

**Barnesville City Council**  
**Regular Meeting**  
**October 15, 2007**

Mayor Bauer called this regular meeting to order at 7:00 p.m. Present were Mayor Bauer and council members Roger Cooper, Larry Davis, Jr., Del Ellefson, Kim Simonsen and Merlin Strom. Absent was council member Chad Hagen. Others in attendance were City Attorney John Shockley, COO Michael Brethorst, EDA Director Karen Lauer, Deputy Clerk Jeri Reep, Police Chief Dean Ernst, Public Works Supt. Dave Riddering, TEC Coordinator Guy Swenson, Sr. Accountant Laurie Schell, Dan Hansen with Ulteig Engineers, Paul Christensen with People Service, Jeremy Krause, Jon Slininger, Fred Dahnke, Georgia Beaudry with Clay County, Diane Nelson, Lori Guida, Tami Mortensen, Linda Rice, Joann Halverson, Diane Ellefson, Joe Rigdon with KDV, and Pam Aakre with the Record Review.

Chief Operations Officer Mike Brethorst took roll call. Mayor Bauer stated the first item on the agenda was the pledge of allegiance. All rose to recite the pledge.

Mayor Bauer asked if there were any additions or corrections to the agenda. COO Mike Brethorst stated that he would like to add the 2007 audit bid and the CM Repair agenda item will be tabled until the November meeting.

Mayor Bauer next welcomed the Boy Scout Troop that was in attendance for the meeting.

**10-15-07-01** Motion by Mr. Davis and second by Mr. Ellefson to approve the agenda and the consent agenda as presented, with the addition of the 2007 audit bid approval and the tabling of the CM Repair agenda item. Motion carried. The following items were on the consent agenda.

1. Approval of the minutes of the special meeting held on September 5, 2007.
2. Approval of the minutes of the regular meeting held on September 10, 2007.
3. Approval of the department head reports.
4. Finance reports-approval of check numbers 62075-62263 in the amount of \$415,070.03 and EFT payments in the amount of \$96,855.65.
5. Approval of the 50 water meter purchase in the amount of \$4, 400.00.
6. Approval of the Park Board appointment of Patty McGowan, with her term to expire December, 2010.
7. Approval of the purchase of 2-Calix ADSL-2 and 2+ cards in the amount of \$3,747.95.
8. Appointment of the following election judges for the Nov. 6, 2007 election:
  - a. Pearl Quinnild, Pam Carr, Carol Mulcahy, Mabel Sacrison, MaryAnn Thompson, Joette Steinke, Maggie Willard, Dar Hines, Vivian Montplaisir, LaVonne Heng, and Darlene Erickson.
9. Approval to hire Laurie Schell as the Sr. Accountant at a rate of pay of \$16.82 per hour, starting date of October 1, 2007.

10. Approval to change the November regular council meeting date to Tuesday, November 13, 2007.
11. Approval of the repair by Schritz Plumbing & Heating for City Hall in the amount of \$1,800.
12. Approval of travel for Shana Cihak, Lori Haick and Laurie Schell to attend the Incode User group meeting in St. Cloud.
13. Approval for Laurie Schell to attend Excel training in Fargo, December 5, 2007.
14. Approval for Jeri Reep to attend the US Census Bureau training in Bemidji on Oct. 22, 2007.
15. Approval for Guy Swenson and Mike Brethorst to attend the MRES Annual Meeting in Alexandria on Oct. 24, 2007.
16. Approval to accept Jessica Nicholas resignation as part time EMT.
17. Approval to hire Chris Kimmerle as part time EMT.

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

**10-15-07-02** Motion by Mr. Cooper and second by Mr. Strom to approve the board and commission reports as presented.

Mayor Bauer stated the next item on the agenda was the public forum. Mayor Bauer asked if there were any citizens present to be heard. There were none.

Mayor Bauer stated the next item on the agenda was the Clay County Rural Transit. Ms. Georgia Beaudry with Clay County approached the council and informed council members that the Clay County Rural Transit ridership has declined in the City. Ms. Beaudry stated that they are trying to boost ridership before March 1, 2008. Ms. Beaudry informed members that the routes will be changing on January 1, 2008, and asked council members to encourage citizens to ride the transit. Council members had no further questions for Ms. Beaudry.

Mayor Bauer stated the next item on the agenda was the Barnesville Cemetery Association. Mrs. Linda Rice approached the council and stated the Cemetery Association would like a donation for funding for the next five years. Mayor Bauer informed Mrs. Rice that this item will be on the November council agenda and be presented at the next personnel and finance committee.

Mayor Bauer stated the next item for discussion was the W.R. Grace Bankruptcy. City Attorney John Shockley informed council members that this settlement is for an old asbestos claim. W.R. Grace Co has offered to pay the city \$26,472 to settle the claim. Mr. Shockley stated that the city would receive approximately 2/3 of the claim amount. City Attorney John Shockley informed council members that he recommends approval of the settlement amount.

**10-15-07-03** Motion by Mr. Simonsen and second by Mr. Ellefson to approve the settlement amount in the W.R. Grace Co. Bankruptcy in the amount of \$26,472. Motion carried.

Mayor Bauer stated the next item on the agenda for discussion was the Potato Days Community jurisdiction. City Attorney John Shockley presented council members information on the Potato Days jurisdiction. Mr. Shockley stated that this information was for information only, and no action was necessary.

Mayor Bauer stated the next item on the agenda was the health insurance renewal. COO Mike Brethorst informed council members that the employee health insurance group will be staying with the Blue Cross/Blue Shield under the Lakes Country Cooperative. This was information only, and no action was necessary.

Mayor Bauer stated the next item on the agenda was the discussion of the 2007 audit Request For Proposal. COO Mike Brethorst informed council members that only one RFP was returned for the 2007 audit. The proposal was received from Larson Allen in the amount of \$28,080.00.

**10-15-07-04** Motion by Mr. Davis and second by Mr. Strom to approve the 2007 audit proposal from Larson Allen in the amount of \$28,080.00. Motion carried.

Mayor Bauer stated the next item on the agenda was the discussion of the DS-3 card purchase. TEC Coordinator Guy Swenson informed council members that this card purchase is for the router, which would increase the DSL bandwidth to 15 Meg. The cost of this card is \$2500.00.

**10-15-07-05** Motion by Mr. Simonsen and second by Mr. Strom to approve the DS-3 Card purchase for the 15454 router, in the amount of \$2500.00, with funding from the DSL circuit funds. Motion carried.

Mayor Bauer stated the next item on the agenda was the Onvoy PARA billing discrepancy. TEC Coordinator Guy Swenson informed council members that Onvoy had contacted him regarding several invoices from 2004 and 2005 that have not been paid. Mr. Swenson stated that after a search of our records, it appears that these invoices are outstanding. Mr. Swenson was recommending that these payments be paid to Onvoy.

**10-15-07-06** Motion by Mr. Simonsen and second by Mr. Ellefson to approve the outstanding bills to Onvoy, contingent on proof of billing. The invoices will be paid from the telephone cash reserve account. Motion carried.

Mayor Bauer stated the CM Repair electrical discussion will be tabled until the November regular meeting.

Mayor Bauer stated the next item on the agenda was the approval of the Partial Payment #12 to Visser Scrapper Service. Mayor Bauer questioned if the rock settlement ever was

settled. Mr. Dan Hansen with Ulteig Engineering informed council members that he would relay the message to Engineer Karla Olson who has been working on this project.

**10-15-07-07** Motion by Mr. Cooper and second by Mr. Ellefson to approve the partial payment No. 12 to Visser Scraper Service in the amount of \$99,560.60. Motion carried.

Mayor Bauer stated the next item on the agenda was the Change Order #5 from Visser Scraper Service. The amount of this change order is an increase of \$2,000.

**10-15-07-08** Motion by Mr. Cooper and second by Mr. Davis to approve the Change Order #5 from Visser Scraper Service in the amount of \$2,000.00. Motion carried.

Mayor Bauer stated the next item on the agenda was the Inflow and Infiltration Investigation & Elimination Plan. Mr. Paul Christensen with People Service approached the council and discussed the I & I Report. Mr. Christensen stated that this is a requirement of the MPCA, and also to coordinate with our present ordinance to the MPCA.

**10-15-07-09** Motion by Mr. Simonsen and second by Mr. Ellefson to approve the Inflow & Infiltration Investigation & Elimination Plan as presented. Motion carried.

Mayor Bauer stated the next item on the agenda was the People Service contract. Mr. Paul Christensen with People Service informed council members that this is an agreement for two years, and some minor corrections have been made to the contract.

**10-15-07-10** Motion by Mr. Davis and second by Mr. Cooper to approve the two year contract with People Service, with the term to expire March 1, 2009. Motion carried.

Mayor Bauer stated the next item on the agenda was the fencing of the ponds. Public Works Supt. Dave Riddering informed council members that this fence would be on the north side of the ditch, that this will be a field fence with 47" woven under two strands of barb. Mr. Riddering stated that this would be very similar to the fence that is in place by the other ponds. Council members informed Mr. Riddering to have the expenditure approved when the bill comes due.

Mayor Bauer stated the next item on the agenda was the survey work proposal for obtaining the right of way to construct the swale that is necessary by 11<sup>th</sup> Street SE. Mr. Dan Hansen informed council members that the engineering would be approximately \$1,000 to perform the survey work.

**10-15-07-11** Motion by Mr. Simonsen and second by Mr. Ellefson to proceed with the survey work for obtaining the right-of-way to construct the swale in the Southeast part of town. The cost is estimated at \$1,000.00 by Ulteig Engineers, Inc. The expense will be from the storm sewer replacement fund. Motion carried.

Mayor Bauer stated the next item on the agenda was the 2<sup>nd</sup> reading of Ordinance 2007-12. An ordinance to amend Section 17.12 of the Barnesville Municipal Code relating to signs.

**10-15-07-12** Motion by Mr. Strom and second by Mr. Davis to approve the 2<sup>nd</sup> reading of Ordinance 2007-12. Motion carried.

**City of Barnesville  
County of Clay  
Ordinance 2007-12**

AN ORDINANCE TO AMEND SECTION 17.12 OF THE BARNESVILLE MUNICIPAL CODE RELATING TO SIGNS:

BE IT ORDAINED by the City Council of the City of Barnesville that Section 11.04 is hereby amended as follows:

SECTION 11.04  
RULES AND DEFINITIONS

- a. Residential signs shall not exceed 8 square feet in area and bear only the name and address of the occupants of premises.
- b. No dimension of a sign may be more than three times the other dimension.
- c. The maximum height of any freestanding sign shall be eight (8) feet as measured from the ground to the top of the sign.
- d. Churches, schools, hospitals, clinics, libraries or similar uses may be allowed one identification signs, subject to the approval of a conditional use permit, provided that:
  1. Such signs shall be solely for the purpose of displaying the name of the institution and its activities or services
  2. **There can be a maximum of two freestanding signs, the total square footage of which may not exceed eighty (80) square feet in aggregate area.**
  3. **There can be a maximum of two wall mounted signs, one per wall, with each sign not to exceed thirty-two (32) square feet.**

4. ~~Width is not to exceed 12 feet.~~ **The maximum height of any freestanding sign is not to exceed shall be eight (8) feet as measured from the existing grade to the top of the sign.**
5. ~~The sign is of a monument styling, rather than pole mounted~~
6. ~~There is ground landscaping surrounding the base of the sign~~
7. There are no flashing lights of any type, and
8. such other terms and conditions as may be appropriate and allowed by law

**EFFECTIVE DATE:** This ordinance become effective upon its passage and enactment, followed by publication according to law.

**PASSED AND ADOPTED** by the Barnesville City Council this 15th day of October 2007.

---

Kenneth J. Bauer  
Mayor

---

Michael M. Brethorst  
Chief Operating Officer

First Reading:           September 10, 2007  
Second Reading:       October 15, 2007  
Published:               October 22, 2007

Mayor Bauer stated the next item on the agenda was the 2<sup>nd</sup> reading of Ordinance 2007-13, an ordinance to amend Section 11.62 of the Barnesville Municipal Code relating to accessory structures.

**10-15-07-13** Motion by Mr. Simonsen and second by Mr. Davis to approve the 2<sup>nd</sup> reading of Ordinance 2007-13. Motion carried.

