

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

October 5, 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, Finance Director Steve Okins, Community Education and Recreation Director Steve Brisendine, Public Works Director Sean Christensen, Fire Chief Frank Hanson, Police Chief Jim Felt and City Attorney Robert Scott.

There were no proposed additions or deletions to the agenda.

Council Member Anderson offered a motion to adopt the Consent Agenda which included the following items: City Council Minutes of September 21, Labor Relations/Council Minutes of September 22, Rice Hospital Board Minutes of September 23, Municipal Utilities Commission Minutes of September 28, Accounts Payable Report through September 30, Building Inspection Report for September, City/County HRA Board Minutes of August 19, and CER Joint Powers Board Minutes of September 25, 2015. Council Member Ahmann seconded the motion, which carried.

At 7:01 p.m. Mayor Calvin opened the Hearing to consider an amendment to the Zoning Ordinance to rezone property from Government Institutional (G/I) to Agricultural (AG). Planning and Development Services Director Bruce Peterson explained this is the final step in the transfer of land from the City of Willmar to Willmar Poultry Company for construction of a nursery brooding facility near the City's Wastewater Treatment Plant. In order to make the development consistent with abutting properties in all directions, which are outside the City limits and all zoned Agricultural by the County, it is staff's recommendation to adopt the ordinance. There being no one present to speak against the amendment to the Zoning Ordinance to rezone the property, Mayor Calvin closed the hearing at 7:02 p.m.

Council Member Fagerlie offered a motion to adopt, assign a number and order final publication of the Ordinance Amending the Zoning Ordinance to Rezone the property from G/I to AG. Council Member Plowman seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Mayor Calvin recognized Bob Skor, 617 SW 14<sup>th</sup> Street, who requested to address the Council during the Open Forum. Mr. Skor expressed his opinion relating to the flowers in the downtown suggesting the City take care of the initial planting and then the businesses in the Downtown water the flowers in front of their businesses and residences. He spoke on the censorship of the Open Forum asking why certain people are allowed to talk without stating their names and addresses.

The Finance Committee Report for September 28, 2015 was presented to the Mayor and Council by Council Member Anderson. There were eleven items for consideration.

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

Item No. 2      Independent City Auditor David Euerle of Westberg & Eischens provided the Committee with an overview of the 12/31/14 Audit Report. It was noted that the City overall has very good fund balances. The Waste Treatment Fund has shown strong improvement in operating income over the last

three years and expenses have been relatively flat. Chair Anderson asked about the delay in finalizing the financial statements. Mr. Euerle felt there were several issues causing this problem, including the Finance Department being short staffed, other departments not providing information to the Finance Department in a timely manner, and the auditors not conducting their audit until everything has been compiled by the City. Mr. Euerle suggested that in the future a timeline could be provided to the Committee relating to the audit process. Additionally, he offered to attend meetings to update the Committee with the status of the financial statements. This matter was received by the Council for information only.

Item No. 3 Information Systems Coordinator Ross Smeby explained to the Committee that in preparation for the Cable Franchise renewal, a PEG (Public, Educational and Governmental) Access Assessment will need to be done to review access operations, facility needs and current/future channel capacity need. A proposal for this work has been received from CBG Communications, Inc., of St. Paul, for a not to exceed amount of \$19,920 which includes reimbursable expenses. The Proposed 2016 Budget includes a request for \$20,000 to cover the cost of this assessment. This six-month project needs to be done by the 1<sup>st</sup> quarter of 2016 so we would need to enter into the agreement now; consequently, the funds have to be allocated in 2015. Staff suggested that Public Improvement Revolving Funds (PIR) be used to fund the agreement in 2015, with the understanding that the 2016 Information Systems Operating Budget will reimburse the PIR Fund. It was noted that this agreement has already been reviewed by the Cable Advisory Committee with a recommended action of sending it to the full council for approval.

The Committee was recommending the Council introduce a resolution to authorize the Mayor and Interim City Administrator to execute the PEG Access Agreement with CBG Communications, Inc., for an amount not to exceed \$19,920 and that Public Improvement Revolving Funds be used to temporarily fund this agreement until 2016, at which time the Information Systems Budget will reimburse the PIR Fund.

