

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

May 20, 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, Fire Chief Gary Hendrickson, City Attorney Robert Scott, and Administrative Assistant Audrey Peterson.

Mayor Yanish and Council Dokken noted that they would have items under New Business.

Council Member Anderson offered a motion adopting the Consent Agenda which included the following: City Council Minutes of May 6, Planning Commission Minutes of May 8, Municipal Utilities Commission Minutes of May 13, Rice Hospital Board Minutes of May 13, Accounts Payable Report through May 16, Mayoral Appointment – Joe Hartmann to Zoning Appeals Board, Out-of-State Travel – Bruce DeBlieck to National APPA Conference to Nashville TN, June 17-19, and Willmar Design Center Minutes of April 16, 2013. Council Member Christianson seconded the motion, which carried.

At 7:02 p.m. Mayor Yanish opened a hearing on an Ordinance Authorizing Issuance of General Obligation Sewer Revenue Note, Series 2013B. Kathy Aho, Springsted Incorporated, appeared before the Mayor and Council to explain that the Ordinance authorizes the borrowing of money and the issuance of a General Obligation Sewer Revenue Note to finance a portion of the costs of the Western Interceptor Project. Following discussion of Local Options Sales Tax and PFA Grant dollars, Mayor Yanish closed the hearing at 7:04 p.m.

Council Member Anderson offered a motion to adopt, assign a number and order final publication of the Ordinance Authorizing the Issuance of a General Obligation Sewer Revenue Note, Series 2013B. Council Member Christianson seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

At 7:05 p.m. Mayor Yanish opened a hearing on an Ordinance Authorizing Issuance of \$1,950,000 General Obligation Improvement Bonds, Series 2013A and the Levying of Taxes to Secure Payment Therefor. Ms. Aho informed the Mayor and Council that the General Obligation Bonds would provide funding for the 2013 street improvement projects. Following discussion of community investment funds and rate of interest, Mayor Yanish closed the hearing at 7:07 p.m.

Council Member Christianson offered a motion to adopt, assign a number and order final publication of the Ordinance Authorizing the Issuance of \$1,950,000 General Obligation Improvement Bonds, Series 2013A and the Levying of Taxes to secure Payment Therefor. Council Member Anderson seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Resolution No. 1, Providing for the Competitive Negotiated Sale of \$1,950,000 General Obligation Improvement Bonds, Series 2013A, was introduced by Council Member Anderson, seconded by Council Member Christianson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 1

PROVIDING FOR THE COMPETITIVE NEGOTIATED SALE OF \$1,950,000
GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2013A

(For Resolution in its entirety, see City Council Proceedings file dated
May 20, 2013, located in the City Clerk's Office)

Mayor Yanish reported on the Mayor's Prayer Breakfast noting that the turnout was very good and expressed appreciation to all who attended and helped make the event a success. The Mayor announced that he was dedicating a portion of the proceeds to the Willmar Community Education and Recreation Scholarship Fund and presented a check to Community Education and Recreation Director Steve Brisendine. Mr. Brisendine explained that the funds allow children in the community to participate in WEAC programs and expressed appreciation for the generous donation.

Mayor Yanish recognized Lee Wierschem who presented a Minnesota Developmental Achievement Center Association Award to Civic Center Manager Kevin Madsen. Mr. Madsen stated that the Award is for the City and expressed his appreciation to the work force clients who work many hours on a daily basis mowing lawns, shoveling snow, setting up for Civic Center and Community Center events, janitorial duties, and much more.

Mayor Yanish recognized Roy Stiff and Kathryn Cafferty, representing Family Promise of Kandiyohi County. Mr. Stiff provided an introduction of the program created to assist homeless families in Kandiyohi County. Ms. Cafferty explained that Family Promise offers an opportunity for churches to help bring about change for homeless families with children. The Mayor and Council viewed a PowerPoint presentation.

Mayor Yanish acknowledged individuals who had signed up to address the City Council during its scheduled Open Forum. Community and Activity Center Council Chair Catherine Johnson and Board Member Loren Lushen thanked the Labor Relations Committee for recommending the approval of a custodial position.

The Finance Committee Report for May 13, 2013, was presented to the Mayor and Council by Council Member Anderson. There were three items for Council consideration.

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

Item No. 2 Staff informed the Committee that representatives from Rice Hospital were unable to attend the meeting due to another conflict. This item will be rescheduled for a future Finance Committee meeting.

Item No. 3 Kathy Aho of Springsted, Inc., presented to the Committee the revised Waste Treatment Rate Study reflecting a proposed start date of July 1, 2013. At the last Finance Committee meeting, it was suggested to increase the meter charges by \$1 in an effort to see a more stable revenue source. Ms. Aho explained that she reviewed that option but found it would provide an additional \$100,000 annually. Since the increase was minimal, the higher meter charge was not incorporated into the revised Study. After considerable discussion, it was the consensus of the Committee that Springsted, Inc. should once again rework the waste treatment rates by incorporating a more significant increase of \$10 to \$15 in meter charges along with an adjustment to the tier 1 and tier 2 volume rates so as not to disproportionately impact one group of users. These latest revisions to the rate structure will be brought back to the Finance Committee at its next meeting. This matter was for information only.

Item No. 4 Staff reviewed with the Committee the proposed 2014 Budget Calendar. Dates noted include: the development of Capital Improvement Program items submitted by May 24th; peer review May 24th through June 7th; completed Department Heads' estimates must be returned and reviewed with the City Administrator in June; Planning Commission will review the Capital Improvements Program in July; the Mayor

meets with the City Administrator and Finance Director in July; notices to be published in the newspaper in July; and the Mayor will present his proposed budget to the Finance Committee during the first meeting in August. Chair Anderson suggested that a Facilities Plan be developed as well as the Capital Improvement Plan. Following discussion, the Committee was recommending the Council approve the 2014 Budget Calendar as presented. Council Member Anderson moved to approve the recommendation of the Finance Committee with Council Member Fagerlie seconding the motion, which carried.

Council Member Anderson noted a Council work session has been scheduled for June 3, 2013, to discuss the 2014 budget calendar and the rate study.

Item No. 5 Future agenda items include the seven-year Local Option Sales Tax Report, Airport Project Report, and Waste Treatment Plant Report. This matter was for information only.

Item No. 6 Under old business Staff informed the Committee that the City Clerk is scheduled to meet with representatives from Bremer Bank this week regarding the possibility of the City receiving 2.6% interest on funds deposited there, similar to Library and County funds. This matter was for information only.

Item No. 7 Council Member Anderson acknowledged there was no new business for the Committee to discuss at this time and this matter was for information only.

The Finance Committee Report for May 13, 2013, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Anderson, seconded by Council Member Fagerlie, and carried.

The Public Works/Safety Committee Report for May 14, 2013, was presented to the Mayor and Council by Council Member Christianson. There were nine items for Council consideration.

Item No. 1 The Committee considered a request to create a new category of liquor license for brewer tap rooms. Staff informed the Committee that current City ordinance does not allow for this type of establishment and requires significant food sales. A tap room would not be required to meet the food requirement. Nick Davis, a local beer aficionado, spoke in support of the ordinance change, and saw it as an economic development effort. The Willmar Zoning Ordinance currently does not provide for brewer tap rooms in any zoning district. If the new license category is created, the Planning Commission will need to study the matter and amend the Zoning Ordinance.

The Committee was recommending the Council direct the City Attorney, in consultation with the Police Chief, to draft an ordinance amendment to create licensing provisions for brewer tap rooms. Following an explanation of a tap room, Council Member Christianson offered a motion to approve the recommendation of the Public Works/Safety Committee with Council Member Anderson seconding the motion, which carried.

Item No. 2 The Committee considered a request by Arnold's of Willmar to allow the extension of municipal water service to their property outside the City limits for the purpose of providing water for a fire sprinkler system. John Arnold said the request was the best solution to the fire sprinkler requirement for their proposed expansion. Current policy does not provide for the extension of municipal utilities beyond the City limits. The Committee discussed current policy and its relationship to the comprehensive plan urban growth boundary. Comments from the City Engineer and Willmar Municipal Utilities were requested.

The Committee was recommending the Council grant preliminary approval to the concept contingent upon City Engineer and Willmar Municipal Utilities support. Council Member Christianson moved to approve the recommendation of the Public Works/Safety Committee. Following discussion, Council Member Fagerlie offered a motion to table the matter and send back to Committee. Council Member Dokken seconded the motion, which carried.

Item No. 3 The Committee was informed by Staff that the Council previously authorized Donohue and Associates to complete the design and contract amendment documents for the construction of the Airport LS Sewer to include Change Order No. 1 as an amendment to the contract with Geislinger & Sons, Inc. for the work. Contract quantities and pricing associated with the work amount to \$238,251.25. Donohue and Staff recommend executing the change order to complete the construction.

The Committee was recommending the Council approve Change Order No. 1 to Project No. 1110 in the amount of \$238,251.25 and authorize the City Administrator to execute the document. Following discussion, Resolution No. 2 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. 2

WHEREAS, the City of Willmar entered into Contract No. 1110 with Geislinger & Sons, Inc. for the Western Interceptor Sewer; and

WHEREAS, the design and contract incorporating documents have been completed for the Airport Lift Station Sewer; and

WHEREAS, the Substantial and Final Completion Dates for the project will be postponed 30 days to October 1, 2013 and December 1, 2013 respectively; and

WHEREAS, the change in contract price will be an increase of \$238,251.25; and

WHEREAS, it is recommended to approve the extra work, time extension, and cost associated Change Order No. 1.

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that Change Order No. 1 is approved. As a result the contract substantial completion date be revised to October 1, 2013; the final completion date be revised to December 1, 2013; and the contract amount be increased \$238,251.25 for a revised contract price of \$3,307,836.50 for Project 1110 the Western Interceptor Sewer project.

Dated this 20th day of May, 2013.

/s/ Frank Yanish
MAYOR

/s/ Charlene Stevens
Attest: CITY ADMINITRATOR

Item No. 4 With the approval of Change Order No. 1 to the Western Interceptor Project No. 1110, the Committee was informed by Staff that construction services are needed to complete the work. The City currently is under contract with Donohue and Associates for the project. A contract amendment to provide the additional professional services was provided in the amount of \$23,620.00. The Committee was recommending the Council approve the contract amendment with Donohue and Associates in the amount of \$23,620.00 and authorize the Mayor and City Administrator to execute the document.

Following discussion, Resolution No. 3 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. 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 of the City of Willmar are hereby authorized to enter into an amendment to the professional services contract 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 December 3, 2012 by \$23,620.00.

Dated this 20th day of May, 2013.

/s/ Frank Yanish
MAYOR

/s/ Charlene Stevens
Attest: CITY ADMINITRATOR

Item No. 5 The Committee was informed that plans and specifications have been prepared by Bollig Inc. for the improvement of the trail from First Street to Robbins Island and approved by the Minnesota Department of Transportation. Staff is requesting approval and authorization to advertise for bids to be opened June 18, 2013.

The Committee was recommending the Council approve plans and specifications for Project No. 1304 and authorize advertisement for bids to be opened June 18, 2013. Resolution No. 4 was introduced by Council Member Christianson, seconded by Council Member Anderson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 4

WHEREAS the City Engineer of the City of Willmar has presented to the City Council plans and specifications for Project No. 1304 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. Bids will be publicly opened and read at 1:30 p.m. on the 18th day of June, 2013, at the City Office Building, 333 Southwest Sixth Street, Willmar, Minnesota.

Dated this 20th day of May, 2013.

/s/ Frank Yanish
MAYOR

/s/ Charlene Stevens
Attest: CITY ADMINITRATOR

Item No. 6 The Committee briefly discussed ongoing issues with parking in the areas of Willmar Avenue and 11th Street SE and Willmar Avenue and 4th Street SW. Both locations have busy institutions adjacent to residential neighborhoods. Police Chief Wyffels said no safety issues have been identified at those locations. Council Member Nelsen said that visibility is sometimes a problem, and asked if additional yellow curbing could be provided to keep vehicles back from the intersection. This matter was for information only.

Item No. 7 The Committee discussion Council action authorizing the preparation of plans and specifications for improvements to Willmar Avenue SW between 22nd Avenue SW and CSAH 5. The improvements include a new railroad crossing to accommodate a quiet zone. The Committee was recommending the Council

approve plans and specifications for Project No. 1302-A and authorize advertisement for bids to be opened June 18, 2013.

Resolution No. 5 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. 5

WHEREAS the City Engineer of the City of Willmar has presented to the City Council plans and specifications for Project No. 1302-A 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. Bids will be publicly opened and read at 1:00 p.m. on the 18th day of June, 2013, at the City Office Building, 333 Southwest Sixth Street, Willmar, Minnesota.

Dated this 20th day of May, 2013.

/s/ Frank Yanish
MAYOR

/s/ Charlene Stevens
Attest: CITY ADMINITRATOR

Item No. 8 The City Council has authorized the preparation of plans and specifications for construction of a new street and utilities in Industrial Park. As requested by Council, the project includes bid alternates for bituminous and concrete surfacing. The Committee was recommending the Council approve plans and specifications for Project No. 1302-B and authorize advertisement for bids to be opened June 18, 2013.

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

RESOLUTION NO. 6

WHEREAS the City Engineer of the City of Willmar has presented to the City Council plans and specifications for Project No. 1302-B 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. Bids will be publicly opened and read at 1:15 p.m. on the 18th day of June, 2013, at the City Office Building, 333 Southwest Sixth Street, Willmar, Minnesota.

Dated this 20th day of May, 2013.

/s/ Frank Yanish
MAYOR

/s/ Charlene Stevens
Attest: CITY ADMINITRATOR

Item No. 9 Under new business Police Chief Wyffels provided a brief report on police activities.

Council Member Ahmann requested that the Engineering Department review street conditions on 7th Avenue from Lakeland Drive to 19th Street SE. He also requested that the Finance Committee discuss the issue of assessment policies for HRA and other similar properties.

Council Member Christianson spoke of the need for the Council to reopen discussion on contracting for street sweeping. This matter was for information only.

Council Member Dokken stated that he had been contacted by Bethesda Nursing Home with regards to parking on Willmar Avenue and 11th Street SE. Council Member Nelsen noted that she has been in contact with Bethesda and they are aware of the parking situation.

Council Member Fagerlie inquired about an assessment for the Housing and Redevelopment Authority and was informed by Staff that the HRA makes a payment in lieu of taxes and has an agreement with the City for payment of special assessments.

The Public Works/Safety Committee Report for May 14, 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 Anderson, and carried.

The Labor Relations Committee Report for May 15, 2013, was presented to the Mayor and Council by Council Member Ahmann. There were two items for Council consideration.

Item No. 1 Chair Ahmann asked if there was any public comment and there was none.

Item No. 2 Richard and Irina Fursman, Brimeyer-Fursman, presented the Council with a preliminary report of the Organizational Assessment. Mr. Fursman reviewed the process used including interviews with all members of Council; 45 Staff interviews; focus groups with business, East Africans, and Latinos; interviews with individual community members; and a survey completed by 76 members of City Staff and Council.

Mr. Fursman reviewed the organizational strengths of a committed City Council, dedicated Staff and examples of exceptional cooperation among City Staff and Departments. Mr. Fursman also discussed the concerns including the organizational culture, leadership, lack of a clear future and vision, and City structure for external and internal services.

Ms. Fursman reviewed the results of the survey and how well the City performed in the areas of Adaptability, Mission, Consistency and Employee Involvement.

Some Council Members provided feedback regarding the need for vision and goals and to move the organization forward. Other Council Members questioned the lack of vision and expressed concerns that only the negative was being reported.

It was suggested that more community conversation was needed, as well as adherence to the Home Rule Charter. There was discussion regarding lack of trust and the effect on decision making and productivity. Privatizing additional services was suggested.

Mr. Fursman also reviewed two options for restructuring the areas of Public Works, Planning and Engineering. Mr. Fursman reviewed one model that included an overall division director for "External Services", which would combine Planning, Engineering, Public Works, Wastewater, and Facilities functions into a larger division or super department, as well as include filling the vacant City Engineer position, Survey Technician position, and creating new positions for GIS and Facilities Management. Mr. Fursman recommended that the Facilities Management potentially come as a promotion from Public Works. In this option, Mr. Fursman stated that the City Engineer would not be a Department Director, but a front-line supervisor and have more opportunity

to actually do engineering work in house.

Mr. Fursman presented a second option that was similar to the City's previous alignment of positions, but fully staffed the Engineering Department, as well as adding Facilities Maintenance and Environmental Management. Mr. Fursman cautioned that in this model, the City would need to rely more on consulting engineers.

The Council discussed the two options, but no decisions were made and it was suggested to perhaps discuss it further in Committee or at a future work session.

Mr. Fursman stated that there was still additional scope of work to complete, such as looking at Internal Services, Succession Planning, Assessing and underutilized County services. This matter was for information only.

Item No. 3: City Administrator Stevens stated that contracted custodial services had been tried for just over one year at the following facilities: Willmar Community and Activity Center, Airport, Public Works Garage, Fire Hall, and Wastewater Treatment Plant. Ms. Stevens stated the cost of the service during that period was \$51,419 and the service had not been satisfactory. Ms. Stevens stated Staff had exhausted all remedies with the current vendor and additionally had contacted other vendors with the potential costs of a new vendor estimated to be \$47,000. Ms. Stevens stated that based upon the lack of cost savings and poor quality of service, the recommendation was to hire a custodian at the entry level range, with estimated costs of \$35,900-\$45,640.

Mr. Earl Knutson, of the Willmar Community Activity Center Advisory Board, addressed the Committee regarding the concerns for the service level at the WCAC with the current vendor and stated support for hiring a custodial position.

Mr. Pat Curry addressed the Committee to say that he thought the Council and City Administrator were doing a good job.

The Committee was recommending to the Council that it hire a custodian at the Range I level. Council Member Ahmann moved to approve the recommendation of the Labor Relations Committee with Council Member Dokken seconding the motion, which carried.

The Labor Relations Committee Report for May 15, 2013, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Ahmann, seconded by Council Member Dokken, and carried.

Planning and Development Services Director Peterson presented details of a proposed Ordinance regarding a text amendment for garage door heights. The Planning Commission initiated the text amendment which changes garage door height maximums from 10 feet to 12 feet, allowing for RV's and other large vehicles to be stored in garages. It was noted that the proposed Ordinance limits the storage of commercial-sized vehicles. Following discussion, Council Member Anderson offered a motion to introduce an Ordinance Amending No. 1060 Known as the Willmar Zoning Ordinance by Amending Section 3 Relating to Garage Door Height and scheduled a public hearing for June 3, 2013. Council Member Fagerlie seconded the motion, which carried.

Under new business, Mayor Yanish informed the Council that he is working on a white paper with regards to an option C for the external services portion of the organizational study. The City Attorney is assisting the Mayor with the white paper.

Council Member Dokken reminded the Council and citizens of activities planned for Memorial Day observance.

Council Member Ahmann addressed the Mayor and Council regarding the recent closing of Molenaar LLC and the 80 individuals who have lost their jobs. Mr. Ahmann suggested the Council take action to draft progressive

steps to assist people who have lost their jobs in such a manner. Council Member Ahmann offered a motion that the Council formally act to find a business to buy the site occupied by Molenaar LLC, and Council Member Christianson seconded the motion. After discussing the matter, Council Member Christianson withdrew his second and the motion died for the lack of a second.

Following additional discussion regarding the development of action plans and policies to assist individuals who have lost jobs, Council Member Ahmann moved that the matter be referred to Staff and Committee and to bring recommendations to the Kandiyohi County and City of Willmar Economic Development Commission. Council Member Christianson seconded the motion, which resulted in roll call vote of Ayes 4, Noes 4 – Council Members Anderson, Nelsen, Fagerlie and DeBlieck voted “No.” Mayor Yanish broke the tie vote by voting “No.” Discussion continued regarding the role of the Council and Joint Economic Development Commission. Council Member Ahmann called to close the debate. Council Member Christianson seconded the motion, which carried.

Announcements for Council Committee meeting dates were as follows: Labor Relations, May 29; and Community Development, May 30, 2013.

There being no further business to come before the Council, the meeting adjourned 9:00 p.m. upon motion by Council Member Christianson, seconded by Council Member Anderson, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL