

**CITY OF NISSWA
MINUTES – REGULAR COUNCIL MEETING
WEDNESDAY, JULY 17, 2019
7:00 P.M. – CITY HALL**

The regular meeting of the Nisswa City Council was held on Wednesday, July 17, 2019 at 7:00 p.m. at City Hall.

Members present: Heidmann, Hoff, Jacobson, Ryan.

Members Absent: Johnson.

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

There were no audience members.

- A. Call to Order** - Mayor Heidmann called the meeting to order at 7:01 p.m. The pledge of allegiance was recited. Heidmann noted there are three additions to the agenda: Item E.4. has been updated with a new resolution and there is a new item E.9 for the Camp Lincoln/Camp Lake Hubert Lucky Me Run. Heidmann would like to move item E.9. to E.1.a. Jacobson asked to discuss the Camp Lincoln Road parcels issue under Old Business. Motion by Jacobson, seconded by Hoff to approve the Agenda as amended. Motion carried unanimously.
- 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 – July 2019
 2. Fire Department Report – June 2019
 3. Police Department Report – July 2019
 4. Public Works Director Report – July 2019
 5. Spirits of Nisswa Report – June 2019
 6. Pickle Department Report – July 2019
 7. Presentation of Claims – Check register #44497-44652 totaling \$416,753.43
 8. Planning & Zoning Department Report – July 2019

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

C. OPEN FORUM

1. Public Comment – Lenny Hodgson, 5220 Poplar Avenue, addressed the Council regarding concerns of poor cell coverage along portions of Church Street, Poplar Avenue, Mitchell Court, East Cullen Road, Wooddale Road, Centennial Lane and Wolf Chase. Hodgson presented the Council with a list of approximately 40 signatures from residents who would like the City's help in addressing this issue and noted that there is poor coverage with all carriers. Jacobson noted that a few years ago the City was approached by Verizon interested in putting up a small cell antenna but that the antenna was never installed. The Council asked Max to review the correspondence with Verizon and to report back next month the information she finds. Hodgson thanked the Council for its time.

D. REPORTS

1. City Administrator/Clerk – None.
2. City Attorney
 - a. State Ford Lawsuit Update – Pearson said he was notified of a lawsuit involving a Ford dealership and municipalities who were erroneously charged fees outside of the state contract parameters. Pearson will know more details and provide an update to the Council at its August meeting.
 - b. Transient Merchant Activity in Downtown Nisswa – Pearson stated there is a likely violation of city ordinance regarding transient merchant activity in downtown Nisswa. Pearson and Max are looking for Council guidance. Jacobson noted that the City should handle this as it is described in city ordinance; Ryan echoed the same. Pearson said he will draft a letter that Max can send to the property owner informing them what steps should be taken to be in compliance with city ordinance.
 - c. 26130 Birch Avenue Update – Pearson advised the Council to hold on this issue for the time being. There is work being done on the property and improvements are happening. If the property owner comes in for a permit, the city should review the status of the issues at that time and determine if anything should be re-addressed prior to a permit being issued. It was the consensus of the Council to hold off on further legal action at this time. Mayor Heidmann asked Max if she's aware of any other city ordinance violations at this property. Max said she can have the Planning & Zoning Administrator provide a summary of any known city code violations for the Council and will include it in next month's agenda packet.
3. City Engineer
 - a. Grand View Lodge Road Conditions base mapping – Hallen noted that surveying within Grand View will take place beginning July 22nd and preliminary information will be presented at the August Public Works Committee meeting. The base mapping will include information on a right turn lane from Nokomis Avenue onto CSAH 77. Heidmann asked why the City is waiting to get the turn lane completed and expressed disappointment and frustration that the turn lane was delayed. Ryan noted that other decisions are needed to take place about all of the roads within Grand View and that the Public Works Committee wants to look at all options before making a recommendation to the Council.

E. NEW BUSINESS

1. Request from Bridges of Hope to Conduct the Run for Hope on September 21, 2019 – Max noted the run will utilize washable markings and will keep the roads open and accessible to traffic. Motion by Ryan, seconded by Jacobson to approve the Run for Hope on September 21, 2019 as presented. Motion carried unanimously.
- 1a. Request from Camp Lincoln to Conduct the Camp Lincoln/Camp Lake Hubert Lucky Me Run on August 24, 2019 – Max noted the run will utilize washable markings and will keep the roads open and accessible to traffic. Motion by Jacobson, seconded by Hoff to approve the

