

Barnesville City Council
Regular Meeting
October 10, 2016

Mayor Gene Prim called this regular meeting to order at 7:00 p.m. Members present were Council members Jason Rick, Don Goedtke, Betty Strom, Larry Davis, Jr., Dawn Stuvland and Brad Field. Others in attendance were City Administrator Mike Rietz, Sara Nyhus-Wear with Ohnstad Twitchell, 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, Ambulance Manger Scott Nelson, Jon Pauna with KLJ Engineering, Steve Stetz, Chris Hoppe and Pam Aakre with the Record Review.

Mayor Prim next asked if there were any addition or corrections to the agenda. City Administrator Mike Rietz stated the only addition was the addition of discussion of paving the parking lot by Blue Eagle Lake.

10-10-16-01 Motion by Mr. Rick and second by Mr. Davis to approve the agenda with the addition of discussion on paving the parking lot by Blue Eagle Lake. Motion carried.

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

10-10-16-02 Motion by Mr. Goedtke and second by Mrs. Strom 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 Sept. 12, 2016.
2. Approval of the department head reports.
3. Approval of the monthly expenditures in the amount of \$360,212.11 and EFT payments in the amount of \$288,243.65.
4. Approval of the 3rd quarter transfers.
5. Approval of travel for TEC Manager Guy Swenson to attend the 2016 Interstate Telecom Consulting Client Seminar.
6. Approval to accept the resignation of Public Works employee Roxie Kara.
7. Approval of the gambling permit for the Barnesville Rod & Gun-Oct. 29, 2016.
8. Approval of pay request #4 from Riley Bros. Construction in the amount of \$115,255.13.

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

Council members reported on the boards and commissions they serve 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 Milligan property maintenance assessments.

City Administrator Mike Reitz informed council members that at the December 2015 meeting, the council extended the Milligan family until October 2016 to address the property violations. There are still five violations that are outstanding at this time. Mr. Steve Stetz stated that there is someone interested in the property, they are waiting to hear from the bank. Mayor Prim informed the Milligan family that action will happen at the November regular meeting.

Mayor Prim stated the next item on the agenda was the CUP for a moved in building at 508 6th Street NW.

City Administrator Mike Rietz informed council members that council allowed additional time to meet the condition that the home will be moved in at 508 6th Street NW. The garage will be completed and sided to match the house and the asphalt or concrete driveway will be completed. The driveway will extend a minimum of 24 feet from the garage. Mr. Rietz stated that the homeowner is trying to find a contractor to complete the work, and has asked for an extension of his CUP. Police Chief Ernst stated that the administrative fines will start October 10th.

10-10-16-03 Motion by Mr. Davis and second by Mrs. Stuvland to abate the nuisance and extend the CUP until November 14, 2016 at 508 6th Street NW, and to authorize city staff to clean the property up and place an assessment for the work against the property. Motion carried.

Mayor Prim stated the next item on the agenda was the resolution authorizing acquisition of tax forfeit property.

City Administrator Mike Rietz informed council members that we have received a letter from the County indicating that the property at 908 Front Street South is available as a tax-forfeited property. EDA Director Karen Lauer stated that the EDA will clean the property up.

10-10-16-04 Motion by Mr. Fiend 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, Stuvland and Field. The following voted nay: none. Motion carried.

**CITY OF BARNESVILLE
CLAY COUNTY, MINNESOTA
RESOLUTION NO. 10-10-16-04**

RESOLUTION TO AUTHORIZE ACQUISITION OF TAX-FORFEITURE PROPERTY

WHEREAS, the tax-forfeiture land identified for purchase has a parcel number of 50.900.0590, and its location helps to address the City's goals of increasing economic development opportunities; and

WHEREAS, local governments are allowed to remove tax-forfeiture property from a public sale if the property will be used for economic development or public use such as a park; and

WHEREAS, the City intends to use the land as an economic development incentive tool;
and

NOW, THEREFORE, be it resolved by the City Council of the City of Barnesville to purchase the property with the following description: Beginning at the intersection of the North line of Outlot 31-B & the east right-of-way line of Hwy 52; E 280.47'; S 155.12'; W 333.58' & N 162.05' to point of beginning, having a parcel number of 50.900.0590, which has recently become a tax-forfeit property, at a cost not to the City except for reasonable closing costs.

Adopted this 10th day of October, 2016.

APPROVED:

Eugene Prim
Mayor

ATTEST:

Jeri Reep
City Clerk

Mayor Prim stated the next item on the agenda was the variance for a Commercial building at 403 Front Street North.

City Administrator Mike Rietz stated that this is a 17-foot variance to the rear setback for a structure to be used for business purposes at 403 Front Street North. Mr. Rietz stated that this property is zoned C-2, and personal or professional services is permitted use on the property. Mr. Hoppe is looking for a variance to the 20-foot rear setback that is required in C-2 so that the new structure can be attached to the existing 26 x 18 shed.

10-10-16-05 Motion by Mr. Field and second by Mr. Rick to approve the variance at 403 Front Street North, Lots 3 & 4, Block 6, 1st Railway Addition, Lot 3, Block 6. Motion carried.

Mayor Prim stated the next item on the agenda was the repair work on 13th Street.

Mayor Prim stated that the committee met with Humboldt township officials, and agreed on a 50% share of costs to install some tile under 13th Street, and clean the ditch on the east side of the road. The cost to the city will be \$9,277.50.

10-10-16-06 Motion by Mr. Rick and second by Mrs. Strom to approve the cost sharing to 13th Street with Humboldt Township in the amount of \$9,277.50 to install some tile and clean the ditch on the east side of the road. Funds will be from the council contingency in the amount of \$5,000.00 and street repairs line item will pay the remaining amount. Motion carried.

Mayor Prim stated the next item on the agenda was the Riley Bros. Construction contract completion date extension.

City Administrator Mike Rietz informed council members that Riley Bros. would like to extend their completion date. The current completion date is September 1, 2016. The reason for the delay on finishing final grading of the lots and seeding. Riley Bros. is waiting for the gas company to install their gas lines. The final grading and seeding will be completed by October 21, 2016, with a final completion date of June 15, 2017.

10-10-16-07 Motion by Mr. Rick and second by Mr. Goedtke to approve the Riley Bros. Construction completion date extension to October 21, 2016. Motion carried.

Mayor Prim stated the next item on the agenda was the City Engineer update.

Mr. Jon Pauna with KLJ Engineering next discussed with council members the current projects they are working on. Mr. Pauna stated that the seeding should take place this week on the walking path project. The trail has been paved, some work is left to do. The estimated cost to pave the parking lot by Blue Eagle Lake is \$2,000.00. The State has approved this project.

10-10-16-08 Motion by Mrs. Strom and second by Mr. Rick to approve paving the parking lot by Blue Eagle Lake, with an 80%-20% cost share with the State of Minnesota. Motion carried.

Mayor Prim stated the next item on the agenda was to authorize solicitation of RFP's for garbage service.

City Administrator Mike Rietz stated that he has spoken with Dave Olek from Fuchs Sanitation and they are looking at a 22% increase in garbage rates for 2017. This would require us to change our rates from \$16.07 to \$19.60 per month. Clay County is changing the rate based on the size of the garbage truck to based on the weight of the garbage truck. Our current contract expires January 31, 2017, so we need to negotiate a new contract with them or bid out the service.

10-10-16-09 Motion by Mr. Rick and second by Mr. Goedtke to authorize staff to send out RFP's for garbage collection in the City. Motion carried.

Mayor Prim stated the next item on the agenda was the 2nd reading of Ordinance 2016-06.

City Administrator Mike Rietz stated that this ordinance clarifies what type of development that is required to go through the project review procedures in the Public Facilities District zoning.

10-10-16-10 Motion by Mr. Rick and second by Mr. Goedtke to approve the 2nd reading of Ordinance 2016-06. Motion carried.

ORDINANCE NO. 2016-06

AN ORDINANCE TO AMEND AND REENACT SECTION 7-0212, SUBD. 2-5 OF THE BARNESVILLE CITY CODE RELATING TO PROJECT REVIEW IN THE PUBLIC FACILITIES DISTRICT.

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

SECTION 1. Subd. 2-5 of Section 7-0212 of the Barnesville City Code is hereby amended and reenacted to read as follows:

SEC. 7-0212. P PUBLIC FACILITIES DISTRICT.

* * *

Subd. 2. Permitted Uses.

- A. Essential Services and essential service structures.
- B. Municipally owned parks and open space.
- C. Municipally owned golf courses, tennis courts, skating rinks and playing fields.
- D. Public preschool, elementary, junior or senior high schools.
- E. Libraries, city offices, community centers, public parking lots and fire stations.

Subd. 3. Project Review. The Planning Commission will review all initial development plans within the Public Facilities District at the time the property is requested to be rezoned. Project review of all other subsequent construction will occur for projects that require a building permit and cannot meet the yard requirements in Subd. 4 and 5 of this section. and The Planning Commission shall determine if the proposed development is consistent with the following factors:

- A. Whether the proposed facility is compatible with the area and neighboring uses.
- B. Whether the proposed development would create or cause any of the following:
 - i. An adverse traffic impact of a traffic safety hazard, including, but not limited to, an adverse impact of traffic circulation;
 - ii. Pedestrian-vehicle conflicts of pedestrian safety hazards;

- iii. An accumulation of garbage or trash;
- iv. Excessive noise;
- v. Intrusive lighting;
- vi. Excessive or unpleasant odors;
- vii. Noxious fumes;
- viii. Interference with neighboring properties or uses due to activities associated with the proposed facility or due to its hours of operations.

C. The use shall comply with the performance standards of the fencing and screening provisions of this Chapter.

D. The use shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds, adjacent buildings and property.

E. The use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.

F. The use shall organize vehicular access and parking to minimize traffic.

G. Other similar elements, although not specifically stated in this ordinance.

Subd. 4 Yard Requirements.

A. None, except if the property abuts another zoning district, buildings and other structures must be set back the same distance as is required in the abutting district. Projects that cannot meet these setback requirements must comply with the project review requirements in Subd. 3 of this section.

Subd. 5 Maximum Building Height. ~~None.~~

A. None, except that structures erected for the purposes of providing lighting that exceed 30 feet in height must comply with the project review requirements in Subd. 3 of this section.

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 10th day of October, 2016.

APPROVED BY:

Eugene Prim, Mayor

ATTEST:

Jeri Reep, City Clerk

First Reading: September 12, 2016
Second Reading: October 10, 2016
Adopted: October 10, 2016
Published: October 17, 2016

Mayor Prim stated the next item on the agenda was the approval of Summary Ordinance 2016-06.

10-10-16-11 Motion by Mr. Rick and second by Mr. Goedtke to approve the Summary Ordinance 2016-06. Motion carried.

TITLE AND SUMMARY OF ORDINANCE NO. 2016-06

The following Ordinance is hereby published by title and summary:

1. Title of Ordinance:

An Ordinance to Amend and Reenact Section 7-0212, Subd. 2-5 of the Barnesville City Code Relating to Project Review in the Public Facilities District.

2. Summary of Ordinance:

This ordinance adds language clarifying when the project review provisions in the Public Facilities section will apply.

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 10th day of October, 2016.

APPROVED:

Eugene Prim, Mayor

ATTEST:

Jeri Reep, City Clerk

First Reading: September 12, 2016
Second Reading: October 10, 2016
Adopted: October 10, 2016
Published: October 17, 2016

Mayor Prim stated the next item on the agenda was the 2nd reading of Ordinance 2016-07.

City Administrator Mike Rietz stated that no changes have been made to this Ordinance since the last meeting. This Ordinance is to opt out of the State Statute regarding temporary family health care dwellings. City Administrator Mike Rietz informed council members that this is a new law that was passed by Legislatures during the last session. The new legislation allows temporary housing to be moved onto residential lots in specific circumstances to assist with health care issues. The Planning Commission is recommending that the City opt out of the statute

10-10-16-12 Motion by Mr. Goedtke and second by Mrs. Stuvland to approve the 2nd reading of Ordinance 2016-07. Motion carried.

**ORDINANCE NO. 2016-07
CITY OF BARNESVILLE**

**AN ORDINANCE OPTING-OUT OF THE REQUIREMENTS OF
MINNESOTA STATUTES, SECTION 462.3593**

WHEREAS, on May 12, 2016, Governor Dayton signed into law the creation and regulation of temporary family health care dwellings, codified at Minn. Stat. § 462.3593, which permit and regulate temporary family health care dwellings;

WHEREAS, subdivision 9 of Minn. Stat. §462.3593 allows cities to “opt out” of those regulations;

THE CITY COUNCIL OF THE CITY OF BARNESVILLE, ORDAINS as follows:

Section 1. City Code, Section 7-0901 is amended to add Subd. 13 as follows:

OPT-OUT OF MINNESOTA STATUTES, SECTION 462.3593:

SECTION 1. Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of Barnesville opts-out of the requirements of Minn. Stat. §462.3593, which defines and regulates Temporary Family Health Care Dwellings.

SECTION 2. This Ordinance shall be effective immediately upon its passage and publication.

ADOPTED this 10TH day of October, 2016, by the City Council of the City of Barnesville.

APPROVED BY:

Mayor

ATTEST:

City Clerk

First Reading: September 12, 2016

Second Reading: October 10, 2016

Adopted: October 10, 2016

Published: October 17, 2016

Mayor Prim stated the next item on the agenda was the 1st reading of Ordinance 2016-08.

City Administrator Mike Rietz informed council members that the Park Board was increased in size in 2011 when the golf course was put into the park department and this allowed a resident that was on the Golf Board to remain involved as a member of the Park Board. The Park Board is recommending reducing their membership by one person.

10-10-16-13 Motion by Mrs. Strom and second by Mrs. Stuvland to approve the 1st reading of Ordinance 2016-08. Motion carried.

**CITY OF BARNESVILLE
ORDINANCE NO. 2016-08**

**AN ORDINANCE AMENDING SEC. 1-0604, SUBD. 1 OF THE MUNICIPAL CODE
PARKS, RECREATION AND FORESTRY ADVISORY BOARD.**

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

SECTION 1-0604, Subd. 1 is amended as indicated:

Subd. 1 Establishment and Composition: A Parks, Recreation and Forestry Advisory Board is hereby established. The Board shall be composed of six (6) ~~seven (7)~~ members from the resident population of the City's three wards who shall serve staggered three-year terms. Two members of the Council shall be appointed by the Mayor with the approval of the Council. Absence from any three meetings in one year unless excused in advance by the Chairperson, constitutes a vacancy. The term of the Council members appointed shall be a one-year term to expire on December 31 of each year. Each Board member shall have equal voting privileges. Any member may be removed for cause by a two-thirds vote of the Council. The Parks and Recreation Department Head shall serve as an ex-officio member. Other persons may serve in an ex-officio capacity as the Council deems appropriate.

PASSED AND ADOPTED by the Barnesville City Council this 14th day of November, 2016.

APPROVED:

Gene Prim, Mayor

ATTEST:

Jeri Reep, City Clerk

First Reading: October 10, 2016
Second Reading: November 14, 2016
Adopted: November 14, 2016
Publication: November 21, 2016

Mayor Prim stated the next item on the agenda was the 1st reading of Ordinance 2016-09.

City Administrator Mike Rietz informed council members that this ordinance increases the fees that we charge for ambulance calls. The last time we increased our fees was early in 2015. The proposed increase keeps us near the average ambulance call rate. Personnel and Finance committee recommend increasing the rates.

10-10-16-14 Motion by Mr. Davis and second by Mr. Rick to approve the 1st reading of Ordinance 2016-09. Motion carried.

**CITY OF BARNESVILLE
ORDINANCE 2016-09
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 | \$1,000 <u>\$1,100</u> |
| Basic Life Support, Emergency | \$1,100 <u>\$1,200</u> |
| Advanced Life Support-1 | \$1,400 <u>\$1,500</u> |
| Advanced Life Support-2 | \$1,500 <u>\$1,600</u> |

The fees listed here are the base fees and supplies. Charges for mileage will also be billed as calculated by the Ambulance Director.

PASSED AND ADOPTED by the Barnesville City Council this 14th day of November, 2016.

Approved:

Gene Prim, Mayor

Attest:

Jeri Reep
City Clerk

| | |
|-----------------|-------------------|
| First Reading | October 10, 2016 |
| Second Reading: | November 14, 2016 |
| Adopted: | November 14, 2016 |
| Published: | November 21, 2016 |

Mayor Prim stated the next item on the agenda was the approval of sewer service replacement at 123 2nd Street NE.

City Administrator Mike Rietz informed council members that he received a proposal from Sellin Brothers in the amount of \$12,770.00 to repair the sewer service at 123 2nd Street NE. Mr. Rietz stated that he has spoken to the homeowner, and he wishes to proceed with this proposal and make the repair.

10-10-16-15 Motion by Mrs. Stuvland and second by Mr. Goedtke to approve the Sellin Brothers proposal to repair the sewer service replacement at 123 2nd Street NE in the amount of \$12,700.00. Approve the agreement of special assessments and waiver of irregularity and appeal. Motion carried.

Mayor Prim stated the next item on the agenda was the approval of Cable TV equipment bids.

City Administrator Mike Rietz informed council members that bids for digital cable television was opened on October 10th. Only one bid was received. The bid from PICO Digital in the amount of \$159,389.72 was reviewed by staff. Mr. Rietz stated that the cable fund presently has \$78,361.00 in funds available for this purchase.

10-10-16-16 Motion by Mr. Rick and second by Mr. Field to approve the PICO Digital bid in the amount of \$159,389.72 Motion carried.

Mayor Prim stated the next item on the agenda was the FOX Sports North contract renewal.

TEC Manager Guy Swenson informed council members that the contract renewal for FOX Sports North and FOX Sports North HD do include a sizable increase in rates. This is a 3-year contract beginning January 1, 2017 and ending December 31, 2019.

10-10-16-17 Motion by Mr. Rick and second by Mrs. Strom to authorize TEC Manager Guy Swenson to sign the FOX Sports North three-year contract, as amended. Motion carried.

Mayor Prim stated the next item on the agenda was the priority setting discussion. Mayor Prim asked if there were any new items to discuss. Council members had nothing to report.

Mayor Prim adjourned the meeting at 8:19 p.m.

Submitted by:

Attest:

Jeri Reep
City Clerk

Eugene Prim
Mayor