

**Barnesville City Council
Regular Meeting
November 13, 2006**

Mayor Ken Bauer called this regular meeting to order at 7:00 p.m. Present were Mayor Bauer and Council members Del Ellefson, Chad Hagen, Larry Davis, Jr., Merlin Strom and Kim Simonsen. Absent was Council member Roger Cooper. Also in attendance were City Clerk Jeri Reep, Ambulance Manager Ginny Jacobson, EDA Director Karen Lauer, Finance Director Joel Haugrud, Public Works Director Dave Riddering, TEC Coordinator Guy Swenson, Police Chief Dean Ernst, Gary Giltner with People Service, Youth Board Representative Melissa Honurud, Gary Nansen and Dan Hansen with Ulteig Engineers, Gene Prim, Harvey Gilbertson, Ed Gilbertson, Del Peterson, Kim Peterson and Pam Aakre from the Record Review.

Mayor Bauer stated 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. The following items were added to the agenda. Approval of Change Order #1-Supervisory Control Replacement, Partial Payment No. 1-Telemetry & Process Controls, Inc., Bonding discussion for the Del Acres-Gilbertson Addition, and to set a public hearing date for the drainage/retention pond for Commercial Park. There were no other additions.

11.13.6.1 Motion by Mr. Davis and second by Mr. Ellefson to approve the agenda, and consent agenda as presented with the additional items as listed above. Motion carried. The following items were included in the consent agenda:

1. Approval of the minutes of the regular council meeting held on October 9, 2006.
2. Department head reports.
3. Finance report-approval of check numbers 56788-56983 in the amount of \$804,683.98, and EFT payments in the amount of \$90,283.00.
4. Approval to hire Lisa Cook as the Police Department secretary, starting November 20, 2006 at a rate of pay of \$10.00 per hour.
5. Approval of the special assessment role.
6. Approval of the REACH donation in the amount of \$500.00.
7. Approval of travel for Guy Swenson to attend the MN Telcom Alliance Communications Seminar.
8. Hire Aleise LaFayette as a Liquor Store Clerk effective Oct. 21, 2006 at a rate of pay of \$8.86 per hour.

Mayor Bauer next went thru the board and commission reports. Council member Merlin Strom informed council members that the Planning Commission will be looking for a new member.

11.13.6.2 Motion by Mr. Davis and second by Mr. Strom 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 stated the next item on the agenda was the Public Hearing for the Del Acres-Gilbertson Addition. Mayor Bauer opened the Public Hearing at 7:10 p.m.

Mr. Gary Nansen with Ulteig Engineers presented council members an assessment hearing summary outline. Mr. Nansen stated that all property owners had been notified. Mr. Nansen stated the total cost is \$831,321. The total assessment per lot for the First Addition is \$16,915. Mr. Ed Gilbertson questioned the legal description to the South. Mr. Nansen stated that he would verify the legal description and report back to Mr. Gilbertson. Mr. Nansen asked if there were any other questions for him. There were no other questions for Mr. Nansen.

Mayor Bauer closed the public hearing at 7:32 p.m.

Mayor Bauer stated the next item on the agenda was the discussion on the bonding for the Del Acres-Gilbertson First Addition.

11.13.6.3 Motion by Mr. Simonsen and second by Mr. Ellefson to approve the declaration of official intent to bond for the Del Acres-Gilbertson First Addition. Motion carried.

11.13.6.4 Motion by Mr. Simonsen and second by Mr. Davis to approve the following resolution for the sale of the bonds for the Del Acres-Gilbertson Addition-First Addition. Motion carried.

Mayor Bauer next discussed the bonding for the Commercial Park drainage project. Mayor Bauer stated that is was estimated at \$17,000.

11.13.6.5 Motion by Mr. Simonsen and second by Mr. Ellefson to approve bonding for the Commercial Park drainage project. Motion carried.

Mayor Bauer stated the next item on the agenda was the discussion of bond counsel. Ehlers & Associates is currently our bond counsel. Mayor Bauer informed council members that Ohnstad Twichell also prepares bonds.

11.13.6.6 Motion by Mr. Simonsen and second by Mr. Davis to name Ohnstad Twichell as the City of Barnesville bond counsel. Motion carried.

Mayor Bauer stated the next item on the agenda was the 2nd reading of Ordinance 2006-21.

11.13.6.7 Motion by Mr. Strom and second by Mr. Davis to approve the 2nd reading of Ordinance 2006-21. Motion carried.

Ordinance 2006 - 21

AN ORDINANCE TO AMEND SECTION 11.81 OF THE BARNESVILLE MUNICIPAL CODE RELATING TO ZONING DISTRICTS

BE IT ORDAINED by the City Council of the City Of Barnesville that Section 11.36 is hereby amended as follows:

SEC. 11.81. BOARD OF ADJUSTMENT.

Subd. 1. General. In accordance with law, the Council shall appoint and organize a Board of Adjustment, whose membership shall be the same as the Planning Commission, which Board may adopt rules to govern its procedures. The Board shall hold meetings, keep minutes, and pursuant to notice, shall conduct hearings, take testimony under oath, and render decisions in writing within forty-five (45) days after hearing or continued hearing. A fee of \$25.00 shall be charged for any appeal or proceeding filed with the Board.

Subd. 2. Appeals. The Board shall have the power to hear and decide appeals from any order, requirement, decision, grant or refusal made by the Zoning Officer in the administration of this Chapter.

Subd. 3. Variances. The Board upon appeal shall have the power to authorize variances from the requirements of this Chapter, and to attach such conditions to the variances as it deems necessary to assure compliance with the purpose of this Chapter. A variance may be permitted if all of the following requirements are met:

- A. Literal enforcement of the Chapter would result in undue hardship with respect to the property.
- B. Such unnecessary hardship results because of circumstances unique to the property.
- C. The variance observes the spirit and intent of this Chapter, produces substantial justice, and is not contrary to the public interest

Subd. 4. Conditional Uses. The Board shall have the power to authorize conditional uses if the following requirements are met:

- A. The conditional uses shall be in accordance with the standards specified for such class of conditional uses as specified in the district regulations provisions of this Chapter.
- B. The conditional use shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons, and shall comply with the performance standards of the fencing and screening provisions of this Chapter.
- C. The conditional uses shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds, adjacent buildings and property.
- D. The conditional use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.

Subd. 5. Interim Uses. The Board shall have the power to authorize interim uses if the following requirements are met:

- A. The use conforms to the zoning regulations;
- B. The date or event that will terminate the use can be identified with certainty;
- C. Permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and
- D. The user agrees to any conditions that the governing body deems appropriate for permission of the use.
- E. Public hearings on the granting of interim use permits shall be held in the same manner as required for variances and conditional use permits.
- F. Unless otherwise specified by the Board of Directors at the time it is authorized, an interim use permit shall expire if the applicant fails to utilize such interim use permit and fulfill each and every provision attached thereto within one year from the date of its authorization.
- G. Applicants will be required to pay a \$150 fee when filing for an Interim Use Permit.

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 2006.

Kenneth J. Bauer
Mayor

Attest to:

Jeri L. Reep
City Clerk

Mayor Bauer next called on EDA Director Karen Lauer to discuss the Commercial Park replat. Mrs. Lauer stated that the EDA is asking to replat the current I-94 Commercial Acres Addition. Mrs. Lauer stated that this is necessary to reflect the subdivision of the lots on the south side of 4th Avenue NE due to the construction of the retention pond.

11.13.6.8 Motion by Mr. Simonsen and second by Mr. Ellefson to approve the replat of the Barnesville I94 Commercial Acres Addition. Motion carried.

Mayor Bauer stated the next item on the agenda was to set the public hearing for the revised assessment roll for the deferred storm sewer in I-94 Commercial Acres Addition.

11.13.6.9 Motion by Mr. Simonsen and second by Mr. Strom to set the Public Hearing for the revised assessment roll for the deferred storm sewer in the I-94 Commercial Acres Addition for Monday, December 11th at 7:00 p.m. Motion carried.

11.13.6.10 Motion by Mr. Simonsen and second by Mr. Strom to set the Public Hearing for the drainage/retention pond for the Commercial Park for Monday, December 11th at 7:00 p.m. Motion carried.

Mayor Bauer next called on Mr. Gene Prim representing the Clay County Historical Society. Mr. Prim approached the podium and informed council members that the Clay County Historical Society is celebrating their 75th anniversary. They are looking at ways to extend the membership and for monetary donations.

11.13.6.11 Motion by Mr. Simonsen and second by Mr. Ellefson to approve the donation of \$500.00 to the Clay County Historical Society, with the funds to be from the discretionary account. Motion carried.

Mayor Bauer stated the next item on the agenda was to canvas the 2006 City Special election.

11.13.6.12 Motion by Mr. Simonsen and second by Mr. Davis to approve the following resolution. Motion carried.

RESOLUTION
City of Barnesville

WHEREAS a Special City Election was held at the General Election on Tuesday, November 7, 2006 to vote on officer for a Council member for a 1 year term for Ward 2, the official returns of the judges of election were presented:

WHEREAS said returns were duly examined, approved and placed on file in the Office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Barnesville that it is hereby found, determined and declared that the Special City Election held in and for the City of Barnesville on Tuesday, November 7, 2006 was in all respects duly held and the returns thereof have been duly canvassed, the votes cast at said election were:

COUNCIL (1 Year Term - 1 elected-Ward 2)

Merlin Strom	153
Kelly Peppel	75
Under Votes	13

IT IS HEREBY FOUND AND DECLARED that the following candidates for office of Council elected at the November 7, 2006 Special City Election for the respective terms is as follows:

Council- 1 year Term-Ward 2	Merlin Strom
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Passed and adopted by the Council of the City of Barnesville, Clay County, State of Minnesota this 13th day of November, 2006.

Kenneth J. Bauer
Mayor

Attest:

Jeri L. Reep
City Clerk

Mayor Bauer stated the next item on the agenda was the KDV audit for the year 2006.

11.13.6.13 Motion by Mr. Davis and second by Mr. Strom to approve the confirmation from Kern-Dewenter-Viere to perform the city audit for the year of 2006 in the amount of \$22,000. Motion carried.

Mayor Bauer stated the next item on the agenda was the 2nd reading of Ordinance 2006-22.

11.13.6.14 Motion by Mr. Davis and second by Mr. Hagen to approve the 2nd reading of Ordinance 2006-22. Motion carried.

Ordinance 2006-22

**An ordinance amending Ordinance 2006-17
AN ORDINANCE TO ESTABLISH THE RATES AND
CHARGES FOR BROADBAND AND INTERNET SERVICE**

WHEREAS: The City of Barnesville did previously enact Ordinance 2006-17 an ordinance to establish charges for broadband and internet service.

WHEREAS: a section has been identified as needing updating or modification;

NOW THEREFORE: Ordinance 2006-17 is hereby amended as follows:

HOME OFFICE/SMALL BUSINESS/BUSINESS

1.	\$49.90	256 384 kbps	128 kbps
2.	\$64.90	342 512 kbps	128 kbps
3.	\$84.90	584 640 kbps	128 kbps

EFFECTIVE DATE: This ordinance will 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 2006

KENNETH J. BAUER
Mayor

ATTEST:

Jeri L. Reep
City Clerk

Mayor Bauer next called on TEC Coordinator Guy Swenson to discuss the Motorola DSL modem purchase. TEC Coordinator Guy Swenson discussed with council members that the DSL customers continues to increase. Mr. Swenson stated that he is requesting an additional 30 modems at a cost not to exceed \$3780.00, plus shipping costs.

11.13.6.15 Motion by Mr. Simonsen and second by Mr. Ellefson to approve the purchase of an additional 30 modems for the DSL customers, not to exceed \$3780.00, plus shipping costs. Motion carried.

Mayor Bauer stated the next item on the agenda was the Cable TV Franchise Ordinance. This ordinance has been prepared by City Attorney John Shockley.

11.13.6.16 Motion by Mr. Simonsen and second by Mr. Ellefson to approve the 1st reading of the Cable Television Franchise Ordinance 2006-23. Motion carried.

Mayor Bauer stated the next item on the agenda was the Caldwell Tank Change Order #1 & #2. Change Order #1 was to increase the size of the lettering on the water tower. Change order #2 is for 27 days of liquidated damages, in the amount of \$13,500.

11.13.6.17 Motion by Mr. Simonsen and second by Mr. Hagen to approve the Change Order #1 and Change Order #2 from Caldwell Tank. Change Order #1 was to increase the size of the lettering on the water tower and Change Order #2 is for 27 days of liquidated damages, in the amount of \$13,500. Motion carried.

Mayor Bauer stated the next item on the agenda was the final partial payment No. 9 from Caldwell Tank.

11.13.6.18 Motion by Mr. Simonsen and second by Mr. Hagen to approve the final partial payment No. 9 from Caldwell Tank in the amount of \$20,455.00. This payment is contingent upon the engineer's review that all paperwork is completed. Motion carried.

Mayor Bauer stated the next item on the agenda was the partial payment No. 5 to Visser Scraper Service.

- 11.13.6.19** Motion by Mr. Davis and second by Mr. Ellefson to approve the Partial Payment No. 5 to Visser Scraper Service in the amount of \$409,467.47. Motion carried.

Mayor Bauer stated the next item on the agenda was the Change Order #3 for the Supervisory Controls Replacement Water Treatment Facility. Public Works Supt. Dave Riddering informed council members that this is for new pump monitors for each well pump.

- 11.13.6.20** Motion by Mr. Davis and second by Mr. Strom to approve the Change Order #3 for the Supervisory Controls Replacement Water Treatment facility. This change order is in the amount of \$2750.00 and will be from the water tower funding. Motion carried.

Mayor Bauer stated the next item on the agenda was the Partial Payment No. 1 for the Telemetry & Process Controls, Inc. This is for the first payment for the Telemetry & Process Controls, Inc.

- 11.13.6.21** Motion by Mr. Ellefson and second by Mr. Strom to approve the Partial Payment No. 1 for Telemetry & Process Controls, Inc. in the amount of \$84,045.60. Motion carried.

Mayor Bauer stated the next item on the agenda was the truck parking discussion. Police Chief Dean Ernst discussed the parking at 702 Front Street South. Chief Ernst stated that truck parking should not be allowed at that location.

- 11.13.6.22** Motion by Mr. Strom and second by Mr. Hagen to authorize the police department to take the necessary steps to have no truck parking at 702 Front Street South. Motion carried.

Mayor Bauer stated the next item on the agenda was the discussion on Ambulance Wages. Ambulance Manager Ginny Jacobson discussed with council members the present pay for the ambulance employees. Mrs. Jacobson stated that the present rate for the EMT's is \$22.50 per call, and she would like to increase the amount to \$32.50 per call.

- 11.13.6.23** Motion by Mr. Hagen and second by Mr. Davis to increase the rate of pay for the ambulance employees to \$30.00 per call effective January 1, 2007. Motion carried.

The next item on the agenda was the discussion to purchase a grabble for the pay loader for the Public Works Dept. Public Works Supt. Dave Riddering stated that he is working

on a grant for the grabble, but there is funds available if a grant is not awarded. The estimated cost is \$5,945.00.

11.13.6.24 Motion by Mr. Simonsen and second by Mr. Ellefson to allow staff to purchase a grabble to be attached to the pay loader in the amount of \$5,945.00. Motion carried.

Mayor Bauer stated that the meeting would be closed to discuss the next item relating to personnel issues. Mayor Bauer stated that the meeting would be closed from 8:49 p.m. until 9:00 p.m. Pam Aakre with the Record Review objected to the closed meeting.

Public Works Supt. Dave Riddering discussed with council members the employment of Kelly Poppel. Mr. Riddering discussed the employment with Mrs. Poppel.

1.13.6.25 Motion by Mr. Simonsen and second by Mr. Ellefson to terminate the employment with Kelly Poppel as a Maintenance II employee. Motion carried.

Mayor Bauer re-opened the meeting at 9:00 p.m.

Mayor Bauer stated the next item on the agenda was the discussion of the Public Works Flex Worker. Public Works Supt. Dave Riddering stated that he would like to recommend Kelly Poppel for this position at a rate of pay of \$11.85 per hour. This is a permanent part time position.

11.13.6.25 Motion by Mr. Hagen and second by Mr. Davis to hire Kelly Poppel as a Public Works Flex worker, at a rate of pay of \$11.85 per hour. This is a permanent part-time position. Motion carried.

The next item on the agenda was the Fire Department Gambling permit.

11.13.6.26 Motion by Mr. Ellefson and second by Mr. Hagen to approve the gambling permit for the Barnesville Fire Dept. on January 26, 2007 at the American Legion Post 4628. Motion carried.

Mayor Bauer adjourned the meeting at 9:05 p.m.

Submitted by:

Attest:

Jeri L. Reep
City Clerk

Kenneth J. Bauer
Mayor

