

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

May 19, 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 Mayor Yanish, Council Members Audrey Nelsen, Jim Dokken, Rick Fagerlie, Denis Anderson, Ron Christianson, Steve Ahmann, Tim Johnson and Bruce DeBlicek; Present 9, Absent 0.

Others present were City Administrator Charlene Stevens, Police Chief David Wyffels, Public Works Director Sean Christensen, City Clerk Kevin Halliday, Community Education and Recreation Director Steve Brisendine, Fire Chief Gary Hendrickson and City Attorney Robert Scott.

Additions to the Agenda under Consent Items included the Mayoral Appointment of Art Benson to the City/County Economic Development Operations Board.

Council Member Anderson offered a motion adopting the Consent Agenda which included the following: City Council Minutes of May 5, Willmar Municipal Utilities Minutes of May 12, Planning Commission Minutes of May 14, Application for Exempt Permit: Willmar Firefighters Association, Accounts Payable Report through May 15, Mayoral Appointment of Art Benson to the City/County Economic Development Operations Board, and Zoning Appeals Board Minutes of May 12, 2014. Council Member Dokken seconded the motion, which carried.

Council Member DeBlicek highlighted the Willmar Municipal Utilities minutes and summarized the 2013 Financial Statement noting their financial contributions to the City. This was for information only.

Mayor Yanish acknowledged one request to speak in the Open Forum. Bob Skor, 617 SW 14th Street, came before the Council to inquire about the repair of the the water problems at the Auditorium. He also mentioned the inconvenience of no parking on 6th Street during the Car Show at Kennedy School and the curb elevations on Kandiyohi Avenue. His concerns were addressed by staff.

Fire Chief Hendrickson recognized three individuals who have completed their one-year probationary period with the Willmar Fire Department - Andrew Christensen, Jarad Ripperger and Jason Scheffler. Each officer had worked 185 hours attending fire calls and 182 hours of training over the last year, which was a sacrifice for the Firefighters as well as their families. Chief Hendrickson recited a Willmar Fire Department Oath of Office to the Officers followed by the receipt of their individual badges.

Fire Chief Hendrickson recognized Jordan Hanson as an Honorary Member of the Willmar Fire Department for his tireless commitment to serve the Fire Department through the 2014 school year with 240 hours of significant dedication. Jordan participates in Focus House, which is a program within Willmar Public School that allows students transitional training beyond meeting graduation requirements. Mr. Hanson was presented with a firefighters' helmet inscribed with his name.

The Finance Committee Report for May 12, 2014 was presented to the Mayor and Council by Council Member Anderson. There were eight items for consideration.

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

Item No. 2 Bill Fenske, CFO of Rice Hospital, presented the Committee with the 03/31/14 Financial Report, which reflects a year-to-date net operating loss of \$2,485,994. The month of March

generated a loss of \$99,638, which is an improvement from February's net loss of \$1,153,480 and January's net loss of 1,232,876. The primary contributing factors of increased outpatient activity helped improve the Hospital's financial performance. Discussion included accounts receivable issues, the shift in Payer Mix to more governmental sources and less commercial sources, and efforts to recruit more specialized physicians for the hospital, particularly orthopedists. The Council received this for information only.

Item No. 3 Staff explained to the Committee that Dan Groothuis, prior owner of land northwest of the new airport runway, has inquired of various Council Members whether special bidding criteria could be given to land owners who lost acreage from the eminent domain taking of land. Mr. Groothuis was present at the Committee meeting and expressed his desire to have negotiated rental rates or rights-of-first refusal after bids are solicited. After considerable discussion, it was the consensus of the Committee that there should be no change in how staff conducts the land rental procedure. This was received for information only.

Item No. 4 Staff explained that Bill Latham of WM Latham Appraisals, under contract with the City for \$29,500, has concluded the appraisal of the Lakeland Drive SE Bike Trail project. Initial Permanent and Temporary Easement Values were estimated at \$40,500 but the total appraised value returned by Mr. Latham totals \$85,450. Consequently, an additional \$45,000 needs to be allocated from the Industrial Development Fund in order to complete the project of purchasing the necessary easements. It was noted that the Temporary Easement deadline is two years from the purchase; subsequently, it was determined that the Temporary Easements should be purchased in September to allow for two construction seasons to complete the project.

The Committee was recommending increasing the Lakeland Drive Bike Path Budget by \$45,000 allocated from the Industrial Development Fund to enable completion of the required easement purchase for the Lakeland Drive SE Bike Trail project. Resolution No. 1 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 1

REVISED LAKELAND DRIVE PATH BUDGET
FOR EASEMENT ACQUISITION

OTHER CHARGES:		RECEIVABLES:	
Professional Services	\$29,500.00	City - LOST	<u>\$115,000.00</u>
Other Charges	<u>\$85,500.00</u>	TOTAL	\$115,000.00
TOTAL	\$115,000.00		
		FINANCING:	
		City - LOST	<u>\$115,000.00</u>
		TOTAL	\$115,000.00
GRAND TOTAL	\$115,000.00		

Dated this 19th day of May, 2014.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 5 The Finance Committee reviewed staff's proposed 2015 Budget Calendar. Mayor Yanish stated at the Committee meeting he had no questions or concerns regarding this 2015 calendar.

The Committee was recommending the Council approve the 2015 Budget Calendar as presented. Council Member Anderson moved to approve the recommendation with Council Member Fagerlie seconding the motion, which carried.

Item No. 6 Staff provided to the Committee a tentative budget calendar for the 2014 Street Improvement Project and reported that there are ongoing discussions with local lending institutions for possible alternatives to normal bonding procedures for street improvement financing. Preliminary information reflects little additional costs using local financing, which would provide the benefit of utilizing local dollars. It was the consensus of the Committee that staff should continue to pursue these local financing alternatives. This was received for information only.

Item No. 7 Staff explained to the Committee that the City has received invoices for ditch repairs within the City limits in the amount of \$156,270.29, however, the 2014 Budget includes only \$20,000 for these repairs. It is being proposed that the remaining \$136,271 be funded through the Surface Water Management Budget. These invoiced costs being levied are based on the prior year's expenses and are previous to the Redetermination of Benefits of County Ditches dated April 1, 2014. It was noted that future expenses for routine maintenance and repairs will be considerably less. Council Member Johnson asked if there is a procedure for objecting to the cost of the ditch maintenance. Chair Anderson also questioned whether or not the City could contest the cost and asked staff to research other funding sources.

Following discussion Council Member Nelsen moved to table this matter until the next Finance Committee meeting to allow staff an opportunity to determine the process, if any, for contesting the charges and to look into other possible funding sources for these costs. Council Member Fagerlie seconded the motion which carried. This was received by the Council for information only.

Item No. 8 Staff explained that the 2014 Capital Improvement Program includes \$25,000 designated for Sign Retro-Reflectivity by federal mandate; however, this is considered annual maintenance and not a capital project that requires fixed asset tracking. Subsequently, it is being requested that these funds be reallocated into the 2014 Public Works Maintenance of Other Improvements Operating Budget.

The Committee was recommending reallocating \$25,000 from the 2014 Capital Improvements Budget to the 2014 Public Works Maintenance of Other Improvements Operating Budget for Sign Retro-Reflectivity maintenance. Resolution No. 2 was introduced by Council Member Anderson, seconded by Council Member Nelsen, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 2

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to reallocate the 2014 Budget Amount for the Sign Retro-Reflectivity Maintenance Project as follows:

Increase:	Public Works (Supplies) Maintenance of Other Improvements Expenditures	\$25,000
Decrease:	Capital Improvement Program Expenditures	\$25,000

Dated this 19th day of May, 2014.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 8 There was no old business for the Committee to discuss.

Item No. 9 There was no new business for the Committee to discuss.

The Finance Committee Report for May 12, 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 Fagerlie, and carried.

Council Member Ahmann commented on the Rice Memorial Hospital financial status and the change in the health care industry. He requested an informational meeting with members of the hospital and/or staff for further details.

The Public Works/Safety Committee Report for May 13, 2014 was presented to the Mayor and Council by Council Member Christianson. There were seven items for consideration.

Item No. 1 There were no public comments.

Item No. 2 Staff presented a recommendation to approve Contract No. 1301-A Change Order #1. The project was awarded to Duinink Inc. on May 9, 2013 for the street improvements to Kandiyohi Avenue SW from 1st Street to 7th Street SW, and 11th Street to 15th Street. Staff noted minor extra work was required to correct grade and drainage problems. Change Order No. 1 in the amount of \$10,875.60 was negotiated with the contractor to address the added work. Project funding was discussed with the committee, noting the design engineer has agreed to pay additional contract costs for completing the work. The Committee questioned if the work solved the grade and drainage problems and asked staff to look further into it. Following discussion, the Committee was recommending the Council table the Contract No. 1301-A Change Order #1.

