

**MINUTES OF THE REGULAR MEETING
OF THE ZIMMERMAN CITY COUNCIL
MONDAY, MAY 7, 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, and Whiting. Member Smith was excused absent. Also present were Administrator Piasecki, Clerk/Treasurer Tillmann, Public Works Director Johnson and Operations Coordinator Koehler.

AGENDA APPROVAL

Brisbin/Whiting unanimous to approve the agenda with the following additions to the Consent Agenda:

- **Full On-Sale Liquor License – Zimmerman Bowling Alley**
- **Public Dance Permit – ZBG/Angeno's Pizza, Pasta and Bar**

APPROVAL OF MINUTES

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

- **April 16, 2018 Board of Appeal and Equalization**
- **April 16, 2018 Regular Meeting of the City Council**

CONSENT AGENDA

Brisbin/Whiting unanimous to approve the consent agenda as follows, with the addition of item p. Full On-Sale Liquor License – Zimmerman Bowling Alley and item. q. Public Dance Permit – ZBG/Angeno's Pizza, Pasta and Bar:

- a. Approve the payment of claims (check #39982 - #40003 and #40005 - #40028) in the amount of \$70,533.94 and electronic payments (e-check #1638 - #1646) in the amount of \$39,016.84 as presented.
- b. Authorize payment to the Zimmerman/Livonia Fire District in the amount of \$79,257.90 (ck #40032) for first-half payment for 2018 Fire Protection Services for the City of Zimmerman, as recommended by staff.
- c. Approve payment to Fergus Power Pump, Inc., in the amount of \$16,909.20 (ck #40029) as identified on Invoice #39119 for semi-annual bio-solids hauling with funds to be taken from the SBR Budget (602-49480-460), as recommended by the Public Works Director.
- d. Accept invoice #1481 in the amount of \$6,894.11 (ck #40031) authorizing payment to Metro West Inspection Services, Inc., for professional Building Inspection Services in the City of Zimmerman for the month of March 2018 as recommended by staff.
- e. Approve payment of E.H. Renner & Sons in the amount of \$11,311.50 (ck#40004) to remove, replace and inspect and install a 40 HP Motor on Well #3 at the 4th Avenue Water Treatment Facility, as identified on invoices #32, with fund to be taken from the Water Fund (601), as recommended by the Public Works Director. the Building Permit Summary Report for March 2018 as presented.
- f. Accept the Investment/Funds Report for February 2018 as presented.
- g. Accept the Monthly Budget Report of February 2018 as presented.
- h. Accept the Investment/Funds Report for March 2018 as presented.
- i. Accept the Monthly Budget Report for March 2018 as presented.
- j. Accept the Building Permit Summary Report for April 2018 as presented.
- k. 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 27, 2018 (rain date May 28, 2018), as presented, contingent upon review and approval by the Fire Chief, and receipt of current insurance documentation.

- l. Approve the license application for a Sewer and Water Installer, for the period of May 8 – December 31, 2018, as requested by Matt Neutgens, dba Neutgens Excavating, 16230 – 54th Street NE, St. Michael, MN 55376.
- m. Approve the license application for a Sewer and Water Installer, for the period of May 8 – December 31, 2018, as requested by David Herbert, dba Dave’s Excavating, 175 – 1st Street North, Foreston, MN 56330.
- n. Approve an event permit application for a 5K Run to be held on Sunday, June 16, 2018, as requested Greg Wernersbach, 26745 – 128th Street NW, Zimmerman, with staging at Sherburne County’s Grams Park, and approve the closing of certain City streets, identified on the map provided, for the duration of the event.
- o. Approve an event permit application for an outdoor worship service on the property located at 12515 Fremont Avenue, as requested by Restoring Lives Community Church/Pastor Lorraine Daley, to be held from 6:30 – 8:00 p.m. on August 19, and 3:00 – 6:00 p.m. on September 15, 2018.
- p. Approve the On-Sale liquor license application for TJP Bowl, Inc., dba Zimmerman Bowling Alley – 25920 Gateway Drive for the period of May 8 – June 30, 2018, pending receipt and acceptance of all application materials, as recommended by staff.
- q. 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.

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

FIRE PROTECTION REPORT

Fire Chief Ryan Maloney presented the Fire Department Activity Report for the month of April 2018. The Department responded to 6 medicals, a gas leak, 1 personal injury motor vehicle accident, 2 carbon monoxide calls, 6 grass fires, a residential house fire in Livonia Township and provided mutual aid at a house fire in Becker township and three calls in Elk River. Chief Maloney reported that four (4) firefighters graduated from the Firefighter Academy on April 18. The Department applied for a FEMA grant for new radios as part of a comprehensive grant application with Sherburne County Emergency Services, however the grant was denied. The Fire Board recently closed on the purchase of the property located at County Road 46 and CSAH 4. In the near future, the Department will erect a sign identifying the Fire Board’s plans for the property. Maloney also reminded residents that due to the dry conditions, burning restrictions are in place and burning permits are not being issued. The Department Golf Tournament is scheduled for Saturday, June 9 at Fairway Shores Golf Course.

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

LMCIT INSURANCE PRESENTATION

Jim Brown, Foster White Insurance, was present to provide renewal information regarding the City’s property and liability insurance policies. Coverage has been bound since March 7, 2018. There were very few changes to the City’s property and liability coverage, resulting in a small increase the in the annual premium amount. The Worker’s Compensation renewal was completed in March of this year. The 2018 renewal showed an increase of \$17,212 over 2017-18 due to a significant increase in the City’s experience modification (up to 1.43) based on Worker’s Compensation claims activity in 2017. Discussion was held with Brown regarding what the City can do to decrease the Worker’s Compensation premium amount in the future. Council saw a significant increase to the City’s experience modification, which increased the WC premium. Brown will continue to work with staff during the plan year to develop a strategy for a decreased WC premium at the time of renewal in 2019.

Whiting/Brisbin unanimous to not waive the statutory liability limits of municipal tort liability, as recommended by staff and the Insurance Agent.

Whiting/Brisbin unanimous to accept the 2018-19 property and liability insurance policy renewal and authorize payment in the amount of \$70,784.00 (ck #40030) to the League of Minnesota Cities Insurance Trust for the 2018-19 plan year, as recommended by staff.

PUBLIC WORKS REPORT – presented by Public Works Director Dave Johnson

SBR Air Supply Valve Actuator

Two air supply actuators were replaced at the SBR approximately 18 months ago, with two originals actuators still in service. The two existing actuators are obsolete and repair parts are no longer available. Staff has received a quote from Vessco two replace to valves to eliminate operational problems at the SBR should they malfunction.

Brisbin/Whiting unanimous to accept the quote from Vessco, Inc., in the amount of \$8,648.00 to install two (2) Rotork Model IQT 10” Air Supply Actuators at the SBR, with funding from the Sewer Fund (602), as recommended by staff.

4th Ave Water Treatment plant

One of the three actuator valves at the 4th Avenue Water Plant is leaking and in need of repair. Staff has inspected the valve and determined it should be replaced, as the leak causes continued flooding within the plant. Two other valves of the same make and model are currently functioning but could fail as they are the same age as the one currently leaking. Staff has received a quote from Vessco to replace all three valves to at the 4th Avenue Plant.

Brisbin/Whiting unanimous to accept the quote from Vessco, Inc., in the amount of \$8,102.60 to replace three (3) existing valves at the 4th Avenue Water Plant, with funding from the Water Fund (601), as recommended by staff.

FINANCE REPORT – presented by Clerk/Treasurer Kary Tillmann

Council Vacancy

Councilmember Nathe submitted his written resignation from the City Council effective April 23, 2018. Nathe’s term expires on December 31, 2018. The City must make its best effort to appoint a person to fill the position and cannot choose to leave the seat vacant until the term expires. Because there is less than 2 years remaining of his term, a Special Election is not required. Council may appoint someone to fill the balance of the term. When there was a Council vacancy in 2014, Council advertised the opening and solicited applications from interested persons to fill the seat and appointed from among the applicants. Staff provided samples of the posting and application updated for 2018, should Council choose to follow the same process.

Brisbin/Whiting unanimous to accept the resignation of Member Nathe from the City Council and the Planning Commission effective April 23, 2018, and declare a vacancy on the City Council.

Earenfight/Brisbin unanimous to appoint Ron Mathison to fill the Council seat vacated by Jeremy Nathe, until December 31, 2018.

ADMINISTRATOR’S RE PORT – presented by City Administrator Randy Piasecki

Conditional Use Permit Application

At the April 16th meeting, Council approved an amendment to the C-2 Highway Commercial District allowing commercial recreational facilities to be operated outdoors. Based on that amendment, Dan Freih, owner of Zimmerman Bowl and Café, applied for a Conditional Use Permit to operate an outdoor go cart track on property he purchased adjacent to the Bowling Alley building. The Planning Commission conducted a public hearing regarding the requested CUP on April 25th after published, posted and mailed notice. Meeting minutes from the April 25, 2018 Planning Commission meeting were included in the Council addendum for information.

Piasecki summarized the CUP application for Council. Freih proposes to operate the go cart track seasonally, mid-May through Labor Day, Thursday through Sundays, from 11:00 a.m. until 10:00 p.m. The intent of the

track is to provide activity for area youth. Up to 10 carts, each powered by a fully contained Honda 5 hp engine, may race at a time. Freih's insurance will require all riders wear seat belts and helmets, and that each cart has a remote shut off staff can use to stop carts in case of issues. Insurance also limits hours of operation to 10:00 p.m. Parking will be provided at the Café and Bowl property. The proposed operation schedule would total 51 days of operation. Considering the odds of inclement weather that would prohibit operation, Freih estimates the track would operate approximately 40 of the 51 days.

Verbal and written comments were received by the Commission during the Public Hearing. The Commission discussed the proposed use of property, criteria contained in City Code for CUP's and the statements of the public, however, found it difficult to determine measurable noise increases caused by the go carts since the site is adjacent to TH 169 with over 35,000+ vehicles per day. The property is also located 300 feet from Lion's Park which contains 4 lighted ballfields and disc golf course, all allowed to operate until 10:00 p.m. Many of the businesses allowed in the C-1 and C-2 Districts also generate traffic and noise, such as auto repairs, auto sales, fast food, drive-thru windows, etc. The Commission also did not find a measurable impact to property values of surrounding properties, as many of the uses already allowable in C-1 and C-2 are similar in nature to this request, in terms of noise, traffic generation, etc.

The Planning Commission found the application to meet the criteria of Section 8.082 of City Code, and recommends Council grant the CUP with conditions on the operation.

Whiting/Brisbin unanimous to approve the Conditional Use Permit (CUP) application for a commercial recreational facility, allowing the installation and operation of a go cart track, as submitted by Dan Freih, for property located at 25915 – 2nd Street East, identified as PID #95-016-2105 and #95-016-2106, with the following conditions as established by the Planning Commission:

- 1. Seasonal operation May 1 thru Labor Day Weekend.**
- 2. Day of operation Thursday – Sunday.**
- 3. Hours of operation 11:00 a.m. – 10:00 p.m.**

Planning Commission Report of April 25, 2018

Brisbin/Whiting unanimous to accept the Planning Commission Report of April 25, 2018 as presented.

TH 169 Improvements

Administrator Piasecki reported that last week, staff was made aware that TH 169 will be converted from its current state to a freeway. At some point in the future, this will affect the CSAH 4/Highway 169 interchange in Zimmerman. Construction on the proposed freeway project will begin in 2022 and is anticipated to take two years to complete. Piasecki anticipates conversations with State and County officials regarding Zimmerman's interchange as it gets closer to the Elk River project getting underway. No action taken.

MAYOR/COUNCIL ITEMS

Request for Donation – Wild West Days Fireworks

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.

Whiting/Brisbin unanimous to approve a donation of \$200 to the Zimmerman American Legion Post #560 towards the Wild West Days Fireworks Display on May 27, 2018, with funds to be paid from the Council budget.

Upcoming Events

Due to a lack of agenda items, Council agreed by unanimous consensus to cancel the COW meeting scheduled for May 14, 2018.

Council agreed by unanimous consensus to schedule a public document shredding event for Saturday, September 8, 2018 at City Hall. Staff will solicit quotes from interested vendors and report back to Council at a future meeting.

- May 14 – Household Hazardous Waste Collection – Sherburne County Public Works Building (Zimmerman); 3 – 6 p.m.
- May 19 -- Passing the Bread Food Distribution – 9 – 11 a.m., UMA Building, 26833 – 5th Street West
- May 24 – 28 – Wild West Days – City Park
- June 8 – Chamber of Commerce Golf Tournament – Princeton Golf Course
- June 9 – Fire Department Golf Tournament – Fairway Shores Golf Course

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

Brisbin/Whiting unanimous to adjourn the meeting at 7:34 p.m. Motion carried.

Approved this 21st day of May 2018.

s/s Kary Tillmann, Clerk/Treasurer

Approved 05/21/2018