

WILLMAR CITY COUNCIL PROCEEDINGS
COUNCIL CHAMBERS
WILLMAR MUNICIPAL UTILITIES BUILDING
WILLMAR, MINNESOTA

January 17, 2012
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Frank Yanish. Members present on a roll call were Mayor Yanish, Council Members Doug Reese, Ron Christianson, Bruce DeBlieck, Denis Anderson, Steve Ahmann, Rick Fagerlie, Jim Dokken, and Tim Johnson; Present 9, Absent 0.

Also present were City Administrator Charlene Stevens, City Attorney Richard Ronning, Police Chief David Wyffels, Fire Chief Marv Calvin, Public Works Director Holly Wilson, Finance Director Steve Okins, Community Education and Recreation Director Steve Brisendine, Planning and Development Services Director Bruce Peterson, and City Clerk Kevin Halliday.

Council Member Anderson offered a motion adopting the Consent Agenda which included the following: City Council Minutes of January 3, Municipal Utilities Commission Minutes of January 9, Rice Hospital Board Minutes of January 11, Planning Commission Minutes of January 11, Accounts Payable through December 30, 2011, and January, 2012, Building Inspection Report for December, Willmar Design Center Minutes of December 6, 2011; and Applications for Exempt Permits: Willmar Fests, Inc., Prairie Pothole Chapter, MN Waterfowl Association and Rocky Mountain Elk Foundation, Prairie Lakes Chapter. Council Member DeBlieck seconded the motion, which carried.

Mayor Yanish acknowledged Ryan Tillman who had signed up to address the City Council during its scheduled Open Forum. Mr. Tillman expressed concerns with regards to Westwinds Estates similar to the comments recorded in the Community Development Committee minutes.

The Finance Committee Report for January 9, 2012, was presented to the Mayor and Council by Council Member Anderson. There were five items for Council consideration.

Item No. 1 Chair Anderson acknowledged that no one was present to address comments to the Committee. This matter was for information only.

Item No. 2 Staff reviewed with the Committee previous Council action which authorized the issuance of Hospital Revenue Refunding Bonds for refinancing the outstanding 2002 Hospital Bonds. It has been determined that no more than \$47 million would be required for this refinancing with a required cost savings of a minimum of 3 percent. The Hospital Board will be meeting to review and approve this bond issue.

The Committee was recommending the Council consider a resolution setting parameters for the 2012 Hospital Bond Issue not to exceed \$47 million in new hospital revenue bonds and a minimum cost savings of 3 percent. The resolution should further state that the pricing committee is to consist of the City Administrator, City Finance Director, Rice Hospital CEO, and Rice Hospital CFO.

Resolution No. 1 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 1

RESOLUTION AUTHORIZING ISSUANCE AND SALE OF GENERAL OBLIGATION HOSPITAL
REVENUE REFUNDING BONDS, SERIES 2012A (RICE MEMORIAL HOSPITAL PROJECT) AND
PROVIDING FOR THEIR ISSUANCE

Item No. 3 Josh Halvorson, Donohue and Associates, informed the Committee that the City

had applied for placement on the Minnesota Public Facilities Authority's Intended Use Plan as indication of its intent to borrow funds under PFA's Clean Water Revolving Fund Loan Program. Mr. Halvorson was now requesting authorization to submit the application to borrow funds needed to finance the Western Interceptor Sewer project. It is estimated that the loan amount would total \$3,519,453. The Local Option Sales Tax program would fund an additional \$1.4 million for the portion of this project located in the specified Industrial Park area that qualifies for the use of these funds.

The Committee was recommending the Council introduce a resolution approving the submission of an application to the Minnesota Public Facilities Authority Clean Water Revolving Fund for the Western Interceptor Sewer project. Resolution No. 2 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 2

RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION
TO THE CLEAN WATER REVOLVING FUND

BE IT RESOLVED that the City of Willmar, Minnesota is hereby applying to the Minnesota Public Facilities Authority for a loan from the Clean Water Revolving Fund for improvements to its municipal wastewater treatment system as described in the loan application.

BE IT FURTHER RESOLVED that the City of Willmar estimates the loan amount to be \$3,519,453 or the actual cost of the project.

BE IT FURTHER RESOLVED that the City of Willmar has the legal authority to apply for the loan, and the financial, technical, and managerial capacity to repay the loan and ensure proper construction, operation and maintenance of the project for its design life.

BE IT FURTHER RESOLVED that the City of Willmar hereby expresses its official intent to use proceeds of this loan to reimburse construction expenditures made prior to the issuance of its general obligation bond to the Public Facilities Authority.

Dated this 17th day of January, 2012.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 Staff informed the Committee of a donation of \$209.75 received from the Bunde Christian Reformed Church of Clara City to assist with costs for the purchase of the aluminum ATV trailer purchased from Dahlberg Sales. Staff was requesting the 2011 Fire Department Capital Budget be amended to reflect this increase in revenue.

The Committee was recommending the Council introduce a resolution accepting the donation of \$209.75 from the Bunde Christian Reformed Church of Clara City and to send a letter of appreciation. Resolution No. 3 was introduced by Council Member Anderson, seconded by Council Member Reese, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 3

WHEREAS, Bunde Christian Reformed Church of Clara City has given a donation of \$209.75 to the Willmar Fire Department,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Willmar to accept the \$209.75 donation, adjust the Fire Department's budget accordingly and that the City Administrator

express the community's appreciation.

Dated this 17th day of January, 2012.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 5 The Committee considered a request from Staff to increase the 2012 WRAC-8 Capital Budget by \$8,000 for an upgrade to the audio system at the City Council Chambers. It has recently been discovered that the existing equipment, which was first installed in 1992, is showing signs of intermittent failure. The Committee was recommending the Council introduce a resolution to increase the 2012 WRAC-8 Capital Budget by \$8,000 from WRAC-8 Reserves to fund this audio system upgrade at the City Council Chambers.

Resolution No. 4 was introduced by Council Member Anderson, seconded by Council Member Dokken, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 4

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to make the following changes within the WRAC-8 fund:

Increase:	\$8,000.00
Decrease:	\$8,000.00

Dated this 17th day of January, 2012.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Finance Committee Report for January 9, 2012, were approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Anderson, seconded by Council Member Fagerlie, and carried.

The Public Works/Safety Committee Report for January 10, 2012, was presented to the Mayor and Council by Council Member Reese. There were seven items for Council consideration.

Item No. 1 The Committee was informed by Staff that at its November meeting, the Airport Commission discussed the use of private hangars at the airport. It was their recommendation a hangar may be used for either private aviation storage or commercial aviation purposes as long as building code requirements are met. The FAA was contacted and has responded that the use of hangars is up to the City's discretion as long as the business meets code and MPCA requirements. No grant monies or other agreements would be violated.

Secondly, the issue of taxation of hangars was discussed. The City Assessor has stated that there is clarification at the State level that any private hangars used for business purposes, even non-aviation, will be commercially taxed. Notification of the hangar use is the hangar owner's responsibility. Staff recommended permitting both storage and commercial use of private hangars. Council Member Dokken stated that the definition of commercial "is a seat or cargo for hire."

The Committee was recommending the Council permit the use of both storage and commercial uses in the private hangar group via the hangar land leases with the City as long as code requirements

are met. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Fagerlie seconding the motion, which carried.

Item No. 2 The Committee considered a request from Staff for permission to enter into a contract with Short Elliot Hendrickson (SEH) for miscellaneous traffic assistance services. The contract is an annual renewal and would be for 2012 at a cost not to exceed \$5,000.00. The money to fund the services would be from the Engineering budget under professional services.

The Committee was recommending the Council approve Staff's request to enter into a contract with Short Elliot Hendrickson for periodic traffic consulting services for an amount not to exceed \$5,000.00 for 2012 and authorize the City Administrator to sign on behalf of the City. Resolution No. 5 was introduced by Council Member Reese, seconded by Council Member Christianson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 5

Whereas the City of Willmar desires to retain a consultant to provide professional engineering services for providing assistance with oversight and review of operational issues related to the City-owned and operated traffic systems; and

Whereas a proposal has been made by, and an agreement prepared to retain, the firm of Short Elliott Hendrickson Inc. of St. Paul, Minnesota for said services not to exceed \$5,000.00 except to exceed as authorized by the City;

Now therefore be it resolved by the City Council of the City of Willmar that said agreement be approved and that the City Administrator be authorized to execute the same.

Dated this 17th day of January, 2012.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 Staff presented the renewal of a contract with SafeAssure for 2012. The contract provides safety training for all City employees, assistance in remaining compliant with OSHA laws, building inspections and a point-of-contact for any related issues or questions the City may have throughout the year. The cost of the 2012 contract has not increased from that of 2011 and remains at \$6,125.00.

The Committee was recommending the Council authorize the Mayor and City Administrator to enter into an agreement with SafeAssure as presented. Resolution No. 6 was introduced by Council Member Reese, seconded by Council Member DeBlieck, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 6

AUTHORIZATION TO EXECUTE CONTRACT

BE IT RESOLVED by the City of Willmar as follows:

1. That the Contract between SafeAssure and the City of Willmar for assisting with OSHA requirements is accepted, in the amount of \$6,125.00.
2. That the Mayor and City Administrator are authorized to execute this agreement on behalf of the City of Willmar.

Dated this 17th day of January, 2012.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 Staff presented to the Committee a list of proposed improvements for 2012. The list includes reconstruction, overlay, street lighting, and miscellaneous projects. Staff briefly reviewed the streets and miscellaneous items proposed for construction, which is based off the Five-Year Street Improvement Plan. This year's improvements include reconstruction of 0.91 miles of streets, 0.81 miles of overlay of various streets, and 0.56 miles of new construction to include Willmar Avenue SW from Industrial Boulevard to 22nd Street SW.

Miscellaneous items include deck maintenance to the First Street Bridge, storm water related improvements yet to be identified, path and sidewalk construction, seal coat and crack sealing of various areas. The specifics of the streets are detailed in the project list presented by the Public Works Director. It was noted that the addition of a water main relocation near the Mn/DOT headquarters will be added and that an alternate bid for concrete on Roise from First to Third Street will be included for consideration.

The Committee was recommending the Council order preparation of the Improvement Report for the 2012 Improvements. Resolution No. 7 was introduced by Council Member Reese, seconded by Council Member Christianson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 7

ORDER OF IMPROVEMENT REPORT

WHEREAS, it is proposed to construct the following improvements under the 2012 Improvement Project: grading, gravel base, curb and gutter, tiling, bituminous pavement, sidewalk, service lines, sanitary sewer, storm sewer, water main, and street lighting

and to assess the benefited property for all or a portion of the cost of the improvement, pursuant to Minnesota Statutes, Section 429.011 to 429.111 (Laws 1953, Chapter 398, as amended).

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF WILLMAR, MINNESOTA:

That the proposed improvement be referred to the City Engineer for study, and that she is instructed to report to the Council advising the Council in a preliminary way as to whether the proposed improvement is feasible, and as to whether it should best be made as proposed or in connection with some other improvement, and the estimated cost of the improvement as recommended.

Dated this 17th day of January, 2012.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 5 The Committee was informed of the resignation of a police officer effective January 31, 2012. This matter was for information only.

Item No. 6 The Committee considered a request from Staff for consideration of changes along with implementing an alarm permit fee to the Alarm Systems Section 8-281 and 8-282 of the City's ordinance. Staff has determined these sections are outdated due to changes in technology and current business practices. Chief Wyffels presented an attachment with various language deletions and additions to update the document. New language proposed would address permit requirements.

Currently no consequence exists when a business or resident installs an alarm but does not complete the permit process. Having a permit provides information used to determine who the owner of

the property is and contact information for the owner or designated key holders. Having a list of people to call prevents responding officers from being tied up at an alarm call for long periods of time. The recommendation is that the ordinance includes a penalty for those who have an alarm system installed which requires a police or fire response, but who have not submitted a permit application. The City may also want to consider charging a fee to acquire an alarm permit. Staff proposed a \$30 permit application fee with a three-year renewal. The Committee discussed the proposed ordinance changes and it was the consensus of the members to refer the document to the City Attorney for review prior to taking any action. A specific concern was how to incorporate alarms that are not directly hard wired such as smoke detectors into the ordinance. This matter was for information only.

Item No. 7 The Committee discussed the tree trimming being done by the Public Works staff as a result of time not being spent plowing and sanding due to the nice weather. The condition of the ice rinks and which ones have been kept open was also discussed.

The Committee discussed use of iPads and "Board Book." This matter was for information only.

The Public Works/Safety Committee Report for January 10, 2012, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Reese, seconded by Council Member Christianson, and carried.

The Labor Relations Committee Report for January 11, 2012, was presented to the Mayor and Council by Council Member Ahmann. There were five items for Council consideration.

Item No. 1 City Administrator Stevens presented to the Committee a request to hire two additional Police Officers, one officer to replace a position vacated in July of 2011 and one officer to replace a position that will be vacated as of January 31, 2012. Ms. Stevens stated that in the interim the Crime Prevention Officer would be reassigned to patrol and that the crime prevention duties would be distributed amongst other officers as well as some services being eliminated. Ms. Stevens stated that if the decision is not to fill the vacant positions, the crime prevention program and duties will be changed and/or eliminated as necessary. Following a lengthy discussion, the Committee was recommending the Council authorize the hiring of two additional police officers.

Council Member Ahmann moved to approve the recommendation of the Labor Relations Committee to authorize the hiring of two additional police officers, with Council Member Anderson seconding the motion. Council Member Christianson distributed information he had gathered comparing the number of Willmar police officers to similar-sized rural and metro cities. The comparison was based on the 2010 census population, number of police officers and the number of people per officer. Council Member Christianson moved to amend the motion by striking the word "two" and replacing it with "one" additional officer. Council Member Dokken seconded the motion, which resulted in a roll call vote of Ayes 4, Noes 4 - Council Members Reese, Anderson, Fagerlie and DeBlieck voted "No." Mayor Yanish cast the deciding "No" vote and the amendment failed. The original motion to hire two police officers resulted in a roll call vote of Ayes 4, Noes 4 - Council Members Christianson, Ahmann, Johnson and Dokken voted "No." Mayor Yanish cast the deciding affirmative vote and the motion carried.

Item No. 2 City Administrator Stevens provided the Committee with an update on how the City would be addressing custodial services with only two full-time custodians. City Administrator Stevens stated that she, Public Works Director Wilson, Chief Calvin and Steve Brisendine had met and reviewed the maintenance needs and developed a strategy to seek proposals for custodial services, window cleaning and cleaning of floors. Four (4) separate RFPs would be issued by January 20, 2012. One RFP would be for semi-annual cleaning of the exterior windows of all city-owned facilities. A second would be issued for deep cleaning of flooring at all buildings, either annually, semi-annually or quarterly, depending on the usage and type of flooring at the facility. Ms. Stevens also continued that the custodial services contracts would be divided into two - one for the Willmar Community and Activity Center, primarily because of the intensity of its programming, and a second RFP for the custodial services at the following facilities: WWTP Plant, Public Works Garage, Airport, Fire Department and former WWTP.

Staff will continue to work on a solution for snow and ice removal at the WCAC, but felt that due to the relative mildness of this winter, the two existing custodians would attempt to manage it and staff would re-evaluate in November. This matter was for information only.

Item No. 3 The Committee was informed by City Administrator Stevens that Ms. Holly Wilson had completed her one-year probationary period as Public Works Director on December 20, 2011, and that she was recommending Ms. Wilson be retained and receive promotion to full Director status with the salary set at \$91,924 retroactive to December 20, 2011.

The Committee was recommending to the Council that Ms. Wilson be promoted to full Director status with pay retroactive to December 20, 2011. Council Member Ahmann moved to approve the recommendation of the Labor Relations Committee with Council Member Anderson seconding the motion, which carried. Council Member Christianson abstained from voting.

Item No. 4 City Administrator Stevens recommended to the Committee that the City issue a RFP for City Attorney Services and outlined the following process and timeline:

Issue RFPs:	February 1, 2012
RFPs Due:	March 1, 2012
Review of RFPs:	March 2-9, 2012
Interviews:	March 15, 2012
Appointment:	April 2, 2012.

City Administrator Stevens stated that she would recommend that the City Administrator, City Clerk, Planning and Development Services Director and Police Chief conduct the initial review of the RFPs and recommend one or two to the City Council for interviews. Ms. Stevens stated that she would recommend crafting the RFP with the criminal services as an alternate service as it had also been suggested that the City consider contracting with the County for those services.

Council Member Johnson recommended that City Attorney Ronning be added to the initial review committee.

The Committee expressed concerns with the tightness of the timetable and noted that it would not have to be mandatory for all Council Members to participate in the interviews. Ms. Stevens stated that it would not be necessary for the full Council to participate, but it would be encouraged. The Committee directed City Administrator Stevens to finalize the RFP and proceed. This matter was for information only.

Item No. 5 The Committee meeting was closed to discuss strategy for contract negotiations and then reopened.

The Labor Relations Committee Report for January 11, 2012, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Ahmann, seconded by Council Member Reese, and carried.

The Community Development Committee Report for January 12, 2012, was presented to the Mayor and Council by Council Member Dokken. There were six items for Council consideration.

Item No. 1 Ryan Tillman, Luke Billmeier, and Bonnie Thiel spoke of incidents at the Westwinds development and concerns about criminal behavior and traffic speeds. Laura Becker expressed appreciation for City involvement in the Somali culture meetings. This matter was for information only.

Item No. 2 The Committee began their discussion of the ward redistricting process. City Clerk Kevin Halliday presented information relative to the redistricting process for the Council wards and reviewed four main criteria for redistricting. Staff will return in two weeks with proposals for redistricting the four Willmar wards. This matter was for information only.

Item No. 3 Staff presented to the Committee a recommendation for the City to acquire two lots on the west side of 8th Street Northeast, just east of the Eagles Landing Addition. The two lots are not in the City of Willmar at this time, but would be key to any future annexation and provision of utility services in that area. Major portions of the two lots are wetlands at this time, but there would be room to

run a sanitary sewer line through the property to serve 8th Street Northeast, as well as provide space on-site for storm water retention. With renewed interest in annexation by some residents of 8th Street Northeast, staff believes it is prudent to proceed with the acquisition of the properties at this time. The two lots are both tax forfeited and could be had for the sum of \$2,270.00.

Following discussion, the Committee was recommending to the Council that the City purchase the two lots as proposed with funding through the Storm Water Fund. Council Member Dokken moved to approve the recommendation of the Community Development Committee with Council Member Ahmann seconding the motion, which carried.

Council Member Fagerlie recommended that Staff review options for a recreation area/park in the adjoining lots.

Item No. 4 The Committee considered a letter from Mr. Kidrowski outlining his proposed construction schedule for the completion of the John's Supper Club building. The most recent report from Staff was also discussed and the Committee expressed their hope that Mr. Kidrowski could stay on schedule.

Item No. 5 The Committee considered quotes for demolition of property on Havana Street NE. It is Staff's recommendation that the Council declare the home at 201 Havana Street Northeast as a dangerous structure and move for its immediate repair or demolition. Repair is unlikely as the home has suffered substantial fire damage. The Committee discussed the potential for long-term precedent if they did move to declare this structure as unsafe. Staff responded that if the property owner is not going to respond and fix the property, the City would have to step in and be responsible for the demolition, at which point it would fall into City ownership and the City would be able to dispose of the property. It was the opinion of Staff that both the demolition quotes exceed the amount of money that the City would be likely to get for the sale of the property. Staff was asked to look into various alternatives such as working with Habitat for Humanity, working with a demolition contractor to see if they would take the property in exchange for the demolition, or other methods to reduce the City's financial exposure.

The Committee was recommending the Council declare the house at 201 Havana Street Northeast to be a dangerous structure and to pursue repair/demolition. Council Member Dokken moved to approve the recommendation of the Community Development Committee with Council Member DeBlicek seconding the motion, which carried.

Item No. 6 Council Member Christianson suggested that the Council consider having more of its members be allowed to vote on the various boards and commissions that they serve on. This matter was for information only.

The Community Development Committee Report for January 12, 2012, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Dokken, seconded by Council Member Anderson, and carried.

Announcements for Council Committee meeting dates were as follows: Finance, January 23; Community Development, January 26; and Public Works/Safety, January 31, 2012.

There being no further business to come before the Council, the meeting adjourned at 8:55 p.m. upon motion by Council Member Christianson, seconded by Council Member Reese, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL