

**Barnesville City Council
Regular Meeting
March 14, 2022**

Mayor Rick called this regular meeting to order at 7:00 p.m. Member's present were Council members Tonya Stokka, Alyssa Bergman, Brad Field, Dawn Stuvland, and Don Goedtke Council member Scott Bauer was absent. Others in attendance were City Administrator Brenda Andrews, TEC Manager Guy Swenson, EDA Director Karen Lauer, Finance Director Laurie Schell, Ambulance Manger Scott Nelson, Public Works Supt. Charlie Revering, Police Chief Joel Voxland, Terry Olson with Willow Creek Insurance, Dan Hanson with Moore Engineering, and Michael Stein with Barnesville Record Review. Lucas Croaker with Ohnstad Twichell attended via telephone.

Mayor Rick asked if there were any additions or corrections to the agenda. City Administrator Brenda Andrews stated that there were no additions or corrections.

03-14-22-01 Motion by Mrs. Stuvland 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.

03-14-22-02 Motion by Mrs. Stokka and second by Mrs. Stuvland to approve the consent agenda. Motion carried. The following items were on the consent agenda:

1. Approval of the council minutes from the regular meeting held on February 14, 2022.
2. Approval of check numbers 91750 – 91839 and EFT payments in the amount of \$665,338.19.
3. Approval of department head reports.
4. Approval of gambling permit for the Barnesville Lions Club-July 14-16, 2022.
5. Approve the Resolution appointing the Administrative Appeal Board.
6. Approve the attendance of City Administrator Brenda Andrews to attend the Clay County Joint Power Annual Intergovernmental Retreat.
7. Approval of the insurance renewal.
8. Approval to order a Police Dept. Cruiser.

**CITY OF BARNESVILLE
COUNTY OF CLAY
STATE OF MINNESOTA
RESOLUTION NO. 03-14-22-02**

**RESOLUTION APPOINTING BRENT BERG TO THE ADMINISTRATIVE APPEAL
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 Brent Berg be appointed to serve on the Administrative Hearing Board; and

WHEREAS, the Executive Director for the City Economic and Development has asked Brent Berg if he would be interested in serving on the Administrative Hearing Board, and he has indicated his willingness to serve; and

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

NOW, THEREFORE, BE IT RESOLVED that Brent Berg is appointed to serve as on the Administrative Hearing Board.

Adopted by the City Council of the City of Barnesville this 14th day of March, 2022.

APPROVED:

Jason Rick, Mayor

ATTEST:

Brenda Andrews, City Administrator

Mayor Rick stated the next item on the agenda was the boards and commission 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 mayor and council members announcements.

Mayor Rick stated the next item on the agenda was the ward redistricting public hearing.

03-14-22-03 Motion by Mr. Goedke and second by Mrs. Stokka to open the public hearing for the ward redistricting at 7:07 p.m. Motion carried.

Mayor Rick asked if there were any citizens present for the public hearing for the ward redistricting. There were none.

03-14-22-04 Motion by Mrs. Stokka and second by Mrs. Bergman to close the public hearing at 7:08 p.m. Motion carried.

Mayor Rick stated the next item on the agenda was the resolution for the ward redistricting.

03-14-22-05 Motion by Mrs. Stokka and second by Mrs. Bergman to approve the resolution for the ward redistricting. Upon a roll call vote, the following voted aye: Council members Stokka, Goedke, Stuvland, Bergman and Field. The following were absent. Council member Bauer. Motion carried.

CITY OF BARNESVILLE

COUNTY OF CLAY

STATE OF MINNESOTA

RESOLUTION NO. 03-14-22-05

RESOLUTION REESTABLISHING WARD BOUNDARIES AND POLLING PLACES

WHEREAS, the legislature of the State of Minnesota has been redistricted; and

WHEREAS, Minnesota Statute Section 204B.14, subd.3 (d) requires that ward boundaries must be reestablished within 60 days of when the legislature has been redistricted or at least 19 weeks before the state primary election, whichever comes first;

WHEREAS, the boundaries of the wards in the City of Barnesville need to be amended in order to meet the statutory requirements of population equality.

WHEREAS, the City of Barnesville City Council does hereby designate the Barnesville Senior Citizen Center, 501 2nd Ave NE as the polling place for Wards 1, 2 and 3 for 2022.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Barnesville, County of Clay, State of Minnesota, hereby amends the boundaries of the three wards in the City of Barnesville as shown on Exhibit A attached hereto.

PASSED by the Barnesville City Council this 14th day of March, 2022

APPROVED:

Jason Rick
Mayor

ATTEST:

Brenda Andrews
City Administrator

Mayor Rick stated the next item on the agenda was to disband the Liquor Store taskforce.

City Administrator Brenda Andrews informed council members that the Liquor Store Taskforce worked together to build the 1-million-dollar Liquor Store. Staff recommends to disband the Liquor Store Taskforce as they have completed their mission, and the store is now open. Mayor Rick thanked all Liquor Store Taskforce members for serving on the task force.

03-14-22-06 Motion by Mrs. Bergman and second by Mr. Field to disband the Liquor Store Task Force. Motion carried.

Mayor Rick stated the next item on the agenda was the 2021 Barnesville EDA annual report.

EDA Director Karen Lauer discussed with council members the highlights and accomplishments of the EDA for 2021. Mrs. Lauer stated that 32 lots in the new housing addition and construction of 14 new homes in the community. Mrs. Lauer discussed the new businesses for the community. There were 3 new buildings in the Commercial Park. Mrs. Lauer acted as the Interim Zoning Administrator addressing a wide variety of planning and zoning matters. Mayor Rick asked if council members had any questions for EDA Director Karen Lauer. Council members had no questions.

Mayor Rick stated the next item on the agenda was the approval of the 1st reading of Ordinance 2022-03, regarding to accessory structures.

City Administrator Brenda Andrews informed council members that the current Zoning Ordinance does not allow accessory structures in commercial and industrial areas. The Planning commission held a Public Hearing on March 7, 2022 to address this issue. The Planning Commission is recommending to make the proposed change to the Zoning Ordinance.

03-14-22-07 Motion by Mrs. Stuvland and second by Mr. Goedtke to approve the 1st reading of Ordinance 2022-03. Motion carried.

CITY OF BARNESVILLE
ORDINANCE NO. 2022-03

AN ORDINANCE TO AMEND AND REENACT CHAPTER 7-09 AND SECTIONS 7-0206, 7-0207, 7-0208, 7-0209, AND 7-0210, AND TO CREATE AND ENACT SECTION 7-0902 OF CHAPTER 7-09 OF THE MUNICIPAL CODE RELATING TO ACCESSORY STRUCTURES.

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

SECTION 1. The Title of Chapter 7-09 of the Municipal Code of the City of Barnesville is hereby amended and reenacted to read as follows:

CHAPTER 7-09

ACCESSORY STRUCTURES ~~IN RESIDENTIAL DISTRICTS~~

SECTION 2. Section 7-0206 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. 1. Purpose. The C-1, Central Business District, is designated for providing the core service and retail businesses ample space to develop and to allow those services to be accessed conveniently by the residents and other customers. All businesses and services located in this district shall be of a beneficial nature to the City and promote orderly development and generate economic use of land.

Subd. 2. Permitted Uses:

- A. Retail Businesses.

- B. Eating & Drinking Establishments.

- C. Offices.

- D. Personal & Professional Services.

- E. Municipal Buildings & Libraries.

- F. Auto Sales, Service & Repair.

- G. Fire Stations.

- H. Trade and Vocational Schools.

- I. Commercial Recreation.

- J. Veterinary Clinics.

- K. Funeral Homes.

- L. Essential Services.

- M. Accessory Structures.

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Subd. 10. Accessory Structures. Accessory structures are subject to the provisions of Section 7-0902.

SECTION 3. Section 7-0207 of the Municipal Code of the City of Barnesville is hereby amended and reenacted to read as follows:

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

Subd. 1. Purpose. The C-2, ~~Business~~Commercial District, is designated to provide areas for commercial establishments that offer a broad range of goods and services.

Subd. 2. Permitted Uses:

- A. Auto Sales Service & Repair.
- B. Eating & Drinking Establishments.
- C. Hotels and Motels.
- D. Veterinary Clinics.
- E. Essential Services.
- F. Offices.
- G. Gas/Service Stations.
- H. Fast Food Businesses/Franchises.
- I. Convenience Store.
- J. Retail Businesses.
- K. Personal & Professional Services.
- L. Municipal Buildings and Libraries.
- M. Fire Stations.
- N. Trade and Vocational Schools.
- O. Commercial Recreation.
- P.** Funeral Homes.
- Q.** Accessory Structures.

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Subd. 6. Accessory Structures. Accessory structures are subject to the provisions of Section 7-0902.

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

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

Subd. 1. Purpose. The C-3, BusinessCommercial Park District, is designated for businesses providing goods and services in a business park setting.

Subd. 2. Permitted Uses:

- A. Retail Businesses.
- B. Offices.
- C. Personal and Professional Services.
- D. Governmental Buildings.
- E. Trade and Vocational Schools.
- F. Research and Testing Laboratories.
- G. Supply Yards.
- H. Warehousing of Non-Explosive Material/Equipment.
- I. Distribution Centers.
- J. Medical, Dental and Optical Laboratories.
- K. Wholesale Businesses.
- L. Freight and Parcel Shipping Facilities.
- M. Rental Establishments.
- N. Essential Services.
- O. Storm Water Retention Areas.
- P. Recording Studios.

- Q. Daycare Centers.
- R. Car Wash.
- S. Laundromat.
- T. Rental Storage Units.
- U. Accessory Structures.

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Subd. 5. Accessory Structures. Accessory structures are subject to the provisions of Section 7-0902.

SECTION 5. Section 7-0209 of the Municipal Code of the City of Barnesville is hereby amended and reenacted to read as follows:

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

Subd. 1. Purpose. The I-1, Light Industrial District, provides space for industries that are compatible with adjacent residential or commercial Districts and are free from objectionable influence upon small urban development.

Subd. 2. Permitted Uses:

- A. Retail Businesses.
- B. Offices.
- C. Personal and Professional Services.
- D. Governmental Buildings.
- E. Research and Testing Laboratories.
- F. Supply Yards.
- G. Warehousing of Non-Explosive Material or Equipment.
- H. Distribution Centers.
- I. Truck Terminals.
- J. Light Manufacturing.

- K. Essential Services.
- L. Ag Warehousing and Sales.
- M. Vehicle Repair, Services and Sales.
- N. Recreational Vehicle/Trailer Sales, Service and Repair.
- O. Storm Water Retention Areas.
- P. Wholesale Businesses.
- O. Accessory Structures.**

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Subd. 5. Accessory Uses and Structures Permitted: ~~Same as C-1 District.~~
Accessory structures are subject to the provisions of Section 7-0902.

SECTION 6. Section 7-0210 of the Municipal Code of the City of Barnesville is hereby amended and reenacted to read as follows:

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

Subd. 1. Purpose. The I-2, Highway Industrial District, provides space for industries and certain highway businesses who have needs for open space, and easy access to the interstate highway.

Subd. 2. Permitted Uses:

- A. Research and testing laboratories.
- B. Bottling Plant.
- C. Heavy Equipment Manufacture, Sales, Service, or Repair.
- D. Manufacture, Processing, and Fabrication of Clay, Concrete, Wood, Plastic, & Metal Products.
- E. Agriculture.
- F. Trucking, or Freight Terminal.
- G. Warehouse.

H. Essential Services.

I. Accessory Structures.

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Subd. 5. Accessory Structures. Accessory structures are subject to the provisions of Section 7-0902.

SECTION 7. Chapter 7-09, Section 7-0902 of the Municipal Code of the City of Barnesville is hereby created and enacted to read as follows:

SEC. 7-0902 ACCESSORY STRUCTURES IN COMMERCIAL AND INDUSTRIAL ZONES. Accessory structures are permitted uses in these zoning districts with the following restrictions:

Subd. 1. Use of Structure. The use of an accessory structure is limited to the storage of inventory, supplies, and equipment related to the operation of the principal structure located on the lot. An entirely different business may not be operated out of the accessory structure.

Subd. 2. Structure Placement. Accessory structures shall not be erected or located within either a front or side yard, except that accessory structures may be permitted in the side yard behind the front building line of the principal structure, provided that the side yard setback required for the principal structure is maintained. Accessory structures, including those of less than 120 square feet, may not encroach into required easements.

Subd. 3. Setback Requirements. Accessory structures are not allowed to be built within required setbacks of the underlying zoning district.

Subd. 4. Number of Structures. Only two (2) detached accessory structures are permitted on any single lot, subject to lot coverage requirements.

Subd. 5. Permitted Structure Size. The maximum size of an accessory structure is limited to thirty percent (30%) of the gross area of the principal structure. The combined size of any two (2) accessory structures shall not exceed thirty percent (30%) of the square footage of the principal structure.

Subd. 6. Appearance of Structure. Accessory structures exceeding 150 square feet, or located in the side yard, must be similar in materials and/or color to the principal structure located on the lot.

Subd. 7. Construction Type. Accessory structures must be erected on a permanent foundation or anchored to the ground. Storage buildings not on a permanent foundation must be skirted to prevent animals access under the structure or built on a concrete footing.

Subd. 8. Height. Accessory structures of 150 square feet or less shall not exceed eleven (11) feet in height to the peak. Accessory structures over 150 square feet shall not exceed the height of the principal structure.

Subd. 9. Sequential Requirements. Accessory structures, other than a fence or temporary construction, may not be constructed prior to the time of construction of the principal structure. Accessory structures may not be constructed on property where the principal structure is substandard, has safety violations, or is vacant. Upon demolition of the principal structure, the accessory structure(s) must be removed from the lot, unless a demolition permit is issued in conjunction with a building permit for a new principal structure.

Subd. 10. Sequential Requirements - Exceptions. The requirements of Subdivision 10 may be waived in the following circumstance: an accessory structure may remain on the lot when the principal structure has been demolished and removed from the lot in accordance with an order of demolition from the City or its building inspector.

Subd. 11. Building Permit Required. Accessory structures in excess of 120 square feet are required to have a building permit before construction commences.

SECTION 8. EFFECTIVE DATE. This ordinance shall take effect upon publication in accordance with the Barnesville City Charter.

PASSED AND ADOPTED by the Barnesville City Council this 11th day of April, 2022.

APPROVED:

Jason Rick, Mayor

ATTEST:

Jeri Reep, City Clerk

First Reading: March 14, 2022
Second Reading: April 11, 2022
Adopted: April 11, 2022
Published: April 18, 2022

Mayor Rick stated the next item on the agenda was the MN DOT temporary construction easement.

City Administrator Brenda Andrews stated that the MN DOT has appraised city locations for the Highway 9 Improvement project for the temporary right to construct. The easement grants in favor of MN DOT for a limited duration of time for the purpose of carrying out construction of a project on adjoint property. This will be a one-time payment for each parcel, and the temporary right to construct will expire on December 1, 2025.

03-14-22-08 Motion by Mrs. Stokka and second by Mrs. Stuvland to approve the MN DOT temporary right to construct easements on city property, with the termination date of December 1, 2025. Motion carried.

Mayor Rick stated the next item on the agenda was the Resolution for the MN DOT temporary construction easement.

03-14-22-09 Motion by Mrs. Stokka and second by Mr. Goedtke to approve the resolution for the MN DOT temporary construction easement. Upon a roll call vote, the following voted aye: Council members Stokka, Goedtke, Stuvland, Bergman and Field. Council member Bauer was absent. Motion carried.

**CITY OF BARNESVILLE
RESOLUTION NO. 03-14-22-09**

**A RESOLUTION TO ACCEPT THE MINNESOTA DEPARTMENT OF
TRANSPORTATION (MNDOT) FUNDS FOR THE TEMPORARY RIGHT TO
CONSTRUCT**

WHEREAS, The State of Minnesota, acting through the Department of Transportation (MnDOT), has appraised the following locations in light of the Highway 9 Improvement Project for the Temporary Right to Construct. This easement grants in favor of MnDOT for a limited duration of time to carry out the construction of a project on adjoining property;

WHEREAS, Parcel #14 the area of Ambulance Garage, Electrical Substation, etc. \$2,200 for the easement.

WHEREAS, Parcel #5 McGrath Park (adding the handicap ramp to 4th Street corner) \$500 for the easement.

WHEREAS, Parcel #7 Old City Hall \$2,600 for the easement.

WHEREAS, Parcel #9 Friendship Park \$1,900 for the easement.

WHEREAS, Parcel #13 City Hall (move drop box used for payments) \$3,900 for the easement

WHEREAS, Parcel #23 New Firehall Liquor Store (adding sidewalk along the front of the property) \$1,000 for the easement.

WHEREAS, the city, in response to the Highway 9 Improvement Project, has had expenditures and anticipates future expenditures consistent with the Department of Transportation (MnDOT) guidance.

WHEREAS, the State of Minnesota will distribute funds to the City for the Temporary Right to Construct, which expires 12/01/2025.

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

1. The City intends to collect its share of Department of Transportation (MnDOT) funds from the State of Minnesota to use in a manner consistent with the Department of Transportation (MnDOT) guidance.
2. City staff, together with the Mayor and the City Attorney, are hereby authorized to take any actions necessary to receive the City's share of Department of Transportation (MnDOT) funds from the State of Minnesota for expenses incurred because of the Highway 9 Improvement Project.

Adopted by the City Council of Barnesville, Minnesota, this 14 day of March 2022.

Jason Rick, Mayor

Attested:

Jeri Reep, City Clerk

Mayor Rick stated the next item on the agenda was the Ordinance to amend and reenact section 6-0201 of the revised City Code regarding dog and cat regulation and licensing.

City Administrator Brenda Andrews informed council members that staff has updated the dog and cat regulation and licensing ordinance.

03-14-22-10 Motion by Mrs. Bergman and second by Mr. Goedtke to approve the 1st reading of Ordinance 2022-04. Motion carried.

**CITY OF BARNESVILLE
ORDINANCE NO. 2022-04**

**AN ORDINANCE TO AMEND AND REENACT SECTION 6-0201 OF THE REVISED
BARNESVILLE CITY CODE OF 2013 REGARDING DANGEROUS DOGS.**

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

SECTION 1. Section 6-0201, Subd. 1(E), is hereby amended and reenacted to read as follows:

E. “Dangerous Dog” means any dog that has:

1. Without provocation, inflicted substantial bodily harm on a human being on public or private property;
2. Killed a domestic animal without provocation while off the owner’s property; or
3. ~~When unprovoked, bitten a person or domestic animal on public or private property on two or more occasions~~Been found to be potentially dangerous, and after the owner has notice that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals.
4. ~~When unprovoked, chased or approached a person upon the streets, sidewalks, or any public property in an apparent attitude of attack on two or more occasions.~~

SECTION 2. Section 6-0201, Subd. 7(B)(2), is hereby amended and reenacted to read as follows:

2. A surety bond issued by a surety company authorized to conduct business in the State of Minnesota in a form acceptable to the City in the sum of at least ~~\$50,000~~\$300,000, payable to any person injured by the dangerous dog, or a policy of liability insurance issued by an insurance company authorized to conduct business in the State of Minnesota in the amount of at least ~~\$50,000~~\$300,000, insuring the owner for any personal injuries inflicted by the dangerous dog;

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 11th day of April, 2022.

APPROVED:

Jason Rick, Mayor

ATTEST:

Jeri Reep, City Clerk

First Consideration: March 14, 2022

Second Consideration: April 11, 2022

Date Adopted: April 11, 2022

Date of Publication: April 18, 2022

Mayor Rick stated the next item on the agenda was the full-time paramedic discussion.

City Administrator Brenda Andrews stated that the ambulance scheduling is an ongoing issue. We must have at least two people on ambulance calls. Staff is recommending to hire a full-time paramedic.

03-14-22-11 Motion by Mrs. Stokka and second by Mrs. Stuvland to hire a full-time paramedic for the ambulance department. Motion carried.

Mayor Rick stated that the Rural Cities and County roundtable meeting is set for March 31, 2022.

TEC Manager Guy Swenson updated the council members on the Red River Telephone AD AM II.

City Engineer Dan Hanson updated council members on the work with Public Works Supt. Charlie Revering on the projects for the city and the 2023 reconstruction project.

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

Submitted by:

Attest:

Guy Swenson
TEC Manager

Jason Rick
Mayor