

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

November 5, 2012  
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Frank Yanish. Members present on a roll call were Mayor Yanish, Council Members Doug Reese, Ron Christianson, Bruce DeBlieck, Denis Anderson, Steve Ahmann, Jim Dokken, and Tim Johnson; Present 8, Absent 1 – Rick Fagerlie was excused from the meeting.

Also present were City Administrator Charlene Stevens, Police Chief David Wyffels, Planning and Development Services Director Bruce Peterson, City Attorney Chris Hood, and City Clerk Kevin Halliday.

Additions to the Agenda included consideration of a Stipulation Agreement of LELS Arbitration Award of 2011 and 2012, and Federal Aviation Administration approval of Phase 2, Airport Property Release.

Council Member Ahmann offered a motion adopting the Consent Agenda which included the following: City Council Minutes of October 15 and Work Session Minutes of October 22, Rice Hospital Board Minutes of October 10, Municipal Utilities Commission Minutes of October 22, Planning Commission Report for October 24, Accounts Payable Report through October 31, Safe Avenues Exempt Permit Application, and Community Education/Recreation Joint Powers Board Minutes of October 26, 2012. Council Member Anderson seconded the motion, which carried.

At 7:03 p.m. Mayor Yanish opened the hearing on an Ordinance Amending the Charter of the City of Willmar. Shawn Mueske, Chair of the Charter Commission, highlighted the amended sections presented since the Commission began its review in March of 2009. The noted points included a preamble, the form of government, rules of order, and the powers of Mayor. Further noted were the Sections no longer included which were advanced in earlier discussions. Those specific sections no longer proposed in this amending Ordinance included the veto authority vote count of six and the earlier proposed additions to Section 2.08 covering the City Administrator and a proposed subdivision defining the duties of the City Attorney. Upon hearing all those who wished to be heard, Mayor Yanish closed the hearing at 7:11 p.m.

City Attorney Hood informed the Mayor and Council that the Ordinance Amending the Charter requires eight affirmative votes and with only seven Council Members present, Mr. Hood suggested the Council take no action until such time that all eight Council Member are present.

At 7:15 p.m., Mayor Yanish opened an Assessment Hearing for abatement costs incurred in enforcing the hazardous building order to the property located at 201 Havana Street Northeast. Planning and Development Services Director Peterson explained the costs totaling \$10,557.23 were for repairing, razing, correcting and removing the hazardous building.

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

**RESOLUTION NO. 1**

RESOLUTION ADOPTING SPECIAL ASSESSMENT FOR ABATEMENT COSTS  
INCURRED IN ENFORCING THE HAZARDOUS BUILDING ORDER FOR THE PROPERTY  
LOCATED AT 201 HAVANA STREET NORTHEAST

WHEREAS, pursuant to Minn. Stat. § 463.21 and the Kandiyohi County District Court's June 18, 2012 Findings of Fact, Conclusions of Law, Order for Judgment and Judgment in Court File No. 34-CV-12-373, the City has kept an accurate account of the costs it has incurred in conducting the repairs, razing, correction and removal of the hazardous building located at 201 Havana Street Northeast in the City, which real property is legally described as follows:

The South Half of Lot 7 and all of Lot 8 in Block 4 of Sperry's  
Addition to the City of Willmar (the "subject property")

WHEREAS, pursuant to Minn.Stat.§463.21, the City is entitled to impose a lien in the amount of the costs it has incurred in repairing, razing, correcting and removing the hazardous building on the subject property.

WHEREAS, documentation to support the costs incurred by the City in repairing, razing, correcting and removing the hazardous building on the subject property are attached to this resolution as Exhibit A (

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WILLMAR, MINNESOTA, AS FOLLOWS:

1. That the following expenses were incurred in carrying out and enforcing the hazardous building proceeding against the property located at 201 Havana Street Northeast:

Asbestos Inspection Fee	\$250.00
Building Permit (Demolition)	\$75.00
Live Burn Actual Costs incurred	\$4,323.89
Demolition and Site Restoration	\$4,887.37
Debris Disposal (landfill charges)	\$1,020.97
TOTAL:	\$10,557.23

2. That the amount of the costs incurred by the City in repairing, razing, correcting and removing the hazardous building on the subject property totaling \$10,557.23 be imposed as a special assessment against the subject property.

3. That the special assessment against the subject property in the amount of \$10,557.23 be certified to the County Auditor to be extended on the tax rolls of the subject property in the same manner as other taxes for collecting in 2013 and collected by the County Treasurer, and paid to the City Clerk-Treasurer along with other taxes.

Dated this 5th day of November, 2012.

/s/ Frank Yanish  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Mayor Yanish acknowledged Conrad Bostran who had signed up to address the City Council during its scheduled Open Forum. Mr. Bostran, Chairman of the Home Front Connection, reviewed the Yellow Ribbon organization and extended an invitation for an event on December 7, 2012, at the Evangelical Free Church in Willmar.

The Finance Committee Report for October 22, 2012, was presented to the Mayor and Council by Council Member Anderson. There were five items for Council consideration.

Item No. 1 Chair Anderson acknowledged that no one was present to address the Committee at this time.

Item No. 2 Staff explained to the Committee that there are two parcels with similar issues in which previous family sales of property have failed to clear the senior citizen deferments of special assessments that were due and payable. Neither owner has made any attempt to pay the balance due. Previous conversations with the City Attorney state that they are due and payable to the tax payers immediately upon the sale of the property. Staff recommends that Parcel Nos. 95-921-5480 in the amount of \$7,029.00 and 95-006-4030 in the amount of \$14,137.10 be certified for collection in the 2013 tax year.

The Committee was recommending the Council introduce a Resolution certifying previously deferred special assessments for Parcel Nos. 95-921-5480 in the amount of \$7,029.00 and 95-006-4030 in the amount of \$14,137.10 for collection in the 2013 tax year.

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

#### RESOLUTION NO. 2

WHEREAS, the City Council of the City of Willmar, did adopt assessments for the 1990 Street Improvements; and

WHEREAS, the Council offered the option to property owners to defer their adopted assessments pursuant to Minnesota Statutes, Section 435.193 to 435.195 which provides tax relief to persons who are over 65 years of age or retired because of total and permanent disability; and

WHEREAS, certain property owners made application to the City for delayed payment of special assessments agreeing that the deferred payments and interest become payable if a) the owner dies and the surviving spouse is not eligible, or b) the property or a portion of the property is sold, transferred, or subdivided, or c) the property loses its homestead status, or d) the City determines that to require immediate or partial payment would not create a hardship; and

WHEREAS, Parcel 95-921-5480, described as Section 21, Township 119, Range 35, part of Northeast Quarter of Southwest Quarter; Commencing at point where Southerly right-of-way line of Hwy 23 intersects center line of Section 21, distance South on and along center line of Section 79.2 feet from center of Section A distance of 150 feet, thence West and parallel with South right-of-way line of Hwy 23 435.5 feet to point of beginning, thence West 150 feet, North 150 feet East 150 feet, thence South 150 feet to point of beginning, owned in 1990 by Lawrence and Florence Caskey has been sold or transferred to Todd and Timothy Thunstedt and the assessment of \$7,029.10 has not been remitted to the City; and

NOW, THEREFORE, BE IT RESOLVED, that the amounts heretofore listed be certified to the County Auditor to be extended on the tax rolls of such real property in the same manner as other taxes for collecting in 2013 and collected by the County Treasurer, and paid to the city Clerk-Treasurer along with other taxes.

Dated this 5th day of November, 2012.

/s/ Frank Yanish  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Resolution No. 3 was introduced by Council Member Anderson, seconded by Council Member Ahmann, reviewed by Mayor Yanish, and carried on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 3

WHEREAS, the City Council of the City of Willmar, did adopt assessments for the 2001 Street Improvements ; and

WHEREAS, the Council offered the option to property owners to defer their adopted assessments pursuant to Minnesota Statutes, Section 435.193 to 435.195 which provides tax relief to persons who are over 65 years of age or retired because of total and permanent disability; and

WHEREAS, certain property owners made application to the City for delayed payment of special assessments agreeing that the deferred payments and interest become payable if a) the owner dies and the surviving spouse is not eligible, or b) the property or a portion of the property is sold, transferred, or subdivided, or c) the property loses its homestead status, or d) the City determines that to require immediate or partial payment would not create a hardship; and

WHEREAS, Parcel 95-006-4030, described as Section 15, Township 119, Range 35, Block 85, First Addition to the City of Willmar Lots 8 and 9, owned in 2001 by Judith A. Agesen, has been sold or transferred to Tracy and Lisa Bengtson and the assessment of \$14,137.10 has not been remitted to the City,

NOW, THEREFORE, BE IT RESOLVED, that the amounts heretofore listed be certified to the County Auditor to be extended on the tax rolls of such real property in the same manner as other taxes for collecting in 2013 and collected by the County Treasurer, and paid to the city Clerk-Treasurer along with other taxes.

Dated this 5th day of November, 2012.

/s/ Frank Yanish  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 3 The Committee reviewed the following reports: September Rice Trust, 3<sup>rd</sup> Quarter Interest/Dividends, 3<sup>rd</sup> Quarter Investment Activity, and September 30<sup>th</sup> Investment/Cash Balances. This matter was for information only.

Item No. 4 Future agenda items scheduled for the Finance Committee meeting on November 26, 2012, at 4:00 p.m. include budget presentations by Rice Hospital and MUC. Other future agenda items include Fund Balance discussion. This matter was for information only.

Item No. 5 The Committee discussed the option of consolidating the WRAC-8 special revenue fund into the General Fund as recommended by the auditors of Westberg & Eischens. As discussed during the Council Work Session held immediately prior to this Committee meeting, absorbing WRAC-8 into the General Fund would effectively streamline accounting practices. Following discussion, the Committee was recommending the Council consolidate the WRAC-8 fund with the General Fund to be effective 2013. Council Member Anderson moved to approve the recommendation of the Finance Committee with Council Member Christianson seconding the motion, which carried.

City Clerk Halliday explained to the Committee that Parcel No. 95-450-0060 has become a State of Minnesota Tax Forfeiture. As such, Kandiyohi County has valued this parcel at \$408. The Committee was recommending the Council approve the County's valuation of tax forfeited properties. Council Member Anderson moved to approve the recommendation of the Finance Committee with Council

Member Dokken seconding the motion, which carried.

The Committee considered a list of parcels with deferred special assessments remaining from the 1972 Bond. City Clerk Halliday explained the life of water and sewer improvements is 40 years, and subsequently, these special assessments are required to be written off in accordance with that policy. The Committee was recommending the Council introduce a resolution writing off the outstanding water and sewer special assessments deferred from parcels included in the 1972 Bond totaling \$93,002.54.

Resolution No. 4 was introduced by Council Member Anderson, seconded by Council Member Christianson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 4

WHEREAS, the City of Willmar has assessments which have not been previously collected because the benefitted property lies outside of the City limits of the City of Willmar; and

WHEREAS, the City's Comprehensive Assessment Policy provides a stated useful life of forty (40) years for watermains, sanitary sewer lines, and lift stations; and

WHEREAS, forty (40) years has passed since the 1972 Projects: Project 7204 Sanitary Sewer, Project 7205 Watermain, and Project 7206 Lift Station have been completed.

NOW, THEREFORE, BE IT RESOLVED that the following pending assessments (a subset of the recorded Exhibit A (on file in the City Clerk's Office) of July 1, 1987, microfilm 325330) be and hereby are removed and that this action be recorded in the records of the City of Willmar and the County of Kandiyohi.

	<u>7206</u> <u>Lift</u> <u>Station</u>	<u>7204</u> <u>Sanitary</u> <u>Sewer</u>	<u>7205</u> <u>Watermain</u>	<u>Total</u>
James Larson 33-003-0040	\$5,008.34			\$5,008.34
State of Minnesota 33-004-0055		\$14,375.92		\$14,375.92
Diane L. Montgomery pt 33-004-0060	\$11,764.59			\$11,764.59
Caroline Kreps Living Trust 33-020-0010			\$32,053.33	\$32,053.33
Magellan Pipeline Company 33-021-0130		\$3,005.00	\$27,213.28	\$30,218.28
Henry & Alyce Hoting 33-021-0170			\$2,804.66	\$2,804.66
Elm Farms, Inc. 33-021-0370			\$2,554.25	\$2,554.25
Darold Hamann Trust 33-021-0380			\$2,238.50	\$2,238.50
Thomas & Jayne Svobodny 33-021-0400			\$1,853.08	\$1,853.08
Thomas & Jayne Svobodny 33-021-0400			\$500.84	\$500.84
Paul & Linda U'Ren 33-021-0410			\$1,502.50	\$1,502.50
Marvin & Alice Aasen 33-021-0420			\$1,502.50	\$1,502.50
Dann C. & Karen J. Dahlseid 33-021-0430			<u>\$1,001.67</u>	<u>\$1,001.67</u>
	\$16,772.93	\$17,380.92	\$73,224.61	\$107,378.46

BE IT FURTHER RESOLVED that Project 7204 parcel 33-004-0055 re-identified as parcel 95-904-0040, described as the South 150' of East 900' of the Southwest Quarter of Section 4, Township 119, Range 35, owned by the State of Minnesota, and annually qualifying for the City agricultural deferment option, totaling \$14,375.92 be and hereby are also removed.

Dated this 5th day of November, 2012.

/s/ Frank Yanish  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Council Member Christianson raised the issue of making a one-time payment to Community

Organizations requesting donations from the City versus annual installments. This matter was for information only.

The Finance Committee Report for October 22, 2012, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Anderson, seconded by Council Member Dokken, and carried.

The Public Works/Safety Committee Report for October 30, 2012, was presented to the Mayor and Council by Council Member Reese. There were four items for Council consideration.

Item No. 1 Chief Wyffels presented an informational report detailing Downtown Parking Enforcement. The Community Service Officers (CSO's) are the primary enforcement agents for the daily, downtown, time-limit parking violations. The CSO's normally spend approximately four hours a day on parking enforcement. Clerical staff maintains the parking ticket records and handling customer-related parking issues. The report contains the revenue generated from the tickets along with the expenditures of the employees and supplies. Upon review of the information, it was noted that maximum expenditures for enforcement when compared to the revenue generated, are slightly more or close to being the same. This item was received for information only.

Item No. 2 Jared Voge of Bolton and Menk addressed the Committee presenting information relating to a proposed amendment to Work Order No. 1 for the Airport Improvements Project. Initially the project included only the crack seal improvements to the main runway. In the process of preparing the contract documents, MnDOT informed the City that the turf runway must be closed due to its condition.

The project was initially designed to include improvements to both runways with only one bid received. The Council rejected that bid and authorized the improvements be split and rebid as two projects. When the second set of bids came in, none were received for the turf runway contract and quotes were solicited. The Council then awarded the low quote for the turf runway in October, 2012. The Addendum to work Order No. 1 includes the costs associated with including the turf runway improvements into the contract documents, re-advertisement, and estimated construction observation costs. All costs are eligible through the MnDOT grant with 30 percent being local funds budgeted in the 2012 Capital Improvements.

The Committee was recommending the Council approve Amendment No. 1 to Work Order No. 1 with Bolton and Menk in the amount of \$7,100.00 and authorize the City Administrator 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 7, 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 City Administrator of the City of Willmar is hereby authorized to enter into Amendment No. 1 to the professional services contract between the City of Willmar and Bolton and Menk, Inc. The amendment increases the not-to-exceed figure for the contract approved on June 18, 2012 by \$7,100.00.

Dated this 5th day of November, 2012.

/s/ Frank Yanish  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 3 At the request of a concerned citizen at a Council meeting, the traffic at the intersection of 11<sup>th</sup> Street and Gorton Avenue NW was monitored for speed and a possible increase in

counts. Staff conducted traffic counts on both streets and found the numbers on Gorton Avenue to be the same as they were in 2010 and that 11<sup>th</sup> Street had similar results. The speed trailer was placed in the area and no excess speeds were indicated. Staff will follow-up with correspondence to the citizen. This matter was for information only.

Item No. 4 The Committee briefly discussed the traffic accident that caused a power outage at the intersection of 19<sup>th</sup> Avenue and 5<sup>th</sup> Street SW and the update from Willmar Municipal Utilities.

The improvements to the 10<sup>th</sup> Street NW railroad crossing are in progress. Burlington Northern Santa Fe Railroad has informed the City that the crossing will be closed on Monday, November 5, through Thursday, November 8, 2012, for the improvements. It is anticipated to be open the morning of Friday, November 9, 2012. This matter was for information only.

The Public Works/Safety Committee Report for October 30, 2012, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Reese, seconded by Council Member Christianson, and carried.

The Community Development Committee Report for November 1, 2012, was presented to the Mayor and Council by Council Member Dokken. There were four items for Council consideration.

Item No. 1 There were no public comments offered at this meeting.

Item No. 2 Superintendent of Schools Dr. Jerry Kjergaard was present to update the Committee on the status of Lincoln and Garfield Schools. A closing date of November 16, 2012, has been set for the sale of Lincoln School. It is being sold to a group who intends to use it as a church. Staff noted that the change in use will require zoning approvals. Dr. Kjergaard said a tract of land remaining east of the sale parcel could be available to the City to link 9<sup>th</sup> Street Southeast and to expand the park land to the east. Dr. Kjergaard concluded by saying that the School District plans to maintain Garfield School as the home of the Alternative Learning Center, and there are no changes anticipated for that building in the near future. This matter was for information only.

Item No. 3 Staff presented an update on a recent meeting to discuss progress on Downtown Plan goals. The following issues were discussed at the meeting: parking study, Robbins Island-to-Downtown Trail, gateways, Central Business District zoning boundary expansion, and Central Business District design standards. The Committee raised questions about Downtown development and public funding of projects. This matter was for information only.

Item No. 4 The Committee discussed the following: status of Goodwill and Mills Auto projects, status of the airport land release, and future use of the local option sales tax to fund infrastructure. This matter was for information only.

The Community Development Committee Report for November 1, 2012, 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 deferred special assessments for senior citizens or disabled citizens. City Clerk Halliday explained that the City Comprehensive Assessment Policy offers the option to defer special assessments to individuals meeting certain income guidelines. The 2012 Street and Other Improvements Project received five qualifying applicants. Following discussion, Resolution No. 6 was introduced by Council Member Anderson, seconded by Council Member Ahmann, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 7, Noes 0.

#### RESOLUTION NO. 6

WHEREAS, the City Council of the City of Willmar, Minnesota, did order the reconstruction of

certain streets during the year 2012 (Project 1201); and

WHEREAS, Minnesota Statutes, Sections 435.193 to 435.195 allows local governments certifying special assessments against municipal properties to defer the payment of that assessment for any homestead property owned by a person 65 years of age or older or retired by virtue of a permanent and total disability; and

WHEREAS, certain property owner(s) have made application to the City for delayed payment of tax on special assessments and have met the criteria contained in Minnesota Statutes for said deferment.

NOW, THEREFORE, BE IT RESOLVED by the Willmar City Council that special assessments as hereinafter designated be certified to the County and deferred for the years of 2013 through 2022 with interest at the annual rate of Three and Ninety hundredths (3.90%) percent.

BE IT FURTHER RESOLVED that the option to defer payments will terminate and all deferred payments and interest become payable if a) the owner dies and the surviving spouse is not eligible; b) the property or a portion of the property is sold, transferred or subdivided; c) the property loses its homestead status; or d) the City determines that to require immediate or partial payment would not create a hardship. (Complete list of property owners on file in the City Clerk's Office)

Dated this 5th day of November, 2012.

/s/ Frank Yanish  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

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 Anderson moved to schedule hearings for Quick Funds, Inc. and Checks Cashed and Payday Loans on November 19, 2012. Council Member Ahmann seconded the motion, which carried.

Planning and Development Services Director Peterson reviewed with the Mayor and Council an element of the Downtown Plan to revise the Central Business District boundary. The rezone process is based off of the Plan and many community meetings and public input. The expansion can bring benefits to certain types of business looking for the more dense relaxed development standards. Rezoning the property will achieve one of the actions steps of the Plan. It was Staff's recommendation to introduce an Ordinance to Rezone from GB/LB to CBD. Following discussion, Council Member Ahmann offered a motion to introduce an Ordinance Amending Municipal Ordinance No. 1060, the Willmar Zoning Ordinance, and schedule a public hearing for November 19, 2012. Council Member Dokken seconded the motion, which carried.

Announcements for Council Committee meeting dates were as follows: Labor Relations, November 8; Public Works/Safety, November 13; Finance, November 14; and Community Development, November 15, 2012.

Council Member Ahmann informed the Mayor and Council that the City has received a stipulation agreement and partial implementation of the LELS Arbitration Award for 2011 and 2012. The Arbitrator George Latimer awarded a wage increase of 1 percent for patrol officers and 2 percent for sergeants, effective January 1, 2011, and awarded the same increase for patrol officers and sergeants, effective January 1, 2012. The award also included changes to the health insurance, which portion of the award the City has chosen to appeal. Council Member Ahmann stated the agreement was the result of binding

arbitration and the outcome was a non-negotiable issue. Following discussion, Resolution No. 7 was introduced by Council Member Ahmann, seconded by Council Member Johnson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 7

RESOLUTION APPROVING PARTIAL IMPLEMENTATION OF INTEREST  
ARBITRATION AWARD, BMS CASE NO. 12-PN-0441,  
BY AND BETWEEN CITY OF WILLMAR  
AND LAW ENFORCEMENT LABOR SERVICES INC.

WHEREAS, the City of Willmar (the "City") and the Law Enforcement labor Services, Inc. (the "Union") have received an interest arbitration award dated August 13, 2012 and amended September 11, 2012, BMS Case No. 12-PN-0441 (the "arbitration award"); and

WHEREAS, the arbitration award contains the arbitrator awarded 2011 and 2012 wage increases for the job classifications in the police bargaining unit, respectively; and

WHEREAS, the arbitrator awarded wage increases for the police bargaining unit are as follows:

- Wages 2011: Patrol Officers will receive a 1% wage increase, effective January 1, 2011  
Sergeants will receive a 2% wage increase, effective January 1, 2011.  
Wages 2012: Patrol Officers will receive a 1% wage increase, effective January 1, 2012  
Sergeants will receive a 2% wage increase, effective January 1, 2012; and

WHEREAS, the Employer and Union have agreed and stipulated to partially implement the wage portion of the above-referenced arbitration award at this time (the "Stipulation of the Parties") staying implementation of the portion of the award pertaining to health insurance for 2012 pending further review thereof by the Employer through a motion to vacate or in the alternative to modify that portion of the above-referenced arbitration award; and

WHEREAS, the "Stipulation of the Parties," dated October 31, 2012, is attached hereto and incorporated herein by reference as Exhibit A (on file in the City Clerk's Office).

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Willmar, County of Kandiyohi, State of Minnesota:

1. Does hereby approve the attached Stipulation of the Parties implementing the wages portion of the above-referenced arbitration award; and
2. Does hereby direct that the entirety of the above-referenced arbitration award be implemented in the future through ratification of a collective bargaining agreement by and between the Employer and Union for the period of January 1, 2011 through December 31, 2012 following a final decision and order, including any appeals, regarding Employer's motion to vacate or in the alternative to modify that portion of the above-referenced arbitration award pertaining to health insurance for 2012.

Dated this 5th day of November, 2012.

/s/ Frank Yanish  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Mayor Yanish requested that the Labor Relations Committee consider a resolution for a creative

process to reach out to surrounding municipal governments. Council Member Ahmann moved to approve a Resolution to collaborate with surrounding cities with Council Member Christianson seconding the motion. Following discussion, Council Member Ahmann withdrew his motion and Council Member Christianson withdrew his second. This matter will be further considered for future action.

There being no further business to come before the Council, the meeting adjourned at 8:25 p.m. upon motion by Council Member Christianson, seconded by Council Member Anderson, and carried.

Attest:

\_\_\_\_\_  
MAYOR

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