

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

March 5, 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 DeBlieck, Denis Anderson, Steve Ahmann, Rick Fagerlie, Jim Dokken, and Tim Johnson; Present 9, Absent 0.

Also present were City Administrator Charlene Stevens, City Attorney Richard Ronning, Police Captain Jim Felt, Fire Chief Marv Calvin, Public Works Director Holly Wilson, Finance Director Steve Okins, Community Education and Recreation Director Steve Brisendine, Planning and Development Services Director Bruce Peterson, Administrative Assistant Audrey Peterson, and City Clerk Kevin Halliday.

Mayor Yanish informed the Council that he was removing Item E, HRA Board appointment, from the Consent Agenda for additional study.

Council Member Anderson moved that the following be added to the Agenda as Item 4A: Closed Session to discuss the Litigation Commenced against the City by Bruce Gomm. Council Member DeBlieck seconded the motion, which carried.

At 7:04 p.m. Council Member Anderson offered a motion that the Council go into a closed session pursuant to the attorney/client privilege, as allowed by Minnesota Statutes Section 13D.05, to discuss the pending litigation Bruce Gomm initiated against the City of Willmar. Council Member Fagerlie seconded the motion, which carried. The Council adjourned to the Board Room.

At 7:41 p.m. Council Member DeBlieck moved to reopen the meeting with Council Member Dokken seconding the motion, which carried.

Council Member Christianson offered a motion adopting the Consent Agenda as amended which included the following: City Council Minutes of February 21, Municipal Utilities Commission Minutes of February 27, Planning Commission Minutes of February 22, Exempt Permit application for Willmar Fire Association, Accounts Payable through March, Charter Commission Minutes of January 17, Willmar Design Center Board Minutes of February 8, and Community Education/Recreation Joint Powers Board Minutes of February 24, 2012. Council Member DeBlieck seconded the motion, which carried.

Mayor Yanish acknowledged Bruce Gomm and Bruce Johns who had signed up to address the City Council during its scheduled Open Forum. Bruce Gomm stated that he was present to answer questions and keep the Council informed. The Council was advised by Attorney Revers that it would not be appropriate for the Council to ask questions due to litigation. Bruce Johns expressed concerns with storm water drainage on his property on Oak Lane and asked if findings of the Storm Water Task Force were addressed in the 2012 Improvements. Public Works Director Wilson explained that they were.

At 7:47 p.m., Mayor Yanish opened a hearing on the 2012 Street and Other Improvement Projects. Public Works Director Wilson presented to the Council details of the individual streets proposed, for reconstruction (0.83 miles), overlay (0.84 miles), new construction on Willmar Avenue SW (Industrial Drive to 22nd Street SW) and miscellaneous items. Bruce Johns, 716 Olaf Avenue NW, concerning storm runoff onto his property. Ms. Wilson explained that catch basins are included in proposed improvements. Upon hearing all those who wished to be heard, Mayor Yanish closed the hearing at 8:03 p.m.

Following discussion of the various projects and related costs, Resolution No. 1 was introduced by Council Member Reese, seconded by Council Member Anderson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 1

ORDERING 2012 STREET AND OTHER IMPROVEMENTS
(AND DIRECTING PREPARATION OF FINAL PLANS AND SPECIFICATIONS)

WHEREAS, after due Notice of Public Hearing on the construction of street and other improvements for the City of Willmar, Minnesota, hearing on said improvements was duly held and the Council heard all persons desiring to be heard on the matter and fully considered the same.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, as follows:

1. It is advisable, expedient, and necessary that said improvements as described in the Notice of Hearing thereon be constructed and the same are hereby ordered made.

2. The improvements described in said Notice of Hearing are hereby designated and shall be known as 2012 Street and Other Improvements.

3. The City's Engineer is hereby directed to prepare final plans and specifications for said improvements.

4. The City Council shall let the contract for all or part of the work for said improvements or order all or part of the work done by day labor or otherwise as authorized by Minnesota Statutes, Section 429.041, Subdivision 2, within one year of the date of this resolution ordering said improvements.

Dated this 5th day of March, 2012.

/s/ Frank Yanish
MAYOR

/s/ Charlene Stevens
Attest: CITY ADMINISTRATOR

The Labor Relations Committee Report for February 23, 2012, was presented to the Mayor and Council by Council Member Ahmann. There were two items for Council consideration.

Item No. 1 The meeting was closed to discuss employee contract negotiation strategies. This matter was for information only.

Item No. 2 Attorney Frank Madden presented to the Committee a proposal that had resulted from mediation conducted by the State Bureau of Mediation Services for the AFSCME General Unit and AFSCME Public Works Unit. Attorney Madden reviewed the terms of the proposed tentative agreement:

1. Duration: Three-year agreement effective 1/1/11 through 12/31/13.
2. Wages: 2011 - No general increase.
2012 - Effective 1/1/12, 1.0% general wage increase and effective following City Council approval of Agreement \$660 lump sum, non-base increase.
2013 - Effective 1/1/13, 1.5% general wage increase.

3. Health Insurance - Article 22 for General Unit and Article 25 for Public Works Unit.

22.4 The Employer agrees to provide at the Employer's expense for all regular full-time employees and probationary employees under this Agreement, an insurance program for hospitalization and major medical coverage comparable with the plan under existence with the option of dependent coverage. For employees hired in 2012, the Employer shall contribute up to \$549 per month toward the cost of single coverage and up \$1,302 per month toward the cost of family coverage. Any additional costs shall be paid by the employee through payroll deduction. If the employee chooses dependent family coverage, the Employer shall pay the following toward the cost of dependent family coverage.

A. (Delete first two sentences) For 2012, the Employer will contribute up to \$1,302 toward the cost of family coverage. Any additional costs shall be paid by the employee through payroll deduction. For 2013 and annually thereafter, the Employer will contribute up to fifty (50%) percent of the increase in the cost of the monthly premium for family dependent coverage under the basic plan. Any additional cost shall be paid by the employee through payroll deduction.

For Public Works Unit, 25.1 revise language according to the above.

Other Items. A. 40/40/40 plan; B. Add Grade 9 (General Unit).

The Council asked for clarification on the 40/40/40 plan. City Administrator Stevens explained that it would allow employees who have accumulated a total of at least 120 vacation hours to cash in 40 hours when using 40 consecutive or 5 consecutive days for vacation and retaining a minimum of 40 hours. The option would be available one time per calendar year.

Following discussion, the Committee was recommending to the Council approve the Labor Contracts with AFSCME General Unit and AFSCME Public Works Unit as proposed. Council Member Ahmann moved to approve the recommendation of the Labor Relations Committee with Council Member Anderson seconding the motion, which carried.

The Labor Relations Committee Report for February 23, 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.

At 8:24 p.m. City Clerk Kevin Halliday arrived at the meeting.

The Finance Committee Report for February 27, 2012, was presented to the Mayor and Council by Council Member Anderson. There were three items for Council consideration.

Item No. 1 Jill Bengtson, HRA Executive Director, reported to the Committee that the HRA Board had met to further discuss the Dominion Application for Tax-Exempt Financing for \$13.948 million of tax-exempt bonds to finance the acquisition and rehabilitation of Eagle Ridge, Somerset and Waters Edge Apartments. Initially, the HRA had proposed that 40 percent of the units be made eligible and available for Section 8 voucher holders. However, cash flow reasons preclude this project from having no more than 25 percent of the units as Section 8 eligible. Consequently, the HRA passed a motion to require, as a condition of bond issuance, that a minimum of 25 percent of the units in the project remain eligible for the Section 8 voucher program. Rent for the remainder of the units will be within the 60 percent Area Median Income Range. Because the company is willing to make improvements to the rental housing stock and work with the HRA to keep a portion of the project eligible for the Section 8 program, the HRA continues to support the conduit financing request and requests the City give its favorable consideration to the project.

Following discussion, it was the consensus of the Committee, with the exception of Council Member Dokken, to support this project. Staff explained that the HRA will be conducting the public hearing to issue these bonds. Once that has been successfully completed, the City will be required to adopt a resolution describing the project, stating the Borrower agrees to pay all costs and that the City

would not be liable, and giving permission to do the project within the City Limits. This matter was for information only.

Item No. 2 Staff reviewed with the Committee the proposed 2013 Budget Calendar. Changes noted included: development of Capital Improvement Program items submitted by March 9; peer review March 10, through April 4; completed Department Head estimates must be returned and reviewed with the City Administrator by April-May; Department Head presentations to the Finance Committee during May-June; and the Mayor will present his proposed budget during the first meeting in August, 2012.

Following discussion, the Committee was recommending the Council pass a resolution approving the 2013 Budget Calendar as presented. Resolution No. 2 was introduced by Council Member Anderson, seconded by Council Member Christianson, 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 the 2013 Budget Calendar be approved as presented.

Dated this 5th day of March, 2012.

/s/ Frank Yanish
MAYOR

/s/ Charlene Stevens
Attest: CITY ADMINISTRATOR

Item No. 3 Staff informed the Committee of a League of Minnesota City Webinar scheduled for March 5, 2012, at 10:30 a.m. at the City Office presenting the State Budget Forecast.

Council Member Fagerlie raised a concern that Sonshine may be proposing not to engage the Willmar Ambulance Service for their festival this year and is searching elsewhere for EMT services. Staff will look into this issue. This matter was for information only.

The Finance Committee Report for February 27, 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 Community Development Committee Report for March 1, 2012, was presented to the Mayor and Council by Council Member Dokken. There were seven items for Council consideration.

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

Item No. 2 The Committee reviewed a proposed resolution for participation in the GreenStep Cities program. Questions were raised regarding the necessity of City participation. It was noted that the program could be an opportunity to save money on energy and development projects over a longer period of time. The Committee was recommending that the Council adopt the resolution for participation in the GreenStep Cities program.

Resolution No. 3 was introduced by Council Member Dokken, seconded by Council Member DeBlicek, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 3

AUTHORIZING THE CITY OF WILLMAR TO PARTICIPATE IN THE

MINNESOTA GREENSTEP CITIES PROGRAM

WHEREAS, uncertainty in energy prices and the transition away from fossil fuel energy sources present new challenges and opportunities to both the City of Willmar and to the economic health of its citizens and businesses; and

WHEREAS, local governments have the unique opportunity to achieve both energy use and climate change gas reductions through building and facilities management; land use and transportation planning; environmental management; and through economic and community development; and

WHEREAS, Minnesota Session Laws 2008, Chapter 356, Section 13 directed the Minnesota Pollution Control Agency (“MPCA”) and Office of Energy Security in the Department of Commerce (“Office of Energy Security”), in collaboration with Clean Energy Resource Teams (“CERTs”), to recommend municipal actions and policies that work toward meeting the State’s greenhouse gas emissions reduction goals; and

WHEREAS, a broad coalition of public and private stakeholders including the League of Minnesota Cities, the MPCA, Office of Energy Security and CERTs responded to the 2008 legislation by establishing the Minnesota GreenStep Cities program to provide a series of sustainable development best practices focusing on local government opportunities to reduce energy use and greenhouse gases; and

WHEREAS, the Minnesota GreenStep Cities program assists in facilitating technical assistance for the implementation of these sustainable development best practices; and

WHEREAS, The Minnesota GreenStep Cities program provides cost-effective sustainable development best practices in the following five categories: (1) Buildings and Lighting; (2) Transportation; (3) Land Use; (4) Environmental Management; and (5) Economic and Community Development;

NOW, THEREFORE, be it resolved, that the City Council of the City of Willmar does hereby authorize the City of Willmar (the “City”) to participate in the Minnesota GreenStep Cities program. Be it further resolved that the City:

1. Appoints Andrew Bjur to serve as the City’s GreenStep coordinator to facilitate best practice implementation; and
2. Will facilitate the involvement of community members, civic, business and education organizations, and other units of government as appropriate in the planning, promoting and implementing of GreenStep Cities best practices; and
3. Will identify a short list of best practices for initial implementation by April 15, 2012; and
4. Will claim credit for having implemented and will work toward implementing at least 16 required and optional GreenStep best practices that will result in energy use reduction, economic savings and reduction in the community’s greenhouse gas footprint. A summary of the city’s implementation of best practices will be posted on the Minnesota GreenStep Cities web site.

Dated this 5th day of March, 2012.

/s/ Frank Yanish
MAYOR

/s/ Charlene Stevens
Attest: CITY ADMINISTRATOR

Item No. 3 Building Official Randy Kardell reported on conditions in Regency East and West mobile home parks and explained what is being done by staff and management to improve conditions in the parks. There has been an ongoing effort to remove homes that are not habitable. It typically takes 7-10 days to remove a home once orders are written. Several homes are currently placarded and awaiting removal.

The parks manager is compiling a list of abandoned cars that need to be removed and has worked to stay ahead of the garbage accumulation problem by providing regular pick-up. Recently, a local electrician corrected electrical code violations with numerous meters and services being removed. This matter was for information only.

Item No. 4 Staff presented a proposed order for removal of the home at 201 Havana ST NE as prepared by City Attorney Ronning. The Council discussed this matter previously and had directed the City Attorney to pursue the removal. The formal order is the next step in the process.

Following discussion, Council Member Dokken moved that the Council adopt the Order for Removal and the City Attorney proceed with the removal process. Council Member Christianson seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Item No. 5 The Committee reviewed a revised resolution for the EDA grant program to provide additional funding for industrial park development. The new resolution amends the resolution dated February 6, 2012, by changing the dollar figure for local participation and the corresponding percentage.

The Committee was recommending the Council adopt the resolution amending the figures in the previous grant resolution. Resolution No. 4 was introduced by Council Member Dokken, seconded by Council Member Christianson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 4

AMENDING LOCAL GOVERNMENT RESOLUTION FEDERAL ECONOMIC ADJUSTMENT INFRASTRUCTURE GRANT APPLICATION

BE IT RESOLVED that the City of Willmar wishes to expand the industrial park and move forward with the City of Willmar Industrial Park Expansion project in order to recruit new business entities and create higher paying employment opportunities;

BE IT FURTHER RESOLVED that the City of Willmar has experienced economic distress;

BE IT FURTHER RESOLVED that the City of Willmar act as the legal sponsor for the project contained in the U.S. Department of Commerce - Economic Development Administration - Public Works (CDFR 11.300) grant application for the project: City of Willmar Industrial Park Expansion and that the application will be submitted on or about March 9, 2012.

BE IT FURTHER RESOLVED that Charlene Stevens the City Administrator is the authorized representative to submit the grant application and execute any and all grant application documents.

BE IT FURTHER RESOLVED that the City of Willmar has not violated any Federal, State, or local laws pertaining to fraud, bribery, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice;

BE IF FURTHER RESOLVED that upon approval of the application by the Economic Development Administration, the City of Willmar may enter into an agreement with the Economic Development administration for the above referenced project, and that it will comply with all applicable laws and regulations as stated in all contract agreements;

BE IT FURTHER RESOLVED that the City of Willmar will commit \$3,072,747 to the project and the funds will be on deposit with Heritage Bank in account #801086 and that the funds are unencumbered and will be sequestered, separated and restricted and that these funds are to be used as a local match requirement for the federal grant.

BE IT FURTHER RESOLVED that the percentage of local share to the total project cost is 71% and the source of the local share include local option sales tax funds and a Minnesota Public Facilities loan (pending).

NOW, THEREFORE, BE IT RESOLVED that Charlene Stevens the City Administrator, is hereby authorized to execute the grant award, agreements and amendments thereto, as are necessary to implement the project on behalf of the applicant;

Dated this 5th day of March, 2012.

/s/ Frank Yanish
MAYOR

/s/ Charlene Stevens
Attest: CITY ADMINISTRATOR

Item No. 6 Staff presented to the Committee an update on the John's Supper Club rehabilitation project. This matter was for information only.

Item No. 7 City Administrator Stevens provided a progress report on City efforts to secure the Phase 1 and Phase 2 land releases.

The Community Development Committee Report for March 1, 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 Ahmann, and carried.

The Mayor and Council considered an Ordinance Amending the Willmar Municipal Code Adjusting the Boundaries for Wards and Precincts by Summary Ordinance. City Clerk Halliday reviewed details of the proposed Ordinance and noted that County staff will update all registered voters placed in new precincts in the State Voter Registration System. The State will mail out a postcard to inform voters of the new voting locations. City Clerk Halliday requested the Council to publish the Ordinance in summary form as allowed in the City Charter due to the high cost of printing the lengthy ordinance and acknowledging that the public can review the ward map to view all changes.

Following discussion, Council Member Reese offered a motion to introduce an Ordinance Amending Willmar Municipal Code Sections 2-147 through 2-150 Adjusting the Boundaries for Wards and Precincts by Summary Ordinance and schedule a hearing on March 19, 2012. Council Member Dokken seconded the motion, which carried with eight affirmative votes.

The Mayor and Council considered a Preliminary Plat for Schmitt Second Addition. Planning and Development Services Director Peterson presented details of the two-lot plat being proposed by Ken Schmitt for his Culvers Restaurant property on 19th Avenue SE. The existing Culver's Restaurant will remain on one parcel, and a new parcel will be made at the south end of the property. Following discussion, Council Member Anderson moved to approve the Preliminary Plat for Schmitt Second Addition with Council Member Reese seconding the motion, which carried.

The Mayor and Council considered a Final Plat for Meyer's Addition. Planning and Development Services Director Peterson explained that the three existing parcels are being replatted to shift the property lines and make the middle lot more usable as commercial property as well as increase parking. The Planning Commission approved the final plat with the conditions that a shared parking/access

agreement be submitted for review and approval prior to final plat signatures. Following discussion, Council Member Anderson moved to approve the Final Plat for Meyer's Addition as presented with Council Member Ahmann seconding the motion, which carried.

Announcements for Council Committee meeting dates were as follows: Special Council, March 8; Finance, March 12; and Public Works, March 13, 2012.

There being no further business to come before the Council, the meeting adjourned at 8:59 p.m. upon motion by Council Member Reese, seconded by Council Member Anderson, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL