

MEETING MINUTES

CLARA CITY CITY COUNCIL REGULAR MEETING

Tuesday
June 12, 2018
6:30 PM

CITY HALL COUNCIL CHAMBERS CLARA CITY, MINNESOTA

Members present: Jack Sparks, Nathan Speiser, Rhonda Pieper, and Jeffrey Davids

Members absent: Gary Nelson (excused)

Staff present: Judy Gosseling (Finance Director), Julie Aalfs (Deputy Clerk), Mindie Nurmi (Housing Manager), Michael Stordahl Care Center Administrator), Jeffrey Stager (Public Works), Kim Wood (Police Chief), and Windy Block (City Administrator)

Others present: Josie Oliver (Clara City Herald), Michael Amborn (Rodeberg & Berryman, Inc.), Todd Hagen (Ehlers, Inc.), and Shirley Klaassen

1. Call to Order—*By Mayor Jack Sparks at 6:32 p.m. A Quorum was declared as being present.*

2. Additions/Deletions/Modifications to Agenda

Action taken: *M/S/P 4-0 (Pieper/Speiser) to approve the Meeting Agenda with the addition of Agenda Items: No. 4. (C) Press Release from Prairie Five Rides for Bus Bingo; No. 9. (N) 2019 Budget Calendar; No. 9. (O) Community Center/City Park Rental Application and Policy; and No. 9. (P) Clara City Industrial Land Pricing Write-Down Policy.*

3. Approval of Minutes

3. (A) Regular City Council Meeting of May 8, 2018.

Action taken: *M/S/P 4-0 (Davids/Pieper) to approve the Meeting Minutes from the regular City Council Meeting as held on May 8, 2018, as presented.*

4. Notices and Communications—*Administrator Block reviewed each of the following for the Council.*

4. (A) Email, dated May 21, 2018, from Steve Kubista, PE, Chippewa County Highway Engineer, alerting us to the proposed timing of the replacement of the two remaining rubber railway crossings.

4. (B) Press Release entitled “Governor signs Bonding Bill funding Highway 23.

4. (C) Press Release from Prairie Five Rides announcing Bus Bingo activity on June 19, 2018.

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 one motion.*

5. (A) Approval of the “Applications for Construction Permit(s)” for the following applicant(s) as recommended by the Planning Commission from its Regular Meeting on May 2, 2018:

1. Jeremy Schaffer, 708 6th Ave. NW—Re-siding of house with vinyl siding (green color)—Work to be done by Tim Asche Construction—Project cost of \$9-11,000—Permit fee of \$25.00.
2. Jeremy Schaffer, 323 NE 1st St.—323 NE 1st St.—Re-siding of house with steel siding (grey color)—Work to be done by Brett Johnson Construction (Raymond, MN)—Project cost of \$14-15,000—Permit fee of \$25.00.
3. Bob Schulte, 1026 NW 4th St.—Re-shingle house with asphalt shingles (color black) after removal of the old ones—Work to be done by Keith Johnson Remodeling & Construction (BC 639577)—Project cost of \$10,000—Permit fee of \$25.00.
4. Troy Thissen, 530 NE 2nd St.—Re-shingle house with asphalt shingles after removal of the old shingles—Work to be done by Dan Cronen Construction—Project cost of \$8,000—Permit fee of \$25.00.
5. Phillip Mittag, 323 Third St. SW—Construct a new 10’ X 20’ wooden deck on the backside (westerly) side of existing house—Work to be done by owner self-improvement—Project cost of \$1,000—Permit fee of \$50.00.
6. Jerry & Mitchell Krueger, 415 4th St. NW—Re-shingle house with asphalt shingles—Work to be done by owner self-improvement—project cost of \$2,500—Permit fee of \$25.00.
7. Sharon Asche, 706 NW 7th Ave.—Re-shingling of house with asphalt shingles—Work to be done by Lee Hagemeyer Construction—Project cost of \$7,500—Permit fee of \$25.00.
8. Faith Lutheran Church, 4015 SE 115th Ave.—Installation of a 4-Ft. high white vinyl fence approximately 32’ in length in a location yet to be finalized—Work to be done by TBD—Project cost of \$250-300—The \$25.00 permit fee is recommended by the City Administrator to be waived.

5. (B) Affirmation of the prior approval by the City Administrator of an Application to Conduct Off-Site Gambling as submitted by the Willmar American Legion for their conducting of bingo activities during the month of July 2018 in the City Park in conjunction with the Clara City Prairie Fest Celebration.

5. (C) Affirmation for the appointment by the City Administrator of Jim Rhode and Greg Thissen as seasonal employees for service with the Public Works/Park Department. Their principal task will center on lawn mowing duties. Jim Rhode will be assigned at Level 1, Step 6, and Greg Thissen will be assigned at Level 1, Step 4.

5. (D) Affirmation of the City Administrator’s approval of requests for the closure and use of certain City streets as well as the authorizing of various other activities in support of the holding of a variety of events during the Prairie Fest celebration on July 12-14, 2018.

Action taken: M/S/P 4-0 (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 Nathan Speiser reported.**

1. Approved Minutes of the May 2, 2018 Regular Meeting.
2. Any notable activities from the Regular Meeting of June 6, 2018.

6. (B) Economic Development Authority (EDA) – **Council Liaison Rhonda Pieper reported.**

1. Approved Minutes of the May 7, 2018 Regular Meeting.

2. Any notable activities from their Regular Meeting of June 11, 2018.

7. Reports from Staff and Administrative Officers—*No action is required.*

7. (A) Police Department—*Kimberly M. Wood, Chief of Police* —*provided May 2018 Monthly Activity Report.*

7. (B) Public Works Department—*Jeff Stager, Provisional Director of Public Works*—*reported that he and his staff are reevaluating the order and needs under his current equipment replacement plan.*

7. (C) Prairie Park Place—*Mindie Nurmi, Housing Manager*—*reported a current total of 13 tenants and that she was researching some possible alternative property uses to generate increased income for the facility.*

7. (D) Clara City Care Center—*Michael Stordahl, Administrator*---*See Agenda Item No. 9 (D).*

7. (E) City Administrator—*Administrator Block introduced and reviewed the following items:*

1. The Planner Update, dated May 22, 2018, from the UMRDC.
2. Swimming Pool construction damages—*Confidential Memo regarding responsibility for damages.*
3. Certification training as a City Clerk by Julie Aalfs—*Ms. Aalfs provided a review of her recent training with the Minnesota Municipal Clerks Institute under the auspices of the MN Clerks and Finance Officers Association (MCFOA) and St. Cloud State University. She also updated the Council on the renewal work being done on the City's website.*

8. Public Hearing—*Called to order by Mayor Sparks at 6:48 P.M.*

8. (A) Public Hearing regarding the “City’s Intention to Issue General Obligation Street Construction Plan Bonds and the Proposal to Adopt a Street Reconstruction Plan Therefor.” This time and place has been reserved via Public Notice for input and testimony by the Public with regard to the City’s intent to issue general obligation bonds and to adopt a street reconstruction plan. Staff distributed copies of the 5-Year Street reconstruction Plan and Todd Hagen, Senior Municipal Advisor from Ehlers, Inc., explained the basis and purpose of it. This was then followed by a request from the Mayor for input and testimony of the Public.

Action taken: *Upon recognizing that there was no one present who wished to provide any input or testimony with regard to the City’s intention to issue general obligation street reconstruction plan bonds upon their adoption of the Five-year Street Reconstruction Plan, Mayor Sparks declared the Public Hearing to be closed as of 6:54 P.M.*

9. General Business

9. (A) Consideration of adopting City Resolution No. 2018-016 “Receiving Bids and Awarding Contract on the 2018 Street & Utility Improvements” project. Michael Amborn, PE, Rodeberg & Berryman, Inc., who is the City’s consulting engineer for the said project, made a presentation of the bid results and followed up with his recommendations regarding moving forward. The second part of this action will involve the consideration of establishing the meeting date of July 10, 2018 as the time and place for the holding of a Public Hearing on the City’s acceptance of the final assessment roll for the 2018 Street & Utility Improvements.

Action taken: *M/S/P 4-0 (Pieper/Davids) to adopt City Resolution No. 2018-016 “Resolution Receiving Bids and Awarding Contract on the 2018 Street and Utility Improvements,” such award of project work going to Duininck, Inc. in recognition of their low bid of \$1,346,448.15.*

Action taken: *M/S/P 4-0 (Speiser/Pieper) to adopt City Resolution No. 2018-020 “Resolution Setting the Date of the Public Hearing for the Adoption of the Final Assessment Roll for the 2018 Street & Utility Improvements,” which will be held on July 10, 2018, 6:30 p.m., at the City Hall.*

9. (B) Consideration of adopting City Resolution No. 2018-017 “RESOLUTION GIVING PRELIMINARY APPROVAL FOR THE ISSUANCE OF THE CITY’S GENERAL OBLIGATION STREET

RECONSTRUCTION PLAN BONDS IN AN AMOUNT NOT TO EXCEED \$400,000 AND ADOPTING THE CITY OF CLARA CITY, MINNESOTA STREET RECONSTRUCTION PLAN OF 2018 THROUGH 2019 THEREFOR.” Mr. Todd Hagen, Senior Municipal Advisor, Ehlers, Inc., provided background and context for this resolution.

Action taken: *M/S/P 4-0 (Davids/Speiser) to approve City Resolution No. 2018-017 “RESOLUTION GIVING PRELIMINARY APPROVAL FOR THE ISSUANCE OF THE CITY’S GENERAL OBLIGATION STREET RECONSTRUCTION PLAN BONDS IN AN AMOUNT NOT TO EXCEED \$400,000 AND ADOPTING THE CITY OF CLARA CITY, MINNESOTA STREET RECONSTRUCTION PLAN OF 2018 THROUGH 2019 THEREFOR.”*

9. (C) Consideration of establishing a public hearing for the use of a tax abatement bonding process in support of the City’s share (\$150,000 max.) of the costs for the proposed tennis court facility improvements. Mr. Todd Hagen, Senior Municipal Advisor, will explain the process and the timing of such a process. This will necessitate the passage of Resolution No. 2018-019 “SETTING A PUBLIC HEARING DATE AND TIME FOR TAX ABATEMENT.”

Action taken: *M/S/P 4-0 (Pieper/Davids) to adopt City Resolution No. 2018-019 “RESOLUTION SETTING A PUBLIC HEARING DATE AND TIME FOR TAX ABATEMENT,” such date to be Tuesday, July 10, 2018, 6:30 p.m., at the City Hall.*

9. (C-2) Consideration of adopting City Resolution No. 2018-018 “RESOLUTION PROVIDING FOR THE SALE OF \$1,830,000 GENERAL OBLIGATION BONDS, SERIES 2018A.” Mr. Todd Hagen, Senior Municipal Advisor, Ehlers, Inc., provided background and context for this resolution.

Action taken: *M/S/P 4-0 (Speiser/Pieper) to adopt City Resolution No. 2018-018 “RESOLUTION PROVIDING FOR THE SALE OF \$1,830,000 GENERAL OBLIGATION BONDS, SERIES 2018A.”*

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 terminations for the period of May 1–31, 2018.

Action taken: *M/S/P (Pieper/Davids) to approve the new hires and terminations, if any, at the Care Center for the month period ending May 31 2018, such including new hires of: Baylee Kruger (Dietary) and Grace Brewers (C.N.A.); and the termination of: Marianda Augeson (Dietary).*

2. Acknowledgement and review of the Care Center’s Client Census Data Report as of May 31, 2018.

Action taken: *M/S/P 4-0 (Pieper/Davids) to acknowledge and approve the Census Data Report for the monthly period ending May 31, 2018, such revealing a current census as of May 31, 2018 of 47 active clients out of a possible 60.*

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

- a) “Financial Data” Report (unaudited) for the period ended April 30, 2018.
- b) Bank Balances and Financial Statement Balances as of May 31, 2018.
- c) Accounts Receivable Balances as of May 31, 2018.

Action taken: *M/S/P 4-0 (Speiser/Pieper) to approve the receipt of the financial data report as prepared and presented by the Care Center Staff, such including:*

- a) *“Unaudited Financial Data” Report for the period ended April 30, 2018, showing Current Income of \$401,377 + Expenses of \$<376,937> = Net Income (Loss) of \$24,440. For the Fiscal Year, the Net Income (Loss) is \$119,741; and*

b) Bank Balances and Financial Statement Balances as of May 31, 2018, such including: Checking #293 = \$419,014.46; MMS #321 = \$52,590.13, MMS Debt Service #432 = \$28,533.97; MMS Capital Improvement #462 = \$2,507.11; MMS Memorial Fund #650 = \$60,423.22; MMS Construction Bond 2014 #632 = \$17,022.69; and MMS 2014 Debt Service Account #642 = \$61,011.71; equaling a grand total of \$641,103.29; and

c) Accounts Receivable Balances as of May 31, 2018, totaling \$497,338.72.

4. Approval of the Check Register of the Clara City Care Center for the period of May 1–31, 2018

Action taken: *M/S/P 4-0 (Speiser/Davids) to approve the Check Register of the Clara City Care Center for the period of May 1 – May 31, 2018 in the total amount of \$ 378,981.36 for Check Numbers 48377—48467.*

9. (E) Consideration of approving the appointment of Joseph C. Burner and Tanner K. Brouwer for service as Firefighters with the Clara City Fire Department. Both candidates have been reviewed and qualified by the Fire Department and the City Administrator and are deemed worthy of the Council’s consideration.

Action taken: *M/S/P 4-0 (Pieper/Speiser) to approve, as based on the review and qualification work of the Fire department and City Administrator, the appointment of Joseph C. Burner and Tanner K. Brouwer for service as Firefighters with the Clara City Fire Department.*

9. (F) Consideration of a final review and approval of the Franchise Agreement between the City of Clara City and Mediacom Minnesota, LLC. This is a final copy of all language adjustments as is being recommended by the City Attorney’s Office following a delay in finalization due to the untimely passing of long-time City Attorney John Sellner.

Action taken: *M/S/P 4-0 (Davids/Pieper) to approve and authorize the execution of the Franchise Agreement by and between the City of Clara City and Mediacom Minnesota, LLC, as reviewed and recommended for approval by the City Attorney’s Office.*

9.(G) Consideration of the appointment of James W. Gorgart, Jr. for service with the Clara City Police Department as a Part-time Police Officer. Chief Kim Wood has interviewed and qualified the candidate and is without reservation recommending him for your consideration of appointment. The recommended starting date is Wednesday, June 13, 2018, Level 7, Step 1. Chief Wood provided a brief summary for this requested action.

Action taken: *M/S/P 4-0 (Speiser/Pieper) to approve, per the recommendation of Police Chief Kim Wood, the appointment of James W. Gorgart, Jr. for service with the Clara City Police Department as a part-time Police Officer beginning on June 13, 2018 at Level 7, Step 1.*

9. (H) Consideration of approving Site Plans for the proposed Legacy Park Improvement Project at the North End Park and the South End Park as being sponsored by the Lions Club of Clara City. The Site Plan Information as approved for each of the Parks by the Planning Commission was shared by staff with the Council.

Action taken: *M/S/P 4-0 (Pieper/Davids) to approve the Site Plans for the Legacy Park North and Legacy Park South as proposed by the Lions Club of Clara City as presented.*

9. (I) Consideration of approving an Application for Variances as submitted by Jeff & Marsha Johnson, 185 120th Ave. SE, Clara City, for Variances at their property which is at 710 7th Ave. NW in Clara City and include: (1) a 7.0% (240 SF) variance to the 30% lot coverage rule under Code section 154.05, Subd. F-2; and (2) an 11-foot variance to the 25-foot front yard setback requirement under Code section 154.05, Subd. G-1. Both variances were noticed to the Public and heard before a Quorum of the Planning Commission, which is recommending both issues for the Council’s consideration of approval.

Action taken: *M/S/P 4-0 (Davids/Pieper) to approve, as based upon the findings and recommendation of the*

Planning Commission, the issuance of two variances, such including: (1) A 7.0% (240 SF) variance in excess of the 30% lot coverage rule under Code section 154.05, Subd. F-2; and (2) An 11-foot decrease variance to the 25-foot front yard setback requirement under Code section 154.05, Subd. G-1, both such variances for the benefit of Jeff & Marsha Johnson, 185 120th Ave. SE, Clara City, for their proposed renovation work on their property at 710 7th Ave. NW in Clara City, per their completed application.

9. (J) Consideration of approving an Application for Variance as submitted by Wayne & Marilyn Rhode, 318 SW 2nd St. for a Variance of the structure's height by 4-feet above the allowed maximum of 16-ft. as defined in Code Section 154.13 Subd F-3. This variance request was noticed to the Public and heard before a Quorum of the Planning Commission, which is recommending a 4-ft variance to the City Council for its consideration of approval.

Action taken: M/S/P 4-0 (Pieper/Davids) to approve, as based upon the findings and recommendation of the Planning Commission, the issuance of a 4-foot excess variance to the allowed 16-ft. height as defined in Code Section 154.13 Subd F-3, for the benefit of the Wayne & Marilyn Rhode, 318 SW 2nd St., per their application.

9. (K) Consideration of approving two requests and rejecting one with regard to the Application for Construction Permit as submitted by the Faith Lutheran Church, 4015 SE 115th Ave. Their questions and the City Administrator's recommended responses include: (1) Would the City agree to allow the fence to be constructed on the property line? **Yes**; (2) Would the City want to share in the cost of the fence? **No**; and (3) Would the City waive the \$25.00 permit fee? **Yes**. Staff explained that this project is the result of the Church's desire to limit opportunities for vandalism on both the Church's and City's properties.

Action taken: M/S/P 4-0 (Speiser/Pieper) to approve and ratify the answers as shown above to the three questions from Faith Lutheran Church (Applicant) that are the result of the applicant's submittal of a Construction Permit Application for a 4-foot high fence between its property and property that is owned by the City.

9. (L) Consideration of authorizing the execution of the "Improvement and Sharing of Tennis Facility Agreement." This document has been reviewed and approved by the City Attorney's Office and agreed to by the MACCRAY School Board. By agreement, the City has taken the lead in planning. The final plans and specifications were provided and explained by Michael Amborn, P.E., the City's consulting engineer from Rodeberg & Berryman, Inc. Discussion followed.

Action taken: M/S/P 4-0 (Speiser/Pieper) to approve the "Improvement and Sharing of Tennis Facility Agreement" as presented and to authorize staff to proceed with the execution of the document.

Action taken: M/S/P 4-0 (Pieper/Davids) to authorize the City Engineer, Rodeberg & Berryman, Inc., to prepare the bid package for the 2018 Tennis Court Improvements as presented and to proceed with the advertising and solicitation of qualified bids for a bid opening on Thursday, June 28, 2018, 10:00 A.M. at the City Hall.

9. (M) Consideration of approving a Change Order No. 7 for Hasslen Construction Co. in an amount of \$2,625.00 in favor of the City. This is associated with the construction of the new bath house for the Aquatic Facility and has been recommended for acceptance by the Construction Manager- Signature Aquatics.

Action taken: Following a lengthy discussion and questions, M/S/P 4-0 (Speiser/Davids) to table with no additional consideration or action on this item until a resolution of the City's pending litigation regarding the construction of the swimming pool aquatic facility has been agreed to.

9. (N) Consideration of approving the Budget Calendar for work in developing the 2019 City Budget.

Action taken: M/S/P 4-0 (Speiser/Davids) to approve the 2019 Budget Calendar as presented.

9. (O) Consideration of approving the trial use of a “Community Center/City Park Rental Application” system. Staff presented a plan in draft form and requested permission to experiment with it in situations of renting out City facilities where coverage for use of alcohol is requested.

Action taken: *M/S/P 4-0 (Speiser/Pieper) to approve the trial use of the “Community Center/City Park Rental Application” as modified by the Council’s discussion, subject to additional changes as may be needed to make the system work smoothly and consistently.*

9. (P) Consideration of adopting and approving the use of the “Clara City Industrial Land Pricing Write-Down Policy” as developed and recommended by the Economic Development Authority. Staff presented the policy.

Action taken: *M/S/P 4-0 (Speiser/Davids) to approve and authorize the use of the “Clara City Industrial Land Pricing Write-Down Policy” as developed and recommended by the Economic Development Authority on June 11, 2018.*

10. Approval for the Payment of Claims and Appropriations

10. (A) Approval of the City’s Verified Claims—*Receive claims from Judy Gosseling, Finance Director*

Action taken: *M/S/P 4-0 (Pieper/Speiser) to approve the report of the Verified Claims up through June 12, 2018, as prepared and presented by Finance Director Judy Gosseling, in the total amount of \$508,898.06 for Check Numbers 20221 – 20398.*

11. Appearance of Interested Citizens—*None.*

12. Announcements—*Mayor Sparks reminded the Councilors of the following:*

12. (A) The next Regular Meeting of the City Council will be on **Tuesday, July 10, 2018, 6:30 pm.**

13. Adjournment—*Mayor Sparks, upon recognizing that there was no additional business to be considered at this time, declared, without objection, that this regular Meeting of the City Council will stand adjourned as of 9:08 p.m.*

BY: _____
JACK SPARKS, MAYOR

ATTEST: _____
WINTHRO C. BLOCK, CITY ADMINISTRATOR