

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

September 19, 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, Steve Ahmann, Rick Fagerlie, Jim Dokken, and Tim Johnson; Present 9, Absent 0.

Also present were 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 invitation to a Faith at Work Leadership Roundtable session.

Council Member Ahmann offered a motion adopting the Consent Agenda which included the following: City Council Minutes of September 6, Municipal Utilities Commission Minutes of September 12, Planning Commission Minutes of September 14, Accounts Payable through September 15, Building Inspection Report for August, and Housing Redevelopment Authority Report for August 9, 2011; and Mayoral Reappointment of Dennis Anfinson to the Police Civil Service Commission. Council Member Reese seconded the motion, which carried.

Mayor Yanish questioned the lack of the Housing and Redevelopment Authority Board Minutes on the City's website. It was noted that the HRA will soon unveil their new website. This matter was for information only.

Mayor Yanish acknowledged Randy Frederickson had signed up to address the City Council during its scheduled Open Forum. Mr. Frederickson spoke against the Public Works Committee recommendation on special assessments on 19<sup>th</sup> Street NW and his disappointment of not being notified of the Public Works/Safety Committee meeting.

The Labor Relations Committee Report for September 7, 2011, was presented to the Mayor and Council by Council Member Ahmann. There was one item for Council consideration.

Item No. 1 Chair Ahmann announced that it was intent of the Committee to close the meeting to discuss City employment contracts. The meeting was closed and then reopened.

The Labor Relations Committee Report for September 7, 2011, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Ahmann, seconded by Council Member Anderson, and carried.

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

Item No. 1 There was no one was present to address comments to the Committee and this matter was for information only.

Item No. 2 Staff explained to the Committee that Hospital Revenue Bonds were issued November, 1, 1994, for the purpose of purchasing what is now Rice Care Center. A request has been

received from Rice Hospital to call these Series 1994C Bonds effective November 1, 2011.

Following discussion, the Committee was recommending the Council introduce a Resolution calling Hospital Revenue Bonds Series 1994C for redemption as of November 1, 2011. Resolution No. 1 was introduced by Council Member by Council Member Anderson, seconded by Council Member Fagerlie, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 1

RESOLUTION PROVIDING FOR THE REDEMPTION OF CERTAIN OUTSTANDING HOSPITAL REVENUE BONDS, SERIES 1994C OF THE CITY OF WILLMAR

(For Resolution in its entirety, see Council proceedings file dated September 19, 2011, located in the City Clerk's Office.)

Item No. 3 The Committee was informed by Staff that, due to erosion problems, part of a storm sewer line at the Ridgewater College Football Field has been replaced at a cost of \$5,450. It was being recommended that Surface Water Management funds be used for this project.

The Committee was recommending the Council introduce a resolution approving Surface Water Management funds be appropriated for the cost of the storm sewer line replaced at the Ridgewater College Football Field in the amount of \$5,450. Resolution No. 2 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 2

RIDGEWATER COLLEGE STORM SEWER PIPE REPLACEMENT BUDGET  
ESTIMATED TOTAL COST \$5,450

OTHER SERVICES:		RECEIVABLES:	
Mtce. of Other Impr.	<u>\$5,450.00</u>	City	<u>\$5,450.00</u>
TOTAL	\$5,450.00	TOTAL	\$5,450.00
GRAND TOTAL		FINANCING:	
	\$5,450.00	Storm Water Fund	<u>\$5,450.00</u>
		TOTAL	\$5,450.00
		GRAND TOTAL	\$5,450.00

Dated this 19<sup>th</sup> day of September, 2011.

/s/ Frank Yanish  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 4 The Committee was informed by Staff that over the next few meetings each City Department will be reviewing its portion of the proposed 2012 budget with the Committee, beginning with the City Clerk-Treasurer, Planning and Development Services, and Police Department. City Clerk Halliday reviewed the various responsibilities associated with his department including the City's comprehensive insurance programs, employee benefits programs, records management, licenses and

permits, management of the City's investment portfolio, elections, and supervision of the Assessing Department and WRAC-8. Mr. Halliday further represented details on the Charter Commission, Kandiyohi Area Transit Board, Convention and Visitors Bureau Board, and Willmar Fests Board and noted that the proposed 2012 Budget for City Clerk/Treasurer reflects a \$3,652 increase over the previous year's budget due to an increase in costs for employee benefits, supplies, and printing/publishing. Discussion also included the Mayor's proposal to transfer \$75,000 to the General Fund from WRAC-8 as a funding source in 2012.

Planning and Development Services Director Peterson provided an overview of his Department's mission and 2011 issues addressed. Goals for 2012 include completing land-use ordinance rewrites, achieving Phase I and II of the airport land release, begin operations at MCROC, begin infrastructure development west of CSAH 5, sell surplus airport land, successfully market the industrial park to new tenants, and continue planning and code services. It was noted that the proposed 2012 Budget reflects an \$11,310 increase over the 2011 budget due to step increases and employee benefits.

Chief David Wyffels presented a comprehensive report regarding the Police Department's mission, who it serves, major accomplishments in 2011, and goals for 2012. Mr. Wyffels noted that three positions vacated since July, 2010, have not been filled due to budget cuts and expressed concern for the extra work load of the existing employees. The proposed 2012 budget reflects an overall increase of approximately \$8,000 from the 2011 Approved Budget. While personal services are down over \$79,000, it is being proposed to increase capital expenditures for overdue replacement of vehicles. Council Member Fagerlie raised the question of consolidation with the County Sheriff's Department as a possible option to help resolve budgeting issues. Following considerable discussion, this matter was received for information only.

Item No. 5 Finance Director Okins noted that the next Finance Committee meeting is scheduled for September 26, 2011, and will include further discussion of the Mayor's 2012 Proposed Budget. Presentations will be given by the Fire Department, Community Education and Recreation, and Engineering Department. Amendments approved to date for the 2011 Budget will also be reviewed. This matter was for information only.

Item No. 6 Council Member Dokken expressed concern for expenditures listed in the last Council Packet, which included two Kubotas and a John Deere Tractor. He felt large expenditures such as this should be brought to the Council before purchasing. Chair Anderson stated that was not necessary as the Council approves the vehicle replacement policy under which such purchases are made. Members requested a review of the Vehicle Replacement Policy for 2012. This matter was for information only.

The Finance Committee Report for September 12, 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 September 13, 2011, was presented to the Mayor and Council. There were seven items for Council consideration.

Item No. 1 City Clerk Halliday addressed the Committee pursuant to direction of the City Council regarding the assessment rates proposed at the hearing for 19<sup>th</sup> Street NW. The City's adopted assessment policy assesses cul-de-sacs on a per unit basis rather than linear foot. The Council directed Staff to look into alternative ways to assess 19<sup>th</sup> Street NW as the question was raised pertaining to fairness of using per-lot figures. Staff presented calculations by footage and it was evident in some cases that the assessment amount exceeded the special benefit to the property. If the amounts were kept within reason of the special benefits, there would be a deficit of over \$10,000.00.

The Committee discussed the issue at length taking into consideration the concerns of Randy Frederickson who spoke at the Assessment Hearing. It was noted that Mr. Frederickson has four lots that benefit from the street reconstruction and is being assessed for two. Other property owners on 19<sup>th</sup> Street NW did not attend the hearing to voice their concern against the method of assessment. It was also noted that there was a similar situation in last year's reconstruction of the 33<sup>rd</sup> Street NW cul-de-sac that was assessed the same way. It was Staff's recommendation to leave the assessment rates as is.

The Committee was recommending the Council adopt the Assessment Roll for 19<sup>th</sup> Street NW as presented at the Assessment Hearing on September 6, 2011. Council Member Reese moved to introduce a Resolution adopting the Assessment Roll for 19<sup>th</sup> Street NW as presented with Council Member Ahmann seconding the motion. Following discussion, Council DeBleck moved to table the matter, with Council Member Anderson seconding the motion, which carried. By consensus the matter was directed to be placed on the next Public Works/Safety Committee and that all homeowners notified of the meeting.

Item No. 2 Chief Calvin presented correspondence from the Minnesota Board of Firefighter Training and Education awarding the Fire Department a training reimbursement grant in the amount of \$3,462.90. The grant is for approved training conducted during the fiscal year of July 1, 2011, and June 30, 2012, and based on the number of firefighters on staff.

The Committee was recommending the Council approve the application and accept the grant from the Minnesota Board of Firefighter and Training Education and adjust the 2011 and 2012 Fire Department Budgets accordingly. Resolution No. 3 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. 3

BE IT RESOLVED, by the City Council of the City of Willmar to support staff's application submittal and acceptance of reimbursement funds from the Minnesota Board of Firefighter Training & Education in an amount not to exceed \$3,462.90, and to adjust the Fire Department's 2011 and 2012 budgets accordingly.

Dated this 19<sup>th</sup> day of September, 2011.

/s/ Frank Yanish  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 3 Staff discussed with the Committee the final acceptance and payment to Monson Corporation for Project No. 1103, which included approximately 10,000 square yards of street patching. The final estimate in the amount of \$2,038.22 consists of the final quantities as constructed, a \$1,800.00 working day penalty and the 5 percent retainage.

The Committee was recommending the Council accept Project No. 1103 and authorize issuance of final payment to Monson Corporation as requested. Resolution No. 4 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. 4

ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

IMPROVEMENT: Project No. 1103 – Street Patching Improvements  
 CONTRACTOR: Monson Corporation  
 DATE OF CONTRACT: June 30, 2011  
 BEGIN WORK: July 11, 2011  
 COMPLETE WORK: August 1, 2011  
 APPROVE, CITY ENGINEER: September 13, 2011

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

1. The said City of Willmar Project No. 1103 be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$314,460.00
Change Order None	\$0.00
 FINAL NET CONTRACT AMOUNT, PROPOSED:	 \$314,460.00
 ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	 \$266,764.38
Less Previous Payment	\$262,926.16
Less Working Day Penalty	\$1,800.00
 FINAL PAYMENT DUE CONTRACTOR:	 \$2,038.22

Dated this 19<sup>th</sup> day of September, 2011.

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 /s/ Frank Yanish  
 MAYOR

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 /s/ Kevin Halliday  
 Attest: CITY CLERK

Item No. 4 Josh Halvorson of Donohue and Associates presented to the Committee Change Order No. 2 to Project No. 1109-B2 with Reiner Contracting, Inc. Change Order No. 2 proposes changing the completion date to June 15, 2012, to allow for the final bituminous wear course to be completed following the winter and spring freeze/thaw cycle. Donohue and Associates is recommending this because of the soils and weather conditions encountered during construction.

The Committee was recommending the Council approve Change Order No. 2 to Project 1109-B2 as presented and authorize the City Administrator to execute it on behalf of the City. Resolution No. 5 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. 5

WHEREAS, the City of Willmar entered into Contract No. 1109-B2 with Reiner Contracting, Inc. for the Ortenblad and Arby's Lift Station Decommissioning and 21<sup>st</sup> Street SW Sewer Extension; and

WHEREAS, Change Order No. 1 increasing the contract amount by \$6,000.00 was previously authorized on August 15, 2011; and

WHEREAS, due to soils revealed and weather conditions encountered during construction, a time extension is being recommended; and

WHEREAS, this time extension will allow for the final bituminous wear course to be completed following the winter and spring freeze/thaw cycle; and

WHEREAS, the proposed date for Final Completion is June 15, 2012; and

WHEREAS, Change Order No. 2 will result in a zero dollar change to the Contract price; and

WHEREAS, it is recommended to approve Change Order No. 2.

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that Change Order No. 2 be approved; as a result, the contract amount will remain at \$293,463.73 with a zero dollar change order for Project 1109-B2 Ortenblad and Arby's Lift Station Decommissioning and 21<sup>st</sup> Street SW Sewer Extension.

Dated this 19<sup>th</sup> day of September, 2011.

/s/ Frank Yanish

MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Item No. 5 City Administrator Stevens briefed the Committee on the interpretation from the City Attorney in relation to the Liquor Ordinance and that a bar check and a compliance check are two different things. This matter was for information only.

Item No. 6 The City received a renewal loan agreement for five more years for the F-14 Tomcat Aircraft on display at the Willmar Municipal Airport. It was noted there is no monetary exchange. The Committee was recommending the Council approve the renewal loan agreement and authorize the City Administrator to sign on behalf of the City.

Resolution No. 6 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. 6

BE IT RESOLVED by the Willmar City Council, a municipal corporation of the State of Minnesota, that the City Administrator be authorized to enter into a Standard Renewal Loan Agreement between the City of Willmar and Department of the Navy for the F-14A TOMCAT aircraft.

Dated this 19<sup>th</sup> day of September, 2011.

/s/ Frank Yanish

MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Item No. 7 Chief Calvin briefly reviewed the activities held on September 11, 2011, at the Civic Center in commemoration of the ten-year anniversary of the terrorist attacks. Attendance was estimated at 3,100 and donations approaching \$37,000.00. This matter was for information only.

The Public Works/Safety Committee Report for September 13, 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 Anderson, and carried.

The Community Development Committee Report for September 15, 2011, was presented to the Mayor and Council by Council Member Dokken. There were seven items for Council consideration.

Item No. 1 David Herzer was present to express concerns about the Garfield School closure process and timing relative to a possible sale. He also expressed concern about the City negotiating to purchase the south block at Garfield School, as he said the taxpayers have already paid for it once. He concluded by inquiring about commercial design and maintenance standards. Staff provided a progress report on efforts to draft a maintenance code for commercial and industrial structures.

John Sullivan was present to raise concerns about amending a section of the Zoning Ordinance dealing with appeals relative to conditional use permit action. Mr. Sullivan also expressed concern that the Municipal Utilities and Planning Commission were created without an authorizing ordinance or resolution. This matter was for information only.

Item No. 2 Bev Dougherty and Richard Engan were unable to attend due to meeting conflicts and will attend a future meeting. This matter was for information only.

Item No. 3 Sergeant David Kauppi of the Minnesota National Guard was present to discuss Guard involvement in the community clean-up efforts. Staff distributed a critique of the "Going Green" event, including comments from Jena Hillenbrand of Lakeland Broadcasting Company. The Committee discussed the effort and results, and expressed interest in participating in a future event. This matter was for information only.

Item No. 4 The Committee discussed residential zoning enforcement and methods used to track compliance action for violations. An example of a violation tracked through the system was presented and reviewed by the Committee. The Committee expressed an interest in reviewing zoning enforcement statistics more frequently than the current annual report provides. This matter was for information only.

Item No. 5 The Committee discussed the issue of vacant homes in the community as it related to utilities shut-offs and persons possibly improperly inhabiting those homes without adequate utilities. Staff told the Committee that they would work with the MUC to improve communication regarding utility shut-offs so that staff can verify that homes without utilities are not being inhabited. This matter was for information only.

Item No. 6 Staff provided updates on the following activities: A. Airport land release - Staff is working with the FAA to draft a memorandum of agreement that would include specific milestones for the proposed phase releases of airport property; B. Little progress continues to be made on the John Supper Club building. Several Council Members stated they had been inside and viewed the premise. Staff will work to setup a time for other Council members to tour the structure; and C. Plans have been approved for the 26,000 square foot expansion at West Central Steel. Storm water, parking, and landscaping issues were satisfactory addressed through the plan review process. This matter was for information only.

Item No. 7 Council Member Christenson suggested that the Council change the policy regarding contract negotiations so the entire Council could participate in the process. It was noted that the Council had a work session to set parameters for negotiations. Mayor Yanish said he would speak to the City Administrator to get the matter on a future Council agenda.

The Community Development Committee Report for September 15, 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 Member Anderson, and carried.

The Mayor and Council considered an Ordinance to amend Ordinance 1060. Planning and Development Services Director Peterson explained the Ordinance amends the conditional use permit sections of both R-2 (One and Two Family Residential) and R-3 (Low Density Multiple Family) to all non-residential storage within an existing building. The approval of each request would be subject to such conditions as the Planning Commission sees fit to protect the neighborhood. The Planning Commission held a public hearing and approved the text amendment.

Following discussion, Council Member Anderson moved to introduce an Ordinance Amending No. 1060 Known as the Willmar Zoning Ordinance by Amending Section 6 Relating to Non-Residential Storage in Residential Districts and schedule a public hearing for October 3, 2011. Council Member Dokken seconded the motions, which carried.

Announcements for Council Committee meeting dates were as follows: Labor Relations, September 22; Finance, September 26; Public Works/Safety, September 27; and Community Development, September 29, 2011.

Council Member Reese extended an invitation to a Faith at Work Leadership session to take place on September 23, 2011.

There being no further business to come before the Council, the meeting adjourned at 8:15 p.m. upon motion by Council Member Reese, seconded by Council Member Anderson, and carried.

Attest:

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MAYOR

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SECRETARY TO THE COUNCIL