

**MINUTES OF THE REGULAR MEETING  
OF THE ZIMMERMAN CITY COUNCIL  
MONDAY, SEPTEMBER 14, 2020**

**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 Fire Chief Maloney.

**AGENDA APPROVAL**

**Frederick/Bondhus unanimous to approve the agenda with the following addition:**

- **Consideration of Fireworks Display Permit – ZHS Quarterback Club**

**APPROVAL OF MINUTES**

**Bondhus/Shepard unanimous to approve the meeting minutes of the August 17, 2020 Regular Meeting of the City Council as presented. Motion carried.**

**CONSENT AGENDA**

**Shepard/Frederick unanimous to approve the consent agenda with the addition of j. Consideration of Fireworks Display Permit as follows:**

- a. Approve the payment of claims (check #42322 - #42413) in the amount of \$105,387.18 and the payment of electronic claims (#1975 - #2067 & #2072 - #2073) in the amount of \$551,694.68, as presented.
- b. Accept Invoice #255140 in the amount of \$9,664.40 (ck #42414) authorizing payment to Bolton & Menk for professional Engineering and Project Management services for the period of June 27 – July 24, 2020, for the 2020 Morrison Addition Improvements, as recommended by staff.
- c. Authorize payment in the amount of \$10,031.83 (ck #42415) to Core & Main for the purchase of water meters and related parts as recommended by staff, with funds to be taken from the Water (601) and Sewer (602) Funds.
- d. Approve partial payment to Kodiak Power Systems for the purchase of two (2) Cummins natural gas generators with extended warranties installed on Lift Station #7 and Lift Station #11 as approved by Council on May 4 and 18, 2020 and as identified on Invoice KPS0571, in the amount of \$12,800.00 (ck #42416) to be paid from CARES monies, as recommended by staff.
- e. Approve payment to the Zimmerman/Livonia Fire District in the amount of \$368,376.25 (ck #42417) as identified on Pledge #1082 for Rochon Pay Request #2 for Construction Management Services on the Fire Hall and Event Center through August 31, 2020, to be paid from bond proceeds, as recommended by staff.
- f. Accept the Investment/Funds Report for May 2020 as presented.
- g. Accept the Investment/Funds Report for June 2020 as presented.
- h. Accept the Building Permit Summary Report of August 2020 as presented.
- i. Approve the event permit application for a High School Cross Country meet to be hosted by the ZHS Cross Country Team and held September 21, 2020 utilizing fields, open space, trails and the Frisbee Golf Course in the City Park located at 25850 Main Street, as identified on the map provided.
- j. Approve the fireworks display permit as requested by the Zimmerman Quarterback Club for a fireworks/pyrotechnic special effects display by Curt Serbus, to be located at the Zimmerman High School/Middle School, 25900 – 4<sup>th</sup> Street West, on September 22 & 28, 2020.

**OPEN FORUM**

Member Whiting suggested Council discuss at a future meeting the creation of a committee to explore the possibility of building a community center/field house in City limits. No action taken.

## **FIRE DEPARTMENT REPORT**

**Fire Chief Ryan Maloney** presented the Fire Department Activity Report for the month of August 2020. The Department responded to 7 medical calls, a gas leak, 4 personal injury accidents, a fire alarm, a lift assist, one grass fire, 2 residential house fires in the service area, and a rescue call. Chief Maloney thanked Public Works Director Koehler for assisting with decontamination of the Fire Station. Maloney stated that construction on the fire hall continues. Maloney and Public Works Director Koehler recently met with a vendor to discuss the purchase of AED's for all city vehicles, buildings and the fire station. Additional discussion regarding the use of COVID funds will be held at the September 21 City Council meeting.

**Council accepted the Fire Department Report for August 2020 by unanimous consensus as presented.**

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

### Pay Request #5 – 2020 Morrison Addition – C & L Excavating

C & L Excavating was contracted to complete the 2020 Morrison Addition Improvements. The project is nearly complete, and staff is compiling a punch list of minor items still needing to be done. Work completed through August 28, 2020 totals \$1,313,821.08 less the 5% retainage and previous Pay Requests. The retainage after this payment amounts to \$65,841.05. Bolton & Menk and city staff have reviewed the Pay Request and recommend Council adopt the resolution approving Pay Request #5 in the amount of \$113,066.78 as requested.

**RESOLUTION 2020-09-01** Whiting/Stay unanimous to adopt **RESOLUTION #2020-09-01, approving Pay Request #5 by C & L Excavating for the 2020 Morrison Addition Improvement Project in the amount of \$113,066.78 (ck #42418) as recommended by staff and the City Engineer. Motion carried.**

### Back-Up Generator for Lift Station #2

Staff has been reviewing operations of the water and sewer departments with respect to emergency response and electrical service disruptions. This review has become more intense given the COVID pandemic, the number of residents working from home, and preparations to operate departments with limited staff should the need arise. Council has authorized the purchase of portable generators to power select lift stations in the event of power failure.

Lift Station #2 does not have backup power and is critical for the collection of all sewage east of TH 169. Lift Stations #3, #4 and #8 all push waste to Lift #2. Power failure at Lift #2 could cause a backup of sewage into other lift stations and dwellings and businesses in the Lake Fremont area if not addressed quickly. Considering the number of residents that are or continue to work and distance learn from home during the pandemic, there is an increase in the amount of waste produced and collected. Staff is trained to use portable generators in the event of emergency, but there are more lift stations that need attention than both generators and staff.

Kodiak Power Systems has provided a proposal to provide a Cummins RS30 30KW/240/120V natural gas generator at Lift Station #2 at a cost of \$17,140 plus an optional 5-year extended warranty, for a total cost of \$18,390. Staff will coordinate remaining installation requirements and equipment, with costs not expected to exceed \$5,000. Staff recommends Council approve the purchase of a new generator and extended warranty from Kodiak Power Systems, and additional expenses for installation, connection, and operation.

**Stay/Bondhus unanimous to approve the purchase of a Cummins RS30 30KW natural gas generator and extended 5-year warranty from Kodiak Power Systems at a cost of \$18,390, plus third-party installation and connection fees, to be placed at Lift Station #2 and authorize partial payment as necessary, as recommended by the Public Works Director. Motion carried.**

Purchase of Automated External Defibrillators

As discussed during the Fire Department report, staff is researching the purchase of Automated External Defibrillators (AED's) for all City buildings and vehicles. Existing machines are about 12 years old and should be upgraded because technology has changed considerably since installation. In total, staff is exploring the purchase of 18 new AED's with the use of the City's CARES funds. Additional discussion and cost estimates will be provided at the September 21 meeting. No action taken.

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

Reinvestment of funds

One of the City's investments valued at approximately \$250,000 was called on September 11, 2020. Tillmann presented rates and a recommendation for reinvestment with the current broker.

**Stay/Shepard unanimous to approve the re-investment of \$245,000 with US Alliance FCR through Financial Northeastern (FNE) for three (3) years at a rate of 0.30%, authorizing a transfer from the City's FNE Money Market account to complete the transaction. Motion carried.**

Mayor Stay declared a recess at 7:20 p.m. and reconvened the meeting at 7:25 p.m.

2021 General Fund Budget and Levy

Staff presented the first draft of the proposed budget at the August 17 meeting and provided updated information relating to the proposed General Fund levy and tax rate. Council requested staff move forward with the inclusion of \$50,000 for Economic Development in the proposed levy. Council was reminded that the final preliminary 2021 budget and levy would be presented at the next meeting in order to be certified to Sherburne County by the September 30, 2020 deadline. No action taken.

Initiative Foundation Request for 2021 Funding

Annually, the Initiative Foundation asks Council to consider a contribution in the annual budget. Staff has received a request for funding for 2021.

**Bondhus/Shepard unanimous to approve a \$110 contribution to the Initiative Foundation for 2021 as requested. Motion carried.**

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

August 26, 2020 Planning Commission Report

Variance Request – 12267 Fremont Lane

The Planning Commission, acting as the Board of Adjustment, conducted a public hearing regarding a variance request by Jay and Jane Bunting for a new home construction on Lake Fremont, granting a 10-foot variance to the 20-foot setback from undeveloped Point Road. No Council action required.

Maefield Estates Townhomes – RW3 LLC

The Commission recommends final plat approval to RW3, LLC for a 24-unit twin home project on 8<sup>th</sup> Avenue South known as Maefield Estates Townhomes. This project was first submitted and reviewed in 2018, receiving preliminary plat approval. Staff is completing the necessary plat documentation and development agreement for inclusion in the signature copy of the plat and filing with the County.

Comments were heard from **Jay Roos** representing **RW3, LLC** who stated that Lot 9 will be the common area and will be landscaped to give a more natural appearance around the existing pond. They will also be adding an earthen berm to help alleviate the intrusion of headlights into homes. The site naturally slopes down to the pond

area, which is conducive to 16 walk-out basements. The rest of the properties will have full basements. Homes will have stone and/or brick fronts with a variety of siding and trim colors. Homes will list in the \$230,000 price range. Every unit will be an “end” unit and share a common wall, with the potential for approximately 1,880 finished square feet. They are hoping to begin construction on the site later this fall.

**Stay/Whiting unanimous to approve the final plat of Maefield Estates Townhomes as requested by RW3 LLC with the following conditions, as recommended by the Planning Commission:**

- **City Engineer approval and/or recommendation for street and utility design**
- **Execution of a Developer’s Agreement between RW3 LLC and the City of Zimmerman**
- **Submission of by-laws of the Homeowner’s Association**

The Commission also conducted three additional public hearings to consider a rezoning request for 2.7-acres of property from Christ Our Light Catholic Parish, preliminary plat approval of a 35-acre commercial development to be known as “Zimmerman Commercial Park”, and a proposed Code amendment to the C-2 Highway Commercial regulations.

Rezoning Request – Christ Our Light Catholic Church

Christ Our Light wishes to subdivide the current church property located at 25909 – 4<sup>th</sup> Street West, into 2 parcels. The Church has requested rezoning of the southern 2.78-acres containing the house and garage to R-2 Multiple Family in order to make the property more developable. Planning Commission recommended approval and adoption of an ordinance authorizing the rezoning of the property. Discussion was held regarding potential uses and costs associated with developing the property.

**Shephard/Stay unanimous to adopt Ordinance No. 339 rezoning the southern 2.78-acre parcel owned by Christ Our Light Catholic Church located at 25909 - 4<sup>th</sup> Street West from the C-1 General Commercial District to R-2 Multiple Family Residential District, as recommended by the Planning Commission. Motion carried.**

Preliminary Plat – Zimmerman Commercial Park

PSD, LLC has acquired approximately 35-acres on vacant property on the west side of TH 169 and proposes to subdivide the property into 5 lots for commercial development. Planning Commission found the preliminary plat to meet or exceed the City’s design standards and recommended approval as submitted. The street and utilities have been designed in cooperation with Bolton & Menk, the City’s Engineer, to meet the City’s development design standards. A developer’s agreement, letter of credit, park dedication fees and other related items will be negotiated through the final plat process.

Discussion was held regarding impacts of development to the property owner on the northern border of PSD’s site. **Matt Kuker, PSD LLC**, stated that he has had conversations with the owners of the property to the north regarding his development schedule. PSD’s first phase of development will begin on the south end of the property and Kuker estimates it will be 3 – 5 years before they are ready to develop the northern area.

**Whiting/Stay unanimous to approve the Preliminary Plat of Zimmerman Commercial Park as presented and requested by PSD LLC, as recommended by the Planning Commission. Motion carried.**

Zoning Amendment – Multiple Family Dwellings in C-2 Highway Commercial District

The Planning Commission also reviewed a proposed amendment to the C-2 Highway Commercial District zoning standards to allow multiple family dwellings greater than 50 units as a Conditional Use. Over the last 12 – 18 months, the Commission has discussed modifications to the C-2 District making it more of a “mixed use” district instead of relying solely on highway generated commercial/retail uses. Adding a multiple family provision adds opportunity for development related to the downtown and highway corridors, emphasizing activity and

walkability of residents in the commercial district. The C-2 District, if amended would allow either as permitted or conditional uses, commercial, retail, enclosed light manufacturing (like UMA and Reliant Systems) and multifamily housing, achieving the “mixed uses” the Commission desires for the area.

**Whiting/Frederick unanimous to adopt Ordinance No. 340 amending Section 8.0881, Subd. 4 of City Code to allow multiple family dwellings in excess of 50 units as a conditional use of property in the C-2 Highway Commercial District, as recommended by the Planning Commission.**

**Stay/Frederick unanimous to accept the August 26, 2020 Planning Commission Report as presented.**

Storm Damage Building Repairs

A hailstorm in July 2019 damaged the roofs at the 4<sup>th</sup> and 6<sup>th</sup> Avenue Water Plants, and the roof, gutters, west side siding, and decking at City Hall. Staff filed an insurance claim with the League of MN Cities Insurance Trust (LMCIT), and an adjuster reviewed the properties, agreeing there was storm damage that warranted repair. He recommended the City obtain quotes for repairs for the three buildings. Three vendors were contacted, with two of those providing quotes that were forwarded to LMCIT.

LMCIT has accepted the quote from NHH Roofing Plus and will compensate the City for replacement losses totaling \$45,708.87, less the \$2,500 deductible, to include the City Hall roof, gutters, power washing/stain on west side of building and deck rail. Roofs at the 4<sup>th</sup> Avenue and 6<sup>th</sup> Avenue South Water Plants will also be re-shingled. LMCIT will remit payment to the City upon submittal of an invoice or contract.

Staff requested quotes for additional improvements to City Hall, including replacement of soffits and fascia, residing the building, and replacing the existing decks which are in disrepair. NHH Roofing Plus has quoted a cost of \$29,667.22 to reside with LP SmartSide, install aluminum soffit and fascia, and install new KDAT deck and railings. No exterior modifications have been made to the building by the City since it was purchased 20 years ago, other than replacement of rotted lap siding pieces and decking boards. The 2020 City Hall budget included \$50,000 for repairs and improvements.

**Stay/Shepard unanimous to accept the quote from NHH Roofing Plus for storm damage repairs as identified by the League of MN Cities at City Hall, the 4<sup>th</sup> Avenue Water Plant and the 6<sup>th</sup> Avenue Water Plant, and authorize additional exterior modifications to City Hall as identified by staff in the amount of \$29,667.22, as recommended by staff.**

MAYOR/COUNCIL ITEMS

Mayor Stay noted the following items:

- September 26 -- Passing the Bread Food Distribution – 9 – 11 a.m.; UMA Precision Machining
- October -- Bloodmobile at Zimmerman American Legion Post 560
- MNDOT no longer has improvements to the Zimmerman TH 169 interchange in their 10-year funding plan. Staff continues to discuss options with County and State officials to reinstate a funding plan for future improvements. More information will be provided as it becomes available.
- Tobacco compliance checks were recently conducted at City businesses. All license holders within City limits passed the compliance check.

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

**Frederick/Stay unanimous to adjourn the meeting at 8:27 p.m. Motion carried.**

Approved this 21<sup>st</sup> day of September 2020.

s/s Kary Tillmann, Clerk/Treasurer

Approved 09/21/2020