

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

March 16, 2015  
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Marv Calvin. Members present on a roll call were Mayor Calvin, Council Members Ron Christianson, Andrew Plowman, Denis Anderson, Rick Fagerlie, Jim Dokken, Audrey Nelsen, Steve Ahmann and Tim Johnson; Present 9, Absent 0.

Also present were City Administrator Charlene Stevens, City Clerk Kevin Halliday, Police Chief Jim Felt, Finance Director Steve Okins, Fire Chief Gary Hendrickson, Community Education and Recreation Director Steve Brisendine, Planning and Development Director, Bruce Peterson, Public Works Director Sean Christensen, City Attorney Robert Scott, Police Captain Michael Anderson and Police Sergeant Vincent King.

Mayor Calvin stated No. 5. J. of the Consent Items will be placed on a future agenda for discussion with Windstream and Charter. Council Member Ahmann requested the addition of negotiations between City Attorney Robert Scott and an attorney representing City Administrator Charlene Stevens. Council Member Fagerlie asked for the addition of a fundraiser for Willmar Downtown Development.

Council Member Fagerlie offered a motion adopting the Consent Agenda as amended which included the following: City Council Minutes of March 2, Municipal Utilities Commission Minutes of March 9, Application for Exempt Permit – Pheasants Forever (June), Application for Exempt Permit – Pheasants Forever (September), Planning Commission Minutes of March 11, Accounts Payable Report March 11, Building Inspection Report of February, 2015, Willmar Community and Activity Center Council Minutes of February 13, CER Joint Powers Board Minutes of February 27, 2015. Council Member Anderson seconded the motion, which carried.

Mayor Calvin announced that they have made every attempt possible to accommodate the large crowd in attendance so that those who came to speak during the Open Forum would be able to. In an attempt to move the meeting along, he asked that only those who had new comments not heard before would come forward. Support in favor of the comments made will be asked by a show of hands.

Mayor Calvin acknowledged Donovan Kuehl, 712 SW 24<sup>th</sup> Avenue, who wished to speak at Open Forum. He came forward to address the Indoor Range and the rates that were brought before the Finance Committee and approved by the Council noting that these rates were approved without any input from the Willmar Rifle and Pistol Club or the public. Since that meeting, they club has met with staff and the consensus was that the increase in public rates was quite substantial and \$5 per half hour would be a reasonable fee. The instructor rate, which is proposed to increase from \$27 per hour to \$75, seems high as there are only one or two instructors who would be willing to come back at that rate. He requested consideration of a smaller increase and after one year, review the expenses to see if an increase is needed.

Jonathon Dahl, 1501 SW 7<sup>th</sup> Street, stated that it has been a great privilege to know and work with Charlene Stevens and her family. Her work as City Administrator is outstanding in his opinion. She brings talent, intelligence, wisdom, great ethic, compassion and caring and wants to move Willmar ahead. He believes in the work she is doing, and if we lose her, Willmar is much worse off. He wanted to voice his support and he believes 110% in Charlene.

Chris Newcomer, 3406 Eagle Ridge Drive West, expressed her and her husband's support for Ms. Stevens. They think she is doing a very good job. They feel very fortunate to have her as the leader for their City. She voiced her concern about what effects the Council's actions may have on the future of the

community and truly hope they are listening and have respect for people who are so proud to call Charlene Stevens their City Administrator.

The next speaker for Open Forum was Kathy Schwantes, 1503 Country Club Drive NE, who addressed all present to show support for City Administrator Stevens. She brought forth a petition which read "I, the undersigned, support City Administrator Charlene Stevens and the exemplary job she is doing for our community." The petition then went on to suggest that people contact their City Council Members. The petition was signed by almost 100 people representing a cross-section of the community. Ms. Schwantes urged the Council to listen to the unprecedented outpour of support for Charlene and step outside and see all those who support her but were unable to get into the building. This petition was presented to the Clerk for the record.

Kelly Gardner, 245 SW 19<sup>th</sup> Avenue, expressed her support for City Administrator Charlene Stevens and concerns for any legal ramifications if there were to be a law suit against the City.

Rachel and John Skretvedt, 1504 NE 2<sup>nd</sup> Street, spoke in support of Charlene Stevens as City Administrator. As new residents of Willmar, they expressed interests for more youth opportunities and park improvements. Rachel is a member of the CER Joint Powers Board and has worked with Ms. Stevens in various groups in the community that are moving Willmar forward. John stated his is deeply troubled by the news of her resignation and the concerned for the leadership of the Council.

Carol Myers, 1400 Willmar Avenue SE, expressed her support for the City Administrator and commented on her respect by her peers. She asked the Council to be open in their decision making.

Beverly Dougherty, 1010 SW 14<sup>th</sup> Street, spoke at the Open Forum stating she was appalled by the treatment of Charlene Stevens.

Christine Lindgren, 1105 Florence Lane SW, commented on Charlene's professionalism and of the loss to the community if she decided to leave.

Melissa VanBuren-Sorenson, 1225 SW 16<sup>th</sup> Street, spoke in support of Charlene and her work with Vision 2040, Leadership 2040, and WeLEAD. She finds Charlene professional, forward thinking and community minded. She urged the Council to move the community forward.

Amy Engle, 813 SW 18<sup>th</sup> Street, expressed support for Charlene Stevens.

Sue Quist, 1451 Hansen Drive SW, came forward, but not to show support for City Administrator Charlene Stevens, but as she stated to "shed some light." First and most important are the citizens of Willmar, noting the City Charter was established by the citizens to empower the City Council. The Council is elected by the citizens of Willmar and democracy says majority rules. She feels the Council is making the right decision.

Doug Reese, 941 Mary Avenue SE, finds Charlene Stevens to be very visionary and recalls when the City Council conducted interviews and the consensus was that a second interview was not necessary. He spoke in high support of Charlene Stevens.

Warren Haugen, 306 Becker Avenue SW, local businessman and 100% in support of Charlene.

Joe Ridler, 1912 SW 20<sup>th</sup> Avenue, raised his questions in relation to storm water. He stated the Storm Water Task Force addressed some issues and concerns with water discharge going out of Ditch 23-A and noted the culverts are currently half full. He expressed his concern about the E.coli fecal count in Lake Wakanda and stated the SWTF asked for testing in case there is some leach of our water system in the City and questioned what actions have been done? Mr. Ridler also stated he was appalled at letters written in the "West Central Tribune" always putting the City down, never talking about positive things.

Nancy Johnson, 240 NE 60<sup>th</sup> Avenue, volunteers in Willmar and has witnessed Charlene in her leadership role, which has been exemplary and an asset to the City. She expressed her support of Ms. Stevens.

Bob Haines, 1909 Country Club Drive NE, strongly opposed any action to terminate City Administrator Charlene Stevens. He questioned what good outcome could come from such action for the City of Willmar and requested the Council not move forward with such action.

George Hulstrand, 201 SW 4<sup>th</sup> Street, quoting Helen Skye "wait and don't move too fast." Asked the Council to take a step back and reconsider any action. He stated people have contacted him asking "what is wrong with the City of Willmar?"

Scott Johnson, 3326 Eagle Ridge Drive West, thanked the City staff and street sweeper for coming through this week. Didn't come to say anything pro or con against City staff. Likes his City Council and loves his City. He is tired of the "West Central Tribune" bad mouthing the City. He thanked the Council and stated he trusted them and this is why they were voted in. He stated he was behind them 100% on any decision.

Dion Warne, 1058 NW 75<sup>th</sup> Street, Pennock, expressed although he is not a resident of the City, he spent nine years on the Willmar School Board. He stated his reason for being there is his family and partners own property in Willmar and have a vested interest. In all his dealings with Charlene, she has been professional, knowledgeable and she has the best interests of Willmar at heart and passionate about Willmar. He supports Charlene and thought she had done a fine job in the time she has been here.

Pat Solheid, 4739 NE 141<sup>st</sup> Avenue NE, Spicer, expressed her support for City Administrator Charlene Stevens. She has spent a considerable amount of time working with Charlene on a variety of committees, stating Charlene is professional, competent and an excellent representative of the City of Willmar.

Wayne Nelson, 1505 Hansen Drive SW, asked those in the Council Chambers in support of Charlene Stevens to stand up so show their support and stated there are an additional 65 people standing outside who were not able to come in due to fire code issues. Others are driving by honking in support. As part of the record he presented five pages of signatures of supporters. He stated a number of critical community projects have begun under Charlene's tenure that offer great promise for the community. Those projects need her.

Richard O. Arne, 525 SW 6<sup>th</sup> Street, voiced that when Charlene Stevens was hired, the contract that was entered into with her likely spelled out her duties and responsibilities. When this all started did the City, the Mayor, ever sit down with her and analyze what objections they had about her stating he felt it's important to talk to an employee when there is a problem.

Jessica Rohloff, 3501 SE 15<sup>th</sup> Avenue, stated through her experience with the League of MN Voters, a moderator from outside was brought in for the City Council forum and that moderator expressed great concern for the City and expressed that one of the League's priorities should be to help facilitate some type of process for the City Council to work better together. The citizens' concerns didn't always match up with what was being addressed in the answers. Personally at times she has felt disrespected by some members of the City Council. She questioned the environment under which the City Administrator has had to work urging them to take a step back and see how the Council was being perceived and try to work together.

Mayor Calvin closed the Open Forum after hearing from all citizens who signed in.

Council Member Christianson asked City Attorney Robert Scott to explain to the public why they are not allowed to make comments on the situation. City Attorney Robert Scott addressed the Mayor, Council and members of the public, stating he has advised the Mayor and Council not to make public comments about the situation. The reason for that is to protect the City from disclosing any data that is defined as private personnel data as defined in the Data Practices Act. Beyond that he urged them to save any comments they may have for tonight's meeting in order to comply with the Open Meeting Law.

Council Member Johnson made a motion to approve the Separation Agreement as negotiated by the parties and their respective attorneys. Council Member Christianson seconded the motion.

City Attorney Robert Scott then addressed the Council with introductory comments for the discussion. He stated the summary of the terms of the separation agreement that had been emailed to them pertain to the agreement they had before them, which is an agreement in which the City Administrator does voluntarily resign her employment. If this agreement does not pass, the City Administrator will willingly continue her employment. He urged them to be cautious in discussing the terms and be wary of disclosing private personnel data which would include any data about the City Administrator's performance.

Council Member Anderson questioned why this separation agreement has been brought before the Council as there were no performance issues. He asked that someone explain to him and the public why we are where we are. He thanked the public for the unprecedented outpouring. He stated the Council needs to listen to the residents and that he is absolutely dumbfounded.

Council Member Plowman spoke of being the "new guy at the seat and it being in a very hot seat at this time." In his campaigning efforts he promised to offer well-informed decisions and he is fearful he is not well informed enough to make a knowledgeable decision. Doing so would be a disservice and he asked for facts, data or specifics so he can make a well-informed decision on behalf of his constituents.

Council Member Ahmann thanked the public noting it's not often that many people from the public are in attendance.

Mayor Calvin relinquished his seat to the Mayor Pro Tempore at this time. Mayor Pro Tempore Christianson then reminded the Council of what the Parliamentary Procedure Standard Code states on debate of motion and members conduct during debate. Council Member Christianson read the code stating debate must be directed to the proposition, not the proposer.

Mayor Calvin thanked those in attendance and read a statement whereby he specified he met with Ms. Stevens on Wednesday after considerable consult with the City Attorney in an attempt not to have Ms. Stevens blindsided. Three weeks prior he stated he had heard there might be a discussion of the employment of Ms. Stevens by the Council. At this point Mayor Pro Tempore found Mayor Calvin's comments to be out of order and not relevant to the motion on the floor of approving the separation agreement. Mayor Calvin could not continue. Mayor Calvin took the gavel back and assumed his duties as Mayor.

Mayor Calvin recognized City Administrator Charlene Stevens allowing her to speak. She clarified that the agreement before them was prepared upon request from the City. She had no choice but to protect herself and her family in this process. It is her preference to continue to work for the City of Willmar.

Council Member Anderson felt the public needs to know what is in the agreement and what it will cost, which is in excess of over \$100,000. Mayor Calvin stated he was advised by legal counsel that what is in the document is privileged to the Council until all the signatures are executed as defined by private personnel data. At this point City Attorney Robert Scott explained the document terms can be discussed by the terms of the Open Meeting Law if deemed necessary. One of the terms of the agreement is a release of all claims by both parties.

Council Member Nelsen felt there was no business reason to do this or some sort of performance issue. Why was this document drawn up and who authorized the attorneys to negotiate an agreement? How did we get here and the community is asking these questions. She urged someone to help everyone understand.

Mayor Calvin made an attempt to clarify the reasoning again stating he was contacted three weeks ago about a concern in regard to the Council Retreat and was made aware there may be a vote in the near

future to terminate the contract of the City Administrator. This was discussed with the City Attorney and following his lead, it was agreed he could meet with the City Administrator in regards to that.

Council Member Nelsen questioned how this was not in violation of the Open Meeting Law. Mayor Calvin assured Ms. Nelsen he did not violate the law and did what he felt was due diligence. He can only speak with four council members, and that is what he did.

Council Member Anderson spoke on openness and transparency and stated there is some type of closed loop here. Why? Feels like this is a railroad job and he is disgusted

Council Member Nelsen asked why this is the right thing to do. This separation agreement will cost the City of Willmar in excess of \$150,000 and we are looking for money to fix streets, parks and City buildings. This is not necessary and the Council needs to look forward and find a way to get along. The community is speaking loud and clear.

Council Member Plowman asked if there is a possibility there is information on record that we legally unable to discuss that may have bearing on the issue on hand. City Attorney Robert Scott stated he is not aware of any information that exists that you are not able to discuss tonight. Mayor Calvin stated the only items they were cautioned not to talk about are performance reviews, but to his knowledge these would have no effect on this item.

Council Member Johnson commented that this is a difficult situation but there is a difference between employment relationships and social relationships.

The motion was read again and passed by simple motion. Council Member Plowman asked for division of the votes essentially meaning a roll call vote. The motion passed on a roll call vote of Ayes 5, Noes 3 with Council Members Nelsen, Anderson and Plowman casting the "no" votes.

Mayor Calvin called a recess to the meeting at 8:30 p.m. At 8:39 p.m. the Council reconvened.

The Finance Committee Report for March 9, 2015 was presented to the Mayor and Council by Council Member Anderson. There were five items for consideration.

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

Item No. 2 Mike Schramm and Bill Fenske, of Rice Hospital, presented the committee with the 12/31/14 Financial Report which reflects a year-to-date net loss of \$1,664,533. The Hospital's 01/31/15 Financial Report was also presented which reflects a year-to-date net income of \$552,839. It was noted that both December and January were positive months in terms of actual financial performance generating a gain on operations. Discussion included efforts to recruit more specialized physicians for the hospital, particularly orthopedists. This matter was received for information.

Item No. 3 Willmar Municipal Utilities (MUC) Finance Director Tim Hunstad presented to the Committee the 2014 Financial Report which reflects year-to-date net earnings of \$861,732. Discussion included electricity transmission revenue and costs, the MUC's strong cash reserves, and future capital expenditure requirements. This matter was for information only.

Item No. 4 Staff reviewed with the Committee the proposed Fire Protection Contract with Willmar Township. The state-wide formula used to calculate the amount due from the Township is based on information from the previous year, which includes operating costs of the Fire Department, depreciation of the fire station and equipment, the number of firefighter hours used and market values of the area covered in Willmar Township. It was noted that the amount of the contract is down substantially from last year due to the reduced number of fire calls.

The Committee was recommending the Council authorize the Mayor and the City Administrator to execute the agreement as presented in the amount of \$20,245.64.

Resolution No. 1 was introduced by Council Member Anderson, seconded by Council Member Dokken, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 8, Noes 0.

Resolution No. 1

WHEREAS Willmar Township annually contracts with the City of Willmar Fire Department for fire protection services; and

WHEREAS it is the established practice of the City of Willmar to use a statewide formula to calculate the Township cost sharing proposal;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Willmar that the Mayor and City Administrator be authorized to execute the fire protection agreement with Willmar Township for the period 04/01/15 - 03/31/16 in the amount of \$20,245.64.

Dated this 16th day of March, 2015.

/s/ Marv Calvin  
Mayor

/s/ Kevin Halliday  
Attest: City Clerk

Item No. 5 Chair Anderson informed the Committee that the Payment In Lieu Of Taxes Agreements with Rice Hospital and Willmar Municipal Utilities expired 12/31/14. He noted that the Finance Committee Chair, City staff and representatives from both entities will be conferring to develop new agreements for 2015. This was received by the Council for information only.

The Finance Committee Report for March 9, 2015, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Anderson, seconded by Council Member Christianson, and carried.

The Public Works/Safety Committee Report for March 10, 2015 was presented to the Mayor and Council by Council Member Christianson. There were six items for consideration.

Item No. 1 There were no public comments.

Item No. 2 Police Chief Jim Felt noted the jail census for March 10, 2015 was 150; 72 inmates from the Department of Corrections, 76 inmates from Kandiyohi County, 1 inmate from Stearns County, and 1 inmate from Swift County. The calls for service for the previous two weeks totaled 655. The majority of the calls was for traffic stops, followed by public assists and abandoned vehicles. There have been a total of 3,030 calls for service in 2015 so far. It was discussed there are no foot patrol Officers unless designated for a short period of their shift. The process of towing abandoned vehicles was also discussed. This was received for information only.

Item No. 3 Staff presented a recommendation to construct an entrance sign at the Airport. Quotes were solicited, with one quote received from Quick Signs of Willmar. The quote details a double lighted sign with brick and block construction on a base pad to be provided by the Public Works Department. The total cost of the sign is quoted at \$15,417.00. The Committee questioned if the sign would include L.E.D. lighting, if there would be footings dug for the concrete pad, and the possibility of adding in the Willmar logo or advertising at a later date.

The Committee was recommending the Council approve the construction of an entrance sign at the Airport by Quick Signs of Willmar in the amount of \$16,217.00.

Resolution No. 2 was introduced by Council Member Christianson, seconded by Council Member Dokken, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 8, Noes 0.

Resolution No. 2

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the quote of Quick Signs of Willmar, Minnesota for the construction of the Willmar Municipal Airport sign 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 contractor for the terms and consideration of the contract in the amount of \$16,217.00.

Dated this 16th day of March, 2015.

/s/ Marv Calvin  
Mayor

/s/ Kevin Halliday  
Attest: City Clerk

Item No.4 Staff presented, for information purposes, the February report of the Willmar Municipal Airport Operations. The report details the operations and traffic through the facility, as compiled by the Airport Operations Supervisor. It was noted the Governor flew into the airport on Friday, March 6<sup>th</sup> and the Airport did a great job preparing for his arrival. The Council received this for information only.

Item No. 5 Staff brought forth, for information purposes, the Public Works Department update. With the warmer weather upon us, the ice rinks have been discontinued for the season and Public Works staff has transitioned to spring cleanup. The aerators have been turned off on Willmar and Foot Lakes. The Council received the Public Works update for information only.

Item No.6 The Snow Emergency Ordinance was discussed for improvement on City efficiencies. The possibilities of a stop or yield sign in the intersections of 9<sup>th</sup> Street SW and Becker Avenue and Monongalia Avenue were discussed. The Committee requested the salt and sand usage for this winter season and overtime paid for snow removal. Road restrictions were discussed, with the effective date of March 11<sup>th</sup>. The Committee discussed preventing traffic driving in Robbin's Island on the grass as the snow melts. The request for a grand opening ceremony for the Auditorium was noted, with the request to be given to the Project Manager. This was received for information only.

The Public Works/Safety Committee Report for March 10, 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 Anderson, and carried.

City Clerk Kevin Halliday presented for consideration a Civic Center Arena Special Event by On-Sale Liquor License. The Civic Center has rented spaced to the West Central Builders Association who will hold a two-day show on March 28-29, 2015. On March 28<sup>th</sup>, the West Central Builders Association plans to offer free alcohol to their members after closing hours and all the patrons have gone home. The Baker's Eagle Creek Eatery LLC has applied for this permit with on-site employee listed as Jenna Chapin. The request has been approved by the CER Joint Powers Board in February. Staff is recommending approval. A motion to approve the Special Event by On-Sale Liquor License at the Civic Center as presented was made by Council Member Anderson. Council Member Christianson seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

City Clerk Kevin Halliday then presented for consideration the On-Sale, On-Sale Club, On-Sale Wine, On-Sale 3.2% Intoxicating Malt and Off-Sale Liquor License Renewals. The term of the licenses is from

April 25, 2015 to April 25, 2016. The Council reviewed the list of establishments for each license type. It was staff's recommendation to approve and submit to the State of Minnesota. A motion was made by Council Member Fagerlie to approve the renewals. Council Member Johnson seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Announcements for Council Committee meeting dates were as follows: Finance, 4:45 p.m. at City Hall, March 23; Public Works/Safety, 4:45 p.m. at City Hall, March 24; Labor Relations, 4:45 p.m. at City Hall, March 25, and Community Development, 4:45 p.m. at City Hall, March 26, 2015.

Council Member Fagerlie announced a fundraiser for the Willmar Downtown Development on March 26<sup>th</sup> called Hidden Treasures Downtown 2<sup>nd</sup> Floor Dinner Tour. Tickets can be purchased at the Goodness Coffee House or online at [willmardowntowndevelopment.com](http://willmardowntowndevelopment.com). Proceeds go to supporting the Historic 313 Hub Renovation Project.

There being no further business to come before the Council, the meeting adjourned at 8:54 p.m. upon motion by Council Member Ahmann and second by Council Member Christianson.

Attest:

\_\_\_\_\_  
MAYOR

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