

**CITY OF NISSWA
MINUTES – REGULAR COUNCIL MEETING
WEDNESDAY, SEPTEMBER 18, 2019
7:00 P.M. – CITY HALL**

The regular meeting of the Nisswa City Council was held on Wednesday, September 18, 2019 at 7:00 p.m. at City Hall.

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

Also present: City Staff Jenny Max, Donna Caron, Tom Blomer, Brittney Cotner, Brian Farrell; City Engineer Mark Hallan; City Attorney Tom Pearson; Nancy Vogt from the Echo; Ron Bray/WSB; Steve Stroschein/Crow Wing County

Audience Members: 5

A. Call to Order

1. 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. Fire Department Report – August 2019
2. Parks & Recreation Director Report – September 2019
3. Pickle Department Report – August 2019
4. Planning & Zoning Department Report – September 2019
5. Police Department Report – August 2019
6. Public Works Director Report – September 2019
7. Spirits of Nisswa Report – July/August 2019
8. Presentation of Claims – Check register #44881-45044 totaling \$470,144.15
9. City Council Regular Meeting Minutes from August 21, 2019

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

C. OPEN FORUM

1. **Public Comment** - None
2. **Spirits of Nisswa Department Update** – Brian Farrell, Spirits Manager, provided an overview of liquor store operations. Farrell reported this is the first year that sales are projected to exceed \$3 million, a growth rate of approximately 10 percent. He also reviewed the monthly analysis that is provided to Council that illustrates sales comparisons and expenses. Farrell also talked about the new digital sign, the new open case wine cooler that has resulted in a significant increase in wine sales, the Taste of the Holidays scheduled for December 4-7, and donations provided to and in support of local/area community organizations.

D. REPORTS

1. City Administrator/Clerk - None
2. City Attorney - None
3. City Engineer - None

E. NEW BUSINESS

1. **Approval of Preliminary 2019 Tax Levy Collectible in 2020**
 - a. **Resolution Approving Preliminary 2019 Tax Levy Collectible in 2020** – Motion by Ryan, seconded by Johnson to approve the Resolution Approving the Preliminary 2019 Tax Levy Collectible in 2020 for \$2,553,493 as presented. Motion carried unanimously. Jacobson stated he voted for the 9% increase but hopes the final levy will be lower.
 - b. **Approve Truth in Taxation Meeting Date of December 18, 2019 at 6:30 pm** – Motion by Ryan, seconded by Hoff to approve the Truth in Taxation Meeting Date of December 18, 2019 at 6:30 PM. Motion carried unanimously.
2. **Nisswa Chamber Request to Close Main Street on November 29, 2019 for the City of Lights Celebration** – Holly Holm, Nisswa Chamber President, requested that the Council consider a request to close a section of Main Street as well as the space where the Turtle Races are held for the City of Lights event to be held November 29. Max stated that closing streets may result in issues involving emergency situations but would be willing to have conversations. Holm reported that a committee has been formed and there are several options the Chamber will be considering. A proposal/plan is still being determined and Holm will bring the final version back before the Council for their approval. Motion by Jacobson, seconded by Johnson to close Main Street from Ganley's to Main Street Ale House for the City of Lights event November 29 from approximately noon to 8:00 PM subject to meeting all public safety requirement as determined by staff. Motion carried unanimously.
3. **Resolution Approving County Project Within Municipal Corporate Limits** – Ron Bray, WSB, reported this approval is required in order for the County to move forward with CSAH13/Highway 317/CSAH 77 project and for state aid to go to letting. There was some concern expressed by Council that the costs and the County's new cost-sharing policy are still unknown factors. Motion by Jacobson, seconded by Hoff to approve the Resolution Approving A County Project within Municipal Corporate Limits as presented. Motion carried unanimously.
4. **Resolution Relating to Parking Restrictions** – Jacobson asked if the city has the legal authority to post no parking signs on county roads. Bray stated this is just a housekeeping item required by MN DOT and the city is just confirming agreement; the county will be responsible for posting the signs. Motion by Jacobson, seconded by Ryan to approve the State Aid for Local Transportation Resolution Relating to Parking Restrictions as presented. Motion carried unanimously.
5. **Request from Interlachen Homeowners Association to Appeal Flagpole Variance Decision** – Pearson stated the Interlachen Homeowners Association had requested to have their flagpole variance denial reconsidered. A meeting notice was provided to Mr. Larson; however, no

association members were in attendance at the Council meeting. No council action was required; the previous denial was upheld and the Council considers this matter closed.

6. **Final Size of Waste Water Treatment Facility Plan** – Options A and B were reviewed by the Council for the expansion project. General consensus was Option B was the most practical and the most strategic long-term decision. There was some concern about the additional costs required now with Option B along with no guarantee of future use or need. Hallan stated that the City has the opportunity to modify the plan as the project progresses and the flexibility to fine tune the final outcome as the project moves forward. Hallan also stated the deadline for revising the original facility plan is September 20, 2019. Motion by Ryan, seconded by Jacobson to approve Option B (620 ERCs) as the final size for the Waste Water Treatment Facility Plan for the 2020 expansion as presented. Motion carried unanimously.
7. **Beach Blanket Ordinance Amendment** – Cotner reported that the DNR periodically reaches out to the City with violations when the DNR has no jurisdiction. The City currently does not have an ordinance in place so enforcement is problematic. The proposed amendment language was written using a combination of DNR and state standards. Ryan asked if we could use the county-adopted State Shoreland Standards. Heidmann suggested tabling the issue to work on adding teeth (enforcement/penalties) to the amendment. Max reported that work is in progress to update the City’s enforcement guidelines; Pearson also stated that the city already has enforcement tools in place and enforcement action can be taken if any issue is considered a violation under the City’s zoning ordinances. Motion by Jacobson, seconded by Johnson to adopt the amended City Zoning Ordinance Subsection 4.9.10 Buffers on Riparian Property as presented and to publish the ordinance summary. Motion carried unanimously.
8. **Sign Landscaping Ordinance Amendment** – Cotner reported that permanent signs have required landscaping in the past, however, there is no ordinance in place to require it. Motion by Johnson, seconded by Jacobson to adopt the amended City Zoning Ordinance Subsection 4.9.1 Signs as presented and to publish the ordinance summary. Motion carried unanimously.
9. **Conditional Use Permit Ordinance Amendment** – Cotner stated that enforcement of outstanding conditions has fallen short. The amended language would allow City staff to access an applicant’s property until all conditions of the permit are met. Pearson cautioned Cotner that accessing an applicant’s property should be coordinated through him to ensure appropriate notifications to the property owner and to minimize legal liability. Motion by Ryan, seconded by Jacobson to adopt the amended City Zoning Ordinance Subsection 4.13.5 Conditional Use Permits as presented and to publish the ordinance summary. Motion carried unanimously. The permission to access the applicant’s property will be added as a stock condition to the CUP form.
10. **Personnel Updates** – Motion by Ryan, seconded by Hoff to approve the September Personnel Update as presented. Motion carried unanimously.

F. OLD BUSINESS

1. **Moratorium on Commercial Storage Units Ordinance Amendment** – Motion by Jacobson, seconded by Hoff to approve the Ordinance Regulating and Restricting Storage Facilities Within the City of Nisswa For the Purpose of Protecting the Planning Process and the Health, Safety and Welfare of the City. Motion carried unanimously. Motion by Ryan, seconded by Hoff to authorize the City to publish the ordinance summary. Motion carried unanimously.

2. **Council Discussion on Priorities of Strategies Identified in Comprehensive Plan** – Jacobson stated he did not want the Council to forget about moving forward with working on identified strategies to accomplish in 2020. Heidmann suggested scheduling a workshop. Max said she would select an October or November date. Max also offered to compile a list of the selected strategies from each council member if they wanted to send her the initiatives they would like to see as a priority.

G. COUNCIL REPORTS

1. **Mayor** – Heidmann would like to have discussions with other area municipalities about sewage alternatives/options that are available. He will reach out to see if there is any interest in a consortium to discuss future possibilities.
2. **Council Members** – None

Jacobson asked when the next Budget Meeting will be held. Max stated she will schedule it for 5:30 PM or 6:00 PM before the next Council meeting on October 16.

Hoff asked how the 4-½ day work week went during the summer months. Max reported that employees were grateful for the flexibility, employee feedback was positive and that it worked out well.

- H. ADJOURN** – There being no further business, motion by Jacobson, seconded by Ryan to adjourn the regular Council meeting at 9:05 PM. Motion carried unanimously.

Respectfully Submitted,

Fred Heidmann, Mayor

Jenny Max, City Administrator