

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

The Regularly Scheduled Nisswa City Council meeting was held on Tuesday, July 20, 2021 at 7:00 p.m. at City Hall. Due to audio/technical difficulties, this meeting was not streamed live and is not available on *YouTube Live*.

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

Members absent: none

City staff present: Jenny Max, Kiki Lindbery.

Also Present: City Engineer-Joe Dubel; City Attorney-Tom Pearson; Echo Newspaper-Nancy Vogt.

Audience members: 35 members of the public present

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

B. Approve Agenda

Motion by Jacobson, seconded by Krautkremer, to approve the Agenda as amended, for the Regularly Scheduled July 20, 2021, Council Meeting. Motion carried unanimously.

C. Consent Calendar

1. Planning & Zoning Department Report – July 2021
2. Parks and Recreation Report – July 2021
3. Pickle Department Report – June 2021
4. Presentation of Claims – Check register #48239-48462 totaling \$867,604.06
5. Update City Clerk Job Description
6. Resolution Accepting Donations
7. LG220 for MN State Association of Narcotics Investigators
8. Special City Council Meeting Minutes from July 6, 2021

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

D. OPEN FORUM

1. **Public Comment** – Susan Edwards, from the American Legion Post 627, read and presented a framed/adopted Resolution to the City of Nisswa which noted their appreciation of the outstanding hospitality the city provided during their 100th Annual Legion Auxiliary Convention held in June. A photo was captured of Mayor Ryan accepting the framed Resolution from Susan Edwards.

E. REPORTS

1. **City Administrator** – none.
2. **City Attorney** – none.
3. **City Engineer** – none.

F. NEW BUSINESS

1. Payment Application #4 from Aspen Construction for Lift Station 3 for \$23,285.40 – Motion by Jacobson, seconded by Krautkremer, to approve Payment Application #4 from Aspen Construction for Lift Station 3 for \$23,285.40, as presented. Motion carried unanimously.
2. Change Orders #2-4 from Aspen Construction for Lift Station 3 - Motion by Krautkremer, seconded by Froehle, to approve changing Orders #2-4 from Aspen Construction for Lift Station 3, as presented. Motion carried unanimously.
3. Payment Application #11 from Eagle Construction for \$616,118.62 - Motion by Jacobson, seconded by Utzinger, to approve Payment Application #11 from Eagle Construction for \$616,118.62, as presented. Motion carried unanimously.
4. Recommendation to Advertise for Request for Proposal for the Roundabout Project at CSAH 77 & Nokomis Ave - Max summarized updates regarding this project and noted that the City will be working closely with the County and with Grand View for the proposed roundabout; Tim Bray (CWC Hwy. Dept.) has provided a sample Request for Proposal should the Council approve the recommendation. Motion by Krautkremer, seconded by Jacobson, to approve the request to advertise for a Request for Proposal (RFP) for the Roundabout Project at CSAH 77 & Nokomis Ave, as presented. Motion carried unanimously.
5. Resolution to Accept Funds under the American Rescue Plan Act - Max noted that it is proper etiquette to include a Resolution with the acceptance of Federal funding. Motion by Jacobson, seconded by Krautkremer, to adopt a Resolution to Accept the Coronavirus Local Fiscal Recovery Fund established under the American Rescue Plan Act. Motion carried unanimously.
6. Spirits of Nisswa - Pay Rate Change Request - Krautkremer noted that the subject employee has taken on additional duties, and this warrants a Step change. Rate increase is part of this also. Motion by Jacobson, seconded by Krautkremer, to approve the request from Spirits of Nisswa for a Pay Rate Change for Rick Olson, as presented. Motion carried unanimously.
7. Recommendation to Move Todd Szymanski off Probationary Status - Max noted that a performance review has been completed and Chief Taylor has recommended that Sergeant Szymanski be removed from Probationary Status. Motion by Utzinger, seconded by Jacobson, to approve the Recommendation to remove Todd Szymanski from Probationary Status. Motion carried unanimously.
8. Memo from City Administrator re: Compensation for Finance Specialist
Max noted that Maggi Wentler has taken on numerous additional duties the past couple months with the absence/transition of the City Clerk position. Additional compensation is warranted and we are grateful she has handled additional duties -including the Cemetery project - that are not considered a part of the job description for this position. Motion by Krautkremer, seconded by Utzinger, to approve the recommendation of the City Administrator to provide extra compensation totaling \$1,500, to Maggi Wentler, as presented. Motion carried unanimously.
9. Personnel Updates - Motion by Krautkremer, seconded by Jacobson, to approve the personnel updates, as presented. Motion carried unanimously.
10. Closed Session pursuant to MN Statutes 13D.03 for discussions regarding Union Negotiations - This item was moved to the end of the Agenda, following Council reports.

G. OLD BUSINESS

1. Proposal for Professional Services for Municipal Water System Study. Joe Dubel provided an overview of the proposal to the Council. Discussion commenced. Max noted that no additional proposals were requested. Max stated that the cost of the study will be paid for with reserve funds. It was noted that the timeline for to completion will be approximately two (2) months. Motion by Jacobson, seconded by Krautkremer, to approve the Proposal for Professional Services for a Municipal Water System Study from Widseth in the amount of \$42,000, as presented. Motion carried unanimously.
2. City Attorney Update re: Pine Trail Homes Conditional Use Permit – City Attorney, Tom Pearson, updated the Council regarding the status of this issue, specifically noting that no action is necessary from the Council at this time, and that this issue will be going back to the Planning Commission at their next meeting on August 3, 2021. Pearson noted that the City’s position at this time is that the Conditional Use Permit for this property is expired, and that the 2019 extension is void as there was nothing to extend at that time. An attorney for this property owner/developer responded via email stating they have not been given time to properly address the City. Pearson advised inviting the attorney/property owner/developer to present their arguments and justifications at the Planning Commission Meeting in August. Pearson recommended that the developer will need to apply for a new Conditional Use Permit (CUP) if their arguments do not present evidence that the existing CUP is not expired. He also noted that he has no 60-day rule concerns at this time regarding this issue. Jacobson requested that City Attorney Pearson attend the Planning Commission meeting. Public testimony was called. Mark Severson, Attorney representing Clark Lake Association, noted that they largely agree with the City Attorney’s assessment. He also noted that the Association wants to protect the lake from any unauthorized development. Council asked that any legal questions regarding this matter be directed to the City Attorney, and any other questions may be directed to the City Planner or the City Administrator. No further testimony was presented. Mayor Ryan summarized the proceedings for those in the audience, and reiterated that the issue will be placed on the August 3, 2021, Planning Commission Meeting Agenda.

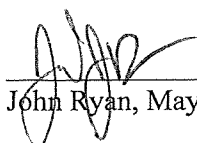
H. COUNCIL REPORTS

1. Mayor – nothing presented.
2. Council Members – nothing presented.

Closed session at end of meeting pursuant to MN Statutes 13D.03 – Motion by Jacobson, seconded by Utzinger to enter into a closed session pursuant to MN Statutes 13D.03 for discussions regarding Union Negotiations, and to only re-open the regular meeting for the purposes of adjournment. Motion carried unanimously. Motion by Jacobson, seconded by Krautkremer to adjourn the closed session at 8:04p.m. and to re-open the regular meeting. Motion carried unanimously.

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

Respectfully Submitted,



John Ryan, Mayor

Kirstin (Kiki) Lindbergy, City Clerk