

NEW YORK MILLS CITY COUNCIL
April 9, 2019
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 4:30 p.m. in the Council Chambers of the City Hall Building at 28 Centennial 84 Dr. West, New York Mills, Minnesota all members of the Council having been notified of the meeting and the business to be transacted.

Members Present Maki, Hoaby, Roder, and Hetland

Members Absent None

Staff Present City Clerk Julie Roberts, Administrative Assistant Cheri Kopveiler, Public Works Director Kyle Mattson, City Treasurer Al Berube

Guests Present NYM Dispatch Reporter Eric Bervig

Call to Order The meeting was called to order at 4:30 p.m. A quorum was present.

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

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

Approval of Minutes -A motion was made by Roder to approve minutes from the March 14, 2019, Regular Council Meeting and the March 5, 2019 Special Meeting. The motion was seconded by Hoaby. The motion carried without a dissenting vote.

Updates/Consent Agenda – Acting Mayor Maki noted the updates and consent agenda items as listed on the Agenda.

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

Department Reports

Liquor Store Report – Joan Koep was not present at the meeting. A copy of the liquor store financials were included in the packet.

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

Fire Department Report –Fire Chief Brasel’s report was in the packet. Chief Brasel was not present at the meeting.

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

Police Report – Chief Gritz’ report was included in the packet. Chief Gritz was not present at the meeting.

Hoaby to approve the Police report as presented. The motion carried without a dissenting vote.

EDA Report – Betsy Roder addressed the Council concerning the EDA meeting held on March 20, 2019. All loans are current. The revolving loan fund balance was at \$48,454.89. There was discussion on a USDA grant being applied for to increase the revolving loan fund. It was decided that the EDA would set aside \$24,000 of the current funds available to use as a match to the USDA funds if received. Mills Manor is still on track to open on April 15, 2019. Betsy Roder gave a brief update on the NYM2025 project. Katie Heppner was not present so there was no Economic Alliance Report. Roder noted that there are three different parties looking at the Creamery Building. The Civic and Commerce has started giving out First Dollar plaques to new business and circled back a couple of years to give out some that have opened in the past but did not get a plaque. Next meeting is set for April 17, 2019.

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

Public Works Report – Kyle Mattson’s report was included in the packet. Mattson noted some added items for his department. The department worked on the water treatment blowers and have been picking up trash as the snow melts. Mattson asked for direction from the council regarding some customer complaints on water and sewer billings. Customers had run water to prevent water freeze ups during a period and said they were told to do so by the public works department. Customers were actually told that there were some freeze up issues but did not direct people to run the water. Customers were asking for adjustments to their bills. Discussion ensued and the council directed Mattson to review the billings and look at those who used more than 10% more than average and contact those customers to see if they had ran water to prevent frozen pipes. He was directed to make adjustments to those bills and to create a policy to handle this type of issue for the future. Mattson reported on the Potential North 67 Natural Gas project. Arvig was the low bid. The project would have a 13.7 year payback based on fifteen services. He is ready to contact the customers with the costs for moving to natural gas.

A motion was made by Hoaby and seconded by Roder to approve the Public Works report as presented and to move forward with contacting the potential customers for the North 67 Natural Gas Project. The motion carried without a dissenting vote.

Open Forum – 5:27 p.m. None

Public Requests – None

5:30 --**Presentation of Annual Audit – Eide Bailly** – Courtney Richman from Eide Bailly joined the meeting via conference call. Ms. Richman reviewed the executive summary prepared by Eide Bailly. The City received a “clean” audit opinion. No new bonds were issued in 2018. The city’s Debt Coverage Ratio is at 1.54. A ratio of 1.0 is ideal and anything above that is a positive factor. General Fund Receipts have remained very similar in ratio between intergovernmental, property taxes and special assessments and charges for services over the past three years. General Fund disbursements increased slightly as a ratio due to the purchase of land in 2018. Actual expenditures exceeded budget for 2018 in the general General Fund due to the purchase of land that was not in the 2018 budget. The government funds debt to revenue ratio is at 175.3%. This ratio is recommended to be under 180%. The utility funds debt to revenue ratio is at 244.4%. This ratio is recommended to be under 300%. The liquor fund had income before operating transfers in 2018. The liquor fund’s gross profit margin is at 40.7 %, state wide average is 40.6%. Ms Richman reported that the audit went smoothly and data was provided in a very timely manner.

Department Reports continued:

Administration Report – Roberts’ report was in the packet. Roberts asked the council to approve the step raise for Al Holtberg to step 6. Mike has been working on the ballroom painting and has completed the ballroom and party room area. He will do the area outside of the city offices in May. Roberts will be at Clerks Institute May 6-10, 2019. Sale of the property at 580 Main Ave S, New York Mills closed in March. She has advertised for bids for rental of the farmland that was kept by the city. Jenny completed the Gas Awareness mailing. Cheri and Jenny attended the loss control meeting on March 28th.

A motion was made by Roder and seconded by Hetland to approve the Administration report as presented along with the step raises as recommended by department heads. The motion carried without a dissenting vote.

Old Business: None

New Business:

Letter of Resignation from Mayor Julie Gerber – A letter of resignation was included in the council packet. Marsha Maki will be acting mayor until the next council meeting. Clerk Roberts was instructed to post the vacancy in the newspaper to determine who from the community might have interest in filling a council or mayor seat until the end of 2020.

A motion was made by Hoaby and seconded by Hetland to accept the resignation and to post the vacancy in the newspaper. The motion carried without a dissenting vote.

Certificate of Commendation for NYM Wastewater Treatment Facility – The NYM Wastewater Treatment Facility was awarded a certificate of commendation for exceptional compliance with Minnesota Pollution Control Agency.

Resolution Acknowledging Council Support for WCI Community Planning Grant – Resolution 04-09-2019 was presented.

**CITY OF NEW YORK MILLS,
MINNESOTA**

RESOLUTION NO. 04-09-2019

**RESOLUTION ACKNOWLEDGING COUNCIL SUPPORT FOR THE APPLICATION TO
WEST CENTRAL INITIATIVE FOR A COMMUNITY PLANNING GRANT**

WHEREAS, the City of New York Mills is currently looking for funds to continue the implementation of the goals set out in the NYM2025 Cultivating Our Future project recently completed in the city,

WHEREAS, one of these goals is to develop a marketing plan to brand the City of New York Mills to further the goals set forth in the NYM2025 Cultivating Our Future project.

WHEREAS, the City of New York Mills has been made aware of grant funds available through the West Central Initiative Community Development Grant Program,

WHEREAS, the City of New York Mills will complete the application and the Community Planning Grant through West Central Initiative..

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF NEW YORK MILLS, MINNESOTA THAT: the City Council of New York Mills is in support of submitting an application for the Community Planning Grant from West Central Initiative to be used to create a marketing plan to support the NYM2025 Cultivating Our Future goals in the City.

Adopted this 9th day of April, 2019, by the City Council of the City of New York Mills.

Marsha Maki, Mayor

Julie Roberts, City Clerk

A motion was made by Hetland and seconded by Roder to approve Resolution No. 04-09-2019 as presented. The motion carried without a dissenting vote.

Resolution Acknowledging Cash Donation to City of New York Mills from the NYM Lions Club for Ballroom Paint – Resolution 04-09-2019a was presented.

**CITY OF NEW YORK MILLS,
MINNESOTA**

RESOLUTION NO. 04-09-2019a

**RESOLUTION ACKNOWLEDGING CASH DONATION TO CITY OF NEW YORK MILLS
FROM NEW YORK MILLS LIONS CLUB**

WHEREAS, in March of 2018 the City of New York Mills received a donation from New York Mills Lions Club for the City of New York Mills for its ballroom painting project in the amount of \$1,000.

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 \$1,000 from the New York Mills Lions Club to the City of New York Mills for its ballroom painting project the amount of \$1,000.

Adopted this 9th day of April, 2019 by the City Council of the City of New York Mills.

Marsha Maki, Mayor

Julie Roberts, City Clerk

A motion was made by Hoaby and seconded by Roder to approve Resolution No. 04-09-2019a as presented. The motion carried without a dissenting vote.

Mural for Pool Wall – Clerk Roberts told the council that she has been working with Cheryl Bannes from the Cultural Center. Cheryl has an artist residency in May who would be willing to do a mural on the pool house wall. This is something that Heidi VanDyke has been asking to be done for several years. Clerk Roberts has received that approval from both VanDyke and Kyle Mattson regarding the project. Clerk Roberts asked for the council’s approval to allow the mural to be done on the pool house wall.

A motion was made by Hoaby and seconded by Hetland to approve Clerk Roberts to work with the Cultural Center to get the mural painted. The motion carried without a dissenting vote.

Otter Tail County Scenic Byways Sign Replacement– Clerk Roberts explained that Otter Tail County is working on a project to replace the scenic byway signs that are located in Otter Tail County. Several of the cities that have the byway signs have approved paying for the signs

that are in their communities. New York Mills has a sign in Central Park. Roberts asked if the council would approve paying for the replacement sign at a cost of \$646.50.

A motion was made by Hetland and seconded by Hoaby to approve the expense and pay Otter Tail County for the cost of the sign being replaced in Central Park. The motion carried without a dissenting vote.

League of Minnesota Cities Liability Coverage Waiver- The Liability Coverage Waiver was included in the packet. Clerk Roberts asked for the council's approval to sign the waiver which would state that the city does not waive the monetary limits on municipal tort liability established by Minn Stat. 466.04.

A motion was made by Roder and seconded by Hetland to approve Clerk Roberts to sign the insurance form. The motion carried without a dissenting vote.

Resolution Setting Small Wireless Facility Design Guidelines – Resolution No. 04-09-2019b was presented:

CITY OF NEW YORK MILLS, MINNESOTA

RESOLUTION NO. 04-09-2019b

SMALL WIRELESS FACILITY DESIGN GUIDELINES

I. PURPOSE AND COMPLIANCE

The City Council of the City of New York Mills (the "City") finds that in order to protect the public health, safety and welfare of its citizens and to reasonably manage and protect the public rights-of-way (the "ROW") and its uses in the City, it is in the best interest of the City and its residents and businesses to establish Small Wireless Facility Design Guidelines (the "Guidelines") to provide the aesthetic requirements and other specifications and reasonable conditions that small wireless facilities and wireless support structures installed within the public ROW must meet prior to and following installation.

The objective of these Guidelines is to strike a balance between preserving and protecting the character of the City through careful design, siting, and camouflaging techniques to blend these facilities into their surrounding environment and provide other reasonable conditions upon such placement and use of the ROW, while enhancing the ability of small wireless facilities carriers to deploy small wireless facilities and wireless support structures in the City effectively and efficiently so that residents, businesses, and visitors benefit from ubiquitous and robust wireless service availability.

These Guidelines apply to requests to locate small wireless facilities in the ROW and ongoing use of the ROW for such purposes. These Guidelines are established pursuant to applicable law. These Guidelines are administered through the permitting process contained therein as conducted by the Department of Public Works.

Placement or modification of a small wireless facilities and/or wireless support structures shall comply with these Guidelines at the time the permit for installation or modification is approved and as amended from time to time.

II. DEFINITIONS

The definitions contained in Minn. Stat. § 237.162 are incorporated into this policy by reference as though fully set forth herein.

III. APPLICATION REQUIREMENTS

Prior to placing, installing, modifying, relocating or removing a small wireless facility or wireless support structure in the ROW, or to collocating a wireless facility on an existing wireless support structure in the ROW, the operator shall apply for and receive a permit from the City. Information identified in this Section III must be included for the application to be considered complete, except that where such information is already in the City's possession from previous applications, or where the applicant previously filed information and specifications for standard materials that are being utilized in the new application, such information shall be referenced but need not be resubmitted. The City may require additional information as reasonably necessary to evaluate the application and the impact of the proposed installation(s) on the public health, safety and welfare or on use or management of the ROW.

A. PROOF OF AGENT DESIGNATION (IF APPLICABLE):

If the applicant is serving as an agent of a small wireless operator, the applicant must provide written documentation of the agent designation signed by the operator.

B. MAP

The applicant must include an aerial map showing the location of the proposed or existing support structure to which the small wireless facility is proposed to be attached, or from which a small wireless facility is proposed to be removed.

C. PHOTO SIMULATIONS

For all applications to locate small wireless facilities in the ROW, the applicant shall provide photo simulations from at least two reasonable line-of-site locations near the

proposed project site. The photo simulations must be taken from the viewpoints of the greatest pedestrian or vehicular traffic.

D. CONSOLIDATED APPLICATIONS

An applicant seeking to construct, modify, collocate or replace more than one small wireless facility or more than one wireless support structure within the City may file a consolidated application for multiple small wireless facility requests or wireless support structure requests provided the requests grouped on a consolidated application only address substantially the same type of small wireless facilities or substantially the same type of wireless support structures. (Note: The City may treat each request individually during application review and processing and when issuing a determination or applying these guidelines.)

E. SITE AND OTHER PLANS AND STRUCTURAL CALCULATIONS

The applicant must include fully dimensioned site plans, elevation drawings and structural calculations that depict any known existing wireless facilities with all existing transmission equipment and other improvements, the proposed facility with all proposed transmission equipment and other improvements, and the legal boundaries of the existing right-of-way and any associated access and utility easements. Fully dimensioned site plans shall indicate the spacing from existing curb, driveways, sidewalks, light poles and any other poles or appurtenances.

F. FULL DESCRIPTION OF NUMBER AND DIMENSIONS OF FACILITIES AND/OR STRUCTURES TO BE INSTALLED

The applicant must include a full description of the number and dimensions of all small wireless facilities proposed to be installed and the wireless support structure, either new or existing, to be utilized for each small wireless facility. For all equipment proposed to be installed, the applicant must include: (1) the manufacturer's name and model number; (2) physical dimensions, including without limitation, height, width, depth and weight with mounts and other necessary hardware; and (3) the ambient noise level generated from the equipment, if any.

G. OWNER'S AUTHORIZATION

For any application to attach a small wireless facility to a wireless support structure that is not owned by the City, the applicant must submit evidence sufficient to show that either: (1) applicant owns the proposed support structure; or (2) applicant has obtained the owner's written authorization to file the application.

IV. AESTHETIC REQUIREMENTS FOR SMALL WIRELESS FACILITIES

A. ANTENNAS

1. Each small wireless antenna shall be located entirely within a shroud or canister type enclosure.
2. The diameter of the antenna enclosure at its widest point should not be wider than two times the diameter of the top of the wireless support structure. The enclosure shall not exceed six cubic feet in volume.
3. All antenna enclosures shall either be mounted to the top of the wireless support structure pole and aligned with the centerline of the wireless support structure, or mounted to the side of the wireless support structure such that the vertical centerline of the antenna enclosure shall be parallel with the wireless support structure with the height of the side mounted antenna being at a location on the

wireless support structure noted in the application and approved by the City, but at least 10 feet above ground level at its lowest point.

4. Tree “topping” or the improper pruning of trees is prohibited. Any proposed pruning or removal of trees, shrubs or other landscaping already existing in the ROW must be noted in the application and must be approved by the City.

B. CABLES AND WIRES

All cables, wires and connectors related to the small wireless facility must be fully concealed on the wireless support structure and shall match the color of the wireless support structure. There shall be no external cables and wires related to the small wireless facility hanging off or otherwise exposed on the wireless support structure.

C. COLORS

All colors shall match the background of any wireless support structure that the facilities are located upon, including equipment cabinets. Notwithstanding the foregoing, in the case of existing wood utility poles, finishes of conduit shall be zinc, aluminum or stainless steel, or colored to match those metal finishes, and equipment cabinets shall be the color of brushed aluminum.

D. EQUIPMENT ENCLOSURES/CONCEALMENT

1. Equipment enclosures, including electric meters, shall be as small as possible, but in no event larger than 28 cubic feet in volume. Ground-mounted equipment shall incorporate concealment elements into the proposed design matching color and materials of the wireless support structure, unless other materials or colors are approved by the City. Concealment may include, but shall not be limited to, landscaping, strategic placement in less obtrusive locations and placement within existing or replacement street furniture.
2. Radio equipment shall be fully enclosed within an equipment cabinet or concealed within the antenna shroud enclosure matching the color and materials of the wireless support structure, unless other materials or colors are approved by the City.
3. Landscaping concealing equipment enclosures shall be planted in such quantity and size such that 100% screening is achieved within two years of installation.

