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JAN. 17, 2006**

**Meeting was called to order by Mayor Karla Davis.**

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

**Councilmembers absent: Chris Jansky.**

**Others present: Dean Mohs, Chad Johnson, Kelly Lemke, Gary Grossing, Jim Schulz, Jean Matua, Paul Hoeschen, Matt Serbus, Chuck & Marilyn Sterling and Cary Maus.**

**Motion Fischer/Edward to approve the Dec. 19, 2006 City Council minutes as presented with a change to page 3, paragraph 9 changing the wording of hours to overtime hours. Motion passed (Jansky absent).**

**Motion Edwards/Fischer to approve the claims for January as presented and striking the second entry for Ertl's Hardware. Motion passed (Jansky absent).**

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

- 1. To disconnect all delinquent city utilities.**
- 2. To accept the following donations to the Equipment Van Fund: Anonymous \$300.00, Bruce Mancini's \$50.00, Cary Maus \$100.00, Hinkemeyer-Wesbur Farm \$100.00, Charles Kraft's \$100.00, William Wimmer's \$100.00, Jeff Hilsgen \$100.00, James Thul's \$125.00, Dan Rose's \$150.00, Hendrickson Heating \$200.00, Virginia Dahnke \$500.00, Steve Gohmann's \$130.00, Dave Traurig's \$110.00, Bruce Fredrickson's \$15.00, LOL Oil Co. \$4,000.00, CNR Contractor's \$2,365.00, Clayton Linn's \$10.00, Aaron Knaus' \$90.00, Mark Dockery's \$250.00, Tom Ehlinger's \$125.00, Donald Anderson \$250.00, Bollman Family \$100.00, Wat-Kim-Valley VFW \$1,000.00, and a grant from Meeker Cooperative for \$500.00.**
- 3. To do and interfund transfer \$1,493.71 from the Fire Dept. Money Market Account to the Reserve #1 Money Market to reimburse this fund for the money borrowed by the fire department for the tarring of the fire hall parking lot.**
- 4. To designate the Tri-County News as the official newspaper for official publications and notices for 2006.**
- 5. To pass a resolution naming the State Bank of Kimball, Atwater State Bank and the United Bankers Bank of Bloomington as the official depositories for all city funds for 2006.**
- 6. To appoint Councilmember Steve Edwards as the Acting Mayor for 2006.**
- 7. To appoint the legal firm of Young Brown & Pagel to handle legal matters for the City for 2006.**

8. To accept the improvements in Greely Edition, Phase 2 per Randy Sabart letter handed out at the last meeting.
9. To approve a Dance Hall Permit for the Fire Relief Assoc. & Women's Aux. To conduct a Public Dance at Playland Ballroom on March 24.
10. To transfer \$1,156.22 from the general fund to the 1998 Bond Money Market for Market Value Aid per the 2005 budget.
11. To approve and authorize the Mayor and Clerk Treasurer to sign the Fire Service Area Apportionment Agreements with the City of Rockville.

Motion passed (Jansky absent).

**ADDENDUMS TO THE AGENDA: Paul Hoeschen.**

City Engineer Jim Schulz was present in regard to the Magnus Johnson St/Linden Ave. Improvements.

Councilmember Mickey Fischer introduced the following resolution and moved for its adoption:

**RESOLUTION RECEIVING REPORT AND CALLING HEARING ON IMPROVEMENT**

WHEREAS, pursuant to resolution of the council adopted April 4, 2005, a report has been prepared by Short Elliott Hendrickson, Inc. with reference to the improvement of Magnus Johnson Street from TH 15 to Linden Avenue and Linden Avenue from Elm Street to TH 55 by street reconstruction, storm sewer construction, sanitary sewer construction, water main construction, sidewalk construction and this report was received by the council on January 17, 2006; and

WHEREAS, the report provides information regarding whether the proposed project is necessary, cost-effective, and feasible.

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

1. The council will consider the improvement of such street in accordance with the report and the assessment of abutting property for all or a portion of the cost of the improvement pursuant to Minnesota Statutes, Chapter 429, at an estimated total cost of the improvement of \$1,392,000.00
2. A public hearing shall be held on such proposed improvement on the 21 day of February, 2006, in the council chambers of the city hall at 7:00 p.m., and the clerk shall give mailed and published notice of such hearing and improvement as required by law.

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**Councilmember Steve Edwards seconded motion.**

**Those voting in favor thereof: Karla Davis, Mickey Fischer, DuWayne Orbeck and Steve Edwards; those voting against: None; those abstaining: None; those absent: Chris Jansky. Motion passed.**

**The following notice will be published in the Tri-County news on Thursday, Feb. 9 and Feb. 16, 2006 and mailed to all abutting property owners:**

**NOTICE OF HEARING ON IMPROVEMENTS**

**To Whom It May Concern:**

**Notice is hereby given that the city council of Kimball will meet in the council chambers of the city hall at 7:00 p.m. on Tuesday, February 21, 2006 to consider the making of an improvement on Magnus Johnson Street from TH 15 to Linden Avenue and Linden Avenue from Elm Street to TH 55 by street reconstruction, storm sewer construction, sanitary sewer construction, water main construction sidewalk construction, pursuant to Minn. Stat 429.011 to 429.111. The area proposed to be assessed for such improvements is properties abutting Magnus Johnson Street from TH 15 to Linden Avenue and Linden Avenue from Elm Street to TH 55 and all benefited properties. The estimated cost of the improvement is \$1,392,000.00 A reasonable estimate of the impact of the assessment will be available at the hearing. Such persons as desire to be heard with reference to the proposed improvement will be heard at this meeting.**

**Karla Davis  
Mayor**

**Dianne Robinson  
Clerk Treasurer**

**Increasing SAC and WAC fees was discussed.**

**Dean Mohs of Melrose Telephone Company present their proposal for Cable TV franchise.**

**Motion Edwards/Fischer to have the City Clerk Treasurer and the City Attorney to assist Melrose Telephone and help them proceed with the franchise process. Motion passed (Jansky absent).**

**Stearns County Assessor Gary Grossinger and Assistant Assessor Kelly Lemke presented the Market Value increase percentages.**

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**The Board of Review for Market Values has been set for April 10<sup>th</sup> at 6:30 p.m. A trained Councilmember and a quorum must be present.**

**The Clerk Treasurer was instructed to invite Supr. Scott Theilman and the School Board members to the Board of Review.**

**Cary Maus of the Fire Relief Association requested a “years of service” increase for their retirement.**

**Motion Davis/Fischer to increase the Fire Relief Assoc. retirement from \$725.00 per each year of service to \$750.00 per each year of service effective Jan. 1, 2007. Motion passed (Jansky absent).**

**Police Chief Todd Rohloff presented the monthly reports.**

**Contract Consultant Paul Hoeschen presented a quote for the electrical work for the Pond Doctor from Augusta Electric. More quotes will be obtained.**

**Public Works Worker Chad Johnson will contact Meeker Cooperative about purchasing a back-up heating system for the wastewater plant as the city is on the dual heating program.**

**Motion Fischer/Edwards to have Chad Johnson attend the Locate Meeting in Alexandria on Feb. 9. Motion passed (Jansky absent).**

**Motion Davis/Fischer to have Thien Well inspect the wells. Motion passed (Jansky absent).**

**Paul Hoeschen presented information on the hand held water meters/readers. He will have a meter representative at a meeting.**

**Motion Davis/Edwards to make a conditional offer of employment to Tim Wills for the Maintenance/Public Works position starting March 20, 2006 on a part time bases and then full time after he receives a doctor’s release at the rate of \$12.25 per hour conditioned up a satisfactory physical, drug/alcohol test and back ground check. Motion passed (Jansky absent).**

**Motion Davis/Edwards to have the Clerk Treasurer proceed with a USDA Rural Development Community Grant Application to purchase the St. John’s Lutheran Church property for a Library and Community Center. Motion passed (Jansky absent).**

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**Motion Davis/Edwards to have the Clerk Treasurer proceed with a DNR grant for Willow Creek Park for walking trails/bridge repair/picnic areas. Motion passed (Jansky absent).**

**Motion Edwards/Fischer to send in the registration for a booth at the Chamber of Commerce Business Expo. Motion passed (Jansky absent).**

**Hydrants in Maine Prairie Township agreement and access to hydrants and right of way will be reviewed by the City Attorney.**

**Kimball Lions will be invited to a meeting to discuss future plans for the picnic shelter area.**

**Banyon Fund Accounting/Payroll program table to next meeting.**

**Davis/Fischer to send a letter to all employees that overtime hours need to be approved in advance. If not, it will be grounds for discipline. Motion passed (Jansky absent). Mayor Davis will write letters.**

**Mayor Davis will check with David Drown Associates for finance planning for project financing.**

**Motion Davis/Edwards to approve DuWayne Orbeck' attendance at an erosion control training session with the cost being \$20.00. Motion passed (Jansky absent).**

**Motion Davis/Fischer to adjourn. Motion passed.**

**Dianne Robinson**  
**Clerk Treasurer**

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FEB. 6, 2006**

**Meeting called to order by Mayor Karla Davis.**

**Councilmembers present: Karla Davis, DuWayne Orbeck, Chris Jansky, Steve Edwards, Mickey Fischer.**

**Councilmembers absent: None.**

**Others present: Steve Gohman, Clen Winters, Todd Rohloff, Chad Johnson, Chris Jeppesen, Sandy Steinmetz, Ashley Caird, Mike Caird, Douglas Hommerding, Merle Anderson, Tom Kumrow, Jim Frilstad, Doug Knaus, Tom Ehlinger, Roger Cooper, Jim Unterberger, Jose Zamora, Brian Kuechle and Duane Finger.**

**Motion Orbeck/Fischer to approve the minutes of the Jan. 17, 2005 meeting as presented. Motion passed.**

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

- 1. To transfer \$4,532.00 from the water checking and \$2,500.00 from the sewer checking to the 2005 Bond Money Market for the water/sewer share of the bond interest payment.**
- 2. To approve Chris Jeppesen's vacation request as presented.**
- 3. To approve the renewal of the Work Comp. policy for April 25, 2006 – April 25, 2007 and to include coverage for elected officials, volunteers, Fire Board and Fire Relief Assoc. with no deductible and regular premium option.**
- 4. To approve the following donations to the Fire Equipment Van Fund: Mark Jansky's \$50.00, Bradley Donnay's \$80.00, Michael Libby's \$100.00, Paul Stein's \$100.00, Daryl Henneman's \$100.00, Robert Stelten's \$100.00, Minnow's Unlimited \$100.00, Ron Daniels \$100.00, Paul Gannon's \$100.00 and Johnson Travel Consultants \$100.00.**

**Motion passed.**

**Addendums to the agenda: Chris Jeppesen with Kimball Days, Chris Jansky and Steve Edwards.**

**Chad Johnson of the Public Works Department present electrical quotes from Augusta Electric, Inc., Kramer Electric of Watkins, Inc, Fairhaven Electric Corp. and Warner Electrical Supply.**

**Motion Jansky/Edwards to purchase the supplies and conduit from Werner Electrical Supply for \$3,252.42 with Chad Johnson installing the conduit and threading the wire through the conduit. Motion passed.**

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**Mayor Davis called to order the Conditional Use Permit Hearing for Land O Lakes Oil Co. for bulk propane storage.**

**Public Comment: tank size/location and regulations.**

**Mayor Davis closed hearing.**

**Motion Edwards/Fischer to grant the Conditional Use Permit for Land O Lakes Oil Co. to install 2 – 30 thousand gallon bulk propane storage tanks with the condition that they comply with the Dept. of Labor & Industry regulations, State Building Codes and State Fire Marshall regulations. Those voting in favor thereof: Steve Edwards, Mickey Fischer, Karla Davis, and Chris Jansky; those voting against: None; those abstaining: DuWayne Orbeck; those absent: None. Motion passed.**

**Ashley Caird addressed the Council in reference to her utility billing and meter operation. Mayor Davis apologized for City not taking care of the problem when it occurred and stated that the City would keep on top of the issue. Amount billed for was the correct amount used.**

**Tom Kumrow presented the Safe & Sober Recognition for Traffic Safety/Life Saving Award which is through the National Highway Traffic Safety Association, Great Lakes Region to Police Chief Todd Rohloff, Officer Jim Frilstad and Officer Tom Decker (not present). He commented that there are over 260 Departments in the state and only 60 awards are issued. It is a rare event for 3 of the awards to be going to the same department. He commended the City and its Officers for the effort and cooperation made by this department.**

**They each were also presented with a special “Click It Or Ticket” ticket book holder.**

**Fire Chief Tom Ehlinger informed the Council that the new van may not be here in time for the pancake breakfast. Donations received from 258 donors now totals \$167,000.00. He also informed the Council that Kelly Traurig will be on permanent leave, Kayleen Starcevic has moved from the fire district and Todd Rohloff has retired from the Fire Department. They will be looking at replacements for these individuals.**

**Motion Edwards/Jansky to approval the Fire Fighter 2 training to be done on site by St. Cloud Tech College for \$4,500.00 for 10 sessions and \$65.00 for a training book for each member. Motion passed.**

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**Roger Cooper and Doug Knaus of the Kimball Area Lions addressed the Council with the heating, rest room, and kitchen plans for the Willow Creek Park picnic shelter. Removing picnic tables and replacing them with banquet tables was discussed.**

**Rent which is presently at \$55.00 with a \$50.00 refundable deposit will remain for now.**

**Maine Prairie Township Board Supervisor Jim Unterberger addressed the fire hydrants in Maine Prairie Township right of way. Clerk Robinson commented that the City Attorney still has the agreement and once approved by the Council, it will be sent to Maine Prairie for their approval.**

**Maine Prairie Township will be billing the City for the two address signs on 83<sup>rd</sup> Ave. for the Wastewater Plant and the Lift Station (\$80.00 each).**

**Jose Zamora addressed the Conditional Use Permit granted to Land O Lakes Oil Co. in reference to the number and location of tanks.**

**Chad Johnson of the Public Works Department presented two quotes for a curb box locator (Minnesota Pipe & Equipment \$852.00 for a Schonstedt and Davies Northern Water Works \$700.00 - \$750.00).**

**Motion Edwards/Fischer to purchase a Schonstedt locator from Minnesota Pipe and Equipment for \$852.00. Motion passed.**

**Chad Johnson also reported on his meeting with Eric Altena of the DNR and the needed bridge repair. Suggestions were offered to contact Sentence to Service, volunteers, park committee, public opinion and sponsor a bridge program. Issue will be placed on next agenda.**

**Chief Rohloff presented the December and January reports. He requested that a fax machine be installed in the Police Department. This request was granted.**

**Motion Davis/Jansky to allow the Kimball Days Committee to purchase 300 pens from Amsterdam Printing for \$163.45 advertising "Kimball Days, 2<sup>nd</sup> weekend in August, Phone #320-398-2725". Motion passed.**

**There will be a Kimball Days meeting on Feb. 27 at 6:00 p.m. which is open to the Public.**

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**Councilmember Edwards question the utility billing policy. It was suggested that a verification form be signed by the individual who requests water service and that all water meters be installed by the Public Works Department.**

**The personnel committee will be conducting an interview on Jan. 18, for the Maintenance/Public Works Position. If the interview is favorable, a conditional offer of employment at \$12.25 per hour with benefits and a 6 month review will be offered pending a physical, back ground check and drug/alcohol test. If all this is passed, the conditional offer shall become an offer of employment.**

**The Banyon Fund Accounting/Payroll program was table until the June 5<sup>th</sup> meeting.**

**City Hall cleaning was discussed and Sharon Jewison will be called.**

**Chris Jansky discussed the Bird Flu.**

**Motion Edwards/Jansky to adjourn at 9:35 p.m. Motion passed.**

**Dianne H. Robinson**  
**Clerk Treasurer**

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FEB. 21, 2006**

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

**Councilmembers present: Karla Davis, Mickey Fischer, Steve Edwards, Chris Jansky and Duane Orbeck.**

**Councilmembers absent: None.**

**Others present: City Engineer Jim Schulz and a large group attending the public hearing.**

**Motion Fischer/Orbeck to approve the minutes of the Feb. 6, 2006 meeting as presented. Motion passed.**

**Motion Edwards/Fischer to approve the claims for February as presented. Motion passed.**

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

- 1. To disconnect all delinquent city utilities.**
- 2. To authorize the Mayor & Clerk Treasurer to sign the “Certificate of Inability to Obtain Other Credit” for the Library/Community Center grant pre-application for USDA Rural Development.**
- 3. To send Dianne Robinson, Chad Johnson and Todd Rohloff to the Safety & Loss Control workshop on April 13<sup>th</sup> in St. Cloud and to submit the registration of \$20.00 each.**
- 4. To accept the donation of \$350.00 from Wat-Kim-Valley VFW 5460 for the Kimball Days parade.**
- 5. To pass a resolution approving continued gambling operations from 12:01 a.m. on June 1 2006 to midnight on May 31, 2008 at Kimball American Legion, 201 Main St. S. in the City of Kimball.**
- 6. To approve the attendance of Dianne Robinson at the Hwy 15 Coalition meeting in Hutchinson on Feb. 24<sup>th</sup>, 10:00 a.m. to noon.**
- 7. To approve the “Hydrants in Maine Prairie Township Agreement” and forward to Maine Prairie Township for their approval.**

**Motion passed.**

**Mayor Davis called to order the Public Hearing on Improvement for Magnus Johnson Street from Highway 15 to Linden Ave. & Linden Ave. from elm St. to Hwy. 55.**

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**City Engineer Jim Schulz gave a presentation on the project scope. He presented a handout of the project with an estimated project cost of \$1,391,680.77. The reason for the hearing being the probable assessments of abutting property owners. He explained that the City Council would be deciding if the project was necessary and feasible and that this was not a design meeting.**

**Proposed project time frame:**

- Public Comment (Hearing).**
- Design Phase (2 months).**
- Advertising for bids in May.**
- Opening bids the end of May.**
- June start date.**
- September completion date.**

**Other items discussed were: patching of the sewer main on Linden Ave. E., design, water run-off issues on Magnus Johnson St. N and Highway 55, water service installations, storm sewers, assessments on corner lots and how assessments would be figured depending on streets, curb, gutter, sidewalk, water & sewer service, etc.**

**Mayor Davis closed hearing.**

**Motion DuWayne Orbeck to approve the following resolution and move for its adoption:**

#### **Resolution Ordering Improvement and Preparation of Plans**

**WHEREAS, a resolution of the city council adopted the 17<sup>th</sup> day of January, 2006, fixed a council hearing on the proposed improvement of Magnus Johnson Street from TH 15 to Linden Avenue and Linden Avenue from Elm Street to TH 55 by street reconstruction, storm sewer construction, sanitary sewer construction, water main construction, sidewalk construction.**

**AND WHEREAS, ten days mailed notice and two weeks published notice of the hearing was given, and the hearing was held thereon the 21<sup>st</sup> day of February 2006 at which all persons desiring to be heard were given an opportunity to be heard thereon,**

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

- 1. Such improvement is necessary, cost-effective, and feasible as detailed in the feasibility report.**
- 2. Such improvement is hereby ordered as proposed in the council resolution adopted 21<sup>st</sup> day of February 2006**
- 3. Short Elliott Hendrickson, Inc. is hereby designated as the engineer for the improvement. The engineer shall prepare plans and specifications for the making of such improvement.**
- 4. The city council declares its official intent to reimburse itself or the costs of the improvement from the proceeds of the tax-exempt bond.**

**Motion was seconded by Steve Edwards. All voting in favor thereof: DuWayne Orbeck, Steve Edwards, Karla Davis, Mickey Fischer and Chris Jansky; those voting against, absent or abstaining: None. Motion declared passed and adopted.**

**Mayor Davis reported that Ed Borman has accepted the position of Maintenance Public Works Worker.**

**Motion Davis/Fischer that any employee of the City who is also on the Fire/Rescue Department will be paid their regular wages to the end of their work shift and Fire/Rescue compensation while attending a Fire/Rescue call. Motion passed.**

**A list of community groups will be compiled and contacted about sponsoring a bridge, trail, picnic table, etc. in Willow Creek Park and a sign up sheet will also be available at the City booth during the Business Expo.**

**Other issues addressed were City Hall cleaning, Melrose Telephone Company Cable Franchise and grant for Library/Community Center meeting with USDA Rural Development.**

**Motion Davis/Fischer to allow Dianne Robinson to attend the Highway 15 Coalition meeting in Hutchinson on Feb. 25<sup>th</sup>. Motion passed.**

**Motion Orbeck/Jansky to adjourn at 8:35 p.m. Motion passed.**

**Dianne H. Robinson  
Clerk Treasurer**

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**MARCH 6, 2006**

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

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

Councilmembers absent: None.

Others present: Jean Matua, Donn Driver, Chris Jeppesen, Paul Hoeschen, Chad Johnson, Merle Anderson, Jan Schmitz and Dennis Schmitz.

Motion Fischer/Orbeck to approve the minutes of the Feb. 21, 2006 meeting as presented.  
MUC

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

1. To accept the resignation of Police Officer Tom Decker effective March 9, 2006.
2. To approve Chris Jeppesen's request to carry over 19 hours of vacation time past her March 20<sup>th</sup> anniversary.
3. To accept the donation of \$3,000.00 from the Kimball Lion's Club for the Willow Creek park Picnic Shelter.
4. To accept the following donations to the Fire Eq. Van fund: Coborn's (C.P. Knaus memorial) \$40.00, Ed Maus' \$100.00, French Lake Curb Co. \$250.00, Lavern Knaus \$100.00 and Theisen Building Supplies \$500.00.
5. To approve the renewal of the Consumption & Display Permit (Set-Ups) for Kimball's Aqua Lanes, Inc, 250 Magnus Johnson St. N.

MUC

ADDENDUMS TO THE AGENDA: Mayor Davis has two items.

OPEN FORUM: No one.

Motion Fischer/Edwards to hire one electrician from Kramer Electric at the rate of \$45.00 per hour to supervise the wiring for the Pond Doctor with the Public Works Department employees assisting and have the Public Works Department get a written quote from Kramer Electric on the hourly rate charge. MUC

It was noted by Mayor Davis that the City will be keeping David Mackereth on as a Temporary Public Works employee on an "On Call" bases and Chad Johnson would be required to initial his time card.

Motion Orbeck/Jansky to approve the moving in of a garage at the Quentin Fossen property in a zoned urban residential district at 300 Hazel Ave. E. as presented. MUC

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**MARCH 6, 2006**

Jan and Dennis Schmidt requested an “On Sale Intoxicating Liquor License” for the Playland Ballroom located at 531 State Highway 55 E. and that the City lower the license fee.

Councilmember Karla Davis introduced the following resolution and moved for its adoption:

To amend Chapter Two – Administration, Section 215, Schedule of Fees, 601.07 as follows:

**ON-SALE INTOX. LIQUOR LICENSE**

If only one license is issued, the annual fee per license will be ..... \$5,000.00

If more than one license is issued, the annual fee per license will be ..... \$3,000.00

Councilmember Mickey Fischer seconded the foregoing resolution. Those voting in favor thereof: Karla Davis, Mickey Fischer, DuWayne Orbeck and Chris Jansky; those voting against: Steve Edwards; those absent or abstaining: None. Motion passed and adopted.

Motion Davis/Fischer to approve the On Sale Intox. Liquor license and pro-rate the fee from the effective date. MUC

Donn Drive, Civil Defense Director gave a run down of upcoming emergency management activities

Motion Fischer/Edwards to approve Ed Borman’s request for unpaid leave of absence on Friday, March 10<sup>th</sup>. MUC

Motion Davis/Fischer to move forward with preparing a Comprehensive Plan for the City and to invite Dan Frank of the Initiative Foundation to a Council meeting and to request prior documentation from him to be placed in the Council packets and to also have him provide a quote for his services. Those voting in favor thereof: Karla Davis, Mickey Fischer, Chris Jansky and DuWayne Orbeck; those voting against: Steve Edwards; those absent or abstaining: None. Motion passed.

A proposed sub-division ordinance amendment will be presented at a meeting in April.

Mayor Karla Davis will be attending a Pan-Demic meeting in St. Cloud on March 10<sup>th</sup>.

Motion Davis/Edwards to amends the Employment Policies to allow the Public Works Department a \$300.00 annual clothing allowance for which they must turn in receipts for reimbursement and to remove the working for shirts, pants, etc. and keep the wording bib coveralls and jacket. The City will pay for the embroidery of the employees name and the wording “City of Kimball”. MUC

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Motion Orbeck/Jansky to adjourn. Motion passed.

Dianne H. Robinson  
Clerk Treasurer

**PAGE 1  
MARCH 20, 2006**

**Meeting was called to order by Mayor Karla Davis.**

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

**Councilmembers absent: Chris Jansky.**

**Others present: Jim Schulz, Jeremy Wurpts, Dan Frank, Jim Frilstad, Chris Jeppesen, Paul Hoeschen, Chad Johnson, Jean Matua and Tom Ehlinger.**

**Motion Edwards/Fischer to approve the minutes with a change to page 2. Motion passed (Jansky absent).**

**Motion Orbeck/Edwards to approve the claims for March as presented. Motion passed (Jansky absent).**

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

- 1. To disconnect all delinquent City Utilities.**
- 2. To approve the donation of \$200.00 from Gohmann Food's for the Fire Equipment Van.**

**Motion passed (Jansky absent).**

**ADDEDUMS TO THE AGENDA: Mayor Davis will address labor negotiations, police department applications and Kimball Days.**

**OPEN FORUM: Jim Frilstad approached the Council for a wage increase for his position of part time police officer. The Council will be setting up performance evaluations for both Jim Frilstad and Chris Jeppesen within the next two weeks.**

**Motion Councilmember Steve Edwards to approve the Amendment to Ordinance Chapter 12 – SUBDIVISION REGULATIONS and to introduce the following resolution and move for its adoption:**

**Resolution 030206**

**RESOLUTION APPROVING AN ORDINANCE SUMMARY ENTITLED  
SUBDIVISION REGULATIONS**

**WHEREAS, Minnesota Statutes, Section 412.191, Subd. 4, permits the publication of summaries of ordinances provided that:**

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1. Four-fifths of the Council authorizes publication of the Summary;
2. A printed copy of the ordinance is made available during regular office hours at the office of the City Clerk Treasurer and another location designated by the Council;
3. A copy of the text of the ordinance is posted in the community library if there is one, or if not, in a public location designated by the Council, and;
4. The Council approves the text of the summary in advance, determining that it clearly informs the public of the intent and effect of the ordinance;

WHEREAS, the City Council of the City of Kimball has adopted ORDINANCE CHAPTER 12 entitled SUBDIVISION REGULATIONS;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Kimball, Minnesota.

1. The Council finds and determines that the summary attached hereto of ORDINANCE CHAPTER 12 entitled SUBDIVISION REGULATIONS clearly informs the public of the intent and effect of the ordinance.
2. The Council directs the publication of the summary of ORDINANCE CHAPTER 12 entitled SUBDIVISION REGULATIONS in accordance with Minnesota Statutes, Section 412.191, Subd. 4

Dated: March 20, 2006

Karla Davis, Mayor

Attest:

Dianne H. Robinson, City Clerk Treasurer

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember Mickey Fischer. Those voting in favor thereof: Steve Edwards, Karla Davis, DuWayne Orbeck, and Mickey Fischer; those voting against: None; those absent or abstaining: Chris Jansky; whereupon the resolution was declared duly passed and adopted.

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ORDINANCE CHAPTER 12  
CITY OF KIMBALL  
AN ORDINANCE REGULATING SUBDIVISIONS

**Summary of Provisions:**

**SECTION 1201 TITLE & APPLICATION** – states the title, purpose, platting authority, relations to laws & regulations, policy, interpretation, administration and amendments.

**SECTION 1202 RULES & DEFINITIONS** – states the application and definitions.

**SECTION 1203 GENERAL PROVISIONS/ADMINISTRATION** – states the compliance with Comprehensive Plan, Zoning Ordinance, and Official Map, fees, acceptance and recordation conditions, conveyance by metes and bounds, building permits, variances, utility service area allocation, planned unit developments and common interest community plats.

**SECTION 1204 MINOR SUBDIVISION** – states the purpose, qualifications, filing and review of application, information required for minor subdivision, approval or denial of minor subdivision, deeds, park dedication fee and recording.

**SECTION 1205 LOT CONSOLIDATION/LOT LINE ADJUSTMENT** – states the purpose, qualification, filing and review of application, information required for lot consolidation/lot line adjustment and recording.

**SECTION 1206 CONCEPT PLAN** – states the purpose, filing and review of application and information required for the concept plan.

**SECTION 1207 PRELIMINARY PLAT** – states the purpose, filing and review of application, information required for preliminary plat and approval or denial of preliminary plat.

**SECTION 1208 FINAL PLAT** – states the purpose, timing of application, filing and review of application, information required for final plat, approval or denial of final plat, recording, utilities, dedication and record plans (as-built plans).

**SECTION 1209 PARK LAND DEDICATION REQUIREMENTS** – states the purpose, dedication requirements, trails, determining land to be donated and calculating density requirements.

**SECTION 1210 DESIGN STANDARDS AND REQUIRED IMPROVEMENTS** – states the purpose.

**SECTION 1211 ENFORCEMENT** – states the violations, penalties, application to City personnel and injunction.

**SECTION 1212 REQUIRED BASIC IMPROVEMENTS** – states the interpretation, procedure, installation, monuments and survey requirements, streets, water and sewer, drainage, utilities, trails, violations and penalty.

**SECTION 1213 DESIGN STANDARDS** – states the conformity with other standards, interpretation of requirements, land requirements, blocks, lots, streets and alleys, easements, erosion and sediment control, drainage, protected areas and mail and paper box locations.

**SECTION 1214 SEVERABILITY, SUPREMACY, AND EFFECTIVE DATE** – states severability, supremacy, repealer and effective date.

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**This Ordinance shall be effective immediately after its publication.**

**Passed and adopted this 20<sup>th</sup> day of March, 2006.**

**ATTEST:**

**Dianne H. Robinson, Clerk Treasurer**  
**Karla Davis, Mayor**

**A printed copy of the entire text of this Ordinance is available for inspection by any person during regular office hours at the office of the City Clerk Treasurer, 1 Main Street N. A copy of the text of the Ordinance is posted at City Hall and the Kimball Library.**

**Dan Frank of the Initiative Foundation gave a presentation of the Healthy Partners Program and how it can be used for the Comprehensive Planning. Grant and training time line was reviewed.**

**Tom Ehlinger presented information received at the pandemic flu meeting he attended.**

**City Engineers Jeremy Wurpts and Jim Schulz reported on the Rapid Infiltration Basins and treatment and storage. The soil borings have been completed and cells are planned for the corners of the south field with no discharge to surface water. This is a good short term plan that can go along with a permanent plan.**

**They requested that City proceed into the geotechnical phase of design with a possible spring bid date.**

**SEE CHRIS JEPPESENS MINUTES WHICH ARE ATTACHED.**

**The City parking lot located on the corner of Main Street S. and Hazel Ave. W. was discussed. The cost of this parking lot will be discussed at the next meeting.**

**Motion Edwards/Fischer to approve having the Kimball School shop class build a 6' X 8' building for the lift stations in Heritage Park of Kimball and Scheeler Addition for approx. \$600.00. Motion passed (Jansky absent).**

**Chad Johnson questioned the parking behind City Hall and signage for parking was suggested.**

**PAGE 5**  
**MARCH 20, 2006**

**Chris Jeppesen addressed getting donations for both fire works and wrestling for Kimball Days. She felt that the fire works last only 10 minutes and wrestling would be over an hour. It was the Councils suggestion that only wrestling be done this year.**

**Police Office applications were reviewed and interviews before the Personnel Committee will be set up.**

**Motion Davis/Edwards to set the starting wage for the new Police Officer at a minimum of \$12.50 and a maximum of \$14.00 per hour. Motion passed (Jansky was absent).**

**Mayor Davis announced that the Petition for Mediation received by the Bureau of Mediation Services for the Supervisory Union Contract will be held at City Hall on Thursday, April 13, 2006 at 4:30 p.m.**

**Mayor Davis instructed the Clerk Treasurer to draft a memo to all City Staff (including Tom Ehlinger and Donn Driver) about meeting attendance notification and material in packets (letter which was approved by the Mayor is attached to these minutes).**

**Motion Orbeck/Fischer to adjourn at 10:00 p.m.**

**Dianne H. Robinson**  
**Clerk Treasurer**

\*\*\*\*\*

**These minutes were written by Chris Jeppesen.**

**March 20, 2006**

**Council minutes in reference to Scheeler Waste Water irrigation Lease.**

**A motion was made by Councilmember, Steve Edwards to make a Counter Offer to Jerome & Laverne Scheeler, of \$3,000.00 for a one (1) year lease, beginning on the date the lease is signed, and incorporate changes that were recommended by attorney, Rhonda Pagel and have Rhonda negotiate a revised lease, seconded by Councilmember, DeWayne Orbeck, and Steve Edwards; those voting against, Councilmember, Mickey Fischer; those absent, Councilmember, Chris Jansky, motion carried.**

**PAGE 5**

**MARCH 20, 2006**

**Mayor Karla Davis will find out who are the property owners of land that abuts the waste water facility and have Rhonda Pagel draft a letter to them about the purchase of their property.**

**Mayor Karla Davis made a motion to purchase a plat book, seconded by Councilmember Mickey Fischer, motion carried.**

**Chris Jeppesen, Deputy Clerk**

**PAGE 1  
APRIL 3, 2006**

**Mayor Davis Called the meeting to order at 7:00 p.m.**

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

**Councilmembers absent: Steve Edwards.**

**Others present: Chris Jeppesen, Rhonda Pagel, Merle Anderson, Jeremy Wurpts, Paul Hoeschen, Neil Hilary, Sally Hilary, Donn Driver, Jim Frilstad, Jean Matua, Todd Rohloff, Chad Johnson, Sandy Steinmetz, Eric Loewen, Dennis Loewen, Elin Ojutwasser and Dean Mohs.**

**Motion Fischer/Orbeck to approve the minutes of the March 20, 2006 meeting as presented. Motion passed (Edwards was absent).**

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

- 1. To approve Tom Crouch's request to release \$115,744.94 in surety for Heritage Park of Kimball which has already been approved by City Attorney Rhonda Pagel and City Engineer Randy Sabart.**
- 2. To accept the following donations for Fire Dept. Equipment Van from Dingmann Funeral Care \$100.00, Cyril Heid's \$150.00, Kimball Rod & Gun Club \$100.00, Fred Jacob's \$150.00 and Dave Geislinger \$100.00.**
- 3. To approve Jim Frilstad's request to carry over 5 hours of vacation beyond his Jan. 22, 2006 anniversary date.**
- 4. To transfer \$25,000.00 from the Fire Money Market to the Fire Department checking for operating expenses.**

**Motion passed (Edwards was absent).**

**Addendums to the agenda: Councilmembers Orbeck and Jansky and City Attorney Rhonda Pagel.**

**Chris Jeppesen reported on Clean Up Day, building permits and Kimball Days wrestling event. Due to an insurance coverage issue, she will be checking with the Kimball Lions Club to see if they will sponsor the wrestling event and have donations made out to the Kimball Lions Club.**

**Todd Rohloff presented the monthly Police Reports for Kimball and Fair Haven Township.**

**PAGE 2**  
**APRIL 3, 2006**

**Jim Frilstad requested a pay increase. The City Council will be doing performance reviews of Jim and Chris Jeppesen possibly on April 10<sup>th</sup>. Mayor Davis will get back to them with the date and time and inform the Clerk Treasurer of this for Posting.**

**Chad Johnson reported on water tower cleaning (he will get one more quote), street sweeping (awaiting quote from Kuechle Underground and will get one more quote) and attending Wastewater School.**

**Motion Fischer/Jansky to approve Chad Johnson's attendance at the Wastewater School in Rochester for three days starting May 23<sup>rd</sup>. Motion passed (Edwards was absent).**

**The Clerk Treasurer will review a pro-rated fee for Main Street Pubs Intox. Liquor License and run it past Mayor Davis for review and approval at the next meeting.**

**Motion Jansky/Orbeck to approve overtime for Clerk Treasurer Dianne Robinson, if needed the week of April 17<sup>th</sup> while Chris Jeppesen is on vacation and during the time of the City audit. Motion passed (Edwards was absent).**

**Donn Driver reported on Severe Weather Awareness Week scheduled for the 3<sup>rd</sup> week in April and drills planned for the schools and Heritage House, search and rescue drills planned for later this summer and setting up a committee for the pandemic flue.**

**OPEN FORUM: Neil and Sally Hilary requested that the sidewalk abutting their property on Linden Ave. E. not be removed with the street project. The City engineer explained elevation and grade and will review this request during the design phase.**

**City Engineer's Jeremy Wurpts and Jim Schulz presented an aerial photo of the wastewater treatment site for the present pond sites and irrigation fields and their proposal to install a pond and rapid infiltration basins on property to the north of the present pond sites which is owned by Pat and Duane Mares and Guy Mares. Soil borings will need to be taken to see if site meets MPCA requirements. Property owners will need to be contacted about obtaining property.**

**Jeremy Wurpts reviewed a letter received from the Minnesota Pollution Control Agency in regard to the Wastewater Treatment capacity concerns and the permit for spray irrigation (letter attached to the minutes). He suggested that a deferment be requested.**

**PAGE 3  
APRIL 3, 2006**

**Motion Davis/Fischer to spend \$100.00 for the cleaning and planting of the roadside planters. Motion passed (Edwards was absent).**

**The Public Works Department will inspect and volley ball nets and if needed, replace them. Main Street Pub is looking at starting a volley ball league and using the city volley ball court.**

**Motion Fischer/Jansky to offer the position of Police Officer to John Daniel Lester contingent upon his passing his psychological evaluation and physical with a possible May 1<sup>st</sup> start date with the starting wage being \$14.50 per hour. Motion passed (Edwards was absent).**

**Councilmember Chris Jansky addressed the covenant in Greely Edition. City Attorney Rhonda Pagel explained that the City would not want to accept any covenant. Covenants should be reviewed by the City before a plat is approved. The residents within this development need to develop a board for the association which would control the covenant.**

**Mayor Davis called to Order the Public Hearing & Intent to Consider Franchise for Cable TV at 8:00 p.m.**

**One application was received from Melrose Telephone/Diversicom.**

**Hearing was closed.**

**The City Council must wait 7 days before acting on the franchise. City Attorney Pagel has drafted the Franchise Ordinance and will also draft a summary ordinance for approval and publication.**

**City Attorney Rhonda Pagel presented the steps for initiating a Quick Take Eminent Domain for property owned by Jerome and Laverne Scheeler. Since the Council feels this is a conflict of interest for Clerk Treasurer Dianne Robinson to take minutes as the Scheeler's are her parent, Chris Jeppesen took the attached minutes for the eminent domain procedure:**

**Jeremy Wurpts requested that the City Council set up a study workshop for the Facility Plan Options possibly on April 20<sup>th</sup> or the first meeting in May. He will confirm this with Mayor Davis and inform the Clerk Treasurer of the Posting date, time and location and notification to the Councilmembers.**

**Motion Jansky/Orbeck to have the City Attorney and City Engineer respond to the letter from MPCA in regard to the Wastewater Treatment Capacity concerns. Motion passed (Edwards was absent).**

**PAGE 4**  
**APRIL 3, 2006**

**Clerk Treasurer Dianne Robinson is working with the Kimball Historical Society on the City Hall Grant funding and disbursement of funds.**

**Councilmember Duane Orbeck made a request for the use of the Willow Creek picnic shelter during Kimball Days. Chris Jeppesen informed him that it is already being used.**

**Councilmembers were reminded of the Board of Appeal scheduled for April 10<sup>th</sup> at 6:30 p.m. and the Mediation Petition and Meeting on April 13<sup>th</sup> at 4:30 p.m.**

**Motion Orbeck/Fischer to adjourn at 8:50 p.m.**

**Dianne H. Robinson**  
**Clerk Treasurer**

**PAGE 5**  
**APRIL 3, 2006**

April 3, 2006

Council Minutes referring to Scheeler Lease

Leased land for the Waste Water Treatment Plant was discussed. City attorney, Rhonda Pagel reported that the Scheelers had notified the City that they unwilling to continue negotiating the lease and are requesting that the City's irrigation system and piping be removed by April 24, 2006. Pagel advised the City that they had two options: 1) agree to the lease as written or 2) use eminent domain proceedings to acquire the land. Pagel strongly advised the City against agreeing to the lease as many of the provisions could be very harmful for the City. It was advised that the City acquire the property through eminent domain. The City would then need to determine whether to acquire a temporary or permanent interest. After discussion, it was the consensus of the Council to acquire a permanent interest.

Pagel recommended that the Council hire the law office of Kennedy & Graven as special counsel for this proceeding and that the Council should authorize the hiring of an appraiser.

Motion by Mickey Fischer, second by Chris Jansky, for the City of Kimball to hire Kennedy & Graven as special counsel to handle the eminent domain action; those in favor, Mayor Karla Davis, Councilmembers: Mickey Fischer, Dewayne Orbeck, Chris Jansky, Councilmember Steve Edwards absent, motion carried.

Motion by Mickey Fischer, second by Chris Jansky, to authorize Young, Brown & Pagel and Kennedy & Graven to hire an appraiser as part of the eminent domain action, those voting in favor, Mayor Karla Davis, Councilmembers Chris Jansky, Dewayne Orbeck, Mickey Fischer, Councilmember Steve Edwards absent, motion carried.

Motion to adopt resolution, No. 040306, Determining the Necessity for and Authorizing the Acquisition of Certain Property for Proceeding in Eminent Domain was made by Mickey Fischer, second by Karla Davis, those voting in favor: Mayor Karla Davis, Councilmembers: Chris Jansky, Dewayne Orbeck, Mickey Fischer, Council Member Steve Edwards absent, motion carried.

Respectfully submitted by  
Chris Jeppesen, Deputy Clerk.

**RESOLUTION NO. 040306**

**Resolution of the City of Kimball, Minnesota,  
Determining the Necessity for and Authorizing the Acquisition of  
Certain Property by Proceedings in Eminent Domain**

Whereas, the City of Kimball (City) is a municipal corporation organized and operating under the laws of Minnesota, and is authorized by Minnesota Statutes, Sections 412.211 and 465.01 to acquire private property for an authorized public purpose, using the procedure prescribed by Minnesota Statutes, Chapter 117;

Whereas, the City Council owns and operates a facility known as the City of Kimball Wastewater Treatment Plant (WWTP); and

Whereas, the WWTP consists of ponds, spray irrigation structures, forcemains, pipes, pumps, and other appurtenances, and

Whereas, the WWTP is situated in part on lands owned in fee title by the City; in part on easements owned by the City; and in part on lands leased by the City; and

Whereas, the City has authorized a study of the WWTP to be conducted by its City Engineers to examine the plans and need for upgrades or expansions of the WWTP; and

Whereas, the City has attempted to negotiate a lease with the owner of the lands leased by the City for the WWTP, but such negotiations have reached an impasse; and

Whereas, the continued use of the leased lands is necessary for the ongoing operation and maintenance of the WWTP; and

Whereas, the City has identified the need to acquire fee title to the leased lands, as described on the attached Exhibit A (Property), in order to continue to operate and maintain the WWTP; and

Whereas, the continued operation and maintenance of the WWTP is necessary for the safe and sanitary disposal of sewage generated by the residents of the City; and

Whereas, the continued operation and maintenance of the WWTP serves the health, safety, and general welfare of the residents of the City of Kimball;

Now, therefore, be it resolved by the City Council of the City of Kimball, Minnesota, as follows:

1. Acquisition by the City of the Property described on Exhibit A is necessary, convenient, and reasonable for the purpose of the ongoing operation and maintenance of the WWTP.
2. The City Council deems it necessary to provide for the ongoing operation and maintenance of the WWTP to acquire title to and possession of the Property prior to the filing of a final report of commissioners, in accordance with Minnesota Statutes, Section 117.042.
3. The City Attorney and the Special City Attorney are authorized and directed on behalf of the City to acquire the Property as described on Exhibit A for the WWTP by the exercise of the power of eminent domain pursuant to Minnesota Statutes, Chapter 117, and are specifically authorized to notify the owners of the City's intent to take possession pursuant to Minnesota Statutes, Section 117.042.
4. The City Attorney and the Special City Attorney and City staff are further authorized to take all actions necessary and desirable to carry out the purposes of this resolution.

Adopted by the City Council of the City of Kimball, Minnesota, this 3<sup>rd</sup> day of April, 2006.

Karla Davis  
Mayor

Attest:

Chris Jeppesen  
Deputy City Clerk

Exhibit A

The Northwest Quarter of the Northwest Quarter of Section 12, Township 121, Range 29, Stearns County, Minnesota.

**PAGE 1**  
**APRIL 10, 2006**  
**6:30 p.m.**

**Mayor Karla Davis called the Board of Appeals for the purpose of reviewing and correcting the 2006 assessment for taxes payable in 2007.**

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

**Others present: Anthony Kuechle, Darrel Curtis, Sandy Steinmetz, Tim Peglow, Kelly Lemke and Gary Grossinger.**

**A letter was also received from Charles and Nancy Leonard.**

**Motion Jansky/Orbeck to lower the assessed market value on property parcel R60.34428.054 for Anthony P. and Beverley A. Kuechle by 5% on the house only. Those voting in favor thereof: Jansky, Orbeck and Davis; those voting against: Edwards; those abstaining: Fischer (brother-in-law); those absent: none. Motion passed.**

**Motion Orbeck/Jansky to lower the assessed market value on property parcel R60.34428.010 for Charles and Nancy Leonard by 5% on the house only. Those voting in favor thereof: Orbeck, Jansky, Davis and Fischer; those voting against: Edwards; those absent or abstaining: none. Motion passed.**

**Motion Davis/Jansky to take no action on property parcels R60.34349.000 and R60.34347.000 for Darrel E & Elaine D. Curtis. Motion passed.**

**Motion Orbeck/Fischer to Adjourn at 7:45 p.m. Motion passed.**

**Dianne H. Robinson**  
**Clerk Treasurer**

**PAGE 1  
APRIL 17, 2006**

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

**Councilmembers present: Karla Davis, DuWayne Orbeck, Chris Jansky, Mickey Fischer with Steve Edwards arriving at 7:25 p.m.**

**Councilmembers absent: None.**

**Others present: Deb Reinert, Randy Reinert, Don Mohs, Todd Rohloff, Sandy Steinmetz, Jean Matua, Donn Driver, Andy Maus, Bob Janski, Richard Janski, Erin Hausauer, Marvin Klug and four others from Stearns County Environmental, Tom Marquardt, Jim Schultz and Jerome Kuechle.**

**Motion Fischer/Orbeck to approve the April 3 and April 10, 2006 minutes as presented. Motion Passed (Edwards was absent).**

**Motion Orbeck/Jansky to approve the claims as presented (Clerk Treasurer stated that Verizon claim had been removed as the Fire Dept. had cancelled this service). Motion passed (Edwards was absent).**

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

- 1. To disconnect all delinquent City Utilities.**
- 2. To approve the request by Kyle Albrecht, 71 Magnus Johnson St. N. to pay their past due amount of \$105.82 and current amount of \$55.84 (Total of \$161.66) on Friday, April 28<sup>th</sup>.**
- 3. To approve the following volunteers for May 6<sup>th</sup> clean-up day: Karla Davis, DuWayne Orbeck, Joan Hendricks, Tim Wills, Ed Borman, Chad Johnson, Bob Beurman, Chris Jansky, Chris Jeppesen and 2 legion auxiliary members.**
- 4. To approve overtime for Ed Borman and Chad Johnson for the May 6<sup>th</sup> clean-up day.**
- 5. To accept the donation of \$750.00 from Gary Woods for the Kimball Fire Dept. general fund for reimbursement for a house burn.**

**ADDENDUMS TO THE AGENDA: Volunteer self insured coverage, DuWayne Orbeck and Chris Jansky.**

**Donn Driver reported on Civil Defense issues, storm shelter in trailer park and the bird flu pandemic.**

**Motion Jansky/Fischer to reimburse Main Street Pub \$2,000.00 on the 2006 On Sale Intoxicating Liquor License due to the issuance of a second license retro-active back to Jan. 1, 2006. Motion Passed (Edwards was absent).**

**PAGE 2**  
**APRIL 17, 2006**

**OPEN FORUM:**

**Deb and Randy Reinert presented their plans for Triple R Grill and Bar which they plan to build on Maus Drive between Bumper to Bumper and Blue Knight Car Wash. Their plans are for a family style business, non-smoking also serving intoxicating liquor. They made a request for the City to research putting Sunday Liquor on the ballot, Tax Increment Financing assistance and Tax Abatement. They will also need a Conditional Use Permit Hearing. The Clerk Treasurer will research these areas and provide information to the Reinert's.**

**Motion Davis/Fischer to reimburse Janski Farms for the portion of rent they paid to the City of Kimball in December, 2005 for the land the city had previously leased from Jerome and Laverne Scheeler which was then sub-let to Janski Farms. Reimbursement to be \$1,863.50. Those voting in favor thereof: Davis, Fischer, Orbeck and Jansky; those abstaining: Edwards (as he had just arrived at the meeting); those voting against or absent: None. Motion passed.**

**Erin Hausauer of Stearns County Environmental presented Donn Driver with a certificate of appreciation and a pin for his work on C.E.R.T (Community Emergency Management Team) in the Kimball Area.**

**Tom Marquardt met with the Council to discuss upcoming projects for the baseball field which include, dug outs, raising the back stops, fencing at a cost of \$20,000.00, sprinkler system start up, training Public Works on the use of sprinkler system, monitoring water usage with the Council commented on the large usage last year and lawn care treatment. Mayor Davis discussed liability issues with the lawn mower and children climbing on it. Tom will return to the next meeting with 3 quotes in writing for lawn care treatment.**

**RESOLUTION # 041706A**

**RESOLUTION APPROVING THE CITY OF KIMBALL CABLE SYSTEM  
FRANCHISE – MELROSE TELEPHONE COMPANY SUMMARY**

**EXTRACT OF MINUTES OF MEETING OF THE CITY COUNCIL OF**

**THE CITY OF KIMBALL,**

**STEARNS COUNTY, MINNESOTA**

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Kimball, Minnesota, was held on the 17<sup>th</sup> day of April, 2006, at 7:00 p.m.

The following members were present: Karla Davis, Steve Edwards, Michael Fischer, DuWayne Orbeck and Christopher Jansky

and the following were absent: None.

Councilmember Michael Fischer introduced the following resolution and moved for its adoption:

WHEREAS, Minnesota Statutes, Section 412.191, Subd. 4, permits the publication of summaries of ordinances provided that:

1. Four-fifths of the Council authorizes publication of the summary;
2. A printed copy of the ordinance is made available during regular office hours at the office of the City Clerk and another location designated by the Council;
3. A copy of the text of the ordinance is posted in the community library if there is one, or if not, in a public location designated by the Council, and;
4. The Council approves the text of the summary in advance determining that it clearly informs the public of the intent and effect of the ordinance;

WHEREAS, the City Council of the City of Kimball has adopted the Cable Franchise with Melrose Telephone Company.

WHEREAS, the Council has reviewed a summary of the Cable Franchise with Melrose Telephone Company;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Kimball, Minnesota.

1. The Council finds and determines that the summary attached hereto of the Cable Franchise with Melrose Telephone Company clearly informs the public of the intent and the affect of the regulations.

2. The Council directs the publication of the summary of the Cable Franchise with Melrose Telephone Company in accordance with Minnesota Statutes, Section 412.191, Subdivision 4.

The foregoing resolution was duly seconded by Councilmember DuWayne Orbeck and upon being put to vote, the following voted in favor thereof: Michael Fischer, DuWayne Orbeck, Karla Davis, Christopher Jansky and Steve Edwards;

and the following voted against the same: None.

WHEREUPON, the resolution was declared duly passed and adopted.

STATE OF MINNESOTA    )  
                                  )  
COUNTY OF STEARNS    )     ss,  
                                  )  
CITY OF KIMBALL        )

I, the undersigned, being the duly qualified and acting City Clerk of the City of Kimball, Minnesota, do hereby certify that I have carefully compared the attached and foregoing Extract of Minutes of a regular meeting of the City Council of said City held on the 17<sup>th</sup> day of April, with the original thereof on file in my office and I further certify that the same is a full, true and complete transcript thereof insofar as the same relates to the Resolution Approving the Cable Franchise with Melrose Telephone Company Ordinance Summary.

Witness my hand as such City Clerk this 17<sup>th</sup> day of April, 2006

\_\_\_\_\_  
Dianne H. Robinson, City Clerk

**RESOLUTION # 041706B**

**RESOLUTION ADOPTING THE CITY OF KIMBALL CABLE FRANCISE –  
MELROSE TELEPHONE COMPANY**

EXTRACT OF MINUTES OF MEETING OF THE CITY COUNCIL OF

THE CITY OF KIMBALL

STEARNS COUNTY, MINNESOTA

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Kimball, Minnesota, was held on the 17<sup>th</sup> day of April, 2006, at 7:00 p.m.

The following members were present: Karla Davis, Steve Edwards, Michael Fischer, DuWayne Orbeck and Christopher Jansky

and the following were absent: None.

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

WHEREAS, the City received a request from Melrose Telephone Company to provide cable services to the City;

WHEREAS, Melrose's technical ability, financial condition, and legal qualifications were considered by the City in a full public proceeding that afforded reasonable public notice and a reasonable opportunity to be heard;

WHEREAS, City believes that granting a Franchise to Melrose Telephone Company will benefit the City;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Kimball, Minnesota.

1. Ordinance No. 651, Cable Franchise – Melrose Telephone Company, is adopted and shall be effective upon publication.

The foregoing resolution was duly seconded by Councilmember Steve Edwards and upon being put to vote, the following voted in favor thereof: DuWayne Orbeck, Steve Edwards, Karla Davis, Christopher Jansky and Michael Fischer;

and the following voted against the same: None.

WHEREUPON, the resolution was declared duly passed and adopted.

STATE OF MINNESOTA    )  
  )  
COUNTY OF STEARNS    )     ss.  
  )  
CITY OF KIMBALL        )

I, the undersigned, being the duly qualified and acting City Clerk of the City of Kimball, Minnesota, do hereby certify that I have carefully compared the attached and foregoing Extract of Minutes of a regular meeting of the City Council of said City held on the 17<sup>th</sup> day of April, with the original thereof on file in my office and I further certify that the same is a full, true and complete transcript thereof insofar as the same relates to the Resolution Adopting the Cable Franchise with Melrose Telephone Company Ordinance.

Witness my hand as such City Clerk this 17<sup>th</sup> day of April, 2006.

\_\_\_\_\_  
Dianne H. Robinson, City Clerk

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

**NOTICE OF PUBLICATION**

**OFFICIAL SUMMARY OF THE CITY OF KIMBALL CABLE FRANCHISE  
WITH MELROSE TELEPHONE COMPANY ORDINANCE**

**City Council of the City of Kimball adopted the Cable Franchise with Melrose Telephone Company Ordinance on April 17, 2006 and has approved this summary for publication.**

**Summary of Provisions:**

**SECTION 1: SHORT TITLE AND DEFINITIONS**

**States definitions for interpreting the Ordinance.**

**SECTION 2: GRANT OF AUTHORITY AND GENERAL PROVISIONS**

**Specifies the authority in compliance with state and federal regulations and that the Franchise shall be in effect for 10 years.**

**SECTION 3: CONSTRUCTION STANDARDS**

**Specifies the construction standards that the Grantee must meet.**

**SECTION 4: DESIGN PROVISIONS**

**Specifies that the System shall consist of at least 54 channels and outlines the ability of the City to perform tests of the System.**

**SECTION 5: SERVICE PROVISIONS**

**Specifies the current rates shall be maintained on file with the City and shall be available for public inspection. Specifies procedures for consumer complaints, repairs and maintenance, and billing.**

**SECTION 6: ACCESS CHANNEL(S) PROVISIONS**

**States the minimum public, educational, and governmental access channels.**

**SECTION 7: OPERATION AND ADMINISTRATION PROVISION**

**Provides for a payment to the City in an amount equal to 3% of Melrose's annual gross revenues.**

**SECTION 8: GENERAL FINANCIAL, INSURANCE AND SECURITY PROVISIONS**

**Provides for Grantee to furnish to the City a performance bond and that the Grantee shall indemnify the City and shall maintain liability insurance for the benefit of the City.**

**SECTION 9: SALE, ABANDONMENT, AND TRANSFER OF FRANCHISE**

**States the provisions for abandoning the system and provides for the City's approval prior to any sale or transfer.**

**SECTION 10: REVOCATION OF FRANCHISE**

**Specifies the procedure for revoking the Franchise.**

**SECTION 11: PROTECTION OF INDIVIDUAL RIGHTS**

**Specifies provisions for subscriber privacy.**

**SECTION 12: MISCELLANEOUS PROVISIONS**

**Specifies varies miscellaneous provisions including renewal and amendment of the Franchise.**

**SECTION 13: PUBLICATION EFFECTIVE DATE; ACCEPTANCE AND EXHIBITS**

**Specifies that the Franchise is effective upon acceptance by Grantee.**

**Motion was seconded by Councilmember Mickey Fischer. Those voting in favor thereof: Steve Edwards, Mickey Fischer, Karla Davis, DuWayne Orbeck and Chris Jansky; those voting against, absent or abstaining: None. Passed and adopted this 17<sup>th</sup> day of April, 2006.**

**This Ordinance shall become effective immediately after its publication.**

**Karla Davis, Mayor**

**Dianne H. Robinson  
Clerk Treasurer**

**A printed copy of the entire text of this Ordinance is available for inspection by any person during regular office hours at the office of the City Clerk Treasurer and at the Kimball Library. A copy of the test Ordinance is posted at City Hall.**

**PAGE 9**  
**APRIL 17, 2006**

**Jerome Kuechle made a request to amend City Ordinance Chapter Eleven – Zoning Districts, Section 1110 – Urban Residential, 1110.05 (2) Front Yard Regulations, a. Required Setback Distances – to change City Street setback from 30 feet from right of way to 20 feet from right of way.**

**Motion Edwards/Jansky to approve the Clerk Treasurer checking the State Statutes and with the City Attorney for zoning ordinance amendment public hearing to change the front yard setback from 30 feet from right of way to 20 feet from right of way per Jerome Kuechle’s request and to approve the two lots which have already started to be 20 feet from right of way contingent upon public hearing requirements. Motion passed.**

**Motion Jansky/Orbeck to renew the Group Self-Insured Accident Plan for Volunteers with the LMCIT for the basic coverage and Coverage D: Option Medical Benefit. Motion passed.**

**Mayor Davis wrote the minutes (which are attached) for the eminent domain and Scheeler lease payment (attached after the April 24, 2006 minutes).**

**Quotes for material for two lift station buildings were reviewed. Councilmember Fischer will be checking with a place in Winsted that builds sheds and will be in contact with the public works department.**

**Motion Orbeck/Jansky to adjourn at 8:35 p.m. Motion passed.**

**Mayor Davis called meeting back to order at 8:43 p.m.**

**Motion Orbeck/Edwards to approve an increase in wages for Police Officer Jim Frilstad in the amount of 75 cents per hour effective Jan. 1, 2006. Those voting in favor thereof: Orbeck, Edwards, Davis and Fischer; those absent: Jansky; those voting against or abstaining: None. Motion passed.**

**Motion Davis/Edwards to adjourn at 8:45 p.m. Those voting in favor thereof: Davis, Edwards, Orbeck and Fischer; those absent: Jansky; those voting against or abstaining: None. Motion passed.**

**Dianne H. Robinson**  
**Clerk Treasurer**

**PAGE 1  
APRIL 20, 2006**

**A special meeting was called to order by Mayor Karla Davis at 6:00 p.m. at the Kimball Area Fire/Rescue Hall for the Wastewater Treatment Workshop.**

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

**Councilmembers absent: Steve Edwards.**

**Others present: Paul Hoeschen, Chad Johnson, Ed Borman, Dennis Loewen, Merle Anderson, Jim Schulz, Jeremy Wurpts and John Stodala.**

**City Engineer Jeremy Wurpts presented the Wastewater Treatment Facility Plan and its components. A 20 year projection is needed when developers come and need wastewater capacity.**

**Contract Consultant Paul Hoeschen reported on nitrogen concerns with going to all Rapid Infiltration Basins. He feels that some irrigation is still needed as crops take up nitrogen and with R.I.B.S, the nitrogen has to be removed biologically.**

**Chad Johnson of Public Works commented about the renter putting chemicals on the irrigation fields. Lease agreement was addressed.**

**City Engineer John Stodala spoke about cluster treatment systems and a regional facility to be shared with other communities.**

**City Engineer Jeremy Wurpts assured the Council that 120 acres of irrigation and 2 acres of R.I.B.S. would accommodate the additional flow from the two new additions. Or the City could go with 6 to 10 acres of R.I.B.S. for this accommodation.**

**Increasing the number of pond doctors, irrigation equipment getting old, contacting MPCA for a crop change, providing service to the Lakes of Fairhaven Township and long and short term solutions were discussed.**

**Mayor Davis reported on the possible purchase of land from Dennis Loewen for irrigation. Mr. Loewen reported that the City could not afford to purchase his land as he wanted seven figures. Leasing land was discussed. He raised the issue of being able to sell cash crops after land is no longer irrigated. He presently has a contract with a renter.**

**The City engineers reported that crops from the irrigated land could only be feed to cattle and not cash cropped. They discussed piping the wastewater over the ground**

**PAGE 2**  
**APRIL 20, 2006**

**to area farmers and giving them the water with the city paying for the equipment and electricity. By the May 1<sup>st</sup> meeting, Chad Johnson will report on contacting Bruce Fischer and Ed Borman will report on contacting Larry Schneider about piping the wastewater to their property. Frank Schiefelbein will also be spoken to. Chad Johnson will also check on the price of a tractor irrigator and hosing.**

**Chad Johnson commented that it would take MPCA approx. 30 days to approve sites for the dumping of wastewater.**

**Jeremy Wurpts commented that MPCA would rather see the irrigations sites be owned and not leased.**

**Councilmember Jansky spoke about a long term solution and looking for more land. Mayor Davis will place a notice in the Tri-County News looking for additional land for irrigation.**

**Meeting was adjourned.**

**Dianne H. Robinson**  
**Clerk Treasurer**

**PAGE 1  
APRIL 25, 2006**

**A special City Council meeting was called to order by Mayor Karla Davis at 7:00 p.m.**

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

**Others present: Doug Quast, Joyce Quast, Sandy Steinmetz, Jim Schultz, Rhonda Pagel, Jerome Kuechle, Chris Jeppesen and Kyle Christensen.**

**Jerome Kuechle addressed the Council in reference to new homes already started in the Scheeler Addition and the set back issue. This development was platted with the 30 foot setback from right of way according to City ordinance as was Heritage Park. Greely Edition Addition was platted with a 20 foot setback. He stated that there were three builders interested in a 20 foot setback.**

**City Engineer Jim Schulz stated that from back of curb to property line is 13 feet. Doug and Joyce Quast's house footings are 20 feet from property line. City Engineer Jim Schulz said he measured from center line of street (street is 66 feet wide) to footings.**

**Councilmember Orbeck stated snow removal would be one reason for a 20 foot setback.**

**It was also noted that a 20 foot setback would prevent home owners from parking larger vehicles such as campers and trailers in their driveway. Parking on street was discussed.**

**Mayor Davis and Councilmember Edwards commented that the 20 foot setback was denied when the plat was approved; why does the City have zoning?**

**City Attorney Rhonda Pagel addressed increasing the number of off street parking spaces somewhere in the development, Planned Unit Development (PUD) regulations, criteria and exchange, landscaping and trees, variances and hardship criteria not being met, and recommending that new plats not be granted variances.**

**Setbacks in other communities, city growth, variety in zoning districts, larger homes, tax base, row housing, cookie cutter homes, location of existing trees, larger back yards, larger lots, first time home owners, reasonably prices lots, traffic and safety,**

**PAGE 2**  
**APRIL 25, 2006**

**Attorney's role was discussed and explained as recommendation only, Council makes all decisions. Attorney Pagel recommends that City hold a hearing for a PUD (which is under the Conditional Use Permit Ordinance) for the entire Scheeler Addition. This requires a 10 day published notice. May 15<sup>th</sup> is soonest hearing could be held.**

**Attorney Pagel advised the Council to take no action until the public hearing. This evenings meeting is for guidance only.**

**The site plan was discussed. Attorney Pagel advised the Council to require a Certificate of Survey showing building location, grading and elevation on all new construction ("As Built").**

**Zoning Ordinance Recodification is another issue but should be addressed.**

**Motion Jansky/Edwards to have Jerome Kuechle complete a Planned Unit Development application requesting front yard setbacks of 20 feet from right-of-way in the Scheeler Addition Plat. Motion Passed.**

**Attorney Pagel wanted to make it clear that no approval was given to the builder this evening for the front yard setback.**

**Councilmember Fischer questioned the building inspector's role. Inspector Kyle Christensen stated that he goes by the City's approved site plan.**

**Joyce Quast requested that a more detailed packet be given out with the building permit application and spoke on the need for a Planning Commission and taking some of the burden off of the Council.**

**It was explained that the City Council is the Planning Commission. Attorney Pagel stated that having a Planning Commission other than the City Council, would add another step to the PUD process and delay Council approval as the Planning Commission would conduct the hearing but then have to take their findings to the City Council for approval.**

**Mayor Davis will be checking with communities to see what their setbacks are.**

**Motion Fischer/Jansky to adjourn at 8:45 p.m. Motion passed.**

**Dianne H. Robinson**  
**Clerk Treasurer**

**PAGE 9 INSERT FOR THE APRIL 17, 2006 MINUTES WHICH WERE  
DRAFTED BY MAYOR KARLA DAVIS.**

**Chris Jansky commented that he stop to visit Scheeler's. After a talk felt that it would be best if the city stop the proceeding with Eminent Domain. Mayor Davis explained a conversation she had with attorney. Rhonda Pagel and that it was in our best interest to continue with Eminent Domain process.**

**Motion made by Orbeck to pay Scheeler's in full for 2005 rent 2<sup>nd</sup> by Jansky. Voted in favor, fisher, Edwards and Davis. Motion approved.**

**PAGE 1  
MAY 1, 2006**

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

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

**Others present: Todd Rohloff, Sheldon Swenson, Sherry Donabauer, Sandy Steinmetz, Quentin Fossen, Jean Matua, Chris Jeppesen, Chad Johnson and Donn Driver.**

**Motion Orbeck/Fischer to approve the minutes as presented with a change to the date of the April 25<sup>th</sup> minutes and adding Councilmembers present. Motion passed.**

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

- 1. To disconnect all delinquent City Utilities (second meeting of the month).**
  - 2. To approve the renewal of the Kimball Area Fire Rescue gambling premises license for July 1, 2006 to July 1, 2008 at Main Street Pub.**
  - 3. To accept the following donations to the fire equipment van: Styme Industries, Inc. \$500.00, Norm Hanson \$100.00, William Thell's \$100.00 and Charles Leonard's \$500.00.**
  - 4. To accept the donation of \$383.00 from the Kimball Lions Club for the picnic shelter renovation.**
  - 5. To accept the following donations to the fire department general fund: Northland Dam Inc. \$200.00 and Francis Meierhofer \$100.00.**
  - 6. To approve Dianne Robinson's vacation request for May 24, 25, 26, 30 and 31.**
  - 7. To approve Ed Borman's request for a leave of absence without pay on May 30, 2006.**
  - 8. To approve payment of lodging at the Holiday Inn in Rochester on May 23 & 24 for Chad Johnson when he attends wastewater school and to have the billing sent directly to the City.**
- Motion passed.**

**ADDENDUMS TO THE AGENDA: Addition of consent items to the agenda and personnel committee wage increase recommendations.**

**OPEN FORUM: Quentin Fossen appeared before the Council in regard to the stop work order place on the construction of his garage by the City Building Inspector due to the footings (framing only) being 1 ½ feet from the street right of way (or his property line). The City Ordinance requires 10 feet from property line for the side yard. It was noted that his house is only 4 ½ feet from the side yard setback. Location of garage, snow plowing, upcoming street project, explanation of a variance, hardship and public hearing were discussed.**

**Mayor Davis called for a special meeting on May 22, 2006 at 6:30 p.m. for a variance hearing to address this issue.**

**Police Chief Todd Rohloff handed out his monthly reports and commented on the possible starting date for the new officer upon completion of psychological, physical and use of force.**

**PAGE 2  
MAY 1, 2006**

**Motion Orbeck/Jansky to waive the park shelter fee for the Chamber of Commerce for their June 29<sup>th</sup> and July 27<sup>th</sup> meetings (City is a Chamber member). Motion passed.**

**Motion Jansky/Orbeck to award the tower cleaning quote to Adventure Divers for \$1,450.00 pending Chad Johnson of Public Works checking on references. Motion passed.**

**Chad Johnson presented quotes for the electrical repair at the water tower. Mayor Davis will call Vertical Limits to request that they repair and pay for the damage created by them when doing the work at the tower site for Verizon. The City will then determine what the City is responsible for update costs.**

**Chad Johnson will check to see if the City entered into an agreement in 2005 for alley grading with Hendricks Sand and Gravel and also on the pond in Greeley Edition Add. II to see if this has been signed off by the engineers and accepted by the City.**

**Councilmember Chris Jansky commented that he has spoken to Bruce Fischer and he is interested in taking the City wastewater but he wants to know more about what is in the water when it goes on the property. Mayor Davis explained that a meeting is going to be set up with MPCA to discuss options.**

**Mayor Davis announced that the Public Hearing for the front yard setback in residential has been cancelled.**

**Sheldon Swenson of Waste Management presented the amendment to the refuse and recycling service contract and single sort recycling bins.**

**Motion Orbeck/Fischer to approve the following amendment to the Refuse and Recycling Contract and to charge \$3.00 per month starting (\$2.66 per month plus .34 for fuel surcharge increase) with the July 1, 2006 usage for the new single sort recycling:**

**AMENDMENT TO THE REFUSE AND RECYCLING SERVICE CONTRACTS  
CITY OF KIMBALL**

**This amendment is effective as of May 1<sup>st</sup>, 2006 by and between the City of Kimball, Minnesota, a Minnesota municipal corporation (City) P.O. Box 238, 1 Main St. N., Kimball, Minnesota 55353 and Waste Management of Minnesota, Inc. (Contractor) 650 NE Highway 10, St. Cloud, Minnesota 56304.**

**RECITALS:**

**WHEREAS, both parties entered into an agreement on October 9<sup>th</sup>, 2003 for a term of three-years from January 1<sup>st</sup>, 2004 through December 31<sup>st</sup>, 2006.**

**WHEREAS, the city and Contractor now elect to extend the original contract for an additional five-year period.**

**NOW, THEREFORE, it is agreed by and between the City and the Contractor to amend the Agreements as follows:**

**PAGE 3**  
**MAY 1, 2006**

- 1. Term:** The new term of the agreement shall be for five-years from January 1<sup>st</sup>, 2006 through December 21<sup>st</sup>, 2011.
- 2. Rates:** Effective July 1<sup>st</sup>, 2006 Contractor will implement Single Sort Recycling program and charge \$2.66 per unit for recycling. Effective January 1<sup>st</sup>, 2007 the rates shall follow the schedule on Appendix "B".
- 3. Residential Collection of Recyclables:** The Contractor will provide collection of recyclables, to each residential unit every other week. 64-gallon cars to be used in place of toters with the cost of built into the per unit service fee.
- 4. Other Conditions:** All other conditions of the original contract shall continue throughout the revised term of the Agreements.

**Motion passed.**

**Agent of Record, Sherry Donabauer reviewed the upcoming liability policy renewal with the Council agreement to keep coverage the same as last year. She will obtain quotes for the excess liability coverage in excess of two million and mutual aid/joint powers agreements will be reviewed.**

**Mayor Davis presented lawn care quotes for the baseball field which she had received from Tom Marquardt as follows: Grow Right Lawn Care out of Litchfield, \$275.00 to \$300.00 per time, Total Lawn Care out of Cold Spring, \$300.00 per time and Community Lawn Care, \$795.00.**

**Motion Fischer/Jansky to hire Grow Right Lawn Care and split the cost with the Baseball Team up to \$500.00. Motion passed.**

**Motion Orbeck/Fischer to spend \$150.00 on flowers for the flower pots. Motion passed.**

**Motion Orbeck/Edwards to waive the City portion of the building permit for the hall windows which the Kimball Historical Society is replacing. Motion passed.**

**Waldron & Assoc. are also waiving their inspection fee for this project.**

**Mayor Davis read a letter from Ruth Johnson in reference to her billing at 50 Hazel Ave. E. which is a commercial zoned area but rented out as a residential dwelling. She questioned garbage and recycling pick-up. No action taken.**

**Mayor Davis reported on using Kennedy and Graven for the Eminent Domain financing.**

**Mayor Davis called for a meeting with MPCA on May 10<sup>th</sup>. No time has yet been set.**

**Motion Orbeck/Jansky to increase Jim Frilstad's wages to \$14.50 effective Jan. 1, 2006. Motion passed.**

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**MAY 1, 2006**

**Motion Jansky/Orbeck to increase Chris Jeppesen's wages to \$12.00 effective Jan. 1, 2006.**  
**Motion passed.**

**Motion Orbeck/Fischer to increase Chad Johnson's wages to \$14.25 effective April 24, 2006.**  
**Motion passed.**

**All non-union employee performance reviews will be done the first meeting in November.**

**Motion Orbeck/Fischer to adjourn at 8:51 p.m. Motion passed.**

**Dianne H. Robinson**  
**Clerk Treasurer**

**PAGE 1**  
**MAY 15, 2006**

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

**Councilmembers present: Karla Davis, DuWayne Orbeck, Steve Edwards and Mickey Fischer with Chris Jansky arriving at 7:10 p.m.**

**Councilmembers absent: None.**

**Others present: Darrel Wills, Shirley Wills, Mary Johnson, Carol Newman, Jerome Kuechle, Doug Quast, Joyce Quast, Joe Hendrickson, Chris Jeppesen, Rhonda Pagel, Donna Steichen, Jim Schulz, Sandy Steinmetz, Tom Zipoy, Alice Scheeler, Larry Westin, Matt Westin and Kasi Stein.**

**Motion Edwards/Fischer to approve the minutes of the May 1, 2006 Council meeting as presented. Motion passed (Jansky absent).**

**Motion Fischer/Orbeck to approve the claims for May as presented. Motion passed (Jansky absent).**

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

- 1. To disconnect all delinquent City Utilities.**
  - 2. To approve the donations for the fire department equipment van: Fire Trak Corp. \$2,500.00, Bernadine Larson \$100.00 and Robert Erickson's \$100.00.**
  - 3. To approve a two year contract with Thein Well Co. for the annual well inspection for \$210.00 annually and authorize the Mayor and Clerk Treasurer to sign the contract.**
- Motion passed (Jansky absent).**

**Addendums to the agenda: Mickey Fischer and Safe & Sober Resolution.**

#### **OPEN FORUM**

**Mary Johnson and Carol Newman reported on the city hall tuck pointing and window replacement and requested that the Public Works Department remove the ceiling tiles for two layers of ceiling in the library and move the Clerk Treasurer's storage boxes in the upstairs storage room. Dianne Robinson reported that the storage room boxes had already been moved.**

**Mayor Davis approved using the Public Works employees for the removal of the ceiling tiles in the library.**

PAGE 2  
MAY 15, 2006

Councilmember Mickey Fischer introduced the following resolution and moved for its adoption.

**RESOLUTION # 051506A**

**RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT**

Be it resolved the Kimball Police Department enter into a grant agreement with the Minnesota Department of Public Safety, Office of Traffic Safety for the project entitled SAFE & SOBER COMMUNITIES during the period from October 1, 2006 through Sept. 30, 2007.

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

Be it further resolved that the Sheriff of Stearns County is hereby authorized to be the fiscal agent and administer this grant on behalf of the Kimball Police Department.

Motion was seconded by Councilmember Steve Edwards. Those voting in favor thereof: Mickey Fischer, Steve Edwards, Karla Davis, Chris Jansky and DuWayne Orbeck; those voting against, absent or abstaining: None. Motion passed.

Mayor Davis called to order the public hearing for the Conditional Use Permit/Planned Unit Development requested by KEEK Developers for the Scheeler Addition plat to amend the Development Agreement changing the front yard set back from 30 feet to 20 feet from property line to allow some flexibility on types of homes that builders and owners want to build.

Jerome Kuechle of KEEK Developers requested that this be for all phases of the Scheeler Addition.

Councilmember Edwards questioned the size of home Doug and Joyce Quast were building and if it was an entry level home. They stated that it was not and they were attempting to save an oak tree in the back yard if the front yard setback could be changed to 20 feet from the property line. Doug Quast commented that in their approved building permit, they had show the from yard to be 30 feet from the street as they thought this was the right of way.

**PAGE 3  
MAY 15, 2006**

**Councilmember Jansky stated that he felt the tree would die anyway as some roots had already been cut. He lives in the Greely Edition Addition where the front yard set backs are 20 feet and he felt that it does not look bad. He commented on everyone telling the City Council how to do their job.**

**Jerome Kuechle commented on what took place at the meeting at which he had requested a hearing to change the City Ordinance on the front yard set back and felt he had received approval from the Council to allow two homes to proceed with the 20 foot front yard setback.**

**Councilmember Orbeck commented on property line versus curb line and that in the older part of the City, front yard set backs are less than 30 feet and are grandfathered in.**

**There was discussion as to what entry level housing was. Jerome Kuechle commented that homes are getting smaller as people can not afford the cost of a larger home.**

**City Attorney Rhonda Pagel stated that in order for the City to approve the Conditional Use Permit/Planned Unit Development, it must benefit the City. The City should be asking for something in return, increase in park land or extra cash for park land, landscaping for development or park land, more trees and plantings in the development and brick fronts on all homes to make them look better. It was also noted that the Council could not make the set back less than 20 feet from property line as the hearing was published for only 20 feet.**

**Councilmember Jansky raised the question of exchanging street sweeping in the city for granting the setback change. The City Attorney advised against this.**

**Jerome Kuechle offered to increase his park dedication fee by an additional \$5,000.00 and start the park design plan now.**

**Mayor Davis suggested that all mail boxes be the same style and that Jerome Kuechle provide entrance signs on both sides of Cedar Street and Walnut Ave. that are subject to review by the City for size and location.**

**Mayor Davis closed the hearing at 7:35 p.m.**

**PAGE 4  
MAY 15, 2006**

**Mayor Karla Davis introduced the following resolution and moved for its adoption:**

**RESOLUTION 051506B**

**To approve the Conditional Use Permit/Planned Unit Development for KEEK Developers in Scheeler Addition for a 20 foot front yard set back from property line for all phases in the Scheeler Addition with the developer providing two entrance signs at the Cedar St. entrance and two entrance signs at the Walnut Ave. entrance with the type and size of signs being approved by the City Council and the developer putting an additional \$5,000.00 into the park fund.**

**The foregoing resolution was seconded by Councilmember Orbeck.**

**Those voting in favor thereof: Karla Davis, DuWayne Orbeck, Mickey Fischer and Chris Jansky; those voting against: Steve Edwards; those absent or abstaining: None. Motion passed.**

**NOTE: THE ABOVE RESOLUTION IS BEING DRAFTED BY CITY ATTORNEY RHONDA PAGEL AND HAS NOT YET BEEN RECEIVED AT THE TIME OF TYPING. IF IT IS RECEIVED, IT WILL EITHER BE INSERTED HERE OR ATTACHED TO THESE MINUTES.**

**City Attorney Rhonda Pagel will be drafting an amendment to the Scheeler Addition Development Agreement.**

**City Attorney Rhonda Pagel stated that building in Scheeler Addition with the 20 foot front yard setback from property line can now proceed.**

**Motion Davis/Fischer to have Chris Jeppesen, Zoning Admin. attend an Advance Zoning Applications workshop in Little Falls on June 21 with the City paying the cost of \$125.00 for the workshop. Motion passed.**

**Darrel Wills questioned the upcoming assessment on Magnus Johnson Street North as his water line hook-up is on this street and just wanted to make sure that he was not assessed for this utility in the assessment on Hazel Ave. The City Engineer and Clerk Treasurer will check into this.**

**City Engineer Jim Schulz presented a time line for the Magnus Johnson/Linden Ave Reconstruction Project and spoke on financing.**

**Councilmember Edwards addressed the elevation of Cherry St. South and Linden Ave. E. and not removing the sidewalk that abuts the Neil Hilary property on Linden Ave. E. Engineer Schulz will review the plans and specs in this area.**

**PAGE 5  
MAY 15, 2006**

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

**RESOLUTION 051506B**

**RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING  
ADVERTISEMENT FOR BIDS**

**WHEREAS, pursuant to a resolution passed by the council on Feb. 21, 2006, the city engineer has prepared plans and specifications for the improvement of Magnus Johnson Street from TH 15 to Linden Avenue and Linden Avenue from Elm Street to TH 55 by street reconstruction, storm sewer construction, sanitary sewer construction, water main construction, sidewalk construction and has presented such plans and specifications to the council for approval;**

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

- 1. Such plans and specifications, a copy of which is attached hereto and made a part hereof, are hereby approved.**
- 2. The City Clerk shall prepare and cause to be inserted in the official paper and in the Construction Bulletin an advertisement for bids upon the making of such improvement under such approved plans and specifications. The advertisement shall be published for 21 days, shall specify the work to be done, shall state bids will be received by the clerk until 3:00 p.m. on June 16, 2006, at which time they will be publicly opened in the council chambers of the city hall by the city clerk and engineer, will then be tabulated, and will be considered by the council. Any bidder whose responsibility is questioned during consideration of the bid will be given an opportunity to address the council on the issue of responsibility. No bids will be considered unless sealed and filed with the clerk and accompanied by a cash deposit, cashier's check, bid bond or certified check payable to the clerk for 5 percent of the amount of such bid.**

**The foregoing resolution was seconded by Councilmember DuWayne Orbeck. Those voting in favor thereof: Steve Edwards, DuWayne Orbeck, Karla Davis, Chris Jansky and Mickey Fischer; those voting against, absent or abstaining: None. Motion passed.**

**Mayor Davis and the engineer discussed easement on Linden Ave and Magnus Johnson.**

**Councilmember Fischer commented on the Highway 15 Coalition meeting and that it he had heard a lot of negative comments about the meeting and that it was in poor taste for the Chamber of Commerce to give a plaque of appreciation to Scott Theilman.**

**Chamber of Commerce Vice Pres. Sandy Steinmetz explained that Dr. Theilman is an active member of the Chamber and the appreciation plaque was for his service to the Chamber and that the Chamber had received a lot of positive feed back on the meeting.**

**PAGE 6**  
**MAY 15, 2006**

**Mayor Davis commented that there are only two Councilmembers who want a Comprehensive Plan.**

**City Attorney Pagel informed the public that the Mayor or a speaker can not be interrupted.**

**Councilmember Chris Jansky introduced the following resolution and moved for its adoption:**

**To place the following question on the November 7, 2006 election ballot:**

**Sunday Liquor**

**Shall the City Council be allowed to issue on-sale licenses to restaurants, clubs, bowling centers, and hotels for the sale of intoxicating liquor at retail on Sundays?**

**The foregoing resolution was seconded by Councilmember DuWayne Orbeck. Those voting in favor thereof: Chris Jansky, DuWayne Orbeck, Karla Davis, Mickey Fischer and Steve Edwards; those voting against, absent or abstaining: None. Motion passed.**

**Motion Orbeck/Fischer to adjourn at 8:30 p.m. Motion passed.**

**Dianne H. Robinson**  
**Clerk Treasurer**

**PAGE 1  
MAY 22, 2006**

**A special City Council meeting was called to order on May 22, 2006 at 6:30 p.m.**

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

**Councilmembers absent: Chris Jansky.**

**Others present: Chris Jeppesen, Hunter Davis, Quentin Fossen and Andrea Fossen.**

**Mayor Davis called to order the Public Hearing for the Variance request at 300 Hazel Ave. East, Property Parcel #60.34478.000/001 owned by Quentin L. Fossen requesting a variance from the side yard setback from 10 feet from property line to 1 ½ feet from property line.**

**Councilmember Edwards questioned adjusting garage with access from the alley instead of Hazel Ave. or backing the garage up closer to the east property line.**

**Because this is an existing garage which is being moved in and the location of the service door, they do not want to move it east to the bank between their property and the property next door. They also do not want to move the garage in front of their house window. They have future plans for a deck. They are unsure of where their property lines are. He would not have started project if he knew he would run into these problems.**

**Councilmember Orbeck does not want to see them enter the garage from the alley as this is to close to Hazel Ave and could cause a problem.**

**Snow removal was discussed.**

**Councilmember Edwards commented on changing the rules every time someone wants something different. Why does the city have ordinances?**

**Mayor Davis commented that the ordinances are very vague and need to be revised. Chris Jeppesen agreed with this. She stated that ordinances are hard to read and you need to go to 8 different areas to interpret them.**

**Hearing was closed.**

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

**To grant Quentin L. Fossen a variance from the side yard set back of 10 feet from property line to 1 ½ feet from property line for their garage at 300 Hazel Ave. E., property parcel #60.34478.000/001 with the following findings:**

- Financial hardship.**
- To prevent covering up the house windows.**

**The foregoing motion was seconded by Councilmember Fischer. Those voting in favor thereof: DuWayne Orbeck, Mickey Fischer, Steve Edwards and Karla Davis; those absent: Chris Jansky; those absent or abstaining: None. Motion passed.**

**PAGE 2**  
**MAY 22, 2006**

**Mayor Karla Davis called for a special City Council meeting on Friday, May 26, 2006 at 9:00 a.m. at the Kimball City Hall, 1 Main Street North to approve a change to the City of Kimball's health plan offered to the employees and any other City business.**

**Motion Orbeck/Fischer to adjourn at 6:55 p.m. Motion passed (Jansky absent).**

**Dianne H. Robinson**  
**Clerk Treasurer**

**SPECIAL COUNCIL MEETING  
MAY 26, 2006**

**The meeting was called to order by Acting Mayor, Steve Edwards at 9:20a.m.  
Council members present: Steve Edwards, Mickey Fischer, DuWayne Orbeck.  
Council members absent: Chris Jansky, Karla Davis.**

**Motion by Mickey Fischer to accept Option 1 Insurance Plan for non- union employees,  
second by DuWayne Orbeck, motion carried. (Davis, Jansky absent.)**

**Option one reads as follows:**

- **Family coverage –City will pay \$2500.00 first year; \$2,250.00 second year;  
\$2,000.00 third year, starting June 1, 2006. .**
- **Single coverage---City will pay \$1,000.00 first year; \$500.00 second year;  
\$500.00 third year, starting June 1, 2006..**

**DuWayne Orbeck made motion to adjourn at 9:25, second by Steve Edwards, motion  
carried.(Davis, Jansky absent.)**

**Submitted by Chris Jeppesen, Deputy Clerk**

**PAGE 1  
JUNE 5, 2006**

**Meeting was called to order by Acting Mayor Steve Edwards at 7:00 p.m.**

**Councilmembers present: Steve Edwards, Mickey Fischer and DuWayne Orbeck with Karla Davis arriving at 7:05 p.m. and Chris Jansky arriving at 7:20 p.m.**

**Others present: Todd Rohloff, Donn Driver, Chris Jeppesen, Chad Johnson, Tom Ehlinger, Jean Matua, Tammy Konz, Jim Schulz and Roger Cooper.**

**Motion Fischer/Orbeck to approve the May 22 and 26 special meeting minutes as presented and to table the May 15<sup>th</sup> minutes until the next meeting. Motion passed (Jansky absent).**

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

- 1. To waive the City portion of the building permit for the City Hall tuck pointing.**
- 2. To approve Dianne Robinson's vacation request for June 22.**
- 3. To approve the LG220 "Application for Exempt Permit" for Roll With It to conduct a raffle at Playland Ballroom on Nov. 1, 2006.**
- 4. To approve the renewal application for Optional Liquor 2 AM for Ten Door Express, Inc. (Main Street Pub) which is due July 1, 2006.**

**Motion passed (Jansky absent).**

**Fire Chief Tom Ehlinger presented the revised SOP's which mostly related to training/discipline/training reimbursement.**

**Motion Orbeck/Fischer to approve the SOP's as presented. Motion passed (Jansky absent).**

**Chris Jeppesen reported on the late fee for a delinquent City utility billing.**

**Motion Fischer/Orbeck to require Theresa Lahman of 57 Magnus Johnson St. N. to pay the \$75.00 utility billing late fee. Motion passed (Jansky absent).**

**Mayor Davis reported on the security fencing being installed by Arnold's of Kimball and recommended that screening slats be installed by Arnold's of Kimball on the fencing facing Hazel Ave. E. (County Rd. 44) from Highway 55 going east to 800 Hazel Ave. E. Screening in the area of Scheeler Addition was also discussed which includes fencing and evergreen trees.**

**Tammy Konz commented on not knowing that there would be a chain link fence going up abutting their back yard. She has no problem with the type of fence. She commented about debris from farm field across the street blowing and catching on fence in the fall. She just hopes that in the future the City Ordinance would contain a notification provision.**

**Motion Fischer/Edwards to have the Zoning Administrator notify Arnold's of Kimball to install screening slats in their chain link fence which faces Hazel Ave. E. (County Road 44) from Highway 55 going east to 800 Hazel Ave. E. Motion passed.**

**PAGE 2  
JUNE 5, 2006**

**Chris Jeppesen reported on a nuisance letter sent for a parcel of property overgrown with tall grass & weed and that it had been mowed. Councilmember Orbeck feels that the mortgage holder will neglect the back yard. Chris Jeppesen reported that the letter gave until June 14<sup>th</sup> for the clean-up.**

**Chad Johnson of Public Works reported that Arnold's of Kimball will be putting the "Welcome to Kimball" sign back up which was taken down when the water run-off pond was installed.**

**He also reported that hydrants will be flushed on June 13<sup>th</sup>, that Vertical Limits will be paying for the temporary repair of the electrical damage at the water tower site, what the permanent repair and upgrade cost will cost and removal of dead highway plantings.**

**Motion Fischer/Edwards to have Kramer Electric do the electrical repair and upgrade at the water tower site. Motion passed.**

**Contract for highway plantings will be reviewed and MN/DOT contacted before roadside plantings are removed.**

**Police Chief Todd Rohloff presented the Kimball and Fairhaven Township monthly police reports, reimbursement received for the rifle purchase and re-purchasing rifle at shop in South Haven, forfeiture vehicle and progress of new officer.**

**Civil Defense Director Donn Driver reported on the tornado exercise at Bell Clair Acres mobile home site and a committee he is forming for the bird flu.**

**The tree removal in highway right of way in front of Bargain Buys was discussed for which MN/DOT is requiring City Council approval before a permit is issued to Jeff Swanson to remove any trees. DuWayne Orbeck commented that he had spoken with Jeff Swanson about trimming these trees and that he had not made up his mind as to what he wanted to do. This was tabled until the next meeting. The Clerk Treasurer will contact MN/DOT in regard to the tree trimming. Councilmember Edwards commented that if trimming was allowed, it should be done by Jeff Swanson and not an expense for the City.**

**Councilmember Mickey Fischer and Fire Chief Tom Ehlinger presented changes to the Emergency Services Contract for fire/rescue. The Clerk Treasurer will type the changes proposed by the Fire Board and the sample proposed by the City Attorney and present to the Fire Board.**

**Mayor Karla Davis called for a special meeting for Monday, June 12, 2006 at 7:30 p.m. for the eminent domain action on the Jerome and Laverne Scheeler property and any other city business. Mayor Davis will contact the City Attorney to see if this meeting should be closed.**

**Mayor Karla Davis call for a Park Committee meeting at 6:00 p.m. on June 12, 2006. She appointed Roger Cooper (Lions member), Ed Borman (Public Works), DuWayne Orbeck (Councilmember) and Tammy Konz (City resident) to serve on the Committee with her.**

**PAGE 3  
JUNE 5, 2006**

**Chad Johnson reported that Modern Woodman contacted him about trees and flag poles for the park and Mayor Davis spoke about a gazebo and walking paths in the parks.**

**Motion Fischer/Jansky to approve the Scheeler Addition signage presented by KEEK Developers. Motion passed.**

**Roger Cooper reported on the condition of the picnic shelter and those renting shelter having to clean it before it could be used. It was recommended that since a lean-to has been added, that the enclosed area and kitchen be locked. Mr. Cooper will bring this up for discussion at the next Lions meeting.**

**Councilmember DuWayne Orbeck reported on the sidewalk area he had repaired in front of 380 Hazel Ave. E. Mayor Davis also reported on the needed sidewalk repair in front of her home. The City engineer will check the on the warrantee for the Hazel Ave. project to see if the contractor is still responsible for these repairs.**

**City Engineer Jim Schulz reported that he is looking at substantial completion for the Linden Ave./Magnus Johnson St. project by Oct. 30. He spoke on priority areas. He will contact the City Attorney to start working on the permanent and temporary easements needed for this project.**

**Councilmember DuWayne Orbeck addressed the swimming pool donated fund and would like to see the City use the \$25,000.00 for a splash pad pool. He talked about using the St. John's Lutheran Church site on Magnus Johnson St. N. Mayor Davis will get more information on this type of pool and make contact with the attorney who is handling the donated family estate.**

**Councilmember DuWayne Orbeck addressed having a National Night Out in July and an increase for the Council compensation.**

**The Clerk Treasurer will look into what other Cities are paying for Council compensation. A raise would have to be approved prior to the November election to be effective Jan. 1, 2007.**

**Motion Orbeck/Fischer to increase the mileage reimbursement from 31 cents to 38 cents per mile. Motion passed.**

**Motion Orbeck/Jansky to adjourn at 8:35 p.m. Motion passed.**

**Dianne H. Robinson  
Clerk Treasurer**

JUNE 12, 2006 SPECIAL COUNCIL MEETING

Acting Mayor, Steve Edwards called the meeting to order at 7:40p.m., saying the Pledge of Allegiance. Council Members, Mickey Fischer, Chris Jansky, Duane Orbeck present, Mayor Karla Davis came at 7:55p.m.

Others present: John M Lefevre, Jim Schultz, Rhonda Pagel

Acting Mayor, Steve Edwards closed the meeting under the attorney-client privilege exception to the open meeting law to discuss the strategy for the Eminent Domain action involving Jerome & Laverne Scheeler.

Mayor Karla Davis reopened the meeting at 8:44p.m.

Motion by Duane Orbeck, second by Mickey Fischer to direct City Attorney, Rhonda Pagel to work with Kennedy & Graven to do the bonding for the Eminent Domain, those voting in favor, Davis, Orbeck, Jansky, Edwards, Fischer, those against, none.

Motion made by Mickey Fischer, second by Chris Jansky to adjourn, motion carried.

Meeting was adjourned at 8:45p.m.

Submitted by

Chris Jeppesen, Deputy Clerk

**PAGE 1  
JUNE 19, 2006**

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

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

**Councilmembers absent: None.**

**Others present: Merle Anderson, Chris Jeppesen, Jim Schulz, Marilyn Sterling, Charles Sterling, John Arnold, Jean Matua, George Matua and Larry Hosch.**

**Motion Orbeck/Jansky to approve the minutes of the May 15, June 5 and June 12, 2006 minutes as presented. Motion passed.**

**Motion Edwards/Fischer to approve the June claims as presented plus additional claims presented. Motion passed.**

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

- 1. To disconnect all delinquent City Utilities.**
- 2. To approve Chris Jeppesen's vacation request.**
- 3. To approve the Church of St. Anne's LG220 application for Exempt Permit for Sept. 17 at 441 Hazel Ave. E. to conduct Bingo, Raffles and Pull Tabs on Sept. 17<sup>th</sup> and to waive the 30 day waiting period.**

**Motion passed.**

**Addendums to the agenda: Consumer Confidence report letter, hall cleaning, Health Savings Account, Councilmember items.**

**A letter from Police Chief Todd Rohloff on Administrative Fines was reviewed.**

**Mayor Davis will contact the Police Chief in regard to individuals parking in alley and blocking it.**

**Mayor Davis reported on her contact with the residents on Hazel Ave. E. which abut the Arnold's of Kimball property. John Arnold was present and reported to the Council on the cost of putting slats into the already constructed chain link fence which may need to be reinforced if slats are installed.**

**Motion Davis/Fischer to have Arnold's of Kimball put in shrubs or hedges on the Dan Konz and Pat Meyer property to screen the fencing. Motion passed.**

**Zoning Admin. Chris Jeppesen will provide the forms for the abutting property owners to sign off on.**

**RESOLUTION NO. 061906**

**Declaring the Official Intent of the  
City of Kimball to Reimburse Certain  
Expenditures from the Proceeds of Bonds  
to be Issued by the City**

**Do to a conflict of interest, the minutes for this resolution were taken by Deputy Clerk Chris Jeppesen and are attached to these minutes.**

Motion Fischer/Jansky to hire financial planner through Kennedy and Graven out of Minneapolis. Motion passed. Mayor Davis will contact them.

Motion Fischer/Orbeck to increase the annual Council Compensation effective Jan. 1, 2005 as follows:

Mayor: increase from \$1,200.00 to \$2,400.00 annually

Councilmembers: increase from \$960.00 each to \$1,920.00 each annually.

Special meetings: increase from \$20.00 to \$50.00 for each meeting attended.

Those voting in favor thereof: Mickey Fischer, DuWayne Orbeck, Steve Edwards and Karla Davis; those voting against: None; those abstaining: Chris Jansky as he did not expect to get paid when he ran for office; those absent: None. Motion passed.

State Representative Larry Hosch gave a legislative overview of Land Dedication Standards, Liability Limits for Local Governmental Joint Ventures, Deadline for Local Review for zoning related matters, Release of Letters of Credit by Cities for Development Costs, Eminent Domain Reform and Annexation.

He commented that next years big issue facing the state would be Local Government Aid and transportation funding.

Motion Orbeck/Fischer to approve the Kimball School Districts request to reimburse \$1,022.00 of the Police Liaison payment for April and May due to the shortage of the Liaison Officer. Motion passed

The removal and trimming of trees in front of Bargain Buys, 231 State Highway 55 was discussed. An e-mail from Mark Renn, MN/DOT was reviewed. The Council took no stand on the issue as this is an issue between the property renter and MN?DOT

City Engineer Jim Schultz reviewed bids received for the Magnus Johnson, Linden Ave Street project with Kuechle Underground, Inc. being the low bidder at \$1,208,328.39. The engineers estimated bid was \$1,302,423.99. He stated that there is a 60 day bid hold for awarding bids. He will work with the City Attorney to line up financing and easements (both permanent and temporary) before bids are awarded.

**PAGE 3  
JUNE 19, 2006**

**Mayor Davis stated that a request had been made of the Public Works Department to turn the water on at 463 Elms St. N. in Heritage Park of Kimball. City Engineer Jim Schulz commented that the lift station, control panel and sidewalks need to be completed. Jim Schulz will contact the City Attorney as the Development Agreement states that written approval is need from the City engineer as to the completion of these items before water is turned on.**

**Mayor Davis and Engineer Schulz commented on the grading plan, storm water calculations, changing the slope in the park, a possible pavilion a bridge and benches in the Scheeler Addition Park. The park committee met at the site on June 12<sup>th</sup>.**

**Motion Davis/Fischer to have temporary employee David Mackereth do the City Hall Library clean at his regular rate of pay and not to exceed 5 hours per month and to do the cleaning once each week. Motion passed.**

**Mayor Davis reported on a letter she received from Ruth Johnson in regard to her property located at 50 Hazel Ave. E. and request for reimbursement of garbage and recycling fees paid in 2005 and 2006 as this is commercial property. Mayor Davis stated that Ruth Johnson's son was now living at this location.**

**The Clerk Treasurer was instructed to write a letter to Ruth Johnson that the reimbursement request had been denied by the Council and a garbage container will be ordered for this renter and to inform her of the City Ordinance for residential use in highway commercial property and to have the letter approved by Mayor Davis prior to sending.**

**Mayor Davis will be contacting the family of the donors of the swimming pool money to see if we could get an extension on refunding these funds.**

**Councilmember Fischer requested that the Union be abolished after arbitration is done.**

**Mayor Davis will contact Police Chief Todd Rohloff about a dog nuisance violation on Hazel Ave. E.**

**Motion Orbeck/Jansky to adjourn at 9:20 p.m. Motion passed.**

**Dianne H. Robinson  
Clerk Treasurer**

June 19, 2006

Council Meeting minutes:

Re: Land Acquisition and Wastewater Treatment Plant

Councilmember, Mickey Fischer introduced the following Resolution and moved for its adoption.

**RESOLUTION # 06-19-06**

Whereas, the Internal Revenue Service has issued Tres. Reg. 1.103-18 providing that proceeds of tax exempt bonds used to reimburse prior expenditures will not be deemed spent unless certain requirements are met; and

Whereas, The city expects to incur certain expenditures which may be financed temporarily from sources other than bonds, and reimbursed from proceeds of a bond; and:

Whereas, the reimbursement rules apply to bonds issued after March 2, 1992;

Now, Therefore, Be it Resolved by the City Council of the City of Kimball (The City) as Follows:

1. The City reasonably intends to make expenditures for the project described in Exhibit A (the "Project"), and reasonably intends to reimburse itself for such expenditures from the proceeds of debt to be issued by the City in the maximum principal amount described in Exhibit A.

2. The City Clerk, is authorized to designate appropriate additions to Exhibit A in circumstances where time is of the essence, and any such designation shall be reported to the Board at the earliest practicable date and shall be filed with the official books and records of the City as provided in Section 3.

3. This resolution shall be maintained as part of the books and records of the City at the main administrative office of the City, and shall be continuously available during normal business hours of the City on every business day of the period beginning not more than 30 days after adoption of this resolution and ending on the last date of issue of any bonds issued to reimburse expenditures described in Exhibit A.

4. This resolution is an expression of the reasonable expectations of the City based on the facts and circumstances known to the City as of the date hereof. The anticipated reimbursements set forth at Exhibit A are consistent with the City budgetary and financial circumstances. No sources other than proceeds of bonds to be issued by the City are, or are reasonably expected to be reserved, allocated on a long-term basis, or

otherwise set aside pursuant to the City budget or financial policies to pay such Project expenditures. The City has not adopted any allocation, budget, or restriction of moneys or adoption of a requirement or policy to reimburse a fund, the primary purpose of which is to prevent moneys from being available to pay an expenditure the City intends to reimburse with proceeds of a borrowing.

5. This resolution is intended to constitute a declaration of official intent for purposes of Tres. Reg. 1.103-18 and any successor law, regulation, or ruling.

6. The allocation of proceeds of the bonds to be issued to any Project expenditures described in Exhibit A will be made not later than the later of one year after the expenditure was paid or one year after the property was placed in service.

7. The Project expenditures described in Exhibit A are capital expenditures as defined in Tres. Reg. 1.150-1 (h), including costs of issuance of the bonds to be issued in order to reimburse the Project expenditures.

8. Proceeds of the bonds issued to reimburse the Project expenditures described in Exhibit A will be deemed spent only when (1) an allocation entry is made on the books or records of the City with respect to the bonds; (2) the entry identifies an actual expenditure to be reimbursed, or where the Project is described as a fund or account, the fund or account from which the expenditure was paid; and (3) the allocation is effective to relieve the bond proceeds from restrictions on unspent proceeds under applicable documents and state laws.

9. No entity or entities possess simultaneously two or more of the following discretionary and non-ministerial powers with respect to the City power to (1) remove without clause a controlling portion of the City Council; (2) select, approve, or disapprove a controlling portion of the City Council; (3) determine the City budget or require the use of the City funds or assets for the other entity's purpose; or (4) approve, disapprove, or prevent the issuance of debt obligations of the City.

10. None of the proceeds of the bonds issued to reimburse the City for the Project expenditures described in Exhibit A will be used within one year of the allocation (i) to refund another governmental obligation or (ii) to create or increase the balance in a sinking fund or replace funds used for such purpose, or (iii) to create or increase the balance in a reserve or replacement fund or replace funds used for such purposes; or will be used at any time to reimburse any person or entity (other than the City) for expenditures originally paid with proceeds of a City obligation (excluding a City inter-fund borrowing); unless (i) such amounts are deposited in a bona fide debt service and are used to pay debt service in the next one-year period on any City obligation other than the reimbursement bond, or (ii) the original issue was not reasonably expected to be used to finance the expenditure.

11. No action or inaction by the City with respect to the allocation of bond proceeds to reimbursement of Project expenditures will be an artifice or device to avoid, in whole or in part, arbitrage yield restrictions or arbitrage rebate requirements.

12. The procedures described in this resolution shall cease to apply to the extent not required by Tres. Reg. 1.103-18 or any successor law, regulation, or ruling.

Approved by the City Council of the City of Kimball this 19<sup>th</sup> day of June, 2006.

Karla Davis, June 20, 2006

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Mayor

Attest:

Chris Jeppesen, June 20, 2006

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Chris Jeppesen  
Deputy City Clerk.

**Exhibit A  
To Official Intent resolution  
Adopted 6/19/2006**

<u>Date of Declaration</u>	<u>Description of Project</u>	<u>Maximum Principal Amount of Debt to Reimburse Project Costs</u>
6/19/06	Wastewater Treatment Plant Expansion and Land Acquisition	\$550,000

The foregoing resolution was seconded by Councilmember, Steve Edwards. Those voting if favor thereof: Mayor Karla Davis, Councilmembers, Steve Edwards, Mickey Fischer, Chris Jansky, DuWayne Orbeck, those voting against, absent or abstaining: None.  
Motion Passed.

Submitted by :  
Chris Jeppesen, Deputy Clerk

PAGE 1  
JULY 3, 2006

Meeting was called to order on July 3, 2006 at 7:00 p.m. by Acting Mayor Steve Edwards.

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

Councilmembers absent: Karla Davis and Chris Jansky.

Others present: Mary Johnson, Carol Newman, Chris Jeppesen, Todd Rohloff, Tom Crouch, David Johnson, Ruth Johnson, David Mackereth and Keith Woodford.

Motion Fischer/Orbeck to approve the minutes of the June 19, 2006 meeting. Motion passed (Davis & Jansky absent).

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

1. To accept the following donations: Evelyn Rtuand \$100.00 to the fire department general fund and Audrey Marquardt \$25.00 to the Fire Equipment Fund.
2. To approve Ten Door Express' (Main Street Pub) request to sell intox. liquor outside their licensed premises in a fenced in area for Aug. 11 & 12. The Police Department and Dept. of Public Safety, Alcohol & Gambling Enforcement to be notified.

Motion passed (Davis & Jansky absent).

Addendums to the agenda: Park Committee meeting and election judge training.

Police Chief Todd Rohloff reported on the Administrative fines and made a request for an ordinance change that has been reviewed and approved by the City Attorney Rhonda Pagel.

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

To amend Chapter Five Public Safety, Section 520 Administrative Offenses, Section 506 – Inattentive Driving and Chapter Two Administration, Section 215 Schedule of Fees 520.09 Administrative Offense Penalties, Speeding to Inattentive Driving.

#### Section 506 – INATTENTIVE DRIVING

506.01 Inattentive Driving Prohibited. No person shall drive or operate a motor vehicle upon any public or private property within the City in such a manner that is inattentive or imprudent. Inattentive driving shall be considered a lesser offense than careless or reckless driving and shall apply in those cases where the danger to persons or property by the motor vehicle operator's conduct is slight.

506.02 Penalty. Any person who violates the provisions of this Section shall be guilty of a petty misdemeanor.

PAGE 2  
JULY 3, 2006

Section 215 – SCHEDULE OF FEES

520.09 – Change SPEEDING to INATTENTIVE DRIVING and the fee amount to (penalty \$105.00, admin. fee \$10.00) \$115.00.

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

Motion passed and adopted.

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

RESOLUTION O70306

That INATTENTIVE DRIVING be included as an Administrative Offense and to set forth the penalty as provided in Section 520.09.

Councilmember Mickey Fischer seconded the foregoing resolution and moved for its adoption. Those voting in favor thereof: Steve Edwards, Mickey Fischer and DuWayne Orbeck; those voting against; None; those absent: Karla Davis and Chris Jansky; those abstaining: None. Motion passed.

Police Chief Todd Rohloff reported on an altercation at Old Settlers Day in Fairhaven and the purchase of a second taser. One will be left in the squad car and one will be on the officer on duty.

Mickey Fischer reported on a request made by Chad Johnson of the Public Works Depart to purchase hot mix at the cost of \$250.00. Acting Mayor Steve Edwards had already approved the purchase as this was a maintenance expense.

Chris Jeppesen Kimball Days Coordinator requested four dumpsters for Kimball Days, reported that St. Anne's Church will be open for the use of the rest rooms for the Kiddy Tractor Pull, requested that Linden Ave. not be under construction as this is needed for the detour during the parade and reported that there will be no wrestling as Terry Fox has no insurance coverage.

Councilmember Edwards stated the City would make a point to make Linden Ave available for the parade route.

PAGE 3  
JULY 3, 2006

David and Ruth Johnson were present with their request for reimbursement of garbage pickup fees paid since December of 2003 at commercially zoned property which they own at 50 Hazel Ave. E. which they had rented out as residential. Their renter never put out any garbage or had a receptacle from Waste Management. They have no one living there now.

City Ordinance on the requirement for a conditional use permit being needed to use commercially zoned property as residential was explained.

Motion Edwards/Fischer to reimburse David and Ruth Johnson \$345.54 from December 2003 to present for the garbage pickup. Motion passed (Davis & Jansky absent).

Chris Jeppesen also reported that the outside water meter at 50 Hazel Ave. E. has not worked for a number of years and she has been billing them the minimum. She will have the Public Works Department make an appointment with the Johnson's to enter this location to check the inside water meter.

Motion Edwards/Fischer to approve the Heritage Park of Kimball entrance monument as presented by Tom Crouch which will be located on the twin homes site and maintained by the homeowners association for these twin homes. Motion passed (Davis & Jansky absent).

Motion Fischer/Orbeck to turn on the water in Heritage Park of Kimball and allow Tom Crouch to have the wear course put on the streets now subject to written approval by the City Engineer. Motion passed (Davis & Jansky absent).

City Staff and the Public Works Department will work together for now on the City Hall cleaning.

Councilmember DuWayne Orbeck spoke about allowing the Public Works Department to work more overtime. They are to give the Mayor a call.

Motion Edwards/Fischer to call for a Park Committee meeting on July 13, 2006 at 7:00 p.m. at City Hall. Motion passed (Davis & Jansky absent).

Motion Edwards/Fischer to appoint Jane Pickle and Audrey White as election judges to attend the HAVA Equipment Training at Stearns County with the City Clerk. Motion passed (Davis & Jansky absent).

Clerk Treasurer Dianne Robinson reported that City Engineer requested that the City Council pass a resolution authorizing the Clerk Treasurer to contact the City Attorney to start working with Kennedy & Graven for the bonding for the street project.

PAGE 4  
JULY 3, 2006

Councilmember Steve Edwards commented that Mayor Davis would be contacting Kennedy & Graven about a financial consultant.

Mary Johnson and Carol Newman were present with a report on the work being done to City Hall and a request to apply for another grant to do the windows on the south side and possibly the front of City Hall. This would be a matching grant with the application dead line of July 29<sup>th</sup>. They requested a generous donation from the City.

Motion Edwards/Orbeck to approve the application and signing of the grant application to replace the windows on the south side and possibly the front of City Hall. Motion passed (Davis & Jansky absent).

Motion Edwards/Fischer to make a \$1,000.00 contribution to the matching portion of this grant. Motion passed (Davis & Jansky absent).

Motion Orbeck/Fischer to adjourn at 8:07 p.m. Motion passed (Davis & Jansky absent).

Dianne Robinson  
Clerk Treasurer

**PAGE 1**  
**JULY 17, 2006**

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

Councilmembers present: Karla Davis, DuWayne Orbeck and Mickey Fischer with Chris Jansky arriving at 7:05 p.m. and Steve Edwards arriving at 7:10 p.m.

Others present: Rhonda Pagel, Sandy Duncan, Mary Johnson, Carol Newman, Karl Swaisgood, Chad Johnson, Paul Hoeschen, Ray Wells, Todd Rohloff, Jim Schulz, Donn Driver, Darrel Wills and Shirley Wills.

Motion Orbeck/Fischer to approve the minutes of the July 3, 2005 meeting. Motion passed (Jansky & Edwards absent).

Motion Fischer/Orbeck to approve the claims for July as presented. Motion passed (Jansky & Edwards absent).

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

1. Disconnect all delinquent City Utilities.
2. To pay out the following donations as set forth in the 2006 Budget:
  - \$500.00 to Central Minnesota Initiative Foundation.
  - \$500.00 to Kimball Community Education.
  - \$500.00 to the Community Playhouse.
  - \$500.00 to Heartland Express.
3. To do the following real estate tax transfer from the general checking fund as set forth in the 2006 Budget:
  - \$21,629.00 to the Capital Outlay money Market.
  - \$ 9,460.71 to the 1998 Bond Money Market.
  - \$15,805.97 to the 2005 Bond Money Market (\$4,618.44 from tax levy and \$11,187.53 from special assessments).
4. To issue Payroll to Tom Decker for court attendance on July 11, 2006 from 8:30 a.m. to 11:30 a.m. for a juvenile trial from one of his cases when he was employed by the city.
5. To accept the gambling donation of \$300.00 from the Kimball American Legion Post 261 for the Kimball Days Petting Zoo.

Motion Passed (Edwards absent).

Addendums to the agenda: Todd Rohloff's Health insurance, NIMS training, audit extension and work in progress, items by Councilmembers Fischer and Orbeck.

**PAGE 2**  
**JULY 17, 2006**

Open Forum: Mary Johnson presented a report on the windows and tuck pointing done to the north side of the building. Since this is a City grant, the fund must run through the City books and claims must be paid by the City.

Motion Jansky/Orbeck to accept the donation of \$11,315.75 from the Kimball Area Historical Society for a portion of the matching grant funds. Motion passed.

Motion Orbeck/Jansky to pay the following claims for the work done on City Hall: Simonson Lumber Co. \$20,530.00 and Kostreba Tuck Pointing: \$16785.75. Motion passed.

Ray Wells of the Kimball American Legion informed the Council that it will cost approximately \$700.00 each to replace the 2 lights that shine on the war memorial in Willow Creek Park. The Legion would like to make a gambling donation to the City in the amount of \$1,000.00 with the suggested use being for the replacement of these lights. A check for this amount and gambling donation form will be brought to the City Clerk for presentation of the donation at the next meeting. City needs to obtain two quotes before replacing fixtures.

Karl Swaisgood addressed the Council in regard to the swimming pool ordinance. City Attorney Rhonda Pagel explained how other communities address pool and finding out what the state building code requirements are. The building inspector will be contacted for the state building code, Rhonda Pagel will obtain ordinance samples from other cities and review ordinance for revisions.

Karl Swaisgood will be allowed to use his pool, but needs to dump the water out each night. Others who received letters on their pools will be sent another letter when the state building code is received.

Donn Driver spoke on the need to set up an air conditioned area for those affected by the heat (schools, churches, and city hall), avian flu and two exercises attended in Stearns County, NIMS training report for Stearns County and future training.

Motion Fischer/Edwards to approve Medical Expenses Agreement with Todd Rohloff and issue a check to him for the \$3,000.00 deductible upon the signage of this agreement. Motion passed.

**PAGE 3**  
**JULY 17, 2006**

City Attorney Rhonda Pagel presented the following report on the **Wastewater Treatment Facility Land Acquisition Project.**

**\$475,000 General Obligation Tax-Exempt Temporary Bonds of 2006**

**Not Rated**

**Interest payable semi-annually starting 2/1/07**

**Issue Date: Approximately 9/1/06**

**Maturities:**

<b>Issue date</b>	<b>\$475,000</b>
<b>2/1/09</b>	<b><u>475,000</u></b>
	<b>\$475,000</b>

**Callable at par in whole or in part on any date after 8/1/07**

**Interest rate: \_\_\_\_\_%**

**Estimated Project Costs**

<b>Appraised Value of Land to be Acquired</b>	<b>\$420,000</b>
<b>Appraisal</b>	<b>3,200</b>
<b>Engineering</b>	<b>2,500</b>
<b>Attorney Fees for Condemnation</b>	<b>15,000</b>
<b>Legal, fiscal, administrative</b>	<b>12,500</b>
<b>Capitalized Interest</b>	<b>12,000</b>
<b>Contingencies</b>	<b><u>9,800</u></b>
<b>Total</b>	<b>\$475,000</b>

Attorney Pagel informed the City that 10% must come from sewer rates and she recommends that the City do 50% from the sewer rates and put 50% on the tax levy. The City will only be paying the interest on this temporary bond. She stated that three commissioners will be sworn in by the court on Aug. 2<sup>nd</sup> and they can take up to 180 days from July 10th to make their decision on the value of the eminent domain property.

Motion Fischer/Orbeck to authorize the law firm of Young Brown & Pagel to work with Kennedy & Graven to obtain quotes for the Temporary Bond issue. Motion passed.

**PAGE 4**  
**JULY 17, 2006**

City Engineer Jim Schulz addressed the City Council in regard to the bids which were opened for the Magnus Johnson, Linden Ave. Street project and the bid hold date being Aug. 16<sup>th</sup>.

He also commented on the letter he sent to the City about hooking up city utilities to a portion of Heritage Park of Kimball.

Mayor Davis addressed the issue of fireworks for Kimball Days and the need to solicit for donations.

Motion Orbeck/Jansky to have Mayor Davis contact Deb Reinert to send out letters to business places for fire works donations and to also contact Maine Prairie Township for a donation as part of their celebration with the City making up the difference. Motion passed.

Mayor Davis will speak with the Public Works Department about moving the planter off the sidewalk by the bank, spraying the weeds in the sidewalks, watering the planters (possibly with the grass rig), cleaning of the storm sewer on the northwest corner of Highway 55 and Hazel Ave. E. and filling the pot hole by Bumper to Bumper.

Motion Davis/Jansky to change the picnic shelter rental to \$50.00 (this will be the kitchen and shelter area) and there will be no separate use of just the shelter area. Motion passed.

Motion Jansky/Edwards to approve a leave of absence without pay on July 30<sup>th</sup> for Ed Borman. Motion passed.

Mayor Davis reported on the plans for the Scheeler Addition Park which will be done in phases. She also reported that the park which Jerome Kuechle is doing on St. John's Lutheran Church property in the Greely Edition is an agreement between those two parties for the use by those living in Greely Edition and is not a City park.

Other areas of discussion were using the interest from the swimming pool fund for parks and a letter which Jane Pickle is drafting to the attorney for Betty West in reference to the swimming pool donation and other uses for the funds.

Motion Orbeck/Jansky to adjourn at 8:30 p.m. Motion passed.

Dianne H. Robinson  
Clerk Treasurer

**PAGE 1**

**COUNCIL MEETING** (Minutes prepared by Chris Jeppesen, Deputy Clerk)  
**AUGUST 7, 2006**

Meeting was called to order by Mayor Karla Davis at 7:05p.m.

Council members present: Mayor Karla Davis, Council members: DuWayne Orbeck, Mickey Fischer, Chris Jansky, Steve Edwards.

Others Present: Jean Matau, Todd Rohloff, Jeremy Worpts, Jim Schultz, Chad Johnson, Sandy Steinmetz, Tammy Konz, Keith Woodford.

Motion by Steve Edwards, second by Mickey Fischer, to accept the Consent Agenda items 1-15, and delete # 9, and table items 16, & 17 for later discussion. Motion Carried.

1. To disconnect all delinquent City utilities.
2. To approve a Dance Permit for the Kimball Fire Relief Assoc. at the Kimball Days Dance (11 Hazel Ave. E. between Main St. and Oak St.) on Aug. 12, 2006.
3. To approve a 3.2 Malt Liquor License for the Kimball Fire Relief Assoc. for Aug. 12<sup>th</sup> and 13<sup>th</sup> at the Kimball Baseball Park, 210 Main St. S.
4. To approve a 3.2 Malt Liquor License for the Kimball Fire Relief Assoc. for Aug. 12<sup>th</sup> at Knaus Sausage House, 31 Main St. S.
5. To approve a 3.2 Malt Liquor License for the Kimball Fire Relief Assoc. for Aug. 12<sup>th</sup> at 11 Hazel Ave. E. between Main St. and Oak St.
6. To approve the Clerk Treasurer's review of the Fire Relief Assoc. Schedule I & II for the municipal contribution required for 2007 which is -0- on the schedule which is attached and also the resolution on the municipal contribution which was passed on Aug. 16, 2004.
7. To accept the following donations for Kimball Days Fireworks: A. M. Maus & Son \$400.00, J. B. Liquor \$100.00, Eliason Enterprises (Tom Crouch) \$200.00, Fairhaven Electric \$50.00 and Kimball American Legion Post 261 \$600.00, Dingmann Funeral Care \$50.00, Schmidt C-Stores \$50.00, Bauerly Co. \$25.00 and Main Street Pub \$100.00.(total of \$1,575.00).
8. To appoint the following volunteers for Kimball Days Week-end: David Mackereth, DuWayne Orbeck, Deb Reinert, Jeremy Jeppesen, Mick Nybo, Janet Cleveland, Josh Cleveland, Jacob Cleveland and Karla Davis.
9. To appoint the following volunteers for the Kimball Days Fireworks for Aug. 11, 2006 expiring at midnight: Mark Jansky, Bob Stein, Jeff Johnson, Charles Serbus, Tanner Bakke, Kevin Nelson, Wayne Anderson and Jeff Jacobs. **DELETED**
10. To transfer \$1,004.08 of the first half of the real estate taxes to the A. M. Maus & Son Tax Abatement Money Market.
11. To transfer \$5,174.77 of the first half of the real estate taxes to the Schmidty's Conoco TIF Money Market.
12. To transfer \$2,316.06 of the first half of the real estate taxes to the Styme's TIF Money Market.

13 To transfer \$2,067.78 of the first half real estate taxes to the Willow Creek Concrete Tax Abatement Money Market.

14. Appoint the following election judges for the Sept. 12<sup>th</sup> Primary Election and the Nov. 7<sup>th</sup> General Election:

- Dianne Robinson, Head Judge
- Jane Pickle
- Audrey White
- Karl Swaisgood

15. To accept the gambling donation of \$1,000.00 from the Kimball American Legion Post 261 (suggested use is for war memorial lighting in Willow Creek Park).

16. To approve Todd Rohloff's vacation request for Aug. 14, 15, 16, 17 and 18.

**TABLED**

17. To approve Dianne Robinson's vacation request for Aug. 11. **TABLED**

Motion by Steve Edwards, second by DuWayne Orbeck to accept the minutes of July 17, 2006 meeting, motion carried.

Special Meetings: Karla Davis attended the Stearns County Comprehensive Planning meeting.

Todd Rohloff gave police report for Kimball and Fairhaven.

Motion by Steve Edwards, second by Mickey Fischer to approve Todd Rohloff's vacation for August 14-18, 2006 (# 16 from the Consent agenda), motion carried.

Chad Johnson-Public Works

Reported on the lights for the Legion Memorial, needs to get a second quote.

Motion by Mickey Fischer, second by Steve Edwards to purchase 1991 GMC truck from Hendricks Sand and Gravel for \$4,500.00 with the 1988 Red Dodge (public works vehicle) as a trade in. Motion Carried.

Sidewalks in park in the Scheeler Addition are the City's responsibility to do snow removal.

Motion by Mickey Fischer, second by Chris Jansky, to appoint Shannan Sweeney from David Drown & Associates as Financial Consultant for the City of Kimball. Motion Carried.

Shannan Sweeney will be on the August 14, 2006 Council agenda.

Diversi-com will be on the August 14, 2006 Council Agenda

Jeremy Worpts from SEH, discussed the Wastewater Treatment Facility project, with the need to move forward. Jeremy Worpts from SEH will be on the August 21, 2006 agenda.

New Council chairs: DuWayne Orbeck to check for more pricing from a local business.

Motion by Steve Edwards, second by Mickey Fischer to contract with Rose Borman for the cleaning of the City Hall which includes vacuuming the library, emptying waste baskets, cleaning rest rooms(toilets, sinks, floor and wastebaskets), sweeping hall area floor and wipe off tables, chairs and window sills, sweep entry area and shake rug and mop hall and entry floors when needed. The contract rate will be \$50.00 per month.

Cement trails in Scheeler Addition-two quotes: French Lake Curb, \$12,121.00 and Peglow Concrete-\$13,789.25. Motion by Mayor Karla Davis, second by Steve Edwards to accept the quote from French Lake Curb, motion carried. Would also have the slab pour at this time for the 20 X 20 shelter in the park.

Motion by Chris Jansky and second by Mickey Fischer to deny Dianne Robinson's vacation day, August 11, 2006( # 17 from consent agenda), motion carried.

Karla Davis and Steve Edwards will complete performance reviews of the non union employees before September 1, 2006.

Chad Johnson has a concern that the new windows in the Library are not painted, will be checked into.

Mayor Karla Davis has signed the grant application for the 2<sup>nd</sup> phase of the hall renovation for the Historical Society.

Elizabeth West money \$25,000, Jane Pickle had received a letter stating that all the money had been dispersed, and the city could keep the remaining money and could use it however they wanted to. There was a discrepancy if the money had been awarded, and if the city gets the money, it could be used for the shelter in the Scheeler Addition park and the remaining money could go to the Historical Society, because they wrote the letter initially.

NIMS Training-- Mayor Karla Davis will call Dianne Robinson with the web site that has the information for the training.

Motion by DuWayne Orbeck, second by Steve Edwards to adjourn at 8:20p.m.

Respectfully submitted by

Chris Jeppesen, Deputy Clerk

**PAGE 1, 2006  
AUG 14, 2006 (SPECIAL MEETING)**

**Mayor Karla Davis called the meeting to order at 7:00 p.m.**

**Councilmember present: Karla Davis, Mickey Fischer, Chris Jansky and DuWayne Orbeck.**

**Councilmember absent: Steve Edwards.**

**Others present: Aaron Anderson, Rhonda Pagel, Chris Jeppesen, Jim Schulz, Shannon Sweeney, Sandy Steinmetz, Marilyn Sterling, Jerome Kuechle, Steve Johnson, Tom Hillerman and Chuck Sterling.**

A motion made by Mickey Fischer to accept Resolution # 08-14-06 awarding the sale of \$475,000 General Obligation Temporary Bond of 2006, fixing it's form and specifications; directing its issuance and delivery; and providing for their payment and award the bond to State Bank of Kimball at 4.58%, the other bid was Annandale State Bank at 5.00%(attached), second by DuWayne Orbeck, Roll call: DuWayne Orbeck-Aye; Chris Jansky-Aye; Mickey Fischer-Aye, Karla Davis-Aye. Motion carried. Council member Steve Edwards absent. (Motion prepared by Chris Jeppesen, Deputy Clerk).

**Steve Johnson, U. S. Cable and Tom Hillerman , Melrose Telephone/diversiCOM presented U. S. Cable 's plans to abandon their cable system in Kimball, Watkins and Eden Valley due to the cost of infrastructure and the needed upgrading which they were planning on doing until Melrose Telephone entered into a franchise agreement with the City of Kimball. They will be giving all their customers notice so they can transition over to Melrose Telephone cable system or satellite.**

**City Attorney Rhonda Pagel and City Engineer Jim Schulz addressed mapping of any remaining underground lines, surety bond, certificate of insurance, payment of professional fees, loss of franchise fees (if customers are lost to satellite) and rates to be charged by Melrose Telephone.**

**Motion Fischer/Orbeck to consent to the transfer with the following conditions:**

- **that U S Cable pays the professional costs.**
- **that U S Cable remove all above ground pedestals and restore the area.**
- **that a statement be added that the city is not liable for any damage.**

**Motion passed (Edwards absent).**

**Kimball will be the first City to be removed from the system.**

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**AUG. 14, 2006**

**Shannon Sweeney of David Drown & Assoc. presented the 2006 Street Improvement Project Financial Analysis which detailed terms of how this project would be paid for. Fund could come from the General Tax Levy (35%), Special Assessments (25%), Water Fund (20%) and Sewer Funds (20%). Duration of the bond to be either 15 or 20 years.**

**Mr. Sweeney will prepare a resolution for the City's passage with a two week time table for the Sale of the Bond and two weeks to close & deposit funds.**

**Items discussed were community growth, eminent domain (bond) and feasibility study for wastewater pond expansion over the next five years.**

**Motion Fischer/Orbeck to award the 2006 Magnus Johnson & Linden Ave Construction Project Bid to Kuechle Underground with their bid price being \$1,208,328.39 and changing the completion date to Nov. 30, 2006. Motion passed (Edwards absent).**

**Motion Orbeck/Fischer to allow Dianne Robinson to carry over 10 ½ hours of vacation. Motion passed (Edwards absent).**

**Motion Orbeck/Fischer to adjourn at 8:45 p.m. Motion passed (Edwards absent).**

**Dianne H. Robinson**  
**Clerk Treasurer**

**PAGE 1**  
**AUG. 21, 2006**

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

**Councilmembers present: Karla Davis, Mickey Fischer, Chris Jansky with Steve Edwards arriving at 7:10 p.m.**

**Others present: Shannon Dahl, Cliff Dahl, Shirley Dahl, Jeremy Wurpts, Donn Driver, Jackie Fossen, Lurene Lunde, Cindy Steward, Jean Matua, Jim Schulz, Chris Jeppesen, Deb Reinert, Randy Reinert, Paul Harvego, Andy Maus, Arnie Terwey, Tabatha Maus, Tom Marquardt, Pat Arnold and Aaron Knaus.**

**Motion Jansky/Fischer to approve the Aug. 7 minutes with the removal of items 16 and 17 on the consent agenda and the Aug. 14 minutes as presented. Motion passed (Orbeck and Edwards absent).**

**Motion Fischer/Davis to approve the claims for August as presented. Motion passed (Orbeck absent and Edwards abstained as he arrived in the middle of the discussion).**

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

- 1. To disconnect all delinquent City Utilities.**
- 2. To accept the following Kimball Days Fireworks donations: Kim-Built \$100.00, DiversiCom \$100.00, Gohmann's Foods \$50.00, Young Brown & Pagel \$40.00, SEH, Inc. \$300.00 and Roto Rooter \$50.00.**
- 3. To accept the donation of \$10.00 from the Darrel Curtis' and \$250.00 from American Family Ins. for the Equipment Van Fund for the John Ehlinger Memorial.**

**Motion passed (Orbeck absent).**

#### **OPEN FORUM:**

**Lurene Lunde, Jackie Fossen and Cindy Steward addressed the discolored water on Magnus Johnson St. N., that it stained bed sheets (which were brought in) at Jackie Fossen's, that the Health Department had been contacted and the water was drinkable and the State Fire Marshall was also contacted as Ms. Lunde had taped the hydrants in front of her home and behind their home on school property and this tape was still there after four years. State Fire Marshall was quoted as saying that hydrants should be exercised each year to make sure they are working if needed for a fire and the Health Department was quoted as saying that hydrants should be flushed two times each year. Their main concern was with fire protection. Mayor Davis stated that the Public Works Department had flushed them hydrants to the north of the Highway 55 that day and she would instruct them to flush the hydrants by the Lunde's within the next 48 hours and hand out notices.**

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**AUG. 21, 2006**

**Motion Fischer/Edwards to reimburse Jackie Fossen \$34.84 for the discolored bed sheets. Motion passed (Orbeck absent).**

**Lurene Lunde addressed the easement letters received by the residents on Magnus Johnson St. for the street/utility project. City Engineer Jim Schulz explained the need for the easements so the gas main can be relocated from the street to a right of way. Project can still proceed without the easement, but obtaining the easements would be preferred.**

**Mayor Davis will speak with the City Attorney and be back in contact with Lurene Berscheid.**

**Donn Driver addressed Emergency Management, NIMS training issues, the pandemic and updating the City's Emergency Plan.**

**Mayor Davis addressed doing a National Night out this fall.**

**Mayor Davis called to order the Condition Use Permit Hearing at 7:37 P.m. for Triple RRR Grill & Bar, 37 Maus Drive to allow an "On Sale Intox. Liquor" establishment in a Highway Commercial/Business District.**

**Zoning Administrator Chris Jeppesen reported that 62 parking spaces are required and they will have 63 and their seating capacity is 186. They will be serving lunch and dinner and also on Sundays.**

**Hearing was closed at 7:45 p.m.**

**Motion Jansky/Fischer to grant the conditional use permit allowing an "On Sale Intox. Liquor" establishment in this Highway Commercial/Business District at 37 Maus Drive. Motion passed (Orbeck absent).**

**Jeremy Wurpts of SEH, Inc. addressed the feasibility study letter previously presented to the City Council for the wastewater pond expansion. Estimated cost to do this study would be \$44,000.00. This issue will be placed on the Sept. 5<sup>th</sup> agenda.**

**Members of the Kimball Express Baseball Team presented their plans for the future of the baseball park which include dugouts, a three foot block wall and netting. A drawing was presented. Plans are to start this fall with Bill Liedman laying the block. Approx. cost being \$6,000.00.**

**Motion Fischer/Edwards to approve the proposed plans as presented. Motion passed (Orbeck absent).**

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**AUG. 21, 2006**

**Paul Harvego of Conway, Deuth & Schmiesing presented the year end 2005 audit report. The City for the year 2005 was in good financial shape. He recommended that the City increase the utility rates by at least 3% each year and take a look at the financing of future projects.**

**City Engineer Jim Schultz presented Canadian Pacific's request for the City to either purchase the railroad property need for the easement at the price of \$1.10 per square foot (\$9,000.00) or pay \$9,000.00 for the easement needed for the street/utility project on Linden Ave. as the tarred areas of Linden Ave. from Elm St to Oak St. are already on railroad property. The permanent easement would be for street and utilities. Making this a one way street and moving utilities to the north side of street was discussed. Mayor Davis will be in contact with the City Attorney on this issue.**

**Motion Edwards/Fischer to set Dec. 4<sup>th</sup> at 7:15 p.m. as the Truth in Taxation Public Hearing to discuss the City's proposed budget and property tax levy for 2007 and set Dec. 11<sup>th</sup> at 7:15 p.m. as the Continuation or Subsequent Truth in Taxation Public Hearing and to set the City's final property tax levy and certify these dates to the Stearns County Auditor by Sept. 15<sup>th</sup>. Motion passed (Orbeck absent).**

**Motion Jansky/Fischer to approve the Emergency Services Contract for Jan. 1, 2007 – Dec. 31, 2017 as recommended by the Fire Board and authorize the Mayor and Clerk Treasurer to sign. Motion passed (Orbeck absent).**

**Motion Edwards/Jansky to make the interest payments on the \$475,000.00 General Obligation Temporary Bond for 2007 from the sewer collections operating fund. Motion passed (Orbeck absent).**

**Mayor Davis read a letter which the U S Postmaster had sent to residents on Chatter Circle about the mail boxes in City right of way.**

**Motion Edwards/Jansky to let the Certificate of Deposit for the swimming pool fund which matures on Aug. 23<sup>rd</sup> roll over into a money market account and to not return the \$25,000.00's to the Elizabeth West heirs. Motion passed (Orbeck absent).**

**Mayor Davis will call for the budget meeting to start at 6: 00 p.m. on Sept. 5<sup>th</sup> after checking the agenda items for that evening.**

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**AUG. 21, 2006**

**Mayor Davis addressed John Lester's request for a 3 month raise, read the Thank You from Joyce and Jerry Albert and putting a Thank You in the Tri-County for Chris Jeppesen and Deb Reinert for the good job done on Kimball Days.**

**Motion Jansky/Fischer to adjourn at 10:00 p.m. Motion passed (Orbeck absent).**

**Dianne H. Robinson**  
**Clerk Treasurer**

**PAGE 1  
SEPT. 5, 2006**

**Meeting was called to order by Mayor Karla Davis at 6:10 p.m.  
Councilmembers present: Karla Davis, DuWayne Orbeck, Chris Jansky and Mickey Fischer with Steve Edwards arriving at 7:15 p.m.  
Others present: Shannon Dahl, Shirley Dahl, Todd Rohloff, Chris Jeppesen, Maynard Klever and Chad Johnson.**

**First item of discussion was the 2007 General Fund Proposed Budget.**

**Mayor Davis spoke about using the same planner that Stearns County is using for their comprehensive plan and she will also be speaking to Heartland Express about their coverage in the Kimball area.**

**Motion Fischer/Jansky to approve the 2007 General Fund Proposed Budget with the following changes: decrease the Election Judge Compensation from \$700.00 to \$400.00, decrease the Civil Defense expenditure from \$1,200.00 to \$600.00, decrease the Alcohol and Drug Testing expenditure from \$350.00 to \$100.00, decrease the Capital Outlay for Vehicles and Office Equipment from \$15,000.00 to \$7,000.00 and to change wage increases to 4% overall and to have the Mayor review changed budget and to approve the following resolution:**

**RESOLUTION NO. 090506A**

**RESOLUTION ADOPTING PROPOSED 2006 TAX LEVY, COLLECTIBLE IN 2007**

**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 2007, upon taxable property in the City of Kimball, for the following purposes:**

**Total levy \$ 235,356.00**

**The City Clerk Treasurer 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 Sept. 5, 2006.**

**(Councilmember Edwards was absent).**

**Mayor Davis called the regular meeting to order at 7:00 p.m.**

**Motion Fischer/Orbeck to approve the minutes of the Aug. 21, 2006 meeting as presented.  
Motion passed (Edwards was absent).**

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

- 1. To transfer the Certificate of Deposit #12548 (for the swimming pool) to a money market account (This was approved by Mayor Karla Davis & done on Aug. 24<sup>th</sup> so the City would not lose 3 months of interest (over \$300.00). Otherwise this would have rolled over into another one year CD.).**
- 2. To accept the donation of \$285.00 from James Birchem (Heritage House) for the Kimball Days fireworks.**
- 3. To accept the donation of \$250.00 from Eleanor McGowan for the Fire Dept. Equipment Van.**

**Motion passed (Edwards was absent).**

**Addendums to the agenda: swimming pool funds, Chris Jansky and Mickey Fischer items to address.**

**Police Chief Todd Rohloff presented the monthly reports for Kimball and Fairhaven Township and reported on the renewal of the Policing Contract with Fairhaven Township. Mayor Davis questioned dangerous dogs and four wheelers.**

**Motion Fischer/Orbeck to approve the renewal of the "Contract for Police Services" with Fairhaven Township for a two year term with the first year contract running from Sept. 5, 2006 to Sept. 7, 2007 for an hourly rate of \$38.38 with an estimated total yearly payment of \$29,936.40 and the second year contract running from Sept. 7, 2007 to Sept. 7, 2008 for an hourly rate of \$39.14 with an estimated total yearly payment of \$30,535.13. Motion passed (Edwards was absent).**

**Chad Johnson reported on the four force main air release valves. He presented quotes for replacement of these valves for an approx. cost of \$6,000.00. He will obtain another quote.**

**Motion Fischer/Edwards to approve the lowest quote for the pumping and repair of air release valves not to exceed \$6,000.00 (\$4,000.00 for repairs and \$2,000.00 for pumping). Motion passed.**

**Chad Johnson requested that David Mackereth (temporary employee) be allowed to do some lawn mowing as they are busy with the street project. He was instructed to call Mayor Davis for approval when needed.**

**He also commented on the irrigation fields and crop changes for renter Janski Farms and if they would rent the center field.**

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SEPT. 5, 2006**

**Councilmember Fischer informed the Council of rusty water they flushed from the hydrant by A. M. Maus & Son. Chad Johnson commented on the filter recharge problem at the water plant. Mayor Davis suggested that the City make use of the firemen to exercise the hydrants to make sure they all work for fire protection. Chad Johnson felt that this would create more of a problem with the water. Mayor Davis suggested that Chad place a notice in the Tri-County News about rusty water during the street project and also contact SEH, Inc. to place this notice in their news letter.**

**Chris Jeppesen reported on the Highway Commercial Zoning for the downtown area. Mayor Davis stated that she had spoken to the League of Minnesota Cities and samples could be obtained from them for this ordinance amendment.**

**DuWayne Orbeck reported that Chris Jeppesen had spoken to him about not receiving the documentation from the City Attorney for the 20 foot front yard setback in Scheeler Addition. Chris then requested that she be allowed to draft this documentation and have it recorded with the County. She was instructed to draft this documentation and e-mail it to the City Attorney for approval.**

**Maynard Klever of SEH, Inc. and the Project Representative for the Street project presented a resolution on the rail road easement on Linden Ave.**

**Motion Orbeck/Edwards to pass the following resolution:**

**RESOLUTION 090506B**

- 1. To authorize the purchase of Roadway and Utility Easements from Soo Line/Canadian Pacific Railroad in the amount of \$1.10 per square foot. The estimated easement is 9,537 sq. ft. for an estimated cost of \$10,491.00.**
- 2. Authorize City Attorney Rhonda Pagel to prepare easement documents and review railroad documents.**

**Those voting in favor thereof: DuWayne Orbeck, Steve Edwards, Karla Davis and Chris Jansky; those voting against: Mickey Fischer; those absent or abstaining: None. Motion passed.**

**The easements for the street project was discussed. Mayor Davis will be contacting the individuals who have not signed and turned in their easements.**

**PAGE 4  
SEPT. 5, 2006**

**Councilmember Orbeck addressed the swimming pool donation. Clerk Treasurer Dianne Robinson informed the Council that she had forwarded all the information on this donation to City Attorney Rhonda Pagel. Mayor Davis will be in contact with Attorney Pagel on this.**

**Mayor Davis called for a Park Committee meeting on Monday, May 11, 2006 at 7:00 p.m. at City Hall.**

**Chris Jansky commented on the communication he received from Chris Jeppesen in regard to his second water meter for irrigation that it was installed incorrectly and that he would need to correct this. He had no problem with correcting it, but since the Public Works Department had inspected it when the plumber installed it, he did not feel that he should have to pay the cost to re-install it. Subtracting the outside water used from the inside reading was addressed. The Council decided to leave the meter the way it was for now and Mayor Davis would speak to Chris Jeppesen.**

**Mickey Fischer confronted a Councilmember about a filing for City Council issue.**

**Mayor Davis informed the Council that she would be the opening speaker for the Lions Club dinner at Powder Ridge. The dinner will cost \$17.50 each. She requested that their dinners be paid for by the City if the Lions do not pick up the cost of their dinner. She will also be doing a proclamation for the Lions.**

**Mayor Davis will be speaking to Shannon Sweeney, Financial Consultant about the time schedule for the street project bonding.**

**Mayor Davis will be speaking to the Labor Negotiator about the Public Works Position being appealed by AFSCME.**

**Councilmember Fischer stated that he wants to abolish the union and will be making a motion to do so at the next meeting.**

**Shannon and Shirley Dahl came before the Council for their support if they requested a conditional use permit to allow storage sheds on property parcel #60.34307.000/001 which is next to Greely Edition Addition. He would like to construct six units which would go up to the St. John's Lutheran Church property line on the south side. This property is zoned residential. Mayor Davis and Councilmember Fischer said they would not support this and they would not want storage sheds in their back yard. The Dahl's commented on Heritage Park Addition being next to highway commercial which may end up having storage sheds next to homes. He was asked to come to the next meeting with a drawing of his plans and where he proposes to place the storage sheds. Councilmember Jansky said he would give it some thought, but wants to see the drawings.**

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**SEPT. 5, 2006**

**What portion of the six acres would be used for storage sheds?**

**Motion Fischer/Edwards to adjourn at 8:36 p.m. Motion passed. (Mayor Davis was absent having left meeting at 8:25 p.m.).**

**Dianne H. Robinson**  
**Clerk Treasurer.**

**PAGE 1  
SEPT. 18, 2006**

**Meeting was called to order by Acting Mayor Steve Edwards at 7:00 p.m.**

**Councilmembers present: Steve Edwards DuWayne Orbeck and Mickey Fischer.**

**Councilmembers absent: Karla Davis and Chris Jansky.**

**Others present: Chris Jeppesen, Jim Schulz, Jean Matua, Shannon Sweeney, Sandy Steinmetz, John Thulen, Tom Zipoy, Kurt Knaus, Tom Ehlinger and Matt Knaus.**

**Motion Fischer/Orbeck to approve the Sept. 4, 2006 regular Council minutes and the Sept. 13, 2006 special Council minutes as presented. Motion passed (Davis and Jansky absent).**

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

- 1. To disconnect all delinquent city utilities.**
- 2. to approve the “On Sale Intox. Liquor License” application for Triple RRR Grill & Bar for Dec. 1, 2006 to Jan. 1, 2007 (one month license fee to be \$208.34).**
- 3. To approve Dianne Robinson’s vacation request for Sept. 22, 2006.**
- 4. To approve the “Snow Dumping Contract” with Steve and Mary Ann Edwards for Nov. 1, 2006 – May 31, 2007 and the Mayor and Clerk signing an Affidavit of Official Interest by an interested official.**

**Those voting in favor thereof: DuWayne Orbeck and Mickey Fischer; those voting against: None; those abstaining: Steve Edwards; those absent: Karla Davis and Chris Jansky. Motion passed.**

**Steve Edwards reported on the personnel committee recommendation for Ed Borman’s six month employment review.**

**Motion Edwards/Orbeck to increase Ed Borman’s wages from \$12.25 per hour to \$13.25 per hour effective with the payroll starting date of Sept. 25, 2006. Motion passed (Davis and Jansky absent).**

**Jean Matua addressed televising City Council meetings now that Melrose Telephone Company has this capability. Jean is capable of setting this up for the city.**

**City Engineer Jim Schulz presented a letter to the City Council in regard to Scheeler Addition – Certificate of Occupancy (SEH No. A-KIMBA0504.00 14.00) which stated: “Per Randy Sabart’s memo of September 7, 2006, I would in general recommend waiting to issue Certificates of Occupancy for homes in the development until the lift station is operational.**

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**However, it is my understanding that there would be no increase in wastewater flows to the lift station if a Certificate of Occupancy were issued for the Scheeler property, as the occupants already occupy a property in the development and would merely be relocating within the development. If the developer agrees to complete the lift station prior to the issuance of additional Certificates of Occupancy per the developer's agreement, in my opinion there is no engineering reason the City could not issue a Certificate of Occupancy for the Scheeler property.**

**The developer is making progress toward completion of the project, and it is anticipated the materials to complete the lift station will be on site within a couple weeks. Upon final acceptance of the project, I will make a recommendation to the City to accept the public improvements”.**

**Upon the recommendation of the City Engineer, the Zoning Administrator will proceed with issuing a Certificate of Occupancy for Alice Scheeler at 888 Poplar Dr. SE in Scheeler Addition and no other Certificates of Occupancy until approve by the engineer and Council.**

**Jim Schulz also reported on the time line for the proposed assessment hearings/publication/mailings.**

**Acting Mayor Steve Edwards called to order the Hearing for the Variance from parking regulations and the Conditional Use Permit to allow the permitted use of a drinking establishment in a highway commercial district for Son of a Butcher Bar & Grill, LLC at 51 Main St. S.**

**Motion Fischer/Orbeck to allow Son of a Butcher Bar & Grill, LLC to operate a drinking establishment in a highway commercial district and to vary from the parking requirements. Motion passed (Davis and Jansky absent).**

**Motion Fischer/Orbeck to donate the 1974 Chevy van (VIN CPY354V314503) to the City of St. Augusta for their Fire/Rescue Department. Motion passed (Davis and Jansky absent).**

**Motion Orbeck/Fischer to allow the Fire/Rescue Department to purchase a Stabilization System Tool (TeleCrib) at the approximate cost of \$3,300.00. Motion passed (Davis and Jansky absent).**

**The Council approved the Clerk Treasurer's request to research purchasing or renting a different copier for the City office.**

**Financial Consultant, Shannon Sweeney presented recommendations regarding project financing for the 2006 Improvement Project for the reconstruction portions of Magnus Johnson Street and Linden Avenue and associated utilities.**

The new G. O. Bond would be a 20 year bond of \$1,605,000.00 being repaid from special assessments, water and sewer funds and tax levy.

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

**RESOLUTION PROVIDING FOR  
THE COMPETITIVE NEGOTIATED SALE OF  
\$1,605,000 GENERAL OBLIGATION IMPROVEMENT  
BONDS, SERIES 2006A**

A. WHEREAS, the City Council of the City of Kimball, Minnesota (the "City"), has heretofore determined that it is necessary and expedient to issue the City's \$1,605,000 General Obligation Improvement Bonds, Series 2006A (the "Bonds"), to finance the construction of public improvements within the Magnus Johnson Street and Linden Avenue areas of the City; and

B. WHEREAS, the City has retained David Drown Associates, Inc., in Minneapolis, Minnesota ("David Drown"), as its independent financial advisor for the Bonds and is therefore authorized to sell the Bonds by a competitive negotiated sale in accordance with Minnesota Statutes, Section 475.60, Subdivision 2(9):

NOW, THEREFORE, BE IT RESOLVED BY THE City Council of the City of Kimball, Minnesota, as follows:

1. Authorization. The Council hereby authorizes David Drown to solicit bids for the competitive negotiated sale of the Bonds.

2. Meeting; Bid Opening. The Council shall meet at the time and place specified in the Terms of Offering attached hereto as Exhibit A for the purpose of considering sealed bids for, and awarding the sale of, the Bonds. The City Administrator-Clerk, or designee, shall open bids at the time and place specified in such Terms of Offering.

3. Terms of Offering. The terms and conditions of the Bonds and the negotiation thereof are fully set forth in the "Terms of Offering" attached hereto as Exhibit A and hereby approved and made a part hereof.

4. Official Statement. In connection with said competitive negotiated sale, the officers or employees of the City are hereby authorized to cooperate with David Drown and participate in the preparation of an official statement for the Bonds and to execute and deliver it on behalf of the City upon its completion.

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SEPT. 18, 2006**

**The motion for the adoption of the foregoing resolution was duly seconded by Councilmember Mickey Fischer and, after full discussion thereof and upon a vote being taken thereon, the following Councilmembers voted in favor thereof: DuWayne Orbeck, Mickey Fischer and Steve Edwards; those voting against: None; those abstaining: None; those absent: Karla Davis and Chris Jansky.**

**Whereupon said resolution was declared duly passed and adopted.**

**Approved this 18<sup>th</sup> day of September, 2006.**

**Bids will be accepted and opened on Oct. 2, 2006 at 11:00 a.m. and awarded at the Oct. 2, 2006 meeting and closing on the Bond sale will be Oct. 17<sup>th</sup>.**

**Councilmember Orbeck addressed the fire hydrant valve at the intersecting streets of Spruce Ave. E. and Magnus Johnson Street and when the valve was replaced.**

**Motion Fischer/Orbeck to approve the claims for September as presented. Motion passed (Davis and Jansky absent).**

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

**To amend Chapter Eight – Public Utilities, Section 800 Water Services, 800.09 Connections.**

**800.09 Connections. Any connection with any water main, tapping of water mains, or insertion of curb box and curb stop, shall be made under the supervision of the City's Public Works Department. The cost of repairing, replacing and extending all existing plumbing which is done by the City shall be done as follows:**

- From the water main to the curb box and stop; including the curb box and stop: shall be the City's cost.**
- From the curb box to the building; including the water meter shall be the property owner's (consumer's) cost.**

**Councilmember Fischer seconded the foregoing resolution. Those voting in favor thereof: Steve Edwards, Mickey Fischer and DuWayne Orbeck; those voting against: None; those abstaining: None; those absent: Karla Davis and Chris Jansky.**

**Motion passed and adopted.**

**Councilmember Steve Edwards turned in his resignation from the City Council effective Sept. 19, 2006 as he is moving out of the City Corporate limits.**

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**SEPT. 18, 2006**

**Councilmember Mickey Fischer thanked Steve Edwards for his service to the community.**

**Motion Orbeck/Fischer to adjourn at 8:30 p.m. Motion passed (Davis and Jansky absent).**

**Dianne H. Robinson**  
**Clerk Treasurer**

**PAGE 1**  
**SEPT. 13, 2006**

**Special meeting to review the 2007 General Fund Budget was called to order at 7:00 p.m. by Mayor Karla Davis.**

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

**Councilmembers absent were: Chis Jansky.**

**Line items of the agenda were reviewed. The proposed certified tax levy for 2006 for taxes collectable in 2007 is \$235356.00.**

**Motion Orbeck/Fischer to Adjourn at 9:00 p.m. Motion passed (Jansky was absent).**

**Dianne H. Robinson**  
**Clerk Treasurer**

**PAGE 1  
OCT. 2, 2006**

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

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

**Councilmembers absent: None.**

**Others present: Shannon Sweeney, Chad Johnson, Tammy Konz, Todd Rohloff, Shannon Dahl, Cliff Dahl, Shirley Dahl, Sandy Steinmetz, Darrel Wills, Shirley Wills and Jim Schulz.**

**Motion Fischer/Jansky to approve the minutes of the Sept. 18, 2006 meeting with a correction to page 1, paragraph 2. Motion passed.**

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

- 1. To transfer \$15,019.25 from the \$475,000.00 Temporary Bond Fund #351 to the Sewer checking to reimburse this fund for legal, engineering, appraisal and administration fees paid to date on the eminent domain proceedings (information in packet).**
- 2. To approve the application Form Number 9011 – Certificate of a New “On Sale Intoxicating Liquor License” for son of a Butcher Bar & Grill, LLC at 51 Main St. S. for Oct. 27, 2006 – Jan. 1, 2007.**

**Motion passed.**

**Department Reports:**

**Police Chief Todd Rohloff presented the monthly reports for Kimball and Fairhaven Township. Councilmember Fischer addressed the mileage on the police car and that the Council should keep in mind replacement of this vehicle.**

**Chad Johnson presented his report on the Public Works Department. He reported on the project and how “as built” mapping is not correct as to the location of shut off valves at the intersection of Highway 55 and Magnus Johnson St. N.**

**Motion Orbeck/Jansky to have Chad Johnson attend the “Winterizing Your Water System” class at the Kelly Inn in St. Cloud on Oct. 25<sup>th</sup> and to pay the fee of \$75.00. Motion passed.**

**He also reported that he received a notice from MN/Dot that they plan to mill off and resurface Highway 15 next summer.**

**PAGE 2  
OCT. 2, 2006**

**Chad Johnson will obtain more quotes for the replacement of broken curb stops.**

**Mayor Davis mentioned that Donn Driver of Emergency Management would like to have the prioritize matrix for the avian flu forms into the Clerk Treasurer by Oct. 6<sup>th</sup>.**

**OPEN FORUM:**

**Shannon Dahl presented the Council with his plans for storage sheds and open storage on his property located on the corner of Elm St. N. and 135<sup>th</sup> St. which he plans to locate on the west 3 acres of this 20 acre parcel. He would have the open storage area fenced in. Since this is a residential parcel of property, he would like to have the Councils approval to proceed with a Conditional Use Permit.**

**Councilmember Jansky addressed a buffer zone if in the future, homes were to be built on the east portion of this lot.**

**He was told to meet with the Zoning Administrator to start the process.**

**Darrel & Shirley Wills questioned the location of their water shut off on Magnus Johnson St. and when the trench would be open for work they plan to have Hendricks Sand and Gravel do for them. Chad Johnson stated that he would speak to Lonnie Hendricks in the morning for them.**

**Mayor Davis announced that the next order of business was consideration of the proposals which had been received for the purchase of the City's \$1,605,000.00 General Obligation Improvement Bonds, Series 2006A.**

**The City Administrator-Clerk-Treasurer presented a tabulation of the proposals that had been received in the manner specified in the Terms of Offering for the Bonds. The proposals were Cronin and Company with a Net Interest Rate of 4.4460% and Northland Securities with a Net Interest Rate of 4.5172%.**

**After due consideration of the proposals, Councilmember DuWayne Orbeck introduced the following resolution, and moved for its adoption:**

**RESOLUTION NO. 100206**

**A RESOLUTION AWARDDING THE SALE OF \$1,605,000 GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2006A TO CRONIN AND COMPANY, FIXING THEIR FORM AND SPECIFICATIONS; DIRECTING THEIR EXECUTION AND DELIVERY; AND PROVIDING FOR THEIR PAYMENT.**

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OCT. 2, 2006

(the complete resolution is on file in the City Office).

The foregoing resolution was seconded by Councilmember Mickey Fischer. Those voting in favor thereof: DuWayne Orbeck, Mickey Fischer, Karla Davis and Chris Jansky; those voting against, absent or abstaining: None. Motion passed.

City Engineer Jim Schulz present the proposed assessment role of \$508,672.74 for the street/utility project and commented on the water run off pond that was in the project plans and the area not being feasible.

Councilmember Mickey Fischer introduced the following resolution and moved for its adoption:

#### RESOLUTION FOR HEARING ON PROPOSED ASSESSMENT

WHEREAS, by a resolution passed the Council on Feb. 21, 2006, the City Clerk Treasurer was directed to prepare a proposed assessment of the cost of improving Magnus Johnson Street from TH 15 to Linden Avenue and Linden Avenue from Elm Street to TH 55 by street reconstruction, storm sewer construction, sanitary sewer construction, water main construction, sidewalk construction,

AND WHEREAS, the Clerk Treasurer has notified the council that such proposed assessment has been completed and filed in her office for public inspection,

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

1. A hearing shall be held on October 23, 2006 in the City Hall at 7:00 p.m. to pass upon such proposed assessment and at such time and place all persons owning property affected by such improvement will be given an opportunity to be heard with reference to such assessment.
2. The City clerk is hereby directed to cause a notice of the hearing on the proposed assessment to be published once in the official newspaper at least two weeks prior to the hearing, and she shall state in the notice the total cost of the improvement. She shall also cause mailed notice to be given to the owner of each parcel described in the assessment roll not less than two weeks prior to the hearings.
3. The owner of any property so assessed may, at any time prior to certification of the assessment to the county auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the City Clerk Treasurer, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of the assessment. The owner may at any time thereafter, pay to the County the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such

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**OCT. 2, 2006**

**payment must be made before November 15 or interest will be charged through December 31 of the succeeding year.**

**The foregoing resolution was seconded by Councilmember DuWayne Orbeck. Those voting in favor thereof: Mickey Fischer, DuWayne Orbeck, Chris Jansky and Karla Davis; those voting against, absent or abstaining: None.**

**Adopted by the Council this second day of October, 2006.**

**Mayor Karla Davis called for a special City Council meeting on Monday, Oct 9, 2006 at 6:30 p.m. for an informational meeting on the street/utility project on Magnus Johnson St./Linden Ave.**

**Mayor Davis gave a report on the Scheeler Park project and the cost for a gazebo. Councilmember Orbeck had quotes from Menard's for pre-cut gazebo's that estimated at \$11,691.00. He had a quote from Theisen Lumber for just material at \$2,867.99.**

**Motion Fischer/Jansky to award the quote for material to Theisen Lumber for \$2,867.99. Motion passed.**

**Motion Fischer/Jansky to purchase hotdogs/pop/supplies from Gohmann's Food for the Lions Club and other workers who will be constructing the gazebo on Saturday, Oct. 7, 2006. Motion passed.**

**Mayor Davis brought up a request from the Kimball Historical Group to forgive the hall rent of \$100.00 per year which is charged to them as a non-profit. It was noted that the Friends of the Library are paid up to October, 2007.**

**Motion Orbeck/Davis to waive the hall rent for all non-profit users. Those voting in favor thereof: DuWayne Orbeck and Karla Davis; those voting against: Mickey Fischer and Chris Jansky; those absent or abstaining: None. Motion failed.**

**Hall rent issue was tabled to the Oct. 16<sup>th</sup> meeting.**

**Councilmember Orbeck reported that Bargain Buys had chairs for \$1,600.00. He will look into a quote for the next meeting.**

**The Clerk Treasurer was instructed to put a notice in the Tri-County News for those residents interested in the vacant council seat which expires Dec. 31, 2008. The Council will address the vacancy at the Oct. 16<sup>th</sup> meeting.**

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**OCT. 2, 2006**

**Motion Orbeck/Jansky to adjourn at 8:10 p.m. Motion passed.**

**Dianne Robinson**  
**Clerk Treasurer**

**PAGE 1**  
**OCT. 9, 2006**

**Mayor Karla Davis called to order a special informational meeting regarding the 2006 Street Reconstruction Project at 6:30 p.m. The purpose of the meeting was to provide project information and answer questions from the public regarding the current construction project.**

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

**Others present: Crystal & Sam Rossman, David & Ruth Johnson, Lurene Lunde, Arlene & Darwin Deurmeyer, Darrel & Shirley Wills, Mark Priester, Mary Cavanaugh, Jodi Orbeck, Kyle Albrect, Cindy Steward, Jackie Fossen, William Thell and Maynard Klever.**

**Items addressed were: Corner lots, front footage, storm sewer, sidewalk replacement where sidewalk was removed only, removal of bushes and trees on city right of way on the corner of Magnus Johnson St. S. and Linden Ave. E., property lines and property surveys, description of property for assessments are obtained from County records according to recordings, report on tarring and curb/gutter progress, how extra project cost will be applied, water which was tested at David and Ruth Johnson's house on the corner of Magnus Johnson St. S. and Linden Ave. E. by John Grothe of the Minnesota Department of Health and no problems were found, review of project news letter which was sent to all property owners about a week ago, sodding of lawn areas instead of seeding, size of driveway aprons, no payment of easements, copies of assessment worksheet available at the City Clerk's office and Minnesota State Statute, 429 laws were addressed.**

**Motion Orbeck/Fischer to adjourn at 7:25 p.m.**

**Dianne H. Robinson**  
**Clerk Treasurer**

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OCT. 16, 2006  
SPECIAL MEETING, 5:30 P.M.**

**A special meeting was called to order by Mayor Karla Davis to meet with the City Engineers and City Attorney to discuss the City's assessment ordinance in reference to corner lots, the increase in project cost namely the storm sewer portion and other issues related to the assessments and the street/utility project.**

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

**Councilmembers absent: None.**

**Others present: Rhonda Pagel, Randy Sabart and Jim Schultz.**

**City Engineer Jim Schultz reviewed the assessment ordinance which the City of Kimball has for corner lots and change order questions (increase was included in the bid plans as soft costs).**

**The Council addressed the method used for determining the special assessments.**

**The benefit to the Sterling property on the drainage issue was discussed, curb and gutter being part of the storm sewer system, drainage benefit to other properties and project benefit to corner lots, unknown connects found on Linden Ave and notifications being sent, assessments being in the form of a policy instead of an ordinance and branch connections.**

**Motion Jansky/Fischer to adjourn at 6:59 p.m.**

**Dianne H. Robinson  
Clerk Treasurer**

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**OCT. 16, 2006**

**A regular City Council meeting was called to order on Oct. 16, 2006 at 7:00 p.m. by Mayor Karla Davis.**

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

**Others present: Sandy Steinmetz, Mary Johnson, Carol Newman, Tammy Konz, Cliff Dahl, Shirley Dahl, Shannon Dahl, Bobbi Lindemann, Scott Lindemann and Rhonda Pagel.**

**Motion Orbeck/Fischer to approve the Aug. 2<sup>nd</sup> and 9<sup>th</sup> meeting minutes as presented. Motion passed.**

**Motion Fischer/Jansky to approve the claims for October as presented. Motion passed.**

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

- 1. To disconnect all delinquent City Utilities.**
- 2. To accept the donation of \$1,000.00 from Land 0 Lakes Oil for the Fire Equipment Van Fund.**
- 3. To approve the operating transfer of \$10,000.00 from the Fire Dept. Money Market Account to their Checking Account.**
- 4. To certify the following delinquent City Utilities to the County Auditor Treasurer for collection with the real estate taxes: David J. & Melissa Mackereth \$749.37 and Jeffrey W. & Betty Iverson \$70.31.**
- 5. To transfer \$18,063.00 in Fire State Aid from the general checking to the Fire Relief Assoc. Money Market.**
- 6. Call for a Special City Council meeting on Nov. 13<sup>th</sup> at 7:00 p.m. to canvass the local election results.**

**Quotes were presented for a new copier.**

**Motion Davis/Jansky to purchase a demo copier from Chader Business Equipment for \$2,900.00. Motion passed.**

**Mayor Davis called to order the public hearing for the Conditional Use Permit and Rezoning for Shannon Dahl's request to allow commercial use of open storage on a parcel of property zoned for residential use.**

**City Attorney Rhonda Pagel informed the Council that this would require an amendment to the zoning ordinance (which would require a hearing and publication). A minor sub-division would also be required.**

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**OCT. 16, 2006**

**After much discussion, the City Council decided that further research was needed, keeping in mind the 60 day rule which can be extended.**

**Mayor Davis closed the hearing.**

**Motion Jansky/Fischer to table the Condition Use Permit/Rezoning request made by Shannon Dahl until further information can be obtained. Motion passed.**

**Mary Johnson and Carol Newman for the Kimball Area Historical Society reported on the grant progress time line for the replacement of the windows on the south side of City Hall. They also requested that the City waive the annual rental fee for their use of City Hall. Use by all non-profits was discussed.**

**Motion Jansky/Davis that the Kimball Area Historical Society satisfies the rental fee by their actions of restoration. Motion Passed.**

**Chris Jeppesen presented information on wood boilers and antennas. Attorney Pagel stated that if wood boilers were not addressed in the City Ordinance, it is not a permitted use. Antenna's fall under some federal regulations.**

**Motion Davis/Fischer to have the City Attorney review the regulations on antennas. Motion passed.**

**A letter was presented from MN/Dot on the snow removal on State Highways. It was requested that Chad Johnson of Public Works handle this agreement.**

**The Council seat vacancy was discussed. Crystal Rossman was the only resident to respond to the notice published in the Tri-County News to fill this vacancy. Scott Lindemann also stated that he may be interested. Matter was tabled to the next meeting.**

**City Attorney Rhonda Pagel explained that the \$25,000.00 donation made by Elizabeth West for a swimming pool was a designated donation and is different from gambling fund donations which the Council decides the use.**

**Motion Jansky/Fischer to return the \$25,000.00 to the heirs of Elizabeth West according the terms of in the letter which was received from the attorney for the heirs. Motion passed.**

**Motion Davis/Jansky to use \$10,000.00 of interest which the swimming pool fund earned over the last ten years for matching funds for the historical grant for the replacement of**

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**OCT. 16, 2006**

**City hall windows with the balance to go to the Park Fund Money Market in Elizabeth West's memory. Motion passed.**

**Quotes were presented for the replacement of curb stops.**

**Motion Fischer/Jansky to award the quote for the replacement of curb stops to Hendricks Sand & Gravel for \$900.00. Motion passed.**

**Motion Jansky/Orbeck to approve a resolution allowing the Kimball Fire Relief Association to conduct lawful gambling at Son of a Butcher Bar & Grill at 51 Main St. S. Motion passed.**

**Motion Jansky/Orbeck to adjourn at 8:20 p.m. Motion passed.**

**Dianne H. Robinson**  
**Clerk Treasurer**

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OCT. 23, 2006**

**Meeting was called to order by Mayor Karla Davis.**

**Councilmembers present: Karla Davis, DuWayne Orbeck, Mickey Fischer, Chris Jansky.**

**Councilmembers absent: None.**

**Councilmember Karla Davis introduced the following resolution and moved for its adoption:**

**RESOLUTION 102306**

**To amend the front definition for a corner lot on this special assessment to be 100% of the short side of the lot.**

**Motion was seconded by Councilmember Mickey Fischer.**

**Those voting in favor thereof: Karla Davis, DuWayne Orbeck, Chris Jansky and Mickey Fischer; those voting against, absent or abstaining: None. Motion passed.**

**\*\*\*\*\***

**Councilmember Karla Davis introduced the following resolution and moved for its adoption:**

**RESOLUTION 102306A**

**To direct City Attorney Rhonda Pagel to draft a new Assessment Policy and an amendment to City Ordinance Chapter 7. Assessments.**

**Motion was seconded by Councilmember Mickey Fischer.**

**Those voting in favor thereof: Karla Davis, DuWayne Orbeck, Chris Jansky and Mickey Fischer; those voting against, absent or abstaining: None. Motion passed.**

**City Attorney laid out the procedure for this hearing and requested that those who wish to speak sign in on the sheet provided and to state their name and address when it is their turn to speak and requested that the public not interrupt the speaker.**

**City Engineer Jim Schulz gave an over view of the project.**

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OCT. 23, 2006**

**Councilmember DuWayne Orbeck expressed his concern of how this project was special assessed. His understanding was that this was to be 25% of the entire project straight across the board for street, curb, gutter, water and sewer.**

**City Engineer Jim Schultz explained that he had followed the City's assessment policy when drafting the assessment roll.**

**Councilmember Chris Jansky agrees with Councilmember Orbeck about the 25% overall assessment and would like to see the roll changed.**

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

**RESOLUTION 102306B**

**To special assess 25% of the Magnus Johnson St/Linden Ave. Street/Utility Project of 2006 across the board for all items (streets, sanitary sewer main, water main, water service, sewer service, sidewalk and storm sewer) with the balance being picked up by the tax levy.**

**Motion was seconded by Councilmember Chris Jansky.**

**Those voting in favor thereof: DuWayne Orbeck, Chris Jansky, Mickey Fischer and Karla Davis; those voting against, absent or abstaining: None. Motion passed.**

**Mayor Davis called to order the Public Hearing for the Special Assessment for the Magnus Johnson/Linden Ave. Street and Utility Project at 7:30 p.m.**

**Tom Zipoy, representing St. John's Lutheran Church at 14 Magnus Johnson St. N. addressed the frontage figure and requested that it be changed from 204.50 to 193 feet to match their survey. City Engineer Jim Schultz agreed with this change.**

**Motion Jansky/Fischer to change the front footage for St. John's Lutheran Church to 193 feet. Motion passed.**

**Jose & April Zamora, 40 Oak St. S. addressed be assessed for their water main which was discovered to be on Linden Ave. E. instead of Oak Street and being sent a corrected assessment notice, temporary water hook up and having no water.**

**Dwight Vinar, 250 & 254 Magnus Johnson St. N. addressed his front footage, grant money for project, snow plowing and special assessment time line.**

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OCT. 23, 2006**

**City Attorney Rhonda Pagel stated that once the City Council adopts the final assessment roll, it is final.**

**Charles and Kathryn Miles, 70 Magnus Johnson St. N. questioned the figures given by the Council at the project hearing, obtaining grants for City projects and receiving information on project.**

**Lurene Lunde, 100 Magnus Johnson St. N. commented on communications, assessment percentage, applying for a grant to help with the cost of the special assessments, senior citizen deferment, rail road easement purchase and consistency from Council to Council.**

**Brian Kuechle, 340 Linden Ave. E. addressed the branch connections which were installed in Willow Creek Ridge, how they were inspected by the City and that they were not allowed according to City Ordinance and now the home owners are paying to have them separated. He also questioned why he has to pay for this separation when the home owner next to him does not. He stated that he can live with this, it was just a point he wanted to make.**

**Greg Pusc, 120 Cherry St. S. questioned why he had to pay for the full length of his lot for sanitary sewer when it is not running to the end of his lot which is 150 feet. The value of the benefit and service was discussed. He also addressed the water run-off to his shed area. This would be a matter for Kuechle Underground.**

**Motion Jansky/Orbeck to assess Greg Pusc, 120 Cherry St. S. for only 75 feet of the sanitary sewer. Motion passed.**

**Charles and Marilyn Sterling 220 Highway 55 E. thanked the Council for changing the definition of the corner lot and the overall 25% assessment. They questioned why they were originally assessed on the highway side when this does not abut City property, storm water run off, City obtaining grants, water and sewer rate increases and pour cement for curb/gutter this time of year.**

**City Attorney Rhonda Pagel commented on that Cities need to qualify for grants and cost of applying for grants.**

**Clerk Treasurer Robinson commented on the grants that the City has already received.**

**Mary Spaulding, 80 Magnus Johnson St. N. questioned the project completion, when sodding would be done, purchase of railroad property and allow people to speak during hearing if they raise their hand.**

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**OCT. 23, 2006**

**Glen Winter, leases a portion of the rail road property and is in the process of purchasing this property requested that since this most likely is not a buildable lot, that only one water/sewer hook up be brought to this lot.**

**Motion Fischer/Jansky to put only one water/sewer hook up to this lot if two has not already been stubbed in. Motion passed.**

**Kathy Johnson, 57 Magnus Johnson St. N. , expressed her idea of how to do this project, temporary water hook up testing (these were tested for bacteria before being hooked up), public notification, publication of council minutes, construction time line, replacement of private lines (this would be a liability to the City per City Attorney), plugged up sewer line and grants.**

**Mark Karvonen, 120 Magnus Johnson St. N. commented on his flower bed which is partly in the City right of way and replacement of flower bulbs and rock retaining wall. He needs 6-8 inches of black dirt. The City engineer commented that the water shut off was in the middle of this flower bed.**

**Kyle and Anna Albrecht, 71 Magnus Johnson St. N. questioned why there was no sidewalk included with this project, replacement of water service to their house and what type of pipe they have underground for their water service (City engineer will furnish this information).**

**Crystal Rossman, 31 Magnus Johnson St. N. commented on the repayment of the project with special assessments, taxes and user fees.**

**Karl Swaisgood, 41 Magnus Johnson St. N. expressed his concern over the roots being cut on his walnut trees for the installation of his service. City will have someone take a look at this.**

**Mayor Davis closed the public hearing at 10:05 p.m.**

**Mayor Davis called for a special meeting on Monday, Oct. 30, 2006 at 5:30 p.m. to review and approve the final assessment roll.**

**Motion Orbeck/Jansky to adjourn at 10:15 p.m. Motion passed.**

**Dianne H. Robinson**  
**Clerk Treasurer**

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OCT. 30, 2006**

**Mayor Davis called to order a special council meeting to review the final assessment roll for the 2006 Street Improvement Project for Magnus Johnson St. and Linden Ave.**

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

**Councilmembers present: None.**

**Others present: Karl Swaisgood, Kathy Miles, Dwight Vinar, Sandy Steinmetz, Lurene Berscheid, Todd Fossen and Jackie Fossen.**

**Mayor Davis informed those present of the revised figure in the final assessment roll for their property.**

**Councilmember Mickey Fischer introduced the following resolution and moved for its adoption:**

**RESOLUTION 103006**

**RESOLUTION ADOPTING ASSESSMENT**

**Whereas, pursuant to two weeks published and mailed notice, a hearing was held on October 23, 2006, by the City Council at the City Hall at 7:00 P.M. regarding the proposed 2006 Street Improvement Project – Magnus Johnson Street and Linden Avenue assessment;**

**Whereas, the Council heard and passed upon all objections to the proposed assessment;**

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KIMBALL;**

**1. The proposed assessment, a copy of which is attached hereto and made a part hereof, is hereby adopted and shall constitute a special assessment against the lands named therein; and each tract of land included therein is hereby found to be benefited by the improvement in the amount of the assessment levied against it.**

**2. The assessment shall be payable in equal annual installments extending over a period of 20 years. The first of the installments shall be payable on or before the first Monday in January, 2007, and shall bear interest at the rate of 6.0 percent per annum from November 1, 2006. To the first installment shall be added interest for the entire assessment from the 1<sup>st</sup> day of November, 2006, until December 31,**

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**OCT. 30, 2006**

**2007. To each subsequent installment when due shall be added interest for one year on all unpaid installments.**

**3. The owner of any property so assessed any, at any time prior to certification of the assessment or the first installment thereof to the County Auditor, pay the whole of the assessment for such property, with interest accrued to the date of payment, to the City Clerk, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of this resolution; and the owner may, at any time prior to November 15 of any year prepay to the City Clerk the whole assessment remaining due with interest accrued to December 31 of the year in which the prepayment is made. Prepayment must be made before November 15 or interest will be charged through December 31 of the next succeeding year.**

**4. The City Clerk shall forthwith transmit a certified duplicate of the assessment roll to the County Auditor to be extended on the property tax lists of the County. The assessments and interest thereon shall be collected and paid over in the same manner as other City taxes.**

**The foregoing resolution was duly seconded by Councilmember Chris Jansky, and upon being put to vote the following voted in favor thereof: DuWayne Orbeck, Chris Jansky, Mickey Fischer and Karla Davis; and the following voted against the same: None.**

**WHEREUPON, the resolution was declared duly passed and adopted.**

**Bonding questions, payment of assessments, communication on project, driveway aprons and tarring of the streets were addressed.**

**Motion Jansky/Fischer to adjourn at 5:45 p.m. Motion passed.**

**Dianne H. Robinson**  
**Clerk Treasurer**

**PAGE 1**  
**NOV. 6, 2006**

**Meeting was called to Order by Mayor Karla Davis at 7:p.m.**

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

**Councilmembers absent: None.**

**Others present: Darby Curtis, Scott Lindemann, Karl Swaisgood, Crystal Rossman, Sandy Steinmetz, Joe Krippner, Cassy Petty, Jason Petty, Tammy Konz, Chad Johnson, Willa Springfield, Teresa Lehman, Lurene Lunde, Jim Schulz, Jean Matua, Mark Priester, Karla Lindemann, Chad Johnson and Steve Edwards.**

**Motion Fischer/Jansky to approve the minutes of the Oct. 16<sup>th</sup> special meeting, Oct 16<sup>th</sup> regular meeting, Oct. 23<sup>rd</sup> special meeting and the Oct. 30<sup>th</sup> regular meeting with a correction to page 2 (last paragraph) of the Oct. 16<sup>th</sup> regular meeting. Motion passed.**

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

- 1. To approve the renewal of the following licenses for 2007:**
  - J B Off Sale Liquor, Inc. – Off Sale Intoxicating Liquor License.**
  - Ten Door Express, Inc. – Off Sale and On Sale Intoxicating Liquor License.**
  - Playland Ballroom LLC – On Sale Intoxicating Liquor License.**
  - Kimball Express Town Team – On Sale Non-Intoxicating Liquor License.**
  - Kimball American Legion Post 261 – Club On Sale Intox. Liquor and Special Sunday On Sale Liquor License.**
  - Son of a Butchers Bar & Grill = On Sale Intoxicating Liquor License.**
  - Kimball Aqua Lanes, Inc. – On Sale Non-Intoxicating Liquor License.**
  - Schmidty's Conoco, Inc. – Cigarettes/Tobacco/Papers & Wrappers License.**
  - Gohmann's Foods - Cigarettes/Tobacco/Papers & Wrappers License.**
  - A. M. Maus & Son – Cigarettes/Tobacco/Papers & Wrappers License.**
  - Ten Door Express, Inc. – Cigarettes/Tobacco/Papers & Wrappers License.**
  - Kimball American Legion Post 261 - Cigarettes/Tobacco/Papers & Wrappers License.**
  - J B Off Sale Liquor, Inc - Cigarettes/Tobacco/Papers & Wrappers License.**
  - Kimball Aqua Lanes, Inc. – Operate 5 Games of Skill.**
  - Ten Door Express, Inc. – Operate 3 Games of Skill.**
  - Kimball American Legion Post 261 - Operate 4 Games of Skill.**
  - Stanley's Family Restaurant – Operate 1 Game of Skill.**
  - Son of a Butchers Bar & Grill – Operate 4 Games of Skill.**
  - Playland Ballroom – Set Up Permit.**
  - Kimball Aqua Lanes – Set Up Permit.**

2. **Son of a Butchers Bar & Grill – 4 Games of Skill to Dec. 31, 2006.**
3. **To approve a resolution to allow the Kimball Fire Relief Assoc. to conduct lawful gambling at Triple RRR Grill & Bar, 37 Maus Drive.**
4. **To approve Dianne Robinson’s vacation request for Jan. 4 – 11, 2007.**
5. **To approve Pay Request #1 and #2 for Kuechle Underground, Inc. for the Street Improvement Project in the amount of \$682,090.53 and authorize the Clerk Treasurer to sign the pay request approval.**
6. **To approve the Pay Request for S.E.H., Inc. for the Street Improvement Project engineering in the amount of \$46,828.41.**
7. **To approve the Pay Request for Young, Brown and Pagel for the Street Improvement Project legal in the amount of \$716.00.**
8. **Market Value Credit Aid in the amount of \$9,950.59 was deposited into the City General checking account by an ACH transfer from the State of Minnesota. \$6,069.95 remains in the general checking for tax revenue. Motion to approve the following transfers from the general checking to the following funds per the 2006 budget:**
  - **Capital Outlay Money Market \$1,791.11.**
  - **1998 Bond Money Market \$796.05.**
  - **2006 Bond Money Market \$1,293.58.**
9. **To approve the appointment of Conway Dueth & Schmiesing for the 2006-year end audit work.**
10. **To approve the following 2007 Council meeting date changes due to holidays and to publish and post changes:**
  - **Jan. 1 –2 (New Years Day)**
  - **Jan. 15 – 16 (Martin Luther King Day)**
  - **Feb. 19 – 20 (Presidents Day)**
  - **Sept. 3 – 4 (Labor Day)**
11. **To approve Todd Rohloff’s vacation request for Nov. 8 & 9.**

**Motion passed.**

**Chad Johnson of Public Works reported on the crushed sewer service line for 11 Spruce Ave. E. in the street area before the City main line, which he had televised. New owners Cassy and Jason Petty believe line was crushed before property was purchased from Steve Edwards. Mayor Davis commented that the City Ordinance is unclear as to who’s responsible for the replacement of this line, but believes it is a City problem.**

**The only quote received was from Kuechle Underground, Inc. for \$2,570.00.**

**PAGE 3**  
**NOV. 6, 2006**

**Motion Jansky/Fischer to approve the replacement by Kuechle Underground, Inc. of this service line from the property right of way at 11 Spruce Ave. E. to the City main line at the cost of \$2,570.00 and if there is any replacement to be done on the owners property, that cost will have to be paid by the owner. Motion passed.**

**Mayor Davis stated that she is working with the Minnesota Pollution Control Agency to revise the City Sewer Use Ordinance.**

**Motion Fischer/Orbeck to purchase a snow bucket from Arnold's of Kimball, Inc. for \$850.00. Motion passed.**

**Mayor Davis reported on the water main break in Scheeler Addition and that KEEK Developers would be responsible for the repairs.**

**Addendums to the Agenda: Mickey Fischer has items.**

#### **OPEN FORUM**

**Karl Swaisgood addressed the issue of the tree root damage done to his walnut trees during the Street Improvement Project and requested that if anything happens to these trees in the next two years, the City would guarantee their replacement. City Engineer Jim Schulz reported that he would be getting quotes from Rainbow Tree to do an inspection of the roots and will let Mr. Swaisgood know when this would be done and the City would need to have a report back from them before a guarantee could be given.**

**Darby Curtis question why the City had not made an offer to purchase the Scheeler property before starting eminent domain proceedings and payment of previous back rent payment to the Scheeler's and what the legal fees would cost the City.**

**Mayor Davis stated that she had documentation at her home and would provide that documentation to Mr. Curtis and also to Joe Krippner explaining letter from Scheeler's attorney.**

**Mark Priester of 45 Magnus Johnson St. N. informed the Council that Kuechle Underground, Inc. pull out his gas line and water meter on Oct. 1<sup>st</sup> during the Street Construction Project and he used not water that month and he would not be paying the billing he received from the City for that month.**

**PAGE 4  
NOV. 6, 2006**

**He would also like to see the rise between his driveway and Karl Swaisgood's driveway removed. City Engineer Jim Schulz will take a look at the driveway apron.**

**Willa Springfield would like to see the rise between the driveway owned by Katherine Johnson and Kyle Albrecht removed. City Engineer Jim Schulz explained that this was on the City right of way and not on Katherine Johnson's property and Kyle Albrecht wishes to see the rise remain.**

**Councilmember Jansky stated, "if the rise is on the property line per the City Engineer, leave it, if not move it and have property owner Katherine Johnson present".**

**Crystal Rossman questioned if the curb stop in front of her home ever needs to be dug up (it is in the five foot easement), who would pay the cost. Mayor Davis informed her that the City pays the cost of the replacement of curb stops.**

**Teresa Lehman addressed the Council in regard to the rusty water at her residence since the Street Construction Project and showed them the laundry, which she had ruined and that she attempted to remove the rust with iron out, and Oxyclean.**

**Mayor Davis told her she would give her \$100.00 for the damaged clothing and the City would keep the clothing. Ms. Lehman stated she would agree to that but wanted to keep one item of clothing. Mayor Davis stated that she would then only give her \$40.00 for the clothing. Ms. Lehman's mother Willa Springfield then approached the Council and stated that she could get the rust out of clothing if the City would pay her for her time and materials.**

**Mayor Davis told Ms. Lehman to return to the next meeting with receipts for the price of the clothing.**

**It was noted that there will be a special council meeting on Nov. 13 to canvass the City election results and the council seat vacancy will be addressed at that time.**

**Chad Johnson of Public Works requested that the city draft a waiver for Tom Ehlinger to sign so he could remove dead trees on the east side of 83<sup>rd</sup> Ave. by Tom Ehlinger's property. He was informed that this was on Maine Prairie Township's right of way and he would need to speak to the Township.**

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**NOV. 6, 2006**

**Clerk Treasurer Dianne Robinson informed the Council that On Sale Intoxicating Liquor Licenses are \$3,000.00 per year according to the last ordinance amendment, not \$2,500.00.**

**Motion Jansky/Fischer to adjourn at 8:07 p.m. Motion passed.**

**Dianne H. Robinson**  
**Clerk Treasurer**

PAGE 1  
NOV. 13, 2006

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

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

Councilmembers absent: None.

Others present: Jean Matua, Joe Krippner, Eric Loewen, Mary Johnson, Marilyn Sterling, Crystal Rossman, Lurene Lunde, Sandy Steinmetz and Tammy Konz.

Councilmember Mickey Fischer introduced the following resolution and moved for its adoption:

**RESOLUTION 111306A**

To accept the following election results as follows:

Mayor:

Karla K. Davis	83
*Tammy Konz	190
Write In	6
Over Votes	0
Under Votes	<u>10</u>
Total Votes	289

Councilmember (vote for two)

Eric Loewen	73
Lurene K. Bercheid Lunde	49
*Joseph Krippner	89
*DuWayne Orbeck	90
Shelly Olson	36
Mandy Bowen	19
Scott Lindemann	72
Crystal Rossman	33
Mickey Fischer	71
Write In	2
Over Votes	2
Under Votes	<u>42</u>
Total Votes	578

PAGE 2  
NOV. 13, 2006

**City of Kimball Question 1 – Shall the City Council be allowed to issue on-sale licenses to restaurants, clubs, bowling centers, and hotels for the sale of intoxicating liquor at retail on Sundays?**

<b>*YES</b>	<b>165</b>
<b>NO</b>	<b>109</b>
<b>Over Votes</b>	<b>0</b>
<b>Under Votes</b>	<b><u>15</u></b>
<b>Total Votes</b>	<b>289</b>

**Councilmember Chris Jansky seconded the foregoing resolution. Those voting in favor thereof: Mickey Fischer, Chris Jansky, DuWayne Orbeck and Karla Davis; those voting against, absent or abstaining: None. Motion passed.**

**Councilmember Chris Jansky introduced the following resolution and moved for its adoption:**

**RESOLUTION 111306B**

**To instruct the City Clerk/Treasurer and the City Attorney to draft the amendment to the City Ordinance to include Sunday Liquor and set the licensing fee at \$200.00 annually.**

**Councilmember Mickey Fischer seconded the foregoing resolution. Those voting in favor thereof: Chris Jansky, Mickey Fischer, DuWayne Orbeck and Karla Davis; those voting against, absent or abstaining: None. Motion passed.**

**Motion Orbeck/Jansky to appoint Eric Loewen to the vacant council seat expiring Dec. 31, 2008 effective immediately. Motion passed.**

**Clerk Treasurer Dianne Robinson administered the Oath of Office for Eric Loewen.**

**Motion Jansky/Fischer to leave the rise in the curb for the driveway apron at Katherine Johnson and Kyle Albrect's and to remove the rise in the curb between Mark Priester and Karl Swaisgood's property. Motion passed.**

**Councilmember Fischer stated that he wants the Union Contract settled before the end of the year. Mayor Davis will speak to City labor negotiator Ann Antonson.**

**Motion Fischer/Jansky to adjourn. Motion passed.**

**Dianne H. Robinson  
Clerk Treasurer**

**PAGE 1**  
**NOV. 20, 2006**

**Mayor Karla Davis called the meeting to order at 7:00 p.m.**

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

**Councilmembers absent: Chris Jansky.**

**Others present: Jim Schulz, Tammy Konz, Joe Krippner, Sandy Steinmetz, Todd Rohloff, Shannon Dahl, Cliff Dahl, Shirley Dahl, Chris Jeppesen, Scott Lindemann and Tom Ehlinger.**

**Motion Orbeck/Fischer to approve the minutes of the Nov. 7<sup>th</sup> and 13<sup>th</sup> meetings as presented. Motion passed (Jansky absent).**

**Motion Fischer/Davis to approve the claims as present and to set aside the claim for Chader Business Equipment and change Kuechle Underground, Inc. claim to \$2,570.00. Motion passed (Jansky absent).**

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

- 1. To disconnect all delinquent City Utilities.**
- 2. To approve a Sanitary Sewer Modification (SSM) or Extension (SSE) Permit for the following and authorize the City Clerk Treasurer, Public Works Director and the City Engineer to draft these permits, pay permit fee and submit to MPCA according to directive received from them: Triple RRR Grill & Bar, Dale's Rapid Lube and A.M. Maus & Son.**
- 3. To accept the donation of \$50.00 from Robert Conley's and \$600.00 from Western Stearns County Chapter of Thrivent Financial for Lutherans for the Fire Equipment Fund.**

**Motion passed (Jansky absent).**

**Police Chief Todd Rohloff presented the monthly reports for Kimball and Fairhaven Township.**

**Councilmember DuWayne Orbeck and Mayor Elect for 2007, Tammy Konz plan to attend the System Planning & Management Training for community plan and management of water and sewer infrastructure.**

**Motion Fischer/Loewen to have DuWayne Orbeck Attend the System Planning & Management Training on Jan. 9, 2007 in Mora. Motion passed (Jansky absent).**

**PAGE 2  
NOV. 20, 2006**

**Mayor Davis called to order the Continuation Hearing at 7:15 p.m. for Shannon Dahl's Conditional Use Permit and Rezoning request to allow commercial use of open storage on a parcel of property zoned residential use which was original heard on Oct. 16<sup>th</sup>.**

**Scott Lindemann addressed the Council and referred to Section 1015 – Conditional Use Permits, 1015.01 Criteria for Granting Conditional Use Permits (2) The use will be sufficiently compatible with, or sufficiently separated by distance or screening from, adjacent residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.**

**Mr. Lindemann stated that by allowing this conditional use, it would be opening up all other residential areas for this type of use, and a storage facility close to his property would lower his property value. He would fight this issue in court if he has to.**

**Items discussed were the expansion of the commercial areas and re-zoning of the Dahl property.**

**Sandy Steinmetz addressed her own property which is north of the fire hall which is zoned residential along Elm St. N.**

**Motion Fischer/Loewen to deny the Conditional Use Permit/Rezoning application made by Shannon Dahl. Those voting in favor thereof: Karla Davis, Mickey Fischer and Eric Loewen; those voting against: Orbeck; those absent: Jansky; those abstaining: None. Motion passed.**

**Shannon Dahl stated that he would not have invested time and money into this Conditional Use Permit/Rezoning request if he would not have had the Councils approval to proceed. He requested that he be reimbursed the \$150.00 fee plus the cost of purchasing the mailing labels from the County.**

**Councilmember Fischer stated that he had not supported this request from the beginning.**

**Chris Jeppesen informed the Council of a situation with the Kimball Days Parade in which the Schriener's claim that they were invited to be in the parade and to be paid a fee for their attendance. Chris stated that she had not included them in the parade line-up. She requested that the City pay the Schriener's \$500.00 for being in the parade and she will raise funds next year. Clerk Treasurer Dianne Robinson stated that she would need to check to see if this is a legal expenditure.**

**PAGE 3  
NOV. 20, 2006**

**Motion Orbeck/Fischer to return to Shannon Dahl the \$150.00 Conditional Use Permit/Rezoning fee and the cost for purchasing the labels. Motion passed (Jansky absent).**

**City Engineer Jim Schulz reported on the condition of the black walnut trees at the Karl Swaisgood property due to the street project and to wait on any guarantee until spring.**

**Mr. Schulz also reported on the lift stations in Heritage Park and Scheeler Addition.**

**Motion Orbeck/Davis to approve issuing certificates of occupancy for Scheeler Addition and Heritage Park according to the letter presented by City Engineer Jim Schulz. Motion passed (Jansky absent).**

**Mr. Schulz reported on the following items on the street project: driveways aprons, sidewalks, back filling along curbs and driveways and railroad easements.**

**Scott Lindemann requested that mail boxes be re-installed on Linden Ave. E.**

**Motion Fischer/Orbeck to allow the fire department to spend \$25,000.00 of the Equipment Donation Fund money for a new fill station. Motion passed (Jansky absent).**

**Motion Orbeck/Loewen to sell the old fill station for \$2,000.00. Motion passed (Jansky absent).**

**Tom Ehlinger reported on the Dec. 13<sup>th</sup> fire dept. event for fire contract entities and Councilmembers and spouses and also requested that No Parking signs be posted on Linden Ave E. from Main Street to Highway 55 due to the street being only 24 feet wide.**

**The Council recommended that the Public Works Department post No Parking signs on the south side of Linden Ave. E. from Main Street to Highway 55.**

**Mayor Davis commented on the Historical Grant award for the replacement of the windows on the north side of city hall.**

**Clerk Treasurer Dianne Robinson reported on the 5 year Stearns County Highway Construction meeting on Nov. 29<sup>th</sup> at 7:00 p.m. that she plans on attending.**

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**NOV. 20, 2006**

**A letter was presented to the Council from Willa Springfield and a hand written Power of Attorney that was not notarized in reference to property she does not own. No Council action taken.**

**Mickey Fischer and DuWayne Orbeck reported on the condition of the alley between Hazel Ave. E. and Linden Ave. E.**

**Clerk Treasurer Dianne Robinson reported that the new copier the City purchased from Chader Business Equipment which was sold as a demo turned out to be a used 2002 copier with over 200,000 copies on the machine. She was instructed to look into a new copier with Chader Business Equipment.**

**Motion Fischer/Orbeck to adjourn at 8:15 p.m. Motion passed (Jansky absent).**

**Dianne H. Robinson**  
**Clerk Treasurer**

**PAGE 1**  
**DEC. 4, 2006**

**Meeting was called to order at 7:00 p.m.**

**Councilmembers present: Chris Jansky, DuWayne Orbeck, Mickey Fischer and Eric Loewen.**

**Councilmembers absent: Karla Davis.**

**Others present: Todd Rohloff, Joe Krippner, Amy Baker, Bill Liedman and Scouts, Chad Johnson, Tammy Konz, Tom Crouch, Shannon Dahl, Shirley Dahl, Rich Jansky, Pat Arnold, Sandy Steinmetz and Dan Konz.**

**Motion Jansky/Loewen to appoint Councilmember DuWayne Orbeck to serve as Mayor Pro Tem in the Mayor's absence. Those voting in favor thereof: Jansky, Loewen and Fischer; those abstaining: Orbeck; those absent: Davis. Motion Passed.**

**Motion Jansky/Fischer to approve the Nov. 20, 2006 minutes as presented. Motion passed (Davis absent).**

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

- 1. To approve the revised Aug. 1, 2007 – Aug. 1, 2008 Fire/Rescue Department budget (Equipment Replacement Fund recommended decrease from \$20,000.00 to \$10,000.00 due to Fairhaven Township and St. Augusta contract date change).**
- 2. To approve the revised Aug. 1, 2008 – Aug. 1, 2009 Fire/Rescue Department budget (Equipment Replacement Fund recommended decrease from \$20,000.00 to \$15,000.00 due to Fairhaven Township and St. Augusta contract change).**
- 3. To approve the change to St. Augusta's Emergency Service Contract, Page 3, item 6 Term, to expire Dec. 31, 2007.**
- 4. To approve the change to Fairhaven Township's Emergency Service Contract, page 3, item 6 Term, to expire July 31, 2007.**
- 5. To approve payment No. 3 in the amount of \$339,543.89 to Kuechle Underground, Inc. for the 2006 Magnus Johnson/Linden Ave. Construction Project and to authorize the Clerk Treasurer to sign the payment application request.**
- 6. To approve the request for a Dance Permit on March 9, 2007 from 8:00 p.m. to midnight for the Firemen's Auxiliary at Playland Ballroom, 531 State Highway 55 E.**
- 7. To accept the following donations to the Fire Equipment Van Fund: Anonymous \$100.00, Midwest Cover-All \$250.00, Gary Abbott \$50.00, Charles Hansen's \$10.00, Mayala/Lang \$150.00, Charles Kuechle's \$50.00, Shaw/Maus \$20.00, Darrel Wills' \$100.00, Duane Fischer's \$300.00, L.E. Hinz \$100.00, John Donnay's \$100.00, James McGowan's \$300.00, John Krippner (John's Body Shop) \$50.00, Kenneth Anderson's \$25.00, John Messelt's \$100.00, Howard Oxendale \$25.00, McDonnell/Thering \$100.00, Derek Becker \$100.00 and Brian Becker's \$100.00.**

**PAGE 2**  
**DEC. 4, 2006**

**Motion passed (Davis absent).**

**Addendums to the agenda were noted**

**OPEN FORUM: John Lester requested a six month performance review for his position as police officer. This will be placed on the Dec. 18<sup>th</sup> council agenda after he meets with the personnel committee (which is Karla Davis).**

**Todd Rohloff presented the monthly police reports for Kimball and Fairhaven Township and answered questions on the policing contract with Fairhaven Township.**

**Chad Johnson present quotes for a truck bed liner and spring suspension repair kit and reported on the break line repair on the snow plow. It was noted that Ed Borman now has his B license for plowing snow.**

**Motion Jansky/Loewen to have J-Craft install the Timbren Suspension Kit in the 1992 public works truck. Motion passed (Davis absent).**

**Councilmember DuWayne Orbeck requested that sidewalks on Cherry Street and Oak Street South at the intersection of Linden Ave. E. not be shoveled this winter due to the sidewalks not being completed in this area and requested that Chad Johnson speak to Kuechle Underground and barricade this area.**

**The Truth in Taxation Hearing was called to order at 7:15 p.m.**

**It was announced that the subsequent hearing for the adoption of the 2007 tax levy and budget will be at 7:15 p.m. on Dec. 11.**

**Hearing was closed.**

**Richard Janski made a request to renew the lease on the City irrigation property for 50.00 per acre and to change payment date to April and November.**

**Councilmember Loewen commented on the amount of the rent for his father's property (not irrigated) next to the irrigation property being higher than \$50.00. Janski commented that the city property was not true irrigation.**

**Motion Fischer/Loewen to renew the irrigation land lease with Janski farm for 2007 at the rate of \$50.00 per acre with one half of the payment due April 1, 2007 and the second half due Nov. 1, 2007 with a renewable option. Those voting in favor thereof: Fischer, Loewen and Orbeck; those abstaining: Jansky; those absent: Davis. Motion passed.**

**PAGE 3  
DEC. 4, 2006**

**Pat Arnold of the Kimball Express Baseball Team meet with the Council in regard to the baseball park upgrades. The concession stand is the next phase, with proposed restrooms. Completion is scheduled by Kimball Days. He was instructed to coordinate the building permit with the Zoning Administrator.**

**Chad Johnson will be checking with Terri Roth of MPCA to see if a Sanitary Sewer Main Extension/Modification Permit is required.**

**Tom Crouch made a request for snow plowing of Elm Street North in Heritage Park prior to the City accepting the public improvements according to the Development Agreement.**

**Motion Jansky/Fischer pursuant to the Subdivision Development Agreement between the City of Kimball and TNC, Inc. & Eliason Enterprises, Inc. for Heritage Park of Kimball, Item 20, Acceptance of Public Improvements, 20.3, the City of Kimball elects to plow snow on Elm St. North from 135<sup>th</sup> Street to Grand Ave. and going east on Grand Ave. to the lift station. This does not construe acceptance of the streets. Such an election shall be subject to a separate written agreement. The Developer shall have the streets prepared for snow plowing by ramping manholes to avoid damage to plows and vehicles. Damage to equipment or vehicles caused by improper or incomplete ramping shall be paid by the Developer. Motion passed (Davis absent).**

**Motion Jansky/Loewen to approve Shannon Dahl's request that he also be reimbursed for mileage and parking associated with his conditional use permit/rezoning application. Motion passed (Davis absent).**

**Motion Jansky/Loewen to approve Todd Rohloff's vacation request as long as police department is covered during his absence. Motion passed (Davis absent).**

**Councilmember Fischer requested that the Public Works Department store the lumber for the Scheeler Park gazebo indoors for the winter.**

**Tammy Konz of the Park Committee informed the Council that it never was the intention of the Kimball Lions Club to build the gazebo. They had only agreed to set the posts. Dan Konz is the President of the Kimball Lions Club and was present. Miscommunication was discussed.**

**The construction of the gazebo will be discussed at a later council meeting in 2007.**

**Motion Fischer/Jansky to adjourn at 8:15 p.m. Motion passed (Davis absent).**

**Dianne H. Robinson, Clerk Treasurer**

**PAGE 1  
DEC. 11, 2006**

**Mayor Davis called the meeting to order at 7:15 p.m.**

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

**Councilmembers absent: Eric Loewen.**

**Others present: Joe Krippner, Tammy Konz and Dan Konz.**

**The Truth In Taxation Subsequent Hearing was called to order at 7:15 p.m.**

**Councilmember Fischer introduced the following resolution and moved for its adoption:**

**RESOLUTION 121106**

**RESOLUTION ADOPTING THE FINAL 2006 TAX LEVY AND BUDGET COLLECTIBLE IN 2007**

**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 2007, upon taxable property in the City of Kimball, and to approve the 2007 budget for the following purpose:**

**Total levy \$ 235,356.00**

**The City Clerk Treasurer is hereby instructed to transmit a certified copy of this resolution to the County Auditor of Stearns County, Minnesota.**

**Councilmember Orbeck seconded the resolution and the following voted in favor thereof: Fischer, Orbeck, Jansky and Davis; those absent: Loewen. Motion passed.**

**Fischer/Davis to appoint Chris Jansky to the personnel committee. Motion passed (Loewen absent).**

**Mayor Davis announced that she would be meeting with Labor Negotiator Ann Antonson on Dec. 18<sup>th</sup> from 5:30 p.m. – 6:30 p.m. and the personnel committee at 6:45 p.m.**

**Motion Orbeck/Jansky to adjourn at 7:22 p.m. Motion passed (Loewen absent)**

**Dianne H. Robinson, Clerk Treasurer**

**PAGE 1**  
**DEC. 18, 2006**

**Meeting was called to order by Mayor Karla Davis on Dec. 18, 2006 at 7:00 p.m.**

**Councilmembers present: Karla Davis, DuWayne Orbeck, Chris Jansky, Mickey Fischer and Eric Loewen.**

**Councilmembers absent: None.**

**Others present: Anna Albrecht, Marilyn Sterling, Tammy Konz, Joe Krippner, John Lester, Sandy Steinmetz, Jim Schulz and Neil Hilary.**

**Motion Loewen/Orbeck to approve the minutes of the Dec. 4<sup>th</sup> and 11<sup>th</sup> meetings as presented. Motion passed.**

**Councilmember Eric Loewen reported that he had contacted MPCA about the use allowed for the irrigation field crops and the corn can be used for ethanol. This is something the Council can take a look at next year.**

**Motion Orbeck/Jansky to approve the claims for December as presented. Motion passed.**

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

- 1. To disconnect all delinquent City utilities.**
- 2. To approve the renewal of Triple RRR Grill & Bar, Inc. Intoxicating Liquor License for Jan. 1, 2007 – Dec. 31, 2007 at 37 Maus Drive.**
- 3. To accept the gambling fund donation of \$500.00 from the Kimball Firemen's Relief Association for the Kimball Days Car Show.**
- 4. To accept the gambling fund donation of \$850.00 from the Firemen's Relief Association for the baseball field construction.**
- 5. To accept the gambling fund donation of \$16,000.00 from the Firemen's Relief Association for the Fire Equipment Van Money Market Fund.**
- 6. To transfer of \$963.00 from general checking to the Reserve #1 Money Market per the 2005 audit for the KEEK Dev. special assessment.**
- 7. To approve the transfer of \$18,071.00 from the general checking to the 1998 Bond Money Market per the 2005 audit for market value credit.**
- 8. To transfer \$3,879.00 from the general fund (per budget) to the Reserve #1 Money Market to reimburse for the Fire Department tanker purchase.**
- 9. To transfer \$6,000.00 from the water checking and \$3,000.00 from the sewer checking to the 2005 G.O. Hazel Ave. Bond Money Market for their share of the bond payment.**
- 10. To transfer \$35,000.00 from the Fire Contract Money Market Account to the Fire Department Checking Account for operating expenses.**

**11. To approve the Dec. 6, 2006 Fire Department Election of Officers as follows:**

**Chief, Tom Ehlinger  
First Assistant Chief, Bill Thell  
Second Assistant Chief, Dave Traurig  
Captains, Aaron Knaus, Jim young and Dave Geislinger  
Safety Officers, John Gohmann and Cindy Stelten  
Secretary, Ed Maus  
Engineer, Bob Erickson**

**12. To accept the following donations to the Fire Department Equipment Van Fund:  
Playland Ballroom \$250.00, Carl Hoffman's \$100.00, Robert Bloch's \$100.00, Bruce  
Fredrickson's \$15.00, Peter Sand \$30.00, Harlen Freund's \$30.00, Ronald Imholte's  
\$10.00, Orland Kreitlow \$300.00, Mary Kay Shir \$25.00 and George Fox \$10.00.**

**Motion passed.**

**Anna Albrecht of 71 Magnus Johnson St. N. addressed the damage done to their vehicle when her husband hit an unmarked manhole in the construction zone. Kuechle Underground, project contractor, picked up the cost for the repair of the damaged oil pan. Now they are having a problem with the transmission fluid leaking. She stated that Kuechle Underground would be willing to pay \$150.00 towards the repair which will cost \$2,500.00 to \$3,500.00. Albrecht are willing to pay half the cost. Mayor Davis and Councilmember Jansky feel this not the City's responsibility. City Engineer Jim Schulz explained that the contractor has insurance which indemnifies the City. The claim can go through the City but the contractor is still liable. He will contact Jerome Kuechle on this matter.**

**Marilynn Sterling of 220 Highway 55 E. addressed the Council in regard to sewage back-up in their basement and their yard restoration. They were instructed by Kuechle Underground to have Service Master clean their basement. Now they are being billed for the work as Kuechle's have not paid the claim. The City Engineer will be addressing the claim on this issue and will also be taking samples of the black dirt hauled in for the project restoration.**

**Mayor Davis suggested that the Sterling's contact the Minnesota Attorney General or hire their own attorney.**

**Neil Hilary requested that the sidewalk past his home on the south side of Linden Ave. East not be replaced during the project construction and be sodded instead. The City engineer discussed the sidewalk grade, stairs on the Cherry Street sidewalk that abuts this sidewalk and ADA requirements. No action taken to make any change to the project plans.**

**Snow removal on sidewalks by City employees was commented on.**

**PAGE 3  
DEC. 18, 2006**

**Mayor Davis and Councilmember Jansky of the personnel committee commented on Police Officer John Lester's six month employment anniversary review and recommended that his wages be increased from \$14.50 to \$16.00 per hour.**

**Motion Davis/Fischer to approve a wage increase for Police Officer John Lester from \$14.50 per hour to \$16.00 per hour effective with his six month anniversary date of Nov. 22, 2006. Motion passed.**

**Mayor Davis commented that the wage scale needs to be adjusted and the Pay Equity needs to be addressed and Ann Antonson would be willing to do this. Since there was no quoted price for this service, it will be left to the new council in 2007.**

**The NPDES Permit, Discharge Monitoring Report Letter received from MPCA was reviewed. Mayor Davis will discuss the issues with Chad Johnson and Paul Hoeschen.**

**City Engineer Jim Schulz presented a letter on behalf of the Heritage Park Addition which stated as follows: Streets and utilities have been completed according to the construction documents. We recommend accepting the streets and utilities per the Developer's Agreement. The warranty for the city streets will begin on your acceptance of the streets and utilities. The warranty will expire one year form the date of acceptance.**

**Motion Orbeck/Fischer to accept the streets and utilities per the Developer's Agreement according to the letter presented by the City Engineer. Motion passed.**

**Motion Davis/Fischer to send a copy of the Small Cities grant denial to all residents on the Magnus Johnson/Linden Ave. street project. Motion passed.**

**Clerk Treasurer Dianne Robinson presented quotes for a new copier from Chader Business Machines. It was decided that quotes should be obtained from other business machine places and to be reviewed at the next meeting.**

**Councilmember Mickey Fischer addressed the letter which he received from the American Federation of State County and Municipal Employee's Union in regards to a labor law violation. He informed the Council that he had obtained City letterhead and would be writing a letter to AFSCME, the State Mediator, Bureau of Mediation, etc.**

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**CITY OF KIMBALL  
ORDINANCE AMENDMENT**

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

**To amend Chapter Two, Administration, Section 215 Schedule of Fees, 215.02 Scope, 601.07, Sunday Sale Intox. Liquor License fee from \$300.00 to \$200.00.**

**Councilmember Chris Jansky seconded the foregoing resolution. Those voting in favor thereof: DuWayne Orbeck, Chris Jansky, Karla Davis, Mickey Fischer and Eric Loewen; those voting against, absent or abstaining: None.**

**Motion passed and adopted.**

**Motion Orbeck/Jansky to adjourn at 8:15 p.m. Motion passed.**

**Dianne H. Robinson, Clerk Treasurer**

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**Mayor Karla Davis called to order a special city council meeting to address the resignation of Todd Rohloff as Police Chief effective Jan. 31, 2006.**

**Councilmember present: Karla Davis, Chris Jansky and Mickey Fischer.**

**Councilmembers absent: DuWayne Orbeck and Eric Loewen.**

**Others present: Todd Rohloff, Joe Krippner, Tammy Konz, Rudy Zimmer, Ben Lutgen, Dave Geislinger, John Gannon, Tom Ehlinger, Jean Matua and Bill Thell.**

**Todd Rohloff explained that if the City promotes internally, the position does not need to be advertised and no psychological evaluation is required. Otherwise, the City needs to advertise the position and a psychological evaluation, physical and background check would be required.**

**Motion Fischer/Jansky to promote Police Officer Jim Frilstad to full time Police Chief with a one year probation with the pay rate being \$17.00 per hour effective Jan. 1, 2007. Motion passed (Orbeck and Loewen absent).**

**Todd Rohloff will stay on as Chief until Jan. 31, 2007 and then part time after that as needed. He will provide a progress report on Jim Frilstad at the end of January 2007.**

**Todd Rohloff made a request to receive his back pay from Jan. 1, 2006 according to union contract once the new contract is settled. Mayor Davis stated that this had already been taken care of at the labor negotiations meeting they just had and he would be receiving his back pay.**

**He also requested that the City look at a different medical insurance plan for the City employees instead of an HSA which has created record keeping problems for the employees.**

**Motion Fischer/Jansky to adjourn. Motion passed (Orbeck and Loewen were absent).**

**Dianne H. Robinson**