1995-9 is hereby repealed.

09-08-03-13 Motion by Mr. Simonsen and second by Mr. Hagen to approve the second reading of Ordinance 2003-11. Carried.

ORDINANCE 2003-11

AN ORDINANCE AMENDING ORDINANCE NO. 1995-10, REPEALING INCONSISTENT ORDINANCES IN CONNECTION WITH HOURS OF OPENING FOR NON-INTOXICATING MALT LIQUOR AND WINE LICENSES

The City Council of the City of Barnesville does hereby ordain as follows:

Section 1

Ordinance No. 1995-10, which is an ordinance licensing and regulating the sale of non-intoxicating malt liquor and wine, is hereby amended so that, after amendment, Section 9 regarding closing hours shall read as follows:

"Section 9 - Closing Hours. No sale of beer or wine shall be made on any Sunday between the hours of 1:00 am and 12:00 noon, nor between the hours of 10:00 pm and 12:00 midnight. Provided, however, that in any year that December 31st falls on a Sunday, license holders may stay open on that Sunday until midnight and until 1:00 am on Monday, January 1st of the next year. ~~Nor shall there be any sale of beer or wine between the hours of 1:00 am and 7:00 pm on the day of any state wide election.~~ No sale shall be made between the hours of 1:00 am and 8:00 am on any other day."

09-08-03-14 Motion by Mr. Simonsen and second by Mr. Hagen to approve the second reading of the following Ordinance. Carried.

ORDINANCE 2003-12

AN ORDINANCE AMENDING ORDINANCE NO. 1995-11 REPEALING INCONSISTENT ORDINANCES ESTABLISHING HOURS FOR SPECIAL CLUB INTOXICATING LIQUOR LICENSES

The City Council of the City of Barnesville does hereby ordain as follows:

Ordinance No. 1995-11, which amended Ordinance No. 1982-5 in connection with the display and consumption of intoxicating liquor, is hereby amended so that Section 5 shall read as follows:

"Section 5 - Closing Hours

No sale of intoxicating liquor shall be made by a club on any Sunday between the hours of 1:00 am and 12:00 noon, nor between the hours of 10:00 pm and 12:00 midnight. Provided, however, any year that December 31st falls on a Sunday license holders may stay open on that Sunday until midnight, and until 1:00 am on January 1st of the next year. ~~Nor shall there be any sale of intoxicating liquor between the hours of 1:00 am and 7:00 pm on the day of any state-wide election.~~ No sale shall be made between the hours of 1:00 am and 8:00 am on any other day."

09-08-03-15 Motion by Mr. Davis and second by Mr. Simonsen to approve the

first reading of the following Ordinance. Carried.

ORDINANCE 2003-16

AN ORDINANCE REVISING RATES FOR ELECTRICITY

The City Council of the City of Barnesville does hereby ordain as follows:

WHEREAS, Ordinance 2002-14 sets forth rates for electricity for the Barnesville Municipal Power utility and;

WHEREAS, the City Council did previously enact Ordinance 2002-14 and;

WHEREAS, the Telephone/Electric/Cable TV (T.E.C.) Advisory Board for the City has recommended that Section 8 and Section 9 of Ordinance 2002-14 be replaced;

NOW, THEREFORE, Section 8 and Section 9 of Ordinance 2002-14 is hereby replaced as follows

Section 8 Electric Rate Schedules

A. RATE SCHEDULE #1:

GENERAL SINGLE PHASE service Residential: (RL1 & AR1)

Base Charge \$11.00

Energy Charge \$.060

 \$.0625per kwh (effective all billing after January 1, 2004)

 \$.0650er kwh (effective all billing after January 1, 2005)

Available to all residential customers.

B. RATE SCHEDULE #2:

GENERAL SINGLE PHASE service Commercial: (RC1 & DI1)

Base Charge \$12.00

Energy Charge \$.067

 \$.0695per kwh (effective all billing after January 1, 2004)

 \$.072per kwh (effective all billing after January 1, 2005)

Available to commercial customers for single phase service

C. RATE SCHEDULE #3

GENERAL THREE PHASE SERVICE: (GS6 & DI9)

Base Charge \$16.00

Energy Charge \$.070/kwh

 \$.075per kwh (effective all billing after January 1, 2004)

Demand Charge	
0-35 kw	no charge
over 35 kw	\$8.00/kw

Available to all customers for three phase service only when kwh of energy used is less than 10,000 kwh during any billing period. Available as an alternate to Rate Schedule #4.

D. RATE SCHEDULE #4:

GENERAL THREE PHASE SERVICE: (GS1)

Base Charge	\$15.00
Energy Charge	\$.040 per kwh
	\$.045 per kwh (effective all billing after January 1, 2004)
Demand Charge	\$7.00/kw

Available to all customers for three phase service, with less than 15 kw demand measured during any 15 minute interval. This rate will also be available to customers who chose to purchase and install individual demand controllers to limit their demand measured to 15 kw or less during any 15 minute interval, even if these customers have already been placed in the large power rate group. Available as an alternate to Rate Schedule #3.

E. RATE SCHEDULE #5

LARGE POWER THREE PHASE SERVICE (LP1 & DI1)

Base Charge	\$20.00
Demand Charge	
First 50 kw	\$7.00/kw
Excess kw	\$5.20/kw
Energy Charge	
All kwh	\$.039 kwh
	\$.044 kwh (effective all billing after January 1, 2004)

Available to all customers for three phase service. Billing demand to be the maximum measured during any 15 minute interval during the billing period.

F. RATE SCHEDULE #6

SECURITY LIGHTS: (YL1)

Charge per light	\$12.25 per month
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Available to all customers for un-metered lights, 200 watts or less, owned, installed and maintained by the customer.

G. DEFINITION OF TERMS:

Fuel oil: _____ gallons x 137,520 x .75 divided by 3412 x appropriate dual fuel rate x .039 = this amount is the incentive.

Example 2

Propane: _____ gallons x 91,600 x .75 divided by 3412 x appropriate dual fuel rate x .039 = this amount is the incentive

An additional \$100.00 incentive will be paid to the contractor selling and promoting, the dual fuel system.

C. Dual Fuel Incentive for New Construction

A \$200.00 one-time payment will be made to the general contractor.

D. Financing for Dual Fuel Installations

All new approved dual fuel heating installations are eligible for a 5 year, 6% annual interest loan of up to \$2,000.00. This loan will be paid back in equal monthly installments on the customer's utility bill. Loans for commercial customers will require prior approval by the T.E.C. Advisory Board or the City Council.

E. Off Peak Services

Off Peak Service Rate: \$.031 per kwh
 \$.033 per kwh effective January 1, 2003
 \$.034per kwh effective January 1, 2005

This rate is available for electric thermal storage (ETS) space heaters, under concrete slab electric heating systems and electric heated liquid filled under concrete slab heating systems. Off Peak Services must be metered separately and controlled by the city's load management system.

F. Water Heater Incentive Program

All customers shall be eligible for a rebate of \$2.00 per gallon for the installation of a new electric water heater with a storage capacity of at least 50 gallons. This rebate increases to \$3.00 per gallon for new water heaters with a minimum storage capacity of 80 gallons. Water heaters must be controlled by the city's load management. The rebate shall be credited on the customer's utility bill as soon as the following are provided:

1. Proof of purchase and installation of a qualifying water heater; and
2. Verification by electric utility personnel that the load controls have been installed and properly wired.

This incentive is limited to one rebate per address during any 5-year period.

09-08-03-23 Motion by Mr. Davis and second by Mr. Hagen to approve the travel expenses for Brian Jacobson to attend the payroll taxes class to be held in Detroit Lakes on September 30, 2003. Carried

09-08-03-24 Motion by Mr. Simonsen and second by Mr. Davis to approve Merlin Melby to the Park Board. Carried

09-08-03-25 Motion by Mr. Simonsen second by Mr. Martinson to make partial payment No. 2 to Central Specialties for street and underground improvements Eighth Avenue Southeast. Carried.

09-08-03-26 Motion by Mr. Simonsen second by Mr. Martinson to enter into a agreement with Ottetail Power Company on a per job basis. Carried.

09-08-03-27 Motion by Mr. Davis and second by Mr. Martinson to approve disbursement checks number 10848 through 10901 in the amount of \$78,266.72 and disbursement checks number 11386 through 11494 in the amount of \$105,32.95 and manual checks number 718 through 738 in the amount of \$359,129.10 and EFT payments of \$111,044.18. Carried.

Council next discussed when the council and TEC Board would be having their joint meeting. A date of September 22, 2003 at 6:00 p.m. was set for the TEC Board and council to meet.

Mayor Gene Prim adjourned the meeting at 8:50 PM.

Submitted by:

Attest:

Leslie Brenner
Minutes Recorder

Eugene Prim
Mayor