

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

February 4, 2013  
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Pro Tempore Denis Anderson. Members present on a roll call were Council Members Denis Anderson, Bruce DeBlicek, Denis Anderson, Steve Ahmann, Rick Fagerlie, Jim Dokken, and Tim Johnson; Present 7, Absent 1 – Mayor Frank Yanish was excused from the meeting.

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, Fire Chief Gary Hendrickson, City Attorney Robert Scott, and City Clerk Kevin Halliday.

Council Member Ahmann requested that the Willmar Community Education and Recreation Joint Powers Board Minutes be removed from the Consent Agenda.

Council Member Ahmann offered a motion adopting the Consent Agenda which included the following: City Council Minutes of January 22, Rice Hospital Board Minutes of January 16, Municipal Utilities Commission Minutes of January 28, Accounts Payable Report through January 30, Charter Commission Minutes of January 14, and Community/Activity Center Minutes of January 8, 2013; and Kandiyohi Area Transit Operations Board Minutes of November 27, 2012. Council Member Christianson seconded the motion, which carried.

Council Member Ahmann questioned why the amphitheater project circumvented the Public Works/Safety Committee and suggested the matter go through the Committee process. Following discussion, the Willmar Community Education/Recreation Joint Powers Board Minutes of January 25, 2013, were accepted upon motion by Council Member Ahmann, seconded by Council Member Christianson, and carried.

At 7:10 p.m. Mayor Pro Tempore Anderson opened the scheduled hearing on a request to vacate a tree planting/maintenance easement. City Administrator Stevens informed the Mayor and Council that Central Lakes Cooperative purchased property at 302 8<sup>th</sup> Street Southwest and it was noticed in the title work that the easement is not defined so they petitioned the City to vacate the easement. It was noted that Public Works and Municipal Utilities had no issues with vacating the easement, and the Planning Commission reviewed the request and was recommending the Council approve the vacation. Mayor Pro Tempore Anderson closed the hearing at 7:10 p.m.

Resolution No. 1 was introduced by Council Member Christianson, seconded by Council Member DeBlicek, reviewed by Mayor Pro Tempore Anderson, and approved on a roll call vote of Ayes 6, Noes 0.

**RESOLUTION NO. 1**

**VACATING A PORTION OF A TREE PLANTING AND MAINTENANCE EASEMENT AND R-O-W**

WHEREAS, the vacation of those portions of dedicated easement as described below was initiated by the Central Lakes Cooperative:

A strip of land 5' in width, over and across the said described property: East 100' of Lots 1 and 2 except South 10 feet of East 100 feet of Lot 2, Block 39, City of Willmar (302 8<sup>th</sup> St. SW).

WHEREAS, the proposed vacation has been approved by the Planning Commission of the City of Willmar; and

WHEREAS, published notice and mailed notice of the proposed vacation and the hearing thereon have been given as provided by Subdivision 6 of Section 9.01 of Article IX of the Willmar City Charter; and

WHEREAS, a hearing was duly held on the proposal to vacate that portion of said streets on February 4, 2013; and

WHEREAS, the City Council of Willmar finds that it is in the best interests of the City of Willmar to vacate that portion of said streets;

NOW, THEREFORE, BE IT RESOLVED, that the above described portion of dedicated streets be, and hereby is, vacated.

BE IT FURTHER RESOLVED that a certified copy of the Resolution be filed with the Kandiyohi County Recorder on or after February 11, 2013.

Dated this 4<sup>th</sup> day of February, 2013.

/s/ Denis Anderson  
MAYOR PRO TEMPORE

/s/ Kevin Halliday  
Attest: CITY CLERK

Fire Chief Gary Hendrickson recited a Willmar Fire Department Oath of Office to the following Officers: Jesse Hyatt, Ross Livingood, Jim DeLeeuw and LeRoy Gabrielson. Chief Hendrickson stated that the Officers had attended 182 hours of training, which was a sacrifice for the Firefighters as well as their families. The Firefighters offered a brief resume of their family and employer.

Mayor Pro Tempore Anderson acknowledged three individuals who had signed up to address the City Council during its scheduled Open Forum. Dennis Johnson, Security Coin and Pawn, stated that out of 21,172 transactions in the last seven years, there were six problems APS system is okay, but concerned about fairness.

Liz Christenson community representative, but employee of Security Coin and Pawn stated that the business helps people in need with some families living paycheck to paycheck. Acts as a referral resource to the community. Been a victim of theft and others come in looking for their items and build relationships. Counts stones while doing the inventory.

John Sullivan spoke concerning the Labor Relations Committee and the City Administrator Ordinance which he felt had items to be corrected.

The Labor Relations Committee Report for January 23, 2013, was presented to the Council by Council Member Ahmann. There were four items for Council consideration.

Item No. 1 Mr. Sullivan questioned if the Committee had enough time to review the materials prior to the discussion for the organizational analysis. Mr. Sullivan suggested that the Council consider having a workshop as an alternative.

Item No. 2 City Administrator Stevens reviewed with the Committee responses to the RFPs issued for an Organizational Analysis and Compensation and Classification Study. Ms. Stevens stated that three responses had been received for the organizational study and three responses had also been

received for the compensation and classification study.

Ms. Stevens noted that for the organizational study, the two most qualified responses came from Springsted and Brimeyer-Fursman and that the costs were comparable from the two firms. Ms. Stevens noted that Springsted had greater familiarity with the City, as well as the WMU and Kandiyohi County, but that Brimeyer Fursman was a well-qualified firm and might offer a fresh perspective.

After discussion, the Committee was recommending the Council engage Brimeyer-Fursman of Maplewood, Minnesota to perform an organizational analysis of the City of Willmar for the price of \$22,500 plus travel expenses. Council Member Ahmann moved to approve the recommendation of the Labor Relations Committee with Council Member Johnson seconding the motion, which carried. Council Members Fagerlie and Christianson voted "No."

The Committee went on to discuss the Compensation and Classification Study. City Administrator Stevens reviewed the two most qualified proposals, one from Springsted Inc. and one from Public Sector Personnel Consultants. Ms. Stevens recommended Springsted based upon a lower cost of \$12,500 and due to their familiarity with the existing compensation system of the City and the City's pay equity situation, specifically how that is impacted by the WMU and Rice Hospital.

A motion was made to engage Public Sector Personnel Consultants in the amount of \$15,000, which failed for the lack of a second. A motion was made to engage Springsted Inc., in the amount of \$12,500, which failed for lack of a second.

After further discussion, it was agreed to table the Compensation and Classification Study and discuss further at the next Committee meeting.

Item No. 3 The Committee reviewed information provided by the City Administrator comparing the current City Administrator Ordinance to the model ordinance suggested by the League of Minnesota Cities. Council Member Anderson noted that the City of Willmar ordinance follows the League of Minnesota Cities guidelines and recommended no changes at this time.

The Committee discussed the recommendation to create a City Attorney ordinance, rather than continue with the current practice of utilizing a contract to define the duties. Council Member Johnson stated that he was comfortable with the current arrangement of duties defined by contract.

After further discussion, it was agreed to ask the City Attorney to draft a general ordinance for review by the Committee and consideration of a public hearing. Council Member Ahmann offered a motion that the City Attorney draft a general Ordinance regarding the duties of the City Attorney. Council Member Fagerlie seconded the motion, which carried.

Item No. 4 Council Member Ahmann asked about the status of the adoption of the Rules of Order. Ms. Stevens stated that she, along with City Clerk Halliday, were meeting with an individual to provide training on the Rules of Order and having received no negative feedback from the City Council, working under the assumption that the Standard Code of Parliamentary Procedure was what the Council wished to consider adopting at the March meeting.

Mayor Yanish questioned the value of the Compensation and Classification study. Ms. Stevens stated that the suggestion had come from a citizen and the Labor Relations Committee had agreed with issuing the RFPs. Ms. Stevens also reviewed the stated objectives for the compensation study and stated that it was hard to predict the outcome of the study because the purpose was, in fact, to provide an assessment and information on the current pay structure and how it relates to the various marketplaces, which would allow the City to develop a long-term strategy. This item was for information only.

The Labor Relations Committee Report for January 23, 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 Finance Committee Report for January 28, 2013, was presented to the Council by Mayor Pro Tempore Anderson. There were four items for Council consideration.

Item No. 1 Chair Anderson acknowledged that no one present wished to address the Committee.

Item No. 2 Staff presented to the Committee information regarding the recent rate study completed by Springsted, Inc. for the Wastewater Treatment Plant. The study indicates an increase in rates is necessary to fund current debt service as well as operational costs. The Committee discussed concerns raised by Eagle Lake representatives regarding proposed rate increases. Following discussion, it was the consensus of the Committee for Staff to proceed with the proposed rates as presented. This matter was for information only.

Item No. 3 The Committee reviewed the proposed Fund Balance Policy. Staff explained the purpose of the policy is to establish specific guidelines for the level of fund balances available for current and future spending in the governmental funds. It addresses minimum fund balances as well as sets a stabilization amount for use in emergency situations. U.S. Generally Accepted Accounting Principles (GAAP) is requiring a formal policy be adopted by the City Council and that this policy be reviewed annually. The Committee was recommending the Council pass a resolution approving the City of Willmar's Fund Balance Policy as presented.

Resolution No. 2 was introduced by Council Member Johnson, seconded by Council Member Fagerlie, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 6, Noes 0.

#### RESOLUTION NO. 2

BE IT RESOLVED by the Willmar City Council that the Fund Balance Policy, establishing specific guidelines for the level of fund balances available for current and future spending, be adopted as presented.

Dated this 4<sup>th</sup> day of February, 2013.

/s/ Denis Anderson  
MAYOR PRO TEMPORE

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 4 Chair Anderson informed the Committee that Rice Memorial Hospital's Payment In Lieu of Taxes Agreement expired December 31, 2012. Initial meetings with Rice representatives will occur within the coming weeks to discuss renewal. This matter was for information only.

The Finance Committee Report for January 28, 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 January 29, 2013, was presented to the Council by Council Member Christianson. There were five items for Council consideration.

Item No. 1 The Committee received from Staff the Improvement Report for 2013 Projects, which included four categories of improvements. The categories were reconstruction, overlay, new construction, and miscellaneous such as trails, quiet zones, and sidewalks. The Committee discussed the project schedule and briefly reviewed several of the projects.

The Committee was recommending the Council receive the report and set the Improvement

Hearing for February 19, 2013. Resolution No. 3 was introduced by Council Member Christianson, seconded by Council Member Ahmann, reviewed by Mayor Pro Tempore Anderson, and approved on a roll call vote of Ayes 6, Noes 0.

Dated this 4<sup>th</sup> day of February, 2013.

/s/ Denis Anderson  
MAYOR PRO TEMPORE

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 2 The Committee briefly discussed the 2003 Transportation Plan, specifically as it relates to identified issues and projects. There was general agreement that a significant portion of the plan has been accomplished. The need for a new or revised plan was discussed. The Committee was informed that the Capital Improvement Program shows funding for a revised transportation plan in 2015. That schedule will be maintained unless some significant transportation issue arises that requires immediate attention. This matter was for information only.

Item No. 3 Fire Chief Hendrickson presented a proposal to change the way the City charges for false alarms. The current ordinance charges \$250.00 for false alarms, with five false alarms allowed per year without charge. The new ordinance proposes a \$500.00 charge per false alarm and would require fire alarm systems to be registered. Charges would be waived for the owner providing evidence of system servicing and repair. The new proposal also allows discretion by the Fire Chief in assessing charges. The Committee discussed implementation of the ordinance and how to best involve the current owners of fire alarm systems.

Following discussion, the Committee was recommending the Council Introduce the Ordinance Amending Willmar Code Chapter 8, Licenses, Permits and Business Regulations for a public hearing on March 4, 2013. Council Member Christianson moved to approve the recommendation of the Public Works/Safety Committee with Council Member DeBlieck seconded the motion, which carried.

Item No. 4 Police Chief Wyffels informed the Committee that he was in the process of reviewing multiple ordinances that assess fines for violations, so the fine amounts would be available for the E-charging process. The fine amounts will be aggregated into a database for use in E-ticketing or E-charging. This matter was for information only.

Item No. 5 Staff informed the Committee that the process would soon begin to acquire the easement for the Willmar Avenue Quiet Zone. The issue of easement acquisition will be taken to the Planning Commission at their next meeting in keeping with Charter requirements.

Council Member Ahmann raised the issue of the possibility of widening ditches to increase storm water storage. The matter was referred to Bolton & Menk for more information regarding the City's legal authority and capacity for doing so. This matter was for information only.

The Public Works/Safety Committee Report for January 29, 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 Council considered an Amending Ordinance to the Willmar City Charter. City Clerk Halliday informed the Council that the Willmar Charter Commission has completed their work on City Charter Section 2.08 and asks that the Council call for a public hearing on the Ordinance. Council Member Christianson offered a motion to introduce the Ordinance Amending the Charter, Section 2.08, and schedule a public hearing on March 4, 2013. Council Member Fagerlie seconded the motion, which carried.

Following discussion of the February 12, Ward Four Special Election, Council Member Ahmann moved to schedule a Board of Canvass meeting for February 15, 2013, at 3:00 p.m. in Conference Room #1 at the City Office Building. Council Member Christianson seconded the motion, which carried.

Due to President's Day holiday, Council Member Christianson moved to schedule the second Council meeting in February to February 19, 2013. Council Member Fagerlie seconded the motion, which carried.

Announcements for Council Committee meeting dates were as follows: Public Works/Safety, February 11, and Labor Relations, February 13, 2013.

There being no further business to come before the Council, the meeting adjourned at 8:27 p.m. upon motion by Council Member Ahmann, seconded by Council Member Christianson, and carried.

Attest:

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MAYOR PRO TEMPORE

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SECRETARY TO THE COUNCIL