

**Clearwater City Council  
Regular Council Meeting Minutes  
Clearwater City Council Chamber  
November 2, 2015**

**CALL TO ORDER**

Mayor Edmonson called the regular council meeting of November 2, 2015 to order at 7:00 p.m.

**PLEDGE OF ALLEGIANCE**

Everyone joined in the pledge of allegiance.

**ROLL CALL**

- Present: Mayor Edmonson, Council Members Ritzer, Ranum, Crandall, and Lange.
- Absent:
- Staff present: Administrator Kress
- Public Present: Mike Allen, Paul & Mary Koopmeiners, Steve & Pat Kuebelbeck, Curtis Heaton, Dennis Lozinski, Daniel Niehoff, Tim & Marlene Damhof, Betty Moffit, Dorand Nelson, Zack Blake, Mike & Kristen Condon, Vern Scott
- Others Present: Kevin Bittner – Bolton-Menk, Victoria Holthaus – AEM Financial Solutions, Deputy Wilmes – Wright County Sheriff’s Office, and Ken Francis – Clearwater Tribune

A quorum was declared present.

**APPROVAL OF AGENDA**

**MOTION by Crandall, seconded by Ritzer, to approve the agenda as submitted.**

**Motion carried unanimously.**

**PUBLIC COMMENT**

Dan Niehoff asked the Council to pull item “f. Adopting Ordinance 2015-03 an Ordinance Establishing a Shade Tree Program, Providing Regulations of Certain Diseases and Pests, Affecting Trees, Incorporating Agency Rules and Regulations, and Providing for Penalty for Violations Thereof” off the consent agenda for discussion.

**PUBLIC HEARINGS**

**a. Special Assessment Public Hearing on North Area Street & Utility Improvements & Resolution 2015-51 North Area Street & Utility Improvements**

Mayor Edmonson opened the hearing to the public at 7:00 p.m.

Michael Allen & Linda Allen, 315 Elm Street

Mr. Allen asked how they would be assessed at his property on Elm Street. City Engineer Kevin Bittner said he would like to look at the property to determine if Elm or Bluff Street should be assessed.

Pat Kuebelbeck, 300 Lime Street

Ms. Kuebelbeck asked when the cracked concrete apron was going to be fixed on her driveway. Mr. Bittner explained that aprons would be replaced in the spring.

Tom Allen, 425 Bluff Street

Mr. Allen explained he has had water sitting on his driveway since the project started. Mr. Allen added that he was told the contractor was going to cut a groove in the curbing to fix the water issue. Engineer

Bittner explained that the cut was an option earlier in the project, but after review it is no longer being considered. Mr. Allen added that he was concerned about the height of the curb as some vehicles have been bottoming out.

Joe Ergen, Clearwater American Legion

Mr. Ergen was present to ask the Council if they would consider lowering the assessment for the Clearwater American Legion. Ergen explained that the County has given the Legion refunds in the past. Administrator Kress stated that generally he was not aware of a City reducing an assessment because the organization is non-profit. Member Lange stated that the assessments were already very low at 22% and that there wasn't much more the City could do. Member Ritzer also stated the assessments were very low and he didn't want to see the rest of the City have to pick up on behalf of the Legion. Members Crandall and Ranum stated they would like to see if other cities had lowered assessments for the Legion in their community. Kress cautioned that the assessments had to be approved in order to certify them with the County.

Mike Condon, 610 Spring Street

Mr. Condon explained he had landscaping issues and water running towards his house because of the way his property was re-graded. Condon was also concerned with some large ruts and puddles that weren't present prior to the project. Mr. Bittner explained that the contractor was aware of these issues and it is on the punch list to be addressed.

Curtis Heaton, 345 Lime Street

Mr. Heaton was present to ask the Council if he would receive any compensation for the 15' by 140' permanent easement that he granted to the City as part of the project. Bittner and Kress stated they would look into the easement documents that were drafted by the City Attorney to see if there was any compensation to be paid for the easement.

Betty Moffit, 705 Spring Street

Ms. Moffit explained that where her yard was dug up and replaced with seed I now covered with weeds. She added that there is also a small trench near her driveway that still hasn't been filled in.

Daniel Niehoff, 425 North Walnut

Mr. Niehoff asked when his property pins would be reinstalled and questioned what the criteria was for curb replacement. Mr. Bittner explained that the pins were in the punch list to be taken care of. Bittner added that there is a 5% retainage on the project and that there are also performance bonds that need to be complied with. If the contractor fails to perform, another contractor may be hired.

Zack Blake, 620 Lime Street

Mr. Blake explained he was concerned with the weeds that are growing in the area that was re-seeded at his property. Blake added that his second driveway use to be reclaimed asphalt and was replaced with reclaimed concrete instead.

Dorand Nelson, 320 Bluff Street

Mr. Nelson expressed his concern about the quality of the curb and the numerous bird baths.

John & Serena Slatinsky, 730 Spring Street

Mr. Slatinsky was concerned about a live wire that was running across his property. Slatinsky added that lowered curb would have been better and that his curbing was damaged. Ms. Slatinsky was concerned about having to pay interest on their assessment if it was paid during 2016. Kress stated he would check with the County about interest charges.

Grant & Ruthanne Eldred, 640 Spring Street

Mr. Eldred expressed his concerns about his cracked curb and driveway. He was also concerned about an outside water faucet that was not working and some driveway blocks that were not replaced. The blocks were installed to discourage water run-off into the neighbor's property.

**MOTION by, Crandall seconded by Ritzer, to close the public hearing at 7:26 p.m.  
Motion carried unanimously.**

**MOTION by, Crandall seconded by Ranum, to Table the consideration of lowering the assessment for the Clearwater American Legion.  
Motion failed unanimously 0-5.**

**MOTION by, Crandall seconded by Lange, to keep the original assessment for the Clearwater American Legion.  
Motion carried unanimously.**

**MOTION by, Crandall seconded by Lange, to change two assessments to 33 lineal feet a piece for 315 Elm Street owned by Michael and Linda Allen.  
Motion carried unanimously.**

**MOTION by, Ritzer seconded by Crandall, to approve Resolution 2015-51 North Area Street & Utility Improvements.  
Motion carried unanimously.**

#### **CONSENT AGENDA**

**MOTION by Crandall, seconded by Ranum, to approve the following Consent Agenda items.**

- a. **Claims/Accounts Payable**
- b. **Approval of 10-19-15 Regular City Council Meeting Minutes**
- c. **Approval of Contract for City Planning/Economic/Community Development Services with Landform**
- e. **Resolution 2015-49 Approval of Liquor Licenses for 2016**
- g. **Resolution 2015-50 Authorizing the Publication of a Summary of Ordinance 2015-03**

**Motion carried unanimously.**

#### **d. Approval of Amendment to Employee Handbook Holiday Pay Requirements**

Member Ritzer asked why the city would consider offering Holiday Pay at the start of employment. Ritzer was concerned that private companies don't typically offer Holiday Pay at the start of employment. Administrator Kress pointed out that in his memo the current policy is inconsistent with other cities as well as the League of Minnesota Cities recommendations. It was also noted that the current policy may hurt the city's ability to be competitive with other cities in terms of recruiting new employees. Kress added that it is difficult to compare a private industry to a public entity such as a city as they are different markets. Mayor Edmonson added that he had confirmed with other cities it is a more common practice to offer Holiday Pay at the start of employment. Kress also mentioned that the City only has one employee that the change to the policy would effect and recommended approving the revised policy.

**MOTION by, Crandall seconded by Lange, to approve item "d" (Approval of Amendment to Employee Handbook Holiday Pay Requirements)  
Motion carried 4-1 (Ritzer opposed).**

**f. Adopting Ordinance 2015-03 an Ordinance Establishing a Shade Tree Program, Providing Regulations of Certain Diseases and Pests, Affecting Trees, Incorporating Agency Rules and Regulations, and Providing for Penalty for Violations Thereof**

Mr. Niehoff asked if the new Ordinance would apply to the trees that were removed at his property located at 425 North Walnut Street. The Council confirmed that the new ordinance would apply to his property. Council advised Niehoff to contact the City Staff to prepare his request for reimbursement.

**MOTION by, Lange seconded by Ritzer, to approve item “f” (Adopting Ordinance 2015-03 an Ordinance Establishing a Shade Tree Program, Providing Regulations of Certain Diseases and Pests, Affecting Trees, Incorporating Agency Rules and Regulations, and Providing for Penalty for Violations Thereof)**

**Motion carried unanimously.**

**WRIGHT COUNTY SHERIFF DEPUTY REPORT**

Deputy Wilmes was present to give an update on criminal activity in the City. Wilmes stated there was around 1,000 calls for service. Council members asked that Wilmes remind the County that they would like a written report.

**OLD BUSINESS**

**a. Update on Eldorado Park Access**

Administrator Kress presented a drawing for the Eldorado Park access point. Members reviewed the draft and were in favor of the drawing. Kress added he is waiting for a response from the apartment owner to see if he is in favor of the entrance concept.

**b. Update on Lions Club and Food Shelf Agreements**

Kress informed the Council that he had met with both the Lions Club and the Food Shelf to discuss agreements. Both parties were going to discuss with their respective boards on the type of agreement they would be in favor of. Kress explained he would like the two parties to pay for a portion of the utilities as well as provide some funding for building improvements. Kress will report to the Council as more information is gathered.

**c. Discussion on County Right-of-Way Between Ash and Maple Street**

Mr. Kress explained that the City Attorney had reviewed the Right-of-Way between Ash and Maple and determined it was the City’s property. Kress added that the Right-of-Way portion needed to be recorded with the County to complete the process signifying the Right-of-Way is the City’s property. Members asked Kress to provide the documentation when it becomes available.

**NEW BUSINESS**

**a. Discussion on Forgiving Sewer Charges at 620 Lime Street (Agenda Request)**

Zack Blake was present to address the Council in regards to forgiving a high sewer charge at his residence at 620 Lime Street. Blake explained that a hose had been leaking in the back of his residence and a large portion of his bill was for the water that was leaking into the soil. Members discussed similar properties that have addressed the Council to forgive sewer charges. The Council pointed out that the only time a sewer charge had been forgiven was when a basement was flooded and was then pumped out into the soil. Members asked Kress for an opinion on the matter. Kress explained that it was the Councils decision on whether to forgive the fee or not. Kress noted that some Cities will use an average over the past 12 months for billing purposes when a situation like this arises. Kress also mentioned that you are taking the

resident for their word that the water was discharged into the soil. Kress added that there was no documentation presented to show that there was a leaking hose that caused the high bill.

**MOTION by, Crandall seconded by Ranum, to deny the request to forgive the sewer charge for 620 Lime Street based on previous situations where forgiveness of sewer charges were presented. Motion carried unanimously.**

**b. Quarterly Financial Presentation by AEM Financial Solutions**

Ms. Holthaus from AEM gave a presentation on the City's 3<sup>rd</sup> Quarter financials. Mayor Edmonson asked if there was going to be another budget work shop and when it could be. Members agreed to hold a budget workshop on Monday, November 30<sup>th</sup> to make any changes necessary for the December 7<sup>th</sup> Truth in Taxation meeting. Members also asked that staff print the quarterly reports for the next quarter.

**c. Discussion on Long Term Financial Plan by AEM Financial Solutions**

Ms. Holthaus presented the Council with a long-term financial plan proposal for consideration. Members reviewed the plan documents and asked Mr. Kress for some input. Kress explained that the document would allow the City to better track its finances and forecast budget and levy out to 20 years. Doing so helps to plan for projects and other capital improvement items. Kress added that it is a great tool for building onto the City's Comprehensive Plan, Capital Improvement Plan and also for investing funds. The document also aids in the budgeting process from year to year.

**MOTION by, Ranum seconded by Lange, to approve the Long-Term Financial Plan by AEM Financial Services. Motion carried 4-1 (Ritzer opposed).**

**d. Discussion and Update on North Area Street and Utility Project**

Engineer Bittner explained that the city staff, contractor and he have been working on addressing items in the punch list. Member Lange expressed his concerns with the lack of follow-up in regards to communication and quality control with residents. Bittner acknowledged Mr. Lange's concern and assured the Council he is working to improve the quality control and communication. Council asked that an updated punch list be submitted so City Staff could put it on the City's website. Bittner presented some signage proposals both in the project area and the remaining signs in the City. Mr. Kress asked that the Council hold off on approving any signs until he was able to meet with Public Works Supervisor, Schmidt. Council asked that the item be available for consideration at the November 16<sup>th</sup> meeting.

**REPORTS**

**a. Mayor and Council – None.**

**b. Boards –** Mayor Edmonson asked that the City Staff send out a notice that the Sewer Authority is looking to fill the member-at-large seat for next year. Edmonson added that the Sewer Authority has a new lobbyist and that the Sewer Authority Clerk had resigned. Edmonson stated that the Sewer Authority would like the City to post for the Clerk position on the City Website and newspaper. Kress asked where the notice would be coming from since the Clerk had resigned. Edmonson stated that the notice would likely come from Kari Mechtel from Clear Lake.

**c. Staff –** Mr. Kress briefly walked the Council through the memo that is included in the Council packet. Mayor Edmonson stated he was interested in how much energy the solar systems have been producing. Mr. Kress explained Xcel Energy was in the area and the Public Works

building is over producing. Xcel is looking into the issue and will advise when the problem has been taken care of. Edmonson also asked if the City Staff had contacted the rugby team that has been playing at Eldorado. Kress explained that they had not been contacted and that it may be difficult to charge them to play there unless there is a schedule that the City guarantees a time block. City staff will look into the request to charge them to play at Eldorado Park.

**7. Other**

**a. Next Meeting – Monday, November 16, 2015.**

**ADJOURN:**

**MOTION by Ritzer, seconded by Ranum, to adjourn the council meeting, at 9:25p.m.**

**Motion carried unanimously.**



Kevin Kress, City Administrator

11-16-15

Date Approved



Pete Edmonson, Mayor