

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

March 19, 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 Chief David Wyffels, 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, and City Clerk Kevin Halliday.

Additions to the Agenda included an appointment to the Housing and Redevelopment Authority Board and Item #15, City Attorney Appointment, was deleted from the Agenda.

The Council requested that the Rice Hospital Board and Planning Commission Minutes be removed from the Consent Agenda.

Council Member Reese offered a motion adopting the Consent Agenda which included the following: City Council Minutes of March 5, Municipal Utilities Commission Minutes of March 12; Lawful Gambling Permits for Eagles Auxiliary 2334 and Blue Line Club; Mayoral Appointments: Housing and Redevelopment Authority Board, Ryan Tillemans; GreenStep Cities Task Force: Andrew Bjur, Andy Engan, Donn Winckler, George Christensen, Cory Christensen, and Beverly Dougherty; Accounts Payable through March 15; Building Inspection Report for February; Kandiyohi Area Transit Operations Board Minutes of January 24; and Housing and Redevelopment Authority Minutes of February 23, 2012. Council Member DeBlieck seconded the motion, which carried.

The Council discussed the Rice Hospital Board Minutes and a similar item in the Planning Commission Minutes and questioned the liability of the Hospital if a lender requires it to be on a mortgage guarantee for a separate corporation. Council Member Christianson moved to approve the Rice Hospital Board Minutes of March 14, and the Planning Commission Minutes of March 14, 2012, with Council Member Dokken seconding the motion, which carried.

At 7:14 p.m. Mayor Yanish opened a hearing on an Ordinance Amending Willmar Municipal Code Section 2-147 through 2-150 Adjusting the Boundaries of the Wards and Precincts in the City of Willmar. City Clerk Halliday explained that the ward boundaries are established by dividing equal population counts as near as practicable due to the requirements of following the boundaries of contiguous census blocks in each precinct. City Clerk Halliday discussed the population changes in each precinct. There being no one present to speak for or against the proposed Ordinance, Mayor Yanish closed the hearing at 7:14 p.m.

Council Member DeBlieck offered a motion to adopt, assign a number, and order final publication of the Ordinance Amending Willmar Municipal Code Section 2-147 through 2-150 Adjusting the Boundaries of the Wards and Precincts in the City of Willmar. Council Member Fagerlie seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Mayor Yanish recognized Carol Laumer who had signed up to address the Council during its scheduled Open Forum. Ms. Laumer spoke favorably of the proposed Rice Home Medical Store in Redwood Falls.

The Finance Committee Report for March 12, 2012, was presented to the Mayor and Council by Council Member Anderson. There were four items for Council consideration.

Item No. 1 Staff presented to the Committee several proposed amendments to the 2012 Budget:

- A) Previous Council action approved the reduction in Vehicle/Equipment Replacements in the amount of \$241,625, which is being proposed to be reallocated for part of the Storm Sewer portion of the Western Collector Project.

The Committee was recommending the Council introduce a resolution reallocating \$241,625 from the 2012 Budget for Vehicle/Equipment Replacements to the Storm Sewer portion of the Western Collector Project. Resolution No. 1 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. 1

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to amend the 2012 Budget as follows:

Increase:	Transfer Out - Storm Water	\$241,625.00
Decrease:	2012 Capital Projects - Vehicle/Equipment	\$241,625.00

Dated this 19<sup>th</sup> day of March, 2012.

/s/ Frank Yanish  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

- B) Prior to 2012, the City directly received PERA State Aid funds for the Firemen's Retirement Plan which was then paid to the Firemen's Relief Association. Since the retirement plan for Willmar's Fire Department is now through PERA, the State will now be remitting those funds directly to PERA. Consequently, there will be a reduction in both State Aid revenue received and Fire Department pension expenditures in the amount of \$66,394.

The Committee was recommending the Council to introduce a resolution amending the 2012 Budget by decreasing State Aid revenue and decreasing the Fire Department pension expenditures in the amount of \$66,394. Resolution No. 2 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. 2

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to amend the 2012 Fire Department Budget as follows:

Decrease:	2012 State Aid Revenue	\$63,000.00
Decrease:	2012 Pension Expense	\$66,394.00
Increase:	2012 Non-Departmental Expense	(\$3,394.00)

Dated this 19<sup>th</sup> day of March, 2012.

/s/ Frank Yanish  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

- C) Under the previous Firemen's Retirement Plan, the City allocated funds to cover possible shortfalls that may occur in that Plan. Since 2012 is the first year that the Firemen are under the new PERA Plan, funding for any possible shortfall would not be expended until next year. Consequently, the \$25,000 budgeted for 2012 is no longer needed. Staff is proposing to transfer this amount from the 2012 Fire Department pension expenditures to Non-Departmental for future funding needs.

The Committee was recommending the Council introduce a resolution amending the 2012 Budget by decreasing Fire Department pension expenditures and increasing Non-Departmental expenditures in the amount of \$25,000. Council Member Anderson moved to approve the recommendation of the Finance Committee with Council Member Dokken seconding the motion. Following discussion, this matter was tabled.

- D) An employee in the Finance Department requires changes in health insurance coverage from single to family. Staff is proposing to transfer \$12,381 from Non-Departmental Expenditures to the Finance Department insurance expenditures.

The Committee was recommending the Council introduce a resolution amending the 2012 Budget by decreasing Non-Departmental expenditures and increasing Finance Department insurance expenditures in the amount of \$12,381. Resolution No. 3 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. 3

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to amend the 2012 Budget as follows:

Increase:	2012 Finance Department Insurance Expense	\$12,381.00
Decrease:	2012 Non-Departmental Expense	\$12,381.00

Dated this 19<sup>th</sup> day of March, 2012.

/s/ Frank Yanish  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

- E) An employee in the Finance Department requires changes in health insurance coverage from single to family but an employee in the Public Works Department requires changes in health insurance coverage from family to single. As a result, it is being proposed that the amount of \$9,036 which is no longer needed for insurance in Public Works be transferred to the insurance budget in Finance.

The Committee was recommending the Council was recommending the Council introduce a resolution amending the 2012 Budget by decreasing Public Works Insurance Expense and increasing Finance Insurance Expense in the amount of \$9,036. Resolution No. 4 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. 4

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to amend the 2012 Budget as follows:

Increase:	2012 Finance Department Insurance Expense	\$9,036.00
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Decrease: 2012 Public Works Department Insurance Expense \$9,036.00

Dated this 19<sup>th</sup> day of March, 2012.

/s/ Frank Yanish  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

- F) Pursuant to the Council repealing the False Alarm Ordinance, the 2012 Budget needs to be reduced by \$8,000 which was the amount estimated for 2012 for False Alarm Revenue. It is being proposed that the Other Services Expenditures Budget be reduced by \$5,000 for the Police Department and \$3,000 for the Fire Department to offset this reduction of revenue.

Following discussion, The Committee was recommending the Council introduce a resolution amending the 2012 Budget by decreasing False Alarm Revenues in the amount of \$8,000 and by decreasing Police Department Other Services Expenditures in the amount of \$5,000 and Fire Department Other Services Expenditures in the amount of \$3,000. 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

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to amend the 2012 Public Safety Budget as follows:

Decrease: 2012 False Alarm Revenue \$8,000.00  
Decrease: 2012 Police Department Other Services Expense \$5,000.00  
Decrease: 2012 Fire Department Other Services Expense \$3,000.00

Dated this 19<sup>th</sup> day of March, 2012.

/s/ Frank Yanish  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 6 The Committee considered a request from Staff to appropriate \$8,700 from the Storm Water Fund to complete and publish the City’s Watershed Management Plan. The Phase III Flood Mitigation study and recommendations, which substantially include the issues at 10<sup>th</sup> Street SW and Kandiyohi Avenue, will be incorporated into the existing plan which will then be presented to the City Council.

The Committee was recommending the Council introduce a resolution appropriating \$8,700 from the Storm Water Fund to update the City’s Watershed Management Plan with the Phase III Flood Mitigation study and recommendations, and to publish the completed Plan. Resolution No. 6 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. 6

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to amend the 2012 Public Budget as follows:

Increase: 2012 Engineering Dept. Professional Services \$8,000.00  
Increase: 2012 Transfer In - Storm Water Fund \$8,000.00

Dated this 19<sup>th</sup> day of March, 2012.

/s/ Frank Yanish  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 3 Staff explained to the Committee that the 2012 City Auditorium Capital Outlay Budget includes \$8,000 for replacement of door frames on the exterior of the building. It is being requested that the Council redesignate this \$8,000 to complete HVAC upgrades at the Auditorium which have recently become a higher priority for 2012.

Following discussion, the Committee was recommending the Council introduce a resolution redesignating \$8,000 from the 2012 Auditorium Capital Outlay Budget for replacement of exterior door frames to complete needed HVAC upgrades at the Auditorium. Resolution No. 7 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. 7

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to amend the 2012 City Auditorium Capital Outlay Budget as follows:

Increase:	2012 Capital Projects/HVAC Upgrade	\$8,000.00
Decrease:	2012 Capital Projects/Door Frames Replacements	\$8,000.00

Dated this 19<sup>th</sup> day of March, 2012.

/s/ Frank Yanish  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 4 The Committee considered the January Rice Hospital and Rice Trust reports. This matter was for information only.

The Finance Committee Report for March 12, 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 Dokken, and carried.

The Public Works/Safety Committee Report for March 13, 2012, was presented to the Mayor and Council by Council Member Reese. There were four items for Council consideration.

Item No. 1 The Committee was approached by Wayne Emberland in October of 2011 requesting permission to install lighting improvements to the Flags of Honor Memorial Park. At that time the Committee raised questions of light pollution and wanted further information. Mr. Emberland was present to give an explanation of the project and answer any questions. The proposed improvements include removal of ten light poles and installation of 250-watt metal lights to 18" concrete pedestals. The lights would shine up at a 30 degree angle and create less light pollution than the existing 1000 watt lights and use 75 percent less energy. The proposal includes all new underground wiring in conduit and replacing the wooden main control box with metal. One light near the monument would shine upward as it does now. The local group is requesting permission to perform the improvements on the City's property.

Following discussion the Committee was recommending the Council grant permission to construct lighting improvements as presented at the City's Flags of Honor Memorial Park. Council Member Reese offered a motion that Mr. Wayne Emberland be granted permission to install lighting

improvements to the Flags of Honor Memorial Park. Council Member Christianson seconded the motion, which carried.

Item No. 2 Staff reviewed with the Committee Project No. 1102, the construction of 7<sup>th</sup> Street SW from 19<sup>th</sup> Avenue SW to Willmar Avenue. The project was completed last year in coordination with Kandiyohi County by fiscal agreement. The project has been finalized out between the County and Duininc Inc. The County is requesting the City's share in the amount of \$41,306.51. The project is being funded by state aid monies.

The Committee was recommending the Council accept Project No. 1102 as constructed and authorize final payment to Kandiyohi County as presented. Resolution No. 8 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. 8

WHEREAS, a fiscal agreement was entered into with Kandiyohi County in May 2011 for the construction of 7<sup>th</sup> Street SW from 19<sup>th</sup> Avenue SW to Willmar Avenue SW; and

WHEREAS, the project was completed by Duininc Inc. and approved for final payment by Kandiyohi; and

WHEREAS, the final pay request has been received from Kandiyohi County for the City's portion of the project;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Willmar to accept Project No. 1102 as constructed and approve final payment to Kandiyohi County in the amount of \$41,306.51.

Dated this 19<sup>th</sup> day of March, 2012.

/s/ Frank Yanish  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 3 The Committee considered plans and specifications for Project No. 1201 as presented by Staff. The 2012 street improvements will be split into two projects: 1201-A will be the state aid streets consisting of mill and overlay with a completion date in August; and 1201-B will be reconstructed streets, sidewalk and path with a completion date in November. It was noted the project does not include Willmar Avenue which was removed from the list at the Improvement Hearing. In order to proceed with the improvements the plans and specifications need to be approved and a bid opening date set.

Following discussion, the Committee was recommending the Council approve plans and specifications for Project No. 1201-A and B and authorize advertisement for bids to be opened April 24, 2012. Resolution No. 9 was introduced by Council Member Reese, seconded by Council Member Christianson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

#### RESOLUTION NO. 9

WHEREAS the City Engineer of the City of Willmar has presented to the City Council plans and specifications for Project Nos. 1201 A and B 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 24th day of April, 2012, at the City Office Building, 333 Southwest Sixth Street, Willmar, Minnesota.

Dated this 19<sup>th</sup> day of March, 2012.

/s/ Frank Yanish  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 4 Staff reviewed with the Committee Project No. 1105, the installation of street lighting on Pleasant View Drive SE which was completed in 2011. The only owners of the affected lots are West Central Minnesota YFC (Youth for Christ) and the City of Willmar. West Central Minnesota YFC signed the Waiver of Notice of Hearing and Consent to Special Assessment which allows for adoption of the assessment roll without a hearing. Staff recommended adopting the roll for a total amount of \$4,737.26.

Following discussion, the Committee was recommending the Council adopt the assessment roll for Project No. 1105 as presented. Resolution No. 10 was introduced by Council Member Reese, seconded by Council Member Christianson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

#### RESOLUTION NO. 10

#### ADOPTING ASSESSMENT ROLL

WHEREAS, pursuant to receiving a Waiver of Notice and Consent to Special Assessments of 100% of affected property owners for Project No. 1105 - Pleasant View Drive SE Street Lighting;

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

1. Such proposed assessment, the sum of \$4,737.26, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein is hereby found to be benefited by the proposed improvement listed as Project 1105.
2. Such assessments shall be as follows:
  - A. The assessments shall be payable in equal annual installments extending over a period of ten (10) years, the first of said installments to be payable with general taxes for the year 2013, collectible with such taxes during the year 2013.
  - B. To the first installment shall be added interest at the rate of four and twenty hundredths (4.20) percent per annum on the entire principal amount of the assessment from the date of this adopted resolution, until December 31, 2013. To each subsequent installment, when due there shall be added interest for one year at said rate on the unpaid principal amount of the assessment.
  - C. The owner of any property so assessed may at any time prior to the certification of the assessment or the first installment thereof to the County Auditor (Treasurer), pay the whole of the principal amount of the assessment on such property with interest accrued to the date of payment to the City Clerk-Treasurer, except that no interest shall be charged if the entire assessment is paid by October 31, 2012, and such property owner may at any time prior to November 15 of any year pay to the City Clerk-Treasurer the entire principal amount.

3. The City Clerk-Treasurer shall forthwith transmit a certified duplicate copy of this assessment to the County Auditor to be extended on the tax list of the County.

Dated this 19<sup>th</sup> day of March, 2012.

/s/ Frank Yanish  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

The Public Works/Safety Committee Report for March 13, 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 Mayor and Council considered a request to vacate Harold Avenue NW. Planning and Development Services Director Peterson explained to the Mayor and Council that the street is through the center of North Side Park and a resident has their driveway/access to the garage/property through the right-of-way. The Planning Commission approved the request to vacation as presented. Resolution No. 11 was introduced by Council Member Reese, seconded by Council Member Christianson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

#### RESOLUTION NO. 11

#### RESOLUTION STTING A PUBLIC HEARING TO CONSIDER A PETITION TO VACATE A STREET

BE IT RESOLVED by the City Council of the City of Willmar that the Council conduct a public hearing at 7:02 p.m. on Monday, April 2, 2012, in the Council Chambers at the Municipal Utilities Commission Building, 700 SW Litchfield Avenue, Willmar, Minnesota.

BE IT FURTHER RESOLVED that the purpose of the hearing will be to consider a street vacation initiated by the City described as: the North 41.5' of Lots 3 and 4, Block 6, Thorpe and Lien's Addition, AND the South 18.5' of Lots 1 and 2, Block 6 Thorpe and Lien's Addition (Harold Avenue NW).

BE IT RESOLVED that any person having an interest in said matter is invited to appear in person or be represented by counsel to be heard on this matter.

Dated this 19<sup>th</sup> day of March, 2012.

/s/ Frank Yanish  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

The Mayor and Council considered a Civic Center Arena Event by On-sale Liquor License Holder - Kandi Entertainment Center. City Clerk Halliday presented details of the request from West Central Builders Association who has rented the Civic Center for a two-day show on March 31 and April 1, 2012. On March 31<sup>st</sup> the WCBA plans to offer free alcohol to their members after closing hours and all patrons have gone home. A Civic Center Arena Special Event Permit is required to distribute/consume alcohol on the grounds. The Kandi Entertainment Center has applied for this permit with an on-site employee listed. Council Member Anderson moved to approve the Civic Center Arena Event by On-sale Liquor License Holder - Kandi Entertainment Center as presented. Council Member Reese seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Mayor Yanish acknowledged that this Council meeting was the final meeting for City Attorney Rich Ronning, who would be retiring on March 30, 2012. On behalf of the City Council and community,

Mayor Yanish expressed his sincere appreciation to Mr. Ronning for his many years of public service and wished him well in his retirement.

Announcements for Council Committee meeting dates were as follows: Community Development, March 29, 2012.

There being no further business to come before the Council, the meeting adjourned at 7:50 p.m. upon motion by Council Member Anderson, seconded by Council Member Reese, and carried.

Attest:

\_\_\_\_\_  
MAYOR

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