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

RESOLUTION NO. 1

WHEREAS, the City of Willmar is in the process of a cable television franchise renewal for its regional access channels; and

WHEREAS, it is required that a PEG (Public, Educational and Governmental) Access Assessment be conducted to review access operations, facility needs and current/future channel capacity need;

NOW, THEREFORE, BE IT RESOLVED By the City Council of the City of Willmar, Minnesota, that the Mayor and Interim City Administrator be authorized to execute the PEG Access Agreement with CBG Communications, Inc., of St. Paul, MN, for an amount not to exceed \$19,920;

BE IT FURTHER RESOLVED that the Public Improvement Revolving (PIR) Fund be utilized to temporarily fund this agreement and that the PIR Fund be reimbursed via the 2016 Information Systems Professional Services Operating Budget.

Dated this 5th day of October, 2015.

/s/ Marv Calvin  
Mayor

/s/ Kevin Halliday  
Attest: City Clerk

Item No. 4 Information Systems Coordinator Ross Smeby explained to the Committee that the current HVAC system at the WRAC-8 building cannot adequately remove moisture from the building and there is no air exchanger or windows that allow for air circulation. After an analysis by multiple contractors,

it was determined that a dehumidifier and air exchanger was needed for the building. One of the quotes also included reattaching heater cores in the building since there is a concern that the current heater for the building is not adequate. Also, leaks in the basement need to be sealed to avert future flooding. Staff is recommending that this work, including reattaching the heater cores and sealing the basement leaks, be done by Bullet Proof Mechanical of Willmar for their bid of \$43,219. Funds could be reallocated from the 2015 Capital Outlay budget for Thin Clients which is not being done at this time.

After noting that Chappell Central had only provided a bid on installing an air exchanger only, Chair Anderson asked that Chappell resubmit their bid to cover the same scope of work that Bullet Proof Mechanical provided. Council Member Nelsen stated the City needs a building or facilities manager to help avert these types of issues. For now she feels that the City Engineering Department should look at the issue and then the project should be rebid. Council Member Fagerlie suggested using the two City building officials to inspect the building. After considerable discussion, it was determined that staff should research the issue further and bring back a recommendation as to how to proceed. The Council received this matter for information only.

Item No. 5 Information Systems Coordinator Ross Smeby explained to the Committee that the City's current Computer Use Policy was adopted in 2003. Given the new technology that has been implemented by the City since that time, a complete rewrite of the policy was needed. The new Technology Use Policy was presented for review and approval. Council Member Nelsen raised the issue of using personal email for City business that could subject the City to perform a search on those personal emails. Staff will include in the new policy that all City staff should use only City email addresses when conducting City business.

The Committee was recommending the Council introduce a resolution to adopt the Technology Use Policy, subject to City Attorney review, to include that all City staff use City email addresses when doing City business. Council Member Anderson made the motion to introduce the resolution with Council Member Fagerlie seconding for discussion.

Council Member Nelsen questioned if the term "City staff" included Council Members in this policy as well. Mayor Calvin stated the City Attorney would advise if the term staff includes the Council.

City Attorney Robert Scott stated he did review the policy and suggested a few changes which he felt were consistent with the LMC Guidance for a Technology Use Policy. He noted those changes he suggested have been reflected in the document presented, but also asked to look into the document further to determine if all or just sections of it pertain to the City Council.

Council Member Christianson questioned the implementation of this policy and the violation of the First Amendment stating it all comes down to trust. Council Member Johnson commented on having these restrictions in place when there are times his City iPad has technological issues whereby he has gone to other available computers to conduct City business, thereby limiting us to do things timely.

City Attorney Robert Scott made the comment that City data is public data no matter where it is stored. Council Member Plowman suggested there be two separate policies, one for City staff and another specifically for elected officials. Council Member Nelsen expressed concerns for data privacy and the open meeting law siting emails that have come from all Council Members using a combination of home emails addresses along with City email addresses and official city business being conducted on city emails only.

Council Member Johnson made a motion to table the adoption of the Technology Use Policy. Council Member Christianson seconded the motion, which carried.

Item No. 6 Staff explained to the Committee that the EDC wrote an application to the Blandin Foundation to provide greater Wi-Fi accessibility for users at the Civic Center. The EDC has agreed to provide a grant in the amount of \$8,800 to the City of Willmar to fund these Wi-Fi enhancements. Matching funds are

required for this grant in the amount of \$4,200 from the City with the Willmar Area Curling Club donating an additional \$1,000 for a total project cost of \$14,000. Having this enhancement would benefit dry floor events, school functions, and curling club activities. Questions discussed included frequency of needed updates, security issues, and adequate bandwidth. Council Member Nelsen supported the project stating it would be helpful for students to do their homework. Chair Anderson asked that staff look into charging extra for using Wi-Fi at the Civic Center.

The Committee was recommending the Council introduce a resolution authorizing the Wi-Fi Enhancement Project at the Civic Center in the amount of \$14,000, accepting the EDC Grant of \$8,800, accepting the Willmar Area Curling Club donation of \$1,000, and to direct the Interim City Administrator to send a letter of appreciation to both entities. The recommendation further included reallocating \$4,200 from the 2015 Civic Center Operating Budget to Capital Outlay.

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

RESOLUTION NO. 2

WHEREAS, the Kandiyohi County/City of Willmar Economic Development Commission (EDC) has written an application to the Blandin Foundation to provide greater Wi-Fi accessibility for users at the Civic Center; and

WHEREAS, the EDC has agreed to provide a grant to the City of Willmar to fund these Wi-Fi enhancements in the amount of \$8,800 which requires matching funds; and

WHEREAS, the Willmar Curling Club has agreed to donate \$1,000 toward this Wi-Fi enhancement at the Civic Center; and

WHEREAS, the total project cost to install this Wi-Fi enhancement at the Civic Center is estimated at \$14,000;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Willmar, Minnesota, that the Wi-Fi Enhancement Project at the Civic Center be approved in the amount of \$14,000; and

BE IT RESOLVED that the EDC Grant in the amount of \$8,800 for the Wi-Fi Enhancement Project be accepted and that the Interim City Administrator be directed to send a letter of appreciation for this grant; and

BE IT RESOLVED that the Willmar Curling Club donation of \$1,000 for the Wi-Fi Enhancement Project be accepted and that the Interim City Administrator be directed to send a letter of appreciation for this donation; and

BE IT FURTHER RESOLVED that \$4,200 be reallocated from the 2015 Civic Center Operating Budget to Capital Outlay and that the budget be amended accordingly.

Dated this 5th day of October, 2015.

/s/ Marv Calvin  
Mayor

/s/ Kevin Halliday  
Attest: City Clerk

Item No. 7 Staff explained to the Committee that, at a recent Vision 2040 Steering Committee meeting, it was noted some stakeholders are paying their requested share from current 2015 sources, including the City of Pennock, Willmar Public Schools, New London-Spicer Schools, and Community Christian

School. The last payment made toward Vision 2040 by the City of Willmar was on August 26, 2014. Mayor Calvin asked the Committee to consider contributing the \$5,000 Vision 2040 Stakeholder Request out of the 2015 budget instead of the proposed 2016 budget. The Mayor would like this contribution to be designated for Vision 2040 Marketing and Website Improvements. Sources for 2015 funding of this payment were discussed. Council Member Nelsen expressed her support for Vision 2040 as well as concerns about the increasingly stringent process civic organizations need to follow to submit a request, particularly what changed from last year to this year in the process. She also wants staff to provide a report on the Vision 2020 Contributions as well as the Vision 2040 Contributions to date. Further, she informed the Committee that the Vision 2040 Group would be willing to attend a Council meeting to provide an update on their progress. Council Member Johnson stated he is uncomfortable with making this contribution in that it is not entirely for public purpose. Staff explained that Vision 2040 marketing and website improvements as well as community health initiatives would all be public purpose. The Council received this for information only.

Item No. 8 Staff explained to the Committee that property located at 1300 12<sup>th</sup> Street SE, identified as Parcel #95-672-0060, had a senior citizen deferment recorded against the property by Melissa A. (Sutherland) Walsh. This lien for a 2010 Street Project, totaling \$4,244.08, was omitted by the title company in a January 22, 2015, sale. This secondary sale does not qualify for continuation of the deferred assessment and pursuant to MS 435.195, the original assessed amount plus interest was due and payable at the time of sale. Apparently, the new owner, Douglas Mulder, was deceived at the time of sale that no payment was due until 2016. No City staff in any office would have indicated such a procedure to the title company. The only practical legal solution is to assess the full amount of \$4,244.08 against the parcel for full collection in 2016.

