

Barnesville City Council

Regular Meeting

Monday, December 8, 2003

Mayor Gene Prim called this meeting to order at 7:00 p.m. Present were Mayor Prim, Council Members Chad Hagen, Roger Cooper, Larry Davis, Jr., 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, EDA Director Karen Lauer, Water/Wastewater Superintendent Todd Meyer, Police Chief Dean Ernst, Main Street Director Brenda Brand, Public Works Superintendent Dave Riddering, Electric Superintendent Jerry Tenderholt, Kelli Lien from the Record Review, Brad Cook and Ed Dorset with Dorset & Associates, Animal Control Officer Terry Lapos, Ken Bauer, Del Ellefson, Shana Cihak, Dennis Brown, Nathan Levenson and Dean Tonsfeldt.

Council member Chad Hagen stated that he would like to add a discussion on the library to the agenda.

12-08-03-01 Motion by Mr. Davis and second by Mr. Ames to approve the agenda as presented with the addition of the library discussion. Carried.

Mayor Prim noted that the public hearing minutes from November 10, 2003 were not included in the packet, and should have been. The minutes will be included in the January 2004 packet.

12-08-03-02 Motion by Mr. Martinson and second by Mr. Hagen to approve the regular meeting minutes of November 10, 2003. Carried.

Mayor Prim next asked for any citizens to be heard. Nathan Levenson appeared before the council and stated that he had applied for a liquor license for Old 52 Bar & Grill, presently called Big Bob's. Council asked several questions from Mr. Levenson. Mr. Levenson stated that he plans to open Old 52 Bar & Grill after all paperwork is completed. Police Chief Dean Ernst stated that the department is also required to perform a background check on Mr. Levenson also.

Mayor Prim next asked if there were any other citizens to be heard.

Mayor Prim next went thru the department head reports. Council member Mr. Simonsen stated that the windows at the old city hall are in need of some major maintenance. Mr. Simonsen stated that the windows are rotting away from the wall.

Council member Kim Simonsen felt that we should possibly look at different engineering firms and what direction the council wished to go. Council members felt that this should be addressed at the January 2004 meeting.

City Administrator Ray Miller stated that Incode will be here this week for training for the building permit process.

Mayor Prim next went thru the various boards. Council member Larry Davis, Jr. stated that Public Works Superintendent Dave Riddering will be closing the airport for the winter. Council member Davis also stated that the EDA had deeded over the Old Shammrock Building lot to the Fire Department.

Council members next discussed the CM Repair progress. Mayor Prim stated that there was no change again this past month. The Ed Poppel property was discussed. Council members felt that the property may need extra signage and more supervision of the property.

Council next discussed the final costs for Dean's Bulk water main extension. Mr. Dean Tonsfeldt stated that he wishes to pay his portion of the costs now. Council member Davis stated that EDA Director Karen Lauer had obtained a \$40,000 grant from the USDA Rural Development for this project and wished to thank Mrs. Lauer for her efforts.

12-08-03-09 Motion by Mr. Simonsen and second by Mr. Davis to approve the final costs for Dean's Bulk Service water main extension. The final costs for the project are \$65,630.27 less the grant of \$40,000. The final project cost is \$25,630.27, half which will be paid by Mr. Tonsfeldt. Carried.

Council next discussed the 2004 levy. There was no further discussion on the proposed levy.

12-08-03-10 Motion by Mr. Simonsen and second by Mr. Davis to approve the following resolution.

BE IT RESOLVED, that the following sums be, and hereby are, levied upon the taxable property in the City of Barnesville, County of Clay, State of Minnesota for the year 2003, payable in the year 2004, for the following purposes to-wit:

Certified Levy of: \$244,829 for the General Fund

Total Levy of: \$244,829

Motion carried.

Council member Mr. Hagen next stated that Librarian Shaw Simonsen would like to replace the carpet at the library. Mr. Hagen stated that the library will be closed during Christmas break. Librarian Shaw Simonsen had obtained two estimates for new carpet and the Weivoda Carpet in Moorhead was the lowest estimate.

12-08-03-11 Motion by Mr. Hagen and second by Mr. Ames to approve the bid from Weivoda Carpet to replace the carpet at the Library. Carried.

Mayor Prim next discussed the 2004 City of Barnesville budget. Mayor Prim noted that the library budget was not included in these amounts.

12-08-03-12 Motion by Mr. Simonsen and second by Mr. Martinson to approve the 2004 budget as presented. Carried. Mayor Prim thanked the department heads and council member Simonsen for working with the department heads to make things work smoothly this year.

Medica representatives Brad Cook and Ed Dorset with Dorset & Associates presented the council with three different insurance plans. Mr. Dorset explained the MCS500-15 plan to the council. Mayor Prim asked if anybody had any other questions for Mr. Dorset.

12-08-03-13 Motion by Mr. Simonsen and second by Mr. Davis to approve the Medica MCS 500-15 health insurance plan. Carried.

Council next discussed the health insurance cap for new employees. Council member Mr. Hagen questioned if all employees would be getting the same benefit as others. Council member Hagen would like to see all employees receiving the same benefit. Council member Mr. Simonsen stated that this is only a guideline and would be reviewed.

12-08-03-14 Motion by Mr. Simonsen and second by Mr. Davis to reduce the health insurance cap for new employees. The reduction of the cap to the city paying no more than \$400 towards the purchase of health insurance for new full-time employees hired after January 1, 2004. The present cap for full time city employees hired before January 1, 2004 would remain at the city paying no more than \$600 toward the purchase of health insurance. Council members Simonsen, Davis, Cooper, Ames and Martinson voted in favor of and Council member Hagen voted against. Motion carried.

Council next discussed the flexible spending account. Finance Director Brian Jacobson stated that the Med Soft Outsource Solutions would do this for the city. Approximate cost would be \$800-\$1,000 per year.

12-08-03-15 Motion by Mr. Simonsen and second by Mr. Davis to hire MedSoft Outsource Solutions to administer the flexible spending account for the city. Carried.

Council next discussed the proposed vacation and sick leave personnel policy changes.

12-08-03-16 Motion by Mr. Simonsen and second by Mr. Martinson to approve the proposed vacation and sick leave personnel policy changes. Carried.

12-08-03-17 Motion by Mr. Martinson and second by Mr. Cooper to approve the second reading on the ordinance to establish rates for cable TV services. Motion carried.

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.**

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 December, 2003.

APPROVED:

Eugene Prim, Mayor

ATTEST:

Ray Miller, City Administrator

First Reading: November 10, 2003

Second Reading: December 8, 2003

Publication: December 15, 2003

12-08-03-18 Motion by Mr. Davis and second by Mr. Hagen to approve the second reading on the 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 collection. with the amended changes. 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. Personnel of the City of Barnesville, or other County, State or Federal government personnel, may collect garbage and rubbish in the City as needed and when required. 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.

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 December, 2003.

APPROVED:

Eugene Prim, Mayor

ATTEST:

Ray Miller, City Administrator

First Reading: November 10, 2003

Second Reading: December 8, 2003

Publication: December 15, 2003

Mayor Prim next discussed the resignation of Brenda Brand as Main Street Program Director effective December 12, 2003. Mayor Prim thanked Mrs. Brand for the past five years of service and wished her the best in her new position.

Council members next discussed the location of the Main Street Program Director office. The council discussed moving the office next to the police station. This would be a savings of \$3200 in rent. The office next to the police station is presently being used by the Clay County Sheriff's Office; they will be moving their equipment so the Main Street office can relocate. The office will need some updating. EDA president Gene Prim and Main Street president Terry Yokom have been working on the new location.

12-08-03-19 Motion by Mr. Martinson and second by Mr. Davis to approve the location of the Main Street Program Director office to be moved to the office next to the Police Station. Carried.

Council members next discussed the street and underground utility improvements TH9 project. Council members felt Gary Nansem from Larson-Peterson & Associates was very helpful to discuss items with.

12-08-03-20 Motion by Mr. Martinson and second by Mr. Simonsen to approve the gambling license for the Barnesville Thursday Nite Lions for April 22, 2004. Motion carried.

12-08-03-21 Motion by Mr. Cooper and second by Mr. Martinson to approve the gambling license for the Barnesville Fire Department for January 30, 2004. Motion carried.

Council members next discussed the request for funds for the ambulance Christmas party.

12-08-03-22 Motion by Mr. Hagen and second by Mr. Martinson to grant \$275.00 for the ambulance Christmas party. Council members voting in favor of. Mr. Hagen, Mr. Martinson, Mr. Ames, Mr. Davis, and Mr. Cooper. Council member Mr. Simonsen voted against. Motion carried.

12-08-03-23 Motion by Mr. Hagen and second by Mr. Cooper to grant the following licenses:

2004 On-Sale and Sunday On-Sale liquor licenses.

VFW Post 4628, American Legion Post 153, Ratzo's Pool Hall, and Old 52 Bar & Grill-pending state approval and background checks.

2004 Off-Sale non-intoxicating liquor licenses.

Barnesville Amoco, American Legion Post 153, Ratzo's Pool Hall, and Old 52 Bar & Grill-pending state approval and background checks.

Motion carried.

12-08-03-24 Motion by Mr. Cooper and second by Mr. Davis to approve the following 2004 cigarette licenses.

VFW Post 4628, American Legion Post 153, Ratzo's Pool Hall, Big Bob's Bar & Grill, Fire Hall Liquors, Barnesville Amoco, Barnesville Super Valu and Farmers Coop General Store.

Motion carried.

12-08-03-25 Motion by Mr. Hagen and second by Mr. Martinson to approve the resignation of Julie Holen as Animal Control Officer effective October 18, 2003. Terry Lapos stated that her hours will be increasing due to the department being short staffed. Motion carried.

12-08-03-26 Motion by Mr. Martinson and second by Mr. Simonsen to approve the Ottetail Power working agreement to March 15, 2004. Council members felt that this should be reviewed

at the next TEC Board meeting, council members felt that this was working well at the present time. Motion carried.

12-08-03-27 Motion by Mr. Simonsen and second by Mr. Martinson to approve the MMUA Safety Services agreement for \$6,305.27 for January 1, 2004 until September 30, 2004. Carried.

12-08-03-28 Motion by Mr. Martinson and second by Mr. Davis to approve the DMS 10 training for Mike Pearson. The cost for the training is \$2,495.00 plus travel expenses estimated at \$1,400.00. Carried.

Council members next discussed the Western Area Power Administration electric service contract. This won't affect the city for a few years. WAPA will send out electric service revision during 2005.

12-08-03-29 Motion by Mr. Simonsen and second by Mr. Davis to approve the requested transfer of budgeted funds as presented. Carried.

Council members next discussed the drainage ditch along County Hwy 52. The county will not clean the ditch. Council members questioned if this was a city problem or Watershed or DNR problem. This matter will be referred to the Public Works Committee.

Council members next reviewed the discretionary funds for 2003.

12-08-03-30 Motion by Mr. Simonsen and second by Mr. Cooper to approve the recommendation of Carol Dodge to the park board to serve out the term vacated by Ken Bauer. This term will expire in December 2004. Motion carried.

12-08-03-31 Motion by Mr. Cooper and second by Mr. Martinson to approve to carry over the balance, after the 2003 expenditures, of the park board budget line item for 2003 to the 2004 park board budget line item. These funds will be earmarked for purchasing park equipment for the new Stoneridge Park. Motion carried.

12-08-03-32 Motion by Mr. Davis and second by Mr. Simonsen to approve the employment for Joel Haugrud thru February 9, 2004. Motion carried.

12-08-03-33 Motion by Mr. Simonsen and second by Mr. Davis to pay Joel Haugrud for 32 hours of funeral leave to be paid out of the discretionary funds. Motion carried.

12-08-03-34 Motion by Mr. Simonsen and second by Mr. Hagen to approve the following travel requests.

Jerry Dow to travel to MMUA meeting in Detroit Lakes-estimated cost \$25.00

Jerry Dow to travel to Moorhead to attend the 702 Communications Board Meeting-estimated cost \$20.00

Jerryl Tenderholt to travel to attend safety training in Breckenridge. Estimated cost-cost of fuel for vehicle.

Motion carried.

12-08-03-35 Motion by Mr. Davis and second by Mr. Cooper to approve the checks numbers 11880-12041 in the amount of \$270,163.19 and also the EFT payments in the amount of \$105,194.87. Carried.

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

Submitted by:

Attest:

Jeri Davis

Eugene Prim

Deputy Clerk

Mayor