

**Barnesville City Council**  
**Regular Meeting**  
**August 8, 2022**

Mayor Rick called this regular meeting to order at 7:00 p.m. Member's present were Council members Tonya Stokka, Brad Field, Dawn Stuvland, Alyssa Bergman and Don Goedtke. Absent was Council member Scott Bauer. Others in attendance were City Administrator Brenda Andrews, Lukas Croaker with Ohnstad Twichell, City Clerk Jeri Reep, EDA Director Karen Lauer, Public Works Supt. Charlie Revering, Water and Wastewater Technician Dave Wang, TEC Manager Guy Swenson, Ambulance Manager Scott Nelson, City Engineer Tracy Eslinger, and Elizabeth Wefel with Coalition of Greater MN Cities.

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

**08-08-22-01** Motion by Mrs. Stuvland and second by Mrs. Bergman to approve the agenda as presented. Motion carried.

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

**08-08-22-02** Motion by Mrs. Stokka and second by Mr. Goedtke 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 11, 2022.
2. Approval of department head reports.
3. Approval of check numbers 91888 – 92469 and EFT payments for a total of \$1,593,784.11.
4. Approval to hire Hallie Redding as Golf Course Clubhouse attendant.
5. Approval to hire Briah Johnson as Part-time EMT.
6. Approval of Ranzo's Pool Hall liquor request-August 27-28, 2022.
7. Approval of VFW Post 4628 liquor request-August 27, 28, 2022.
8. Approval of travel for City Administrator Brenda Andrews and Finance Director Laurie Schell to attend the Elation training, October 3-5, 2022.
9. Approval of travel for City Administrator Brenda Andrews to attend the MN Recreation, Aquatics & Community Center Conference-August 17-19, 2022.
10. Approval of gambling permit for Barnesville Thursday Nite Lions-August 26, 2022.
11. Approval of gambling permit for Barnesville Rod & Gun Club-October 28,2022.
12. Approval of GSN Network renewal
13. Approval of 702 Communications agreement.

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

Council members reports 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 that he was glad that the Police Department took part in a training held in Moorhead recently.

Mayor Rick stated the next item on the agenda was the presentation from Elizabeth Wefel from the Coalition of Greater Minnesota Cities.

Ms. Wefel discussed with council members the Coalition of Greater Minnesota Cities. Currently, the 2022 Minnesota Legislative session has a \$9.3 billion surplus. Ms. Wefel discussed the LGA history for Barnesville. The Fall conference is set for November 17-28, 2022 in Alexandria, and encouraged council members to attend. Mayor Rick asked if council members had any questions for Ms. Wefel. There were no questions.

Mayor Rick stated the next item on the agenda was the public hearing regarding the City Charter relating to the Biennial City Elections.

**08-08-22-03** Motion by Mrs. Stuvland and second by Mrs. Bergman to open the public hearing at 7:34 p.m. regarding the biennial city elections. Motion carried.

City Administrator Brenda Andrews stated that the public hearing is regarding changing the biennial city elections to even numbered years.

**08-08-22-04** Motion by Mrs. Stokka and second by Mrs. Stuvland to close the public hearing at 7:35 p.m. Motion carried.

Mayor Rick stated the next item on the agenda was the 2<sup>nd</sup> reading relating to the biennial city elections.

**08-08-22-05** Motion by Mrs. Stokka and second by Mr. Goedke to approve the 2<sup>nd</sup> reading of Ordinance 2022-05, an Ordinance relating to biennial city elections. Motion carried.

**CITY OF BARNESVILLE  
ORDINANCE NO. 2022-05**

**AN ORDINANCE TO AMEND AND REENACT SECTION 6 OF CHAPTER 3 OF THE  
CITY CHARTER OF THE CITY OF BARNESVILLE RELATING TO BIENNIAL CITY  
ELECTIONS**

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

SECTION 1. Section 6 of Chapter 3 of the City Charter of the City of Barnesville is hereby amended and reenacted as follows:

Section 6. – Biennial City Election – Biennial City Elections shall be held on the first Tuesday following the first Monday in November in each ~~odd~~ even-numbered year and the Ward Representatives elected shall take office on the second Monday of January following such election.

SECTION 2. 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 8th day of August, 2022.

APPROVED:

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Jason Rick, Mayor

ATTEST:

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Jeri Reep, City Clerk

First Consideration: July 11, 2022

Second Consideration: August 8, 2022

Date Adopted: August 8, 2022

Date of Publication: August 15, 2022

Mayor Rick stated the next item on the agenda was the summary ordinance relating to city elections.

