

**CITY OF NISSWA  
MINUTES – REGULAR COUNCIL MEETING  
WEDNESDAY, JANUARY 16, 2019  
7:00 P.M. – CITY HALL**

The regular meeting of the Nisswa City Council was held on Wednesday, January 16, 2019 at 7:00 p.m. at City Hall.

Members Present: Heidmann, Hoff, Jacobson, Johnson, Ryan

Members Absent: None

Also Present: City Staff Jenny Max, Tom Blomer, Desmond McGeough, Craig Taylor, Shawn Bailey; City Engineer Mark Hallan; City Attorney Tom Pearson; Nancy Vogt from the Echo

There were approximately 6 people in the audience.

- A. Call to Order** – Mayor Heidmann called the meeting to order at 7:04 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 – January 2019
  2. Fire Department Report – December 2018
  3. Pickle Department Report – January 2019
  4. Police Department Report – Year-End 2018
  5. Public Works Director Report – January 2019
  6. Spirits of Nisswa Report – January 2019
  7. Planning & Zoning Administrator Report – January 2019
  8. Presentation of Claims – Check register #43532 - 43671 totaling \$491,611.75
  9. Public Information/Truth In Taxation Meeting Minutes from December 19, 2018
  10. Regular City Council Meeting Minutes from December 19, 2018
  11. Special Council Meeting Minutes from December 19, 2018
  12. LG220 Raffle Permit for Nisswa PTO
  13. LG220 Raffle Permit for Central MN Gobblers Chapter

Motion by Jacobson, seconded by Ryan to approve Items #1-11 and #13 as presented. Jacobson noted missing signature on Item #12; Max noted signature will be obtained. Motion carried unanimously.

- C. OPEN FORUM** – Louis Crombie, field representative for Representative Pete Stauber, 8<sup>th</sup> District, introduced himself. His office will be in Brainerd and he will be reaching out to area mayors and city administrators in the near future.

Shawn Hansen, Nisswa Chamber President, informed the Council that UCare will be shooting a commercial in Nisswa on Thursday from approximately 1-4 p.m. Parts of Main Street and the Paul Bunyan Trail will be temporarily closed with the Nisswa Police and Fire Departments providing their assistance. UCare indicated they did have some funds to pay for some of the services rendered; Hansen suggested donations be made to both the local police and fire departments.

Hansen reported this will be her last official Council meeting as Chamber President. Holly Holm has been selected as the new Director and will be assuming her new duties in March. Hansen will make her introduction at the March Council meeting. Heidmann offered his thanks to Hansen for her leadership and voice for the Chamber and the City of Nisswa.

#### D. REPORTS

1. City Administrator/Clerk - None
2. City Attorney - None
3. City Engineer – there was no January meeting; recommendations for 2019 projects will be presented at the February meeting.

#### E. NEW BUSINESS

1. **Fire Department Presentation and 2018 Update** – Shawn Bailey, Fire Chief, presented the annual statistics for the Fire Department that resulted in a grand total of 271 billable calls for 2018. He acknowledged donations from the Lions Club and local area banks and the receipt of a DNR grant. Heidmann personally thanked the department for their response to the fire at his place of business.
2. **Police Department Presentation and 2018 Update** – Craig Taylor, Police Chief, reviewed the December and year-end statistics for the Police Department (itemized in Agenda Attachment B-4.)
3. **Park Department Truck Purchase** – Max reviewed the information and recommendation to purchase a new truck not to exceed \$25,000 using the state bid sheet with a repayment period to the City of three years (2019-2021). Motion by Johnson, seconded by Jacobson to approve the purchase of a new truck for the Parks Department not to exceed \$25,000 as presented. Motion carried unanimously.
4. **Rezone Application 031-18 for Etoc Co, Inc.** – McGeough presented the site characteristics for a 32.68 acre tract of land that is being recommended for a zoning change from Open Space Residential space to Commercial Waterfront. Heidmann asked why the Commercial Waterfront designation? McGeough responded that this designation is less restrictive and allows for more density. Motion by Jacobson, seconded by Ryan to approve Rezoning Application 031-18 and adopt the Commission Findings of Fact to change the Zoning District on a 32.68 acre parcel of land from “Open Space Residential” to Commercial Waterfront” as presented. Motion carried unanimously.
5. **Ordinance Amendment 026-18 for Water Accessory Structures** – McGeough explained the purpose of this amendment is to reduce the size of a water accessory structure from 250 square feet (approximately the size of a 2-car garage) and limit the size to 100 square feet. Heidmann asked for a definition of a water accessory structure; McGeough stated it is basically a shed for boating equipment (i.e. kayaks, paddleboards, etc.) but not boats. Ryan asked how the recommended size was determined. McGeough responded that it was based on the middle of what other area municipalities are using for a size limit. Hoff asked if current structures will be grandfathered in; McGeough answered yes. Motion by Jacobson, seconded by Hoff to approve Zoning Ordinance Amendment Application ZOA-026-18 as presented and for the City Administrator to publish the summary. Motion carried unanimously.

6. **Accept Officer Dan Lasher's Resignation and Council Feedback on Filling Vacant Officer Position** – Motion by Ryan, seconded by Hoff to accept the resignation of Police Officer Dan Lasher effective January 20, 2019. Motion carried unanimously. Heidmann suggested that a workshop might be helpful to review future staffing needs for the City when a vacancy occurs. Motion by Jacobson, seconded by Hoff to move forward with the selection and hiring process to fill the vacant police officer position. Motion carried unanimously.
7. **Approve Publication of the Notice of Intent to Accept Franchise Applications as Requested by TDS Telecom** – Max explained that this is a new request to begin a process for expanded video services and not a renewal. The first step in this process is to approve the RFP and to publish a Notice of Intent to accept franchise applications and to hold a public hearing as required by state law. Max will work with the City Attorney to ensure compliance and all the steps in this rather complicated process are followed appropriately. Motion by Jacobson, seconded by Johnson to approve starting the franchising process by publishing a notice of intent to accept franchise applications as formally requested by TDS Telecom as presented. Motion carried unanimously. Jacobson requested a copy of the current contract with Spectrum be provided to review at the February Council meeting. Heidmann recommended holding a workshop to review the process; Jacobson suggested that after the public hearing would be best.
8. **Approve Decertification of TIF District 1-3 for Grand View Rentals and 1-11 for Grand View Conference Center** – Max stated the two decertification requests were on schedule and paid. Jacobson asked if there were any leftover funds and Max reported if there were any residual funds they would be carried over. Motion by Johnson, seconded by Ryan to approve decertification for TIF District 1-3 and TIF District 1-11 as presented. Motion carried unanimously.
9. **League of Minnesota Cities Liability Coverage Waiver Form – Recommendation to Not Waive Limits** – Pearson and Max recommended the City “does not” waive limits. Motion by Jacobson, seconded by Ryan to choose “Does Not Waive” the monetary limits on municipal tort liability established by Minnesota Statutes, Section 466.04 as presented.
10. **Resolution Accepting Donations** – Motion by Ryan, seconded by Hoff to approve the Resolution Accepting Donations as presented. Motion carried unanimously. The Council expressed its gratitude to all the donors for their generosity. Max confirmed that thank you letters are sent to donors.
11. **Approve Request for Additional SCORE Funds from Crow Wing County** – Max reviewed the current recycling program with Waste Partners, Crow Wing County and the City to provide recycling services to residents. The drop off center is very popular and Waste Partners provides an excellent service. However, due to increased usage along with increasing operational costs, additional funds are needed to continue the program. Crow Wing County staff has indicated there are recycling reserve funds available and would be able to provide an additional \$23,000 to offset the increased expenses. Motion by Johnson, seconded by Hoff to request an additional \$23,000 in SCORE funds for 2019 from Crow Wing County for the operation of the City of Nisswa Recycling Drop Off Center as presented. Motion carried unanimously.

#### F. OLD BUSINESS

1. **Ordinance Amendment 013-18 Revising Stream Classifications and Resort Development Standards** - McGeough reviewed the background and 3-pronged request to reclassify two streams; add an unnamed lake, and to allow short-term docking. The Planning Commission

eliminated the restriction of one docking space and left the existing ordinance language unchanged. Motion by Jacobson, seconded by Ryan to approve Zoning Ordinance Amendment ZOA-013-18 as presented and to publish the summary. Motion carried unanimously.

2. **26131 Birch Avenue Property Update** – Jacobson stated there has been no change and this property is still unsafe, dangerous, and in tough condition. The city’s engineer had been denied access to the property in order to determine if the structure is salvageable, and, therefore, the property owner is in violation of city ordinances. Pearson did inform the Council that the owner had been in contact with McGeough to help him resolve his outstanding issues. He had submitted a variance application, however, the application was incomplete. Jacobson stated the property owner should not be issued an approved permit until an engineer’s inspection has been completed. Pearson explained there are multiple routes and options that the City can take under a statutory process. Heidmann expressed his concern about the potential costs to the City; Pearson stated those costs could be recouped through assessments to the property owner. Ryan asked about the possibility of informing Public Health and getting them involved due to the improperly stored appliances. Motion by Jacobson, seconded by Ryan to have the City Attorney prepare and send a letter to the property owner to determine the owner’s intent in regard to this property. Motion carried unanimously. The owner’s response will be discussed at the February Council meeting along with a discussion about the appropriate next steps to be taken.

#### G. COUNCIL REPORTS

1. Mayor – Heidmann would like to schedule a workshop to discuss the purpose, the definition, and the value of Council Reports and whether the Council should eliminate or keep this agenda item. He would also like to have the Council to review department mission statements, responsibilities and expectations along with the organization’s hierarchy. Heidmann will prepare a written document that will better explain his issues that he would like to open for discussion in 2019.
  - a. **Proclamation Commemorating City of Nisswa School Choice Week** – the mayor questioned the source of the proclamation and opted to pass on signing the document.
2. Council Members
  - Jacobson asked if the City is able to assess a fee for the cable TV franchise application. Max will check and will impose a fee, if the City’s fee schedule allows for that.
  - Hoff thanked the Council members for their welcome and help.
  - In the future, Ryan would like to know why and/or the reason the Planning and Zoning Commission is recommending a change to an ordinance. Jacobson stated the Commission will include a brief explanation on future recommendations.

- H. **ADJOURN** – There being no further business, motion by Hoff, seconded by Ryan to adjourn the regular Council meeting at 8:25 p.m. Motion carried unanimously.

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Fred Heidmann, Mayor

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Jennifer Max, City Administrator/Clerk