

**Meeting date:** Jan. 6, 2003

**Meeting time:** 7:00 p.m.

**Called to order by:** Mayor Karla Davis

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

**Councilmembers absent:** None.

**Others present:** Carol Newman, Mary Johnson, Deloris Madden, Cindy Stelten, Shirley Slater, Larry Davis (and children), Don Slater, Brent Neisinger, Randy Sabart, Rick Linn, Tom Zipoy, Joe Madden, Dolores Madden, Jane Pickle, Jean Matua, Shannon Madden, Don Salzer, Chris Jeppesen, Roland Foyen, Dave Mortenson, Joe Steichen and Todd Rohloff.

Mayor Davis invited those who wished to do so to join in the Pledge of Allegiance to the Flag.

**Motion** Maus/Fischer to approve the Dec. 16, 2002 minutes as presented. MUC

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

1. To approve Dan Dawson's vacation request.
2. To transfer \$7,660.00 from the Sewer Checking account to the Sewer Replacement Money Market Account per grant requirement for replacement cost.
3. To transfer \$1,493.71 from the Fire Dept. Checking Account to the Reserve #1 Money market Account to reimburse this fund for money borrowed by the Fire Department for the tarring of the Fire Hall parking lot.
4. To designate the Tri-County News as the official newspaper for City publications for 2003.
5. To pass a resolution naming the State Bank of Kimball, Atwater State Bank and United Bankers Bank of Bloomington as the official depositories for all city funds for 2003.
6. To accept the donation of \$11,500.00 from the Kimball Fire Relief Association gambling fund to be used for the Fire Department to purchase a boat, motor, trailer and equipment.
7. To accept the donation of \$11,000.00 from the Kimball Fire Relief Association gambling fund and to deposit this money into the fire Department Equipment Money Market Account to be used for equipment and vehicles.
8. To accept the donation of \$80.00 from the Kimball Fire Relief Association gambling fund and to use the money to help with the purchase of a flag for the Kimball High School
9. To accept the donation of \$225.00 from the Kimball Fire Relief Association gambling fund and to use the money for the baseball field fence.
10. To accept the donation of \$100.00 from Land O'Lakes Oil Company for the civil defense siren.

MUC

Mayor Davis announced that there would be an OPEN FORUM added to future agendas at which time those not on the agenda would have an opportunity to address the Council in a five minute period or less. No Council action will be taken at that time. Items will be referred back to City Staff for research and review at a later date.

OPEN FORUM: No items.

Councilmember Maus addressed the following items:

- Requested a closed labor negotiation meeting.

**Motion** Maus/Mackereth to call for a closed labor negotiation meeting on Monday, Jan. 13, 2003 at 6:00 p.m. at the Kimball Area Fire/Rescue Hall, 300 Elm St. N.  
MUC

- Requested that a letter be sent to Waste Management asking them to publish all pick-up date changes for both garbage and recycling for residential pick-up within the City of Kimball.
- Informed the Council of a meeting he has set up at the State Bank of Kimball on Thursday, Jan. 9, 2003 at 2:00 p.m. to meet with Bob Swanberg of Stearns County HRA, Keith Markwardt State Bank of Kimball President, Tim Young City Attorney and the owners of Willow Creek Concrete, Inc. in regards to the annexation of their property into the City Corporate limits and supplying their business with City services (water/sewer).
- Informed the Council that the west wall of the Library will be removed on Tuesday, Jan. 14 (The Clerk Treas. Admin. will check with the building inspector on the number and placement of exit doors).

**Motion** Maus/Orbeck to appoint Wayne Mackereth to the Kimball Area Fire/Rescue Board for 2003. MUC

**Motion** Fischer/Orbeck to appoint Andy Maus as the Acting Mayor in the Mayor's absence for 2003. MUC

The appointment for Legal Council was tabled until the next meeting at which time the Council will review the Proposals for Legal Service which were received in 2002.

**Motion** Fischer/Maus to approve the attendance and payment of Karla Davis, Wayne Mackereth and DuWayne Orbeck at the Newly Elected Officials Conference. MUC

At 7:25 p.m. Mayor Davis called to order the Public Hearing for the Conditional Use Permit for Shannon Madden and Don Salzer to operate a skilled nursing home at 260 Magnus Johnson St. N. with is a Highway Commercial zoned area.

PUBLIC COMMENT:

- Tom Zipoy, representing Jerome Kuechle and his new housing development commented that the Council should go carefully with the fencing requirement as Jerome Kuechle does not care for a fence next to his development.
- Dolores Madden commented that she thought this area was zoned residential.
- The Council questioned the type of patients that would be housed (which will be elderly and are screened before being admitted).
- Plantings and landscaping was suggested instead of fencing.
- Madden and Salzer will own the business and Rita Sobania is the property owner.
- Having the Zoning Administrator obtain written permission from the property owner.
- Lighting, secured garbage storage and bio-hazard pick-up.
- Completion time proposed for May or June 2003.

Hearing was closed at 7:40 p.m.

**Motion** Orbeck/Fischer to grant the Conditional Use Permit with the following conditions:

1. To waive the privacy fence requirements.
2. Security lighting must shine towards their building and not the housing development.
3. Six foot fence required in locked area.
4. Written permission for this conditional use permit must be obtained from the property owner.
5. Project must be completed by July 1, 2003.

MUC

**Motion** Maus/Fischer to invite MC Builders, Inc. to a council meeting to discuss their assisted living proposal. MUC

Councilmember Andy Maus reported that the Council has met three times with labor negotiator Dennis Goldberg. The continuation of his contract was discussed.

**Motion** Orbeck/Fischer to meet with Mr. Goldberg at the Jan. 13 closed meeting and to make a decision at the Jan. 21 meeting. MUC

**Motion** Fischer/Orbeck to recognize Project Impact participants with a Thank You in the Tri-County News. MUC

Roland Foyen of the Clearwater River Watershed presented their phosphorous ordinance and requested that the City of Kimball consider its adoption. Phosphorous is present in lawn fertilizer and may get into the ground water.

Councilmember Orbeck addressed educating the public instead of forcing another ordinance upon them. He plans on attending the Citizenship Forum put on by Clearwater River Watershed District.

**Motion** Maus/Orbeck to pay the \$500.00 deductible for the baseball field damage. MUC

Council or City Staff need to be present and be in charge when City equipment is used and procedures need to be followed.

Motion Orbeck/Fischer that the definition of a special council meeting for compensation be a meeting that was approved by the City Council. MUC

The claim from Attorney Karen Cole of Kennedy and Graven was addressed. Former Mayor Cindy Stelten informed the Council that Ms. Cole was hired by the City Attorney for a delicate situation. This claim for \$3,917.04 was tabled until a letter could be sent to the City attorney and Karen Cole.

City Engineer Randy Sabart introduced himself to the new Councilmembers. Mayor Davies inquired about the County's commitment to the Hazel Ave. project. Mr. Sabart will check into this further.

Mayor Davis addressed present projects and new expenditures.

**Motion** Davis/Fischer to put all 2002 projects on hold until the Council can review these projects. MUC

**Motion** Davis/Fischer to adjourn at 8:35 p.m. MUC

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Dianne H. Robinson  
Clerk Treasurer Administrator

**Meeting date:** Jan. 21, 2003

**Meeting time:** 7:00 p.m.

**Called to order by:** Mayor Karla Davis

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

**Councilmembers absent:** None.

**Others present:** Tim Young, Jean Matua, Gary Grossinger, Brent Neisinger, Mary Spaulding, Neal Spaulding, Todd Rohloff, Paul Hoeschen, Rick Linn and Randy Sabart.

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

1. To approve the Jan. 6, 2003 regular city Council meeting minutes as presented.
2. To approve the January 2003 claims as presented.
3. To approve Public Workers Worker Dan Dawson's request to take the "Water Supply System Operator Class C" exam in St. Cloud on March 5<sup>th</sup> and the payment of the \$32.00 exam fee.
4. To disconnect all delinquent City Utilities if not the major heat source.

MUC

**OPEN FORUM:**

Paul Hoeschen, Water/Wastewater Contract Consultant introduced himself to the new Councilmembers.

**UNFINISHED BUSINESS:**

City Attorney Tim Young and City Engineer Randy Sabart reviewed the Hazel Ave. Project (CSAH 63). Areas addressed were: temporary and permanent easements/restoration/negotiations, funding by City (bonding and special assessments), County State Aid Funds, and Rural Development loan, County Agreement to be presented at the Feb 3 meeting by Assistant County Engineer Jodi Teich, final engineering estimate, review of plans and specifications by entities prior to bidding approval, possible June construction start date, Hazel Ave. being chosen first because it is a major traffic artery and the availability of County money with Magnus Johnson Street and Linden Ave. as the next future project, special assessments of 25% for water/sewer portion and 50% for street portion, special assessment rate of the street portion being high for a main traffic artery, future assessments, Capital Improvement Plan for entire City, and the need for more financial support from the County for street portion.

The City Attorney will proceed with sending the easement letters which will include restoration.

Mayor Davis requested that the County provide a letter committing funding to this project.

City Attorney Tim Young and Councilmember Maus reviewed the Willow Creek Concrete Annexation proposal and the cost for water/sewer installation to this site and the different types of Tax Increment Financing with Re-development TIF being for a longer period of time.

**Motion** Maus/Fischer to authorize Bob Swanberg of Stearns County HRA to do the leg work to see if this project would qualify for a Re-development Tax Increment Financing District. MUC

County Assessor Gary Grossinger reviewed the real estate tax ratio and assessed market value and selling prices of City property.

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

AMENDMENT TO CITY OF KIMBALL ORDINANCE CHAPTER SIX, LICENSED ACTIVITIES, SECTION 645 – LICENSING AND CONTROL OF DOGS, 645.06 IMPOUNDING AND FEES.

645.06 Impounding and Fees. If a dog is found to be running at large by the Animal Control Officer; is licensed, is wearing and can be identified by a Current City Dog Tag, the dog shall be returned to the owner the first time upon receipt of payment as set forth in the Schedule of Fees. If the owner is not at home to receive the dog, the dog shall be placed in a dog pound designated by the Council. Any dog determined to be a Potentially Dangerous or Dangerous Dog will be immediately taken to a pound designated by the Council. Any dog found to be running at large by the Animal Control Officer which is unlicensed by the City of Kimball or has been previously picked up and returned to its owner, shall be placed in a dog pound designated by the Council. Notice of the impounding shall be given to the dog's owner, if known. The Animal Control Officer shall post notice of the impounding at the City Hall. The notice shall state that the dog shall be held for five regular business days before the disposition of the dog is determined. Unless the dog is claimed within the time specified and all costs, fees and charges are paid, the poundmaster shall determine if the dog appears to be valuable and/or adoptable, the poundmaster shall euthanize the dog in a humane manner. Animals shall be released for research if required by law.

The poundmaster shall house and feed any dog held at the pound. The City shall impose a fee, payable to the City as shown on the Schedule of Fees, Section 215 of this Code, in an amount sufficient to reimburse the City for the actual cost of transporting the dog and staff time. A receipt for the fee must be given to the poundmaster at the time the dog owner picks up the dog. Reasonable charges for impounding, housing, vaccination, feeding and veterinary services may be assessed to the owner by the poundmaster in addition to the above fees and, if they are so assessed, shall be paid before the dog is released.

Councilmember Mickey Fischer seconded the foregoing resolution, and the following voted in favor thereof: Andy Maus, Mickey Fischer, Wayne Mackereth, DuWayne Orbeck and Karla Davis; those absent or voting against: None. Whereupon said resolution was declared and adopted.

**POLICE DEPARTMENT REPORT:**

Chief Todd Rohloff presented the monthly reports for the City of Kimball and Fairhaven Township and proposed an ordinance for "Procedures Enforcing Administrative Offenses".

Staff will review new ordinance procedure and report back at Feb. 3 meeting.

**PUBLIC WORKS DEPARTMENT REPORT:**

Director Brent Neisinger reported on the water leak repair on Maus Drive, a Rural Water Training course in Wadena that he plans to attend, library renovation project, and Mutual aid Agreement with the City of Watkins.

**Motion** Maus/Orbeck to approve the Mutual Aid Emergency Response Agreement for Public Works/Maintenance Departments with the City of Watkins. MUC

Mayor Davis reported on the claim for legal service from Karen Cole of Kennedy and Graven and her conversation with and letter from Ms. Cole. History of issue was reviewed. Councilmember Maus will make contact with Ms. Cole on issue.

**Motion** Maus/Orbeck to provide copies of time cards in Council packets for the first meeting of each month. MUC

**Motion** Fischer/Orbeck to have Stearns County EMS purchase four weather radios with the donated funds which they are holding. MUC

The Household Hazardous Waste Clean-up letter was reviewed and suggestions were made for providing a dumpster and appliance pick-up. Staff will contact Waste Management on pick-up. Other suggestions were TV pick-up and clothing pick-up for Good Will.

Letter from American Legion Commander Mike Olk in regards to the name of the baseball field was reviewed. Staff was instructed to contact the Legion for two or three name suggestions and invite them to a meeting to discuss the issue.

Staff was instructed to contact legal counsel in regard to a non-conforming use removal commitment.

**Motion** Orbeck/Maus to appoint Mickey Fischer as the Substitute Civil Defense Director. MUC

**Motion** Maus/Fischer to approve the 2003 Forestry Assistance Matching Grant for the Kimball Fire Department. MUC

**Motion** Orbeck/Fischer to approve the Safety Training Agreement renewal with Safety First for 2003. MUC

**Motion** Fischer/Maus to reimburse Neal Spaulding \$250.00 for restoration work he did on the right of way on Linden Ave. E. Those voting in favor thereof: Maus, Fischer, Davis and Mackereth; those voting against: Orbeck; those absent: None. Motion passed.

Legal Request for Proposals was tabled.

**Motion** Maus/Fischer to continue using the service of Dennis Goldberg for labor negotiations. MUC

**Motion** Maus/Orbeck to adjourn at 10:50 p.m. MUC

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Dianne H. Robinson  
Clerk Treasurer Administrator



**Meeting date:** Feb. 3, 2003

**Meeting time:** 7:00 p.m.

**Called to order by:** Mayor Karla Davis

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

**Councilmembers absent:** None.

**Others present:** Brian Stiles, Todd Rohloff, Jean Matua, Rhonda Pagel, Aaron Knaus, Randy Sabart, Bob Swanberg, Keith Markwardt, Rick Johnson, Jodi Teich, Mitch Anderson and Nancy Rice.

**Agenda Additions:** Item by Wayne Mackereth, moving Keith Markwardt and Bob Swanberg to an earlier time on this agenda and Workers' Comp. issues to be addressed by the Clerk Treasurer Administrator.

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

1. To approve the minutes of the Jan. 21, 2002 Council minutes as presented.
2. To introduce a resolution to amend City Ordinance Chapter 2 – Section 215 – Schedule of Fees (on file in the City office).
3. To introduce a resolution to amend City Ordinance Chapter 5 to include Section 520 – Administrative Expenses (on file in the City office).

MUC

**Motion** Maus/Orbeck to increase Brian Stiles wage from \$12.00 per hour to \$12.50 per hour effective Feb. 3, 2003 as set forth in his six month probationary review. MUC

Non-Union wage negotiations and the state wage freeze were discussed. Negotiations were placed on hold for now.

Rick Johnson of Willow Creek Concrete Products, Inc., Keith Markwardt of the State Bank of Kimball and Bob Swanberg of Stearns County HRA presented Willow Creek concrete Products, Inc. request to be annexed into the City Corporate limits and Tax Increment Financing help. A TIF Development district would not bring in enough increment to help pay the cost of supplying them with City water and sewer and they do not qualify for a TIF Re-development district due to the good condition of their buildings. A Re-development district would have brought in more increment. The only other alternative is Tax Abatement.

City Attorney Rhonda Pagel explained the annexation and tax abatement procedures.

**Motion** Orbeck/Fischer to enter into a Joint Resolution and Agreement for Orderly Annexation between Maine Prairie Township and the City of Kimball for Property Parcel 20-11184-000/001 in Maine Prairie Township which is owned by Willow Creek Concrete Products, Inc. MUC

Aaron Knaus, representing the Kimball Express Town Team, Inc. addressed the Council in regard to the naming of the City owned baseball field. Councilmember Wayne Mackereth and Aaron Knaus will meet with the Kimball American Legion and return to the Council with suggested names for this field.

The rental portion of the Baseball Field Facility Use Permit and the payment of the new fence were discussed. Prior minutes will be reviewed on reported on by City staff.

Councilmember Maus presented his finding and the Karen Cole legal claim and a fax he received from her. City Attorney Rhonda Pagel will address the issue with Tim Young as he is more aware of the situation.

**Motion** Maus/Orbeck to appoint the law firm of Shadduck, Young & Brown as the City Attorney for the year 2003 with direction for legal matters being authorized by the City Council. MUC

The Great River Regional Library will be contacted to incorporate the changes recommended by the City Attorney into the agreement they wish to enter into with the City.

Workers' Compensation issues were tabled until the Feb. 18 meeting.

County Engineer Mitch Anderson and Assistant Engineer Jodi Teich meet with the Council to explain the state funding for the CSAH 63 (Hazel Ave.) project. The County share is approx. \$400,000.00. The County has \$200,000.00 in funding at present to help with this project and the City will have to carry the other \$200,000.00 until 2007.

Mayor Davis addressed the issue of better information for the public.

**Motion** Maus/Fischer to enter into an Agreement between the City of Kimball and Stearns County for the CSAH #63 (Hazel Ave) project. MUC

**Motion** Fischer/Orbeck to approve the signing and payment of the following permits required for the Hazel Ave. Project:

- MPCA Sanitary Sewer permit \$240.00
- MPCA NPDES permit \$240.00
- Stearns County permit \$ 75.00
- MN Dept. of Health permit \$400.00

MUC

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

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Dianne H. Robinson  
Clerk Treasurer Administrator

**Meeting date:** Feb. 18, 2003

**Meeting time:** 7:00 p.m.

**Called to order by:** Mayor Karla Davis.

**Council Members present:** Karla Davis, Wayne Mackereth, DuWayne Orbeck and Mickey Fischer.

**Council Members absent:** Andy Maus.

**Others present:** Jean Matua, Candi Walz, Todd Rohloff, Deb Reinert, Chris Jeppesen, Christine Wittrock, Ron Daniels, Brent Neisinger, Todd Rohloff and Randy Sabart.

**Pledge of Allegiance to the Flag.**

**Agenda Additions:** Questions by Mayor on a utility billing, etc.

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

1. To approve the minutes of the Feb. 3, 2003 Council minutes.
2. To approve the February claims as presented.
3. To disconnect all delinquent utilities (if not the major heating source).
4. To pass a resolution #021803 Supporting Legislation to Provide Improved Funding Options for City Street Improvements (resolution on file in City Office).

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

Mayor Davis addressed the procedure for sending utility billings to owners/renters, presented a utility connection form, notifying both owner and renter on delinquent utilities, and penalty on shut offs.

**OPEN FORUM** – None

### **POLICE DEPARTMENT**

Chief Rohloff presented the monthly reports.

**Motion** Orbeck/Fischer to approve the Service Agreement for the Automated Public safety System for the Police Department and authorize the Mayor and Clerk Treasurer Administrator to sign the agreement. Those voting in favor thereof: Fischer, Orbeck, Davis and Mackereth; those voting against: None; those absent: Maus. Motion passed.

**Motion** Fischer/Orbeck to retain the service of Ronita Rohloff to type statements for the Police Department at the rate of \$20.00 per complaint. Those voting in favor thereof: Mackereth, Davis, Orbeck and Fischer; those voting against: None; those absent: Maus. Motion passed.

**PUBLIC WORKS**

Public Works Director Brent Neisinger informed the Council that he has joined the Watkins Rescue Squad and requested that he be allowed to respond to calls in Kimball. This is fine with the City as long as he is punched out and makes up the lost time later. If concerns occur, they will be brought to his attention.

The billing which was received from Mark's Plumbing for opening the sewer line at Main Street Pub was addressed. They were not hired by the City and a letter has been sent to them to that effect. No further action will be taken unless the City hears back from Mark's Plumbing or Main Street Pub.

The following issues were raised with Kimball Days. Will this be sponsored by the City? City funds not paying for coordinator. How does Hazel Ave. project affect the parade and street dance? Cost of fireworks and extra insurance for fire works. Fund raising and volunteerism and getting donations from City vendors. City employees donating their time. Sponsorship and appointment of coordinator table until next meeting. Sending letters to all Council Members on meetings and posting meetings at City Hall.

The Baseball Field Fencing and Field Use Agreement were tabled until Tom Marquardt can attend a meeting.

The Clerk Treasurer Administrator was instructed to check on legality of the ball team selling advertising on the baseball fence and donating moneys back to the baseball team.

Wayne Mackereth reported that the baseball team plans to meet with the legion club to discuss names for the baseball field and then request to be placed on the Council agenda with their proposals.

It was agreed that the City Council would have the final say in the naming of the baseball field.

**Motion** Fischer/Mackereth to direct the firm of Shadduck, Young & Brown to draft the Business Subsidy Agreement, to handle all the paper work for the tax abatement and annexation, finish to completion, set a date for the abatement hearing as soon as possible, provide the Council with a time line and to suggest that the firm of Kennedy and Graven not be used for the Willow Creek Concrete Products annexation and tax abatement. Those voting in favor thereof: Fischer, Orbeck, Mackereth and Davis; those voting against: None; those absent: Maus. Motion passed.

Request that City Attorney Tim Young contact Keith Markwardt about the Willow Creek Concrete Products annexation and tax abatement progress.

**Motion** Fischer/Orbeck to approve Brent Neisinger's vacation request. Those voting in favor thereof: Fischer, Orbeck, Davis and Mackereth; those voting against: None; those absent: Maus. Motion passed.

A delinquent utility billing penalty due to mail forwarding was addressed. Penalty will be forgiven one time and a letter will be drafted to individual requesting present address and a reminder that all bills are due the 18<sup>th</sup> of the month.

Motion Orbeck/Fischer to make the elected officials "employees" for the purpose of work compensation coverage. Those voting in favor thereof: Orbeck, Fischer, Mackereth and Davis; those voting against: None; those absent: Maus. Motion passed.

A letter will be drafted to Waste Mangement in regard to the garbage/recycling service.

Dianne Robinson requested that the temporary easement for their property on Hazel Ave. which is needed for the water/sewer/road project be redone to address the blue spruce tree which is in this easement area. The City will be protecting this area with an orange barrier type fencing so no damage occurs to this tree.

The feed back session with the SEH, Inc. will be tabled until later in the year and an information meeting will be held after bids are opened on the Hazel Ave. project.

**Motion** Orbeck/Mackereth to receive and give direction to SEH, Inc to modify the Hazel Ave. Project street plan to reflect the new geometrics as proposed and to acquire an additional easement from Darrel and Shirley Wills. Those voting in favor thereof: Orbeck, Mackereth, Davis and Fischer; those voting against: None; those absent: Maus. Motion passed.

Jean Matua offered to put the City Council meeting minutes on the Tri-County web site if the City e-mails them to her. The City will also check into placing minutes in business places.

Council Members will work on setting goals. Some examples would be Use of City Equipment and bringing business' into the City.

Motion Orbeck/Mackereth to adjourn at 10:25 p.m. Those voting in favor thereof: Orbeck, Mackereth, Davis and Fischer; those voting against: None; those absent: Maus. Motion passed.

Dianne H. Robinson, Clerk Treasurer Administrator

**Meeting date:** March 3, 2003

**Meeting time:** 7:00 p.m.

**Called to Order by:** Mayor Davis.

**Council Members present:** Mickey Fischer, Karla Davis and DuWayne Orbeck.

**Council Members absent:** Andy Maus and Wayne Mackereth.

**Others present:** Carol Newman, Delbert Holm, Rheba Holm, Brent Neisinger, Chris Jeppesen, Jim Unterberger, Candi Walz, Randy Sabart, Dan Dawson and Steve Edwards.

**Pledge of Allegiance to the Flag.**

**Agenda Additions:** Community service worker request, Chris' Jeppesen's vacation request, Aqua Lanes Consumption & Display permit, County Road 44 report, irrigation land base & yield forms and budget cuts for 2003.

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

1. To approve the renewal of the "Consumption & Display Permit" (Set-Ups) for Playland Ballroom located at 531 State Highway 55 E. for one year.
2. To approve the request made by Chris Jeppesen to carry over 28 hours of vacation time beyond her March 20, 2003 anniversary date.

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

**Motion** Orbeck/Fischer to approve the minutes as presented. Those voting in favor thereof: Davis, Fischer and Orbeck; those voting against: None; those absent: Maus and Mackereth. Motion passed.

### **OPEN FORUM**

Carol Newman presented a letter to the Council outlining work she would like to see done to the Roadside Plantings, flags on Main Street and the flower planters. This will be address further.

Jim Unterberger of Maine Prairie Township addressed the needed repair to line road **135<sup>th</sup> St.** Maine Prairie feels that the City should require KEEK Development to pay for the first 300 feet due to damage by their heavy equipment. Bauerly Brothers have agreed to pay for ½ of the overlayment of this road from this 300 foot line to 83<sup>rd</sup> Ave. and Maine Prairie would like to have the City to share in the cost of the other ½ equally with the township.

Jerome Kuechle will be invited to the next meeting to discuss the repairs for KEEK Development. The Mayor requested that Maine Prairie return with cost figures as the City is facing loss of Local Government Aid and a levy limit.

Delbert and Rheba Holm requested a relief in their water/sewer usage due to the freeze up of their water line and the need to leave their water run to prevent further freezing.

**Motion** Davis/Orbeck to allow double over their normal usage. Anything over 3,200 gallons will be billed at the normal rate. Those voting in favor thereof: Orbeck, Fischer and Davis; those voting against: None; those absent: Maus and Mackereth. Motion passed.

All requested for relief on water and sewer billings due to freeze up must be presented to the City Council at a Council meeting by the individual requesting the relief.

**Motion** Fischer/Orbeck to Amend the Management & Operation Service Agreement between the City of Kimball and Paul Hoeschen, Section 2.1 – Water System, Wastewater Collection System Operator to read as follows: Kimball will pay Paul Hoeschen \$30.00 per hour for services performed starting upon the signature of amendment and to request the waiver of the 90 day waiting period. Those voting in favor thereof: Davis, Fischer and Orbeck; those voting against: None; those absent: Mackereth and Maus. Motion passed.

Carol Newman addressed the spraying of the weeds in the roadside plantings, using community service workers and the drafting of a plan by the Council. The Public Works Director will check into issues addressed and report back to the Council.

**Motion** Fischer/Orbeck to pass a resolution calling for a public hearing on April 7, 2003 at 7:15 p.m. for the Tax Abatement for Willow Creek Concrete and directing the notice of the hearing to be published on March 19, 2003. Those voting in favor thereof: Davis, Orbeck, Fischer; those voting against: None; those absent: Mackereth and Maus. Motion passed.

The baseball field issue was tabled until Mayor Davis has a chance to speak with Tom Marquardt of the Kimball Express Town Team, Inc.

Kimball Days was reviewed from last meeting. Mayor Davis read from the League of MN. Cities Handbook on the final decisions being made by the City Council for committees. Volunteers are to be approved by the City Council. Events are to be approved at a City Council meeting by the City Council pending approval by the League of Minnesota Cities Insurance. All insurance issues will go through the Clerk Treasurer Administrator to the agent of record.

**Motion** Orbeck/Fischer to appoint Chris Jeppesen as Kimball Days Coordinator for 2003. Those voting in favor thereof: Orbeck, Davis and Fischer; those voting against: None; those absent: Maus and Mackereth. Motion passed.



All overtime hours by City employees for Kimball Days activities outside of regular City hours are to be approved by the City Council. Friday, Saturday and Sunday hours were reviewed.

A Kimball Days meeting is in the planning. Mayor Davis will attend this meeting.

**Motion** Orbeck/Fischer to register Todd Rohloff, Brian Stiles, Brent Neisinger, Dan Dawson, DuWayne Orbeck and Dianne Robinson for the Loss Control Workshop in St. Cloud on April 24<sup>th</sup>. Those voting in favor thereof: Orbeck, Davis and Fischer; those voting against: None; those absent: Maus and Mackereth. Motion passed.

Steve Edwards addressed the Council in regard to the proposed special assessment on the Hazel Ave. project. He does not use water at Property Parcel #R60.34542-000 and feels that he should not have to pay a special assessment for water and sewer on this parcel of property. This is a matter that will be addressed at the assessment hearing.

**Motion** Davis/Fischer to approve the placement of a temporary sub-station on City property in Block 13 by Xcel Energy according the drawing provided with the understanding that Xcel Energy restore this site to its original state and that it meets with the Public Works Department's Department approval. Those voting in favor thereof: Davis, Fischer and Orbeck; those voting against: None; those absent: Mackereth and Maus. Motion passed.

**Mayor** Davis called for a closed labor negotiations meeting on March 13 at 5:30 p.m. at the Fire Hall and a special meeting on March 13 at 7:00 p.m. at City Hall for non-union job descriptions and employee handbook review.

Public Works Department week-end on call schedule, working hours and splitting start time between employees was discussed. This was tabled until the special meeting.

Carol Newman addressed the issue of soil borings behind City Hall by the historical group. They were only requesting information from the feasibility study that was previously done by the Wold Group.

Dianne Robinson reported that she would be attending the HIPAA training session to learn about this new mandate on Cities.

**Motion** Orbeck/Fischer to approve the Base and Yield Election Forms for City owned land leased to Janski farms. Those voting in favor thereof: Fischer, Orbeck and Davis; those voting against: None; those absent: Maus and Mackereth.

The sign for the public parking lot was tabled to a later meeting.

**Motion** Fischer/Davis to approve the use of a community service worker who has 40 hours. Those voting in favor thereof: Davis, Orbeck and Fischer; those voting against: None; those absent: Maus and Mackereth. Motion passed.

**Motion** to approve Chris Jeppesen's vacation request. Those voting in favor thereof: Davis, Fischer and Orbeck; those voting against: None; those absent; Maus and Mackereth. Motion passed.

**Motion** Fischer/Orbeck to approve the Consumption and Use Permit (Set-ups) for Aqua Lanes, 250 Magnus Johnson St. N. as presented. Those voting in favor thereof: Davis, Orbeck and Fischer; those voting against: None; those absent: Maus and Mackereth. Motion passed.

Clerk Treasurer Administrator presented budget cut recommendations. Cuts will be addressed at a special budget meeting.

City Engineer Randy Sabart presented the plans for advertising for bids and the resolution for these bids that need to be presented at the next meeting, an explanation of the engineering expenses and a staff change within Ehler's & Assoc. for the financial consulting.

**Motion** Orbeck/Fischer to adjourn at 11:30 p.m. Those voting in favor thereof: Davis, Orbeck and Fischer; those voting against: None; those absent: Maus and Mackereth. Motion passed.

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Dianne H. Robinson  
Clerk Treasurer Administrator

**Meeting:** Special Council Meeting.

**Meeting date:** March 13, 2003

**Meeting time:** 6:30 p.m.

**Called to Order by:** Mayor Karla Davis.

**Council Members present:** Karla Davis, Wayne Mackereth, DuWayne Orbeck, Andy Maus and Mickey Fischer.

**Council Members absent:** None.

**Others present:** Dan Dawson, Chris Jeppesen, Todd Rohloff, Brian Stiles and Brent Neisinger.

Items discussed. Employee Handbook changes, Public Works Department hours of work, fire hall snow removal, OSHA regulations, alternating shifts for Public Works Department, week-end work schedule, Public Works Department compiling a list of duties, overtime hours for all departments, performance evaluations (June), grievance procedure, military leave, clothing allowance, alternating days for training so department isn't left without staff, researching policies for cellular phone use, work phone use and internet use, job descriptions, evening hours for City office and Deputy Clerk working more hours.

Motion Orbeck/Maus to amend the Employee Handbook, page 3, Harassment and Sexual Harassment Policy, paragraph 3, by adding the statement "Put the incident in writing" and to adopt the Job Descriptions prepared by Paul Ness of Helping Minnesota Cities for the Non-Union Employees positions (Public Works Worker, Deputy Clerk and Police

Officer) with a change to the Police Officer's page 3, Minimum Qualifications to require an Associate of Arts or Science degree in law enforcement. Effective date is immediately. Motion passed.

Motion Orbeck/Maus to adjourn at 8:40 p.m. Motion passed

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Dianne H. Robinson  
Clerk Treasurer Administrator

**Meeting date:** March 17, 2003

**Meeting time:** 7:00 p.m.

**Called to order by:** Mayor Karla Davis

**Council Members present:** Andy Maus, Karla Davis, Wayne Mackereth, Mickey Fischer and DuWayne Orbeck.

**Council Members absent:** None.

**Others present:** Sherry Donabauer, David Johnson, Ruth Johnson, Candi Walz, Sharon Jewison, Doug Jewison, Steve Edwards, Jim Unterberger, Jane Pickle, Randy Sabart and Todd Rohloff.

**Pledge of allegiance to the flag.**

**Agenda Additions:** Closed Labor Negotiation meeting, issues by Andy Maus.

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

1. To disconnect all delinquent utilities if not the major heat source.
2. To change the delinquent utilities shut-off procedure to calling delinquents the Wednesday before the disconnection meeting.
3. To approve Dianne Robinson's vacation request.

MUC

**Motion** Davis/Maus to approve the March claims and the March 3<sup>rd</sup> and March 13<sup>th</sup> council minutes as presented. MUC

**Motion** Fischer/Maus to call for a closed labor negotiations meeting on Tuesday, April 1, 2003 at 6:30 p.m. at the Kimball Fire/Rescue Hall. MUC

**OPEN FORUM:** None

David and Ruth Johnson were present to discuss the easement request on their property described as: a 5 foot temporary construction easement over, under and across the north 5.00 feet of the east 5.00 feet of Lot 16 Block 6, Townsite of Kimball Prairie, according to the recorded plat thereof, Stearns County, Minnesota. LESS area of building which lies within said 5 foot temporary construction easement. This is a temporary construction easement for the Hazel Ave. Project which will expire June 30 2004.

They addressed their concerns relating to their building foundation. The City engineer informed them that the contractors would be covered with insurance should any damage occur.

Sharon Jewison and Doug Jewison were also present in regard to the easement request for her property. She was informed by the City engineer that an easement for this parcel is no longer needed.

Steve Edwards also addressed the easement request for his property on Hazel Ave. E. and the affect it would have on his building. Also, construction on the corners of intersecting streets were discussed.

Sherry Donabauer Agent of Record for the City's insurance coverage addressed the Liability/ Auto Policy renewal and informed the Council that the premium was remaining stable overall. A waiver for Kimball Day participants and parade entries will be drafted for those who do not provide a Certificate of Insurance. Ms. Donabauer will work with the Clerk Treasurer Administrator to complete the renewal and submit it to the League of Minnesota Cities Insurance Trust.

**Motion** Fischer/Orbeck to introduce the following resolution and move for its adoption:

**RESOLUTION NUMBER 031703  
RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND  
ORDERING ADVERTISEMENT FOR BIDS**

**WHEREAS**, PURSUANT TO A RESOLUTION PASSED BY THE COUNCIL ON **March 17, 2003**, the City Engineer has prepared plans and specifications for the improvement project on Hazel Ave. from **200 feet west of Elm Street going east to State Highway 55 in the City of Kimball** and has presented such plans and specifications to the council for approval.

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

1. Such plans and specifications, a copy of which is attached hereto and made a part hereof, are hereby approved.
  
2. The City Clerk Treasurer Administrator and the City Engineer shall prepare and cause to be inserted in Stearns County's official newspaper and the Construction Bulletin and advertisement for bids upon the making of such improvement under such approved plans and specifications. The advertisement shall be published 3 times, shall specify the work to be done; shall state that bids will be received by the Clerk Treasurer Administrator until 11:00 a.m. on Tuesday, April 15, 2003 at which time they will be publicly opened in the council chambers of the City Hall by the Clerk Treasurer Administrator and the City Engineer, will then be tabulated, and will be considered by the council at 7:15 p.m. on Monday, April 21, 2003 in the Council Chambers. Any bidder whose responsibility is questioned during consideration of the bid will be given an opportunity to address the Council on the issue of responsibility. No bids will be considered unless sealed and filed with the Clerk Treasurer Administrator and accompanied by a cash deposit, cashier's check, bid bond or certified check payable to the City of Kimball for 5 percent of the amount of such bid.

Those voting in favor thereof: Karla Davis, Andy Maus, Wayne Mackereth, Mickey Fischer and DuWayne Orbeck; those voting against, absent or abstaining: None. Motion passed.

Other issues discussed were the project cost and the assessment role.

Andy Maus addressed the issue of the clean-up of the oil site dumpster and the illegal dumping into this dumpster.

Police Chief Todd Rohloff presented the monthly reports for Kimball and Fairhaven Township and reported on lowering the speed limit in the elementary school area to 20 MPH and the progress of the Administrative citations.

Motion Maus/Davis to call for a re-zoning public hearing for Willow Creek Concrete Products, Inc. to be held on April 7, 2003 at 7:30 p.m. and instruct the Zoning Administrator to proceed with the process and publish the notice in the March 27<sup>th</sup> Tri-County News. MUC

Andy Maus inquired of the progress of the Willow Creek Concrete Products, Inc. annexation and tax abatement. They would like to start construction as soon as possible. The Clerk Treasurer Administrator will make inquires of the City Attorney in reference to the tax abatement and the start of construction.

Other issues addressed were the baseball field fencing, cleaning of gutters, Kimball Days meeting and a business expo.

Motion Maus/Fischer to adjourn at 9:30 p.m. MUC

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Dianne H. Robinson  
Clerk Treasurer Administrator

**Meeting date:** April 7, 2003

**Meeting time:** 7:00 p.m.

**Called to order by:** Mayor Karla Davis

**Council Members present:** Karla Davis, Andy Maus, Mickey Fischer, DuWayne Orbeck and Wayne Mackereth.

**Council Members absent:** None.

**Others present:** City Attorney Rhonda Pagel, Public Works Director Brent Neisinger, City Engineer Randy Sabart, Financial Consultant Mark Ruff of Ehlers, Tri-County Editor Jean Matua, Candi Walz, Bruce Rokala, John Arnold, Rick Strand, Frank Schiefelbein, Fire Chief Tom Ehlinger, Cary Maus, Police Chief Todd Rohloff, Leo Wirth and Tammy Konz.

Council Members Maus and Fischer added items to the agenda for later discussion.

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

1. To transfer \$3,369.60 from the general checking to the Fire Relief Association Money Market Account for the retired members supplemental benefit reimbursement from the State of Minnesota.
2. To transfer \$30,000.00 from the Fire/Rescue Money Market Account to the Fire/Rescue Checking Account for operating expenses.

MUC

Motion Fischer/Mackereth to approve the March 17, 2003 Council minutes as presented.  
MUC

**OPEN FORUM:** No items.

Mayor Karla Davis Called to Order the Public Hearing for the Re-zoning of the Willow Creek Concrete Products, Inc. site which was annexed into the City of Kimball on 4/4/03. The request was to re-zone from Urban Residential to Light Industry. Abutting property owners requested screening of property and no burning. Mayor Davis closed the hearing.

Motion Maus/Fischer to re-zone this area to Light Industry to allow Willow Creek Concrete Products, Inc. to continue a light industry business in this area. Those voting in favor thereof: Maus, Fischer, Orbeck, Mackereth and Davis; those absent, abstaining or voting against: None. Motion passed.

Mayor Karla Davis Called to Order the Public Hearings on the Tax Abatement request and Development Agreement for Willow Creek Concrete Products, Inc. Mayor Davis closed the hearing.

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

RESOLUTION # 040703-1

RESOLUTION ADOPTING THE DEVELOPMENT AGREEMENT  
BY AND BETWEEN THE CITY OF KIMBALL AND  
WILLOW CREEK CONCRETE PRODUCTS, INC.

WHEREAS, a Development Agreement outlining the terms of a proposed tax abatement to Willow Creek Concrete Products, Inc. has been agreed upon by both the City of Kimball and Willow Creek Concrete Products, Inc.;

WHEREAS, Willow Creek Concrete Products, Inc. is a qualified business under Minn. Stat. 469.1813, subd. 6b;

WHEREAS, a public hearing was held on April 7, 2003 regarding the proposed tax abatement for Willow Creek Concrete Products, Inc.;

WHEREAS, the City of Kimball believes that a tax abatement is necessary to offset the increased costs associated with the property owned by Willow Creek Concrete Products, Inc. becoming annexed to the City;

WHEREAS, the Development Agreement serves the public purposes of promoting further development of the Development Property, generating spin off development within the community, increasing jobs in the City and state and increasing the tax base of the City and State, and will promote the health, safety, and welfare of the citizens of the City;

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

1. The Development Agreement By and Between the City of Kimball and Willow Creek Concrete Products, Inc. is hereby adopted.

The foregoing resolution was duly seconded by the Council Member Andy Maus and upon being put to vote the following voted in favor thereof: Andy Maus, Karla Davis, Wayne Mackereth, Mickey Fischer and DuWayne Orbeck; and the following voted against the same: None.

WHEREUPON, the resolution was declared duly passed and adopted.



