

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

April 2, 2018
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 Audrey Nelsen, Ron Christianson, Kathy Schwantes, Fernando Alvarado, Julie Asmus, Shawn Mueske, Andrew Plowman, and Rick Fagerlie. Present 9, Absent 0.

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

Proposed deletions to the agenda included: City Administrator Ike Holland asked that Item 13 Consider Reallocation of Funds and Agreement for Signal Pole Painting be removed from the agenda.

Council Member Nelsen moved to approve the agenda, as amended. Council Member Mueske seconded the motion which carried.

City Clerk Judy Thompson reviewed the consent agenda.

- A. City Council Special Meeting Minutes of March 12, 2018
- B. City Council Meeting Minutes of March 19, 2018
- C. Willmar Municipal Utilities Board Minutes of March 26, 2018
- D. Planning Commission Minutes of March 21, 2018
- E. **Resolution No. 18-34 Adopt Statutory Municipal Liability Coverage Limits**
- F. ~~Resolution to Approve Contract Amendment to Civic Center Refrigeration Project~~
- G. **Resolution No. 18-35 Approve PFA Funding for Armory and Gorton Avenue Lift Stations**
- H. Central Community Transit Minutes of January 23, 2018
- I. Willmar Lakes Area CVB Board Minutes of February 20, 2018
- J. ~~Willmar CER Joint Powers Board Minutes of March 23, 2018~~
- K. Monthly Building Report for February, 2018
- L. Accounts Payable through March 28, 2018

Council Member Mueske offered a motion to approve the Consent Agenda. Council Member Schwantes asked that Item F. be removed for discussion. Council Member Nelsen asked that Item J. be removed for discussion. Council Member Plowman seconded the motion to approve the consent agenda, with the removal of Items F. and J., which carried on a roll call vote of Ayes 8, Noes 0.

Council Member Schwantes asked for clarification as to what the additional funds for the Civic Center Refrigeration Project would be used for. Public Works Director Sean Christensen stated the additional funds will be used for refrigeration for both buildings currently there and expanded resurfacer room facility.

Following discussion, Council Member Schwantes offered a motion to approve Item F. and introduced **Resolution No. 18-36 Approve Contract Amendment to Civic Center Refrigeration Project in the Amount of \$26,900.00**. Council Member Mueske seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Council Member Nelsen stated the CER Joint Powers Board minutes should be referenced as notes due to the lack of a quorum at the March 23, 2018 meeting. Council Member Nelsen also stated the CER Advisory Board has some concerns regarding the changes and clarity of duties of the Advisory Board and Park Board under the new CER agreement. Council Member Nelsen indicated her desire that further discussion be held at a future Council meeting to assist the Advisory Board on understanding their responsibilities under the new CER agreement. Mayor Calvin asked that staff place Council Member Nelsen's request on a future agenda. Following discussion, Council Member Nelsen offered a motion to approve Item J. Council Member Mueske seconded the motion which carried.

Council Member Nelsen offered a motion to recommend the school district delay the hiring process for the position of Community Education and Recreation Director for two weeks until the clarification of duties is established. Council Member Christianson seconded the motion, which carried on a roll call vote of Ayes 6, Noes 2. Council Members Asmus and Fagerlie voted "no."

Council Member Nelsen offered a motion to recommend the City delay the hiring process for the Community Center employee for two weeks until the clarification of duties is established. Council Member Christianson seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

No one was present to speak during the Open Forum.

Department of Homeland Security Jeanna Hayes presented Fire Chief Frank Hanson with an Emergency Management Director/Practitioner Certificate and noted it is a lengthy process to earn said certification.

At 7:27 p.m. Mayor Calvin opened the public hearing for an ordinance repealing soft drink sales licensing. City Attorney Robert Scott presented details of said ordinance and recommended Council approve the proposed ordinance effective December 31, 2018.

There being no one to speak for or against said ordinance, Mayor Calvin closed the public hearing at 7:29 p.m. and opened it up for discussion by the Council. Following discussion, **Ordinance No. 1412 An Ordinance Repealing Soft Drinks Sales Licensing Regulations** was introduced by Council Member Plowman. Council Member Alvarado seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

At 7:31 p.m. Mayor Calvin opened the public hearing to consider zoning ordinance text amendment relating to shopping center district. Planning and Development Services Director Bruce Peterson stated RockStep, Kandi Mall owners/management, is looking at creative ways to fill the Kandi Mall vacant spaces due to the Amazon effect on retail malls across the nation. It was noted the Planning Commission has approved the proposed text amendment.

There being no one to speak for or against said ordinance, Mayor Calvin closed the public hearing at 7:32 p.m. and opened it up for discussion by the Council. Following discussion, **Ordinance No. 1413 An Ordinance Amending 1060 Known as the Willmar Zoning Ordinance by Amending Section 6.K. Relating to the Shopping Center District** was introduced by Council Member Fagerlie. Council Member Plowman seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Planning and Development Services Director Bruce Peterson presented a request from Habitat for Humanity to purchase city-owned property located at 1408 14th Avenue Southeast. This property was received by the City as a gift years ago and has never been developed for housing. Habitat for Humanity is proposing to construct a single family home on the property.

Following discussion, Council Member Fagerlie introduced an **Ordinance Authorizing the Sale of Real Property to Habitat for Humanity of West Central Minnesota**, and set a public hearing for April 16, 2018 at 7:05 p.m. Council Member Alvarado seconded the motion which carried.

Planning and Development Services Director Bruce Peterson presented a request from Erickson Land Company of Willmar to replat several parcels on property described as: Lots 12-30, Block 1, Trentwood Estates Second Addition. The current parcels are platted for twin homes, and the replat would increase the lot sizes and

allow for single family homes. It was noted the Planning Commission approved the preliminary/final plat and PUD amendment on March 21, 2018.

Following discussion, Council Member Christianson offered a motion to approve the preliminary/final plat of Trentwood Estates Fourth Addition. Council Member Nelsen seconded the motion which carried.

City Administrator Ike Holland presented information regarding a letter of intent with Glacial Ridge Curling (GRC) for construction and lease of a new curling facility on city-owned civic center property.

City Attorney Robert Scott stated the letter of intent itself is not binding, it is a statement of purpose from both the City and the Curling Club that we are ready to move forward on the project with basic terms as outlined in the letter. The next step, if the letter of intent is approved, would be for his office to prepare a "Build to Suit" lease agreement that would call for the construction of the facility, how it would be funded in part by the Curling Club, as well as the terms of the subsequent lease agreement after the construction is completed. In the letter of intent there are a few basic parameters: 1) the Curling Club would raise and donate to the City sixty (60) percent of the cost to construct the facility up to a maximum of \$2.2 million; 2) the City would administer the project which would be a city project to design and construct a new curling facility; and 3) once constructed, the City would lease the facility to GRC to operate annually during the curling season for a period of 25 years (with three potential five-year renewal terms) for nominal consideration (rent). The City's obligation to commence design and construction of the facility would be contingent on the curling club satisfying its fundraising obligations.

Mayor Calvin stated in his conversations with the curlers, it is their intent the project would not exceed \$2.2 million and the total amount required from the curlers would be \$2.2 million, not sixty (60) percent.

Curling Club representative Tom Amberg stated the curlers intend to build a stand-alone building with a chill plant for approximately \$2.2 million, with a commitment from the City of \$15,500 for site readiness and assist with infrastructure. Mr. Amberg stated he feels the proposed letter of intent should be deleted as everything has changed within the last two days. The Curling Club has been dealing on a stand-alone building for \$2.2 million with the City working with them on a design where they would use the building for seven (7) months a year and the City would use the building for five (5) months; the Curling Club would do the fundraising, build the building, and then present the City with the keys as the City would be the actual owners of the building. The curlers would like to proceed with the design build project in lieu of a city project.

Mayor Calvin stated, in the past, the Council wanted staff oversight of the build.

Following discussion, due to the discrepancies discussed, City Administrator Ike Holland and City Attorney Robert Scott were directed to meet with the curlers to clarify the details and terms of the agreement and bring back to Council on April 16, 2018 for consideration.

City Attorney Robert Scott stated an agreement was received from Kandiyohi County for assessing services and informed the Council that the City has already entered into an agreement on July 27, 2016 with Kandiyohi County for assessing services for the City. Pursuant to that agreement, negotiated rates for 2016 and 2017 were established, and in the year 2018 and thereafter the county would move to a per parcel rate for these services. The City has now received a new agreement from the County with the proposed new rates they will be charging for these services in the years 2018 - 2021. It is his opinion that the Council could pass a motion to accept the proposed charges and the charges will take affect by virtue of the contract already in place with the County. Mr. Scott's recommendation was to make a motion to accept the County's proposed per parcel charges for the years 2018 - 2021 and authorize the Mayor and City Administrator to execute any documentation required by the County to make those effective.

Council Member Mueske offered a motion to approve City Attorney Robert Scott's recommendation. Council Member Nelsen seconded the motion which carried. Council Member Christianson voted "no."

City Administrator Ike Holland mentioned upcoming events: April 3rd - Robbins Island Master Plan meeting at the Fire Station; April 10th - Citizenship Ceremony at the Barn Theatre; April 11th - speaker in town on Human Rights; and April 12th a workshop for staff presented by the League of Minnesota Cities.

Mayor Calvin offered the following comments and announcements: he met with individuals this afternoon that are interested in exploring a local option sales tax for Willmar which will be a citizen-driven project; the Highway 23 Coalition will be traveling to Washington, D.C. May 22-24 and he and Council Member Nelsen would like to attend.

Council Member Christianson mentioned the upcoming Local Board of Equalization for the City and also the County Board of Equalization; stated a constituent called and stated if the MUC is building a new office building, perhaps the City should move in their building.

Council Member Alvarado mentioned the smoke detector program through the fire department will be taking place on Saturday, April 7th; Paul Kivel will be speaking on April 11th on Curiosity, Courage, Community and will be at the community center in the morning, college at lunch, and WEAC in the evening and urged everyone to attend; reminded everyone to drive safely with the current weather conditions.

Council Member Mueske echoed City Administrator Ike Holland's comment on the citizenship ceremony being held April 10th at the Barn Theatre and invited everyone to attend.

Council Member Nelsen mentioned the Council had decided last year that lunch would be provided at the Local Board of Equalization meeting held April 16th.

Council Member Nelsen offered a motion to adjourn the meeting with Council Member Asmus seconding the motion, which carried. The meeting adjourned at 8:49 p.m.

MAYOR

Attest:

SECRETARY TO THE COUNCIL

RESOLUTION NO. 18-34

A RESOLUTION APPROVING STATUTORY MUNICIPAL LIABILITY COVERAGE LIMITS

Motion By: Mueske Second By: Plowman

WHEREAS, cities obtaining liability coverage from the League of Minnesota Cities Insurance Trust must decide whether or not to waive the statutory tort liability limits to the extent of coverage purchased; and

WHEREAS, the City Council has reviewed the various options for monetary limits on municipal tort liability; and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota that the City does not waive the monetary limits on municipal tort liability established by Minnesota Statutes 466.04.

Dated this 2nd day of April, 2018.

s/s Marv Calvin
MAYOR

Attest:

s/s Judy Thompson
CITY CLERK

RESOLUTION NO. 18-35

RESOLUTION OF APPLICATION FOR PFA FINANCING

Motion By: Mueske Second By: Plowman

BE IT RESOLVED that the City of Willmar is hereby applying to the Minnesota Public Facilities Authority for a loan from the Clean Water Revolving Fund for improvements to its municipal wastewater treatment system as described in the loan application.

BE IT FURTHER RESOLVED that the City of Willmar estimates the loan amount to be \$978,355 or the as-bid cost of the project.

BE IT FURTHER RESOLVED that the City of Willmar has the legal authority to apply for the loan, and the financial, technical, and managerial capacity to repay the loan and ensure proper construction, operation and maintenance of the project for its design life.

BE IT FURTHER RESOLVED that the City of Willmar hereby expresses its official intent to use proceeds of this loan to reimburse expenditures made prior to the issuance of its general obligation bond to the Public Facilities Authority.

I CERTIFY THAT the above resolution was adopted by the Willmar City Council on April 2, 2018.

Dated this 2nd day of April, 2018

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk

RESOLUTION NO. 18-36

A RESOLUTION ACCEPTING CONTRACT AMENDMENT NO. 1 WITH STEVENS ENGINEERING FOR THE CIVIC CENTER ICE SYSTEM REPLACEMENT PROJECT.

Motion By: Schwantes

Second By: Mueske

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 Ice System Replacement Project between the City of Willmar and Stevens Engineering of Hudson, Wisconsin by Contract Amendment No. 1 in the increased amount of \$26,900.00.

Dated this 2nd day of April, 2018

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk