

**CITY OF NISSWA
MINUTES – REGULAR COUNCIL MEETING
WEDNESDAY, MARCH 20, 2019
7:00 P.M. – CITY HALL**

The regular meeting of the Nisswa City Council was held on Wednesday March 20, 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, Donna Caron, Tom Blomer; City Engineer Mark Hallan, Justin Schulz-WSN; City Attorney Tom Pearson; Nancy Vogt from the Echo

There were approximately 23 people in the audience.

- A. **Call to Order** – Mayor Heidmann called the meeting to order at 7:00 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 – March 2019
 2. Fire Department Report – February 2019
 3. Police Department Report – February 2019
 4. Public Works Director Report – March 2019
 5. Pickle Department Report – March 2019
 6. Spirits of Nisswa Report – February 2019
 7. Presentation of Claims – Check register #43871-44013 totaling \$299,461.26
 8. Special City Council Meeting Minutes from February 11, 2019
 9. City Council Work Shop Meeting Minutes from February 28, 2019

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

C. OPEN FORUM

1. Public Comment
 - County Commissioner Bill Brekken introduced himself to the Council and expressed his willingness to serve the City.
 - New Nisswa Chamber of Commerce Director, Holly Holm, introduced herself to the Council. She has been in her new position for three weeks now and is currently being mentored by the outgoing director, Shawn Hansen, until the end of the month. She is excited to be part of the Nisswa Community and is looking forward to working with the City Council and staff.

2. Public Hearing – Cable Franchise – Motion by Jacobson, seconded by Ryan to open the Public Hearing. Motion passed unanimously.
 - TDS Telecom Cable Franchise Application – Brian Grogan, attorney from Moss Adams and representing TDS, reported to the Council that the purpose of this hearing was to assess the qualifications and capabilities of TDS to provide the additional cable franchise services to the northwest service area where current TDS cable services are already being provided and to answer any questions the public or the Council may have. TDS stated they will mirror their franchise model to the two other service provider’s models (Spectrum/Charter and CTC) and will meet the same obligations. Jacobson recommended using the Spectrum/Charter model. Max will schedule a meeting with the Cable Commission to review the franchise model and will then contact Grogan. There was no public comment. Motion by Johnson, seconded by Hoff to close the Public Hearing. Motion passed unanimously.

3. Public Hearing – Wastewater Treatment Facilities Plan - Motion by Hoff, seconded by Jacobson to open the Public Hearing. Motion passed unanimously.
 - Facilities Plan Summary – Hallan and Schulz presented an overview of the history, previous facility expansions and updates, and projected development growth as it relates to providing municipal sanitary sewer utilities for the City for the next 20 years. Options were reviewed along with the associated timelines and required permitting, approvals and processes involved. The recommendation by WSN is to expand the WWTF to construct an additional secondary cell and to expand the surface irrigation system by 21 acres at a cost of \$3,927,500. Jacobson asked how this expansion will impact residents’ quarterly bills. Max reported that there she is working on getting updated numbers. Heidmann stated there are many factors and variables in the cost calculation and that the City is researching other resources such as the potential for state and city bonding along with grant opportunities. Johnson pointed out that we are only deciding if we want to submit an application to the MPCA to start the process at this meeting. The vote to move forward with and approve an actual expansion is months away, probably September. Ray Rasinski, Lake Shore, reminded the Council that he still owns 4.2 acres of land that has been recorded as City-owned property. Hallan and Max are aware of the issue and are with working with Crow Wing County and staff to resolve the problem. Public comments included support from Rasinski for the WSN recommendation in order to plan now for future generations; and a comment from Tom Jensen who said the presentation was helpful, however, there is still ongoing concern about the potential cost increases to residents. Heidman encouraged residents to stay connected and in touch with council members and city staff as the project evolves. Motion by Jacobson, seconded by Hoff to the close the Public Hearing. Motion passed unanimously. Motion by Jacobson, seconded by Ryan to approve Hallan moving forward with finalizing the Facilities Plan recommendation and to proceed with making application to MPCA. Motion passed unanimously.

D. REPORTS

1. City Administrator/Clerk – Max’s trip to Washington DC was wonderful; she was able to meet and network with several people across the country in similar roles; meet with local legislators, and was also able to include some sightseeing. Max responded to Jacobson’s question about the new web site and stated that the City is close to launching the new site; a few remaining details still need to be addressed.

2. City Attorney
 - a. Hills Crossing Update – Pearson reported on a land use permit that was processed 5-6 years ago where the City was supposed to receive an easement for the right-of-way. The City needs this easement and it is now a pertinent issue that needs to be resolved as soon as possible. Motion by Johnson, seconded by Hoff to allow Pearson to move forward with the current property owner to finalize obtaining the easement. Motion carried unanimously.
3. City Engineer – Hallan reported that he will move forward with finalizing the preliminary Wastewater Treatment Facilities Plan as presented and will submit it to MPCA. He briefly touched on the application/funding for the Hazelwood Bridge; and stated that he continues to respond to and answer questions about the Hwy 371 intersection project.

E. NEW BUSINESS

1. **Recommendation from Park and Recreation Advisory Commission to Approve Resolutions Supporting Applications for:**
 - a. Regional Trail Program Funding – Motion by Jacobson, seconded by Johnson to approve the resolution supporting the grant application for Regional Trail Program funding as presented. Motion carried unanimously.
 - b. Local Trail Connections Program Funding - Motion by Jacobson, seconded by Johnson to approve the resolution supporting the grant application for Local Trail Connections Program funding as presented. Motion carried unanimously. Jacobson asked how open ETOC was to providing the land easement as the matching funds required by the grant; Hoff and Ronnei reported that ETOC is on board and very supportive.
2. **Recommendation from Planning Commission re: Comprehensive Plan** – Max stated the Planning Commission reviewed and approved the draft plan on March 5, 2019. A few minor updates still need to be made to some of the maps. Motion by Johnson, seconded by Ryan to approve the release of the draft Comprehensive Plan for a 30-day public comment period from March 22 to April 22, 2019 as presented. Motion carried unanimously.
3. **Approval of 2019 City of Nisswa Fire Department Budget and 2019 Fire Contracts** – Max reported a meeting with the jurisdictions was held and all were in agreement. Motion by Jacobson, seconded by Ryan to approve the 2019 Fire Department Budget and 2019 Fire Contracts as presented. Motion carried unanimously.
4. **Approval of Temporary Liquor License and Temporary Beer License Agreement for the Brainerd Jaycees on April 28-29, 2018 for the Run for the Lakes** – Motion by Johnson, seconded by Hoff to approve the temporary liquor license and temporary beer license agreement for the Brainerd Jaycees on April 26-27, 2019 for the Run for the Lakes. Motion carried unanimously. Date correction should be noted. Jacobson reminded the Jaycees that streets are not closed along the course and homeowners are allowed to park on the street.
5. **Personnel Updates for March 2019** – Motion by Johnson, seconded by Ryan to approve the March 2019 Personnel Update as presented. Motion carried unanimously.
6. **Recommendation from Public Works Committee Re: Request Proposal from WSN for Engineering Services to Design Infrastructure Improvements** – Jacobson asked whether or not any major changes to permits previously approved and granted by the Planning

Commission would need to be brought back before the Commission. Max stated that at this point, the proposed plan to be designed by WSN is best vetted through the Public Works Committee. Heidmann noted that this design should be a long-term plan for the area along with input solicited from City staff and Council before WSN begins. Motion by Ryan, seconded by Johnson to approve the Public Works recommendation to request an engineering services design proposal from WSN for infrastructure improvements throughout the Grand View Lodge area with the proposal provided to the Public Works Committee for initial review and comment. Motion carried unanimously.

7. **WSB Memo dated March 15, 2019 Re: Intersection Improvement of State Highway 371 and CSAH 13/77** – Max stated the memo serves as a status update as the project moves forward. Heidmann informed the Council that the County Commissioners are considering a new cost-sharing plan that may or may not impact this project.

F. OLD BUSINESS

1. **Resolution Regarding the Abatement of Hazardous Building or Hazardous Property at 26130 Birch Avenue in Nisswa, Minnesota** – Pearson presented a resolution to serve on the property owner that would begin the court process to resolve this ongoing property issue. Pearson requested one more chance to reach out to the owner to see if he could possibly get a response and potentially avoid the court process. Pearson also wants to be able to show a judge a lengthy history of the many attempts and opportunities that we have provided to the owner to resolve the issue if a court process is eventually initiated. Because the court process involves many variables and will more than likely take a long time, at least until 2020, it was decided that Pearson should make one more attempt at resolution with the property owner. Motion by Jacobson, seconded by Ryan to have the City Attorney contact and provide the owner with a copy of the resolution and inform the owner that this is the process that will be approved at the April City Council meeting and the City will move forward with court action unless a resolution can be reached. Motion carried unanimously.

G. COUNCIL REPORTS

1. Mayor
 - Heidmann reported he has had contact with Senator Paul Gazelka who directed him to Representative Josh Heintzeman regarding support for grant money for the sewer expansion. He also sent an email to Senator Carrie Ruud and will keep the Council updated on his conversations.
 - He is also keeping current on the status of a new cost-sharing plan that is being proposed to the County Commissioners. Heidmann encouraged other Council members to reach out to the Commissioners and proposed that it might be advantageous for our road project to move forward at a slower pace.
 - Heidmann would like to begin discussions within the next couple of weeks with City staff and Grand View Lodge about future plans for streets and improvements, and hopefully, before money is spent and WSN begins their design plans.
2. Council Members
 - Ryan – None

- Hoff – None
- Johnson – Recently attended a Gull Lake Trail Meeting; grant applications will now continue to move forward with the City Council approval that was received earlier tonight.
- Jacobson – Requested an update on the Planning & Zoning Director vacancy. Max informed him that she had extended the application period for an additional two weeks. She will possibly be interviewing a couple of candidates next week. Jacobson also reminded the Council that a special meeting should be scheduled to address employee health care issues. Heidmann and Max will discuss and develop an action plan.

H. **ADJOURN** – There being no further business, motion by Jacobson, seconded by Hoff to adjourn the regular Council meeting at 9:00 p.m. Motion carried unanimously.

Fred Heidmann, Mayor

Jennifer Max, City Administrator/Clerk