

WILLMAR CITY COUNCIL PROCEEDINGS
BOARD ROOM
HEALTH AND HUMAN SERVICES BUILDING
WILLMAR, MINNESOTA

August 20, 2018
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, Ron Christianson, Kathy Schwantes, Fernando Alvarado, Julie Asmus, Shawn Mueske, Andrew Plowman, and Rick Fagerlie. Present 9, Absent 0.

Also present were City Administrator Ike Holland, Police Detective Vince King, Planning and Development Services Director Bruce Peterson, Finance Director Steve Okins, Public Works Director Sean Christensen, Fire Chief Frank Hanson, Human Resource Director Samantha Beckman, City Clerk Judy Thompson and City Attorney Robert Scott.

Proposed additions to the agenda included: Mayor Calvin added Discussion of Industrial Park Land Sale Letter of Intent; Discussion of Tax Increment Financing Development Agreement – 15th Street Flats; Discussion of Robbins Island Concessionaires; Sale of City Owned Property; and 2018 Salary and Budgetary Amendments . These items were brought forward from the Work Session held earlier this evening.

Council Member Nelsen moved to approve the agenda, as amended. Council Member Mueske seconded the motion which carried.

City Clerk Judy Thompson reviewed the consent agenda.

- A. City Council Meeting Minutes of August 6, 2018
- B. Willmar Municipal Utilities Board Minutes of August 13, 2018
- C. Board of Canvass Minutes of August 16, 2018
- D. Planning Commission Minutes of August 1, 2018
- E. Application for Appointment of Lilbon Clark IV - Human Rights Commission
- F. **Resolution No. 18-100 Authorization to Execute Amendment to Dooley License Agreement**
- G. **Resolution No. 18-101 Authorization to Execute Ag Lease Renewal for R.O.W. Two – Daniel Groothuis**
- ~~H. Board of Zoning Appeals Minutes of August 7, 2018~~
- I. Police Department Statistics for the Month of July, 2018
- J. Fire Department Statistics for the Month of July, 2018
- K. Building Report for the Month of July, 2018
- L. Accounts Payable August 2-15, 2018

Council Member Plowman offered a motion to approve the Consent Agenda. Council Member Nelsen asked that Item H. be removed for discussion. Council Member Mueske seconded the motion to approve the consent agenda, with the removal of Item H., which carried on a roll call vote of Ayes 8, Noes 0.

Council Member Nelsen asked for clarification regarding the 1st Street Station variance request.

Planning and Development Services Director Bruce Peterson stated 1st Street Station is the proposed project that would replace the Dairy Queen at 1st Street and Willmar Avenue. Being proposed is a 4,000 square foot, 4-unit strip center, and the reason for the variance was for expanded parking space to the north of the property. This request would be consistent with other parking along 1st Street and allow for the project to function well.

Following clarification, Council Member Nelsen offered a motion to approve Item H. as presented. Council Member Christianson seconded the motion which carried.

Steve Peppin, Willmar, was present to speak during the open forum. Mr. Peppin spoke in regard to the future of the Willmar Community Center. He also spoke in regard to the future distribution center being proposed in Willmar and the City's write-down policy.

At 7:09 p.m. Mayor Calvin opened the public hearing for an ordinance to rezone property from R-2 (One and Two-Family Residential) to G/I (Government/Institution). Planning and Development Services Director Bruce Peterson stated the Community Christian School is the applicant requesting the rezone for continued use by the private school. It was noted the Planning Commission held a public hearing on this matter on July 18, 2018, and approved the request as presented.

There being no one present to speak for or against the proposed ordinance, Mayor Calvin closed the hearing at 7:10 p.m. and opened it up for discussion by the Council. Council Member Christianson offered a motion to approve the proposed ordinance, adopt, assign a number and order final publication of **Ordinance No. 1424 An Ordinance Amending Municipal Ordinance No. 1060, the Willmar Zoning Ordinance**. Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

City Clerk Judy Thompson presented to the Council a list of properties that have not paid the charges for weed and grass mowing. Pursuant to Municipal Code, Chapter 9, Article III, concerning the cutting of weeds or grass and in the case of noncompliance, such work is to be performed by the City or its agent. The costs thereof can be certified as a special assessment against the property in question.

Staff was recommending the Council set a public hearing for 7:01 p.m. on September 4, 2018, to consider objections to the proposed assessment for the mowing costs incurred. Council Member Nelsen offered a motion to approve staff's recommendation. Council Member Christianson seconded the motion, which carried.

City Clerk Judy Thompson presented to the Council a list containing property owners that have not paid the charges for removal of a hazardous building. Pursuant to Municipal Code, Chapter 9, Article I, concerning the removal of a hazardous building, the costs thereof can be certified as a special assessment against the property in question.

Staff was recommending the Council set a hearing for 7:02 p.m. on September 4, 2018, to consider objections to the proposed assessment for the removal costs incurred. Council Member Nelsen offered a motion to approve staff's recommendation. Council Member Christianson seconded the motion, which carried.

Planning and Development Services Director Bruce Peterson presented an ordinance to transfer City-owned property to the State of Minnesota. The State is planning to build an adolescent mental health facility in the northern part of the community off of Transportation Drive.

Following discussion, Council Member Nelsen **introduced an Ordinance Authorizing the Sale of Real Property to the State of Minnesota**, and set a public hearing for September 4, 2018 at 7:03 p.m. Council Member Alvarado seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Planning and Development Services Director Bruce Peterson presented an ordinance to rezone land from Ag (Agriculture) to R-4 (Medium Density Multi-Family Residential). Willmar Redevelopment Company, LLC is requesting the rezone, as they have a purchase agreement for the property. The intended use of the property is to expand the current mobile home park and add multi-family housing.

Following discussion, Council Member Fagerlie **introduced an Ordinance Amending Municipal Ordinance No. 1060, The Willmar Zoning Ordinance**, and set a public hearing for September 4, 2018 at 7:04 p.m. Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Planning and Development Services Director Bruce Peterson presented an ordinance to repeal Ordinance No. 2.023 known as the Subdivision Ordinance of the City of Willmar. It was noted the last subdivision ordinance was adopted in 1964 and procedures and language from the ordinance are outdated and new practices need to be added.

Following discussion, Council Member Fagerlie **introduced an Ordinance Establishing Regulations for the Subdivision and Platting of Land within the City of Willmar**, and set a public hearing for September 4, 2018 at 7:05 p.m. Council Member Plowman seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

City Attorney Robert Scott presented a lease agreement with Glacial Ridge Curling (GRC) for construction and lease of a new curling facility. Some of the terms of the lease were summarized, including: Once the facility is constructed, the City will lease the facility to GRC to operate annually during the curling season for a period of 25 years (with three potential five-year renewal terms) for nominal consideration (rent). The City's obligation to commence design and construction of the facility would be contingent on GRC satisfying its fundraising obligations. The project cost will be raised by GRC and donated to the City. Per the agreement, the City will provide utility hookups and certain funding as specified. The City will seek bonding to finance the project and provide the land. It was noted GRC has already approved and signed the agreement.

Following discussion, **Resolution No. 18-102 Authorization to Execute Agreement with Glacial Ridge Curling for Construction and Lease of New Curling Facility** was introduced by Council Member Nelsen. Council Member Fagerlie seconded the motion, which carried on a roll call vote of Ayes 7, Noes 1. Council Member Christianson voted "no."

Public Works Director Sean Christensen presented a request to purchase an additional pickup truck for the newly created position of Project Manager. He noted unspent funds from the 2018 CIP Public Works pickup truck purchase would fund this purchase.

Following discussion, **Resolution No. 18-103 A Resolution Awarding the Purchase of One Chevrolet Silverado Pickup in the Amount of \$27,024.00** was introduced by Council Member Fagerlie. Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Public Works Director Sean Christensen presented a request to approve a change order in the amount of \$5,823.84 for the Wastewater Treatment Maintenance Facility lot overlay project. The parking lot of the Wastewater Treatment Maintenance Facility was identified in the Pavement Management Program for an overlay.

Following discussion, **Resolution No. 18-104 A Resolution Approving Change Order No. 1 for the WWTF Lot Overlay Project and Reappropriation of Funds** was introduced by Council Member Christianson. Council Member Mueske seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

City Administrator Ike Holland presented a recommendation, from the interview committee, to appoint Rob Baumgarn for the position of Recreation Director. It was noted the City held a public hearing on August 6, 2018 to establish a Recreation Department within the City structure due to the dissolution of the WCER agreement tentatively set for September 1, 2018.

Following discussion, Council Member Fagerlie offered a motion to approve staff's recommendation. Council Member Mueske seconded the motion, which carried on a roll call vote of Ayes 6, Noes 2. Council Members Nelsen and Schwantes voted "no."

City Attorney Robert Scott presented a request to approve a Use of City Equipment Policy for Community Events. It was noted the City currently does not have a policy governing the use of city-owned equipment. For clarity and to establish procedures to be followed, a policy and equipment request form have been drafted for consideration by the Council.

Following discussion, Council Member Mueske offered a motion to approve the City-owned Equipment Use Policy as presented. Council Member Plowman seconded the motion, which carried.

Planning and Development Services Director Bruce Peterson presented a request to approve a letter of intent for sale of property located in Industrial Park for a proposed package sorting/distribution center. Staff has worked with this company for some time to review site options and to put together a plan for their location in Willmar and they have agreed to move forward with the purchase. It was noted the company is performing due diligence on the site in the form of soil borings and other environmental review. The letter of intent is the first step in finalizing the sale. There will be the actual sale of the property via ordinance that will come back to the Council at a later date. It was noted this item was brought forward from the Work Session held earlier this evening.

Following discussion, **Resolution No. 18-105 Authorization to Execute Letter of Intent for Sale of Industrial Park Property** was introduced by Council Member Christianson. Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Planning and Development Services Director Bruce Peterson presented a request to approve a Tax Increment Financing (TIF) Development Agreement for 15th Street Flats, LLC. The 15th Street Flats Apartment Project is scheduled to break ground in September. The remaining issue to take care of at the Council level is the approval of the TIF agreement. The Council considered and approved a tax increment financing plan for the 15th Street Flats Project, which is a 47-unit work force housing project being developed on 15th Street Southeast by Commonwealth Development. It was noted this item was brought forward from the Work Session held earlier this evening.

Following discussion, **Resolution No. 18-106 Tax Increment Development Agreement for 15th Street Flats, LLC.** was introduced by Council Member Nelsen. Council Member Fagerlie seconded the motion, which carried on a roll call vote of Ayes 7, Noes 1. Council Member Christianson voted “no.”

Planning and Development Director Bruce Peterson presented a request for sale of City land for the Wye Project. The City has been approached by Duininck, Inc. regarding the sale of 60-acre and 80-acre City-owned parcels for the purpose of removal of borrow material for the Wye Project. It was noted, the sale is contingent on Duininck Inc. receiving the state bid for the Wye Project. Mr. Peterson was recommending Council enter into a non-exclusive purchase agreement with Duininck, Inc.

Following discussion, **Resolution No. 18-107 Authorization to Execute Non-Exclusive Purchase Agreement with Duininck Inc.** was introduced by Council Member Fagerlie. Council Member Nelsen seconded the motion which carried, on a roll call vote of Ayes 8, Noes 0.

Finance Director Steve Okins presented a request to approve the 2018 Salary and Benefit Budgetary Changes as presented. It was noted this item was brought forward from the Work Session held earlier this evening. **Resolution No. 18-108 Resolution Authorizing Finance Director to Make Budgetary Changes in the General Fund** was introduced by Council Member Nelsen. Council Member Plowman seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Public Works Director Sean Christensen presented a concessionaire request to nonexclusively lease and license a mobile rental facility at public properties such as Robbins Island. The lease would allow them to place a temporary mobile facility for storage of aquatic sports equipment such as kayaks, paddle boards and similar watercraft as well as sell prepackaged food and non-alcoholic beverages. It was noted this item was brought forward from the Work Session held earlier this evening.

Following discussion, **Resolution No. 18-109 A Resolution Authorizing the License Agreement With The Wild Oar for Concessions at Robbins Island Park and Recreation Area** was introduced by Council Member Mueske. Council Member Plowman seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

City Administrator Ike Holland offered the following comments: thanked Council for passing the Use of City Equipment Policy; thanked the Curling Club for their patience and cooperation in obtaining a favorable agreement; thanked City Attorney Robert Scott for his patience and cooperation in obtaining a favorable agreement with the Curling Club; congratulated the Police and Fire Department for conducting the Community Day this past weekend – great event, great turnout, and great participation; the 2nd Annual Employee Pool Party will be held tomorrow night; Pop With a Cop will be held tomorrow from 1:00 p.m. to 3:00 p.m. at the Rice Park Splash Pad.

Council Member Alvarado reminded everyone to “mow in” when mowing their lawns to eliminate grass clippings on the street and in the sewer system; he had the privilege to ride along with a police officer this past weekend and appreciated the kindness and professionalism of our local police department. He also stated they are the perfect example of a public servant.

Council Member Asmus stated she is so excited to have our new Community Center Manager Britta Diem at the Senior Center and stated this is a great step forward for our community; she is very pleased with the great meeting tonight; she is very excited about all the great things happening in the City and for the future of the City; “Hats Off” to the Planning and Development Services Department for their great work on economic development.

Council Member Plowman agreed with all the comments of Council Members Asmus and the great things happening in Willmar.

Council Member Fagerlie reminded everyone that school will be starting soon and to pay attention to the pedestrians and extra traffic.

Council Member Christianson stated the State Fair starts later this week. He also asked for an update on the bathroom vandalism at the parks. Public Works Director Sean Christensen stated the Public Works Department has changed the hours the bathrooms are open in an attempt to stop or slow the vandalism.

Council Member Nelsen offered a motion to adjourn the meeting with Council Member Fagerlie seconding the motion which carried. The meeting adjourned at 8:41 p.m.

s/s Marv Calvin
MAYOR

Attest:

s/s Judy Thompson
SECRETARY TO THE COUNCIL

RESOLUTION NO. 18-100

**AUTHORIZATION TO EXECUTE AMENDMENT TO
DOOLEY LICENSE AGREEMENT**

Motion By: Plowman

Second By: Mueske

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the Mayor and City Administrator be authorized to enter into an amendment to the license agreement between the City of Willmar and Dooley Brothers, LLP. for the use of public right-of-way.

Dated this 20th day of August, 2018

s/s Marv Calvin
MAYOR

Attest:

s/s Judy Thompson
CITY CLERK

RESOLUTION NO. 18-101

AUTHORIZATION TO EXECUTE AG LEASE RENEWAL FOR R.O.W. TWO

Motion By: Plowman Second By: Mueske

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the Mayor and City Administrator be authorized to execute an ag lease renewal with Daniel Groothuis for parcel R.O.W. Two at an annual rate of the average of the six highest ag lease rates plus \$20/acre.

Dated this 20th day of August, 2018

s/s Marv Calvin
MAYOR

Attest:

s/s Judy Thompson
CITY CLERK

RESOLUTION NO. 18-102

AUTHORIZATION TO EXECUTE AGREEMENT WITH GLACIAL RIDGE CURLING FOR CONSTRUCTION AND LEASE OF NEW CURLING FACILITY

Motion By: Nelsen Second By: Fagerlie

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the Mayor and City Administrator be authorized to enter into an agreement between the City of Willmar and Glacial Ridge Curling for construction and lease of new curling facility.

Dated this 20th day of August, 2018.

s/s Marv Calvin
MAYOR

Attest:

s/s Judy Thompson
CITY CLERK

RESOLUTION NO. 18-103

A RESOLUTION AWARDING THE PURCHASE OF ONE CHEVROLET SILVERADO PICKUP IN THE AMOUNT OF \$27,024.00.

Motion By: Fagerlie Second By: Nelsen

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, the bid of Schwieters Chevrolet of Willmar, Inc. for one 2018 Chevrolet Silverado pickup is accepted, and the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into agreements with the bidder for the terms and consideration of the contracts in the total amount of \$27,024.00.

BE IT FURTHER RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, to authorize the Finance Director to amend the Capital Improvement Fund Budget as follows:

Decrease:	2018 CIP Budget Public Works Silverado Pickups	\$27,024.00
Increase:	2018 CIP Budget Public Works Silverado Pickup	\$27,024.00

Dated this 20th day of August, 2018

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk

RESOLUTION NO. 18-104

A RESOLUTION APPROVING CHANGE ORDER NO. 1 FOR THE WWTF LOT OVERLAY PROJECT AND REAPPROPRIATION OF FUNDS.

Motion By: Christianson Second By: Mueske

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the Mayor and City Administrator of the City of Willmar are hereby authorized to amend the contract for the WWTF Lot Overlay project between the City of Willmar and Duininck, Inc. by Change Order No. 1 in the amount of \$5,823.84.

BE IT FURTHER RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to amend the Capital Improvement Fund Budget as follows:

Decrease:	2018 CIP Budget WWTF FOG Pad Project	\$5,823.84
Increase:	2018 CIP Budget WWTF Lot Overlay Project	\$5,823.84

Dated this 20th day of August, 2018

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk

RESOLUTION NO. 18-105
AUTHORIZATION TO EXECUTE LETTER OF INTENT
FOR SALE OF INDUSTRIAL PARK PROPERTY

Motion By: Christianson Second By: Nelsen

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the City Administrator be authorized to execute a letter of intent with CBRE assignee for the sale of Lots 1-8, Block 3, Willmar Industrial Park Fourth Addition.

Dated this 20th day of August, 2018

s/s Marv Calvin
MAYOR

Attest:

s/s Judy Thompson
CITY CLERK

RESOLUTION NO. 18-106

TAX INCREMENT DEVELOPMENT AGREEMENT FOR 15TH STREET FLATS, LLC

Motion By: Nelsen Second By: Fagerlie

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the Mayor and City Administrator be authorized to enter into a Tax Increment Development Agreement between the City of Willmar and 15th Street Flats, LLC.

Dated this 20th day of August, 2018.

s/s Marv Calvin
MAYOR

Attest:

s/s Judy Thompson
CITY CLERK

RESOLUTION NO. 18-107

**AUTHORIZATION TO EXECUTE NON-EXCLUSIVE
PURCHASE AGREEMENT WITH DUININCK INC.**

Motion By: Fagerlie Second By: Nelsen

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the Mayor and City Administrator be authorized to execute a nonexclusive purchase agreement with Duininck Inc. for the sale of parcels 95-918-0020 and 95-920-0035, in the amount of \$719,951.00

Dated this 20th day of August, 2018

s/s Marv Calvin
MAYOR

Attest:

s/s Judy Thompson
CITY CLERK

RESOLUTION NO. 18-108

**RESOLUTION AUTHORIZING FINANCE DIRECTOR TO MAKE
BUGETARY CHANGES IN THE GENERAL FUND**

Motion By: Nelsen

Second By: Plowman

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to make the following changes within the Various Departments in the General Fund:

Increase:

City Administrator	\$	8,794
City Clerk		6,691
Finance		20,721
City Hall		4,868
Information Technology		79,396
Elections		915
Police Department		123,173
Fire Department		32,610
Public Works		137,870
Leisure Services		4,816
Civic Center		8,363
Aquatic Center		3,763

Decrease:

Planning & Development Services	\$	45,077
Engineering		16,695
Community Center		14,798
WRAC		47,637
Non-Departmental/Other Charges		307,773
State Aid PERA		140,652
Refunds and Reimbursements		140,652

Dated this 20th day of August, 2018

s/s Marv Calvin
Mayor

s/s Judy Thompson

Attest: City Clerk

RESOLUTION NO. 18-109

**A RESOLUTION AUTHORIZING THE LICENSE AGREEMENT WITH THE WILD OAR FOR CONCESSIONS AT
ROBBINS ISLAND PARK AND RECREATION AREA.**

Motion By: Mueske

Second By: Plowman

Whereas the City of Willmar desires to enter into a License Agreement with The Wild Oar (Licensee) for use of public property at the Robbins Island Park and Recreation Area for private recreational equipment concessions; and

Whereas an agreement has been prepared detailing the terms of the lease;

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

Dated this 20th day of August, 2018

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk