

**Barnesville City Council
Special Meeting
August 5, 2013**

Mayor Dahnke called this special meeting to order at 7:05 p.m. Members present were Mayor Dahnke and Council members Darin Allmaras, Richard Sylvester, Cathy Enstad, Larry Davis, Jr. and Jason Rick. Absent was Betty Strom. Others in attendance were, City Administrator Mike Rietz, City Attorney John Shockley with Ohnstad Twichell, City Clerk Jeri Reep, EDA Director Karen Lauer, Joel Paulson with KLJ Engineering, Duwight Berg, Angela Berg, Tim Thompson, Frank Schindler, Ron Buttenhoff, Sam DeLeo, Jay Bohlman, Jeremy Krause, Dave Grommesh, Terry Schritz, Margaret Follingstad, Rick Hamman, Darrel Thomas, Keith Ernst, and Pam Aakre 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 stated the first thing on the agenda was to approve the agenda.

08-05-13-01 Motion by Mr. Davis and second by Mr. Allmaras to approve the agenda as presented. Motion carried.

Mayor Dahnke stated the next item on the agenda was the 1st reading of Ordinance 2013-09, an ordinance annexing the Ernst property.

08-05-13-02 Motion by Mr. Davis and second by Mr. Allmaras to approve the 1st reading of Ordinance 2013-09. Motion carried.

ORDINANCE NO. 2013-09

AN ORDINANCE OF THE CITY OF BARNESVILLE ANNEXING LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 137 NORTH, RANGE 46 WEST, CLAY COUNTY, MINNESOTA TO THE CITY OF BARNESVILLE, CLAY COUNTY, MINNESOTA, PURSUANT TO MINNESOTA STATUTE § 414.033, SUBD. 2(3), PERMITTING ANNEXATION BY ORDINANCE

WHEREAS, the City of Barnesville has received a Petition for Annexation from all landowners of the property to be annexed; and

WHEREAS, under state law, the landowner has the right to request annexation into the City of Barnesville, and the City of Barnesville has authority to annex such property.

NOW, THEREFORE, THE CITY OF BARNESVILLE DOES HEREBY ORDAIN:

Section 1. That the unincorporated land legally described in Exhibit A, which is attached hereto and incorporated herein by reference, located in the Southeast Quarter of Section 24, Township 137 North, Range 46 West, Clay County, Minnesota, is land that is contiguous to and abuts the municipal corporate limits of the City of Barnesville, Clay County, Minnesota; is land that is 120 acres or less in size; is land that is not presently served by public wastewater facilities, and for which public wastewater facilities are not otherwise available than through the City of Barnesville; and is land that is existing or proposed for immediate urban or suburban development.

Section 2. That the property-owner of the property legally described in Exhibit A has requested annexation for purposes of immediately redeveloping the land for additional urban or suburban commercial uses and has submitted a petition to the City Council of the City of Barnesville for annexation of said land.

Section 3. That the City of Barnesville has, or will, hold a public hearing pursuant to Minnesota Statute § 414.033, subd. 2b, on September 10, 2013, following thirty (30) days written notice by certified mail to all landowners within and contiguous to the area, legally described in Exhibit A, to be annexed.

Section 4. That the corporate limits of the City of Barnesville are hereby extended to include the land legally described in Exhibit A, and shown on the map attached hereto and incorporated herein by reference as Exhibit B, containing approximately 4.93 acres, and the same is hereby annexed to be included within the City of Barnesville, Clay County, Minnesota.

Section 5. That the population of the area legally described in Exhibit A, and hereby annexed is zero (0).

Section 6. That the City Manager of the City of Barnesville is hereby authorized and directed to file a copy of this Ordinance with the Minnesota Office of Administrative Hearings Municipal Boundary Adjustments Office, the Minnesota Secretary of State, the Clay County Auditor, and the Barnesville Township Clerk.

Section 7. That this Ordinance shall be in full force and effect and final upon the date this Ordinance is approved by the Minnesota Office of Administrative Hearings.

Passed and adopted this 5th day of August, 2013.

CITY OF BARNESVILLE

By: _____
Its Mayor

ATTEST:

Its City Administrator

Mayor Dahnke stated the next item on the agenda was the KLJ Task Order #4 regarding the infrastructure improvement district 2013-1.

City Administrator Mike Rietz stated that this task order is for engineering costs for the improvements we are considering from preliminary engineering through design and construction.

08-05-13-03 Motion by Mr. Rick and second by Mrs. Enstad to authorize staff to sign the KLJ Task Order #4, Improvement District 2013-1, estimated cost is \$22,000.00. Motion carried.

Mayor Dahnke stated the next item on the agenda was the resolution receiving the feasibility report for the infrastructure improvement district 2013-1.

City Engineer Joel Paulson discussed with council members the Barnesville Improvement District 2013-1. Mr. Paulson stated that Mr. Keith Ernst has petitioned the city for annexation and utilities. Improvement District 2013-1 was created to service the Ernst property. Two previous preliminary engineering reports were analyzed by KLJ and some modifications were recommended to the City and EDA staff. Some of the infrastructure needs will be a new street to access the property, turn lane on Trunk Highway 9 per MN DOT, water main and sanitary sewer extension, and permanent storm water management. Mr. Paulson discussed the assessments. Type I improvements-infrastructure that directly benefits only the abutting property. Type II improvements-infrastructure that benefit a larger definable area. Type III improvements-infrastructure that benefits the entire city. KLJ Engineering is recommending using the Type I assessments. Council member Sylvester stated that there is water and sewer stubbed out on Hwy 2. Mr. Paulson stated that they would take a look at it. Council member Sylvester questioned what the dollar amount is for this improvement.

08-05-13-04 Motion by Mr. Allmaras and second by Mr. Davis to approve the following resolution. Upon a roll call vote, the following voted aye: Council members Rick, Allmaras, Davis, Sylvester, and Enstad. The following voted nay: none. Motion carried.

**CITY OF BARNESVILLE
COUNTY OF CLAY
STATE OF MINNESOTA
RESOLUTION 08-08-13-04**

Resolution Receiving the Feasibility Report

WHEREAS, pursuant to resolution of the council adopted July 8, 2013, a report has been prepared by Joel Paulsen, P.E. of KLJ with reference to proposed Infrastructure Improvement District No. 2013-1, which consists of the installation of a new water main, street, storm water management, sanitary sewer improvements and improvements to State Highway 9, and this report was received by the council on August 5, 2013, and

WHEREAS, the report provides information regarding whether the proposed improvement is necessary, cost-effective and feasible, whether it should be made as proposed or in connection with some other improvement; the estimated cost of the improvement as recommended; and a description of the methodology used to calculate individual assessments for affected parcels;

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

The council will consider the improvements in accordance with the report and the assessment of property in an area bounded by 6th Ave NW and Hwy 34 on the South, the railroad tracks on the west, County Road 55 and the north line of the Grommesh property on the north and on the east by the east property line of the Grommesh property for all or a portion of the cost of the improvement pursuant to Minnesota Statutes, Chapter 429 at an estimated total cost of the improvement of \$320,000.

Adopted by the council this 5th day of August, 2013.

Fred Dahnke, Mayor

Jeri Reep, City Clerk

Mayor Dahnke stated the next item on the agenda was the public hearing.

08-05-13-05 Motion by Mr. Allmaras and second by Mr. Davis to open the public hearing at 7:45 p.m. for the hearing on improvement. Motion carried.

City Engineer Joel Paulson discussed with council the infrastructure for the project. Mr. Paulson stated they would make sure that the installation will plan for the growth of the area.

Mr. Terry Schritz stated that the money that this project is going to cost, that a well and septic would cost a lot less, a lot of money to spend for one business.

Council member Sylvester stated that he has seen that after a business goes in, normally you will get another business in shortly.

Mr. Tim Thompson questioned if the Joint Powers Board has been involved? Stated he has been very frustrated with staff.

City Engineer Joel Paulson stated that this is the first of two public hearings.

Mr. Duwight Berg stated that this whole process is going to benefit the City, but these guys are going to pay for it. It benefits the whole town; cost should be shared rather than a handful of

people. Mr. Berg asked if there was a procedure to be excluded to the city services, a way to opt out of the special assessment process.

Mr. Frank Schindler asked if Keith Ernst if he is pleased with Option 1, is this acceptable to him, the cost, do they need to go to this extent.

Mr. Keith Ernst stated yes, this was acceptable to them.

Mr. Darrell Thomas stated that he has been involved with Joint Powers for many years, discussed the annexation process.

Mayor Dahnke next asked if there were any other citizens that wanted to speak.

Mrs. Angela Berg asked if the Berg property is still in the area.

Mayor Dahnke next asked if there was anybody else to speak. There was none.

08-05-13-06 Motion by Allmaras and second by Mrs. Enstad to close the public hearing at 8:31 p.m.

Mayor Dahnke stated the next item on the agenda was the resolution ordering improvement and preparation of plans and specifications.

08-05-13-07 Motion by Mr. Rick and second by Mrs. Enstad to approve the following resolution. Upon a roll call vote, the following voted aye: Council members Rick, Allmaras, Davis, Sylvester and Enstad. The following voted nay: none. Motion carried.

**CITY OF BARNESVILLE
COUNTY OF CLAY
STATE OF MINNESOTA
RESOLUTION 08-05-13-07**

Resolution Ordering Improvement and Preparation of Plans

WHEREAS, a resolution of the council adopted July 8, 2013, fixed a date for a council hearing on proposed Infrastructure Improvement District No. 2013-1, which consists of the installation of a new water main, street, storm water management, sanitary sewer improvements and improvements to State Highway 9 and,

WHEREAS, ten days' mailed notice and two weeks' published notice of the hearing was given, and the hearing was held thereon on the 5th day of August, 2013, at which all persons desiring to be heard were given an opportunity to be heard thereon,

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

1. Such improvement is necessary, cost-effective and feasible as detailed in the feasibility report.
2. Such improvement is hereby ordered as proposed in the council resolution receiving the feasibility report adopted August 5, 2013.
3. The city's planning commission has reviewed the proposed capital improvement and reported in writing to the Council its finding as to compliance of the proposed

- improvement with the comprehensive municipal plan.
4. Joel Paulsen, PE of KLJ is hereby designated as the engineer for this improvement. The engineer shall prepare plans and specifications for the making of such improvement.
 5. The city council declares its official intent to reimburse itself for the costs of the improvement from the proceeds of tax exempt bonds.

Adopted by the council this 5th day of August, 2013.

Fred Dahnke, Mayor

Jeri Reep, City Clerk

08-05-13-08 Motion by Mr. Davis and second by Mr. Rick to adjourn the meeting at 8:34 p.m.
Motion carried.

Submitted by:

Attest:

Jeri Reep
City Clerk

Fred Dahnke
Mayor