

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

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

Members present: Fred Heidmann, Mike Hoff, Don Jacobson, Gary Johnson, John Ryan.

Members absent: None.

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

Audience members: 13.

A. Call to Order – Fred Heidmann called the meeting to order at 7:03 p.m. The pledge of allegiance was recited.

B. Consent Calendar

1. Fire Department Report – November 2020
2. Planning & Zoning Department Report – December 2020
3. Police Department Report – December 2020
4. Pickle Department Report – November 2020
5. Public Works Department Report – December 2020
6. Spirits of Nisswa Report –November/December 2020
7. Parks and Recreation Report – December 2020
8. Special City Council Meeting Minutes from November 12, 2020
9. City Council Workshop Meeting Minutes from November 18, 2020
10. Presentation of Claims – Check register #47238 - 47389 totaling \$1,571,036.91
11. Transfer from Fire Department to General Fund
12. Year-End Funds Transfers

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

Motion carried unanimously.

C. OPEN FORUM

1. Public Comment

- a. **Ed Shaw – Phase 4 Gull Lake Trail Project** – Ed Shaw expressed his concern regarding bicycles and golf carts sharing the Gull Lake Trail.
- b. **Troy Scheffler** – Scheffler questioned Councilmember Mike Hoff’s eligibility to be serving on the City Council due to his recent relocation outside of Nisswa City Limits. Hoff stated he live din the city limits for more than six months which make shim eligible to serve through the end of the year. Scheffler expressed his

frustration with the Crow Wing County Attorney. Scheffler also made a complaint regarding the Nisswa Police Department and the dissemination of the body camera footage of the Mayor's arrest. Scheffler stated that he would like the public to see the entire footage of the Mayor's arrest and played a segment of audio from the arrest video.

- c. **Bob Fier** – Fier submitted documents to the City Council regarding the Gull Lake Trail legacy grant that was awarded to the City of Nisswa. Fier stated that he wanted the documents he submitted to be on record and requested to have the City Attorney review them. Document A: City of Nisswa Legacy Grant Application, Document B: The Parks and Trails grant manual, Document C: Minnesota Department of Transportation Bicycle Design Manual, Document D: Minnesota State Statutes 169.18, Document E: “What you need to know about Minnesota Bike Laws.”
- d. **Roger Landers** – Is the chairman of Nisswa Gull Lake Trail steering committee. Landers stated that during the meetings of the steering committee for the past year they received no complaints regarding the Gull Lake Trail being multi-use.
- e. **Mark Ronnei** – Expressed his excitement for the trail and stated that the golf cart ordinance will be beneficial to this community.

2. Department Presentations

- a. **Planning & Zoning** – Brittney Cotner presented the yearly review of Planning and Zoning.
- b. **Ye Old Pickle Factory** – Terry Wallin presented the yearly review of Ye Old Pickle Factory. During his presentation Wallin shared information regarding the remodel of the kitchen, and the impact the Covid-19 pandemic has had on business.
- c. **Public Works/Sewer** – Tom Blomer presented the yearly review of Public Works/Sewer. During his presentation he gave a list of completed projects in 2020 and shared what projects will be coming in 2021.

D. REPORTS

- 1. **City Administrator** – Max presented the remodel of the City Council chamber and expressed her thanks to staff and to Digital Horizons for completing the remodel.
- 2. **City Attorney** – Pearson stated that the Camp Lincoln Road court case is completed. The parcels have been awarded to the home owners and Pearson has spoken to them regarding it.
- 3. **City Engineer** – None.

E. NEW BUSINESS

- 1. Resolution Approving Final 2020 Tax Levy Collectible in 2021 in the Amount of \$2,510,000** – Motion by Ryan, seconded by Hoff to approve the Final Tax Levy Collectible in 2021 in the amount of \$2,510,000. Motion carried unanimously.
- 2. Approve 2021 City of Nisswa Budget** – Motion by Hoff, seconded by Jacobson to approve the 2021 City of Nisswa Budget in the amount of \$3,118,091. Motion carried unanimously.
- 3. Recommendation from the Planning Commission re: Rezone Application from ETOC Co Inc.** – Cotner explained the purpose for the rezoning from “Commercial Waterfront” to “Planned Development District.” Mark Ronnei stated that this project was brought forward about a year ago and that it will allow owners of the property to live year-round in their homes, or to live their part-time and rent it out for the rest of the time. Ronnei explained that the new development will be fairly self-sufficient taking care of plowing their own street and maintenance on the streets. Motion by Jacobson, seconded by Ryan adopt an ordinance amendment to revise the zoning map for ETIC Co Inc. from “Commercial Waterfront” to “Planned Development District” for PIDs 28150598 and 28150597 and to publish a summary in the newspaper. Motion carried unanimously.
- 4. Recommendation from the Planning Commission and Public Works Committee re: Preliminary Plat “North Pines” Application from ETOC Co Inc.** – Cotner explained that Grandview Lodge (ETOC Co Inc.) submitted the preliminary plat “North Pines” for a mixed-use community on 207 acres. The intent is for the development to be a gated Planned Development District with 27 dwellings with the option for rentals. The Development will be served by private roads, shared wells, and city sewer. Motion by Jacobson, seconded by Hoff to approve Preliminary Plat application 016-20 for ETOC Co Inc. including conditions as presented. Motion carried unanimously.
- 5. Recommendation from Public Works Committee re: Street Lights** – Blomer stated the City received a petition from the residents in the Wolf Chase neighborhood to add street lights. The quote for LED lighting for the street lights in the Wolf Chase neighborhood is \$8850.00. There will be a \$123.00 monthly electric bill charge to the City. Motion by Hoff, seconded by Ryan to approve the recommendation from the Public Works Committee regarding the street lighting for Wolf Chase in the amount of \$8,850 for the installation of six lights and \$123.00 plus tax in monthly electrical costs. Motion carried unanimously.
- 6. Change Order #1 from Landwehr Construction re: Hazelwood Drive Bridge** – Motion by Jacobson, seconded by Johnson to approve Change Order #1 from Landwehr Construction re: Hazelwood Drive Bridge in the amount of \$4,002.10. Motion carried unanimously.
- 7. Partial Pay Request #2 from Landwehr Construction re: Hazelwood Drive Bridge** – Motion by Ryan, seconded by Johnson to approve Partial Pay Request #2 from

- Landwehr Construction re: Hazelwood Drive Bridge in the amount of \$50,877.44, motion carried unanimously.
8. **Change Order #1 from Knife River re: 2020 Street Improvements** – Motion by Johnson, seconded Jacobson to approve Change Order #1 from Knife River re: 2020 Street Improvements in amount of \$12,551.30. Motion carried unanimously.
 9. **Partial Pay Request #3 from Knife River re: 2020 Street Improvements** – Motion by Jacobson, seconded Ryan to approve Partial Pay Request #3 from Knife River re: 2020 Street Improvements in the amount of \$33,253.21. Motion carried unanimously.
 10. **Partial Pay Request #4 from Eagle Construction re: Wastewater Treatment Facility Project** – Motion by Johnson, seconded by Hoff to approve Partial Pay Request #4 from Eagle Construction re: Wastewater Treatment Facility Project in the amount of \$206,691.47. Motion carried unanimously.
 11. **Police Department Policy Use of Force Update** – Motion by Ryan, seconded by Johnson to approve the Police Department Policy Use of Force Update. Motion carried unanimously.
 12. **Approve Fund Balance Policy** – Max explained that the Policy explains the different types of fund balances the City can have and it establishes a minimum fund balance level for the unassigned general fund balance. Motion by Ryan, seconded by Jacobson to approve the Fund Balance Policy. Motion carried unanimously.
 13. **Approve Procurement Standards Policy** – Max noted this Policy is required due to the single audit requirement when federal funds received exceed \$750,000 in one year. Adoption of this policy will meet compliance requirements. Motion by Hoff, seconded by Ryan to approve the Procurement Standards Policy. Motion carried unanimously.
 14. **Request from Fire Department to Purchase Compressor** – Fire Chief Shawn Bailey presented information regarding the need for the purchase of a compressor. The current pressure system is 18 years old and is outdated. Motion by Johnson, seconded by Hoff to approve the Request from the Fire Department to Purchase a Compressor from North Shore Compressor & Machine Inc, in the amount of \$7,534.28. Motion carried unanimously.
 15. **Fire Department Officer Pay Change Request** – Chief Baily requested to table this item until the 2021 Fire Department budget is presented next year.
 16. **Personnel Updates** – Motion by Ryan, seconded by Jacobson to approve the Personnel Updates as presented. Motion carried unanimously.
 17. **Resolution to Declare a Vacancy on the City Council** – Councilmember Mike Hoff resigned from his position due to relocating outside of City limits. Councilmember Jacobson requested extended time for allowing individuals to apply for the vacated City Council position appointment. Motion by Johnson, seconded by Ryan to approve the Resolution Declaring a Vacancy on the City Council and to accept letters of interest until January 29, 2021 for the vacant City Council position. Motion carried unanimously.

F. OLD BUSINESS

1. **American Tower** – First Amendment to Site Lease Agreement – tabled until January
2. **Golf Cart Ordinance** – Max presented the timeline for the Golf Cart Ordinance in 2021.

G. COUNCIL REPORTS

1. **Mayor** – expressed his thanks to the City Council and the City staff. Heidmann then handed off the gavel to Mayor elect John Ryan and wished him well.
2. **Council Members**
 - Jacobson** – thanked Mayor Heidmann, Councilmember Hoff and Johnson for their service on the City Council.
 - Gary Johnson** – expressed his thanks to the City Council and City staff for helping him during his 12 years of service on the Council.
 - Mike Hoff** – thanked City staff for their work and for their help during his time on the City Council.
 - John Ryan** – expressed his gratitude to the City Council for their service.

H. ADJOURN – There being no further business, Motion by Johnson, seconded by Jacobson to adjourn the regular City Council meeting at 9:01 p.m. Motion carried unanimously.

Respectfully Submitted,

Fred Heidmann, Mayor

Jenny Max, City Administrator