

**MINUTES OF THE REGULAR MEETING
OF THE ZIMMERMAN CITY COUNCIL
MONDAY, SEPTEMBER 18, 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 excused absent. Also present were Administrator Piasecki, Clerk/Treasurer Tillmann, Public Works Director Johnson, PW Operations Coordinator Koehler, Attorney Schutt, and Engineer Bittner.

AGENDA APPROVAL

Nathe/Smith unanimous to approve the agenda as presented.

APPROVAL OF MINUTES

Whiting/Smith unanimous to approve the meeting minutes of the September 11, 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 #39394 - #39428) in the amount of \$44,629.87 and electronic payments (e-check #1544 - #1549) in the amount of \$34,634.81 as presented.

OPEN FORUM

Council heard from **Brian Warfield, 26448 Terrace Drive**, who advised Council he is having a civil dispute with his neighbor. An incident occurred in his neighborhood on August 6, involving himself and a neighbor, to which the Sheriff's Department was called. Warfield was issued a citation for having a dog running at large. He is requesting the City acknowledge that his neighbor violated City ordinances as well, specifically having more dogs than City ordinance allows and not acquiring an event permit for an event in the neighborhood. He feels the neighbor's event should be treated like any other event, such as the Firemen's Dance or Wild West Days, where a permit is required. Attorney Schutt questioned if Mr. Warfield had reported these incidents to the Sheriff's Department. He stated he had. No action taken.

PARK BOARD REPORT

Jay Whiting, Park Board Member, provided an overview of the September 5, 2017 Park Board meeting. The Board discussed the Night to Unite event in the City Park on Tuesday, August 1, 2017. They feel the event was a success and would like to make it an annual event. About 100 people attended the first-time event, with activities including kickball, disc golf, chalk art, a scavenger hunt, and a dunk tank. Mayor Earenfight suggested the Park Board consider combining next year's Night to Unite with the September "Youth Day". Whiting also reviewed concerns with equipment and maintenance at some of the City's Parks. The Zimmerman Youth Baseball Association will be submitting a grant application to Burlington Northern Santa Fe Railroad for safety improvements at Lion's Park.

Smith/Whiting unanimous to accept the September 5, 2017 Park Board Report as presented.

LAW ENFORCEMENT REPORT

Patrol Captain Bob Stangler, Sherburne County Sheriff's Department, provided an overview of activities for the month of August, 2017. The department received 528 calls for service, including 157 traffic stops with 40 offenses charged by citation, as opposed 324 calls for service in the same time period in 2016 and 301 calls in 2015. There were 11 thefts reported during the month of August, including 3 which ended up being civil complaints. Several have been charged out with the remaining still under investigation. The Department also responded to three vehicle crashes, 2 property damage complaints and a variety of smaller incidents.

The Sheriff's Department has been checking speed at various times on 3rd Avenue South. After spending 3.5 hours at that location, four drivers have been pulled over for various infractions, but no speeding violations have been noted.

Council agreed by unanimous consensus to accept the Law Enforcement Report for August, 2017, as presented.

PUBLIC WORKS REPORT

Pay Request #3 – C & L Excavating -- 2017 Street & Utility Project

Engineer Bittner provided an update on the 3rd Avenue South Improvement Project. The project is nearing completion for the year. Driveway approaches will be installed tomorrow, with backfilling and property restoration commencing towards the end of this week and into the next. The final wear course will be applied in the spring of 2018. The Assessment hearing will be scheduled for mid-November.

RESOLUTION #17-09-01 Nathe/Whiting unanimous to adopt RESOLUTION #2017-09-01, approving Pay Request #3 in the amount of \$26,537.29 submitted by C & L Excavating (ck #39429) for expenses related to the 2017 3rd Avenue South Improvement Project, as recommended by the City Engineer.

FINANCE REPORT– presented by Clerk/Treasurer Tillmann

2018 Preliminary Budget and Levy

Staff presented the first draft of the proposed budget at the August 21 meeting, with additional discussion at the September 11 meeting. At that meeting, Council requested staff present an additional Option #4 for the preliminary levy, which was made available in the Council packet. The options presented included additional funds to be levied for future road improvements. Council was reminded that the preliminary 2018 budget and levy must be certified to Sherburne County by September 30, 2017, therefore must be approved at this meeting, or a special meeting to be held prior to September 30. Once the preliminary levy is set, Council is still able to reduce the budget and levy before final certification in December.

Discussion was held regarding Options #3 and #4 as presented. Option #3 is the budget and levy with an additional \$100,000 proposed to be levied and committed for future road improvements, quite possibly for the Lake Fremont area. Under this option, the budget is proposed to increase from \$2,502,674 in 2017 to \$2,695,024, a 7.6% increase. The total levy is proposed to increase from \$1,494,000 to \$1,594,000, a 6.6% increase. Option #4 would include an additional \$150,000 to be levied and committed for future road improvements. Under this option, the budget would increase from \$2,502,674 in 2017 to \$2,745,024, a 9.6% increase. The total levy would then increase from \$1,494,000 to \$1,644,000, a 10% increase.

Piasecki added that Sherburne County is increasing property values through the County for 2018 and Zimmerman will see, on average, a 9.1% increase in residential property values. If the tax rate remained the same as in 2017, the City could levy an additional \$170,000, which would result in tax increases higher than what staff is comfortable with. If Council adopted Option #3, the net increase to property taxes would be less than \$100 per year, depending on residential property value.

Comments were heard from **Tom Haugland, 10410 - 265th Avenue, Zimmerman**, who stated that his mother, a City of Zimmerman resident, is on a fixed income and a \$100 increase in property taxes is unacceptable. He stated that he read in the paper that the additional \$100,000 would be committed for road improvements around Lake Fremont, which will likely cost \$1 million. He doesn't believe it is right for the entire City to pay for road improvements that will only benefit a small number of people. Mayor Earenfight responded that improvements

around Lake Fremont were simply cited as an example. Additional levy funds committed for road improvements could be used for any future road improvements throughout the City.

RESOLUTION #17-09-02 Nathe/Smith unanimous to adopt RESOLUTION #17-09-02 approving the proposed Preliminary General Fund Levy for taxes collectible in 2018 as follows: General Fund: \$1,488,000; Debt Service: \$69,000; Capital Expenditures: \$37,000, for a total levy amount of \$1,594,000 upon taxable property in the City of Zimmerman.

RESOLUTION #17-09-03 Smith/Whiting unanimous to adopt RESOLUTION #17-09-03, approving the proposed 2018 Preliminary General Fund Budget as presented.

Tillmann reported that Council must hold a public comment meeting prior to adopting the final 2018 General Fund Operational Budget. According to statute, this meeting must be held after November 24, 2017 and cannot begin before 6:00 p.m. The final budget must be adopted between November 24 and December 29, 2017. The public meeting date must be certified to the Auditor/Treasurer's Office by September 30. Staff recommends setting the public comment meeting for Monday, December 4, 2017 at or after 7:00 p.m., to coincide with Council's regular meeting schedule and allow staff time to make changes to the budget prior to final adoption on December 18th.

RESOLUTION #17-09-04 Nathe/Whiting unanimous to adopt RESOLUTION #17-09-04, setting the public comment meeting for the 2017 General Fund operational budget and levy for Monday, December 4, 2017, at 7:00 p.m., or as soon as possible thereafter, pursuant to MS 275.065, subd 1 and 3.

ADMINISTRATOR'S REPORT – presented by Administrator Piasecki

Consider Employee Termination

Maintenance Technician Tom Haugland has been out of work since he sustained a brain injury in July 2016. Mayor Earenfight expressed concern that if Haugland were to return work for the City and was injured again, it would jeopardize his safety or cause additional bodily harm. He invited Haugland to address the Council. Haugland reported that his doctors have determined he has shown a slight improvement in the past four months, however, they have also determined he has reached maximum improvement and will not be able to return to work full-time.

Administrator Piasecki added that the staff report provided to Council with the meeting packet indicates the effects of Haugland's long-term absence on the productivity of the Public Works Department. Due to the length of time Haugland been out of work, increased demands of the department due to the upcoming winter season, and the report from Haugland's medical team, staff recommends Haugland be terminated from City employment and his position advertised to be filled.

Attorney Schutt reminded Council that they had received copies of the work ability reports from Haugland's doctors, who have determined that Haugland will no longer be able to work full-time due to his injury. Because there are medical issues involved, Attorney Schutt reiterated that Council could talk in broad terms but not about specific medical conditions, unless the employee chose to allow that information into the record.

Haugland questioned if the City would assist him in maintaining his Water and Wastewater licenses. Attorney Schutt commented that in her opinion, it would be unusual for the City to assist in this capacity for someone not employed by the City. The City has not done so for other employees that have left employment with the City.

Comments were heard from **Dave Horvath, 13209 Oakwood Road, Zimmerman**, who stated he was disappointed Councilmembers had not done more to check on Haugland's well-being throughout his absence.

Earenfight/Smith unanimous to terminate the employment of Maintenance Technician Thomas S. Haugland, effective immediately, due to his inability to return to work for medical reasons. Motion carried.

Sherburne County Right Of Way Plat No. 81

Sherburne County Public Works has prepared "Sherburne County Right of Way Plat No. 81", documenting the CSAH 4 right of way from TH 169 east to the county line. The plat indicates the size and location of the CSAH 4 right of way adjacent to public and private properties. The County has requested the City Council acknowledge receipt and review of the plat, specifically as it relates to the right of way of Fremont Drive as relocated by the County in 2016, and the 120th Street intersection.

Staff has reviewed the plat and documentation provided by County Public Works, and agrees with the depiction of the City's right of ways for Fremont Drive and 120th Street as they intersect CSAH 4. Staff recommends approval of the County's request.

Smith/Whiting unanimous to acknowledge receipt and review of Sherburne County Right Of Way Plat No. 81, agreeing with the Fremont Drive and 120th Street right of way as shown in the plat, and authorize signature and return of the documents to Sherburne County, as recommended by staff.

Conveyance of Outlots -- North Ridge Entry Plat

In 2001, the City vacated the cul du sac and drainage and utility easements platted over a portion of Winter Park. This was conducted with the cooperation and consent of the land owners, Laurence and Sheryl Winter, so that 2nd Avenue North could be extended westward to intersect the to-be-constructed 2nd Street East. Gramstad Homes, Inc. constructed 2nd Street East and 2nd Avenue North as part the North Ridge Center development. The City allowed 2nd Street East to be constructed in its former railroad right of way.

The City, Gramstad, and the Winters agreed to plat the City's railroad right of way to create street right of way extending north from CSAH 4, and also agreed that Winter would replat 4 lots in Winter Park. Portions of the City's property outside the proposed right of way would be platted as outlot. Two outlots adjacent to Winter's property were to be deeded to Winter for inclusion in his replat. The replat would then dedicate the street right of way for that portion of the cul du sac that was vacated, west across current lot area to create an intersection with 2nd Street East. Parties began their platting processes, but progress on the plat stopped in 2007 when discrepancies in the railroad legal descriptions made it impossible to obtain a title commitment to file with the plat.

With the assistance of a real estate attorney with the City's Attorney's office, the title and platting issues have been resolved. The City has completed the plat process for city-owned parcels, including the creation of outlots for the property outside of the right of way. These outlots are too small to be considered buildable parcels, and are best utilized by adjacent properties when they develop, increasing the size of the project sites. While it has been 10 years since progress stopped on this project, the plat process is nearly finished.

Staff requests and recommends Council approve the conveyance of Outlots C and D, North Ridge Entry to Laurence and Sheryl Winter, to complete the 2nd Avenue North extension intersecting 2nd Street East, and for inclusion in a replat Lots 2, 3, 4 and 5, Block 1, Winter Park. Outlot C totals 519 s.f. and Outlot D is 266 s.f. in size. These outlots would then be combined with adjacent lots for a pending plat of "Winter Park Second Addition". With the platting of Winter Park Second Addition, the resulting lots will also have clean title and be available for sale and development.

Nathe/Whiting unanimous Conveyance of Outlots C and D, North Ridge Entry to Laurence and Sheryl Winter, as requested and as recommended by staff.

MAYOR/COUNCIL ITEMS

Mayor Earenfight noted the following items:

- Farmer’s Market – Tuesdays through October 3; 2:30 p.m. – 6:00 p.m. – City Park
- Freshwaters United Methodist Church Day of Service – September 23
- Passing the Bread Food Distribution – September 30; 9 – 11 a.m.; Sheriff’s Department Substation

Before adjourning, Mayor Earenfight asked for a moment of silence in honor of US military personnel and their families.

Smith/Nathe unanimous to adjourn the meeting at 8:01 p.m. Motion carried.

Approved this 2nd day of October, 2017.

s/s Kary Tillmann, Clerk/Treasurer

Approved 10/02/2017