

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

October 4, 2010  
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by Mayor Pro Tempore Doug Reese. Members present on a roll call were Mayor Pro Tempore Doug Reese, Council Members Ron Christianson, Bruce DeBlieck, Denis Anderson, Rick Fagerlie, Jim Dokken, and Tim Johnson; Present 7, Absent 2 – Mayor Les Heitke and Council Member Steve Ahmann were excused from the meeting.

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, Finance Director Steve Okins, Community Education and Recreation Director Steve Brisendine, Planning and Development Services Director Bruce Peterson, and City Clerk Kevin Halliday.

Council Member Anderson offered a motion adopting the Consent Agenda which included the following: City Council Minutes of September 20, Municipal Utilities Commission Minutes of September 27, Planning Commission Minutes of September 29, and Community Education and Recreation Board Minutes of September 24, 2010; and Lawful Gambling Application for Fraternal Order of Eagles Auxiliary. Council Member DeBlieck seconded the motion, which carried.

At 7:03 p.m. Mayor Pro Tempore Reese opened a hearing on an Ordinance to Rezone Certain Lands from R-2 to LB. Planning and Development Services Director Peterson informed the Council that Craig Leis requests rezoning his land from R-2 (One and Two Family Residential) to LB (Limited Business) for a proposed buyer to operate a law office out of the commercial portion of the building and live in the residential portion. The proposal is consistent with the Comprehensive Plan for 19<sup>th</sup> Avenue Southwest as a medical/business professional corridor and approved by the Planning Commission. There being no one present to speak for or against the proposed Ordinance, Mayor Pro Tempore Reese closed the hearing at 7:04 p.m.

Council Member Christianson offered a motion to adopt, assign a number, and order final publication of an Ordinance Amending Municipal Ordinance No. 1060. Council Member Johnson seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Trish Appledorn, Kandiyohi County Veterans' Service Officer, informed the Council that Willmar has been designated as a "Yellow Ribbon City" for its care and support for military members and families. The City received the award on September 22, 2010. Signs declaring Willmar as a Yellow Ribbon City are expected to be placed at state highway entrances to the City in recognition of local efforts to care for Military members and their families through various programs. Mayor Pro Tempore Reese and Council Members expressed appreciation to the committee's efforts to bring this designation to the City.

Mayor Pro Tempore Reese stated that October is Domestic Violence Awareness Month and read an official Proclamation. Connie Schmoll reported on the shelter's new name of "Safe Avenues" and upcoming events to raise awareness on domestic violence.

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

The Finance Committee Report for September 27, 2010, was presented to the Council by Council Member Anderson. There were three items for Council consideration.

Item No. 1 Chair Anderson acknowledged that there was no one present to comment on the Mayor's 2011 Proposed Budget. However, he read an e-mail received from a concerned citizen suggesting the Council consider contracting out some City services and that a task force be appointed to determine whether or not this would be cost effective. This matter was for information only.

Item No. 2 The Committee continued its review of the Mayor's proposed 2011 budget by considering the proposed Fund Balances. Balance designations and level policies were once again received for information and will be available for discussion at the November 22, 2010, meeting. Finance Director Okins also reviewed the various groups of expenditures with the Committee.

Chair Anderson expressed concern that the amount of time allotted for the November Budget meeting is not adequate and raised the question of beginning earlier than 5:00 p.m. so that appropriate consideration may be given to individual budget items. It was also requested that budgets for the HRA, MUC, and Rice Hospital be received prior to the meeting on the 22<sup>nd</sup> for Council review. This matter was for information only.

Item No. 3 The Committee received the August Rice Trust report. This matter was for information only.

The Finance Committee Report for September 27, 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 Fagerlie, and carried.

The Public Works/Safety Committee Report for September 28, 2010, was presented to the Council by Mayor Pro Tempore Reese. There were five items for Council consideration.

Item No. 1 Police Chief Wyffels briefed the Committee on recent criminal activity in the southeast sector of Willmar. Several citizens have expressed concerns that there is an over abundance of serious crimes in this area deeming it unsafe. Each incident occurring in the last six weeks was detailed to the Committee by the Chief, including arrest information. This item was for information only.

Item No. 2 Rhonda Rae of Donohue and Associates presented to the Committee a change order to the loan agreement with the Minnesota Public Facilities Authority for funds under the Clean Water Revolving Fund Program. The agreement includes funding for Project 1017-B – Decommissioning of the Existing Facility. This change order will separate this project into two phases 1) decommissioning of the existing facility and 2) decommissioning of both the Arby's and Ortenblad lift stations including installation of the gravity connection from the Ortenblad lift station to the new southern interceptor pipe to flow to the new Wastewater Treatment Facility.

The Committee was recommending the Council approve the Change Order to the loan agreement with the Minnesota Public Facilities Authority Clean Water Revolving Fund and amend the City budgets accordingly. Resolution No. 1 was introduced by Mayor Pro Tempore Reese, seconded by Council Member Christianson, and approved on a roll call vote of Ayes 7, Noes 0.

#### RESOLUTION NO. 1

WHEREAS, the City of Willmar previously submitted an application to the Minnesota Public Facilities Authority (PFA) for funds under the Clean Water Revolving Fund Loan Program; and

WHEREAS, the Loan Agreement included funding for Project 1017-B Decommissioning of the Existing Wastewater Treatment Plant; and

WHEREAS, Project 1017-B of the City's Wastewater Program will be completed in two phases; phase one the decommissioning of the existing wastewater treatment plant and phase two the decommissioning of Arby's and Ortenblad's Lift Station, including the installation of the gravity connection from Ortenblad's Lift Station to the new southern interceptor pipe for wastewater flow to the new Wastewater Treatment Plant; and

WHEREAS, Mn Rule 7380.0400 The Clean Water Revolving Fund, the Fund provides loans and other forms of financial assistance to eligible applicants to plan, design, and construct municipal wastewater or storm water systems, or nonpoint source pollution control; and

WHEREAS, the Pollution Control Agency also has administrative responsibilities under Minnesota Statutes, Section 446A.07, including determining approving projects awarded by financial assistance from the authority; and

WHEREAS, it is recommended that the City of Willmar approve the Change Order to the Loan Agreement with the PFA and amend the City budget accordingly.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the Change Order to the Loan Agreement with PFA be approved and the City budget amended accordingly.

Dated this 4<sup>th</sup> day of October, 2010.

/s/ Doug Reese  
MAYOR PRO TEMPORE

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 3 Police Chief Wyffels requested permission to participate with area law enforcement partners in the Safe and Sober Program. The Police Department will once again be collaborating with Kandiyohi County Sheriff's Office, Atwater Police Department, Swift County Sheriff's Office, and Benson Police Department. The Safe and Sober Program allows for concentrated effort towards traffic safety. The total amount of the grant is \$30,000.00, and there is no local match other than operational costs of Police vehicles.

The Committee was recommending the Council authorize the Police Department to enter into a grant agreement and authorize Staff to execute agreements and amendments as necessary. Resolution No. 2 was introduced by Mayor Pro Tempore Reese, seconded by Council Member Christianson, and approved on a roll call vote of Ayes 7, Noes 0.

#### RESOLUTION NO. 2

#### AUTHORIZING EXECUTION OF AGREEMENT

BE IT RESOLVED that the Willmar Police Department enter into a grant agreement with the Minnesota Department of Public Safety, Office of Traffic Safety, for the project entitled "Safe & Sober Communities" during the period from October 1, 2010 through September 30, 2011;

BE IT FURTHER RESOLVED that David Wyffels, Chief of Police, is hereby authorized to execute such agreements and amendments as are necessary to implement the project on behalf of the Willmar Police Department;

BE IT FURTHER RESOLVED that the Kandiyohi County Auditor/Treasurer is hereby authorized to be the fiscal agent and administer the grant on behalf of the Willmar Police Department.

Dated this 4<sup>th</sup> day of October, 2010.

/s/ Doug Reese  
MAYOR PRO TEMPORE

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 4 The Willmar Fire Department has applied for and been granted reimbursement funds from the Minnesota Board of Firefighter Training and Education in the amount of \$9,400 to be used toward firefighter training. Eligible training courses are planned to be completed by June 2011, and Fire Chief Calvin requested permission to submit a final application and accept the funds. The Committee was recommending the Council approve of the request as presented.

Resolution No. 3 was introduced by Mayor Pro Tempore Reese, seconded by Council Member Fagerlie, 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 to support Staff's application submittal and acceptance of reimbursement funds from the Minnesota Board of Firefighter Training and Education in an amount not-to-exceed \$9,400, and to adjust the Fire Department's 2010 and 2011 budgets accordingly.

Dated this 4<sup>th</sup> day of October, 2010.

/s/ Doug Reese  
MAYOR PRO TEMPORE

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 5 The Committee briefly discussed the planning for future path projects/connections, the street construction status and bussing issues near Roosevelt School. This matter is for information only.

The Public Works/Safety Committee Report for September 28, 2010, were approved as presented and ordered placed on file in the City Clerk's Office upon motion by Mayor Pro Tempore Reese, seconded by Council Member Christianson, and carried.

Planning and Development Services Director Peterson presented to the Council for consideration a final plat for Cambridge Second Addition, which is proposed by Koonsman Land Company. The plat consists of 14-lots for five duplexes and four lots are splits of existing duplexes. The four-plexes will have protective covenants/articles of declaration for maintenance. The Planning Commission has approved the final plat with conditions regarding assessments paid before plat recording, stormwater requirements that will be met before building permits are issued, and declaration/articles shall be recorded with the plat as

well. Following discussion, Council Member Christianson moved to approve the final plat of Cambridge Second Addition with Council Member Fagerlie seconding the motion, which carried.

City Clerk Halliday informed the Council that with the General Election is scheduled for November 2, 2010, and in accordance with State Statutes, it is necessary at this time to appoint election judges. Resolution No. 4 was introduced by Council Member Anderson, seconded by Council Member Dokken, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 4

BE IT RESOLVED, that the individuals listed below be appointed as Judges to work the General Election in the City of Willmar on Tuesday, November 2, 2010: (for complete Ward/Precinct listing see City Council proceedings file dated October 4, 2010, located in the City Clerk's Office).

Dated this 4<sup>th</sup> day of October, 2010.

/s/ Doug Reese  
MAYOR PRO TEMPORE

/s/ Kevin Halliday  
Attest: CITY CLERK

City Clerk Halliday informed the Council that the Municipal Utilities Commission has requested the Council certify unpaid utility charges of various properties as a lien on the real property. According to City Code, Section 16-127, a hearing was offered to property owners to object to the charges and the Commission did not receive any requests for appearance. Following discussion, Resolution No. 5 was introduced by Council Member DeBlieck, seconded by Council Member Fagerlie, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 5

WHEREAS, Section 16-127 of the Willmar City Code states that such unpaid utility bills represent a lien on the real property receiving utility services; and

WHEREAS, the Willmar Municipal Utilities Commission has offered the owner the right to request an appearance before the Commission to make objections to payment; and

WHEREAS, the Willmar Municipal Utilities Commission has adopted Resolution No. 33 on September 27, 2010, requesting the Willmar City Clerk-Treasurer to certify the unpaid utility charges as a lien on the real property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that the amount of the unpaid utility charges totaling \$5,330.10 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 utility charges be certified against the real property as follows: (for complete listings see City Council proceedings file dated October 4, 2010, located in the City Clerk's Office).

