

**MINUTES OF THE REGULAR MEETING
OF THE ZIMMERMAN CITY COUNCIL
MONDAY, APRIL 1, 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, and Mathison. Member Laney was excused absent. Also present were Administrator Piasecki and Clerk/Treasurer Tillmann.

AGENDA APPROVAL

Brisbin/Mathison unanimous to approve the agenda as presented.

APPROVAL OF MINUTES

Mathison/Clough unanimous to approve the minutes of the March 18, 2013 Regular Meeting of the City Council as presented.

CONSENT AGENDA

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

- a. Approve the payment of claims (check #35020 - #35047) in the amount of \$36,559.93 and electronic payments (e-check #878 - #880) in the amount of \$26,695.14 as presented.
- b. Approve the League of Minnesota Cities Insurance Trust Worker's Compensation policy renewal as presented and authorize premium payment in the amount of \$25,269.00 (check #35050) to the League of Minnesota Cities Insurance Trust, as presented and as recommended by staff.
- c. Adopt **RESOLUTION #13-04-01**, approving the request on behalf of the Randy Shaver Cancer Research and Community Fund for an Exempt Permit to conduct lawful gambling at a raffle to be held at Zimmerman Bar & Grill, 13100 Fremont Avenue, on May 27, 2013.

OPEN FORUM

Karen Michels, 26172 – 10th Street West, Zimmerman, addressed the Council stating she had concerns about statements made by Council members at the March 18, 2013 Council meeting. Michels stated she appreciated the opportunity to speak before the Council about several things that were troubling to her as she watched the last meeting. Specifically, there were comments made about office hours at City Hall and concerns expressed by Council members that staff isn't putting in their time. As a previous member of the City Council, she has been witness to the dedication the City's employees have to the community. Their dedication is tremendous and she feels the City is lucky to have the staff that we do. With regards to City Hall not being open Monday through Friday, she stated she wouldn't be able to get to City Hall if it were only open 8 – 4:30 because of her work schedule and commute. Staff are here starting at 7:00 a.m., which is early enough for people to stop in on their way to work. Mondays, City Hall is open until 6:30 p.m., so if people have to work until 5:00, there is time to conduct business into the evening. There was a lot of effort that went into researching the change in office hours before Council made the decision in 2008. The Council, not staff, made the decision, and Council made it with due diligence and realizing a need of the community. We looked at other communities as well, but Council didn't make the decision based on what others were doing, but based on what we needed. Zimmerman is a bedroom community. Most residents don't work here and need time to get here. Not having people here on Fridays allows us to change hours to be more accommodating. Your employees are here to serve your community.

In regard to comments made by Member Clough about staff not being trustworthy, Michels stated that staff is trusted to manage millions of dollars in assets and she doesn't understand how he can say they can't be trusted to count survey votes. These same staff counted election votes and he trusted them to do that. In regards to his comments about Council being a "good old boys club", she said she would trust any one of the members sitting at the table. She stated she has concerns with Clough admitting to violating the Open Meeting Law by stating he

had spoken to each one of the Councilmembers prior to the meeting about office hours and claiming to have reached a consensus. These gentlemen have respect for the rules and guidelines that govern this body. The Mayor has years of experience on what can and cannot be brought forward during Council meetings. She encouraged Mr. Clough to take the time to find out what City staff are capable of and respect their abilities, instead of attacking them like he has in recent meetings. She continued that she is one of the people he is supposed to be representing and she is appalled by his recent behavior.

ENGINEERING REPORT—presented by Engineer Bittner

TH 169 Watermain Crossing Bid Results

Engineer Bittner stated that the bid opening for the TH 169 Watermain Crossing project was held on March 26. Nine competitive bids were received, with Voss Plumbing and Heating being the apparent low bidder. Their bid came in approximately 25% below the Engineer's estimate. Bittner added that he does not have any experience working with Voss, but Bolton & Menk's Wilmar office has had successful work with them. His review of their bid is favorable and he recommends Council award the bid to them. He believes work will commence within a month of the contract being executed.

RESOLUTION #13-04-02 Mathison/Brisbin unanimous to adopt RESOLUTION #13-04-02, awarding the contract for the TH 169 Water Main Replacement and relocation project to Voss Plumbing and Heating at a total bid amount of \$94,871.60, as recommended by the City Engineer, and authorize staff to execute said contract on behalf of the City.

2013 Street & Utility Improvements

Engineer Bittner stated that staff has reviewed the plans and specifications for the 2013 Street & Utility Improvement project. Currently, staff is working on an alternate location for the storm water retention pond. He is requesting approval of plans and specifications and the scheduling of the bid opening for April 30, 2013.

RESOLUTION #13-04-03 Mathison/Brisbin unanimous to adopt RESOLUTION #13-04-03, approving plans and specifications for the 2013 Street & Utility Improvement project as requested by the City Engineer, and authorizing the advertisement for bids for said project, with bid opening scheduled for 11:00 a.m. on April 30, 2013, in the council chambers of the City Hall by the City Clerk/Treasurer and City Engineer.

CSAH 4 Improvement Change Order

Bittner reported that they are working on a final close out of this project. The Contractor has submitted a change order because they had to remove light bases that were buried in sidewalk areas and the right turn lane near the Hardee's and for removal of buried railroad tracks in the project area. There was also additional accounting work required to rectify the final bid amount. The net result of the change order is an additional \$5,000 in project costs, some of which will be reimbursed by Sherburne County

RESOLUTION #13-04-04 Brisbin/Mathison unanimous to adopt RESOLUTION #13-04-04, approving Change Order #1 submitted by Kuechle Underground in the amount of \$32,017.14, and approve the payment of Pay Estimate No. 4 to Kuechle Underground in the amount of \$4,749.99 (ck #35049), for the CSAH 4 Improvement Project as requested and as recommended by the City Engineer.

LAW ENFORCEMENT REPORT

Patrol Sergeant Chris Aleshire, Sherburne County Sheriff's Department, provided an overview of activities for the month of March, 2013. Aleshire started out by commenting on the ongoing investigation surrounding the events of Easter weekend, stating that the Sheriff's Department hopes to release additional details the following day.

In the month of March, the department received 400 calls for service, including 198 traffic stops, as opposed 314 calls for service in the same time period in 2012 and 277 calls in 2011. Several reported thefts involved juveniles, which have since been resolved. Traffic stops are significantly higher than in the past 2 years, with 78 citations issued, not including long form complaints.

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

FIRE DEPARTMENT REPORT

Fire Chief Ryan Maloney presented the Fire Department report for the month of March, 2013. The Department responded to 2 gas leaks, 10 injury accidents, 2 motor vehicle accidents, 4 fire alarms, 2 carbon monoxide calls, 1 garage fire and a residential house fire. Maloney stated that the department has received a grant from Central Minnesota EMS which will be used to purchase oxygen tanks and related equipment. The tanker truck that was out of commission due to an accident while on a recent fire call has been repaired and is back in service. The department is currently researching the purchase of a new grass rig, which will be funded in part by funds from the Fire Relief Association.

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

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

SBR Generator

Public Works Director Horvath has discussed an upgrade to the generator at the SBR with Council on several occasions. At his request, three vendors provided quotes for the upgrade and subsequent monitoring. The lowest quote received was from PowerSecure at a cost of \$29,439.50, which includes the conversion of the generator to meet EPA standards and provision of annual management services. PowerSecure will also provide a letter of the exception to the May 3, 2013 conversion deadline, which can be submitted to the EPA by the City. It is possible with the Exception Letter and a "hired" contractor, the City may be able to remain in Connexus Energy's off peak program for 2013. Connexus Energy estimates \$16,700 could be generated in the off-peak program in 2013. If Council chooses to move forward with the conversion, PowerSecure requires half the cost be paid at the time of accepting the proposal. Horvath recommends Council accept the proposal from PowerSecure for the conversion of the generator at the Wastewater Treatment Plant.

At this time, it appears that the upgrade would not apply to the generator at the 4th Avenue Plant, so staff is choosing to "opt in" to the off-peak program offered by Connexus for that location.

Clough/Brisbin unanimous to accept the quote from PowerSecure in the amount of \$29,439.50, including \$1,687.50 for annual management, to convert the KatoLight Gen-Set generator at the Waste Water Treatment Facility to Tier 4 for emissions to meet EPA RICE NESHAP requirements, with the expense to be paid from the Sewer Fund, and authorize staff to execute and return said proposal on behalf of the City.

Possible Acquisition of Tax Forfeit Property

Piasecki reported that staff has met to discuss alternative locations for the storm water storage associated with the 2013 Street & Utility Improvement Project. The developer intends to redeem the property originally noted for storm water collection and the City cannot obtain property or an easement until the developer legally re-establishes ownership later this year. Due to timing concerns, additional options must be investigated. Staff has

located another property viable for construction of a storm water pond, and Engineer Bittner believes the parcel to be adequate to develop for this use. Staff will continue to research options and report back to Council at the April 15th meeting.

Resolution of Support for a Regional Rail Park in the City of Big Lake

The City has been contacted by the City of Big Lake about their intent to seek grant funding to develop a Regional Rail Park (industrial development) along the railroad corridor in Big Lake. They have requested surrounding communities consider letters and/or resolutions of support of their grant application. The City Administrator has provided a template letter to the Cities of Elk River, Becker, Zimmerman, Princeton, St. Cloud, Monticello, and Big Lake Township for consideration. Big Lake believes establishment of a Regional Rail Park will create jobs which will benefit the entire region, including surrounding cities in and near Sherburne County.

Council requested additional time to consider the request, with action possible at the April 15th meeting.

MAYOR/COUNCIL ITEMS

Mayor Earenfight noted the following upcoming events:

- April 4 – Chamber of Commerce Luncheon featuring a presentation by Tammy Luukkonen about Jim Reinstra’s “Peddling for Pennies” fundraiser
- April 8 -- COW meeting – Agenda items will include a discussion on City Hall Office Hours and an equipment upgrade to allow for Council meetings to be streamed live and on demand on the City’s website.
- April 15 -- Local Board of Appeal and Equalization – 6:30 p.m. in the Council Chambers at City Hall prior to the Regular Council Meeting. Residents wanting to appear should contact the Sherburne County Assessor’s Office for scheduling.

Mayor Earenfight reported that Livonia Township has committed to support the ballfield lighting project with up to \$78,000 in funding. More information will be provided by the township at a future meeting.

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

Mathison/Clough unanimous to adjourn the meeting at 7:38 p.m. Motion carried.

Approved this 15th day of April, 2013.

s/s Kary Tillmann, Clerk/Treasurer