

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

December 4, 2017
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 Kathy Schwantes, Fernando Alvarado, Julie Asmus, Shawn Mueske and Andrew Plowman. Council Members Audrey Nelsen and Ron Christianson were excused from the meeting. Present 7, Absent 2.

Also present were City Administrator Ike Holland, Finance Director Steve Okins, Planning and Development Services Director Bruce Peterson, Police Chief Jim Felt, Fire Chief Frank Hanson, Community Education and Recreation Director Steve Brisendine, Public Works Director Sean Christensen, Human Resource Director Bridget Buckingham, City Clerk Judy Thompson and City Attorney Robert Scott.

Proposed additions to the agenda included: Mayor Calvin requested the addition of Robbins Island Park Signage; Phased Retirement Option (PRO) Agreement with PERA; Police Department Body Camera Purchase; and Western Interceptor Storm Sewer Phase I Project. These are all items being brought forward from the Work Session held earlier this evening.

Council Member Fagerlie moved to approve the agenda as amended. Council Member Schwantes seconded the motion which carried.

City Clerk Judy Thompson reviewed the consent agenda.

- A. City Council Minutes of November 20, 2017
- B. Willmar Municipal Utilities Minutes of November 27, 2017
- C. Rice Memorial Hospital Board Minutes of November 15, 2017
- D. **Resolution No. 17-137 Accepting Project No. 1601 and Authorize Final Payment**
- E. Human Rights Commission Minutes of October 17, 2017
- F. Central Community Transit Operations Board Minutes of November 28, 2017
- G. Willmar Lakes Area CVB Board Minutes of October 17, 2017
- H. ~~Accounts Receivable Report through November 28, 2017~~

Council Member Fagerlie offered a motion to approve the Consent Agenda. Council Member Asmus asked that Item H be removed for discussion. Council Member Plowman seconded the motion to approve the consent agenda, with the removal of Item H, which carried on a roll call vote of Ayes 6, Noes 0.

Council Member Asmus asked for clarification on an item in the accounts receivable report for GB Lead Services LLC for hazardous material waste disposal for \$25,485.00 and decontamination of the building for \$24,780.00 for the gun range at the City Auditorium. Council Member Asmus was inquiring if these were additional expenses to the ones approved by Council or were these included in the original bid.

City Administrator Ike Holland stated these were part of the original bid process.

Council Member Asmus offered a motion to approve Item H. Council Member Plowman seconded the motion which carried.

At 7:07 p.m. Mayor Calvin opened the public hearing for **Ordinance No. 1408 Amending Rates Charged by Willmar Municipal Utilities to be Effective for Billings Sent On and After January 1, 2018**. Willmar Municipal Utilities General Manager John Harren was present to present the details of the Ordinance which proposes an increase in water rates of five (5%) percent in 2018 and an additional five (5%) percent in 2019. Mr. Harren was also proposing Council approve an amendment to the original proposed ordinance be made under Section 6 to remove "wastewater". He also noted that our electric rates are about in the middle range of other

municipalities within the state, our water rates are near the lowest in the state, and with our 5% increase in 2018 and 5% increase in 2019, we shift one municipal higher assuming no other jurisdictions have increases proposed. One other item, he touched on was the billing process for wastewater charges.

There being no one to speak for or against the proposed ordinance amendment, Mayor Calvin closed the public hearing at 7:14 p.m. and opened it up for discussion by the Council. Following discussion, Council Member Mueske offered a motion to approve the proposed amendment to remove “wastewater” from Section 6. Council Member Asmus seconded the motion, which carried on a roll call vote of Ayes 6, Noes 0.

Council Member Plowman offered a motion to approve the amendment, as amended, adopt, assign a number, and order final publication of **Ordinance No. 1408 Amending Rates Charged by Willmar Municipal Utilities to be Effective for Billings Sent On and After January 1, 2018**. Council Member Asmus seconded the motion, which carried on a roll call vote of Ayes 6, Noes 0.

At 7:22 p.m. Mayor Calvin opened the public hearing for Truth in Taxation, Establish 2018 Tax Levy, and Set 2018 Budget. Finance Director Steve Okins stated the 2018 recommended tax levy was set at \$4,974,245, which represents a \$144,880 increase, or three (3%) percent, over the 2017 tax levy. Mr. Okins stated the second item is to set the 2018 Budget totally \$46,216,588.

