

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

November 7, 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 City Administrator Charlene Stevens, City Attorney Richard Ronning, Police Chief David Wyffels, Fire Chief Marv Calvin, Public Works Director Holly Wilson, Community Education and Recreation Director Steve Brisendine, Planning and Development Services Director Bruce Peterson, and Administrative Assistant Audrey Peterson.

Additions to the Agenda included consideration of a Mayoral appointment to the Zoning Appeals Board.

The Council requested that the following minutes be removed from the Consent Agenda: Rice Hospital Board of October 12, Municipal Utilities Commission Minutes of October 24, and Community and Activity Center Council Minutes of September 27, 2011.

Council Member Ahmann offered a motion adopting the Consent Agenda which included the following: City Council Minutes of October 17, Municipal Utilities Commission of October 11, Planning Commission Minutes of October 26, Accounts Payable through November 2, Building Inspection Report for October, Community and Activity Center Council Minutes of September 6, Willmar Lakes Area Convention and Visitors Bureau Minutes of September 20, Community Education/Recreation Joint Powers Board Minutes of October 28, 2011; Application for Exempt Permit - Knights of Columbus 2764; and Mayoral appointment, Robbert Stone to Zoning Appeals Board. Council Member Reese seconded the motion, which carried.

Council Member Ahmann inquired about Resolution No. 40, Minnesota Municipal Money Market Fund in the Municipal Utilities Commission Minutes. Council Member DeBlieck explained that the 4M Fund was through the League of Minnesota Cities and had been used by the City in the past. Following discussion, the Municipal Utilities Commission Minutes of October 24, 2011, were approved upon motion by Council Member Ahmann, seconded by Council Member Christianson, and carried.

The Council discussed minutes of the September 27, 2011, Willmar Community and Activity Center Council special/strategic planning retreat meeting. The minutes referenced a weakness in communication and direction with the City. City Administrator Stevens stated that she will schedule a meeting with the Activity Center Coordinator LeAnne Freeman to discuss the matter. The September 27, 2011, Willmar Community and Activity Center Council Minutes were approved upon motion by Council Member Ahmann, seconded by Council Member Reese, and carried.

Council Member Dokken informed the Council that the Rice Hospital Finance Report shows an increase in cash on hand since 2010. The Rice Hospital Board Minutes of October 12, 2011, were approved upon motion by Council Member Dokken, seconded by Council Member Johnson, and carried.

At 7:10 p.m. Mayor Yanish opened a hearing on Ordinance Amending the Rates Charged the Eagle Lake Sanitary Sewer System. There being no one present to speak for or against the proposed Ordinance, Mayor Yanish closed the hearing at 7:10 p.m.

Council Member Reese offered a motion to adopt, assign a number and order final publication of the Ordinance Amending the Rates Charged the Eagle Lake Sanitary Sewer System. Council Member Anderson seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

At 7:11 p.m. Mayor Yanish opened a hearing on a currency exchange license renewal for Bennett Ventures, Inc. d.b.a. Checks Cashed and Payday Loans. There being no one to speak for or against the proposed license renewal, Mayor Yanish closed the hearing at 7:11 p.m.

Council Member Christianson offered a motion to approve the currency exchange license renewal for Bennett Ventures, Inc. d.b.a. Checks Cashed and Payday Loans. Council Member Fagerlie seconded the motion, which carried

At 7:12 p.m. Mayor Yanish opened a hearing on a currency exchange license renewal for Darrell K. Sunvold, d.b.a. Quick Funds, Inc. There being no one to speak for or against the proposed license renewal, Mayor Yanish closed the hearing at 7:12 p.m.

Council Member Anderson offered a motion to approve the currency exchange license renewal for Quick Funds, Inc. Council Member Christianson seconded the motion, which carried.

At 7:13 p.m. Mayor Yanish opened a hearing on an Ordinance to Rezone one lot from R-4 to R-3. Planning and Development Services Director Peterson presented details of proposal from David and Anita Ostercamp to rezone property from R-4 (Medium Density Multiple Family Residential) to R-3 (Low Density Multiple Family Residential). R-3 allows single-family homes up to four-plexes, whereas R-4 permits duplexes up to 24 units/buildings. The rezone would allow the existing single-family home to be sold. 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. There being no one present to speak for or against the proposed Ordinance, Mayor Yanish closed the hearing at 7:15 p.m.

Council Member Christianson offered a motion to adopt, assign a number, and order final publication of an Ordinance Amending Municipal Ordinance No. 1060, Willmar Zoning Ordinance. Council Member Dokken seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

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

Mayor Yanish recognized Jill Bengtson, Executive Director of the Willmar Housing and Redevelopment Authority. Ms. Bengtson requested Council consideration and approval to submit a pre-application to the Minnesota Department of Employment and Economic Development requesting a Small Cities Development Program. The \$800,000 grant would be to assist with improvements to qualified residential and commercial rehabilitation. This would be a cooperative funding application between the City of Willmar and City of Raymond; and the HRA would be the administering entity for the project.

Following discussion concerning residential requirements and inspections, Resolution No. 1 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. 1

A RESOLUTION OF THE CITY OF WILLMAR IN SUPPORT OF A SMALL CITIES DEVELOPMENT PROGRAM PROJECT

BE IT RESOLVED THAT the City of Willmar will act as the legal sponsor for project(s) contained in the Minnesota Department of Employment and Economic Development Small Cities Development Program pre-application to be submitted November 17, 2011 and application to be submitted April 12, 2012 if so extended by DEED to submit application and that the Mayor and the City Administrator are hereby authorized to apply to the Minnesota Department of Employment and Economic Development for

funding of this project on behalf of the Cities of Willmar and Raymond.

BE IT FURTHER RESOLVED that the City of Willmar has legal authority to apply for financial assistance and has the institutional, managerial and financial capacity to ensure adequate construction, operation, maintenance and replacement of the proposed project for its design life.

BE IT FURTHER RESOLVED that the City of Willmar has not violated any Federal, State or local laws pertaining to fraud, bribery, gifts, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice.

BE IT FURTHER RESOLVED that upon approval of its applications by the state, the City of Willmar may enter into an agreement with the State of Minnesota for the above referenced project(s); and that the City of Willmar certifies that it will comply with all applicable laws and regulations as stated in all contract agreements as described in the Compliances section of the application.

BE IT FURTHER RESOLVED that the City of Willmar has determined that it faces the same eligible needs as the community of Raymond and will submit a joint application to include Raymond. The City of Raymond agrees to designate Willmar as the lead applicant in the Minnesota Department of Employment and Economic Development Small Cities Development Program application.

NOW THEREFORE BE IT RESOLVED that the Mayor and the City Administrator are hereby authorized to execute such agreements and amendments thereto as are necessary to implement the projects on behalf of the applicant.

Dated this 7th day of November, 2011.

/s/ Frank Yanish
MAYOR

/s/ Charlene Stevens
Attest: CITY ADMINISTRATOR

The Public Works/Safety Committee Report for October 25, 2011, was presented to the Mayor and Council by Council Member Reese. There were five items for Council consideration.

Item No. 1 Staff reviewed with the Committee Project No. 0814-D4, the Southern Interceptor, Forcemain and Outfall from the new Wastewater Treatment Plant to BNSF Railroad. This project was awarded to S.R. Weidema, Inc. in August 2008 with substantial completion in June 2010. Since then a list of items to be completed or corrected was submitted to Weidema, who has notified the City that all work is complete including the lowering of manholes. Donohue and Associates, along with City staff, have inspected the work and found it to be complete. Donohue recommends final acceptance of the project along with release of the escrow in the amount of \$61,561.25.

The Committee was recommending the Council accept Project No. 0814-D4 and issue final payment to S.R. Weidema, Inc. as presented. 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 8, Noes 0.

RESOLUTION NO. 2

ACCEPTING PROJECT AND AUTHORIZING FINAL RELEASE OF ESCROW

IMPROVEMENT: Project No. 0814-D4 Southern Interceptor, Forcemain and Outfall (from New WWTF to BNSF RR)

CONTRACTOR: S.R. Weidema, Inc.
DATE OF CONTRACT: August 18, 2008

NOTICE TO PROCEED: September 8, 2008
 SUBSTANTIAL COMPLETION: June 14, 2010
 FINAL COMPLETION: November 7, 2011
 APPROVAL: Donohue & Associates, Inc.

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

1. The said City of Willmar Project 0814-D4 be herewith approved and accepted by the City of Willmar.
2. The following summary, final payment and release of escrow be approved:

ORIGINAL CONTRACT AMOUNT:	\$ 6,269,539.25
Change Orders	\$ 45,885.78
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$ 6,315,425.03
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$ 6,194,913.33
Less Previous Payments	\$ 6,194,913.33
BALANCE REMAINING	\$ 120,511.70
AMOUNT HELD IN ESCROW	\$ 61,561.25
FINAL PAYMENT DUE CONTRACTOR:	\$ 0.00

Dated this 7th day of November, 2011.

/s/ Frank Yanish
 MAYOR

/s/ Charlene Stevens
 Attest: CITY ADMINISTRATOR

Item No. 2 The Committee reviewed documents associated with the proposed rate change for the Eagle Lake Sewer District. Staff explained the issue was initiated in May of 2010 when the City received notification from an attorney representing the Eagle Lake Sewer District stating they felt the rate schedule was contradictory to the agreement. Discussion was held with various parties and attorneys to reach a settlement of \$1.30 above the City's unmetered rate and omission of the administrative charge resulting in \$40.73 a month for 2011 and \$48.67 a month for 2012. A rate study is planned for 2012 and the City is monitoring specific costs related to the Eagle Lake Sewer District. The current agreement expires in 2016 and requires a two-year notification for termination. This item was for information only.

Item No. 3 In July of 2011 final payment was requested and approved by the City to Graham Construction for Project No 0812-C. Since that time the City has experienced some warranty issues with equipment provided by a supplier of one of the subcontractors. Correspondence has been received from the supplier, Square D, stating that they are addressing the issues estimated at a cost of \$80,000. Through discussions with the City Attorney and Donohue, it is recommended to withhold \$10,000 from the final payment to Graham until the issue is resolved noting that Graham, or their subcontractor, will be withholding payment from the supplier until the work is complete. This matter was for information only.

Item No. 4 The City received the biannual agreement with the State of Minnesota for reimbursement of eligible costs the City incurs for maintenance and operation of the airport during the 2012 and 2013 fiscal years. The agreement reimburses the City at a not-to-exceed figure of \$51,636.00.

The Committee was recommending the Council approve the agreement with the State of Minnesota and authorize the Mayor and City Administrator to sign on behalf of the City. 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

AUTHORIZING TO EXECUTE MINNESOTA DEPARTMENT OF TRANSPORTATION
GRANT AGREEMENT FOR AIRPORT MAINTENANCE AND OPERATION

IT IS RESOLVED by the City of Willmar as follows:

1. That the State of Minnesota Agreement No. 99317, "Grant Agreement for Airport Maintenance and Operation" at the Willmar Municipal Airport is accepted.
2. That the Mayor and City Administrator are authorized to execute this agreement and any amendments on behalf of the City of Willmar.

Dated this 7th day of November, 2011.

/s/ Frank Yanish
MAYOR

/s/ Charlene Stevens
Attest: CITY ADMINISTRATOR

Item No. 5 The Committee was informed by Staff that trees scheduled to be removed in the 35th Street right-of-way have been marked and removal is planned for next week.

Staff also informed the Committee that Wayne Emberland, representing the VFW, is requesting permission from the City to update the lighting at the Flags of Honor Memorial Park. The group is proposing to remove the ten pole lights and replace them with flood lights mounted on 18" high concrete pedestals, and to update the cabinet wiring at no cost to the City. The proposal was approved by both Willmar Municipal Utilities and Public Works. The Committee discussed the lighting project and it was suggested that the concern of light pollution be reviewed. This item was for information only.

Council Member Reese addressed a letter to the Editor in which the author expressed concern over the Police Department being disbanded. Mr. Reese stated, for the record, that he has no intention of disbanning the Police Department. Council Member Anderson stated that the Finance Committee had explored various concepts of mergers with other government entities, one being the Police and County Sheriff Departments. The Mayor and Council assured the citizens that there were no plans in place to disband the Police Department.

The Public Works/Safety Committee Report for October 25, 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 27, 2011, was presented to the Mayor and Council by Council Member Dokken. There were six items for Council consideration.

Item No. 1 Mayor Yanish reminded the Committee that the Discover Manufacturing Showcase is scheduled for October 28, 2011 at the MinnWest Technology Campus. This matter was for information only.

Item No. 2 Steve Renquist, EDC Director, presented the Committee with an update of EDC projects and activities. Considerable time was spent discussing the renewable ammonia development project. Mr. Renquist also reviewed EDC goals for 2011-2015, including accomplishments to date.

The Commission is operating with six main goal areas, those being: to maintain and expand

businesses, assist Rice Hospital in maintaining its position as a regional hospital, develop new opportunities for cooperation with similar agencies, the commercialization of two renewable energy projects and three value-added agricultural businesses, and achieve a 50 percent increase in airport utilization. This matter was for information only.

Item No. 3 The Committee reviewed an update on maintenance activities in the mobile home parks. Staff noted that a local electrical contractor has signed a contract with the Regency Mobile Home Parks to correct the deficiencies with their electrical systems. This matter was for information only.

Item No. 4 Staff presented to the Committee a brief update on activities at the John's Supper Club Building. The Committee discussed the next steps in the rehabilitation process as it relates to achieving compliance with the December 31, 2011, deadline. This matter was for information only.

Item No. 5 The Committee reviewed an outline a proposed process for a revised downtown development and redevelopment plan. This activity is proceeding as an initiative of Mayor Yanish and is a cooperative effort between the City and Willmar Design Center. The process to create a new downtown plan begins December 6th with a Community meeting. The public will be invited to offer comments regarding their vision for the future of downtown. Meetings will be held with targeted groups to solicited similar input. A plan will be drafted by City and Design Center staff in early January and it is anticipated that a revised downtown plan could be ready for Council adoption by late February or early March. Staff informed the Committee that they were very interested in obtaining public input in this process as the downtown doesn't belong to just one or two individuals or property owners. It is the citizens' downtown. This matter was for information only.

Item No. 6 Staff explained to the Committee that the FAA was requiring the City to weatherize the former airport hangar to prevent further deterioration. Staff received two quotes for the work. Work being done under the contract includes pressure washing, caulking and sealing windows and doors, sealing all penetrations, and applying two coats of an exterior waterproofing paint. This FAA requirement is part of the pending land release memorandum of agreement. The low quote was submitted by Cornerstone Construction of Willmar in the amount of \$28,350.00. Staff added that quotes were being solicited for some roof repair, as well, and that those quotes would fall well below the threshold requiring Council review.

Council Member Christianson expressed concerns with the FAA mandate when the building may eventually demolished. Council Member Dokken stated that the property will be marketed and sold.

The Committee was recommending that the City Council approve the Cornerstone Construction contract for maintenance of the former airport terminal as presented. Resolution No. 4 was introduced by Council Member Dokken, seconded by Council Member Ahmann, reviewed by Mayor Yanish and approved on a roll call vote of Ayes 7, Noes 1 - Council Member Christianson voted "no."

RESOLUTION NO. 4

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 a contract with Cornerstone Construction of Willmar, Minnesota, in an amount of \$28,350.00 for maintenance work at the former airport terminal building.

Dated this 7th day of November, 2011.

/s/ Frank Yanish
MAYOR

/s/ Charlene Stevens
Attest: CITY ADMINISTRATOR

The Community Development Committee Report for October 27, 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 Christianson, and carried.

The Labor Relations Committee Report of October 20, 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 it was the intent of the Committee to close the meeting to discuss employment contract negotiations. The meeting was closed and then reopened. This matter was for information only.

The Labor Relations Committee Report of October 20, 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 Labor Relations Committee Report for November 2, 2011, was presented to the Mayor and Council. There were seven items for Council consideration.

Item No. 1 There were no comments from the public.

Item No. 2 City Administrator Stevens presented the Committee with additional information regarding the proposed position of Building Maintenance Supervisor. Ms. Stevens explained that the City has 10 buildings with a total of 65,000 square feet, of which 8 are maintained by the custodial staff. Ms. Stevens further explained that previously the City had custodial staff providing 160 hours of maintenance, which has now been reduced to 80 hours with the current vacancy. It was noted that 120 hours of custodial time is necessary to adequately maintain the facilities and requested that the Committee consider authorizing staff to fill the current vacancy with a Grade 6 Building Maintenance Supervisor position. Ms. Stevens explained that the position would perform all custodial services with primary responsibility for the Airport, Community Center and Public Works facilities, as well as serve as project manager for all preventive maintenance and major repair projects, such as roofs and HVAC for all of the facilities, and manage the daily custodial schedules.

The Committee asked for clarification on the duties and skill levels of the Grade 3 and Grade 4 custodial positions and if the boiler license was necessary.

Council Member Ahmann suggested that the work could perhaps be performed by contract employees or part time employees. Public Works Director Wilson reviewed the efforts of the City to previously contract out for custodial services.

City Administrator Stevens expressed concerns that filling the position at the Grade 1 level would not provide applicants with the skills necessary and stated the need is really for three custodial positions.

The Committee made a motion to authorize the filling of the Custodial position at a Grade 3, which failed on a 2-2 vote.

Council Member Ahmann asked that staff return with more information regarding contracting out of custodial service, as well as additional information on the Custodial Grade 3 position. This matter was for information only.

Item No. 3 City Administrator Stevens informed the Committee that this item, succession planning, was placed on the agenda at the request of Council Member Reese and explained that City staff had spent some time on workforce planning in 2007 and 2008 and that information was provided to the Committee.

Council Member Reese indicated that this was an area of concern for the City based upon the possibility of staff in critical positions being retirement eligible in the next three to five years. The Committee members present concurred.

Council Member Anderson stated that the efforts should be on-going in identifying critical positions and opportunities for developing staff, as well as the importance of the knowledge transfer from retiring employees to continuing employees.

Council Member Ahmann asked Ms. Stevens to continue the workforce succession planning efforts and update the Committee as necessary. This matter was for information only.

Item No. 4: City Administrator Stevens presented to the Committee an amendment to the City's Personnel Policy regarding Credit Cards, stating that the City had an existing policy for Credit Cards in Section 2.27, but that as on-line payment and credit card purchasing has become more prevalent, there was a need to update the policy to reflect new practices. Ms. Stevens stated that the limits on amounts of transactions have not changed and that responsibility and accountability still rests with the Department Directors and City Administrator.

The Committee was recommending the Council approve the amendment to the City's Personnel Policy, Section 2.27 regarding the use of Credit Cards as presented. Council Member Ahmann moved to approve the recommendation of the Labor Relations Committee, with Council Member Anderson seconding the motion, which carried.

Item No. 5: The Committee meeting was closed to discuss contract negotiations and then reopened. This matter was for Information only.

Item No. 6: There were no labor contracts for consideration and this matter was for information only.

Item No. 7: City Administrator Stevens informed the Committee that the City had received notice from the Minnesota Office of Budget and Management that it had failed the Pay Equity compliance test and that the City was working with Springsted Incorporated to resubmit the report.

The Committee discussed the possibility of forming intergovernmental agreements to improve communication between the City and Rice Hospital and the City and the Municipal Utility Commission. This matter was for information only.

The Labor Relations Committee Report for November 2, 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 31, 2011, was presented to the Mayor and Council upon motion by Council Member Anderson. There were 13 items for Council consideration.

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

Item No. 2 Steve Renquist, EDC Executive Director, reviewed the EDC 2012 Budget with the Committee and noted that 2012 revenue includes \$455,000 from the County Tax Levy which has not changed for four years. The EDC is also proposing to utilize \$53,508 from the Agency's reserves as a funding source. The overall budgeted expenditures for 2012 totals \$508,508 and includes the recently formalized full-time position of Ag Specialist who also has an office on the MinnWest Campus. Concerns were raised regarding the 2 percent increase reflected in the Executive Director and Assistant Director salaries. Mr. Renquist stated that any salary increases for the EDC will be the blended rate of approved City and County salary increases.

The Committee was recommending the Council approve the EDC 2012 Budget as proposed. Council Member Anderson moved to approve the recommendation of the Finance Committee with Council Member Fagerlie seconding the motion, which carried.

Mr. Renquist then presented information on the various projects the EDC is involved with, as well as statistics showing economic improvement for Kandiyohi County.

Item No. 3 City Clerk Halliday informed the Committee that the 2011 Assessment Roll approved by the Council earlier this year included two properties that belong to the HRA. These properties are located on Becker Avenue (Highland Apartments) and on Gorton Avenue. It was discovered that Cooperation Agreements with the HRA dated November 3, 1993, and October 17, 1979, respectively, state that a condition of their public housing projects was that the City would not levy special assessments against the respective properties for any City Improvement Projects. The Committee asked if there was an end date to the Cooperation Agreements, which the City Attorney will review.

The Committee was recommending the Council introduce a resolution removing Parcels 95-009-1270 and 95-310-0150 from the assessment roll, subject to City Attorney review. Resolution No. 5 was introduced by Council Member Ahmann, seconded by Council Member Fagerlie, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 5

AMENDING ASSESSMENT ROLL

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

WHEREAS, certain adopted assessments have been amended due to additional information, specifically, Cooperation Agreements with the Willmar Housing and Redevelopment Authority (dated October 17, 1979 and November 3, 1993) prohibit the levying of special assessments against the public housing projects.

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

1. Special assessment amounts against Parcels 95-009-1270 and 95-310-0150 should be removed.
2. Such assessment roll be amended to the sum of \$976,731.91, a copy of which is attached hereto and made a part hereof, is hereby accepted.
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 7th day of November, 2011.

/s/ Frank Yanish
MAYOR

/s/ Charlene Stevens
Attest: CITY ADMINISTRATOR

Item No. 4 The Committee was informed by City Clerk Halliday that according to Minnesota Statutes the City can defer special assessments placed against homestead property for seniors, disabled, or military persons meeting certain income guidelines. There are five owners in the City's 2011 Project No. 1101 that have requested and qualified for deferment.

The Committee was recommending the Council introduce a resolution deferring the special assessments for the five parcels as presented. Resolution No. 6 was introduced by Council Member Anderson, seconded by Council Member Dokken, reviewed by Mayor Yanish, and approved on a roll call

vote of Ayes 8, 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 2011 (Project 1101); and

WHEREAS, Minnesota Statutes, Sections 435.193 to 435.195 allows local governments making a special assessment 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 2012 through 2021 with interest at the annual rate of four and twenty hundredths (4.20%) 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 properties on file in the City Clerk's Office).

Dated this 7th day of November, 2011.

/s/ Frank Yanish
MAYOR

/s/ Charlene Stevens
Attest: CITY ADMINISTRATOR

The Committee was informed of one owner in the City's 2011 Project No. 1112 that has requested and qualified for deferment. Following discussion, the Committee was recommending the Council introduce a resolution deferring the special assessments for one parcel as discussed above in Project 1112. Resolution No. 7 was introduced by Council Member Anderson, seconded by Council Member Reese, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 7

WHEREAS, the City Council of the City of Willmar, Minnesota, did order the reconstruction of certain streets during the year 2011 (Project 1112); and

WHEREAS, Minnesota Statutes, Sections 435.193 to 435.195 allows local governments making a special assessment 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 2012 through 2021 with interest at the annual rate of four and twenty hundredths (4.20%) 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 properties on file in the City Clerk's Office).

Dated this 7th day of November, 2011.

/s/ Frank Yanish

MAYOR

/s/ Charlene Stevens

Attest: CITY ADMINISTRATOR

Item No. 5 City Clerk Halliday presented a list of property owners who have made application for agricultural land exemptions and have met the criteria in the City's Assessment Policy. The Assessment Policy allows the City to temporarily exempt certain lands currently used for agricultural purposes. Following discussion, the Committee was recommending the Council introduce a resolution authorizing the agricultural exemption of special assessments.

Resolution No 8 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 8

WHEREAS, the City Council of the City of Willmar, Minnesota, did order the installation of certain street and other improvements made under Projects No. 0501, 8606, 9301 and 9101, and certain sewer and water main improvements made under Projects No. 9701, 9303, 9202, 9002, 7402, and 7206.

WHEREAS, Section W of the City of Willmar Comprehensive Assessment Policy allows the City to temporarily exempt from assessments certain lands currently used for agriculture purposes; and

WHEREAS, certain property owners have made application to the City for delayed payment of taxes on special assessments and have met the criteria contained in the Comprehensive Assessment Policy 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 until such property is developed or upon approval of the final plat, and that no interest be charged until such time.

BE IT FURTHER RESOLVED that upon development or plat approval that tapping fee shall be based on the project year bid price per front foot or unit, or on the current year costs at the time of connection/platting, whichever is greater (complete list on file in the City Clerk's Office).

Dated this 7th day of November, 2011.

/s/ Frank Yanish

MAYOR

/s/ Charlene Stevens

Attest: CITY ADMINISTRATOR

Item No. 6 City Clerk Halliday explained to the Committee that a parcel currently being used for farming which has qualified for agricultural exemption might be utilized by Ridgewater College for students in the Agriculture Program. Consequently, the use of this parcel may be changing from agricultural use to educational use for agricultural purposes. The Council needs to determine whether this property would still qualify for the agricultural exemption if that transfer occurred. It was further noted that the special assessments against this property may be written off in 2012 because of the end of the 40-year life of the improvement. Future discussions by the Council should address land classifications in the City's Assessment Policy. This matter was taken for information only.

Item No. 7 The Committee was informed by City Clerk Halliday that earlier this year the Council had approved the appraised value set by the County on a small parcel of land in Sunrise Addition which had become tax forfeited and is adjacent to a City-owned lot. It had been negotiated with Kandiyohi County for the City to purchase it for \$1 but then it was discovered that under those circumstances the Commissioner of Revenue requires a fee of \$250 for a Conditional Use Deed. Subsequently, it was being recommended that the City purchase the land outright for the appraised value of \$200 which would alleviate the State's \$250 requirement.

The Committee was recommending the Council remit the proposal to the Planning Commission with a recommendation to purchase the parcel for the appraised value of \$200. Council Member Anderson moved to approve the recommendation of the Finance Committee with Council Member Fagerlie seconding the motion, which carried.

Item No. 8 Staff reported to the Committee that a rain garden had been installed in the amount of \$4,515.40 at First Street and Ella Avenue North as recommended by the Storm Water Task Force. It was being requested that funding for this project be appropriated from the Storm Water Fund. The Committee was recommending the Council introduce a resolution appropriating funds from the Storm Water Fund for the rain garden.

Resolution No. 9 was introduced 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. 9

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to make the following changes within the Storm Water Fund:

Decrease:	Fund Balance	\$4,516.00
Increase:	Maintenance of Improvements	\$4,516.00

Dated this 7th day of November, 2011.

/s/ Frank Yanish
MAYOR

/s/ Charlene Stevens
Attest: CITY ADMINISTRATOR

Item No. 9 Staff reported to the Committee that improvements are needed on the Lions Shelter at Robbins Island in the amount of \$2,000 and new lighting is needed at the Hilltop Park Skating Rink in the amount of \$5,000. In the 2011 Capital Outlay Program, Public Works had budgeted \$10,000 for Shelter Repair. It is being requested that \$2,000 of this amount be transferred to the Public Works Operating Budget to fund the improvements at the Lions Shelter since they are maintenance issues and not capital improvements. It is also being requested that \$5,000 of the Shelter Repair in Public Works Capital Outlay be designated to Hilltop Park Skating Rink lighting.

The Committee was recommending the Council introduce a resolution transferring funds from Shelter Repair in the 2011 Public Works Capital Outlay Program to the Public Works Operating Budget for the Lions Shelter improvements and redesignating 2011 Public Works Capital Outlay funds from Shelter Repair to Hilltop Park Skating Rink lighting.

Resolution No. 10 was introduced 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. 10

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to

make the following changes within the Public Works Department of the General Fund:

Decrease:	Capital Improvements - Shelter Repair	\$7,000.00
Increase:	Maintenance of Buildings	\$2,000.00
	Capital Improvements - Rink Lighting	\$5,000.00

Dated this 7th day of November, 2011.

/s/ Frank Yanish
MAYOR

/s/ Charlene Stevens
Attest: CITY ADMINISTRATOR

Item No. 10 Staff explained to the Committee that the 2011 City Hall Capital Outlay Budget includes \$25,371 for roof repairs, however, quotes received are exceeding this amount. Under the 2011 Public Works Capital Outlay Budget, a used loader was purchased for \$160,000 which leaves \$35,000 available for the additional funding needed to replace the entire roof at City Hall. It is being requested that the Council reappropriate the excess \$35,000 from the Loader purchase to the Roof Repair.

The Committee was recommending the Council introduce a resolution reappropriating funds from the 2011 Public Works Capital Outlay Budget for the loader to the City Hall Capital Outlay Budget for Roof Replacement. Resolution No. 11 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. 11

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

Decrease:	Capital Improvements - Loader	\$35,000.00
Increase:	Capital Improvements - City Hall Roof	\$35,000.00

Dated this 7th day of November, 2011.

/s/ Frank Yanish
MAYOR

/s/ Charlene Stevens
Attest: CITY ADMINISTRATOR

Item No. 11 Staff reported that City Administrator Stevens has proposed, as a result of a Council Work Session held recently, that the Airport FBO contract amount that was not included in the initial 2012 Mayor's Proposed Budget be added back in and that the request from Let's Go Fishing recently presented to the Council not be included in the 2012 Budget. It was the consensus of the Committee that both entities be notified of these proposals. This matter was taken for information.

Item No. 12 The Committee received the following September 30, 2011, reports: CVB, WRAC-8, LOST, 3rd Quarter Rice Trust, 3rd Quarter Interest and Dividends, 3rd Quarter Investment Activity, and Cash/Investment Portfolio. This matter was taken for information only.

Item No. 13 The Committee discussed funding for an additional microphone for staff use during Council meetings as it is cumbersome passing the existing equipment as needed. City Clerk Halliday responded that an additional microphone may not be possible because there are limited connections in the MUC auditorium. This matter was for information only.

The Finance Committee Report for October 31, 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 Mayor and Council considered a Preliminary Plat for Evans Addition. Planning and Development Services Director Peterson presented details of Evans Addition, a subdivision of one large parcel into two lots with the existing home, owned by Bruce Evans. One utility easement shall be added as requested by the Municipal Utilities. The Planning Commission has approved the preliminary plat. Following discussion, Council Member Fagerlie offered a motion to approve the Evans Addition Preliminary Plat. Council Member Dokken seconded the motion, which carried.

The Mayor and Council considered an Ordinance to Rezone Certain Lands from R-2 to Limited Business. Planning and Development Services Director Peterson presented details of a proposal from Benda Hubers to rezone property just west of Independence Place on Willmar Avenue SE from R-2 (One and Two Family Residential) to LB (Limited Business Commercial) to operate a counseling center out of the existing structure. The proposal is consistent with the Comprehensive Plan and has been approved by the Planning Commission.

Council Member Anderson offered a motion to introduce an Ordinance to Rezone Certain Lands from R-2 to Limited Business and schedule a public hearing for November 21, 2011. Council Member Reese seconded the motion, which carried.

Announcements for Council Committee meeting dates were as follows: Finance, November 14; Public Works/Safety, November 15; and Community Development, November 17, 2011.

Council Member Christianson inquired as to when the Turch and Associates contract would expire. City Administrator Stevens will follow up on the matter.

Council Member Dokken commented on the Veteran's Day display at the City Auditorium. Mr. Dokken also informed the Mayor and Council of a recent Neighborhood meeting.

Council Member DeBlieck requested information on the number of calls for Police on October 29 and 30, 2011. Chief Wyffels briefly explained that due to the number of calls received, there was once incident where an Officer was not able to get to the scene in a timely fashion.

There being no further business to come before the Council, the meeting adjourned at 8:47 p.m. upon motion by Council Member Christianson, seconded by Council Member Anderson, and carried.

Attest:

MAYOR

ACTING SECRETARY TO THE COUNCIL