

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

October 3, 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 DeBlicke, 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.

The Council requested that the Municipal Utilities Commission Minutes of be removed from the Consent Agenda.

Council Member Ahmann offered a motion adopting the Consent Agenda which included the following: City Council Minutes of September 19, Rice Hospital Board Minutes of September 14, Accounts Payable through September 29, Charter Commission Minutes of May 24, Willmar Lakes Area Convention and Visitors Bureau Minutes of August 16, Safety Committee Minutes of August 24, Willmar Design Center Minutes of September 1, 14, 21, and Community Education and Recreation Joint Board Minutes of September 23, 2011; and Applications for Exempt Permit - Rice Health Foundation and Pheasants Forever Kandiyohi County #2. Council Member Christianson seconded the motion, which carried.

The Council discussed the statue update on the "air permitting application" noting equipment needed to meet MPCA and EPA standards. The Municipal Utilities Commission Minutes of September 25, 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.

At 7:04 p.m. Mayor Yanish opened a hearing on an Ordinance Amending 1060 by Amending Section 6 Relating to Non-Residential Storage in Residential Districts. Planning and Development Services Director Peterson presented details of the Ordinance amending the conditional use permit sections of both R-2 and R-3 to allow non-residential storage within an existing building. The approval of requests would be subject to conditions approved by the Planning Commission to protect a neighborhood. The Planning Commission has held a public hearing and approved the text amendment. There being no one present to speak for or against the proposed Ordinance, Mayor Yanish closed the hearing at 7:06 p.m.

Council Member Anderson offered a motion to adopt, assign a number and order final publication of the Ordinance Amending 1060 by Amending Section 6 Relating to Non-Residential Storage in Residential Districts. Council Member Dokken seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0

Mayor Yanish acknowledged Arlen Roesner who had signed up to address the City Council during its scheduled Open Forum. Mr. Roesner, 3500 4th Avenue NE, asked the City to refrain from removing trees on the 35th Street NW right-of-way.

The Labor Relations Committee Report for September 22, 2011, was presented to the Mayor and Council by Council Member Ahmann. There were 2 items for Council consideration.

Item No. 1 The Committee considered a request from Staff for authorization to hire up to 6 firefighters, stating that the City currently has 31 firefighters but is authorized to have up to 35 on call. Fire Chief Calvin explained that currently, the City is able to have 18 firefighters respond to a fire, but the preferred turnout is 21 and the City is relying on mutual aid for the full response.

Following discussion, the Committee was recommending that Staff be authorized to advertise and hire up to six firefighters. Council Member Ahmann moved to approve the recommendation of the Labor Relations Committee with Council Member Anderson seconding the motion, which carried.

Item No. 2 Mr. David Herzer presented information to the Committee regarding the Public Employee Labor Relations Act and Open Meetings and questioned the protocol of how labor negotiations are conducted by the City. This matter was referred to the City Attorney for an opinion.

Council Member Ahmann raised the issue of engaging the full Council in labor negotiations as requested by Council Member Christianson. After some discussion, it was the consensus of the Committee to continue the current labor negotiations with the strategy in place, but in the future to engage the full Council in a work session to discuss overall strategy. The process would then be referred back to the Labor Relations Committee to continue to guide the City Administrator and Labor Attorney in negotiations.

The Committee discussed hiring practices at the Municipal Utilities Commission. City Administrator Stevens stated that she and Mayor Yanish were scheduled to meet with the Chair of the Municipal Utilities Commission in the coming week to discuss concerns. This matter was for information only.

Council Member Christianson offered a motion to call for a closed session of the full Council for contract negotiations on October 6, 2011. Council Member Dokken seconded the motion, which failed on a roll call vote of Ayes 3, Noes 5 - Council Members Reese, Anderson, Ahmann, Fagerlie and DeBlicek voted "No."

The Labor Relations Committee Report for September 22, 2011, was approved as presented upon motion by Council Member Ahmann, seconded by Council Member Anderson, and carried.

The Finance Committee Report for September 26, 2011, was presented to the Mayor and Council by Council Member Anderson. There were six items for Council consideration.

Item No. 1 Chair Anderson acknowledged that no one was present to address comments to the Committee and this matter was for information only.

Item No. 2 Staff continued its review of the proposed 2012 Departmental budgets with the Committee. Public Works Director Wilson provided an overview of the proposed expenditures for the Waste Treatment Enterprise Fund and the General Fund departments of Engineering, Public Works, Park Development, Airport, City Hall, and Auditorium. It was noted the Wastewater Treatment budget includes \$3,839,371 for construction of the proposed Western Interceptor in the Industrial Park area and \$50,000 for sewer replacement on general street construction. Professional Services also increased \$56,000 for continued sump pump inspections and the Country Club Drive lift station design. The proposed Public Works Capital Outlay Budget of \$983,849 is for equipment to be replaced per the vehicle replacement schedule as well as a fuel system upgrade. The Airport Capital Outlay Budget of \$59,000 includes crack repair and sealing, and seeding and fertilizing sod runway. The Engineering Department Capital Outlay Budget is proposed for \$30,000 to replace the Plotter and needed Signal Loop Detectors. City Hall is requesting \$51,642 for needed roof repair, office windows, HVAC upgrade and to replace a pool car. The Park Development Capital Outlay Budget in the amount of \$45,000 includes a concession stand at North Swansson Field, field improvements at Sunrise Park, and irrigation for North Swansson Red Field.

The Committee questioned why the City doesn't charge farmers for application of biosolids and do other communities have fees for this service since it contains valuable nutrients. The Committee also suggested the City, County and State should look into combining to purchase fuel and road salt to achieve better pricing. Public Works Director Wilson will research these options.

Concerns were expressed regarding the Fixed Base Operator contract being cut in the proposed 2012 Budget as the FBO provides a valuable service to the airport. Staff will investigate why this contract was removed from the 2012 budget and further discussion will be held at the Council Work Session slated for October 17, 2011.

Community Education and Recreation Director Brisendine reviewed the proposed 2012 expenditures for Park Development, Leisure Services, Civic Center, Community Center, and Aquatics Center. The Civic Center is requesting \$63,250 for a Genie Lift, replacement of cedar shakes on exterior, and dasher boards. There is no Capital Outlay for the Community and Aquatic Centers under the Mayor's proposed 2012 budget. Concerns were expressed regarding the low cost of operating the Community Center which is open year-round versus the Aquatic Center which is open for three months per year. Further discussion will be held at the Council Work Session slated for October 17, 2011.

Chief Marv Calvin provided an overview of the Fire Department's recent accomplishments and reviewed expenditures proposed for 2012. Staff noted that the current roster totals 32 but proposed to hire six additional firefighters to meet the increased demand for protection in a growing community. Also proposed was the purchase a new Quint, which is a fire apparatus that serves the dual purpose of an engine and a ladder truck, for approximately \$640,000. He cited the age of the existing aerial truck, which was purchased in 1999, as the reasoning behind this request as well as one of the engines being in need of major repairs. Chief Calvin also briefly discussed the conversion to a PERA Pension Plan for Firefighters.

After considerable discussion, this matter was taken for information.

Item No. 3 Staff reviewed with the Committee a three-phase plan for reducing the 2011 Expenditure Budget as needed to address potential revenue cuts in Homestead Credit of \$286,624 and Local Government Aid of \$429,485. It was noted that with the current hiring freeze, five vacated positions have not been filled in the Police, Engineering, Public Works, and Assessing Departments. Subsequently, appropriations for personal services have already been substantially reduced by \$321,052. An additional \$395,057 reduction in Capital Outlay for the Engineering and Public Works Departments is being recommended to cover the projected shortfall of \$716,109 in Homestead Credit and LGA. The items cut consist mostly of the purchase of a number of vehicles plus a portion of the Robbins Island parking lot resurfacing cost.

Following discussion, the Committee was recommending the Council introduce a resolution approving the reduction in the 2011 Budget as presented. 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 make the following changes to various department budgets within the General Fund:

Decrease:	Estimated Revenues	
	Property Taxes (MVHC)	\$286,624.00
	Local Government Aid (LGA)	\$429,485.00
Decrease:	Appropriations	
	Police Personal Services	\$142,538.00

Engineering Personal Services	\$ 67,809.00
Public Works Personal Services	\$ 61,835.00
Assessing Personal Services	\$ 48,870.00
Transfers Out-Capital Outlay	\$395,057.00

Dated this 3rd day of October, 2011.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 Staff informed the Committee that the EVP system at an intersection was damaged because of a vehicle accident. The driver is being billed for reimbursement of the repair costs in the amount of \$890.10. Consequently, it is being requested that the reimbursement collected be transferred to offset the applicable accounts in the 2011 Public Works Expenditure Budget.

The Committee was recommending the Council to introduce a resolution approving the amendment to the 2011 Budget as presented. Resolution No. 2 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. 2

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to make the following changes to the Public Works budget within the General Fund:

Increase:	Billing Changes	\$891.00
Increase:	Mtce. of Other Services-Material	\$430.00
	Mtce. of Other Services-Labor	\$461.00

Dated this 3rd day of October, 2011.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 5 The Committee received the following August Reports for information: Rice Trust, August General Fund, August LOST, August Report for information only.

Item No. 6 The Committee discussed fuel and maintenance costs of vehicles driven by the Public Works Director and Fire Chief. This matter was for taken for information.

The Finance Committee Report for September 26, 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 Dokken, and carried.

The Public Works/Safety Committee Report for September 27, 2011, was presented to the Mayor and Council by Council Member Reese. There were six items for Council consideration.

Item No. 1 Pursuant to direction of the Council, the assessment rates proposed for the 19th Street NW cul-de-sac were sent back to Committee for further discussion. The City's adopted Assessment Policy assesses cul-de-sacs on a per-unit basis rather than linear footage. Staff

acknowledged that the largest parcel is platted as two buildable lots, but it is evident that a linear footage assessment would exceed the special benefit to the 260 foot lot on the west side. Utilizing a platted lot basis would reduce most lots by \$608, but add \$4,865 to the large parcel.

Warren Erickson, who owns Lot 3, stated he could agree to either option, but felt it was unfair if the City were to base the cost on linear footage for the two cul-de-sac lots that were small. Randy Frederickson of 416 19th Street NW presented various options to the Committee for consideration including assessing the south 225 feet as a street and the remainder as a cul-de-sac; using linear footage plus adding an unknown amount to the two cul-de-sac lots that were under assessed; or using an average of linear footage calculations and per unit calculations.

The Committee was recommending the Council adopt the Assessment Roll for 19th Street NW on a platted and buildable lot basis, not as a per parcel basis, which would increase the assessable units to nine lots. 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 6, Noes 2 - Council Members Ahmann and Anderson voted "No."

RESOLUTION NO. 3

ADOPTING ASSESSMENT ROLL

WHEREAS, pursuant to notice duly given as required by law, the City Council has met, heard, and passed upon all objections to the proposed assessment for 2011 Added Street and Other Improvements, and has amended such proposed assessment as it deems just;

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

1. Such proposed assessment, the sum of \$43,787.36, 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 No. 1111.
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 2012, collectible with such taxes during the year 2012.
 - 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 the bond sale, approximately July 5, 2011, until December 31, 2012. 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, 2011, 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 3rd day of October, 2011.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 2 The Committee considered a request from Chief Calvin for permission to apply for the Wal-Mart Foundation's Local Community Contribution (LCC) Grant (formerly the Hometown Heroes program). The funds will be used to purchase smoke detectors, carbon monoxide alarms and *StoveTop FireStops* to be distributed to citizens. The amount, to be determined at a later date, will not exceed \$5,000.00

The Committee was recommending the Council apply for and accept the grant from the Wal-Mart Foundation as requested and adjust the Fire Department Budget accordingly. 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

BE IT RESOLVED, by the City Council of the City of Willmar to support staff's application submittal, acceptance and expenditure of a Wal-Mart Foundation grant in an amount not to exceed \$5,000 for the purchase of smoke alarms, carbon monoxide detectors and *StoveTop FireStop* units and to adjust the Fire Department's budget accordingly.

Dated this 3rd day of October, 2011.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 The Committee considered a request from the Fire Chief for permission to accept a donation from Willmar Area Faith at Work for \$38,150.40. The donation will be used to purchase two Utility Task Vehicles (UTV's) with accessories and two 3,500 lb. axle aluminum trailers for use by firefighters and emergency responders during area events and emergencies. The units will be maintained and stored by the Fire Department and Willmar Ambulance and used throughout Kandiyohi County. Brad Hanson of Willmar Ambulance addressed the Committee overviewing the many uses for the units.

Lee Byberg explained donations recently received from approximately 3,000 people. The need for the UTV's was identified by Fire and Police Chiefs, Sheriff, Ambulance Director and the Emergency Operations Manager.

The Committee was recommending the Council accept the donation from Willmar Area Faith at Work on behalf of the City, adjust the Fire Department budget accordingly, and acknowledge its receipt by letter. Resolution No. 5 was introduced by Council Member Reese and seconded by Council Member Christianson.

City Attorney Ronning noted that quotes were received for the UTV's and it was his understanding that the preferred vendor was not the low bidder. Bidding regulations for a capital item over \$25,000 was a problem and suggested Faith at Work either purchase the UTV's and donate the equipment to the City or donate half of the money to the City and half to the Ambulance Service.

Following discussion, Council Member Reese withdrew his motion to introduce Resolution No. 5 and Member Christianson withdrew his second. Council Member Reese requested the City Attorney's assistance in aiding Faith at Work to make the donation in full compliance with State regulations.

Item No. 4 The Committee was advised by Staff of the installation of stop signs on 3rd Street SW at the intersection of Litchfield Avenue. Installing these signs would make this intersection a four-way stop which is consistent with other intersections in the downtown area. In addition to the permanent stop signs, a movable four-way stop sign unit will also be placed in the intersection temporarily to assist in educating drivers. This item was for information only.

Item No. 5 The Committee considered a request from Police Chief Wyffels of an agreement between the City and Kandiyohi County for the Sheriff's Office to provide both dispatch and criminal recordkeeping services for the Willmar Police Department. There are no billable costs to the Police Department for these services. By entering into this agreement, the City agrees to assume responsibility for the accuracy of information and data provided to the Sheriff's Office and is held responsible for providing the necessary information for reporting to the Criminal Justice Information System.

The Committee was recommending the Council approve the Criminal Justice Information System agreement and authorize the Mayor to sign on behalf of the City. Resolution No. 5 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. 5

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the Mayor be authorized to enter into a Joint Powers Agreement between the Kandiyohi County Sheriff's Office and Willmar Police Department for the Criminal Justice Information System and National Crime Information Center,

Dated this 3rd day of October, 2011.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 6 The Committee considered a request from Chief Wyffels for permission to apply for a Wal-Mart Foundation's Local Community Contribution Grant. In the past, Wal-Mart employees voted on the recipients who would receive charitable donations with the Willmar Police Department having been previously selected as one of those recipients. Wal-Mart has changed their donation process and requires application through their web site. Staff is asking to apply for similar amounts toward programs as was granted in the past.

The Committee was recommending the Council grant permission to apply, accept and expend any Wal-Mart Grant Funds received, and to adjust the Police Department and DARE budgets accordingly. 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 City Council of the City of Willmar to support staff's application submittal, acceptance and expenditure of a Wal-Mart Foundation grant in an amount not to exceed \$1,000 for Shop-With-a-Cop Program and \$500 for DARE and to adjust the Police Department's budget accordingly.

Dated this 3rd day of October, 2011.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 7 The Committee considered a request from Arlen Roesner, 3500 4th Avenue NW, regarding the removal of trees by the City near his residence. Public Works Director Wilson explained the removal was on platted City right-of-way to maintain the area for future use as the trees were overgrown and encroaching into a storm sewer line. This matter was for information only.

The Public Works/Safety Committee Report for September 27, 2011, was approved as presented upon motion by Council Member Reese, seconded by Council Member Anderson, and carried.

The Community Development Committee Report for September 29, 2011, 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 Staff updated the Committee on efforts to draft a commercial/industrial building maintenance code. Staff is working to develop standards that will be applicable Citywide, and will be relevant, reasonable, and enforceable. These maintenance standards will be separate from the design standards for Central Business District development. This matter was for information only.

Item No. 3 Staff provided a response to a citizen concern regarding conditional use permit appeals being presented to the Board of Zoning Appeals. Staff acknowledged that the Zoning Ordinance language is confusing and noted that the citizen with the concern had been sent a letter explaining the direction the City would take on that issue. It has been determined that an appeal of a conditional use permit decision should most appropriately be made to District Court. The Zoning Ordinance would have to be amended to make that change. Staff stated that the process could be initiated by the Council or to make the change part of the Zoning Ordinance overhaul being undertaken by the Planning Commission and Staff. It was noted that there had been one conditional use permit appeal to the Board of Appeals in the past 26 years and that it did not appear to be a major issue at this time. It was a consensus of the Committee that the change be made as part of the Zoning Ordinance rewrite process.

Item No. 4 The Committee was informed by Staff that the City was still in the process of negotiating a memorandum of agreement with the FAA. This memorandum sets milestones for City action to achieve phased release of the former airport land. Some of the milestones include terminal building weatherization, marketing plan for the terminal site, National Registry application for the terminal site, environmental assessment updates, and requests for categorical exclusions. The City has submitted a counter proposal to the proposed MOA, but a response has not yet been received. The Public Works Department has plans to do roof repair, gutter cleaning, drainage improvements, and tree trimming at the terminal building. Quotes are being solicited for caulking and sealing windows, doors, flashing and other exterior penetrations in an attempt to weatherize the building and prevent further moisture intrusion. This matter was for information only.

Item No. 5 Council Member Ahmann reported on a recent Mid Minnesota Development Commission board meeting at which time they received a 5-year report and discussed efforts to establish a regional economic development group. Mayor Yanish mentioned that the Mayor's Update section on the City website is up and running and that it includes a link to the 2012 proposed budget. This matter was for information only.

The Community Development Committee Report for September 29, 2011, was approved as presented upon motion by Council Member Dokken, seconded by Council Member Anderson, and carried.

City Clerk Halliday informed the Mayor and Council that the Municipal Utilities Commission has requested the Council certify the unpaid utility charges of various properties as a lien on real property. According to City Code a hearing was offered to property owners to object to the charge. The Commission received no requests for appearance.

Following discussion, Resolution No. 7 was introduced by Council Member Anderson, seconded

