

**MINUTES OF THE REGULAR MEETING
OF THE ZIMMERMAN CITY COUNCIL
MONDAY, MAY 1, 2017**

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 Nathe, Smith and Whiting. Member Brisbin was excused absent. Also present were Administrator Piasecki, Clerk/Treasurer Tillmann, Public Works Director Johnson and Attorney Schutt.

AGENDA APPROVAL

Smith/Whiting unanimous to approve the agenda with the following additions:

- **Application for Lawful Gambling Permit – Veterans Support Brigade**
- **Overview of Draft Gambling Ordinance – Administrator’s Report**

APPROVAL OF MINUTES

Nathe/Whiting unanimous to approve the following meeting minutes as presented:

- **April 17, 2017 Board of Appeal and Equalization Meeting**
- **April 17, 2017 Council Workshop**
- **April 17, 2017 Regular Council Meeting**

CONSENT AGENDA

Smith/Nathe unanimous to approve the consent agenda with the addition of item I. Lawful Gambling Permit Application – Veterans Support Brigade, as follows:

- a. Approve the payment of claims (checks #38984 - #39017) in the amount of \$38,026.31 and electronic payments (e-checks #1485 - #1488) in the amount of \$33,247.63 as presented.
- b. Authorize payment in the amount of \$8,560.00 (ck #39018) to Abdo, Eick & Meyers, as final payment for certified audit services for the year ended December 31, 2016 per the agreement on file in the Clerk/Treasurer’s Office.
- c. Accept invoice #202038 authorizing payment to Bolton & Menk in the amount of \$10,460.50 (ck#39019), for Project Management Services related to the 2017 3rd Avenue South Improvement Project, for the period of February 25 – March 24, 2017, as recommended by staff.
- d. Approve the League of Minnesota Cities Insurance Trust Worker’s Compensation policy renewal as presented and authorize premium payment in the amount of \$21,970.00 (ck #39021) to LMCIT, as presented and as recommended by staff.
- e. Accept the February 2017 Investment/Funds Report as presented by the Clerk/Treasurer.
- f. Accept the February 2017 Budget Report as presented.
- g. Accept the Building Permit Summary Report for April 2017 as presented.
- h. Approve the application for a fireworks/pyrotechnics display by Curt Serbus, as requested by the Zimmerman American Legion Post 560, 12674 Fremont Avenue, Zimmerman, for a fireworks/pyrotechnics display at Wild West Days, to be held on May 28, 2017 (rain date May 29, 2017), as presented, contingent upon review and approval by the Fire Chief, and receipt of current insurance documentation.
- i. Approve the license application for a Sewer and Water Installer, for the period of May 2 – December 31, 2017, for Steve Weissenfluh, dba Steve Weissenfluh Excavating, Inc., 29119 – 100th Street, Zimmerman, MN 55398.
- j. Approve the permit application for public dances and entertainment to be held May 26 – 28, 2017, until 12:00 a.m., as requested by ZBG/Angeno’s, 13100 Fremont Avenue, Zimmerman, MN 55398.

- k. Adopt **RESOLUTION #17-05-01**, approving the Application for Exempt Permit for the Veterans Support Brigade for a gambling event to be held on June 4, 2017, at the Kriesel-Jacobsen American Legion Post 560, 12674 Fremont Avenue, Zimmerman, MN 55398.
- l. Adopt **RESOLUTION #17-05-02**, approving the Application for Exempt Permit for the Veterans Support Brigade for gambling events to be held May 26 – 27, 2017, in conjunction with the annual Wild West Days Celebration at the Zimmerman City Park, 25850 Main Street, Zimmerman, MN 55398.

FIRE PROTECTION REPORT

Fire Chief Ryan Maloney presented the Fire Department report for the month of April, 2017. The Department provided assistance on 1 medical call and 3 personal injury motor vehicle accidents, responded to 3 fire alarms and 2 vehicle fires, and provided mutual aid for 2 residential house fires in Princeton. The Department participated in the mock car crash at Zimmerman High School last week, in cooperation with the Sherburne County Sheriff's Department, North Ambulance and the State Patrol. Due to weather, North Air Care was not able to participate in the event. Students in the meeting audience stated the event was very emotional and effectively displayed the dangers of texting while driving.

Council accepted the Fire Protection Report for April, 2017 by unanimous consensus as presented.

OPEN FORUM

The following persons were present to address the Council during Open Forum in regards to the 2017 3rd Avenue South Improvement project:

Dennis Booth, 26019 – 2nd Street West, stated that in his opinion, the project has come up very fast. He would have preferred more time and more discussion on what the project entailed. Booth thanked the Council for allowing public input about the project at the Council meeting in January, stating that at that meeting he should have asked Council to put off this project and do a different street project before this one to allow the residents to see how a different one would turn out. He stated the neighbors on his street would like more time to review the City's plans for the street and provide more input, adding that the City could move forward with relocating utilities on 3rd Avenue South and 2nd Street West, but save the re-construction for a different time. He would like Council to consider stopping this project and starting over in the future to give more time to think about what will happen to their street.

Bud Maliongas, 26005 – 2nd Street West, stated he was concerned about safety on 2nd Street West. There is a lot of speeding cars, and he frequently finds empty whiskey bottles along the street, assuming they are being tossed out of vehicles by drivers. He has been putting up with horrible driving in that area for 14 years, in addition to littering and noise pollution. He stated it doesn't seem like anything is ever resolved through law enforcement. He questioned how the financing on the project would work if the road was not built 38-feet wide. He stated that an \$11,000 assessment over a period of 10 years seemed manageable to him. He thought the road would be more beautiful when it was done if there was a sidewalk on both sides and requested the sidewalk continue all the way up to the stop sign at Fremont Avenue. He questioned why both sides of the street would be designated for parking, because he has never seen anyone parking on the street. He clarified that he is worried his concerns will get worse if the road is reconstructed, adding that he has used his radar gun to clock drivers at 62 mph from the top of the hill at Fremont Avenue to the end of the street. One of his neighbors is afraid to be in his front room for fear that vehicles will come through his front window. Maliongas reiterated that his primary concerns are that widening the road will increase traffic and cause more disobedient driving, and he would like to see sidewalks on both sides of the street instead of parking lanes.

Derek Booth, 26019 – 2nd Street West, does not want the improvement project to go through. He has spoken to all his neighbors and all except one have signed a petition stating that nobody wants the project, adding that no one can afford the proposed assessments. It's not a wealthy neighborhood. His house is only valued at about \$50,000 and the proposed assessment for the home he lives in with his father is approximately \$9,000, which is

20% of the assessed value. He is on a fixed income and the assessment will put a strain on his finances. He is concerned for safety, with the Elementary School in close proximity to the road, along with Guardian Angels where lots of old people live. The increased traffic could result in someone dying and he would hate to see that happen. He added that many houses are already close to the street and the road project will make it worse. He stated that many of his neighbor's houses have been struck by cars and it seems unsafe to have the road so close to houses. He also stated the aesthetics of the neighborhood will change, replacing grassy yards with pavement. He stated that he understands the Council is planning for the future with the widened road, but doesn't understand what could happen in the future in this area that would warrant a wider road. He doesn't understand why the current residents should have to pay for a future generation in town. He is against the project and everyone he has talked to is against it. He stated he would like the Council to wait 5 years to do the project so the City can save up more money and pay for more of the project so it doesn't cost residents in the area so much. He added that more police presence in the area would make drivers think twice about driving fast through the neighborhood.

Margaret and Joe Vogtlin, 12636 - 3rd Avenue South, stated they will lose some trees, a part of their yard, and their lilac bush. They are confused about the location of the stakes, what the stakes mean and what they will lose on their property. Margaret stated that she doesn't think it is fair that they will be assessed more for the project simply because they have a larger yard with more front footage than other residents in the neighborhood, adding that in her opinion, the improved road will not increase their property value. She also stated that she has not heard a good reason why the road needs to be redone, stating that they were told by someone that when the old sewer pipes come out of the ground, they look like new.

Mayor Earenfight stated that the underground infrastructure was placed in the ground in 1972 and age is a concern. The sewer pipes are over 45 years old and need to be replaced before they start to fail. It makes more sense to re-construct the road at the same time the road will be torn up to replace underground services, instead of doing them at two different times and tearing up the road twice. He added that bids over the past few years have been favorable and the City has saved a significant amount of money on projects because of low bids. Inflation will cause costs to increase in the future.

Vogtlin added that she still does not agree with the project and wishes there would not be any parking allowance on either side of the street.

Ernie Post, 25955 – 2nd Street West, lives in the blue house on the corner. He stated that getting out of his property as the road currently sits is a "crap shoot". His garage runs parallel to the road and he was told that once the road was re-constructed he would have to do a U-turn to get into his garage. His garage completely blocks his view of the street and he does not know how he is going to get in and out of his garage, which currently faces west.

Bob and Katie Lahmers, 25990 – 2nd Street West, stated that it doesn't make any difference to call law enforcement when people speed through the area because by the time law enforcement gets there, the driver is gone. Therefore they never report issues to the Sheriff's Department because it doesn't do any good. Drivers don't stop at the stop sign. He is concerned for the safety of his daughter. The neighbor's house has been hit by a car. Trees have been hit. People have driven through his yard. It is a residential street and he doesn't want to feel like he lives on a highway. He can't figure out why there is a need for additional parking in the area. Nobody parks there now. Katie added that she feels 30 mph is too fast in a residential area and the speed limit should be reduced to 25 mph.

Mayor Earenfight declared a recess at 7:34 p.m. and reconvened the meeting at 7:42 p.m.

ADMINISTRATOR'S REPORT

Consider Employee Termination

Attorney Schutt advised that the issue before Council is not due to a disciplinary issue or the result of an employee's conduct. Therefore, discussion would be held in the public forum and not in a closed session. Council was reminded that because there are medical issues involved, Council could talk in broad terms but not about specific medical conditions, unless the employee chose to allow that information into the record.

Administrator Piasecki reported that Maintenance Technician Tom Haugland sustained a work-related injury in July, 2016. He has been out of work since that time and it is currently unknown when he will be released by his medical team to return to work with the City. Due to the length of time Haugland been out of work, an unknown prognosis for a future return to work date, and increased demands of the department due to the spring and upcoming summer seasons, staff recommends Haugland be terminated from City employment and his position advertised to be filled.

Haugland addressed the Council, stating that he has been out of work since he sustained a brain injury in July 2016. Currently, his doctors are telling him that it will be at least a year post-injury before he begins to show significant improvement. He requested Council provide him an additional 90-days to continue with a current course of treatment to see if it improves his condition. He has worked for the City for 17 years. He thinks he will be able to return to work eventually. Comments were heard from his wife, **Shelly Haugland**, who stated that his doctors believe his new therapy will tell them where Tom's brain has been damaged so they can treat those areas. She added that as a 17-year employee, the City owes him additional time to recover. **Teri Johnson, 12696 – 3rd Avenue North, Zimmerman**, questioned if the City had hired someone specifically to fill Tom's position while he was absent from work. Public Works Director Johnson stated that a new employee was hired to fill a vacancy created by another employee resignation, but not to fill Haugland's position.

Earenfight made a motion to terminate the employment of Tom Haugland, Maintenance Technician, effective immediately, as recommended by staff. Motion died for lack of a second.

Temporary Extension of Midcontinent Communications Cable Franchise Agreement

MidContinent Communications (MidCo) holds a franchise Agreement with the City, which was granted by the Council in 2004. The agreement is set to expire on May 31, 2017. MidCo wishes to extend the current agreement an additional 180 days (6 months) beyond the expiration in order to provide time to negotiate a new cable franchise agreement with the City. Staff is amenable to an extension, which would provide sufficient time to negotiate a new agreement. Ordinance No. 326 was presented, which would, upon adoption, extend the term of the current agreement by 180 days. If approved, Staff will work with the City Attorney and MidCo representatives to negotiate a new agreement for Council consideration in the near future.

RESOLUTION #17-05-03 Nathe/Smith unanimous to adopt RESOLUTION #17-05-03, adopting Ordinance No. 326 and Summary Ordinance No. 326, amending the MidContinent Communications Cable Franchise Agreement an additional 180 days beyond the current May 31, 2017 expiration date, as recommended by staff.

Overview of Draft Gambling Ordinance

Attorney Schutt provided an overview of a proposed draft Gambling Ordinance to update the City's current gambling ordinance, should Council choose to move forward with an update. Under state law, only fraternal organizations, religious organizations, veterans' organizations and other non-profits may conduct lawful gambling. The City has received a request from a local organization to make our current regulations more expansive and more clearly define a trade area, as well as identify the amount of gambling profits that must be spent in the trade area. No action taken.

PUBLIC WORKS REPORT

Request for Payment -- Filtronics

Public Works Director Johnson reported that on February 23, 2017, a representative from Larsco inspected the filter media at the 4th Avenue Water Treatment Plant. He found it to have excessive iron and manganese oxide buildup, requiring an immediate upgrade to the filter media in order to continue optimal operation of the plant.

Whiting/Nathe unanimous to approve payment to Filtronics in the amount of \$8,719.00 (ck#39020) as final payment to upgrade the filter media at the 4th Avenue Water Treatment Plant, as identified on Invoice #16571, with funds to be paid from the Water Fund (Fund 601), as indicated by the Public Works Director.

Consider Trade-In of Equipment

At the April 17th Council meeting, Council and staff discussed the potential trade of the City's New Holland Tv6070 Tractor, which has limited uses, and a John Deere 1445 commercial mower, which should be replaced due to age. Staff has discussed a possible trade-in with a local vendor, Midwest Machinery, which has valued the trade equipment at \$99,650. Midwest Machinery will do an "even" trade of the existing equipment for a new non-current 2015 John Deere 5115M Tractor, JD 1585 Commercial Mower and a 72" Mower Deck. Pricing on the new equipment is less than current State contract pricing.

Nathe/Smith unanimous to approve the acquisition of a new non-current 2015 John Deere 5115M Tractor, John Deere 1585 Commercial Mower and John Deere 72" Mower Deck valued at \$99,650.00, from Midwest Machinery Company, in trade for a the City's 2012 New Holland Tv6070 Tractor and 2000 John Deere 1445 Mower and Mower Deck, valued at \$99,650.00, as recommended by staff.

FINANCE REPORT

Document Management Proposals

Tillmann reported that the City has adopted the State Records Retention Schedule and disposes of records annually according to that schedule. Even so, City Hall is running out of file abinet space to store documents, especially property records (address files). One of goals for the Clerk's Office in 2017 is to begin the transition from paper to electronic storage of documents throughout the entire office, not just for the annual audit, and to initiate a document management program. Since January, staff has been researching options for document management and has received proposals from several vendors regarding document management and electronic storage of documents.

Staff provided a detailed review of submitted proposals explaining pros and cons of the proposals received. Coordinated Business Systems submitted the most robust option, which will grant the City an easy way to centralize and secure the storage and retrieval of documents and create workflows customized to the City's current processes and procedures. Staff feels their product would be easiest to learn and use once installed. The re-seller staff is the same team the City worked with when evaluating the copy machine lease and they have been easy to work with, accommodating and respectful throughout the entire process. The 2017 budget includes \$20,000 in the General Fund for the purchase of a document management system. Since the software will be utilized by the Water and Sewer Departments as well, a portion of the project costs will also be funded by the Water (Fund 601) and Sewer (Fund 602) Funds.

Nathe/Whiting unanimous to accept the proposal from Coordinated Business Systems, Ltd., for the acquisition of the GlobalSearch configuration for document management and electronic file storage, at a cost of \$25,425.00, with funds to be taken from General Fund Capital Improvements (101-49990-570), and the Water and Sewer Funds, as recommended by staff.

MAYOR/COUNCIL ITEMS

The Zimmerman American Legion Post has submitted a written request for donations towards the Wild West Days Fireworks Display. Since 2013, Council has donated \$200 annually on behalf of the City to the Legion for the display. Funds are available in the Council budget should a donation towards the annual fireworks display be approved.

Smith/Nathe unanimous to approve a donation of \$200 to the Zimmerman American Legion Post #560 towards the Wild West Days Fireworks Display on May 28, 2017, with funds to be paid from the Council budget.

Mayor Earenfight noted the following upcoming events:

- May 15 – Sherburne County Household Hazardous Waste Collection – Sherburne County Public Works
- May 20 – Passing the Bread Food Distribution – UMA Precision Machining
- May 26 – 30 – Zimmerman Wild West Days
- June 18 – Fire Department Golf Tournament – Princeton Golf Course
- June 24 – Chamber of Commerce Golf Tournament – Princeton Golf Course

Before adjourning, Mayor Earenfight asked for a moment of silence in honor of US military personnel and their families.

Whiting/Nathe unanimous to adjourn the meeting at 8:18 p.m. Motion carried.

Approved this 15th day of May, 2017.

s/s Kary Tillmann, Clerk/Treasurer

Approved 05/15/2017