

**MINUTES OF THE REGULAR MEETING
OF THE ZIMMERMAN CITY COUNCIL
MONDAY, DECEMBER 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 Brisbin, Nathe, Smith and Whiting. Also present were Administrator Piasecki, Clerk/Treasurer Tillmann, and Public Works Director Johnson.

AGENDA APPROVAL:

Nathe/Brisbin unanimous to approve the agenda as presented.

APPROVAL OF MINUTES

Smith/Whiting unanimous to approve the minutes of the December 4, 2017 Regular Meeting as presented.

CONSENT AGENDA

Brisbin/Nathe unanimous to approve the consent agenda as follows:

- a. Approve the payment of claims (check #39642 - #39689) in the amount of \$19,219.69, and electronic payments (e-check #1582 – #1588) in the amount of \$48,779.59 as presented.
- b. Accept Invoice #210708 authorizing payment to Bolton & Menk in the amount of \$17,331.00 (ck #39690) for contracted Project Management services related to the 3rd Avenue South Improvement Project for the period of September 23 – November 3, 2017, as presented and as recommended by staff.
- c. Accept Invoice #8357, authorizing payment to Nelson Electric Motor Repair, Inc., in the amount of \$9,845.00 (ck #39691) for two (2) new S4NRC 5 hp pumps with vortex impellers and installation as identified, with funds to be paid from the Sewer Fund (602) as indicated by the Public Works Director.
- d. Approve the transfer of \$25,000 from the Water Fund (Fund 601) and \$25,000 from the Sewer Fund (Fund 602), to cover 2017 expenses funded wholly by the General Fund as identified and as recommended by staff.
- e. Adopt **RESOLUTION #2017-12-05**, approving a budget amendment to the 2017 Water and Sewer Fund Expenditure line items as follows and as recommended by staff:
 - 601-49400-408 – Replacement – Decrease by \$6,000
 - 601-49400-580 – Other Equipment – Increase by \$6,000
 - 602-49450-408 – Replacement – Decrease by \$6,000
 - 602-49450-580 – Other Equipment – Decrease by \$6,000
- f. Approve financial assistance for the Lake Fremont Improvement Association in an amount not to exceed \$500, towards the electricity expense to run the aerator on Lake Fremont during 2017- 2018 winter season.
- g. Adopt **RESOLUTION #2017-12-06**, approving the write-off of delinquent water and sewer utility accounts totaling \$83.27, as requested and recommended by staff.
- h. Accept the November 2017 Building Permit Summary Report as presented.
- i. Approve an event permit application for a 5K Run to be held on Saturday, May 5, 2018, as requested by the Zimmerman High School Baseball Team, 25959 - 4th Street West, with staging at the Zimmerman High School, and approve the closing of certain roads, identified on the map provided, for the duration of the event.

OPEN FORUM

Barb Frantesl, 13328 – 277th Avenue, Zimmerman, was present on behalf of the Zimmerman Lions Club. The Lions annual Breakfast with Santa, held in early December, included a collection of cash donations and food items for the Passing the Bread Food Distribution. Frantesl presented a check from the Zimmerman Lions in the amount of \$1,000 to Mayor Dave, who accepted the donation on behalf of Passing the Bread. Council thanked the Lions for their donation and continued support of the Zimmerman Community.

LAW ENFORCEMENT RE PORT

Patrol Captain Bob Stangler, Sherburne County Sheriff's Department, provided an overview of activities for the month of November, 2017, with holiday tips highlighted in the most recent Preserving the Peace Sheriff's Department newsletter. In the month of November, the Sheriff's Department received 408 calls for service, including 146 traffic stops, as opposed to 313 calls for service in the same time period in 2016 and 319 calls in 2015. There were 54 citations issued, not including long form complaints or in-custody arrests. Three (3) burglaries were reported in month with one being re-classified as suspicious activity. Several items were found, including two bikes, which have not yet been claimed. Stangler noted there was not much reportable activity in town in November, which explains the higher number of traffic stops. Stangler reminded residents be diligent about fraudulent credit card activity due to the holiday season, when the Sheriff's Department typically sees an uptick in banking and credit card fraud.

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

2017 – 18 Snowmobile Trail Map

Smith/Brisbin unanimous to adopt the 2017 - 2018 Snowmobile Trail Map as presented.

PARK BOARD REPORT

The **December 5, 2017 Park Board Report** was presented by Park Board Members Jay Whiting and Ron Mathison. Whiting highlighted the Park Board's recommendation that Council support Sherburne County's grant application for acquisition and development of the Great Northern Trail between Elk River and Zimmerman.

Whiting/Nathe unanimous to draft a letter of support for Sherburne County's grant application regarding acquisition and development of the Great Northern Trail, as recommended by the Park Board. Motion carried.

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

PUBLIC WORKS REPORT – presented by Public Works Director Johnson

Appointment of Maintenance Technician

Forty-four applications were received for the current vacant Maintenance Technician position in the Public Works Department. Applications were reviewed by Administrator Piasecki, Public Works Director Johnson and Operations Coordinator Koehler, leading to 4 applicants being interviewed on December 5 & 6. Staff recommends hiring James Plude at Level 2, Step 1 of the City's approved salary schedule, with an anticipated start date after the beginning of 2018. Upon hire, Plude would serve a 6-month probationary period and would be eligible for benefits after 1 month of employment.

Earenfight/Whiting unanimous to appoint James Plude to the position of Public Works Maintenance Technician at rate of \$18.50 per hour (2018 Level 2, Step 1), as recommended by the Public Works Director and City Administrator. Motion carried.

2018 Water/Sewer Fund Budgets

Public Works Director Johnson presented proposed 2018 Water/Sewer Fund Budgets, stating that proposed budgets for the two funds are less than the adopted 2017 budgets, with the exception of expenses for the 4th Avenue Water Plant, which shows a slight increase. Administrator Piasecki also pointed out that currently, Public Works is operating under budget in both the Water and Sewer Departments. Johnson noted that some budget adjustments were approved by Council in 2017, which had no impact on the bottom line of the budgets. Staff noted that expenses for the purchase of water meters have exceeded the current budget, however, revenues for the sale of water meters offsets the expense.

Whiting/Brisbin unanimous to approve the 2018 Water (601) and Sewer (602) Fund revenue and expenditure budgets as presented and as recommended by staff. Motion carried.

FINANCE REPORT – presented by Clerk/Treasurer Tillmann

Public Hearing – Proposed 2018 Fee Schedule

Mayor Earenfight closed the regular meeting at 7:20 p.m. for the purpose of conducting a Public Hearing on the proposed 2018 Fee Schedule.

Tillmann stated that the purpose of public hearing was to consider charges and fees for City services in 2018. The fees under the fee schedule do not necessarily apply to every property in town, but are charges for services rendered by the City, such as dog licensing, building permits, photocopy charges, and Planning and Zoning fees, as well as water and sewer rates. Piasecki added that the reason for the hearing is because the Planning and Zoning component requires a public hearing. Water and Sewer rates are proposed to increase by 3%, as identified in the 2017 – 2021 rate study completed by the City Auditor, so proposed rates reflect the recommendation from the study. Proposed SAC and WAC rates are based on the recommendation from the City’s Financial Consultant. Staff will continue to offer deferred payment of WAC and SAC fees for new construction, which has been well received by local builders.

Discussion was held regarding fees charged to youth associations for the use of City fields. Staff intends to gather actual cost information for Council to review and anticipates discussion on ballfield use fees in February or March, prior to the start of baseball season.

There being no comments from the public, Mayor Earenfight closed the public hearing and reopened the regular meeting at 7:25 p.m.

RESOLUTION #17-12-07 Nathe/Brisbin unanimous to adopt RESOLUTION #17-12-07, approving Ordinance No. 328, adopting the 2018 Fee Schedule and authorizing publication of the summary ordinance as presented and recommended by staff. Motion carried.

2018 General Fund Budget and Levy

Council has reviewed the General Fund Budget since presented in August 2017. In September, Council certified a preliminary levy of \$1,594,000, which included \$100,000 for future road improvements, \$225,000 for 2018 pavement preservation and special levies for debt service and capital improvements totaling \$106,000. The proposed budget and levy was discussed at the public comment meeting on December 4, 2017, with no changes proposed or requested. The proposed final levy remains \$1,594,000. The expenditure budget totals \$2,685,824 as amended by staff. The final levy must be certified to the County Auditor/Treasurer by December 28, 2017.

RESOLUTION #17-12-08 Smith/Nathe unanimous to adopt RESOLUTION #17-12-08, approving the 2017 General Fund Levy for taxes collectible in 2018 as follows: General Fund and Parks: \$1,163,000; Road Improvements: \$325,000; Capital Expenditures: \$37,000; Debt Service: \$69,000, for a total levy amount of \$1,594,000, upon taxable property in the City of Zimmerman. Motion carried.

RESOLUTION #17-12-09 Smith/Brisbin unanimous to adopt RESOLUTION #17-12-09, approving the 2018 operational budget for the General Fund and Parks in the amount of \$2,685,824, as presented, and as recommended by staff. Motion carried.

Request for 2017 Initiative Foundation Funding

Annually, the Initiative Foundation asks Council to consider a contribution in the annual budget. Staff has received a request for funding for 2018.

Earenfight/Brisbin unanimous to approve a \$110 contribution to the Initiative Foundation for 2018. Motion carried.

2017 LMCIT Insurance Dividend

Tillmann reported that the City recently received its dividend from the League of Minnesota Cities. This year's dividend totaled approximately \$6,500. Dividend amounts are determined by LMCIT based on earned premiums versus loss data for LMCIT members. No action taken.

ADMINISTRATOR'S REPORT – presented by City Administrator Piasecki

Planning Commission Report of December 6, 2017

Mayor Earenfight recused himself from the discussion due to a potential perceived conflict of interest.

Administrator Piasecki advised that the Planning Commission recently heard a request for approval of a Conditional Use Permit (CUP) to allow an auto sales business at 26175 Fremont Drive. The Planning Commission held a public hearing on December 6, 2017 to consider the request of John Buzck, who has a purchase agreement with Alan and Denise Olson to purchase the property, pending approval of a CUP. The Olsons were represented at the public hearing by their agent, Ron Touchette, of Rock Solid Real Estate. Buzck proposes to use the building as a co-op auto sales office for multiple used car dealers, many of whom operate at auto auctions and sell vehicles via the internet. The Planning Commission recommended approval of the CUP with conditions, which were reviewed prior to the Council meeting by the City Attorney. Attorney Schutt proposed two (2) additional conditions for Council to consider.

Discussion was held regarding allowed uses under a CUP, as well as signage on the building. **John Buzck, East Bethel, MN**, was present to answer questions of the Council. He stated that he owns 7 other similar businesses in various locations, with the closest one being in Elk River. He is purchasing the property, pending the approval of the CUP. He does not intend to put a large sign on the building, but instead will allow signage on the office doors. If a larger sign is required by the state, he will secure the appropriate sign permit from the City and comply with signage requirements. Council questioned if background checks were completed on the dealers that will be housed in the offices. Buzck stated that he does not complete background checks, but the State of Minnesota requires each one to secure a \$50,000 bond, so there are sufficient checks in place at the state level.

RESOLUTION 2017-12-10 **Nathe/Smith unanimous to adopt RESOLUTION #2017-12-10, granting a Conditional Use Permit (CUP) to Alan R. and Denise Olson, for an automobile sales business in the C-2 Zoning District at the property located at 26175 Fremont Drive, legally described as Lot 1, Block 1, Frontier Plaza, with the following conditions:**

1. Sale, storage and display of operational vehicles only.
2. No sale or storage of repairable vehicles.
3. No repairs allowed on site.
4. No exterior storage of auto parts.
5. All vendors must be licensed prior to storage and display of vehicles.

And subject to the following:

1. Termination of Permit – The City may revoke the permit following a public hearing for violation of the terms of this permit.

2. **Lapse -- If within one (1) year of the issuance of this permit, the allowed use has not been completed or the use commenced, this permit shall lapse.**
3. **Criminal Penalty – Both the owner and any occupant of the subject property are responsible for compliance with this CUP. Violation of the terms of this CUP is a criminal misdemeanor.**
4. **Recording – This CUP shall be recorded against the title to the property.**

as recommended by staff and the Planning Commission.

Roll call on the motion: Brisbin, aye; Earenfight, abstained; Nathe, aye; Smith, aye; Whiting, aye. Motion carried.

Mayor Earenfight re-joined the Council meeting.

Reappointment of Planning Commission Members

Piasecki stated that two Planning Commission members' terms expire as of December 31, 2017. He requested reappointment of Members Albert and Genung.

Brisbin/Whiting unanimous to reappoint Rick Albert and Margaret Genung to the Planning Commission, each for a 4-year term, expiring on December 31, 2021, as recommended by staff. Motion carried.

MAYOR/COUNCIL ITEMS

Mayor Earenfight noted the following upcoming events:

- December 25, 2017 – All City Departments will be closed in observance of Christmas
- January 1, 2018 – All City Departments will be closed in observance of New Year's Day
- January 15, 2018 – All City Departments will be closed in observance of Martin Luther King Jr. Day
- January 27, 2018 – Passing the Bread Food Distribution; 9 – 11 a.m. at UMA Precision Machining

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

Whiting/Brisbin unanimous to adjourn the meeting at 7:43 p.m.

Approved this 8th day of January, 2018.

s/s Kary Tillmann, Clerk/Treasurer