

**Barnesville City Council**  
**Regular Meeting**  
**April 11, 2022**

Mayor Rick called this regular meeting to order at 7:03 p.m. Member's present were Council members Tonya Stokka, Alyssa Bergman, Brad Field, Dawn Stuvland, Scott Bauer, and Don Goedtke. Others in attendance were City Administrator Brenda Andrews, Kathryn DelZoppo with Ohnstad Twichell, City Clerk Jeri Reep, EDA Director Karen Lauer, Finance Director Laurie Schell, Ambulance Manger Scott Nelson, Public Works Supt. Charlie Revering, Police Chief Joel Voxland, Tom Steinolfson with Red River Telephone, Ben Schumann, 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. City Administrator Brenda Andrews stated the only addition was the request for decertification of special assessments.

**04-11-22-01** Motion by Mrs. Bergman and second by Mrs. Stuvland to approve the agenda as presented with the addition of the request for decertification of special assessments. Motion carried.

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

**04-11-22-02** Motion by Mrs. Stokka and second by Mr. Bauer to approve the consent agenda as presented. Motion carried. The following items were on the consent agenda.

1. Approval of the council minutes from the regular meeting held on March 14, 2022.
2. Approval of check numbers 91840-91946 and EFT payments for a total of \$3,359,713.74.
3. Approval of department head reports.
4. Approval to hire the following for Golf Course seasonal employees: Mark Swenson, Kevin Herr, Jack Trowbridge, Harold Opsahl, George Ericson, and Allan Kertscher.
5. Approval to hire Tim Wells as the Pro Shop Manager.
6. Approval to hire Aaron Carr to the full-time public works position.
7. Approval to hire Averil Whiteford to the full-time ambulance position.
8. Approval of the 1<sup>st</sup> quarter transfers.
9. Approval of the Weather Channel Agreement renewal.
10. Approval of the Arvig boring quote for fiber relocation in the amount of \$36,698.37.
11. Approval of the appointment of Ben Schumann to the Planning Commission.
12. Approval of the pay study for the Police Union, not to exceed \$5,000.00.
13. Approval of the Barnesville Rod & Gun Club gambling permit-Barnesville High School.
14. Approval of the request for decertification of Special Assessments-Parcel 50.057.0080 and 50.057.0070.

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.

Mr. Tom Steinolfson with Red River Telephone approached the council, and thanked the City Council, and TEC Manger Guy Swenson for the support to Red River Telephone. Mr. Steinolfson wanted to thank TEC Manager Guy Swenson, Mr. Steinolfson stated that without Guy Swenson's help, the letters of support would not have happened. Mr. Steinolfson stated that Red River Telephone appreciated the support of city staff, and the City Council.

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 mayor and council members announcements.

Mayor Rick stated that Averial Whiteford is the new ambulance department assistant. Mayor Rick also stated that Planning Commission member Paul Karsnia has resigned, and Ben Schumann is the new planning commission member to replace Mr. Karsnia's term.

Mayor Rick stated the next item on the agenda was the Community amenities.

City Administrator Brenda Andrews informed council members that the city has been approached to take over the American Legion Club building. Ms. Andrews stated that the American Legion club members have not held a meeting to discuss the city taking over their building. The American Legion would continue to operate in the back office of their building. The Liquor, Building, and Ordinance portfolio have discussed and recommend approval of this donation. The offer is contingent on the City Council acceptance of the building, and the members of the American Legion Club Post 153 voting on the agreement.

**04-11-22-03** Motion by Mr. Field and second by Mrs. Stokka to accept the American Legion Post 153 building as a donation, if the American Legion Club Post 153 members approve of the donation of their building. Council member Goedtke asked what the city would do if we had the building. Council member Field stated that the it the building would not be for re-sale, City Hall would administer the building. Motion carried.

Mayor Rick stated the next item on the agenda was the approval of the 2<sup>nd</sup> reading of Ordinance 2022-03, an Ordinance relating to accessory buildings in Commercial and Industrial zones.

City Administrator Brenda Andrews that this is the 2<sup>nd</sup> reading of this ordinance. The Planning Commission recommends approval of this ordinance.

**04-11-22-04** Motion by Mrs. Stokka and second by Mrs. Bergman to approve the 2<sup>nd</sup> 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.
- Q. 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 11<sup>th</sup> day of April, 2022.

APPROVED:

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Jason Rick, Mayor

ATTEST:

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Jeri Reep, City Clerk

First Reading:

Second Reading:

Adopted:

Published:

Mayor Rick stated the next item on the agenda was the summary ordinance 2022-03.

**04-11-22-05** Motion by Mrs. Stokka and second by Mrs. Bergman to approve the Summary Ordinance 2022-03. Motion carried.

## TITLE AND SUMMARY OF ORDINANCE NO. 2022-03

The following Ordinance is hereby published by title and summary:

**1. Title of Ordinance:**

An Ordinance 2022-03-- Accessory Buildings in Commercial and Industrial Zones

**2. Summary of Ordinance:**

This ordinance updates the regulations regarding Accessory Buildings in Commercial and Industrial Zones in the City of Barnesville.

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.

This Ordinance was passed by the City Council of the City of Barnesville on the 11<sup>th</sup> day of April, 2022.

APPROVED:

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Jason Rick, Mayor

ATTEST:

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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 2<sup>nd</sup> reading of Ordinance 2022-04, an ordinance regarding dangerous dogs.

City Administrator Brenda Andrews stated that this is the 2<sup>nd</sup> reading of Ordinance 2022-04, it was identified that the Ordinance did not line up with the State of Minnesota and surrounding cities ordinances. The Liquor, Ordinances and Buildings portfolio recommend the approval of this Ordinance.

**04-11-22-06** Motion by Mrs. Bergman and second by Mrs. Stokka to approve the 2<sup>nd</sup> 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 DOG AND CAT REGULATION  
AND LICENSING**

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

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

**Subd. 1. Definitions.** The following terms, as used in this Section, shall have the meanings stated:

A. **“At Large”** means off the premises of the owner or caretaker, and not under the control of the owner or caretaker by leash which a person has physical control over.

SECTION 2. Section 6-0201, Subd. 1(E) is hereby amended and reenacted 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. 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.

SECTION 3. Section 6-0201, Subd. 2 is hereby amended and reenacted as follows:

**Subd 2. Running at Large Prohibited.**

A. No person having the custody or control of any dog or cat shall permit the same to be off the property limits of its owner or caretaker, or on any street, public park, public golf course, school grounds or public place in the City without being effectively restrained by a leash not exceeding six feet (~~6<sup>2</sup>~~6') in length or within a vehicle being driven or parked on the streets. Dogs, which are at a City designated "dog park" are exempt from this section.

B. The owner of every ~~fiere~~, potentially dangerous, or dangerous ~~or vicious~~ dog shall confine such animal within a building or proper enclosure and such dog shall not be taken out of such building or enclosure unless the dog is securely muzzled.

C. Every female dog or cat in heat shall be kept confined in a building or secure enclosure or in a veterinary hospital or boarding kennel, in such manner that such animal cannot come in contact with another animal, except for breeding purposes.

D. Any dog or cat found running at large, whose ownership is known to the City need not be impounded but the City at its discretion may order the owner to keep the animal in strict restraint as herein defined or the City may cite the owner of such animal to appear in court to answer charges of violation of this chapter.

E. If such dog or cat is found running at large or otherwise in violation of this section, it may be taken up and impounded and shall not be released except after payment of the fees or due hearing before a court of law as to why the owner should not be required to pay the fees; provided, however, that if any ~~dangerous~~, potentially dangerous, ~~fiere~~ or ~~vicious~~ dangerous dog so found at large cannot be safely taken up and impounded, such dog may be slain by any police officer or other authorized person.

F. Any dog or cat found running at large or otherwise in violation of this section two (2) or more times during a twelve (12) month period shall be impounded and shall not be released except after payment of a minimum fine as established by the City's fee schedule in addition to any hereinbefore prescribed fees or due hearing before a court of law as to why the owner should not be required to pay the fine and fees.

SECTION 4. Section 6-0201, Subd. 3(A) is hereby amended and reenacted as follows:

A. **Application.** Application for a dog or cat license shall be upon a form supplied by the ~~city~~City and accompanied by a certificate of a veterinarian, duly licensed to practice veterinary medicine, which certificate shall state that the dog or cat for which application for a license is made, has been inoculated against rabies for at least the period for which the license is applied.

SECTION 5. Section 6-0201, Subd. 7 is hereby amended and reenacted as follows:

**Subd. 7. Potentially Dangerous and Dangerous Dogs.**

### **A. Designation:**

1. Any dog inside City limits may be designated as a potentially dangerous dog if the dog:

a. When unprovoked, inflicted bites on a human or domestic animal on public or private property;

b. When unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than the dog owner's property, in an apparent attitude of attack; or

c. Has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

2. Any dog inside City limits may be designated as a dangerous dog if the dog has:

a. Without provocation, inflicted substantial bodily harm on a human being on public or private property;

b. Killed a domestic animal without provocation while off the owner's property; or

c. 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.

### **B. Procedure For Designating A Dog As Potentially Dangerous Or Dangerous:**

1. The Police Chief of the Barnesville ~~police department~~Police Department shall have the authority to designate a dog as potentially dangerous or dangerous as defined in subdivision 1 of this section.

2. When a dog is designated as potentially dangerous or dangerous, the owner shall be notified in writing of such designation by the Police Chief of the Barnesville ~~police department~~Police Department.

3. ~~The designation may be appealed to the Administrative Appeals Board, in writing within ten (10) days of the owner and/or caretaker of the dog receiving notice of the designation. Upon receipt of a written appeal, the Administrative Appeals Board shall set an~~

~~appeal hearing date within five (5) days. The appeal shall be held before the Administrative Appeals Board.~~

3. The designation may be appealed to the City Council, upon serving a written request upon the Mayor and the City Administrator at least five (5) days prior to any regular City Council meeting. Such request shall contain a general statement setting forth the administrative decision to be challenged. At such hearing, the claimant may present evidence s/he deems pertinent to the appeal, but the City shall not be required to keep a verbatim record of the proceedings. The Mayor, or other officer presiding at the hearing, may make a motion to adjourn the hearing to a more convenient time or place, but such time or place shall be fixed and determined before adjournment. The City Council shall issue a formal determination within thirty (30) days of completion of such hearing and/or submission of written arguments.

4. Any dog deemed dangerous or potentially dangerous by another jurisdiction and subsequently brought into the ~~city~~City shall be deemed a dangerous or potentially dangerous dog and abide by the provisions of this chapter to notify the ~~police department~~Barnesville Police Department and meet the registration requirements.

**C. Registration Requirements.** No potentially dangerous dog or dangerous dog shall be kept in the City unless the owner, at his or her own cost, has implanted a microchip in the dog, containing the owner's address and, home telephone number, work telephone number, and cellphone number, if applicable, and a backup contact name and telephone number and chip identification number and has completed an application to register the dog as a potentially dangerous or a dangerous dog and submitted said application to the Barnesville ~~police department~~Police Department. In addition, the owner shall be required to post a sign, satisfactory to the Barnesville ~~police department~~Police Department, at owner's residence notifying the public of the presence of a dangerous or potentially dangerous dog.

#### **D. Application Contents:**

1. The application to register the dog as potentially dangerous shall include the following:

a. The owner's address and home, work, and cellphone telephone number and the implanted microchip identification number, as well as a backup contact person and number;

b. 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 \$300,000, payable to any person injured by the potentially 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 \$300,000, insuring the owner for any personal injuries inflicted by the potentially dangerous dog;

- c. Proof that said dog has been sterilized and has current vaccinations; and
  - d. The owner has paid an annual fee as established by the ~~city's~~City's fee schedule.
2. The application to register the dog as a dangerous dog shall include the following:
- a. The owner's address and home, work, and cellphone telephone number and the implanted microchip identification number, as well as a backup contact person and number;
  - b. Proof of continuing liability insurance in a single incident amount of three hundred thousand dollars (\$300,000.00) for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping, or maintenance of dogs designated as potentially dangerous or dangerous;
  - c. Proof that said dog has been sterilized and has current vaccinations; and
  - d. A yearly registration fee as established by the ~~city's~~City's fee schedule.

**E. Yearly Registration Requirement.** All dogs designated as potentially dangerous or dangerous dogs shall file a new application each year with an accompanying registration fee.

**F. Additional Requirements for Dangerous Dogs.** In addition to filing a yearly application to register a dangerous dog and paying the accompanying yearly registration fee as established by the ~~city's~~City's fee schedule, the owner of a dangerous dog shall keep the dog, while on the owner's property, in a proper enclosure. If the dog is outside an enclosure, the dog must be securely muzzled and restrained by a chain or leash and under the physical restraint of a competent adult. The owner of a dangerous dog shall also comply with the requirements of Minnesota ~~statutes~~Statute § 347.52 including the statute's sterilization requirements.

**G. Potentially Dangerous Dogs and Dangerous Dogs Brought Into the City.** Any dog designated as a potentially dangerous dog or dangerous dog by another jurisdiction must be registered within twenty four (24) hours of being brought into the city limits of the ~~city~~City of Barnesville. Such registration shall be with the Barnesville ~~police department~~Police Department. A dog declared potentially dangerous or dangerous by another jurisdiction may be brought into the city limits of the City of Barnesville for up to a fourteen (14) day period after notifying the Barnesville ~~police department~~Police Department of: the dog's breed, location where the animal will be kept, microchip number, owner contact information, and length of stay.

**H. Dangerous Dog Designation Review.** Beginning six (6) months after a dog is declared a dangerous dog, an owner may request annually that the City ~~Administrative Appeals~~



~~Board~~Council review the designation. The owner must provide evidence that the dog's behavior has changed due to the dog's age, neutering, environment, completion of obedience training that includes modification of aggressive behavior, or other factors. If the City ~~Administrative Appeals Board~~Council finds sufficient evidence that the dog's behavior has changed, the ~~authority~~ Administrative Appeals Board~~City Council~~ may rescind the dangerous dog designation.

### **I. Penalties:**

1. It shall be a misdemeanor offense to:

a. Be an owner, or be in possession of a dangerous dog or potentially dangerous dog in violation of the registration requirements set forth in this section;

b. Allow a dangerous dog to "run at large<sup>22</sup>." A dog designated as potentially dangerous must be leashed and be under the control of a competent adult at all times when off the owner's property.

2. Dogs in violation of registration requirements will be impounded immediately by the ~~police department~~Barnesville Police Department and held until brought into compliance if found running at large, or if in custody on a rabies hold. If ~~aan~~ unregistered dog is not brought into compliance within fourteen (14) days of notification by the Barnesville police department of its designation as a dangerous dog or potentially dangerous dog, the dog will be impounded and held until brought into compliance with this section. If not brought into compliance within five (5) working days after impoundment, the dog may be euthanized. The owner of said dog is responsible for boarding and expenses associated with the process.

3. No person may own a dog in the ~~city of Barnesville~~City if the person has been convicted of a third or subsequent violation of this section. If any member of a household is prohibited from owning a dog pursuant to this section, unless specifically approved with or without restrictions by the Barnesville ~~police department~~Police Department, no person in the household is permitted to own a dog.

SECTION 6. 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:

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Jason Rick, Mayor

ATTEST:

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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 approval of Summary Ordinance 2022-04.

**04-11-22-07** Motion by Mrs. Stokka and second by Mrs. Stuvland to approve the Summary Ordinance 2022-04. Motion carried.

**TITLE AND SUMMARY OF ORDINANCE NO. 2022-04**

The following Ordinance is hereby published by title and summary:

**1. Title of Ordinance:**

An Ordinance to Amend and Reenact Section 6-0201 Of the Revised Barnesville City Code Of 2013 Regarding Dog and Cat Regulation and Licensing

**2. Summary of Ordinance:**

This ordinance updates the regulations regarding Accessory Dog and Cat Regulation and Licensing in the City of Barnesville.

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.

This Ordinance was passed by the City Council of the City of Barnesville on the 11<sup>th</sup> day of April, 2022.

APPROVED:

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Jason Rick, Mayor

ATTEST:

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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 Resolution of Joint Powers agreement and court subscriber amendment renewal.

Police Chief Joel Voxland discussed with council members that the current Master Joint Powers Agreement has expired. Mr. Voxland stated that the current Court Amendment expired with the current Joint Powers Agreement. The Joint Powers Agreements with the State, and the Department of Public Safety, Bureau of Criminal Apprehension to use systems and tools available over the State's criminal justice data communications network for which the city is eligible. Mr. Voxland stated that is renewed every 5-6 years. The cost is the same, \$600.00 for the year. City Administrator Brenda Andrews stated that Ohnstad Twichell has not reviewed this agreement.

**04-11-22-08** Motion by Mrs. Stuvland and second by Mrs. Bergman to approve the Resolution approving State of Minnesota Joint Powers joint powers agreements with the City of Barnesville on behalf of its city attorney and police department. This resolution is contingent upon approval

from the Ohnstad Twichell office. Upon a roll call vote, the following voted aye: Council members Stokka, Goedtke, Stuvland, Bauer, Bergman and Field. The following voted nay: none. Motion carried.

**CITY OF BARNESVILLE  
COUNTY OF CLAY  
STATE OF MINNESOTA  
RESOLUTION NO. 04-11-22-08**

**RESOLUTION APPROVING STATE OF MINNESOTA JOINT POWERS  
AGREEMENTS WITH THE CITY OF BARNESVILLE ON BEHALF OF ITS CITY  
ATTORNEY AND POLICE DEPARTMENT**

WHEREAS, the City of Barnesville, on behalf of its Prosecuting Attorney and Police Department, desires to enter into Joint Powers Agreements with the State of Minnesota, Department of Public Safety, Bureau of Criminal Apprehension to use systems and tools available over the State's criminal justice data communications network for which the City is eligible. The Joint Powers Agreements further provide the City with the ability to add, modify and delete connectivity, systems, and tools over the five-year life of the agreement and obligates the City to pay the costs for the network connection.

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

1. That the State of Minnesota Joint Powers Agreements by and between the State of Minnesota acting through its Department of Public Safety, Bureau of Criminal Apprehension, and the City of Barnesville on behalf of its Prosecuting Attorney and Police Department, are hereby approved.
2. That the Police Chief- Joel Voxland, or his or her successor, is designated the Authorized Representative for the Police Department. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the City's connection to the systems and tools offered by the State.
3. That the Attorneys- City: Cheryl Duyson, County: Brian Melton, or his or her successor, is designated the Authorized Representative for the Prosecuting Attorney. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the City's connection to the systems and tools offered by the State.
4. That Jason Rick-, the Mayor for the City of and Jeri Reep, the City Clerk, are authorized to sign the State of Minnesota Joint Powers Agreements.

Passed and Adopted by the Council on this 11<sup>th</sup> day of April, 2022.

CITY OF Barnesville

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By: Jason Rick

Its Mayor

ATTEST: \_\_\_\_\_

By: Jeri Reep

Its City Clerk

Mayor Rick stated the next item on the agenda was the inclement weather policy update.

Mayor Rick stated that City Administrator Brenda Andrews did research on the inclement weather policy. This policy has been discussed at the Personnel & Finance portfolio. Mayor Rick questioned who is responsible to make the decision if City Hall and city departments are opened late, or closed during inclement weather. City Administrator Brenda Andrews stated that the current policy does not say who is making the call to close city offices and departments, or be open late. City Administrator Brenda Andrews stated that she has met with Lucas Croaker with Ohnstad Twichell. Ms. Andrews stated that she does not want people to walk to work. Council member Field stated that the Personnel & Finance portfolio did not advocate for this policy, and wanted this policy to be discussed by the City Council. Council member Field stated that four of the six employees that work at City Hall, live in town. Mr. Field stated that the safety of the employees is important. Council member Goedke stated that he has been employed at his current employer for the past 35 years, and has only been closed maybe three days in those 35 years. Council member Field stated that this item should be discussed at the next regular council meeting, and recommendations on what staff is considered essential and non-essential employees.

Mayor Rick stated the next item on the agenda was the Moore Engineering study.

City Engineer Dan Hanson next discussed with council members the existing sanitary sewer system. Mr. Hanson stated that the Del Acres Phases 1-3 has been constructed and is anticipated to be built out within the near future. This study is creating a need to start planning for future development and in doing so, the Barnesville EDA is looking at different places for the next development to occur. The area to be focused on with this proposal is located south of the Del Acres Gilbertson Additions. The final technical memo will be completed by September 30, 2022. The total cost is not to exceed \$22,500.00.

**04-11-22-09** Motion by Mrs. Stuvland and second by Mr. Goedtke to approve the Task Order No. 11 from Moore Engineering, not to exceed \$22,500.00. Motion carried.

The next item on the agenda was the closed session for the 6-month review of the City Administrator position. Mayor Rick stated that this item got placed on the agenda quickly, and asked council members on how the council wants to move forward. Council member Field

stated that the full council should be able to review the performance of the City Administrator. Council member Stokka stated that each council member has a voice on this matter.

**04-11-22-10** Motion by Mr. Bauer and second by Mr. Goedke to go into closed session for the six-month performance review of City Administrator Brenda Andrews at 8:04 p.m. Motion carried.

Council tabled City Administrator's 6-month review until the next City Council meeting on May 9, 2022.

Council discussed how to proceed with the City Administrator's 6-month review.

Opened closed session at 8:38 p.m.

**04-11-22-12** Motion by Mr. Goedtke, second by Mr. Field for councilmembers Bergman and Bauer to collect information for the City Administrator's 6-month review to be discussed in a closed session on May 9, 2022. Motion approved.

Adjourn at 8:42 p.m.

Submitted by:

Attest:

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Jeri Reep  
City Clerk

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Jason Rick  
Mayor