

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

July 18, 2011  
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 - Steve Ahmann was excused from the meeting.

Also present were City Administrator Michael Schmit, 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 a parking lot closure and comments from the retiring City Administrator.

Council Member Anderson offered a motion adopting the Consent Agenda which included the following: City Council Minutes of July 5, Municipal Utilities Commission Minutes of July 11, Planning Commission Minutes of July 13, Accounts Payable through July 13, Building Inspection Report for June, Community Center Minutes of May 3 and July 5, Housing and Redevelopment Authority Report for June 14, and Zoning Appeals Board Minutes of July 5, 2011; and Mayor Appointments: Community Education and Recreation Joint Powers Board – Rachel Smith and Daniel Halldin. Council Member DeBlieck seconded the motion, which carried.

At 7:03 p.m. Mayor Yanish opened the hearing for 2011 Street and Other Improvements, Project No. 1101-12. Public Works Director Wilson presented details of the four streets added to Project No. 1101 for reconstruction and to request the execution of Change Order No. 1. There being no one present to speak for or against the proposed additional improvements, Mayor Yanish closed the hearing at 7:07 p.m.

Following discussion, Resolution No. 1 was introduced by Council Member Christianson, seconded by Council Member Anderson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 7, Noes 0.

**RESOLUTION NO. 1**

**ORDERING 2011 ADDED STREET AND OTHER IMPROVEMENTS  
PROJECT NO. 1101-12**

(For Resolution in its entirety, see City Council Proceedings file dated  
July 18, 2011, located in the City Clerk's Office)

At 7:10 p.m. Mayor Yanish opened a hearing to consideration vacation a portion of a utility easement. Planning and Development Services Director Peterson informed the Mayor and Council that Dr. Jeremy Johnson is requesting vacation of a portion of a 12-foot utility easement for the construction of his orthodontic office in Les Chermak Addition (19<sup>th</sup> Avenue SW). The Planning Commission approved the vacation as it was a condition of site plan approval. There being no one present to speak for or against the proposed utility easement vacation, and Mayor Yanish closed the hearing at 7:11 p.m.

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

RESOLUTION NO. 2

VACATING A PORTION OF A UTILITY EASEMENT

WHEREAS, the vacation of that portion of the utility easement as described below was initiated by the developer JJ Holdings, LLC (Dr. Jeremy Johnson):

12' easement consisting of the east 6' of Lot 1, Block 1, Les Chermak Addition AND the west 6' of Lot 2, Block 1, Les Chermak Addition.

WHEREAS, the proposed vacation has been approved by the Planning Commission of the City of Willmar; and

WHEREAS, published notice and mailed notice of the proposed vacation and the hearing thereon have been given as provided by Subdivision 6 of Section 9.01 of Article IX of the Willmar City Charter; and

WHEREAS, a hearing was duly held on the proposal to vacate that portion of said storm water easement on July 18, 2011; and

WHEREAS, the City Council of Willmar finds that it is in the best interest of the City of Willmar to vacate that portion of said utility easement;

NOW, THEREFORE, BE IT RESOLVED, that the above described portion of dedicated utility easement be, and hereby is, vacated.

BE IT FURTHER RESOLVED that a certified copy of the Resolution be filed with the Kandiyohi County Recorder on or after 25<sup>th</sup> July, 2011

Dated this 18<sup>th</sup> day of July, 2011.

/s/ Frank Yanish  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Mayor Yanish acknowledged Shelly Houde representing CenterPoint Energy. Ms. Houde presented to the City a CenterPoint Energy Community Partnership Grant and a check in the amount of \$2,500 for a photo ionization detector at the Fire Department. Mayor Yanish thanked Ms. Houde for the CenterPoint Energy grant. Resolution No. 3 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. 3

BE IT RESOLVED by the City Council of the City of Willmar to accept grant funds from the CenterPoint Energy Community Partnership grant, in the amount of \$2,500.00 to be used towards the purchase of photo ionization detectors for the Fire Department.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Administrator be directed to express the community's appreciation of the CenterPoint Energy Community Partnership grant.

Dated this 18<sup>th</sup> day of July, 2011.

/s/ Frank Yanish

MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Ken Warner, President of the Willmar Lakes Area Chamber of Commerce, addressed the Council regarding the City's half-cent Local Option Sales Tax. Mr. Warner conducted a survey of Chamber members regarding their understanding of the sales tax and when it should sunset. The results of the survey were as follows: 48.5% understood the tax would sunset based on whichever event happened first - \$8 million or 7 years; 26.4% understood that the tax would sunset after \$8 million was raised; and 25.1% understood that the tax would sunset after the 7 years. Mr. Warner indicated that there was confusion on where the tax sits today and the amount of revenue collected. Dave Baker, Chair of the Chambers Public Policy Committee, stated that he felt the sales tax was a great tool for the City and urged the Council to sunset the tax early as they did with the last one. Mr. Baker suggested it could be easier to sell a future local option sales tax to the business community if the current one was ended. Mr. Loren Corle from New London and President of RELCO also stated that he felt the tax should be terminated.

City Administrator Schmit reviewed the sales tax process, starting in 2003 and that it was the Council's intent to complete four projects: 1) completion and expansion of the airport/industrial park, 2) hiking and biking trails, 3) connection of the Blue Line and Civic Center buildings, and 4) purchase of 60 acres of state-owned land west of Highway 71. The projects were estimated at \$8 million. To date the LOST earnings total \$1.7 million on a yearly basis. Funds collected have paid for the hiking/biking trails, Civic Center/Blue Line Club connection, and are paying for the expansion of the industrial park. To date, no action has been taken on the purchase of the state-owned land.

Following Council discussion, it was noted that the consensus of the Finance Committee, reviewing the matter twice, to continue the collection of the LOST for the purpose of completing the expansion of the industrial park. Mayor Yanish thanked the Chamber for their study and accepted the matter for information only.

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

The Finance Committee Report for July 11, 2011, was presented to the Mayor and Council by Council Member Anderson. There were eight items for Council consideration.

Item No. 1 Staff presented to the Committee proposed minor revisions to the Vehicle Replacement Policy. Following discussion, the Committee was recommending the Council adopt the proposed Vehicle Replacement Policy as presented. 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 by the Willmar City Council that the City of Willmar Vehicle/Equipment Replacement Policy be adopted.

Dated this 18<sup>th</sup> day of July, 2011.

/s/ Frank Yanish

MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Item No. 2 The Committee considered a request for pre-application review from Dominion for \$13.172 million of tax-exempt bonds to finance the acquisition and rehabilitation of Eagle Ridge, Somerset and Waters Edge Apartments. This matter will appear on a future Finance Committee Agenda and representatives from Dominion will be present at that meeting.

Item No. 3 Staff reported to the Committee that during an annual audit a discrepancy in interest rates was noted between the Cooperative Agreement and the Promissory Note regarding the Small Cities Funds for the Westwind Estates. The Cooperative Agreement dated January 22, 2008, refers to a 0.25% interest on a deferred loan for 30 years. The Promissory Note dated March 23, 2010, makes reference to an interest rate of 0.00%.

The Committee was recommending the Council introduce a resolution requiring the Promissory Note be revised to agree with the Cooperative Agreement at 0.25% interest. Resolution No. 5 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 5, Noes 2 – Council Members Christianson and Johnson voted “No”.

#### RESOLUTION NO. 5

WHEREAS the City of Willmar entered into a Cooperative Agreement and Promissory Note with the Southwest Minnesota Housing Partnership in Support of a Small Cities Development Program Project;

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the Promissory Note be revised to agree with the Cooperative Agreement 0.25 percent interest rate.

Dated this 18<sup>th</sup> day of July, 2011.

/s/ Frank Yanish

MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Item No. 4 Pursuant to a request from the Council, the Committee discussed possible funding sources for the City's \$6,000 donation towards the Community-Wide Clean-Up project spearheaded by Linder Broadcasting/Q102. Two options were identified. One was from Capital Expenditures as \$29,750 was allocated for a Fire Department vehicle but \$22,000 was actually spent leaving a balance of approximately \$7,750. The other option was to take the funds from Personnel Expenditures as some positions remain vacant.

The Committee was recommending the Council allocate excess funds in Capital Expenditures from the purchase of the Fire Department vehicle for the City's \$6,000 donation to the Community-Wide Clean-Up project. 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 7, Noes 0.

RESOLUTION NO. 6

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to allocate excess funds in Capital Expenditures from the purchase of the Fire Department vehicle for the City's \$6,000 donation to the community-wide clean-up project.

Dated this 18<sup>th</sup> day of July, 2011.

/s/ Frank Yanish

MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Item No. 5 Staff reviewed with the Committee proposed changes to the City's Capital Asset Policy which sets the minimum Capital Asset level at \$1,000. Small purchases of \$350 to \$999 will be inventoried but will not be capitalized. Following discussion, the Committee was recommending the Council introduce a Resolution adopting the revised Capital Asset Policy as presented. Resolution No. 7 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. 7

BE IT RESOLVED by the Willmar City Council that the City of Willmar adopt the revised Capital Asset Policy setting the minimum Capital Asset level at \$1,000.00.

Dated this 18<sup>th</sup> day of July, 2011.

/s/ Frank Yanish

MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Item No. 6 The Committee received the May Rice Trust Report for information only.

Item No. 7 Staff reviewed future agenda items with the Committee including the status of the 2012 Budget. Chair Anderson requested budget addition/deletion forms be made available to all Council Members for input to the Mayor's Budget. This matter was for information only.

Item No. 8 The Committee was informed by Staff that the interest rate previously established for the 2011 special assessments charged to property owners was 4.75%. The July 5, 2011, bond sale resulted in a rate of 2.2618%. It has been the City's practice to charge up to 2% more than the bond sale rate to ensure covering required bond payments should there be a revenue shortfall caused by uncollected special assessments from tax forfeiture properties and foreclosures. Staff was recommending the interest rate charged to property owners be reduced to 4.20%.

The Committee was recommending to the Council that the 2011 special assessments interest rate be revised from 4.75% to 4.20%. Resolution No. 8 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. 8

AMENDING ASSESSMENT ROLL

WHEREAS, The City Council of the City of Willmar, Minnesota duly adopted the assessment roll for the 2011 Street Improvement Project on May 16, 2011, and

WHEREAS, all adopted assessments stated a 4.75% interest rate on unpaid balances, and

WHEREAS, the July 5, 2011 bond sale resulted in an interest rate reduction.

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

A. Such assessment roll interest rate be set at four and twenty hundredths (4.20) percent per annum.

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 July 5, 2011, through December 31, 2012. To each subsequent installment, when due, there shall be added interest for one year at said stated rate on the unpaid principal amount of the assessment.

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

Dated this 18<sup>th</sup> day of July, 2011.

/s/ Frank Yanish  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

The Finance Committee Report for July 11, 2011, 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 July 12, 2011, was presented to the Mayor and Council by Council Member Reese. There were six items for Council consideration.

Item No. 1 Rhonda Rae of Donohue and Associates presented Change Order No. 9 to Project No. 0812-C. The change order balances the project costs by adjusting the contract to the actual amounts due Graham Construction Services, Inc. The change order included five allowances to adjust that resulted in a decreased amount to the contract price of \$6,103.48.

The Committee was recommending the Council approve Change Order No. 9 to Project 0812-C and authorize the City Administrator to execute it on behalf of the City. 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 7, Noes 0.

#### RESOLUTION NO. 9

WHEREAS, the City of Willmar entered into Contract No. 0812-C with Graham Construction Services, Inc. for the construction of a new Wastewater Treatment Facility (WWTF); and

WHEREAS, Change Order No. 1 and Change Order No. 2 decreasing the amount by \$397,788 and \$10,000 respectively; Change Order No. 3 resulting in a no cost change; Change Order No. 4, Change Order No. 5, Change Order No. 6, Change Order No. 7, and Change Order No. 8 increasing the amount

by \$12,321.47; \$4,264; \$91,540.28; \$40,438.36; and \$4,390.70 respectively have been previously authorized; and

WHEREAS, five allowances were included in the WWTF contract to provide adequate budget and bonding to cover items not precisely determined prior to bidding; and

WHEREAS, Owners Unanticipated Allowance contract amount \$570,135.49, approved amount expended \$570,087.01, unspent balance is \$48.48; and

WHEREAS, Reconfigure HMI Screens contract amount \$5,000.00, approved amount expended \$0, unspent balance \$5,000.00; and

WHEREAS, Programming Assistance after Substantial Completion amount \$10,000.00, approved amount expended \$10,000.00, balance \$0; and

WHEREAS, Web Portal Development contract amount \$25,000, approved amount expended \$23,945.00, balance \$1,055.00; and

WHEREAS, Natural Gas Service contract amount \$4,864.51, approved amount expended \$4,864.51, balance \$0; and

WHEREAS, it is recommended to approve the changes and the cost associated with Change Order No. 9.

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that Change Order No. 9 be approved, as a result, the contract amount will be decreased by 6,103.48 for a revised Contract Price of \$48,849,816.09 for Project 0812-C Wastewater Treatment Facility.

Dated this 18<sup>th</sup> day of July, 2011.

/s/ Frank Yanish  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 2 Rhonda Rae, Donohue and Associates, reviewed the dates of substantial completion for all the systems involved in the construction of the new Wastewater Treatment Facility known as Project No. 0812-C. The contractor has completed all work, and the project has been inspected by the City and Donohue and Associates to verify satisfactory completion. A final payment in the amount of \$263,769.65 to Graham Construction Services, Inc. was recommended.

The Committee was recommending the Council accept Project No. 0812-C as constructed and authorize issuance of final payment as presented. Resolution No. 10 was introduced by Council Member Reese, seconded by Council Member DeBlicek, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 10

ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

IMPROVEMENT: Project No. 0812-C Wastewater Treatment Facility

CONTRACTOR: Graham Construction Service, Inc.  
 DATE OF CONTRACT: September 22, 2008  
 NOTICE TO PROCEED: September 22, 2008  
 SUBSTANTIAL COMPLETION:  
     System 1 October 1, 2009  
     Systems 2,3,4,5,8 & 9 October 7, 2010  
     Systems 6 & 7 November 6, 2010  
 FINAL COMPLETION: July 18, 2011  
 APPROVAL: Donohue & Associates, Inc.

BE IT RESOLVED by the City Council of the City of Willmar, Minnesota that:

1. The said City of Willmar Project 0812-C be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$ 49,100,000.00
Change Orders	\$ (250,183.91)
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$ 48,849,816.09
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$ 48,849,816.09
Less Previous Payments	\$ 48,586,046.44
FINAL PAYMENT DUE CONTRACTOR:	\$ 263,769.65

Dated this 18<sup>th</sup> day of July, 2011.

/s/ Frank Yanish  
 MAYOR

/s/ Kevin Halliday  
 Attest: CITY CLERK

Item No. 3 Rhonda Rae, Donohue, informed the Committee of additional items that have been identified for direct purchase under Project No. 1017-B and recommended several items needed for the SCADA system at the old Wastewater Treatment Facility. The total cost for the modifications is \$7,320.00.

Following discussion, the Committee was recommending the Council approve the authorization to make direct purchase for \$7,320.00, transfer the money from other services into other charges, and authorize the City Administrator to execute the direct purchase. 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 7, Noes 0.

RESOLUTION NO. 11

WHEREAS, the Program Budget for Project 1017-B Decommissioning of Wastewater Treatment Facility does not include direct purchases for City of Willmar relating to the project; and

WHEREAS, it is necessary to include direct purchases for the City of Willmar; and

WHEREAS, to transfer additional funds from other services to direct purchase; and

WHEREAS, said SCADA additions are necessary to the Town Generator Communication Module, Program Lift Station Computer and Program New Plant SCADA Computer Wonderware for Alarms, Indications, Utility and Generator Value Summary and add to the New Plant Wonderware Historical Server; and

WHEREAS, the amount of \$7,320.00 will provide the additions to the Town Generator Communication Module, Program Lift Station Computer and Program New Plant SCADA Computer Wonderware for Alarms, Indications, Utility and Generator Value Summary and add to the New Plant Wonderware Historical Server; and

WHEREAS, these costs have been reviewed by City Staff.

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the addition of direct purchases in the amount of \$7,320 be approved.

BE IT FURTHER RESOLVED that \$7,320 be transferred from Budget Item Other Services to Budget Item Other Charges for direct purchases for Project 1017-B Decommissioning Wastewater Treatment Facility.

Dated this 18<sup>th</sup> day of July, 2011.

/s/ Frank Yanish  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 4 Staff informed the Committee that all the necessary signatures were obtained on the petition for street improvements on 12<sup>th</sup> Street SW between Becker Avenue SW and Trott Avenue SW. This signed petition allows the City to consider the improvements feasible and order the project.

The Committee was recommending the Council order the improvement pursuant to acceptance of 100% of the affected property owners. Resolution No. 12 was introduced by Council Member Reese, seconded by Council Member Christianson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 12

DETERMINING SUFFICIENCY OF PETITION AND ORDERING IMPROVEMENT  
PURSUANT TO PETITION BY 100% OF OWNERS OF AFFECTED PROPERTY

WHEREAS, the City Council has received a petition pertaining to a street improvement (Project No. 1112) located on 12<sup>th</sup> Street SW between Becker Avenue SW and Trott Avenue SW.

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

- A. The aforesaid petition is signed by all the owners of real property abutting upon the street named as the location of the improvement in the petition,
- B. Said property owners request in the petition that the improvement be constructed and that the entire cost of the improvement be assessed against their property,

- C. Said improvement is feasible and can best be made as proposed and said improvement is hereby ordered.

Dated this 18<sup>th</sup> day of July, 2011.

/s/ Frank Yanish

MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Item No. 5 Staff presented to the Committee information related to the renewal of a three-year contract between the City and Independent School District No. 347. The agreement allows for three full-time police officers to provide services to the Willmar School District to act as School Resource Officers. The compensation to the City is detailed in an employee cost breakdown. The agreement calls for 2% annual increases and represents approximately 50% of the officers annual cost to the Police Department.

The Committee was recommending the Council approve the three-year agreement with the Willmar School District and authorize the City Administrator to sign on behalf of the City. Resolution No. 13 was introduced by Council Member Reese, seconded by Council Member Christianson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 7, Noes 0.

#### RESOLUTION NO. 13

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the City Administrator be authorized to enter into an agreement between the City of Willmar and Independent School District No. 347 for the service of three police officers to perform as School Resource Officers.

Dated this 18<sup>th</sup> day of July, 2011.

/s/ Frank Yanish

MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Item No. 6 The Committee discussed the impact on construction activity resulting from the State shutdown. Kelly Terwisscha addressed the Committee expressing concerns for contractors and their inability to get certain inspections, which could result in projects being halted. Staff has been in contact with the League of Minnesota Cities and obtained a sample ordinance which allows inspections within the City's jurisdiction by contracting with the State Electrical Inspector.

The Committee was recommending the Council introduce the Ordinance for a hearing on August 1, 2011. Council Member Reese offered a motion to introduce an Ordinance Establishing an Electrical Installation Inspection Program by the City of Willmar. Council Member Christianson seconded the motion, which carried.

The Committee then addressed the issue of plan review for underground utilities on City and commercial construction projects and directed Staff to contact the Commissioner of Labor and Industry and seek a waiver for project plan review. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Christianson seconding the motion, which carried.

The Public Works/Safety Committee Report for July 12, 2011, 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 July 13, 2011, was presented to the Mayor and Council by Council Member Johnson. There were three items for Council consideration.

Item No. 1 The Committee was informed by City Administrator Schmit that Willmar Police Officer Christian Berg has resigned from the Willmar Police Department, creating a third vacancy in the number of licensed peace officers on the roster at the Department. The Committee spent considerable time discussing the impact of this most recent resignation on the City's ability to provide adequate police services/programs throughout the community. Police Chief Wyffels was present to answer questions and provide an administrative perspective.

The Committee was recommending to the Council that Staff be authorized to fill one of the three patrol vacancies. Council Member Christianson informed the Council that he conducted some research of various cities and the number of police officers and the number of people per officer. Following discussion, Council Member Reese moved to approve the recommendation of the Labor Relations Committee with Council Member Dokken seconding the motion, which failed on a roll call vote of Ayes 3 and Noes 4 – Council Members Christianson, Johnson, Dokken and DeBlieck voted "No."

Item No. 2 City Administrator Schmit informed the Committee that Police Chief Wyffels has successfully completed his one-year probationary period. The Committee reviewed current and past compensation considerations. Following discussion, the Committee was recommending that the Council acknowledge Chief Wyffels' successful completion of the probationary period and that his salary be set at \$91,000 effective July 24, 2011. Council Member Johnson moved to approve the recommendation of the Labor Relations Committee with Council Member Anderson seconding the motion, which carried.

Item No. 3 The Committee meeting was closed to discuss employment contract negotiations with the various City bargaining groups. The meeting then reopened, and this matter was for information only.

The Labor Relations Committee Report for July 13, 2011, 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 Dokken, and carried.

The Community Development Committee Report for July 14, 2011, was presented to the Mayor and Council by Council Member Dokken. There were seven items for Council consideration.

Item No. 1 Laura Becker thanked the Council for mosquito spraying efforts. This matter was for information only.

Item No. 2 Chairman Dokken informed the Committee that the local Disabled American Veterans would be holding a flag collection in conjunction with the City clean-up in September. Lori Park-Smith of Ridgewater College told the Committee that she would work with college students to get them involved in the clean-up effort. College begins prior to September 10<sup>th</sup> and college clubs are responsible for participating in community activities. Council Member DeBlieck stated Willmar Municipal Utilities had agreed to cover disposal fees for refrigerators and freezers with compressors. This is being done to encourage the purchase of more energy-friendly appliances. This matter was for information only.

Item No. 3 The Committee was informed by Staff that the rehabilitation work to be completed on the John's Supper Club building by July 1, 2011, had not been finished per the agreement between the City and Paul and Trudy Kidrowski. Staff had recommended revocation of the building

permit and seeking an order for demolition. Staff said that demolition was not the first choice, but that something was needed to move the process off dead center.

Several citizens were present and expressed support for Mr. Kidrowski, asking for an extension of the agreement. Chair Dokken said that he had been told that the building needed a good cleaning before the rehabilitation work could continue. Oscar Trevino, the carpenter on the project, explained that he was ready to go to work on the project and suggested a 6-month extension.

The Committee was recommending the Council extend the deadline for completion until December 31, 2011, with the conditions that a project schedule be submitted and that the owner provide written progress reports every two weeks. Council Member Dokken moved to approve the recommendation of the Community Development Committee with Council Member Christianson seconded the motion, which carried.

Item No. 4 Willmar Lakes Area Chamber of Commerce representatives presented to the Committee a PowerPoint presentation about the "Buy Local First" campaign. The purpose of the program is to emphasize the financial benefits of shopping locally, as opposed to shopping out of town or on the internet. It was stated that \$1 billion leaves Kandiyohi County annual in business-to-business spending. In the campaign, a local business is defined as any business operating in Kandiyohi County.

The Chamber, Main Street Willmar, and the Kandi Mall Association are leading the effort and are providing window clings, cards, bags and labels for distribution. Businesses are encouraged to use the "Buy Local First" logo on their letterhead, email and websites. The main focus has been on business-to-business transactions, but they are urging governmental units and individuals to also shop locally. This matter was for information only. It was noted the Chamber Members presented the same PowerPoint presentation to the full Council.

Item No. 5 Staff provided an update on land release efforts. Conversations have been held with the FAA regarding partial releases. There has been a delay in submitting the marketing plan and National Register application due to the State closure and its impact on the SHPO offices. Staff told the Committee that the partial land releases being sought were as follows: first, release all the land lying east of the new County Road 5; and second, release would be that area lying between the relocated 69KV power line and County Road 5, along with a 100 foot strip just west of the power line to accommodate a road corridor. Staff reminded the Committee that the timing of the land release was critical to the construction of the western interceptor sewer and industrial park street/infrastructure west of County Road 5 in 2012. The timing issue is related to local option sales tax funding and coordination with the BNSF Railroad to construct the Willmar Avenue crossing. This matter was for information only.

Item No. 6 Staff presented the following updates: 1) construction is getting underway on the Mid-Central Research and Outreach Center on the MinnWest Campus; 2) Nova Tech Engineering is expanding to an adjacent building on the Technology Campus; 3) Cub Foods is subdividing their property to allow for the possible future sale of the fuel station; 4) a new company, Tenex, is going to be locating on the MinnWest Technology Campus. They produce a device that is used to eliminate scar tissue using ultra-sonic energy. This matter was for information only.

Item No. 7 Staff informed the Committee of the Design Center "Bounty of the County" dinner that is being held on August 11, 2011. This matter was for information only.

The Community Development Committee Report for July 14, 2011, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Dokken, seconded by Council Christianson, and carried.

Public Works Director Wilson informed the Mayor and Council that bids were opened for the 2011

Street and Other Improvements. Staff proposes the addition of four segments of streets to this Project by means of a change order and known as Project No. 1101-12 and recommends an Assessment Hearing be scheduled for August 15, 2011. Following discussion, Resolution No. 14 was introduced by Council Member Reese, seconded by Council Member Christianson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 14

CALLING HEARING ON ASSESSMENTS FOR PROJECT NO. 1101-12  
2011 STREET AND OTHER IMPROVEMENTS

WHEREAS, the City Clerk-Treasurer with the assistance of the City Engineer has prepared an assessment roll for Project No. 1101-12 of the 2011 Street and Other Improvements, and said proposed assessment roll is on file with the Clerk-Treasurer and open to public inspection.

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

1. The Clerk-Treasurer shall publish notice that this City Council will meet to consider the proposed assessments on August 15, 2011, at 7:02 p.m. in the Council Chambers, Municipal Utilities Building, 700 West Litchfield Avenue, Willmar, Minnesota.
2. Said notice shall also be mailed to the owners of each parcel of property described in the assessment roll.
3. Such notice shall be in substantially the following form:
4. Said notice shall be published by the City Clerk-Treasurer in the official newspaper at least two weeks prior to the hearing and mailed by said Clerk-Treasurer to the owners of each parcel described in the assessment roll.

Dated this 18<sup>th</sup> day of July, 2011.

/s/ Frank Yanish  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

The Mayor and Council considered a Preliminary/Final Plat for Supervalu Second Addition. Planning and Development Services Director Peterson presented details of the two-lot plat to split the Cub Foods parking lot into two parcels. One parcel for the grocery store and one for the gas station. The Planning Commission approved the final plat with the condition of the access easement and assessment reapportionment or payment. Council Member Anderson moved to approve the Preliminary/Final Plat for Supervalu Second Addition. Council Member Christianson seconded the motion, which carried.

Announcements for Council Committee meeting dates were as follows: Finance, July 25; and Community Development, July 28, 2011.

The Council discussed a request to close a parking lot in the northwest corner of the intersection at 5<sup>th</sup> Street SW and Benson Avenue. Council Member DeBlicek moved to approve the request to close said parking lot. Council Member Christianson seconded the motion, which carried.

Mayor Yanish acknowledged that this Council meeting was the final meeting for City Administrator Michael Schmit, who would be retiring on August 1, 2011. On behalf of the City Council and community, Mayor Yanish expressed his sincere appreciation to Mr. Schmit for his many years of public service and wished him well in his retirement.

City Administrator Schmit thanked the community for its support over the years. He stated that he has been blessed with long-term relationships with Staff and has a good relationship with the School, County and Chamber. Mr. Schmit received a standing ovation at the conclusion of his remarks.

There being no further business to come before the Council, the meeting adjourned at 9:20 p.m. upon motion by Council Member Anderson, seconded by Council Member Reese, and carried.

Attest:

\_\_\_\_\_  
MAYOR

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