

**CITY OF NISSWA
MINUTES – REGULAR COUNCIL MEETING
TUESDAY, JANUARY 19, 2021
7:00 P.M. – NISSWA CITY HALL**

The Regular Nisswa City Council meeting was held on Tuesday, January 19, 2021 at 7:00 p.m. at City Hall and was available on YouTube Live.

Members present: John Ryan, Don Jacobson, Ross Krautkremer, Mark Utzinger.

Members absent: None.

Also, present: City staff - Tom Blomer, Brittney Cotner, Jenny Max, Jon Stainbrook, City Engineer Mark Hallan and Joe Dubel, the Echo Newspaper (via YouTube Live).

Audience members: 6.

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

B. Consent Calendar

1. Fire Department Report – December 2020
2. Planning & Zoning Department Report – January 2021
3. Police Department Report – January 2021
4. Pickle Department Report – December 2020
5. Public Works Department Report – December 2020
6. Spirits of Nisswa Report –December 2020/January 2021
7. Parks and Recreation Report – January 2021
8. Regular City Council Meeting Minutes from November 18, 2020
9. Special City Council Meeting Minutes from Truth in Taxation from December, 16 2020
10. Regular City Council Meeting Minutes from December 16, 2020
11. Organizational City Council Meeting Minutes from January, 11 2021
12. Presentation of Claims – Check register #47390 - 47592 totaling \$1,010,416.67
13. LG220 Gambling Permit for The Mule Deer Foundation

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

Motion carried unanimously.

C. OPEN FORUM

1. Public Comment –

Terry Hansen – Hansen stated that he would like to meet with Mayor Ryan and Councilmember Krautkremer of the City Council to discuss the proposed changes to the Personnel Policy. The City Council stated they would be available to meet with him the following week.

D. REPORTS

1. **City Administrator** – Max gave an update regarding the tree that was cut down on the round-a-bout on County Road 18. Max thanked the community stating that they have shown a lot of support for planting a new tree. Max stated that the City will wait until the spring to start looking at options for planting a new tree. Max then stated that the City has received three

applications for the vacant City Council Seat appointment and explained that applications will be received until the end of January. Max stated that a Special City Council meeting is needed to meet the applicants and determine which candidate the City Council will appointment to the vacant City Council seat. Motion by Jacobson, seconded by Utzing to hold a special City Council meeting to appoint a new Councilmember at a date and time as determined by the Mayor and City Administrator. Motion carried Unanimously.

2. **City Attorney** – none.
3. **City Engineer** – Hallan thanked the Council for their reappointment as the City Engineer and thanked the staff for the great work they do.

E. NEW BUSINESS

1. **Request from John Boberg re: Waive After-the-Fact Fees** –Boberg explained that he obtained a sign permit an existing commercial property to start a rental car business after he spoke to the previous Planning and Zoning Administrator two years ago. The previous Planning and Zoning Administrator did not mention any problems with starting a car rental business and did not mention the need for a Conditional Use Permit. Motion by Krautkremer, seconded by Jacobson to Waive the after the fact fee. Motion carried unanimously. Councilmember Jacobson then explained that Boberg would need to go through the entire process of applying for a Conditional Use Permit for his business. Boberg acknowledged he understood the process.
2. **Recommendation from Planning Commission re: Final Plat for ETOC Co Inc.** – Cotner explained that the final plat has been reviewed by the City Attorney and City Engineer and there are no concerns. Motion by Jacobson, seconded by Krautkremer to approve the Final Plat Application 016-20 for Etoc, Inc. including all conditions presented. Motion carried unanimously.
 - a. **Development Agreement between the City of Nisswa and ETOC Co Inc.** – Motion by Krautkremer, seconded by Jacobson to approve the Development Agreement between the City of Nisswa and ETOC CO Inc. for the development on parcels 28150598 and 28150898. Motion carried Unanimously.
3. **Agreement for Professional Services Between the City of Nisswa and The Brainerd Lakes Area Economic Development Corporation for 2021** – Max explained that the fees for this agreement are included in the 2021 budget. Motion by Krautkremer, seconded by Jacobson to approve the Agreement for Professional Services Between the City of Nisswa and the Brainerd Lakes Area Economic Development Corporation for 2021. Motion carried unanimously.
4. **League of Minnesota Cities Liability Coverage Waiver Form** – Max stated that this was an annual item that is part of the insurance renewal process. Motion by Jacobson, seconded by Utzinger to approve the recommendation to not waive the monetary limits on municipal tort liability established by minn. stat. §466.04 as presented. Motion carried unanimously.
5. **Short Form Agreement between the City of Nisswa and Widseth for Gull Lake Trail Engineering Services** – Max requested that this item be tabled until next month as the Trail Committee would like to review this in more detail. Motion by Krautkremer, seconded by Jacobson to table Short Form Agreement between the City of Nisswa and Widseth for Gull Lake Trail Engineering Services until the February 16th, 2021 City Council meeting. Motion carried unanimously.

6. **Joint Services Agreement between the City of Nisswa and Lake Shore** – Discussion ensued regarding the 50-50 cost sharing between the City of Nisswa and Lake Shore. Mark Hallan explained that the initial cost for the trail between the two Cities would be split 50-50, but if a section of trail on one side or the other was determined to need extra work or extra expenses those costs would then be added to the portion of the City's whose side that trail is on. Motion by Jacobson, seconded by Utzinger to approve the Joint Services Agreement between the City of Nisswa and Lake shore, with the condition that it is also approved by the City of Lake Shore. Motion carried by unanimously.
7. **Change Order #4 from Eagle Construction re: WWTF Improvements** – Hallan explained the irrigation line needed to be replaced and that work was completed by Eagle Construction. Hallan also explained that the valves in the manifolds that will serve the irrigation system needed to be replaced as well. Motion by Jacobson, seconded by Krautkremer to approve Change Order #4 from Eagle Construction in the amount of \$40,749.82. Motion carried unanimously.
8. **Change Order from Eagle Construction re: Architectural PR#2** – Blomer explained that his request to install double doors on the two existing buildings at the sewer plant need to have double doors installed. Motion by Krautkremer, seconded by Jacobson to approve Change Order from Eagle Construction re: Architectural PR#2 not to exceed the amount of \$10,513.63 and to approve an additional 3 working days. Motion carried unanimously.
9. **Partial Pay Request #5 from Eagle Construction re: Waste Water Treatment Facility Improvements** – Motion by Jacobson, seconded by Utzinger, to approve Partial Pay Request #5 from Eagle Construction re: Waster Water Treatment Facility Improvements in the amount of \$473,500.00. Motion carried unanimously.
10. **Request for Council Action – Appoint Kristen Hansen and Robert Fier to the Planning and Zoning Commission** – Motion by Jacobson, seconded by Utzinger to approve the appointment of Kristen Hansen and Robert Fier to the Planning and Zoning Commission for four-year terms each beginning February 2, 2021 to January 31, 2025. Motion carried unanimously.
11. **Request for Council Action – Appoint Paula West and Mata Agre to the Parks and Recreation Commission.** – Motion by Utzinger, seconded by Jacobson to approve the appointment of Paula West and Mata Agre to the Parks and Recreation Commission for four-year terms each beginning February 1, 2021 to January 31, 2025. Motion carried unanimously.
12. **Personnel Updates** – Motion by Krautkremer, seconded by Utzinger to accept the Personnel Updates. Motion carried unanimously.
13. **Recommendation to Move Matthew Thompson from Probationary to Permanent Status** – Motion by Jacobson, seconded by Utzinger to approve the Recommendation to Move Matthew Thompson from Probationary to Permanent Status. Motion carried unanimously.
14. **Personnel Policy Update and Draft Early Retirement Incentive Policy** – Max requested the City Council to review and to give feedback regarding the updated Personnel Policy and Retirement Incentive Policy drafts.
15. **Recommendation to Fill the Position of Planning & Zoning Administrator** – Councilman Jacobson expressed his thanks to Brittney Cotner for doing great work for the City of Nisswa. Motion by Jacobson, seconded by Krautkremer to approve the Recommendation to Fill the Position of Planning & Zoning Administrator. Motion carried unanimously.

F. OLD BUSINESS

1. **American Tower – Memo dated January 19, 2021 from Jenny Max** – Max explained that the memo would allow her and the City Attorney to work on making a finalized agreement to bring back to the Council for review. Motion by Jacobson, seconded by Utzinger approve the American Tower – Memo dated January 19, 2021 from Jenny Max. Motion carried unanimously.
2. **Golf Cart Ordinance – Memo dated January 19, 2021 from Jenny Max and Amber Moon Peterson** – Max updated the City Council with information regarding the golf cart ordinance and a timeline of when more information will be available.

G. COUNCIL REPORTS

1. **Mayor** – none.
2. **Council Members** –
 - Jacobson** – thanked Brittney Cotner for her work for the City.
 - Krautkremer** – expressed his disappointment in the treatment of Mr. Landers at the December 16, 2020 City Council meeting. Krautkremer stated that he felt Mr. Landers was disciplined at an open meeting and believes that the City Council owes him an apology.
 - Krautkremer** – Requested if the City Council packet could be available sooner for the City Council meetings. Max noted that staff can have packets out by Thursday and see if that improves things before making additional changes to the schedule.

H. ADJOURN – There being no further business, Motion by Krautkremer, seconded by Utzinger to adjourn the regular City Council meeting at 7:50 p.m. Motion carried unanimously.

Respectfully Submitted,

John Ryan, Mayor

Jenny Max, City Administrator