

**MINUTES OF THE REGULAR MEETING  
OF THE ZIMMERMAN CITY COUNCIL  
MONDAY, SEPTEMBER 9, 2019**

**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, Frederick, Shepard, and Whiting. Also present were Administrator Piasecki, Clerk/Treasurer Tillmann, Public Works Director Koehler and Engineer Bittner.

**AGENDA APPROVAL**

**Bondhus/Whiting unanimous to approve the agenda as presented.**

**APPROVAL OF MINUTES**

**Shepard/Frederick unanimous to approve the following meeting minutes:**

- **August 19, 2019 Regular Meeting of the City Council as corrected**
- **August 26, 2019 Budget Workshop as presented**

**CONSENT AGENDA**

**Whiting/Shepard unanimous to approve the consent agenda as follows:**

- a. Approve the payment of claims (check #41315 - #41369) in the amount of \$88,447.30 and the payment of electronic claims (#1850 - #1852) in the amount of \$1,010.00, as presented.
- b. Accept Invoice #2105 in the amount of \$9,591.42 (ck #41371) authorizing payment to Metro West Inspection Services, Inc., for professional Building Inspection services in the City of Zimmerman for the month of July 2019, as recommended by staff.
- c. Adopt **RESOLUTION #2019-09-01**, approving Pay Request #1 in the amount of \$141,343.19 (ck #41370) as submitted by ASTECH Corporation for 2019 Pavement Preservation, as recommended by the City Engineer.
- d. Authorize staff to establish an investment account with First National Bank of Milaca and authorize the City Administrator, City Clerk and current authorized signatories to sign official documents as needed on behalf the City.
- e. Approve the re-investment of \$265,000 of City Funds as follows and as recommended by staff:
  - ICD Securities for three (3) years at a rate of 1.85% with Reading Cooperative Bank, authorizing a wire transfer in the amount of \$175,000 from the City's ICD Money Market account to complete the transaction.
  - First National Bank of Milaca – Zimmerman Branch with a 10-month CD Special, authorizing payment from the City's operating checking account in the amount of \$90,000 to complete the transaction.
- f. Accept the Building Permit Summary Report of August 2019 as presented.
- g. Adopt **RESOLUTION #2019-09-02**, approving the request of Christ Our Light Catholic Parish for an Exempt Permit to conduct lawful gambling at a function to be held at Christ Our Light Catholic Church, 25909 – 4<sup>th</sup> Street West, on October 6, 2019.

**OPEN FORUM**

**Arthur Howard, 25977 – 10<sup>th</sup> Street West, Zimmerman**, addressed the Council regarding on-street parking in the area of Angeno's/Zimmerman Bar and Grill, 13100 Fremont Avenue. On Sunday, September 8, there was a significant number of cars parked along both sides of street from the restaurant around 5:30 p.m. A fuel truck trying to deliver fuel to Casey's Gas station had difficulty turning into the gas station due to the number of vehicles parked on the street. Howard is concerned that if there were an emergency in the area, emergency response vehicles would not be able to get through. He requested Council consider only allowing parking on one-

side of the street in that area. Staff will discuss guidelines for street widths as relating to emergency vehicles with Fire Chief Maloney and report back to Council at a future date with a recommended course of action.

### **FIRE DEPARTMENT REPORT**

**Fire Chief Ryan Maloney** presented the Fire Department Activity Report for the month of August 2019. The Department responded to 3 medical calls, a gas leak, a carbon monoxide call, 3 fire alarms, provided mutual aid for a commercial building fire in Nowthen, a barn fire in Orrock Township and a residential house fire in Elk River, as well as responded to 2 small fires within the service area. Maloney thanked the many businesses and residents who supported the Department on Saturday at the Open House and evening Firemen's Dance. The turnout was good even though the weather was less than ideal. The Fire Board will be reviewing RFP's for Architectural Services for the new Fire Hall at their meeting on Tuesday night. The Department has been working on a hazard mitigation program for the City. Currently, the plan has been submitted to the State for approval and will then be forwarding to FEMA for consideration.

**Council accepted the Fire Department Report for August 2019 by unanimous consensus as presented.**

### **PUBLIC HEARING – 2020 IMPROVEMENT PROJECT**

At 7:08 p.m., Mayor Stay opened a public hearing for the purpose of taking public comment about the proposed 2020 Morrison Addition Improvement project. Engineer Bittner provided background information about the project and the assessment process. The City proposes to complete a full reconstruction of 1<sup>st</sup> and 2<sup>nd</sup> Avenue South, 3<sup>rd</sup> Street West and improve Alleys A, B, and C, as identified in the project plan. Water mains in the project area will be completely replaced. Sewer mains in the project area are all in good working conditions, so improvements are not necessary. The project will include the removal and replacement of all existing bituminous surfaces, improved drainage with the addition of storm sewer, curb and gutter and widened streets in most areas. Existing sidewalks will be replaced with wider sidewalks to provide better pedestrian routes for school traffic.

The total estimated project cost is \$1.3million, with 30% of street and storm sewer costs to be assessed to benefitting property owners. Current estimates project construction costs at approximately \$84/foot. If Council chooses to blacktop the alleys, improvements for the alleys would be assessed at approximately \$13/foot. All routes are designated as MSAS routes so the City would be able to recoup a portion of the project expense from the State.

The following public comments were heard:

**Russ Aubart, 25970 – 2<sup>nd</sup> Street West** – Currently parking is allowed on both sides of the street. He has rarely seen vehicles parked on both sides of the street and doesn't feel it is necessary. He would like to see Alley C paved and commented that his daughter does not have a safe route to school, so he would prefer to see a sidewalk on 2<sup>nd</sup> Avenue South.

**Dick Leitzke, 26038 -- 3<sup>rd</sup> Street West** – Feels that parking on both sides of the street is excessive and has only seen it used when the Legion holds events like their recent RibFest. Leitzke owns a corner lot and questioned if he would be assessed for both sides of his lot. Engineer Bittner explained that per the City's Assessment Policy, the City assesses for 100% of the longer side, plus 20% of the short side at the assessment rate.

**Dick Waletzko – 12788 Fremont Avenue.** Questioned if Alley A would remain a dead end or if it would connect to CSAH 45 and if the alleyway could be designed to slope away from their garage. Also commented that in winter, a lot of sand from clearing snow from the alley is deposited behind their garage when the snow melts. Engineer Bittner stated that the alley would not become a through street but would remain a dead end.

**Nancy Waletzko -- 12788 Fremont Avenue** – Questioned the assessment process and how they would be assessed for the project. Bittner explained that typically, property is assessed at an interest rate determined by the

Council and the assessment amount is reported on property taxes for a pre-determined amount of time, typically 10 years. Property owners can pre-pay a portion or all of the assessment if they so choose. Improvements in the alley ways would only be assessed if the alleys are improved with pavement.

**LeAnn Kreager -- 12764 Fremont avenue** – She feels that the alleys do not need to be paved.

**Colleen Swirtz -- 12777 - 2<sup>nd</sup> Avenue South** – Questioned the locations of sidewalks in the project area proposed width of 2<sup>nd</sup> Avenue South, which Engineer Bittner stated was 38 feet. Concerned how much property they would be losing to make the street wider and concerned that traffic speeds would increase due to a wider road. Engineer Bittner stated that the road right-of-way in that area is currently 66 feet and all the proposed improvements will take place within the existing right-of-way, so they will not be losing any of their property. The speed limit is currently 30 mph in that area.

**John Swirtz -- 12777 - 2<sup>nd</sup> Avenue South** – Questioned why 2<sup>nd</sup> Avenue South would be re-constructed wider than 1<sup>st</sup> Avenue. Bittner stated that the road is being designed to allow for parking on both sides of the street. Council could approve a street width of 34 feet and still allow parking on both sides if they choose.

There being no further comments, Mayor Stay closed the public hearing at 7 :56 p.m. and declared a recess. The meeting was reconvened at 8:07 p.m.

**RESOLUTION #2019-09-03 Stay/Shepard to adopt RESOLUTION #2019-09-03 authorizing the 2020 Morrison’s Addition Improvement project, to include the paving of Alley A, Alley B and Alley C at the City’s expense, and ordering the preparation of plans and specifications. Roll call: Bondhus, aye; Frederick, abstained; Shepard, aye; Stay, aye; Whiting, aye. Motion carried.**

**PRESENTATION – COMMERCIAL DEVELOPMENT CONCEPT PLAN**

Harold Gramstad presented a commercial concept plan for a 35-acre tract of property adjacent to Highway 169. Gramstad’s plan includes both commercial and residential housing to provide three levels of care for senior citizens. He believes that development of this property will spur development into Livonia Township as well, once the transportation issue of Highway 169 is resolved. Council feels that Gramstad’s plan is pre-mature until MN DOT decides where additional access to 169 will be granted if modifications are made to the TH 169/CSAH 4 interchange. No action taken.

**PUBLIC WORKS REPORT** – presented by Keith Koehler, Public Works Director

Back-Up Generator for 6<sup>th</sup> Avenue Water Treatment Plant

The City’s 6<sup>th</sup> Avenue Water Plant does not currently have emergency back up power. Two weeks ago, there was a power outage in the City. Pumping and water treatment cannot occur during power outages and SCADA monitoring including alarms for lift stations, wells and the SBR are disabled until power is restored. Staff has received quotes for backup generators from 2 different vendors for installation at the 6<sup>th</sup> Avenue Water Plant.

**Whiting/Bondhus unanimous to accept the bid from and authorize payment to Kodiak Power Systems for a Cummins 100KW natural gas backup generator and a Cummins OTEC 400 amp transfer switch for installation at the 6<sup>th</sup> Avenue Water Treatment Plant with the optional 5-year extended warranty at a total cos of \$33,303, with expenses to be allocated to the Water Fund as recommended by the Public Works Director.**

Zero-Turn Mower

The Public Works Department utilizes two (2) commercial grade zero-turn lawn mowers to perform the majority of right-of-way, parks, and open space mowing. Staff wishes to replace a John Deere unit due to age, hours of

operation and an expired warranty. The John Deere currently has re-sale value and upgrade at this time would allow the City to recoup some of its investment from purchase. Staff solicited quotes from vendors and wishes to purchase a new mower and requests authorization to sell the John Deere unit.

**Frederick/Shepard unanimous to approve the purchase of and authorize payment for a Ferris IS2100 28HP 61” mower from Marv’s True Value at a cost of \$8,799.00 to be paid from the General Fund, Streets and Park Departments, as requested by staff.**

**Whiting/Bondhus unanimous to authorize the Public Works Director to sell the John Deer zero-turn mower as necessary.**

Other Announcements

Zimmerman/Livonia Youth Day is scheduled for Saturday, September 14<sup>th</sup> at the City Park. The Public Works and Park Board have challenged the Fire Department to a kickball game, which will be begin at 4 p.m., followed by a youth football association game at 6 p.m., with free hotdogs and chips. The public is invited to attend, and the City will be collecting donations for Passing the Bread. No action taken.

**FINANCE REPORT – presented by Kary Tillmann, Clerk/Treasurer**

2020 General Fund Budget and Levy Update

EDA Levy

Administrator Piasecki advised that based on discussion at the 8/26 Budget Workshop, staff can prepare documentation to include a \$50,000 EDA levy in the 2020 Budget if Council would like to move forward with a proposed EDA levy.

**Stay/Whiting to include an EDA levy in the 2020 Budget in the amount of \$50,000. Motion carried.**

Initiative Foundation Request for 2020 Funding

Annually, the Initiative Foundation asks Council to consider a contribution in the annual budget. Staff has received a request for funding for 2020.

**Stay/Shepard unanimous to approve a \$110 contribution to the Initiative Foundation for 2020. Motion carried.**

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

August 28, 2019 Planning Commission Report

The Planning Commission conducted a public hearing on August 28 to consider a request for a Conditional Use Permit for the property located at 12714 Fremont Avenue. Cynthia Herrick would like to operate a home care facility in the building on the property. The proposed facility would house 4 – 6 adults needing physical or medical assistance in a residential housing environment. Herrick’s business, Kindred Cares LLC, would be responsible for tenant screening and assessment. The building would be renovated to include private bedrooms with shared restroom, living space and communal meal space. Tenants are supervised 24 hours a day by 1 – 3 employees. The Planning Commission found the application met the requirements for granting a CUP and recommends Council approval with conditions.

**Bondhus/Frederick unanimous to grant a Conditional Use Permit to Cynthia Kerrick, Kindred Cares LLC, to operate a home care facility at 12714 Fremont Avenue, on property legally described as Lot 2, Block, Morrison’s additional to Lake Fremont, conditioned upon the applicant entering into a long-term lease agreement or purchasing said property, as recommended by the Planning Commission.**

**Frederick/Whiting unanimous to accept the Planning Commission Report of August 28, 2019 as presented.**

**MAYOR/COUNCIL ITEMS**

Mayor Stay noted the following items:

- September 14 – Youth Night at the City Park. Kickball at 4 p.m.; Youth Football at 6 p.m.
- September 28 --Passing the Bread Food Distribution – 9 – 11 a.m.; UMA Precision Machining

Before adjourning, Mayor Stay asked for a moment of silence in honor of US military personnel and their families, both at home and abroad.

**Frederick/Whiting unanimous to adjourn the meeting at 8:54 p.m. Motion carried.**

Approved this 17th day of September, 2018.

s/s Kary Tillmann, Clerk/Treasurer

Approved 09/23/2019