

Barnesville City Council
Regular Meeting
June 13, 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 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 and Austin Myers with People Service, Jon Pauna with KLJ Engineering, Cris Mortensen, Fred Dahnke, Steve Akers, John Thompson, Mark Kava, Dan Hedlund, Nicholas Aadland and Pam Aakre with the Record Review.

Mayor Prim next asked if there were any additions or corrections to the agenda. City Administrator Mike Rietz stated that the only addition was the addition of the diving platform at Blue Eagle Lake.

06-13-16-01 Motion by Mr. Rick and second by Mrs. Strom to approve the agenda with the addition of the diving platform at Blue Eagle Lake. Motion carried.

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

06-13-16-02 Motion by Mr. Davis and second by Mr. Goedtke to approve the consent agenda as presented. Council member Rick asked staff to include current draft minutes of the Planning Commission in the agenda packets. Motion carried. The following items were on the consent agenda:

1. Approval of the minutes of the regular meeting held on May 9, 2016.
2. Approval of the department head reports.
3. Approval of the monthly expenditures of check numbers 81984 – 82144 in the amount of \$259,946.60 and EFT payments in the amount of \$130,827.66.
4. Approval to appoint Tonya Stokka to the Park Board.
5. Approval of the liquor request from the Knights of Columbus-Aug. 27-28th, 2016.
6. Approval of the gambling permit for the Barnesville Lions Club-July 15-17, 2016
7. Approval of the gambling permit for the Barnesville Lions Club-Aug. 27,2016
8. Approval of wage increase for Public Works employee Wayne Nosal to \$14.50 per hour
9. Approval to hire Cheryl Dunhop as Beach Attendant
10. Approval to hire Andrew Trowbridge as part-time-Golf Course Pro Shop employee at \$10.00 per hour.
11. Approval to hire Dalton Norman as part-time Golf Course Pro Shop employee at \$10.00 per hour.
12. Approval of resignation for Golf Course Pro-Shop employee Douglas Roise.
13. Approval of George Dahm Ball Fields rules and regulations:
Barnesville Ball Diamond Rules & Regulations:
 - Barnesville Parks are available for all to use, including the Ball Diamonds Fields

- Coordinate with other Leagues (ex: Town & Country, School and Community Education) to ensure no overlapping occurs.
- Users from organized leagues are expected to do their part and assist with maintenance

Rules after using fields:

- Ensure the infield dirt is level and smooth
 - Rakes, brooms or mats can be used to drag the infield
 - Please pay close attention around each base and the pitcher's mound.
- Ensure the drag does not overlap into the outfield grass area
 - This will cause a dirt build up and a "lip: to begin to form, which will cause ground balls that hit this lip to jump, thus making it more difficult for outfielders.

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.

Mr. Mike Kurkowski with People Service next introduced Mr. Austin Myers to the council members. Mr. Myers will be working with People Service.

Mayor Prim asked if there were any other citizens present to be heard. There were none.

Mayor Prim stated the next item on the agenda was the CUP for fencing at Friendship Park.

06-13-16-03 Motion by Mrs. Strom and second by Mr. Rick to deny the CUP request in entirety. Mrs. Strom stated that this CUP has two separate questions, and would like to see a separate CUP request for each item.

Mrs. Strom next stated she would like to revise her motion, and second by Mr. Rick to omit the CUP request for the 7-foot composite fence for 75 feet along the North edge of property, and approve the wrought iron fence around the gazebo at Friendship Park.

Council member Field stated that a lot of work has gone into this CUP, with the conditions involved. Mr. Field stated he would like to take the recommendation of the Planning Commission.

Mr. Cris Mortensen next approached the council and stated that after the court hearing in 2006, he had to comply with the City Ordinance. Mr. Mortensen stated that he did not agree to the 10 car limit the Planning Commission discussed. Mr. Mortensen stated that the City is not in compliance with the court order.

Mayor Prim stated that there are issues with the property, and it needs to be maintained.

After much discussion, Mayor Prim called for the vote on the motion. Those voting aye were Council members Strom, Rick and Goedke. The following voted nay: Council members Davis, Stuvland, and Field.

Mr. Cris Mortensen stated that there is a conflict of interest with Mr. Davis.

Ms. Sara Wear with Ohnstad, Twichell stated that for a conflict of interest, there has to be a financial gain for Mr. Davis, and it was up to the council to decide if this fence would be a financial gain for Mr. Davis.

Council member Davis questioned if there was a conflict of interest for Mrs. Strom since she is a sister-in-law to Mr. Mortensen.

Ms. Sara Wear with Ohnstad, Twichell stated that there would be no conflict of interest for Mrs. Strom.

Mayor Prim stated that due to a tie in the motion, that he would need to vote to break the tie, and Mayor Prim voted nay. Motion denied.

06-13-16-04 Motion by Mr. Field and second by Mr. Davis accept the CUP for Friendship Park with the conditions set forth in the CUP.

The following voted aye: Council members Davis, Stuvland, and Field. The following voted nay: Council members Strom, Goedtke, and Rick. Mayor Prim voted aye. Motion carried.

Mayor Prim stated the next item on the agenda was the re-zoning of City property.

City Administrator Mike Rietz informed council members that Friendship Park is in the C-1 zone, and the rest of the parks are either in a residential zone or the SC-1 Conservation District where parks are a permitted use. Staff is asking to rezone the parks to P-Public Facilities so that all parks are zoned consistently and subject to the same rules. The Park Board is recommending this change.

06-13-16-05 Motion by Mr. Rick and second by Mrs. Stuvland to direct staff to proceed with rezoning of all City parks to the P-Public Facilities District. Motion carried.

Mayor Prim stated the next item on the agenda was the discussion on the building code requirements for the moved building at 508 6th Street NW.

City Administrator Mike Rietz informed council members that the homeowner, Mr. Aadland has asked to discuss the requirements that building inspector Sid Fosson has placed on his home. Mr. Aadland is asking for a two-month extension to his conditional use permit to meet the deadline.

Mr. Aadland next asked council members for an extension onto his Conditional Use Permit. Mr. Aadland stated that he is looking for contractors to help with the project.

06-13-16-06 Motion by Mr. Rick and second by Mrs. Strom to extend the CUP for Nicholas Aadland and Benson Kimemia to October 15, 2016 to complete the conditions set forth in the CUP. Motion carried.

Mayor Prim stated the code requirements at 508 6th Street NW be table to the July regular council meeting. Mayor Prim asked City Administrator Mike Rietz and Building Inspector Sid Fosson to work with Mr. Aadland and report at the July meeting.

Mayor Prim stated the next item on the agenda was the Splash Pad project.

City Administrator Mike Rietz informed council members a breakdown of expenses for the Splash Pad Project. A proposal from Aquatic Recreation Company has been received in the amount of \$112,522.00. The proposal from Aquatic Recreation Company was acquired and they offer this proposal through a partnership with the National Cooperative Purchasing Alliance. This allows us to comply with the Minnesota State purchasing requirements in moving forward with this proposal. With the fundraising completed, it is left to the City to provide the infrastructure to make the splash pad functional. For the 2016 budget, \$20,000 was included as a sinking fund for future park development. Mr. Rietz stated that a proposal from Delzer Construction has been received to install water and storm sewer per specification and plan in the amount of \$20,910.00.

EDA Director Karen Lauer stated that the monies have been raised in the amount of \$112,975.00.

06-13-16-07 Motion by Mr. Field and second by Mr. Goedtke to approve the Delzer bid in the amount of \$20,910.00 for the Splash Pad project. Motion carried.

Mayor Prim stated the next item on the agenda was to approve the Acquatic Recreation Company proposal.

06-13-16-08 Motion by Mr. Rick and second by Mrs. Stuvland to approve the proposal from Aquatic Recreation Company for the construction of a splash pad in McGrath Park in the amount of \$112,522.00. Motion carried.

Mayor Prim stated the next item on the agenda was the resolution authorizing bidding for the TAP Grant Trail project.

City Administrator Mike Rietz stated that this resolution is authorizing advertising for the bids for the TAP Grant project. Clay County will be the fiscal agent and contract holder on this project.

06-13-16-09 Motion by Mr. Davis and second by Mr. Goedtke to approve the TAP Grant Trail Project resolution. The following voted aye: Council members Rick, Goedtke, Strom, Davis, Stuvland and Field. The following voted nay: none. Motion carried.

CITY OF BARNESVILLE

COUNTY OF CLAY

STATE OF MINNESOTA

RESOLUTION AUTHORIZE BIDDING FOR A MULTI-USE

TRAIL PROJECT UTILIZING TAP GRANT FUNDS

RESOLUTION NO. 06-13-16-09

WHEREAS: plans for Project No. SP 014-090-005 showing proposed alignment, profiles grades and cross-sections for the construction, reconstruction or improvement of a new Multi-use path located along TH34 within the limits of the City as a (Federal) Aid Project have been prepared and approved by MNDOT, and;

WHEREAS: Clay County is prepared to advertise for bids for the project

NOW, THEREOFRE, BE IT RESOLVED: That advertisement for bids for the construction of this project is hereby approved.

Dated this 13th day of June, 2016

CERTIFICATION

State of Minnesota

County of Clay

City of Barnesville

I hereby certify that the foregoing Resolution is a true and correct copy of a resolution presented to and adopted by the City Council of Barnesville at a meeting therefor held in the City of Barnesville, Minnesota on the 13th day of June, 2016, as disclosed by the records of said City in my possession.

ATTEST:

(Seal)

Eugene Prim, Mayor

ATTEST:

Jeri Reep, City Clerk

Mayor Prim stated the next item on the agenda was the resolution reauthorizing membership in the 4M fund.

City Administrator Mike Rietz stated that approval of this resolution renews our membership in the 4M Fund to reflect the ability to use some additional services provided through membership in the fund.

06-13-16-10 Motion by Mr. Rick and second by Mrs. Stuvland to approve the following resolution. The following voted aye: Council members Rick, Goedtke, Strom, Davis, Stuvland and Field. The following voted nay: none. Motion carried.

CITY OF BARNESVILLE
COUNTY OF CLAY
STATE OF MINNESOTA

RESOLUTION AUTHORIZING OR REAUTHORIZING MEMBERSHIP IN THE 4M FUND
RESOLUTION NO. 06-13-16-10

WHEREAS: Minnesota Statutes (the Joint Powers Act) provides that governmental units may jointly exercise any power common to the contracting parties; and

WHEREAS: the Minnesota Municipal Money Market Fund (the 4mfUND) WAS FORMED IN 1987, PURSUANT TO THE Joint Powers Act and in accordance with Minnesota Investment Statutes, by the adoption of a joint powers agreement in the form of a Declaration of Trust; and

WHEREAS: the Declaration of Trust, which has been presented to this Council, authorizes municipalities of the State of Minnesota to become Participants of the Fund and make use from time to time including the 4M Liquid Asset Fund, the 4M Plus Fund, the Term Series, the Fixed Rate Programs, and other Fund services offered by the Fund; and

WHEREAS: this Council deems it to be in the best interest for the municipality to make use of, from time to time, the approved services provided by the 4M Fund's service providers including the Investment Advisor (Prudent Man Advisors, Inc.) or Sub-Advisor (RBC Global Asset Management (U.S.) Inc.), the Administrator (PMA Financial Network, Inc.) the Distributor (PMA Securities, Inc.) or the Fixed Rate Program Providers, PMA Financial Network, Inc. and PMA Securities, Inc, and the Custodian, U.S. Bank National Association, ("Service Providers") and/or their successors.

WHEREAS: this Council deems it advisable for this municipality to enter into the Declaration of Trust and become a Participant in the Fund for the purpose of joint investment with other municipalities so as to enhance the investment earnings accruing to each; now, therefore BE IT RESOLVED AS FOLLOWS:

Section 1. This municipality shall become (or renew its membership as) a Participant of the Fund and adopt and enter into the Declaration of Trust, a copy of which shall be filed in the

minutes of this meeting. The appropriate officials are hereby authorized to execute those documents necessary to effectuate entry into the Declaration of Trust and the participation of all Fund programs.

Section 2. This municipality is authorized to invest monies from time to time and to withdraw such monies from time to time in accordance with the provisions of the Declaration of Trust. The following officers of the municipality or their successors are designated as “Authorized Officials” with authority to effectuate investments and withdrawals in accordance with the Declaration of Trust:

Eugene Prim, Mayor

Michael Rietz, City Administrator

Jeri Reep, City Clerk

Section 3. The Trustees of the Fund are designated as having official custody of those monies invested in accordance with the Declaration of Trust.

Section 4. That the municipality may open depository and other accounts, enter into wire transfer agreements, safekeeping agreements, third party surety agreements securing deposits, collateral agreements, letters of credit, lockbox agreements, or other applicable or related documents with the institutions participating in Fund programs including U.S. Bank National Association, or its successor, or programs of PMA Financial Network, Inc. or PMA Securities, Inc. for the purpose of transaction clearing and safekeeping, or the purchase of certificates of deposit (“CDs”) or other deposit products and that these institutions shall be deemed eligible depositories for the municipality. PMA financial Network, Inc. and PMA Securities, Inc. and their successors are authorized to act on behalf of this municipality as its agent with respect to such accounts and agreements. Monies of this entity may be deposited in such depositories, from time to time in the discretion of the Authorized Officials, pursuant to the Fund’s Programs available through its Services Providers.

It is hereby certified that the Council of Barnesville adopted this Resolution at a duly convened meeting of the Council held on the 13th day of June, 2016, and that such Resolution is in full force and effect on this date, and that such Resolution has not been modified, amended, or rescinded since its adoption.

Eugene Prim, Mayor

Attest:

Jeri Reep, City Clerk

Mayor Prim stated the next item on the agenda was the Change Order #1 for the Del Acres Gilbertson 2nd Addition.

City Administrator Mike Rietz stated that the EDA recommended adding some storm sewer along 13th Street to the south of 2nd Ave. SE to eliminate the ditch and to allow that part of the development to look like the area to the north. The cost will be \$11,342.00 and there is room in the bond proceeds to fund this additional cost.

06-13-16-11 Motion by Mr. Davis and seconded by Mr. Goedtke to approve the Change Order #1 for the Del Acres Gilbertson 2nd Addition in the amount of \$11,342.00. Motion carried.

Mayor Prim stated the next item on the agenda was the policy for the maximum amount of material picked up during Clean Up Week.

City Administrator Mike Rietz stated there currently isn't a limit to the amount of garbage a resident can put out during clean up week. Staff is suggesting a 10 cubic yard limit would be more than adequate and would eliminate the rare occasions where residents take advantage of clean up week.

06-13-16-12 Motion by Mr. Davis and second by Mr. Goedtke to limit the amount of garbage per resident to 10 cubic yards during Clean Up Week. Motion carried.

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

City Administrator Mike Rietz stated that this is our annual decertification of parcels from the Heartland TIF District.

06-13-16-13 Motion by Mr. Rick and second by Mr. Goedtke to approve the following resolution. Upon a roll call vote, the following voted aye: Council member Rick, Goedtke, Strom, Davis, Stuvland, and Field. The following voted nay: None. Motion carried.

**CITY OF BARNESVILLE
CLAY COUNTY, MINNESOTA
RESOLUTION NO. 06-13-16-13
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 property, by property identification number, was included in the TIF District:

50.335.0330
50.335.0390
50.335.0430

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 2017.

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 13, 2016

ATTEST:

Eugene Prim, Mayor

Michael Rietz, City Administrator

(Seal)

Mayor Prim stated the next item on the agenda was the resolution authorizing amendment of the agreement with People Service.

City Administrator Mike Rietz stated that as a part of some new reporting requirements for the PFA for the loans we have received from them for the wastewater lagoons, and the Front Street project. City Attorney John Shockley has reviewed the agreement, and found that the language change was necessary to remain in compliance with the tax code.

06-13-16-14 Motion by Mr. Davis and second by Mrs. Stuvland to approve the following resolution with People Service. Upon a roll call vote the following voted aye: Council member Rick, Goedtke, Strom, Davis, Stuvland, and Field. The following voted nay: None. Motion carried.

CITY OF BARNESVILLE

COUNTY OF CLAY

STATE OF MINNESOTA

RESOLUTION AUTHORIZING AMENDMENT TO THE OPERATION AND
MAINTENANCE AGREEMENT WITH PEOPLESERVICE, INC.

RESOLUTION NO. 06-13-16-14

WHEREAS, PeopleService, Inc., and its successors and assigns (hereinafter referred to as "PeopleService"), entered an Operation and Maintenance Agreement (hereinafter referred to as the "Agreement") dated August 15, 2013, with the City of Barnesville, Minnesota (hereinafter referred to as the "Owner") for the management, operation, and maintenance of the Owner's water and wastewater treatment systems; and

WHEREAS, PeopleService and the Owner executed the First Amendment to the O & M Agreement on January 1, 2015, amending Paragraph 1.4 of the Agreement to increase the annual maintenance/repair fund, Paragraph 4.1 of the Agreement to extend the time period applicable to the initial period of monthly compensation, and Paragraph 5.1 to extend the termination date of the Agreement; and

WHEREAS, during its June 13, 2016, meeting, the Barnesville City Council determined that the Agreement should be amended to reflect that renewal of the Agreement should not occur, more than fourteen (14) times;

NOW THEREFORE, be it resolved as follows:

1. Paragraph 5.1 of the Agreement should be amended to limit the number of opportunities in which the agreement can be renewed to fourteen (14) times, as provided in Exhibit A.
2. The Mayor is hereby authorized to take all steps necessary to cause the above-described amendment and to execute the attached Second Amendment to O & M Agreement.

Dated: June 13, 2016

Approved:

Eugene Prim, Mayor

Attest:

Michael Rietz, City Administrator

Mayor Prim stated the next item on the agenda was the priority setting discussion follow-up. Mayor Prim stated that this will be an on-going agenda item. Council member Strom stated that the Park board will be discussing the ball diamonds at the next meeting. 13th Street was discussed and how to proceed forward with improvements.

Mayor Prim stated the next item on the agenda was the electrical distribution/conduit installation for the Del Acres-Gilbertson 2nd addition.

TEC Manager Guy Swenson stated that 5 bids were received for the installation of the electrical distribution and conduit for the fiber distribution system for the Del Acres-Gilbertson 2nd Addition. Bids from \$93,250.00 to \$149,474.22 were received. The engineers estimate was just a little over \$100,000.00. The low bidder was from Blue Sky Daylighting with a bid of \$93,250.00. The amount budgeted for this project was \$145,000.00. Staff recommends approval of the bid from Blue Sky Daylighting.

06-13-16-15 Motion by Mr. Rick and second by Mr. Davis to approve the bid from Blue Sky Daylighting in the amount of \$93,250.00 for the Del Acres-Gilbertson 2nd Addition for the installation of electrical distribution and conduit for the fiber distribution. Motion carried.

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

06-13-16-16 Motion by Mrs. Strom and second by Mrs. Stuvland to approve the Potato Days 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
COUNTY OF CLAY
STATE OF MINNESOTA**

**RESOLUTION DECLARING BARNESVILLE
POTATO DAYS A
COMMUNITY-WIDE FESTIVAL**

RESOLUTION NO. 06-13-16-16

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 26th through August 27th, 2016; 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 26th through August 27th, 2016 are designated as dates during which the City of Barnesville may issue special event community-wide festival licenses.

Dated: June 13, 2016

APPROVED:

Eugene Prim
Mayor

ATTEST:

Jeri Reep
City Clerk

Mayor Prim stated the next item on the agenda was the discussion of the diving platform at Blue Eagle Lake.

City Administrator Mike Rietz informed council members that the diving platform at Blue Eagle Lake was discussed at the Dept. Head meeting earlier in the day. The Police Chief along with the Public Works Director expressed concerns about the safety of the diving platform at the swim beach, and the unsafe manner people have been using it. Staff is recommending to remove the platform to ensure the safety of those using the swim area.

06-13-16-17 Motion by Mrs. Strom and second by Mr. Field to authorize staff to remove the diving platform at Blue Eagle Lake. The following voted aye: Council members Rick, Strom, Stuvland and Field. The following voted nay: Council members Davis and Goedtke. Motion carried.

Mayor Prim adjourned the meeting at 9:04 p.m.

Submitted by:

Attest:

Jeri Reep
City Clerk

Eugene Prim
Mayor