

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

March 4, 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, Planning and Development Services Director Bruce Peterson, Fire Chief Gary Hendrickson, City Attorney Robert Scott, and City Clerk Kevin Halliday.

Additions to the Agenda included discussion of Vision 2040.

The Council requested the Rice Hospital and Willmar Municipal Utilities 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 February 19, Minnesota Lawful Gambling Application – Eagles Auxiliary 2334, Accounts Payable Report through February 27, Willmar Design Center Minutes of February 19, and Community Education/Recreation Joint Powers Board Minutes of February 22, 2013. Council Member DeBlieck seconded the motion, which carried.

The Mayor and Council discussed the Rice Hospital Board Minutes of February 20, 2013, noting the Resolution Reauthorizing Membership in the Willmar Lakes Area Chamber of Commerce was missing paragraphs “d, e and f.” Staff stated that portion of the minutes would be provided. The Rice Hospital Board Minutes of February 20, 2013, were approved as presented and ordered placed on file in the City Clerk’s Office upon motion by Council Member Dokken, seconded by Council Member Fagerlie, and carried.

The Mayor and Council discussed the Willmar Municipal Utilities Commission minutes of February 25, 2013, which also approved a Resolution Authorizing Membership in the Willmar Lakes Area Chamber of Commerce. The Willmar Municipal Utilities Commission Minutes of February 25, 2013, were approved as presented and ordered placed on file in the City Clerk’s Office upon motion by Council Member Christianson, seconded by Council Member Anderson, and carried.

At 7:08 p.m. Mayor Yanish opened a hearing on an Ordinance Amending Willmar Code Chapter 8, Licenses, Permits and Business Regulations, which regulates the use of fire alarms and establishes a system of registration and user fees. Fire Chief Hendrickson explained that 30 percent of calls were alarm malfunctions. The goal of passing the Ordinance is to encourage the proper maintenance of the business community’s alarm systems. Mr. Hendrickson reviewed examples of alarm activations. There being no one present to speak for or against the proposed Ordinance, Mayor Yanish closed the hearing at 7:13 p.m.

Council Member Christianson offered a motion to adopt, assign a number and order final publication of the Ordinance of the City of Willmar, Minnesota, Amending Willmar Code Chapter 8, Licenses, Permits and Business Regulations. Council Member Dokken seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

At 7:14 p.m. Mayor Yanish opened a hearing on an Ordinance Amending the Charter of the City of Willmar, Section 2.08 – Appointive Offices. Shawn Mueske, Charter Commission Chair, provided a brief history of the appointive offices' job description. This amendment would require the adoption of ordinances detailing the City Administrator and City Attorney job duties. Upon hearing all those who wished to be heard, Mayor Yanish closed the hearing at 7:18 p.m.

Council Member Christianson moved to adopt, assign a number, and order final publication of the Ordinance Amending the Charter of the City of Willmar Section 2.08 – Appointive Offices. Council Member DeBleick seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

At 7:19 p.m. Mayor Yanish opened a hearing on an Ordinance Amending Chapter 13, Streets, Sidewalks and Other Public Property, Article III, Sidewalks, Section 70, Removal of Snow, Dirt and Rubbish. Planning and Development Services Director Peterson explained the amendment would correct the time period allowed for removal to be consistent throughout the Ordinance. There being no one present to speak for or against the proposed Ordinance, Mayor Yanish closed the hearing at 7:20 p.m.

Council Member DeBleick offered a motion to adopt, assign a number and order final publication of the an Ordinance Amending Chapter 13, Streets, Sidewalks and Other Public Property, Article III, Sidewalks, Section 70, Removal of Snow, Dirt and Rubbish. Council Member Fagerlie seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

At 7:21 p.m. Mayor Yanish opened a hearing on an Ordinance Amending Chapter 3, Alcoholic Beverages, Article III On-Premises Consumption, Division 2, License, Section 114, Persons Eligible for License. City Clerk Halliday presented details of the amendment which allows multiple on-sale liquor licenses to be issued to the same owner. There being no one present to speak for or against the proposed Ordinance, Mayor Yanish closed the hearing at 7:22 p.m.

Council Member Anderson offered a motion to adopt, assign a number, and order final publication of the Ordinance Amending Chapter 3, Alcoholic Beverages, Article III On-Premises Consumption, Division 2, License, Section 114, Persons Eligible for License. Council Member Christianson seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

At 7:24 p.m. Mayor Yanish opened a public hearing on an Ordinance Amending No. 1060, Willmar Zoning Ordinance by Amending Section 9 Relating to Appeals. Planning and Development Services Director Peterson clarifies Section 9.C.1 regarding the Board of Zoning Appeals hearing appeals of actions/enforcement of the Zoning Administrator. There being no one present to speak for or against the proposed Ordinance, Mayor Yanish closed the hearing at 7:26 p.m.

Council Member Ahmann offered a motion to adopt, assign a number, and order final publication of the Ordinance Amending No. 1060, Willmar Zoning Ordinance by Amending Section 9 Relating to Appeals. Council Member Christianson seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

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

The Finance Committee Report for February 25, 2013, was presented to the Mayor and Council by Council Member Anderson. There were six items for Council consideration.

Item No. 1 There were no public comments offered at the meeting.

Item No. 2 Staff explained to the Committee that the Moving Willmar Forward group approached the City Council in December, 2012, offering to contribute \$5,000 toward the cost of an organizational study for the City of Willmar. In January, 2013, the City of Willmar engaged Brimeyer Fursmann of Maplewood, MN, to conduct the organizational assessment at a cost of approximately

\$25,000. Moving Willmar Forward will present the contribution at the March 4, 2013, Council meeting.

The Committee was recommending the Council accept the donation from Moving Willmar Forward of \$5,000 to be used toward the City of Willmar's organizational assessment costs subsequent to City Attorney review and to express appreciation to them for their contribution.

Wayne Nelson, representing Moving Willmar Forward, appeared before the Council to present a check to the City. After complementing the Council on achieving mutual goals, Mr. Nelson presented the Mayor with a check for \$5,000 and acknowledged those citizens contributing funds.

Resolution No. 1 was introduced by Council Member Anderson, seconded by Council Member Ahmann, reviewed by Mayor Yanish and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 1

WHEREAS, the City of Willmar has received a donation of \$5,000.00 from Moving Willmar Forward, on the condition that the funds donated be used for the City Organizational Study;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Willmar, Minnesota, that the City accept the donation from Moving Willmar Forward subject to the condition that it be used for the Organizational Study, and the City Administrator be directed to express the community's appreciation.

Dated this 4th day of March, 2013.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 Staff explained that the current intergovernmental transfer agreement with Rice Memorial Hospital expired at the end of December, 2012. The Finance Committee Chair, City Administrator and Finance Director have negotiated a new agreement for 2013 through 2015 establishing an annual amount based on .80% of the Hospital's audit with a floor of \$200,000. It was noted that the rate in the previous agreement was .75% with the same minimum.

The Committee was recommending the Council to introduce a Resolution to approve the Intergovernmental Transfer Agreement with Rice Memorial Hospital as presented.

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 Mayor and City Administrator to execute the Intergovernmental Transfer Agreement between the City of Willmar and Rice Memorial Hospital for 2013 through 2015 establishing an annual amount based on .80% of the Hospital's audited net assets with a floor of \$200,000.

Dated this 4th day of March, 2013.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 The Committee considered a proposed Fire Protection Contract with Willmar

Township. The formula used to calculate the amount due from the Township is based on information from the previous year which includes operating costs of the Fire Department, depreciation of the fire station and equipment, the number of firefighter hours used and market values of the area covered in Willmar Township. The Committee was recommending the Council introduce a resolution authorizing the Mayor and the City Administrator to execute the agreement as presented in the amount of \$33,704.96.

Resolution No. 3 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. 3

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the Mayor and City Administrator be authorized to enter into an Agreement for Fire Department services between Willmar Township and City of Willmar effective April 1, 2013, and terminating March 31, 2014.

Dated this 4th day of March, 2013.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 5 The Committee received the January, 2013, Rice Trust report. This matter was taken for information only.

Item No. 6 Staff noted that future agendas included further discussion of Waste Treatment Rates and review of the City's Donation Policy. This matter was for information only.

The Finance Committee Report for February 25, 2013, was approved as presented and 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 February 26, 2013, was presented to the Mayor and Council by Council Member Nelsen. There were seven items for Council consideration.

Item No. 1 There were no public comments offered at the meeting.

Item No. 2 The Committee considered an amendment to the City's agreement with Donohue and Associates for design services as presented by Staff. The scope of services includes the design work to decommission the airport lift station and continue the sewer piping from the County Road 5 right-of-way to the lift station location. The airport lift station was originally constructed in 1963, and is in need of replacement. Incorporating this into the Western Interceptor Project will save money in professional services, contractor material and mobilization costs, along with lift station operation and maintenance fees. The City Attorney agrees this work can be added to the contract the City currently has with Geislinger. The amendment would increase the professional design services contract with Donohue and Associates by \$19,675.00, and may be funded through the local option sales tax fund.

The Committee was recommending the Council approve the amendment to the Western Interceptor Project No. 1110 Design Services Contract with Donohue and Associates as presented. Resolution No. 4 was introduced by Council Member Nelsen, seconded by Council Member DeBlicek, 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, a municipal corporation of the State

of Minnesota, that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into a contract amendment to supplement the Engineering Services Agreement between the City of Willmar and Donohue and Associates for the Western Interceptor Sewer. The amendment increases the not-to-exceed figure for the previously amended contract amount approved by Council on November 21, 2011 by \$19,675.00.

Dated this 4th day of March, 2013.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 The Committee considered a request from Staff to solicit RFP's for engineering design and construction-related services for the demolition and replacement of the Sperryville lift station. In the 2007 Infrastructure Management Plan for the Wastewater Treatment Facility prepared by Donohue and Associates, it was suggested to replace the lift station in 2010 due to safety, operational, and atmospheric concerns. The 2013 WWTF Collections Budget includes money in professional services, and the lift station construction would be funded by 2012 CIP Funds.

The Committee was recommending the Committee authorize Staff to proceed with soliciting RFP's for design and construction-related services for the replacement of the Sperryville lift station. Council Member Nelsen moved to approve the recommendation of the Public Works/Safety Committee with Council Member DeBlieck, and carried.

Item No. 4 The Committee considered costs estimates for Bolton and Menk to perform design, project management, construction observation, and staking for both the Willmar Avenue SW and 4th Avenue SW projects. Willmar Avenue consists of the completion of the street across the former airport, including the quiet zone. Fourth Avenue SW is a new cul-de-sac in the Industrial Park which will include an alternate for a concrete roadway.

The Committee was recommending the Council approve both agreements with Bolton and Menk for services as detailed in their scope of services and authorize the Mayor and City Administrator to sign on behalf of the City.

Resolution No. 5 was introduced by Council Member Nelsen, seconded by Council Member Ahmann, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 5

Whereas the City of Willmar desires to retain a firm to design, bid and provide construction services for Willmar Avenue SW from 22nd Street SW to Industrial Drive SW; and

Whereas a proposal has been made by the firm of Bolton and Menk, Inc. on an hourly basis at an estimated cost of \$115,000.00;

Now therefore be it resolved by the City Council of the City of Willmar that said proposal be accepted and that the Mayor and City Administrator be authorized to execute an agreement on behalf of the City for the same

Dated this 4th day of March, 2013.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Resolution No. 6 was introduced by Council Member Nelsen, seconded by Council Member Ahmann, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 6

Whereas the City of Willmar desires to retain a firm to design, bid and provide construction services for 4th Avenue SW in the Industrial Park; and

Whereas a proposal has been made by the firm of Bolton and Menk, Inc. on an hourly basis at an estimated cost of \$47,000.00;

Now therefore be it resolved by the City Council of the City of Willmar that said proposal be accepted and that the Mayor and City Administrator be authorized to execute an agreement on behalf of the City for the same.

Dated this 4th day of March, 2013.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 5 Staff informed the Committee of a Cooperative Construction Agreement that has been prepared for the City to act as agent of the County in the award and administration of the contract for the construction of Willmar Avenue SW from 22nd Street SW to Industrial Drive SW. The County agrees to reimburse the City for the cost of County-related construction items. Staff recommended acceptance of the agreement as presented.

The Committee was recommending the Council approve the agreement as presented and authorize the Mayor and City Administrator to enter into the agreement on behalf of the City. Resolution No. 7 was introduced by Council Member Nelsen, seconded by Council Member DeBlieck, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0

RESOLUTION NO. 7

AUTHORIZATION TO EXECUTE
KANDIYOHI COUNTY COOPERATIVE CONSTRUCTION AGREEMENT

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the Mayor and City Administrator be authorized to enter into a Cooperative Construction Agreement between the City of Willmar and Kandiyohi County for construction of Willmar Avenue SW from 22nd Street SW to Industrial Drive SW.

Dated this 4th day of March, 2013.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 6 Staff and consulting firms have prepared the plans and specifications for the 2013 Projects as directed by the City Council. The total estimated cost of the projects is approximately \$5.3 million, payable from a variety of sources. Staff is requesting authorization to proceed with advertisement for bids to be opened in multiple packages on April 2, 2013. The Committee was recommending the Council approve the plans and specifications for the 2013 Improvement Projects and authorize advertisement for bids.

Resolution No. 8 was introduced by Council Member Nelsen, seconded by Council Member DeBlieck, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 8

WHEREAS the City Engineer of the City of Willmar has presented to the City Council plans and specifications for Project Nos. 1301, 1302, 1303, 1304 and 1305 for the City of Willmar;

NOW THEREFORE 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. Multiple bid packages will be publicly opened and read with the first opening scheduled for 1:00 p.m. on the 2nd day of April, 2013, at the City Office Building, 333 Southwest Sixth Street, Willmar, Minnesota.

Dated this 4th day of March, 2013

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 7 Council Member Ahmann brought up the Barr Report and the progress of storm water improvements. Staff will be reviewing the report with Interim Engineer Voge for inclusion of incremental improvements that may be implemented in the next budgeting discussions. Council Member Ahmann also requested staff initiate discussions with the appropriate officials involved in the Grass Lake Project. This matter was for information only.

The Public Works/Safety Committee Report for February 26, 2013, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Nelsen, seconded by Council Member Christianson, and carried.

The Community Development Committee Report for February 28, 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 offered at the meeting.

Item No. 2 Bob Mathieson presented to the Committee preliminary information for a potential amphitheater project. An amphitheater would provide a venue for a variety of family-oriented events and is a recreational amenity lacking in the community. The Committee reviewed a conceptual drawing of a structure that is low maintenance. The intent is for the project to be entirely privately funded. A variety of sites at Robbins Island have been given preliminary consideration for the amphitheater, but other sites have not been ruled out.

The Committee discussed facility needs, size, materials, costs, and future maintenance. Mr. Mathieson asked for \$5,000 from the City to conduct a feasibility and planning study. It is the intention of the group to reimburse the City the \$5,000 in the course of private fundraising.

Following discussion, the Committee was recommending the Council support the proposal and provide \$5,000 for a feasibility and planning study (the study is to include discussion of maintenance and operating costs). Council Member Fagerlie moved to approve the recommendation of the Community Development Committee, with Council Member DeBlieck seconding the motion, which carried.

Item No. 3 The Committee received an update from Staff on the parking study and gateway design effort. These are both actions called for in the adopted Downtown Plan. This matter was for information only.

Item No. 4 The Committee continued its discussion of the offer by the Rule family to donate the former Rule Tire property to the City. Staff has gathered costs for demolition and back taxes. It was the decision of the Committee to withhold action on the proposed gift pending additional consideration. This matter was for information only.

Item No. 5 Staff presented to the Committee a request from Bonnema Surveys for a plat correction on the City of Willmar Interceptor Sewer Right of Way Plat #12. Since the plat had been filed, a minor numerical error had been discovered. It was a recommendation of Staff that the plat correction be approved.

Council Member Fagerlie moved to approve the recommendation of the Community Development Committee with Council Member Dokken seconding the motion, which carried.

The Community Development Committee Minutes of February 28, 2013, were 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.

The Committee was recommending the Council approve the plat correction and authorize the Mayor to sign the certificate. Council Member Fagerlie moved to approve the recommendation of the Community Development Committee, with Council Member Dokken seconding 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 presented details of an event to be held at the Civic Center. The Willmar Curling Club plans to hold an eight-day National Curling Bonspiel and plans to serve alcohol. A Civic Center Arena Special Event Permit is required to distribute or consume alcohol on the Civic Center grounds. The Baker's Eagle Creek Eatery LLC has applied for this permit. Council Member Anderson offered a motion to approve the Civic Center Arena Special Event by On-Sale Liquor License Holder Permit with Council Member Fagerlie seconding the motion, which carried on a roll call vote of Ayes 8, Noes 0.

The Mayor and Council considered the adoption of the Standard Code of Parliamentary Procedure as the Willmar City Council's official rules of order. City Administrator Stevens reviewed recent adopted amendments to the City's Charter making it necessary for the City Council to formally adopt a set of parliamentary procedures. The Standard Code of Parliamentary Procedure, by Alice Sturgis, appears to best meet the needs of the City. Copies of the manual have been purchased and distributed to each member of the Council, appropriate staff and chairpersons of the various board and commission. Scott Thaden, trainer in parliamentary procedure, will conduct two trainings for the City Council and others on March 18 and April 1, 2013. Following discussion Council Member Ahmann moved to adopt the Standard Code of Parliamentary Procedure as the Willmar City Council's Official Rules of Order. Council Member Anderson seconded the motion, which carried.

Announcements for Council Committee meeting dates were as follows: Labor Relations, March 20, 2013.

Council Member DeBlieck presented a Vision 2040 Steering Committee Report.

There being no further business to come before the Council, the meeting adjourned at 8:25 p.m. upon motion by Council Member Christianson, seconded by Council Member Anderson, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL