

**NISSWA CITY COUNCIL
FEBRUARY 17, 2016**

The regular meeting of the Nisswa City Council was held Wednesday, February 17, 2016 at 7:00 pm at City Hall.

Members Present: Kraus, Jacobson, Krautkremer, Johnson, Heidmann

Also Present: Mark Hallan, Steve Qualley

Staff Present: Tom Blomer, Laurie Hemish, Alex Hondl, Brent Jones, Brian Farrell, Craig Taylor, Terry Wallin

Kraus requested Krautkremer to chair the meeting.

Motion by Johnson, seconded by Jacobson to approve the consent calendar as presented:

- A. Approve January 20, 25, and February 1, 2016 minutes.**
- B. Board of Review – Tuesday, April 19th at 1:00 PM**
- C. Accept Resignation of Roger Heyer from Spirits of Nisswa**
- D. \$50 Donation to Fire Department from Benjamin Moore Paints**
- E. Presentation of Claims – #37478 thru #37621 totaling \$235,160.13**

All members voting “Aye”, with exception of Heidmann voting “Nay” since he didn’t review the claims. Motion carried.

Motion by Jacobson, seconded by Heidmann to add Approval of the Fire Contracts to the agenda. Carried unanimously.

OPEN FORUM

REPORTS

Chief Taylor stated he had provided the monthly report via email. Stated activity has increased, but no problems during the Jubilee. Described the POLD program of place of last drink. Stated all law enforcement agencies in Crow Wing County except one will be tracking alcohol offenses. Will be sending letters to businesses who serve alcohol describing program. Jacobson questioned if new website is okay for the police department. Taylor stated not quite yet, but looking good so far. Heidmann questioned the goal of POLD. Taylor stated to see patterns and trends of excessive alcohol service.

Chief Geike stated they went to 13 medicals, one alarm, and three structure fires this month. Stated he placed an ad for volunteer firefighters and have received zero calls on the ad. Stated we currently have 19 members but like to have around 25 members. Retirement dinner for four firemen will be held March 19th at the Legion. Stated his department had three volunteers for the Fishing Extravaganza to deal with medicals. Held the contracted areas meeting with one change of increasing the investment purchase from \$35,000 to \$45,000 per year. Set next year’s contract

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meeting for February 13th, 2017. Stated their annual fishing contest was held Sunday and raised over \$4,500. Thanked the community for donations for prizes and volunteering time. Stated the department received a gift of an old Nisswa Fire sign made of steel and will research where/when from. Stated he has not looked at the new website yet, but will do so.

Farrell stated January Spirits numbers were down a little with the Fishing Extravaganza switching to February. Stated February looks fantastic. Stated he has not looked at the new website yet.

Wallin stated January was a great month for the Pickle. Stated he had a band Friday night for the Jubilee. Will be ordering spring clothing soon. Need to look at booking bands for Freedom Days and Ribfest. Stated Eelpout Festival and Frozen Four are in February which sales should be good. Stated the website for the Pickle is looking good.

Jones stated the Planning Commission held their regular meeting last week with two public hearings one for a variance and one for ordinance amendment. Stated the website is good for his department but needs to be more user friendly.

Hondl stated it is the last week of pond hockey. Stated due to the weather the coolant equipment is working hard. Stated the end of year hockey jamboree will be held at the Brainerd civic center February 27th. Stated Park and Rec commission did a pancake breakfast on Saturday of Jubilee as a fundraiser. Had about 47 people attend. Stated they are working on organizing a spaghetti feed for Run for the Lakes as another fund raiser. Hondl stated he wants to be able to login to the website so he can change in a timely fashion. Stated his concerns have been relayed to the website designer. Heidmann questioned what programs are planned for spring/summer. Hondl stated he hopes to add another week of art, maybe a nature club, and all the other programs from last year. Jacobson questioned if anything planned for the Nisswa Lake Park Area. Hondl stated they have development plan and hope to have signs up and possibly access to the city property per DNR Joint Powers Agreement.

Blomer stated the Public Works Committee worked more on proceeding with the wastewater facility plan. Stated he provided the committee with a draft updated snow plowing policy, and will bring to council at later date. Stated they discussed overtime and call out issue for personnel policy. Stated he has not looked at the website yet, but will. Heidmann stated they will be evaluating the feasibility of the facility plan for September. Stated it could be postponed a year or two. Stated planning and zoning will be looking at densities and comp plan which is important to this.

Qualley stated the codification of codes process has moved along. Provided draft for review by department heads. Stated there is no chapter V or XIII as the subdivision ordinance was rolled into the zoning ordinance and remove the personnel ordinance as the city is looking to have a just a policy. Stated prior to final adoption a public hearing will need to be held by the Planning

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Commission since there are changes to the zoning ordinance. Stated Council may wish to hold a public hearing as well. Then council would need to pass an ordinance accepting the codification. Jacobson questioned if department heads have reviewed. Hemish stated she had provided them with the portions dealing with their departments for review. Kraus stated he looked thru the entire draft and likes the layout.

NEW BUSINESS

APPOINT LUKE HALL TO NISSWA POLICE DEPARTMENT

Motion by Jacobson, seconded by Johnson to appoint Luke Hall to the Nisswa Police Department effective Feb. 22, 2016. Further discussion: Krautkremer questioned if all backgrounds have been completed. Taylor stated yes and all good. Carried unanimously.

SUNDAY ON SALE TAPROOM LICENSE FOR GULL DAM BREWERY

Jacobson questioned if the applicant wants the motion from last month reconsidered or is if this a brand new request. Barb Anderson, Gull Dam Brewery, stated she wants it reconsidered. Jacobson stated per Roberts Rules of Order, to have this item reconsidered since it failed to pass last month; he or Heidmann would need to motion to have it reconsidered. Neither one wanted it reconsidered. Barb Anderson stated it was unclear whether to reconsider or new request as last month the motion to approve failed because the question was raised if there were outstanding fees and such. Qualley stated the Council could treat this as a new request since last month it did not pass with a two to two split vote on approved the Sunday on-sale license. If applicant is making new request, then council needs to take action on it. Krautkremer stated he is okay with doing as new request otherwise it will just be on the agenda next month. Kraus and Johnson agreed to look at it as new application. Barb Anderson stated they just want the potential to be open on Sundays as the other taproom in Nisswa is. She also understands the fee involved.

Motion by Krautkremer, seconded by Johnson to approve the Sunday on-sale taproom license for Gull Dam Brewery upon receipt of \$200 license fee and all fees and permits are paid for. Further discussion: Jacobson questioned when license is good until. Hemish stated all liquor licenses renew July 1st and will be on the agenda in May. Heidmann stated he is not a fan of Sunday liquor sales. Kraus stated this opens the door for Sunday sales for liquor stores. Barb Anderson stated they are not even sure they will be open on Sundays, but the Pickle, Legion, Grand View, and Big Axe are so they wish to be competitive. Jacobson stated he will vote no and can't speak for allowing Big Ax to have Sunday sales as he wasn't on the council at that time. Krautkremer stated his position is the City has allowed Sunday on sales for others, so how do we deny this one. Qualley stated the City allows per ordinance on-sale on Sundays. If the

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City doesn't want to allow Sunday on sale, they need to change the ordinance or have reason to deny such as criminal activity or such. Krautkremer and Johnson voted "Aye" – Kraus, Jacobson, and Heidmann voted "Nay", motion failed. **(See below reconsidering)

REQUEST FOR ORDINANCE AMENDMENT TO ALLOW FOR SUNDAY OFF-SALE OF GROWLERS

Qualley stated this is a city wide policy. Stated the change in legislation last year allows cities to allow off-sale of growlers at taprooms on Sundays. Barb Anderson stated Schaefer's and Holiday already sell 3.2 beer on Sundays and Nisswa is the only City in the State that hasn't approved Sunday sales of growlers. Stated this would be arbitrary and capricious. Qualley stated it would not as legislature has left this decision up to each City to decide whether to allow Sunday off-sale of growlers. **Motion** by Jacobson, seconded by Heidmann to deny the Sunday off-sale of growlers at taprooms. Carried unanimously.

****Motion** by Jacobson, seconded by Johnson to reconsider Sunday on-sale for Gull Dam Brewery. Carried unanimously.

Jacobson stated he personally doesn't approve of Sunday liquor sales. **Motion** by Jacobson, seconded by Johnson to approve the Sunday On-Sale Taproom License for Gull Dam Brewery. All members voting "Aye", with exception of Heidmann who abstained. Motion carried.

**BRAINERD JAYCEES TEMPORARY 3.2 BEER PERMIT FOR RUN FOR THE LAKES
APRIL 29-30, 2016**

Jeff Ballif, Brainerd Jaycees, stated the hours they would sell beer for the event would be Friday, April 29th from 3:00 pm until 10:00 pm and Saturday, April 30th from 9:00 am until 4:00 pm in the community center parking lot. It is service in plastic cups and have garbage cans available. **Motion** by Johnson, seconded by Heidmann to approve the temporary 3.2 beer permit for the Run for the Lakes per the hours discussed. Further discussion: Jeff Ballif stated they will be providing Hemish with the correct certificate of insurance by the end of the week. Johnson amended motion, seconded by Heidmann to make permit conditioned on receipt of valid certificate of insurance. Heidmann stated he is in favor of this because it is for charity and bringing people in to town. Carried unanimously.

AMEND FEE SCHEDULE

Jones stated the Planning Commission recommends adding the \$50 fee for administrative lot line adjustments instead of charging the \$300 lot split fee. **Motion** by Jacobson, seconded by Johnson to adopt the changes to the fee schedule as presented. Carried unanimously.

ORDINANCE AMENDMENTS TO ZONING ORDINANCE TO FIX TECHNICAL ERRORS

Jones stated over the last ten months he has noted typos within the zoning ordinance and this amendment is to fix those errors. Jacobson stated this is a good idea. Qualley stated he recommended it and will work it into the recodification. **Motion** by Jacobson, seconded by Heidmann to approve changes as presented. Carried unanimously.

Jones stated other issue of property by Pickle needs discussion. Qualley stated Verizon came to the City to lease land by the Pickle that was assumed the City owned. Land in question does not show the City as having fee title ownership. Recommends to clear up issue, to proceed with a quiet title action. Estimate cost of around \$2,000 to \$3,000. Johnson questioned size and location of parcel. Blomer stated the big snow pile by the Pickle is on it. Jones showed on GIS map. County has it with its own parcel ID under name of Mary Murray. Krautkremer stated it should be cleared up. Jacobson stated costs can be passed on to Verizon. **Motion** by Jacobson, seconded by Heidmann to approve the City Attorney and Planning and Zoning Administrator to proceed with acquiring quiet title. Carried unanimously.

APPROVE PERSONNEL POLICY

Jacobson questioned if the public works committee had reviewed the call out portion of the policy. Blomer stated the committee recommends to leave policy as currently handled. Stated if employee is called out to work outside of regular working hours, they would receive two hours of on call pay at their hourly rate plus the time for the call. Jacobson stated the Clerk can add into the current revision of the policy. Stated the other issue is with the cell phone policy. Stated he and Krautkremer think if the employee needs a cell phone for work, the city should provide the phone and pay for the plan. Johnson stated the corporate world is going the other way by not paying for the cell phone or plan, but he is okay with the City paying for cell phones. Jacobson stated if some lawsuit occurs and the employee uses their personal phone, it is then open for discovery on all calls. Heidmann questioned what he is recommending then. Jacobson stated for the City to purchase and pay for cell phones for the employees that need it and not pay the cell phone allowance as it would be cheaper. Wallin questioned if he could then turn off the cell phone when not at work. Hondl stated it would not be cheaper as the cell phone allowance is \$50 per month and the city cell phones are around \$70 per month and cost of phone. Jacobson stated he has a phone for \$50 and pays 10 cents a minute. Hondl questioned what phones the City is planning for the employees then. Krautkremer stated it would go by department and determine need of data or not. Heidmann stated it could be looked at annually. Jacobson stated we will need to discuss more. Jacobson stated the other issue is compensation for travel and training. Stated he would like to add the sentence of "Time spend traveling to and from, as well as time spent attending a training session or conference, will be compensated in accordance with the federal Fair Labor Standards Act. No remuneration will be paid by the city to an employee on such travel/training for alcohol or any banned/controlled substances." Heidmann stated with

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stipends, you still require receipts. Wallin questioned if it is a per diem or reimbursed by receipts. Krautkremer stated either way you will not buy alcohol. Johnson stated he would have voted against a per diem. Jacobson stated will come back next month with clean revised copy. Krautkremer stated another issue is when called out on a weekend during holiday week, the employee should be compensated at time and a half instead of straight time. Stated the public works committee recommends the personnel policy committee should review and count holiday and comp time as hours worked. Heidmann stated the policy should also be clear that the city will only pay for training that applies to their job. Hemish read the portion of the ordinance which covers that. Geike questioned if the policy could reflect when firemen are called out for storm cleanup, to be reimbursed for hours worked instead of \$20 callout. Heidmann questioned if the firemen aren't considered volunteers. Qualley stated he would question if then a temporary employee but City Council has to delegate that. Discussion over as an emergency employee. Krautkremer and Geike to look into. **Motion** by Heidmann, seconded by Jacobson to table discussion for further review by the personnel policy committee. Carried unanimously.

APPROVE FIRE CONTRACTS

Motion by Jacobson, seconded by Krautkremer to approve the fire contracts as presented and authorize the Mayor and Clerk to sign. Carried unanimously.

OLD BUSINESS

SAFETY COMMITTEE AND PROGRAM

Hondl stated the safety committee of himself, Blomer, and Jones recommend the provided safety program. Stated it put the responsibility of compliance on the Department Heads per department. **Motion** by Heidmann, seconded by Johnson to approve the safety program/policy as presented. Carried unanimously.

NISSWA AVE SIGN

Motion by Heidmann, seconded by Krautkremer to table for more information. Carried unanimously.

COUNCIL REPORTS

Jacobson stated we need one more council member picture for the new website. Johnson stated he will provide.

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ANNOUNCEMENTS

Hemish reminded council of the Board of Review meeting on Tuesday, April 19th at 1:00 PM.

Motion by Jacobson, seconded by Heidmann to adjourn. (meeting adjourned at 8:42 PM)

Harold Kraus, Mayor

Laurie Hemish, Clerk