

Council Meeting
September 3, 2013

Meeting called to order by Mayor Tammy Konz at 7:00pm

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

Others present: Tom Jovanovich, Randy Sabart, Jean Matua, Ron Wasmund, Glenn Winter, Jim Reining, Steve Gohman, Jim Frilstad, Tim Ellis, Jody Orbeck, Derek Orbeck, Jeff, Orbeck, Kari Dahlinger and Tom Marquardt

Motion made by Paula Capes and seconded by Joe Krippner to add the following item to the Consent Agenda: #8 Chief Frilstad and Officer Capes to attend the 2013 Minnesota TZD Conference in St. Cloud on November 14 & 15, 2013; motion carried

Motion made by Paula Capes and seconded by Joe Krippner to approve the claims; motion carried

Motion made by Joe Krippner and seconded by Paula Capes to approve the following Consent Agenda Items:

1. Minutes of the August 6, 2013 Council Meeting
2. Minutes of the August 13, 2013 Employee Meeting
3. Minutes of the August 19, 2013 Special Meeting
4. Minutes of the August 27, 2013 Special Meeting
5. City Clerk to attend MCFOA Regional Meeting on September 25, 2013 in Ashby (rescheduled from August 16, 2013)
6. City Clerk to attend MNGFOA Training on October 22, 2013 in Marshall
7. City Clerk to attend MN Dept. of Revenue Sales Tax Training on October 24, 2013 in St. Cloud
8. Chief Frilstad and Officer Capes to attend the 2013 Minnesota TZD Conference in St. Cloud on November 14 & 15, 2013

motion carried

Mayor Konz opened the Public Hearing for the Conditional Use Permit for Land O'Lakes Oil Co. located at 121 Main St S.

Land O'Lakes Oil Co currently has a conditional use permit for 2 – 30,000 gallon propane tanks. Mr. Winter would like to add 2 – 30,000 gallon propane tanks at his property; one to be installed now and the other at a later date (dependent upon needs). There is a plant closing in Benson next spring and Mr. Winter feels there will be a need for additional capacity.

Councilmember Loewen asked where the potential 4th tank would be placed. The new tank will be in line with the existing 2 and the potential 4th tank could also be installed in line with the existing tanks or on the west end of the property. The tanks must be 50ft from a building.

Councilmember Krippner asked Mr. Winter what the current distance is between the existing tanks. There is 5ft between each tank and each tank is 132 inches in diameter. Jim Reining from

Eagle Welding was in attendance; he installed the first 2 propane tanks at the Land O'Lakes Oil Co facility and will also be installing the new one.

Mr. Winter stated that he has spoken with the City's Building Official, Ron Wasmund.

Councilmember Loewen asked if any variances were required for capacity and/or proximity to other structures. Mr. Wasmund clarified that there is not an aggregate capacity limit for private propane tanks such as these.

City Attorney Tom Jovanovich asked about diking of the tanks as required by City Ordinance 1137.09. Mr. Winter stated that propane tanks are not subject to diking requirements. Mr. Wasmund stated that there are diking requirements for refined fuels per NFPA 58.

Councilmember Krippner asked about proximity to the railroad. Per Mr. Wasmund, NFPA does address the issue of railcars in proximity to various structures.

No members of the public wished to comment.

City Attorney Tom Jovanovich suggested that if the Council approves the Conditional Use Permit for Land O'Lakes Oil Co. the same conditions should be placed as the Conditional Use Permit for Kim-Built Propane.

Mayor Konz closed the Public Hearing for the Conditional Use Permit for Land O'Lakes Oil Co. located at 121 Main St S.

Motion made by Joe Krippner and seconded by Nate Osmundson to adopt Resolution No. 09032013A Resolution Granting Conditional Use Permit #09032013; motion carried

Tom Marquardt from the Kimball Express Ballteam spoke with the Council; they will be working on the City ballfield on September 14 from home plate to the 3rd baseline. He has been working on getting a right-of-way map from the railroad. The City Clerk will send him what she has on file. Councilmember Osmundson discussed the school district investing in the City ballfield as they use it for their games also. Mr. Marquardt said he has brought up that issue with the school and may bring it up again.

Rob Holzer from Advanced Disposal spoke with the Council about extending the refuse and recycling contract for the City.

Refuse Service Rates:

Cart Size	2014	2015	2016
35 Gallon	\$9.89	\$10.14	\$10.40
65 Gallon	\$10.56	\$10.82	\$11.10
95 Gallon	\$11.43	\$11.71	\$11.95

Recycling Service Rates:

Cart Size	2014	2015	2016
65 Gallon	\$3.08	\$3.15	\$3.30

Motion made by Paula Capes and seconded by Eric Loewen to extend the refuse and recycling contract with Advanced Disposal through the years 2014, 2015 and 2016 as presented in Appendix A of the contract; motion carried

Ron Wasmund from Inspectron spoke with the Council; he will be meeting with the City Clerk on September 5 to finalize the contract. He will also be meeting with representatives from Kim-Built Propane on this same day. City of Kimball permit forms are being modified and will be on Inspectron's website soon.

The City Attorney reiterated the fact that there are still 4 issues for the Kim-Built Propane project that need to be addressed: the interior layout of the store, the bulk fuel tanks, the retail fuel tanks and site plan and drainage.

Jeff Orbeck stated that he is going to start asking the City to pay for some of the expenses that have been put on his property. He said that no one has had to go through the extent of what he has gone through and he has spent \$50,000 so far; he has 75% of the water problem on his lot and anyone can see that the water goes to the pond.

Kari Dahlinger spoke with the Council about the nuisance issue that she can see from her backyard at Arnold's. Councilmember Osmundson apologized for not yet having the time to speak with John Arnold as he has been busy with work and football practice. The City Clerk stated that she was not able to make progress with the general manager, Eric Donnay. Mayor Konz will speak with John Arnold to let him know that a letter will be coming in the mail regarding the nuisance issue of weeds and storing items in visible locations.

City Engineer Randy Sabart spoke with the Council about the request from Northern Natural Gas to obtain an easement and place an odorizer facility on the City's property in Maine Prairie Township. Motion made by Eric Loewen and seconded by Joe Krippner to counter-offer Northern Natural Gas a 20-year lease in the amount of \$4,500; motion carried

Those present discussed the railroad's request to close the Cherry Street crossing. Councilmember Loewen has concerns about access to the property at the end of Cherry Street and the City wells, if the Hwy 15 crossing should be closed, in an emergency. Mayor Konz will contact the railroad about having the access closed to the public with emergency access available. Councilmember Krippner will speak with the Fire Chief regarding access for the Fire Dept.

Those present discussed the storm damage to City property during the recent hail storm.

Mr. Sabart informed the Council that they are still working on the grass issues from the utility reconstruction project.

Chief Frilstad gave the monthly police report. A new Taser was purchased as the old one needed repairs that were too costly. Those present discussed replacing the Police Squad Durango; he will get pricing on different vehicle makes/models. The Council gave the go ahead to replace the chief's cell phone.

Councilmember Loewen provided clarification on the letter that is to be sent to Chad Grunewald.

The Council will meet on September 11 at 6pm to discuss the 2014 preliminary budget and tax levy.

Councilmember Loewen would like an ordinance that addresses parking in proper parking spaces and not on the grass. He would also like the nuisance policy to be placed on the next meeting agenda.

Mayor Konz and Councilmember Loewen will be attending the school board meeting on September 18.

Motion made by Paula Capes to adjourn at 9:34pm; motion failed for lack of a second

Motion made by Nate Osmundson and seconded by Eric Loewen to adjourn at 9:44pm; motion carried

Respectfully submitted by Nicole Pilarski

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Payments

Current Period: September 2013

Batch Name	090313Claims Payment	Computer Dollar Amt	\$1,502.43	Posted
Refer	5792 CITY OF KIMBALL	Ck# 036030	9/3/2013	
Cash Payment	E 101-41000-319 Petty Cash	Petty Cash		\$80.00
Invoice				
Transaction Date	8 /26/2013	Due 0 Checking	10100	Total \$80.00
Refer	5793 FINGER, DUANE	Ck# 036033	9/3/2013	
Cash Payment	E 101-45200-440 Refund of Shelter Deposit Refund of 8/25 Shelter Deposit			\$50.00
Invoice				
Transaction Date	8 /26/2013	Due 0 Checking	10100	Total \$50.00
Refer	5794 DUFNER, JANET	Ck# 036032	9/3/2013	
Cash Payment	E 101-45200-440 Refund of Shelter Deposit Refund of 8/24 Shelter Deposit			\$50.00
Invoice				
Transaction Date	8 /26/2013	Due 0 Checking	10100	Total \$50.00
Refer	5795 SEH	Ck# 036042	9/3/2013	
Cash Payment	E 101-41910-303 Engineering Fees	Kim-Built Engineering		\$61.20
Invoice272104	8/19/2013			
Cash Payment	E 101-43100-303 Engineering Fees	General Engineering		\$137.90
Invoice272104	8/19/2013			
Cash Payment	E 101-43100-303 Engineering Fees	General Engineering		\$84.20
Invoice272104	8/19/2013			
Cash Payment	E 601-49400-303 Engineering Fees	Water Engineering		\$137.70
Invoice272104	8/19/2013			
Cash Payment	E 101-41910-303 Engineering Fees	HS & LOL Engineering		\$137.70
Invoice272104	8/19/2013			
Transaction Date	8 /26/2013	Due 0 Checking	10100	Total \$558.70
Refer	5796 XCEL ENERGY	Ck# 036047	9/3/2013	
Cash Payment	E 601-49400-381 Electric Utilities	Water Plant Electricity		\$16.48
Invoice484973805	8/21/2013			
Cash Payment	E 101-42500-381 Electric Utilities	Civil Defense Electricity		\$4.03
Invoice484973753	8/21/2013			
Cash Payment	E 101-43100-381 Electric Utilities	Public Works Electricity		\$9.65
Invoice484973788	8/21/2013			
Cash Payment	E 101-43100-381 Electric Utilities	Street Light		\$16.48
Invoice484973804	8/21/2013			
Transaction Date	8 /26/2013	Due 0 Checking	10100	Total \$46.64
Refer	5797 ARVIG	Ck# 036029	9/3/2013	
Cash Payment	E 101-42110-321 Telephone	Police Computer Line		\$37.59
Invoice	8/22/2013			
Cash Payment	E 601-49400-321 Telephone	Water Plant Alarm		\$39.72
Invoice	8/22/2013			
Cash Payment	E 101-42110-321 Telephone	Police Telephone & Fax		\$88.44
Invoice	8/22/2013			
Cash Payment	E 101-42500-321 Telephone	Civil Defense Telephone		\$37.59
Invoice	8/22/2013			
Cash Payment	E 200-42200-321 Telephone	Fire Dept Telephone		\$83.85
Invoice	8/22/2013			
Cash Payment	E 101-41000-321 Telephone	City Hall Telephone		\$97.32
Invoice	8/22/2013			

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Payments

Current Period: September 2013

Cash Payment	E 101-41000-321 Telephone	City Hall Fax		\$88.98
Invoice	8/22/2013			
Cash Payment	E 601-49400-321 Telephone	Water Plant Alarm		\$37.59
Invoice	8/22/2013			
Cash Payment	E 602-49450-321 Telephone	Scheeler Lift Station Telephon		\$37.59
Invoice	8/22/2013			
Transaction Date	8 /26/2013	Due 0 Checking	10100	Total \$548.67
Refer	5798 OFFICE DEPOT	<u>Ck# 036041 9/3/2013</u>		
Cash Payment	E 101-42110-200 Office Supplies	Police Supplies		\$23.26
Invoice665577592001	8/16/2013			
Cash Payment	E 101-41000-200 Office Supplies	Office Supplies		\$37.31
Invoice665577592001	8/16/2013			
Transaction Date	8 /26/2013	Due 0 Checking	10100	Total \$60.57
Refer	5799 THEIS, CATHY	<u>Ck# 036043 9/3/2013</u>		
Cash Payment	E 101-42110-202 Police Reports	Police Reports		\$8.25
Invoice	8/15/2013			
Cash Payment	E 101-42110-202 Police Reports	Police Reports		\$38.50
Invoice	8/15/2013			
Transaction Date	8 /26/2013	Due 0 Checking	10100	Total \$46.75
Refer	5800 AMERIPRIDE SERVICES	<u>Ck# 036028 9/3/2013</u>		
Cash Payment	E 101-41000-300 Professional Srvs	City Hall Rugs		\$30.55
Invoice2200416992	8/26/2013			
Cash Payment	E 101-41000-300 Professional Srvs	City Hall Rugs		\$30.55
Invoice2200411972	8/12/2013			
Transaction Date	8 /26/2013	Due 0 Checking	10100	Total \$61.10

Fund Summary

602 SEWER FUND	10100 Checking	\$37.59
601 WATER FUND		\$231.49
200 FIRE/RESCUE FUND		\$83.85
101 GENERAL FUND		\$1,149.50
		\$1,502.43

Pre-Written Checks	\$1,502.43
Checks to be Generated by the Computer	\$0.00
Total	\$1,502.43

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Payments

Current Period: September 2013

Batch Name 090313Claim2
Payment Computer Dollar Amt \$4,915.38 Posted

Refer	5801 GOPHER STATE ONE CALL	<u>Ck# 036034 9/3/2013</u>		
Cash Payment	E 602-49450-311 Locate calls	Locates		\$8.70
Invoice78511	8/31/2013			
Cash Payment	E 601-49400-311 Locate calls	Locates		\$8.70
Invoice78511	8/31/2013			
Transaction Date	9 /3 /2013	Due 0 Checking	10100	Total \$17.40
Refer	5802 US BANK EQUIPMENT FINANCE	<u>Ck# 036045 9/3/2013</u>		
Cash Payment	E 101-41000-414 Data Processing Equip	Copier Lease		\$437.81
Invoice235306768	8/23/2013			

Transaction Date	9 /3 /2013	Due 0 Checking	10100	Total	\$437.81
Refer	5803 LINCOLN MUTUAL LIFE &	<u>Ck# 036037 9/3/2013</u>			
Cash Payment	E 101-42110-134 Employer Paid Life	POLICE LIFE INSURANCE			\$87.33
Invoice	8/21/2013				
Cash Payment	E 101-43100-134 Employer Paid Life	PUBLIC WORKS LIFE INSURANCE			\$37.81
Invoice	8/21/2013				
Cash Payment	E 601-49400-134 Employer Paid Life	WATER LIFE INSURANCE			\$22.24
Invoice	8/21/2013				
Cash Payment	E 602-49450-134 Employer Paid Life	SEWER LIFE INSURANCE			\$22.24
Invoice	8/21/2013				
Cash Payment	E 101-41400-134 Employer Paid Life	CLERK LIFE INSURANCE			\$18.69
Invoice	8/21/2013				
Cash Payment	E 200-42200-134 Employer Paid Life	Clerk Life Insurance			\$1.34
Invoice	8/21/2013				
Transaction Date	9 /3 /2013	Due 0 Checking	10100	Total	\$189.65
Refer	5804 UTILITY CONSULTANTS	<u>Ck# 036046 9/3/2013</u>			
Cash Payment	E 602-49450-206 Testing	Sewer Testing			\$619.00
Invoice	84215 8/29/2013				
Transaction Date	9 /3 /2013	Due 0 Checking	10100	Total	\$619.00
Refer	5805 UNIFORMS UNLIMITED, INC.	<u>Ck# 036044 9/3/2013</u>			
Cash Payment	E 101-42110-500 Capital Outlay (GENERAL)				Police Taser \$1,256.53
Invoice	174660 8/27/2013				
Transaction Date	9 /3 /2013	Due 0 Checking	10100	Total	\$1,256.53
Refer	5806 ZWILLING, TROY	<u>Ck# 036048 9/3/2013</u>			
Cash Payment	E 602-49450-300 Professional Svcs	Visits Weeks of 8/4, 8/11, 8/18, 8/25 & 8/31			\$312.50
Invoice	8/31/2013				
Cash Payment	E 601-49400-300 Professional Svcs	Visits Weeks of 8/4, 8/11, 8/18, 8/25 & 8/31			\$312.50
Invoice	8/31/2013				
Transaction Date	9 /3 /2013	Due 0 Checking	10100	Total	\$625.00
Refer	5807 LEAGUE OF MINNESOTA CITIES	<u>Ck# 036036 9/3/2013</u>			
Cash Payment	E 101-41000-433 Dues and Subscriptions	2013-2014 Annual Dues			\$848.00
Invoice	187462 9/1/2013				
Transaction Date	9 /3 /2013	Due 0 Checking	10100	Total	\$848.00
Refer	5808 MINNESOTA MAYORS ASSN	<u>Ck# 036039 9/3/2013</u>			
Cash Payment	E 101-41100-433 Dues and Subscriptions	2013-2014 Annual Dues			\$30.00
Invoice	9/1/2013				

