

**CITY OF NISSWA
AGENDA – REGULAR COUNCIL MEETING
WEDNESDAY, NOVEMBER 18, 2020
7:00 P.M. – NISSWA CITY HALL**

The regular meeting of the Nisswa City Council was held on Wednesday, November 18, 2020 at 7:00 p.m. at City Hall and was available on YouTube Live.

Members present: Hoff, Jacobson, Johnson, Ryan.

Members absent: Heidmann.

Also, present: City staff - Tom Blomer, Brittney Cotner, Jenny Max, Jon Stainbrook, Maggi Wentler, City Attorney Tom Pearson, City Engineer Mark Hallan (via Zoom), the Echo Newspaper.

Audience members: 10.

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

B. Consent Calendar

1. Fire Department Report – October 2020
2. Planning & Zoning Department Report – November 2020
3. Police Department Report – November 2020
4. Pickle Department Report – October 2020
5. Public Works Department Report – November 2020
6. Spirits of Nisswa Report – October/November 2020
7. Parks and Recreation Report – November 2020
8. Regular City Council Meeting Minutes from October 21, 2020
9. Special City Council Meeting Minutes from October 15, 2020
10. Presentation of Claims – Check register #47086 - 47237 totaling \$1,044,455.49
11. Parks & Recreation Zamboni Driver Job Description
12. Parks & Recreation Warming House Attendant Job Description
13. Crow Wing County Board letter of acknowledgement and thank you

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

Motion carried unanimously.

C. OPEN FORUM

1. Public Comment

Jon Melberg re: Hwy 371 and Smiley Road – Business owner in Nisswa, MN – Melberg stated his concern regarding accidents occurring in the left-hand turn lane entering Southbound 371 from Hazelwood Drive/Smiley Road. Melberg presented information showing the number accidents that have occurred at this section of road

and expressed his desire to make this area safer for the community. The Council requested this matter be taken up by the Public Works Committee and to report back to the Council at a future date.

Troy Scheffler – Scheffler stated his support for good police officers and expressed his desire to see the Nisswa Police Department improve their policies and procedures. Scheffler made a complaint regarding Officer Collette and presented information regarding his complaint. Scheffler expressed his concern regarding the Nisswa Police Department’s current procedures regarding parking squad cars on the side of roads.

D. REPORTS

1. **City Administrator** – Max stated that the City of Nisswa sent \$80,807.00 to Crow Wing County for CARES funding reporting. Max gave an update regarding the City Council chamber audio visual remodel and stated that the remodel should be starting on December 7, and hopefully completed by December 11. Max expressed thanks to former Parks and Recreation Director Matthew Hill for his work on writing the \$2,400,000 Gull Lake Trail Legacy Grant that was awarded to the City of Lake Shore and the City of Nisswa.
 - a. **Memo re: Covid-19** – Max updated the Council regarding the Governor’s recent COVID-19 guidelines and requested to close city hall to walk in traffic. Max explained that City Hall staff will still be in the building and will schedule appointments with the public. Max also requested for all public meetings to be conducted virtually, or to offer those conducting those meetings to have the option to run them virtually. City Councilmember Jacobson requested that the 3rd bullet point in the memo regarding virtual public meetings be amended to state that if members of the public would like to come in to make a public statement they could do so in person during meeting.
Motion by Jacobson, seconded by Ryan to approve the closure of City Hall to walk in traffic and to rewrite bullet point number 3 to allow members of the public to appear in person to make public comments at public meetings. Motion carried unanimously.
 - b. **Memo re: Christmas Eve** – Max requested that City Hall be closed on Christmas Eve. Motion by Hoff, seconded by Ryan to approve the closing of City Hall on Christmas Eve as presented. Motion carried Unanimously.
2. **City Attorney** – Tom Pearson updated the Council regarding the Camp Lincoln Road corrective action. Pearson stated this item will be going to court on December 8, 2020. The property owners on Camp Lincoln Road have reviewed the documents and applied consensus.
3. **City Engineer** – Mark Hallan updated the Council regarding the Waste Water Treatment Plant. Hallan stated that work is being done on the lower concrete building areas, trusses are going up, and crews are winterizing areas of the construction.

E. NEW BUSINESS

1. **Public Hearing – Petition by Donald Deline and Monica Anderson to Vacate a Controlled Access Lot in the Plat of Gull Lake Shores – Motion by Jacobson, seconded by Hoff to open the Public Hearing. Motion carried unanimously.** Tom Pearson explained to the Council the purpose of the public hearing and presented the area of land that would be vacated known as “Ferncroft Commons.” Pearson explained that all statutory ordinates have been met, and that all parties involved including the DNR have been notified regarding this vacation. Not questions were asked by the public. Motion by Ryan, seconded by Jacobson to close the Public Hearing. Motion carried unanimously.
 - a. **Resolution Vacating a Controlled Access Lot – Motion by Ryan, seconded by Hoff to approve Resolution No. 20-25 Vacating a Controlled Access Lot in the Plat of Gull Lake Shores. Motion carried unanimously.**
 - b. **Motion by Jacobson, seconded by Hoff requiring the petitioning land owners to obtain a legal description for the controlled access lot sufficient for recording and to provide it to the City. Motion carried unanimously.**
2. **Public Hearing – Ordinance Amendment for Chapters II, III and VI of the City Code Regarding Commissions & Committees – Motion by Jacobson, seconded by Hoff to open the public hearing. Motion carried unanimously.**

Max presented the changes to the Commission and Committees Ordinance. No questions were asked by the public.

Motion by Jacobson second by Hoff to close public hearing. Motion carried unanimously.

Motion by Jacobson, seconded by Ryan to approve the Ordinance Amendment for Chapters II, III and VI of the City Code Regarding Commissions & Committees and to publish a summary in the newspaper. Motion carried unanimously.

 - a. **Commissions & Committees Appointment & Procedures Policy –**

Councilmember Jacobson requested Max to rewrite the sentence regarding individuals volunteering and not being paid in the policy. Max stated that she will make this change. Motion by Hoff, seconded by Jacobson to approve the Commissions & Committees Appointment & Procedures Policy with the changes requested by Councilmember Jacobson. Motion carried Unanimously.
3. **Resolution to Approve Sewer Rate Increase –** Blomer stated that the Public Works Committee reviewed this Resolution and are recommending a 5.5% rate increase to the quarterly rate due to increased equipment and labor costs, with no increases to the sewer connection fees. The 2021 quarterly fee will be \$163.18 per ERC and the 2021 connection fee will be \$10,000.00 per ERC. Motion by Jacobson, seconded by Hoff to approve the Resolution Adopting Increase in Sewer Rates. Motion carried unanimously.
4. **Resolution Certifying Unpaid Sewer Charges – Motion by Jacobson, seconded by Hoff, to approve the Resolution Certifying Unpaid Sewer Charges. Motion carried unanimously.**

5. **Resolution Certifying Unpaid Professional Fees – Motion by Jacobson, seconded by Ryan to approve the Resolution Certifying Unpaid Professional Fees. Motion carried unanimously.**
6. **Recommendation from Planning Commission re: Ordinance Amendment for Short Term Rentals – Cotner explained the Recommendation from the Planning Commission and explained how the Amendment will be beneficial to the City of Nisswa. Motion by Ryan, seconded by Jacobson to adopt Ordinance Amendment for Short Term Rentals, and to publish a summary in the newspaper. Motion carried unanimously.**
7. **Recommendation from Planning Commission re: Ordinance Amendment to Modify the Structure Size Requirements – Cotner explained the Recommendation from the Planning Commission and stated that there have been a few complaints regarding Shouses in Nisswa. Cotner stated that this amendment only applies to residential areas in Nisswa. Matt Hall, a resident of Nisswa, stated that he would like to build a Shouse as the costs of building materials have increased and a Shouse is more affordable than building a traditional home. Motion by Ryan, seconded by Hoff to adopt and Ordinance Amendment to Modify the Structure Size Requirements, and to publish a summary in the newspaper. Motion carried 4:0 with Jacobson abstaining.**
8. **Recommendation from Planning Commission re: Ordinance Amendment for Grading and Road Construction in Shoreland Area – Cotner explained that the City has an enforcement that only allows 9-inch rocks and the DNR has an enforcement that allows 30-inch rocks. This Ordinance Amendment will bring the City into alignment with what the DNR already enforces. Motion by Hoff, seconded by Jacobson to adopt and Ordinance Amendment for Grading and Road Construction in Shoreland Area, and to authorize a publication summary in the newspaper. Motion carried unanimously.**
9. **Change Order #3 from Eagle Construction re: Wastewater Treatment Facility Improvements – Hallan explained there has been more erosion than expected on this project and that the total increase in the change order is \$4,944.28. Motion by Jacobson, seconded by Ryan to approve Change order #3 from Eagle Construction re: Wastewater Treatment Facility Improvements in the amount of \$4,944.28. Motion carried unanimously.**
10. **Partial Pay Request #3 from Eagle Construction re: Wastewater Treatment Facility Project – Motion by Hoff, seconded by Jacobson to approve the Partial Pay Request #3 from Eagle Construction re: Wastewater Treatment Facility Project in the amount of \$215,931.74. Motion carried unanimously.**
11. **Memo from Baker Tilly re: Proposal to Conduct a Compensation Study – Max explained that the city is due for a compensation study regarding staff wages and that the Personnel Committee is recommending this study. Motion by Ryan, seconded by Hoff to approve the Memo from Baker Tilly re: Proposal to Conduct a Compensation Study at a cost not to exceed \$4,875.00. Motion carried unanimously.**

F. OLD BUSINESS

1. **American Tower – First Amendment to Site Lease Agreement** – tabled until December.
2. **Golf Cart Ordinance** – tabled until December.

G. COUNCIL REPORTS

1. **Mayor** – none.
2. **Council Members** – none.

H. ADJOURN – There being no further business, Motion by Hoff, seconded by Ryan to adjourn the regular City Council meeting at 8:05 p.m. Motion carried unanimously.

Respectfully Submitted,

Fred Heidmann, Mayor

Jenny Max, City Administrator