

**CLEARWATER CITY COUNCIL MEETING MINUTES
REGULAR CITY COUNCIL MEETING
MARCH 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, March 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

- Staff requested 3 changes to the Agenda: 1) correction to the meeting minutes from February 27, 2023 to change the description of MnDot’s alternative #2 from “inverted v” to “diverging diamond”; 2) add Bolton & Menk invoice #307361 in the amount of \$301.50 to the claims; and 3) add Resolution 2023-17, Authorizing Grant Navigator Application to the agenda as New Business item 7(h).
- **MOTION** by Luhmann to approve Agenda with the staff’s requested additions, seconded by Vazquez, all voted aye. **MOTION CARRIED.**

3. Wright County Sheriff’s Report

- Deputy Doiron gave the sheriff’s report. He noted that gas drive-offs and shoplifting incidents had increased slightly. The sheriff has added higher patrols to respond to these. Member Luhmann asked if he was aware of any mail theft, that some loose mail had been found along Main Street. Deputy Doiron was not aware of this but said he could check into it.

4. Public Forum

a. 2022 Audit Report – Caroline Stutsman, Bergan KDV

- Caroline Stutsman from Bergan KDV gave the city’s 2022 audit report. Ms. Stutsman explained the various reports that the city issues. She noted that the city is receiving an unmodified opinion for each, which means no issues were found. The only finding is a lack of segregation of duties, which is common in small cities due to a lack of a sufficient number of staff to separate all accounting functions. She noted the staff and council are aware of this concern and have taken steps to segregate as many functions as possible.
- She noted that hail damage and annexations were drivers of unusual expenses from 2022 that caused these to be over budget.
- She explained the position of the city’s utility funds and cautioned the City Council to be aware of these, as the operations data do not show things like debt service or grant funds received. These other items can significantly impact cash balances.
- Members did not have any questions.

b. Commissioner Darek Vetsch Update

- Commissioner Vetsch from Wright County provided the following report:
 - The Wright County EDA is working on a program that would provide loans for infrastructure needs to support new business growth in towns and cities.
 - The EDA is also considering a gap funding program for business start-ups.
 - The county continues to face hiring challenges, particularly in law enforcement and IT positions.
 - The overall financial health of the county is good.
 - Commissioners are working with legislators to address the homestead legislation that is shifting taxes from commercial to residential properties.

- Mayor Lawrence asked how many deputies are needed. Mr. Vetsch stated that the county has been hiring people in order to meet their contractual obligations to cities, however, due to the job market, hires have been over the current compensation scale, which is not sustainable long term.
- Mayor Lawrence asked if there is momentum to add a driver licensing/testing station in Wright County. Mr. Vetsch explained that there is a part-time center, but appointments are limited. There is a planned expansion which would make this a full-time center and would add testing for commercial vehicles. No opening date is available at this time.

c. Resident Sarah Tasa

- Resident Sarah Tasa shared the following:
 - She is in favor of keeping the chicken ordinance.
 - She is requesting that the City Council table the Kwik Trip project due to traffic concerns.
 - She is in favor of adding a residency requirement for Boards and Commissions.
 - She reported that there is a large pothole on Isabella and 9th Street.

5. Consent Agenda

- a. **Claims/Accounts Payable in the Amount of \$ 127,025.74 + \$301.50 = \$127,327.24**
- b. **Approval of Minutes from 02-13-2023 Regular City Council Meeting**
- c. **Approval of Minutes from 02-27-2023 Special City Council Workshop Meeting**
- d. **Accepting 2022 Audit Report**
- e. **Approving Agreement with Northland Securities for TIF Reporting Services**
- f. **Res 2023-12 – Approving Special Event Permit - CVBC**
- **MOTION** by Luhmann to approve Consent Agenda with the changes noted under the Agenda approval, seconded by Schwinghammer, all voted aye. **MOTION CARRIED.**

6. Old Business

a. Ord 2023-02 – Chicken Ordinance

- Mayor Lawrence explained that this ordinance was adopted with a sunset date so that the Council could revisit it year to year. She recommends eliminating the sunset date.
- Members asked how many permits were issued and how many complaints were received. Smythe stated that only a few permits had been issued over the last two years and there have been no complaints.
- **MOTION** by Lawrence to approve Ordinance 2023-02 with the language “City Code Section 10-99, *Sunset Date* is hereby repealed”, seconded by Winkelman, all voted aye. **MOTION CARRIED.**

7. New Business

a. Public Hearing – Vacation of Easements

- Mayor Lawrence opened the public hearing at 7:32 p.m.
- Smythe explained that Kwik Trip is requesting the vacation of drainage and utility easements which will be replaced with new easements as part of the platting process for their proposed expansion. State law requires the City Council to conduct a public hearing before vacating public easements.
- There were no questions or comments from the public or the City Council.
- After calling for additional comments and hearing none, Mayor Lawrence closed the public hearing at 7:34 p.m.
- Smythe noted that the next four agenda items all pertain to the Kwik Trip expansion project and gave a brief explanation of the project.
- Dean George from Kwik Trip explained that the project will expand the existing building, will add diesel fueling stations, and will improve the traffic flows within their site by relocating the fueling stations and adding parking. Smythe pointed out that the expanded parking may also improve

traffic flows on the city streets north of I-94. There is currently not sufficient truck parking within those commercial areas, resulting in trucks being parked on the city's roadways, creating visibility and traffic mobility issues.

- Members discussed the project's pros and cons. Member Winkelman expressed concern that the expansion will generate more truck traffic on adjacent T.H. 24, which already has traffic issues. Mayor Lawrence pointed out that the city is already working with MnDot on a project to address those traffic concerns and that T.H. 24 was built for truck traffic. Winkelman stated that the MnDot project was not scheduled to occur for several years and would not help traffic now. Member Schwinghammer stated that the project will improve traffic flows within the site, making it easier for vehicle traffic to exit. There was further discussion about traffic concerns.
- Members also had questions about the access points to the site. Smythe explained that these will not change and that any changes would require MnDot or county approval along with review by the city.
- After further discussion, Smythe reminded Members of the standard of review. Since the Planning Commission recommended approval of the project, the City Council will need to make findings of fact on the record of the reasons they are opposed if they choose to vote against the project.

b. Res 2023-13 – Vacating Easements for Kwik Trip

- **MOTION** by Lawrence to approve Resolution 2023-13, seconded by Luhmann. Voting aye – Lawrence, Luhmann, Vazquez, and Schwinghammer. Voting nay – Winkelman. **MOTION CARRIED 4-1.**

c. Res 2023-14 – Approving Site Plan and CUP Amendment – Kwik Trip

- **MOTION** by Luhmann to approve Resolution 2023-14, seconded by Vazquez. Voting aye – Lawrence, Luhmann, Vazquez, and Schwinghammer. Voting nay – Winkelman. **MOTION CARRIED 4-1.**

d. Res 2023-15 – Approving Preliminary and Final Plat – Kwik Trip

- **MOTION** by Luhmann to approve Resolution 2023-15, seconded by Schwinghammer. Voting aye – Lawrence, Luhmann, Vazquez, and Schwinghammer. Voting nay – Winkelman. **MOTION CARRIED 4-1.**

e. Res 2023-16 – Approving Development Agreement – Kwik Trip

- Mr. George from Kwik Trip asked the City Council to table this item until their attorneys could review it and provide feedback.
- **MOTION TO TABLE** by Lawrence, seconded by Schwinghammer, all voted aye. **MOTION CARRIED.**

f. Consider Residency Requirement for Boards and Commissions

- Members conducted a discussion about adding a residency requirement for Boards and Commissions. The discussion primarily focused on Planning Commission, Parks Commission, and EDA, as other boards are governed by contracts.
- Member Winkelman suggested that city residency should be a requirement to serve on Boards and Commissions. Mayor Lawrence explained that the primary reason there are non-residents on some Boards is because there weren't sufficient applicants in the past to fill open seats. The city's EDA was previously disbanded due to a lack of people to fill the Board. Member Vazquez stated that residents should take priority over other applicants, but that other applicants could be considered if there were no residents that applied. Most agreed that this seemed to be a fair compromise. Members considered that the EDA allows non-residents who conduct business activities in town. Members agreed to leave that provision for the EDA. Member Vazquez asked when any changes would take effect and suggested that current appointees could finish their current term of office. Member Winkelman would like the changes to take effect immediately.
- Members directed staff to draft ordinance and by-laws changes necessary to add a provision that prioritizes residents over other applicants, to be effective upon ordinance approval, for the Planning Commission and Park Commission.

- Smythe explained that an issue with the EDA was found while researching this topic for discussion. Late last year, the EDA amended their by-laws to reduce the number of City Council members from two down to one. However, the eligibility requirements were established in the enabling resolution, which now conflicts with the by-laws. According to the city attorney, the resolution takes precedence over the by-laws, so the by-law change is void. In addition, state law requires that the EDA has a minimum of two City Council members on its Board.
- Members discussed how to address the EDA issues.
 - After discussion, it was determined that the by-laws should be amended to not show eligibility requirements, but to refer back to the enabling resolution.
 - It was also decided that another City Council member would need to be appointed and a current EDA member removed. Members considered the current Board makeup and determined that since EDA Member Scott is on two city boards, it makes the most sense to remove him from EDA, as he will still be able to participate in city business with his role on the Planning Commission.
- **MOTION** by Lawrence to appoint Lawrence to the EDA Board effective immediately, replacing EDA Member Scott, seconded by Schwinghammer, all voted aye. **MOTION CARRIED.**
- g. Authorize SCBA Gear Donation**
 - **MOTION** by Lawrence to authorize staff to dispose of old SCBA gear in accordance with LMC instructions, seconded by Winkelman, all voted aye. **MOTION CARRIED.**
- h. Res 2023-17 – Authorizing Application for Grant Navigator**
 - City Engineer Kannas gave an overview of the new LMC Grant Navigator program, which provides funding for cities to get outside assistance to apply for other grants. Kannas suggests using this program to obtain grant writer assistance to apply for grants for the T.H. 24 Corridor project.
 - **MOTION** by Luhmann to approve Resolution 2023-17, seconded by Schwinghammer, all voted aye. **MOTION CARRIED.**

8. Committee Reports

a. Mayor and Council

- Mayor Lawrence stated the Wright County Mayor’s Association is meeting Wednesday, March 15 in Waverly. Smythe is attending with Mayor Lawrence.
- Mayor Lawrence also reported that she and Smythe met with local legislators Rep. McDonald and Sen. Anderson as part of the LMC Day at the Capitol event. The city requested support for the T.H. 24 Corridor project and asked for letters of support for a grant application. Both agreed and were willing to discuss including this project in a future bonding bill. There was also very brief discussion with them about the Local Option Sales Tax and future water/sewer funding.
- Member Vazquez reported that he had attended the LMC Foundational program for new elected officials. He stated that the materials were good, he learned a lot, and found the program beneficial. He also was able to meet and network with elected officials from around the area.

b. Boards

- Sewer Authority – At their last meeting, the Sewer Authority approved hiring James Kirchenbauer for the open Plant Operator position. They also appointed Sarah Tasa as the Member-At-Large. They approved ordering the next pair of cassette membranes for MBR #2.
- Fire Commission – Member Vazquez attended the Fire Commission meeting on behalf of the city in Member Schwinghammer’s absence. Members reviewed the annual fire report and the city agreed to provide a letter of support for Lynden Township to apply for a grant to obtain a dry hydrant at the Long Lake landing. Members also reviewed the draft 2024 fire budget, which includes an estimated 4% expenditure increase.

- Park Commission
 - Members heard a report from the Veterans Park committee. They have some quotes and are awaiting others for flagpoles and benches. Committee members are still discussing the monument plans.
 - Members received an updated project plan and pricing from Eagle Scout Tristan Simard. Mr. Simard proposes building 5 wood benches for the city and requested funding to cover the materials costs of \$254. Park Commissioners recommended approval of this request. **MOTION** by Lawrence to approve spending \$254 for materials for 5 benches to be built by Eagle Scout Simard, seconded by Winkelman, all voted aye. **MOTION CARRIED.**
- EDA – EDA meets next week on March 21, 2023. They did not have a regular February meeting but attended the Council workshop on February 28, 2023 to hear MnDot’s report.
- Planning Commission – Planning Commission met to consider the Kwik Trip project per the earlier discussion under New Business.

c. Staff

i. Bryan Kelly Code Enforcement

- Smythe reported that not much activity is happening with this because of the snow depths. Staff are working with the committee to schedule a meeting with Mr. Kelly to discuss a possible easement.
- Smythe asked the Council’s preference for a clean-up day, spring versus fall. Members preferred to stay with a date in the fall.
- Smythe outlined the discussions of staff for addressing the departure of James Kirchenbauer from the Public Works staff, as he has taken a position with the Sewer Authority. The Sewer Authority currently has a temporary staffer that staff believe may be a good fit at the city for an entry-level position. Staff are also concerned about our ability in the current job market to find a skilled replacement that would be at Kirchenbauer’s level of experience. Staff would like to consider bringing in the internal hire from the Sewer Authority on a probationary basis and revisit posting Kirchenbauer’s position later in the year. Members had no objections to pursuing this path. Staff will bring back a more concrete proposal at the next meeting.


9. Other Business

- a. Next Regular Meeting – April 9, 2023 at 7:00 p.m.**
- b. Reminder - Special Workshop Meeting – March 29, 2023 at 6:00 p.m.**
 - Correction - the next regular meeting will be April 10, 2023 at 7:00 p.m.
 - Special Workshop scheduled for March 29, 2023 at 6:00 p.m.

10. Adjournment

- **MOTION** to adjourn by Lawrence, seconded by Schwinghammer, all voted aye. **MOTION CARRIED.**
- Meeting adjourned at 8:53 p.m.

ATTEST



 Annita M. Smythe, City Administrator

APPROVED



 Andrea Lawrence Wheeler, Mayor