

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

March 17, 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, Jim Dokken, Rick Fagerlie, Denis Anderson, Ron Christianson, Steve Ahmann and Bruce DeBlicek; Present 7, Absent 1. Council Member Tim Johnson was excused from the meeting.

Others present were City Administrator Charlene Stevens, Police Chief David Wyffels, Finance Director Steve Okins, Planning and Development Services Director Bruce Peterson, Public Works Director Sean Christensen, City Clerk Kevin Halliday, Fire Chief Gary Hendrickson, Community Education and Recreation Director Steve Brisendine, City Planner Megan Sauer, and City Attorney Robert Scott.

Mayor Frank Yanish and Council Member Ahmann announced they had items to add to the agenda under new business.

Council Member Anderson offered a motion adopting the Consent Agenda which included the following: City Council Minutes of March 3, Rice Hospital Board Special Meeting Minutes of March 3, Willmar Municipal Utilities Minutes of March 10, Planning Commission Minutes of March 12, Mayoral Appointments of both Robert "Jay" Lawton and Jeffery Kimpling to the Zoning Appeals Board, Donation from Willmar Blue Line Club, Inc., Accounts Payable Report through March 12, Building Inspection Report for February, and CER Joint Powers Board Minutes of February 28, 2014. Council Member DeBlicek seconded the motion, which carried.

The donation of \$1,000.00 from the Willmar Blue Line Club, Inc. 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 \$1,000.00 from Willmar Blue Line Club, Inc., on the condition that the funds donated be used for the purchase of youth hockey equipment;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Willmar, Minnesota, that the City accept the donation from Willmar Blue Line Club, Inc. subject to the condition that it be used for the purchase of youth hockey equipment, and the City Administrator be directed to express the community's appreciation.

Dated this 17th day of March, 2014.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

At 7:02 p.m. Mayor Yanish opened a hearing on an Ordinance Authorizing Issuance of \$1,205,000 General Obligation Improvement Bonds, Series 2014B. Kathy Aho, Springsted Incorporated, appeared before the Mayor and Council to explain that the ordinance authorizes borrowing of money to fund several projects in 2014, particularly Project Nos. 1401, 1403, and 1404. She stated June 16 as the date the bonds would be received and presented to the Council for award. There being no one present to speak for or against the ordinance, Mayor Yanish closed the hearing at 7:09 p.m.

Council Member Anderson offered a motion to adopt, assign a number and order final publication of the Ordinance Authorizing the Issuance of the \$1,205,000 General Obligation Bonds, Series 2014B and Levying of Taxes to secure Payment Therefor. Council Member Christianson seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

At 7:09 p.m. Mayor Yanish opened a hearing on an Ordinance Authorizing Issuance of General Obligation Sewer Revenue Notes, Series 2014A in the amount of \$3,000,000. Kathy Aho, Springsted Incorporated, again appeared before the Mayor and Council to explain that the ordinance authorizes borrowing of money to finance a portion of the costs of the MinnWest Lift Station/Lakeland Drive Sewer Project. There being no one present to speak for or against the ordinance, Mayor Yanish closed the hearing at 7:11 p.m.

Council Member Christianson offered a motion to adopt, assign a number and order final publication of the Ordinance Authorizing the Issuance of the \$3,000,000 General Obligation Bonds, Series 2014A and Levying of Taxes to secure Payment Therefor. Council Member Anderson seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

At 7:12 p.m. Mayor Yanish opened a hearing on an Ordinance Amending the Municipal Code Chapters 6.5 and 12 relating to the disposal of solid waste. Planning and Development Services Director, Bruce Peterson and City Planner, Megan DeSchepper presented the proposed changes to the ordinance and were available to answer questions. There being no one present to speak for or against the ordinance amendment, Mayor Yanish closed the hearing at 7:14 p.m.

Council Member Anderson offered a motion to adopt, assign a number and order final publication of an Ordinance Amending Chapter 6.5, Responsibilities of Owners and Occupants and Chapter 12, Solid Waste, Disposal of Garbage and Rubbish. Council Member Fagerlie seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

At 7:14 p.m. Mayor Yanish opened a hearing on an Ordinance Amending the Zoning Ordinance, Section 3 regarding accessory buildings/structures and their prohibited use as a storage structure. Planning and Development Services Director, Bruce Peterson and City Planner, Megan DeSchepper presented the proposed changes to the ordinance. There being no one present to speak for or against the ordinance amendment, Mayor Yanish closed the hearing at 7:16 p.m.

Council Member Fagerlie offered a motion to adopt, assign a number and order final publication of the Amendment to the Zoning Ordinance, Section 3. Council Member Dokken seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Mayor Yanish acknowledged Carolyn Jorgensen, 1508 – 3rd Street NE, who is a Registered Nurse on the OB Unit of Rice Hospital since 1985. Her concerns were the concessionary proposals and the disrespect shown by Rice Hospital Management for quality care given by nurses. She opined that seeking concessions could result in a revolving work force door and higher recruitment dollars. She was seeking Council support for nurses who stay here and work here. Nicole Mages, 509 – 36th Street NW, also a Registered Nurse at Rice Hospital, expressed her passion for nursing and that management thinks more about profits than patients.

Mayor Yanish called a recess to the meeting at 7:26 p.m. At 7:31 p.m. the Council reconvened.

Mayor Yanish recognized Christie Kurth, Coordinator/Executive Director of the Willmar Food Area Shelf, who presented an update on the Food Shelf. Ms. Kurth presented service statistics to include the demographics of their clientele. Following discussion on the number of pounds of food distributed and the dollar value of the volunteers, Mayor Yanish thanked Ms. Kurth for her presentation and service to the community. Ms. Kurth also invited everyone to the upcoming Chili Fest to be held March 20th to honor local heroes from 5-7 p.m. at the Community Center.

The Labor Relations Report for March 4, 2014, was presented to the Mayor and Council by Council Member Ahmann. There were two items for consideration.

Item No. 1 Council Member DeBlieck made a motion, seconded by Council Member Christianson to go into closed session pursuant to Minn. Stat. §13D.05 to discuss a matter of internal affairs data relating to allegations of law enforcement misconduct. The meeting was closed at 5:00 p.m.

The meeting was reopened at 5:30 p.m. on a motion by Council Member Christianson, seconded by Council Member DeBlieck. Mr. McGrath and Ms. Dorn left the meeting at this time.

Item No. 2 Council Member DeBlieck made a motion, seconded by Council Member Christianson, to go into closed session pursuant to Minn. Stat. §13D.05 to discuss a matter of pending litigation. The meeting was closed at 5:35 p.m.

The Labor Relations Committee Report for March 4, 2014, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Ahmann, seconded by Council Member Dokken, and carried.

The Finance Committee Report for February 10, 2014 was presented to the Mayor and Council by Council Member Anderson. There were five items for consideration.

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

Item No. 2 Staff explained to the Committee that just under \$2,800 was expended recently from the 2014 Leisure Services Budget to upgrade some of the youth hockey equipment. Prior to this purchase, the Hockey Association expressed an interest in partnering with the City on the cost of this upgrade. Subsequently, the City has received donations of \$1,000 from the Willmar Blue Line Club and \$550 from ACMC to help offset this expenditure. The Committee proposed the 2014 Leisure Services Equipment line item be increased by \$1,550 to reflect these donations. It was noted that the ACMC donation of \$550 was previously recognized by the Council. The Committee was recommending the Council increase the line item to reflect the donations from ACMC and the Willmar Blue Line Club, Inc.

Resolution No. 2 was introduced by Council Member Anderson, seconded by Council Member Christianson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 2

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to amend the 2014 Leisure Services Budget as follows:

Increase:	Small Tools	\$ 1,550
Increase:	Donations Revenue	\$ 1,550

Dated this 17th day of March, 2014.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 Staff presented a request to the Committee to purchase a snow blower for the Public Works Department for \$158,225. Replacement of the existing 1999 Sno-Go snow blower has been anticipated and planned for in the 2014 CIP. Rather than trade the old unit in for a credit of \$20,000, it is recommended that it be retained to salvage numerous parts because their value far exceeds the trade value.

It was noted that the 2014 CIP included \$200,000 for the purchase of the snow blower, so a savings in excess of \$41,000 will be realized in this transaction, not including the value of the salvage parts.

Council Member Anderson moved to approve the recommendation of the Finance Committee to approve the purchase of the snow blower for \$158,225 from MacQueen Equipment and to retain the existing 1999 Sno-Go snow blower for salvage parts. Council Member Christianson seconded the motion, which carried.

At this time in the Finance Committee meeting, Chair Anderson commended staff for their vigilance in determining the substantial cost savings of \$146,000 when purchasing the Oil Distributor recently.

Council Member Christianson requested that proposed capital equipment purchases be brought to the applicable committee for approval, as well as to the Finance Committee for budget approval. Concerns were raised about the additional process this would involve. This matter will continue to be discussed.

Council Member Dokken arrived at this time.

Item No. 4 Staff was recommending the Committee consider the purchase two new garage doors and lifts for the Public Works Garage. Two of the main doors in the garage have been failing for some time and their replacement was anticipated and scheduled in the 2014 CIP. It was subsequently determined that due to ongoing and increasing problems with the lifts that they both should be replaced as well. The total cost for replacement of two doors and two lifts is anticipated at \$15,381.26. The 2014 CIP budgeted \$10,000 for two doors. It is proposed that \$5,381.26 be reallocated from unspent funds from previously purchased dump trucks which were part of the 2014 CIP as well.

The Committee was recommending approving the purchase of two doors and two lifts from Overhead Door Company for a total cost of \$15,381.26 and that \$5,381.26 be reallocated from unspent funds from the previously purchased dump trucks.

Resolution No. 3 was introduced by Council Member Anderson, seconded by Council Member Christianson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 3

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to amend the 2014 Capital Improvements Budget as follows:

Increase:	Two Garage Doors/2 Lifts	\$ 5,382
Decrease:	Dump Trucks	\$ 5,382

Dated this 17th day of March, 2014.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 5 The Committee was informed that shortly after the new fuel pumps were installed at the Public Works Garage in 2013, it became obvious that there were compatibility issues with the old software packages. These incompatibilities included some of the tank monitoring as well. Staff solicited proposals from three different firms to correct the problem and to make the system functional. It is being recommended that the fuel system upgrade be completed by Minnesota Petroleum Services for \$45,552.88.

While this project was not part of the CIP, it is necessary nonetheless and it is proposed that unused funds from the recent purchase of an oil distributor for the Public Works Department be used for this upgrade.

Resolution No. 4 was introduced by Council Member Anderson, seconded by Council Member Christianson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 4

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to amend the 2014 Capital Improvements Budget as follows:

Increase:	Fuel System Upgrade	\$ 45,553
Decrease:	Oil Distributor	\$ 45,553

Dated this 17th day of March, 2014.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Finance Committee Report for March 10, 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 Public Works/Safety Committee Report for March 11, 2014 was presented to the Mayor and Council by Council Member Christianson. There were six items for consideration.

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

Item No. 2 Staff presented the Committee with a recommendation to award a consultant contract to Bolton & Menk for design and construction-related services on the upcoming Country Club Drive Lift Station Replacement. Staff had reviewed and scored two proposals, the other firm being TKDA out of Minneapolis. Bolton & Menk achieved the highest total score, as well as the highest score for both technical capacity and price. It is anticipated that the design and planning work will be done in 2014, with construction to follow in 2015.

The Committee was recommending that a contract be awarded for the Country Club Drive Lift Station design and construction-related services to Bolton & Menk in the amount of \$76,377.50, and that the Mayor and Administrator be authorized to execute the necessary document(s).

Resolution No. 5 was introduced by Council Member Christianson, seconded by Council Member Anderson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 5

WHEREAS the City of Willmar desires to retain a consultant to provide professional services to perform design and construction-related services for the Country Club Drive Lift Station project; and

WHEREAS a proposal has been made by the firm of Bolton & Menk, Inc. for said services in the amount of \$76,377.50.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Willmar that said proposal be approved and that the Mayor and City Administrator be authorized to execute the same.

BE IT FURTHER RESOLVED that funding for said services be from the 2014 Wastewater Collection Budget.

Dated this 17th day of March, 2014.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 The Committee was presented amendments to the engineering contract with Bollig Inc. relative to the MinnWest Lift Station/Lakeland Drive Sewer Project. The Committee first discussed Amendment Number Three to the original contract, involving work performed by Bollig in reviewing the sewer televising and doing design work for the portion of the project bid as cured in-place pipe. Staff informed the Committee that this work had already been done to keep the project on schedule.

The Committee recommended the Council approve Amendment Number Three to the Bollig Inc. contract in the amount of \$28,716.00 and authorize the Mayor and City Administrator to execute the contract amendment.

Resolution No. 6 was introduced by Council Member Christianson, seconded by Council Member Nelsen, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 6

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 enter into Amendment #3 to the professional services contract between the City of Willmar and Bollig Inc. for the MinnWest Lift Station/Lakeland Drive Interceptor Sewer Project. The amendment increases the not-to-exceed figure for the previously amended contract amount approved by Council to \$442,628.96.

Dated this 17th day of March, 2014.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Amendment Number Four to the Bollig contract was then presented to the Committee by staff. The amendment consists of increasing consulting engineering fees for construction-related services. This work was quoted in the amount of \$185,800 and would include all services related to construction inspections, oversight, record keeping, and documentation for the MinnWest Lift Station/Lakeland Drive Sewer Project. A number of concerns were expressed by Council Members relative to Bollig Inc.'s work on the 2013 street projects. Questions were also raised regarding the proposed cost of the services.

The Committee was recommending the Council table the matter pending review by the incoming Public Works Director. Council Member Christianson moved to approve the recommendation of the Public Works Safety Committee with Council Member Nelsen seconding the motion, which carried.

Item No. 4 Staff informed the Committee that inadequate time had been given to the process for mailing and publishing notices for the 2014 Improvement Project public hearing. At the previous Council

meeting, a hearing date had been recommended as March 17, 2014. This date did not allow sufficient notification time required by statute. Staff was recommending to the Committee that the Improvement Hearing be rescheduled to April 7, 2014.

Council Member Christianson moved to approve rescheduling the Improvement Hearing for the 2014 Improvement Project from March 17, 2014 to April 7, 2014 with Council Member Ahmann seconding the motion, which carried.

Item No. 5 Under Old Business at the Committee meeting, Council Member Ahmann noted that he had driven several of the streets included in the 2013 Improvement Project and had concerns about elevations and drainage. It was suggested that the incoming Public Works Director review those projects and offer his comments.

The Committee also discussed the proposed facilities planning process to be undertaken by the City and to be funded by the 2014 CIP. Council Member Ahmann noted that there were significant maintenance issues that existed on a number of the municipal buildings. He suggested that volunteer architectural, contractor, and inspection services could be used to keep costs down.

Item No. 6 Under New Business Police Chief Dave Wyffels noted that the jail census for March 11, 2014 was 73, and that the calls for service for the previous two weeks totaled 563.

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

City Clerk Kevin Halliday presented a request to approve a Civic Center Arena Special Event by On-Sale License. The Civic Center has rented space to the West Central Builders Association (WCBA) who will hold a two-day show on March 29 and 30, 2014. On Saturday, March 29th, the WCBA has plans to offer free alcohol to their members after closing hours and all the patrons have gone home. A Civic Center Arena Special Permit is required to distribute or consume alcohol on Civic Center grounds. The Kandi Entertainment Center has applied for this permit with on-site employee listed as Keith Pattison. The Community Education and Recreation (CER) Board will meet and consider this request on March 21, 2014. City Council approval should be contingent upon approval of the CER Board. Council Member Anderson moved to approve the Civic Center Arena Special Event by On-Sale Liquor License contingent on approval by the CER Board, with Council Member DeBlieck seconding the motion, which carried.

City Clerk Kevin Halliday presented to the Council for consideration a new Premise Permit for the 100 Yard Club, Inc. organization at Pep's Sports Bar. The 100 Yard Club is making application to the Gambling Control Board to obtain a Premise Permit for a gambling license at Pep's Sports Bar. The permit is for pull tabs. The local unit of government must sign the premise permit application and the City Council must vote on the application, and if approved, the resolution is submitted along with the application to the Gambling Control Board.

Resolution No. 7 was introduced by Council Member Christianson, seconded by Council Member DeBlieck, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 7

REQUESTING THAT THE MINNESOTA GAMBLING
CONTROL BOARD APPROVE THE APPLICATION FOR A
PREMISE PERMIT FOR THE 100 YARD CLUB, INC.

WHEREAS, the 100 Yard Club, Inc. has applied to the Minnesota Gambling Control Board to obtain a Premise Permit for a Gambling License at Pep's Sports Bar, 1312 Lakeland Drive SE, Willmar, Minnesota;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that the City approves of the Premise Permit for the 100 Yard Club, Inc. and respectfully requests that the State of Minnesota Gambling Control Board approve the Premise Permit to the 100 Yard Club, Inc.

Dated this 17th day of March, 2014.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Planning and Development Services Director Bruce Peterson explained that City Charter does require a public hearing for the sale or transfer of land and an Ordinance Authorizing the Sale of Land is the next step in the land transfer process to Jennie-O Turkey Store. The proposed sale price of \$238,072 would be written down to \$0 by the City's land write-down policy. Council Member Christianson offered a motion to introduce an Ordinance Authorizing the Sale of the Land to Jennie-O Turkey Store, Inc. and schedule a public hearing for 7:03 p.m., April 7, 2014. Council Member Nelsen seconded the motion.

Council Member Ahmann moved to amend the motion to say "action is subject to the receipt by the City Council of a satisfactory report from Hormel Foods' Investor Relations Department, cross referencing the following list of public officials, full names, surnames and immediate family members, as well as trusts for the benefit of said subjects, and the home and business addresses of said subjects against the company's database of stockholders registered on November 19, 2013 and February 3, 2014, including the number of shares held by said subjects and share prices on the abovementioned dates of records." Council Member Christianson seconded the motion.

City Attorney Robert Scott commented on the Conflict of Interest Policy binding Council, staff and City subcommittees. Mr. Scott indicated that members of the EDC and Planning Commission are also under conflict of interest requirements as well, by State Statute, and are required to disclose if they stand to benefit from the Council entering into a contract with Jennie-O Turkey Store or Hormel. Upon a roll call vote on the amendment, it failed with 6 Noes and 1 Aye, that being from Council Member Ahmann.

The motion to introduce the Ordinance Authorizing the Sale of the Land to Jennie-O Turkey Store, Inc. for public hearing was then approved on a roll call vote of Ayes 7, Noes 0.

Under old business Council Member Ahmann commented on the Food Shelf report as it relates to the business subsidy policy which was recently approved. Within that policy under Section 2, Paragraph 2 calls for a \$12 per hour wage threshold. He questioned if the \$12 wage threshold should be reviewed by the appropriate committee. Planning and Development Services Director Bruce Peterson stated the Planning and Development Committee increased the rate by approximately 10% from the previous policy in May, 2013.

Under New Business Mayor Yanish announced the sale of his tire business and stated he can be reached at his home phone number and is available to meet in his office at City Hall.

Announcements for Council Committee meeting dates were as follows: Finance, March 31; Public Works/Safety, April 1; Labor Relations, March 26 and Community Development, March 27, 2014.

There being no further business to come before the Council, the meeting adjourned at 8:55 p.m. upon motion by Council Member Anderson, seconded by Council Member Ahmann, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL