

Barnesville City Council
Regular Meeting
May 13, 2013

Mayor Dahnke called this regular meeting to order at 7:00 p.m. Members present were Mayor Dahnke and Council members Darin Allmaras, Betty Strom, Richard Sylvester, Cathy Enstad, Larry Davis, Jr. and Jason Rick. Others in attendance were, City Administrator Mike Rietz, Sarah Nyhus-Wear with Ohnstad Twichell, City Clerk Jeri Reep, EDA Director Karen Lauer, Finance Director Laurie Schell, Police Chief Dean Ernst, TEC Manager Guy Swenson, , Jon Pauna with KLJ Engineering, Mike Stetz, Tom Knoop, Chris Knopik with CliftonLarsonAllen, Jacob Underlee with the Record Review.

Mayor Dahnke asked City Administrator Mike Rietz to take roll call.

The next item on the agenda was the pledge of allegiance. All rose to recite the pledge of allegiance.

Mayor Dahnke next called on Council Member Sylvester. Council member Sylvester wanted to apologize to the council for a statement made at the previous months meeting. Mr. Sylvester stated that at the April council meeting, he had made a statement about the special assessments. Mr. Sylvester stated he was not sure of who made the statement about the special assessments, and wanted to apologize. Mayor Dahnke stated apologize accepted.

Mayor Dahnke next asked if there were any corrections or additions to the agenda. City Administrator Mike Rietz stated that the following additions were needed: Barnesville Lions Club gambling permit for July 13-14, 2013, and August 24, 2013, and the sale of the 1992 International Plow truck.

05-13-13-01 Motion by Mr. Davis and second by Mr. Allmaras to approve the agenda as presented, with the following additions: Barnesville Lions Club gambling permit for July 13-14, 2013, and August 24, 2013, and the sale of the 1992 International Plow truck. Motion carried.

Mayor Dahnke stated the next item on the agenda was the consent agenda.

05-13-13-02 Motion by Mrs. Strom and second by Mrs. Enstad to approve the consent agenda as presented. Council member Sylvester stated that in the Park Board minutes, there was no quorum, therefore no meeting was held.

05-13-13-03 Motion by Mrs. Strom and second by Mrs. Enstad to rescind their motion. Motion carried.

05-13-13-04 Motion by Mr. Allmaras and second by Mr. Sylvester to approve the consent agenda, excluding the Park Board minutes. Motion carried. The following items were on the consent agenda:

1. Approval of the minutes of the regular meeting held on April 8, 2013.

2. Approval of department head reports.
3. Approval of check numbers 75504-75671 in the amount of \$231,280.60 and EFT payments in the amount of \$220,676.54.
4. Approval of support for City Administrator Mike Rietz to the League of MN Cities board.
5. Approval of gambling permits for the Barnesville Lions Club for July 13-14, 2013 and August 24, 2013.
6. Approval to hire Jonah Kletsch and Joshua Smith as Seasonal Public Works employees at \$8.25 per hour.
7. Approval to hire the following lifeguards:

a. Jasmine Meyer-head lifeguard	\$8.40 per hour
b. Mike Knutson	\$8.30 per hour
c. Brady Dokkenbakken	\$8.30 per hour
d. Eric Bucholz	\$8.10 per hour
e. Ali Buth	\$7.75 per hour
f. Brooke Hendrickson	\$7.75 per hour
g. Megan Nielson	\$7.75 per hour
h. Katline Meyer	\$7.40 per hour
i. Sydney Boom	\$7.40 per hour
j. Elizabeth Stangeland	\$7.40 per hour
k. Tyler Nysveen	\$7.40 per hour
8. Approval to hire the following Golf Course employees:

a. Rick Nicklay	\$14.07 per hour
b. Darla Ackerson	\$10.87 per hour
c. Allan Kertscher	\$10.00 per hour
d. Jon Neumann	\$10.00 per hour
e. Cory amundson	\$8.00 per hour
f. Arnie Wagner	\$7.50 per hour
g. Mary Ann Thompson	\$9.00 per hour
h. Brenda Amundson	\$7.50 per hour
i. Cody Schepp	\$8.00 per hour
j. Chelsie Halverson	\$7.75 per hour

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

Council member Sylvester stated that the airport is open and in good condition.

Council member Allmaras stated that the Joint Powers Board minutes are in the packet.

05-13-13-05 Motion by Mr. Davis and second by Mr. Rick to approve the board and commission reports as presented. Motion carried.

Mayor Dahnke stated the next item on the agenda was the 2012 annual audit report.

Mr. Tom Knoop and Mr. Chris Knopik next discussed the 2012 annual audit with council members. Mr. Chris Knopik reported that the audit was a good, clean audit. They only reported

four material weaknesses- Segregation of duties, year-end closing procedures, financial statement preparation, and bank account signature authority. The property tax is only 8%, which is very low. Mr. Knopik stated that the City went from 97 days in reserve to 112 days in reserve. Mr. Knopik stated that was a nice increase. Stated that the telephone and cable funds are going down. The Liquor Store has a gross profit at 24%, still generating a profit. Mr. Knopik stated that the property taxes are very low compared to other cities. Mr. Knopik stated that this was a healthy and steady audit. Council members had no further questions for Mr. Knopik.

Mayor Dahnke stated the next item on the agenda as the resolution authorizing a school dance at the Football field.

Mr. Ben Norman with the Barnesville High School Student Council next approached the council. Mr. Norman informed council members that the student council would like to hold a dance at the football field on May 17th from 7:00 p.m. to 10:00 p.m. Mr. Norman stated that the student council went door to door in a two-block radius of the football field to explain their plans. This dance would be for grades 7-12. Mr. Norman stated that they have not heard any negative feedback regarding the dance.

05-13-13-06 Motion by Mr. Davis and second by Mr. Sylvester to approve the following resolution. Upon a roll call vote, the following voted aye: Council members Rick, Allmaras, Strom, Davis, Sylvester and Enstad. The following voted nay: none. Motion carried.

Mr. Norman thanked the council and appreciates their support.

**CITY OF BARNESVILLE
CLAY COUNTY, MINNESOTA**

RESOLUTION NO. 05-13-13-06

**RESOLUTION ALLOWING AMPLIFYING EQUIPMENT TO BE USED
AT THE FOOTBALL FIELD FOR A DANCE**

WHEREAS the noise control regulations in the City Code prohibit the use of amplifying equipment unless it is in conjunction with an activity that is permitted by the City, and

WHEREAS the Barnesville Student Council has requested permission to hold an outdoor dance at the football field and has duly informed the neighbors of this desire;

NOW THEREFORE BE IT RESOLVED by the City Council (the "Council") for the City of Barnesville, Minnesota (the "City"), that the request is approved for a dance on the grounds of the football field on May 17, 2013 between the hours of 7:00 p.m. and 10:00 p.m.

Dated: May 13, 2013

Adopted:

Fred Dahnke, Mayor

ATTEST:

Michael Rietz, City Administrator

Mayor Dahnke stated the next item on the agenda was the discussion on dust control on 13th Street.

City Administrator Mike Rietz informed council members that the Public Works portfolio and the Personnel & Finance portfolio had discussed the dust control on 13th Street, and wanted the full council input. Mr. Rietz stated that the City has in the past applied one application of dust control on 13th Street at no charge to the residents. Mr. Mike Stetz stated that this road benefits more than just the residents that live along that street, that the street benefits the city. After much discussion, council stated they wanted no changes on 13th Street for dust control, and the dust control will continue, at no charge to the residents.

Mayor Dahnke stated the next item on the agenda was the 2nd reading of the Ordinance 2013-03, regarding sidewalk display.

City Administrator Mike Rietz stated that this is the 2nd reading of the Ordinance. The Planning Commission made a couple of changes since last month's meeting.

05-13-13-07 Motion by Mr. Davis and second by Mr. Allmaras to approve the 2nd reading of Ordinance 2013-03. Motion carried.

**CITY OF BARNESVILLE
ORDINANCE NO. 2013-03**

**AN ORDINANCE TO AMEND AND REENACT SECTIONS 5-0108 AND 7-206 OF THE
MUNICIPAL CODE REGARDING BUSINESS USE OF SIDEWALK IN THE C-1
ZONE.**

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

SECTION 1. Section 5-0108 of the Municipal Code of the City of Barnesville is hereby amended and reenacted to read as follows:

Subd. 1. Obstructions. It is a misdemeanor for any person to place, deposit, display or offer for sale, any fence, goods or other obstructions upon, over, across or under any street or sidewalk without payment of a fee and obtaining a written permit from the Council and then only in compliance in all respects with the terms and conditions of such permit, and taking precautionary measures for the protection of the public. An electrical cord or device of any kind is hereby included, but not by way of limitation, within the definition of obstruction. Adjacent property owners in areas of the City zoned C-1 may display merchandise, place seating or sandwich board signs on public sidewalks by obtaining a permit from the City in accordance with Section 7-0206 of these ordinances.

SECTION 2. Section 7-0206 of the Municipal Code of the City of Barnesville is hereby amended and reenacted to read as follows:

Subd. 6. Usage of Sidewalk in the C-1 Zone by Adjacent Property Owners. The regulations below set forth how businesses in the C-1 zoning district may use the sidewalk immediately adjacent to their business. These uses must be related and under the control of that adjacent business and well maintained in appearance.

Subd. 7. Allowable Display Area. All merchandise shall be displayed in a manner as to not project more than 4 feet into the right of way that is directly in front of the business. Display of sandwich board signs and merchandise shall be done in such a manner as to allow a clear, unobstructed handicap accessible passageway of not less than 6 feet at all times. Only one vending machine shall be allowed per each storefront business with a limitation of two per side of the street on each block. Vending machines shall be in working order at all times. Should a vending machine be found to be no longer in working order, it shall be repaired or removed within 7 days. No obstruction shall be allowed within 4 feet of the curb.

Subd . 8. Allowable Seating Area. Seating areas are allowed in a manner as to not project more than 5 feet into the right of way that is directly in front of the business. Display of sandwich board signs outside of the seating area will be done in such a manner as to allow a clear unobstructed handicap accessible passageway of not less than 6 feet at all times. No obstruction shall be allowed within 4 feet of the curb.

Subd. 9. Variation From the Above Regulations. Uses of the sidewalk by the adjacent businesses that does not conform to the above regulations shall be reviewed by the City Council with a permit issued upon approval. The business shall be required to submit a description of the planned use and a site plan one week prior to City Council consideration of the request. The cost to apply for this

permit is \$100. This permit shall expire on December 31st of each year and shall need to be re-applied for ~~renewed~~ on an annual basis.

PASSED AND ADOPTED by the Barnesville City Council this 13th day of May, 2013.

APPROVED:

Fred Dahnke
Mayor

ATTEST:

Jeri Reep
City Clerk

First Reading: April 8, 2013
Second Reading: May 13, 2013
Adopted: May 13, 2013
Published: May 20, 2013

Mayor Dahnke stated the next item on the agenda was the approval of the Summary Ordinance 2013-03.

05-13-13-08 Motion by Mr. Davis and second by Mr. Rick to approve the Summary Ordinance 2013-03. Motion carried.

TITLE AND SUMMARY OF ORDINANCE NO. 2013-03

The following Ordinance is hereby published by title and summary:

1. Title of Ordinance:

An ordinance to amend and reenact sections 5-0108 and 7-206 of the municipal code regarding business use of sidewalk in the C-1 zone.

2. Summary of Ordinance:

The provisions of this ordinance allow business in the C-1 Zone to use the public sidewalk for certain business purposes.

This Ordinance shall take effect upon publication in accordance with the Barnesville City Charter.

3. Availability of Ordinance:

A complete, printed copy of this Ordinance is available for inspection by any person during regular business hours in the office of the City Clerk, Barnesville City Hall, 102 Front Street North, Barnesville, Minnesota.

This Ordinance was passed by the City Council of the City of Barnesville on the 13th day of May, 2013.

APPROVED:

Fred Dahnke, Mayor

ATTEST:

Jeri Reep, City Clerk

First Reading: April 8, 2013
Second Reading: May 13, 2013
Adopted: May 13, 2013
Published: May 20, 2013

Mayor Dahnke stated the next item on the agenda was the approval of the revised zoning map.

City Administrator Mike Rietz stated that the Planning Commission has reviewed this zoning map. Mr. Rietz stated that staff would like to table this approval of the revised zoning map until the June regular meeting.

05-13-09 Motion by Mr. Allmaras and second by Mrs. Strom to table the approval of the revised zoning map. Motion carried.

Mayor Dahnke stated the next item on the agenda was the 1st reading of Ordinance 2013-05.

City Attorney John Shockley informed council members that the passing of this ordinance is the final step for the re-codification of the ordinances. Mr. Shockley stated that Ohnstad Twichell will maintain the ordinances.

05-13-13-10 Motion by Mrs. Enstad and second by Mrs. Strom to approve the 1st reading of Ordinance 2013-05. Motion carried.

ORDINANCE NO. 2013-05

AN ORDINANCE ADOPTING THE REVISED CITY CODE OF 2013 OF THE CITY OF BARNESVILLE, MINNESOTA, AND REPEALING ALL ORDINANCES PREVIOUSLY ADOPTED, WITH CERTAIN EXCEPTIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BARNESVILLE, MINNESOTA:

SECTION 1. This Ordinance and the Ordinances hereby adopted shall be known and cited as the Revised City Code of 2013 of the City of Barnesville.

SECTION 2. ENACTMENT. The Revised City Code of 2013 of the City of Barnesville, consisting of Titles I to IX, both inclusive, an original copy of which has been authenticated by the original signatures of the City's Mayor and Administrator, and which original is on file in the office of the City Administrator, are hereby adopted as the Ordinances of the City of Barnesville.

