

**MINUTES OF THE REGULAR MEETING  
OF THE ZIMMERMAN CITY COUNCIL  
MONDAY, JANUARY 22, 2024**

**CALL TO ORDER**

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

**ROLL CALL**

Present: Acting Mayor Whiting, Council Members Dahl, and Farber. Mayor Stay and Member Earenfight were excused absent. Also present were Clerk/Treasurer Tillmann, Public Works Director Koehler, Streets, Parks, and Utility Supervisor Dallager, and Engineer Bittner.

**AGENDA APPROVAL**

**Farber/Dahl unanimous to approve the agenda as presented.**

**CONSENT AGENDA**

**Dahl/Farber unanimous to approve the consent agenda as follows:**

- a. Approve the January 8, 2024 Regular Meeting Minutes of the City Council as presented.
- b. Approve the payment of claims (check #45844 - #45878) in the amount of \$33,087.96 and electronic payments (e-checks #2814e – #2821e) in the amount of \$51,247.34, as presented.
- c. Authorize payment in the amount of \$10,929.60 (ck #45879) to Hawkins, Inc., for bulk chemicals to be used at the Wastewater Treatment Plant as identified on Invoice #6657113, with funds to be paid from the SBR Budget in the Sewer Fund as indicated by the Public Works Director.
- d. Adopt **RESOLUTION #2024-01-05**, approving Pay Request #11 in the amount of \$129,295.01 (ck #45880) submitted by Keys Well Drilling Company for expenses related to the construction of Wells #4 & #5, as recommended by staff and the City Engineer.
- e. Adopt **RESOLUTION #2024-01-06**, approving Pay Request #10 in the amount of \$420,231.21 (ck #45881) authorizing payment to Magney Construction, Inc., for expenses related to the construction of the 5<sup>th</sup> St W Tower and Water Treatment Plant, as recommended by staff and the City Engineer.
- f. Approve the semi-annual payment to the Minnesota Public Facilities Authority (ck #45882) in the amount of \$14,620.96 for scheduled interest repayments on GO Revenue Bonds as follows and as recommended by staff:
  - 4<sup>th</sup> Avenue Water Treatment Plant -- \$4,687.20
  - 2010 SBR Expansion -- \$9,933.76
- g. Authorize payment to NERO Engineering in the amount of \$8,240.00 (ck #45883) as identified on invoice #1360 for services provided from December 1 – 31, 2023, related to the Wastewater Treatment Plant Facility Plan, as recommended by staff.
- h. Approve the interfund loan payment to the Sewer Fund (Fund 602) in the amount of \$9,173.51, for redevelopment purposes, as authorized in City Council Resolution #2014-10-03 and EDA Resolution #2014-10-02.
- i. Accept the December 2023 Budget/Investment/Funds Report as presented.
- j. Adopt **RESOLUTION #2024-01-07**, approving the Application for Exempt Permit for the Sons of the American Legion Post 560 for a gambling event to be held March 16, 2024, at the Zimmerman American Legion Post 560, 12674 Fremont Avenue, Zimmerman, MN 55398.
- k. Approve the license registration for a Sewer and Water Installer, for the period of January 22 - December 31, 2024, as requested by Richard Carty, dba Rick's Plumbing, 1701 – 221<sup>st</sup> Avenue NW, Cedar, MN 55011.

**OPEN FORUM**

There was no one present to address the Council during open forum.

## **2023 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 2023, one-third of the City's fine revenue collected, totaling \$4,736.39, was turned back the CAO for prosecution services for petty, misdemeanor, and gross misdemeanors in the City. The CAO filed 225 criminal traffic appearances, which is a slight decrease from 2022. Petty, misdemeanor, and gross misdemeanor cases for Zimmerman also decreased in 2023. Heaney's office continues to work closely with Court Administration to resolve the backlog of cases to be heard due to COVID. The CAO also installed new calendaring and case management software in 2023.

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's office was instrumental in working with the MN State Legislature to lower the threshold for charges for fentanyl possession.

## **PUBLICS WORK REPORT** – presented by **Keith Koehler, Public Works Director** and **Kevin Bittner, City Engineer, Bolton & Menk**

### Feasibility Report – 2024 Pine Street, Terrace Drive, and Isle Road Improvements

Engineer Bittner was present to review the feasibility report for the proposed additional 2024 Road Improvements to Pine Street, Terrace Drive, and Isle Road, which was authorized by Council at the January 8 meeting. The report provides an analysis of the feasibility, cost-effectiveness, and necessity of proposed improvements. The proposed improvements include water main replacement, storm sewer improvements, sanitary sewer rehab and street construction. The TH 169 interchange project is serving as the catalyst for the Fremont Lane Improvements, and it makes sense to add this small project to that one to minimize interruptions and maximize bidding power. The project would follow procedural requirements of MN Statute 429, which allows the City to assess certain costs to benefitting property owners. Total cost is estimated at \$641,200, to be paid by a combination of Water and Sewer funds and special assessments. Bittner also presented a proposed schedule of activities related to the project, including a public open house on Thursday, February 22 at Station #1 Event Center.

**RESOLUTION #2024-01-08** **Dahl/Farber unanimous to adopt RESOLUTION #2024-01-08, receiving the Feasibility Report for the proposed 2024 Pine Street, Terrace Drive, and Isle Road Improvements, and scheduling a Public Hearing on the proposed improvements for Monday, February 26, 2024 at 7:00 p.m. or as soon as possible thereafter, as recommended by staff and the City Engineer. Motion carried.**

**RESOLUTION #2024-01-09** **Farber/Dahl unanimous to adopt RESOLUTION #2024-01-09, ordering the improvement and preparation of plans for the 2024 Pine Street, Terrace Drive and Isle Road Improvement project as recommended by staff and the City Engineer. Motion carried.**

Public Works Director Koehler reported that the 5<sup>th</sup> Street West Tower and Treatment Plant project is on schedule to come online in June 2024 as planned. The City's ice rinks are now open, and the vac truck will be delayed due to a warranty issue. The vendor has provided the City with a truck to use until our vehicle is ready for delivery.

**FINANCE REPORT – presented by Kary Tillmann, Clerk/Treasurer**

**LMCIT Liability Insurance Waiver**

As part of the City’s annual property and casualty insurance renewal, Council is asked to consider a waiver of the statutory liability limit from \$300,000 to \$1 million per person and occurrence and the purchase of excess liability insurance through the League of Minnesota Cities Insurance Trust. Previous Councils did waive the statutory liability limits for several years but reversed that decision in 2007. The City has not waived the statutory limits, nor purchased excess liability insurance, since that time.

Staff is currently working on the 2024 – 2025 insurance renewal with the City’s agent. In the past, Council acted on the waiver at the time the renewal is presented. This year again, LMCIT is asking for a Council decision prior to renewal, so any excess liability insurance purchased can be included in the premium amount from the onset instead of being billed afterwards.

**Dahl/Farber to not waive the statutory liability limits of municipal tort liability established by Minnesota Statutes §466.04 for the liability insurance policy through the League of Minnesota Cities Insurance Trust, as recommended by staff and the City’s Insurance Agent**

**MAYOR/COUNCIL ITEMS**

Acting Mayor Whiting noted the following upcoming events:

- January 27 – Passing the Bread Food Distribution 9 – 11 a.m. at UMA Precision Machining
- February 19 -- President’s Day Holiday – All City Offices closed
- Winter Parking Regulations are in effect until May 1, 2024. No parking allowed on City streets between midnight and 8:00 a.m.

Before adjourning, Acting Mayor Whiting asked for a moment of silence in honor of US military, emergency services and healthcare workers at home and abroad.

**Farber/Dahl unanimous to adjourn the meeting at 7:18 p.m. Motion carried.**

Approved this 5th day of February 2024.

s/s Kary Tillmann, Clerk/Treasurer

APPROVED 02/05/24