

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

August 17, 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 Marv Calvin, Council Members Ron Christianson, Andrew Plowman, Rick Fagerlie, Steve Ahmann, Denis Anderson, Audrey Nelsen, and Tim Johnson; Present 8, Absent 0.

Also present were Interim City Administrator Kevin Halliday, Planning and Development Director Bruce Peterson, Public Works Director Sean Christensen, Finance Director Steve Okins, Community Education and Recreation Director Steve Brisendine, Fire Chief Frank Hanson, Police Chief Jim Felt, Police Captain Michael Anderson, and City Attorney Robert Scott.

Proposed additions or deletions to the agenda included Council Member Johnson requesting the Mayoral Appointments be pulled from the agenda for discussion and Council Member Ahmann asked to bring a citizen complaint forward. Mayor Calvin asked for the deletion of Item No. 17 due to all Council meeting dates falling on a Monday holiday having been adjusted at the organizational meeting this past January. Council Member Ahmann made a motion to approve the agenda as presented. Council Member Fagerlie seconded the motion, which carried.

Council Member Nelsen offered a motion to adopt the Consent Agenda with the exclusion of Item D. Mayoral Appointments which included the following items: City Council Minutes of August 3, Municipal Utilities Commission Minutes of August 10, Planning Commission Minutes of August 12, Accounts Payable Report through August 12, Building Inspection Report for July, 2015, and the CER Joint Powers Board Minutes of July 31, 2015. Council Member Ahmann seconded the motion, which carried. Council Member Johnson made a motion to table Item D. – Mayoral Appointments to allow more time for review. Council Member Christianson seconded the motion, which carried with Ayes 5, Noes 2, with Council Members Anderson and Nelsen voting “no.”

At 7:04 p.m. Mayor Calvin opened the Hearing to allow the closing of the Windstream office. IT Coordinator Ross Smeby spoke briefly on the ordinance amendment which presented the opportunity for the public to speak. Mayor Calvin mentioned the donation of \$12,000 from Windstream if the office closing is approved. After a brief discussion by members of the Council it was noted there was no one present to speak for or against the ordinance, Mayor Calvin closed the hearing at 7:05 p.m.

Council Member Christianson offered a motion to adopt, assign a number and order final publication of the Ordinance to Close the Windstream office and accept the \$12,000 donation. Council Member Ahmann seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0

Mayor Calvin recognized Willmar Fests Board Vice President James Miller who recapped the events that took place in the 2015 Festivities. The Jaycees Block Party had a fantastic turnout. There were a couple new events such as the Rib Fest and the kids’ carnival out at Robbins Island that were well received by the public. Mr. Miller then introduced the 2016 Willmar Fests Royalty: Aqua Princess, Morgan Stoeberl, International Princess, Kadijah Farhat and Queen of Festivals, Miranda Roelofs who thanked the Mayor and Council for their support and the opportunity to represent Willmar. The royalty gave a brief PowerPoint presentation and described the many events they have attended as representatives of Willmar. Mayor Calvin thanked them for their commitment as Ambassadors for the City and for their attendance at numerous parades and city celebrations. He also thanked the Willmar Fests Board for all their hard work.

Mayor Calvin introduced Gary Weiers of David Drown Associates who came before the Council to discuss the hiring process for a new City Administrator. The firm has meet with the Mayor, members of the Council and City staff to gather information and create a position profile that highlights the position and the community. He stated we are at the point now where the Council will review documents and give suggestions for improvement. Related to that would be approval of the salary range for the position, the timeline and the job description. Mr. Drown inquired to suggestions for changes to the position profile.

Council Member Christianson stated he liked the contents relating to good relationships with the Council and the public, although he did express concern of there being a conflict of interest with the City Administrator being involved in negotiations and the pointed out that the contract for past Administrators has contained language that their increase should be equal to that received by the Department Head Unit. Council Member Anderson felt this issue can be resolved within the Administrator's contract. This was reiterated by Mr. Weiers stating that this can be solely up to the Council at their performance evaluation and can be resolved with the contract.

Council Member Christianson questioned if the organizational chart Mr. Weiers was using in the profile was the same one that was agreed upon by the Council. He noted the chart in the profile did not include the City Attorney and all the Boards and Commissions. Mr. Weiers stated he does have the chart Council Member Christianson eluded to, but had taken some elements out for simplification and is more than willing to add them back in.

Mr. Weiers then touched on the timeline stating that he would like at least a tentative date of when interviews would be conducted so potential candidates can be made aware ahead of time. He stated advertising can begin tomorrow and remain open for about a month. His staff would then do an initial interview with the top ten or so and bring that back to the Council meeting on October 19th at which time the Council would determine which finalists they would like to bring in for the final interview process with a targeted date of November 12 or 13.

Council Members expressed an interest in having a special meeting in which to review the candidates rather than at a regularly-scheduled Council meeting. The Council was informed that once the candidates are selected for final interview, their names become public. The top ten candidates that are considered for an interview at this special meeting are not named, but rather numbered such as #1-#10. Their identities are protected by law until they are named as finalists.

The pay range for the position was discussed with a suggested range of \$115,000 - \$135,000 noting the former Administrator started three years ago at \$118,000. After discussing it at length it was the consensus of the Council to go with the recommendation of Mr. Weiers, a minimum starting salary of \$115,000. This matter was for information only.

Mayor Calvin acknowledged Bradley Peterson, Coalition of Greater Minnesota Cities, who appeared before the Mayor and Council to review the 2015 Legislative Session and activities of the CGMC. Mr. Peterson presented CGMC facts stating their current membership is 85 cities in 2015, and that their primary focus for legislation is limited to five areas: 1) LGA/Property Taxes, 2) Economic Development, 3) Annexation and Land Use, 4) Environmental Regulations and 5) Transportation.

Mr. Peterson stated the outcome of the 2015 legislative session noting it was a budget year and the legislature need to complete a budget by July 1st in order to avoid a shutdown. The State's financial health continued to be good, the February forecast shows a budget surplus of \$1.8 billion and about \$1.3 billion in the Budget Reserve with revenues consistently above what they were projected to be. He touched on the CGMC's goals being returning LGA to the 2002 funding level, passing Greater MN economic development programs to include workforce housing, job training, business development public infrastructure programs, broadband, a comprehensive transportation plan and environmental reforms. The main focus was to get

back to the 2002 LGA funding level by pressing for a \$22.75 million increase in CY 2016 and 2017 which would help cities catch up on infrastructure, capital purchases and wages.

Mr. Peterson highlighted on the need for affordable workforce housing for middle-income people. A proposed tax credit from the state to businesses developing failed as no tax bill passed. They were successful in getting a job training program passed based through the DEED program. The broadband infrastructure was discussed noting that in Kandiyohi County 82% of the households do not meet the state goals in terms of access to quality broadband. This is an issue that is growing in urgency in the State and he does not foresee it going away. In conclusion he capped the Greater Minnesota Business Development Public Infrastructure Program which helps communities pay for improvements for business expansion in industrial parks. It is a grant program run through DEED and funded through the bonding bill. He summarized the Environmental Regulatory Reform and its challenges and opportunities to include the changes that the MPCA proposed in terms of water quality standards. These standards were quite stringent and the CGMC felt these that the potential costs were so high that perhaps some legislative review would be necessary.

In relation to transportation, Mr. Peterson commented that everyone wanted long-term comprehensive, transportation funding. The Senate favored a gas tax and the House wanted it all to go into the General Fund. CGMC pushed for street funding for cities on all population levels but there was no Transportation Bill. What did pass was on one-time \$12 million for communities with populations under 5,000 to assist in their street improvements.

In conclusion for the 2015 legislative session, despite strong bipartisan support, there failed to be a tax bill or transportation bill. Focus on tax cuts crowded out investments in Greater Minnesota. The 2016 Session will start on March 8th. He slated upcoming events and urged attendance. After a few questions, Mayor Calvin thanked him for his presentation.

Mayor Calvin recognized Bob Skor, 617 SW 14th Street, who requested to address the Council during the Open Forum. Mr. Skor addressed people's First Amendment rights and questioned the changes being proposed to the WRAC policy. There are various places in social media sites where nasty things are said in vulgar ways. It seems like certain ones can dish it out, but they can't take. We have the freedom of speech here and it appears there are just certain people who don't like citizens to talk about issues going on in Willmar during the Open Forum or on WRAC TV.

Arlen Christianson, 1121 Becker Avenue SW, spoke next and thanked the Mayor and Council for their roles in City government. He encouraged the public to continue to make Willmar a better place for our future generations. He stated Council Member Christianson has served the residents with honor and integrity and we always seem to find flaws in our elected officials. He indicated what has happened to this City with the negative press is devastating. He spoke of an incident relating to the purchase of a piece of equipment that Council Member Christianson questioned, whereby later this equipment was sold at a loss. He stated he admires a man who will stand up for his convictions and put his family on the line and is thankful the recall is over.

Bob Enos, 905 Trott Avenue SW, came forward requesting the Council carefully consider the future land use of the area proposed to be sold to Habitat for Humanity citing an incident in St. Cloud whereby high-density housing was built on the same parcel of land that residents had earlier voiced opposition to when given to Habitat for Humanity. He spoke on the Cadillac health insurance plan which could represent something people are going to have trouble paying when they know their own health costs are so high today. He referenced a plan that provides for a \$2,000 premium per month and only requires the employee to contribute \$90 a month with no deductible and exists for less than 5% copay for the employee and paying taxes to support a plan better than his own doesn't seem right. Lastly he commented on filling the Council vacancy in Ward 4 and not having a minority representative on the City Council.