E. SIGNAGE/LOGOS/LIGHTS/DECALS/COOLING FANS

1. Signage: The small wireless facility permittee shall post its name, location identifying information, and emergency telephone number in an area on the cabinet of the small wireless facility that is visible to the public. Signage required

under this section shall not exceed 4 inches by 6 inches, unless otherwise required by law (e.g. radio-frequency (RF) ground notification signs) or the City. If no cabinet exists, the sign shall be placed at the base of the pole.

2. Lights: New small wireless facilities and wireless support structures shall not be illuminated, except in accord with state or federal regulations, or unless illumination is integral to the camouflaging strategy such as design intended to look like a street light pole.
3. Logos/Decals: The small wireless facility operator/permittee shall remove or paint over unnecessary equipment manufacturer decals. The color shall match or shall be as approved by the City. Small wireless facilities and wireless support structures shall not include advertisements and may only display information required by a federal, state or local agency. The small wireless facility operator/permittee shall utilize the smallest and lowest visibility RF warning sticker required by government or electric utility regulations. Placement of the RF sticker shall be as close to the antenna as possible.
4. Cooling Fans: In residential areas, the small wireless facility operator/permittee shall use a passive cooling system. In the event that a fan is needed, the small wireless facility operator/permittee shall use a cooling fan with a low noise profile.

V. LOCATION REQUIREMENTS

A. MOST PREFERABLE LOCATIONS

The following are the most preferred areas for new small wireless facilities in the order of preference (1 being most preferable):

1. *Industrial Districts* if not adjacent to a park, residential district or historic district.
2. *Highway Rights of Way* areas if not adjacent to a park, or residential district.
3. *Retail and Commercial Districts* if not adjacent to a park, or residential district.

B. COLLOCATION PREFERENCE

It is the City's strong preference that whenever an applicant proposes to place a new small wireless facility that the applicant collocate the same on existing wireless support structures.

C. LEAST PREFERABLE LOCATIONS

The following are the least preferred areas for new small wireless facilities in the order of preference (2 being least preferable).

1. *Residential Districts*
2. *Parks*

D. CONSIDERATION OF ALTERNATE LOCATIONS

The City reserves the right to propose an alternate location for a small wireless facility and/or wireless support structure to the location proposed in the application within one hundred feet of the proposed location or within a distance that is equivalent to the width of the ROW in or on which the small wireless facility and/or wireless support structure is proposed, whichever is greater, which the operator shall use if it has the right to use the alternate location on reasonable terms and conditions and the alternate location does not impose technical limits or additional costs.

E. GUIDELINES ON PLACEMENT

The City desires to promote cleanly organized and streamlined facilities using the smallest and least intrusive means available to provide wireless services to the community. Generally, a small wireless facility and/or wireless support structure shall match and be consistent with the materials and finish of the wireless support structure, adjacent City poles, and of the surrounding area adjacent to their location. In the absence of adjacent City poles, the wireless support structure shall match the materials and finish of the adjacent utility poles.

The following additional guidelines on placement shall apply:

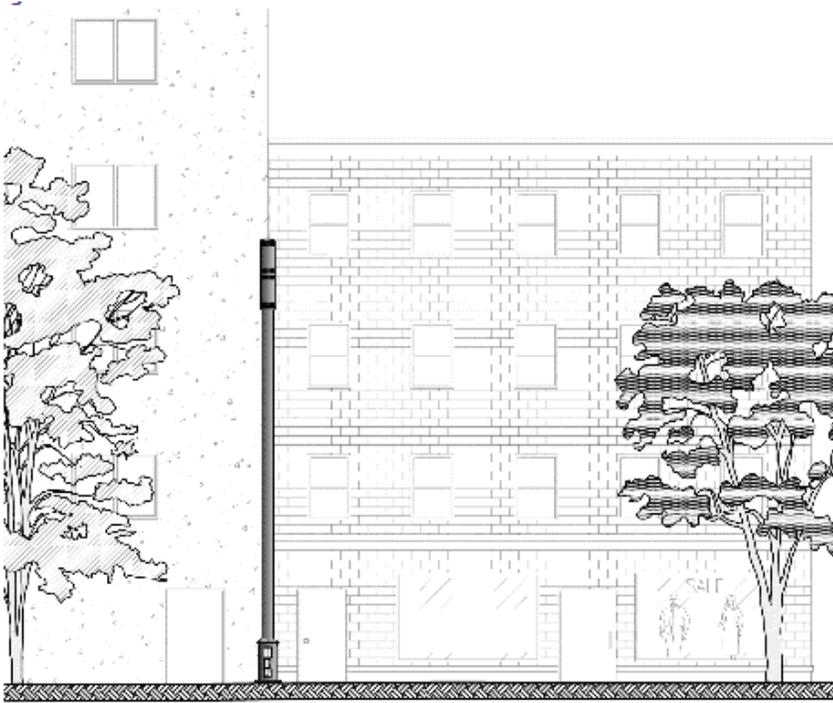
1. Small wireless facilities and wireless support structures shall be located no closer than 150 feet away, radially, from another small wireless facility and wireless support structure.
2. A combination wireless support structure and streetlight pole should only be located where an existing pole can be removed and replaced, or at a new location where it has been identified that a streetlight is necessary.
3. Small wireless facilities and wireless support structures shall be located in a manner that does not impede, obstruct, or hinder usual public pedestrian or vehicular travel or public safety on a ROW.
4. Small wireless facilities and wireless support structures shall be located in a manner that does not obstruct the legal use of a ROW by a utility provider.

