

**MINUTES OF THE REGULAR MEETING  
OF THE ZIMMERMAN CITY COUNCIL  
MONDAY, FEBRUARY 6, 2017**

**CALL TO ORDER**

The regular meeting of the Zimmerman City Council was called to order at 7:01 p.m. at City Hall by Clerk/Treasurer Tillmann, followed by the Pledge of Allegiance.

**ROLL CALL**

Present: Council Members Nathe, Smith, and Whiting. Mayor Earenfight and Member Brisbin were excused absent. Also present were Administrator Piasecki, Clerk/Treasurer Tillmann, and Engineer Bittner.

**AGENDA APPROVAL**

**Whiting/Nathe unanimous to approve the agenda as presented.**

**APPROVAL OF MINUTES**

**Nathe/Whiting unanimous to approve the minutes of the January 23, 2017 Regular Meeting as presented.**

**CONSENT AGENDA**

**Whiting/Nathe unanimous to approve the consent agenda as follows:**

- a. Approve the payment of claims (check #38786 - #38820) in the amount of \$42,306.44 and electronic payments (e-check #1439 - #1445) in the amount of \$37,093.92 as presented.
- b. Approve the semi-annual payment to the MN Public Facilities Authority (ck #38823) in the amount of \$44,620.44, for scheduled interest payments on GO Revenue Bonds as follows and as recommended by staff:
  - 2000 SBR – \$10,353.00
  - 2007 4<sup>th</sup> Ave Water – \$14,364.00
  - 2010 SBR -- \$19,903.04
- c. Accept invoice #199266, authorizing payment to Bolton & Menk in the amount of \$18,916.00 (ck #38822) for Project Management Services related to the 2017 3<sup>rd</sup> Avenue South Improvement Project , for the period of December 3 – 31, 2016, as recommended by staff.
- d. Approve payment to Ziegler, Inc., in the amount of \$11,798.51 (ck #38821) for the purchase of a pump with compressor to repair the existing 6-inch portable lift station pump, as identified on Invoice PC #100147726, with funds to be paid from the Sewer Fund, as indicated by the Public Works Director.
- e. Accept the December 2016 Investment/Funds Report as presented.
- f. Accept the December 2016 Monthly Budget Report as presented.
- g. Accept the January 2017 Building Permit Summary Report as presented.
- h. Approve the license application for a Sewer and Water Installer, for the period of January 1 – December 31, 2017 as submitted by John Schmitz, dba JP Schmitz Construction Co., LLC, 16450 – 117<sup>th</sup> Avenue, Maple Grove, MN 55369.
- i. Adopt **RESOLUTION #17-02-01**, approving a Temporary On-Sale Liquor License for the Zimmerman Civic Club to be held May 26 – 29, 2017, to be used in designated areas at the City of Zimmerman Municipal Park.

**OPEN FORUM**

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

**PUBLIC WORKS REPORT – presented by Engineer Bittner**

**Pay Request #2 – Lift Station #1 Rehabilitation**

Bittner reported that the contractor has started work on Lift Station #1. The presented pay request is for equipment that has been manufactured and delivered to the site. Currently the contractor is coordinating the connection of electric services new the new controls. The anticipated completion date, as approved with Change Order #1 in January by Council is February 24, 2017.

**RESOLUTION 17-02-02**      **Whiting/Nathe unanimous to adopt RESOLUTION #17-02-02 approving Pay Request #2 in the amount of \$25,176.70 (ck #38824), as submitted by Northern Plains Contracting, Inc., for expenses related to the Lift Station #1 Rehabilitation Project, as recommended by the City Engineer.**

2017 3<sup>rd</sup> Avenue South Improvement Project – Accept Plans and Authorize Bid

At the City Council meeting on December 5, 2016, the Council held a public hearing relating to the 2017 3<sup>rd</sup> Avenue South Improvements and authorized the development of plans and specifications for the project. Engineering staff has completed the plans and they have been submitted to MNDOT State Aid for review and approval. Engineer Bittner is requesting Council authorize the advertisement for bids and set the bid opening date. Bids cannot be opened until MNDOT State Aid has approved the City's plans, which is why the bid opening date has been pushed back to the end of March. A later bid opening should have no effect on the project start date and construction is still anticipated to begin in early June. The assessment hearing would be scheduled before the Council in October or November after the project is complete and actual costs are known.

**RESOLUTION #17-02-03**      **Nathe/Whiting unanimous to adopt RESOLUTION #2017-02-03, approving plans and specifications and ordering the advertisement for bids for the 2017 3<sup>rd</sup> Avenue South Improvement Project.**

**FIRE PROTECTION REPORT**

**Fire Chief Ryan Maloney** presented the Fire Department report for the month of January, 2017. The Department responded to 4 medical assists, 2 gas leaks, 1 injury accident, 6 carbon monoxide calls, 3 fire alarms and a vehicle fire. Maloney is currently working on a grant application to fund additional training for firefighters. At the end of 2016, the Fire Board authorized the purchase of a vehicle for Station #2, which will be delivered sometime in the month of February.

**Council accepted the Fire Department Report for January, 2017 by unanimous consensus as presented.**

January 24, 2017 Fire Board Meeting Update

Minutes from the January 24, 2017 Fire Board meeting were included in the Council packet for information. At the January 24<sup>th</sup> Fire Board meeting, the Board authorized the District to enter into a purchase agreement with Craig Dolansky to purchase a 10-acre parcel of land for a future Fire Hall. City staff and Fire Department representatives have recently met to discuss the purchase. The Department is looking at the southeast corner of County State Aid Highway (CSAH) 4 and 136<sup>th</sup> Street. Administrator Piasecki stated that the parties are trying to address access on CSAH 4 and access to utilities and residential construction on the balance of the parcel. Additional information will be provided to Council as it becomes available. No action taken.

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

Wellhead Protection Plan Phase 1

Piasecki reminded Council that the MN Department of Health (DOH) requires the City adopt, implement and update a Wellhead Protection Plan for our municipal wells every 10 years. Zimmerman's plan is due for updating, with final adoption of updated plan due in 2017. Bolton & Menk began the process in February 2016. The Part 1 Amendment has been submitted and accepted by the State. The City is now required to conduct a public information meeting to present the amendment to the public, which has been scheduled in front of the Council for February 27<sup>th</sup>. DOH staff will be present to assist with the presentation. No action taken.

North Ridge Entry Plat

In 2007, the City and affected landowners began the process of platting "North Ridge Entry", which was the platting of city-owned former railroad right-of-way into a public street right-of-way. The plat would lie over the segment of 2<sup>nd</sup> Street East lying north of CSAH 4, and south of Jim's Market, and would include what is now the improved

2<sup>nd</sup> Avenue North between Main Street and Papa's Italian. The City allowed 2<sup>nd</sup> Street East to be constructed within its former railroad right of way in the development of North Ridge Center, the commercial subdivision containing, Jim's Market, Post Office, Bank of Elk River and other businesses.

At the time of 2<sup>nd</sup> Street East construction, a former cul du sac in Winter Park was vacated and the street extended westward to intersect 2<sup>nd</sup> Street East. This connection provided full street access from 2<sup>nd</sup> Street East to Warzecha Auto Works, Papa's Italian, Dairy Queen and other business in that area. The plan was to plat the former right of way and deed additional "out of street right of way" land area to the Winters., who would then then replat 4 undeveloped lots in Winter Park, eliminating the vacated right of way, and creating 4 new lots on the newly constructed 2<sup>nd</sup> Avenue North. When the surveyors hired by the City presented the plat and ordered title work, the title company found discrepancies in the legal descriptions of land being conveying to the City. These discrepancies would not allow the plat to be filed as possession could not be proven, so the platting process was stopped and the project has been dormant ever since.

Mr. Winter would like to complete the replat of his Winter Park Second Addition so the 4 lots with the vacated right of way have clean titles and are salable. The title issues raised 9 years ago have been relayed to the City Attorney. Attorney Mattick believes they have a workable legal solution to eliminate the discrepancies, allowing the replat and conveyance of property to adjacent landowners. The new plat would include a dedicated right of way on property lying west of 2<sup>nd</sup> Street East, and east of Main Street. The title work and platting of right of way needs to be completed to make existing vacant commercial properties saleable, as well as to resolve and map accurate street right of ways. The City will need to hire a surveyor to modify and complete the platting process. This would be an unbudgeted expense, however, adequate funds exist in uncommitted reserves or the EDA Fund to complete the project.

No action taken.

### **MAYOR/COUNCIL ITEMS**

The following upcoming events were noted:

- Council agreed by unanimous consensus to cancel the February 13 Committee of the Whole Meeting due to a lack of agenda items.
- February 25 -- Passing the Bread Food Distribution -- 9 - 11 a.m., Sherburne County Public Safety Building
- March 25 -- Chamber of Commerce Business and Community Expo -- 9 a.m. -- 2 p.m., Zimmerman High School/Middle School.

**Whiting/Nathe unanimous to adjourn the meeting at 7:35 p.m. Motion carried.**

Approved this 27th day of February, 2017.

s/s Kary Tillmann, Clerk/Treasurer