Item No. 3 The Committee reviewed a summary of the bids opened for the Gorton Avenue NW and 9th Street NW Improvements City Project No. 1401. At this time the City Council is required to declare the costs to be assessed in accordance with the requirements of Chapter 429, State of Minnesota Statutes. Staff is recommending the improvements based on Bid Alternate B to use bituminous surfacing.

The Committee reviewed a summary of the bids opened for the 12th Street SE Improvements City Project No. 1404. At this time the City Council is required to declare the costs to be assessed in accordance with the requirements of Chapter 429, State of Minnesota Statutes. Staff is recommending the improvements based on Bid Alternate B to use bituminous surfacing.

The Committee reviewed a summary of the bids opened for the 23rd Street SW, 10th Street SW, 9th Street SW, 7th Street SE, and 25th Street SE Improvements City Project No. 1403. At this time the City Council is required to declare the costs to be assessed in accordance with the requirements of Chapter 429, State of Minnesota Statutes. Staff is recommending the improvements based on Bid Alternate B to use bituminous surfacing.

Resolution No. 3 was introduced by Council Member Christianson, seconded by Council Member Nelsen, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 3

Declaring Cost to be Assessed and Ordering Preparation of Assessment Roll
In Connection With 2014 Street and Other Improvements
(Project Nos. 1401, 1403, and 1404)

WHEREAS, contracts have been let for the construction of Street and Other Improvements of 2014 in the City, to-wit: City Project Nos. 1401, 1403, and 1404 and;

WHEREAS, the total cost of said Street and Other Improvements of 2014 is \$1,978,113.00.

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

1. The City Council hereby determines that the City shall pay \$1,175,738.38 of said cost, exclusive of the amount it may pay as a property owner, and the sum of \$802,374.62 shall be assessed against benefited property owners based upon benefits received without regard to cash valuation.

2. The Clerk-Treasurer, with the assistance of the City Engineer, shall forthwith calculate the proper amount to be specially assessed for such improvement against every assessable lot, piece or parcel of land without regard to cash valuation as provided by law, and he shall file a copy of such assessment in his office for public inspection.

3. The Clerk-Treasurer shall, upon the completion of such assessment, notify the City Council thereof.

Dated this 19th day of May, 2014.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 The Committee was informed that the staff is in the process of preparing the assessable footage and amounts for each a property affected by Project Nos. 1401, 1403 and 1404. It is at this time the affected property owners are to be notified of their assessed amount and a hearing date set for June 16, 2014. Resolution No. 4 was introduced by Council Member Christianson, seconded by Council Member DeBlicek, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 4

Calling Hearing on Assessments for Project Nos. 1401, 1403, And 1404
2014 Street and Other Improvements

WHEREAS, the City Clerk-Treasurer with the assistance of the City Engineer has prepared an assessment roll for Project Nos. 1401, 1403, and 1404 of the 2014 Street and Other Improvements, and said proposed assessment roll is on file with the Clerk-Treasurer and open to public inspection.

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

1. The Clerk-Treasurer shall publish notice that this City Council will meet to consider the proposed assessments on June 16, 2014, at 7:01 p.m. in the Council Chambers, Municipal Utilities Building, 700 West Litchfield Avenue, Willmar, Minnesota.

2. Said notice shall also be mailed to the owners of each parcel of property described in the assessment roll.

3. Such notice shall be in substantially the following form:

4. Said notice shall be published by the City Clerk-Treasurer in the official newspaper at least two weeks prior to the hearing and mailed by said Clerk-Treasurer to the owners of each parcel described in the assessment roll.

Dated this 19th day of May, 2014.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 5 The committee reviewed staff's requests for approval of a permit application allowing construction/use of a private archery range design as illustrated on the application. The permit for Jody Freiborg, residing at 508 NW 34th Street was reviewed by Chief Wyffels and the Committee recommended approval. Council Member Christianson moved to approve the recommendation with Council Member DeBlieck seconding the motion, which carried.

Item No. 6 Under Old Business Police Chief Dave Wyffels noted the jail census for May 14, 2014 was 97, and that the calls for service for the previous two weeks totaled 614. This was for information only.

Item No. 7 Under New Business staff presented a recommendation to award the 2014 Seal Coating, Project No. 1408 contract to Caldwell Asphalt Co., Inc. in the amount of \$23,365.85 and authorize the Mayor and City Administrator to execute the agreement on behalf of the City. It was the recommendation of the Committee that the contract be awarded for the 2014 Seal Coating, Project No. 1408 to Caldwell Asphalt Co., Inc. in the amount of \$23,365.85.

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 8, Noes 0.

RESOLUTION NO. 5

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the bid of Caldwell Asphalt Co., Inc. of Hawick, Minnesota for Project No. 1408 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 \$23,365.85.

Dated this 19th day of May, 2014.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Public Works/Safety Report for May 13, 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 DeBlieck, and carried.

Old Business included Council Member Johnson expressing his concerns for the property on the end of the Airport's northwest runway having no right-of-first refusal. He expressed the fundamental fairness and requested the Council consider a negotiated lease. Discussion was held as to the impact this would have on the other property owners affected by the same situation. Presently all the parcels that were taken by eminent domain are leased out by means of sealed bids. City Attorney Robert Scott stated legally if there is a negotiated lease, it would require to be done at fair-market value. This was discussed for information only.

Council Member Christianson inquired into the status of the repair to the nose cone of one of the wind turbines. Council Member DeBlieck stated the parts are on order.

The meeting concluded with recognition for Police Chief Dave Wyffels who is retiring May 31st and this is his last City Council meeting. Mr. Wyffels provided a statement pertaining to the Police Department which read as follows:

The Willmar Police Department is a solid and well-functioning organization. Upon my retirement you will find the following:

Equipment: Our department equipment (the more expensive items) such as portable breath testing devices, recorders, tasers, tint meters, radar/lidar units, cameras, firearms, radios, etc. are all up-to-date and well maintained. I foresee no expected additional repair costs for the rest of this year for this equipment. Looking forward into the foreseeable future of 3 -5 years I see no need to replace any of the mentioned equipment. However, in approximately 2-3 years, the squad car camera system will need to be replaced in all marked units at an estimated \$45,000 - \$48,000 total project cost. We currently are doing repairs as necessary while waiting for a possible merge of technology between body-cams worn by an officer that can co-exist with the car cameras we have mounted in the squads. This may (or may not) happen, but for right now it is the most logical and economical approach until such time as the squad cameras have to be directly addressed. We have only been spending an average of \$800.00 per year on repair for the squad camera systems.

Squads: Department vehicles are also in great shape and we have reached a point where we can easily follow the Council's vehicle replacement schedule that is currently in place. Simply following that plan of replacement will allow this agency to maintain a sound fleet.

Budget: Our department budget is 3.19 % under normal budgetary expenditures for the year thus far. This figure represents good budget management and does not reflect any practice of delayed responses to necessary purchases. It takes into account all purchases made to date along with consideration of any monthly, quarterly or yearly scheduled payments such as equipment rentals, bond payments or other contracted services. Additionally, it includes some purchases that would normally have been made later this year, but were made earlier recognizing the upcoming departmental transition and being cognizant of trying to reduce any difficulties a new department head might encounter when coming on board.

Staff: I am currently working on replenishing our expected May 31st staffing deficiencies. I should have the entry level officer hiring process completed to a point where the City is ready to make an offer to acceptable applicants just prior to my leave. I anticipate the hiring of two new officers at that time and depending upon what happens with my replacement will determine whether or not a third applicant is pulled from the same hiring list. The promotional process for the upcoming Sgt. vacancy has been completed. The top candidate for the promotional process will be identified and offered the promotion after meeting with the Police Commission on May 20, 2014.

All other staff are fully trained in their current respective areas. I expect that level of training to continue as needed. If you have been following the news over the past few days, you can see that activity is starting to ramp up for the summer, but I believe under the right guidance and direction, the Willmar Police Department is certainly capable of handling the job. I am proud of the men and women I work with and I feel privileged to have had the opportunity to work among such professionals.

Chief Wyffels

Police Chief Wyffels was thanked by the Council for all his years of service.

Public Works Director Christensen announced the hearing date is to be set for the Annual Storm Water Meeting, at which time the City is required to provide an update on the status of compliance with the MS4 Permit Requirements. A motion was made by Council Member Anderson to set the hearing for June 16, 2014 at 7:02 p.m. Council Member Nelsen seconded the motion, which carried.

Announcements for Council Committee meeting dates were as follows: Public Works/Safety, May 27; Labor Relations, May 28; and Community Development, May 29, 2014.

The announcement was made that an Open House will be held on May 30th from 2:00 – 4:00 p.m. at the Emergency Operations Center in honor of the retirement of both Police Chief Dave Wyffels and Police Sergeant Julie Asmus.

Council Member DeBlieck stated the 2040 Website is up and operational. The website calendar will provide you with meeting times and places, as well as the minutes.

There being no further business to come before the Council, the meeting adjourned at 8:03 p.m. upon motion by Council Member Anderson, seconded by Council Member Christianson, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL