

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

October 17, 2016
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Marv Calvin. Members present on a roll call were Mayor Marv Calvin, Council Members Audrey Nelsen, Steve Ahmann, Denis Anderson, Rick Fagerlie, Andrew Plowman, Shawn Mueske and Tim Johnson. Council Member Ron Christianson was excused from the meeting. Present 8, Absent 1.

Also present were Interim City Administrator Mike McGuire, Police Captain Mike Anderson, Fire Chief Frank Hanson, Finance Director Steve Okins, Public Works Director Sean Christensen, Human Resource Director Bridget Buckingham, City Clerk Judy Thompson and City Attorney Robert Scott.

There were no additions or deletions to the agenda.

Council Member Ahmann offered a motion to adopt the Consent Agenda which included the following items: City Council Minutes of October 3, Finance/Full Council Minutes of October 12, Rice Memorial Hospital Minutes of September 28, Willmar Municipal Utilities Board Minutes of October 10, Planning Commission Minutes of October 12, Police Commission Minutes of August 19, Willmar Community Center Minutes of September 9, Board of Zoning Appeals Minutes of October 10, Accounts Payable Report through October 12, and Building Inspection Report for September 2016. Council Member Mueske seconded the motion, which carried.

Public Works Director Sean Christensen introduced Gene East, MnDOT Assistant Project Manager, who presented an update on the Willmar Wye Project. Mr. East stated the Willmar Wye will provide a direct connection between the Marshall and Morris Subdivisions of the BNSF rail network and will provide an improved access to Willmar's Industrial Park. He mentioned the various partners/contributors to the project and presented maps of the three primary alternatives for the project. The project is currently in the pre-design and environmental review stage. The design/build stage, along with the bidding of the project, will begin in late 2017. Construction is scheduled to begin in 2018, with project completion slated for Fall 2020. He stated a project status open house is scheduled for Tuesday, October 18, 2016 from 5-7 p.m. at MnDOT.

Following the presentation, the Council had the opportunity to ask questions. Council Member Ahmann thanked Mr. East and asked for an update on Farm Service Elevator concerns. Mr. East stated Alternative 2B was created from the discussions with Farm Service Elevator. Council Member Anderson also thanked Mr. East and asked when the layout will be chosen. Mr. East stated that decision won't be made for quite some time. At this time, based on early analysis and Federal guidance, Alternative 2B seems to be the staff favorite.

Loren Schultz, 901 Irene Avenue SE, spoke during the Open Forum. Mr. Schultz inquired if the City was going to purchase the meandered land along East Highway 12 for drainage for the Wye Project. His concerns dealt with storm water drainage for the City of Willmar. Mayor Calvin asked Public Works Director Christensen to follow up on the concerns.

Mayor Calvin read the Proclamation of the Family Promise Week declaring the week of October 16, 2016 as Family Promise Week. On behalf of the Family Promise of Kandiyohi County, Mr. Wayne Nelson thanked the City for their recognition and the work the organization does. He gave a brief update on the program. Mayor Calvin thanked him for the work they do for the community.

Finance Director Okins presented the quarterly acknowledgement of donations the City has received from July 1, 2016 through September 30, 2016. Per State Statute, Council is required to accept these donations by Resolution.

Resolution No. 1 was introduced by Council Member Anderson, seconded by Council Member Ahmann, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 1

WHEREAS, the City of Willmar has received numerous donations which have been acknowledged by the City Administrator expressing the community's appreciation for the time period of July 1, 2016 - September 30, 2016.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Willmar, Minnesota that the City formally accept the donations as listed below:

| | | |
|---|-------------|------------------------------|
| Carlson Construction | \$ 500.00 | Selvig Park |
| Humane Society of Kandiyohi/ Meeker Counties | \$15,095.00 | Water Access - Dog Park |
| Eric Banks | \$ 54.58 | Street Signs - Johnny Sundin |
| Presbyterian Family Foundation | \$ 75.00 | Movies in the Park |
| Doug Fenster | \$ 75.00 | Movies in the Park |
| Fischer Laser Eye Center | \$ 75.00 | Movies in the Park |
| Allergy & Asthma Specialty Clinic | \$ 50.00 | Movies in the Park |
| Walmart | \$ 50.00 | Movies in the Park |
| American Welding & Gas | \$ 40.00 | Movies in the Park |
| Boline Fenster Chiropractic | \$ 100.00 | Movies in the Park |
| Walt's | \$ 1,000.00 | Movies in the Park |
| Viking Coca-Cola | \$ 1,000.00 | Movies in the Park |
| Pro Color Graphics | \$ 1,000.00 | Movies in the Park |
| Willmar Lakes Area CVB | \$ 1,000.00 | Movies in the Park |
| Jennie-O Turkey Store | \$ 1,000.00 | Movies in the Park |
| Fiesta Time Rentals | \$ 1,000.00 | Movies in the Park |
| Willmar Community Ed & Rec | \$ 1,000.00 | Movies in the Park |

Dated this 17th day of October, 2016

 /s/Marv Calvin
Mayor

Attest:

 s/s Judy Thompson
City Clerk

City Clerk Thompson explained to the Council that it is City policy to temporarily exempt from assessments certain lands currently used for agricultural purposes. Each year contact is made with the listed land owners to ascertain their desire to place the land in agricultural use for the next crop year, which in this case is for 2017 totaling \$628,150.07. Staff was recommending the Council approve the exemptions for qualifying agricultural land owners of special assessments as presented for 2017 in the amount of \$628,150.07.

Council Member Ahmann suggested that the current policy for exempting agricultural properties from special assessments be reviewed at a future Finance Committee meeting.

Resolution No. 2 was introduced by Council Member Anderson, seconded by Council Member Mueske, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 2

WHEREAS, the City Council of the City of Willmar, Minnesota, did order the installation of certain street and other improvements made under Projects No. 0501, 8606, 9101, 1404, and 1601, and certain sewer and watermain improvements made under Projects No. 9701, 9303, 9202, and 9002.

WHEREAS, Section W of the City of Willmar Comprehensive Assessment Policy allows the City to temporarily exempt from assessments certain lands currently used for agriculture purposes; and

WHEREAS, certain property owners have made application to the City for delayed payment of taxes on special assessments and have met the criteria contained in the Comprehensive Assessment Policy for said deferment;

NOW, THEREFORE, BE IT RESOLVED by the Willmar City Council that special assessments as hereinafter designated be certified to the County and deferred until such property is developed or upon approval of the final plat, and that no interest be charged until such time.

BE IT FURTHER RESOLVED that upon development or plat approval that tapping fee shall be based on the project year bid price per front foot or unit, or on the current year costs at the time of connection/platting, whichever is greater:

| | | | |
|----|---------------------------------|--------------|-------------|
| 1. | Hawkinson Land, LLC | 95-924-0020 | |
| | 7340 26 th Street NE | Project 9202 | \$13,005.00 |
| | Willmar | Project 9101 | 51,455.70 |
| | | Project 9002 | 35,340.00 |
| | | Project 0501 | 61,137.01 |

Section 24, Township 119, Range 35

That part of Northwest Quarter of Northwest Quarter lying Northwesterly of Highway right-of way, except the South 125 feet of North 175 feet of West 133 feet & except part platted into Kandiyohi County State Aid Highway No. 23 right-of-way Plat No.1. (26.40 acres)

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| 2. | Gesch Properties LLC c/o LeAnn Isaacson | 95-914-2610 | |
| | 10785 46 th Place N | Project 9002 | \$39,731.66 |
| | Plymouth | Project 9303 | 20,130.42 |
| | | Project 0501 | 77,504.80 |
| | | Project 1404 | 180,688.13 |

Section 14, Township 119, Range 35

South 610 feet of Northeast Quarter except West 393.61 feet; Southeast Quarter except South 914.88 feet of West 1085 feet and except parts in plats-Bergquists Estates, Perkins Fifth Addition and Gesch Park except that part of the South Half of Northeast Quarter described as follows: Commencing 715 feet South and 393.61 feet East of Northwest Corner of Southwest Quarter Northeast Quarter, Thence East to Southwest Corner of Lot 7, Block 7 Erickson's Third Addition, Thence South 70 feet, Thence West to East Line of Welch's Addition, Thence North 70 feet to point of beginning and except part platted into Gesch YMCA Addition and except that part of the South Half of the Southeast Quarter described as

follows: Beginning at the Northwest Corner of Lot 2, Block 1, Gesch YMCA Addition, Thence South 548.78 feet, Thence West 363.89 feet, Thence North 54 feet to Southeast Corner of Lot 1, Block 6, Perkins Fifth Addition, Thence continuing North 495 feet to Northeast Corner of Lot 1, Block 4, Perkins Fifth Addition, Thence East along Southerly right-of-way boundary line of Olena Avenue 363.89 feet to point of beginning; except part platted into City of Willmar 12th Street Southeast right-of-way plat. (87.23 acres)

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| 3. | Jean Langsjoen-Hogan Trust and Carter Family 1950 E Welco St. Peter | 95-903-0010 Project 0501 | \$93,012.00 |
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Section 3, Township 119, Range 35

Southeast Quarter of Southwest Quarter and Southwest Quarter of Southwest Quarter except the Southerly 350 feet of the Westerly 233 feet of Southwest Quarter of Southwest Quarter and except parts platted as Northwood Estates and Northwood Estates Second Addition; and also except that permanent utility easement described as follows: That part of the Southwest Quarter of the Southwest Quarter described as follows: Commencing at Southwest Corner of said Southwest Quarter of the Southwest Quarter, Thence East 844.61 feet, Thence North 108.96 feet to North right-of-way line of North Shore Way, said point being point of beginning of tract herein described, Thence Northwesterly 50 feet, Thence Northeasterly 100 feet, Thence Southeasterly 50 feet to North right-of-way line of North Shore Way, Thence Southwesterly 100 feet to point of beginning. (64.13 acres)

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| 4. | Bernard Revocable Trust Etal c/o William Bernard 100 Promenade Ave, Apt 406 Wayzata | 95-912-0970 Project 9701 | \$12,119.04 |
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Section 12, Township 119, Range 35

North 1,655 feet of Northwest Quarter except the West 40 acres thereof. (60 acres)

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| 5. | J & C Enterprises of Central MN c/o Stephen Jennings PO Box 639 Richmond | Project 8606 Hidden Valley Estates | \$17,869.51 |
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- 95-308-0010 Sect-08 TWP -119 Rang-35 Lot-001 Blk-001*
- 95-308-0020 Sect-08 TWP -119 Rang-35 Lot-002 Blk-001*
- 95-308-0030 Sect-08 TWP -119 Rang-35 Lot-003 Blk-001*
- 95-308-0040 Sect-08 TWP -119 Rang-35 Lot-004 Blk-001*
- 95-308-0050 Sect-08 TWP -119 Rang-35 Lot-005 Blk-001*
- 95-308-0060 Sect-08 TWP -119 Rang-35 Lot-006 Blk-001*
- 95-308-0070 Sect-08 TWP -119 Rang-35 Lot-007 Blk-001*
- 95-308-0080 Sect-08 TWP -119 Rang-35 Lot-008 Blk-001*
- 95-308-0090 Sect-08 TWP -119 Rang-35 Lot-009 Blk-001*
- 95-308-0100 Sect-08 TWP -119 Rang-35 Lot-010 Blk-001*
- 95-308-0110 Sect-08 TWP -119 Rang-35 Lot-011 Blk-001*
- 95-308-0120 Sect-08 TWP -119 Rang-35 Lot-012 Blk-001*
- 95-308-0130 Sect-08 TWP -119 Rang-35 Lot-013 Blk-001*
- 95-308-0140 Sect-08 TWP -119 Rang-35 Lot-014 Blk-001*

95-308-0150 Sect-08 TWP -119 Rang-35 Lot-015 Blk-001
 95-308-0160 Sect-08 TWP -119 Rang-35 Lot-016 Blk-001
 95-308-0170 Sect-08 TWP -119 Rang-35 Lot-017 Blk-001
 95-308-0200 Sect-08 TWP -119 Rang-35 Lot-001 Blk-002
 95-308-0210 Sect-08 TWP -119 Rang-35 Lot-002 Blk-002
 95-308-0220 Sect-08 TWP -119 Rang-35 Lot-003 Blk-002
 95-308-0230 Sect-08 TWP -119 Rang-35 Lot-004 Blk-002
 95-308-0300 Sect-08 TWP -119 Rang-35 Lot-001 Blk-003
 95-308-0310 Sect-08 TWP -119 Rang-35 Lot-002 Blk-003
 95-308-0320 Sect-08 TWP -119 Rang-35 Lot-003 Blk-003
 95-308-0330 Sect-08 TWP -119 Rang-35 Lot-004 Blk-003
 95-308-0340 Sect-08 TWP -119 Rang-35 Lot-005 Blk-003
 95-308-0350 Sect-08 TWP -119 Rang-35 Lot-006 Blk-003
 95-308-0360 Sect-08 TWP -119 Rang-35 Lot-007 Blk-003
 95-308-0370 Sect-08 TWP -119 Rang-35 Lot-008 Blk-003
 95-308-0380 Sect-08 TWP -119 Rang-35 Lot-009 Blk-003
 95-308-0390 Sect-08 TWP -119 Rang-35 Lot-010 Blk-003
 95-308-0400 Sect-08 TWP -119 Rang-35 Lot-001 Blk-004
 95-308-0410 Sect-08 TWP -119 Rang-35 Lot-002 Blk-004
 95-308-0420 Sect-08 TWP -119 Rang-35 Lot-003 Blk-004
 95-308-0430 Sect-08 TWP -119 Rang-35 Lot-004 Blk-004
 95-308-0500 Sect-08 TWP -119 Rang-35 Lot-001 Blk-005
 95-308-0510 Sect-08 TWP -119 Rang-35 Lot-002 Blk-005
 95-308-0520 Sect-08 TWP -119 Rang-35 Lot-003 Blk-005
 95-308-0530 Sect-08 TWP -119 Rang-35 Lot-004 Blk-005
 95-308-0540 Sect-08 TWP -119 Rang-35 Lot-005 Blk-005
 95-308-0550 Sect-08 TWP -119 Rang-35 Lot-006 Blk-005

6. Erickson Land Company of Willmar, 95-912-0950
 PO Box 628
 Willmar, MN 56201 Project 1601 \$26,156.80

SECT-12 TWP-119 RANG-35

That part of the West Half of Northwest Quarter described as follows: Commencing at the Northwest corner of said Section 12, Thence South 977.23 feet to point of beginning of tract herein described, Thence East 113.15 feet, Thence Northeasterly 120.30 feet, Thence Northeasterly 138.50 feet, Thence Southeasterly 196.87 feet, Thence Southeasterly 318.20 feet, Thence Southwesterly 15.49 feet, Thence Southeasterly 149.81 feet, Thence Southeasterly 153.04 feet, Thence Easterly 193.16 feet to East line of West 40 acres of North 1655 feet of said Northwest Quarter, Thence South 389.82 feet to South line of North 1655 feet of said Northwest Quarter, Thence West 1053 feet to West line of said Section 12, Thence North 677.77 feet to point of beginning, Except that part platted as Trentwood Estates Third Addition.(14.11 acres)

Dated this 17th day of October, 2016.

s/s Marv Calvin
 Mayor

Attest:

s/s Mike McGuire

Interim City Administrator

Interim City Administrator McGuire updated the Council on the settlement agreement for tax forfeited properties in Oslo Meadows that were purchased by John and Debra Schmitz and David and Karen Cram. The amount agreed upon by all parties was a reduction from \$2,235.76 per parcel to \$1,162.88 per parcel. Both parties agreed to waive the Notice of Improvement Hearing and have signed said waivers. Council Member Mueske inquired if there are any changes that are being made to prevent this from happening in the future. Interim City Administrator McGuire stated that in the future all assessment searches for tax forfeited properties will be handled by the City Clerk and will be in writing.

Resolution No. 3 was introduced by Council Member Ahmann, seconded by Council Member Anderson, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 3

WHEREAS, the following properties located within the City of Willmar were offered for sale by the County Auditor at tax forfeiture sale:

Parcel 95-604-0450; Lot 26, Block 3, Oslo Meadows
Parcel 95-604-0460; Lot 27, Block 3, Oslo Meadows

WHEREAS, the above properties were subject to reassessment of \$2,325.76 per parcel for special assessments if sold; and

WHEREAS, the above properties were sold to John H. & Debra L. Schmitz on October 7, 2015; and

Parcel 95-604-0430; Lot 24, Block 3, Oslo Meadows
Parcel 95-604-0440; Lot 25, Block 3, Oslo Meadows

WHEREAS, the above properties were subject to reassessment of \$2,325.76 per parcel for special assessments if sold; and

WHEREAS, the above properties were sold to David M. & Karen M. Cram on October 7, 2015;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, that the special assessments against the above four properties be reduced from \$2,325.76 per property to \$1,162.88 per property and placed on the tax rolls for collection over a five (5) year period with an interest rate of five and one-half (5.50) percent, and that the County Auditor be notified to extend this assessment on the tax rolls payable in 2017 and thereafter.

Dated this 17th day of October, 2016.

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk

Interim City Administrator McGuire requested the City Council set a Hearing for 7:01 p.m. on November 7, 2016 for Oslo Meadows Special Assessments for the 2005 Street & Other Improvements against properties purchased by Robin A. Javaherian legally described as Lots 6 & 8, Block 1, Oslo Meadows in the amount of \$2,325.76 per parcel.

Following discussion, Council Member Ahmann moved to approve Staff's request. Council Member Nelsen seconded the motion, which carried.

Rachel Skretvedt gave an update on the plans and fundraising efforts for Willmar's Destination Playground Project currently underway. Thus far, \$675,000 has been received and they plan to reach their goal of \$800,000 by February 2017. At that time, they plan to finalize the design of the playground with construction to begin in May 2017. Following the presentation, Council Member Anderson commended the Committee on doing a wonderful job thus far, and asked if fund raising efforts will become more public. Ms. Skretvedt mentioned donations can be made on the website at any time.

Announcements for Council Committee meeting dates were as follows: Finance Committee, October 24th at 4:45 p.m.; Public Works/Public Safety November 1st at 4:45 p.m.

Mayor Calvin introduced the new City of Willmar Human Resource Director Bridget Buckingham.

Council Member Ahmann offered a motion to direct City Council to work with City Staff, City Engineer, and representatives of the County and townships, to coordinate efforts to start informal discussions on how to resolve the storm water issues and future planning of our storm water system throughout Kandiyohi County, in particular the City of Willmar. Council Member Fagerlie seconded the motion.

Council Member Nelsen asked if we shouldn't look at our own information received from Bolton and Menk before meeting with the other entities. She is not opposed to the meeting, but feels we should look at our own information and start with that before meeting with all the other entities.

Mayor Calvin stated that at the last meeting, the Council directed Staff to gather the information and bring to Public Works/Public Safety Committee for review. He feels we should wait until the original motions can be acted upon before we make further motions.

Council Member Nelsen offered a motion to amend the motion to recommend that this matter be referred to Public Works/Public Safety Committee for consideration together with the information staff has previously been directed to present to that Committee. Council Member Anderson seconded the motion.

Following discussion, Council Member Anderson suggested that we follow our process that is in place and wait for Public Works/Public Safety Committee recommendation. Council Member Mueske asked if the amended motion was to move the original motion to the Public Works Committee as stated here and not to kick the whole concept down to Committee, but to move the motion made tonight to Committee. Council Member Nelsen stated she made the amended motion to recommend we go back and look at the information we requested at the last meeting and then take a look at this particular item. Council Member Mueske said that seems more like a separate motion and not an amendment.

Mayor Calvin asked Attorney Scott for the legal interpretation. Attorney Scott stated we had a motion to essentially set the policy of the Council to start working with Staff on informal discussions with members of the County and the township. The motion to amend that motion essentially would be to refer it back to the Public Works Committee for consideration of this motion, along with the additional information that Staff has already been directed to bring to Committee. It is his interpretation that it is a proper amendment.

Council Member Ahmann spoke against the amendment. He felt bringing it back to Committee only delays the process, and felt his original motion has merit to stand alone and further move along the process in a timely manner.

Council Member Nelsen stated her amendment was not intended to delay the process, only that we review the report from Bolton and Menk and get recommendations from staff. She feels we need to do this first before meeting with the other entities. The amendment is to respect our staff and since we paid for this report, we should look at it and trust our staff to make recommendations and then take the next step to meet with the other entities.

Council Member Mueske offered an amendment to the amendment that a report back to the Council be made within two meetings to eliminate any further delays, and the maker and seconder of proposed amendment to the motion agreed. Following discussion, a vote was held on the amendment to the motion and it carried.

Attorney Scott clarified the original motion as amended is to direct the Public Works/Public Safety Committee to consider whether the Council should work with City Staff, City Engineer, and representatives of the County and townships, to coordinate efforts to start informal discussions on how to resolve the storm water issues and future planning of our storm water system throughout Kandiyohi County, in particular the City of Willmar, together with the information staff has previously been directed to present to that committee, and that the committee report back to the Council within two meeting. Following clarification, the amended motion carried.

Council Member Mueske offered a motion to adjourn the meeting with Council Member Plowman seconding the motion, which carried. The meeting adjourned at 8:23 p.m.

Attest:

MAYOR

SECRETARY TO THE COUNCIL