

Barnesville City Council

Regular Meeting

February 12, 2024

Mayor Rick called this regular meeting to order at 7:00 p.m. Member's present were Council members Tonya Stokka, Alyssa Bergman, Don Goedtke, Dawn Stuvland, and Brad Field. Absent was Council member Scott Bauer. Others in attendance were City Administrator Jeremy Cossette, City Attorney Charles Ramstad, City Clerk Jeri Reep, EDA Director Karen Lauer, Police Chief Joel Voxland, TEC Manager Guy Swenson, Public Works Supt. Charlie Revering, Ryan Tonsfeldt, and Ley Bouchard with the Record Review.

Mayor Rick asked if there were any additions or corrections to the agenda. City Administrator Jeremy Cossette stated that there were additions to the agenda: to add the approval of the Barnesville Softball Club gambling permit, approval of CDL training, water treatment plan backup generator grant, approval of customer service/ambulance EMT job description and pay, approval of debt book management software, approval of travel/training for City Administrator to attend the MCMA conference, approval of Legislation travel for Mayor Rick and City Administrator Cossette, 13th Street bonding bill local dollar match and closed session pursuant to the attorney client privilege to discuss pending or threatened litigation, Minnesota Statutes 13D.05.

02-12-24-01 Motion by Mrs. Stokka and second by Mrs. Stuvland to approve the agenda as presented, with the following additions: to add the approval of the Barnesville Softball Club gambling permit, approval of CDL training, water treatment plan backup generator grant, approval of customer service/ambulance EMT job description and pay, approval of debt book management software, approval of travel/training for City Administrator to attend the MCMA conference, approval of Legislation travel for Mayor Rick and City Administrator Cossette, 13th Street bonding bill local dollar match and closed session pursuant to the attorney client privilege to discuss pending or threatened litigation, Minnesota Statutes 13D.05. Motion carried.

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

02-12-24-02 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 minutes of the regular meeting held on January 8, 2024
2. Approval of the department head reports.
3. Approval of check numbers 94451 – 94658 and EFT payments for a total of \$629,891.89
4. Approval to hire Christopher Blomberg as Skating Rink Attendant
5. Approval of the Cooperative City Prosecution Services Agreement

6. Approval of Barnesville Business Incentive Contract
7. Approval of Barnesville Lions Club gambling permit-July 11-14, 2024
8. Approval of Barnesville Lions Club gambling permit-August 24, 2024
9. Approval of Barnesville Fire Dept gambling permit-March 9, 2024
10. Approval of creation of Firehall Liquors Website
11. Approval of TEC Building reconstruction electric costs in the amount of \$20,265.00
12. Approval of MRES Rate Study Proposal, not to exceed \$9,500.00.
13. Approval of Pad Mount Transformer Purchase, in the amount of \$67,550.00 plus any shipping charges and tax
14. Approval of 2023 SAIFI, SAIDI, CAIDI & ASAI Report
15. Approval of NCTC HITS Agreement Renewal
16. Approval of Barnesville Softball Club Gambling permit-May 16, 2024
17. Approval of Ambulance Transfer Pay
18. Approval of CDL Training policy
19. Approval of the Water Treatment Plant Backup Generator Grant
20. Approval of Customer Service/Ambulance EMT job description and pay.
21. Approval of Debt Book Management Software
22. Approval of Travel/Training for City Administrator Jeremy Cossette to attend the MCMA Conference
23. Approval of Legislation Travel-Mayor Jason Rick and Administrator Jeremy Cossette
24. 13th Street Bonding Bill-Local Dollar Match

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

Council members reported on the boards and commissions they serve on.

Mayor Rick stated the next item on the agenda was the public forum. Mayor Rick asked if there were any citizens present to be heard. There were none.

The next item on the agenda was the Mayor and Council Member announcements.

Mayor Rick informed council members that Senator Tina Smith representatives will be meeting at the Ambulance Garage on Tuesday, February 20th at 10:30 a.m. There were no other announcements.

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

EDA Director Karen Lauer and EDA Chair Ryan Tonsfeldt approached the council.

EDA Chair Ryan Tonsfeldt thanked the City Council for their support to the EDA. EDA Director Karen Lauer discussed the 2023 highlights and accomplishments of the EDA. Council members had no further questions.

Mayor Rick stated the next item on the agenda was the approval of the CUP for Farmers Cooperative Oil Company.

City Administrator Jeremy Cossette stated that the Planning Commission recommend approval of this CUP for the installation of commercial illuminated signage at the property.

02-12-24-03 Motion by Mr. Field and second by Mr. Goedtke to approve the CUP request from Farmers Cooperative Oil Company. Motion carried.

Mayor Rick stated the next item on the agenda was the proposed Clay County Joint Ordinance regarding cannabis retailers.

City Administrator Jeremy Cossette informed council members that he was contacted by Mr. Jason McCoy with Clay County Public Health about working together with the county including all cities, to work together to regulate the amount of cannabis businesses in Clay County. Clay County has requested that we all work together so that they can regulate, per state statute, 1 business per 12, 500 population. No action is needed, this is for information only. Council members did not have any questions.

Mayor Rick stated the next item on the agenda was the 2nd reading of Ordinance 2024-01 regarding campground fees.

City Administrator Jeremy Cossette stated that no changes have been made since the first reading.

02-12-24-04 Motion by Mrs. Bergman and second by Mrs. Stokka to approve the 2nd reading of Ordinance 2024-01. Motion carried.

CITY OF BARNESVILLE
ORDINANCE NO. 2024-01

**AN ORDINANCE CREATING CHAPTER 8-01, SEC. 1-0604 OF THE MUNICIPAL
CODE REGARDING PARK AND RECREATION FEES AND CHARGES.**

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

CHAPTER 8-01, SECTION 1-0604 is created to read as follows:

Sec. 1-0604 **Park and Recreation Fees and Charges**

B. Wagner Campground fees:

| | |
|---|--|
| Sites with water, sewer and electric | \$35.00 per night \$200.00 per week \$650.00 per month |
| Sites without water, sewer and electric | \$20.00 per night \$100.00 per week \$350.00 per month |
| Fee for exceeding the maximum 6 people per site | \$15 per person per night |
| Fee for exceeding the maximum 3 vehicles per site | \$15 per vehicle per night |
| Dump Station only | \$10.00 per time |
| Reservation Deposit | \$35.00 deposit on all daily and weekly stays \$325.00 deposit on all monthly and extended stays (Balances Due upon arrival) |

All fees within the Wagner Campground fees will have applicable taxes included.

C. Cancellation Policy:

Daily and weekly reservations- full refunds for cancellations up to two (2) days prior to arrival date. For cancellations less than two (2) days prior to arrival, a credit for a future stay in the same season will be applied but no refunds will be issued.

Monthly and extended stay reservations- full refunds for cancellations up to 14 days prior to the arrival date. 50% refund for cancellations 7-13 days prior to the arrival date, and no refund for cancellations less than 7 days prior to the arrival date.

PASSED AND ADOPTED by the Barnesville City Council this 12th day of February 2024.

APPROVED:

Jason Rick, Mayor

ATTEST:

Jeri Reep, City Clerk

First Reading: January 8, 2024

Second Reading: February 12, 2024

Adopted: February 12, 2024

Publication: February 19, 2024

Mayor Rick stated the next item on the agenda was the approval of Summary Ordinance 2024-01.

02-12-24-05 Motion by Mrs. Stokka and second by Mr. Goedtke to approve the Summary Ordinance 2024-01. Motion carried.

TITLE AND SUMMARY OF ORDINANCE NO. 2024-01

The following Ordinance is hereby published by title and summary:

1. Title of Ordinance:

An Ordinance to Amend Chapter 8, Section 1-0604 of the Municipal Code Regarding Park and Recreation Fees and Charges

2. Summary of Ordinance:

This ordinance creates an updated fee and charges for the Wagner Campground fees.

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 February 2024.

APPROVED:

Jason Rick, Mayor

ATTEST:

Jeri Reep, City Clerk

First Reading: January 8, 2024
Second Reading: February 12, 2024
Adopted: February 12, 2024
Published: February 19, 2024

Mayor Rick stated the next item on the agenda was the 2nd reading of Ordinance 2024-02, an ordinance regarding golf course fees.

City Administrator Jeremy Cossette stated that no changes have been made since the first reading.

02-12-24-06 Motion by Mrs. Stokka and second by Mr. Goedtke to approve the 2nd reading of Ordinance 2024-02. Motion carried.

ORDINANCE NO. 2024-02

AN ORDINANCE AMENDING CHAPTER 19, SEC. 2.63 OF THE MUNICIPAL CODE REGARDING PARK AND RECREATION FEES AND CHARGES.

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

CHAPTER 19, SECTION 2.63 is amended to read as follows:

Sec. 2.63 Park and Recreation Fees and Charges

A. Golf Course Fees

Greens Fees:

| | Weekday | Weekend |
|--|---------|---------|
| 9-hole adult | \$20.00 | \$27.00 |
| 18-hole adult | \$27.00 | \$35.00 |
| 9 holes 17 & under | \$17.00 | \$25.00 |
| 18 holes 17 & under | \$24.00 | \$33.00 |
| 9-hole age 11 & under with adult | Free | \$17.00 |
| 18-hole age 11 & under with adult | Free | \$24.00 |
| All Day | \$35.00 | \$40.00 |
| Mon-Tues Special 18 Holes with a cart | \$35.00 | |
| Docking Trail Fee per day | \$9.00 | |

Season Passes

| | |
|--|----------|
| Immediate Family living in the same household | \$460.00 |
| Husband & Wife | \$410.00 |
| Single - 18 & over | \$305.00 |
| Single – 17 & under | \$115.00 |
| Docking Trail Fee per year per car | \$80.00 |

Rentals

| | |
|--------------------|---------|
| Motor Car 9 holes | \$20.00 |
| Motor Car 18 holes | \$27.00 |
| Motor Car all day | \$35.00 |
| Pull Cart | \$5.00 |
| Clubs and bag | \$6.00 |

Storage

| | |
|-------------------------------------|----------|
| Gas car per year | \$200.00 |
| Electric car per year | \$225.00 |
| Clubs – no private door per year | \$20.00 |
| Clubs – private door per | \$30.00 |

year

PASSED AND ADOPTED by the Barnesville City Council this 13th day of February 2023.

APPROVED:

Jason Rick, Mayor

ATTEST:

Jeri Reep, City Clerk

First Reading: January 9, 2023
Second Reading: February 13, 2023
Adopted: February 13, 2023
Publication: February 19, 2023

Mayor Rick stated the next item on the agenda was the Summary Ordinance 2024-02.

02-12-24-07 Motion by Mr. Goedtke and second by Mrs. Stuvland to approve the Summary Ordinance 2024-02. Motion carried.

TITLE AND SUMMARY OF ORDINANCE NO. 2024-02

The following Ordinance is hereby published by title and summary:

1. Title of Ordinance:

An Ordinance to amend Chapter 19, Sec. 2.63 of the Municipal Code Regarding Park and Recreation Fees and Charges

2. Summary of Ordinance:

This ordinance creates an updated fee and charges for the golf course fees.

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 February 2024.

APPROVED:

Jason Rick, Mayor

ATTEST:

Jeri Reep, City Clerk

First Reading: January 8, 2024
Second Reading: February 12, 2024
Adopted: February 12, 2024
Published: February 19, 2024

Mayor Rick stated the next item on the agenda was the 2nd reading of Ordinance 2024-03 regarding ambulance fees.

02-12-24-08 Motion by Mrs. Bergman and second by Mr. Goedtke to approve the 2nd reading of Ordinance 2024-03. Motion carried.

**CITY OF BARNESVILLE
ORDINANCE 2024-03
AN ORDINANCE AMENDING CHAPTER 8-01, SEC. 2-0114 OF THE
MUNICIPAL CODE REGARDING AMBULANCE FEES**

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

CHAPTER 8-01, SECTION 2-0114 is amended to read as follows:

Fees payable by those receiving ambulance services are hereby established as follows:

| | |
|--------------------------------------|---------|
| Basic Life Support, Non-Emergency | \$1,400 |
| Basic Life Support, Emergency | \$1,500 |
| Advanced Life Support, Non-Emergency | \$1,500 |
| Advanced Life Support-1 | \$1,800 |
| Advanced Life Support-2 | \$2,000 |
| Specialty Transport | \$ 900 |

No Transport

| | |
|--------------------------|--------|
| Assessment, no transport | \$ 250 |
| Treat and Release | \$ 500 |
| Rehab Fee per Hour | \$ 125 |
| Extra EMT Charge | \$ 40 |

The fees listed here are the base fees and supplies. Charges for mileage will also be billed as calculated by the Ambulance Director.

PASSED AND ADOPTED by the Barnesville City Council this 12th day of February 2024.

Approved:

Jason Rick, Mayor

Attest:

Jeri Reep, City Clerk

First Reading January 8, 2024
Second Reading: February 12, 2024
Adopted: February 12, 2024
Published: February 19, 2024

Mayor Rick stated the next item on the agenda was the Summary Ordinance 2024-03.

02-12-24-09 Motion by Mr. Goedtke and second by Mrs. Stuvland to approve the Summary Ordinance 2024-03. Motion carried.

TITLE AND SUMMARY OF ORDINANCE NO. 2024-03

The following Ordinance is hereby published by title and summary:

1. Title of Ordinance:

An Ordinance to amend Chapter 8-01, Sec. 2-0114 of the Municipal Code Regarding Ambulance Fees and Charges

2. Summary of Ordinance:

This ordinance creates an updated fee and charges for ambulance service fees.

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 February 2024.

APPROVED:

Jason Rick, Mayor

ATTEST:

Jeri Reep, City Clerk

First Reading: January 8, 2024
Second Reading: February 12, 2024
Adopted: February 12, 2024
Published: February 19, 2024

Mayor Rick stated the next item on the agenda was the 1st reading of Ordinance 2024-04 regarding parking.

City Administrator Jeremy Cossette discussed council members the changes to this ordinance. Council members had no other questions.

02-12-24-10 Motion by Mrs. Stokka and second by Mr. Goedtke to approve the 1st reading of Ordinance 2024-04. Motion carried.

**CITY OF BARNESVILLE
ORDINANCE 2024-04
AN ORDINANCE AMENDING TITLE V, CHAPTER 5-03 OF THE
MUNICIPAL CODE REGARDING PARKING REGULATIONS**

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

TITLE V, CHAPTER 5-03, is amended to read as follows:

SEC. 5-0301. PRESUMPTION. As to any vehicle parking in violation of Title V when the driver thereof is not present, it shall be presumed that the owner or lessee of such vehicle parked the same, or that the driver was acting as the agent of the owner or lessee.

SEC. 5-0302. GENERAL PARKING PROHIBITIONS. It is unlawful for any person to stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the specific directions of a police officer or traffic control device in any of the following places:

- (1) on a sidewalk.
- (2) in front of a public or private driveway;
- (3) within an intersection.
- (4) within ten feet of a fire hydrant;
- (5) on a crosswalk;
- (6) within twenty feet of a crosswalk at any intersection;
- (7) in a sign-posted fire lane;
- (8) within thirty feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway;
- (9) within fifty feet of the nearest rail of a railroad crossing;
- (10) within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of said entrance when properly sign-posted;
- (11) alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic;
- (12) on the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (13) upon any bridge or other elevated structure upon a street;
- (14) at any place where official signs prohibit or restrict stopping, parking or both;
- (15) in any alley, except for loading or unloading and then only so long as reasonably necessary for such loading and unloading to or from adjacent premises;
- (16) on any boulevard which has been curbed; or,

~~(17) on the east side of Front Street between the intersection of Minnesota Highway No. 34 to a point located on the east right-of-way of Front Street, which point is 200 feet north of the north line of 2nd Avenue NE.~~

SEC. 5-0303. RECREATIONAL CAMPING VEHICLE PARKING.

Subd. 1. Definition. The term "recreational vehicle" means travel trailers including those that telescope or fold down, chassis-mounted campers, motor homes, tent trailers, pop-up campers, and converted buses that provide temporary human living quarters:

A. "Travel Trailer" - A trailer, mounted on wheels, that is designed to provide temporary living quarters during recreation, camping, or travel and does not require a special highway movement permit based on its size or weight when towed by a motor vehicle.

B. "Pick-up Camper" - A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.

C. "Motor Home" - A recreational vehicle designed to provide temporary living quarters. A motor home has a living unit built into it as an integral part of, or permanently attached to the chassis of, a motor vehicle or van.

D. "Pop-up Camper" - A towed recreational vehicle that can be collapsed for storage and transport.

Subd. 2. Unlawful Act. It is unlawful for any person to leave or park a recreational camping vehicle on or within the limits of any street or right-of-way between the hours of 9 pm to 6 am, except where permission has been granted by the Police Department.

SEC. 5-0304. UNAUTHORIZED REMOVAL. It is unlawful for any person to move a vehicle not owned, leased or under the control of such person into any prohibited area or away from a curb such distance as is unlawful.

SEC. 5-0305. DIRECTION TO PROCEED. It is unlawful for any person to stop or park a vehicle on a street when directed or ordered to proceed by any police officer invested by law with authority to direct, control or regulate traffic.

SEC. 5-0306. PARALLEL PARKING. Except where angle parking is specifically allowed and indicated by curb or street marking or sign-posting, or all or any of them, each vehicle stopped or parked upon a two-way road where there is an adjacent curb shall be stopped or parked with the right-hand wheels of the vehicle parallel with, and within twelve inches of, the right-hand curb, and, where painted markings appear on the curb or the street, such vehicle shall be within such markings, front and rear; provided that upon a one-way roadway all vehicles shall be so parked, except that the left-hand wheels of the vehicle may be parallel with and within twelve inches from the left-hand curb, but the front of the vehicle in any event and with respect to the remainder of the vehicle, shall be in the direction of the flow of traffic upon such one-way street; and it is unlawful to park in violation of this Section.

SEC. 5-0307. ANGLE PARKING. Where angle parking has been established by Council resolution, and is allowed, as shown by curb or street marking or sign-posting, or all or any of them, each vehicle stopped or parked shall be at an angle of approximately 45 to 60 degrees with the front wheel touching the curb and within any parking lines painted on the curb or street, provided that the front wheel not

touching the curb shall be the portion of the vehicle furthest in the direction of one-way traffic; and it is unlawful to park in violation of this Section.

SEC. 5-0308. STREETS WITHOUT CURB. Upon streets not having a curb each vehicle shall be stopped or parked parallel and to the right of the paving, improved or main traveled part of the street; and it is unlawful to park in violation of this Section.

SEC. 5-0309. PARKING HOURS. Parking on streets shall be limited as follows:

Subd. 1. It is unlawful for any person to stop, park or leave standing any vehicle upon any street in any one location for a continuous period in excess of 24 hours, It shall be necessary to move a parked vehicle a distance of at least one city block.

Subd. 2. The Chief of Police may, when authorized by resolution of the Council, designate certain streets, blocks or portions of streets or blocks as prohibited parking zones, or five-minute, ten-minute, fifteen-minute, thirty-minute, one-hour, two-hour, four-hour, six-hour, eight-hour, morning or afternoon rush hour limited parking zones and shall mark by appropriate signs any zones so established. Such zones shall be established whenever necessary for the convenience of the public or to minimize traffic hazards and preserve a free flow of traffic. It is unlawful for any person to stop, park or leave standing any vehicle in a prohibited parking zone, for a period of time in excess of the sign-posted limitation, or during sign-posted hours of prohibited parking.

Subd. 3. It is unlawful for any person to park a vehicle within ~~eight (8)~~ ten (10) feet of any residential mailbox between the hours of 8:00 A.M. and ~~2:00~~ 4:00 P.M. on any day except Sunday.

Subd. 4. For the purpose of enforcement of this Section, any vehicle moved ~~to a location~~ less than one block from the previous location in any limited time parking zone shall be deemed to have remained stationary.

SEC. 5-0310. EMERGENCY.

Subd. 1. Definition. For purposes of this Section, the term "emergency" means a condition created on City streets because of the presence of snow, freezing rain, sleet or ice thereon, or other natural phenomenon which create or are likely to create hazardous road conditions or impede or are likely to impede the free movement of fire, health, police, emergency or other vehicular traffic, when the same has been duly declared.

Subd. 2. Declaration of Emergency. Whenever in the opinion of the City Administrator, or-his/her designee, an emergency exists, he/she may declare the same and cause an announcement thereof to be made to local news media.

Subd. 3. Beginning and Duration of Emergency.

A. The emergency shall begin one hour after announcement to news media.

B. Once declared, the emergency shall remain in effect for the ensuing 24 hours, provided, that the emergency may, in the same manner, be redeclared for subsequent like periods of time.

Subd. 4. Unlawful Acts.

A. During an emergency, it is unlawful to park or leave standing any vehicle upon a snow emergency route designated and duly sign-posted as such.

B. During an emergency, it is unlawful to park or leave standing any vehicle upon a street on which parking has been restricted by the declaration of an emergency.

Subd. 5. Exceptions. This Section shall not apply to (1) persons in charge of wreckers or authorized emergency vehicles while actually servicing mechanical, fire, police or medical emergencies, or (2) any street when it has been fully and completely (curb-to-curb) cleared, sanded, salted, or cleaned.

SEC. 5-0311. SNOW REMOVAL; PARKING RESTRICTIONS.

Subd. 1. Removal of Vehicles. It shall be unlawful to park a vehicle upon any city street when three (3) or more inches of snow has fallen. Lawful parking may be resumed on such streets only after the snow has been removed or plowed to its full width.

Subd. 2. Notices and Posting. The City Administrator or designee may direct that notices be placed on vehicles parked on any City street or that the entire street be posted with a notice requiring that all parked vehicles be removed from all portions of such street as needed for street cleaning, street maintenance, snow removal, or any other purpose on a temporary basis.

Subd. 3. Placement of Snow. It is unlawful for any resident to push, blow, or otherwise place snow from any portion of their property onto City streets or avenues.

Subd. 4. Penalties and Impoundment. Violation of this Section shall be considered a petty misdemeanor. Additionally, vehicles violating this Section may be impounded and will be released to the owner only upon the payment of towing charges, daily impound fees, the petty misdemeanor fine, and any other costs relating to the towing and impound of the vehicle.

(SEE SEC. 1-0904, FEES, RATES AND CHARGES SCHEDULE)

SEC. 5-0312. TRUCK PARKING.

Subd. 1. Definition.

A. Truck - A Vehicle designed to haul commodities with a gross vehicle weight of more than 20,000 lbs gross vehicle weight.

B. Weight Restrictions of City Streets - 10,000 lbs maximum axle weight.

Subd. 2. It is unlawful to park a detached semi-trailer upon any street, City-owned parking lot, or other public property except such as are specifically designated by the Council by resolution and sign-posted.

Subd. 3. It is unlawful to park a truck, truck-trailer, tractor-trailer or truck-tractor within an area zoned as a residential district except for the purpose of loading or unloading the same, and then only during such time as is reasonably necessary for such activity. Provided, however, that a truck under the legal Weight Restrictions of City Streets may be parked at the residence of the owner for plug-in availability only, from November 1 until road restrictions are placed on roads by the Minnesota Department of Transportation each Spring.

Subd. 4. It is unlawful to park a truck upon any street in the business district except streets as specifically designated by the Council by resolution and sign-posted, but parking of such truck for a period of not more than twenty (20) minutes shall be permitted in such space for the purpose of

necessary access to abutting property while actively loading or unloading when such access cannot reasonably be secured from an alley or from an adjacent street where truck parking is not so restricted.

Subd. 5. It is unlawful to diagonally park a truck or other vehicle using or equipped with a trailer, or extended body or other extension or projection beyond the original length of such vehicle, or any passenger bus, along any street except for a time sufficient to load or unload, and in such case, only parallel parking shall be permitted. Provided, however, that a truck may stand backed up to the curb if the weight or bulk of the load makes parallel parking impracticable, but then only for a period of time sufficient to load or unload.

Subd. 6. It is unlawful to park within the City, any vehicle or trailer equipped with a tank used to transport or store anhydrous ammonia or related toxic products except the I-2 *Highway Industrial) zone.

in duly designated and sign-posted loading zones, and in alleys, for a period of up to twenty (20) minutes, provided that such alley parking does not prevent the flow of traffic therein, all of which shall be for the purpose of access to abutting or adjacent property while actively loading or unloading.

Subd. 8. Idling of semi-tractors is not allowed in residential zones between the hours of 9:00 p.m. and 6:00 a.m. unless they are attached to a trailer and actively loading or unloading. Idling of semi-tractors is allowed for a period of 20 minutes between the hours of 6:00 a.m. and 9:00 p.m. unless they are attached to a trailer and actively loading or unloading during which they are allowed to idle.

Subd. 9. Violations of this ordinance shall be punished as a petty misdemeanor.

SEC. 5-0313. PARKING RULES IN CITY PARKING LOTS AND RAMPS. In City-owned parking lots and ramps, the Council may limit the sizes and types of motor vehicles to be parked thereon, hours of parking, and prescribed method of parking, provided that such limitations and restrictions are marked or sign-posted thereon. It is unlawful to park or leave standing any vehicle backed into a parking place, to drive in a direction opposite the flow of traffic marked by "one-way" signs or arrows, or to park any vehicle in any City-owned parking lot or ramp contrary to the restrictions or limitations marked or sign-posted therein. No overnight parking is permitted in the City-owned parking lots without permission from the Police Department.

SEC. 5-0314. IMPOUNDING AND DISPOSITION OF VEHICLE.

Subd. 1. Impounding Procedures:

A. Establishment: The Council may establish and provide one or more impounding lots for the purpose of keeping and storing impounded motor vehicles.

B. Removal of Vehicle: Whenever any police officer finds any vehicle obstructing the traffic or improperly parked so as to be hazardous to public safety on any street or obstructing the entrance of any private driveway, or interfering with the maintenance, cleaning, repairing or snow removal on any streets, or if the vehicle needs to be safeguarded after its driver has been arrested, the officer may remove the vehicle and hold it in the impounding lot or lots or until the City is reimbursed for all costs and charges of the removal and storage or until the same has been disposed of as hereinafter provided. ~~This subsection shall be applicable to any motor vehicle found standing in or upon any street where the same has not been moved or used for a period of twenty four (24) hours, regardless of the requirements set out in this Section.~~

C. Charges: The City Council shall set by resolution the fee for towing a motor vehicle so impounded from the place where found to the place where it is impounded, and shall by resolution set an administrative fee and a storage fee for the motor vehicle so impounded.

D. Lien: The City shall have a lien upon the motor vehicle for the tow charge and for ground use. If any sum secured by such lien be not paid within thirty (30) days after the motor vehicle has been impounded, the City may sell the property and out of the proceeds of the sale there shall be paid first, all charges and disbursements of the sale; second, all charges paid by the City to any other person in connection with the towing and storage of the motor vehicle; and third, the total indebtedness then secured by the lien.

E. Foreclosure by Sale: The sale shall be made at a public auction where the property is situated. A notice stating the time and place of sale, the amount which will be due on the date of sale exclusive of the expenses of advertising and sale, and the grounds of the lien, giving a general description of the property to be sold, shall be served personally on the owner of the property if the owner can be found within the City or within the county in which the property is stored, and if the owner cannot be found, then it shall be mailed to the owner at least three (3) weeks before the time fixed for the sale if the place of residence or post office address of the owner is known to the city officials or with due diligence can be learned by the City authorities and shall be published once each week for three (3) successive weeks in the official newspaper. The last publication of such notice shall be at least one week before the date of sale. In case neither the place of residence nor the post office address of such owner is known to the City authorities and cannot with reasonable diligence be learned, the publication of notice shall be sufficient to authorize such sale.

F. Sale: The property sold shall be in view at the time of the sale. Under the power of sale, any motor vehicle impounded may be sold to satisfy the amount due at the time of sale, including expenses, and the property may be offered for sale and sold in the form and condition that the same was received by the City. The City, its representatives or officials, may fairly and in good faith purchase any property sold under this Section, provided the sale is conducted by the sheriff of the county, the sheriff's deputy, or a licensed auctioneer.

G. Papers to be Filed: All papers had and made in connection with the sale provided for shall be filed with the City Clerk.

H. Foreclosure by Action: Nothing in this Section shall prohibit the City from foreclosing the lien by action in the District Court and pursuant to the order of the Court made in such action.

I. Release of Impounded Vehicles: No person shall take from the impounding lot or other place designated by the Council, any impounded vehicle without first paying all charges and liens against the same.

J. Records: The Police Department shall keep a full and complete record of all motor vehicles impounded, together with a record of all charges and fees against the same in a book provided therefor by the City.

Subd. 2. Disposition of Unclaimed Motor Vehicles: Any motor vehicle which is in the custody of the City by reason of having impounded the same, or otherwise lawfully coming into the possession of the City and remaining unclaimed by the owner, may be disposed of by the City at a public auction sale conducted by a representative of the Police Department in the following manner:

A. The vehicle must have been in possession of the City for a period of not less than thirty (30) days after the mailing of notice to the registered owner, if any.

B. Prior to disposal of any such motor vehicle, the City shall mail to the registered owner, if any, as shown by the records of the state registrar of motor vehicles, notice of its possession and intent to dispose of said motor vehicle.

C. The definition of motor vehicle shall be the same as that set forth in Section 169, Minnesota Statutes.

D. The motor vehicle shall be sold to the highest bidder at a public auction sale. Notice of auction must be published in the official publication of the City once each week for two (2) successive weeks.

E. The net proceeds of any such sale shall be placed in the general revenue fund of the City, the net funds being described as the sale price less any costs of handling, storing or sale of such vehicle. Any such net proceeds shall be paid over to the former owner of the motor vehicle upon application and satisfactory proof of ownership within six (6) months of the sale.

(SEE SEC. 1-0904, FEES, RATES AND CHARGES SCHEDULE)

SEC. 5-0315. LOADING ZONES. The Council may, by resolution, establish loading zones to be used for the specific purpose of loading or unloading merchandise from a commercial vehicle or vehicle temporarily being utilized in the transport of merchandise. Such loading zones shall be installed by order of the City Administrator where in the judgment of the Council a commercial loading zone is justified, and duly sign-posted.

SEC. 5-0316. VEHICLE REPAIR ON STREET. It is unlawful for any person to service, repair, assemble or dismantle any vehicle parked upon a street, or attempt to do so, except to service such vehicle with gasoline or oil or to provide emergency repairs thereon, but in no event for more than 24 hours.

SEC. 5-0317. PARKING FOR THE PURPOSE OF ADVERTISING OR SELLING MERCHANDISE. It is unlawful for any person to park a vehicle on any street for the purpose of advertising such vehicle for sale, for the purpose of advertising for sale or selling merchandise thereon or therein, or advertising any merchandise for sale or a forthcoming event.

SEC. 5-0318. PHYSICALLY HANDICAPPED PARKING.

Subd. 1. Statutory parking privileges for physically handicapped shall be strictly observed and enforced. Police officers [and trained citizen volunteers] are authorized to tag vehicles on either private or public property in violation of such statutory privileges.

Subd. 2. It is unlawful for any person, whether or not physically handicapped, to stop, park, or leave standing, a motor vehicle (1) in a sign-posted fire lane at any time, or (2) in lanes where, and during such hours as, parking is prohibited to accommodate heavy traffic during morning and afternoon rush hours.

SEC. 5-0319. PARKING ON PRIVATE PROPERTY WITHOUT CONSENT. It is a misdemeanor to park or abandon a motor vehicle on the property of another, or upon an area developed as an off-street parking facility, without the consent of the owner, lessee or person in charge of any such property or facility.

PASSED AND ADOPTED by the Barnesville City Council this 12th day of February, 2024.

Approved:

Jason Rick, Mayor

Attest:

Jeri Reep, City Clerk

| | |
|-----------------|-------------------|
| First Reading | February 12, 2024 |
| Second Reading: | March 11, 2024 |
| Adopted: | March 11, 2024 |
| Published: | March 18, 2024 |

Mayor Rick stated the next item on the agenda was the 1st reading of Ordinance 2024-05 regarding enforcement of ordinance violations.

City Administrator Jeremy Cossette discussed council members the changes to this ordinance. Council members had no other questions.

02-12-24-11 Motion by Mrs. Bergman and second by Mrs. Stokka to approve the 1st reading of Ordinance 2024-05. Motion carried.

**CITY OF BARNESVILLE
ORDINANCE 2024-05
AN ORDINANCE AMENDING TITLE VII, CHAPTER 7-13, SEC. 7-1303 OF THE
MUNICIPAL CODE REGARDING PENALTIES, VIOLATIONS, AND ENFORCEMENT
OF ORDINANCE VIOLATIONS**

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

TITLE VII, CHAPTER 7-13, SECTION 7-1303 is amended to read as follows:

Subd. 1. Penalty. In addition to any other provision specified in any Section of any Chapter of Title VII of the municipal Code, any person violating any provision of any Chapter in Title VII of the municipal Code shall, upon conviction, be guilty of a misdemeanor.

Subd. 2. Violations. Each day such violation continues or occurs shall constitute a separate offense and may be prosecuted as such. Violations of the provisions of Title VII shall include, by way of example and not limitation:

A. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains a violation may each be found guilty of a separate offense and suffer the penalties herein provided.

B. Failure to comply with a condition in a variance, building permit or conditional use permit shall be a violation of this Title VII of the municipal Code.

Subd. 3. Enforcement. Nothing herein contained shall prevent the City from taking any other appropriate actions or proceedings against a violator as provided by law or City ordinance to prevent or remedy the violation or penalize the violator. Violations can occur regardless of whether or not a permit is required for a regulated activity. Title VII of the municipal Code shall also be enforceable through the City of Barnesville Administrative Citations and Civil Penalties ordinance, Chapter 1-10, Section 1-1004.

Subd. 4. Civil Action. The City may enforce Title VII of the municipal Code through stop work order issued by the City, abatement or by Civil Action and the City is authorized to pursue any remedy available at law or in equity, including but not limited to temporary restraining orders, injunctions both mandatory and prohibitory as well as damages, including costs, disbursements and attorney fees incurred in any civil action by the City. The City may condition the issuance of any variance, building permit or conditional use permit upon the applicant's agreement that it will pay the reasonable costs, disbursements and attorney fees incurred by the City in enforcing the provisions of the variance, building permit or conditional use permit or any violation of the same.

PASSED AND ADOPTED by the Barnesville City Council this 11th day of March 2024.

Approved:

Jason Rick, Mayor

Attest:

Jeri Reep, City Clerk

First Reading February 12, 2024
Second Reading: March 11, 2024
Adopted: March 11, 2024
Published: March 18, 2024

Council member Scott Bauer arrived at 7:45 p.m.

Mayor Rick stated the next item on the agenda was the 1st reading of Ordinance 2024-06, an ordinance regarding nuisances.

City Administrator Jeremy Cossette discussed the changes to the nuisance ordinance, the due process changes for the civil abatement procedure, recovery of costs of abatements and updating and defining some nuisances.

02-12-24-12 Motion by Mr. Field and second by Mrs. Stokka to approve the 1st reading of Ordinance 2024-06. Motion carried.

CITY OF BARNESVILLE
ORDINANCE 2024-06
AN ORDINANCE AMENDING TITLE VI, CHAPTER 6-01 OF THE
MUNICIPAL CODE REGARDING NUISANCES

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

TITLE VI, CHAPTER 6-01 is amended to read as follows:

SECT. 6-0101. PUBLIC NUISANCE PROHIBITION.

A person must not act, or fail to act, in a manner that is or causes a public nuisance. For purpose of this ordinance, a person that does any of the following is guilty of maintaining a public nuisance:

Subd. 1. Maintains or permits a condition which unreasonably annoys, injures, or endangers the safety, health, morals, comfort or repose of any considerable number of members of the public; or

Subd. 2. Interferes with, obstructs, or renders dangerous for passage, any public highway or right-of-way, or waters used by the public; or

Subd. 3. Does any other act or omission declared by law or this ordinance to be a public nuisance.

SEC. 6-0102. PUBLIC NUISANCES AFFECTING HEALTH.

The following are hereby declared to be nuisances affecting health:

Subd. 1. The exposed accumulation of decayed or unwholesome food or vegetable matter;

Subd. 2. All diseased animals running at large;

Subd. 3. All ponds or pools of stagnant water;

Subd. 4. Carcasses of animals not buried or destroyed within twenty-four (24) hours after death;

Subd. 5. Accumulation of manure, refuse, or other debris;

Subd. 6. Privy vaults and garbage cans which are not rodent-free or fly-tight, or which are so maintained as to constitute a health hazard or to emit foul and disagreeable odors;

Subd. 7. The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste, or other substances;

Subd. 8. All noxious weeds and other rank growths of vegetation upon public or private property;

Subd. 9. Dense smoke, noxious fumes, gas, soot, or cinders in unreasonable quantities;

Subd. 10. All public exposure of people having a contagious disease; and

Subd. 11. Any offensive trade or business as defined by statute not operating under local license.

SEC. 6-0103. PUBLIC NUISANCES AFFECTING MORALS AND DECENCY.

The following are hereby declared to be nuisances affecting public morals and decency:

Subd. 1. All gambling devices, slot machines, and punch boards, except otherwise authorized and permitted by federal, state, or local law;

Subd. 2. Betting, bookmaking, and all apparatus used in those occupations;

Subd. 3. All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame, and bawdy houses;

Subd. 4. All places where intoxicating or 3.2 malt liquor is manufactured or disposed of in violation of law or where, in violation of law, people are permitted to resort, for the purpose of drinking intoxicating or 3.2 malt liquor, or where intoxicating or 3.2 malt liquor is kept for sale or other disposition in violation of law, and all liquor and other property used for maintaining that place; and

Subd. 5. Any vehicle used for the unlawful transportation of intoxicating or 3.2 malt liquor, or for promiscuous sexual intercourse, or any other immoral or illegal purpose.

SEC. 6-0104. PUBLIC NUISANCES AFFECTING PEACE AND SAFETY.

The following are declared to be nuisances affecting public peace and safety:

Subd. 1. All snow and ice that is not removed from public sidewalks within twenty-four (24) hours after the snow or other precipitation causing the condition has ceased to fall.

Subd. 2. All trees, hedges, billboards, or other obstructions which prevent people from having a clear view of all traffic approaching an intersection.

Subd. 3. All wires and limbs of trees that are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles.

Subd. 4. Any person participating in any party or other gathering that causes the unreasonable disturbing of the peace, quiet, or repose of another person in such a manner as to be plainly audible at the boundary of the real property, building, structure, or residence from which the noise originates, or at a distance of 50 feet from the source of the noise. "Plainly audible" is defined as sound that can be detected by a person using their unaided hearing faculties.

Subd. 5. All unnecessary and annoying vibrations.

Subd. 6. Obstructions and excavations affecting the ordinary public use of streets, alleys, sidewalks, or public grounds, except under conditions as are permitted by this ordinance or other applicable law.

Subd. 7. Radio aerials or television antennae erected or maintained in a dangerous manner.

Subd. 8. Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk that causes large crowds or people to gather, obstructing traffic and the free use of the street or sidewalk.

Subd. 9. All hanging signs, awnings, and other similar structures over streets and sidewalks, so situated as to endanger public safety, or not constructed and maintained as provided by ordinance.

Subd. 10. The allowing of rainwater, ice, or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk.

Subd. 11. Any barbed wire fence located less than six (6) feet above the ground and within three (3) feet of a public sidewalk or way.

Subd. 12. All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public.

Subd. 13. Wastewater cast upon or permitted to flow upon streets or other public properties.

Subd. 14. Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies or other materials in a manner conducive to the harboring of rats, mice, snakes, or vermin, or the rank growth of vegetation among the items so accumulated, or in a manner creating fire, health, or other safety hazards from such accumulation.

Subd. 15. Any well, hole, or similar excavation that is left uncovered or in such other condition as to constitute a hazard to any child or other person coming on the premises where it is located.

Subd. 16. Obstruction to the free flow of water in a natural waterway or a public street drain, gutter, or ditch with trash or other materials.

Subd. 17. The placing or throwing on any street, sidewalk, or other public property of any glass, tacks, nails, bottles, or other substances that may injure any person or animal or damage any pneumatic tire when passing over such substance.

Subd. 18. The depositing of garbage or refuse on a public right-of-way or on adjacent private property.

Subd. 19. Reflected glare or light from private exterior lighting exceeding 0.5 footcandles as measured on the property line of the property where the lighting is located when abutting any residential parcel, and one (1) footcandle when abutting any commercial or industrial parcel.

Subd. 20. All other conditions or things that are likely to cause injury to the person or property of another.

SEC. 6-0105. NOISE VIOLATIONS.

Subd. 1. Prohibited noises.

The following are declared to be nuisances affecting public health, safety, peace, or welfare:

(1) Any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety, or welfare of any person, or precludes their enjoyment of property, or affects their property's value in such a manner as to be plainly audible at the boundary of the real property, building, structure, or residence from which the

noise originates, or at a distance of 50 feet from the source of the noise. (this general prohibition is not limited by any specific restrictions provided in this ordinance). "Plainly audible" is defined as sound that can be detected by a person using their unaided hearing faculties.

(2) All obnoxious noises, motor vehicle or otherwise, in violation of Minn. R. Ch. 7030, as they may be amended from time to time, are hereby incorporated into this ordinance by reference.

(3) The use of any vehicle so out of repair or so loaded as to create loud and unnecessary grating, grinding, rattling, or other noise.

(4) The discharging of the exhaust or permitting the discharge of the exhaust of any statutory internal combustion engine, motor boat, motor vehicle, motorcycle, all-terrain vehicle (ATV), snowmobile, or any recreational device, except through a muffler or other device that effectively prevents loud or explosive noises therefrom and complies with all applicable state laws and regulations.

(5) Any loud or excessive noise in the loading, unloading, or unpacking of any vehicle.

(6) The use or operation, or permitting the use or operation, of any radio receiving set, television set, musical instrument, music device, paging system, machine, or other device for producing or reproduction of sound in a distinctly and loudly audible manner so as to disturb the peace, quiet, and comfort of any person nearby.

Subd. 2. Hourly restriction of certain operations.

(1) **Domestic power equipment.** No person shall operate a power lawn mower, power hedge clipper, chain saw, mulcher, garden tiller, edger, drill, or other similar domestic power equipment, except between the hours of 6:00 a.m. and 10:00 p.m. on any weekday or between the hours of 9:00 a.m. and 9:00 p.m. on any weekend or holiday. Snow removal equipment is exempt from this provision.

(2) **Construction activities.** No person shall engage in or permit construction activities involving the use of any kind of electric, diesel, or gas-powered machine or other power equipment, except between the hours of 6:00 a.m. and 10:00 p.m.

(4) **Radios, music devices, paging systems, and the like.** The operation of any device referred to in subdivision (A) (6) between the hours of 6:00 a.m. and 10:00 p.m. in a manner so as to be plainly audible at the property line of the structure or building in which it is located, or at a distance of 50 feet if the source is located outside a structure or building shall be prima facie evidence of a violation of this section.

SEC. 6-0106. NUISANCE PARKING AND STORAGE.

Subd. 1. Declaration of nuisance. The outside parking and storage on residentially zoned property of large numbers of vehicles and vehicles, materials, supplies, or equipment not customarily used for residential purposes in violation of the requirements set forth below is declared to be a public nuisance because it: (1) obstructs views on streets and private property,

(2) creates cluttered and otherwise unsightly areas, (3) prevents the full use of residential streets for residential parking, (4) introduces commercial advertising signs into areas where commercial advertising signs are otherwise prohibited, (5) decreases adjoining landowners' and occupants' use and enjoyment of their property and neighborhood, and (6) otherwise adversely affects property values and neighborhood patterns.

Subd. 2. Unlawful parking and storage.

(1) A person must not place, store, or allow the placement or storage of pipe, lumber, forms, steel, machinery, or similar materials, including all materials used in conjunction with a business, outside on residential property, unless shielded from public view by an opaque cover or fence.

(2) A person must not cause, undertake, permit, or allow the outside parking and storage of vehicles on residential property unless it complies with the following requirements:

(a) No more than four (4) vehicles per lawful dwelling unit may be parked or stored anywhere outside on residential property, except as otherwise permitted or required by the city because of nonresidential characteristics of the property. The maximum number does not include vehicles of occasional guests who do not reside on the property.

(b) Vehicles that are parked or stored outside in the front yard areas must be on a paved or graveled parking surface or driveway area.

(c) Vehicles, watercraft, and other articles stored outside on residential property must be owned by a person who resides on that property. Students who are away from school for periods of time but still claim the property as their legal residence will be considered residents on the property.

SEC. 6-0107. INOPERABLE MOTOR VEHICLES.

Subd. 1. Declaration of nuisance. Any motor vehicle described in this section shall constitute a hazard to the health and welfare of the residents of the community as such vehicles can harbor noxious diseases, furnish a shelter and breeding ground for vermin, and present physical danger to the safety and well-being of children and citizens. Motor vehicles also contain various fluids which, if released into the environment, can and do cause significant health risks to the community.

Subd. 2. Inoperable motor vehicles. It shall be unlawful to keep, park, store, or abandon any motor vehicle that is not in operating condition, partially dismantled, used for repair of parts or as a source of repair or replacement parts for other vehicles, kept for scrapping, dismantling, or salvage of any kind, or which is not properly licensed for operation within the state, pursuant to Minn. Stat. § 168B.011, Subd. 3, as it may be amended from time to time.

Subd. 3. Screening. This section does not apply to a motor vehicle enclosed in a building and/or kept out of view from any street, road, or alley, and which does not foster complaint from a resident of the city. Privacy fencing is permissible.

SEC. 6-0108. DUTIES OF CITY OFFICERS.

City officials may apply and enforce any provision of this ordinance relating to public nuisances within this jurisdiction. Any peace officer or other designated city official shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances. Except in emergency situations of imminent danger to human life and safety, no peace officer or designated city official will enter private property for the purpose of inspecting or preventing public nuisances without the permission of the owner, resident, or other person in control of the property, unless the officer or person designated has obtained a warrant or order from a court of competent jurisdiction authorizing entry.

SEC. 6-0109. ABATEMENT PROCEDURE.

Subd. 1. Procedure. Whenever the peace officer or other designated official determines that a public nuisance is being maintained or exists on the premises in the city, the official shall notify in writing the owner of record and occupant of the premises of such fact and order that the nuisance be terminated or abated. The notice of violation shall specify the steps to be taken to abate the nuisance and the time within which the nuisance is to be abated. If the notice of violation is not complied with within the time specified, the official shall report that fact forthwith to the City Council. Thereafter, the City Council may, after notice to the owner and occupant and an opportunity to be heard, determine that the condition identified in the notice of violation is a nuisance, order that the nuisance be abated and further order that if the nuisance is not abated within the time prescribed by the City Council, the city may either obtain an administrative search and seizure warrant, abate the nuisance and assess the costs of the abatement as a service charge against the property to be collected along with the taxes pursuant to Minn. Stat. 429.101, or seek injunctive relief from the Courts of the State of Minnesota by serving a copy of the City Council order and notice of motion for summary enforcement.

Subd. 2. Notice. Written notice of the violation; notice of the time, date, place, and subject of any hearing before the City Council; notice of the City Council order; and any notice of motion for summary enforcement hearing shall be served by a peace officer or designated official on the owner of record and occupant of the premises either in person or by certified or registered mail. If the premise is not occupied, the owner of record is unknown, or if the owner of record or occupant refuses to accept notice, notice of the violation shall be served by posting it on the premises.

Subd. 3. Emergency procedure; summary enforcement. In cases of emergency, where delay in abatement required to complete the procedure and notice requirements as set forth in subdivisions (1) and (2) of this section will permit a continuing nuisance to unreasonably endanger public health, safety, or welfare, the City Council may order summary enforcement and abate the nuisance. To proceed with summary enforcement, the peace officer or other designated official shall determine that a public nuisance exists or is being maintained on premises in the city and that delay in abatement will unreasonably endanger public health, safety, or welfare. The officer or designated official shall notify in writing the occupant or owner of the premises of the nature of the nuisance, whether public health, safety, or welfare will be unreasonably endangered by delay in abatement required to complete the procedure set forth in subdivision (1) of this section and may order that the nuisance be immediately terminated or abated. If the nuisance is not immediately terminated or abated, the City Council may order summary enforcement and abate the nuisance.

Subd. 4. Immediate abatement. Nothing in this section shall prevent the city, without notice or other process, from immediately abating any condition that poses an imminent and serious hazard to human life or safety.

Subd. 5. Unlawful parties or gatherings. When law enforcement determines that a gathering is creating such a noise disturbance as prohibited under Section 6-0104, Subd. 4, the officer may order all persons present, other than the owner or tenant of the premises where the disturbance is occurring, to disburse immediately. No person shall refuse to leave after being ordered to do so by law enforcement. Every owner or tenant of such premises who has knowledge of the disturbance shall make every reasonable effort to see that the disturbance is stopped.

Subd. 6. Judicial remedy. Nothing in this section shall prevent the city from seeking a judicial remedy when no other adequate administrative remedy exists.

SECT. 6-0110. RECOVERY OF COST.

Subd. 1. Personal liability. The owner of the premises on which a nuisance has been abated by the city, or a person who has caused a public nuisance on property not owned by that person, shall be personally liable for the cost to the city of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the city clerk or other city official shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable at the office of the city clerk.

Subd. 2. Assessment. After notice and hearing as provided in Minn. Stat. § 429.061, as it may be amended from time to time, if the nuisance is a public health or safety hazard on private property, the accumulation of snow and ice on public sidewalks, the growth of weeds on private property or outside the traveled portion of streets, or unsound or insect-infected trees, the city clerk shall, on or before September 1 next following abatement of the nuisance, list the total unpaid charges along with all other such charges as well as other charges for current services to be assessed under Minn. Stat. § 429.101 against each separate lot or parcel to which the charges are attributable. The City Council may then spread the charges against the

property under that statute and any other pertinent statutes for certification to the county auditor and collection along with current taxes the following year or in annual installments, not exceeding ten (10), as the City Council may determine in each case.

SECT. 6-0111. VIOLATION AND PENALTY.

Subd. 1. Violations. Any person convicted of violating any provision of this Chapter is guilty of a misdemeanor. Each day such violation continues or occurs shall constitute a separate offense and may be prosecuted as such. Nothing herein contained shall prevent the City from taking any other appropriate actions or proceedings against a violator as provided by law or City ordinance to prevent or remedy the violation or penalize the violator.

Subd. 2. Civil Action. The City may enforce this Chapter of the municipal Code through abatement or by Civil Action and the City is authorized to pursue any remedy available at law or in equity, including but not limited to temporary restraining orders, injunctions both mandatory and prohibitory as well as damages, including costs, disbursements and attorney fees incurred in any civil action by the City.

SECT. 6--0112. SEVERABILITY.

If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

SECT. 6-0113. EFFECTIVE DATE.

This ordinance becomes effective 30 days after the date of its publication, or upon the publication of a summary of the ordinance as provided by Minn. Stat., § 412.191, Subd. 4, as it may be amended from time to time, which meets the requirements of Minn. Stat. § 331A.01, Subd. 10, as it may be amended from time to time.

PASSED AND ADOPTED by the Barnesville City Council this 11th day of March 2024.

Approved:

Jason Rick, Mayor

Attest:

Jeri Reep, City Clerk

First Reading February 12, 2024
Second Reading: March 11, 2024
Adopted: March 11, 2024
Published: March 18, 2024

Mayor Rick stated the next item on the agenda was the 1st reading of Ordinance 2024-07, an ordinance regarding applications for variances, building permits and conditional use permits.

City Administrator Jeremy Cossette discussed the new section for applications for permits to include variances, building permits, and conditional use permits. This will notify the applicants that it would allow the city to recoup costs associated with applicants who commit violations of such permits.

02-12-24-13 Motion by Mrs. Stokka and second by Mrs. Bergman to approve the 1st reading of Ordinance 2024-07. Motion carried.

CITY OF BARNESVILLE
ORDINANCE 2024-07
AN ORDINANCE AMENDING TITLE VII, CHAPTER 7-01 TO ADD SECTION 7-0106
OF THE
MUNICIPAL CODE REGARDING APPLICATIONS FOR VARIANCES, BUILDING
PERMITS AND CONDITIONAL USE PERMITS

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

TITLEVII, CHAPTER 7-01, is amended to add Section 7-0106 as follows:

Subd. 1. Applications for Variances, Building Permits and Conditional Use Permits. Variances, Building Permits and Conditional Use Permits shall be issued only upon written application filed with the City, and must include all of the information requested on the application. The City may condition the issuance of any variance, building permit or conditional use permit granted pursuant to Title VII of the municipal Code upon the applicant's agreement that it will pay the reasonable costs, disbursements and attorney fees incurred by the City in enforcing the provisions of the variance, building permit or conditional use permit or any violation of the same.

PASSED AND ADOPTED by the Barnesville City Council this 11th day of March 2024.

Approved:

Jason Rick, Mayor

Attest:

Jeri Reep, City Clerk

First Reading February 12, 2024
Second Reading: March 11, 2024
Adopted: March 11, 2024
Published: March 18, 2024

Mayor Rick stated the next item on the agenda was the 1st reading of Ordinance 2024-08, an ordinance regarding violations.

City Administrator Jeremy Cossette discussed the ordinance amendment regarding the municipal code regarding violations. The civil action in which the city can recoup damages including costs, disbursements and attorney fees in any civil action by the city.

02-12-24-14 Motion by Mrs. Stokka and second by Mrs. Stuvland to approve the 1st reading of Ordinance 2024-08. Motion carried.

CITY OF BARNESVILLE
ORDINANCE 2024-08
AN ORDINANCE AMENDING TITLE I, CHAPTER 1-01, SECTION 1-0103 OF THE
MUNICIPAL CODE REGARDING VIOLATIONS

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

TITLE I, CHAPTER 1-01, SECTION 1-0103 is amended to read as follows:

SEC. 1-0103.

Subd. 1. Violation. Every person who violates a title, chapter, section, subdivision, paragraph or provision of this City Code when s/he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof shall, in addition to and except as otherwise specifically provided for in any other provision specified in any such title, chapter, section, subdivision, paragraph or provision of the municipal Code, be guilty of a

misdemeanor. Each day such violation continues or occurs shall constitute a separate offense and may be prosecuted as such. Nothing herein contained shall prevent the City from taking any other appropriate actions or proceedings against a violator as provided by law or City ordinance to prevent or remedy the violation or penalize the violator. Violations can occur regardless of whether or not a permit is required for a regulated activity.

Subd. 2. Civil Action. The City may enforce the municipal Code through stop work order issued by the City, abatement or by Civil Action and the City is authorized to pursue any remedy available at law or in equity, including but not limited to temporary restraining orders, injunctions both mandatory and prohibitory as well as damages, including costs, disbursements and attorney fees incurred in any civil action by the City. The City may condition the issuance of any license or permit upon the applicant's agreement that it will pay the reasonable costs, disbursements and attorney fees incurred by the City in enforcing the provisions of the license or permit or any violation of the same.

PASSED AND ADOPTED by the Barnesville City Council this 11th day of March 2024.

Approved:

Jason Rick, Mayor

Attest:

Jeri Reep, City Clerk

| | |
|-----------------|-------------------|
| First Reading | February 12, 2024 |
| Second Reading: | March 11, 2024 |
| Adopted: | March 11, 2024 |
| Published: | March 18, 2024 |

Mayor Rick stated the next item on the agenda was the resolution appointing election judges for the Presidential Nomination Primary Election.

02-12-24-15 Motion by Mrs. Bergman and second by Mr. Goedtke to approve the resolution appointing election judges. 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.

RESOLUTION NO. 02-12-24-15
-CITY OF BARNESVILLE OF CLAY COUNTY, MINNESOTA
APPOINTING ELECTION JUDGES
FOR THE ELECTION OF
MINNESOTA PRESIDENTIAL NOMINATION PRIMARY ELECTION
MARCH 5, 2024

WHEREAS: A Presidential Nomination Primary Election will be held on March 5, 2024, respectively; and

WHEREAS: MN Statute 204B, subd. 2, requires election judges for precincts in a municipality be appointed by the governing body of the municipality; and

WHEREAS: the City of Barnesville has one voting precinct; and

WHEREAS: the following City of Barnesville residents have agreed to serve as election judges and have met the qualifications established by the State of Minnesota.

NOW, THEREFORE, BE IT RESOLVED, that the City of Barnesville hereby appoints the following to serve as election judges for the Presidential Nomination Primary Election 2024, with the understanding that amendments may be necessary to the appointments in order to fill vacancies and meet party splits.

Judges:

Evonne Herbig, Donna McEvers, Shirley Bolgrean, Patty Swenson, Janna Cayler, Mary Iverson, Andrea Quiggle, Mabel Sacrison, Elaine Austin, Carolyn Gabel, Becky Stout, and Jeri Reep.

Adopted by the City Council of the City of Barnesville this 12th day of February 2024

Jason Rick
Mayor

Attest:

Jeri L. Reep
City Clerk

Mayor Rick stated the next item on the agenda would be a closed session pursuant to the attorney client privilege to discuss pending or threatened litigation: MN Statues 13D.05.

02-12-24-16 Motion by Mrs. Stuvland and second by Mr. Bauer to close the regular meeting at 7:50 p.m. Motion carried.

02-12-24-17 Motion by Mr. Goedtke and second by Mrs. Stokka to open the meeting at 8:07 p.m. Motion carried.

Mayor Rick adjourned the meeting at 8:08 p.m.

Submitted by:

Attest:

Jeri Reep
City Clerk

Jason Rick
Mayor