Joe Fernkes, 1004 Southeast 9th Street, addressed the Council with concerns of increase in his taxes versus a neighbor’s property. Mr. Fernkes was informed those issues are addressed at the Local Board of Equalization.

There being no others to speak for or against the proposed levy, Mayor Calvin stated it was the desire of the Council at their Special Work Session held on November 27, 2017 to move the discussion of approving the levy and the adoption of the budget to December 18, 2017. Due to the absence of two Council Members at the meeting this evening, his recommendation was to continue the public hearing on December 18, 2017 at 7:02 p.m.

Planning and Development Services Director Bruce Peterson and City Administrator Ike Holland recognized Megan DeSchepper for her years of service with the City and presented her with a certificate of appreciation. Ms. DeSchepper has been an employee of the City for 15 years and has accepted employment with MnDOT. Mayor Calvin also thanked Ms. DeSchepper for her service and wished her well in her new venture.

Ben Larson, 1412 Southwest 6th Street, addressed the Council with concerns relating to recent negative racial activity on Facebook by Council Member Christianson.

John Burns, 317 Northwest 7th Street, addressed the Council relating to the negative racial activity conducted by Council Member Christianson.

Joe Firkness, 1004 Southeast 9th Street, addressed the Council supporting Council Member Christianson’s recent Facebook activity.

Bob Skor, 617 Southwest 14th Street, addressed the Council and inquired as to the south wind turbine’s inactivity. He also offered his support for Council Member Christianson’s recent Facebook activity.

Edward Petersen, 342 South 4th Street, addressed the Council supporting Council Member Christianson’s recent Facebook activity.

City Clerk Judy Thompson presented a request for Council’s approval to enter into an agreement with Cornerstone Construction Services to repair the recent water damage due to a water leak at the City Office Building. **Resolution No. 17-138 Awarding the Contract for the City Hall Water Damage Repair to Cornerstone Construction Services in the Amount of \$56,971.00** was introduced by Council Member Fagerlie. Council Member Alvarado seconded the motion, which carried on a roll call vote of Ayes 6, Noes 0.

At 7:53 p.m. Mayor Calvin recessed the meeting. The meeting reconvened at 7:58 p.m.

City Attorney Robert Scott presented a request to consider an ordinance allowing for participation on the Rice Memorial Hospital Board by Carris Health, LLC and CentraCare Health System. Mr. Scott stated the Affiliation Agreement between the City, the Rice Board, Carris and CentraCare, approved by City Council Resolution No. 17-

131, provides for two non-voting observers to be appointed to the Rice Board by CentraCare and for the Carris Co-Chief Executive Officers to serve as non-voting ex-officio members of the Rice Board. Charter Section 4.04, subdivision 4 authorizes the city council to provide for such outside representation on the Rice Board by ordinance.

Council Member Fagerlie offered a motion to **introduce an Ordinance Allowing for Participation on Rice Memorial Hospital Board by Carris Health, LLC and CentraCare Health System** and set a public hearing for December 18, 2017 at 7:01 p.m. to take testimony on the ordinance. Council Member Mueske seconded the motion which carried.

Police Chief Jim Felt presented a request to accept a tow bid from Ed's Service Center and in 2018 through 2019 change the collected tow fee to \$175 for regular and snow emergency tows, and \$230 for accident related tows. Chief Felt stated the Police Department sent bid requests to all local towing companies and only one tow company, Ed's Service Center, submitted a bid which had substantial increases from the prior contract.

Following discussion, **Resolution No. 17-139 Approving the 2018-2019 Towing Requirements Contract in the Amount of \$38,230.00** was introduced by Council Member Mueske. Council Member Plowman seconded the motion, which carried on a roll call vote of Ayes 6, Noes 0.

Fire Chief Frank Hanson presented a request to increase the firefighter and fire officer wages by ten (10%) percent beginning January 1, 2018, and any future pay increases be reviewed on an annual basis. Chief Hanson noted the last time the firefighters received an increase in wages was in 2008.

Following discussion, Council Member Asmus offered a motion to approve staff's recommendation. Council Member Mueske seconded the motion which carried.

