

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

March 8, 2012  
4:45 p.m.

The special 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, Steve Ahmann, Rick Fagerlie, Jim Dokken, and Tim Johnson; Present 7, Absent 2 - Denis Anderson and Rick Fagerlie.

Also present were City Administrator Charlene Stevens, City Attorney Richard Ronning, Director of Planning and Development Bruce Peterson, City Clerk Kevin Halliday and David Little of the West Central Tribune.

Mayor Yanish called the meeting to order at 4:45 p.m. and asked City Administrator Stevens to review the interview process. Following the review of the process, Mr. Chris Hood and Mr. Robert Scott of Flaherty and Hood introduced themselves.

Mayor Yanish asked Mr. Hood and Mr. Scott to provide a brief presentation on the services that they would offer to the City if selected as City Attorney. Mr. Hood stated that his firm only provides legal services to communities in Greater Minnesota and also serves communities of a similar size to Willmar, such as Northfield and Winona. Mr. Hood reviewed the experience that he and Mr. Scott would bring in terms of civil litigation, employment law, land use, data practices and open meetings.

Mr. Hood stated that he and/or Mr. Scott would be willing to attend in person any meetings requested by the City Council, City Staff or Municipal Utilities Commission. However, Mr. Hood also offered the option of attending meetings electronically, such as by conference call if that would be acceptable and/or a more desirable economic model for the City.

Mr. Hood also stated his firm would be amendable to discussions regarding a retainer versus simply an hourly charge for service.

In response to a question regarding criminal prosecution services, Mr. Hood stated that the firm had considered the possibility and did provide this service to the City of Winona, however without a local attorney in place, they did not feel they could make that commitment at this time, but would certainly be willing to work with the City on an acceptable arrangement.

The Mayor and Council thanked Mr. Hood and Mr. Scott for coming to the meeting and their interest in serving as City Attorney for the City of Willmar.

Mr. Jon Saunders and Ms. Sara Klaassen were present on behalf of Anderson Larson Hanson and Saunders. Mr. Saunders introduced Ms. Klassen who gave an overview of her experiences with criminal prosecution services with the cities of Bird Island, Renville and Hector before excusing herself for another commitment.

Mr. Saunders stated that his firm was interested in serving as the City Attorney for Willmar because of their local knowledge and experience. He also reviewed his experience as City Attorney for Renville, Bird Island and Hector. Mr. Saunders stated that his firm did not have employment or labor experiences, but was experienced in all other civil matters.

Mr. Saunders reviewed his commitment to cap the first year of services at \$196,000 per year and then review the actual hours spent for services. The Mayor and Council thanked Mr. Saunders for his and Ms. Klaassen's time and interest.

The Mayor then asked City Administrator Stevens to review the proposal received from the County Attorney's office. Ms. Stevens stated that the County would be willing to contract with the City for criminal prosecution services at the annual cost of \$115,898 for the first year with an approximate 5% increase for 2013 and 2014.

Council Members asked City Attorney Ronning to clarify the percentage of time that he currently spends on criminal prosecution versus civil matters.

There was a question regarding the County's intent to hire an additional attorney to handle the City's prosecution.

Ms. Stevens asked if the City Council wanted to interview the County Attorney regarding the County's proposal. It was the consensus of the Council that it was not necessary as the County Attorney is an elected position.

Following further discussion it was moved by Council Member Christianson, seconded by Council Member Dokken, to continue the meeting until 5:00 p.m. on Monday, March 19, 2012, in the Conference Room adjacent to the Council Chambers and to request Ms. Stevens gather additional information from the law firm of Anderson Larson Hanson and Saunders regarding separate costs for civil matters. The motion carried unanimously.

On Monday, March 19, 2012, at 5:00 p.m. Mayor Yanish called the Special Council Meeting of March 8, 2012 back to order with the following Council Members present: Bruce DeBlieck, Jim Dokken, Denis Anderson, Doug Reese, Rick Fagerlie, and Ron Christianson. Also present were City Attorney Rich Ronning, City Administrator Charlene Stevens, Fire Marshal Marv Calvin, Public Works Director Holly Wilson, Police Chief Dave Wyffels and David Little of the West Central Tribune.

Mayor Yanish asked if there was any discussion.

Council Member Anderson stated that he had reviewed the audio of the March 8, 2012, meeting, so that he felt he had a good understanding of the two firms.

Council Member Dokken cautioned against rushing a decision.

Council Member Christianson asked if City Attorney Ronning would be willing to stay on longer. City Attorney Ronning stated that while he was willing to assist a few days for the purposes of transition, he had already filed his retirement notice.

Mayor Yanish asked City Administrator to review the time frame. Ms. Stevens reviewed the RFP process that started in February with interviews of firms scheduled for March 8<sup>th</sup> and the recommendation that a decision should be made, if possible, within the next week, in order to allow sufficient time to get contracts in place with the individuals and/or firms selected.

Council Member Christianson made a motion, seconded by Council Member Johnson, to interview Mr. Tom Anderson of Anderson Law Offices regarding his response to the proposal.

Council Member DeBlieck questioned the timing of the proposal from Anderson Law Offices.

Council Member Christianson asked if the Council had any leeway for professional services contracts. City Attorney Ronning stated the process could be changed for professional services without adherence to strict deadlines.

Council Member Reese stated that he wanted to do what was in the best interest of the City and was disappointed that Anderson, Larson, Hanson and Saunders had indicated they were not willing to provide only civil attorney services to the City.

There being no further discussion the motion to interview Mr. Tom Anderson of Anderson Law Offices carried 4-3.

At this point in the meeting Council Member Ahmann arrived.

Ms. Stevens recommended that the Mayor and Council continue the meeting until 4:45 p.m. on Thursday, March 22, 2012, in Conference Room #1 of City Hall.

Council Member Christianson made a motion, seconded by Council Member Dokken to continue the meeting until 4:45 p.m. on Thursday, March 22, 2012, in Conference Room #1 at the City Office Building. The motion carried unanimously.

On Thursday, March 22, 2012 at 5:00 p.m., Mayor Yanish continued the meeting of March 8, 2012. The following Council Members were present: Denis Anderson, Steve Ahmann, Bruce DeBlicek, Ron Christenson, Jim Dokken, Tim Johnson, Doug Reese. Absent: Rick Fagerlie.

Also present were Charlene Stevens, City Administrator, Rich Ronning, City Attorney and David Little, West Central Tribune.

Mayor Yanish asked Mr. Tom Anderson to introduce himself and provide a brief overview of his proposal to serve as City Attorney for the City of Willmar.

Mr. Anderson reviewed his qualifications for City Attorney emphasizing his previous experience in criminal defense. Mr. Anderson also highlighted his service with the Willmar Lakes Area Chamber of Commerce and as a Board Member of Eagle Creek Golf Club. Mr. Anderson stated that if he were selected he would provide an even handed approach, work closely with law enforcement and probation services, as well as victims.

Mr. Anderson stated he had more limited civil experience, but he was aware of the multiple resources available and he would work to quickly familiarize himself with the issues before the City of Willmar.

Following discussion, Council Member Reese made a motion, seconded by Council Member Ahmann to appoint Flaherty and Hood as City Attorney for all civil matters effective April 1, 2012 and to direct Mr. Ronning to prepare the necessary contracts for City Council approval. The motion carried 5-2.

Council Member Reese made a motion, seconded by Council Member Anderson, to appoint Anderson Law Offices (Mr. Tom Anderson) as City Prosecutor for criminal matters. The motion carried 7-0.

Council Member Ahmann stated he enjoyed the process that was utilized and look forward to working with the new attorneys. Council Member Johnson concurred.

There being no further business, Council Member Ahmann made a motion, seconded by Council Member Reese, to adjourn the meeting at 6:20 p.m. The motion carried unanimously.

Attest:

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MAYOR

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CITY ADMINISTRATOR