

**Barnesville City Council
Regular Meeting
October 10, 2005**

Mayor Bauer called this meeting to order at 7:00 p.m. Present were Mayor Bauer and Council members Charles Martinson, Del Ellefson, Roger Cooper, Chad Hagen, Kim Simonsen and Guy Swenson. Others in attendance were Public Works Superintendent Dave Riddering, City Attorney Mike Hannaher, Finance Officer Joel Haugrud, Police Chief Dean Ernst, EDA Director Karen Lauer, City Clerk Jeri Davis, Gary Giltner with People Service, Marty Soma and Brian Stich with Ulteig Engineers, Kent Krueger, Del Peterson, Kim Peterson and Pam Aakre from the Record Review.

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

Mayor Bauer asked if there were any additions to the agenda. Mayor Bauer stated the only thing he had was to add the appointment of Marlene Schell to the Park Board.

10-10-05-01

Motion by Mr. Hagen and second by Mr. Cooper to approve the agenda as presented.

10-10-05-02

Motion by Mr. Ellefson and second by Mr. Martinson to approve the consent agenda with the one addition of the appointment of Marlene Schell to the Park Board. Motion carried. The following items were included in the consent agenda.

1.
Approval of the regular council meeting minutes held on September 12, 2005.
2.
Approval of the special council meeting minutes held on September 26, 2005.
3.
Department Head Reports
4.
Finance report-approval of check numbers 54158 – 54337 in the amount of \$361,550.25, and EFT payments in the amount of \$104,749.33.
5.
Approval of the MMUA Safety Compliance contract in the amount of \$8,269.78.
6.
Approval of the Trojan Takedown Club gambling permit for November 17, 2005 at Old 52 Bar & Grill.
7.
Resolution 10-10-05-01 appointing election judges for the November 8, 2005 election.
- 8.

Approval to renew the contract for the Main Street Business Incentive Program

9.

Approval of the 2006 Open Book Meeting in lieu of the formal local Board of Appeal and Equalization meeting.

10.

Approval of travel for Joel Haugrud to attend the Sales & Use Tax Seminar on January 27, 2006.

11.

Appointment of Marlene Schell to the Park Board to fill the vacancy of Kelli Froslic who has moved out of the City.

Mayor Bauer next went thru the board and commission reports with the council members.

Council member Roger Cooper stated that the Serenity Manor has moved to Dilworth. Eric Bucholtz presented the Youth Alive report to the council.

10-10-05-03

Motion by Mr. Cooper and second by Mr. Swenson 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 next opened the public hearing for the Gilbertson Annexation at 7:11 p.m. EDA Director Karen Lauer stated the Planning and Zoning Commission did approve the annexation as zoned as R1. Mayor Bauer asked if there were any questions. There were no other questions. Mayor Bauer closed the public hearing at 7:14 p.m.

Mayor Bauer stated the next item on the agenda was the approval of the 2nd reading of Ordinance Number 2005-13. The annexation of certain properties located in Humboldt Township to the City of Barnesville, pursuant to MN Statute 414.033.

10-10-05-04

Motion by Mr. Simonsen and second by Mr. Ellefson to approve the second reading of the following ordinance. Motion carried.

ORDINANCE

N O. 2005-13

AN ORDINANCE PROVIDING FOR THE ANNEXATION OF CERTAIN PROPERTIES LOCATED IN HUMBOLDT TOWNSHIP, CLAY COUNTY, TO THE CITY OF BARNESVILLE, CLAY COUNTY MINNESOTA, PURSUANT TO MINNESOTA STATUTE 414.033

THE CITY COUNCIL OF THE CITY OF BARNESVILLE DOES ORDAIN:

SECTION ONE: That Harvey Gilbertson and Ed Gilbertson, the fee owner of certain property in the County of Clay, State of Minnesota, described as follows:

DESCRIPTION – 59.00-FOOT WIDE STRIP SOUTH OF TRACT E:

THAT PART OF THE WEST HALF OF SECTION 29, TOWNSHIP 137 NORTH, RANGE 45 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CLAY COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 29; THENCE SOUTH 01°05'59" EAST (ASSUMED BEARING), ALONG THE WESTERLY LINE OF THE NORTHWEST QUARTER OF SAID SECTION 29, FOR A DISTANCE OF 2574.78 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 89°58'28" EAST FOR A DISTANCE OF 2177.03 FEET; THENCE SOUTH 01°05'59" EAST FOR A DISTANCE OF 59.00 FEET; THENCE NORTH 89°58'28" WEST FOR A DISTANCE OF 2177.03 FEET TO A POINT OF INTERSECTION WITH THE WESTERLY LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 29; THENCE NORTH 01°05'59" WEST, ALONG THE WESTERLY LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 29, FOR A DISTANCE OF 34.70 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 29; THENCE CONTINUE NORTH 01°05'59" WEST, ALONG THE WESTERLY LINE OF THE NORTHWEST QUARTER OF SAID SECTION 29, FOR A DISTANCE OF 24.30 FEET TO THE TRUE POINT OF BEGINNING.

SAID TRACT CONTAINS 2.948 ACRES, MORE OR LESS, AND IS SUBJECT TO EASEMENTS AS MAY BE OF RECORD.

Sect/Town/Range: 29 / 137 / 45 W

Location: Land South of the Del Acres – Gilbertson Plat.

Filed a petition with the City Council of the City of Barnesville pursuant to Section 414.033, Subdivision 2 (3) of the Minnesota Statutes. This property is located within HUMBOLT Township of Clay County. This area contains approximately 42.873 acres of land.

SECTION TWO: That said realty abuts the City of Barnesville and is less than 60 acres in size.

SECTION THREE: That pursuant to Minnesota Statutes Section 414.033, Subdivision 13, the petitioner will see no change in their electric utility service at this time.

SECTION FOUR: That pursuant to Minnesota Statutes Section 414.033,

Subdivision 2b, the City of Barnesville has held the required public hearing and notified the town along with all landowners within and contiguous to the area being annexed.

SECTION FIVE: That Council of the City of Barnesville deems the annexation of said realty to the City of Barnesville to be in the best interest of the City of Barnesville and the territory affected and accordingly, said realty is hereby annexed to the City of Barnesville Single Family (R1) District so as to become and be part of the City of Barnesville and included within its corporate limits and boundaries thereof.

SECTION SIX: The property taxes payable on the annexed land shall continue to be paid to the affected town for the year in which the annexation becomes effective. If the annexation becomes effective on or before August 1, of a levy year, the City may levy on the annexed area beginning with that same levy year. If the annexation becomes effective after August 1 of a levy year, the town may continue to levy on the annexed area for that levy year, and the City may not levy on the annexed area until the following levy year. The first year following the year when the City could first levy on the annexed area, property taxes on the annexed land shall be paid to the City. However, the City shall make a cash payment to the town for the period and in accordance with the following schedule:

i.

In the first year following the year the City could first levy on the annexed area, and amount equal to 90% of the property taxes distributed to the town in regard to the annexed area in the last year the property taxes from the annexed area were payable to the town;

ii.

In the second year, an amount equal to 70% ;

iii.

In the third year, an amount equal to 50% ;

iv.

In the fourth year, an amount equal to 30% ; and

v.

In the fifth year, an amount equal to 10%.

SECTION SEVEN: This Ordinance shall take effect and be in force one week from and after its publication and is further subject to final approval of Minnesota Planning Municipal Boundary Adjustments.

KENNETH J BAUER
MAYOR

ATTEST: _____
Jeri Davis
City Clerk

Mayor Bauer stated the next item for discussion is the ordering of plans and specs for the Del Acres-Gilbertson Addition.

10-10-05-05

Motion by Mr. Simonsen and second by Mr. Ellefson to direct staff to order the plans and specs for the Del Acres-Gilbertson Addition. Mayor Bauer asked if there were any questions or comments. Mr. Delbert Peterson informed council members that he was ready to proceed on this project. Motion carried.

Mayor Bauer next opened the public hearing for the Small Cities Grant Application at 7:16 p.m. EDA Director Karen Lauer discussed the Small Cities Grant Application to council members. Mrs. Lauer stated that this is a very competitive process, with at 25% chance of being funded. Mrs. Lauer stated that a number of items have been completed in the application to increase our chances of being awarded the Small Cities Grant. Mrs. Lauer estimated that the City would possibly know in March 2006 if they were awarded the grant. Mayor Bauer asked if anyone had any other questions for Mrs. Lauer. There were no other questions.

Mayor Bauer closed the public hearing at 7:22 p.m.

10-10-05-06

Motion by Mr. Ellefson and second by Mr. Martinson to approve the following resolution. Motion carried.

**City of Barnesville
Of Clay County, Minnesota
2005 CDBG Application
Identifying "Slum and Blighting" Conditions**

WHEREAS: the City of Barnesville is underrating a program of downtown recitation and redevelopment; and

WHEREAS: the City of Barnesville has identified a specific area hereafter referred to as the "Slum and Blight Area" in which revitalization activates will occur; and

WHEREAS: the Barnesville City Council has assessed the condition of the buildings and other characteristics of the "Slum/Blight Area" and has determined that the area can be characterized as blighted by reason of dilapidation, obsolescence, overcrowding, faulty arrangement of design, ventilation, light and sanitary facilities, excessive land overage or deleterious land use of obsolete layout or any combination of these or other factors, which are detrimental to the safety, health, morals, or welfare of the community

in accordance with M.S. 469.002, Subdivision 11.

FURHER, the Barnesville City Council has identified the existence of substandard residential and commercial units, the inability of commercial structures to meet codes, and the general condition of deteriorating storefronts on the commercial buildings as contributing to the slum and blighting conditions of the “Slum/Blight Area”.

THEREFORE, BY RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BARNESVILLE, the area identified as the target area (see attached map) is characterized by conditions meeting the conditions of “slum and blight”.

Adopted this 10th day of October, 2005.

Approved this 10th day of October, 2005.

Kenneth J. Bauer
Mayor

Attest:

Jeri Davis
City Clerk

Mayor Bauer stated the next item on the agenda was the CUP request from Mr. Kent Krueger. EDA Director Karen Lauer stated that the Planning & Zoning Board recommend approval of this CUP with the conditions set forth in the CUP request for Mr. Krueger.

10-10-05-07

Motion by Mr. Simonsen and second by Mr. Ellefson to approve the CUP request for Mr. Kent Krueger to build a accessory structure, maximum size of 40 x 80 building with the conditions set forth in the CUP request. Motion carried.

Mayor Bauer stated that the next item on the agenda was the first reading of the C-2 Zoning Ordinance. EDA Director Karen Lauer stated that the proposed changes would change the date to extend to December 31, 2010.

10-10-05-08

Motion by Mr. Ellefson and second by Mr. Martinson to approve the first reading of the C-2 Zoning Ordinance. Motion carried.

ORDINANCE

NO. 2005 -13

AN ORDINANCE AMENDING PORTIONS OF

SECTION 13 OF THE BARNESVILLE ZONING ORDINANCE

THE COUNCIL OF THE CITY OF BARNESVILLE, MINNESOTA DOES ORDAIN:

SECTION 13.00

C-2 COMMERCIAL DISTRICT

13.01 Purpose: The C-2 Commercial District is designated to provide areas for

commercial establishments that offer a broad range of goods and services.

13.02 Permitted Uses:

- a. Auto Sales Service & Repair
- b. Eating & Drinking Establishments
- c. Hotels and Motels
- d. Veterinary Clinics
- e. Essential Services
- f. Offices
- g. Gas/Service Stations
- h. Fast Food Businesses/Franchises

- i. Convenience Store
- j. Retail Businesses
- k. Personal & Professional Services
- l. Municipal Buildings & Libraries
- m. Fire Stations
- n. Trade and Vocational Schools
- o. Commercial Recreation
- p. Funeral Homes

13.03 Conditional Uses:

- a. Water Recreation & Water Storage
- b. Planned Unit Business Projects
- c. Accessory Uses
- d. Wholesale Businesses
- e. Supply Yards
- f. Home & Trailer Sales and Displays
- g. Churches
- h. Light Manufacturing
- i. Drive-up Facilities
- j. Second Story Rental Apartments
- k. Second Story Owner Occupied Housing

13.04 Yard and Lot Requirements:

Minimum Lot Area - 6,000 sq. ft.

Minimum Lot Width - 50 ft.

Minimum Lot Depth - 120 ft.

Front Yard Setback - 25 ft.

13.05 Rear Yard Requirements - No rear yard setback is required except as hereinafter provided. When required, the rear yard requirements shall be the same as the R-1 District.

a. A rear yard is required for buildings containing any dwelling units.

b. A rear yard is required for any lot of which the rear or side line abuts a residential

district (R-1, R-2, R-3, or R-4).

13.06 Side yard setback requirements - No side yard setback is required except as hereinafter provided. When required, the side yard shall be 10% of the lot width.

a. A side yard is required for any lot of which the side line abuts a residential district.

13.07 Parking Requirements (Expires December 31, 2005) (Expires December 31, 2010)

a.

Any vehicle (including trucks and trailers) may be parked off-street in this zone for a period not to exceed 72 hours.

b.

No dolly-down (trailers must be attached to a tractor).

PASSED AND ADOPTED by the Barnesville City Council this day of , 2005.

APPROVED:

Kenneth J. Bauer, MAYOR

ATTEST:

Jeri Davis, City Clerk

First Reading: October 11, 2005

Second Reading: November 14, 2005

Publication: XXXXXX

Mayor Bauer next discussed with council members the truck parking. Mr. Bauer stated that this is for discussion only. Council member Ellefson stated that there is an individual that is interested in a truck parking lot. This parking lot would help the truck drivers in the community. There was no other discussion at this time for the truck parking.

Mayor Bauer stated that the next item on the agenda was the insurance waiver to waive the insurance limit in order to have \$1,000,000 of coverage for municipal tort liability claims. This item was discussed at the personnel and finance portfolio meeting.

10-10-05-09

Motion by Mr. Simonsen and second by Mr. Swenson to waive the insurance limit in order to have \$1,000,000 of coverage for municipal tort liability claims. Motion carried.

Council members next discussed the CUP and Variance fees in the city. EDA Director Karen Lauer stated that the Planning and Zoning Commission was recommending to raise

the fees to \$150, with an effective date of January 1, 2006.

10-10-05-10

Motion by Mr. Ellefson and second by Mr. Simonsen to increase the CUP and Variance fees, effective January 1, 2006 to \$150.00. As part of this fee, the City will continue to record the actual documents. Motion carried.

ORDINANCE 2005-14

**AN ORDINANCE ESTABLISHING FEES FOR
CONDITIONAL USE PERMITS AND VARIANCES
FOR THE CITY OF BARNESVILLE
AND THE
BARNESVILLE AREA JOINT POWERS
CLAY COUNTY, MINNESOTA**

**AN ORDINANCE ESTABLISHING A FEE TO BE CHARGED BY THE CITY
OF BARNESVILLE FOR CONDITIONAL USE PERMITS AND VARIANCES.**

WHEREAS: the City of Barnesville sets forth the rates for conditional use permits and variances.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Barnesville as follows:

The fee shall be as follows:

Conditional Use Permit Fee	\$150.00
Variance	\$150.00

PASSED AND ADOPTED by the Barnesville City Council this 14th day of November, 2005.

Approved:

Kenneth J. Bauer
Mayor

Attest:

Jeri L. Davis

City Clerk

Mayor Bauer announced that the next order of business was consideration of the issuance and sale of the City's approximately \$1,430,000 General Obligation Bonds, Series 2005A. City Clerk Jeri Davis stated that council needed to appoint a pricing committee to award the sale of the \$1,430,000 General Obligation Bonds. Council members stated that Mayor Bauer, along with Council members Kim Simonsen and Guy Swenson, and Finance Director Joel Haugrud would consist on the pricing committee. There will be a conference call on October 11, 2005 at 2:00 p.m. to award the sale of the bonds.

10-10-05-11

Motion by Mr. Cooper and second by Mr. Hagen the reading of which was dispensed with by unanimous consent, and moved its adoption. Motion carried.

Resolution No. 10-10-05-11

A Resolution awarding the sale of approximately \$1,430,000
General Obligation Bonds, Series 2005A;
Fixing their form and specifications ;
Directing their execution and delivery'
And providing for their payment

Mayor Bauer next called on Mr. Marty Soma with Ulteig Engineers Mr. Soma updated council members on the wastewater treatment facility project. Mr. Soma presented council members with a project schedule. Mr. Soma informed council members that Barnesville was ranked 59th with the PFA. This is monies that would have an interest rate of approximately 3% over 20 years. Mayor Bauer questioned Mr. Soma on the pumps that Ulteig Engineering is recommending. Mayor Bauer recommended that we look at alternative pumps for the wastewater treatment facility. Council member Del Ellefson stated that he could contact People Service to inquire about different pumps for the facility. Council members had no other questions for Mr. Soma.

Mayor Bauer next called on Mr. Brian Stich with Ulteig Engineers. Mr. Stich discussed with council members the telemetry controls. Mr. Stich stated that Dilworth has similar controls as Ulteig is proposing and they had visited the City of Dilworth this past month. Mayor Bauer asked if there were any other questions for Mr. Stich. There were no other questions.

Mayor Bauer next called on Mr. Dan Hanson with Ulteig Engineers for a water tower update. Mr. Hanson stated that the water tower location had been moved to the west from the original plans. Mr. Hanson stated that they are projecting a final completion of the water tower to be September, 2006. Council members had no further questions for

Mr. Hanson.

Mayor Bauer stated the next item on the agenda was the partial payment to Caldwell Tanks, Inc. in the amount of \$6,175.00 for the 400,000 gallon elevated water tank.

10-10-05-12

Motion by Mr. Ellefson and second by Mr. Simonsen to approve partial payment estimate No. 1 to Caldwell Tank, Inc. in the amount of \$6,175.00 for the 400,000 gallon elevated water tank. Motion carried.

Mayor Bauer next discussed the final payment to Mark Sand and Gravel Co. for the Street and Underground Utility Improvements in the amount of \$49,904.14.

10-10-05-13

Motion by Mr. Simonsen and second by Mr. Hagen to approve final payment to Mark Sand & Gravel Co. in the amount of \$49,904.14 for the TH 9-Street and Underground Utility Improvements. Motion carried.

Mayor Bauer next discussed the proposed Public Sewers Ordinance. This ordinance would be regulating the use of public sewers for the City.

10-10-05-14

Motion by Mr. Cooper and second by Mr. Martinson to approve the first reading Regulating the Use of Public Sewers for the City of Barnesville. Motion carried.

ORDINANCE NO. _____

**AN ORDINANCE REGULATING THE USE OF PUBLIC SEWERS FOR
THE
CITY OF _____, MINNESOTA**

2005 _____,

The City Council of the City of _____, Minnesota hereby ordains :

SECTION 1.00 - SEWER USE CODE

Section 1.05 - Definitions

Subdivision 1. For the purpose of this Ordinance, the following words and terms shall

have the meaning set out below, unless the context specifically indicates otherwise.

Subdivision 2. "BOD" (Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20o C expressed in milligrams per liter. Laboratory procedures shall be in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater.

Subdivision 3. "Building Drain" means that part of the lower horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning five (5) feet outside the inner face of the building wall.

Subdivision 4. "Building Sewer" means the extension from the building drain to the public sewer or other place of disposal, also called house connection.

Subdivision 5. "City" is the area within the corporate boundaries of the City of _____, as presently established or as amended by Ordinance or other legal actions at a future time. The term "City" when used herein may also be used to refer to the City Council and its authorized representatives.

Subdivision 6. "COD" (chemical oxygen demand) means the quantity of oxygen utilized in the chemical oxidation of organic matter, expressed in milligrams per liter, as determined in accordance with standard laboratory procedures as set out in the latest edition of Standard Methods for the Examination of Water and Wastewater.

Subdivision 7. "Combined Sewer" means a sewer originally designated to receive both surface water runoff and sewage.

Subdivision 8. "Garbage" means solid waste resulting from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage or sale of meat, fish, fowl, fruit, vegetable or condemned food.

Subdivision 9. "Industrial Wastes" means the solid, liquid, or gaseous wastes resulting from an industrial or manufacturing processes, trade or business, or from the development, recovery, or processing of natural resources.

Subdivision 10. "Infiltration" - water entering the sewage system (including building drain and pipes) from the ground through such means as defective pipes, pipe joints, connections, and manhole walls.

Subdivision 11. "Infiltration/Inflow (I/I)" - the total quantity of water from both infiltration and inflow.

Subdivision 12. "Inflow" - water other than wastewater that enters a sewer system (including building drains) from sources such as, but not limited to, roof leaders, cellar

drains, yard and area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross-connections from storm sewers, catch basins, surface runoff, street wash waters or drainage.

Subdivision 13. "NPDES Permit" (National Pollutant Discharge Elimination System) Permit means the system for issuing, conditioning and denying permits for the discharge of pollutants from point sources into the navigable waters, the contiguous zone, and the oceans by the Environmental Protection Agency pursuant to the Federal Water Pollution Control Act of 1972, Sections 402 and 405.

Subdivision 14. "Natural Outlet" means any outlet into a watercourse, pond, ditch, lake or other body of surface groundwater.

Subdivision 15. "Normal Domestic Strength Wastes" shall mean wastes which are characterized by 250 mg per liter BOD, and 300 mg per liter suspended solids.

Subdivision 16. "Other Wastes" shall mean garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, sand, ashes, oil tar, chemicals, offal, and other substances except sewage.

Subdivision 17. "Person" means any individual, firm, company, association, society, corporation, municipal corporation, governmental unit, or group.

Subdivision 18. "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Subdivision 19. "Process Water" means any water used in the manufacturing, preparation or production of goods, materials or food. Process water is an industrial waste.

Subdivision 20. "Public Sewer" means any sewer owned or operated by a unit or agency of government.

Subdivision 21. "Sanitary Sewer" means a sewer which carries sewage and to which storm, surface and groundwater are not intentionally admitted.

Subdivision 22. "Sanitary Waste" means the liquid and water carried wastes discharged from sanitary plumbing facilities.

Subdivision 23. "State Disposal System (SDS) Permit" - any permit (including any terms, conditions and requirements thereof) issued by the MPCA pursuant to Minnesota Statutes 115.07 for a disposal system as defined by Minnesota Statutes 115.01, Subdivision 8.

Subdivision 24. "Sewage" or "Wastewater" means the water carried waste products from residences, public buildings, institutions, industrial establishments or other buildings

including the excrementitious or other discharge from the bodies of human beings or animals, together with such ground, surface and storm waters as may be present.

Subdivision 25. "Sewer" means a pipe or conduit for carrying sewage, industrial wastes or other waste liquids.

Subdivision 26. "Sewer System" means pipelines or conduits, pumping stations, forcemains and all other devices and appliances appurtenant thereto, used for collecting or conducting sewage, industrial wastes or other wastes to a point of ultimate disposal.

Subdivision 27. "Shall" is mandatory. "May" is permissive.

Subdivision 28. "Slug" means any discharge of water, wastewater or industrial waste which in concentration of any given constituent, or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during the normal operation.

Subdivision 29. "Storm Sewer" (sometimes termed Storm Drain) means a sewer which carries storm or surface water and drainage, but excludes sewage and industrial waste, other than unpolluted cooling or process water.

Subdivision 30. "Suspended Solids" means solids that either float on the surface of or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater.

Subdivision 31. "Unpolluted Water" means clean water uncontaminated by industrial wastes, other wastes, or any substance which renders such water unclean or noxious or impure so as to be actually or potentially harmful or detrimental or injurious to public health, safety or welfare to domestic, commercial, industrial or recreational uses; or to livestock, wild animals, birds, fish, or other aquatic life.

Subdivision 32. "Wastewater Facilities" means the structures, equipment, or processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

Subdivision 33. "Wastewater Treatment Works" or "Treatment Works" means an arrangement of devices and structures for treatment of wastewater, industrial waste and sludge. Sometimes used as synonymous for "wastewater treatment plant" or "waste treatment plant" or "water pollution control plant" or "sewage treatment plant".

SECTION 1.10 - USE OF PUBLIC SEWERS

Subdivision 1. It shall be unlawful to discharge to any natural outlet within the City or any area under the jurisdiction of the City any sewage or other polluted waters, except

where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

Subdivision 2. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage if adequate and feasible City facilities are available.

Subdivision 3. The owner of any building or property which is located within the City and from which wastewater is discharged shall be required to connect to a public sewer at his expense within 90 days of the date said public sewer is operational, provided that said public sewer is within 150 feet of the structure generating the wastewater and such public sewer is located in a public right-of-way or easement for sewer purposes adjacent to the property. All future buildings constructed on property adjacent to the public sewer shall be required to immediately connect to the public sewer. If sewer connections are not being made pursuant to this subdivision, an official 90 day notice shall be served instructing the affected property owner to make said connection.

Subdivision 4. In the event an owner shall fail to connect to a public sewer in compliance with a notice given under Section 1.10, Subdivision 3 of this Ordinance, the City may undertake to have said connection made and shall assess the cost thereof against the benefited property. Such assessment shall be a lien against said property. Such assessment, when levied, shall bear interest at the legal rate for local improvements and shall be certified to the Auditor of the County of _____, Minnesota, and shall be

collected and remitted to the City in the same manner as assessments for local improvements. The rights of the City shall be in addition to any remedial or enforcement provisions of this Ordinance.

Subdivision 5. No person shall discharge or cause to be discharged directly or indirectly any storm water, groundwater, roof runoff, subsurface drainage, waste from on-site disposal systems, unpolluted cooling or processing water to any sanitary sewer. No person may discharge sump pump or footing drain water into the public sanitary sewer.

Subdivision 6. Storm water and all other unpolluted water shall be discharged to a storm sewer, except that unpolluted cooling or process water shall only be so discharged to a storm sewer or natural outlet on approval of the City and upon approval and the issuance of a discharge permit by the MPCA.

Subdivision 7. No person shall discharge or cause to be discharged directly or indirectly, any of the following described substances to any public sewer:

a) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater disposal system or to the operation of the system. Prohibited materials include, but are not limited to, gasoline,

kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.

b) Any water or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the wastewater treatment works.

A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307A of the Clean Water Act.

c) Any water or waste having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater treatment works.

d) Solid or viscous substances, either whole or ground, in quantities or of such size capable of causing obstruction to the flow in the sewers, or other interference with the proper continuation of the wastewater facilities, but not limited to ashes, cinders, disposable diapers, glass grinding or polishing wastes, stone cuttings or polishing wastes, sand, mud, straw, shavings, metal, glass rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, sanitary napkins, paper dishes, cups, milk containers and other paper products.

e) Noxious or malodorous liquids, gases or substances which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance or repairs.

Subdivision 8. No person shall discharge or cause to be discharged directly or indirectly the following described substances to any public sewer unless in the opinion of the City such discharge will not harm the wastewater facilities, nor cause obstruction to the flow in sewers, nor otherwise endanger life, limb, or public property, nor constitute a nuisance. In forming its opinion as to the acceptability of the wastes, the City may give consideration to such factors as the quantities of the subject wastes in relation to flows and velocities in the sewers, materials or construction of the sewers, nature of the wastewater treatment process, capacity of the wastewater treatment plant, the City's NPDES permit, and other pertinent factors. The City may make such determinations either on a general basis or as to discharges from individual users or specific discharges, and may prohibit certain discharges from individual users because of unusual concentrations or combinations which may occur.

The substances prohibited are:

a) Any liquid or vapor having a temperature in excess of one hundred fifty (150) degrees F. (65 degrees C.)

b) Any water or waste containing fats, wax, grease or oils, whether emulsified or

not, in excess of one hundred (100) milligrams per liter or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F. (zero [0] and sixty-five [65] degrees C.).

- c) Any garbage that has not been ground or comminuted to such degree that all particles will be carried freely in suspension under flows normally prevailing in the public sewers, with no particles greater than one-half (½) inch in any dimension.
- d) Any water or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions, whether neutralized or not.
- e) Any water or wastes containing phenols or other taste or odor producing substances which constitute a nuisance or hazard to the structures, equipment, or personnel of the wastewater works, or which interfere with the treatment required to meet the requirements of the State or Federal Government, or any other public agency with proper authority to regulate the discharge from the wastewater treatment plant.
- f) Any radioactive wastes or isotopes of such half-life or concentration that they are not in compliance with regulations issued by the appropriate authority having control over their use or may cause damage or hazards to the treatment works or personnel operating it.
- g) Any water or wastes having a pH in excess of 9.5.
- h) Materials which exert or cause:
 - (1) Unusual concentrations of suspended solids, (such as, but not limited to, Fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride or sodium sulfate).
 - (2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - (3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment works. The BOD discharged to the public sewer shall not exceed 400 mg/l.
 - (4) Unusual volume of flow or concentration of wastes constituting a slug.
 - (5) Water or water containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of the NPDES Permit, or requirements of other governmental agencies having jurisdiction over discharge from the wastewater treatment plant.
- i) Any waters or wastes containing the following substances to such degree that any

such material received in the composite wastewater at the wastewater treatment works in excess of limits established by the wastewater superintendent: arsenic, cadmium, copper, cyanide, lead, mercury, nickel, silver, total chromium, and zinc.

Subdivision 9. If any water or wastes are discharged, or are proposed to be discharged directly or indirectly to the public sewers, which water or wastes do not meet the standards set out in or promulgated under this Subsection, or which in the jurisdiction of the City may have a deleterious effect upon the treatment works, processes, equipment, or receiving waters, or which otherwise create a hazard to life, or constitute a public nuisance, the City may take all or any of the following steps:

- a) Refuse to accept the discharges.
- b) Require control over the quantities and rates of discharge.
- c) Require pretreatment to an acceptable condition for the discharge to the public sewers pursuant to Section 307(b) of the Act and all addenda thereof.
- d) Require payment to cover the added cost of handling or treating the wastes.

The design and installation of the plant and equipment for pretreatment or equalization of flows shall be subject to the review and approval of the City, and subject to the requirements of 40 CFR 403, entitled "Pretreatment Standards", and the Minnesota Pollution Control Agency.

Subdivision 10. Grease, oil and mud interceptors shall be provided when they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in Subdivision 8 b) of this Ordinance, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be a type and capacity approved by the City and shall be located as to be readily and easily accessible for cleaning and inspection.

Subdivision 11. Where preliminary treatment flow equalization, or interceptors are required for any water or waste, they shall be effectively operated and maintained continuously in satisfactory and effective condition by the owner at his expense and shall be available for inspection by the City at all reasonable times.

Subdivision 12. When required by the City, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such structure and equipment, when required, shall be constructed at the owner's expense in accordance with plans approved by the City and shall be maintained by the owner so as to be safe and accessible at all times.

Subdivision 13. All measurements, tests and analyses of the characteristics of water and waste to which reference is made in this Ordinance shall be determined in accordance with 40 CFR 136 "Guidelines Establishing Test Procedures for the Analysis of Pollutants"; the latest edition of Standard Methods for the Examination of Water and Wastewater and shall be determined at the control structure provided, or upon suitable samples taken at said control structure. In the event that no special structure has been required, the control structure shall be considered to be the nearest downstream manhole in the public sewer from the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effluent constituents and their effect upon the treatment works and to determine the existence of hazards of life, health and property. Sampling methods, location, times, duration and frequencies are to be determined on an individual basis subject to approval by the City.

Subdivision 14. The owner of any property serviced by a building sewer carrying industrial wastes may, at the discretion of the City, be required to provide laboratory measurements, tests and analyses of waters or wastes to illustrate compliance with this Ordinance and any special condition for discharge established by the City or regulatory agencies having jurisdiction over the discharge. The number, type and frequency of sampling and laboratory analyses to be performed by the owner shall be as stipulated by the City. The industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with the Federal, State and local standards are being met. The owner shall report the results of measurements and laboratory analyses to the City at such times and in such manner as prescribed by the City. The owner shall bear the expense of all measurements, analyses and reporting required by the City. At such times as deemed necessary and City reserves the right to take measurements and samples for analysis by an outside laboratory.

Subdivision 15. New connections to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities, including, but not limited to, capacity for flow, BOD, and suspended solids.

Subdivision 16. No user shall increase the use of process water or, in any manner, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in Sections 3 and 4 of this Article, or contained in the National Categorical Pretreatment Standards or any State requirements.

Subdivision 17. No statement contained in this Section shall be constructed as preventing any special agreement or arrangements between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore by the industrial concern, in accordance with applicable ordinance and any supplemental agreements with the City.

SECTION 1.15 - PRIVATE SEWAGE DISPOSAL

Subdivision 1. Where a public sanitary sewer is not available under the provisions of

Section 1.10, the building sewer shall be connected to a private wastewater disposal system complying with the rules and regulations 6 MCAR 4.8040 entitled Individual Sewage Treatment System Standards or the requirements of the City or other regulatory agencies, whichever is more restrictive.

Subdivision 2. No new private sewer systems or sewer system extensions shall be constructed within the City without first obtaining written approval of the system plan and materials to be used in the construction of said system.

SECTION 1.20 - BUILDING SEWERS AND CONNECTIONS

Subdivision 1.

a) It is unlawful for any person to engage in the work or business of installing private sewer service lines and appurtenances for others without a license therefore from the City.

b) Any person desiring to engage in such work shall make application to the City on forms to be supplied by the City together with a fee in the amount of \$_____. All licenses issued shall be for one (1) calendar year only and each renewal shall be made by application together with a \$_____ annual fee. A plumber licensed by the State Board of Health shall pay no fee to the City, but shall show evidence of the State license before the City issues a license.

c) Each applicant for license shall sign an agreement on such form as may be delivered by the City agreeing to pay the City the actual cost of repair for any damage caused to the City sewer system by the application, or by any of his employees or agents. This agreement shall accompany the license application.

d) Each applicant shall accompany his application with a certificate of insurance in a company acceptable to the City showing public liability insurance coverage with limits of at least \$100,000 per person; \$250,000 per occurrence and \$10,000 for property damage. Such certificate shall specifically state that such insurance covers underground construction operations and shall contain a provision that the coverage afforded under the policies will not be canceled or materially changed until at least 15 days prior written notice has been given to the City.

Subdivision 2. No person, unless authorized by a written permit from the City shall make, install, repair, alter, disturb, uncover, open or break any sewer connection to the sanitary sewer system of the City. Permits for connection of a new sewer service or repairs to an existing service shall be issued by the City after consideration of the application for such permit with regard to compliance with other Sections of this Ordinance. Permits shall be issued in the following manner:

a) Application for a permit to perform work on a sewer service connection within the City shall be made on a form supplied by the City by the person or firm who will be performing such work to the City for the installation of a new connection. The person or firm performing such work shall be licensed to perform such work by the City.

b) The City Clerk shall issue a permit for the work after the application is approved and the bond is received.

Subdivision 3. All costs and expenses incidental to the installation and connection of the building sewer or repairs to an existing connection shall be borne by the owner. The owner shall indemnify and hold harmless the City from any loss or damage to the public sewer that may directly or indirectly be occasioned by the installation of the building sewer.

Subdivision 4. A separate and independent building sewer shall be provided for every building, except where two or more buildings are situated on one parcel such that the parcel may not be subdivided. Such joint use private sewer may be extended to the rear building or buildings and the whole considered as one joint use private sewer provided the buildings are the property of a single owner. Special variances will be considered by the City.

Subdivision 5. Old building sewers may be used in connection with new buildings only when they are found, upon examination and testing by the City, to meet all the requirements of this Ordinance.

Subdivision 6. Unused septic tanks, cesspools, leaching pits and similar devices and structures shall be backfilled or made safe and unusable in a manner acceptable to the City.

Subdivision 7. The size, slope, alignment and materials of construction of a building sewer and the method used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the building code and plumbing code; or other applicable rules and regulations. In the absence of code provisions, or in amplifications thereof, the materials and procedures set forth in appropriate specifications of the "Water Pollution Control Federation (W.P.C.F.) Manual of Practice No. 9" and the American Society for Testing Materials (A.S.T.M.) Standards shall apply.

Subdivision 8. Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, such building drain shall be provided with a lifting device by an approved means and discharge to the building sewer.

Subdivision 9. No person shall make connection of roof downspouts, roof drains, exterior foundation drains, areaway drains, or other sources of surface runoff or

groundwater to a building sewer or building drain which, in turn, is connected directly or indirectly to a public sanitary sewer.

Subdivision 10. The construction of the building sewer and its connection into the public sewer shall conform to the requirements of the State of Minnesota Plumbing Code, the sewer specifications included herein, and other applicable rules and regulations and procedures adopted by the City. All such construction shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the City prior to installation.

Subdivision 11. Employees of the City shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the City when the work is ready for final inspection and no underground portion shall be covered before the final inspection is complete. The connection shall be made under the supervision of the City or its representative.

Subdivision 12. All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways and other public property disturbed during the course of the work shall be restored in a manner satisfactory to the City.

SECTION 1.25 - MAIN AND LATERAL SEWER CONSTRUCTION

Subdivision 1. No person, unless authorized shall uncover, make any connection with or opening into, use, alter or disturb any sanitary or storm sewer within the City or any part of the City wastewater facilities.

Subdivision 2. No sanitary or storm sewers shall be constructed in the City (except house or building service sewers) except by the City or by others in accordance with plans and specifications approved by a professional engineer. No such sewers shall be constructed or considered to be part of the public sewer system unless accepted by the City.

Subdivision 3. The size, slope, alignment, material of construction, methods to be used in excavation, placing of pipe, jointing, testing, backfilling and other work connected with the construction of sewers shall conform to the requirements of the City.

SECTION 1.30 - PROTECTION FROM DAMAGE

Subdivision 1. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the wastewater facilities.

SECTION 1.35 - AUTHORITY OF INSPECTORS

Subdivision 1. Duly authorized employees of the City shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Ordinance. Those employees shall have no

authority to inquire into processes including metallurgical, chemical, oil, refining, ceramic, paper, or their industries except as is necessary to determine the kind and source of the discharge to the public sewer.

Subdivision 2. While performing the necessary work on private property as referred to in Subdivision 1 of this Subsection, the authorized employees of the City shall observe all safety rules applicable to the premises as established by the company, and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in this Ordinance.

Subdivision 3. Duly authorized employees of the City shall be permitted to enter all private properties through which the City holds easements for the purpose of, but not limited to, inspection, observation, maintenance and construction of public sewers.

SECTION 1.40 - PENALTIES

Subdivision 1. Any person found to be violating any provisions of this Ordinance shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall within the time period stated in such notice permanently cease all violation.

Subdivision 2. Any person who shall continue any violation beyond the time limit provided for in said written notice shall be guilty of a misdemeanor and on conviction thereof shall be fined in the amount not exceeding \$700.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

Subdivision 3. Any person violating any of the provisions of this Ordinance shall become liable to the City for any expense, loss or damage occasioned by the City by reason of such violation.

SECTION 1.45 - VALIDITY

Subdivision 1. The validity of any section, subdivision, clause, sentence, or provision of

this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

SECTION 1.50 - EFFECTIVE DATE

Subdivision 1. This Ordinance shall be in full force and in effect from and after its passage, approval, recording and publication as provided by law.

