**Barnesville City Council**

**Regular Meeting**

 **September 10, 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, Ambulance Manager Scott Nelson, Robert Ernst, Karen Weeden with Missouri River Energy Services, Evan Leebens and Jeff Bectold with Missouri River Energy Services, Darlys Borgard, Marian Haugrud, Eva Lamb, Ivy Olson, Dale Rollie, Dara Lee with Clay County HRA, Becki Johnson with the Lakes & Prairies Community Action Partnershp, 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 change to the agenda was to remove the closed session to discuss potential litigation regarding the sanitary sewer connections in Del Acres Gilbertson 2nd Addition.

**09-10-18-01** Motion by Mrs. Stokka and second by Mr. Goedtke to approve the agenda as presented and to remove the closed session to discuss potential litigation regarding the sanitary sewer connections in Del Acres Gilbertson 2nd Addition. Motion carried.

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

**09-10-18-02** Motion by Mr. Goedtke and second by Mrs. Stokka to approve the consent agenda. Motion carried. The following items were on the consent agenda.

1. Approval of the minutes of the regular meeting held on August 13, 2018.
2. Approval of the department head reports.
3. Approval of check numbers 85480-85558 and EFT payments in the amount of $392,1476.87.
4. Approval of lot merge request from the EDA in the Del Acres Gilbertson 2nd Addition.
	1. Block 7, Lot 5, Parcel 50.236.0400, with Block 7, Lot 6, Parcel 50.236.0410
	2. Block 7, Lot 7, Parcel 50.236.0420 with Block 7, Lot 8, Parcel 50.236.0430
5. Approval of City Solar garden Fence from Dakota Fence in the amount of $15,419.00.
6. Approval of travel for TEC Manager Guy Swenson to attend the MRES Policy Makers Dinner-September 6, 2018.
7. Approval of travel for TEC Manager Guy Swenson to attend the MRES Area meeting-October 24, 2018.
8. Approval of travel for TEC Manager Guy Swenson to attend the Interstate Telecom Consulting Client Seminar-November 14, 2018.

Mayor Prim next called on Ambulance Manger Scott Nelson. Mr. Nelson informed council members of an award the Ambulance Dept. received from the Fargo Moorhead Ambulance for participating during the Presidential visit.

Mayor Prim stated the next item on the agenda was the boards and commission reports. Council member Stokka informed council members that the Park equipment is scheduled for October 1st delivery. 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. Bob Ernst approached council members and stated that he has a neighbor that does not take care of their yard, and was wondering what could be done.

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

Mayor Prim stated the next item on the agenda was the update on property at 508 6th Street NW.

Mayor Prim stated that the council took action on this item at the August regular meeting. Attorney Michael Sly and Building Inspector Sid Fossen are scheduled to go to the property on Tuesday morning.

Mayor Prim stated the next item on the agenda was the Storm Water pond maintenance. Ms. Darlys Borgard next approached council members and discussed the neighbors concern about the storm water pond that is between their property and the commercial park. There is a lot of weeds by the pond. City Administrator Mike Rietz stated that the Public Works Dept has treated the area for the weeds, and the Public Works Dept will cut down the trees and bushes in that area.

Mayor Prim stated the next item on the agenda was the Clay County HRA request for consent to levy and collect a Special Benefit Tax in the City.

Ms. Dara Lee with the Clay County HRA next discussed with council members the request the Clay County HRA is requesting of the City of Barnesville. This tax would be levied in all of Clay County, contingent upon each of your consent. The City of Barnesville also is served by the Barnesville HRA, so the city must give separate consent prior to the Clay County HRA levying within the City limits. For each $1.00 raised in property taxes, the HRA has been able to generate an additional $12.00 in funding from outside sources that is spent in Clay County. This special levy will be used for costs associated with administering and performing rehabilitation work on homes occupied by low and moderate-income owners. City Council members had no other questions for Ms. Lee.

**09-10-18-03** Motion by Mr. Field and second by Mrs. Stokka to accept the Special Benefit Tax for 2019 that was levied by the Clay County HRA Board of Commissioners. Motion carried.

Mayor Prim stated the next item on the agenda was the electric rate study presentation.

 Mr. Evan Leebens with Missouri River next approached council members and discussed the electric rate study that they have completed. Mr. Leebens discussed the projected power supply and energy consumption. The projected energy consumption for residential customers is 57.3%. The City has had the current electric rates since 2014. MRES is recommending two 5% rate increases, in January 2019 and January 2020. The yearly operating transfer is based on $0.0095/kWh of sales, with the average of $207,000.00 annually. Council members had no further questions for Mr. Leebens.

Mayor Prim stated the next item on the agenda was the electric facility maintenance contract.

TEC Manager Guy Swenson provided council members a brief history of our current electric contract with Ottertail Power. Ottertail Power has been our contracted electric provider since 2004. In October 2017, Ottertail Power and City staff held a meeting, and Ottertail Power stated that they were not interested in renewing our contract, and wanted the City to sell the electric company to Ottertail Power. TEC Board directed Mr. Swenson to request proposals for distribution maintenance for the City. Proposals were received, and the TEC Board is recommending Missouri River Energy Services to provide our Distribution Facilities Maintenance services when the contract with Ottertail Power expires. Missouri River Energy Services will provide two linemen, which is an OSHA requirement. Council member Field stated that this contract with Missouri River Energy will not affect the general fund transfers that the Electric fund transfers.

**09-10-18-04** Motion by Mr. Field and second by Mr. Bauer to accept the 5% electric rate increase for 2019 and enter into a five-year agreement with Missouri River Energy Services to provide the City distribution facilities maintenance services in the amount of an estimated cost of $335,000.00 per year. Motion carried.

Mayor Prim stated the next item on the agenda was the 2019 Preliminary levy.

City Administrator Mike Rietz discussed the preliminary budget with council members. This budget contains a proposed levy increase of 9.9%. This amount can go down, but the amount can not be increased. The preliminary tax capacity received from Clay County is not increasing significantly this year.

**09-10-18-05** Motion by Mr. Brown and second by Mr. Goedtke to approve the 2019 preliminary tax levy budget. Upon a roll call vote, the following voted aye: Council members Stokka, Goedtke, Strom, Bauer, Brown and Field. The following voted nay: none. Motion carried.

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| --- | --- | --- | --- | --- |
| 2019 LEVY RESOLUTION PRELIMINARYCITY OF BARNESVILLECOUNTY OF CLAY, STATE OF MINNESOTARESOLUTION NO. 09-10-18-05 |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
| BE IT RESOLVED, That the following sums be, and hereby are levied upon the taxable property in the City of Barnesville, County of Clay, State of Minnesota for payable in the year 2018, for the following purposes to-wit: |  |  |  |   |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  | FINAL | PRELIM |  |
|  |   | 2019 | 2019 |  |
| General Fund - General |  |  309,800  | 339,500 |  |
| General Fund - Police/Amb |  | 0 | 0 |  |
| General Fund - Admin |  | 0 | 0 |  |
| General Fund - Parks |  |  337,941  | 360,642 |   |
| General Fund - Streets |  | 0 | 0 |  |
| General Fund - Ambulance |  | 45,000 | 63,420 |  |
| Total Levy for Operations |  | 692,741 | 763,562 |  |
|  |  |  |  |  |
| 2010A GO Bond Refinanced (Fund 315) |  | 20,000 | 30,000 |  |
| 2005A/2012 GO Bond Debt Service (Fund 312) |  | 0 | 0 |  |
| 2013-1 INFRA IMPROVE DIST (Fund 317) |  | 15,000 | 11,000 |  |
| 2006/2012Del Acres Gilbertson (Fund 314) |  | 0 | 0 |  |
| 2011/2012 Front St. (Fund 316) |  | 31,000 | 30,000 |  |
| Total Levy for Debt |  | 66,000 | 71,000 |  |
|  |  |  |  |  |
| TOTAL LEVY |   | 758,741 | 834,562 |  |
|  |  |  |  |  |
| Before Tax Capacity |  | 105.00% | 109.99% |  |
| After Tax Capacity |  | 5.00% | 9.99% |  |
|  |  |  |  |  |
| Adopted this 10th day of September, 2018 |  |  |  |  |
|  |  |  |  |  |
| Approved this 10th day of September 2018 |  |  |  |  |
|  |  | FINAL NUMBER FOR BUDGET |
|  |  | RESOLUTION |  |
|  |  |  9,934,455  |  |  |
|  |  |  |  |  |
| Eugene Prim |  |  |  |  |
| Mayor |  |  |  |  |
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Michael Rietz

City Administrator

Mayor Prim stated the next item on the agenda was the 2019 preliminary budget resolution.

**09-10-18-06** Motion by Mr. Brown and second by Mr. Goedtke to approve the 2019 preliminary budget resolution. Upon a roll call vote, the following voted aye: Council members Stokka, Goedtke, Strom, Bauer, Brown and Field. The following voted nay: none. Motion carried.

CITY OF BARNESVILLE

CLAY COUNTY, MINNESOTA

PRELIMINARY 2019 BUDGET

RESOLUTION 09-10-18-06

BE IT RESOLVED that the City of Barnesville, Minnesota is required to maintain a budget for its fiscal operations.

BE IT FURTHER RESOLVED that the City of Barnesville, Minnesota has the legal authority to use its taxation authorities to levy necessary funds to operate the city.

BE IT FURTHER RESOLVED that the City of Barnesville, Minnesota is continually monitoring its budget and develops a fiscal budget based on the calendar year.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Barnesville that 2019 Preliminary Budget be adopted.

1. 2019 Budget $9,934,455

Adopted this 10th day of September, 2018

Approved this 10th day of September, 2018

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 Eugene Prim

 Mayor

Attest:

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Michael Rietz

City Administrator

Mayor Prim stated the next item on the agenda was the 2nd reading of Ordinance 2019-04.

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. The TEC Board and Public works committee recommend approval of this Ordinance.

**09-10-18-07** Motion by Mrs. Strom and second by Mrs. Stokka to approve the 2nd 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 approval of Summary Ordinance 2018-04.

**09-10-18-08** Motion by Mrs. Strom and second by Mr. Bauer to approve the Summary Ordinance 2018-04. Motion carried.

# TITLE AND SUMMARY OF ORDINANCE NO. 2018-04

The following Ordinance is hereby published by title and summary:

**1. Title of Ordinance:**

An Ordinance Amending Chapter 2-01, Sec. 2-0104 of the Municipal Code Regarding Discontinuance of Service and Unlawful Acts.

**2. Summary of Ordinance:**

This ordinance makes it an unlawful act for a property owner to provide a connection to utilities to a neighboring property. That unlawful act will result in the discontinuation of service to the property providing the utility connection.

 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 September, 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

Published: September 17, 2018

Mayor Prim stated the next item on the agenda was the approval of Summary Ordinance 2018-03.

**09-10-18-09** Motion by Mrs. Strom and second by Mrs. Stokka to approve the Summary Ordinance 2018-03. Motion carried.

# TITLE AND SUMMARY OF ORDINANCE NO. 2018-03

The following Ordinance is hereby published by title and summary:

**1. Title of Ordinance:**

An Ordinance Amending Chapter 2-01, Sec. 2-0104 and Chapter 8-01, Sec. 2-0104 of the Municipal Code Regarding a Fee for Failure to Provide Access to a Utility Meter.

**2. Summary of Ordinance:**

This ordinance increases the fee for not granting access to the utility meter. After 3 months of receiving a $50 surcharge, the fee increases to $250 until access is granted and the required task is accomplished.

 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 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

Published: September 17, 2018

Mayor Prim stated the next item on the agenda was the newspaper advertisement policy. Mayor Prim turned the meeting over to Acting Mayor Strom, since Mayor Prim had a conflict of interest with this agenda item.

Acting Mayor Strom asked City Administrator Mike Rietz to provide a background for this discussion. City Administrator Mike Rietz discussed the proposed advertisement policy after conferring with Council member Strom and the City Attorney. This policy provides a written procedure that reflects the unwritten policy that we have in place. This policy is recommended by staff, Council member Strom, and City Attorney.

**09-10-18-10** Motion by Mr. Goedtke and second by Mrs. Strom to approve the proposed newspaper advertisement policy as presented. Those voting aye: Council member Strom, Stokka, Goedtke and Bauer. Those voting nay : Council members Field and Brown. Motion carried.

Acting Mayor Strom next turned the meeting back to Mayor Prim.

Mayor Prim stated that possibly there would be a special meeting held in September regarding the sanitary sewer connections in Del Acres Gilbertson 2nd Addition.

Mayor Prim adjourned the meeting at 8:59 p.m.

Submitted by: Attest:

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Jeri Reep, City Clerk Eugene Prim, Mayor