

**Barnesville City Council
Regular Meeting
November 8, 2004**

Mayor Ken Bauer called this meeting to order at 7:00 p.m. Present were Mayor Ken Bauer and council members Kim Simonsen, Roger Cooper, Chad Hagen, Del Ellefson and Guy Swenson. Absent was council member Charles Martinson. Others in attendance were COO Michael Brethorst, General Manager Gerald Dow, EDA Director Karen Lauer, City Attorney Michael Hannaher, Deputy Clerk Jeri Davis, Police Chief Dean Ernst, Accountant Joel Haugrud, Public Works Superintendent Dave Riddering, Acting Water/Wastewater Superintendent Les LaFayette, Wade Klein from the F-M Metropolitan Council of Governments, Youth Representative Jessica Knight and Pam Aakre from the Record Review.

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

11-08-04-01

Motion by Mr. Simonsen and second by Mr. Hagen to approve the consent agenda as presented. Motion carried.

11-08-04-02

Motion by Mr. Cooper and second by Mr. Hagen to approve the board reports as presented. Motion carried.

Mayor Bauer next called on Youth Board Representative Jessica Knight to give the youth board report. Jessica Knight presented the youth alive report to the council.

Mayor Bauer next asked if there were any citizens to be heard. There were no citizens present to be heard.

Mayor Bauer next called on Mr. Wade Klein representing the F-M Metropolitan Council of Governments. Mr. Klein presented copies of the Comprehensive Plan to the council members. Mr. Klein reminded council of the Open House that is planned for November 22nd. Mr. Klein informed council that the Comprehensive Plan needs to have a public hearing and placed on the December council meeting before the formal adoption. Mayor Bauer asked council if they had any questions for Mr. Klein. There were none. Mayor thanked Mr. Klein for all of the work he has completed on this project.

11-08-04-03

Motion by Mr. Simonsen and second by Mr. Swenson to approve the second reading of Ordinance Number 2004-17. Motion carried.

ORDINANCE NUMBER 2004-17

AN ORDINANCE ADOPTING A REVISION AND CODIFICATION WITH CERTAIN ADDITIONS AND DELETIONS, OF ALL ORDINANCES OF THE CITY OF BARNESVILLE, MINNESOTA, PURSUANT TO AUTHORITY GRANTED IN MINNESOTA STATUTES, SECTION 415.021, EXCEPT SUCH ORDINANCES AS ARE NUMBERED AND CITED IN THE TEXT OF CHAPTERS 1 THROUGH 12, INCLUSIVE, (COMMONLY REFERRED TO AS REFERENCE LEGISLATION), CHAPTER 19, AND ALSO EXCEPT SUCH ORDINANCES AS ARE DESCRIBED IN THE CATEGORIES LISTED IN CHAPTER 20, (COMMONLY REFERRED TO AS SPECIAL LEGISLATION); ESTABLISHING A NAME FOR SAID CODIFICATION, MEANS OF CITATION, EFFECTIVE DATE, PRINTING PROCEDURE, SPECIFICATIONS AND INSTRUCTIONS; AND, PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

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

Section 1. Adoption. All ordinances of the City of Barnesville, Minnesota, heretofore adopted, except such ordinances as are numbered and cited in the text of Chapters 1 through 12, inclusive, Chapter 19, and also except such ordinances as are categorized in Chapter 20, should be and are hereby revised, codified, and adopted as set forth in that certain document known as the CITY CODE OF THE CITY OF BARNESVILLE, MINNESOTA, pursuant to authority granted by Minnesota Statutes, Section 415.021.

Section 2. Citation. The City Code may be cited as "City Code, Sec. _____."

Section 3. Effective Date, Printing, and Notice of Availability. The City Code shall be effective on December 15, 2004. The City Clerk-Treasurer/Administrator shall cause said City Code to be printed in loose-leaf form and copies thereof in a substantial quantity made available for distribution to the public at a reasonable charge, the exact quantity, charge, and printing specifications to be more specifically determined by the City Council.

Section 4. Prima Facie Evidence. Such codification, known as the City Code, is hereby declared to be prima facie evidence of the law of the City of Barnesville, Minnesota.

Section 5. Effective Date and Preservation of Rights and Obligations. This ordinance shall take effect upon adoption, provided, however, that the adoption of such City Code shall not affect or impair any act done, right vested or accrued, proceeding, suit or prosecution commenced, prior to such effective date and under ordinance provisions then in effect, but the same shall survive to a conclusion thereof. It being the express intent of this Section that no offense committed, liability, penalty or forfeiture, civil or criminal, under ordinance provisions in effect prior to the effective date of the City Code be in any way affected by the adoption thereof.

Section 6. Penalty. Every person violates the City Code when he intentionally performs an act therein prohibited or declared unlawful, and upon conviction thereof, shall be sentenced as for a misdemeanor to not more than ninety (90) days or a fine of not more

than \$1,000.00, or both, or, as for a petty misdemeanor, sentence of a fine of not more than \$300.00.

WHEREUPON said ordinance was duly declared passed, adopted and approved on this 8th day of November, 2004.

Kenneth J. Bauer
Mayor

ATTEST:

Michael M. Brethorst
Chief Operations Officer

11-08-04-04

Motion by Mr. Ellefson and second by Mr. Swenson to approve the second reading of Ordinance Number 2004-16. Motion carried.

ORDINANCE 2004-16

AN ORDINANCE TO ESTABLISH RATES FOR CABLE TV SERVICES.

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

WHEREAS, the rates for Cable TV services were previously established by City Council resolution; and

WHEREAS, the City Council did previously enact Ordinance 2003-20, an ordinance to set the monthly rate for cable TV services to institutions or businesses providing their tenants or guests with quality cable programming; and

WHEREAS, the Telephone/Electric/Cable TV (T.E.C.) Board for the City has recommended the following charges for Cable TV services apply;

NOW, THEREFORE, Ordinance No 2003-20 is replaced as follows:

Section 1. Per month service rate*

Economy Basic Cable	\$11.95
---------------------	---------

Preferred Basic	\$31.95
-----------------	---------

Section 2. Per month premium channel rate*

HBO	\$11.00
-----	---------

CINEMAX	\$ 8.00
---------	---------

Section 3. Per month premium channel package rate*

HBO/CINEMAX	\$15.00
-------------	---------

STARZ/ENCORE	\$ 7.95
--------------	---------

Section 4. Monthly cable TV costs for businesses and institutions such as Nursing homes,

Assisted living, Hotels and Motels. This section is exclusive to the above mentioned

institutions

BULK RATE:*

Utilize the current monthly Basic/Preferred Basic rate plus the total number of living units multiplied times the current wholesale cost of programming.

Utilize a mix & match process. Subscribe to Preferred Basic for the “House” location and the Basic rate for the resident units

Example:

Preferred Basic*

\$31.95 plus 11 living units x \$16.80 (the wholesale cost of programming) = \$216.75 plus tax and FCC charge.

Basic*

\$11.95 plus 11 living units x \$6.00 (the wholesale cost of programming) = \$77.95 plus tax and FCC charge.

Mix & Match* (Preferred Basic & Basic)

\$31.95 plus 11 living units x \$6.00 (the wholesale cost of programming) = \$95.95 plus tax and FCC charge.

Premium Channels*

HBO: \$11.00 per month per subscriber when provided on an individual occupant basis.

\$4.00 per month per subscriber when provided to all occupants.

Cinemax: \$8.00 per month per subscriber when provided on a individual occupant basis.

\$4.00 per month per subscriber when provided to all occupants.

Starz/Encore: \$7.95 per subscriber

Section 5 Service Charges

New Install \$49.95

Applicable to a residence/business to which Cable TV service has never been

installed. Does not apply to multi-tenant buildings.

Relocates: \$19.95

Relocating established cable service from one location to another.

Install additional outlet: \$15.00

Outlets installed at the time when service is established or relocated.

Reconnect: \$19.95

Restoring service previously disconnected.

Service Call: \$19.95

Charge applies for services performed at users request. Also applies when repair calls are made as a result of defective or improperly tuned customer owned equipment.

Install Outlet: \$19.95

Charge applies to each additional outlet installed at a current subscriber's location.

*Premium channels not included. **All rates subject to change.**

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

PASSED AND ADOPTED by the Barnesville City Council this 8th day of November, 2004.

APPROVED:

Kenneth J. Bauer, Mayor

ATTEST:

Michael M. Brethorst
Chief Operations Officer

EDA Director Karen Lauer discussed with council members the old lumber yard property. Mrs. Lauer stated that it is planned to have this building demolished.

11-08-04-05

Motion by Mr. Hagen and seconded by Mr. Ellefson to approve the following resolution.
Motion carried.

CITY OF BARNESVILLE
COUNTY OF CLAY
STATE OF MINNESOTA
RESOLUTION NUMBER 11-08-04-05

RESOLUTION AMENDING 11-10-03-03 TO ALLOW FOR THE DEFERAL OF
SPECIAL ASSESSMENT AS ALLOWED IN ORDINANCE 2001-4.

WHEREAS: Ordinance 2001-4 establishes a special assessment deferral policy for residential housing developments;

WHEREAS: all lots of Stoneridge Addition; Wyland's Addition Block 1, Lot 7 through 12 qualify for this deferral as defined in Ordinance 2001-4;

WHEREAS: the City of Barnesville agreed to bond in 2002 for the Stoneridge Development and that bond was structured to be interest only for the first 5 years and after that time, principal will be required to be paid furthermore, the interest payment for the first five years would be paid for by a levy assessed the City of Barnesville.

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

1. The aforementioned parcels shall be allowed to be having deferred assessments in accordance with Ordinance 2001-4.

Date: November 8, 2004

Kenneth J. Bauer
Mayor

Attest:

Michael M. Brethorst
Chief Operations Officer

COO Michel Brethorst discussed with council members various special assessments within the City. Mayor Bauer asked Public Works Superintendent Dave Riddering to modify the ordinance over the winter months to allow the city to mow grass at residences at an earlier date.

COO Michael Brethorst discussed with council members the insurance coverage for the city. Mr. Brethorst stated that the premium has increased of about 8.4%.

11-08-04-06

Motion by Mr. Simonsen and seconded by Mr. Ellefson to enter into agreement and accept the new premium as presented. Motion carried.

COO Michael Brethorst informed council members that the Union negotiations are

scheduled for Monday, November 22nd to consider the proposal.

COO Michael Brethorst informed council members that the wage negotiations are scheduled for Friday, December 3rd and there is a sign up sheet in the break room.

COO Michael Brethorst informed council members that the personnel and finance committee recommends entering into a contract with Roland Holm as Building Official Limited with the understanding that he will be supervised by Don Sakry and all building permits will be co-signed by Mr. Sakry until Mr. Holm receives his Building Official Limited Certification.

11-08-04-07

Motion by Mr. Cooper and second by Mr. Ellefson to enter into a contract with Mr. Roland Holm for a Building Official Limited with the understanding that he will be supervised by Mr. Don Sakry and all building permits will be co-signed by Mr. Sakry until Mr. Holm receives his Building Official Limited Certification. Motion carried.

11-08-04-08

Motion by Mr. Cooper and second by Mr. Swenson to approve appointing Les LaFayette as the interim-water/wastewater superintendent retro active to October 18, 2004 at a \$1.00 an hour pay increase until such time a permanent appointment is made. Motion carried.

Mayor Bauer next discussed with council members the posting of the Water/Wastewater position. Mayor Bauer stated that he would like to see the city enter into an agreement with the new employee. COO Michael Brethorst stated that the current range of pay for this position with cities that are similar in size to Barnesville is presently \$15.25 - \$17.25.

11-08-04-09

Motion by Mr. Ellefson and second by Mr. Cooper to post the Water/Wastewater position. Motion carried.

11-08-04-10

Motion by Mr. Ellefson and second by Mr. Cooper to accept the salary range of \$15.25 - \$17.25 for the Water/Wastewater position. Motion carried.

Public Works Superintendent Dave Riddering informed council members that he would like to see the hours of the Recycling Center to be changed. Mr. Riddering would like to see the Recycling Center hours be as follows: Tuesdays & Thursdays Noon – 8:00 p.m. and Saturday from 9:00 a.m. – Noon.

11-08-04-11 Motion by Mr. Simonsen and second by Mr. Ellefson to change the hours of operation for the Recycling Center as proposed. Motion carried.

11-08-04-12 Motion by Mr. Ellefson and second by Mr. Swenson to hire Mr. John Iverson to fill the vacant Recycling Attendant position at a rate of pay of \$7.75 per hour.

Starting date will be November 9, 2004. Motion carried.

Public Works Superintendent Dave Riddering asked council approval to advertise for a temporary full-time Street Maintenance 1 employee at an hourly wage of \$9.00 per hour. Mr. Riddering stated that this position would be filled until Kelly Poppel returns to work.

11-08-04-13 Motion by Mr. Cooper and second by Mr. Ellefson to post the position for a temporary full-time Street Maintenance 1 employee at a rate of pay of \$9.00 per hour. Motion carried.

General Manger Gerald Dow informed council of a quote from Carr's Tree Service to trim trees along utility lines in the amount of \$9,875.00.

11-08-04-14 Motion by Mr. Ellefson and second by Mr. Simonsen to enter into a contract with Carr's Tree Service for tree trimming in the amount of \$9,875.00. Motion carried.

11-08-04-15

Motion by Mr. Simonsen and second by Mr. Ellefson to approve the following travel. General Manger Gerald Dow to travel to Moorhead to attend the 702 Communications Board meeting, and also to travel to Minneapolis to attend the MTA Communications Seminar. Motion carried.

Accountant Joel Haugrud discussed with council members the bids that he had received for the GASB34 compliance. Mr. Haugrud stated that he recommends the firm of Hirons & Associates,Inc. in the amount of \$11,900.00.

11-08-04-16 Motion by Mr. Simonsen and second by Mr. Hagen to accept the bid from Hirons & Associates,Inc. in the amount of \$11,900.00. Motion carried.

COO Michael Brethorst discussed with council members the 2005 budget. Mr. Brethorst presented council members with four options to pay for the EDA Commercial Land Options and Commercial Park Pond. Mr. Simonsen stated that he preferred Option B-the lease purchase. Mr. Ellefson questioned if each department could possibly cut anything from their budget, if not, he preferred Option B. EDA Director stated that presently there are four lots sold in the Commercial Park.

11-08-04-17 Motion by Mr. Simonsen and second by Mr. Swenson to proceed with the proposed Option B-to use approximately \$54,000 of the Telephone Fund to pay for the pond to be paid thru special assessments. Motion carried.

11-08-04-18

Motion by Mr. Simonsen and second by Mr. Hagen to proceed with a lender to facilitate the purchase of the land for a 10 year term at approximately 3.35% with approximately \$3,500 processing fee, less the EDA contribution. Motion carried.

City Attorney Mike Hannaher informed council members that he will get an update on the Cris Mortenson property.

11-08-04-19

Motion by Mr. Ellefson and second by Mr. Simonsen to adjourn the meeting at 8:16 p.m.
Motion carried.

Submitted by:

Attest:

Jeri Davis
Deputy Clerk

Kenneth J. Bauer
Mayor