Council Member Andy Maus introduced the following resolution and moved for its adoption:

**RESOLUTION APPROVING TAX ABATEMENT FOR  
WILLOW CREEK CONCRETE PRODUCTS, INC.**

WHEREAS, the City of Kimball believes that a tax abatement is necessary to offset the increased costs associated with the property owned by Willow Creek Concrete Products, Inc. becoming annexed to the City;

WHEREAS, a Development Agreement outlining the terms of the tax abatement to Willow Creek Concrete Products Inc. has been adopted by the City; and

WHEREAS, the proposed tax abatement will serve the public purposes of promoting further development of the Development Property, generating spin off development within the community, increasing jobs in the City and State and increasing the tax base of the City and State and will promote the health, safety, and welfare of the citizens of the City.

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

1. The tax abatement for Willow Creek Concrete Products, Inc. in the amount of \$7,500.00 per year or 60% of the actual property taxes due and payable to the City per year on the Property, whichever is less, beginning with taxes payable in 2004 and continuing through taxes payable in 23018, for a total of 15 years, as more fully set forth in the Development Agreement dated April 7, 2003, attached hereto as Exhibit A (on file in the City office), is hereby approved.

The foregoing resolution was duly seconded by Council Member DuWayne Orbeck and upon being put to vote the following voted in favor thereof: Karla Davis, Wayne Mackereth, Mickey Fischer, DuWayne Orbeck and Andy Maus; and the following voted against the same: None.

WHEREUPON, the resolution was declared duly passed and adopted.

Clerk Treasurer Administrator Dianne Robinson and City Attorney Rhonda Pagel addressed the procedure for handling a delinquent City Utility which has gone into bankruptcy.

Financial Consultant Mark Ruff and City Engineer Randy Sabart presented different special assessment options and the temporary financing for the Hazel Ave. Project. The project must be special assessed 20% to avoid a referendum. The Council does not need

to make a decision on the assessments until the fall of 2003, but sell the bonds for the temporary financing by the end of May.

Placing a base rate on apartments and dual units was tabled until the next meeting.

Motion Orbeck/Maus to amend the bid opening resolution to change the bid opening date from April 15, 2003 to April 16, 2003 at 11:00 a.m. MUC

Motion Fischer/Orbeck to allow the Kimball Area Chamber of Commerce to attach "Support Our Troops" signs (that they are purchasing) to the "Welcome to Kimball" signs. MUC

Motion Davis/Maus to create the position of Department Chaplin for the Kimball Fire/Rescue Department and to appoint Pastor Gerald Albert to this volunteer position. MUC

Council Member DuWayne Orbeck addressed Fire/Rescue Department Chief Tom Ehlinger in regard to a purchase order system to the Fire/Rescue Department and all other City departments.

Mayor Karla Davis addressed budget cuts for the Fire/Rescue Department and an "On Call" system.

Other items discussed with the Fire/Rescue Department were fire fighters speeding to the fire hall, providing the Council with minutes from the Fire/Rescue meetings and having Council Member Wayne Mackereth as the Fire/Rescue Department contact.

Public Works Director Brent Neisinger addressed the issue of mold in the Public Works Department office and the test performed by Braun Intertec. He will research issue further.

The Council addressed the summer seasonal position and decided to table this issue until they have reviewed the budget cuts and Public Works Department work schedule.

Motion Maus/Mackereth to accept the resignation of Mike Olk as the Civil Defense Director. Those voting in favor thereof: Maus, Mackereth, Fischer and Davis; those voting against or absent: None; those abstaining: Orbeck. Motion passed.

Motion Davis/Fischer to appoint Police Chief Todd Rohloff as the Civil Defense Director effective immediately. MUC.

The Clerk Treasurer Administrator requested a change to page four of the Employee Handbook on time card. The Council decided no change was need, but employees could deliver their time cards to the Clerk Treasurer Admin.

The irrigation field lease renewal was tabled for later discussion.

The baseball field fencing was discussed and will be researched by Councilmember Fischer.

Council Member Fischer requested a report be provided for regular and overtime wages versus regular and overtime wages budgeted. The Clerk Treasurer Administrator will provide this.

The City of South Haven water leak was addressed with the Public Works Director. The work for the City of Kimball must be the Public Works Departments first priority. Taking City vehicles out of the City was again discussed as were staff department reports

The Nextel cellular phones will be researched further.

Mayor Davis called for a special meeting on April 28, 2003 at 6:30 p.m. for budget cuts.

Motion Maus/Orbeck to adjourn at 11:20 p.m. MUC

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Dianne H. Robinson  
Clerk Treasurer Administrator

Acting Mayor Andy Maus called to order the Board of Appeal for the purpose of reviewing and correcting the 2003 assessment of the City of Kimball for taxes payable in the year 2004.

Council Members present: Andy Maus, Wayne Mackereth, DuWayne Orbeck and Mickey Fischer.

Council Members absent: Karla Davis

Ron Fashant, PID 60.34512.005 – Motion Maus/Orbeck to have the County check on square footage in reference to the shared wall on this townhome and report results back to the Council. Those voting in favor thereof: Maus, Orbeck, Mackereth and Fischer; those voting against or abstaining: None; those absent: Davis. Motion passed.

Shannon Dahl, all parcel he owns.  
Darrel Curtis, PID 60.34347.000 and 60.34349.000  
Jerry Wendt, PID 60.34395.000  
Mickey Fischer, PID 60.34306.001

Not action taken.

Audrey and Walter White, PID 60.34549.00 – County had already made corrections.

Motion Fischer/Maus to adjourn at 7:10 p.m. Those voting in favor thereof: Maus, Orbeck, Mackereth and Fischer; those voting against or abstaining: None; those absent: Davis. Motion passed.

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Dianne H. Robinson  
Clerk Treasurer Administrator

**Meeting date:** April 21, 2003

**Meeting time:** 7:00 p.m.

**Called to order by:** Mayor Karla Davis

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

**Councilmembers absent:** None.

**Others present:** City Engineer Randy Sarbart, Fire Chief Tom Ehlinger, DNR Fisheries Eric Atena, Public Works Director Brent Neisinger, Marylyn and Charles Sterling, Financial Consultant Shelly Eldridge, Candi Walz of Tri-County News, Shelly Olson and Police Chief Todd Rohloff.

The meeting opened with the Pledge of Allegiance to the Flag.

Councilmember Mickey Fischer added items to the agenda for later discussion.

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

1. To disconnect all delinquent utilities.
2. To approve the Minnesota Lawful Gambling Application for Exempt permit to allow the Church of St. Anne to conduct bingo, raffles and pull-tabs on July 20, 2003.

MUC

Motion Orbeck/Fischer to approve the April 7, 2003 regular council minutes and the April 8, 2003 Board of Appeal minutes as presented. MUC

Motion Maus/Fischer to approve the claims for April as presented. MUC

OPEN FORUM: No items.

Mayor Davis moved the dual unit water/sewer base rate proposal to Old Business.

City flower pot discussion centered on the cost of the flowers, donation for flowers, location of pots and maintaining and water plants. City staff will contact organizations for donations.

Eric Altena, DNR Fisheries out of Montrose, MN. gave a presentation of Willow Creek, the stocking of fingerling and yearling Brook and Brown trout. He reported on the present size of trout that had been planted in previous years and what the DNR would be doing to prevent erosion control in designated areas. He spoke about moving trails away from the stream bank to prevent this erosion and possibly developing a storm water management plan. Possible grant funding through other state and county organizations are a possibility and Mr. Altena will check on these. Councilmember Orbeck spoke about boring under the Creek for water and sewer main extension.

Motion Davis/Fischer to grant the Fire Departments request to allow three firemen to attend the State Fire School in Anoka on April 26 and 27 at the cost of \$85.00 each.  
MUC

City Engineer Randy Sabart presented the bids received for the Hazel Ave. project and reported that Kuechle Underground, Inc. was the low bidder with a bid of \$857,504.23. Other bids were as follows: Randy Kramer Excavating \$897,943.31, Barbarossa & Sons \$1,024,362.37 and Northdale construction \$1,040,093.88.

Councilmember DuWayne Orbeck questioned the replacement of driveway aprons being replaced at their existing size. This should be no problem according to the City Engineer.

Motion Councilmember Maus to adopt the following resolution:

**RESOLUTION 042103**  
**RESOLUTION ACCEPTING BID**

WHEREAS, pursuant to an advertisement for bids for the improvement project on Hazel Avenue from 200 feet west of Elm Street going east to State Highway 55 in the City of Kimball, bids were received, opened and tabulated according to law, and the following bids were received complying with the advertisement:

(Tabulation of Bids are on filing in the City office)

AND WHEREAS, it appears that Kuechle Underground, Inc., of Kimball, Minnesota, is the lowest responsible bidder,

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

1. The mayor and clerk are hereby authorized and directed to enter into a contract with Kuechle Underground, Inc., of Kimball in the name of the City of Kimball for the improvement project on Hazel Avenue from 200 feet west of Elm Street going east to State Highway 55 in the City of Kimball according to the plans and specifications therefore approved by the city council and on file in the office of the city clerk.
2. The city clerk is hereby authorized and directed to return forthwith to all bidders the deposits made with their bids, except that the deposits of the successful bidder and the next lowest bidder shall be retained until a contract has been signed.
3. Acceptance of the Resolution is contingent upon concurrence of award by USDA Rural Development

Motion was seconded by Councilmember Fischer. Those voting in Favor thereof: Maus, Fischer, Orbeck, Davis and Mackereth; those voting against, absent or abstaining. Motion passed and adopted by the city council this 21<sup>st</sup> day of April, 2003.

The preconstruction conference is tentively scheduled for May 22 at 10:00 a.m.

Financial Consultant Shelly Eldridge presented information on the temporary financing.

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

**Resolution No. 042103-2**

**Resolution Providing for the Sale of  
\$1,055,000 G.O. Temporary Improvement Bonds, Series 2003A**

A. WHEREAS, the City Council of the City of Kimball, Minnesota, has heretofore determined that it is necessary and expedient to issue the City's \$1,055,000 Temporary Improvement Bonds, Series 2003A (the "Bonds"), to finance certain improvement projects in the City; and

B. WHEREAS, the City has retained Ehlers & Associates, Inc., in Roseville, Minnesota ("Ehlers"), as its independent financial advisor for the Bonds and is therefore authorized to solicit proposals in accordance with Minnesota Statutes, Section 475.60, Subdivision 2 (9);

NOW, THEREFORE, BE IT RESOLVED by the City Council of Kimball, Minnesota, as follows;

1. Authorization; Findings. The City Council hereby authorizes Ehlers to solicit proposals for the sale of the Bonds.
2. Meeting; Proposal Opening. The City Council shall meet at City Hall on May 19, 2003, for the purpose of considering sealed proposals for and awarding the sale of the Bonds.
3. Official Statement. In connection with said sale, the officers or employees of the City are hereby authorized to cooperate with Ehlers and participate in the preparation of an official statement for the Bonds and to execute and deliver it on behalf of the City upon its completion.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember Mickey Fischer and, after full discussion thereof and upon a vote being taken thereon, the following Councilmembers voted in favor thereof: Maus, Fischer, Davis, Mackereth and Orbeck; and the following voted against the same: None.

**PUBLIC WORKS DEPARTMENT:** Director Brent Neisinger handed out and reviewed his general duties and spoke about sealing all force main manholes to prevent water infiltration and raising the manhole on the Arnold property, maintaining water run-off ponds and streets in the Greely Edition (these have been dedicated to the public and will be dedicated to the City when the City Engineer certifies the completion of this plat and the council by resolution accepts them), a map on areas mowed, roadside plantings (staff will do further research), flags on Main Street, the Consumer Confidence report, hours of work (staff will keep track of public works calls received after 2:30 p.m. for the next two weeks), and the 30 day work report being prepared by Councilmember Orbeck,

**POLICE DEPARTMENT:** Chief Todd Rohloff presented the monthly reports for Kimball and Fairhaven Township, reported on K-9 certification, and stated that citations issued have almost paid for the computer in the police car and addressed the damage done to right of way areas due to snowmobiles and ATV's (Charles and Marlin Sterling were present on this issue and mowing of ditch areas).

Chief Rohloff presented proposed ordinances on this issue.

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

To amend City Ordinance Chapter 5, Public Safety, and add Section 525, Snowmobiles, Mopeds, Dirt Bikes, All Terrain Vehicles and Other Vehicle Control and Regulations (complete ordinance on file in the City Office and Published in the Tri-County News).

Councilmember Andy Maus seconded the foregoing resolution. Those voting in favor thereof: Davis, Maus, Mackereth, Orbeck and Fischer; those voting against, absent or abstaining: None. Motion passed.

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

To amend City Ordinance Chapter 2, Section 215 Schedule of Fees to add 525.20 Trespassing on Private Property – 1st Offense \$50.00, 2<sup>nd</sup> Offense \$100.00, and to add to 800.03, WATER RATE: DUAL UNIT – MINIMUM PER UNMETERED UNIT \$7.00 AND 805.04 SUBD. 11, SEWER USER RATE: DUAL UNIT – MINIMUM PER UNMETERED UNIT \$7.00.

Councilmember Andy Maus seconded the foregoing resolution. Those voting in favor thereof: Davis, Maus, Mackereth, Orbeck and Fischer; those voting against, absent or abstaining: None. Motion passed.



Volunteer Self Insurance coverage was discussed and will remain the same.

Councilmember Fischer reported on the baseball field fencing, status of old fencing and agreement with Townteam.

Wayne Mackereth and Andy Maus will meet with the Scheeler's in regard to the irrigated land lease.

City staff will review the Purchase Order process and check on forms.

Mayor Davis reported that expenditures over \$250.00 for the fire department must be present to the council for approval.

Motion Fischer/Mackereth that all city employees take a lunch break and punch out per the Employee Handbook. MUC

Motion Orbeck/Mackereth to adjourn at 10:45 p.m. MUC

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Dianne H. Robinson  
Clerk Treasurer Administrator

**Special Meeting date:** April 28, 2003

**Meeting time:** 6:30 p.m. (called to order at 6:40 p.m.)

**Called to order by:** Mayor Karla Davis

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

**Councilmembers absent:** None.

**Others present:** Mary Fischer, Public Works Director Brent Neisinger and Police Chief Todd Rohloff.

Clerk Treasurer Administrator Dianne Robinson reviewed the 2003 General Fund Budget with the Council. Areas were identified for possible cuts for 2003 and proposed cuts and deductions for 2004.

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

To amend Chapter 2, Section 215 Schedule of Fees, Code Schedule In Use, Assessment Search fee to \$20.00.

Councilmember Mickey Fischer seconded the foregoing resolution. Those voting in favor thereof: Maus, Fischer, Mackereth, Orbeck and Davis; those voting against, absent or abstaining: None. Whereupon said motion was declared passed and adopted.

Public Works Director Brent Neisinger will research picnic shelter rental rates charged by other cities.

A report will be provided by the Clerk Treasurer Administrator on Receipts and Disbursements for the used oil dump, library costs covered by the city and balance in Capital Outlay Money Market.

Community Ed. Will be contacted to determine how many children in the city corporate limits attend swimming lessons.

Motion Orbeck/Davis to allow the purchase of approx. \$750.00 in material for the repair and replacement of bridges in Willow Creek Park. MUC

Mayor Davis will contact the Great River Regional Library in regards to discuss the space being used in City Hall.

General Fund wages (regular and overtime for 2002 and 2003) were reviewed.

Motion Davis/Maus to hire Neil Hilary to fill the seasonal public works worker position and limit the duration of work to 185 consecutive calendar days or less in each year of employment at the rate of \$7.00 to take effect immediately. MUC

Motion Fischer/Davis to adjourn at 10:00 p.m. MUC

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Dianne H. Robinson  
Clerk Treasurer Administrator

**Meeting date:** May 5, 2003

**Meeting time:** 7:00 p.m.

**Called to order by:** Mayor Karla Davis

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

**Councilmembers absent:** None.

**Others present:** Brian Kuechle, Randy Sabart, Candi Walz, Tom Zipoy, Cliff Dahl, Shannon Dahl, Jerome Kuechle, Tom Marquardt and Howard Penertz.

**Additions to the agenda:** ADSL Internet Contract, Greg Anderson dog licenses and Medical/Dental/Life Ins. Renewal.

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

1. To approve the request made by the Kimball American Legion to sell intoxicating malt liquor outside the licensed premises on May 25 and July 19.
2. To approve the request made by the Kimball Sports Booster Club to approve an application for Exempt Permit for Raffles at the Kimball Area High School on August 9, 2003.
3. To approve the creation of two new Money Market Accounts: SAC Reserve and WAC Reserve and to transfer from the water and sewer checking the SAC and WAC fees collected since the start of the \$1,250.00 fees for these services.

MUC

Motion Fischer/Orbeck to approve the April 21 and April 28 minutes as presented. MUC

Mayor Davis Called to Order the Conditional Use Permit, PUD, Plat #11 and the Rezoning Hearing for Greely Plat #II. Zoning Administrator Chris Jeppesen reviewed each item with those present and answered questions. Hearing was closed.

Motion Maus/Fischer to approve the Proposed Plat, Conditional Use Permit and PUD as follows and including items outlined in a letter from MN/DOT:

1. Replatting of Outlots B,C, and D, Greely Edition, to be Lots 1-7, Block 1, Lot 1, Block 2, Lots 1-20, Block 3, and Outlots A & B Greely Edition Plat Two, per attachment #1 – Preliminary Plat Hearing, and Platting the addition road.
2. Conditional Use Permit for Planned Unit Development status for Greely Edition Plat Two including:
  - Variance front yard set back from 30' to 20' from right of way.
  - Variance lot sizes according to attachment #2
  - Variance to allow up to 8 dwelling units on Lot 1, Block 2

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

Motion Fischer/Maus to Rezone Outlot D in Greely Edition Plat Two from R-1 (urban residential) to B-1 (highway commercial). Those voting in favor thereof: Maus, Davis, Orbeck, Fischer and Mackereth: those voting against, absent or abstaining: None. Motion passed.

Conditions of the fencing of Outlot D will be left to the discretion of Jerome Kuechle and Tony Bollman.

Councilmember Maus addressed the installation of two stop sign from the Greely Edition onto 135<sup>th</sup> Street. Jerome Kuechle will have them installed.

The slope on the water run-off pond located in Plat I of Greely Edition will be reviewed by City Engineer Randy Sabart and he will report back at the May 19<sup>th</sup> meeting.

City Engineer Randy Sabart reviewed the Greely Edition Plat Two for Developer Jerome Kuechle which outlined the streets, storm sewers, water mains, sewer mains, a lift station and a water run-off pond.

Tom Zipoy, Attorney for Jerome Kuechle addressed the Development Agreement which he drafted and sent to the City Attorney. This Agreement should be ready for presentation at the May 19<sup>th</sup> meeting.

Mayor Davis questioned Jerome Kuechle about the Public Works Departments involvement in the Hazel Ave. Project. He felt that the Public Works Director should be available during project hours to turn valves on and off. His crew starts work at 7:00 a.m. and will work until 6:30 p.m. This area can be further addressed at the pre-construction meeting.

Zoning Administrator Chris Jeppesen requested that the City Council consider increasing the fee charged for Conditional Use Permits, Variances and Rezoning as this fee no longer covers the cost. She will research what other cities are charging and will report back at the May 19<sup>th</sup> meeting.

Chris Jeppesen as Kimball Days Coordinator will give a report at the May 19<sup>th</sup> meeting.

Tom Marquardt and Howard Penertz reported on the status of the baseball field fencing and will meet with Kimball Lions members in regard to the placement of the chain link portion of the fence.

Motion Davis/Maus to approve the naming of the baseball field "Kimball Veteran's Memorial Field as recommended by the Kimball Express Baseball Team. MUC

The City Attorney will be contacted in regard to an amendment to the Baseball Facility Use Permit pertaining to advertising on the fence.

Other areas of discussion was the cost of dram shop insurance, the first home game being June 1 and a request that they City install a sprinkler system for the baseball field. Cost would be approx. \$10,000.00. If the team assists with labor, this could reduce the cost to \$5,000.00. Councilmember Fischer addressed proposed cuts in Local Government Aid.

Motion Fischer/Mackereth to accept the donation of the baseball fence and the scoreboard. MUC

Fire Chief Tom Ehlinger addressed the following issues with the Council:

1. Clarification on how members should be paid for calls when a fire or rescue call is received by the department and is then cancelled by dispatch before the fire trucks leave the hall. **Stay with present policy.**
2. Clarification on how members should be paid for calls and training meetings when the member is on duty as an employee of the city. **Mayor Davis will contact the League of MN. Cities on this issue.**
3. Clarification on how members should be paid for calls when the department receives a rescue call while members are already present at the hall. Every one is willing and able to respond, but usually 5 or 6 are chosen to go to incident.

Motion Davis/Fischer to pay the non-attendees for one hour and those attending the incident according to the current policy. MUC

Wayne Mackereth will attend the next Maine Prairie Township Board meeting to discuss space rental fee at the Fire/Rescue Hall per a recommendation made by the Fire Board.

Motion Maus/Mackereth to decrease the Equipment Replacement portion of the Aug. 2003 – Aug. 2004 Fire/Rescue budget from \$20,000.00 to \$10,000.00 and the Aug. 2004 – Aug. 2005 Fire/Rescue budget from \$20,000.00 to \$10,000.00. MUC

Motion Davis/Fischer that all City Departments must take a lunch break and that the City Office will be closed from 12:00 p.m. to 12:30 p.m. MUC

Motion Davis/Fischer that all overtime must be approved by each department's Council liaison. (40 hours is regular time for all departments except Police Department which is 45 hours). Time spent at meetings will be deducted from office hour time. MUC

Clerk Treasurer Administrator Dianne Robinson will speak with Deputy Clerk Treasurer Chris Jeppesen about increasing hours not to exceed 29 hours.

Councilmember Maus will contact SEH, Inc. about engineering time at Council meetings.

Clerk Treasurer Administrator Dianne Robinson reported on the use of a facsimile signature, the used oil dump proceeds, a nuisance issue, changing Council meetings to once a month, the progress of the agreement with the Great River Regional Library, the Community Ed. Swim Program, Roadside Plantings, the capital outlay fund and purchase orders.

Motion Fischer/Davis to charge Greg Anderson \$30.00 for one dog and \$15.00 for the second dog for a late dog licensing fee. MUC

Motion Davis/Fischer to renew the ADSL Internet Contract with Melrose Telephone Company. MUC

Motion Davis/Maus to renew the Medical/Dental/Life Insurance coverage with PEIP. MUC

Motion Maus/Orbeck to adjourn at 11:32 p.m. MUC

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Dianne H. Robinson  
Clerk Treasurer Administrator

**Meeting date:** May 19, 2003

**Meeting time:** 7:00 p.m.

**Called to order by:** Mayor Karla Davis

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

**Councilmembers absent:** None.

**Others present:** City Engineer Randy Sabart, Public Works Director Brent Neisinger, Jean Matua and Candi Walz of the Tri-County News, Elvina Berscheid, Duane Berscheid, Marvin Berscheid, Monica Douglas, Pat Messer, Mark Ruff of Ehlers & Assoc., Deputy Clerk Chris Jeppesen, Police Chief Todd Rohloff, Jerome Kuechle, Public Works Worker Dan Dawson, Jeff Orbeck, City Attorney Tim Young, Tom Zipoy, Jim Unterberger and Fire/Rescue Chief Tom Ehlinger.

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

1. To disconnect the delinquent City utilities as presented.
2. To approve Bobbie Olson, Nancy Rice, Deb Reinert and Kristin Wittrock as Kimball Days volunteers who will be working with the Kimball Days Coordinator Chris Jeppesen to organize events sponsored by the City of Kimball and approved by the City Council and to appoint Steve Edwards, Mickey Fischer, Mary Fischer, Gene Gohmann, John Gohmann, Sherri Gohmann, Arlen Somela, Verna Lee Somela, LouAnn Flashereim, Roger Cooper, Marilyn Cooper and Vicky Hokkenson as volunteers for coordinating the Kimball Days Car Show. These individuals WILL NOT be considered City of Kimball Volunteers when working outside of the City sponsored events. MUC

Motion Fischer/Mackereth to approve the May 5, 2003 regular Council minutes as presented. MUC

Motion Maus/Orbeck to approve the May Claims as presented. MUC

**OPEN FORUM:**

Monica Douglas requested that she be allowed to replace her present sewer line and connect into the City main at a different location. The Council agreed that this is permitted at the owner's expense and since she already has access to the City service, there would be no additional SAC charge.

Alvina Berscheid informed the Council about the baseball field fence bracing in reference to her property. Councilmember Mickey Fischer will be working with the baseball team to have any bracing which is on her property re-located. Mrs. Berscheid also requested a DEAD END sign be installed on her street. The Public Works Department will look into this.



Mark Ruff of Ehlers & Assoc. was present for the temporary bonding issue for the Hazel Avenue Project and presented tabulations of the proposals that had been received in the manner specified in the Terms of Proposal for the Bonds. The proposals were as follows: (See sheet attached to these minutes).

After due consideration of the proposals, Councilmember Maus then introduced the following resolution, and moved its adoption:

**RESOLUTION 05192003**

**A RESOLUTION AWARDING THE SALE OF \$1,232,560.00 GENERAL OBLIGATION TEMPORARY IMPROVEMENT BONDS, SERIES 2003A; FIXING THEIR FORM AND SPECIFICATIONS; DIRECTING THEIR EXECUTION AND DELIVERY; AND PROVIDING FOR THEIR PAYMENT**

The entire resolution is on file in the City Clerk Treasurer Administrators Office and open for review.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember Orbeck, and upon vote being taken thereon, the following voted in favor thereof: Karla Davis, Wayne Mackereth, Mickey Fischer, DuWayne Orbeck and Andy Maus; and the following voted against the same: None. Whereupon said resolution was declared duly passed and adopted.

Jeff Orbeck presented his plans for the installation of a 30,000 gallon LP storage tank at Kim Built Gas. Motion Maus/Mackereth that this would be an accessory use and no conditional use permit would be needed. Those voting in favor thereof: Maus, Mackereth, Davis and Fischer; those abstaining DuWayne Orbeck; those absent or voting against: None. MUC

A building permit is required for the installation of the tank. Mr. Orbeck also reviewed other plans he has for this property. Requirements were addressed.

Jerome Kuechle of KEEK Developers and his attorney Tom Zipoy were present to review the Development Agreement for Greely Edition Plat II

Motion Maus/Fischer to make the Payment of City Costs on page 2, item 1.3 of the Development agreement \$2,500.00 and if there is any balance of funds at the end of project, balance will be repaid to KEEK Developers. MUC

The SAC and WAC and Park Fees will remain the same as they were in Plat I.

Motion Maus/Davis to approve the Development Agreement for Greely Edition, Plat II. MUC

Motion Maus/Davis to conditionally approve the Greely Edition, Plat II conditioned upon Publishers Drive street vacation hearing results. MUC

Jerome Kuechle addressed a lift station change on Newspaper Run. If piping can be changed to gravity flow to manhole #1 by crossing private property, this would eliminate the lift station.

Motion Orbeck/Maus to accept these plans and allow Jerome Kuechle to pursue the needed easements. MUC

City Engineer Randy Sabart presented his finding for the water run-off pond in Greely Edition, Plat I. SEH, Inc. staking crew will re-stake this pond and Jerome Kuechle will have to change the slope to meet the original plans and specs.

Mayor Davis called for a Special Informational meeting on May 28, 2003 at the City Hall to inform the public of the Hazel Avenue Project. There will be no discussion of the financial portion of the project at this meeting. An Assessment meeting will be held at a later date.

Fire/Rescue Chief Tom Ehlinger was present with Department requests.

Motion Fischer/Mackereth to allow the Fire/Rescue Department to purchase 18 safety vests for car accident scenes at the cost of \$30.00 each. MUC

Motion Mackereth/Maus to allow the Fire/Rescue Department to purchase 15 wild land fire suites at \$98.00 each and 2 ½ sets of turnout gear at approx. \$900.00 per set. MUC

The issue of open burning in the City was addressed and controlled burns by the Fire/Rescue Department according to City Ordinance.

Jim Unterberger of Maine Prairie Township was present for the discussion of the City possibly charging the Township rent for the use of the Fire/Rescue Hall. Areas of discussion were: Maine Prairies donations to the Fire/Rescue Hall approx. 10 years ago, other hall uses, setting a standard by not charging for use, Maine Prairies need for an office of their own and not sharing with the Fire/Rescue Department, presently using Fire/Rescue Department office space for Maine Prairie computer and desk, presently using upstairs for storage.

Councilmember Maus made the offer of not charging rent to Maine Prairie Township until an office can be built for them in the fire hall. Mr. Unterberger will take this proposal to the Township Board.

Jim Unterberger presented Maine Prairie Townships plans to resurface 135<sup>th</sup> Street which is a line road and would like to have the City share in this cost. Kimball's cost would be approx. \$3,500.00. This was tabled to the next meeting.

Motion Maus/Fischer to start formal abatement proceedings on a parcel of property in the City of Kimball. MUC

City Attorney Tim Young addressed the Baseball Agreement and recommended that the City not make any changes to this agreement.

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

TO AMEND CHAPTER 2, SECTION 215 SCHEDULE OF FEES, CODE SECTION 1010, 1015 AND 1020, REZONING, CONDITIONAL USE PERMITS AND VARIANCES TO CHANGE THE FEE AS FOLLOWS:

Conditional Use Permits, Variance and Rezoning -- \$150.00 per hearing.  
Preliminary Plat -- \$200.00 per hearing plus \$5.00 per each lot in plat.  
\$100.00 for each additional hearing.

Councilmember Maus seconded the foregoing resolution. Those voting in favor thereof: Karla Davis, Andy Maus, Wayne Mackereth, DuWayne Orbeck and Mickey Fischer; those voting against, abstaining or absent; None. Whereupon said motion was declared, passed and adopted.

Chris Jeppesen reported on Clean-Up Days scheduled for May 31. Motion Davis/Orbeck to cover the needed workers with volunteers. MUC

Motion Davis/Orbeck to allow the Clerk Treasurer Administrator to attend a HIPAA Conference in St. Cloud on June 3. MUC

Motion Davis/Orbeck to increase Chris Jeppesen's hours to 30 hours per week effective June 2, 2003. MUC

Creating a future ordinance for the licensing of legal fireworks was discussed.

**DEPARTMENT REPORTS:**

Police Department – Chief Rohloff presented his monthly reports for Kimball and Fairhaven Township, reported on storm shelter for mobile home park and the cost of a digital camera for the department.

Public Works – Public Works Director Brent Neisinger reported on researching shelter rental prices, weed spraying at pond site, placement of flower pots and meeting with DNR on the relocation of trails at Willow Creek Park.

Motion Orbeck/Maus to spray the weeds at the wastewater pond site. MUC

Councilmember Maus reported that the City Engineer does not charge for attending meetings for the Hazel Ave. Project and charges \$95.00 per hour for hearings.

Motion Maus/Orbeck to allow Dan Dawson to carry over 16 hours of vacation to June 3, 2004. MUC

Motion Maus/Mackereth to adjourn at 11:08. MUC

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Dianne H. Robinson  
Clerk Treasurer Administrator

**Meeting date:** May 28, 2003

**Meeting time:** 7:00 p.m.

**Called to order by:** Mayor Karla Davis

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

**Councilmembers absent:** Wayne Mackereth.

**Others present:** Milt Schmidt, Randy Sabart, Ken Opsahl, Marvin Duncan, Larry Davis, Jeff Gilpatrick, Alice Luebke, Nancy Baxter, Maymie Ecker, Darrel Wills, Shirley Wills, Joe Steichen, Ed Enerson, Jerome Kuechle, Brent Neisinger and Dan Dawson.

Mayor Davis thanks individuals for attending and introduced City Engineer Randy Sabart who explained the scope of the project and fielded questions from the public.

It was a Council consensus to allow Kuechle Underground to start the project on June 2, 2002.

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

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Dianne H. Robinson  
Clerk Treasurer Administrator

**Meeting date:** June 2, 2003

**Meeting time:** 7:00 p.m.

**Called to order by:** Mayor Karla Davis

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

**Councilmembers absent:** None.

**Others present:** City Engineer Randy Sabart, Mary Johnson, Carol Newman, Police Chief Todd Rohloff, Deputy Clerk Chris Jeppesen, Tri-County News Writer Candi Walz, Jerome Kuechle and Comm. Ed. Director Kris O'Brien.

Motion Orbeck/Maus to approve the May 19 regular meeting minutes and the May 28 special meeting minutes as presented. MUC

**Additions to the agenda:** fire calls versus police calls and new locks for the fire hall.

**OPEN FORUM:** Carol Newman and Mary Johnson presented the Councilmembers with packets on the history of the historical groups work on the City Hall and spoke briefly about a grant application and the deadline.

Motion Maus/Orbeck to allow Police Chief Todd Rohloff to receive credit for each rescue call attended while he is on duty as a Police Officer and in uniform and to not receive the firefighter's wages effective June 2, 2003. MUC.

At 7:15 p.m. Mayor Davis called to order the public hearing to consider vacating a portion of Publishers Drive in Greely Edition which was a part of Plat I. Hearing was closed.

Motion Maus/Fischer to vacate said portion of Publishers Drive in Greely Edition which was included with Plat I and certify vacation to Stearns County for recording. MUC

Deputy Clerk Chris Jeppesen presented her progress report on Kimball Days. A parade will be held if the Hazel Ave. Project is completed and there will be some new events.

Motion Davis/Fischer to lease a car from A.M. Maus and Son for Chris to drive the previous years Little Miss Kimball and her princess' in while representing the City in other community parades and to pay the Kimball School District for up to two hours of janitorial service while using the school for the teen dance (this is at the rate of \$35.00 per hour). MUC

Motion Davis/Maus that a letter be sent to four owners of the SunRise Townhomes requesting that they need to install outside water meter readers by June 20, 2003. If not installed by that date, the City Public Works Department will do the installation and the owner will be billed for the reader and the installation. MUC

Jerome Kuechle and City Engineer Randy Sabart informed the Council of the re-routing of the sanitary sewer main in Greely Edition Plat II so the need for a lift station could be eliminated. KEEK Developers will acquire the needed property easements and the MN/DOT permits.

City Engineer Randy Sabart requested clarification of the Development Agreement for Greely Edition Plat II that this would only be part time inspection by the City Engineering firm. This was agreeable with the Council. He also informed the Council that the **official start date** for the Hazel Ave. Project will be **June 3, 2003**.

Kris O'Brien of Community Ed. Reported on the Summer Recreation Program, Swim Program, Community Playhouse, etc. and the number of youth who live in the City of Kimball who make us of these programs.

Mayor Davis will be on the Community Ed. Board representing the City of Kimball.

Motion Davis/Orbeck to proceed with the changing of all the locks at the Fire Hall. MUC

Dianne Robinson presented the final draft of the Great River Regional Library Branch Agreement. Mayor Davis reported that she had contacted other cities and will be obtaining copies of their agreements. This item has been tabled until that information is received.

The Council reviewed the report on donations made to the City for the construction of the Fire/Rescue Hall. Further information will be provided to the Council at the June 16<sup>th</sup> meeting.

The cost proposed by Maine Prairie Township for the resurfacing of 135<sup>th</sup> Street and rental fee for the Fire/Rescue Hall was discussed.

Motion Fischer/Mackereth to adjourn at 9:19 p.m. MUC

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Dianne H. Robinson  
Clerk Treasurer Administrator

**Meeting date:** June 23, 2003

**Meeting time:** 7:00 p.m.

**Called to order by:** Mayor Karla Davis

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

**Councilmembers absent:** None

**Others present:** Darrel Wills, Shirley Wills, Deb Reinert, Candi Walz, Kristen Kubisiah, Brent Neisinger, Randy Sabart and Todd Rohloff and Dianne Robinson.

**Additions to the agenda:** City Engineer Randy Sabart and issues by Councilmembers.

**Motion** Orbeck/Fischer to approve the June 2, 2003 minutes as presented. MUC

**Motion** Maus/Fischer to approve the June claims as presented. MUC

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

1. To disconnect all delinquent City utilities.
2. To issue a 3.2 beer license to the Fairhaven Lions Club.

MUC

**OPEN FORUM** - Darrel and Shirley Wills question the water and sewer rate being charged for dual units.

Deb Reinert Manager for Maine Street Pub approached the City in regard to the 2:00 a.m. closing.

**Motion** Maus/Fischer to recognize the 2:00 a.m. closing according the City Ordinance for Main Street Pub. MUC

**POLICE DEPARTMENT REPORT:** Police Chief Todd Rohloff presented the Kimball and Fairhaven Township Police reports, repair of the police car due to an accident, reported on the air taser, impounding policy, safe and sober radar award of \$2,300.00, identity theft notice for Tri-County and requested a radio for the light blue police car.

**Motion** Fischer/Orbeck to approve the Impound and Towing of Vehicles Policy as presented. MUC

**Motion** Orbeck/Maus to purchase the Air Taser for the Police Department. MUC

**Motion** Fischer/Mackereth to purchase a radio/organizer rack and repairs for the light blue police car. MUC



**PUBLIC WORKS DEPARTMENT:** Director Brent Neisinger reported on the baseball field staking and possible easement with Alvina Berscheid (if she is willing to grant an easement, Dianne Robinson is to be contacted and the City will go from there. Otherwise stakes are to be removed), chemical feed pump breakdown and vacation request.

**Motion** Orbeck/Maus to purchase a new chemical feed pump for the water plant with the approx. cost being in the \$500.00 to \$600.00 range. MUC

**Motion** Orbeck/Fischer to grant Brent Neisinger's November vacation request. MUC

**HAZEL AVENUE WATER/SEWER/STREET PROJECT:** City Engineer Randy Sabart reported on progress and requested changes.

**Motion** Mackereth/Maus to give direction to the Project Contractor in the field to change the water line from the grassy area of the new County Right of Way on the south corner of Hazel Ave. E and Magnus Johnson Street South to the Hazel Ave. Street area. MUC

**Motion** Maus/Fischer to approve **Change Order #1** to increase the size of the casing which is being pushed under State Highway 55 for the water and sewer from a 16 inch to a 32 inch casing due to rocks. This Change Order will increase the project cost by approximately \$14,168.00. MUC

**CLERK TREASURER ADMINISTRATOR REPORT:** Dianne Robinson reported on the progress of a nuisance abatement (another letter will be sent), the number of dual units for the American Family Building (one main unit plus two other units) and the request for annexation of 40 acres into the city.

**Motion** Maus/Fischer to accept with regrets the resignation of Wayne Mackereth as Councilmember effective June 17, 2003 at 12:01 a.m. and to declare this Council seat vacant. Those voting in favor thereof: Maus, Davis and Fischer; those voting against: Orbeck; those absent or abstaining: Mackereth. Motion passed.

Motion Fischer/Maus to appoint Steve Edwards to the vacant Council seat which runs to Dec. 31, 2004. Those voting in favor thereof: Maus, Fischer, Davis, Orbeck; those voting against: None; those absent or abstaining: Mackereth. Motion passed.

Mayor Karla Davis reported on the grant application which the Kimball Area Historical Society would like to have the City apply for before the Aug. 21 pre-application date for City hall restoration. It was the Council consensus that the Kimball Area Historical Group should put up the matching grant money and the grant application would have to be approved by the City Council prior to submittal. Mayor Davis will invite them to the July 7<sup>th</sup> meeting to discuss the issue.

**Motion** Orbeck/Maus to adjourn at 9:30 p.m. MUC

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Dianne H. Robinson  
Clerk Treasurer Administrator

**Meeting date:** July 7, 2003

**Meeting time:** 7:00 p.m.

**Called to Order by:** Mayor Karla Davis

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

**Councilmembers absent:** None.

**Others present:** Clerk Treasurer Administrator Dianne Robinson, Barb Liedman, Maine Prairie Township Board Members Brent Nehring, Jim Unterberger, City Attorney Rhonda Pagel, Tri-County News writer Candi Walz, Don Stein and City Auditor Paul Harvego

Steve Edwards was sworn in to the vacant City Council position by Clerk Treasurer Administrator Dianne Robinson and will serve to the end of the term which is Dec. 31, 2004.

**Additions to the agenda:** 3.2 beer license requests and other items by Councilmembers.

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

1. To accept the \$15.00 donation from Adam Swanson for the Kimball Police Department.
2. To approve DuWayne Orbeck's attendance at the LMC Annual Conference and payment of the \$228.00 registration cost.
3. To transfer \$2,575.29 from the Capital Outlay Money Market Account to the General Checking Account to reimburse for a portion of the Police car computer which was paid from the general fund.
4. To approve Dianne's vacation request to take time off over the next two weeks.
5. To approve the following Hazel Ave. project pay requests:
  - SEH, Inc. in the amount of \$4224.80 for engineering.
  - Kennedy and Graven in the amount of \$4,044.82 for legal services rendered for the sale of the temporary bond.
  - Kuechle Underground in the amount of \$156,670.49 for construction costs from April 21, 2003 to June 19 2003.
6. To accept the donation of \$300.00 from the American Legion Post 261 for the Kimball Days petting zoo.
7. To accept the donations made to Kimball Days in the amount of \$1,800.00.
8. To transfer \$1,039.61 from the General Fund to the Water Fund and \$2,175.53 from the General Fund to the Sewer Fund per the 2002 audit.
9. To approve the request made by Ten Door Express (Main Street Pub) to sell intoxicating liquor outside the licensed premises in the fenced in area as shown on the attached drawing for Aug. 8 and 9, 2003.
10. To approve the request made by the Church of St. Anne for a 3.2 beer license for Sunday, July 20, 2003 at 441 Hazel Ave. E.
11. To accept the donation of \$1,500.00 from the Kimball Fire Relief Association

gambling funds for Baseball Field Expenses.

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**JULY 7, 2003**

**Motion** Orbeck/Maus to approve the June 16, 2003 minutes as presented. MUC

Councilmember Edwards questioned mowing by community service workers. Mowing is to be left to Temporary Employee Neil Hilary and other City work is to be assigned to Community Service Workers.

## **OPEN FORUM**

Barb Liedman presented a petition signed by residents of Maine Prairie Township and the City of Kimball requesting the City Council make a request of Stearns County to increase the speed limit on County Road 150 (Willow Creek Road) to 45 miles per hour.

**Motion** Orbeck/Maus to send a letter to Mitch Anderson, Stearns County Highway Engineer to this effect. MUC

Chris Jeppesen, Kimball Days Coordinator reviewed activities with the Council and donations received.

**Motion** Davis/Edwards to use the donations of \$1,800.00 to purchase the fireworks and insurance for Kimball Days. MUC

**Motion** Davis/Maus to issue a check to Chris Jeppesen in the amount of \$250.00 to reimburse for Little Miss Kimball expenses. MUC

**Motion** Fischer/Maus to place a disclaimer on all Kimball Days posters and flier for this year and every year here after. MUC

Chris Jeppesen was asked to present a schedule of hours to be worked on Kimball Days week-end by City Employees.

Don Stein appeared before the Council in regards to the written request he has made to the City of Kimball to have approximately 40 acres which he owns in Maine Prairie Township annexed into the City. City Attorney Rhonda Pagel explained that there are two ways of doing this annexation. By Ordinance or by Orderly Annexation. Brent Nehring and Jim Unterberger of the Maine Prairie Township Board were present and much discussion followed. Mr. Stein has developers interested in this property if it is annexed into the City and City services are made available. Maine Prairie would like to see commercial and small industry in this area. It was agreed that the City and Maine Prairie should meet for further discussion. Mayor Davis called for a special meeting to be held on Monday, July 14, 2003 at 7:00 p.m. at the Kimball Area Fire/Rescue Hall, 300 Elm St. N. to meet with the Maine Prairie Township Board to discuss this annexation procedure.

The Clerk Treasurer Administrator will proceed with mailing the Electric Utility Service Notice to Mr. Stein as part of the annexation procedure.

Maine Prairie Township Board Members indicated that the percentage which Bauerly's are willing to assume on 135<sup>th</sup> St. has now been lowered to \$5,000.00. There quote from Bauerly's was \$22,500.00, less the \$5,000.00 deduction leaves a balance of \$17,500.00 which the township would like to have the City share in the cost on this line road. Issues discussed were: The need for a second quote, maintenance on 83<sup>rd</sup> Ave. and assessing abutting property owners.

The issue of a grant which the Historical Group would like to have the City apply for which requires matching funds was discussed. Previous Council action was discussed and it was the consensus that no money should be put into the historical preservation of this building at this time.

Paul Harvego of Fawcett, Young and Assoc. presented the City of Kimball's year end 2002 audit and made comments in several areas.

**Motion** Davis/Fischer that a letter be drafted to the Kimball American Legion to request funding for the baseball field improvements. MUC

Jeremy Kuechle of the Kimball Express Baseball team requested a flag pole for the baseball field. He was given several options to check into as far as pricing and purchasing.

The progress of the Hazel Ave. project was discussed.

The mowing by community service and the mowing of MN/DOT right of way was discussed.

**Motion** Fischer/Orbeck to approve Mayor Davis' attendance at the Mayors conference in Duluth. MUC

**Motion** Davis/Fischer to approve Bill Stein's removal of a downed tree in Willow Creek Park. MUC

**Motion** Davis/Maus to approve the following 3.2 Beer Licenses for the Kimball Fire Relief Assoc.:

- Kimball Baseball Field – 210 Main St. S. – Aug. 9 and 10
- Horseshoe Pits – 210 Main St. S. – Aug. 9
- Street Dance – 11 Hazel Ave. E. – Aug. 9

MUC

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**JULY 7, 2003**

The Great River Regional Library Agreement was tabled.

**Motion** Maus/Fischer to adjourn at 10:30 p.m. MUC

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Dianne H. Robinson  
Clerk Treasurer Administrator

**Special Meeting Date:** July 14, 2003

**Meeting time:** 6:15 p.m.

**Called to order by:** Mayor Karla Davis

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

**Councilmembers absent:** None.

**Others present:** Clerk Treasurer Dianne Robinson, Tri-County News writer Candi Walz and City Attorney Rhonda Pagel.

The meeting started at the Kimball City Hall and discussion proceeded with the City Attorney Rhonda Pagel as to the type of annexation and the Council's options.

The meeting was adjourned to the Kimball Area Fire/Rescue Hall, 300 Elm St. N. at 6:50 p.m. to meet with the Maine Prairie Township Board.

**Those present at the fire hall in addition to those listed above:** Don Stein, Jim Stein, Township Clerk Treasurer Bev Adolph, Township Board Members Brent Nehring, Jim Unterberger and Harvey Woods.

Items discussed: proposed lay-out of annexation request, annexation procedures, land use, location of LP gas tanks, surveying of the property, developers purchase agreement and the tax levy.

Maine Prairie Township would like to see commercial development and indicated that they would not be interested in any of the taxes once property is annexed.

City Attorney Rhonda Pagel commented that a proper legal description and survey will be needed by the State to start the annexation process. The City can proceed with the annexation process, but not the paper work until Mr. Stein provides these documents.

It was recommended that Mr. Stein obtain a purchase agreement from the developer who is interested in this property before the units of government proceed with this annexation. Mr. Stein was agreeable with this recommendation.

**Motion** Maus/Fischer to adjourn at 7:50 p.m. MUC

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Dianne H. Robinson  
Clerk Treasurer Administrator

**Meeting date:** July 21, 2003

**Meeting time:** 7:00 p.m.

**Called to order by:** Mayor Karla Davis

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

**Councilmembers absent:** None.

**Others present:** Candi Walz, Brent Neisinger, Randy Sabart, Brent Nehring, Jim Unterberger and Dianne Robinson.

**Additions to the agenda:** Curb issues on Hazel Ave. Project.

**Motion** Maus/Edwards to remove item #9 referring to a street light permit request made by X-cel Energy for later discussion and to approve the following items on the consent agenda:

- 1. To approve the Premises Permit Renewal Application for the VFW Post 5460 at Kimball Aqua Lanes, 250 Magnus Johnson St. N. from Oct. 1, 2003 to Sept. 30, 2005.**
- 2. To accept the donation of 24 chairs costing \$184.66 from the VFW Post #5460 for the Kimball Area Fire/Rescue Department.**
- 3. To approve the pay request of \$65.00 for Shadduck, Young & Brown's legal service on the Hazel Ave. Project and forward to Rural Development for approval.**
- 4. To approve the interfund transfer of \$5,766.06 from the Capital Project Money Market to the general checking to reimburse for Hazel Ave. Project Costs paid from general checking.**
- 5. To close out the 1992 G.O. Well Project Bond Money Market and transfer funds of \$8,720.71 to the water checking as this bond has been paid of and audited.**
- 6. To approve the request by Dianne Robinson to carry over two weeks of vacation beyond Aug. 22 anniversary date.**
- 7. To send the Minnesota State Building Code Ordinance change request from Paul Waldron and Assoc. to the City Attorney for review prior to the Aug. 18 Council meeting at which Paul Waldron is on the agenda.**
- 8. To allow the Clerk Treasurer Administrator to attend the Clerk/Administrator Meeting on July 24<sup>th</sup> in Albany.**

MUC

**Motion** Orbeck/Edwards to approve the July 7, 2003 minutes with changes to page 2 paragraphs 2 and 7 and to approve the July 14, 2003 special council meeting minutes as presented. MUC



**Motion** Maus/Edwards to remove the Claims presented by Kelly Traurig for Fire Hall cleaning and Kramer Electric for work done at the hockey rink and to approve the all other claims presented for July 2003. MUC

**OPEN FORUM:** Brent Nehring and Jim Unterberger of the Maine Prairie Township addressed concerns of wash boarding on 83<sup>rd</sup> Ave. from 12603 83<sup>rd</sup> Ave. going south to State Highway 55 which they felt was due to a detour for the Hazel Ave. project and the resurfacing of 135<sup>th</sup> Street.

Maine Prairie Township will obtain a cost for repairing this street and return to the council with an estimate for 83<sup>rd</sup> Ave.

The cost of Bauerly's resurfacing the Township and City portion of 135<sup>th</sup> Street is \$22,500.00. Bauerly's will give a discount of \$5,000.00 for their use of the road from their gravel pit on 83<sup>rd</sup> Ave. Maine Prairie is requesting that the City pay half of the \$17500.00 balance (Jerome Kuechle will be paying for the repair from State Highway 15 to Publishers Drive). Special assessments and funding of project was discussed.

**Motion** Maus/Orbeck to proceed with the resurfacing of 135<sup>th</sup> Street with the City paying \$8,750.00 or less of the cost. Those voting in favor thereof: Fischer, Orbeck and Maus; those voting against: Edwards and Davis; those absent or abstaining: None. Motion passed.

**Motion** Davis/Fischer to approve the Three on Three Basketball and Fishing Contest for Kimball Days. MUC

Public Works Director Brent Neisinger reported on the noxious weed report and the removal of the baseball field fence braces and Clerk Treasurer Administrator Dianne Robinson reported on the letter received from Alvina Berscheid's attorney in reference to the fencing of which a copy will be sent to the Kimball Express Baseball Team.

**Motion** Davis/Fischer that absolutely all work done in Block 13 (baseball/shelter/park area) must have prior City Council approval. MUC

The Clerk Treasurer Administrator was instructed to send letters to Howard Pennertz of the Kimball Express Baseball Team (with all safety issues for baseball field fencing to be taken care of by Aug 4<sup>th</sup>), Jeff Jacobs for Hockey and Ice Skating Rink and Doug Knaus for Parks in reference to Block 13 motion.

Brent Neisinger reported on the repair needed for the water tower shut off valve. Kuechle Underground will be preparing a cost estimate for this work. If there is any excess Rural Development Loan money left from the Hazel Ave. Project, City Engineer Randy Sabart will see if it can be used for this repair.

Tree removal in the park area and flower pots were discussed.

Police Chief Todd Rohloff presented the monthly police reports for Kimball and Fairhaven Township. He reported on the grant being received for the bullet proof vest, administrative fine revenue and the 2:00 a.m. bar closing time.

Public Works Director/Assistant Weed Inspector Brent Neisinger was instructed to send a weed notice to nuisance parcel of property the City has been working on.

**Motion** Orbeck/Edwards to approve Change Order #2 for subgrade excavation, geotextile fabric and select granular borrow for the area of Hazel Ave. and Elm Street pending approval by Rural Development USDA. MUC

**Motion** Edwards/Fischer to approve the radius change to 30 feet for the south east side of Hazel Ave. E. and Magnus Johnson St. S. MUC

Steve Edwards reported on the damage done to his buildings on Hazel Ave. E. by the sub-contractors for the Hazel Ave. Project. He attended the progress meeting on July 17 and Jim Merrick of Rural Development and the City Engineer reviewed the damage. Contractor Jerome Kuechle will address a cost share for this damage with his sub-contractor.

The Council discussed a nuisance tour of the City and decided against doing that at the present time.

The Clerk Treasurer Administrator was instructed to write a letter of intent to Win-Go Investments in regards to their intention for the the house and garage located at 131 Main St. N.

Mickey Fischer was appointed to replace Wayne Mackereth on the Fire Board.

Motion Orbeck/Fischer to approve the permit for X-Cel Energy for the installation of street lighting in Greely Edition Plat II with two additional lights added by the Council. MUC

Motion Orbeck/Fischer to adjourn at 10:02 p.m. MUC

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Dianne H. Robinson  
Clerk Treasurer Administrator

Meeting date: Aug. 4, 2003

Meeting time: 7:00 p.m.

Called to order by: Mayor Davis

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

Councilmembers absent: None.

Others present: Candi Walz, Dan Dawson, Joe Steichen, Chris Jeppesen, Brent Neisinger, Kyle Christenson, Tom Ehlinger, Randy Sabart, Rudy Zimmer and Deb Reinert.

Additions to the agenda: Chris Jeppesen and other Council items.

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

1. To acknowledge that schedule I & II for the Fire Relief Assoc. were submitted to the State Auditor, Pension Division.
2. To approve Partial Pay Request #2 for Kuechle Underground in the amount of \$250,164.97 pending USDA Rural Development approval.
3. To appoint Mark Jansky as a Volunteer Temporary Employee with no pay as the Pyrotechnic Operator for the Kimball Days fireworks to be held Aug. 8, 2003 from 8:00 a.m. and terminating position at 11:59 p.m. that same day.
4. To approve the payment of \$1,807.00 to Primer Pyrotechnics for the Kimball Days Fireworks.
5. To approve the Pay Request for SHE, Inc. design and construction of \$9,294.56 and resident project representative engineering of \$12,964.00 for a total of \$22,258.56 pending USDA Rural Development approval.

MUC

Motion Edwards/Orbeck to approve the July 21, 2003 minutes with change to paragraph 1, page 2. MUC

OPEN FORUM – None.

Kyle Christenson of Waldron and Assoc. presented an amendment to the present city ordinance 110.04 recommended by the State for building codes and proposed a change to the 1988 rate schedule charged for permits. This was tabled for review.

Fire Chief Tom Ehlinger informed the Council that they plan on receiving a \$500.00 grant from Sam's Club to be used towards the purchase of a rescue wrench.

Motion Fischer/Edwards to approve the purchase of this rescue wrench and if the grant isn't received, to proceed with the purchase. MUC

Public Works Director Brent Neisinger presented information on the cost of snow removal at the fire hall by the public works department. City will continue to have the public works department do the snow removal.

Rudy Zimmer owner of Main Street Pub and Manager Deb Reinert were present at the Council's request to review concerns with the 2:00 a.m. bar closing as the Council's understood it to be for only special occasions. Police staffing was a concern. Main Street Pub will be sitting down with the Police Department in a cooperative effort to discuss issues.

Chris Jeppesen Kimball Days Coordinator met with the Council in regard to hours being worked on Kimball Days Weekend. She requested an extra 34 hours for the Police Department, 28 hours for the Public Works Department and 29 hours for the Kimball Days Coordinator Chris Jeppesen.

It was noted that the Police Department will be receiving a grant from Safe and Sober for all time put in by the Police Department for Kimball Days leaving just the extra hours for the Coordinator and Public Works Dept.

Chris was asked how she wanted her hours. She preferred to be paid for hours punched in on time card.

Motion Edwards/Orbeck to approve the extra hours as presented and to pay the hours as punched in on the time card. MUC

Chris informed the Council that the teen dance on Friday night needed a chaperon. Councilmember Orbeck volunteered and was appointed to chaperon the teen dance.

Motion Maus/Fischer to appoint the following Kimball Days volunteers: Janet Cleveland, David Mackereth, Heather Jenö, Mick Wittrock, Jeremy Jeppesen and DuWayne Orbeck. MUC

Councilmembers Davis/Fischer introduced the following resolution and moved for its adoption:

**OFFICIAL INTEREST IN CLAIM – REPAIR OF POLICE CAR**

Whereas, the City of Kimball desires to repair the following vehicle which was damaged in an accident:

**2000 Ford Crown Victoria Police Car – VIN 2FAFP71W4YX17277**

Whereas, it is determined that the repair price of **\$7,215.72** is as low as, or lower than the price at which the repairs can be obtained elsewhere at this time;

Whereas, the contract is not one that is required to be competitively bid;

Now be it resolved by the City of Kimball, Minnesota that the City Clerk Treasurer Administrator is directed to make the above payment for repairs on behalf of the City to A.M. Maus & Son, Inc. for the price of **\$7,215.72**. It is also resolved that the Mayor and Clerk Treasurer Administrator

are directed to issue an order-check to pay the claim on the filing of this official interest by the interested official as required under Minn. Stat. 471.89.

This resolution is passed to comply with the provisions of Minn. Stat. 471.87-89.

Those voting in favor thereof: Davis, Fischer, Orbeck and Edwards \_\_\_\_\_;  
Those voting against: None \_\_\_\_\_;  
Those absent: None \_\_\_\_\_;  
Those abstaining: Maus \_\_\_\_\_.

Motion passed this 4th day of August, 2003.

City Engineer Randy Sabart was present on the Hazel Ave. Project. Issue addressed were the bad area in the tarred surface (scheduled for removal on Aug. 5<sup>th</sup>), sampling done by Braun Intertec, cross walks, updating City mapping, Hazel Ave in the area of Highway 55 moved to the north, Kimball Day observance of construction zone, width of sidewalk by DuWayne Orbeck and sidewalk consistency for all of Hazel Ave.

Motion Fischer/Edwards to install a sidewalk from Dale Douglas' driveway going east to Cherry Street at the approx. cost of \$3,000.00. MUC

Motion Davis/Edwards to accept the resignation of Public Works Director Brent Neisinger effective at the end of the work day on Aug. 22, 2003. Those voting in favor thereof: Davis, Edwards, Maus and Fischer; those voting against: Orbeck; those absent or abstaining: None. Motion passed.

Public Works Worker Dan Dawson was present and informed the Council that he was interested in the Public Works Director position. He was informed that he could apply for the position.

The Clerk Treasurer Administrator was instructed to advertise the position as a Public Works Worker in the Tri-County News, Minnesota Work Force Job Bank, Rural Water, League of Minnesota Cities and the Tech College.

Motion Davis Orbeck to transfer \$720.00 from the fire department checking to the general check to reimburse for the 2002 – 2003 (spring) snow removal season. MUC

Motion Davis/Fischer to approve the following rate schedule effective Sept. 1, 2003:

**USE OF CITY PROPERTY RATE SCHEDULE  
EFFECTIVE SEPT. 1, 2003**

**CITY HALL**

**\$25.00 EACH TIME**

**\$15.00 EACH TIME FOR NON-PROFIT ORGANIZATION (proof of non-profit status must be provided).**

**\$15.00 FOR THE LIBRARY TO USE THE HALL AREA FOR THE ENTIRE SUMMER FOR STORY TIME.**

**\$15.00 EACH TIME FOR ALL OTHER LIBRARY USAGE.**

**WILLOW CREEK PARK PICNIC SHELTER/KITCHEN**

**\$30.00 PER DAY FOR JUST THE SHELTER AREA (NO KITCHEN).**

**\$55.00 PER DAY FOR SHELTER AREA AND KITCHEN.**

**\$50.00 DEPOSIT TO BE INCLUDED AS A SEPARATE CHECK WITH ALL USAGE. DEPOSIT IS REFUNDABLE UPON COMPLETION OF AN INSPECTION.**

The laid over Kramer Electric bill for the hockey rink lighting repair was discussed and the Clerk Treasurer Administrator was instructed to notify Kramer Electric that this work had not been approved by the City and claim at was not approved by the City Council.

Motion Maus/Orbeck to pay the laid over claim from Kelly Traurig for the cleaning of the fire hall. MUC

Motion Maus/Davis to adjourn at 10:20 p.m. MUC

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Dianne H. Robinson  
Clerk Treasurer Administrator

**Meeting date:** Aug. 18, 2003

**Meeting time:** 7:00 p.m.

**Called to order by:** Mayor Karla Davis

**Pledge of Allegiance lead by:** Mayor Karla Davis

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

**Councilmembers absent:** None

**Others present:** Police Chief Todd Rohloff, City Engineer Randy Sabart, Minnesota Safe and Sober Tom Kummrow, Water/Wastewater Contract Consultant Paul Hoeschen, DNR Fisheries Eric Altena, Clearwater River Watershed Representative Merle Anderson, Public Works Worker Dan Dawson, Public Works Director Brent Neisinger, Tri-County News Writer Candi Walz, GRRL Librarian Carla Asfeld.

**Additions to the agenda:** Todd Rohloff's vacation request, Public Works Department uniforms, calling for a closed meeting, interview committee and other Council issues.

Motion Edwards/Maus to approve the Aug. 4, 2003 Council meeting minutes as presented with a change to page 2, paragraph 2. MUC

Motion Maus/Fischer to approve the claims for Aug. 2003 as presented. MUC

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

1. To do a Fire Department operating transfer of \$25,000.00 from their Money Market Account to their checking account for operating expenses.
2. To disconnect all delinquent city utilities.
3. Transfer \$2,204.42 from the Fire Department checking account to the General Fund checking account due to the decrease in the Equipment Replacement portion of the budget changing the contract amount which was already deposited to the Fire Department account.
4. To approve Dianne Robinson's vacation request.

MUC

Motion Davis/Fischer to call for a closed labor negotiation meeting on Monday, Aug. 25, 2003 at 6:30 p.m. at Kimball City Hall, 1 Main St. N.. MUC

**OPEN FORUM:** None.

Water/Wastewater Consultant Paul Hoeschen was present in regard to the Management & Operation Service Agreement he has with the City.

Motion Maus/Edwards to remove the 90 day notice from Section 3, 3.2 Termination portion of the Management & Operation Service Agreement. MUC

Paul Hoeschen agreed to be placed on the interview committee for the Public Works Supervisor position.

Public Works Director Brent Neisinger addressed the issue of the irrigation field lease for the center 40 acres. Andy Maus and Mickey Fischer will be checking into this issue.

Brent Neisinger presented a quote from Kuechle Underground for the replacement of the gate valve at 14 Magnus Johnson St. N. The City will wait until the Hazel Ave. Project is complete and if any Rural Development Loan money is left over to help pay for this project.

Motion Edwards/Maus to patch a 14' X 35' area on Cherry St. S. to Linden Ave. E with the cost not to exceed \$1,000.00. MUC

Motion Maus/Orbeck to bring Brent Neisinger back under Paul Hoeschen's Management and Service Operation Agreement to flush hydrants on Aug. 26<sup>th</sup> and to pay him \$30.00 per hour. MUC

The City Council and Paul Hoeschen complimented Brent Neisinger on his service to the City of Kimball as the Public Works Director and wished him well with his new position with the City of Carlton.

Tom Kummrow of Minnesota Safe & Sober presented the new radar system to Chief Todd Rohloff of the Kimball Police Department which the Department received as an award for their Safe and Sober Campaign and complemented the Kimball Police Department for continuing their program even after the campaign is completed. This Stalker Radar Digital System has a value of \$3,500.00 to \$4,000.00.

Chief Rohloff requested a change for next years Kimball Days. He would like to see Main Street Pub's bar closing time be the same as the time the band stops playing. If the bar is open to 2:00 a.m., then the band should play until 2:00 a.m. He presented the City of Kimball and Fairhaven Township Police reports for the month and reported on the safety study being done for the speed limit sign change request on State Highway 15 south.

Motion Orbeck/Edward to renew the Fairhaven Township Contract for Police Service for Sept. 15, 2003 to Sept. 15, 2004 at the rate of \$36.17 per hour, for an estimated total yearly payment of \$28,212.00. MUC

Motion Orbeck/Maus to approve the Air Taser Policy for the Kimball Police Department as presented. MUC



Motion Davis/Fischer to purchase a digital camera at the cost of \$200.00 to \$250.00 for the Kimball Police Department. MUC

Motion Edwards/Maus to approve Todd Rohloff's vacation request as presented. MUC

GRRL Librarian Carla Asfeld read a letter to the City Council in regard to the children's programs provided by the library and the plans for programs involving high school students. She was concerned with the new hall use fee schedule adopted at the last council meeting.

Motion Davis Maus to allow all non-profit organizations that can provide a certificate of non-profit status to pay \$100.00 per year from Sept. 1<sup>st</sup> to Sept. 1<sup>st</sup> for 50 uses or less. If they do not wish to pay the \$100.00 fee, then the cost to them will remain \$15.00 for each use. The \$100.00 fee must be paid up front. MUC

Eric Altena of the DNR Fisheries and Merle Anderson of the Clearwater River Watershed District were present in regard to storm water run-off. Mr. Altena did a presentation on Willow Creek Park and some of the restoration projects that have been done to preserve this trout stream. He also spoke on grants available and these will be researched by the City.

City Engineer Randy Sabart addressed the condition of the new tarred surface on Hazel Ave., the change order of approx. \$2,100.00 to install a sidewalk from Cherry Street to 110 Hazel Ave. E., the installation of the sewer rings on the manholes, sewer back-ups and project completion time schedule.

Mayor Davis set up an interview committee for the Public Works Supervisor position and appointed Paul Hoeschen, Randy Sabart, Steve Edwards and DuWayne Orbeck to this committee and asked the Clerk Treasurer Administrator to be present at these meetings to take minutes and to change the application date to Aug. 22, 2003.

Motion Fischer/Davis to reinstate the rental fee of \$1,000.00 per year starting Jan. 1, 2004 for Maine Prairie Township's use of the Kimball Area Fire/Rescue Hall. MUC

Motion Fischer/Maus that all Fire Board meeting minutes and all Fire/Rescue Department minutes be provided to the City Council. MUC

Motion Orbeck/Edwards to approve the Aug. 1, 2005 – Aug. 1, 2006 Fire/Rescue Department Budget with the addition of the Maine Prairie Township annual rent of \$1,000.00. MUC

Motion Fischer/Davis to proceed with the Orderly Annexation Agreement for the Don Stein property. MUC

Motion Davis/Maus to switch to rental uniforms for the Public Works Department as of Sept. 1 and no later that Oct. 1. MUC

Mayor Davis gave an update on overtime hours, office re-arrangement and staffing times.

Clerk Treasurer Administrator Dianne Robinson and Councilmember DuWayne Orbeck will work on the office arrangement and staffing time will be coordinated by the office staff.

Councilmember Maus requested that City Staff not park on Main Street saving these parking spaces for business use. Staff can park behind City Hall or in the City Parking lot across from City Hall.

Clerk Treasurer Administrator Dianne Robinson will contact again contact Lowell Rushmeyer of Stearns County Environmental in regard to the mobile home park status.

Councilmember Steve Edwards reported on the development property along Highway 55 and 15.

Motion Maus/Orbeck to adjourn at 10:20 p.m. MUC

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Dianne H. Robinson  
Clerk Treasurer Administrator

**Meeting date:** Aug. 25, 2003

**Meeting time:** 6:45 p.m.

**Called to Order by:** Mayor Karla Davis

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

**Councilmembers absent:** None.

**Others present:** Labor Negotiator Dennis Goldberg.

Meeting was closed for labor negotiations. Meeting was opened at 7:40 p.m. and adjourned.

**Meeting date:** Sept. 2, 2003

**Meeting time:** 7:00 p.m.

**Called to order by:** Mayor Karla Davis

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

**Councilmembers absent:** Steve Edwards.

**Others present:** Candi Walz, Todd Rohloff, Cliff Dahl, Shirley Dahl, Shannon Dahl, Richard Janski, Robert Janski, Janet Robinson and Chris Jeppesen.

**Additions to the agenda:** Change order, clerks report, vacation request and Council issues.

**Motion** Maus/Fischer to approve the minutes of the Aug. 18 regular meeting and the Aug. 25 closed labor negotiations meeting as presented. Motion passed (with Councilmember Edwards absent).

Councilmember Maus extended the Council's appreciation to Police Chief Todd Rohloff for the Police Department's good work in obtaining the grant for the new radar system.

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

1. To approve Change Order #3 for \$2,101.17 for the sidewalk installation from Cherry St. to the Douglas driveway and to extend the project completion date by 5 days pending USDA Rural Development approval.
2. To approve Kuechle Underground's partial pay request #3 for \$262,964.04 pending USDA Rural Development approval.
3. To approve the pay request from SHE, Inc. for \$20,812.74 pending USDA Rural Development approval.
4. Call for a special Joint Long Range Planning Committee meeting with Maine Prairie Township which was requested by and will be conducted by Mark Lateral and Greg Bechtold of Stearns County on Tuesday, Oct. 28, 2003 at 7:00 p.m. at the Fire Hall.
5. Call for a special City Council meeting on Monday, Sept. 8, 2003 at 6:30 p.m., 1 Main St. N. for a Hazel Ave. Project walk through and to adopt the proposed 2004 budget and tax levy for certification to Stearns County by Sept. 15.
6. Motion to approve the donation of \$850.00 from the Kimball American Legion for Cultural/Recreational purposes with the distribution to be decided by the City Council (a separate ledger will be kept on these funds and they request that the City make another request in six months).
7. To approve the Great River Regional Library Branch Agreement with the City of Kimball (final draft attached).

Motion passed (with Councilmember Edwards absent).

Police Chief Todd Rohloff reported on the need to have the evaporator in the police car repaired as the air conditioning system isn't working properly. They will attempt to get by until spring if the defrosting system operates.

**OPEN FORUM:** None

Robert and Richard Janski were present in regards to the renewable option on the irrigation field lease. They would like the lease renewed for another 3 or 5 years. The field needs plowing, reseeding, a crop change and the irrigation tracks need plowing. The council will be in contact with the land owner of the leased field and will let the Janski's know the Council's decision after they have spoken to the owner.

DuWayne Orbeck addressed the Willow Creek Park Shelter rental fee which the Council put into effect as of Sept. 1, 2003.

**Motion** Orbeck/Maus to change the effective date for the Willow Creek Park Shelter rental fee to Oct. 1, 2003 and to have Chris Jeppesen send a letter out to the signed up users on the new rate and effective date once the city has determined the garbage pickup situation. Motion passed (with Councilmember Edwards absent).

The issue of a different rate for non-profit users was discussed and declined.

**Motion** Davis/Fischer to amend the Employee Handbook, page 20A, Clothing Allowance, second paragraph to read as follows:

The City of Kimball will provide 3 pair of jeans, 5 T-shirts, 3 long sleeve shirts, 1 jacket and 1 bib coverall with the "City of Kimball" on one side and the employees "First Name" on the other side on the shirts and jackets for the Public Works Department each year on Sept. 1<sup>st</sup>. Motion passed (with Councilmember Edwards absent).

**Motion** Maus/Fischer to approve Change Order #4 for the Hazel Ave. Project for the latex street striping of \$1,628.95 provided that Stearns County agrees to pay for this cost. Motion passed (with Councilmember Edwards absent).

Clerk Treasurer Administrator Dianne Robinson gave the following report from the City Engineer on the Hazel Ave. Project:

- West Central Landscaping will start the fine grading, mulching and seeding.
- General clean up will take place.
- Well project will be completed.
- Striping of the streets with Latex paint will take place and after the wear course is put on in the spring, epoxy striping will be done.
- The engineer has a call into the Assistant Stearns County Engineer Jodi Teich about the

placement of mail boxes where there are no boulevards.

The Clerk Treasurer Administrator also reported that a building permit had been applied for by the owner of the mobile home park for a storm shelter and 3 mobile homes will be hauled to a salvage yard.

Mayor Davis called to order the Public Hearing at 7:45 p.m. for the re-zoning request by property owner Shannon Dahl for 6.67 A. E'LY 220' of NE4SE4 in Section 02, Townsite 121, Range 029 in the City of Kimball to rezone from urban residential to industrial as he would like to build a storage facility at this site This property lies south of 135<sup>th</sup> Street East.

Public comment was heard and the hearing was closed at 8:00 p.m.

**Motion** Maus/Fischer to deny the request made by owner Shannon Dahl to re-zone 6.67 A. E'LY 220' of NE4SE4 in Section 02, Townsite 121, Range 029 in the City of Kimball from urban residential to industrial as an industrial use does not fit into the land use presently set forth in this urban residential area. Those voting in favor thereof: Maus, Davis, Orbeck and Fischer; those voting against: None; those absent or abstaining: Edwards. Motion passed.

**Motion** Davis/Maus to approve Dianne Robinson's vacation request. Motion passed (with Councilmember Edwards absent).

Chris Jeppesen request that she be reimbursed for the 15 MPH signs rented for Kimball Days. Claim to be submitted with the Sept. 15<sup>th</sup> claims.

Councilmember DuWayne Orbeck reported on the cement slab the Park Committee wished to pour behind the picnic shelter. The Clerk Treasurer Administrator was instructed to have Doug Knaus present at the Sept. 15<sup>th</sup> meeting to report on this.

Clerk Treasurer Administrator Dianne Robinson presented the 2004 General Fund budget and went through each line item. The Council requested that the Community Ed. Donation be for a scholarship fund for City residents only.

Councilmembers will be attending the Kimball Fire Department Appreciation Dinner on Sept. 20 and will post this for Public Notification.

**Motion** Orbeck/Maus to adjourn at 9:25 p.m. Motion passed (with Councilmember Edwards absent).

Dianne H. Robinson, Clerk Treasurer Administrator

**Meeting date:** Sept. 8, 2003

**Meeting time:** 6:50 p.m.

**Called to order by:** Mayor Karla Davis.

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

**Councilmembers absent:** Andy Maus.

**Others present:** Police Officer Brian Stiles.

**Motion** Davis/Fischer to hold the Truth in Taxation Hearing on the proposed General Fund Budget and the property tax levy for 2004 on Dec. 1, 2003 at 7:30 p.m. and the continuation hearing if needed and the levy adoption on Dec. 15, 2003 at 7:30 p.m. Motion passed (with Councilmember Maus absent).

The 2004 General Fund Budget was reviewed with adjustments being made to the compensation portion of the budget.

**Motion** Orbeck/Edwards to adopt the 2004 proposed general fund budget with changes to the financial administration and police department compensation and certify the proposed 2004 tax levy to the County Auditor. Motion passed (with Councilmember Maus absent).

**Motion** Orbeck/Fischer to adjourn at 8:30 p.m. Motion passed (with Councilmember Maus absent).

Dianne H. Robinson, Clerk Treasurer Administrator

**Meeting date:** Sept. 15, 2003

**Meeting time:** 7:00 p.m.

**Called to order by:** Mayor Karla Davis

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

**Councilmembers absent:** None.

**Others present:** Shirley Dahl, Shannon Dahl, Cliff Dahl, Randy Sabart, Jean Matua, Don Block, Dan Dawson and Todd Rohloff.

**Motion Maus/Fischer to approve the Sept. 2 and Sept. 8, 2003 minutes as presented. MUC**

**Motion Maus/Edwards to approve the September 2003 claims as presented. MUC**

**Motion Fischer/Edwards to approve the following items on the consent agenda and to lay aside item #5 for later discussion:**

- 1. To disconnect all delinquent city utilities.**
- 2. To renew the lease agreement for a portion of Maus Drive as stated in the original lease agreement with the expiration date of Sept. 7, 2003 to Sept. 7, 2004.**
- 3. To renew the Snow Dumping Contract with Steve and Mary Ann Edwards for property parcel R60.34541.000/001 for Nov. 1, 2003 to May 31, 2004.**
- 4. To accept the donation from the Kimball Fire Relief Association of \$2,400.00 for the cement slab which the park committee wishes to pour on the east side of the picnic shelter.**

There were no Addendums to the agenda.

Open Forum: Shannon Dahl came before the Council to discuss a storage shed he wishes to construct on his highway commercial property located at 501 State Highway 55 E. before he applies for a conditional use permit. The Council addressed the type of building, size of building and security system. Mr. Dahl will apply for a Conditional Use Permit which will have a hearing at the next meeting.

Public Works Worker Dan Dawson reported on information he received from MPCA in regard to a crop change on the irrigated city fields. MPCA favors crops which will pull the most nitrates from the soil. Mr. Dawson will be in contact with the individual who leases this land from the City to find out what type of crop they wish to plant.

Councilmembers Maus and Fischer reported that they had met with Jerome Scheeler in regard to the renewal of the lease for the land which the City rents from the Scheeler's for irrigation of wastewater and that the Scheeler's would grant a one year lease at \$50.00



per acre. A lease will be drafted and the Council will be in contact with Robert Janski who in turn leases this land from the City.

**Motion Davis/Maus to approve the request by the park committee to pour a 46' X 51' cement slab on the east side of the picnic shelter in Block 13 and to be paid for with the \$2,400.00 donation from the Kimball Fire Relief Assoc. MUC**

Mayor Davis called to order the Public Hearing for Greely Edition Plat III to grant a Conditional Use Permit – PUD, Preliminary Plat and Final Plat for Lot 1, Block 2 of Greely Edition Plat Two.

Hearing was closed.

**Motion Maus/Edwards to grant the Greely Edition Plat III, Conditional Use Permit – PUD, Preliminary Plat and Final Plat for Lot 1, Block 2 of Greely Edition Plat Two. MUC**

City Engineer Randy Sabart presented a time line for the special assessment hearing for the Hazel Ave. Project. He will set up a meeting with the Clerk Treasurer Administrator and the financial consultants to formulate plans for the special assessments and the bond repayment schedule. He will also present a change order at the next meeting for repair of a water shut off gate valve on Magnus Johnson Street.

**Motion Davis/Fischer to call for a special meeting on Thursday, Sept 25, 2003 at 6:15 p.m. for a walk through of the Hazel Ave. Project, special assessment decisions for the Hazel Ave. Project and the interview committee recommendations for the Public Works Directors probationary period, hourly wage, response time, and a raise for the Public Works Worker. MUC**

**Motion Davis/Fischer to charge \$2.50 per bag if picnic shelter renters wish to leave their garbage in the City's container. Those voting in favor thereof: Davis, Maus, Fischer and Edwards; those voting against: Orbeck; those absent or abstaining; None. Motion passed.**

Councilmember Steve Edwards presented the recommendation of the interview committee to make a Conditional Offer of Employment to Doug French for the Public Works Director position and to increase Public Works Worker Dan Dawson's salary by \$. 50 per hour.

Public Works Worker Dan Dawson challenged the committee's recommendation and registered a formal complaint about the recommendation.

**Motion Fischer/Maus to make a Condition Offer of Employment to Doug French for the Public Works Director position conditioned on passing the physical and drug and alcohol test and pending a response from the City attorney on the formal complaint. MUC**

Police Chief Todd Rohloff presented the Kimball and Fairhaven Township monthly reports, checking with the new vet clinic for impounding of dogs and the moving of speed limit signs.

**Motion Fischer/Maus to adjourn at 9:20 p.m. MUC**

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Dianne H. Robinson  
Clerk Treasurer Administrator

**Meeting date:** Sept. 25, 2003

**Meeting time:** 6:27 p.m.

**Called to order by:** Mayor Karla Davis

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

**Councilmembers absent:** None.

**Others present:** Randy Sabart and Dan Dawson

The Council took a walking tour of the Hazel Ave. Project with the City engineer and the Public Works Department.

**Motion Edwards/Maus to approve Change Order #5 for \$10,325.94 for the replacement of the gate valve at 14 Magnus Johnson St. N. pending the approval of Rural Development for inclusion with the Hazel Ave. Project loan, otherwise looking at other city funds for payment. MUC**

**Motion Orbeck/Maus that the Special Assessments for the Hazel Ave. Project be assessed to the abutting property owners for 25% of the sanitary sewer, water main, street, curb & gutter and sidewalk in equal installments over a 15 year period and shall bear an interest rate of 15%. Those voting in favor thereof: Maus, Orbeck and Davis; those voting against: Fischer; those absent: Edwards; those abstaining: None. Motion passed.**

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

**RESOLUTION DECLARING COST TO BE ASSESSED AND ORDERING  
PREPARATION OF PROPOSED ASSESSMENT**

WHEREAS, a contract has been let (costs have been determined) for the improvement of hazel Avenue starting at 200 feet west of Elm Street going east to State highway 55 by reconstructing the sanitary sewer, water mains, streets, and restoration, and the contract (bid) price for such improvement is \$841,104, and the expenses incurred or to be incurred in the making of such improvement amount to \$237,374 so that the total cost of the improvement will be \$1,078,478.

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

1. The portion of the cost of such improvement to be paid by the City is hereby declared to be \$602,975.36 and the portion of the cost to be assessed against benefited property owners is declared to be \$171,880.75.

2. Assessments shall be payable in equal annual installments extending over a period of 15 years, the first of the installments to be payable on or before the first Monday in January, 2004, and shall bear interest at the rate of 6.25 percent per annum from the date of the adoption of the assessment resolution.
3. The City Clerk Treasurer Administrator, with the assistance of the city engineer (consulting engineer), shall forthwith calculate the proper amount to be specially assessed for such improvement against every assessable lot, piece or parcel of land within the district affected, without regard to cash valuation, as provided by law, and he shall file a copy of such proposed assessment in her office for public inspection.
4. The Clerk Treasurer Administrator shall, upon the completion of such proposed assessment, notify the council thereof.

**Councilmember Fischer seconded the motion and those voting in favor thereof: Maus, Fischer, Davis and Orbeck; those absent: Edwards; those voting against or abstaining: None. Motion passed.**

**The following resolution was introduced by Councilmember Orbeck and moved for its adoption:**

### **RESOLUTION FOR HEARING ON PROPOSED ASSESSMENT**

WHEREAS, by a resolution passed by the Kimball City Council on September 25, 2003, the City Clerk Treasurer Administrator was directed to prepare a proposed assessment of the cost of improving Hazel Avenue starting at 200 feet west of Elm Street going east to State Highway 55 by reconstructing the sanitary sewer, water mains, streets and restoration, and

WHEREAS, the Clerk Treasurer Administrator has notified the Council that such proposed assessment has been completed and filed in her office for public inspection;

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

1. A hearing shall be held on the 20<sup>th</sup> day of October, 2003 in the Kimball City Hall, 1 Main St. N. at 8:00 p.m. to pass upon such proposed assessment, and at such time and place all persons owning property affected by such improvement will be given an opportunity to be heard with reference to such assessment.
2. The City Clerk Treasurer Administrator is hereby directed to cause a notice of the hearing on the proposed assessment to be published once in the official newspaper at least two weeks prior to the hearing, and she shall state in the notice the total cost of the

improvement. She shall also cause mailed notice to be given to the owner of each parcel described in the assessment roll not less than two weeks prior to the hearings.

3. The owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor Treasurer, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the City of Kimball Clerk Treasurer Administrator, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of the assessment. The owner may at any time thereafter, pay to the County Auditor Treasurer the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15<sup>th</sup> or interest will be charged through December 31 of the succeeding year.

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

**Motion Davis/Fischer to accept the Interview Committees recommendation to hire Doug French as the Public Works Director with a starting wage of \$12.75 per hour with a 12 month probationary period and that he relocate to within a 15 minute response time within six months. Those voting in favor thereof: Maus, Fischer, Davis and Orbeck; those absent: Edwards; those voting against or abstaining: None. Motion passed.**

**Motion Davis/Maus to set Sept. 29<sup>th</sup> as Doug French's start date and to give him a \$ .50 per hour wage increase after a one year satisfactory review unless the union contract states otherwise. Those voting in favor thereof: Maus, Davis, Orbeck and Fischer; those absent: Edwards; those voting against or abstaining: None. Motion passed.**

**Motion Davis/Orbeck to raise Dan Dawson's wage \$ .50 per hour effective with hours worked starting Aug. 25, 2003. Those voting in favor thereof: Maus, Davis, Fischer and Orbeck; those absent: Edwards; those voting against or abstaining: None. Motion passed.**

**Motion Orbeck/Davis to adjourn at 10:10 p.m. Those voting in favor thereof: Maus, Orbeck, Davis and Fischer; those absent: Edwards; those voting against or abstaining: None. Motion passed.**

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Dianne H. Robinson  
Clerk Treasurer Administrator

**Meeting date:** Oct. 6, 2003

**Meeting time:** 7:00 p.m.

**Called to order by:** Mayor Karla Davis

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

**Councilmembers absent:** None.

**Others present:** Reed Oster, Rhonda Pagel, Cub Scout Troop and leaders, Cliff Dahl, Shirley Dahl, Shannon Dahl, Todd Rohloff, members of the Clearwater River Watershed District, Jim Unterberger, Don Stein, John Stein, Tom Crouch, Mary Ann Crouch, Ed Otto, Paul Waldron, Dawn Pistalka, Chris Jeppesen and Dan Dawson.

Motion Maus/Orbeck to approve the Sept. 16, 2003 regular council minutes and the Sept. 25, 2003 special council meeting minutes. MUC

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

1. To approve the request for legal payment by Shadduck, Young & Brown in the amount of \$205.00 for the Hazel Ave. Project pending approval by Rural Development.
2. To approve the request for engineering payment by SEH, Inc. in the amount of \$14,304.92 for the Hazel Ave. Project pending approval by Rural Development.
3. To transfer \$12,888.00 from the general checking to the Fire Relief Association Money Market Account for State Fire Aid received from the State (state statute requires that Fire State Aid be deposited in the City general fund first and then transferred to the Fire Relief Assoc.).
4. To transfer \$20,000.00 from the Fire Department Money Market Account to the Fire Department Equipment Money Market Account per the Fire Department budgeted amount of \$10,000.00 and an excess balance of \$10,000.00.
5. To transfer \$1,374.20 from the general checking account to the Hazel Ave. Project Bond Money Market Account for the City's share of the special assessment for street and sidewalk restoration on abutting City property.
6. To disconnect all delinquent City Utilities.
7. To Certify delinquent City utilities for Larry Smith in the amount of \$684.38 and Karle Swaisgood in the amount of \$215.02 for collection by Stearns County with taxes after providing them with a special assessment notice to appeal this certification before the City Council at the Nov. 3 meeting.

MUC

Addendums to the agenda: Electrical proposal for the old well house, donation approval, 135<sup>th</sup> Street tarring payment, SEH, Inc. pay request.

Tom Crouch informed the Council that he has a purchase agreement with Don Stein for the 40 acres which Mr. Stein is requesting that the City annex into the City Corporate limits. Mr. Crouch presented a zoning proposal for the land use within this 40 acre site. He would prefer more residential and less commercial. Mr. Crouch proposed and the City Council agreed that a land use study be done with the City picking the individual to do the study with Mr. Crouch paying for the study. City Attorney Rhonda Pagel will work with Mr. Crouch to bring this study about.

Mayor Karla Davis called to order the Conditional Use Permit hearing for Reed Oster requesting that he be allowed to have a residential rental unit in a Highway Commercial Zoned area of his property parcel #60.34301.000 in the City of Kimball under Zoning Ordinance Section 1125 – Highway Commercial/Business District, 1125.04 Conditional Uses, 6. Other uses which in the opinion of the City Council are of the same general character as the permitted uses and which will not have a detrimental effect on the Highway Commercial Business District.

The hearing was closed and the Council discussed the following conditions: a six foot wood privacy fence on the east side of his property and one third of the way extending west on the north and south side of his property, removal of the existing mobile home within two years of the date of the Conditional Use Permit, a review of the Conditional Use Permit in one year to see if conditions are being met and the clean-up of the property by the owner and renter.

Motion Davis/Maus to continue this Conditional Use Permit Hearing at the Oct. 20, 2003 meeting (time to be set). Those voting in favor thereof: Maus, Davis, Edwards and Fischer; those voting against: Orbeck; those absent or abstaining: None. Motion passed.

Paul Waldron and Dawn Pistalka presented the state building code update and the 1988 fee schedule.

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

TO AMEND CHAPTER ONE, SECTION 110 INCORPORATION OF STATE LAW, 110.04 Minnesota State Building Code. An ordinance adopting the Minnesota State Building code. This ordinance provides for the application, administration, and enforcement of the Minnesota State Building Code by regulating the erection, construction, enlargement, Alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all buildings and/or structures in the City of Kimball, provides for the issuance of permits, and collection of fees thereof; provides penalties for violation thereof; repeals all ordinances and parts of ordinances that conflict therewith.

The City Council of the City of Kimball Does ordain:

**Section 01. Application, Administration, and Enforcement.**

The application, administration, and enforcement of the code shall be in accordance with Minnesota Rule Chapter 1300. The code shall be enforced within the extraterritorial limits permitted by Minnesota Statutes, 16B.62, Subdivision 1, when so established by this ordinance.

The code enforcement agency of this municipality is the City of Kimball and its contracted Building Inspections Department.

This code shall be enforced by the Minnesota Certified Building Official designated by the City of Kimball to administer the code (Minnesota Statute 16B.65) Subdivision 1.

**Section 02. Permits and Fees.**

The issuance of permits and the collection of fees shall be as authorized in Minnesota Statutes, 16B.62, Subdivision 1.

Permit fees shall be assessed for work governed by this code in accordance with the attached fee schedule adopted by the municipality in Kimball. In addition, a surcharge fee shall be collected on all permits issued for work governed by this code in accordance with Minnesota Statute 16B.70.

An investigation fee, in addition to the permit fee, shall be collected whenever any work for which a permit is required by this code has been commenced without first obtaining said permit. The investigation fee shall be equal to the amount of the permit fee required by this code. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

A re-inspection fee may be assessed for each re-inspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. Re-inspection fees may be assessed when the inspection record card is not readily available, approved plans are not readily available, failure to provide access prior to the date for which inspection is requested or for deviating from plans requiring the approval of the building official. The fee shall be in accordance with the fee schedule adopted by this jurisdiction.

Fee refunds may be authorized by the Building Official of any fee paid hereunder which was erroneously paid or collected. The Building Official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code. The Building Official shall not authorize refunding



of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment. All plan review fees shall be paid by the applicant whether the project is to be completed or not.

**Section 03. Violations and Penalties.**

A violation of the code is a misdemeanor (Minnesota Statute 16B.69) and Minnesota Rules, Chapter 1300.

**Section 04. Building Code.**

The Minnesota State Building Code, established pursuant to Minnesota Statutes 16B.59 to 16B.75 is hereby adopted as the building code for the City of Kimball. The code is hereby incorporated in this ordinance as if fully set out herein.

A. The Minnesota State Building Code includes the following Chapter of Minnesota Rules:

1. 1300 – Administration of the Minnesota State Building Code;
2. 1301 – Building Official Certification;
3. 1302 – State Building Construction Approvals;
4. 1303 – Minnesota Provisions;
5. 1305 – Adoption of the 2000 international Building Code;
6. 1306 – Special Fire Protection Systems;
7. 1307 – Elevators and Related Devices;
8. 1309 – Adoption of the 2000 international Residential Code;
9. 1311 – Adoption of the 2000 Guidelines for the Rehabilitation of Existing Building;
10. 1315 – Adoption of the 2002 National Electrical Code;
11. 1325 – Solar Energy Systems;
12. 1330 – Fallout Shelters;
13. 1335 – Flood proofing Regulations;
14. 1341 – Minnesota Accessibility Code;
15. 1346 – Adoption of the Minnesota State Mechanical Code;
16. 1350 – Manufactured Homes;
17. 1360 – Prefabricated Structures;
18. 1361 – Industrialized/Modular Buildings;
19. 1370 – Storm Shelters (Manufactured Home parks);
20. 4715 – Minnesota Plumbing Code;
21. 7670, 7672, 7674, 7676, 7678, Minnesota Energy Code

**Section 05. Effective Date of Ordinance.**

The effective date of this Ordinance is Oct. 6, 2003.

Section 06. **Building Permit Fee.**

As set forth in the Schedule of Fees.

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

Whereupon said motion was declared passed and adopted.

Motion Davis/Fischer to adopt the 1988 Minnesota Building Code Fee Schedule as presented. Those voting in favor thereof: Davis, Fischer, Maus and Edwards; those voting against: Orbeck; those absent or abstaining: None. Motion passed.

Mayor Karla Davis called to order the Conditional Use Permit Hearing for Shannon Dahl to erect a storage shed on his Property Parcel #60.34417.000/001 under Zoning Ordinance Section 1125 – Highway Commercial/Business District, 1125.04 Conditional Uses, 6. Other uses which in the opinion of the City Council are of the same general character as the permitted uses and which will not have a detrimental effect on the Highway Commercial Business District.

Motion Orbeck/Fischer to grant a Conditional Use Permit to Shannon Dahl on Property Parcel #60.34417.000/001 to erect a 48' X 100' storage building which meets the building code requirements, that he installs 4 low dim security lights and the City will not require fencing on the north side of this property which abuts residential zoned property. MUC

Shannon Dahl addressed the issue of Newspaper Run coming to a dead end street which abuts his property and becomes a four foot drop off.

Motion to Direct the Zoning Administrator to review the Development Agreement for Greely Edition Plat Two on the dedication of the streets in this addition with the platting. MUC

Motion Edwards/Fischer to have Contract Consultant Paul Hoeschen present during the start up of Well #3. MUC

Councilmember Steve Edwards reported that Doug French has declined the Public Works Director position.

Motion Orbeck/Maus to appoint Dan Dawson to the Public Works Director position on a one year probationary period with an increase in wage to \$12.75 per hour (effective with the next pay period) and to advertise for the Public Works Worker position. MUC

Motion Davis/Fischer to advertise for the Public Works Worker position according to the Job Description and the wage scale. MUC

Police Chief Todd Rohloff reported on Administration fines and reviewed the letter received from the Kimball School District on their proposal for a school liaison officer service.

Motion Maus/Edwards to enter into a formal contract between the City of Kimball and Kimball ISD to have the Kimball Police Department's presence in the school approx. two hours a day each day while school is in session for 149 days starting Oct. 7, 2003 and ending May 27, 2003 with Kimball ISD compensating the City of Kimball \$8,046.00. MUC

Chief Rohloff addressed the need for a new squad car possibly in January.

Motion Davis/Fischer to allow Dianne Robinson and Chris Jeppesen to attend the League of Minnesota Cities Regional meeting in Paynesville on Oct. 23 and to pay the \$30.00 (each) registration fee. MUC

Motion Maus/Orbeck to cancel the Truth in Taxation hearing for Dec. 5 as one is not required as the City is not exceeding the maximum 2004 allowable levy. MUC

Motion Orbeck/Davis to renew the Garbage/Recycling contract with Waste Management for three years with payment to them as follows (this does not include admin. expense):

	<u>2004</u>	<u>2005</u>	<u>2006</u>
Refuse Service Rates:	\$9.15	\$9.52	\$9.80
Recycling Service Rates:	\$ .86	\$ .89	\$ .93

MUC

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

**MINNESOTA CITIES WEEK – OCTOBER 5 – 11**  
**City Government: Serving Citizens 24/7**

**WHEREAS; the residents of the City of Kimball rely on city government to experience a high quality of life in our community; and**  
**WHEREAS; city governments around the State of Minnesota work 24 hours a day, seven days a week to deliver city services such as fire, police and emergency medical services to create safe communities; and**  
**WHEREAS; the methods of funding these vital city services are not always clearly understood by residents; and**

**WHEREAS; it is one of the responsibilities of city officials to ensure that legislators, media and residents understand their city government through open and frequent communication using various avenues and means; and**  
**WHEREAS; it is important to work to encourage this connection and inform residents of the importance of state shared revenues and levy authority in order to preserve the excellent delivery of services that our residents have come to expect in our city; and**  
**WHEREAS; through education and awareness, residents, community leaders and city staff can work together to ensure that services provided by the City of Kimball can remain exceptional elements of the quality of life of our community.**  
**Now therefore be it resolved that the City of Kimball joins with municipalities across the State of Minnesota and the League of Minnesota Cities in declaring Oct 5 – 11, 2003, Minnesota Cities Week.**

Councilmember Maus seconded the foregoing resolution and all voted in favor thereof. Motion passed.

Motion Fischer/Orbeck to accept the donation of \$380.00 from the Wat-Kim-Valley VFW for Fire Department Equipment. MUC

Motion Orbeck/Fischer to reimburse Maine Prairie Township \$8,750.00 for the City share of tarring of 135<sup>th</sup> Street from the Reserve #2 Money Market Account. Those voting in favor thereof: Maus, Orbeck and Fischer; those voting against: Davis; those abstaining: Edwards as he had voted against the original motion for the resurfacing of this street; those absent: None. Motion passed.

Motion Fischer/Orbeck to approve Pay Request #4 for Kuechle Underground in the amount of \$55,007.52 on the Hazel Ave. Project pending approval by Rural Development. MUC

A quote for \$885.00 from Finger Electric was presented for the removal and re-routing of wiring at the old well house. Public Works Director Dan Dawson will obtain more quotes on this.

Mayor Karla Davis will be submitting a letter to the Editor of the Tri-County news on the City budget.

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

Dianne H. Robinson  
Clerk Treasurer Administrator

**Meeting date:** Oct. 20, 2003

**Meeting time:** 7:00 p.m.

**Called to order by:** Mayor Karla Davis

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

**Councilmembers absent:** None

**Others present:** Dan Dawson, Reed Oster, Greg Kimmen, Randy Sabart, Candi Walz, Todd Rohloff, Chris Jeppesen, Merle Anderson, Larry Davis, Milt Schmidt, Sharon Jewison, Ed Enerson, Quentin Fossen's and Terry Baxter's.

**Additions to the agenda:** Mail box issue, Public Works position, SEH, Inc. pay request, new Annandale Motel and Stein's land use.

Motion Fischer/Maus to approve the minutes as presented with a change to Page 7 showing Karla Davis voted against motion to reimburse Maine Prairie for the tarring of 135<sup>th</sup> Street. MUC

Motion Orbeck/Maus to approve the October claims as presented with corrections. MUC

Motion Fischer/Edwards to approve Consent Agenda items #1, 3, 4 and 5 and to table item #2 until the Clerk Treasurer Administrator contacts Conway, Deuth & Schmiesing on the cost for the 2004 audit:

1. To disconnect all delinquent City utilities.
2. To appoint the firm of Conway, Deuth & Schmiesing, PLLP (previously Fawcett, Young & Associates) to do the 2003 year end audit.
3. To accept the donation of \$500.00 from Sam's Club Foundation for rescue tools and deposit in the Fire Dept. Checking account.
4. To approve the pay request from Shadduck, Young and Brown in the amount of \$39.00 for legal on the Hazel Ave. project pending approval by Rural Development.
5. To approve the amendment to the Policy Pursuit Policy as presented by Chief Todd Rohloff (in packet).

MUC

OPEN FORUM: None

**DEPARTMENT REPORTS:**

Public Works Supervisor Dan Dawson reported on the irrigation field crop cover, quotes for moving wiring from the old pump house, winterizing park restrooms, replacing posts at the Lions Park, Minnesota Department of Health inspection report, Minnesota

Department of Health amended permit for new well, MN/DOT highway buildings, blockage in sewage pump, removing of flower pots and air in chlorine line.

Motion Davis/Orbeck to hire Finger Electric at his quoted rate of \$885.00 with the understanding that any increase in cost needs prior City Council approval. MUC

Todd Rohloff will drill the holes for the posts in Lions Park and Councilmembers Maus and Orbeck will inspect the MN/DOT highway buildings.

Police Chief Todd Rohloff commented on the Police Pursuit Policy amendment.

Mayor Karla Davis called to order the Conditional Use Permit Continuation hearing for Reeds Oster's request to change the land use from Highway Commercial to Residential for 332 State Highway 15.

The Council addressed having a condition for the removal of the mobile home from this site. A time frame for the removal of the mobile home could not be agreed upon. Other conditions addressed were fencing/shrubs and nuisance clean-up.

Mayor Davis closed the hearing.

Motion Edwards/Maus to deny the Conditional Use Permit request as conditions could not be agreed upon. Those voting in favor thereof: Maus, Davis, Edwards and Fischer; those voting against: Orbeck; those absent or abstaining: None. Motion passed.

Merle Anderson of the Clearwater River Watershed District presented information on the Storm Water Run-off Study which they plan to do for the Kimball Area. The City is interested in this study. The City was asked if they would be able to contribute financially to this study. Their next step will be to approach Maine Prairie Township.

Mayor Karla Davis Called to Order the Special Assessment Hearing for the Hazel Ave. Project.

City Engineer Randy Sabart did a presentation of the project covering costs and financing.

Mayor Davis closed the hearing.

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

WHEREAS, pursuant to proper notice duly given as required by law, the council has met and heard and passed upon all objections to the proposed assessment for the improvement of Hazel Avenue starting 200 feet west of Elm Street going east to State Highway 55 by reconstructing the sanitary sewer, water mains, streets and restoration.

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

1. Such proposed assessment, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.
2. Such assessment shall be payable in equal annual installments extending over a period of 15 years, the first of the installments to be payable on or before the first Monday in January 2004, and shall bear interest at the rate of 6.25 percent per annum from the date of the adoption of this assessment resolution. To the first installment shall be added interest on the entire assessment from the date of this resolution until December 31, 2004. To each subsequent installment when due shall be added interest for one year on all unpaid installments.
3. The owner of any property so assessed may at any time prior to certification of the assessment to the County Auditor Treasurer, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the City Clerk Treasurer Administrator, except that no interest is paid within 30 days from the adoption of this resolution; and he may, at any time thereafter, pay to the City Clerk Treasurer Administrator the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the next succeeding year.
4. The Clerk Treasurer Administrator shall forthwith transmit a certified duplicate of this assessment to the County Auditor Treasurer to be extended on the property tax lists of the County. Such assessments shall be collected and paid over in the same manner as other municipal taxes.

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

Adopted by the Council this 20<sup>th</sup> day of October, 2003.

Motion Edwards/Fischer to approve the re-submittal of change order number 4 and Change order number 5 with corrections in the total amount of \$14,363.94. MUC

Mayor Davis will check on the services offered by the Minnesota Association of Small Cities.

Motion Davis/Fischer to approve SEH, Inc. pay request for engineering in the amount of \$15,770.68 for the Hazel Ave. Project pending USDA Rural Development approval. MUC

Information on the Greely Edition Street dedication will be presented at the next meeting.

Motion Maus/Orbeck to adjourn at 9:20 p.m. MUC

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Dianne H. Robinson  
Clerk Treasurer Administrator



**Meeting date:** Oct. 28, 2003

**Meeting time:** 7:00 p.m.

**Called to order by:** Greg Bechtold . Stearns County Environmental Special Services.

**Councilmembers present:** Mayor Karla Davis, Councilmembers Andy Maus and Mickey Fischer.

**Councilmembers absent:** Steve Edwards and DuWayne Orbeck.

**Maine Prairie Township Board Members present:** Chair Jim Unterberger, Brent Nehring and Chuck Froehling. Township Clerk Treasurer Bev Adolph was also present.

**Others present:** Merle Anderson of the Clearwater River Watershed District and his wife, Jean Matua of the Tri-County News and Mark Latteral of Stearns County Environmental.

Greg Bechtold addressed designation of growth areas, annexation, water and sewer service to rural areas, storm water run-off, residential density, industrial versus residential uses, wetland act and replacement of wetlands.

Merle Anderson informed the group of the storm water management study of which Kimball is 22% of the land area in this study. The Clearwater River Watershed District decided at their last meeting to pay for the entire study. The Clearwater River Watershed District levied \$75,000.00 for special projects.

Maine Prairie Township would like to City growth go to the North. Stearns County would like to see it go North and North East to include the School Section Lake area.

Stearns County would like to see the City and Township do their planning prior to development of property. Comprehensive Planning needs to be addressed.

Meeting adjourned at 8:30 p.m.

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Dianne H. Robinson  
Clerk Treasurer Administrator

**Meeting date:** Nov. 3, 2003

**Meeting time:** 7:00 p.m.

**Called to order by:** Mayor Karla Davis

**Councilmembers present:** Karla Davis, Mickey Fischer, DuWayne Orbeck, and Andy Maus with Steve Edwards arriving at 8:20 p.m.

**Councilmembers absent:** None

**Others present:** Candi Walz, David VanVleet, Keith Markwardt, Kyle Christenson, Jeff Orbeck and Bob Johnson.

**Motion** Maus/Fischer to approve the Oct. 20, 2003 regular meeting minutes and the Oct. 28, 2003 special planning meeting minutes as presented. Motion passed (Councilmember Edwards was absent).

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

1. To approve the municipal contribution of \$4,202.00 to the Fire Relief Assoc. for 2004 as the State Auditor has completed their review of Schedule I & II.
  - 2, To approve the Hazel Ave. assessment notice advertisement payment to the Tri-County News in the amount of \$66.50 pending USDA Rural Development's approval.
- Motion passed. (Councilmember Edwards was absent).

Mayor Davis reported on Minnesota Association of Small Cities. Kimball's membership. Dues would be \$302.80 for one year. Their main function appears to be lobbying. The City decided not to join as the City is a member of the League of Minnesota Cities.

Clerk Treasurer Administrator Dianne Robinson reported on the status of the donated funds designated for a swimming pool, street dedication/snow removal and the irrigation rental property lease agreement.

The Clerk Treasurer Administrator was instructed to have the City Attorney's Office draft a snow plowing agreement with KEEK Developers for snow plowing in Greely Edition with a hold harmless statement until the streets in this addition have been dedicated to the City and the City has accepted these streets.

**Motion** Maus/Orbeck to approve the lease agreement which was drafted for the irrigation land and approved by the City Attorney. Motion passed. (Councilmember Edwards was absent).

**Motion** Davis/Fischer to make a conditional offer of employment to Ryan Bettenberg pending his passing an alcohol/drug test and physical. This individual shall in writing accept the job position prior to taking the alcohol/drug test and physical. If tests and physical are passed, this conditional offer shall become an offer of employment. Starting wage shall be \$11.25 per hour with a six (6) month probationary period with an hourly

raise of \$ .50 upon the satisfactory completion of this probationary period. A 15 minute response time will be required of this employee within six (6) months of the start date. He will be required to obtain his Class B drivers license as soon as possible. If Ryan Bettenberg declines the offer of employment or fails the tests, a conditional offer of employment will be made to the alternate candidate, Jillian Holte under these same terms. Motion passed. (Councilmember Edwards was absent).

**Motion** Davis/Maus to pay for the purchase of a flag pole for baseball field up to \$425.00 pending the receipt of a statement for the purchase. Motion passed. (Councilmember Edwards was absent).

Clerk Treasurer Administrator Dianne Robinson reported on the proposed land annexation and land use study.

**Motion** Davis/Maus to hire the firm of CDS for the 2003 year end audit and enter into an engagement letter. Motion passed. (Councilmember Edwards was absent).

Keith Markwardt of the State Bank of Kimball presented a proposal for a planning commission made up of people from various entities to do future planning for the City. Mayor Davis explained that the City Council had just attended a Stearns County Planning meeting on Oct. 28 with Maine Prairie Township and she is reviewing information on a Comprehensive Plan. She will be contacting the League of Minnesota Cities for more information on planning

Jeff Orbeck presented his idea for construction of an attachment to his present building at 221 Maus Drive. This is a red iron building he purchase which is approx. 60' X 140' in size. He plans to move a portion of his Kim Built Industries, Inc. into this building which would be sheet metal and cabinet work. No welding.

The City's building inspector Kyle Christenson informed the Council and Mr. Orbeck that this building would have to have plans drafted by and architect/engineer. Mr. Orbeck will try to obtain the original plans for this building and have all plans reviewed by the building inspector who will work with Mr. Orbeck to help him put his plans in place.

Bob Johnson and David VanVleet also appeared for the same reason. Bob Johnson has also purchased a red iron building and would like proceed with its installation.

The City Council and the building inspector explained that the City of Kimball has adopted the state building code and the City had to adopt the whole code. It could not just adopt bits and pieces of it. The state fire code applies even if the state building code has not been adopted. With the latest legislation, the state fire code and building have become intertwined.

Highway Commercial versus Light Industrial Land Use was explained.

**Motion** Davis/Orbeck to adjourn at 9:10 p.m.

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Dianne H. Robinson  
Clerk Treasurer Administrator

**Meeting date:** Nov. 17, 2003

**Meeting time:** 7:00 p.m.

**Called to order by:** Mayor Karla Davis

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

**Councilmembers absent:** None

**Other present:** Candi Walz, Curt Cannon, Randy Sabart, Dan Dawson, Todd Rohloff, Merle Anderson, Chris Jeppesen and Jerry Fitzloff.

**Additions to the agenda:** Andy Maus with comments on the State of Minnesota Highway garage and mail box issue.

**Motion:** Maus/Fischer to approve the Nov. 3, 2003 minutes as presented. MUC

**Motion:** Edwards/Fischer to approve the November claims as presented. MUC

**Motion:** Maus/Edwards to approve items 1, 3 & 4 on the consent agenda and to table item 2 while quotes are being received for furnace and air conditioning maintenance:

1. To disconnect all delinquent City utilities.
3. To approve all 2004 license renewal as presented.
4. To approve the payment of \$5,196.39 to Kuechle Underground for the Hazel Ave. Project pending USDA Rural Development approval.

MUC

**POLICE DEPARTMENT:** Chief Todd Rohloff presented the monthly reports for Kimball and Fairhaven Township, the contract with the Kimball School district for liaison officer, commented on the Police vest reimbursement grant, reported on the meeting he attended with other officers and members of the legislature in Royalton regarding the Administration Citation issues and presented a quote for a new police car through the State of Minnesota bid.

**Motion** Fischer/Edwards to purchase a 2004 Crown Victoria on the State bid from Superior Ford for an approx cost of \$24,235.95 MUC

**PUBLIC WORKS DEPARTMENT:** Director Dan Dawson presented the following report:

1. Still waiting for a written confirmation for crop change on the irrigation field which the City rents out.
2. Power has been installed in the garage and disconnected from the old well house. Removal of the old well house will begin in the near future.
3. The park has been winterized and closed for the season.

4. The post Holes in Lions Park have been dug and post will have to be cut off level and some clean-up is required.
5. The chlorine level in the water seems to have leveled off with out having to install a break box or extra pump. Will continue to monitor on daily bases.
6. Ryan Bettenberg will start as the Public Works Worker on Nov. 18.
7. The replacement of the valves by the water tower will begin on Wednesday, Nov. 19.
8. Well number three has been chlorinated and flushed. The first bacteria test came back good and the second test is at Traut well being tested.
9. Snow fence is up along County Road 44 and the rest will be installed this week.

Merle Anderson of the Clearwater River Watershed District reported on the storm water study and an upcoming meeting at Stanley's Restaurant on Nov. 26<sup>th</sup> which Mayor Davis will attend. He reported on the availability of a \$2,000.00 matching grant which Stearns County Management may have available to defray some of the costs the City could incur with this storm water plan. He will also work with Eric Altana of the DNR.

Curt Cannon the CEO of Heritage House of Kimball introduced himself to the Council and reviewed other assisted living facilities which they own. They plan to open the Kimball facility in January 2004.

City Engineer Randy Sabart presented a letter requesting the Council adopt a resolution that approves a relationship in which the he (the City Engineer) works with KEEK Development for their new project within the City. This was tabled to allow the Council to study the request.

Jerry Fitzloff had made a request to install septic systems on 14 acres in the City which he plans for a housing development which is not served with water/sewer at present time. Clerk Treasurer Administrator Dianne Robinson had presented to the Council information obtained from Stearns County Environmental for the installations of septic systems. Discussion followed on previous feasibility study done along State Highway 55 and also the cost of running water/sewer along 135<sup>th</sup> Street. This was tabled to the Dec. 1 meeting while the City Engineer pulls information from the feasibility study.

Public Works Director Dan Dawson reported on the pond capacity.

Motion Edwards/Fischer to approve the Snow Plowing Agreement with KEEK Developers in the Greely Edition for the 2003 – 2004 snow season at the rate of \$175.00 for the season. Those voting in favor thereof: Maus, Davis, Edwards and Fischer: those voting against: Orbeck: those absent or abstaining: None. Motion passed.

Andy Maus will present the irrigation land re-newal for Jerome and Laverne Scheeler for May 2004 – 2005 at the rate of \$50.00 per acre.

Mayor Davis presented information on a planning commission and requested that the City advertise for volunteers. A five member commission was discussed with one Councilmember and the Zoning Administrator being on the commission. Terms proposed were two, 2 year terms and three, 3 year terms. Commission is to be made up of City residence.

**Motion** Fischer/Davis to advertise for volunteers and request a resume and an essay on the future growth of the City. MUC

**Motion** Davis/Orbeck to switch all the City long distance to Melrose Telephone Company. MUC

Mayor Davis reported on the mail box installation on Hazel Ave. in the location of Cherry Street and Stearns County requirement that Cindy and Robert Stelten install a two foot moon shaped section of sidewalk on their property and grant Stearns County an easement. Stearns County will provide the bracket for up to 8 mail boxes.

The Council requested that the Clerk Treasurer Administrator draft an ordinance preventing the installation of mail boxes in sidewalks.

Andy Maus reported on the State of Minnesota Highway building which the State plans on removing from their pit and had offered this building to the City. He stated that it would be too costly for the City to undertake this removal.

Motion Maus/Orbeck to adjourn at 9:50 p.m. MUC

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Dianne H. Robinson  
Clerk Treasurer Administrator

**Meeting date:** Dec. 1, 2003

**Meeting time:** 7:00 p.m.

**Called to order by:** Mayor Karla Davis

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

**Councilmembers absent:** None.

**Others present:** City Engineer Randy Sabart, Candi Walz of the Tri-County News, Legion Commander Mike Olk and Developer Jerry Fitzloff.

**Additions to the agenda:** Legion gambling funds request, consent agenda change, fire department appointment and gear, councilmember items.

**Motion** Orbeck/Fischer to approve the Nov. 17, 2003 council minutes as presented.  
MUC

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

1. To approve Dianne Robinson's vacation request.
2. To approve the pay request for Shadduck, Young & Brown for legal expenses on the Hazel Ave. Project in the amount of \$338.00 pending approval by Rural Development.
3. To accept the donation of \$250.00 from the Kimball Lions for Santa Claus Days.
4. To change the following 2004 regular City Council meetings due to holidays as follows: Jan. 19<sup>th</sup> to Jan. 20<sup>th</sup>, Feb. 16<sup>th</sup> to Feb. 17<sup>th</sup>, July 5<sup>th</sup> to July 6<sup>th</sup> and Sept 6<sup>th</sup> to Sept. 7<sup>th</sup>.

MUC

Planning Commission membership clarification was made and a mission statement was discussed. Membership shall consist of one councilmember and the zoning administrator who shall be non-voting members and five city residents who will be voting members.

**Motion** Davis/Fischer to appoint Councilmember Steve Edwards to the Planning Commission. MUC

City office hours and lunch breaks were revisited and not changed.

Councilmember DuWayne Orbeck reported on the Clearwater River Watershed meeting he attended on storm water run-off.

**Motion** Maus/Edwards that a letter be drafted to the Kimball American Legion to request \$950.00 from their gambling funds for cultural and recreational projects such as flowers, flag poles, parks, picnic areas, etc. and also an American flag for City Hall. MUC

It was noted that the Legion Club has available some used flag poles.



Developer Jerry Fitzloff appeared again with his request for septic and well system for his proposed development or the extension of water and sewer to this un-served area of the City. City Engineer Randy Sabart commented that a ball park estimate for extending water and sewer from Elm St. N. to just the property without going into the development would be around \$500,000.00 and a lift station would be needed. Special assessments, green acres deferment. Community holding tanks, permits, wetlands, lot size and county requirements were discussed. It was recommended that Mr. Fitzloff take his plans to Stearns County Environment or seek out other property within the City for his development.

Legion Commander Mike Olk presented the City with a flag for City Hall.

Mayor Davis and City Engineer Randy Sabart reported to the Council on the sewer service connection for the Davis property that the contractor incorrectly installed during the Hazel Ave. project.

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

TO AMEND CHAPTER FOUR – PUBLIC HEALTH & WELFARE, SECTION 400 – NUISANCES, 400.02 NUISANCES, SUBD. 16. OBSTRUCTIONS. (e) as follows:

(e) Placing or storing boxes, goods, wares, merchandise, building materials, machinery, business or trade articles on public property except for the purpose of immediately transferring the same to some other proper place or the erecting of mailboxes in public sidewalks or public right of way without prior City Council approval effective Dec. 1, 2003.

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

Whereupon said resolution was declared passed and adopted.

**Motion** Maus/Orbeck to approve a resolution for SEH, Inc to provide engineering and surveying services to KEEK Development for a new single-family residential subdivision while serving the City in the capacity of City Engineer. Those voting in favor thereof: Maus and Orbeck; those voting against: Fischer, Edwards and Davis; those absent or abstaining: None. Motion **did not pass**.

A letter which was received from City Attorney Rhonda Pagel in regard to the Don Stein annexation property for which developer Tom Crouch has a purchase agreement was reviewed. This letter outlined two possible options.

**Motion** Maus/Edwards approve the second proposal whereby the developer would attempt to purchase a different piece of property from Mr. Stein. Presumably, this parcel would be located next to the cemetery and extend northward and would not extend all the way to Highway 15. The entire parcel would be residential with the developer extending Elm St. north to the end of his property line. MUC

**Motion** Maus/Fischer to approve the appointment of Jeff Hilsgen to the Kimball Fire Department effective Dec. 1, 2003. MUC

**Motion** Fischer/Maus to approve the purchase of approx. \$750.00 in turn out gear for the new fire department appointment. MUC

**Motion** Edwards/Davis to have the Public Works Department take snow plow training for 2 to 4 hours from Todd Rohloff and to pay Todd Rohloff \$14.00 per hour for this training. MUC

Mayor Davis stepped down as Mayor for this issue and presented a letter to the Council and requested that a claim be submitted to the City's insurance carrier for investigation.

**Motion** Edwards/Fischer to submit this claim to the City's insurance carrier. Those voting in favor thereof: Maus, Orbeck, Edwards and Fischer; those abstaining: Davis; those voting against or absent: None. MUC

Other items of discussion were the snow removal by the Public Works Department in the snow dumping contract area, business' dumping snow on city streets and removal of this snow and a sign for the park area.

**Motion** Davis/Maus to adjourn at 9:30 p.m. MUC

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Dianne H. Robinson  
Clerk Treasurer Administrator

**Meeting date: Dec. 15, 2003**

**Meeting time: 7:00 p.m.**

**Called to order by: Mayor Karla Davis**

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

**Councilmembers absent: None.**

**Others present: Paul Hoeschen, Ryan Bettenberg, Dan Dawson, Darrel and Shirley Wills, Jim Unterberger and Candi Walz.**

**Additions to the agenda: Mail box request, Public Works Position, Fire Dept. Officer appointments, Planning Commission and issues by Councilmember Maus.**

**Motion** Fischer/Maus to approve the Dec. 1, 2003 Council minutes as presented. MUC

**Motion** Maus/Orbeck to approve the December 2003 claims as presented. MUC

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

1. To accept the resignation of Public Works Director Dan Dawson effective Dec. 26, 2003.
2. To adopt the final 2004 budget and certify the 2004 tax levy in the amount of \$233,011.00 to the Stearns County Auditor Treasurer.
3. To disconnect all delinquent City utilities.
4. To accept the donation of \$9,000.00 from the Fire Relief Assoc. Gambling Fund for the Fire Equipment Money Market Fund.
5. To approve Todd Rohloff's vacation request for 32 hours and to carry over any unused hours to be used in January 2004.
6. To approve the LG220 Application for Exempt Permit for St. Wendelin's Parish of Luxemburg to conduct a raffle and operate paddlewheels and tipboards on May 1, 2004 at the Playland Ballroom, 531 State Highway 55 E and to waive the 30 day waiting period.

MUC

Darrel and Shirley Wills were present in regard to the installation of a mail box on the bracket on Hazel Ave. E. This issue had been cleared up with Mayor Davis prior to the meeting and she will be contacting the Stearns County Engineer on the number of boxes the bracket will hold.

## **OPEN FORUM**

Jim Unterberger, Chairman for Maine Prairie Township questioned the Don Stein annexation. Mayor Davis gave a brief history of the two options Tom Crouch had presented to the City and that the Council had chosen option two which would involve

the purchase of the land next to the cemetery for residential and leave the property next to State Highway 15 for commercial development.

## DEPARTMENT REPORTS

Public Works Director Dan Dawson reported on irrigation crop change, valve replacement at the water tower, well number three ready to go on line, holiday decorations and getting quotes to have the irrigation pump motors gone through as a preventive maintenance measure.

Police Chief Todd Rohloff presented the Kimball and Fairhaven Township monthly reports and the new squad car. Debris in the used oil dump was discussed.

**Motion** Maus/Orbeck to amend the Management & Operation Services Agreement with Paul Hoeschen to return to the original agreement:

2.1 Water System, Wastewater Collection System Operator. Kimball will pay Paul Hoeschen \$300.00 monthly for services performed starting Dec. 15, 2003. In the event Paul Hoeschen spends more than 3 hours per month for management and/or operating services, Kimball will be charged at the rate of \$30.00 per hour.

MUC

The promotion of Ryan Bettenberg to Public Works Director was discussed. A wage increase and probation period will be addressed at the Jan. 5, 2004 meeting.

**Motion** Edwards/Maus to make a conditional offer of employment to Jillian J. Holte for the position of Public Works Worker pending passing an alcohol/drug test/physical and a satisfactory background check. This individual shall, in writing, accept the job position prior to taking the alcohol/drug test and physical. If the above conditions are met, this conditional offer shall become an offer of employment. Starting wage shall be \$11.25 per hour with a 6 month probationary period. A 15 minute response time will be required of this employee with six (6) months of the start date. MUC

Councilmember Maus suggested that the Council amend a previous Council motion placing only City residents on the Planning Commission and suggested that a member of the School Board be placed on the Planning Commission. Resumes and letters from JoAnn Hendricks, Tammy Konz, Dan Konz, Dianne Robinson, Cindy Stelten and Steve Maus were reviewed. Three applicants were from the same family and discussion centered on placing only one family member on the commission. The School Superintendent was also recommended. This issue was tabled until after the first of the year.

**Motion** Davis/Edwards to approve the following officers for the Kimball Fire/Rescue Department for 2004:

Chief Tom Ehlinger  
Assistant Chief Bill Thell  
Fire Captains Aaron Knaus  
                    Dave Geislinger  
                    Ed Borman  
Rescue Captains Rose Borman  
                    Cindy Stelten  
Fire/Rescue Safety Officer Robert Stelten  
Engineer Bob Erickson  
Secretary Ed Maus

MUC

Pay rate for Fire Department engineer and other paid positions was discussed.

Multi-Family Housing grant application form request will be sent,

**Motion** Orbeck/Fischer to adjourn at 8:45 p.m. MUC

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Dianne H. Robinson  
Clerk Treasurer Administrator