

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

September 4, 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 Chief Jim Felt, Planning and Development Services Director Bruce Peterson, Finance Director Steve Okins, Public Works Director Sean Christensen, Fire Chief Frank Hanson, Recreation Director Rob Baumgarn, City Planner Sarah Swedburg, City Clerk Judy Thompson and City Attorney Robert Scott.

Proposed additions to the agenda included: Mayor Calvin added City Hall Air Quality Testing Proposal. This item was brought forward from the Work Session held earlier this evening.

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

City Clerk Judy Thompson reviewed the consent agenda.

- A. City Council Meeting Minutes of August 20, 2018
- B. Willmar Municipal Utilities Board Minutes of August 27, 2018
- C. Planning Commission Minutes of August 15, 2018
- D. Application for Exempt Permit – The Barn Theatre
- ~~E. **Resolution No. 18-110 Accept Project No. 1701-B and Authorize Final Payment**~~
- F. Police Commission Minutes of May 24, 2018
- G. Central Community Transit Operations Board Minutes of June 26, 2018
- H. Willmar Lakes Area CVB Board Minutes of June 19, 2018
- I. Human Rights Commission Minutes of June 19, 2018
- J. Accounts Payable August 16 – 29, 2018

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

Council Member Asmus asked for clarification regarding the completion of the replacement of grass along the streets involved in Project No 1701-B.

City Administrator Ike Holland stated he would meet with Public Works Director Sean Christensen and they would verify that the grass replacement is complete before signing off on the final payment.

Following clarification, Council Member Asmus offered a motion to approve Item E. and introduced **Resolution No. 18-110 Accept Project No. 1701-B and Authorize Final Payment**, pending City Administrator's approval the grass replacement is complete. Council Member Schwantes seconded the motion which carried.

At 7:13 p.m. Mayor Calvin opened the public hearing for Special Assessments for Unpaid Weed/Grass Mowing. There being no one to speak for or against the certification of special assessment fees for unpaid weed and grass mowing, Mayor Calvin closed the hearing at 7:14 p.m. and opened it up for discussion by the Council. **Resolution No. 18-111 Certifying Unpaid Weed/Grass Special Assessments** was introduced by Council

Member Fagerlie. Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

At 7:15 p.m. Mayor Calvin opened the public hearing for Unpaid Nuisances in General Removal Charges. There being no one to speak for or against the certification of special assessment fees for unpaid nuisances in general, Mayor Calvin closed the hearing at 7:16 p.m. and opened it up for discussion by the Council. **Resolution No. 18-112 Certifying Nuisances in General Special Assessments** was introduced by Council Member Fagerlie. Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

At 7:17 p.m. Mayor Calvin opened the public hearing for an ordinance authorizing the sale of real property to the State of Minnesota. Planning and Development Services Director Bruce Peterson stated the State of Minnesota is planning to build an adolescent mental health facility in the northern part of the community off of Transportation Drive. Funds for the facility were awarded in the 2018 bonding bill and construction is planned for 2019. This parcel is surrounded by property owned by the State of Minnesota. It was noted the Planning Commission has reviewed and approved the request.

There being no one present to speak for or against the proposed ordinance, Mayor Calvin closed the hearing at 7:20 p.m. and opened it up for discussion by the Council. Council Member Fagerlie offered a motion to approve the proposed ordinance, adopt, assign a number and order final publication of **Ordinance No. 1425 An Ordinance Authorizing the Sale of Real Property to the State of Minnesota**. Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

At 7:20 p.m. Mayor Calvin opened the public hearing for an ordinance to rezone land from AG (Agriculture) to R-4 (Medium Density Multi-Family Residential). Planning and Development Services Director Bruce Peterson stated the applicant, Willmar Redevelopment Company, LLC, has withdrawn their request at this time. Mayor Calvin then closed the hearing at 7:21 p.m.

At 7:21 p.m. Mayor Calvin opened the public hearing for an ordinance replacing Ordinance No. 2.023 known as the Subdivision Ordinance. City Planner Sarah Swedburg stated the Subdivision Ordinance was last adopted in 1964. Procedures and language from the Ordinance are outdated and new practices need to be added. A section regulating Park Land Dedication and procedures regulating Minor Subdivisions has been added. In addition to Planning Commission and staff review, the City Attorney and local surveyors have reviewed the document. Planning Commission held a public hearing on the matter August 15, 2018, and they approved the Ordinance as presented.

There being no one present to speak for or against the proposed ordinance, Mayor Calvin closed the hearing at 7:39 p.m. and opened it up for discussion by the Council. Council Member Christianson offered a motion to approve the amended ordinance to incorporate the formatting changes made for codification purposes as included in the packet. Council Member Asmus seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Council Member Plowman offered a motion to adopt, assign a number and order final publication, by summary due to the length and cost of publishing entire Ordinance, of **Ordinance No. 1426 An Ordinance of the City of Willmar, Minnesota Enacting a New Article II in Chapter 14, Subdivisions, and Repealing Ordinance No. 2.023, Subdivision Ordinance of the City of Willmar**. Council Member Christianson seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

There was no one present to speak during the Open Forum.

City Clerk Judy Thompson read a Proclamation declaring September 15, 2018, "Celebrate Art! Celebrate Coffee! Days" in Willmar. Mayor Calvin noted the event has been moved inside at Kennedy Elementary School.

Council Member Nelsen acknowledged Bradley Peterson, Coalition of Greater Minnesota Cities (CGMC), who appeared before the Mayor and Council to review the 2018 Legislative Session and activities of

the CGMC. Mr. Peterson highlighted a few things the CGMC tried to do during the course of the Legislative Session. He presented CGMC facts stating their current membership is 97 cities in 2018, and that their primary focus for legislation is limited to five areas: 1) LGA/Property Taxes, 2) Economic Development, 3) Annexation and Land Use, 4) Environmental Regulations and 5) Transportation strictly from a Greater Minnesota perspective.

Mr. Peterson stated the 2018 Legislature focused on policy and bonding bill. There was a significant focus on state response to federal tax changes made at end of 2017; need for significant bonding bill; supplemental budget (\$329M surplus); and pension bill. He stated there were many obstacles which included: bad blood as a result of 2017 Dayton veto of legislative operating funds; the fact there is a razor-thin majority for GOP in Senate makes passage of bills difficult – requires compromise; the controversy over President of the Senate serving as Lt. Governor; and 2018 being an election year for House and Governor's Office. CGMC strategy and goals focused on bonding bill and positioning issues for elections and 2019 session. He stated the bonding bill focused on water and wastewater infrastructure; they continued to educate legislators regarding high cost of regulatory compliance; continued LGA advocacy; monitored Corridors of Commerce awards for fairness toward Greater Minnesota; continued city-street funding advocacy; and highlighted child care shortage issue and began to advance solutions. Mr. Peterson also stated 2019 will be a year of significant changes in that we will have a new governor; election in House could flip majority; Senate special election could flip majority; 2019 is a budget year and it is hard to predict if there will be a surplus or deficit at this point.

After a few questions, Mayor Calvin thanked him for his presentation and acknowledged Council Member Nelsen for serving on the CGMC Board. Mayor Calvin stressed the importance of the child care shortage issue and all the regulations placed on child care providers and urged Mr. Peterson to continue to address this issue. Another item of interest was the salty water discharge and Mr. Peterson stated they are also addressing this issue.

Charter Commission Chairman Kevin Halliday stated due to the recent dissolution of the Community Education and Recreation Department, the Charter Commission has recommended an amendment to the Willmar City Charter Section 4.03. It was noted City Attorney Robert Scott drafted an Ordinance amending said section, and all amendments to the City Charter require a public hearing. Following discussion, Council Member Plowman **introduced an Ordinance Amending the Charter of the City of Willmar Section 4.03**, and set a public hearing for October 1, 2018 at 7:01 p.m. Council Member Mueske seconded the motion which carried.

Recreation Director Rob Baumgarn presented a request to renew the lease agreement with Willmar Warhawks for the term of one year. It was noted this will be the third year the Willmar Warhawks have been in Willmar and each prior lease has been on a one-year agreement. Following discussion, Council Member Fagerlie introduced **Resolution No. 18-113 Authorization to Execute Lease Agreement with Blizzard LLC for the Use of the Civic Center for Warhawks**. Council Member Christianson seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Public Works Director Sean Christensen stated the air quality of City Hall has been questionable for some time. There have been issues with maintaining humidity levels year-round and mold has been discovered in the building as a result of leaks during heavy rainfall. There also has been several instances where asbestos has been encountered when remodeling. Staff have made mention of respiratory issues occurring while present in the building. Staff was recommending acceptance of proposal with M.A.A.C for air quality testing of City Hall.

Following discussion, Council Member Nelsen offered a motion to approve staff's recommendation. Council Member Plowman seconded the motion which carried.

City Administrator Ike Holland offered the following comments: introduced Recreation Director Rob Baumgarn to the Mayor and Council and stated there will be a welcome party for him and Community Center Director Britta Diem on September 10th at the Community Center; thanked the entire Finance Department for the great job on the budget; the new lights are installed at Baker Field; playground equipment at Miller Park and other parks should be installed over the next two weeks.

Mayor Calvin spoke about a "Cycling Without Age" program which Bethesda is participating in and inquired if the City would partner with Bethesda on this project. There is no financial commitment on the City's part at this time, but in the future there might be a request to be a financial host applicant for a grant.

Following discussion, Council Member Schwantes offered a motion to place the City's name as a co-partner on a brochure for this project. Council Member Alvarado seconded the motion which carried.

Council Member Mueske stated school is in session and reminded everyone to be cautious when driving.

Council Member Fagerlie congratulated two City employees on their recent marriages.

Council Member Nelsen reminded everyone to place on their calendar the Coalition of Greater Minnesota Cities Fall Conference which will be held November 15th and 16th in Alexandria. This is a great way to interact with other communities.

Council Member Christianson stated winter is coming and urged everyone to attend the many events at the Civic Center, including the Willmar Warhawks hockey games.

Council Member Schwantes thanked the Public Works staff for their work in repairing the 7th Street railroad crossing.

Council Member Alvarado echoed Council Member Mueske and Council Member Christianson's comments; the "Cycling Without Age" program is very exciting; there is so much to do in Willmar and urged everyone to get out and take advantage of everything available in the community.

Council Member Nelsen offered a motion to adjourn the meeting with Council Member Fagerlie seconding the motion which carried. The meeting adjourned at 8:42 p.m.

s/s Marv Calvin
MAYOR

Attest:

s/s Judy Thompson
SECRETARY TO THE COUNCIL

RESOLUTION NO. 18-110

A RESOLUTION ACCEPTING PROJECT NO. 1701-B AND AUTHORIZING FINAL PAYMENT.

Motion By: Asmus Second By: Schwantes

IMPROVEMENT: Project No. 1701-B – Reconstruction of 16th Street, 17th Street and 13th Avenue SW

CONTRACTOR:	Duininck, Inc.
DATE OF CONTRACT:	June 5, 2017
BEGIN WORK:	June 22, 2017
COMPLETE WORK:	June 8, 2018
APPROVE, ENGINEERING DEPT:	August 20, 2018

BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, that:

1. The said City of Willmar Project No. 1701-B be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$1,149,310.40
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$1,149,310.40
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$1,111,890.25
Less Previous Payments	\$903,105.63
FINAL PAYMENT DUE CONTRACTOR:	\$208,784.62

Dated this 4th day of September, 2018.

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk

RESOLUTION NO. 18-111

A RESOLUTION CERTIFYING UNPAID WEED/GRASS SPECIAL ASSESSMENTS

Motion By: Fagerlie Second By: Nelsen

WHEREAS, Chapter 9, Article III of the Willmar Municipal Code states that such unpaid weed or grass mowing costs represent a lien of the real property receiving mowing services; and

WHEREAS, the City Council of the City of Willmar has offered the owner his right to request an appearance before the Council to make objections to payment;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that the amount of the unpaid weed / grass mowing charges totaling \$1,488.75 be certified to the County Auditor to be extended on the tax rolls of such real property in the same manner as other taxes for collecting in 2019 and collected by the County Treasurer, and paid to the City Clerk along with other taxes; and

BE IT FURTHER RESOLVED that the unpaid weed or grass charges be certified against the real property as follows:

1. Parcel No. 95-260-0010 \$196.15

Located at 333 Robert Street SE; and
Described as Section 14, Township 119, Range 35, Lot 1
GORDHAMER'S ADDITION TO THE CITY OF WILLMAR

2. Parcel No. 95-090-1490 \$127.01

Located at 1017 7TH Street SW; and
Described as Section 15, Township 119, Range 35
BOOTH'S ADDITION TO WILLMAR
BLOCK K LOT 10 EXC. N 5 FT.; N'LY ½ OF LOT 9

3. Parcel No. 95-911-0560 \$196.15

Located at 1101 Lakeland Drive NE; and
Described as Section 11, Township 119, Range 35
PART OF LOT 3: W 150' OF E 183' OF N 90' OF GOV'T
LOT 3 & S 10' OF W 150' OF E 183' OF GOV'T LOT 2

4. Parcel No. 95-715-0080 \$280.57

Located at 2408 Williams Parkway SW; and
Described as Section 21, Township 119, Range 35, Lot 8, Block 1
SOUTHGATE

5. Parcel No. 95-250-0900 \$561.86

Located at 936 3rd Street SE; and
Described as Section 14, Township 119, Range 35, Lot 10, Block 5
GLARUM'S ADDITION TO WILLMAR

6. Parcel No. 95-665-0240 \$127.01

Located at 1109 Olena Avenue SE; and
Described as Section 14, Township 119, Range 35, Lot 14, Block 2
PERKINS FIFTH ADDITION

Dated this 4th day of September, 2018

s/s Marv Calvin

Mayor

Attest:

s/s Judy Thompson
City Clerk

RESOLUTION NO. 18-112

A RESOLUTION CERTIFYING NUISANCES IN GENERAL SPECIAL ASSESSMENTS

Motion By: Fagerlie Second By: Nelsen

WHEREAS, Chapter 9, Article I of the Willmar Municipal Code concerning the removal of a hazardous building by the City. The cost of such removal or remedial measures shall be assessed by action of the City Council against the property, under such terms and conditions as the City Council may require; and

WHEREAS, the City Council of the City of Willmar has offered the owner his right to request an appearance before the Council to make objections to payment;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that the amount of the unpaid nuisance charges totaling \$845.07 be certified to the County Auditor to be extended on the tax rolls of such real property in the same manner as other taxes for collecting in 2019 and collected by the County Treasurer, and paid to the City Clerk along with other taxes; and

BE IT FURTHER RESOLVED that the unpaid nuisance charges be certified against the real property as follows:

- 1. Parcel No. 95-820-0410 \$845.07

Located at 629 7th Street NW; and
Described as Section 10, Township 119, Range 35, Block 3
THORPE & LIEN'S ADDITION TO THE CITY OF WILLMAR
EAST 85 FT. OF N'LY 113 FT. OF LOT 1

Dated this 4th day of September, 2018

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk

RESOLUTION NO. 18-113

**AUTHORIZATION TO EXECUTE LEASE AGREEMENT WITH BLIZZARD, LLC
FOR USE OF THE CIVIC CENTER FOR WARHAWKS**

Motion By: Fagerlie

Second By: Christianson

WHEREAS the City of Willmar desires to enter into a Lease Agreement with The Blizzard, LLC d/b/a the (Team) and Chris Canavati and Mitri Canvati, Individually (Tenant) for the rent of ice time and certain related facilities of the Willmar Civic Center Arena for (Team) hockey games, including administrative office space and locker room facilities; 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 4th day of September, 2018

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk