

**MINUTES OF THE REGULAR MEETING
OF THE ZIMMERMAN CITY COUNCIL
MONDAY, JANUARY 9, 2023**

CALL TO ORDER

The regular meeting of the Zimmerman City Council was called to order at 7:00 p.m. at City Hall by Mayor-Elect Stay, followed by the Pledge of Allegiance.

ROLL CALL

Present: Mayor-Elect Stay, Council Members Dahl, and Whiting, Council Members-Elect Earenfight and Farber. Also present were Administrator Piasecki, Clerk/Treasurer Tillmann, and Public Works Director Koehler and Streets, Parks, and Utilities Supervisor Dallager.

OATH OF OFFICE

Oaths of Office were administered by Clerk/Treasurer Tillmann to Mayor-Elect Nickolas Stay, and Council Members-Elect David Earenfight and Larry Farber.

AGENDA APPROVAL

Whiting/Dahl unanimous to approve the agenda with the following addition to the consent agenda:

- **Pay Request #2 – Well #4 Project – Keys Well Drilling**

APPROVAL OF MINUTES

Dahl/Whiting unanimous to approve the minutes of the December 19, 2022 Regular Meeting of the City Council as presented.

CONSENT AGENDA

Earenfight/Dahl unanimous to approve the consent agenda with the addition of item x. Pay Request #2 – Well #4 Project – Keys Well Drilling as follows:

- a. Ratify approval of the payment of claims for 2022 Year End (checks #44829 - #44864) in the amount of \$44,452.17 and electronic payments (e-checks #2600e - #2606e) in the amount of \$46,535.19 as presented.
- b. Accept the September 2022 Budget/Investment/Funds Report as presented.
- c. Accept the October 2022 Budget/Investment/Funds Report as presented.
- d. Accept the November 2022 Budget/Investment/Funds Report as presented.
- e. Accept the December 2022 Building Permit Summary Report as presented.
- f. Approve the payment of January 9, 2023 claims (checks #44865 - #44874) in the amount of \$15,579, and electronic payments (e-checks #2607e - #2610e) in the amount of \$3,830.37 as presented.
- g. Authorize payment to Bolton & Menk for Invoice #303327 in the amount of \$63,294.25 (check #44875) for the Well #4/Water Treatment Plant Improvements for the period of October 29 – November 25, 2022, as recommended by staff.
- h. Approve payment to Fergus Power Pump, Inc., in the amount of \$23,829.83 (check #44876) for Fall 2022 semi-annual bio-solids hauling, with funds to be taken from the SBR Budget (602-49480-460) as recommended by the Public Works Director.
- i. Accept the Memorandum of Understanding between the City of Zimmerman and Abdo for audit services for the year end December 31, 2022, as recommended by staff.
- j. Authorize the February 1, 2023 TIF Payment to PA Depot Apartments LLC for the “Depot on Main” project, in the amount of \$51,451.24 (ck #44877) as recommended by the staff.
- k. Authorize the February 1, 2022 TIF Payment to Bell Bank for the “Reliant Systems” project, in the amount of \$19,316.68 (ck #44878) as recommended by the staff.
- l. Approve the semi-annual payment to Northland Trust Services in the amount of \$151,905.35 (ck #44879) for scheduled principal and interest repayments on GO Bonds as follows and as recommended by staff:
 - Fire Hall (CIP): Principal -- \$88,000; Interest -- \$19,015.95
 - Event Center (Tax Abatement): Principal -- \$37,000; Interest -- \$7,889.40

- m. Approve the reduction of the security bond for the Tall Pines Second Addition project to \$329,000, as requested by Menard, Inc.
- n. Approve the donation of \$500 (check #44880) to the Zimmerman High School Booster Club for the 2023 All-Night Graduation party, from account #101-41110-490.
- o. Approve the license application to operate a Billiard Table for the period of January 1 – December 31, 2023 for ZBG/Angeno’s Pizza, Pasta and Bar, 13100 Fremont Avenue, Zimmerman, MN 55398, pending receipt of all application materials and fees.
- p. Approve the license applications to operate Bingo for the period of January 1 – December 31, 2023, for the following:
 - Kriesel Jacobson American Legion Post #560 – 12674 Fremont Avenue, Zimmerman, MN 55398
 - Zimmerman/Livonia Fire Relief Association (2 locations) – 26140 – 136th Street NW, Zimmerman, MN 55398.
- q. Approve the license application to operate a Bowling Alley for the period of January 1 – December 31, 2023, for TJP Inc., dba Zimmerman Café, Bar and Bowl, 25920 Gateway Drive, Zimmerman, MN 55398.
- r. Approve the license application to operate Electronic Entertainment Devices for the period of January 1 – December 31, 2023 for the following establishments:
 - Kriesel Jacobson American Legion Post #560 – 12674 Fremont Avenue, Zimmerman, MN 55398
 - ZBG/Angeno’s Pizza, Pasta and Bar, 13100 Fremont Avenue, Zimmerman, MN 55398, pending receipt of all application materials and fees
- s. Approve license application to operate as a Garbage & Refuse Collector within City limits for the period of January 1 – December 31, 2023:
 - Ace Solid Waste, Inc. – 6601 McKinley Street NW, Ramsey, MN 55303
 - Curbside Waste, Inc. – 4025 – 85th Avenue N, Brooklyn Park, MN 55443
 - Jim’s Mille Lacs Disposal, Inc., -- PO Box 275, 205 – 2nd Avenue NE, Milaca, MN 56353
 - LePage and Sons, Inc. -- 23602 University Avenue NW, Bethel, MN 55005
 - Republic Services dba Randy’s Sanitation, Inc. – 700 – 40th Avenue NE, Sauk Rapids, MN 56379
 - VanderPoel Disposal – PO Box 212, Milaca, MN 56353
- t. Approve license applications for the following gasoline sales vendors for the period of January 1 – December 31, 2023:
 - Casey’s Retail Company, dba Casey’s General Store #3458, 13140 Fremont Avenue, Zimmerman, MN
 - Holiday Station Stores, Inc., dba Holiday Station Store #239 – 26125 Highway 169, Zimmerman, MN
 - Northern Tier Retail LLC, dba Speedway #4535 – 26075 – 3rd Street E, Zimmerman, MN
- u. Approve the license application to operate a pawn shop for the period of January 1 – December 31, 2023, for David Ziemke, dba Zimmerman Trading Post, 25860 Highway 169, Zimmerman, MN 55398
- v. Approve the license application for a Sewer and Water Installer, for the period of January 1 – December 31, 2023, as requested by Richard Carty, dba Rick’s Plumbing, 1701 - 221st Avenue NW, Cedar, MN 55011.
- w. Approve the license application for a Solicitor for the period of February 8, 2023 – February 7, 2024, for a mobile ice cream truck for Michelle Remick, dba Brain Freeze Ice Cream, 16087 – 225th Avenue NW, Big Lake, MN 55309.
- x. Adopt **RESOLUTION #2023-01-01**, accepting Pay Request #2 in the amount of \$115,273.00 (check #44881) submitted for payment by Keys Well Drilling Company for expenses related to the construction Wells #4 and #5, as recommended by staff and the City Engineer.

OPEN FORUM

The City Council congratulated ZHS Senior Peyton McEachern, who recently achieved a milestone of scoring 1,000 points during her time on the Zimmerman Thunder HS Girls Basketball Team. Council wished her teammates well throughout the rest of the season.

2022 COUNTY ATTORNEY'S UPDATE

Kathleen Heaney, Sherburne County Attorney, was present to provide an update of activities and services provided by the Sherburne County Attorney's Office (CAO) through the prosecution contract for the City. Heaney and her staff enjoy a cooperative relationship with the City of Zimmerman and the Sherburne County Sheriff's Department and appreciates the opportunity to work on behalf of the City of Zimmerman. In 2022, one-third of the City's fine revenue collected, totaling \$7,177.56, was turned back the CAO for prosecution services for petty, misdemeanor, and gross misdemeanors in the City. The CAO opened 506 misdemeanor and petty misdemeanor cases for Zimmerman through the Court system, as well as providing training for law enforcement, processing warrant and in-custody arrests and prosecuting felony and gross misdemeanor charges. Heaney's office is working closely with Court Administration to resolve the backlog of cases to be heard due to COVID

County-wide, the Heaney's Office has seen an increase in the number of more severe juvenile cases, as well as increased use of methamphetamine and fentanyl. Heaney continues to actively request the Legislature lower the threshold for charges for fentanyl possession.

FIRE PROTECTION REPORT

Fire Chief Ryan Maloney presented the Fire Department report for the month of December 2022. The Department assisted with 15 medical calls, a gas leak, 4 injury accidents, 4 carbon monoxide alarms, 6 fire alarms, 2 grass fires and 2 vehicle fires. 2022 call numbers are still being calculated, but Chief Maloney knows the Department responded to over 300 calls for service, up from 282 calls in 2021. The 2022 Neighbors Helping Neighbors annual toy drive was a success, with about 280 kids being served by the event. In 2023, the Department will be looking to fill up to 6 firefighter openings due to retirements and resignation of members.

Council accepted the Fire Department Report for December 2022 by unanimous consensus as presented.

PUBLIC WORKS REPORT

Employee Recognition

Jim Plude, Maintenance Technician, celebrated 5 years of employment in the Public Works Department on January 8, 2023. Plude was presented with a certificate acknowledging his anniversary and thanked for his service to the City, not only as a Public Works employee, but also as a firefighter for the Zimmerman/Livonia Fire District. Public Works Director Koehler added that Plude is an excellent employee and an asset to the City.

MDH Grant/Request for Payment

Public Works submitted a grant application to the MN Department of Health (MDH) in early 2022 to purchase survey equipment for mapping wells within the City's Wellhead Protection Area. MDH acknowledged the City's grant award in December 2022 and survey equipment has been purchased, per the grant agreement. Staff requests Council authorize payment to TreeBiz, after which reimbursement will be requested from MDH under the grant agreement. Public Works Staff will work with the City's Engineering firm for training on the equipment, which is the same equipment used by Bolton & Menk for survey work.

Whiting/Earenfight unanimous to approve payment to TreeBiz, LLC in the amount of \$9,653.00 (check #44882) for survey equipment to be used as part of the City's Wellhead Protection Program, and request the amount be reimbursed by the MN Department of Health through an approved Drinking Water Protection Grant. Motion carried.

FINANCE REPORT

2023 Board of Appeal and Equalization

The County Assessor's Office has notified the City of the preferred date and time for the annual Local Board of Appeal and Equalization meeting. Mayor Stay or Member Whiting will be required to attend because they are

both certified by MN DOR for LBAE meetings. Member Farber added that he would be willing to complete the certification training as well.

Council agreed by unanimous consensus to schedule the 2023 Local Board of Appeal and Equalization meeting for Monday, April 17, 2023 at 9:00 a.m., at the Zimmerman City Hall as requested by the Sherburne County Assessor.

ADMINISTRATOR'S REPORT

Administration of Wetland Conservation Act Rules

The Wetlands Conversation Act (WCA) requires the City to administer WCA rules within the municipal boundary or delegate that responsibility to another party to serve as the Local Government Unit (LGU) on behalf of the City. Given that significant wetland issues have been identified as part of the TH 169/CSAH 4 Interchange project, City staff no longer feels they have sufficient time or expertise to administer WCA regulations, when considering current and future growth, development, and potential annexation of acreage from Livonia Township.

The City's Engineer, Bolton & Menk, has a division that provides this service on a contractual basis for an annual fee of \$200. Fees for wetland applications or actions would be billed to the developer or property owner, as with other development related applications. Administrator Piasecki believes that having WCA administration completed by qualified environmental staff tied to the City Engineer would streamline any process or development with a wetland related component and alleviate delays in processing and constructing future projects affecting wetland areas.

RESOLUTION #23-01-02 Whiting/Stay unanimous to adopt RESOLUTION #2023-01-02 appointing Bolton & Menk as the City's Local Government Unit (LGU) for administration of the Wetlands Conversation Act, at an annual cost to the City of \$200, as recommended by staff. Motion carried.

TH 169/CSAH 4 Visual Quality Concept Plan Design

Sherburne County has hired Bolton & Menk to design the proposed TH 169/CSAH 4 interchange. As part of the design process, the City has an opportunity to upgrade the aesthetics of the interchange, including appearance and finish of bridge railings, support columns, landscaping, etc. MN DOT and Sherburne County policies only provide for basic construction of the improvement area. Staff has been discussing the possibility of improving design features with Bolton & Menk, since the interchange area will be the main entrance to the City.

Bolton & Menk has submitted a proposal to provide Visual Quality Concept plans for the interchange area at a cost not to exceed \$24,800.00. The process will include meetings with the project management team as well as City Council and staff. The final design concept is expected to be included in the construction drawings for the project and made part of the bid package.

Whiting/Farber unanimous to accept the proposal from Bolton & Menk to develop a Visual Quality Concept Plan for the TH 169/CSAH 4 interchange project, at a cost not to exceed \$24,800.00, as recommended by staff. Motion carried.

MAYOR/COUNCIL ITEMS

2023 Annual Appointments

Discussion was held regarding the proposed annual Council appointments for 2023.

Council agreed by unanimous consensus to appoint Larry Farber to the Park Board, effective immediately to fill a vacant term ending January 31, 2025.

RESOLUTION #23-01-03 Stay/Whiting unanimous to adopt RESOLUTION #2023-01-03, approving the 2023 Annual Appointments and Designations as presented, except for the Fire Board appointments to be approved at the January 23, 2023 Regular Council meeting. Motion carried.

Upcoming events

Mayor Stay noted the following upcoming events:

- January 16 – Martin Luther King Jr. Holiday – All City Offices Closed
- January 28 – Passing the Bread Food Distribution; 9 – 11 a.m. at UMA Precision Machining
- Winter Parking Regulations in effect until May 1, 2023. No parking allowed on City streets between midnight and 8:00 a.m.

Before adjourning, Mayor Stay asked for a moment of silence in honor of US military personnel at home and abroad.

Stay/Earenfight unanimous to adjourn the meeting at 7:38 p.m. Motion carried.

Approved this 23rd day of January 2023.

s/s Kary Tillmann, Clerk/Treasurer

APPROVED 01/23/2023