

MEETING MINUTES

CLARA CITY CITY COUNCIL REGULAR MEETING

Tuesday
July 9, 2019
6:30 PM

CITY HALL COUNCIL CHAMBERS CLARA CITY, MINNESOTA

Members present: Gary Nelson, Nathan Speiser, Rhonda Pieper, Jeffrey Davids and Victor Sparks

Members absent: None

Staff present: Windy Block (City Administrator), Julie Aalfs (Deputy Clerk), Judy Gosseling (Finance Director), Jeff Stager (Public Works Director), Matt Blum (CCCC Administrator), Mindi Nurmi (PPP), Kim Wood (Police Chief) and Ethan Schwinghammer (P/T Police Officer)

Others present: Sam Peterson (CC Herald), Ashlie Johnson (SHIP), and Laura Ostlie (UMVRDC)

1. Call to Order—*By Mayor Gary Nelson at 6:30 p.m.*

***Note:** This meeting is being officially recorded. Any and all commentary must be communicated through the microphones at the Council and Staff tables or through the microphone attached at the speaker's podium.*

2. Additions/Deletions/Modifications to Agenda

***Action taken:** M/S/P 5-0 (Pieper/Sparks) to approve the Meeting Agenda with the addition of Agenda Item(s): No. 9 (D-6) Discharge of uncollectible Care Center Debts; No. 9 (D-7) Bio-hazard service provider change at CCCC; No.9 (F) Upgrade and replacement of 2 copiers in Clerk's office and upgrade of Cell Phones for PWD, Police Dept., and City Administrator; No. 9 (G) Approval of Ethan Schwinghammer as Full Time Peace Officer; No. 9 (J) Approval of Resolution No. 2019-029 "Accepting a Cash Donation; and No. 9 (K) Settlement on Condon land purchase.*

3. Approval of Minutes

3. (A) Regular City Council Meeting of June 11, 2019.

***Action taken:** M/S/P 5-0 (Speiser/Pieper) to approve the Meeting Minutes for the Regular City Council Meeting on June 11, 2019 as presented.*

4. Notices and Communications—*Informational only, no action is required.*

4. (A) Information Memo from the Upper MN Valley Regional Development Commission (UMVRDC) entitled the Planner Update, dated June 25, 2019

4. (B) Notice from Bonnie Crosby, Chippewa County Assessor, regarding the availability of Board of Appeal & Equalization Training

4. (C) Notification to Initiate Wellhead Protection (WHP) Planning, dated June 12, 2019, from the Minnesota Department of Health

4. (D) Notification from the Minnesota Department of Health, dated June 26, 2019, stating their intent to increase the drinking water service connection fee from \$6.36 to \$9.72, effective January 1, 2020. This will necessitate a water rate increase process to account for the increase

5. Approval of Consent Agenda. *If acceptable, please approve the following agenda items in one motion without further discussion. If not acceptable, please request that any objectionable item(s) be moved to the new business section of the agenda and then proceed to approve the remaining item(s) in a single motion.*

5. (A) Approval of the “Application for Construction Permit(s)” for the following applicant(s) as recommended by the Planning Commission from their regular meeting on July 3, 2019.

1. Bruce and Deb Stutelberg, 728 5th St NW—Replace existing back deck on house with a 3-tier deck pattern consisting of 17’ x 17’, 16’ x 12’ and 16’ x 10’ tiers, such to be constructed out of composite decking—Work to be done by Daniel Niemeyer—Project cost of \$20,000.00--Permit fee \$25.00.

2. Allen Olson, 226 1st St SE—Removal of existing shed and replacement in same spot with a newly built 10’ x 12’ unit, constructed with 2’ x 4’ studs, 2’ x 4’ rafters, and gable roof with asphalt shingles—Work to be done by owner self-improvement--Project Cost \$ TBD--Permit fee of \$25.00.

3. Jeff Stager, 1211 Division St N—The moving in of a 12’ x 28’ storage shed built by Dakota Storage Co.—Work to be done by owner self-improvement--Project cost of \$7,000.00--Permit fee of \$100.00.

4. Massoud Kazemzadeh, 119 4th Ave SW (rental property)—Re-siding of the front side of the house with new vinyl siding to match and re-roofing with asphalt shingles following removal of the old ones—Work to be done by John Baxter Co.—Project Cost \$5,000.00—Permit Fee \$50.00.

5. Massoud Kazemzadeh, 119 4th Ave SW (rental property)—The moving in of a 10’ x 12’ prefab shed on skids--Work to be done by John Baxter Co—Project Cost \$3,600.00—Permit Fee \$25.00.

5. (B) Approval of a request from the St. Clara’s Catholic Church for a one (1) day On-sale 3.2 Malt Liquor License in support of the Church’s annual fall fundraiser as scheduled for Saturday, September 7, 2019, at St. Clara’s Catholic Church

5. (C) Approval for the ratification of the City Administrator’s prior action in approving with no waiting period an Application for Exempt Permit from the Cross-Country Trail Blazers, Inc. seeking permission for their conducting of a raffle event at Keggers Bar and Grill, 34 W. Center Ave., Clara City, MN on November 29, 2019

5. (D) Approval of a request from the NAPA Store for the temporary closure of 3rd St. SW (adjacent to their store) from 10:00 A.M. to 5:00 P.M. on Tuesday, July 30, 2019, such closure to enable the business to conduct a Tool Truck demo and sale outside of their business facility.

5. (E) Approval of an Application for Demolition Permit as submitted by Massoud Kazenzadeh for the demolition of a garage at 531 NE 1st St., Clara City, MN. This application was approved and recommended by the Planning Commission at their meeting on July 3, 2019

Action taken: M/S/P 5-0 (Pieper/Davids) to approve the Consent Agenda as presented above.

6. Reports from Officers, Commissions, and Committees—*No action is required.*

6. (A) Planning Commission – *Council Liaison Victor Sparks*

1. Approved Minutes of the June 5, 2019 Regular Meeting.

2. Any notable activities from the Regular Meeting of July 3, 2019.
6. (B) Economic Development Authority (EDA) – *Council Liaisons Nelson & Pieper*
1. Approved Minutes of the June 10, 2019 Regular Meeting.
 2. Any notable activities from their Regular Meeting of July 8, 2019.
 3. Initial results of the SWOT and Housing Priority Survey.
7. Reports from Staff and Administrative Officers—*No action is required (see general business).*
7. (A) Police Department (Kimberly M. Wood, Chief of Police)—***Activity Report of June 2019.***
 7. (B) Public Works Department (Jeff Stager, Director of Public Works)
 7. (C) Prairie Park Place (Mindie Nurmi, Housing Manager)
 7. (D) Clara City Care Center (Matt Blum, Administrator) --*See Agenda Item No. 9 (D).*
 7. (E) City Administrator (Windy Block)
 1. 2019 Street Patching & Improvement Project—***Abstract of Bids, dated June 26, 2019.***
8. Public Hearing—*None*
9. General Business
9. (A) Consideration of receiving an update regarding the efforts of Ashlie Johnson, Countryside Public Health SHIP Coordinator, for the updating of the City’s outdated tobacco ordinance.

Action taken: Ashlie Johnson from SHIP, provided draft copies of and reviewed for Council an updated Tobacco Ordinance and explained possible additions that could be made along with the assistance in enforcing the Ordinance for Compliance Rules. Council took the document under advisement and agreed to further discuss this draft, including the holding of a Public Hearing to approve any updating, if needed. Inasmuch as this was information only, no official action was requested nor taken.

Ms. Johnson also updated the Council on the projects to be funded by SHIP which will see the installation of walking train signs and the providing of possible water weights for the swimming pool.
 9. (B) Consideration of receiving a presentation from Laura Ostlie, Economic Development Specialist with the Upper Minnesota Valley Regional Development Commission (UMVRDC), regarding the city’s interest in once again applying for grant assistance under the Minnesota Small Cities Development Program (SCDP). The UMVRDC is willing to provide assistance under contract for the writing and submittal of such a grant application. The Planning Commission has reviewed the attached materials and unanimously voted at its last regular meeting to recommend that the City Council should strongly consider pursuing such funding for the community with a comprehensive basis preferred. Ms. Ostlie reviewed the SCDP program for the Council and answered their questions.

Action taken: M/S/P 5-0 (Pieper/Speiser) to accept the presentation from Laura Ostlie from the UMVRDC and to direct staff to begin the grant application process for grant assistance under the MN Small Cities Development Program. Staff is also directed to make an application for a Hedgehog Grant award from the UMVRDC for financial aid in submitting such an application for the SCDP.

*** Councilor Rhonda Pieper, due to a personal conflict, excused herself from the meeting at 7:23 pm***

9. (C) Consideration of accepting a pledge from a group of local businesses for the placement of concrete in the areas remaining in front of the bathhouse/eating area that were not scheduled to be filled with concrete. The Pledge and draft construction drawing were reviewed.

Action taken: *M/S/P 4-0 (Speiser/Davids) to approve the pledge from Crossroads Truck Repair, Donners Crossroads, Rebel Camper, Wearda Implement, Southside Lumber, Kegger Bar & Grill, and Clara City Cenex to complete the cement areas in front of the Aquatic Center Bath House at a total project cost of \$2,700.00.*

9. (D) Consideration of acknowledging and/or approving, as may be required, the operations information and issues, if any, which may be brought forward by the Staff and/or the Council's Care Center Subcommittee

1. Approval of new employee hire(s) and termination(s) for the period of June 1-30, 2019

Action taken: *M/S/P 4-0 (Davids/Speiser) to approve for the Care Center the new hires of Kristina Bakke, Jennie Carlson, Jaden Hirman, Aubrey Negen, Sydney Schwitters, Kaila Tenley, Jennifer Turrubiates, and Kelly VanKlompberg; and the terminations of Sarah Hinrichs, Ashleigh Neuman, Morgan Rikke, Annette Sietsema and Kaila Tenley.*

2. Acknowledgement of the Care Center's Client Census Data for June 2019

Action taken: *M/S/P 4-0 ((Davids/Sparks) to acknowledge the Care Center Census Data for June 2019, as reported on by Administrator Blum, who reported a total of 42 clients as of 06-30-2019.*

3. Acknowledgement and approval of the current Financial Reporting Information and Documentation for the Care Center, such including:

- a) Balance Sheet for Clara City Care Center as of May 31, 2019.
- b) Actual vs Budget Statement of Operations for Care Center as of May 31, 2019.
- c) Accounts Receivable Aging Report as of June 30, 2019.

Action taken: *M/S/P 4-0 (Speiser/Sparks) to approve the Financial Reporting Information and Documentation as presented for the reports listed above.*

4. Approval of the AP Check Register of the Clara City Care Center thru June 30, 2019.

Action taken: *M/S/P 4-0 (Sparks/Speiser) to approve the Monthly Check Register for the Care Center through June 30, 2019, in the amount of \$398,593.47, for checks 49608 thru 49688, as presented.*

5. Approval of the Care Center's Electronic Payments for the Month of June 2019

Action taken: *M/S/P 4-0 (Speiser/Sparks) to approve the Care Center's Electronic Payments for the Month of June 2019, as presented in the amount of \$180,213.25.*

6. Consideration of a request from the Clara City Care Center administration to approve Bad Debt Write-offs of accounts coded as: BA - \$42,938.34 and over 24 months old and has been sent to an attorney for further collection work, AJ - \$360.00 account is provider responsibility as was well past a timely filing, AU - \$28,772.02 which is over 24 months old and has been sent to an attorney for collection, and MS- \$2329.92 which is over 24 months old and deemed to be uncollectible. Total requested is \$74,400.28.

Action taken: *M/S/ P 4-0 (Speiser/Davids) to approve the write-off of the total \$74,400.28 as requested by the Care Center's administration with the understanding, that if some funds should be collected in the future, they will be credited as a recovery to the bad debt adjustment.*

7. Consideration of approving a Daniels Service Agreement for services associated with the removal of biohazard solids at the Care Center in place of the current agreement the Care Center has with Cyntox.

Action taken: M/S/P 4-0 (Speiser/Sparks) to approve the execution of the Service Agreement with Daniels Sharpsmart, Inc. for services associated with the removal of medical waste.

9. (E) Consideration of approving a recommendation from the Planning Commission regarding their approval for the issuance of a Conditional Use Permit for Robert & Sharon Schwitters, 420 3rd Ave. NE. The request is for the allowed subdivision of a standard parcel (PIN #30-190-0320) into two substandard lots and the subsequent use by the Applicant of one of the substandard lots for the construction of a 28'(W) X 36'(L) X 10'(H) garage-type accessory building for the storage of Applicant's automobiles and personal property.

Action taken: M/S/P 4-0 (Speiser/Davids) to approve the recommendation from the Planning Commission for the approval of the Conditional Use Permit (CUP) for Robert & Sharon Schwitters, updated July 5, 2019, as presented with the following Conditions:

1. ***A finding by the Commission that the strict application of the zoning code requirements will not allow the owners of the involved parcels to productively make the highest and best use of their respective lots for the benefit of the community nor themselves.***
2. ***A written understanding will be offered by the Applicant and recorded wherein the Applicant acknowledges that their existing two parcels and the newly acquired one immediately across the street as proposed for purchase, while perhaps unable to be linked officially under one unifying PIN by the County Recorder, will henceforth be treated as one unified residential parcel, and will not be considered for any subdivision henceforth. Hence, the application for an accessory building at this location will be appropriate in that the parcel is a part of a larger property.***
3. ***A finding by the Commission that recognizes the proposed subdivision of PIN # 30-190-0320 will effectively create two substandard lots, the original lot shrinking in size from 10,830 SF to 6,761 SF, and a newly created substandard lot of 4,069 SF. The agreement with this fact should be acknowledged in writing by the owner of the original parcel (Angela Butler) and made a part of the public record. The smaller resulting lot will be prohibited by code requirements as to any further development, unless it is clearly expressed by the Applicant that this lot is indeed a part of their residential homestead.***
4. ***A finding by the Commission that an allowed reduced front-yard setback of approximately seven (7) feet will be appropriate without a variance given the similar status of the front-yards of adjacent properties.***
5. ***A finding by the Commission that the design and architectural appearance of the proposed storage accessory building as assured by the Applicant under testimony will be fully in keeping with the requirements of the zoning code.***
6. ***A finding by the Commission that the square footage (1,050 SF) of the proposed accessory building is acceptable given that it is only 5% or less in excess of the allowed amount of 1,000 SF. Or, and as such will not require a variance to be applied for by the Applicant and granted regarding this overage.***
7. ***The Commission does hereby also provide a recommendation to the City Council that is in support of the Applicant's included petition for the improvement of the public right-of-way a reasonable distance beyond the current terminus with a suitable gravel base, such to be set at a 50%/50% cost sharing basis.***

9. (F) Consideration of approving an upgrade and replacement of the existing main copier and a printer upgrade in an effort to prepare for greater scanning and document storage. Also, the replacement and upgrade of the Public Works Department, Police Department and Ambulance cell phones. Three new phones for the PWD, three new phones for the PD along with new computer cards for each squad car and a one new phone for the Ambulance.

Action taken: M/S/P 4-0 (Speiser/Davids) to approve the upgrade and replacement of the existing main copier/printer, as outlined in the Bennet Office Technologies Executive Summary for City of Clara City, July 27, 2019.

Action taken: M/S/P 4-0 (Speiser/Sparks) to approve the upgrade and replacement of the existing cell phones in the Public Works Department, the Police Department, and the Ambulance Service as presented by Finance Director Judy Gosseling.

9. (G) Consideration of approving the appointment of a Full-time Police Officer.

Action taken: M/S/P 4-0 (Speiser/Sparks) to approve the recommendation of Chief Wood for the promotion of Ethan Schwinghammer from a Part-time Officer to a Full-time Police Officer with the Clara City Police Department, effective July 10, 2019. Further, that Police Officer Schwinghammer will have a full-time starting wage of \$19.50 per hour for the three-month probation period and then advancing to \$19.89 per hour upon the successful completion of the probation period.

9. (H) Consideration of approving a Change Order in the favor of American Fence Company for their extra work incurred in removing dirt piles standing in the way of their placement of the fence poles. This discussion may involve additional change orders if Swimming Pool items if they are received by the administrative office.

Action taken: M/S/P 4-0 (Davids/Speiser) to approve the Change Order in an amount not to exceed \$939.00 in the favor of the American Fence Company for their extra work encountered during the installation of the perimeter fence at the Aquatic Center.

9. (I) Consideration (continued) of succession planning for the Administrative Department.

Action taken: M/S/P 4-0 (Sparks/Davids) to approve #2 option of the Succession Planning Memorandum, dated July 9, 2019, for the Administrative Department, such, in summary, to be as follows: 1) Winthro Block to remain working as the City Administrator/Clerk through Friday, August 16, 2019; 2) Block then to be placed on a Sabbatical Leave, without benefits or compensation, from August 18, 2019 through October 19, 2019; and 3) Block to return on October 21, 2019 through a maximum date of April 18, 2020, as an Interim Administrator/Clerk, with a maximum work schedule of three days per week, with flexibility for inclement weather in the winter months, and with the understanding that the City Council will be fully encouraged and willing to commence its search, at anytime during that period, for the next City Administrator/EDA Director of Clara City.

9. (J) Consideration of adopting Resolution No. 2019-029 “Acknowledging and Accepting a \$150.00 Cash Donation from Citizens Alliance Bank, such to be directed to the Clara City Fire Department.”

Action taken: M/S/P 4-0 (Speiser/Sparks) to adopt Resolution No. 2019-029 “Acknowledging and Accepting the \$150.00 Cash Donation from Citizens Alliance Bank to the Clara City Fire Department.”

9. (K) Consideration of approving the final agreement with Robert Condon on the purchase of the land near the South Hawk Creek Business Park in the amount of \$264,417.01.

Action taken: M/S/P 4-0 to approve the Settlement Statement, as provided by Anderson Larson Saunders Klaassen & Dahlager PLLP, in support of the Agreement that the City/EDA has with Robert and Kathryn Condon for the purchase of bare farm land in the South Hawk Creek Business Park Addition in the amount of \$264,417.01.

10. Approval for the Payment of Claims and Appropriations

10. (A) Consideration for the approval of the City’s Verified Claims for the period ending July 9, 2019—***Receive list of Verified Claims from Judy Gosseling, Finance Director***

Action taken: M/S/P 4-0 (Speiser/Sparks) to approve the City's Verified Claims as presented by Judy Gosseling, Finance Director, for the period ending July 9, 2019, in the amount of \$1,081,264.63 for checks No. 21396 – 21644.

10. (B) Consideration of approving the City's Electronic Payments for the Month ending June 30, 2019.

Action taken: M/S/P 4-0 (Speiser/Sparks) to approve the City's Electronic Payments in the amount of \$20,235.21, for the month ending June 20, 2019, as presented by Judy Gosseling, Finance Director.

11. Appearance of Interested Citizens—None.

12. Announcements—Mayor Nelson announced the following:

12. (A) The next Regular Meeting of the City Council will be on Tuesday, August 13, 2019, 6:30 pm, in the City Hall Chamber.

13. Adjournment Upon recognizing that there was no additional business to be considered, Mayor Nelson, without objection, declared this Regular Meeting of the City Council to be adjourned as of 8:47 p.m.

BY: _____
Gary Nelson, Mayor

ATTEST: _____
Winthro C. Block, City Administrator