

**CITY OF NISSWA
MINUTES – REGULAR COUNCIL MEETING
WEDNESDAY, AUGUST 21, 2019
7:00 P.M. – CITY HALL**

The regular meeting of the Nisswa City Council was held on Wednesday, August 21, 2019 at 7:00 p.m. at City Hall.

Members present: Heidmann (arrived at 7:38 P.M.), Hoff, Jacobson, Johnson, Ryan
Also Present: City Staff Jenny Max, Donna Caron, Tom Blomer, Brittney Cotner; City Engineer Mark Hallan, City Attorney Tom Pearson, Nancy Vogt from the Echo
There were four audience members in attendance.

- A. Call to Order** – Acting Mayor Ryan called the meeting to order at 7:02 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. Fire Department Report – July 2019
 2. Parks & Recreation Director Report – August 2019
 3. Pickle Department Report – July 2019
 4. Planning & Zoning Department Report – August 2019
 5. Police Department Report – July 2019
 6. Public Works Director Report – August 2019
 7. Spirits of Nisswa Report – June 2019
 8. Presentation of Claims – Check register #44673-44880 totaling \$824,017.74
 9. Seasonal Resident Email (Information only)
 10. City Council Regular Meeting Minutes from June 19, 2019
 11. City Council Regular Meeting Minutes from July 17, 2019
 12. City Council Special Meeting Minutes from July 24, 2019

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

C. OPEN FORUM

1. Public Comment – Dick Wheeler, Finance Officer for the American Legion, requested that the Legion be allowed to reinstall their sandwich board on the corner next to the Chamber building. According to Wheeler, this sign not only directs people further down Main Street but also has a significant impact on customer traffic and the success of their business. Because the Chamber corner is city-owned property, city ordinance does not allow signs to be posted. Signs may be posted on private property, with the owner's permission, from dawn to dusk. The Council recommended that this issue be added to the next Planning Commission meeting agenda for further discussion on September 3, 2019, at 6:00 PM.

D. REPORTS

1. City Administrator/Clerk - None
2. City Attorney
 - a. **State Ford Lawsuit Update** – Based on the high cost of litigation, Pearson recommended that the City choose not to separately intervene in this lawsuit and allow the case to move forward with the City continuing as a claimant. Motion by Jacobson, seconded by Johnson to approve the recommendation of the City Attorney. Motion carried unanimously.
 - b. **Hills Crossing Easement Update** – Pearson reported that no communication has been received from the landlord and that the City has the right to move forward with recording the transaction.
3. City Engineer – Hallan reported the County has approved the Hazelwood Bridge design specs and it will be forwarded on to the state aid engineer. Hallan also met with city staff to review Grand View Lodge mapping and will be meeting with Grand View staff.

E. NEW BUSINESS

1. **Approve the Final Plat for Poplar Place: Applicant Russell Gibbons** – Max reported this is the final plat with no changes from the preliminary plat. Jacobson stated that originally there were going to be two wells for the entire development but that has been revised to one well per two units. Motion by Jacobson, seconded by Johnson to approve the Final Plat for Poplar Place contingent upon a signed development agreement, letter of credit provided, and the developer paying the City's incurred fees and expenses. Motion carried unanimously.
2. **Request from Interlachen Homeowners Association to Appeal Flagpole Variance Decision** – Cotner briefly reviewed the background and status-to-date of this request. Jacobson reported that the Planning & Zoning Commission determined that no changes would be made to the current ordinance. Motion by Johnson, seconded by Ryan to support the Commission's decision to deny the flagpole variance request by the Interlachen Homeowners Association. Motion carried unanimously. No representatives from the Interlachen Homeowners Association were in attendance.
3. **Petition to Vacate Road: Applicant Monica Anderson** – Max reported that this petition to vacate a portion of a City road requires a list of adjacent property owners along with DNR notification and the setting of a public hearing. Motion by Jacobson, seconded by Johnson to authorize the City Administrator to move forward with the Resolution Declaring Sufficiency of Petition and Setting a Public Hearing on Vacation of a Platted Road Commenced by a Petition of a Majority of Abutting Homeowners. Motion carried unanimously.
4. **Tax Forfeited Parcels along Camp Lincoln Road** – Max reported that the Parks & Recreation Advisory Commission is recommending the City move forward with developing a proposal for the County Board of Commissioners that would use these parcels, along with the possibility of an additional 16-acre parcel, to create a new future City Park. Based on MN statute, if the proposal for the tax-forfeited property meets the definition of an “authorized public use”, the County may choose to convey the land to the City at zero cost. Jacobson recommended that a timeline of six months be provided for the development of this project and that the proposal be presented to the City Council before it is presented to the County. Motion by Jacobson, seconded by Johnson to approve the potential creation of a City park along Camp

Lincoln Road and to establish a committee to develop a proposal to present to the County Board of Commissioners. Motion carried unanimously.

5. **Approval of an Ordinance Amendment Regarding the Definition of Accessory Structure** – Cotner reported the amendment change is verbiage that, moving forward, will classify a guest cabin as an accessory structure. Motion by Johnson, seconded by Jacobson to authorize the City Attorney to create the ordinance language to enact a moratorium on storage units. Motion carried unanimously.
6. **Enact Moratorium on Commercial Storage Units** – Cotner explained the moratorium is requested to allow staff time to develop ordinance language regarding storage units. Motion by Hoff, seconded by Jacobson to approve the request to enact a one-year moratorium on commercial storage unit buildings. Motion carried unanimously.
7. **Accept Quotes from Anderson Brothers for 2019 Road Repairs** – Motion by Ryan, seconded by Johnson to accept the quotes from Anderson Brothers for 2019 road repairs as presented. Motion carried unanimously.
8. **Lift Station Improvement Project** – Blomer reported that Lifts #3 and #4 are operating at near capacity and recommended that the City begin the engineering process to determine what upgrades are required and the cost estimates for those improvements. Blomer stated that an evaluation can be completed over the upcoming winter months with the project to tentatively be completed in the spring of 2020 along with the possibility of some of those costs being reimbursed through the upcoming larger sewer expansion project. Motion by Ryan, seconded by Johnson to approve the request to WSN to draft a proposal for a lift station improvement project for lift stations #1, #3, and #4. Motion carried unanimously.
9. **Approve Police Department Policies and Procedures** - Max stated the Police Department's Policies and Procedures had not been updated for several years. The updated version includes current POST Board policies and will be reviewed on an annual basis for any necessary revisions. Motion by Hoff, seconded by Ryan to approve the updated Police Department Policies & Procedures as presented. Motion carried unanimously.
10. **Council Discussion on Agenda Order of Items** – Hiedmann asked for feedback from Council members on the intent, usefulness, and continuation of having Council Reports on the monthly agenda. It was the consensus of the council members that it provides a place holder and an opportunity for discussion for last minute or late-breaking issues and should continue to be included on the agenda.
11. **Council Discussion on Strategies Identified in Comprehensive Plan** – Jacobson stated that the recently approved Comprehensive Plan includes several action items in 7-8 areas. Jacobson requested that each Council member review the plan, pick 1-2 items that they would like to see accomplished in 2020 and bring them to the next Council meeting in September as an agenda item. The Council agreed to review and discuss this item again in September.
12. **Detached Trail along CSAH 13/77** – Max shared the City's cost of approximately \$95,000 for Right of Way acquisition and the construction of the trail along CSAH 13/77 in front of American National Bank, Lutheran Church of the Cross and Wendy's. Motion by Ryan, seconded by Heidmann to include the construction of a detached trail along CSAH 13/77 as part of the County's CSAH 13/77 Intersection Project. Motion carried unanimously.

F. OLD BUSINESS

1. **Verizon Wireless Update** – Max reported that Verizon has contacted the City and is interested in renewing a previous lapsed permit to install a cell tower on the baseball field. After a conversation with Cotner, it was decided that Verizon would be required to begin the process all over again. There was some Council concern expressed about the ability of the tower to service the areas that have little or no coverage. Max will request a service area map from Verizon and share it with the Council.
2. **Approval of an Ordinance Amendment Regarding Exterior Finishes for Commercial Structures** - Jacobson reviewed the two items of concern from a previous Council meeting; vinyl siding and sheet metal use. The Planning Commission discussed the two items and recommended the proposed ordinance amendment be approved as presented with no changes. Motion by Jacobson, seconded by Hoff to approve the Ordinance Amendment Regarding Exterior Finishes for Commercial Structures and to publish the summary. Motion carried unanimously
3. **Memo from Planning & Zoning Administrator re: 26130 Birch Avenue** – Based on the improvements made by the property owner and no further neighbor complaints, this item can be removed from the agenda. The abatement process is currently dormant but can be renewed should any future issues arise.
4. **Grand View Lodge Status of Conditions Update** – Max provided an updated list of outstanding conditions and their current status. Many conditions have been completed or are near completion. Mark Ronnei did review these items as well at the last Planning Commission meeting. Heidmann requested an ongoing monthly update at future Council meetings.

G. COUNCIL REPORTS

1. Mayor – Heidmann reported the County needs the City’s approval to continue to move forward with the CSAH 13/77 project; Max said the state will require municipal consent. The County is also still working on their new cost-sharing policy and it will be presented to City when it has been finalized.
2. Council Members
 - Jacobson asked when the next Budget Meeting was scheduled; Max reported it will be before the next Council meeting on September 18 and she will provide the date.

H. ANNOUNCEMENTS & UPCOMING MEETING DATES – Heidmann requested the Special City Council meeting scheduled for 6:00 PM on Monday, September 9, be added.

I. ADJOURN – There being no further business, motion by Ryan, seconded by Johnson to adjourn the regular Council meeting at 8:45 p.m. Motion carried unanimously.

Respectfully Submitted,

Fred Heidmann, Mayor

Jenny Max, City Administrator