

**Barnesville City Council**  
**Regular Meeting**  
**June 9, 2014**

Mayor Gene Prim called this regular meeting to order at 7:00 p.m. Members present were Council members Betty Strom, Larry Davis, Jr, Don Goedtke, Jason Rick and Cathy Enstad. Absent was Richard Sylvester. 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, Public Works Supt. Terry Ystenes, Animal Control Officer Lisa Cook, Bruce Albright, Carol Albright, Scott Nelson, Mark Nasbet and Brad Sylliaasen with Xcel Energy and Jacob Underlee with the Record Review.

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

Mayor Prim next asked if there were any corrections or additions to the agenda. City Administrator Mike Rietz stated the following items needed to be added: Lot merge request for 111 2<sup>nd</sup> Ave NW, hiring of Malissa Burnside as Golf Course pro-shop employee, accept the resignation of Public Works Supt. Terry Ystenes, Miller property maintenance violation, and update on Sprint lawsuit.

**06-09-14-01** Motion by Mr. Davis and second by Mr. Rick to approve the agenda as presented with the addition of the following items: Lot merge request for 111 2<sup>nd</sup> Ave NW, hiring of Malissa Burnside as Golf Course pro-shop employee, accept the resignation of Public Works Supt. Terry Ystenes, Miller property maintenance violation, and update on Sprint lawsuit. Motion carried.

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

**06-09-14-02** Motion by Mr. Davis and second by Mrs. Enstad 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 May 12, 2014
2. Approval of the minutes of the special meeting held on May 21, 2014
3. Department head reports
4. Approval of check numbers 77776 – 77949 in the amount of \$659,052.27 and EFT payments in the amount of \$73,053.34.
5. Approval of KC's liquor license request-Potato Days
6. Approve the resignation of Ken Bauer from the Property Maintenance Appeals Board
7. Agreement of Special Assessment and Waiver of Appeal, Lot 6, Blk 1, Heartland 3<sup>rd</sup> Addition
8. Approval of pay estimate #4 for Old City hall Elevator Project in the amount of \$71,934.00
9. Approval of lot merge request for 111 2<sup>nd</sup> Ave NW, parcel 50.275.0260
10. Approval of the following lifeguard hiring: Elizabeth Stangeland, Kateline Meyer, Sydney Boom, Aaron Horn, Janet Gerner, Rebecca Dahl, Kailee Martinson, Tracy Jorold, Jarad Schaide and Matthew Cihak

11. Approval of the following seasonal positions: Anne Kramer, Harold Opsahl, Jackson Schultz
12. Approval of wage increase for Allan Kertscher and John Nuemann
13. Approval of termination of Liquor Store Clerk Corrine Redding
14. Approval to appoint Dr. Heidi Lako as Medical Director
15. Accept the resignation of Brooke Roeder as part-time EMT

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

Council members reported on the board and commissions they are 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 dangerous dog designation review.

Mr. Bruce Albright approached the council. Mr. Albright was asking for their dog to be placed on the potentially dangerous dog list. Mr. Albright stated that their dog has had no violations in 27 months, that the dog is 14 years old, and sleeps and lies around most of the time.

Animal Control Officer Lisa Cook stated that Mr. Albright has complied with all of the requirements.

Council member Larry Davis Jr. stated that he has spoke to neighbors of the Albrights, and the neighbors have no problems with Albright's dog.

**06-09-14-03** Motion by Mr. Davis and second by Mr. Rick to classify the dog of Bruce and Carol Albright to a potentially dangerous dog. Motion carried.

Mayor Prim stated the next item on the agenda was the Natural Gas update by Xcel Energy.

Mr. Brad Sylliaasen with Xcel Energy next updated council members with the natural gas project. Mr. Sylliaasen stated that they are finalizing the route at the present time. Xcel Energy will be awarding the bid by the end of the week, pipe has been ordered for the project. Construction will start the first part of July, with a completion date the middle of October or November 1<sup>st</sup>. Mr. Tim O'Leary will be a contact person for the Barnesville project. Mr. Sylliasen stated that Xcel Energy would be conducting a tour for council members at a later date. Council members had no further questions for Mr. Sylliaasen.

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

**06-09-14-04** Motion by Mr. Goedtke and second by Mrs. Strom to approve the following resolution. Upon a roll call the following voted aye: Council members Rick, Goedtke, Strom, Davis and Enstad. The following voted nay: none. The following were absent: Council member Sylvester. Motion carried.

**CITY OF BARNESVILLE  
COUNTY OF CLAY  
STATE OF MINNESOTA**

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

**RESOLUTION NO. 06-09-14-04**

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 22nd through August 23rd, 2014; 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 22nd through August 23rd, 2014 are designated as dates during which the City of Barnesville may issue special event community-wide festival licenses.

Dated: June 9, 2014

APPROVED:

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Eugene Prim

Mayor

ATTEST:

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Jeri Reep  
City Clerk

Mayor Prim stated the next item on the agenda was the resolution for the Administrative Hearing Board.

City Administrator Mike Rietz informed council members that Ken Bauer has resigned from the Administrative Hearing board. Mr. Rietz stated that he has contacted Mike Detloff, who is a former Chair of the Planning Commission. Mr. Detloff has agreed to be appointed to the Administrative Hearing Board.

**06-09-14-05** Motion by Mrs. Enstad and second by Mrs. Strom to approve the following resolution. Upon a roll call the following voted aye: Council members Rick, Goedkte, Strom, Davis and Enstad. The following voted nay: none. The following were absent: Council member Sylvester. Motion carried.

#### **RESOLUTION NO 06-09-14-05**

#### **RESOLUTION APPOINTING MICHAEL DETLOFF TO THE ADMINISTRATIVE HEARING BOARD**

WHEREAS, the City of Barnesville has adopted a system of Administrative Citations and Penalties contained in Chapter 1-10 of the Barnesville City Code (hereinafter referred to as the "Administrative Citation System"); and

WHEREAS, subdivision 5 of Section 1-1004 of the Barnesville City Code provides that: The Hearing Board will consist of three individuals. Two individuals will be selected by the City Council at their January meeting and serve for that calendar year. The third individual will be one of the two City Council representatives of the ward in which the violation has occurred. The City Clerk will schedule the hearing.

WHEREAS, the City Administrator has recommended that Michael Detloff be appointed to serve on the Administrative Hearing Board; and

WHEREAS, the City Administrator has asked Michael Detloff if he would be interested in serving on the Administrative Hearing Board, and he has indicated his willingness to serve; and

WHEREAS, the Building Administrator intends to begin full enforcement of the property maintenance code and expects the possibility of appeals; and

NOW, THEREFORE, BE IT RESOLVED, that Michael Detloff is appointed to serve as on the Administrative Hearing Board for the remainder of 2014.

Dated: June 9, 2014

APPROVED:

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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 to accept the resignation of Public Works Supt. Terry Ysteness.

**06-09-14-06** Motion by Mr. Davis and second by Mr. Goedtke to accept the resignation of Public Works Supt. Terry Ystenes. Motion carried.

Council members directed City Administrator Mike Rietz to advertise for the position of Public Works Supt.

Mayor Prim stated the next item on the agenda was the Arlin Miller property maintenance violation.

City Administrator Mike Rietz informed council members that Mr. Arlin Miller did attend the property task force meeting last month. The property task force is recommending an October 1, 2014 deadline for Mr. Miller to complete his repairs on his property.

**06-09-14-07** Motion by Mr. Davis and second by Mrs. Strom to approve the deadline of October 1, 2014 to Arlin & Brigitte Miller, 603 2<sup>nd</sup> Ave. NW to complete the repairs on their property. Motion carried.

Mayor Prim stated the next item on the agenda was the 2<sup>nd</sup> reading of Ordinance 2014-05, change in the Broadband speeds.

TEC Manager Guy Swenson informed council members that there will be DSL packages available for Business 1-4, with discount packages up to a \$30.00 discount.

**06-09-14-08** Motion by Mrs. Enstad and second by Mr. Goedtke to approve the 2<sup>nd</sup> reading of Ordinance 2014-05. Motion carried.

**CITY OF BARNESVILLE  
ORDINANCE 2014-05**

**AN ORDINANCE TO AMEND SECTION 2-0113 OF THE REVISED BARNESVILLE  
CITY CODE OF 2013**

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

SECTION 1. Section 2-0113 of the Revised Barnesville City Code of 2013 is hereby modified and to read as follows:

**SECTION 2-0113. ESTABLISHMENT OF CERTAIN TELEPHONE, CABLE TV, DSL, AND HIGH SPEED INTERNET SERVICE RATES MINIMUM REQUIREMENTS, AND ADOPTION OF TELECOMMUNICATIONS TARIFFS.**

Section 1. Costs for DSL service

	MONTHLY COSTS		SPEEDS	
	<u>High Speed Internet/DSL</u>		Down speed	Up speed
1.	\$24.95	(Bronze)*	up to 128 kbps	up to 128 kbps
2.	<del>\$36.95</del>	<del>(Silver)</del>	<del>up to 3 Megbps</del>	<del>up to 1 Megbps</del>
2.	\$36.95	(Silver)	up to 6 Megbps	up to 1.5 Megbps
3.	<del>\$52.95</del>	<del>(Gold)</del>	<del>up to 6 Megbps</del>	<del>up to 1 Megbps</del>
3.	\$52.95	(Gold)	up to 10 Megbps	up to 2 Megbps
4.	<del>\$69.95</del>	<del>(Platinum)</del>	<del>up to 10 Megbps</del>	<del>up to 1 Megbps</del>
4.	\$69.95	(Platinum)	up to 20 Megbps	up to 2 Megbps
5.	\$109.95	Business 1	up to 40 Megbps	up to 4 Megbps
6.	\$129.95	Business 2	up to 50 Megbps	up to 5 Megbps
7.	\$259.95	Business 3	up to 50 Megbps	up to 10 Megbps
8.	\$389.95	Business 4	up to 100 Megbps	up to 20 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.
- \$30.00 per month discount for Business 1,2,3,4 DSL service.

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

DSL Installation charge: ~~\$250.00~~ \$185.00 non-recurring (DSL Installation charges will increase along with NECA increases follow the NECA Tariff as changes occur within the tariff)\*-\*

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

Conditions for waiver: Customer agrees to maintain DSL service for a minimum period

of ~~twelve~~ six months (180 days). Customer will be billed DSL service installation charge should they fail to maintain DSL service for the ~~twelve~~ six-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, Wireless Router, or Wireless Access point 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

A. Operating Transfer Calculation.

1. 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 \$157.74 per active DSL Connection. (Example: 2015 transfers would be based on the number of active DSL Connections 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 utility provided that a majority vote of the City Council is required to authorize an additional transfer.

EFFECTIVE DATE: 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 9th day of June, 2014.



APPROVED BY:

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Eugene Prim, Mayor

ATTEST:

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Jeri Reep, City Clerk

First Consideration: May 12, 2014  
Second Consideration: June 9, 2014  
Date Adopted: June 9, 2014  
Date of Publication: June 16, 2014

Mayor Prim stated the next item on the agenda was the approval of the summary Ordinance 2014-05.

**06-09-14-09** Motion by Mr. Rick and second by Mrs. Enstad to approve the summary Ordinance 2014-05. Motion carried.

#### **TITLE AND SUMMARY OF ORDINANCE NO. 2014-05**

**1. Title of Ordinance:**

AN ORDINANCE TO AMEND SECTION 2-0113. ESTABLISHMENT OF CERTAIN TELEPHONE, CABLE TV, DSL, AND HIGH SPEED INTERNET SERVICE RATES MINIMUM REQUIREMENTS, AND ADOPTION OF TELECOMMUNICATIONS TARIFFS OF THE REVISED BARNESVILLE CITY CODE OF 2013

**2. Summary of Ordinance:**

The changes to this ordinance are as follows:

- 1) Increase Internet speeds for the Silver Gold and Platinum levels of service.
- 2) Establish 4 high speed business internet levels
- 3) Add a new DSL "Combo" package discount level for the Business Internet services.
- 4) Change the "DSL Installation charge and waiver period to follow the NECA Tariff.
- 5) Change modem rent options to include Wireless Router and Wireless Access Point.

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.

PASSED by the City Council of the City of Barnesville this 9<sup>th</sup> day of June, 2014.

APPROVED BY:

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Eugene Prim, Mayor

ATTEST:

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Jeri Reep, City Clerk

First Consideration:	May 12, 2014
Second Consideration:	June 9, 2014
Date Adopted:	June 9, 2014
Date of Publication:	June 16, 2014

Mayor Prim stated the next item on the agenda was the Startz/Encore agreement renewal.

TEC Manager Guy Swenson informed council members that this contract goes thru December 31, 2020 and does include minor rate increases throughout the term of the agreement. This is a premium package and we have 58 customers currently receiving this service.

**06-09-14-10** Motion by Mrs. Enstad and second by Mrs. Strom to authorize TEC Manager Guy Swenson to sign and return the Starz/Encore Agreement. Motion carried.

Mayor Prim stated the next item on the agenda was the update on the Sprint lawsuit.

TEC Manager Guy Swenson updated council members on the Barnesville Telephone Company lawsuit with Sprint. Mr. Swenson stated that we have received a letter from Sprint stating that we overbilled them. Mr. Swenson stated that City Attorney John Shockley is aware of this lawsuit. TEC Manager Guy Swenson stated that he will keep council members informed of any future correspondence on this matter.

Mayor Prim stated the next item on the agenda was the proposal for financial planning services.

City Administrator Mike Rietz informed council members that he had received a proposal from Ehlers & Associates in the amount of \$7,000.00 for a financial management plan. Mr. Rietz stated that the proposal from Ehlers would be the final piece of the CIP that KLJ Engineering is putting together. The CIP from KLJ identifies the portions of the city's infrastructure that needs to be worked on and gives us some cost estimates. The proposal from Ehlers would allow us to review options for financing those improvements. Mr. Rietz stated that the Personnel & Finance committee recommends proceeding with the proposal from Ehlers & Associates.

Mayor Prim questioned what Ehlers will tell us that staff can't tell us.  
City Administrator Mike Rietz stated that Ehlers does this work, they have the expertise.  
Mayor Prim questioned what the priorities are for 2015, is this something that could be discussed at a special meeting.

**06-09-14-11** Motion by Mr. Rick and second by Mrs. Enstad to proceed with the proposal from Ehlers & Associates in the amount of \$7,000.00 for the Financial Management plan. Motion carried.

Mayor Prim stated the next item on the agenda was the resolution decertifying parcels in the TIF District.

City Administrator Mike Rietz informed council members that three parcels in the Heartland Addition are ready to be decertified.

**06-09-14-12** Motion by Mr. Rick 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 and Enstad. The following voted nay: none. The following were absent: council member Sylvester. Motion carried.

**CITY OF BARNESVILLE  
CLAY COUNTY, MINNESOTA**

**RESOLUTION NO. 06-09-14-12**

**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 properties, by property identification numbers, were included in the TIF District:

50.335.0250  
50.335.0290

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 2015.
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 9, 2014

ATTEST:

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Eugene Prim, Mayor

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Michael Rietz, City Administrator

(Seal)

Mayor Prim stated that there would be a special meeting held on June 16, 2014 to award the Safe Route to School bids. Mayor Prim also suggested discussing priorities for 2015 at this special meeting.

Mayor Prim adjourned the meeting at 8:15 p.m.

Submitted by:

Attest:

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Jeri Reep  
City Clerk

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Eugene Prim  
Mayor

