

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

February 2, 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, Denis Anderson, Rick Fagerlie, Jim Dokken, Audrey Nelsen and Tim Johnson; Present 8, Absent 1. (Council Member Ahmann arrived at 7:02 p.m.).

Also present were City Administrator Charlene Stevens, City Clerk Kevin Halliday, Police Chief Jim Felt, Public Works Director Sean Christensen, City Attorney Robert Scott and uniformed Police Officer Dan Erickson.

Mayor Calvin added one item to the agenda asking Police Chief Felt to provide a Polar Plunge update at the end of the agenda.

Council Member Anderson offered a motion adopting the Consent Agenda which included the following: City Council Minutes of January 12, Municipal Utilities Commission Special Meeting Minutes of January 15, Rice Hospital Board Minutes of January 21, Willmar Municipal Utilities Minutes of January 26, Application for Exempt Permit – Kandiyohi County Friends, Mayoral Appointments: Municipal Utilities Commission: Abdirizak “Zack” Mahboub, Planning Commission: Rolf Standfuss and Steve Gardner, Willmar Area Lakes CVB: Michelle Kastel-Olson and Christine Burgess, Mayoral Reappointment: Economic Development Commission: Gary Gilman and Accounts Payable through January 28, 2015.

Council Member Christianson seconded the motion and requested that the City Council Minutes of January 20 and the Willmar Municipal Utilities Special Meeting Minutes of January 15, 2015 be removed from the Consent Agenda for discussion. He requested to amend the City Council Minutes to reflect his statement during the meeting that all equipment purchases over \$10,000 are brought before the appropriate committee prior to Council approval. Council Member Christianson then addressed the minutes of the Willmar Municipal Utilities January 26, 2015 meeting questioning why a public hearing to review the proposed electric and water rate adjustments is being held at 11:50 a.m. when it is less convenient for the rate payers. Council Member Johnson was asked by Mayor Calvin to address this hearing time as he was in attendance at the WMU Board meeting. He was unable to recall if the hearing time was mentioned at the meeting. City Administrator Stevens was directed to verify the hearing time with WMU General Manager, Wes Hompe and also mentioned that they will be attending the Finance Committee on February 9th at 4:45 p.m.

Council Member Christianson made a motion to amend the City Council minutes of January 20, 2015 allowing for his equipment purchases statement to be included. Council Member Dokken seconded the motion, which carried. The motion to accept the consent agenda then carried.

Mayor Calvin acknowledged Bob Skor, 617 SW 14th Street, who had signed up to address the City Council during its scheduled Open Forum. Mr. Skor questioned the ownership, maintenance and use of eminent domain on the pending railroad spur under development. Mayor Calvin indicated his questions would be answered by the appropriate staff member(s).

Mayor Calvin recognized Christie Kurth, Executive Director of the Willmar Food Area Shelf. She indicated there are now several locations: 624 Pacific Avenue NW in Willmar, the former medical clinic in New London (206 Main Street) and also one at the Ridgewater College Campus Ministry building specific to college students. The Food Shelf has been operating since 1982 and been a vital resource for people in need. Ms. Kurth handed out a general information packet and overviewed criteria to qualify to use the Food Shelf

such as proof of residency in Kandiyohi County and proof of identification. She cited many examples of users varying from the young, single mom attending college to the 70-year old woman whose husband recently died.

In 2014 they served over 2,201 households and a record breaking amount of food was distributed. Following information on the number of pounds of food distributed and the value of both the volunteers and contributors, whether it be products or monetary, Ms. Kurth offered tours to the officials. Mayor Calvin thanked Ms. Kurth for her presentation and service to the community. Ms. Kurth also invited everyone to the upcoming Chili Fest to be held March 2nd to honor local heroes from 5-7 p.m. at the Willmar Area Community and Activity Center.

Jill Bengtson, Kandiyohi County Housing and Redevelopment Authority Director, came before the Council to request approval of loan documents for a Small Cities Development Program Loan to Highland Apartments Limited Partnership. This request follows the Council's recent action of expanding the 2012 Small Cities Development Program Rental rehab target area activity to include Highland Apartments. In 2013 Willmar HRA was awarded low-income tax credits for a \$3 million renovation of Highland Apartments which is a part of a total budget cost of \$6.4 million. To complete the financing, the HRA is requesting a loan not to exceed \$166,681 from the City's 2012 Small Cities Development Program to the Highland Apartments Limited Partnership with a repayment date of 2045. Following a short discussion, a motion was made by Council Member Fagerlie to approve the \$166,681.00 loan and the documents as presented. Council Member Dokken seconded the motion which carried.

Public Works Director Sean Christensen introduced Mike Gerbitz of Donohue and Associates to present to the Mayor and Council the Salty Discharge Requirements, which are new environmental requirements for Wastewater Treatment Systems. Mr. Gerbitz offered the facility history from the aging wastewater treatment facility in 2005 to the new wastewater treatment facility (WWTF). In designing the new facility, the City focused its design on meeting the phosphorus requirements and addressed the issue by constructing an \$80 million facility. Shortly after the commissioning of the WWTF, the City also cited storm water issues which resulted in a 2012 report titled a "Comprehensive Watershed Management Plan." that addressed stormwater issues facing the community, which collectively requires an investment of \$24 million. In April of 2013 the City received a letter from the Minnesota Pollution Control Agency (MPCA) stating in the City's next permit, which would be in 2015, there will be new requirements. The City's existing wastewater plant is not designed to remove these types of elements. MPCA recognized most WWTF's cannot meet these water quality parameters and are asking for a proposed compliance schedule. Willmar requested a 20-year compliance schedule based on financial capability and proposing to spend money on storm water issues to obtain better water quality rather than on the Salty Discharge issue. MPCA has agreed to the 20-year compliance schedule, requiring the City to submit an annual progress report on both the salty discharge reduction and the comprehensive watershed management plan and document progress. The extended compliance schedule requires staff attention and actions that shows progress. This matter was for information only.

Public Works Director Sean Christensen introduced Scott Ward of Stevens Engineering who presented an update on the heating, ventilation and air conditioning (HVAC) system for the Civic Center Arena. Mr. Ward overviewed the findings of the report stating the ice refrigeration systems in both arenas have exceeded their expected life and in addition to that both systems use R-22 refrigerant which is scheduled to be phased out of production by 2020 due to its adverse environmental effects (high global warming issues). The ice rink floor in Cardinal Arena was replaced in 2000 and the Blue Line Arena in 1998, so both floors are in good shape with just the refrigeration systems in need of replacement.

Seven different options were investigated for ice system replacement and outlined in the summary provided to the Council. Costs ranged from minimal repairs at \$180,000 up to \$4.2 million for replacing the system with an ammonia or CO2 which are considered more natural refrigerants. Mr. Ward then overviewed the mechanical systems in both arenas. The dehumidification system in Cardinal Arena has been inoperable since 2000 and the air conditioner stopped functioning this past year. He explained the importance of

dehumidification and potential damage to the building. Phase I of the study upgrades the dehumidification in Cardinal Arena at an estimated cost of approximately \$400,000 and the Blue Line Center at \$300,000. Jim Manning of Gosman Moore briefly explained the proposed gas-fired dehumidification system that removes moisture; the other more expensive system utilizes a heat pump. Phase II of the study covers replacement of the refrigeration system. Questions were then raised by the members of the Council and the report was received for information only.

The Labor Relations Committee Report for January 28, 2015 was presented to the Mayor and Council by Council Member Ahmann. There were four items for consideration.

Item No. 1 There were no public comments.

Item No. 2 City Clerk Kevin Halliday reviewed the recruitment steps taken to fill the position of City Assessor. To date no applications have been received. Ongoing advertising of the open position includes the "West Central Tribune," Minnesotaworks statewide site, the League of Minnesota Cities Bulletin and the Minnesota Association of Assessing Officers website.

Staff recommends soliciting proposals for a contractual agreement for appraising Agricultural, Commercial, and Industrial properties of the City and conducting sales ratio studies for compliance with the Minnesota Department of Revenue standards for calendar year 2015. Advertising for a full-time Assessor will continue. Staff will also advertise for an Appraiser II position to maintain adequate levels of trained staff for the listed parcels.

The Committee was recommending the Council authorize staff to initiate contractual arrangements for commercial appraising and advertise for an Appraiser II position, all while continuing the advertising for a full-time City Assessor position. Council Member Ahmann made a motion to approve the Committee's recommendation. Council Member Dokken seconded the motion, which carried.

Item No. 3 Council Member Ahmann offered an overview of the two contracts for legal services: 1) criminal contract with Anderson Law Offices ending 12-31-2015 and 2) a civil contract with Flaherty & Hood requiring a 90-day notice by the law firm if they desire to terminate the contract. Council Member Ahmann requested details of the forfeiture funding breakdowns. Staff will develop a report on that funding source.

Council Member Ahmann noted the legal budget was exceeded in 2014 and suggested meeting with the law firms to assess how the contracts are working for each firm. The firms will be invited to a future committee meeting to continue discussion and get feedback. Council Member Anderson noted the Finance Committee will be reviewing the legal budget so fiscal details will be forthcoming. Council Member Christianson requested a breakdown of the 2014 budget for legal costs by firm including the labor attorney. The committee also asked staff to provide information relating to the budget overage in legal services. This was received for information only.

Item No. 4 Council Member Ahmann raised the issue of the importance of succession planning in the organization, specifically the transfer of institutional knowledge in the organization. The Committee reviewed workforce planning documents submitted by each department of the City in 2007. Committee members pointed to the outdated data and suggested the plan should be updated biennially. It was suggested to consider a program whereby in-house staff could job shadow supervisory positions to determine if that employee would want the job when a vacancy presents itself.

The Committee's recommendation was to direct the City Administrator to update the Workforce Succession Plan as soon as possible. The success plan should be related to all staff including the City Administrator taking into factor the "what if" scenario. Council Member Ahmann made the motion to direct the City Administrator to update the Workforce Succession Plan. Council Member Christianson seconded the motion, which carried.

The Council held discussion including clarification on what the succession plan should include. Council Member Nelsen touched on the inappropriate comments that were made at the Labor Relations meeting of January 28, 2015 and urged the public to listen. She stated she was appalled by the unprofessional comments that were made concerning planning for replacing the City Administrator and felt more direction should be given to staff as to what type of succession plan is desired.

Council Member Christianson raised concern about the accuracy of the Labor Relation minutes and also urged the public to listen to the meeting audio. He reiterated what he said at that meeting, stating that the Council learned from the "West Central Tribune" about one week before the City of Lakeville announced their final decision that City Administrator Stevens was a finalist for their Administrator position. His concern being the City could have been without an administrator in one week.

Council Member Anderson asked to correct the statement Council Member Christianson made pertaining specifically to when the City Administrator was a prospective applicant for the City of Lakeville, the Council found out through the newspaper. He stated he believed there was an email to each Council member in advance of it coming out in the newspaper.

Mayor Calvin commented on his campaign for the Mayor on how he felt the Council should be working together as a team. He stated after receiving numerous messages from the public, he listened to the Labor Relations meeting audio and is also concerned with the comments at the meeting. He deferred comment to the City Administrator at which point Council Member Christianson called point of order on the Mayor as determined by parliamentary procedure. Council Member Christianson cited the presider is chair, and is not to debate or make any motions. Mayor Calvin said he was discussing what was discussed at the Labor Relations meeting and that Council Member Christianson's point of order does not stand. The Mayor again deferred to City Administrator Stevens.

City Administrator Charlene Stevens commented that she did apply for the position of City Administrator with the City of Lakeville and that she is proud of her career and work and that her abilities certainly attract the attention of other communities. The opportunity in Lakeville was one she pursued as a good opportunity for her family and her career. She stated that she has a contract with the City that requires her to provide 30 days' notice and the City would not have been left without an administrator with one week's notice. She has 20 years' experience in local government and is on the Board of Directors for her profession and for CGMC. She stated her future plans and career choices are hers to make and that she was disappointed that an attempt to pursue a promotion would be something held against her.

Item No. 5 Under new business Chair Ahmann inquired if one insurance policy could be offered for all City employees or if negotiating practice limited that option. The City Administrator could update the committee at the next meeting. This was for information only.

Council Member Nelsen sought an amendment to the Labor Relations minutes stating that Council Member Johnson and Attorney Tom Anderson were both in attendance.

The Labor Relations Committee Report for January 28, 2015, was approved as amended and ordered placed on file in the City Clerk's Office upon motion by Council Member Ahmann, seconded by Council Member Dokken, and carried.

City Administrator Charlene Stevens presented for consideration an ordinance to convey City-owned property. Rice Memorial Hospital is requesting to sell the Rehab Building to CDS Investments, LLC. The title to the property is in the City of Willmar's name and therefore it is required by City Charter that the Council adopt an ordinance to convey the land and conduct a public hearing. The Planning Commission did review and approve the sale of land at their January 14th meeting. It has also been approved by the Rice Hospital Board of Directors. Staff is requesting the Council set a public hearing for February 17, 2015 to convey the City-owned property and also approve the amendment to the purchase agreement pending the City Attorney's review. The amount of the sale of the property is \$215,000.

Council Member Anderson made a motion to set a public hearing for the conveyance of City-owned property for 7:01 p.m. February 17, 2015. Council Member Nelsen the motion, which carried.

Public Works Director Sean Christensen proposed rescheduling the Improvement Hearing for the 2015 Projects from February 17th to March 2nd to allow sufficient time to prepare the plans and cost estimates. Council Member Anderson made the motion to reschedule the Improvement Hearing to March 2nd. Council Member Dokken seconded the motion, which carried.

Mayor Calvin gave a brief report on the Coalition of Greater Minnesota Cities Legislative Action Day which was attended by himself, Council Member Nelsen and City Administrator Stevens. Topics discussed were policy issues for the current legislative session and funding levels. An attachment with the key priorities was reviewed. This was received for information only.

Mayor Calvin called on Police Chief Jim Felt to give a brief update on the Polar Plunge event that took place on January 24th at Green Lake in Spicer. Chief Felt reported it was the 11th Annual Polar Plunge for Special Olympics. There were 394 jumpers and \$72,000 was raised for Special Olympics. Since 2005 there has been over one half million dollars raised in the area and over 3,000 jumpers.

Mayor Calvin reported on a number of openings in the boards and commissions. Two openings on Charter Commission, two on Zoning Appeals and the reestablishment of the Human Rights Commission will require a minimum of 7 and up to 15. He stated he would like to see this be a proactive board rather than just a reactive board. The application is available on the website and interested individuals are urged to contact the Mayor or staff.

Announcements for Council Committee meeting dates were as follows: Finance, 4:45 p.m. at City Hall on February 9, Public Works/Safety, 4:45 p.m. at City Hall on February 10, Labor Relations, 4:45 p.m. at City Hall, February 11, and Community Development, 4:45 p.m. at City Hall on February 12, 2015.

The North Entrance Sign to Willmar was discussed. Council Member Christianson suggested the possibility of changing one or more signs maybe inclusive of LED lighting at a committee level. Public Works Director Christensen stated that at this time quotes are being solicited to repair the sign back to its original state, which is to be paid by insurance. Council Member Nelsen suggested information be made available at the same committee meeting from the original signs inclusive of who the contributors were, the cost and design.

There being no further business to come before the Council, the meeting adjourned at 9:11 p.m. upon motion by Council Member Christianson, seconded by Council Member Nelsen, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL