

Barnesville City Council
Regular Meeting
June 8, 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, Larry Davis Jr. and Cathy Enstad. 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, Jon Pauna with KLJ Engineering, Ambulance Manager Scott Nelson, Mark Kava, Jane Patrick with Clay County Safe Roads Coalition, Jane Salber, Margaret Ann Thompson, Brigetta Miller, Michelle Zajac, and Pam Aakre with the Record Review.

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

Mayor Prim next asked if there were any additions or corrections to the agenda. City Administrator Mike Reitz stated the only addition was to add the Reed Field project.

06-08-15-01 Motion by Mr. Davis and second by Mr. Rick to approve the agenda as presented with the addition of the Reed Field project. Motion carried.

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

06-08-15-02 Motion by Mr. Sylvester and second by Mrs. Strom to approve the consent agenda. The following voted aye: Council members Rick, Goedtke, Strom, Davis and Sylvester. The following abstained from the vote: Council member Enstad. Mrs. Enstad stated that in the consent agenda was the hiring of a family member. Motion carried. The following items were on the consent agenda:

1. Approval of the minutes of the regular meeting held on May 11, 2015.
2. Approval of department head reports.
3. Approval of check numbers 79875 – 80032 in the amount of \$284,296.65 and EFT payments in the amount of \$191,411.52.
4. Approval of KC's liquor license request-August 29-30, 2015.
5. Approval of gambling permit for Barnesville Lions-July 9-11, 2015
6. Approval of gambling permit for Barnesville Lions-August 29, 2015.
7. Accept the resignation of Public Works employee Travis Olson.
8. Approval to hire Christian Enstad, Xavier Kadrmas, and Bryan Neels as Beach Attendants at \$9.00 per hour.
9. Approval of the payment to Arvig Construction in the amount of \$70,069.25.
10. Approval of travel for TEC Manager Guy Swenson to attend the 702 (Val-Ed) Network Opportunity meeting.

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

Council 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 Clay County Safe Roads Coalition.

Ms. Jane Patrick with the Clay County Safe Roads Coalition next discussed with council members their program. Ms. Patrick stated that their program started in October 2014 and said the program is running smoothly. Barnesville participated in a mock crash earlier this year. Ms. Patrick asked council members if they had any questions. Council members had no questions for Ms. Patrick and thanked her for the information.

Mayor Prim stated the next item on the agenda was the Lyle Miller property maintenance violation.

Mrs. Brigitte Miller next discussed with council members that their project has been a little delayed, that they were waiting on windows. After the windows are installed, they can finish the siding. Mrs. Miller stated that they are making progress.

06-08-15-03 Motion by Mr. Sylvester and second by Mr. Davis to grant an extension to Lyle Miller, with a deadline of August 15, 2015 for the property maintenance violation. Motion carried.

Mayor Prim stated the next item on the agenda was the food pantry expansion plans.

Pastor Eaves discussed the food pantry expansion plans with the council. Public Works Supt. Trevor Moen stated that either proposed expansion would work. Council member Sylvester questioned if the plans met all requirements. Margaret Ann Thompson thanked the council for the space for the food pantry, and stated the location works very well.

Mayor Prim stated the next item on the agenda was the Reed Field project request.

Mr. Jon Pauna reported that the Lions Club had been approached by the Reed Field project committee for a donation. Reed field project committee has been approved to receive grant money from the Scheels Foundation for half of the funding needed to update the facilities. Mr. Pauna informed council members that the donation would be granted only after the committee has raised the first half of the funds needed to update the facility. Mayor Prim asked that this item be brought back to the July regular meeting, after the Park Board reviews the request.

Mayor Prim stated the next item on the agenda was the authorization to transfer the City's checking account to Midwest Bank.

06-08-15-04 Motion by Mr. Sylvester and second by Mr. Rick to transfer the City's checking account to Midwest Bank. Council member Goedtke stated that Wells Fargo, our current bank should be notified prior to making the transfer. The following voted aye: Council member Sylvester, the following voted nay: Council member Rick, Goedtke, Strom, Davis and Enstad. Motion failed.

Mayor Prim stated that this item will be tabled until the July regular meeting.

Mayor Prim stated the next item on the agenda was the 2nd reading of Ordinance 2015-07.

City Administrator Mike Rietz stated that no changes have been made since the first reading of this ordinance.

06-08-15-05 Motion by Mr. Davis and second by Mr. Goedtke to approve the 2nd reading of Ordinance 2015-07. Motion carried.

**CITY OF BARNESVILLE
ORDINANCE NO. 2015-07**

**AN ORDINANCE TO AMEND AND REENACT CHAPTER 7-04, SEC. 7-0401, SUBD. 1
OF THE MUNICIPAL CODE TO ADD PARAGRAPH K REGARDING DOG AND CAT
BOARDING IN THE HOME OCCUPATION SECTION OF THE CODE.**

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

SECTION 1. Chapter 7-04 of the Municipal Code of the City of Barnesville is hereby amended and reenacted to read as follows:

SEC. 7-0401. HOME OCCUPATIONS.

Subd. 1. General. Except as set forth in Subsection K, home occupations are permitted in residential districts in accordance with the other provisions of this Chapter.

A. The home occupation shall be conducted by a member of the family residing in the dwelling unit with not more than one employee who is not a member of the family residing in the dwelling unit.

B. All activities of the home occupation shall be conducted wholly within the principal or accessory structures and shall occupy not more than twenty-five percent (25%) of the main floor of the dwelling unit.

C. **Only** signs as permitted in Section 11.40 are allowed.

D. Exterior storage of materials or variation from the residential character of the principal structure shall not be permitted.

E. Objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat or glare shall not be produced by the activities associated with the home occupation.

F. No home occupation shall require internal or external alterations or involve construction features not customarily found in dwellings except where required to comply with local and state fire and police recommendations.

G. No home occupation shall be conducted between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M. unless said occupation is contained entirely within the principal building and will not require any on street parking facilities.

H. Home occupations shall not create a parking demand in excess of that which can be accommodated in an existing driveway, where no vehicle is parked closer than fifteen feet (15') from the curb line or edge of paved surface.

I. The home occupation shall not involve any of the following: small engine, auto repair or reconditioning, or manufacturing.

J. Garage sales, yard sales and/or one time seasonal sales shall be conducted no more than six (6) days total in any one hundred eighty (180) day period.

K. Dog and Cat Boarding is allowed with a Conditional Use Permit. This Conditional Use Permit shall include the following conditions. The City Council may also impose any other conditions that may be necessary outside of this list.

1. Business shall meet all of the requirements of the rest of Sec. 7-0401 Home Occupations.
2. No more than four animals shall be boarded at a time.
3. Animal boarding facilities, such as kennels or crates for the animals shall be placed within the primary structure or the attached accessory structure. Animals shall not be housed in a detached accessory structure or outside.
4. Animals shall not be allowed to be outside unattended between the hours of 9 p.m. and 8 a.m. and no more than two animals may be outside at one time.
5. The back yard shall be enclosed by a properly maintained 6-foot tall opaque fence.
6. The business shall be subject to all noise regulations established in this Code.
7. Businesses shall provide the city with an acceptable animal waste disposal plan.
8. All businesses shall keep and maintain a commercial liability insurance policy with a minimum coverage limit of \$500,000, which also includes an endorsement for animal bites and attacks.

PASSED AND ADOPTED by the Barnesville City Council this 8th day of June, 2015.

APPROVED:

Eugene Prim
Mayor

ATTEST:

Jeri Reep
City Clerk

First Reading: May 11, 2015
Second Reading: June 8, 2015
Adopted: June 8, 2015
Published: June 15, 2015

Mayor Prim stated the next item on the agenda was the approval of summary Ordinance 2015-07.

06-08-15-06 Motion by Mr. Davis and second by Mr. Rick to approve the Summary Ordinance 2015-07. Motion carried.

TITLE AND SUMMARY OF ORDINANCE NO. 2015-07

The following Ordinance is hereby published by title and summary:

1. Title of Ordinance:

An Ordinance to Amend and Re-enact Chapter 7-04, Section 7-0401, Subdivision 1, Paragraph K of the Barnesville City Code, Home Occupations.

2. Summary of Ordinance:

This ordinance allows dog and cat boarding as a home occupation with a conditional use permit.

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 8th day of June, 2015.

APPROVED:

Eugene Prim, Mayor

ATTEST:

Jeri Reep, City Clerk

First Reading: May 11, 2015
Second Reading: June 8, 2015
Adopted: June 8, 2015
Published: June 15, 2015

Mayor Prim stated the next item on the agenda was the 2nd reading of Ordinance 2015-08.

06-08-15-07 Motion by Mr. Sylvester and second by Mrs. Strom to approve the 2nd reading of Ordinance 2015-08. Motion carried.

ORDINANCE NO. 2015-08

AN ORDINANCE TO AMEND AND REENACT SECTION 6-0901 OF THE BARNESVILLE CITY CODE RELATING TO RULES AND REGULATIONS GOVERNIGN PUBLIC PARKS.

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

SECTION 1. Section 6-0901 of the Barnesville City Code is hereby amended and reenacted to read as follows:

SEC. 6-0901. RULES AND REGULATIONS GOVERNING PUBLIC PARKS.

Subd. 1. Adoption. The Council may by resolution adopt, and from time to time amend, rules and regulations governing public parks. It is unlawful to violate such rules and regulations as are conspicuously sign-posted in such parks.

Subd. 2. Hours. It is unlawful for any person to park in, leave any vehicle in, or be in or remain in, ~~or leave any vehicle in~~ any park, including any City waterways or lakes, between the hours of 10:00 p.m. and 6:00 a.m. of the day following; provided, however, that this Section shall not apply to those vehicles or persons involved in organized activities which are authorized by permit issued by the City to remain in a park.

Subd. 3. Picnic Shelters. The fee to rent a picnic shelter and the 25 feet of park space around it in all City Parks is \$25 for the first four hours and \$5 for each additional hour. Non-profits using the park in groups larger than twelve are required to obtain a permit, but the fee will be waived. Reservations must be made 24 hours prior to the planned use of the shelter and by noon on Friday. Park shelters in all parks that have not been reserved according to this procedure are available on a first-come, first-served basis.

Subd. 4. Group Permits. Groups using City Parks in numbers in excess of 12 people are required to purchase a permit of \$25 for the first four hours and \$5 for each additional hour. Non-profits using the park in groups larger than twelve are required to obtain a permit, but the fee will be waived. Publically sponsored events and sporting events scheduled through the School District or the City will be exempt from this permit process. Also, groups who have obtained a permit pursuant to Subdivision 3 of this section are exempt from the requirements of this Subdivision.

~~**Subd. 5. Other Unlawful Acts.** It is unlawful for any person to swim in any of the waterways or lakes in the City unless a lifeguard is on duty.~~

SECTION 2. 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 8th day of June, 2015.

APPROVED BY:

Eugene Prim
Mayor

ATTEST:

Jeri Reep
City Clerk

| First Consideration: June 2, 2015

| Second Consideration: June 8, 2015

| Date of Publication: June 15, 2015

Mayor Prim stated the next item on the agenda was the approval of the Summary Ordinance 2015-08.

06-08-15-08 Motion by Mrs. Strom and second by Mr. Rick to approve the Summary Ordinance 2015-08. Motion carried.

TITLE AND SUMMARY OF ORDINANCE NO. 2015-08

The following Ordinance is hereby published by title and summary:

1. Title of Ordinance:

An Ordinance to Amend and Re-enact Section 6-0901, Subdivisions 2 and 5, of the Barnesville City Code, Park Rules.

2. Summary of Ordinance:

This ordinance removes the language making it unlawful for any person to swim in any of the waterways or lakes in the City unless a lifeguard is on duty.

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 8th day of June, 2015.

APPROVED:

Eugene Prim, Mayor

ATTEST:

Jeri Reep, City Clerk

First Reading: June 2, 2015
Second Reading: June 8, 2015
Adopted: June 8, 2015
Published: June 15, 2015

Mayor Prim stated the next item on the agenda was the 1st reading of Ordinance 2015-09.

City Administrator Mike Rietz informed council members that this is to annex the parcel that was included in the petition from Ed Gilbertson. Mr. Rietz stated that this is the next step in the annexation process for the land south of 2nd Ave. SE.

06-08-15-09 Motion by Mr. Davis and second by Mr. Sylvester to approve the 1st reading of Ordinance 2015-09. Motion carried.

ORDINANCE NO. 2015-09

AN ORDINANCE OF THE CITY OF BARNESVILLE ANNEXING LAND LOCATED IN CLAY COUNTY, MINNESOTA, TO THE CITY OF BARNESVILLE, CLAY COUNTY, MINNESOTA, PURSUANT TO MINN. STAT. § 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 Town of Humboldt, 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 Minn. Stat. § 414.033, subd. 2b, on _____, 2015, following thirty (30) days' written notice by certified mail to the Town of Humboldt and 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 6.911 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 ____.

Section 6. That with respect to the property taxes payable on the area legally described in Exhibit A, hereby annexed, the City of Barnesville shall make a cash payment to the Town of Humboldt for the period and in accordance with the following schedule:

- a. In the first year following the year the City of Barnesville could first levy on the annexed area, an amount equal to \$ _____.
- b. In the second year, an amount equal to \$ _____.

Section 7. That the City Administrator 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 Humboldt Township Clerk.

Section 8. 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 ____ day of _____, 2015

Mayor

ATTEST:

City Auditor

Date of First Reading: June 8, 2015

Date of Second Reading and Final Passage: July 13, 2015

Mayor Prim stated the next item on the agenda was the preliminary plat for the Del Acres Gilbertson 2nd Addition.

City Administrator Mike Rietz informed council members that this is the first step in platting the area for development and this is the time to make any changes to the plat. The Planning Commission had no changes to the plat and recommend approval.

06-08-15-10 Motion by Mr. Sylvester and second by Mr. Goedtke to approve the Del Acres Gilbertson 2nd Addition plat. Motion carried.

Mayor Prim stated the next item on the agenda is the city Engineer report.

Mr. Jon Pauna with KLJ Engineering discussed the projects they are working on. Mr. Pauna stated that the Safe Routes to School project is going well. The lagoon project has gone well, Selling Brothers completed the project and they are working on paperwork. Mr. Pauna stated that for the televising of potential projects that they would like to start within the month. Council members had no further questions for Mr. Pauna.

Mayor Prim stated the next item on the agenda was the resolution decertifying parcels in the TIF District 1-1.

City Administrator Mike Reitz informed council members that six parcels on which homes in the Heartland Addition were built has received 14 years of full increment and are ready to be decertified.

06-08-15-11 Motion by Mr. Rick and second by Mr. Goedtke 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
CLAY COUNTY, MINNESOTA**

RESOLUTION NO. 06-08-15-11

**RESOLUTION APPROVING THE ELIMINATION OF PARCELS FROM
TAX INCREMENT FINANCING DISTRICT NO. 1-1 WITHIN
REDEVELOPMENT PROJECT NO. 1 OF THE CITY OF BARNESVILLE.**

WHEREAS, on July 8, 1996, the City of Barnesville (the "City") created its Tax Increment Financing District No. 1-1 (the "TIF District") within its Redevelopment Project No. 1 (the "Project") by approval of a tax increment financing plan (the "TIF Plan) for the TIF District; and

WHEREAS, the Barnesville Economic Development Authority (the "EDA") is the administrative authority for the TIF District; and

WHEREAS, the following properties, by property identification numbers, were included in the TIF District:

50.335.0210	50.335.0320
50.335.0270	50.335.0350
50.335.0300	50.335.0360

WHEREAS, the City desires by this resolution to amend the TIF Plan to remove the above-described parcel from the TIF District, thereby reducing the size thereof; and

WHEREAS, the total current net tax capacity of the parcel to be eliminated from the TIF District equals or exceeds the original net tax capacity and, therefore this amendment to the TIF Plan is accomplished pursuant to *Minnesota Statutes, Section 469.175, Subdivision 4, clause (e)(2)(A)*.

NOW THEREFORE, BE IT RESOLVED by the City that the TIF Plan for the TIF District is hereby amended to remove the described parcel and the City Administrator is authorized and directed to notify the County Auditor thereof pursuant to *Minnesota Statutes, Section 469.175, Subdivision 4, clause (e)*.

NOW THEREFORE, BE IT FURTHER RESOLVED by the City as follows:

1. The tax increment financing plan (the "TIF Plan") for the TIF District is hereby modified to remove the Parcel from the TIF District, effective for taxes payable in 2016.

2. Upon approval of a similar resolution by the EDA, staff are authorized and directed to file a copy of this resolution with the County Auditor of Clay County along with instructions to adjust the records for the TIF District accordingly.

ADOPTED: June 8, 2015

ATTEST:

Mayor

City Administrator

(Seal)

Mayor Prim stated the next item on the agenda was the Farmers Coop demolition parking lot project.

City Administrator Mike Rietz informed council that the original bid on the demolition for the old Farmers Co-op gas station was just over \$19,000, but the asbestos drove the demolition costs to \$23,500. Staff was asking to increase the City's contribution toward the demolition from \$10,000 as originally planned in the budget, to \$12,000. The investment by the City will represent the cost of acquiring the property. Mr. Rietz stated that there is money available in the building and grounds fund.

06-08-15-12 Motion by Mr. Davis and second by Mrs. Strom to approve \$12,000.00 for the demolition of the old Farmers Co-op building, with the funds to be from the building and grounds. Motion carried.

Mayor Prim stated the next item on the agenda was the resolution declaring Potato Days as a Community Wide Festival.

06-08-15-13 Motion by Mrs. Strom and second by Mr. Rick 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 DECLARING BARNESVILLE
POTATO DAYS A
COMMUNITY-WIDE FESTIVAL**

RESOLUTION NO. 06-08-15-13

WHEREAS, Barnesville Potato Days is an annual festival occurring in the City of Barnesville; and

WHEREAS, Barnesville Potato Days involves activities and entertainment that involve not only the Barnesville community but surrounding communities; and

WHEREAS, Barnesville Potato Days will occur on August 28th through August 29th, 2015; and

WHEREAS, the Barnesville City Council desires to promote Potato Days and encourage local businesses to participate in Barnesville Potato Days; and

WHEREAS, it is necessary to designate Potato Days as a community festival to enable and authorize the City of Barnesville to grant community festival special event liquor licenses pursuant to Section 5.33 of the Barnesville City Code; and

WHEREAS, the Barnesville City Council desires to formally recognize Potato Days as a community-wide festival.

NOW, THEREFORE, BE IT RESOLVED, that Barnesville Potato Days is hereby designated a community-wide festival.

BE IT FURTHER RESOLVED that the dates of August 28th through August 29th, 2015 are designated as dates during which the City of Barnesville may issue special event community-wide festival licenses.

Dated: June 8, 2015

APPROVED:

Eugene Prim
Mayor

ATTEST:

Jeri Reep
City Clerk

City Administrator Mike Rietz informed council members that the Potato Days Board has asked the City of Barnesville to be the grand marshal for the Potato Days parade.

Mayor Prim adjourned the meeting at 7:55 p.m.

Submitted by:

Attest:

Jeri Reep
City Clerk

Eugene Prim
Mayor