City of Barnesville  
County of Clay  
Ordinance 2007-13

AN ORDINANCE TO AMEND SECTION 11.62 OF THE BARNESVILLE  
MUNICIPAL CODE RELATING TO ACCESSORY STRUCTURES:

BE IT ORDAINED by the City Council of the City of Barnesville that Section 11.62 is hereby rescinded and replaced as follows:

SECTION 11.62  
ACCESSORY STRUCTURES IN RESIDENTIAL DISTRICTS

Subd. 3. Ground Coverage. For lots 10,000 square feet or under in area, the total floor area of any garage(s) and accessory buildings may not exceed 1,000 square feet; for lots over 10,000 square feet to 15,000 square feet the total floor area of any garage (s) and accessory buildings may not exceed 1,200 square feet; for lots over 15,000 square feet to 20,000 square feet the total floor area of any garage(s) and accessory buildings may not exceed 1,400 square feet; for lots over 20,000 square feet to 25,000 square feet the total floor area may not exceed 1,600 square feet; for lots over 25,000 square feet to 30,000 square feet the total floor area of any garage(s) and accessory buildings may not exceed 1,800 square feet; for lots over 30,000 square feet to 35,000 square feet the total floor area may not exceed 2,000 square feet and for lots exceeding 35,000 square feet the total floor area of any garage(s) and accessory buildings may not exceed 2,200 square feet; and in all cases the total floor area may not exceed the ground coverage of the dwelling, less any attached garage.

EFFECTIVE DATE: This ordinance become effective upon its passage and enactment, followed by publication according to law.

PASSED AND ADOPTED by the Barnesville City Council this 15th day of October 2007.

\_\_\_\_\_  
Kenneth J. Bauer  
Mayor

Attest:

\_\_\_\_\_  
Michael M. Brethorst  
Chief Operating Officer

Mayor Bauer stated the next item on the agenda was the 2<sup>nd</sup> reading of Ordinance 2007-14, an ordinance to create and enact Section 11.64 of the Barnesville Municipal Code related to outside storage units.

**10-15-07-14** Motion by Mr. Strom and second by Mr. Ellefson to approve the 2<sup>nd</sup> reading of Ordinance 2007-14. Motion carried.

City of Barnesville

County of Clay  
Ordinance 2007-14

AN ORDINANCE TO CREATE AND ENACT SECTION 11.64 OF THE  
BARNESVILLE MUNICIPAL CODE RELATED TO OUTSIDE STORAGE UNITS:

BE IT ORDAINED by the City Council of the City of Barnesville that Section 11.64 is hereby created and enacted to read as follows:

SECTION 11.64  
OUTSIDE STORAGE UNITS, RESIDENTIAL, COMMERCIAL AND INDUSTRIAL  
USES

A. For purposes of this ordinance, the word “storage unit” includes portable storage cubes, van boxes, and commercial shipping containers.

B. In all residentially zoned areas, the following provisions shall apply:

1. Each residence would be limited to one storage unit at any given time
2. The maximum time a storage unit may be placed on a parcel in a residential area is ninety (90) days.
3. The storage unit must be stored on a paved or gravel surface or in the side or rear yard.
4. The storage unit must be completely off the road right-of-way.
5. Dollied down semi-trailers, in roadworthy condition, can be stored on a paved or gravel surface for a maximum of seven (7) days during a moving process, with permission of the Barnesville Police department.

C. In C-2, Highway Business District zoned areas, the following provisions shall apply:

1. Each commercial property would be limited to one storage unit, per parcel, at any given time
2. Storage units are not allowed in the front yard of the building, and must be a minimum of seventy-five (75) feet from Front Street right-of-way
3. Storage units must be screened from view from arterial roads
4. Storage units would be limited to 30 feet in length and eight(8) feet high
5. All storage units must be completely off the road right-of-way.

D. In C-1, Central Business District zoned areas, the following provisions shall apply:

1. Each commercial property would be limited to one storage unit, per parcel, at any given time

2. Storage units are not allowed in the front yard of the building
3. Storage units must be screened from view from arterial roads
4. Storage units would be limited to 30 feet in length and eight (8) feet high
5. The maximum time any storage unit may be placed on a parcel in the Central Business District would be ninety (90) days in a 12 month period.
6. Dollied down semi-trailers, in roadworthy condition, can be stored for a maximum of thirty (30) days per year with permission of the Barnesville Police department.
7. All storage units must be completely off the road right-of-way.

**EFFECTIVE DATE:** This ordinance become effective upon its passage and enactment followed by publication according to law.

**PASSED AND ADOPTED** by the Barnesville City Council this 15th day of October 2007.

---

Kenneth J. Bauer  
Mayor

Attest:

---

Jeri L. Reep  
City Clerk

Mayor Bauer stated the next item on the agenda was the 1<sup>st</sup> reading of Ordinance 2007-15, an ordinance to amend Section 11.04 of the Barnesville Municipal Code relating to definitions.

**10-15-07-15** Motion by Mr. Simonsen and second by Mr. Strom to approve the 1<sup>st</sup> reading of Ordinance 2007-15. Motion carried.

AN ORDINANCE TO AMEND SECTION 11.04 OF THE BARNESVILLE MUNICIPAL CODE RELATING TO DEFINITIONS:

BE IT ORDAINED by the City Council of the City of Barnesville that Section 11.04 is hereby amended as follows:

SECTION 11.04  
RULES AND DEFINITIONS

**59. "Yard, Front"** - The space extending between side lot lines from the front property line and the building setback line. ***The front property line line is the boundary of a lot which abuts an existing or dedicated public street, and in the case of a corner lot it shall be the shortest dimension on a public street. If the dimensions are equal the front property line shall be designated by the City.***

***Exception: Reverse Corner Lots - A reverse corner lot exists when based on a proposed building, it is not feasible for the shortest dimension on a public street to be the front property line. In these cases, the lot line abutting the other right-of-way becomes the front property line. The minimum front yard setback must be met wherever the front property line is placed. A rear yard must be designated, but the rear yard may or may not be opposite the front yard. If one of the side yards is parallel to a street a minimum 12 foot setback must be maintained. If no side yard is parallel to a street, the other side yards must have a width that is a minimum of 10% of the narrow width of the lot, wherever they may be placed.***

**61. "Yard, Side"** - A space between the building and the side line of the lot and extending from the front ~~lot~~ ***property line*** to the rear ~~yard~~ ***property line***. In the case of corner lots with normal frontage, there will be only one side yard, adjacent to the interior lot. ~~In the case of the corner lots with reversed frontage, the yards remaining after the required setbacks have been established shall be considered to be side yards.~~

EFFECTIVE DATE: This ordinance become effective upon its passage and enactment, followed by publication according to law.

PASSED AND ADOPTED by the Barnesville City Council this 13th day of November 2007.

By:

-----  
Kenneth J. Bauer  
Mayor

Attest to:

-----  
Michael M. Brethorst  
Chief Operating Officer

First Reading:                   October 15, 2007  
Second Reading:               November 13, 2007  
Published:                       November 19, 2007

Mayor Bauer stated the next item on the agenda was the CUP request from Dennis Braton. EDA Director Karen Lauer informed council members that this was in the best interests to improve one of the gateways to the City. Mrs. Lauer stated that she had received three phone calls, all favorable comments in regards to the CUP. This CUP request is to construct an 11 foot steel panel fence along the north and south property lines of Parcel 50.900.0590.

**10-15-07-16** Motion by Mr. Davis and second by Mr. Simonsen to approve the CUP request for Mr. Dennis Braton, on Parcel 50.900.0590. This CUP is to construct an 11 foot steel panel fence along the north and south property lines. Motion carried.

Mayor Bauer stated the next item on the agenda was the resolution for the tax forfeit land. This parcel of land is parcel 50.575.3280, Lot 3, Block 37, Original Townsite. The correct purchase price of this parcel is \$1,000.00.

**10-15-07-17** Motion by Mr. Davis and second by Mr. Ellefson to approve the following resolution. Motion carried.

#### Resolution 10-15-07-17

#### AMENDED RESOLUTION TO AUTHORIZE PURCHASE OF TAX-FORFEITURE PROPERTY.

WHEREAS: the tax-forfeiture land identified for purchase has a parcel number of 50.575.3280, and its location helps to address the City's goals of increasing economic development opportunities; and

WHEREAS: local governments are allowed to remove tax-forfeiture property from a public sale if the property will be used for economic development or public use such as a park; and

WHEREAS; the City intends to use the land as an economic development incentive tool; and

WHEREAS: Karen Lauer has determined a fair market value of \$1,000.00.

NOW, THEREFORE, be it resolved by the City Council of the City of Barnesville to purchase Lot 3, Block 37 of Original Townsite to the City of Barnesville, having a parcel number of 50.575.3280, which has recently become a tax-forfeit property, at a cost not to exceed \$1,000.00 plus reasonable closing costs.

Adopted this 15<sup>th</sup> day of October, 2007.

Approved:

---

Kenneth J. Bauer  
Mayor

Attest:

---

Michael M. Brethorst  
Chief Operating Officer

Mayor Bauer stated the next item on the agenda was the Walter G. Schmidt easement request. This easement would grant Schmidt's access to their property. This property is located at Eighth Street Northeast, Lot 2, Block 1, Blue Eagle Parkway Addition. EDA Director Karen Lauer stated that this will be considered a private road.

**10-15-07-18** Motion by Mr. Strom and second by Mr. Ellefson to approve the easement request for Mr. Walter G. Schmidt, located at Eight Street Northeast, Lot 2, Block 1, Blue Eagle Parkway Addition. This property will be considered a private road. Motion carried.

Mayor Bauer stated the next item on the agenda was the Special Assessment Policy. Council members and staff have reviewed the proposed policy. COO Mike Brethorst informed council members that he has reviewed the policy, and recommends to approve.

**10-15-07-19** Motion by Mr. Simonsen and second by Mr. Ellefson to approve the Special Assessment Policy. Motion carried.

Mayor Bauer stated the next item on the agenda was the Stoneridge Special Assessments. COO Mike Brethorst informed council members that an error had occurred in the minutes

and amortization schedule that were originally presented to the Council which stated that the collection shall not be later than 2009. The amortization schedules reflect the same, based on the bond payment schedule and minutes presented in the Bond book, it is projected that the city would not have enough money to pay the bond payment in 2009. This would be a six year deferment rather than a five year deferment as per the date of the bond issuance. Mr. Brethorst stated that he recommends to levy the assessments in 2007, payable in 2008 as the bond payment schedule specifies.

**10-15-07-20** Motion by Mr. Cooper and second by Mr. Simonsen to make the following correction in the Stoneridge Special Assessments. To levy the assessments in 2007, payable in 2008 as the bond payment schedule specifies in the 1.38 million dollar 2002 Series General Obligation Bond. Motion carried.

Mayor Bauer next called on Mr. Joe Rigdon with KDV. Mr. Rigdon presented council members the 2006 audit and went thru the Management letter. Mr. Rigdon stated that there was an increase in net assets. COO Mike Brethorst stated that the enterprise funds are doing well. Mr. Rigdon informed council members that the Sanitation account, Golf Course and the Ambulance funds need some adjustments. Council members had no further questions for Mr. Rigdon.

**10-15-07-21** Motion by Mr. Simonsen and second by Mr. Ellefson to approve the 2006 audit by KDV as presented. Motion carried.

COO Michael Brethorst informed council members that he still is working on the 2008 budget.

Mayor Bauer stated the next item on the agenda is the 1<sup>st</sup> Reading of Ordinance 2007-16 an ordinance to the liquor ordinance.

**10-15-07-22** Motion by Mr. Davis and second by Mr. Strom to approve the 1<sup>st</sup> reading of Ordinance 2007-16 . Motion carried.

#### Ordinance 2007-16

AN ORDINANCE TO AMEND AND REENACT SECTIONS 5.17, 5.32, 5.54, AND 5.71 OF THE BARNESVILLE CITY CODE RELATING TO CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES ON STREETS, PUBLIC PROPERTY, AND PRIVATE PARKING LOTS TO WHICH THE PUBLIC HAS ACCESS; HOURS AND DAYS OF BEER AND LIQUOR SALES; AND HOURS AND DAYS OF SALES BY ON-SALE WINE LICENSEES.

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

SECTION 1. Section 5.17 of the Barnesville City Code is hereby amended and enacted to read as follows:

**SEC. 5.17. CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES ON STREETS, PUBLIC PROPERTY, AND PRIVATE PARKING LOTS TO WHICH THE PUBLIC HAS ACCESS.**

It is unlawful for any person to consume, or possess in an unsealed container, any alcoholic beverage on any (1) City park, (2) street, (3) public property, or (4) private parking lot to which the public has access, except on such premises when and where permission has been specifically granted or licensed by the Council. An application for permission to consume or possess alcoholic beverages on any (1) City park, (2) street, (3) public property, or (4) private parking lot shall be made to the Barnesville Police Department. The Barnesville Police Department shall make recommendations regarding the application and submit said recommendation to the city Council, prior to the city Council voting on such application. Provided, that this Section shall not apply to the possession of an unsealed container in a motor vehicle when the container is kept in the trunk of such vehicle if it is equipped with a trunk, or kept in some other area of the vehicle not normally occupied by the driver or passengers, if the motor vehicle is not equipped with a trunk. For the purpose of this Section, a utility or glove compartment shall be deemed to be within the area occupied by the driver or passengers. Provided further, that this Section shall not apply to a bus operated under a charter, or to a limousine, both as defined by statute.

SECTION 2. Section 5.32 of the Barnesville City Code is hereby amended and reenacted to read as follows:

**SEC. 5.32. HOURS AND DAYS OF BEER SALES** No sale of beer shall be made between the hours of 1:00 a.m. and 8:00 a.m. on the days of Tuesday through Saturday, nor between the hours of 1:00 a.m. and 12:00 noon on Sunday, nor between the hours of 10:00 p.m. on Sunday and 8:00 a.m. on Monday. Provided, however, that in any year that December 31 falls on a Sunday, license holders may stay open on that Sunday until 1:00 a.m. on Monday, January 1 of the next year. ~~Nor shall there be any sale of beer between the hours of 1:00 a.m. and 7:00 p.m. on the day of any State wide election.~~

SECTION 3. Section 5.54 of the Barnesville City Code is hereby amended and enacted to read as follows:

**SEC. 5.54 HOURS AND DAYS OF LIQUOR SALES** No sale of liquor shall be made between the hours of 1:00 a.m. and 8:00 a.m. on the days of Monday through Saturday, nor on Sunday between 1:00 a.m. and 12:00 noon, nor between the hours of 8:00 p.m. on December 24 and 12:00 p.m. on December 25. When December 31 falls on a Sunday, licensees may operate from 10:00 a.m. on December 31 to 1:00 a.m. on January 1. ~~There shall not be any sale of intoxicating liquor between the hours of 1:00 a.m. and 7:00 p.m. on the day of any State wide election.~~ (note: This Section does not prohibit sales during hours when on-sale is permitted on Sunday as stated in the Section of this Chapter entitled "Sunday Sales.")

SECTION 4. Section 5.71 of the Barnesville City Code is hereby amended and enacted to read as follows:

**SEC. 5.54 HOURS AND DAYS OF SALES BY ON-SALE WINE LICENSEES.**

No on-sale of wine shall be made between the hours of 1:00 a.m. and 8:00 a.m. on the days of Tuesday through Saturday, nor on Sunday between 1:00 a.m. and 12:00 noon and between the hours of 10:00 p.m. on Sunday and 8:00 a.m. on Monday, nor between the hours of 8:00 p.m. on December 24 and 8:00 a.m. on December 25. Provided, however, that in any year that December 31 falls on a Sunday, license holders may stay open on that Sunday until 1:00 a.m. on Monday, January 1 of the next year. ~~Nor shall there be any sale of wine between the hours of 1:00 a.m. and 7:00 p.m. on the day of any State-wide election.~~

SECTION 5. This ordinance shall take effect upon publication in accordance with the Barnesville City Charter.

PASSED by the City Council of the City of Barnesville this 13<sup>th</sup> day of November, 2007.

Approved by:

\_\_\_\_\_  
Kenneth J. Bauer  
City Clerk

Attest:

\_\_\_\_\_  
Michael M. Brethorst  
Chief Operating Officer

Mayor Bauer adjourned the meeting at 8:32 p.m.

Submitted by:

\_\_\_\_\_  
Jeri L. Reep  
Deputy Clerk

Attest:

\_\_\_\_\_  
Kenneth J. Bauer  
Mayor

