

**MINUTES OF THE REGULAR MEETING
OF THE ZIMMERMAN CITY COUNCIL
MONDAY, MARCH 18, 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, and Public Works Director Horvath.

AGENDA APPROVAL

Mathison/Brisbin unanimous to approve the agenda with the following change:

- **Table discussion regarding salary reviews until a future meeting**

APPROVAL OF MINUTES

Mathison/Brisbin unanimous to approve the meeting minutes of March 4, 2013 Regular Meeting as presented.

CONSENT AGENDA

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

- a. Approve the payment of claims (check #34985 - #35017) in the amount of \$31,698.54 and electronic payments (e-check #871 - #877) in the amount of \$31,929.95 as presented.
- b. Accept the Investment/Funds Report for February 2013 as presented by the Clerk/Treasurer.
- c. Accept the Building Permit Summary Report for February 2013 as presented.
- d. Accept invoice #154653, authorizing payment to Bolton & Menk in the amount of \$2,333.50 (ck#35018) for Project Management Services related to the CSAH 4 Improvement Project, for the months of December 2012 and January 2013 as recommended by staff.
- e. Accept invoice #154652, authorizing payment to Bolton & Menk in the amount of \$636.00 (ck#35018) for Project Management Services related to the Fremont Avenue Water Main, for the months of December 2012 and January 2013 as recommended by staff.
- f. Accept invoice #154658, authorizing payment to Bolton & Menk in the amount of \$2,800.00 (ck#35018) for Project Management Services related to the Leachate Pilot Study, as recommended by staff.
- g. Accept invoice #154655, authorizing payment to Bolton & Menk in the amount of \$1,835.00 (ck#35018) for Project Management Services related to the TH 169 Water Main Crossing, for the month of January 2013 as recommended by staff.
- h. Approve the On-Sale Intoxicating Liquor License and Optional 2 a.m. Liquor License for Kraigger's Inc., dba The Whistling Pickle, 12606 Fremont Avenue, for period of May 1, - June 30, 2013, upon receipt of a positive background check from the Sherburne County Sheriff's Department and payment of all applicable fees, as recommended by staff.
- i. Approve the permit application for public dances and entertainment to be held on May 24, 25, 26, and 27, 2013, in conjunction with the Wild West Days Celebration, until 1:00 a.m., as requested by the Whistling Pickle, 12606 Fremont Avenue, Zimmerman, MN 55398.
- j. Adopt **RESOLUTION #13-03-01**, approving the commitment of Municipal State Aid Funds as presented and as recommended by staff.
- k. Approve payment to Lano Equipment in the amount of \$5,974.50 (ck #35019) for the purchase of a deckover trailer as identified on Invoice #43536, with funds to be taken from designated truck fund reserves in the General Fund as requested by the Public Works Director.

OPEN FORUM

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

PRESENTATION – 2012 SHERIFF’S DEPARTMENT ANNUAL REPORT

Joel Brott, Sherburne County Sheriff, presented an annual report of activities and services provided by the Sherburne County Sheriff’s Department for 2012. The Sheriff’s Department has provided contracted law enforcement services for the City of Zimmerman for more than 20 years. In 2012, deputies responded to 3,976 contacts in the City, including traffic complaints, accidents, medical related incidents, fires, assaults, burglaries, drug related incidents and conducted many types of investigations. Brott noted that the numbers reflected contacts with people within the City limits, but not necessarily with City residents. The call load is up from 2010 and 2011. Brott noted that in 2010, the Department responded to 3,669 incidents in Zimmerman and in 2011, there were 3,501 calls for service. The vast majority of 2012 contacts were traffic stops, traffic related complaints or special traffic saturation projects occurring in the city.

Brott noted the following department achievements in the past year. In 2012, the Sheriff’s Department received the “Outstanding Law Enforcement Agency” award from Mothers Against Drunk Driving for their participation with the Collision Reduction Safer Highways, Kids Choice Program for local 5th graders, and other program participation. Patrol Sergeant Chris Aleshire received an Outstanding Law Enforcement Officer of the Year award from the American Legion. The Department started “Project Lifesaver” in 2012, which is a program where residents with memory issues such as Alzheimer’s or Autism are outfitted with a wristband that can track their location should they wander from their residence.

In 2013, the Department is cooperating with the Drug Free Community Coalition, a program aimed at educating area youth in an attempt to prevent substance abuse amongst young people, promote safe and healthy choices, and reduce chemical use and abuse in youth in Sherburne County. The Department also started an Auto Theft Prevention program, which uses small window clings in vehicles to remind people not to leave their valuables in their cars and lock vehicle doors.

PARK BOARD REPORT

The Park Board Report of March 13, 2013 was discussed. Administrator Piasecki noted the board’s recommendation to remove the football goal posts at the request of the Football Association. Public Works Director reminded Council that the funds to purchase the goal posts were donated to the City and the City purchased the equipment in order to establish the football field as requested by the Athletic Association. The reason the City is pursuing the lighting project in the park is to ensure that the current football field is lighted for evening play. He recommends the City not return the goal posts and Council agreed with Horvath’s recommendation.

Brisbin/Clough unanimous to accept the minutes of the March 13, 2013 Park Board Meeting and with the understanding that the football goal posts will not be removed as requested by the Youth Football Association, as recommended by staff.

RESOLUTION #13-03-02 Mathison/Laney unanimous to adopt RESOLUTION #13-03-02, accepting a \$3,000 donation from Zimmerman Youth Baseball (ZAYBA) for the development to Ron Ehley Field.

PUBLIC WORKS REPORT – presented by Public Works Director Horvath

Miscellaneous Items

Horvath updated the Council on the following items:

- This week, Wastewater Plant Operator Mike Gwynn will be accepting Certificate of Commendation from the MPCA for outstanding operation, maintenance and management of the Wastewater Treatment Facility on behalf of the City.

- The City will be hosting a regular MN WARN meeting at City Hall on Wednesday morning.
- The Hockey Rink is officially closed and the nets have been removed from the rink.

SBR Generator

Horvath reported that he is waiting for one more proposal regarding the upgrade to SBR generator. He should be ready for Council to make a decision at the April 1st meeting.

Laney/Clough unanimous to “opt out” of the Peak Shaving Generation Credit Program facilitated by Connexus Energy for the Wastewater Treatment Plant and the 4th Avenue Plant, and direct the City Administrator to sign said documentation on behalf of the City.

Insurance Settlement Offer

As reported at the March 4 meeting, LMCIT has offered the City a settlement relating to the water main break at the Holiday Gas Station in November. The settlement is equal to \$6,433.59, which is half of the City’s expenses to repair the break. The City’s rates will not be affected by accepting the settlement offer.

Mathison/Brisbin unanimous to accept the settlement offer from the League of Minnesota Cities for the water main break near the Holiday Gas Station on November 19, 2013, and direct Public Works Director Horvath to communicate Council’s wishes to LMCIT.

Lift Station Maintenance

Horvath played a DVD created by Bruce Hooker, Maintenance Technician, detailing the process for cleaning a lift station. Horvath added that the Public Works Department will create these periodically to demonstrate various aspects of City Maintenance.

ADMINISTRATOR’S REPORT – presented by Administrator Piasecki

Resolution of Support -- TH 169 Corridor Improvements

The Sherburne County Board of Commissioners has requested the City consider a resolution of support for MN DOT’s corridor plan for TH 10 and TH 169. The TH 169 portion of the study started in 2004. Both corridor studies have been completed since roughly 2010. The TH 169 plan identified overpasses at CSAH 4 and County 25, as well as frontage roads, in the Zimmerman/Livonia area. Funding has not been available to begin implementation of either Corridor Plan.

Sherburne County Commissioner Bruce Anderson provided copies of executed resolutions from the cities of Anoka and Ramsey supporting funding of TH 10 improvements, as well as a draft resolution of the Sherburne County Board supporting improvements to both TH 10 and TH 169, which was adopted at their March 12th meeting. Since Sherburne County and its cities and townships are directly affected by transportation issues on both TH10/169 corridors, the County has requested City resolutions of support in the pursuit of funding. These resolutions of support will be submitted to MNDOT as they pursue funding.

Adopting a resolution in support of funding does not obligate the City financially to fund any portion of a future project.

RESOLUTION #13-03-03 Brisbin/Mathison to adopt RESOLUTION #13-03-03, supporting the continued efforts of the Minnesota Department of Transportation to make safety and mobility improvements to the Trunk Highway 10 and Trunk Highway 169 corridors. Roll call: Brisbin, aye; Clough, naye; Earenfight, aye; Laney, naye; Mathison, aye. Motion carried.

MNDOT Master Partnership Agreement

At the request of Council, Administrator Piasecki contacted MNDOT Engineer Kelvin Howieson. Howieson drafted a letter, included in the Council packet, which summarized the purpose of the proposed Master Partnership Agreement and stating that he would be willing to meet with Council if a meeting is desired.

Council agreed by consensus to table consideration of the MNDOT Master Partnership Agreement until 2014.

Zimmerman Farmer's Market

The Zimmerman Farmer's Market operated in the EDA-owned parking lot north of the American Legion since 2008. Attorney Mattick created a "Use Agreement" between the EDA and Market allowing seasonal use of the parking lot on Tuesday afternoons and early evenings. The Market operated successfully for 4 years at the EDA site. In the spring of 2012, the City requested the Market relocated to Lions Park to avoid conflict and congestion "downtown" during the 2012 CSAH 4 reconstruction project. The Market Manager has stated customer traffic and business at the Market increased in the park location, and has contacted staff to request the City consider allowing the Market to continue at the park location.

Staff presented the Use Agreement modified to reflect the change in authorizing body (City vs. EDA) and the proposed market location of the City Park for the 2013 season. The Market Manager has signed the agreement and staff recommends granting the 2013 Use Agreement as submitted. Staff will coordinate the removal of signage from the City Parking Lot to the City Park area.

Mathison/Clough unanimous to approve the Agreement for Use of Property for a Farmer's Market between the City of Zimmerman and the Zimmerman Farmer's Market Association, for the period of May 1 – November 1, 2013, as recommended by staff.

Sidewalk Replacement Policy

Piasecki reported that he and Public Works Director Horvath have discussed developing a comprehensive set of policies that address not only sidewalk maintenance, but also street maintenance, snow plowing, storm water maintenance, and sidewalk maintenance. The League of MN Cities has a sample sidewalk policy which would be used as a template in drafting the City's policy, which will be developed for presentation to Council later this summer. No action taken.

Possible Acquisition of Tax Forfeited Property

As staff processes paperwork for the proposed 2013 Street and Utility Improvements, we have discovered a 6.9-acre parcel adjacent to 2nd Avenue that has tax forfeit. Engineer Bittner had identified that property for an easement and/or acquisition for the proposed storm water basin. Main Street extending North from 2nd Avenue North to 5th Avenue North was also to be constructed through this future phase of development. A 2.15-acre platted lot in Norway Ridge has also forfeited.

The County is assembling a list of tax forfeit properties to be placed on public sale. The City can request parcels be withheld from the public sale if we wish to investigate or acquire the properties. Staff recommends Council consider acquiring both the current forfeited properties for public and economic development purposes and will provide additional information as it becomes available.

City Hall Office Hours

Councilman Clough requested a discussion about City Hall office hours and possible return to Monday-Friday hours. Piasecki included copies of staff reports and minutes from meetings at which Council reviewed and considered office hours in 2008. This information was provided as background to the decision since 3 of the 5 current council members were not part on council and were not part of that discussion or decision. City Hall has operated on a Monday-Thursday schedule since September of 2008. Office hours are currently Monday 7:00 a.m.

– 6:30 p.m., Tuesday – Thursday 7:00 a.m. – 5:30 p.m. Council approved the 4-day 10-hour schedule to extend the hours of city hall so that commuting residents would have opportunity to do business “face-to-face”, and to conserve heating/cooling energy expended at city hall as energy costs were increasing. Several cities and counties in the state were considering implementation of similar schedules at that time.

Discussion was held regarding several cities that were considering a change in hours in 2008. Current hours were not provided for Council as that information was not requested. Mayor Earenfight feels that a change is unnecessary as he has seen the earlier and later hours utilized quite regularly. Member Clough stated that he has discussed a change in hours with each Council member individually and believes a consensus on changing hours had been achieved through those discussions. He feels strongly that hours should be changed back to Monday through Friday.

Clough/Laney to change City Hall office hours to Monday through Friday from 8:00 a.m. to 4:30 p.m.

During discussion, Member Brisbin suggested that a survey be developed and included in the next water bill, soliciting input from City residents. Clough countered that his research shows there are only 3 cities in the entire state of Minnesota that are not open on Fridays. Member Laney stated he was in agreement with Member Brisbin and would like to see a survey done. Clough requested that survey results be returned to Member Laney to be tallied because he feels City Hall staff can’t be trusted to tally the results accurately.

Member Laney withdrew his second. Mayor Earenfight called for a second to Member Clough’s motion to change office hours. Motion failed for lack of a second.

Mayor Earenfight declared a recess at 8:01 p.m. and reconvened the meeting at 8:04 p.m.

Discussion continued regarding City Hall office hours. Member Brisbin stated that even though he has received 2 - 3 calls from residents about City Hall not being open on Fridays, he has also received calls from residents in support of the earlier and later hours. Member Laney requested that the April 8 COW meeting be dedicated to discussing office hours and drafting survey questions to be included in the April water bill.

MAYOR/COUNCIL ITEMS

Mayor Earenfight noted the following upcoming events:

- Passing the Bread Food Distribution – March 23, 2013; 8 – 10 a.m.; Sherburne County Public Safety Building. Set up occurs on Friday morning at 8:30 a.m.
- Local Board of Appeal and Equalization – Monday, April 15, 6:30 p.m.
- Zimmerman Chamber of Commerce Business and Community Expo was held on Saturday, March 16, with over 500 people in attendance. Mayor Earenfight congratulated the Chamber of Commerce on a successful event.

Member Clough requested discussion of an item that was not on the agenda at the start of the meeting nor added to the agenda during the meeting. Mayor Earenfight said that Clough’s item would not be discussed, stating he had misunderstood his request prior to the meeting. Member Clough countered that he felt the mayor did understand and was refusing to deal with the subject, accusing the Mayor of breaking his word. Clough further stated he was elected by the people of Zimmerman to put an end to the Mayor’s “good old boys” club and that there would be consequences for the Mayor’s actions in the next Election.

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

Brisbin/Mathison to adjourn the meeting at 8:14 p.m. Roll call: Brisbin, aye; Clough, aye; Earenfight, aye; Laney, naye; Mathison, aye. Motion carried.

Approved this 1st day of April, 2013.

s/s Kary Tillmann, Clerk/Treasurer

Approved 04/01/2013