

NEW YORK MILLS CITY COUNCIL
March 14, 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, Liquor Store Manager Lana Jacobson, Public Works Director Kyle Mattson, Police Chief Bobby Berndt, Fire Chief Ryan Brasel

Guests Present Amy Tervola-Hultberg, NYM Dispatch Reporter Chad Koenen (4.34 pm) Midco Representative Jordan Stephens

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

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

Clerk Roberts asked that an item be added under Old Business, Item D. Action to be Taken for Disposal of Public Works Vehicles.

A motion was made by Hetland and seconded by Hammond to approve the final agenda with the addition of Item D under Old Business. The motion carried by unanimous vote.

Approval of Minutes –

A motion was made by Nesland to approve minutes from the February 14, 2023 Regular Meeting as presented. The motion was seconded by Hetland and carried by unanimous vote.

Communications & Recognitions – None

Department Reports

Liquor Store Report –Lana Jacobson referred to her Liquor Store report, which was included in the packet. Combined gross sales for the month of February were down 4% from prior year. Combined COGS were up 1.14% as a percentage of sales from prior year. Net revenues for the month of February were up 1.64% from prior year. Payroll expenses were up 1.44% as a percentage of sales from last year.

The Liquor Store is still looking to hire another part-time bartender/clerk. Jacobson asked that the Council ratify the hiring of Terri Baller as a part-time bartender/clerk.

Jacobson will be out of the office from April 8th-13th.

Jacobson reported that the Liquor Store is trying something new. She plans to bring in a comedian in early April. The event would potentially be a closed event with ticket sales which she commented, could be a Council decision. Discussion ensued. The event would entail closing the bar for approximately 2 hours. Hetland asked if the off-sale would remain open. Jacobson indicated that it would.

Hammond made a motion to authorize the Liquor Store to offer a comedian show in early April as a closed event with ticket sales. The motion also included leaving the decision up to manager Lana Jacobson's discretion as to whether she will offer it as a closed event or as a public event and keep the Bar open. Motion was seconded by Hetland and carried by unanimous vote.

A motion was made by Grotheer to acknowledge receipt and review of the Liquor Store Report as presented along with the hiring of Terri Baller. The motion was seconded by Hammond. The motion carried by unanimous vote.

Fire Department Report – Chief Ryan Brasel referred to his report which was included in the packet. There were 16 calls in February consisting of 1 active shooter, 1 motor vehicle accident and 14 medical calls. The Fire Department held its annual meeting with town board representatives and city council members. The townships approved for the 2024 budget to increase capital outlay from \$50,000 to \$60,000 with the townships increasing their contribution \$5,000 and the city increasing their contribution \$5,000. Also discussed the replacement of the 1977 pumper and 1990 tanker with a new pumper/tanker. Brasel shared information of a stock truck being available for purchase with a projected delivery date of fall 2023. The cost would be \$401,000 base price plus options. Motion was made and carried, to start the process for purchasing the truck so the Department can apply for grants. Since the meeting, a different truck has become available for delivery in the fall of 2024. This truck, a 2024 model would cost \$406,000 plus upgrades. They could get this truck in yellow like the rest of the Department's trucks. No downpayment would be required. Manufacturer Rosenbaum from South Dakota will have an estimate with possible upgrades to Brasel by April 1st. Clerk Roberts asked how much the Department needs to get in grants. Brasel responded that \$50,000 is needed. There are multiple grants available to apply for. Low interest financing would be available through Farmers & Merchants State Bank. There is approximately \$192,000 available in capital funds.

A motion was made by Hetland to begin the process of purchasing a 2024 pumper/tanker truck with a contract and final numbers to be considered next month. Motion was seconded by Hammond and carried by unanimous vote.

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

Police Report – Berndt addressed the Council. The Department responded to 104 calls for service in February, issued 2 citations and 3 arrests. The Department is still looking to hire part-time employees. The Public Safety Committee has met twice since the last Council meeting. Discussed the snow ordinance, nuisance ordinance, liquidation of impounded vehicles, overtime summary, officer training and dispatch notification list.

