

**NISSWA CITY COUNCIL
NOVEMBER 16, 2016**

The regular meeting of the Nisswa City Council was held Wednesday, November 16, 2016 at 7:00 pm at City Hall.

Members Present: Kraus, Jacobson, Heidmann

Members Absent: Johnson, Krautkremer

Also Present: Mark Hallan, Tom Pearson

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

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

- A. Approve minutes of October 19, 28, and November 14, 2016**
- B. Accept Donation from Lake Hubert Women’s Club to Fire Dept/First Responders**
- C. Accept \$5,000 Donation from Nisswa Legion to Park & Rec**
- D. Accept \$2,500 Donation from Nisswa Lions to Park & Rec**
- E. Community Center Agreement Changes**
- F. Leave of Absence Request – Terry Fischer**
- G. Accept Resignations of Spirits Employee**
- H. Nisswa PTO Raffle Request – April 1, 2017**
- I. Purchase Wastewater Fund CDs**
- J. Presentation of Claims – #38985 - #39137 totaling \$400,481.35**

Further discussion: Heidmann stated he hasn’t reviewed all the claims. Jacobson stated he reviewed them all.

All members voting “Aye”, with exception of Heidmann voting “Nay”; Motion carried.

Jacobson stated item E under new business is scratched from the agenda.

OPEN FORUM

REPORTS

Chief Taylor stated he had provided the monthly report via email. Jacobson made mention of the note received thanking Officer Hamilton for service above the call of duty.

Chief Geike stated they handled 19 calls this month with 11 of them being medicals. Fire Department is continuing with training.

Farrell stated it was a good month for Spirits. Will be hosting the second annual Taste of Spirits in conjunction with Schaefer’s Taste of the Holidays on December 1st from 4 to 7 pm.

**NISSWA CITY COUNCIL
NOVEMBER 16, 2016
PAGE TWO**

Wallin stated the Pickle had a great month. Will be having Kings Ransom band playing for City of Lights weekend. Had a band for Halloween paid for by Tito's vodka. Stated clothing sales are good and bocce ball courts are in feasibility stage. Added 21 new brands of wine in off sale and they are selling well. Working on reducing inventory of slow selling items.

Jones stated the Planning Commission had their meeting last week with one public hearing for a conditional use permit for storage buildings which was approved. Issued 73 land use permits year to date compared to 60 last year.

Hondl stated he has submitted the Bernick's grant and should hear results next month. Stated he did his annual survey at the Nisswa Elementary School. Strong interest in non-competitive sports and non-athletic options. Flyer going to children in school this week.

Blomer stated he had emailed the council on the notice from MnDot on changes to signage for Nisswa Avenue. Stated MnDot would put in no left turn sign and wants City to take over maintenance of it. Jacobson questioned cost. Blomer stated not a lot initially, but replacement down the line would be a cost. Jacobson and Heidmann stated to let MnDot know the City feels it is MnDot's responsibility to maintain the signs.

Hallan stated they will be going over wastewater plant flows for the facility plan.

NEW BUSINESS

H.A.R.T. REQUEST FOR CAT ORDINANCE

Donna Wambeke, Executive Director Heartland Animal Rescue Team, described the problems with cats being dropped off at HART. Stated she would like Nisswa to have a cat ordinance similar to the dog ordinance. Stated they have taken in 46 cats since January 1st for Nisswa. Jacobson questioned how it would work. Wambeke stated if per ordinance, the City would pay \$16 per day per cat and animal control would pick up stray cats. If cats were owned by someone, they could pick up from HART and pay the fees. Heidmann stated it would be over \$5,000 a year for cats that we didn't budget for. Jacobson questioned how many cities have cat ordinances. Wambeke stated six of the 16 cities in Crow Wing County do. Jacobson suggested deferring this topic to give time to think about. Heidmann questioned if most are adopted. Wambeke stated yes but they have spent over \$100,000 on cats. **Motion** by Jacobson, seconded by Heidmann to table this item until the December council meeting. Carried unanimously.

**NISSWA CITY COUNCIL
NOVEMBER 16, 2016
PAGE THREE**

TIF DISTRICT 1-10 DISCUSSION

Mark Ronnei, Grand View Lodge, stated they established this TIF district over 15 years ago for the pool complex. Stated after reviewing the tif plan, determined it was ambiguous and not sure if City overpaid them \$30,000 or underpaid \$80,000. Met with Hemish and discussed issue with City's TIF reporting firm who agreed. Need to discuss with City bond counsel before the payment in December and determine if need to refund and decertify the district. Looking for a council member to be involved with discussions and will be back in December. Heidmann volunteered. Will also have City Attorney involved.

OUTDOOR MOVIE EQUIPMENT PURCHASE

Hondl stated the Park & Rec Commission recommends proceeding with purchasing the equipment. Will use memorial park funds to pay for. Heidmann questioned where the idea came from and what other communities do this. Hondl stated Crosslake started doing this two years ago at the dam and the Minneapolis Park Board does it in their parks. We would provide to citizens at no cost and get civic groups involved in running the concessions with him and park board members. Will be located in the green space west of the building. Will be family movies starting just before sunset and picnic style seating. Stated will operated once a month in June, July, and August. Jacobson questioned if could move inside in the winter. Hondl stated yes they could do it in the community center. **Motion** by Jacobson, seconded by Kraus to approve \$3,188.93 expenditure for outdoor movie equipment using the Memorial Park Fund as presented. Further discussion: Heidmann stated he would like to table until the full council is present. Jacobson questioned Hondl if any other council had questions of him on this. Hondl stated no. All members voting "Aye", with exception of Heidmann voting "Nay"; Motion carried.

CERTIFY DELINQUENT SEWER ACCOUNTS

Motion by Jacobson, seconded by Kraus to approve the resolution adopting assessments for unpaid sewer charges. Further discussion: Heidmann stated he would like the full council for this. Hemish stated is has to be done this month. Heidmann questioned how people are notified. Hemish stated they were all sent letters over a month ago and they still have a few days to pay before we certify to the county. All members voting "Aye", with exception of Heidmann voting "Nay"; Motion carried.

~~CERTIFY DELINQUENT PROFESSIONAL FEES~~

**NISSWA CITY COUNCIL
NOVEMBER 16, 2016
PAGE FOUR**

CLASSIFICATION TO “NON-CONSERVATION” AND FUTURE SALE OF TAX FORFEITED LANDS

Jones stated the Planning Commission recommends the City Council approve the classification and intended sale of this tract. **Motion** by Heidmann, seconded by Jacobson to approve the classification and sale of this tract as presented. Carried unanimously.

STEERING COMMITTEE FOR COMPREHENSIVE PLAN

Jones stated the process has begun for the comprehensive plan update. First step is to form the steering committee and has included the list in the packet. Kraus questioned if all the people listed have agreed. Jones stated yes. Heidmann questioned if NJPA recommends a certain number of committee members. Jones stated yes 10 to 12 people and they provided this template. Heidmann stated it is light on residents. Jones stated they will have open houses and online surveys for the public/residents. Stated the steering committee will promote the project, answer questions, and the first meeting will decide duties. Heidmann stated we need a lot of citizen involvement, and it is mostly businesses on the list. Stated NJPA is to assist and not dictate what the comp plan will be. Jones stated we will welcome any input and the business owners listed mostly live in Nisswa as well. Heidmann stated he would like 5 to 8 citizens on committee. **Motion** by Jacobson, seconded by Kraus to approve the comp plan steering committee as presented but add one additional resident. All members voting “Aye”, with exception of Heidmann voting “Nay”; Motion carried.

NJPA ANNUAL BOARD ELECTION NOMINATIONS

Jacobson volunteered. All agreed. Hemish to submit nomination.

CERTIFY ELECTION RESULTS

Motion by Jacobson, seconded by Heidmann to accept election results and certify to the County. Carried unanimously.

EDNA LAKE ROAD DISCUSSION

Roger Landers, Edna Lake Rd, stated he provided a new petition signed by about 30 residents on Edna Lake Rd and about 20 or so are present tonight. Read the petition listing 4 items he would like Council to address. Kraus questioned Hallan as to when the feasibility study will be done. Hallan stated it is in progress and includes the entire Edna Lake Rd. Stated we have MnDot’s updated designs to work into the study. Jacobson stated the study will be done after the beginning of next year. **Motion** by Jacobson, seconded by Heidmann to receive/accept the Edna Lake Road petition and have City Engineer include into the feasibility study. Once feasibility study complete, present to the Public Works Committee for recommendation to Council. Further

**NISSWA CITY COUNCIL
NOVEMBER 16, 2016
PAGE FIVE**

discussion: Landers questioned when this will all happen. Hallan stated after the holidays. Heidmann stated by January 1st. Landers requested the study be sent out to residents to review prior to the council meeting where a decision will be made. Carried unanimously.

Landers stated the new curve is not safe with visibility. Randy Shoen, Mathiowetz Construction, stated the road will have a 150' radius and is not done yet. Should be completed in two more weeks weather permitting. Stated will be two 12' lanes with curb and gutter with a 3 to 1 slope at right of way line. Stated there is a still lot of dirt to come out yet and currently what is built is just for access for more excavation. Stated will raise portion of the road about 2-1/2 feet. Hallan stated it will not be done until November 30th. Shoen stated the curve meets all standards for low volume curve.

Ray Stimac, Edna Lake Rd, requested if plans can be made available to review and did not sign the petition. Stated he is waiting for the feasibility study to understand issues. Stated he is concerned with how road will settle over swamp area over the next two years and City should not accept the road until settled. Shoen stated they warranty road three years after completion and will fix if settles more than a half inch. Jacobson stated State regulations also have a two year requirement before turning over to the City. Shoen stated the current plans are preliminary and not approved by the State yet.

OLD BUSINESS

CLOSED MEETING – REVIEW CONFIDENTIAL APPRAISAL DATA AND DEVELOP/CONSIDER PURCHASE OF PROPERTY

Motion by Heidmann, seconded by Jacobson to close the public meeting per Minnesota Statute Section 13D.05 to review confidential or protected nonpublic appraisal data under section 13.44, subdivision 3; and to develop or consider offers or counteroffers for the purchase of the property known as Spirits of Nisswa. Carried unanimously.

Options were discussed.

Motion by Jacobson, seconded by Heidmann to go out of closed session and into the open meeting. Carried unanimously.

Motion by Jacobson, seconded by Heidmann to reconvene/continue the meeting on Wednesday, November 30th at 6:00 PM. Carried unanimously. (9:10 PM)

Harold Kraus, Mayor

Laurie Hemish, Clerk