5. Small wireless facilities and wireless support structures shall be located in a manner that does not violate or conflict with these Guidelines.
6. Small wireless facilities and wireless support structures shall be located in a manner that does not violate the federal Americans with Disabilities Act.
7. Small wireless facilities and wireless support structures shall be located in a manner that does not negatively impact the structural integrity of the associated wireless support structure.
8. Small wireless facilities and wireless support structures shall be located in alignment with existing trees, utility poles, and streetlights.
9. Small wireless facilities and wireless support structures shall be located equal distance between trees when possible, with a minimum of 15 feet separation such that no proposed disturbance shall occur within the critical root zone of any tree.
10. Small wireless facilities and wireless support structures shall be located with appropriate clearance from existing utilities.
11. Small wireless facilities and wireless support structures shall be located so as not to be located along the frontage of any building deemed to be of historic significance on a federal, state, or local level.
12. Small wireless facilities and wireless support structures shall be located not within sight triangles at street intersections.
13. New wireless support structures shall not be located directly in front of any existing residential, commercial or industrial structure.
14. To the greatest extent possible, new wireless support structures shall be located in line with existing lot lines or an equal distance from any two existing structures. In areas of the City where multiple structures abut each other and/or where no side lot setback requirements exist, new wireless support structures shall not be located directly in front of an entrance or window of any existing structure.

Figure 1 – Example of Acceptable Location Between Residential Homes:



Figure 2 – Example of Acceptable Location Between Commercial Buildings:



VI. LIMITATIONS

While the City fully intends to apply the guidelines established in this policy uniformly to all small wireless facility applications, there may be circumstances where not every specific guideline may be met. In these cases, City staff will use its reasonable discretion in approving small wireless facilities permit applications that deviate from the strict application of this policy.

VII. EFFECTIVE DATE OF POLICY

This Policy will be effective as of April 9th, 2019. Modifications of the Policy will be effective on the date said modifications are approved by the City Council.

Adopted this 9th day of April, 2019 by the City Council of the City of New York Mills.

Marsha Maki, Mayor

Julie Roberts, City Clerk

A motion was made by Hoaby and seconded by Roder to approve Resolution No. 04-09-2019b as presented. The motion carried without a dissenting vote.

Future Meeting Dates – Regular meeting Tuesday, May 14, 2019, at 4:30 p.m. and Tuesday, June 11, 2019, at 4:30 p.m.

Payment of Claims - Acting Mayor Maki noted the bills are as presented in the packet. Additional bills received but not processed yet were the gas billings, Arvig and Weller Garage.

A motion was made by Hoaby and seconded by Roder to approve the bills as presented along with additional bills for gas, Arvig and Weller Garage as presented. The motion carried without a dissenting vote.

Financial Reports – There was no discussion.

A motion was made by Roder and seconded by Hetland to approve the financial reports. The motion carried without a dissenting vote.

Adjournment - **A motion was made by Hetland and seconded by Hoaby to adjourn. The motion carried without a dissenting vote.**

The meeting was adjourned at 6:15 p.m.

Respectfully submitted by,

Julie A. Roberts
City Clerk