

**MINUTES OF THE REGULAR MEETING
OF THE ZIMMERMAN CITY COUNCIL
MONDAY, JUNE 21, 2021**

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 Bondhus, Dahl and Frederick. Mayor Stay was excused absent. Also present were Administrator Piasecki, Clerk/Treasurer Tillmann, Public Works Director Koehler, and Engineer Bittner.

AGENDA APPROVAL

Frederick/Bondhus unanimous to approve the agenda with the following additions to the consent agenda:

- **Full On-Sale Liquor License Application – D’s Smokehouse**
- **License Application -- Garbage and Refuse Collector – LePage & Sons**
- **License Application – Sewer/Water Installer – Metro General Sales**

APPROVAL OF MINUTES

Bondhus/Dahl unanimous to approve the minutes of the June 7, 2021, Regular Meeting as presented.

CONSENT AGENDA

Bondhus/Dahl unanimous to approve the consent agenda with the addition of items k. Full On-Sale Liquor License Application – D’s Smokehouse, l. License Application – Garbage and Refuse Collector – LePage & Sons, LLC, and m. License Application – Sewer/Water Installer – Metro General Sales, as presented as follows:

- a. Approve the payment of claims (check #43239 - #43263) in the amount of \$17,210.76 and electronic payments (e-check #2233 – #2245) in the amount of \$82,745.64 as presented.
- b. Authorize payment in the amount of \$5,081.82 (ck #43264) to Core & Main for the purchase of water meters and related parts as identified on Invoice #O193958 as recommended by staff, with funds to be taken from the Water (601) and Sewer (602) Fund.
- c. Authorize payment in the amount of \$9,436.00 (ck #43265) to the League of Minnesota Cities Insurance Trust as identified through the WC final audit, as final payment for 2020 – 2021 Worker’s Compensation coverage as presented and as recommended by staff.
- d. Approve payment to the Sherburne County Auditor/Treasurer in the amount of \$14,676.00 (ck #43266) as identified in Invoice #9369 for 2020 Appraisals of Real Estate and Personal Property and Mobile Homes by the Sherburne County Assessor’s Office, as recommended by staff.
- e. Approve payment to the Zimmerman/Livonia Fire District in the amount of \$58,455.75 (ck #43267) as identified on Pledge #1119 for Rochon Pay Request #10 for Construction Management services on the Fire Hall and Event Center through May 31, 2021, to be paid from bond proceeds, as recommended by staff.
- f. Accept the Budget/Investment/Funds Report of May 2021 as presented.
- g. Adopt **RESOLUTION #2021-06-01**, approving the Application for Exempt Permit for the American Legion Auxiliary Unit 560 for a gambling event to be held August 21, 2021, at the Zimmerman American Legion Post 560, 12674 Fremont Avenue, Zimmerman, MN 55398.
- h. Adopt **RESOLUTION #2021-06-02**, approving the Application for Exempt Permit for the American Legion Riders Post 560 for a gambling event to be held September 11, 2021, at the Zimmerman American Legion Post 560, 12674 Fremont Avenue, Zimmerman, MN 55398
- i. Approve the license application for a Solicitor for the period of June 22, 2021– June 21, 2022, for door-to-door solicitation by Reliance Realty Advisors, LLC, 20980 Rogers Drive, Rogers, MN 55374, pending receipt of all required documentation and necessary fees.

- j. Adopt **RESOLUTION #21-06-03**, approving a Premises Permit Application to allow charitable gambling on the premises of D's Smokehouse, located at 12606 Fremont Avenue, Zimmerman, MN as requested by the Zimmerman Fire Relief Association.
- k. Approve an On-Sale Liquor License for MK Demarco LLC, dba D's Smokehouse, for the property located at 12606 Fremont Avenue, Zimmerman, MN 55398, effective July 1, 2021 - June 30, 2022, pending receipt and acceptance of all application materials, as recommended by staff.
- l. Approve license application to operate as a Garbage & Refuse Collector within City limits as requested by Clint LePage, dba LePage & Sons LLC, 23602 University Avenue NW, Bethel, MN 55005, for the period of June 22 – December 31, 2021.
- m. Approve the license application to operate as a Sewer and Water Installer as requested by Dale Cazett, dba Metro General Services, 5790 Quam Avenue, NE, St. Michael, MN 55376, for the period of June 22 – December 31, 2021.

OPEN FORUM

Mike DeMarco, 13468 – 182nd Street, Elk River, introduced himself as the **owner of D's Smokehouse**, to be located at 12606 Fremont Avenue (the former Whistling Pickle building). DeMarco advised that he grew up in town in the 80's, living on 2nd Street West with his family. His education is in culinary arts, and he moved back to Minnesota in 2000, working in a variety of restaurants including Cowboy Jacks, Brick and Bourbon and Chow in Elk River. D's will specialize in made from scratch meals and "happy desserts". DeMarco is happy to be back in Zimmerman. He intends to open for online ordering and curbside pick-up within the next two months while remodeling the building interior to be ready to open for customers in late fall.

Council welcomed DeMarco back to the community and wished him well in his endeavor.

LAW ENFORCEMENT REPORT

Patrol Captain Ryan Broich, Sherburne County Sheriff's Department, provided an overview of law enforcement activities for the month of May 2021. The department received 363 calls for service, including 109 traffic stops with 23 offenses charged by citation, not including long form complaints or in-custody arrests. During the same period in 2019, there were 321 calls for service, with 425 calls in 2019. Broich noted that May was a very quiet month in town, but the Sheriff's Office has noticed a slight uptick in theft complaints now that the weather is warmer. Broich reminded residents to lock their vehicles and store valuables out of sight.

Broich commented that there were very few issues at Wild West Days from a law enforcement standpoint. The Sheriff's Department and other police departments in Sherburne County are utilizing a social worker to assist with mental health calls throughout the County after new law changes recently went into effect.

Council agreed by unanimous consensus to accept the Law Enforcement Report for May 2021 as presented.

EXCELLENCE IN RECYCLING AWARD – Depot on Main Apartments

Monte Niemi and Jill Brown, First State Tire Recycling, were present to provide an overview of tire derived aggregate (TDA) used at the Depot on Main Apartments. The Depot on Main project was completed in 2019 by Matt Kuker/PSD LLC. TDA was used to create a storm water collection and treatment system under the building's parking lot, eliminating the need for a traditional storm water basin, and conserving developable lot area. 84,000 tires were used to produce the aggregate for the collection and treatment system.

Governor Walz has recognized PSD LLC and their project partners including Matt Brenteson, Brenteson Companies, with awards for excellence in recycling for the project.

PARK BOARD REPORT

Member Bondhus provided an overview of the Park Board meeting held on June 11, 2021. The Board is moving forward with plans for the 2021 Night to Unite to be held on August 3 at the City Park from 6 – 8 p.m. Staff has registered the event with the Sheriff's Department and more information will be provided as it becomes available.

Frederick/Dahl unanimous to accept the Park Board Report of June 2021 as presented.

PUBLIC WORKS REPORT

Lions Park Parking Lot Concept Plan

City Engineer Kevin Bittner, Bolton & Menk, presented a draft parking lot layout for Lions Park to include pavement, lot striping and handicapped accessible parking. Discussion was held regarding the advantages and disadvantages to having concrete medians in the lot.

Council agreed by unanimous consensus to proceed with planning for the project based on the design presented by Bittner.

Municipal Well #4 Test Well

The City entered into a purchase agreement with Sherburne County to acquire Lot 4, Block 1, Sherburne County Public Safety Addition for the location of Municipal Well #4. Ryan Kotta, Environmental Engineer, Bolton & Menk, was present to outline the process for testing the geology and hydrology of the site to determine the feasibility for locating the well on the property.

Bondhus/Dahl unanimous to authorize Bolton & Menk to advertise for quotes for construction of a test well at the site of proposed Municipal Well #4, as recommended by staff and the City Engineer.

Water Supply Plan Proposal

Engineer Bittner reviewed Bolton & Menk's proposal for completing a Water Supply Study for the City, due to current growth and demands being placed on the City's water system. Currently, there are plans in place to pursue an expansion of the existing system. A long-term study would plan for future water system needs including an implementation schedule of improvements necessary to meet demand. The study would evaluate existing infrastructure and identify long-term capacity and treatment needs to provide services to the community for at least 20 years into the future. Bolton & Menk has calculated an all-inclusive cost of \$25,760 for the study to be paid from the Water Fund (Fund 600).

Frederick/Dahl unanimous to authorize Bolton & Menk to complete a Water Treatment System Study for the City of Zimmerman at a cost not to exceed \$25,760.00 to be paid from the Water Fund (Fund 600), as recommended by staff.

ADMINISTRATOR'S REPORT – presented by City Administrator Randy Piasecki

Ordinance Amendment – Water Utility Regulation

Public Works Director Koehler reported that the City continues to experience low level warnings in the water towers due to extensive outdoor water usage. Public Works Staff have been educating residents about the City's odd/even sprinkling rules and not watering during the daytime, between the hours of 8:00 a.m. and 8:00 p.m.

A draft amendment to Section 12 of Ordinance No. 294 is proposed in direct response to drought conditions and the City's ability to provide water to its residents. Current consumption is 5 times the winter usage, demanding near continuous pumping of the 2 city wells. Requests to residents to conserve water and follow simple regulations have been somewhat effective, many requests are being ignored. The proposed amendment drafted by

the City Attorney was prepared to provide staff the means to protect the water supply and create an enforcement mechanism for violations.

The amendment proposes to establish even/odd day and timed watering regulations, allowing watering from 8:00 p.m. to 8:00 a.m., in response to emergency supply and conservation needs of the City. The amendment also creates a penalty schedule for violations, escalating from a first offense warning, to a \$100 fine for a second violation, \$200 for a third, and \$300 for the fourth and subsequent offenses in a 12-month period. These fines would be added to the property's water bill, with any appeals submitted to the Council for consideration. This is the same appeal mechanism used for delinquency shut off and pending certification of delinquent bills. Exemptions to the even-odd regulations are provided for newly seeded/sodded yards. The amendment also provides specific language for meter tampering, where water meters are disconnected or altered to make it appear that less water is being used at a property. The structure of the Ordinance would also subject those property owners tampering with or disconnecting their meters to the same fine structure.

Koehler believes that additional restrictions would be less taxing on the City's waters and use only about 50% capacity each day. Staff intends to spend the next week educating residents about the new restrictions before enforcement begins and any penalties are assessed.

Frederick/Bondhus unanimous to approve an ordinance amending Section 12 of Ordinance No. 294, Emergency Regulations, Conservation and Efficiency, as recommended by staff and the City Attorney.

Ordinance Amendment – 2021 Fee Schedule

New construction homes have been required to install 2 water meters since 1996. The second meter only outside water usage. Sewer fees are not charged on the sprinkler meter as the water does not enter the sewer system. Administrator Piasecki requested Council consider an amendment to the 2021 Fee Schedule to increase the rate for outdoor water usage from \$4.07/1,000 gallons to \$5.25/1,000 gallons. The increase is recommended to encourage water conservation, consistent with MN DNR mandates for municipal rate structures. Upon approval, the Ordinance will be published in the June 26, 2021, edition of the Elk River Star News, with the Ordinance and Fee Schedule posted at City Hall. Fees are effective upon publication.

Staff will utilize the City website, Facebook page, public announcements at meetings, door hangers, and personal interactions to request the public adhere to even-odd irrigation, and to not use outside water in the heat of the day.

Dahl/Frederick unanimous to approve an ordinance amending the 2021 Fee Schedule, hereby increasing the rate for outdoor water consumption from \$4.07/1,000 gallons to \$5.25/1000 gallons effective upon publication, as requested and recommended by staff.

MAYOR/COUNCIL ITEMS

Upcoming Meetings and Events

Acting Mayor Whiting noted the following:

- June 26 -- Passing the Bread Food Distribution – 9 – 11 a.m.; UMA Precision Machining
- July 5 – Independence Day Observed – All City Offices closed

Before adjourning, Acting Mayor Whiting asked for a moment of silence in honor of US military personnel at home and abroad as well as emergency service personnel serving in the community.

Frederick/Dahl unanimous to adjourn the meeting at 8:10 p.m. Motion carried.

Approved this 12th day of July 2021.

Kary Tillmann, Clerk/Treasurer

Approved 07/12/2021