The Committee was recommending the Council introduce a resolution certifying the deferred assessment of \$4,244.08 for collection on the tax rolls in 2016.

Resolution No. 3 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 3

WHEREAS, the City Council of the City of Willmar, Minnesota, did order the reconstruction of certain streets during the year 2010 (Project 1001); and

WHEREAS, certain property owner(s) made application to the City for delayed payment of tax on special assessments, deferred until such time as the property is sold or transferred, and said property was sold on January 22, 2015, noting the closing documents did not allow for payment to the City of Willmar.

NOW, THEREFORE, BE IT RESOLVED by the Willmar City Council that special assessments as hereinafter designated be certified to the County for collection in 2016.

|                                 |                              |            |
|---------------------------------|------------------------------|------------|
| Douglas Mulder                  | 95-672-0060                  | \$4,244.08 |
| 1300 12 <sup>th</sup> Street SE | Lot 6, Block 1               |            |
| Willmar                         | PLEASANT VIEW THIRD ADDITION |            |

Dated this 5th day of October, 2015.

/s/ Marv Calvin  
Mayor

/s/ Kevin Halliday  
Attest: City Clerk

Item No. 9 Staff reported to the Committee that the City's current nuisance weed and grass mowing ordinance allows for a \$35 Administrative Charge to be added to the City mowing charges. Recently, Kandiyohi County added a new fee of \$10.00 for each property tax bill entered into their system, thereby increasing the cost to the City to certify unpaid nuisance grass mowing charges to the County. Staff is recommending a new Administrative Charge of \$50.00 or more. It was noted that the current \$35.00 Administrative Fee was set in May, 2000, by Ordinance No. 1135.

Initially the Committee was recommending the Council direct the City Attorney to draft the proposed change of \$50 for the Administrative Charge. After further discussion, the Committee amended their recommendation to the Council to direct the City Attorney to draft the proposed change to \$75 for the Administrative Charge.

Council Member Anderson moved the recommendation of the Committee directing the City Attorney draft a change to the nuisance ordinance administrative charge of \$75. Council Member Fagerlie seconded the motion.

Interim City Administrator Kevin Halliday clarified to the Council that staff is recommending the \$75 Administrative Charge be set for all the nuisances i.e., weed and grass, snow removal, and garbage clean up and this would require three different ordinance amendments to be drafted.

Council Member Anderson raised the question if the nuisances can be listed in one Ordinance to be drafted for the Council. Interim City Administrator Halliday stated that each of those nuisances have a separate section in the Municipal Code and would require separate ordinance amendments.

Council Member Johnson questioned if City Attorney Robert Scott can draft an ordinance where rather than use the specific dollar amounts it be incorporated by reference that the nuisance fee be as determined by Council resolution from time to time. City Attorney Scott felt this is generally an acceptable practice and can certainly be looked into as an option in this situation.

Council Member Nelsen raised the question of tabling this fee until such time as the other two nuisance fees are raised and come before the Council so it can all be dealt with at the same time.

Interim City Administrator Kevin Halliday restated the direction given to the City Attorney to be to draft one ordinance using verbiage that will allow the Council to set administrative fees by Council resolution from hereafter which will require an ordinance to amend the ordinance.

City Attorney Robert Scott stated for clarity that he understood the motion to be direct him to do what is required to implement the policy direction the Council is setting and he will do that by an amendment to the ordinance. He will determine whether the increase is to be included in the ordinance itself or simply state that those fees will be determined by Council resolution from time to time. He will draft the document to be brought back to Council for consideration.

Following considerable discussion, the motion was repeated which directs the City Attorney to draft the proposed change of \$75 for Administrative Fee where applicable and bring the document back to Council for review. The motion carried.

Item No. 10 Staff explained to the Committee that the lessees of agricultural land lease Tract VIII has requested permission to install drainage tile on the property at no cost to the City and, subsequently, are also requesting that their lease be extended an additional four years for the same rental rate which would bring the expiration date to December 15, 2022. Copies of the new proposed land lease for Tract VIII were provided.

The recommendation of the Committee to the Council was to introduce a resolution to authorize the Mayor and City Administrator to execute the agricultural lease extension for Tract VIII as presented.

Resolution No. 4 was introduced by Council Member Anderson, seconded by Council Member Johnson, 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, a municipal corporation of the State of Minnesota that the Mayor and Interim City Administrator be authorized to execute the following Land Lease Agreement extension for the period December 15, 2018, to December 15, 2022, between the City of Willmar and the following Lessees:

Mike Arends & Randy/Norm Kveene

Tract 8, Section 23, Township 119N, Range 36W  
77.41 acres more or less

Dated this 5th day of October, 2015.

/s/ Marv Calvin  
Mayor

/s/ Kevin Halliday  
Attest: City Clerk

Item No. 11 Chair Anderson reminded the Committee that the October 12, 2015, Finance Meeting agenda will include the department directors' presentation of their respective 2016 budgets.

Council Member Anderson made a motion to approve and file the Finance Committee Report for September 28, 2015. Council Member Christianson seconded the motion.

The Public Works/Safety Committee Report for September 29, 2015 was presented to the Mayor and Council by Council Member Christianson. There were twelve items for consideration.

Item No. 1 There was no public comment.

Item No. 2 Police Chief Jim Felt noted the jail census for September 29, 2015 was 172; 95 inmates from the Department of Corrections, 75 inmates from Kandiyohi County, 1 inmate from Big Stone County and 1 inmate from Swift County. The calls for service for the previous two weeks totaled 821. 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 18 days ahead of 2014 at this date. The Committee discussed the continued frequency of the higher number of calls due to Family Services reporting.

Chief Felt noted the total Fire Department calls for service for the previous two weeks totaled 24, and included 4 fire calls, 13 alarm calls, 3 vehicle accidents, 1 grass fire, and 2 car fires. The total calls for service so far this year is 273, 34 calls above last year. The Police and Fire updates were received by the Council for information only.

Item No. 3 Duinick staff brought forth, for information, the proposed Water View phase 2 infrastructure improvements requesting the City participate in a 50% cost-sharing agreement of the estimated \$1,973,904 project total. Duinick previously presented the proposal at the July 14<sup>th</sup> Committee meeting asking for City participation, with a resolution adopted for a revised alignment and the City to participate in project financing to the extent the Council recognizes the benefit to the greater community. Duinick provided a revised layout to extend 24<sup>th</sup> Street to connect with an extension of Lakeland Drive and discussed possible City benefits. The Committee discussed the aspects of the cost-sharing agreement and past developers agreements indicate costs to be 100% developer responsibility. The possible property tax increases of Water View Business Park were discussed if further development were to take place but the timeline of the increase is unknown.

Council Member Christianson raised the question of whether or not the Council should hold discussion on the project at this time questioning the school's site decision being based on the City's decision on cost participation in the proposed development.

Mayor Calvin raised the question if staff has come to an agreement on a layout with Duininck for the site. Public Works Director Sean Christensen stated there is not a revised plat, just a preliminary site layout which does not include the internal layout of the streets for the school. Planning and Development Director Bruce Peterson addressed the Council informing them that neither of the sites the school is looking at have come before the Planning Commission and this particular site plan would require amending the original Water View Business Park Plat. The project is at a standstill at least until the City has made a decision as to cost participation as it relates to the Duininck site.

Council Member Christianson commented the entire decision is money-related which is determined by what percentage of this project benefits the City, the school and Duinincks. Council Member Anderson commented on the Public Works/Safety Committee minutes stating past developer's agreements indicate costs to be 100% developer responsibility which is what the City has always done and his concern of setting a precedent.

After further discussion no action was taken with the Council realizing the level of financial support as the main concern and what the benefit would be to the City and what type of precedent this would set. This was received by the Council for information only.

Item No. 4 Staff brought forth, for approval, to award the Wastewater Pretreatment Consultant Services contract to Bolton & Menk and authorize signatures to execute an agreement in the amount of \$29,875. Staff solicited proposals from engineering firms for the development of an MPCA Delegated Pretreatment Program as required by the Wastewater Treatment NPDES Permit. Two proposals were received from Bolton & Menk and SEH, with Bolton & Menk being the recommended firm for the project. The Committee discussed the need for a consultant on tasks of this nature with staff reporting in future years the Environmental Specialist should be able to handle these functions of the MPCA permits in the future. The Committee was recommending the Council award the consultant service contract of the Pretreatment Program to Bolton & Menk and authorize signatures to execute an agreement in the amount of \$29,875.

Resolution No. 5 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. 5

Whereas the City of Willmar desires to retain a firm to provide consultant services for the Wastewater Pretreatment Program; and

Whereas a proposal has been made by the firm of Bolton & Menk, Inc. at an estimated cost of \$29,875.00;

Now therefore be it resolved by the City Council of the City of Willmar that said proposal be accepted and that the Mayor and City Administrator be authorized to execute an agreement on behalf of the City for the same.

Dated this 5th day of October, 2015.

/s/ Marv Calvin  
Mayor

/s/ Kevin Halliday  
Attest: City Clerk



Item No. 5 Staff brought forth, for approval, the award of a continuing professional services agreement with Donohue for the first step in the City's approved 20 year compliance schedule of the NPDES permit regarding salty discharge, SIU permit assistance and wastewater operations and engineering assistance on a task order basis. The Committee was recommending the Council award the continuing professional services agreement with Donohue for the NPDES permit assistance, SUI permit assistance, wastewater operations and engineering assistance.

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

Whereas the City of Willmar desires to retain a firm to provide consultant services for NPDES permit assistance, SUI permit assistance and wastewater operations and engineering assistance; and

Whereas a proposal has been made by the firm of Donohue & Associates not to exceed \$65,370.00;

Now therefore be it resolved by the City Council of the City of Willmar that said proposal be accepted and that the Mayor and City Administrator be authorized to execute an agreement on behalf of the City for the same.

Dated this 5th day of October, 2015.

/s/ Marv Calvin  
Mayor

/s/ Kevin Halliday  
Attest: City Clerk

Item No. 6 Staff brought forth, for approval, Civic Center HVAC Change Order No. 1 in the amount of \$19,567. The City contracted with Cool Air Mechanical for the design and construction related services contract in June, 2015 for the replacement of the dehumidification system in the Cardinal and Blue Line Arena, infrared heater adjustments and updating electrical equipment. Change Order No. 1 adds a heating section to the dehumidification unit for the Cardinal Arena supplying primary heat. It was the recommendation of the Committee that the Council approve the Civic Center HVAC Change Order No. 1 in the amount of \$19,567.

Resolution No. 7 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. 7

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 the Civic Center HVAC Design & Construction Services between the City of Willmar and Cool Air Mechanical of Ham Lake, MN by Change Order No. 1 in the increased amount of \$19,567.00.

Dated this 5th day of October, 2015.

/s/ Marv Calvin  
Mayor

/s/ Kevin Halliday  
Attest: City Clerk

Item No. 7 Staff brought forth, for information, the analysis of the Priority 2 playground equipment with recommendations for the units for repair, removal or to remain as is. The City's Certified Playground Inspectors previously inspected the 230 individual pieces of equipment in the City's 28 parks.

Each piece was given a priority rating of 1 through 5, with 1 indicating a potential life threatening issue and 5 signifying no issues and the Priority 1 equipment was removed. The Committee requested further information on repairs and costs of the repairs for the Priority 2 units. This was received by the Council for information only and will be brought back at the next Public Works/Safety Committee meeting.

Item No. 8 Staff brought forth, for approval, the application for a grant with matching funds for playground systems to be purchased in 2015 and installed in 2016 with Gametime Playground Systems. The organization will match every dollar spent over \$75,000 on the purchase of equipment prior to November 13, 2015. The 2015 CIP includes \$150,000 for park development priorities and to date \$62,000 has been expended. Staff is proposing purchasing between \$75,000 and \$90,000 worth of equipment through the grant and also has WCER Board approval. The Committee was recommending the Council approve the grant application with Gametime Playground Systems for matching dollars to purchase playground systems.

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

#### RESOLUTION NO. 8

BE IT RESOLVED by the City Council of the City of Willmar to approve an application by the City of Willmar for, and the acceptance of, Gametime Playground Systems Grant for the matching dollars over \$75,000 on the purchase of playground equipment.

Dated this 5th day of October, 2015.

/s/ Marv Calvin  
Mayor

/s/ Kevin Halliday  
Attest: City Clerk

Item No. 9 Staff brought forth, for information, the cooling design options of the Auditorium. It was previously noted the Auditorium is not equipped with a cooling system, with the 2014 Master Plan of the building noted cooling as a low priority and listed cooling options in Step 5 and only Steps 1-3 were completed. The gun range air handling unit does not indicate a space for a cooling coil but the engineer believes it could possibly be installed and there are locations for coils to be installed in the training room and gym units. Following discussion, the Committee requested a copy of the Master Plan to review before determining further action. The Council received this for information only.

Item No. 10 Staff brought forth, for information, the final settlement agreement including the termination of easements at the Airport with Kvam. The City gains the extinguishing of the two easements it originally granted Kvam in the condemnation of their properties for the construction of the airport. These easements caused the City to be out of compliance with its grant obligations to the FAA. The City is granting Kvam access of the properties for farming purposes, a 50% reduction in rent for leasing parcels 10-A and 9-B to the Kvam trust over a ten-year period, a one-time payment of \$2,500 as partial reimbursement for the Kvam's attorney fees and the agreement to pay a termination fees in the unlikely event the FAA requires the city to terminate the licenses across parcel 10-A in the amount of \$70,000 and parcel 24-A in the amount of \$40,000. Upon execution of the settlement agreement, the FAA will release \$600,000 in funds previously held due to the City's non-compliance and \$150,000 annually thereafter. The Committee was recommending the Council approve the Settlement Agreement and Easement Termination.

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

RESOLUTION NO. 9

A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLMAR, MINNESOTA APPROVING A SETTLEMENT AGREEMENT RESOLVING THE CITY'S CONDEMNATION OF INTERESTS IN REAL PROPERTY FOR AIRPORT PURPOSES AND LICENSE AGREEMENTS FOR ACCESS ACROSS AIRPORT PROPERTY

WHEREAS, the City of Willmar (the "City"), a Home Rule Charter City, owns and operates the Willmar Municipal Airport (the "Airport") in the City, which was constructed beginning in 2005 and opened to the public on September 5, 2006; and

WHEREAS, pursuant to Willmar City Council Resolution No. 5, passed November 17, 2014, the City commenced eminent domain proceedings in Kandiyohi County District Court, Case File No. 34-CV-14-609 (the "eminent domain action"), to reacquire and extinguish certain permanent easements for ingress and egress across City-owned parcels 10-A and 24-A of the Willmar Municipal Airport Right-of-Way Plat No. 1-1 on file with the Kandiyohi County Recorder (the "easements") that had been granted to the Andrew Kvam Trust "B" and Philip I. Kvam (collectively, the "Kvam parties"), respectively; and

WHEREAS, the City's staff and its legal counsel have negotiated a settlement of the eminent domain action with the Kvam parties pursuant to which the City will reacquire and extinguish the easements in exchange for granting licenses to the Kvam parties which allow them similar access to their properties as the easements did and other consideration, all as outlined in the Settlement Agreement and exhibits thereto appended to this Resolution (the "Settlement Agreement"); and

WHEREAS, the City Council approves of the terms of settlement contained in the Settlement Agreement and wishes to settle the eminent domain action pursuant to such terms.

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

1. The Settlement Agreement appended hereto is hereby approved, and the Mayor and City Administrator are authorized to execute the same on behalf of the City.
2. The Termination of Easement forms attached to the Settlement Agreement as Exhibits 1 and 2 are each hereby approved, and the Mayor and City Administrator are authorized to execute the same on behalf of the City.
3. The License Agreements attached to the Settlement Agreement as Exhibits 3 and 4 are each hereby approved, and the Mayor and City Administrator are authorized to execute the same on behalf of the City.

Dated this 5th day of October, 2015.

/s/ Marv Calvin  
Mayor

/s/ Kevin Halliday  
Attest: City Clerk

Item No. 11 Staff brought forth, for information, the proposed easement agreement with the City and CenterPoint Energy for a 6'x6' exclusive easement to install a new gas meter in the southwest corner at the Dental Office located directly behind City Hall. The office was recently purchased by a new dentist and upon inspection of the building the gas meter was found to be out of compliance and would need to be relocated by CenterPoint Energy. The Committee was recommending the Council approve the acceptance of the easement with CenterPoint Energy for 512 Becker Ave SW upon review by Attorney Robert Scott.

Resolution No. 10 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.10

WHEREAS, it was determined upon the inspection for the sale of the property at 512 SW Becker Avenue that the gas meter was out of compliance and would need to be relocated by CenterPoint Energy; and

WHEREAS, an agreement between the City and CenterPoint Energy has been prepared for a 6' x 6' utility easement for the installation of a new gas meter adjacent to southwest corner of the property and within the City's property at 333 SW 6<sup>th</sup> Street;

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Willmar that the Mayor and City Administrator are hereby authorized to sign said easement on behalf of the City contingent upon the easement being approved by the City Attorney.

Dated this 5th day of October, 2015.

/s/ Marv Calvin  
Mayor

/s/ Kevin Halliday  
Attest: City Clerk

Item No. 12 An update on the findings of the examination of overgrown vegetation of branch 3 of Ditch 23A by Valley Golf Course was requested from staff. This was received for information only by the Council.

The Committee was recommending the Council direct staff to contact the owners of the Mills property downtown to inquire about using the lot for overflow parking at events and future use. Council Member Christianson moved the recommendation of the Committee. Council Member Ahmann seconded the motion, which carried.

Council Member Christianson made a motion to approve and file the Public Works/Safety Committee Report for September 29, 2015. Council Member Anderson seconded the motion.

Interim City Administrator Kevin Halliday presented for Council consideration the resolution, in accordance with Minnesota Statutes, appointing election judges for the Ward 4 Special Election scheduled for November 10, 2015.

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

RESOLUTION NO.11

BE IT RESOLVED, that the individuals listed below be appointed as Judges to work at the Ward 4 Special Election in the City of Willmar on Tuesday, November 10, 2015:

WARD FOUR

Precinct One:

David Rogers, Co-Head Judge  
Dan Reigstad, Co-Head Judge  
Sandra George  
Joan Gleasman  
Kent Skoglund

Precinct Two: Dennis Krueger, Co-Head Judge  
Ardell Engwall, Co-Head Judge  
Sally McAdams  
Carl Shuldes  
Mary Konieczny

Precinct Three: Suzanne Rogers, Co-Head Judge  
Connie Heath, Co-Head Judge  
Janice Krueger  
Duane Bock  
Mary Bock  
Janice Crackel

Absentee Judges: Marv Kray  
Ardell Engwall

Absentee Ballot Board Marv Kray  
Jan Lindblad  
Dennis Stienessen

Dated this 5th day of October, 2015.

/s/ Marv Calvin  
Mayor

/s/ Kevin Halliday  
Attest: City Clerk

Announcements for Council Committee meeting dates were as follows: Finance (Full Council), 4:45 p.m. at Council Chambers, October 12; Public Works/Safety, 4:45 p.m. at City Hall, October 13; and Labor Relation, 4:45 p.m. at City Hall, October 14, 2015.

Mayor Calvin reminded the Council that their next meeting on October 19<sup>th</sup> will start at 5:00 p.m. at the Council Chambers to meet with Gary Weirs and review the finalists for the City Administrator position. The meeting is open to the public and the intent of the meeting is to select those individuals to interview. He also announced the Council Retreat scheduled for October 16<sup>th</sup> starting at 1:30 at the Willmar Conference Center with the Big River Group, LLC.

Mayor Calvin congratulated Steve Linder and KWLM on their 75<sup>th</sup> Anniversary and thanked the group for all they have given to the community.

The National Guard Deployment is scheduled for Thursday, October 8<sup>th</sup> at 11:00 a.m. at the Senior High School. They are asking for participation by the community for a good send off.

Mayor Calvin addressed the Council stating as a Council we have tough issues before us every day. We need to put our past behind us and acquire positive synergy to move forward in a new direction collectively, as a group. He asked the public to allow them get there work done during the Council Retreat and get our community moving in a positive direction. He urged the Council to get behind each other and support each other.

Council Member Christianson offered a motion to adjourn the meeting with Council Member Anderson seconding the motion, with carried. The meeting adjourned at 8:50 p.m.

Attest:

\_\_\_\_\_  
MAYOR

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