

Barnesville City Council

Regular Meeting

May 8, 2023

Mayor Rick called this regular meeting to order at 7:00 p.m. Member's present were Council members Tonya Stokka, Don Goedke, Dawn Stuvland, and Alyssa Bergman. Absent were council members Scott Bauer and Brad Field. Others in attendance were City Administrator Jeremy Cossette, City Attorney Charles Ramstad, City Clerk Jeri Reep, EDA Director Karen Lauer, Finance Director Laurie Schell, Police Chief Joel Voxland, Ambulance Manger Scott Nelson, Miranda Wendlandt with CliftonLarsonAllen, Mark Kava, Craig and Mary LaBelle, and Michael Stein with the Record Review.

Mayor Rick asked if there were any additions or corrections to the agenda. City Administrator Jeremy Cossette stated that there was one addition to the agenda, to add the approval of Change Order No. 0002-MN DOT Contract.

05-08-23-01 Motion by Mrs. Stuvland and second by Mrs. Bergman to approve the agenda as presented, with the addition of the approval of Change Order No. 0002 for the MN DOT contract. Motion carried.

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

05-08-23-02 Motion by Mrs. Stokka and second by Mrs. Bergman 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 April 10, 2023.
2. Approval of the department head reports.
3. Approval of check numbers 92970 – 93600 and EFT payments for a total of \$569,751.74.
4. Approval of the KC's liquor request for July 14-15, 2023.
5. Approval of the KC's liquor request for August 25-26, 2023.
6. Approval of the resignation of Water Technician Travis Braton
7. Approval of the resignation of Public Works Maintenance I-Barry Schilling
8. Approval of the hiring of Jacob Callier as the Maintenance I position.
9. Approval of the hiring of Kacy Watterud as the Maintenance I position.
10. Approval of the East Substation regulator bypass switch replacement in the amount of \$5,618.92 plus freight.
11. Approval of the seal coat bid from Astech Corp in the amount of \$250,788.78.

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. Dan Bauer, 106 19th Street NE, next approached the council members. Mr. Bauer had questions on the easement on his property. EDA Director Karen Lauer and TEC Manager Guy Swenson explained why the city has a 20' easement on property in Barnesville. City Administrator Jeremy Cossette stated that this discussion will be put on the planning and zoning agenda for June.

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 member announcements. Mayor Rick stated that Ambulance Manger Scott Nelson presented a student at the High School a lifesaving award for an incident at the High School.

Mayor Rick stated that the representatives for the Strategic planning meetings will be Mayor Rick and Council member Don Goedtke.

Mayor Rick next thanked Public Works Maintenance workers Barry Schilling and Aaron Carr, and Water Technician Travis Braton for their years of service.

Mayor Rick stated the next item on the agenda was the 2022 audit report with CliftonLarsonAllen.

Ms. Miranda Wendlandt with CliftonLarsonAllen next approached the council. Ms. Wendlandt discussed the 2022 audit. The primary responsibility is to provide an opinion of the fairness of presentation of the financial statements. There were no unusual transactions noted. There is a new standard for 2022, GASB87. This did not have a material impact on the financial statements. Three material weaknesses were found: lack of segregation of duties, audit adjustments and auditor drafts financial statements and notes. Seven areas were tested for the Minnesota legal compliance, one compliance finding noted. The MN Office of the State Auditor recommends no less than 5 months of operating expenditures for the General Fund, as of December 31, 2022, the city is on target for the General Fund. Ms. Wendlandt stated that the financial statements and the required state auditor reporting form will be submitted to the applicable state agencies before the deadline of June 30, 2023.

Mayor Rick asked if there were any questions about the audit. There were no questions. Mayor Rick thanked Ms. Wendlandt for the presentation.

Mayor Rick stated the next item on the agenda was the approval of a variance at 223 3rd Street NE.

City Administrator Jeremy Cossette informed council members that a public hearing was held for a variance at 223 3rd Street NE. Mr. Craig LaBelle has requested a variance to construct a 30 x 40 detached garage accessory building, and to move an 8 x 12 detached storage shed accessory building. This will exceed the permitted structure size by 296 square feet. The Planning Commission recommends approval of the variance for both accessory buildings.

05-08-23-03 Motion by Mrs. Stokka and second by Mr. Goedtke to approve the variance at 223 3rd Street NE, motion carried.

Mayor Rick stated the next item on the agenda was the 1st reading of Ordinance 2023-07.

City Administrator Jeremy Cossette stated that Ordinance 2023-07 has changes to the zoning ordinance for multiple ordinances. The proposed change to the ordinance is for the laundromat zoning additions, exterior building materials, regulation on storage on undeveloped residential lots, fencing ordinance changes, and geothermal ordinance change.

05-08-23-04 Motion by Mr. Goedtke and seconded by Mrs. Stuvland to approve the 1st reading of Ordinance 2023-07. Motion carried.

ORDINANCE NUMBER 2023-07

CITY OF BARNESVILLE, MINNESOTA

AN ORDINANCE AMENDING THE BARNESVILLE CITY CODE

The Council of the City of Barnesville, Minnesota does ordain:

1. Title VII, Chapter 7-01, Section 7-0104, Subd. 2 Definitions is hereby amended to add a new definition number 34, as follows:
34. “Laundromat” - A place of business where patrons wash and dry machines operated by the patron.
2. Title VII, Chapter 7-01, Section 7-0104, Subd. 2 Definitions is hereby amended renumber the definitions 34 through 65 by increasing each number by one, in order to add the new definition number 34.
3. Title VII, Chapter 7-02, Section 7-0206 Subd. 2, C-1 COMMERCIAL DISTRICT of the Barnesville City Code is hereby amended to add the following Permitted Use:
M. Laundromat.
4. Title VII, Chapter 7-02, Section 7-0207 Subd. 2, C-2 COMMERCIAL DISTRICT of the Barnesville City Code is hereby amended to add the following Permitted Use:

Q. Laundromat.

5. Title VII, Chapter 7-02, Section 7-0209 Subd. 2, I-1 LIGHT INDUSTRIAL DISTRICT of the Barnesville City Code is hereby amended to add the following Permitted Use:

Q. Laundromat.

6. Title VII, Chapter 7-02, Section 7-0210 Subd. 2, I-2 HIGHWAY INDUSTRIAL DISTRICT of the Barnesville City Code is hereby amended to add the following Permitted Use:

I. Laundromat.

7. Title VII, Chapter 7-06, Section 7-0601 Subd. 2, Building Type and Construction of the Barnesville City Code is hereby amended to read as follows:

Subd. 2. Building Type and Construction. No galvanized or unfinished steel, galvalum or unfinished aluminum buildings, walls or roofs shall be permitted in any zoning district except in association with farming operations, or in industrial zones, or as permitted by conditional use permit.

8. Title VII, Chapter 7-06, Section 7-0602 Subd. 10, Off-Street Residential Parking Restrictions, Subparagraph B of the Barnesville City Code is hereby amended to read as follows:

B. Utility trailers or equipment, recreational camping vehicles (as defined in Sec. 5-0303 of the City Code), converted buses, converted vans, off-road vehicles, and recreational equipment, including, but not limited to, boats, snowmobiles or jet skis shall be parked in accordance with the requirements in this subdivision. The aforementioned items must be well maintained and in an operable condition and validly licensed.

i. Outdoor storage is allowed on vacant residential lots provided (as referenced above):

- a. No more than one vacant residential lot is used for storage; and
- b) Said vacant lot directly abuts, that is has a common lot line with, a property under the same fee ownership; and
- c) One of the lots contains an established dwelling.

In those cases where a property owner owns a vacant lot immediately behind the lot on which their home sits and that vacant lot abuts upon another street, the owner is required to follow the standard "front yard setback" from that street with regard to utilizing that vacant lot for any outdoor storage. If the vacant lot is next to the lot on which the home sits, the standard side yard setbacks apply to utilizing that vacant lot for any outdoor storage.

ii. In a front yard or a street side yard the items listed above shall be parked on a paved surface consisting of concrete, asphalt or pavers. If the existing driveway is gravel, 6 inches of compacted class 5 may be used in a front yard or street side yard to meet the paved surface requirements. All paving must be continuous below the footprint of the vehicle and be constructed so that it drains away from all existing structures.

iii. In a rear yard or an interior side yard the items listed above shall be parked on a paved surface consisting of concrete, asphalt, pavers or 6 inches of compacted class 5. All paving must be continuous below the footprint of the vehicle and be constructed so that it drains away from all existing structures. Trailers whose total ground coverage is 85 square feet or less are exempt from the paved surface requirements in a rear yard or interior side yard.

9. Title VII, Chapter 7-08, Section 7-0801 Subd. 5, Residential District Fences of the Barnesville City Code is hereby amended to read as follows:

Subd. 5. Residential District Fences.

- A. All residential fences shall be placed within the property being fenced.
- B. Fences alongside property lines shall not be more than six (6) feet in height.
- C. Fences along any rear property line, which is also the rear property line of an abutting lot, shall not exceed six (6) feet in height.
- D. Fences along a rear property line, which line constitutes the side lot line of an abutting lot, shall not exceed six (6) feet in height.

- E. The screening provisions for residential districts shall supersede, where applicable, the provisions of this section.
- F. All posts or similar supporting instruments used in the construction of fences, shall be faced inward toward the property being fenced.
- G. All fences shall not obstruct drainage.
- H. Fences are not allowed within utility easements. Existing fences obstructing the use of utility easements shall be removed at the owner's expense when access is required by the utility. Existing fences are those that are existing as of October 1, 2010.
- I. Fences in required front yards shall not exceed thirty-six inches (36") in height except that fences that are at least seventy-five percent (75%) open may be forty- eight inches (48") in height.

10. Title VII, Chapter 7-08, Section 7-0801 Subd. 6, Residential District Fences of the Barnesville City Code is hereby amended to read as follows:

Subd. 6. Commercial and Industrial District Fences.

- A. Commercial and Industrial District fences are those fences located within commercial or industrial zoned areas of the City.
- B. Fences shall be placed within the property where the fence is being built.
- C. Fences extending across a required front yard or a required side yard which abuts a street on a corner lot shall be at least seventy-five percent (75%) open for the passage of air and light and shall maintain the traffic visibility requirements of this Section.
- D. All commercial and industrial fences shall require a conditional use permit.
- E. Fences which are primarily erected as a security measure may have arms projecting into the applicant's property on which barbed wire can be fastened commencing at a point at least seven feet (7') above the ground.

11. Title VII, Chapter 7-11, Geothermal Heating Systems of the Barnesville City Code is hereby amended to read as follows:

GEOTHERMAL HEATING SYSTEMS

SECTIONS:

7-1101. Purpose.

7-1102. State Requirements.

7-1103. City Requirements.

7-1104. City Inspection and Monitoring of Geothermal Facilities.

7-1105. Defective Geothermal Heating Systems.

SEC. 7-1101. PURPOSE. The purpose of this ordinance is to regulate the use of geothermal heating systems within the City of Barnesville.

SEC. 7-1102. STATE REQUIREMENTS. Residents may install Geothermal Heating systems in the City of Barnesville provided they follow all rules in Minnesota Rules Chapters 4725.7050-4725.3875 and obtain all required permits through the State of Minnesota.

SEC. 7-1103. CITY REQUIREMENTS. The City of Barnesville requires that all Geothermal Heating systems be registered.

A. Property owners are required to register their systems by providing the City Administrator with all State of Minnesota approved permits prior to installation.

B. Before installing Geothermal Heating system, residents are required to obtain a City of Barnesville Building Permit.

SEC. 7-1104. CITY INSPECTION AND MONITORING OF GEOTHERMAL FACILITIES. In connection with the principal functions and activities of the city resource management responsibility, City officials may, upon reasonable notice to the owner, enter upon any property within the city for purposes of inspecting geothermal facilities, or monitoring the operational characteristics of such facilities, when such inspection or monitoring is reasonably necessary to the assessment of other indices related to geothermal or ground water reservoir management, or protection of the public safety and welfare. The City shall provide affected property owners or occupants with reasonable prior notice, describing the nature, purpose, and duration of the necessary inspection or monitoring; such inspections or monitoring shall be conducted in accordance with applicable city and state procedures for inspections. If any person refuses to permit any officer or employee to enter and inspect, the City officer or employee shall not attempt to force entrance, but shall, with the assistance of the City Attorney, seek a search warrant or other appropriate court order.

SEC. 7-1105. DEFECTIVE GEOTHERMAL HEATING SYSTEMS. Whenever the City Administrator determines that any geothermal heating system within the City is by the nature of its construction, installation, or operation is adversely interfering with other geothermal heating systems, or is polluting groundwater or surface water, the City Administrator shall promptly notify the affected owner, by certified mail, of the wasteful or defective geothermal heating system and require said owner to repair or adjust the geothermal heating system within twenty- four (24) hours; the owner of a geothermal heating system continuing wasteful or defective operation after expiration of the twenty-four (24) hours may be prosecuted for being in violation of this ordinance.

Approved by Mayor this 12th day of June, 2023.

Jason Rick, Mayor

ATTEST:

Jeri Reep, City Clerk

Mayor Rick stated the next item on the agenda was the bids for the 2nd Avenue patching and overlay.

City Administrator Jeremy Cossette stated that the condition of 2nd Ave SE, between 3rd & 5th Street has deteriorated with the spring thaw. Public Works Supt. Charlie Revering received quotes to patch and overlay this section of the street. The lowest quote was from Northern Improvement in the amount of \$79,785.00. City Administrator Jeremy Cossette stated that there are funds available in the Clay County wheelage tax funds to cover this expense. Northern Improvement would start the project on May 18th.

05-08-23-05 Motion by Mrs. Stokka and second by Mrs. Stuvland to accept the quote from Northern Improvement in the amount of \$79,785.00 to patch and overlay 2nd Ave Se, between 3rd and 5th Street. The expense will be paid with the Clay County wheelage tax funds. Motion carried.

Mayor Rick stated the next item on the agenda was the traffic study for 2nd Ave. SE and Front Street.

City Administrator Jeremy Cossette informed council members that the MNDOT, Clay County and the city held a virtual meeting about the change to the current 4-way stop at intersection of 2nd Ave. SE and Front Street, and also the installation of a new 4-way stop at Hwy 9 and Front Street and Main Ave. City Administrator Cossette would like to prepare a formal request that Clay County and MN DOT complete a traffic count and turning movement study at 2nd Ave SE and Front Street to determine if a 4-way stop is warranted.

05-08-23-06 Motion by Mr. Goedtke and second by Mrs. Bergman to authorize City Administrator Jeremy Cossette to prepare a formal request that Clay County and MN DOT complete a traffic count and turning movement study at 2nd Ave. SE and Front Street to determine if a 4-way stop is warranted. Motion carried.

Mayor Rick stated the next item on the agenda was the Potato Days Resolution.

05-08-23-07 Motion by Mrs. Stokka and second by Mrs. Bergman to approve the 2023 Potato Days Resolution. Upon a roll call vote, the following voted aye: Council members Stokka, Goedtke, Stuvland, and Bergman. The following Council members were absent: Council members Bauer and Field. Motion carried.

