

**WILLMAR CITY COUNCIL PROCEEDINGS**  
**BOARD ROOM**  
**HEALTH AND HUMAN SERVICES BUILDING**  
**WILLMAR, MINNESOTA**

August 5, 2019  
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 Rick Fagerlie, Shawn Mueske, Kathy Schwantes, Vicki Davis, Fernando Alvarado, Julie Asmus, Andrew Plowman and Audrey Nelsen. Present 9, Absent 0.

Also present were Interim City Administrator Brian Gramentz, Police Chief Jim Felt, Finance Director Steve Okins, Park and Recreation Director Rob Baumgarn, Planning and Development Services Director David Ramstad, Public Works Director Sean Christensen, Fire Chief Frank Hanson, Human Resource Director Samantha Beckman, City Clerk Judy Thompson, City Attorney Brandon Fitzsimmons, and City Planner Sarah Swedburg.

There were no additions or deletions to the agenda.

Council Member Fagerlie moved to approve the agenda as presented. Council Member Mueske seconded the motion which carried.

City Clerk Judy Thompson reviewed the consent agenda.

- A. City Council Minutes of July 15, 2019
- B. Willmar Municipal Utilities Board Minutes of July 22, 2019
- C. Planning Commission Minutes of July 17, 2019
- D. Application for Exempt Permit – West Central Ducks Unlimited
- E. Appointment of Khalif Bashir to Board of Zoning Appeals
- F. Accounts Payable Report July 11 through July 31, 2019
- G. Park and Recreation Board Minutes of July 17, 2019
- H. Invest in Willmar Board Meeting Summary of June 12, 2019
- I. Invest in Willmar Board Meeting Summary of June 19, 2019

Council Member Nelsen offered a motion to approve the Consent Agenda. Council Member Fagerlie seconded the motion which carried.

There was no one present to speak during the Open Forum.

At 7:02 p.m. Mayor Calvin opened the public hearing for an Ordinance Authorizing Sale of Real Property to James Viaene. City Planner Sarah Swedburg stated the City received an offer to purchase a small portion of old Wastewater Treatment Plant land from James Viaene. Mr. Viaene has obtained an easement agreement for many years, granting ingress and egress across City property to certain real estate owned by himself.

There being no one to speak for or against said ordinance, Mayor Calvin closed the public hearing at 7:03 p.m. and opened it up for discussion by the Council. Following discussion, Council Member Fagerlie offered a motion to adopt, assign a number and order final publication of **Ordinance No. 1439 An Ordinance Authorizing the Sale of Real Property to James Viaene**. Council Member Asmus seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

**Resolution No. 19-109 Adopting the Land Purchase Agreement with James Viaene** was introduced by Council Member Mueske. Council Member Schwantes seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

The Community Development Committee Report for July 22, 2019 was presented to the Mayor and Council by Council Member Fagerlie. There were three items for consideration.

Item No. 1 Aaron Backman, Executive Director of EDC was present to inform the Committee of the request to approve the cost participation in a natural gas line extension into Willmar Industrial Park 4<sup>th</sup> Addition to serve Backes Technology and other vacant lots. The 4<sup>th</sup> Addition Industrial Park is west of County Road 5. The attachment show the current occupied lots and vacant lots. The second attachment shows existing natural gas lines in green, while the orange line pertains to what is being purposed. Industrial Park 3<sup>rd</sup> Addition, there is a line that comes down from Highway 12 and along past RELCO down 28<sup>th</sup> Street to Trott Avenue. There is also an existing 2-inch line that goes east and west from County Road 5 on the east side and goes to Magnum Trucking. There is no natural gas in the northern 2/3 of the 4<sup>th</sup> Addition. The EDC is requesting that the Committee recommend to the City Council that they partner with Backes Technology to fund a 2,450-foot extension of a 4-inch natural gas pipeline from the intersection of Trott Avenue SW and 28<sup>th</sup> Street SW to near the intersection of 32<sup>nd</sup> Street SW and 3<sup>rd</sup> Avenue SW. Centerpoint Energy is willing to extend a 4-inch line nearly half a mile to the Backes building at a cost of \$14,324. Backes Technology is asking if the cost of the line extension can be shared between the City and the business. They argue that the new line will serve 13 other lots in the 4<sup>th</sup> Addition. At 290 feet, their property represents 12% of the total distance, or \$1,719 of the cost. Backes is willing to pay \$4,000 or 28% of cost, if the City is willing to pick up the difference (\$10,324). In 2016 the City of Willmar and EDC partnered in pursuing Shovel-Ready Site Certification for the 4<sup>th</sup> Addition of the Willmar Industrial Park. That doesn't mean that there will not be additional site improvements that will be needed from time to time. Mr. Backman expressed that he thinks this extension will be a positive development. There are 25 lots in the 4<sup>th</sup> Addition, this one natural gas pipeline will serve 14 of them.

Chair Fagerlie, noted that the City could charge developers who build on the vacant lots a tapping fee so the City is able to get their money back. Mr. Backman proposed the City's portion of the project be paid out of the Willmar Industrial Park Fund which currently has a balance of approximately \$1 million.

Council Member Schwantes, asked if Mr. Backes needs a 4-inch line and if we would be over-building to accommodate future users. Staff explained that a 4-inch line would be to accommodate future development.

Council Member Mueske inquired about the exiting 2-inch line north of the properties to see if that line would suffice for the 14 potential properties, and if there was a draw for developers to have natural gas available. Mr. Backman said that it would not be sufficient. Cory Backes had a conversation with the Centerpoint Energy Representative who expressed that the line would not be to service the Industrial Park. It was the recommendation of the Committee to approve the cost participation in a natural gas line extension into the Willmar Industrial Park 4<sup>th</sup> Addition.

Council Member Fagerlie offered a motion to approve the Committee's recommendation. Council Member Schwantes seconded the motion which carried.

Item No. 2 Staff informed the Committee that he recommends a motion to forward the FEMA Enrollment Application, Floodplain Ordinance, and Resolution to participate in the National Flood Insurance Program to the Planning Commission for a public hearing on August 7, 2019, and then to City Council on August 19, 2019, where staff will recommend a motion to introduce the Resolution and Ordinance for public hearing at the City Council's September 2, 2019 meeting.

Nothing has changed since the first time this has been reviewed. The key point into participating into the Flood Insurance Program is that it allows those who aren't in the flood plain to get NFIP backed flood insurance for rain and storm sewer disasters because it's conspicuously missing from home insurance policies. Secondly, if we do have a national disaster, it would be more likely that there would be aid funding available. The seven properties that are impacted by the Flood Insurance Program have already been built to meet the flood plain zone. Staff feels like it will minimally impact the work load of staff.

Chair Fagerlie, inquired how much it will cost the City to join the FEMA National Flood Insurance Program. Staff informed the Committee that there would be cost if the City would like to have the properties

resurveyed and some spot surveys throughout the City for verification. Individual home owners can have surveys done on their properties and receive a LOMAR and/or LOMA as an amendment and record at the County Recorder's Office. The flood map is supposed to be updated every 10 years, however that last map was from the 1970's. Council Member Mueske inquired about the cost to the homeowner who has surveying redone of their specific property. Staff explained that it is the homeowners cost to hire a surveyor and submit to FEMA at a cost of \$2,000-\$3,000 dollars. Council Member Schwantes inquired of what information was different than has been in the prior meetings. Staff explained that the only thing that is different is the vetting that has happened throughout staff and council members. Council Member Davis asked about Federal regulation to standard building codes, staff informed the Committee that they are part of the review when applying for a building permit.

Brian Gramentz – Interim City Administrator said that the maps are not as accurate as they should be. There are options to the property owners of different ways to comply with the FEMA regulations. The requirement of insurance would only be for the properties within the flood zone and have an active mortgage.

It was the recommendation of the Committee to move the participation in the National Flood Insurance Program (NFIP), forward to the Planning Commission for a public hearing on August 7, 2019.

Following discussion, Council Member Fagerlie offered a motion to approve the Committee's recommendation. Council Member Schwantes seconded the motion which carried.

Item No. 3 Staff informed the Committee of the department's current activities which include permit revenues of nearly \$350,000 with the valuation of projects nearing \$46,000,000. City Planner has been applying for grant application to energize downtown Willmar and tackling TIF projects. Property maintenance inspections have also been conducted by staff with 110 violations being written to-date. Staff would like to see this ordinance amended and get the Kandiyohi County Courts on board with the enforcement. Current Commercial projects are as follows: 1) West Central Smiles Chiropractic \$179K Tenant Remodel; 2) Kandiyohi County's \$50K Interior Remodel at 400 Benson Ave SW; 3) State of MN's \$8.7M 16 Bed Psychiatric Hospital at 2301 Transportation Road NE; 4) Jennie-O's \$465K trailer shed footing and foundation improvements at 1701 30<sup>th</sup> St SW; 5) Kohl's Kandi Mall \$2.4M renovation at 1605 1<sup>st</sup> St S; 6) 15<sup>th</sup> Street Flats \$6M new construction at 1601 15<sup>th</sup> St SE; 7) Farm Service Elevator \$836K New loading bins; 8) Carris Health/Rice Hospital's \$573K entry and operating room renovation; 9) Ziegler/Cat's new \$14.6M facility and \$400K storage building at 4600 Highway 71 S; 10) Ziegler/Cat \$825K Plumbing and Mechanical Permits; 11) Verizon's \$150K remodel at 1601 1<sup>st</sup> St S; 12) Kennedy Elementary School \$391K Mechanical Permit; 13) Kennedy Elementary School \$700K Exterior Improvements; 14) Kennedy Elementary School's \$2.6M window replacement; 15) Kennedy Elementary 1.3M Interior Improvements; 16) Midtown Plaza \$80K Elevator Shaft at 313 Litchfield Ave SW; 17) Willmar Child Care Center Remodel \$216K – 500 Industrial Drive SW; 18) Target Interior Remodel \$950K; 19) Jakes Pizza Interior Remodel \$60K 316 Litchfield Ave SW; and, 20) Suite Liv'n's \$1.9M new construction apartment building at 2605 15<sup>th</sup> Ave NW. This item was for information only.

The Community Development Report of July 22, 2019, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Fagerlie. Council Member Mueske seconded the motion which carried.

The Public Works/Safety Report for July 17, 2019 was presented to the Mayor and Council by Council Member Plowman. There were five items for consideration.

Item No. 1 Staff noted National Night Out on August 6<sup>th</sup>. The Police Explorers are hosting a hot dog fundraiser at Cash Wise on Saturday, July 20<sup>th</sup>. This item was for information only.

Item No. 2 Staff brought forth, for discussion, the potential of banners to be hung along 1<sup>st</sup> Street, Highway 12 and 15<sup>th</sup> Avenue NW by Ridgewater College. The college would provide 100 banners and propose the City supply the brackets, banding and hang them. The cost of the brackets and banding is \$40 per banner and would take three staff a minimum of one hour to hang each banner using a bucket truck and arrow board

truck to divert traffic. Following discussion, staff was directed to meet with Ridgewater, MUC and the Chamber of Commerce about the banners. This item was for information only.

Item No. 3 Staff brought forth, for information, the process of violation procedures and fines by Public Works for mowing complaints. Violation letters are mailed certified to property owners when the grass and/or weeds reach a height of seven inches or taller. The letter gives the owner seven days from the date of the letter to mow and if not, the City will mow it and the property owner is billed. The Committee discussed fines including \$40.42 per hour for labor, \$35.00 per hour for the mower, \$18.00 for the truck and trailer and a \$75 administrative fee.

Following a brief discussion by Council, this item was received for information only.

Item No. 4 Staff brought forth, for information, the City's Tree Trimming and Maintenance Policy. It outlines the City assuming basic responsibility for planting and maintenance of trees adjacent to City streets to provide safe vehicle and pedestrian passage. The various pruning methods were discussed as well as noting 175 new trees were planted this year. This item was for information only.

Item No. 5 Staff brought forth, for information, an update on the current street improvement projects. Utility work has begun on the 5<sup>th</sup> Street SW reconstruction project and the overlay of 19<sup>th</sup> Avenue SW is nearing completion. This item was for information only.

The Public Works/Safety Report of July 17, 2019, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Plowman. Council Member Nelsen seconded the motion which carried.

The Finance Committee Report of July 18, 2019 was presented to the Mayor and Council by Council Member Nelsen. There were two items for consideration.

Item No. 1 Staff presented the list of donations received in the second quarter. As required by state statute, the City Council is required to accept all donations by adopting a resolution. Pursuant to former Council action on March 7, 2016, a donation protocol was adopted which allows staff to promptly send a thank you letter and formally approve the donation. The second quarter donations were from the Healthy Willmar Together Willmar BCBS totaling \$600.00 and were for the Bike Share Program. It was the recommendation of the Committee to recommend the Council pass a resolution accepting the donations as stated.

**Resolution No. 19-110 Acknowledgement of Donations** was introduced by Council Member Nelsen. Council Member Asmus seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Item No. 2 The committee discussed numerous items as follows: Cash and Investment Reports, Budgetary Amendment Process, Special Assessment Policy and the upcoming meeting schedule. Additional information was requested from staff in regard to detailed Cash and Investments by Fund, Future Departmental and Capital Budget Amendments and Deferred Assessment status for a development in the northwest part of the City. Also reviewed was the committee meeting schedule. This item was for information only.

The Finance Committee Report of July 18, 2019, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Nelsen. Council Member Plowman seconded the motion which carried.

City Clerk Judy Thompson presented a request to approve the State Application and Permit for a 1-Day to 4-Day Temporary on-Sale Liquor License for the Foxhole Brewhouse Inc. dba Foxhole Brewhouse to sell alcohol during their anniversary party on August 24, 2019.

Council Member Fagerlie offered a motion to approve staff's recommendation. Council Member Mueske seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Council Member Nelsen offered the following comments: Finance Committee will be meeting on Thursday, August 8<sup>th</sup>.

Council Member Mueske offered the following comments: the last Rockin' Robbins concert of this year will be held tomorrow evening at Robbins Island and urged everyone to attend.

Council Member Schwantes offered the following comments: thanked everyone involved in making the Rockin' Robbins events a success.

Council Member Davis offered the following comments: urged everyone to attend the Rockin' Robbins concert tomorrow evening for a great time.

Council Member Alvarado offered the following comments: Kandiyohi County Fair will be held this week and urged everyone to stop at the Census booth to learn about the upcoming Census; Tuesday evening is National Night Out and many of our service organizations will be participating and urged everyone to attend the event in their neighborhood and get to know their neighbors.

Mayor Calvin stated the next agenda item is to discuss labor negotiations strategy. This portion of the meeting will be closed for labor negotiations strategy pursuant to Minnesota Statutes, Section 13D.02, subdivision 1(b).

At 7:45 p.m. Council Member Mueske offered a motion to go into closed session. Council Member Asmus seconded the motion which carried.

The meeting was reopened at 9:28 p.m. by Mayor Calvin.

Council Member Nelsen offered a motion to adjourn the meeting with Council Member Alvarado seconding the motion which carried. The meeting adjourned at 9:29 p.m.

s/s Marv Calvin  
MAYOR

Attest:

s/s Judy Thompson  
SECRETARY TO THE COUNCIL

**RESOLUTION NO. 19-109**

**A RESOLUTION ADOPTING THE LAND PURCHASE AGREEMENT WITH JAMES VIAENE**

Motion By: Mueske

Second By: Schwantes

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota that the land purchase agreement with James Viaene is accepted, and

BE IT FURTHER RESOLVED that the Mayor and City Administrator of the City of Willmar are hereby authorized to execute a version thereof.

Dated this 5th day of August, 2019

s/s Marv Calvin  
MAYOR

ATTEST:

s/s Judy Thompson  
CITY CLERK

**RESOLUTION NO. 19-110**

**ACKNOWLEDGEMENT OF DONATIONS**

Motion By: Nelsen Second By: Asmus

WHEREAS, the City of Willmar has received donations which have been acknowledged by the City Administrator expressing the community’s appreciation for the time period of April 1, 2019 – June 30, 2019.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Willmar, Minnesota that the City formally accept the donation as listed below:

- \$500.00 – Healthy Willmar Together Willmar BCBS – Bike Share Program
- \$100.00 – Healthy Willmar Together Willmar BCBS – Bike Share Program

Dated this 5th day of August, 2019

s/s Marv Calvin  
MAYOR

Attest:

s/s Judy Thompson  
CITY CLERK