

**MINUTES OF THE REGULAR MEETING
OF THE ZIMMERMAN CITY COUNCIL
MONDAY, JULY 11, 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 Mathison, Nathe and Smith. Member Brisbin was excused absent. Also present were Administrator Piasecki, and Public Works Director Johnson.

AGENDA APPROVAL

Mathison/Nathe unanimous to approve the agenda as presented.

APPROVAL OF MINUTES

Nathe/Smith unanimous to approve the following meeting minutes as presented:

- **May 9, 2016 Committee of the Whole Meeting**
- **June 20, 2016 Regular Meeting of the City Council**

CONSENT AGENDA

Mathison/Nathe unanimous to approve the consent agenda as follows:

- a. Approve the payment of claims (check #38162 - #38223) in the amount of \$69,813.26 and electronic payments (e-checks #1354 - #1356) in the amount of \$32,957.83 as presented.
- b. Accept the following invoices to authorizing payment to Bolton & Menk (ck #38225) for contracted Engineering Services for the period of April 23 – June 3, 2016, as follows:
 - Invoice #191572 in the amount of \$9,010.00 for engineering services related to the Wellhead Protection Plan Amendment Phase ;
 - Invoice #191566 in the amount of \$26,536.30, for Project Management Services related to the 2016 Main Street Improvement Project;
 - Invoice #191580 in the amount of \$13,245.50, for Project Management Services related to the 2nd Street East Storm Sewer Improvements as part of the 2016 Main Street Improvement Project.
- c. Approve payment to HD Waterworks Supply, in the amount of \$8,005.42 (ck #38226), for water meters and meter parts as identified on Invoice #F663968, with funds to be paid from the Water (601) and Sewer Fund (602) budgets, as indicated by the Public Works Director.
- d. Adopt **RESOLUTION #16-07-01**, approving the commitment of Municipal State Aid (MSAS) Funds in the amount of \$4,192.50, as presented and as recommended by staff.
- e. Accept the Investment/Funds Report for May 2016 as presented.
- f. Accept the Monthly Budget Report for May 2016 as presented.
- g. Accept the Building Permit Summary Report for June, 2016 as presented.
- h. Adopt **RESOLUTION #16-07-02**, appointing identified persons to serve as Election Judges for the 2016 Primary and/or General Elections with the understanding that amendments may be necessary to the appointments in order to fill vacancies and meet party splits; and approve the payment of an hourly wage of \$11.00 for Head Election Judges, \$10.50 per hour for Lead Registration Judges and \$10.00 per hour for Regular Election Judges during Election Judge training and time served on Election Day.
- i. Approve the event permit application for the Zimmerman/Livonia Fire Department Open House, to be held September 12, 2015, from 11:00 a.m. – 3:00 p.m., at 13028 Fremont Avenue, Zimmerman, MN, and support the request to Sherburne County to close a portion of County Road 4 between Fremont Trail and 9th Street West between the hours of 11:00 a.m. – 3:00, to accommodate the afternoon open house.
- j. Approve the permit application for an outdoor dance for the Zimmerman/Livonia Fire Department, to be held September 12, 2015, from 8:00 p.m. – 12:00 midnight, at 13028 Fremont Avenue, Zimmerman, MN, and

support the request to Sherburne County to close a portion of County Road 4 between Fremont Trail and 9th Street West between the hours of 8 p.m. – 12 midnight, to accommodate the evening public dance.

- k. Adopt **RESOLUTION #16-07-03**, approving a temporary liquor license for the Zimmerman/Livonia Volunteer Fire Department Annual Fireman's Benefit Dance to be held at the Zimmerman Fire Hall, 13028 Fremont Avenue, Zimmerman, MN 55398, on September 12, 2015.
- l. Approve the application for a Solicitor's license for the period of July 12, 2016 – July 11, 2017, as requested by Travis Sankey, dba Custom Remodelers, Inc. 474 Apollo Drive, Lino Lakes, MN 55014.
- m. Approve the License Application for Sewer and Water Installer for the period of July 12 – December 31, 2016, as requested by Matt Neutgens, dba Neutgens Excavating, 16230 – 54th Street, St. Michael, MN 55376.

OPEN FORUM

There was no one present to address the Council during Open Forum.

FIRE PROTECTION REPORT – No report.

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

Replacement of SBR Kaeser Blower

Johnson reported a blower at the SBR was sent for maintenance and needs to be rebuilt or replaced per the vendor. Rebuild quote was \$3699 with a 1-year warranty. A new blower is \$5,200 with a 5-year warranty. Staff is only authorized to spend up to \$5,000, and requests Council approve purchases of a new blower with 5-year warranty at a cost not-to-exceed \$5,500.

Mathison/Smith unanimous to approve the purchase of a new Kaeser blower, for the SBR at a cost not to exceed \$5,500, as recommended by the Public Works Director.

Water Meter Replacement

Johnson informed Council that MXU reader units on water meters installed approximately 10 years ago continue to fail to report readings due to battery failure. The existing reading system is also becoming obsolete, with the current provider proposing to update the reading equipment and software at an estimated cost of \$40,000. Staff has reviewed a new alternative reading system, using cellular phone technology, provided by Metron-Farnier, through Verizon. The cellular-based reading system would allow monitoring and reading of meters from a computer in City Hall, versus driving the streets to obtain the current radio signal readings.

Since radio read MXU battery supplies are failing, staff proposes to test the cellular-based meters as an option for replacement. The Metron meters are priced at \$325 each, and include the cellular service and equipment necessary to receive the signal. Johnson stated the City of Buffalo is currently changing all meters to the Metron system, and he has visited Buffalo and discussed the meter functions with city staff.

Council questioned the longevity and future of the cellular-based reading systems, and requested staff provide additional information, and possibly a meter to review at the next Council meeting. Staff will attempt to get information and a possible meter for the July 18 meeting, or a meeting soon after.

2016 Pavement Preservation Project

Allied Blacktop was contracted to perform the first phase of the City's Pavement Preservation Program, including Change Order #1, which expanded the project area, for a total contract price of \$200,703.50. Staff has previously reported that there could be potential increases to the contract price due to crack filling material exceeding the estimate due to the condition of City Streets. Piasecki presented Change Order #2 as prepared by the City Engineer, in the amount of \$19,800.00 which addresses the quantity overrun caused by street conditions, increasing the contract price to \$220,503.50. The Contractor has also completed a significant portion of the work and has submitted Pay Request #1 to the City Engineer. Five percent (5%) retainage will be held by the City until the project is fully complete.

City Staff and Engineer Bittner have reviewed the change order and the pay request and recommend Council approval.

RESOLUTION #16-07-04 Nathe/Smith unanimous to adopt RESOLUTION #16-07-04, approving Change Order #2 in the amount of \$19,800 and approving Pay Request #1 in the amount of \$203,943.43 (ck #38224), submitted by Allied Blacktop for expenses related to the 2016 Pavement Preservation Project, as recommended by the City Engineer.

Watermain Extension to Hockey Rink

Johnson stated staff currently uses 7 sections of fire house to provide water from the nearest hydrant to the hockey and free skate rinks. A local contractor will be working on the private irrigation system in the adjacent South Side Villas development next week, and is willing to extend an existing watermain stub approximately 400 feet north and install a gate valve and hydrant near the rinks. This extension would be a more efficient method for flooding and maintaining the rinks, especially as staff is in process of expanding the size of the free skate area. No supporting information was provided in the packet as this opportunity only became a possibility in a conversation with the contractor this morning.

Johnson has discussed the extension with Kim Larson of the MN Department of Health, who stated an extension permit and review will not be required since the extension will not include a utility service. Johnson believes that after discussing the proposed extension with the contractor, Brenteson Companies, Inc., the project could be completed for less than \$25,000. Council consensus was the extension would improve the City's ability to provide water to the rinks.

Earengt/Mathison unanimous to approve the extension of approximately 400 feet of watermain to the City ice rinks by Brenteson Companies at a cost not-to-exceed \$24,500, to be paid from the Water Fund.

ADMINISTRATOR'S REPORT –presented by Administrator Piasecki

Settlement Agreement – Lake Avenue Right-of-Way

A property owner on Lake Avenue filed a lawsuit against the City in December 2015 regarding the removal of a portion of a private fence that was within the City's right-of-way and other related concerns. The League of Minnesota Cities Insurance Trust (LMCIT) agreed to defend the City against this filing. The League appointed Attorney has met with parties named in the lawsuit to gather background information and has negotiated a settlement agreement with the Plaintiff's Attorney.

In summary, the agreement would include the replacement of 4 feet of chain link fencing that was removed on the boundary of the private property and City right-of-way, allowing a concrete driveway apron on the plaintiff's property to remain in its current location in the City right-of-way to connect to Lake Avenue, and LMCIT reimbursing the plaintiff \$2,000 toward incurred survey costs. Acceptance and execution of the Settlement Agreement would release all parties named in the suit from any all claims made in the filing.

Nathe questioned the City's involvement in what appeared to be a private property dispute, and questioned who ordered the property survey and the findings of said survey. Piasecki stated the plaintiffs ordered the survey and the fence in questions was on the neighboring property, albeit very close to the property line in locations. Smith stated the City likely should have followed other procedures prior to removing the fence believed to be in the street right of way. Mathison stated he believes the settlement as recommended saves the City and LMCIT the additional expenses incurred in a lengthy lawsuit.

Mathison/Smith unanimous to approve the settlement agreement regarding a fence and Right-of-Way issue on Lake Avenue, authorizing the Mayor and City Administrator to execute said agreement on file in the City Clerk's Office, on behalf of the City of Zimmerman, as recommended by the League of Minnesota Cities Insurance Trust.

MAYOR/COUNCIL ITEMS

Mayor Earenfight noted the following upcoming events:

- Farmer's Market – City Park - Tuesdays; 2:30 - 6 p.m.
- August 2 – MN Night to Unite – various locations throughout the City
- September 10 – Community Shred Event – City Hall
- September 10 -- Zimmerman Youth Expo – St. John Lutheran
- September 10 -- Fire Department Open House and Dance -- Fire Station
- Passing the Bread – distribution starts Saturday, September 24, 2016.

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

Mathison/Smith unanimous to adjourn the meeting at 7:36 p.m. Motion carried.

Approved this 18th day of July, 2016.

s/s Kary Tillmann, Clerk/Treasurer

Approved 07/18/2016