

COUNCIL MEETING
MARCH 2, 2010

Meeting called to order by Mayor Tammy Konz at 7:01pm

Pledge of Allegiance recited

Council members present: Tammy Konz, Eric Loewen, Joe Krippner and DuWayne Orbeck; Chris Jansky absent – Chris Jansky arrived at 7:05

Others present: Scott Qualle, Ty Turnquist, Steve Smith, Cheryl Foster, Rhonda Pagel, James Crane, Chad Johnson, Chris Langness and Bruce Phillips

Addendums to the agenda are James Crane water shut-off/reconnection fee and Rhonda Pagel & the Kuechle Settlement agreement, addendum to the consent agenda is the Renewal of the Work Comp Insurance from April 25, 2010 – April 25, 2011 and to also cover elected officials, Fire Relief Association, Fire Board and volunteers and to select the regular premium option

Motion made by Eric Loewen and seconded by DuWayne Orbeck to approve the February 9, 2010 minutes; motion carried
Council member Chris Jansky absent

Motion made by Eric Loewen and seconded by DuWayne Orbeck to approve the February 22, 2010 Special Meeting minutes; motion carried
Council member Chris Jansky absent

Motion made by Eric Loewen and seconded by Joe Krippner to approve the claims; motion carried
Council member Chris Jansky absent

Council member Chris Jansky arrived at 7:05

Motion made by Joe Krippner and seconded by Chris Jansky to approve the following consent agenda items:

1. Ed Borman to carry over up to 32 vacation hours past his anniversary date of March 6, 2010
2. Jim Frilstad to take vacation February 11 & 12, 2010
3. Request from Kimball Firefighter's Auxiliary for Dance Permit; fee being waived
4. Renewal of Work Comp Insurance from April 25, 2010 – April 25, 2011 and to also cover elected officials, Fire Relief Association, Fire Board and volunteers and to select the regular premium option

motion carried

James Crane spoke to the council about his \$75 reconnection fee and making payments on his account. He asked that his reconnection fee be forgiven then talked about a

previous years' utility bill being assessed to the property. Mayor Konz informed him that has nothing to do with the current situation. Mayor Konz stated that Mr. Crane had come into the office, made a payment, spoke with Chris Jeppesen and agreed to come back in 2 weeks with another payment, after 2 ½ weeks he had not come in with another payment and his water was shut off. Mr. Crane then proceeded to call the Attorney General's Office instead of calling the city and/or the council directly to deal with the situation. Mayor Konz returned the Attorney General's phone call and explained the situation to their representative. Mr. Crane stated that he thinks the \$75 reconnection fee is ridiculous so council member Joe Krippner explained to him that the \$75 reconnection fee is to cover the cost of the Public Works department. Mayor Konz listed various places Mr. Crane could go around the area to help him pay for his utility bill. Council member DuWayne Orbeck explained to Mr. Crane that the city workers work for the city not themselves to try and help Mr. Crane better understand what actions can and cannot be taken in the city offices; thus the reasoning on why he needs to come before the council for issues such as these.

Motion made by Joe Krippner and seconded by Chris Jansky to waive Mr. Crane's reconnection fee upon a payment of \$60 being received the morning of March 4, 2010 and further good faith payments; motion carried

Mr. Crane then proceeded to state that upon moving out of his current residence April 1, 2010 he will not leave the city with an owed utility bill.

Cheryl Foster from the Stearns County Assessor's Office spoke about property values changing and the green acres program. She also handed out to the council an Assessment Summary that gave an overview of the assessment process and 2009 assessment changes by property type for the City of Kimball, 2009 Tax Capacity Rates for Stearns County, County LNTC (local net tax capacity) and RMV (referendum market value) by Township and City and also Sales Comparison Information. Council member Eric Loewen asked Mrs. Foster about the property taxes on the Wastewater parcels and she will be checking into the issue and getting back to us.

Public Works Director Chad Johnson asked about rugs for the hallway in City Hall. He was supposed to have estimate ready for the council but did not. He mentioned that he is looking at taking some vacation time this summer and will be checking with Paul Hoeschen to make sure he is available and that he had already discussed it with Ed Borman in Public Works. Mr. Johnson said he saw a used trailer jetter for approximately \$18000 and that a new one is approximately \$45000. Rhonda Pagel stated that other cities will sometimes do a joint purchase with a neighboring town to split the cost or rent one from a neighboring town for a short period of time instead of having Roto-Rooter come out to perform the service.

Scott Qualle from MNSPECT gave a presentation on "How Permit Fees are Calculated."

Rhonda Pagel from Pagel Law Office discussed the Rental Ordinance with the council members and Scott Qualle, Ty Turnquist and Steve Smith from MNSPECT.

Motion made by Chris Jansky and seconded by Joe Krippner to allow MNSPECT to work with Pagel Law Office to draft the appeals process; motion carried

Motion made by Joe Krippner and seconded by Eric Loewen to table the appeals process for the time being; motion carried

The Spaulding residence was discussed and whether they must comply with the Rental Ordinance or if it is exempt. It was determined that the Spaulding residence is exempt since it qualifies as a "boarder situation" due to the fact that there is "free roam" between units.

A rental situation would be if doors to each unit are actually locked and neither the tenant nor the owner has "free reign" to enter either area as they wish.

The council instructed MNSPECT to send letters to those properties that are appealing the fact that they must comply with the Rental Ordinance stating that the appeals are still under consideration; council also instructed the City Clerk to send a letter to the Carlson residence asking for proof and reasoning on why she feels she is exempt.

Bruce Phillips addressed being charged a minimum charge/unit for city utilities. Council member DuWayne Orbeck believed this was due to the fact that the MPCA required this for the pond expansion for future years. The council would like Chris Jeppesen to check on this in the City Ordinances.

(After the meeting the Clerk spoke with Chris Jeppesen about this and she stated it was the auditors not the MPCA.)

Rhonda Pagel discussed the draft of the Kuechle Settlement Agreement and Release regarding the 2006 Magnus Johnson and Linden Avenue reconstruction project with the council. Council members expressed their desire to have Kuechle Underground also reimburse the city for the costs of having SEH inspect the replaced concrete.

Motion made by Eric Loewen and seconded by Joe Krippner to approve the settlement agreement as presented with the addition of language requiring Kuechle to reimburse the City for the costs associated with SEH's review of the replaced concrete and to authorize Mayor Tammy Konz and City Clerk Nicole Pilarski to sign the agreement; motion carried with DuWayne Orbeck abstaining

Traffic safety issues at the intersection of Main St and Hazel Ave were discussed; specifically at times when items are being picked up/loaded at K-Bid. Officer Langness said although he is not typically on duty during the day it has been noticed that there can be traffic confusion if all street parking spots are being used and vehicles start to line up on the Hazel Ave driving lanes themselves thus creating backup when vehicles on Main St try to turn onto Hazel Ave. Council member DuWayne Orbeck said that he will speak with K-Bid about having their employees park in the city parking lot across the street to help ease congestion and also having a flagger present during these "high congestion" times with a flagging vest on. Council member Joe Krippner expressed concern about a skid loader/Bobcat driving over the curb and not the apron.

The council requested a list of any special payment arrangements that had been made for utility bills so that they are better aware if they should receive a phone call from a citizen regarding their payment arrangement.

Discussion of the 2010 Budget and possible unallotment was tabled until the April 6, 2010 council meeting.

Motion made by DuWayne Orbeck and seconded by Eric Loewen to adjourn at 10:24pm; motion carried

Respectfully submitted by Nicole Pilarski