

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

October 17, 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, Denis Anderson, Steve Ahmann, Rick Fagerlie, Jim Dokken, and Tim Johnson; Present 8, Absent 1 - Bruce DeBlieck was excused from the meeting.

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.

Council Member Anderson offered a motion adopting the Consent Agenda which included the following: City Council Minutes of October 3, Planning Commission Minutes of October 12, Accounts Payable through October 12, Building Inspection Report for September, Housing and Redevelopment Authority Report for September 20, Charter Commission Minutes of September 23, Zoning Appeals Board Minutes of October 11, 2011; Applications for Exempt Permit - Rice Health Foundation, Safe Avenues, Willmar Curling Club and Willmar Hockey Association, and Application to Conduct Excluded Bingo - Eagles Auxiliary 2334 Fraternal Order. Council Member Fagerlie seconded the motion, which carried.

Mayor Yanish acknowledged Cecil Meyer who had signed up to address the City Council during its scheduled Open Forum. Mr. Meyer presented details of the first Minnesota Teen Challenge drug and alcohol prevention event to show support for a residential facility. The event will be held on November 3, 2011, at the Holiday Inn Conference Center.

The Labor Relations Committee Report for October 6, 2011, was presented to the Mayor and Council by Council Member Ahmann. There were six items for Council consideration.

Item No. 1 Mr. David Herzer, Country Club Drive, presented the Committee with information regarding the City's health insurance premiums in comparison to rates paid by Kandiyohi County. This matter was for information only.

Item No. 2 Public Works Director Wilson explained to the Committee that the City had one vacant custodial position among three and requested consideration to replace the vacant custodial position with a Building Maintenance Supervisor position. Ms. Wilson explained that the custodial position was a Grade I and the Building Maintenance Supervisor position would be a Grade 6 position. Ms. Wilson explained that the difference in cost for the remainder of this year would be approximately \$7,000 and on a yearly basis there was a \$15,000 difference in the two pay grades.

Ms. Wilson further explained that the proposed position would be a working supervisor, responsible for performing maintenance and custodial work, but also responsible for providing day to day supervision, oversight and task assignment to the other custodians who maintain the City's eight buildings.

The Committee questioned if the costs included the benefits, clarification on the supervision roles, if there could be cost savings by having an individual able to trouble shoot the HVAC and mechanical rather than relying on outside vendors, if the individual would also be utilized for snow plowing, and the need for a supervisory position and the pay range.

City Administrator Stevens explained that the proposed position went through the Hewitt scoring system that the City uses as part of its pay equity program and that is how it was determined to be a Grade 6 position. Following discussion, the Committee was recommending the Council approve the position of Building Maintenance Supervisor.

Council Member Ahmann stated that it was his intention to send the matter back to the Labor Relations Committee for additional discussion. This matter was for information only.

Item No. 3 City Administrator Stevens informed the Committee that a Public Works Operator/Arena employee who had previously turned in a notice of retire, has withdrawn his notice and therefore, no vacancy to consider at this time. This matter was for information only.

Item No. 4 and 5: The Committee was informed by Ms. Stevens that there was some contract language that needed to be clarified and, therefore, the contracts with the AFSCME groups were not ready for discussion at this time. This matter was for information only.

Item No. 6: City Administrator Stevens reported on the previous question regarding labor relations and Minnesota Statutes raised by Mr. Herzer. Ms. Stevens distributed a response from City Attorney Ronning that clarified that negotiation sessions are open to the public, but do not require any posting nor any minutes, and that the Council and Committee can continue to meet in closed session to discuss strategy.

Ms. Stevens also provided an update regarding the Municipal Utilities Commission and the City's hiring freeze. Ms. Stevens stated that she and Mayor Yanish had recently met with the General Manager, Municipal Utilities Commission Chairman and Vice Chairman, and requested that the Municipal Utility adhere to the City's hiring freeze.

It was noted that City Attorney Ronning had recently provided his six-month notice of retirement. Council Members expressed their sincere appreciation for all of the work Mr. Ronning has done over the past 37 years, the knowledge he provides, and noted the challenges in replacing him.

Council Member Ahmann offered a motion that the City Council accepts, with regret, the notice of retirement from the City Attorney. Council Member Anderson seconded the motion, which carried.

The Committee discussed the replacement of the City Attorney and asked the City Administrator to put the discussion on a future agenda and to provide the Committee with some options and cost.

The Committee asked if City staff had been able to obtain information on employees who may have other insurance through a spouse. Ms. Stevens stated the City did not collect that information and that staff had asked the insurance vendor, Blue Cross/Blue Shield, for this information and BC/BS was unable to provide it. This matter was for information only.

The Labor Relations Committee Report for October 6, 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 October 10, 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 the Committee.

Item No. 2 Joe Holm appeared before the Committee to request consideration of a Let's Go Fishing donation of \$50,000 payable in \$10,000 increments over five years. Mr. Holm explained that Let's Go Fishing just completed their tenth year and continues to grow. In 2011, nearly 20,000 people were served through this program. They recently lost funding from the State of Minnesota totaling \$300,000 for the last biennium, which forces LGF to seek other funding sources. The 2012 budget for LGF was distributed to the Committee along with a draft of their 2010 Financial Report. The Committee

expressed concerns that the City is already expending funds for its recreation department and maintaining City-located public accesses. After considerable discussion, this matter was taken for information and will be discussed at the upcoming Council Work Session.

Item No. 3 Steve Renquist, Kandiyohi County/City of Willmar EDC Executive Director, was unable to attend this meeting. The EDC will be asked to present their budget at a future Committee or Council meeting. This matter was for information only.

Item No. 4 Staff continued its process to review proposed 2012 Departmental budgets with the Committee. Ms. Stevens noted that the decrease in the proposed City Administrator's budget of \$25,960 from 2011 is mainly due to costs associated with the search for a new City Administrator. The proposed budget for Data Processing is increasing \$4,514 over 2011 which is attributable to personnel costs. The proposed Mayor/Council budget is decreasing \$15,540 from 2011 due to a decrease in professional services. The proposed budget for the Legal Department is increasing less than .05% over 2011 to \$196,737. Ms. Stevens' 2012 goals include obtaining the land releases for the former airport and subsequent expansion of the Industrial Park, overhaul of the City website and increasing communication with citizens, increasing the City's efforts at long-term financial planning, continuing to develop a strong working relationship with the Mayor and Council, and replacement of the retiring City Attorney.

Finance Director Okins reviewed with the Committee the proposed 2012 expenditures for the Finance Department, noting an overall increase of \$7,740 over 2011 which is mainly due to personnel charges as well as office supplies and professional services. There is no Capital Outlay for the Finance Department under the Mayor's proposed 2012 budget.

Mr. Okins also provided an overview of the proposed 2012 Non-Departmental Expenditures noting variances from 2011. The Mayor is proposing to terminate the David Turch and Associates contract in 2012 which will reduce expenditures by \$27,000. Also cut from 2012 is the Internship Program of \$5,000. Following discussion, these matters were taken for information.

Item No. 5 Staff reviewed with the Committee the proposed Fire Protection Contract with Dovre Township. The state-wide formula used to calculate the amount due from the Township is based on information from the previous year which includes operating costs of the Fire Department, depreciation of the fire station and equipment, the number of firefighter hours used and market values of the area covered in Dovre Township.

Following discussion, the Committee was recommending the Council introduce a resolution authorizing the Mayor and the City Administrator to execute the agreement as presented in the amount of \$30,487.92. Resolution No. 1 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. 1

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the Mayor and City Administrator be authorized to enter into an Agreement for Fire Department services between Dovre Township and City of Willmar effective January 1, 2012, and terminating December 31, 2012.

Dated this 17<sup>th</sup> day of October, 2011.

/s/ Frank Yanish  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 6 Mayor Frank Yanish reported to the Committee that after pursuing the possibility of having the Governor stop in Willmar on his JOBZ Tour, it was recently learned that he will be unable to do so. The Mayor and staff will continue to work to invite the Governor to Willmar. This matter was for information only.

The Finance Committee Report for October 10, 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 October 11, 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 City Council, the removal of trees from the designated City right-of-way of 35<sup>th</sup> Street NW was brought before the Committee for discussion. Arlen Roesner, a resident whose property abuts the right-of-way, was present to address the Committee. The issue of tree removal in the right-of-way occurred when City personnel were locating a storm sewer manhole for several residents planning to use it as an outlet for a backyard drainage project. The amount of and size of the trees made it difficult to locate the manhole and a tree had grown partially around it. Staff intended to clear the right-of-way until area residents voiced their concern about losing all the trees that provide them with a windbreak and privacy.

Public Works Director Wilson informed the Committee that an extension of the Western Collector is planned to be installed in this right-of-way in the future and that clearing the larger trees at this time is more cost effective. After a lengthy discussion, Staff was directed to mark trees for removal that are 24 inches or larger in diameter so that residents are aware of which ones will be removed. As trees reach the 24" diameter in the future, they will also be removed until such time as the interceptor is installed and the entire right-of-way will be cleared and grubbed. This will allow residents time to plant and grow trees on private property. This matter was for information only.

Item No. 2 The Committee was informed that in June, 2011, the City retained West Central Environmental Consultants (WCEC) for \$5,959.00 to conduct a limited site investigation. During removal of an underground diesel fuel tank at the old WWTF, soil contamination was found resulting in the Minnesota Pollution Control Agency requesting the Limited Site Investigation. WCEC has prepared a change order in an amount not to exceed \$3,054.00 to conduct additional soil borings to further define the small amount of contamination that was identified in the investigation. Staff recommends acceptance of the proposal.

The Committee was recommending the Council approve the change order for additional soil borings as presented by WCEC and authorize the City Administrator to sign on behalf of the City. 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

WHEREAS, a contract has been awarded to West Central Environmental Consultants in the amount of \$5,959.00 to conduct a limited site investigation during the removal of an underground diesel fuel tank at the old WWTF; and

WHEREAS, it is desired to add to the above contract to further define a small amount of contamination.

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

1. Additional work is herewith authorized to be added to the above contract in the amount of \$3,054.00 and identified as Change Order No. 1.

2. Funding for the additional work is from the Wastewater Treatment Municipal budget.

Dated this 17<sup>th</sup> day of October, 2011.

/s/ Frank Yanish  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 3 Public Works Director Wilson requested approval of a system revision to add former Trunk Highway 40, now known as Industrial Drive SW, from 30<sup>th</sup> Street SW to TH 12 (approximately 1.14 miles) as turnback. This designation will allow the City to receive needs for this segment in 2012. The Committee was recommending the Council designate the portion of Industrial Drive SW from 30<sup>th</sup> Street SW to Trunk Highway 12 as a Municipal State Aid Street.

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 7, Noes 0.

RESOLUTION NO. 3

ESTABLISHING MUNICIPAL STATE AID HIGHWAYS

WHEREAS, it appears to the City Council of the City of Willmar that the street hereinafter described should be designated Municipal State Aid Street under the provisions of Minnesota Law.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Willmar that the road described as follows, to-wit:

Industrial Drive SW - 30<sup>th</sup> Street SW to TH 12

be, and hereby is established, located, and designated a Municipal State Aid Street of said City of Willmar, subject to the approval of the Commissioner of Transportation of the State of Minnesota.

BE IT FURTHER RESOLVED, that the City Clerk is hereby authorized and directed to forward two certified copies of this resolution to the Commissioner of Transportation for consideration, and that upon his approval of the designation of said road or portion thereof, that same be constructed, improved and maintained as a Municipal State Aid Street of the City of Willmar.

Dated this 17<sup>th</sup> day of October, 2011.

/s/ Frank Yanish  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 4 The Committee was informed by Staff that as a result of a negotiated agreement between Kandiyohi County, Eagle Lake Sewer District and the City of Willmar, an amendment to the current ordinance is needed to reduce Eagle Lake sewer rates for 2011 and 2012. The Eagle Lake Sewer District has been advised that when the City revisits sewer rates as part of another rate study planned for 2012, they will likely see an increase in their rates. It was noted that annexation should be reconsidered. Staff is currently monitoring the costs associated with the Eagle Lake Sewer system.

Following discussion, the Committee was recommending the Council introduce the amendment to the ordinance for hearing. Council Member Reese moved introduce an Ordinance Amending the Rates Charged the Eagle Lake Sanitary Sewer System and to set a public hearing for November 7, 2011. Council Member Christianson seconded the motion, which carried.

Item No. 5 Staff presented to the Committee a donation from Faith @ Work for two Utility Task Force Vehicles, one trailer and \$223.09 in cash. The donated items were purchased from funds raised as a result of the 9-11 Celebration held at the Civic Center in September. The donated equipment would be stored at the Willmar Fire Department and Willmar Ambulance Garage, but shared equally as needed by the various local emergency services groups during events and emergency responses throughout Kandiyohi County.

The Committee was recommending the Council accept the donation from Willmar Area Faith @ Work on behalf of the City of Willmar and acknowledge its receipt by letter. Resolution No. 4 was introduced by Council Member Reese, seconded by Council Member Anderson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 4

WHEREAS, Willmar Area Faith @ Work has given a donation of two Utility Task Force Vehicles, one trailer and \$223.09 in cash to the City of Willmar,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Willmar to accept the donation, adjust the Fire Department's budget accordingly, and that the City Administrator be directed to express the community's appreciation.

Dated this 17<sup>th</sup> day of October, 2011.

/s/ Frank Yanish  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 6 The Committee considered a request from Police Chief Wyffels for permission to apply for a grant through "PoliceGrantsHelp.com" where a mobile "Recon" robot may possibly be obtained. The robot allows an operator to remotely control and direct a small device containing a wireless mounted camera into an area with known hazards without exposing the officer. The approximate cost of the robot is \$19,000.00. There would be no local dollar match request with this grant.

The Committee was recommending the Council authorize the Police Chief to apply for and if awarded, accept a grant through "PoliceGrantsHelp.com" to be used to purchase a "Recon" Robot. Resolution No. 5 was introduced by Council Reese, seconded by Council Member Christianson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 5

BE IT RESOLVED by the City Council of the City of Willmar that the Willmar Police Department be allowed to apply for, and accept, grant funding from "PoliceGrantsHelp.com" for reimbursement of a mobile "Recon" robot under conditions listed in the application.

Dated this 17<sup>th</sup> day of October, 2011.

/s/ Frank Yanish  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

The Public Works/Safety Committee Report for October 11, 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 Community Development Committee Report for October 13, 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 presented at the Committee meeting.

Item No. 2 Building Official Kardell explained to the Committee that the mobile home park manager was unable to attend meeting. Mr. Kardell provided an update on activities at the park, noting some concerns with trash removal, but also noting progress on identifying trailers that were no longer habitable. The Committee was informed that the park's new management was actively trying to improve conditions. Committee Members inquired of efforts to consolidate the two parks into one and if new trailers were being added. This matter was for information only.

Item No. 3 The Committee considered a report of recent construction activities occurring at the John's Supper Club property and provided photos of the progress to date. Staff noted that two inspections have been completed and building staff were in regular contact with the property owner and progress was being made, but it was slow progress.

Chair Dokken questioned if the property owner would meet the December deadline. Mr. Kardell expressed doubts as to the work being completed by the deadline. The Committee will continue to monitor the work and make a decision in early December. This matter was for information only.

Item No. 4 The Committee discussed the City's process for monitoring vacant properties and cross referencing the CenterPoint Energy termination list with the MUC's shut off list. Mr. Kardell noted the difficulty in monitoring owner-occupied properties as there is no right of entry or inspection. It was noted that vacant homes can be found in all quadrants of the City. This matter was for information only.

Item No. 5: The Committee asked of the enforcement of licensing requirements for residential contractors, and Staff stated that it is a State enforcement.

The Committee questioned the expenses for the JOBZ program and the Economic Development Commission. City Administrator Stevens stated that the EDC would be presenting its budget at the next Finance Committee meeting on October 31, 2011, and she would make Council Member Anderson aware of these concerns.

Staff stated that expansion plans are underway for Mills Parts, LuLu Beans Coffee Shop, Hope Pregnancy Center and the Assembly of God Church. This matter was for information only.

The Community Development Committee Report for October 13, 2011, was approved as presented and ordered placed on file in the City Clerk's Office.

City Clerk Halliday informed the Mayor and Council that the City has received notification from the Minnesota Department of Commerce of two applications, Mr. Darrell K. Sunvolvd, d.b.a. Quick Funds, Inc. and Bennett Ventures, Inc. d.b.a. Checks Cashed and Payday Loans to renew Currency Exchange Licenses. Under Minnesota Statutes the City is required to render a decision regarding the renewal of the license within 60 days. Following discussion, Council Member Fagerlie moved to schedule hearings for Bennett Ventures, Inc. and Quick Funds, Inc. on November 7, 2011. Council Member Reese seconded the motion, which carried.

Planning and Development Services Director Peterson presented to the Mayor and Council for consideration an Ordinance to Rezone one lot from R-4 (Medium Density Multiple Family Residential) to R-3. (Low Density Multiple Family Residential). Shelley Crow of Century 21 Realty proposed the rezoning property on behalf of David and Anita Ostercamp at 516 6<sup>th</sup> Street SW. R-3 allows single-family homes up to four plexes, whereas R-4 permits duplexes up to four plexes. With the current mortgage underwriting standards legal non-conforming structure, proposed buyers cannot obtain loans due to the Zoning Ordinance stipulation that they cannot be rebuilt if destroyed by more than 50 percent of their value. The rezone would allow the existing single-family home to be sold. It was noted that the Planning Commission will hold a public hearing at an upcoming meeting to discuss this issue regarding several R-4

blocks that abut the Central Business District.

Following discussion, Council Member Christianson moved to introduce an Ordinance Amending Ordinance No. 1060, the Willmar Zoning Ordinance and schedule a public hearing for November 7, 2011. Council Member Reese seconded the motion, which carried.

Planning and Development Services Director Peterson presented to the Mayor and Council a Preliminary Plat for TerWisscha Addition. The four-lot plat has two outlots at the corner of Lakeland Drive and Willmar Avenue SE. Three of the lots are being replatted and one lot will be newly created to be sold. The outlots will be part of a common interest community with a private drive that will be co-owned and maintained by all four property owners. The Planning Commission has approved the preliminary plat with conditions regarding utility easements, fire hydrants, and existing assessments. Council Member Dokken moved to approve the Preliminary Plat as presented, with Council Member Fagerlie seconding the motion, which carried.

City Administrator Stevens informed the Mayor and Council that the Rice Memorial Hospital Board is proposing revisions to the Hospital Bylaws. Following discussion of the proposed changes, Council Member Dokken moved to approve the changes as proposed and authorize the Mayor and City Administrator to sign the Rice Hospital Board Bylaws. Council Member Ahmann seconded the motion, which carried.

Announcements for Council Committee meeting dates were as follows: Labor Relations, October 19; Public Works/Safety, October 25; Community Development, October 27; and Finance, October 31, 2011.

Council Member Ahmann offered comments that as part of the ongoing facilities review, City staff should check into ground source heat pumps at the Public Works buildings to save money on energy expenses.

There being no further business to come before the Council, the meeting adjourned at 8:07 p.m. upon motion by Council Member Christianson, seconded by Council Member Reese, and carried.

Attest:

\_\_\_\_\_  
MAYOR

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