Chief Berndt reported that He has completed the first session of DARE training for 6th graders.

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

Public Works Report – Mattson addressed the Council. He has been working on updating the gas GIS map and adding as-built attachments for all gas mains and services.

Mattson is working on an inventory of the water distribution system which includes home and business service lines. The EPA and MDH are requiring all water system operators in Minnesota to get inventory completed by October 2024 in order to identify any lead or non-compliant lines that need replacing. Several bill stuffers will be sent out and Mattson is trying to compile a list of email addresses to get the word out to businesses and residents to submit photos of their water meters and save having to go into each home to inspect.

Jesse and Jason attended the annual Minnesota Rural Water Technical Conference in St Cloud and took refresher trainings. Both also tested for water and wastewater licensures.

Mattson has replaced two old fleet vehicles with two ram pickups purchased from Gibb's #10 Sales. Funding was in the budget and the Public Works Committee approved the purchases. Mattson will continue to budget annually to rotate out old trucks. The next addition will be Chief Berndt's current squad truck.

Mattson referred to the agreement in the packet between the City and Greater Minnesota Gas Inc. The agreement refers to firm transportation of their gas capacity through our system and metering point for them to construct gas mains and services for the turkey barns and BNSF track heaters west of town. The Public Works Committee recommended entering into the 10-year agreement.

Kuechle Underground has begun mobilizing heavy equipment for the South Point infrastructure project in anticipation of spring road restrictions. Apex will be scheduling the pre-con meeting in the next couple of weeks. Notice will be sent out to residents. They will reach about adding streetlights on County Highway 67. Apex will also be starting the process to dedicate Willow Creek Lane. They will be working on the east-west portion from Hwy 67 heading west and will be digging in the alley across the road from South Point. The Public will be informed to use the north-south street. Grotheer asked if there are maps showing the road modifications. Mattson indicated there are not yet, but maps will be available soon.

Mattson stated that he conducted a 6-month employee evaluation for Todd Lorentz. Mattson feels Lorentz is a valuable addition to the department and highly recommended the Council approve his step pay increase.

A motion was made by Nesland to acknowledge receipt and review of the Public Works Report as presented along with approval to move Todd Lorentz to Step 4 on the pay scale and to approve the contract between the City of New York Mills and Greater Minnesota Gas Inc. The motion was seconded by Hetland and carried by unanimous vote.

Open Forum –At 5:05 p.m. Mayor Maki asked whether anyone present wished to address the Council. Amy Tervola-Hultberg responded on the following subjects: streetlights on South Walker, the proposed dog park, 60-unit apartment complex, and asked what formats are used to communicate to the public.

Public Requests –None

Administration Report – Roberts addressed the Council. There is one step raise due this month, Faith Schaefer to Step 3 contingent on union contract negotiation. The annual audit is now in the review stage. Eide Bailly plans to present at the April Council meeting. Jenny is working on the BCA Background Check Audit.

Julie is working on writing grants for the pool renovations. The City has received a \$75,000 grant from Blandin Foundation. Other grant opportunities include the Aging Communities Grant and DNR grant as well as an AARP grant. Roberts will continue to look for more. The project will be mostly grant funded. Richard asked

how much the project will cost. Clerk Roberts indicated the cost will be approximately \$250,000. The City has \$20,000 in capital funds available. If the City receives the grants applied for, there would be a need of approximately \$20,000 left. The cost of the restroom renovation portion would cost around \$50,000.

Julie will be out of the office attending the MCFOA Conference March 21st – 24th.

A motion was made by Nesland to acknowledge receipt and review of the Administration Report as presented along with approval of step raise referred to above, contingent upon union contract negotiations. The motion was seconded by Hetland and carried by unanimous vote.

Meeting recessed at 5:15 p.m. for Public Hearing regarding Ordinance 133, Franchise Agreement with MIDCO.

The public hearing was closed at 5:20 p.m.

The regular council meeting resumed at 5:20 p.m.

EDA Committee -Final Minutes from the February 15, 2023 meeting and draft minutes from March 8, 2023 are included in the packet.

Liquor Committee – Notes from the Liquor Committee meeting are included in the packet.

Fire Department Committee – Notes from the Fire Department Committee meeting are included in the packet.

Police and Public Safety Committee – Minutes from the Police & Public Safety Committee are included in the packet.

Public Works Committee Report – Minutes from the Public Works Committee are included in the packet.

Financial Consent Agenda – The payment of financial claims information and the financials for the month of February were included in the packet. There are 4 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.

Old Business and Tabled Items:

Action on Ordinance 133-Franchise Agreement with MIDCO – Discussion was held during the Public Hearing regarding a franchise agreement between the City and MIDCO for fiber services. Jordan Stephens of MIDCO was present. The current agreement would expire in May of 2025 to mirror Arvig’s agreement. Moving forward the agreement would be negotiated. Work would not begin in New York Mills until Spring/Summer of 2024 if franchise agreement is approved.

A motion was made by Nesland to approve Ordinance No. 133-Franchise Agreement with MIDCO. Motion was seconded by Hetland and carried by unanimous vote.

Bid for Salvage Squad Car – One bid was received for the salvage squad car in the amount of \$525.00. Clerk Roberts checked with Hide & Fur on what scrap value would be. Scrap price would be approximately \$572 delivered. Discussion ensued. Berndt planned to buy rims for seasonal tires with the money received.

A motion was made by Nesland to accept the bid for \$525 for the old squad car from a local bidder. Motion was seconded by Hammond and carried by unanimous vote.

Action to be taken for disposal of Public Works vehicles – Clerk Roberts asked for a motion on how to proceed with the disposal of two public works vehicles. Mattson’s preference was to send them through public auction at Mid State as is.

A motion was made by Hetland to sell the two public works vehicles via public auction along with the gray impounded vehicle discussed last month. Motion was seconded by Hammond and carried by unanimous vote.

New Business

Cash Donation to City of New York Mills from Arvig for Dog Park – Resolution No. 03-14-2023 – Resolution No. 03-14-2023 was presented.

**CITY OF NEW YORK MILLS,
MINNESOTA**

RESOLUTION NO. 03-14-2023

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

WHEREAS, in February 2023, the City of New York Mills received a donation from Arvig for the Dog Park Project in the amount of \$250.00.

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 \$250.00 from Arvig to the City of New York Mills for the Dog Park project.

Adopted this 14th day of March 2023, 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 Grotheer to approve Resolution No. 03-14-2023. Motion was carried by unanimous vote.

Cash Donation to City of New York Mills from KLN Family Brands for the Pool Project – Resolution No. 03-14-2023a – Resolution No. 03-14-2023a was presented.

**CITY OF NEW YORK MILLS,
MINNESOTA**

RESOLUTION NO. 03-14-2023a

**RESOLUTION ACKNOWLEDGING CASH DONATION TO CITY OF NEW YORK MILLS FROM
KLN FAMILY BRANDS FOR THE POOL PROJECT**

WHEREAS, in February 2023, the City of New York Mills received a donation from KLN Family Brands for the Pool Project in the amount of \$5000.00.

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 \$5000.00 from KLN Family Brands to the City of New York Mills for the Pool project.

Adopted this 14th day of March 2023, by the City Council of the City of New York Mills.

Marsha Maki, Mayor

Julie Roberts, City Clerk

A motion was made by Hammond and seconded by Hetland to approve Resolution No. 03-14-2023a as presented. Motion carried by unanimous vote.

Cash Donation to City of New York Mills from Perham Health for the Pool Project – Resolution No. 03-14-2023b – Resolution No. 03-14-2023b was presented.

**CITY OF NEW YORK MILLS,
MINNESOTA**

RESOLUTION NO. 03-14-2023b

RESOLUTION ACKNOWLEDGING CASH DONATION TO CITY OF NEW YORK MILLS FROM PERHAM HEALTH FOR THE POOL PROJECT

WHEREAS, in February 2023, the City of New York Mills received a donation from Perham Health for the Pool Project in the amount of \$5000.00.

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 \$5000.00 from Perham Health to the City of New York Mills for the Pool project.

Adopted this 14th day of March 2023, by the City Council of the City of New York Mills.

Marsha Maki, Mayor

Julie Roberts, City Clerk

A motion was made by Grotheer and seconded by Hammond to approve Resolution No. 03-14-2023b as presented. Motion carried by unanimous vote.

Otter Tail County Solid Waste Household Hazardous Waste Mobile Collection –A contract for the annual mobile waste collection day was included in the packet. The contract between the City of New York Mills and Otter Tail County allows for a mobile collection day where residents may bring hazardous household materials in to be disposed of properly by the County. Collection day will be held in the new county shop of the City Center at 118 N Main.

A motion was made by Nesland to approve the contract between the City of New York Mills and Otter Tail County to hold a Solid Waste Household Hazardous Waste Mobile Collection in New York Mills this summer. Motion was seconded by Hammond and carried by unanimous vote.

Resolution in Support of Application for the 2023 DNR Outdoor Recreation Grant – Resolution No. 03-14-2023c. Resolution No. 03-14-2023c was presented. This resolution grants City Clerk-Treasurer Julie Roberts permission to apply for the 2023 DNR Outdoor Recreation Grant to aid in the City’s Pool Renovation Project.

**CITY OF NEW YORK MILLS,
MINNESOTA**

RESOLUTION NO. 03-14-2023c

RESOLUTION ACKNOWLEDGING COUNCL SUPPORT OF THE DNR OUTDOOR RECREATION GRANT APPLICATION FOR THE POOL RENOVATION PROJECT

BE IT RESOLVED that the City of New York Mills act as legal sponsor for the project contained in the Outdoor Recreation Grant application to be submitted on March 29, 2023 and that Julie Roberts, City Clerk/Treasurer is hereby authorized to apply to the Department of Natural Resources for funding of this project on behalf of the City of New York Mills.

BE IT FURTHER RESOLVED that the applicant maintains an adequate Conflict of Interest Policy and, throughout the term of the contract, will monitor and report any actual or potential conflicts of interest to the State, upon discovery.

BE IT FURTHER RESOLVED that the City of New York Mills has the legal authority to apply for financial assistance, and it has the financial capability to meet the match requirement (if any) and ensure adequate construction, operation, maintenance and replacement of the proposed project for its design life.

BE IT FURTHER RESOLVED that, upon approval of its application by the State, the City of New York Mills may enter into an agreement with the State for the above-referenced project, and that the City of New York Mills certifies that it will comply with all applicable laws and regulations as stated in the grant agreement including dedicating the park property for uses consistent with the funding grant program into perpetuity.

NOW, THEREFORE BE IT RESOLVED that JULIE ROBERTS, CITY CLERK/TREASURER is hereby authorized to execute such agreements as necessary to implement the project on behalf of the applicant.

I CERTIFY THAT the above resolution was adopted by the City Council of New York Mills on March 14, 2023.

SIGNED:

WITNESSED:

Marsha Maki

Julie A. Roberts

Mayor

(Title)

(Date)

(Title)

City Clerk/Treasurer

(Date)

A motion was made by Nesland and seconded by Hammond to approve Resolution No. 03-14-2023c as presented. Motion carried by unanimous vote.

Parking Ordinance Discussion – A sample Calendar Parking Ordinance was included in the packet. The council discussed options of calendar parking vs. snow emergencies as a safety measure to aid in snow removal on city streets. Calendar parking was reviewed by both the Public Safety Committee and Public Works Committee. From October to April of each year, parking would be restricted to the odd numbered side of the street on odd numbered days, and even numbered address on even numbered days during the hours of 1:00 a.m. and 7:00 a.m. County highways would be exempted. Discussion ensued. Public Works Director Mattson commented that he preferred the Calendar method to snow emergencies as communication with residents would be more clear. The council agreed there would need to be a period of time to get information out to residents and allow them to adjust to the new regulations before enforcement. Several area communities are currently using the calendar parking method with success. The council decided to investigate this further and table a decision until a future meeting.

Ordinance Prohibiting Private Wells for Domestic Use on Properties Within the City Serviced By the City Water System – Discussion – The Council discussed proposed ordinance to prohibit the drilling of *new* private wells to which City water service is available. Mattson stated this ordinance is driven by the Wellhead Protection Plan and Minnesota DNR with the intention to protect the integrity of the City’s water system from contamination. Councilman Grotheer asked about the impact on existing wells. Mattson replied that looking at the DWSMA, an aerial snapshot of groundwater flow for the City shows only 1 or 2 wells that could be a potential source for contamination and those are businesses. State funding may be coming available to assist

homeowners in sealing wells. Discussion ensued. Grotheer would like to see additional language on existing wells and grandfathering them in as well as information on protocol if property is sold.

Ordinance Regulating Nonessential Water Usage Upon Critical Water Deficiency as Authorized by Minn State. 103G.291, Subd. 1 and 2 – Discussion – Mattson reported that this ordinance gives the City more teeth to help in water conservation in critical water deficiency events. Upon declaration of a critical water deficiency by the governor, the City would get information out to residents to reduce water usage to only essential uses by outlining mandatory emergency water conservation measures. In the past many residents have been cooperative, but there were still those who continued to waste water. This ordinance would help enforce conservation so that doesn't continue. Action to be taken at culmination of ordinances presented.

Ordinance Regulating Specifications for Cross Connections and Backflow Prevention in Potable Water Systems – Discussion – Mattson stated that homes without backflow prevention can inadvertently introduce bacteria into the City's water system by a leak or low levels. Eliminating the cross connection between the City's water system and other environment containing substances by installing a backflow preventer will help keep the City's water system and property owner's system safe from contaminants. This ordinance would require customers to install an approved backflow preventer at their expense if deemed necessary by the Public Utility Director or State Plumbing Inspector.

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 – Discussion – Mattson stated this ordinance contains standard information which the City currently does not have, to limit contractors coming in and then leaving without restoring the right-of-ways after their work is complete. There is an application for a permit which allows contractors to work in the City's right-of-ways.

A motion was made by Nesland to move forward on the following ordinances and call for a public hearing in April: (g) Ordinance Prohibiting Private Wells for Domestic Use in City, (with additional language added for grandfathered wells), (h) Ordinance Regulating Nonessential Water Usage upon Critical Water Deficiency, (i) Ordinance Regulating Cross-Connections and Backflow Prevention in Water Systems, (j) Ordinance Administering and Regulating Public Rights of Way in the City and Providing for Issuance and Regulation of Right of Way permits. Motion was seconded by Hetland and carried by unanimous vote.

Additional language will be determined and added to the ordinance on private wells, and the Parking Ordinance will be held back for further discussion next month. Clerk Roberts will publish the proposed ordinances twice and call for a Public Hearing in April.

The Public Meeting was closed at 6:02 p.m. for a Closed Session to discuss the sale of city property.

The Public Meeting resumed at 6:08 p.m.

Action on Closed Session-

After deliberation, a motion was made by Nesland to approve the sale of 2.5 acres of landlocked property on each of parcel numbers #40000070061001 and # 40000070062000 owned by the City,

consisting of a total of 5 acres to Richard Rankka for \$5,500. The City shall retain easement rights across both parcels. The motion was seconded by Hammond and carried by unanimous vote.

Next Regular Meeting will be April 11, 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 Hammond and seconded by Grotheer to adjourn the meeting at 6:10 p.m. Motion carried by unanimous vote.

Respectfully submitted by,

Julie A. Roberts
City Clerk

(Notes taken and typed by Cheri Kopveiler, Administrative Assistant