

WILLMAR CITY COUNCIL PROCEEDINGS
BOARD ROOM
HEALTH AND HUMAN SERVICES BUILDING
WILLMAR, MINNESOTA

September 17, 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, Julie Asmus, Shawn Mueske, Andrew Plowman, and Rick Fagerlie. Present 8, Absent 1. Council Member Fernando Alvarado was excused from the meeting.

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

Proposed additions to the agenda included: Mayor Calvin added Willmar Noon Lions Water Fountain Donation; Willmar Municipal Utilities 2019 Proposed Budget Presentation; Recreation Coordinator Job Description and Authorization to Fill Positions; and State Aid Variance Request for Highway 12 East Trail Project. These items were brought forward from the work session held earlier this evening.

Council Member Plowman 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 Meeting Minutes of September 4, 2018
- B. Carris Health-Rice Memorial Hospital Board Minutes of September 5, 2018
- C. Willmar Municipal Utilities Board Minutes of September 10, 2018
- D. Application for Exempt Permit –Church of St. Mary
- E. Application for Exempt Permit – Willmar Junior Golf Foundation Inc.
- F. State Temporary Liquor Permit – Foxhole Brewhouse Inc.
- G. Building Report for the Month of August, 2018
- H. Accounts Payable August 30 – September 12, 2018

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

James Venenga, Willmar, addressed the Council during the Open Forum and expressed his desire for Council to include the funding for an additional school resource officer in the 2019 budget. He stressed the importance of having an officer in the schools for safety of the students and staff.

Shelly Venenga, Willmar, addressed the Council during the Open Forum and expressed the importance of having an officer in the schools for safety of the students and staff and urged Council to include the funding for an additional school resource officer in the 2019 budget.

Paula Ulicsni Halvorson, outside Willmar, addressed the Council during the Open Forum as the community liaison for the In Common Project taking place in Willmar and urged everyone to participate in their upcoming events.

Lisa Molacek, Willmar, addressed the Council during the Open Forum and expressed her desire for Council to include the funding for an additional school resource officer in the 2019 budget, and also stressed the importance of having officer presence in the schools.

Betty Dawson, outside Willmar, addressed the Council during the Open Forum to express her desire for Council to include the funding for an additional school resource officer in the 2019 budget, and also stressed the importance of having an officer present in the schools.

Economic Development Commission Executive Director Aaron Bachman presented the 2019 EDC budget to the Mayor and Council. He stated the proposed budget totals \$587,613, including a county tax levy of \$528,600. This represents a 2.7% increase in the county tax levy for the upcoming year. He noted the proposed budget was approved by the Joint Operations Board on July 12th, the Joint Powers Board on July 26th, and the Kandiyohi County Commissioners will consider the 2019 budget on September 18th. He also noted the budget was presented to the Council at the September 10th Work Session. Following discussion, Council Member Nelsen offered a motion to approve the 2019 EDC budget as presented. Council Member Mueske seconded the motion which carried.

Willmar Municipal Utilities General Manager John Harren presented the 2019 Willmar Municipal Utilities (WMU) Budget and Five-Year Capital Improvement Plan (CIP). He stated the proposed budget consists of operating revenues in the amount of \$36,303,873; operating expenses in the amount of \$29,370,701, which is an increase of 1.48% over the 2018 budget; which leaves retained earnings in the amount of \$4,788,408. On the capital side they are looking at \$8,131,264 in capital projects with the biggest expenditure being the continuation of water treatment improvements. WMU intends to commission a rate study in 2019. Electric revenue is stable; with renewable energy becoming attractive to install, their fixed assets need to be analyzed and allocated to fixed charge. Water Treatment Plant improvements are estimated at \$9.5M. It is anticipated that financing for this project would come from bond funds. In addition, the City is requesting WMU to cover the cost of water main replacement. He indicated the rate study will identify the rate increase that will be required to retain a stable reserve. He stated the WMU Planning Committee had approved the proposed budget on August 23rd and the WMU Commission approved it on August 27th. It was noted this item was brought forward from the work session held earlier this evening. Following discussion, Council Member Nelsen offered a motion to approve the 2019 WMU budget as presented. Council Member Mueske seconded the motion which carried.

Finance Director Steve Okins presented a request to set the 2019 property tax levy at \$5,250,000. This would increase the property tax levy dollar amount by \$275,755 resulting in approximately a five (5%) percent increase on the actual property tax rate due to increased new construction and increased property values. He stated the City is required to certify a preliminary property tax levy by September 30th. Once an amount is certified, the City will be able to lower the amount but not increase it. The City will be required to take final action at the Truth in Taxation hearing scheduled for December 3, 2018, adopting a final amount to be paid by taxable property within the corporate city limits.

Following discussion, **Resolution No. 18-114 Setting Preliminary Levy for 2019 in the Amount of \$5,250,000** was introduced by Council Member Nelsen. Council Member Schwantes seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Planning and Development Services Director Bruce Peterson presented a request from Phyllis Keil to purchase city-owned property legally described as Lot 12, Block 5, Pleasant View Third Addition for a price of \$26,000. The property is vacant and suitable for construction of a single-family home and is appropriately zoned.

Following discussion, Council Member Plowman **introduced an Ordinance Authorizing the Sale of Real Property**, and set a public hearing for October 1, 2018 at 7:02 p.m. Council Member Fagerlie seconded the motion which carried.

City Clerk Judy Thompson presented a request to consider adopting a food truck ordinance and formal appeal procedure for business licenses or permits for the City of Wilmar. With the growing popularity of food trucks, communities are being proactive and adopting ordinances. A discussion was held at the September 10th work session and a few changes were made to the ordinance to reflect those issues of concern.

Following discussion, Council Member Schwantes **introduced an Ordinance Enacting a New Division 3, Mobile Food Units, in Chapter 8, Licenses, Permits and Business Regulations: Article III, Food Service Establishments, and Enacting a New Article X, Suspension or Revocation of Business Permits and Licenses**, set a public hearing for October 1, 2018 at 7:03 p.m. and approve summary publication of Ordinance due to length and cost of publishing entire Ordinance. Council Member Asmus seconded the motion which carried.

Public Works Director Sean Christensen presented a request for approval for the bituminous paving of the Lions Park/Dog Park parking lot. The parking lot was identified in the Pavement Management Program for new bituminous paving. The project includes bituminous and curb removal, common excavation, placing Class 5 aggregate base, new curb, bituminous paving and seeding. He noted two quotes were received for this project.

Following discussion, **Resolution No. 18-115 Awarding the Lions Park/Dog Park Lot Paving to Duinick, Inc. in the Amount of \$34,732.00** 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 for the bituminous paving of the Civic Center east lot. The parking lot was identified in the Pavement Management Program for new bituminous paving. The project includes bituminous and curb removal, common excavation, placing Class 5 aggregate base, new concrete curb, new concrete entrance aprons, bituminous paving of the driveway and seeding. He noted two quotes were received for this project.

Following discussion, **Resolution No. 18-116 Awarding the Civic Center East Lot Paving to Duinick, Inc. in the Amount of \$52,164.00** was introduced by Council Member Christianson. Council Member Asmus seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Following direction from Council, Public Works Director Sean Christensen stated staff solicited a proposal from Bolten and Menk, Inc. for the Cambridge development drainage improvements. The improvements include the addition of a piped outlet from the stormwater pond within the development to reduce flooding and impacts to the structures surrounding it.

Following discussion, **Resolution No. 18-117 Awarding the Contract for the Cambridge Development Drainage Improvements Engineering/Construction Related Services to Bolten & Menk, Inc. in the Amount of \$66,560.00** was introduced by Council Member Christianson. Council Member Schwantes seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Public Works Director Sean Christensen presented a request to replace the bio-solids semi and the wastewater maintenance pickup as listed in the 2018 vehicle replacement schedule.

Following discussion, **Resolution No. 18-118 Approving the Purchase of a 2019 International Semi in the Amount of \$81,396.01** was introduced by Council Member Christianson. Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Resolution No. 18-119 Approving the Purchase of a 2019 Ford F350 in the Amount of \$53,195.36 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 Change Order No. 1 for the Civic Center Ice System Replacement Project. He stated the change order resulted from relocation of the existing air-cooled condenser for the Blue Line Arena refrigeration system for use during the 2018/2019 ice season. The condenser is identified to be removed and phasing will require it to be relocated before the building addition construction starts so it can still be utilized in the meantime. The construction schedule delay resulted in the need to use the Blue Line Arena condenser for the 2018/2019 season.

Following discussion, **Resolution No. 18-120 Accepting Change Order No. 1 for the Civic Center Ice System Replacement Project in the Amount of \$28,045.00** was introduced by Council Member Christianson. Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Police Chief Jim Felt presented the Police Department statistics for the month of August 2018.

Fire Chief Frank Hanson presented the Fire Department statistics for the month of August 2018.

Public Works Director Sean Christensen stated the Willmar Noon Lions would like to donate a lion water fountain to be installed at a City park. Staff selected Rice Park and will place the fountain to the east of the shelter next to the playground. It was noted this item was brought forward from the work session held earlier this evening.

Following discussion, **Resolution No. 18-121 Acknowledgement of Donation** was introduced by Council Member Nelsen. Council Member Schwantes seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Public Works Director Sean Christensen presented a request for a variance from State Aid Operations Standards. In order to complete the Project Memorandum process and utilize State Aid funding, a State Aid Variance is required for the section of shared-use path between Olena Avenue and Trunk Highway 12. State Aid Rules require a minimum two-foot clear zone along shared-use paths. A clear zone is an area free of any obstructions including, but not limited to, signs and mail boxes. The Lakeland Drive portion of the project contains numerous traffic signs and mailboxes within the two-foot clear zone. In order to mitigate the risk associated with objects in the clear zone, a four-inch yellow stripe, at the edge of the eight-foot path, has been proposed. He stated in order to request a variance from the State Aid two-foot clear zone requirement, a certified resolution from the City Council is required to be submitted with the State Aid Variance Request. It was noted this item was brought forward from the work session held earlier this evening.

Following discussion, **Resolution No. 18-122 Requesting a Variance From Standard For State Aid Operation For Project No. S.A.P. 175-090-006/S.A.P. 175-152-006** was introduced by Council Member Fagerlie. Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Recreation Director Rob Baumgarn presented a request to approve the job description for Recreation Coordinator and authorize posting. He stated the Recreation Committee met on September 6th to discuss the organizational chart of the recreation department and discuss potential options of hiring recreation staff. The committee agreed to hire two recreation coordinators and to have the Recreation Director take more of the administrative duties of the Arena Manager. He also stated the position has been re-scored and will be placed in Pay Range 5. It was noted this item was brought forward from the work session held earlier this evening. Following discussion, Council Member Fagerlie offered a motion to approve staff's recommendation. Council Member Plowman seconded the motion which carried.

Mayor Calvin offered the following comments: Public Works Director, Municipal Utilities personnel, and the Mayor met earlier today to discuss replacing the downtown lights; Main Street Willmar will be meeting Tuesday, September 18th at 11:00 at the City Office Building; he would like Council to direct Finance Director to find funds to pay for an additional school resource officer.

Council Member Asmus spoke in favor of finding funds within the budget to keep the additional school resource officer position.

Council Member Mueske also spoke in favor of finding funds within the budget to keep the additional school resource officer position and asked the Mayor to perhaps shift some of the lower priority items and make a recommendation to the Council at the next meeting.

Council Member Plowman echoed the comments of Council Members Asmus and Mueske; urged citizens to reach out to the Council and express their concerns on issues of importance to them.

Council Member Fagerlie expanded on the Recreation Program and stated no youth teams from outside Willmar participated in our youth programs/leagues in 2018, and has heard there is interest in participating in 2019; spoke highly of Recreation Director Baumgarn and the efforts he is making to get our program off to a good start.

Council Member Christianson asked the Mayor to furnish information about the contract with the school district in regard to the school resource officer position and the costs paid by each entity.

Mayor Calvin stated the total cost to run the program is \$117,000 and the City and school share that cost. The actual cost to each entity will have to be verified to ensure accurate amounts are stated, and asked Police Chief Felt to prepare a document for Council.

Council Member Schwantes urged everyone to attend the budget meeting tomorrow evening at 6:00 p.m. at the Fire Station.

Council Member Mueske offered a motion to adjourn the meeting with Council Member Asmus seconding the motion which carried. The meeting adjourned at 8:25 p.m.

s/s Marv Calvin
MAYOR

Attest:

s/s Judy Thompson
SECRETARY TO THE COUNCIL

RESOLUTION NO. 18-114

SETTING PRELIMINARY LEVY FOR 2019

Motion By: Nelsen Second By: Schwantes

BE IT RESOLVED that the Mayor of the City of Willmar submitted a preliminary levy request of \$5,250,000;

BE IT RESOLVED by the City Council of the City of Willmar, Kandiyohi County, Minnesota, that the following sums of money be preliminarily levied for the current year collectable in 2019 upon the taxable property in said City of Willmar for the following purposes:

General Fund	\$5,250,000
--------------	-------------

BE IT RESOLVED that there is a sufficient sum of money in the Debt Service Funds of the City to pay principal and interest in 2019 on all outstanding bond issues, and the deferred annual tax levies previously certified to the County Auditor are hereby canceled;

BE IT FURTHER RESOLVED that a public hearing shall be scheduled for the 2019 proposed budget on December 3, 2018.

The City Clerk is hereby instructed to transmit a certified copy of this Resolution to the County Auditor of Kandiyohi County, Minnesota.

Dated this 17th day of September, 2018.

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk

RESOLUTION NO. 18-115

A RESOLUTION AWARDING THE LIONS PARK/DOG PARK LOT PAVING TO DUININCK, INC. IN THE AMOUNT OF \$34,732.00.

Motion By: Christianson Second By: Nelsen

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the bid of Duininck, Inc. for the Lions Park/Dog Park Lot Paving 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 \$34,732.00.

Dated this 17th day of September, 2018

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk

RESOLUTION NO. 18-116

A RESOLUTION AWARDING THE CIVIC CENTER EAST LOT PAVING TO DUININCK, INC. IN THE AMOUNT OF \$52,164.00.

Motion By: Christianson Second By: Asmus

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the bid of Duininck, Inc. for the Civic Center East Lot Paving 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 \$52,164.00.

Dated this 17th day of September, 2018

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk

RESOLUTION NO. 18-117

A RESOLUTION AWARDING THE CONTRACT FOR THE CAMBRIDGE DEVELOPMENT DRAINAGE IMPROVEMENTS ENGINEERING/CONSTRUCTION RELATED SERVICES TO BOLTON & MENK, INC. IN THE AMOUNT OF \$66,560.00.

Motion By: Christianson Second By: Schwantes

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 Cambridge Development Drainage Improvements construction and 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 consultant for the terms and consideration of the contract in the amount of \$66,560.00.

Dated this 17th day of September, 2018

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk

RESOLUTION NO. 18-118

A RESOLUTION APPROVING THE PURCHASE OF A 2019 INTERNATIONAL SEMI IN THE AMOUNT OF \$81,396.01.

Motion By: Christianson Second By: Nelsen

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, the purchase of a 2019 International Semi HV613 is accepted through the Minnesota State Contract No. 124647, and be it further resolved the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an agreement with Nelson Leasing, Inc. for the terms and consideration of the contract in the amount of \$81,396.01.

Dated this 17th day of September, 2018

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson

City Clerk

RESOLUTION NO. 18-119

A RESOLUTION APPROVING THE PURCHASE OF A 2019 FORD F350 IN THE AMOUNT OF \$53,195.36.

Motion By: Christianson

Second By: Nelsen

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, the purchase of a 2019 Ford F350 is accepted through the Minnesota State Contract No. 18.3-VHL and #135382, and be it further resolved the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an agreement with Nelson Auto Center/Bert's Truck Equipment for the terms and consideration of the contract in the amount of \$53,195.36.

Dated this 17th day of September, 2018

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk

RESOLUTION NO. 18-120

A RESOLUTION ACCEPTING CHANGE ORDER NO. 1 FOR THE CIVIC CENTER ICE SYSTEM REPLACEMENT PROJECT.

Motion By: Christianson

Second By: Nelsen

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 Cornerstone of Willmar, Inc. of Willmar, Minnesota by Change Order No. 1 in the increased amount of \$28,045.00.

Dated this 17th day of September, 2018

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk

RESOLUTION NO. 18-121

ACKNOWLEDGEMENT OF DONATION

Motion By: Nelsen

Second By: Schwantes

WHEREAS, the City of Willmar has received a donation to purchase a lion fountain to be placed at the City's Rice Park.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Willmar, Minnesota that the City formally accept the donation in association with the Willmar Noon Lions, who were instrumental with fundraising.

Dated this 17th day of September, 2018

s/s Marv Calvin
MAYOR

Attest:

s/s Judy Thompson
CITY CLERK

RESOLUTION NO. 18-122

A RESOLUTION REQUESTING A VARIANCE FROM STANDARD FOR STATE AID OPERATION FOR PROJECT NO. S.A.P. 175-090-006/S.A.P. 175-152-006.

Motion By: Fagerlie

Second By: Nelsen

WHEREAS, the City of Willmar is preparing plans for the construction of a 1.02 mile segment of shared use path along Lakeland Drive SE from Olena Ave SE to TH 12 and along TH 12 from Lakeland Drive SE to 23rd Street SE; and

WHEREAS, the purpose of the shared use path is to improve recreation and transportation connectivity, safety for non-motorized travelers, and to provide access to local businesses along TH 12; and

WHEREAS, Minnesota Rules for State Aid Operation 8820.9995 requires a two (2) foot minimum clear zone; and

WHEREAS, the proposed project will paint a four (4) inch yellow stripe to warn of obstacles within the clear zone; and

WHEREAS, this variance is necessary to accommodate the project design and purpose with minimal disruptions or negative impacts to the community, path users, and motorists; and

WHEREAS, there is insufficient right-of-way to attain proper boulevard space to accommodate the required signage and two (2) foot clear zone; and

WHEREAS, the cost of obtaining and clearing sufficient right-of-way would consume approximately 33% or one-third of the allocated funds for the proposed project and is prohibitive:

NOW, THEREFORE BE IT RESOLVED, that the City of Willmar City Council does hereby request a variance from the Minnesota Department of Transportation State Aid Operations Rules Chapter 8820.9995 Minimum Off-Road and Shared Use Path Standards to allow a four (4) inch yellow stripe to warn of obstacles within the clear zone beginning on the north side of Olena Avenue and continue to TH 12 in lieu of two (2) foot minimum clear zones.

BE IT FURTHER RESOLVED, that the City of Willmar Council hereby indemnifies, saves and hold harmless the State of Minnesota and its agents and employees of and from claims, demands, actions, or causes of action arising out of or by reason of reducing the minimum two (2) foot clear zones in accordance with Minnesota Rules 8820.9995 and further agrees to defend at their sole cost and expense any action or proceeding commenced for the purpose of asserting any claim arising as a result of the granting this variance.

Dated this 17th day of September, 2018

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk