

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

May 7, 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, and Rick Fagerlie. Present 8, Absent 1. Council Member Plowman was excused from the meeting.

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

Proposed additions to the agenda included: Mayor Calvin added revision of Work Session structure for future meetings; and consideration of CER position – Adult Enrichment/Community Center Supervisor; and Council Member Mueske added consideration of the review process for the City Administrator.

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

City Administrator Ike Holland reviewed the consent agenda.

- A. City Council Meeting Minutes of April 16, 2018
- B. Willmar Municipal Utilities Board Minutes of April 23, 2018
- C. Planning Commission Minutes of April 18, 2018
- D. Human Rights Commission Minutes of March 20, 2018
- E. Willmar Lakes Area CVB Board Minutes of March 20, 2018
- F. Monthly Building Report for April, 2018
- G. Accounts Payable through May 2, 2018

Council Member Mueske offered a motion to approve the Consent Agenda. Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Mayor Calvin acknowledged Boy Scout Troop 565 which is sponsored by the VFW, and stated the troop is working on their communication merit badge.

At 7:08 p.m. Mayor Calvin opened the public hearing for an ordinance to Rezone Property from R-3 Low Density Multi-Family Residential to GB General Business. Planning and Development Services Director Bruce Peterson stated Legacy Group Development, LLC has purchased two parcels and is requesting the rezoning in order to build a commercial development on the properties. It was noted the Planning Commission approved the request on April 9, 2018. Mr. Peterson was recommending Council approve the proposed ordinance.

There being no one to speak for or against said ordinance, Mayor Calvin closed the public hearing at 7:09 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. 1418 An Ordinance Amending Municipal Ordinance No. 1060, The Willmar Zoning Ordinance**. Council Member Alvarado seconded the motion, which carried on a roll call vote of Ayes 6, Noes 0. Council Member Christianson abstained.

Planning and Development Services Director Bruce Peterson presented a request from Victoria and Guadalupe Navarro to rezone property from LB Limited Business to R-2 One and Two Family Residential. It was noted the Planning Commission approved the request on April 18, 2018. Following discussion, Council Member Fagerlie introduced an **Ordinance Amending Municipal Ordinance No. 1060, the Willmar Zoning Ordinance**, and set a public hearing for May 21, 2018 at 7:01 p.m. Council Member Schwantes seconded the motion which carried.

Planning and Development Services Director Bruce Peterson presented a request from the Planning Commission to approve a text amendment to the Zoning Ordinance 6.J relating to the Central Business District to allow for multi-family dwellings. It was noted the Planning Commission held a public hearing on the proposed text amendment on May 2, 2018. Following discussion, Council Member Christianson introduced an **Ordinance Amending Municipal Ordinance No. 1060, the Willmar Zoning Ordinance by Amending Section 6.J Relating to the Central Business District**, and set a public hearing for May 21, 2018 at 7:02 p.m. Council Member Schwantes seconded the motion which carried.

Leila Ismail, Willmar, addressed the Council during the Open Forum and expressed her thanks to WRAC for allowing her to have her own show and for the opportunities she has been given throughout the community.

Jon Konold, Willmar, addressed the Council during the Open Forum and spoke in favor of a local sales tax option being placed on the ballot in 2018 for improvements made to the Civic Center property and City parks.

Matt Dawson, Willmar, addressed the Council during the Open Forum and spoke in favor of a local sales tax option being placed on the ballot in 2018 for improvements to upgrade our infrastructure throughout the City.

Anthony Amon, Willmar, addressed the Council during the Open Forum and spoke in favor of a local sales tax option for improvements to infrastructure, Civic Center and grounds update, and the City parks. Mr. Amon also asked Council to allow his group time to speak at the next Work Session to further present the information they have gathered and allow the local option sales tax to be placed on the ballot in November.

Public Works Director Sean Christensen presented information regarding the 2018 Improvement Projects. Mr. Christensen stated the costs for the improvement must be declared and the preparation of an assessment roll ordered in accordance with the requirements of Chapter 429, State of Minnesota Statutes. Mr. Christensen also stated affected property owners must be notified of their assessment amount and was requesting a public hearing be held on June 4, 2018 at 7:01 p.m. Following discussion, **Resolution No. 18-48 Declaring Costs to Be Assessed, Ordering Preparation of the Assessment Roll and Calling Hearing on Assessments for Project Nos. 18-1-A, 1801-B, 1803-A and 1803-B 2018 Street and Other Improvements** was introduced by Council Member Christianson. Council Member Mueske seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Public Works Director Sean Christensen presented information regarding the replacement of the Armory, Gorton Avenue, and Fairgrounds lift stations. Mr. Christensen was asking for Council's approval to award the contract to Lametti and Sons, Inc. for Project No. 1610 and 1810. Following discussion, **Resolution No. 18-49 A Resolution Awarding Project No. 1610/1810 to Lametti and Sons, Inc. in the Amount of \$1,441,950.00** was introduced by Council Member Christianson. Council Member Fagerlie seconded the motion which carried on a roll call vote of Ayes 7, Noes 0. **Resolution No. 18-50 Armory, Fairgrounds, and Gorton Lift Stations As-Bid Budget Total Cost \$1,894,861.00** was introduced by Council Member Christianson. Council Member Nelsen seconded the motion which carried on a roll call vote of Ayes 7, Noes 0.

Public Works Director Sean Christensen presented a request to approve a cooperative construction agreement with Kandiyohi County for the 7th Street NW railroad crossing improvements in the amount not to exceed \$50,000. Following discussion, **Resolution No. 18-51 A Resolution Authorizing Entering Into A Cooperative Construction Agreement Between the City and Kandiyohi County for the 7th Street NW Railroad Crossing Replacement** was introduced by Council Member Christianson. Council Member Fagerlie seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

City Attorney Robert Scott presented a request on behalf of the Community Education and Recreation (CER) Board to amend the ordinance regulations requiring the CER Board approve lessees and liquor sales vendors before a liquor license may be issued for an event(s) to be held at the arena. Following discussion, Council Member Alvarado introduced an **Ordinance Amending Regulations for Temporary Intoxicating Liquor Licenses for Events at Civic Center Arena**, and set a public hearing for May 21, 2018 at 7:03 p.m. Council Member Nelsen seconded the motion which carried.

City Attorney Robert Scott presented a request to discontinue the practice of requiring the CER Board approval of liquor licenses for special events on other City property. Following discussion, it was the consensus of the Council to direct City Attorney Robert Scott to draft a resolution discontinuing the practice of requiring the CER Board approval of liquor licenses for special events on other City property and bring to the May 21, 2018 Council meeting for formal action.

City Attorney Robert Scott presented information in regard to the revisions to the Work Session structure for future meetings. This item was brought forward from the Work Session held earlier this evening. Following discussion, City Attorney Robert Scott was directed to make the following changes to the Resolution regarding revisions to the Work Session structure: all Work Sessions will now start at 5:00 p.m. rather than 5:15 p.m.; move the public comment on the agenda to be Item #4 in an effort to better accommodate the public; a regular Work Session will be scheduled for the 5th Monday in months that have a 5th Monday; and the months that do not have a 5th Monday, an additional Work Session will be scheduled during the third week of which a date is to be determined. Council Member Schwantes introduced **Resolution No. 18-52 A Resolution by the Mayor and City Council of the City of Willmar, Minnesota Revising Procedures for City Council Work Sessions and Establishing a Labor Relations Committee of the Whole**, with the above revisions and to reinstate the committee chairpersons for the four subject committee structures: Public Works/Public Safety, Finance, Community Development, and Labor Relations. Council Member Mueske seconded the motion which carried unanimously.

Council Member Asmus offered a motion to move the process forward in hiring for the Adult Enrichment/Community Center Supervisor position and direct Human Resource Director Sam Beckman to gather information on the job duties and report back to Council at the May 21, 2018 Council meeting for formal action. Council Member Schwantes seconded the motion which carried. This item was brought forward from the Work Session held earlier this evening.

Council Member Mueske stated the one-year evaluation of City Administrator Ike Holland is due at this time, and was recommending a closed session be held on May 21, 2018 to complete the review. Following discussion, Council Member Christianson offered a motion to have Council Member Mueske tabulate the evaluation forms. Council Member Nelsen seconded the motion which carried. Council Member Mueske voted "no."

Mayor Calvin stated the Council needs to vote on Chairman for the four subject committees as established in Resolution No. 18-52 passed earlier this evening.

Council Member Fagerlie nominated Council Member Christianson to Chair the Public Works/Public Safety Committee. Council Member Nelsen seconded the nomination. There being no other nominations, Mayor Calvin closed the nominations. Council Member Mueske offered a motion to cast a white ballot. Council Member Christianson seconded the motion which carried on a vote of Ayes 7, Noes 0.

Council Member Christianson nominated Council Member Nelsen to Chair the Finance Committee. Council Member Fagerlie nominated Council Member Plowman to Chair the Finance Committee. Council Member Nelsen was voted the Chair of the Finance Committee on a paper ballot vote of 6 votes for Council Member Nelsen and 1 vote for Council Member Plowman.

Council Member Christianson nominated Council Member Fagerlie to Chair the Community Development Committee. Council Member Alvarado seconded the nomination. Council Member Mueske nominated Council Member Plowman to Chair the Community Development Committee. Council Member Asmus seconded the nomination. Mayor Calvin ceased nominations. Council Member Fagerlie was voted the Chair of the Community Development Committee on a paper ballot vote of 6 votes for Council Member Fagerlie and 1 vote for Council Member Plowman.

Council Member Fagerlie nominated Council Member Mueske to Chair the Labor Relations Committee. Council Member Asmus seconded the nomination. Council Member Schwantes offered a motion to cast a white ballot. Council Member Alvarado seconded the motion which carried on a vote of Ayes 7, Noes 0.

Mayor Calvin announced the Chairman of the four established committees: Public Works/Public Safety Committee – Council Member Christianson; Finance Committee – Council Member Nelsen; Community Development Committee – Council Member Fagerlie; and Labor Relations Committee – Council Member Mueske.

Mayor Calvin asked that these be added to the organizational chart for the City of Willmar and be made available in the next Council packet.

Mayor Calvin stated the Chairman will be responsible to work with staff to have the appropriate information submitted in the Council packets. Mayor Calvin stated he approves the agenda and runs the Council Meetings; he will open the Work Sessions and turn the session over to the appropriate Chairman of the various Committees.

City Administrator Ike Holland offered the following comments: the Governor's Fishing Opener will be held this weekend and a schedule of events was included in the council packets; a joint facilities discussion will be held at 4:00 p.m. Tuesday, May 8th at the HHS building; and he received word that Chillicothe Mayor Haney had passed away and prayers are with his family at this time.

Mayor Calvin offered the following announcements: he wanted to thank the owners of the Good News Bookstore for their many years of business in the City; acknowledged the struggles the Kandi Mall is going through with the upcoming closing of Herberger's store; thanked the Council for signing up to help with the Governor's Fishing Opener Community Picnic on Friday at Robbins Island and reminded Council to be there at 6:15 p.m.; also urged the citizens to attend the Rockin' Robbins Fishin' Edition concert being held at Robbins Island during the Community Picnic on Friday.

Council Member Christianson urged everyone to attend the many events scheduled during the Governor's Fishing Opener this weekend.

Council Member Schwantes stated there were 82 people who participated in the clean-up event at Robbins Island and thanked them for their participation, including the many members of the Curling Club; she also challenged everyone to do the same in their own neighborhoods.

Council Member Alvarado stated he is hoping Ms. Ismail, a representative for the Somalian community, will mention on her program on WRAC the Governor's Fishing Opener is a great way to meet the community and be a part of the community; he will not be able to attend the Governor's Fishing Opener as his daughter will be receiving her Master's Degree and he will be attending her graduation; there are a lot of graduations occurring, including high schools, and gave a "shout out" to all students for a job well done; Mayor's Bike Ride will be occurring May 18th and if interested, contact the Convention and Visitor's Bureau.

Council Member Asmus stated the Mayor's Prayer Breakfast held recently was very well attended and the speakers were great.

Council Member Mueske congratulated Council Member Alvarado on his daughter's upcoming graduation; offered condolences to City Administrator Ike Holland; as the newly elected chairman of the Labor Relations Committee he will be sending a form to all Council for the City Administrator's review and these must be completed and returned to him by no later than Friday, May 18th at 4:00 p.m. to allow him time to tabulate; asked when 292 Design plan is coming forward.

Mayor Calvin stated the Robbin's Island Master Plan, Willmar Holiday Lights, and 292 Design are tentatively scheduled on the agenda for the May 21st Council Meeting.

Council Member Fagerlie wished everyone good fishing, have fun, be safe and Happy Mother's Day.

Council Member Nelsen stated the Governor is scheduled to speak at 4:30 p.m. on Friday at the Community Picnic; she recently attended an appreciation dinner in Spicer and gave kudos to the Spicer Beautification Committee and would like to see a committee form for Willmar.

Council Member Mueske offered a motion to adjourn the meeting with Council Member Alvarado seconding the motion, which carried. The meeting adjourned at 8:15 p.m.

MAYOR

Attest:

SECRETARY TO THE COUNCIL

RESOLUTION NO. 18-48

DECLARING COSTS TO BE ASSESSED, ORDERING PREPARATION OF THE ASSESSMENT ROLL AND CALLING HEARING ON ASSESSMENTS FOR PROJECT NOS. 1801-A, 1801-B, 1803-A AND 1803-B 2018 STREET AND OTHER IMPROVEMENTS.

Motion By: Christianson Second By: Mueske

WHEREAS, contracts have been let for the construction of Street and Other Improvements of 2018 in the City, to-wit: City Project Nos. 1801-A, 1801-B, 1803-A and 1803-B and;

WHEREAS, the total cost of said Street and Other Improvements of 2018 is \$ TBD.

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

1. The City Council hereby determines that the City shall pay \$ TBD of said cost, exclusive of the amount it may pay as a property owner, and the sum of \$ TBD shall be assessed against benefited property owners based upon benefits received without regard to cash valuation.

2. The Clerk, with the assistance of the City Engineer, shall forthwith calculate the proper amount to be specially assessed for such improvement against every assessable lot, piece or parcel of land without regard to cash valuation as provided by law, and he shall file a copy of such assessment in his office for public inspection.

3. The Clerk shall, upon the completion of such assessment, notify the City Council thereof.

4. The Clerk shall publish notice that this City Council will meet to consider the proposed assessments on June 4, 2018, at 7:01 p.m. in the Board Room, Kandiyohi County Health & Human Services Building, 2200 23rd Street NE, Willmar, Minnesota.

5. Said notice shall also be mailed to the owners of each parcel of property described in the assessment roll.

6. Such notice shall be in substantially the following form:

7. Said notice shall be published by the City Clerk in the official newspaper at least two weeks prior to the hearing and mailed by said Clerk to the owners of each parcel described in the assessment roll.

Dated this 7th day of May, 2018

s/s Marv Calvin

MAYOR

ATTEST:

s/s Judy Thompson

CITY CLERK

RESOLUTION NO. 18-49

**A RESOLUTION AWARDING PROJECT NO. 1610/1810 TO LAMETTI AND SONS, INC.
IN THE AMOUNT OF \$1,441,950.00.**

Motion By: Christianson

Second By: Fagerlie

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the bid of Lametti and Sons, Inc. of Hugo, MN for Project Nos. 1610/1810 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 \$1,441,950.00

Dated this 7th day of May, 2018

s/s Marv Calvin

Mayor

Attest:

s/s Judy Thompson
City Clerk

RESOLUTION NO. 18-50

ARMORY, FAIRGROUNDS AND GORTON LIFT STATIONS AS-BID BUDGET

TOTAL COST \$1,894,861.00

*Budget Amounts are Essential

Motion By: Christianson

Second By: Nelsen

Code

PERSONNEL SERVICES

10* Salaries Reg. Employees	
11* Overtime Reg. Employees	
12* Salaries Temp. Employees	
13* Employer Pension Contr.	
14* Employer Ins. Contr.	
TOTAL	\$0.00

RECEIVABLES

Assessments Prop Owners	
Community Investment	
General	
State Aid	
WTP	\$1,894,861.00
MUC	
Kandiyohi County	
TOTAL	\$1,894,861.00

SUPPLIES

20* Office Supplies	
21* Small Tools	
22* Motor Fuels & Lubricants	
23* Postage	
24 Mtce. of Equipment	
25 Mtce. of Structures	
26 Mtce. of Other Improvements	
27 Subsistence of Persons	
28 Cleaning & Waste Removal	
29* General Supplies	
TOTAL	\$0.00

FINANCING

General	
PFA Loan	\$1,894,861.00
State Aid	
Capital Reserve	
MUC	
Kandiyohi County	
TOTAL	\$1,894,861.00

GRAND TOTAL \$1,894,861.00

Dated this 7th day of May, 2018

OTHER SERVICES

33* Travel-Conf.-Schools	
34 Mtce. of Equipment	
35 Mtce. of Structures	
36* Mtce. of Other Impr.	\$1,441,950.00
37 Subsistence of Persons	
38 Cleaning & Waste Removal	
39* Other Services	\$144,195.00
TOTAL	\$1,586,145.00

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk

OTHER CHARGES

46* Prof. Serv.	\$308,716.00	2017- Engineering Services
49 Other Charges		

WHEREAS, after further evaluating the effectiveness and shortcomings of the work sessions as compared to the city council's former subcommittee structure at its April 30, 2018 and May 7, 2018 work sessions, the city council has decided to make further improvements to the format for its work sessions in order to realize the most beneficial aspects of its former subcommittee structure while maintaining the advantages of the work sessions format, as detailed herein.

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

1. The modifications to the work session format implemented in Resolution No. 17-122 (Appendix A) shall remain in force and effect to the extent they are not inconsistent with this Resolution.
2. The city council shall appoint from its membership a chairperson for each of the subject areas covered by the city council's former subcommittees (i.e. Finance, Public Works/Public Safety, Labor Relations and Community Development). Once appointed, each chairperson shall be responsible for coordinating with the City Administrator and Department Director(s) responsible for the chairperson's subject matter regarding agenda items and information to be presented to the city council at future work sessions, and for leading the city council's consideration and discussion of such agenda items during the work sessions.
3. In months that do not have fifth-Monday work sessions, in addition to the two regularly scheduled work sessions preceding the city council's regular meetings, the city council shall conduct a third work session on the third [day to be determined] of each such month.
4. The start time for all work sessions shall be 5:00 p.m. (changed from 5:15 p.m.).
5. The city council shall continue to follow the rules and procedures for its work sessions adopted in Resolution No. 17-04, as updated in Resolution No. 17-122 and further updated below (restated in full here for ease of reference with added material underlined):
 - a. Except for routine approvals or uncontroversial matters that may be placed on a consent agenda at a regular meeting pursuant to subparagraph 3.d. below, it is the city council's expectation that all matters requiring city council action shall be first presented to the city council in a work session so that the city council may ask questions of city staff and, if necessary, interested persons, and identify and request any additional information it will need to make a final decision on the matter at a future regular meeting.
 - b. Matters presented to the city council at a work session shall not be placed on an agenda for final council action prior to the regular meeting following the next council work session (for example, a matter considered at the work session preceding the first regular meeting of a month will not be placed on an agenda for final action until the second regular meeting in that month at the earliest). Where circumstances exist, which in the city council's discretion, justify taking final action on a matter presented at a work session at the regular meeting immediately following such work session, the city council may dispense with this requirement for such matter by adding the matter to the agenda for such regular meeting by the affirmative vote of six of its members at such regular meeting.
 - c. The city council shall not take formal action (by motion and vote) in work sessions; matters presented at work sessions are presented for discussion/informational purposes only to facilitate city council members' understanding of the matters presented, allow for input and comment by council members, and identification of additional information needed for the city council to take final action thereon.
 - d. Routine approvals or noncontroversial matters that may be placed on a consent agenda for a regular meeting by the city administrator and which therefore are not required to be presented at a work session include but are not limited to: meeting minutes of previous city

council meetings or of city boards and commissions, approval of routine expenditures, matters pertaining to the scheduling of future meetings, land use approvals previously considered and recommended for approval by the Planning Commission, the final approval of licenses and permits, and such other matters as the city administrator determines are routine or noncontroversial. An item on the consent agenda may be removed therefrom by the request of any one council member at the regular meeting at the time the consent agenda is considered by the city council, prior to the approval of the consent agenda. Items so removed from the consent agenda will be placed on the regular agenda for discussion and consideration, and may be referred to a future work session by a majority vote of the city council.

- e. Work sessions shall be video recorded, and recordings of such work sessions shall be made available on the City's official website as soon after the meeting as practicable. To the extent possible, video recordings of work sessions will be cablecast on WRAC-8.
- f. Though a distinction is made in this resolution between "work sessions" (referring to the meetings to be held at ~~5:15~~ 5:00 p.m. at which no formal actions will be taken), and "regular meetings" (referring to the meetings to be held at 7:00 p.m. at which formal actions may be taken by the council on any item), upon adoption of this resolution, the schedule of the city council's work sessions shall be kept on file at the City's primary offices together with the schedule of its regular meetings, and both the city council's work sessions at ~~5:15~~ 5:00 p.m. (including the third monthly work sessions on "fifth Mondays" and as established in Paragraph 3 above) and regular meetings at 7:00 p.m. shall be considered to be regular meetings for the purposes of compliance with the Minnesota Open Meeting Law, Minn. Stat. § 13D.04, subd. 1, such that individual meeting notices of the city council's work sessions will not be required as the same are not considered special meetings.
- g. At every work session, the public in attendance shall be offered the opportunity to address the Mayor and city council. This public comment opportunity shall appear as the fourth item on all work session agendas.

Adopted by the City Council of the City of Willmar on May 7, 2018.

Approved:

s/s Marv Calvin

Mayor

Attested:

s/s Judy Thompson

City Clerk