

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

July 3, 2017
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by Mayor Pro Tempore Audrey Nelsen. Members present on a roll call were Mayor Pro Tempore Audrey Nelsen, Council Members Ron Christianson, Kathy Schwantes, Fernando Alvarado, Julie Asmus, Shawn Mueske, Andrew Plowman, and Rick Fagerlie. Present 8, Absent 1. Mayor Marv Calvin was excused from the meeting.

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

Proposed additions and deletions to the agenda included: City Administrator Ike Holland requested the addition of Robbins Island Donation from Willmar Area Community Foundation for Destination Playground Project. He also requested Item 10 Consideration of Amendment to Willmar Industrial Land Pricing Write-Down Policy and/or City of Willmar Business Subsidy Policy be removed from the agenda. Council Member Fagerlie moved to approve the agenda as proposed. Council Member Christianson seconded the motion, which carried.

City Clerk Judy Thompson reviewed the consent agenda.

- A. City Council Minutes of June 19, 2017
- B. Willmar Municipal Utilities Board Minutes of June 26, 2017
- C. Rice Memorial Hospital Board Minutes of June 21, 2017
- D. Planning Commission Minutes of June 28, 2017
- E. Approve Purchase of Five Replacement Squad Cars for the Police Department
- F. Approve MPCA Stipulation Agreement for Storm Water Violations
- G. **Resolution No. 17-74 Approving State of Minnesota Joint Powers Agreements with the City of Willmar on Behalf of Its City Attorney and Police Department**
- H. **Resolution No. 17-75 Acknowledgement of Donation from January 1, 2017 through June 30, 2017**
- I. **Resolution No. 17-76 Accepting Project No. 1603-A (Overlay of Lakeland Drive NE and Ella Avenue NW) and Authorizing Final Payment**
- J. Police Commission Minutes of April 21, 2017
- K. Human Rights Commission Minutes of May 16, 2017
- L. Board of Zoning Appeals Minutes of June 19, 2017
- M. Airport Commission Minutes of June 21, 2017
- N. WCER Joint Powers Board Minutes of June 23, 2017
- O. Accounts Payable Report through June 28, 2017

Council Member Fagerlie offered a motion to approve the Consent Agenda. Council Member Christianson seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0. No vote was cast by Mayor Pro Tempore Nelsen.

At 7:08 p.m. Mayor Pro Tempore Nelsen opened the public hearing for the consideration of Oslo Meadows Special Assessments. City Clerk Judy Thompson presented information relating to the reassessment of special assessments against two lots legally described as Lot 4 and 5, Block 3, Oslo Meadows that recently sold at a tax forfeiture sale. The amount pending against each parcel is the difference between the assessments that were unpaid when they became tax forfeited and the amounts the lots were sold for at tax forfeiture sale. The amount to be reassessed for each parcel is \$2,219.14.

There being no one to speak for or against the special assessments for Oslo Meadows, Mayor Pro Tempore Nelsen closed the public hearing at 7:09 p.m. and opened it up for discussion by the Council. **Resolution No. 17-77 Certifying Oslo Meadows Special Assessments** was introduced by Council Member Fagerlie. Council Member Asmus seconded the motion, which carried on a roll call vote of Ayes 6, Noes 0. Council Member Christianson abstained. No vote was cast by Mayor Pro Tempore Nelsen.

At 7:10 p.m. Mayor Pro Tempore Nelsen opened the Annual Stormwater Hearing. Public Works Director Sean Christensen stated the purpose of the hearing is to provide an update on the status of compliance with the MS4 permit conditions and implementation of the Stormwater Pollution Prevention Program (SWPPP), and to allow for public comments.

There being no one to speak for or against the Annual Stormwater report, Mayor Pro Tempore Nelsen closed the public hearing at 7:23 p.m. and opened it up for discussion by the Council. Council Member Fagerlie offered a motion to receive the Annual Stormwater Report for MS4 permitting. Council Member Alvarado seconded the motion which carried.

Mayor Pro Tempore Nelsen acknowledged that no one had signed up to address the City Council during its scheduled Open Forum.

City Attorney Robert Scott presented a resolution accepting a donation from Willmar Area Community Foundation Friends of Robbins Island Park Fund in the amount of \$75,000.00 to support the construction of the Destination Playground. Mr. Scott stated this is the fourth donation to be received. Following discussion, **Resolution No. 17-78 Accepting Donation from Willmar Area Community Foundation for Robbins Island Destination Playground Project** was introduced by Council Member Christianson. Council Member Mueske seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0. No vote was cast by Mayor Pro Tempore Nelsen.

City Administrator Ike Holland stated the Council Retreat is scheduled for July 22, 2017 at the Bremer Bank Building. He will be providing further information as it becomes available. He is also meeting with MnDOT later this month regarding the condition of signage and traffic control devices throughout the City.

Mayor Pro Tempore Nelsen wished everyone a great and safe 4th of July celebration. She also asked Police Chief Jim Felt to announce community events sponsored by the Police Department being held in July. Chief Felt stated on July 21 will be a Community Day Event at Robbins Island from 3 p.m. to 8 p.m., and on July 31 there will be a "Pop with a Cop" event held at Miller Park from 1 p.m. to 3 p.m. Bernick's Pepsi will be donating the pop.

Council Member Christianson stated procedure allows for the Mayor Pro Tempore to vote during the meeting. He also inquired about fireworks restrictions within the City.

Council Member Mueske stated that donations received by the City should be placed on the regular agenda rather than on the consent agenda, and read to publicly acknowledge the donors. He asked that a list be provided and read at the July 17th Council meeting.

Council Member Alvarado stated a Somali Independence Day celebration was recently held and it was a great educational opportunity for the entire community. He also reminded everyone to place garbage in the garbage containers provided throughout the City.

