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JAN. 2, 2007**

Meeting was called to order by Mayor Tammy Konz.

Councilmembers present: Tammy Konz, DuWayne Orbeck, Chris Jansky, Eric Loewen and Joe Krippner.

Councilmembers absent: None.

Others present: Darrel Wills, Shirley Wills, Sandy Steinmetz, Jim Schulz, Chad Johnson, Jean Matua and Richard Janski.

Motion Loewen/Jansky to approve the Dec. 18th and Dec. 29th minutes as presented with a correction to page 3, paragraph one of the Dec. 18th minutes. Motion passed

Motion Jansky/Loewen to also state that they did not approve of how the meeting on Dec. 29th was called for and handled for Todd Rohloff's resignation, which is not effective until Jan. 31, 2007. Motion passed.

Motion to approve the following items on the consent agenda and to table items 3,4,5 and 6 for later discussion:

- 1. To approve the "Volunteer Fire Assistance" matching grant and authorize the Mayor and Clerk Treasurer to sign all three copies of the grant and submit to the DNR Fire Center.**
- 2. To approve the following donations: \$1,000.00 from Meeker Cooperative Electric Trust for the purchase of a cascade system and fill station for the Fire Department, \$370.00 from the Steve Gohman's in memory of Katie Gohman for the Fire Equipment fund, \$100.00 from the Richard Eckman's for the Fire Equipment fund and \$200.00 from the Darrell Magnuson Memorial for the Fire Equipment fund.**
- 7. To appoint the State Bank of Kimball, Atwater State Bank and United Bankers of Bloomington as the official depository for 2007.**
- 8. To approve the Sunday Liquor License application for Triple RRR Grill & Bar at 37 Maus Drive for 2007.**

Motion passed.

Councilmember Chris Jansky reported the Rep. Larry Hosch would not be present as he was having car trouble.

The ownership of the police K-9 (Viper) was discussed. He is only trained to work with Todd Rohloff. Police Chief Jim Frilstad commented that Stearns County and Meeker County also have K-9 units. The donation of the K-9 dog will be looked into and discussed at the Jan. 22nd meeting.

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Motion Orbeck/Loewen to have Chad Johnson make a written request of MPCA for a change to the NPDES permit for a crop change from corn to alfalfa for the 2008 crop season. Those voting in favor thereof: Tammy Konz, DuWayne Orbeck, Eric Loewen and Joe Krippner; those abstaining: Chris Jansky; those voting against or absent: None. Motion passed.

Bridge repair and maintenance work in Willow Creek Park was discussed. Mayor Konz will contact Bill Liedman and the Scout and DuWayne Orbeck will contact other volunteers to see if they would be willing to do volunteer work in the park. Chad Johnson will contact the Sentence to Service program now to line up a work crew for the spring.

Councilmember Loewen requested that Chad Johnson put together an action list of what needs to be done in the Park.

The \$1,000.00 donation made by the Legion Club for the repair of the lighting at the War Memorial in the park was addressed. Councilmember Loewen stated that the lighting should be repaired correctly and not just a temporary fix.

Mayor Konz requested that the Public Works Department hold off on purchasing supplies for the bridges until she has a chance to speak to Scouts and other organizations.

Motion Konz/Krippner to have Chad Johnson obtain quotes from licensed electricians to repair the lighting for the War Memorial in Willow Creek Park and bring the quotes to the Council for their review before a quote is awarded. Motion passed.

Clerk Treasurer Dianne Robinson will provide Mayor Konz with a contact number or e-mail address for Eric Altena of the DNR to see what assistance is available and to invite him to a Park Committee meeting.

The gazebo in Scheeler Park was addressed. The lumber has been stored for the winter and Councilmember Orbeck will see if he can locate plans for the gazebo.

Chad Johnson commented on the letter received from MPCA on the wastewater pond testing, which was done earlier than it should have been. He stated that the matter was all cleared up and an amendment to the report is ready to be sent to the MPCA. He also reported that he has not yet had a response on the Sanitary Sewer Main Extension and/or Modification permit requirement letter.

The Public Works Department was reminded to install the NO PARKING signs on Linden Ave. E. from Main St. to Highway 55.

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Mayor Konz will call Chader Business Equipment to resolve the issue of the used/demo copier.

The City Attorney will be instructed to review the City Liquor Licensing Ordinance and make recommendations to the Council for changes according to State Statute.

The deadline for being placed on the Council agenda will be published in the Tri-County News along with a notice that the OPEN FORUM portion of the meeting will be held at the end of the meeting.

Richard Janski submitted a claim for \$1,140.00 for the plowing of the center wastewater irrigation field. Motion Loewen/Krippner to pay this claim. Motion passed.

Mayor Konz signed the statement of proof required by the ASCS Office that Janski Farms was renting the wastewater irrigation field.

Councilmember Loewen commented that he had been in contact with MPCA and the corm form the wastewater irrigation field can be sold for ethanol.

Richard Janski requested a 5 year rental contract. This will be looked into by the Council.

Motion Jansky/Loewen to appoint Councilmember DuWayne Orbeck as the Acting Mayor for 2007 to serve in the Mayor's absence. Those voting in favor thereof: Chris Jansky, Eric Loewen, Tammy Konz and Joe Krippner; those abstaining: DuWayne Orbeck; those voting against or absent: None. Motion passed.

Motion Jansky/Orbeck to appoint Joe Krippner to serve on the Fire Board as the City Council representative. Those voting in favor thereof: Chris Jansky, DuWayne Orbeck, Tammy Konz and Eric Loewen; those abstaining: Joe Krippner; those voting against or absent: None. Motion passed.

Motion Orbeck/Loewen to appoint the Tri-County News as the official newspaper for City publications and notices. Motion passed.

Motion Jansky/Krippner to appoint the firm of Young Brown and Pagel as the legal counsel for the City according to the rates in their request. Motion passed.

Mayor Konz will speak with Attorney Tim Young about issues concerning legal service.

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Motion Jansky/Krippner to carry over the appointment from last year of Tammy Konz and Chris Jansky to the Park Committee. Motion passed.

Chris Jansky and DuWayne Orbeck plan to attend the Grant Writing seminar sponsored by the Initiative Foundation.

Joe Krippner and Eric Loewen plan to attend the Board of Review training.

The Council plans to have a booth in the Business Expo on March 24th.

Motion Jansky/Orbeck to renew the safety training contract for 2007 with Safety First and suggest to them that meeting location be rotated with the other cities that participate and have them review the rate of payment. Motion passed.

Motion Loewen/Krippner to change the Jan. 16, 2007 regular City Council meeting to Monday Jan. 22 at 7:00 p.m. Motion passed.

Motion Orbeck/Loewen to call for a Special City Council meeting at 6:30 p.m. on Jan. 22, 2007 to meet with the new Police Chief Jim Frilstad. Motion passed.

Police Chief Jim Frilstad presented the monthly reports and reported on software for the squad car lap top computer. Councilmember Krippner will help him with this.

Motion Orbeck/Jansky to accept the resignation of Todd Rohloff as a full time employee and police chief effective Jan. 31, 2007. Motion passed.

Motion Jansky/Krippner to hire Todd Rohloff as a part time employee with part time status and to determine the part time pay rate after he meets with the personnel committee effective Feb. 1, 2007. Motion passed.

Motion Jansky/Orbeck to adjourn at 9:25 p.m. Motion passed.

**Dianne H. Robinson
Clerk Treasurer**

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JAN. 22, 2007 –SPECIAL MEETING

A special City Council meeting was called to order at 6:30 p.m. by Mayor Tammy Konz.

Councilmembers present: Tammy Konz, DuWayne Orbeck, Chris Jansky, Eric Loewen and Joe Krippner.

Councilmembers absent: None.

Others present: Jim Frilstad, Todd Rohloff and Carol Newman.

The Council addressed City expectations with the new Police Chief Jim Frilstad. Chief Frilstad reported that he had met with the Fairhaven Township Board and there would be no changes as everything is going well.

Chief Frilstad requested and the Council agreed that he be allowed to take the older squad car home with him for faster response to call outs.

Brenda Orth of Stearns County will meet with Chief Frilstad to go over the County computer program.

Chief Frilstad reported on the \$7,575.00 grant received from Stearns County for the purchase of 3 new 800 MHz radios and his meeting with Granite Electronics. Money was also budgeted in 2005 to help pay for radios.

Motion Orbeck/Jansky to also purchase one mobile radio. Motion passed.

Motion Jansky/Loewen to advertise for a part time police officer. Motion passed.

The issue of the K-9 unit was discussed and Todd Rohloff will report back to the Council when he has more information.

Chief Frilstad reported on the new program for the squad car laptop.

Motion to adjourn at 7:00 p.m. Motion passed.

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JAN. 22, 2007**

Meeting was called to order at 7:00 p.m. by Mayor Tammy Konz.

Councilmembers present: Tammy Konz, DuWayne Orbeck, Chris Jansky, Eric Loewen and Joe Krippner.

Councilmembers absent: None.

Others present: Carol Newman, Darrel Wills, Shirley Wills, Jean Matua, Jim Schulz, Rep. Larry Hosch, Sandy Steinmetz, Jerry Albert, Vern Harris, Mike Cebulla, Cary Maus, Tom Ehlinger, Mona Almgren and Chad Almgren.

Motion Jansky/Orbeck to approve the Jan. 2, 2007 minutes as presented. Motion passed.

Motion Loewen/Jansky to approve the January claims as presented. Motion passed.

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

- 1. To disconnect all delinquent city utilities.**
- 2. To approve the renewal of the Work Comp. Policy for April 25, 2007 – April 25, 2008 and to include coverage for the elected officials as employees for the purpose of work comp., volunteers, Fire Board members and the Fire Relief Assoc. with no deductible and regular premium option.**
- 3. To accept the donation of \$10.00 to the Fire Equipment Fund from Charlotte Weigelt.**

Motion passed.

State Representative Larry Hosch presented a general overview of the legislative session, the Governor's budget which was just released, the budget surplus, Local Government Aid, state clarification of Administrative Fines, the 800 MHz radio system, this year is a budget year with next year being a bonding year and what the City would like to see over the next five months.

Councilmember Orbeck addressed MPCA issues, wastewater upgrades and grants.

Mayor Konz spoke about needs not only for the City, but also for the schools. This makes for a good City base. Put money in the classrooms.

Rep. Hosch commented that rebates will be talked about, but will not happen.

Councilmember Loewen asked if there would be any change to the eminent domain law. Rep. Hosch stated that there would be any changes to eminent domain, only Tax Increment Financing.

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Mike Cebulla of the Stearns County Assessor's Office spoke on the market value rate, setting the date for the local board of review in April and the Board of Review training. Inviting school board members to the board of review was discussed.

Cary Maus presented a handout for the Firemen's Relief Assoc. Retirement fund and requested an increase for the years of service.

Motion Orbeck/Jansky to approve an increase for the Firemen's Relief Assoc. retirement from \$750.00 to \$775.00 for each year of service effective Jan. 1, 2008. Motion passed.

Pastor Vern Harris and Elder Jerry Albert of the Kimball Church of Christ presented a request to allow the church to hook up to the City water service due to a proposed facility expansion and the need for water service for the sprinkler system.

City Engineer Jim Schulz gave an estimated cost of \$85.00 to \$110.00 per foot to extend water service from Elm St. N. to the Church of Christ, which is approx. 2,100 feet (\$200,000.00).

Items discussed were adding a fire hydrant by the church, looping of water main, in-lieu of assessment ordinance, church assuming the whole cost.

The City Council agreed to support the church in this effort and have the City engineer work with them and report back to the Council. A development agreement will need to be drafted with the church agreeing to pay for city cost.

Fire Chief Tom Ehlinger reported on the grant of \$27,775.00, which the fire department received from Stearns County for the 800 MHz radios.

Motion Orbeck/Loewen to proceed with the purchase of the radios. Motion passed.

Chief Ehlinger reported on the large scale Canadian Pacific Rail Road derailment exercise which will take place in Kimball behind the elevator sometime around September, the renewal of the mutual aid agreement with Dassel and other area departments, City of St. Augusta and Fairhaven Township contract terminations and FEMA funding.

Motion Loewen/Krippner to renew the Mutual Aid Agreement with Dassel. Motion passed.

Motion Jansky/Loewen to proceed with the same Mutual Aid Agreement with other departments in the area. Motion passed.

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Mona Almgren reported on cars driving into her yard on the corner of Linden Ave. E. and Magnus Johnson St. S. since the reconstruction of that corner with the street project. City Engineer Jim Schulz present before and after drawings of this corner. The right of way was discussed along with ideas on how to solve the problem. Jim Schulz requested time to study the issue and report back to the Council.

Carol Newman addressed the width of Linden Ave. E. east of Main St. Councilmember Orbeck stated that this had to be scaled back as the street previously was on rail road right of way.

Mayor Konz informed City Engineer Jim Schulz that she had requests from residents on Magnus Johnson Street that they wanted seeding and not sodding with the street project.

Tom Ehlinger reported that there is required NIMS training for all City Councilmembers, City Staff and Fire Department on Feb. 21 from 6-10 p.m. and April 11 & 18 from 6-10 p.m.

Mayor Konz reported on the copier issue and a new copier at the cost of \$5,200.00 purchased from Chader Business Equipment will be delivered next week.

Mayor Konz appointed Eric Loewen to the park committee. She has also spoken with the FHA and 4H about volunteering in the park. The Public Works Department has also contacted Sentence to Serve. The park committee will work on an all City Clean up Day to go with the House Hold Hazardous Clean-up Day.

Carol Newman addressed the Council in regard to the War Memorial lighting in Willow Creek Park and requested that she be allowed to do some research on lighting. The Council granted this request.

Mayor Konz reported on the letter, which the City received, from the Kimball American Legion and calls received in regard to the article in the St. Cloud Times on Jan. 10 for the new Triple RRR Grill and Bar. She reported on her conversation with the Times staff writer who wrote the article and Chris Jeppesen.

The Council would like to see a positive article in the St. Cloud Times about the City and suggests that it be on the front page. There should be no comment by City Staff to the St. Cloud Times or any other publications.

Councilmember Joe Krippner will be making some contacts in regard to a City Web site and report back to the Council.

Mayor Konz will do some checking on a flashing bulletin board.

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Mayor Konz called for a special Planning and Vision Session meeting on Feb. 5th at 6:30 p.m.

Other items of discussion: communications planning with Maine Prairie Township, city mapping, placing wood chips behind baseball fencing, open forum and gazebo in Scheeler Park.

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

Dianne Robinson
Clerk Treasurer

**PAGE 1
FEB. 4, 2007**

SPECIAL PLANNING/VISION MEETING.

**Meeting was called to order at 6:30 p.m. by Mayor Tammy Konz.
Councilmembers present: Tammy Konz, DuWayne Orbeck, Chris Jansky, Eric Loewen and Joe Krippner.
Councilmembers absent: None.**

Others present: Jean Matua, Jim Schulz, Jim Frilstad and Leanne Kunze.

**Mayor Konz asked each Councilmember to state what their goals were for the City.
Comments were as follows:**

- Councilmember Loewen - To set up a Planning Commission and Committee. Should be 4 or 5 members made up of a resident, business owner, councilmember, township member and church member.**
- Councilmember Orbeck - Wastewater Facility Expansion due to growth. The need for a Motel, Commercial growth and Industry.**
- Mayor Konz - Work on the negative attitude towards community. We (the Council) have to be the ones to make changes for the positive, even in the work place. City and School District working together for community. Starting a Web site and community bulletin board. Keeping the community informed. Follow through with the nuisance ordinance for community clean up (community tour).**
- Councilmember Krippner – If we get the planning commission formed, the rest will fall into place.**

Many good ideas were addressed and as goals were stated, Mayor Konz listed them on tag board as a visual reminder.

Motion Loewen/Orbeck to adjourn at 7:00 p.m. Motion passed.

**Dianne Robinson
Clerk Treasurer**

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FEB. 4, 2007

A regular city council meeting was called to order at 7:00 p.m. by Mayor Tammy Konz.

Councilmembers present: Tammy Konz, DuWayne Orbeck, Chris Jansky, Eric Loewen and Joe Krippner.

Councilmembers absent: None.

Others present: Jean Matua, Jim Schulz, Jim Frilstad, Leanne Kunze, Chad Johnson, Doug Knaus, Jim Frilstad and Todd Rohloff.

Motion Jansky/Krippner to approve the Jan. 22, 2007 special meeting minutes as presented. MP

Motion Loewen/Jansky to approve the Jan. 22, 2007 regular meeting minutes as presented. MP

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

- 1. To disconnect all delinquent city utilities.**
- 2. To accept the donation of \$300.00 from Hendrickson Heating, Inc. for the Fire Equipment Fund.**
- 3. To approve Ed Borman's vacation request as presented.**
- 4. To reimburse the cash surety of \$166,405.52 held by the City for Heritage Park Addition and to reimburse the developer \$31,300.00 from the SAC & WAC funds for over sizing costs according to the Development Agreement.**

MP

Addendums to the agenda: labor negotiations.

DEPARTMENT REPORTS:

Police Chief Jim Frilstad presented the Kimball and Fairhaven Police reports for the month of January, informed the Council that the 800 mhz radios had been ordered and would be delivered in 4 to 6 weeks and with the grant from Stearns County and budgeted funds, the City still saved \$1,500.00 and requested a desk top copier for the police office.

Mayor Konz reported that the school patrolling was going very well and that she has a new copier which has never been used that the Police Department can have and if it does not meet their needs, they can proceed with the pricing of a desk top copier.

Chad Johnson of Public Works reported that there were wood chips behind the baseball fence. He was instructed to re-do the chips as they decay.

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Motion Orbeck/Jansky to approve the claim for \$197.00 to the DNR for the annual water report fee. MP

Two quotes were presented for the War Memorial Lighting: Fairhaven Electric \$710.00 and Kramer Electric \$985.97.

Motion Orbeck/Jansky to accept the quote from Fairhaven Electric for \$710.00. MP

Two quotes were presented for the hockey rink light time: Kramer Electric \$594.55 and Fairhaven Electric \$985.00.

Motion Orbeck/Loewen to accept the quote from Kramer Electric for \$594.55. MP

Poles for the hockey rink lighting was discussed. Councilmember Orbeck may be able to secure some used poles.

Motion Orbeck/Krippner to have Chad Johnson attend the Rural Water Annual System Management Training seminar in St. Cloud on March 6 – 8. MP

Motion Orbeck/Jansky to allow Son of a Butchers Bar & Grill to install a 3 ½ inch by 3 ½ inch pole flush up against there building and cutting a hole in the sidewalk on City right of way to anchor this pole after obtaining a general building permit from the City. Motion passed.

City Engineer Jim Schulz presented a list of suggestions to curb traffic on the corner of Linden Ave. E. and Magnus Johnson St. S. He was instructed to let the property owner who lives on this corner know the options and attach prices to each option before he speaks to her. The City will check with Sherry Donabauer, insurance agent of record about obstacles, which are in City right of way and the liability to the City and report back at the next meeting.

The City Engineer also presented an outline of the procedure for extending water from Elm St. N. to the Kimball Church of Christ. The City Attorney will be contacted on the procedure and reporting at the next meeting.

The punch list for the Scheeler Addition was discussed.

The City Engineer presented a letter requesting that the City accept the streets and utilities in Heritage Park. Chad Johnson of the Public Works Department brought up some issues that he would like to see addressed. The acceptance was tabled and the engineer will contact the developer and Chad Johnson will contact Kuechle Underground, as they were the contractors for the installation of streets and utilities.

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Motion Orbeck/Krippner to close the meeting at 8:30 p.m. MP

Mayor Tammy Konz called to order a closed meeting for labor issues (with labor present), as private data would be addressed.

Councilmembers present: Tammy Konz, DuWayne Orbeck, Chris Jansky, Eric Loewen and Joe Krippner.

Councilmembers absent: None.

Others present: Dianne Robinson, Jim Frilstad, Todd Rohloff and Leanne Kunze AFSCME Union Representative.

Motion Konz/Loewen to close meeting at 10:20 p.m. and call regular meeting back to order. MP

Motion Loewen/Krippner to accept the Union Contract as presented. MP

Motion Orbeck/Krippner to settle two of the 3 pending grievances. Those voting in favor thereof: Konz, Orbeck, Loewen and Krippner; those abstaining: Jansky; those voting against or absent: None. MP

Motion Loewen/Orbeck to table grievance number 3 for review. Those voting in favor thereof: Konz, Orbeck, Loewen and Krippner; those abstaining: Jansky; those voting against or absent: None. MP

Mayor Konz acknowledged Todd Rohloff's years of service to this community as the Police Chief.

Councilmember Joe Krippner reported on the Web site. More research will be done.

Motion Konz/Loewen to adjourn at 10:30 p.m. Motion passed.

Dianne H. Robinson
Clerk Treasurer

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FEB. 20, 2007**

Meeting was called to order by Mayor Tammy Konz at 7:00 p.m.

Councilmembers present: Tammy Konz, DuWayne Orbeck, Eric Loewen and Joe Krippner.

Councilmembers absent: Chris Jansky.

Others present: Carol Newman, Sandy Steinmetz, Don Samela, Vern Harris, Tim Young, Jerry Albert and Robert Blanchard.

Motion Orbeck/Loewen to approve the Feb. 5 special meeting minutes and the regular council meeting minutes as presented. Motion passed (Councilmember Jansky absent).

Motion Loewen/Krippner to approve the February claims as presented. Motion passed (Councilmember Jansky absent).

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

- 1. To disconnect all delinquent city utilities.**
- 2. To approve Chad Johnson's vacation request and leave of absence request as presented.**
- 3. To approve the transfer of the Market Value Credit Aid from general checking to the Capital Outlay Money Market \$1,814.18, 1998 Bond Money Market \$806.30 and 2005 Bond Money Market \$1,310.23.**

Motion Passed (Councilmember Jansky absent).

Addendums to the agenda: Councilmember Orbeck – over sizing reimbursements.

Motion Orbeck/Loewen to approve the amendment to the Aug. 1, 2008 – Aug. 1, 2009 Fire Dept Budget and the revision to the KOPP Formula and the amount assessed to the covered entities as presented. Motion passed (Councilmember Jansky absent).

Don Samela addressed the Council in regard to his late utility bill and his present situation.

Motion Orbeck/Krippner that the City is willing to work with him, that he keep in contact with the City regarding his situation and if not paid by the next meeting, the City will address the issue. Motion passed (Councilmember Jansky absent).

City Attorney Tim Young and Kimball Church of Christ Pastor Vern Harris and Elders Jerry Albert and Robert Blanchard were present to address the Local Improvement Petition presented by the Kimball Church of Christ requesting that

they be allowed to hook up to City water with the entire cost being assessed to the Church.

City Attorney Young explained that since the Church will be picking up the cost of extending this water line from Elm St. N. to the Church at 269 State Highway 55 W., he suggests that the City start with a feasibility study, then the drafting of the Development Agreement with the Church doing the bidding out of the project and selecting their own contract.

Motion Orbeck/Loewen to direct the City Engineer to proceed with a feasibility study to extend city water from Elm St. N. to the Kimball Church of Christ at 269 State Highway 55 W. with the Church of Christ paying the cost of the study for the water extension and to also have the feasibility study include extending sewer in the same area at the same time with this portion of the cost of the study being paid by the City of Kimball. Those voting in favor thereof: Tammy Konz, DuWayne Orbeck, Erick Loewen and Joe Krippner; those absent: Chris Jansky; those voting against or abstaining: None. Motion passed.

Motion Loewen/Orbeck to request that Mona Almgren remove the decorative rock on the corner of 300 Linden Ave. E in the City right of way or sign a hold harmless agreement with her home owners insurance provider providing proof that her policy insures her for this risk. Motion passed (Councilmember Jansky absent).

Motion Orbeck/Krippner to accept the City engineer's recommendation of substantial conformance of the work accomplished in Greely Edition Phase 3 Improvement. Motion Passed (Councilmember Jansky absent).

Councilmember DuWayne Orbeck addressed the Council in regard to over sizing charges in the development agreements and the need to review future development agreements, special meetings and the open forum portion of the meeting.

Motion Loewen/Orbeck to do Request for Proposal from Comprehensive Planning consulting services. Motion passed (Councilmember Jansky absent).

The Council explained their reasoning for moving open forum to the end of the meeting giving those who took the time to be placed on the agenda in a given time slot to be able to address the council during that time and not be pushed back while the council addresses those who did not request to be place on the agenda.

The Council decided that open forum will be help after the business items and before addendums and Councilmember reports.

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Carol Newman addressed the Council in regard to the quote which was approve at the last meeting for electrical work being done at the War Memorial in Willow Creek Park and lack of communication with the Public Works Department and the volunteer work Duane Finger did in the Library.

Councilmember Eric Loewen will work on setting up a Park Committee meeting and notifying committee members.

Mayor Konz reported on the price of an electrical sign.

Councilmember Joe Krippner presented information on the WEB sit research and recommended going with Hove Design Co. Councilmembers will review information presented.

Chamber of Commerce President Sandy Steinmetz reported that the next Highway 15 Coalition meeting will be held in Hutchinson on March 1st at 10:00 a.m. The Council approved the attendance of Clerk Treasurer Dianne Robinson at this meeting.

Sandy Steinmetz also addressed the proposed expansion of Styme Industries and her conversation with the City Engineer and Terry Roth of the MPCA for Sanitary Sewer Main extension and pond capacity.

City Attorney Tim Young addressed the Liquor Licensing Activity portion of the City Ordinances and presented the Council with a memo published by the League of Minnesota Cities and a sample ordinance with all the new changes made to the state statutes. The Council will review the changes and Attorney Young will address this issue again at the next meeting.

Basic Code of Ordinances was also addressed.

Motion Loewen/Orbeck to adjourn at 9:07 p.m. Motion passed (Councilmember Jansky absent).

**Dianne H. Robinson
Clerk Treasurer**

**PAGE 1
MARCH 5, 2007**

Meeting was called to order by Mayor Tammy Konz at 7:00 p.m.

Councilmembers present: Tammy Konz, DuWayne Orbeck, Chris Jansky, Eric Loewen and Joe Krippner.

Councilmembers absent: None.

Others present: Carol Newman, Mary Johnson, Chris Langness, Jim Schulz, Chad Johnson, Paul Hoeschen, Jim Frilstad, Jean Matua, Tim Young, Jerome Kuechle and Dan Konz.

Motion Orbeck/Krippner to approve the minutes of the Feb. 20, 2007 meeting as presented. Motion passed.

**Motion Orbeck/Jansky to approve the following items on the consent agenda:
1. To approve Chris Jeppesen's request to carry over 3 hours of vacation past her March 20th anniversary date.
Motion passed.**

Chad Johnson of the Public Works Department introduced Paul Hoeschen, Contract Consultant for the Water/Sewer Department. He handed out a report on the Wastewater Treatment Facility which stated that additional flow from Heritage Park and Scheeler Addition is estimated at 62,200 gallons per day. Current flow is 64,100 gallons per day recorded as the wettest 180 day period for a combined flow of 126,300 gallons per day. If pond depth is increased from six feet to seven feet in all three ponds by adding aeration/mixing in ponds 1 & 2 (primary ponds), storage capacity can increase from 95,000 gallons per day to 120,400 gallons per day. The third pond is considered tertiary treatment which doesn't require aeration/mixing to increase the depth to seven feet. The recent sewer pipe replacement should result in a flow reduction, possibly allowing treatment for 1,191 people in seven foot pond. Two Pond Doctors in each primary pond should provide BOD capacity for more than 1,191 people. Irrigation capacity can double by planting ryegrass or alfalfa instead of a row crop, providing capacity for more than 1,191 people.

If pond storage, BOD capacity and irrigation capacity can be achieved with seven foot ponds and ryegrass or alfalfa are planted, hopefully we can get approval of the added capacity by MPCA before we apply for a new NPDES permit. We must apply 180 days before permit expires.

Mr. Hoeschen stated that Terri Roth of MPCA can approve the Sanitary Sewer Main Extension for the whole Scheeler Addition based on this report.

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A long term fix is still needed. The present Pond Doctor is a test for MPCA and the Rapid Infiltration System (RIB'S) are for disposal and treatment only, not capacity. This will not replace spray irrigation; it will only add to it.

City Engineer Jim Schulz stated that the long term fix expansion is a four year process from design to construction before it goes on line.

Mr. Hoeschen stated that MPCA approved the first pond doctor and the City is waiting for MPCA test approval which requires one year of data. He will speak to Terri Roth and Brian Fitzpatrick of MPCA and ask them to approve the City use of existing capacity. The City should have the engineer push forward with a 20 year plan.

A new pond doctor costs approx. \$29,900.00 and a refurbished one costs approx. \$13,900.00. Mr. Hoeschen recommended 2 pond doctors each in ponds one and two. He will also be looking into some grant funds for this project.

He will be reporting back at the next meeting and will also be including the pond doctors in the NPDES permit renewal.

Police Chief Jim Frilstad introduced Chris Langness and recommended him for the open part time police officer position. Appointment was tabled to the end of the meeting.

City Attorney Tim Young reported on the Sunday Liquor License Ordinance Amendment. Hours of operation were discussed. He will provide the City with an amendment ready for adoption at the next meeting.

Mary Johnson gave an overview of the City Hall restoration project and requested approval of a letter of agreement going from 10 years to 20 years.

Motion Konz/Loewen to approve the letter of agreement with a 20 year term for Phase III of the City Hall restoration project. Motion passed.

Mayor Tammy Konz called for a Special City Council meeting on Tuesday, April 3, 2007 starting at 6:00 p.m. to meet with insurance agents quoting on employee health, dental, life and disability insurance coverage.

City Engineer Jim Schulz will report on the long range planning for the wastewater expansion and feasibility report at the first and second meeting in April.

Jerome Kuechle addressed the renewal of surety for Scheeler Addition and City Engineer Jim Schulz commented that a letter of acceptance of the project had not

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been issued and completion of punch list items. The warrantee period begins when the project is accepted by the City according to the Development Agreement terms.

Jerome Kuechle requested that the City exchange the cost of the magnetic flow metered man hole for the surety.

The City Engineer reported that this would require an amendment to the Development Agreement and needs to be reviewed by the City Attorney.

It was requested that Jerome Kuechle put together a request in writing and bring it to the City Clerk Treasurer who will then address the issue with the City Attorney.

The Council made a minor change to agenda items. Anyone wishing to be addressed at the Council meeting needs to be placed on the agenda by making a request of the Clerk Treasurer by 9:00 a.m. on the Tuesday prior to the meeting if documentation needs to be prepared by City Staff for the Council packets. If no documentation needs preparation, the placement on the agenda is 9:00 a.m. on the Thursday before the meeting.

Motion Orbeck/Krippner to determine Jim Frilstad's anniversary date based on actual active time employed by the City. Motion passed.

Motion Jansky/Krippner to hire Chris Langness as a police officer working part time hours effective Feb. 21, 2007 at an hourly rate of \$14.50 per hour with a six month review. Motion passed.

Joe Krippner reported on the cost and service if a WEB site is done with Tom Ethan of Hove. Mr. Ethan will be present at the first meeting in April. Jean Matua also requested to be allowed to put together a bid for this service.

Clerk Treasurer Dianne Robinson presented a Request For Proposal she had drafted for soliciting bids from consultants for Comprehensive Planning. The Council will review and address at the next meeting.

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

Dianne H. Robinson
Clerk Treasurer

PAGE 1
MARCH 19, 2007

Meeting was called to order by Mayor Tammy Konz at 7:00 p.m.

Councilmembers present: Tammy Konz, DuWayne Orbeck, Chris Jansky, Eric Loewen and Joe Krippner.

Councilmembers absent: None.

Others present: Jean Matua, Mike Espenson, Sandy Steinmetz, Chad Johnson, Jim Schulz, Tom Ethan and Tim Young.

Motion Orbeck/Jansky to approve the March 5, 2007 minutes with a correction to page 2, paragraph one. Motion passed.

Motion Loewen/Orbeck to approve the March claims as presented. Motion passed.

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

- 1. To disconnect all delinquent City utilities.**
- 2. To approve the following resolution:**

POLICE OFFICER DECLARATION

WHEREAS, the policy of the State of Minnesota as declared in Minnesota Statutes 353.63 is to give special consideration to employees who perform hazardous work and devote their time and skills to protecting the property and personal safety of others; and

WHEREAS, Minnesota Statutes Section 353.64 permits governmental subdivisions to request coverage in the Public Employees Police and Fire plan for eligible employees of police departments whose position duties meet the requirements stated therein and listed below.

BE IT RESOLVED, that the City of Kimball, hereby declares that the position titled Police Officer, currently held by Chris Langness, meets all of the following Police and Fire membership requirements:

- 1. Said position requires a license by the Minnesota peace officer standards and training board under sections 626.84 to 626.863 and this employee is so licensed;**
- 2. Said position's primary (over 50%) duty is to enforce the general criminal laws of the state;**
- 3. Said position charges this employee with the prevention and detection of crime;**
- 4. Said position gives this employee the full power of arrest, and**
- 5. Said position is assigned to a designated police or sheriff's department.**

BE IT FURTHER RESOLVED that this governing body hereby request that the above-named employee be accepted as a member of the Public Employees Police and Fire Plan effective the date of this employee's initial Police and Fire salary deduction by the governmental subdivision.

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MARCH 19, 2007**

Motion passed.

Chad Johnson of the Public Works Department presented information on purchasing a new tractor and attachments and trading in the skid loader. Funding for a possible purchase was discussed.

The cost of purchasing the pond doctors and the installation of the Rapid Infiltration Basin System (R.I.B.S.) will come from the Sewer Replacement Fund.

Two quotes for street sweeping will be obtained.

Mike Espenson of Barga, Inc. presented a quote on asphalt pavement maintenance needs for the fire hall parking lot, Greely Edition, 135th Ave., Elm St. N. of Highway 55, Hazel Ave. west of Elm St. and the Alley behind the Post Office.

City staff will check on cost sharing policy with Maine Prairie Township for the line roads and Chad Johnson will speak with John Wicker, Township Chairman.

Mike Espenson stated that the discount would still apply if Maine Prairie came on board with the City for this maintenance.

Tom Ethan of Hove Design presented information on a web site (Jean Matua decided not to do a presentation). He recommends the "Coffee Cup" software which would cost \$50.00, hosting would be \$5.99 per month, training would cost \$85.00 per hour and design would be \$2,000.00. System could be up and going within 3 weeks of signing the quote. Hove also designed the Community Playhouse web site.

Council will review information and take up issue again at the next meeting.

City Attorney Tim Young presented the history of the waste treatment plant construction dating back to the late 1970's which was initiated due to a lawsuit the City was involved in at that time, the amount of MPCA and EPA grant funds received and land acquisition for pond site being included with the grant funds but not the irrigation sites which the City leased until 80 acres were purchased from Merten Eaton leaving 40 acres which the City continued to lease from Jerome and Laverne Scheeler.

He presented handouts from the Scheeler's attorney for a proposed new lease agreement which the previous council deemed unacceptable and decided to proceed with condemnation.

The condemnation procedure was explained and how the quick take of property for government use played into the fair market value of the property being paid to the

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MARCH 19, 2007

Scheeler's once the city appraisal had been completed. A panel of commissioners has been selected by the Court who will take a look at the City appraisal and the Scheeler's appraisal and determine if the amount already paid by the City is justified or if there should be a reimbursement to the City or if the City is to pay an additional amount. The appeal process can be a long process. Figures from the Temporary Bonding was also reviewed.

The meeting was closed at 8:40 p.m. for the Council to receive attorney client privileged information on the City of Kimball versus Jerome Scheeler, etal., file number C3061987.

Regular meeting was called back to order at 9:07 p.m.

City Attorney Tim Young presented the amendment to Liquor Licensing Ordinance and the summary for publication. The Council will need to adopt the amendment, the summary for publication and pass a resolution if they wish to change the Sunday hours.

The Council will review how Sunday hours will affect present businesses and what is best for the community.

Councilmember Loewen addressed several issues on wastewater pond capacity and the operation of the lift station in Heritage Park.

Highway right of way water run-off, decorative rock in right of way, business expo., developing a good working relationship with Maine Prairie Township, City contribution of \$150.00 for planters and requesting additional funds from the Chamber of Commerce, employee meeting and the attendance at Rep. Larry Hosch's Town meeting on March 17th were discussed.

The Clerk Treasurer was instructed to proceed with mailing out the Request for Proposal for a consultant for Comprehensive Planning.

The Clerk Treasurer presented reports she is able to prepare on the present accounting program and how the budget is prepared for the Council, the State Auditor and entered into the accounting program.

Motion Konz/Loewen to adjourn at 10:00 p.m. Motion passed.

Dianne H. Robinson
Clerk Treasurer

**PAGE 1
APRIL 2, 2007**

Meeting was called to order by Mayor Tammy Konz at 7:00 p.m.

Councilmembers present: DuWayne Orbeck, Tammy Konz, Eric Loewen and Joe Krippner.

Councilmembers absent: Chris Jansky.

Others present: Paul Hoeschen, Jim Schulz, Mary Johnson, Carol Newman, Tiffany Danelke, Chad Johnson, Mona Almgren, Jim Frilstad, Sandy Steinmetz and Tom Ehlinger.

**Motion Loewen/Orbeck to approve the March 19, 2007 minutes as presented.
Motion passed (Jansky absent).**

Motion Krippner/Loewen to approve the following items on the consent agenda:

- 1. To approve Chris Jeppesen's vacation request.**
- 2. To transfer \$25,000.00 from the Fire Dept. money market to the Fire Dept. Checking Account for operating expenses.**
- 3. To approve six games of skill licenses for Triple RRR Grill & Bar.**
- 4. To transfer \$1,000.00 of Supplemental Retirement from the general checking to the Fire Relief Assoc. Money Market which was received from the State of Minnesota by an ACH transaction to the general checking (according to State Statute) which is a supplement for firefighter's retirement.**
- 5. To approve the Sanitary Sewer Modification & Extension Permit for the Kimball American Legion Post 261 and authorize the Clerk Treasurer to sign the permit.**

Motion passed (Jansky absent).

Tiffany Danelke came before the Council to make pay arrangements on the \$75.00 reconnection fee for their disconnected utilities. She will make monthly payments of \$10.00 until paid off.

Mona Almgren addressed the parking issue in front of her property on Linden Ave. E. and extra parking, which was installed for property owners across the street from her. The City engineer will check out the cost of a tar pad in front of her home and this item will again be placed on the next agenda.

Mary Johnson of the Kimball Area Historical Society presented two quotes for the replacement of eight windows on the south side of City Hall. They were Young Brother's for \$33,450.00 and Simonson's Installation for \$32,811.00.

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APRIL 2, 2007

Motion Loewen/Krippner to accept the quote of \$32,811.00 from Simonson's Installation for the installation of 8 windows for the south side of City Hall and authorize the Mayor and Clerk Treasurer to sign the quote. Motion passed (Jansky absent).

The City will consider a line item on the 2008 general fund budget for Phase III of the City Hall restoration, which is being planned.

Motion Krippner/Loewen to authorize the Clerk Treasurer make payment of a deposit of \$16,410.50 to Simonson's Installation for the windows (\$10,000.00 from the interest earned on the swimming pool fund money market account and \$6,410.50 from the general fund checking of which \$5,410.50 will be reimbursed to the City by a donation from the Kimball Area Historical Society). Motion passed (Jansky absent).

Police Chief Jim Frilstad reported that he had purchased a second taser for \$814.95 with the Safe and Sober grant proceeds and that Officers John Lester and Chris Langness will be attending an intoxicilizer class in St. Paul on May 15, 16 and 17 with the cost of registration being \$125.00 each.

He informed the Council of the need for a larger computer for the Police office. He was instructed to bring quotes for Council review.

He also reported that he has received three complaints about individuals not being able to park next to City Hall on State Highway 15 and County State Aid Highway 63. These are State and County roads and the City cannot regulate the parking without having them do a study. The parking available in the Public Parking lot across the street from City hall (which is usually empty) was noted.

Fire Chief Tom Ehlinger presented the Council with two quotes for an RTV grass rig. They were \$16,000.00 from Arnold's of Kimball and \$20,000.00 from Meis.

Motion Orbeck/Loewen to purchase the RTV vehicle, which has a hydraulic pump and is ready to go from Arnold's of Kimball for \$16,000.00 with funds the Fire Department Equipment Fund Money Market. Motion passed (Jansky absent).

He also reported that 1038 people attended the Fire Relief Assoc. pancake breakfast on March 1st.

Chad Johnson of Public Works presented two quotes for street crack filling. They were \$3,712.00 from L&M and \$8,500.00 from Bargaen, Inc. The difference in the product, application and references were discussed.

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APRIL 2, 2007

Motion Orbeck/Krippner to accept the quote from Barga for \$8,500.00 for street crack filling due to product and application. Motion passed (Jansky absent).

He presented two quotes for street sweeping. They were \$78.00 per hour from Astech and \$55.00 per hour for springtime and \$75.00 per hour for summer or later from Kuechle Underground, Inc.

Motion Orbeck/Loewen to accept the quote from Kuechle Underground for \$55.00/\$75.00 per hour for street sweeping. Motion passed (Jansky absent).

Contract Consultant Paul Hoeschen reported on the NPDES permit renewal for wastewater treatment and the proposed changes to the permit of the addition of pond doctors, rapid infiltration basins and irrigation field crop change. He is having everything reviewed by City Engineer Jeremy Wurpts as the City needs his assistance for the renewal of this permit. Paul is awaiting MPCA approval for the installation of the next pond doctor, which will increase the pond capacity. The Council will address questions for the NPDES permit at the next meeting.

Because the City is working on a short and long term expansion for wastewater capacity, the MPCA has approved the Sanitary Sewer Main Extension Permit for 91 homes in Scheeler Addition. The letter of approval should be received shortly.

There was discussion of the proposed commercial development on the north end of the City. It is recommended that they make application for a Sanitary Sewer Main Extension Permit as soon as possible.

The Clerk Treasurer will check into the advertising of the irrigation field leases and consult with the City Attorney on a five-year contract.

Motion Orbeck/Krippner to purchase a pond doctor (with a thermal heating unit if necessary) for the second wastewater pond. Motion passed (Jansky absent).

Chad Johnson reported that hydrants would be flushed on April 30th with May 1 being the alternate date.

City Engineer Jim Schulz discussed the letter he sent to the City in reference to the performance bond for Scheeler Addition.

Motion Loewen/Orbeck to amend the Development Agreement for Scheeler Addition as follows:

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APRIL 2, 2007

This Agreement is made this 2nd day of April, 2007, between the City of Kimball (City), a municipal corporation under the laws of Minnesota, and KEEK Developers, Inc. (KEEK), a corporation under the laws of Minnesota;

Whereas, City and KEEK are the parties to a Subdivision Development Agreement (Agreement) for Scheeler Addition dated September 6, 2005;

Whereas, Section 21.3 of the Agreement obligates KEEK to post maintenance bonds or other security in the amount of 15% of the cost of the Public Improvements described in the Agreement;

Whereas, City and KEEK wish to modify the Agreement by deleting Section 21.3 thereby eliminating KEEK's obligation to post maintenance bonds or other security under that Section only;

Now therefore, it is hereby agreed as follows:

- 1. Section 21.3 of the Agreement is deleted.**
- 2. The deletion of Section 21.3 does not remove or otherwise change KEEK's obligation to honor its Warranty on Improvements and does not modify the Agreement in any other way.**
- 3. All other terms and conditions of the Agreement are ratified and confirmed.**

Motion passed (Jansky absent).

City Engineer presented two different routes for the proposed water main extension requested by the Kimball Church of Christ. The Clerk Treasurer will deliver these plans to the Church and request their presence at the next meeting.

He also addressed sod versus seed on the restoration of yards on Magnus Johnson St. It was noted that the project was bid with sod. He said the main issue was watering. The Council will discuss giving a break on water in return for sprinkling the sod.

Jim Schulz informed the Council that he would be meeting with MN/Dot in regard to water ponding on highway right of way at the intersection of Magnus Johnson St. N. and State Highway 15. He will inform the Council of meeting results at the next meeting.

Councilmember Krippner addressed the Web site and having Melrose Telephone Company video tape the Council meetings for fee of \$250.00 for one meeting per month and \$350.00 for two meetings per month.

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APRIL 2, 2007

The Web site was table while the Council digests the information received.

Sunday liquor hours of operation was discussed. The Clerk Treasurer was instructed to invite all liquor license holders who would be affected by Sunday liquor hour changes to the next Council meeting to discuss this issue.

Mayor Konz noted that the Sentence to Serve Coordinator would walk the park with Doug Knaus to see what work needs to be done.

The Clerk Treasurer was instructed to make contact with a resident for the removal of garbage containers from the public sidewalk in front of their residence.

Motion Orbeck/Loewen to adjourn at 10:35 p.m. Motion passed (Jansky absent).

Dianne H. Robinson
Clerk Treasurer

PAGE 1

APRIL 3, 2007

**SPECIAL MEETING FOR EMPLOYEES HEALTH, DENTAL, LIFE AND
DISABILITY BENEFITS.**

Meeting was called to order by Mayor Tammy Konz at 6:07 p.m.

**Councilmembers present: Tammy Konz, DuWayne Orbeck, Chris Jansky, Eric
Loewen and Joe Krippner.**

Councilmembers absent: None.

**Insurance Agents present: Greg Thomes (Thomes Insurance Agency), Jessie
Altringer (Aflac), Kelvin Nelson and Al Nagel (Minnesota Benefit Advisors), Shawn
Byrne (PEIP), Al Roth (AT Group).**

Each agency presenting a quote was given 30 minutes to explain their proposal.

**After reviewing all the different options presented, Mayor Konz called for a special
meeting on Monday, April 30th at 6:00 p.m. to invite Kelvin Nelson and Al Nagel
back to review information received.**

Motion Loewen/Krippner to adjourn at 9:00 p.m. Motion passed.

**Dianne H. Robinson
Clerk Treasurer**

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APRIL 9, 2007

Mayor Tammy Konz called to order the Board of Appeal and Equalization for the 2007 assessment, for taxes payable in 2008 at 6:30 p.m.

Councilmembers present: Tammy Konz, DuWayne Orbeck, Chris Jansky and Joe Krippner.

Councilmembers absent: Eric Loewen.

Others present: County Assessor Gary Grossinger, County Appraiser Michael Cebulla, Anthony Kuechle, Marilyn and Chuck Sterling, Chuck and Nancy Leonard, Deb Kampa and Jeff Swanson.

Motion Jansky/Krippner to decrease the estimated market value for the land and building for the following parcels of property as follows:

**Anthony Kuechle, Parcel Number 60.34428.054 by 12% for value reduction.
Chuck Leonard, Parcel Number 60.34428.010 by 10% for value reduction.
Joel Kampa, Parcel Number 60.34428.016 by 10% for value reduction.
Chuck Sterling, Parcel Number 60.34406.00 by 5% for water drain off issues.**

Motion passed (Loewen absent).

County Assessor Gary Grossing reported that the County would be correcting a clerical error on Jeff Swanson's residential property for the removal of a deck and change the estimated market value from \$202,600.00 to \$193,500.00.

Motion Konz/Jansky to adjourn at 8:10 p.m. Motion passed (Loewen absent).

**Dianne H. Robinson
Clerk Treasurer**

**PAGE 1
APRIL 16, 2007**

Meeting was called to order by Mayor Tammy Konz at 7:00 p.m.

Councilmembers present: Tammy Konz, DuWayne Orbeck, Chris Jansky and Eric Loewen.

Councilmembers absent: None.

Others present: Chris Jeppesen, Mona Almgren, Jean Matua, Jeremy Wurpts, Sandy Steinmetz, Paul Hoeschen, Vern Harris, Dwight Vinar, Randy Reinert, Tab Maus, Deb Reinert and friends, Dennis Schmitz, Andy Maus, Jim Schultz, Neil Hilary, Chad Johnson, Jim Frilstad, Rich Janski and Bob Janski.

Motion Jansky/Orbeck to approve the April 2nd, 3rd and 9th minutes with changes to the April 9th Board of Appeals motions. Motion passed.

Motion Jansky/Krippner to approve the claims for April as presented. Motion passed.

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

- 1. To disconnect all delinquent utilities.**
- 2. To accept the donation of \$20.00 from Phillip Rainer's for the Fire Equipment Fund.**
- 3. To accept the \$1,000.00 grant from Stearns County Environmental for the Used Oil Dump expense over run.**
- 4. To accept the donation of \$5,410.50 from the Kimball Area Historical Society for the City Hall Project.**

Motion passed.

Addendums to the agenda: Add Sandy Steinmetz and remove Bradley DeWolf.

Chris Jeppesen reported on the May 5th Household Hazardous Clean-Up Day. Councilmembers and Public Works will help out with clean-up.

Mayor Konz requested that Chris Jeppesen update the Council from time to time on Kimball Days. She will be scheduling a future meeting.

Police Chief Jim Frilstad reported that Officer Rohloff did a K-9 search of Chaska High School on March 13th with Viper, that he obtaining quotes for a new computer system, that he will be attending the Chief's Conference in St. Cloud for the next three days, information on a new camera for the police car, automatic download to the computer, administration fines, digital dictation equipment, Officer John Lester's resignation, hiring of a full time officer and Officer Chris Langness attending the intoxilizer class.

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APRIL 16, 2007

Public Comment was taken in regard to the proposed amendment to City Ordinance, Chapter 6, Section 600, An Ordinance Regulating the Possession, Sale, and Consumption of Intoxicating and 3.2 Percent Malt Liquor Within the City of Kimball, Minnesota, Section 19 which states, “The hours of operation and days of sale shall be those set by Minnesota Statutes, Section 340A.504, as it may be amended from time to time, except that the City Council may, by resolution or Ordinance, provide for more restrictive hours than state law allows. The Statute states that a restaurant, club, bowling center, or hotel with a seating capacity for at least 30 persons and which holds an on-sale intoxicating liquor license may sell intoxicating liquor for consumption on the premises in conjunction with the sale of food between the hours of 10:00 a.m. on Sundays and 2:00 a.m. on Mondays after obtaining a Sunday License (sales between 1:00 a.m. and 2:00 a.m. need a license from the Commissioner of Alcohol and Gambling Enforcement).

Mayor Konz would like to see Church hours respected and sales not start until after 12:00 noon. Councilmember Eric Loewen expressed same concerns stating that the citizen’s he spoke to don’t like the idea of Sunday Liquor.

Councilmember Jansky stated that the previous Council had made a commitment to Triple RRR Grill & Bar and he wants to keep his word and not ruin it for them. Do not combine church and state.

Deb Reinert of Triple RRR wants to be open at 10:00 a.m. for birthday, anniversary and other parties which she already has booked for Sunday mornings. She feels that not everyone goes to Church. They would lose two hours of revenue and their 48 employees would lose income.

Randy Reinert of Triple RRR said he does not drink and does not go to Church. Morals have no place in City Council.

Councilmember Orbeck addressed being fair to business, being fair to community.

Councilmember Krippner stated that he does not drink at 10:00 a.m., but those that want to, can. It does not bother him if the Council changes the time or stays with State Statute.

Motion Orbeck/Jansky to not amend Chapter 6 – Section 600, Section 19. Those voting in favor thereof: Orbeck, Jansky and Krippner; those voting against: Konz and Loewen; those absent or abstaining: None. Motion passed.

Mona Almgren and Jim Schulz addressed the parking in front of her home at 300 Linden Ave. E.

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APRIL 16, 2007**

Motion Orbeck/Jansky to contribute up to \$500.00 towards Mona Almgren's parking pad (material of her choice) in conjunction with the street project. Motion passed.

Pastor Vern Harris of the Kimball Church of Christ was present in regard to the Feasibility Study for the water main extension to the Church. The Church is fine with going with option "A" which would require easements from abutting property owners. Water main size and fire hydrant cost and placement was discussed.

Motion Loewen/Jansky to have the City Attorney draft easement (which Councilmembers and Pastor Harris will deliver) and Development Agreement. Motion passed.

Only the cost of the water main portion of the Feasibility Study will be the Kimball Church of Christ's cost.

Neil Hilary addressed the Council in regard to the replacement of the sidewalk next to his property with the Linden Ave. street project. The Melrose Telephone building parking area was also commented on. A letter will be drafted inviting Melrose Telephone Co. to the next meeting to discuss this issue.

Bob and Rich Janski were present in regard to the leasing of the wastewater irrigation fields for 2008.

Motion Loewen/Orbeck to advertise the land lease as follows:

The City of Kimball is taking bids for the lease of approximately 109.03 acres of irrigated wastewater disposal land. This will be a 5 year lease. The renter must plant alfalfa or other hay crop which is approved by the City of Kimball's Public Works Department. Irrigation of the wastewater and crop rotation is at the discretion of the Public Works Department.

The current renter has the right to match the best offer.

To be considered, sealed bids must be received by May 15th at 8:00 a.m. All bids need to be for the price per acre.

Motion passed.

Chad Johnson of Public Works and City Engineers Jim Schulz and Jeremy Wurpts and Contract Consultant Paul Hoeschen addressed the Enforcement Letter received for the Magnus Johnson/Linden Ave. Project Stormwater NPDES Permit. Jim Schulz will send a response to Stearns County Environmental.

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APRIL 16, 2007

It was noted that the street project street sweeping and the placement of sod should be starting in about two weeks.

Councilmember Orbeck commented on a parcel of property in the street project which will be added to the walk around list.

Engineer Jeremy Wurpts gave a run-down of the short term fix for the wastewater pond capacity, the renewal of the wastewater NPDES permit and capacity for future commercial projects.

Contract Consultant Paul Hoeschen stated that the City needs to keep moving on the long range plan. MPCA looks more favorable upon the City if the wheels are kept in motion.

Motion Jansky/Krippner to approve the proposal for engineering service with SEH, Inc. to address short term treatment capacity needs in conjunction with discharge permit modification and renewal pending the approval of the City Attorney and authorize the Mayor and Clerk Treasurer to sign contract. Motion passed.

Sandy Steinmetz spoke about the upcoming Highway 15 Coalition meeting in Hutchinson on April 27th. Clerk Treasurer Dianne Robinson has Council approval to attend and to check on membership.

Engineer Jim Schultz and Councilmember Orbeck reported on their meeting with MnDOT in regard to the Magnus Johnson Infiltration. They presented the Council with a report that stated:

- 1. Reviewed drainage problems encountered with the snow melt this spring. DuWayne Orbeck presented photos of the ponding that occurred. Bob Nibbe (MnDOT) had a file with correspondence on this issue dating back to 1994 indicating they are aware of this intersection.**
- 2. They reviewed a preliminary layout for the proposed infiltration trench with associated estimated costs. The estimated cost is \$61,248.00.**
- 3. MnDOT may pay for drainage improvements proportionate to their share of the contributing runoff to the infiltration trench. This would be based on the percentage of the total drainage area within MnDOT right of way. The balance of the cost would require other sources of funding, presumably the City of Kimball.**
- 4. Funding for this year is unlikely. The schedule if funded would likely be 2008 or 2009.**
- 5. A final determination of the drainage area and an official request from the City would be required from MnDOT for them to proceed. The City would have to enter an agreement with MnDOT.**

The issue has been tabled as there is no funding available at present time.

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APRIL 16, 2007

Motion Jansky/Loewen, in the best interest of the City, to contract with Hove Design Works to create a WEB site for the City and to not go with the Tri-County News, which is an independent contractor as the City needs to own the WEB site. Minutes and Agenda's are public information and available to the public. Motion passed.

The City will need to determine what the WEB address will be and pictures for the site.

Dianne Robinson will be attending the User Charge Analysis Water & Sewer Rates Workshop in St. Cloud on May 15th.

Motion Jansky/Orbeck to renew the Group Accident Plan for Volunteer's for the Basic and Optional Medical with the League of Minnesota Cities Insurance Trust. Motion passed.

Other topics of discussion were: recovering costs of physicals and physiological exams, police office needs, Duluth conference, meeting with Maine Prairie, nuisance walk around and objects in public right of way.

Councilmember Eric Loewen introduced the following resolution and moved for its adoption:

To amend Chapter 6 – Licenses, Section 600 – General Provisions 600 – 620, except 600.09, subd. 3:

(ON FILE AND ATTACHED)

Councilmember Chris Jansky seconded the foregoing resolution. Those voting in favor thereof: Eric Loewen, Chris Jansky, Tammy Konz, DuWayne Orbeck and Joe Krippner; those voting against, absent or abstaining: None. Motion passed.

Councilmember Joe Krippner introduced the following resolution and moved for its adoption:

To adopt the Summary for Ordinance, Chapter 6, Section 600, an Ordinance Regulating the Possession, Sale and Consumption of Intoxicating and 3/2 Percent Malt Liquor Within the City of Kimball, Minnesota.

(ON FILE AND ATTACHED)

Councilmember DuWayne Orbeck seconded the following resolution. Those voting in favor thereof: Joe Krippner, DuWayne Orbeck, Tammy Konz, Chris Jansky and Eric Loewen; those voting against, absent or abstaining: None. Motion passed.

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APRIL 16, 2007

Motion Jansky/Krippner to adjourn at 10:55 p.m. Motion passed.

Dianne H. Robinson
Clerk Treasurer

ORDINANCE CHAPTER 6, SECTION 600

AN ORDINANCE REGULATING
THE POSSESSION, SALE, AND CONSUMPTION OF
INTOXICATING AND 3.2 PERCENT MALT LIQUOR
WITHIN THE CITY OF KIMBALL, MINNESOTA

The City Council of the City of Kimball, Minnesota Does Ordain:

Section 1. ADOPTION OF STATE LAW BY REFERENCE.

The provisions of Minnesota Statutes, Chapter 340A, as they may be amended from time to time, with reference to the definition of terms, conditions of operation, restrictions on consumption, provisions relating to sales, hours of sale, and all other matters pertaining to the retail sale, distribution, and consumption of intoxicating liquor and 3.2 percent malt liquor are hereby adopted by reference and are made a part of this Ordinance as if set out in full. It is the intention of the City Council that all future amendments to Minnesota Statutes, Chapter 340A are hereby adopted by reference or referenced as if they had been in existence at the time this Ordinance is adopted.

Section 2. CITY MAY BE MORE RESTRICTIVE THAN STATE LAW.

The Council is authorized by the provisions of Minnesota Statutes, Section 340A.509, as it may be amended from time to time, to impose, and has imposed in this Ordinance, additional restrictions on the sale and possession of alcoholic beverages within its limits beyond those contained in Minnesota Statutes, Chapter 340A, as it may be amended from time to time.

Section 3. DEFINITIONS.

In addition to the definitions contained in Minnesota Statutes, Section 340A.101, as it may be amended from time to time, the following terms are defined for purposes of this Ordinance:

(A) Liquor. As used in this Ordinance, without modification by the words “an intoxicating” or “a 3.2 percent malt,” includes both intoxicating liquor and 3.2 percent malt liquor.

(B) Restaurant. An eating facility, other than a hotel, under the control of a single proprietor or manager, where meals are regularly prepared on the premises, where full waitress/waiter table service is provided, where a customer orders food from printed menus, and where the main food course is served and consumed while seated at a single location. To be a restaurant as defined by this section, an establishment shall have a license from the state as required by Minnesota Statutes, Section 157.16, as it may be amended from time to time, and meet the definition of either a “small establishment,” “medium establishment,” or “large establishment” as defined in Minnesota Statutes, Section 157.16, subd. 3d, as it may be amended from time to time. An establishment

which serves prepackaged food that receives heat treatment and is served in the package or frozen pizza that is heated and served shall not be considered to be a restaurant for purposes of this Ordinance unless it meets the definitions of a “small establishment,” “medium establishment,” or “large establishment.”

Section 4. NUDITY ON THE PREMISES OF LICENSED ESTABLISHMENTS PROHIBITED.

(A) The City Council finds that it is in the best interests of the public health, safety, and general welfare of the people of the City that nudity is prohibited as provided in this section on the premises of any establishment licensed under this Ordinance. This is to protect and assist the owners, operators, and employees of the establishment, as well as patrons and the public in general, from harm stemming from the physical immediacy and combination of alcohol, nudity, and sex. The Council especially intends to prevent any subliminal endorsement of sexual harassment or activities likely to lead to the possibility of various criminal conduct, including prostitution, sexual assault, and disorderly conduct. The Council also finds that the prohibition of nudity on the premises of any establishment licensed under this Ordinance, as set forth in this section, reflects the prevailing community standards of the City.

(B) It is unlawful for any licensee to permit or allow any person or persons on the licensed premises when the person does not have his or her buttocks, anus, breasts, and genitals covered with a non-transparent material. It is unlawful for any person to be

on the licensed premises when the person does not have his or her buttocks, anus, breasts, and genitals covered with a non-transparent material.

(C) A violation of this section is a misdemeanor punishable as provided by law, and is justification for revocation or suspension of any liquor, wine, or 3.2 percent malt liquor license or any other license issued under this Ordinance or the imposition of a civil penalty under the provisions of Section 29(B).

Section 5. CONSUMPTION IN PUBLIC PLACES.

No person shall consume intoxicating liquor or 3.2 percent malt liquor in a public park, on any public street, sidewalk, parking lot or alley, or in any public place other than on the premises of an establishment licensed under this Ordinance, in a municipal liquor dispensary if one exists in the City, or where the consumption and display of liquor is lawfully permitted.

Section 6. NUMBER OF LICENSES WHICH MAY BE ISSUED.

State law establishes the number of liquor licenses that a City may issue. However, the number of licenses which may be granted under this Ordinance is limited to the number of license which were issued as of the effective date of this Ordinance, even if a larger number of licenses are authorized by law or election. The Council in its sound discretion may provide by Ordinance that a larger number of licenses may be issued up to the number of licenses authorized by Minnesota Statutes, Chapter 340A, as it may be amended from time to time. If a larger number of licenses in a particular category has been authorized by a referendum held under the provisions of Minnesota Statutes,

Section 340A.413, subd. 3, as it may be amended from time to time, but not all of them have been issued, the larger number of licenses is no longer in effect until the Council by Ordinance determines that any or all of the licenses may be issued. The Council is not required to issue the full number of licenses that it has available.

Section 7. TERM AND EXPIRATION OF LICENSES.

Each license shall be issued for a maximum period of one year. All licenses, except temporary licenses, shall expire on December 31 of each year unless another date is provided by Ordinance. All licenses shall expire on the same date. Temporary licenses expire according to their terms. Consumption and display permits issued by the Commissioner of Public Safety, and the accompanying City consent to the permit, shall expire on March 31 of each year.

Section 8. KINDS OF LIQUOR LICENSES.

The Council of the City is authorized to issue the following licenses and permits, up to the number specified in Section 6:

(A) 3.2 percent malt liquor on-sale licenses, which may be issued only to golf courses, restaurants, hotels, clubs, bowling centers, and establishments used exclusively for the sale of 3.2 percent malt liquor with the incidental sale of tobacco and soft drinks.

(B) 3.2 percent malt liquor off-sale license.

(C) Temporary 3.2 percent malt liquor licenses which may be issued only to a club, charitable, religious, or nonprofit organization.

(D) Off-sale intoxicating liquor licenses, which may be issued only to exclusive liquor stores or drug stores that have an off-sale license which was first issued on or before May 1, 1994. The fee for an off-sale intoxicating liquor license established by the Council under Section 9 shall not exceed \$100 or a greater amount which may be permitted by Minnesota Statutes, Section 340A.408, subd. 3, as it may be amended from time to time.

(E) On-sale intoxicating liquor licenses, which may be issued to the following establishments as defined by Minnesota Statutes, Section 340A.101, as it may be amended from time to time, and this Ordinance: hotels, restaurants, bowling centers, theaters, clubs or congressionally chartered veterans organizations, theaters, and exclusive liquor stores. Club licenses may be issued only with the approval of the Commissioner of Public Safety. The fee for club licenses established by the Council under Section 9 of this Ordinance shall not exceed the amounts provided for in Minnesota Statutes, Section 340A.408, subd. 2b, as it may be amended from time to time. The Council may in its sound discretion authorize a retail on-sale licensee to dispense intoxicating liquor off the licensed premises at a community festival held within the City under the provisions of Minnesota Statutes, Section 340A.404, subd. 4b, as it may be amended from time to time. The Council may in its sound discretion authorize a retail on-sale licensee to dispense intoxicating liquor off the licensed premises at any convention, banquet, conference, meeting, or social affair conducted on the premises of a sports, convention, or cultural facility owned by the City, under the provisions of

Minnesota Statutes, Section 340A.404, subd. 4a, as it may be amended from time to time; however, the licensee is prohibited from dispensing intoxicating liquor to any person attending or participating in an amateur athletic event being held on the premises.

(F) Sunday on-sale intoxicating liquor licenses, only after authorization to do so by voter approval at a general or special election as provided by Minnesota Statutes, Section 340A.504, Subd. 3, as it may be amended from time to time. Sunday on-sale intoxicating liquor licenses may be issued only to a restaurant as defined in Section 3 of this Ordinance, club, bowling center, or hotel which has a seating capacity of at least 30 persons, which holds an on-sale intoxicating liquor license, and which serves liquor only in conjunction with the service of food. The maximum fee for this license, which shall be established by the Council under the provisions of Section 9 of this Ordinance, shall not exceed \$200, or the maximum amount provided by Minnesota Statutes, Section 340A.504, subd. 3c, as it may be amended from time to time.

(G) Combination on-sale/off-sale intoxicating liquor licenses if the City has a population less than 10,000.

(H) Temporary on-sale intoxicating liquor licenses, with the approval of the Commissioner of Public Safety, which may be issued only in connection with a social event sponsored by a club, charitable, religious, or other nonprofit corporation that has existed for at least three years. No license shall be for longer than four consecutive days, and the City shall issue no more than 12 days worth of temporary licenses to any one organization in one calendar year.

(I) On-sale wine licenses, with the approval of the Commissioner of Public Safety to: theaters, restaurants that have facilities for seating at least 25 guests at one time and meet the criteria of Minnesota Statutes, Section 340A.404, subd. 5, as it may be amended from time to time, and which meet the definition of restaurant in Minnesota Statutes, Section 112.03; to licensed bed and breakfast facilities which meet the criteria in Minnesota Statutes, Section 340A.401, subd. 1, as it may be amended from time to time; and to theaters that meet the criteria of Minnesota Statutes, Section 340A.404(b), as it may be amended from time to time. The fee for an on-sale wine license established by the Council under the provisions of Section 9 of this Ordinance, shall not exceed one-half of the license fee charged for an on-sale intoxicating liquor license. The holder of an on-sale wine license who also holds an on-sale 3.2 percent malt liquor license is authorized to sell malt liquor with a content over 3.2 percent (strong beer) without an additional license.

(J) Approval for consumption and display permits issued by the Commissioner of Public Safety. The maximum amount of the additional fee which may be imposed by the Council on a person who has been issued a consumption and display permit under the provisions of Section 9 of this Ordinance shall not exceed \$300, or the maximum amount permitted by Minnesota Statutes, Section 340A.414, subd. 6, as it may be amended from time to time. Consumption and display permits shall expire on March 31 of each year.

(K) One day consumption and display permits with the approval of the Commissioner of Public Safety to a nonprofit organization in conjunction with a social activity in the City sponsored by the organization.

(L) Culinary class limited on-sale licenses may be issued to a business establishment not otherwise eligible for an on-sale intoxicating liquor license that, as part of its business, conducts culinary or cooking classes for which payment is made by each participant or advance reservation required. The license authorizes the licensee to furnish to each participant in each class, at no additional cost to the participant, up to a maximum of six ounces of wine or 12 ounces of intoxicating malt liquor, during and as part of the class, for consumption on the licensed premises only.

(M) Temporary off-sale wine licenses, with the approval of the Commission of Public Safety, may be issued for the off-sale of wine at an auction. A license issued under this subdivision authorizes the sale of only vintage wine of a brand and vintage that is not commonly being offered for sale by any wholesaler in Minnesota. The license may authorize the off-sale of wine for not more than three consecutive days provided not more than 600 cases of wine are sold at any auction. The licenses are subject to the terms, including license fee, imposed by Section 9.

(N) Brew pub on-sale intoxicating liquor or on-sale 3.2 percent malt liquor licenses, with the approval of the Commissioner of Public Safety, may be issued to brewers who operate a restaurant in their place of manufacture and who meet the criteria established at Minnesota Statutes, Section 340A.301 subd. 6(d) and 7(b), as it may be

amended from time to time. Sales under this license at on-sale may not exceed 3,500 barrels per year. If a brew pub licensed under this section possesses a license for off-sale under Section 8 (M) below, the brew pub's total combined retail sales at on-sale or off-sale may not exceed 3,500 barrels per year, provided that off-sales may not total more than 500 barrels.

(O) Brewer off-sale intoxicating liquor licenses, with the approval of the Commissioner of Public Safety, may be issued to a brewer that is a licensee under Section 8 (N) above or that produces fewer than 3,500 barrels of malt liquor in a year and otherwise meets the criteria established at Minnesota Statutes, Section 340A.301 subd. 6(d) and 7(b), as it may be amended from time to time. Off-sale of malt liquor shall be limited to the legal hours for off-sale at exclusive liquor stores in the City. Malt liquor sold off-sale must be removed from the premises before the applicable off-sale closing time at exclusive liquor stores. All malt liquor sold under this license shall be packaged in the manner required by Minnesota Statutes, Section 340A.301 subd. 7, as it may be amended from time to time. Sales under this license may not exceed 500 barrels per year. If a brewer licensed under this section possesses a license under Section 8 (N) above, the brewer's total retail sales at on-sale or off-sale may not exceed 3,500 barrels per year, provided that off-sales may not total more than 500 barrels.

(P) Brewer temporary on-sale intoxicating liquor licenses may be issued, with the approval of the Commissioner of Public Safety, to brewers who manufacture fewer

than 3,500 barrels of malt liquor in a year for the on-sale of intoxicating liquor in connection with a social event within the municipality sponsored by the brewer.

Section 9. LICENSE FEES; PRO RATA.

(A) No license or other fee established by the City shall exceed any limit established by Minnesota Statutes, Chapter 340A, as it may be amended from time to time, for a liquor license.

(B) The Council may establish from time to time in the Ordinance Establishing Fees and Charges the fee for any of the liquor licenses it is authorized to issue. The license fee may not exceed the cost of issuing the license and other costs directly related to the enforcement of the liquor laws and this Ordinance. No liquor license fee shall be increased without providing mailed notice of a hearing on the proposed increase to all affected licensees at least 30 days before the hearing.

(C) The fee for all licenses, except temporary licenses, granted after the commencement of the license year shall be prorated on a quarterly basis.

(D) All license fees shall be paid in full at the time the application is filed with the City. If the application is denied, the license fee shall be returned to the applicant.

(E) A refund of a pro rata share of an annual license fee may occur only if authorized by Minnesota Statutes, Section 340A.408, subd. 5, as it may be amended from time to time.

Section 10. COUNCIL DISCRETION TO GRANT OR DENY A LICENSE.

The Council in its sound discretion may either grant or deny the application for any license or for the transfer or renewal of any license. No applicant has a right to a license under this Ordinance.

Section 11. APPLICATION FOR LICENSE.

(A) *Form.* Every application for a license issued under this Ordinance shall be on a form provided by the City. Every application shall state the name of the applicant, the applicant's age, representations as to the applicant's character, with references as the Council may require, the type of license applied for, the business in connection with which the proposed license will operate and its location, a description of the premises, whether the applicant is owner and operator of the business, how long the applicant has been in that business at that place, and other information as the Council may require from time to time. An application for an on-sale intoxicating liquor license shall be in the form prescribed by the Commissioner of Public Safety and shall also contain the information required in this section. The form shall be verified and filed with the City. No person shall make a false statement in an application.

(B) *Financial Responsibility.* Prior to the issuance of any license under this Ordinance, the applicant shall demonstrate proof of financial responsibility as defined in Minnesota Statutes, Section 340A.409, as it may be amended from time to time, with regard to liability under Minnesota Statutes, Section 340A.801, as it may be amended from time to time. This proof will be filed with the City and the Commissioner of Public Safety. Any liability insurance policy filed as proof of financial responsibility under this

section shall conform to Minnesota Statutes, Section 340A.409, as it may be amended from time to time. Operation of a business which is required to be licensed by this Ordinance without having on file with the City at all times effective proof of financial responsibility is a cause for revocation of the license.

Section 12. DESCRIPTION OF PREMISES.

The application shall specifically describe the compact and contiguous premises within which liquor may be dispensed and consumed. The description may not include any parking lot or sidewalk.

Section 13. APPLICATIONS FOR RENEWAL.

At least 90 days before a license issued under this Ordinance is to be renewed, an application for renewal shall be filed with the City. The decision whether or not to renew a license rests within the sound discretion of the Council. No licensee has a right to have the license renewed.

Section 14. TRANSFER OF LICENSE.

No license issued under this Ordinance may be transferred without the approval of the Council. Any transfer of stock of a corporate licensee is deemed to be a transfer of the license, and a transfer of stock without prior Council approval is a ground for revocation of the license. An application to transfer a license shall be treated the same as an application for a new license, and all of the provisions of this Ordinance applying to applications for a license shall apply.

Section 15. INVESTIGATION.

(A) Preliminary background and financial investigation. On an initial application for a license, on an application for transfer of a license and, in the sound discretion of the Council that it is in the public interest to do so, on an application for renewal of a license, the City shall conduct a preliminary background and financial investigation of the applicant or it may contract with the Commissioner of Public Safety for the investigation. The applicant shall pay with the application an investigation fee of \$500 which shall be in addition to any license fee. If the cost of the preliminary investigation is less than \$500, the unused balance shall be returned to the applicant. The results of the preliminary investigation shall be sent to the Commissioner of Public Safety if the application is for an on-sale intoxicating liquor license or an on-sale wine license.

(B) Comprehensive Background and Financial Investigation. If the results of a preliminary investigation warrant, in the sound discretion of the Council, a comprehensive background and financial investigation, the Council may either conduct the investigation itself or contract with the Commissioner of Public Safety for the investigation. The investigation fee for this comprehensive background and financial investigation to be paid by the applicant shall be \$500, less any amount paid for the initial investigation if the investigation is to be conducted within the state, and \$10,000, less any amount paid for the initial investigation, if the investigation is required outside the state. The unused balance of the fee shall be returned to the applicant whether or not the application is denied. The fee shall be paid in advance of any investigation and the amount actually expended on the investigation shall not be refundable in the event the

application is denied. The results of the comprehensive investigation shall be sent to the Commissioner of Public Safety if the application is for an on-sale intoxicating liquor license or an on-sale wine license.

Section 16. HEARING AND ISSUANCE.

The Council shall investigate all facts set out in the application and not investigated in the preliminary or comprehensive background and financial investigations. Opportunity shall be given to any person to be heard for or against the granting of the license. After the investigation and hearing, the Council shall in its sound discretion grant or deny the application. No license shall become effective until the proof of financial security has been approved by the Commissioner of Public Safety.

Section 17. RESTRICTIONS ON ISSUANCE.

(A) Each license shall be issued only to the applicant for the premises described in the application.

(B) Not more than one license shall be directly or indirectly issued within the City to any one person.

(C) No license shall be granted or renewed for operation on any premises on which taxes, assessments, utility charges, service charges, or other financial claims of the City are delinquent and unpaid.

(D) No license shall be issued for any place or any business ineligible for a license under state law.

(E) No license shall be issued to any person who is not a resident of the state.

If the applicant is a corporation, all of the shareholders shall be residents of the state. The provisions of this division (E) shall not apply to any license existing on the effective date of this Ordinance or to the renewal of an existing license.

(F) No license shall be granted within 500 feet of any school or church. The distance is to be measured from the closest side of the church to the closest side of the structure on the premises within which liquor is to be sold.

Section 18. CONDITIONS OF LICENSE.

The failure of a licensee to meet any one of the conditions of the license specified below shall result in a suspension of the license until the condition is met.

(A) Within 90 days after employment, every person selling or serving liquor in an establishment which has an on-sale license shall receive training regarding the selling or serving of liquor to customers. The training shall be provided by an organization approved by the Council. Proof of training shall be provided by the licensee.

(B) Every licensee is responsible for the conduct of the place of business and the conditions of sobriety and order in it. The act of any employee on the licensed premises is deemed the act of the licensee as well, and the licensee shall be liable to all penalties provided by this Ordinance and the law equally with the employee.

(C) Every licensee shall allow any peace officer, health officer, City employee, or any other person designated by the Council to conduct compliance checks and to otherwise enter, inspect, and search the premises of the licensee during business hours

and after business hours during the time when customers remain on the premises without a warrant.

(D) No on-sale establishment shall display liquor to the public during hours when the sale of liquor is prohibited.

(E) Compliance with financial responsibility requirements of state law and of this Ordinance is a continuing condition of any license.

Section 19. HOURS AND DAYS OF SALE.

(A) The hours of operation and days of sale shall be those set by Minnesota Statutes, Section 340A.504, as it may be amended from time to time, except that the City Council may, by resolution or Ordinance, provide for more restrictive hours than state law allows.

(B) No person shall consume nor shall any on-sale licensee permit any consumption of intoxicating liquor or 3.2 percent malt liquor in an on-sale licensed premises more than 30 minutes after the time when a sale can legally occur.

(C) No on-sale licensee shall permit any glass, bottle, or other container containing intoxicating liquor or 3.2 percent malt liquor to remain upon any table, bar, stool, or other place where customers are served, more than 30 minutes after the time when a sale can legally occur.

(D) No person, other than the licensee and any employee, shall remain on the on-sale licensed premises more than 30 minutes after the time when a sale can legally occur.

(E) Any violation of any condition of this section may be grounds for revocation or suspension of the license.

Section 20. MINORS ON PREMISES.

(A) No person under the age of 18 years shall be employed in any rooms constituting the place in which intoxicating liquors or 3.2 percent malt liquor are sold at retail on-sale, except that persons under the age of 18 may be employed as musicians or to perform the duties of a bus person or dishwashing services in places defined as a restaurant, hotel, motel, or other multi-purpose building serving food in rooms in which intoxicating liquors or 3.2 percent malt liquor are sold at retail on-sale.

(B) No person under the age of 21 years may enter a licensed establishment except to work, consume meals on premises that qualify as a restaurant, or attend social functions that are held in a portion of the premises where liquor is not sold.

Section 21. RESTRICTIONS ON PURCHASE AND CONSUMPTION.

No person shall mix or prepare liquor for consumption in any public place of business unless it has a license to sell on-sale, or a permit from the Commissioner of Public Safety under the provisions of Minnesota Statutes, Section 340A.414, as it may be amended from time to time, which has been approved by the Council, and no person shall consume liquor in any such place.

Section 22. SUSPENSION AND REVOCATION.

(A) The Council shall either suspend for a period not to exceed 60 days or revoke any liquor license upon finding that the licensee has failed to comply with any

applicable statute, regulation, or provision of this Ordinance relating to liquor. Except in cases of lapse of proof of financial responsibility, no suspension or revocation shall take effect until the licensee has been afforded an opportunity for a hearing pursuant to the Administrative Procedures Act, Minnesota Statutes, Sections 14.57 to 14.70, as it may be amended from time to time. The Council may act as the hearing body under that act, or it may contract with the Office of Hearing Examiners for a hearing officer.

(B) The following are the minimum periods of suspension or revocation which shall be imposed by the Council for violations of the provisions of this Ordinance or Minnesota Statutes, Chapter 340A, as it may be amended from time to time or any rules promulgated under that Chapter as they may be amended from time to time:

(1) For commission of a felony related to the licensed activity, sale of alcoholic beverages while the license is under suspension, sale of intoxicating liquor where the only license is for 3.2 percent malt liquor, or violation of Minnesota Statutes, Section 112.04, the license shall be revoked.

(2) The license shall be suspended by the Council after a finding under division (A) that the licensee has failed to comply with any applicable statute, rule, or provision of this Ordinance for at least the minimum periods as follows:

(a) For the first violation within any three-year period, at least one day suspension in addition to any criminal or civil penalties which may be imposed.

(b) For a second violation within any three-year period, at least three consecutive days suspension in addition to any criminal or civil penalties which may be imposed.

(c) For the third violation within any three-year period, at least seven consecutive days suspension in addition to any criminal or civil penalties which may be imposed.

(d) For a fourth violation within any three-year period, the license shall be revoked.

(3) The Council shall select the day or days during which the license will be suspended.

(C) Lapse of required proof of financial responsibility shall effect an immediate suspension of any license issued pursuant to this Ordinance or state law without further action of the Council. Notice of cancellation or lapse of a current liquor liability policy shall also constitute notice to the licensee of the impending suspension of the license. The holder of a license who has received notice of lapse of required insurance or of suspension or revocation of a license may request a hearing thereon and, if a request is made in writing to the Clerk, a hearing before the Council shall be granted within ten days. Any suspension under this division (B) shall continue until the Council determines that the financial responsibility requirements of state law and this Ordinance have again been met.

(D) The provisions of Section 29 pertaining to administrative penalty may be imposed in addition to or in lieu of any suspension or revocation under this Ordinance.

Section 23. RESERVED FOR FUTURE USE.

Section 24. RESERVED FOR FUTURE USE.

Section 25. RESERVED FOR FUTURE USE.

Section 26. RESERVED FOR FUTURE USE.

Section 27. RESERVED FOR FUTURE USE.

Section 28. RESERVED FOR FUTURE USE.

Section 29. PENALTIES.

(A) Any person violating the provisions of this Ordinance or Minnesota Statutes, Chapter 340A as it may be amended from time to time or any rules promulgated under that Chapter as they may be amended from time to time is guilty of a misdemeanor and upon conviction shall be punished as provided by law.

(B) The Council shall impose a civil penalty of up to \$2,000 for each violation of Minnesota Statutes, Chapter 340A, as it may be amended from time to time, and of this Ordinance. Conviction of a violation in a court of law is not required in order for the Council to impose the civil penalty. A hearing under the Administrative Procedures Act, Minnesota Statutes, Sections 14.57 to 14.70, as it may be amended from time to time, is not required before the penalty is imposed, but the Council shall hold a hearing on the proposed violation and the proposed

penalty and hear any person who wishes to speak. Non-payment of the penalty is grounds for suspension or revocation of the license. The following is the minimum schedule of presumptive civil penalties which must be imposed in addition to any suspension unless the license is revoked:

- (1) For the first violation within any three-year period, \$500.
- (2) For the second violation within any three-year period, \$1,000.
- (3) For the third and subsequent violations within any three-year period, \$2,000.

(C) The term “violation” as used in Section 22 includes any and all violations of the provisions in this section, or of Minnesota Statutes, Chapter 340A, as it may be amended from time to time or any rules promulgated under that Chapter as they may be amended from time to time. The number of violations shall be determined on the basis of the history of violations for the preceding three-year period. Revocation shall occur within 60 days following a violation for which revocation is imposed.

Section 30. EFFECTIVE DATE

This Ordinance becomes effective on the date of its publication, or upon the publication of a summary of the Ordinance as provided by Minnesota Statutes, Section 412.191, subd. 4, as it may be amended from time to time, which meets the requirements of Minnesota Statutes, Section 331A.01, subd. 10, as it may be amended from time to time.

Section 31. SUMMARY APPROVED

The Council hereby determines that the text of the summary of this Ordinance marked “Official Summary of Ordinance No. _____,” and a copy of which is attached to this Ordinance, clearly informs the public of the intent and effect of this Ordinance. The Council further determines that publication of the title and this summary will clearly inform the public of the intent and the effect of this Ordinance. The Clerk shall file a copy of this Ordinance and the summary in the Clerk’s office which shall be available for inspection by any person during regular office hours. A copy of the Ordinance shall be available in the community library and in any other public location which the Council designates.

Passed by the Council this 16th, day of April, 2007.

Mayor

Attest:

City Clerk

OFFICIAL SUMMARY OF ORDINANCE CHAPTER 6, SECTION 600

**AN ORDINANCE REGULATING
THE POSSESSION, SALE AND CONSUMPTION
OF INTOXICATING AND 3.2 PERCENT MALT LIQUOR
WITHIN THE CITY OF KIMBALL, MINNESOTA**

The following is the official summary of Ordinance Chapter 6, Section 600, which was passed by the City Council on April 16, 2007.

A printed copy of this Ordinance is available for inspection by any person at the office of the City Clerk during normal business hours, and at the community library, and in any other public location which the Council designates.

The Ordinance regulating the possession, sale and consumption of intoxicating and 3.2 percent malt liquor within this City contains the following provisions.

Section 1 adopts Minnesota Statutes Chapter 340A, as it may be amended from time to time, by reference.

Section 2 permits the City to be more restrictive than state law concerning the sale and possession of alcoholic beverages.

Section 3 defines "liquor" and "restaurant" as those terms are used in the Ordinance.

Section 4 makes it is unlawful for any licensee to permit or allow any person or persons on the licensed premises when the person does not have his or her buttocks, anus, breasts and genitals covered with a non-transparent material. It is unlawful for any

person to be on the licensed premises when the person does not have his or her buttocks, anus, breasts and genitals covered with a non-transparent material. A violation of this section is a misdemeanor punishable as provided by law, and is justification for revocation or suspension of any liquor, wine or 3.2 percent malt liquor license or the imposition of a civil penalty under the provisions of Section 29(B) of this Ordinance.

Section 5 provides that no person shall consume intoxicating liquor or 3.2 percent malt liquor in a public park, on any public street, sidewalk, parking lot or alley, or in any public place other than on the premises of an establishment licensed under this Ordinance, in a municipal liquor dispensary if one exists in the City, or where the consumption and display of liquor is lawfully permitted.

Section 6 limits the number of license which may be issued.

Section 7 establishes the term and expiration dates for licenses.

Section 8 establishes the kinds of licenses which may be issued including:

- (A) 3.2 percent malt liquor on-sale licenses.
- (B) 3.2 percent malt liquor off-sale license.
- (C) Temporary 3.2 percent malt liquor licenses.
- (D) Off-sale intoxicating liquor licenses.
- (E) On-sale intoxicating liquor licenses.
- (F) Sunday on-sale intoxicating liquor licenses.
- (G) Combination on-sale/off-sale intoxicating liquor licenses.
- (H) Temporary on-sale intoxicating liquor licenses.

- (I) On-sale wine licenses.
- (J) Approval of state-issued consumption and display permits.
- (K) One day consumption and display permits.
- (L) Culinary class limited on-sale licenses.
- (M) Temporary off-sale wine licenses.
- (N) Brew pub on-sale intoxicating liquor or on-sale 3.2 percent malt liquor licenses.
- (O) Brewer off-sale intoxicating liquor licenses.
- (P) Brewer temporary on-sale intoxicating liquor licenses.

Section 9 authorizes the establishment of license fees by Ordinance or resolution.

Section 10 permits the Council, in its sound discretion, to grant or deny applications for licenses, or for the transfer or renewal of any license.

Section 11 describes the information required in an application for a license.

Section 12 requires a specific description of the premises to be licensed.

Section 13 provides that applications for renewal of licenses must be filed at least 90 days before the date of expiration, and permits the Council in its sound discretion to renew or not renew a license.

Section 14 prohibits the transfer of a license without Council approval.

Section 15 requires background and financial investigations of applicants for a license, renewal of a license or transfer of a license.

Section 16 provides for a hearing on the issuance of a license.

Section 17 establishes restrictions on the issuance of a license.

Section 18 establishes the conditions of a liquor license that a licensee must follow to avoid suspension or revocation. The failure of a licensee to meet any one of the conditions of the license specified below shall result in a suspension of the license until the condition is met.

- Within 90 days after employment, every person selling or serving liquor in an establishment which has an “on-sale” license shall receive training regarding the selling or serving of liquor to customers. The training shall be provided by an organization approved by the Council. Proof of training of the servers shall be provided by the licensee.

- Every licensee is responsible for the conduct of the place of business and the conditions of sobriety and order in it. The act of any employee on the licensed premises is deemed the act of the licensee as well, and the licensee shall be liable to all penalties provided by this Ordinance and the law equally with the employee.

- Every licensee shall allow any peace officer, health officer, City employee, or any other person designated by the Council to conduct compliance checks and to otherwise enter, inspect and search the premises of the licensee during business hours and after business hours during the time when customers remain on the premises without a warrant.

- No on-sale establishment shall display liquor to the public during hours when the sale of liquor is prohibited.

- Compliance with financial responsibility requirements of state law and of this Ordinance is a continuing condition of any license.

Section 19 establishes the hours and days of sale which are consistent with those established by state law. In addition, the Ordinance provides that:

- No person shall consume nor shall any on-sale licensee permit any consumption of intoxicating liquor or 3.2 percent malt liquor in an on-sale licensed premises more than 30 minutes after the time when a sale can legally occur.

- No on-sale licensee shall permit any glass, bottle or other container containing intoxicating liquor or 3.2 percent malt liquor to remain upon any table, bar, stool or other place where customers are served, more than 30 minutes after the time when a sale can legally occur.

- No person, other than the licensee and any employee, shall remain on the on-sale licensed premises more than 30 minutes after the time when a sale can legally occur.

Section 20 prohibits minors and underage persons on licensed premises except under certain conditions:

- No person under the age of 18 years shall be employed in any rooms constituting the place in which intoxicating liquors or 3.2 percent malt liquor are sold at retail on sale, except that persons under the age of 18 may be employed as musicians or to perform the duties of a bus person or dishwashing services in places defined as a

restaurant, hotel, motel, or other multipurpose building serving food in rooms in which intoxicating liquors or 3.2 percent malt liquor are sold at retail on sale.

· No person under the age of 21 years may enter a licensed establishment except to work, consume meals on premises that qualify as a restaurant, or attend social functions that are held in a portion of the premises where liquor is not sold.

Section 21 prohibits persons from mixing or preparing liquor for consumption in any public place of business unless it has a license or permit.

Section 22 establishes the circumstances and procedures for suspension and revocation of a license. The Council is required to either suspend for a period not to exceed 60 days or revoke any liquor license upon finding that the licensee has failed to comply with any applicable statute, regulation, or provision of this Ordinance relating to liquor. Lapse of required proof of financial responsibility shall effect an immediate suspension of any license issued pursuant to this Ordinance or state law without further action of the Council. Notice of cancellation or lapse of a current liquor liability policy shall also constitute notice to the licensee of the impending suspension of the license. A schedule of minimum periods of suspension and for revocation is established.

Sections 23 through 28 are reserved for future use.

Section 29 provides for penalties for violating this Ordinance, including a schedule of civil penalties.

Section 30 establishes the effective date of the Ordinance which is the date of the publication of this summary of the Ordinance.

Section 31 approves this summary of the Ordinance.

This summary was approved by the City Council of Kimball, Minnesota, on April 16, 2007.

Tammy Konz
Mayor

Attest:

Dianne H. Robinson
City Clerk Treasurer

PAGE 1
APRIL 30, 2007

A special meeting was called to order on April 30, 2007 at 6:00 p.m. by Mayor Tammy Konz.

Councilmembers present: Tammy Konz, Eric Loewen and Joe Krippner with DuWayne Orbeck arriving at 6:30 p.m. and Chris Jansky arriving at 7:00 p.m.

Councilmembers absent: None.

Others present: Leanne Kunze, Chris Langness, Al Nagel, Kelvin Nelson, Chad Johnson, Ed Borman, Jim Frilstad, Tom Ethan, Bradley DeWolf, Russ Pearson, Keith Markwardt, Jerome Kuechle, Bruce Batzer and Chris Jeppesen.

Al Nagel and Kelvin Nelson of Minnesota Benefit Advisors, Inc. gave a presentation on Health, Dental, Life and Short and Long Term disability for full time City employees. Different options and health education was discussed.

Motion Loewen/Krippner to approve the following benefit coverage for all full time employees with Minnesota Benefit Advisors, LLC as follows:

- Health Insurance with Medica under the MIC 1000-20 plan for two years running from June 1, 2007 to June 1, 2008 and June 1, 2008 to June 1, 2009.**
- Dental Insurance with Health Partners open access Plan with an annual maximum of \$1,000.00, deductible of \$25.00, basic care of 80% and major care of 50%.**
- Life, Long Term Disability and Short Term Disability – to remain same with Lincoln Mutual and change agent of record to Minnesota Benefit Advisors, LLC.**
- To change Agenda of Record on all above coverage to Minnesota Benefit Advisors, LLC.**
- To pay 100% of the premium for employee and family coverage.**

Motion passed.

Tom Ethan reviewed the process for the City WEB site.

Motion Loewen/Jansky to appoint an Information Management Committee of Tammy Konz, Joe Krippner and Dianne Robinson to bring this WEB site to completion and authorize Mayor Konz to make non monetary decisions if needed. Motion passed.

PAGE 2
APRIL 30, 2007

Bradley DeWolf of Bolton & Menk, Inc. presented a Professional Engineering Proposal for municipal engineering.

Russ Pearson of Pearson Bros. Inc. was present to give the Council an overview of his business and possibly moving part of their business to Kimball. Bruce Batzer of Astech (competitor) also appeared. Rezoning of Highway Commercial property, hours of operation and city water and sewer was discussed.

Councilmember Eric Loewen felt that the City would work with any new business.

Jerome Kuechle addressed the parking issue on Hazel Ave. W. and the City's interest in his commercial property on Main St. for possible police office. Councilmember Jansky addressed building onto the fire hall. Removal of property from tax role if City purchased was noted.

Mayor Konz relayed a proposal from the Police Department in reference to the vacant full time position. Mayor Konz will speak with Chief Frilstad about hourly rate for this position.

Motion Orbeck/Loewen to adjourn at 9:30 p.m.

Dianne Robinson
Clerk Treasurer

PAGE 1
MAY 21, 2007

Meeting was called to order at 7:00 p.m. by Mayor Tammy Konz.

Councilmembers present: Tammy Konz, DuWayne Orbeck, Chris Jansky, Eric Loewen and Joe Krippner.

Councilmembers absent: None.

Others present: Tim Young, Jim Schulz, Darrel Wills, Shirley Wills, Jim Frilstad, Sandy Steinmetz, Jean Matua, Tom Marquardt, Robert Blanchard, Vern Harris, Chad Johnson, Jeremy Wurpts, Bob Janski, Andréa Thompson and Chris Jeppesen.

Motion Orbeck/Krippner to approve the May 7, 2007 minutes as presented with spelling corrections to page 3 and 5 items. Motion passed.

Motion Loewen/Orbeck to approve the May claims as presented. Motion passed.

Motion Loewen/Jansky to approve the following items on the consent agenda.

- 1. To disconnect all delinquent City utilities.**
 - 2. To approve the revision of the Aug. 1, 2007 to Aug. 1, 2008 Fire Department Budget due to status change for Fairhaven Township (budget in packet).**
 - 3. To approve the signing of the Labor Agreement between the City of Kimball and AFSCME, AFL/CIO.MN, Council 65, Local 748 for Jan. 1, 2006 to Dec. 31, 2008 (in packet).**
 - 4. To approve Church of St. Anne's request for an exempt permit for bingo, raffles & pull tabs on Sept. 16, 2007 with no waiting period.**
 - 5. To accept the following Kimball Day's donations: MN. Heritage House \$300.00 and Kimball Garage \$100.00.**
 - 6. To accept the donation of \$4,321.69 for the Fire Dept. Checking Account from the Kimball Fire Relief Assoc. General Fund for blood pressure medical equipment and a defibrillator.**
 - 7. To approve the Independent Contractor Personal/Professional, Services, Agreement between the City of Kimball and Cathy Theis Gammon for Police Department transcription services after being reviewed by the City Attorney and authorize the Mayor and Clerk to sign agreement.**
 - 8. To accept the donation of \$25.00 from Dale and Teresa Stephas for Willow Creek Park maintenance in memory of P.E. Fogarty.**
 - 9. To approve Chris Jeppesen's vacation request.**
- Motion passed.**

Tom Marquardt of the Kimball Express Baseball Team presented requested reimbursement for fertilizing and weed spraying of the baseball field.

**PAGE 2
MAY 21, 2007**

Motion Jansky/Orbeck to reimburse the Kimball Express Baseball Team for the weed spraying inside the fence of the baseball field. Motion passed.

He also presented the plans for the next phase of the concession stand, which will include rest rooms and a six-foot 3rd base fence. Highway right of way and the sanitary sewer main extension permit were discussed.

He was instructed to meet with the zoning administrator to apply for the building permit and sanitary sewer main extension permits.

City Attorney Tim Young went over each item on the draft Development Agreement between the City of Kimball and the Kimball Church of Christ. The Council and the Church made recommendations. The Attorney will return to the June 4, 2007 meeting with a new draft reflecting these recommendations. He will get together with the City Clerk Treasurer and City Engineer prior to then to discuss administrative costs.

Chris Jeppesen appeared before the Council with questions about Community Night Out. This will be held on Aug. 7, 2007 from 6:00 p.m. to 8:00 p.m. at the Willow Creek Park Shelter. Ice cream and Popsicles were suggested, getting contributions from Community Ed., Chamber of Commerce and other organizations.

Motion Orbeck/Jansky to allow up to \$300.00 to advertise the City's Police and Fire and Civil Defense services to this community. Motion passed.

Andrea Thompson requested that she be changed to another meeting.

Police Chief Jim Frilstad reported that Chris Langness has official accepted the full time position of Police Officer starting May 28, 2007 at the hourly rate of \$16.00 per hour. He will work 45 regular hours in a workweek before overtime is received.

Chief Frilstad will start the process to fill the now vacant part time position, looking into a new police vehicle, need squad repairs and cost sharing with Maine Prairie.

**Chad Johnson of Public Works quotes from the following for sewer main cleaning of approx. 8,400 feet of main:
Roto Rooter \$3,360.00 to 3,780.00, AAA Sewer & Drain Cleaning, Inc. \$4,200.00 and Viking Sewer & Drain Cleaning \$4,200.00.**

Motion Jansky/Loewen to the three-year contract with Roto Rooter. Motion passed.

**PAGE 3
MAY 21, 2007**

City Engineer Jeremy Wurpts reviewed the NPDES permit renewal and modifications which expires on Nov. 30, 2007 and needs to be into Minnesota Pollution Control Agency by June 1, 2007 with a \$350.00 fee.

No Council action is needed at this time. He will keep them informed of the progress.

City Engineer Jim Schulz addressed the sod, which was placed on Linden Ave. E. with the street project and gave an estimate of when other street work would be completed.

Motion Orbeck/Jansky to have the manhole on Elm St. S. and Hazel Ave. W. worked on by street contractors for a couple of hundred dollars. Motion passed.

Motion Orbeck/Krippner to renew the irrigation wastewater land lease for the 109.03 acres for \$5,451.50 per year from Jan. 1, 2008 to Dec. 31, 2013, which is a 5-year contract. Motion passed.

Councilmember Orbeck reported on his discussion with Jerome Kuechle about the cost for leasing his building on Main Street for \$400.00 per month for a Police Office. It was suggested that the City look into an addition to the fire hall.

Paint balls in the park were also discussed. Councilmember Orbeck will speak to the group of individuals and notify the Clerk Treasurer if they will be on the June 4 agenda.

Councilmember Loewen reported on his attendance at the Stearns County Comprehensive Planning meeting. He is drafting a letter to the County, which he will be bringing to the June 4 meeting.

Nuisances were discussed. Chief Frilstad will get a copy of Minneapolis' Paint Ball Ordinance for the City Council to review.

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

**Dianne H. Robinson
Clerk Treasurer**

**PAGE 1
JUNE 18, 2007**

Mayor Tammy Konz called the meeting to order at 7:00 p.m.

Councilmembers present: Tammy Konz, DuWayne Orbeck, Chris Jansky, Eric Loewen and Joe Krippner.

Councilmembers absent: None.

Others present: Steve Capes, Chad Johnson, Jim Frilstad, Randy Gott, Cliff Dahl, Shirley Dahl, Shannon Dahl, Jean Matua, Jim Schulz, Chris Jeppesen, Robert Blanchard, Darrel Wills, Shirley Wills, Amy Baker, Mary Baker, Jerome Kuechle, Deb Reinert, Arnie Terwey and others.

**Motion Krippner/Orbeck to approve the June 4, 2007 minutes as presented.
Motion passed.**

**Motion Loewen/Krippner to approve the June 5, 2007 minutes as presented.
Motion passed.**

**Motion Orbeck/Loewen to approve the June 7, 2007 minutes as presented.
Motion passed.**

Motion Jansky/Krippner to approve the claims for June as presented. Motion passed.

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

- 1. To disconnect all delinquent City Utilities.**
- 2. To approve pay request #4 to Kuechle Underground, Inc. for the 2006 Magnus Johnson/Linden Ave project as approved by the City engineer (in packet).**
- 3. To accept the following Kimball Days donations: Thomes Ins. Group – Kimball \$100.00, Eliason Enterprises, Inc. \$100.00, TNC, Inc. \$100.00 and KimBuilt Propane, Inc. \$150.00**
- 4. To accept the donation of \$150.00 from the Minnesota Heritage House, Inc. for National Night Out.**
- 5. To accept the donation of \$9,010.25 from the Kimball Fire Relief Assoc. for the Baseball field concession stand.**
- 6. To approve the dance permit for Son of a Butcher's, 51 Main St. S. for June 29, 2007.**

Motion passed.

**PAGE 2
JUNE 18, 2007**

Chad Johnson of the Public Works Department reported on the clean of sewer mains, working with the Mayor and the DNR on the repair of the bridges in Willow Creek Park, street patching and crack filling, street project sodding, installation of signs, NPDES permit status, selling the push lawn mower, painting curbs and the publication of the Consumer Confidence Report.

Motion Jansky/Loewen to pay the wastewater license renewal of \$23.00 for Chad Johnson. Motion passed.

Motion Jansky/Orbeck to have Chad Johnson attend water school on Sept. 12-14 in St. Cloud and take the Class C exam. Motion passed.

There was discussion of the purchase of clear bags for compost and site being open on Saturday. Chad Johnson will speak to Gohmann Foods about the sale of these bags.

The Public Works Department is in need of an air compressor. Councilmember Orbeck will look into the use of a free compressor.

Chad Johnson addressed the status of one of the public works trucks. What is the cost of repair versus the purchase of a different vehicle? He will check this out and bring back quotes for repairs and quotes for a different vehicle.

Pastor Vern Harris addressed the Council and expressed the Kimball Church of Christ's sincere thanks for working with them to bring water to the Church.

Motion Jansky/Krippner to enter into and authorize the Mayor and Clerk Treasurer to sign the Development Agreement between the City of Kimball and the Kimball Church of Christ for the watermain extension. Motion passed.

Mayor Konz called to order the Condition Use Permit Hearing at 7:30 p.m. for Shannon Dahl to develop the remainder of his property at 501 Highway 55 E, property parcel ID #60.34417.000/001 for the future growth of his storage facility with no limit in number and size as long as it complies with the building code

Motion Orbeck/Jansky to approve the Condition Use Permit for Shannon Dahl at 501 Highway 55 E., property parcel ID#60.34417.000/001 to develop the remainder of this property to allow for future growth and expansion of his storage facility with no limit in the number and size of the facilities as long as he complies with the building codes. Motion passed.

**PAGE 3
JUNE 18, 2007**

Jerome Kuechle presented a revised sign design for Scheeler Addition.

Motion Konz/Orbeck to accept the new sign design for Scheeler Addition as presented. Those voting in favor thereof: Tammy Konz and DuWayne Orbeck; those voting against: Joe Krippner, Eric Loewen and Chris Jansky; those absent or abstaining: None. Motion did not pass.

Deb Reinert and Arnie Terwey were present with their parking plan for Triple RRR Grill & Bar's dance permit for Aug. 10th. They presented letters to the Council from surrounding businesses. Mayor Konz commented on the need for good P.R. with neighboring businesses. The Police Department has requested that Triple RRR Grill and Bar install no parking signs on one side of Maus Drive.

Deb Reinert discussed the public dancing ordinance and the removal of "No permit holder shall allow to be or remain in any public dancing place, any prostitute,". She would like to be included in a committee that would work on changing this ordinance. She also questioned the parking for Son of a Butcher's dance permit. Mayor Tammy Konz will speak to Son of a Butcher's which has more street parking.

Police Chief Jim Frilstad will have quotes for a new police squad ready for the next meeting and informed the Council that the pedestrian crossing signs are in bad shape and need new facing. Mayor Konz will contact the media to do a special on the pedestrian crossing on Highway 15 and Hazel Ave. and also speak with Rep. Larry Hosch.

Chief Frilstad introduced Randy Gott and recommended that the City hire him as the part time police officer.

Motion Jansky/Loewen to hire Randy Gott as the part time police officer effective June 22, 2007 at \$14.50 per hour with a 6 month review, require a physical and to pass the following resolution:

POLICE DEPARTMENT DECLARATION

WHEREAS, the policy of the State of Minnesota as declared in Minnesota Statutes 353.63 is to give special consideration to employees who perform hazardous work and devote their time and skills to protecting the property and personal safety of others; and

WHEREAS, Minnesota Statutes Section 353.64 permits governmental subdivisions to request coverage in the Public Employees Police and Fire plan for eligible employees of police departments whose position duties meet the requirements stated therein and listed below.

BE IT RESOLVED that the City of Kimball, of County of Stearns hereby declares that the position titled Police Officer, currently held by Randy J. Gott, meets all of the following Police and Fire membership requirements:

1. Said position requires a license by the Minnesota peace officer standards and training board under sections 626.84 to 626.863 and this employee is so licensed;
2. Said position's primary (over 50%) duty is to enforce the general criminal laws of the state;
3. Said position charges this employee with the prevention and detection of crime;
4. Said position gives this employee the full power of arrest, and
5. Said position is assigned to a designated police or sheriff's department.

BE IT FURTHER RESOLVED that this governing body hereby requests that the above-named employee be accepted as a member of the Public Employees Police and Fire Plan effective the date of this employee's initial Police and Fire salary deduction by the governmental subdivision.

Motion passed.

Councilmember Jansky requested that Triple RRR Grill & Bar paint where their property line is so customers know what is Triple RRR's property and what is street right of way.

Arnie Terwey addressed how dark it is when you turn from Maus Drive onto State Highway 15 in the evening and are unable to distinguish which side of the road you are on. Mayor Konz will speak to MN/DOT about this situation.

The repair of the bridges in Willow Creek Park was discussed and possibly requesting Erik Altena of the DNR to attend the next park committee meeting.

Motion Krippner/Orbeck to make a request of Xcel Energy to install two more street lights on Elm St. N. between State Highway 55 and 135th St. Motion passed.

City Engineer Jim Schulz will contact Tom Crouch, Developer for Heritage Park about the street lighting in this addition.

Completed Employee Performance Review form will be handed out to all employees for completion.

The Planning Consultant proposals were reviewed.

PAGE 5
JUNE 18, 2007

Motion Loewen/Konz to select Biko Associates, Inc. for the Comprehensive Plan with payment schedule provided. Those voting in favor thereof: Tammy Konz, Eric Loewen and Joe Krippner; those voting against: DuWayne Orbeck; those absent: None; those abstaining: Chris Jansky. Motion passed.

Councilmember Krippner reported on the reversal of the City's Board of Review decision by the County Board of Equalization.

Councilmember Krippner also reported on company changes being made by Hove Design which is designing the City Web site.

Mayor Konz addressed the soil condition in the boulevard in front of 511 Hazel Ave. E. since the street reconstruction. City Engineer Jim Schulz will check the project warrantee.

Mayor Konz reported that the Kimball American Legion is now open Thursday, Friday, Saturday and Sunday and has a new Commander which is Rose Ann Petty.

The refinancing letter for the \$475,000.00 Temporary Bond issue which was received from City Attorney Tim Young was discussed.

Motion Orbeck/Jansky to adjourn at 9:55 p.m. Motion passed.

Dianne H. Robinson
Clerk Treasurer

**PAGE 1
JULY 2, 2007**

Meeting was called to order at 7:00 p.m. by Mayor Tammy Konz.

Councilmembers present: Tammy Konz, DuWayne Orbeck, Chris Jansky, Eric Loewen and Joe Krippner.

Councilmembers absent: None.

Others present: Senator Michelle Fischbach, Ben Lutgen, Mary Johnson, Carol Newman, Jim Frilstad, Jerome Kuechle, Shannon Schroeder, Leanne Kunze, Jim Schulz, Matt Knaus, Dale Kirkpatrick and others.

Motion Orbeck/Jansky to approve the June 18, 2007 minutes as presented. Motion passed.

Motion Loewen/Krippner to approve the following consent agenda items:

- 1. To accept the following donations for Kimball Days: Kimball Chiropractic \$75.00 and Young Brown & Pagel \$50.00.**
- 2. To accept the following donations to the Fire/Rescue Department Equipment Fund in memory of Dee Curtis: Kathryn & Dennis DeLucio \$100.00 and Greg Foley and Joe Lenzmeier \$45.00.**
- 3. To renew the VGW Post 5460's Minnesota Lawful Gambling renewal application for Kimball Aqua Lanes, 250 Magnus Johnson St. N. for Oct. 1, 2007 to Sept. 3, 2009.**
- 4. To transfer \$25,000.00 from the Fire Dept. Money Market to their checking for operating expenses.**
- 5. To transfer \$2,000.00 from the water fund checking to the WAC money market and \$2,000.00 from the sewer checking to the SAC money market for water and sewer access fees collected from Doug Quast which was deposited in checking in error.**
- 6. To approve the Sanitary Sewer Extension or Change Permit for the City of Kimball Baseball Field concession stand.**
- 7. To approve Jim Frilstad's attendance at the Drunk Driving 2007 class in St. Paul on July 13, 2007 and pay the registration fee of \$195.00.**
- 8. To approve Dianne Robinson's request to take vacation time July 6th and the week of July 9-13 (Since the Council meeting is on June 16, I will need to come into the office for some time during this vacation to prepare for the meeting).**

Motion passed.

AFSCME Union Staff Representative Leanne Kunze introduced the new area representative Shannon Schroeder and thank the Council for working with her and union members on the contract.

PAGE 2
JULY 2, 2007

Senator Michelle Fischbach presented an overview of the last legislative session and answered questions and concerns.

The four way stop at the intersection of State Highways 15 and 55 and the cross walk at the intersection of State Highway 15 and Hazel Ave. were discussed. Senator Fischbach will be contacting Rep. Larry Hosch and MN/DOT to see what they can do with this safety concern.

Mayor Konz applauded the Kimball Historical Society for their restoration work on City Hall.

City Engineer Jim Schulz and Jerome Kuechle addressed the utility and drainage easement on Lots 5 & 6 of Block 4 in the Scheeler Addition which houses the wastewater lift station and who responsibility it is to maintain this property. Since this lift station is on an easement to these parcels of property, as Jerome Kuechle sells these lots, he will need to inform the buyers that they are responsible for maintaining the easements.

Watering of the new sod on Linden Ave. E. and Magnus Johnson Street was discussed.

Motion Jansky/Orbeck to accept the quote from Elk River Chrysler for the purchase of a 2007 Dodge Durango for the Police Department in the amount of \$24,138.00. Motion passed.

Chief Frilstad will obtain quotes for painting the doors white on this squad.

Motion Jansky/Loewen to have the Clerk Treasurer draft a check for \$24,138.00 from the Capital Outlay Money Market for the purchase of the Dodge Durango. Motion passed.

Cross walk enforcement was discussed with Chief Frilstad.

Chad Johnson of the Public Works Department and Councilmember Orbeck informed the Council that Matt Knaus' well at 240 Cherry St. S. went dry and the Health Department felt that since the City has two wells installed in this same area, that the draw down from the City wells may have caused this well to go dry. Since there is now a water main available for Matt Knaus to hook-up to, the City would like to see this done. Councilmember Orbeck request that the Water Access Charge be reduced on this hook-up because of the cause of the situation.

Motion Loewen/Orbeck to reduce the Water Access Charge (WAC) for Matt Knaus to \$500.00 for the water hook-up. Motion passed.

**PAGE 3
JULY 2, 2007**

The following issues were addressed with Chad Johnson of the Public Works Department:

- Patching of Maus Drive.**
- Striping of Maus Drive and white line at entrance to Triple RRR Grill & Bar.**
- Blading and graveling the alleys between Main St. N. and Oak St. N. and Hazel Ave. E. and Linden Ave. E.**
- Mowing around the “Welcome to Kimball” sign on Highway 55 West.**
- Putting the “Welcome to Kimball” sign back up by Arnold’s of Kimball.**
- Stop sign at Triple RRR Grill & Bar.**
- Submitting bridge plans to the DNR.**
- Moving playground equipment in Scheeler Addition to a shaded area.**
- Starting the plans for the park in Heritage Addition.**
- Hall cleaning and redoing the hall area floor.**
- Ceiling replacement/removal in City hall.**

Motion Orbeck/Jansky to award the quote for the cement culvert, meter valve, meter pipe, flare and labor to Hendricks Sand & Gravel for \$300.00. Those voting in favor thereof: DuWayne Orbeck, Chris Jansky, Eric Loewen and Joe Krippner; those voting against: None; those abstaining: Tammy Konz; those absent: None. Motion passed.

Motion Jansky/Loewen to pay the \$32.00 wastewater exam fee for Chad Johnson. Motion passed.

Mary Johnson of the Kimball Area Historical Society thanked the City for their support, informed the Council of plans for new signs on the building with Phase III, and requested funds for Phase III.

The Clerk Treasurer will prepare a report for the next meeting on available funding.

Councilmember Joe Krippner reviewed the Web site and creation of a new City logo.

Motion Orbeck/Krippner to join with the Kimball Area Chamber of Commerce and have four, 4X6 nylon flags flown over the U. S. Capital. Two to commemorate the Kimball Legion, one for the Fire Department and one for the City. Motion passed.

Motion Orbeck/Jansky to approve the contract with Biko Associated for Comprehensive Planning pending the approval by the City Attorney and have the Mayor call William Smith about a Kimball Day’s visual presentation of the time line. Motion passed.

PAGE 4
JULY 2, 2007

The City Clerk Treasurer will present a report at the next meeting on the length of the Mayor's term.

Employee performance review procedure was discussed.

Motion Jansky/Krippner to change the next regular City Council meeting from July 16, 2007 to July 23, 2007. Motion passed.

Councilmember Joe Krippner reported on the League of Minnesota Cities Annual Conference which he attended in Duluth.

Motion Loewen/Krippner to adjourn at 10:40 p.m. Motion passed.

Dianne H. Robinson
Clerk Treasurer

PAGE 1
JULY 23, 2007

Meeting was called to order by Mayor Tammy Konz at 7:00 p.m.

Councilmembers present: Tammy Konz, DuWayne Orbeck, Chris Jansky, Eric Loewen and Joe Krippner.

Councilmembers absent: None.

Others present: Paul Harvego, Mary Johnson, Brian Kuechle and Jim Frilstad.

Motion Krippner/Orbeck to approve the minutes of the July 2, 2007 meeting as presented. Motion passed.

Motion Orbeck/Loewen to approve the claims for July as presented. Motion passed.

Motion Loewen/Orbeck to approve items 1, 2, 3, 4, 8, 9 & 10 as follows and to **table items 5, 6 & 7 for later discussion:**

- 1. To disconnect all delinquent City utilities.**
- 2. To approve the Tesoro Commercial Fleet Charge Card Account application for the Police Department and Public Works Department (Schmidty's changed to Tesoro and the Conoco cards no longer work at the pumps).**
- 3. To approve Payment Request No. 5 for Kuechle Underground for the Magnus Johnson/Linden Ave. project as recommended by the City Engineer (in packet).**
- 4. To approve the Sunday Liquor License Application for Son of a Butcher's Bar & Grill at 51 Main St. S. for July 29 – Dec. 31, 2007.**
- 5. To approve U. S. Bank as pay agent and bond registrar for the \$1,605,000. G. O. Improvement Bond (info. in packet).**
- 6. To approve the 3.2% beer licenses for the Kimball Fire Relief Assoc. for Kimball Days weekend at the following locations:**
 - 210 Main St. S. (Baseball field area) on Aug. 11 & 12.**
 - 31 Main St. S. (Knaus Sausage House, Inc. area) on Aug. 11**
 - 11 Hazel Ave. E. (Steve Edward's lot) on Aug. 11**
- 7. To approve the Dance Permit application for the Kimball American Legion Club to conduct a dance on Aug. 10, 2007 from 8:30 p.m. - 12.30 a.m. - 201 Main St. S.**
- 8. To transfer \$200.00 from the sewer checking to the \$475,000.00 Condemnation Temporary Bond to cover bond interest payment per bond issue which states that the City will also maintain the Debt Service Fund as a separate account in the sewer fund and will cause money to be credited thereto from time to time, out of net revenues from the sewer plant & system, in sums sufficient to pay principal & interest on the bonds when due.**

PAGE 2
JULY 23, 2007

- 9. To transfer \$3,879.00 from general fund tax levy to the Reserve #1 Money Market to reimburse this fund for the City Share of the Fire Truck purchase.**
- 10. To accept the donations of \$50.00 from Evonne Johnson and \$100.00 from Darrel Curtis (for Dee Curtis memorial) for the Fire Equipment Money Market.**

Motion passed.

Councilmember Orbeck addressed the use of the K-9 unit and claim for shots. Mayor Konz will be checking with Police Chief Jim Frilstad on this issued.

Loewen/Krippner to have the Clerk Treasurer check with Keith Markwardt at the State Bank of Kimball about the Pay Agent for the \$1,605,000 G. O. Improvement Bond (Consent Agenda item #5).

Motion Jansky/Krippner to approve consent agenda item #6 to approve the 3.2 % beer licenses for the Kimball Fire Relief Assoc. for Kimball Days weekend at the following locations: 210 Main St. S. (Baseball field area) on Aug. 11 & 12, 31 Main St. S. (Knaus Sausage House, Inc. area) on Aug. 11, and 11 Hazel Ave. E. (Steve Edward's lot) on Aug. 11. Motion passed.

Motion Orbeck/Krippner to approve consent agenda item #7 to approve the Dance Permit application for the Kimball American Legion Club to conduct a dance on Aug. 10, 2007 from 8:30 p.m. – 12:30 a.m. at 201 Main St. S. Motion passed.

City Auditor Paul Harvego of Conway Deuth & Schmiesing gave the 2006 annual audit report and discussed internal controls, GASB requirements, the need for a new accounting program for the Clerk Treasurer, conflict of interest, debt provisions, maintaining six months of cash flow, TIF districts, increasing water and sewer rates, capital planning and other audit related issues.

Motion Loewen/Orbeck to approve the 2006 audit report as presented. Motion passed.

Mary Johnson presented an overview of the proposed Phase III historical grant for City Hall.

Clerk Treasurer Dianne Robinson reported on funding availability.

Motion Jansky/Loewen to use \$5,000.00 from the Reserve #2 Money Market Account (general fund) for Phase III Historical City Hall restoration. Motion passed.

**PAGE 3
JULY 23, 2007**

Police Chief Jim Frilstad reported on the alarm system at a business that continues to go off. The Police Department will start billing until problem is fixed.

He also reported on a forfeiture vehicle, prosecution contract and grants.

Quotes were presented for the equipment for the new police car as follows: Gall's \$8,000.00 and KEEPR'S \$7,300.00.

Motion Orbeck/Jansky to accept the quote from KEEPR'S in the amount of \$7,300.00 for the equipment for the new police car. Motion passed.

Brian Kuechle informed the Council of the Lions Club 5K Run/Walk which is scheduled for Sept. 29th and the planned route. He will work with Police Chief Jim Frilstad on the route and traffic control.

Councilmember Eric Loewen introduced the following resolution and moved for its adoption:

To amend Chapter Two – Administration – Section 2005.02 – Terms of Office as follows:

The Mayor shall serve a four year term. Councilmembers shall serve four year terms. Councilmember elections shall be staggered so that two Councilmembers stand for election while the remaining two Councilmembers have two years remaining in their terms of office.

Councilmember Joe Krippner seconded the foregoing resolution. Those voting in favor thereof: Eric Loewen, Joe Krippner, DuWayne Orbeck and Chris Jansky; those abstaining: Tammy Konz; those voting against or absent: None. Motion passed.

Motion Loewen/Orbeck to have the City Attorney review the proposed ordinance amendment to the building code. Motion passed.

Mayor Konz reported on the performance review process and the pedestrian crossing.

The Clerk Treasurer was instructed to send out three more nuisance letters.

The Council reviewed the City Attorney's revision to the Comprehensive Plan Contract with Biko Associates.

**PAGE 4
JULY 23, 2007**

Motion to approve the Comprehensive Contract with Biko & Associate with the City Attorney's proposed changes and to send these changes to Biko & Associate and have them incorporated into the contract. Motion passed.

Mayor Konz reported on her call from Tom Crouch and his request to annex more land north of the City. The Mayor will speak to him about the extension of Elm St. North and Commercial property.

Other items discussed were the Community Playhouse membership, Don Adams reply to Councilmember Loewen's letter on the County Land Use Plan, Health Partnership workshop, David Mackereth's temporary employment, Nation Night Out on Aug. 7th, Councilmember's in Kimball Days Parade, Board of Appeals training attendance, web site layout, City logo and Scheeler Park gazebo completion.

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

To amend Chapter Two – Administration - Section 215 – Schedule of Fees – 630.03 Public Dancing as follows:

PUBLIC DANCING (annual	\$120.00
(one event lasting no longer than 48 hours)	\$ 45.00 each time

Councilmember Joe Krippner seconded the forgoing resolution. Those voting in favor thereof: Tammy Konz, Chris Jansky, Joe Krippner, Eric Loewen and DuWayne Orbeck; those voting against, absent or abstaining: None. Motion passed and adopted.

The Council instructed the Clerk Treasurer to reply to the claim from the Kimball Vet Clinic and to have the Mayor review the letter before it is sent.

Councilmember Loewen informed the Council that their will be a park committee meeting on Aug. 16th at 7:00 p.m. at Willow Creek Park picnic shelter.

**Dianne H. Robinson
Clerk Treasurer**

PAGE 1
AUG. 6, 2007

Meeting was called to order by Mayor Tammy Konz at 7:00 p.m.

Councilmembers present: Tammy Konz, DuWayne Orbeck, Chris Jansky and Joe Krippner.

Councilmembers absent: Eric Loewen.

Others present: Chad Johnson, Sherry Donabauer, Jim Schulz, Chris Jeppesen and Ruth Johnson.

Motion Orbeck/Krippner to approve the July 23, 2007 minutes as presented. Motion passed (Loewen absent).

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

- 1. To disconnect all delinquent City Utilities.**
- 2. To approve pay request #6 for Kuechle Underground in the amount of \$26,190.75 for work completed on the Magnus Johnson/Linden Ave. project which has been approved by the City engineer.**
- 3. To accept the \$300.00 donation from SEH, Inc. for Kimball Days.**
- 4. To accept the \$2,459.85 donation from Kimball Area Historical Society for Phase II City Hall restoration.**
- 5. To allow Dianne Robinson to carry over 60 hours and 10 minutes of vacation beyond her Aug. 22 anniversary date.**
- 6. To approve U. S. Bank as pay agent and bond registrar for the \$1,605,000 G.O. Improvement Bond (State Bank of Kimball does not act as pay agent and bond registrar on bonds like these).**
- 7. To transfer \$4,008.33 from the general checking to the 1985 TIF money market account per tax levy for taxes paid in this district.**
- 8. To transfer \$3,879.00 from the general checking account to the Reserve #1 money market account per the tax levy to reimburse this fund for the fire truck purchase.**
- 9. To transfer \$26,237.48 from the general checking account to the Fire Department Contract money market account per the tax levy for the City's portion of the fire contract.**

PAGE 2
AUG. 6, 2007

10. To approve a dance license for Son of a Butcher's Bar & Grill for Aug. 9, 2007 at 51 Main St. S. (This request was brought in on July 23 before the ordinance was amended. This amount will be deducted from the pro-rated annual fee if they take out an annual license).

11. To approve the following Kimball Days expenses and pay when invoices are received: Darrell Kotila – petty zoo \$350.00, Omar Shrine Temple – go carts in parade \$500.00 and Prairie Percherons – Ed & Rose Borman – rides \$200.00.

Motion passed (Loewen absent).

Sherry Donabauer, Agent of Record for the City auto/liability insurance addressed the fireworks issue and asked who was sponsoring the event and if the pyrotechnics helpers were the pyrotechnics responsibility or City volunteers.

The City liability coverage excludes fireworks. There would be an additional \$250.00 premium to exclude this exclusion.

Motion Jansky/Krippner to exclude the fireworks exclusion for fireworks in the City's liability coverage and pay the \$250.00 premium. Motion passed (Loewen absent).

Motion Krippner/Orbeck to issue a check in the amount of \$2,130.00 to Premier Pyrotechnic for the fireworks shot. Motion passed (Loewen absent).

Motion Jansky/Krippner to have the City of Kimball sponsor the fireworks shot. Motion passed (Loewen absent).

Motion Jansky/Orbeck to approve the following volunteers for National Night Out and Kimball Days: Sandy Steinmetz, Tim Diffley, Don Driver, Mark Jansky, Dave Mackereth, Megan Mackereth, Deb Reinert, Janet Cleveland, Jacob Cleveland, Josh Cleveland, Terri Anderson, Pam Anderson, Pat Douvier, Kris Knaus, Kurt Zutz, Barry Arnold, Nick Wittrock, Mickey Fischer, Steve Edwards, Mary Fischer, Mary Ann Edwards, Roger Cooper, Jordon Edwards, Brandon Edwards, Jack Wessling, Anna Smith, Jeff Orbeck, John Krippner, Mark Jansky, Bob Stein, Charlie Serbus, Tanner Bakke, Jeff Jacobs and Jeff Johnson. Motion passed (Loewen absent).

Chris Jeppesen informed the Council that Waste Management would provide 3 free dumpsters for Kimball Days and 30 garbage containers for the parade route.

PAGE 3
AUG. 6, 2007

Motion Orbeck/Krippner to pay the Kimball Golf Course a \$10.00 lease fee for the golf cart Chris Jeppesen drives around in on Kimball Days. Motion passed (Loewen absent).

Ruth Johnson was present to address an issue with her rental property at 720 Hazel Ave. E. Mayor Konz explained situation to her.

Chad Johnson of the Public Works Department question the letter received from the veterinary clinic about impounds. Mayor Konz and Officer Chris Langness explained situation to him.

Chad Johnson questioned the Hold Harmless Agreement that Roto Rooter wants signed. Clerk Treasurer Dianne Robinson explained that the City Attorney reviewed the agreement and Roto Rooter had been informed that if the agreement was a part of the contract, the contract would not be signed as the City Attorney had not approved the agreement.

Chad Johnson addressed the needed brake repair to the red dodge truck, quotes for a different truck, new plow for truck, snow removal, making a "Replacement List" for the Public Works Department, water tower level repair and overhaul and lift station alarm system.

Office Chris Langness presented two quotes for Toughbook Laptop computer as follows: GroupMobile \$2,945.00 and TOUGHBOOK \$4,100.00.

Motion Jansky/Krippner to purchase the laptop from Group Mobile for \$2,945.00. Motion passed (Loewen absent).

Motion Jansky/Orbeck to rescind the motion to purchase the laptop and table to next meeting until the state bid price can be looked into. Motion passed (Loewen absent).

Biko Associates are requesting a reconnaissance meeting for the Comprehensive Plan for Friday, Aug. 17, 2007 starting at 2:00 p.m. Clerk Treasurer Dianne Robinson was instructed to contact them with a date change to Aug. 22 and question location of meeting and meals and once a date is set to invite the City Engineer and Attorney.

A letter from in regard to the watering of the sod on Linden Ave. E. was reviewed by the City engineer. He informed the Council that bad spots are scheduled for removal.

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AUG. 6, 2007

A quote of \$6,930.00 from Banyon Data Systems for a fund accounting and payroll program was presented. Quotes from other software suppliers are being obtained.

Police Departments request to purchase Halloween bags to advertise the community was table to the next meeting.

Mayor Konz addressed the cross walk issue on Hazel Ave and Main Street. She has been writing letters addressing this issue.

The Kimball Garden Club will be doing some work in the park and those working will be listed on the City's insurance as volunteers.

Chris Jansky addressed installing irrigation in Scheeler Park.

The proposed wage scale was reviewed by the Council and was tabled to the next meeting. The Personnel Committee will use this wage scale for the performance reviews, but will make it clear to the employees that it has not yet been adopted.

Lead Work Position was discussed.

Contract changes have been faxed to Biko Associates.

A request from Playland Ballroom as to what is a private and what is a public dance was tabled until the next meeting.

Joe Krippner presented a couple of different layouts for the City web site.

Mayor Konz reported on the GPD System which was awarded to the Kimball Fire Department by Life Link.

Motion Konz/Jansky to adjourn at 9:40 p.m. Motion passed (Loewen absent).

Dianne Robinson
Clerk Treasurer

PAGE 1
AUG. 20, 2007

Meeting was called to order at 7:00 p.m. by Mayor Tammy Konz.

Councilmembers present: Tammy Konz, DuWayne Orbeck, Chris Jansky, Eric Loewen and Joe Krippner.

Councilmembers absent: None.

Others present: Jim Frilstad, Crystal Rossmann, Jim Schulz, Chad Johnson, Sandy Steinmetz, Jean Matua, Tom Ehlinger, Sarah Dombrovski, Kira Schaefer, Steven Golla, Dave VanVleet, Tanner Meierhofer, Jamie Kurkowski, Tyler Delp, Joseph Harter, Steve Sheldon, Kody Taylor, Justin Ring, Jeff VanVleet, Justin White, Judy Anderson and Kelli Meierhofer.

Motion Orbeck/Krippner to approve the minutes of the Aug. 6, 2007 meeting as presented. Motion passed.

Motion Orbeck/Loewen to approve the claims for August as presented. Motion passed.

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

- 1. To disconnect all delinquent City utilities.**
- 2. To approve the transfer of \$7,000.00 from the general checking to the Capital Outlay Money Market fund per the 2007 tax levy.**
- 3. To approve the annual dance license application for Son of a Butcher's Bar & Grill at 51 Main St. S. for Aug. 1, 2007 to Dec. 31, 2007.**
- 4. To approve the 3.2 beer License application for the Church of St. Anne at 441 Hazel Ave. E. for Sept. 16, 2007.**
- 5. To transfer \$10,877.50 from the Sewer Checking Account to the Temporary Bond (condemnation) Money Market Account per the bond agreement.**
- 6. To accept the \$50.00 donation from Ten Door Express (Main Street Pub) for Kimball Days.**
- 7. To accept the \$175.00 donation from the State Bank of Kimball for the Kimball Days petting zoo.**
- 8. To accept the \$99.00 donation from the Kimball Area Chamber of Commerce for the National Night Out balloons.**

Motion passed.

Mayor Konz thanked the Police Department, Public Works Department, all City Employees and Councilmembers for their time worked on Kimball Days week-end.

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AUG. 20, 2007

Motion Krippner/Orbeck to purchase 300 Halloween bags to advertise the Police Department. Motion passed.

Motion Jansky/Krippner to accept the lowest quote and purchase the laptop computer for the Police squad. Motion passed.

Councilmember DuWayne Orbeck questioned the time spent by the Police Department in Fairhaven Township. Since the City of Kimball has a contract for service with Fairhaven Township, he was directed to instruct individuals who have complaints to address those with the Fairhaven Township Board.

Chief Jim Frilstad address video's he will be obtaining for the elementary school students, the roll over car for the high school students and the new squad car.

Mayor Konz suggested that the Police Department conduct school bus safety.

Chad Johnson of the Public Works Department addressed the tires for the public works truck, the chart recorder, pump bearings, telemetry system for the water tower and Christmas wreaths. It was requested that he obtain quotes for a Public Works vehicle so the Council has something to look at.

Motion Jansky/Krippner to pay for Chad Johnson's water license renewal. Motion passed.

Mayor Konz will be meeting with the historical society in regard to the wiring issue and the City Hall foundation. Councilmember Loewen stated that the foundation was priority for Phase IV.

OPEN FORUM

David VanVleet and fourteen other adults and youth address the City Council in regard to doing paintballs in Willow Creek Park. The safety issue of individuals who may enter this PUBLIC PARK and get hit by a paintball was explained to them. They were also informed that the City does not have insurance coverage for paintballing. It was also explained that the 23 acre park was obtained with a LAWCON grant which is overseen by the DNR and it is to be open to the public.

David VanVleet would like to have a portion of the park posted for paintballing and blocked off to the public during their time of use.

Mayor Konz suggested other alternative sites and is in favor of paintballing. Councilmember Loewen does paintballing and spoke about the safety issue and the courses being enclosed with a net.

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AUG. 20, 2007

Mayor Konz spoke about her previous request to this group that they be placed on the Council agenda.

The Council requested that the paintballing in the park be stopped until the issues at hand can be researched and addressed again at the next meeting.

Motion Loewen/Jansky to waive the billing for the two loads of brushed picked up at Sam Rossman's. Motion passed.

Motion Orbeck/Krippner to grant a two month extension for Styme's building permit due to the need for Melrose Telephone Company to relocate a 911 line that runs through Styme's property. Motion passed.

Motion Orbeck/Jansky to approve the following appointments to the Kimball Fire/Rescue Department effective Sept. 5, 2007: Ennis Beck, Eric Donnay, Matt Knaus and Brian Kiffmeyer. Motion passed.

Chief Tom Ehlinger addressed the training costs and the CP rail mock disaster scheduled for Sept. 15th.

Mayor Konz thanked Tom Ehlinger for his leadership with the Fire/Rescue Department.

Motion Jansky/Orbeck to allow the Church of St. Anne to put up banners advertising their Church Bazaar. Motion passed.

Police Jim Frilstad informed the Council of all the free training opportunities the department will be taking advantage of which is required for keeping their licenses up to date.

Mayor Konz and Councilmember Krippner are still working on the wage scale and performance evaluations and tabled this to the next meeting.

Mayor Konz will speak with Denise Schmidt's of the Playland Ballroom about posting private dances.

Motion Loewen/Krippner to table the Change Order #1 request from Kuechle Underground for and increase cost for the Magnus Johnson/Linden Ave. street project in the amount of \$48,939.00 until the Council has time to review this work which has already been done. Motion passed.

Cost of locates in the Change Order was questioned.

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AUG. 20, 2007

City Engineer Jim Schulz addressed sidewalk railings and driveway wash outs on Linden Ave. and replacement of dead sod in the street project area.

Motion Loewen/Jansky to approve the following:

To call for a special meeting on Aug. 29, 2007 at 7:00 p.m. to review the proposed 2008 tax levy and budget.

To set the Truth in Taxation Initial Hearing for public comment to discuss the City's proposed budget and property tax levy for 2008 on Dec. 3, 2007 at 7:15 p.m.

To call for a special meeting on Dec. 10, 2007 at 7:00 p.m. for the subsequent hearing to adopt the City's final property tax levy for taxes payable in 2008 and the 2008 general fund budget.

Motion passed.

Motion Orbeck/Loewen to adjourn 9:00 p.m. Motion passed.

Dianne Robinson
Clerk Treasurer

PAGE 1

AUG. 22, 2007

2:30 p.m. - Bill Smith, Urban & Regional Planner, Harold Skjelbostad, Registered Landscape Architect and Satoko Muratake, Urban Designer Landscape Architect of Biko Associates, Mary Bujold of Maxfield Research, Inc. and Caroline Braun, Planning Director for the City of Anoka met with Mayor Tammy Konz, Councilmember Eric Loewen, Chad Johnson of Public Works and Clerk Treasurer Dianne Robinson to conduct reconnaissance and scoping activities to start the Comprehensive Planning for the City. A tour of the City followed with the consulting team conducting an internal debriefing afterwards.

6:30 p.m. – The above consulting team, Councilmembers Eric Loewen, Joe Krippner, DuWayne Orbeck, Chris Jansky, Clerk Treasurer Dianne Robinson and the following public attended an informational meeting: Sandy Steinmetz (business owner and Pres. of the Kimball Area Chamber of Commerce), Leo Wirth (Chamber member and Maine Prairie Township resident and past business owner), Erika O'Brien (Kingston Township resident), Rhonda Pagel (City Attorney), Erin Gutwasser (City resident), Audrey White (City resident), Mary Johnson (City resident and member of the Kimball Area Historical Society), Vern Harris (City resident and Pastor of the Kimball Church of Christ), Cole Loewen (Maine Prairie Township resident), Cindy Stelten (Kimball resident and business owner), Jim Schulz (City Engineer), Keith Markwardt (President of the State Bank of Kimball), Jean Matua (Maine Prairie Township resident and owner of the Tri-County News) and Marilyn Sterling (City resident).

Introductions were done.

Caroline Braun, Planning Director for the City of Anoka who is a part of the Biko team outlined what a Comprehensive Plan is, what is in a plan and the reason for creating a Comprehensive Plan?

Each member of the team gave an overview of the City tour.

Councilmember Orbeck questioned the recodification of the zoning ordinances. Bill Smith of Biko Assoc. explained that re-codification was not a part of the contract.

Leo Wirth addressed the planning process. Would Biko Assoc. be guiding the City Council or telling them what to do, is there room on the Steering Committee for Township residents and what is the timeline?

Bill Smith explained that his team is a guide. All decisions are made by the City Council and yes there is room on the Steering Committee for the surrounding township residents/board members.

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AUG. 22, 2007

The time line was reviewed with a kick off meeting scheduled for September and the first Steering Committee meeting in October. These meeting are open to the public and governed by the Open Meeting Law. It was noted that the Steering Committee has work to do at this meeting and they would try to do an open forum either at the beginning or end of the meeting if public is present and has any comment.

Area growth was discussed. Why is there only one teacher living in the community? The comments were housing availability; spouse job location, best fit for family, location of amenities and what can the City do to draw them here.

Parking comments, site view of businesses and view of Willow Creek park, past eminent domain being a threat to property owners of having their property taken, having Maine Prairie Township board members on the Steering Committee, involving Maine Prairie Township in any annexation way in advance, having a progressive Council, Maine Prairie Township surrounding the boundaries of the CityWater and Sewer infrastructure, short and long term fix, availability of other utility services for new businesses, incentives such as TIF and Tax Abatement, transportation issues for Elm St. North and Highway 15, the large amount of tax exempt property in the City (schools, churches, parks, City building sites, etc.) which makes for higher taxes, promotion and education, rail industry location, drop box for public comments, Steering Committee notifications and dedication to Steering Committee if appointed were issues addressed.

The approval of the final plat for Heritage Park and the need for more commercial property was discussed. City Attorney Rhonda Pagel explained that once the previous Council had approved the preliminary plat, the Council had to proceed with approval of the final plat. Several negative comments were made as to how the previous Council had handled this transaction.

Bill Smith of Biko Assoc. stated that their should be no more than two Councilmembers on the Steering Committee and that an average steering committee consists of approx. 12 - 15 members made up of Councilmembers, City residents, business owners, Maine Prairie Township board member local church pastor, etc.

This Steering Committee is appointed by the City Council. They do their work and present it to the City Council who makes all the final decisions. The Council also appoints a Chairperson for the Steering Committee. The City Clerk Treasurer will take care of all the notices and mailings.

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AUG. 22, 2007

The Steering Committee meetings will be on the last Thursday of the month with the first meeting being held on Oct. 25, 2007 at 6:30 p.m.

Bill asked for a show of hands of those not on Biko's team, who would like to serve on the steering committee.

Meeting adjourned at 8:15 p.m.

Dianne Robinson
Clerk Treasurer

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AUG. 29, 2007

A special meeting to work on the 2007 tax levy and budget for taxes payable in 2008 was called to order by Mayor Tammy Konz at 7:00 p.m.

Councilmembers present: Tammy Konz, Eric Loewen, Joe Krippner and Chris Jansky.

Councilmembers absent: DuWayne Orbeck.

Clerk Treasurer Dianne Robinson reviewed the figures for the proposed 2007 general fund tax levy and budget. Area addressed were County State Aid Highway Maintenance Contract, prosecutions, legal publications, donations to Heartland Express and Minnesota Initiative Foundation, building permits, library contribution to expenses, street maintenance, etc.

Motion Jansky/Loewen to adjourn at 9:30 p.m. (Orbeck absent). Motion passed.

**Dianne H. Robinson
Clerk Treasurer**

**PAGE 1
SEPT. 4, 2007**

Mayor Tammy Konz called the meeting to order at 7:00 p.m.

Council present: Tammy Konz, DuWayne Orbeck, Eric Loewen and Joe Krippner.

Council absent: Chris Jansky.

Others present: City Engineer Jim Schulz, Sandy Steinmetz, David VanVleet and a number of youth, Chad Johnson, Jim Frilstad and Donn Driver.

Motion Orbeck/Loewen to approve the Aug. 20, 22 & 29, 2007 minutes as presented. Motion passed (Jansky absent).

**Motion Orbeck/Krippner to approve the following items on the consent agenda:
1. To approve the annual dance permit licenses from Aug. 1 – Dec. 31, 2007 for Triple RRR Grill & Bar and Main Street Pub.
Motion passed (Jansky absent).**

Chad Johnson of the Public Works Department presented quotes for a new truck. This was tabled until quotes are received from Chrysler.

Motion Loewen/Krippner to contract with Cummins NPower, LLC to conduct a load test on the wastewater plant generator for \$1,251.97. Motion passed (Jansky absent).

Mr. Johnson reported on the generators in the lift stations at Heritage Park and Scheeler Addition, repair of blue bird houses, sending bridge specifications for Willow Creek Park to the DNR and material for the bridges.

Motion Konz/Loewen to purchase lumber (not to exceed \$1,800.00) for the park bridges. Motion passed (Jansky absent).

Sealed quotes for the sale of the push lawn mower were opened and were as follows: Jim Unterberger \$101.00 and Chris Jeppesen \$76.26.

Motion Krippner/Orbeck to sell the push lawn mower to Jim Unterberger for \$101.00. Motion passed (Jansky absent).

Motion Orbeck/Loewen to purchase the 800 Mega Hertz radio for the police Durango from Motorola for \$2,882.25. Motion passed (Jansky absent).

Donn Driver, Volunteer Emergency Management Director reported on the upcoming disaster drill.

**PAGE 2
SEPT. 4, 2007**

David VanVleet and a number of youth were present in regard to the paint ball activity in Willow Creek Park which was tabled from the last meeting while the City Council researched the park grant administration and insurance issue.

Mayor Tammy Konz read a letter from Joe Hiller, Community Development Representative, Minnesota Department of Natural Resources which administers the grant which was received for the land acquisition for Willow Creek Park. The letter is as follows:

You asked about grant regulations that might affect the use of Willow Creek Park for paint ball sports.

In 1982, the City applied for, and received, a grant to acquire approximately 24 acres for this park. In accepting the grant, the City agreed to retain the lands and operate them solely for outdoor recreation as described in their application and in the resulting agreement between the City and the State. The stated outdoor recreation activities included: picnicking, hiking, and skiing, with possible tennis and softball facilities added later.

Introducing paint ball would be a significant change in use of the park and contravene the original intent of the grant. Approval by both the State and by the National Park Service would therefore be required. An approval request would include an explanation by the City of why the change of use is needed and that there are no reasonable alternatives to using this location. The public must be afforded a chance to comment on the proposal.

Joe Hiller

Mayor Konz also commented that the City Insurance Agent of Record Sherry Donabauer was present at a previous meeting when the Council was discussing paint balling in the park. She informed the Council that the City did not have coverage for this and by having knowledge of paint balling and not stopping it; the City would become liable if an injury occurred.

The City Council discussed alternatives and alternate sites with the youth that were present and encouraged them to seek out alternatives and explained that they are not against paint balling. This is an activity that a couple of the Councilmembers participate in, and enjoy.

A letter of complaint in regard to Kimball Day's mini rod activities was addressed. Motion Loewen/Krippner to refer this complaint to the new Kimball Day's committee. Motion passed (Jansky absent).

**PAGE 3
SEPT. 4, 2007**

A letter from Stearns County for the Local Board of Review training was addressed and will be responded to.

The League of Minnesota Cities Regional meeting in New London on Sept 27, 2007 will be attended by Councilmember Joe Krippner, Councilmember Eric Loewen and Clerk Treasurer Dianne Robinson.

Councilmember Eric Loewen introduced the following resolution and moved for its adoption:

To amend Chapter Two – Administration, Section 215 – Schedule of fees, CODE SECTION, 520.09 ADMINISTRATIVE OFFENSE PENALTIES, DOGS RUENNING AT LARGE, penalty

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

To amend Chapter Two – Administration, Section 215 – Schedule of fees, CODE SECTION, 520.09 ADMINISTRATIVE OFFENSE PENALTIES, DOGS RUNNING AT LARGE, administration fee

**1st PICKUP (penalty \$25.00, Admin. fee \$7.50) \$32.50
2nd PICKUP (penalty \$40.00, Admin. fee \$7.50) \$47.50
3rd PICKUP (penalty \$55.00, Admin fee \$7.50) \$62.50**

Councilmembers Tammy Konz and Eric Loewen (respectfully) seconded the foregoing resolution. Those voting in favor thereof: Tammy Konz, Eric Loewen, DuWayne Orbeck and Joe Krippner; those voting against: None; those absent or abstaining: Chris Jansky. Motion passed.

The Council reviewed a list of nuisances received from the Public Works Department and added more to the list and instructed the Clerk Treasurer to send letters to the property owners on the list.

Motion Krippner/Loewen to approve Change Order #1 for Kuechle Underground, Inc. for the Magnus Johnson/Linden Ave. Street Project in the amount of \$48,939.00. Motion passed (Jansky absent).

City Engineer Jim Schulz reported that the date scheduled for the replacement of bad sod on the Magnus Johnson/Linden Ave. Street Project is Sept. 10th, reported on the lift station warrantees and the Church of Christ water main extension easements.

**PAGE 4
SEPT. 4, 2007**

OPEN FORUM

Sandy Steinmetz reported that Melrose Telephone Company will deaden the 911 line which runs through Styme's, Inc. property and relocate line to west side of Elm St. N. A drainage plan will be developed and presented to the Council and City Engineer at a later date.

The Council reviewed the list of applicants for the Comprehensive Plan Steering Committee tabled the appointments to the next meeting while giving others interested an opportunity to apply.

It was decided that the City Engineer and City Attorney would only be present at the Steering Committee meetings if needed and requested to attend.

**Motion Loewen/Orbeck to adopt the Wage Grade Step Scale as presented.
Motion passed (Jansky absent). (Attached)**

Motion Loewen/Orbeck to approve the following 2007 wage increases effective with the employee's anniversary date and to pay back wages from that anniversary date:

Chris Jeppesen \$12.00 to \$12.75 per hour.

Ed Borman \$13.25 to \$14.25 per hour.

Chad Johnson \$14.25 to \$15.25 per hour.

Chris Langness \$16.00 to \$16.50 per hour on his full time six month anniversary date of Nov. 28, 2007.

Motion passed (Jansky absent).

Future performance reviews will be conducted in Aug. 2008 and with wage increases taking effect Jan. 1, 2009.

Offering the K-9 Unit to Todd Rohloff for \$1.00 will be presented to him.

Decreasing the Council wages was discussed and tabled until State Statute can be reviewed.

Councilmember Eric Loewen introduced the following resolution and moved for its adoption:

PAGE 5
SEPT. 4, 2007

RESOLUTION ADOPTING PROPOSED PROPERTY TAX LEVY

RESOLUTION NO. 090407

RESOLUTION APPROVING 2007 TAX LEVY, COLLECTIBLE IN 2008

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 2008, upon taxable property in the City of Kimball, for the following purposes:

Total levy \$ 313,424.00

The City Clerk Treasurer is hereby instructed to transmit a certified copy of this resolution to the County Auditor/Treasurer of Stearns County, Minnesota.

Councilmember DuWayne Orbeck seconded the foregoing resolution. Those voting in favor thereof: Eric Loewen, DuWayne Orbeck, Tammy Konz and Joe Krippner; those voting against: None; those absent or abstaining: Chris Jansky. Motion passed and adopted by the City Council on Sept. 4, 2007.

Motion Orbeck/Krippner to adjourn at 10:55 p.m. Motion passed (Jansky absent).

Dianne H. Robinson
Clerk Treasurer

Meeting was called to order by Mayor Tammy Konz at 7:00 p.m.

Councilmembers present: Tammy Konz, DuWayne Orbeck, Chris Jansky, Eric Loewen and Joe Krippner.

Councilmembers absent: None.

Others present: Jim Schulz, Sandy Steinmetz, Gina Libbesmeier, Jason Libbesmeier, Jean Matua, Chris Langness and Gene Gohmann.

**Motion Krippner/Jansky to approve the Sept. 4, 2007 minutes as presented.
Motion passed.**

**Motion Jansky/Loewen to approve the claims for September as presented.
Motion passed.**

Motion to approve the following items on the consent agenda:

- 1. To disconnect all delinquent City Utilities with 71 Magnus Johnson St. N. being due on Friday, Sept. 21.**
- 2. To apply for and accept the grant from Meeker Cooperative Round Up for Kimball Day's fireworks and Shrine's Go-Carts in the amount of \$200.00.**
- 3. To accept the donation of \$1,000.00 from the Margaret Kuechle estate for the Fire Equipment fund.**
- 4. To approve the Dance Permit for the Kimball American Legion Post 261 from Aug. 1, 2007 to Dec. 31, 2007 at 50 Main St. S.**
- 5. Transfer of the following funds to general checking for the Comprehensive Planning:**

From: Reserve Working Capital #1 mmkt.	\$13,953.94
Reserve Working Capital #2 mmkt.	8,601.68
Cash Security mmkt.	<u>13,704.38</u>
Total Project Budget transfer	<u>\$36,260.00</u>

Motion passed.

Jason & Gina Libbesmeier of 51 Hazel Ave. E. were present to express their concern with the Kimball Day's Street Dance activity that took place on their property. The Libbesmeier's enjoy the street dance and are only objecting to the trespassing. Items discussed were more policing, better fencing, fencing off dance area and not allowing alcohol to be carried in.

Mayor Tammy Konz will speak to the sponsors of the dance (Kimball Fire Relief Association & Main Street Pub) and request that they pursue a solution.

**PAGE 2
SEPT. 17, 2007**

Motion Krippner/Jansky to enter into a contract with the Stearns County Attorney's Office to do the prosecutions upon the review and approval of the contract by the City Attorney. Motion passed.

The three year sewer main cleaning contract proposed by Roto Rooter was reviewed. There was no break in the rates with the contract. The City will continue on an on call bases unless a contract is proposed with lower rates.

It was reported that the Public Works Dodge truck rear end needs to be repaired. A used rear end with 100,000 miles would cost \$1,500.00 uninstalled. A new vehicle through the state bid would cost \$18,000.00. The Council will hold off until the State bids come out in Oct.

City Engineer Jim Schulz reported on the sod replacement for the street project area. Mayor Konz requested that he provide her with a list of the one's scheduled for replacement.

Jim Schulz also reported on the progress of the Kimball Church of Christ water main extension. The Council needs to review and approve the plans before the Church proceeds with the extension. The City Attorney has forwarded the easements to the Church and they will be contacting the abutting property owners.

The Kimball Church of Christ has requested that SEH, Inc. bid on drafting the plans for this water main extension. Since SEH, Inc. is the City's engineering firm, they requested the City's approval which was given.

The Council reviewed the nuisance letters which they requested sent. The property owners at 50 Magnus Johnson St. N. requested an extension to Oct. 13th which was granted.

The property owner at 50 Cherry St. S. requested a delay as a power line needs to be dropped to remove the dead tree. Councilmember Orbeck will meet with property owner.

Mayor Konz discussed the offer of a reward for the vandalism in Willow Creek Park to the rest rooms, picnic shelter and warming house. Police Officer Chris Langness requested that the City hold off on the reward as this is an ongoing investigation. The Police Department will notify the Council when they can proceed with the reward offer.

The Council reviewed Minnesota Statute 415.11 and will consider lowering the Council Compensation to take effect after the next election.

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SEPT. 17, 2007

Clerk Treasurer Dianne Robinson reported on use of the Pre-Development Agreement for sub-divisions and minor sub-divisions.

Mayor Tammy Konz will check on the cost of surveillance equipment for the picnic shelter area.

Jean Matua presented notice she would like to publish in the Tri-County News on vandalism. She will publish when the Police Department notifies here to proceed.

Motion Loewen/Orbeck to appoint the following 15 members to the Comprehensive Planning Steering Committee and if Chad Johnson of the Public Works Department is needed to attend any of the meetings, the request must be made by the City Council in order for him to receive compensation:

**Mayor Tammy Konz
Councilmember Eric Loewen
Clerk Treasurer Dianne Robinson
Leo Wirth
Mary Johnson
Pastor Vern Harris
Keith Markwardt
Sandy Steinmetz
Erin Gutwasser
Jean Matua
Erika O'Brien
Doug Quast
Cindy Stelten
Jim Unterberger
Kris O'Brien
Motion passed.**

Kimball Lions member Gene Gohmann reported that the Lions are willing to put up a reward of \$250.00 for the vandalism if the City matches the reward. Mayor Konz explains that the Council has talked about the reward and is holding off until given the go ahead by the Police Department.

Motion Loewen/Orbeck to approve the payment of \$5,078.74 to Biko Assoc., Inc. for work done to date. Motion passed.

Motion Jansky/Loewen to adjourn at 9:00 p.m. Motion passed.

**Dianne H. Robinson
Clerk Treasurer**

**PAGE 1
OCT. 1, 2007**

Meeting was called to order by Mayor Tammy Konz at 7:00 p.m.

Councilmembers present: Tammy Konz, DuWayne Orbeck, Chris Jansky, Eric Loewen and Joe Krippner.

Councilmembers absent: None.

Others present: Jean Matua, Jim Schulz, Jim Frilstad, Chad Johnson, Tom Marquardt and Andrea Thompson.

Motion Jansky/Krippner to approve the Sept. 17, 2007 minutes as presented. MP

Motion Jansky/Orbeck to approve the following items on the consent agenda:
1. To transfer the balance of interest earned in the Reserve #2 and Cash Security Money Markets to the Reserve #1 Money Market and close out these small general accounts.
2. To accept the donation of \$158.00 from St. John's Lutheran Church for the Fire Equipment Fund.
MP

IT contracts for computer service were reviewed. City will use on call service instead of entering into a contract.

Motion Jansky/Krippner to approve the Sunday Liquor License for Playland Ballroom, 531 State Highway 55 for Oct. 1, 2007 to Dec. 31, 2007. MP

The well at 161 State Hwy. 55 W. was addressed. The City will grandfather in this well. However, if the property is ever sold or the well fails, then the City would require hoop up to the City water service which will run along their north property line.

Motion Jansky/Loewen to send formal nuisance complaint notices to property owners identified on the Public Works list. MP

The Council recommended increasing the rate charged to MN/DOT for the snow removal by the City on State Highway 15 (Main Street) from \$65.00 to \$75.00 for the skid loader and \$60.00 to \$70.00 for the truck.

Motion Jansky/Krippner to purchase and have trucked in 130 yards of class 5 gravel for the lowest quote of \$1,300.00 from Hendricks Sand & Gravel. MP

Chad Johnson questioned the Roto Rooter proposed contract and was informed that sewer main cleaning would be done on an on call bases.

PAGE 2
OCT. 1, 2007

Chad Johnson will obtain a second quote for the water plant controls and wiring of the generator to the water plant.

Mayor Konz informed the Council that Chad Johnson passed his Class C water exam with a 93%. The Personnel Committee will meet with him to discuss a wage increase for passing this exam.

Chad Johnson reported on the status of the state bid for a new truck and the repair to an existing vehicle.

Tom Marquardt reported on the baseball field upgrades. They are still waiting for the Sanitary Sewer Main Extension Permit to be approved by MPCA and can not level off and seed area until this extension is complete. Funding issues were addressed.

OPEN FORUM

Andrea Thompson addressed the Council in regard to her delinquent garbage bill of \$341.62.

Motion Loewen/Jansky as follows:

- **Current amount due must be paid on time by the due date each month.**
- **Past due amount of \$341.62 will be divided by 10 and paid in 10 increments (\$34.17 each month) over the next 10 months on that months due date.**
- **More can be paid on the past due amount, but not less.**
- **No penalty will added to this past due amount. If payments are not made on that month due date, the penalty will resume.**

MP

Police Chief Jim Frilstad presented the monthly reports for Kimball and Fairhaven Township and the price paid for transcriptions.

Changes recommended by the City Attorney to the prosecution contract will be presented to the Stearns County Attorney for revisions.

Claim for damage to trees at 41 Magnus Johnson St. N. has been forwarded to the League of Minnesota Cities and to the contractor.

City Engineer Jim Schulz reported on an upcoming change order for \$800.00 on the Magnus Johnson/Linden Ave. project and sod replacement.

PAGE 3
OCT. 1, 2007

The Pre-Development Agreement deposit was discussed. Council direction is to leave the deposit at \$2,500.00. This includes minor subdivisions.

Motion Krippner/Loewen to write a letter to the Kimball Veterinary Clinic in regard to Invoice #80 dated Sept. 24, 2007 as procedure was not authorized by the City and will not be paid by the City. MP

The City will draft a letter to Todd Rohloff on the retiring of the K-9 Unit and offer Viper to the Rohloff's for \$1.00.

Mayor Konz informed the Council that the local garden club would like to plant flowers around the picnic shelter. The Kimball Lions Club will be contacted first and construction on the shelter is still in progress.

Mayor Konz read a letter that she had wrote to MN/DOT.

Mayor Konz spoke with Fire Chief Tom Ehlinger about the concerns addressed at the last meeting by the Jason Liebesmeier's and Kimball Days trespassing on their property. Better control of drinking by minors and carrying in alcohol was also discussed.

Councilmember Eric Loewen and Mayor Tammy Konz will attend the Stearns County Comprehensive Plan meeting on Oct. 9th at the Freeport Community Center.

Attendance at the Oct. 16th Stearns County Municipal League meeting was also discussed.

Motion Orbeck/Jansky to match the Kimball Lions Club reward of \$250.00 for the vandalism in the parks. MP

Motion Loewen/Orbeck to adjourn at 9:25 p.m. MP

Dianne Robinson
Clerk Treasurer

PAGE 1
OCT. 15, 2007

Meeting was called to order at 7:00p.m. by Mayor, Tammy Konz.
The Pledge of Alliance was recited.

Councilmember's present: Mayor, Tammy Konz, Council Members present: DuWayne Orbeck, Chris Jansky, Joe Krippner, Eric Loewen.

Councilmember's absent: None

Others present: John Gohmann, Kenny Knaus, Erin Guttwasser, Doug Quast, Keith Marquardt, Ed Maus, Jim Schultz, Chad Johnson, Kate Miner, Rhonda Pagel, Carol Otto, Lisa Crayford, Sandy Steinmetz, Jim Frilstad, Jean Matua, Glen Winter, Bill Thell.

Motion made be DuWayne Orbeck to accept the minutes as printed of the previous meeting, second by Joe Krippner, MUC.

Chris Jansky made motion to pay the claims as printed, second by DuWayne Orbeck, MUC.

Chris Jansky made motion to remove the word fireworks from the September17, 2007 City Council minutes in reference to the donation from Meeker Co-op, second by Eric Loewen, MUC

Steering Committee information will be discussed at the next Steering Committee meeting and decide how much information they would like to receive in regards to Zoning, and report at the November 5, 2007 Council Meeting.

Motion made by Chris Jansky to allow a temporary easement now on one of the parcels of land, involved with the Church of Christ project, and work to make it permanent on the sale or transfer of the property, second by Eric Loewen, MUC, Will review at November 5, 2007 council meeting on the progress of this issue.

Engineer, Jim Schulz, reported that upon walk through of Scheeler Addition there were twelve items not on the punch list and several on the punch list that were not done. The closeout is not ready to final out at this time, will need a final walk through with the completion of these items.

Engineer, Jim Schulz reported that most of the re-seeding has been completed on the Magnus Johnson/Linden Ave project, and advises that on any further projects, seeding should be done instead of sod, better growth rate.

In reference to Magnus Johnson/Linden Ave project railroad deed, the language is far too much in favor of the railroad, will negotiate with railroad to get the language changed.

PAGE 2
OCT. 15, 2007

Perennials at 120 Magnus Johnson have not been replaced at this time (from Magnus Johnson/Linden Ave Project.) Engineer, Jim Schulz to follow up with owners as to when they want them replaced, fall or spring.

Crayford's Concept Plan Hearing—Carol Otto explained the Concept Plan from Crayford's. Rhonda Pagel explained that a Concept Plan is very beneficial for the developer and the city and is only a plan. Several people felt that the project should wait until the Comprehensive Plan is further along, work with the Planner on what is best, so that the project is done right from the beginning. Crayford's main objective was if there would be sewer capacity for them so that they can start to market property. Kate Miner of SEH Transportation Department, discussed traffic issues with this large of a development and recommended that a traffic study be done. The study can be done by the developer hiring it done, or SEH could work with the developer and do the study. Chris Jansky made motion to table the Concept Plan, until the MPCA Sewer Discharge Permit with modifications comes back to see if the modifications have been approved and see what the capacity would be and have discussions with the Planner and see how the plan works with development in the City of Kimball, second by Joe Krippner, MUC. Lisa Crayford asked to be called by the Mayor or Zoning Administrator, as soon as the permit is received back and let her know of the availability of sewer capacity.

Chad Johnson brought up the Snow Removal Contract with MN/ DOT, saying that they wanted to enter into the same contract as in the past. Chris Jansky made motion to send in the rate charges with the higher cost being, \$75.00 for skid loader and \$70.00 for the truck, second by Eric Loewen, MUC.

County 5 year road plan meeting is October 30, 2007. Recommended that this plan be put into the City of Kimball's Comprehensive Plan.

Chad Johnson –Nuisance's were reviewed and most have been taken care of. There are still a few to address.

Property owners need to trim their own branches. The procedure is to notify them by letter with a time limit, asking them to trim their branches. If not taken care of, the city will do the work and bill the owner.

Chad reported that the windows at the Picnic Shelter should be done next week. Lions are still working on the remodeling; rain gutters, steel siding, etc. The council would like a plan in place before doing any work outside at the shelter.

PAGE 3
OCT. 15, 2007

Chad Johnson will talk to Paul Hoeschen in regards to the less amount of time Paul will be needed in Kimball, since Chad has his Class D License. Motion was made by Eric Loewen to give Chad Johnson (because of Class D License) a raise of \$1.00 per hour as of October 1, 2007, second by DuWayne Orbeck, MUC.

Chad Johnson was asked to put a city map on the City Hall wall, showing streets, lot etc. for the council to use during Council Meetings.

Police Chief, Jim Frilstad reported that the Squad color and markings are correct according to State Statute 169.98.

Chief Frilstad is happy with the transcriptionist's work and price.

County Prosecution Contract has been declined by Stearns County. Mayor, Tammy Konz will contact County and the other two recommendations given to her by the County.

Chris Jansky made motion that Todd Rohloff's employment ceased with the City of Kimball on January 31, 2007; the date in his resignation. Second by Eric Loewen, MUC.

A motion was made by DuWayne Orbeck to pay the bill (Viper's) at the Kimball Veterinarian and enter into an agreement with Todd to purchase Viper for \$1.00 and agreeing that the City will no longer be liable for bills as of the date of the agreement, second by Joe Krippner, those voting in favor, Tammy Konz, DuWayne Orbeck, Joe Krippner, Chris Jansky, those voting against, Eric Loewen, motion carried.

Stearns County Municipal League meeting will be Tuesday, October 16, 2007, in Paynesville, DuWayne Orbeck and Tammy Konz will be attending.

Local Board of Appeals & Equalization training will be November 14, 2007 at 6:00p.m. in Albany. Joe Krippner and DuWayne Orbeck will attend training.

City attorney reminded the Council that when they attend meetings, they should be reporting back at a Council Meeting.

Motion made by Chris Jansky, second by Joe Krippner to change Charles Sterling's resident address from 220 State Highway 55 E to 200 Magnus Johnson St N. MUC

Mayor, Tammy Konz has spoken with Terry Humbert of MN/DOT in reference to grants available for, "Safe Routes to School"; grants could be used for flashing crossings and sidewalks. Tammy has sent a letter to the school superintendent and will be following up on the grant process.

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OCT. 15, 2007

At the Stearns County Comp Plan meeting in Freeport, they were very receptive of Kimball and would like to meet with the Council at a Council Meeting. Eric Loewen will contact them and set up time for them to come to a Council Meeting.

DuWayne Orbeck made a motion to adjourn the meeting at 9:55p.m., second by Joe Krippner, MUC.

Chris Jeppesen, Deputy Clerk

PAGE 1
NOV. 5, 2007

Meeting was called to order by Mayor Tammy Konz at 7:00 p.m.

Councilmembers present: Tammy Konz, DuWayne Orbeck, Chris Jansky, Erick Loewen and Joe Krippner.

Councilmembers absent: None.

Others present: Vern Harris, Jim Schulz, Sandy Steinmetz, Jean Matua, Don Adams, Jeff Bertram and Jim Frilstad.

Motion Krippner/Orbeck to approve the minutes as presented. Motion passed.

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

- 1. To accept the donation of \$3,000.00 from the Kimball Fire Relief Association gambling funds for the baseball park concession stand project.**
- 2. To accept the following donations for the Police Department Hallo9ween bags: Christopher & Sarah Jansky \$30.00, Dan & Tammy Konz \$25.00 and Hendricks Bus Service \$50.00.**
- 3. To transfer \$25,000.00 from the Fire Dept. money market to checking for operating expenses.**
- 4. To appoint Steve Maus to the planning commission.**
- 5. To appoint the accounting firm of Conway, Dueth & Schmiesing to conduct the 2007 year end audit.**

Motion passed.

Police Department Report:

Items discussed were winter parking and issuing warnings first, Halloween bag donations, selling older squad car and light bar, vandalism in park and prosecutions.

He requested that the City purchase a new radar with some of the money from the sale of the squad car. There is no big hurry. This purchase will be considered when the car is sold.

Mayor Konz and Clerk Treasurer Robinson reported on the Safe Route To School Grant which is being put together for solar powered cross walk lights at the corner of Main Street and Hazel Ave.

Chad Johnson will be attending the Rural Water training in Waite Park on Nov. 28th.

PAGE 2
NOV. 5, 2007

Motion Jansky/Krippner to rescind the motion made on Oct. 15, 2007 which was made to remove the work fireworks from the Sept. 17, 2007 city council minutes in reference to a donation made by Meeker Cooperative. Motion passed.

Motion Loewen/Krippner to include the following statement in the irrigation land lease agreement with Janski Farms “RENEWABLE OPTION: Janski Farm will have the first option to renew the lease when it expires on Dec. 31, 2013”. Motion passed.

Motion Loewen/Krippner to proceed with the certification of delinquent City Utility notice for 281 Main St. S. Motion passed.

Meals and food at committee meetings, working meetings, volunteer projects, etc. was discussed. This is a Council decision. Other cities will be contacted to see how they handle the situation.

Mayor Konz and Councilmember Loewen invited Don Adams of Stearns County Environmental and Jeff Bertram of the Stearns County Planning Commission to review the Stearns County Comprehensive Plan with the City. The County is divided into corridors and each was explained. Once the Planning Commission approves, the plan will go to the County Board and then a Public Hearing will be held.

Vern Harris of the Kimball Planning Commission requested copies of the plan for their Nov. 29th hearing.

Don Adams penciled in growth areas to the north and east of Powder Ridge and School Section Lake area.

Jeff Bertram explained the planning process and answered questions. They are willing to work with the City of Kimball and surrounding townships.

A big thank you to Tammy Konz and Eric Loewen for inviting Don and Jeff to the meeting.

Jim Schulz and Vern Harris reviewed the Kimball Church of Christ water main extension progress.

Jim Schulz and Sandy Steinmetz reviewed the drainage issue for the property north of A. M. Maus and Son. Jim will review old files at SEH, Inc. to see who engineered and installed the Fire Hall water run off pond.

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NOV. 5, 2007

Motion Jansky/Krippner to approve the Plans and Specs as presented for the Kimball Church of Christ water main extension. Motion passed.

Motion Jansky/Loewen to approve the professional Agreement with SEH, Inc. for providing professional services for construction and observation for the Kimball Church of Christ water main extension and authorize the Clerk Treasurer to sign the agreement. Motion passed.

Jim Schulz also reviewed the punch lists for the street project and Scheeler Addition and signage in Scheeler Addition.

Legal, prosecution and engineering services were discussed.

Motion Orbeck/Jansky to adjourn at 9:33 p.m. Motion passed.

Dianne H. Robinson
Clerk Treasurer

PAGE 1
NOV. 19, 2007

Meeting was called to order by Mayor Tammy Konz at 7:00 p.m.

Councilmembers present: Tammy Konz, DuWayne Orbeck, Chris Jansky, Eric Loewen and Joe Krippner.

Others present: Paul Hoeschen, Chad Johnson, tom Ehlinger, Bill Adolph, Sandy Steinmetz, Jean Matua, Jim Schulz and Jim Frilstad.

Motion Orbeck/Krippner to approve the Nov. 5, 2007 minutes as presented. Motion passed.

Motion Krippner/Orbeck to approve the November 2007 claims as presented. Motion passed.

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

1. To disconnect all delinquent City Utilities.
2. To accept the donation of \$100.00 from Carl Hoffman for the Fire Equipment Fund.
3. To approve the renewal of the following licenses:
 - On Sale Intoxicating Liquor – Playland Ballroom, Son of a Butcher Bar & Grill, Inc., Triple RRR Grill & Bar, Inc. and Ten Door Express (Main Street Pub).
 - Off Sale Intoxicating Liquor – Ten Door Express (Main Street Pub) and J. B. Off Sale Liquor, Inc.
 - Sunday On Sale Intoxicating Liquor – Playland Ballroom, Son of a Butcher Bar & Grill, Inc. and Triple RRR Grill & Bar, Inc.
 - On Sale Intoxicating Liquor (Club) – Frederick A. Metcalf American Legion Post 261.
 - Sunday On Sale Intoxicating Liquor (Club) – Frederick A. Metcalf American Legion Post 261.
 - On Sale 3.2 Beer – Kimball Aqua Lanes and Kimball Express Baseball Team, Inc.
 - Cigarette License – Schmidty's Tosoro, Gohmann's Food's, A. M. Maus & Son, Ten Door Express (Main Street Pub), Kimball American Legion Post 261 and J. B. Off Sale Liquor, Inc.
 - Games of Skill – Kimball Aqua Lanes, Ten Door Express (Main Street Pub), Kimball American Legion Post 261, Stanley Family Restaurant, Son of a Butcher Bar & Grill and Triple RRR Grill & Bar, Inc.
 - Dance License – Son of a Butcher Bar & Grill, Triple RRR Grill & Bar, Inc., Kimball American Legion Post 261 and Ten Door Express (Main Street Pub).

PAGE 2
NOV. 19, 2007

4. To approve the submittal of the Safe Routes to School grant application in the amount of \$10,000.00 for solar crosswalk lights at the intersection of State Highway 15 (Main Street) and CSAH 63 (Hazel Ave.).

Motion passed.

Bill Adolph, Finance Officer of the Frederick A. Metcalf Legion Post 261 presented a new American flag and State flag with poles and floor stands to the City of Kimball. The City Council is very appreciative of this much needed gift.

Mayor Tammy Konz presented two flags to Bill Adolph for the Frederick A. Metcalf American Legion Post 261 and a flag to Tom Ehlinger for the Kimball Area Fire/Rescue Department which the City had U. S. Representative Michele Bachman fly over the United States Capitol on August 7, 2007.

The flags for the Frederick A. Metcalf American Legion Post 261 are to commemorate their service to the community and surrounding area and the members and families who have given of themselves to serve our Country.

The flag for the Kimball Area Fire/Rescue Department was flown for their dedication and outstanding service to the community and service area.

A flag was also flown to recognize the residents and businesses of the City of Kimball which will fly on the flag pole outside City Hall.

Motion Jansky/Orbeck to approve the disbursement of approx. \$100,000.00 from the Fire Equipment Money Market Account to replace one of the Fire Trucks with a 2000 or 2001 model with funds being replace by gambling fund donations from the Kimball Fire Relief Association. Motion passed.

Fire Chief Tom Ehlinger announced that there will be an Appreciation Dinner for the contracting City and Townships Boards members and significant others, Kimball City Councilmembers and Employees and their significant others on Dec. 12 at 6:00 p.m.

The purchase of the new T.V. (which is used for training) will be reimbursed to the Fire Department checking with a donation from the Fire Relief Assoc. gambling fund.

Fire Chief Tom Ehlinger informed the Council that he will be retiring as Chief of the Kimball Fire Department on Wednesday, Dec. 5, 2007. He will remain on the Fire Department. He expressed his gratitude for the good cooperation between the department, City Council and staff.

Mayor Tammy Konz on behalf of the City Council thanked Tom for his service, dedication and the community respect the department has developed with the community.

Possible candidates for Fire Chief were discussed.

Tom Ehlinger informed the Council that the budgeted wage for 2006 was \$25,000.00. With calls being down due to the loss of areas in Fairhaven Township and St. Augusta, the projected 2007 payroll is \$21,875.00. He discussed the need for additional wages for the officers due to the increase duties placed on them.

Motion Konz/Jansky to pay the officers annual the following fee over and above their meeting/training/call time starting with the Dec. 5, 2007 payroll which is payable in Dec. 2008.

Chief	\$500.00
Assistant Chief	\$250.00
1 st Assistant Chief	\$250.00
1 st Captain	\$150.00
2 nd Captain	\$150.00
3 rd Captain	\$150.00
Secretary/Treasurer	\$100.00
Safety Officer	\$ 50.00
Safety Officer	\$ 50.00

Motion passed.

Motion Jansky/Krippner to approve the Fire Department Budget for Aug. 1, 2009 – Aug. 1, 2010 as presented and recommended by the Fire Board in the amount of \$90,027.00. Motion passed.

Anyone wishing to serve refreshments provided by the City at meetings will need to have prior approval by Council motion.

Councilmembers Joe Krippner and Eric Loewen will work with the City staff on the need for computer upgrades.

Paul Hoeschen, Contract Consultant and Chad Johnson of the Public Works Department reported on the need for well high service pumps and control upgrades at the cost of approximately \$35,000.00.

Motion Loewen/Jansky to approve proceeding with the design built phase for the high service pumps & controls and obtain two quotes. Motion passed.

**PAGE 4
NOV. 19, 2007**

Paul Hoeschen will draft a proposal for the next Council meeting.

Chad Johnson addressed the need for new Public Works vehicles and a tractor. He will draft specifications for these vehicles and present at the next meeting. He will also be checking on the Cooperative Purchasing Venture State Bid pricing.

An employee request was made to use sick leave time for vacation time. It was the Council consensus that this is not permitted in the Employment Policies.

Motion Krippner/Loewen to certify the delinquent garbage bill of \$360.34 for property parcel 60.3458.002/001 to Stearns County for collection with the 2008 taxes as property owner did not appear for hearing before Council. Motion passed.

City Engineer Jim Schulz reported on his research of the City water run off pond located by the Fire Hall. He checked their archive files and the pond was built for the Fire Hall project and could find no evidence of a water run off study being done by SEH, Inc. City Council minutes were also researched. Issue will be tabled until the Fire Hall land abstracts can be pulled and further research is done.

Sandy Steinmetz questioned Styme's extension of their building permit until April of 2008. What is considered "started"? She requested direction from the Council if their construction should start with or without the water run off and pond study being addressed.

The Council took the position of not making that decision for Styme's or giving direction.

Motion Orbeck/Jansky to approve Change Order #2 in the amount of \$900.00 for the 2006 Magnus Johnson & Linden Ave. Improvement Project for the installation of a sidewalk railing and the replacement of a perennial garden. Motion passed.

An e-mail received from John Klein, accountant for Kuechle Underground in regard to reimbursement of the over sizing costs in Scheeler Addition was presented to the Council and City Engineer for review.

Motion Krippner/Jansky to communicate to Kuechle Underground that the Council positions is that the punch list items have not been completed and the City Engineer has not received evidence (documentation) of the expenses incurred for the oversizing and to invite them to the next meeting. Motion passed.

City Engineer Jim Schulz will speak with Pastor Vern Harris of the Kimball Church of Christ about tree removal in the water main extension easement area.

PAGE 5
NOV. 19, 2007

Motion Jansky/Loewen to hire John Lester as a police officer working part time hours as needed effective Nov. 18, 2007 at an hourly wage of \$14.50 and to not exceed gross earnings of \$425.00 per month. Motion passed.

The Police Department will have some minor work totaling \$300.00 done on the 2000 Crown Victoria and detailing for \$100.00 and advertise this vehicle for sale with sealed bids starting at \$4,000.00 with bid opening scheduled for Dec. 17.

Councilmember DuWayne Orbeck requested information on the cost of automatic withdrawal from checking accounts for utility bills.

Councilmember Joe Krippner reported on the Web site.

Motion Loewen/Jansky to adjourn at 9:30 p.m. Motion passed.

Dianne H. Robinson
Clerk Treasurer

**PAGE 1
DEC. 3, 2007**

Meeting was called to order by Mayor Tammy Konz.

Councilmembers present: Tammy Konz, DuWayne Orbeck, Chris Jansky, Eric Loewen and Joe Krippner.

Others present: Jim Schulz, Paul Hoeschen, Michael Beehler, Jim Frilstad, Jerome Kuechle and Curtis Anderson.

Motion Orbeck/Jansky to approve the Nov. 19, 2007 minutes as presented. Motion passed.

**Motion Jansky/Krippner to approve the following items on the consent agenda:
1. To approve the appointment of Dennis Beck, Eric Donnay, Mathew Knaus and Brian Kiffmeyer to the Kimball Area Fire/Rescue Department.
Motion passed.**

DEPARTMENT REPORTS

City Engineer Jim Schulz addressed the tree removal on the water main extension area for the Kimball Church of Christ. He will be speaking with Pastor Harris.

He reported on a leaking curb stop at the water main extension site.

He presented the oversizing and street reimbursement request from KEEK Developers for Scheeler Addition.

At 7:15 p.m. Mayor Tammy Konz called to order the Initial Truth in Taxation Hearing which was being held to discuss and seek public comment on the City's proposed budget and proposed property tax levy collectable in 2008.

The percentage of the increase was discussed and public comment received from Michael Beehler and Curtis Anderson.

Mayor Tammy Konz closed the hearing at 7:30 p.m. and called the regular meeting to order.

Mayor Tammy Konz announced that the Subsequent Hearing to adopt the City's final property tax levy and final budget for 2008 will be held on Monday, Dec. 10, 2007 at 7:00 p.m.

City Engineer Jim Schulz and Jerome Kuechle of KEEK Developers continued the discussion of the oversizing of the water & sewer mains & street work in the amount of \$105,385.00 for Scheeler Addition.

**PAGE 2
DEC. 3, 2007**

Motion Krippner/Orbeck to reimburse KEEK Developers \$105,000.00 according to the Development Agreement as follows:

From SAC Money Market for sewer oversizing	\$ 77,390.00
From WAC Money Market for water oversizing	11,610.00
From Reserve #1 Money Market for 83rd Ave. tarring	<u>16,000.00</u>
Total	\$105,000.00

Motion passed.

Punch list items for the entrance sign, sidewalks, street lighting and park were discussed for Scheeler Addition. All punch list items need to be taken care of by KEEK Developers before public utilities are turned over to the City.

Information for the fire hall run off pond was reviewed and discussed. A letter will be drafted and sent to all property owners in Maus Addition in reference to the fire hall water run off pond and feasibility study.

Status of an insurance claim was discussed.

Council reviewed information for lease purchase of real and personal property.

Paul Hoeschen, Contract Consultant and Chad Johnson of Public Works presented the bid requirements for the water system control upgrade.

Paul Hoeschen informed the Council that he contacted Brian Fitzpatrick of MPCA and the NPDES permit is nearing approval to run ponds 1 & 3 at seven feet and pond number 2 at six feet and with a pond doctor installation. The engineered design of the ponds differs from MPCA capacity guidelines. The City has less capacity than the design figures. Only on irrigation field needs to have a grass cover for now. Eventually two fields will have to have grass cover. Paul and Chad will speak to the present renter of these fields. Rapid Infiltration Basins may not be allowed by MPCA because of the high nitrate level in this area. City will always need irrigation. Paul will check on forest irrigation. The City has wooded area to the south of the ponds.

Motion Orbeck/Jansky to send out the water system control upgrade specifications as recommended by Paul Hoeschen to several vendors for quotes by Jan. 1, 2008. When quotes are received, then a completion deadline will be set. Motion passed.

Chad Johnson addressed the hockey rink timer and will discuss the schedule with Jeff Jacobs.

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DEC. 3, 2007**

Chad Johnson discussed the painting of the water tower which he estimated to be \$10,000.00. He informed the Council that the rear end went out on the city pick-up truck and that he repaired the loose wire to the starter on the snow plow.

Chad Johnson addressed the need for a tractor. The Council requested that the figures be in black and white. The City Clerk Treasurer will work with Chad to develop a bid document for sealed bids for a tractor.

Jim Frilstad informed the Council that he has a class B driver's license and can do some plowing and sanding if needed.

Snow removal and mail box issues were discussed. Michael Beehler commended the Public Works department for the good snow removal job.

Winter parking was addressed. Police Chief Jim Frilstad informed the Council that warning notices are given prior to ticketing and the warning date is noted on the citation when one is given. He will also be speaking to bar owners about patrons caring drinks out of the bar and sidewalk clean-up.

Chief Frilstad also presented the new PBT which the department received for the Safe & Sober campaign and the upcoming target program by the County for seat belts. His goal for that campaign is to receive a new camera for the police car.

Mayor Tammy Konz would like to address City Council and employee goals in January and informed the Council that the historical renovation grant for the balance of the windows in City Hall has been approved.

SAC/WAC and water and sewer rate increases will be studied.

Motion Jansky/Orbeck to adjourn at 9:30 p.m. Motion passed.

**Dianne H. Robinson
Clerk Treasurer**

PAGE 1
DEC. 10, 2007

Mayor Tammy Konz called to order the public hearing for the Subsequent Hearing for Truth in Taxation at 7:00 p.m.

Councilmembers present: Tammy Konz, DuWayne Orbeck, Chris Jansky and Joe Krippner.

Councilmembers absent: Eric Loewen.

Capital Outlay portion of the tax levy for Public Works Department was discussed and the need for this department to provide cost figures to the Clerk Treasurer early in the budget process.

Motion Jansky/Krippner to adopt the following resolution and move for its adoption. Those voting in favor thereof: Tammy Konz, DuWayne Orbeck and Joe Krippner; those voting against: None; those absent or abstaining: Eric Loewen. Motion passed.

RESOLUTION ADOPTING FINAL TAX LEVY
RESOLUTION NO. 12032007A

RESOLUTION APPROVING 2007 TAX LEVY, COLLECTABLE IN 2008

Be it resolved by the City Council of the City of Kimball, County of Stearns, Minnesota, that the following sums of money be levied for the current year, collectible in 2008 upon the taxable property in the City of Kimball, for the following purposes:

Total levy \$ 313,424.00

The City Clerk Treasurer is hereby instructed to transmit a certified copy of this resolution to the County Auditor Treasurer of Stearns County, Minnesota.

Adopted by the City Council on Dec. 10, 2007.

Motion Jansky/Orbeck to adopt the following resolution and move for its adoption. Those voting in favor thereof: Tammy Konz, DuWayne Orbeck and Joe Krippner; those voting against: None; those absent or abstaining: Eric Loewen. Motion passed.

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DEC. 10, 2007

RESOLUTION ADOPTING FINAL BUDGET
RESOLUTION NO. 12032007B

Be it resolved by the City Council of the City of Kimball, County of Stearns, Minnesota, that the Final Budget for 2008 be adopted as presented with a total tax levy of \$313,424.00.

Motion Jansky/Krippner to adjourn at 7:40 p.m. Those voting in favor thereof: Tammy Konz, DuWayne Orbeck and Joe Krippner; those absent: Eric Loewen. Motion passed.

Dianne H. Robinson
Clerk Treasurer

PAGE 1
DEC. 17, 2007

Meeting was called to order at 7:00 p.m. by Mayor Tammy Konz.

Councilmembers present: Tammy Konz, DuWayne Orbeck, Eric Loewen and Joe Krippner.

Councilmembers absent: Chris Jansky.

Others present: Jim Schulz, Michael Cebulla, Jim Frilstad and Vern Harris.

Motion Krippner/Orbeck to approve the Dec. 3, 2007 and Dec. 10, 2007 minutes as presented. Motion passed (Jansky absent).

Motion Loewen/Orbeck to approve the claims for December as presented. Motion passed. (Jansky absent).

Motion Orbeck/Krippner to approve the following items 1 – 7 and 9 – 13 and to remove item 8 for later discussion:

1. To disconnect all delinquent City Utilities.
2. To allow Jim Frilstad to carry over 32 hours of vacation beyond his Jan. 1, 2008 anniversary date.
3. To accept the donation of \$18,000.00 from the Kimball Fire Relief Assoc. for the Fire Equipment Money Market Fund.
4. To approve Dianne Robinson's vacation request for Dec. 24, 26 & 31.
5. To approve closing the City Office at 12:30 p.m. on Dec. 24 & 31.
6. To accept the donation of \$8,000.00 from the Kimball Fire Relief Assoc. for the Cultural Rec. fund to be used for the baseball concession stand project.
7. To approve reimbursing the sewer checking \$5,219.60 from SAC fees as they come in for the shortfall in the SAC fund when the oversizing costs were reimbursed to KEEK Developers for Scheeler Addition.
8. To authorize going out for sealed bids for a maintenance tractor and attachments on a lease purchase with the bidding deadline being 4:00 p.m. on Jan. 4, 2008 and the opening of bids on Jan. 4, 2008 at 7:15 p.m. and to advertise in the Tri-County News. **REMOVED FOR LATER DISCUSSION.**
9. To approve the following real estate tax transfers from general checking fund to:
 - 1998 G.O. Bond \$833.01
 - 2005 Hazel Ave. Bond \$416.50
 - 2006 Magnus Johnson/Linden Ave. Bond \$1,041.27
10. To approve the following real estate tax transfer from the 1985 Money Market fund in the amount of \$4,008.33 to the general checking.
11. To transfer \$25,000.00 from the Fire Department Money Market fund to the Fire Department checking fund for operating expenses.

12. To approve the following Council meeting date changes for 2008 due to holidays:

- **Monday, Jan. 21 to Tuesday, Jan. 22 (Martin Luther King Day)**
- **Monday, Feb. 18 to Tuesday, Feb. 19 (Presidents Day)**
- **Monday, Sept. 1 to Tuesday, Sept. 2 (Labor Day)**

13. To approve the Fire Departments recommendation for new officers as follows:

- **Chief – John Gohmann**
- **Assistant Chief – Dave Traurig**
- **1st Assistant Chief – Jim Young**
- **Captains - Bill Thell, Dan Rose & Dave Geislinger**
- **Safety Officers - Cindy Stelten & Mark Dockery**
- **Engineer – Bob Erickson**
- **Secretary/Treasurer – Ed Borman**

Motion passed (Jansky absent).

Motion Loewen/Krippner to Authorize going out for sealed bids for a maintenance tractor and attachments on a lease purchase with the bidding deadline being 4:00 p.m. on Jan. 4, 2009 and the opening of bids on Jan. 4, 2008 at 7:15 p.m. and to advertise in the Tri-County News. Motion passed (Jansky absent).

Mike Cebulla, Assistant Stearns County Assessor reviewed with the Council how the Legislature changed the percentages for property valuation for 2008 going up 4% for older homes and down 3% for newer homes. There was over one million in new construction in 2006 with only \$200,000.00 in 2007 due to the housing market decline.

He explained that the Board of Review is only the first step in the appeal process which will be set for sometime in April.

City Engineer Jim Schulz reported on the Church of Christ water main extension. He will be preparing the information for the easements for the Church property. He reported on the defective private water line in the Methodist Church parking lot. The Church of Christ paid for the repair to this leaking shut off. The perfect scenario would be to have the Methodist Church connect to the new water line which the Church of Christ installed.

No bids were received for the 2000 Crown Victoria Police Car. Police Chief Jim Frilstad will check with the Sartell Deputy Chief on handling the sale of this vehicle.

There was discussion of keeping this vehicle for general city use and checking on the difference in insurance rate.

Police Chief Jim Frilstad reported on a forfeiture hearing to be held on Jan. 3.

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DEC. 17, 2007

Motion Orbeck/Krippner to have Officer Randy Gott attend the First Responder Course in January or February at the cost of \$246.00. Motion passed (Jansky absent).

Motion Orbeck/Krippner to have a booth in the Business Expo and request booth #105 and pay the booth fee. Motion passed (Jansky absent).

Councilmember Joe Krippner and Chad Johnson will attend the System Planning & Management Training Session.

Motion Orbeck/Krippner to call for a special City Council meeting on Jan. 10, 2008 at 7:00 p.m. to meet with Maine Prairie Township. Motion passed (Jansky absent).

Mayor Konz addressed the issue of an individual requesting a pay arrangement for a delinquent utility billing due to delay in unemployment check.

Motion Krippner/Orbeck to have the City staff set up a pay arrangement schedule with payments being caught up by Jan. 28, 2008 which would include the billing that is due on Jan. 28, 2008 and if not fully paid by that date, disconnection would occur. Motion passed (Jansky absent).

Mayor Konz will speak to Fire Chief John Gohmann about the grass rig being available for the Public Works.

Councilmembers Joe Krippner and Eric Loewen plan to attend the Jan. 16, 2008 School Board meeting.

Mayor Tammy Konz and Councilmember DuWayne Orbeck plan on attending the Stearns County Municipal meeting in Holdingford on Jan. 15, 2008.

The wastewater field irrigation lease advertisement was discussed.

The draft letter for the water run off in Maus Addition was approved and will be sent to all property owners in Maus Addition.

Mayor Tammy Konz and Councilmember Joe Krippner and Eric Loewen will attend the League of Minnesota Cities Experienced Officials training.

Water and Sewer rates and SAC/WAC fees will be reviewed at the second meeting in January.

Snow removal from sidewalks, removal of garbage cans from street and sidewalk areas was discussed.

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DEC. 17, 2007

The snow removal from sidewalks ordinance will be reviewed at the next meeting.

Goals for the City Council and staff will be discussed in the New Year.

Motion Orbeck/Loewen to adjourn at 8:45 p.m. Motion passed (Jansky absent).

Dianne H. Robinson
Clerk Treasurer