

**MINUTES OF THE REGULAR MEETING  
OF THE ZIMMERMAN CITY COUNCIL  
MONDAY, MAY 16, 2022**

**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 Stay, followed by the Pledge of Allegiance.

**ROLL CALL**

Present: Mayor Stay, Council Members Bondhus, Dahl, Earenfight and Whiting. Also present were Administrator Piasecki, Street, Parks, and Utilities Supervisor Dallager, and City Engineer Bittner.

**OATH OF OFFICE**

Council acknowledged the Oath of Office for Council Member Earenfight, which was administered by Clerk/Treasurer Tillmann on May 10, 2022.

**AGENDA APPROVAL**

**Whiting/Stay unanimous to approve the agenda with the following additions:**

- Solicitor's Licenses added to Consent Agenda item k.: Star Exteriors, LLC and Superior Builders, Inc.

**APPROVAL OF MINUTES**

**Stay/Earenfight unanimous to approve the minutes of the May 2, 2022 Regular City Council Meeting as presented.**

**CONSENT AGENDA**

**Bondhus/Dahl unanimous to approve the consent agenda with the addition of two Solicitor License Applications under item k. as follows:**

- a. Approve the payment of claims (check #44160 - #44196) in the amount of \$18,358.64 as presented.
- b. Approve payment to Bolton & Menk for Invoices #287938 and #287990 totaling \$19,637.50 (ck #44197) for general engineering services and Water Supply Improvements for the period of February 19 – April 1, 2022, as recommended by staff.
- c. Approve payment to Fergus Power Pump, Inc., in the amount of \$41,764.22 (ck #44198) 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. Authorize payment to Kodiak Power Systems in the amount of \$5,950.00 (ck #44199) as identified on Invoice #KPS1008 for annual Generator Maintenance per the agreement on file in the Public Works Department.
- e. Accept Invoice #22-10023, authorizing payment to OTI Inc., in the amount of \$27,240.00 (ck #44200) for grinding services at the City compost site, as recommended by staff.
- f. Accept the March 2022 Investment/Budget/Funds Report as presented.
- g. Approve liquor license renewals for the following establishments, for the period of July 1, 2022 – June 30, 2023, pending receipt and acceptance of all application materials, as recommended by staff:
  - Bohnhoff Enterprises, Inc., dba Frontier Liquor (Off Sale) – 26207 Fremont Drive
  - Casey's Retail Company, dba Casey's General Store #3458 (3.2 Off Sale) – 13140 Fremont Avenue
  - JDJ Inc., dba Uptown Off-Sale (Off Sale) – 25965 Main Street
  - Kriesel-Jacobsen American Legion Post 560 (Club On-Sale) – 12674 Fremont Avenue
  - Michael DeMarco dba D's Smokehouse (On-Sale) – 12606 Fremont Avenue
  - Northern Tier Retail LLC dba Speedway Super America #4535 (3.2 Off Sale) – 26075 – 3<sup>rd</sup> Street East
  - NVL2 LLC dba P & A Liquor (Off Sale) – 26025 – 3<sup>rd</sup> Street East
  - S & M Zimmerman Enterprises LLC dba Angeno's Pizza, Pasta, and Bar/Zimmerman Bar & Grill (On-Sale) – 13100 Fremont Avenue
  - Stroh, Curtis R., dba Papa's Italian (Wine On-Sale) – 26140 – 3<sup>rd</sup> Street East
  - TJP Bowl, Inc., dba Zimmerman Bowling Alley (On-Sale) – 25920 Gateway Drive

- Vita Bella LLC, dba Vita Bella Italian Restaurant (On-Sale) -- 12530 Fremont Avenue
- h. Accept the Building Permit Surcharge Report for April 2022 as presented.
  - i. Approve the application for fireworks/pyrotechnics display by Curt Serbus, as requested by the Zimmerman American Legion Post 560, 12674 Fremont Avenue, Zimmerman, for fireworks/pyrotechnics display at Wild West Days, to be held on May 29, 2022 (rain date May 30, 2022), as presented, contingent upon review and approval by the Fire Chief, and receipt of current insurance documentation.
  - j. Adopt **RESOLUTION #2022-05-03**, approving the Application for Exempt Permit for the Sons of the American Legion Post 560 for a gambling event to be held August 27, 2022 at the Zimmerman American Legion Post 560, 12674 Fremont Avenue, Zimmerman, MN 55398.
  - k. Approve applications for a Solicitor License for the period of May 12, 2022 – May 11, 2023 as submitted by the following:
    - Dominic Robideau, dba Assurance Construction, 13099 Elgin Drive NW, Elk River, MN 55330
    - Keystone Builders, 11620 Fountain Drive, #200, Maple Grove, MN 55369
    - Nexgen Exteriors, LLC, 800 Lund Blvd, Anoka, MN 55303
    - Star Exteriors LLC, 2068 Millersburg Blvd W, Dundas, MN 55019
    - Superior Builders, Inc., 6361 Sunfish Lake Court NW, Ramsey, MN 55303
    - T-10 Construction, 13660 – 9<sup>th</sup> Avenue S, Zimmerman, MN 55398
    - Unique Exteriors, 16607 Wintergreen Street, Andover, MN 55304

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

**FIRE DEPARTMENT REPORT**

**Fire Chief Ryan Maloney** presented the Fire Department report for the month of April 2022. The Department assisted on 9 medical calls, 1 motor vehicle personal injury accident, 2 carbon monoxide calls, 1 fire alarm, 2 lift assists, 1 downed powerline, 1 commercial fire in Livonia Township, and a residential electrical fire within the City limits of Zimmerman. Chief Maloney also stated the new fire station and event center sustained hail damage to the metal exterior and roof top HVAC units in a recent storm. An insurance claim will be filed with the District's insurance provider.

**Council accepted the Fire Department Report for April 2022 by unanimous consensus as presented.**

Chief Maloney informed Council the civil defense siren on 2<sup>nd</sup> Avenue North near Dairy Queen is operational, but a bearing issue prevents the siren head from rotating. NelCom Corporation has inspected the siren and can provide a used replacement head for \$4,000, or remove the existing head, rebuild, and reinstall it for \$8,000.

**Whiting/Earenfight unanimous to authorize the purchase and installation of a used siren head for the civil defense siren located on 2<sup>nd</sup> Avenue North, from NelCom Corporation a cost of \$4,000, as recommended by the Fire Chief. Motion carried.**

**PARK BOARD REPORT**

**Councilmember Bondhus** provided an update of the May 3, 2022 Park Board Meeting. The bituminous trail in Fire Fighters Park will be removed and repaved in 2022. Public Works Director Koehler met with the carnival operator and representatives of the Zimmerman Community Club to review city expectations and measures to protect the new parking lot features in Lions Park. The final wear course pavement of the parking lot will occur after the conclusion of Wild West Days. The Park Board has also suggested the following park improvements in 2022: replacement of a playground tot structure in Maefield Park, installation of a retaining wall around a feature on the 12<sup>th</sup> hole of the frisbee golf course, and signage on the Great Northern Trail segment leading to the compost facility after reports of vehicles driving on the paved trail to avoid the graveled roadway.

**Whiting/Stay unanimous to accept the May 3, 2022 Park Board Report as presented.**

Proposed Eagle Scout Project

Bondhus reported that Theron Johnson, Boy Scout Troop 91, attended the Park Board meeting to propose his Eagle Scout project. Johnson would like to construct a “gaga ball” pit in Lion’s Park. The Board will continue to work with Johnson on plans for his project, with more information provided as it becomes available. No action taken.

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

Well #4 Project

Engineer Bittner summarized the completion of the test drilling at Well #4 and presented change orders and pay requests for the project. Initial test drilling was completed in 2021 to a depth of 350 feet. Additional drilling was conducted twice to determine the amount and quality of water at depths deeper than 350 feet, with the first additional drill at approximately 510 feet, and the second at 530 feet. After additional drilling and testing, engineering staff determined water quality is best at a depth of approximately 400 feet.

Bittner presented Change Order Nos. 1 and 2 and Pay Requests #3 and #4-Final for consideration and approval.

**RESOLUTION #22-05-04** Whiting/Earenfight unanimous to adopt RESOLUTION #2022-05-04, approving Change Order No. 1 for additional well drilling and water testing for Well #4, at an increase to the contract price in the amount of \$16,011.00, for a total contract price of \$75,921.00, as submitted by E.H. Renner & Sons, Inc. for the municipal Well #4 Test Well Project, as recommended the City Engineer. Motion carried.

**RESOLUTION #22-05-05** Bondhus/Dahl unanimous to adopt RESOLUTION #2022-05-05, approving Pay Request #3 in the amount of \$16,313.40 as submitted by E.H. Renner & Sons, Inc. for the municipal Well #4 Test Well Project, as recommended the City Engineer. Motion carried.

**RESOLUTION #22-05-06** Stay/Whiting unanimous to adopt RESOLUTION #2022-05-06, approving Change Order No. 2 for additional well drilling and water testing for Well #4, at an increase to the contract price in the amount of \$16,700.00, for a total contract price of \$92,621.00, as submitted by E.H. Renner & Sons, Inc. for the municipal Well #4 Test Well Project, as recommended the City Engineer. Motion carried.

**RESOLUTION #22-05-07** Whiting/Stay unanimous to adopt RESOLUTION #2022-05-07, approving Pay Request #4-Final in the amount of \$16,067.29 as submitted by E.H. Renner & Sons, Inc. for the municipal Well #4 Test Well Project, as recommended the City Engineer. Motion carried.

Authorization to Advertise for Bids – Well #4 Project

Engineer Bittner requested Council authorize bidding for the Well #4 Project, including two (2) redundant wells to provide water to a future treatment plant and water tower. Bittner anticipates a June 14<sup>th</sup> bid opening, with a recommendation to award the drilling contract at the June 20<sup>th</sup> Council meeting. The Engineer’s estimated cost of construction is \$1 million - \$1.2 million, which will be financed by a low-interest loan through the Minnesota Public Facilities Authority (MN PFA).

**RESOLUTION #22-05-08** Whiting/Stay unanimous to adopt RESOLUTION #2022-05-08, authorizing Bolton & Menk to advertise for bids for the construction of dual 18-inch water wells on Lot 1, Block 4, Public Safety Addition, as it relates to the

**Municipal Well #4 Project, setting a bid opening date of June 14, 2022 at 2:00 p.m. at City Hall, 12980 Fremont Avenue, Zimmerman. Motion carried.**

Master Partnership Agreement with MN Department of Transportation

Engineer Bittner informed Council the current 5-year Partnership Agreement with MNDOT expires in June 2022. This Agreement allows the City to coordinate goods, services, and projects with MNDOT to maximize efficiencies in constructing, maintaining, and improving the highway system. Most typically the City uses the Agreement for materials testing on MSAS street construction projects, saving the City from hiring independent contractors. The City has had excellent results working with MNDOT under past Agreements.

**RESOLUTION #22-05-09 Stay/Whiting unanimous to adopt RESOLUTION #2022-05-09, entering into a 5-year Master Partnership Agreement with the Minnesota Department of Transportation for the period of July 1, 2022 – June 30, 2027, authorizing the City Administrator and Clerk/Treasurer to sign said contract on behalf of the City, as recommended by staff and the City Engineer. Motion carried.**

269<sup>th</sup> Avenue Improvements – Revised Scope and Cost Estimate

Engineer Bittner summarized the revised scope and cost estimates for the reconstruction of a 1-mile segment of 269<sup>th</sup> Avenue, lying between CH 45 and 136<sup>th</sup> Street. The City has responsibility for maintenance of this road stemming from a maintenance agreement with Livonia Township. A geotechnical analysis and borings were completed in 2021, showing a pavement depth of 1 - 1.25 inches. There is no base under the pavement other than compacted sand. Staff believes it does not make sense to improve the roadway without installing utilities since developable lands are adjacent.

Staff has discussed scenarios for reconstruction and suggests utilities be extended ½ mile west of CH 45 to provide service for developable properties. This ½-mile segment would have an urban street section including curb, gutter, and storm features. A segment of utilities is also considered across private property from 8<sup>th</sup> Street West, north ¼ mile to intersect 269<sup>th</sup> Avenue. Cost projections range from \$1.9 - \$2.4 million, depending on storm water management features.

Mayor Stay requested Engineer Bittner prepare three (3) options for consideration, including roadway reconstruction only, improving the ½-mile segment with utilities, and fully servicing the 1-mile segment. Council stated the roadway should be designed to handle heavier than residential use. Bittner stated the design could be considered as a 7-ton or 9-ton design, splitting the design at the ½ mile marker, with 7-ton design or less to the west. Livonia Township Supervisor Kevin Hiller was seated in the audience and Mayor Stay questioned if Livonia Township would consider participating in the cost of reconstruction to design a heavier tonnage road. Supervisor Hiller stated he could not speak for the Township on this request.

Additional information will be prepared for presentation and discussion at the June 6, 2022 City Council meeting.

Mayor Stay declared a recess at 7:38 p.m., reconvening the meeting at 7:41 p.m.

**FINANCE REPORT**

City Hall Part-Time Temporary Office Assistant

Administrator Piasecki presented a request from Clerk/Treasurer Tillmann to add a temporary part-time Office Assistant at City Hall. While Council authorized hiring a full-time Administrative Assistant in the 2022 budget, staff does not feel this is the time to hire a permanent full-time position considering a potential merger with Livonia Township and the possible absorption of their staff. A temporary part-time position would assist with

filing, scanning and storage of city records. The proposed position would be up to 30-hours per week at a rate of \$15/hour, for a duration of approximately 3 months. Council Member Whiting questioned if students from ISD #728 programs could also be utilized to provide additional services and questioned if \$15/hour was sufficient to attract a capable applicant. Council agreed by unanimous consensus to proceed with a temporary part-time hire.

**Stay/Whiting unanimous to authorize the addition of a part-time temporary Office Assistant at City Hall, at a rate of \$15/hour for up to 30 hours per week starting June 8, 2022 and allow staff to fill said position as appropriate.**

**ADMINISTRATOR’S REPORT** – presented by City Administrator Randy Piasecki

**Consider Land Exchange on 120<sup>th</sup> Street**

Administrator Piasecki presented a proposal for a land exchange between the City and a private property owner on 120<sup>th</sup> Street. The City acquired parcel #95-472-1480, described as Lots 13 & 14, Block 14, Third Fremont Lake Shores, located on the east side of 120th Street, as tax forfeit property. Staff’s intent and recommendation for purchase was to use the property for parking/staging during the future Lake Fremont Reconstruction Project. This parcel was annexed into the City several years ago by a former owner, who had intended to access city utilities and construct a home.

An adjacent landowner in Livonia Township (Ronald Larson) owns 2 lots fronting 120th Street, a platted lot (PID #30-401-1490) and a platted out lot (PID #30-401-0010). Larson had been considering annexing these lots into the City and selling them as one building parcel. Unfortunately, by definition, an out lot is unbuildable, and if annexed into the City, staff would recommend not allowing the out lot to be replatted, as it was created as a future street extension. This outlot is in alignment with the existing Ash Street, and if extended eastward could provide street/utility service access to a 15-acre parcel on the east side of 120th Street. While there are other locations for street access from this 15-acre parcel to 120th Street, none are in a location to create a 4-way intersection.

Larson has questioned if the City would consider a property exchange, with him acquiring the city-owned lots already in city limits, and the City acquiring his platted lot and outlot. Larson’s property is approximately 10% smaller than the city-owned parcel, with the city parcel totaling 8,276 square feet and Larson’s at 7,405 square feet. The Larson property would serve the same purpose for parking/storage during street and utility construction, with the outlot being retained as a possible street access in the future. Likely, if the city parcel is traded to Larson, the site would be sold and developed with a residential dwelling, thereby increasing the property’s tax base.

Council discussed the proposed land exchange and the benefit of preserving the outlot as a future street extension of Ash Street east of 120<sup>th</sup> Street. Council agreed by unanimous consensus to allow staff to work with the City Attorney to proceed with the land exchange as requested by Ronald Larson.

**MAYOR/COUNCIL ITEMS**

Mayor Stay noted the following upcoming events:

- May 21 – Passing the Bread Food Distribution – 9:00 a.m. – 11:00 a.m.; UMA Precision Machining
- May 26 - 30 – Annual Wild West Days Celebration -- city wide
- May 30 – Memorial Day – All City Offices Closed

Before adjourning, Mayor Stay 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.

**Whiting/Dahl unanimous to adjourn the meeting at 7:49 p.m. Motion carried.**

Approved this 6<sup>th</sup> day of June 2022.

s/s Kary Tillmann, Clerk/Treasurer

Approved 06/06/2022