**08-08-22-06** Motion by Mrs. Stokka and second by Mr. Goedke to approve the summary ordinance 2022-05. Motion carried.

**TITLE AND SUMMARY OF ORDINANCE NO. 2022-05**

The following Ordinance is hereby published by title and summary:

**1. Title of Ordinance:**

An Ordinance Amend and Reenact Section 6 of Chapter 3 of the City Charter of The City of Barnesville Relating to Biennial City Elections.

**2. Summary of Ordinance:**

This ordinance updates the regulations regarding Biennial City Elections 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 8th day of August, 2022.

APPROVED:

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Jason Rick, Mayor

ATTEST:

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Jeri Reep, City Clerk

First Reading: July 11, 2022  
Second Reading: August 8, 2022

Adopted: August 8, 2022  
Published: August 15, 2022

Mayor Rick stated the next item on the agenda was the approval of the election question to be on the November 8, 2022 election ballot regarding the elections.

City Administrator Brenda Andrews presented council members with the proposed ballot question regarding the city elections. The proposed ballot question is: Shall the City Charter be amended to hold biennial City elections in November in each even-numbered year, instead of each odd-numbered year, to coincide with Minnesota-wide elections.

**08-08-22-07** Motion by Mrs. Stokka and second by Mrs. Bergman to approve the ballot question for the November 8, 2022 general election regarding the biennial city election. Motion carried.

Mayor Rick stated the next item on the agenda was the Jeffrey and Kay Kava variance request.

City Administrator Brenda Andrews informed council members that Jeffrey and Kay Kava are requesting to build a 20 x 32' detached accessory building. Their new home is under construction, and has a 1,094 attached garage. The Kava's have merged two lots in the new housing addition. The Planning Commission is recommending approval of this variance.

**08-08-22-08** Motion by Mrs. Stokka and second by Mrs. Stuvland to approve the variance request from Jeffrey and Kay Kava, 204 19<sup>th</sup> Street Circle NE, Parcel No. 50.237.0410, Lots 14 & 15, Blk 3, Del Acres Gilbertson 3<sup>rd</sup> Addition. Motion carried.

Mayor Rick stated the next item on the agenda was the water tower mixer purchase.

Public Works Supt. Charlie Revering informed council members that the water department would like to utilize the capacity of the water tower. A water tower mixer can stir the water constantly, keeping a blended non-stratified water tower. This will also aid winter tower operations to keep ice from forming inside the water tower. Staff is asking to purchase a water tower mixer from Maguire Iron at a cost of \$15,500, and could be installed the same time when they come and wash the exterior of the tower. The purchase of this equipment will be from the reserves.

**08-08-22-09** Motion by Mrs. Stuvland and second by Mrs. Stokka to approve the purchase of a water tower mixer from Maguire Iron for a cost of \$15, 500.00. This purchase will be from the reserves. Motion carried.

Mayor Rick stated the next item on the agenda was the ordinance regarding the one-year moratorium relating to the sale of hemp derived edible cannabinoid products.

City Administrator Brenda Andrews informed council members that this ordinance is relating to the sale of hemp derived edible cannabinoid products with the city.

**08-08-22-10** Motion by Mr. Field and second by Mrs. Stuvland to approve the 1<sup>st</sup> reading of Ordinance 2022-06, an ordinance adopting a one-year moratorium relating to the sale of hemp derived edible cannabinoid products within the city. Motion carried.

CITY OF BARNESVILLE  
ORDINANCE NO.2022-06

AN ORDINANCE ADOPTING A ONE (1) YEAR MORATORIUM RELATING TO THE  
SALE OF HEMP DERIVED EDIBLE CANNABINOID PRODUCTS WITHIN THE CITY OF  
BARNESVILLE, MINNESOTA

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

SECTION 1: PURPOSE AND INTENT:

- A. The 2022 Minnesota Legislature amended Minn. Stat. § 151.72, to allow the sale of certain edible cannabinoid products derived from hemp.
- B. The amendment authorizes the sale of edible cannabinoid products, provided that a product sold for human or animal consumption does not contain more than 0.3% of tetrahydrocannabinol (“THC”), and an edible cannabinoid product does not contain an amount of THC that exceeds more than five (5) milligrams of any THC in a single serving, or more than fifty (50) milligrams of any THC per package.
- C. The zoning ordinances, licensing framework, and other regulations of the City do not address the issues presented by the expanded authority to sell certain cannabinoid products derived from hemp.
- D. Pursuant to Minn. Stat. § 462.355, Subd. 4, the City is authorized to regulate, restrict, or prohibit any use, development, or subdivision within its jurisdiction thereof by adopting a moratorium while the City is studying, or has authorized to study, or has scheduled a hearing to consider adoption or amendment of the comprehensive plan or ordinances or regulations which control the City.

- E. The City Council finds that an interim ordinance adopting a moratorium of one (1) year on the sale of hemp derived edible cannabinoid products within the City is necessary to protect the health, safety, and general welfare of the citizens of the City.
- F. The City Council finds that an interim ordinance adopting a moratorium of one (1) year relating to the sale of hemp derived edible cannabinoid products is necessary in order to allow City staff and the City Council to study the issue, consider, and adopt licensing, rules, regulations, and other changes to the City Code to regulate the sale of hemp derived edible cannabinoid products.

## SECTION 2: AUTHORITY:

This ordinance is adopted pursuant to the authority granted to the City in Minn. Stat. § 462.355, Subd. 4, entitled “Interim Ordinance.”

## SECTION 3: HEMP DERIVED EDIBLE CANNABINOID PRODUCTS:

A moratorium is hereby adopted for the City as follows:

- A. Findings and Purpose. Whenever the City engages in the process of studying significant changes to its comprehensive plan or official controls, it is in the public interest and the interests of public health, safety, and welfare, that the City carefully study and consider the adequacy and effectiveness of its existing comprehensive plan and official controls. As the City begins to understand implications of the amendment, the City must review its official controls for necessary updates regarding licensing, zoning, rules and regulations, and other controls for the sale of edible cannabinoid products that are hemp derived. During the course of its review, it is critical that the City be given an opportunity to study these issues and determine what, if any, regulations are appropriate and necessary.
- B. Effect of Moratorium. For the duration stated herein and until the City has completed a study related to the sale of hemp derived edible cannabinoid products within the City, and adopted any amendments to its ordinances, or other official controls deemed necessary or appropriate to effectuate the aforementioned purpose, intent and findings of this section, the City shall not accept, permit, or allow the sale of hemp derived edible cannabinoid products within the City.

## SECTION 4: DIRECTION AND STUDY:

The City Council hereby directs City staff to study, and if necessary, develop ordinances regulating the sale of hemp derived edible cannabinoid products within the City. The City Council further directs City staff to report the results of their studies and their recommendations to the City Council within one (1) year of the effective date of this interim ordinance.

SECTION 5: DURATION:

This moratorium shall expire, without any further action of the City Council, one (1) year from its effective date. In the alternative, it may be repealed earlier if the City Council determines that the appropriate studies have been completed and adopted by appropriate amendments to the City Code.

SECTION 6: VIOLATION:

The City may enforce any provision of this ordinance by seeking an injunction or other appropriate civil remedy in any court of competent jurisdiction.

SECTION 7: SEVERABILITY:

Every section, provision, or part of this ordinance is severable from every other section, provision, or part thereof to the extent that if any section, provision, or part of this ordinance shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision, or part thereof.

SECTION 8: EFFECTIVE DATE:

This ordinance shall be in full force and effect from and after the date of its second reading and final passage.

PASSED by the City Council of the City of Barnesville this \_\_\_\_ day of \_\_\_\_\_, 2022.

APPROVED BY:

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Jason Rick, Mayor

ATTEST:



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Jeri Reep, City Clerk

First Consideration: August 8, 2022

Second Consideration: September 12, 2022

Date of Publication: September 19, 2022

Mayor Rick stated the next item on the agenda was the Border States vacuum breaker purchase.

TEC Manger Guy Swenson informed council members that we have received a notice that there is a price increase for the Vacuum Fault Interrupters that were approved for purchase at the February 14<sup>th</sup>, 2022 council meeting. This is the second increase since we ordered these units. Border States absorbed the first increase, but is not in a position to do the same with this one. They are asking for our approval of the increase of \$10,005.36. The delivery date will remain the same, November 2022, but they would hold the invoice until January 2023. This will allow us to move the purchase into the 2023 budget.

**08-08-22-11** Motion by Mrs. Stokka and second by Mr. Field to approve the price increase in the amount of \$10,005.36 from Border States for the vacuum breaker purchase. Motion carried.

Mayor Rick stated the next item on the agenda was the renewal on health insurance.

City Administrator Brenda Andrews informed council members that the health insurance for employees will stay the same for the employees, the insurance policy will not change.

Mayor Rick stated the next item on the agenda was the Whiskey Creek settling pond.

Public Works Director Charlie Revering informed council members that to the east of the fish ladder in Whiskey Creek, there is a sandbar developing. The Public Works Dept is aware of this, and they will be working on in the near future.

Mayor Rick adjourned the meeting at 7:54 p.m.

Submitted by:

Attest:

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Jeri Reep  
City Clerk

Jason Rick  
Mayor