

**NEW YORK MILLS CITY COUNCIL  
REGULAR MEETING  
September 8, 2015  
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 4:34 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, Hoaby, and Oakland

**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, Pool Manager Heidi Van Dyke

**Guests Present** NYM Dispatch Reporter Connie Vandermay, Jade Berube of Apex, City Treasurer Al Berube, David Drown of David Drown & Associates

**Call to Order** The meeting was called to order at 4:33 p.m. A quorum was present.

**Approval of Minutes** A motion to approve minutes from the August 11, 2015 regular meeting and August 19, 2015 special meeting was made by Maki and seconded by Roder. The motion carried without a dissenting vote.

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

- a. Fall League of Minnesota Regional Meetings- **Handouts**
- b. August 21, 2015 Letter from League of MN Cities re: new Executive Director - **Handout**
- c. August 25, 2015 Letter from PFA – Executed Loan Agreements - **Handouts**
- d. August 26, 2015, Letter from West Central Initiative re: WCI Endowment Pledge Payment Due - **Handout**
- e. August 27, 2015, Letter from Minnesota Revenue re: 2016 PERA Rate Aid Notice – **Handout**
- f. August 28, 2015, Memo from League of MN Cities re 2015 Dues and Mayors Dues - **Handouts**

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

**Department Reports**

**Pool Update** – Pool Manager Heidi Van Dyke addressed the Council. She referred to the reports that were in the packet. The numbers for lessons this year were down somewhat from the prior season as we held only two sessions rather than three sessions. We did have an increase in private lessons, up to 30 from 16 the prior year. Attendance in June was up while it was down in July compared to the previous summer season. Looking ahead to 2016, Heidi is giving thought to going back to have three lesson sessions, and she asked that the council think about this and weigh in on it. She noted that the big pool is due for an acid wash, and Heidi will check into the cost and get back to Berry on that for budget purposes. Van Dyke referred to a bid on replacing the window at the concession stand. The bid included a lower cost item and a slightly higher cost one on the same sheet, so the total expense will be one or other item not the combined total for both. Berry noted that the project could be done yet this fall as the pool budget has some monies budgeted for building and ground maintenance that have not been spent. Heidi recommended going with

the higher priced window at \$581. Moving on, Heidi noted that the pool building is in need of some sprucing up with a new paint job both inside and out. She suggested doing something a bit interesting and fun, like some murals or water scenes. Over many years, the building has just been repainted with basic shades of blue. Murals would be a nice improvement and make the facility more attractive. Discussion ensued about fundraising for this effort and perhaps involving the high school arts classes, Cultural Center artists, etc. Van Dyke said she would work on these plans and check into funding and grants as well as fundraising.

**A motion was made by Maki and seconded by Oakland to approve the Pool report and the 2015 purchase and installation of the new window under option 1 on the quote sheet. The motion carried without a dissenting vote.**

### **EDA Report**

Mayor Gerber provided the EDA report, noting that the group met on August 18 at 8:30 a.m. The revolving loan fund balance was \$153,447.60, with the EDA share totaling \$131,075.09 and the State MIF funds totaling \$22,372.51. Mayor Gerber went on to report a summary of the meeting as written in the DRAFT EDA minutes. Areas discussed by the group included recent activity/inquiries on Country View lots; an EDA report by Mark Hanson indicating his activities over the most recent couple of months; viewing of a Lund Mania tournament video recorded by an intern with WCEDA; discussion of the recent resignation of Larry Hodgson as EDA President; discussion of the vacancy on the EDA Board. Gerber as Vice President will serve as the interim President until a new member and/or president is appointed. The next meeting was scheduled for Tuesday, September 22 at 8:30 a.m.

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

**Fire Department Report** – Chief Brasel was unable to attend the meeting. His report was included in the packet.

**A motion was made by Maki and seconded by Oakland to approve the Fire Department report and the hiring of two new firefighters as listed in the report. The motion carried without a dissenting vote.**

**Police Report** – James Gritz addressed the Council. He noted that part time Officer Peka has completed his training and will be taking solo shifts. The new part timers are working out well and all now can take solo shifts. Officer Rud conducted the firearms training to the department members for the first time since he took over this role. It went well and he changed it up a bit. The computers for the squads will be replaced, funding is now becoming available. The County will assist us in obtaining these. We will be getting winter tires put on the SUV that Officer Stoll drives. Officer Wangsness was honored for his years of service to the City during the Corn Feed in August. There was a good turnout. A letter was sent to City of Deer Creek re: Police Services for 2016 noting an increase of 5% in the fee we will charge. We have not yet received a response.

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

**Liquor Store Report** - Manager Joan Koep addressed the council. Our year to date loss has been reduced further with the good performance in August and now is at (\$6,494.46). Year to date revenues and expenses are both up from the prior year. The net profit for August was at \$8,869.78. Next she asked that the Council approve the promotion of Cinda Huff to Assistant Manager. Internal applicants were interviewed for the position. Also, Trisha Pickar resigned her position earlier today. Finally, approval is sought for the hiring of new part time bartender Annie Nelson effective October 1, 2015.

**A motion was made by Oakland and seconded by Maki to approve the Liquor Store report, the promotion of Cinda Huff to Assistant Manager, the resignation of Trisha Pickar, and the hiring of Annie Nelson. The motion carried without a dissenting vote.**

**Public Forum – 5:00 p.m.**

At 5:05 p.m., Mayor Gerber asked whether anyone present wished to address the council. Nobody responded, and so the Public Forum was concluded.

**Public Requests- None**

**Public Works Report** – Kyle Mattson addressed the Council. He noted the overtime as listed in his report. He went over numerous items in the report. This coming Friday is the HHW pick up from 10 to 2 at the Shop, volunteers to help that date are welcome and appreciated. Staff is working on winterizing the swimming pool facilities. Volunteers have been working to spruce things up at the baseball fields in Lund Park. Staff met today with an Arvig representative regarding changes made possible by our new SCADA system. We will save \$5000 per year in telecommunications fees paid to Arvig for services that we no longer need. There were twelve applicants for the full time position. Reviews of the applications and then interviews will be scheduled in the upcoming weeks. Mattson asked for two volunteers from the council to assist, and Oakland and Gerber volunteered. Mattson noted that an area farmer wants an opportunity to farm land by the older City irrigators. He claimed that a year ago Salo promised him a chance at the land. There has been a different farmer that has been farming the land for years, he has maintained the cropland, fertilized it, etc., and so has some vested interest in continuing to farm this land. Some discussion ensued. It was agreed that the City will put the farmland up for bid in early 2016 for the 2017 season for all interested parties to submit bids. A minimum bid will be established that will cover any potential property taxes on the field and any expenses incurred in having a lease agreement drafted and advertisements for bids. This is the fairest, best way to handle it and will give the current farmer plenty of notice as to whether the 2016 season will be his last or not. The 2015 project is underway, and the City will have all the old light poles downtown up for sale when the new ones are installed. Kyle proposes to take sealed bids on them at some point.

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

**Administration Report** – Berry addressed the Council. She referred the Council to her report concerning pay equity step raises, an estimate on canopy replacement for the City Hall Building, an update on the lighting retrofit and the energy savings for City Hall Building, and the need to make the first half transfers as listed in a separate handout.

**A motion was made by Hoaby and seconded by Roder to approve the step raises as listed, and to approve the items in the report listed as numbers 3 and 6, and to approve the administration report as presented. The motion carried without a dissenting vote.**

**Old Business**

**2015 U/S Project Update** – Jade Berube of APEX Engineering addressed the Council. Jade provided an update based on the information presented earlier today at the weekly construction meeting held in City Hall. He noted that the general contractor plans to bring in a second crew. Improvements are underway on Park Street. An issue came up of adding diagonal parking along Gilman near the football field. This would add about 20 parking spots, and it is estimated at a cost of \$15,000 to \$18,000. The school district will be contacted about this idea. The council will need to decide this matter at a special or regular meeting.

**2015 U/S Project- Financing Update** – Financial Consultant David Drown was present and he addressed the Council concerning the MRWA loan which would be for \$480,000 at 3.5% for 20 years. David noted that the Council should pass a resolution for this matter. Berry noted that no such resolution had been submitted to her for the Council packet. He said that the Bond Counsel should have sent it over. Berry noted that she signed paperwork indicating that the normal bond counsel the MRWA uses should be used; however, later paperwork indicated that Briggs & Morgan would  
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handle this loan. David Drown stated that Briggs & Morgan was selected as they had already done the legal paperwork for the City's two PFA lines for this project, and so they had agreed to do this loan at the normal fee charged by the regular MRWA bond counsel. Drown noted that the needed amount had been reduced by \$50,000 due to the availability of some TIF funds and that also the MRWA saved other financing costs. Another reduction was made of \$200,000 due to the likely prepaids that will come in. The financing costs would have been about \$40,000 with a traditional municipal bond but with the MRWA bond will be only about \$11,000. Drown agreed that he would check about the resolution. Berry noted that the council could perhaps authorize Mayor Gerber and Clerk Berry to adopt a resolution for this matter. All agreed this would be fine. There may need to be a special or emergency meeting to take care of this if it cannot be handled this way.

**Update on Nicholson Matter** – Berry noted that City Attorney Happel had phoned to report he could not attend this night's meeting. He stated that the court had dismissed the case but left the door open for an appeal to be filed within 30 days, or near the end of September. He had spoken with the opposing counsel and discussed reaching an agreement for specific improvements to be made that Mr. Nicholson would commit to. Berry stated that it wasn't clear to her whether this would be in conjunction with a 30 day appeal or separate. Basically the judge stated that the City had no basis in State statutes to require the building to be made habitable; rather, we could only order improvements for issues that are considered to be hazardous. The City would hire a structural engineer to report back on his findings, and this would be any basis for an appeal. The full order was included in the packet.

**Annexation** – Berry noted that this item was on the agenda as the council was given a copy of a neighboring city's policy on annexation last month. If there was any discussion or reaction after reviewing that document, it could be discussed now. No comments were forthcoming.

**CLOSED SESSION** – At 6:30 p.m. Mayor Gerber announced a closed session pursuant to Minnesota Statutes §13D.03, subs. 1(b), 1(d), 2, and 3 for the discussion of the labor negotiations status.

#### **Old Business (Continued)**

**Action on Proposed Union Contract – Resolution No. 09-08-2015** -- At approximately 6:41 p.m., the meeting was reopened. The drafted Resolution No. 09-08-2015 was presented for consideration:

## **CITY OF NEW YORK MILLS, MINNESOTA**

### **RESOLUTION NO. 09-08-2015**

#### **RESOLUTION FOR ACTION ON PROPOSED LABOR AGREEMENT**

**WHEREAS**, in May of 2014 the eligible police officers within the Police Department of the City of New York Mills voted to form the union known as the Minnesota Teamsters Public and Law Enforcement Employees' Union, Local No. 320.

**WHEREAS**, the City Council delegated labor negotiations to be conducted by Mayor Gerber, Council Member Maki, and City Clerk Berry on their behalf.

**WHEREAS**, such labor negotiations have occurred periodically beginning in October 2014 and continuing through a mediation session overseen by the State Bureau of Mediation Services on July 28, 2015, at which a tentative contract settlement was reached.

**WHEREAS**, in a closed session held on September 8, 2015, the negotiation team presented the proposed Labor Agreement to the City Council for their consideration and discussion.

**WHEREAS**, during the open session following the closed session at the September 8, 2015, regular City Council Meeting, the council is asked to approve or otherwise act on the proposed Labor Agreement, to be effective January 1, 2015 through December 31, 2016.

**WHEREAS**, the negotiating team recommends that the City Council approve the proposed Labor Agreement.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF NEW YORK MILLS, MINNESOTA THAT** it hereby approves the execution and implementation of the proposed Labor Agreement between the City of New York Mills and Minnesota Teamsters Public and Law Enforcement Employees' Union, Local No. 320 (Representing: Police Officers) Effective January 1, 2015 Through December 31, 2016.

Adopted this 8th day of September, 2015, by the City Council of the City of New York Mills.

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Julie L. Gerber, Mayor

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Darla Berry, City Clerk

**A motion was made by Hoaby and seconded by Maki to adopt Resolution No. 09-08-2015 as presented. The vote carried with Ayes cast by Hoaby, Gerber, Roder, Maki, and Oakland, with no dissenting votes.**

**New Business –**

**Wireless Upgrade Status** – The recent upgrades to our SCADA systems require also that we upgrade our internet service speeds. Berry explained that she had contacted Arvig in mid-August and had ordered an upgrade in speed at that time, which was to be implemented within 24 hours. Returning from a recent vacation, Berry learned that the speed upgrade had not been implemented as promised although the provider had not contacted the City to inform us of this fact. Berry instead contacted Arvig, and the customer service reps were not really able to explain what had gone wrong. They are working to rectify this but it appears that to obtain the faster speeds the City will need new equipment. At this point Berry contacted another potential provider (A Better Wireless) for a bid, however, while two bids were received on two speed levels (15/15 and 30/30), it was unclear which speed was really needed. At the higher speeds the bids were comparable. At the lower speeds the monthly fee of one was higher than the other; however, the installation costs of the other were high. Additional information on pricing and needed speeds should be obtained. The Clerk was directed to get some answers as to which speed is necessary and then to choose the provider based on that and the bid that would be the lower cost. If the bids were identical in cost then a switch to A Better Wireless may be made as they are quite familiar with the needs given the role they played in the SCADA upgrades.

**A motion was made by Gerber and seconded by Roder to authorize Clerk Berry to determine which speed is needed (15/15 or 30/30), and obtain bids for both speed options from both providers and to choose which package and provider to go with. The motion carried without a dissenting vote.**

**Donation Received from NYM Lions Club – Resolution No. 09-08-2015a**

The following resolution was presented for consideration:

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**CITY OF NEW YORK MILLS,  
MINNESOTA**

**RESOLUTION NO. 09-08-2015a**

**RESOLUTION ACKNOWLEDGING CASH DONATION TO THE CITY OF NEW YORK MILLS FROM  
NEW YORK MILLS LIONS CLUB**

**WHEREAS**, the City of New York Mills has received a \$3,000 donation from the New York Mills Lions Club, to be used towards the purchase of new Christmas lighting decorations for the City.

**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 \$3,000.00 from the New York Mills Lions Club.

Adopted this 8th day of September, 2015, by the City Council of the City of New York Mills.

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Julie L. Gerber, Mayor

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Darla Berry, City Clerk

**A motion was made by Hoaby and seconded by Maki to adopt Resolution No. 09-08-2015a as presented. The motion carried without a dissenting vote.**

**Certification of Delinquent Utilities - Resolution No. 09-08-2015b**

The following resolution was presented for consideration:

**CITY OF NEW YORK MILLS,  
MINNESOTA**

**RESOLUTION NO. 09-08-2015b**

**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 2015 real estate taxes payable in 2016, or from the sales proceeds in the event of any property sales, for these subject debts as follows:

- 1) PARCEL 40000990368000, 415 Walker Ave. S, Owner(s): Merton D. & Betty Swenson  
Water \$149.49, Sewer \$285.63 and Gas \$93.75, or total due of \$528.87

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- 2) PARCEL 73300500081000, 406 Park St. E. Lot 16, Owner(s) Mark Henderson  
Water \$302.76, Sewer \$678.52 and Gas \$822.23, or total due of \$1,803.51.
- 3) PARCEL 73000990093000, 105 Main Ave. N., Owner(s) Donna Koehler (Friese)  
Water \$150.36, Sewer \$338.42, Gas \$667.47, or total due of \$1,156.25.
- 4) PARCEL 73000990331001, 118 Smith Ave., Owner(s) Rustin Kawlewski  
Water \$161.79, Sewer \$333.60, Gas \$462.58, or total due of \$957.97

**Totals to be certified: Water \$764.40, Sewer \$1636.17, Gas \$2046.03, or total due of \$4446.60**

**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, September 23, 2015, 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 September, 2015

\_\_\_\_\_  
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 \$ \_\_\_\_\_.

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, September 23, 2015, to pay the above total amount and avoid having this special assessment certified to the Otter Tail County Auditor to be collected with your 2015 real estate tax payable in 2016 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.

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Darla Berry  
City Clerk  
September 8, 2015

**A motion was made by Hoaby and seconded by Roder to adopt Resolution No. 09-08-2015b as presented  
The motion carried without a dissenting vote.**

**Clerk to Pay Bills - Resolution No. 09-08-2015c**

The following resolution was presented for consideration:

**RESOLUTION NO. 09-08-2015c**

**A Resolution for Authorization for Clerk's Office to Pay Bills Received Through Tuesday, September 15, 2015**

**WHEREAS**, the City Council meetings for the City of New York Mills generally are held on the second Tuesday of each month; and

**WHEREAS**, bills received each month are held and approved for payment at the regular monthly meetings; and

**WHEREAS**, the timing of the regular September 2015 council meeting is as early in the month as it can be based on the calendar of second Tuesdays, and a holiday has also occurred during which businesses were not generally open; and

**WHEREAS**, experience dictates that incoming bills are slow to arrive and many may not arrive in time for payment at an early in the month council meeting.

**FURTHERMORE**, it is appropriate and prudent for the City Council to ensure that legitimate bills are paid in a timely fashion; and

**THEREFORE**, the City Council of the City of New York Mills hereby authorizes the City Clerk's office to execute payment for any billings that were either not received or not processed yet in time for the September 8, 2015, meeting. This authorization will extend through Tuesday, September 15, 2015, with the understanding that retroactive Council approval will be obtained for such payments at the October 2015 regular City Council meeting.

Adopted by the City Council this 8<sup>th</sup> day of September 2015.

\_\_\_\_\_  
Mayor, Julie L. Gerber

\_\_\_\_\_  
City Clerk, Darla Berry

\_\_\_\_\_  
Date

**A motion was made by Roder and seconded by Maki to adopt Resolution No. 09-08-2015c as presented  
The motion carried without a dissenting vote.**

**Future Meeting Dates** –The regular meetings are scheduled for Tuesday October 13, 2015, and Tuesday November 10, 2015, at 4:30 p.m. Also, a special meeting will be held on Tuesday, September 29, at 6:30 p.m.

**Payment of Claims** -- Mayor Gerber noted that the bills are as in the packet.

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

**Financial Reports**

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

**Adjournment**

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

The meeting was adjourned at 7:17 p.m.

Respectfully submitted by,

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Darla Berry  
City Clerk