

CLEARWATER CITY COUNCIL MEETING MINUTES
REGULAR CITY COUNCIL MEETING
NOVEMBER 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, November 13, 2023, at 7:01 p.m. in the Council Chambers. The Pledge of Allegiance was recited. Members present were Mayor Lawrence, Council Members Luhmann, Schwinghammer, and Winkelman. Member Vazquez was absent. Also present were members of the public, staff, and guests.

2. Approval of Agenda

- Staff requested two additions to Agenda, 1) add \$2,700 to claims under Consent Agenda for payment to Braun for the Phase I study of 100 Elm Street, and 2) add Bryan Kelly Encroachment Agreement under Old Business as item 6(c).
- **MOTION** by Luhmann to approve Agenda with the two additions, seconded by Schwinghammer, all voted aye. **MOTION CARRIED 4-0.**

3. Wright County Sheriff's Report

- Deputy Rudolph gave an overview of the sheriff's report. Members did not have any questions.

4. Public Forum

a. Legislative Update – State Representative Lisa Demuth

- Minnesota House of Representatives Minority Leader Lisa Demuth provided a legislative update, noting the following items:
 - There were over 6,600 bills introduced in the last legislative session, with about 100 passed;
 - School Resource Officers (SROs) are still an area of concern to be addressed in the next session;
 - The new paid family leave law includes new business taxes and may need several fixes in the next session;
 - The new Earned Sick and Safe Leave (ESSL) has very large penalties for failure to comply, up to \$10,000;
 - Cannabis laws include lots of unknowns and also will need fixes. Law enforcement members are very concerned;
 - A record bonding bill was passed.
- Member Luhmann wanted to know if there was a roadside test for cannabis. Ms. Demuth replied that there did not yet exist such a test.
- Mayor Lawrence asked when the next session begins. Ms. Demuth stated that the next legislative session begins February 12, 2024. She encouraged people to be involved, meet with legislators, and testify before committees on the issues.

b. Clearwater-Clear Lake Food Shelf – Mary Abraham

- Mary Abraham from the Clearwater-Clear Lake Food Shelf explained that the food shelf is continuing to fundraise for the planned construction of their new building.
- Food shelf members are concerned about the expected costs to pave their new parking lot and asked the City Council to defer or waive the ordinance requirement at least a year or more. Members took this request under advisement.
- Mayor Lawrence asked if there were any statistics on local usage of the food shelf. Ms. Abraham stated they served over 300 people last month, with about 60% from the local community. She also noted that the number of users has been increasing recently.

- Ms. Abraham also asked the City Council to consider supporting the fundraising efforts through direct contributions or grant applications.

c. New Employee

- Staff introduced the city’s new Accountant Patty Vacek with a brief description of her background and credentials. Members welcomed Patty to the city.

d. Resident Concern

- Resident Richard Struck addressed the city council about a water leak at his property. The leak was on an outside spigot and was not noticed right away. This resulted in substantial water use. The leak has since been fixed. He asked for a waiver of the sewer portion of the bill, as the water did not go through the sewer.
- Asst. City Administrator Johnson noted there were several options to address this and noted that there was also a second bill with a portion of the leak charges on it.
- Members deferred this item for later discussion under New Business.

5. Consent Agenda

a. Claims/Accounts Payable in the Amount of \$ 515,400.99

b. Approval of Minutes from 10-09-2023 Regular City Council Meeting

c. Res 2023-70 – Approving 2024 Liquor Licenses

d. Quarterly Financial Report – Q3-2023

- **MOTION** by Winkelman to approve Consent Agenda, seconded by Luhmann, all voted aye. **MOTION CARRIED 4-0.**

6. Old Business

a. Water Bill – 745 Maple Street

- Staff explained that this item was a follow-up from the August meeting. The resident claimed the meter malfunctioned, resulting in very high usage. Staff changed out the meter at the City Council’s direction and usage has normalized. Johnson outlined the four options in the agenda materials for Council to consider, which include:

- Option 1: No additional billing. This option would leave things where they currently are with the suspension of the July bill, including both usage and all base fees, service charges, and taxes.
- Option 2: Add July’s base fees to the current bill. This option would add a total of \$80.57 in base fees, service charges and taxes that were suspended from the July bill.
- Option 3: Add July’s base fees and usage charges based on the prior three months’ average usage to the current bill. This option would add a total of \$129.85 in base fees, service charges, taxes, and usage charges that were suspended but now recalculated from the July bill. This option would be in alignment with what a “typical” monthly bill looks like for this residence and assumes that the meter reading from July was incorrect.
- Option 4: Reapply the suspended charges from the July bill. This option would add the previously suspended \$1,363.34 back to the current bill. This assumes that the meter reading from July was correct.

- **MOTION** by Schwinghammer to approve Option 3, seconded by Luhmann, all voted aye. **MOTION CARRIED 4-0.**

b. Interim Cannabis Ordinance

- Smythe explained the discussion with the city attorney about the interim cannabis ordinance and the lack of direction from the state of Minnesota. If an ordinance regulating cannabis is adopted by the city before regulations from the state are released, the city may need to amend it later.

- After discussion, Members' consensus was to amend the interim ordinance to extend the expiration date to January 1, 2025. Members may consider a new ordinance regulating cannabis sales earlier if regulations are released by the state.

c. Approving Encroachment Agreement

- Smythe gave an overview of the committee meeting with Mr. Kelly regarding the active code enforcement at his property. One of the remaining items left to resolve were his driveway encroachments on city property. Mr. Kelly agreed to remove one driveway. Members are recommending entering into the proposed encroachment agreement to resolve the other.
- **MOTION** by Lawrence to approve encroachment agreement, seconded by Schwinghammer, all voted aye. **MOTION CARRIED 4-0.**

7. New Business

a. Ord 2024-01 – Fee Schedule Ordinance DRAFT

- Smythe outlined the proposed changes. Members suggested changing the waste bag fee to a flat \$4.00. Members did not have any other changes. The final ordinance will be brought to the December meeting for approval.

b. Approval of Civic Plus Agreement

- Smythe explained the proposed contract sent by CivicPlus pertaining to charges for services to update the online City Code. CivicPlus is proposing an annual flat fee and plans to increase the current per page fee for those not switching to the annual fee. Member Luhmann asked what the new per page fees will be. Staff did not know.
- **MOTION TO TABLE** by Lawrence to obtain the per page fee amount, seconded by Schwinghammer, all voted aye. **MOTION CARRIED 4-0.**

c. Telephone Quotes

- Smythe explained the telephone/internet quotes. Members would like to see more of a breakdown for the TBS quote.
- **MOTION TO TABLE** by Schwinghammer for a breakdown from TBS, seconded by Lawrence, all voted aye. **MOTION CARRIED 4-0.**

d. Res 2023-71 – Approving Staff Reassignment

- **MOTION** by Luhmann to approve Resolution 2023-71, seconded by Winkelman, all voted aye. **MOTION CARRIED.**

e. Res 2023-72 – Approving Hire of Accounting Clerk/Accountant

- **MOTION** by Winkelman to approve Resolution 2023-72, seconded by Schwinghammer, all voted aye. **MOTION CARRIED 4-0.**

f. Res 2023-73 – Approving Hire of Sewer Authority Treasurer

- **MOTION** by Luhmann to approve Resolution 2023-73, seconded by Schwinghammer, all voted aye. **MOTION CARRIED 4-0.**

g. Res 2023-74 – Approving Staff Promotion

- **MOTION** by Lawrence to approve Resolution 2023-74, seconded by Schwinghammer, all voted aye. **MOTION CARRIED 4-0.**

h. Digital Sign Draft Policy

- Smythe gave an overview of the draft policy governing the new EDA message board, explaining that the city attorney advised to have both the EDA and City Council adopt the same policy. The EDA has reviewed and will be voting on it at their next meeting.
- **MOTION** to approve draft policy by Luhmann, seconded by Winkelman, all voted aye. **MOTION CARRIED 4-0.**

i. Personnel Policy Revisions

- Smythe explained the many proposed changes to the personnel policy as a result of law changes. There was some discussion of the complexities of the new Earned Sick and Safe Leave (ESSL). Smythe suggested that the City Council have a workshop to discuss in more detail.
- Members had questions about the new drug and alcohol policy. Smythe explained this only applies to employees with Commercial Driver’s Licenses and is due to the new cannabis laws. Members did not have any additional questions or concerns beyond the ESSL.
- Council workshop scheduled for November 27, 2023 at 6:00 p.m. to consider the ESSL policy. All changes will be brought back to the December meeting for approval.

j. Richard Struck Utility Bill

- **MOTION** by Lawrence to adjust both bills to charge for average usage based on a 6-month average, seconded by Winkelman, all voted aye. **MOTION CARRIED 4-0.**

k. Food Shelf Parking Lot

- Members would like more information on the city’s ability to contribute to the fundraising efforts.
- **MOTION** by Luhmann to defer full paving of parking lot for 2 years, require class 5 for now, and require paving of the 50-foot approach from the edge of County Road 75, seconded by Winkelman, all voted aye. **MOTION CARRIED 4-0.**

8. Committee Reports

a. Mayor and Council

- Mayor Lawrence reported that the Wright County Mayors’ Association (WCMA) will meet December 20, 2023 in St. Michael.
- The Veterans Memorial Park Dedication was held on November 11, 2023. The Sons of the American Legion donated funds to the families of veterans serving overseas so they could come home for their mom’s funeral.

b. Boards

- Sewer Authority – The Sewer Authority Board is discussing various billing options to address revenue shortfalls due to the drought conditions creating low flows at the plant.
- EDA – Discussed updates on the signage project, selected a vendor for the housing study, and are working on a promotion for Small Business Saturday.
- Planning Commission – Did not meet.
- Fire Relief Association Board – Meets December 18, 2023.
- Park Commission – Discussed the following:
 - Music in the Park organizers have requested a larger pavilion or covered areas for bad weather days.
 - The splash pad project is moving ahead. Vendors will be coming to the December Park Commission meeting to present and answer questions, and members of the public have been invited to apply to serve on a design committee.
 - Park Commissioners voted 3-2 to move ahead with a feasibility study needed for the trail portion of the T.H. 24 Corridor project, but only endorsed the first three sections of trail proposed, leaving out the section around El Dorado Park for now. Engineer Kannas said additional work needed to be completed before his preliminary proposals were ready to move ahead, such as the feasibility study. Council consensus was to move ahead with the feasibility study and grant applications.
 - There was a request to paint pickle ball courts on the basketball court areas at El Dorado Park. Park Commissioners will consider options next spring.
 - Staff requested to remove the volleyball court at Lions Park due to its lack of use and difficulty to maintain. Members agreed to remove the sand and make it a grass court instead, leaving the nets intact.

c. Staff

- Staff reported that it is Sarah Johnson’s last week in her full time position. We have started working with Abdo consultants on our procedures for payroll and claims payments.
- Smythe gave updates on the Kelly and Pesola code enforcement actions. The encroachment agreement with Mr. Kelly was reviewed earlier in the meeting. Another court date is scheduled with Mr. Pesola for late December. He has done some cleanup at his property and has pulled permits for additional work.
- Johnson updated that the costs of the new rink liners will be around \$300 for the small rink at Spring Street Park and between \$700-\$800 for the larger ones at Lions Park and El Dorado Park.
- Johnson reported that there was a question earlier in the year about compostable bags for our curbside pickup. City Code actually does require compostable bags. Staff are working on a communication plan to remind residents and require the correct bags beginning January 1.
- Smythe reported that the easements with TO Plastics have been completed and filed, and that their share of the payments for the Lions Park parking lot overlay and trail repairs have been received.
- Smythe reported that the Central Minnesota Cold Storage project has completed their property closing, signed all documents with the city, and submitted their park dedication fees. Review of their foundation permit is in progress and expected to be released shortly.
- Engineer Kannas reported that the city was selected to receive the IJJA grant recently applied for related to the T.H. 24 Corridor project and that a letter of intent to apply for a transportation grant for the trail portion of the project is in progress. The grant application is due in January.

9. Other Business

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

- Next regular meeting date was confirmed.
- Special workshop meeting scheduled for November 27, 2023 at 6:00 p.m. to discuss new sick leave policy.

10. Adjournment

- **MOTION** to adjourn by Member Luhmann, seconded by Schwinghammer, all voted aye. **MOTION CARRIED 4-0.**
- Meeting adjourned at 9:01 p.m.

ATTEST

APPROVED

Annita M. Smythe, City Administrator

Andrea Lawrence Wheeler, Mayor