

## COUNCIL MEETING

APRIL 3, 2012

Meeting called to order by Mayor Tammy Konz at 7:03pm

Pledge of Allegiance recited

Council members present: Tammy Konz, Paula Capes, Joe Krippner, Eric Loewen and Nate Osmundson

Others present: Doug Host, Sarah Utsch, Tim Ellis, Steve Gohman, John Greer, Dan Halbmaier, Derek Orbeck, Shawn Dahlinger, Dustin Orbeck, Jeff Orbeck, Duane Peterson, Sue Berscheid, Glenn Winter, Jennifer Thompson, Jody Orbeck, Paul Epple, Kevin McGinty, Aaron Dahlinger, Amanda Orbeck, Lynne Orbeck, DuWayne Orbeck, Jeff Swanson, Tad Kurkowski, Judd Bonham, Paul DeGree, Ed Marsolek, Leslie Arnold, Jim Frilstad, Greg Reiter, Jason Mehr, Tom Jovanovich, Scott Qualle, Dean Mau, Jim Young, Jean Matua, John Gohmann and Troy Atkinson

Motion made by Joe Krippner and seconded by Paula Capes to approve the following addendums to the agenda: Consent Item #7 Chief Frilstad and Officer Capes to attend BCA Training in Marshall May 7, 2012 and Resolution No. 04032012C Resolution of the Kimball City Council for the Adoption of the City of Kimball Cafeteria Plan under the City Clerk section; motion carried

Motion made by Joe Krippner and seconded by Nate Osmundson to approve the claims; motion carried

Motion made by Paula Capes and seconded by Eric Loewen to approve the following Consent Agenda items:

1. Minutes of the March 20, 2012 Council Meeting
2. Shut-off Delinquent Utilities April 18, 2012
3. Officer Capes to attend Executive Training Institute April 23-26, 2012 in St. Cloud
4. Chief Frilstad to attend Executive Training Institute April 23 & 24, 2012 in St. Cloud
5. Chief Frilstad and Officer Capes to attend Liquor License Training May 9, 2012 in Waite Park
6. Resolution No. 04032012A Resolution Accepting Donation
7. Chief Frilstad and Officer Capes to attend BCA Training in Marshall May 7, 2012

motion carried

Tom Marquardt from the Kimball Express Ballteam was not present.

Doug Host and Sarah Utsch from CliftonLarsonAllen went over the 2011 City audit and financial statements with the Council. For the second year in a row, there were no new audit findings.

The Zoning Administrator read aloud City Ordinance 1135.09 Subd. 07 for the Council and presented information regarding Kim-Built Propane as follows: Kim-Built Propane was issued a CUP on 1/17/2012. This CUP was granted to allow the construction, installation and maintenance of 8 above ground fuel storage tanks at their property. Conditions of this CUP were as follows: Must follow all provisions of the Minnesota Pollution Control Agency, Minnesota State Building & Fire Code, Minnesota Department of Labor and Industry and the Minnesota State Fire Marshal for the construction, installation, and maintenance of the above ground fuel storage tanks. At this time MNSPECT has not issued a building permit for these tanks as Kim-Built is in violation of several fire codes based on the plans submitted.

MNSPECT has been in conversation with Kim-Built several times regarding these code violations. MNSPECT is available tonight to discuss said code violations. Furthermore Kim-Built has inquired about applying for a variance to several of these codes and it was my understanding that variances can't be granted for Fire or Building Codes when we are at the state minimum. Dustin Orbeck stated to myself and our inspections office that he spoke to Kevin at the State Fire Marshal's office and was told there is a variance process they could pursue. At this time Kim-Built has not made application for said variance. Kevin McGinty, the State Fire Marshall, is present tonight to discuss the procedures the State Fire Marshall's office follows in granting variances from the Fire Code. He will be able to answer any questions the Council may have about the variance procedure and his knowledge of this project.

