

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

April 20, 2015  
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Marv Calvin. Members present on a roll call were Mayor Calvin, Council Members Ron Christianson, Andrew Plowman, Denis Anderson, Rick Fagerlie, Jim Dokken, Audrey Nelsen, and Tim Johnson; Present 8, Absent 1. Council Member Steve Ahmann was excused from the meeting.

Also present were City Clerk Kevin Halliday, Police Chief Jim Felt, Planning and Development Director, Bruce Peterson, Fire Chief, Gary Hendrickson, Public Works Director Sean Christensen, City Attorney Robert Scott, Police Captain Michael Anderson and Police Sergeant Mike Markanen.

Council Member Nelsen requested the addition of an item for discussion at the end of the meeting.

Council Member Anderson offered a motion adopting the Consent Agenda as presented which included the following: City Council Minutes of April 6, Labor Relations/City Council Minutes of April 8, Municipal Utilities Commission Minutes of April 13, Planning Commission Minutes of April 8, Accounts Payable Report through April 16, and Zoning Appeals Board Minutes of April 6, 2015. Council Member Anderson seconded the motion. Council Member Nelsen requested the April 6 Labor Relations/City Council Minutes be changed to reflect Vice Chair Jim Dokken calling the meeting to order rather than Mayor Calvin. With these changes, the motion carried.

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

The Finance Committee Report for April 13, 2015 was presented to the Mayor and Council by Council Member Anderson. There were ten items for consideration.

Item No. 1        There were no comments from the public.

Item No. 2        Fire Chief Hendrickson explained to the Committee that the Fire Station's current means of communication with the City's network is via a wireless link which is prone to weather interruptions and has a limited service life. The most recent purchase of a new antenna for the fire station occurred in 2013 which cost \$4,000, not including installation, and replaced a three-year old antenna. It was also noted that the current tower that the antenna resides on is scheduled to be taken down in 2016 to be replaced with a new mono-pole by Verizon Wireless. During the installation an alternative connection would need to be developed in order for staff to continue to conduct daily activities. The purchase and installation of a fiber connection will eliminate the need to invest in a temporary connection which will ultimately save money in the future. The total cost to purchase and install the direct fiber link between City Hall and the Fire Station is estimated at \$26,649 through MP Nexlevel. It is proposed that excess funds from the Fire Department 2014 Operating Budget be utilized for this expenditure.

The Committee was recommending the Council authorize the Mayor and the City Administrator to execute the agreement with MP Nexlevel to purchase and install the direct fiber link between City Hall and the Fire Station in the amount of \$26,649, utilizing excess funds from the 2014 Fire Department Operating Budget as presented.

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

Resolution No. 1

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to reallocate \$26,649 from the 2014 Operating Excess Funds to the 2015 Capital Outlay Program to install the direct fiber link between City Hall and the Fire Station as follows:

Increase:	2015 Fire Department Capital Outlay Expenditures/ Direct Fiber Link Installation	\$26,649
Decrease:	2014 Excess Funds	\$26,649

Dated this 20th day of April, 2015.

/s/ Marv Calvin  
Mayor

/s/ Kevin Halliday  
Attest: City Clerk

Item No. 3 IT Coordinator Ross Smeby reported to the Committee that the elevator installed in the Blue Line Center has a dedicated phone line expense that was not planned for in the 2015 budget. It is anticipated the annual cost for this phone line will be \$633.12. Also, Charter Communications has recently notified the City that they will begin charging an additional \$588.89 per month for the City's Primary Rate Interface (PRI) phone line. The City purchased the new Voice Over IP system a couple of years ago. The additional annual cost to the City for 2015 is anticipated at \$6,477.79. The 2015 IT Communications Budget needs to be increased \$7,111 to accommodate these two unplanned operating expenditures and would be funded from excess funds in the 2014 budget. It was the Committee's recommendation to the Council to authorize the 2015 IT Communications Budget increase of \$7,111 and that excess funds from the 2014 Budget be utilized for this increase.

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

Resolution No. 2

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to reallocate \$7,111 from the 2014 Operating Excess Funds to the 2015 Information Technology Communications Budget for Blue Line Center Elevator Telephone monthly charges and for the City Hall Primary Rate Interface Telephone Line monthly charges as follows:

Increase:	2015 Information Technology Communications Expenditures	\$ 7,111
Decrease:	2014 Excess Funds	\$ 7,111

Dated this 20th day of April, 2015.

/s/ Marv Calvin  
Mayor

/s/ Kevin Halliday  
Attest: City Clerk

Item No. 4 IT Coordinator Ross Smeby reported to the Committee that Microsoft Software Assurance licensing for Server and Devices is due every three years. Due to Microsoft licensing policy changes and additional users for the City, the recalculated total for the licenses was \$9,206 higher than anticipated. Prorated over three years, the annual increase would be \$3,069. It is being proposed that these

funds come from the 2014 General Fund Surplus. The recommendation of the Committee was to authorize the 2015 IT Licenses/Taxes Budget increase of \$3,069 and that excess funds from the 2014 Budget be utilized for this increase.

Resolution No. 3 was introduced by Council Member Anderson, seconded by Council Member Dokken, reviewed by Mayor Calvin, 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 authorize the Finance Director to reallocate \$3,069 from the 2014 Operating Excess Funds to the 2015 Information Technology Licenses/Taxes Budget for the increase in Microsoft Software Assurance licensing for the City's Server and Devices as follows:

Increase:	2015 Information Technology Communications Expenditures	\$ 3,069
Decrease:	2014 Excess Funds	\$ 3,069

Dated this 20th day of April, 2015.

/s/ Marv Calvin  
Mayor

/s/ Kevin Halliday  
Attest: City Clerk

Item No. 5 Staff explained to the Committee that the current intergovernmental transfer agreement with Willmar Municipal Utilities (MUC) expired at the end of December, 2014. A new agreement has been negotiated for 2015 establishing an annual amount based on 4.90% of the MUC's audited net position as of January 1 of the previous year, but not to exceed a four percent increase in the amount of the intergovernmental transfer payment of the previous year. The previous agreement also reflected a rate of 4.90% of net position with the same limit on annual increases. It was noted that other potential methods for calculating this payment will be researched for future agreements. It was the recommendation of the Committee to authorize the Mayor and the City Administrator to execute the agreement as presented.

Resolution No. 4 was introduced by Council Member Anderson, seconded by Council Member Nelsen, reviewed by Mayor Calvin, 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 to authorize the Mayor and City Administrator to execute the Intergovernmental Transfer Agreement between the City of Willmar and the Willmar Municipal Utilities for 2015 establishing the annual transfer rate at 4.9% of audited net assets, not to exceed an increase in excess of 4% per year.

Dated this 20th day of April, 2015.

/s/ Marv Calvin  
Mayor

/s/ Kevin Halliday  
Attest: City Clerk

Item No. 6 Staff presented the Committee the details of the current statutory tort liability limits to the extent of the coverage purchased from the League of Minnesota Cities Insurance Trust. A decision must be made annually whether to waive the limits.

If the City does not waive the statutory tort limits, an individual claimant would be able to recover no more than \$500,000 on any claim to which the statutory tort limits apply. The total which all claimants would be able to recover in a single occurrence to which the statutory tort limits apply would be limited to \$1,500,000. If the City waives the statutory tort limits and purchases excess liability coverage, a single claimant could potentially recover an amount up to the limit of the coverage purchased. The total which all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would also be limited to the amount of coverage purchased, regardless of the number of claimants. Staff was recommending not waiving the statutory tort limits at this time. It was the consensus of the Committee to concur with staff and recommend the Council not waive the statutory tort limits.

Resolution No. 5 was introduced by Council Member Anderson, seconded by Council Member Dokken, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0.

Resolution No. 5

WHEREAS, cities obtaining liability coverage from the League of Minnesota Cities Insurance Trust must decide whether or not to waive the statutory tort liability limits to the extent of coverage purchased, and

WHEREAS, the City Council has reviewed the various options for monetary limits on municipal tort liability, and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that the City does not waive the monetary limits on municipal tort liability established by Minnesota Statutes 466.04.

Dated this 20th day of April, 2015.

/s/ Marv Calvin  
Mayor

/s/ Kevin Halliday  
Attest: City Clerk

Item No. 7 Community Ed & Rec Director Steve Brisendine presented to the Committee a request for an increase of \$2,000 to the Willmar Parks & Recreation Master Plan Contract with SRF Consulting Group, Inc. Staff felt it necessary to have a final meeting with SRF representatives to clarify and provide deeper explanation of the Master Plan results. This additional work was provided by SRF at a cost of \$2,000 which increased the total contract to \$49,950. It was the Committee's recommendation to the Council to authorize the additional work performed by SRF Consulting Group, Inc., thereby increasing the total Contract to \$49,950.

Resolution No. 6 was introduced by Council Member Anderson, seconded by Council Member Dokken, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0.

Resolution No. 6

BE IT RESOLVED by the City Council of the City of Willmar that the agreement with SRF Consulting Group, Inc., for the Willmar Parks & Recreation Master Plan, be amended with Change Order No. 1 as follows:

Additional meeting with Staff to clarify and provide deeper explanation of the Master Plan results, increasing the total contract by \$2,000.

BE IT FURTHER RESOLVED that the Mayor and City Administrator be authorized to execute the necessary documents on behalf of the City for this Change Order No. 1.

Dated this 20th day of April, 2015.

/s/ Marv Calvin  
Mayor

/s/ Kevin Halliday  
Attest: City Clerk

Item No. 8 Staff explained to the Committee that the 2015 Crack Sealing and Seal Coating Project quotes were received on April 7, 2015, totaling \$70,470. The 2015 Public Works Operating Budget included \$65,000 for this project. Consequently, it is necessary to reappropriate unused 2015 Capital Funds from the purchase of four Kubota mowers to cover the \$5,470 shortfall. The Committee was recommending to the Council to reappropriate \$5,470 from the 2015 Capital Projects Purchase of Four Kubota Mowers to the 2015 Public Works Operating Budget for the additional amount needed for Crack Sealing and Seal Coating.

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

Resolution No. 7

BE IT RESOLVED by the City Council of the City of Willmar to authorize the City Administrator to enter into an agreement on behalf of the City and the Finance Director to amend the Capital Improvement Fund Budget as follows:

Decrease:	2015 Public Works Kubota Lawn Mower Purchases	\$5,470.00
Increase:	2015 Public Works Operating Budget	\$5,470.00

Dated this 20th day of April, 2015.

/s/ Marv Calvin  
Mayor

/s/ Kevin Halliday  
Attest: City Clerk

Item No. 9 Staff explained that the Civic Center Zamboni was authorized for replacement in accordance with the Vehicle Replacement Program on September 2, 2014. Arena Warehouse has offered \$27,500 to purchase the old Zamboni. It was noted that the dealer who sold the City the new Zamboni indicated the old one would be valued at \$12,000, so selling it for \$27,500 is a respectable return on our initial investment. Staff was seeking approval for the sale of the old Zamboni and charger to Arena Warehouse for the sum of \$27,500 and to reallocate those funds to the 2015 Civic Center Operating Budget. It was the recommendation of the Committee to the Council to authorize the sale of the old Civic Center Zamboni and charger to Arena Warehouse for \$27,500 and that those funds be reallocated to the 2015 Civic Center Operating Budget.

Resolution No. 8 was introduced by Council Member Anderson, seconded by Council Member Nelsen, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0.

Resolution No. 8

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the Zamboni is authorized to be sold to Arena Warehouse in the amount of \$27,500.00.

Dated this 20th day of April, 2015.

/s/ Marv Calvin  
Mayor

/s/ Kevin Halliday  
Attest: City Clerk

Item No. 10 Staff explained that the Public Works Department replaced the 2005 International Dump Truck in accordance with the Vehicle Replacement Program through State Contract as authorized by Council action on January 20, 2015. The Willmar Municipal Utilities has offered \$28,000 to purchase the old truck from the City of Willmar. It was noted that the dealer who sold the City the new truck indicated the old one would be valued at \$26,000 so selling it for \$28,000 would be a respectable return on our initial investment. Committee Members requested staff to find out what the MUC's intentions are for use of this truck. It was the Committee's recommendation to the Council to authorize the sale of the old 2005 International Dump Truck to the Willmar Municipal Utilities for \$28,000.

Resolution No. 9 was introduced by Council Member Anderson, seconded by Council Member Christianson, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0.

Resolution No. 9

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the 2005 International Dump Truck, Unit Number 052445, be sold to Willmar Municipal Utilities in the amount of \$28,000.00.

Dated this 20th day of April, 2015.

/s/ Marv Calvin  
Mayor

/s/ Kevin Halliday  
Attest: City Clerk

The Finance Committee Report for April 13, 2015, 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 April 14, 2015 was presented to the Mayor and Council by Council Member Christianson. There were thirteen items for consideration.

Item No. 1 There were no public comments.

Item No. 2 Fire Chief Gary Hendrickson noted there have been 89 calls for service this year so far, which is up from 75 at this time last year. It was noted the City is not included in the red flag warning at this time, and recreational fires are authorized with the ring being at least three feet in diameter, 25 feet from the home and must be attended at all times. The house fire at 1068 6<sup>th</sup> Street SW was discussed, with the fire being the fourth significant call for the year. The Committee noted it being Severe Weather Awareness Week and a statewide tornado drill will take place on Thursday, April 16<sup>th</sup> at 1:45 pm and 6:55 pm.

Police Chief Jim Felt noted the jail census for April 14, 2015 was 153; 89 inmates from the Department of Corrections, 63 inmates from Kandiyohi County, and one inmate from Swift County. The calls for service for the previous two weeks totaled 772. The majority of the calls were for traffic stops, followed by public assists and animal complaints. The total calls for service so far this year totals 4,896, which is about 201 calls ahead of 2014. These updates were presented for information only.

Item No. 3 Chief Felt presented, for approval, the submittal of a grant application to CenterPoint Energy for safety initiatives used in the community with a 50% match. The equipment identified for the grant includes two replacement Automated External Defibrillators, two advanced first responder kits for squad cars and traffic safety vests for all uniform personnel. The Police Department budget will accommodate the expenses if the grant is awarded. The Committee was recommending the Council approve the CenterPoint Energy Community Partnership Grant application submittal by the Willmar Police Department.

Resolution No. 10 was introduced by Council Member Christianson, seconded by Council Member Fagerlie, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0.

Resolution No. 10

BE IT RESOLVED by the City Council of the City of Willmar to approve an application by the Willmar Police Department for the CenterPoint Energy grant for safety initiatives in the community.

Dated this 20th day of April, 2015.

/s/ Marv Calvin  
Mayor

/s/ Kevin Halliday  
Attest: City Clerk

Item No. 4 Chief Hendrickson presented, for approval, the purchase and replacement of an outdoor warning siren to replace the Thunderbolt Siren located at 22<sup>nd</sup> Street SW and 15<sup>th</sup> Avenue SW across from Taunton Stadium. The current siren has been in operation since 1971 and is only partially operational, as it does not rotate 360 degrees to allow proper notification of an approaching storm. This particular siren has required numerous repairs and due to its age, parts are no longer available. The new siren is included in the 2015 Capital Improvement Plan and is within budget at a cost of \$18,200.00. It was the recommendation of the Committee to approve the purchase of a Federal outdoor warning siren in the amount of \$18,200.00.

Resolution No. 11 was introduced by Council Member Christianson, seconded by Council Member Nelsen, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0.

Resolution No. 11

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the purchase and installation of the Federal Outdoor Warning Siren 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 \$18,200.00.

Dated this 20th day of April, 2015.

/s/ Marv Calvin  
Mayor

/s/ Kevin Halliday  
Attest: City Clerk

Item No. 5 Staff brought forth, for approval, the award of the Crack Sealing Project No. 1506 to Glieden Enterprises, LLC in the amount of \$46,500 and authorizes signatures on the contract. The City requested quotes for the project and three were received. The other quotes received were from All Things Asphalt in the amount of \$52,500 and Fahrner Asphalt Sealers LLC in the amount of \$65,500. The 2015 Public Works budget included \$65,000 for the crack sealing and seal coating projects, and \$5,470 is being re-

appropriated from unused capital funds to cover the remainder of the \$70,470 total cost. The Committee was recommending the Council award the Crack Sealing project to Glieden Enterprises, LLC in the amount of \$46,500 and authorizes signatures on the contract.

Resolution No. 12 was introduced by Council Member Christianson, seconded by Council Member Anderson, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0.

Resolution No. 12

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the bid of Glieden Enterprises, LLC of Belgrade, Minnesota for Project No. 1506 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 \$46,500.00.

Dated this 20th day of April, 2015.

/s/ Marv Calvin  
Mayor

/s/ Kevin Halliday  
Attest: City Clerk

Item No. 6 Staff brought forth, for approval, the award of the Seal Coating Project No. 1508 to Astech Corporation in the amount of \$23,970.00 and authorizes signatures on the contract. The City requested quotes for the project and three were received. The other quotes received were from Caldwell Asphalt Company in the amount of \$25,899.30 and Pearson Brothers Inc. in the amount of \$28,231.20. The 2015 Public Works budget included \$65,000 for the crack sealing and seal coating projects, and \$5,470 is being re-appropriated from unused capital funds to cover the remainder of the \$70,470 total cost. The Committee recommended the Council award the Seal Coating project to Astech Corporation in the amount of \$23,970.00 and authorize signatures on the contract.

Resolution No. 13 was introduced by Council Member Christianson, seconded by Council Member Dokken, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0.

Resolution No. 13

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the bid of Astech Corporation of St. Cloud, Minnesota for Project No. 1508 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 \$23,970.00.

Dated this 20th day of April, 2015.

/s/ Marv Calvin  
Mayor

/s/ Kevin Halliday  
Attest: City Clerk

Item No. 7 Staff brought forth, for approval, to declare costs to be assessed, order preparation of the assessment roll and call for the Assessment Hearing for City Project No. 1501-A on May 18, 2015. The City Council ordered the Carolina Avenue SW, 21<sup>st</sup> Street SW, Alley between City Hall and the Auditorium, Swanson Field Parking Lot and Public Works Facility parking lot reconstructions at the Improvement Hearing held March 2, 2015. Bids were opened on April 7<sup>th</sup> and the amount received to perform the necessary



improvements is known. Staff is preparing the assessable footage and the amount for each affected lot. Costs for the improvements must be declared, the preparation of an Assessment Roll ordered, and affected property owners notified of their Assessment amount in accordance with the requirements of Chapter 429, State of Minnesota Statutes.

Item No. 8 Staff brought forth, for approval, to declare costs to be assessed, order preparation of the assessment roll and call for the Assessment Hearing for City Project No. 1503-A on May 18, 2015. The City Council ordered the Trott Avenue SE and Kandiyohi Avenue SW overlays at the Improvement Hearing held March 2, 2015. Bids were opened on April 7<sup>th</sup> and the amount received to perform the necessary improvements is known. Staff is preparing the assessable footage and the amount for each affected lot. Costs for the improvements must be declared, the preparation of an Assessment Roll ordered, and affected property owners notified of their Assessment amount in accordance with the requirements of Chapter 429, State of Minnesota Statutes.

Item No. 9 Staff brought forth, for approval, to declare costs to be assessed, order preparation of the assessment roll and call for the Assessment Hearing for City Project No. 1503-B on May 18, 2015. The City Council ordered the 23<sup>rd</sup> Street SW, 7<sup>th</sup> Street SE, and 25<sup>th</sup> Street SE overlays at the Improvement Hearing held March 2, 2015. Bids were opened on April 7<sup>th</sup> and the amount received to perform the necessary improvements is known. Staff is preparing the assessable footage and the amount for each affected lot. Costs for the improvements must be declared, the preparation of an Assessment Roll ordered, and affected property owners notified of their Assessment amount in accordance with the requirements of Chapter 429, State of Minnesota Statutes.

The Committee was recommending the Council declare the costs to be assessed and order preparation of the Assessment Roll for Project Nos. 1501-A, 1503-A and 1503-B.

Resolution No. 14 was introduced by Council Member Christianson, seconded by Council Member Nelsen, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0.

Resolution No. 14

DECLARING COST TO BE ASSESSED AND  
ORDERING PREPARATION OF ASSESSMENT ROLL  
IN CONNECTION WITH 2015 STREET AND OTHER IMPROVEMENTS  
(PROJECT NOS. 1501-A, 1503-A, and 1503-B)

WHEREAS, contracts have been let for the construction of Street and Other Improvements of 2015 in the City, to-wit: City Project Nos. 1501-A, 1503-A, and 1503-B and;

WHEREAS, the total cost of said Street and Other Improvements of 2015 is \$1,856,217.00.

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

1. The City Council hereby determines that the City shall pay \$1,382,140.00 of said cost, exclusive of the amount it may pay as a property owner, and the sum of \$474,077.00 shall be assessed against benefited property owners based upon benefits received without regard to cash valuation.

2. The Clerk-Treasurer, with the assistance of the City Engineer, shall forthwith calculate the proper amount to be specially assessed for such improvement against every assessable lot, piece or parcel of land without regard to cash valuation as provided by law, and he shall file a copy of such assessment in his office for public inspection.

3. The Clerk-Treasurer shall, upon the completion of such assessment, notify the City Council thereof.

Dated this 20th day of April, 2015.

/s/ Marv Calvin  
Mayor

/s/ Kevin Halliday  
Attest: City Clerk

The Committee was also recommending the Council Call for the Assessment Hearing for Project Nos. 1501-A, 1503-A and 1503-B on May 18, 2015 at 7:01 p.m.

Resolution No. 15 was introduced by Council Member Christianson, seconded by Council Member Nelsen, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0.

Resolution No. 15

CALLING HEARING ON ASSESSMENTS FOR  
PROJECT NOS. 1501-A, 1503-A, AND 1503-B  
2015 STREET AND OTHER IMPROVEMENTS

WHEREAS, the City Clerk-Treasurer with the assistance of the City Engineer has prepared an assessment roll for Project Nos. 1501-A, 1503-A, and 1503-B of the 2015 Street and Other Improvements, and said proposed assessment roll is on file with the Clerk-Treasurer and open to public inspection.

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

1. The Clerk-Treasurer shall publish notice that this City Council will meet to consider the proposed assessments on May 18, 2015, at 7:01 p.m. in the Council Chambers, Municipal Utilities Building, 700 West Litchfield Avenue, Willmar, Minnesota.

2. Said notice shall also be mailed to the owners of each parcel of property described in the assessment roll.

3. Such notice shall be in substantially the following form:

(For Notice in its entirety, see 2015 Assessments File, located in the City Clerk's Office)

4. Said notice shall be published by the City Clerk-Treasurer in the official newspaper at least two weeks prior to the hearing and mailed by said Clerk-Treasurer to the owners of each parcel described in the assessment roll.

Dated this 20th day of April, 2015.

/s/ Marv Calvin  
Mayor

/s/ Kevin Halliday  
Attest: City Clerk

Item No. 10 Staff brought forth, for approval, to award the project to Land Pride Construction in the amount of \$88,933.00, adopt the budget and authorize signatures on the contract for Project No. 1502. The project includes sanitary sewer lining on Benson Avenue SE, East TH 12 water main relocation, and fire

hydrant replacements at Lakeland Drive NE and Airport Drive SW. Four bids were received and opened on April 7<sup>th</sup>; Land Pride Construction in the amount of \$88,933.00, Quam Construction in the amount of \$93,117.50, Duininck Inc. in the amount of \$108,685.50, and Breitbach Construction in the amount of \$117,214.71. The low bid received is approximately 6% above the Engineer's Estimate. The recommendation of the Committee to the Council was to accept the bid and award the project to Land Pride Construction in the amount of \$88,933.00, adopt the budget and authorize signatures on the contract for Project No. 1502.

Resolution No. 16 was introduced by Council Member Christianson, seconded by Council Member Fagerlie, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0.

Resolution No. 16

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the bid of Land Pride Construction of Paynesville, Minnesota for Project No. 1502 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 \$88,933.00.

Dated this 20th day of April, 2015.

/s/ Marv Calvin  
Mayor

/s/ Kevin Halliday  
Attest: City Clerk

Resolution No. 17 was introduced by Council Member Christianson, seconded by Council Member Fagerlie, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0.

Resolution No. 17

AS-BID PROJECT NO. 1502-2 BUDGET

OTHER SERVICES:		RECEIVABLES:	
Mntc. Of Other Improvements	\$88,933.00	Community Investment	\$ 68,406.00
Other Services	<u>\$ 8,893.00</u>	WTP	\$ 18,810.00
TOTAL	\$97,826.00	MUC	<u>\$ 25,284.00</u>
		TOTAL	\$112,500.00
OTHER CHARGES		FINANCING:	
Professional Services	<u>\$14,674.00</u>	Bonds	\$ 68,406.00
TOTAL	\$14,674.00	WTP	\$ 18,810.00
		MUC	<u>\$ 25,284.00</u>
		TOTAL	\$112,500.00
GRAND TOTAL	\$112,500.00	GRAND TOTAL	\$112,500.00

Dated this 20th day of April, 2015.

/s/ Marv Calvin  
Mayor

/s/ Kevin Halliday  
Attest: City Clerk

Item No. 11 Staff brought forth, for approval, the State Agreement with the Department of Public Safety for a motorcycle skills test course in the City Right of Way. The City first received a request in 2005 from the State to enter into a lease agreement allowing the Department of Public Safety to use an area of land on the north end of Transportation Drive for the term of five years for the testing of motorcycle license applicants. In 2010, the lease was amended and again in 2012 to allow an additional two years on the lease consecutively. The current Amendment replaces the terms commencing May 1, 2015 through April 30, 2020. The Committee discussed the testing site not interfering with traffic from the school or Civic Center. It was the recommendation of the Committee that the Council approve the State agreement with the Department of Public Safety for a motorcycle skills test course in the City Right of Way on the north end of Transportation Drive. The Committee was recommending approval of the lease agreement.

Resolution No. 18 was introduced by Council Member Christianson, seconded by Council Member Nelsen, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0.

Resolution No. 18

Authorization to Execute  
State of Minnesota Department of Public Safety  
Lease Agreement No. PS0246 – Amendment 2

IT IS RESOLVED by the City of Willmar as follows:

1. That the State of Minnesota Lease Agreement No. PS0246, “Agreement for Motorcycle Skill Test Course” on the north dead end of Transportation Drive in Willmar, Minnesota is accepted.
2. That the Mayor and City Administrator are authorized to execute this agreement and any amendments on behalf of the City of Willmar.

Dated this 20th day of April, 2015.

/s/ Marv Calvin  
Mayor

/s/ Kevin Halliday  
Attest: City Clerk

Item No. 12 Staff brought forth, for approval, the award of the design and construction-related services project for the Westwood Court Lift Station to Bolton and Menk. Staff reviewed two proposals, one from Bolton and Menk and one from Bollig Engineering, for the professional services of the Westwood Court Lift Station, taking into consideration a technical score and a price score. The preliminary budget for the project was approved at \$1,140,000 by the Council on February 17, 2015 and PFA funding will be pursued. The Committee was recommending the Council award the professional services contract for the Westwood Court Lift Station to Bolton and Menk.

Resolution No. 19 was introduced by Council Member Christianson, seconded by Council Member Nelsen, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0.

Resolution No. 19

Whereas the City of Willmar desires to retain a firm to provide design and construction services for the Westwood Court Lift Station; and

Whereas a proposal has been made by the firm of Bolton and Menk, Inc. at an estimated cost of \$161,943.00;

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 20th day of April, 2015.

/s/ Marv Calvin  
Mayor

/s/ Kevin Halliday  
Attest: City Clerk

Item No. 13 Staff brought forth, for approval, the Kandiyohi County and City of Willmar Cooperative Construction Agreement for the County Office building West Lot 15 improvement project. The agreement details the City reimbursing the County for 50% of the cost, not to exceed \$90,000, in exchange for 12 to 20 public spots in the lot. It was the consensus of the Committee to recommend the Council approve the Cooperative Construction Agreement with Kandiyohi County for the County Office building West Lot 15.

Resolution No. 20 was introduced by Council Member Christianson, seconded by Council Member Nelsen, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0.

Resolution No. 20

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 the improvement project of the County Office Building West Lot 15.

Dated this 20th day of April, 2015.

/s/ Marv Calvin  
Mayor

/s/ Kevin Halliday  
Attest: City Clerk

It was noted staff is working with Willmar Downtown Development as it pertains to installing utilities into 313 - 4<sup>th</sup> Street SW.

The Public Works/Safety Committee Report for April 14, 2015, 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 Fagerlie, and carried.

The Community Development Committee Report for April 16, 2015 was presented to the Mayor and Council by Council Member Fagerlie. There were four items for consideration.

Item No. 1 There were no comments from the public.

Item No. 2 The Committee discussed an increasing number of violations at the Regency West Mobile Home Park, primarily related to additions to the mobile homes. Photos of some of the violations were

reviewed and discussed. Most violations relate to the additions being constructed without permits and not meeting code standards. The involvement of Kandiyohi County through the licensing process was discussed. The issue of liability was raised. As the violations have been discovered, it was assumed that the City has some liability to pursue corrections. Also discussed were possible ways to involve the park owners, possibly through the issuance of nuisance citations.

Following discussion, it was a consensus of the Committee that staff focus on those violations directly related to health and safety violations, and that nuisance citations to the owners be issued when appropriate. It was also suggested that a Minnesota Department of Health opinion be sought relative to the overall park conditions, including the licensing process. Staff was also asked to contact the County and ask them to get involved, making sure that licensing requirements are being met. The Council received this for information only.

Item No. 3 Staff provided the Committee with an update on the Willmar Wye Project application process, as well as the recent trip to Washington D.C. to lobby for the project. It was noted that the pre-application was completed and ready for submittal, to be followed shortly by the full application. Numerous letters of support from a variety of interested local parties have been obtained. Those groups include Willmar Police and Fire, Rice Ambulance Service, Willmar Lakes Area Chamber of Commerce, and Mid Minnesota Development Commission. It was suggested that staff also seek a letter from the County Emergency Services Director.

Material used by staff in their Washington visit was reviewed and discussed. The material very clearly tells the story of the Wye Project and provides a substantial amount of supporting evidence.

The Committee discussed the possible inclusion of project funding in the Governor's proposed 2015 bonding bill. It was noted that if the project was awarded funding both in the bonding bill and through the TIGER Grant, that construction could begin in 2016. Staff is working with local legislators to include an application for funding for the spur track in the 2016 bonding bill. This was received for information only.

Item No. 4 Staff informed the Committee that the interpretative display was in the process of being erected at the new airport, as was plaque commemorating the old beacon at the former airport. The Council received this for information only.

The Community Development Committee Report for April 16, 2015, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Fagerlie, seconded by Council Member Dokken, and carried.

City Clerk Kevin Halliday presented information related to the repair of the damaged floor boards in the Auditorium gymnasium. The Council took action at the April 6, 2015 Council meeting to repair, sand, seal and finish the entire gymnasium. It was brought to staff's attention that the repair proposal did not meet the workload for the offset channel system which is 33/32" maple board with clips. New quotes were solicited and staff pointed out that the previous 88 SF of repair was more in the area of 300 SF.

Two quotes were received with the lower of the two being received from Johnson Floor Sanding. Their one quote states the cost to repair the 300 SF of damaged floor boards at \$6,100, and their other quote is for the complete sand, seal and finish of the gym floor coupled with the repair work. The quote also contained the option of using oil or water-based finish. Staff recommended the oil-based quote and complete sanding for \$18,550.00. The question was raised as to whether an insurance claim has been filed against the contractor. City Clerk Halliday explained that the options for covering the damaged floor are being explored.

Resolution No. 21 was introduced by Council Member Christianson, seconded by Council Member Dokken reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0.

Resolution No. 21

BE IT RESOLVED by the City Council of the City of Willmar does hereby repeal Resolution No. 7 passed by the City Council on April 6, 2015.

WHEREAS, the City of Willmar desires to enter into a Construction Services Agreement with Johnson Floor Sanding, Inc. for the sanding and finishing of the gym floor at the Auditorium Facility, and

WHEREAS an agreement has been prepared detailing the terms of services.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Willmar that said agreement be approved and the Mayor and City Administrator be authorized to execute the same

Dated this 20th day of April, 2015.

/s/ Marv Calvin  
Mayor

/s/ Kevin Halliday  
Attest: City Clerk

Mayor Calvin thanked Fire Chief Gary Hendrickson for his years of service with the City. This is his last Council meeting as he has accepted a new position with the City of Brooklyn Center.

Council Member Nelsen asked for follow-up to the item she added for discussion at the April 6<sup>th</sup> Council meeting whereby she requested clarification if the Mayor was willing to share how the City got to a separation agreement and who put a stop to the retreat.

Mayor Calvin stated that he believed at the last meeting the City Attorney clearly stated this would require Council action. The emails are protected under Attorney/Client privilege. The Council must choose to make a motion to release this information.

Council Member Nelsen made a motion to release the emails as approved by the City Attorney. Council Member Anderson seconded the motion.

Council Member Johnson stated he has not seen any emails so he cannot support the motion without seeing the emails first.

Council Member Nelsen opined that the emails should be shared with the community.

Mayor Calvin indicated if there is some thought that the City Administrator did something wrong, that is not the issue. He thinks it was clearly a difference on where we as a city were going, and that is the reason the vote happened. He would like to see the City head in a different direction. He has shared what he can.

Council Member Plowman directed a question to the City Attorney asking if something in the disseminated emails or communications is construed as defamatory in nature, could the City be looking at further possible financial damages. City Attorney Robert Scott explained things in depth. There are several possibilities with the emails in question. There is the possibility the emails are only among Council Members and these are generally public unless they dealt with issues of job performance by the City Administrator, in that case it is under private data and the City is prohibited from releasing them. If they didn't touch on performance issues they would generally be public. There are some emails that involve Mr. Scott himself where he gave advice to the Mayor or a Council Member, those are protected by the Attorney/Client privilege and are not public unless waived, but they are not public unless the majority of the Council votes to waive the privilege and make them public. To reiterate, any emails regarding performance issues cannot be released.

Beyond that, there are not any public emails that would get the City into trouble resulting in any exposure to the City. Council Member Plowman questioned if the City Attorney recommend that the Council make emails public. Mr. Scott stated he does not generally recommend the Council waive privilege on any confidential advice given to them.

Council Member Fagerlie commented that seven of the current Council Members were present at the last performance evaluation and how could some not know what was happening. He questioned the phone conversations that took place between two Council Members and Ms. Stevens prior to the Council meeting on March 16<sup>th</sup> and how they could not have known what was happening.

Council Member Christianson commented that the motion was made, seconded and passed to accept the separation agreement. Five votes in favor. It's time to stand behind the vote.

Council Member Nelsen stated she understands the separation agreement has been approved and the City Administrator is gone. She is trying to get to what happened that caused the separation agreement. The Council could have terminated without cause. If something was wrong, we could have terminated with cause.

City Attorney Robert Scott answered a question of Council Member Nelsen stating any correspondence or emails that are related to City business are generally defined as public data. Private personnel data on job performance or those related to Attorney/Client privilege are not.

Council Member Christianson stated this motion is not healthy for the Council to move forward.

Council Member Anderson inquired as to whether nor not the Mayor can just make a statement at the next Council meeting rather than release the emails.

Council Member Christianson made a motion to terminate the debate and call for the question. The motion failed for lack of second.

The original motion on the floor to release the emails as approved by the City Attorney failed on a vote of 1 Aye, and 6 Noes, with Council Member Nelsen casting the "yes" vote.

Announcements for Council Committee meeting dates were as follows: Finance, 4:45 p.m. at City Hall, April 27; Public Works/Safety, 4:45 p.m. at City Hall, April 28; Labor Relations, 4:45 p.m. at City Hall, April 23 and April 29, and Community Development, 4:45 p.m. at City Hall, April 30, 2015.

Mayor Calvin announced the Mayor's Prayer Breakfast is coming up and invited everyone to attend. It will be held on May 7<sup>th</sup> at the Evangelical Free Church.

Council Member Johnson offered a motion to adjourn the meeting with Council Member Christianson seconding the motion, with carried. The meeting adjourned at 8:33 p.m.

Attest:

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MAYOR

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SECRETARY TO THE COUNCIL