

Barnesville City Council
Regular Meeting
April 12, 2021

Mayor Rick called this regular meeting to order at 7:00 p.m. Member's present were Council members Brad Field, Tonya Stokka, and Don Goedtke. Absent were council members Bauer, Bergman and Stuvland. Others in attendance were City Administrator Mike Rietz, Lucas Croaker 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. Charlie Revering, Liquor Store Manager Randi Trowbridge, Ambulance Manger Scott Nelson, Mike Kurkowski and Travis Braton with NWS, Dan Hanson with Moore Engineering, Kyle Fischer with McGuire Iron, Jim Braton, and Michael Stein with Barnesville Record Review.

Mayor Rick asked if there were any additions or corrections to the agenda. City Administrator Mike Rietz stated there were no additions or corrections to the agenda.

Lucas Croaker with Ohnstad Twitchell informed council members that the Mayor counts as part of the quorum, therefore the agenda items may be acted upon due to the absence of council members.

04-12-21-01 Motion by Mr. Goedtke and second by Mrs. Stokka to approve the agenda as presented. Motion carried.

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

04-12-21-02 Motion by Mrs. Stokka and second by Mr. Field 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 March 8, 2021.
2. Approval of the department head reports
3. Approval of check numbers 90297 – 90418 and EFT payments for a total of \$699,158.97.
4. Approval to hire Barry Schilling as full-time Public Works employee at \$20.00 per hour.
5. Approval to hire Sammie Jorgensen as Volunteer EMT position.
6. Approval to hire Kevin Herr as seasonal part-time Golf Course pro-shop manager
7. Approval to hire George Ericson, Mark Swenson, Jack Trowbridge, Al Kertscher and Harold Opsahl as seasonal Golf Course employees.
8. Approve the resignation of Police Officer Ryan Beattie
9. Approve the resignation of Police Chief Dean Ernst
10. Approval the resignation of City Administrator Mike Rietz
11. Approve the lot split request-Barnesville EDA, Block 2, Lot 2, Barnesville Commercial Park Fourth Addition, exactly in half. Merge the West 23.75 feet of Block 2, Lot 2, with Block 2, Lot 3 and merge the east 23.75 feet of Block 2, Lot 2 with Block 2, Lot 1.
12. Approval of the MRES refund from FERC settlement
13. Approval of 1st quarter transfers
14. Approval of the gambling permit for Barnesville Lions Club-July 15-17, 2021

Mayor Rick next thanked the employees leaving for their years of service with the City of Barnesville.

Mayor Rick stated the next item on the agenda was the boards and commissions reports.

Council members reported on the boards and commissions they serve on.

Mayor Rick stated the next item on the agenda was the public forum. Mayor Rick asked if there were any citizens present to be heard. There were none.

Mayor Rick stated the next item on the agenda was the request to change the City Code regarding the responsibility for service lines.

City Administrator Mike Rietz informed council members that Mr. Steve Anderson had contacted him regarding the responsibility of service lines. Mr. Anderson was requesting to revise the City Code so the property owner is not responsible for their water and sewer service lines from the building to the main in the street. Council members discussed, and they recommend not change in the City Code regarding the service lines.

Mayor Rick stated the next item on the agenda was the request to change the City Code related to chickens.

City Administrator Mike Rietz informed council members that this item was discussed at the Liquor, Buildings and Ordinance Committee. Mr. Bob Harris has inquired about having chickens in the City limits. Mayor Rick stated that he was against allowing chickens to be at residential properties. Council member Stokka, Field and Goedtke agreed that they were against allowing chickens to be in the city limits. Mayor Rick stated that there would not be any changes to the City Code relating to chickens.

Mayor Rick stated the next item on the agenda was the public hearing on the Improvement 2021-01 Commercial Park expansion.

04-12-21-03 Motion by Mr. Goedtke and second by Mrs. Stokka to open the public hearing for the 2021-01 Commercial Park expansion project at 7:14 p.m. Motion carried.

Mr. Dan Hanson with Moore Engineering discussed with council members the proposed project. The EDA initiated via 35% petition of the property. The total cost of the project is \$242,000, less roadway cost-paid by the EDA with a remaining balance of \$127,370. The total estimated assessment per square foot is \$2.14. The basis of assessment for the 4th Ave improvements estimated cost to be assess is \$104,500. The estimated assessment per square foot is \$0.74 to the South of the project, and \$0.19 for the north side of the project. The basis of assessment for the Stormwater pond is an estimated cost of \$90,500, with an estimated assessment per square foot of \$0.20. The assessment amounts may be paid within 30 days of the final assessment hearing, or assessed to the property taxes. Mr. Hanson stated that this is public information tonight. Mayor Rick asked if there were any questions. There were none.

04-12-21-04 Motion by Mr. Field and second by Mrs. Stokka to close the public hearing at 7:32 p.m. Motion carried.

Mayor Rick stated the next item on the agenda was the Resolution ordering the improvement and preparation of plans.

04-12-21-05 Motion by Mrs. Stokka and second by Mr. Goedtke to approve the Resolution ordering improvement and preparation of plans on Improvement No. 2021-01. Upon a roll call vote, the following voted aye: Council members Stokka, Goedtke, and Field. The following were absent: Council members Bergman, Stuvland and Bauer. Motion carried.

**CITY OF BARNESVILLE
CLAY COUNTY, MINNESOTA**

RESOLUTION NO. 04-12-21-05

Resolution Ordering Improvement and Preparation of Plans

WHEREAS, a resolution of the city council adopted the 8th day of March, 2021, fixed a date for a council hearing on Improvement No. 2021-01, the proposed improvement of the proposed Commercial Park Fifth Addition and Lot 1, Block 2 of Barnesville Commercial Park 2nd Addition by the construction of utilities, paving and grading along with the construction of a stormwater pond to be located on, and

WHEREAS, ten days' mailed notice and two weeks' published notice of the hearing was given, and the hearing was held thereon on the 12th day of April, 2021, at which all persons desiring to be heard were given an opportunity to be heard thereon,

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BARNESVILLE, MINNESOTA:

1. Such improvement is necessary, cost-effective, and feasible as detailed in the feasibility report.
2. Such improvement is hereby ordered as proposed in the council resolution adopted the 8th day of March, 2021.
3. Moore Engineering, Inc. is hereby designated as the engineer for this improvement. The engineer shall prepare plans and specifications for the making of such improvement.
5. The city council declares its official intent to reimburse itself for the costs of the improvement from the proceeds of tax-exempt bonds.

Adopted by the council this 12th day of April, 2021.

Jason Rick, Mayor

Attest:

Michael Rietz, City Administrator

Mayor Rick stated the next item on the agenda was the Task Order No. 10 for the Commercial Park expansion.

City Engineer Dan Hanson discussed with council members Task Order No. 10. This is to install utilities, stormwater ponding, paving and grading to facilitate the expansion of the existing Commercial Park with the Commercial Park 5th Addition. August 31, 2021 is the substantial completion, and September 15, 2021 the final completion. The total cost of this order is \$65,500.

04-12-21-06 Motion by Mrs. Stokka and second by Mr. Field to approve Task Order No. 10 with Moore Engineering in the amount of \$65,00.00. Motion carried.

Mayor Rick stated the next item on the agenda was the public hearing on an alley vacation.

04-12-21-07 Motion by Mr. Goedtke and second by Mrs. Stokka to open the public hearing for the alley vacation at 7:34 p.m. Motion carried.

City Administrator Mike Rietz informed council members that the alley that was petitioned to be vacated was at the March 2021 meeting, and a resolution needs to be approved for that vacation.

04-12-21-08 Motion by Mrs. Stokka and second by Mr. Goedtke to close the public hearing at 7:36 p.m. Motion carried.

04-12-21-09 Motion by Mr. Field and second by Mr. Goedtke to approve the Resolution vacating a portion of alley, approve an encroachment agreement for the north edge of the building that was built on at 5th Ave. SE right-of-way, creating a 2-foot encroachment, and approve the quit claim deed related to certain lots that J & S Mill is built on, that the City has some ownership interest. Upon a roll call vote, the following voted aye: Council members Stokka, Goedtke, and Field. The following were absent: Council members Stuvland, Bergman, and Bauer. Motion carried.

CITY OF BARNESVILLE

COUNTY OF CLAY

STATE OF MINNESOTA

RESOLUTION NO. 2021-09

**RESOLUTION VACATING A PORTION OF ALLEY UPON A PETITION OF A
MAJORITY OF ABUTTING LANDOWNERS**

**THE CITY COUNCIL OF THE CITY OF BARNESVILLE, MINNESOTA, DOES HEREBY
RESOLVE AS FOLLOWS:**

WHEREAS, a petition signed by the majority of property owners abutting a portion of an alley in Block 37 of the Original Townsite in Barnesville was received by the City Clerk on the 4th day of March, 2021 (attached hereto as Exhibit A); and

WHEREAS, the petition requested that the City Council, pursuant to Minnesota Statutes §§ 412.851 and 440.13, vacate that portion of alley running east and west in Block 37 of the Original Townsite to the City of Barnesville, Clay County, Minnesota, legally described as:

That part of an east-west Alley in Block 37, Plat of BARNESVILLE, according to the recorded plat thereof, on file and of record in the office of the Recorder, Clay County, Minnesota, which lies westerly of the southerly extension of the east line of Lot 13, said Block 37, and easterly of the following described line:

Commencing at an iron monument which designates the northeast corner of said Block 37; thence South 89 degrees 46 minutes 55 seconds West, on a record bearing along the north line of said Block 37 for a distance of 145.33 feet to an iron monument at the northeast corner of said Lot 13; thence continuing South 89 degrees 46 minutes 55 seconds West, along the north line of said Block 37, for a distance of 75.21 feet to the northwest corner of Lot 15, said Block 37; thence South 00 degrees 09 minutes 20 seconds East, along the west line of said Lot 15 for a distance of 84.68 feet to an iron monument; thence South 11 degrees 32 minutes 07 seconds East for a distance of 28.34 feet to an iron monument, said point is the point of beginning of the line to be described; thence South 20 degrees 38 minutes 41 seconds East for a distance of 53.38 feet to an iron monument and said line there terminates, containing 1,226 square feet, more or less;

and

WHEREAS, the City Clerk reviewed and examined the signatures on said petition and determined that such signatures constituted all of or a majority of the landowners abutting upon that portion of the alley to be vacated; and

WHEREAS, a public hearing to consider the vacation of such alley was held on the day of March 8, 2021, before the City Council in the City Hall located at 102 Front Street North, at 7:00 p.m.; and

WHEREAS, any person, corporation or public body owning or controlling easements contained upon the property vacated, reserves the right to continue maintaining the same or to enter upon such way or portion thereof vacated to maintain, repair, replace or otherwise attend thereto; and

WHEREAS, the Council, in its discretion, has determined that such right-of-way is not needed for public travel and vacation would assist in clearing certain title defects and it will be more beneficial to allow the land to be used by the Petitioner.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BARNESVILLE, COUNTY OF CLAY, MINNESOTA, that such petition for vacation is hereby granted, and the alley described as follows is hereby vacated:

That part of an east-west Alley in Block 37, Plat of BARNESVILLE, according to the recorded plat thereof, on file and of record in the office of the Recorder, Clay County, Minnesota, which lies westerly of the southerly extension of the east line of Lot 13, said Block 37, and easterly of the following described line:

Commencing at an iron monument which designates the northeast corner of said Block 37; thence South 89 degrees 46 minutes 55 seconds West, on a record bearing along the north line of said Block 37 for a distance of 145.33 feet to an iron monument at the northeast corner of said Lot 13; thence continuing South 89 degrees 46 minutes 55 seconds West, along the north line of said Block 37, for a distance of 75.21 feet to the northwest corner of Lot 15, said Block 37; thence South 00 degrees 09 minutes 20 seconds East, along the west line of said Lot 15 for a distance of 84.68 feet to an iron monument; thence South 11 degrees 32 minutes 07 seconds East for a distance of 28.34 feet to an iron monument, said point is the point of beginning of the line to be described; thence South 20 degrees 38 minutes 41 seconds East for a distance of 53.38 feet to an iron monument and said line there terminates, containing 1,226 square feet, more or less;

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized to sign all documents necessary to effectuate the intent of this Resolution.

Adopted by the Council this 12th day of April, 2021.

APPROVED:

Jason Rick, Mayor

ATTEST:

Jeri Reep, Clerk

Mayor Rick stated the next item on the agenda was the CUP for a drive-up coffee business at 501 Front Street North.

City Administrator Mike Rietz informed council members that Johnna Moberg has applied for a CUP at 501 Front Street North for a drive-up coffee business. The property is currently owned by the EDA. The property is zoned C-2 and drive-up facilities are listed as a conditional use in the C-2 zone. The planning commission recommends approval of the CUP, with the conditions set forth in the CUP.

04-12-21-10 Motion by Mr. Field and second by Mrs. Stokka to approve the CUP at 501 Front Street North, for Johnna Moberg, with the conditions set forth in the CUP. Motion carried.

Mayor Rick stated the next item on the agenda was the final approval of plans for the new Liquor Store and authorize bidding of the project.

City Administrator Mike Rietz stated that this item is for the final plans for the Liquor Store, and authorize bids for the project, to be reviewed at the May regular meeting. City Administrator Rietz stated that the Liquor Store Task Force met on March 25th, to provide feedback to finalize the plans. Staff is also getting some pricing on shelving and the cash register equipment, and is within the \$25,000 that was in the budget. The Liquor Store Task Force and Personnel and Finance committee's recommend approval to authorize bidding.

04-12-21-11 Motion by Mr. Field and second by Mr. Goedtke to approve the final plans for the new Liquor Store, and authorize bids for the project. Motion carried.

Mayor Rick stated the next item on the agenda was the Resolution declaring adequacy of petition and ordering preparation of report for the extension of 8th Ave. NW.

City Administrator Mike Rietz stated that one of the requirements of the Development Agreement with Keith Ernst was that Mr. Ernst was to petition for this improvement. This will allow the road to be extended to serve the back of the liquor store and the remainder of the land owned by Mr. Ernst and the costs assessed to the Liquor Store, the Ernst properties and the Dollar General Store.

04-12-21-12 Motion by Mr. Field and second by Mr. Goedtke to approve the Resolution Declaring Adequacy of Petition and Ordering the Preparation of the Feasibility Report for the extension of 8th Ave. NW in Erma's Garden. Upon a roll call vote, the following voted aye: Councilmembers Stokka, Goedke, and Field. The following were absent: Council members Stuvland, Bergman and Bauer. Motion carried.

City of Barnesville
Clay County, Minnesota
Resolution No. 04-12-21-12
Resolution Declaring Adequacy of Petition and Ordering Preparation of Report

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

1. A certain petition requesting the extension of 8th Ave NW to the west by installation of street, curb and gutter, water, sanitary sewer and storm sewer improvements, filed with the council April 12, 2021, is hereby declared to be signed by the required percentage of owners of property affected thereby. This declaration is made in conformity to Minn. Stat. § 429.035.
2. The petition for proposed Improvement No. 2021-01 is hereby referred to Moore Engineering, Inc. and that person is instructed to report to the council with all convenient speed advising the council in a preliminary way as to 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.

Adopted by the council this 12th day of April, 2021

Jason Rick, Mayor

Jeri Reep, City Clerk

Mayor Rick stated the next item on the agenda was the water tower interior painting.

City Administrator Mike Rietz stated that we receive three proposals for the water tower interior painting project. The lowest proposal is from McGuire Iron in the amount of \$105,175.00. Mr. Kyle Fischer with McGuire Iron informed council members that a new proposal, with a

performance bid included, for a total proposal amount of \$107,279.00. Mr. Mike Kurkowski, with NWS stated he would like to have an outside company inspect the work after completion.

04-12-21-13 Motion by Mr. Field and second by Mr. Goedtke to approve the proposal from McGuire iron in the amount of \$107,279.00 for the interior painting of the water tower, and authorize Mike Kurkowski with NWS to obtain pricing for the inspection of the water tower after the painting is completed. Motion carried.

Mayor Rick stated the next item on the agenda was the petition for vacation of a portion of 5th Ave NW.

City Administrator Mike Rietz stated that this petition is for a vacation of a section of 5th Ave NW that extends between two properties that Jim Braton currently owns. This right-of-way stops at the edge of a section of right-of-way that runs parallel to the railroad tracks. It is unlikely that this right-of-way will be further developed for public use.

04-12-21-14 Motion by Mr. Field and second by Mrs. Stokka to approve the petition for vacation on a section of 5th Ave NW from James Braton. Motion carried.

Mayor Rick stated the next item on the agenda was the George Dahm ballfield improvements.

City Administrator Mike Rietz informed council members that this is the project that was previously described as the Crow's Nest project. Some additional improvements have been added to the project. Scheels will commit to supporting the project, but the money won't be released until December 2021. The City will have to wait to be re-imbursed for the \$72,635.50 portion that the Scheels Grant will cover. Personnel and Finance committee are recommending moving forward in advance of the arrival of the Scheels funds in December, 2021.

04-12-21-15 Motion by Mrs. Stokka and second by Mr. Field to approve moving forward with the George Dahm Ballfield improvements, with reimbursement from the Scheels Grant Fund program in December 2021 matching funds. Motion carried.

Mayor Rick stated the next item on the agenda was 2021 sealcoat bids received.

City Administrator Mike Rietz stated that two quotes were received for sealcoating. Astech was the low bidder at \$137,764.32. Staff included a fog seal topcoat in the bid as an alternate. The bid from Astech was within the budget, so the recommendation is to proceed with the base bid plus the fog coat in the amount of \$137,764.32. The Public Works committee recommend approval of this quote.

04-12-21-16 Motion by Mr. Goedtke and second by Mrs. Stokka to approve the quote from Astech Surface Technologies in the amount of \$137,764.32 for bituminous seal coat, plus bituminous fog seal on top of the chip seal. Motion carried.

Mayor Rick stated the next item on the agenda was the 2nd reading of Ordinance 2021-02, an Ordinance relating to snowmobiles, ATV's and golf carts.

City Administrator Mike Rietz stated that no changes have been made since the 1st reading of this Ordinance.

04-12-21-17 Motion by Mrs. Stokka and second by Mr. Goedke to approve the 2nd reading of Ordinance 2021-02. Motion carried.

**CITY OF BARNESVILLE
ORDINANCE NO. 2021-02
AN ORDINANCE TO AMEND AND REENACT CHAPTER 7-02, SEC. 7-0206, SUBD 3;
SEC. 7-0207, SUBD. 3; SEC. 7-0208, SUBD. 3; SEC. 7-0209, SUBD. 3 AND SEC. 7-0210,
SUBD. 5 OF THE MUNICIPAL CODE RELATED TO ACCESSORY USES AS A
CONDITIONAL USE IN COMMERCIAL DISTRICTS.**

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

SECTION 1. Chapter 7-02 of the Municipal Code of the City of Barnesville is hereby amended and reenacted to read as follows:

SEC. 7-0206. C-1 CENTRAL BUSINESS DISTRICT.

Subd. 3. Conditional Uses

~~N. Accessory Uses.~~

SEC. 7-0207. C-2 COMMERCIAL DISTRICT.

Subd. 3. Conditional Uses

~~C. Accessory Uses.~~

SEC. 7-0208. C-3 COMMERCIAL PARK.

Subd. 3. Conditional Uses

~~G. Accessory Uses.~~

SEC. 7-0209. I-1 LIGHT INDUSTRIAL DISTRICT.

Subd. 3. Conditional Uses

~~G. Accessory Uses.~~

SEC. 7-0210. I-2 HIGHWAY INDUSTRIAL DISTRICT.

~~**Subd. 5. Accessory Uses and Structures Permitted:** As provided in the C-1 District.~~

PASSED AND ADOPTED by the Barnesville City Council this 12th day of April, 2021.

APPROVED:

Jason Rick, Mayor

ATTEST:

Jeri Reep, City Clerk

First Reading: March 8, 2021
Second Reading: April 12, 2021
Adopted: April 12, 2021
Published: April

Mayor Rick stated the next item on the agenda was to approve the Summary Ordinance 2021-02.

04-12-21-18 Motion by Mrs. Stokka and second by Mr. Field to approve Summary Ordinance 2021-02. Motion carried.

TITLE AND SUMMARY OF ORDINANCE NO. 2021-02

The following Ordinance is hereby published by title and summary:

1. Title of Ordinance:

An Ordinance to Amend and Reenact Chapter 7-02, Sec. 7-0206, Subd 3; Sec. 7-0207, Subd. 3; Sec. 7-0208, Subd. 3; Sec. 7-0209, Subd. 3 and Sec. 7-0210, Subd. 5 of the Municipal Code Related to Accessory Uses as a Conditional Use in Commercial Districts.

2. Summary of Ordinance:

This ordinance removes Accessory Uses from the list of conditional uses in the commercial and industrial zoning districts.

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 12th day of April, 2021.

APPROVED:

Jason Rick, Mayor

ATTEST:

Jeri Reep, City Clerk

First Reading: March 8, 2021
Second Reading: April 12, 2021
Adopted: April 12, 2021
Published: April 19, 2021

Mayor Rick stated the next item on the agenda was the 2nd reading of Ordinance 2021-03.

City Administrator Mike Rietz stated that this Ordinance is amending the language in the City Code related to Snowmobiles, Recreational Vehicles and Golf Carts.

04-12-21-19 Motion by Mrs. Stokka and second by Mr. Goedtke to approve the 2nd reading of Ordinance 2021-03. Motion carried.

**CITY OF BARNESVILLE
ORDINANCE NO. 2021-03**

AN ORDINANCE TO AMEND SECTIONS 5-0211 AND 5-0212 OF THE REVISED BARNESVILLE CITY CODE OF 2013 RELATING TO SNOWMOBILE TRAFFIC CONTROL AND REGULATIONS AND MOTORIZED GOLF CARTS AND RECREATIONAL MOTOR VEHICLE TRAFFIC CONTROL AND REGULATIONS.

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

SECTION 1. Section 5-0211 of the Revised Barnesville City Code of 2013 is hereby

amended and reenacted to read as follows:

SEC. 5-0211. SNOWMOBILE TRAFFIC CONTROL AND REGULATIONS.

Subd. 1. Definition. A Snowmobile means a self-propelled vehicle designed for travel on snow or ice steered by skis or runners.

Subd. 2. Unlawful Use. It is unlawful for any person to drive or operate any snowmobile within the City or on private lands within the City without the express permission of

the owner or occupant of said private lands, except that snowmobiles may be operated on public lands under the jurisdiction of the City but only pursuant to the terms and conditions of this Section.

Subd. 3. Operation of Snowmobiles.

A. It is unlawful for any person to drive or operate any snowmobile at a speed in excess of ~~15~~ 20 miles per hour at any place within the City limits, except City parks, where it is unlawful for any person to drive or operate any snowmobile.

B. It is unlawful for any person to drive or operate any snowmobile between the hours of 10:00 p.m. and 7:00 a.m. at any place within the City limits.

C. It is unlawful for any person to drive or operate any snowmobile on any street or highway within the City or on any designated bikeway or pedestrian walkway within the City limits except when crossing said areas by the most direct means practicable; provided, however, that no person under the age of 14 years shall operate a snowmobile at any time within the City limits.

D. Notwithstanding any of the foregoing prohibitions, a snowmobile may be operated within the City contrary to the regulations prescribed herein only in police- designated emergency or by any City employees involved in performing essential services for the City, and they may operate snowmobiles when traveling to or from the place where services are to be performed when travel by automobile is impracticable due to snow or road conditions.

E. Minnesota Statutes pertaining to the operation of snowmobiles and all Minnesota Statutes regarding traffic control must be strictly followed and adhered to by all operators of snowmobiles and any such violations of State law shall be considered to be violations of this Section.

SECTION 2. Section 5-0212 of the Revised Barnesville City Code of 2013 is hereby amended and reenacted to read as follows:

SEC. 5-0212. MOTORIZED GOLF CARTS AND ~~ALL-TERRAIN~~ RECREATIONAL MOTOR VEHICLE TRAFFIC CONTROL AND REGULATIONS.

Subd. 1. Motorized Golf Carts.

~~Subd. 1.~~ **A. General Permit Required.** It is unlawful for any unlicensed driver to operate a motorized golf cart ~~or all-terrain vehicle~~ on City streets without payment of a fee and obtaining a permit issued by the Chief of Police.

B. All drivers of a motorized golf cart must be 18 years of age or older.

~~Subd. 2.~~ **C. Application.** Anyone desiring a permit to operate such vehicles shall submit a signed application to the ~~City Administrator~~ Police Chief with the following information:

A1. Date.

B2. Applicant.

C3. Streets upon which you wish to drive.

D4. Time periods within which you need to drive.

E5. Insurance company and policy number.

F6. Disability requiring operation of motorized golf cart ~~or all-terrain vehicle.~~

Subd. 3. D. Duties of Chief of Police. The Chief of Police shall be the issuing officer for permits under this Section. Such officer shall have the power to designate on the permit the streets of operation and the hours of operation, as the officer determines is in the interest of the safety of the public. In no event shall motorized golf carts ~~or all-terrain vehicles~~ be operated on designed roadways for any hours greater than sunrise to sunset.

Subd. 4. E. Other Requirements.

A1. Motorized golf carts ~~and all-terrain vehicles~~ shall not be operated in inclement weather or when visibility is impaired by weather, smoke, fog or other conditions, or at any time when there is insufficient light to clearly see persons in vehicles on the roadway at a distance of 500 feet;

B2. Motorized golf carts ~~and all-terrain vehicles~~ shall display the slow-moving vehicle emblem provided for in Minnesota Statutes, Section 169.522;

C3. Permits under this Section are restricted to physically handicapped persons defined in Minnesota Statutes, Section 169.345, Subd. 2;

D4. The issuing officer shall, as a condition of obtaining a permit, require that the applicant submit a certificate signed by a physician that the applicant is able to safely operate a motorized golf cart ~~or all-terrain vehicle~~ on the designated roadways;

E5. Permits shall be issued for a period not to exceed one year and may be annually renewed;

F6. A permit may be revoked at any time if there is evidence that the permittee cannot safely operate a motorized golf cart ~~or all-terrain vehicle~~ on the designated roadways.

G7. The operation and regulation of all motorized golf carts ~~and all-terrain vehicles~~ is governed by this Section as well as all of the requirements of Minnesota Statutes, Section 169.045.

H. ~~All-terrain vehicles as defined herein shall mean both three- and four-wheel all-terrain vehicles.~~

Subd. 2. Recreational Motor Vehicles.

A. Purpose and Intent.

1. The purpose of this ordinance is to provide reasonable regulations for the use of special and recreational motor vehicles on public and private property in the City.

2. This ordinance is not intended to allow what the Minnesota Statutes prohibit or to prohibit what the Minnesota Statutes expressly allow.

3. It is intended to ensure the public safety and prevent a public nuisance.

B. Definition. A “Recreational Motor Vehicle” means any self-propelled vehicle and any vehicle propelled or drawn by a self-propelled vehicle used for recreational purposes including, but not limited to other all-terrain vehicle as defined by Minn. Stat. 84.90 and Minn. Stat. § 84.92, subd. 8-10 as it may be amended from time to time, hovercraft, or motor vehicle licensed for highway operation, which is being used for off-road recreational purposes, but not including motorized golf carts, personal electric mobility devices, motorized foot scooters, neighborhood electric vehicles, medium-speed electric vehicles, or mini-trucks.

C. Recreational Vehicle Operation Requirements. It is unlawful for any person to operate a recreational motor vehicle:

1. On private lands without written or oral permission of the owner of the property. (Written permission may be given by a posted notice of any kind or description, so long as it specifies the kind of vehicles allowed, that the owner, occupant, or lessee prefers, such as by saying “Recreational Vehicles Allowed,” “Trail Bikes Allowed,” “All-Terrain Vehicles Allowed,” or words substantially similar.) No person shall enter on any land not owned by the person for the purpose of operating a recreational motor vehicle after being notified, orally or by written or posted notice, by the owner, occupant, or lessee not to do so. Where posted notice is used, signs shall bear letters not less than two inches high and shall state one of the following: “Recreational Vehicles Prohibited,” “Snowmobiles Prohibited,” “Trail Bikes Prohibited,” “All-Terrain Vehicles Prohibited,” or words substantially similar. In lieu of the above notice, an owner, occupant, or lessee may post any sign prohibiting recreational motor vehicles that has been adopted by rule of the Commissioner of Natural Resources. The notice or sign shall be posted at corners and ordinary ingress and egress to the property and when so posted shall serve so as to raise a conclusive presumption that a person operating a recreational motor vehicle thereon had knowledge of entering upon such posted lands. Failure to post notice as provided in this subdivision shall not deprive a person of the right to bring a civil action for damage to one’s person or property as otherwise provided by law.

2. On publicly owned land, including school, exclusive City streets, park property, playgrounds, recreation areas and golf courses, except were permitted by this ordinance.

3. In a manner so as to create a loud, unnecessary, or unusual noise that disturbs, annoys, or interferes with the peace and quiet of other persons.

4. On a public sidewalk, bike-path, or walkway provided or used for pedestrian travel.

5. At a place while under the influence of intoxicating liquor or narcotics or habit-forming drugs.

6. At a rate of speed greater than 20 mph or proper under all the surrounding circumstances.

7. At any place in a careless, reckless, or negligent manner so as to endanger or be likely to endanger any person or property or to cause injury or damage thereto.

8. On any public street, highway, or right-of-way unless registered pursuant to Minnesota law.

9. To intentionally drive, chase, run over, or kill any animal, wild or domestic.

10. By halting any recreational motor vehicle carelessly or heedlessly in disregard of the rights or the safety of others or in a manner so as to endanger or be likely to endanger any person or property.

11. Within 150 yards of any public recreational area or gathering of people. This provision does not apply to the occasional use of recreational motor vehicles on private property for the purpose of loading or unloading it from a trailer or for mechanically checking it.

12. Without headlight and taillight lighted at all times if the vehicle is equipped with headlight and taillight.

13. Without a functioning stoplight if so equipped.

14. The driver yields the right-of-way to all oncoming traffic that constitutes an immediate hazard.

15. In crossing a divided road, the crossing is made only at an intersection of the road with another public road.

16. If the crossing is made between the hours of one-half hour after sunset to one-half hour before sunrise or in conditions of reduced visibility, only if both front and rear lights are on.

D. Hours of Operation. Hours for use are 7:00 a.m. to 10:00 p.m.

E. Minimum Equipment Requirements.

1. Standard mufflers shall be properly attached and in constant operation to reduce the noise of operation of the motor to the minimum necessary for operation. No person shall use a muffler cutout, by-pass, straight pipe, or similar device on a recreational motor vehicle motor. The exhaust system shall not emit or produce a sharp popping or crackling sound.

2. Brakes shall be adequate to control the movement of and to stop and hold under any conditions of operation.

3. At least one clear lamp shall be attached to the front with sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead during the hours of darkness under normal atmospheric conditions. The head lamp shall be so that glaring rays are not projected into the eyes of an oncoming vehicle operator. It shall also be equipped with at least one red tail lamp having a minimum candlepower of sufficient intensity to exhibit a red light plainly visible from a distance of 500 feet to the rear during the hours of darkness under normal atmospheric conditions. This equipment shall be required and shall be in operating condition when the vehicle is operated between the hours of one-half hour after sunset and one-half hour before sunrise, or at times of reduced visibility.

F. Designation of Public Areas for Use.

1. The Council may designate areas and exclusive City streets for use of recreational motor vehicles by approval of a resolution by a majority of the members of the City Council. The areas designated may be changed from time to time by the City Council. Any area designated shall be published in the official newspaper of the City in a conspicuous place after the approval. If an area is changed, the change shall be published in like manner in the official newspaper of the City. An up-to-date map of any designated park areas open for recreational motor vehicle use shall be kept on file in the office of the City Clerk, who shall provide on request a copy of the map together with the applicable rules, regulations, and this ordinance to each person requesting the information from the City.

2. Unless designated by the City Council as an area for recreational motor vehicles, the use on City park property and City streets shall be unlawful. Further, the use of City parks designated by the City Council shall be in accordance with all of the applicable provisions of this ordinance.

3. No person shall operate a utility task vehicle or all-terrain vehicle on streets, alleys, or other public property without obtaining a permit as provided herein.

4. Every application for a permit shall be made on a form supplied by the City and shall contain all of the following information:

(a) The name and address of the applicant.

(b) The nature of the applicant's physical handicap, if any.

(c) Model name, make, and year and number of the all-terrain vehicle.

(d) Current driver's license.

(e) Other information as the City may require.

5. Permits shall be granted for a period of three years and may be renewed. The fee for this permit shall be \$15 for that three-year period.

6. No permit shall be granted or renewed unless the following conditions are met:

(a) The applicant must demonstrate that he or she currently holds a valid Minnesota driver's license.

(b) The applicant must provide evidence of insurance in compliance with the provisions of Minnesota Statutes concerning insurance coverage for the utility task vehicle or all-terrain vehicle.

SECTION 3. EFFECTIVE DATE: This ordinance shall take effect upon publication in accordance with the Barnesville City Charter.

PASSED by the City Council of Barnesville, Minnesota this 12th day of April, 2021.

APPROVED:

Jason Rick, Mayor

Attest:

Jeri Reep, City Clerk

First Consideration: March 8, 2021
Second Consideration: April 12, 2021
Date Adopted: April 12, 2021
Date of Publication: April 19, 2021

Mayor Rick stated the next item on the agenda was the approval of Summary Ordinance 2021-03.

04-12-21-20 Motion by Mr. Field and second by Mrs. Stokka to approve the summary Ordinance 2021-03. Motion carried.

TITLE AND SUMMARY OF ORDINANCE NO. 2021-03

The following Ordinance is hereby published by title and summary:

1. Title of Ordinance:

An Ordinance to Amend Sections 5-0211 and 5-0212 of the Revised Barnesville City Code of 2013 Relating to Snowmobile Traffic Control and Regulations and Motorized Golf Carts and Recreational Motor Vehicle Traffic Control and Regulations.

2. Summary of Ordinance:

This ordinance moves the regulations related to recreational vehicles into its own new section and out of the section related to golf carts. The ordinance also creates a new \$15 fee for a 3-year recreational motor vehicle permit.

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 12th day of April, 2021.

APPROVED:

Jason Rick, Mayor

ATTEST:

Jeri Reep, City Clerk

First Reading: March 8, 2021
Second Reading: April 12, 2021
Adopted: April 12, 2021
Published: April 19, 2021

Mayor Rick stated the next item on the agenda was the City Administrator search proposals.

City Administrator Mike Rietz stated that Personnel and Finance portfolio has directed staff to solicit proposals from search firms for the City Administrator recruitment. Two proposals were received. Council member Field stated that he has discussed this recruitment with Councilmember Bauer, and they are recommending to proceed with David Drown & Associates

04-12-21-21 Motion by Mr. Field and second by Mr. Goedtke to approve the proposal from David Drown Associates Company in the amount of \$21,000.00 for the City Administrator recruitment. Motion carried.

Mayor Rick stated the next item on the agenda was the NCTC RFD-TV affiliation agreement renewal.

TEC Manager Guy Swenson stated that the NCTC RFD-TV contract is for 4- year renewal. Staff recommends renewing the NCTC RFD-TV agreement.

04-12-21-22 Motion by Mr. Field and second by Mrs. Stokka to approve and authorize TEC Manager Guy Swenson to renew the NCTC RFD-TV 2021-2025 affiliation agreement. Motion carried.

Mayor Rick stated the next item on the agenda was the AMC-PCM pre-commitment model.

TEC Manager Guy Swenson informed council members that AMC is currently in negotiations with the NCTC, joining the PCM lets AMC know that we elect to have ethe NCTC negotiate the rate on our behalf.

04-12-21-23 Motion by Mrs. Stokka and second by Mr. Field to approve and authorize TEC Manager Guy Swenson to execute the NCTC-AMC Pre-commitment Model (PCM). Motion carried.

Mayor Rick stated the next item on the agenda was the telephone directory publisher agreement renewal.

TEC Manager Guy Swenson informed council members that the Record Review has met every element of the contract with the exception of the searchable online directory. Mr. Swenson stated that the Record Review intended on working with an intern to build a searchable platform, but were not able to complete that task due in part by the COVID shutdowns. Mr. Swenson stated that approximately 400 customers have dropped their landlines due to CBOL, and didn't feel that the searchable directory was still a priority.

04-12-21-24 Motion by Mr. Field and second by Mr. Goedtke to allow the current contract with the Record Review for publication of our Telephone Directory to auto renew for another year. Motion carried.

Mayor Rick stated the next item on the agenda was the Missouri River Energy Services agreement.

TEC Manager Guy Swenson informed council members that this item pertains to the electric equipment rental rates. There may be a chance that certain equipment that Barnesville owns may be utilized outside of the City of Barnesville in support of other communities. Mr. Swenson is recommending to amend and update our Distribution System Operations and Maintenance Agreement between Missouri River Energy Services and the City.

04-12-21-25 Motion by Mr. Goedtke and second by Mr. Field to amend and update Exhibit 1, paragraph A of our Distribution System Operations and Maintenance Agreement between Missouri River Energy Services and the City to include charges to the vehicles and rates. Motion carried.

Mayor Rick stated the next item on the agenda as the closed session to discuss potential sale of real or personal property authorized under Minn. Stat. Sec. 13D.05, subd.(c).

04-12-21-26 Motion by Mr. Goedtke and second by Mrs. Stokka to close the regular meeting at 8:36 p.m. Motion carried.

04-12-21-27 Motion by Mr. Field and second by Mrs. Stokka to return to open session at 9:00 p.m. Motion carried.

04-12-21-28 Motion by Mrs. Stokka and seconded by Mr. Field to enter into a two-way Non-disclosure Agreement with Midco. Motion carried.

Mayor Rick adjourned the meeting at 9:05 p.m.

Submitted by:

Attest:

Jeri Reep
City Clerk

Jason Rick
Mayor