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Payments

Current Period: September 2013

Transaction Date	9 /3 /2013	Due 0 Checking	10100	Total	\$30.00
Refer	5809 MNSPECT	<u>Ck# 036040 9/3/2013</u>			
Cash Payment	E 101-42400-305 Building Permits	Inspections/Permits			\$112.00
Invoice	6124 8/30/2013				
Transaction Date	9 /3 /2013	Due 0 Checking	10100	Total	\$112.00
Refer	5810 MEHR, BRIAN	<u>Ck# 036038 9/3/2013</u>			
Cash Payment	E 601-49400-300 Professional Svcs	Visits Weeks of 7/28, 8/4, 8/11, 8/18 & 8/25			\$312.50
Invoice	Aug-13 9/3/2013				
Cash Payment	E 602-49450-300 Professional Svcs	Visits Weeks of 7/28, 8/4, 8/11, 8/18 & 8/25			\$312.50
Invoice	Aug-13 9/3/2013				
Transaction Date	9 /3 /2013	Due 0 Checking	10100	Total	\$625.00
Refer	5811 STEARNS COUNTY AUDITOR-	<u>Ck# 000393E 9/2/2013</u>			
Cash Payment	E 101-41910-430 Miscellaneous (GENERAL)				Zoning Beacon Service \$1.10
Invoice	9/2/2013				
Transaction Date	9 /3 /2013	Due 0 Checking	10100	Total	\$1.10
Refer	5812 KEEPERS	<u>Ck# 036035 9/3/2013</u>			
Cash Payment	E 101-42110-201 Clothing Allowances	Police - Mehr Handcuff Strap			\$41.45
Invoice	224217 8/19/2013				
Transaction Date	9 /3 /2013	Due 0 Checking	10100	Total	\$41.45
Refer	5813 COLONIAL LIFE	<u>Ck# 036031 9/3/2013</u>			
Cash Payment	G 101-21710 Other Deductions	Aug Premium			\$112.44

Invoice3913340-0809760 8/25/2013
Transaction Date 9 /3 /2013

Due 0 Checking 10100 **Total** \$112.44

Fund Summary

	10100 Checking
602 SEWER FUND	\$1,274.94
601 WATER FUND	\$655.94
200 FIRE/RESCUE FUND	\$1.34
101 GENERAL FUND	\$2,983.16
	\$4,915.38

Pre-Written Checks	\$4,915.38
Checks to be Generated by the Computer	\$0.00
Total	\$4,915.38

PAYED