Subdivision 2. Passed and adopted by the City Council of the City of _____, Minnesota on the ____ day of _____, 2005.

_____, Mayor

ATTEST:

_____, City Clerk-Administrator

(Insert Title)

Public Works Superintendent Dave Riddering next discussed with council members the request to transfer funds in the amount of \$10,000 from the sewer capital line account to the water capital line account. The \$10,000 would be used to purchase 50 meters and radio reads for the water department.

10-10-05-15

Motion by Mr. Simonsen and second by Mr. Ellefson to approve the transfer of \$10,000 from the sewer fund to the water fund for the purchase of 50 meters and radio reads for the water department, contingent on approval from our auditors. Motion carried.

Public Works Superintendent Dave Riddering discussed with council the waterline replacement at 6th Street NW from 2nd Ave NW to Main Ave. Mr. iddering stated that this water line has had four breaks in the last few years. Mr. Riddering questioned if this repair could be attached to the specs for the Peterson-Gilbertson addition.

10-10-05-16

Motion by Mr. Ellefson and second by Mr. Cooper to approve the call for specs to replace the water line, sanitary sewer and entire street surface at 6th Street NW from 2nd Ave NW to Main Ave. Motion carried.

Public Works Superintendent Dave Riddering next discussed with council members the drain tile project for 5th Ave NW and 6th Street NW. Mr. Riddering stated the estimated cost is \$4,000 - \$5,000. Mr. Riddering informed council that he could purchase \$2,500 of the project costs this year, with the remaining costs to be paid out of the 2006 budget.

10-10-05-17

Motion by Mr. Swenson and second by Mr. Martinson to authorize Mr. Riddering to purchase \$2,500 of the project costs for the year 2005, and the remaining \$2,500 for the 2006 budget. Motion carried.

Public Works Superintendent Dave Riddering discussed with council members the expenditures for an electrician to wire the police station and the south lift station for emergency power generation. Mr. Riddering informed council that by wiring the police

station and the south lift station, we would fulfill our power generation capability needs. Mr. Riddering commented that this is not in the emergency disaster budget.

10-10-05-18

Motion by Mr. Hagen and second by Mr. Simonsen that Mr. Riddering be authorized to proceed with the wiring of the police station and the south lift station, not to exceed \$2,250. This expense will be funded by the discretionary fund. Motion carried.

Mayor Bauer next discussed the status of the NIMS. Police Chief Dean Ernst stated that the City presently is in compliance.

EDA Director Karen Lauer next discussed with council members the resolution for the JOBZ Designation Land Swap. Mrs. Lauer stated that to facilitate the expansion of the Rothsay Farmer's Co-op Elevator, a request to the State of Minnesota to move JOBZ designation from 16.849 acres of land located in the Commercial Park expansion area to the 16.849 acres of land in Barnesville Township.

10-10-05-19

Motion by Mr. Ellefson and second by Mr. Martinson to approve the following resolution. Motion carried.

**RESOLUTION 10-10-05-19
CITY OF BARNESVILLE
CLAY COUNTY, MINNESOTA
RESOLUTION OF APPROVAL TO AUTHORIZE
TAX EXEMPTIONS**

WHEREAS: job creation, business development, and individual wealth grown in the BARNESVILLE AREA has been less than national and state averages; and

WHEREAS: the resulting affects of such lagging job creation, business development, and individual wealth growth have harmed and are forecasted to continue to harm the economy of BARNESVILLE AREA; and

WHEREAS: the Job Opportunity Building Zone (JOBZ) Program created in Minnesota Session Laws 2003, 1st Special Session, Chapter 21, Article 1 allows for the formation of tax free zones;

WHEREAS: an application for tax free zone designation in the BARNESVILLE AREA was approved by the Minnesota Department of Employment and Economic Development via WEST CENTRAL INITIATIVE;

WHEREAS: the CITY OF BARNESVILLE at their meeting on August 11, 2003 agreed to provide all of the local tax exemptions and credits required and provided for under the Job Opportunity Building Zones (JOBZ) Legislation and to forego the tax benefits resulting from the local and state tax exemptions and credits provided under the Job Opportunity Building Zones (JOBZ) Legislation for the originally designated area;

WHEREAS: an opportunity to assist the Rothsay Farmer's Co-op Elevator with a large expansion project has resulted in the need to facilitate a land swap for JOBZ designation; therefore,

BE IT RESOLVED that the CITY OF BARNESVILLE, at its meeting held on the 10th day of October, 2005, upon careful consideration and review, approves the proposed land swap of 16.849 acres in Humboldt Township for the 16.849 acres in the City of Barnesville as shown on the attached maps, and approves the use of tax exemptions and tax credits within this area (subject to proper review and approval by the other appropriate taxing authorities within the zones) and encourages the Minnesota Department of Employment and Economic Development to approve the modification request being submitted by WEST CENTRAL INITIATIVE.

BE IT FURTHER RESOLVED: that the CITY OF BARNESVILLE agrees to provide all of the local tax exemptions and credits required and provided for under the Job Opportunity Building Zones (JOBZ) Legislation and agrees to forego the tax benefits resulting from the local and state tax exemptions and credits provided under the Job Opportunity Building Zones (JOBZ) Legislation.

Mayor Bauer next discussed the 2006 budget. Finance Director Joel Haugrud stated that the budget is getting close to being finalized.

10-10-05-20

Motion by Mr. Ellefson and second by Mr. Hagen to adjourn the meeting at 8:55 p.m.
Motion carried.

Submitted by:

Attest:

Jeri L. Davis
City Clerk

Kenneth J. Bauer
Mayor