

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

December 3, 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, Finance Director Steve Okins, Community Education and Recreation Director Steve Brisendine, Planning and Development Services Director Bruce Peterson, City Attorney Robert Scott, and City Clerk Kevin Halliday.

Council Member Anderson offered a motion adopting the Consent Agenda which included the following: City Council Minutes of November 19, City Council Work Session Minutes of November 26, Rice Hospital Board Minutes of November 14, Municipal Utilities Commission Minutes of November 26, Accounts Payable Report through November 28, Applications for Exempt Permit for Rocky Mountain Elk Foundation Prairie Lakes Chapter and NRA Foundation, Inc., Mayoral Appointments: Rice Hospital, Dr. Doug Allen and Dr. Lachlan Smith, Mayoral Reappointments: Rice Hospital, Jennifer Fischer; Airport Commission: Pat Curry, Sandy Gardner and Terry Albers; and Planning Commission: Andy Engan and Scott Thaden; Willmar Lakes Area Convention and Visitors Board Minutes of October 16, and Willmar Community and Activity Center Minutes of November 7, 2012. Council Member Johnson seconded the motion, which carried.

At 7:02 p.m. Mayor Yanish opened the Truth-in-Taxation hearing. City Administrator Stevens explained that the purpose of the hearing is to discuss the percentage change in property taxes proposed and the specific purpose for which property tax revenues are being changed. The public is invited to speak and ask questions so they may become informed and offer input during the budget-setting process. City Administrator Stevens presented details of the Mayor's proposed budget and requested levy. There being no one present to comment on the proposed budget, Mayor Yanish closed the hearing at 7:10 p.m. Action was deferred to the Finance Committee Report later on the Agenda.

Wayne Nelson appeared before the Mayor and Council for a "Moving Willmar Forward" presentation. Mr. Nelson explained the Moving Willmar Forward team consists of 15 individuals and over the past couple of months, several people including business leaders, elected officials, government employees, community advocates, citizens and the media have been concerned about the current state of affairs within and outside the operation of the City of Willmar. The group is coming forward united to demonstrate public concern for the need to improve the manner in which elected and appointed officials conduct business within and outside City government. Mr. Nelson said the group formed during the last 30 to 35 days to discuss concerns they and others had heard in the community and that there were no particular Council actions or inactions. Some of those concerns were the health of the Mayor, micromanagement by Council members, a strained relationship between the Mayor and City Administrator, and the perception of lack of trust. Moving Willmar Forward issued a "white paper" citing concerns and recommendations which included requesting proposals from firms to conduct an organizational review of the City.

Mayor Yanish first cleared reports reporting his health. Council Member Christianson stated that the group concerns and recommendations be sent to committee because of the emotions involved; and that the group should have come to committee first as that is how the Council is structured. Mr. Christianson also indicated that he was not opposed to an organizational study, and expressed frustration with coverage of the West Central Tribune. He responded with a prepared brief that he titled

“Coincidence, Conspiracy, Civility or Ethics” detailing a chain of events of emails and editorials that he perceived as demeaning and mean spirited.

Council Member Anderson thanked the Moving Willmar Forward group and stated the need to build trust and teamwork and engage in discussion of roles.

Council Member Reese noted a recent article in the West Central Tribune whereby he commented on the need for the Council to listen to staff as they are the experts. Mr. Reese stated that the Mayor and Council should listen to employees, and that City Administrator Stevens has a vision and he proposed to elected officials that if they have a question, seek out staff to answer and get the facts to their concerns.

Council Member Dokken thanked the group for coming and said the Council was recently re-elected by their constituents. He stated that throughout the year 206 resolutions/motions were before the Council and 200 passed unanimously, fortifying the position that the Council is not very “divided” on most policies and action items.

Council Member DeBlieck stated that the report presented by the Moving Willmar Forward group reiterated what the Council should do.

Council Member Ahmann said it was good to see citizen participation but asked what Council action led to the formation of the group and why none of the members had talked to him. Mr. Ahmann suggested that lines of communication be open and everyone work together. Mr. Nelson noted that the group wanted the same message to go to the Council at the same time and that individuals had personally come to him.

Dave Baker stated that the group came to take action to find a better way to lead, stating it is not working as well as it should and suggested the Council conduct a management assessment, to put the City on a new roadmap.

The Moving Willmar Forward group asked for an organizational review and offered up to \$5,000 to share the cost of a study.

Council Member Reese offered a motion to move ahead with an organizational review conducting an overview of the City structure and commit to an outside firm. Council Member DeBlieck seconded the motion, which carried. Council Member Christianson voted “No.” *(see end of minutes). Council Member Reese moved to direct Staff to send out requests for proposals to various firms with the same scope of services as the previous RFP. Council Member DeBlieck seconded the motion, which carried. Council Member Christianson voted “No.” * (see end of minutes)

Mayor Yanish called for a recess at 8:00 p.m. and reconvened the meeting at 8:10 p.m.

Mayor Yanish acknowledged three individuals who had signed up to address the City Council during its scheduled Open Forum. Gary Gilman expressed his respect for the Council’s hard work, that he personally knows Ron Christianson devotes a lot of his time, and a special election costs money and was wondering why Council Member Reese didn’t resign early enough to have a fall election.

Kelly Welch, former Council Member, stated that we have a great community that takes interest in government and take the time to put together solutions to make government better. When one runs for office they should expect to get into hot water. People like to ask questions – it’s their duty to ask. The media shouldn’t be blamed as he promotes a paper getting all the information out in front. Mr. Welch stated that he didn’t like the idea of prejudice and that the West Central Collaborative needs the \$42,000.

John Sullivan spoke praising the Moving Willmar Forward group and concurred that an organizational review would be positive.

The Labor Relations Committee Report of November 20, 2012, was presented to the Mayor and Council by Council Member Ahmann. There were two items for Council consideration.

Item No. 1 Closed pursuant to Minn. Stat. Sec. 13D.05, Subd. 2(a)(2) to discuss internal affairs data relating to allegations of law enforcement personnel misconduct. This matter was for information only.

Item No. 2 Closed pursuant to Minn. Stat. Sec. 13D.05, Subd. 3(b) to discuss pending litigation – Law Enforcement Labor Services, Inc. labor grievance. This matter was for information only.

The Labor Relations Committee Report of November 20, 2012, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Ahmann, seconded by Council Member Anderson, and carried.

The Finance Committee Report for November 26, 2012, was presented to the Mayor and Council by Council Member Anderson. There were two items for Council consideration.

Item No. 1 The Committee discussed the recommendations for the 2013 Mayor's Proposed Budget resulting from a Council Work Session held just prior to this meeting as follows:

1) A proposed increase to the West Central Integration Collaborative allocation of \$21,000, their original request of \$42,000. This was suggested at the Council Work Session without the consensus of the members. No action was taken and the allocation in the 2013 Budget for the West Central Integration Collaborative remains at \$21,000. This matter was for information only.

2) Retain the amount originally budgeted for the Willmar Design Center of \$32,000 but increase the 2013 Expenditure Budget by \$6,200 for downtown flowers. The Committee was recommending the Council increase the 2013 Expenditure Budget by \$6,200 for the downtown flowers project. Council Member Anderson moved to approve the recommendation of the Finance Committee with Council Member Dokken seconding the motion which carried.

3) Remove the allocation of \$1,000 for the Willmar Chamber of Commerce Leadership Perspectives Program. The Committee was recommending the Council decrease the 2013 Expenditure Budget by removing \$1,000 originally allocated for the Willmar Chamber of Commerce Leadership Perspectives Program. Council Member Anderson moved to approve the recommendation of the Finance with Council Member Fagerlie seconding the motion, which carried on a roll call vote of Ayes 5, Noes 3 - Council Members Reese, Anderson, and DeBlieck voted "No."

4) After all adjustments to the original budget are applied, approximately \$93,000 remains as a revenue surplus in the 2013 Budget. Following discussion, the Committee was recommending the Council reduce the proposed 2013 Tax Levy increase of \$240,000 designated for street/infrastructure improvements by \$93,000. Council Member Anderson moved to approve the recommendation of the Committee with Council Member Fagerlie seconding the motion, which carried.

5) Following discussion of the 2013 Tax Levy, the Committee was recommending the Council pass a Resolution setting the 2013 City property tax levy at \$3,992,734 for the General Fund and \$147,000 for street/infrastructure. Resolution No. 1 was introduced by Council Member Anderson and seconded by Council Member Dokken. Council Member Reese moved to restore the West Central Integration Collaborative allocation to \$42,000 and to take the additional \$21,000 from available revenues. Council Member DeBlieck seconded the motion. Following discussion the City Clerk requested clarity to the motion makers' intent regarding the effect on the proposed levy. It was noted that the intent was to increase the levy by \$21,000 thereby reducing the \$93,000 proposed reduction to \$72,000 which failed 2 – 6, with Council Members Anderson, Ahmann, Johnson, Christianson, Dokken and Fagerlie voted "No." The original Resolution was approved on a roll call vote of Ayes 6, Noes 2 – Council Member Reese and DeBlieck voted "No."

RESOLUTION NO. 1

BE IT RESOLVED by the City Council of the City of Willmar, Kandiyohi County, Minnesota, that the following sums of money be levied for the current year collectable in 2013, upon the taxable property in said City of Willmar, for the following purposes:

General Fund	\$ 3,992,734
Street/Infrastructure Improvements	<u>\$ 147,000</u>
Total	\$ 4,139,734

BE IT RESOLVED, that there is a sufficient sum of money in the Debt Service Funds of the City, together with the above Debt Service Fund Tax Levy, to pay principal and interest in 2013 on all outstanding bond issues, and the deferred annual tax levies previously certified to the County Auditor are hereby cancelled;

BE IT RESOLVED by the City Council of the City of Willmar, Kandiyohi County, Minnesota, that pursuant to a request by the Housing and Redevelopment Authority In and For the City of Willmar, Minnesota, for authorization to levy a special tax to be included as part of its fiscal year 2013 – 2014 Budget;

BE IT RESOLVED that the City Council of the City of Willmar, Minnesota, hereby authorizes the Housing and Redevelopment Authority to levy a special tax in the amount of \$170,000 pursuant to the powers vested under the Minnesota Statutes.

The City Clerk is hereby instructed to transmit a certified copy of this Resolution to the County Auditor of Kandiyohi County, Minnesota.

Dated this 3rd day of December, 2012.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

6) Following discussion, the Committee was recommending the Council pass a Resolution adopting the 2013 Budget as presented in the amount of \$31,730,616. 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 6, Noes 2 – Council Members Reese and DeBlieck voted “No.”

RESOLUTION NO. 2

ADOPTING THE BUDGET FOR THE FISCAL YEAR 2013

BE IT RESOLVED by the City Council of the City of Willmar that the Annual Budget for the fiscal year beginning January 1, 2013, which has been submitted by the Mayor and modified and approved by the City Council, is hereby adopted, the totals of the said budget and the Mayor’s division thereof being as follows:

EXPENDITURE REQUIREMENTS

General Operating	\$ 15,232,125
Capital Improvements	5,051,245
Special Revenue/Internal	731,750
Debt Service	2,456,760
Enterprise (Wastewater)	<u>8,258,736</u>
Total 2013 Budget	\$ 31,730,616

Dated this 3rd day of December, 2012.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 2 The Committee reviewed future agenda items including the Western Interceptor Final Budget, updated 1995 Contribution Policy, and LELS 2012 Budget Amendment . This matter was for information only.

The Finance Committee Report for November 26, 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 Fagerlie, and carried.

The Public Works/Safety Committee Report for November 27, 2012, was presented to the Mayor and Council by Council Member Reese. There were five items for Council consideration.

Item No. 1 Planning and Development Services Director Peterson presented a scope of work from Donohue and Associates for additional consulting services for the Western Interceptor. The original agreement with the consulting engineer did not include construction management services for the storm sewer work that was bid as an alternate. The scope of services includes an additional fee of \$17,060.00 for this task. Staff recommended entering into a contract amendment with Donohue and Associates to perform construction management services on the alternate bid.

The Committee was recommending the City enter into a contract amendment with Donohue and Associates in the amount of \$17,060.00 and authorize the Mayor and City Administrator to sign on behalf of the City. Resolution No. 3 was introduced by Council Member Reese, 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, a municipal corporation of the State of Minnesota, that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an amendment to the professional services contract between the City of Willmar and Donohue and Associates for the Western Interceptor. The amendment increases the not-to-exceed figure for the contract approved on December 19, 2011 by \$17,060.00.

Dated this 3rd day of December, 2012.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 2 Staff was directed by the Council to pursue RFP's for Airport Operations Supervisor at the municipal airport. This contract would be separate from the responsibilities of the Fixed Based Operator. Two parties responded and both were interviewed. After further consideration and follow-up, it was narrowed to one entity proposing to perform the tasks for \$76,000 a year. It was noted that current janitorial work the City pays \$6,000 per year for would be included in this proposal, along with all the mowing that is currently done by the Public Works Department. It was staff's recommendation to approve the proposal of Eric's Aviation Services for a term of two years.

It was noted that the work performed under this contract would be eligible for State reimbursement. Following discussion, the Committee was recommending the Council enter into a two-

year Airport Operations Supervisor contract with Eric's Aviation Service Inc. as presented and authorize the Mayor and City Administrator to sign on behalf of the City. Resolution No. 4 was introduced by Council Member Reese, seconded by Council Member Fagerlie, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 4

Whereas the City of Willmar desires to retain a firm to provide on-site airport management and maintenance for the City of Willmar; and

Whereas a proposal has been made by, and an agreement prepared to retain Eric's Aviation Services, Inc. for a not to exceed amount of \$76,000.00 annually for two years for said services;

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 3rd day of December, 2012.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 Loren Engelby, Kandiyohi County Ditch Manager, addressed the Committee concerning the upcoming hearing for redetermination of ditch benefits. It is at this time that the City may choose to take over the responsibility of that portion of the County Ditch 23 system within City limits. The City is currently charged at a rate of 52% of the costs for ditch maintenance within the overall system. If the City were to take over responsibility of the ditch outlined on the map, it is estimated the City's rate would be decreased to approximately 26% with a \$5,000-\$10,000/year savings. Mr. Engelby also informed the members that a contractor has been hired to clean out a section of County Ditch 23 that runs just east of 5th Street SE from the area of the Bus Barn to 19th Avenue Southeast. This would be completed prior to the transfer of benefits at no extra cost to the City.

Discussion was held pertaining to redetermination costs for viewing and the establishment of the 16 ½' buffer strip. It was noted the City can assume responsibility of any or all portions of the ditch. The possibility of using a section of Ditch 23 near the former Wastewater Treatment Plant for expansion into a storm water holding pond was discussed.

The Committee was recommending to the Council that the City assume responsibility of that portion of the County Ditch 23 system lying within City limits as outlined on the map. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member DeBlieck seconded the motion, which carried.

Item No. 4 Planning and Development Services Director Peterson explained to the Committee that during rain events the City is receiving excess flow into the Eagle Lake Lift Stations, and there have been incidents of backup into homes. The City has performed home inspections within City limits, but not in the Eagle Lake Sewer District. Upon review of the contract it doesn't appear the City has the authority to enforce compliance by property owners in the district. It is Staff's recommendation at this time to meet with the Chair of the Eagle Lake Sewer District and explain the situation hoping for voluntary compliance. When the term of the current contract expires in 2016, they City will incorporate language allowing authority to enforce penalties on violators. This matter was for information only.

Item No. 5 Jan Franklin, a City resident bitten by a dog running at large in September, addressed the Committee. Ms. Franklin's immediate concern was if the dog was current with its vaccinations. When the Police Department responded to her call, they found the dog was within its

owner's residence. The owner was cited and ordered by a judge to provide proof of licensure within ten days. Ms. Franklin was questioning if the ordinance could be revisited to require the dog be impounded until such time as it is known it is not rabid. Chief Wyffels explained that the ordinance does not allow for the seizure of the animal from personal property. Staff was then directed to research State Health Laws to make certain no other action could be warranted and inform Mrs. Franklin. This matter was for information only.

Council Member Christianson corrected the minutes, noting he was in the audience only and not a Committee member.

The Public Works/Safety Committee Report of November 27, 2012, were approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Reese, seconded by Council Member DeBlieck, and carried.

The Community Development Committee Report of November 29, 2012, was presented to the Mayor and Council by Council Member Dokken. There were four items for Council consideration.

Item No. 1 There were no public comments offered at this meeting.

Item No. 2 Representatives of the Willmar Design Center were in attendance to discuss several items including historic preservation and infrastructure in the Central Business District. Richard Engan said that historic preservation has long been a goal of downtown groups. He said that it would be wise for Design Center representatives to meet with downtown property owners to gauge their interest in establishing a Historic Preservation District. Some buildings could then be eligible for historic tax credits if placed on the National Register. He said many of the buildings are in need of repair and financial investment to preserve or maintain them. A professional historian has encouraged preservation efforts. Legacy Grant money could be a source of funding an assessment of downtown buildings as a first step.

Committee members expressed concern over placing limits on property owners restricting the use of their buildings. It was acknowledged that there could be certain requirements for maintaining properties in a historic district. The Design Center will move forward with exploring the concept of a historic district in downtown Willmar.

Design Center representatives also offered comments regarding infrastructure concerns in the downtown. It is noted that the parking study and gateways study directly impact infrastructure. Both issues will come back to the Community Development Committee as the processes continue. Council member Ahmann expressed concern about dirty sidewalks and how to deal with maintenance. This matter was for information only.

Item No. 3 Kathy Schwantes, Regional Director of the University of Minnesota Extension, appeared before the Committee to discuss operations at the Mid-Central Research and Outreach Center (MCROC). Currently, seven or eight employees are at the facility, primary working with the Extension Service. MCROC has a full-fledged research lab which is available to the business community. A major focus is for academia to assist business with research and to bring intellectual property and ideas to the market place. The University of Minnesota operates an avian research lab on site, as well.

A test kitchen is also available for public use. Nutrition training is offered to seniors, youth, and food stamp recipients. Obesity education is also offered. There is a new lower-level conference room that is available for public meetings and teleconferences. It is equipped with the latest in meeting technology.

Another service offered by MCROC is internship matching with local businesses. The success of MCROC programs will be measured by the number of companies assisted and the long-term impact on the local economy. The U of M Carlson School of Management is currently developing a strategic plan for MCROC operations. This matter was for information only.

Item No. 4 Staff presented plans and building elevations for the upcoming redevelopment of the Holiday Inn site. The Holiday Inn Motel will be redeveloped into a Best Western Plus Motel, and the Comfort Inn will be remodeled into a Holiday Inn Express Inn and Suites, with a 3rd floor added to expand the number of rooms on-site. Restaurant options will also be increased. The existing Green Mill Restaurant will be remodeled to function more as a primary, sit-down restaurant, and a new entity called Hurricane Grill and Wings will be added to the site to offer more of a bar atmosphere. Staff reviewed changes to parking and traffic flow on the site and pointed out the major facelift the building was going to receive. It was noted that storm water concerns had been addressed in the planning process and there was very little in the way of increased impervious surface that will result from the changes. The Committee stated that they liked the looks of the plans and look forward to the project beginning in early 2013. This matter was for information only.

The Community Development Committee Report was approved as presented upon motion by Council Member Dokken, seconded by Council Member Ahmann, and carried.

Announcements for Council Committee meeting dates were as follows: Community Education and Recreation Board, December 7; Finance, December 10; Labor Relations, December 12; Community Development, December 13; and Public Works/Safety, December 18, 2012.

Council Member Christianson informed the Council that he wished to change his vote from a No to a Yes on the motion to commit to an outside firm conducting an organizational study and the motion to direct the preparation of Request for Proposals.

There being no further business to come before the Council, the meeting adjourned at 9:27 p.m. upon motion by Council Member Christianson, seconded by Council Member Johnson, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL