

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

July 15, 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 Administrative Assistant Audrey Peterson.

Additions to the Agenda under New Business included an announcement by Council Member Anderson regarding the Mayors' Bike Ride and by Mayor Yanish regarding the Solid Waste Task Force.

Council Member Christianson offered a motion adopting the Consent Agenda which included the following: City Council Minutes of July 1, Municipal Utilities Commission Minutes of July 8, Planning Commission Minutes of July 10, Accounts Payable Report through July 11, Building Inspection Report for June, Community Education/Recreation Joint Powers Board Minutes of May 31, and Willmar Design Center Minutes of June 18, 2013. Council Member Anderson seconded the motion, which carried.

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

The Finance Committee Report for July 8, 2013, was presented to the Mayor and Council by Council Member Anderson. There were 10 items for Council consideration.

Item No. 1 There was no one present to address the Committee.

Item No. 2 The Committee was informed by Staff that the Police Department has participated in the Wal-Mart Foundation's Local Community Contribution Grant Program since 2004. Willmar's grant has been used for the "Shop With A Cop" Christmas gifting program with Officers volunteering time to assist children in the selection and wrapping of Christmas gifts for loved ones. In the past there has been an application process for the grant. During a recent store promotion, Wal-Mart representatives contacted the Police Department to express their intent to award the grant again this year, prior to the opening of the grant process. Consequently, it is being requested that the Council accept the \$1,000 donation from Wal-Mart for the purpose of continuing the "Shop With A Cop" program and to complete the online grant application portion when it becomes available.

The Committee was recommending the Council authorize the Willmar Police Department to apply for and receive a Wal-Mart Foundation Local Community Contribution for the "Shop With A Cop" program. Resolution No. 1 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. 1

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Willmar Police Department to apply for and accept a Wal-Mart Foundation Local Community Contribution of \$1,000 for the "Shop With A Cop" program.

Dated this 15th day of July, 2013.

/s/ Frank Yanish
MAYOR

/s/ Charlene Stevens
Attest: CITY ADMINISTRATOR

Item No. 3 Pursuant to a June 13, 2013, liquor compliance check conducted by the Willmar Police Department, Staff presented to the Committee a list of retail liquor establishments that violated Municipal Code Sec. 3-2 Selling or Giving Intoxicating Liquor to Persons to Whom Sale is Prohibited. Two establishments incurred first violations and representatives were present to explain measures being taken to eliminate future violations, including enrolling all employees in compliance check training programs annually. The two establishments involved were Grizzly's Grill N' Saloon, represented by Owner Peter Poepping and Manager Chris Minor; and El Tapatio Mexican Restaurant, represented by Omar Valencia. This matter was for information only.

Item No. 4 The Committee was informed by Staff that Community Ed/Recreation has established a new Adult Soccer League. Subsequently, the Leisure Services 2013 Budget needs to be amended to reflect additional expenses required to run this new league for an estimated total of \$7,619. Concerns were raised requesting cost-center accounting by program under the Leisure Services Department. The Committee was recommending the Council approve the amended budget as presented.

Following discussion regarding revenues and expenses, 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 2013 Leisure Services Budget for the new Adult Soccer League as follows:

Increase:	Temporary Salaries/Benefits Expenditures	\$6,424.00
Increase:	General Supplies Expenditures	195.00
Increase:	Awards/Indemnities Expenditures	1,000.00
Increase:	Adult Soccer League Revenues	7,619.00

Dated this 15th day of July, 2013.

/s/ Frank Yanish
MAYOR

/s/ Charlene Stevens
Attest: CITY ADMINISTRATOR

Item No. 5 The Committee considered a request from Staff to re-appropriate Capital Funds for the Signal Cabinet and Controller Equipment at 19th Avenue and First Street South estimated at \$30,000. The equipment was replaced earlier this year with the intent to bond for the cost with the street program. However, it has been determined that using bond funds would not be cost effective. It is anticipated that actual costs for the storm water improvements for the former Wastewater Treatment Plant Retrofit Project will be substantially less than budgeted. Subsequently, it is proposed that \$30,000 be transferred from excess funds budgeted for that project to cover the additional amount needed for the Cabinet/Controller Equipment at 19th Avenue and First Street.

The Committee was recommending the Council approve the re-appropriation of excess funds from the storm water improvements for the Old Wastewater Treatment Plant Retrofit Project to the Signal

Cabinet/Controller Equipment replacement as presented. Resolution No. 3 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, and carried 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 to authorize the Finance Director to amend the 2013 Capital Projects Budget as follows:

Increase:	Signal Cabinet/Controller Equipment 19 th Avenue/First Street	\$30,000.00
Decrease:	Storm Water Improvements – WWTP Retrofit Project	\$30,000.00

Dated this 15th day of July, 2013.

/s/ Frank Yanish
MAYOR

/s/ Charlene Stevens
Attest: CITY ADMINISTRATOR

Item No. 6 Staff presented to the Committee a request to re-appropriate Capital Funds for the Fuel System Dispenser installation and repair at the Public Works Garage, estimated at \$21,562. The equipment was originally budgeted in 2013 for \$30,000. Staff obtained quotes and discovered that the original estimates were too low. A front-end loader was purchased earlier this year for an amount substantially less than budget. It is being proposed that the additional \$21,562 required for the Fuel System be re-appropriated from the excess funds available from the front-end loader purchase.

The Committee was recommending the Council authorize the re-appropriation of excess funds from the front-end loader purchase to the Fuel System Dispenser installation and repair as presented. Resolution No. 4 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. 4

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to amend the 2013 Capital Projects Budget as follows:

Increase:	Fuel System Dispenser Installation and Repair	\$21,612.00
Decrease:	Front-End Loader Purchase	\$21,612.00

Dated this 15th day of July, 2013.

/s/ Frank Yanish
MAYOR

/s/ Charlene Stevens
Attest: CITY ADMINISTRATOR

Item No. 7 The Committee received the May, 2013, Rice Trust Report. This matter was for information only.

Item No. 8 There was no old business for the Committee to discuss.

Item No. 9 There was no new business for the Committee to discuss.

The Finance Committee Report for July 8, 2013, was approved as presented and ordered placed on file in the CITY ADMINISTRATOR's Office upon motion by Council Member Anderson, seconded by Council

Member Fagerlie, and carried.

The Public Works/Safety Committee Report for July 9, 2013, was presented to the Mayor and Council by Council Member Christianson. There were five items for Council consideration.

Item No. 1 Mary Lou Arne came before the Committee to inquire if something can be done to make the lakes in Willmar more visible, specifically asking for removal of the trees and brush along the lake shore. It was noted that the Department of Natural Resources restricts vegetation removal within 1,000 feet of the water for erosion control purposes. This matter was for information only.

Item No. 2 Staff informed the Committee that bids were opened for improvements to the trail from the Downtown to Robbins Island. The project included a base bid for the main trail improvements with alternates for widening the concrete across the First Street Bridge and planting and maintenance of prairie grasses. Duinink Inc. submitted the only bid with a base amount of \$251,896.00, which was higher than the estimated costs. Because the project includes a State grant, approval was needed from MnDOT to proceed. MnDOT has agreed to provide an additional \$66,453.00 to cover their share of the base bid only. This in turn increases the City's share by \$8,379.00 to be paid by additional LOST funds.

The Committee was recommending the Council accept the base bid of Duinink Inc. as presented and authorize the Mayor and City Administrator to enter into an agreement on behalf of the City. Resolution No. 5 was introduced by Council Member Christianson, seconded by Council Member DeBlieck, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 5

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the base bid of Duinink Inc. of Prinsburg, Minnesota for Project No. 1304 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 \$251,896.00.

Dated this 15th day of July, 2013.

/s/ Frank Yanish
MAYOR

/s/ Charlene Stevens
Attest: CITY ADMINISTRATOR

Item No. 3 The Committee was informed by Staff that the City had entered into a contract with Donohue and Associates to complete the design and contract documents for the construction of the Sperryville lift station in April, 2013. The plans and specifications are complete and ready for approval. The proposed schedule allows for construction to begin early fall with substantial completion in December and finalization by the end of May, 2014.

The Committee was recommending the Council approve the plans and specifications and authorize advertisement for bids to be opened August 7, 2013. Resolution No. 6 was introduced by Council Member Christianson, seconded by Council Member DeBlieck, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 6

WHEREAS, Donohue & Associates, Inc. has prepared the plans and specifications for Project No. 1311 (Sperryville Lift Station) for the City of Willmar;

WHEREAS, it is recommended to approve the plans and specifications prepared and authorize publication for bids;

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

Final plans and specifications are hereby approved, and publication of the advertisement for bids is herewith authorized. Bids will be received until 1:00 pm on the 8th day of August, 2013, at the City Office Building, 333 Southwest Sixth Street, Willmar, Minnesota.

Dated this 15th day of July, 2013.

/s/ Frank Yanish
MAYOR

/s/ Charlene Stevens
Attest: CITY ADMINISTRATOR

Item No. 4 Pat Curry updated the Committee with the timeline for painting a compass rose at the Willmar Municipal Airport. The project will be done by the Minnesota Chapter of Ninety-Nine Women Pilots at a cost of approximately \$400-\$700 for paint. MnDOT Aviation will share in the cost. The measurement of the compass from north to south is approximately 75 feet. The project will start on July 26, 2013, with taping and one paint color, and be completed the next day with the other. This matter was for information only.

Item No. 5 Police Chief Wyffels informed the Committee that the Dangerous Weapons Ordinance is nearly complete and will be brought to Committee for final review at the next meeting. Various areas of potholes and catch basin failure were brought to the attention of Staff who are in the process of taking quotes for repair. Council Member DeBlieck asked Staff to check into storm water practices at the fairgrounds. This matter was for information only.

The Public Works/Safety Committee Report for July 9, 2013, was approved as presented and ordered placed on file in the CITY ADMINISTRATOR's Office upon motion by Council Member Christianson, seconded by Council Member Anderson, and carried.

The Mayor and Council considered an Ordinance Establishing an On-Sale Brewer Taproom Liquor License Category and Amending Off-Sale Malt Liquor Sales for the Licensed Brewer. City Administrator Stevens explained that the Ordinance was previously before the Council dealing with on-sale brewer taprooms and a liquor category that creates an opportunity in Willmar. At that time a question was raised whether licensed taprooms can also sell "growlers", half-gallon jugs of brew to go, in addition to beer sold for consumption on the premises. The Ordinance has been redrafted by the City Attorney and allows for sale of growlers.

Following discussion, Council Member Christianson moved to introduce an Ordinance Amending Chapter 3, Alcoholic Beverages, Article II, Sale of Alcoholic Beverages, Division 2, License, Section 3-48, License Fee and Article III, Sale of Intoxicating Liquor for On-Premises Consumption, Division 2, License, Section 3-117, License Fee – Generally, and Adopting a New Section 3-58, "Off-Sale" Malt Liquor Licenses, and a new Section 3-137, Brewer Taproom Licenses and to schedule a public hearing on August 5, 2013. Council Member DeBlieck seconded the motion, which carried.

Planning and Development Services Director Peterson presented details to the Mayor and Council of a request by Critical Care Services Inc., a Minnesota nonprofit corporation, has requested that the Wisconsin Public Finance Authority issue its Revenue Bonds (Critical Care Services, Inc. Project) Series 2013 in an amount not to exceed \$18,600,000 to finance the acquisition of six helicopters for medical use to be located in Alexandria, Hibbing, Willmar and Blaine, Minnesota; and in Rice Lake, Wisconsin; and costs of issuance of the

Bonds. Mr. Peterson noted that the bond proposal has no impact on the City, doesn't not affect the City's bonding capacity, and the City has no responsibilities or obligations.

The Borrower has advised the City that one or more of the financed helicopters will be housed at the Borrower's facility at the Willmar Municipal Airport. The Project will be initially owned and operated by the Borrower and the Bonds, or a portion thereof, will be "private activity bonds" and "qualified 501(c)(3) bonds" for purposes of the Internal Revenue Code of 1986. Pursuant to Section 147(f) of the Code, prior to their issuance, the Bonds are required to be approved by the "applicable elected representative" of a governmental unit having jurisdiction over the area in which the Project is located, after a public hearing held. Following questions by the Mayor and Council, Planning and Development Services Director Peterson stated that the public will be allowed to weigh in as to where to house the helicopter and that the Economic Development Commission, Chamber of Commerce, and City are all involved in the project.

Council Member Christianson offered a motion to set a public hearing for the Critical Care Services, Inc. - Issuance of Bonds Used to Purchase Helicopters with one located at the Willmar Municipal Airport on August 5, 2013. Council Member Anderson seconded the motion, which carried.

Council Member DeBlicke provided a Vision 2040 update noting that there will be opportunities for the public to attend informational meetings at various locations. Topics are as follows: Economic Vibrancy, Things to Do, Well Being, Inclusion, and one session covering "All" Topics.

Council Member Anderson announced that he would be participating in the First Annual Mayor's Bike Ride on July 19, 2013.

Mayor Yanish presented to the Council his recommendations for individuals to serve on the Solid Waste Task Force: Stephen Deleski, Abduallahi Omar, Don Williamson, Tom Amberg, Linda Mathiasen, Jason Dougherty, Charly Leuze, Joline Hovland, and Council Member Tim Johnson. The Staff liaison is City Planner Megan DeSchepper. Council Member Dokken moved to approve the appointments to the Solid Waste Task Force with Council Member Christianson seconding the motion, which carried.

Announcements for Council Committee meeting dates were as follows: Finance, July 29; Public Works/Safety, July 30; and Community Development, August 1, 2013.

There being no further business to come before the Council, the meeting adjourned at 8:37 p.m. upon motion by Council Member Ahmann, seconded by Council Member Anderson, and carried.

Attest:

MAYOR

ACTING SECRETARY TO THE COUNCIL