

Barnesville City Council
Regular Meeting
September 12, 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, Scott Bauer and Don Goedtke. Others in attendance were City Administrator Brenda Andrews, Katherine DelZoppo with Ohnstad Twichell, City Clerk Jeri Reep, EDA Director Karen Lauer, Public Works Supt. Charlie Revering, TEC Manager Guy Swenson, Ambulance Manager Scott Nelson, Police Chief Joel Voxland, Carol Vanbrocklin with the Barnesville Library, and Michel Stein with the Record Review.

Mayor Rick asked if there were any additions or corrections to the agenda. City Administrator Brenda Andrews stated that there was one addition to the agenda, the resolution establishing a no parking zone by the school. The other change to the agenda was that under the closed session for the employee reviews, that the meeting would not be closed.

09-12-22-01 Motion by Mrs. Bergman and second by Mrs. Stokka to approve the agenda as presented, adding the resolution establishing a no parking zone by the school, and the employee reviews would not be a closed session. Motion carried.

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

09-12-22-02 Motion by Mrs. Bergman and second by Mr. Bauer to approve the consent agenda. Motion carried. The following items were on the consent agenda:

1. Approval of the minutes of the regular meeting held on August 8, 2022.
2. Approval of department head reports.
3. Approval of check numbers 92489 -92639 and EFT payments for a total of \$988,289.50.
4. Approval of travel for Customer Service Rep. Holly Aberle and Billing Clerk Shana Cihak to attend the Elation training in Mitchell, SD.
5. Approval of change in the Personnel Policy regarding edible cannabinoid products.
6. Approval of change in the Personnel Policy regarding meal breaks for ambulance personnel.
7. Approval of the NFL, Starz/Encore & Diamond Sports Net renewal.

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 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 the south Salvage Yard has been cleaned up, and wanted to thank City Administrator Brenda Andrews, EDA Director Karen Lauer, and Public Works Supt. Charlie Revering. Mayor Rick informed council members that the water tower mixer is working well, and Boy Scouts Troop 604 is painting the fire hydrants.

Mayor Rick stated the next item on the agenda was the 2nd reading of Ordinance 2022-06.

City Administrator Brenda Andrews informed council members that no changes have been made to this ordinance since the first reading.

09-12-22-03 Motion by Mrs. Stokka and second by Mrs. Stuvland to approve the 2nd 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 12th day of September, 2022.

APPROVED BY:

Jason Rick, Mayor

ATTEST:

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 summary ordinance.

09-12-22-04 Motion by Mrs. Stokka and second by Mrs. Bergman to approve the summary ordinance 2022-06. Motion carried.

TITLE AND SUMMARY OF ORDINANCE NO. 2022-06

The following Ordinance is hereby published by title and summary:

1. Title of Ordinance:

An Ordinance Adopting a One (1) Year Moratorium Relating to The Sale of Hemp-Derived Edible Cannabinoid Products Within the City of Barnesville, Minnesota.

2. Summary of Ordinance:

This ordinance adopts a One (1) Year Moratorium Related to The Sale of Hemp-Derived Edible Cannabinoid Products Within the City of Barnesville, Minnesota.

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 12th day of September, 2022.

APPROVED:

Jason Rick, Mayor

ATTEST:

Jeri Reep, City Clerk

First Reading: August 8, 2022

Second Reading: September 12, 2022

Adopted: September 12, 2022

Published: September 19, 2022

Mayor Rick stated the next item on the agenda was the resolution approving State of Minnesota joint power agreements with the city of Barnesville on behalf of its city attorney and police department.

Police Chief Joel Voxland informed council members that these joint powers agreement is 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.

09-12-22-05 Motion by Mr. Goedtke and second by Mrs. Stokka to approve the resolution approving State of Minnesota joint powers agreements with the City of Barnesville on behalf of its City Attorney and Police Department. Upon a roll call vote, the following voted aye: Council members Stokka, Goedkte Stuvland, Bauer, Bergman and Field. Motion carried.

**CITY OF BARNESVILLE
COUNTY OF CLAY
STATE OF MINNESOTA**

RESOLUTION NO. 09-12-22-05
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 Chief of Police, 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 City Prosecutor, Cheryl Duysen, 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 Barnesville, 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 12th day of September, 2022.

CITY OF BARNESVILLE

ATTEST:

By: Jason Rick
Its Mayor

By: Jeri Reep
City Clerk

Mayor Rick stated the next item on the agenda was the 2023 preliminary levy resolution and budget resolution.

City Administrator Brenda Andrews stated that the Personnel and Finance portfolio has reviewed the levy, and is recommending a 14.84% increase for 2023. The preliminary levy can be decreased, but it cannot be increased.

09-12-22-06 Motion by Mr. Field and second by Mrs. Bergman to approve the 2023 preliminary levy. Upon a roll call vote, the following voted aye: Council members Stokka, Goedtko, Stuvland, Bauer, Bergman and Field. Motion carried.

CITY OF BARNESVILLE
COUNTY OF CLAY
STATE OF MINNESOTA
2023 PRELIMINARY LEVY
RESOLUTION
RESOLUTION NO.

BE IT RESOLVED, That the following sums be, and hereby are levied upon the taxable property in the City of Barnesville, County of Clay, State of Minnesota for available in the year 2023 for

	FINAL 2022	PRELIM 2023
General Fund - General	389,000	430,000
General Fund - Police	0	90,000
General Fund - Parks	420,800	263,000
General Fund-Streets	0	120,000
General Fund-Ambulance	100,000	150,000
Total Levy for Operations	<u>909,800</u>	<u>1,053,000</u>
2010A GO Bond Refinanced (Fund 215)	25,000	25,000
2011/2012 Front St. (Fund 210)	30,000	30,000
Total Levy for Debt	<u>55,000</u>	<u>55,000</u>
TOTAL LEVY	<u>964,800</u>	<u>1,108,000</u>
Before Tax Capacity	109.99%	114.84%
After Tax Capacity	9.99%	14.84%

Adopted this 12th day of
September 2023

Approved this 12th day of
September 2023

FINAL NUMBER
FOR BUDGET
RESOLUT
ION

11,791,553

Jason Rick

Mayor

ATTEST:

Brenda Andrews
City Administrator

Mayor Rick stated the next item on the agenda was the 2023 budget resolution.

09-12-22-07 Motion by Mrs. Stokka and second by Mr. Goedkte to approve the 2023 budget resolution. Upon a roll vote the following voted aye: Council members Stokka, Goedke, Stuvland, Bauer, Bergman and Field. Motion carried.

CITY OF BARNESVILLE
COUNTY OF CLAY

STATE OF MINNESOTA
RESOLUTION NO. 09-12-22-07
PRELIMINARY BUDGET RESOLUTION

BE IT RESOLVED that the City of Barnesville, Minnesota is required to maintain a budget for its fiscal operations.

BE IT FURTHER RESOLVED that the City of Barnesville, Minnesota has the legal authority to use its taxation authorities to levy necessary funds to operate the city.

BE IT FUTHER RESOLVED that the City of Barnesville, Minnesota is continually monitoring its budget and develops a fiscal budget based on the calendar year.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Barnesville that 2023 Preliminary Budget be adopted.

I. 2023 Preliminary Budget \$ 11,791.553

Adopted this 12th day of September, 2022.

Approved this 12th date of September, 2022.

Jason Rick
Mayor

Attest: _____
Brenda Andrews
City Administrator

Mayor Rick stated the next item on the agenda was the restrooms at the Clay County Fairgrounds.

City Administrator Brenda Andrews informed council members that the Clay County Fair board is looking for donations for the replacement of the bathroom at the Clay County Fairgrounds.

09-12-22-08 Motion by Mr. Field and second by Mr. Bauer to approve a \$5,000.00 donation to the Clay County Fair Association for the replacement of the bathroom at the Clay County Fairgrounds. Motion carried.

Mayor Rick stated the next item on the agenda was the Barnesville Public Library remodel project.

Ms. Carol Vanbrocklin informed council members that the library needs new paint and carpet. The Lake Agassiz Regional Library is asking for financial support for the remodeling project at the Barnesville Public Library. Lake Agassiz Regional Library intends to submit an application to the Otto Bremer Foundation in December to support the cost of updating the library in order to better serve the community. If awarded, the project would be carried out during summer of 2023. Council member Field stated that he is in support of this participation. Mayor Rick stated that council is interested to participate, and would need more information. Mayor Rick stated that his item would be tabled for the time.

Mayor Rick stated the next item on the agenda was the Arvig quote to bore fiber and power inner ducts.

TEC Manager Guy Swenson informed council members that it was brought to our attention that 2 crossings were not deep enough and not permitted according to MN DOT records. These were very old innerducts and had been installed many years ago. We will need to re-bore the innerducts. We can combine the innerducts into one bore and reuse the electric conductors to save costs.

09-12-22-09 Motion by Mr. Goedtke and second by Mr. Field to approve the Arvig quote in the amount of \$5,592.75 for the boring and trenching across the alley. Motion carried.

Mayor Rick stated the next item on the agenda was the resolution establishing a no parking zone by the school.

Police Chief Joel Voxland next discussed with council members a “No Parking” area near the northeast area of 5th Street and 5th Avenue Southeast. This is an area where students are dropped off at school, increased pedestrians and vehicle movement and parking creates congestion and visibility issues. Vehicles Park on the north and south side of the 500 block of 5th Avenue Southeast, narrowing the road and crating visual obstructions when adults and children are entering and exiting vehicles on the road and walking across the street. This would only be eliminating two to three parking spots.

09-12-22-10 Motion by Mr. Bauer and second by Mr. Field to have a “No Parking” area by the north of the school. Motion carried.

09-12-22-11 Motion by Mr. Bauer and second by Mrs. Stokka to approve the resolution establishing a no parking zone by the Barnesville School. Upon a roll call vote, the following voted aye: Council members Stokka, Goedtke, Stuvland, Bauer, Bergman and Field. Motion carried.

CITY OF BARNESVILLE

COUNTY OF CLAY

STATE OF MINNESOTA

RESOLUTION NO. 09-12-22-11

RESOLUTION ESTABLISHING A NO PARKING ZONE

WHEREAS, Barnesville City Code allows the Chief of Police, when authorized by resolution of the Council, to designate certain streets, blocks or portions of streets as prohibited parking zones.

WHEREAS, prohibited parking zones shall be established whenever necessary for the convenience of the public or to minimize traffic hazards and preserve a free flow of traffic.

WHEREAS, it is unlawful for any person to stop, park or leave standing any vehicle in a prohibited parking zone that is marked by appropriate signs.

WHEREAS, the primary student pick-up and drop-off area for the Barnesville Elementary School is near the northeast area of 5th Street and 5th Avenue Southeast. During these times, increased pedestrians and vehicle movement and parking creates congestion and visibility issues. Vehicles Park on the north and south side of the 500 block of 5th Avenue Southeast narrowing the road and creating visual obstructions when adults and children are entering/exiting vehicles on the road and walking across the street.

WHEREAS, the elementary school parking lot entrance and bus loop entrance are both located approximately 60 feet apart from each other on the north side of the 500 block of 5th Avenue Southeast. Vehicles will park in this 60-foot space to drop off or pick up students before and after school. A vehicle parked in this space obstructs a driver's visibility when exiting the parking lot onto 5th Avenue Southeast. Vehicles parked in this space add to the congestion of pedestrians and vehicles moving in this area.

WHEREAS, this residential area does not have any adjacent homes or businesses that would be unfairly or adversely affected by this parking prohibition by reducing the amount of street parking available to a property owner.

WHEREAS, establishing a “No Parking Anytime” zone for the 60-foot area on the north side of the 500 block of 5th Avenue Southeast between the two vehicle entrances to the elementary school will help create a safer area for driver’s and pedestrians by minimizing traffic hazards.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Barnesville, County of Clay, State of Minnesota, hereby authorizes a “No Parking Anytime” zone for all street parking in the approximately 60-foot area on the north side of the 500 block of 5th Avenue Southeast between the two vehicle entrances to the elementary school.

PASSED by the Barnesville City Council this 12th day of September, 2022

APPROVED:

Jason Rick
Mayor

ATTEST:

Brenda Andrews
City Administrator

Mayor Rick stated the next item on the agenda was the discussion of moving the telephone, electric and cable departments to the recycling center.

TEC Manager Guy Swenson informed council members that the electric, telephone and cable departments need more parking for the city vehicles and equipment. With the curbside recycling that was started earlier this year, the recycling center would free up some space in that building. Mr. Swenson stated that he has put money in the budget for this project. Mr. Swenson stated that he will take this item to the TEC Board for input.

Mayor Rick stated the next item on the agenda was the employee reviews.

Mayor Rick stated that the department heads will review the employees. Mayor Rick stated that City Administrator Brenda Andrews review will be coming up. Council member Field stated that one member of the Personnel & Finance portfolio and one member at large should review the City Administrator’s review. Council member Field asked council members if they had any issues on how the City Administrator review was performed the previous time. Mr. Field stated that they would interview Administration staff and department heads. Council member Dawn Stuvland stated that she could also perform the review of City Administrator. Council member

Tonya Stokka stated that the full council should have a say in the City Administrator review. Council member Scott Bauer stated that this is an important process.

09-12-22-12 Motion by Mr. Bauer and second by Mrs. Bergman to assign the duties of the review of the City Administrator to Council members Stuvland and Field to meet with Administration staff and department heads. Motion carried.

Mayor Rick adjourned the meeting at 7:51 p.m.

Submitted by:

Attest:

Jeri Reep
City Clerk

Jason Rick
Mayor