

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

September 4, 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, Rick Fagerlie, Jim Dokken, and Tim Johnson; Present 8, Absent 1 – Council Member Steve Ahmann was excused from the meeting.

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.

Additions to the Agenda included an introduction of Willmar Municipal Utilities General Manager Wes Hompe by Municipal Utilities Commissioner Jerry Gesch. Mr. Gesch informed the Mayor and Council that Mr. Hompe has 22 years of experience and was one of 23 applicants considered. The Utilities Commission was pleased to hire him with his knowledge of the City. General Manager Hompe said the Willmar Municipal Utilities is facing energy changes and staff retirements, and he is hopeful to move forward in the right direction.

Council Member Christianson offered a motion adopting the Consent Agenda which included the following: City Council Minutes of August 20, Rice Hospital Board Minutes of August 15, Planning Commission Minutes of August 22, Municipal Utilities Commission Minutes and Special Session Minutes of August 27, Exempt Permit Applications for Let's Go Fishing of Minnesota and Knights of Columbus Council 2764, Accounts Payable through August 29, Willmar Design Center Minutes of June 13 and August 8, Kandiyohi Area Transit Board Operations Minutes of July 24, and Community Education and Recreation Joint Powers Board Minutes of August 24, 2012. Council Member Anderson seconded the motion, which carried.

At 7:07 p.m. Mayor Yanish opened a public hearing on special assessments for unpaid weed/grass mowing services. City Clerk Halliday presented to the Mayor and Council a list of properties which have unpaid weed and/or grass charges and was recommending these charges be certified against the real property. Mr. Bill Graves was present and stated that he had purchased property at 609 Litchfield Avenue SE in November, 2011, after the mowing charges were incurred and felt it was not his responsibility, but that of the previous owner. Mr. Halliday explained the process noting that in this case the mailed notices were all returned "unable to forward."

Council Member DeBlieck asked City Attorney Scott for an opinion on assessing a charge that occurred under someone else's ownership. Mr. Scott said it's incumbent upon anyone buying property to make the proper inquiries to the City and imposing the assessment is legal. Upon hearing all those who wished to be heard, Mayor Yanish closed the hearing at 7:12 p.m.

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 7, Noes 0.

**RESOLUTION NO. 1**

WHEREAS, Section 9-41 of the Willmar City Code states that such unpaid weed or grass mowing bills 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 \$2,270.33 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 2013 and collected by the County Treasurer, and paid to the City Clerk-Treasurer along with other taxes; and

BE IT FURTHER RESOLVED that the unpaid weed or grass charges be certified against the real property as follows: (For complete list of parcels, see City Council proceedings file dated September 6, 2012, located in the City Clerk's Office)

Dated this 4<sup>th</sup> day of September, 2012.

/s/ Frank Yanish  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

At 7:23 p.m. Mayor Yanish opened the hearing on special assessments for unpaid garbage removal charges. City Clerk Halliday presented to the Mayor and Council a list of properties which have unpaid garbage removal charges and was recommending these charges be certified against the real property. Mr. Halliday explained that one property owner paid the charge and only one property remained. There being no one present to speak for or against the special assessment, Mayor Yanish closed the hearing at 7:24 p.m.

Resolution No. 2 was introduced by Council Member Anderson, seconded by Council Member Reese, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 2

WHEREAS, Section 9-3 of the Willmar City Code concerning the removal of nuisance conditions 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.

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 garbage removal charges totaling \$379.26 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 2013 and collected by the County Treasurer, and paid to the City Clerk-Treasurer along with other taxes; and

BE IT FURTHER RESOLVED that the unpaid garbage removal charges be certified against the real property as follows: (For complete list of parcels, see City Council proceedings file dated September 6, 2012, located in the City Clerk's Office)

Dated this 4<sup>th</sup> day of September, 2012.

/s/ Frank Yanish  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Mayor Yanish recognized Brad Hanson, Willmar Ambulance Service Manager, who presented information on the "Heart Safe Cities" program. The program has assisted businesses and churches in the use of automated external defibrillators (AEDs). Mr. Hanson indicated that 38 AEDs have been placed throughout the City in addition to 10 in Law Enforcement vehicles, two at the Fire Department, and one at the Rescue Squad. Carrie Yungerberg, Wendy Ulferts and June Boyd were also present and worked on the program designed to promote intervention of cardiac arrest, assist businesses in CPR and AED placement. Bill Snoke, Director of Emergency Medical Services for Allina Health, presented to the City of Willmar a "Heart Safe Community" award.

City Clerk Halliday presented the request from Hoja Restaurant for a 3.2 percent Malt Liquor License. It was noted the restaurant is in the former Wendy's location and that the manager Yang Li had a clear record. Following discussion, Council Reese moved to approve the Hoja Restaurant 3.2 percent Malt Liquor License as presented. Council Member Anderson seconded the motion which carried on a roll call vote of Ayes 7, Noes 0.

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

Item No. 1 Chair Anderson acknowledged that no one was present to address comments to the Committee.

Item No. 2 City Clerk Halliday explained to the Committee that the U.S. Treasury will be phasing out Fannie Mae and Freddie Mac instruments as viable options for local government investment purposes. This will prevent the City from complying with the 40 percent diversification rule as stated in the Investment Policy. As the U.S. Government continues to overhaul housing lending systems, diversification options will dwindle. In the City's current Investment Policy, Section 11.0 Diversification, it states:

"...The City will diversify its investments by security type and institution. No more than 40 percent of the City's total deposits will be invested *in a single security type* or with a single financial institution or broker/dealer on the day of purchase..."

It was Staff's recommendation that the 40 percent limitation by institution or broker/dealer remain in the policy but that the 40 percent limitation by single security type be removed due to the shortage of investment options. It was noted that diversification by security type will still be pursued to the extent possible.

The Committee was recommending the Council introduce a Resolution amending the Investment Policy 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 7, Noes 0.

### RESOLUTION NO. 3

BE IT RESOLVED by the Willmar City Council to amend the City of Willmar Investment Policy, Section 11.0 Diversification, as follows:

"... The City will diversify its investments by security type and institution. No more than 40 percent of the City's total deposits will be invested ~~in a single security type~~ or with a single financial institution or broker/dealer on the day of purchase"

Dated this 4<sup>th</sup> day of September, 2012.

/s/ Frank Yanish  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

The Committee also reviewed the Investment Portfolio Year-End Balances over the last 10 years as well as interest and dividends earned each year. This matter was for information only.

Item No. 3 Steve Renquist, EDC Executive Director, reviewed the Economic Development Commission 2013 Budget with the Committee. Anticipated revenue for 2013 includes the County Tax Levy of \$455,000, which has not changed in four years, plus \$11,603 in other miscellaneous revenue. The EDC is also proposing to utilize \$40,104 from the Agency's reserves as a funding source. The overall budgeted expenditures remain flat for 2013 totaling \$506,707. Mr. Renquist stated that any salary increase for the EDC will be the blended rate of approved City and County salary increases.

The Committee was recommending the Council approve the EDC 2013 Budget and Tax Levy as proposed. Council Member Anderson moved to approve the recommendation of the Finance Committee, with Council Member Fagerlie seconding the motion, which carried.

Item No. 4 Staff reviewed with the Committee actions taken by the City since it began experiencing Local Government Aid reductions in 2009. Since 2008, staffing has been reduced by 7.2 FTEs across the organization. In addition, there are currently five vacant positions for which the City is in the process of filling two – Wastewater Treatment Operator and Fire Chief/Fire Marshal.

Since 2009, the City has deferred \$600,000 in capital expenditures. In 2012 the City analyzed its fleet and reduced the number of vehicles and equipment by 15 resulting in a one-time savings of \$281,652. The City faces many challenges with its aging infrastructure and is now trying to rebuild a five-year Capital Improvement Program beginning in 2013 with a proposal to transfer \$1.8 million from the General Fund to Capital Reserve. Also in 2013, the City has proposed reductions in overtime for Police and Public Works, some reductions in seasonal employees and in funding to community groups to offset other increased costs. This matter was for information only.

Item No. 5 Staff reviewed with the Committee the tax levy included in the Mayor's proposed 2013 Budget. Under the Mayor's proposal, the property tax levy would increase to \$4,232,734 with the entire levy increase of \$240,000 designated for public works infrastructure. Information was provided on the impact \$240,000 will have on street projects. It was noted that the effect on property owners would equate to an approximate increase of \$25.47 per year on a \$115,000 home.

Following discussion, the Committee was recommending the Council pass a resolution setting the preliminary 2013 City of Willmar Property Tax Levy at \$4,232,734 and scheduling the public hearing on the 2013 Proposed Budget for December 3, 2012. Resolution No. 4 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 4

BE IT RESOLVED that the Mayor of the City of Willmar submitted a preliminary levy request of \$4,232,734;

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

General Fund	<u>\$4,232,734</u>
	\$4,232,734

BE IT RESOLVED, that there is a sufficient sum of money in the Debt Service Funds of the City, 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 canceled;

FURTHER, pursuant to a request by the Housing and Redevelopment Authority in and for the City of Willmar, for authorization to levy a special tax to be included as part of its fiscal year 2012 - 2013 Budget;

FURTHER, 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; and

BE IT FURTHER RESOLVED that a public hearing shall be scheduled for the 2013 proposed budget on December 3, 2012.

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

Dated this 4<sup>th</sup> day of September, 2012.

/s/ Frank Yanish  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 6 The Committee reviewed the July 31, 2012, Rice Trust Report. This matter was for information only.

Item No. 7 The Committee reviewed agenda items scheduled for September 10, 2012, Work Session/Finance Committee meeting which included discussion on Community Groups/Capital Improvement Program and West Central Industries request for Conduit Financing. This matter was for information only.

The Finance Committee Report for August 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 Public Works/Safety Committee Report for August 28, 2012, was presented to the Mayor and Council by Council Member Reese. There were four items for Council consideration.

Item No. 1 Jared Voge, Bolton and Menk, presented the results of the August 9, 2012, bid opening for Airport improvements that included crack seal and turf re-establishment. Only one bid was received in the amount of \$223,495, although there were multiple plan holders for the project. The Engineer's Estimate is \$190,500. Mr. Voge contacted the other plan holders following the bid opening and they indicated that due to time constraints, they were not confident that the work could be completed. Since only one bid was received for the project, Mr. Voge and Public Works Director Wilson recommended that the bid be rejected and the project re-advertised.

Following discussion the Committee was recommending to the Council that bid of Interstate Improvement of Faribault, MN for the airport project be rejected. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member DeBlicek seconding the motion, which carried.

Mr. Voge proposed the project be divided into two bid requests. One being the restoration of the turf runway with seeding and fertilizing; and the other the bituminous crack and joint repair of the runway, taxiways and various areas around the buildings. Proceeding in this manner would allow the project to be completed by May 20, 2013, and presumably the City would receive better bid prices as contractors specializing in one or the other can bid as a general contractor. The improvements are to be funded by

70 percent State monies and 30 percent local funds with \$45,000 budgeted in the 2012 Capital Improvements.

The Committee was recommending the Council approve the plans and specifications for the airport improvements and authorize advertisement for bids as presented. Resolution No. 5 was introduced by Council Member Reese, seconded by Council Member DeBlieck, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 5

WHEREAS Bolton and Menk, consulting engineer for the City of Willmar, has presented to the City Council plans and specifications for airport improvements to include crack sealing of the bituminous runway and restoration of the turf runway for the City of Willmar;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Willmar that:

Final plans and specifications are hereby approved, and publication of the advertisement for bids is herewith authorized. Bids will be publicly opened and read at 1:00 p.m. on the 20th day of September, 2012, at the City Office Building, 333 Southwest Sixth Street, Willmar, Minnesota.

Dated this 4<sup>th</sup> day of September, 2012.

/s/ Frank Yanish  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 2 Review of the barking dog ordinance was requested to be brought before the Committee. The current ordinance was developed in 2001. A violation exists if the dog habitually barks, bays or howls for at least three minutes with less than one minute of interruption and must be audible outside of the premises. The first and second violation the owner is typically issued a warning and the third time they must appear in court.

The Committee discussed the ordinance briefly and Chief Wyffels stated he will look into it further to see if any other similar ordinances can be found that offer improvements regarding the handling of barking dog issues. Chief Wyffels will bring the findings back before the Committee at a later date. This matter was for information only.

Item No. 3 Public Works Director Wilson presented a draft Illicit Discharge and Connection Storm Water Ordinance for Committee consideration. An ordinance is required by the Minnesota Pollution Control Agency as part of the City's future compliance with the MS4 Permit. The ordinance mostly pertains to discharge into catch basins and the gutter. Staff drafted the proposed ordinance from other examples including one provided from the Minnesota Pollution Control Agency. It was Staff's recommendation to refer the proposed ordinance to the City Attorney for review prior to holding a hearing.

The Committee was recommending that the Council refer the ordinance to the City Attorney for review. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member DeBlieck seconding the motion, which carried.

Item No. 4 The Committee was informed by Staff that the City received an application for a fowl permit from Frank Johannes to keep three chickens at 801 SW 5<sup>th</sup> Street. Chief Wyffels recommended denying the permit based on issues that have already risen. A citation, prompted by a citizen complaining of noisy roosters at the residence, has been issued. In checking no fowl permit was issued.

The Committee was recommending the Council deny the request for a fowl permit at 801 SW 5<sup>th</sup> Street. Council Member Reese offered a motion to approve the recommendation of the Public Works/Safety Committee with Council Member DeBlieck seconding the motion, which carried.

The Public Works/Safety Committee Report for August 28, 2012, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Reese, seconded by Council Member Christianson, and carried.

The Labor Relations Committee Report for August 29, 2012, was presented to the Mayor and Council by Council Member Johnson. There were six items for Council consideration.

Item No. 1 There was no one present for public comment.

Item No 2 The Committee meeting went into closed session under Minnesota Statute 13 D.05, subdivision 3 (b) under the attorney/client privilege exception to the Minnesota Open Meeting Law.

Item No 3 A closed session was also held to discuss contract negotiation strategies.

Item No. 4 The meeting was then reopened and City Clerk Halliday and City Assessor Pat Erickson joined the meeting. This matter was for information only.

Item No. 5 Mr. Halliday reviewed the State requirements for conducting property assessments and the work done on alternatives to filling the vacancy. Mr. Halliday stated that a partnership with the County was not viable at this time and he had contacted private appraisers who had indicated that they would not be interested in obtaining the necessary certifications to conduct mass appraisals for the City.

Mr. Halliday recommended that the City post the position internally and try to promote someone within the organization and then not fill that subsequent open position. Mr. Halliday also stated that in 2013, the seasonal clerical position for Assessing would be eliminated.

If promoting from within was not viable, Mr. Halliday stated he would return to the Committee with some further options, such as reductions in services. In response to a question from Chair Ahmann regarding changes in assessing, Ms. Erickson stated that over the years it has become more complex and the desire of citizens to have a better product has increased the demands on staff.

The Committee was recommending the Council approve a promotion within and a restructuring of any subsequent vacancy. Council Member Johnson moved to approve the recommendation of the Labor Relations Committee with Council Member Anderson seconding the motion, which carried.

Item No. 6 City Administrator Stevens distributed a report on overtime to date from the Police, Fire and Public Works Departments as requested by the Chairman Ahmann. In the interest of time, discussion was saved for a future meeting. This matter was for information only.

The Labor Relations Committee Report for August 29, 2012, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Johnson, seconded by Council Member Anderson, and carried.

The Community Development Committee Report for August 30, 2012, was presented to the Mayor and Council by Council Member Dokken. There were five items for Council consideration.

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

Item No. 2 The Committee reviewed a memorandum prepared by the City Attorney regarding the regulation of animals in the City. Discussion focused on whether or not chickens should be allowed in residential areas, and on placing limits on the number of animals allowed. It was a consensus

of the Committee that chickens not be allowed in residential areas, but still be allowed in agricultural and industrial areas. Also, that the number of rabbits allowed be reduced to 6 per property and pigeons reduced to 30 per property. It was also agreed that premises currently licensed for chickens will be allowed to retain the chickens until current licenses expire.

The Committee was recommending to the Council that the proposed changes be made to the draft ordinance and that the City Attorney be directed to prepare a new ordinance for hearing. Council Member Dokken moved to approve the recommendation of the Community Development Committee with Council Member DeBlieck seconding the motion, which carried.

Item No. 3 The agenda item, Neighborhood Issues, was deferred pending further research and was for information only.

Item No. 4 It was noted that there was \$6,000 in the proposed 2013 budget to be used by the City to partner in a community clean-up effort. It is anticipated that the City will again work with Lakeland Broadcasting staff to plan for and carry out the event. This matter was for information only.

Item No. 5 The Committee considered the following matters: the City require developers to give assurances to protect taxpayers in projects with City financial participation, the City be able to withhold financial participation if the project reaches a specified level of profitability, and that boards and commissions, and groups or agencies receiving City financial assistance, be required to adopt a conflict of interest policy. The Committee was recommending the Council refer the developer assurance and conflict of interest issues to staff for follow-up. Council Member Dokken moved to approve the recommendation of the Community Development Committee with Council Member Christianson seconding the motion, which carried.

The Committee requested that Staff invite the County Sanitarian to a future meeting.

The Community Development Committee Report for August 30, 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 Christianson, and carried.

The Mayor and Council considered a Preliminary Plat for Mills Second Addition. Planning and Development Services Director Peterson explained the property owned by Mills Properties is proposed for platting so that different parent companies within their corporation can own each parcel. The lot sizes and frontage exceed Zoning Ordinance minimums. Two conditions were placed on the plat per Planning Commission approval regarding a water valve shut off and an access easement agreement. Council Member Anderson offered a motion to approve the Mills Second Addition Preliminary Plat with the conditions as recommended by the Planning Commission. Council Member Dokken seconded the motion, which carried.

The Council considered the nomination of Richard Halterman to the Charter Commission to fill the unexpired term of Bob Bonawitz who resigned August 13, 2012. City Clerk Halliday informed the Mayor and Council that the Charter Commission would like to submit a name to the District Court and has requested a delay in the court petition so that both names could be submitted to the District Court at the same time. Council Member Anderson moved to nominate Richard Halterman to the Charter Commission and direct the City Attorney to delay the petition until after the Charter Commission holds their October meeting. Council Member DeBlieck seconded the motion, which carried.

Announcements for Council Committee meeting dates were as follows: Finance, September 10; Public Works/Safety, September 11; and Community Development, September 13, 2012.

City Administrator Stevens recognized Public Works Director Holly Wilson for her years of services and dedication to the City of Willmar.

Council Member Anderson requested to be excused from the September 17, 2012, Council meeting.

There being no further business to come before the Council, the meeting adjourned at 8:45 p.m. upon motion by Council Member Reese, seconded by Council Member Anderson, and carried.

Attest:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
SECRETARY TO THE COUNCIL