

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

July 1, 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 Ron Christianson, Steve Ahmann, Audrey Nelsen, Tim Johnson, Jim Dokken, Rick Fagerlie and Bruce DeBlicek; Present 8, Absent 1 – Council Member Anderson was excused from the meeting.

Also present were City Administrator Charlene Stevens, Police Captain James Felt, Finance Director Steve Okins, Planning and Development Services Director Bruce Peterson, Fire Chief Gary Hendrickson, City Attorney Robert Scott, and City Clerk Kevin Halliday.

Council Member Ahmann offered a motion adopting the Consent Agenda which included the following: City Council Minutes of June 17, City Council Special Meeting Minutes of June 24, Rice Hospital Board Minutes of June 19, Municipal Utilities Commission Minutes of June 24, Planning Commission Minutes of June 26, Accounts Payable Report through June 26, Convention and Visitor's Bureau Minutes of May 21, and Zoning Appeals Board Minutes of June 17, 2013. Council Member Christianson seconded the motion, which carried.

Mayor Yanish recognized Andrew Bjur who presented a report on GreenStep Cities Award. At the League of Minnesota Cities Annual Conference held last week Willmar was recognized for completing step two of the GreenStep Cities program. Willmar has completed 12 of the 24 best practices. Mr. Bjur highlighted local efforts to be "dark sky" compliant, utilization of LED traffic lights, transportation mobility with bike trails, parking lot landscape buffer zones, green business options, buy local campaign, Tree City activities, locally-grown food, wind turbines, and a host of "green" opportunities. The GreenStep report was received for information and Mayor Yanish thanked Mr. Bjur and all the other volunteers on the committee.

Kathy Aho, Springsted Incorporated, informed the Mayor and Council that Moody's Investor Service conducted a credit rating which resulted in downgrading the City to an Aa3 rating. Rice Hospital received a negative outlook due to the health care industry. A 5 – 10 basis point increase was the effect of the lower rating. Ms. Aho stated that four bids were received, with UMB Bank receiving the bid with a 2.2526 percent and \$1,910,000 bonds were sold.

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

RESOLUTION NO. 1

RESOLUTION ACCEPTING OFFER ON THE SALE OF \$1,910,000 GENERAL OBLIGATION
IMPROVEMENT BONDS, SERIES 2013A, PROVIDING FOR THEIR ISSUANCE
AND LEVYING A TAX FOR THE PAYMENT THEREOF

(For Resolution in its entirety, see City Council Proceedings dated
July 1, 2013, located at the City Clerk's Office)

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

The Public Works/Safety Committee Report for June 25, 2013, was presented to the Mayor and Council by Council Member Christianson. There were five items for Council consideration.

Item No. 1 The Committee was informed by staff that bids were opened on June 18, 2013, for the improvements to Willmar Avenue SW between 22nd Street SW and CSAH 5. The project includes a new railroad crossing with a quiet zone. One bid was received from Duinick Inc. in the amount of \$1,068,195.47, which is approximately 11 percent above the engineer's estimate. The unit prices received for aggregate base, bituminous and storm sewer have increased 10 to 20 percent since bids were received earlier this year. Funding sources for the project include State Aid Funds from both the City and Kandiyohi County and Local Option Sales Tax. It was the recommendation of Jarod Voge, Interim City Engineer, to award the bid to Duinick Inc.

The Committee was recommending the Council accept the bid of Duinick Inc. as presented and authorize the Mayor and City Administrator to enter into an agreement on behalf of the City. Resolution No. 2 was introduced by Council Member Christianson, seconded by Council Member Fagerlie, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 2

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the bid of Duinick, Inc. of Prinsburg, Minnesota for Project No. 1302-A 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 \$1,068,195.47.

Dated this first day of July, 2013.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 2 Staff informed the Committee that bids were also opened for improvements to 4th Avenue SW in Industrial Park. As requested by the City Council, the project includes a base bid and bid alternates for concrete and bituminous surfacing. The low bidder out of four was Kuechle Underground of Kimball, MN at a base bid plus Alternate "A" (concrete) at \$513,618.02 and Alternate "B" (bituminous) at \$491,395.92. The bid was below engineer's estimate. The life cycle cost based on the unit prices received is approximately equal for concrete and bituminous pavement, and Mr. Voge stated this street would be a good location to try concrete paving.

The Committee was recommending the Council accept the base bid and Alternate "A" from Kuechle Underground as presented, and authorize the Mayor and City Administrator to enter into an agreement on behalf of the City. Resolution No. 3 was introduced by Council Member Christianson, seconded by Council Member Dokken, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 7, 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 bid of Kuechle Underground, Inc. of Kimball, Minnesota for Project No. 1302-B 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 consisting of the Base Bid plus Alternate A in the amount of \$513,618.02.

Dated this first day of July, 2013.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 Staff informed the Committee that in June of 2011, a contract was executed with Bolton and Menk to perform sump pump inspections in two different areas of the City, Ortenblad and Country Club Drive. Barry Glienke, the Project Manager for the Sump Pump Inspection Program, was before the Committee to give the final report. A total of 581 units were inspected. The inspections resulted in 70 new winter discharge permits at \$50.00/year, increasing revenue by \$3,500.00.

Mr. Glienke stated he also reviewed the City's current ordinance and it was found to be up-to-date with recent law. The \$10.00 per month charge for a winter discharge permit was found to be an adequate amount to cover the costs of treating the water, as discharge is much less during these months. The report was received for information only.

Item No. 4 The Committee discussed the preferred concept for downtown gateways. Adam Arvidson of Treeline presented illustrative views of three gateways and included a mixture of three effects from the preliminary concepts, linear, columnar, and pavement.

Mayor Yanish called on Adam Arvidson who expounded on the Willmar Downtown Gateways concept design. A concept of using the "rail" fencing, a blue column representing "water" that possibly would be more transparent and glow at night, along with pavement color changes were noted. The issue of how the fencing may affect the ingress/egress of businesses in the gateway was brought up and it was noted these issues would be discussed in the final design phase of the project.

The Committee was recommending the Council approve the Willmar Downtown Gateways concept as presented and initiate plans for funding and final design. Council Member Christianson moved to approve the recommendation of the Public Works/Safety Committee with Council Member DeBlieck seconding the motion, which carried.

Item No. 5 The Committee considered a request to purchase an easement from Wanda Stallman in the amount of \$2,875.00. The Sperryville Lift Station is scheduled to be replaced this summer, and the design includes relocating the lift station farther to the west with abandonment of the former structure. The amount of compensation is based on the assessed value, plus damages. Formal approval has been made by the Planning Commission and an easement drafted for the property owner.

The Committee was recommending the Council approve the easement in the amount of \$2,875.00 and authorize the Mayor and City Administrator to execute the document. Resolution No. 4 was introduced by Council Member Christianson, seconded by Council Member Ahmann, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 4

AUTHORIZATION TO EXECUTE LIFT STATION EASEMENT

WHEREAS, an easement has been prepared for relocation of the Sperryville Lift Station to construct, operate and maintain such lift station on or under the described lands; and

WHEREAS, an agreement has been prepared for the terms and conditions of easement with compensation to the landowner in the amount of \$2,875.00;

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Willmar that the Mayor and City Administrator are hereby authorized to sign said easement on behalf of the City.

Dated this first day of July, 2013.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Public Works/Safety Committee Report for June 25, 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 Fagerlie, and carried.

The Labor Relations Committee Report for June 26, 2013, was presented to the Mayor and Council by Council Member Ahmann. There were five items for Council consideration.

Item No. 1 There was no one present for public comment. Council Member Dokken referenced an article regarding meeting minutes and questioned whether minutes of closed sessions should be available. Attorney Madden explained the exceptions within the Open Meetings Law for closed sessions. Council Member DeBlicek stated that the City otherwise has minutes appropriately approved by the City Council and signed by the Mayor and City Clerk. This matter was for information only.

Item No. 2 It was moved and seconded that the Labor Relations Committee go into closed session pursuant to Minn. Stat. §13D.03 to Discuss Labor Negotiation Strategies. The motion carried and the meeting was closed at 4:52 p.m. The meeting was reopened at 5:35 p.m. This matter was for information only.

Item No. 3 Chair Ahmann and Attorney Madden reviewed the proposed terms of the contract settlement with LELS. Attorney Madden noted that LELS had met and approved the contract terms which were arrived at in mediation conducted on June 18, 2013.

The Committee was recommending the Council approve the contract settlement with LELS as outlined by Attorney Madden. Council Member Ahmann stated the wage increase for 2013 is a 1.5 percent increase, with a 2 percent wage increase in 2014, and that insurance increases will be shared 50/50 between the City and employee. Council Member Ahmann moved to approve the recommendation of the Labor Relations Committee with Council Member Christianson seconding the motion, which carried.

Item No. 4 Council Member Christianson asked about electronic agendas. Administrator Stevens responded that Council Members DeBlicek and Johnson had agreed to test a system and it was hoped that would begin with the 2nd Council Meeting in July.

Chair Ahmann asked if a date had been set for the retreat. Ms. Stevens responded that one had not yet been set, but she would be contacting Council Members to determine potential dates. Chair Ahmann also asked about a nepotism policy. Ms. Stevens responded the City does have a policy and is also attempting to update personnel policies as time and staffing allows. This matter was for information.

The Labor Relations Committee Report for June 26, 2013, was approved as presented upon motion by Council Member Ahmann, seconded by Council Member Dokken, and carried.

The Community Development Committee Report for June 27, 2013, was presented to the Mayor and Council by Council Member Fagerlie. There were four items for Council consideration.

Item No. 1 There were no public comments.

Item No. 2 Due to a number of recent complaints regarding garbage storage and collection in the Central Business District, Staff researched a variety of other regional centers to find out how they handled garbage and waste. Megan DeSchepper, City Planner reported briefly on the following cities: *Worthington* - employs a neighborhood service officer that can write citations for garbage. Appeals are heard by a hearing officer; *Brainerd* - Administrative citations are issued to the owners of properties where violations occur. They use an administrative hearing officer to hear appeals; and *Hutchinson and Faribault*- ordinances allow the city to abate the offense and assess costs against the property for those cases where it is a threat to health or safety.

The question was asked, "how can enforcement be done easier and more successfully?" Staff stated that under the current ordinances it is a challenge, as exterior storage violations are petty misdemeanors, though violations of the Municipal Code are misdemeanors.

Stephen Deleski of West Central Printing said he believes the biggest problems are the frequency of collection and the size of containers. Animal and produce waste should be double bagged and should be picked up daily, according to the Municipal Code. He said that if collection frequency was increased, the size of the containers could be reduced.

Roger Olson, from Diamond Vogel Paints, said he sees the garbage pile up across the street in the alley and in the lot behind the store. He has been corresponding with their corporate office to discuss relocating the store. The big issues seem to be the smell during the summer months and the fact that it piles up and blows around in the winter.

Council Member Johnson suggested that the Community Service Officers doing downtown parking enforcement also enforce the City's garbage ordinances. He suggested that a task force be created to review and revise the ordinance and enforcement procedures.

Council Member Dokken said the City needs to get some results so the Downtown is cleaner and the Downtown Plan can be implemented.

It was suggested that the following topics be considered by a task force: Container size, Screening of containers, Bagging of waste, Frequency of pickup and CSO enforcement.

Stephen Deleski presented Downtown garbage problem area pictures to the Council noting container size concerns, pickup regularity and illegal dumping and the use of locked containers.

The Committee was recommending that Mayor Yanish appoint a task force to study the garbage issue and offer recommendations for improved storage and collection. Council Member Fagerlie moved to approve the recommendation of the Community Development Committee with Council Member DeBleck seconding the motion, which carried.

Item No. 3 Staff presented a brief analysis of zoning enforcement procedures to the Committee, noting that it was a difficult process and it took a lot of time to get compliance with some properties. The Council acknowledged that there were a number of areas of the community where these violations seem to be more prevalent. Staff said that a meeting was to be held with the City Administrator, Police Chief and City Attorney to discuss the enforcement process for most neighborhood zoning violations. The Committee decided to wait until the Council meeting and get a report from staff regarding the outcome of that meeting. This matter was for information only.

Item No. 4 The Committee asked Staff about the status of the Rule Tire Building. The response was that Habitat for Humanity had decided that they were not interested in purchasing or acquiring any of the property. They seem to be content to use the one building at the south end of the property. The Committee discussed the various possible outcomes if the City chooses not to accept the property as a gift. The most likely option would be to declare it as an unsafe building and order its removal. In that case, the

City would probably end up removing the building and assessing it against the property owner or placing a lien on the property. It was suggested that it might be in the City's best interest to pursue the property as a gift. Staff told the Committee the owners of the property seemed to withdraw their offer to pay the delinquent property taxes. It was a consensus of the Committee that Staff pursue the acquisition of the property as a gift, and that the delinquent tax matter be negotiated. Staff said they would try to negotiate an agreement in principle and bring a proposal back to the Committee for review and consideration. This matter was for information only.

The Community Development Committee Report for June 27, 2013, was approved as presented upon motion by Council Member Fagerlie, seconded by Council Member Johnson, and carried.

The Mayor and Council considered a one to four day Temporary On-Sale Liquor License requested by FOE Aerie 2334 dba Willmar Fraternal Order of Eagles to host outdoor liquor sales/consumption on their rear parking lot, which is fenced in. This event is a picnic for members, family and guests only. A State approved one to four Day Temporary One-Sale Liquor License is required to hold the event on July 14, 2013. A prior permit approved with no concerns from the Willmar Police Department. Council Member Ahmann moved to approve the a one to four day Temporary On-Sale Liquor License requested by FOE Aerie 2334 dba Willmar Fraternal Order of Eagles as presented. Council Member Christianson seconded the motion, which carried.

Announcements for Council Committee meeting dates were as follows: Finance, July 8; and Public Works/Safety, July 9, 2013.

There being no further business to come before the Council, the meeting adjourned at 8:44 p.m. upon motion by Council Member DeBlieck, seconded by Council Member Fagerlie, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL