

**NEW YORK MILLS CITY COUNCIL  
REGULAR MEETING  
February 19, 2016  
4:30 p.m.**

**CALL TO ORDER AND DETERMINATION OF A QUORUM**

The regular meeting of the New York Mills City Council was called to order at 4:35 p.m. in the Council Chambers of the City Hall Building at 28 Centennial 84 Dr., New York Mills, Minnesota, all members of the Council having been notified of the meeting and the business to be transacted.

**Members Present** Gerber, Maki, Roder, and Oakland

**Members Absent** Hoaby

**Staff Present** City Clerk Darla Berry, Deputy Clerk Jenny Geiser, Administrative Assistant Cheri Kopveiler, Public Works Director Kyle Mattson, Police Chief James Gritz, Liquor Store Manager Joan Koep, Police Officer Elliot Stoll

**Guests Present** NYM Dispatch Reporter Connie Vandermay, along with her minor daughter, City Treasurer Al Berube, City Attorney Dennis Happel, Anthony Wolk

**Call to Order** The meeting was called to order at 4:35 p.m. A quorum was present.

**Approval of Minutes** A motion to approve minutes from the January 19, 2016 regular meeting was made by Roder, seconded by Maki. The motion carried without a dissenting vote.

**Updates/Consent Agenda** – Mayor Gerber noted the updates and consent agenda items.

**A motion was made by Roder and seconded by Oakland to approve the consent agenda. The motion carried without a dissenting vote.**

**Department Reports**

**Liquor Store Report** - Manager Joan Koep addressed the council. The Library hosted a trivia night at the liquor store in January and it was very well received. The bar may do something like that in the future. The liquor store is short staffed due to medical leave of some employees. Koep will put an ad in the paper for part time employees. They are stocking shelves as items sell. The inventory is down to one room. January is typically a slow month and Koep is working on staff development and training during this slow time.

**A motion was made by Maki and seconded by Roder to approve the Liquor Store report. The motion carried without a dissenting vote.**

**Fire Department Report** – Chief Brasel’s report was in the packet. Gerber noted the washer/extractor is installed and working.

**A motion was made by Oakland and seconded by Maki to approve the Fire Department Report. The motion carried without a dissenting vote.**

**Police Report** – Chief Gritz addressed the council. He went through his written report, noting items of interest. Officer Peka turned in his resignation and Jared Bachelder started field training. The 2008 Charger was taken out of service. Both cars will be put on the auction at Mid-State Auto Auction soon. The new police squad vehicle has been ordered with a tentative delivery date the end of April. Officer Berndt is DARE certified and will teach our DARE classes this year. The police department assisted with crisis training at the school last week. A forfeit vehicle was sold back to the owner.

**A motion was made by Oakland and seconded by Maki to approve the Police Report. The motion carried without any dissent.**

**EDA Report** – Mayor Gerber provided the EDA report, noting that the group met on January 19th at 8:30 a.m. She reported the balance of the revolving loan fund was \$160,616.35, with \$137,493.84 being EDA funds and the balance of \$23,122.51 being the State MIF funds. There was no payment from Sugar Creek Woodworking. There were guests present from West Central Initiative to talk about servicing EDA loans. They take the funds and choose who gets loans and charge a fee for the service. EDA will do more checking into this. Ken Hendrickx term was up and he agreed to a new six year term ending in 2021. The officers for EDA are President- Blaine Novak, Vice President – Julie Gerber, Secretary – Amy Sobieski, Treasurer – Ken Hendrickx, Assistant Treasurer – Dave Rud. There is a potential buyer for the Sugar Creek Woodworking building. The next meeting will be February 17, 2016 at 8:30 a.m.

**A motion was made by Roder and seconded by Oakland to approve the EDA report. The motion carried without a dissenting vote.**

**Public Works Report** – Kyle Mattson addressed the Council. Christmas decorations were taken down. Annual maintenance was completed on aerial blowers and the generator at the main sewer lift station. Mattson is looking into automatic meter reading. It can be implemented in phases and would concentrate on water meters first. The water department has a CD with \$25,000 that could possibly be used for this project. The magnetic flow meter quit working at the treatment plant for raw well water. A new one would cost between \$5,000-\$8,000. Mattson hired Municipal Services to clean it out and it works again. Two fluoride pumps need to be replaced which cost \$500 each. Mattson ordered them yesterday from Hawkins Water. The boiler at the town border station needed a new thermocoupler and is working now. The ice rink has been a battle this year due to weather conditions. Mattson noted information he received from Joe Ingebretson from the League of MN Cities during a meeting last month. The bleachers at the park need to be inspected by a licensed building inspector. The City will have to hire someone. Maki mentioned the school used Lakes Country Service Coop. Mattson is researching the kind of permit the City should have regarding allowing services to cross private property and right of way for Dollar General. The City would not be responsible for those lines. Delaney and Haman went to NACE Pipeline Corrosion training. Mattson is taking his water test in March. The Public Works department is watching safety videos as time allows. The City cut ties with the regional safety group because it was not beneficial to staff and we were not being told when meetings were scheduled. There is an online training module through the league they are using and it is working well. Household Hazardous Waste will be held September 9, 2016.

**A motion was made by Oakland and seconded by Roder to approve the Public Works report. The motion carried without a dissenting vote.**

**A motion was made by Roder and seconded by Maki to approve having the household hazardous waste pickup on September 9, 2016. The motion carried without a dissenting vote.**

**Public Forum**

At about 5:04 p.m., Mayor Gerber asked whether anyone present wished to address the council. Anthony Wolk addressed the council. He applied for a position with the liquor store and building maintenance. His pre-employment drug screen was positive, therefore he cannot work for the City. He asked the council to allow him to take another test at his own expense. Gerber responded the city's pre employment drug screen policy states that any applicant with a confirmed positive test will be denied employment. The employee will have a right to confirmatory retest at the employee's own expense if requested in writing within 5 working days after notice of the confirmatory test result. This means the same sample already given can be retested. Wolk thanked the council for taking the time to hear him out and that he appreciated them listening.

**Administration Report** – Geiser addressed the council. Office staff have been working on many year end reports and working on gathering reports and information for the auditors who will be here next week. The new benefits have been set up and employees really appreciate it. Berry is back part time and intermittently for the time being.

**A motion was made by Maki and seconded by Oakland to approve the Administration report as presented. The motion carried without a dissenting vote.**

**Old Business**

**Nicholson Property Update-**

Happel reported that February 22, 2016 is the date the thirty days is up to give the name of a contractor.

**New Business**

**Annexation Request** – Gerber spoke to the council. The property owner of the Dollar General site has applied for annexation into the City. Gerber presented the annexation agreement for 1.63 acres to Newton Township at their meeting last night and it was approved by their board. The surveyor for Dollar General was at the Newton Township meeting and answered their questions. Dollar General wants to be part of the City and is requesting the property be annexed.

**JOINT RESOLUTION NO. 02-09-2016**

IN THE MATTER OF THE JOINT RESOLUTION OF THE TOWNSHIP OF NEWTON AND THE CITY OF NEW YORK MILLS DESIGNATING AN UNINCORPORATED AREA AS IN NEED OF ORDERLY ANNEXATION AND CONFERRING JURISDICTION OVER SAID AREA TO THE OFFICE OF ADMINISTRATIVE HEARINGS, MUNICIPAL BOUNDARY ADJUSTMENTS, PURSUANT TO MINNESOTA STATUTE 414.0325.

JOINT RESOLUTION  
FOR ORDERLY ANNEXATION

The Township of Newton and the City of New York Mills hereby jointly agree to the following:

1. That the following described area in Newton Township consists of lands consisting of 1.63 acres, more or less in area and lies entirely within the County of Otter Tail, Minnesota.

This parcel is subject to orderly annexation pursuant to Minnesota Statute 414.0325,

and the parties hereto designate this area for orderly annexation, to wit:

That part of the Northeast Quarter of the Northeast Quarter (NE1/4 NE1/4) of Section 7, Township 135, Range 37, Otter Tail County, Minnesota, lying southerly of STATE HIGHWAY RIGHT OF WAY PLAT No. 56-16, (Plat No. 56-16) as is on file and of record as Document No 521275 in the office of the County Recorder in and for said Otter Tail County, described as follows:

Commencing at the east quarter corner of said Section 7, thence North 00 degrees 42 minutes 03 seconds West, assumed bearing along the west line of the Northeast Quarter (NE1/4) of said Section 7 for 1849.62 feet, more or less, to the southerly right of way boundary of said Plat No. 56-16, said point being the point of beginning; thence North 70 degrees 48 minutes 13 seconds West, along the last described southerly right of way boundary, for 35.10 feet to right of way boundary corner B9 as is depicted on said Plat No. 56-16; thence North 39 degrees 13 minutes 52 seconds West, along said southerly right of way boundary for 188.83 feet to right of way boundary corner B10 as is depicted on said Plat No. 56-16; thence northwesterly 129.81 feet along the portion of said southerly right of way boundary being delineated by right of way boundary corners B10 and B11 on said Plat No. 56-16, said boundary being a non-tangential curve concave to the southwest having a radius of 5629.58 feet, a central angle of 1 degree 19 minutes 16 seconds, a chord bearing of North 72 degrees 36 minutes 48 seconds West and a chord of 129.81 feet; thence South 17 degrees 16 minutes 14 seconds West, not tangent to the last described curve, for 247.06 feet; thence South 72 degrees 50 minutes 02 seconds East 368.00 feet to said west line of the Northeast Quarter (NE1/4); thence North 00 degrees 42 minutes 03 seconds West, along the last described west line of the NE1/4 for 147.94 feet to the point of beginning. Containing 1.63 acres, more or less.

2. That the Town Board of the township of Newton, and the City Council of the City of New York Mills, upon passage and adoption of this Resolution and upon the acceptance by the Office of Administrative Hearings, Municipal Boundary Adjustments, confer jurisdiction upon said Office of Administrative Hearings, Municipal Boundary Adjustments, over the various provisions contained in this Agreement.

3. That the City of New York Mills has received a Petition for Annexation signed by all property owners of the parcel to be annexed. This certain property abuts the City of New York Mills on its westerly corporate limits, and none of it is presently included within the corporate limits of any incorporated city. The property owner is requesting that services be extended to the parcel herein described. The City of New York Mills does not currently provide services to this area, and the annexation is in the best interest of the area proposed for annexation.

4. That the City of New York Mills, pursuant to Minn. Stat. §414.036, with respect to the property taxes payable on the area hereby annexed, shall make a cash payment to the Township of Newton in accordance with the following schedule:

- a. *In the first year following the year in which the City of New York Mills could first levy on the annexed area, an amount equal to \$100.00.*
- b. *In the second and final year, an amount equal to \$100.00.*

5. In accordance with Minnesota Statute 414.0325, Subdivision 1 (a) regarding electric utility service notice, the City of New York Mills, notified Lake Region Electric Cooperative of our intent to annex said territory, and requested notification if there is a change in the cost of electric utility service as a result of this annexation. There will be no change since said territory is and will remain within the Lake Region Electric Cooperative's service area, other than the change from residential to commercial rates.

6. It is therefore agreed that the following property be immediately annexed to the City of New York Mills, to wit:

That part of the Northeast Quarter of the Northeast Quarter (NE1/4 NE1/4) of Section 7, Township 135, Range 37, Otter Tail County, Minnesota, lying southerly of STATE HIGHWAY RIGHT OF WAY PLAT No. 56-16, (Plat No. 56-16) as is on file and of record as Document No 521275 in the office of the County Recorder in and for said Otter Tail County, described as follows: Commencing at the east quarter corner of said Section 7, thence North 00 degrees 42 minutes 03 seconds West, assumed bearing along the west line of the Northeast Quarter (NE1/4) of said Section 7 for 1849.62 feet, more or less, to the southerly right of way boundary of said Plat No. 56-16, said point being the point of beginning; thence North 70 degrees 48 minutes 13 seconds West, along the last described southerly right of way boundary, for 35.10 feet to right of way boundary corner B9 as is depicted on said Plat No. 56-16; thence North 39 degrees 13 minutes 52 seconds West, along said southerly right of way boundary for 188.83 feet to right of way boundary corner B10 as is depicted on said Plat No. 56-16; thence northwesterly 129.81 feet along the portion of said southerly right of way boundary being delineated by right of way boundary corners B10 and B11 on said Plat No. 56-16, said boundary being a non-tangential curve concave to the southwest having a radius of 5629.58 feet, a central angle of 1 degree 19 minutes 16 seconds, a chord bearing of North 72 degrees 36 minutes 48 seconds West and a chord of 129.81 feet; thence South 17 degrees 16 minutes 14 seconds West, not tangent to the last described curve, for 247.06 feet; thence South 72 degrees 50 minutes 02 seconds East 368.00 feet to said west line of the Northeast Quarter (NE1/4); thence North 00 degrees 42 minutes 03 seconds West, along the last described west line of the NE1/4 for 147.94 feet to the point of beginning. Containing 1.63 acres, more or less.

Approved Minutes  
March 8, 2016

7. Both Newton Township and the City of New York Mills agree that no alteration of the stated boundaries of this Agreement is appropriate. Furthermore, each party agrees that no consideration by the Office of Administrative Hearings, Municipal Boundary Adjustments, is necessary. Upon receipt of this Resolution, passed and adopted by each party, the Office of Administrative Hearings, Municipal Boundary Adjustments, may review and comment, but shall, within thirty (30) days, order the annexation with the terms of this joint Resolution.

APPROVED by Newton Township's Town Board this 8<sup>th</sup> day of February, 2016.

NEWTON TOWNSHIP

By: \_\_\_\_\_  
Chairperson  
Newton Township

By: \_\_\_\_\_  
Clerk  
Newton Township

APPROVED AND ADOPTED by the City Council of the City of New York Mills, this 9<sup>th</sup> day of February, 2016.

CITY OF NEW YORK MILLS

ATTEST:

By: \_\_\_\_\_  
Mayor  
City of New York Mills

By: \_\_\_\_\_  
Clerk  
City of New York Mills

(SEAL)

**A motion was made by Oakland and seconded by Roder to approve Resolution 02-09-2016. The motion carried without a dissenting vote.**

**Donation Received from Kenneth and Rita Muckala and Edward and Pat Buerkle - Resolutions No. 02-09-2016a and 02-09-2016b**

**CITY OF NEW YORK MILLS,  
MINNESOTA**

**RESOLUTION NO. 02-09-2016a**

**RESOLUTION ACKNOWLEDGING CASH DONATION TO THE CITY OF NEW YORK  
MILLS PARK BOARD FROM KENNETH A. AND RITA C. MUCKALA**

**WHEREAS**, the City of New York Mills has received a cash donation of \$10,000 for the Park Board for a new shelter to be constructed in the Sculpture Park, known as “The Barn”.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF NEW YORK MILLS, MINNESOTA THAT:** the City Council of the City of New York Mills acknowledges and accepts the cash donation of \$10,000 from Kenneth A. and Rita C. Muckala for the Park Board for “the Barn” shelter project at the Sculpture Park.

Adopted this 9th day of February, 2016, by the City Council of the City of New York Mills.

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Julie L. Gerber, Mayor

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Jenny Geiser, Deputy Clerk

**CITY OF NEW YORK MILLS,  
MINNESOTA**

**RESOLUTION NO. 02-09-2016b**

**RESOLUTION ACKNOWLEDGING CASH DONATION TO THE CITY OF NEW YORK  
MILLS PARK BOARD FROM EDWARD H. AND PATRICIA L. BUERKLE**

**WHEREAS**, the City of New York Mills has received a cash donation of \$5,000 for the Park Board for a new shelter to be constructed in the Sculpture Park, known as “The Barn”.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF NEW YORK MILLS, MINNESOTA THAT:** the City Council of the City of New York Mills acknowledges and accepts the cash donation of \$5,000 from Edward H. and Patricia L. Buerkle for the Park Board for “the Barn” shelter project at the Sculpture Park.

Adopted this 9th day of February, 2016, by the City Council of the City of New York Mills.

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Julie L. Gerber, Mayor

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Jenny Geiser, Deputy Clerk

**A motion was made by Roder and seconded by Maki to approve resolution No. 02-09-2016a and Resolution No. 02-09-2016b The motion carried without a dissenting vote.**

**DNR Grant** – Gerber addressed the council. There was a meeting earlier in the day with two grant writers for the school wellness area project. A municipality needs to be the facilitator for some grants they are interested in pursuing. One of the grants the City would need to apply for is a DNR grant for the walking trail. The grant application is due March 31, 2016. The City would own the walking trail and would need an easement for the trail. There would need to be a maintenance agreement with the school. The school proposed a twenty year maintenance plan. Berry asked if the City has to commit to matching funds. They will try to get the matching funds from other grants, but the City could turn the grant down if the matching funds are not received. The City of Fosston recently did something similar with a walking trail in town, Berry may call the City Clerk of Fosston to see what the process was there. Berube and Mattson had questions about the 20 year maintenance plan. Would the City be expected to maintain the trail after that. 20 years is probably when things will start to deteriorate. Roder stated the grant writers were encouraged by all the cooperative efforts between the City and school with shared services now. This would be an opportunity to put the agreements of shared services now in writing. Roder stated the City needs to decide if they will commit to any funds. Happel stated the Perham hospital put in a walking trail and has an easement for it. Chuck Johnson may be a good resource for how these types of agreements work. Kopveiler asked what happens to the trail if the school needs to add on someday. Would the City be responsible for moving it? The trail goes around the playground, but Vandermay commented there may be a part of the trail the public could use during the day that is farther away from the playground. Mattson will talk to Jeff Preuss about the water and sewer line needed for the bathroom and other information. Berry will talk to the Fosston City Clerk and Gerber will follow up with the grant writers. The City would also need to be the applicant for a USDA grant for infrastructure for the restrooms. Berry asked if this would tie into the safe routes to school grant. Maki said they are looking at that too.

**Future Meeting Dates** –The regular meetings are scheduled for Tuesday, March 8, 2016, at 4:30 p.m., and Tuesday, April 12, 2016, at 4:30 p.m.

**Payment of Claims** – Mayor Gerber noted that the bills are as in the packet, with no additional bills being presented for payment.

**A motion was made by Roder and seconded by Oakland to approve the payment of bills. The motion carried without a dissenting vote.**

#### **Financial Reports**

**A motion was made by Oakland and seconded by Maki to approve the financial reports. The motion carried without a dissenting vote.**

#### **Adjournment**

**A motion was made by Maki and seconded by Roder to adjourn. The motion carried without a dissenting vote.**

The meeting was adjourned at 5:47 p.m.

Respectfully submitted by,

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Jenny Geiser  
Deputy Clerk