

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

August 19, 2013
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 Denis Anderson, Ron Christianson, Steve Ahmann, Audrey Nelsen, Tim Johnson, Jim Dokken, Rick Fagerlie and Bruce DeBlieck; Present 9, Absent 0.

Also present were City Administrator Charlene Stevens, Police Chief David Wyffels, Finance Director Steve Okins, Community Education and Recreation Director Steve Brisendine, Planning and Development Services Director Bruce Peterson, City Attorney Robert Scott, and City Clerk Kevin Halliday.

The Council requested that the Charter Commission appointment, Municipal Utilities Commission Minutes, and Planning Commission Minutes be removed from the Consent Agenda.

Council Member Anderson offered a motion adopting the Consent Agenda which included the following: City Council Minutes of August 5, Rice Hospital Board Minutes of July 17, Accounts Payable Report through August 14; and Application to Conduct Excluded Bingo, Church of St. Mary. Council Member Christianson seconded the motion, which carried.

The Council discussed the proposed appointment of Bob Enos to the Charter Commission and was informed by the Mayor that if appointed, Mr. Enos would resign from the Economic Development Commission. Council Member Anderson moved to approve the appointment of Mr. Enos to the Charter Commission with Council Member Johnson seconding the motion, which carried.

Council Member Christianson stated he has received many calls to the regarding the non-working wind turbines and requested a report. The Municipal Utilities Commission Minutes of August 12, 2013, were approved as presented upon motion by Council Member Christianson, seconded by Council Member DeBlieck, and carried.

The Council questioned the Nielsen Rezoning matter whereby the recommendation was to approve the rezoning, but the final action was to deny the rezoning. Mr. Peterson explained the staff presentation as listed is not always followed by the Commission. Council Member Christianson moved to send the matter back to the Planning Commission for review so the Nielsen's can attend. Council Member Johnson seconded the motion. Upon further discussion the motion and second were withdrawn. The Planning Commission Minutes of August 14, 2013, were approved upon a motion by Council Member DeBlieck, seconded by Council Member Anderson, and carried.

At 7:20 p.m. Mayor Yanish opened a hearing on an Ordinance Amending Chapter 10, Offenses and Miscellaneous Provisions, Article III, Dangerous Weapons, Section 10-54, Discharge of Firearms and Adopting New Section 10-55, Shooting a Bow and Arrow within City Limits. Police Chief Wyffels presented details of the Ordinance.

Rick Schwantes, 1500 Country Club Drive, opposed the Ordinance stating the backstop was too large, suggesting complaints would follow on unsightly backstops. He stated he has target practiced with a bow and arrow in the City for 35 years and does not shoot if neighbors are out and about. Hunters need to practice in hunting situations of high elevation and low light. Mr. Schwantes suggested the Council abandon the Ordinance section on bow and arrows.

Bruce Shimer, 1411 10TH Street SW, stated he too has practiced for years and keeps his location safe from harming neighbors. Upon hearing all those who wished to be heard, Mayor Yanish closed the hearing at 7:32 p.m.

Council Member Ahmann stated in 2012 a 16 year-old boy was shot and killed, and other cities now ban all target practice with bow/arrow. Archery speeds are now in excess of 250 feet per second and he has concerns, other cities have 8-feet by 8-feet backdrop, but have a 250 foot spacing buffer zone.

Following discussion, Council Member Ahmann moved to refer the Ordinance to the Public Work/Safety Committee with Council Member Christianson seconding the motion, which carried with Council Member DeBlicke voting "No."

Tim Flaherty and Dan Dorman, Coalition of Greater Minnesota Cities, appeared before the Mayor and Council to review the 2013 Legislative Session and activities of the CGMC. Mr. Flaherty presented CGMC facts stating their current membership is 84 cities in 2013, starting with 28 in 1979, and that their primary focus for legislation is limited to five areas: 1) LGA/Property Taxes, 2) Economic Development, 3) Annexation and Land Use, 4) Environmental Regulations and 5) Transportation. He noted the CGMC has better and faster resources of information and that many legislators depend on this current information.

Mr. Flaherty stated the outcome of the 2013 session Local Government Aid is more stable, simpler and fairer. Willmar's LGA certified 2013 amount was at \$4,052,790 with the new formula amount set at \$4,439,645. Funding increases for Transportation include \$300 million for "Corridors of Commerce," \$37 million for Southwest Corridor LRT, and \$10 million for Greater Minnesota Transit.

Mr. Flaherty also highlighted the Greater Minnesota Economic Development Partnership consisting of 9 chambers, 19 EDAs and, 6 Initiative Foundations. Mr. Flaherty opined that Willmar needs a strong voice on State policy issues and distribution of State resources, noting recent research found "statewide organizations are ignoring rural Minnesota." Greater Minnesota Cities have unique needs and must tell their story to the public and the legislators. No one else, like statewide organizations, tell their story. Mr. Flaherty stated Legislators need help understanding complicated policy issues. With well-funded Metro interests advocating strongly for Metro needs and interests being close to the Capital and their significant geographic advantage, CGMC needs to be ever vigilante to speaking for greater Minnesota cities.

Dan Dorman provided a legislators viewpoint of the need for CGMC and accurate information. After a few questions, Mayor Yanish thanked them for their presentation.

Mayor Yanish acknowledged several individuals who had signed up to address the City Council during its scheduled Open Forum. Yusuf Amed expressed concern regarding a bank purchasing the Center Point Mall and 10 - 15 small business tenants having received a 30-day notice to vacate their leased property. The stores meet the needs of East African community as they try to integrate into the community.

Abdi Duh asked the Mayor and Council if they offer any coordination to the City/Somali-speaking population with 600 East Africans working at JOTS and stated the coordination with the City is missing. He accepts the concept of this private buyer, but City should promote businesses, help where they can. Move and timing is too short suggesting they need 120 days to locate. Many have leaseholder improvements (\$40,000 to \$50,000) in plumbing and equipment. Council Member Christianson said the City could reach out to the new buyer to advocate for a better outcome.

Mayor Yanish called for a recess at 9:00 p.m. and reconvened the meeting at 9:11 p.m.

The Finance Committee Report for August 12, 2013, was presented to the Mayor and Council by Council Member Anderson. There four items for Council consideration.

Item No. 1 There were no public comments.

Item No. 2 Mayor Yanish presented his proposed 2014 Budget totaling \$44,686,059. Of the total budget, \$15,528,583 is for General Operating; \$16,773,881 is for Capital Improvements; \$1,682,816 is for Special Revenue/Internal Services; \$2,499,201 is for Debt Service; and \$8,201,578 is for the Wastewater Treatment Plant. The General Operating portion of the budget includes \$1,703,036 in transfers for Capital Improvements. The proposed tax levy of \$4,139,734 is the same as last year with \$3,992,734 for General Operating and \$147,000 for the Street Program. An overview of the estimated revenues and expenditures was presented. Revenues include an anticipated increase in Local Government Aid. Changes in budgeted expenditures include: 1) Reductions in Travel and Training (50%), Memberships and Dues (35%), and Professional Services (35%); 2) Elimination of dues for Coalition of Greater Minnesota Cities and National League of Cities; 3) Elimination of funding for Willmar Design Center, West Central Integration Collaborative, and Community Marketing Coalition. 4) New position proposed for human resources; and 5) Restoration of Assistant Engineer Position;

Council Members raised questions regarding the methodology used for cutting travel and training, memberships and dues, and professional services. Discussion also included the pros and cons of eliminating the funding for the Design Center, the Integration Collaborative and the Marketing Coalition. The Committee will continue to review and discuss the proposed 2014 budget over the next several meetings prior to the public hearing to be held in December, 2013. This matter was for information only.

Item No. 3 There was no old business.

Item No. 4 There was no new business.

The Finance Committee Report for August 12, 2013, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Anderson, seconded by Council Member Fagerlie, and carried.

The Public Works/Safety Committee Report for August 13, 2013, was presented to the Mayor and Council by Council Member Christianson. There were four items for Council consideration.

Item No. 1 There were no public comments.

Item No. 2 Josh Halvorson of Donohue and Associates presented results from the August 8, 2013, bid opening for the construction and relocation of the Sperryville Lift Station. Four bids were received, with the low bid being that of Geislinger and Sons, Inc. in the amount of \$285,000.00. The project schedule allows for substantial completion by December 15th of this year and final completion in May of 2014. The majority of the funding is from within the 2013 Capital Outlay Budget.

The Committee was recommending the Council accept the bid of Geislinger and Sons, Inc. as presented, and authorize the Mayor and City Administrator to enter into an agreement on behalf of the City. Resolution No. 1 was introduced by Council Member Christianson, seconded by Council Member Ahmann, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 1

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the bid of Geislinger & Sons, Inc. of Watkins, Minnesota for Project No. 1311 – Sperryville Lift Station 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 \$285,000.00.

Dated this 19th day of August, 2013.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 Tim Hanson, representing the Elks Club, discussed with the Committee the Club's storm water drainage issues. The catch basin behind the building may not be directing the runoff to the City's storm system on Litchfield Avenue and they are experiencing water problems in the lower level and possible undermining of the building. The Elks Club is looking to the City for information, as this is a private system and the City holds no responsibility. The Committee discussed several possibilities whereby the affected property owners can work together to redirect the water. Mr. Hanson was directed to the City Offices to obtain property owner and utility line information to proceed. This matter was for information only.

Item No. 4 Council Member Christianson expressed his concern with vehicle and equipment purchases, specifically anything over \$20,000, being brought before Committee and filling the vacant Surveyor position in the Engineering Department.

An update on storm water improvements will be provided at one of the next meetings. Interim City Engineer Jared Voge is preparing a list of incremental storm water improvements for consideration.

The Public Works/Safety Committee Report for August 13, 2013, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Christianson, seconded by Council Member Ahmann, and carried.

The Community Development Committee Report for August 15, 2013, was presented to the Mayor and Council by Council Member Fagerlie. There were five items for Council consideration.

Item No. 1 There were no public comments.

Item No. 2 The Committee considered a request from Staff that the Council order the removal of a structure at 944 Olaf Avenue NW. This is a property that has deteriorated over the years and past attempts to have the property repaired or removed have been met without success. The Committee reviewed correspondence and photographs. It was acknowledged that the structure was in terrible condition and did constitute a threat to health and safety.

The Committee was recommending the Council declare the property as hazardous and order the removal of the home at 944 Olaf Avenue NW. Council Member Fagerlie moved to approve the recommendation of the Community Development Committee with Council Member Dokken seconding the motion, which carried.

Item No. 3 Steve Renquist, EDC Director, updated the Committee on the development of a County-wide business loss protocol. A significant amount of time was then spent reviewing the five-year work plan that has been adopted by the EDC Board, and activities of the EDC and success in meeting some of the work plan goals were discussed in detail. This matter was for information only.

Item No. 4 There was no old business.

Item No. 5 Chair Fagerlie inquired about graffiti on a downtown building, and Staff replied that the matter was being addressed. Chair Fagerlie also asked Staff to look into weed problems that exist in the East Highway 12 right-of-way and the BNSF properties. This matter was for information only.

The Community Development Report for August 15, 2013, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Fagerlie, seconded by Council Member DeBlieck, and carried.

City Clerk Halliday informed the Mayor and Council that pursuant to Willmar Municipal Code, Chapter 13, concerning the removal of snow or ice from sidewalks, and in the case of nonpayment of the charge against a lot, the personal liability of said cost of service to be certified for collection. Council Member Anderson moved to schedule a hearing for 7:03 p.m. on September 3, 2013, with Council Member Fagerlie seconded the motion, which carried.

City Clerk Halliday informed the Mayor and Council that pursuant to Willmar Municipal Code, Chapter 9, concerning the cutting of weeds or grass, and in the case of nonpayment of the charge against a lot, the personal liability of said cost of service to be certified for collection. Council Member Fagerlie moved to schedule a hearing for 7:04 p.m. on September 3, 2013, with Council Member Dokken seconded the motion, which carried.

City Clerk Halliday informed the Mayor and Council that pursuant to Willmar Municipal Code, Chapter 9, concerning the removal unpaid garbage, and in the case of nonpayment of the charge against a lot, the personal liability of said cost of service to be certified for collection. Council Member DeBlieck moved to schedule a hearing for 7:05 p.m. on September 3, 2013, with Council Member Fagerlie seconded the motion, which carried.

The Mayor and Council considered a Civic Center Arena Special Event by On-Sale Liquor License Holder Permit. City Clerk Halliday explained that Bakers Eagle Creek Eatery LLC dba The Oaks at Eagle Creek has rented space from the Civic Center to hold a social affair on August 30, 2013, with plans to serve alcohol. David Baker listed as the on-site employee. It was noted that Permit is pending subject to the approval by the Community Education and Recreation Board. Council Member Anderson moved to approve the Civic Center Arena Special Event by On-Sale Liquor License Holder Permit as presented. Council Member Christianson seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Council Member Anderson moved to reschedule the first meeting in September from the 2nd to the 3rd due to the Labor Day holiday. Council Member Ahmann seconded the motion, which carried.

Council Member Nelsen addressed a recent "Letter to Editor" complaining of the condition of property located on 20th Avenue SW. Planning and Development Services Director Peterson explained that the garbage was removed, property cleaned up, and added the property to the Rental Property Program. There were no zoning violations, but the complaint was about inside storage and the City doesn't open building doors as a practice. This matter was for information only.

Council Member Ahmann requested consideration of the old wastewater plant area as an archery range. Staff will gather information on liability and costs.

Council Member Dokken asked to be excused from the September 3, 2013, Council meeting.

CER Director Steve Brisendine informed the Council that a Park Plan survey is underway with Mid-Minnesota helping conduct the survey on the Community Education and Recreation website. He encouraged everyone to take the survey. The CER Board will gain feedback to be used in order to proceed with a Comprehensive Park Plan.

Announcements for Council Committee meeting dates were as follows: Special Council regarding the Organizational Study, August 20; Labor Relations, August 21; Finance, August 26; Public Works/Safety, August 27; and Community Development, August 29, 2013.

There being no further business to come before the Council, the meeting adjourned at 9:45 p.m. upon motion by Council Member Christianson, seconded by Council Member Anderson, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL