

**CLEARWATER CITY COUNCIL MEETING MINUTES
REGULAR CITY COUNCIL MEETING
OCTOBER 14, 2024**

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, October 14, 2024, at 7:00 p.m. in the Council Chambers. The Pledge of Allegiance was recited. Members present were Mayor Lawrence, Council Members Luhmann, Senn, Crandall, and Schwinghammer. Also present were members of the public, staff, and guests.

2. Approval of Agenda

- **MOTION** by Senn to approve Agenda as presented, seconded by Crandall.
- Staff requested addition of two items to claims under the Consent Agenda – 1) BS&A - \$14,265 and 2) Continental Research - \$353. Senn and Crandall both accepted this amendment request.
- **VOTE ON AMENDED MOTION** – all voted aye. **MOTION CARRIED.**

3. Wright County Sheriff's Report

- Deputy Marschel gave the Sheriff's report. He reported that a stolen vehicle had been located at Kwik Trip and the occupants were arrested. He also noted slower traffic on County Road 75 since installation of the new speed tracking signs. Members did not have any questions.

4. Public Forum

- Mayor Lawrence noted that the public hearing for the T.H. 24 project was later in the agenda so people in attendance for that item would be able to speak later.
- Business owner James Thiesen stated he wanted to address a few things now related to the T.H. 24 project. He had the following comments:
 - Stated he doesn't want roundabouts with no left turns.
 - Stated that the city would be the "guinea pigs" for this design format.
 - Stated that the project design would create a "dead-end road".
 - Stated that there should have been more road studies done before the design.
 - Asked for the city to conduct additional workshops and asked for reconsideration of the project before voting on municipal consent.
 - Stated that MnDOT told him that the City Council can stop the project at any time.

5. Consent Agenda

- a. **Claims/Accounts Payable in the Amount of \$ 753,723.72 + \$14,265 + \$353 = \$768,341.72.**
- b. **Approval of Minutes from 09-09-2024 Regular City Council Meeting**
- c. **Authorizing Release of Security – Clearwater Residential Suites**
- d. **Authorizing City Contribution to Fire Relief Association Pension**
- e. **Approval of Licensing Agreement for Rugby Club**
- **MOTION** by Crandall to approve Consent Agenda as amended, seconded by Luhmann, all voted aye. **MOTION CARRIED.**

6. Old Business

- a. **Public Hearing - T.H. 24 Corridor Project Municipal Consent**
- Terri Odegaard, project manager from MnDot, gave a presentation outlining the T.H. 24 Corridor Project, its 3 phases, and the current funding levels and status. This included a safety video about

roundabouts. She also noted that Phase 1 of the project would end just north of Ash Street and would not impact the Nelson Drive access, as this portion would be included in Phase 2 of the project. She noted that in response to the concerns brought up at the town hall meetings, the MnDOT team had modeled the roundabouts to accommodate 3 different large vehicle types even though T.H. 24 was not designed for these larger vehicles. She also noted that they had modeled how the traffic changes at CSAH 75 would impact the neighborhood exiting onto T.H. 24 from 106th Street in Clear Lake Township. The models noted no major timing changes when compared with current conditions. She stated that improvements to that area are not part of this project.

- Members of the public had questions about the removal of left turns from T.H. 24 in the Phase 2 part of the project. Ms. Odegaard explained the safety concerns that are being addressed and explained the traffic models showing the need to remove these left-turn movements. She noted that MnDOT had agreed that a $\frac{3}{4}$ turn access onto Nelson Drive may be allowed but that there isn't sufficient spacing to safely allow for additional left-turns in this section. There was additional discussion back and forth with members of the public about how these determinations were made and why one business area would benefit at the expense of others.
- Mayor Lawrence, noting that comments had moved from the MnDOT presentation into public comment, opened the public hearing at 7:53 p.m. She asked speakers to please focus on new comments or concerns, as the left-turn issues had already been brought up and discussed at length.
- A resident of Cedar South suggested that the roundabout at CSAH 7 should be a double lane rather than a single lane in order to accommodate new traffic from the Kwik Trip expansion, the cold storage project under construction, and the new commercial park being platted on the corner of CSAH 7 and T.H. 24. Ms. Odegaard believes the traffic models had included some of this new traffic but will check the data and report back to the City Council.
- Administrator Smythe noted that there was a handout from TO Plastics, expressing concerns about the closure of the Walnut Street/Lime Street access to T.H. 24 from their facility. Janelle Downer, operating the Clearwater Family Dentistry in the adjacent strip mall, called to express the same concern. Residents who live on Spring Street in this area also expressed concern at the meeting about how this closure would result in additional commercial traffic being routed through their residential neighborhood.
- A Clear Lake Township resident expressed her thoughts about how other road projects and the Mississippi River proposed crossings had resulted in law changes requiring economic impact studies. She also questioned the impact of so many roundabouts this close together and questioned how emergency vehicles would navigate the roundabouts.
- A Spring Street resident questioned whether the roundabouts would be welcoming to potential new businesses. MnDOT did not have data specific to this question but noted that safer access to businesses generally helps businesses. Members of the public did not agree.
- A resident had questions about how the corridor changes would impact speeds and if speed limits would be lowered. MnDOT stated that the roundabouts may lower speeds in the corridor but that they did not yet know how speeds would be impacted.
- A business owner questioned why a left turn could be allowed on 179th Street into Kwik Trip but not into other businesses. MnDOT stated the decision is based on the volume of traffic, the distance from other intersections, and the speeds the traffic is going. 179th Street is not a state highway and has different characteristics with generally lower speeds and traffic volumes.
- A resident asked if changes to the design could occur after municipal consent. MnDOT stated that the city could request changes or make suggestions as part of the municipal consent. Once municipal consent is obtained, MnDOT would move ahead with final design so would not generally make changes later.
- The public hearing was closed at 8:20 p.m.

b. Res 2024-61 – Municipal Consent for T.H. 24 Corridor Project Phase 1

- Members discussed the proposed project and noted that there appeared to be minimal objections to the improvements within Phase 1, which includes the bridge interchange portion of the project.
- **MOTION** by Lawrence approving Resolution 2024-61, seconded by Schwinghammer, all voted aye. **MOTION CARRIED.**

c. Res 2024-62 – Municipal Consent for T.H. 24 Corridor Project Phase 2

- Members discussed the proposed improvements for Phase 2. Because of the many concerns raised at the public hearing tonight and previously, there appears to be little support from the public for the proposed improvements within this phase of the project.
- **MOTION** by Crandall to TABLE Resolution 2024-62, seconded by Luhmann.
- Member Luhmann would like to have a workshop to discuss further options and address the concerns raised by the public. Darren Nelson from MnDOT suggested that continued discussions with MnDOT could happen but that the City Council should vote down the municipal consent rather than tabling until the issues could be addressed.
- **VOTE ON THE MOTION TO TABLE** – Voting aye – none, Voting nay – all. **MOTION REJECTED.**
- **MOTION** by Crandall to decline approval of Resolution 2024-62, seconded by Luhmann, all voted aye. **MOTION CARRIED.**

d. Res 2024-63 – Municipal Consent for T.H. 24 Corridor Project Phase 3

- Engineer Kannas suggested that MnDOT could check their traffic models to see if they support the new construction in the Phase 3 area of the project.
- Member Luhmann asked if the proposed roundabout could support future growth. Mr. Nelson stated that it can handle up to 15,000 vehicles, so should be sufficient.
- **MOTION** by Lawrence to approve Resolution 2024-63 with the added condition that MnDOT confirms the proposed roundabout can handle additional traffic from the cold storage project under construction and the proposed commercial addition of the JCubed plat area, seconded by Luhmann, all voted aye. **MOTION CARRIED.**
- **MOTION** by Lawrence for a 5-minute recess, seconded by Luhmann, all voted aye. **MOTION CARRIED.** Meeting recessed at 8:32 p.m.
- Meeting reconvened by Mayor Lawrence at 8:37 p.m.

e. Authorizing Letter Assigning Grant Funds to MnDOT for T.H. 24 Corridor Project

- **MOTION** by Crandall to approve, seconded by Schwinghammer, all voted aye. **MOTION CARRIED.**

f. Public Hearing – Spring Street Storm Sewer Improvements

- Engineer Kannas gave an overview of the proposed project, noting there will be a second public hearing later if the City Council decides to pursue assessments for the project.
- Mayor Lawrence opened the public hearing at 8:47 p.m.
- Resident Nancy Hilla stated the project needed to be completed, the sooner the better. She has sent Members and staff photos and videos of the flooding at her property.
- Resident Donna Heaton noted that her driveway is solid ice in early spring. She had asked about restoration at a prior meeting. Mayor Lawrence noted for the new City Council Members that the city had agreed to look at property restoration as needed once the improvements were completed.
- Public hearing was closed at 8:48 p.m.

g. Res 2024-58 – Spring Street Storm Sewer Improvements

- **MOTION** by Lawrence to approve Resolution 2024-58, seconded by Luhmann, all voted aye. **MOTION CARRIED.**

7. New Business

a. Ord 2024-07 – Amending Zoning District Regulations for Fencing

- Mayor Lawrence gave an overview of the history of the requested text amendment, explaining the applicant’s issues with trespassers, which is the reason behind the request.
- Member Luhmann explained that the Planning Commission has recommended against the ordinance amendment on a 3-2 vote. Planning Commissioners were concerned that changing the ordinance opens the door for all vacant lots to be fenced. This could be an issue as the city keeps growing and opens up additional lots.
- Member Crandall asked if the fence itself could become a principal use opening the door for other accessory uses. Smythe explained that fencing is defined in the city code as an accessory use and that this amendment only allows fencing without a principal structure. Any other accessory uses will still require a principal structure first.
- Member Luhmann reiterated that she doesn’t believe the city should open the door for everyone because of a request by one applicant.
- Member Senn asked why the City Council votes on this if Planning Commission has already voted.
- Mayor Lawrence explained that the Planning Commission is an advisory board. The City Council has the final approval authority and does not have to follow the recommendation of the Planning Commission. Lawrence stated that she understands the concerns and potential for abuse, however, believes other city ordinances protect the city from these abuses. The city can take action if needed.
- **MOTION** by Lawrence to approve Ordinance 2024-07 as presented, seconded by Schwinghammer.
- **DISCUSSION** – Member Senn asked how this application was different from a fencing request received earlier in the year. Members explained that the earlier applicant was requesting a variance from a setback requirement.
- **VOTE ON THE MOTION** – voting aye – Lawrence, Schwinghammer, Senn. Voting nay – Luhmann, Crandall. **MOTION CARRIED 3-2.**

b. Ord 2024-08 – Amending City Code Pertaining to Cannabis and Hemp Businesses

- Smythe explained the history of the new state laws related to cannabis businesses and the purpose and effect of the proposed ordinance, which was drafted by the city attorney. She stated that the Planning Commission held a public hearing on the zoning portion of the proposed ordinance and is recommending approval.
- **MOTION** by Crandall to approve Ordinance 2024-08, seconded by Luhmann, all voted aye. **MOTION CARRIED.**

c. Res 2024-59 – Approving Preliminary Plat – JCubed

- Smythe explained that a public hearing was held by the Planning Commission for this application. The Planning Commission recommended approval with conditions, which are included in Resolution 2024-59.
- **MOTION** by Crandall to approve Resolution 2024-59, seconded by Luhmann, all voted aye. **MOTION CARRIED.**

d. Res 2024-60 – Authorizing Move of Fire Relief Association Pension to State Pension Plan

- Jim Repke from the Fire Relief Association gave an overview of the benefits of moving to the state plan.
- **MOTION** by Lawrence to approve Resolution 2024-60, seconded by Crandall, all voted aye. **MOTION CARRIED.**

e. Res 2024-57 – Approving Hire of Community Development Specialist

- **MOTION** by Schwinghammer to approve Resolution 2024-57, seconded by Luhmann, all voted aye. **MOTION CARRIED 3-0.**

8. Committee Reports

a. Mayor and Council

- Mayor Lawrence reported that the Wright County Mayor’s Association (WCMA) meeting on September 18 at the American Legion was a success.
- Members reported that the Clean-up Day on September 21 went smoothly. Members noted that some residents are still asking to have this event in the spring. Members’ consensus is that it works better in the fall unless better dates were available later in the spring, like June. The event date options are limited to those that the waste hauler has available.

b. Boards

- Sewer Authority – Held a special meeting to approve a capital purchase.
- Fire Relief Association Board – Met to discuss the state pension plan.
- EDA – Met to discuss options for temporary staffing assistance and to review their project list.
- Planning Commission – Reviewed and made recommendations for three items on the agenda; 1) Fence Ordinance, Cannabis Ordinance, and Preliminary Plat for JCubed.
- Park Commission – Met and reviewed a proposed concept plan for the splash pad at El Dorado Park.

c. Staff

i. Johnson Farm Inquiry

- Members discussed the proposal received from a local realtor. After discussion, Members determined that although there is interest, the city does not have the budget or staff resources to pursue anything at this time.
- Administrator Smythe reminded Members of the general election on November 5, 2024.
- Engineer Kannas explained that the TED grant that the city has applied for has a 30% local match requirement, which would be around \$1.5 million based on the application. The city is continuing to pursue other funding sources. In addition, the city has budgeted funds for the trail portions of this project from the Local Option Sales Tax fund. Kannas asked if the City Council is comfortable earmarking these funds for the local match if needed. Consensus was that the City Council had no objections.

9. Other Business

a. Reschedule Next Regular Meeting

- Smythe explained that the next meeting needs to be rescheduled due to Veterans Day and due to the deadline for election canvassing.
- Next regular meeting date rescheduled to November 14, 2024, with meeting time to be moved up to 6:00 p.m. if Park Commission does not meet.

10. Adjournment

- **MOTION** to adjourn by Senn, seconded by Schwinghammer, all voted aye. **MOTION CARRIED.**
- Meeting adjourned at 9:30 p.m.

ATTEST

APPROVED

Annita M. Smythe, City Administrator

Andrea Lawrence Wheeler, Mayor