

CLEARWATER CITY COUNCIL MEETING MINUTES
REGULAR CITY COUNCIL MEETING
NOVEMBER 14, 2022

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 14, 2022 at 7:02 p.m. in the Council Chambers. Members present were Mayor Lawrence, Council Members Crandall, Kruchten, and Lenz. Member Luhmann was absent. Also present were members of the staff, sheriff's department, and guests.

2. Approval of Agenda

- **MOTION** by Kruchten to approve the agenda as presented, seconded by Lenz, all voted aye. **MOTION CARRIED 4-0.**

3. Wright County Sheriff's Report

- Deputy Neubert gave the sheriff's update. He also reminded motorists that winter parking restrictions are now in effect.

4. Public Forum

- Fire Chief Keller recognized Firefighters Josh Neubert and Jason Lang for receiving department commendation awards related to their recent actions going beyond expectations in a life-saving effort.

5. Consent Agenda

- a. **Claims/Accounts Payable in the Amount of \$ 524,406.82**
- b. **Approval of Minutes from 10-10-2022 Regular City Council Meeting**
- c. **Approval of Minutes from 10-24-2022 Special City Council Meeting**
- d. **Res 2022-74 – Approving 2023 Liquor Licenses**
- e. **Approving Assessment Services Contract for 2024-2025**
- f. **Res 2022-81 – Approving Step Increase**
- g. **Q3-2022 Quarterly Financial Report**

- **MOTION** by Crandall to approve Consent Agenda as presented, seconded by Kruchten, all voted aye. **MOTION CARRIED 4-0.**

6. Old Business

a. Ord 2022-08 – Sportsman's Park Annexation

- **MOTION** by Lenz to approve Ordinance 2022-08, seconded by Kruchten, all voted aye. **MOTION CARRIED 4-0.**

b. Ord 2022-09 – Correction to 2022 Fee Schedule

- **MOTION** by Kruchten to approve Ordinance 2022-09, seconded by Crandall, all voted aye. **MOTION CARRIED 4-0.**

c. Approving Final Pay Voucher #5 and Change Order #2 - I94 Water Main Loop

- **MOTION** by Crandall to approve final pay voucher #5 and change order #2, seconded by Lenz, all voted aye. **MOTION CARRIED 4-0.**

7. New Business

a. Res 2022-75 – Canvass of Election Results

- **MOTION** by Crandall to approve Resolution 2022-75, seconded by Lenz, all voted aye. **MOTION CARRIED 4-0.**
- b. Res 2022-76 – Approving Variance Request – RHL, Inc.**
 - Smythe explained the request to allow a sign along I-94 for Versatile Transport that exceeds the size limits in City Code. This property was recently annexed so is not included in the I-94 Billboard district in the city’s zoning ordinance. The Planning Commission recommended approval of the variance.
 - Member Crandall asked if other businesses along I-94 that are currently outside of city limits would also need a variance for billboard signage if they were annexed. Smythe stated that current uses would be grandfathered, but any new signage or modifications to signage exceeding the ordinance standards would also require a variance.
 - **MOTION** by Crandall to approve the variance request in Resolution 2022-76 following the recommendation of the Planning Commission, seconded by Lenz, all voted aye. **MOTION CARRIED 4-0.**
- c. Res 2022-77 – Approving Site Plan and Conditional Use Permit – Midco**
 - Smythe explained that Midco desires to build an essential services structure on a vacant lot next to the laundromat. Because the property is zoned R1-Residential, it requires a Conditional Use Permit.
 - Mayor Lawrence asked if they couldn’t stay at their current location at Lions Park. Smythe explained that they are expanding and that there isn’t sufficient space at Lions Park for the expansion.
 - **MOTION** by Kruchten to approve the Site Plan and Conditional Use Permit in Resolution 2022-77 following the recommendation of the Planning Commission, seconded by Lenz, all voted aye. **MOTION CARRIED 4-0.**
- d. Ash Street Apartments – Pat Briggs**
 - i. Res 2022-78 – Request for Variance – Parking**
 - Smythe explained the request for a parking variance to allow 90 parking stalls. City Code requires 2.5 per unit or 105 stalls for the proposed 42 units. The Planning Commission recommended approval of a variance for 91 stalls. Changes to the site plan have resulted in 90 stalls in the request before the Council.
 - Member Crandall asked where guests would park. Developer Pat Briggs stated that there should still be available space, as their complexes rarely have 100% full parking with tenants. He also stated he believes our City Code requirements are excessive, as some of the proposed units are studio and one-bedroom units, which should not need 2.5 parking stalls.
 - Mayor Lawrence asked if Mr. Briggs charges tenants for parking. He responded that tenants are charged for covered parking only but not outdoor parking.
 - Member Kruchten asked how snow removal would be handled. Mr. Briggs stated that the new site plan has a 30-foot setback area near the parking lot for snow storage. For larger snows, they would remove the snow offsite.
 - **MOTION** by Kruchten to approve the variance in Resolution 2022-78 for 90 parking stalls, seconded by Crandall, all voted aye. **MOTION CARRIED 4-0.**
 - ii. Res 2022-79 – Request for Site Plan Approval and PUD/CUP**
 - Smythe explained that the site plan in the agenda packet was a revised plan from the one that the Planning Commission had reviewed. The Planning Commission had recommended denial of the site plan. Mr. Briggs made several changes to address concerns raised by the Planning Commission. These include moving the driveway and trash enclosure out of the city

easement area and moving the trash enclosure inside the building with a garage attachment. These changes resulted in the number of parking stalls being reduced from 91 down to 90.

- Member Kruchten asked if the trash enclosure can be located inside. Chief Keller responded that it would be a question for the Fire Marshal. Smythe noted that one of the conditions of approval would require that the building meet all Fire Code requirements. Mayor Lawrence noted that she has seen these inside other apartment buildings, so it didn't appear to be an issue.
- Member Crandall asked about the landscaping plans and the fact that there are trees in the easement area. Smythe recommended adding a condition to the development agreement requiring trees to be replaced if removed for maintenance, as the landscaping provides required screening under City Code. Mr. Briggs stated that the trees shown on the plan are incorrect and that they should be junipers.
- Member Kruchten asked if the complex has a name. Mr. Briggs stated he was open to suggestions but for now was calling it the Clearwater Residential Suites.
- **MOTION** by Crandall to approve the site plan and PUD/CUP with the conditions recommended by staff in Resolution 2022-79 but adding the condition to the development agreement that trees in the easement area must be replaced if removed. **MOTION** seconded by Lenz.
- **DISCUSSION ON THE MOTION** – Crandall stated that while the city clearly needs more housing, he was concerned about going against the Planning Commission's recommendation. Lawrence noted that the developer had made changes to address the issues the Planning Commission had and that additional housing is important for the city.
- **VOTE ON THE MOTION** – Voting aye – Lawrence, Lenz, and Kruchten. Voting nay – Crandall. **MOTION CARRIED 3-1.**

iii. **Res 2022-80 – Approving TIF Development Agreement**

- Smythe outlined the changes to the proposed agreement since the TIF was approved in March. These include changes to the number of units, which resulted in a slight increase to the proposed TIF dollar amount. There was also a provision added to address the city's request for security to cover storm sewer infrastructure costs of the project. The number of years remains at 20 years and expires upon the earlier of 20 years or repayment of the TIF amount plus interest. It is a pay-as-you-go note, which means the city only pays if taxes are collected under the district.
- **MOTION** by Lenz to approve Resolution 2022-80, seconded by Crandall. Voting aye – Lenz, Kruchten, Lawrence. Voting nay – Crandall. **MOTION CARRIED 3-1.**

e. **Authorization to Add HSA Plan Option to Medical Benefits Package**

- Smythe explained the staff's request to add a second health plan option and the estimated costs if all eligible employees switched plans.
- **MOTION** by Crandall to approve adding an HSA health plan option with an annual HSA contribution of \$2,000 per eligible employee, seconded by Kruchten, all voted aye. **MOTION CARRIED 4-0.**

f. **Update to Snap Fitness Benefit Plan**

- Accountant Johnson explained the Snap Fitness program for firefighters. The policy was implemented years ago and was intended to be revisited after a year, however, due to staff and Council turnover, it did not happen. The program continued in place until now. Current members receive a monthly reimbursement of \$10 per month if they use the fitness facility at least 10 times per month. Staff are now requesting that the Council re-authorize the program and increase the

reimbursement amount to \$15 per month for qualifying members to offset membership cost increases over the years.

- **MOTION** by Crandall to re-authorize the program for members who attend at least 10 times per month, increase the reimbursement amount to \$15 per month, and update the personnel policy to include this benefit. Motion seconded by Lenz, all voted aye. **MOTION CARRIED 4-0.**

8. Committee Reports

a. Mayor and Council

- Mayor Lawrence will be attending the WCMA meeting in December.
- Mayor Lawrence proposed that the city attorney attend some meetings early next year to assist new members with training. Members to discuss at the December meeting.
- Members proposed that the newly elected officials consider attending the training offered by the League of Minnesota Cities (LMC).
- Smythe offered to meet with newly elected officials one-on-one to conduct orientation prior to their first meeting.
- Member Kruchten attend the recent rural cities LMC meeting in Big Lake. He said it was fine. Many other cities have the same issues as Clearwater, including fire calls increasing, costs of items increasing due to inflation, and other budgetary concerns.

b. Boards

- Sewer Authority – Sewer Authority met in October. The Board primarily discussed the latest staff opening and capital planning items.
- EDA – EDA meets tomorrow, November 15, 2022 at 8:00 a.m. At October's meeting, the Board continued to discuss signage options and worked on the Community Center survey.
- Planning Commission – Planning Commission items were covered earlier in the meeting.
- Park Commission – Smythe reported that the Park Commission did not meet this month, however, the Veterans Park project completed the concrete installation before the snow arrived and is on schedule to meet target timeline for completion June 30, 2023 per the grant agreement.

c. Staff

- Keller reported that the fundraiser event held in October by the Sons of the American Legion to benefit the Fire Department and Fire Relief went very well. He estimates that about \$25,000 was raised.
- Johnson reported that the city continues to see large numbers of building permit applications.
- Smythe reported that one of the city plows is out for repairs again. There is a planned purchase in the Capital Improvement Plan to replace it, but the city was told to hold off on ordering until 2023 due to lack of inventory available under the state bid contract.
- Smythe reported that the election went smoothly. The city had a lot of new judges who performed well.

i. Ord 2023-01 – DRAFT Fee Schedule Ordinance

- Smythe reported that this is a draft for review and consideration at the next meeting.

ii. Bryan Kelly Update

- Smythe reported that, after the last City Council meeting, Mr. Kelly contacted staff and stated he wanted to get into compliance and avoid litigation. Smythe explained that he would need to take steps to show progress and it would be up to the City Council how they want to proceed. To date, he has removed several vehicles, obtained a survey, and submitted an application to complete a lot combination. He would also like to discuss a possible access easement with the city.

- Members’ consensus was for staff to write a report for the next meeting, outlining the original violations and his status on curing each item. The Council will then review the remaining items and establish a timeline for Mr. Kelly to address those.

9. Other Business


a. Next Regular Meeting – December 12, 2022 at 7:00 p.m.

- The next regular meeting will be December 12, 2022 at 7:00 p.m.

10. Adjournment


- **MOTION** to adjourn by Kruchten, seconded by Lenz, all voted aye. **MOTION CARRIED 4-0.**
- Meeting adjourned at 8:12 p.m.

ATTEST



Annita M. Smythe, City Administrator

APPROVED



Andrea Lawrence Wheeler, Mayor