

## **Barnesville City Council**

### **Regular Meeting**

**June 10, 2024**

Mayor Rick called this regular meeting to order at 7:00 p.m. Member's present were Council members Tonya Stokka, Don Goedtke, Alyssa Bergman, and Brad Field. Absent were Council members Dawn Stuvland and Scott Bauer. Others in attendance were City Administrator Jeremy Cossette, City Attorney Charles Ramstad, City Clerk Jeri Reep, TEC Manager Guy Swenson, EDA Director Karen Lauer, Finance Director Laurie Schell, Public Works Director Charlie Revering, Police Chief Joel Voxland, Representative Jim Joy, Aubree Martinez, Emily Holmes, Lori Van Watermulen, 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 three additions: approval to hire Jeanette Nelson as EMT, approval of bids for repair of asphalt shingle roof replacement and metal roof/siding replacement, and alcohol permits for the June 20<sup>th</sup> block parties.

**06-10-24-01** Motion by Mrs. Stokka and second by Mrs. Bergman to approve the agenda as presented, with the following additions: approval to hire Jeanette Nelson as EMT, approval of bids for repair of asphalt shingle roof replacement and metal roof/siding replacement, and alcohol permits for the June 20<sup>th</sup> block parties. Motion carried.

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

**06-10-24-02** 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 the minutes of the regular meeting held on May 13, 2024.
2. Approval of the department head reports.
3. Approval of check numbers 95005 – 95134 and EFT payments for a total of \$614,241.46
4. Approval of KC's liquor request-July 11-14, 2024
5. Approval to switch to DGR Engineering-Electrical Engineering
6. Approval to hire Michael Wacker as a Water Technician
7. Approval to hire Matthew Samuelson as a seasonal mower
8. Approval of the Barnesville Event Center Rates
9. Approval to advertise for a Digger/Derrick truck
10. Approval of Employee work week
11. Approval of Barnesville Thursday Nite Lions gambling request-July 13-14, 2024
12. Approval of Barnesville Thursday Nite Lions gambling request-August 23, 2024
13. Approval of the Main Street Budget Amendment
14. Approval to hire Jeanette Nelson as EMT
15. Approval of bids for repair of asphalt shingle roof replacement and metal roof/siding replacement

Mayor Rick stated the next item on the agenda was the boards and commissions report. Mayor Rick presented a training video of the Fire Dept.

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

Mayor Rick stated the next item on the agenda was the Mayor and Council Members announcements. Mayor Rick welcomed Michael Wacker as the new water technician. Mayor Rick also congratulated TEC Manager Guy Swenson for being elected as the Vice President of WMMPA.

Mayor Rick stated the next item on the agenda was the update from Representative Jim Joy.

Representative Jim Joy discussed with council members updates with the state. Mr. Joy stated that this is a policy year, and there was no bonding bill this year. The 911 fees are a concern, and a priority for him. Council members had no questions for Representative Jim Joy and thanked him for coming to the meeting.

Council member Scott Bauer arrived at 7:16 p.m.

Mayor Rick stated the next item on the agenda was the partnering with Red River Communications to resell the Red River TV packages.

TEC Manager Guy Swenson informed council members that staff have been working with Red River Communications to resell their cable TV packages. The TEC Board recommends Barnesville Cable TV would discontinue service on April 30, 2025. Staff is working on finalizing the franchise agreement. Council member Brad Field stated that this would offer a cable TV option to our customers.

**06-10-24-03** Motion by Mr. Field and second by Mr. Bauer to authorize staff to continue to work with Red River Communications to finalize a franchise agreement with Red River Communications. Motion carried.

**06-10-24-04** Motion by Mr. Field and second by Mr. Goedtke to authorize staff to start the process of shutting down the Barnesville Cable TV. Motion carried.

Mayor Rick stated the next item on the agenda was the public hearing for nuisance violations at 101 4<sup>th</sup> Street NE.

**06-10-24-05** Motion by Mrs. Bergman and second by Mr. Bauer to open the public hearing at 7:29 p.m. for public nuisance violations at 101 4<sup>th</sup> Street NE. Motion carried.

City Attorney Charles Ramstad informed council members that the public hearing is necessary to abate the property. The owner of the property had been notified on April 30, 2024. Police Chief Joel Voxland stated that there are less bikes on the property, but there still are many bikes there, along with a inoperable vehicle.