Scott Qualle from MNSPECT discussed with the Council agencies and state codes involved in opening up a convenience store and gas station including but not limited to: City Zoning, MN Dept. of Commerce, MN Pollution Control Agency, fire code, electrical code, plumbing code, building code, mechanical code and Dept. of Agriculture.

John Greer spoke on behalf of Kim-Built Propane. He is the attorney for Kim-Built.

Deputy State Fire Marshal Kevin McGinty spoke with the Council about the appeals process for the fire code as stated in *Minn. Stat. §299F.011*. If Kim-Built wishes to apply for a variance, they must first apply for one through the City.

Dan Halbmaier from B&H Petroleum proposed changing the tanks plans and having 4 - 12,000gal tanks for the retail fuel and the remaining tanks for bulk fuel deliveries.

Jeff Orbeck asked about access drives.

The Zoning Administrator went over the requirements and informed Mr. Orbeck that if he wants to vary away from those requirements he would have to apply for a variance.

Ed Marsolek from Heritage House spoke with the Council regarding their TIF District and construction plans.

Motion made by Eric Loewen and seconded by Nate Osmundson to give Heritage House an extension until October 31, 2012 for submitting plans; motion carried

DuWayne Orbeck discussed the alleyway by Neil Spaulding's house with the Council; dirt from the alleyway is going into his pool. The Council discussed if tarring part of the alleyway with the upcoming utility project would be possible. Councilmember Loewen would like the City Clerk to check into improvement petitions and property owners paying for specific improvements.

The City Attorney will send a letter to Kim-Built Propane's attorney listing what documents must be submitted to proceed. The City has not yet received plans showing the required information as it pertains to access drives, storm water control, parking spaces and curb and gutter.

Chief Frilstad gave the monthly police report. The City did make application for the COPS Grant again. If selected for funding a post 9/11 veteran must be hired. Officer Capes has been working on the scheduling.

Motion made by Nate Osmundson and seconded by Joe Krippner to hire Jason Mehr as a part-time officer; motion carried

Motion made by Joe Krippner and seconded by Eric Loewen to set Officer Mehr's rate of pay at \$12.50/hr. and do a 3-month evaluation; motion carried

Motion made by Joe Krippner and seconded by Nate Osmundson to have Officer Mehr attend SFST Training in Faribault April 17 & 18; motion carried

The City Clerk received a grant for \$150 to attend the MMCI in Brooklyn Center.

Motion made by Joe Krippner and seconded by Eric Loewen to authorize payment of the resubmitted Waste Management final billings for residential service and City Hall dumpster service; motion carried

Motion made by Eric Loewen and seconded by Paula Capes to have the Public Works Dept. water the new plantings that will be installed next to City Hall by the FFA on Pete Werner's property; motion carried

The Board of Appeal and Equalization is April 17, 2012, from 6:00pm – 6:30pm. There will be a special meeting afterwards for MN Benefit Advisors to present the City health/dental insurance renewal.

Motion made by Joe Krippner and seconded by Eric Loewen to adopt Resolution No. 04032012B Resolution Authorizing 2012 Liquor License Renewal; motion carried

Motion made by Nate Osmundson and seconded by Eric Loewen to adopt Resolution No. 04032012C Resolution of the Kimball City Council for the Adoption of the City of Kimball Cafeteria Plan; motion carried

Kimball Days Coordinator Leslie Arnold discussed the Little Miss Kimball float with the Council. The City Clerk will prepare a resolution to adopt the donation for the next meeting.

There will be an employee meeting April 5 at 8:00am.

Motion made by Joe Krippner and seconded by Paula Capes to adjourn at 9:13pm; motion carried

Respectfully submitted by Nicole Pilarski

City of Kimball

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Payments

Current Period: March 2012

Batch Name MMCI2012 Payment Computer Dollar Amt \$260.00 Posted

Refer 4439 ST CLOUD STATE UNIVERSITY Ck# 000228E 3/26/2012
Cash Payment E 101-41400-208 Training and NICOLE YEAR 3 MMCI \$260.00
Invoice 3/26/2012
Transaction 3/26/2012 Due 0 Checking 10100 Total \$260.00

Fund Summary

101 GENERAL FUND 10100 Checking \$260.00 \$260.00

Pre-Written Checks \$260.00
Checks to be Generated by the Computer \$0.00
Tota \$260.00

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Payments

Current Period: March 2012

Batch Name 032812CLAIMS Payment Computer Dollar Amt \$185.95 Posted

Refer 4441 LINCOLN MUTUAL LIFE & Ck# 034674 3/28/2012
Cash Payment E 101-41400-134 Employer Paid Life CLERK LIFE INSURANCE \$25.95
Invoice 3/21/2012
Cash Payment E 602-49450-134 Employer Paid Life SEWER LIFE INSURANCE \$18.76
Invoice 3/21/2012
Cash Payment E 601-49400-134 Employer Paid Life WATER LIFE INSURANCE \$18.76
Invoice 3/21/2012
Cash Payment E 101-43100-134 Employer Paid Life PUBLIC WORKS LIFE INSURANCE \$37.53
Invoice 3/21/2012
Cash Payment E 101-42110-134 Employer Paid Life POLICE LIFE INSURANCE \$84.95
Invoice 3/21/2012
Transaction 3/28/2012 Due 0 Checking 10100 Total \$185.95

Fund Summary

602 SEWER FUND 10100 Checking \$18.76
601 WATER FUND \$18.76
101 GENERAL FUND \$148.43
\$185.95

Pre-Written Checks \$185.95
Checks to be Generated by the Computer \$0.00
Tota \$185.95

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Payments

**Current Period: April 2012**

Batch Name 040312CLAIMS  
 Payment Computer Dollar Amt \$6,182.43 Posted

Refer 4444	EMBLEM ENTERPRISES INC.	<u>Ck# 034681 4/3/2012</u>		
Cash Payment	E 101-42110-437 Other Miscellaneous	Police Uniform Patches	\$592.19	
Invoice	514288	3/6/2012		
Cash Payment	E 101-42110-437 Other Miscellaneous	Credit on Uniform Patches	-\$110.80	
Invoice	347264CM	3/14/2012		
Transaction	3 /29/2012	Due 0 Checking	10100	<b>Total</b> \$481.39
Refer 4445	SOUTH CENTRAL COLLEGE	<u>Ck# 034691 4/3/2012</u>		
Cash Payment	E 101-42110-208 Training and	Police Training in Faribault	\$200.00	
Invoice	00110198	3/26/2012		
Transaction	3 /29/2012	Due 0 Checking	10100	<b>Total</b> \$200.00
Refer 4446	AFLAC	<u>Ck# 034675 4/3/2012</u>		
Cash Payment	G 101-21710 Other Deductions	Mar Premium	\$121.80	
Invoice	830695	3/26/2012		
Transaction	3 /29/2012	Due 0 Checking	10100	<b>Total</b> \$121.80
Refer 4447	KIMBALL GARAGE	<u>Ck# 034686 4/3/2012</u>		
Cash Payment	E 101-42110-222 Vehicle Maintenance	Police Durango LOF & R/B & Tire Patch	\$47.30	
Invoice	13324	3/15/2012		
Transaction	3 /29/2012	Due 0 Checking	10100	<b>Total</b> \$47.30
Refer 4448	HENDRICKS SAND AND GRAVEL	<u>Ck# 034683 4/3/2012</u>		
Cash Payment	E 101-43100-224 Street Maint Materials	Public Works Street Granite	\$42.00	
Invoice	7853D	3/19/2012		
Transaction	3 /29/2012	Due 0 Checking	10100	<b>Total</b> \$42.00
Refer 4449	THEIN WELL CO	<u>Ck# 034694 4/3/2012</u>		
Cash Payment	E 601-49400-400 Repairs & Maint Cont	Annual Well Inspection	\$275.00	
Invoice	4064	3/22/2012		
Transaction	3 /29/2012	Due 0 Checking	10100	<b>Total</b> \$275.00
Refer 4450	AMERIPRIDE SERVICES	<u>Ck# 034676 4/3/2012</u>		
Cash Payment	E 101-41000-300 Professional Svcs	City Hall Rugs	\$36.50	
Invoice	2200228176	3/26/2012		
Transaction	3 /29/2012	Due 0 Checking	10100	<b>Total</b> \$36.50
Refer 4451	TRAUT COMPANIES	<u>Ck# 034695 4/3/2012</u>		
Cash Payment	E 602-49450-206 Testing	Wastewater Testing	\$45.00	
Invoice	244475	3/28/2012		
Transaction	3 /29/2012	Due 0 Checking	10100	<b>Total</b> \$45.00
Refer 4452	HILSGEN BOBCAT SERVICE	<u>Ck# 034684 4/3/2012</u>		
Cash Payment	E 101-43100-300 Professional Svcs	Street Sweeping	\$525.00	
Invoice	1211	3/26/2012		
Transaction	3 /29/2012	Due 0 Checking	10100	<b>Total</b> \$525.00
Refer 4453	KIFFMEYER, BRIAN	<u>Ck# 034685 4/3/2012</u>		
Cash Payment	E 200-42200-331 Travel Expenses	Fire Dept Training Hotel Rooms	\$124.18	
Invoice		3/19/2012		
Transaction	3 /29/2012	Due 0 Checking	10100	<b>Total</b> \$124.18
Refer 4455	SPRINT	<u>Ck# 034692 4/3/2012</u>		

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## Payments

Current Period: April 2012

Cash Payment	E 101-43100-321 Telephone	PUBLIC WORKS CELL PHONE	\$55.68
Invoice	214175127-111 3/18/2012		
Cash Payment	E 601-49400-321 Telephone	WATER CELL PHONE	\$27.84
Invoice	214175127-111 3/18/2012		
Cash Payment	E 602-49450-321 Telephone	SEWER CELL PHONE	\$27.83
Invoice	214175127-111 3/18/2012		
Cash Payment	E 101-42110-321 Telephone	POLICE CELL PHONE	\$102.48
Invoice	214175127-111 3/18/2012		
Cash Payment	E 101-42110-321 Telephone	POLICE LAPTOPS	\$79.98
Invoice	325068815-052 3/18/2012		
Transaction	3 /29/2012	Due 0 Checking 10100	<b>Total</b> \$293.81
Refer	4456 DIGITAL-ALLY, INC.	<u>Ck# 034680 4/3/2012</u>	
Cash Payment	E 101-42110-210 Operating Supplies	Police - Ashley Camera Microphone Battery	\$38.00
Invoice	1046273 3/20/2012		
Transaction	3 /29/2012	Due 0 Checking 10100	<b>Total</b> \$38.00
Refer	4457 BOUND TREE MEDICAL	<u>Ck# 034678 4/3/2012</u>	
Cash Payment	E 200-42200-210 Operating Supplies	Fire Dept Supplies	\$352.07
Invoice	80729588 3/13/2012		
Transaction	3 /29/2012	Due 0 Checking 10100	<b>Total</b> \$352.07
Refer	4458 FIRE SAFETY USA	<u>Ck# 034682 4/3/2012</u>	
Cash Payment	E 200-42200-210 Operating Supplies	Fire Dept Fire Brooms	\$152.00
Invoice	51447 3/22/2012		
Transaction	3 /29/2012	Due 0 Checking 10100	<b>Total</b> \$152.00
Refer	4460 SECURITY LOCKSMITHS INC	<u>Ck# 034689 4/3/2012</u>	
Cash Payment	E 200-42200-300 Professional Svcs	Fire Dept Service	\$95.63
Invoice	36083 2/28/2012		
Transaction	3 /29/2012	Due 0 Checking 10100	<b>Total</b> \$95.63
Refer	4461 SEH	<u>Ck# 034690 4/3/2012</u>	
Cash Payment	E 101-43100-303 Engineering Fees	General Engineering - Watershed Mtg	\$249.75
Invoice	254177 3/13/2012		
Cash Payment	E 317-47000-303 Engineering Fees	2012 Utility Project Engineering	\$332.00
Invoice	254182 3/13/2012		
Transaction	3 /29/2012	Due 0 Checking 10100	<b>Total</b> \$581.75
Refer	4462 ARVIG	<u>Ck# 034677 4/3/2012</u>	
Cash Payment	E 601-49400-321 Telephone	Water Plant Alarm	\$37.54
Invoice	3/22/2012		
Cash Payment	E 101-42110-321 Telephone	Police Computer Line	\$35.41
Invoice	3/22/2012		
Cash Payment	E 101-42110-321 Telephone	Police Telephone & Fax	\$79.07
Invoice	3/22/2012		
Cash Payment	E 101-42500-321 Telephone	Civil Defense Telephone	\$35.41
Invoice	3/22/2012		
Cash Payment	E 200-42200-321 Telephone	Fire Dept Telephone	\$81.67
Invoice	3/22/2012		
Cash Payment	E 101-41000-321 Telephone	City Hall Telephone	\$91.85
Invoice	3/22/2012		
Cash Payment	E 101-41000-321 Telephone	City Hall Fax	\$96.21
Invoice	3/22/2012		
Cash Payment	E 601-49400-321 Telephone	Water Plant Alarm	\$35.41
Invoice	3/22/2012		

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## Payments

Current Period: April 2012

Cash Payment	E 602-49450-321 Telephone	Scheeler Lift Station Telephon		\$35.41
Invoice	3/22/2012			
Transaction	3 /29/2012	Due 0 Checking	10100	<b>Total</b> \$527.98
Refer	4463 XCEL ENERGY	<u>Ck# 034697 4/3/2012</u>		
Cash Payment	E 101-43100-381 Electric Utilities	Flasher Light		\$43.48
Invoice	414452636 3/20/2012			
Cash Payment	E 101-45200-381 Electric Utilities	Ballpark Electricity		\$11.38
Invoice	414639409 3/21/2012			
Cash Payment	E 101-42500-381 Electric Utilities	Civil Defense Electricity		\$3.61
Invoice	414572509 3/21/2012			
Cash Payment	E 101-43100-381 Electric Utilities	Public Works Electricity		\$9.49
Invoice	414572640 3/21/2012			
Cash Payment	E 101-43100-381 Electric Utilities	Street Light		\$16.84
Invoice	414572648 3/21/2012			
Cash Payment	E 101-45200-381 Electric Utilities	Hockey Rink Electricity		\$10.17
Invoice	414679095 3/21/2012			
Cash Payment	E 601-49400-381 Electric Utilities	Water Plant Electricity		\$16.84
Invoice	414572558 3/21/2012			
Cash Payment	E 602-49450-381 Electric Utilities	Lift Station Electricity		\$213.79
Invoice	414638301 3/21/2012			
Cash Payment	E 101-42110-381 Electric Utilities	Police Bldg Electricity		\$84.93
Invoice	414705530 3/21/2012			
Cash Payment	E 101-45200-381 Electric Utilities	Shelter Electricity		\$88.04
Invoice	414797048 3/22/2012			
Cash Payment	E 101-45200-381 Electric Utilities	Lions Park Electricity		\$10.17
Invoice	414464401 3/20/2012			
Cash Payment	E 101-41000-381 Electric Utilities	City Hall Electricity		\$254.41
Invoice	414456526 3/20/2012			
Cash Payment	E 200-42200-381 Electric Utilities	Fire Hall Electricity		\$290.75
Invoice	414483095 3/20/2012			
Cash Payment	E 601-49400-381 Electric Utilities	Water Tower Lights		\$46.25
Invoice	414466695 3/20/2012			
Cash Payment	E 601-49400-381 Electric Utilities	Water Plant Electricity		\$572.62
Invoice	414824939 3/22/2012			
Transaction	3 /29/2012	Due 0 Checking	10100	<b>Total</b> \$1,672.77
Refer	4464 STRATEGIC EQUIPMENT AND	<u>Ck# 034693 4/3/2012</u>		
Cash Payment	E 101-41000-220 Repair/Maint Supply	City Hall Bathroom Paper Towels		\$29.65
Invoice	1864819 3/14/2012			
Transaction	3 /29/2012	Due 0 Checking	10100	<b>Total</b> \$29.65
Refer	4465 VISIONAIR	<u>Ck# 034696 4/3/2012</u>		
Cash Payment	E 101-42110-207	Police Computer Support for County RMS		\$412.78
Invoice	IVC4002441 3/15/2012			
Transaction	3 /29/2012	Due 0 Checking	10100	<b>Total</b> \$412.78
Refer	4466 MMUA	<u>Ck# 034687 4/3/2012</u>		
Cash Payment	E 101-43100-433 Dues and Subscriptions	Public Works - 2 EE's Drug Testing Participant Fee		\$62.00
Invoice	39197 3/30/2012			
Transaction	3 /30/2012	Due 0 Checking	10100	<b>Total</b> \$62.00
Refer	4467 COUNTRY CHEVROLET	<u>Ck# 034679 4/3/2012</u>		
Cash Payment	E 101-42110-437 Other Miscellaneous	Police - DWI Lumina Forfeit Keys		\$57.00
Invoice	66485 3/28/2012			

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Payments

Current Period: April 2012

Transaction	3/30/2012	Due 0 Checking	10100	<b>Total</b>	\$57.00
Refer	4468 <i>PILARSKI, NICOLE J</i>	<u>Ck# 034688 4/3/2012</u>			
Cash Payment	E 101-41400-331 Travel Expenses	Reimbursement for Chamber Lunch			\$8.82
Invoice	3/29/2012				
Transaction	3/30/2012	Due 0 Checking	10100	<b>Total</b>	\$8.82

Fund Summary

	10100 Checking	
602 SEWER FUND	\$322.03	
601 WATER FUND	\$1,011.50	
317 2012 USDA CONST ACCT	\$332.00	
200 FIRE/RESCUE FUND	\$1,096.30	
101 GENERAL FUND	\$3,420.60	
	\$6,182.43	

Pre-Written Checks	\$6,182.43
Checks to be Generated by the Computer	\$0.00
Tota	\$6,182.43

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Payments

Current Period: April 2012

Batch Name	WMBILLING Payment	Computer Dollar Amt	\$3,209.10	<b>Posted</b>	
Refer	4473 <i>WASTE MANAGEMENT</i>	<u>Ck# 034705 4/3/2012</u>			
Cash Payment	E 603-49500-384 Refuse/Garbage	Residential Garbage - Final Billing			\$3,106.26
Invoice	5859795-1767-9 1/1/2012				
Cash Payment	E 101-41000-384 Refuse/Garbage	City Hall Dumpster - Final Billing			\$102.84
Invoice	5858765-1767-3 1/1/2012				
Transaction	4/4/2012	Due 0 Checking	10100	<b>Total</b>	\$3,209.10

Fund Summary

	10100 Checking	
603 REFUSE (GARBAGE) FUND	\$3,106.26	
101 GENERAL FUND	\$102.84	
	\$3,209.10	

Pre-Written Checks	\$3,209.10
Checks to be Generated by the Computer	\$0.00
Tota	\$3,209.10