

Meeting date: Jan. 5, 2004

Meeting time: 7:00 p.m.

Called to order by: Mayor Karla Davis

Councilmembers present: Karla Davis, Mickey Fischer, Steve Edwards, DuWayne Orbeck and Andy Maus.

Councilmembers absent: None

Others present: Candi Walz, Don Stein, Jim Stein, Tom Crouch and partners, Merle Anderson, Brian Stiles, Cliff Dahl, Shirley Dahl, Shannon Dahl, Todd Rohloff, Rhonda Pagel, Jim Unterberger, Jim Frilstad, Dave Schmitz, Randy Sabart, Jean Matua, Scott Lindemann, Roland Froean, Chris Jeppesen, Bob Schiefelbein, Tom Ehlinger and Cary Maus.

Addendums to the agenda: SEH, Inc., claims change and legal counsel letter for 2004.

Motion Orbeck/Maus to approve the Dec. 15, 2003 minutes as presented.

Motion Maus/Fischer to approve the following items on the Consent Agenda as follows:

1. To transfer \$\$7,660.00 from the Sewer Checking Account to the Sewer Replacement Money Market Account per grant requirement for replacement cost.
2. To transfer \$1,493.71 from the Fire Dept. Checking Account to the Reserve #1 Money Market Account to reimburse this fund for money borrowed by the Fire Dept. For the tarring of the Fire Hall parking lot.
3. To designate the Tri-County News as the official newspaper for City publications for 2004
4. To pass a resolution naming the State Bank of Kimball, Atwater State Bank and United Bankers Bank of Bloomington as the official depositories for all City funds for 2004.
5. To approve Chris Jeppesen's vacation request for Feb. 13, 17, 18, 19 and 20th.
6. To approve the request by the Kimball Lion's Club to continue their gambling operations from April 1, 2004 to March 31, 2006 at Playland Ballroom (531 State Highway 55 E.) and Bill & Toni's Café (51 Main St. S.) in the City of Kimball.
7. To accept the following donations:
 - \$6,000.00 from the Fire Relief Assoc. for the Equipment Replacement Money Market.
 - \$ 250.00 from the Fire Relief Assoc. for Santa Claus Days.
 - \$ 500.00 from Meeker Cooperative Electric for fire dept wild land fire suits (229 acct.).
 - \$ 950.00 from the American Legion gambling for cultural recreational purposes.
8. To disconnect all delinquent City utilities.
9. To approve the Certificate of Substantial Completion for the Hazel Ave. Project (information in packet).

10. To approve the following Hazel Ave. Project payment requests pending Rural Development Approval:
 - Shadduck, Young & Brown (legal) \$65.00.
 - SEH, Inc. (engineering) \$1,734.01
 - Kuechle Underground (contracting) \$12,241.81.
11. To renew the Safety First Management, Inc. safety training agreement for 2004 at the same rate as 2003 in the amount of \$1,200.00.
12. To appoint Andy Maus as Acting Mayor for 2004.

MUC

Developer Tom Crouch and his partners and property owner Don Stein and his son Jim Stein and their realtor Dave Schmitz presented their proposal to the City Council for the development of property north of 135th Street for residential housing with a proposed buffer between the residential area and highway commercial. Possible town homes on the west side of property abutting the highway commercial area.

City Attorney Rhonda Pagel explained the different forms of annexation procedures for the property and the default tax provision.

Maine Prairie Township Board Supervisor Jim Unterberger will address this issue with his township board at their next meeting and get back to the Council on the tax default provision at the Jan. 20th meeting.

Merle Anderson of the Clearwater River Watershed District reported on the water run-off study they have proposed for two model areas in Kimball. Areas were discussed and changes were made and will be presented at a later date.

Kimball Postmaster Scott Lindemann reported on the Hazel Ave. E. mailbox situation. The ¼ mile cut off for this carrier route is 380 Hazel Ave. E. The Postmaster will be notifying the five mail box owners who have boxes west of this area that they need to be moved by the end of April 2004. Mayor Davis will contact Mitch Anderson Stearns County Engineer on the removal of the County bracket which was installed in the sidewalk.

Councilmember Davis introduced the following amendment to city ordinance Chapter Four – Public Health & Welfare, Section 400 – Nuisances, 400.02 Nuisances, Subd. 16. Obstructions. (e) as follows:

(e) Placing or storing boxes, goods, wares, merchandise, building materials, machinery, business or trade articles on public property except for the purpose of immediately transferring the same to some other proper place or the erecting of mailboxes in public sidewalks or on public right of way effective Dec. 1, 2003.

Councilmember Orbeck seconded the foregoing resolution and the following voted in favor thereof: Karla Davis, DuWayne Orbeck, Andy Maus, Steve Edwards and Mickey Fischer; those voting against, absent or abstaining: None. Motion Passed

Motion Maus/Fischer to set up the Fire Department Payroll as follows:

- All fire department members are to be paid \$7.00 for every call, training meeting and regular meeting except the Fire Chief, Assistant Chief and the Secretary/Treasurer who are paid \$14.00 for training meetings and regular meetings.
- All fire department members are to be paid \$7.00 for each additional hour at a call.
- The department member who does the incident reports for the state will be paid \$1.00 for each report.
- The department engineer will be paid \$50.00 per month for maintaining all equipment and trucks.

MUC

Motion Davis/Edwards to pay the present fire department engineer an additional \$300.00 bringing his 2003 amount to \$600.00. MUC

Shannon Dahl addressed the issue of the denial of his re-zoning request for his property on 135th St. from residential to industrial.

Non-Union City Employees addressed the Council in regard to wage negotiations. City Attorney Rhonda Pagel explained the employee review process. Job evaluations will be done by department supervisors and a personnel review committee will then review them with the department supervisor and the employee.

Motion Davis/Fischer to appoint Steve Edwards, Karla Davis and Andy Maus to the Personnel Committee. MUC

The sewer back up at the Larry Davis home due to the construction on the Hazel Ave. project was discussed. The Davis' will be obtaining quotes for the damage. Letters from the City's claims adjuster and SEH, Inc. were given to the council.

Changing of the regular meeting date was discussed and tabled.

The Public Works Director position was discussed and tabled.

Motion Davis/Maus to call for a special personnel committee meeting at 5:30 p.m. and a Closed Labor Negotiation meeting at 7:00 p.m. on Thursday, Jan. 15, 2003 at City Hall. MUC

City Attorney Rhonda Pagel advised the Council on Planning Commissions, Comprehensive Plan and updates the zoning ordinance. Do to the cost of developing a Comprehensive Plan; the City should budget for this in 2005.

Motion Davis/Edwards to appoint a Planning Commission as follows: Steve Edwards, Scott Theilman and Steve Maus as voting members to advise the City Council and Chris Jeppesen as non-voting City Staff effective April 1, 2004. Those voting in favor thereof: Davis, Edwards, Fischer and Maus; those voting against: Orbeck; those absent or abstaining: None. Motion passed.

Motion Davis/Edwards to direct the Clerk Treasurer Administrator to write a letter informing Don Stein that the City plans to include the proposed highway commercial area north of 135th St. in with the annexation of the urban residential area. MUC

The City Attorney and the Clerk Treasurer Administrator will work on amending the Zoning Ordinance on the Planning Commission.

Motion Davis/Maus to approve the appointment of the legal firm of Shadduck, Young and Brown and to seek requests for proposals later. MUC

Motion Davis/Maus to adjourn at 11:05 p.m. MUC

Dianne Robinson
Clerk Treasurer Administrator

**SPECIAL PERSONNEL PERFORMANCE REVIEW MEETING FOR NON-
UNION EMPLOYEES.**

Meeting date: Jan. 15, 2004

Meeting time: 5:30 p.m.

Called to order by: Mayor Davis

Personnel Committee present: Karla Davis, Steve Edwards and Andy Maus.

Others present: Dianne Robinson, Chris Jeppesen, Todd Rohloff, Brian Stiles and Jim Frilstad.

Funds available in City Funds for the Public Works Department and the Contract Consultant compensation were discussed. Management training will be researched for the Public Works Department.

Clerk Treasurer Administrator Dianne Robinson presented the performance review on Chris Jeppesen. The Council then met with Deputy Clerk/Zoning Administrator Chris Jeppesen. A \$1.95 per hour raise effective with hours worked starting Jan. 1, 2004 (\$8.55 to \$10.50) will be proposed at the Jan. 20, 2004 Council meeting.

Chris duties will include recodification of the zoning ordinances and spending from 2 to 3 hours per week researching grants.

Police Chief Todd Rohloff presented the performance review on Officers Brian Stiles and Jim Frilstad. The Council then met with the Brian Stiles and Jim Frilstad. A \$1.50 per hour raise effective with hours worked starting Jan. 1, 2004 (Brian \$12.50 to \$14.00 and Jim \$9.00 to \$10.50) will be proposed at the Jan. 20, 2004 Council meeting.

A .50 per hour raise (\$7.00 to \$7.50) will be proposed at the Jan. 20, 2004 Council meeting for temporary public works employee Neil Hilary.

Motion Maus/Davis to adjourn at 8:15 p.m.

Dianne H. Robinson
Clerk Treasurer Administrator

Meeting date: Jan. 20, 2004

Meeting time: 7:00 p.m.

Called to order by: Mayor Karla Davis

Councilmembers present: Karla Davis, Mickey Fischer, DuWayne Orbeck and Andy Maus.

Councilmembers absent: Steve Edwards.

Others present: Randy Sabart, Larry Davis, Jean Matua, Ryan Bettenberg, Tammy Konz and Sandy Steinmetz.

Additions to the agenda: Additional Councilmember items.

Motion Fischer/Maus to approve the Jan. 5, 2004 and Jan. 15, 2004 minutes as presented. Motion passed (Councilmember Edwards was absent).

Motion Maus/Fischer to approve the claims as present with the removal of the claim for Goldberg, Swanson & Paulsen. Motion passed (Councilmember Edwards was absent).

Motion Fischer/Maus to approve the following items on the Consent Agenda:

1. To authorize the Mayor & Clerk to sign the Fire Service apportionment Agreement for 2004 for Maine Prairie Township coverage area: City of Kimball 76%, Rockville 8%, Watkins 16% (no change in service area).
2. To pass a resolution approving continued gambling operations from June 1, 2004 (12:01 a.m.) to May 31, 2006 at midnight for Kimball American Legion, 201 Main St. S. in the City of Kimball.
3. To authorize the Mayor and Clerk to sign the revised hazel Ave. Project right of way map due to the change in easements.
4. To disconnect all delinquent City utilities.

Motion passed (Councilmember Edwards was absent).

Larry Davis came before the City Council with the damage done to their home from sewerage backups. Through no fault of the Davis', their sewer line was disconnected during the reconstruction of the Hazel Ave. water/sewer/street project and was not reconnected to the new main which caused several backups into their basement and their in home day care business.. Mayor Davis removed herself from the Council and took no part in the discussion or decision.

Motion Maus/Fischer to instruct the League of Minnesota Cities Insurance Trust to pay the Davis claim and if the LMCIT determines that someone else is at fault, the LMCIT should go after (subrogate) those individuals for reimbursement and require that the LMCIT respond within 10 days. Those voting in favor thereof: Maus, Fischer, Orbeck; those voting against: None; those absent: Edwards; those abstaining: Davis. Motion passed.

DEPARTMENT REPORTS:

Public Works: Ryan Bettenberg presented two quotes for a 2 channel 9850/audio/radio signal locator. Northern Water Works' quote includes training. Motion Orbeck/Fischer to purchase the Metrotech pipe locator from Northern Water Works. Motion passed (Councilmember Edwards was absent).

The City will be keeping Neil Hilary on as a temporary employee (six months or less for PERA exclusion). The Public Works department was instructed to set up a schedule for Mr. Hilary ahead of time.

As a Public Works Director in training, the Council requested the Ryan Bettenberg attend some management training class. Mr. Bettenberg reported that he has obtained his Class B drivers license and Jill Holte is also working towards taking her Class B behind the wheel exam. They also plan on attending the Rural Water Workshop in St. Cloud in March.

Police Department: Chief Todd Rohloff presented the Monthly and Annual reports for Kimball and Fairhaven Township and comparison of calls between Kimball and another community of Kimball's size. Kimball had 3066 yearly contacts and Fairhaven had 591 yearly contacts with Kimball serving them 15 hours per week.

Motion Fischer/Davis to approve the application for grant for the FY 2004 Bulletproof Vest Program for a vest for Police Officer Jim Frilstad. Motion passed (Councilmember Edwards was absent).

Clerk Treasurer Administrator's Department: Dianne Robinson reported on the Don Stein annexation and alternatives to the raised floor situation in the office.

Motion Davis/Maus to appointed John Gohmann as Safety Officer for the Fire Department. Motion passed (Councilmember Edwards was absent).

Mayor Davis and Councilmember Andy Maus reported on the Performance Review meeting and gave their recommendations. Councilmember Orbeck commented on how raises were determined.

Motion Fischer/Maus to approve non-union employee raises effective with hours worked Jan. 1, 2004 as follows:

Chris Jeppesen \$8.55 to \$10.50 per hour

Brian Stiles \$12.50 to \$14.00 per hour

Jim Frilstad \$9.00 to \$10.50 per hour

Neil Hilary \$7.00 to \$7.50 per hour

Motion passed (Councilmember Edwards was absent).

Mayor Davis reported on National Night Out. The Council picked Tuesday, Aug. 10th as the date for the City of Kimball to celebrate. The Council will have Chris Jeppesen work with the Mayor to plan this event.

The professional Service Contract with Goldberg, Swanson & Paulsen was discussed.

Motion Davis/Orbeck to send a letter to Goldberg, Swanson & Paulsen serving notice of termination of the Contract for Professional Services effective Jan. 20, 2004 and to set aside their claim of Jan. 2, 2004 for services from May 1, 2003 to Dec. 22, 2004 for \$3,533.40 under Article 2, Compensation, Section 2.03 – Invoices of the Contract and request a more detailed itemization and supporting documents with an explanation as to the delay in submitting this claim for payment. To call for a closed Labor Negotiation Meeting on Feb. 5, 2004 at 6:30 p.m. at City Hall and hire Labor Relations. Motion passed (Councilmember Edwards was absent).

Mayor Davis read a memo to the Council in regard to the need for a Planning Committee, but holding off as she feels that the Council rushed into the process. Councilmember Maus explained the selection of Scott Theilman to the committee.

Motion Davis/Fischer to throw out the Planning Commission and look at community goals. Motion passed (Councilmember Edwards was absent).

Mayor Davis reported on her research of the service provided by the City building inspector. Dianne Robinson will have Chris Jeppesen research what other communities are paying for building permits.

Mayor Davis read a letter to on the need for Council Workshops to address goal and ideas for community planning.

Motion Davis/Orbeck to call for a special planning meeting on Monday, Feb. 23, 2004 at 7:00 p.m. at Kimball City Hall. Motion passed (Councilmember Edwards absent).

City Engineer Randy Sabart delivered record drawings of Plat II of the Greely Edition and the Hazel Ave. Project.

It was noted that there will be a meeting on Friday, Jan. 25th at 3:00 p.m. at City Hall sponsored by the DNR on NEMO, that the Household Hazardous Waste Clean-up Day will be Saturday, May 8 from 9:00 a.m. to 1:00 p.m., that Mayor Davis will be on the Hutchinson Radio Station on Jan. 30th at 2:40 p.m. and the Mayor's attendance at the Ice Palace Tour sponsored by the St. Paul Mayor.

Motion Orbeck/Fischer to reimburse Mayor Davis for a portion of her motel cost while attending the Ice Palace Tour. Motion passed (Councilmember Edwards was absent).

Councilmembers and City Staff will purchase a plant for the Heritage House of Kimball's open house.

Dianne Robinson was instructed to send a letter on the removal of snow and ice build-up from a sidewalk on Hazel Ave.

Motion Orbeck/Fischer to adjourn at 9:10 p.m. Motion passed (Councilmember Edwards was absent).

Dianne H. Robinson
Clerk Treasurer Administrator

Meeting date: Feb. 2, 2004

Meeting time: 7:00 p.m.

Called to order by: Mayor Karla Davis.

Councilmembers present: Karla Davis, Mickey Fischer, Steve Edwards, Andy Maus and DuWayne Orbeck.

Councilmembers absent: None.

Others present: Doug Woolridge, Randy Sabart, Brandon Edwards, Paul Hoeschen, Mike Schneider, Tom Ehlinger, Sandy Steinmetz, Todd Rohloff and Jean Matua.

Additions to the agenda: Kuechle claim and change order and other Councilmember issues.

Motion Fischer/Maus to approve the Jan. 20, 2004 Council minutes as presented. MUC

Motion Maus/Edwards to approve the following items on the consent agenda:

1. To approve the pay request for Shaddock, Young & Brown for \$501.00 in legal fees for the Hazel Ave. project pending Rural Development approval.

MUC

Paul Hoeschen Water/Wastewater Contract Consultant reported on the water main break, water tower freeze-up and pipe separation at the water plant and valve shut-offs.

Motion Davis/Maus to purchase the parts necessary to do the pipe repair at the water plant. MUC

Fire Chief Tom Ehlinger and Fireman Mike Schneider presented quotes on vehicles for an equipment van for the Fire Department. The truck cost is approx. \$8,000.00 to \$18,000.00 and the box would run around \$40,000.00. The department is only interested in purchasing the truck now and doing the box work later on. Bids will be obtained at that time.

Motion Edwards/Maus to allow the fire department to purchase a vehicle not to exceed \$18,000.00 to be used for an equipment van. MUC

Motion Orbeck/Edwards to allow the Fire Department to purchase an air compressor and compressor lines for approx. \$500.00. MUC

Motion Maus/Edwards to allow the Fire Department to purchase a used electric 110 pressure washer which is on wheels and completely rebuilt from Knaus Sausage House, Inc. for \$600.00. MUC

Doug Woolridge who is the owner of Standard Process Equipment, Inc. in Cokato approached the City Council in regard to re-locating his business to Kimball. He would

like to purchase the lot next to Styme's in Maus Addition and apply for tax increment financing. He manufactures stainless equipment for food manufacturing and would need approx. 6,000 square feet.

The Council would like to have Mr. Woolridge feel comfortable with his plans before the City incurs any legal expenses. He will meet with Sandy Steinmetz to review Styme's TIF plan and if possible, meet with the Council again in two weeks.

City Engineer Randy Sabart reviewed the wastewater pond capacity with the Council in regard to future development. Elm Street from 135th St. to and including Linden Ave. W. needs to be jetted before wastewater flow can be determined. The Public Works Department will be instructed to proceed with the jetting of these mains and the Office Staff will compile a report on one year of sewer usage in this area by the gallon and research the SAC/WAC/TRUNK CHARGE fee being charged by other communities.

The City Engineer will speak with the Water and Wastewater Contract Consultant Paul Hoeschen about the pond capacity before he charges the City for any report on capacity.

Motion Davis/Orbeck to renew the Workers Compensation Coverage with no changes and to make the elected officials "employees" for the purpose of Work Comp. coverage. MUC

Motion to approve attendance of City Staff at the Loss Control Workshop on Wednesday, March 31, 2004 in St. Cloud. MUC

The claim from Kuechle Underground in the amount of \$3,433.76 for the sewer main correction at 561 Hazel Ave. E. will be sent to the LMCIT to be made part of the claim.

A report will be given to the Council month showing the overtime hours of each employee in reference to budgeted overtime hours for 2004.

Snow removal time line was discussed and letters will be sent on snow removal from sidewalks on Main Street

Councilmember Orbeck will speak with the Public Works Department about these issues and set up a week-end work schedule for this Department.

Motion Fischer/Edwards to adjourn at 9:35 p.m. MUC

Dianne H. Robinson
Clerk Treasurer Administrator

Meeting date: Tuesday, Feb. 17, 2004

Meeting time: 7:00 p.m.

Called to order by: Mayor Karla Davis

Councilmembers present: Karla Davis, Mickey Fischer and DuWayne Orbeck.

Councilmembers absent: Andy Maus and Steve Edwards.

Others present: Ryan Bettenberg, Todd Rohloff, Jean Matua and Randy Sabart.

Motion Orbeck/Fischer to approve the Feb. 2, 2004 Council meeting **minutes** as presented. Motion passed (Councilmember Edwards and Maus were absent).

Motion Fischer/Davis to approve the **Claims for February 2004** as presented. Motion passed (Councilmember Edwards and Maus were absent).

Motion Fischer/Orbeck to approve the following items on the **Consent Agenda**:

1. To transfer \$30,000.00 from the Fire Department Money Market Account to the Fire Department Checking Account for operating expenses.
2. To hire Neil Hilary to fill the seasonal public works worker position and limit the duration of work to 185 consecutive calendar days or less from start date for calendar year 2004 at the rate of \$7.50 per hour.
3. To approve the renewal of the Consumption & Display Permit for Playland Ballroom, 531 State Highway 55 in Kimball for April 1, 2004 to April 1, 2005.

Motion passed (Councilmembers Edwards and Maus were absent).

Addendums to the agenda: Disconnect of a delinquent utility, Public Building and State Licensed facilities resolution, fire department wage increase and grant writing class.

Motion Davis/Fischer to send Chris Jeppesen to a grant writing class at St. Cloud State and pay the registration of \$89.00. Motion passed (Councilmember Edwards and Maus were absent).

Acting Public Works Director Ryan Bettenberg reported on the following: broken water main and tower freeze-up, jetting of sewer mains, changing a yield sign on Maus Drive to a Stop sign, flushing of the sewer main in the area of 820 Hazel Ave. E., and 50 Magnus Johnson St. N., Rural Water Class being attended in March and the Wellhead Protection Program.

Motion Davis/Fischer to hire the City of Litchfield to jet the sewer mains on Elm Street from 135th Street to Linden Ave. W. and then east on Linden Ave. W. to Highway 15. Motion passed (Councilmembers Edwards and Maus were absent).

The snow plow will be taken in for service and the flushing of hydrants was discussed.

The fire department wage increase was presented. This was tabled until budget information is researched.

All delinquent utilities will be disconnected.

Motion Davis/Fischer to approve the agreement to establish administration of the State Building Code on “**Public Buildings**” and “**State Licensed Facilities**” with the City jurisdiction. When executed, this Agreement shall serve as an agreement pursuant to Minnesota Statute 16B.61 Subd. 1a, between the City of Kimball and the Commissioner of Administration for transfer of State Building Code Administration from the Minnesota Department of Administration to the City for “**Public Buildings**” and “**State Licensed Facilities**” described in M.S. 16B.60 Subd. 6 and Subd. 11. Motion passed (Councilmember Edwards and Maus were absent).

DuWayne Orbeck will attend the Clearwater River Watershed District meeting in Annandale on Feb. 18.

Mayor Karla Davis called for a closed labor negotiations meeting on Feb. 23, 2004 at 6:15 p.m. at Kimball City Hall, 1 Main Street North.

The Planning Meeting will start at 7:00 p.m. on Feb. 23, 2004 and Councilmembers should have their goals ready for presentation at this meeting.

Motion Davis/Orbeck to adjourn at 7:57 p.m.

Dianne H. Robinson
Clerk Treasurer Administrator

Special Planning Meeting.

Meeting date: Feb. 23, 2004

Meeting time: 7:05 p.m.

Called to order by: Mayor Karla Davis

Councilmembers present: Karla Davis, Steve Edwards, DuWayne Orbeck and Mickey Fischer.

Councilmembers absent: Andy Maus.

Others present: Jean Matua, Shannon Dahl and Tammy Konz.

Mayor Davis asked each Councilmember to state their goals for the City of Kimball.

Mayor Karla Davis:

- WILLOW CREEK PARK – Mayor Davis is having Chris Jeppesen work on walking paths and grants.
- NATIONAL NIGHT OUT – Mayor Davis has Chris Jeppesen working on this which will be on Aug. 3.

(Issues addressed were picking a different day, event being the week before Kimball Days, Chris Jeppesen being able to handle doing both events at the same time, being a neighborhood get together or on big event in the park and purpose of event).

- PARKING LOT SIGN – Mayor Davis would like to see a sign (similar to the one Annandale has) in the parking lot across the street from City Hall which would inform the public of points of interest and locations and other information.

Councilmember Andy Maus was absent, but one of his goals was addressed:

- NEW CITY HALL – Councilmember Maus is interested in the present St. John's Lutheran Church for City Offices and Library. Chris Jeppesen is working on obtaining a grant for City Hall.

Councilmember DuWayne Orbeck:

- DEVELOPMENT.
- WATER RUN OFF GRANTS
- HOUSING WITH WATER RUN OFF PLANNING.
- R.M JOHNSON AND GAS SERVICE BUILDING PERMIT ISSUE TO HELP BUSINESS' GO FORWARD (Council expressed concern that permits apply equally).
- STREET REPAIRS.

Councilmember Steve Edwards:

- ANNEXATION – Going both north and south of the City.
- INFRASTRUCTURE (streets, sidewalks, water tower) Development of a long range plan.

Mayor Davis asked the public if they had any goals which they would like to see the Council address.

Tammy Konz would like to see communication between the City and community organizations. Discussion followed as to how this could possibly be done.

Shannon Dahl would like to have the Council look at land which is available in the City before annexation of township land into the City and if the city services need to be expanded for developments. It was noted that there is land in the City but the property owners do not wish to sell their land for development.

Dianne Robinson would like to see cooperation between the City and property owners for the clean-up of debris and weeds in the gutters and sidewalk. The appearance of the City is important to those looking at locating in the community.

Mayor Davis spoke about the identifying of trees, plants, birds, etc. in the park and directional signage for trails and promotion of property for sale for commercial use.

The City talked about the Parking Lot Sign and National Night Out being priorities.

Motion Edwards/Fischer to adjourn at 8:15 p.m. Motion passed (Councilmember Maus was absent).

Dianne H. Robinson
Clerk Treasurer Administrator

Meeting date: March 1, 2004

Meeting time: 7:00 p.m.

Called to order by: Mayor Karla Davis

Councilmembers present: DuWayne Orbeck, Karla Davis, Steve Edwards and Mickey Fischer.

Councilmembers absent: Andy Maus.

Others present: Joe Steichen, Randy Sabart, Jean Matua, Chris Jeppesen, Merle Anderson, Roland Froyen, Todd Rohloff, Bill Thell, Dave Geislinger, Jerome Kuechle and Shelly Olson.

Additions to the agenda: Legion gambling donations and Davis Sewer back-up situation.

Motion Fischer/Orbeck to approve the Feb. 17 and 23 Council minutes with correction to Feb, 17th minutes, page 2, paragraph 3. Motion passed (Councilmember Maus was absent).

Motion Orbeck/Fischer to approve the following items on the Consent Agenda:

1. To approve Dianne Robinson's vacation request.

Motion passed (Councilmember Maus was absent).

There was discussion of the wage increase request made by the Fire/Rescue Department and the motion made by the Fire Board to recommend a wage increase from \$7.00 per hour to \$8.00 per hour effective Jan. 1, 2004 and possibly earmarking the Fire Department Equipment Fund as a Fire Department Reserve Fund to be used for other than equipment and to keep a reserve in this fund. Discussion was tabled until fire department members arrive at meeting.

Zoning Administrator Chris Jeppesen presented changes to Plat III of Greely Edition.

Motion Davis/Edwards to abandon Greely Edition Plat III and introduce a new Plat with additional Property. Motion passed (Councilmember Maus was absent).

Jerome Kuechle addressed the following items which will need to be addressed by the Council at a later date:

1. The rezoning of the parcel of property he purchased from George Nathe which is presently zoned highway commercial.
2. Turning the streets in Plat III over to the City of Kimball with the townhome association taking care of the snow removal.

Assistant Fire Chief Bill Thell and Captain Dave Geislinger presented the Fire/Rescue Department wage increase proposal and information on the FEMA grant which they plan on applying for to help pay for the equipment van.

Motion Fischer/Edwards to rescind the previous motion on the equipment van purchase. Motion passed (Councilmember Maus was absent).

Motion Davis/Fischer to allow the Kimball Fire/Rescue Department to proceed with the FEMA grant application for an equipment van with the municipal contribution being 20%. Motion passed (Councilmember Maus was absent).

The proposed Fire/Rescue Department raise was discussed. Since the Fire/Rescue Department Budget is done two years in advance because of the townships annual meeting, there is not a raise increase figured into the next two years budget. This issue was tabled and Mayor Davis will attend Maine Prairie Township's annual meeting on March 9th.

Merle Anderson of the Clearwater River Watershed District presented information on the Stormwater Run-Off Study and requested that the City Councilmembers and the Clerk Treasurer Administrator attend their meeting on March 24th at 6:30 p.m. at Stanley's Family Restaurant to review this study. Mayor Davis called for this as a special meeting and requested that it be posted.

The Clerk Treasurer Administrator was instructed to send a letter to Don Adams of Stearns County Environmental Services Department requesting funding which would be used for funding for the City Council and staff to attend training sessions, review plans, and prepare for Kimball's Stormwater Management and Wellhead Protection.

Councilmember DuWayne Orbeck addressed the issue of standing water at the corner of Magnus Johnson St. N. and State Highway 55 E. The Clerk Treasurer Administrator will contact MN/DOT as this is on their right of way.

Clerk Treasurer Administrator Dianne Robinson reviewed the recodification of the zoning ordinance and the quotes received from the League of Minnesota Cities and Shadduck Young and Brown. She explained that the main issue to be addressed is the Subdivision ordinance. The Council requested that City Staff contact other cities for copies of their subdivision ordinance as a starting point.

Clerk Treasurer Administrator Dianne Robinson presented information on the Wellhead Protection Scoping meeting that the Minnesota Department of Health had with City Staff on Feb. 25th, the 3 year process to complete the Wellhead Protection Program and the letter which was sent to overlying units of government.

Motion Edwards/Orbeck to appoint Ryan Bettenberg as the Wellhead Protection Manager. Motion passed (Councilmember Maus was absent).

City Engineer Randy Sabart reported on pond capacity and the jetting of Elm St.

Motion Davis/Fischer to have Randy Sabart assist the Public Works Department and Paul Hoeschen with figuring the pond capacity and if more than a couple of hours are needed, he will contact Mayor Davis or City Staff. Motion passed (Councilmember Maus was absent).

Mayor Davis gave a report on the progress of their basement repair due to the sewer backup cause by the Hazel Ave. construction project.

Motion Orbeck/Edwards to adjourn at 8:50 p.m. Motion passed (Councilmember Maus was absent).

Dianne Robinson
Clerk Treasurer Administrator

Meeting date: March 15, 2004

Meeting time: 7:00 p.m.

Called to order by: Mayor Karla Davis

Councilmembers present: Karla Davis, Andy Maus, DuWayne Orbeck, Steve Edwards and Mickey Fischer.

Councilmembers absent: None

Others present: Tri-County News Editor Jean Matua, Brent Nehring Maine Prairie Township Board member, Jim Unterberger Maine Prairie Township Board Chairman, Joe Steichen, Jerry Wendt, Ryan Bettenberg Public Works, Larry Davis, Jerome Kuechle, Chris Jeppesen, Mike Schneider, Fire Chief Tom Ehlinger and Ed Maus.

Motion Edwards/Fischer to approve the March 1, 2004 minutes as presented. MUC

Motion Orbeck/Maus to approve the March claims as presented. MUC

Motion Orbeck/Maus to approve the following items on the consent agenda:

1. To approve the renewal of Kimball Aqua Lanes, Inc. Consumption & Display Permit for 250 Magnus Johnson St. N. for April 1, 2004 – April 1, 2005.
2. To approve the LG240B application to Conduct Excluded Bingo for the American Legion Auxiliary Unit #261 at 202 Main St. S. on March 31, 2004.
3. To approve the following resolution:

Resolution Number 31604

RESOLUTION AUTHORIZING ACCEPTANCE OF A TRAFFIC SAFETY AWARD

Whereas, the Kimball Police Department desired to protect the health of its citizens by improving traffic safety and participating in the Safe & Sober Challenge; and

Whereas, under the provision of the Highway Safety Act (P.L. 89-563), the Minnesota Department of Public Safety has federal funding to promote traffic safety; and

Whereas, the Minnesota Department of Public Safety had judged the Kimball Police Department's efforts to decrease impaired driving and increase seat belt use to be exceptional, and wants to reward those efforts by providing additional funding for the department;

Therefore, be it resolved that the Kimball Police Department enter into an agreement with the Minnesota Department of Public Safety, Office of Traffic Safety for the period from December 1, 2003 to June 30, 2004.

The Chief of Police of the City of Kimball is hereby authorized to execute such agreements as necessary to implement the project on behalf of the Kimball Police Department.

Be it further resolved that the Chief of Police of the City of Kimball is hereby authorized to be the fiscal agent and administer the grant on behalf of the Kimball Police Department.

MUC

Tri-County News Editor Jean Matua will put the Traffic Safety Award story in the Tri-County News.

Addendums to the agenda: Delinquent utility shut-offs, Greely Edition signage and addition council business.

Second requests will be sent for the City furnace maintenance agreements.

Jerry Wendt presented information to the Council that he had researched on property taxes of homes in other cities. He was invited to attend the April 12th Board of Review for the 2004 assessments for taxes payable in 2005.

Karla Davis removed herself as Mayor for the following discussion and Acting Mayor Andy Maus chaired this portion of the meeting.

Larry and Karla Davis presented a Property Loss Worksheet prepared by Allied Adjuster Diane Tinnes on their loss due to sewage back-up in their basement when the sewer main was incorrectly hooked back up during the Hazel Ave. project. Allied Adjuster's Worksheet showed total damage to be \$45,668.77. Of this, \$23,125.92 has already been paid to the Davis' leaving a balance due of \$22,542.85. Of this amount, Allied Adjusters shows that \$7125.87 is not for replacement costs and is not covered by the City's insurance.

The Davis' stated that the electrical had to be updated to meet state code with 37 outlets being placed in their basement and the subcontractor hasn't finished the job. The adjusters agreed to allow \$2,500.00 for this upgrade. They feel that the contractor created the additional electrical costs as he did not receive their approval to go over what was had quoted.

The Davis' anticipate receipt of a check for \$15,416.98 from allied adjusters but will not accept that until they know if the City will pick up the amount not covered by the City's insurance. They will not sign the release.

Councilmember Andy Maus requested an itemization of the costs not covered from the City's insurance carrier (League of Minnesota Cities Insurance Trust).

The Davis' have spoken with SEH, Inc., the engineering firm for the Hazel Ave. project in regard to sharing cost of the amount not covered by the City's insurance. They are willing to pay some of the un-covered costs.

Councilmember Fischer commented that the Davis' had the money coming to them for the un-covered expenses.

Councilmember Maus commented that the City has insurance for the replacement costs but not betterment. Councilmember Orbeck also agreed.

Motion Councilmember Edwards/Maus to submit Larry and Karla Davis' itemized claim for uncovered costs due to sewage backup caused by an incorrect connection during the Hazel Ave. Project to Rural Development as part of the Hazel Ave. Project loan. Any payment received from SEH, Inc. or the League of Minnesota Cities Insurance Trust will be deducted from this itemization. Payment to the Davis' is pending Rural Development approval. Those voting in favor thereof: Councilmembers Andy Maus, DuWayne Orbeck, Steve Edwards and Mickey Fischer; those voting against: None; those absent: None; those abstaining: Mayor Karla Davis. Motion passed.

The Clerk Treasurer Administrator was instructed to contact Jim Merrick of Rural Development to expedite this situation.

Jerome Kuechle presented a preliminary lay out of his plans for a development south of Linden Ave. East and west of State Highway 55 East. Items discussed were: Annexation of portion in Maine Prairie Township, extension of City utilities, lift station for sewage, cul-de-sacs, snow removal, commercial property along the railroad tracks and wet land area.

Zoning Administrator Chris Jeppesen presented information on the sub-division ordinances she obtained from other cities. She commented that an attorney needs to do this ordinance amendment, review it, make proposal to the council and write the amendments. She feels that she is not trained to do legal work. At the Councils request, she will contact the City Attorney to see if the City can use Maple Lake's ordinance which the attorney is presently working on and share the costs.

Chris Jeppesen reported on the affordable housing workshop she attended in Baxter and the grant writing class in St. Cloud. She reported that she learned that the City must have a project first before looking for grant funds. She would like to meet with the park

committee (Doug Knaus and Carol Newman) and the public works department to discuss signage and possible grant funds available.

There will be a Kimball Days meeting on March 29th at 5:00 p.m. which is open to the public in accordance with the Minnesota Open Meeting Law.

Ryan Bettenberg of the Public Works Department reported on the jetting of Elm Street to increase sewage flow, the repair of the broken force main seal, repair of stop sign on Maus Drive, patching pot holes, pond capacity, Rural Water Workshop in St. Cloud, Minnesota Damage Prevention Seminar on April 1, speed limit and signage in Greely Edition and Well Head Protection.

Councilmember Edwards recommended that an area map of pot holes be developed and have the Public Works Department contact KEEK Developers for a quote on filling these potholes with some of their projects.

Motion Edwards/Davis to allow Ryan Bettenberg to attend the Minnesota Damage Prevention Seminar on April 1. MUC

The Clerk Treasurer Administrator was instructed to draft an agreement with KEEK Developers for signage similar to the snow removal agreement.

The Maine Prairie Township Board addressed the following issues with the Council: Fire Department wage increase motion made by Jim Unterberger at the Fire Board meeting (which will go back to the Fire Board at their August meeting), debris from the Greely Edition blowing into the township (Jerome Kuechle will be called), fire hall rent and the construct of a township office in the fire hall (fire board minutes will be check to see when \$1,000.00 annual rent was restored), building of a township hall or building onto the fire hall (fire department is in favor of this, but needs City Council approval), paying rent to the City for the use of their fire hall is the “principal of the issue” not the cost, annexation of Don Stein property and “rumors” that the City of Kimball is considering annexing all of Maine Prairie Township.

Ed Maus made a formal request for Tax Abatement for the expansion of their present business, A. M. Maus & Son, Inc.

Motion Davis/Edwards to pass a resolution instructing the City Attorney to proceed immediately with the tax abatement process for A. M. Maus & Son, Inc. Those voting in favor thereof: Orbeck, Davis and Edwards; those voting against: None; those absent: None; those abstaining: Maus and Fischer (owner and employee). MUC

Councilmember Orbeck commented that their will be other projects coming up for Tax Abatement.

Motion Maus/Davis to disconnect all delinquent City utilities. MUC

The Clerk Treasurer Administrator was instructed to advertise the 1992 Chevy Capri for sale by sealed bid with the minimum bid being \$500.00.

Councilmember Maus spoke of the sale of the St. John's Lutheran Church which he would like to see the City purchase for the City offices and library. He estimated a purchase price of \$200,000.00, with electrical and remodeling being approx. \$95,000.00. He will contact Tom Thelen of the League of MN. Cities about grant funds for City Halls.

Councilmembers were asked to look at the building as Church members and their attorney plan on attending the next meeting entertaining an offer from the City.

Motion Orbeck/Davis to adjourn at 10:25 p.m. MUC

Dianne H. Robinson
Clerk Treasurer Administrator

Meeting date: April 5, 2004

Meeting time: 7:00 p.m.

Called to order by: Mayor Karla Davis

Councilmembers present: Karla Davis, Andy Maus, DuWayne Orbeck, Mickey Fischer and Steve Edwards.

Councilmembers absent: None.

Others present: City Engineer Randy Sabart, Shannon Dahl, Don Driver, Jean Matua, Chris Jeppesen, Jeremy Kuechle, Tom Marquardt, Rhonda Pagel, Tom Zipoy and Ron Harff.

Addendums to the agenda: Water tower claim reimbursement information, insurance quote, council issues.

Motion Maus/Fischer to approve the March 15, 2004 council minutes as presented. MUC

Motion Maus/Davies to approve the following items on the consent agenda:

1. To approve Chris Jeppesen's vacation request.
2. To approve Dianne Robinson's vacation request.
3. To approve the application to Stearns County Environmental Service for SCORE funding in the amount of \$696.00 to off set the cost of the used oil dump.
4. To pass a resolution renewing the Kimball Fire Relief Assoc. Gambling license at Main Street Pub, 10 Main St. S. in the City of Kimball for July 1, 2004 – June 30, 2006.
5. To approve the pay request of \$121.30 in engineering fees for SEH, Inc. for the Hazel Ave. Project pending approval by Rural Development.
6. To approve the pay request of \$3,433.76 in contractor fees for Kuechle Underground, Inc. for the correction to the sanitary sewer service at the Davis' property in conjunction with the Hazel Ave. Project pending approval by Rural Development (this claim was denied by Allied Adjusters as Rural Development is willing to approve it as part of the project cost).

MUC

Mayor Davis reported that she has been invited to a meeting in Annandale on a joint venture for a community center.

Councilmember DuWayne Orbeck addressed pot holes. It was noted that the Council had instructed Ryan Bettenberg of the Public Works Department at the last meeting to do a map of all the pot holes and that they were to be filled with hot mix and not cold patch.

Deputy Clerk Chris Jeppesen reported on Kimball Days and Clean-up Day.

Motion Edwards/Maus to appoint Chris Jeppesen as the Kimball Days Coordinator for 2004. MUC

Motion Orbeck/Fischer to pay the Kimball Days Coordinator, Police Department and Public Works Department for the extra hours worked for Kimball Days. MUC

Motion to pay for the insurance coverage for the Kimball Days fireworks. MUC

Motion to pay the Kimball School janitorial fee of \$50.00 for the Kimball Days use of the school for the Little Miss Kimball coronation and teen dance. MUC

Motion to rent four speed limit signs for the Kimball Days week-end from Geyer Signal. MUC

Motion Davis/Maus to pay the extra staff time for on Public Works employee for the Clean-up Day on May 8, 2004. MUC

Chris Jeppesen will volunteer her time for Clean-up day and DuWayne Orbeck will be getting information on tires and batteries.

Tom Marquardt and Jeremy Kuechle presented the Kimball Express Town Team, Inc. future plans for the Veteran's Memorial Field (City baseball field) to the Council. The Council questioned the volume of the P.A. system, the construction of the Crow's Nest, the irrigation system and grand stand funding.

Motion Orbeck/Edwards to approve the weed spraying by Total Lawn Care of the infield at the approx. cost of \$275.00. MUC

The City's Insurance agent will be instructed to review the plans for the Crows Nest and volunteers using City equipment.

Motion Orbeck/Edwards to approve a 3.2 Malt Liquor "On Sale" license for the Kimball Express town team for 2004 pending approval of insurance coverage. MUC

Tom Marquardt informed the Council that Community Ed. will be sponsoring the baseball clinic and covering the event with the schools insurance.

Tom Zipoy and Ron Harff of the St. John's Lutheran Church presented a draft plan of their proposed new church on 135th Street and stated that the ground breaking would be May of 2005 with an approx. cost of \$1.5 million. Their plan is to give the City the first

chance to purchase the present church building on Magnus Johnson Street. Their starting point is \$265,000.00 for the building but would be willing to look at offers.

The City is interested and will need to look at renovation costs, financing, planning and public input.

City Attorney Rhonda Pagel suggested a committee be set up to do this research with meetings that are open to the public.

City Attorney Rhonda Pagel introduced the process for the A.M. Maus & Son, Inc. tax abatement.

Motion Edwards/Davis to set up the Development Agreement to figure a progression increase on the present tax base and return the increase which is over and above the present tax base plus progression. Those voting in favor thereof: Orbeck, Davis, Edwards and Fischer; those voting against: None; those abstaining: Maus; those absent: None. Motion passed.

Motion Davis/Edwards to up the Development Agreement with an eight (8) years tax abatement. Those voting in favor thereof: Orbeck, Davis, Edwards and Fischer; those voting against: None; those abstaining: Maus; those absent: None. Motion passed.

Councilmember Andy Maus reported on MN/DOT's 20 year road plan. An overlay is planned from just west of the intersection of State Highway 15 and 55 on State Highway 55 to Annandale.

Clerk Treasurer Administrator Dianne Robinson addressed the following:

1. Week-end work hour policy for the Public Works Department as stated in the City Employment Policy Handbook was clarified.
2. Reported that City Staff would attend the NEMO meeting in Annandale on April 8th.
3. Requested that Chris Jeppesen investigate and start the application process for a grant with the initiative foundation for the development of a Comprehensive Plan.
4. Reviewed the City Ordinance on the repair of water shut offs and who's responsible for the cost of replacement. Ordinances from other cities will be reviewed to see how they apply their ordinance.
5. Nuisance complaint. The City Council will conduct a clean-up tour at the first meeting in June at 6:00 p.m.

Councilmember Maus will speak with the developer of Greely Edition about debris from the contractors which has blown out of the development area and construction debris in the water run-off ponds.

The City Engineer Randy Sabart will look at the cement which is in the ditch area of Hodge Podge Road near State Highway 55.

The letter from Post Master Scott Lindemann on mail boxes was reviewed.

Don Driver the Civil Defense Director for the City of Kimball introduced himself to the City Council.

Clerk Treasurer Administrator Dianne Robinson reported on the medical/dental/life insurance plan with PEIP and requested that she be allowed to obtain a quote from the AT Group for Health Partners to see how much the City could save on the premium.

Councilmember Andy Maus addressed the letter received from Allied Adjusters in reference the Larry and Karla Davis insurance claim for the sewer backup caused by the Hazel Ave. Project and requested a City Attorney opinion if it is a legal expenditure for the City to pay out anything over the amount the City insurance company pays the Davis' for replacement costs.

Karla Davis will provide Attorney Pagel with their attorney's name and phone number and the Clerk Treasurer Administrator will provide a copy of the City claim file. City payment will be deferred until an opinion is received from the City Attorney.

Motion Edwards/Fischer to rescind the following motion made earlier in this meeting and table until a further time:

“To approve the pay request of \$3,433.76 in contractor fees for Kuechle Underground, Inc. for the correction to the sanitary sewer service at the Davis' property in conjunction with the Hazel Ave. Project pending approval by Rural Development (this claim was denied by Allied Adjusters as Rural Development is willing to approve it as part of the project cost).”

Those voting in favor thereof: Orbeck, Maus, Edwards and Fischer; those voting against: None; those abstaining: Davis; those absent: None. Motion passed.

Motion Edwards/Maus to rescind the following motion made at the March 15, 2004 City Council meeting until a review by the City Attorney is completed:

“To submit Larry and Karla Davis’ itemized claim for uncovered costs due to sewage backup caused by an incorrect connection during the Hazel Ave. Project to Rural Development as part of the Hazel Ave. Project loan. Any payment received from SEH, Inc. or the League of Minnesota Cities Insurance Trust will be deducted from this itemization. payment to the Davis” is pending Rural Development approval.”

Those voting in favor thereof: Fischer, Edwards, Maus and Orbeck; those voting against: None; those abstaining: Davis; those absent: None. Motion passed.

Motion Davis/Maus to adjourn at 10:15 p.m. MUC

Dianne H. Robinson
Clerk Treasurer Administrator

Board of Review

Meeting date: April 12, 2004

Meeting time: 6:00 p.m.

Called to order by: Mayor Davis

Councilmembers present: Karla Davis, Mickey Fischer, Andy Maus and DuWayne Orbeck.

Councilmembers absent: Steve Edwards.

Others present: County Assessor Gary Grossinger, Asst. Assessor Tina Dietrick, Todd Rohloff, Jerry Wendt, Joel Kampa, Dale Wagner, Marsha Bonham and Jerome Kuechle.

County Assessor Gary Grossinger explained how the taxing system works. May questions were asked.

Motion Davis/Maus to have the County Assessor re-inspect the Joel Kampa property at 320 Hodge Podge Road NE. Motion passed (Edwards was absent).

Dale Wagner was requested to complete the rental survey which was sent to him and needed by the assessor to make a complete review.

The County Assessor will also review the Judd Bonham property at 341 Hodge Podge Road NE. on garage loft.

Motion Maus/Fischer to adjourn at 7:30 p.m. Motion passed (Edwards was absent).

Dianne H. Robinson
Clerk Treasurer Administrator

Meeting date: April 19, 2004

Meeting time: 7:00 p.m.

Called to order by: Mayor Karla Davis

Councilmembers present: Karla Davis, Andy Maus, DuWayne Orbeck and Mickey Fischer.

Councilmembers absent: Steve Edwards.

Others present: Becky Sheldon, Todd Rohloff, Merle Anderson, Todd Strand, Rick Johnson, John Stein, Paul Hoeschen, Jeff Orbeck, Robert Stelten, Cindy Stelten, Tom Crouch, Don Stein, Jean Matua, Joe Steichen, Sandy Steinmetz, John Steinmetz, Jean Ryan, Tom Kummrow, Jim Unterberger, Dave Schmitz, Shannon Dahl, Shirley Dahl, Cliff Dahl, Rhonda Pagel, Brent Nehring, Jeff Jacobs, Tom Marquardt, Randy Sabart, Ed Maus, Dale Kirkpatrick, John Arnolds, Margaret Arnold, Tammy Konz, Ronald Froehen and Jerome Kuechle.

Motion Maus/Fischer to approve the April, 2004 claims as presented (Councilmember Steve Edwards was absent). Motion passed.

Motion Fischer/Maus to approve the following item on the consent agenda:

1. To disconnect all delinquent City utilities.

(Councilmember Edwards was absent). Motion passed.

Addendums to the agenda: calling for hearing to vacate drainage/utility easement and e-mail from Randy Sabart.

Jean Ryan and Tom Kummrow presented the 2003 Minnesota Safe & Sober Challenge Second Place Award to Kimball Police Department Chief Todd Rohloff in recognition of the Kimball Police Departments dedication and service to the citizens of Kimball in preventing deaths and injuries resulting from traffic crashes. The award was presented on behalf of the Minnesota Department of Public Safety/Office of Traffic Safety and the National Highway Traffic Safety Administration. A \$2,000.00 grant came with the award to cover the overtime for the Safe & Sober campaign.

Motion Maus/Orbeck to accept the Safe & Sober Challenge grant of \$2,000.00 and to congratulate the Kimball Police Department on a job well done (Councilmember Edwards was absent). Motion passed.

Tom Crouch present a draft plan for his proposed development north on 135th Street and extending north of Elm St. N. He proposes platting for 90 single homes and 24 twin homes adjacent to the Kimball Cemetery on a 40 acre parcel he is purchasing from Don Stein. There is 25 acres between this proposed plat and State Highway 15 that Don Stein has for sale for commercial development.

Motion Davis/Orbeck to adopt the following resolution and move for its adoption:

**CITY OF KIMBALL RESOLUTION
NO. 04192004**

**JOINT RESOLUTION AND AGREEMENT FOR
ORDERLY ANNEXATION BETWEEN
TOWNSHIP AND THE CITY OF KIMBALL, MINNESOTA**

Those voting in favor thereof: Davis, Orbeck, Fischer and Maus; those voting against: None; those absent: Edwards; those abstaining: None. Motion passed.

(Entire resolution is on file in the City Clerk Treasurer Administrator's office).

Merle Anderson of the Clearwater River Watershed District spoke about storm water run-off and pond maintenance. Other items discussed were street width, sidewalk on the east side of Elm Street which will continue north through the plat, curb/gutters, infiltration, rain gardens, street tonnage and the Watershed District reviewing the plat.

Maine Prairie Township Board Chairman Jim Unterberger spoke about the agricultural land to the north and west of the development which may cause dust and smells. Tom Crouch said he would address this issue in the purchase agreement as he sells the lots.

Mayor Davis called to order the Public Hearing for the A. M. Maus & Son, Inc. Tax Abatement. As a voting quorum of the City Council was not present due to the absence of Councilmember Steve Edwards and the abstaining of Andy Maus and Mickey Fischer, Mayor Davis called for a special meeting on Monday, April 26, 2004 at 7:00 p.m. to continue this hearing.

City Attorney Rhonda Pagel reviewed the tax abatement term, starting date, maximum amount, construction date, original taxes, increase in taxes due to abatement, graduating original taxes by either 3% or 5% each year for portion retained by City, job and wage goals, statutory limit on abatements granted and benefits to City.

Public comment was received.

Paul Hoeschen Contract Consultant for the Public Works Department reported on automatic water meter readers which would cost approx. \$11,875.00 which includes the software program. Financing will be checked into.

Motion Orbeck/Fischer to approve the attendance of Ryan Bettenberg at the May 4 -6 Spray Irrigation Workshop in Rochester. Motion passed (Councilmember Edwards was absent).

Councilmember Orbeck reported on the price per ton for hot mix for pot hole patching. At the cost of \$29.50 per ton for 30 tons, the cost should be less than \$900.00. He also reported that Jerome Kuechle will provide the roller and manpower.

John & Margaret Arnold and Todd Strand and Rick Johnson of Willow Creek Concrete, Inc. were present to address the screening issue between the commercial and residential property. The Arnold's commented on their family history in the community, the effects of Willow Creek Concrete on their adjoining property, the need for a permanent solution for screening, safety issues, deflection of noise, blocking of commercial view, time length for accomplishing screening, operating hours, dirt for berm, use of Willow Creek Concrete's equipment and previous conversations with Willow Creek Concrete, Inc.

Todd Strand and Rick Johnson also spoke to previous conversations and council meeting, materials for a berm, trees, fencing, elevation from their new building to Arnold's property, number of employees, operating shifts, time of operation, noise and the annexation.

City Attorney Rhonda Pagel reported that the City has the final say as to what the screening will be and this cost would be Willow Creek Concrete's. If the Arnold's decide to go beyond what the City requires, then that cost would be their responsibility.

The Council request that the Arnold's obtain 3 bids for the cost of material and labor to build the berm including some trees and Willow Creek Concrete, Inc. should get bids for a wood fence.

The City Engineer Randy Sabart was asked to comment on berms versus other screening.

Tom Marquardt of the Kimball Express Town Team reported that they are not going to construct a crow's nest at this time. Their plans are to include it with future plans for a grand stand.

Motion Davis/Orbeck to approve the Right of Way Certificate for USDA Rural Development for the Hazel Ave. Project. Motion passed (Councilmember Edwards was absent).

Jerome Kuechle presented his plans for cal de sacs within Willow View Estates. The Council expressed their concern for snow removal. Jerome Kuechle will review the requirements with the City engineer.

Jerome Kuechle inquired about the Park Dedication fee and if some of these reserve funds could be used to help the St. John's Lutheran Church build a park on their new site.

City Attorney Rhonda Pagel explained that the City could only use city funds to build a park on public property.

Jerome Kuechle inquired about splitting Lot 10, Block 1, Greely Edition, Plat I and selling one half to the abutting property owner on the east side of this lot and possibly selling the other half to someone not abutting this lot to build a garage. Attorney Pagel informed the City Council that one half could be sold to the abutting property owners but not to someone not abutting this lot as the remaining one half lot would not be a buildable lot.

Motion Davis/Fischer to adopt the following resolution:

RESOLUTION SETTING HEARING ON VACATION

WHEREAS, a petition of property owners abutting a drainage and utility easement in the City of Kimball, was received by the City Clerk on the 19th day of April, 2004 requesting that the City Council vacate this drainage and utility easement located on property described as follows:

The East 106.00 feet of the South 10.00 foot drainage and utility easement over and across Lot 1, Block 2, GREELY EDITION PLAT TWO, according to the recorded plat thereof, Stearns County, Minnesota.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF KIMBALL, MINNESOTA:

The City Council will consider the vacation of the drainage and utility easement and a public hearing shall be held on such proposed vacation on the 6th day of **May, 2004**, before the City Council in the Kimball City Hall, 1 Main St. N. at **7:00 p.m.**, and the Clerk Treasurer Administrator shall give published and posted notice as required by law.

Those voting in favor thereof: Davis, Fischer, Orbeck and Maus; those voting against: None; those absent: Edwards; those abstaining: None. Motion passed.

Motion Davis/Maus to allow KEEK Developers to proceed with the street and pipe work in Greely Edition Plat III provided that a Certificate of Insurance is provided. Motion passed (Councilmember Edwards was absent).

Police Chief Todd Rohloff reported that there was no legislative action taken this session on the Administrative Citations and requested that some of the safety grant money be used to purchase a speed wagon.

Mayor Davis open the sealed bids for the 1992 Chevy Police Car and they were as follows: George Eisenbacher \$550.00 and John Robasse \$555.50. Motion Maus/Davis to accept the bid from John Robasse for \$555.50. Motion passed (Councilmember Edwards was absent).

Clerk Treasurer Administrator Dianne Robinson report on the NEMO meeting she attended on April 8 in Annandale and requested that she be allowed to coordinate a meeting with Jay Michaels the City Engineer, Developers and their engineers, City Councilmembers, Public Works and Maine Prairie Township Board so he could help with future City Planning and the writing of the storm water ordinance and grant writing with the Initiative Foundation

Request denied. Plats will be reviewed by Clearwater River Watershed.

Motion Davis/Maus to have Chris Jeppesen coordinate “Community Night Out” for June 18, 2004 which is a city initiated (not sponsored) night out. Motion passed (Councilmember Edwards was absent).

The planning commission has been tabled until questions can be answered. City Attorney Pagel commented that it is a long process taking up to 1 ½ years before plan can be adopted.

City Attorney Rhonda Pagel gave the following verbal opinion on the Larry and Karla Davis insurance claim:

“The LMCIT has referred this claim to outside counsel. The matter is out of City hands and the City needs to sit back and let the LMCIT and the Davis’ legal counsel handle the situation. The City should do nothing now. The City should stay in the side lines for now.”

Attorney Pagel will also be checking with Allied Adjusters on the Kuechle Underground claim for the correction of the Davis’ connection.

Motion Davis/Fischer that anything to be seen or heard at a City Council meeting must be to the City Clerk Treasurer Administrator by the end of business time on the Tuesday prior to the City Council meeting. Motion passed (Councilmember Edwards was absent).

There will still be open forum with an allotted number of minutes for each individual. No hand-outs will be accepted and if action is needed, the individual will be placed on the next City Council agenda.

Shannon Dahl question an earlier motion made for KEEK Developers and why they were being allowed to proceed with street and pipe work when the City has not yet approved the plat.

Motion Davis/Maus to rescind the motion made earlier in this meeting allowing KEEK Developers to proceed with street and pipe work in Greely Edition Plat III as the public hearing for this plat isn't until May 3, 2004. Motion passed (Councilmember Edwards was absent).

Motion Maus/Fischer to adjourn at 10:50 p.m. Motion passed (Councilmember Edwards was absent).

Dianne H. Robinson
Clerk Treasurer Administrator

Meeting date: April 26, 2004

Meeting time: 7:00 p.m.

Called to order by: Mayor Karla Davis

Councilmembers present: Karla Davis, Andy Maus, DuWayne Orbeck, Mickey Fischer and Steve Edwards.

Councilmembers absent: None.

Others present: Rhonda Pagel, Cliff Dahl, Shirley Dahl, Shannon Dahl, Todd Rohloff, Jeff Orbeck, Casey Meagher, Deb Kampa, Ed Maus, Kurby Steffen, Joe Steichen, Jean Matua, Sandy Steinmetz, Dale Kirkpatrick, Ed Enerson, and other un-identified individuals from Greely Edition.

Mayor Davis continued the A. M. Maus & Son, Inc. Tax Abatement Hearing which was continued from the April 19, 2004 meeting and turned the floor over to City Attorney Rhonda Pagel to explain how this proposed tax abatement would be drafted.

Jeff Orbeck questioned the State Building Code. Attorney Pagel explained that as the legal counsel for the City, being the City has adopted the State Building Code, they would advise the City to enforce the code.

Jeff Orbeck commented that he has done many things for this community and the City Council has not been educated on what he has done, number of new employees and wage goal in the proposed abatement, building permit for his proposed building and keeping existing business' in the community.

Sandy Steinmetz spoke positively on behalf of the Tax Increment Financing they received and how it can benefit the community.

Ed Enerson commented on the assessments for Hazel Ave.

City Attorney Pagel commented that this was a special hearing just for the Tax Increment Financing and requested that comments be limited to just the Tax Abatement Hearing.

An individual from Greely Edition commented on how high her taxes were and where the money will come from for the return of abatement money to A. M. Maus & Son. Attorney Pagel explained that only the increase in taxes for the City share is the amount returned. City retains present taxes plus a 5% increase annually. A. M. Maus & Son, Inc. will not receive the increased taxes for the school district and county.

Attorney Pagel explained that criteria needs to be met in order to qualify for business subsidy and the City does have their "Business Subsidy Criteria" in place.

Mayor Davis closed the hearing at 7:50 p.m.

Motion Davis/Edwards to direct Attorney Pagel to add the one full time job at \$8.00 per hour exclusive of benefits and to increase the taxes returned to the city by 5% each year. Motion passed.

Motion Davis/Edwards to adopt the following resolution:

RESOLUTION 04262004A

RESOLUTION ADOPTING THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF KIMBAL AND A. M. MAUS & SON, INC.

(Entire motion is on file in the City Clerk Treasurer Administrator's office).

Those voting in favor thereof: Davis, Edwards and Orbeck; those voting against: None; those abstaining: Maus and Fischer; those absent: None. Motion passed.

Motion Davis/Edwards to adopt the following resolution:

RESOLUTION 04262004B

RESOLUTION APPROVING TAX ABATEMENT FOR A.M. MAUS & SON, INC.

(Entire motion is on file in the City Clerk Treasurer Administrator's office).

Those voting in favor thereof: Davis and Edwards; those voting against: Orbeck; those abstaining: Maus and Fischer; those absent: None. Motion passed.

Future planning was discussed. Attorney Pagel informed the Council that a Planning Commission addresses only land use issues and not taxing issues which is what tax abatement is.

Ed Maus thanked the City Council for the Tax Abatement approval.

Motion Fischer/Maus to adjourn at 8:00 p.m. Motion passed.

Dianne H. Robinson
Clerk Treasurer Administrator

Meeting date: May 3, 2004

Meeting time: 7:00 p.m.

Called to order by: Mayor Karla Davis

Councilmembers present: Karla Davis, Andy Maus, Steve Edwards, Mickey Fischer and DuWayne Orbeck.

Councilmembers absent: None

Others present: Rhonda Pagel, Don Driver, Merle Anderson, Cliff Dahl, Shirley Dahl, Shannon Dahl, Todd Strand, Rick Johnson, Reed Oster, Casey Meagher, Kurby Steffen, Randy Sabart, Tom Zipoy, Jerome Kuechle, Jean Matua, Chris Jeppesen, Mary Spaulding, David VanVleet, Todd Rohloff, Jim Unterberger, John Arnold, Margaret Arnold, Lonnie Hendricks and others from Greely Edition.

Motion Edwards/Davis to approve the minutes of the April 19, 2004 meeting as presented. Those voting in favor thereof: Davis, Orbeck and Edwards; those voting against: None; those abstaining: Maus and Fischer; those absent: None. Motion passed.

Motion Edwards/Orbeck to approve the minutes of the April 26, 2004 special meeting as presented. MUC

OPEN FORUM: None

Mayor Davis called to order the Greely Edition Plat III Rezoning, Variance, Conditional Use Permit PUD, Preliminary Plat and Final Plat.

Rezoning issue was addressed first. The following public comments were raised: reason for rezoning, prior council comments about not rezoning any more highway commercial property, how does it affect abutting property owners, exception in covenant for town homes on these lots, petition to change covenant, location of street, billing KEEK Developers sent Dahl for street/water/sewer which abuts his property, how the town homes would effect the value of the homes in the addition, ten town homes would help the tax base, increase in City market value, rezoning of Shannon Dahl's residential property to light industry so storage sheds can be built, increase in traffic, the annexation of 25 acres into the City for commercial use, decreasing the number to town homes, being a land locked piece of property, other town homes already in the City are doing well, land for a park within Greely Edition, developers working together and numerous other issues.

Motion Davis/Edwards to close the Public Hearing on Rezoning and continue it on May 17, 2004 at 7:15 p.m. and will adjourn and proceed to Publishers Drive to view site. MUC

Motion Davis/Edwards to table the Variance, Conditional Use Permit PUD, Preliminary Plat and Final Plat Hearing to May 17, 2004 at 7:15 p.m. MUC

Civil Defense Director Don Driver reported on emergency medical products site, training core people, tornado drill on April 22, working with the trailer park, ID pictures, weather radios for both schools and assisted living, school safety areas, the need for the school to expand its P.A. system, repair of the siren on City Hall and securing the water system and water tower.

John and Margaret Arnold presented quotes for the berm which they have requested that Willow Creek Concrete Products, Inc. build on their property as screen from the concrete business. There was much discussion.

Previous history of issue was addressed with City Attorney Rhonda Pagel reading the City Ordinance and informing the public that the decision was up to the City Council.

Motion Davis/Edwards to require a berm that runs along all adjacent property owners pending speaking to the Rokala's to see if they are fine with trees. Motion died for lack of vote.

Motion Davis/Edwards to have Willow Concrete Products, Inc. put a berm on the Arnold's property abutting Willow Creek Concrete and the Mayor will be speaking to the Arnold's, Rokala's, Jacob's and the City of Kimball. If they are not interested in a berm, the Mayor will determine what kind of screening they are looking for. Those voting in favor thereof: Davis, Edwards, Maus and Fischer; those voting against: None; those abstaining: Orbeck; those absent: None. Motion passed.

Motion Davis/Edwards that the berm be built to the following specifications on the John Arnold property: 24 feet wide, 375 feet long, 8 feet high, 4 foot flat top and 4 inches of top soil. The Arnold's are to do the trees and shrubs. MUC

Willow Creek concrete can provide the soil and choose the contractor and work with the Arnold's as the berm will be on Arnold's property.

John Arnold stated that a 375 foot berm is fine with him.

Rick Johnson of Willow Creek Concrete Products, Inc. reported that he has spoken with Bruce Rokala and are working on trees for screening.

Todd Strand, President of Willow Creek Concrete Products, Inc. requested that the City Council put all of this in writing.

City Attorney Rhonda Pagel recommended that the City receive a waiver from all abutting property owners.

Police Chief Todd Rohloff reported on the COPS in School Grant (CIS) program.

Motion Edwards/Davis to approve the application of the COPS in School Grant and Retention Schedule with a wage scale of \$14.75, \$15.25 and \$15.75 over the next three years. MUC

Motion Davis/Edwards to have Carol Newman to take care of the planters again and have the Public Works Department work with them and a lot up to \$300.00 for flowers. MUC

Councilmember Orbeck reported on Public Works Department business. He will have Ryan Bettenberg draft a report for the next meeting.

The Clerk Treasurer Administrator was instructed to invite Carol Newman and Doug Knaus to a Council meeting to discuss their plans for Willow Creek Park.

Furnace maintenance quotes for the City Hall/Water/Waste Treatment Plants were reviewed and it was decided that the City remain with St. Cloud Refrigeration.

Motion Davis/Maus to approve the renewal of the Group self insured accident plan basic coverage and include the additional optional medical benefit. MUC

Motion Edwards/Maus to appoint Sherry Donabauer as the agent of record for the City's insurance coverage for this premium term. Those voting in favor thereof: Maus, Orbeck, Fischer and Edwards; those voting against: None; those abstaining: Davis; those absent: None. Motion passed.

Motion Maus/Davis to adjourn at 10:25 p.m. MUC

Dianne H. Robinson
Clerk Treasurer Administrator

Meeting date: May 6, 2004

Meeting time: 7:00 p.m.

Called to order by: Mayor Karla Davis

Councilmembers present: Davis, Fischer, Maus and Orbeck

Councilmembers absent: Edwards

Others present: Jerome Kuechle, Joe Steichen, Shannon Dahl, Shirley Dahl and Jean Matua.

Mayor Davis called to order the Hearing for the Vacation of Public Drainage and Utility Easement on the East 106.00 feet of the South 10.00 foot drainage and utility easement over and across Lot 1, Block 2 GREELY EDITION PLAT TWO, according to the recorded plat thereof, Stearns County, Minnesota.

Mayor Davis closed the hearing.

Motion Davis/Fischer to continue the hearing to May 17, 2004 at 7:15 p.m. Those voting in favor thereof: Maus, Davis, Fischer and Orbeck; those voting against: None; those absent: Edwards; those abstaining: None. Motion passed.

Motion Fischer/Maus to adjourn at 7:05 p.m. Those voting in favor thereof: Maus, Davis, Fischer and Orbeck; those voting against: None; those absent: Edwards; those abstaining: None. Motion passed.

Dianne H. Robinson
Clerk Treasurer Administrator

Meeting date: May 17, 2004

Meeting time: 7:00 p.m.

Called to order by: Mayor Karla Davis

Councilmembers present: Karla Davis, Steve Edwards, Mickey Fischer, DuWayne Orbeck and Andy Maus.

Councilmembers absent: None.

Others present: Ryan Bettenberg, Cliff Dahl, Shirley Dahl, Shannon Dahl, Casey Meagher, Merle Anderson, Randy Sabart, Steve Maus, Jerome Kuechle, Joe Steichen, Jean Matua, Tom Zipoy, Ed Maus, Tammy Pauly, Joe Pauly, Sherry Donabauer, Allan Roth and Todd Rohloff.

Motion Edwards/Fischer to approve the May 3, 2004 minutes with changes and the May 6, 2004 special meeting minutes as presented. MUC

Motion Fischer/Maus to approve the claims as presented changing the Bound Tree claim to \$279.23 and adding the LMCIT (workers comp.) when corrected premium is received. MUC

Motion Orbeck/Fischer to approve the following items on the consent agenda:

1. To allow Frederick A. Metcalf Legion Post 261 to sell intoxicating liquor outside their licensed premises in the fenced in area shown on drawing for May 24 and July 17 and send an amendment to their intoxicating liquor license to the Department of Public Safety Alcohol and Gambling Enforcement and the Kimball Police Department.
2. To certify Daniel & Debra S. Fuller's delinquent City utility billing in the amount of \$375.35 on property parcel number R60.34482.000/001 located at 360 Hazel Ave. E. to Stearns County for collection with their real estate taxes.

MUC

Mayor Davis called to order the Continuation Public Hearing on Rezoning, Variance, Conditional Use – PUD, Preliminary Plat and Final Plat for KEEK Developers, Plat III Greely Edition. Each item was taken individually for public comment.

Hearing was closed:

Motion Maus/Orbeck to Rezone Parcel #R60.34417.001/001 from Highway Commercial to Urban Residential. Those voting in favor thereof: Maus, Orbeck, Davis, Edwards and Fischer; those voting against, absent or abstaining: None. Motion passed.

Motion Maus/Fischer to approve a Variance on Parcel #R60.34417.001/001 from the 5 acre requirement. Those voting in favor thereof: Maus, Fischer, Orbeck, Davis and Edwards; those voting against, absent or abstaining: None. Motion passed.

Motion Maus/Orbeck to approve a Variance on parcel #R60.34417.001/001 to vary from the front yard set back of 30 feet to 20 feet. Those voting in favor thereof: Maus, Orbeck, Davis, Fischer and Edwards; those voting against, absent or abstaining: None. Motion passed.

Motion Orbeck/Davis to grant a Conditional Use permit for a PUD on Parcel #R60.34417.001/001 and R60.34428.053 with the conditional use remaining with the property. Those voting in favor thereof: Orbeck, Davis, Edwards, Maus and Fischer; those voting against, abstaining or absent: None. Motion passed.

Motion Davis/Maus that KEEK Developers install a six foot high fence on their property the length (107 feet) of Shannon Dahl's property as a condition to the permit. Those voting in favor thereof: Davis, Maus, Orbeck, Fischer and Edwards; those voting against, absent or abstaining: None. Motion passed.

Motion Maus/Orbeck to accept the Public Utilities improvements but not the Private street improvements in Plat III. Those voting in favor thereof: Maus, Orbeck, Davis and Fischer; those voting against: Edwards; those absent or abstaining: None. Motion passed.

Motion Orbeck/Fischer to approve the Developer's Agreement as presented with the following changes:

Page 1, 1.1 Park Dedication Fees. Add \$100.00 per lot and \$1,000.00 for non-residential lot.

Page 1, 2.3 Payment of City Costs. Add \$2,500.00 and additional deposit of \$500.00.

Page 3, 2.1, e. change to read Private street surfacing, including concrete curb and gutter (private street improvements); to be maintained by the Association.

Page 3, 2.1, i. fill in date to be April 21, 2004.

Page 4, 2.3, fill in date to be March 31, 2006

Page 6, 2.15 fill in SAC to be \$1,250.00 and WAC to be \$1,250.00 per lot.

To add to Page 4, 2.2, the City will provide part-time resident inspection for the improvements.

Those voting in favor thereof: Orbeck, Fischer, Maus, Edwards and Davis; those voting against, absent or abstaining. None. Motion passed.

Motion Maus/Orbeck to approve the Final Plat for Greely Edition Plat III. Those voting in favor thereof: Maus, Orbeck, Davis, Fischer and Edwards; those voting against, absent or abstaining: None. Motion passed.

Mayor Davis called to order the Continuation Public Hearing for Vacating a Drainage and Utility Easement for Greely Edition Plat Two for public comment.

Hearing closed.

Motion Orbeck/Maus to pass the following resolution:

RESOLUTION FOR VACATING A DRAINAGE AND UTILITY EASEMENT

WHEREAS, a majority of the owners of property abutting on property described as follows:

The East 106.00 feet of the South 10.00 foot drainage and utility easement over and across Lot 1, Block 2, GREELY EDITION PLAT TWO, according to the recorded plat thereof, Stearns County, Minnesota

have requested the City Council in a petition dated April 19, 2004 to vacate such easement according to law;

AND WHEREAS, a public hearing was held on May 17, 2004 before the Kimball City Council in the Kimball City Hall, 1 Main St. N. on such petition after due published and posted notice had been given, as well as personal notice to affected property owners by the Clerk Treasurer Administrator on April 20, 2004 and all persons interested were given an opportunity to be heard:

AND WHEREAS, any person, corporation, or city owning or controlling easements contained upon the property vacated, reserves the right to continue maintaining the same or to enter upon such way or portion thereof vacated to maintain, repair, replace, remove or otherwise attend thereto;

AND WHEREAS, it appears that it will be in the best interest of the city to approve such petition:

NOW, THEREFORE, BE IT RESOLVED, that such petition is hereby granted and the drainage and utility easement described as follows is hereby vacated for the above described property.

Those voting in favor thereof: Orbeck, Maus, Davis, Fischer and Edwards; those voting against, absent or abstaining: None. Motion passed.

Mayor Davis took public comments on the screening ordinance for the building permit expansion by A. M. Maus & Son, Inc. (notice had been mailed to all adjacent residential use property owners). Joe and Tammy Pauly requested input if the City Council required screening. Councilmember Edwards commented that if screening is required, it should be the same for all adjoining residential use property owners. A. M. Maus & Son, Inc. will meet with the adjoining residential use property owners and report back at the next City Council meeting.

Motion Davis/Edwards to have the City sponsor the Community Night Out on June 18th and provide liability insurance with the property owners signing a waiver of liability if alcohol is served or consumed. Motion passed.

Motion Maus/Orbeck to have the City pay for two, four yard dumpsters for Kimball Days. Motion passed.

Motion Davis/Orbeck to allow Shannon Dahl to place an advertising banner for his business on his property at 501 State Highway 55 E. for four months while the City Council works on amending the sign ordinance. Motion passed.

Ryan Bettenberg of the Public Works Department reported on the following:

1. The repair and replacement of the broken fire hydrant on the corner of Main Street and Hazel Ave. E. (Quotes are needed and Mark Renn of MN/DOT needs to be contacted for a State permit).
2. Hydrants will be flushed on May 20th.
3. Replacing of rail fence in Willow Creek Park area (Ryan will work with the park committee on this).
4. Wiring at water tower (find out what is wrong and get quotes).
5. Replacement needed for two air release valves on force main (obtain quotes).
6. Force main maintenance and replace the packing on the knife valves. Awaiting letter from MPCA (obtain quotes).
7. Pot holes. DuWayne Orbeck presented a quote of \$21,550.00 from Mid-Minnesota Hot Mix, Inc. for a 2 inch overlay or \$16,425.00 overlay on Linden Ave. E. (this must be engineered and the City Engineer will put the process together for the next meeting and what the scope of the project might be).
8. Street sweeping quotes.
9. Irrigation schedule

Andy Maus addressed issues with the Public Works Department in reference to items at the Wastetreatment facility.

Sherry Donabauer, Agent of Record reported on City insurance coverage. The City Council declined the No-Fault Personal Injury Protection, Uninsured/Underinsured motorist and Optional "No-Fault" Sewer Back-Up Coverage and coverage on fire hydrants, planters and the war memorial in Willow Creek Park.

Motion Davis/Edwards to continue with the present insurance coverage which the City has in place. Motion passed.

Carol Newman will contact Doug Knaus and set up a park committee meeting. She reported that there would be a work night at the park on Wednesday, May 19th and the City Engineer will be contacted about the clean-up around well site #3.

Police Chief Todd Rohloff presented the police reports for Kimball and Fair Haven Township and requested that the band for Kimball Days and Main Street Pub close at the same time. The Kimball Days Committee and the Fire Department will be contacted on this issue and report back to Council.

Allen Roth of the AT Group presented quotes for the Medical/Dental/Life/Disability Insurance.

Motion Davis/Edwards to change Insurance providers from PEIP to the plan presented by AT Group as long as the union employees are OK with this. Motion passed.

Mayor Davis requested that the AT Group look into insurance coverage for part-time employee Chris Jeppesen. They will put together some police scenarios for the next meeting.

Councilmember DuWayne Orbeck reported on rail road right of way work he plans on doing with the Public Works Department, purchasing crushed granite, baseball field fence issue and steps on south side of City Hall.

Council requested that DuWayne Orbeck have some cost figures for the repair of the City Hall steps for the next meeting.

Clerk Treasurer Administrator Dianne Robinson reported on the berm waiver for Willow Creek Concrete and letters being sent to adjoining residential use property owners.

Motion Maus/Edwards to adjourn at 10:40 p.m.

Dianne H. Robinson
Clerk Treasurer Administrator

Meeting date: June 7, 2004

Meeting time: 6:00 p.m.

Called to order by: Acting Mayor Andy Maus

Councilmembers present: Andy Maus, DuWayne Orbeck and Mickey Fischer.

Meeting adjourned and Councilmembers Andy Maus, DuWayne Orbeck, Mickey Fischer and Clerk Treasurer Administrator Dianne Robinson took a clean-up tour of the City.

Meeting was called order at 7:00 p.m. by Mayor Karla Davis.

Councilmembers present: Andy Maus, DuWayne Orbeck, Mickey Fischer, Steve Edwards and Karla Davis.

Others present: Joyce Kuechle, Sandy Steinmetz, Jean Matua, Ryan Bettenberg, Donn Driver, Randy Sabart and Todd Rohloff

Motion Maus/Fischer to approve the May 17, 2004 minutes as presented with correction.
MUC

Motion Maus/Fischer to approve the following items on the consent agenda

1. To renew Ten Door Express, Inc. (Main Street Pub) Optional Liquor 2:00 a.m. Closing License ID#11583 for 10 Main St. S. from July 1, 2004 – July 1, 2005.
2. To accept the following Kimball Days donations: Safety First \$100.00, Paul Waldron & Assoc. \$100.00, A. M. Maus & Son, Inc. \$350.00, J-Craft \$100.00, French Lake Curb \$100.00, Hendricks Sand & Gravel \$100.00, Hendricks Bus Service \$100.00, State Bank of Kimball \$100.00, Schmidty's Conoco \$50.00 and Bauerly Companies \$50.00.

MUC

Addendums to the agenda: park committee issues, Hazel Ave. tar sample, Xcel Energy permit for Greely Edition Plat III and Councilmember items.

Open Forum: Sandy Steinmetz brought a video tape for the Council to view on their own time entitled "When Cultures Collide".

Mayor Davis called for a special meeting on Wednesday, June 16, 2004 at 7:00 p.m. at City Hall for the formation of a City Council appointed Park Committee. A thank you letter will also be sent to Doug and Vicki Knaus for their time spent working on the park.

Joyce Kuechle reported on the condition of the Willow Creek Shelter when she rented it on May 30, 2004 and the hours of cleaning before the shelter could be used.

Motion Davis/Edwards to return Joyce Kuechle's rental fee of \$55.00. MUC

The Willow Creek Shelter seating area will be left open at all times and the shelter will be checked and cleaned prior to rental and deposit will not be returned unless it is left in the condition it was found.

Ryan Bettenberg reported on the repair planned for the hydrant on the corner of Main St. South and Hazel Ave. E.

Motion Edwards/Maus to increase Ryan Bettenberg's wages from \$11.25 per hour to \$12.25 per hour effective with the June 11, 2004 payroll for a good six month probationary review. MUC

Ryan Bettenberg will check with Leef Brothers and American Linen for uniforms.

Ryan Bettenberg presented information from Bauerly's for the patching of the potholes on Linden Ave and other pot holes in the city for \$3,000.00 with the help of the Public Works Department.

Motion Davis/Edwards to have Bauerly's patch the potholds when a written contract is presented to the Clerk Treasurer Administrator. MUC

Motion Davis/Orbeck to approve Ryan Bettenberg's two day vacation request. MUC

The hot water heated in the Willow Creek Shelter will be replaced.

Motion Davis/Edwards to purchase a new weed whip. MUC

Police Chief Todd Rohloff reported that he has come to an agreement with Main Street Pub for the Kimball Days dance and bar closing time. Main Street Pub will close at 2:00 a.m. and the dance will stop at 1:30 a.m.

Civil Defense Director Donn Driver reported on the Emergency Management Meeting time schedule.

City Engineer Randy Sabart reported on feasibility studies for Public Works/Street projects, previous cost study done on Magnus Johnson St., Heritage park gravity sewer system pump station, increasing SAC/WAC fees and the water tower and waste treatment capacities.

Randy Sabart presented the Sanitary Sewer Extensions and/or Changes for Greely Edition Plat III which Mayor Davis signed.

For information only, Randy Sabart reported on the recycled tar mix which Bauerly's used for the final layer on Hazel Ave. E. The Stearns County Engineer is reviewing this and will come up with a cost reduction which will be shared with the City.

Fire Chief Tom Ehlinger presented the Fire Department 5 year plan, DNR grant request, selling oldest pumper and marking hydrants that are 4 and 6 inch lines (Public Works Department will do this).

Motion Davis/Fischer to apply for a DNR matching grant for a dry hydrant on Beaver Lake and authorize the Mayor and Clerk Treasurer Administrator to sign grant application. MUC

Motion Fischer/Edwards to advertise for sale the 1979 pumper. MUC

An equipment use policy will be drafted for the use of City equipment by volunteers.

ORDINANCE AMENDMENT

Councilmember Karla Davis introduced the following amendment to City Ordinance Chapter Eleven, Zoning District, Section 1141 – Signs, Subd 1141.5 and 1141.6.

1141.5 delete

1141.6 Signs Permitted. The following signs will be permitted in all districts subject to the specific standards indicated.

- (1) REAL ESTATE SIGNS – not to exceed thirty five (35) square feet in area which advertise the sale, rental, or lease of the premise upon which the sign is temporarily located.
- (2) RESIDENTIAL DISTRICT SIGNS – not to exceed sixteen (16) square feet in area located on the premises
- (3) BUSSINESS/COMMERCIAL DISTRICT – not to exceed sixty four (64) square fee for traffic control, parking restrictions, information and notice signs.
- (4) POLITICAL SIGNS – are allowed in any district on private property with the consent of the owner of the property from August 1 in a state general election year until ten (10) days following the state general election and ten (10) days following all other local elections.

Councilmember DuWayne Orbeck seconded the foregoing resolution and the following voted in favor thereof: Steve Edwards, Karla Davis, Mickey Fischer, Andy Maus and DuWayne Orbeck; those voting against, absent or abstaining: None.

Whereupon said resolution was declared passed and adopted.

Motion Maus/Edwards to add liability insurance coverage for all City fire hydrants at the rate of a total premium of \$18.00 per year. MUC

Sam Mackereth's request to place a cement bench in Willow Creek Park in memory of Jake Klein will be addressed at the June 16th park planning meeting.

Motion Edwards/Davis to request gambling funds from the Kimball American Legion for cultural recreational purposes. MUC

Andy Maus reported on the progress for screening his highway commercial property from the abutting residential use property.

Mayor Davis reviewed the insurance policy she had AT Group add to the City plan and she will speak to Chris Jeppesen to see if she wants to elect the coverage.

Motion Davis/Edwards to spend up to \$1,500.00 out of the general (park) fund to replace the rail fence in Willow Creek Park. MUC

Councilmember Andy Maus reported on the St. John's Lutheran Church sale. A few Councilmembers will meet with the Church Board.

The permit for the placement of Xcel Energy lines in the City Right of Way in Greely Edition Plat III was approved and signed.

Motion Orbeck/Maus to adjourn at 9:40 p.m. MUC

Dianne H. Robinson
Clerk Treasurer Administrator

Special meeting date: June 21, 2004

Meeting time: 7:00 p.m.

Called to order by: Mayor Karl Davis

Councilmembers present: Karla Davis, DuWayne Orbeck and Andy Maus.

Others present: Larry Blum, Darrel Wills, Shirley Wills, Joe Steichen, Carol Newman, Cindy Stelten, Mary Johnson, Dean Mozena, Audrey White, Gary Caauwe, Anita Hoefler, Shelly Olson, Tammy Konz, Dan Konz, DennisLoewen, Jo Loewen and others.

Mayor Davis reported that Doug and Vicki Knaus have resigned from their years of service to Willow Creek Park.

Mayor Davis asked the group of volunteers who were present what they wanted to do for a park planning committee.

The Dan and Tammy Konz family will be doing the clean-up and shrub and tree removal in the Lions Park this coming week-end. Thistle spraying was discussed.

Cindy Stelten spoke about volunteerism, volunteer insurance coverage, past council action and miscommunication with City staff.

Dean Mozena stated that the Lions would be providing proof of insurance from the Lions International.

Carol Newman would like to see a booklet developed for volunteers.

An equipment use policy and waivers were discussed.

The hot water heated has been replaced in the Willow Creek Park Shelter and DuWayne Orbeck stated that he would be donating two doors for the park restrooms.

It was requested that the rest rooms and picnic shelter be locked by the Police Department at 10:00 p.m and unlocked by the Public Works Department at 7:30 a.m.

Youth organizations should be involved in the park. This will help prevent vandalism.

Mowing, weed removal, granite chips around the baseball field fence, emptying garbage cans, garbage service being provided for shelter users, explanation of park rental fee and deposit, park funding and budget cuts, grants, Public Works Department responsibilities, and a park master plan was discussed.

Mayor Davis asked who would like to head up the park committee. There was no response. Councilmember Maus asked Darrel Wills if he would like to do this. He would rather just help out.

A park meeting was set for Wednesday, June 30, 2004 at 7:00 p.m. at the picnic shelter (to establish a committee) and a park clean-up day was set for July 10, 2004 at 9:00 a.m. at the picnic shelter. Flyers will be posted. This will be potluck.

DuWayne Orbeck will check into a natural color for the rail fencing being replaced in Willow Creek Park.

The City Council is in charge and the park committee (when established) will bring ideas to the Council.

Carol Newman will take care of getting the supplies for the clean-up day and turn claims into the City office.

Carol Newman will provide the Council with her list of items that need to be done in Willow Creek Park.

Mayor Davis reported that the Modern Woodsman will be planting two trees in Willow Creek Park. They will meet in the park area after the meeting to decide the location.

Keeping Willow Creek Park natural and the placement of memorial benches and other items in the park was discussed.

Compost for flower pots was discussed..

Motion Maus/Orbeck to adjourn at 8:35 p.m. Those voting in favor thereof: Maus, Orbeck and Davis; those voting against: None; those abstaining: None; those absent: Edwards and Fischer. Motion passed.

Dianne H. Robinson
Clerk Treasurer Administrator

Meeting date: June 21, 2004

Meeting time: 7:00 p.m.

Called to order by: Mayor Karla Davis

Councilmembers present: Karla Davis, DuWayne Orbeck, Steve Edwards and Andy Maus.

Councilmembers absent: Mickey Fischer.

Others present: Carol Newman, Mary Johnson, Jean Matua, Donn Driver, Rachelle Rokala, Bruce Rokala, Tom Ehlinger, Dave Geislinger, Tom Zipoy, Cindy Stelten, Mary Spaulding, Pastor David Milz and Shirley Milz.

Motion Maus/Edwards to approve the June 2004 claims as presented with the verification of the purchase made by the Fire Department from United Rental and the addition of the League of Minnesota Cities Claim for liab/auto/excess liab/ open meeting law insurance coverage. Motion passed (Councilmember Fischer was absent).

Motion Maus/Orbeck to approve the June 7 and June 16, 2004 Council minutes as presented. Motion passed (Councilmember Fischer was absent).

Motion Orbeck/Maus to approve the following items on the consent agenda:

1. To disconnect all delinquent utilities.
2. To accept the following Kimball Days Donations: Styme's \$50.00, Fairhaven Electric \$50.00, Dingmann Funeral Care \$50.00, Land O Lakes Oil \$25.00, Theisen Building Supply \$25.00, Xcel Energy \$100.00 and R.M. Johnson \$125.00.
3. To approve the pay request of \$27.00 in legal fees to Young, Brown & Pagel for the Hazel Ave. project pending Rural Development approval.
4. To approve the pay request of \$978.75 in engineering fees to SEH, Inc. for the Hazel Ave. project pending Rural Development approval.
5. Approve Brian Stiles vacation request for July 15, 2004.

Motion passed (Councilmember Fischer was absent).

Addendums to the agenda: letter from City Attorney Rhonda Pagel, volunteer policy and insurance for part-time employees.

Civil Defense Director Donn Driver reported on their meeting and commented on the siren located on City Hall, the need for a surge protector for this siren and Photo ID's for team leaders.

Bruce and Rachelle Rokala responded to the City's correspondence on screening for Willow Creek Concrete. They would like to have a berm which would be situated on half of their property and half of Willow Creeks property as boundary buffer that would adjoin the berm being constructed for the John Arnold's. They would like to do more

research on the berm and invited the Council to stop over and visit the site. Mayor Davis will set this up with the Rokala's.

Fire Chief Tom Ehlinger, Bill Thell, Dave Geislinger and Police Chief Todd Rohloff discussed the Kimball Days Street Dance and Main Street Pub closing time. The Police Department had suggested that the band play until 1:30 a.m. to cut down on the time between dance ending and bar closing, however the City Ordinance Chapter 6 – Section 630 – Public Dancing, 630.11 states that no public dance shall be held or conducted between the hours of 1:00 a.m. and 6:00 a.m.

Discussion centered on changing the City Ordinance, policing patrons as they leave the bar, sharing of the cost of extra police officers for this period of time and the number of officers.

Mayor Davis will speak with Rudy Zimmer on the issue.

Police Chief Todd Rohloff presented the Kimball and Fairhaven Townships monthly police reports. At total of 72 seat belt citations were issued for the Click It or Ticket Campaign. Other items discussed were the picnic shelter hours and a confiscated dirt bike.

Mayor Davis reported the following on the Public Works Department:

1. The hot water heater in the picnic shelter kitchen has been replaced.
2. Pothole repairs.
3. Irrigators were put on line.
4. Park shelter and restroom daily checklist.
5. Replacement of fire hydrant at the corner of Main St. S. and Hazel Ave. E.
6. Alley repair.
7. Civil defense siren dialer installation.

Motion Davis/Edwards to have Kuechle Underground, Inc. replace the fire hydrant at the corner of Main St. S. and Hazel Ave. E. Motion passed (Councilmember Fischer was absent).

Pastor David Milz, Shirley Milz and Tom Zipoy met with the Council in regards to the sale of the St. John's Lutheran Church and the possible acquisition by the City for City Hall/Offices/Library space. Issues raised were: What would happen to the present City Hall? Keeping the Historical Group informed. Proposed cost of renovation of City Hall determined by the Wold Group. Preserving City Hall. Giving City Hall to the Historical Group and letting them renovate it. Matching grants for renovation. Hiring an architect to look at St. John's Lutheran Church and determining a cost for its renovation. Grants

available for new City Hall/Library. Councilmember Maus has been in contact with Tom Thelen of the League of Minnesota Cities on grants. Councilmember Steve Edwards addressed the financing issue for hiring an architect. Tom Zipoy requested that someone attend a church board meeting to discuss church sale and enter into a "Letter of Intent". Mayor Davis spoke about expanding the fire hall to house City Offices and Library as rest rooms, kitchen and meeting room are already there and only office space and library space would need to be added. Conducting a survey. Previous surveys. St. John's Lutheran Church will be meeting on July 8 at 8:00 p.m. and have invited the Council and anyone else who is interested in the sale of the church to their meeting to discuss this issue. The City will post and publish there attendance at this meeting in compliance with the open meeting law.

Carol Newman presented her list of items she felt needing attention in Willow Creek Park.

Motion Davis/Edwards to have the Public Works Department purchase items needed for the July 10, 2004 park clean-up day. Motion passed (Councilmember Fischer was absent).

Motion Davis/Maus to change the City of Kimball's Health Insurance master plan for covered employees from working 40 hours per week to 25 hours per week. Motion passed (Councilmember Fischer was absent).

It was noted that Lucy Kielty has terminated her agreement for cleaning City Hall. Motion Davis/Maus to run an add for the Cleaning of City Hall/Library. Motion passed (Councilmember Fischer was absent).

The Council started to review a list of clean up issues from the City tour done on June 7th and was then presented a two page list of clean-up complaints which were reviewed at length.

Motion Davis/Maus to send the Cities list and the list presented to the Council to City Attorney Rhonda Pagel as to how to proceed and take her advice on the issue. Those voting in favor thereof: Davis, Maus and Orbeck; those voting against: None; those abstaining: Edwards; those absent: Fischer. Motion passed.

Motion Edwards/Orbeck to appoint Rhonda Pagel to represent the City at the June 30th meeting with the League of Minnesota Cities on an insurance claim. Motion passed (Councilmember Fischer was absent).

Motion Maus/Orbeck to adjourn at 10:00 p.m. Motion passed (Councilmember Fischer was absent).

Dianne H. Robinson
Clerk Treasurer Administrator

Meeting date: July 6, 2004

Meeting time: 7:00 p.m.

Called to order by: Mayor Karla Davis

Councilmembers present: Karla Davis, Mickey Fischer, DuWayne Orbeck and Andy Maus.

Councilmembers absent: Steve Edwards.

Others present: Shirley Gilpatrick, Brian Stiles, Todd Rohloff, Jean Matua, Jim Frilstad, Randy Sabart, Mary Spaulding, Tim Young, Tammy Konz, Dan Konz, Joan Hendricks, Leo Wirth, Kris O'Brien and Cindy Stelten.

Motion Fischer/Maus to approve the following items on the consent agenda:

1. To approve a Games of Skill License for 2 games at the Express O, 41 Main St. S.
2. To approve the Church of St. Anne's LG220 Application for Exempt Permit to conduct Bingo, Raffles and Pull Tabs on Sept. 19, 2004 at 441 Hazel Ave. E.
3. To appoint Mark Jansky as a Volunteer Temporary Employee with no pay as the Pyrotechnic Operator from 8:00 p.m. and terminating position at 11:59 p.m. that same day for the Kimball Days fireworks to be held Aug. 13, 2004.
4. To approve the pay request for Young Brown & Pagel for legal fees on the Hazel Ave. Project for \$13.50 pending approval by Rural Development.
5. To do an operating transfer of \$25,000.00 from the fire department money market to the fire department checking.
6. To approve Ten Door Express' (Main Street Pubs) request to sell intoxicating liquor outside the licensed premises located at 10 Main St. S. in the fenced in area shown on their maps which are attached for Aug. 13, 2004 and Aug. 14, 2004 and send an amendment to their intoxicating liquor license to the Department of Public Safety Alcohol and Gambling Enforcement and the Kimball Police Department.
7. To approve the pyrotechnic contract with Rhonda Pagel's recommendations.

Motion passed (Councilmember Edwards was absent).

Motion Maus/Davis to accept Brian Stiles resignation as a Police Officer working full time effective July 22, 2004 and to keep on as a Police Officer working part-time until a replacement can be found. Motion passed (Councilmember Edwards was absent).

Motion Davis/Fischer to advertise on the POOLLINE for a full time experienced Police Officer and to leave the wages as negotiable for now. Motion passed (Councilmember Edwards was absent).

Mayor Davis thanked Brian Stiles for his service to Kimball.

Job descriptions for the Public Works Department will be given to each Councilmember and performance evaluations will be done at the next meeting for Ryan Bettenberg and Jillian Holte.

Motion Davis/Fischer to approve Change Order #6 for the ware course on the Hazel Ave. project. Motion passed (Councilmember Edwards was absent).

Councilmember Orbeck addressed the drainage easements on Linden Ave. in regards to the Fogarty property.

Motion Davis/Orbeck to appoint Gary Caauwe as the Chairperson for the park committee. Motion passed (Councilmember Edwards was absent).

A letter will be sent to all who attended the Special Park Committee Meeting on June 16th to see if anyone is interested in being on the Park Committee. The Council is looking for 3 members.

Motion Orbeck/Maus to rescind a previous motion for the replacement and installation of a wood rail fence in the park and to replace this fence with 40 American Cranberry shrubs on the south side of the Mackereth property only at the approx. cost of \$400.00. Motion passed (Councilmember Edwards was absent).

Police Chief Todd Rohloff will secure 3 additional officers to work the Kimball Days Street Dance from 10:30 p.m. to 2:30 a.m. at the rate of \$30.00 per hour with the City/Fire Department/Main Street Pub splitting the cost.

Mayor Davis commented on the Willow Creek Concrete screening progress.

A concerned citizen address the council in reference to the clean up list presented at the last Council meeting. City Attorney Tim Young addressed the Council on procedure, policing the City for nuisance violations, City resources to do the policing and enforcement, staff time, prioritizing categories, Council responsibility to interpret the City Ordinance and land use being a zoning issue which is another policing power.

Motion Orbeck to send letter to all those on the revised list done by Chief Rohloff. Motion died for a lack of a second.

Attorney Tim Young informed the Council that it is the Councils responsibility to determine what the nuisance definition in the Ordinance means, that the original list presented at the last meeting and the revised list are private data and the identity of the complainant is also private data for the City.

Motion Orbeck/Maus to send informal letters to all on Chief Rohloff's revised list requesting clean up within two weeks from the date of the letter. Motion passed (Councilmember Edwards was absent).

It was suggested that the City clean up tour be changed to coincide with the City clean up day.

Leo Wirth and Kris O'Brien of the Chamber of Commerce presented information on the Healthy Partners Program and refresher training for those that had been on the original committee and a comprehensive planning workshop in Little Falls on July 28th. Mayor Davis and Councilmember Orbeck and Deputy Clerk Chris Jeppesen may attend.

Kris O'Brien will place an article in the Tri-County News to see if there are any residents interested in being a part of the Healthy Partners.

Mary Spaulding spoke on about something called the Official Records Act. Attorney Tim Young stated that he was not aware of such an act, but if Ms. Spaulding would furnish him with the State Statute, he would research it and respond to her request.

Tim Young explained that the audit is not just a financial report but an analysis of the City, the Clerk Treasurer Administrator was correct in not releasing Attorney-Client privileged information to a requester, that no one dictates to the City what goes into the minutes, the minutes are not verbatim but an edited version of what happened, and it being up to the Council to act on a formal complaint made at a meeting,

Other items of discussion were the pond irrigator, locking of the wastewater pond gate and the St. John's Lutheran Church Board meeting on July 8 at 8:00 p.m.

Mayor Davis spoke on doing a survey of the City of Kimball residents to see what their interests would be for the city hall/offices/police department/public works offices/library. Each Councilmember was asked to have 3 questions prepared to be placed on this survey by the next meeting.

Motion Orbeck/Davis to adjourn at 9:40 p.m.

Dianne H. Robinson
Clerk Treasurer Administrator

Date: **July 19, 2004**

Time: 7:00 p.m.

Called to Order by: Mayor Karla Davis

Councilmembers Present: Karla Davis, Mickey Fischer, DuWayne Orbeck, Andy Maus and Steve Edwards.

Councilmembers Absent: None

Others present: Donn Driver, Carol Newman, Mary Johnson, Jane Pickle, Cindy Stelten, Mary Spaulding, Paul Harvego, Ryan Bettenberg, Todd Rohloff, John Thulen, Jill Holte and Dean Stewart.

Motion Fischer/Edwards to approve the July 6, 2004 minutes as presented. MUC

Motion Edwards/Fischer to approve the July claims as presented. MUC

Motion Orbeck/Fischer to approve the following items on the consent agenda:

1. To pass the revised Joint Resolution and Agreement for Orderly Annexation Between the Township and the City of Kimball for the Stein property (entire resolution #071904 is on file in the Clerk Treasurer Administrator's office).
2. To disconnect all delinquent City utilities.
3. To approve Dianne Robinson's vacation request.
4. To approve Dianne Robinson's request to carry over one half or less of unused vacation which should be approx. 62.75 hours.
5. To accept the donation of \$300.00 from the Kimball American Legion for the Kimball Days Petting Zoo and \$300.00 from Kuechle Underground, Inc. for the Kimball Days fireworks.
6. To approve the 3.2 percent Malt Liquor "On Sale" license for the Kimball Fire Relief Assoc. for Kimball Days for Aug. 14 & 15 at 210 Main St. S., Aug. 14 at 11 Hazel Ave. E. and Aug. 14 at 31 Main St. S.

MUC

Addendums to the agenda: Real Estate Tax Transfers and items by Councilmembers.

OPEN FORUM – Mary Spaulding and Cindy Stelten addressed the Council with their concerns involving informal nuisance letters.

John Thulen addressed the Council concerning the potholes on Linden Ave. East. Mayor Davis addressed these concerns as she has been in contact with Bauerlys.

Donn Driver, Civil Defense/Emergency Management Director spoke on future drills, mobile home park shelter, picture ID's, weather radios, siren repairs and an article he will have placed in the Tri-County News introducing himself to the community.

JULY 19, 2004

Paul Harvego, Auditor for the City presented the 2003 year end budget and spoke on the GASB34 requirements, reviewing water and sewer rates annually, the funds being in good shape, budgeting for water/sewer and affordability of City Hall.

Police Chief Todd Rohloff presented the monthly police reports for Kimball and Fairhaven Township, Police calendar, and interview committee.

Motion Maus/Edwards to approve the Safe and Sober Grant Resolution for 2005 in conjunction with Waite Park, Stearns County and St. Joe. MUC

Motion Fischer/Maus to purchase an MP5 rifle for the Police Department. MUC (approx cost is \$900.00 with calendar advertisement of approx. \$700.00 going towards this purchase).

An interview committee for the open Police Officer position was set up as follows: Police Chief Todd Rohloff, one member of the Stearns County Sheriffs Department, one member of the Annandale Police Department, Mayor Karla Davis and Police Liaison Andy Maus.

Ryan Bettenberg of the Public Works Department presented his monthly report.

Motion Orbeck/Edwards to obtain one more quote to condense all of the wires and boxes at the water tower, bury all the wires, have Excel Energy remove the pole and accept the lowest quote. MUC

Park trail mowing schedule and marking the 4 and 6-inch hydrants was discussed.

Mayor Davis closed the meeting for the performance reviews of Ryan Bettenberg and Jillian Holte.

Meeting was opened to the public after the completion of the performance reviews.

Motion Davis/Orbeck to increase Jillian Holte's hourly rate from \$11.25 per hour to \$12.25 per hour effective with her anniversary date. (It was noted that Ryan Bettenberg previously received his rate increase with his 6-month anniversary).

Mayor Davis read the replies receive in regard to informal nuisance letters, which were sent out (names of those replying were not read).

Mary Spaulding requested a written apology be placed in the Tri-County News in reference to the editorial on the July 6th City Council meeting. Mayor Davis stated that the press was present at the July 6th meeting and the City has no control over what the press publishes in the Tri-County News.

JULY 19, 2004

Councilmember Fischer left the meeting at 9:25 p.m. returning at 9:40 p.m. and gave his apologies to the Council for having to leave the meeting.

Marcia Hilbert and Carol Newman have requested appointment to the Park Committee. Marcia Hilbert will be invited to the next Council meeting for introductions.

Mayor Davis had requested that each Councilmember bring questions for a City survey to this meeting in reference to the City Hall/Office Space/Police Department/Public Works/Library since this has been an ongoing issue for 10 years. Mayor Davis then read the questions and responses to the survey done in 2002.

Motion Maus/Edwards to have the City Staff will prepare a survey, which will be sent to all City residents and business owners. MUC

Carol Newman requested that the Historical Group compile figures on their own in reference to City Hall with no cost to the City. The Council approved of this if there is no cost to the City.

Dean Stewart spoke about a letter he received from the City and Todd Rohloff clarified referenced information and Mr. Stewart was all right with this. He also gave the Council some insight into the City Hall situation.

Carol Newman and Dianne Robinson will provide Mayor Davis with the study done previously on the City Hall by the Wold Group who was hired through a grant, which the Kimball School District applied for and administered.

Motion Maus/Edwards to hire Shirley Gilpatrick at the rate of \$6.00 per hour to clean the library/hall area/restrooms at a maximum of 2 hours each week. If she does not accept the position, then the 2nd candidate will be Becky Sheldon and the 3rd candidate will be Jane Mauer. MUC

Motion Davis/Fischer to approve the following real estate tax transfers:

From: General Checking	\$ 91,738.29
To: 1985 TIF Money Market	5,360.26
Schmidty's Conoco TIF Money Market	6,657.99
Styme's TIF Money Market	2,740.35
1998 Bond Money Market	9,898.41
2002/2003 Hazel Ave Project Money Market	21,829.70
Reserve #1 Money Market	4,841.58
Fire Contract Money Market	30,415.00
Capital Outlay Money Market	10,000.00

MUC

JULY 19, 2004

Mayor Davis reported on a complaint received by the City Attorney and their request to hire a 3rd party to investigate complaint at the rate of \$45.00 per hour. Councilmember Edwards felt the Council should be told what the complaint was and what it involved before a decision could be made. Information will be supplied to the Councilmembers.

Motion Maus/Fischer to adjourn at 10:15 p.m. MUC

Dianne H. Robinson
Clerk Treasurer Administrator

AUG. 2, 2004

Meeting date: Aug. 2, 2004

Meeting time: 7:00 p.m.

Called to order by: Mayor Karla Davis

Councilmembers present: Karla Davis, DuWayne Orbeck, Mickey Fischer, Steve Edwards and Andy Maus.

Councilmembers absent: None.

Others present: Nancy Baxter, Mary Spaulding, Marilyn Sterling, Mary Johnson, Brandon Edwards, Jerry Imholte, Todd Rohloff, Marcia Hilbert and Chris Jeppesen.

Motion Edwards/Fischer to approve the July 19, 2004 minutes as presented. MUC

Motion Fischer/Orbeck to approve the following items on the consent agenda:

1. To renew the Certificate of Deposit for the Swimming Pool Fund for one year from Aug. 22, 2004 to Aug. 22, 2005 (see attached memo from Nov. 3, 2003).
2. To approve Main Street Pubs request to serve intoxicating liquor outside of their licensed premises within the fenced in area shown on their drawing and to notify Alcohol and Gambling Control and the Kimball Police Department.
3. To approve the following list of volunteers for Kimball Days: Deb Reinert, Dave Mackereth, DuWayne Orbeck, Jeremy Jeppesen, Mick Nybo, Evie Schlieff, Nick Wittrock, Kristen Wittrock, Barry Arnold, Kris Knaus, Craig Reinert, Mandy Sweeter, Karla Davis, Janet Cleveland and Tammi Eckberg.
4. To transfer \$1,309.0r from the general checking to the Willow Creek Concrete Money Market Acct #398 for 60% of the first half of the 2004 Real Estate Taxes on the tax abatement.
5. To approve payment of \$185.00 for engineering fees on the Hazel Ave. project pending approval by Rural Development – USDA.
6. To approve the agreement for Property Assessment Services Between the County of Stearns and the City of Kimball (attached) and authorize the Mayor and Clerk to sign agreement (2004's fee was \$317.60 per hour for a total of \$3,551.51 which included mileage at the rate of .37).
7. To do the following transfers recommended in the 2003 budget report as follows:
 - From general fund To 2003 Bond Fund \$357.05 (market value aid tax)
 - From general fund To sewer fund \$6,778.53 (market value aid tax)
 - From general fund To Municipal Reserve #1 \$1,054.64 (special assessment)
8. To donate \$500.00 to the Central Minnesota Initiative Foundation per the 2004 budget.
9. To donate \$500.00 to Heartland Express per the 2004 budget.
10. To donate \$1,000.00 to the Kimball Community Ed. for residential tuition per the 2004 budget.
11. To donate \$500.00 to the Community Playhouse per the 2004 budget.
12. To appoint the following election judges for the 2004 elections: Dianne Robinson Head Judge, Jane Pickle, Audrey Marquardt, Becky Sheldon and Brian Begley (see attached memo from Stearns County).

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13. To accept the donation of \$75.00 from CDI Office 1 for Kimball Days.
14. To approve the dance permit for the Fire Relief Assoc. Kimball Days Street Dance on Aug. 14th.
15. To transfer \$274.03 from the Styme's TIF Money Market for the 10% reimbursement to the City for Administrative costs.

MUC

OPEN FORUM

Chris Jeppesen reported that she had raised \$2,000.00 to cover the Kimball Days Fireworks and insurance for the fireworks and set up a spot in the parade for City Councilmembers.

Mary Spaulding questioned the City Survey and why the due date for the survey was Aug. 15th. She thought they were not going out until after Kimball Days when Carol Newman and Mary Johnson had time to evaluate City Hall. The Councilmembers commented that they did not recall any conversation to this effect at the last meeting. Mayor Davis noted that it was a unanimous vote of the City Council at the last meeting to send out the surveys.

Jerry Imholte questioned why the survey was sent out when the City did not have numbers. The Council commented that the survey is being done to give the Council direction for three possible solutions. Mary Johnson commented that the Historical Society had contacted a local architect, Dana Dahl.

Jerry Imholte commented on the cost of operating the Library. Clerk Treasurer Administrator Dianne Robinson reported that everyone in Stearns County is being taxed through their real estate taxes for the Great River Regional Library. However the City of Kimball residents (through additional taxation on the City share of the real estate taxes) supply the library space, provide the liability insurance, provide the utilities (heating, air conditioning, electricity, garbage pick-up), provide the cleaning, provide the furniture and take care of the maintenance for the Kimball Library. The City is not reimbursed by the County or Great River Regional Library System or the townships for these expenses.

Jerry Imholte questioned whether the City could afford renovation, purchasing or building a new City Hall/Library. Mayor Davis reported that she had spoken with the City Auditor and it was his opinion that the City at this time could not afford to do anything.

AUG. 2, 2004

Chris Jeppesen reported on the swimming pool issue and the portable pools that are appearing around the City and waiving the conditional use permit portion for these pools. She reported that all the portable pools have been taken down. More research will be done on this issue.

Marcia Hilbert, an applicant for the Park Committee introduced herself to the City Council and gave a family history. She is employed by St. Ben.'s as a Recreation Director and is very interested in being a part of the committee looking at the future of the parks, funding and researching grants.

Motion Maus/Davis to appoint Marcia Hilbert, Carol Newman and Gary Caauwe to the Park Committee with no term limit. MUC

Mayor Davis reported on Linden Ave. E. pot hole repairs. The Public Works Department has obtained a quote from Aztec for seal coating this street and Andy Maus will obtain one from Caldwell.

Mayor Davis commented that in her conversation with the City Auditor, it was noted that the developer should be paying the cost of repairing the infrastructure.

The Council reviewed a quote from the library for locks to be installed on the desk drawers. It was the Council's recommendation that the library purchase their own lock box.

The Council reviewed the informal nuisance complaints that were sent. If they have not complied, then the City will proceed with the abatement procedure.

Motion Edwards/Fischer to hire an investigator and pay a maximum of \$200.00 to investigate a complaint. MUC

Councilmember Fischer reported on the City Attorney claims and recommended that if a call is made to the City Attorney and the individual is not a Councilmember, City Employee or directed by the Council, it should not be paid.

The Clerk Treasurer Administrator will send an inquiry letter to the City Attorney in regard to this issue.

Motion Maus/Orbeck to adjourn at 7:45 p.m. MUC

Dianne H. Robinson
Clerk Treasurer Administrator

Meeting date: Aug. 16, 2004

Meeting time: 7:00 p.m.

Called to order by: Acting Mayor Andy Maus.

Councilmembers present: Andy Maus, DuWayne Orbeck, Steve Edwards and Mickey Fischer.

Councilmembers absent: Mayor Karla Davis.

Others present: Jean Matua, Mary Johnson, Carol Newman, Nancy Baxter, Ryan Bettenberg, Todd Rohloff, Donn Driver, Tom Ehlinger, Cary Maus, Eric Loewen, Kris O'Brien, Jim Frilstad, Low Wirth, Scott Theilman and Tammy Konz.

Motion Orbeck/Fischer to approve the Aug. 2, 2004 minutes as presented. Motion passed. (Mayor Davis was absent)

Motion Fischer/Orbeck to approve the claims for Aug. 2004 and to hold the claim for Bauerly's and to send them a letter with the city concerns. Motion passed. (Mayor Davis was absent)

Motion Orbeck/Fischer to add All Star Trophy for \$494.34 to the claims for August. Motion passed. (Mayor Davis was absent).

Motion Maus/Fischer to approve the following items on the consent agenda:

1. To approve the disconnection of delinquent city utilities.
2. To approve the installation of a new septic system at 161 State Highway 55 W. (Lang property) as the City sanitary sewer system is not within 10 feet of this property according to City Ordinance and to notify Stearns County Environmental of the City's approval.
3. To appoint Audrey White as an election judge for the Sept. 14th and Nov. 2nd elections.
4. To prepare the certification of delinquent City utilities to Stearns Count for collection with real estate taxes for Tom Campbell in the amount of \$338.50.
5. To approve the Community Partnership Grant application for the Kimball Police Department for the replacement of radios, purchase an additional taser in the amount of \$2,500.00 with the grant match possible being paid by the Kimball Lions Club and to authorize the Clerk Treasurer Administrator to sign the grant.
6. To approve the Community Partnership Grant application for the Kimball Fire/Rescue Department for the purchase of a multi-gas monitor in the amount of \$1,250.00 with the grant match to come from local funding and to authorize the Clerk Treasurer Administrator to sign the grant.
7. To appoint the new Fire Board Officers effective Aug. 12, 2004: Chairperson – Mickey Fischer (City of Kimball), Vice-Chairperson – Keith Brinkman (Fairhaven Township) and Secretary – Jim Unterberger (Main Prairie Township).

8. To approve the Fire Board recommendation to make the municipal contribution (which is placed on the Fire/Rescue budget) to the Fire Relief Association a minimum of \$5,000.00 per year even if the municipal contribution on Schedules I & II show a lesser amount.
9. To approve the Fire Board recommendation to contribute an additional \$665.00 from the Fire Contract Money for 2003-2004 budget period to the Fire Relief Association to make up the difference of the \$4,335.00 contribution if item #8 on the consent agenda passes.
10. To approve the Fire Board recommendation to increase the Equipment Replacement line item to \$20,000.00 for the Aug. 1, 2006 – Aug. 1, 2007 budget period as the lease purchase will be paid off.
11. To approve the Fire Board recommendation to do an interfund transfer from the Fire/Rescue Money Market Account to the Fire/Rescue Equipment Money Market Account in the amount of \$10,000.00 due to the July 31 budget year-end being \$21,675.11.
12. To approve the Fire Board recommendation that when the 1979 pumper is sold and the money is returned to the general fund (paid for from general fund tax levy), that a transfer be done from the general checking to the Fire Equipment Fund in the amount of the sale price.
13. To approve the Fire Board recommendation to increase the fee charged for non-fire service area members for accidents/rescues from \$450.00 to \$500.00.
14. To approve the Fire Board recommendation to charge \$500.00 for each illegal burn which has been cited by the DNR.

Motion passed. (Mayor Davis absent).

Motion Edwards/Fischer to increase the Firemen's Relief Association pension for each year of service from \$680.00 to \$725.00 effective Jan. 1, 2006. Motion passed. (Mayor Davis was absent)

Motion Edwards/Fischer to increase the Firemen's wages from \$7.00 per call hour to \$8.00 per call hour effective Jan. 1, 2004. Motion passed. (Mayor Davis was absent)

Police Chief Todd Rohloff presented the monthly reports, proposed contract increase for Fairhaven Township and recommended Tom Decker for the position of Police Officer.

Motion Orbeck/Maus to approve the contract renewal for Police Service with Fairhaven Township and to increase the annual amount from \$28,212.00 to \$29,058.36. Motion passed. (Mayor Davis was absent)

Motion Maus/Orbeck to approve hiring Tom Decker for the full time position of Police Officer with a one year probationary period with a six month review at \$13.00 per hour pending the successful completion of a physical and psychological exam. Motion passed. (Mayor Davis was absent)

Motion Maus/Orbeck to increase part time Police Officer Jim Frilstad's wages from \$10.50 per hour to \$12.50 per hour effective with the payroll paid on Aug. 16, 2004. Motion passed. (Mayor Davis was absent)

Kimball School Dist. Superintendent Scott Theilman reported that the policing in the school has been cut to one hour per day with the budget cuts.

Ryan Bettenberg presented the Public Works Department monthly report. Councilmember Maus questioned the writing in on the time card and lunch breaks. This issue will be placed on the next agenda.

Donn Driver reported on civil defense issues and the Citizens Night Out and National Preparedness month plans. Mayor Davis will address this at the next meeting.

Chamber of Commerce members Leo Wirth, Scott Theilman, Tammy Konz and Kris O'Brien addressed the Council in regard to City Planning/Planning Commission and asked for a special meeting for discussion/working session/comprehensive planning.

Motion Maus/Fischer to call for a special meeting on Aug. 30, 2004 at 7:00 p.m. Motion passed. (Mayor Davis was absent)

Andy Maus presented a quote from Caldwell's for seal coating Linden Ave. E. in the amount of \$3,835.00. They will take off \$300.00 if they don't have to sweep the street.

A letter drafted in response to a flier circulating in the community was reviewed. Motion Fischer/Orbeck to publish this letter from the City Council in the Tri-County News. Motion passed. (Mayor Davis was absent)

Councilmember Steve Edwards question the issuance of a building permit on Elm Street.

All community surveys will be compiled for Council review. Surveys which were used to defame Councilmembers and employees will not be included in the compiled review.

Motion Maus/Fischer to adjourn at 8:40 p.m. Motion passed. (Mayor Davis was absent)

Dianne H. Robinson
Clerk Treasurer Administrator

Meeting date: Aug. 3, 2004

Meeting time: 7:00 p.m.

Called to order by: Mayor Karla Davis

Councilmembers present: Karla Davis, DuWayne Orbeck, Andy Maus, Steve Edwards and Mickey Fischer.

Councilmembers absent: None.

Others present: Sandy Steinmetz, Chris Jeppesen, Leo Wirth, Scott Theilman, Kris O'Brien, Darrell Wills, Shirley Wills and Jean Matua.

Chris Jeppesen reported on the Healthy Partners and Planning & Zoning meeting she attended.

A comprehensive plan is the plan that the City puts together for the future city plan that takes in land use/infrastructure/safety/etc.

A planning commission is the individuals appointed by the City Council to implement the comprehensive plan and are advisory only.

Planning takes time/money/cooperation between City/School and abutting Townships.

Scott Theilman presented a 20 minute Comprehensive Plan Presentation video and reported on the declining school enrollment and the need for commercial, industrial, residential growth to bring up the enrollment.

Kris O'Brien spoke on available grants for the comprehensive plan, recodification of the zoning ordinances and presented a handout from the Kimball Area Chamber of Commerce.

The City will call the League of Minnesota Cities, Initiative Foundation and other cities for information on City Planners and Request for Proposal forms.

Chris Jeppesen explained that the Kimball Prairie Forum and the Comprehensive Plan for the City are two different things.

Mayor Davis called for a special closed Labor Negotiation meeting on Sept. 7, 2004 at 6:30 p.m.

Mayor Davis address employee complaints received by the City and advise received from the City Attorney.

Motion Davis/Edwards to hire for one each for three complaints. MUC

Motion Fischer/Maus to change the Employee Misconduct Policy and Forms and the Police Misconduct Policy and Forms to state that complaints must be made within 15 days of the occurrence of the incident to receive review and action by the City Council.
MUC

The Fire Department Budget and General Fund Budgets were table to the next meeting.

Motion Davis/Maus to adjourn at 9:00 p.m.

Dianne H. Robinson
Clerk Treasurer Administrator

Meeting date: Tuesday, Sept. 7, 2004

Meeting time: 7:00 p.m.

Called to order by: Mayor Karla Davis

Councilmembers present: Karla Davis, Andy Maus, Mickey Fischer and DuWayne Orbeck.

Councilmembers absent: Steve Edwards.

Others present: Mary Spaulding, Mary Johnson, Carol Newman, Donn Driver, Tom Ehlinger, Todd Rohloff, Charles Sterling, Marilyn Sterling and Jean Matua.

Motion Orbeck, Maus to approve the Aug. 16 and 30, 2004 minutes as presented.

Councilmember Edwards was absent. Motion passed.

Motion Fischer to approve the following items on the consent agenda:

1. To approve the Landlord's Consent to assign the water tower lease agreement to Verizon Wireless and authorize the Mayor and Clerk to sign this document.
2. To approve the pay request for SEH, Inc. in the amount of \$1,512.00 on the Hazel Ave. project engineering pending approval by Rural Development USDA.
3. To approve the Snow Dumping contract between the City of Kimball and Steve S. and Mary Ann Edwards for Nov. 1, 2004 – May 31, 2005 and authorize the Mayor and Clerk to sign the renewal contract.
4. Call for a special meeting on Monday, Nov. 8, 2004 at 7:00 p.m. to canvass the local election results.
5. To set the Truth in Taxation hearing for Monday, Dec. 6, 2004 at 7:00 p.m. and the Continuation Hearing for Monday, Dec. 13, 2004 at 7:00 p.m. (if needed, otherwise this will be a special meeting to approve the final 2005 tax levy and budget).
6. To accept the donation of \$360.00 from the Kimball Fire Relief Assoc. to cover the cost of hiring the Stearns County Officers for the Kimball Day's street dance.
7. To approve the 3.2 Malt Liquor License "On Sale" for Sept. 19, 2004 for the Church of St. Anne.

Councilmember Edwards was absent. Motion passed.

Addendums to the agenda: 9:00 Merle Anderson of the Clearwater Watershed District and Stein Annexation.

OPEN FORUM: Mary Spaulding questioned the follow up on the nuisance complaints. Police Chief Todd Rohloff responded to this inquiry. The four remaining will be addressed as time allows.

Fire Chief Tom Ehlinger reported that the grant application for the purchase of a van was not approved. The Fire Relief Association will be doing a fundraiser to raise money for

this purchase. The Relief Association will also be paying for the purchase of other department equipment costing approx. \$3,200.00

Tom Ehlinger reported that a Fire Dept Committee member has asked him to approach the City Council in regards to picking up the cost of 10 – 12 mini biffs at the approx. cost of \$550.00 for the entire Kimball Days week-end. This information should be passed along to coordinator Chris Jeppesen for next year.

Donn Driver reported on Nation Preparedness Month on Sept. 23rd (he will be putting an article in the Tri-County News).

Councilmember Maus introduced the following resolution and moved for its adoption:

WHEREAS, the Stearns County Emergency Management Department is developing a Hazard Mitigation Plan that will satisfy the requirements of the Disaster Mitigation Act of 2000 and 44DGR 201.6. The plan will identify, analyze and prioritize significant disasters that may impact our City. The plan will also outline mitigation strategies to effectively lessen the impacts of those disasters.

WHEREAS, local units of government that wish to receive funding for hazard mitigation projects from the Hazard Mitigation Grant Program will be required (by the Federal Emergency Management Agency) to create or participate in the creation of an approved local hazard mitigation plan satisfying the requirements of the Disaster Mitigation Act of 2000.

WHEREAS, the Stearns County Emergency Management Department will develop a plan that reflects the needs and concerns of the community and the local units of government within the county. In addition, mitigation strategies may need to be implemented at the local level or with cooperation from the local units. To achieve these objectives, local input is an essential element of the planning process.

NOW THEREFORE, BE IT RESOLVED that the Kimball City Council will support the County's efforts in developing the Hazard Mitigation Plan. Kimball will participate in the hazard mitigation planning process by doing the following:

- allow County staff to present the draft plan at a council meeting;
- Provide comments and suggestions on the draft plan to ensure that the plan reflects the needs of the local unit;
- And consider adopting a resolution of support for the final Hazard Mitigation Plan before it is adopted by the County Board of Commissioners.

Motion was seconded by Councilmember Orbeck.

Those voting in favor thereof: Maus, Orbeck, Davis and Fischer; those absent: Edwards; those voting against or abstaining: None. Motion passed.

Fire Chief Tom Ehlinger responded to Fire Budget issues.

Motion Maus/Fischer to approve the Fire/Rescue budget for Aug. 1, 2006 – Aug. 1, 2007. Councilmember Edwards was absent. Motion passed.

The Proposed 2004 tax levy and budget Collectible in 2005 was reviewed and changes were made.

Motion Davis/Fischer to approve the following resolution:

RESOLUTION ADOPTING PROPOSED TAX LEVY
RESOLUTION NUMBER 09072004

RESOLUTION APPROVING 2004 TAX LEVY, COLLECTIBLE IN 2005

Be it resolved by the Council of the City of Kimball, County of Stearns, Minnesota, that the following sums of money be levied for the current year, collectible in 2005, upon taxable property in the City of Kimball, for the following purposes:

Total levy	\$200,589.00
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The City Clerk Treasurer Administrator is hereby instructed to transmit a certified copy of this resolution to the County Auditor Treasurer of Stearns County, Minnesota.

Those voting in favor thereof: Davis, Maus, Orbeck and Fischer; those absent: Edwards; to abstaining or voting against: None. Motion passed.

The Clerk Treasurer Administrator was instructed to give the Public Works Department a copy of Employee Handbook, which references lunch breaks.

Motion Maus/Fischer to amend the Kimball Ballfield Facility Use Permit to include the following: The Kimball Express Baseball Association, Inc. must provide the City with a Certificate of Insurance for liability coverage of at least \$1,000,000.00 and also have a general signed waiver from each player stating that they understand that they are not covered under the City's personal injury limits. If the certificate of insurance and waivers

are not provided by March 1st each year, the permit is cancelled. Councilmember Edwards was absent. Motion passed.

Councilmember Orbeck will speak with the Public Works Department about washouts and he will also obtain two quotes for the removal of the old pump house.

Chief Rohloff present the Fairhaven Police contract for signatures, which had been approved at a previous Council meeting and had been approve today by Fairhaven Township.

Clerk Treasurer Administrator Dianne Robinson reported on the Annexation progress on of the Don Stein property. Minnesota Planning noted in the property description that 135th Street had not been included and Maine Prairie Township Board would be addressing this issue at their board meeting this evening.

The City Council understood that 135th Street from the Kimball Cemetery to Highway 15 would be included in annexation.

Councilmember Orbeck questioned steel roofing for residential homes. Chris Jeppesen will be asked to research this issue.

Motion Maus/Davis to adjourn. Councilmember Edwards was absent. Motion passed.

Dianne H. Robinson
Clerk Treasurer Administrator

Meeting date: Sept. 20, 2004

Meeting time: 7:00 p.m.

Called to order by: Mayor Karla Davis

Council present: Karla Davis, Mickey Fischer, Andy Maus, DuWayne Orbeck, Steve Edwards (arrived later in the meeting).

Council absent: None

Others present: Todd Rohloff, Jean Matua, Tom Marquardt, Jerome Kuechle and Chris Jeppesen.

Motion Fischer/Maus to approve the Sept. 7, 2004 minutes with changes. Motion passed (Councilmember Edwards was absent).

Motion Maus/Fischer to approve the claims for September as presented. Motion passed (Councilmember Edwards was absent).

Motion Davis/Maus to approve the following items on the consent agenda:

- 1. To disconnect all delinquent City Utilities.**
- 2. To accept the donation of \$2,500.00 from the VFW Post 5460 for the Fire Equipment Money Market Fund for equipment.**

Motion passed (Councilmember Edwards was absent).

Addendums to the agenda: Clearwater River Watershed engineering report on Heritage Park, City engineer e-mail and removal of old well house.

OPEN FORUM – None

Police Chief Todd Rohloff presented the monthly reports for Kimball and Fairhaven Township, reported on ATV and loud muffler complaints, presented a Thank You letter from the Eden Valley School and reported on Tom Decker's starting date.

Mayor Davis reviewed the Public Works Department report. The old red truck has a broken frame and will be taken in for repairs. Mayor Davis will speak to the park committee chairman about replacing trees in the park. DuWayne Orbeck will speak to the department about tar patching on Oak St. S. and trees in alley/Jewison property behind Knaus.

Motion Maus/Orbeck to appoint Steve Edwards and Karla Davis to a Personnel Committee effective immediately to review and make recommendations to the Council on personnel matters. Motion passed.

Tom Marquardt reported that the Kimball Express Baseball Team, Inc. has been seeking quotes for the installation of an irrigation system on the City baseball field, which needs Council approval for installation and the removal of the infield sod for the leveling of the field. They would like to do this all at one time with the cost for the leveling being approx. \$900.00 and the irrigation system being approx. \$8,000.00 to \$10,000.00. The team does not have the money for the project as they are still paying off a loan and the Fire Relief Assoc. is holding the money from a meat raffle until the team becomes a 501C3. This is also not in the City budget.

Mayor Davis will speak with the Public Works Department about the mowing of the baseball field now that the playing season is over.

The Kimball Express Baseball Team, Inc. will be placed on the Oct. 4th Council agenda at 7:15 p.m. to discuss liability insurance issues.

Jerome Kuechle of KEEK Developers presented a site sketch of his next development. Water run-off ponds, berm screening, park location and wastewater pond capacity were discussed.

The Council will be looking at an Ordinance amendment for steel roofing for residential zoned area.

Motion Orbeck/Fischer to pay the Bauerly Brothers claim of \$3,500.00 for the patching of Linden Ave. E. Motion passed.

DuWayne Orbeck reported on the verbal quotes he obtained for the removal of the old well house with Hendricks Sand and Gravel quoting \$550.00 plus 2 loads of gravel and Rohloff Bodcat quoting \$1,200.00 to \$1,300.00.

Motion Davis/Maus to award the job to Hendricks Sand and Gravel for \$550.00 plus two loads of gravel. Motion passed.

Motion Maus/Orbeck to adjourn. Motion passed.

**Dianne H. Robinson
Clerk Treasurer Administrator**

Meeting Date: Monday, Oct. 4, 2004

Meeting Time: 7:00 p.m.

Called to Order by: Mayor Karla Davis

Councilmembers present: Karla Davis, Andy Maus, Steve Edwards, Mickey Fischer and DuWayne Orbeck.

Councilmembers absent: None.

Others present: Tamara Paquin, Arnie Hendrickson, Todd Rohloff, Tom Decker, Carol Newman, Mary Johnson, Gary Caauwe, Tom Ehlinger, Dean Tharp, Randy Sabart, Jim Schultz, Chris Janski and others.

Motion Orbeck/Fischer to approve the Sept. 20, 2004 minutes as presented. MUC

Motion Fischer/Maus to approve the following items on the consent agenda:

1. To accept the donation of \$434.50 from St. John's Lutheran Church for the equipment van and deposit donation in the Fire/Rescue Equipment Money Market Fund.
2. To approve the payment of the engineering fee in the amount of \$238.00 for the Hazel Ave. Project pending approval by USDA Rural Development.
3. To certify all delinquent City Utilities to the Stearns County Recorder for collection with their real estate taxes if they have not appeared at this meeting. They are as follows: Property Parcel R60.34588.004/001 - \$63.66 and R60-34350.000/001 - \$58.40.

MUC

Addendums to the agenda: Fischer, Davis and Maus have items.

OPEN FORUM: Tamara Paquin addressed concerns with how those having irrigation water meters are paying a double minimum charge for water usage. The City staff will look at this issue and make an adjustment to Ms. Paquin's bill.

Arnie Hendrickson of Center Point Minnegasco presented Police Chief Todd Rohloff with a \$1,400.00 check for the grant, which he applied for to help purchase police radios and tasers.

Carol Newman and Mary Johnson were present on behalf of the Kimball Area Historical Society. Carol Newman reported on the needed repair to the outside of City Hall and presented a quote from Kostreba Tuckpointing and Roofing in the amount of \$4,880.62. They would be willing to reimburse the City for any expense which the City could not cover. They were hoping to have the City do the needed repair and make a contribution to the cost. After much discussion, Councilmember Steve Edwards requested that the Kimball Area Historical Society obtain a second quote.

Fire Chief Tom Ehlinger presented a list of five individuals that which the Fire/Rescue Department would like to have appointed to the department.

Motion Orbeck/Fischer to appoint Bradley Donnay, Kayleen Starcevic, Daniel Rose, Ronnie Rose and April Hentges pending valid drivers license checks, which will be done by the Police Department. MUC (This brings the department up to 28 members)

Motion Davis/Fischer to allow the Fire/Rescue Department to purchase 5 pagers for \$535.00. MUC

Councilmember Andy Maus reported on work being done to a parcel of property in the City without the owner obtaining a building permit. The City building inspector has been notified. Other clean-up issues were discussed.

Councilmember Mickey Fischer addressed the issue of the purchase of the St. John's Lutheran Church. Cost of the building would be \$200,000.00 plus approx. another \$100,000.00 for renovation.

Mayor Davis commented on the results in the survey. She felt that the church had nice potential, but not for City Hall. The City should stay in the present building or build onto the fire hall.

Councilmember Orbeck felt that the cheapest method would be to build new, but that the City already had a building setting here.

Councilmember Fischer felt that the Church purchase was the most cost effective.

Gary Caauwe commented on the type of roofing on the church building.

Councilmember Edwards stated that the City had other needs that need to be looked at first such as the water tower, waste treatment ponds, streets and water/sewer main replacements.

Motion Fischer/Maus to pursue the purchasing of the St. John's Lutheran Church for City offices, Police Department, Public Works office and the Library. Those voting in favor thereof: Fischer and Maus; those voting against: Davis, Orbeck and Edwards. Motion **did not pass**.

Motion Fischer/Davis to have the Clerk Treasurer Administrator write a letter to St. John's Lutheran Church that they should pursue other avenues for the sale of their building. MUC

Mayor Davis commented on the Library Use of the hall area and Library events that are advertised in advance.

City Engineer Randy Sabart introduced a new colleague Jim Schultz who will be helping with projects. He reported on the walk through which Rural Development is requiring on the Hazel Ave. project which will take place on Oct. 7th at 2:00 p.m. and entered into a discussion with the Council on the capacity for the water tower and wastewater treatment ponds.

Motion Davis/Edwards to have S.E.H., Inc. to go ahead and prepare a formal analysis of the wastewater treatment system. MUC

Meeting was closed at 8:10 p.m. for preliminary consideration of allegations.

(Mayor Davis will draft minutes of closed meeting for Councilmembers).

Meeting was opened.

Issue Closed.

An amendment to the sub-division ordinance was reviewed and more research will be done.

The Leef Bros. proposal for Public Works uniforms was reviewed and approved.

Motion Davis/Orbeck to approve the Personnel Committee's recommendation to promote Jill Holte to Public Works Supervisor on a six month probationary period with a .50 per hour raise effective Oct. 4, 2004. MUC

The Personnel Committee reported on the possible pending resignation of Ryan Bettenberg.

Motion Davis/Edwards that upon receiving a resignation from Ryan Bettenberg, to post an opening for a Public Works position and if approved by the City Attorney, to post the position prior to receiving a resignation. MUC

Motion Edwards/Davis to increase Jill Holtes wage by a minimum of .50 per hour after the six month probationary period if she remains in the supervisory position. MUC

Motion Orbeck/Fischer to adjourn. MUC

Dianne H. Robinson, Clerk Treas. Admin.

Meeting date: Oct. 18, 2004

Meeting time: 7:00 p.m.

Called to order by: Mayor Karla Davis

Councilmembers present: Karla Davis, Mickey Fischer, DuWayne Orbeck, Steve Edwards and Andy Maus.

Councilmembers absent: None.

Others present: Jean Matua, Carol Newman, Mary Johnson, Randy Sabart, Jill Holte, Todd Rohloff, Shannon Dahl, Cliff Dahl, Shirley Dahl, Amy Johnson Steve Wolleck, Dale Marohn and Chris Jeppesen.

Motion Fischer/Edwards to approve the Oct. 4, 2004 minutes as presented with the inclusion of the closed meeting minutes presented by Mayor Davis. MUC

Motion Davis/Fischer to approve the claims for Oct. 2004 as presented. MUC

Motion Davis/Maus to pay any additional claims which may come in on the police computer due to the power outage surge. MUC

Motion Edwards/Fischer to approve the following items on the consent agenda

1. To transfer \$16,845.00 from the general checking account to the Fire Relief Assoc. Money Market Account for the State Aid payment for the Relief Association.
2. To appoint the accounting firm of Conway, Deuth & Schmiesing to do the 2004 year end audit.
3. To disconnect all delinquent City utilities.
4. To have the Clerk Treasurer Administrator contact Ehlers and Associates to start the permanent bonding for the Hazel Ave. project per a request made by Jim Merrick of Rural Development.
5. To approve Dianne's vacation request for Dec. 20, 2004 through Jan. 5, 2005 (I'm will be working some days during this time due to payroll, council meetings and budget reporting to the state, but would like to have this period of time approved so I can use any of these days as needed).

MUC

Addendums to the agenda: Rental contract for irrigation fields and items by Councilmembers.

OPEN FORUM: None

Carol Newman of the Historical Society reported on the progress of the brick restoration quotes for the outside of City hall and the work that has already been done in the area of the outside stairway.

Public Works Supervisor Jill Holte reported on hydrant flushing, lift station alarm, mowing, City hall exit stairs repair, removal of the old well house, generator repair and work schedules.

Motion Maus/Fischer to have the passenger side of the 1995 maintenance truck also re-enforced.
MUC

The Public Works Department will start looking at a replacement for this vehicle in the spring.

Police Chief Todd Rohloff spoke to the Council in reference to response time for the new officer.

Mayor Davis addressed the letter which was received from Willow Creek Concrete Products, Inc. in regard to the installation of a berm. The history of this issue was reviewed. It was noted that the berm is complete and the issue appears to be the payment of the berm.

Mayor Davis called to order the Conditional Use Permit and Variance Hearing for St. John's Lutheran Church for the size of the church sign and varying from the city parking space regulations.

After much discussion, Mayor Davis closed the hearing.

Motion Maus/Orbeck to grant St. John's Lutheran Church a Conditional Use Permit for a 6 foot high, 11 foot wide, 66 foot square sign. Those voting in favor thereof: Davis, Maus, Orbeck, Edwards and Fischer; those voting against, absent or abstaining: None. Motion passed.

Motion Maus/Edwards to grant St. John's Lutheran Church a Variance from the City's off street parking regulations and allow the spaces to be 9 feet wide and 20 feet in depth except for the row of 14 spaces facing the future development area which must be 9 feet wide and 25 feet deep allowing for oversized vehicles. Those voting in favor thereof: Davis, Maus, Orbeck, Fischer and Edwards; those voting against, absent or abstaining: None. Motion passed.

Kimball Express Town Team was not present as scheduled and staff was instructed to send letter placing them on next agenda.

City engineer Randy Sabart reported on the progress of the Hazel Ave. project and presented payment request #7 FINAL for Kuechle Underground, Inc. in the amount of \$91,437.44 and change order #7 reducing the project cost by \$59,116.79 and increasing the project cost by \$3,433.76.

Motion Maus/Orbeck to approve change order #7. MUC

Motion Orbeck/Davis to approve FINAL Payment #7 for Kuechle Underground, Inc. in the amount of \$91,437.44 contingent upon the completion of paper work by Kuechle Underground, Inc. and approval by USDA Rural Development. MUC

A five year plan for seal coating streets City streets was discussed. City Staff will be contacting the County Engineer in regard to the County's plan for seal coating County road in the city.

City Engineer Randy Sabart reviewed comments on the Heritage Park Plat and will be present at the Plat hearing to address these issues.

Councilmember Orbeck commented on the steel roofing issue and will investigate the matter further and bring more information for the Council to review.

Mayor Davis spoke on the Comprehensive Plan and asked the following questions: What is the City looking for? What does the community want? Does the City want to move forward with a Comprehensive Plan? What are the directions and goals for the City?

Mayor Davis will obtain Comprehensive Plans from other communities and speak with City staff about contacting the firms listed on the report.

Motion Fischer/Davis that both City and Union have their representatives present when negotiating issues addressed to the Council. MUC

Councilmember Orbeck addressed the need for an additional stall at the Public Works garage. This stall may need to be heated as the rest of the garage is heated. He will obtain quotes.

Motion Davis/Fischer to approve the renewable option with Janski Farms at the same rate of \$50.00 per acre for 2005. MUC

Motion Maus/Davis to adjourn at 9:35 p.m. MUC

Dianne H. Robinson
Clerk Treasurer Administrator

Meeting date: Nov. 1, 2004

Meeting time: 7:00 p.m.

Called to order by: Mayor Karla Davis

Councilmembers present: Davis, Orbeck, Maus, Edwards and Fischer.

Councilmembers absent: None.

Others present: Rhonda Pagel, Randy Sabart, Jean Matua, Tom Crouch, Carol Newman, Mary Johnson, Merle Anderson, Scott Theilman, John Stein, Don Stein, Cliff Dahl, Shirley Dahl, Shannon Dahl, Chris Jeppesen, Marty Otto, Rick Johnson, Todd Strand, Bill Liedman, Tom Marquardt Howard Pennertz, Bruce Rokala and Rachelle Rokala.

Motion Maus/Fischer to approve the Oct. 18, 2004 minutes as presented. MUC

Motion Maus Edwards to approve the following items on the consent agenda:

1. To approve Jim Frilstad's vacation request.
2. To approve the renewal of "Contract For School Liaison Officer Services to Kimball Independent School District & 39 From Kimball Police Department/City of Kimball" for Sept. 1, 2004 – May 26, 2005 at the rate of \$4,872.00 (\$28.00 per hour) for one hour service each day.

and to table the following item until the City Council reviews the State Hwy 55 E. and Hazel Ave. E. intersection on the east side of highway.

3. The pay request from SEH, Inc. for \$3,680.32 in engineering fees for the Hazel Ave. Project pending USDA Rural Development approval.

Motion passed.

Mayor Karla Davis called to order the Public Hearing for the Sub-division plat for Heritage park owned by Eliason Enterprises, Inc. & T.N.C., Inc., The Variance Hearing requesting a variation from urban residential lot size and a Conditional Use Hearing to allow twin homes on Lots 1 – 13 of Block 1.

Public Comment period discussion: screening, utility hook-ups to twin homes, spring construction in two phases, park location, storm water, pond and pond fencing hindering rescue efforts, location of lift station, variance not required according to City Ordinance, development association and screening of twin homes next to highway commercial property.

Mayor Davis closed the public hearing.

Motion Fischer/Davis to approve the **Conditional Use Permit** request for Heritage Park, Eliason Enterprises, Inc. & T.N.C., Inc. to construct 13 twin homes (2 units each) on Lots 1 through 13, Block 1 in the Heritage Park Plat with the following conditions:

1. The developer must plant two off set rows of standard nursery stock evergreen trees which are at least four feet high on the east side of lots 1 through 13 and submit a landscaping plan;

2. The developer must provide each unit (total of 26) with its own separate water hook-up and meter and sewer hook-up;

3. Must set up an association that runs with the land;

Those voting in favor thereof: Fischer, Davis, Maus, Orbeck and Edwards; those voting against, absent or abstaining: None. Motion passed.

Motion Maus/Edwards to approve the **Preliminary Plat** for Heritage Park subject to the following contingencies:

1. That the Developer enter into and execute a development agreement with the City;
2. The location and cost sharing of the lift station be determined and approved;
3. Developer shall install sidewalks on the west side of Elm Street, the east side of Ridgeview Street, the south side of Grand Avenue, the south side of Ford Avenue, and south side of Fremont Avenue;
4. That Lot 3 of Block 7 and all necessary Lots to the north be shifted to provide at least a 75 foot front lot width and to provide space for a 10 foot wide walking corridor between Lots 2 and 3 of Block 7;
5. That the walking corridor be constructed of the same material as the sidewalks;
6. That the developer be required to make a 10 percent park dedication to the City as follows: Developer shall dedicate the park as shown on the plat dated September 3, 2004 and shall make a cash contribution equal to 10 percent of the fair market value of the unimproved property minus the value of the park land.

The Cash contribution can be satisfied by paying cash to the City or by installing improvements to the park as approved by the City in an amount equal to the cash donation required, or a combination thereof; and that the development would be completed in two phases with the eastern portion being phase one.

Those voting in favor thereof: Maus, Edwards, Davis and Fischer; those voting against: Orbeck; those absent or abstaining: None. Motion passed.

Howard Pennertz of the Kimball Express Town Team, Inc. presented their views on the liability insurance requirement that they entered into with the "Kimball Ballfield Facility Use Permit".

Mayor Davis will contact the League of Minnesota Cities Insurance Trust, Sherri Donabaurer and other Cities as to how they handle the liability issues.

Todd Strand and Rick Johnson of Willow Creek Concrete Products, Inc. and Bruce and Rachelle Rokala met with the Council in regard to the construct of screening on the Rokala property.

Motion Maus/Davis to require Willow Creek Concrete Products, Inc. to provide the following screening for the Bruce and Rachelle Rokala property at 12546 County Road 150: 36 (6 to 7 feet in height) evergreen trees and a mixture of green maples (3 inches in diameter) and green ash (1 inch in diameter) for a total of 6 with the property owners picking the location for placement of trees and Willow Creek Concrete Products, Inc. being responsible for the preparation and planting costs and the Rokala's being responsible for any additional costs. Willow Creek Concrete Products, Inc. will obtain quotes from 2 to 3 contractors (with Cokato Nursery being one of the contractors). The Rokala's and Willow Creek Concrete Products, Inc. will then agree on the lowest bidding contractor. If the Rokala's want to choose a higher contractor, the Rokala's will pay the additional cost. The contractor must provide a minimum warrantee of one year from the date of completion of the project. The deadline for obtaining these quotes will be Dec. 15, 2004 and the completion date for planting will be May 31, 2005.

Thos voting in favor thereof: Maus, Davis, Orbeck and Edwards; those voting against: None; those absent: None; those abstaining: Fischer. Motion passed.

A copy of this motion will be sent to Willow Creek Concrete Products, Inc. and Rokala's. Any written agreement will be between Willow Creek Concrete Products, Inc and the Rokala's as it is of no benefit to the City to enter into an agreement.

Motion Davis/Orbeck to allow Dianne Robinson to attend the "Securing Financing for Small Systems Workshop" on Nov. 23 in St. Cloud. MUC

Motion Davis/Orbeck to discontinue the uniform rental with Leef Service and to purchase uniforms according to the Employment Policy for the Public Works Department. MUC

Setting up a time to meet with consultants for the Planning Commission was tabled until after the election.

DuWayne Orbeck presented information on steel roofing for residential property. Since this is a zoning ordinance change, a public hearing was called for on Dec. 6, 2004.

The screening for St. John's Lutheran Church parking area in the Greely Edition was tabled until the Nov. 15th meeting.

Motion Maus/Fischer to adjourn at 10:10 p.m. MUC

Dianne H. Robinson
Clerk Treasurer Administrator

SPECIAL MEETING TO CANVASS ELECTION RESULTS.

Meeting date: Nov. 8, 2004
Meeting time: 7:00 p.m.
Called to order by: Mayor Karla Davis
Councilmembers present: Davis, Maus, Edwards and Fischer.
Councilmembers absent: Orbeck.

Others present: Jean Matua and George Matua.

Motion Fischer/Maus to accept the following Nov. 2, 2004 City of Kimball election results:

Mayor- vote for One

Karla Davis	234*
Gary L. Caauwe	111
Write In	4
Over Votes	0
Under Votes	<u>12</u>
Total	361

Councilmember – vote for Two

Steven Edwards	192*
Christopher Jansky	209*
Jose Zamora	168
Write In	4
Over Votes	0
Under Votes	<u>149</u>
Total	722

Those voting in favor thereof: Davis, Maus, Edwards and Fischer; those voting against or abstaining: None; those absent: Orbeck. Motion passed.

Councilmember Maus questioned motion made at last meeting in regard to the Willow Creek Concrete Products, Inc. screening. Mayor Davis will contact the City Attorney on the issue.

Motion Fischer/Maus to adjourn at 7:25 p.m. Those voting in favor thereof: Davis, Maus, Edwards and Fischer; those voting against or abstaining: None; those absent: Orbeck. Motion passed.

Dianne H. Robinson
Clerk Treasurer Administrator

Meeting date: Nov. 15, 2004

Meeting time: 7:00 p.m.

Called to order by: Mayor Karla Davis

Councilmembers present: Karla Davis, Mickey Fischer, DuWayne Orbeck, Steve Edwards and Andy Maus.

Councilmembers absent: None.

Others present: Jean Matua, Jill Holte, Shannon Dahl, Shirley Dahl, Cliff Dahl, Steve Huff, Roxanne Huff and Todd Rohloff.

Motion Maus/Edwards to approve the Nov. 1, 2004 minutes as presented with the following change to page 3, paragraph 3:

“Motion Maus/Davis to require Willow Creek Concrete Products, Inc. to provide the following screening for the Bruce and Rachelle Rokala property at 12546 County Road 150: 36 (6 to 7 feet in height) evergreen trees and a mixture of green maples (3 inches in diameter) and green ash (1 inch in diameter) for a total of 6 with the property owners picking the location for placement of trees and Willow Creek Concrete Products, Inc. being responsible for the preparation and planting costs and the Rokala’s being responsible for any additional costs. Willow Creek Concrete Products, Inc. will obtain quotes from 2 to 3 contractors (with Cokato Nursery being one of the contractors). The Rokala’s and Willow Creek Concrete Products, Inc. will then agree on the lowest bidding contractor. If the Rokala’s want to choose a higher contractor, the Rokala’s will pay the additional cost. The contractor must provide a minimum warrantee of one year from the date of completion of the project. The deadline for obtaining these quotes will be Dec. 15, 2004 and the completion date for planting will be May 31, 2005.”

Motion passed.

Motion Fischer/Orbeck to approve the November claims as presented. MUC

Motion Maus/Fischer to approve the following items on the consent agenda:

1. To approve only \$2,680.32 of the \$3,680.32 pay request made by SEH, Inc. for the Hazel Ave. project for engineering fees and to hold \$1,000.00 until the work on the east side of State Highway 55 is completed in the spring.
2. To accept the \$250.00 gambling fund donation from the Fire Relief Assoc. for Santa Claus Day expenses.
3. To renew all licenses for 2005 (list on file in the City Clerks office).
4. To certify David J. & Melissa F. Mackereth’s delinquent city utility bill to Stearns County for collection with their real estate taxes.
5. To disconnect all delinquent city utilities.

MUC

Addendums to the agenda: items by Dianne Robinson, DuWayne Orbeck and Mickey Fischer.

OPEN FORUM

Steve and Roxanne Huff were present to inform the City of their plans to purchase 360 Hazel Ave. E. and proposed renovation.

Jill Holte reported on the Public Works Department and presented a snow plowing policy.

Motion Fischer/Orbeck to approve the Snow Plowing/Ice Control Policy as presented with a change to page 1, item III. A. Snow accumulation of 2 “. MUC

Signage at the baseball field about not being responsible for injuries, waivers and insurance was discussed and will be researched.

A special meeting will be called for in January for a Planning Commission meeting.

Motion Davis/Edwards to require St. John's Lutheran Church to plant a row of hedges along their driveway and parking lot area which abuts residential property at 300 135th St. MUC

Councilmember Orbeck addressed Career Day at the School.

Police Chief Todd Rohloff presented the monthly reports, winter parking notice is being published, inspection of nuisances, and the Police and Public Works Department will be installing No Parking signs on Magnus Johnson St. N. on the north side of State Highway 55.

Clerk Treasurer Administrator presented an appeal to the inconsistency of the fencing ordinance. To consider an amendment to City Ordinance Chapter 10 – Land Use Regulations, Section 1000, Rules & Definitions, 1000.04 Definitions (36) Fence and Chapter 11 Zoning Districts, Section 1135 Performance Standards, 1135.09 Fencing to provide a more detailed definition for fencing will be added to the Public Hearing on Dec. 6, 2004 at 7:15 p.m.

Motion Maus/Fischer to adjourn at 8:20 p.m. MUC.

Dianne H. Robinson
Clerk Treasurer Administrator

Meeting date: Monday, Dec. 6, 2004

Meeting time: 7:00 p.m.

Called to order by: Mayor Karla Davis

Councilmembers present: Karla Davis, Mickey Fischer, Steve Edwards and DuWayne Orbeck.

Councilmembers absent: Andy Maus.

Others present: Lonnie Hendricks, Todd Rohloff, Chris Jansky, Randy Sabart, Jim Schultz, Chris Jeppesen, Jill Holte, Jean Matua and Chuck Sterling.

Motion Fischer/Edwards to approve the Nov. 15, 2004 Council minutes as presented. Motion passed (Councilmember Maus was absent).

Addendums to the agenda: Mayor Davis items.

OPEN FORUM: No items.

7:00 p.m. Mayor Davis called to order the public hearing to discuss and seek public comment on the city's proposed budget and proposed property tax levy for 2005. The decrease in the budget was discussed.

Mayor Davis closed the hearing.

It was noted that the subsequent hearing to adopt the city's final property tax levy and budget will be held on Monday, Dec. 13, 2004 at 7:00 p.m.

Lonnie Hendricks addressed the Council in regards to the Non-Conforming Use at 110 Hazel Ave. W. A conditional use permit is required to use this highway commercial zoned property as a residence.

Mayor Davis called to order the public hearing to discuss the amendment to City of Kimball Ordinance Chapter 11 – Zoning Districts, Section 1110 – Urban Residential, 1110.05 Performance Standards, 5. Minimum Floor Area. C. (iii).

Mayor Davis closed hearing.

Councilmember DuWayne Orbeck introduced the following resolution and moved for its adoption:

AMENDMENT TO CITY OF KIMBALL ORDINANCE CHAPTER 11 – ZONING DISTRICTS, SECTION 1110 – URBAN RESIDENTIAL, 1110.05 PERFORMANCE STANDARDS, 5. MINIMUM FLOOR AREA. C.(iii).

The pitch of the roof shall not be less than three (3) feet in rise for each twelve (12) feet of horizontal run. The roof shall be covered with shingles, tiles or colored non-corrosive steel roof panels/corrugated metal or metal shingles. Color approved at time of application.

Councilmember Karla Davis seconded the foregoing resolution and the following voted in favor thereof: Karla Davis, DuWayne Orbeck, Steve Edwards and Mickey Fischer; those absent: Andy

Maus, those voting against or abstaining: None.

Whereupon said resolution was declared passed and adopted.

Mayor Davis called to order the public hearing to discuss the amendment to City of Kimball Ordinance Chapter 11, Zoning Districts, Section 1135.08 Screening.

Mayor Davis closed hearing.

Councilmember Steve Edwards introduced the following resolution and moved for its adoption:

Amendment to the City of Kimball Ordinance Chapter 11, Zoning Districts, Sections 1135.08, Screening, 1135.09 Fencing, 1135.12 Bulk Storage (entire ordinance is on file at the City Office).

Councilmember DuWayne Orbeck seconded the foregoing resolution and the following voted in favor thereof: Davis, Orbeck, Fischer and Edwards; those absent: Maus; those voting against or abstaining: Motion passed.

A request was made by the Clerk Treasurer Administrator and the Deputy Clerk to have the outdated zoning ordinance re-codified.

Motion Davis/Edwards to spend up to \$100.00 to obtain zoning ordinances from other cities to use as examples. Motion passed (Councilmember Maus was absent).

Public Works Director Jill Holte reported that new tires will be purchase for the newest City truck and a new light bar is needed, the stairs on the south side of the building are not complete and should not be used, personal cell. Phone use and policy change requests.

Motion Davis/Fischer to approve the following Employment Policy change effective Dec. 6, 2004:

Maintenance Employees shall take turns checking the sewer plant and pump house on Saturday, Sunday and holidays and shall take a minimum of ½ hour for this task to receive 2 hours straight pay. If time exceeds 2 hours, compensation after the initial 2 hours will be paid at time and a half.

If a public works employee resigns within 6 months of the uniform purchase, the employee will sign a payroll deduction statement to reimburse the City for 50% of the total cost of the uniforms.

Motion passed (Councilmember Maus was absent).

Motion Davis/Edwards to allow Jill Holte to use the Public Works cellular phone for her personal use and to pay for personal calls that go over the usage plan. Motion passed (Councilmember Maus was absent).

Motion Fischer/Orbeck to purchase a new light bar for the Public Works truck at the cost of \$250.00. Those voting in favor thereof: Davis, Fischer and Orbeck, those voting abstaining: Edwards; those absent: Maus; those voting against: None. Motion passed.

Police Chief Todd Rohloff presented the monthly reports for the City of Kimball and Fair Haven Township.

Motion Orbeck/Maus to approve the following items on the consent agenda:

1. To transfer Market Value Aid from the General Checking to the 1998 Bond Money Market in the amount of \$1,066.91 and 2004 Hazel Ave. Project Money Market in the amount of \$1,364.83 per aid split requirement.
2. To approve the Hazel Ave. engineering pay request in the amount of \$916.16 pending approval by Rural Development.
3. To accept the donation of \$300.00 from Stearns County Environmental for the used oil dump (sludge removal).
4. To approve contracting with Conway, Deuth & Schmiesing (CDS) for the 2004 year end audit.
5. To accept the donation of \$12,000.00 from the Kimball Firemen's Relief Association gambling fund and to deposit funds into the Fire Dept. Equipment Fund Money Market.
6. To accept the donation of \$1,350.00 from the Kimball Firemen's Relief Association gambling fund for the baseball team scoreboard wiring which was done by Finger Electric.

Motion passed (Councilmember Maus was absent).

City Engineer Randy Sabart addressed issue in the Heritage Park Plat on rain gardens, developer's agreement, lift station location, SAC and WAC fee increase for lift station users, cost of lift station, and engineering and legal fees.

Motion Orbeck/Davis to pay the \$1,000.00 for SEH, Inc. invoice #0121180 for engineering on the Hazel Ave. project (which was previously withheld) pending approval by USDA Rural Development. Motion passed (Councilmember Maus was absent).

Other items of discussion were: organized day care of over 12 children needing a condition use permit in urban residential to be dealt with as need occurs, USDA money for libraries/community center with matching funds, forming a group to work on a community center with library, Stormwater pond resolution, sending a letter to Oakshire Homes on their non-permitted use in urban residential and waivers for City facility uses.

Motion Orbeck/Davis to adjourn at 10:00 p.m. Motion passed (Councilmember Maus was absent).

Dianne H. Robinson
Clerk Treasurer Administrator

Meeting date: Monday, Dec. 13, 2004

Meeting time: 7:00 p.m.

Called to order by Acting Mayor Steve Edwards

Councilmembers present: Steve Edwards, Mickey Fischer and DuWayne Orbeck.

Councilmembers absent: Karla Davis and Andy Maus.

Others present: None

Steve Edwards called to order the subsequent Truth In Taxation hearing to adopt the city's final property tax levy and the final budget.

Hearing was closed.

Councilmember DuWayne Orbeck introduced the following resolution and moved for its adoption:

RESOLUTION ADOPTING FINAL TAX LEVY
RESOLUTION NO. 12122004
RESOLUTION APPROVING 2004 TAX LEVY, COLLECTABLE IN 2005

Be it resolved by the City Council of the City of Kimball, County of Stearns, Minnesota, that the following sums of money be levied for the current year, collectible in 2005, upon the taxable property in the City of Kimball, for the following purposes:

Total levy	\$ <u>200,589.00</u>
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The City Clerk is hereby instructed to transmit a certified copy of this resolution to the County auditor of Stearns County, Minnesota.

Adopted by the City Council on 12-13-04.

Councilmember Mickey Fischer seconded the foregoing resolution. Those voting in favor thereof: Steve Edwards, Mickey Fischer and DuWayne Orbeck; those absent: Karla Davis and Andy Maus; those voting against or abstaining: None. Motion passed.

Motion Orbeck/Fischer to adjourn at 7:09 p.m. Motion passed (Councilmembers Davis and Maus were absent).

Dianne H. Robinson
Clerk Treasurer Administrator

Meeting date: Dec. 20, 2004

Meeting time: 7:00 p.m.

Called to Order by: Mayor Karla Davis

Councilmembers present: Karla Davis, DuWayne Orbeck, Andy Maus, Steve Edwards and Mickey Fischer.

Councilmembers absent: None.

Others present: Jean Matua.

Motion Fischer/Orbeck to approve the Dec. 6, 2004 and Dec. 13, 2004 Council minutes as presented. MUC.

Motion Fischer/Edwards to approve the claims for December 2004 as presented. MUC.

Motion Fischer/Maus to approve the following items on the consent agenda:

1. To approve Todd Rohloff's vacation request and to carry over the balance which should be one or two days.
2. To approve a Games of Skill license for 3 games for Bill & Toni's Café for 2005.
3. To approve a Computer Service Contract with Outsource IT for 3 years for four computer systems at the cost of \$175.00 per quarter.
4. To transfer \$35,000.00 from the fire department money market to the fire department checking for operating expenses.
5. To approve the Council meeting date changes as follows for 2005 due to holidays: Jan 17 to Jan. 18, Feb. 21 to Feb. 22, July 4 to July 5 and Sept 5 to Sept. 6.
6. To appoint the Fire Department Officers as proposed by the Fire Dept. as follows: Chief – Tom Ehlinger, Assistant Chief – Bill Thell, Fire Captains – Ed Borman, Dave Geislinger and Aaron Knaus, Rescue Captians – Cindy Stelten and Rose Borman, Secretary – Ed Maus, Safety Officers – Robert Stelten and John Gohmann, Engineer – Bob Erickson.
7. To accept the resignation of John Clement from the Fire Department.
8. To transfer \$1,309.44 from the general checking to the Willow Creek Concrete Products, Inc. Money Market Abatement fund for 60% of the second half of their real estate taxes for 2004.
9. To disconnect all delinquent City utilities.
10. To accept the donation of \$1,000.00 from Meeker Cooperative Electric Trust for fire department pagers and deposit the money in the fire department checking as the pagers were purchased from this account.

Addendums to the agenda: Two items by Councilmember Maus.

Councilmember Orbeck commented on Santa Claus Days.

Clerk Treasurer Administrator Dianne Robinson read a letter received from the League of Minnesota Cities Insurance Trust in reference to the Kimball Express Baseball Team. A copy will be forwarded to the baseball team.

Councilmember Maus addressed the screening for Willow Creek Park and will be speaking to Rick Johnson and Todd Strand.

Councilmember Maus introduced the following resolution and moved for its adoption:

TO AMEND CHAPTER 2, SECTION 215 SCHEDULE OF FEES, CODE SECTION, 800.03 WATER ACCESS CHARGE HOOK-UP (WAC) AND 810.06 SEWER ACCESS CHARGE HOOK-UP (SAC) FEES AS FOLLOWS EFFECTIVE JAN. 1, 2005:

Water Access Charge Hook-up (WAC) -- \$2,000.00
Sewer Access Charge Hook-up (SAC) -- \$2,000.00

Councilmember Edwards seconded the foregoing resolution. Those voting in favor thereof: Karla Davis, Steve Edwards, Andy Maus, Mickey Fischer and DuWayne Orbeck; those voting against, absent or abstaining: None. Motion passed and adopted.

Motion Fischer/Edwards to have Chris Jansky attend the newly elected officials seminar and Karla Davis and DuWayne Orbeck attend the experience officials seminar. MUC

The City Council extended a heartfelt thank you to Councilmember Andy Maus for his years of service as a Councilmember and community leader.

Motion Maus/Davis to adjourn at 7:50 p.m. MUC

Dianne H. Robinson
Clerk Treasurer Administrator