

**CITY OF NISSWA  
MINUTES – REGULAR COUNCIL MEETING  
TUESDAY, APRIL 20, 2021  
7:00 P.M. – NISSWA CITY HALL**

The Regular Nisswa City Council meeting was held on Tuesday, April 20, 2021 at 7:00 p.m. at City Hall and was available on YouTube Live.

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

Members absent: None.

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

Audience members: 32.

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

Motion by Jacobson, seconded by Froehle to approve the amendments to the agenda and consent calendar. Motion carried unanimously.

**B. Consent Calendar (NOTICE TO PUBLIC) –**

1. Police Department Report – March 2021
2. Parks and Recreation Report – April 2021
3. Planning & Zoning Department Report – April 2021
4. Pickle Department Report – March 2021
5. Spirits of Nisswa Report – March 2021
6. Public Works Department Report – March 2021
7. Presentation of Claims – Check register #47420 - 47976 totaling \$1,252,917.49
8. Regular City Council Meeting Minutes from March 16, 2021
9. Nisswa Fire Department Fire Chief Job Description
10. Nisswa Fire Department Assistant Fire Chief Job Description
11. Nisswa Fire Department Captain Job Description

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

**C. OPEN FORUM**

1. **Public Comment** – none.

**D. REPORTS**

1. **City Administrator** – Max updated the City Council regarding new legislation being proposed at the State Capital.
2. **City Attorney** – None.
3. **City Engineer** – Hallan updated the Council regarding the progress at the Waste Water Treatment Plant, as well as Lift Station #3 becoming operational with no issues. Hallan also stated that a letter was submitted to the MPCA requesting an inspection for the liner on the new cell at the wastewater plant.

## E. NEW BUSINESS

### 1. Planning & Zoning – Rezone Recommendation of PID 28100660 from Open Space

**Residential (OSR) to Shoreland Residential (SR)** – Cotner explained that a split vote occurred at the May Planning and Zoning meeting regarding the rezoning of PID 28100660. Cotner stated that the Planning Commission recommended leaving PID 28100660 as Open Space Residential, but her recommendation is to rezone PID 28100660 as Shoreland Residential. Cotner defined Open Space Residential and Shoreland Residential zones and explained the requirements for development in each zone. Cotner stated that within the last 5 years a similar area of land in the same neighborhood was rezoned as Shoreland Residential.

#### a. Public Comments

- i. **Linda Gettelman** – encouraged the City Council to deny rezoning PID 28100660 to Shoreland Residential. Gettelman stated that allowing development in this area would create an environmental risk and that the City Council needs to preserve this area.
- ii. **Paul Rasmussen** – requested that the City Council review the 15 qualifications regarding the rezone request. Rasmussen stated that rezoning and allowing development on this land would create a population high density risk for the environment.
- iii. **Trish Rasmussen** – presented a video of loons swimming on Bass Lake and stated that allowing the rezone and development of this area would create a danger for the loon habitat.
- iv. **Rob Abrecorn** – requested the City Council to support the Planning and Zoning Commission’s decision to deny the rezone.
- v. **Chuck Herrig** – stated his desire for the City Council to deny the rezone request.
- vi. **Kevin McCormick** – stated that the development being proposed is only 11 lots, 8 on the lake, 3 that are not on the lake. McCormick explained that everything that is being proposed for development is legal and meets the standards for the County, City, and DNR.
- vii. **Jim Havercorn** – requested for the City Council to proceed with caution when contemplating the rezone and stated his desire for the stewardship of this land to be the primary consideration.
- viii. **Keith Lipki** – encouraged the City Council to review an Army Corps of Engineers report.
- ix. **Charlene Schaffhauser** – stated that Bass Lake Rd is one of the most beautiful areas in our state and that it needs to be protected.
- x. **Dave Anderson** – requested for the City Council to review the City Comprehensive plan and to put the conservation of this land in Bass Lake as a priority.
- xi. **Ted Dullum** – stated information regarding the size of shoreline property on Roy Lake and Bass Lake.
- xii. **Tom Cameron** – requested clarification regarding the definition of Open Space Residential and Shoreland Residential.

Motion by Jacobson, seconded by Ryan to Deny the Rezone of PID 28100660 from Open Space Residential (OSR) to Shoreland Residential (SR) in agreement with the Planning and Zoning Commission Recommendation. Motion failed 1:4 with Ryan, Utzinger, Froehle, Krautkremer opposed.

Discussion ensued between the City Council regarding the findings from the City Planner's staff report and the concerns from the community.

Motion by Utzinger, seconded by Froehle to Rezone PID 28100660 from Open Space Residential (OSR) to Shoreland Residential (SR) based on the findings of fact from the City Planner's report. Motion carried 4:1 with Jacobson opposed.

Motion by Jacobson, seconded by Utzinger to publish a summary of the ordinance amendment in the newspaper. Motion carried unanimously.

**b. Public Letters Received regarding Rezone (Council Information)**

2. **Parks & Recreation – Golf Cart Ordinance Approval** – Max explained the Golf Cart Ordinance and the timeline for when it would be implemented. Max stated that she is hoping to have it published and approved by June 1<sup>st</sup>. Motion by Jacobson, seconded by Froehle to approve the Golf Cart Ordinance and to publish a summary in the newspaper. Motion carried Unanimously.
3. **Parks & Recreation – Request to approve Crow Wing Soil and Water Conservation District agreement for pollinator garden at Nisswa Lake Park** – Motion by Krautkremer, seconded by Utzinger to approve the Crow Wing Soil and Water Conservation District agreement for pollinator garden at Nisswa Lake Park. Motion carried Unanimously.
4. **Park & Recreation – Golf Cart Program Presentation** – Moon Peterson presented the Golf Cart Ordinance timeline and explained the process for implementing the Golf Cart Pilot Program. The Council was supportive of the pilot program and noted staff can proceed as planned.
5. **Parks & Recreation – Approve cooperative agreement between the City of Nisswa and the Department of Natural Resources Re: Public access on Nisswa Lake** – Motion by Jacobson, seconded by Utzinger to approve the cooperative agreement between the City of Nisswa and the Department of Natural Resources Re: Public access on Nisswa Lake. Motion carried Unanimously.
6. **Spirits – Request for Summer Staff pay increase** – Motion by Krautkremer, seconded by Utzinger to approve the Request for Summer Staff pay increase for Spirits of Nisswa. Motion carried unanimously.
7. **Administration – Extension of Office Copier Lease Agreement** – Motion by Jacobson, seconded by Krautkremer to approve the Extension of Office Copier Lease Agreement. Motion carried unanimously.
8. **Administration – Approval of Resolution to join the 4M Fund to deposit funds from the American Rescue Plan Act** – Motion by Froehle, seconded by Utzinger to approve the Resolution Authorizing Membership in the 4M Fund. Motion carried Unanimously.
9. **Administration – Approve City of Nisswa Audited Financial Statements for the Year Ended December 31, 2020** – Motion by Krautkremer, seconded by Froehle to approve the City of Nisswa Financial Statements for the Year Ended December 31, 2020. Motion carried unanimously.
  - a. **2020 Audited Financial Statements** (Council Information)
  - b. **2020 Report to Members of Governance** (Council Information)
10. **Administration – Approval of Agreement between City of Nisswa and Teamsters General Local No. 346** – Motion by Krautkremer, seconded by Froehle to approve the Agreement

between City of Nisswa and Teamsters General Local No. 346 from January 1, 2021 – December 31, 2021. Motion carried unanimously.

- 11. Administration – Recommendation to Move Amber Moon Peterson off of Probationary Status – Motion by Krautkremer, seconded by Froehle to approve the Recommendation to Move Amber Moon Peterson off of Probationary Status. Motion carried unanimously.**
- 12. Public Works – Appointment of Cam Dorian to Public Works Committee – Motion by Jacobson, seconded by Krautkremer to approve the Appointment of Cam Dorian to Public Works Committee. Motion carried unanimously.**
- 13. Public Works – Payment Application #2 for Aspen Construction Company Re: 2020 Lift Station 3 Improvements in the amount of \$163,462.63 – Motion by Utzinger, seconded by Krautkremer to approve Payment Application #2 for Aspen Construction Company Re: 2020 Lift Station 3 Improvements in the amount of \$163,462.63. Motion carried unanimously.**
- 14. Public Works – Payment Application #8 for Eagle Construction Company Re: 2020 Wastewater Treatment Facility Improvements in the amount of \$333,369.52 – Motion by Jacobson, seconded by Utzinger to approve Payment Application #8 for Eagle Construction Company Re: 2020 Wastewater Treatment Facility Improvements in the amount of \$333,369.52. Motion carried unanimously.**
- 15. Personnel Updates – Motion by Krautkremer, seconded by Froehle to approve the Personnel Updates. Motion carried unanimously.**
- 16. Request from Nisswa School to close Main Street on May 20<sup>th</sup> – Max explained that Nisswa School has requested Main Street to be closed on May 20<sup>th</sup> from 9:00 – 9:30 am for a small parade for the graduating classes. Lois Hemsan requested for the City Council to look into creating an ordinance that would inform local business owners of when Main Street would be closing. Motion by Jacobson, seconded by Krautkremer to Approve the Request from Nisswa School to close Main Street on May 20<sup>th</sup>. Motion carried unanimously.**

#### **F. OLD BUSINESS**

None

#### **G. COUNCIL REPORTS**

- 1. Mayor – none.**
- 2. Council Members**
  - a. **Krautkremer** – stated that he would like to see the City forecast the budget for more than one year at a time.
  - b. **Jacobson** – stated that he would like the Council to reconsider the assessment fees for residents regarding roads and street improvements.

- H. ADJOURN – There being no further business, Motion by Krautkremer, seconded by Utzinger to adjourn the regular City Council meeting at 9:24 p.m. Motion carried unanimously.**

Respectfully Submitted,

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John Ryan, Mayor

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Jenny Max, City Administrator