

**Barnesville City Council  
Regular Meeting  
January 13, 2014**

Mayor Dahnke called this regular meeting to order at 7:00 p.m. Members present were Mayor Dahnke and Council members Betty Strom, Richard Sylvester, Larry Davis, Jr, Don Goedtke, Cathy Enstad and Jason Rick. Others in attendance were, City Administrator Mike Rietz, John Shockley with Ohnstad Twichell, City Clerk Jeri Reep, Finance Director Laurie Schell, Police Chief Dean Ernst, TEC Manager Guy Swenson, Ambulance Manger Jon Yeske, Blake Griffin with Communications Network, Mike Sonmor with People Service, Gene Prim, and Jacob Underlee with the Record Review.

Mayor Dahnke asked City Administrator Mike Rietz to take roll call.

The next item on the agenda was the pledge of allegiance. All rose to recite the pledge of allegiance.

Mayor Dahnke next asked if there were any corrections or additions to the agenda. City Administrator Mike Rietz stated that the following needed to be added to the agenda:

1. Approval of Payment No. 3 for Improvement District 2013-1
2. Approval of Change Order No. 3 for Improvement District 2013-1
3. Request for bids for fiber to the home project-outside plant
4. Request to advertise for fiber to the home project-equipment.

**01-13-14-01** Motion by Mr. Davis and second by Mr. Sylvester to approve the agenda with the following additions:

- a. Approval of Payment No. 3 for Improvement District 2013-1
- b. Approval of Change Order No. 3 for Improvement District 2013-1
- c. Request for bids for fiber to the home project-outside plant
- d. Request to advertise for fiber to the home project-equipment

Motion carried.

Mayor Dahnke stated the next item on the agenda was approval of the consent agenda.

**01-13-14-02** Motion by Mr. Rick 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 council meeting minutes held on December 9, 2013.
2. Approval of department head reports
3. Approval of check numbers 76933 – 77132 in the amount of \$1,016,239.02 and EFT's in the amount of \$188,109.47.
4. Approval of travel for City Administrator Mike Rietz to attend the MCMA Conference.
5. Approval of appointment for Sheila Carlson to the Park Board with term ending December 2014.

6. Approval of appointment for Brock Walseth to the Park Board with term ending December 2016.
7. Approval to hire Brooke Roeder as a part-time EMT.
8. Approval of payment No. 3 to Sellin Brothers for Improvement District 2013-1.
9. Approval of change order No. 3 to Sellin Brothers for Improvement District 2013-1.

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

Council member Strom stated that the Community Center committee had changed their committee name.

Council member Enstad stated that the EDC would be meeting on Wednesday morning.

Council member Rick stated that the Fire Board would be meeting on Tuesday evening.

Council member Strom stated that the Park Board has two new members.

**01-13-14-03** Motion by Mr. Davis and second by Mrs. Enstad to approve the board and commission reports as presented. Motion carried.

City Administrator Mike Rietz next presented Mayor Dahnke a clock for his years of service as Mayor to the city of Barnesville.

City Administrator Mike Rietz next called on Gene Prim, Larry Davis, Jr., Don Goedtke, and Jason Rick. Mr. Rietz presented the oath of office for Mayor Gene Prim and Council members Larry Davis, Jr., Don Goedtke, and Jason Rick.

Mayor Prim next discussed the council appointments and committee assignments that he had appointed. Mayor Prim asked if there were any questions or comments about the assignments.

**01-13-14-04** Motion by Mr. Sylvester and second by Mr. Goedtke to approve the following council representatives and appointments. The following voted aye: Council members Rick, Goedtke, Strom, Davis, and Sylvester. The following voted nay: Council member Enstad. Motion carried.

#### **Portfolios Holders and Committee Assignments**

<b>Admin, Finance &amp; Personnel</b>	Rick & Sylvester
<b>Liquor, Ordinances, &amp; Buildings</b>	Sylvester & Davis
<b>Water/Wastewater</b>	Davis & Goedtke
<b>Streets &amp; Parks</b>	Davis & Goedtke
<b>Police, Fire, &amp; Ambulance</b>	Prim & Rick
<b>TEC Advisory Board</b>	Rick, Sylvester, Merlin Strom Troy Weber, Trent Bielejeski
<b>Planning Commission</b>	Goedtke
<b>Airport Advisory Board</b>	Sylvester
<b>Park Board</b>	Strom & Sylvester
<b>Community Education</b>	Enstad
<b>Barnesville HRA</b>	Enstad

<b>EDA</b>	Goedtke & Prim
<b>WACCO</b>	Strom- (Enstad-Alternate)
<b>Emergency Operations Director</b>	Davis & Prim
<b>JP Zoning Board</b>	Goedtke & Davis
<b>JP Board of Adjustment</b>	Enstad & Strom
<b>Library Board</b>	Strom
<b>Dev. Control Board</b>	Davis & Goedtke
<b>Clay County Collaborative Board</b>	Enstad

Mayor Prim stated the next item on the agenda was to approve the city officers.

**01-13-14-05** Motion by Mr. Sylvester and second by Mr. Goedtke to approve the City officers. Motion carried.

<b>Acting Mayor</b>	Jason Rick
<b>City Administrator</b>	Michael Rietz
<b>City Attorney</b>	John Shockley
<b>City Clerk</b>	Jeri Reep
<b>Chief of Police</b>	Dean Ernst
<b>Fire Chief</b>	Mike Stetz

Mayor Prim stated the next item on the agenda as to designate the official depositories for the City of Barnesville.

**01-13-14-06** Motion by Mr. Davis and second by Mrs. Strom to approve the following official depositories for the City of Barnesville: Wells Fargo, Wells Faro Investment Services, Midwest Bank, MN Municipal Money Market Funds, Ehlers Investment Partners. Council member Sylvester questioned if the city is getting the rate of return we should be with Ehlers. Mr. Sylvester suggested looking at our local banks. City Administrator Mike Rietz stated that the Personnel & Finance committee can review this. Motion carried.

Mayor Prim next asked Vice-Mayor Jason Rick to discuss the next item on the agenda.

Vice-Mayor Rick stated the next item on the agenda was to designate the official newspaper.

**01-13-14-07** Motion by Mr. Davis and second by Mr. Sylvester to designate the Barnesville Record Review as the official City newspaper. Motion carried.

Mayo Prim stated the next item on the agenda was the 2<sup>nd</sup> reading of Ordinance 2013-12.

City Administrator Mike Rietz stated that the Planning & Zoning recommend approval of this ordinance.

**01-13-14-08** Motion by Mr. Rick and second by Mrs. Strom to approve the 2<sup>nd</sup> reading of Ordinance 2013-12. Motion carried.

**CITY OF BARNESVILLE  
ORDINANCE NO. 2013-12**

**AN ORDINANCE TO AMEND AND REENACT SECTION 7-0207 SUBD. 4, 5, 6 AND 7,  
SECTION 7-0208 SUBD. 4, SECTION 7-0209 SUBD. 4 OF THE BARNESVILLE CITY  
CODE REGARDING SETBACKS IN THE C-2, C-3 AND I-1 ZONING DISTRICTS.**

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

SECTION 1. Section 7-0207 Subd. 4, 5 6 and 7 of the Municipal Code of the City of Barnesville is hereby amended and reenacted to read as follows:

**Subd. 4. Yard and Lot Requirements.**

Minimum Lot Area (sq. ft.)                      6,000 sq. ft.

Minimum Lot Width (ft.)                        50 ft.

Minimum Lot Depth (ft.)                        120 ft.

Minimum Front Yard Setback (ft.)            25 ft.

Minimum Side Yard Setback                    10% of lot width at the front setback or 15 ft. whichever is less. On an interior side yard, 0 ft. is allowed where common walls on attached buildings are located. When adjacent to a residential district, the abutting side yard setback is 10% of lot width at the front setback.

Minimum Rear Yard Setback                    20 ft. or when the rear lot line abuts a residential district, 25 ft.

~~**Subd. 5. Rear Yard Requirements:** No rear yard setback is required except as hereinafter provided. When required, the rear yard requirements shall be the same as the R-1 district.~~

~~\_\_\_\_\_ A. A rear yard is required for buildings containing any dwelling units.~~

~~\_\_\_\_\_ B. A rear yard is required for any lot of which the rear or side lot line abuts a residential district (R-1, R-2, R-3 or R-4).~~

~~**Subd. 6. Side Yard Requirements:** No side yard setback is required except as hereinafter provided. When required, the side yard shall be 10% of the lot width.~~

~~\_\_\_\_\_ A. A side yard is required for any lot of which the side line abuts a residential district.~~

**Subd. 7 5. Parking Requirements:** All off-street parking shall conform to the requirements of Section 7-0602.

Section 2. Section 7-0208 Subd. 4 of the Municipal Code of the City of Barnesville is hereby amended and reenacted to read as follows:

**Subd. 4. Yard and Lot Requirements.**

Minimum Lot Area (sq. ft.) 7,200 sq. ft.

Minimum Lot Width (ft.) 60 ft.

Minimum Lot Depth (ft.) 120 ft.

Minimum Front Yard Setback (ft.) 50 ft.

Minimum Side and Rear Yard Setback (ft.) 15 ft. or half the height of the

building, whichever is greater. Rear yard setback is 25 ft. when the rear lot line abuts a residential district.

Section 3. Section 7-0209 Subd. 4 of the Municipal Code of the City of Barnesville is hereby amended and reenacted to read as follows:

**Subd. 4. Yard and Lot Requirements.**

Minimum Lot Area (sq. ft.) 7,200 sq. ft.

Minimum Lot Width (ft.) 60 ft.

Minimum Lot Depth (ft.) 120 ft.

Minimum Front Yard Setback (ft.) 50 ft.

Minimum Side and Rear Yard Setback (ft.) 15 ft. or half the height of the

building, whichever is greater. Rear yard setback is 25 ft. when the rear lot line abuts a residential district.

PASSED AND ADOPTED by the Barnesville City Council this 13th day of January, 2014.

APPROVED:

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Eugene Prim  
Mayor

ATTEST:

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Jeri Reep  
City Clerk

First Reading: December 9, 2013

Second Reading: January 13, 2014

Adopted: January 13, 2014

Published: February 17, 2014

Mayor Prim stated the next item on the agenda was the discussion of the loader purchase.

City Administrator Mike Rietz informed council that staff received pricing for a new loader. Staff is recommending purchasing the 2014 John Deer 524K loader from RDO Equipment in the amount of \$138,420.00. The city will trade in the 2007 New Holland with bucket and forks in the amount of \$46,000.00.

**01-13-14-08** Motion by Mr. Rick and second by Mr. Davis to authorize staff to purchase the 2014 John Deer 524K loader from RDO Equipment in the amount of \$138,420.00. The city will trade in the 2007 New Holland with bucket and forks in the amount of \$46,000.00. Total amount due will be \$92,420.00. Motion carried.

Mayor Prim stated the next item on the agenda was the amendment to the Personnel Policies.

City Administrator Mike Rietz informed council members that the State has made some recent changes to sick leave requirements. The changes are in the FMLA section that added language from the law that wasn't already in the policy.

**01-13-14-09** Motion by Mr. Davis and second by Mr. Sylvester to approve the recommended changes to the Personnel Policy regarding sick leave and the FMLA law. Motion carried.

Mayor Prim stated the next item on the agenda was the 1<sup>st</sup> reading of Ordinance 2014-01.

TEC Manager Guy Swenson informed council members that this ordinance will provide a transfer calculation for determining the transfer rate for the following year's telephone budget. By having this ordinance in place, we can secure a more favorable bond rating and interest rate for the Fiber to the Home project. Mr. Swenson stated that the TEC Board recommends creating this ordinance.

**01-13-14-10** Motion by Mr. Sylvester and second by Mr. Goedtke to approve the 1<sup>st</sup> reading of Ordinance 2014-01, with changing from the five-sixth vote of all members of the Council members to majority of the council members voting. Mayor Prim questioned why we would want someone else to have control of our own money. TEC Manager stated that this ordinance is in effort to receive a better interest rate for the Fiber to the Home project. Motion carried.

## **ORDINANCE 2014-01**

### **AN ORDINANCE TO ESTABLISH THE RATE FOR TRANSFER OF REVENUES FROM BARNESVILLE MUNICIPAL TELEPHONE TO THE CITY OF BARNESVILLE GENERAL FUND.**

The City Council of the City of Barnesville does hereby ordain as follows:

WHEREAS, Prior year transfers were established during the budget process and adjusted "As Needed" to meet General Fund Expenditures.

WHEREAS, the operating transfer to the City of Barnesville's General Fund is determined annually during the budget process to meet the financial goals of the Telephone fund and provide a reasonable transfer to the General Fund to meet its revenue resource requirements.

WHEREAS, the Telephone/Electric/Cable TV (T.E.C.) Advisory Board for the City of Barnesville has recommended the following calculation as the mechanism to determine future transfers from Barnesville Municipal Telephone to the City of Barnesville General Fund.

NOW THEREFORE, Ordinance No. 2013-XX is hereby established as follows:

Section 1 Transfers to General Fund

A. Operating Transfer Calculation.

1. The transfer amount is calculated by multiplying the number of active telephone lines reported to the National Exchange Carrier Association (NECA) in December from the previous budget year by the transfer rate of \$272.00 per active telephone line. (example; 2015 transfers would be based on the number of active phone lines reported to NECA in December 2013)
2. Additional transfers may be authorized by the City Council provided that an unplanned, or emergency, expenditure out of the general fund budget occurs and it is necessary to fund said expenditure out of additional transfers from the Telephone fund provided that a five-sixth vote of all members of the City Council is required to authorize an additional transfer.

EFFECTIVE DATE: This ordinance shall become effective upon its passage and enactment, followed by publication according to law.

PASSED AND ADOPTED by the Barnesville City Council this 10th day of February, 2014.

APPROVED:

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Eugene Prim, Mayor

ATTEST:

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Jeri Reep  
City Clerk

First Reading: January 13, 2014  
Second Reading: February 10, 2014  
Adopted: February 10, 2014  
Publication: February 17, 2014

Mayor Prim stated the next item on the agenda was the 1<sup>st</sup> reading of Ordinance 2014-02.

TEC Manager Guy Swenson informed council members that to meet the financial goals of the Broadband and Internet fund and provide a reasonable transfer to the General Fund to meet its revenue resource requirements. This ordinance will provide a transfer calculation for determining the transfer rate for the following year's Broadband and internet budget. The TEC Board recommends adding this section to the Broadband and Internet Ordinance.

**01-13-14-11** Motion by Mr. Sylvester and second by Mr. Rick to approve the 1<sup>st</sup> reading of ordinance 2014-02, with changing from the five-sixth vote of all members of the Council members to majority of the council members voting. Motion carried.

## **ORDINANCE 2014-02**

### **AN ORDINANCE TO ESTABLISH THE RATES AND CHARGES FOR BROADBAND AND INTERNET SERVICE.**

The City Council of the City of Barnesville does hereby ordain as follows:

WHEREAS, the City Council did previously enact Ordinance No. 2013-01 an ordinance to establish charges for broadband and internet service.

WHEREAS, DSL service is a service regulated by National Exchange Carrier Association (NECA) and the City of Barnesville doing business as Barnesville Municipal Telephone is a member of NECA and,

WHEREAS, NECA has filed the appropriate tariffs with the Federal Communications Commission which establish wholesale charges for DSL services and,

WHEREAS, the Telephone/Electric/Cable TV (T.E.C.) Advisory Board for the City of Barnesville has recommended the following rates and charges for DSL and Dial-up Internet service provided to customers by the Broadband and Internet Enterprise.

NOW THEREFORE, Ordinance No. 2013-01 is hereby replaced as follows:



Section 1. Costs for DSL service

	MONTHLY COSTS		SPEEDS	
	Internet/DSL		Down speed	Up speed
1.	\$24.95	(Bronze)*	up to 128 kbps	up to 128 kbps
2.	\$36.95	(Silver)	up to 3 Megbps	up to 1 Megbps
3.	\$52.95	(Gold)	up to 6 Megbps	up to 1 Megbps
4.	\$69.95	(Platinum)	up to 10 Megbps	up to 1 Megbps

\* New DSL customers only

Cost for additional Email accounts: \$ 2.00 per month

Cost for 2<sup>nd</sup> Static IP addresses \$10.00 per month

DSL “Combo” package

When DSL is purchased along with Barnesville Long Distance and Barnesville Cable TV service the customer will receive a monthly “Combo” discount on the cost of the DSL level as follows:

\$5.00 per month discount for Bronze DSL service

\$15.00 per month discount for Silver DSL service

\$20.00 per month discount for Gold DSL service

\$25.00 per month discount for Platinum DSL service.

The DSL “Combo” package is available to business and residential customers.

DSL Installation charge: \$250.00 non-recurring (DSL Installation charges will increase along with NECA increases)\*-\*

\*-\* DSL Installation charge may be waived.

Conditions for waiver: Customer agrees to maintain DSL service for a minimum period of twelve months. Customer will be billed DSL service installation charge should they fail to maintain DSL service for the twelve-month period. Service order charges are not waived.

Section 2. Equipment Provided by Customer

Network Interface Card (NIC)

Modem: Options

- 1) Customer can provide their own modem, or
- 2) Purchase a Modem/router from City Hall - \$140.00 (plus applicable taxes), or
- 3) Rent a Modem/router for \$4.95 per month.

**SOFTWARE REQUIRED/RECOMMENDED**

INTERNET BROWSER: Customer provided

FIREWALL: Software and electrical surge protector are responsibility of

subscriber.

### Section 3. Equipment provided for Customer

3 meter CAT 5 patch cord

Section 4. Cost for Dial-up Internet service - Dial-up Service will no longer be offered after February 18, 2010. Current Dial-up customers will continue to be supported and can remain on the system for as long as they choose, however, once a customer leaves Dial-up service they cannot get reconnected to Dial-up. (These customers will qualify for the Bronze DSL package)

All Dial-up rates will remain in effect until the last customer has chosen to disconnect from the Dial-up system.

All rates listed will apply equally to residential or business service.

1.	35 hours per month	\$9.95	(20 cents per hour over 35 hours)
2.	100 hours per month	\$14.95	(15 cents per hour over 100 hours)
3.	Unlimited	\$19.95	
4.	Unlimited Package	\$14.95	(when purchased with Barnesville Long Distance and Barnesville Cable TV service)

### Section 5. Equipment provided by Customer

Modem 56 kbps

### Section 6. Billing

The monthly charge for Broadband and Dial up Internet service will be billed forward.

If service is disconnected, the billing for service will be ½ the monthly rate if disconnected on or before the 15<sup>th</sup> day of the present month. Service disconnected after the 15<sup>th</sup> day of the present month will be billed for the full month.

### Section 7. Rate adjustments.

- 1) First time DSL customers receive a \$10.00 per month credit for 3 months with one year service agreement.
- 2) In support of Economic Development efforts and with Council approval, DSL monthly service charges may be reduced up to 50 percent for a time period no longer than 1 year.

### Section 8 Transfers to General Fund

#### B. Operating Transfer Calculation.

3. The operating transfer to the City of Barnesville's General Fund is determined annually during the budget process. To meet the financial goals of the Broadband and Internet fund and provide a reasonable

transfer to the General Fund to meet its revenue resource requirements. The transfer amount is calculated by multiplying the number of active DSL connections reported to the National Exchange Carrier Association (NECA) in December from the previous budget year by the transfer rate of \$156.00 per active DSL Connection. (Example: 2015 transfers would be based on the number of active DSL Connections reported to NECA in December 2013)

4. Additional transfers may be authorized by the City Council provided that an unplanned, or emergency, expenditure out of the general fund budget occurs and it is necessary to fund said expenditure out of additional transfers from the utility provided that a five-sixth vote of all members of the City Council is required to authorize an additional transfer.

EFFECTIVE DATE: This ordinance shall become effective upon its passage and enactment, followed by publication according to law.

PASSED AND ADOPTED by the Barnesville City Council this 10th day of February, 2013.

APPROVED:

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Eugene Prim, Mayor

ATTEST:

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Jeri Reep  
City Clerk

First Reading: January 13, 2014  
Second Reading: February 10, 2014  
Adopted: February 10, 2014  
Publication: February 17, 2014

Mayor Prim stated the next item on the agenda was the addendum #2 to the 702 Communications Internet Helpdesk contract for service.

TEC Manager Guy Swenson informed council members that currently the city is paying \$2,520.00 per month for 200MB of bandwidth. This was the maximum amount of bandwidth we could get on the old OC48 fiber ring from Barnesville to Moorhead. When we improved the OC48 ring that provided us with a gigabyte connection to Moorhead. The next step is to increase our internet bandwidth to 1 Gig. The cost to upgrade our internet bandwidth to 1 Gig is \$1,500.00 per month.

**01-13-14-12** Motion by Mr. Davis and second by Mrs. Enstad to approve the 702 Communications Internet helpdesk contract for service Addendum #2 increase our bandwidth to 1 Gig and lowers our bandwidth cost to \$1,500.00. Motion carried.

Mayor Prim stated the next item on the agenda was the request to advertise for bids for the fiber to the home project for the outside plant.

TEC Manager Guy Swenson was asking approval to request to advertise for Fiber to the Home bids. Mr. Swenson stated the estimated total cost is \$4,653,741. The costs for the outside plant would be \$3,071,780. Mr. Swenson stated that this project would provide fiber to every home in Barnesville.

**01-13-14-13** Motion by Mrs. Strom and second by Mr. Sylvester to authorize TEC Manger Guy Swenson to advertise for Fiber to the Home for the outside plant bids. Motion carried.

Mayor Prim stated the next item on the agenda was the request to advertise for bids for fiber to the home project for the equipment.

TEC Manager Guy Swenson stated that the estimated cost for fiber to the home for the equipment is \$1,083,345.00. Mr. Swenson stated that the bid will be for Calix Equipment.

**01-13-14-14** Motion by Mr. Davis and second by Mr. Sylvester to authorize TEC Manager Guy Swenson to advertise for Fiber to the Home for the equipment bids. Motion carried.

Mayor Prim stated that the HRA has two open positions on their board. Duane Morey and Jan Nasstrom have agreed to fill those open positions.

**01-13-14-15** Motion by Mr. Davis and second by Mr. Sylvester to appoint Duane Morey and Jan Nasstrom to the HRA Board. Motion carried.

Mayor Prim stated the next item on the agenda was the renewal of the utility incentive on existing home sales.

City Administrator Mike Rietz informed council members that the 2014 proposed housing incentive program consists of if a homebuyer signs a purchase agreement for an existing home located within the City limits between February 15, 2014 and November 1, 2014, the homeowner will be entitled to receive a \$500.00 utility credit after closing has occurred. The homeowner will be required to provide written evidence of the purchase agreement date and the closing date.

**01-13-14-16** Motion by Mr. Davis and second by Mr. Goedtke to approve the 2014 Home Housing Incentive Program. Mayor Prim stated that this program has been very successful. Motion carried.

Mayor Prim stated the next item on the agenda was the Clay County Joint Powers Annual Intergovernmental Retreat.

City Administrator Mike Rietz stated that if council members would like to attend, please let staff know.

Mayor Prim next thanked out-going Fred Dahnke as Mayor and thanked him for the work he has done. Mayor Prim stated that he was looking forward to working together with council members. Mayor Prim stated that he would like to have the citizens to be heard at the beginning of the council meetings in the future. Mayor Prim also suggested that access to City information have some middle ground as to when the city charges for information. Mayor Prim stated that they would be having some special council meetings in the future. Some topics suggested were the enterprise funds, special assessment policy, and the priorities of the council. Mayor Prim also reminded council members of the open meeting law.

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

Mayor Prim adjourned the meeting at 7:59 p.m.

Submitted by:

Attest:

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Jeri Reep  
City Clerk

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Eugene Prim  
Mayor