

**MINUTES OF THE REGULAR MEETING
OF THE ZIMMERMAN CITY COUNCIL
MONDAY, FEBRUARY 26, 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 Utilities Supervisor Dallager, and Engineer Bittner.

AGENDA APPROVAL

Farber/Dahl unanimous to approve the agenda with the following change:

- **Remove Succession Plan for City Administrator Absences for discussion at a later date**

CONSENT AGENDA

Dahl/Farber unanimous to approve the consent agenda except for 1. Succession Plan for City Administrator Absences as follows:

- a. Approve the minutes of the February 5, 2024 Regular Meeting of the City Council as presented.
- b. Approve the minutes of the February 7, 2024 City Council Workshop as presented.
- c. Approve the payment of claims (checks #45921 - #45967) in the amount of \$67,237.05 and electronic payments (e-check #2826e - #2838e) in the amount of \$107,104.39 as presented.
- d. Authorize payment to Abdo in the amount of \$19,000 (ck #45968), as partial payment for certified audit services for the year ended December 31, 2023, per the agreement on file in the City Clerk's Office.
- e. Approve payment to Bolton & Menk (ck # 45969) for the following invoices for the period of November 25, 2023 – December 22, 2023, as recommended by staff:
 - Invoice #328926 in the amount of \$13,399.75 for Project Management for the 5th Street W Tower and Water Treatment Plant, and
 - Invoice #328922 in the amount to \$5,991.00 for engineering services related to the Fremont Lane Reconstruction project.
- f. Approve payment to Hawkins, Inc., in the amount of \$5,625.00 (ck #45970) 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 Public Works Director.
- g. Approve payment to Midway Ford in the amount of \$53,130.35 (ck #45971) for a 2024 Ford F-250 4x4 Super Cab pickup truck at the MN State Bid price as identified on Retail Purchase Agreement #134900, as recommended by the Public Works Director.
- h. Accept the City Engineer's recommendation and authorize payment in the amount of \$3,500.00 (ck #45953) to the owner of PID #30-00005-3400 as payment for trees lost due to the fire hydrant installation for the 269th Avenue Reconstruction project.
- i. Authorize payment to Nero Engineering in the amount of \$24,340.00 (ck #45972), as identified on invoice #1354 for services provided for the WWTP Facility Expansion Plan for the period of November 1 - 30, 2023, as recommended by staff.
- j. Authorize payment to Nero Engineering in the amount of \$26,011.25 (ck #45972), as identified on invoice #1364 for services provided for the WWTP Facility Expansion Plan for the period of January 1 - 31, 2024, as recommended by staff.
- k. Accept and approve the SafeAssure Service Agreement for 2024 safety training and consulting services, approving payment in the amount of \$9,523.10 (ck #45793), as requested and recommended by staff.
- m. Approve license application to operate as a Garbage & Refuse Collector within City limits for the period of January 1 – December 31, 2024:

- Ace Solid Waste, Inc. – 6601 McKinley Street NW, Ramsey, MN 55303
 - Allied Waste/Republic Services – 700 – 40th Avenue NE, Sauk Rapids, MN 56379
 - 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
 - VanderPoel Disposal – PO Box 212, Milaca, MN 56353
 - Waste Management of MN, 1505 – 11th Avenue NE, Cambridge, MN 55008
- n. Adopt **RESOLUTION #2024-02-02**, approving the request of the Zimmerman Community Club for an Application to conduct Excluded Bingo to conduct lawful gambling in conjunction with Zimmerman Wild West Days to be held in the City Park, 25850 Main Street, on May 25 – 26, 2024.
- o. Adopt **RESOLUTION #2024-02-03**, approving the Application for Exempt Permit for the American Legion Post 560 Auxiliary Unit to conduct a raffle to be held August 10, 2024 at the Kriesel-Jacobson American Legion Post 560, 12674 Fremont Avenue, Zimmerman, MN 55398.
- p. Approve the permit application for fireworks sales for Jim Kreml dba Funworks Fireworks, 24690 – 116th Street, Zimmerman, MN 55398, at the location of Angeno’s Pizza and Pasta/Zimmerman Bar & Grill, 13100 Fremont Avenue, Zimmerman, for the period of May 20 – July 5, 2024, as requested.
- q. Approve the license application for a Solicitor for the period of February 27, 2024 – February 26, 2025 for door-to-door sales for refuse hauling services for Kidd Lacey, Curbside Waste, 4025 – 85th Avenue North, Brooklyn Park, MN 55443, pending receipt of all required documentation and necessary fees.
- r. Approve the following permit applications for the 2024 Wild West Days event as requested by the Zimmerman Community Club:
- Event Permit Application and authorize the closure of Main Street between 2nd Street East and 3rd Avenue South from 12:00 p.m. on Thursday, May 23, 2022 through Monday, May 27, 2024
 - Parade Permit Application for a public parade to be held on Saturday, May 25, 2024 with staging and ending at the Zimmerman High School/Middle School, approving the closing of certain roads identified on the map provided for the duration of the parade, to be held beginning at 12:00 Noon
 - Facility Use Permit Application to utilize the Lions Park Civic Building, Picnic Shelter, Concession Stand, and Volleyball Court, with all fees waived from May 23 – 27, 2024
- s. Approve an event permit application for a 5K Run to be held on Saturday, May 25, 2024, as requested by Lynda Bouley/ZHS Cross-Country & Track Booster Club, with staging at Sherburne County’s Grams Park, and approve the closing of certain City streets if needed, identified on the map provided, for the duration of the event.

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

PUBLIC WORKS REPORT

PUBLIC HEARING – 2024 Fremont Lane Improvements

Acting Mayor Whiting opened a public hearing at 7:02 p.m. on the proposed improvements to Pine Street, Terrace Drive, and Isle Road, as additional improvements to the 2024 Fremont Lane Improvement project. Engineer Bittner provided an overview of the proposed project. The proposed improvements include water main replacement, storm sewer improvements, sanitary sewer rehab and street construction, with the TH 169 interchange project serving as the catalyst for the original improvement project. At the January 2024 Public Hearing for the Fremont Lane Improvements, staff recommended these additional streets be added to the project area. The project will be paid by Water and Sewer funds, with a portion of the costs assessed to benefiting property owners.

There following public comments were heard:

Josh Bondhus, 26334 Terrace Drive – questioned if MSAS funds would be used for this portion of the project as well. Engineer Bittner stated that these streets are not designated as such on the City’s MSAS plan, so funds cannot be utilized for this portion of the project.

Daisy Rahn, 26387 Terrace Drive -- questioned if the project would be completed in 2024 or 2025. Engineer Bittner stated the project is slated for 2024 construction, ahead of the TH 169/CSAH 4 interchange scheduled for 2025. Bittner anticipates bids will be accepted in April, with construction beginning in June and lasting 3 – 4 months.

Cerise Jones, 26445 Terrace Drive – questioned if the sound barrier is part of this proposed project. Engineer Bittner stated that the sound barrier is proposed as part of the TH 169/CSAH 4 Interchange project and not these proposed improvements. Currently, affected property owners are voting whether they are in favor of a wall.

Ryan Schmidt, 26357 Terrace Drive -- questioned if the project would be completed in sections to allow resident access, or what the schedule might be. Engineer Bittner stated the contractor sets the construction schedule; however, they are required to ensure resident access to properties throughout the project. Bolton & Menk staff will communicate the project schedule to residents through an informational website and weekly project newsletter.

Acting Mayor Whiting closed the public hearing at 7:15 pm. and reconvened the regular meeting.

RESOLUTION #2024-02-04 Dahl/Farber unanimous to adopt RESOLUTION #2024-02-04, ordering the improvement and preparation of plans for the proposed additions of Terrace Drive from Oak Street to Pine Street, Pine Street from Terrace Drive to Fremont Drive, and Isle Road, to the 2024 Lake Fremont Area Improvements as recommended by staff and the City Engineer. Motion carried.

Emerald Ash Borer (EAB) Management Plan

Public Works Director Koehler reported that in 2014, the City adopted an Emerald Ash Borer (EAB) Preparedness Plan as a part of a cooperative effort between the Sherburne County Soil & Water Conservation District, Sherburne County, and cities within the County. Since EAB has been discovered in town, the plan has been updated to include how the City will respond moving forward. The plan includes proposed actions allowing the City discretion in whether to treat or remove infected trees, prohibiting plantings of ash trees in proposed landscape or boulevard plantings, and monitoring when able by both city staff and volunteers.

RESOLUTION #2024-02-05 Farber/Dahl to adopt RESOLUTION #2024-02-05, adopting the updated Emerald Ash Borer Management Plan as presented.

FINANCE REPORT – presented by City Clerk/Treasurer Kary Tillmann

Ordinance Amendment – Chapter 2 Elected Term of Office

At the February 7 Council workshop, discussion was held regarding the current terms of the mayor and councilmembers. Section 2.102 of the City Code dictates a 2-year Mayoral term, and 4-year Council terms. The current term structure places three (3) seats on council, the Mayor and 2 Councilmembers, up for election every 2 years. Staff requested a change to the code about 10 years ago to change the term from two (2) to four (4) years and Council voted against the change. At the workshop, Council directed Attorney Mattick to prepare an ordinance amending Section 2.102 of the City Code to increase the Mayor term to 4 years, beginning with the 2024 election.

Farber/Dahl unanimous to adopt Ordinance No. 349 amending Section 2.102 of the City Code, establishing a 4-year term for the office of City Mayor. Motion carried.

MAYOR/COUNCIL ITEMS

Acting Mayor Whiting noted the following upcoming events:

- February/March Elections – Polls are open 7:00 a.m. – 8:00 p.m.
 - February 29 – District 27B Special Primary Election – Clerk/Treasurer Tillmann noted that for the 27B Special Primary Election only, Precinct 2 voters will vote at the City Park Civic Building located at 25850 Main Street, due to a schedule conflict at the regular polling location.
 - March 5 – Presidential Nominating Primary Election
 - March 19 – District 27B Special General Election
- March 23 -- Passing the Bread Food Distribution – 9 – 11 a.m.; UMA Precision Machining
- April 15 – Local Board of Appeal & Equalization – 9:00 a.m.; City Hall Council Chambers

Before adjourning, Acting Mayor Whiting called for a moment of silence in support of United States military, emergency services personnel, health care workers and their families both at home and abroad.

Farber/Dahl unanimous to adjourn the meeting at 7:26 p.m. Motion carried.

Approved this 4th day of March 2024.

s/s Kary Tillmann, Clerk/Treasurer

APPROVED 03/04/2024