

**MINUTES OF THE REGULAR MEETING  
OF THE ZIMMERMAN CITY COUNCIL  
MONDAY, DECEMBER 17, 2012**

**CALL TO ORDER**

The regular meeting of the Zimmerman City Council was called to order at 7:01 p.m. at City Hall by Mayor Earenfight, followed by the Pledge of Allegiance.

**ROLL CALL**

Present: Mayor Earenfight, Council Members Brisbin, Kowalski, Laney, and Mathison. Also present were Administrator Piasecki, Clerk/Treasurer Tillmann, Public Works Director Horvath and Engineer Bittner.

**AGENDA APPROVAL**

**Kowalski/Mathison unanimous to approve the agenda with the following change:**

- **Delay consideration of Water and Sewer Fund Budgets**

**APPROVAL OF MINUTES**

**Mathison/Kowalski unanimous to approve the following meeting minutes:**

- **December 3, 2012 Regular Meeting as presented**
- **December 10, 2012 Committee of the Whole Meeting as presented**

**CONSENT AGENDA**

**Kowalski/Laney unanimous to approve the consent agenda with the exception of item h. Payment for Professional Services – Leachate Pilot Study, as follows:**

- a. Approve the payment of claims (check #34771 - #34804) in the amount of \$26,757.23, and electronic payments (e-check #844 – #847) in the amount of \$40,075.55 as presented.
- b. Accept the City Investment/Funds Report of November 2012 as presented by the Clerk/Treasurer.
- c. Accept the Monthly Budget Report for November 2012 as presented.
- d. Accept the Building Permit Summary Report of November, 2012, as presented.
- e. Adopt **RESOLUTION #12-12-03**, approving an amendment to the 2012 General Fund Revenue Budget, reducing the Special Tax Levies line item (#31005) by \$106,163 to reflect no revenue collected in the General Fund for Special Tax Levies, because revenues are received directly into the Project Funds for which they are collected.
- f. Accept invoice #152260, authorizing payment to Bolton & Menk in the amount of \$524.00 (ck #34805) for Project Management Services related to the CSAH 4 Improvement Project for the month of October, 2012, as recommended by staff.
- g. Accept invoice #152291, authorizing payment to Bolton & Menk in the amount of \$240.50 (ck#34805) for Project Management Services related to the Fremont Avenue Water Main Replacement for the month of October, 2012, as recommended by staff.

**Brisbin/Mathison to approve consent agenda item h. Payment for Professional Services – Leachate Pilot Study, as follows:**

- h. Accept invoice #152303, authorizing payment to Bolton & Menk in the amount of \$20,000.00 (ck #34805) for Project Management Services related to the Leachate Pilot Study for the month of October, 2012, as recommended by staff.

**Roll call: Brisbin, aye; Earenfight, aye; Kowalski, naye; Laney, naye; Mathison, aye. Motion carried.**

**OPEN FORUM**

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

**PARK BOARD REPORT**

Presented by Tom Wilkinson, Park Board Chair

**Brisbin/Mathison unanimous to re-appoint Tom Wilkinson as Park Board Chair for 2013.**

**Kowalski/Brisbin unanimous to approve the December 12, 2012 Park Board Minutes as presented.**

**ENGINEERING REPORT**

Presented by Kevin Bittner, City Engineer

Project Update – Fremont Avenue Watermain

Bittner reported that the project has been successfully completed and is now closed. Any issues with seeding of restored areas will be reviewed in the spring once the snow has melted and addressed under the warranty, which extends for 2 years. Bittner requests Council approve final payment to the Contractor to close out the project.

**RESOLUTION #12-12-04      Kowalski/Brisbin unanimous to adopt RESOLUTION #2012-12-04, accepting Pay Request #3 (Final Pay Request), authorizing payment to GM Contracting in the amount of \$73,276.63 (ck #34806) for Construction Services for the Fremont Avenue Watermain Reconstruction Project, through November 1, 2012, as recommended by staff.**

MN Department of Transportation Master Partnership Agreement

The Minnesota Department of Transportation (MnDOT) has requested all state aid cities consider the Master Partnership Agreement with MnDOT. The purpose of contract is to allow the City and MnDOT to procure services from each other in order to enhance the efficiency of delivery government services. The City has not previously entered into this agreement with MnDOT because we are a new state aid community. The type of services that can be procured through the agreement by either party include such things as pavement striping, sign repair, carcass removal, engineering services, roadway maintenance, construction administration and emergency services.

Member Kowalski expressed concern that the document was actually a joint powers agreement that could require the City to become responsible for land acquisition for projects. She encouraged Council to spend more time reviewing the document before adopting it. Piasecki and Bittner both stated that the City could decline any request made by MnDOT through the agreement

**RESOLUTION #12-12-05      Brisbin/Mathison to adopt RESOLUTION #2012-12-05, approving the Master Partnership Agreement with the Minnesota Department of Transportation, authorizing the City Engineer and the City Administrator to negotiate and execute work order contracts pursuant to the Master Contract on behalf of the City, in consultation with the City Council.**

After additional discussion, the motion and second were withdrawn and Council agreed by unanimous consensus to table consideration on the Master Partnership Agreement until further notice.

**PUBLIC WORKS REPORT** – Presented by Dave Horvath, Public Works Director

USDP Contract Renewal

The current agreement with US Distilled Products for distillery waste disposal will expire on December 31, 2012. Staff has been re-negotiating the contract renewal with USDP for some time. USDP is amenable to the new terms and has signed the revised agreement, which is for a one year period. The City Attorney has reviewed the agreement and is comfortable with the proposed changes.

**RESOLUTION #12-12-06      Mathison/Brisbin unanimous to adopt RESOLUTION #2012-12-06, approving the contract renewal with United States Distilled Products for the disposal of distillery waste, effective January 1, 2013 through December 31,**

**2013, as presented and as recommended by staff, and authorize the Mayor to sign said agreement, on file in the City Clerk's Office.**

Horvath reported that the City has received an electricity rebate from Connexus Energy for the off-peak program at the SBR.

**FINANCE REPORT** – Presented by Kary Tillmann, City Clerk/Treasurer Tillmann

Public Hearing – 2012 Fee Schedule

Mayor Earenfight closed the regular meeting at 7:19 p.m. and opened a public hearing regarding the 2013 Schedule of City Charges and Fees.

Staff reported that the 2013 fee schedule reflects minor changes relating to flat rate building permit fees, hydrant rental, sales tax relating to park rentals and water and sewer rates which were approved in mid-2011 to be effective annually on January 1.

There were no comments from the public. The public hearing was closed at 7:23 p.m.

**Kowalski made a motion to accept the 2012 fee schedule for use in 2013, instead of the 2013 fee schedule presented. Motion failed for lack of a second.**

**RESOLUTION #12-12-07 Mathison/Brisbin to adopt RESOLUTION #2012-12-07, adopting Ordinance No. 317, adopting the 2013 Fee Schedule and authorizing publication of the summary ordinance as presented and recommended by staff. Roll call: Brisbin, aye; Earenfight, aye; Kowalski, naye; Laney, naye; Mathison, aye. Motion carried.**

2013 Final Budget and Levy

Council has reviewed the General Fund Budget since presented in August 2012. In September, Council certified a preliminary levy of \$1,254,908 and special levies for debt service (\$106,163) to arrive at a final preliminary levy of \$1,361,051. The proposed budget and levy was discussed at the public comment meeting on December 3, 2012 and at the COW meeting on December 10, where significant reductions were made to both the expenditure budget and proposed levy. The proposed final levy totals \$1,246,736, including the special levies for debt service. The expenditure budget totals \$1,847,778 as amended by staff. If Council chooses to accept the reductions recommended by staff on December 10, the result would be an approximate tax rate of 51.932. The final levy must be certified to the County Auditor/Treasurer by December 28, 2012.

**Kowalski/Laney to approve the 2013 General Fund Levy with the fee schedule being adopted along with that and including that, as those are the forced taxes that should be revealed to the public. Roll call: Brisbin, naye; Earenfight, naye; Kowalski, aye; Laney, aye; Mathison, naye. Motion failed.**

**RESOLUTION #12-12-08 Mathison/Brisbin to adopt RESOLUTION #2012-12-08, approving the 2012 General Fund Levy for taxes collectible in 2013 as follows: General Fund, Parks and Capital Expenditures: \$1,140,573; Debt Service: \$106,163, for a total levy amount of \$1,246,736, upon taxable property in the City of Zimmerman. Roll call on the motion: Brisbin, aye; Earenfight, aye; Kowalski, naye; Laney, naye; Mathison, aye. Motion carried.**

2012 Final General Fund Budget

Council has reviewed the General Fund Budget since presented in August 2012. Reductions to expenditures and amendments to revenues have been made as directed by Council. The final budget must be certified to the County Auditor/Treasurer by December 28, 2012.

**RESOLUTION #12-12-09** Brisbin/Mathison to adopt RESOLUTION #2012-12-09, approving the 2013 operational budget for the General Fund and Parks in the amount of \$1,847,778, as presented, and as recommended by staff. Roll call on the motion: Brisbin, aye; Earenfight, aye; Kowalski, naye; Laney, naye; Mathison, aye. Motion carried.

Fire Board Re-Appointment

**Mathison/Brisbin to approve the re-appointment of Dave Earenfight as a City Council representative to the Zimmerman/Livonia Joint Fire Board for a two-year term, effective January 1, 2013 – December 31, 2014, and appoint Greg Laney as an alternate member to the Zimmerman/Livonia Joint Fire Board. Roll call on the motion: Brisbin, aye; Earenfight, aye; Kowalski, naye; Laney, aye; Mathison, aye. Motion carried.**

ADMINISTRATOR'S REPORT – Presented by Randy Piasecki, City Administrator

Proposed Snowmobile Trail Extension

Council had previously approved an extension of the snowmobile trail from County Road 46 eastward to 10<sup>th</sup> Street West, conditioned upon receiving approval from Sherburne County for two-way traffic in the south right of way of CSAH 4. Since the December 3<sup>rd</sup> meeting, the Sheriff's Department and County Public Works have informed Captain Stangler that the County will not permit two-way traffic on the south side of CSAH 4, as council had approved. If Council wishes to allow an extension of the snowmobile trail to the Zimmerman Bar and Grill from County Road 46, it must be a standard trail, with traffic on both the north and south sides, and the snowmobile club must sign the trail as such. The trail will cross approximately 12 driveways on the north side of CSAH 4.

Comments were heard from **John Kastner, 13040 - 9<sup>th</sup> Avenue South**, who stated that he has spoken at length with Captain Stangler about this issue. He stated that traffic studies have been completed on County Road 4 and the eastbound and westbound traffic lanes are designed identical, with one left turn lane, one right turn lane, and a straight lane. The traffic volume numbers are virtually identical and the only difference is that the speed limit changes west of the 10<sup>th</sup> street intersection. There are more driveways on the north side of the CSAH 4. Driveway approaches would not be altered in anyway by the snowmobile club with jumps or snow mounds. There would be separate crossings at both 10<sup>th</sup> Street West and County Road 46. The City could approve the trail amendment for one year and see how it works.

**Brisbin/Mathison to approve an amendment to the snowmobile trail map to allow snowmobile traffic on the north and south sides of CSAH 4 from 10<sup>th</sup> Street West to County Road 46.**

Kowalski requested that the 12 property owners affected on the north side of CSAH 4 be notified of the change.

MAYOR/COUNCIL ITEMS

Mayor Earenfight acknowledged the contributions of Member Kowalski, who has served as a Council Member since 2005. Kowalski's term in office ends December 31, 2012.

**RESOLUTION #12-12-10** Brisbin/Mathison unanimous to adopt RESOLUTION #12-12-10, thanking Wendy Kowalski for 8 years of dedicated service to the City of Zimmerman as a City Council Member and expressing appreciation for her efforts to make Zimmerman a better community.

Mayor Earenfight noted that Passing the Bread will hold a food distribution event on Saturday, December 22, 2012 at the Sheriff's Department Public Safety Building.

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

**Laney/Kowalski unanimous to adjourn the meeting at 7:36 p.m.**

Approved this 7th day of January, 2013.

s/s Kary Tillmann, Clerk/Treasurer

Approved 01/07/2013