

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

May 16, 2011
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 Doug Reese, Ron Christianson, Bruce DeBlieck, Denis Anderson, Steve Ahmann, Rick Fagerlie, Jim Dokken, and Tim Johnson; Present 9, Absent 0.

Also present were City Administrator Michael Schmit, City Attorney Richard Ronning, Police Chief David Wyffels, Fire Chief Marv Calvin, 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.

The Council requested that the Municipal Utilities Commission Minutes of May 9, and the Accounts Payable through May 11, 2011, be removed from the Consent Agenda.

Council Member Reese offered a motion adopting the Consent Agenda which included the following: City Council Minutes of May 2, Council/Charter Commission Minutes of April 27, Planning Commission Minutes of May 11, Building Inspection Report for April, Police Commission Minutes of February 7 and May 2, Housing and Redevelopment Authority Minutes of April 12, and Community Education and Recreation Joint Powers Board Minutes of April 22, 2011. Council Member Anderson seconded the motion, which carried.

The Council discussed Municipal Utilities Commission Minutes regarding an updated Wind Turbine Report and requested that this same report be presented to the City Council. The Municipal Utilities Commission Report for May 9, 2011, was approved and ordered placed on file in the City Clerk's Office upon motion by Council Member Christianson, seconded by Council Member Dokken, and carried.

The Council requested clarification of a payment to the City of Mankato, which was for paid credits. The Accounts Payable Report through May 11, 2011, was approved and placed on file in the City Clerk's Office upon motion by Council Member Christianson, seconded by Council Member Anderson, and carried.

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

At 7:02 p.m. Mayor Yanish opened a hearing to consider assessments for the 2011 Street and Other Improvements Project. Public Works Director Wilson provided an overview of the assessment program noting lineal foot charges set at \$59.76 per foot for a reconstructed street and \$25.46 per foot of an overlay project. Ms. Wilson explained the total project cost is \$1,796,223.84, with \$986,915.51 proposed to be assessed to property owners. Those providing testimony were Eric Sundheim, 901 Becker Avenue SE, clarifying his corner lot (Ferring Street SE) assessment, and Nancy Kopacek, 1310 Becker Avenue SE, requesting enforcement of high-speed traffic or adding a speed bump. City Clerk Halliday read a letter from Doug Wilkowske, 3961 Horizon Hills Circle NW, appealing the proposed assessment on two properties located in Block 1 of Park View Estates. Upon hearing all who wished to be heard, Mayor Yanish closed the hearing at 7:22 p.m.

Following discussion, Resolution No. 1 was introduced by Council Member Christianson, seconded

by Council Member Reese, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 1

ADOPTING ASSESSMENT ROLL

WHEREAS, pursuant to notice duly given as required by law, the City Council has met, heard, and passed upon all objections to the proposed assessment for 2011 Street and Other Improvements, and has amended such proposed assessment as it deems just;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, as follows:

- 1. Such proposed assessment, the sum of \$984,958.37, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein is hereby found to be benefited by the proposed improvement listed as Project 1101.
- 2. Such assessments shall be as follows:
 - A. The assessments shall be payable in equal annual installments extending over a period of ten (10) years, the first of said installments to be payable with general taxes for the year 2012, collectible with such taxes during the year 2012.
 - B. To the first installment shall be added interest at the rate of four and seventy-five hundredths (4.75) percent per annum on the entire principal amount of the assessment from the date of the bond sale, approximately July 5, 2011, until December 31, 2012. To each subsequent installment, when due there shall be added interest for one year at said rate on the unpaid principal amount of the assessment.
 - C. The owner of any property so assessed may at any time prior to the certification of the assessment or the first installment thereof to the County Auditor (Treasurer), pay the whole of the principal amount of the assessment on such property with interest accrued to the date of payment to the City Clerk-Treasurer, except that no interest shall be charged if the entire assessment is paid by October 31, 2011, and such property owner may at any time prior to November 15 of any year pay to the City Clerk-Treasurer the entire principal amount.
- 3. The City Clerk-Treasurer shall forthwith transmit a certified duplicate copy of this assessment to the County Auditor to be extended on the tax list of the County.

Dated this 16th day of May, 2011.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Public Works Director Wilson informed the Mayor and Council that bids were opened for the 2011 Street Improvements, with Duininck, Inc. as the apparent low bidder. Resolution No. 2 was introduced by Council Member Reese, seconded by Council Member Anderson, 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, a Municipal Corporation of the State

of Minnesota, that the bid of Duinick, Inc. of Prinsburg, Minnesota for Project No. 1101 the 2011 Street and Other Improvements 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 \$1,796,223.84.

Dated this 16th day of May, 2011.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

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

Fire Chief Calvin presented to the Mayor and Council the 2010 Fire Departmental Annual Report. Following a question and answer period, the report was ordered placed on file in the City Clerk's Office.

The Labor Relations Committee Report for May 4, 2011, was presented to the Mayor and Council by Council Member Ahmann. There were four items for Council consideration.

Item No. 1 City Administrator Schmit presented information to the Committee in an attempt to clarify City policy, procedures and practices for the use of City vehicles. Copies of the Personnel Policy and appropriate employment contract provisions will be forwarded to the Council under separate cover. This matter was for information only.

Item No. 2 The Committee reviewed current position vacancies and the relationship to development of the Mayor's 2012 budget. Considerable time was spent on the issue of considering a Cops Grant to hire two additional Police Officers, but recognizing that the City must assume those financial obligations in the future, the Committee's preference was to not proceed. This matter was for information only.

Item No. 3 The Committee reviewed information regarding the reclassification of one Custodial position to that of Custodian/Building Maintenance. The position re-evaluation resulted in a reclassification from Grade 1 to Grade 3 and would represent an increase in compensation from \$12.32 per hour to \$13.11 per hour.

The Committee was recommending to the Council that the reclassification of the Custodian/Building Maintenance position from a Grade 1 to Grade 3. Council Member Ahmann moved to approve the recommendation of the Labor Relations Committee with Council Member Reese seconding the motion, which carried.

Item No. 4 The Committee meeting was closed for the purpose of discussing employment contract negotiations with the various City bargaining groups. This matter was for information only.

The Labor Relations Committee Report for May 4, 2011, 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 Finance Committee Report for May 9, 2011, was presented to the Mayor and Council by Council Member Anderson. There were seven items for Council consideration.

Item No. 1 John Sullivan addressed the Committee with concerns regarding employee use of City-owned vehicles. This matter was for information only.

Item No. 2 Josh Halvorson of Donohue & Associates reported to the Committee that seven bids were received for the Ortenblad and Arby's Lift Station Decommissioning and 21st Street SW Sewer Extension Project No. 1109-B2. Donohue had estimated this project at \$376,674.40 and recommended that the contract be awarded to the low bidder, Reiner Contracting, Inc., in the amount of \$287,463.73.

The Committee was recommending the Council award the contract for Project No. 1109-B2 to Reiner Contracting, Inc., as presented. 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 bid of Reiner Contracting, Inc. of Hutchinson, Minnesota, for Project 1109-B2, Ortenblad and Arby's Lift Station Decommissioning and 21st Street SW Sewer Extension, is accepted and awarded.

BE IT FURTHER RESOLVED that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an agreement with Reiner Contracting, Inc. for the terms and conditions of the contract in the amount of \$287,463.73 upon successful delivery of performance and payment bonds and insurance requirements as set forth in the Contract Documents.

Dated this 16th day of May, 2011.

/s/ Frank Yanish

MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Item No. 3 The Committee was informed by Staff that being the 2011 Street Improvement Program has been approved by Council, it is now required that a public hearing be held for a proposed bond issue to help finance this program. The Committee was recommending the Council introduce a Resolution calling for a public hearing and to schedule a public hearing on June 6, 2011, for an Ordinance Authorizing the Issuance of \$1,825,000 General Obligation Improvement Bonds.

Resolution No. 4 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. 4

RESOLUTION CALLING FOR PUBLIC HEARING ON AN ORDINANCE AUTHORIZING
THE ISSUANCE OF \$1,825,000 GENERAL OBLIGATION IMPROVEMENT BONDS,
SERIES 2011A AND LEVYING TAXES FOR THE PAYMENT

(For Resolution in its entirety see City Council Proceedings file dated
May 16, 2011, located in the City Clerk's Office)

Item No. 4 The Committee was informed by Staff that the City has returned the original \$400,000 grant received from DEED for the Willmar Fabrication loan. Staff has recently been informed by DEED that the interest portion of the loan payments received from Willmar Fabrication has no restrictions. Subsequently, Staff recommends the Mayor designate a purpose for these funds during the 2012 budget process. This item was for information only.

Item No. 5 Staff reviewed with the Committee a proposed Agricultural Land Lease for

R.O.W. 5 for approximately five acres located in the northwest clear zone of the Airport. This lease would be for a period of four years at \$100 per year with Myron Bluhm as the Lessee.

The Committee was recommending the Council approve the Agricultural Land Lease as presented. Resolution No. 5 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. 5

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 execute a Land Lease Agreement between the City of Willmar and Myron Bluhm as follows:

Section 11, Township 119N, Range 36W (6.08 acres, more or less)
Willmar Municipal Airport Right-of-Way Plat No. 1-2, Parcel 25-A

Dated this 16th day of May, 2011.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 6 The Committee was informed by Staff that AARP held their annual Tax Preparation Service from February to April at the Willmar Community Center. Since AARP does not accept payment for these services, they are requesting that donations received should be designated to the Willmar Community Center for the general operation of the building.

The Committee was recommending the Council approve a Resolution accepting the donation totaling \$145 from the AARP Tax Service and to send a letter of appreciation. Resolution No. 6 was introduced by Council Member Anderson, seconded by Council Member Dokken, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 6

WHEREAS, the City of Willmar has received a donation of \$145.00 from AARP Tax Service to be used towards the general operation of the Willmar Community Center building;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Willmar, Minnesota, that the City accept the donation from the AARP Tax Service and the City Administrator be directed to express the community's appreciation.

Dated this 16th day of May, 2011.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 7 The Committee received the 12/31/10 General Fund, 04/30/11 LOST, 04/30/11 CVB, and 04/30/11 WRAC-8 Reports. This matter was for information only.

The Finance Committee Report for May 9, 2011, 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 Community Development Committee Report for May 12, 2011, was presented to the Mayor and Council by Council Member Dokken. There were eight items for Council consideration.

Item No. 1 There were no public comments offered. This matter was for information only.

Item No. 2 No one appeared to address any of the neighborhood issues identified at a recent COPPS meeting. Staff and the Council will continue to be in contact with the public to stay on top of issues as they emerge. This matter was for information only.

Item No. 3 Willmar Municipal Utilities General Manager, Bruce Gomm explained to the Committee what plans are to do with the property near their facilities following the recent land acquisition and street vacation. Future plans include enclosing the coal pile and a building for coal unloading, the storage of bio mass fuel for the power plant, the extension of the warehouse and storage facilities and construction of a new administrative building. It was noted that not all these activities are in the five-year capital improvement plan, as some are long-range projects. This matter was for information only.

Item No. 4 The Committee reviewed a letter from Bergh Fabricating requesting the termination of their purchase agreement for Lot 5, Block 2, Willmar Industrial Park Third Addition. This property is the terminal area at the former airport. The Bergh letter included four conditions for the termination of the purchase agreement. Those conditions dealt with the return of earnest money, options on airport property, and the current lease that they have for the facilities.

The Committee was recommending the Council terminate the purchase agreement with the following stipulations: 1) 100% of the earnest money shall be returned to Bergh Fabricating. 2) Bergh Fabrication shall be granted an option to purchase Lot 5, Block 2, Willmar Industrial Park Third Addition, at a price established by the City, if the property is ultimately released and can be sold and reused. 3) Bergh Fabricating can continue to lease the land and buildings under their current lease until that lease is terminated by the City or Bergh, as per the lease terms. 4) Bergh Fabricating shall have the option to purchase Lot 4, Block 2, Willmar Industrial Park Third Addition at a price established by the City.

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

Item No. 5 The Committee reviewed a request by Tom Lindeman of Pro-1 Realty to extend the listing agreement for the former airport property. The request was being submitted because delays in the land release process has not permitted Pro-1 to market or promote the land for sale. Mr. Lindeman requested that the agreement be extended for three years and three months due to unknowns of the land release process. It was a recommendation of Staff that the listing be extended for a period of 18 months beginning at such time that the land is released.

The Committee was recommending the Council extend the listing agreement for the airport property with Pro-1 Realty for a period of 18 months effective upon release of the airport land. Council Member Dokken moved to approve the recommendation of the Community Development Committee with Council Member Christianson seconding the motion, which carried.

Item No. 6 The Committee continued discussion of a possible City-wide cleanup effort. This effort would be in addition to the Staff sweep for zoning violations and citizen complaints. Mayor Yanish informed the Committee of a conversation with Don Williamson, West Central Sanitation, who estimated a cost of \$25,000-\$40,000 if his company was to pick up trash throughout the neighborhood on a one-day effort. The cost would be less if the citizens brought trash and unwanted items to designated sights and shared in the cost. The Committee discussed options, costs and means of paying for the service. Concern was expressed about hazards materials and people relying on the City for waste removal. It was decided to continue this discussion at the May 26, 2011, meeting. Various individuals will be invited to

participate in the discussion, including representatives from the Integration Collaborative, Mr. Williamson of West Central Sanitation, and Public Works Director. This matter was for information only.

Item No. 7 Staff provided updates on the City zoning sweep, mobile home park cleanup efforts, Mid-Central Outreach Center, Willmar Fabrication and Buhler JOBZ programs, John Supper Club Building and former terminal building. The Committee and Staff discussed at length the problem with serving violation notices and citation. It was a recommendation of Staff that the first round of the sweep be completed to gage what level of compliance is achieved. Once Staff knows the results of the first round efforts a plan can be put in place to deal with those persons that did not comply with City orders. This matter was for information only.

Item No. 8 The Committee considered proposal by owners of the former Willmar Fabrication property along Airport Drive to dedicate to the City that portion of Airport Drive fronting their property. Currently, a right-of-way easement exists for the road. Staff recommended that the Council accept the dedication, as it would be more consistent with most of the other right-of-way in Willmar which is held by dedication as opposed to easement.

The Committee was recommending the Council adopt a Resolution accepting the dedication as proposed. Resolution No. 7 was introduced by Council Member Dokken, seconded by Council Member Christianson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 7

WHEREAS, the City of Willmar has received an offer from ISCA, Inc., a corporation under the laws of the State of Arkansas, to transfer certain real estate located in the plat of the Willmar Industrial Park;

WHEREAS, the real estate to be transferred is a public street located within the plat of Willmar Industrial Park; and

WHEREAS, the City of Willmar finds that it is appropriate to accept this gift.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, that the City accept the transfer of the real estate described on Exhibit "A" attached hereto (on file in the City Clerk's Office) and that a Quit Claim Deed from ISCO, Inc. to the City of Willmar be recorded in the office of the Kandiyohi County Recorder to effectuate the gift to the City.

Dated this 16th day of May, 2011.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Community Development Committee Report for May 12, 2011, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Dokken, seconded by Council Member Christianson, and carried.

City Clerk Halliday informed the Mayor and Council that the Willmar Stingers secured authority from the 2011 Legislature to sell strong beer with a new On-Sale Wine License combined with their existing 3.2% Malt Liquor License. It is necessary to amend the existing Ordinance to allow the City to issue a wine license to an owner of a summer collegiate league baseball team. Following discussion, Council Member Anderson offered a motion to introduce an Ordinance Amending Willmar Municipal Code Section 3.6(b) by Adding a Section Allowing the On Sale of Wine and Intoxicating Malt Liquors at

