

**NEW YORK MILLS CITY COUNCIL
REGULAR MEETING
March 08, 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 4:31 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, Oakland and Hoaby (arrived at 5:20 p.m.)

Members Absent None

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

Guests Present NYM Dispatch Reporter Connie Vandermay, City Treasurer Al Berube, City Attorney Dennis Happel, Bonnie Stewart

Call to Order The meeting was called to order at 4:31 p.m. A quorum was present.

Approval of Minutes A motion to approve minutes from the February 9, 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 Maki and seconded by Roder to approve the consent agenda. The motion carried without a dissenting vote.

Department Reports

Liquor Store Report - Manager Joan Koep addressed the council. Koep asked for council approval for new hire Krista Conklin. Koep and Huff have been looking ahead at summer events and making plans for them. Beer was bought this month in bulk to keep costs down so there is a little surplus. The liquor store made less than last year at this time.

A motion was made by Roder and seconded by Maki to approve the Liquor Store report including new hire Krista Conklin. The motion carried without a dissenting vote.

Fire Department Report – Chief Brasel’s report was in the packet.

A motion was made by Maki and seconded by Oakland 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 Bachelder is done with field training and doing very well. Officers Rud and Gritz attended emergency responder trainer and EMS refresher training. Berndt is teaching DARE classes at

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the school and it is going very well. The grant was approved for new laptops for two squad cars. Both of the old squad cars were sold at auction. The Charger sold for \$2,800 and the Impala sold for \$2,700. The police department received the radar from Eagle Bend and it will be installed as soon as there is time. The possible delivery date for the new vehicle is April 22, 2016. All full-time officers will do cleanup in the office. There have been no major incidents in Deer Creek. The officers are doing a great job patrolling there. Now that spring is here they will be reminding residents to clean up their yards. It is a process and the police department will work on this when time allows.

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 February 17th at 8:30 a.m. She reported the balance of the revolving loan fund was \$162,117.69, with \$138,845.18 being EDA funds and the balance of \$23,272.51 being the State MIF funds. Options were discussed regarding Sugar Creek Woodworking’s two loans. Kilby is working on selling secured items for repayment of the loans. The buyer for the Sugar Creek Woodworking building has requested an EDA loan. West Central Initiative does not service loans without taking ownership of the loans. Berube is looking into other options for loan servicing. Hanson is working with the county on getting a daycare in the county building space. There was a survey of Brunswick employees where sixty three percent responded and of those seventy one percent are interested in a daycare. There may be multiple daycare providers using the space. Hanson attended a 5 Wings Art Council meeting regarding grant opportunities for promotion of arts based communities. Bruce Furmann wants to sell his building and asked if the EDA wanted to purchase it. The EDA was not interested. Annexation is in process for the Dollar General site and they will wait for final plans until the annexation goes through.

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

Public Works Report – Kyle Mattson addressed the Council. The ice rink is closed for the year. Water meter changeouts are complete, ten meters were replaced. Public Works staff built two new picnic tables to replace old ones at Smith Park. The old ones can still be used for serving tables. Mattson completed a new drug and alcohol policy for the gas department. All eight sanitary lift stations have been cleaned. North Dakota Sewage Pump performed an annual inspection of four of the higher flow stations. The lift stations have a lot of “flushable Wipes” and towels causing issues. This has been an increasing problem across the United States. Mattson asked everyone to get the word out and he will have brochures to hand out at the trade show. The street sweeper has been serviced and sweeping will start in the next couple weeks. This keeps sand and debris off the street and also keeps storm water catch basins and underground piping cleaner. Shop remodeling is wrapping up. Mattson is still waiting for his new desk. Mattson talked to Jeff Preuss at the school about a joint powers agreement. Preuss seemed taken off guard when asked about the maintenance agreement for the walking trail. There is still some work to be done and communication needed. They will try to meet again in the next couple weeks. Preuss will help out with the bleacher inspection the city needs done. Mattson is waiting to hear from Dollar General regarding agreements between them and the City for private service lines in public utility easements and requirements for the connections to City main utility lines. Mattson took his class D water license test and should have results before the next meeting. Mattson asked for approval to purchase a new mower, it is in the budget already and he is looking at getting a new Hustler mower. A new sidewalk sweeper will be needed next winter and he will be looking at something that can be used as a mower and a sweeper next year. New street lights will be here in 1-2 weeks.

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A motion was made by Roder and seconded by Maki to approve the Public Works report including approval to seek quotes and purchase a mower up to \$12,000. The motion carried without a dissenting vote.

Public Forum

At about 5:00 p.m., Mayor Gerber asked whether anyone present wished to address the council. There was no response.

Administration Report – Berry addressed the council. The audit went quite well with the auditors being on-site for 3 days. The auditor's report is due to the State Auditor by the end of March. They will likely be here at the April meeting to present their report to the council. Berry stated that Geiser, Kopveiler, and Gerber did a great job getting ready for the audit. Mike Pederson needed a new part-time custodian to replace Pat Kilby. Please approve the hiring of Krista Conklin for this position. Berry will be gone to the Annual Clerk's Conference next week and she should be back the rest of the month after that except for the Safety and Loss Control workshop on Tuesday, March 22nd. Berry thanked the council for supporting her staff during her absence. She will be out intermittently going forward. Berry talked to the City of Fosston City Administrator about their trail project. Their trail was not a partnership with the school, it was in town connecting to city sidewalks and parks and they needed to obtain easements from various landowners. They had a trail task force that spent three years researching all that was needed for the trail. They ran into quite a few unanticipated costs. The DNR grant was for construction costs only, not the engineering costs. They had a funding shortfall of \$131,750 of a \$450,000 project. The City had to pay for the shortfall. The wetland issues they had caused a lot of extra engineering costs.

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

Old Business

Nicholson Property Update- Happel received a letter from Peloquin stating that Mr. Nicholson is no longer pursuing this matter. The order that the house is to be torn down or fixed by June 15, 2016 is valid. The question is who will pay for it and get it done. Peloquin says they are working on finding someone to take the building down.

New Business

DNR Grant- Bonnie Stewart, a grant writer for the Eagle Pride Wellness Area at the school spoke to the Council. The City is being asked to apply for a DNR grant for a walking trail that will be on school property. The quote she had for the trail was \$75,000 but brought it up to \$100,000. A 25% match, which is \$25,000 dollars, has already been raised by the eagle pride group. Stewart said raised money will be used for the U.S. Bank Grant and the DNR grant. It will be a seasonal trail, not open in the winter. Berry noted if the cost is over \$100,000, the city would need to go through a bid process. The walking path is planned to be ten feet wide and one mile long. Berry asked if the trail connects to city owned sidewalks? Stewart said the trail will connect to Lund park. Roder asked if the walking trail could have a loop open all the time away from the playground. Mattson said there is a utility easement to work around. Stewart stated the school has committed to a twenty year maintenance plan of the trail. When questioned further it was discovered the school board did not actually approve a twenty year maintenance plan. The school board meets March 28th. It was questioned whether the school needs to write a check of \$25,000 to the City for matching funds. Berry asked if any engineer has looked at these plans, or would the city need to hire an engineer? Roder asked how the City would plan to pay for engineers if needed. The DNR grant may require an engineer. Another question that arose is what is the liability to the city if someone

gets hurt on the walking trail? Happel thinks the City's insurance would cover it. The grant writer will work to get all of the questions answered before the school board meeting. The quote for the walking trail work is from Performance Paving and Sealcoating. Berube asked if what they are proposing is acceptable to the DNR. Stewart said she would find that out when she starts writing the grant. The grant awards will be announced in June 2016. If the grant is awarded the project would need to be complete by 2018. It is a reimbursement grant where the money would need to be paid out first and the city would be reimbursed afterwards. Berry said it would work better for the City to do the project in 2017.

**CITY OF NEW YORK MILLS
RESOLUTION NO. 03-08-2016a**

WHEREAS, the City of New York Mills, hereinafter "City," supports education and the work of the New York Mills School District #553; and

WHEREAS, the New York Mills School District #553 Board, hereinafter "School," has approved the development of the Eagle Pride Health and Wellness Recreational Area (EPHWRA) to support the health and wellness of students, adults and the New York Mills community; and

WHEREAS, the EPHWRA includes an approximate one (1) mile paved trail requiring funding, cooperative agreements and an easement between the City and the School; and

WHEREAS, the City of New York Mills supports submission of a funding proposal in the amount of \$100,000 to the Minnesota Department of Natural Resources for the Local Trail Connections Program for purposes of funding said trail; and

WHEREAS, the City of New York Mills recognizes said funding proposal requires a 25% match; and

WHEREAS, the EPHWRA project has secured \$25,000 in non-state cash matching funds; and

NOW, THEREFORE, BE IT RESOLVED, if the City of New York Mills is awarded a grant by the Minnesota Department of Natural resources, the City of New York Mills agrees to accept the grant award, and may enter into an agreement with the State of Minnesota and the New York Mills School District #553 for the above referenced project. The City of New York Mills will comply with all applicable laws, environmental requirements and regulations as stated in the grant agreement, and

BE IT FURTHER RESOLVED, the City of New York Mills names the fiscal agent for the City of New York Mills for this project as:

Darla Berry, City Clerk
P.O. Box H
28 W. Centennial 84 Dr.
New York Mills, MN 56567

BE IT FURTHER RESOLVED, the City of New York Mills assures that the one-mile recreational trail that is part of the Eagle Pride Health and Wellness Recreational Area will be maintained for a period of no less than 20 years.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NEW YORK MILLS
THIS 8th DAY OF March, 2016.

Julie Gerber, Mayor

ATTEST:

Darla Berry, City Clerk

A motion was made by Roder and seconded by Oakland to pass Resolution 03-08-2016a with contingencies of the school board agreement to a 20 year maintenance plan, agree to pay engineering and any other additional costs and pay a cash outlay of 25% for the matching funds required to the City. The motion carried without a dissenting vote.

Cultural Center Request- First Quarter donation to the Cultural Center was requested.

A motion was made by Maki and seconded by Hoaby to give the scheduled donation to the Cultural Center for first quarter 2016. Oakland and Gerber voted in favor, Roder abstained. The motion carried.

Certification of Delinquent Utilities – Resolution 03-08-2016

**CITY OF NEW YORK MILLS,
MINNESOTA
RESOLUTION NO. 03-08-2016**

**RESOLUTION TO CERTIFY UNPAID UTILITY BILL TO THE COUNTY AUDITOR
FOR INCLUSION ON THE TAX ROLLS**

WHEREAS, the City of New York Mills has several past due utility accounts on residential and commercial properties;

WHEREAS, the City has attempted resolution of these accounts with the property owner but they remain unpaid;

WHEREAS, the City is authorized to collect these unpaid utility fees in accordance with City Ordinance #117, Section 1.05, Subdivision 8 and City Ordinance 106, section 106.01, and pursuant to Minnesota Statutes 443.015, 444.075, Subd. 3, 366.012, 415.01, 429.101, and 463.15 through 463.26.

WHEREAS, the City wishes to protect its interests in collection of these delinquent amounts in the event that any of these properties are sold or otherwise transferred to new owners, and desires to ensure that obligations of the current owners are certified to the property taxes to secure the City's right to collect these charges in the event that any ownership transfers occur.

FURTHERMORE, it is now deemed necessary to certify the unpaid amounts due and payable to the Otter Tail County Auditor to be collected with the 2016 real estate taxes payable in 2017, or from the sales proceeds in the event of any property sales, for these subject debts as follows:

- 1) PARCEL 73000080014000, 13 Lawrence St. W, Owner(s):Joseph Weappa & Christina Olson
Water \$85.21, Sewer \$285.54 and Gas \$153.25, or total due of \$524.00
- 2) PARCEL 73000990235000, 218 Tousley Ave. S., Owner(s) Thumann Construction LLC
Water \$85.21, Sewer \$285.54 and Gas \$84.24, or total due of \$454.99.

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- 3) PARCEL 73000990462000, 115 Wendy Woods Ln., Owner(s) John Heinonen
Water \$85.21, Sewer \$285.54, Gas \$0, or total due of \$370.75
- 4) PARCEL 73000990272000, 216 Nowell St. W., Owner(s) Clifford Maki
Water \$85.21, Sewer \$285.54, Gas \$84.24, or total due of \$454.99
- 5) PARCEL 73000990178000, 203 Main Ave. S., Owner(s) Clarence Meeks
Water \$85.21, Sewer \$285.54, Gas \$84.24, or total due of \$454.99
- 6) PARCEL 73000990061000, 104 Tousley Ave. N., Owner(s) John & Christina Morgan
Water \$88.92, Sewer \$249.92, Gas \$101.71, or total due of \$440.55
- 7) PARCEL 73000990263000, 104 Frazee Ave., Owner(s) Edward Ojala
Water \$85.21, Sewer \$285.54, Gas \$84.24, or total due of \$454.99
- 8) PARCEL 40000070048001, 560 Camelot Rd., Owner(s) Christian & Lynda Thompson
Water \$0, Sewer \$0, Gas \$126.32, or total due of \$126.32
- 9) PARCEL 73300500093000, 406 Park St. E. #15, Owner(s) Jeffrey & Kathryn Oakland
Water \$57.30, Sewer \$139.57, Gas \$57.25, or total due of \$254.12

Totals to be certified: Water \$657.48, Sewer \$2102.73, Gas \$775.49, or total due of \$3,535.70

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF NEW YORK MILLS, MINNESOTA THAT the above named property owners will be sent a final billing and certification notice, in the format as shown in Exhibit A attached hereto, providing a final deadline for payment in full of the outstanding amounts due prior to certification to the Otter Tail County Auditor. Any of the above listed utility amounts which remain unpaid as of 3:00 p.m. on Wednesday, March 23, 2016, will be submitted to the Otter Tail County Auditor's office for certification as provided herein.

Adopted by the New York Mills City Council this 8th Day of March, 2016

Julie Gerber, Mayor

Darla Berry, City Clerk

EXHIBIT A

**NOTICE OF PENDING
PROPERTY OWNER ASSESSMENTS**

Parcel # _____ Physical Address: _____

Owner: Mr. or Ms. Last Name
Your mailing address
New York Mills, MN 56567

YOU ARE HEREBY NOTIFIED of a pending assessment on your property due to the delinquency in payment of the following fees owed to the city:

Water \$ _____, Sewer \$ _____, Gas \$ _____.

TOTAL \$ _____.

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The city is authorized to collect these unpaid fees in accordance with City Ord. # 117, Sect. 1.05, Subd. 8 and MN Statutes 443.015, 444.075 Subd. 3, 366.012, and 415.01.

You will have until 3:00 P.M. on Wednesday, March 23, 2016, to pay the above total amount and avoid having this special assessment certified to the Otter Tail County Auditor to be collected with your 2016 real estate tax payable in 2017 or upon sale or transfer or ownership of the property. If certification becomes necessary, an additional Administrative Fee of \$10.00 will be added.

If you have any questions concerning this assessment, please feel free to contact me at 385-2213.

Darla Berry
City Clerk
March 8, 2016

A motion was made by Roder and seconded by Maki to approve Resolution 03-08-2016. The motion carried without a dissenting vote.

City Policy on Municipal Utilities – Council person Oakland asked to have this item added to the agenda at this time. He is questioning a city policy that there is still a minimum charge on utilities even if the utilities are turned off. He asked Happel if it is legal to charge for something that is not being used. Happel said if it is in the policy the City can charge it. The City's policy states if you want a meter removed there is a \$50.00 charge. Happel stated that is pretty standard. Oakland asked if we can make a motion to change the policy. He doesn't think any of the public works staff inspect the meters because he didn't see footprints in the snow and some meters have brush growing up around the meters. Mattson informed him it is the owner's responsibility to maintain brush and clear snow around the meters. Mattson stated that MNOPS does inspect meters during random inspections and he inspects every meter on his route when reading meters. Gerber asked Oakland if this is the first time he has ever looked at billing policies. He replied yes. Berry asked if the council would like the policy put in the council packet for the April meeting for their review and the response was yes. Roder stated the City has to maintain and have services safely available when customers want the utilities turned back on. Berry said the City would have to look at other funding sources if this policy is changed. Oakland said the City is giving money away to the Cultural Center so the City doesn't necessarily need money if they are able to do that. It was discussed that it would have an effect on the budget. Hoaby suggested if we are going to look at it to look at it at budget time. Joan Koep spoke upon experience that when you have equipment out there you have a cost minimum of how much you need to break even. All things add up when you are doing a budget. You know how much revenue is needed to be generated on that equipment. Funds have to come from somewhere. Maybe rates should be increased instead. Roder said the city gives funds to the Cultural Center for tourism and bringing people to town. Oakland replied that all businesses bring people to town.

Oakland had questioned that all the ordinances on the City Website are not signed and thinks it looks unprofessional. Berry stated not everything on the website is the signed version and asked the council if they want everything on the website to be the signed version. Some council members said to put the signed copies on the website if time allows, others didn't think they needed to be signed. Oakland commented that a couple ordinances were never signed in the 1970's and 1990's. He thinks they are not valid if not signed. Happel said they would still be valid and would be in minutes that they were passed, even if they weren't signed. Happel said if the City wanted to they could authorize the current mayor and clerk to sign the ordinances. Oakland asked about updating ordinances and why that hasn't been done. Berry stated there is a process to go through, change and update all ordinances and it is costly to do so. Happel said to codify ordinances the cost is about \$20,000 so most small cities opt to not do this.

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CLOSED SESSION – Mayor Gerber announced that performance reviews of department heads Kyle Mattson and Joan Koep would now be held in a closed session pursuant to Minn. Stat. §13D.05, subds. 1(d) & 3(a). The meeting was then closed at 6:27 p.m.

The meeting was reopened at 7:39 p.m.

Future Meeting Dates –The regular meetings are scheduled for Tuesday, April 12, 2016, at 4:30 p.m. and Tuesday, May 10, 2016 at 4:30.

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 Hoaby and seconded by Roder to approve the payment of bills. The motion carried without a dissenting vote.

Financial Reports

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

Adjournment

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

The meeting was adjourned at 7:40 p.m.

Respectfully submitted by,

Jenny Geiser
Deputy Clerk