

NEW YORK MILLS CITY COUNCIL

April 11, 2023

4:30 p.m.

CALL TO ORDER AND DETERMINATION OF A QUORUM

The regular meeting of the New York Mills City Council was held at 4:30 p.m. in the Council Chambers of the City Center Building located at 118 North Main Avenue, New York Mills, Minnesota, all members of the Council having been notified of the meeting and the business to be transacted.

Members Present Maki, Nesland, Grotheer, Hammond, Hetland

Members Absent

Staff Present City Clerk Julie Roberts, Administrative Assistant Cheri Kopveiler, Public Works Director Kyle Mattson, Police Chief Bobby Berndt

Guests Present Amy Tervola-Hultberg, Matthew Geiser-Brunswick, Gerald Imdieke, Larry Hodgson

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

Additions, Changes or Deletions to Agenda and Approval of Final Agenda –

A motion was made by Hammond and seconded by Hetland to approve the final agenda as presented. The motion carried by unanimous vote.

Approval of Minutes –

A motion was made by Grotheer to approve minutes from the March 14, 2023 Regular Meeting and Public Hearing as presented. The motion was seconded by Hammond and carried by unanimous vote.

Communications & Recognitions – None

Department Reports

Liquor Store Report –Lana Jacobson’s report was included in the packet. Combined gross sales for the month of March were up 2% from prior year. Combined COGS were up 1.42% as a percentage of sales from prior year. Net revenues for the month of March were up 4.75% from prior year. Payroll expenses were flat as a percentage of sales from last year.

The Liquor Store hosted a wine tasting event as part of the Elevate program on March 28th. It was a fun event and was well attended. Another Elevate event will be held at the Liquor Store on April 25th. Jacobson has also set the date for the comedian show as April 18th.

A motion was made by Hammond to acknowledge receipt and review of the Liquor Store Report as presented. The motion was seconded by Hetland. The motion carried by unanimous vote.

Fire Department Report – Chief Ryan Brasel’s report was included in the packet. There were 20 calls in March consisting of 3 motor vehicle accidents, 1 gas leak and 16 medical calls. Brasel is waiting for prices on options for the stock unit for the new tanker/pumper.

A motion was made by Hetland to acknowledge receipt and review of the Fire Department Report as presented. The motion was seconded by Grotheer and carried by unanimous vote.

Police Report – Berndt addressed the Council. The Department responded to 148 calls for service in March, issued 5 citations and 34 warnings. The Police Committee has met with a new part-time officer and the hiring process has been started. Faith Schaefer has completed her performance evaluation. The Public Safety Committee met twice last month. Berndt stated that people have been seeing the information on the Calendar Parking Ordinance in the newspaper. He has not heard much either for or against it.

A motion was made by Nesland to acknowledge receipt and review of the Police Department Report as presented. The motion was seconded by Hammond and carried by unanimous vote.

Public Works Report – Mattson addressed the Council. During the past month, staff has been digging out gas meters and patrolling the distribution system to decrease the risk of damage. Road closures have been approved for the Summer Celebration. Otter Tail Power has conducted energy audits for the Hall and City Center and a report will be sent by the end of April. Staff began sweeping streets today and plan to start street patching next, dependent on weather. School District #553 and Brunswick staff coordinated a meeting with Superintendent Mattson regarding the potential of vacating West Gilman Street from Hayes Avenue to West Centennial. Mattson asked for approval to purchase two more locating machines due to the increased number of Gopher State One Calls that will be requested due to the Arvig and Midco fiber installation projects. The number of locates is expected to quadruple. Mattson presented two quotes and asked the Council to approve purchasing one new machine from Locators & Supplies for \$5,935.00 as well as an additional used one from a local contractor for under \$1,000. These items would be paid for from the Other Equipment Capital Outlay fund from the gas department, which has approximately \$43,000 budgeted.

A motion was made by Nesland to acknowledge receipt and review of the Public Works Report as presented along with approval the purchase of one new locating machine from Locators & Supplies and one used locating machine as requested. The motion was seconded by Hetland and carried by unanimous vote.

Administration Report – Roberts addressed the Council. There are no step raises due before the May 9, 2023 meeting. Mayor Maki and Roberts continue to work on the police union contract with Flaherty & Hood P.A. Roberts attended the MCFOA Conference in St Cloud. She received her Certified Municipal Clerk accreditation. The Safe Routes to School Demonstration Project is set to be installed on May 4, 2023. Discussion ensued. Clerk Roberts stated that the demo project is grant-funded and is a much larger project than is normally funded. The 30-day project will cover the crossing at the end of Miller Street across County Hwy 67, north to Mockingbird Lane. They will be collecting data to see if it qualifies to be permanently funded. There is no cost to the City, only manpower to paint striping and mark trail. Finally, Clerk Roberts asked for approval to make the proposed changes to the Legried Community Pool Rates/Registration form. Discussion was held last fall on these changes, but they were not formally approved at that time.

A motion was made by Hammond to acknowledge receipt and review of the Administration Report as presented along with approval to make the proposed changes to the Pool rates and registration for 2023 as presented. The motion was seconded by Hetland and carried by unanimous vote.

Committee Reports – Clerk Roberts reported that subcommittee reports will no longer be published with the official council minutes as per League of Minnesota Cities advisement. Committee meeting minutes from organized entities will continue to be published.

Park Board –

Economic Development Authority – There has not been a meeting since the last Council meeting. The EDA meets next on April 19, 2023.

Zoning Committee- Draft minutes from the February 21, 2023 Zoning Committee meeting were included in the packet.

Open Forum –At 5:00 p.m. Mayor Maki asked whether anyone present wished to address the Council. Gerald Indieke spoke regarding Ordinance 134 referring to private wells and definitions in the ordinance. Amy Tervola-Hultberg spoke regarding communication to the Public. Larry Hodgson spoke regarding sandpoints as referred to in Ordinance 134.

Public Requests –None

Other Committee Talking Points – Ordinance 106 – Councilman Nesland reported that in the Public Safety Committee meeting, Ordinance 106 on Health & Safety-Nuisances was discussed. Nesland felt a scoring matrix needs to be developed so the Police Department can be proactive rather than reactive in getting residents to clean up properties. Discussion ensued. Nesland asked if the City-wide clean up would resume. In the past the City has held a city-wide clean up day to dispose of appliances, tires etc every other year. The cost has been a pass through to the County landfill, but smaller items are paid by the City. Cost to the City is approximately \$3,000. Mattson replied that Public Works could look at doing this again. It was discontinued during Covid. The Public Works Committee will look into the possibility of doing this during the fall.

Financial Consent Agenda – The payment of financial claims information and the financials for the month of March were included in the packet. There are 3 additional bills to approve as well.

A motion was made by Hammond and seconded by Grotheer to approve the payment of financial claims and financial statements as presented including the additional bills. The motion carried by unanimous vote.

Meeting recessed at 5:15 p.m. for Public Hearing regarding Ordinances 134-137.

The public hearing was closed at 5:25p.m.

The regular council meeting resumed at 5:26 p.m.

Old Business and Tabled Items:

Action on Ordinance 134-Ordinance Prohibiting Private Wells for Domestic Use on Properties within the City Serviced by the City Water System- In consideration of several suggestions for definitions and

changes in verbage to this ordinance, some changes will be made and the ordinance will be reconsidered next month.

Action on Ordinance 135, Ordinance Regulating Nonessential Water Usage Upon Critical Water Deficiency as Authorized by Minn. Sta 103G.291, Subd. 1 and 2-

A motion was made by Hammond to approve Ordinance 135. Motion was seconded by Hetland and carried by unanimous vote.

Action on Ordinance 136, Regulating Specifications for Cross Connections and Backflow Prevention in Potable Water Systems -

A motion was made by Hammond to approve Ordinance 136. Motion was seconded by Grotheer and carried by unanimous vote.

Action on Ordinance 137, Ordinance to Enact a New Chapter of the Code of Ordinances to Administer and Regulate the Public Rights-Of-Way in the Public Interest, and to Provide for the Issuance and Regulation of Right-Of-Way Permits -

A motion was made by Hetland to approve Ordinance 137. Motion was seconded by Hammond and carried by unanimous vote.

Resolution Appointing Public Works Director as City Official Responsible for Rights-Of-Way Permits- Resolution No. 04-11-2023 – This resolution fills a requirement in Ordinance 137 to name a City Official as the responsible person for rights-of-way.

**CITY OF NEW YORK MILLS,
MINNESOTA**

RESOLUTION NO. 04-11-2023

RESOLUTION APPOINTING PUBLIC WORKS DIRECTOR AS CITY OFFICIAL RESPONSIBLE FOR RIGHTS-OF-WAY PERMITS

WHEREAS, The City Council of the City of New York Mills appoints the Public Works Director as the city official responsible for the administration of rights-of-way permits and the ordinances related thereto. The director may delegate any or all of the duties hereunder.

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 appoints the Public Works Director as the city official responsible for the administration of rights-of-way permits and the ordinances related thereto. The director may delegate any or all of the duties hereunder.

Adopted this 11th day of April 2023, by the City Council of the City of New York Mills.

Marsha Maki, Mayor

Julie Roberts, City Clerk

A motion was made by Nesland and seconded by Hammond to approve Resolution No. 04-11-2023. Motion carried by unanimous vote.

Parking Ordinance – No action taken.

Resolution Establishing Procedures Relating to Compliance with Reimbursement Bond Regulations Under the Internal Revenue Code-Resolution No 04-11-2023a was presented – Clerk Roberts explained that the purpose for Resolution 04-11-2023a is to allow the City to receive reimbursement for money spent if costs go higher than expected for the South Point project, and the City needs to apply for a bond. She commented that they are not planning to do this, but it is a measure that the City needs to have in place.

CITY OF NEW YORK MILLS, MINNESOTA

RESOLUTION NO. 04-11-2023a

RESOLUTION ESTABLISHING PROCEDURES RELATING TO COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE

BE IT RESOLVED by the City Council (the "Council") of the City of New York Mills, Minnesota (the "City"), as follows:

1. Recitals.

(1) The Internal Revenue Service has issued Treasury Regulations, Section 1.150-2 (as the same may be amended or supplemented, the "Regulations"), dealing with "reimbursement bond" proceeds, being proceeds of bonds used to reimburse the City for any project expenditure paid by the City prior to the time of the issuance of those bonds.

(2) The Regulations generally require that the City (as the issuer of or the primary obligor under the bonds) make a declaration of intent to reimburse itself for such prior expenditures out of the proceeds of subsequently issued bonds, that such declaration be made not later than 60 days after the expenditure is actually paid, and that the bonding occur and the written reimbursement allocation be made from the proceeds of such bonds within 18 months after the later of (1) the date of payment of the expenditure or (2) the date the project is placed in service (but in no event more than 3 years after actual payment).

(3) The City heretofore implemented procedures for compliance with the predecessor versions of the Regulations and desires to amend and supplement those procedures to ensure compliance with the Regulations.

(4) The City's bond counsel has advised the City that the Regulations do not apply, and hence the provisions of this Resolution are intended to have no application, to payments of City project costs first made by the City out of the proceeds of bonds issued prior to the date of such payments.

2. Official Intent Declaration. The Regulations, in the situations in which they apply, require the City to have declared an official intent (the "Declaration") to reimburse itself for previously paid project expenditures out of the proceeds of subsequently issued bonds. The Council hereby authorizes the Administrator to make the City's Declarations or to delegate from time to time that responsibility to other appropriate City employees. Each Declaration shall comply with the requirements of the Regulations, including without limitation the following:

(1) Each Declaration shall be made not later than 60 days after payment of the applicable project cost and shall state that the City reasonably expects to reimburse itself for the expenditure out of the proceeds of a bond issue or similar borrowing. Each Declaration may be made substantially in the form of the Exhibit A which is attached to and made a part of this Resolution, or in any other format which may at the time comply with the Regulations.

(2) Each Declaration shall (1) contain a reasonably accurate description of the "project," as defined in the Regulations (which may include the property or program to be financed, as applicable), to which the expenditure relates and (2) state the maximum principal amount of bonding expected to be issued for that project.

(3) Care shall be taken so that the City, or its authorized representatives under this Resolution, not make Declarations in cases where the City doesn't reasonably expect that reimbursement bonds will be issued to finance the subject project costs, and the City officials are hereby authorized to consult with bond counsel to the City concerning the requirements of the Regulations and their application in particular circumstances.

(4) The Council shall be advised from time to time on the desirability and timing of the issuance of reimbursement bonds relating to project expenditures for which the City has made Declarations.

3. Reimbursement Allocations. If the City is acting as the issuer of the reimbursement bonds, the designated City officials shall also be responsible for making the "reimbursement allocations" described in the Regulations, being generally written allocations that evidence the City's use of the applicable bond proceeds to reimburse the original expenditures.

4. Effect. This Resolution shall amend and supplement all prior resolutions and/or procedures adopted by the City for compliance with the Regulations (or their predecessor versions), and, henceforth, in the event of any inconsistency, the provisions of this Resolution shall apply and govern.

Adopted this 11th day of April, 2023, by the New York Mills City Council.

Marsha Maki, Mayor

Julie Roberts, City Clerk

A motion was made by Grotheer to approve Resolution No. 04-11-2023a. Motion was seconded by Hammond and carried by unanimous vote.

Vacate Gilman Street – Brunswick – Matt Geiser of Brunswick addressed the Council. Brunswick is requesting that the City vacate West Gilman Street from Centennial 84 Drive West to Hayes Avenue. They want to enclose their premises with security fencing for health and safety protection for their plant. Chief Berndt asked what their plan was for parking and if they would continue to have cars park on Hayes, or where those vehicles would be deferred to once fencing is up. Geiser replied they have not decided yet where they will provide parking, whether it be angle parking, utilization of the area west of the plant, or one way parking along Hayes. Geiser stated that Brunswick would work with the school on parking spots for the tennis courts. Nesland asked if Brunswick will stand behind the cost of paperwork by engineers to go through the process. Geiser indicated that Brunswick would stand behind those costs. Clerk Roberts stated that the City will need to have a formal proposal from Brunswick and District 553, either separately or as a joint request in order for the City to act on it.

2022 Audit Presentation – John Hagen, Eide Bailly-At 5:39 pm, John Hagen of Eide Bailley gave his audit presentation via zoom. The City of New York Mills again received a clean audit with a positive fund balance in all funds. Fund balances were found to have healthy reserves which contribute to a favorable bond rating, as well as providing a source of working capital to meet cash flow needs. Hagen thanked Clerk Roberts and staff for their efficiency and cooperation in making the audit go smoothly. Mayor Maki thanked Hagen for his presentation.

Communication with Public ideas – Discussion Councilman Nesland presented a list of possible ideas to increase communication between the City and residents. More will be discussed on this in future meetings.

User Agreements with NYM Softball Association and NYM Athletic Association for use of Lund Park and Smith Park Respectively- Resolution No. 04-11-2023b – Clerk Roberts stated that the Park Board will be looking at the User Agreements in their meeting tomorrow but asked the Council to consider adopting them contingent on approval by the Park Board.

CITY OF NEW YORK MILLS, MINNESOTA

RESOLUTION NO. 04-11-2023b

RESOLUTION TO ACKNOWLEDGE AND ADOPTION OF USER AGREEMENT FOR NEW YORK MILLS SOFTBALL ASSOC AND NEW YORK MILLS ATHLETIC ASSOC. FOR CITY OWNED BALL FIELDS

Whereas the City has developed City Park Ballfield “user agreements” for each of the two local amateur associations, known as the *New York Mills Athletic Association (NYMAA)* and the *New York Mills Softball Association (NYMSA)*, And

Whereas the City owns and insures these Ball Parks, known as *Russ Jacobson Memorial Ball Park* and *LUND Ball Park*, And

Whereas the City supports efforts by these legal not-for-profit associations to access, improve, maintain, and utilize these fields and facilities for local amateur baseball and softball programs, And

Whereas the City has communicated with both associations, during and before the last 12 months, regarding roles and responsibilities of the City and the Associations, in the use of these facilities, at those times that the NYM School District is not scheduling events, per the City/School Ball Field access lease, And

Whereas the City and representatives of each Association have reviewed the “user agreements” regarding the rolls and responsibilities of each party, Now

Be it Understood that each Association is authorized to access the City ballfields as delineated in each “User Agreement”, and is responsible, as of this date, for the terms and effect of these agreements, Now

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF NEW YORK MILLS, MINNESOTA THAT, at this meeting, directing the City Clerk and Mayor to sign and present the City Park Ballfields “User Agreements” to each Association as a demonstration of the implementation of the NYM Amateur Baseball Association and the New York Mills Softball Association on-going City Park Ballfields “User Agreements.”

Adopted this 11th day of April, 2023, by the City Council of the City of New York Mills.

Marsha Maki, Mayor

Julie A. Roberts, Clerk/Treasurer

A motion was made by Nesland to approve Resolution No. 04-11-2023b. Motion was seconded by Hammond and carried by unanimous vote.

The Public Meeting was closed at 6:11 p.m. for a Closed Session to discuss personnel matters.

The Public Meeting resumed at 6:30 p.m.

Action on Closed Session- No action taken. Tabled until next meeting.

Next Regular Meeting will May 9, 2023 at 4:30 p.m. in the Council Chambers of the City Center Building located at 118 North Main Ave, New York Mills, MN.

Adjournment – A motion was made by Hetland and seconded by Hammond to adjourn the meeting at 6:30 p.m. Motion carried by unanimous vote.

Respectfully submitted by,

Julie A. Roberts
City Clerk

(Notes taken and typed by Cheri Kopveiler, Administrative Assistant