

Barnesville City Council
Regular Meeting
March 9, 2015

Mayor Gene Prim called this regular meeting to order at 7:00 p.m. Members present were Council members Jason Rick, Betty Strom, Don Goedtke, Richard Sylvester and Cathy Enstad. Absent was Council member Larry Davis, Jr. 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, Jon Pauna with KLJ Engineering, Josh Kadrmass, County Commissioner Jenny Mongeau and Pam Aakre with the Record Review.

Mayor Prim called the meeting to order at 7:00 p.m.

Mayor Prim next called on Clay County Commissioner Jenny Mongeau. Mrs. Mongeau thanked council members for serving on the city council. Mrs. Mongeau stated that she wanted to introduce herself to council members, and invited members to attend the County Commissioners meetings.

03-09-15-01 Motion by Mr. Rick and second by Mr. Sylvester to approve the agenda as presented. Motion carried.

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

03-09-15-02 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 February 9, 2015.
2. Approval of department head reports.
3. Approval of check numbers 79469 – 79582 in the amount of \$201,790.68 and EFT payments in the amount of \$141,462.42.
4. Approval to appoint Dan Hedlund to the Park Board.
5. Approval to appoint Trevor Moen as Assistant Weed Inspector
6. Approval of charitable gambling application for Barnesville Rod & Gun-Feb. 27, 2015
7. Approval of travel for TEC Manager Guy Swenson to attend the MRES Technology Days-April 7th & 8th, 2015
8. Approval of travel for the following to attend the Telecom Operations conference on May 12-14, 2015-TEC Manager Guy Swenson, TEC Assistant Diane Hanson, Telephone Supt. Elliot Goheen, and Cable Supt. Mike Pearson.
9. Approval to hire golf course employees-
 - a. Pro Shop Manger Darla Ackerson at \$11.48 per hour
 - b. Part time mower Al Kertscher at \$11.50 per hour
 - c. Part time mower Harold Ophsahl at \$10.00 per hour

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

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

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

Mayor Prim stated the next item on the agenda was the resolution approving the Safe Routes to School project bids.

City Administrator Mike Rietz informed council members that we are required to award the contract at the bid amount. When we send the contract to Paras, we will include change orders for them to sign getting the project within the cost covered by the grant. Staff has spoken to the contractor and they are okay with doing the project with the change orders we are proposing. Mr. Rietz stated that he has met with the school board, and they have agreed to move forward with the project with the changes that are proposed.

Mr. Jon Pauna with KLJ Engineering stated that he is recommending council award the bid as is, and staff will make the necessary change orders.

03-09-15-03 Motion by Mr. Rick and second by Mrs. Strom to approve the following resolution. Upon a roll call vote, the following voted aye: council members Rick, Goedtke, Strom,, Sylvester and Enstad. The following voted nay: none. The following were absent: Davis. Motion carried.

**RESOLUTION NO. 03-09-15-03
CITY OF BARNESVILLE
COUNTY OF CLAY
STATE OF MINNESOTA**

Resolution Accepting Safe Routes to School Bid

WHEREAS, pursuant to an advertisement for bids for the Barnesville Safe Routes to School Project SP 014-591-006 bids were received, opened, and tabulated according to the law, and the following bids were received complying with the advertisement:

Paras Contracting Inc. \$332,779.95 Base Bid \$21,452.95 Alternate #1

Sellin Brothers, Inc. \$359,926.15 Base Bid \$20,046.50 Alternate #1

AND WHEREAS, it appears that Paras Contracting Inc. is the lowest responsible bidder,

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

1. The mayor and clerk are hereby authorized and directed to enter into a contract for the amount of the Base Bid (\$332,779.95) with Paras Contracting, Inc. in the name of the City of Barnesville according to the plans and specifications therefor approved by the city council and on file in the office of the city clerk.

2. The city clerk is hereby authorized and directed to return forthwith to all bidders the deposits made with their bids, except that the deposits of the successful bidder and the next lowest bidder shall be retained until a contract has been signed.

Adopted by the city council this 9th day of March, 2015.

Eugene Prim, Mayor

Jeri Reep, City Clerk

Mayor Prim stated the next item on the agenda was the resolution supporting the DNR for the Local Trail Connection Program.

Mr. Jon Pauna with KLJ Engineering stated that this resolution is for a grant put in a year ago. The construction costs are covered by 80%, with a construction date in 2016.

03-09-15-04 Motion by Mrs. Strom and second by Mr. Goedtke to approve the following resolution. Upon a roll call vote, the following voted aye: council members Rick, Goedtke, Strom,, Sylvester and Enstad. The following voted nay: none. The following were absent: Davis. Motion carried.

Resolution No. 03-09-15-04
City of Barnesville
County of Clay
State of Minnesota

WHEREAS, the City of Barnesville supports the grant application made to the Minnesota Department of Natural Resources for the Local Trail Connections Program.. The application is to construct a trail from the intersection of MN HWY 9 and MN HWY 34 along HWY 34 to blue Eagle Lake Park; and

WHEREAS, the City of Barnesville recognizes that it has secured \$146,873 in non-state cash matching funds for this project.

NOW, THEREFORE, BE IT RESOLVED, if the City of Barnesville is awarded a grant by the Minnesota Department of Natural Resources, the City of Barnesville agrees to accept the grant award, and may enter into an agreement with the State of Minnesota for the above referenced project. The City of Barnesville will comply with all applicable laws, environmental requirements and regulations as stated in the grant agreement.

BE IT FURTHER RESOLVED, the City of Barnesville hereby assures the trail will be maintained for a period of no less than 20 years.

Passed and adopted by the City Council of the City of Barnesville this 9th day of March, 2015.

Eugene Prim, Mayor

ATTEST:

Jeri Reep, City Clerk

Mayor Prim stated the next item on the agenda was to approve the plans and specs and authorize bidding for the Whiskey Creek Fish Passage and Pond dredging project.

Mr. Josh Kadrmas discussed the fish passage plan with council members. Mr. Kadrmas stated that he estimates 10,000 yards of sediment to be removed from the project. Mr. Kadrmas stated that the fish ramp is a 90% grant from the DNR.

03-09-15-05 Motion by Mr. Rick and second by Mr. Goedtke to approve the plans and specs for the Fish Passage and Sediment Pond Dredging with a bid opening on April 8, 2015. Motion carried.

Mayor Prim stated the next item on the agenda was to approve the sealcoat bids.

City Administrator Mike Rietz stated that two bids were received for the seal coating project. Morris Sealcoat bid \$117,860.00 and Caldwell Asphalt bid \$133,036.00. Staff was recommending Morris Sealcoat for the sealcoat project.

03-09-15-06 Motion by Mr. Rick and second by Mrs. Strom to award the 2015 bituminous seal coat project to Morris Sealcoat & Trucking, Inc. in the amount of \$117,860.00. Motion carried.

Mayor Prim stated the next item on the agenda was the Interfund loan to the EDA for land purchase.

Mayor Prim discussed with council members that on behalf of the EDA Housing Committee, has been in final negotiations with Ed Gilbertson for the purchase of additional land to expand the Del Acres Gilbertson Addition. At present the southern annexation line is the center of 2nd Avenue SE. Mr. Gilbertson is agreeing to annex additional land into the City to open up more building lots, approximately 8.2 acres. The depth of the lots would be the same as the current single family lots in the addition. Mr. Gilbertson is also willing to sell approximately 5.5 acres

to the EDA at the same \$12,000 price that was negotiated for the Phase 2 land area. In January, City Council members approved an Interfund Loan to the EDA up to \$200,000 to allow for the land acquisition and associated costs.

The EDA Board of Directors recommends that we purchase the additional 5.5 acres and the Interfund Loan to the EDA be increased to a maximum of \$260,000.00.

03-09-15-07 Motion by Mr. Goedtke and second by Mr. Sylvester to increase the Interfund Loan to the EDA to a maximum of \$260,000.00. The following voted aye: council members Rick, Goedtke, Strom, and Sylvester. The following voted nay: council member Enstad. The following were absent: Davis. Motion carried.

03-09-15-08 Motion by Mr. Sylvester and second by Mr. Rick to approve the preliminary agreement with Ed and Patty Gilbertson on the sale of the land. The following voted aye: council members Rick, Goedtke, Strom, and Sylvester. The following voted nay: council member Enstad. The following were absent: Davis. Motion carried.

Mayor Prim stated the next item on the agenda was the YMCA proposal to provide swimming lessons and lifeguard services.

City Administrator Mike Rietz informed council members that he has been in discussion with the Fargo YMCA about having them provide lifeguard services at the beach this year. The YMCA is agreeing to providing swimming lessons at the lake and the city will provide the life guards when the beach is open. Personnel and Finance are recommending moving forward with the YMCA providing the swimming lessons at Blue Eagle Beach this year.

03-09-15-09 Motion by Mr. Rick and second by Mr. Sylvester to approve the YMCA to provide swimming lessons at the Blue Eagle Beach for the 2015 season. Motion carried.

Mayor Prim stated the next item on the agenda was the proposal for a dugout construction at the ball fields at George Dahm Park.

City Administrator Mike Rietz stated that the School District is interested in building four dugouts at George Dahm Park to serve their softball program. The School Board received prices for two types of dugouts. The Park Board is recommending the block construction as the bid was \$18,000.00 (without roofs and benches). The city will pay \$5,000.00 towards the construction. The School District will pay for one dugout, and the Booster club is willing to pay for another, and the Lions Club will be approached about the fourth dugout.

03-09-15-10 Motion by Mrs. Strom and second by Mr. Sylvester to approve \$5,000.00 from the Park Fund, with half coming from funds allocated to the Park Board and the other half coming from Park Fund reserves for the construction of a dugout at George Dahm Park. Motion carried.

Mayor Prim stated the next item on the agenda was the snow removal in the Commercial Park.

City Administrator Mike Rietz informed council members that for many years the City has removed some or all of the snow from the street in front of Barnesville Homes in the Commercial Park. The property owner has made the argument that his business is just like the ones on Front Street and he wanted the same treatment as the Front Street businesses. This arrangement has come to the attention to our Public Works Supt., and he feels that this is unfair to the rest of the businesses in the commercial park to be giving this particular business more snow removal services than the other businesses in the commercial park receive.

Council member Goedtke stated that all businesses should be treated the same in the Commercial Park. Council member Sylvester asked staff to look at other cities and see what they do for snow removal in their commercial parks and report back to council.

Mayor Prim stated the next item on the agenda was the approval of a dump truck purchase.

City Administrator Mike Rietz stated that the Public Works Dept. would like to purchase a 2003 Sterling plow truck in the amount of \$48,575.00.

03-09-15-11 Motion by Mr. Rick and second by Mr. Goedtke to approve the purchase of a 2003 Sterling LT9511 plow truck from Nuss Truck & Equipment in the amount of \$48,575.00. Motion carried.

Mayor Prim stated the next item on the agenda was the 2nd reading of ordinance 2015-06, a cable rate increase.

TEC Manager Guy Swenson stated at the last TEC Board meeting the group discussed this ordinance and decided to make change to the ordinance between the 1st and 2nd readings. The TEC Board is recommending that the City Code give the Council the authority to change the cable rates by resolution. By passing a resolution for the rates will allow to cover the costs without the three month lag that results from the ordinance approval process.

03-09-15-12 Motion by Mrs. Strom and second by Mr. Sylvester to approve the 2nd reading of Ordinance 2015-06. Motion carried.

ORDINANCE 2015-06

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

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

SECTION 1. Section 2-0113 of the Revised Barnesville City Code of 2013 is hereby modified and to read as follows:

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. ~~Per month service rate* (plus applicable taxes and FCC charges)~~

Economy Basic Cable	\$18.95
Preferred Basic	\$62.95
HD Equipment Charge **	\$9.99
Requires Preferred Basic Service** Required to receive HD+	

Section 2. ~~Per month premium channel rate* (plus applicable taxes and FCC charges)~~

HBO	\$14.75
CINEMAX	\$ 9.25

Section 3. ~~Per month premium channel package rate* (plus applicable taxes and FCC charges)~~

HBO/CINEMAX	\$23.50
STARZ/ENCORE	\$ 7.95

Section 4. ~~Per Month equipment charges (plus applicable taxes and FCC charges)~~

~~Each Cable customer will be allowed up to two (2) Standard Definition (SD) Set Top Boxes or 1 High Definition (HD) Set Top Box at no charge per month.~~

~~Additional boxes will be charged at the following monthly rates:~~

Standard Definition Set (SD) Top Boxes \$4.95 per month per box
High Definition (HD) Set Top Boxes\$8.95 per month per box
Standard Definition (SD or HD) Digital Video Recorder (DVR)\$10.95 per month per box

~~Set Top Boxes can be purchased at the following Rates:~~

Standard Definition Set (SD) Top Boxes Purchase Price	\$87.40 per box
High Definition (HD) Set Top Boxes Purchase Price	\$327.75 per box
Standard Definition (SD or HD) Digital Video Recorder (DVR) Purchase Price	\$362.00 per box

Section 5. ~~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*~~

~~\$60.95 plus 11 living units x \$44.36 (the wholesale cost of programming) = \$548.91 plus tax and FCC charge.~~

~~Economy Basic*~~

~~\$18.95 plus 11 living units x \$7.01 (the wholesale cost of~~

~~programming) = \$96.06 plus tax and FCC charge
Mix & Match* (Preferred Basic & Basic)
\$60.95 plus 11 living units x \$7.01 (the wholesale cost of
programming) = \$119.95 plus tax and FCC charge.~~

~~Premium Channels*~~

~~HBO: \$14.75 per month per subscriber when provided on an individual
occupant basis.
\$4.00 per month per subscriber when provided to all occupants.
Cinemax: \$9.25 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~~

~~Section 6 Service Charges~~

~~New Install \$49.95
Applicable to a residence/business to which Cable TV service has never been
installed. Does not apply to multi-tenant buildings.
Relocates: \$19.95
Relocating established cable service from one location to another.
Install additional outlet: \$15.00
Outlets installed at the time when service is established or relocated.
Reconnect: \$19.95
Restoring service previously disconnected.
Service Call: \$19.95
Charge applies for services performed at user's request. Also applies when
repair calls are made as a result of defective or improperly tuned customer owned
equipment.
Install Outlet: \$19.95
Charge applies to each additional outlet installed at a current subscriber's
location.~~

~~*Premium channels not included. All rates subject to change.~~

~~Section 7 Incentives~~

~~1) Refer a Friend Program:~~

~~New Customers to Barnesville Cable TV can receive a one-time \$10.00 credit
for being referred to Barnesville Cable TV by a current Barnesville Cable TV
customer. The Referring Barnesville Cable TV customer will also receive a
\$10.00 credit for referring a new customer.~~

~~a) To receive the referral reward credit, the new customer must mention
the referral at the time they sign up for service.~~

~~b) Only one \$10.00 referral reward credit per customer. (Name on the
Account)~~

~~c) Current customers are eligible for multiple referral rewards. They will
receive a \$10.00 referral reward credit for each new customer they
refer to Barnesville Cable TV.~~

- d) ~~\$10.00 referral reward credits will be paid to the referring customer after the new customer has signed up for Barnesville Cable TV.~~
- e) ~~Previous Barnesville Cable TV customers returning to Barnesville Cable TV are eligible for the one-time \$10.00 referral reward credit.~~

A. Cable TV

Cable TV Rates are set and adjusted by resolution of the City Council.

SECTION 2. EFFECTIVE DATE: This ordinance shall take effect upon publication in accordance with the Barnesville City Charter.

PASSED by the Barnesville City Council this 9th day of March, 2015.

APPROVED:

Eugene Prim, Mayor

ATTEST:

Jeri Reep
Clerk

First Consideration:	February 9, 2015
Second Consideration:	March 9, 2015
Date Adopted:	March 9, 2015
Date of Publication:	March 16, 2015

Mayor Prim stated the next item on the agenda was the approval of the Summary Ordinance 2015-06.

03-09-15-13 Motion by Mrs. Enstad and second by Mrs. Strom to approve the Summary Ordinance 2015-06. Motion carried.

TITLE AND SUMMARY OF ORDINANCE NO. 2015-06

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

2. Summary of Ordinance:

This changes language in the code to authorize the City Council to set rates for Cable TV by Resolution.

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 9th day of March, 2015.

APPROVED:

Eugene Prim, Mayor

ATTEST:

Jeri Reep, City Clerk

First Reading: February 9, 2015
Second Reading: March 9, 2015
Adopted: March 9, 2015
Published: March 16, 2015

Mayor Prim stated the next item on the agenda was the resolution setting the Cable Rates.

03-09-15-14 Motion by Mr. Sylvester and second by Mrs. Strom to approve the Cable Rates resolution. Upon a roll call vote, the following voted aye: council members Rick, Goedtke, Strom, Sylvester and Enstad. The following voted nay: none. The following were absent: Davis. Motion carried.

RESOLUTION NO. 03-09-15-14
RESOLUTION SETTING 2015 CABLE TV RATES

WHEREAS, Title VIII, Section 2-0113 of the City of Barnesville Revised City Code of 2013 provides that Cable TV Rates are to be set by resolution of the City Council; and

WHEREAS, the City of Barnesville, has received and reviewed the 2015 Cable TV Rates; and

WHEREAS, the 2015 Cable TV Rates are as follows:

Per month service rate* (plus applicable taxes and FCC charges)

Economy Basic Cable	\$21.95
Preferred Basic	\$67.95
HD Equipment Charge **+	\$ 9.99
Requires Preferred Basic Service** Required to receive HD+	

Per month premium channel rate* (plus applicable taxes and FCC charges)

HBO	\$16.00
CINEMAX	\$ 9.25

Per month premium channel package rate* (plus applicable taxes and FCC charges)

HBO/CINEMAX	\$24.50
STARZ/ENCORE	\$ 7.95

Per Month equipment charges (plus applicable taxes and FCC charges)

Each Cable customer will be allowed up to two (2) Standard Definition (SD) Set Top Boxes or 1 High Definition (HD) Set Top Box at no charge per month.

Additional boxes will be charged at the following monthly rates:

Standard Definition Set (SD) Top Boxes	\$4.95 per month per box
High Definition (HD) Set Top Boxes	\$8.95 per month per box
Standard Definition (SD or HD) Digital Video Recorder (DVR)	\$10.95 per month per box

Set Top Boxes can be purchased at the following Rates:

Standard Definition Set (SD) Top Boxes Purchase Price	\$87.40 per box
High Definition (HD) Set Top Boxes Purchase Price	\$327.75 per box
Standard Definition (SD or HD) Digital Video Recorder (DVR) Purchase Price	\$362.00 per box

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*

$$\begin{aligned} & \$67.95 \text{ plus } 11 \text{ living units } \times \$49.60 \text{ (the wholesale cost of programming) } = \\ & \$613.55 \text{ plus tax and FCC charge.} \end{aligned}$$

Economy Basic*

\$21.95 plus 11 living units x \$9.59(the wholesale cost of programming) =
\$127.44 plus tax and FCC charge.

Mix & Match* (Preferred Basic & Basic)

\$67.95 plus 11 living units x \$9.60 (the wholesale cost of programming) =
\$173.55 plus tax and FCC charge.

Premium Channels*

HBO: \$16.00 per month per subscriber when provided on an individual occupant basis.

\$12.00 per month per subscriber when provided to all occupants.

Cinemax: \$9.25 per month per subscriber when provided on an individual occupant basis.

\$12.00 per month per subscriber when provided to all occupants.

Starz/Encore: \$7.95 per subscriber

Service Charges

New Install \$49.95

Applicable to a residence/business to which Cable TV service has never been installed. Does not apply to multi-tenant buildings.

Relocates: \$19.95

Relocating established cable service from one location to another.

Install additional outlet: \$15.00

Outlets installed at the time when service is established or relocated.

Reconnect: \$19.95

Restoring service previously disconnected.

Service Call:..... \$19.95

Charge applies for services performed at user's request. Also applies when repair calls are made as a result of defective or improperly tuned customer owned equipment.

Install Outlet:\$19.95

Charge applies to each additional outlet installed at a current subscriber's location.

*Premium channels not included. All rates subject to change.

Incentives

1) Refer a Friend Program:

New Customers to Barnesville Cable TV can receive a one-time \$10.00 credit for being referred to Barnesville Cable TV by a current Barnesville Cable TV customer. The Referring Barnesville Cable TV customer will also receive a \$10.00 credit for referring a new customer.

- a) To receive the referral reward credit, the new customer must mention the referral at the time they sign up for service.
- b) Only one \$10.00 referral reward credit per customer.(Name on the Account)
- c) Current customers are eligible for multiple referral rewards. They will receive a \$10.00 referral reward credit for each new customer they refer to Barnesville Cable TV.

- d) \$10.00 referral reward credits will be paid to the referring customer after the new customer has signed up for Barnesville Cable TV.
- e) Previous Barnesville Cable TV customers returning to Barnesville Cable TV are eligible for the one-time \$10.00 referral reward credit.

NOW, THEREFORE, BE IT RESOLVED, that the 2015 Cable TV Rates are hereby adopted by the City Council.

BE IT FURTHER RESOLVED, that the approved 2015 Cable TV Rates will remain in effect until otherwise amended by resolution of the City Council.

BE IT FURTHER RESOLVED, that this resolution will be effective March 16, 2015.

Dated: March 9, 2015

APPROVED:

Eugene Prim, Mayor

ATTEST:

Michael Rietz, City Administrator

Mayor Prim stated the next item on the agenda was the LMC Safety & Loss Workshop. City Administrator Mike Rietz stated if any council member is interested in attending, to let staff know.

Mayor Prim adjourned the meeting at 8:09 p.m.

Submitted by:

Attest:

Jeri Reep
City Clerk

Eugene Prim
Mayor