

**NEW YORK MILLS CITY COUNCIL  
REGULAR MEETING  
June 15, 2016  
5:00 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 5:01 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, 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, City Treasurer Al Berube, City Attorney Dennis Happel, Apex Engineer Michael Weber, Apex Engineer Jade Berube, Chris Schuelke, OT County Historical Society

**Call to Order** The meeting was called to order at 5:01 p.m. A quorum was present.

**Approval of Final Agenda** A motion to approve the final agenda was made by Maki and seconded by Oakland. The motion carried without a dissenting vote.

**Approval of Minutes** A motion to approve minutes from the May 10, 2016 regular meeting was made by Oakland and 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 Oakland and seconded by Maki to approve the consent agenda. The motion carried without a dissenting vote.**

**Department Reports**

**Pool Report** – Pool Manager Heidi Van Dyke addressed the Council. She noted that some of her lifeguards from last year would not be returning. She has three new lifeguards that she would like approval to hire. One is her own daughter, another is daughter of Mayor Gerber. Policy dictates that the Council can give approval to have a family member reporting to Van Dyke. She noted that we have been successful in getting sufficient numbers of well suited lifeguards while other pools and beaches in the area find difficulties in doing so.

**A motion was made by Roder and seconded by Oakland to approve the three lifeguards for hire, including Van Dyke's daughter. The motion carried with three Ayes by Maki, Roder and Oakland. Mayor Gerber abstained from the vote.**

**Liquor Store Report** - Manager Joan Koep addressed the council. She noted that the month's financials were good compared to the same month last year. The liquor store acquired three new games at no cost, but we will get a share of the earnings. A new facebook page is up and running. There are some new specials now in the bar. She gave an update on the employee roster, and asked the Council to approve the hiring of Sher Kramer.

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

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

**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 James Gritz addressed the Council. He noted that Landyn Saewert had accepted the offer of the full time position given officer's Stoll's desire to go to part time status. Saewert will be going to training for the Towards Zero Deaths overtime shifts. James met with the County Attorney's office to learn about the new paperless system they want us to start using. This will be used by our department as well as our attorney, all will be paperless with a target implementation date of July 1. All three squads are now in service. Gritz provided an update on the two new computers that have been in the works since December of 2014. Features have changed somewhat with higher capacity hard drives now included, at a somewhat lower price. The cost is expected to come in at \$6,806. The department will incur this and then get half of it reimbursed by the State program. Our budget set a few years ago was for an expense of \$5,000. We will be getting rid of air cards and using instead jet paks in two of the three squads. Gritz noted that the County is making improvements at the County building. They have asked that the City pay for ceiling changes in the police station area. Gritz note that they are charged no rent and so paying for the ceiling improvements does seem reasonable. These are estimated at \$1800. Things are going well in Deer Creek. The events in town for the Ronald McDonald ride went smoothly with no calls all weekend.

**A motion was made by Roder and seconded by Oakland to approve the promotion of officer Landyn Saewert from part time status to full time status, effective July 4, 2016. The motion carried with Maki abstaining and 3 Aye votes case by Oakland, Roder, and Gerber.**

**A motion was made by Roder and seconded by Oakland to accept the resignation of officer Elliot Stoll and approve his change to part time status, to pay the costs of ceiling improvements at the County building in the police station area, and 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 May 18. Guests presented included Cameron and Mike Wedde of Onward Online Auctions. They gave a presentation of how they conduct auctions should the EDA want to use their services for any equipment sales. The City has used them for the sale of a welder and staff felt the price received was good. The Kilby/Sugar Creek Woodworking loans were discussed. There have been some interested parties that have come forward. The revolving loan fund balance totaled \$164,330.84, with \$140,908.33 in EDA funds and \$23,422.51 of State of MN MIF funds. A loan request from Hometown Synergies was considered. A letter was drafted acknowledging the verbal terms that had been tentatively agreed to on the loan assumption of the Kilby building loans, and the borrowers agreed the letter reflected their intent for the loan assumption. M. Hanson gave an update on the daycare facility. He has worked on the Find Your Inner Otter project which has been taken over by the OT Lakes Country Board. The EDA asked Hanson to look into annexation agreements used by other towns. He agreed to get that information. Hanson's contract was

approved through year end 2016. The group then toured the area in the OT County Building where the daycare facilities are to be located.

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

**Zoning Report** – Jeff Oakland reported on behalf of the Zoning Committee. He noted that at the May 24 meeting the group looked at updates and changes to the ordinance. There was a complaint received on a temporary tent at a residence. Permits issued included a new house and an addition to a house.

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

### **Public Forum**

At about 5:30 p.m., Mayor Gerber asked whether anyone present wished to address the council. There was no response.

**Public Requests** – One request was received and is included in the packet. Chris Schuelke with the Otter Tail County Historical Society (OTCHS) submitted a request to speak to the council about the OTCHS and upcoming 150<sup>th</sup> Anniversary in 2018. He told the Council of many interesting historical facts concerning the County. One such story was from 1920, when a group of townships in the northern part of the County attempted to break away and form a new “Clover County” political subdivision. Those efforts failed. Other stories were shared. Schuelke explained that the OTCHS is a 501(c)(3) private non profit organization. They are funded in various ways. He noted that 50 of the 62 Townships in the County provide some contributions while some of the Cities also do so. About 20% of their total funds are from public sources. They are planning to schedule a “New York Mills Walking Tour” sometime in the future. He asked that the City Council consider making a donation for the 150<sup>th</sup> Anniversary. Council members thanked Mr. Schuelke for his presentation.

**Public Works Report** – Kyle Mattson addressed the Council. He went through his report, first noting the overtime as listed and then covering some operational items. Miller Street was discussed at length, after which there was a general consensus to start looking again at the Miller Street project. Some changes are being made to street lighting, and a form needs to be submitted to Ottertail Power for each lighting change being made once it is completed. Kyle asked that the Council authorize him to prepare these as these changes occur and authorize Clerk Berry to sign them. Several will need to be submitted. Kyle reported that he had received bids on sand sealing as included in the packet. He asked that the council authorize him to accept the bid submitted by Caldwell Asphalt. He noted that Marks Sand and Gravel will be in town Friday to put the wear course on those areas initially paved in fall of 2015. Street lights on Centennial are not up yet but he is hoping they are installed in time for Lund Mania. There will be a striping crew in town soon also. Kyle went over handouts he gave for a proposal to change call time scheduling and compensation to a time off award in lieu of monetary payments. He discussed how this could help reduce overtime. This matter was discussed at length with various questions on labor laws needed to be looked into further. Staff was directed to look at this more.

**A motion was made by Roder and seconded by Oakland authorizing Clerk Berry to sign the Ottertail Power forms regarding street lighting removals; to proceed with planning of the Miller Street project, to accept the bid for sand sealing from Caldwell Asphalt, and to approve the Public Works report. The motion carried without a dissenting vote.**

**Administration Report** – Berry addressed the council. She referred to the written report in the packet. Berry noted some of the other items in her report including a scheduled step raise. She also provided an update on how the reconciliation process review was going.

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

#### **Old Business**

**Nicholson Property Update** – Dennis Happel reported that the matter has now run through the court system and the City can now take actions to remove or otherwise handle the matter directly. The options open to the City were discussed at length. The Council directed attorney Happel to send a letter to the property owner/legal representative proposing their transfer of the property to the City. The letter was to include the documents needed to accomplish this. Also, they should make it clear that the City would relieve the owners of all further expense should they sign it over as requested.

**Update on 2015/16 Utility/Street Rehabilitation Project** – Michael Weber of Apex Engineering addressed the Council. A handout of the status of the project was provided. Also, he informed the Council that a letter had been submitted to Otter Tail County concerning the turnback of CSAH 94; they advised that they would not respond to this letter until late summer. The matter of liquidated damages and penalties assessed R.L. Larson was discussed at length. LDs totaled \$55,000. Penalties are \$18,000.

**A motion was made by Roder and seconded by Gerber to authorize APEX to offer a reduction in liquidated damages by \$27,500, basically a 50-50 compromise, while the penalties of \$18,000 would remain unchanged. The motion carried with AYES cast by Gerber, Roder, and Maki, and a NAY cast by Oakland.**

#### **New Business**

**League of MN Cities Insurance – Liability Waiver Form** – Mayor Gerber noted that this is an authorization we are asked for each year upon renewal.

**A motion was made by Roder and seconded by Maki to approve the LMCIT waiver form as presented. The motion carried without a dissenting vote.**

**Update on Elections** – Clerk Berry noted that election training was underway. A list of election judges was presented for the Council to approve.

**A motion was made by Maki and seconded by Roder to approve the list of election judges as presented. The motion carried without a dissenting vote.**

**Cash Donation for the Projector Project** – The following Resolution was presented for consideration:

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

### **RESOLUTION NO. 06-15-2016**

*The City of New York Mills is an equal opportunity provider and employer.*

**RESOLUTION ACKNOWLEDGING CASH DONATION TO THE CITY OF NEW YORK  
MILLS FOR CITY HALL PROJECTOR PROJECT  
FROM THE NEW YORK MILLS LIONS CLUB**

**WHEREAS**, the City of New York Mills has received a donation of \$500 towards the costs of installing a wireless projector in the Ballroom at New York Mills City Hall.

**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 hereby acknowledges and accepts the cash donation of \$500 for the projector project from the New York Mills Lions Club and notes that the New York Mills Lions Club will have complimentary use of the projector during its Club events in appreciation of this donation.

Adopted this 15th day of June, 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 Roder and seconded by Oakland to approve Resolution No. 06-15-2016 as presented. The motion carried without a dissenting vote.**

**Cash Donation to the Park Board for the Barn Project** – The following Resolution was presented for consideration:

**CITY OF NEW YORK MILLS,  
MINNESOTA**

**RESOLUTION NO. 06-15-2016a**

**RESOLUTION ACKNOWLEDGING CASH DONATION TO THE CITY OF NEW YORK  
MILLS PARK BOARD FROM RAYMOND AND DOROTHY MAIJALA**

**WHEREAS**, the City of New York Mills has received a cash donation of \$150 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 \$150 from Raymond and Dorothy Maijala for the Park Board for “the Barn” shelter project at the Sculpture Park.

Adopted this 15th day of June, 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 Oakland to approve Resolution No. 06-15-2016a as presented. The motion carried without a dissenting vote.**

**Cash Donation to the Park Board for the Barn Project** – The following Resolution was presented for consideration:

**CITY OF NEW YORK MILLS,  
MINNESOTA**

**RESOLUTION NO. 06-15-2016b**

**RESOLUTION ACKNOWLEDGING CASH DONATION TO THE CITY OF NEW YORK  
MILLS PARK BOARD FROM RICHARD LAUSTEN CONSTRUCTION, INC.**

**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 Richard Lausten Construction, Inc., for the Park Board for “the Barn” shelter project at the Sculpture Park.

Adopted this 15th day of June, 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 Oakland and seconded by Roder to approve Resolution No. 06-15-2016b as presented. The motion carried without a dissenting vote.**

**Cash Donation to the Park Board for the Barn Project** – The following Resolution was presented for consideration:

**CITY OF NEW YORK MILLS,  
MINNESOTA**

**RESOLUTION NO. 06-15-2016c**

**RESOLUTION ACKNOWLEDGING CASH DONATION TO THE CITY OF NEW YORK  
MILLS PARK BOARD FROM ROBERT SONNENBERG**

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