

**MINUTES OF THE REGULAR MEETING  
OF THE ZIMMERMAN CITY COUNCIL  
MONDAY, SEPTEMBER 11, 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 absent. Also present were Administrator Piasecki, Clerk/Treasurer Tillmann, and Public Works Director Johnson.

**AGENDA APPROVAL**

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

**APPROVAL OF MINUTES**

**Smith/Nathe unanimous to approve the meeting minutes of the August 21, 2017 Regular Meeting of the City Council as presented**

**CONSENT AGENDA**

**Smith/Nathe unanimous to approve the consent agenda as follows:**

- a. Approve the payment of claims (check #39354 - #39393) in the amount of \$59,321.37 and electronic payments (e-check #1542 - #1543) in the amount of \$32,592.85 as presented.
- b. Accept the following invoices, authorizing payment to Bolton & Menk (ck #39396) for contracted Engineering Services for the period of July 1 - 28, 2017, as follows and as recommended by staff:
  - Invoice #207075 in the amount of \$33,257.50, for Project Management Services related to the 2017 3<sup>rd</sup> Avenue South Improvement Project;
  - Invoice #207077 in the amount of \$10,040.50, for Project Management Services related to the 2017 Pavement Preservation Project.
- c. Authorize payment to Service Master Professional Services in the amount of \$13,450.12 (ck# 39398) for cleaning and restoration services at the property located at 12595 – 3<sup>rd</sup> Avenue South, as part of the 2017 3<sup>rd</sup> Avenue South Improvement Project, as recommended by staff.
- d. Authorize payment to Vessco, Inc., in the amount of \$6,871.00 (ck #39399), for the purchase of a 6” Singer Model S106-BPC pump control valve assembly, a 6” butterfly valve, and a 6” gearbox with hand wheel, as installed at the 6<sup>th</sup> Avenue Water Plant, with funds to be taken from the Water Fund Budget (601-49400-402), as recommended by the Public Works Director.
- e. Accept the August 2017 Building Permit Summary Report as presented.

**OPEN FORUM**

Council heard from **Donna Lind, 26505 Lake Avenue**, who was present to discuss her most recent water bill and the water meter for her residential property. Lind has experienced higher than average usage over the past two months. Typically, she is billed for 1,000 gallons of usage. Her most recent bill showed 8,000 gallons of water through the meter in one month. She stated that she had a new toilet installed approximately 6 months ago and she had been absent from the home for about half the month. She does not believe anything was leaking at the property because the crawl space was dry and she had placed dye in the toilets, which didn't show any leaking. A friend, who was in attendance with Lind, stated that the bill is troubling because Lind is meticulous about her water consumption. Public Works staff walked through Lind's house with her and found nothing out of order at the time of the walk-through. They also installed a new meter in order to more closely gauge water usage at the property. Lind requested an adjustment to her bill for the excessive usage. Staff has suggested the old meter be sent in for testing to determine if the meter is faulty. Public Works Director Johnson stated that when meters wear out, they typically slow down, not speed up. Council agreed by consensus that the meter should be tested before any action is taken to credit the higher usage on Lind's water bill. Staff will report results of the test with Lind once they are received.

## **FIRE DEPARTMENT REPORT**

**Fire Chief Ryan Maloney** presented the Fire Department report for the months of July and August, 2017. The Department responded to 9 medical assists, 3 gas leaks, 6 injury accidents, searched for a missing person, responded to 4 fire alarms, 2 grass fires, 3 vehicle fires, a commercial building fire, a residential garage fire, and provided mutual aid for a residential house fire in Elk River. The Fire Department Open House and Firemen's Dance were held on Saturday, September 9. Both events were well attended, with over 800 in attendance at the evening dance. Maloney thanked the many local businesses that supported their annual event by donating prizes and silent auction items, and residents who attended throughout the day and evening. He also thanked the City Public Works staff for their assistance with setup, barricades, and fencing.

**Council accepted the Fire Department Report for July and August, 2017 by unanimous consensus as presented.**

## **PUBLIC WORKS REPORT** – presented by **Public Works Director Johnson**

### Sale of Used Plow Trucks

Council approved the purchase of new plow trucks in 2016 and 2017 to replace antiquated equipment. Staff would like authorization to sell 2 of the City's older plow trucks, since currently we have two new ones and a good back up to use during the upcoming plow season. Staff anticipates advertising the vehicles for sale through the League of Minnesota Cities and possibly Craigslist. Proceeds from the sales would be committed to the Truck Fund to help offset the recent purchase.

**Nathe/Whiting unanimous to authorize the sale of the 1994 Ford L8000 and the 1995 Kodiak plow trucks, as recommended by the Public Works Director.**

## **FINANCE REPORT**– presented by **Clerk/Treasurer Tillmann**

### 2018 Preliminary Budget and Levy

Staff presented the first draft of the proposed 2018 budget at the August 21<sup>st</sup> Council meeting. The preliminary 2018 budget and levy must be certified to Sherburne County by September 30, 2017.

Three different revenue scenarios were presented for consideration and discussion at this meeting. Option #1 is the budget and levy figures that were presented on August 21. Under Option #1, proposed expenses are projected at \$2,595,024, an increase of \$92,350 or 3.7% from 2017 and the levy would not change from 2017 levels. Option #2 proposes an additional \$50,000 to be levied and committed for future road improvements, quite possibly for the Lake Fremont area. Under Option #2, the expenditure budget would increase from \$2,502,674 in 2017 to \$2,645,024, a 5.6% increase. The total levy, including special levies, would increase by \$50,000 to \$1,544,000, a 3.3% increase over the current levy. Option #3 was proposes an additional \$100,000 to be levied and committed for future road improvements. Under Option #3, the budget would increase from \$2,502,674 in 2017 to \$2,695,024, a 7.6% increase. The total levy would increase from \$1,494,000 to \$1,594,000, a 6.6% increase.

Administrator Piasecki added that whichever option the Council chooses would still result in a decrease to the City's tax rate due to the added valuation of new residential and commercial properties. Council requested staff provide financial impacts of all three options on average residential property values at the September 18<sup>th</sup> meeting.

Extensive discussion was held regarding park use fees, especially for youth sports associations using the city park. Administrator Piasecki stated that a more appropriate time to consider park usage fees would be as part of a discussion relating to the City fee schedule.

The preliminary levy must be approved at the September 18 meeting in order to meet State imposed certification deadline. Once the preliminary levy is set, Council is still able to reduce the budget and levy before final certification in December. No action taken.

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

**Public Hearing – Vacation of Drainage and Utility Easements – Sherburne County Public Safety Addition**

Mayor Earenfight closed the regular meeting at 7:57 p.m. and opened a public hearing to consider the vacation of drainage and utility easements in the Sherburne County Public Safety Addition.

Administrator Piasecki reported that Vision Enterprises, LLC, has purchased Lots 1, 2, and 3, Block 1, in the Sherburne County Public Safety Addition from the Sherburne County HRA. Vision proposes to construct a 15,000 square foot structure on the three properties, including an office, bus garage and fueling station. Since the proposed building will lie over the common property lines between Lots 1, 2, and 3, the platted interior easements must be vacated. The building will also lie on two lots, which can cause issues with title and financing, in addition to creating difficulties in administering the building code.

Vision intends to vacate all the interior easements and replace them with new, code-required drainage and utility easements in a re-plat of the lots, which are proposed to be platted into one lot. Staff received a written comment from CenterPoint Energy stating they had no objection to the requested vacation.

Mayor Earenfight closed the public hearing and reopened the regular meeting at 8:01 p.m.

**Smith/Nathe unanimous to approve the vacation of interior drainage and utility easements on Lots 1, 2, and 3, Block 1, Sherburne County Public Safety Addition, upon approval of the final plat of the properties as Lot 1, Block 1, Vision Zimmerman Addition.**

**Preliminary and Final Plat – Vision Zimmerman Addition**

Vision Enterprises LLC has acquired Lots 1, 2, and 3, Block 1, Sherburne County Public Safety Addition from the Sherburne County HRA. Vision proposes to vacate the interior easements, as their proposed 15,000 square foot structure would straddle the interior property lines and utility easements. Vision requested the drainage and utility easements be vacated prior to re-platting the lots into one parcel, proposed as Lot 1, Block 1, Vision Zimmerman Addition.

The Planning Commission conducted a public hearing regarding the preliminary plat at their meeting on August 30. This plat combines the three lots into one parcel that exceeds 5 acres in size. The resulting lot exceeds the requirements of the City Code and contains the code-required drainage and utility easements. No public comment was heard or received by the Planning Commission, who recommended approval of preliminary plat, conditioned upon the vacation of interior easements between Lots 1, 2, and 3, and recommends approval of the final plat.

Since Council acted on the vacation request through a public hearing prior to consideration of this request, the preliminary and final plats can be approved.

**Nathe/Smith unanimous to approve the Preliminary Plat of “Vision Zimmerman Addition”, conditioned upon the vacation of interior easements, as recommended by the Planning Commission.**

**Whiting/Smith unanimous to approve the Final Plat of “Vision Zimmerman Addition”, as recommended by the Planning Commission.**

### Conditional Use Permit – Vision Enterprises

The City Council, Zimmerman Economic Development Authority (EDA) and city staff have discussed the pending acquisition of property owned by the Sherburne County HRA by Vision Enterprises, LLC, with the intent to construct and bus garage and office space. The Council previously granted the County HRA the authority to operate within the City boundaries for the purpose of the land sale. This meeting agenda also includes Council action on the vacation of drainage and utility easements and preliminary and final plats for the project.

The property was zoned Commercial when developed by Sherburne County. Vision's proposed use includes the storage and light maintenance of vehicles in a commercial district, much like auto sales, services and repairs, so the application has been processed as a Conditional Use Permit (CUP). The Planning Commission held a public hearing on Vision's application for a CUP at their August 30<sup>th</sup> meeting. No comments were heard or received during the public hearing. The Planning Commission recommends Council approve Vision's request with conditions.

**Nathe/Whiting unanimous to approve the Conditional Use Permit (CUP) application for a bus garage in the C-1 General Commercial District, as submitted by Vision Enterprises, LLC, for property located at 26862 – 5<sup>th</sup> Street West, Zimmerman, and identified as Lots 1, 2, and 3, Block 1, Sherburne County Public Safety Addition, with the following conditions:**

- 1. City Engineer comments shall be implemented in the development and construction of the storm water management plan and facilities for the property.**
- 2. A minimum of 35 off-street parking spaces shall be constructed with the first phase of development.**
- 3. All parking lot lighting shall comply with the provisions of Section 8.0813 of City Code.**
- 4. The site shall be landscaped in accordance with the submitted landscape plan.**
- 5. The dumpster location(s) shall be screened and secured.**

### Preliminary and Final Plat – North Ridge Entry

The City proposes to plat city-owned properties lying under and adjacent to portions of 2nd Street East and 2nd Avenue North, lying north of CSAH 4. The City acquired these properties from the Burlington Northern Railroad, donation by developers, and tax forfeiture. When the plat of North Ridge Center was developed in 2003-2004, 2nd Street East was allowed to be constructed in the City's former railroad right of way. As part of that construction, a cul du sac in the plat of Winter Park was vacated, and the owner of the property joined the street construction and allowed 2nd Avenue North to be constructed to connect to 2nd Street East.

The City and developers cooperatively worked to create a plat of the new roadways in 2006-2007, but conflicting legal descriptions in the railroad deeds made it impossible for the City to obtain a clean title commitment and file the plat with the County. Earlier this year, City Attorney Mattick referred the legal work to a real estate attorney in his office, who worked with a title company to create the methodology to prove ownership and plat the property, resulting in a clean title opinion.

Existing streets and utilities are platted as right of ways and easements to define and protect them from potential development in the future. The remaining property is platted as outlots, as they are too small for buildable lots and are "surplus right of way". These outlots have value, and would increase the lot size of adjacent properties if they develop. Outlots C & D were to be conveyed to the adjacent owner Larry Winter for inclusion in his replatting of Winter Park Second Addition. This plat was also processed (hearing, plat reviews, etc.) in 2006-2007, but was not approved due to the title discrepancies. Winter was a partner in the vacation of the cul du sac in "Winter Park" and the construction of 2<sup>nd</sup> Avenue North to connect with 2<sup>nd</sup> Street East.

The Planning Commission conducted a public hearing regarding the preliminary plat at their August 30<sup>th</sup> meeting. No public comment was heard or received, with the Commission recommends approval of the preliminary and final plats. Staff recommends Council accept the Planning Commission recommendation, and approve both the preliminary and final plats by separate motion.

**Smith/Whiting unanimous to approve the Preliminary Plat of “North Ridge Entry”, as recommended by the Planning Commission.**

**Nathe/Whiting unanimous to approve the Final Plat of “North Ridge Entry”, as recommended by the Planning Commission.**

August 30, 2017 Planning Commission Report

**Whiting/Nathe unanimous to accept the August 30, 2017 Planning Commission Report as presented.**

**MAYOR/COUNCIL ITEMS**

Request for Donation – Faith Pantry

Council received a written request for a \$500 donation from the City to Faith Pantry.

**Smith/Nathe to deny the request for donation from Faith Pantry. Roll call on the motion: Earenfight, aye; Nathe, aye; Smith, aye; Whiting, naye. Motion carried.**

Mayor Earenfight noted the following items:

- Farmer’s Market – Tuesdays through October 3; 2:30 p.m. – 6:00 p.m. – City Park
- Zimmerman/Livonia Youth Day – September 16; 5 – 8 p.m. -- City Park
- Freshwaters UMC Day of Service – September 23
- Passing the Bread Food Distribution – September 30; 9 – 11 a.m.; Sheriff’s Department Substation

Mayor Earenfight expressed his gratitude to DaRan Trucking, who recently transported three semis of donated goods to Houston, and to the Zimmerman community for the donations to help those affected by Hurricane Harvey.

Before adjourning, Mayor Earenfight asked for a moment of silence in honor of US military personnel and their families, as well as in remembrance of those affected by the events of 9/11/01.

**Smith/Whiting unanimous to adjourn the meeting at 8:19 p.m. Motion carried.**

Approved this 18th day of September, 2017.

s/s Kary Tillmann, Clerk/Treasurer