

**NEW YORK MILLS CITY COUNCIL**

**August 8, 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** None

**Staff Present** City Clerk Julie Roberts, Administrative Assistant Cheri Kopveiler, Public Works Director Kyle Mattson, Police Chief Bobby Berndt, Liquor Store Manager Lana Jacobson, Fire Chief Ryan Brasel

**Guests Present** Michael Weber-Apex Engineer, Jeff Oakland, Chad Koenen-NYM Dispatch Reporter

**Call to Order** The meeting was called to order by Mayor Maki at 4:30 pm. A quorum was present.

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

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

**Approval of Minutes –**

**A motion was made by Nesland to approve minutes from the July 11, 2023 Regular Meeting as presented. The motion was seconded by Hammond and carried by unanimous vote.**

**Communications & Recognitions - None**

**Department Reports**

**Liquor Store Report** –Lana Jacobson referred to her report which was included in the packet. Combined gross sales for the month of July were down 3% from prior year. Combined COGS were down 3% as a percentage of sales from prior year. Net revenues for the month of July were up 10.93% from prior year. Payroll expenses were down 6.27% as a percentage of sales from last year. Jacobson thanked Councilman Grotheer for all of his help in installing the new printer.

**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 14 calls in July consisting of 1 grass fire, 1 vehicle fire, 1 fire alarm, and 11 medicals. Discussed options for new pumper/tanker truck purchase. Brasel presented a final purchase order for the new pumper tanker in the amount of \$429,723. Nesland asked if the Fire Dept will be selling any equipment. Brasel responded that they will be selling the 1977 and 1990 tankers. Brasel stated a meeting will be held on Wednesday, August 23<sup>rd</sup> at 7 pm with the townships to present information and seek their approval.

**A motion was made by Hammond to acknowledge receipt and review of the Fire Department Report as presented along with approval to purchase the pumper tanker as presented. The motion was seconded by Nesland and carried by unanimous vote.**

**Police Report** – Chief Berndt’s report was included in the packet. The Department responded to 167 calls for service in July, issued 2 citations, 11 warnings and 2 arrests. Berndt asked the Council to approve the hiring of Tim Schaefer for part-time employment at Step 1 effective 7/15/2023. Berndt also recommended a step increase for Officer Schwartz upon annual review. The annual qualification shoot was held, with all officers passing. Berndt completed 24 property nuisance inspections in the City of Deer Creek. Completed a list of properties to inspect in New York Mills. Berndt stated that the Police Committee will ride along with him on these inspections. Chief Berndt assisted with the Lund Mania parade.

**A motion was made by Hetland to acknowledge receipt and review of the Police Department Report as presented as well as to approve the hiring of part-time officer Schaefer and a step increase for Office Schwartz. The motion was seconded by Grotheer and carried by unanimous vote.**

**Public Works Report** – Mattson addressed the Council. Arvig has begun the installation of the main on 383<sup>rd</sup> Street. The City will be installing the new meter set for Greater Minnesota Gas in the next few days. Northern Pipeline is installing the gas line from the meter location to the turkey barns. Energy Economics performed flow testing and meter proving of a few of our high-volume gas customers’ meter sets. One was slightly out of range, was adjusted and is now in spec. Crack sealing and seal coating is complete. Restriping the lines will be done before school starts. Mattson is looking for funding to do more next year. Received a quote from Cory Keskitalo for repairing the block and foundation on the northeast corner of the fire station. Total price for repair is \$3800. Keskitalo was given the go-ahead and will complete the work before the end of September. Mattson continues to receive locates for the Arvig project. To date they have received 322 locates. Mattson is waiting for the paving contractor to perform patching in town. Councilman Hetland thanked Mattson for putting the new equipment in the fitness center and for their hard work during the Lund Mania celebration.

**A motion was made by Hammond to acknowledge receipt and review of the Public Works Report as presented. The motion was seconded by Grotheer and carried by unanimous vote.**

**Administration Report** – Roberts addressed the Council. There is one step raise due for Todd Lorentz before the September meeting. Clerk Roberts requested approval for his annual increase subject to recommendation by the department head. Roberts continues to work on the 2024 budget process. Department heads input is due by Monday, August 14<sup>th</sup>. An agreement was reached today with members of the police union and is noted for discussion later on the agenda. Clerk Roberts met with Otter Tail County Solid Waste regarding County-wide single sort recycling. The County is building a new facility in Henning. The timeline to get everything going is approximately 2 years. Midco will be asking for an easement across from Cenex on the north side of Township Parkway to install a ped.

**A motion was made by Hammond to acknowledge receipt and review of the Administration Report as presented with approval of annual increases for Todd Lorentz upon a favorable review. The motion was seconded by Grotheer and carried by unanimous vote.**

#### **Committee Reports –**

**Park Board** – Park Board met but minutes are not yet available.

**Economic Development Authority** – Draft Minutes are included in the packet. The next meeting is scheduled for August 16, 2023.

**Zoning Committee-** The Zoning Committee met, but minutes are not yet available. A Public Hearing is scheduled for Tuesday, August 22<sup>nd</sup> at 3:05 pm to discuss the assignment of zoning classification for Southside Addition. A regular meeting will follow.

**Financial Consent Agenda** – The payment of financial claims information and the financials for the month of July were included in the packet. An additional list of bills received after the packets were distributed was presented.

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

#### **Old Business and Tabled Items:**

**Employee Handbook-** Changes to the Employee Handbook are included in the packet. Changes are mainly clarifying legislative action. Clerk Roberts commented that wording from the League on policy 6.04 is vague and may require some clarification regarding time off for adverse weather conditions.

**A motion was made by Hammond to approve changes to the Employee Handbook as presented, with the exception of 6.04. The Personnel Committee will look further into this policy. Motion was seconded by Hetland and carried by unanimous vote.**

**Open Forum** –At 5:00 p.m. Mayor Maki asked whether anyone present wished to address the Council. Jeff Oakland spoke to the Council regarding logistics of opening his mobile home park up to RV's and short-term rentals. The subject will be added to next month's agenda. Staff will look into ideas for cost assistance, and billing and tracking of sewer usage.

**Public Requests** –None

#### **New Business:**

**Resolution Declaring Cost to be Assessed and Ordering Preparation of Proposed Assessment for the North Boardman Avenue Reconstruction Project-Resolution No. 08-08-2023a.** – Michael Weber of Apex addressed the Council. Final documents and request for closeout have been sent to the contractor. Total cost for the project (\$759,197.00) came in \$40,00 below preliminary estimates. Discussion was held regarding the balance of the project not covered by the LRIP grant. Weber stated the Council could choose to handle one of two ways: Following our assessment policy, the grant would completely be taken from the City's portion and

the project balance assessed solely to property owners, with the City retaining the balance of the grant monies. The alternative would be to apply the grant to the remaining balance first and assess any remaining balance to property owners with the City's cost being zero. Discussion ensued. Councilmembers felt it was not fair to retain the difference in the grant monies, while making assessments to property owners higher. With the adoption of Resolution 08-08-2023a, the \$236,042.86 property owner assessment would reflect a \$115 per frontage foot cost vs. a \$121 foot cost. Council set the interest rate at 3% for 20 years.

Resolution No. 08-08-2023a was presented.

**CITY OF NEW YORK MILLS,  
MINNESOTA**

**RESOLUTION NO. 08-08-2023a**

**Resolution Declaring Cost to be Assessed and Ordering Preparation of Proposed Assessment for the North Boardman Avenue Reconstruction Project**

WHEREAS, a contract has been let for the improvement of North Boardman Avenue between U.S. Highway 10 and Centennial 84 Drive W. (CSAH 84), and the total project cost for such improvement will be \$759,197.00

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF NEW YORK MILLS, MINNESOTA:

1. The portion of the cost of such improvement to be paid by the city is hereby declared to be \$523,154.14 and the portion of the cost to be assessed against benefited property owners is declared to be \$236,042.86.
2. Assessments shall be payable in equal annual installments extending over a period of 20 years, the first of the installments to be payable on or before the first Monday in January, 2024, and shall bear interest at the rate of three percent (3.0%) per annum from January 1, 2024.
3. The City Clerk, with the assistance of the city engineer (consulting engineer), shall forthwith calculate the proper amount to be specially assessed for such improvement against every assessable lot, piece or parcel of land within the district affected, without regard to cash valuation, as provided by law, and he/she shall file a copy of such proposed assessment in his/her office for public inspection.
4. The Clerk shall upon the completion of such proposed assessment, notify the Council thereof.

Adopted by the council this 8<sup>th</sup> day of August, 2023.

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Marsha Maki, Mayor

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Julie Roberts, City Clerk

**A motion was made by Nesland to approve Resolution No. 08-08-2023a. Motion was seconded by Hammond and carried by unanimous vote.**

**Resolution for Hearing on Proposed Assessments for the North Boardman Avenue Reconstruction-Resolution No. 08-08-2023b was presented –**

**CITY OF NEW YORK MILLS,  
MINNESOTA**

**RESOLUTION NO. 08-08-2023b**

**A Resolution for Hearing on Proposed Assessments for the  
North Boardman Avenue Reconstruction**

WHEREAS, the City Council has ordered the street and drainage improvements to North Boardman Avenue by the North Boardman Avenue Reconstruction project, the improvement of North Boardman Avenue from U.S. Highway 10 to Centennial 84 Drive W. (CSAH 84).

WHEREAS, the City Council is required to hold a public hearing regarding the proposed assessments resulting from said improvements,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF NEW YORK MILLS, MINNESOTA:

1. A hearing shall be held on September 12, 2023, in the Council Chambers of the City Center Building at 5:30 p.m. to pass upon such proposed assessment and at such time and place all persons owning property affected by such improvement will be given an opportunity to be heard with reference to such assessment.
2. The City Clerk is hereby directed to cause a notice of the hearing on the proposed assessment to be published once in the official newspaper at least two weeks prior to the hearing, and shall state in the notice the total cost of the improvement. The Clerk shall also cause mailed notice to be given to the owner of each parcel described in the assessment roll not less than two weeks prior to the hearing.
3. The owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the

City of New York Mills, except that no interest shall be charged if the entire assessment is paid within thirty (30) days from the adoption of the assessment. The owner may at any time thereafter, pay to the City of New York Mills the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before December 1 or interest will be charged through December 31 of the succeeding year, at the rate of three percent (3.0%) percent per annum. Assessments shall be payable in equal semi-annual installments extending over a period of twenty (20) years.

Adopted by the City Council this 8<sup>th</sup> day of August, 2023.

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Marsha Maki, Mayor

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Julie Roberts, City Clerk

**A motion was made by Hetland to approve Resolution No. 08-08-2023b. Motion was seconded by Nesland and carried by unanimous vote.**

**The Public Meeting was recessed for a Public Hearing regarding Ordinance No. 139 at 5:20 p.m.**

**Public Meeting resumed at 5:22 pm.**

**Old Business Cont.**

**Action on Parking Ordinance No. 139 -** Councilman Nesland commented that it is critical to have signage and a communication campaign as the new ordinance is introduced.

**A motion was made by Hammond to approve Ordinance No. 139 as presented. Motion was seconded by Hetland and carried by unanimous vote.**

**Council Communication Goals-** Council will discuss ideas next month. Nesland commented there may be capability to have a cable channel created for public announcements after the fiber projects are completed.

**New Business Cont.**

**Joint Cooperative Agreement for Use of Emergency Operations Personnel & Equipment was presented. –**

**A motion was made by Hammond to approve the Joint Cooperative Agreement for Use of Emergency Operations Personnel & Equipment as presented. Motion was seconded by Grotheer and carried by unanimous vote.**

**Resolution Acknowledging Cash Donation from Cheryl Bannes for Dog Park Project – Resolution No. 08-08-2023 was presented –**

**CITY OF NEW YORK MILLS,  
MINNESOTA**

**RESOLUTION NO. 08-08-2023**

**RESOLUTION ACKNOWLEDGING CASH DONATION TO CITY OF NEW YORK MILLS FROM CHERYL BANNES FOR THE DOG PARK PROJECT**

**WHEREAS**, in July 2023, the City of New York Mills received a donation from Cheryl Bannes for the Dog Park Project in the amount of \$50.00.

**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 \$50.00 from Cheryl Bannes to the City of New York Mills for the Dog Park Project.

Adopted this 8th day of August 2023, by the City Council of the City of New York Mills.

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Marsha Maki, Mayor

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Julie Roberts, City Clerk

**Motion was made by Hetland to approve Resolution No. 08-08-2023 as presented. Motion was seconded by Hammond and carried by unanimous vote.**

**Otter Tail County Ordinance Regulating the Use of Cannabis and Cannabis Derived Products in Public Spaces-** Clerk Roberts reported this ordinance was being presented to the Otter Tail County Commissioners at their meeting today for approval for a county-wide first approach. Roberts commented there is a long way to go to get regulations in place. The first step is identifying places cannabis can be used. A county-wide ordinance will be beneficial to cities as they work through all the regulations. Once the County publishes their ordinance, the City Council should pass a resolution following the County's lead. The County will send a sample ordinance stating we will follow the County by next month.

**LELS Police Union Agreement Approval** – Clerk Roberts and Mayor Maki received a signed agreement today from the LELS Union. It was reviewed and drafted by our attorney. Changes include moving the officers up one step in the pay scale and some other language clarifications on personnel policies. There was discussion regarding the Council not having seen the final agreement. Roberts reminded the Council that the mayor and clerk were assigned responsibility to work out an agreement with the City’s lawyer.

**A motion was made by Hammond to approve the LELS Police Union Agreement. Motion was seconded by Maki. The vote was 3-0-2 as follows: Hammond, Maki, Hetland in favor, No one opposed, Nesland and Grotheer abstained.**

**Next Regular Meeting will September 12, 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 Grotheer to adjourn the meeting at 5:43 p.m. Motion was seconded by Hetland and carried by unanimous vote.**

Respectfully submitted by,

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Julie A. Roberts

City Clerk(Notes taken and typed by Cheri Kopveiler, Administrative Assistant)