

**Barnesville City Council**  
**Regular Meeting**  
Monday, November 10, 2003

Mayor Gene Prim called this meeting to order at 7:05 p.m. Present were Mayor Prim, Council members Chad Hagen, Roger Cooper, Charles Martinson, Kim Simonsen and Jerry Ames. Others in attendance were City Administrator Ray Miller, City Attorney Mike Hannaher, General Manager Gerald Dow, Finance Director Brian Jacobson, Deputy Clerk Jeri Davis, Public Works Superintendent Dave Riddering, Electric Superintendent Jerryl Tenderholt, Police Chief Dean Ernst, Water Superintendent Todd Meyer, Del Ellefson, Ken Bauer, Guy Swenson, Kristal Rick, Pam Aakre from the Record Review, Tom Trowbridge from Larson-Peterson. Absent was Larry Davis, Jr.

**11-10-03-01** Motion by Mr. Cooper and second by Mr. Simonsen to approve the agenda as presented with the additional items. Carried.

Mayor Gene Prim noted a few corrections in the minutes. Mayor Prim asked that the September 8, 2003 minutes be corrected for the misspelled words. Finance Director stated that on the October 13, 2003 minutes that he was authorized for travel, and it was not noted in the minutes, and that this correction should be made also.

**11-10-03-02** Motion by Mr. Ames and second by Mr. Martinson to approve the minutes with the corrections.

Mr. Tom Trowbridge from Larson-Peterson & Associates discussed with the council the proposed assessments for the street and underground utility improvements for the Stoneridge Addition and the Wyland's Addition. Mr. Trowbridge stated that he recommends to council to adopt the assessments as presented. Council member Kim Simonsen asked that we check the acreage for these additions to make sure they are correct. Mr. Simonsen stated if adjustments needs to be done, it would be corrected at a later date.

**11-10-03-03** Motion by Mr. Simonsen and second by Mr. Martinson that the following resolution be adopted.

Resolution Adopting Assessment

WHEREAS, pursuant to proper notice duly given as required by law, the council has met and heard and passed upon all objections to the proposed assessment for street and underground improvements of All Lots of Stoneridge Addition; Wylands's Addition, Block 1, Lots 7 through 12.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BARNESVILLE, MINNESOTA:

1. Such proposed assessment of \$492,903.18 is hereby accepted and shall constitute the special assessment against the lands named herein, and each tract of land herein included is hereby found to be benefitted by the proposed improvement in the amount of the assessment levied against it.

2. Such assessment shall be payable in equal annual installments extending over a period of 15 years, the first of the installments to be payable on or before the first Monday in January 2004, and shall bear interest at the rate of 7 percent per annum from the date of the adoption of this assessment resolution. To the first installment shall be added interest on the entire assessment from the date of this resolution until December 31, 2003. To each subsequent installment when due shall be added interest for one year on all unpaid installments.
3. The owner of any property so assessed may, at any time prior to certification of the assessment to the county auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the city administrator, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of this resolution; and he may, at any time thereafter, pay to the city administrator the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the next succeeding year.
4. The city administrator shall forthwith transmit a certified duplicate of this assessment to the county auditor to be extended on the property tax lists of the county. Such assessments shall be collected and paid over in the same manner as other municipal taxes.

Adopted by the council this 10th day of November, 2003.

City of Barnesville

Attest:

Eugene Prim, Mayor  
Motion carried unanimously.

Raymond Miller, City Administrator

Council next discussed with Mr. Trowbridge the letter the city had received from Larson-Peterson regarding the TH 9 street and underground utility improvements. Mr. Trowbridge stated that the street had been opened, and pavement markings would be completed. Mayor Prim asked if we were keeping track of the number of days the contractor is late. Mr. Trowbridge stated that they were keeping track of the days. No action was taken.

**11-10-03-04** Motion by Mr. Cooper and second by Mr. Simonsen that the request from Quam Construction Company requesting the city council reconsider the proposed liquidated damages for the street and underground utility improvements be denied. Mr. Cooper asked that no further payment be made. Motion carried.

**11-10-03-05** Motion by Mr. Cooper and second by Mr. Martinson that the partial payment to Mark Sand & Gravel in the amount of \$70,916.93 for the street and underground utility improvements TH 9 project be approved. Mayor Prim asked if we are retaining enough money. Mr. Trowbridge stated that we are retaining enough at this time. Motion carried.

**11-11-03-06** Motion by Mr. Simonsen and second by Mr. Hagen to approve the partial payment to Central Specialties in the amount of \$5,083.45 for the partial payment for the

street and underground utility improvements for the Eighth avenue southeast project. Motion carried.

Mr. Trowbridge next discussed with the council a request for payment they had received from Dan & Tammy Reger for expenses related to the Second avenue street and underground improvements. Mr. Trowbridge stated that the bill should be sent to Larson-Peterson.

Council member Cooper asked Mr. Trowbridge if the concrete work by the Ron Sacrison home had been completed. Mr. Trowbridge stated he would check on the status of this project and also by the project by the fairgrounds.

Mayor Gene Prim thanked Mr. Trowbridge for his visit and wished him well with his new employment with the City of Moorhead.

Mayor Gene Prim asked for any citizens to be heard.

Water Superintendent Todd Meyer introduced Mark Wettlaufer from the Minnesota Department of Health who explained to the council the well head protection. Mark Wettlaufer stated they work with the city and county to protect the tanks. They had met earlier to approve the plan on well head protection. Mark Wettlaufer asked for any questions from the council. Mark Wettlaufer stated that they would have a public hearing, the council would approve the plan, the public would approve the plan and also the approval by the State Health Department. The council had no further questions.

Mayor Gene Prim next discussed the department head reports. In the liquor store report, it was noted that the sales for the past month had been down, but that mainly was due to the construction going on during the month.

General Manager Gerald Dow stated that he had nothing more to add at this time.

Public Works Director Dave Riddering stated he had nothing more to add.

Water Superintendent Todd Meyer had nothing more to add to his report.

Police Chief Dean Ernst stated that the police department had received the 2004 Dodge Intrepid last Thursday, they were waiting for the paperwork for a three year lease. Chief Ernst stated that at the budget meeting they had decided to lease the vehicle, the vehicle can be bought out at any time.

In the animal control report it was noted that Gorden Swenson is working on the dog kennel at the present time.

City Administrator Ray Miller stated he had nothing more to add to his report.

Finance Director Brian Jacobson had nothing more to report on his department.

EDA Director Karen Lauer had nothing more to report on the EDA.

Mayor Gene Prim next discussed the board reports. The Fire Department is waiting for a FEMA Grant that they had applied for.

Council next discussed the CM Repair property. Chief Dean Ernst stated he had talked to Chris Mortenson. Mr. Mortenson informed Chief Ernst that he would make some

improvements by the end of the week. Council also discussed the Poppel property. Council discussed with City Attorney Mike Hannaher about a demolition of the property. Council member Kim Simonsen asked Chief Ernst to talk to Mr. Poppel.

Mr. Terry Olson from Willow Creek Agency addressed the council on Municipal Excess Liability Insurance. Mr. Olson asked if the city would be interested in purchasing an additional \$1,000,000 of excess liability insurance. This coverage would be over and above the city's current million dollar coverage. The annual premium for this coverage would be an additional \$10,688. City Attorney Mike Hannaher cautioned the council on this extra coverage. After much discussion, the Personnel and Finance committee will review this insurance coverage and report back to the full council.

General Manager Gerald Dow next discussed the east substation transformer repair. The cost to repair the transformer is estimated to be between \$8,000 to \$10,000. The cost for a new transformer is close to \$80,000.

**11-10-03-07** Motion by Mr. Martinson, second by Mr. Simonsen to approve the transformer repair. Motion carried.

**11-10-03-08** Motion by Mr. Simonsen and second by Mr. Martinson to approve Telephone System Training. Motion carried.

**11-10-03-09** Motion by Mr. Martinson and second by Mr. Ames to approve the November 4 2003 election results. Motion carried.

Ward 1:

Mayor:	Eugene A. Prim	72
	Kenneth J. Bauer	123
	Thomas A. Bergseid	12
Council:	Larry R. Davis, Jr.	88
	Delayne Ellefson	115

Shall the proposed Amended and Restated City Charter be adopted?

Yes	138
No	25

School District Office-  
School board member District 146-four year term

Mike Wheeler	33
Robert Praska	73
Tom Ishaug	147
Roland Holm	83

Loretta Szweduik	61
Steve Brink	6
Jeff Stangeland	80
Jon Braton, Sr.	46
Mary Nosal	34

Ward 2:

Mayor:	Kenneth J. Bauer	129
	Thomas A. Bergseid	6
	Eugene A. Prim	60
Council:	Guy A. Swenson	115
	Jonathan P. Slininger	72

Shall the proposed Amended and Restated City Charter be adopted?

Yes	127
No	29

School District Office-  
School Board Member District 146-four year term

Robert Praska	90
Tom Ishaug	158
Roland Holm	65
Loretta Szweduik	34
Steve Brink	7
Jeff Stangeland	93
Jon Braton, Sr.	45
Mary Nosal	26
Mike Wheeler	31
Sharon Lewis	1

Ward 3:

Mayor:	Thomas A. Bergseid	14
	Eugene A. Prim	71
	Kenneth J. Bauer	148
Council:	Kim Simonsen	137
	Kristal K. Rick	93

Shall the proposed Amended and Restated City Charter be adopted?

Yes	141
No	38

School District Office-  
School Board Member District 146-four year term

Tom Ishaug	169
Roland Holm	77
Loretta Szveduik	58
Steve Brink	13
Jeff Stangeland	111
Jon Braton, Sr.	53
Mary Nosal	37
Mike Wheeler	39
Robert Praska	105
Dick Zollar	1

**11-10-03-10** Motion by Mr. Simonsen and second by Mr. Martinson to approve the first reading on the ordinance to establish rates for cable-tv services.

**ORDINANCE 2003-20**

**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 2003-1, 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 2003-1 is replaced as follows:

Section 1. Per month service rate

Economy Basic Cable	\$11.95*
Preferred Basic	\$30.95*

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\*

\$30.95 plus 11 living units x \$12.00 (the wholesale cost of programming) = \$161.95 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)

\$30.95 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

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

**11-10-03-11** Motion by Mr. Cooper and second by Mr. Martinson to approve the second reading to increase the water usage fee. Carried.

**Ordinance No. 1994-4 is hereby amended as follows:**

**ORDINANCE NO. 2003-18**

## AN ORDINANCE TO INCREASE WATER USAGE FEE

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

WHEREAS, the City Council did previously enact Ordinance No. 1994-4, Water Rates for the City of Barnesville; and

WHEREAS, the City Council for the City has recommended that the water usage fee be increased;

NOW, THEREFORE, Ordinance No. 1994-4, is hereby amended as follows:

### Section 1: Water Rate

A: Water shall be charged monthly to each customer at \$12.20 for a standard 5/8 inch meter connection.

$$\frac{.625}{12.20} = \frac{\text{meter size}}{X}$$

Example: for a four (4) inch meter connection, the computation would be:

$$\frac{.625}{12.20} = \frac{4.0}{X}$$

$$.625 \times X = 48.80$$

$$X = \$78.08$$

per month

B. In addition to the foregoing flat rate, Water usage shall be charged at \$1.~~25~~ 50 per 1,000 gallons.

**11-10-03-12** Motion by Mr. Cooper and second by Mr. Ames to approve the second reading to increase fees for sewer service. Carried.

**Ordinance No. 1991-3 is hereby amended as follows:**

## ORDINANCE NO. 2003-19

### AN ORDINANCE TO INCREASE FEES FOR SEWER SERVICE

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

WHEREAS, the City Council did previously enact Ordinance No. 1991-3, Sewage Service Rates for the City of Barnesville; and

WHEREAS, the City Council for the City has recommended that the fee be increased;

NOW, THEREFORE, Ordinance No. 1991-3, is hereby amended as follows:

**Section #1:**

B. Volume Charge: In addition to the flat rate charge set forth in Section #1-A, the volume charge shall be determined by taking the average amount of water used by the customer in the months of ~~January and February~~ *September and October* each year and that average volume multiplied by ~~\$0.75~~ *1.00* per thousand gallons or fraction thereof and billed on a monthly basis.

PASSED AND ADOPTED by the Barnesville City Council this 10<sup>th</sup> day of November, 2003.

APPROVED:

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Eugene Prim, Mayor

ATTEST:

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Ray Miller, City Administrator

First Reading:       October 13, 2003  
Second Reading:     November 10, 2003  
Publication:         November 17, 2003

**11-10-03-13** Motion by Mr. Ames and second by Mr. Hagen to approve the first reading defining garbage and rubbish and providing for and regulating the keeping, gathering, and disposal thereof and providing for the establishment of fees to be charged for garbage collection. Carried.

**CITY OF BARNESVILLE ORDINANCE NO. 2003-21**

**AN ORDINANCE DEFINING GARBAGE AND RUBBISH AND PROVIDING FOR AND REGULATING THE KEEPING, GATHERING, AND DISPOSAL THEREOF AND PROVIDING FOR THE ESTABLISHMENT OF FEES TO BE CHARGED FOR GARBAGE COLLECTIONS.**

The City Council of the City of Barnesville, Clay County, Minnesota does ordain:

**SECTION 1. DEFINITIONS.**

A. Garbage. Applies to both residences and businesses and commercial enterprises, and shall consist of organic refuse resulting from the preparation of food and decayed and spoiled food from any source, dead animals of not more than 10 pounds in weight each, and glass and tin cans in which foods are customarily purchased.

B. Rubbish. Consists of wood, leaves, chips, shavings, printed matter, paper, paste board, grass, rags, straw, discarded wearing apparel, and all other combustible matter not included in this

ordinance under the term garbage.

## SECTION 2. GARBAGE AND RUBBISH PICKUP.

All garbage and rubbish shall be placed outside of residential and commercial buildings and in such positions that it can be conveniently picked up. Such garbage and rubbish must also be placed in positions where it shall be free of ice and snow, to the extent possible.

The City shall establish a schedule for garbage and rubbish pickup and notification shall be given to all those participating in the garbage and rubbish pickup program.

Dumpsters shall be required where needed for the storage and pickup of garbage and rubbish from multi-family dwellings and commercial properties.

## SECTION 3. CONTRACTOR.

The City Council may license an independent contractor (“Contractor”) to collect garbage and rubbish in the City of Barnesville. The City Council may contract with said Contractor for the collection of garbage and rubbish in the City of Barnesville on such terms and for such periods as the Council may for time to time determine. It shall be unlawful for any other person or persons to move or carry away any garbage or rubbish, except from his own premises, except by special permission of the City Council.

The Contractor is responsible for the safe, legal, and environmentally sound disposal of garbage and rubbish, and any other items and materials collected under the contract. The Contractor will dispose of garbage and rubbish collected in Barnesville at the Clay County Landfill.

The Contractor shall furnish his own equipment and labor for the collection of garbage and rubbish. The Contractor shall collect garbage and rubbish within the City of Barnesville and no other person shall make a business of or collect at any other place within the City of Barnesville.

## SECTION 4. INSURANCE.

The Contractor shall keep and maintain insurance as required by Minnesota Workers Compensation and keep and maintain public liability insurance and limits on all of its equipment, against liability imposed by law, for personal injury in the amount of at least 1,000,000.00 for injury to any one person or for property damage. A certificate of insurance shall be filed with the City Clerk/Administrator.

## SECTION 5. FEES.

Fees payable by those receiving the garbage collection service shall be payable on a monthly basis, and are hereby established as follows:

\$11.75 monthly per residential customer

It shall be lawful in case any recipient of garbage collection service shall default in the payment of collection fees, for the City Council to collect its fee therefore from said recipient or the owner of the real property from which the garbage or rubbish was collected, by civil action or by assessing the same against the real estate.

**11-10-03-14** Motion by Mr. Simonsen and second by Mr. Hagen to approve the requested transfer of budgeted funds. Motion carried.

**11-10-03-15** Motion by Mr. Simonsen and second by Mr. Martinson to approve the transfer of \$41,758.84 from the Capital Project Fund 412 to Fund 411. Motion carried.

Council next discussed the present sick leave policy for the employees. Council member Kim Simonsen wished to table this item at this time.

Council next discussed the proposed health insurance cap for new employees. This item was tabled and the finance committee will review it.

Council discussed the administrative time for exempt employees.

**11-10-03-16** Motion by Mr. Simonsen and second by Mr. Hagen to approve the guidelines for exempt employees. Administrative time, article 2, section 2-workweek and Article 2, Section 5A-administrative time.

Department heads present questioned to the council if this was not considered overtime.

**11-10-03-17** Motion by Mr. Simonsen and second by Mr. Hagen to withdraw the motion. This item was tabled and the finance committee will review it.

**11-10-03-18** Motion by Mr. Simonsen and second by Mr. Martinson to approve the following travel expenses. Finance Director Brian Jacobson to travel to St. Paul on November 24-25th, 2003 for a MNCPA conference. Approve the travel expenses for Gerald Dow to attend the NITA seminar at St. Cloud, MN and also the attendance for Mr. Dow at the 702 Communications Board meeting. Also the approval for Public Works Director Dave Riddering to attend the Northwest region Water Operator's School to be held in Crookston, MN. Motion carried.

Council next discussed the preliminary health insurance rates for 2004.

**11-10-03-19** Motion by Mr. Cooper and second by Mr. Martinson to set the special assessment hearing for Dean's Bulk Service for December 8, 2003 at 6:30 p.m.

**11-10-03-20** Motion by Mr. Ames and second by Mr. Simonsen to approve the checks numbered 11713-11779 and 11881-11883 in the amount of \$314,302.35 and also the EFT payments in the amount of \$108,531.47. Carried

Mayor Gene Prim set the Truth-in "taxation hearing for December 8, 2003 at 6:45 p.m.

Mayor Gene Prim adjourned the meeting at 8:25 p.m.

Submitted by:

Attest:

Jeri Davis  
Deputy Clerk

Eugene Prim  
Mayor