- Lucky Me Run on August 24, 2019 as presented, contingent upon receiving a certificate of insurance stating the City of Nisswa as an additionally insured. Motion carried unanimously.
2. Public Works re: Road Vacation Request, Camp Lincoln Road, Monica Anderson – Blomer said that Ms. Anderson would like to install an onsite septic system and place a portion of her proposed drain field in City right of way. Pearson noted that the City should receive a formal petition from Ms. Anderson and then once the petition is received, the City would go through a notice process, resolution, etc., in order to make a decision on whether or not to vacate. Pearson also noted that he is approximately 90 days out from finalizing the Camp Lincoln Road easement issue that he has been working on for the past year. Ms. Anderson asked if it would be possible for the City to give a temporary easement to her in order to install the drain field and not delay the project? Heidmann noted the property owner could put the tank in on her property and use it as a holding tank and just pump it out for the time being. Ms. Anderson noted she will follow up with staff and proceed from there.
 3. Resolution Approving State of Minnesota Joint Powers Agreements with the City of Nisswa on Behalf of Its Police Department Regarding the Minnesota Internet Crimes Against Children Task Force (ICAC) – Motion by Jacobson, seconded by Hoff to approve the Resolution Approving State of Minnesota Joint Powers Agreements with the City of Nisswa on Behalf of Its Police Department Regarding the Minnesota Internet Crimes Against Children Task Force (ICAC) as presented. Motion carried unanimously.
 4. Resolution Accepting Donations as amended – Motion by Jacobson, seconded by Hoff, to approve the Resolution Accepting Donations as amended. Motion carried unanimously.
 5. Planning & Zoning re: Request for Approval of an Ordinance Amendment Regarding Exterior Finishes for Commercial Structures – Jacobson noted this ordinance amendment proposal is the result of the Exterior Finishes Committee that met earlier this year to provide some guidance on improved and clarifying ordinance language on what type of building materials can be used for commercial buildings. The Planning Commission reviewed the proposed language and is recommending Council approval at this time. Heidmann questioned a few sections: 1) 4.8.3, subd 4 “Decorative glass or fiberglass or vinyl...” and said that vinyl can sometimes not last and thought this should be removed; 2) subd 7 as it relates to metal wall panels as this would not give the up north feel that the City usually wants to see; and 3) subd. 8 noting the word “compatible” is too subjective. Following discussion Jacobson recommended the Council send this back to the Planning Commission for another review. The Council agreed.
 6. Planning & Zoning re: Request for Approval of an Ordinance Amendment Regarding Accessory Structures – Max noted this ordinance amendment is simply to clarify language that was unclear in the City’s ordinance. Motion by Jacobson, seconded by Ryan to approve an Ordinance Amendment Regarding Accessory Structures and for the Clerk to publish the summary in the local newspaper. Motion carried unanimously.
 7. Planning & Zoning re: Recommendation to Approve Amended Conditional Use Permit 005-19 and Preliminary Plat 006-19 Planned Unit Development Preliminary Plat, Fallen Woods, Applicant Russell Gibbons – Jacobson noted that the applicant is requesting an amendment to the preliminary plat and conditional use permit due to a change in the private water system that was originally proposed on the preliminary plat. The amended water system will have one well serving two houses instead of a community water system for the entire development. This is much more economical for the developer and more practical to maintain. Motion by Jacobson,

seconded by Ryan to approve Amended Conditional Use Permit 005-19 and Preliminary Plat 006-19 Planned Unit Development Preliminary Plat for Fallen Woods as presented. Motion carried unanimously.

8. Personnel Updates – Motion by Hoff, seconded by Ryan to approve the Personnel Updates for July as presented. Motion carried unanimously.
9. Moved to item E.1.a.
10. Closed session at end of meeting pursuant to MN Statutes 13D.03 – Union Negotiations – Council will finish agenda items F and G prior to going into closed session.

F. OLD BUSINESS

1. Camp Lincoln Road tax forfeited parcels – Jacobson expressed a concern about additional logging that may take place on these parcels. Max provided an update to the Council on the possible options the City has and noted the County will be leaving the parcels as-is until the City decides what it wants to do. Max said she is getting feedback from other departments on whether or not the City would like to have a park along Camp Lincoln Road to include hiking, biking, and snowshoeing. This would ensure the property is maintained in as natural a state as possible, while also providing some recreational opportunities for visitors to enjoy. Max said she will provide more information to the Council next month.

G. COUNCIL REPORTS

1. Mayor – Heidmann asked if the Council wants to keep this agenda item. He'd like to see this item better defined regarding what it is and what it isn't. The Council agreed to include this topic on the August agenda for further discussion.
2. Council Members – None.

H. Closed session at end of meeting pursuant to MN Statutes 13D.03 – Union Negotiations – Motion by Jacobson, seconded by Ryan to move into closed session at 8:54pm for the purpose of union negotiations and to only re-open the regular meeting for the purposes of adjournment. Motion carried unanimously.

Motion by Jacobson, seconded by Ryan to adjourn the closed session at 9:38pm and to re-open the regular meeting. Motion carried unanimously.

I. ADJOURN- There being no further business, Motion by Jacobson, seconded by Ryan to adjourn the regular Council meeting at 9:39 p.m. Motion carried unanimously.

Respectfully Submitted,

Fred Heidmann, Mayor

Jenny Max, City Administrator