

CLEARWATER CITY COUNCIL MEETING MINUTES
REGULAR CITY COUNCIL MEETING
MAY 11, 2020

1. Call to Order: 7:00 p.m. via Zoom Web Conference

- Mayor Lawrence called the Clearwater City Council to order Monday, May 11, 2020 at 7:04 p.m. via Zoom Web Conference. Members present were Mayor Lawrence, Council Members Petty, Scott, Crandall, and Kruchten. Also present were members of the Public, Staff and Press.

2. Approval of Agenda

- **MOTION** by Scott to approve the agenda, seconded by Crandall, all voted aye. **MOTION CARRIED.**

3. Public Forum

a. Election Judge Pay – Donna Mae Heaton

- Not present, item pulled.

b. Request for Ordinance Amendment – Chickens

- Katie Neuman presented on behalf of several residents who are asking the council to amend City Code to allow residents to have chickens. Neuman provided an overview of her research and example ordinances from other Minnesota cities that allow chickens.
- Members had questions about how a program would work and concerns about issues that may arise. Neuman is proposing a resident volunteer committee to assist with possible code enforcement concerns. Member Petty noted that he would like to try a program on a limited basis to see how it is received.
- Following discussion, Members' consensus was for Administrator Smythe to work with Neuman, Sarah Tasa, and Member Crandall to bring back a proposed ordinance for consideration at the next regular meeting. Member Scott was opposed to the plan.

c. Disc Golf Course – City Code Concerns

- Administrator Smythe provided some background on the city code concerns with the new disc golf course. Most of the issues noted in the May 4 letter have been addressed by the operator Cale Leiviska, and he is continuing to work with the city to address the other items. The primary request is for the council to allow operations to continue while the code issues get addressed.
- Member Kruchten had concerns about the overnight camping. Member Petty noted that there are a lot of issues, but the main question is if we will allow the disc golf to stay open while the code issues are addressed. Member Scott stated that they need to keep working on these items.
- Disc Golf Operator Cale Leiviska addressed the council. He explained that there were some issues when they first opened due to the very strong response to the opening and excitement for the project. He is working with both city staff and the Clearwater Estates association to address these items. He noted that traffic has slowed some since the opening and he has plans to address the traffic speeds. He is also working with the clubhouse owner for further amenities. He was not aware of the camping restrictions and is no longer doing that. He has pushed back the planned tournament to August.
- Mayor Lawrence asked members how they felt about letting the disc golf stay open pending resolution of the code concerns. Petty stated that if they are allowed to remain open, there needs to be a timeline on resolution.
- **MOTION** by Petty to allow disc golf course to remain open while the tenant and owners address the code concerns, with an update to be provided to the council at the June meeting, seconded by Crandall, all voted aye. **MOTION CARRIED.**

4. Consent Agenda

- a. **Claims/Accounts Payable in the Amount of \$63,139.38**
- b. **Approval of 04-13-2020 Regular City Council Meeting Minutes**
- c. **Res 2020-28 – Accepting Donation to Fire Department**
- d. **Q1-2020 Financial Report**

- **MOTION** by Kruchten to approve Consent Agenda as presented, seconded by Scott, all vote aye. **MOTION CARRIED.**

5. Wright County Sheriff Deputy Report

- Deputy Austin Linn gave the sheriff's update. Overall, calls were similar to previous months. An item of note were that there were no gas drive-offs for April. Members were surprised but pleased.
- Member Scott had questions about an incident at one of the city parks during fishing opener. Smythe explained that Lt. Sandin had reached out and noted that issues that came out of that incident will be addressed by his team.

6. Old Business

a. **Report - COVID-19 Budget Impact**

- Finance Director Lindrud provided a summary of the potential risks to the city's revenue sources as a result of COVID-19. There is a lot of uncertainty. The state's latest budget projection shows a projected deficit, which could possibly impact the city's LGA. In addition, Wright County has waived some late payment penalties for property taxes, which result in some taxes being paid late. If that happens, it will delay collections by the city. We could also see some increase in tax delinquencies. We believe we have sufficient resources to support our 2020 budget, but should consider these items for 2021 budgeting. For utility funds, commercial usage was down overall, while residential usage was up. It was not a complete wash but is not alarming at this point. March delinquencies were lower than normal, but we will see what May looks like. Overall, we think we will have better information in July when our first half tax settlements and LGA normally come in.

b. **Review Results of Desktop Hydrogeologic Study**

- Engineer Kannas gave an overview of the results of the desktop study. The study was able to identify some locations that may be suitable alternatives for a new city well. The results were very preliminary and will require further testing and study. If the locations meet requirements for a new well, the city may decide to move our existing well in lieu of completing the County Road 75 Storm Water Project. Movement of our well would better address the risks identified in the Wellhead Protection Plan versus the storm water project, and costs would be about the same. Kannas will update further later this summer once further testing is completed.

c. **Revisit Blaine Brothers Reimbursement**

- Smythe provided an overview of the request for reimbursement from Blaine Brothers. This item had been discussed earlier in the year and deferred pending the outcome of the County Road 75 Storm Water project. Given the results of the desktop study, this project will now be delayed further and possibly cancelled. Blaine Brothers does not wish to wait further for reimbursement.
- Crandall thinks we should move forward on the reimbursement.
- **MOTION** by Crandall to reimburse Blaine Brothers the full amount of \$97,240, seconded by Scott.
- Petty and Kruchten had questions about costs and availability of funds. The reimbursement recommended by the City Engineer is \$97,240. Staff are recommending we split the cost 1/3 each

from general fund, water fund, and sewer fund, with the general fund paying back the water and sewer funds for their share when we receive future tax settlements. Lawrence wondered if we shouldn't defer some portion of payment, given the COVID-19 situation. Kruchten suggested paying portions as we receive funds. Crandall stated that we shouldn't make Blaine Brothers wait.

- Engineer Kannas suggested that any payment approved be contingent upon Blaine Brothers completing site improvements with a final inspection by the engineer, as-builts provided to the city, and filing the pending easement agreement.
- **AMENDMENT to MOTION** accepted by Crandall – payment of \$97,240 to be paid to Blaine Brothers following site plan improvements inspected by City Engineer, as-built record drawings provided to city, and filing of required easement, with funds to be paid 1/3 each from general fund, water fund, and sewer fund, with water/sewer to be paid back from future tax settlements.
- **VOTE on AMENDED MOTION** – Voting aye – Lawrence, Crandall, Kruchten, and Scott. Petty abstained. **MOTION CARRIED 4-0, with 1 ABSTENTION.**

d. Res 2020-29 – Linn Street Vacation

- Smythe explained that this resolution is to address some irregularities in the original resolution, and to reserve the easement as the council intended, which did not happen with the original resolution. Member Petty had several questions and comments. He is concerned that this would not accomplish one of their goals, which is to decide how the vacated road is split. He is also concerned that the city would be responsible for the costs. Member Kruchten asked how much had been spent to date. Finance Director Lindrud stated it was about \$4,500. Petty stated he did not believe the council would have agreed to vacate if they had to cover the costs. Smythe noted that statute requires a finding of a public benefit to the vacation. If the council did not believe there was a public benefit, they should not have proceeded, as it doesn't meet statutory requirements. In addition, the council does not have authority to decide who gets the property after vacation, that power is reserved to the county. Petty would like to find out if there is a way to still accomplish what they wanted. Mayor Lawrence suggested we consider the resolution as drafted.
- **MOTION** by Lawrence to approve Res 2020-29, seconded by Crandall. All voted nay. **MOTION FAILED 5-0.**
- **MOTION** by Petty to table and get clarification from Wright County who gets the property if vacated, seconded by Scott, all voted aye. **MOTION CARRIED.**

e. Clarify 2019 Park Approval for Dugout Fencing – Sportsman's Park

- Smythe explained that a question came up about replacement of the dugout fencing in Sportsman's Park, which the Council approved last June. The amateur ball team wants to lower the height of the fencing for better visibility. Staff believe the higher fencing addresses safety concerns. The minutes do not reflect whether or not the fencing height was discussed with the Council.
- Council Members did not recall a discussion about the fencing height. Member Petty asked if the youth ball league had given input. Smythe stated that they had not. Members considered tabling the item to determine the wishes of youth ball. Smythe asked if the youth ball's wishes would be definitive. Members consensus was yes, if youth ball is okay with a lower height, then lower it. If youth ball wants to keep the higher height, then keep this height.

f. Consider Fire Contract Proposals

- Smythe reported that the townships had reviewed the two proposed calculation methods that resulted from our discussions in February. The township Boards prefer Method 1, outlined in the agenda materials. Member Petty stated he prefers Method 2.

- Smythe further explained that the agenda packet includes a rough draft of a proposed contract based on the template provided by the Association of Townships. It has been modified to include items previously discussed, and addresses several of the items that Mike Couri asked for on behalf of the townships. One item that was excluded was the township request for monthly reports. The city does not currently create these, and due to the seasonality of cash flows, staff believe they would not provide reliable data. Staff prefer to provide annual reports following our audit entries.
- The township Boards would like to meet next week to further discuss these proposals. A special meeting was scheduled for May 20 at 1:30 via zoom.
- g. Code Enforcement Discussion for 420 Main Street**
- Member Kruchten had asked for an update on the code enforcement action on this property. Smythe explained that it is in our attorney’s hands. Due to COVID-19, the courts were not accepting filings of this type of case, but he will check if they are now open. If so, he will file the requested order to clean-up the property.

7. New Business

a. Public Hearing – Res 2020-30 – Modifying Enabling Resolution for Clearwater EDA

- Mayor Lawrence opened the public hearing at 9:39 p.m.
- Administrator Smythe provided an overview, noting that the resolution under consideration expands the statutory powers of the EDA as permitted by state law and also allows more than two city council members to sit on the EDA Board.
- Members had no questions. There were no comments received from the public. Smythe noted that no requests were received from the public to attend the hearing, and that there were not any callers on the line waiting to address this issue.
- Mayor Lawrence called for any additional comments from the public. Receiving none, the Public Hearing was closed at 9:42 p.m.
- **MOTION** by Crandall to approve Res 2020-30, seconded by Kruchten, all voted aye. **MOTION CARRIED.**

b. Res 2020-31 – Approving Site Plan for 630 County Road 75 NW

- Administrator Smythe explained that this is the site plan for the new owners of the hardware store to convert the building to office space.
- Member Petty asked if Planning Commission had any concerns. None were noted. Member Kruchten stated he had concerns about the pizza truck, but they were not relevant to this site plan.
- **MOTION** by Crandall to approve Res 2020-31, seconded by Kruchten. Voting aye – Lawrence, Crandall, Petty, and Kruchten. Voting nay – Scott. **MOTION CARRIED 4-1.**

c. Discussion of 2020 Road Projects

- Smythe gave a summary of the memo outlining the proposed road projects. The options are basically to conduct quick improvements that are less expensive with a mill and overlay, or defer these projects and plan for longer term options that will also address the utilities underneath. In addition, the memo outlines some possible funding options, which include bonding, spending down of reserves, and assessments.
- Members had several questions and spent considerable time discussing the options.
- Consensus decision was to patch the areas in question as best we can, and build these projects into our Capital Improvement Plan for the future.

d. Discussion of Fire Fundraising

- Member Kruchten wanted information about our Fire Department’s fundraising efforts.
- Staff noted that the Fire Relief may hold fundraisers, but the Fire Department may not, as it is a department of the city with statutory restrictions on sources of revenue.
- Fire Chief Pridgeon and Fire Relief Treasurer Hanebuth noted the fundraising efforts the Relief currently conducts. Kruchten asked about the ability to raise additional funds through items such as pull tabs. It was explained that these actions would reduce revenues to local charities such as the American Legion and Lions Club who also use these as revenue sources, and who contribute donations to the Fire Department.
- Kruchten also asked why our department expenditures appear to exceed those in neighboring towns, St. Augusta and Kimball noted. Pridgeon explained some of the differences between departments, including size and makeup of the fire area, the fact that our department covers sections of I94 and those cities do not, and specifics about replacing equipment in recent years that is beyond its recommended useful life. Member Kruchten stated that he believes we should be able to provide more specifics to our contracted townships on why our expenditures are higher than other area departments.

e. Consider Purchase of a Tornado Siren for Cedar South Neighborhood

- Council considered a resident request for an additional tornado siren near the Cedar South neighborhood. Fire Chief Pridgeon stated that there is one in the area near County Road 7, believed to belong to Clearwater Township.
- Mayor Lawrence stated that she has heard the siren when she is outside her home in this neighborhood.
- Members noted that the sirens are meant to warn people who are outdoors. It’s possible that people indoors may not hear them.
- Consensus was that a new siren was not needed.

8. Committee Reports

a. Mayor and Council

- Mayor Lawrence stated that the COVID-19 Emergency Team had met a couple of times and discussed plans for the future once the governor allows a return to normal operations.

b. Boards

- Member Crandall noted that Planning Commission had met and the meeting went well.
- Member Petty reported that the Sewer Authority Board had met and decided to post the vacant Plant Operator position.

c. Staff

- Administrator Smythe reported that staff remain busy with numerous items, including two development projects in addition to the two on tonight’s agenda.
- Public Works Supervisor Schmidt reported that staffer Abe Knowles had a baby boy last week and that the family is doing well.

9. Other Business

a. Next Meeting Date

- Next meeting dates are as follows:

May 20, 2020 at 1:30 p.m. – Special Joint Meeting with Clearwater and Lynden Townships
May 28, 2020 at 7:00 p.m. – Special Meeting
June 8, 2020 at 7:00 p.m. – Next Regular Council Meeting

b. Other

- Member Petty raised concerns about items from the previous year that were approved by Council but not completed. Smythe was not aware of these issues. Petty wants a method to track or provide updates to the Council. Smythe noted that staff are always available to answer questions and do have methods to track things internally. However, the new staff aren't aware of the issues outstanding from the previous administration. Staff will work with Petty on this concern.

10. Adjournment

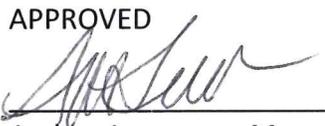
- **MOTION** to adjourn by Petty, seconded by Crandall, all voted aye. **MOTION CARRIED.**
- Meeting adjourned at 10:50 p.m.

ATTEST



Annita M. Smythe, City Administrator

APPROVED



Andrea Lawrence, Mayor