**06-10-24-06** Motion by Mr. Bauer and second by Mr. Goedtke to close the public hearing at 7:37 p.m. Motion carried.

**06-10-24-07** Motion by Mrs. Stokka and second by Mrs. Bergman to approve the resolution declaring nuisance, ordering abatement and assessing costs as a service fee to 101 4<sup>th</sup> Street NE. Upon a roll call vote, the following voted aye: Council members Stokka, Goedtke, Bauer, Bergman and Field. The following were absent: Council member Stuvland. Motion carried.

**CITY OF BARNESVILLE**

**County of Clay**

**State of Minnesota**

**Resolution No. 06-10-24-07**

**RESOLUTION DECLARING NUISANCE, ORDERING ABATEMENT  
AND ASSESSING COSTS AS A SERVICE FEE**

**RECITALS**

1. Pamela S. Anderson is the record owner of real property located in Barnesville, Minnesota (hereinafter the "Property"), identified as Clay County Tax Parcel No. 50.575.0960, located at 101 4th Street NE, Barnesville, MN 56514 and legally described as Lots 11 and 12, Block 12, Original Town of Barnesville (hereinafter the "Property").
2. On May 8, 2024 the City of Barnesville Minnesota served a Notice of Violation, Order to Abate Nuisance Violation and Notice of Hearing dated April 30, 2024 by Certified Mail upon Pamela S. Anderson and the occupant of the property Dane Stueber-Huapaya was served on May 2, 2024 a Notice of Violation, Order to Abate Nuisance Violation and Notice of hearing dated April 30, 2024 by personal service. The April 30, 2024 Notice of Violation, Order to Abate Nuisance and Notice of Hearing set a hearing before the City Council on June 10, 2024 at 7:00 p.m. at the City Administrative Building located at 102 Front Street North, Barnesville, Minnesota to consider whether to declare the condition of the Property a nuisance and if so, to order the nuisance abated and assess the cost of the abatement as a service fee special assessment against the Property.
3. At the hearing on June 10, 2024, the City Council considered the following evidence:
  - a. April 30, 2024 Notice of Violation, Order to Abate Nuisance Violations and Notice of Hearing, Affidavit of Service of the Notice by Certified Mail upon

Pamela S. Anderson and by personal service to the occupant of the property Dane Stueber-Huapaya and Affidavit of Personal Service of Notice upon Pamela S. Anderson and the occupant of the property Dane Stueber-Huapaya.

b. Parcel Report from Clay County to verify that Pamela S. Anderson is the owner of the Property.

c. Photographs of the condition of the Property taken on May 17, 2022, July 7, 2023, January 4, 2024, and Photographs of the current condition of the Property taken on June 10, 2024.

d. Testimony offered from Chief of Police Joel Voxland.

4. After hearing, the City Council found and determined as follows:

a. Notice of the Hearing for the June 10, 2024, hearing was properly given on May 8, 2024, to Pamela S. Anderson and on May 2, 2024 to the occupant of the property Dane Stueber-Huapaya.

b. Pamela S. Anderson is the record owner of real property located in Barnesville, Minnesota identified as Clay County Tax Parcel No. 50.575.0960, located at 101 4th Street NE, Barnesville, MN 56514 and legally described as Lots 11 and 12, Block 12, Original Town of Barnesville.

c. The Property is currently in violation of Barnesville City Code Section 6-0104 Subd. 14, Public Nuisance Affecting Peace and Safety. Barnesville City Code defines a Public Nuisance Affecting Peace and Safety to include accumulations in the open or an open building of discarded or disused machinery, household appliances, household items not classified as appliances, furniture, automobile bodies, automobile parts, boats or other recreational items, tires, car batteries, metals, waste material, or other material in a manner conducive to the harboring of insects, rodents, snakes, or other vermin, or the rank growth of vegetation among the items so accumulated. The items in plain view at the Property include accumulations in the open and in an open building of discarded or disused machinery, household appliances, household items not classified as appliances, furniture, automobile bodies, automobile parts, numerous unused bicycles, a trampoline, other recreational items, tires, metals, and waste material in a manner conducive to the harboring of insects, rodents, snakes, or other vermin, all constituting a Public Nuisance Affecting Peace and Safety.

d. The Property is currently in violation of Barnesville City Code Section 6-0107 Subd. 2, Public Nuisance by Inoperable Motor Vehicles. Barnesville City Code defines a Public Nuisance by Inoperable Motor Vehicles to be any motor

vehicle that is not in operating condition, partially dismantled, used for repair or 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. In plain view at the property is a motor vehicle that is not in operating condition, is partially dismantled which is not properly licensed for operation within the state, constituting a Public Nuisance by Inoperable Motor Vehicle.

e. On April 30, 2024, Pamela S. Anderson and the occupant of the property Dane Stueber-Huapaya were ordered to abate (eliminate) these violations by June 10, 2024. Specifically, Pamela S. Anderson and the occupant of the property Dane Stueber-Huapaya were directed to remove all discarded or disused machinery, household appliances, household items not classified as appliances, furniture, automobile bodies, automobile parts, numerous unused bicycles, a trampoline, other recreational items, tires, metals, and waste material in a manner conducive to the harboring of insects, rodents, snakes, or other vermin and the motor vehicle that is not in operating condition, is partially dismantled which is not properly licensed for operation within the state from the Property.

f. Pamela S. Anderson and the occupant of the property Dane Stueber-Huapaya failed to abate (eliminate) these violations and abate the nuisances by June 10, 2024, as required by the April 30, 2024, Notice of Violation, Order to Abate Nuisance Violations and Notice of Hearing.

NOW THEREFORE, IT IS RESOLVED AND ORDERED AS FOLLOWS:

1. The condition of the Property is hereby Declared to be in violation of Barnesville City Code Section 6-0104 Subd. 14, Public Nuisance Affecting Peace and Safety.
2. The condition of the Property is hereby Declared to be in violation of Barnesville City Code Section 6-0107 Subd. 2, Public Nuisance by Inoperable Motor Vehicles.
3. The Violations and Nuisances shall be Abated by Pamela S. Anderson and the occupant of the property Dane Stueber-Huapaya within Fifteen (15) days after service of this Resolution and abatement Order upon them.
4. Unless Pamela S. Anderson and the occupant of the property Dane Stueber-Huapaya complete the abatement of the nuisance to the satisfaction of the City or obtain an order of the District Court enjoining enforcement of the abatement order within Fifteen (15) days after service of this Resolution and abatement Order upon them, the City shall seek injunctive relief from the Courts of the State of Minnesota to authorize the City, through

its agents, to complete the abatement of the nuisance in compliance with all applicable codes and regulations, charge the cost of completing that abatement and administrative costs to Pamela S. Anderson as a personal obligation and, if the costs of abatement and administrative costs are not paid in full to the City within thirty (30) days after the date of abatement, to specially assess the costs of abatement and administrative costs against the Property to be added to the real estate taxes as a service charge pursuant to Minn. Stat. 429.101, after proper notice and hearing.

5. The City shall serve this Resolution and Abatement Order upon record owner Pamela S. Anderson and the occupant of the property Dane Stueber-Huapaya by Certified Mail, First Class Mail, personal service if possible and posting on the property if personal service is not possible.

Adopted this 10<sup>th</sup> day of June 2024.

CITY OF BARNESVILLE

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By: Jason Rick

Its: Mayor

Attest:

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By: Jeremy Cossette

Its: City Administrator

Mayor Rick stated the next item on the agenda was the purchase of tablets for Council members.

City Administrator Jeremy Cossette informed council members that with the upcoming switchover to a new agenda software, the technology needs to change with this software. The funding for the tablets for council members will be taken out of the unallocated funds we have left from the ARPA funding, and if any other funding is needed, we have funds in the City Council budget for this expenditure.

**06-10-24-08** Motion by Mr. Field and second by Mrs. Bergman to approve the purchase of tablets for council members, with the funding from the ARPA funding, and if necessary the City Council budget. Motion carried.

Mayor Rick stated the next item on the agenda was the 4<sup>th</sup> Avenue NE pipe lining project review of bids.

Public Works Director Charlie Revering informed council members that the quotes reviewed at the May council meeting for the 4<sup>th</sup> Avenue NE pipe lining project, that a clerical error was in one of the quotes, and it is necessary to rescind the quote from Drain Services. Staff is recommending to approve the bid from Subsurface, Inc. in the amount of \$150,865.00 to reline 935 feet of the sewer main.

**06-10-24-09** Motion by Mr. Bauer and second by Mr. Goedtke to rescind the quote from Drain Services for the 4<sup>th</sup> Ave NE pipe lining project. Motion carried.

**06-10-24-10** Motion by Mr. Goedtke and second by Mrs. Stokka to approve the quote from Subsurface, Inc. in the amount of \$150,865.00 for the 4<sup>th</sup> Ave NE pipe lining project. Motion carried.

Mayor Rick stated the next item on the agenda was the resolution declaring Potato Days a Community Wide Festival.

**06-10-24-11** Motion by Mrs. Bergman and second by Mr. Bauer to approve the resolution declaring Potato Days a Community Wide Festival. Upon a roll call vote, the following voted aye: Council members Stokka, Goedtke, Bauer, Bergman and Field. The following were absent: Council member Stuvland. Motion carried.

**CITY OF BARNESVILLE**

**COUNTY OF CLAY**

**STATE OF MINNESOTA**

**RESOLUTION DECLARING BARNESVILLE**

**POTATO DAYS A COMMUNITY-WIDE FESTIVAL**

**RESOLUTION NO. 06-10-24-11**

**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 23<sup>rd</sup> through August 24<sup>th</sup>, 2024; 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 23<sup>rd</sup> through August 24<sup>th</sup>, 2024 are designated as dates during which the City of Barnesville may issue special event community-wide festival licenses.

Dated: June 10, 2024

APPROVED:

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Jason Rick

Mayor

ATTEST:

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Jeri Reep

City Clerk



Mayor Rick stated the next item on the agenda was the resolution declaring the Clay County Fair a Community Wide Festival.

**06-10-24-12** Motion by Mr. Bauer and seconded by Mrs. Stokka to approve the resolution declaring the Clay County Fair a Community Wide Festival. Upon a roll call vote, the following voted aye: Council members Stokka, Goedtke, Bauer, Bergman and Field. The following were absent: Council member Stuvland. Motion carried.

**CITY OF BARNESVILLE**

**COUNTY OF CLAY**

**STATE OF MINNESOTA**

**RESOLUTION DECLARING THE CLAY COUNTY FAIR**

**A COMMUNITY-WIDE FESTIVAL**

**RESOLUTION NO. 06-10-24-12**

**WHEREAS** Clay County Fair is an annual festival occurring in the City of Barnesville; and

**WHEREAS** the Clay County Fair involves activities and entertainment that involve not only the Barnesville community but surrounding communities; and

**WHEREAS** the Clay County Fair will occur on July 11<sup>th</sup>-14<sup>th</sup>, 2024; and

**WHEREAS** the Barnesville City Council desires to promote the Clay County Fair and encourage local businesses to participate in the Clay County Fair, and

**WHEREAS**, it is necessary to designate the Clay County Fair 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 the Clay County Fair as a community-wide festival.

**NOW, THEREFORE, BE IT RESOLVED**, that the Clay County Fair is hereby designated a community-wide festival.

**BE IT FURTHER RESOLVED** that the dates of July 11<sup>th</sup>-14<sup>th</sup>, 2024 are designated as dates during which the City of Barnesville may issue special event community-wide festival licenses.

Dated: June 10, 2024

APPROVED:

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Jason Rick

Mayor

ATTEST:

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Jeremey Cossette

City Administrator

Mayor Rick stated the next item on the agenda was the alcohol permits for the June 20<sup>th</sup> block parties.

City Administrator Jeremy Cossette informed council members that the Community Fund is organizing a community-wide block parties on Thursday, June 20<sup>th</sup> from 5:00 p.m. to 10:00 p.m. Neighborhood block parties can register with the Community Fund and will be able to barricade their street to allow for gatherings in the public right of way. Neighborhoods interested in consuming alcohol in public have submitted permit applications, which if approved would allow them to consume alcohol.

**06-10-24-13** Motion by Mr. Bauer and second by Mrs. Bergman to allow staff to approve applications for alcohol permits for the June 20, 2024 block parties. Motion carried.

Mayor Rick adjourned the meeting at 7:45 p.m.

Submitted by:

Attest:

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Jeri Reep

City Clerk

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Jason Rick

Mayor