

**MINUTES OF THE REGULAR MEETING  
OF THE ZIMMERMAN CITY COUNCIL  
MONDAY, FEBRUARY 1, 2021**

**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 Stay, followed by the Pledge of Allegiance.

**ROLL CALL**

Present: Mayor Stay, Council Members Bondhus, Dahl, Frederick and Whiting. Also present were Administrator Piasecki, Clerk/Treasurer Tillmann and Public Works Director Koehler.

**AGENDA APPROVAL**

**Bondhus/Frederick unanimous to approve the agenda with the following additions:**

- **Fire District Event Center Start-Up Funding – Consent Agenda**

**APPROVAL OF MINUTES**

**Stay/Frederick unanimous to approve the minutes of the January 25, 2021 Regular Meeting as presented.**

**CONSENT AGENDA**

**Frederick/Whiting unanimous to approve the consent agenda except for i. Wild West Days Event Permit Applications and with the addition of j. Fire District Start-Up Funding as follows:**

- a. Approve the payment of claims (check #42855 - #42867) in the amount of \$21,617.19 as presented.
- b. Approve the semi-annual payment to the MN Public Facilities Authority (ck #42868) in the amount of \$23,443.48, for scheduled interest payments on GO Revenue Bonds as follows and as recommended by staff:
  - 2007 4<sup>th</sup> Ave Water – \$9,034.20
  - 2010 SBR -- \$14,409.28
- c. Accept the July 2020 Budget/Investment/Funds Report as presented.
- d. Accept the August 2020 Budget/Investment/Funds Report as presented
- e. Accept the September 2020 Budget/Investment/Funds Report as presented.
- f. Accept the October 2020 Budget/Investment/Funds Report as presented.
- g. Accept the recommendation of the City's Insurance Agent and not waive the statutory liability limits of municipal tort liability established by MN Statue 466.04 for the liability insurance policy through the League of Minnesota Cities Insurance Trust.
- h. Adopt **RESOLUTION #21-02-01**, approving the request of Christ Our Light Catholic Parish for an Exempt Permit to conduct lawful gambling at a function to be held at Christ Our Light Catholic Church, 25909 – 4<sup>th</sup> Street West, on April 14, 2020.
- j. Approve the disbursement of \$25,000 (ck #42869) to the Zimmerman/Livonia Fire District as start-up funds for the operation of the new Zimmerman/Livonia Fire District Event Center located at 26140 – 136<sup>th</sup> Street, with funds to be taken from uncommitted reserves.

Discussion was held regarding Consent Agenda item i. Event Permit Applications for 2021 Wild West Days as submitted by the Zimmerman Community Club.

**Whiting/Frederick unanimous to table discussion on the 2021 Wild West Days Event Permit applications until the February 22, 2021 meeting and request the Community Club provide a proposed layout of event activities. Motion carried.**

**OPEN FORUM**

There was no one to present to address the Council during Open Forum.

### **EMPLOYEE ANNIVERSARY**

City Clerk/Treasurer Kary Tillmann celebrated 15-years of employment with the City on January 30, 2021. Tillmann was hired in 2006 as a Finance Technician and was promoted to Clerk/Treasurer in 2008 when the City Clerk responsibilities were separated from the Administrator position. Council presented Tillmann with a plaque commemorating her achievement and thanked her for her service and dedication to the City.

### **FIRE PROTECTION REPORT**

**Fire Chief Ryan Maloney** presented the Fire Department report for the month of January 2021. The Department responded to 7 medical calls, 4 injury accidents, 1 carbon monoxide and 2 fire alarms, provided a lift assist to a person in distress, and responded to a rubbish fire, a vehicle fire, and a residential house fire. Maloney added that the Department was recently able to utilize one of the Lucas decompression machines purchased with COVID Cares Act funding and the patient was successfully resuscitated. Maloney provided an overview of 2020 calls for service, stating that out of 251 calls, the Department responded to 95 calls within City limits.

Interior painting of the new Fire station is complete, and the vehicle bays are close to completion. Department staff are starting to move equipment into the facility. The District will take ownership of the building within the next three weeks if there are no project delays. The Project Manager and Architect will review a final punch list with Chief Maloney, Mayor Stay and Township Supervisor Kuker prior to the Certificate of Occupancy being issued by the Building Inspector.

**Council accepted the Fire Department Report for January 2021 by unanimous consensus as presented.**

### **FINANCE REPORT** – presented by Clerk/Treasurer Tillmann

#### License Application for Garbage and Refuse Hauler

The City has received a licensed Garbage Hauler application from Vanderpoel Disposal. Upon approval, Vanderpoel Disposal would be the 6<sup>th</sup> hauler licensed for garbage and recycling within City limits. Currently City Code does not limit the number of garbage haulers in town. Staff questioned if Council were interested in considering an amendment to the City Code that could limit the number of haulers.

Council discussion centered on challenges for the City Public Works Department and school busses with so many garbage trucks in the City at any one time. Council considered collective garbage service as a joint venture with Livonia Township about 10 years ago but opted not to pursue. Comments were heard from Matt Kuker, Livonia Township Supervisor, regarding garbage haulers in the township, stating that in his neighborhood, the garbage hauler was selected by the Association and all residents in his development have pickup by one hauler on the same day each week.

**Stay/Whiting unanimous to approve the license application for a Garbage and Refuse Collector as submitted by Jon Vanderpoel, dba Vanderpoel Disposal, PO Box 212, Milaca, MN for the period of February 2 – December 31, 2021.**

### **ADMINISTRATOR'S REPORT** –presented by Administrator Piasecki

#### January 13, 2021 Planning Commission Report

The Planning Commission held two public hearings at their regular session on January 13, 2021.

#### Trident Development, LLC – Conditional Use Permit (CUP) Multifamily Structure in Excess of 50-Units

**Patrick Brama, Trident, LLC, and Matt Kinney, LifeSprk**, were present to provide an overview of the Trident project. Trident is requesting a CUP to allow construction and operation of a 65-unit senior assisted living and memory care facility on Lot 1, Block 1, Zimmerman Commercial Center. The structure would house 51-assisted

living and 14 memory care units, as well as support services for the facility. The structure is designed as a 3-story wood framed construction, with exterior finishes including stone veneer, multi-color lap siding, and vertical board and batten siding, under an asphalt shingled roof. Construction is anticipated to start in April 2021. With a 12–14-month construction process, opening is projected for Summer 2022. When completed, the programming and services will be offered as “Zimmerman Senior Living, LLC”.

LifeSprk would employ approximately 75-80 employees at this facility in a mix of full and part-time positions. The facility will be staffed 24 hours/day and provide medical staff to residents. Rents for assisted living are expected to range from \$3K-\$4K+ per month depending on the size of the unit. Memory care studio units have a base rent of \$3,700, plus additional care needs. Twenty percent (20%) of the units are proposed to be “affordable units” due to the use of Tax Increment Financing (TIF), and rents would be \$950/month. This is not a market rate apartment complex, but an assisted living facility for residents with assistance needs or medical conditions.

Piasecki stated that the proposed project meets or exceeds zoning standards for architectural standards, structure setbacks, off-street parking, lighting, and landscaping. Adequate utility services have been constructed in the adjacent street to provide sewer, water, and storm water service. This application is not unlike the adjacent and recently approved 79-unit PSD, LLC apartment Planned Unit Development (PUD). Staff finds the application to be consistent with Code requirements for granting a CUP and the Planning Commission recommended approval.

Council discussed the proximity of the project to TH 169, air exchange in apartments and common areas as well as soundproofing for highway noise and screening from 169.

**Stay/Frederick unanimous to approve the Conditional Use Permit request by Trident Development LLC for a multiple family structure greater than 50-units in size, for a 65-unit senior assisted living and memory care facility on Lot 1, Block 1, Zimmerman Commercial Park, as recommended by the Planning Commission. Motion carried.**

Kuepers Inc. -- CUP/PRD in R-2 District – Birch Grove Apartment Community

Steve Kuepers of Kuepers Inc. was present to explain their project. Kuepers has an option to purchase a 10-acre site zoned R-2 Multiple Family Residential, located immediately south of 6<sup>th</sup> Avenue South and east of CH 45. An application has been submitted for a Planned Residential Development (PRD) as a conditional use (CUP) of property in the R-2 District. Kuepers proposes a phased development of the site, creating 4 lots, accessing 6<sup>th</sup> Avenue North in the northwest corner of the property and 2<sup>nd</sup> Street West in the southeast corner. Each lot would include a market rate, 36-unit, 3-story apartment building, featuring off-street parking, detached parking garages, landscaping, and outdoor recreational space. Each apartment building would also include a community room and exercise facility.

Phase 1 would include construction of 2 apartment buildings for a total of 72-units. Construction is anticipated to take 12-14 months. After a private appraisal of the proposed construction, Kuepers estimates rents starting at about \$800, ranging up to approximately \$1,100 per unit based on size. Based on market demand and projected rents, Kuepers’ appraiser estimates all 72-units in Phase 1 being leased within 6-months of construction. There were no public comments received during the hearing in front of the Planning Commission.

Piasecki added that the proposed project meets or exceeds zoning standards for architectural standards, utility construction, structure setbacks, off-street parking, lighting, and landscaping. Adequate utilities are provided in existing 6<sup>th</sup> Avenue S and 2<sup>nd</sup> Street W right of ways. The R-2 District was designed for multiple family development of apartment and townhomes, and the proposed land use is consistent with zoning. Staff finds the application to be consistent with Code requirements for granting a CUP, adding that the City’s Comp Plan encourages a variety of housing options, including multiple family rentals.

**Stay/Whiting unanimous to approve the Conditional Use Permit request by Kuepers, Inc., for the Planned Residential Development (PRD) of “Birch Grove Estates”, an apartment community consisting of four (4) 36-unit apartment building on property described as 95-016-2400, as recommended by the Planning Commission. Motion carried.**

Kueper’s Inc. -- Preliminary Plat – “Birch Grove Estates”

The preliminary plat of “Birch Grove” is a 4-lot subdivision of an undeveloped 10-acre parcel for apartment development. Kuepers Inc. proposes accessing water and sewer utilities, and some storm water piping in the right of ways of 6<sup>th</sup> Avenue South and 2<sup>nd</sup> Street West. The City engineer has reviewed and approved the plans and specifications for the proposed utility construction, platting, and access to the property, recommending the City require the entire frontage of 6<sup>th</sup> Avenue South fronting the city water tower property, be platted, and developed as a city street. The developer has proposed improving approximately 250 feet of this gravel street, currently lying within an easement on the City’s property. Likewise, the engineer recommends requiring the developer to plat a 30-foot right of way over the eastern portion of the property to extend the 2<sup>nd</sup> Street West right of way for possible future construction/extension. The developer proposes to improve 2<sup>nd</sup> Street West approximately 100 feet north to provide access to the apartment community. Staff will be asking Council to consider utilizing existing Capital Improvement funds to compensate the developer for the “extended portion” of construction for 6<sup>th</sup> Avenue North. Staff will also discuss with the developer options for adding property to the proposed plat and/or deeding a portion to the developer to be platted. The Planning Commission recommended approval of the preliminary plat.

**Whiting/Stay unanimous to approve the preliminary plat of “Birch Grove Estates” with the inclusion of the recommended additional platting of right of way and construction of additional street recommended by the City Engineer, and as recommended by the Planning Commission. Motion carried.**

Kuepers Inc. -- Final Plat – “Birch Grove Estates”

**Stay/Frederick unanimous to approve the final plat of “Birch Grove Estates” with the inclusion of the recommended additional platting of right of way and construction of additional street recommended by the City Engineer, and as recommended by the Planning Commission. Motion carried.**

**Whiting/Stay unanimous to accept the Planning Commission report of January 13, 2021, as presented.**

**MAYOR/COUNCIL ITEMS**

Council agreed by unanimous consensus to cancel the February 8 Committee of the Whole Meeting due to a lack of agenda items.

Mayor Stay noted the following upcoming events:

- February 15 – President’s Day Holiday – All City Offices closed
- February 27 -- Passing the Bread Food Distribution – 9 - 11 a.m., UMA Precision Machining with set up on Friday, February 21

Before adjourning Mayor Stay called for a moment of silence in support of United States military and emergency services personnel and their families both at home and abroad.

**Frederick/Stay unanimous to adjourn the meeting at 7:50 p.m. Motion carried.**

Approved this 22nd day of February 2021.

s/s Kary Tillmann, Clerk/Treasurer