SECTION 3. REPEAL. All ordinances of the City of Barnesville, Minnesota, adopted prior to May 13, 2013, are hereby repealed except the following ordinances which shall continue in full force and effect regardless of the fact that they are herein omitted:

1. All existing ordinances or any part thereof creating contract obligations on the part of the City, which obligations shall remain binding until fully performed by the parties thereto.
2. All existing ordinances establishing special improvement districts.
3. All existing ordinances levying taxes for previous years which are still unpaid or for future years under the provisions of any law relating to the issuance of municipal bonds, warrants, certificates of indebtedness, or other municipal obligations, whether general or special.
4. All salary and appropriation ordinances.
5. Any and all other ordinances adopted in said Revised City Code of 2013 by reference, although the same are not set forth in full therein.
6. All existing ordinances establishing, extending, or reducing the city limits of the City and all existing ordinances by which the zoning of any area has been established or modified.

7. The incorporation herein of any ordinances of the City granting franchises to individuals, associations, or corporations shall not operate to repeal the same in their original form nor to extend the term of any franchise beyond that permitted by law or fixed in the ordinances granting the same which is re-enacted herein.

SECTION 4. SEPARABILITY PROVISIONS. If any section, subsection, sentence, clause or phrase of these ordinances is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause, phrase, or portion thereof. The City Council hereby declares that it would have passed these ordinances and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses, or phrases may be declared invalid or unconstitutional.

SECTION 5. EXISTING LICENSES OR PERMITS. All licenses and permits issued prior to the date on which this ordinance becomes effective shall continue in force for the remainder of the term for which the same were issued, without additional fees, but all licensees and permittees shall be governed by the provisions of the Revised City Code of 2013 of the City of Barnesville, Minnesota, for the remainder of the terms of said licenses and permits in the same manner and to the same extent as if said licenses and permits had been issued under the provisions of the Revised City Code of 2013.

SECTION 6. NEW LICENSES AND PERMITS. In the case of any license or permit not heretofore required and appearing for the first time in the Revised City Code of 2013 of the City of Barnesville, Minnesota, such license or permit shall be secured on or before the first day of the first month following the effective date of this ordinance, and the first fee therefore shall be prorated for the remainder of the term thereof on a monthly basis, provided that the minimum fee for any such new license or permit shall be \$10.00.

SECTION 7. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and approval and without publication.

Mayor

ATTEST:

City Administrator

Date of First Reading:

May 13, 2013

Date of Second Reading: June 10, 2013
Final Approval: June 10, 2013
Publication: June 17, 2013

Mayor Dahnke stated the next item on the agenda was the transformer purchase.

TEC Manager Guy Swenson informed council members that this it to purchase a 500 kva pad mount transformer for the new Rothsay Farmers Fertilizer plant. Staff received two quotes, Dakota American Transformer for \$8,595.00, and T & R Electric Supply Co. for \$12,435.00. Staff recommends the Dakota American Transformer.

05-13-13-11 Motion by Mr. Davis and second by Mr. Rick to approve the purchase of the 500 kva Pad Mount Transformer from Dakota American Transformer in the amount of \$8,595.00 plus shipping and taxes. Motion carried.

Mayor Dahnke stated the next item on the agenda was the discussion of a backhoe purchase.

City Administrator Mike Rietz stated that presently there is \$50,000.00 in the budget for a backhoe. Personnel & Finance portfolio recommend increasing the amount to \$75,000.00. Public Works Supt. Terry Ystenes has been looking for a backhoe and has indicated that the \$75,000.00 price range has better units with more to choose from. Council member Sylvester questioned how much has been spent on backhoe work. City Administrator Mike Rietz stated that if we had a backhoe, we would be able to assist other departments within the city. Council member Allmaras stated that he does not agree with increasing the dollar amount. Council member Sylvester stated he does not agree with the increase. We should know how much backhoe work has been used, no accountability.

05-13-13-12 Motion by Mr. Davis and second by Mr. Rick to increase the budget to \$75,000 for a backhoe purchase. The following voted aye: Council members Rick, Strom, Davis and Enstad. The following voted against: Council members Sylvester and Allmaras. Motion carried.

Mayor Dahnke stated the next item on the agenda was the sale of the 1992 International truck.

City Administrator Mike Rietz stated that we had received one bid for the sale of the 1992 International truck.

05-13-13-13 Motion by Mr. Allmaras and second by Mrs. Strom to approve the sale of the 1992 International truck in the amount of \$15,000.00 to Ryan Hough. Motion carried.

Mayor Dahnke stated the next item on the agenda was the LMC 2013 Annual conference, if interested in attending, let staff know.

Mayor Dahnke stated that the City has received the Safe Routes to School grant.

Mayor Dahnke asked if there were any citizens present to be heard. There were none.

05-13-13-14 Motion by Mr. Davis and second by Mr. Rick to adjourn the meeting at 8:41 p.m.
Motion carried.

Submitted by:

Attest:

Jeri Reep
City Clerk

Fred Dahnke
Mayor