

CLEARWATER CITY COUNCIL MEETING MINUTES
REGULAR CITY COUNCIL MEETING
AUGUST 14, 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, August 14, 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 public, staff, and guests.

2. Approval of Agenda

- Staff requested addition of the 2024 sheriff's contract to Consent Agenda as item 5(p).
- Member Luhmann requested addition of Office Hours Discussion as item 7(e).
- **MOTION** by Luhmann to approve Agenda with two additions, seconded by Vazquez, all voted aye. **MOTION CARRIED.**

3. Wright County Sheriff's Report

- None.

4. Public Forum

a. Clearwater River Cats – Israel Carper

- Israel Carper attended the meeting at the request of the City Council. He brought a quote for a proposed 12' x 20' shed for Sportsman's Park which could house the team's equipment and move it out of the city's pumphouse. The quote was for \$5,782.18. He noted the team's financials and indicated that the team does not have the resources to pay for the shed. He requested that the city purchase the shed instead. He also explained that most of the equipment is used by the team's volunteers to maintain the field and that it wasn't feasible to store it offsite and have to bring it every time it is used.
- Mayor Lawrence explained that the city's concerns about use of the pumphouse by the team are both due to the city's limited storage space and because of security concerns about who has access to a building where city equipment is kept.
- Member Luhmann took issue with how long these concerns have been under discussion without an apparent resolution.
- Member Vazquez stated that the team was asked to bring a quote and a solution on how to fund the shed.
- Administrator Smythe noted that the City Council does not have authority to give the team funds to purchase a shed, however, the city could purchase a shed for the city and have an agreement with local non-profits for shared use of the space.
- Members suggested the ball team reach out to other community groups to see if there were other alternatives to fund the shed purchase.

b. Cannabis Enforcement – Commissioner Darek Vetsch

- Wright County Commissioner Darek Vetsch attended the meeting to provide an overview of the county's proposed ordinance that would restrict the use of cannabis in public spaces. There will be a public hearing on August 15, 2023. There is also a proposed Joint Powers Agreement for the City Council to consider which would delegate enforcement of cannabis laws to the county, similar to what is currently done for tobacco. Members had a few questions about the ordinance's application.

- Commissioner Vetsch also gave updates on the following:
 - Overview of the new sheriff’s contract and recruitment challenges statewide.
 - Brief discussion about the results of the recent meeting with administration staff around the county to consider implementation of a watershed district. This topic is still in discussion.
 - Recommendation for the county administration to host a quarterly meeting with city administrators as a channel to provide communications.

c. Fee Waiver Request – American Red Cross Blood Drive

- Ms. Kunkel was not able to attend the meeting. Assistant City Administrator Johnson gave an overview of the request to waive rental and security deposit fees for use of the Lions Park Pavilion to host a blood drive in partnership with the American Red Cross. Several of Clearwater’s firefighters also plan to volunteer at the event. The rental fees are \$106.37 and the security deposit is \$100, refundable.
- **MOTION** by Schwinghammer to waive the rental fees but still require the security deposit, seconded by Luhmann, all voted aye. **MOTION CARRIED.**

d. Other Public Forum

- Resident Leah Egan attended the meeting to request assistance with her utility bill for July. Usage was far higher than normal with no apparent explanation – nearly 100,000 gallons used. Staff have advised on things to check for possible leaks and explained the process to send her meter for testing. Ms. Egan explained that the cost to test the meter is prohibitive. Members asked how much the bill is and how much it costs to replace the meter. Johnson stated the bill is \$1,363.34. Smythe explained that the testing fees for the meter would be around \$400, and that Ms. Egan has one of the older style meters that are slowly being replaced with digital meters.
- **MOTION** by Lawrence directing staff to replace the meter without charge, suspend collection of the July bill, then revisit the average usage again at the November City Council meeting, seconded by Schwinghammer, all voted aye. **MOTION CARRIED.**

5. Consent Agenda

- a. Claims/Accounts Payable in the Amount of \$ 237,955.62
- b. Approval of Minutes from 07-10-2023 Regular City Council Meeting
- c. Approval of Minutes from 08-07-2023 Special City Council Workshop Meeting
- d. Res 2023-45 – Accepting Donation for Fire Department
- e. Res 2023-46 – Accepting Grant Funds for Veterans Memorial Park
- f. Res 2023-47 – Authorizing Use of Donated Funds for Veterans Memorial Park
- g. Res 2023-48 – Amending 2023 Budget
- h. Appointing Delegates for MMUA Membership
- i. Res 2023-49 – Authorizing Fund Transfer – Closing Street Project Fund
- j. Res 2023-50 – Accepting Donation for Fire Department
- k. Res 2023-51 – Approving Sales and Use Tax Agreement
- l. Res 2023-52 – Approving Officer Change for Fire Department
- m. Res 2023-53 – Authorizing Fund Transfer – Creating General Capital Fund
- n. Res 2023-54 – Declining Waiver of Statutory Tort Limits
- o. Quarterly Financial Report – Q2-2023
- p. Approval of 2024 Sheriff Contract

- **MOTION** by Winkelman to approve Consent Agenda, seconded by Schwinghammer.

– **DISCUSSION ON THE MOTION:**

- Member Luhmann asked why the resolution to amend the budget for surcharges was not included in the original budget. Staff explained that it was missed after the surcharge was

implemented following adoption of the preliminary budget. Mayor Lawrence noted the surcharges took effect in October.

- Member Luhmann asked if the resolution creating a new general capital fund shouldn't have funds go in the fire capital fund, since Members discussed the possibility of building a future fire hall. Smythe explained that this resolution is to move the old "city hall" capital items from the general fund and move them to a capital fund for budgeting purposes. It is not specific to the discussion about a future fire hall. If that project moves ahead, it will likely have its own fund or project code.
- Member Luhmann asked if the resolution related to the tort waivers was a new item. Mayor Lawrence explained that this is a routine resolution related to insurance that is before the City Council every year.

VOTE ON THE MOTION – all voted aye. **MOTION CARRIED.**

6. Old Business

a. Clear Lake Township – Lloyd (Bud) Stimmler

- Mr. Stimmler was present on behalf of Clear Lake Township. He stated he was there to follow-up from the meeting on July 20, 2023 with city representatives Luhmann and Vazquez related to the city's request to discuss an orderly annexation agreement. He stated that the township already has an agreement with the City of Clear Lake which runs through 2029, thus preventing them from entering into an agreement with Clearwater. He provided a copy of the agreement. He asked Members to acknowledge that the agreement with the City of Clear Lake prevents Clearwater from annexing properties in Clear Lake Township.
- Mayor Lawrence stated she would like time to review the agreement before making any decisions.
- Member Luhmann stated that our representatives were unhappy about being invited to a meeting with Clear Lake Township to discuss a possible annexation agreement when the township already knew it was not going to happen due to the agreement with Clear Lake. She stated it felt like a setup. She also expressed that the City of Clear Lake has not moved very far towards the Mississippi River since the agreement began in 2019, so she thought it unlikely that they would reach the bridge by 2029 when the current agreement terminates.
- Members also asked if the city was sent notice of the annexation agreement with Clear Lake prior to its adoption. Mr. Stimmler will check.
- Mr. Stimmler also provided a copy of a resolution that the township would like the City Council to adopt, rescinding the city's two-mile subdivision area into Clear Lake Township. Members would like additional time to review the materials provided before making any decisions.

b. Ord 2023-05 – Solar Energy Systems

- Smythe explained that this is the final draft that was reviewed by the city attorney and recommended for approval by the Planning Commission.
- **MOTION** to approve by Luhmann, seconded by Vazquez, all voted aye. **MOTION CARRIED.**

c. Spring Street Flooding Options

- Smythe gave a brief history of the flooding issues on Spring Street following the Southeast Street Project completed in 2019. Members had previously asked the engineer to develop some options to address these issues.
- City Engineer Kannas outlined two proposed options to improve storm drainage in the area. He stated that both rely on approval and capacity from MnDot, which he has not yet obtained.
- Mayor Lawrence asked why the City Council was not informed that flooding could occur when storm sewer improvements were removed from the project. Kannas was unable to respond as to what his predecessor may have informed the City Council. He stated that the water was always there, but that it used to sheet-drain across properties. Now that there is curb and gutter, the water is concentrated more in certain areas.

- Residents present in the audience outlined some of the issues they are seeing and described areas of their yards as now unusable and trees dying.
- Kannas stated he thought option 1 would provide the best benefit but is more expensive. A possible third option would avoid MnDot but add to the storm sewer system on Main Street, which would require additional improvements in Clearwater Estates to prevent flooding there.
- Member Luhmann asked if the proposed pipe material could be changed. Kannas replied that it could be, and these were just preliminary options.
- Members had questions about assessments for this improvement. Kannas was not able to answer at this point.
- **MOTION** by Lawrence directing engineer to complete preliminary design work, prepare an engineer's report including cost estimates for option #1, and work with MnDot on necessary approvals, seconded by Winkelman, all voted aye. **MOTION CARRIED.**

7. New Business

a. Introduction of New CGMC Representative – Darrin Lee

- New representative Darrin Lee from the Coalition of Greater Minnesota Cities (CGMC) introduced himself and gave an overview of their services. He also provided some handouts.

b. Overview of 2024 Proposed Budget and Levy

- Smythe gave an overview of the budget and levy, noting the proposed levy increase is less than 1% and that the overall tax rate has declined 20% since her hire in 2020.
- Mayor Lawrence asked what the levy increase was for the prior year. Staff thought it was around 6% but will have to check.
- Mayor Lawrence suggested that if the levy increase is very small, it may be an opportunity for the City Council to address shortages in the utility funds with less impact to residents.
- Smythe quickly gave an overview of the budget for each fund.
- Member Luhmann asked if Stephanie, noted in the payroll worksheet, is the new hire. Smythe stated she is.
- Member Luhmann asked if the funds in the fire truck capital fund could be used to pay off the bond. Staff were not sure if that was possible and will report back at the next meeting.
- Member Luhmann asked if there was a shed at El Dorado Park. Staff replied that there was not, there is only a pumphouse there, not a storage shed.

c. Res 2023-55 – Approving Hire of Community Development Specialist

- **MOTION** to approve by Lawrence, seconded by Winkelman, all voted aye. **MOTION CARRIED.**
- Member Luhmann asked what the cost split was with the EDA. Johnson replied that it is 60% city/40% EDA.

d. Consider Replacement of Planning Commissioner

- Smythe explained that a member had resigned. Members directed staff to re-post the opening for consideration at the next meeting.

e. Office Hours Discussion

- Member Luhmann suggested that the city consider re-opening the office on Fridays to better serve residents.
- Mayor Lawrence stated that the office hours had been changed in the past to open on Fridays and that there were few if any residents coming in. The office was closed on Fridays to save money. Not all of the staff work a 40 hour workweek, so opening would require the addition of staff hours, which would increase wage costs.
- The discussion then began moving in a direction that required prior notice to be given, so Mayor Lawrence terminated the discussion.

8. Committee Reports

a. Mayor and Council

- Mayor Lawrence reported that there was not a WCMA meeting since the last City Council meeting.
- Mayor Lawrence expressed thanks to the Heritage Festival Committee and stated they did a great job.
- Council Members did not have any reports.

b. Boards

- Sewer Authority – Meets August 17, 2023.
- Fire Relief Association Board – Did not meet.
- Planning Commission – Meets August 22, 2023.
- EDA – Meets August 15, 2023.
- Park Commission – Discussed the following:
 - Veterans Memorial Park – Member Vazquez outlined the status report. Benches have been installed, along with the flagpole lights, and flags are up. No date has been set yet for a dedication ceremony. The committee is starting to plan for phase II, which would include landscaping and adding to the monument.
 - Trails/Splash Pad – Park Commissioners heard an overview of the trail proposal from the city engineer. After discussion, Commissioners would like to host an open house to get feedback from community about using remaining Local Option Sales Tax funds for trails and a splash pad. City Council Members were agreeable to having an open house, but would like Commissioners to hold it during Public Forum at one of their regular meetings.
 - Rugby Field – Member Vazquez reported that the city received black dirt from MnDot and that the rugby field is nearing completion.

c. Staff

- Smythe updated that the city's federal grant request for the T.H. 24 Corridor Project has been moved to the next committee by Congressman Emmer and Senators Smith and Klobuchar. Each time it advances, the better the city's chances are for funding.
- Johnson updated that the new Public Works Maintenance Worker started today.
- Johnson reminded Members that the City Clean-up Day is scheduled for September 30.
- Member Luhmann asked for an update on her request for staff to place trash cans along the trail by Veterans Memorial Park and closer to Sportsman's Park. Smythe replied that the trash cans are on order and expected to be received soon.
- Member Luhmann asked for a status update on Member Vazquez's request to begin code enforcement with The Kettle and at 430 Main Street. Smythe replied that initial violation letters have been sent to both.
- Member Luhmann asked for a status update on the code enforcement litigation for 420 Main Street. Smythe explained that the next court hearing is scheduled for August 15, 2023.
- Members asked for an update on the Elm Street property purchase. Smythe explained that the sellers are reviewing the draft purchase agreement and staff expect to have it back for the September meeting.

9. Other Business

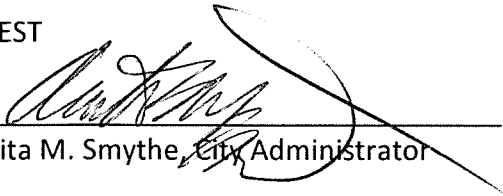
a. Next Regular Meeting – September 11, 2023 at 7:00 p.m.

- Next meeting date was confirmed.

10. Adjournment

- **MOTION** to adjourn by Winkelman, seconded by Luhmann, all voted aye. **MOTION CARRIED.**
- Meeting adjourned at 9:14 p.m.

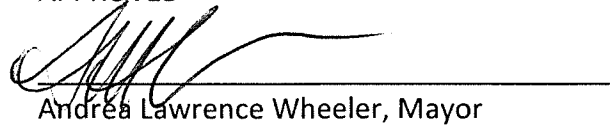
ATTEST



A handwritten signature in black ink, appearing to read 'Annita M. Smythe', is written over a horizontal line. The signature is stylized and somewhat cursive.

Annita M. Smythe, City Administrator

APPROVED



A handwritten signature in black ink, appearing to read 'Andrea Lawrence Wheeler', is written over a horizontal line. The signature is stylized and somewhat cursive.

Andrea Lawrence Wheeler, Mayor