

**MINUTES OF THE REGULAR MEETING  
OF THE ZIMMERMAN CITY COUNCIL  
MONDAY, JANUARY 6, 2014**

**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, Clough and Mathison, Also present were Administrator Piasecki, and Clerk/Treasurer Tillmann.

**AGENDA APPROVAL**

**Brisbin/Clough unanimous to approve the agenda as presented.**

**APPROVAL OF MINUTES**

**Mathison/Brisbin unanimous to approve the minutes of the December 16, 2013 Regular Meeting of the City Council as presented.**

**CONSENT AGENDA**

**Clough/Brisbin unanimous to approve the consent agenda as follows:**

- a. Ratify approval of the payment of claims for 2013 Year End (check #35752 - #35793) in the amount of \$67,093.05 and electronic payments (e-check #974 - #976) in the amount of \$27,810.94 as presented.
- b. Approve the payment of claims (check #35794 - #35803) in the amount of \$11,175.54 as presented.
- c. Approve the Building Permit Summary Report of December 2013 as presented.
- d. Accept the 2013 Building Permit Summary Report as presented.
- e. Approve the following license applications to operate Billiard Tables for the period of January 1 – December 31, 2014:
  - Kriesel Jacobson American Legion Post 560 – 12674 Fremont Avenue, Zimmerman, MN 55398
- f. Approve the following license applications to operate Electronic Entertainment Devices for the period of January 1 – December 31, 2014:
  - Kriesel Jacobson American Legion Post 560 – 12674 Fremont Avenue, Zimmerman, MN 55398
- g. Approve license applications for the following Garbage & Refuse Collectors for the period of January 1 – December 31, 2014:
  - Ace Solid Waste, Inc. – 6601 McKinley Street NW, Ramsey, MN 55303
  - Randy's Sanitation, Inc. – PO Box 169, 4351 US Highway 12, Delano, MN 55328
- h. Approve license applications for the following gasoline sales vendor for the period of January 1 – December 31, 2014:
  - Northern Tier Retail, LLC, dba SuperAmerica Store #4535 – 26075 – 3<sup>rd</sup> Street E, Zimmerman, MN
- i. Approve the license application to operate a pawn shop for the period of January 1 – December 31, 2011, for the following establishments:
  - Gerald Lewandowski, dba A – Z Pawn, 12617 Fremont Avenue, Zimmerman, MN 55398
  - David Ziemke, dba Zimmerman Trading Post, 25860 Highway 169, Zimmerman, MN 55398
- j. Approve license applications for the following Sewer and Water Installer, for the period of January 1 – December 31, 2014:
  - Steve Weissenfluh Excavating, Inc. – 29119 – 100<sup>th</sup> Street, Zimmerman, MN 55398
- k. Accept Pay Request #4 authorizing payment to C & L Contracting in the amount of \$73,571.35 (ck#35805) for construction services for the 2013 Street Improvement project through November 22, 2013, as recommended by staff.

**OPEN FORUM**

There was no one present to address the Council during open forum.

## **LAW ENFORCEMENT REPORT**

**Patrol Captain Bob Stangler, Sherburne County Sheriff's Department**, provided an overview of activities for the month of December, 2013. In the month of December, the department received 315 calls for service, including 120 traffic stops, as opposed 344 calls for service in the same time period in 2012 and 253 calls in 2011. There were 111 citations issued, not including long form complaints. There were 6 gas drive offs reported and 17 motor vehicle accidents causing damage, including one hit and run. Most of those accidents were snow/ice related.

Discussion was held regarding utility company scams happening due to the cold weather. Residents are reminded to contact the customer service department of their utility company if there is a question regarding utility bills.

**Council accepted the Law Enforcement Report for December, 2013, by unanimous consensus as presented.**

## **FIRE DEPARTMENT REPORT**

Fire Chief Ryan Maloney, Zimmerman/Livonia Fire District provided an overview of activities for the month of December, 2013. The Department responded to 2 medical assists, 1 gas leak, 2 fire alarms and 7 residential house fires, 2 of which were mutual aid calls including the apartment building fire in Elk River and a residential house fire in Blue Hill Township. There were two house fires in Zimmerman resulting in displaced families. The Red Cross is assisting one family with housing and the other family is staying with family friends. Maloney reported that Tim Snyder has been appointed as Assistant Chief for 2014.

**Council accepted the Fire Department Report for December, 2013, by unanimous consensus as presented.**

## **FINACE REPORT**

### **Public Hearing – Proposed 2014 Fee Schedule**

Mayor Earenfight closed the meeting at 7:12 p.m. for the purpose of conducting a public hearing regarding the Proposed 2014 Fee Schedule.

Comments were heard from **Wendy Kowalski, 26412 Lake Avenue, Zimmerman**, who stated that she had read the public notice that was put in the paper and asked staff what law the notice was published under. Clerk Tillmann told her it was published under MS 462.257, sub 3, which in Kowalski's interpretation alleges that there is authority to have a fee schedule to collect monies. The residents of Zimmerman have already agreed by their silence that the only amount the City can collect is through certification for property taxes. Adopting a fee schedule means that the City wants to collect more than was certified for tax collection and these amounts would exceed the Council promise made to taxpayers to collect what was levied. Kowalski provided a certified of the December 16, 2013 minutes in draft form, which were approved by the Council at the start of this meeting. The Government services listed on the proposed fee schedule will require additional capital contributions from taxpayers to use the services the government provides under the certification power. The bill approved for payment by the Council are not really being paid by the City but being paid by the resident. It is the Council's obligation by the contract made in this chamber and not by the ordinance proposed.

Mayor Earenfight reminded Kowalski the hearing was to discuss the fee amounts, not to dispute having a fee schedule, to which Kowalski stated she did not have an issue with the amounts in the fee schedule but noted again that Council already approved the certification of property tax amounts for 2014 and the fee schedule exceeds what was certified. Kowalski requested Council delay consideration of the fee schedule until she had time to compile more information.

Administrator Piasecki clarified that the City is only required to hold a public hearing on the schedule because there are Planning and Zoning fees contained within it, however none of those fees are changing. MS 462.357, sub 3 is specific to zoning fees. The City is required to publish notice of the hearing for the Zoning fees.

Mayor Earenfight closed the hearing at 7:23 p.m. and reopened the meeting.

**RESOLUTION #14-01-02**      **Brisbin/Mathison unanimous to approve RESOLUTION #14-01-02, adopting Ordinance No. 318, adopting the 2014 Fee Schedule and authorizing publication of the summary ordinance as presented and recommended by staff.**

Re-Investment of City Funds

On December 23, 2013, a Certificate of Deposit invested with Multi-Bank Securities valued at \$248,000 was called and the funds returned to the City. Staff would like to re-invest the proceeds with Multi-Bank Securities, and ICD Securities, for 4-year terms.

**Brisbin/Clough unanimous to approve the investment of \$100,000 with ICD Securities for a period of 4 years at a rate of 1.45% with Comenity Bank, authorizing a wire transfer from the City's checking account before January 10, 2014 in the amount of \$100,000 to complete the transaction and approve the investment of \$150,000 with Multi-Bank Securities, Inc. for 4 years at a rate of 1.40% with Gulf Coast Bank and Trust, authorizing a wire transfer from the City's checking account in the amount of \$150,000 before January 23, 2014 to complete the transaction, as recommended by staff.**

Mayor Earenfight declared a recess at 7:25 p.m. and reconvened the meeting at 7:27 p.m.

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

February 2014 TIF Payments

Administrator Piasecki reported that there is currently one TIF payment due on February 1 for the Fairview Clinic. This will be the final payment for this district and the district will be decertified in 2014.

**Brisbin/Clough unanimous to approve the payment of the February 1, 2014 TIF payment (ck #35846) to Carlson-LaVigne Development Company in the amount of \$16,466.42, as presented and as recommended by staff.**

**MAYOR/COUNCIL ITEMS**

2014 Appointments

**RESOLUTION #14-01-03**      **Clough/Mathison unanimous to adopt RESOLUTION #14-01-03, approving the 2014 Annual Appointments and Designations as presented.**

Consideration of Applicants for Council Vacancy

Council reviewed the six applications received for the vacant seat. Council noted that all applicants are extremely qualified to fill the seat, however, after the last election; Beth Merwin was the next highest vote getter.

**Clough/Mathison unanimous to appoint Elizabeth Merwin to fill the Council seat vacated by Gregory Laney, until December 31, 2014.**

Due to a lack of agenda items, Council agreed by unanimous consensus to cancel the COW meeting scheduled for January 10, 2014.

Passing the Bread will hold a food distribution event at the Sheriff's Department Public Safety Building on Saturday January 25 from 8 – 10 a.m.

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

**Brisbin/Clough unanimous to adjourn the meeting at 7:35 p.m. Motion carried.**

Approved this 27th day of January, 2014.

s/s Kary Tillmann, Clerk/Treasurer

Approved 01/27/2014