

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

April 16, 2012
7:00 p.m.

The regular 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 DeBlicek, Denis Anderson, Steve Ahmann, Rick Fagerlie, Jim Dokken, and Tim Johnson; Present 9, Absent 0.

Also present were City Administrator Charlene Stevens, Police Chief David Wyffels, Public Works Director Holly Wilson, Finance Director Steve Okins, Planning and Development Services Director Bruce Peterson, City Attorney Robert Scott, and City Clerk Kevin Halliday.

Council Member Reese offered a motion adopting the Consent Agenda which included the following: City Council Minutes of April 2, Municipal Utilities Commission Minutes of April 9, Planning Commission Minutes of March 28 and April 11, Police Commission Minutes of January 25, Community Education/Recreation Joint Powers Board Minutes of March 30, Building Inspection Report for March, Accounts Receivable Report through April 11, 2012, and Mayoral Appointment - City/County Joint Economic Development Operations Board, Jon Anderson. Council Member Anderson seconded the motion, which carried.

City Administrator Stevens advised the Mayor and Council that Terry Thole will be retiring on April 28, 2012, after 12 years of service with the City of Willmar, and stated that Mr. Thole started at the Civic Center before transferring to the Waste Water Treatment Plant. Mayor Yanish asked Ms. Stevens to extend the Council's thanks and appreciation for his years of service.

Mayor Yanish acknowledged that no one had signed up to address the City Council during its scheduled Open Forum.

The Finance Committee Report for April 9, 2012, was presented to the Mayor and Council by Council Member Anderson. There were eight items for Council consideration.

Item No. 1 Jill Bengtson, HRA Executive Director, appeared before the Committee to report that the HRA Board had held a public hearing on the Dominion application to finance \$14 million of tax-exempt bonds for the acquisition and rehabilitation of Eagle Ridge, Somerset and Waters Edge Apartments. Ms. Bengtson reviewed questions raised during the hearing which included: 1) while the general contractors for the rehabilitation project may not be local, Dominion attempts to use local subcontractors where possible; 2) approximately \$3 million will be direct rehabilitation costs; and 3) the developer's fee is 10 percent. The HRA Board passed a resolution approving this project.

The Committee was recommending the Council pass a resolution approving the Dominion Conduit Financing Project for the acquisition and rehabilitation of Eagle Ridge, Somerset, and Waters Edge Apartments as presented. Ron Mehl, representing the development group, appeared before the Mayor and Council to answer questions about the financing directed by various Council Members. Resolution No. 1 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 1

RESOLUTION APPROVING THE ISSUANCE OF MULTIFAMILY HOUSING
REVENUE OBLIGATIONS UNDER MINNESOTA STATUTES, CHAPTER 462C
(EAGLE RIDGE APARTMENTS PROJECT)

(For Resolution in its entirety, see City Council Proceedings file dated April 16, 2012, located in the City Clerk's Office)

Item No. 2 The Committee considered a request from the HRA for the donation of a 2005 Ford F150 the City was preparing for auction. The vehicle was deemed as surplus pursuant to the recent revisions to the Vehicle Replacement Policy. The HRA has examined the vehicle and determined it could meet their needs and asked that the City consider a donation. It was noted that State Statute does allow for a public entity to donate surplus equipment to another public entity. Staff informed the Committee that the City would be foregoing potential auction proceeds of \$6,500 based on NADA Blue Book estimates. Committee Members expressed concerns that the HRA should not receive the vehicle as a donation but should be required to pay a negotiated price.

The Committee was recommending the Council pass a resolution authorizing the City Administrator to dispose of the 2005 Ford F150 for a minimum of \$5,000 to the HRA. Resolution No. 2 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 2

BE IT RESOLVED by the Willmar City Council that City Administrator be authorized to sell a 2005 Ford F150 truck to the Willmar Housing and Redevelopment Authority for \$5,000.00.

Dated this 16th day of April, 2012.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 The Committee was informed by Staff of a Budget Work Session scheduled for 6:00 p.m. on Monday, April 16, 2012. Topics to be discussed at the Work Session include: five-year trends for the General Operating Fund; updates to the Budget Calendar, including a schedule of the Department Heads' presentations to the Finance Committee; and bonding and plans for the Street Program and Capital Improvements. This matter was for information only.

Item No. 4 Staff explained that due to the City engaging the professional services of two legal firms to replace Rich Ronning who retired March 31st, the 2012 Legal Department Operating Budget needs to be revised. Staff proposed that the unspent dollars allocated in the Legal Department budget for payroll costs, supplies, and other services and charges estimated at \$125,000 be transferred to Professional Services.

The Committee was recommending the Council approve the reallocation of funds as presented. Resolution No. 3 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 3

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to make the following changes to the Legal budget within the General fund:

Increase:	Professional Services	\$125,000
	Other Charges	\$ 8,611
Decrease:	Regular Salaries	\$ 86,090
	Pensions	\$ 12,053
	Insurances	\$ 15,634

Office Supplies	\$ 7,250
Postage	\$ 600
Communications	\$ 984
Travel & Conferences	\$ 1,000
Other Services	\$ 1,000
Rents	\$ 9,000

Dated this 16th day of April, 2012.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 5 The Committee considered a request from the Willmar Public Library for funds to replace the carpeting at the Library. Kandiyohi County sought bids and is recommending a proposal from Floor to Ceiling in the amount of \$35,800. City Administrator Stevens has viewed the carpet and affirms that it is in need of replacement. The cost for this project may be paid from the Library Reserve Fund, which was established from the prior local option sales tax proceeds, which funded the construction of the Library.

The Committee was recommending the Council approve the allocation of funds from the Library Reserve Fund for the carpeting replacement as proposed and recommended by Kandiyohi County Facilities Maintenance. Resolution No. 4 was introduced by Council Member Anderson, seconded by Council Member Dokken, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 4

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to make the following changes to the Library budget within the General fund:

Increase:	Capital-Carpet	\$ 35,800
Decrease:	Capital Reserve-Library	\$ 35,800

Dated this 16th day of April, 2012.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 6 The Committee was informed by Staff of a request received from the KRA Speedway Association to sell wine and strong beer during their races at the fairgrounds on Thursday nights. Last year this was done with the services of the VFW State Caterers License, but KRA wishes to sell on their own this year. Current City Ordinance allows for the sale of wine and strong beer at a restaurant with a seating capacity of at least 25 guests. A Café Restaurant is defined as any place where preparing and serving lunches or meals to the public to be consumed on the premises constituted the major business. KRA will be selling hamburgers and brats on Thursday nights. Staff is requesting input from the Council to determine whether or not they are comfortable with the term “restaurant” as preparing meals in a fairground building and seating capacity of more than 25 located in the bleachers.

After considerable discussion, it was the consensus of the Committee to support this interpretation of the Ordinances which would allow the KRA Speedway Association to apply for a Wine License and a 3.2% Malt Liquor License. This matter was for information only.

Item No. 7 Staff explained to the Committee that during a 1990 Street Improvement Project

a Senior Citizen deferment was approved on Parcel 95-921-5480. The qualifying senior citizen, 90+ years of age, recently transferred the property to a 65+ year old daughter who placed the property in her son's name and took a life estate interest. This individual may qualify for the senior citizen deferment, but this unique situation is at the discretion of the Council. If this extension is denied, the full payment of principal and interest totaling \$7,029 would be due and payable.

Following discussion, the Committee was recommending the Council deny the extension of the senior citizen deferment on Parcel 95-921-5480 and to amend the City's Assessment Policy accordingly. Council Member Anderson moved to approve the recommendation of the Finance Committee with Council Member Dokken seconding the motion, which carried.

Item No. 8 The Committee considered the following December 31, 2011, Reports: Outstanding Indebtedness, Interest/Dividends, Cash/Investments, and Fourth Quarter Investment Activity. This matter was for information only.

The Finance Committee Report for April 9, 2012, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Anderson, seconded by Council Member Christianson, and carried.

Council Member DeBlieck suggested the Mayor explain to citizens in the audience the Council's actions with regard to approving the Planning Commission Minutes, thereby approving the conditional use permit for Lafayette School. Upon doing so, the parties interested in the conditional use permit outcome acknowledged their understanding of the action and left the meeting room.

The Labor Relations Committee Report for April 11, 2012, was presented to the Mayor and Council by Council Member Ahmann. There were four items for Council consideration.

Item No. 1 City Administrator Stevens reviewed with the Committee a proposal to eliminate two seasonal bike patrol positions and replace those with a year-round Community Service Officer (CSO) position at no additional cost. Chief Wyffels stated that his recommendation was based upon ongoing review of the Police Department and a decision that the bike patrol was no longer the most effective use of part-time staffing.

Following discussion, the Committee was recommending the Council approve the elimination of seasonal bike patrol positions and replace those positions with a year-round CSO position. Council Member Ahmann moved to approve the recommendation of the Labor Relations Committee with Council Member Anderson seconding the motion, which carried.

Item No. 2 City Administrator Stevens informed the Committee that Public Works Director Wilson and Superintendent Thompson were present to discuss proposed changes in staffing at the WWTP due to pending retirements. Ms. Stevens stated that the staff was not asking for a final decision, but seeking some feedback from the Committee before proceeding.

Public Works Director Wilson reviewed current staffing levels of the Department which consists of 11 positions and provided a proposed organizational chart based on restructuring. Ms. Wilson stated that the overall positions of 11 would remain the same, but duties would be divided differently, which would allow for the creation of a new position of Environmental Manager. The proposed Environmental Manager would be a position funded by waste water, as well as by the General Fund as the position would also be responsible for storm water regulations and permits.

Following discussion, it was the consensus of the Committee for the Staff to return with additional information regarding job descriptions, proposed pay ranges and costs. This matter was for information only.

Item No. 3 Chair Ahmann discussed the process for the 2012 performance review of City Administrator Stevens and stated that Council Members should provide their responses to him or Audrey

Peterson no later than April 20, 2012, either electronically or hard copy. Mr. Ahmann stated that Ms. Sharon Klumpp of Springsted Inc. would be facilitating the review process and that he was pleased with how it was structured based upon his discussions with her. Chair Ahmann stated that a closed session would be held on May 7, 2012, at 6:00 p.m. for the purpose of reviewing the evaluation with City Administrator Stevens. This matter was for information only.

Item No 4 City Administrator Stevens informed the Committee that the City had received a date of June 28, 2012, for arbitration with LELS and George Lattimore was the assigned arbitrator. This matter was for information only.

The Labor Relations Committee Report for April 11, 2012, was approved as presented and placed on file in the City Clerk's Office upon motion by Council Member Ahmann, seconded by Council Member Anderson, and carried.

The Community Development Committee Report for April 12, 2012, was presented to the Mayor and Council by Council Member Dokken. There were two items for Council consideration.

Item No. 1 There were no public comments offered at this meeting and this matter was for information only.

Item No. 2 Staff reviewed with the Committee the procedures for land use applications, public notification, hearing conduct and expectations, project review and findings of fact, and the role of the Planning Commission and City Council. The Committee discussed the following matters relating to the land use review process: repetitive testimony, offering written testimony, recording hearings (not required, minutes are the official record), notification requirements, level of Council authority in the land use review process, and opportunities for Planning Commissioner training. Planning and Development Services Director Peterson expounded on the criteria discussed at the Committee meeting.

Following discussion, it was a consensus of the Committee that they had a much better understanding of the process for reviewing land use applications, including the roles of the Planning Commission and Council in making land use decisions. This matter was for information only.

The Community Development Committee Report for April 12, 2012, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Dokken, seconded by Council Member Fagerlie, and carried.

The Mayor and Council considered a Professional Services Agreement between the City of Willmar and Bolten and Menk, Inc. for Airport Engineering/Planning Services. Jared Voge, representing Bolten and Menk, was present to answer the questions raised by the Council. Public Works Director Wilson informed the Council that the FAA requires a consulting engineering firm to be under contract to assist in any project of the municipal airport. Following discussion, Resolution No. 5 was introduced by Council Member Anderson, seconded by Council Member Dokken, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 5

WHEREAS, the Airport Consultant Selection Team received five (5) statement of qualifications and interviewed two (2) consultants for Planning, Design and Construction Services at the Willmar Municipal Airport; and

WHEREAS, after due consideration and evaluation, the Airport Consultant Selection Team recommends Bolton and Menk, Inc. for the next five (5) years;

NOW, THEREFORE, BE IT RESOLVED by the City Council and the City of Willmar that the firm of Bolton and Menk, Inc. of Willmar, Minnesota, is hereby selected as the Airport Consultant for the next five (5) years.

BE IT FURTHER RESOLVED that the Mayor and City Administrator are hereby authorized to enter into an agreement for said services on behalf of the City of Willmar.

Dated this 16th day of April, 2012.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Announcements for Council Committee meeting dates were as follows: Finance, April 23; Public Works/Safety, April 24; and Community Development, April 26, 2012.

City Administrator Stevens informed the Mayor and Council that the Minnesota Department of Public Safety, Driver and Vehicle Services is seeking a renewal of a lease with the City to provide an area of testing of motorcycle license applicants. Following discussion, Resolution No. 6 was introduced by Council Member Fagerlie, seconded by Council Member Ahmann, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 6

BE IT RESOLVED by the Willmar City Council that the Mayor and City Administrator are hereby authorized to execute a renewal of a lease between the City of Willmar and Minnesota Department of Public Safety, Driver and Vehicle Services for the testing of motorcycle license applicants.

Dated this 16th day of April, 2012.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Mayor Yanish announced that the Mayor's Prayer Breakfast will be held on May 3, 2012, at St. Mary's Church beginning at 6:30 a.m.

There being no further business to come before the Council, the meeting adjourned at 7:55 p.m. upon motion by Council Member Johnson, seconded by Council Member Dokken, and carried.

Attest: _____
MAYOR

SECRETARY TO THE COUNCIL