

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

July 2, 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 DeBlicek, Denis Anderson, Steve Ahmann, Rick Fagerlie, Jim Dokken, and Tim Johnson; Present 9, Absent 0.

Also present were City Administrator Charlene Stevens, 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, City Attorney Robert Scott, and Administrative Assistant Audrey Peterson.

Additions to the Agenda included comments from Don Williamson representing the Willmar Design Center.

Council Member Reese offered a motion adopting the Consent Agenda which included the following: City Council Minutes of June 18, Rice Hospital Board Minutes of May 30, Municipal Utilities Commission Minutes of June 25, Planning Commission Minutes of June 27, Accounts Payable through June 27, Charter Commission Minutes of April 17, and Zoning Appeals Board Minutes of June 25, 2012. Council Member Anderson seconded the motion, which carried.

Mayor Yanish recognized Doug Green, Springsted Incorporated, who presented details of the negotiated sale of the \$1,460,000 General Obligation Improvement Bonds, Series 2012B. Three bids were received, with Oppenheimer and Company, Inc. as the low bidder at a 2.0589 percent interest rate. Following a review of the City's strengths and challenges as noted in the June 28, 2012, Moody's Investors Services report, Mayor Yanish thanked Mr. Green for his presentation. 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**

**RESOLUTION ACCEPTING OFFER ON THE SALE OF \$1,460,000 GENERAL OBLIGATION  
IMPROVEMENT BONDS, SERIES 2012B, PROVIDING FOR THEIR ISSUANCE  
AND LEVYING A TAX FOR THE PAYMENT THEREOF**

(For Resolution in its entirety, see City Council Proceedings file dated  
July 2, 2012, located in the City Clerk's Office)

Mark Boeschen, Information Systems Coordinator, presented to the Mayor and Council a demonstration of the City's new website. Mr. Boeschen reviewed the history of the former website, which started in 1997 and proved difficult to find and update information. The City's website now has a new, modern design, information is easy to find, and was developed in-house by a team of City staff. Following the demonstration and comments by the Council, Mayor Yanish thanked Mr. Boeschen for the demonstration and congratulated him and the team for a job well done.

Don Williamson, representing the Willmar Design Center, appeared before the Mayor and Council to update them with regards to promotions and comment on the decision of the WDC to not place flowers in baskets on the poles. Mr. Williamson explained that the WDC could not find enough resources to plant and water the plants this year. Following discussion, Mr. Williamson thanked the Mayor and Council for

their vision and support for the Downtown. Council Member Anderson expressed his appreciation to the Willmar Design Center for their efforts.

Mayor Yanish acknowledged Ms. Vicki Cyr who had signed up to address the City Council during its scheduled Open Forum. Ms. Cyr expressed concerns with Agenda Item #14, the consideration of 3.2% Liquor and On-Sale Wine Liquor License for the KRA Speedway. This matter will be addressed later in the meeting.

Mayor Yanish presented a Proclamation to Community Education and Recreational Director Steve Brisendine recognizing July as Park and Recreation Month in the City of Willmar.

The Finance Committee Report for June 25, 2012, was presented to the Mayor and Council by Council Member Anderson. There were three items for Council consideration.

Item No. 1 City Clerk Halliday explained that the Committee had previously reviewed a draft of the proposed Deferred Assessment Ordinance which would have established gross household income levels at HUD Low Income Limits. Concerns were raised that these income limits were too high. Since that time, Staff has researched income statistics for Kandiyohi County and now presented that information to the Committee with a recommendation that the HUD Very Low Income Limits be instituted for this Ordinance. The Committee was recommending the Council introduce an Ordinance creating a new Chapter 5, Article V, Special Assessments, which describes improvement costs eligible for special assessment and discretionary deferment of those assessments, amend the draft ordinance to use the HUD Very Low Income Limits, and set a public hearing for July 16, 2012.

Following discussion, Council Member Anderson offered a motion to introduce, and call for a public hearing on July 16, 2012, an Ordinance Creating a New Chapter 5, Article V, Special Assessments. Council Member Fagerlie seconded the motion, which carried.

Item No. 2 The Committee considered a request from Staff to reallocate funds in the 2012 Public Works Capital Outlay Program. Replacement of a utility tractor was estimated at \$74,781, but the total purchase cost is \$78,455.53 for the tractor with a bucket attachment. Unused funds from the purchase of a front end loader would cover the overage for the tractor replacement. It is being requested that \$3,674.53 of these unused funds to be reallocated to the purchase of the tractor and bucket.

The Committee was recommending the Council approve the purchase and introduce a resolution amending the 2012 Public Works Capital Outlay Budget by reappropriating \$3,674.53 left over from the purchase of a Front End Loader for the purchase of a tractor and bucket. Resolution No. 2 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

#### RESOLUTION NO. 2

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to amend the 2012 Public Works Capital Outlay Budget as follows:

Increase:	2012 Purchase of Utility Tractor with Bucket	\$3,675.00
Decrease:	2012 Purchase of Front End Loader	\$3,675.00

Dated this 2<sup>nd</sup> day of July, 2012.

/s/ Frank Yanish  
MAYOR

/s/ Charlene Stevens  
Attest: CITY ADMINISTRATOR

Item No. 3 Council Member Anderson raised a question regarding donations received from individuals and organizations and asked if these items could be included on the Consent Agenda instead of addressing them at the Committee level and then again at the Council Meeting. Further, it was requested that the Mayor also verbally note each item included on the Consent Agenda so the the public as well as the Council are aware of what is being acted on in that motion. This would also detail any donations received and due appreciation/acceptance could be approved at that time. This matter was for information only.

The Finance Committee Report for June 25, 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 Ahmann, and carried.

The Public Works/Safety Committee Report for June 26, 2012, was presented to the Mayor and Council by Council Member Reese. There were five items for Council consideration.

Item No. 1 Staff presented to the Committee three quotes received for the replacement of two lift stations in Welshire Addition. The pumps are 31 years of age and are continually plugging, requiring more Staff time. This in turn is a safety issue for Staff entering the lift station (confined space) more often and pulling the pumps. It is Staff's recommendation to replace the two pumps by using the low quote of Electric Pump.

Following discussion, the Committee was recommending the Council accept the quote of Electric Pump in the amount of \$23,695.00 plus tax 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

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the quote of Electric Pump. of New Prague, Minnesota for replacement of two lift station pumps is accepted, and be it further resolved that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an agreement with the contractor for the terms and consideration of the contract in the amount not to exceed \$23,695.00 plus tax.

Dated this 2<sup>nd</sup> day of July, 2012.

/s/ Frank Yanish  
MAYOR

/s/ Charlene Stevens  
Attest: CITY ADMINISTRATOR

Item No. 2 The Committee was informed by Staff that four bids were received for Project No. 1202, which is the relocation of the 16" water main near the Minnesota Department of Transportation facility. The project is a directional bore of a 16-inch line and will be funded by Willmar Municipal Utilities. The low bid received was that of Ellingson Drainage, Inc. of West Concord, MN, in the amount of \$124,740.00.

The Committee was recommending the Council accept the low bid of Ellingson Drainage, Inc. as presented and authorize the Mayor and City Administrator to sign on behalf of the City. Resolution No. 4 was introduced by Council Member Reese, seconded by Council Member Christianson, and approved on a roll call vote of Ayes 8, Noes 0.

#### RESOLUTION NO. 4

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the bid of Ellingson Drainage, Inc. of West Concord, Minnesota for Project No. 1202 - MnDOT Water Main Relocation is accepted, and be it further resolved that the Mayor and City

Administrator of the City of Willmar are hereby authorized to enter into an agreement with the bidder for the terms and consideration of the contract in the amount of \$124,740.00.

Dated this 2<sup>nd</sup> day of July, 2012.

/s/ Frank Yanish  
MAYOR

/s/ Charlene Stevens  
Attest: CITY ADMINISTRATOR

Item No. 3 The Committee considered an agreement between the City, BNSF Railway Company and the Commissioner of Transportation for the Trott Avenue West railroad crossing. Staff explained the improvements consist of installation of flashing light signals with gates, one cantilever, constant warning circuitry and LED lenses per a MnDOT safety audit, to be maintained and operated by BNSF Railway. Installation is proposed to take place in 2013. The project will be funded 90 percent by State funds, reimbursable by Federal funds, and 10 percent by the City at an estimated cost of \$258,750.00. The agreement has been forwarded to the City Attorney for review.

The Committee was recommending the Council approve the agreement contingent upon approval of the City Attorney and authorize the Mayor and 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 8, Noes 0.

#### RESOLUTION NO. 5

BE IT RESOLVED, that the City of Willmar enter into an agreement with the BNSF Railway Company and the Commissioner of Transportation for the installation and maintenance of railroad crossing signals at the intersection of Trott Avenue SW (MSAS 104) with the tracks of the BNSF Railway Company in Willmar, Kandiyohi County, Minnesota, and appointing the Commissioner of Transportation agent for the City so supervise said project and administer available Federal Funds in accordance with Minnesota Statute, Section 161.36. The City's share of the cost shall be 10 percent of the total signal cost.

BE IT FURTHER RESOLVED, that the Mayor and City Administrator be and they are hereby authorized to execute said agreement and any amendments thereto for and on behalf of the City.

Dated this 2<sup>nd</sup> day of July, 2012.

/s/ Frank Yanish  
MAYOR

/s/ Charlene Stevens  
Attest: CITY ADMINISTRATOR

Item No. 4 Public Works Director Wilson presented the Storm Water Task Force minutes regarding the Watershed Management Plan. The Watershed Management Plan poses no financial obligation to the City of Willmar and is recommended for adoption by Staff and the Storm Water Task Force. The Committee was recommending the Council accept and approve the final Watershed Management Plan.

#### RESOLUTION NO. 6

BE IT RESOLVED by the City Council of Willmar, Minnesota, that the City accept and approved the 2012 Water Management Plan as prepared by Barr Engineering.

Dated this 2<sup>nd</sup> day of July, 2012.

/s/ Frank Yanish  
MAYOR

/s/ Charlene Stevens  
Attest: CITY ADMINISTRATOR

Item No. 5 Public Works Director Wilson provided an update on LED street lighting. There are currently 3 LED street lights in place for a one-year test period located at: NW 7<sup>th</sup> St. & Park Ave; Monongalia Ave. between 8<sup>th</sup> and 9<sup>th</sup> St; and 23<sup>rd</sup> St. SE. These are placed in locations where certain members of the public can monitor them and call Willmar Municipal Utilities if problems arise. The LED street lights emit a white light that lasts 20-25 years.

Following discussion of the LED street lights and energy that could be saved, this matter was received for information only.

The Public Works/Safety Committee Report of June 26, 2012, were 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 June 28, 2012, was presented to the Mayor and Council by Council Member Dokken. There were four items for Council consideration.

Item No. 1 Laura Becker inquired about the occupancy status of the new mosque at the former Lafayette School and asked about the installation of the required sprinkler system. Staff responded that the mosque had not been approved for permanent occupancy as the sprinkler system was yet to be installed. This matter was for information only.

Item No. 2 The Committee reviewed background information and proposed language for a new animal ordinance as presented by Staff. Committee discussion centered on the number of birds to be allowed in residential districts and the setback requirements for animal enclosures. It was recommended that the side setback be adjusted to a minimum of 10 feet to be consistent with the 10 feet rear setback requirement.

The Committee was recommending that the proposed ordinance parameters be approved with the side setback adjusted to 10 feet, and that the City Attorney be directed to prepare an ordinance for public hearing. Council Member Dokken moved to approve the recommendation of the Community Development Committee with Council Member Christianson seconding the motion, which carried.

Item No. 3 The Committee reviewed the inspection plan for the City's rental housing inspection program. It was noted that registration terms for the program had been adjusted a number of times. The Willmar registration and inspection schedule was compared to the process utilized in East Grand Forks. East Grand Forks allows their inspector to waive an annual inspection if the previous inspection yielded no corrections, although the fees are collected annually. It was determined that the Willmar program had no need for a waiver provision due to the fact that units are licensed for a longer period of time. Staff recommended keeping the City of Willmar rental housing registration and inspection schedule as it currently is, but that the Council consider adjusting registration fees as they continue through the budget process. This matter was for information only.

Item No. 4 Chair Dokken asked what the next steps were for the City relative to the Lakeland Hotel project. Staff offered the opinion that there were no further steps for the City to take at this time due to the withdrawal of the developer from the project. It was recommended that the City be open to other proposals for the redevelopment of the Lakeland building. This information was for information only.

Item No. 5 Staff was asked about conditions in the mobile home parks. There are ongoing drainage issues in the west park that the County has issued correction orders for. The owners of the

parks are still working to remove as many bad homes as they can, and to consolidate the two parks into one. This matter was for information only.

The Community Development Committee Report for June 28, 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 an application from the Kandi Racing Association dba KRA Speedway for a 3.2 percent Liquor and On-Sale Wine Liquor License. City Administrator Stevens reviewed the application and proposed area where sales and consumption is allowed which has been described as the area of "bleacher style seating with a roof over the entire area." Alcohol sales and consumption will be limited exclusively to this area. Council Member Christianson compared this application to that of the Stinger's organization and that there have been no problems with that organization. Council Member DeBlieck expressed his opposition of the liquor license and stated that he felt alcohol and racing do not belong together.

Council Member Reese offered a motion to approve the 3.2 percent Liquor and On-Sale Wine Liquor License as presented. Council Member Christianson seconded the motion which carried on a roll call vote of Ayes 7, Noes 1 - Council Member DeBlieck voted "No."

The Mayor and Council considered a one-to-four day Temporary On-Sale Liquor License for FOE Aerie 2334 dba Willmar Fraternal Order of Eagles. City Administrator Stevens reviewed the request from the Eagles to host outdoor liquor sales/consumption on their rear parking lot. The event is a picnic for members, families and guests only and the area will be fenced in. Council Member Fagerlie moved to approve the Temporary On-Sale Liquor License for FOE Aerie 2334 as presented. Council Member Ahmann seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Announcements for Council Committee meeting dates were as follows: Finance, July 9; Public Works/Safety, July 10; Labor Relations, July 11; and Community Development, July 12, 2012.

Council Member Dokken presented details of an event held on July 3, 2012, to kick off area Law Enforcement Agencies partnering to enforce speed limits in July. Mayor Yanish encouraged citizens to attend the event.

Council Member Christianson brought up the issue of the full Council participating in employee bargaining group negotiations and requested that this matter be listed on the next Labor Relations Committee Agenda.

There being no further business to come before the Council, the meeting adjourned at 8:38 p.m. upon motion by Council Member Reese, seconded by Council Member Anderson, and carried.

Attest:

\_\_\_\_\_  
MAYOR

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