

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

August 21, 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 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, Community Education and Recreation Director Steve Brisendine, Finance Director Steve Okins, Planning and Development Services Director Bruce Peterson, Police Chief Jim Felt, Public Works Director Sean Christensen, Human Resource Director Bridget Buckingham, City Clerk Judy Thompson and City Attorney Robert Scott.

Proposed additions and deletions to the agenda included: Mayor Calvin requested the addition of a recommendation for a law firm to represent the City in the hospital lease transaction.

City Clerk Judy Thompson reviewed the consent agenda.

- A. City Council Minutes of August 7, 2017
- B. Planning Commission Minutes of August 9, 2017
- C. Willmar Municipal Utilities Board Minutes of August 14, 2017
- D. Application of Gambling Exempt Permit—Pheasants Forever Kandiyohi County #2
- E. Application of Gambling Exempt Permit—Willmar Lakes Area Convention & Visitors Bureau
- F. Zoning Appeals Board Mayoral Appointment—Christopher Frank
- G. Human Rights Commission Mayoral Appointment—Osman M. Jibril
- H. The Barn Theatre On-Sale Intoxicating 3.2% Liquor License
- I. **Resolution No. 17-95 Approving the State of MN Airport Maintenance & Operation Grant Contract Fiscal Years 2018/2019**
- J. Willmar Lakes Area CVB Board Minutes of April 18, 2017
- K. Human Rights Commission Minutes of June 20, 2017
- L. Board of Zoning Appeals Minutes of August 7, 2017
- M. Accounts Payable Report through August 16, 2017

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

City Attorney Robert Scott stated he contacted four law firms that expressed interest in representing the City in the hospital lease transaction. He stated Mayor Calvin, City Administrator Ike Holland and he had conference calls interviewing three of the law firms, and their recommendation is that the City retain the firm of Kutak Rock of Omaha, Nebraska. Following discussion, Council Member Mueske offered a motion to retain the law firm of Kutak Rock to represent the city's interests regarding the affiliation between the City and CentraCare, and direct the Mayor, City Administrator and City Attorney to work with Kutak Rock to develop a written scope of representation for approval by the Council by resolution at the September 5, 2017 Council meeting. Council Member Asmus seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

At 7:21 p.m. Mayor Calvin opened the public hearing for the consideration of vacating a utility easement in the Eastgate Addition as petitioned by Kwik Trip. Planning and Development Services Director Bruce Peterson stated that Kwik Trip has plans for parking and storm water retention in the area of the easement and has requested it be vacated as it is an unnecessary unused easement. There being no one to

speak for or against the proposed vacation, Mayor Calvin closed the hearing at 7:23 p.m. and opened it up for discussion by the Council. Council Member Christianson introduced **Resolution No. 17-96 Vacating a Portion of a Utility Easement**. Council Member Nelsen seconded the motion which carried on a roll call vote of Ayes 8, Noes 0.

WasteWater Treatment Superintendent Jim Gauer recognized the retirement of Jim Werder, Lab Technician at the WasteWater Treatment Plant with over 27 years employment with the City of Willmar. Mr. Werder spoke and thanked the Mayor and Council for the opportunity to work for the City. City Administrator Ike Holland thanked Mr. Werder for his many years of service and presented him with a certificate of appreciation.

No one appeared before the Mayor and Council to speak during the Open Forum.

Mayor Calvin acknowledged Bradley Peterson, Coalition of Greater Minnesota Cities (CGMC), who appeared before the Mayor and Council to review the 2017 Legislative Session and activities of the CGMC. Mr. Peterson highlighted a few things the CGMC tried to do during the course of the Legislative Session. He presented CGMC facts stating their current membership is 90 cities in 2017, and that their primary focus for legislation is limited to five areas: 1) LGA/Property Taxes, 2) Economic Development, 3) Annexation and Land Use, 4) Environmental Regulations and 5) Transportation strictly from a Greater Minnesota perspective.

Mr. Peterson stated the 2016 election delivered GOP control of both House and Senate. After the Legislature failed to pass a tax bill in 2015 and 2016, LGA funding was left stagnant. There was a lot of unfinished business to take care of and the Legislature ended up going into a Special Session to get everything done. The State's financial health continued to be good, the February forecast showed a budget surplus of \$1.65 billion. CGMC once again made passing a tax bill with an LGA increase its number one priority and as a result, the 2017 Legislative Session approved a \$15M increase in LGA. Some of the other CGMC 2017 Legislative outcomes were: \$117M for clean water infrastructure grants and loans; \$12M for the Greater Minnesota BDPI program; \$300M in bonding, plus \$25M per year in cash, for Corridors of Commerce; \$16M for small-city streets; \$8M for workforce housing grants; passed law allowing additional 30 days to comment on some environmental permits; and prevented passage of harmful annexation legislation. He stated bonding bills are usually handled in even numbered years.

After a few questions, Mayor Calvin thanked him for his presentation and acknowledged Council Member Nelsen for serving on the CGMC Board. Mayor Calvin stressed the importance of LGA funding to the City and urged Mr. Peterson to continue to strive for this funding.

Aaron Backman, Executive Director Kandiyohi County & City of Willmar Economic Development Commission presented a request on behalf of the Highway 23 Coalition respectfully asking the City of Willmar to become a member of the Coalition for 2017-2018. Mr. Backman stated the Highway 23 Coalition is seeking state funding to complete the two four-lane gaps on Highway 23 between Willmar and Interstate 94. Willmar is the largest outstate city without continuous four-lane access. He also stated a four-lane connection to I-94 is essential to West Central Minnesota's economy and workforce; accessibility is required to attract and retain manufacturing jobs, businesses, and skilled employees; and prospects for the Willmar Industrial Park, such as logistics and warehousing businesses with just-in-time inventory models, often require four-lane accessibility.

Council Member Schwantes thanked Mr. Backman for his work and efforts on this project, and then introduced **Resolution No. 17-97 Approving Membership in the Highway 23 Coalition at the Advocate Level of \$3,000**. Council Member Nelsen 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 to approve the preliminary/final plat of North Creek Second Addition subdividing three lots into two. The development is part of a private planned unit development with private street. The expansion in lot size is to accommodate enlarging a parking lot for one of the existing buildings. The Planning Commission has approved the preliminary/final plat. Following discussion, Council Member Christianson offered a motion to approve staff's recommendation as presented. Council Member Fagerlie seconded the motion, which carried.

Planning and Development Services Director Bruce Peterson presented a request to approve a preliminary plat for HIS First Addition subdividing six parcels of land into two lots and four outlots. One of the lots will be for the new Dairy Queen restaurant and the other will be sold for commercial development. The Planning Commission has approved the preliminary plat. Following discussion, Council Member Christianson offered a motion to approve staff's recommendation as presented. Council Member Plowman seconded the motion, which carried.

Council Member Nelsen offered a motion to remove from the table the Civic Center Master Plan. This item was tabled at the June 19, 2017 Council meeting.

Public Works Director Sean Christensen updated the Council and stated the City was seeking experienced planning professionals to develop a Comprehensive Civic Center Master Plan and was seeking RFP's from firms interested in performing professional services related to a Complete Complex Master Plan. Mr. Christensen's recommendation was to start over due to the time lapse and contact the three firms who submitted proposals earlier this year and ask them to update their proposal with current timeline and costs, and bring back to Council for approval. Following discussion, Council Member Nelsen offered a motion to approve staff's recommendation. Council Member Asmus seconded the motion, which carried. Council Member Christianson abstained.

City Clerk Judy Thompson requested the Council set a hearing for 7:02 p.m. on September 5, 2017 for Oslo Meadows Special Assessments for the 2005 Street & Other Improvements against properties purchased by Ryan J. and Liv V. Fuchs legally described as Lot 1, Block 3, Oslo Meadows in the amount of \$2,129.14. Council Member Plowman offered a motion to approve staff's recommendation. Council Member Christianson seconded the motion, which carried.

City Clerk Judy Thompson presented to the Council a list of properties that have not paid the charges for weed and grass mowing. Pursuant to Municipal Code, Chapter 9, Article III, concerning the cutting of weeds or grass and in the case of noncompliance, such work is to be performed by the City or its agent. The costs thereof can be certified as a special assessment against the property in question.

Staff was recommending the Council set a hearing for 7:03 p.m. on September 5, 2017, to consider objections to the proposed assessment for the mowing costs incurred. Council Member Fagerlie offered a motion to approve staff's recommendation. Council Member Plowman seconded the motion, which carried.

City Clerk Judy Thompson presented to the Council a list containing a property owner that has not paid the charges for removal of a hazardous building. Pursuant to Municipal Code, Chapter 9, Article I, concerning the removal of a hazardous building, the costs thereof can be certified as a special assessment against the property in question.

Staff was recommending the Council set a hearing for 7:04 p.m. on September 5, 2017, to consider objections to the proposed assessment for the removal costs incurred. Council Member Fagerlie offered a motion to approve staff's recommendation. Council Member Nelsen seconded the motion, which carried.

City Administrator Ike Holland offered the following comments/announcements: Special Work Session for Council and Rice Hospital for September 13<sup>th</sup> at 5:00 at the Willmar Conference Center (Gallery 1 & 2); A Special Budget Meeting for the City will be held on September 12<sup>th</sup> at 5:00 p.m. in the Council Chambers; September 18<sup>th</sup> the draft of the Mayor's Budget will be presented, copies will be provided to the Council soon to allow time to review prior to the meeting.

Mr. Holland also noted he received a bill for the CGMC 2017 dues in the amount of \$39,615. Also included was a voucher for a voluntary assessment charge for environmental action fund in the amount of \$6,962. Mayor Calvin stated the voluntary assessment charge could come out of the WasteWater Treatment Plant Budget for a funding source. Council Member Christianson offered a motion that the City not pay the voluntary assessment fee. The motion died for a lack of a second. Following discussion, City Administrator Ike

Holland was directed to look at other communities and what they are doing in regard to the voluntary assessment fee and bring back to a future work session for further discussion.

Mayor Calvin noted that a list of openings on various City Boards and Commissions will be presented in the next Administrator notes or included in the next Council packet, and urged Council Members to make notification of any individuals interested in filling these positions. He stated currently we have an opening on the Planning Commission and openings on the Board of Zoning Appeals. We have a critical need at the Board of Zoning Appeals.

Council Member Christianson stated the Municipal Utilities Minutes indicated there were three terms that expired in 2016 and was inquiring if these individual have been reappointed. Mayor Calvin stated these individuals were all reappointed, and directed City Administrator Ike Holland to have Administrative Assistant Janell Sommers check into this.

Mayor Calvin stated he will present the proposed 2018 Budget to the Council on September 12<sup>th</sup>, in a new format than has been done in the past.

Council Member Fagerlie stated he received a complaint on the seal coating that was completed recently on Becker Avenue Southeast.

Council Member Nelsen thanked Public Works Director Sean Christensen for the completion of paving on 5<sup>th</sup> Street Southwest, as she had received several complaints in regard to this issue.

Council Member Christianson asked if discussion of the Committee structure was going to be continued at the next work session. Mayor Calvin will be discussing this issue with City Administrator Ike Holland.

Council Member Alvarado noted the new water tower that was painted and decorated recently, and also the Willmar Schools have updated their electronic signs.

Mayor Calvin acknowledged a group of nurses present in the audience.

Council Member Asmus reminded everyone that a "Going Green" event will be taking place on September 9<sup>th</sup> from 8:00 a.m. to 1:00 p.m. at the Bill Taunton Stadium and urged everyone to participate and clean up their garages, etc., as she has received complaints regarding such items. She also acknowledged the Stinger Baseball season has ended, and thanked the host families for their part in keeping the Stingers in our community.

Council Member Nelsen offered a motion to adjourn the meeting with Council Member Fagerlie seconding the motion, which carried. The meeting adjourned at 8:55 p.m.

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MAYOR

Attest:

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CITY CLERK

**RESOLUTION NO. 17-95**

**RESOLUTION AUTHORIZING EXECUTION OF  
MINNESOTA DEPARTMENT OF TRANSPORTATION  
AIRPORT MAINTENANCE AND OPERATION GRANT CONTRACT**

Motion By: Fagerlie

Second By: Mueske

BE IT RESOLVED by the City Council of the City of Willmar that the State of Minnesota Contract Number 1028922 "Airport Maintenance and Operation Grant Contract," at the Willmar Municipal Airport is accepted.

The Mayor and City Administrator are authorized to execute this agreement and any amendments on behalf of the City of Willmar.

Dated this 21st day of August, 2017.

s/s Marv Calvin  
MAYOR

Attest:

s/s Judy Thompson  
CITY CLERK

**RESOLUTION NO. 17-96**

**VACATING A PORTION OF A UTILITY EASEMENT**

Motion By: Christianson

Second By: Nelsen

WHEREAS, the vacation of that portion of the utility easement as described below was petitioned by the Kwik Trip:

Legal description to vacate a portion of the utility easement as follows: a 15' utility easement along the south property line of Lot 4, Block Two, Eastgate Addition AND a 15' utility easement along the north property line of Lots 5, 6, 7 and 8, Block Two Eastgate Addition EXCLUDING the easterly 10' utility easement Lots 4 and 5, Block Two Eastgate Addition;

WHEREAS, the proposed vacation has been approved by the Planning Commission of the City of Willmar; and

WHEREAS, mailed notice of the proposed vacation was sent to Willmar Municipal Utilities and affected private utility companies as per by Subdivision 6 of Section 9.01 of Subdivision 4.A. of the Willmar City Charter; and

WHEREAS, the City Council of Willmar finds that it is in the best interest of the City of Willmar to vacate that portion of said utility easement;

NOW, THEREFORE, BE IT RESOLVED, that the above described portion of dedicated utility easement be, and hereby is, vacated.

BE IT FURTHER RESOLVED that a certified copy of the Resolution be filed with the Kandiyohi County Recorder on or after the 21st day of August, 2017.

Dated this 21st day of August, 2017.

s/s Marv Calvin  
MAYOR

Attest:

s/s Judy Thompson  
CITY CLERK

**RESOLUTION NO. 17-97**

**A RESOLUTION APPROVING MEMBERSHIP IN THE HIGHWAY 23 COALITION**

Motion By: Schwantes                      Second By: Nelsen

WHEREAS the City of Willmar desires to become a member of the Highway 23 Coalition for 2017-2018; and

WHEREAS the Highway 23 Coalition is actively approaching cities, counties, businesses and other organizations to join the Coalition; and

WHEREAS the Highway 23 Coalition is promoting the use of State of Minnesota funding to complete the two four-lane gaps on Highway 23 between Willmar and Interstate 94; and the Coalition has elected officers, established a budget and incorporated a membership structure; and

WHEREAS the City of Willmar is the largest outstate city without continuous four-lane access, and a four-lane connection to I-94 is essential to West Central Minnesota's economy and workforce; and accessibility is required to attract and retain businesses, manufacturing jobs, and skilled workers; and

WHEREAS the Coalition intends to use membership funds to promote and market the need to fill the gaps on Highway 23;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Willmar approves membership in the Highway 23 Coalition at the Advocate level of \$3,000 for the period of time from the present day through December 31, 2018.

Dated this 21<sup>st</sup> day of August, 2017.

s/s Marv Calvin  
Mayor

Attest:

s/s Judy Thompson  
City Clerk