

**CITY OF NISSWA
MINUTES – REGULAR COUNCIL MEETING
WEDNESDAY, OCTOBER 17, 2018
7:00 P.M. – CITY HALL**

The regular meeting of the Nisswa City Council was held on Wednesday, October 17, 2018 at 7:00 p.m. at City Hall.

Members Present: Heidmann, Jacobson, Johnson, Krautkremer and Ryan

Members Absent: None

Also Present: City Staff Jenny Max, Tom Blomer, Desmond McGeough, Donna Caron; City Engineer Mark Hallan; City Attorney Tom Pearson; Nancy Vogt from the Echo

There were approximately 14 people in the audience.

- A. Call to Order** – Mayor Heidmann called the meeting to order at 7:01 p.m. The pledge of allegiance was recited.
- B. Consent Calendar (NOTICE TO PUBLIC)** – All matters listed are considered routine by the Council and will all be enacted by one motion. There will be no separate discussion of these items unless good cause is shown prior to the time the Council votes on the motion.
1. Parks & Recreation Director Report – October 2018
 2. Fire Department Report – September 2018
 3. Pickle Department Report – October 2018
 4. Police Department Report – September 2018
 5. Public Works Director Report – October 2018
 6. Spirits of Nisswa Report – October 2018
 7. Planning & Zoning Administrator Report – October 2018
 8. Presentation of Claims – Check register # 42977-43158 totaling \$390,778.61
 9. Regular City Council Meeting Minutes from September 19, 2018
 10. Special City Council Meeting Minutes from September 19, 2018

Motion by Jacobson, seconded by Ryan to approve the Consent Calendar as presented. Motion carried unanimously.

- C. OPEN FORUM** – Woody Haecker, Planning Commission Chair, expressed his concern about the poor job of clear-cutting that had begun on the 3-5 acres on the west side of Wendy's. While Haecker is pro-development, he would like to see the ambience and character of Nisswa maintained. Matt Hanson, West Linden, stated his concern about the city's infrastructure due to development and would like to remind the Planning & Zoning Commission and the City Council to keep this in mind when considering future development projects.

D. REPORTS

1. City Administrator/Clerk - None
2. City Attorney – Pearson provided the two possible options regarding the Birch Avenue property: (1) a civil complaint or (2) statutory nuisance abatement. Pearson will prepare and provide a memo that discusses the two options to City Council members to review before the next Council meeting.

3. City Engineer – Hallan provided an update on the 2018 paving projects. Top soil will be added and mailboxes will be installed with the work being wrapped up and completed next week.

E. NEW BUSINESS

1. **Public Hearing on Resolution Vacating a City Road** – Motion by Jacobson, seconded by Ryan to open the public hearing. Motion carried unanimously. McGeough presented a brief overview of the request that was made by the three property owners/petitioners and also recommended for adoption by both the Planning & Zoning and Public Works Commissions. McGeough stated the vacated road, if approved, would then be privately maintained. Motion by Krautkremer, seconded by Jacobson to adopt the Resolution Vacating a City Road Requested by Lee and Penny Anderson as presented. Motion carried unanimously. Motion by Jacobson, seconded by Ryan to close the public hearing. Motion carried unanimously.
2. **Recommendation from the Planning and Zoning Commission to Adopt an Ordinance Amendment for Stormwater Protection** - McGeough explained this amendment moves water management issues and language to the same location making it easier to find and more user friendly. There were minor word changes only, no new language was added. Motion by Jacobson, seconded by Johnson to adopt the Zoning Ordinance Amendment 012-18, Stormwater Protection, as presented. Motion carried unanimously. Motion by Jacobson, seconded by Krautkremer to publish the ordinance in summary form in the official newspaper. Motion carried unanimously.
3. **Recommendation from the Planning and Zoning Commission to Adopt an Ordinance Amendment for Resort Expansion** – McGeough provided an overview and explained the purpose was to make the language more clear and concise and to be consistent with and more closely aligned with Minnesota Statutes and the DNR Shoreland Classification System. Ryan and Krautkremer were hesitant to move forward without some additional time for further review and consideration. Motion by Ryan, seconded by Krautkremer to table Zoning Ordinance Amendment 013-18 to the next Council meeting in November. Motion carried unanimously.
4. **Partial Payment Application #1 from Knife River Corporation for the 2018 Street Improvements** – Max stated she would invoice the county for their portion of \$129,402.45 so that the payment will be received before the end of the year. Motion by Ryan, seconded by Jacobson to approve partial payment #1 in the amount of \$769,080.58 to Knife River Corporation for 2018 street improvements. Motion carried unanimously.
5. **Recommendation from Public Works Committee Re: Adopt Engineering Warrants Policy**
There was discussion and concern by Jacobson and Mayor Heidmann that this document, written as a “policy”, would hinder the City’s ability to make decisions for future road projects. Ryan stated the document provides direction and guidance only; Johnson also stated the Council still maintains the discretion to make decisions; it is a tool to use. Max stated this document was an effort by staff for consistency and was a good first step in developing a

process to help guide future projects. Ryan suggested replacing the word policy with the word guidelines to reflect the Council's ability to be flexible in applying the recommended warrants. Motion by Jacobson, seconded by Johnson to adopt the Engineering Warrants Guidelines as presented. Motion carried 4:1 with Mayor Heidmann opposed.

6. **Recommendation to Purchase Police Squad Car from 2019 Budget** – Max reported the Police Chief was able to reduce the original quoted price of \$37,000 to \$33,500 for a new police squad car. Jacobson suggested paying for the car out of the 2018 budget if possible. Motion by Krautkremer, seconded by Ryan to purchase new police squad car not to exceed \$33,500 using funds from the 2018 or 2019 budget. Motion carried unanimously. Pearson recommended this purchase should be a resolution instead of a motion. Motion by Krautkremer, seconded by Ryan to amend the motion to purchase a new police squad car not to exceed \$33,500 in 2018 or 2019 to a resolution. Motion carried unanimously.
7. **Spirits of Niswaga Pay Change Request for Nancy Schroeder** – Jacobson commented that an increase of more than one step on the salary schedule should be tied to a specific reason such as assuming additional/increased responsibilities. Max stated the Pickle and Spirits Departments are in the process of developing consistent and fair guidelines to appropriately compensate employees for new and/or increased job duties and responsibilities. Motion by Jacobson, seconded by Ryan to approve a pay increase from \$11.10 to \$12.13 per hour for Nancy Schroeder effective October 18, 2018. Motion carried unanimously.
8. **Personnel Updates for October 2018** – Motion by Krautkremer, seconded by Johnson to approve the Personnel Updates for October 2018 as presented. Motion carried unanimously.
9. **Request to Change November City Council Meeting Date from November 21st to November Monday, November 19th OR Tuesday, November 20th** – Due to the Thanksgiving holidays, Max suggested changing the November council meeting. Motion by Krautkremer, seconded by Jacobson to change the November council meeting from Wednesday, November 21 to Tuesday, November 20. Motion carried unanimously.
10. **Grand View Lodge – Status of Conditions** – Max informed the Council that an updated version will be provided on an on-going basis. Jacobson stated that the Planning and Zoning Commission was also planning to provide updated information to the Council each month. Mayor Heidmann asked if it was possible to go back to 1994 and identify any additional unmet conditions. Krautkremer questioned why Grand View seems to be singled out for compliance issues when the City should be holding all developers and projects accountable for satisfying conditions. Jacobson indicated the proposed part-time Code Enforcement Officer request made by the Planning Commission, providing the position is funded in the 2019 budget, would be responsible for identifying and ensuring compliance for past and current projects.

F. OLD BUSINESS

1. **Recommendation from Public Works Committee Re: Approve Proposal for Engineering Design Services from WSN for Smiley Road South** – Max reviewed the reconstruction needed for Smiley Road South and also informed the Council the county has decided that the 2019 CSAH 13 project at the CSAH 77 and TH 371 intersection will only include modifications on CSAH 13. Any other future improvements will be addressed at a later time. Motion by Ryan, seconded by Johnson to approve the proposal for engineering design services from Widseth Smith Nolting for Smiley Road South not to exceed \$23,300 as presented. Motion carried unanimously.

G. COUNCIL REPORTS

1. Mayor - None
2. Council Members – Jacobson stated there is work to do at the next Planning Commission meeting and if anyone has comments to please send them to Desmond.

Krautkremer requested that the Mayor provide an affidavit or proof that he was a resident living in Nisswa 30 days prior to the election as required by state statute.

H. ANNOUNCEMENTS & UPCOMING MEETING DATES

1. October 30, 2018 – CSAH 13 Public Information Meeting (for 2021 project) at City Hall at 6:00 P.M. (hosted by Crow Wing County)
2. November 1, 2018 – Parks & Recreation Advisory Committee Meeting at 5:00 P.M.
3. November 6, 2018 – Election Day 7:00 a.m. – 8:00 p.m.
4. November 7, 2018 – Public Works Committee Meeting at 5:00 P.M.
5. November 8, 2018 – Gull Lake Trail Meeting at 5:00 P.M.
6. November 12, 2018 – Observance of Veterans' Day Holiday – City Hall Closed
7. November 13, 2018 – Planning & Zoning Commission Meeting at 9:00 A.M.
8. November 21, 2018 – Regular City Council Meeting at 7:00 P.M. – *tentative date change*
9. November 22, 2018 – Observance of Thanksgiving Day Holiday – City Hall Closed
10. November 23, 2018 – Observance of Day After Thanksgiving Day Holiday – City Hall Closed

- I. **ADJOURN** – There being no further business, Motion by Krautkremer, seconded by Johnson to adjourn the regular Council meeting at 8:19 p.m. Motion carried unanimously.

Fred Heidmann, Mayor

Jenny Max, City Administrator/Clerk