

**NEW YORK MILLS ZONING COMMITTEE/NEW YORK MILLS CITY COUNCIL  
MEETING & PUBLIC HEARING  
August 30, 2016  
4:45 p.m.**

**CALL TO ORDER AND DETERMINATION OF A QUORUM**

The special joint meeting of the New York Mills Zoning Committee and the New York Mills City Council was called to order at 4:47 p.m. in the Council Chambers of the City Hall Building at 28 Centennial 84 Dr., New York Mills, Minnesota, all members of the Zoning Committee having been notified of the meeting and Public Hearing and the business to be transacted.

Members Present: D. Wallgren, Jeff Oakland, Greg Imsande

Members Absent: Jann Lee, Mike Parta, Ken Peltier, Tim Johnson

Staff Present: D. Berry, C. Kopveiler, D. Delaney

Council Present: J. Gerber, M. Maki, B. Roder, J. Oakland

Guests Present: None

Call to Order: The special meeting was called to order at 4:47 p.m by Mayor Julie Gerber. A quorum of the Zoning Committee was not present; however there was a quorum of the City Council.

Approval of Agenda: *A motion was made by M. Maki to approve the agenda as presented. The motion was seconded by B. Roder and carried without a dissenting vote.*

Mayor Julie Gerber opened a discussion between Zoning Committee members, City Council members and staff concerning the topic of temporary family health care dwellings as covered in Minnesota Statutes §462.3593. Zoning members shared their views on the many issues that would be presented under the new state law. Staff presented a League of MN Cities paper concerning this new legislation as well as a paper summarizing the background and proposed Ordinance No. 127 for opting out of the statute at this time. Some of the concerns brought forward included a need to research further into how compliance would be monitored, such as length of stay, medical qualifications, proof that the individual residing in the temporary health care dwelling is living there alone, qualifying construction and removal of the unit when the qualified person is no longer there. Zoning President Dianna Wallgren cited several areas where the new law contradicted the present zoning ordinance and expressed her concern regarding the coordination of the two without taking the time to research and make educated decisions. Examples include areas such as impervious surface, minimum size requirements for dwellings, lack of permanent foundation, and city utilities to name a few. At 5:00 p.m. the Joint Special Meeting was recessed for the Public Hearing on the matter at hand.

**Public Hearing:**

Mayor Julie Gerber opened the Public Hearing at 5:00 p.m. No one from the public was in attendance. There were no written or verbal comments received. The Public Hearing was closed at 5:10 p.m.

**Resumption of the Special Joint Meeting:**

The Zoning Committee and City Council members shared additional comments concerning the legislation. The Zoning Committee presented the Council with its draft Findings of Fact recommending that the Council opt out of the legislation at this time.

Ordinance No. 127 was presented for consideration:

**ORDINANCE NO. 127  
CITY OF NEW YORK MILLS, NEW YORK MILLS, MINNESOTA**

**AN ORDINANCE OPTING-OUT OF THE REQUIREMENTS OF  
MINNESOTA STATUTES, SECTION 462.3593**

**SECTION 1.**

**WHEREAS**, on May 12, 2016, Governor Dayton signed into law the creation and regulation of temporary family health care dwellings, codified at Minn. Stat. § 462.3593, which permit and regulate temporary family health care dwellings;

**WHEREAS**, subdivision 9 of Minn. Stat. §462.3593 allows cities to “opt out” of those regulations;

**THE CITY COUNCIL OF THE CITY OF NEW YORK MILLS, NEW YORK MILLS, MINNESOTA, ORDAINS as follows:**

Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of New York Mills opts-out of the requirements of Minn. Stat. §462.3593, which defines and regulates Temporary Family Health Care Dwellings.

**SECTION 2.**

**EFFECTIVE DATE.** This ordinance of the City of New York Mills shall be effective upon its approval and summary publication which shall read as follows:

*Ordinance #127 publicly states that the City is opting out of M.S. 462.3693 which permits and regulates temporary family health care dwellings. A full copy of the ordinance is available for inspection at the New York Mills City Hall, 28 Centennial 84 Drive West, New York Mills, MN 56567. 218-385-2213.*

**ADOPTED** this 30<sup>th</sup> day of August, 2016, by the City Council of the City of New York Mills.

**CITY OF NEW YORK MILLS**

By: \_\_\_\_\_  
Julie Gerber, Mayor

ATTEST:

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

*A motion was made by City Council member B. Roder and seconded by M. Maki to adopt Ordinance No. 127 as presented. The motion carried without a dissenting vote having J. Gerber, M. Maki, B. Roder and J. Oakland all voting in favor.*

Clerk Berry noted that she would have the newly passed Ordinance No. 127 published in summary format in the September 7, 2016 edition of the New York Mills Dispatch.

Adjournment: *A motion was made by J. Oakland and seconded by M. Maki to adjourn the meeting at 5:13. p.m. The motion carried without a dissenting vote.*

Respectfully submitted by,

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Cheri Kopveiler  
Administrative Assistant/Zoning  
City of New York Mills