

NEW YORK MILLS CITY COUNCIL
September 10, 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, Roder, Hetland and Nesland

Members Absent Hoaby

Staff Present City Clerk Julie Roberts, Administrative Assistant Cheri Kopveiler, Public Works Director Kyle Mattson, and Pool Manager Heidi VanDyke

Guests Present NYM Dispatch Reporter Jim Arno, Michael Weber, Apex Engineering

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 Hetland and seconded by Roder to approve the agenda as presented. The motion carried without a dissenting vote.

Approval of Minutes -A motion was made by Nesland to approve minutes from the August 13, 2019, Regular Council Meeting,. The motion was seconded by Hetland. The motion carried without a dissenting vote.

Updates/Consent Agenda – None

Department Reports

Liquor Store Report – Joan Koep was not present at the meeting. A Liquor Store report was included in the packet. Clerk Roberts asked for approval for the hire of Ben Lieberg as a part time bartender.

A motion was made by Roder to acknowledge receipt and review of the Liquor Store Report as presented and to approve the hire of Ben Lieberg as a part time bartender. The motion was seconded by Nesland. The motion carried without a dissenting vote.

Pool Report – Pool Manager Heidi VanDyke’s report was included in the council packet. The 2019 season ran smoothly. A new heater was purchased with donated funds from the NYM Lions Club. It will be installed for the 2020 season. Two paintings were done this summer at the pool. As of this date, most of the life guards will be back next year. VanDyke reviewed the statistical information that was provide in the packet.

A motion was made by Hetland to acknowledge receipt and review of the Pool Report as presented. The motion was seconded by Roder. The motion carried without a dissenting vote.

Fire Department Report – Chief Brasel was not present at the meeting. No report was received for the packet.

Police Report – Chief Gritz was not present at the meeting. A report was included in the council packet. Chief Gritz included in his report a request to approve the hiring of Keith Friedsam as a part time officer.

A motion was made by Hetland to acknowledge receipt and review of the Police Department Report as presented and the hire of Keith Friedsam as a part time officer. The motion was seconded by Roder. The motion carried without a dissenting vote.

EDA Report – Marsh Maki gave the EDA report. The EDA meeting was held on August 21, 2019. All loans were current. There has been an early payoff by Home Sweet Home because they sold their facility. Julie Roberts gave an update on the child care project. An update was given on the progress on the walking trail. There was some discussion on beginning the zoning process on the new parcel south of town. The next meeting is scheduled for September 18, 2019.

A motion was made by Nesland to acknowledge receipt and review of the EDA Report as presented. The motion was seconded by Hetland. The motion carried without a dissenting vote.

Public Works Report – Kyle Mattson's report was included in the packet. Mattson had Their Well perform our annual well inspections, both wells seem to be performing fine with no significant changes from prior year. Mattson's department hosted the Otter Tail County Household Hazardous Waste Collection on September 6, 2019. MnDOT approved the Utility Installation Permit for a four inch natural gas pipe crossing through the Right of Way of U.S. Highway 10 to allow future service to the VFW and adjacent properties. Arvig will be installing the pipe in the next couple of weeks. IFS has requested help with treating process (rinse) wastewater from their facility in Deer Creek. Our systems would be able to handle the request and they will be charged for dumping into our system. The American Public Gas Association has requested members to participate in a Mutual Aid Agreement. The Agreement is included in the council packet. Mattson feels it would be a good idea to do so in case of an emergency.

A motion was made by Nesland to acknowledge receipt and review of the Public Works Report as presented and to participate in the APGS Mutual Aid Agreement. The motion was seconded by Hetland. The motion carried without a dissenting vote.

Administration Report – Roberts' report was in the packet. Roberts has been working on the 2020 Budget. Roberts has continued to help where needed to keep things going smoothly in the bar and offsale. Jenny Geiser is working on the semi-annual gas mailing. Geiser is also sending out the cold weather rule notice.

A motion was made by Hetland to acknowledge receipt and review of the Administration Report as presented. The motion was seconded by Nesland. The motion carried without a dissenting vote.

Zoning Report – Cheri Kopveiler addressed the Council. There was a zoning meeting held on September 10, 2019. There was not a quorum. The 2019 permits were reviewed. A public hearing for a Conditional Use Permit was held for 218 South Tousley. The zoning committee consensus was to go forward with the permit. There was a short discussion on the zoning of the Tumberg parcel that was purchased by the city. There was also short discussion on the annexation of Newtonville.

A motion was made by Hetland to acknowledge receipt and review of the Zoning Report as presented. The motion was seconded by Roder. The motion carried without a dissenting vote.

Open Forum – 5:00 p.m. None

Public Requests – None

Old Business:

Lund Park Concession/Restroom Area Project Bryan Dunrud and Darin Thompson – There was follow up discussion regarding the request to put a concession/restroom. Clerk Roberts reported that the cost to insure the facility would be an increase of approximately \$3,800 each year. BHH reviewed the plan and changes were given to Dunrud. The new plans would need to be reviewed and inspected. Direction was given to Thompson and Dunrud to get the new designs to the Park Board and that Mattson would need to be included on all further discussion. Mattson was asked what he estimated a new bathroom in Lund Park would cost the City. His response was \$10,000 to \$15,000.

A motion was made by Nesland to approve the project under the condition that a new design plan is presented to the city for review, that all contracts are done through the city and paid by the city, and all funds must be available before work is done. The City will fund up to \$15,000 toward the project, but this will not be funded until after the project is at grade level. The motion was seconded by Hetland. The motion carried without a dissenting vote.

Updated CIP Draft – Amendment Proposal – Michael Weber, Apex Engineering was present at the meeting. Weber reviewed the revision to the plan that was presented in July. Water and sewer facilities were added to the plan on North Boardman Avenue. A lift station would be needed for this plan. The revision would add additional cost of \$560,000. The City would need to evaluate cost vs benefit for this addition to the CIP plan. This would be largely a City cost since there is little ability to recoup the cost. This addition would allow Brunswick to expand the facility. The economic value would need to be evaluated. Weber also discussed the Main Lift Station Replacement. He will start work in this plan and present at either the October or November meeting. He felt this project would not meet the PFA guidelines and it would be easier to use other financing options as a standalone project.

A motion was made by Nelsand to approve the five year CIP as draft and to proceed with the report and move forward with the main lift station as a standalone project. The motion was seconded by Roder. The motion carried without a dissenting vote.

New Business:

West Central Initiative – Rebecca Petersen – Petersen reviewed the WCI Strategic Plan for 2020-2022. She asked if the council would consider increasing the donation to the WCI to \$1,200 in 2020, \$1,250 in 2021 and

\$1,250 in 2022. This increase is requested to cover the cost of the “Live Wide Open” marketing through their office.

A motion was made by Hetland to increase the donation as outlined. The motion was seconded by Roder. The motion carried without a dissenting vote.

Conditional Use Permit for 2018 South Tousley Ave – Resolution No 09-10-2019 was presented:

**CITY OF NEW YORK MILLS,
MINNESOTA**

RESOLUTION NO. 09-10-2019

**RESOLUTION ACKNOWLEDGING COUNCIL APPROVAL OF CONDITIONAL USE PERMIT FOR THE
OTTER TAIL COUNTY HOUSING & REDEVELOPMENT AUTHORITY AT 218 S TOUSLEY FOR THE
NYM2025 CHILD CARE PROJECT**

WHEREAS, the City of New York Mills is currently working on a project to open a licensed pod model childcare facility,

WHEREAS, the City of New York Mills has partnered with the Otter Tail County Housing & Redevelopment to work to operate this licensed childcare facility at 218 S Tousley Avenue, legally described as:

Section 08-Township 135-Range 037, Karvonens Addition, Lots 9 & 10 Block 1.

WHEREAS, the Otter Tail County Housing & Redevelopment Authority has applied for a Conditional Use Permit to allow the licensed childcare facility to be located at this location,

WHEREAS, The New York Mills Zoning Committee held a Public Hearing to consider the following findings of fact:

1. The property was purchased by the Otter Tail County Housing & Redevelopment Authority, hereinafter called the HRA, in 2018. The single family home which existed on the lot at that time was removed as a part of a campaign to clean up slum and blight in the community. The building currently located on the property was formerly used as a childcare center, and was moved onto the site at 218 S Tousley Avenue in 2018. The HRA purchased the property with the intent to clean up and redevelop the site.

2. New York Mills and the surrounding area is experiencing a shortage of childcare facilities. Aside from being in keeping with the City’s Comprehensive Plan, the licensed childcare center is consistent with additional studies and redevelopment plans for the City. A survey completed by First Children’s Finance, a non-profit child care advisor found there are approximately 156 children under the age of 5 in New York Mills area not being served by licensed providers. Childcare providers in Otter Tail County dropped in number from 159 in 2006 to 129 in 2015 as well. New York Mills has developed a strategic framework to guide our community into the future called NYM2025. This group’s focus is to help to develop a sustainable and healthy community plan, working together with public and private partnerships to work toward stated goals. A part of the NYM2025 Committee’s vision along with the City of New York Mills Comprehensive Plan is to address this childcare crisis and bring safe, licensed child care to the area.

3. In an effort to address the childcare crisis in this area, the City of New York Mills has partnered with the HRA to develop this property into a licensed childcare center consisting of two daycare pods, each housing up

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to 12 children. The City of New York Mills is the fiscal agent for this project. Once the childcare is established, ownership of the property will transfer to the City of New York Mills.

4. The property consists of a 100' x 140' lot which is zoned Residential B (RB).
5. A licensed childcare center is listed in the zoning ordinance as a conditional use for the district in which 218 South Tousley Avenue is located; thus the reason for a Public Hearing.
 - a. The building is located within the setbacks required for the district.
 - b. Parking onsite will include two off-street parking spaces for providers as well as room for picking up and dropping off children. On-street parking is also available along the 100' lot line. Zoning Committee members did not feel that parking would be a detriment to neighboring properties as any on-street parking would be intermittent.
 - c. It was not felt that the traffic generated by the childcare center would be detrimental to the neighborhood as activity would not exceed the amount of traffic generated in the past by neighboring properties. Across the street is an assisted living facility which was formerly an elder's home.
 - d. It was noted that residents of the assisted living would enjoy watching children at play. Fenced in play areas will be located in both front and back yards for the childcare pods.
 - e. It was also determined that the childcare center would not devalue neighboring properties or change the general character of the neighborhood. The lot is being developed and landscaped to increase its aesthetic value.

WHEREAS, The New York Mills Zoning Committee, at the conclusion of their Public Hearing, met and concluded that approval of the request for a Conditional Use Permit at 218 South Tousley Avenue is in the best interests of the community of New York Mills. Although there was not a quorum at their meeting for a formal recommendation, the consensus of the Committee was that the Conditional Use Permit Application should be approved with the following conditions:

1. The City Council may reasonably add or revise conditions to address any future unforeseen problems.
2. Any change to the approved use that results in a significant increase in traffic or a significant change in character could require a revised conditional use permit.
3. This childcare must be operated as a licensed childcare facility by providers who meet the minimum standards required by the State of Minnesota.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF NEW YORK MILLS, MINNESOTA THAT: in accordance with and subject to the conditions of plans, maps, designs and all other documents referenced in this request for approval of a Conditional Use Permit, hereby grants approval of this Conditional Use Permit for the development of a licensed childcare center located at 218 South Tousley Avenue, New York Mills, Minnesota.

Adopted this 10th day of September, 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 Nesland to approve Resolution No. 09-13-2019 as presented. The motion carried without a dissenting vote.

Proposed 2020 Levy and Budget -- Clerk Julie Roberts

The proposed 2020 Levy was included in the Council Packet. Clerk Roberts also provided a copy of the budget workpapers to the Council. Discussion ensued about the items in the budget that information is not available for 2020 cost at this time. Clerk Roberts proposed setting the Preliminary 2020 Levy with a 9% increase over prior 2019. This would allow for some adjustment to be done before the final levy is certified.

A motion was made by Roder and seconded by Nesland to approve a 9% preliminary levy increase. The motion carried without a dissenting vote.

Proposed Policy for City Park Use, Lease, or Request to Build – Jerry Nesland presented documents for ideas as to policies that could be adopted for city park use, lease, or request build. Discussion ensued and Clerk Roberts will find more examples to present to the council at the November or December meeting.

Resolution No. 09-10-2019a– Resolution to Certify Unpaid Utility Bill to the County Auditor for Inclusion on the Tax Rolls was presented:

**CITY OF NEW YORK MILLS,
MINNESOTA**

RESOLUTION NO. 09-10-2019a

**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 2019 real estate taxes payable in 2020, or from the sales proceeds in the event of any property sales, for these subject debts as follows:

- 1) PARCEL 73000990331001, 118 Smith Ave. , Owner(s) Rustin Kawlewski
Water \$72.84, Sewer \$244.44, Gas \$74.17 or total due of \$391.45.
- 2) PARCEL 73000080010000, 406 Co. Hwy. 56, Owner(s) David & Tammy Nelson
Water \$, Sewer \$386.58, Gas \$, or total due of \$386.58.
- 3) PARCEL 40000990377000, 419 Walker Ave. S., Owner(s) Merton (Dennis) Swenson

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Water \$72.84, Sewer \$383.14, Gas \$0, or total due of \$455.98.

- 4) PARCEL 73000990139000, 32 Main Ave. N., Owner(s) Allan & Lisa Jergenson
Water \$145.80, Sewer \$317.28, Gas \$79.64, or total due of \$542.72.
- 5) PARCEL 73000990188000, 225 Main Ave. S., Owner(s) Kristin Bjerga
Water \$95.64, Sewer \$265.80, Gas \$371.12, or total due of \$732.56.

Totals to be certified: Water \$387.12, Sewer \$1597.24, Gas \$524.93, or total due of \$2,509.29

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 Wednesday, September 25, 2019, 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 10th Day of September, 2019

Marsha Maki, Mayor

Julie Roberts, 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.

You will have until 3:00 P.M. on Wednesday, September 25, 2019, to pay the above total amount and avoid having this special assessment certified to the Otter Tail County Auditor to be collected with your 2019 real estate tax payable in 2020 or upon sale or transfer of 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.

Julie Roberts

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FINAL Minutes
Oct 15, 2019

City Clerk

September 10, 2019

A motion was made by Hetland and seconded by Roder to approve Resolution No. 09-13-2019a as presented. The motion carried without a dissenting vote.

#NYM2025 Child Care Capital Campaign – Julie Roberts – Roberts requested permission from the Council to use money from the 2019 budget to cover postage and other small fees related to the #NYM2025 Child Care Capital Campaign.

A motion was made by Nesland and seconded by Hetland to allow Roberts to use funds from the 2019 Budget to cover postage and small fees related to the #NYM2025 Child Care Capital Campaign. The motion carried without a dissenting vote.

Future Meeting Dates – Regular meeting Tuesday, September 10, at 4:30 p.m. and Tuesday, October 8, 2019, at 4:30 p.m.

Payment of Claims - Acting Mayor Maki noted the bills are as presented in the packet. In addition there will be bills from Viking Gas and Constillation.

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

Financial Reports – There was no discussion.

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

Adjournment - A motion was made by Nesland and seconded by Roder to adjourn. The motion carried without a dissenting vote.

The meeting was adjourned at 6:37 p.m.

Respectfully submitted by,

Julie A. Roberts
City Clerk