

**Barnesville City Council
Regular Meeting
January 12, 2015**

Vice-Mayor Jason Rick called this regular meeting to order at 7:00 p.m. Members present were Council members Larry Davis, Jr, Jason Rick, Betty Strom, Don Goedtke, Richard Sylvester and Cathy Enstad. Absent was Mayor Prim. Others in attendance were, City Administrator Mike Rietz, Sara Nyhus-Wear with Ohnstad Twichell, City Clerk Jeri Reep, Finance Director Laurie Schell, TEC Manager Guy Swenson, EDA Director Karen Lauer, Police Chief Dean Ernst, Public Works Supt. Trevor Moen, Mike Kurkowski with People Service, Ambulance Manger Scott Nelson, Joel Paulson with KLJ Engineering, Eric Spilde, and Pam Aakre with the Record Review.

Vice Mayor Rick next stated that he and Mayor Prim have spoken, and in the future, if any portfolio meeting has been cancelled, and if a council member directs staff to send notice and agenda out to hold the meeting, that prior approval needs to be granted from the Mayor or Vice Mayor.

Vice-Mayor Rick next asked if there were any corrections or additions to the agenda. There were no additional items or corrections.

01-12-15-01 Motion by Mr. Sylvester and second by Mr. Davis to approve the agenda as presented. Motion carried.

Vice-Mayor Rick stated the next item on the agenda was the consent agenda.

01-12-15-02 Motion by Mrs. Strom and second by Mr. Sylvester to approve the consent agenda as presented. Motion carried. The following items were on the consent agenda:

1. Approval of the minutes of the Regular meeting held on December 8, 2014.
2. Approval of the minutes of the Special meeting held on December 22, 2014.
3. Approval of the minutes of the Special meeting held on November 26, 2014.
4. Approval of department head reports.
5. Approval of check numbers 79141 – 79352 in the amount of \$535,474.19 and EFT payments in the amount of \$396,465.35.
6. Accept the resignation of Liquor Store Clerk Sandy Ystenes
7. Approve the appointment of Heather Weber, Sheila Carlson and Janelle Barry to the Park Board.
8. Approval of the appointment of Jamie Gott to the Planning Commission for a four year term.
9. Approval of the appointment of Gene Prim to the EDA Board.

Vice-Mayor Rick stated the next item on the agenda was the board and commission reports.

Council members reported on the boards and commissions they are on.

Vice-Mayor Rick stated the next item on the agenda was the public forum. Vice-Mayor Rick asked if there were any citizens present to be heard. There were none.

Vice-Mayor Rick stated the next item on the agenda was the public hearing for the wastewater facilities plan.

01-12-15-03 Motion by Mr. Davis and second by Mr. Sylvester to open the public hearing for the wastewater facilities plan at 7:04 p.m. Motion carried.

Mr. Paulson with KLJ Engineering next discussed with council members the wastewater facilities plan. Mr. Paulson stated the public hearing is a step that is required in order to be able to get on the State's list for revolving loan funds. This will not commit the city to a particular project, but it will identify the portion of the system that is potentially going to be replaced. The facilities plan is effective for five years, so any projects that are done in the area of plan are eligible for revolving loan funding.

Vice-Mayor Rick asked if there were any questions or comments. There were none.

01-12-15-04 Motion by Mr. Sylvester and second by Mr. Goedtke to close the public hearing for the wastewater facilities plan at 7:06 p.m. Motion carried.

Mr. Paulson with KLJ Engineering stated that the plan will be reviewed by the MPCA for approval. After the funding is available, the MPCA will provide a cut off list, the highest priority projects will receive the funding. Mr. Paulson stated at the February meeting, council will need to provide a list for funding, with a March 1, 2015 deadline.

01-12-15-05 Motion by Mr. Goedtke and second by Mrs. Strom to approve the following resolution. Upon a roll call vote, the following voted aye: council members Goedtke, Strom, Rick, Davis, Sylvester and Enstad. The following voted nay: none. Motion carried.

**RESOLUTION NO. 01-12-15-05
CITY OF BARNESVILLE
COUNTY OF CLAY
STATE OF MINNESOTA
RESOLUTION ADOPTING FACILITIES PLAN**

WHEREAS, the City of Barnesville has received a Facilities Plan dated January 8, 2015.
NOW, THEREFORE, BE IT RESOLVED, that the Facilities Plan is hereby adopted by the City Council.

Dated: January 12, 2015

APPROVED:

Jason Rick, Vice-Mayor

ATTEST:

Michael Rietz, City Administrator

Vice-Mayor Rick stated the next item on the agenda was the investment report with Ehlers Investment Partners.

Mr. Jack Fay with Ehlers Investment Partners next discussed the investment report with council members.

Mr. Fay discussed with council members the various funds, the CD investments, the Community Projects fund, and the general account. Mr. Fay stated that the city has mostly CD investments. Mr. Fay discussed the projected income for the city. Mr. Fay stated that this is information for the council. Vice-Mayor Rick asked council members if they had any questions for Mr. Fay. There were no additional questions.

Vice-Mayor Rick stated the next item on the agenda was the water billing procedure.

City Administrator Mike Rietz stated that this procedure is the same as what we did last year. Staff will review water bills on a case by case basis for customers who call and state that they were running extra water to keep their water lines from freezing and to make an adjustment to the sewer bill based on the average usage in January – March 2013, and to make an adjustment to the water bill in 1000 cubic foot increments if the usage exceeds their average in January – March 2013, by a minimum of 1000 cubic feet.

Mr. Rietz next discussed a de-icer line thawer that is available to purchase in the amount of \$2,500.00. Mr. Rietz stated questioned what the liability issues would be with this equipment.

Council member Sylvester questioned if the city could purchase this de-icer. Mr. Sylvester stated that he thinks the city could have this equipment and loan out to plumbers, or rent out, that this would be a great service to our customers.

Council member Davis stated that if a plumber is in business, they need to buy it themselves. Mr. Davis questioned what the next piece of equipment would be that we rent out.

01-12-15-06 Motion by Mr. Davis and second by Mrs. Strom to approve the water billing procedure. Staff will review water bills on a case by case basis for customers who call and state that they were running extra water to keep their water lines from freezing and to make an adjustment to the sewer bill based on the average usage in January – March 2013, and to make

an adjustment to the water bill in 1000 cubic foot increments if the usage exceeds their average in January –March 2013, by a minimum of 1000 cubic feet. Motion carried.

01-12-15-07 Motion by Mr. Sylvester to purchase the de-icer line thawer, not to exceed \$3,000.00. There was no second to motion. Motion failed.

Vice-Mayor Rick stated the next item on the agenda was the 2nd reading of ordinance 2015-01.

City Administrator Mike Rietz stated that this is the 2nd reading of Ordinance 2015-01 amending the accessory building section of the zoning code as recommended by the Planning Commission.

01-12-15-08 Motion by Mrs. Strom and second by Mr. Goedtke to approve the 2nd reading of Ordinance 2015-01. Motion carried.

**CITY OF BARNESVILLE
ORDINANCE NO. 2015-01**

**AN ORDINANCE TO AMEND AND REENACT SECTION 1, SUBDIVISIONS 2 AND 4
OF CHAPTER 7-09 OF THE MUNICIPAL CODE, ACCESSORY STRUCTURES IN
RESIDENTIAL DISTRICTS.**

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

SECTION 1. Chapter 7-09 of the Municipal Code of the City of Barnesville is hereby amended and reenacted to read as follows:

SEC. 7-0901. ACCESSORY STRUCTURES IN RESIDENTIAL DISTRICTS.

Subd. 2. Ground Coverage/Permitted Structure Size

For lots 10,000 square feet or under in area, the total floor area of any garage(s) and accessory buildings may not exceed 1,000 square feet; for lots over 10,000 square feet to 15,000 square feet the total floor area of any garage(s) and accessory buildings may not exceed 1,200 square feet; for lots over 15,000 square feet to 20,000 square feet the total floor area of any garage(s) and accessory buildings may not exceed 1,400 square feet; for lots over 20,000 square feet to 25,000 square feet the total floor area may not exceed 1,600 square feet; for lots over 25,000 square feet to 30,000 square feet the total floor area of any garage(s) and accessory buildings may not exceed 1,800 square feet; for lots over 30,000 square feet to 35,000 square feet the total floor area may not exceed 2,000 square feet and for lots exceeding 35,000 square feet the total floor area of any garage(s) and accessory buildings may not exceed ~~2,200~~ 2,500 square feet; and in all cases the total floor area may not exceed the ground coverage of the dwelling, less any attached garage, unless approved by a conditional use permit.

Subd. 4. Number of Structures

Only two detached accessory buildings and/or structures on any single lot. ~~One building shall be 150 square feet or smaller and the other building shall be 150 square feet or larger,~~ subject to lot coverage requirements. Buildings such as gazebos, outdoor living rooms and pool enclosures may be constructed in addition to the accessory buildings, subject to the lot coverage requirements.

PASSED AND ADOPTED by the Barnesville City Council this 12th day of January, 2015.

APPROVED:

Jason Rick
Vice-Mayor

ATTEST:

Jeri Reep
City Clerk

First Reading: December 8, 2014
Second Reading: January 12, 2015
Adopted: January 12, 2015
Published: January 19, 2015

Vice-Mayor Rick stated the next item was the summary ordinance 2015-01.

01-12-15-09 Motion by Mrs. Strom and second by Mr. Goedtke to approve the summary Ordinance 2015-01. Motion carried.

TITLE AND SUMMARY OF ORDINANCE NO. 2015-01

The following Ordinance is hereby published by title and summary:

1. Title of Ordinance:

An Ordinance to Amend and Re-enact Section 1, Subdivisions 2 and 4 of Section 7-09 of the Barnesville City Code, Accessory Structures in Residential Districts

2. Summary of Ordinance:

This ordinance allows accessory buildings to exceed the ground coverage of the dwelling with a conditional use permit, revises the sizes for detached accessory structures, and increases the accessory space allowed for lots larger than 35,000 sq. ft.

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 12th day of January, 2015.

APPROVED:

Jason Rick, Vice- Mayor

ATTEST:

Jeri Reep, City Clerk

First Reading: December 8, 2014
Second Reading: January 12, 2015
Adopted: January 12, 2015
Published: January 19, 2015

Vice-Mayor Rick stated the next item on the agenda was the 2nd reading of Ordinance 2015-02.

City Administrator Mike Rietz stated that some amendments to the franchise ordinance that are being done so the ordinance has all the language that is in the franchise agreement.

01-12-15-10 Motion by Mr. Goedtke and second by Mrs. Strom to approve the 2nd reading of Ordinance 2015-02. Council member Sylvester questioned Section C. Sara Nyhus-Wear with Ohnstad Twichell informed Mr. Sylvester that this section in question was in the agreement that was approved by council. City Administrator Mike Rietz stated that this section protects the City. The following voted aye: council members Rick, Goedtke, Strom, Davis, and Enstad. The following voted nay: council member Sylvester. Motion carried.

CITY OF BARNESVILLE
ORDINANCE 2015-02

AN ORDINANCE TO AMEND AND REENACT SUBDIVISIONS 3 AND 10 OF SECTION 2-0202 OF THE REVISED BARNESVILLE CITY CODE OF 2013 RELATING TO GAS FRANCHISE ADOPTION AND FEE.

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

SECTION 1. Subdivision 3 of Section 2-0202 of the Revised Barnesville City Code of 2013 is hereby amended and reenacted to read as follows:

Subd. 3. Adoption of Franchise.

energy for light, heat, power and other purposes for public and private use within and through the limits of the City as its boundaries now exist or as they may be extended in the future. For these purposes, Company may construct, operate, repair and maintain Gas Facilities in, on, over, under and across the Public Grounds and Public Ways of the City, subject to the provisions of this Ordinance. Company may do all reasonable things necessary or customary to accomplish these purposes, subject, however, to such reasonable regulations as may be imposed by the City pursuant to ordinance and to provisions of a separate franchise agreement.

SECTION 2. Subdivision 10 of Section 2-0202 of the Revised Barnesville City Code of 2013 is hereby amended and reenacted to read as follows:

Sub. 10. Franchise Fee.

A. Fee. Company shall pay an annual Franchise Fee, of five percent (5%) of Company's Gross Revenues. The franchise fee will not become effective until the beginning of a Company billing month at least ninety (90) days after a separate franchise agreement has been fully executed or after publication of the Ordinance, whichever occurs later. Subd. 3(E) will constitute the sole remedy for solving disputes between Company and the City in regard to the interpretation of, or enforcement of, the franchise fee. No action by the City to implement a revised franchise fee will commence until this Ordinance is effective. In the event a future revision of the fee imposes fees based on class of user and imposes a lesser franchise fee on the residential class of customers, such fee will not be effective against Company unless the fee imposed on each other

customer classification is reduced proportionately in the same or greater amount per class as the reduction represented by the lesser fee on the residential class.

B. Collection of the Fee. The franchise fee will be payable quarterly and will be based on the amount collected by Company during complete billing month during the period for which payment is to be made by imposing a surcharge equal to the designated franchise fee in all customer billings for gas service. The payment will be due the last business day of the month following the period for which the payment is made. The franchise fee may be changed by ordinance from time to time; however, each change must meet the same notice requirements and not occur more often than annually and no change will require a collection from any customer for gas service in excess of the amounts specifically permitted by this Sub. 10. No franchise fee will be payable by Company if Company is legally unable to first collect an amount equal to the franchise fee from its customers for gas service. Company may pay the City the fee based upon the surcharge billed subject to subsequent reductions to account for uncollectible, refunds and correction of erroneous billings. Company agrees to make its records available for inspection by the City at reasonable times provided that the City and its designated representative agree in writing not to disclose any information which would indicate the amount paid by an identifiable customer or customers or any other information regarding identified customers. The City and the Company shall enter into an agreement prior to Company commencing operation of the gas facilities.

C. Equivalent Fee Requirement. The franchise fee imposed will not be effective against Company unless the City lawfully imposes and the City quarterly or more often collects a fee or tax of the same or greater equivalent amount on the receipts from sales of energy within the City by any other energy supplier, provided that, as to such a supplier, the City has the authority to require a franchise fee or impose a tax. The “same or greater equivalent amount” will be measured, if practicable, by comparing amounts collected as a franchise fee from each similar customer, or by comparing, as to similar customers, the percentage of the annual bill represented by the amount collected for franchise fee purposes. The franchise fee or tax will be applicable to energy sales for any energy use related to heating, cooling, or lighting, or to run machinery and appliances, but will not apply to energy sales for the purpose of providing fuel to vehicles. If Company specifically consents in writing to a franchise collecting or failing to collect a fee from another energy supplier in contravention of this Sub. 10(C), the foregoing conditions will be waived to the extent of such written consent. This Sub. 10 will not apply to existing propane suppliers within the City of Barnesville.

SECTION 3. This ordinance shall take effect upon publication in accordance with the Barnesville City Charter.

PASSED by the City Council of the City of Barnesville this 12th day of January, 2015

APPROVED BY:

Jason Rick, Vice-Mayor

ATTEST:

Jeri Reep, City Clerk

First Consideration: December 8, 2014

Second Consideration: January 12, 2015

Date of Publication: January 19, 2015

Vice-Mayor Rick stated the next item on the agenda was the approval of summary Ordinance 2015-02.

01-12-15-11 Motion by Mr. Davis and second by Mr. Goedtke to approve the Summary Ordinance 2015-02. The following voted aye: council members Rick, Goedtke, Strom, Davis, and Enstad. The following voted nay: council member Sylvester. Motion carried.

TITLE AND SUMMARY OF ORDINANCE NO. 2015-02

The following Ordinance is hereby published by title and summary:

1. Title of Ordinance:

An Ordinance to Amend and Re-enact Subdivisions 3 and 10 of Section 2-0202 of the Revised Barnesville City Code of 2013 Relating to Northern States Power Company, a Minnesota Corporation, D/B/A Xcel Energy Gas Franchise.

2. Summary of Ordinance:

This revises the original ordinance to create consistency in the language between the Franchise Ordinance and the Franchise Agreement Xcel Energy.

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 12th day of January, 2015.

APPROVED:

Jason Rick, Vice- Mayor

ATTEST:

Jeri Reep, City Clerk

First Reading: December 8, 2014
Second Reading: January 12, 2015
Adopted: January 12, 2015
Published: January 19, 2015

Vice-Mayor Rick stated the next item on the agenda was the 2nd reading of Ordinance 2015-03.

01-12-15-12 Motion by Mrs. Strom and second by Mr. Sylvester to approve the 2nd reading of Ordinance 2015-03. Motion carried.

**CITY OF BARNESVILLE
ORDINANCE NO. 2015-03**

**AN ORDINANCE AMENDING CHAPTER 8-01, SEC. 2-0106 OF THE MUNICIPAL
CODE REGARDING REFUSE COLLECTION FEES.**

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

CHAPTER 8-01, SECTION 2-0106 is amended to read as follows:

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

\$14.82 monthly per residential customer

~~\$1.50~~ \$2.00 garbage tag

PASSED AND ADOPTED by the Barnesville City council this 12th day of January, 2015.

Approved:

Jason Rick
Vice-Mayor

Attest:

Jeri Reep
City Clerk

First Reading: December 8, 2014
Second Reading: January 12, 2015
Adopted: January 12, 2015
Published: January 19, 2015

Vice-Mayor Rick stated the next item on the agenda was the 2nd reading of Ordinance 2015-04.

01-12-15-13 Motion by Mr. Davis and second by Mrs. Strom to approve the 2nd reading of Ordinance 2015-04. Motion carried.

**CITY OF BARNESVILLE
ORDINANCE 2015-04
AN ORDINANCE AMENDING CHAPTER 8-01, SEC. 2-0114 OF THE
MUNICIPAL CODE REGARDING AMBULANCE FEES**

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

CHAPTER 8-01, SECTION 2-0114 is created to read as follows:

Fees payable by those receiving ambulance services are hereby established as follows:

Basic Life Support, Non-Emergency	\$600	\$1,000
Basic Life Support, Emergency	\$750	\$1,100

SECTION 2-0113. ESTABLISHMENT OF CERTAIN TELEPHONE, CABLE TV, DSL, AND HIGH SPEED INTERNET SERVICE RATES MINIMUM REQUIREMENTS, AND ADOPTION OF TELECOMMUNICATIONS TARIFFS.

Section 1. Costs for DSL service

	MONTHLY COSTS		SPEEDS	
	High Speed Internet/DSL		Down speed	Up speed
1.	\$24.95	(Bronze)*	up to 128 kbps	up to 128 kbps
2.	\$36.95	(Silver)	up to 6 Megbps	up to 1.5 Megbps
3.	\$52.95	(Gold)	up to 10 Megbps	up to 2 Megbps
4.	\$69.95	(Platinum)	up to 20 Megbps	up to 2 Megbps
5.	\$109.95	Business 1	up to 40 Megbps	up to 4 Megbps
6.	\$129.95	Business 2	up to 50 Megbps	up to 5 Megbps
7.	\$259.95	Business 3	up to 50 Megbps	up to 10 Megbps
8.	\$389.95	Business 4	up to 100 Megbps	up to 20 Megbps

* New DSL customers only

Cost for additional Email accounts: \$ 2.00 per month
 Cost for Static IP addresses \$5.00 per month
 Cost for 2nd Static IP addresses \$10.00 per month

DSL “Combo” package

When DSL is purchased along with Barnesville Long Distance and Barnesville Cable TV service the customer will receive a monthly “Combo” discount on the cost of the DSL level as follows:

- \$5.00 per month discount for Bronze DSL service
- \$15.00 per month discount for Silver DSL service
- \$20.00 per month discount for Gold DSL service
- \$25.00 per month discount for Platinum DSL service.
- \$30.00 per month discount for Business 1,2,3,4 DSL service.

The DSL “Combo” package is available to business and residential customers.

DSL Installation charge: \$185.00 non-recurring (DSL Installation charges will follow the NECA Tariff as changes occur within the tariff)*-*

- DSL Installation charge may be waived.

Conditions for waiver: Customer agrees to maintain DSL service for a minimum period of six months (180 days). Customer will be billed DSL service installation charge should they fail to maintain DSL service for the six-month period. Service order charges are not waived.

Section 2. Equipment Provided by Customer

Network Interface Card (NIC)

Modem: Options

- 1) Customer can provide their own modem, or
- 2) Purchase a Modem/router from City Hall - \$140.00 (plus applicable taxes), or
- 3) Rent a Modem/router, Wireless Router, or Wireless Access point for \$4.95 per month.

SOFTWARE REQUIRED/RECOMMENDED

INTERNET BROWSER: Customer provided

FIREWALL: Software and electrical surge protector are responsibility of subscriber.

Section 3. Equipment provided for Customer

3 meter CAT 5 patch cord

Section 4. Cost for Dial-up Internet service - Dial-up Service will no longer be offered after February 18, 2010. Current Dial-up customers will continue to be supported and can remain on the system for as long as they choose, however, once a customer leaves Dial-up service they cannot get reconnected to Dial-up. (These customers will qualify for the Bronze DSL package)

All Dial-up rates will remain in effect until the last customer has chosen to disconnect from the Dial-up system.

All rates listed will apply equally to residential or business service.

1.	35 hours per month	\$9.95	(20 cents per hour over 35 hours)
2.	100 hours per month	\$14.95	(15 cents per hour over 100 hours)
3.	Unlimited	\$19.95	
4.	Unlimited Package	\$14.95	(when purchased with Barnesville Long Distance and Barnesville Cable TV service)

Section 5. Equipment provided by Customer

Modem 56 kbps

Section 6. Billing

The monthly charge for Broadband and Dial up Internet service will be billed forward.

If service is disconnected, the billing for service will be ½ the monthly rate if disconnected on or before the 15th day of the present month. Service disconnected after the 15th day of the present month will be billed for the full month.

Section 7. Rate adjustments.

1) First time DSL customers receive a \$10.00 per month credit for 3 months with one year service agreement.

2) In support of Economic Development efforts and with Council approval, DSL monthly service charges may be reduced up to 50 percent for a time period no longer than 1 year.

Section 8 Transfers to General Fund

A. Operating Transfer Calculation.

1. The operating transfer to the City of Barnesville's General Fund is determined annually during the budget process. To meet the financial goals of the Broadband and Internet fund and provide a reasonable transfer to the General Fund to meet its revenue resource requirements. The transfer amount is calculated by multiplying the number of active DSL connections reported to the National Exchange Carrier Association (NECA) in December from the previous budget year by the transfer rate of \$157.74 per active DSL Connection. (Example: 2015 transfers would be based on the number of active DSL Connections reported to NECA in December 2013)
2. Additional transfers may be authorized by the City Council provided that an unplanned, or emergency, expenditure out of the general fund budget occurs and it is necessary to fund said expenditure out of additional transfers from the utility provided that a majority vote of the City Council is required to authorize an additional transfer.

EFFECTIVE DATE: This ordinance shall take effect upon publication in accordance with the Barnesville City Charter.

PASSED by the City Council of the City of Barnesville this 12th day of January, 2015.

APPROVED BY:

Jason Rick, Vice-Mayor

ATTEST:

Jeri Reep, City Clerk

First Consideration: December 8, 2014
Second Consideration: January 12, 2015
Date Adopted: January 12, 2015
Date of Publication: January 19, 2015

Vice-Mayor Rick stated the next item on the agenda was the approval of summary Ordinance 2015-05.

01-12-15-15 Motion by Mrs. Strom and second by Mr. Sylvester to approve the summary Ordinance 2015-05. Motion carried.

TITLE AND SUMMARY OF ORDINANCE 2015-05

The following Ordinance is hereby published by title and summary:

1. Title of Ordinance:

AN ORDINANCE TO AMEND CHAPTER 8-01 SECTION 2-0113 OF THE REVISED BARNESVILLE CITY CODE OF 2013

SECTION 2-0113. ESTABLISHMENT OF CERTAIN TELEPHONE, CABLE TV, DSL, AND HIGH SPEED INTERNET SERVICE RATES MINIMUM REQUIREMENTS, AND ADOPTION OF TELECOMMUNICATIONS TARIFFS.

2. Summary of Ordinance:

Section 1. Costs for DSL service

Cost for additional Email accounts:	\$ 2.00 per month
Cost for Static IP addresses	\$5.00 per month
Cost for 2 nd Static IP addresses	\$10.00 per month

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 12th day of January, 2015.

APPROVED BY:

Jason Rick, Vice- Mayor

ATTEST:

Jeri Reep, City Clerk

First Consideration: December 8, 2014
Second Consideration: January 12, 2015
Date Adopted: January 12, 2015
Date of Publication: January 19, 2015

Vice-Mayor Rick stated the next item on the agenda was the resolution committing fund balance for specific purposes.

City Administrator Mike Rietz stated that this resolution is a corrected version of a resolution that we adopted at the December council meeting. Staff had the wrong number for the Park Board funds that we are carrying over to the next year.

01-12-15-16 Motion by Mrs. Strom and second by Mr. Sylvester to approve the following resolution. Upon a roll call vote, the following voted aye: council members Rick, Goedtke, Strom, Davis, Sylvester and Enstad. The following voted nay: none. Motion carried.

**City of Barnesville
County of Clay
State of Minnesota
RESOLUTION No.
REVISED COMMITTING FUND BALANCE
FOR SPECIFIC PURPOSES**

WHEREAS, the City Council of the City of Barnesville, Minnesota, does hereby find as follows:

WHEREAS, the Governmental Accounting Standards Board's Statement No. 54 defines committed fund balance as amounts that can only be used for specific purposes pursuant to constraints imposed by formal action of the Council,

WHEREAS, Council action is required before year end to formalize the commitment of fund balance to specified purposes,

WHEREAS, those committed amounts cannot be used for any other purpose unless the City removes or changes the specified use by taking the same type of action it employed to previously commit those amounts.

NOW, THEREFORE, BE IT HEREBY PROCLAIMED by the City, that the specific portions of fund balance in the identified funds are committed as follows:

Committed

<u>Fund</u>	<u>Description - Fund</u>	<u>Purpose</u>	<u>Amount</u>
General – 101	Maintenance – 101	Seal Coating in 2015	\$100,000
Park Board – 225	Maintenance – 225	Blue Eagle dredging	\$40,000
Park Board	Capital projects - 225	To finance future playground equipment.	\$4,746
Equipment Replacement	Police Squad	To purchase new squad in 2015	\$30,000
	Streets	To purchase street sweeper in 2018	\$40,000
	Streets		\$25,000
	Parks	To purchase dump truck in 2016	\$10,000
		To finance TAP grant	

ADOPTED this 12th day of January, 2015

Jason Rick, Vice- Mayor

Jeri Reep, City Clerk

Vice-Mayor Rick stated the next item on the agenda was the existing home purchase incentive program.

City Administrator Mike Rietz stated that the EDA is recommending the existing home incentive program be approved. Mr. Rietz stated that this program has been successful in the past.

If a homebuyer signs a purchase agreement for an existing home located within the Barnesville city limits between February 15 and November 1, the homebuyer will be entitled to receive a \$500 utility credit after closing has occurred. The homebuyer will be required to provide written evidence of the purchase agreement date and the closing date.

When City Hall staff applies the credit to the customer's account, the cost will be shared equally against the water, sewer, garbage and electric departments.

01-12-15-17 Motion by Mrs. Strom and second by Mr. Goedtke to approve the existing home housing incentive program. Motion carried.

Vice-Mayor Rick stated the next item on the agenda was the approval of the police union contract.

City Administrator Mike Rietz informed council members that this police union contract is a two year contract. There were only two items that were dealt with in the negotiations. One was the wages, and the only other item was language that allows us to re-open the contract and negotiate health insurance if there are any changes that need to be made to health insurance benefits due to changes required by the Affordable Care Act.

01-12-15-18 Motion by Mr. Sylvester and second by Mr. Davis to approve the Teamsters Local 120 police union contract for two years. Motion carried.

Vice-Mayor Rick stated the next item on the agenda was the BBC America Affiliation Agreement.

TEC Manager Guy Swenson informed council members that our current contract with BBC America expires on December 31, 2014. BBC America has been acquired by AMC Networks and their contract expires on December 31, 2015. AMC American plans on including the BBC in their new retransmission agreement in 2016. This extension does come with a 4% increase which amounts to \$0.01 increase in our rate bringing it to \$0.31 per customer per month.

01-12-15-19 Motion by Mrs. Strom and second by Mrs. Enstad to approve and authorize TEC Manager Guy Swenson to execute the BBC 1 year Affiliation Agreement extension. Motion carried.

Vice-Mayor Rick stated the next item on the agenda was the Genband 2015 service and support agreement.

TEC Manager Guy Swenson informed council members that Genband Care 360 service and support agreement for 2015 provides 24-7 service and support along with the necessary upgrades for the Genband C-15 Central Office Soft Switch. The fee for the agreement is \$28,350.00 plus tax. This is a budgeted item.

01-12-15-20 Motion by Mrs. Strom and second by Mr. Sylvester to approve and authorize TEC Manager Guy Swenson to sign the agreement with Genband 2015 Service and Support Agreement. Motion carried.

Vice-Mayor Rick stated the next item on the agenda was the KVLV Retransmission consent term.

TEC Manager Guy Swenson informed council members that the KVLV Retransmission agreement covers the next three years of service. Mr. Swenson stated that staff was able to negotiate a lower rate that did not include a charge for the CW channel.

01-12-15-21 Motion by Mrs. Enstad and second by Mr. Goedtke to approve and authorize TEC Manager Guy Swenson to execute the KVLV (gray television) Retransmission consent term sheet. Motion carried.

Vice-Mayor Rick stated the next item on the agenda was the KVRR Retransmission Agreement.

TEC Manager Guy Swenson informed council members that he had negotiated the best rate possible to prevent the loss of KVRR's signal. Mr. Swenson stated that he was able to negotiate KVRR's rate to a level that was very close to what the other local channels agreed to.

01-12-15-22 Motion by Mrs. Enstad and second by Mr. Sylvester to approve and authorize TEC Manager Guy Swenson to execute the KVRR Retransmission Consent Agreement for 2015-2017. Motion approved.

Vice-Mayor Rick stated the next item on the agenda was the resolution approving the renewal of the partnership agreement with the MN DOT and Clay County for salt and sand storage building.

01-12-15-23 Motion by Mr. Sylvester and second by Mrs. Strom to approve the following resolution. Upon a roll call vote the following voted aye: council members Rick, Goedtke, Strom, Davis, Sylvester and Enstad. The following voted nay: none. Motion carried.

RESOLUTION NO. 01-12-15-23

RESOLUTION APPROVING RENEWAL OF THE PARTNERSHIP AGREEMENT WITH MNDOT AND CLAY COUNTY FOR SALT/SAND STORAGE BUILDING

WHEREAS, the City of Barnesville, MNDOT and Clay county wish to enter into an Agreement identified as MNDOT Agreement No. 07255 to provide a partnership sharing of the salt/sand facilities at the MNDOT truck station in the City of Barnesville.

NOW, THEREFORE, BE IT RESOLED, that the City Administrator is hereby authorized and directed to execute said 5-year agreement which will expire January 1, 2020.

Dated: January 12, 2015

Approved:

Jason Rick, Vice-Mayor

Attest:

Michael Rietz, City Administrator

Vice Mayor Rick stated the next item on the agenda was the discussion of potential purchase of land.

City Administrator Mike Rietz stated that this portion of the council meeting does not need to be a closed session.

EDA Chair Eric Spilde discussed with council members that this is a project that the EDA has been working on. Mr. Spilde stated that the city is running out of building lots, and would like to see the project move forward. Mr. Spilde stated that the EDA was asking for an inter-fund loan from the City in the amount of \$200,000.00 to allow for the land purchase, platting, surveys and initial marketing efforts. Repayment would be made when each lot is sold.

01-12-15-24 Motion by Mr. Davis and second by Mr. Sylvester to approve an inter-fund loan in the amount of \$200,000 to the EDA. The following voted aye: council members Rick, Goedtke, Strom, Davis and Sylvester. The following voted nay: council member Enstad. Motion carried.

Vice-Mayor Rick adjourned the meeting at 8:02 p.m.

Submitted by:

Attest:

Jeri Reep
City Clerk

Jason Rick
Vice-Mayor