

Approved Minutes  
August 11, 2016

**NEW YORK MILLS CITY COUNCIL  
REGULAR MEETING  
July 13, 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, and Hoaby

**Members Absent** Oakland

**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, Fire Chief Ryan Brasel

**Guests Present** NYM Dispatch Reporter Connie Vandermay, City Treasurer Al Berube, City Attorney Dennis Happel, City Engineer Jon Pratt and Mike Weber

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

**Additions, Changes or deletions to Agenda and Approval of Final Agenda**

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

**Approval of Minutes** A motion to approve minutes from the June 15, 2016 regular meeting was made by Roder and seconded by Maki. The motion carried without a dissenting vote.

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

- a. Flyer re Housing Study – Otter Tail County- **Handout**
- b. June 15, 2016 Letter – League of MN Cities Dues Update – **Handout**
- c. Public Information Meetings – County Wide Trail Plan - **Handout**

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

**Department Reports**

**Liquor Store Report** - Joan Koep addressed the Council. She referred to her handouts showing the financials for June, reflecting very favorable earnings. She noted that revenues for the Lund Mania date were very good at \$8515. Part time liquor store clerk Bobbi Jo resigned.

**A motion was made by Roder and seconded by Hoaby to approve the Liquor Store Report. The motion carried without any dissent.**

**Fire Department Report** – Chief Brasel addressed the Council. He noted that June was a slow month for fire department activities. The department would like to replace/update the dark blue pick up. He reported it was

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Approved Minutes  
August 11, 2016

purchased under a DNR program for \$1000. We could sell it for maybe \$5000, and use those funds towards a newer vehicle with fewer miles. There are no major problems with it at this point, so it would be a good time to get some money for it before it starts having mechanical issues. Council Member Roder asked if we could get another DNR vehicle; Brasel responded that they are not offering any currently. The funding for a vehicle as discussed and it was noted that this should be included in the current process for setting the 2017 budget that is underway. The Council asked Brasel to bring back more information concerning funding of this matter at a future meeting.

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

**Police Report** – James Gritz addressed the Council. He mentioned recent training for e-charging. He noted that a joint powers agreement was included in the packet for consideration later on the agenda. We have a new AED in one of our squads. The new computers had to be reordered once again as the last ones ordered were no longer available. Jetpacks are now on hand for two of the three squads, and will be put into use once the new computers are installed. Lund Mania went smoothly. The office remodeling at the County building will be done later this month.

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

### **EDA Report**

The last meeting was held on June 22. The EDA heard of plans for a spec home in Country View. The builder would like to pay \$1 for a lot plus assessments. The EDA proposed giving the builder the choice of a lot for \$1, builder pays all closing costs and legal fees, and all deferred assessments. The other option is to purchase the lot for \$1,000 and defer assessments until a homeowner buys the spec home. That homebuyer could potentially receive the TIF reduction off the assessments. The group heard that there may be a workforce housing project coming up at the former Community Action building. The group heard from Ron Heinonen and Bonnie Dykhoff about these plans. Also in attendance were two representations from the Otter Tail County HRA. Funding programs were discussed that could be used towards the project. The loan to Hometown Synergy was delayed at the borrowers' request. Resolution of the Sugar Creek Woodworking matter is still being pursued. The EDA will likely follow the replevin process to seize the equipment and then hold a public auction. The revolving loan fund balance was reported at \$166,047.16, with \$142,624.65 being EDA funds and \$23,422.51 being MIF funds. Mark Hanson gave a report summarizing his recent activities. An emergency meeting was held on July 1 to deal with the Sugar Creek Woodworking matter. The group agreed to contract with Onward Online Auctions for equipment testing and removal, building cleanup, and online auction sale. The replevin process was authorized to proceed. EDA President Blaine Novak was authorized to sign a contract with Onward Online Auctions and paperwork needed for the replevin process. Darla and Blaine were authorized to work together to move these matters forward.

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

### **Public Forum – 5:00 p.m.**

At 5:04 p.m., Mayor Gerber asked whether anyone present wished to address the council. There was no response, and so the Public Forum was concluded.

### **Public Requests- NONE**

**Public Works Report** – Kyle Mattson addressed the Council. He noted items listed in his written report. Overtime listed was due to weekend duty and some after hours alarms. Operations items were discussed. Sand sealing has been  
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Approved Minutes  
August 11, 2016

completed. Mowing and weed control on private properties has taken some time. Mattson and Berry met with City engineers to go over preliminary ideas for the Miller Street project. The department put in a good deal of time during the Lund Mania Summer Celebration and spent Saturday morning with Park and street cleanup. For the lift station work authorized at an earlier meeting, work was underway on the Karvonen and Cenex lift stations to upgrade the control panels. Other ongoing work included wrapping up the 2015 project items including the installation of the new street lights and various punch list items. A new gas line was installed at a new home in North Fork. The department will be working on the gas main/service lines for the Dollar General Store later this month. Catch basins around town have been cleaned out. Kyle noted that he had not had more time to look into the questions about the proposal to change the call pay arrangement. Mayor Gerber noted appreciation for Mattson's forward thinking and efforts to make improvements in operations and staffing. Maki noted that she did watch a webinar on labor laws and planned to go back through Mattson's earlier proposal with an eye towards what she had learned. The new parking near the football field will receive striping later this summer, at least temporary striping if the final cannot be done in a timely fashion.

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

**Administration Report** –Berry addressed the council. There were no questions regarding her report.

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

#### **Old Business**

**DNR Letter Regarding Grant Decision** – Mayor Gerber noted that the City did not receive the grant that had been applied for in conjunction with the recreational trail at the school.

**Donation Requests Information and Public Purpose Expenditures** – A general discussion was held concerning the information included in the handouts. Berry noted that she had sent a followup email to the guest from OTCHS last month noting that the Council would be considering the donation request after looking into the matter. The general consensus was to look into a donation as part of our 2017 budget process. No decision was made.

**Update on 2015/16 Utility Street Rehabilitation Project and Miller Street Planning** – Jon Pratt and Mike Weber from APEX Engineering addressed the Council. They discussed the status of the current project, noting that things were being cleaned up and the contractor was working on taking care of items on a punch list. Pratt stated that he is pretty pleased overall with this project. With respect to turf restoration, he noted that this is something that takes time. Property owners have been asked to help out by mowing and watering as needed. As grass becomes established, the amount of weeds will diminish. Wear course paving in alleys 2&3 is still needed due to rain delays. Around town there remain some driveways that need some work. The new crosswalks are nice and should last a long time with the diamond etching used. Talk then turned to the options for the Miller Street Project. Handouts were passed around showing various configurations for sidewalks and curbing. Pratt noted that APEX would like some direction from the City and also needed authorization to proceed with updating the PER this fall. Council Member Hoaby noted that we should proceed and make the needed authorizations. Pratt stated that he would bring back estimates when the design was more clearly decided upon. We would follow the Section 429 special assessment process. We will need a Council Resolution at the August meeting to authorize the Per. That will then be brought to the September meeting for consideration and approval. In October we can hold meetings and a Public Hearing. Specifics on the alternatives were discussed. Various options for storm water lifts were noted also. Street width and assessments were mentioned. Costs of various options will be determined and brought back to the Council. At about 5:47 p.m., the discussion wrapped up.

#### **New Business**

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Approved Minutes  
August 11, 2016

Berry asked the Council for direction on the upcoming CD maturity date of August 29, 2016 – Water and Capital Projects Reserve Funds 50/50. It was agreed that she should get bids from both in town financial institutions for a new CD for these funds.

**Cigarette License Application – Dollar General** – Berry noted that council approval was needed as this is a new license holder not considered by the Council previously during the normal annual licensing renewals.

**A motion was made by Hoaby and seconded by Maki to approve the application for a cigarette license for Dollar General. The motion carried without a dissenting vote**

**Certification of Delinquent Utilities** – Resolution No. 07-13-2016 was presented for consideration:

**CITY OF NEW YORK MILLS,  
MINNESOTA**

**RESOLUTION NO. 07-13-2016**

**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 \$42.95, Sewer \$143.93 and Gas \$74.82, or total due of \$261.70
- 2) PARCEL 73000990235000, 218 Tousley Ave. S., Owner(s) Thumann Construction LLC  
Water \$42.95, Sewer \$143.93 and Gas \$40.92, or total due of \$227.80.
- 3) PARCEL 73000990462000, 115 Wendy Woods Ln., Owner(s)John Heinonen  
Water \$42.95, Sewer \$143.93, Gas \$0, or total due of \$186.88
- 4) PARCEL 73000990272000, 216 Nowell St. W., Owner(s) Clifford Maki  
Water \$42.95, Sewer \$143.93, Gas \$40.92, or total due of \$227.80
- 5) PARCEL 73000990178000, 203 Main Ave. S., Owner(s) Clarence Meeks  
Water \$42.95, Sewer \$143.93, Gas \$40.92 , or total due of \$227.80
- 6) PARCEL 73000990263000, 104 Frazee Ave. , Owner(s) Edward Ojala  
Water \$42.95, Sewer \$143.93, Gas \$40.92, or total due of \$227.80
- 7) PARCEL 73000080010000, 406 County Road56., Owner(s) David Nelson  
Water \$0 ,Sewer \$318.08, Gas \$0, or total due of \$318.08
- 8) PARCEL 73000990165000, 100 Hayes St., Owner(s) Ethan Niemela

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Approved Minutes  
August 11, 2016

Water \$201.30, Sewer \$506.36, Gas \$775.11, or total due of \$1,482.77

- 9) PARCEL 73000080001002, 418 County Hwy. 56, Owner(s) Jesse Spiering  
Water \$126.57, Sewer \$343.50, Gas \$917.84, or total due of \$1,387.91
- 10) PARCEL 73000990212000, 207 Walker Ave. S., Owner(s) Terence Selander  
Water \$356.73, Sewer \$739.58, Gas \$368.06, or total due of \$1,464.37
- 11) PARCEL 73000990549000, 420 John Mark Ave., Owner(s) Tom Perala  
Water \$ 0 , Sewer \$0 , Gas \$440.62 , or total due of \$440.62.
- 12) PARCEL 73000990198000, 212 Main Ave. S., Owner(s) Ryan Barthel  
Water \$113.48, Sewer \$293.12, Gas \$597.81, or total due of \$1004.41
- 13) PARCEL 73000990214002, 109 Walker Ave. S., Owner(s) Business Development Centers of America  
Water \$171.68, Sewer \$373.54, Gas \$284.53, or total due of \$829.75

**Totals to be certified: Water \$1,227.46, Sewer \$3437.76, Gas \$3622.47, or total due of \$8,287.69**

**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 Thursday, July 28, 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 13th Day of July, 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 \$ \_\_\_\_\_.

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.

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Approved Minutes  
August 11, 2016

You will have until 3:00 P.M. on Thursday, July 28, 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  
July 13, 2016

**A motion was made by Hoaby and seconded by Roder to approve Resolution No. 07-13-2016 as presented. The motion carried without a dissenting vote.**

**Cash Donations for the Barn** - Resolution No. 07-13-2016a and No. 07-13-2016b were presented for consideration:

**CITY OF NEW YORK MILLS,  
MINNESOTA**

**RESOLUTION NO. 07-13-2016a**

**RESOLUTION ACKNOWLEDGING CASH DONATION TO THE CITY OF NEW YORK MILLS PARK  
BOARD FROM DEAN'S COUNTRY MARKET**

**WHEREAS**, the City of New York Mills has received a cash donation of \$1000 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 \$1000 from Dean's Country Market for the Park Board for "the Barn" shelter project at the Sculpture Park.

Adopted this 13th day of July, 2016, 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

**CITY OF NEW YORK MILLS,  
MINNESOTA**

**RESOLUTION NO. 07-13-2016b**

**RESOLUTION ACKNOWLEDGING CASH DONATION TO THE CITY OF NEW YORK MILLS PARK  
BOARD FROM RICHARD AND DEBORAH RODER**

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Approved Minutes  
August 11, 2016

**WHEREAS**, the City of New York Mills has received a cash donation of \$100 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 \$100 from Richard and Deborah Roder for the Park Board for “the Barn” shelter project at the Sculpture Park.

Adopted this 13th day of July, 2016, 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 Maki and seconded by Hoaby to approve Resolution Nos. 07-13-2016a and 07-13-2016b. The motion carried without a dissenting vote.**

**City Attorney and Police Department Joint Powers Resolution and Agreements – Resolution No. 07-13-2016c**

Dennis Happel noted that if this could be signed promptly he could take it with him.

RESOLUTION NO. 07-13-2016c

RESOLUTION APPROVING STATE OF MINNESOTA JOINT POWERS AGREEMENTS WITH THE CITY OF NEW YORK MILLS ON BEHALF OF ITS CITY ATTORNEY AND POLICE DEPARTMENT

WHEREAS, the City of New York Mills on behalf of its Prosecuting Attorney and Police Department desires to enter into Joint Powers Agreements with the State of Minnesota, Department of Public Safety, Bureau of Criminal Apprehension to use systems and tools available over the State's criminal justice data communications network for which the City is eligible. The Joint Powers Agreements further provide the City with the ability to add, modify and delete connectivity, systems and tools over the five year life of the agreement and obligates the City to pay the costs for the network connection.

NOW, THEREFORE, BE IT RESOLVED by the City Council of New York Mills, Minnesota as follows:

1. That the State of Minnesota Joint Powers Agreements by and between the State of Minnesota acting through its Department of Public Safety, Bureau of Criminal Apprehension and the City of New York Mills on behalf of its Prosecuting Attorney and Police Department, are hereby approved.

2. That the Chief of Police, James Griz, or his successor, is designated the Authorized Representative for the Police Department. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the City's connection to the systems and tools offered by the State.

To assist the Authorized Representative with the administration of the agreement, any duly appointed and acting Police officer for the City of New York Mills is appointed as the Authorized Representative's designee.

3. That Attorney at Law, Dennis W. Happel, or his successor, is designated the Authorized Prosecuting Attorney. The Authorized Prosecuting Attorney is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the City's connection to the systems and tools offered by the State.

To assist the Authorized Prosecuting Attorney with the administration of the agreement, any authorized assistant to the Otter Tail County Attorney is appointed as the Authorized Prosecuting Attorney's designee.

4. That Julie Gerber, the Mayor for the City of New York Mills, and Darla Berry, the City Clerk, are authorized to sign the State of Minnesota Joint Powers Agreements.

Passed and Adopted by the Council on this 13<sup>th</sup> day of July, 2016.

CITY OF NEW YORK MILLS

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By: Julie Gerber  
Its Mayor

Approved Minutes  
August 11, 2016

**A motion was made by Hoaby and seconded by Roder to approve Resolution No. 07-13-2016c. The motion carried without a dissenting vote.**

**Future Meeting Dates** –The regular meetings are scheduled for Thursday, August 11, 2016, and Tuesday, September 13, 2016

**Payment of Claims** – Mayor Gerber noted the bills are as in the packet with no additional items noted.

**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** – There was no discussion.

**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 Hoaby to adjourn. The motion carried without a dissenting vote.**

The meeting was adjourned at 5:55 p.m.

Respectfully submitted by,



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Darla Berry  
City Clerk