

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

February 18, 2014
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Frank Yanish. Members present on a roll call were Council Members Audrey Nelsen, Tim Johnson, Jim Dokken, Rick Fagerlie, Denis Anderson, Ron Christianson, Steve Ahmann and Bruce DeBlicke; Present 9, Absent 0.

Also present were City Administrator Charlene Stevens, Police Chief David Wyffels, Finance Director Steve Okins, Planning and Development Services Director Bruce Peterson, City Clerk Kevin Halliday, and City Attorney Robert Scott.

Council Member Ahmann offered a motion adopting the Consent Agenda which included the following: City Council Minutes of February 3, Willmar Municipal Utilities Minutes of February 10, Planning Commission Minutes of February 12, Donation from Willmar Hockey Association, Accounts Payable Report through February 11, Application for Exempt Permit for Kandiyohi Friends of Firearms, Willmar Police Commission Minutes of October 22, December 4 and December 16, 2013 and the Building Inspection Report for January, 2014. Council Member Anderson seconded the motion, which carried.

The donation of \$550.00 from the Willmar Hockey Association to help offset costs for youth hockey equipment was recognized by the Council.

RESOLUTION NO. 1

WHEREAS, the City of Willmar has received a donation of \$550.00 from the Willmar Hockey Association to the Willmar Community Education and Recreation Department designated for help offset costs for youth hockey equipment;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Willmar, Minnesota, that the City accept the donation from the Willmar Hockey Association and the City Administrator be directed to express the community's appreciation.

Dated this 18th day of February, 2014.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

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

The Public Works/Safety Committee Report for February 11, 2014 was presented to the Mayor and Council by Council Member Nelsen. There were five items for consideration.

Item No. 1 Gary Gilman spoke on concerns relating to the Committee's decisions and considerations regarding eventual approval or denial of private outdoor archery ranges. Mr. Gilman was directed and given opportunity to speak further on the subject when addressed as a later agenda item.

Item No. 2 Chief Wyffels presented the Committee with a donation of a LIDAR (Light Detection and Ranging) device used for measuring and monitoring vehicle speeds. The device is valued at approximately \$2,500 and is offered by the grant managers of the Toward Zero Death (TZD) traffic enforcement grant. Resolution No. 2 was introduced by Council Member Nelsen, seconded by Council Member Ahmann, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 2

WHEREAS, the City of Willmar has received a donation of a LIDAR speed measuring device from the TZD (Toward Zero Death) Initiative grant program managed through Minnesota Departments of Public Safety, Transportation, and Health to the Willmar Police Department designated for help offset costs traffic enforcement equipment;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Willmar, Minnesota, that the City accept the donation from the TZD (Toward Zero Death) Initiative grant program and the City Administrator be directed to express the community's appreciation.

Dated this 18th day of February, 2014.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No.3 Chief Wyffels presented to the Committee additional information relating to the consideration of establishing standard archery range safety requirements. This was presented as an ongoing discussion on the same subject continued from the January 14, 2014 meeting. A PowerPoint presentation summarized the previous discussion and introduced concerns brought up at the January 14th meeting. Four different range options were offered for committee consideration. Two citizens with an interest in archery (Gary Gilman and Dan O'Meara) offered ideas, expressed concerns and provided input based upon their archery knowledge and experience as well. The Committee directed staff to bring additional information back to a future meeting in regards to what the archer community thought constituted a safe range design. This matter was for information only.

Item No. 4 Committee Chair Nelson asked for the current jail population number of today and the calls for service (CFS) number handled by the Police Department for the past two weeks. Chief Wyffels reported that the current population count within the Kandiyohi County jail was 65 and that the Willmar Police handled 631 calls for service during the past two weeks. This was received for information only.

Item No. 5 Committee member Ahmann expressed concern about not having knowledge on the cost of eliminating, relocating, or abandoning Highway 40 property relating to the Jennie-O Turkey Store expansion. Other committee members inquired as to what information relating to the project Mr. Ahmann was seeking. Mr. Ahmann stated that he would withdraw his inquiry and that the information he was seeking could probably be better provided from different sources or venues. This matter was for information only.

The Public Works/Safety Report for February 11, 2014, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Nelsen, seconded by Council Member Ahmann, and carried.

The Labor Relations Report for February 12, 2014, was presented to the Mayor and Council by Council Member Ahmann. There were six items for consideration.

Item No. 1 There were no comments from the public.

Item No. 2 Ms. Stevens requested the Committee approve to open the hiring process and create an eligibility list from which to hire police officers. Ms. Stevens stated that the City would have one known vacancy in May of this year due to retirement. Chief Wyffels added that the current list had expired and that the City has experienced the loss of at least one officer per year for the past 12 years and that the creation of an eligibility list would streamline the hiring process. Chief Wyffels stated that the advertising, testing and hiring process can take up to six months. Council Member Ahmann moved to approve the recommendation of the Labor Relations Committee to open the hiring process for police officers and allow for the filling of vacancies necessary to maintain a police force of 32 sworn officers. Council Member DeBlieck seconded the motion which carried.

Item No. 3 The Committee was informed that Chief Wyffels had announced his retirement date effective May 31, 2014 and it was necessary to open the hiring and testing process for the Chief of Police. Ms. Stevens stated that Chief Wyffels would be greatly missed by the department and the City. The Committee was recommending opening the hiring process for the Chief of Police. Council Member Ahmann moved to approve the recommendation of the Labor Relations Committee with Council Member DeBlieck seconding the motion, which carried.

Item No. 4 The Committee was notified that Kevin Madsen, the Arena Manager, has given his retirement notice effective June 1, 2014. As his position is critical to the operations of the Civic Center, it was recommended the vacancy be posted and filled as soon as possible. Ms. Stevens stated Mr. Madsen would be difficult to replace. Ms. Stevens responded to a question from the Committee on advertising, stating that the position would be marketed through the Arena Manager's Association, as well as Minnesota Parks and Recreation Association, in addition to other routine advertising. A question was also raised regarding the competitiveness of the salary. The Committee was recommending opening the hiring process for the Arena Manager. Council Member Ahmann moved to approve the recommendation of the Labor Relations Committee with Council Member Dokken seconding the motion, which carried.

Item No. 5 Committee Chair Ahmann continued the discussion on strategic planning for the City Council and asked those present for input on topics and process. Chair Ahmann suggested that the prior plans could be used as a starting point and that it would be important to quantify the goals and objectives, as well as to also have a prioritization process. Chair Ahmann suggested it was also important to have staff input in the discussions.

Council Member Dokken raised the suggestion of having Community Conversations following a model from the League of Minnesota Cities.

Council Member DeBlieck stated the Vision 2040 process had involved community input and conversations and could be a starting point. Council Member DeBlieck suggested a facilitator to ensure the time be well spent.

Council Member Johnson suggested that the City look at some operational efficiencies, citing the example of multiple health plans the City currently offers, as well as plans by Rice Hospital and the Municipal Utilities.

There was general discussion on time frame, such as conducting something in the spring, as well as following the 2014 elections.

Council Member Johnson inquired as to the cost of David Unmacht as a facilitator. Ms. Stevens stated she would review the costs from prior retreats.

Chair Ahmann suggested Steve Renquist or Dale Husted as possible facilitators.

The Committee agreed to have more input with the full City Council prior to finalizing the planning process. Following limited Council discussion, the matter was received for information only.

Item No. 6 Chair Ahmann inquired as to updating job descriptions. Ms. Stevens stated that as vacancies occur, job descriptions are reviewed and updated. As well, Ms. Stevens stated Department Directors have been asked to review job descriptions as time permits and try to eliminate outdated language. This matter was for information only.

The Finance Committee Report for March, 2014, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Anderson, seconded by Council Member Christianson, and carried.

The Community Development Report for February 13, 2014, was presented to the Mayor and Council by Council Member Fagerlie. There were five items for consideration.

Item No. 1 Duane Aldrich, Willmar resident, was present before the Committee to offer concerns about properties on the north side. Mr. Aldrich detailed some of his concerns regarding property conditions, such as broken doors, ripped screens, vehicles parked in front yards, etc. He said that in the area of 7th Street and Ella Avenue there were numerous properties with significant accumulations of junk. Staff will follow up on Mr. Aldrich's concerns. This was received for information only by the Committee.

Item No. 2 Staff presented the resolution to the Committee accepting the Rule Tire property as a gift. This matter had been discussed for some time and the Council had previously decided to move forward with the acquisition. The final step in that process is the adoption of a resolution accepting the property. The Committee discussed future use of the site. Chair Fagerlie offered the thought that the existing concrete garage be converted to classroom space and that a new gun range be constructed north of the block buildings in the area where the building to be demolished now sits.

The Council discussed the property acquisition and it was the consensus of the members that the property be accepted as a gift contingent on all taxes being paid. Resolution No. 3 was introduced by Council Member Fagerlie, seconded by Council Member Christianson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 3

WHEREAS, Cindy S. Gardner, as Trustee of the Rule Family Revocable Living Trust dated October 1, 2007, ("Donor"), holds fee title to certain real property located in the City of Willmar, Kandiyohi County, Minnesota, and bearing Parcel ID Numbers 95-003-2160, 95-003-2170, 95-003-2180 (the "Property"); and

WHEREAS, Donor has stated its intent to donate the Property to the City of Willmar, Minnesota (the "City"); and

WHEREAS, A draft Trustee's Deed has been prepared and is attached hereto as Exhibit A; and

WHEREAS, Donor has presented the City with an appraisal conducted by Holmgren Appraisals, LLC, effective December 9, 2013, which indicated a market value for the Property of \$80,000.00; and

WHEREAS, Minnesota Statutes, Section 465.03 provides that the City may accept a grant of real property and maintain the same 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, Section 4.02 of the City's Home Rule Charter states that no real estate or buildings shall be acquired by the City until the same shall have been submitted to and approved by the City's Planning Commission; and

WHEREAS, The City's Planning Commission reviewed the proposed donation of the Property to the City and approved of the same at its meeting on October 23, 2013.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL THAT: The City Council hereby: (1) accepts the grant/acquisition of the Property by the Donor to the City; (2) approves the attached Trustee's Deed, Exhibit A attached hereto; and (3) authorizes and directs the City Clerk to (a) execute such other documentation as is necessary to accomplish the donation to and acquisition of the Property by the City of Willmar, and (b) record such executed deed and such other documentation with the Kandiyohi County Recorder's Office and pay such related fees.

Dated this 18th day of February, 2014.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 A request came before the Committee to accept the right of way for 12th Street SE from Gesch Properties LLC. The Gesch family has been gracious enough to work with the City for some time to define the right of way for 12th Street and to participate in the City's long-range plan of constructing the street from Willmar Avenue north to Perkins Addition. The Committee acknowledged that the connection would be a valuable transportation link in that it provides access to a residential area that is currently not very well accessed. The Council agreed with the Committee's recommendation and felt it was also appropriate to acknowledge the Gesch family donation of property. Resolution No. 4 was introduced by Council Member Fagerlie, seconded by Council Member DeBlieck, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 4

WHEREAS, Gesch Properties, LLC, a Minnesota limited liability company, ("Grantor"), holds fee title to certain real property located in the City of Willmar, Kandiyohi County, Minnesota, legally described as:

Parcel 1 and Parcel 2, City of Willmar 12th Street SE Right of Way Plat

(the "Property"); and

WHEREAS, Grantor has stated its intent to quitclaim the Property to the City of Willmar, Minnesota (the "City") for \$1.00 and other good and valuable consideration; and

WHEREAS, a draft quitclaim deed has been prepared and is attached hereto as Exhibit A; and

WHEREAS, Minnesota Statutes, Section 465.03 provides that the City may accept a grant of real property and maintain the same for the benefit of its citizens in accordance with the terms prescribed by the Grantor, 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, Section 4.02 of the City's Home Rule Charter states that no real estate or buildings shall be acquired by the City until the same shall have been submitted to and approved by the City's Planning Commission; and

WHEREAS, the City's Planning Commission reviewed the proposed donation of the property to the City and approved of the same at its meeting on February 12, 2014.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL THAT:

The City Council hereby: (1) accepts the grant/acquisition of the Property by the Grantor to the City; (2) approves as to form the attached Quitclaim Deed, Exhibit A attached hereto; and (3) authorizes and directs the City Clerk to (a) seek execution of the deed substantially in the form hereby approved and allowing any necessary minor or technical changes, (b) execute such other documentation as is necessary to accomplish the acquisition of the Property by the City of Willmar, and (c) record such executed deed and such other documentation with the Kandiyohi County Recorder's Office and pay such related fees.

Dated this 18th day of February, 2014.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 Staff presented an email from the local MnDOT office to the Committee regarding the intersection of Highway 40 and County State Aid Highway 5. At the previous meeting, questions had been raised regarding signalization at that intersection. The analysis by MnDOT suggests that the intersection is far from meeting the necessary warrants for signalization at this time. This matter was for information only.

Item No. 5 The Committee was presented a resolution approving the vacation of a portion of a blanket easement as currently held by Willmar Municipal Utilities. This blanket easement was acquired from Kandiyohi Power Cooperative when the Utilities took over a portion of their facilities in the past. The property served by this easement is east of 15th Street Southwest, but is not within the City limits.

