

**MINUTES OF THE REGULAR MEETING
OF THE ZIMMERMAN CITY COUNCIL
MONDAY, FEBRUARY 5, 2018**

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 Earenfight, followed by the Pledge of Allegiance.

ROLL CALL

Present: Mayor Earenfight, Council Members Brisbin, Nathe, Smith, and Whiting. Also present were Administrator Piasecki, Clerk/Treasurer Tillmann, and Public Works Director Johnson.

AGENDA APPROVAL

Brisbin/Smith unanimous to approve the agenda as presented.

CONSENT AGENDA

Smith/Nathe unanimous to approve the consent agenda as follows:

- a. Approve the payment of claims (check #39782 - #39807) in the amount of \$35,490.39 and electronic payments (e-check #1604 - #1607) in the amount of \$31,705.65 as presented.
- b. Approve the semi-annual payment to the MN Public Facilities Authority (ck #39811) in the amount of \$39,499.56, for scheduled interest payments on GO Revenue Bonds as follows and as recommended by staff:
 - 2000 SBR – \$7,843.80
 - 2007 4th Ave Water – \$13,078.80
 - 2010 SBR -- \$18,579.96
- c. Authorize payment to Bolton & Menk (ck #39808) for the following invoices for the period of December 2 – 29, 2017, as recommended by staff:
 - Invoice #213313 in the amount of \$16,177.00 for Project Management Services related to the 2018 Forcemain Replacement Project
 - Invoice #213418 in the amount of \$5,425.50 for Project Management Services related to the 3rd Avenue South Improvement Project
- d. Approve payment to Hawkins, Inc., in the amount of \$8,517.60 (ck #39809) for bulk chemicals to be used at the Wastewater Treatment Plant as identified on Invoice #4213208, with funds to be paid from the SBR budget in the Sewer Fund, as indicated by the Public Works Director.
- e. Accept the November 2017 Investment/Funds Report as presented.
- f. Accept the November 2017 Monthly Budget Report as presented.
- g. Accept the December 2017 Investment/Funds Report as presented.
- h. Accept the December 2017 Monthly Budget Report as presented.
- i. Approve the Lawful Gambling Application for Exempt Permit for the Knights of Columbus Council #8571 for a gambling event to be held on September 16, 2018 at Christ Our Light Catholic Church.
- j. Adopt **RESOLUTION #17-02-01**, approving a Temporary On-Sale Liquor License for the Zimmerman Lion's Club during Wild West Days to be held May 24 – 27, 2018, to be used in designated areas at the City of Zimmerman Municipal Park.
- k. Accept the January 2018 Building Permit Summary Report as presented.

OPEN FORUM

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

APPROVAL OF MINUTES

Nathe/Whiting unanimous to approve the minutes of the January 22, 2018 Regular Meeting as presented.

FIRE PROTECTION REPORT

Fire Chief Ryan Maloney presented the Fire Department report for the month of January 2018. The Department responded to 7 medical assists, 2 gas leaks, 5 injury accidents, 1 carbon monoxide calls, 2 fire alarms, 2 vehicle

fires, 3 residential house fires and provided mutual aid to the Elk River Fire Department. Maloney stated that there are currently 4 firefighters going through Fire school, which includes Firefighter I and II coursework as well as Hazardous Materials Training and 1st Responder certification. They will graduate prior to Memorial Day.

Council accepted the Fire Department Report for January 2018 by unanimous consensus as presented.

PUBLIC WORKS REPORT

Boys & Girls Club Door

The Boys and Girls Club uses the downstairs portion of City Hall for programming. Recently, staff had been made aware of issues with the main door not closing properly and determined the door needs to be replaced. Staff presented two quotes for replacement doors at the January 26 Council meeting, and was directed to secure additional quotes for the door replacement. An additional quote for the replacement of the door, plus a small repair to the Council Chambers door was received and presented by Public Works Director Johnson who recommended Council accept the quote from J & A Glass & Mirror in the amount of \$3,658.00

Nathe/Brisbin unanimous to accept the quote from J & A Glass & Mirror, Inc., for the purchase and installation of an aluminum door and frame for the Boys & Girls Club and a repair to the Council Chambers door, at a cost of \$3,658.00, with funds to be taken from the City Hall budget.

ADMINISTRATOR'S REPORT –presented by Administrator Piasecki

Variance Request – B & P Properties, LLC – Dollar General

Piasecki reported that at their January 31 meeting, the Planning Commission held a public hearing to hear a request for a variance from parking standards as requested by Dollar General. The applicant, B & P Properties, has requested a variance to City Code relating to the number of off-street parking stalls required to serve at 9,100 square foot commercial building. Code requires 5 parking spaces per 1,000 square feet of gross floor area, which would equal to 46 stalls for this proposed site. The applicant is requesting a reduction to 30 stalls based on the operational history and parking activity of their stores nationwide.

The Planning Commission, acting as the Board of Adjustment, approved the request and granted the variance to the off-street parking requirement of Section 8.0815, Subd. 11 of City Code, reducing the number of required off-street parking stalls to 30 spaces, on property located at 12855 Fremont Avenue, identified as tax parcels #95-008-4440 and #95-008-4410.

Site Plan Approval – Dollar General Store – 12855 Fremont Avenue

Discussion was held regarding the site plan presented for a Dollar General store to be located at 12855 Fremont Avenue. The driveway location has been dictated by Sherburne County Public Works and the City Engineer, to align with the shared driveway for the Crossing Church and Johnson Hardware Hank located across County State Aid Highway (CSAH) 4. The location minimizes off-set turning functions on Fremont Avenue. The grading and drainage plans have been reviewed and approved by the City Engineer, and the site includes a storm water pond, as City storm utilities are not available to the site. All structure setbacks for the building and parking lot have been met or exceeded.

Piasecki continued that he has had conversations with the adjacent property owner, **John Ortberg**, regarding the Dollar General Site Plan. Ortberg, who was in the audience, is concerned with future access onto his property located at **12835 Fremont Avenue**, and questioned if the Planning Commission could require Dollar General to provide Ortberg with a future easement onto his property from their driveway location, should Sherburne County eliminate Ortberg's existing access off CSAH 4 in the future. Piasecki reported that the City Attorney has advised that the City cannot require an easement to Ortberg's property as a condition of approval. However, Piasecki had

also spoken with Dollar General representatives earlier in the day who stated they would be amenable to working out a private arrangement with Ortberg regarding future access.

The Planning Commission recommends approval of the site plan with one condition relating to screening of an adjacent property.

Smith/Brisbin unanimous to approve the site plan for Dollar General for the construction of a retail store located at 12855 Frmeont Avenue with the following condition as recommended by the Planning Commission:

- 1. A privacy fence shall be constructed on the west property line to screen the adjacent property.**

Planning Commission Report of January 31, 2018

Brisbin/Whiting unanimous to accept the January 31, 2018 Planning Commission Report as presented.

MAYOR/COUNCIL ITEMS

The following upcoming events were noted:

- Council agreed by unanimous consensus to cancel the February 12 Committee of the Whole Meeting due to a lack of agenda items.
- February 24 -- Passing the Bread Food Distribution – 9 - 11 a.m., UMA Precision Machining
- Calendar Parking is currently in effect until May 1, 2018

Before adjourning Mayor Earenfight called for a moment of silence in support of United States military personnel and their families.

Smith/Brisbin unanimous to adjourn the meeting at 7:35 p.m. Motion carried.

Approved this 26th day of February, 2018.

s/s Kary Tillmann, Clerk/Treasurer

APPROVED 02/26/2018