Council Member Christianson offered a motion to adjourn the meeting with Council Member Asmus seconding the motion, which carried. The meeting adjourned at 7:38 p.m.

MAYOR PRO TEMPORE

Attest:

SECRETARY TO THE COUNCIL

RESOLUTION NO. 17-74

RESOLUTION APPROVING STATE OF MINNESOTA JOINT POWERS AGREEMENTS WITH THE CITY OF WILLMAR ON BEHALF OF ITS CITY ATTORNEY AND POLICE DEPARTMENT

Motion by: Fagerlie

Second by: Christianson

WHEREAS, the City of Willmar on behalf of its Prosecuting Attorney and Police Department desires to enter into Joint Powers Agreements with the State of Minnesota, Department of Public Safety, Bureau of Criminal Apprehension to use systems and tools available over the State's criminal justice data communications network for which the City is eligible. The Joint Powers Agreements further provide the City with the ability to add, modify and delete connectivity, systems and tools over the five year life of the agreement and obligates the City to pay the costs for the network connection.

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

1. That the State of Minnesota Joint Powers Agreements by and between the State of Minnesota acting through its Department of Public Safety, Bureau of Criminal Apprehension and the City of Willmar on behalf of its Prosecuting Attorney and Police Department, are hereby approved. Copies of the two Joint Powers Agreements are attached to this Resolution and made a part of it.

2. That the Chief of Police, Jim Felt, or his or her successor, is designated the Authorized Representative for the Police Department. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the City's connection to the systems and tools offered by the State.

To assist the Authorized Representative with the administration of the agreement, Michael Anderson, Police Captain, is appointed as the Authorized Representative's designee.

3. That the City Attorney, Tom Anderson, or his or her successor, is designated the Authorized Representative for the Prosecuting Attorney. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the City's connection to the systems and tools offered by the State.

To assist the Authorized Representative with the administration of the agreement, Carlotta Navarrette, Assistant City Attorney, is appointed as the Authorized Representative's designee.

4. That Marv Calvin, the Mayor for the City of Willmar, and Ike Holland, the City Administrator, are authorized to sign the State of Minnesota Joint Powers Agreements.

Dated this 3rd day of July, 2017.

s/s Audrey Nelsen
MAYOR PRO TEMPORE

Attest:

s/s Judy Thompson
CITY CLERK

RESOLUTION NO. 17-75

ACKNOWLEDGEMENT OF DONATION

Motion By: Fagerlie Second By: Christianson

WHEREAS, the City of Willmar has received a donation which have been acknowledged by the City Administrator expressing the community’s appreciation for the time period of January 1, 2017 – June 30-, 2017.

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

Willmar Stingers Community Fund \$500.00 Little League Pitcher’s Mound

Dated this 3rd day of July, 2017

s/s Audrey Nelsen
MAYOR PRO TEMPORE

Attest:

s/s Judy Thompson
CITY CLERK

RESOLUTION NO. 17-76

A RESOLUTION ACCEPTING PROJECT NO. 1603-A AND AUTHORIZING FINAL PAYMENT.

Motion By: Fagerlie Second By: Christianson

IMPROVEMENT: Project No. 1603-A – Overlay: Lakeland Drive NE and Ella Avenue NW

CONTRACTOR: Duinick, Inc.
DATE OF CONTRACT: May 16, 2016
BEGIN WORK: August 1, 2016
COMPLETE WORK: November 1, 2016
APPROVE, ENGINEERING DEPT: November 3, 2016

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

1. The said City of Willmar Project No. 1603-A be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$679,238.55
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$679,238.55
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$615,298.77
Less Previous Payments	\$603,188.98
FINAL PAYMENT DUE CONTRACTOR:	\$12,109.79

Dated this 3rd day of July, 2017.

s/s Audrey Nelsen
 Mayor Pro Tempore

Attest:

s/s Judy Thompson
 City Clerk

RESOLUTION NO. 17-77

A RESOLUTION CERTIFYING OSLO MEADOWS SPECIAL ASSESSMENTS

Motion By: Fagerlie Second By: Asmus

WHEREAS, the following properties located within the City of Willmar were offered for sale by the County Auditor at tax forfeiture sale:

Parcel 95-604-0230; Lot 4, Block 3, Oslo Meadows

WHEREAS, the above property was subject to reassessment of \$2,219.14 special assessments if sold;
 and

Parcel 95-604-0240; Lot 5, Block 3, Oslo Meadows

WHEREAS, the above property was subject to reassessment of \$2,219.14 special assessments if sold;
 and

WHEREAS, the above properties were sold to My Other Half's LLC in April 2017;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, that the \$4,438.28 special assessments against the above properties be placed on the tax rolls for collection over a five (5) year period with an interest rate of five and one-half (5.50) percent, and that the County Auditor be notified to extend this assessment on the tax rolls payable in 2018 and thereafter.

Dated this 3rd day of July 2017.

s/s Audrey Nelsen
 Mayor Pro Tempore

Attest:

s/s Judy Thompson
City Clerk

**CITY OF WILLMAR
RESOLUTION NO. 17-78**

**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: Christianson

Second By: Mueske

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 and a second donation of \$99,000 by Resolution No. 17-24 dated March 20, 2017 and a third donation of \$99,000 by Resolution 17-52 dated May 15, 2017 ; and

WHEREAS, WACF now wishes to donate an additional \$75,000 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 \$75,000, all in support of the playground project, and all 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, the private firms donating in-kind services, materials and supplies as listed on the attached Exhibit A, 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 July 3, 2017.

Approved:

s/s Audrey Nelsen

Mayor Pro Tempore

Attested:

s/s Judy Thompson

City Clerk