

**Barnesville City Council  
Regular Meeting**

**August 13, 2018**

Mayor Prim called this regular meeting to order at 7:00 p.m. Members present were Council members Don Goedtke, Betty Strom, David Brown, Scott Bauer, Tonya Stokka and Brad Field. Others in attendance were City Administrator Mike Rietz, Michael Sly with Ohnstad Twitchell, City Clerk Jeri Reep, TEC Manager Guy Swenson, EDA Director Karen Lauer, Police Chief Dean Ernst, Finance Director Laurie Schell, Public Works Supt. Trevor Moen, Ambulance Manager Scott Nelson, Scott Kolbinger with KLJ Engineering, Mark Thimjon, Shane Raw, Zeb Dickey, Crystal Dickey, and Michael Stein with the Record Review.

Mayor Prim asked if there were any additions or corrections to the agenda. City Administrator Mike Rietz stated that the only addition was the renewal of the OpenGov contract.

**08-13-08-01** Motion by Mrs. Strom and second by Mrs. Stokka to approve the agenda with the addition of the renewal of the OpenGov contract. Motion carried.

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

**08-13-18-02** Motion by Mrs. Strom and second by Mrs. Stokka 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 July 9, 2018.
2. Approval of the minutes of the special meeting held on July 30, 2018.
3. Approval of the department head reports.
4. Approval of check numbers 85298-85441 and EFT payments for a total of \$883,724.05.
5. Approval of Ratzos' Pool Hall liquor request-August 25-26, 2018.
6. Approval of VFW post 4628 liquor request-August 25-26, 2018.
7. Approval of vendor agreement for the Energy Assistance Program 2018-2019.
8. Approval of the OpenGov renewal in the amount of \$4,000.00 per year until 2023.
9. Accept the resignation of Public Works Supt. Trevor Moen.

Mayor Prim thanked Public Works Supt. Trevor Moen for the great job he did with the City, and wished him all the best in his future.

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 revocation of the Conditional Use Permit for a moved house at 508 6<sup>th</sup> Street NW.

Mayor Prim stated that at the December 2017 regular council meeting, the council granted a one year extension to the Dickey family to complete the requirements of their CUP. There are many issues that need to be completed. Mayor Prim stated that he does not want the neighbors to put up with this non-complaint home any longer. Mayor Prim suggested the Dickey's to work closely with the Building Inspector, along with City Administrator Mike Rietz, and if no progress is made, to revoke the CUP at the September regular council meeting.

Council member Strom stated that it took the Dickey's seven months to apply for a building permit.

Mr. Dickey stated that they have been focusing on electric and plumbing issues, working on getting things up to code. He stated that he did not realize the garage and driveway were a priority and went about it the wrong way.

Council member Field stated that just recently Dickey's received a list of needs to be completed. The sewer is not authorized, and there is no garbage pick-up.

**08-13-18-03** Motion by Council Member Brown and second by Council Member Goedtke, that the Conditional Use Permit recorded on June 13, 2017, on the property located at 508 6th Street Northwest, Barnesville, Minnesota be AUTOMATICALLY REVOKED, subject to and pending the following:

1. Within 10 days of the date of this resolution, execution of an agreement (the "Agreement") between the property's current occupants, Zebulen and Crystal Dickey (the "Dickeys"), made to the satisfaction of the Barnesville City Attorney, City Administrator, and City Building Official, and containing a stipulation that noncompliance with the agreement leads to the City's immediate authority to enter and remove the property;
2. Within 28 days of the date of this resolution, the Dickeys make certain Health and Safety Improvements, as shall be defined in the Agreement, to the satisfaction of the City Building Official; and
3. By November 1, 2018, the Dickeys make certain other improvements to render the property in compliance with applicable building codes and zoning ordinances, including but not limited to certain Garage and Driveway Improvements.

Motion carried.

**08-13-18-04** Motion by Council Member Stokka and second by Council Member Strom, that the property located at 508 6th Street Northwest, Barnesville, Minnesota is not currently fit for habitation, that the City has not issued a valid certificate of occupancy for the property, that the property is currently being occupied by Zebulen Dickey, Crystal Dickey, and their children (the "Dickeys"), and that therefore the City Council issues EFFECTIVE IMMEDIATELY an

ORDER OF NO-OCCUPANCY for the property, which shall require that all occupants or inhabitants of the property shall immediately vacate the premises and remove all personal property therefrom.

Motion carried.

**08-13-18-05** Motion by Council Member Strom and second by Council Member Field, that the City Administrator has properly issued two notices to Zebulen and Crystal Dickey (the “Dickeys”) regarding the discontinuance of electric utilities services to the property located at 508 6th Street Northwest, Barnesville, Minnesota for failure to obtain a building permit or certificate of occupancy and regarding the disconnection of the Dickey’s improvised, unpermitted connection to the City’s sewer system. The City Administrator shall not enforce these actions unless the Dickeys fail to comply with the deadlines established in Barnesville City Council motion 08-13-18-03. Motion carried.

Mayor Prim stated the next item on the agenda was the Conditional Use Permit for an electronic sign at 206 Front Street South.

City Administrator Mike Rietz informed council members that the Barnesville VFW has applied for a CUP for a 4’ x 8’ electronic message board sign on the side of the VFW building. During discussion it was determined that the dimension did not include the frame of the sign, which is why the Planning Commission is recommending approval of a 5’ x 9’ sign. The change to the CUP is to change the time of the message display to 5 seconds rather than 15 seconds.

**08-13-18-07** Motion by Mrs. Strom and second by Mr. Bauer to approve the CUP request from the Barnesville VFW Post 4628 with the conditions set forth in the CUP, and to change the display message to 5 seconds. Motion carried.

Mayor Prim stated the next item on the agenda was the presentation of the Barnesville Highway 9 and Community Trail plans.

Mr. Stewart Crosby from SRF next approached the council and discussed the proposed Highway 9/Front Street Plan and the Community-wide trail plan. Mr. Crosby stated that two open houses have been held, and staff were at the Clay County Fair with their proposed trail plan. This trail proposal is for the 2023 trail project.

Council members had no further questions for Mr. Crosby.

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

Mr. Scott Kolbinger next approached council members and informed members that the field work has been completed at the lagoon. The Friendship Park had an increase in the original bid of \$1600.00 from FM Asphalt. This was for costs to remove some concrete in the amount of

\$750.00 and \$850.00 related to working around some water shut offs and putting concrete around a telephone vault.

**08-13-18-08** Motion by the Field and second by Mr. Brown to approve the invoice from FM Asphalt in the amount of \$1600.00 for the Friendship Park project. Motion carried.

Mayor Prim stated the next item on the agenda was the Resolution receiving the feasibility report for the Barnesville Commercial Park 4<sup>th</sup> Addition.

City Administrator Mike Rietz informed council members that this is the next step and required to receive the feasibility report.

**08-13-18-09** Motion by Mr. Field and second by Mrs. Strom to approve the Resolution Receiving Feasibility Report. Upon a roll call vote, the following voted aye: Council members Stokka, Goedtke, Strom, Bauer, Brown and Field. The following were absent: none. Motion carried.

**CITY OF BARNESVILLE  
CLAY COUNTY, MINNESOTA**

**RESOLUTION NO. 08-13-18-09**

**Resolution Receiving Feasibility Report**

1. WHEREAS, pursuant to resolution of the council adopted July 9, 2018, a report has been prepared by Scott Kolbinger with KLJ with reference to proposed Improvement No. 2019-01 regarding the installation of water and sanitary sewer to a parcel South of 4th Ave. NE located in the West 190 feet of Block 1, Lot 4 Barnesville Commercial Park 3rd Addition, and this report was received by the council on August 13, 2018, and
2. WHEREAS, the report provides information regarding whether the proposed improvement is necessary, cost-effective, and feasible; whether it should best be made as proposed or in connection with some other improvement; the estimated cost of the improvement as recommended; and a description of the methodology used to calculate individual assessments for affected parcels.

BE IT RESOLVED BY THE CITY COUNCIL OF Barnesville, Minnesota:

The council will consider the improvement in accordance with the report and the assessment of abutting property for all or a portion of the cost of the improvement pursuant to Minnesota Statutes, Chapter 429 at an estimated total cost of the improvement of \$241,354.

Adopted by the council this 13th day of August, 2018.

Mayor

City Clerk

Mayor Prim stated the next item on the agenda was the termination of lease with Stoneridge Software.

City Administrator Mike Rietz informed council members that Stoneridge Software will be terminating their lease with the City one year early. As part of the lease, Stoneridge Software was receiving rent credit for improvements they made to the building. The cost of those improvements was equivalent to five years of rent. This amounts to \$29,700.00. Personnel and Finance committee recommend a credit on their utility bill in the amount of \$29,700.00.

**08-13-18-10** Motion by Mr. Bauer and second by Mrs. Stokka to approve the termination of the lease agreement with Stoneridge Software, and applying a credit to their utility account in the amount of \$29,700.00. Motion carried.

Mayor Prim stated the next item on the agenda was the 1<sup>st</sup> reading of Ordinance 2018-04.

City Administrator Mike Rietz stated that this Ordinance is to deal with the issue of a customer providing utility services to a neighboring customer on a temporary basis.

**08-13-18-11** Motion by Mrs. Strom and second by Mr. Bauer to approve the 1<sup>st</sup> reading of Ordinance 2018-04. Motion carried.

**CITY OF BARNESVILLE  
ORDINANCE NO. 2018-04**

**AN ORDINANCE AMENDING CHAPTER 2-01, SECTION 2-0104 OF THE  
MUNICIPAL CODE REGARDING DISCONTINUANCE OF SERVICE AND  
UNLAWFUL ACTS.**

WHEREAS, the City of Barnesville provides water, sewer and electric services to customers for their use on their property; and

WHEREAS, the Barnesville City Charter and Minnesota Statutes permit the regulation of these services within the service territory of the particular utility,

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

CHAPTER 2-01, SECTION 2-0104, **Subd. 3 Discontinuance of Service** is amended as follows:

**D. It is determined that the owner or occupant of the premises is in violation of the provisions in SECTION 2-0104, Subd. 8 Unlawful Acts.**

CHAPTER 2-01, SECTION 2-0104, **Subd. 8 Unlawful Acts** is amended to include:

**E. Any person has caused, allowed, or attempted the connection to a City utilities service from a property with a permanent permitted connection allowable under City rules, regulations, and ordinances to a property without permanent or with temporarily-permitted connection under City rules, regulations, and ordinances.**

PASSED AND ADOPTED by the Barnesville City Council this \_\_\_\_ day of \_\_\_\_\_, 2018.

APPROVED:

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Eugene Prim, Mayor

ATTEST:

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Jeri Reep, City Clerk

First Reading: August 13, 2018  
Second Reading: September 10, 2018  
Adopted: September 10, 2018  
Publication: September 17, 2018

Mayor Prim stated the next item on the agenda was the 2<sup>nd</sup> Reading of Ordinance 2018-03.

City Administrator Mike Rietz informed council members that this Ordinance increases the surcharge for failure to access to a meter to \$250.00 after 3 months of being charged the \$50.00 surcharge.

**08-13-18-12** Motion by Mrs. Strom and second by Mrs. Stokka to approve the 2<sup>nd</sup> reading of Ordinance 2018-03. Motion carried.

**CITY OF BARNESVILLE  
ORDINANCE NO. 2018-03**

**AN ORDINANCE AMENDING CHAPTER 2-01, SECTION 2-0104 AND CHAPTER 8-01,  
SEC. 2-0104 OF THE MUNICIPAL CODE REGARDING A FEE TO BE CHARGED BY  
THE CITY OF BARNESVILLE FOR FAILURE TO PROVIDE ACCESS TO A UTILITY  
METER WITHIN 30 DAYS.**

WHEREAS, the City of Barnesville provides water, sewer and electric services and uses metering as a way to measure usage and determine what to charge for the services provided; and

WHEREAS, the City of Barnesville has the right to access these meters for maintenance, upgrades and to obtain readings; and

WHEREAS, the Barnesville City Charter and Minnesota Statutes permit the establishment of fees for services performed by the City of Barnesville,

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

CHAPTER 2-01, SECTION 2-0104, Subd. 7 is repealed and recreated as follows:

**Right of Entry.** By applying for, or receiving, a municipal utility service, a customer irrevocably consents and agrees that any City employee acting within the course and scope of his/her employment may enter into and upon the private property of the customer, including dwellings and other buildings, at all reasonable times under the circumstances, in or upon which private property a municipal utility, or connection therewith, is installed, for the purpose of inspecting, repairing, reading meters, connecting or disconnecting the municipal utility service. Failure to allow entry to a city employee onto private property for the above stated purposes within 30 days of the City's initial request to do so shall result in a \$50 surcharge being placed on the customer's utility bill each month until access is granted and the required task accomplished. After being billed the \$50 surcharge for 3 months, if the property owner continues to fail to allow entry for the above stated purposes, the surcharge shall increase to \$250 until access is granted and the required task is accomplished.

CHAPTER 8-01, SECTION 2-0104, Rules and Regulations Relating to Municipal Utilities Is Amended to include:

Subd. 7, Right of Entry. Failure to allow entry to a city employee onto private property for the above stated purposes within 30 days of the City's initial request to do so shall result in a \$50 surcharge being placed on the customer's utility bill each month until access is granted and the required task accomplished. After being billed the \$50 surcharge for 3 months, if the property owner continues to fail to allow entry for the above stated purposes, the surcharge shall increase to \$250 until access is granted and the required task is accomplished.

PASSED AND ADOPTED by the Barnesville City Council this 13th day of August, 2018.

APPROVED:

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Eugene Prim, Mayor

ATTEST:

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Jeri Reep, City Clerk

First Reading: July 9, 2018  
Second Reading: August 13, 2018  
Adopted: August 13, 2018  
Publication: September 17, 2018

Mayor Prim stated that mediation with KLJ Engineering is set for Friday, August 17, 2018.

Mayor Prim adjourned the meeting at 9:20 p.m.

Submitted by:

Attest:

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Jeri Reep  
City Clerk

Eugene Prim  
Mayor