City Attorney Robert Scott presented a request to accept an additional \$63,000.00 from the Willmar Area Community Foundation Friends of Robbins Island Park Fund to support the construction of the Destination Playground. Mr. Scott indicated this is the seventh donation received from the Foundation. **Resolution No. 17-140 Accepting Donation from Willmar Area Community Foundation for Robbins Island Destination Playground Project in the Amount of \$63,000.00** was introduced by Council Member Schwantes. Council Member Asmus seconded the motion, which carried on a roll call vote of Ayes 6, Noes 0.

Park and Recreation Director Steve Brisendine presented a recommendation for approval for new signage at the Robbins Island Regional Park. Mr. Brisendine stated the signage will be purchased with resources donated by the Willmar Rotary Club. It was noted this item was brought forward from the Work Session held earlier this evening. Following discussion, Council Member Schwantes offered a motion to approve staff's recommendation. Council Member Plowman seconded the motion which carried.

Planning and Development Services Director Bruce Peterson presented a recommendation for approval of the Phased Retirement Option Agreement (PRO) with PERA in order to implement a succession plan. Mr. Peterson stated the PRO agreement will allow the transition into retirement for the employee and provide the City with a workforce planning tool that can help transfer knowledge from the longtime employee to the new employee. Mr. Peterson also stated the City does not have to use it for every position that a retiring employee leaves. However, it does provide the option to maintain coverage of a position until it is filled, and/or assist in training of a new employee into the position. The City has discretion to determine the hours of work for the retiree and in deciding the length of agreement with the retiring employee. It was noted this item was brought forward from the Work Session held earlier this evening. Following discussion, Council Member Schwantes offered a motion to approve staff's recommendation. Council Member Mueske seconded the motion which carried.

Police Chief Jim Felt presented a recommendation for approval of the purchase of 12 body cameras from the Watch Guard Company in the amount of \$16,054 for the Willmar Police Department. Chief Felt noted the 2017 budget had \$17,000 approved for body camera purchases, and a similar amount is being requested in the 2018 budget, but not yet approved. It was noted this item was brought forward from the Work Session held earlier this evening. After the discussion at Work Session, Chief Felt's request was to obtain a new quote for the purchase of all 24 body cameras in 2017 and take the additional funding out of the public improvement revolving fund.

Following discussion, **Resolution No. 17-141 Approving the Purchase of Police Body Cameras from Watch Guard in the Amount of Up to \$32,108.00** was introduced by Council Member Mueske. Council Member Alvarado seconded the motion, which carried on a roll call vote of Ayes 6, Noes 0.

Public Works Director Sean Christensen presented a request to award the Western Interceptor Storm Sewer Phase I design and construction engineering services to Bolton & Menk, Inc. in the amount of \$169,890.00. Mr. Christensen stated the 2017 Capital Outlay Program includes \$150,000 for Phase I of the project. The proposal requests the design engineering service to investigate grant sources as an additional funding mechanism for the design and construction services. This project would connect the ponds on the south side of Baker Field, where the Stingers play, to the outfall and eventually into Hawk Creek. It was noted this item was brought forward from the Work Session held earlier this evening.

Following discussion, **Resolution No. 17-142 Awarding the Contract for the Western Interceptor Storm Sewer Phase I Construction Engineering Services to Bolton & Menk, Inc. in the Amount of \$169,890.00** was introduced by Council Member Fagerlie. Council Member Plowman seconded the motion, which carried on a roll call vote of Ayes 6, Noes 0.

City Administrator Ike Holland congratulated the Willmar Police Department on the recent successful Shop with a Cop event held at Walmart. Mr. Holland also stated he was pleased to recognize Megan DeSchepper this evening, and in the future he plans to introduce new employees to Council and the community.

Mayor Calvin made the following comments: thanked City Administrator Ike Holland for his leadership the past couple weeks in dealing with the budget process and special meetings that were conducted; gave kudos to the Fire Department and firefighters; vacancies on various boards and commission will be brought to the Council on December 18th for approval and urged Council to make recommendations to fill these vacancies prior to that date; and noted the Celebrate the Light of the World at the Koosman property. This event has been held for the last ten years at their property, and Mayor Calvin stated he has been meeting with various individuals about bringing this event to Robbins Island and would like the Council to consider this option. Mayor Calvin would like this to be discussed further at a Work Session in February or March, or perhaps bring to a Council Retreat.

Council Member Mueske spoke in regard to the negative comments made during the Open Forum this evening, and as a member of the Human Rights Commission he wanted to elaborate on some of the things talked about at a recent meeting of the Commission. He stated they heard concerns similar to what was heard this evening, and the Commission came to the conclusion that nothing was wrong policy-wise with the comments made, any Council Member can have an opinion which is what Council Member Christianson had. The Human Rights Commission did not act as a Commission regardless of what others may believe, because there was no violation of the Human Rights Policy. However, when a public official engages in such activity you invite response like what was heard this evening, and constituents also have that right. Open debate is part of the process of politics and when you open up that door you never know what is going to walk through it and what was seen this evening was an example of this. However, as we sit on the Council, we need to make sure Willmar stays an inviting community for all its residents and he will continue to stand for that. Council Member Mueske stated he appreciates people being part of that process, and he was very happy to hear Mr. Larson had met with Council Member Christianson's wife and they are going to try to work things out. He cannot sit back and pretend that he did not hear the words in these Chambers. He thanked the Mayor for the opportunity to make these comments.

Council Member Plowman stated he is a fan of diplomacy, loves respectful debate and varied opinions and he feels as a Council we have done a great job so far this year at having respectful debate and discourse. As these debates go on in our community, he thinks everyone should put effort into maintaining good solid respectful debate. There are challenges in every growing community that is having great things happen and there is going to be discourse, some challenges in difference of opinions for what is good, what's reasonable, what's right and wrong. Healthy discourse is good for a community and he urges everyone to maintain that and we as a Council can lead the way to ensure that happens.

Council Member Schwantes feels Willmar is great, and she loves living in the Willmar area. She would like to challenge everyone this holiday season to say a kind word and offer a smile and show the community what kind of people we really are. No matter how much change you have in your pocket, everyone can afford a kind word and a smile.

Council Member Alvarado mentioned one of the things he heard during his campaign last year from a very successful downtown business person, was "I love my neighbors" and she was talking about her downtown neighbors. That is powerful and he thinks we have to remember those four words and begin to know who our neighbors are and if we can do that we are going to have a greater community once we start working more and more together. He is excited about the downtown and what is happening in Willmar. People want to have new experiences, they want to experience everything. We have that in Willmar and we need to enjoy it and promote it. He also stated he likes the positive energy on the Council and is thankful for that.

Council Member Fagerlie offered a motion to adjourn the meeting with Council Member Asmus seconding the motion, which carried. The meeting adjourned at 8:29 p.m.

MAYOR

Attest:

SECRETARY TO THE COUNCIL

Resolution No. 17-137

A RESOLUTION ACCEPTING PROJECT NO. 1601 AND AUTHORIZING FINAL PAYMENT.

Motion By: Fagerlie Second By: Plowman

IMPROVEMENT: Project No. 1601 – Reconstruction of 7 ½ Street SW and 15th Avenue SW

CONTRACTOR: Duininck, Inc.
DATE OF CONTRACT: May 16, 2016
BEGIN WORK: July 27, 2016
COMPLETE WORK: November 14, 2017
APPROVE, ENGINEERING DEPT: November 16, 2017

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

1. The said City of Willmar Project No. 1601 be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$812,211.00
Change Order No. 1	\$42,475.60
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$854,686.60

ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED: \$827,721.09
Less Previous Payments \$810,871.69
FINAL PAYMENT DUE CONTRACTOR: \$16,849.40

Dated this 4th day of December, 2017.

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk

RESOLUTION NO. 17-138

A RESOLUTION AWARDING THE CONTRACT FOR THE CITY HALL WATER DAMAGE REPAIR TO CORNERSTONE CONSTRUCTION SERVICES IN THE AMOUNT OF \$56,971.00.

Motion By: Fagerlie Second By: Alvarado

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, the bid of Cornerstone Construction Services for the City Hall water damage repair is accepted, and 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 \$56,971.00.

Dated this 4th day of December, 2017.

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk

RESOLUTION NO. 17-139

A RESOLUTION APPROVING THE 2018-2019 TOWING REQUIREMENTS CONTRACT IN THE AMOUNT OF \$38,230.00.

Motion By: Mueske Second By: Plowman

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the bid of Ed's Service Center and Sales, Inc., of Willmar, Minnesota for the 2018-2019 Towing Requirements 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 \$38,230.00.

Dated this 4th day of December, 2017.

s/s Marv Calvin

Mayor

Attest:

s/s Judy Thompson

City Clerk

**CITY OF WILLMAR
RESOLUTION NO. 17-140**

**A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLMAR, MINNESOTA ACCEPTING
DONATION FROM WILLMAR AREA COMMUNITY FOUNDATION FOR ROBBINS ISLAND DESTINATION
PLAYGROUND PROJECT**

Motion By: Schwantes Second By: Asmus

WHEREAS, the City of Willmar (“City”) owns Robbins Island Park and Recreation Area, a 55 acre parcel of real property owned, maintained and operated for public recreational use by the City located on Business Highway 71 North in the City of Willmar, Minnesota (Kandiyohi County Parcel I.D. No. 95-911-0920) (“Robbins Island”); and

WHEREAS, CommunityGiving, a Minnesota nonprofit corporation, doing business as the Willmar Area Community Foundation (“WACF”), is administering the Friends of Robbins Island Park Fund, a fund comprised solely of private donations solicited by community volunteers dedicated to facilitating the construction of a Destination Playground on approximately 19,000 square feet at Robbins Island, as depicted on the site plan attached to Willmar City Council Resolution No. 17-07, dated February 6, 2017 as Exhibit A (the “playground project”); and

WHEREAS, WACF proposes to donate funds from its Friends of Robbins Island Park Fund to cover 100 percent of the City’s cost to purchase all equipment, materials, supplies and services necessary to construct the playground project, and made an initial donation totaling \$200,000.00 for such purposes, which donation was duly accepted by the Willmar City Council by Resolution No. 17-07, dated February 6, 2017, a second donation of \$99,000 and in-kind materials, equipment and supplies by Resolution No. 17-24 dated March 20, 2017, a third donation of \$99,000 by Resolution 17-52 dated May 15, 2017, a fourth donation of \$75,000 by Resolution 17-78 dated July 3, 2017, a fifth donation of \$30,00 and additional in-kind services, materials and supplies dated July 17, 2017, and a sixth donation of \$75,000 by Resolution 17-103 dated September 5, 2017; and

WHEREAS, WACF now wishes to donate an additional \$63,000 from its Friends of Robbins Island Park Fund to the City for the same purposes; and

WHEREAS, Minnesota Statutes, Section 465.03 provides that the City may accept such donations for the benefit of its citizens in accordance with the terms prescribed by the donor, and that acceptance of such grant is

subject to a resolution of the City Council adopted by a two-thirds majority of its members, expressing the terms of the grant in full; and

WHEREAS, the City remains supportive of the playground project and WACF's proposal to donate the funds and in-kind services and materials required to construct the playground project to the City and is agreeable to the conditions placed upon the donation as stated herein.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that:

1. The City hereby accepts the donation from WACF totaling \$63,000 in support of the playground project, subject to the conditions applicable to WACF's first donation as stated in Willmar City Council Resolution No. 17-07, dated February 6, 2017, which conditions are incorporated herein by reference.
2. The City Council hereby expresses its and the community's appreciation to WACF and all contributors to the Friends of Robbins Island Park Fund for such donation.

Adopted by the City Council of the City of Willmar on December 4, 2017.

Approved:

s/s Marv Calvin
Mayor

Attested:

s/s Judy Thompson
City Clerk

RESOLUTION NO. 17-141

Motion By: Mueske Second By: Alvarado

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, to authorize the purchase of police body cameras from Watch Guard, in the amount up to \$32,108.00, and that \$16,054.00 is to be taken from the 2017 Police Department Operating Budget, and the remaining \$16,054.00 to be taken from the Public Improvement Revolving fund.

Dated this 5th day of December 2017.

s/s Marv Calvin
MAYOR

Attest:

s/s Judy Thompson
CITY CLERK

RESOLUTION NO. 17-142

A RESOLUTION AWARDING THE CONTRACT FOR THE WESTERN INTERCEPTOR STORM SEWER PHASE I CONSTRUCTION ENGINEERING SERVICES TO BOLTON & MENK, INC. IN THE AMOUNT OF \$169,890.00.

Motion By: Fagerlie

Second By: Plowman

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, the bid of Bolton & Menk, Inc. for the Western Interceptor Storm Sewer Phase I construction engineering services is accepted, and 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 \$169,890.00.

Dated this 4th day of December, 2017.

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk