

**MINUTES OF THE REGULAR MEETING  
OF THE ZIMMERMAN CITY COUNCIL  
MONDAY, FEBRUARY 25, 2013**

**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, Laney and Mathison. Also present were Administrator Piasecki, Clerk/Treasurer Tillmann, Public Works Director Horvath and Engineer Bittner.

**AGENDA APPROVAL**

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

**APPROVAL OF MINUTES**

**Mathison/Clough unanimous to approve the meeting minutes of February 4, 2013 Regular Meeting as presented.**

**CONSENT AGENDA**

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

- a. Approve the payment of claims (check #34933 - #34967) in the amount of \$38,849.34 and electronic payments (e-check #865 - #870) in the amount of \$57,282.74 as presented.
- b. Accept the Investment/Funds Report for January, 2013 as presented by the Clerk/Treasurer.
- c. Accept the Monthly Budget Report for January, 2013 as presented.
- d. Accept the Building Permit Summary report for January, 2013 as presented.
- e. Adopt **RESOLUTION #13-02-02**, approving a Temporary On-Sale Liquor License for the Zimmerman Lions Club for Wild West Days to be held May 23 – 26, 2013, to be used in designated areas at the City of Zimmerman Municipal Park.
- f. Adopt **RESOLUTION #13-03-03** approving the Application for Exempt Permit for Zimmerman Ducks Unlimited, 12674 Fremont Avenue, Zimmerman to conduct a raffle to be held on April 12, 2013 as part of a banquet at the Zimmerman American Legion Post 560, 12674 Fremont Avenue, Zimmerman.
- g. Accept Pay Request #12192-08 from Donohue & Associates, authorizing payment in the amount of \$724.93 (check #34968) for Project Management Services related to the SBR Digester Cover project, through November 24, 2012, as recommended by staff.

**OPEN FORUM**

Lynda Harrison, 26606 North Drive, was present to address the Council regarding the number of licensed dogs allowed per residence within City limits. Currently the Harrisons have 7 dogs living in their home and City Code allows up to two. Mrs. Harrison requested Council consider an exception to the ordinance, allowing them to keep all their dogs, as they have a fenced in yard and there are no complaints on record about their animals.

Council discussed several options. Member Laney suggested that since a large number of residents are out of compliance with the ordinance, Council should remove the requirement and only enforce a 2 dog limit if there are complaints against a resident. Member Clough suggested Council consider a process similar to a conditional use permit if residents want to exceed the requirements of the Code. Council directed staff to consult with the City Attorney regarding Harrison's request. Council also requested that no more dogs are added to their household until a determination has been made.

**PARK BOARD REPORT**

Ron Mathison presented an update of the February 13, 2013 Park Board meeting. Discussion centered on a request by the Youth Baseball Association to install pitcher's mounds on Ehley and Schultz Fields. Public

Works Director Horvath suggested that representatives from the Baseball and Football Associations and others with an interest in using field space be invited to the next Park Board meeting.

**Laney/Clough unanimous to accept the minutes of the February 13, 2013 Park Board meeting as presented.**

**PUBLIC HEARING – 2013 Street & Utility Improvements**

Mayor Earenfight advised that this meeting included a public hearing with the City Council to consider 2013 Street and Utility Improvements to 2<sup>nd</sup> Avenue North between 4<sup>th</sup> Street West and 2<sup>nd</sup> Street East, and associated cross streets.

**Mayor Earenfight closed the regular meeting at 7:14 p.m. and opened the public hearing to consider 2013 Street and Utility Improvements.**

Engineer Bittner presented an overview of the proposed 2013 projects including 2<sup>nd</sup> Avenue North Street & Utility Improvements, improvements to adjacent cross streets, and 3<sup>rd</sup> Street East Improvements. The project would connect 2<sup>nd</sup> Avenue North to 2<sup>nd</sup> Street East by constructing one block of roadway that currently does not exist.

Design standards for MSAS streets were used in the preliminary study, including a 38' wide street for 2<sup>nd</sup> Avenue North. The 38' wide street allows parking on both sides of the street. The cross streets of 2<sup>nd</sup>, 3<sup>rd</sup>, and Main Streets would be constructed to 32' wide with curb and gutter. The 32' street would allow parking on only 1 side. The proposal also has sidewalks on both sides of the street, but can be changed to only one side or none at all. In addition, the project includes replacement of underground utilities, including replacing all sanitary sewer, and construction of storm sewer to improve drainage, which would require the construction of a storm water pond. Property acquisition would be required for land necessary to construct a storm water basin north of 2<sup>nd</sup> Avenue North, between 2<sup>nd</sup> Street West and Main Street. This basin would discharge north and west into existing underground storm water pipes.

The improvement to 3<sup>rd</sup> Street East would include pavement rehabilitation and curb and gutter to bring the road up to current standards. The Dairy Queen entrance would be restricted to one driveway opening across from the Bremer Bank driveway. Third Street East would also be 32' wide.

Project costs are estimated at \$1,701,000, with funding options proposed using assessments (30%), Municipal State Aid Street system (MSAS) funding (70%), and water and sewer funds for the underground utility work. Project expenses were discussed, and may fluctuate depending upon final design, features, and funding decisions.

Bittner solicited questions from council and the audience regarding street widths, sidewalk placement, tree removal, driveway entrances, drainage, and construction of the storm water pond. Bittner also addressed long range planning and proposed assessment costs, including term length and interest on assessments.

The following public comments were heard;

**Ben Scheel, 12640 – 2<sup>nd</sup> Avenue North**, stated that his main concern is additional traffic on 2<sup>nd</sup> Street East. He feels that with the economy the way it is, this is not the time to be doing a project, especially when there are so many vacant houses in the neighborhood. He feels the assessment is a lot of money for him to pay when he is nearing retirement age. Questioned if there needed to be such a large improvement for a relatively vacant street with so many older homes, wondering if the project could be scaled back. Scheel doesn't believe there needs to be any on-street parking along in that area. He is not against the project, but has these concerns. He has been a resident for 13 years.

Engineer Bittner stated the underground utilities are in dire need of replacing because of age and the project is driven by the underground repairs. The sewer is aged and the water main is in poor condition. Because replacing underground utilities would require digging up the street, the street rehab would have to be done. There are things that can be done to scale back the project and reduce the cost, like reducing the width of the street or removing one or both sidewalks, but those are decisions that would require Council action.

**Shannon Zimmerman, 12725 -- 2<sup>nd</sup> Avenue North**, stated that he has a lot of road frontage. His concern is mainly with the width of the road. His house is not that far off the road. He feels the amount of traffic coming through there will increase so people can avoid the traffic lights and stop sign on County Road 4. He is also concerned with the on-street parking, believing it is unnecessary, and the amount of the proposed assessment. He understands the need for the improvement but doesn't agree that it should be made a thoroughfare. He also believes a wider street will decrease the values of properties in the construction area as people don't want to live on a wider street.

**Chester DesMarais, 26144 -- 3<sup>rd</sup> Street West**, stated the property he owns is a rental property. Because the property is a residential home in a commercial zoning district, he thought it was a good investment. The value has decreased by 1/3 over the years, however taxes have increased. His renters are good people and will not be able to afford an increase in rent to cover the cost of the assessment. He is debating if it would be better to let the house go back to the bank instead of passing the cost of the assessment on to the tenant.

**Deb Nienow-Nelson, 12757 -- 2<sup>nd</sup> Avenue North**. Stated that she and her husband have lived in their house for 35 years. She felt she could speak for all her neighbors when stating that none of them would be able to afford the cost of the assessment. They are all little houses. Her house is 100 years old. It is a bad time because of the economy and to think about paying an extra \$1,000 in property tax when home values are still going down is incredible. Many of the homes in the area are vacant or rents. She feels the assessment will force the renters out because they cannot afford an increase in rent. The bottom of 2<sup>nd</sup> Avenue does need to be improved. She is not opposed to paying her fair share for the assessment but it is a large amount of money to for their little houses. They are not worth much. Questioned why 2<sup>nd</sup> Avenue North needed to be connected to 2<sup>nd</sup> Street East. During the re-construction of County Road 4, a lot of people used 2<sup>nd</sup> Avenue North to avoid delays on the County Road and it was dangerous. There were too many cars driving at fast speeds. She doesn't understand why it needs to be connected or widened. She commented that nobody was assessed for the expenses associated with the County Road 4 Reconstruction, so why do they have to pay for this project.

**Sandy Landrus, 26137 -- 4<sup>th</sup> Street West**, owns the commercial building at the corner of CH 45 and CR 4. When the CH 45 North project was done, the proposed assessment was \$6,000, but the final assessment was over \$11,000. Her property taxes are about \$12,000 a year. She understands the need for the improvement project but doesn't believe there needs to be sidewalks on both sides of the street and questioned if she would be assessed again when she was previously assessed for the CH 45 N Reconstruction.

Engineer Bittner stated because Landrus has a corner lot, the policy regarding assessments of corner lots would have been applied at the time of the CH 45 N Reconstruction. He stated that the same policy could be applied in this instance as well, even though it has been 7 years since the CH 45 project has been done, because Landrus paid an assessment for full frontage on CH 45. The property across the street to the north of Landrus' building would be treated the same; however that would be a decision made by Council at a later time.

**Herb and Jill Matson, 26128 -- 3<sup>rd</sup> Street West**, questioned if it was possible to place a camera in the utility pipe in their driveway to see if it actually needs to be replaced.

Engineer Bittner responded that all the main lines would be checked to determine where the service connections are. Everything between the connection point and the water main would be replaced to ensure that all

underground pipes are new. If a resident wanted to check further up the driveway and/or replace any pipe between the connection point and the resident, it could be done, but all costs would be borne by the property owner.

**Allan and Mary Lee Hetrick, 12707 – 2<sup>nd</sup> Avenue North**, agree with Mr. Scheel that there are many vacant and rental properties in that area. They do concur that the road is shot and sewer needs to be replaced. Stated that the road improvement needs to be done, however don't agree that there needs to be two sidewalks. Also stated that the City needs an ordinance relating to keeping up the properties in better shape if the road is going to be so nice, and there doesn't need to be any on-street parking.

Engineer Bittner stated that if the road width was reduced to 26 feet, it would have to be signed for no parking, due to the narrow width. At 32', parking on one side could be allowed if Council adopted a resolution as such. Because it's a commercial area and there are commercial businesses in the proximity, staff recommended against a narrower street with no parking. Bittner continued by stating that by eliminating sidewalks on one side of the street, the project cost would be reduced by approximately \$70,000. Reducing the street width from 38' to 32' would save approximately \$20,000. Horvath stated that for plowing snow, a 38' wide street is ideal, but they can plow 32' feet with little difficulty. Currently, the road is less than 30' wide.

Council agreed by consensus to reduce the width of the 2<sup>nd</sup> Avenue North to 32' wide in the plans and remove sidewalks on the north side of the street.

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

Discussion was held regarding several aspects of the project. Member Laney suggested Council not do the connection between Main Street and 2<sup>nd</sup> Street at this time due to the cost. However, Landrus commented that in the future, constructing the connection would only be more expensive. Bittner stated the savings would be approximately \$75,000. Member Clough stated that he would like to see costs broken down a bit more and focus on the immediate needs, which would be replacing the underground utilities. Horvath reiterated that if the underground work is completed, it will require digging up the street, so the street work would have to be completed as well. The only option to reduce projects costs at this point is to reduce the street width and remove sidewalks from the project.

**RESOLUTION #13-03-04 Mathison/Brisbin to adopt RESOLUTION #13-03-04, ordering 2013 Street and Utility Improvements as identified in the feasibility report presented and accepted on January 28, 2013, including constructing 2<sup>nd</sup> Avenue North at a 32' width with sidewalk only on the south side of the street, with sidewalk on the west sides of 3<sup>rd</sup> Street West and 2<sup>nd</sup> Street West, and on both sides of Main Street; and declaring Council's intent to reimburse itself for the costs of the improvement from the proceeds of tax exempt bonds. Roll call on the motion: Brisbin, aye; Clough, aye; Earenfight, aye; Laney, naye; Mathison, aye. Motion carried.**

Mayor Earenfight declared a recess at 8:34 p.m. and reconvened the meeting at 8:38 pm

**PUBLIC WORKS REPORT – presented by Public Works Director Horvath**

Certificate of Commendation

The City was recently notified that we have been confirmed as a recipient of a Certificate of Commendation for outstanding operation, maintenance and management of the Wastewater Treatment System. The certificate will be presented during an award ceremony on March 21. Mike Gwynn, Wastewater Plant Operator, will receive the

award on behalf of the City, with Tom Haugland and Bruce Hooker, Maintenance Technicians, attending as well, since they provide primary backup to Mike at the Wastewater Treatment Plant.

#### Operator Licensure

Currently the City operates a "B" level Wastewater Treatment Plant (WWTP) and we have one "A" operator on staff. Horvath stated that if we successfully reach an agreement with Waste Management to treat Leachate, we will become an "A" level plant. The City will need another "A" operator to fill in at the WWTP when the current operator is away from work.

Prior to 2008, when Public Works staff achieved different levels of licensure, they were compensated with an increase in pay. That philosophy was discontinued when the current salary schedule was adopted by Council in 2008, effective January 1, 2009, because increases for licensure were built into the salary schedule. Horvath stated that one employee in particular did not receive an increase when he reached his current level of licensure because Council initiated a wage freeze at that time. He feels the employee deserved an increase upon successfully passing the certification exam. Piasecki reminded Council again that increases for licensure were built into the salary schedule. The employee that Horvath is speaking about tested for his licensure at the same time the salary study was being conducted. As a result of the study, his hourly wage was increased by approximately \$4 per hour, which is more than the increase for licensure would have been.

Horvath continued that currently, there are three employees on staff that carry "B" licenses and cover for short-term absences of the Plant Operator. Horvath's concern is that if the Plant Operator retires at some point in the future, he will need to be replaced with another "A" Operator if we begin processing leachate and the plant is upgraded to an "A" level operation. He advised Council that of the three employees qualified to achieve an "A" license, only one is interested in pursuing the licensure. That employee has met all the required standards and is scheduled to take the certification exam in March of this year. Horvath added that instead of having an "A" Operator on staff, the City could contract with the City Engineering Firm for plant management if they have a licensed "A" Operator. No action taken.

#### On-Call Policy/2-Man Response

Horvath stated that according to department policy, two employees need to be present when working on a lift station event for safety reasons. Usually the on-call person has to call in another employee to assist. While the on-call employee is compensated \$25 per day on weekends and holidays for being on-call, the second employee assisting is only compensated with compensatory time. The Department currently has 328 hours of accumulated compensatory time on record, in addition to accumulated vacation and sick time. In 2012, there were 91 events requiring a 2 person response during non-business hours. Horvath stated in certain instances, it can be difficult to find a second employee available to assist, but he is hesitant to require 2 people on standby per weekend. No action taken.

#### SBR Generator

The current generator at the SBR no longer meets the new emissions rules set by the EPA. In order to keep the generator in off-peak demand status, we have to bring it up to the new standards by May 3, 2013. This would include a new exhaust system, different filters and data logger to monitor emissions. The estimated cost to upgrade is approximately \$20,000. Horvath is currently soliciting quotes from vendors. Without the upgrade, Horvath anticipates electricity costs to increase by about \$20,000 per year due to the generator being removed from off-peak demand status. No action taken.

#### Sidewalk replacement policy

Horvath reported the City should draft a sidewalk replacement policy because currently we don't have one and we have sidewalks needing repair or replacement. No action taken.

#### Truck #5

Horvath reported that Truck #5 will need of replacement in the near future because the crane is not big enough to adequately service the City's lift stations. Council questioned if it was possible to upgrade to a bigger truck and bigger crane, and if a new, bigger truck could also plow snow, so as to be multi-functional. Council requested that Horvath research used trucks instead of brand new as a cheaper alternative and report back at a future meeting.

#### Truck #6

Horvath reported that Truck #6 is in need of immediate replacement. It currently has 94,000 miles on it and will require approximately \$3,500 in repairs in the near future. It currently has a trade-in value of \$4,500. No action taken.

#### Leachate Project

Staff and the City Engineer have been discussing the leachate project with Waste Management. Representatives from Waste Management will be present at the March 4, 2013 Council meeting to discuss the proposed project. No action taken.

### **MAYOR/COUNCIL ITEMS**

#### City Hall Office Hours

Member Clough reported that he passes City Hall regularly on Fridays and typically sees people at the door attempting to conduct business when City Hall is closed. He feels it doesn't make sense to have the office closed on Fridays and would like City Hall Office hours changed to be open on Fridays, with full-time staff working 5 8-hours days instead of the current schedule. Piasecki commented that the reason office hours were changed four years ago was to accommodate those residents that couldn't get to City Hall during the day because they commute out of the area. There is considerable foot traffic in City Hall prior to 8 a.m. and after 4:30 p.m., so the earlier and later hours are being utilized. Since hours were changed in 2008, City staff has received only one complaint about being closed on Fridays. Clough believes that if residents can't get to City Hall during the day, they can make arrangements with others to conduct their business and being open on Fridays would give them an extra day to do so. Member Laney thought a reconsideration of hours was a good suggestion. Member Mathison stated that he has never seen anyone trying to conduct business at City Hall on a Friday and requested additional time to think about a potential change. Member Brisbin suggested Council could survey the community through a water bill insert. No action taken.

#### Ordinance Supporting 2nd Amendment

Member Laney requested information in the packet regarding an ordinance in support of the 2<sup>nd</sup> Amendment for future discussion. No action taken.

#### Upcoming Events

The Zimmerman Chamber of Commerce Business and Community Expo will be held on Saturday, March 16, from 10 a.m. – 2 p.m. at the Zimmerman High School.

Passing the Bread held a Food Distribution event on Saturday, February 24th and serviced 80 families. Mayor Earenfight noted that deliveries to shut-ins are on the rise. The next distribution event scheduled for Saturday, March 23rd, from 8 – 10 a.m. at the Sherburne County Public Safety Building.

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

**Brisbin/Mathison unanimous to adjourn the meeting at 9:44 p.m. Motion carried.**

Approved this 4th day of March, 2013.            s/s Kary Tillmann, Clerk/Treasurer