

**MINUTES OF THE REGULAR MEETING
OF THE ZIMMERMAN CITY COUNCIL
MONDAY, JUNE 6, 2016**

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, Mathison, Nathe and Smith. Also present were Administrator Piasecki, Clerk/Treasurer Tillmann, and Public Works Director Johnson.

AGENDA APPROVAL

Brisbin/Smith unanimous to approve the agenda with the following changes:

- **Cancel Public Hearing for Revocation of 2015 – 16 Liquor Licenses and Consideration of Denial for 2016 – 17 Liquor Licenses for Kraiggers, Inc., dba The Whistling Pickle**
- **Add Consideration of 2016 – 17 Liquor License Renewal for Kraiggers, Inc., dba The Whistling Pickle (Finance Report)**

APPROVAL OF MINUTES

Mathison/Nathe unanimous to approve the meeting minutes of the May 16, 2016 Regular Meeting as presented.

CONSENT AGENDA

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

- a. Approve the payment of claims (check #38080 - #38125) in the amount of \$67,680.62 and electronic payments (e-checks #1341 - #1345) in the amount of \$32,960.58 as presented.
- b. Accept Invoice #190341 in the amount of \$22,811.50 (ck#38126), authorizing payment to Bolton & Menk for Project Management Services related to the Main Street Improvement Project, for the period of April 2016, as recommended by staff.
- c. Accept Invoice #190347 in the amount of \$6,710.50 (ck#38126), authorizing payment to Bolton & Menk for Project Management Services related to the 2016 Pavement Preservation Project, for the period of April 2016, as recommended by staff.
- d. Accept the Investment/Funds Report for April 2016 as presented.
- e. Accept the Monthly Budget Report for April 2016 as presented.
- f. Accept the Building Permit Summary Report for May, 2016 as presented.
- g. Approve tobacco license renewals for the following establishments, for the period of June 30, 2016 – July 1, 2017, pending receipt and acceptance of all application materials, as recommended by staff:
 - Casey's General Store #3458 – 13140 Fremont Avenue
 - Frontier Liquor -- 26207 Fremont Drive
 - Holiday Stationstore #239 -- 26125 Highway 169
 - Jim's Market, 26233 – 2nd Street East
 - P & A Liquor, 26025 – 3rd Street East, Suite 400
 - SuperAmerica #4535 – 26075 – 3rd Street East
 - Uptown Off-Sale – 25965 Main Street
- h. Approve an event permit application for an outdoor worship service on the property located at 12512 Fremont Avenue, as requested by The Church of God of Prophecy/Pastor Lorraine Daley, to be held from 6:30 – 8 p.m. on July 10 and July 14, 2016, and 3:00 – 5:30 p.m. on September 14, 2016.
- i. Approve the License Application for Sewer and Water Installer for the period of June 7 – December 31, 2016, as requested by John Schmitz, dba JP Schmitz Construction Company, LLC, 16450 – 117th Avenue North, Maple Grove, MN 55369.

OPEN FORUM

The following persons appeared before the Council during Open Forum:

Pat Oviatt, 25498 Main Street, is concerned about the conduct of the business owner across the street from her property. She has complained to law enforcement about the owners driving recklessly and squealing tires after hours. She said the building is relatively quiet during the day and would like them to stop the behavior after hours. Staff will contact law enforcement and the business owner to discuss in an attempt to dissuade this type of driving conduct in the future.

Margaret Genung, Owner of Uptown Off-Sale, 25965 Main Street, expressed her gratitude to the Civic Club for a successful Wild West Days event, noting that she appreciates the Council's support of this community festival. She feels the event was well run and well received by the community, adding that she heard several comments about how successful the softball tournament was this year. She asked Council consider not allowing Main Street to be closed during the duration of the event, instead suggesting an alternate location for the Mercantile due to its success. The business owners in that area feel there is too much disruption to business traffic with having Main Street closed.

Jeff Smith, 25859 – 2nd Street East, expressed concern about traffic speeds on 2nd Street East and evening activity in the parking lot of the City Park. He stated that from their property, they see people driving recklessly in the parking lot of the City Park and cars regularly driving in and the out the parking lot at short intervals of time. They are concerned that someone might be participating in illegal activities in the park. Staff will contact law enforcement and request extra patrol in the park area in the evenings, adding that some issues are being dealt with on an ongoing basis.

LMCIT INSURANCE RENEWAL

Randy Hadaway, Agent, Liberty Insurance, was present to provide renewal information for the City's property and liability insurance policies. Coverage has been bound since March 7, 2016. There were some changes to the City's property values and some relatively small base rate changes. The Council has already seen the Worker's Compensation renewal earlier this year. Hadaway explained that the experience rating for Worker's Compensation insurance increased from the previous year, due to an older incident affecting the City's experience modification from 2015-2016 levels, which is why the premium went up. He anticipates a 30% reduction to the City's experience mod for the 2017-18 Worker's Compensation renewal, which should decrease the premium amount Council will see next year. In 2015, the City received a dividend in excess of \$20,000, which is a significant increase from the previous year due to overall claim volume for LMCIT clients.

Brisbin/Mathison unanimous to authorize payment to the League of Minnesota Cities Insurance Trust in the amount of \$72,416.00 (ck #38127) to the League of Minnesota Cities Insurance Trust, for the 2016 – 2017 plan year, as recommended by staff.

Brisbin/Mathison unanimous to not waive the statutory liability limits of municipal tort liability, as recommended by staff and the Insurance Agent.

FIRE PROTECTION REPORT

Fire Chief Ryan Maloney presented the Fire Department report for the month of May, 2016. The Department responded to 3 medical assists, 2 gas leaks, 1 fire alarm, a persona injury accident, 3 grass fires, a residential garage fire in Orrock Township and provided mutual aid for a residential house fire in Elk River.

Maloney advised that the Annual Fire Department Golf Tournament is scheduled for June 18th at the Princeton Golf Course. He also answered questions of the Council regarding a draft Charitable Gambling Ordinance, stating that the Department's pull-tab booth in the Elk River location pays 75% within the Elk River City limits. He encouraged the Council to consider a similar ordinance for Zimmerman.

Council accepted the Fire Department Report for May, 2016 by unanimous consensus as presented.

PUBLIC WORKS REPORT – presented by Public Works Director Johnson

Completion of Probationary Employment – Blake Bistodeau, Maintenance Technician

Public Works Director Johnson reported that Maintenance Technician celebrated his 6-month employment anniversary with the City on May 18, 2016. Based on his job performance and successfully obtaining his commercial driver's license, Bistodeau should be considered a "Regular" employee by standards set with the City's Personnel Policy.

Nathe/Brisbin unanimous to accept the recommendation of the Public Works Director and approve the end of the 6-month employment probationary period for Blake Bistodeau, Maintenance Technician, and consider him to be a "regular" permanent full-time employee of the City of Zimmerman.

MN Department of Health Sanitary Survey Report

Last week, the MN Department of Health conducted an on-site inspection of the City's Community Public Water System, including a review of the water source, facilities, equipment, operation, maintenance and monitoring compliance. The final report has been received by staff and there appears to be no deficiencies in the City's operation. Additional information will be provided by the Public Works Director upon request. No action taken.

Pavement Preservation Project

Public Works Director Johnson reported that the contractor has completed the crack filling portion of the 2016 pavement preservation project. Due to the condition of some of the existing roads, additional crack filling was required, adding approximately \$20,000 to the project cost. Johnson reported that there is \$20,000 budgeted for crack filling in this year's budget, so the net effect of the increase on the budget will be "0". The City Engineer is mailing notices to affected property owners this week and the contractor will begin work on June 16. No action taken.

FINANCE REPORT – presented by Clerk/Treasurer Tillmann

Consideration of 2016 – 17 Liquor License Renewal for Kraiggers, Inc., dba The Whistling Pickle

Tillman reported that the City has received the necessary clearance certificate from the MN Department of Revenue, indicating that Council can move forward with approving the renewal application for the 2016 – 17 Liquor Licenses for The Whistling Pickle.

Brisbin/Mathison unanimous to approve the liquor license renewal application for Kraiggers, Inc., dba The Whistling Pickle, 12606 Fremont Avenue, for the period of July 1, 2016 – June 30, 2017, pending receipt and acceptance of all application materials, as recommended by staff.

ADMINISTRATOR'S REPORT –presented by Administrator Piasecki

Bid Award – Fremont Drive Realignment

The Council addendum included a memo from Engineer Bittner regarding the recent bid opening for the Fremont Drive Realignment project. In late May, Sherburne County opened bids for their project which includes the City's realignment of Fremont Drive. Five qualified bids were received, with the apparent low bidder being Knife River Corporation. The bid for the City's portion of the project came in at \$833,905.67, which is 13% lower than the Engineer's estimate. Engineer Bittner submitted a resolution in support of awarding the bid to Knife River for consideration by the City Council.

RESOLUTION 16-06-01

Smith/Nathe unanimous to adopt RESOLUTION #16-06-01, recommending that the Sherburne County Board of Commissioners award the bid for the

County's CSAH 4 Reconstruction to Knife River Corporation in the amount of \$3,542,120.83.

Consider Code Amendment for Charitable Gambling

Piasecki presented a draft amendment to Chapter 5 of City Code regarding gambling and bingo regulations. Council discussed this amendment in 2007 and at that time, decided not to take action on a code amendment. The Fire District has requested Council again consider the proposed amendment to ensure the charitable gambling revenues generated in the Zimmerman community remain in the community as much as possible. The amendment provides a more streamlined set of regulations while restricting where charitable gambling proceeds may be spent by defining a "trade area." All licensees would also be required to pay a percentage of gambling revenues to the City, to be used at the City's discretion.

Council will consider the ordinance amendment at a future meeting.

MAYOR/COUNCIL ITEMS

Due to a lack of agenda items, Council agreed to cancel the Committee of the Whole Meeting scheduled for Monday, June 16, 2016

Mayor Earenfight noted the following upcoming events:

- Tuesdays – Farmer's Market – 2:30 – 6 p.m. -- City Park
- June 16 – 19 – ZAYAA Baseball Tournament – City Park
- June 18 – Zimmerman/Livonia Fire Department Golf Tournament – Princeton Golf Course
- June 23 - 26 – ZAYAA Baseball Tournament – City Park
- June 24 – Zimmerman Chamber of Commerce Golf Tournament -- Princeton Golf Course

On behalf of the Council and staff, Mayor Earenfight extended condolences to long-time former employee Dave Horvath and his family. Horvath's father passed away over the weekend.

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

Brisbin/Smith unanimous to adjourn the meeting at 8:02 p.m. Motion carried.

Approved this 20th day of June, 2016.

s/s Kary Tillmann, Clerk/Treasurer