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

**RESOLUTION DECLARING BARNESVILLE
POTATO DAYS A COMMUNITY-WIDE FESTIVAL**

RESOLUTION NO. 05-08-23-07

WHEREAS, Barnesville Potato Days is an annual festival occurring in the City of Barnesville; and

WHEREAS, Barnesville Potato Days involves activities and entertainment that involve not only the Barnesville community but surrounding communities; and

WHEREAS, Barnesville Potato Days will occur on August 25th through August 26th, 2023; and

WHEREAS, the Barnesville City Council desires to promote Potato Days and encourage local businesses to participate in Barnesville Potato Days; and

WHEREAS, it is necessary to designate Potato Days as a community festival to enable and authorize the City of Barnesville to grant community festival special event liquor licenses pursuant to Section 5.33 of the Barnesville City Code; and

WHEREAS, the Barnesville City Council desires to formally recognize Potato Days as a community-wide festival.

NOW, THEREFORE, BE IT RESOLVED, that Barnesville Potato Days is hereby designated a community-wide festival.

BE IT FURTHER RESOLVED that the dates of August 25th through August 26th, 2023 are designated as dates during which the City of Barnesville may issue special event community-wide festival licenses.

Dated: May 8, 2023

APPROVED:

Jason Rick
Mayor

ATTEST:

Jeri Reep
City Clerk

Mayor Rick stated the next item on the agenda was the decorum policy.

City Administrator Jeremy Cossette stated that this resolution establishes rules of decorum for public participation at council meetings. City Attorney Charlie Ramstad stated that a number of cities are adopting these policies.

05-08-23-08 Motion by Mrs. Bergman and second by Mrs. Stokka to approve the policy establishing rules of decorum for public participation in City Council meetings as presented. Upon a roll call vote, the following voted aye: Council members Stokka, Goedtke, Stuvland, and Bergman. The following Council members were absent: Council members Bauer and Field. Motion carried.

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

**RESOLUTION ESTABLISHING RULES OF DECORUM
FOR PUBLIC PARTICIPATION IN
CITY COUNCIL MEETINGS**

RESOLUTION NO. 05-08-23-08

WHEREAS, the City Council for the City of Barnesville, MN (“City Council”) affirms that its meeting are the forum for the City Council to conduct the city’s business; and

WHEREAS, Minn. Stat. 412.191 Subd. 2 provides that the City Council may determine its own rules and the order of business; and

WHEREAS, the City Council affirms that while City Council meetings are generally open to the public pursuant to the Minnesota Open Meeting Law, they are not a forum for public expression; and

WHEREAS, the City Council recognizes that public engagement is essential to effective city governance; and

WHEREAS, to encourage that public engagement, the City Council historically included a public comment period as a part of its regular meetings; and

WHEREAS, the City Council also recognizes that rules of decorum for public participation in its meetings are needed to ensure that council meetings are professional, courteous, and efficient, and are run with the City's best interests in mind; and

WHEREAS, the City Council recognizes that such rules must also respect the constitutional freedom of speech rights of individuals.

NOW, THEREFORE, BE IT RESOLVED, the City Council for the City of Barnesville hereby resolves that the attached Decorum Policy for Public Participation in City Council Meetings are adopted.

ADOPTED.

Dated: May 8, 2023

APPROVED:

Jason Rick
Mayor

ATTEST:

Jeri Reep
City Clerk

Mayor Rick state the next item on the agenda was the approval of Change Order No. 0002 with the MN DOT contract.

City Administrator Jeremy Cossette stated that staff are recommending a change order on the Hwy 9/Front Street construction project for \$14,104.00. This work will be for: A fire hydrant replacement, the city has requested to replace it with a new hydrant in lieu of utilizing the existing hydrant. ADA ramp/stairs at 123 Front Street, this will allow the building that Mike Fredette owns to be accessible. This excess charge will be assessed to the owners of the building in the amount of \$3,800.00.

05-08-23-09 Motion by Mrs. Stokka and second by Mr. Goedkte to approve the Change Order No. 0002 with the MN DOT contract in the amount of \$14,104.00. Motion carried.

Mayor Rick adjourned the meeting at 7:53 p.m.

Submitted by:

Attest:

Jeri Reep

Jason Rick

City Clerk

Mayor