

**CLEARWATER CITY COUNCIL MEETING MINUTES  
REGULAR CITY COUNCIL MEETING  
FEBRUARY 13, 2023**

- 1. Call to Order and Pledge of Allegiance: 7:00 p.m. at City Hall**
  - Mayor Lawrence called the Clearwater City Council to order Monday, February 13, 2023, at 7:00 p.m. in the Council Chambers. The Pledge of Allegiance was recited. Members present were Mayor Lawrence, Council Members Luhmann, Winkelman, Schwinghammer, and Vazquez. Also present were members of the staff and guests.
  
- 2. Approval of Agenda**
  - **MOTION** by Luhmann to approve Agenda as presented, seconded by Vazquez, all voted aye. **MOTION CARRIED.**
  
- 3. Wright County Sheriff's Report**
  - None.
  
- 4. Public Forum**
  - a. Radon Overview – Gavin Woodland, Wright County Public Health**
    - *Gavin Woodland arrived at 7:11 p.m. and gave his presentation after completion of Old Business agenda items.*
    - Mr. Woodland provided an overview and some hardcopy handouts of the materials in the agenda packet. He noted that radon is worse in the winter months in Minnesota due to the local geology combined with cold weather. He explained how residents can obtain test kits and noted that there is financial assistance available on a need-basis for radon mitigation projects.
    - Administrator Smythe noted that the radon handouts and a link to the Public Health website are available on the city's website.
  
- 5. Consent Agenda**
  - a. Claims/Accounts Payable in the Amount of \$ 223,933.28**
  - b. Approval of Minutes from 01-09-2023 Regular City Council Meeting**
  - c. Res 2023-06 – Approving Temporary Gambling Permit – Church of St. Luke**
  - d. Res 2023-07 – Accepting Donation for Fire Department**
  - e. Res 2023-09 – Accepting Donation for Fire Department**
  - f. Res 2023-10 – Approving Special Event Permit – Legion Riders**
  - g. Authorization to Post Summer Seasonal Positions (3)**
  - h. Approving Escrow Agreement with Kwik Trip**
  - i. Acknowledge Emergency Repairs for Well #4**
  - j. Res 2023-11 – Approving Step Increase**
  - **MOTION** by Luhmann to approve Consent Agenda as presented, seconded by Schwinghammer, all voted aye. **MOTION CARRIED.**
  
- 6. Old Business**
  - a. Res 2023-08 – Appointing EDA Member**
    - Mayor Lawrence explained that Member Schwinghammer will be able to attend EDA meetings and has agreed to serve as the Council Liaison.

- **MOTION** by Lawrence to approve Resolution 2023-08, seconded by Luhmann, all voted aye. **MOTION CARRIED.**
- b. Bryan Kelly Code Enforcement**
  - Smythe reported that staff have approved Mr. Kelly’s lot combination with conditions. The conditions are noted in the order that was included in the agenda packet. Mr. Kelly is interested in discussing an access easement agreement with the city. Smythe suggests appointing a committee to negotiate with Mr. Kelly. Member Winkelman asked if there was sufficient room behind Mr. Kelly’s home for him to access the rear lot. Smythe was unsure, but pointed out that even if there is, Mr. Kelly still has an encroachment issue that would need to be resolved. He is requesting to resolve it by obtaining an access easement. The City Council may reject an agreement if the negotiated results are not acceptable.
  - **MOTION** by Lawrence to appoint an easement negotiating committee with committee members Lawrence, Schwinghammer, and Administrator Smythe, seconded by Winkelman, all voted aye. **MOTION CARRIED.**

## **7. New Business**

### **a. Fire Chief Annual Report – Mike Keller**

- Chief Keller provided an overview of the annual report. Mayor Lawrence asked if the equipment ordered last year had arrived. Keller replied that the SCBA gear was received and put into service in December. He stated that we are still working on a plan to dispose of the old gear, as it doesn’t have any value.
- **MOTION** by Winkelman to approve the annual report and slate of fire department officers, seconded by Luhmann, all voted aye. **MOTION CARRIED.**

### **b. Consider Purchase of Bunker Gear for Fire Department**

- Chief Keller outlined the request to purchase bunker gear. Member Schwinghammer asked for an explanation of what this is. Keller explained that bunker gear includes the heavy duty gear the firefighters wear when responding to a structure fire. The department also has lightweight gear that is used for medical calls to protect members from exposure. The department has been trying to replace some gear each year.
- **MOTION** to approve request to purchase 5 sets of gear per the quote from MES for \$15,821, seconded by Luhmann, all voted aye. **MOTION CARRIED.**

### **c. Consider Fire Relief Pension Increase – Andy Struffert**

- Andy Struffert, Vice President of the Fire Relief Association, outlined the request to increase the firefighters annual pension contribution from \$1,800 to \$1,850. He explained that the Relief has a goal to keep the fund at least 100% funded and that the pension increase will not bring it below 100%. At Mayor Lawrence’s request, he also explained the vesting and service requirements needed to be eligible for a pension payout. Smythe noted that the City Council needs to approve pension increases because the pension is funded with taxpayer dollars in the form of contributions from the state and the city. Struffert added that the city would be responsible to fund any shortfalls if the funding fell below the required amount.
- **MOTION** by Luhmann to approve the pension increase, seconded by Schwinghammer, all voted aye. **MOTION CARRIED.**

### **d. Consider Park Commission By-law Amendments**

- Smythe explained the requested amendments to the by-laws, noting that these were primarily to make them match current practices. The review was initiated by Member Luhmann last year when she was the chair of the Park Commission. The Park Commission approved the changes at their meeting January 17, 2023.

- **MOTION** by Vazquez to approve the Park Commission by-laws changes, seconded by Schwinghammer, all voted aye. **MOTION CARRIED.**

**e. Consider “No-Mow May” Initiative**

- Mayor Lawrence outlined the program called “No-mow May”, which is an initiative to suspend mowing enforcement for the month of May for environmental reasons. Members discussed amending the ordinance, enforcement, how to notify residents, and a possible grace period.
- **MOTION** by Lawrence to temporarily halt lawn mowing enforcement for the month of May 2023 for a one-year trial of “No-mow May”, seconded by Schwinghammer, all voted aye. **MOTION CARRIED.**
- Members directed staff to communicate to residents prior to May via city website, Facebook page, and email/text alert.

**f. Authorize Purchase of Server and Firewall**

- Smythe explained that the firewall software was no longer being supported so an upgrade was needed. She also pointed out that the server replacement had been in the capital plan for the last few years but not completed due to a lack of time to meet with our IT consultants to discuss. The quote for both items is below the amount set aside in the budget.
- **MOTION** by Lawrence to approve both purchases, seconded by Luhmann, all voted aye. **MOTION CARRIED.**

**g. Authorize Repairs for Mower Deck on Mower #3**

- Smythe explained that this repair will extend the life of mower #3.
- **MOTION** by Lawrence to approve repair of mower #3 per the attached quote for \$5,900, seconded by Winkelman, all voted aye. **MOTION CARRIED.**

**h. Authorize Purchase of Lift Station Pump**

- Smythe explained that this item is in the capital budget for replacement in 2025 but it needs to be replaced now. Staff would adjust the capital plan to move the jetter truck purchase out a year to accommodate the pump replacement now.
- **MOTION** by Luhmann to approve purchase of pump per low quote, seconded by Vazquez, all voted aye. **MOTION CARRIED.**

**8. Committee Reports**

**a. Mayor and Council**

- Member Schwinghammer stated that there have been ongoing issues with snow removal from sidewalks by the HOA in Cedar South that manages properties in the area of 8<sup>th</sup> and 9<sup>th</sup> Streets. Smythe noted that some letters had gone out to homes on 9<sup>th</sup> Street and that snow removal was completed after the letters. There was additional discussion about the complaint process and whether changes were needed for removing snow from sidewalks, but there was no consensus.

**b. Boards**

- Park Commission – Park Commission heard from an Eagle Scout offering to build benches for an Eagle Scout project. He will attend the next meeting with a list of materials and costs. Park Commission also heard from the River Cats and CLAYBA ball team representatives. They would like some maintenance work done to the field and some shady areas added for the bleachers. Members discussed that any additional park projects are dependent on a decision about the Community Center project.
- EDA – EDA met in January to discuss signage and the Community Center survey. The next meeting is scheduled for February 21, 2023 at 8:00 a.m. Member Schwinghammer stated he could not make that meeting. Member Luhmann offered to fill in.

- Fire Relief Association – Fire Relief Association had their annual meeting in January. They discussed planned events for the year and heard the annual investment update from their broker.
- Fire Commission – Smythe is trying to schedule a Fire Commission meeting before the end of the month. Member Vazquez offered to fill in for Member Schwinghammer, as he is not available.

**c. Staff**

- Smythe stated that the city did not receive sufficient applicants for the Community Development position and asked to extend the posting. Members agreed.
- Smythe reported that staff have received the plat and site plan applications for Kwik Trip's proposed expansion.
- Smythe informed Members that she and the city engineer had met with MnDot to discuss the report from their consultant on options for the new I94 bridge and T.H. 24 traffic corridor through Clearwater. MnDot would like to present the report and options to the City Council at a workshop meeting. Scheduling a workshop is on the agenda later.
- Smythe reminded Members that the LMC City Day on the Hill is coming up March 9. She asked if anyone besides Mayor Lawrence planned to attend, as we must register ahead of time. No other Members are able to attend. Mayor Lawrence and Smythe will attend. Lawrence stated that it would be nice if local legislators would agree to come to Clearwater for an informal meet and greet.
- Member Winkelman asked what steps staff are taking to address the snow removal project that occurred in January and created issues in Cedar South. Smythe explained that staff had met to discuss the project in detail and outlined best practices for future projects, including a resident communication plan. She stated that there was also specific training completed about the city's right-of-way areas, easements, and ways to ascertain where these are located. Future projects will begin with a staff meeting to outline specific parameters and goals. Winkelman noted that hauling the snow away seemed like the best option. Smythe stated that hauling away was discussed at the meeting as an option.

**9. Other Business**

**a. Next Regular Meeting – March 13, 2023 at 7:00 p.m.**

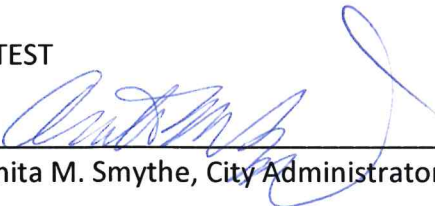
**b. Consider Goal-Setting Workshop for February 27, 2023**

- The next regular meeting will be March 13, 2023 at 7:00 p.m.
- Special Workshop scheduled for February 27, 2023 at 6:00 p.m. for 1) MnDot overview of the T.H. 24 corridor alternatives and 2) Discussion of future goals and plans.

**10. Adjournment**

- **MOTION** to adjourn by Luhmann, seconded by Schwinghammer, all voted aye. **MOTION CARRIED.**
- Meeting adjourned at 8:29 p.m.

ATTEST

  
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Annita M. Smythe, City Administrator

APPROVED

  
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Andrea Lawrence Wheeler, Mayor