

**MINUTES OF THE REGULAR MEETING
OF THE ZIMMERMAN CITY COUNCIL
MONDAY, JULY 20, 2015**

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

AGENDA APPROVAL

Nathe/Brisbin unanimous to approve the agenda with the following addition:

- **Dance Permit Application – ZBG/Angeno’s Pizza, Pasta & Bar**

APPROVAL OF MINUTES

Mathison/Merwin unanimous to approve the meeting minutes of the July 6, 2015 Regular Council Meeting as presented.

CONSENT AGENDA

Brisbin/Nathe unanimous to approve the consent agenda with the addition of item n. Dance Permit Application – ZBG/Angeno’s Pizza, Pasta & Bar, as follows:

- a. Approve the payment of claims (check #37225 - #37262) in the amount of \$25,704.73, and electronic payments (e-check #1200 - #1208) in the amount of \$39,204.67, as presented.
- b. Accept the March 2015 Investment/Funds Report as presented.
- c. Accept the monthly budget report for March, 2015, as presented.
- d. Accept the April 2015 Investment/Funds Report as presented.
- e. Accept the monthly budget report for April, 2015, as presented.
- f. Accept the May 2015 Investment/Funds Report as presented.
- g. Accept the monthly budget report for May, 2015, as presented.
- h. Adopt **RESOLUTION #15-07-03**, approving the commitment of Municipal State Aid funds as presented and as recommended by staff.
- i. Approve the August 1, 2015 interfund loan payment to the Water Fund (Fund 601) from the General Fund (Fund 101) in the amount of \$10,367.12, for the 2014 purchase of the New Holland Tractor for the Public Works Department, as authorized in Resolution 2014-11-02.
- j. Approve the August 1, 2015 interfund loan payment to the Sewer Fund (Fund 6025) from the EDA (Fund 228) in the amount of \$9,173.51, for redevelopment purposes, as authorized in Resolution 2014-10-03 and EDA Resolution #2014-10-02.
- k. Adopt **RESOLUTION #15-07-04**, approving the request of Christ Our Light Catholic Parish for an Exempt Permit to conduct lawful gambling at a function to be held at 25909 – 4th Street West, on October 19, 2015.
- l. Adopt **RESOLUTION #15-07-05**, approving the request of Christ Our Light Catholic Parish for an Exempt Permit to conduct lawful gambling at a function to be held at 25909 – 4th Street West, on December 27, 2015.
- m. Approve the Event Permit Application for a Revival Event to be held on Saturday or Sunday, September 18 or 19, 2015 at the Church of God of Prophecy, 12512 Fremont Avenue, Zimmerman, as requested by Pastors Neil and Lorraine Daley.
- n. Approve the Permit Application for a public dance and outdoor music to be held on Friday, July 31, 2015 from 8:00 p.m. to 12:00 midnight, at ZBG/Angeno’s, 13100 Fremont Avenue, Zimmerman, as requested.

OPEN FORUM

George Daley, 13025 1st Avenue South, Zimmerman, was present to discuss the Lift Station #7 relocation project. The lift station was located in their backyard and was moved late in 2014 to City property west of the original location. He wished to express his frustration with certain aspects of the project, stating that they are very happy the project has been completed and the lift station has been moved out of their backyard. They are not happy with the “finish work”. He stated that in addition to sandburs in their yard, they also have weeds, rocks, and uneven gouges throughout the finished area. He doesn’t believe the contractor used black dirt before hydro seeding. He continued that 10 days ago, a sinkhole appeared in the backyard. Since the original hole was found, several more have developed and they are concerned that more will appear in the different dewatering drill locations. Daley stated that City staff has been excellent to work with, especially Administrator Piasecki, who has been very accommodating and quick to respond whenever he or his wife had a question or concern. Daley questioned how and when these issues would be resolved.

Administrator Piasecki stated the City Engineer and the General Contractor have been apprised of the current situation. The City Engineer has arranged for a meeting at the site tomorrow afternoon with staff and the contractor to review the property and devise a plan to rectify the situation and address the Daley’s concerns. Public Works Director Johnson added that the contract includes a final date that the project needs to be fully complete, however scheduling of work is typically left up to the Contractor.

CITY EMPLOYEE RECOGNITIONS

Council acknowledged the following employee achievements:

- **Dave Johnson, Public Works Director**, was promoted to his current position on December 21, 2014 and has been subject to a 6-month probationary employment period, ending June 21, 2015. Administrator Piasecki has conducted an evaluation of Johnson’s work performance and found that he meets or exceeds expectations for his position, successfully completing the probationary period. Completion of the probationary period has been documented in Johnson’s employee file.
- Two Public Works employees reached milestone anniversaries in July, 2015. **Tom Haugland, Maintenance Technician** celebrates a 15-year anniversary on July 20, 2015 and **Aaron Larson, Maintenance Technician**, celebrates a 1-year anniversary on July 21, 2015. Council presented each with a certificate commemorating their achievement and thanked them for their service to the City.

PARK BOARD REPORT

Acknowledge Donation of Labor – Frisbee Golf Course Improvements

Council viewed a short power point presentation regarding recent improvements to the Frisbee Golf Course at the City Park. Public Works Director Johnson provided an overview of the recent project whereby a group of volunteers constructed regulation-size concrete tee pads for all 18 holes on the Frisbee Golf course. Comments were heard from volunteer **Jeremy Valerius, 12197 Fremont Lane, Zimmerman**, who spearheaded the project. Valerius stated that the course is very popular and his kids use it frequently. He wants to see it continue to be used and improved, possibly adding benches throughout the course and mulch underneath the baskets. He is interested in starting a Frisbee Golf League and has discussed the possibility with City staff. He is hoping that in 2016, the Civic Club will include a Frisbee Golf Tournament as part of the annual Wild West Days celebration.

RESOLUTION #15-07-06 **Brisbin/Nathe unanimous to adopt RESOLUTION #15-07-06, accepting a donation of labor valued at \$500 for the construction of regulation-size tee pads for 18 holes on the Frisbee Golf Course, and expressing appreciation to a group of 7 volunteers for the completion of the community project.**

LAW ENFORCEMENT REPORT

Patrol Captain Bob Stangler, Sherburne County Sheriff's Department, provided an overview of law enforcement activities for the month of June, 2015. The department received 322 calls for service, including 87 traffic stops, with 25 offenses charged by citation, not including long form complaints or in-custody arrests. In comparison, there were 338 calls for service in the same time period in 2014 and 362 calls in 2013. This month, there was one burglary reported with a suspect identified. Many thefts were reported throughout the month, with two arrests being made to date. At the end of June, a rash of thefts from unlocked vehicles was reported and Stangler reminded residents to remove valuables from vehicles and lock car doors. Two vehicle crashes with injuries and several property damage vehicle crashes were also reported. Stangler advised that he spoke with Rhonda Lewis, Sherburne County Highway Engineer, about traffic control at Main Street and 2nd Street East. She requested that City staff or a Council representative contact her directly regarding traffic control at this location.

Council agreed by unanimous consensus to accept the Law Enforcement Report for June, 2015, as presented.

ADMINISTRATOR'S REPORT – presented by **Randy Piasecki, City Administrator**

Consideration of Social Host Ordinance – **Joel Brott, Sheriff & Sam Wertheimer, Chief Deputy County Attorney**
Patrol Captain Stangler summarized the proposed Social Host Ordinance as a way to discourage underage possession and consumption of alcohol, even if done within the confines of a private residence. The ordinance intends to hold persons who host events or gatherings where persons under 21 years of age possess or consume alcohol criminally responsible, regardless of whether the person hosting the event or gathering supplied the alcohol. Such an ordinance allows law enforcement to charge adults who knowingly provide a place for underage drinking to occur.

Stangler continued that under the ordinance, these regulations would not apply to religious rights or observations, parents providing alcohol to their own children in their home, or minors working in retail sales, bars, and restaurants. Social Host doesn't allow other adults to make decisions regarding the consumption of alcohol for other people's children.

Comments were heard from **Wendy Kowalski, 26412 Lake Avenue, Zimmerman**, who questioned why the ordinance specifically identifies that it does not apply to cities, counties or state agencies, although it mentions events or gatherings on public property would be subject to the Ordinance. Chief Deputy Sherburne County Attorney Sam Wertheimer responded that the ordinance was designed to apply to people who might use public property to hold a gathering or event, but it wouldn't apply to the City because the City wouldn't hold an event that would allow minor consumption. The inclusion of public land is to curtail using public property to break the law, for example a City park rented for a party or event. The Sheriff's Department or local Police Department would enforce the ordinance against those responsible for organizing an event or gathering on public property. The City would not be responsible simply because a private party was allowed to use public property. Captain Stangler stated it was important to note that if a complaint was received, the Sheriff's Department would conduct an investigation before any charges were brought forth. Sheriff Brott added that anything local government agencies can do to curtail underage drinking in a respectful way in accordance with the law is a good thing.

RESOLUTION #15-07-08 **Brisbin/Nathe unanimous to adopt RESOLUTION #15-07-08, approving Ordinance No. 322 and the corresponding summary ordinance, establishing a Social Host Ordinance in the City of Zimmerman and authorizing publication of the summary ordinance as presented and recommended by staff.**

Application for Tax Increment Financing – JAGS Pro Truck Shop

Council has granted JAGS Pro Truck Shop a Conditional Use Permit to construct and operate an auto service and repair business at 25937 2nd Street East. JAGS has also submitted an application for Tax Increment Financing (TIF) requesting assistance, documenting expenses related to the relocation of the business to the City, and the costs associated with developing the parcel. The proposed site is located in TIF District #9, which remains active and able to provide assistance.

JAGS' completed funding assistance application has been submitted to Jim Casserly, the City's financial consultant. Preliminary review shows there are costs eligible for TIF assistance. Casserly will complete his review and forward documentation, including a proposed development contract to staff, which will be presented to the Economic Development Authority (EDA) at a meeting scheduled during the Regular City Council meeting on August 3rd. No action taken.

Sherburne County Community Partners Meeting

Piasecki reported that Sherburne County will be hosting a "Community Partner Meeting" at Zimmerman Café, Bar and Bowling Alley on Wednesday, July 29th. The County conducts these meetings to promote and encourage economic growth and development throughout the County, including guest speakers on various topics. This quarter, Zimmerman is the host City. Representatives of the County Board and County staff, Local Township and City elected officials and staff members, and interested business owners have been invited to attend. Zimmerman Café, Bar and Bowling Alley will be highlighted as a new business venture, acquiring a foreclosure property, and then successfully reopening the bar, restaurant and bowling alley.

Staff provided a copy of the proposed agenda and advised the meeting would be posted in case a quorum of Councilmembers chose to attend. No action taken.

PUBLIC WORKS REPORT – presented by Dave Johnson, Public Works Director

Proposal for City-Wide Crack Sealing

Johnson reported that he has received a quote for the crack sealing of streets throughout the City. The 2015 budget includes \$20,000 for crack sealing. The City is broken down into districts, which are scheduled for maintenance on a rotating basis. This year, Public Works has scheduled the area west of County Road 46 and south of Westwood Elementary School for crack sealing.

Mathison/Merwin unanimous accept the proposal from Midwest Asphalt Maintenance, LLC, for crack sealing in certain areas within City limits in 2015, at a cost not to exceed \$11,000, with funds to be taken from the Public Works Budget (101-43100-226), as recommended by staff.

FINANCE REPORT – presented by Kary Tillmann, City Clerk/Treasurer

In 2013 and 2014, Council approved the commitment of \$115,000 towards the value of accumulated absences for City employees, in anticipation of the retirement of several long-term employees. Dave Horvath retired as of December 31, 2014 and cashed out vacation and accumulated sick time valued at \$48,185 in January, 2015. Half of Horvath's time was paid out of the General Fund, therefore, half of the accumulated time should be paid from the General Fund committed reserves for Compensated Absences.

Mathison/Nathe unanimous to approve the use of \$24,092.50 from Committed Reserves for Compensated Absences for the payout of accumulated time for former City employee Dave Horvath.

MAYOR/COUNCIL ITEMS

Mayor Earenfight identified the following upcoming events:

- Tuesdays through October – Farmer’s Market -- City Park 2:30 – 6 p.m.
- August 4 – MN Night to Unite – Various locations throughout the City
- September 12 – Fire Department Open House and Dance – Zimmerman/Livonia Fire Station
- September 12 – Zimmerman Youth Expo – St. John Lutheran Church

Discussion was held regarding a Community Shred Event in September in conjunction with the Annual Firemen’s Open House and other community activities on September 12. Staff was directed to place the item on the August 3rd meeting agenda for discussion and consideration.

Mayor Earenfight asked for a moment of silence in honor of US Military Personnel.

Mathison/Brisbin unanimous to adjourn the meeting at 7:52 p.m.

Approved this 3rd day of August, 2015.

s/s Kary Tillmann, Clerk/Treasurer

Approved 08/03/2015