Some years ago, the process to vacate portions of blanket easements was streamlined. The primary responsibility for decision-making now lies with Willmar Municipal Utilities, with only a resolution from the Council required to complete the process. The Municipal Utilities has reviewed the easement vacation request and supports the vacation of a portion of the blanket easement, retaining the easement they feel is necessary to protect their interests.

Resolution No. 5 was introduced by Council Member Fagerlie, seconded by Council Member Dokken, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 5

WHEREAS, The City of Willmar is desirous of vacating those portions of the "blanket" utility easement described below:

RELEASE-- That part of the West Half of the Northwest Quarter of Section 27, Township 119, Range 35, described as follows: Commencing at the northwest corner of said Section 27; thence on a geodetic bearing of South 00d25'18" West, along the west line of said Section 27 a distance of 1138.03 feet; thence on a bearing of South 89d09'57" East a distance of 60 feet to the point of beginning of the land to be described; thence on a bearing of South 89d09'57" East, a distance of 473.81 feet to the east line of the west 533.80 feet of the West Half of the Northwest Quarter of said Section 27; thence on a bearing of South 00d25'18" West, along the east line of the west 533.80 feet of the West Half of the Northwest Quarter of said Section 27, a distance of 204.01 Feet to the south line of the north 1342.00 feet of the West Half of the Northwest Quarter of said Section 27; thence on a bearing of North 89d09'57" West along the south line of the north 1342.00 feet of the West Half of the Northwest Quarter of said Section 27, a distance of 473.81 feet; thence on a bearing of North 00d25'18" East, a distance of 204.01 feet to point of beginning.

WHEREAS, the City no longer has a use for the utility easements above described, or where a utility easement is required, the fee owner will grant a replacement easement; and

WHEREAS, it appears to be in the best interests of the City to vacate said utility easements subject to the terms of this Resolution;

NOW, THEREFORE, BE IT RESOLVED that the above-described utility easement be and hereby is hereby vacated subject to the condition hereinafter established;

BE IT FURTHER RESOLVED that this Resolution shall be effective as to that portion of the easement described above at RELEASE, encumbering the above described release properties, only after a certificate signed by the Willmar City Clerk and the Manager of the Municipal Utilities Commission is filed in the Kandiyohi County in the Kandiyohi County Recorder's Office certifying

- a. that no replacement easement is required by the City.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed with the Kandiyohi County Recorder.

Dated this 18th day of February, 2014.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Committee briefly discussed the parking study conducted in late 2013. Staff was asked to follow up with EDC and Rice Hospital to find out what steps they thought should be taken to make changes to parking in the Central Business District.

Council Member Johnson informed the Committee that the Garbage Task Force is at the stage where they are dealing with a draft ordinance. The draft ordinance will be reviewed by the Task Force and presented to the Council in the near future.

Council Member DeBlieck presented information about Move Minnesota, which is an effort to change transportation funding on a state-wide level. Presently, the City has not signed on to support the effort. Mr. DeBlieck asked if the City had been contacted to participate. Staff will follow up. City Administrator Stevens informed the Council that it was not too late to join their efforts if the Council would so direct. The Council asked for additional information.

The Community Development Committee Report for February 13, 2014, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Fagerlie, seconded by Council Member Dokken, and carried.

Planning and Development Director Bruce Peterson presented a request from I & S Group of Faribault, MN, to rezone the a parcel from Shopping Center to General Business for a stand-alone retail development that is not part of the Kandi Mall on the northwest corner of the intersection of 5th Street SE and 19th Avenue SE. The GB district has less restrictive setbacks than the SC district as its intended for large scale mall projects. The Planning Commission approved the rezone as abutting properties to the south are zoned GB and it's in keeping with the Comprehensive Plan. Council Member Anderson offered a motion to introduce the rezoning for public hearing on March 3, 2014, Council Member DeBlieck seconded the motion, which carried.

Under old business the City Clerk Kevin Halliday was asked to give an update on the City Auditorium. This was for information only.

There was no new business to come before the Council.

Announcements for Council Committee meeting dates were as follows: Finance, February 24; Public Works/Safety, February 25; and Community Development, February 27, 2014.

There being no further business to come before the Council, the meeting adjourned at 7:52 p.m. upon motion by Council Member Anderson, seconded by Council Member Ahmann, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL