

Barnesville City Council
Regular Meeting
August 9, 2021

Mayor Rick called this regular meeting to order at 7:00 p.m. Member's present were Council members Brad Field, Tonya Stokka, Alyssa Bergman, Dawn Stuvland, Scott Bauer, and Don Goedtke. Others in attendance were Interim City Administrator John Chattin, Lucas Croaker and Kathryn DelZoppo with Ohnstad Twitchell, City Clerk Jeri Reep, TEC Manager Guy Swenson, EDA Director Karen Lauer, Finance Director Laurie Schell, Public Works Supt. Charlie Revering, Police Chief Joel Voxland, Ambulance Manager Scott Nelson, Jesse Atteberry, Chris Olson, and Mark Pearson, Ryan Beattie, Mitch Landphere, Philip Rogers, DeLyle Fankhanel, Dan Hanson with Moore Engineering, and Michael Stein with Barnesville Record Review.

Mayor Rick asked if there were any additions or corrections to the agenda. Interim City Administrator John Chattin stated there were 3 additions to the agenda. The approval of the Barnesville Rod & Gun premise gambling permit, approval of partial payment No. 2 for the Liquor Store to T.F. Powers, and the solar panel discount.

08-09-21-01 Motion by Mr. Goedtke and second by Mrs. Stuvland to approve the agenda as presented, with the three additional items: The approval of the Barnesville Rod & Gun premise gambling permit, approval of partial payment No. 2 for the Liquor Store to T.F. Powers, and the solar panel discount. Motion carried.

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

08-09-21-02 Motion by Mrs. Stuvland and second by Mrs. Stokka to approve the consent agenda as presented. Motion carried. The following items were on the consent agenda:

1. Approval of the minutes of the regular meeting held on July 12, 2021
2. Approval of the minutes of the special meeting held on July 20, 2021
3. Approval of the minutes of the special meeting held on July 26, 2021
4. Approval of the department head reports.
5. Approval of check numbers 90865 – 90964 and EFT payments for a total of \$1,034,522.94.
6. Approval of Ratzos Pool Hall liquor request-August 28-29, 2021
7. Approval of VFW Post 4628 liquor request-August 28-29,2021.
8. Approval of partial payment request No. 6 to Dirt Dynamic's-Del Acres 3rd Addition.
9. Approval of partial payment request No. 1 for key Contracting-Commercial Park Condo's-Phase 2.
10. Approval of vendor agreement with Energy Assistance Program-Water program.
11. Approval to hire Peter Svare as Police Officer.
12. Approval to hire Timothy Wells as Golf Course Club Attendant.
13. Approval of amendment No. 2 with Interim City Administrator Employment Agreement.
14. Approval of Barnesville Rod & Gun premise gambling permit-August 28, 2021.
15. Approval of partial payment No. 2 for T.F. Powers-Liquor Store project.

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

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

Mayor Rick stated the next item on the agenda was a presentation to Officer Ryan Beattie.

Mayor Rick stated that on July 4th, the emergency pagers went off for a call to Blue Eagle Lake. With the quick response from Officer Beattie, he saved a life. Ambulance Manger Scott Nelson stated that a swimmer got entangle with some weeds, and the quick actions of Officer Beattie saved this person's life. Mayor Rick, along with Ambulance Manger Scott Nelson presented a life saving award to Officer Ryan Beattie. Council members thanked Officer Beattie for his actions.

Mayor Rick stated the next item on the agenda was the public forum.

Mr. DeLyle Fankhanel, 702 Front Street South, next approached the council. Mr. Fankhanel questioned why the dangerous dog ordinance is not being enforced. Mr. Fankhanel stated that he has been attacked by a dog, and nothing has been done. Council member Field stated that staff would research this complaint, and report back to the City Council.

Mr. Mitch Landphere, 319 3rd Ave SE, approached the council and asked how much longer does he need to put up with rust in the water. Mr. Landphere stated that his neighbors have rusty water also.

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

Mayor Rick stated the next item on the agenda was the task force for long term planning for Old City Hall.

EDA Director Karen Lauer informed council members that staff have been working with the Minnesota Historical Society with regard to required changes to the building. On December 13, 2019 the City was awarded a \$30,000 grant to hire an architect to provide the documents necessary to implement the improvements which were identified in the MHS funded acoustic evaluation report. Staff is recommending establishing an Old City Hall Task Force to work with Architect Margaret Follingstad on long term planning for the structure. The proposed task force would be Margaret Follingstad, Interim City Administrator John Chattin, Police Chief Joel Voxland, EDA Director Karen Lauer, Main Street Director Bailey Thompson, Building & Grounds representative Alyssa Bergman, and Personnel & Finance representative Brad Filed.

08-09-21-03 Motion by Mr. Bauer and second by Mrs. Stokka to approve the task force for Old City Hall. Motion carried.

Mayor Rick stated the next item on the agenda was the Resolution setting a public hearing on alley vacation requested by Philip Rogers.

Interim City Administrator John Chattin stated that staff has received this petition for vacation of the north/south alley located between front Street and 3rd Street SE. All abutting property owners have signed the petition and the alley serves no public purpose. A public hearing regarding this will be on the September regular agenda.

08-09-21-04 Motion by Mr. Field and second by Mrs. Stokka to approve the Resolution setting a public hearing on vacation commenced by a petition of a majority of abutting landowners. Upon a roll call vote, the following voted aye: council members Stokka, Goedke, Stuvland, Bauer, Bergman and Field. The following voted against: none. Motion carried.

**CITY OF BARNESVILLE
COUNTY OF CLAY
STATE OF MINNESOTA
RESOLUTION NO. 08-09-21-04**

**RESOLUTION SETTING A PUBLIC HEARING ON A VACATION
COMMENCED BY 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 an alley in Block 21 in Barnesville was received by the City Clerk on the 30th day of July, 2021; and

WHEREAS, the petition requested that the City Council, pursuant to Minnesota Statutes

§§ 412.851 and 440.13, vacate that part of the alley running north-south alley located between Front Street and 3rd Street SE, between 8th Avenue and 9th Avenue, Clay County, Minnesota, legally described as **the alley which abuts Lots 1-10, Lots 13-22; Block 21, Original Barnesville Townsite.**

WHEREAS, the City Clerk has reviewed and examined the signatures on said petition and

determined that such signatures constitute all of or a majority of the landowners abutting upon the portion of the alley proposed to be vacated; and **WHEREAS**, a copy of said petition is attached hereto as Exhibit A.

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

1. The Council will consider the vacation of such alley, and a public hearing shall be held on such proposed vacation on the 13th day of September, 2021, before the City Council in the City Hall, located at 102 Front Street North at 7:00 p.m.

The City Clerk is hereby directed to give published, posted and mailed notice of such hearing as required by law.

Passed by the Council this 9th day of August, 2021.

APPROVED:

Jason Rick, Mayor

ATTEST:

Jeri Reep, City Clerk

Mayor Rick stated the next item on the agenda was the variance requested by Philip Rogers at 801 3rd Street SE.

Interim City Administrator John Chattin informed council members that Mr. Philip Rogers purchased the home at 801 3rd Street SE in July 2020. Mr. Rogers plans to move the old, dilapidated garage and construct a new garage. He plans to build a 26' x 30' garage with access off 8th Avenue SE. The Planning Commission recommends that a 7-foot variance for the setback from the north right-of-way to the overhead door on the north side of the garage be approved.

08-09-21-05 Motion by Mrs. Stokka and second by Mr. Goedtke to approve the variance request at 801 3rd Street SE. Motion carried.

Mayor Rick stated the next item on the agenda was the CUP request for Tobbie & Shelly Krueger at 1013 5th Street SE.

EDA Director Karen Lauer informed council members that Tobbie & Shelly Krueger have requested a CUP to construct a 40' x 50' detached accessory building which exceeds the ground coverage of the home by 720 square feet, and a variance to allow the use to allow for the use of vertical steel siding for the detached accessory building. The accessory building would exceed the maximum allowed size by 720 square feet. The Zoning Ordinance indicates that the floor area of the garage may not exceed the ground coverage of the dwelling unless approved by a CUP. The variance is being requested is regarding the appearance of the structure which states any accessory building which is over 150 square feet or located in the side yard must be similar in design, materials and color to the primary structure located on the lot. This situation is unique due to the fact that their home is all brick, and it would not be realistic to construct a brick accessory building. The Planning Commission recommends approval of both the CUP and the Variance. Based on the uniqueness of the situation.

08-09-21-06 Motion by Mrs. Stokka and second by Mr. Field to approve the CUP and Variance for Tobbie & Shelly Krueger, 1013 5th Street SE, with the conditions set forth in the CUP and Variance. Motion carried.

Mayor Rick stated the next item on the agenda was the approval of Change Order No. 1 for the Commercial Park Condos Phase 2.

Mr. Dan Hanson with Moore Engineering next discussed the Change Order No. 1 for the Commercial Park Condos Phase 2. Mr. Hanson stated that this change order is for a time extension due to the excessive removal of rock. Mr. Hanson stated that this is a reasonable request due to the large amount of rock in the area.

08-09-21-07 Motion by Mr. Bauer and second by Mrs. Bergman to approve the Change Order No. 1 for Key Contracting. Motion carried.

Mayor Rick stated the next item on the agenda was the 2021 internet advertising budget.

TEC Manager Guy Swenson stated that staff was recommending a strong marketing plan, with pricing, that would inform our current and future internet customers of the benefits of Barnesville Internet. Some of those benefits being Fiber to the premise, symmetrical internet speeds, internet package pricing and fast friendly service. The increase in budget could be spent in 2021 and the remainder in 2022. The TEC Board is recommending to amend and increase the 2021 Internet advertising budget by \$10,000 and increase the 2022 Internet Advertising budget by \$10,000. This will allow for 2 ads that will be utilized across several platforms.

08-09-21-08 Motion by Mrs. Bergman and second by Mr. Field to approve the amendment to the 2021 Internet advertising budget by \$10,000.00 and to increase the 2022 budget by \$10,000.00. Motion carried.

Mayor Rick stated the next item on the agenda was the Disney/ESPN pre-commitment model.

TEC Manager Guy Swenson stated that Disney/ESPN currently are in negotiations with the NCTC, joining the PCM lets Disney/ESPN know that we elect to have the NCTC to negotiate the rate on our behalf. We will have an opportunity to decline carriage if the new rates are higher than we are willing to pay. TEC Board recommends approval of this pre-commitment.

08-09-21-09 Motion by Mrs. Stokka and second by Mrs. Stuvland to approve and authorize TEC Manager Guy Swenson to execute the NCTC-Disney/ESPN Pre-Commitment model. Motion carried.

Mayor Rick stated the next item on the agenda was the NCTC HITS agreement renewal.

TEC Manager Guy Swenson informed council members that HITS has agreed to extend its NCTC agreement to December 31, 2023 provided there is sufficient participation from NCTC members. We received most of our HD feeds from HITS HD, so it is important that we renew this agreement.

08-09-21-10 Motion by Mrs. Stokka and second by Mrs. Bergman to approve and authorize TEC Manager Guy Swenson to execute the NCTC-HITS Agreement renewal. Motion carried.

Mayor Rick stated the next item on the agenda was the solar panel discount.

TEC Manager Guy Swenson stated that staff is recommending offering a Solar Panel discount for a limited time. The marketing committee is requesting a discount of \$100.00 per panel for a limited time.

08-09-21-11 Motion by Mr. Field and second by Mrs. Stokka to approve the Solar Panel discount for a 45-day window to purchase a solar panel for \$675.00 each, starting August 15, 201 through September 30, 2021. Motion carried.

Mayor Rick stated the next item on the agenda was the N.W.S. agreement-executive session pursuant to Minn. Stat. 13D.05, subd. 3 (b) under the attorney client privilege to discuss the N.W.S. agreement.

08-09-21-12 Motion by Mr. Bauer and second by Mrs. Stokka to close the regular meeting at 8:01 p.m. Motion carried.

08-09-21-13 Motion by Mrs. Bauer and second by Mrs. Bergman to come out of closed session at 8:40 p.m. Motion carried.

08-09-21-14 Motion by Mrs. Stokka and second by Mrs. Stuvland to approve a final offer in the amount of \$34,000 to terminate the North West Services agreement and direct the City Attorney and City staff to pursue termination of the agreement if the final offer is not accepted. Motion carried.

Interim City Administrator John Chattin informed council members that October 4th is the date set for the City Administrator interviews, starting at 7:00 a.m.

Mayor Rick adjourned the meeting at 8:50 p.m.

Submitted by:

Attest:

Jeri Reep
City Clerk

Jason Rick
Mayor