

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

July 6, 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, Jim Dokken, Audrey Nelsen, and Tim Johnson; Present 8, Absent 1. Council Member Denis Anderson was excused from the meeting.

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

Proposed additions to the agenda included a Dog Park Day Proclamation and Consideration of a City Park Special Event On-Sale Liquor License for Bakers Creek Eatery, LLC.

Interim City Administrator Kevin Halliday introduced Willmar's new Fire Chief, Frank Hanson. Mr. Hanson has over two decades of experience on the Fire Department.

Council Member Christianson offered a motion adopting the Consent Agenda as presented which included the following: City Council Minutes of June 15, Labor Relations/Full Council Minutes of June 17, Rice Memorial Hospital Board Minutes of June 17, Municipal Utilities Commission Minutes of June 22, Application for Exempt Permit – Knights of Columbus Council 2764, Application for Exempt Permit – Ducks Unlimited West Central Chapter #42, Building Inspection Report for June, and Airport Commission Minutes of June 17, 2015. Council Member Fagerlie seconded the motion, which carried. Council Member Ahmann asked for clarification on the \$5,000 expenditure to the Bicycle Alliance of Minnesota on page two of the Accounts Payable report. Community Education and Recreation Director Steve Brisendine addressed Council Member's question stating this was a one-time fee for assistance with auditing the City's bike infrastructure to include trails and other amenities related to bicycling. The report will be forwarded to the City later this summer. Council Member Ahmann made a motion to approve the Accounts Payable Report, with Council Member Fagerlie seconding the motion, which carried.

At 7:05 p.m. Mayor Calvin opened the Hearing for the consideration of an Ordinance for a Proposed Residential Net Energy Service Rate. Willmar Municipal Utilities General Manager Wesley Hompe addressed the Council to present the proposed ordinance. Willmar Utilities has created a net distributed general rate which is known as net metering for all installations less than 40 kilowatts capacity as per Minnesota State Statute. On June 8, 2015, the Willmar Municipal Utilities Commission conducted a public hearing on the proposed rate and following the hearing, it was approved at a rate of 10.03 cents per kilowatt hour. The ordinance was approved by the City's Finance Committee and brought before the Council for public hearing. There being no one present to speak for or against the ordinance, Mayor Calvin closed the hearing at 7:06 p.m.

Council Member Fagerlie offered a motion to adopt, assign a number and order final publication of the Ordinance setting the Residential Net Energy Service Rate. Council Member Dokken seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

At 7:08 p.m. Mayor Calvin opened the Hearing for the consideration of an Ordinance Authorizing Issuance of \$1,400,000 General Obligation Improvements Bonds, Series 2015A for the 2015 Street Improvement Program. Kathy Aho, Springsted Incorporated, appeared before the Mayor and Council to

explain that the ordinance authorizes borrowing of money to fund several projects in 2015. She reviewed the debt service dating out to 2026 with the interest rate estimated at 2.1% and stated the sale of the bonds would be held approximately 15 days after the publication of the ordinance. The City will again be using the local bank syndicate and once the bonds are received they will be presented to the Council for award. There being no one present to speak for or against the ordinance, Mayor Calvin closed the hearing at 7:13 p.m.

Council Member Ahmann offered a motion to adopt, assign a number and order final publication of the Ordinance Authorizing Issuance of \$1,400,000 General Obligation Improvements Bonds, Series 2015A. Council Member Christianson seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Resolution No. 1 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. 1

A RESOLUTION AUTHORIZING THE SALE OF GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2015A, SUBJECT TO CERTAIN PARAMETERS; FIXING THEIR FORM AND SPECIFICATIONS; DIRECTING THEIR EXECUTION AND DELIVERY; AND PROVIDING FOR THEIR PAYMENT

(For Resolution in its entirety, see City Council procedures file dated July 6, 2015, located in the City Clerk's Office)

Dated this 6<sup>th</sup> day of July, 2015.

/s/ Marv Calvin  
Mayor

/s/ Kevin Halliday  
Attest: City Clerk

At 7:15 p.m. Mayor Calvin opened the Hearing for the consideration of the vacation of a portion of Abbott Drive SE right-of-way. Planning and Development Services Director Bruce Peterson presented information related to the City's receipt of a petition from the Parker/Poss Family to vacate a portion of Abbott Drive SE right-of-way (northeast of the Assembly of God Church). The area has never been improved and it is their intent to enter the property in the RIM Program. The Planning Commission approved the vacation with the retention of a 20-foot utility easement for MUC lines along the westerly right-of-way line. There being no one present to speak for or against the street vacation, Mayor Calvin closed the hearing at 7:16 p.m.

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

RESOLUTION NO. 2

VACATING A PORTION OF PUBLIC STREET ROW

WHEREAS, the vacation of those portions of dedicated street as described below was petitioned by the adjacent property owner Peter Poss and Parker Revocable Trust:

Vacation of the platted street (Abbott Dr. SE) adjoining the following described real estate located in the City of Willmar, County of Kandiyohi, State of Minnesota, described as follows: Lot 1 of Block 1, Lots 1-5, both inclusive, of Block 2 and Outlots A and B of South Industrial Park.

WHEREAS, the proposed vacation has been approved by the Planning Commission of the City of Willmar; and

WHEREAS, published notice and mailed notice of the proposed vacation and the hearing thereon have been given as provided in Subdivision 6 of Section 9.01 of Article IX of the Willmar City Charter; and

WHEREAS, a hearing was duly held on the proposal to vacate that portion of said street on July 6, 2015; and

WHEREAS, the City Council of Willmar finds that it is in the best interests of the City of Willmar to vacate that portion of said streets;

NOW, THEREFORE, BE IT RESOLVED, that the above described portion of dedicated streets be, and hereby is, vacated with a 20' utility easement retained along the west side of the r-o-w.

BE IT FURTHER RESOLVED that a certified copy of the Resolution be filed with the Kandiyohi County Recorder on or after July 13, 2015.

Dated this 6<sup>th</sup> day of July, 2015.

/s/ Marv Calvin  
Mayor

/s/ Kevin Halliday  
Attest: City Clerk

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

The Public Works/Safety Committee Report for June 30, 2015 was presented to the Mayor and Council by Council Member Christianson. There were eight items for consideration

The meeting was called to order by Chair Christianson at 4:45 p.m. There was no quorum until Item No. 7, at which time Council Member Ahmann arrived at 5:05 p.m.

Item No. 1        There were no public comments made.

Item No. 2        Police Chief Jim Felt noted the jail census for June 30, 2015 was 156; 90 inmates from the Department of Corrections, 64 inmates from Kandiyohi County, 1 inmate from Swift County and 1 inmate from Chippewa County. The calls for service for the previous two weeks totaled 797. The majority of the calls were for traffic stops, followed by public assists and suspicious activity/people. The total calls for service so far this year is approximately 10 days ahead of 2014 at this date, partially due to Family Service reporting. The new canine Axel has completed his first week of duty successfully and possibly will be available for a meet and greet at the next Public Works/Safety Committee meeting. The committee discussed the dog being used for mutual aid with other city's police departments as needed. This was for received for information only.

Item No. 3        Staff brought forth, for information, the authorization of a resolution allowing access for electronic court records and documents. The State of Minnesota has recently set up Minnesota Government Access Accounts for retrieval of electronic court documents and information stored in the Court Information System. Law Enforcement agencies are required to move to the new electronic document system and are also required to submit a resolution from the governing authority giving authorization to allow access. Electronic access to Court Information Systems and court documents is necessary for investigation of crimes/persons, backgrounds and enforcement of court orders. As there was no quorum, no action was taken by the Committee.

Resolution No. 3 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. 3

WHEREAS the new Minnesota Government Access Accounts, allowing government agencies to view appropriate electronic court records and documents stored in the Minnesota Court Information Systems for cases in Minnesota district courts, require authorization from the governing body; and

WHEREAS City Code 1-6-3-C-3 defines the duties of the City Administrator, including authority to enter into contracts on behalf of the City as authorized by Council policy or action; and

WHEREAS the Police Chief oversees police and fire operations for the City;

NOW, THEREFORE, BE IT RESOLVED the City Council of the City of Willmar, County of Kandiyohi, State of Minnesota, hereby authorizes the City Administrator as the signing authority to authorize access to MGA Accounts on behalf of the City of Willmar, and the Police Chief as the signing authority to authorize access to MGA Accounts on behalf of the City of Willmar Police Department.

Dated this 6<sup>th</sup> day of July, 2015.

/s/ Marv Calvin  
Mayor

/s/ Kevin Halliday  
Attest: City Clerk

Item No. 4 Staff and Paul Jurek of Bollig Engineering presented Change Order No. 3, acceptance of Project No. 1310 and issuance of payment to Duininck, Inc. in the amount of \$111,486.96. The City Council entered into an agreement with Duininck, Inc. on June 16, 2014 for the construction of the MinnWest Lift Station/Lakeland Drive Improvements project. Successful startup of the lift station occurred on February 12, 2015, with a walk through inspection completed at that time and punch list created of minimal items needing attention by the Contractor. The final punch list items are being addressed and the final pay request is hereby submitted and staff recommends final payment be made contingent on these final items being completed. Again as there was no quorum, no action was taken by the Committee.

Resolution No. 4 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. 4

**ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT**

IMPROVEMENT: Project No. 1310 – MinnWest Lift Station/Lakeland Drive Improvements

CONTRACTOR:	Duininck, Inc.
DATE OF CONTRACT:	June 16, 2014
BEGIN WORK:	July 7, 2014
COMPLETE WORK:	February 12, 2015
APPROVE, ENGINEERING DEPT:	February 12, 2015

**BE IT RESOLVED** by the City Council of the City of Willmar, Minnesota, that:

1. The said City of Willmar Project No. 1310 be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$2,421,172.50
Change Orders 1-3	-\$15,360.98
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$2,405,811.52
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$2,405,811.52
Less Previous Payments & Liquidated Damages	-\$2,294,324.56
<b>FINAL PAYMENT DUE CONTRACTOR:</b>	<b>\$111,486.96</b>

Dated this 6<sup>th</sup> day of July, 2015.

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/s/ Marv Calvin  
Mayor

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/s/ Kevin Halliday  
Attest: City Clerk

Item No. 5 Staff brought forth, for information, the acceptance of the bid, authorization of signatures to award the contract, and adoption of the budget for the storm pond improvements of Project No. 1505. The City Council authorized advertisement for bids of projects at the March 2, 2015 Council Meeting. The project includes the improvements of the Civic Center Drive storm pond. Six bids were received and opened on June 23<sup>rd</sup>; Quam Construction in the amount of \$104,869.10, Monson Excavating in the amount of \$139,799.44, Duininck, Inc. in the amount of \$143,547.00, R&R Excavating in the amount of \$167,685.95, Koehl Excavating in the amount of \$203,417.00 and Riley Brothers Construction in the amount of \$226,887.00. The Engineer's Estimate for this project was \$149,167.80. The funding for this project was included in the approved 2015 Improvements Projects. The Committee took no action on the item.

Resolution No. 5 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. 5

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the bid of Quam Construction for Project No. 1505 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 \$104,869.10.

Dated this 6<sup>th</sup> day of July, 2015.

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/s/ Marv Calvin  
Mayor

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/s/ Kevin Halliday  
Attest: City Clerk

Item No. 6 Staff brought forth, for information, the acceptance of the Utility Improvements Project at 313 4<sup>th</sup> Street SW and authorization of final payment be made to Land Pride Construction in the amount of \$24,758.00. The City Council entered into an agreement with Land Pride Construction on June 1, 2015 for the utility improvements at 313 4<sup>th</sup> Street SW for installation of a fire line and water service as a

100% assessed project. The final pay request is hereby submitted for consideration and staff recommends final payment be made. No action was taken on the item at the Committee meeting

Resolution No. 6 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. 6

**ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT**

IMPROVEMENT: Utility Improvements- 313 SW 4<sup>th</sup> Street

CONTRACTOR: Land Pride Construction, LLC

DATE OF CONTRACT: June 1, 2015

BEGIN WORK: June 15, 2015

COMPLETE WORK: June 23, 2015

APPROVE, ENGINEERING DEPT: June 23, 2015

**BE IT RESOLVED** by the City Council of the City of Willmar, Minnesota, that:

1. The said City of Willmar Utility Improvements Project- 313 SW 4<sup>th</sup> Street be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$24,758.00
Change Order None	\$0.00
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$24,758.00
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$24,758.00
Less Previous Payments & Liquidated Damages	-\$0.00
<b>FINAL PAYMENT DUE CONTRACTOR:</b>	<b>\$24,758.00</b>

Dated this 6<sup>th</sup> day of July, 2015.

/s/ Marv Calvin  
Mayor

/s/ Kevin Halliday  
Attest: City Clerk

Council Member Christianson raised the question as to when the Foxhole Brewery will be opening for business. Ryan Fuchs, 4922 – 15<sup>th</sup> Street NW, stated that pending approval of all agencies, they are estimating an opening date by the end of August.

Item No. 7 Staff brought forth, for approval, the acknowledgement of the application process for Regional Designation for the Robbins Island Park Complex through the Greater Minnesota Regional Parks and Trails Commission. The parks in the designation application include Robbins Island, Flags of Honor, Hedin, Rau, Thompson and Sperry Parks. The purpose of the application is to identify our facilities meeting very high standards for natural resource based outdoor recreation and would be a part of a regional park

system across Greater Minnesota. This opportunity will also give the eligibility to apply for Regional Parks and Trails Legacy Funding.

It was the recommendation of the Committee to the Council to approve the application process for Regional Designation for the Robbins Island Park Complex through the Greater Minnesota Regional Parks and Trails Commission.

Resolution No. 7 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. 7

BE IT RESOLVED by the City Council of the City of Willmar to approve an application by the Community Ed & Recreation Department for, and the acceptance of, Regional Designation for the Robbins Island Park Complex through the Greater Minnesota Regional Parks & Trails Commission; including Robbins Island, Flags of Honor, Hedin, Rau, Thompson and Sperry Parks.

Dated this 6<sup>th</sup> day of July, 2015.

/s/ Marv Calvin  
Mayor

/s/ Kevin Halliday  
Attest: City Clerk

Item No. 8 The Committee discussed painting curb in front of a cluster mailbox near a baseball field on the SE side. It was noted the concern of pedestrians crossing the street by Frieda's Café with the possibility of signage not completely remedying the issue. The intersection of 9<sup>th</sup> Street SW and Becker Ave was also discussed for possible solutions to reduce accidents and speeding. It was noted the Downtown Design Center is in contact with MnDOT for beautification of the area by the Downtown sign. Possible crosswalks were discussed at various locations. The Committee noted the continued discussion of stormwater issues and the process of commercial development over one acre needing a Stormwater Pollution Prevention Plan approved by City staff, as well as the possibility of an incentive based program for developers. This was received for information only by the Council.

The Public Works/Safety Committee Report for June 30, 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.

Council Member Ahmann has been approached by residents in the area of Garfield School for stop signs on Becker Avenue and 9<sup>th</sup> Street SW. This was brought for information and will be put on a Committee agenda.

The Community Development Committee Report for July 2, 2015 was presented to the Mayor and Council by Council Member Fagerlie. There were four items for consideration.

Item No. 1 There were no public comments.

Item No. 2 Staff presented a request for an unsafe building declaration for the house at 944 Olaf Avenue Northwest. The property has been in disrepair for some time. Staff has made numerous attempts to work with the property owners to improve conditions on the site and to eliminate the dilapidated structure. Some work has been done, but a lot of work remains. Lupe Flores, the owner of the property, said he bought the property not knowing it was condemned. He stated he has been cleaning out the house and removing debris from the property. He asked for an extension until the end of November 2015, and added that he has

family that can help him. The Committee discussed the situation and told Mr. Flores that the end of November was not a suitable deadline.

The Committee was recommending the Council allow the property owner until July 30, 2015 to demonstrate significant progress in removing junk from the property and demolishing the home. If significant progress is not made, it is the intent of the Committee to recommend a declaration of the home as unsafe. Council Member Fagerlie moved to accept the recommendation of the Committee. Council seconded the motion, which carried.

Item No. 3 Staff presented a revised flow chart detailing the review procedures for tax increment financing and tax abatement applications. The flow chart shows each step of the process and indicates whether it is a staff responsibility or a City Council responsibility. Also reviewed was a revised application for tax increment financing and tax abatement. Staff explained that the application would provide sufficient information for the staff and Council to make decisions regarding project eligibility. Should there be a need for additional information; the Council has the authority to request it. At that point, it becomes up to the applicant as to whether or not they wish to provide the information and continue with the process.

It was the recommendation of the Committee that the Development Project Flow Chart and Tax Increment Financing/Tax Abatement Application be approved as presented. Council Member Fagerlie moved to accept the recommendation of the Committee. Council Member Dokken seconded the motion, which carried.

Item No. 4 Staff provided brief updates on construction and development activities in the City. The Committee briefly discussed the timing for the Willmar Wye TIGER Grant application. This was received by the Council for information only.

The Community Development Committee Report for July 2, 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 Christianson, and carried.

Council Member Ahmann made a motion to remove the tabled item of consideration of a Memorandum of Agreement (MOA) with the Department Head, First Line Supervisors and Confidential Employee Group. Council Member Plowman seconded the motion, which carried.

Interim City Administrator Kevin Halliday explained this item was tabled pending review of the MOA by the City's Labor, Frank Madden. Mr. Madden did review the agreement and recommended changes that were made and presented to the Council.

Council Member Christianson made a motion to approve the Memorandum of Agreement with the Department Head, First Line Supervisors and Confidential Employee Group for compensation for Lynden Wittman. Council Member Ahmann seconded the motion, which carried.

Interim City Administrator Kevin Halliday presented for consideration an application from the Willmar Fraternal Order of Eagles to host an outdoor event in their rear parking lot, which will be fenced. This event is a picnic for members, family and guests only and requires a Stated approved 1 Day to 4 Day Temporary On-Sale Liquor License. The event is planned for July 19, 2015. Council Member Fagerlie made a motion to approve the application as presented. Council Member Christianson seconded the motion, which carried on a roll call vote of 7 Ayes, 0 Noes.

Interim City Administrator Kevin Halliday presented for consideration an application for an On-Sale Brewer's Taproom License and Sunday License and Brewer Off-Sale Intoxicating Liquor License from Foxhole Brewhouse Incorporated. The taproom is located at 313 – 4<sup>th</sup> Street SW. The Willmar Police Department and City staff has reviewed the application and find it to meet all the necessary requirements. A motion was made by Council Member Fagerlie to approve the application as presented. The motion was seconded by Council



Member Ahmann and passed on a roll call vote of 7 Ayes, 0 Noes.

An application for a City Park Special Event by On-Sale Liquor License Holder was presented for consideration by Interim City Administrator Kevin Halliday. The Willmar Stingers will be holding a "Summertime St. Patty's Night" on July 10 and Jennie-O- Turkey Store Night on July 11 with plans to serve a full array of liquor. A City Park Special Event by On-Sale Liquor Holder permit is required to allow a State Liquor Caterer License holder to distribute alcohol on the City park grounds. The Bakers Creek Eatery, LLC dba The Oaks at Eagle Creek has applied for this permit with on-site employee listed as David Baker. Due to the late filing of the application, staff recommended the City Council approve the application contingent upon the approval of the Police Department.

Council Member Fagerlie made a motion to approve the City Park Special Event as presented contingent upon approval of all items by the Willmar Police Department. Council Member Johnson seconded the motion, which carried on a roll call vote of Ayes 7, 0 Noes.

Mayor Calvin read a Proclamation declaring July 15<sup>th</sup> as "Dog Park Day" for the City of Willmar and announced a more formal ceremony is planned and Council Members will be made aware of the place and time.

Announcements for Council Committee meeting dates were as follows: Finance, 4:45 p.m. at City Hall, July 13; Public Works/Safety, 4:45 p.m. at City Hall, July 14; Labor Relations, 4:45 p.m. at City Hall, July 15, 2015, and no meeting for Community Development is planned.

The invitation for the Council to attend the Family Promise Sleep Out on July 10<sup>th</sup> at First Presbyterian Church at 5:00 p.m. was announced by Council Member Nelsen.

Council Member Christianson offered a motion to adjourn the meeting with Council Member Fagerlie seconding the motion, with carried. The meeting adjourned at 7:55 p.m.

Attest:

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MAYOR

\_\_\_\_\_  
SECRETARY TO THE COUNCIL