

**MINUTES OF THE REGULAR MEETING  
OF THE ZIMMERMAN CITY COUNCIL  
MONDAY, SEPTEMBER 14, 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 Mathison, and Nathe. Members Brisbin and Merwin were excused absent. Also present were Administrator Piasecki, Clerk/Treasurer Tillmann, Public Works Director Johnson and Engineer Bittner.

**AGENDA APPROVAL**

**Mathison/Nathe unanimous to approve the agenda as presented.**

**APPROVAL OF MINUTES**

**Mathison/Nathe unanimous to approve the minutes of the August 17, 2015 Regular Meeting of the City Council as presented.**

**CONSENT AGENDA**

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

- a. Approve the payment of claims (check #37347 - #37410) in the amount of \$74,291.15 and electronic payments (e-check #1219 - #1228) in the amount of \$69,859.00 as presented.
- b. Approve payment to Bolton & Menk, Inc., in the amount of \$14,894.00 (ck #37411) for Project Management services related to the 2016 Fremont Drive Realignment Project for the period of March 1 – July 31, 2015, as identified on Invoice #181647, to be paid from the project fund (Fund 402) as indicated by the City Administrator.
- c. Accept the Investment/Funds Report for July 2015 as presented.
- d. Accept the Monthly Budget Report for July 2015 as presented
- e. Accept the August 2015 Building Permit Summary Report as presented.
- f. Approve the extension of the snowmobile trail from the junction of 136<sup>th</sup> Street (CR 46) and CSAH 4 to the property located at 13100 Fremont Avenue, and allow the Elk Lake Easy Riders to perform trail maintenance within trail extension area.
- g. Approve the tobacco license application for Casey's General Store, 13140 Fremont Avenue, for the period of September 30, 2015 – June 20, 2016, as recommended by staff:
- h. Approve the Sewer & Water Installer License Application for Wruck Excavating, 15096 – 102<sup>nd</sup> Street SE, Becker, MN 55308, for the period of September 15 – December 31, 2015.
- i. Approve the Public Dance Permit Application for an outdoor event to be held on October 24, 2015, from 7 p.m. – 1 a.m., as requested by The Whistling Pickle, 12606 Fremont Avenue, Zimmerman, MN 55398.

**OPEN FORUM**

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

**FIRE DEPARTMENT REPORT**

**Fire Chief Ryan Maloney** presented the Fire Department report for the month of August, 2015. The Department responded to 4 medical assists, a gas leak, 4 injury accidents, 4 fire alarms, 1 carbon monoxide call, a lightning strike, a hazardous materials spill and provided mutual aid on 2 calls in Elk River. The Fire Department Open House and Firemen's Dance were held on Saturday, September 12 and both events were well attended. Maloney thanked the many local businesses that supported their annual event by donating prizes and silent auction items and residents who attended throughout the day. Maloney also reported that he is in the process of drafting an information letter to residents in the Fire Service Area regarding the results from the recent ISO study, to be distributed via township newsletters and websites. The Department was also recently informed they would be awarded a \$4,000 grant from MN Department of Natural Resources, which will be used to purchase several new

replacement pagers for department members. Maloney also stated that if residents need 9-volt batteries for smoke detectors, they are available at the Fire Station through a donation from Batteries Plus in Elk River.

**Council accepted the Fire Department Report for August, 2015 by unanimous consensus as presented.**

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

**Project Update – Seating Areas for Lions Park**

Public Works Director Johnson reported that Branden Weber, Boy Scout Troop 91, has completed his Eagle Scout project in the City Park. Staff shared photos of the completed work, including 6 seating benches and several picnic tables near the fire pit. Weber will attend a future meeting to provide an update on the project. No action taken.

**Feasibility Report Update – Fremont Drive Realignment and Other Proposed Projects**

Kevin Bittner, City Engineer, was present to discuss the Feasibility Study for the Fremont Drive Street and Utility Improvements proposed for 2016 in cooperation with MnDOT and Sherburne County Public Works. Bittner provided detailed information regarding the four resolutions being considered for adoption by the Council, including approving the project, requesting a variance from State Aid design standards to decrease the proposed Fremont Drive speed from 30 mph to 25 mph, prohibiting parking on the west and south sides of reconstructed Fremont Drive, and approving the County's reconstruction of CSAH 4 within the Zimmerman corporate limits.

Mayor Earenfight questioned the timeline of the project. Bittner stated that upon approval, he will actively begin the final design of the City's portion of the project and submit it to the County to be bid with the project. The variance request will go to committee on September 24. The County has advised the project will be bid over the winter season and construction will begin in Spring of 2016. Details will be provided as they become available.

Comments were heard from **Wendy Kowalski, 26412 Lake Avenue**, who requested an opportunity to review copies of the resolutions presented.

**RESOLUTION #15-09-01**      **Nathe/Mathison unanimous to adopt RESOLUTION #2015-09-01, authorizing the 2016 Fremont Drive realignment and Main Street improvements as proposed in the feasibility report, with the exception of the forcemain improvements for Lift Station #2 and Lift Station #8, which will be considered and authorized as a separate project in 2017 or later, as recommended by staff and the City Engineer.**

**RESOLUTION #15-09-02**      **Mathison/Nathe unanimous to adopt RESOLUTION #2015-09-02, requesting a variance from the MN Department of Transportation State Aid Operations Rules Chapter 8820.9936 allowing for a 25 mph design speed on Fremont Drive in lieu of the 30 mph street design in the proposed project, as recommended by staff and the City Engineer.**

**RESOLUTION #15-09-03**      **Nathe/Mathison unanimous to adopt RESOLUTION #2015-09-03, approving the proposed construction for the reconditioning and resurfacing of County State Aid Highway 4 with the corporate limits of Zimmerman, as recommended by staff and the City Engineer.**

**RESOLUTION #15-09-04**      **Mathison/Nathe unanimous to adopt RESOLUTION #2015-09-04, establishing parking restrictions on particular State Aid Routes, specifically banning the parking of motor vehicles at all times on the west and south**

**sides of Fremont Drive (State Aid Route No. 123) from CSAH 4 to Oak Street, within the City of Zimmerman, as recommended by staff and the City Engineer.**

**FINANCE REPORT– presented by Clerk/Treasurer Tillmann**

Re-Investment of City Funds

Tillmann reminded Council that the City had two investments mature in August, 2015 and Council approved the reinvestment of a portion of those funds on August 17. Tillmann received investment rates from a majority of the City's brokers throughout the day and presented rates for consideration to invest the balance of the funds. Staff recommends a 4-year investment with Financial Northeastern at this time.

**Mathison/Nathe unanimous to approve the investment of \$250,000 through Financial Northeastern for 4 years at a rate of 2.0% with Capital One NA, authorizing a wire transfer from the City's checking account on or before September 23, 2015 to complete the transaction, as recommended by staff.**

2016 General Fund Budget and Levy

Tillmann reported that the preliminary budget and levy would be considered for approval at the September 21 City Council meeting. Piasecki questioned if Council would like to see an alternate proposal that includes levied funds for road re-surfacing as discussed by Engineer Bittner at the August 17 meeting. Council requested staff provide budget and levy information both with and without levied funds for the resurfacing plan.

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

Planning Commission Report of August 28, 2015

Piasecki reported that the Planning Commission met on August 28, 2015 to consider a request for a variance to the maximum size and height and exterior finish for a detached accessory building for the property located at 13451 Fremont Avenue owned by Gary Reinking. Reinking's residence is a 5- acre, wooded parcel approximately 700 feet north of Fremont Avenue with access via a driveway easement. He wishes to construct a 2,400 square foot (40 x 60) steel sided detached accessory structure, 23 feet in height for storage of personal items and equipment. He intends to re-side the house to match the proposed earth tone coloring of the accessory structure because an earth tone on the accessory building and house will make both less obtrusive on his wooded property.

Piasecki reported that the Planning Commission, acting as the Board of Adjustment, approved the variance request for several reasons. The Commission believes that the proposed location of the building will have little impact on surrounding properties because it will be located in a wooded area. Also, there are two parcels adjacent to Reinking's property that also have large accessory structures. In 2003, a variance was granted to a 5-acre property on 136<sup>th</sup> Street to construct a 1,920 s.f. accessory structure which also exceeded the 16 foot maximum height. Another 1,200 s.f. steel sided accessory structure is also located south of this subject site, immediately east of the applicant's driveway. That structure was permitted for construction by a previous building inspector, and it is steel sided and in excess of the 16-foot maximum height.

Piasecki also noted that in the future, the Planning Commission suggested a possible amendment to the City Code to allow accessory structures up to 2,000 square feet with a Conditional Use Permit. The Commission agreed that some leniency in size for accessory structures should be afforded to larger parcels, and suggested that a future Commission meeting include consideration of a code amendment to that effect. No action taken.

**MAYOR/COUNCIL ITEMS**

Mayor Earenfight noted the following events:

- Zimmerman Farmer’s Market – Tuesdays through Mid-October; 2 – 6:30 p.m. in the City Park
- Zimmerman/Livonia Youth Day -- Saturday, September 19, 2015; 5 p.m. at the City Park

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

**Mathison/Nathe unanimous to adjourn the meeting at 7:32 p.m. Motion carried.**

Approved this 21st day of September, 2015.

s/s Kary Tillmann, Clerk/Treasurer

Approved 09/21/2015