

**MINUTES OF THE REGULAR MEETING
OF THE ZIMMERMAN CITY COUNCIL
MONDAY, NOVEMBER 20, 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 Brisbin, Nathe, Smith and Whiting. Also present were City Administrator Piasecki, Clerk/Treasurer Tillmann, Public Works Operations Coordinator Koehler and Engineer Bittner.

AGENDA APPROVAL

Brisbin/Smith unanimous to approve the agenda with the following addition:

- **Request for Corrective Deed – 12606 Fremont Avenue**

APPROVAL OF MINUTES

Nathe/Whiting unanimous to approve the following meeting minutes as presented:

- **November 6, 2017 Regular Meeting of the City Council**
- **November 13, 2017 Committee of the Whole Meeting**

CONSENT AGENDA

Smith/Whiting unanimous to approve the consent agenda as follows:

- a. Approve the payment of claims (check #39566 - #39604) in the amount of \$16,374.43, and electronic payments (e-check #1574 – #1579) in the amount of \$35,579.23 as presented.
- b. Authorize payment in the amount of \$16,811.72 (ck #39606) to Metron-Farnier, LLC, for the purchase of water meters and related parts and software, as recommended by staff, with fund to be taken from the Water (601) and Sewer (602) Funds.
- c. Approve payment to the Zimmerman/Livonia Fire Relief Association in the amount of \$70,600.95 (ck #39607), as identified by the State of Minnesota for 2017 Relief Association Aid.
- d. Adopt Ordinance No. 327 and Summary Ordinance No. 327, adopting a Franchise Agreement with Mid-Continent Communications, effective upon publication, for a period of fifteen (15) years from the date of acceptance, as recommended by staff and the City Attorney.
- e. Approve the liquor license applications for Painted Trousers LLC (On-Sale, Sunday Liquor and Optional 2 A.M. Closing) for The Topsy Gnome, 12606 Fremont Avenue, Zimmerman, for the period of January 1 – June 30, 2018, pending receipt and acceptance of all application materials, as recommended by staff.

OPEN FORUM

Jimmy Pudlick, 14508 – 57th Street, Becker, MN, introduced himself as the new owner of the Topsy Gnome, to be located at 12606 Fremont Avenue (Whistling Pickle building). Pudlick is closing on the purchase of the building on November 30, 2017 and hopes to open the establishment around January 1, 2018. Council welcomed Pudlick to the community and wished him well with this endeavor.

EMPLOYEE RECOGNITION

Council acknowledged the 10-year employment anniversary of **Tom DeGreeff, Maintenance Technician**, on November 1, 2017. DeGreeff was presented with a certificate commemorating his achievement and thanked for his service to the City.

PARK BOARD REPORT

Jay Whiting, Park Board Member, provided an overview of the November 7, 2017 Park Board meeting. The Board discussed the upcoming skating season, reporting that the Public Works Department has the rinks ready for

winter skating, pending colder temperatures for flooding. The Park Board discussed the outcome of the property dispute on Isle Road. There continues to be issues with the adjacent landowner. Administrator Piasecki advised that the issue has been resolved in the City's favor. Staff has been directed to contact the Sheriff's Department if harassment continues. Discussion was held regarding Bob DeGreeff Park. The park area is very wet and at times underwater. The Park Board suggested contacting the DNR to see what can be done to alleviate the situation.

Brisbin/Nathe unanimous to accept the November 7, 2017 Park Board Report as presented.

LAW ENFORCEMENT REPORT

Patrol Captain Bob Stangler, Sherburne County Sheriff's Department, presented the October 2017 Law Enforcement Report. In the month of October, the Department received 424 calls for service, including 106 traffic stops, compared to 367 calls for service in the same time period in 2016 and 340 calls in 2015. There were 39 citations issued, not including long form complaints and in-custody arrests. Four thefts were reported in the month, with an additional 6 thefts from vehicles reported. All the vehicles were unlocked at the time of the thefts. Seven vehicle crashes were reported, with three being hit and run. Multiple found property calls were taken. All except one has been resolved. Stangler noted that on January 1, 2018, patrol assignments will change and there will be several new deputies patrolling in town.

Council accepted the Law Enforcement Report for October, 2017, by unanimous consensus as presented.

PUBLIC WORKS REPORT -- presented by Engineer Bittner

Assessment Hearing – Main Street Reconstruction

At 7:24 p.m., Mayor Earenfight opened the public hearing to consider proposed assessments for the 2017 3rd Avenue South Improvement Project.

Engineer Bittner stated that the purpose of the hearing was to consider proposed assessments associated with improvements to 3rd Avenue South authorized by the City Council in early 2017. All affected property owners were notified of the date and time of the hearing and invited to attend. The total cost of the project proposed for assessment is \$165,529, which is very close to what was proposed at public comment meetings in the spring. Bittner stated that the project is not yet complete and the City will hold 5% retainage from the contractor until the project has been accepted by staff and the Engineer in 2018. The wear course on the project will be placed at the start of the 2018 construction season. Once the road has been deemed accepted by the City, the 2-year warranty period will begin.

The following public comments were received:

Kathleen Lammers, 25990 – 2nd Street West, stated that the entrance to the alleyway was not centered and she was unhappy with the restoration on her property. She understands it is too late in the season for the contractor to come back and correct the restoration to her satisfaction. She is upset the entrance to the alley way is off-center and appears to be smaller than it was prior to construction. Engineer Bittner stated that the placement of the alleyway was based on the legal description of the existing property so that the placement was correct at completion. Lammers added she believes the alleyway entrance should have been located by eyesight so it looked better aesthetically. Lammers added that the construction workers were nice and accommodating and quick to follow up on issues. She added that she appreciated the speed limit signs put up near her property, adding that people are still driving too fast in the area. She would prefer if the Sheriff's Department would patrol during off times, such as when school gets out around 2 p.m. and when people are driving home from work during evening rush hour. She also commented that school buses drive through the neighborhood as well.

Tamara Dills, 25969 – 2nd Street West, questioned why the assessment amounts for her two parcels are different. Engineer Bittner stated that the assessment amounts are based on the amount of front footage of the

parcel. The parcels are two different sizes, therefore have different assessment amounts. Discussion was held regarding the vacant lot she owns and if it was considered a buildable lot. Dills also questioned why the vacant lot was curbed all the way across with no driveway approach installed. Administrator Piasecki stated that utilities were stubbed into the property and it is a buildable lot. In regards to a driveway approach, staff didn't feel it was appropriate to dictate where a driveway would go on her vacant parcel if she sold it in the future. If a driveway is to be installed at a future date, the curb can be cut out to accommodate a desired driveway location of the owner's choosing.

Louis Maliongas, 26005 – 2nd Street West, stated that he now has drainage problems and a sewer back up in his basement, but he is unsure if it related to the road project. Public Works Operations Coordinator Koehler will review the backup situation at the property with Maliongas tomorrow. Maliongas complained that the fiber optic contractor dug up his property in the wrong places and did not replace his perennial plants. He also had significant outages with his phone service throughout the project, totaling approximately a week without telephone service. He understands the curve was constructed as a means to slow traffic on the road and requested the City install flashing speed limit signs to deter speeding in the area.

Derek Booth, 26019 – 2nd Street West, stated that his preference would be that the City would not have reconstructed the road in the first place. He feels it was unnecessary and asked the Council to consider not striping the road upon completion, because it will give the impression that it is a City street and not residential road. Engineer Bittner stated that some striping is required because the street has been designated as a State Aid road. Booth added that currently people are driving down the wrong side of the road. Mayor Earenfight added that the City has a responsibility to provide safe roads, which means striping has to be done, which will hopefully eliminate people driving down the wrong side of the street.

Dennis Booth, 9993 – 213th Avenue NW, Elk River. Booth and his wife, Sherry are the owners of the property located at **26019 – 2nd Street West**. Booth commented that the end of the driveway is not very smooth and understands that it will be corrected when the final wear course is put down in 2018.

Clerk/Treasurer Tillmann read aloud a letter received from **Margaret and Joe Vogtlin, 12636 – 3rd Avenue South**, who were not in attendance at the meeting. The letter expressed the Vogtlin's objection to the assessment amount because they feel it is excessive and will not increase the value of their property by the amount of the assessment. They feel they were inconvenienced by the project, and have lost parking space in their driveway and along the street, as the curve they live on has now been posted "No Parking." Engineer Bittner advised Council that the no parking signs near the Vogtlin residence will be permanent as a safety precaution to keep the corner free of traffic for motorists navigating the corner. He also stated that the some of the signs could be relocated to accommodate on-street parking in front of the Vogtlin residence.

Chris Bennett, 25960 – 2nd Street West, questioned if assessing for road projects was common practice, as he had never been assessed for a project before. He questioned why there wasn't a city-wide levy for road project costs in an attempt to reduce the costs to these affected property owners. Engineer Bittner stated that 30% of the project costs are assessed to affected property owners based on the City's assessment policy and past practice. The remaining 70% percent is paid with Water and Sewer Funds, State Aid monies and from the City's General Fund. **Kathleen Lammers** added that there are deferment options available if owners meet certain criteria. **Dennis Booth** questioned why the City didn't assess all resident an additional fee through property taxes instead of doing special assessments, similar to the City of Elk River's franchise fees for road improvements. Nathe stated that the Council approved an additional \$100,000 to be levied in 2018 which will be used for future road projects. Engineer Bittner added that outside of franchise fees, there are very few options for the City to generate revenue in the manner Mr. Booth suggested.

Mayor Earenfight closed the public hearing at 8:07 p.m. and reopened the regular meeting.

Bittner stated that if Council approves the assessment roll as amended, the amounts would be levied against properties and collected with taxes payable in 2018.

RESOLUTION 17-11-06 **Nathe/Brisbin unanimous to adopt RESOLUTION #17-11-06, adopting assessments for the 2017 3rd Avenue South Improvements payable over a period of ten (10) years at an interest rate of 4% per annum, with the first payment collected with taxes payable 2018, and direct the Clerk/Treasurer to transmit a certified copy of said assessments to the County Auditor/Treasurer to be extended onto the property tax lists of the County to be collected with other municipal taxes, as recommended by Staff and the City Engineer.**

3rd Avenue South Improvement Assessment Agreement – Zimmerman American Legion

Administrator Piasecki reported that the Zimmerman American Legion is comprised of two separate parcels. One parcel houses the Legion building and one holds the parking lot for the facility. The proposed assessment roll for the 3rd Avenue South Improvement Project includes an assessment to be levied against each parcel. The American Legion Post 560 has requested that for the purpose of this project assessment, the entire amount be assessed against the parcel that houses the Legion Building. The City Attorney has drafted an assessment agreement for consideration by the Council. Staff recommends approval of said agreement, which will then be forwarded to the County Auditor/Treasurer with other assessments for the project.

Brisbin/Smith unanimous to accept the assessment agreement between the City of Zimmerman and the Kriesel-Jacobson American Legion Post 560, authorizing the City to assess the Property B assessment for the 2017 3rd Avenue South Improvement against Property A, both of which are owned by the Kriesel-Jacobson American Legion Post 560, for a total assessment against Property A in the amount of 16,927.42, payable over a period of ten (10) years at an interest rate of 4% per annum, with the first payment collected with taxes payable 2018, and direct the Clerk/Treasurer to transmit a certified copy of said assessments to the County Auditor/Treasurer to be extended onto the property tax list of the County to be collected with other municipal taxes, as recommended by Staff and the City Attorney, with a copy of said agreement on file in the City Clerk's Office.

Consideration of Pay Request #2 – 2017 Pavement Preservation

The Council approved the 2017 Pavement Preservation Project and awarded a contract to Asphalt Preservation Company, Inc., in the amount of \$157,219 to crack fill, chip seal and fog seal selected City Streets. After a change order to expand the project area was requested and approved by Council, the total project cost came to \$213,711.96. Asphalt Preservation Company has completed the project and submitted Pay Request #2 in the amount of \$14,580.42 for work completed through July 28, 2017. Staff and the City Engineer recommend approval of the Pay Request.

RESOLUTION #17-11-07 **Brisbin/Whiting unanimous to adopt RESOLUTION #17-11-07, approving Pay Request #2 for the 2017 Pavement Preservation to Asphalt Preservation Company, Inc., in the amount of \$14,580.42 (ck #39605), as recommended by staff and the City Engineer.**

FINANCE REPORT – presented by Clerk/Treasurer Kary Tillmann

Certification of Delinquent Utilities

Tillmann reported that the hearing for residents to appeal pending certification of delinquent utilities is an annual request of the Council and was held on November 6, 2017. No one was present at the hearing to appeal a pending certification. Staff originally mailed 251 letters notifying residents of pending certification of delinquent utilities totaling \$43,092.23. Currently, outstanding delinquencies total approximately \$18,177.73. Final

certification must be approved by Council at this meeting for submission to the County Auditor/Treasurer by the November 30th deadline. Any payments received between now and submission to the County will be applied to delinquent balances as appropriate. Final amounts certified would be collected through property taxes payable in 2018.

RESOLUTION #17-11-08 **Brisbin/Nathe unanimous to adopt RESOLUTION #17-11-08, approving the certification of delinquent water and sewer utility accounts as listed and on file at City Hall, to property taxes payable 2018, with the understanding that if a property owner pays their delinquent utilities prior to the November 30th deadline, no amount will be certified for said property.**

2018 Budget Discussion – Employee Wages and Health Insurance

At the November 13th COW meeting, staff presented a proposal for the renewal of health insurance for City employees. Staff was directed to meet with employees to determine which of the options presented were preferred by those employees covered under the plan. Unanimously, employees chose the “Medica B” option as opposed to the proposed renewal with Blue Cross Blue Shield. Originally, the 2018 budget included a 15% increase to health insurance line items; however, the Medica renewal is only a 5.2% increase over the current premium. Staff will amend the health insurance line items in all departments prior to the Public Comment Meeting on December 4.

Smith/Whiting unanimous to approve the provision of health insurance by Medica (Passport Network – 500/40/30) for City employees effective January 1, 2018, with a City contribution of 100% of single coverage and 85% of family coverage, and provide an annual stipend of \$7,500 to those employees opting not to participate in the City’s health insurance plan.

At the beginning of the budget process, Administration recommended a 1-step increase for all eligible employees plus a 2% COLA for all employees in 2018. The proposed 2018 final budget includes those proposed wages. Discussion was held at the COW meeting regarding employee wages and Council appeared to be in agreement with a 1-step increase for all eligible employees and a 2% COLA for all employees. In 2018, there will be two employees who have reached the top of the pay scale and would only be eligible for cost of living adjustment, if granted by the Council. Tillmann advised that staff would appreciate a decision on wages ahead of the December 4th Public Comment Meeting.

Whiting/Smith to approve a 1-step increase for all eligible employees and a 2% Cost of Living Adjustment (COLA) for all employees, effective January 1, 2017. Roll call on the motion: Brisbin, aye; Earenfight, aye; Nathe, naye; Smith, aye; Whiting, aye. Motion carried.

At the October 16th Council meeting, Council questioned the possibility of transitioning to electronic Council packets instead of paper packets. Staff has done some preliminary research on hard costs for equipment, depending on how Council wants to proceed. Logistics and a timeframe for deployment would still need to be worked out. Tillmann reported that equipment costs for laptops or iPads are pretty similar. An iPad with significant memory to download an entire Council packet retails for about \$599, plus the cost of any accessories, such as a protective case, keyboard, etc. A laptop retails for about \$499 on average, depending on the model and additional accessories. Costs provided are only estimates and do not include soft costs for virtual storage or other software if needed. Costs would also increase if additional equipment was purchased for staff to utilize electronic packets as well.

Council directed staff to continue researching costs to provide laptops for Council and staff and transition to paperless Council packets in 2018.

ADMINISTRATOR'S REPORT – presented by City Administrator Randy Piasecki

Donation of Outlots – Woodland Development Corporation

Woodland Development has sold much of their property interest within City limits. They have retained several platted outlots in 3 developments that they now wish to donate to the City. These outlots were platted over large wetland areas, over constructed drainage basins, or for future street extensions into adjacent undeveloped property. The City currently holds drainage and utility easements for these outlots, therefore has maintenance obligations on many of these parcels.

The outlots have a combined total of 20.22 acres, with a total tax value of \$15,300 according to the Sherburne County Assessor. Woodland Development has provided a warranty deed to convey the outlots to the City, and 2017 taxes are paid in full. Staff recommends acceptance of the donation from Woodland Development.

RESOLUTION #17-11-09 Whiting/Smith unanimous to adopt RESOLUTION #2017-11-09, accepting the donation of platted outlots known as Outlot A, Marturano Woods Third Addition, Outlots A, B and C, Woodland Meadows North, and Outlots A, B, C, and E, Maefield Estates Second Addition, from Woodland Development Corporation, with a combined total acreage of 20.22 acres and a 2017 tax value of \$15,300, as determined by the Sherburne County Assessor, as recommended by staff.

2017 Water/Sewer Fund Update

Administrator Piasecki reviewed a memo from Financial Consultant Casserly providing an updated financial analysis of the City's Water and Sewer Funds. Due to an increase in construction activity, both funds are solvent and projected to continue to generate sufficient funding for debt service and replacement. No action taken.

Request for Corrective Deed – 12606 Fremont Avenue

In 1990 when the building located at 12606 Fremont Avenue was deeded to Buffalo House Rental, the name on the deed was incorrect. The building will be sold and has a closing scheduled for November 30, 2017. The Title Company is requesting a corrective deed from The City of Zimmerman for the original Quit Claim Deed filed as Document No. 244396 and later corrected in error by Quit Claim Deed filed as Document No. 543985.

The City Attorney has reviewed the original Quit Claim Deed and the proposed correction provided by the title company and recommends approval as presented.

Whiting/Brisbin unanimous to authorize the execution of a corrective deed between the City of Zimmerman and Buffalo House Rental Company LP for the property located at 12606 Fremont Avenue, as recommended by staff and the City Attorney.

MAYOR/COUNCIL ITEMS

Public Request for Crosswalk at CSAH 4 and 10th Street West

Discussion was held regarding a recent request for a lighted crosswalk at the intersection of CSAH 4 and 10th Street West, in front of Casey's General Store. Council was advised the Sherburne County Commissioner Lisa Fobbe has forwarded the concern to the County Public Works Director, who will be completing a comprehensive review of the intersection over the next few weeks. Staff will also contact Connexus Energy to see if modifications can be made to the lighting at the intersection to improve visibility.

Fire Board Report of November 14, 2017

The Fire Board met on November 14, 2017. Minutes from the meeting were provided in the packet for review. No action taken.

Mayor Earenfight noted the following upcoming events:

- Winter Parking Restrictions went into effect November 1st and are in effect until May 1, 2018. No parking on any City streets between Midnight and 8:00 a.m.
- November 23 & 24 – Thanksgiving Holiday – All City Offices Closed
- December 2 – Chamber of Commerce Celebrate the Season – various locations throughout the City
- December 3 – Zimmerman Lions Breakfast with Santa – Civic Building
- December 4 – 2018 Budget Public Comment Meeting – 7:00 p.m. or shortly thereafter
- December 16 – Passing the Bread Food Distribution – 9 – 11 a.m. at UMA Precision Machining

Mayor Earenfight asked for a moment of silence in honor of US Military Personnel at home and abroad, and their families, as Thanksgiving approaches.

Smith/Brisbin unanimous to adjourn the meeting at 8:41 p.m. Motion carried.

Approved this 4th day of December, 2017.

Kary Tillmann, Clerk/Treasurer

Approved 12/04/2017