

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

September 7, 2010
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Lester Heitke. Members present on a roll call were Mayor Heitke, Council Members Doug Reese, Ron Christianson, Bruce DeBleck, Denis Anderson, Steve Ahmann, and Tim Johnson; Present 7, Absent 2 - Rick Fagerlie and Jim Dokken.

Also present were City Administrator Michael Schmit, City Attorney Richard Ronning, Police Chief David Wyffels, Fire Chief Marv Calvin, Acting Public Works Director Holly Wilson, Community Education and Recreation Director Steve Brisendine, Planning and Development Services Director Bruce Peterson, and City Clerk Kevin Halliday.

Council Member Jim Dokken arrived at the meeting at 7:02 p.m.

Additions to the Agenda included a Kiwanis Peanut Day Proclamation, League of Minnesota Cities regional meetings, Aviation Day, and FAA letter.

Council Member Reese offered a motion adopting the Consent Agenda which included the following: City Council Minutes of August 16, Rice Hospital Board Minutes of August 11, Planning Commission Minutes of August 25, Municipal Utilities Commission Minutes of August 30, Building Inspection Report for August, Council Work Session Minutes of September 1, and Airport Commission Minutes of September 1, 2010; and Exempt Permit Application, Willmar Curling Club. Council Member Anderson seconded the motion, which carried.

At 7:05 p.m. Mayor Heitke opened a hearing on special assessments for unpaid weed/grass mowing. City Clerk Halliday presented to the Mayor and Council a list of properties which have unpaid weed and/or grass charges and was recommending these charges be certified against the real property. There being no one present to speak for or against the proposed special assessments, Mayor Heitke closed the hearing at 7:06 p.m.

Resolution No. 1 was introduced by Council Member Anderson, seconded by Council Member Reese, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 1

WHEREAS, Section 9-41 of the Willmar City Code states that such unpaid weed or grass mowing bills represent a lien of the real property receiving mowing services; and

WHEREAS, the City Council of the City of Willmar has offered the owner his right to request an appearance before the Council to make objections to payment;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that the amount of the unpaid weed/grass mowing charges totaling \$1,783.06 be certified to the County Auditor to be extended on the tax rolls of such real property in the same manner as other taxes for collecting in 2011 and collected by the County Treasurer, and paid to the City Clerk-Treasurer along with other taxes; and

BE IT FURTHER RESOLVED that the unpaid weed or grass charges be certified against the real

property as follows: (for complete list of parcels see City Council proceedings dated September 7, 2010, located in City Clerk's Office)

Dated this 7th day of September, 2010.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

At 7:07 p.m. Mayor Heitke opened a hearing on special assessments for unpaid snow/ice removal. City Clerk Halliday presented to the Mayor and Council a list of properties which have unpaid snow/ice removal charges and was recommending these charges be certified against the real property. There being no one present to speak for or against the proposed special assessments, Mayor Heitke closed the hearing at 7:08 p.m.

Resolution No. 2 was introduced by Council Member Reese, seconded DeBlicek, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 2

WHEREAS, Section 13-70 of the Willmar City Code states that such unpaid snow or ice removal bills represent a lien of the real property receiving snow / ice removal services; and

WHEREAS, the City Council of the City of Willmar has offered the owner his right to request an appearance before the Council to make objections to payment;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that the amount of the unpaid snow/ice removal charges totaling \$61.20 be certified to the County Auditor to be extended on the tax rolls of such real property in the same manner as other taxes for collecting in 2011 and collected by the County Treasurer, and paid to the City Clerk-Treasurer along with other taxes; and

BE IT FURTHER RESOLVED that the unpaid snow or ice removal charges be certified against the real property as follows: (for complete list of parcels see City Council proceedings dated September 7, 2010, located in City Clerk's Office)

Dated this 7th day of September, 2010.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Mayor Heitke recognized John Sullivan who had signed up to address the City Council during its scheduled Open Forum. Mr. Sullivan spoke to the issue of the Local Option Sales Tax.

Mayor Heitke recognized Tammy Nelson and Conrad Bostrom who presented an update on the Beyond the Yellow Ribbon program which supports military families. Ms. Nelson announced that the City of Willmar will officially become a "Yellow Ribbon City" on September 22, 2010. Mayor Heitke thanked Ms. Nelson and Mr. Bostrom for their work with the program and this matter was received for information only.

The Finance Committee Report for August 30, 2010, was presented to the Mayor and Council by Council Member Anderson. There were five items for Council consideration.

Item No. 1 Staff presented to the Committee historical data of the Local Option Sales Tax program through June 30, 2010, as well as projections through the 2011 Budget. The City of Willmar began receiving this tax as of January 1, 2006, and per State statute, it is to terminate after seven years or when sufficient funds have been received to finance up to \$8,000,000 in bonds. Authorized improvements include: completion and expansion of the airport/industrial park; hiking and biking trails; connection of the Blue Line and Civic Center Buildings; and purchase of that portion of the Willmar Regional Treatment Center campus located west of Highway 71. Proposed projects remaining that could utilize sales tax funds include partial funding of the western collector in the Industrial Park; finishing Willmar Avenue; platting and other services for the Industrial Park; and costs to finalize the old and new airports. This matter was for information only.

City Administrator Schmit offered clarity to the process of collecting the tax for seven years and paying for the projects with available funds as opposed to selling \$8 million in bonds and paying the interest and principal back biannually. The Council directed City Attorney Ronning to review the statute and render an opinion as to the sunset date of the sales tax.

Item No. 2 The Committee reviewed functions of the various City funds noting usage restrictions as applicable. Staff provided information on the method used to determine the Levy Limit Base which is a combined total of Local Government Aid and Property Tax Authority. The Mayor's proposed tax levy for 2011 is \$3,924,764 of which \$100,000 has been earmarked by the Mayor to be used for the storm water project as was done in 2010. City Administrator Schmit informed the Council the Housing and Redevelopment Authority preliminary levy for 2011 is \$170,000.

Following discussion, the Committee was recommending the Council introduce a resolution setting the preliminary levy at \$3,924,764 and the HRA levy at \$170,000 and to schedule December 6, 2010, to conduct the public hearing for this levy with the continuation hearing on December 20, 2010, if necessary.

Resolution No. 3 was introduced by Council Member Anderson, seconded by Council Member Dokken, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 3

BE IT RESOLVED that the Mayor of the City of Willmar submitted a preliminary levy request of \$3,924,764;

BE IT RESOLVED by the City Council of the City of Willmar, Kandiyohi County, Minnesota, that the following sums of money be preliminary levied for the current year collectable in 2011, upon the taxable property in said City of Willmar for the following purposes:

General Fund	<u>\$3,924,764</u>
	\$3,924,764

BE IT RESOLVED, that there is a sufficient sum of money in the Debt Service Funds of the City, to pay principal and interest in 2011 on all outstanding bond issues, and the deferred annual tax levies previously certified to the County Auditor are hereby canceled;

FURTHER, pursuant to a request by the Housing and Redevelopment Authority in and for the City of Willmar, for authorization to levy a special tax to be included as part of its fiscal year 2010 - 2011 Budget;

BE IT RESOLVED that the City Council of the City of Willmar, Minnesota, hereby authorizes the Housing and Redevelopment Authority to levy a special tax in the amount of \$170,000 pursuant to the powers vested under the Minnesota Statutes.

The City Clerk is hereby instructed to transmit a certified copy of this Resolution to the County Auditor of Kandiyohi County, Minnesota.

Dated this 7th day of September, 2010.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 The Committee discussed the possibility of having all agenda packets sent electronically in lieu of through the mail. This could save administrative costs however, laptops/notebooks would need to be provided to those Council Members who do not have one. Furthermore, reading information on paper is often preferred over a computer screen. This matter was for information.

Item No. 4 The Committee discussed optional uses of Garfield School should the City take ownership. The City could simply own the building, demolish the building and have a two-block city park, or remodel it into an office building with Council Chambers. The Committee directed Staff to research what architectural services could be provided for minimal costs.

City Administrator Schmit informed the Mayor and Council of discussions with Engan Architects to conduct a feasibility study and building condition report for Garfield School. Following discussion, Resolution No. 4 was introduced by Council Member Anderson, seconded by Council Member Reese, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 7, 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 Administrator be authorized to enter into an agreement between the City of Willmar and Engan Associates Architects to conduct a feasibility study and building condition report for Garfield School in the amount of \$3,000.00.

Dated this 7th day of September, 2010.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 5 Chair Anderson requested the first item listed on future Committee agendas to allow citizens' input on the 2011 Budget. This matter was for information only.

The Finance Committee Report for August 30, 2010, 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 Ahmann, and carried.

The Labor Relations Committee Report for August 31, 2010, was presented to the Mayor and Council by Council Member Ahmann. There were four items for Council consideration.

Item No. 1 Staff presented to the Committee results of a pilot program to consolidate and reorganize Building Maintenance positions, assignments, and job duties. The City continues to employ three Building Maintenance personnel. One additional position has remained vacant following a recent retirement and one other part-time position has been eliminated. The pilot program was intended to better coordinate maintenance activities amongst the many City-owned buildings and has proved to be

reasonably successful. The project included establishing one of the three maintenance personnel in a supervisory position.

City Administrator Schmit recommended to the Committee that the maintenance program be established on a permanent basis; that the Council adopt the Building Maintenance Supervisor position classification; and that Mr. Rick Johnson be appointed to the position of Building Maintenance Supervisor retroactive to July 1, 2010.

The Committee was recommending the Council adopt the Building Maintenance Supervisor position classification and appoint Rick Johnson under the proposed terms and conditions. Council Member Ahmann moved to approve the recommendation of the Labor Relations Committee with Council Member Anderson seconding the motion, which carried.

Item No. 2 Staff presented to the Committee a proposed position classification for the Planner/Airport Manager. City Administrator Schmit explained that following the resignation of the City's full-time Airport Manager, administrative responsibilities were assigned to the Assistant City Engineer who has now assumed the duties of Acting Public Works Director. Airport administrative functions were assigned to City Planner Megan Sauer effective February 12, 2010. Daily routine maintenance responsibilities are provided through the on-site FBO contract. Following completion of Airport construction activities this arrangement has proved to work very well, and Mr. Schmit was proposing that Megan Sauer's position classification be changed to Planner/Airport Manager retroactive to July 1, 2010.

The Committee was recommending the Council adopt the Planner/Airport Manager position classification and appointment Megan Sauer under the proposed terms and conditions. Council Member Ahmann moved to approve the recommendation of the Labor Relations Committee with Council Member Anderson seconding the motion, which carried.

Item No. 3 City Administrator Schmit presented to the Committee a consolidation concept whereby the County would assume responsibilities for City Assessing functions. The concept has developed as a result of working with the County over the past several months. Essentially a proposed consolidation would be modeled after a buyout similar to that which took place with the Dispatch Center a number of years ago. Four Assessing employee positions would be transferred to the County, granted credit for existing years of service, and placed on the County pay schedule at levels comparable to existing City employee salaries. Initially, annual budgeted amounts for the Assessing Department would be transferred to the County and reduced by an agreed upon amount each year thereafter until calendar year 2018 when payments would cease and the total cost of Assessing absorbed by the County. All Assessing functions, computer equipment and files appropriate and determined necessary for continued Assessing services and to accommodate the consolidation would be transferred to the County. Details regarding vacation and sick leave benefits and allowable transfers would be determined in the adoption of any formal agreement. It is the opinion of City and County administration that such a consolidation of services will prove to enhance County-wide programs, eliminate duplication government services and related costs, and result in considerable savings over time. The target date for a program implementation would be July 1, 2011.

The Committee was recommending the Council support the concept of consolidation of City and County Assessing Departments and that the City Administrator be directed to negotiate a formal agreement to be brought back to the Council for review and consideration. Council Member Ahmann moved to approve the recommendation of the Labor Relations Committee with Council Member Anderson seconding the motion, which carried.

Item No. 4 Chair Ahmann announced the intent of the Committee to close the meeting to discuss employment contract negotiations. Upon motion, the Committee meeting was closed and then reopened. This matter was for information only.

The Labor Relations Committee Report for August 31, 2010, 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 Anderson, and carried.

The Mayor and Council discussed the process to fill the City Administrator position following Michael Schmit's recent announcement that he will retire in July, 2011. At a Work Session held on September 1, 2010, it was the consensus of the Council to solicit request for proposals to hire a professional firm to assist the Council in selecting a new City Administrator. Following discussion, Council Member Reese offered a motion to solicit proposals from executive search consultants to assist the Council in selecting a new Administrator. Council Member Anderson seconded the motion, which carried.

The Mayor and Council discussed the Willmar Charter review and the findings of a League of Minnesota Cities Charter Review Attorney. Several Council Members expressed opposition to any relinquishing of the overriding power of the Council in any commission or board and to remit amendments in smaller quantities. Following discussion, Council Member Reese offered a motion to refer the League of Minnesota Cities Charter Review to the Charter Commission with Council Member Ahmann seconding the motion, which carried. Mayor Heitke directed Staff to relay Council comments to the Charter Commission.

City Clerk Halliday informed the Mayor and Council that Applebee's Neighborhood Grill & Bar currently holds an On-Sale and On-Sale Sunday Liquor Licenses. The current corporation Applebee's Restaurant North LLC will sell the establishment to Apple Minnesota LLC on October 15, 2010. Apple Minnesota LLC has applied for an On-Sale and On-Sale Sunday Liquor Licenses. Council Member Reese offered a motion to approve the On-sale and Sunday On-sale Liquor Licenses. Council Member Anderson seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Council Member Ahmann requested clarification of a recent FAA letter regarding safety issues at the Airport. City Administrator Schmit discussed the relocation of RCO equipment to the new Airport and concern was expressed by FAA technicians regarding standing water and mold conditions. A contractor is being lined up to address mold abatement.

Mayor Heitke read a Proclamation for the September 14, 2010, Kiwanis Peanut fundraiser.

Mayor Heitke discussed upcoming League of Minnesota Cities regional meetings.

Mayor Heitke commented on Aviation Day held on September 5, 2010, at the Willmar Airport and thanked Pat Curry for his assistance.

Announcements for Council Committee meeting dates were as follows: Finance, September 13; Public Works/Safety, September 14, and Community Development, September 16, 2010.

There being no further business to come before the Council, the meeting adjourned at 9:17 p.m. upon motion by Council Member Reese, seconded by Council Member Anderson, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL