

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

December 19, 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, Ron Christianson, Rick Fagerlie, Shawn Mueske and Tim Johnson. Council Member Andrew Plowman was excused from the meeting. Present 8, Absent 1.

Also present were Interim City Administrator Mike McGuire, Police Chief Jim Felt, Fire Chief Frank Hanson, Public Works Director Sean Christensen, Planning and Development Services Director Bruce Peterson, Community Education and Recreation Director Steve Brisendine, 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 Anderson offered a motion to adopt the Consent Agenda which included the following items: City Council Minutes of December 5, Willmar Municipal Utilities Board Minutes of December 12, Planning Commission Minutes of December 14, Accounts Payable Report through December 15, Willmar Community Center Minutes of November 11, and Willmar Community Education and Recreation Board Minutes of December 2, 2016. Council Member Fagerlie seconded the motion, which carried.

Mayor Calvin recognized the retirement of Public Works Mechanic Mike Stueckrath after 41 years with the Public Works Department. Gary Manzer, Public Works Working Foreman, thanked Mike for all his hard work throughout the years. The Council presented to Mr. Stueckrath a token of appreciation for his many years of service.

Public Works Director Christensen presented information regarding the Wastewater Pretreatment Program Ordinance Amendment. Mayor Calvin opened the Public Hearing at 7:12 p.m. There being no one to speak for or against the proposed amendment, the hearing closed at 7:13 p.m.

Following discussion, Council Member Anderson offered a motion to adopt, assign a number, and order final publication of the Ordinance Amending Municipal Code, Chapter 16, Utilities, Article III, Sanitary Sewer System, as required to implement delegated Wastewater Pretreatment Program. Council Member Christianson seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

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

**RESOLUTION NO. 1**

Whereas the City Council of the City of Willmar held a public hearing to consider amending the Municipal Code; and

Whereas the amendment pertains to Chapter 16, Utilities, Article III, Sanitary Sewer System, as required to implement Delegated Wastewater Pretreatment Program.

Now therefore be it resolved by the City Council of the City of Willmar that said amendment be approved and effective after the date of its second publication.

Dated this 19<sup>th</sup> day of December, 2016.

/s/ Marv Calvin

Mayor

Attest:

/s/ Judy Thompson

City Clerk

Mayor Calvin opened the Public Hearing at 7:14 p.m. for the proposed amendment to Ordinance No. 463, An Ordinance Establishing Urban and Rural Service Districts in the City of Willmar Under Authority of 1965 Session Laws, Chapter 712. City Attorney Robert Scott recommended the hearing be continued until January 17, 2017 at 7:01 p.m. to meet statutory 30-day publication requirements. Council Member

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Willmar that the Mayor and City Administrator be authorized to execute the fire protection agreement with Dovre Township for the period 01/01/17

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 he 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 be best be made as proposed or in connection with some other improvement, and the estimated cost of the improvement as recommended.

Dated this 19<sup>th</sup> day of December, 2016.

/s/ Marv Calvin  
Mayor

Attest:

/s/ Judy Thompson  
City Clerk

Staff presented to the Committee the revised preliminary budget for the 2017 Improvement Projects totaling \$3,450,000. It was noted that the budget revision changes the amount of the special assessments from \$500,000 to \$1,513,560 due to readdressing the calculation of the assessments.

The Committee was recommending the Council introduce a resolution to approve the 2017 Improvement Projects Preliminary Budget for a total of \$3,450,000 as presented.

Resolution No. 4 was introduced by Council Member Anderson, seconded by Council Member Nelsen, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0.

**RESOLUTION NO. 4**

**PRELIMINARY 2017 STREET IMPROVEMENTS BUDGET**

**ESTIMATED TOTAL COST \$3,450,000.00**

\*Budget Amounts are Essential

<b>OTHER SERVICES:</b>		<b>RECEIVABLES:</b>	
Mntc. Of Other Impr.	\$2,657,735.00	Assessments Property Owners	\$ 1,513,560.00
Other Services	<u>\$ 265,773.00</u>	Community Investment	\$ 486,440.00
<b>TOTAL</b>	<b>\$2,923,508.00</b>	General	\$ 600,000.00
		State Aid	\$ 750,000.00
		WTP	\$ 50,000.00
		MUC	\$ 50,000.00
		Kandiyohi County	<u>\$ -0-</u>
		<b>TOTAL</b>	<b>\$3,450,000.00</b>
<b>OTHER CHARGES</b>		<b>FINANCING:</b>	
Professional Services	\$ 511,492.00	General	\$ 600,000.00
Other Charges	<u>\$ 15,000.00</u>	Bonds	\$2,000,000.00
<b>TOTAL</b>	<b>\$ 526,492.00</b>	State Aid	\$ 750,000.00
		WTP	\$ 50,000.00
		MUC	\$ 50,000.00
		Kandiyohi County	<u>\$ -0-</u>
		<b>TOTAL</b>	<b>\$3,450,000.00</b>
<b>GRAND TOTAL</b>	<b>\$3,450,000.00</b>	<b>GRAND TOTAL</b>	<b>\$3,450,000.00</b>

Dated this 19<sup>th</sup> day of December, 2016.

/s/ Marv Calvin

Mayor

Attest:

/s/ Judy Thompson

City Clerk

Item No. 5 Staff explained the \$250,000 was temporarily borrowed in 2014 from the Designated Self-Insurance Fund Balance to help fund the City Auditorium/Gun Range corrections with the intent of using annual Insurance Dividends to repay it. In 2014, \$31,916 was received from the League of Minnesota Cities Insurance Trust reducing the amount from \$250,000 to \$218,083. In December, 2015, an additional \$50,527 was received and applied to the adjusted balance which reduced the amount needed to repay the loan to \$167,557. The amount just received in December, 2016, of \$85,234, is the largest annual dividend ever received by the City and, when applied against the loan balance, will reduce the remaining amount left to repay to \$82,323. Discussion included how there has been a reduction in claims and settlements which is a factor in the higher dividend as well as a reduction in the reinsurance costs. Detail of claim totals will be provided to the Council at a future meeting. The Council received this for information only.

The Finance Committee Report for December 12, 2016, was approved as presented and ordered

Item No. 2 Staff presented a proposal that the Council consider the acquisition of a 6.15 acre tract of land that lies north of Highway 40 and was part of the former airport property. The property was part of a land exchange when the new airport was constructed. The owner has now expressed an interest in selling the property. The Committee viewed a location map and discussed possible future uses of the site. Staff had requested authorization to proceed with an appraisal. The Committee was recommending the Council authorize staff to pursue an appraisal for the property as the first step in determining whether or not the Council will proceed with acquisition.

**NOW, THEREFORE,** the City Council of the City of Willmar, Minnesota hereby resolves as follows:

1. The Franchise is hereby amended by extending the term of the Franchise from January 8, 2017 through and including June 30, 2017.
2. Except as specifically modified hereby, the Franchise shall remain in full force and effect.
3. The City and Charter hereby agree that neither waives any rights either may have under the Franchise or applicable law.
4. This Resolution shall become effective upon the occurrence of both of the following conditions:

Council Member Mueske stated the interpretation is the pivotal piece because if you say the authority of this council is to intervene in the process by the very nature of which you just said is where the commission is to make the appointment, we would be intervening as well.

Council Member Johnson offered a motion to take a recess while City Attorney Robert Scott reviewed the Joint Powers Agreement. Council Member Ahmann seconded the motion which carried on a vote of Ayes 5, Noes 2.



City Attorney Scott stated he could essentially make an appeal of the ruling of the chair and the City Council would vote as a whole on that if they so choose. Mayor Calvin asked City Attorney Scott how to proceed. City Attorney Scott stated it could be a voice vote and if help is needed in determining the vote, you could certainly call for a roll call. Mayor Calvin called for a vote all in favor of the appeal. The appeal passed on a roll call vote of Ayes 4, Noes 2