

**CITY OF NISSWA**  
**AGENDA – REGULAR COUNCIL MEETING**  
**WEDNESDAY, SEPTEMBER 16, 2020**  
**7:00 P.M. – NISSWA CITY HALL**

The regular meeting of the Nisswa City Council was held on Wednesday, September 16, 2020 at 7:00 p.m. at City Hall and was available on YouTube Live.

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

Members absent: none.

Also, present: City staff - Jenny Max, Jon Stainbrook, Tom Blomer, City Attorney Tom Pearson, City Engineer Mark Hallan, the Echo Newspaper.

Audience members: 13.

**A. Call to Order** – Fred Heidmann called the meeting to order at 7:00 p.m. The pledge of allegiance was recited.

**B. Consent Calendar** –

1. Fire Department Report – August 2020
2. Planning & Zoning Department Report – September 2020
3. Police Department Report – September 2020
4. Pickle Department Report – August 2020
5. Public Works Department Report – September 2020
6. Spirits of Nisswa Report –July/August 2020
7. Special City Council Meeting Minutes from September 4, 2020
8. City Council Regular Meeting Minutes from August 19, 2020
9. City Council Budget Workshop Meeting Minutes from August 18, 2020
10. Presentation of Claims – Check register #46409 - 46884 totaling \$635,733.72
11. LG220 Brainerd Amateur Hockey Association Gambling Permit

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

**C. OPEN FORUM**

**1. Public Comment** –

- a) Troy Scheffler made comments regarding the special meeting held on September 4, 2020, and expressed general concerns about the police department and the City Council.
- b) Bob Fier made comments regarding the Special City Council meeting held on September 4, 2020, and asked the Council what information they had collected in order to justify the reason for a special meeting.
- c) Troy Scheffler made another comment asking for the full video of the Mayor’s arrest to be released to the public.
- d) Mayor Fred Heidmann stepped down from the Council Chair and addressed the City Council from the podium. The Mayor expressed serious concerns regarding City Hall and read a statement that outlined his concerns. The Mayor requested that the City Council do something about these allegations.

- e) Ross Krautkremer made comments regarding the Nisswa Police Department patrolling Minnesota State Highway 371. Ross stated that he and his family have been driving on Highway 371 every day for most of their lives and have never been pulled over or had any issues with the Police Department. Krautkremer also questioned the Mayor regarding what leadership or communication he had with the Council leading up to the Special City Council meeting on September 4, 2020.
- f) Jim Gardener resident of Nisswa, made comments regarding the videos of Mayor Heidmann being arrested. Gardener stated that he believes an elected official's duty is to represent the people who elected him, and wants to make sure the Council focuses on moving forward to make sure Nisswa can become a better city.
- g) Troy Scheffler asked a clarifying question regarding the Special City Council meeting on June 25<sup>th</sup>. Scheffler questioned why the City Council has not addressed the Code of Conduct Policy. Council Member John Ryan stated that the Policy was on the Agenda for tonight's meeting.

- 2. **Spirits Department Presentation** – Brian Farrell – Sprints of Nisswa Manager, presented information to the Council regarding the current status of the department, sales numbers, Covid-19 procedures, and future goals for the department.

#### D. REPORTS

- 1. **City Administrator** – Jenny Max stated that the community center roof will be repaired soon. The fall youth programming had great registration numbers, twenty children for soccer and around the same for football, which is more than was expected. Max also stated her gratefulness to parents for volunteering to coach these teams. Max gave her recommendation to hire Amber Moon Peterson as the new Parks and Recreation Director. Max updated the Council regarding the pay equity report and that the City is now in compliance. Max also stated that Crow Wing County agreed to give the City of Nisswa \$35,000 to contribute to the City's recycling center costs for 2021.
- 2. **City Attorney** – none.
- 3. **City Engineer** – Mark Hallan updated the Council regarding the Hazelwood Drive Bridge and stated that it is about 95% completed. Hallan stated that they are waiting on the guardrails and a few other small things. The 2020 street projects are on course, and the wastewater treatment facility expansion is done with the clearing and grubbing phase of the project.

#### E. NEW BUSINESS

- 1. **Public Hearing – Chapter X of the City Code re: Sewer Regulations** – Motion by Jacobson, seconded by (Johnson) to open the Public Hearing. Motion carried unanimously. Max noted that she received no comments from the public on the proposed ordinance amendments.  
Motion by Johnson, seconded by Hoff to close the Public Hearing. Motion carried unanimously.

- Motion by Jacobson, seconded by Ryan to adopt the ordinance amending Chapter X of the City Code, regarding Sewer Regulations. Motion carried 4:1 with Heidmann opposed.
2. **Approve Preliminary 2020 Tax Levy Collectible in 2021** – Motion by Jacobson, seconded by Heidmann to approve a Resolution Approving Preliminary 2020 Tax Levy Collectible in 2021 – Option 2 at a 3% increase in the amount of \$3,090,881. Motion carried unanimously.
  3. **Approve Truth in Taxation Meeting Date of December 16, 2020 at 6:30pm** – Motion by Hoff, seconded by Johnson to approve Truth in Taxation Meeting Date of December 16, 2020 at 6:30pm. Motion carried unanimously.
  4. **Approve Partial Pay Request #1 from Knife River in the amount of \$190,653.08 re: 2020 Street Improvements** – Motion by Johnson, seconded by Jacobson to approve Partial Pay Request #1 from Knife River in the amount of \$190,653.08. Motion carried unanimously.
  5. **Approve Partial Pay Request #1 from Landwehr Construction in the amount of \$239,242.11 re: Hazelwood Bridge Replacement** – Motion by Jacobson, seconded by Hoff to approve Partial Pay Request #1 from Landwehr Construction in the amount of \$239,242.11. Motion carried unanimously.
  6. **Approve Partial Pay Request #1 from Eagle Construction in the amount of \$139,412.50 re: Wastewater Treatment Facility Project** – Motion by Hoff, seconded by Johnson to approve Partial Pay Request #1 from Eagle Construction in the amount of \$139,412.50. Motion carried unanimously.
  7. **Approve Change Order #1 from Eagle Construction re: Wastewater Treatment Facility Project** – Motion by Hoff, seconded by Jacobson, to approve Change Order #1 from Eagle Construction Company in the amount of \$77,467.49. Motion carried unanimously.
    - a. **Change order #2** – Motion by Hoff, seconded by Jacobson to approve Change Order #2 from Eagle Construction Co., Inc. in the amount of \$31,500.00. Motion carried unanimously.
  8. **Approve Police Policy Addition re: Eyewitness Identification Procedures** – Max explained that this was a mandatory policy that was introduced by the MN POST Board and addresses issues such as: alleged misconduct database, new in-service training requirements, police crises intervention and mental illness crisis training, peer counseling, critical incident management, critical incident stress management, ad new reporting requirements. Motion by Hoff, seconded by Ryan to approve Police Policy Addition re: Eyewitness Identification Procedures. Motion carried unanimously.
  9. **Resolution Regarding Squad Car Purchase** – Motion by Jacobson, seconded by Hoff to approve Resolution Regarding Squad Car Purchase at a total cost of \$45,732.08. Motion carried unanimously.
  10. **Approve Policy and Procedure for Street Lights** – Tabled for clarification in language and will be brought back to the Council in October.
  11. **Resolution Adopting City Fee Schedule** – Councilmember Jacobson questioned the increase to the petition to Vacate fee. Max explained the increase was to cover actual costs incurred by staff plus any legal or other consulting fees. City Attorney Pearson suggested renaming the fee to initiate the process. Motion by Jacobson, seconded by Hoff to approve the Resolution Adopting City Fee Schedule, to include the clarifying language for the petition to vacate fee. Motion carried unanimously.

12. **Approve Data Practices Policy Update** – Motion by Jacobson, seconded by Ryan to approve Data Practices Policy Update. Motion carried unanimously.
13. **Memo from Jenny Max re: CARES Funding & Accept Quote from Digital Horizons for Council Chambers Improvements** – Max explained the Cares Act and presented the information regarding what the City of Nisswa is able to spend in regards to the Cares Funding the City received. Max stated that the expenses in this presentation include staff technology improvements so staff can work from home virtually if needed, and supplies for Covid related safety. Max also explained that due to the Covid-19 pandemic the City has now started live streaming City Council meetings and all Committee and Commission meetings. With the increased need for live streaming and interacting with the public online the City Council Chambers are in need of technology improvements. The City requested quotes from three companies. Digital Horizon’s quote for a council chamber improvements in the amount of \$28,963.55 came in the lowest. Motion by Ryan, seconded by Jacobson to approve the quote from Digital Horizons for Council Chamber Improvements with regular wired microphones in the amount of \$28,963.55. Motion carried 4:1 with Heidmann opposed.
14. **Accept Annual Evaluation for City Administrator Jenny Max** – Motion by Hoff, seconded by Ryan to accept the Annual Evaluation for City Administrator Jenny Max. Motion carried unanimously.
15. **Recommendation to Hire Parks Director** – Max introduced Amber Moon Peterson and explained her qualifications. Amber Moon Peterson is a Nisswa resident and commented on her excitement for the position.  
Motion by Ryan, seconded by Hoff to approve the hire Amber Moon Peterson as the Parks and Recreation Director effective October 5, 2020 at \$59,550.40 (grade 13, step 6). Moon Peterson will serve a six-month probationary period per the City’s personal policy. Motion carried unanimously.

#### F. OLD BUSINESS

1. **Community Survey re: Council Meeting Schedule** – Max presented the information from the updated community survey. Motion by Jacobson, seconded by Ryan to change the Nisswa City Council regularly scheduled meeting to the third Tuesday of the month starting in January, 2021. Motion carried unanimously.
2. **American Tower – First Amendment to Site Lease Agreement** – tabled until October
3. **City Council Liaison Structure** – tabled until October
4. **Golf Cart Ordinance** – tabled until October
5. **City Council Code of Conduct Policy** –Max note she provided an updated policy to the Council for their review and will answer and questions. Tabled until October

#### G. COUNCIL REPORTS

1. **Mayor** – none.
2. **Council Members** –
  - a. Jacobson reminded the Council and the public present that there will be a Mayor and City Council candidate debate on 09/22/2020 at the Community Center.

- b. Ryan stated that the information the Mayor presented during the open forum was not something he had heard before. Ryan expressed his concern as he sits on the Personnel Committee and has not heard this information previously.

**H. ADJOURN** – There being no further business, Motion by Jacobson, seconded by Hoff to adjourn the regular City Council meeting at 9:36 p.m. Motion carried unanimously.

Respectfully Submitted,

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Fred Heidmann, Mayor

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Jenny Max, City Administrator