

**NEW YORK MILLS CITY COUNCIL
REGULAR MEETING
October 13, 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 4:31 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, 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,

Guests Present NYM Dispatch Reporter Connie Vandermay, along with her minor daughter, Michael Weber of Apex, City Treasurer Al Berube, City Attorney Dennis Happel

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 September 8, 2015 regular meeting and the September 14 and September 29, 2015 special meetings was made by Roder and seconded by Hoaby. The motion carried without a dissenting vote.

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

- a. September 11, 2015, Thank You Letter from WCI
- b. October 9, 2015, Letter from the Cultural Center

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

Department Reports

Liquor Store Report - Manager Joan Koep was absent. Clerk Berry went through the financials with the council based on the written report. We have turned a small profit year to date, finally wiping out the losses experienced earlier this year. However, as first half transfers were taken during September, the numbers continue to reflect a month to date and year to date loss. Before transfers the profits in September of 2015 totaled \$8,175.86, compared to just \$956.88 in September of 2014. On a year to date basis, the net profit before transfers this year is \$1,659.63, compared to \$47,222.95 the prior year. The report also went over some special events. First, Joan asked the council to allow her to proceed to collaborate on a special event with the Cultural Center that would involve bringing in a national artist to perform in the Central Park area. Second, Joan summarized the plans for hosting a Halloween Costume Party on October 30th. The Council noted that more information should be brought to future meetings as Joan's planning for the national event proceeds.

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

EDA Report

Mayor Gerber provided the EDA report, noting that the group met on September 22 at 8:30 a.m. She noted that the group authorized an advertisement in the Perham Focus Fall Home publication regarding the Country View development. The group heard from local business owner Patrick Kilby and considered his request for the EDA to take over ownership of his building by buying out the primary lender's position. After considerable discussion the group decided not to proceed. Another EDA loan was repaid in full this month. Finally, the final disposition of the Fieldstone Condos as occurred and the EDA will no longer carry this loan on its books. The revolving loan fund balance was \$155,719.32, with the EDA share totaling \$133,046.81 and the State MIF funds totaling \$22,672.51. The listing for Country View will remain with Albers Realty for another year. Mark Hanson gave his report, which was largely focused on his efforts on the county wide tourism website and publication. The vacancy on the EDA was discussed. The EDA budget for 2016 was discussed. The next meeting was scheduled for Tuesday, October 20 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 Hoaby and seconded by Oakland to approve the Fire Department report. The motion carried without a dissenting vote.

Police Report – James Gritz addressed the Council. He went through the items in his written report. He has been holding periodic staff meetings and also some of the officers have received some additional training. Radio training is to be done every two years; however, it has been four years since it was last offered. The department will be ordering the two new squad computers soon. They are also looking a new body cameras as the ones they have now are not the best. The squads will be winterized. There will be some department participation in the State's Seat Belt Safe & Sober event during the dates of October 12 – 25. The Mock Crash event was held at the school and was well received. The department had more calls at Deer Creek this month but was still within the 40 hour monthly limit under the current contract. The department will participate in the Trunk or Treat event this year, as it is a good PR event for them.

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

Public Forum – 5:00 p.m.

At 5:00 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. The department has quite a bit of overtime due to the street project underway and the gas line changes being made as needed. The irrigators have been winterized as well as the park shelters and the pool. The project has resulted in a good deal of gas line work by staff. Patching elsewhere in town is underway, and should be completed by the end of the week. There was a gas hit on Thursday, one of the excavator operators snagged it. This was frustrating as they had been working around it all day. There is an ongoing investigation into this matter. The Office of Pipeline Safety is involved. It is the contractor's responsibility to conduct their own investigation and provide their findings to the Public Works Director. The overtime and repair materials will be billed to the Contractor, R.L. Larson, for this gas hit. Kyle got the call and arrived on the scene at 7:03 p.m. and by 7:06 p.m. he had the gas lines shut off in the area. We can expect to see curb and gutter go in next week on North Main, Gilman, and Tousley, with asphalt to be done on October 27th and 28th. Kyle completed a six month review of Loren Haman and recommends the scheduled step raise to occur. The process for the new hire is still underway. The top candidate has declined the position. The next two candidates both would be required to relocate to this area to meet the 10-minute response time requirement. Kyle asked for approval to negotiate and hire one of these two. One light was missed in the designs for South Walker near Centennial. The cost to add it in of \$7800 matches what each other

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fixture cost is, and there is enough contingency in our funding to cover this additional expenses. Discussion of the diagonal parking proposal for East Gilman ensued. It was decided to defer that decision to spring as it will not be done until next year.

A motion was made by Hoaby and seconded by Roder to approve the Public Works report, the step raise for Haman, the authorization for Mattson to negotiate the hiring of either of the two remaining top candidates, and to approve the lighting addition on South Walker. The motion carried without a dissenting vote.

Administration Report – Berry addressed the Council. She referred the Council to her report. There are no step raises scheduled during the next 30 days. Berry discussed the item about the restoration of the Mills Liquors neon sign to working order, and suggested that the City should consider adding a second neon sign to note “City Hall” or “City Hall/Ballroom” or something similar on it. There was general consensus that a bid should be sought to do this.

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

Old Business

2015 U/S Project Update – Michael Weber of APEX Engineering addressed the Council. Weber introduced himself, explaining that he is the onsite APEX engineer that is here daily overseeing our construction project. He thanked the City Council and staff for their understanding and cooperation throughout the project. He provided an update on the progress of the project, noting that Main Street in the downtown section should be graded and open to traffic by the end of the week. Paving is scheduled for the end of the month. There will be no additional underground work done this fall and remaining attention will be on finishing up the areas already underway. Oakland asked why there would be no additional areas done this fall, and Weber explained that by waiting for spring we shouldn’t face a situation where things started this fall would not be completed and would remain unfinished over the winter season. Mayor Gerber thanked Weber for his update.

Update on Nicholson Matter –City Attorney Happel went over the revised Order that he submitted to the court on the Nicholson property. He said the matter wasn’t really deemed an “appeal”, but rather was just a new Order by the City that was focused on making improvements to the property to items that were considered to be “hazardous”, compared to the original order which had language requiring that the property be made “habitable”. The court’s objections to the original order were that State statutes don’t necessarily include a basis for requiring a property to be habitable, although language like this had been successfully used and enforced in a similar case in the City of Perham, and in Happel’s opinion the Nicholson property was in much worse condition than the property that was the subject of the case in Perham. After Happel filed the new Order for the City, we now wait 20 days for Nicholson to file a response to the new Order. Today is the 20th day, so Happel will learn from the Court if the response was filed or not. He spoke with the opposing counsel who verbally indicated to Happel that a response would indeed be filed. Happel informed the counsel that Nicholson has every right to continue to argue against the City’s newest Order. Happel provided a brief overview of the process going forward. Council Member Hoaby thanked Happel for his explanations.

Annexation – Mayor Gerber asked whether there were any ideas or discussion from the Council members on this item. None were stated. Gerber stated that we will continue to keep this item on the Agenda.

New Business

Donation Received from NYM Civic & Commerce – Resolution No. 10-13-2015

The following resolution was presented for consideration:

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CITY OF NEW YORK MILLS, MINNESOTA

RESOLUTION NO. 10-13-2015

RESOLUTION ACKNOWLEDGING CASH DONATION TO THE CITY OF NEW YORK MILLS FROM NEW YORK MILLS Civic & Commerce

WHEREAS, the City of New York Mills has received a \$2,934 donation from the New York Mills Civic & Commerce, 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 \$2,934 from the New York Mills Civic & Commerce.

Adopted this 13th day of October, 2015, by the City Council of the City of New York Mills.

Julie L. Gerber, Mayor

Darla Berry, City Clerk

A motion was made by Hoaby and seconded by Oakland to adopt Resolution No. 10-13-2015 as presented. The motion carried without a dissenting vote.

Other

City Clerk Darla Berry asked that the Council have a brief discussion on whether any assessment hearings should be held yet this year on the current project. She explained the implications of the various options. One option to hold a hearing now for the parts of the project being worked on currently, and then another hearing next year for the items being delayed until Spring. Another option is to defer and hold one hearing on the entire project in 2016. This would mean that debt servicing in 2016 will need to be funded without having any assessment revenues to use, although we also will not have as much debt outstanding with much of the project expenses being deferred along with the remaining project areas. She explained ways the City could fund the debt payments in 2016 without the assessment revenues. After discussion, the Council concurred to hold off all the hearing on the entire project to 2016.

Future Meeting Dates –The regular meetings are scheduled for Tuesday, November 10, 2015, at 4:30 p.m. and Tuesday, December 8, 2015, at 5:00 p.m.

Payment of Claims -- Mayor Gerber noted that the bills are as in the packet, with an additional bill from Nardini Fire Equipment for \$1,518. This bill came in late and has not been coded yet.

A motion was made by Hoaby and seconded by Oakland to approve the payment of bills including the additional one for \$1518 from Nardini Fire Equipment. The motion carried without a dissenting vote.

Financial Reports

A motion was made by Hoaby 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 5:36 p.m.

Respectfully submitted by,

Darla Berry
City Clerk