The Finance Committee Report for August 10, 2015 was presented to the Mayor and Council by Council Member Johnson. There were eleven items for consideration.

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

Item No. 2 Staff reported to the Committee that the Willmar Police Department conducted alcohol compliance checks on 16 on-sale and 5 off-sale liquor establishments in the City of Willmar. As a result, all of these businesses passed the compliance check with the exception of Walmart and Grizzly's. This is the first failed compliance check for Walmart and the second failed compliance check for Grizzly's. A first violation requires the license holder to appear at a City Council Committee Meeting to explain measures being taken to eliminate future violations. A second violation requires the license holder to be fined \$1,000 or request a hearing to appeal the penalty. Kim Lippert, Walmart Alcohol Manager, was present to explain to the Committee what measures they are undertaking to eliminate future violations. Grizzly's paid their fine in full on August 3, 2015; consequently, they will not be requesting a hearing to appeal. This matter was received by the Council for information only.

Item No. 3 Police Chief Jim Felt explained to the Committee that the Police Department (WPD) has three Chevrolet Impala squad cars that are scheduled for decommission and sale as part of the City Vehicle Replacement Program. The Minnesota Highway Safety Research Center (MHSRC – St. Cloud / a division of St. Cloud State University) would like to directly purchase the vehicles for use in the emergency vehicle operators training. Staff is requesting authorization to sell the three decommissioned squad cars directly to the MHSRC in return for training voucher dollars for drivers training. MHSRC has offered \$4,000 in vouchers per vehicle, will take them as-is, and will incorporate the emergency equipment that cannot be re-used by the WPD. Historically, the City has sold these squads on the City auction, averaging \$3,900 per vehicle. It was noted that additional expenses of an auction would include the cost of removing all emergency equipment and a 5% auctioneer fee. The MHSRC voucher dollars would be used for WPD officers to attend the mandatory emergency vehicle operators' courses which typically cost about \$600 per officer. By utilizing a sale to MHSRC, the City can retain a higher value on the squad cars and directly reduce costs for recertification of officers. It was the recommendation of the Committee to introduce a resolution to approve the sale of the three decommissioned Chevrolet Impala squad cars to MHSRC for \$4,000 in vouchers per vehicle.

Resolution No. 1 was introduced by Council Member Johnson, seconded by Council Member Fagerlie, 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 sale of three decommissioned Chevrolet Impala squad cars to the Minnesota Highway Safety Research Center (MHSRC – St. Cloud / a division of St. Cloud State University) for \$4,000 in vouchers per vehicle. This is a total of \$12,000 in vouchers to be used to offset mandatory emergency vehicle operators training/recertification costs for Willmar Police Officers.

Dated this 17th day of August, 2015.

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

Item No. 4 Willmar Municipal Utilities (WMU) Finance Director Tim Hunsted presented their Financial Report as of May 31, 2015. Both revenues and expenditures are below budget for the period to date reflecting a net loss of \$725,276 as of May 31, 2015. It was noted that rate increases went into effect in June. The financial report was received by the Council for information only.

Item No. 5 Rice Hospital Chief Financial Officer Bill Fenske presented their Financial Report as of June 30, 2015, which reflected a net income of \$2,177,751 compared to a net loss of \$2,698,460 a year ago.

It was noted that inpatient volumes are up and expenses are down. CEO Mike Schramm updated the Committee regarding ICCU's integration into general hospital areas which provides more support staff for rooms near nurses' stations. He also reported on anticipated changes to Rehab Services. The financial report was received by the Council for information only.

Item No. 6 Staff presented to the Committee a list of properties that have not paid the charges for weed and grass mowing. Pursuant to Municipal Code, Chapter 9, Article III, concerning the cutting of weeds or grass and in the case of noncompliance, such work is to be performed by the City or its agent. The costs thereof can be certified as a special assessment against the property in question. The Committee asked staff to review standard mowing fees to determine whether or not changes are warranted.

The Committee was recommending the Council set a public hearing for 7:01 p.m. on September 8, 2015, to consider objections to the proposed assessment for the mowing costs incurred. Council Member Johnson moved the recommendation of the Committee. Council Member Fagerlie seconded the motion, which carried.

Item No. 7 Staff presented to the Committee a list of properties that have not paid the charges for garbage removal. Pursuant to Municipal Code, Chapter 12, Article II, concerning the removal of nuisance conditions by the City, the costs thereof can be certified as a special assessment against the property in question.

The Committee was recommending the Council set a public hearing for 7:02 p.m. on September 8, 2015, to consider objections to the proposed assessment for the garbage removal costs incurred. Council Member Johnson moved the recommendation of the Committee. Council Member Nelsen seconded the motion which carried.

Item No. 8 Staff presented to the Committee a list of properties that have not paid the charges for snow or ice removal. Pursuant to Municipal Code, Chapter 13, Article III, concerning the removal of snow or ice from sidewalks, the costs thereof can be certified as a special assessment against the property in question.

The Committee was recommending the Council set a public hearing for 7:03 p.m. on September 8, 2015, to consider objections to the proposed assessment for the snow or ice removal costs incurred. Council Member Johnson moved the recommendation of the Committee. Council Member Christianson seconded the motion, which carried.

Item No. 9 Staff reported to the Committee that consideration of improvements at the Dorothy Olson Aquatic Center was deferred to the Public Works/Public Safety Committee meeting on August 11, 2015.

Item No. 10 As requested by Chair Denis Anderson, the issue of the verbal SCBA order placed in December, 2014, has been returned to the Committee to become an official motion. After review, the City Attorney indicated that if the City wishes to lock in the price of purchasing the full \$330,000+ worth of equipment in 2016 without legally committing to such purchase at this time, and the seller is okay without receiving a legal commitment to purchase, Attorney Scott would "...recommend the City Council pass a motion to approve the purchase as proposed, but which is contingent on 1) the City including such expenditure in its official 2016 budget (or CIP, as applicable); and 2) City staff not executing any contracts, purchase orders or other documents related to the purchase until after the 2016 budget (or CIP, as applicable) has been officially adopted and includes such expenditure."

Council Member Nelsen wanted the minutes to reflect that a copy of the July 23rd email from the City Attorney detailing SCBA purchasing options was not made available to the Finance Committee members at the time of the meeting as it was not presented by staff on a timely basis.

Following considerable discussion, Council Member Nelsen moved to approve the purchase as proposed contingent on the City including the SCBA Purchase in its 2016 budget and City staff not executing any contracts, purchase orders or other documents related to the purchase until after the 2016 budget has been officially adopted and includes this expenditure. There was no second to this motion, which consequently failed.

Item No. 11 The Committee received the following report: 07/31/15 CVB Financial Report. Council Member Nelsen raised a concern that the CVB Board should review these reports before they are provided to the Council. This matter was received by the Council for information only.

Council Member Johnson made a motion to approve and file the Finance Committee Report for August 10, 2015. Council Member Fagerlie seconded the motion.

At this time Council Member Anderson requested to refer back to the Fire Department SCBA Order as he was not able to attend the Finance Committee meeting and take part in the discussion. He expressed concern about the following the advice of the City Attorney and set the order forth as he stated. Council Member Johnson felt it appropriate to wait until the money has been appropriated in 2016 and then place the order.

Council Member Anderson made a motion to approve the purchase as proposed, contingent on 1) the City including such expenditure in its official 2016 budget (or CIP, as applicable); and 2) City staff not executing any contracts, purchase orders or other documents related to the purchase until after the 2016 budget (or CIP, as applicable) has been officially adopted and includes such expenditure. Council Member Nelsen seconded the motion.

During discussion the City Attorney clarified the Council's action stating that a purchase of this amount of money has to be approved by the Council and that approval cannot take place until the money has been allocated in the budget. If the company requires some sort of approval of the purchase of the items and it is the Council's intent to proceed with the purchase and budget allocation, then he recommends proceeding as he outlined in his email. If an approval is no longer necessary by the company to give the City the favorable price and it can all happen after the normal budgeting process then he feels no action is required.

Council Member Nelsen withdrew her second to the motion. The motion failed for lack of a second.

The motion earlier made by Council Member Johnson and seconded by Council Member Fagerlie to approve the Finance Committee report of August 10, 2015 and order them placed on file in the City Clerk's Office carried.

The Public Works/Safety Committee Report for August 11, 2015 was presented to the Mayor and Council by Council Member Christianson. There were seven items for consideration.

Item No. 1 There was no public comment.

Item No. 2 Police Chief Jim Felt noted the jail census for August 11, 2015 was 170; 101 inmates from the Department of Corrections, 68 inmates from Kandiyohi County and 1 inmate from Swift County. The calls for service for the previous two weeks totaled 841. The majority of the calls were for traffic stops, followed by public assists and suspicious activity. The total calls for service so far this year is approximately 15 days ahead of 2014 at this date. The committee discussed the continued recent criminal activity of thefts from unlocked cars with officers continuing to be more present in the areas affected as well as utilizing crimemapping.com tied in with the department's record keeping. The two new officers hired will be starting their four months of training. Alex Anderson, a Willmar native, will be starting on the 17th and Lukas Eitreim, from Savage, will be starting on the 25th.

Fire Chief Frank Hanson noted the total calls for service for the previous two weeks totaled 14, and included several fire calls, vehicle accidents, a car fire and natural gas leak. The total calls for service so far this year is 218, 26 calls above last year. The Committee suggested Chief Hanson join Chief Felt for the Open Mic radio program to spread additional awareness on fire safety.

The Committee discussed the concern of a stop sign request made by residents at the intersection of 9th Street and Becker Avenue SW. Public Works Director Christensen explained multiple variables must be in place to warrant a stop sign to be placed at the intersection and he does not believe this intersection would qualify at this time. A few of the warrants include traffic counts, types of traffic, design and also the number and type of accidents. This is regulated by the Manual on Uniform Traffic Control Devices (MUTCD). The Committee requested to review the policy on placing a sign at the intersection and give a formal answer to the concerned citizens regarding this issue. These updates and stop sign inquiry were received for information only by the Council.

Item No. 3 Staff brought forth, for information, the plan for elected officials of the City of Willmar to receive emergency management training through the National Incident Management Systems (NIMS) FEMA online classes and also to receive Emergency Operations Center training. Proper City identification cards will be issued with proper color codes for the elected officials on September 3rd at 6:00 p.m. at the Fire Station. This was received for information only.

Item No. 4 Staff presented, for approval, to enter into an agreement with Horizon Commercial Pool Supply to refurbish three play features and to perform maintenance on the two slides at the Dorothy Olson Aquatic Center in the total amount of \$44,850. The 2015 CIP has \$75,500 budgeted for the improvements. The Committee discussed the maintenance work on the slide as a new coating on the fiberglass and useful life of the equipment. Staff noted there are a few additional maintenance items budgeted in the coming years but none of the items are a safety concern at this time.

The Committee was recommending the City enter into an agreement and authorize signatures of the Mayor and Interim City Administrator with Horizon Commercial Pool Supply to refurbish three play features and perform maintenance on the two slides at the Dorothy Olson Aquatic Center in the amount of \$44,850.

Resolution No. 2 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. 2

Whereas the City of Willmar desires to enter into a Construction Services Agreement with Horizon Commercial Pool Supply to refurbish three play features and perform maintenance on the two slides for the Dorothy Olson Aquatic Center in the amount not to exceed \$54,450.00; and

Whereas an agreement has been prepared detailing the terms of the services;

Now therefore be it resolved by the City Council of the City of Willmar that said agreement be approved and that the Mayor and City Administrator be authorized to execute the same.

Dated this 17th day of August, 2015.

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

Item No. 5 Staff brought forth, for approval, Change Order No. 2 for the Industrial Park 4th Addition Project No. 1405. The project was awarded to R&R Excavating for the construction of new streets, utilities and industrial lots in the Industrial Park. Due to instability of the existing soils in the storm sewer

trenches, additional granular and rock bedding was required to be placed beneath the storm sewer pipe. Change Order No. 2 was submitted in the amount of \$6,015.70 for the additional work and is within the project budget funded by Local Option Sales Tax. The Committee was recommending the Council approve Change Order No. 2 for Project No. 1405 in the amount of \$6,015.70.

Resolution No. 3 was introduced by Council Member Christianson, seconded by Council Member Ahmann, 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, a Municipal Corporation of the State of Minnesota, that the Mayor and City Administrator of the City of Willmar are hereby authorized to modify the contract for CP 1405 between the City of Willmar and R&R Excavating of Hutchinson, Minnesota by Change Order No. 2 in the increased amount of \$6,015.70.

Dated this 17th day of August, 2015.

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

Item No. 6 Staff brought forth, for information, an update on the Public Works Department and Airport. The Public Works Department has been replacing and trimming boulevard trees, pothole patching continues throughout the City and also drainage of the Orange Field. The Engineering Department is starting to develop potential improvement projects for 2016. The Committee discussed the ice and snow issues on the curve of 1st Street N by Hedin Park and if additional safety precautions are needed above the cautionary signs currently in place and frequent attention from plows to keep the road clear. Crews are crack sealing along Willmar Avenue, and concrete work is near completion on Trott Ave. Carolina Avenue is drying out after the heavy rains, with the water line finished and storm sewer currently being constructed. The Civic Center Drive storm pond is also under construction and the path overlays at Robbin's Island, north 7th Street and Hedin Park are expected to begin soon. All of the overlay projects have a deadline of August 28th; therefore increased construction activity is expected.

The Airport had a busy month of July with multiple weeks of more than 70 operations and high fuel sales. The conference room was utilized several times, noting the non-profit air ambulance from Papua New Guinea being one of the occupants. The PAPI lights were flight checked and functioning on July 8th and the F-14 fighter jet was washed on the 13th. The Committee discussed starting conversations with the Airport Commission regarding promoting the airport through a possible fly in and pancake feed to increase activity. Staff noted funds are being proposed for the 2016 budget for promotional activities to celebrate the 10-year anniversary of the new airport facility. The Council received this for information only.

Item No. 7 The Committee discussed National Night Out, which took place on August 4th in the Garfield and Eagle's Landing neighborhoods, inquiring if attendance was up from previous years and if any funds should be budgeted to help promote the event in the future. The Committee noted any purchase over the amount of \$10,000 needs Council approval. These miscellany items were received for information only by the Council.

The Public Works/Safety Committee Report for August 11, 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 Nelsen, and carried.

The Labor Relations Committee Report for August 12, 2015 was presented to the Mayor and Council by Council Member Ahmann. There were eight items for consideration.

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

Item No. 2 Staff was directed by the Council to make changes to the Personnel Policy in legislative print to be brought back to the Labor Relations Committee for review. The Committee reviewed the Personnel Policy drafts removing the word “permanent” in several areas replacing it with “full time, year-round” and allowing the granting of full time, year-round status upon completion of probationary periods by the City Administrator.

The Committee was recommending the Council approve the revisions to the Personnel Policy as presented. Council Member Ahmann moved the recommendation of the Committee. Council Member Christianson seconded the motion, which carried.

Item No. 4 Interim City Administrator Kevin Halliday presented details of the City, County, and Other Governmental Agencies (CCOGA) Insurance Pool and details of the three health insurance plans proposed to employees. He stated that the First Dollar plan will no longer be offered by BCBS and the Traditional Plan has been chosen to replace it with noted out-of-pocket maximums. He also stated there is no increase in health insurance premiums for 2016 and reviewed the Service Cooperative Insurance Pool eight-year history.

The penalties of the “Cadillac tax” if health insurance aggregate premiums were found to be in excess of the thresholds was explained, along with the benefit of employees using the new Clear Cost Health program to search for health care services based on cost per service. Mr. Halliday informed the Committee that Dan Weir, consultant for SW/WC Service Cooperative, will present the entire program in more detail when he comes before the City Council on September 21, 2015. This was received by the Council for information only.

Item No. 5 The ranking of four job descriptions by the Employee Compensation Study Committee were brought to the Committee for discussion. Council Member Nelsen questioned having this item before the Committee as she was of the understanding that this item was being removed from the agenda. Interim City Administrator Halliday stated that no agenda change came from his office and proceeded to provide information received from the Committee on the job descriptions of: 1) Building Maintenance Supervisor, 2) Environmental Specialist, 3) Recreation Facilities Manager, and 4) Assistant Public Works Director. These four positions were previously discussed before the Labor Relations Committee for consideration as recommended staff changes presented by Public Works Director Sean Christensen.

The Recreation Facilities Manager, an amended job description of the Arena Manager, was scored to see if the amended duties, including Staff Clerk fiscal duties would warrant any change in Pay Grade. It was noted the additional tasks were not of a nature to raise the position on the point value system.

Council Member Christianson questioned the Assistant Public Works Director job description which would replace the position of Assistant City Engineer. He felt it was important to have a licensed individual on staff with the ability to promote to Public Works Director should that position become vacant. You would have a staff member familiar with the position and have the ability to step into the vacancy.

The position evaluations were received by the Council for information only and will be placed on a future committee agenda.

Item No. 6 Chair Ahmann raised the question of establishing an agenda review process for Council Committees and City Council agendas whereby the Chairman for each Council Committee would review and sign off on each agenda prior to them being uploaded to Ipads and/or the City website. It was his directive that in the interim, Labor Attorney Madden receives Labor Relation minutes and agendas as well. These Committee agendas would need to be approved by 3:00 p.m. on the Thursday of the week prior to meetings in order to allow staff time to upload. If no changes are received by the respective Chair by that

deadline, the upload will take place. The Mayor would be responsible to review the City Council agenda noting his response would be needed by 1:00 p.m. on the Thursday of the week prior to the Council meeting. It was the consensus of the Committee to direct staff to implement the review process. The Council received this for information only.

Item No. 7 Chair Ahmann brought up the necessity to continue with training offered by the League of MN Cities for Council Members and staff whether it is online or with staff from LMC. Mayor Calvin and Interim City Administrator Kevin Halliday are currently in contact with LMC staff for planning future sessions. It was the consensus of the Committee that if a list of available training items became available, they should be shared with the Council. This was received for information only by the Council.

Item No. 8 Council Member Nelsen raised the question of discussion that was held at the July 15, 2015 Labor Relations Committee regarding the hiring of the Civic Center Manager, whereby Council Member Christianson raised the question of this position being placed under the supervision of the City rather than Willmar Community Education and Recreation. Council Member Nelsen stated this has not been brought back and the application process for the Civic Center Manager closes August 13th. Council Member Nelsen made a motion to have the Civic Center Manager report to the Public Works Director. Council Member Ahmann seconded the motion for discussion. Interim City Administrator Kevin Halliday pointed out that the agreement with the Willmar Community Education and Recreation was recently renewed in November, 2014 and it would take an amendment to the agreement to change who this position reports to. The question was raised if you remove this facility from contracted management, do you do it for the other City facilities, i.e. the City Auditorium, Community Center and the Aquatic Center.

The Committee discussed the effects of this action at length and staff stated concern for hearing comments from the CER Director as well. Council Member Plowman expressed his concern with making a decision without more information and Council Member Nelsen withdrew her motion stating her willingness to bring people forward at the Council meeting. Council Member Ahmann withdrew his second.

Item No. 9 Council Member Christianson expressed concern for pending retirements of City employees and being prepared. The possibility of job shadowing was discussed. Council Member Nelsen felt the primary focus at this time would be to get a City Administrator hired. Council Member Christianson questioned waiting. This discussion was for information only.

Council Member Ahmann made a motion to approve and file the Labor Relations Committee Report for August 12, 2015. Council Member Fagerlie seconded the motion.

Council Member Christianson raised the question whether discussion should take place at this time relating to the Civic Center Manager position being placed under the supervision of the City rather than Willmar Community Education and Recreation as Community Education and Recreation Director Steve Brisendine is present to answer questions of the Council. Mr. Brisendine opined that the City and Willmar School District have been in a Joint Powers Agreement for 15 years. He stated that when he started his position the Civic Center Manager was under the direction of the Public Works Director at that point. After about two years that position was moved under his supervision.

Council Member Anderson stated that at the July 15th Labor Relations Committee it was discussed and it was the consensus of the Committee that it should be under the direction of the City as it is a City building and this was no reflection on the way things are being done.

Public Works Director Sean Christensen stated his opinion at the Labor meeting was mostly based on the employees at the Civic Center being City employees therefore making more sense to have a City employee supervising them.

Council Member Nelsen commented on the position remaining a City employee and reporting to Public Works and being of the understanding that the Joint Powers Agreement can be amended.

City Attorney Robert Scott recommended having the opportunity to work with staff and bring forward several options for consideration at the next Labor Relations Committee meeting. The Council tabled the discussion and referred it to the Labor Relations Committee. Council Member Nelsen requested that the staff members of both the Willmar School District and the City Public Works Department work together on the interview process to hire the new Civic Center Manager. Interim City Administrator Halliday informed the Council that it is City's policy requires that interviews be conducted by two Department Directors and one Supervisor with the option of adding outside forces. He stated he will make sure both directors are in on the interview process.

The motion earlier made by Council Member Ahmann and seconded by Council Member Fagerlie to approve the Labor Relations Committee report of August 12, 2015 and order them placed on file in the City Clerk's Office carried.

IT Coordinator Ross Smeby and Cable Access Coordinator Rudy Vigil presented the new rules and procedures for the use of the Willmar Regional Access Facilities, Services, Equipment and Channels. The current rules were 15 years old and the Cable Attorney advised having them updated prior to the expiration of the franchise. The Cable Advisory Committee and the Cable Attorney have reviewed, made revisions, and approved the proposed rules and procedures. Mr. Vigil reviewed the changes highlighting program guidelines and prohibited broadcasts to include harassment, defamation of character, terroristic threats, obscene or indecent content as defined by law and any other content in violation of the law. Council Member Christianson made a motion to adopt the new Rules and Procedures for the Willmar Regional Access Channels. Council Member Anderson seconded the motion, which carried.

Council Member Christianson made a motion to remove the Engagement Agreement with Moss and Barnett from the table. Council Member Anderson seconded the motion, which carried. IT Coordinator Ross Smeby presented for Council consideration the modified engagement agreement with Cable Franchise Attorney Moss and Barnett. The agreement was tabled at the July 29th Council meeting pending clarification of conflict of interest because they also represent Windstream. The agreement has been revised in Paragraph H to allow the Moss and Barnett to represent the City on matters involving the Windstream Cable Franchise and waives any conflict of interest.

Resolution No. 4 was introduced by Council Member Christianson, seconded by Council Member Ahmann, 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 enter into a joint and cooperative agreement between the City of Willmar and the law firm of Moss and Barnett.

Dated this 17th day of August, 2015.

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

Interim City Administrator Kevin Halliday presented options for filling the Council vacancy in Ward 4. As dictated by City Charter, the Council must act within 45 days to either appoint an eligible person from the vacant ward or schedule a special election to be held within 90 days to fill the vacancy for the remainder of the vacant Council Member's term. Because less than two years remained in Council Member Dokken's term at the time of his resignation, there is no requirement to hold a special election to fill the vacancy, however the City is free to decide to call a special election if it wishes to do so. Mr. Halliday asked them to review the timetable. The date of election would be November 10th with standard election times at the polls with an estimated cost of \$6,200.

Council Member Nelsen spoke relating to the community response from the meetings that were held for citizen input. She stated she heard loud and clear that the public would like a special election and asked the Council to respect the residents. She read aloud several comments received from citizens that called for democracy.

Council Member Nelsen made a motion to hold a special election for the current Council vacancy in Ward 4 as laid out in the timeline presented by Interim City Administrator Halliday. Council Member Ahmann seconded the motion.

Council Member Anderson questioned being able to open the filing sooner to avoid some issues in the timeline. Interim City Administrator Halliday explained through his experience with elections he feels if several individuals are vying for the same elected position, it requires more time and effort to get a campaign together.

Council Member Christianson addressed the Council expressing his concerns about being lobbied or given advice from individuals or groups of people and feels that in the last two and one-half years the Council has been lobbied by three groups in particular those being Moving Willmar Forward, Calvin for Mayor and recently Recall Ron Christianson. These groups have divided Willmar, divided the Council and spewed hatred in Ward 2. This was evidenced by very poor decision making during the Recall Ron Campaign. He cannot take advice from any of these groups and will let the rest of the Council make the decision of whether to hold a special election or to vote by abstaining on this vote. The toxic environment has destroyed any members of Ward 4 who would be willing to step forward and either run or be appointed. He stated that never in the history of the City of Willmar has there been a special election when there has been less than two years left on a term.

Council Member Fagerlie spoke in favor of a special election stating his former residence was in Ward 4 and some of those residents have spoken to him in favor of an election. Council Member Plowman felt it important to allow due process by holding an election and spoke in favor of fairness by the long standing tradition of letting the taxpayers decide. Council Member Ahmann attended the special meeting of Ward 4 election and respected their opinion. Council Member Anderson shared his thoughts on the difficult and controversial decisions and his concern as how the community is going to engage in any healing.

Mayor Calvin asked for any additional discussion and at this time handed the gavel to Council Member Fagerlie. Council Member Christianson called a point of order stating he is the elected Mayor Pro Tempore and questioned City Attorney Robert Scott as to the protocol who stated it was correct and he was not aware of any procedure where it would go to any other member of the Council. Mayor Calvin stated he believed the Mayor or presiding officer can give the gavel to whomever he chooses.

At 10:07 p.m. the Council took a five minute recess. At 10:13 p.m. the Council meeting reconvened.

At this time Mayor Calvin called for the question to vote on the motion to hold a special election for the current Council vacancy in Ward 4 as laid out in the timeline presented by Interim City Administrator Halliday. The motion carried with Council Member Christianson abstaining.

Planning and Development Services Director Bruce Peterson presented a proposed plat which is a replat of several lots from Terraplane Estates by Koosman Construction of Willmar called Cambridge Fourth Addition. The development is located in the southeast portion of the City off of 25th Street SE and was originally platted for tri-plexes and four-plexes. The plat is proposed to be a planned-unit development consisting of 16 single-family lots with a private street and utilities to be governed by private covenants and articles of declaration. The Planning Commission approved the preliminary plat with various conditions regarding the private covenants and declarations, private utility connections, stormwater detention and rezoning the property to meet the single-family plan. Council Member Fagerlie made a motion to approve the preliminary plat for Cambridge Fourth Addition. Council Member Christianson seconded the motion, which carried.

Planning and Development Services Director Bruce Peterson explained that as previously discussed, the City is moving forward with the sale of 6.12 acres of land at the current Wastewater Treatment Facility to Willmar Poultry of which 5.45 acres is outside of the right-of-way. The City would receive compensation for this area. The next step in the process is to move forward with the ordinance to authorize the sale of the land. Staff recommended a hearing on the proposed ordinance for September 8th. Council Member Anderson made a motion to follow the recommendation of staff and hold a hearing at 7:04 p.m., September 8, 2015, on the ordinance authorizing the sale of real property to Willmar Poultry Company. Council Member Nelsen seconded the motion, which carried.

Planning and Development Services Director Bruce Peterson stated that also as discussed at the last City Council meeting, it was agreed to proceed with the transfer of a lot that the City owns to Habitat for Humanity of West Central Minnesota. The transferring of this property requires an ordinance to authorize the sale. Staff's recommendation is to hold that hearing on September 8th as well. Council Member Fagerlie made a motion to hold a public hearing on September 8, 2015 at 7:05 p.m. Council Member Ahmann seconded the motion, which carried.

Council Member Ahmann brought forward a citizen's concern regarding curfew for the City parks in Willmar. They reside at 824 SW Third Street and have witnessed inappropriate activities at Rice Park after 10 p.m. and inquired what steps have to be taken to enforce a 10 p.m. curfew for the City parks in Willmar. Council Member Ahmann requested this letter be placed on file and referred to the Public Works/Safety Committee.

Discussion was held pertaining to protocol for receipt of complaints questioning if these should first be brought to staff for review. Interim City Administrator Kevin Halliday noted that the City does have an ordinance on curfew and he feels staff should receive the letter and enforce the City code.

Announcements for Council Committee meeting dates were as follows: Finance (Full Council), 4:45 p.m. at Council Chambers, August 31; Public Works/Safety, 4:45 p.m. at City Hall, September 1; Labor Relations, 4:45 p.m. at City Hall, September 2, 2015.

Council Member Ahmann offered a motion to adjourn the meeting with Council Member Christianson seconding the motion, with carried. The meeting adjourned at 10:27 p.m.

Attest:

MAYOR

SECRETARY TO THE COUNCIL