

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

November 21, 2011  
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 Doug Reese, Ron Christianson, Bruce DeBlieck, Denis Anderson, Steve Ahmann, Rick Fagerlie, Jim Dokken, and Tim Johnson; Present 9, Absent 0.

Also present were City Administrator Charlene Stevens, City Attorney Richard Ronning, Police Chief David Wyffels, Fire Chief Marv Calvin, Public Works Director Holly Wilson, Finance Director Steve Okins, Community Education and Recreation Director Steve Brisendine, Planning and Development Services Director Bruce Peterson, and City Clerk Kevin Halliday.

Council Member Reese offered a motion adopting the Consent Agenda which included the following: City Council Minutes of November 7, Planning Commission Minutes of November 9, Rice Hospital Board Minutes of November 9, Municipal Utilities Commission Minutes of November 14, and Accounts Payable through November 16, 2011. Council Member Anderson seconded the motion, which carried.

Mayor Yanish welcomed the Boy Scouts of Troop 224 and their Scout Leaders, noting the Scouts were working on their citizenship for the Community Merit Badge.

At 7:04 p.m. Mayor Yanish opened a hearing on an Ordinance Amending Municipal Ordinance No. 1060, the Willmar Zoning Ordinance. Planning and Development Services Director Peterson presented details of the proposal from Brenda Hubers to rezone property west of Independence Place on Willmar Avenue SE from R-2 to LB to operate a counseling center out of the existing structure. The proposal is consistent with the Comprehensive Plan and has been approved by the Planning Commission. Mayor Yanish closed the hearing at 7:05 p.m.

Following discussion, Council Member DeBlieck offered a motion to adopt, assign a number and order final publication of the Ordinance Amending Municipal Ordinance No. 1060, the Willmar Zoning Ordinance. Council Member Christianson seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Shawn Meuske, Chair of the Charter Commission, appeared before the Mayor and Council to present an amended draft of an Ordinance Amending the Charter of the City of Willmar. Mr. Meuske noted several changes to the City Charter as recommended by the Charter Commission which included sections detailing work and tasks of the City Administrator and City Attorney, Council use of the Minnesota Mayor's Association Rules of Order, maintaining a City Park Board, and over-riding power by the Council voting requirements.

Following discussion Council Member Anderson moved to schedule a public hearing for the Ordinance Amending the Charter of the City of Willmar on December 19, 2011. Council Member Reese seconded the motion, which carried. It was noted that the proposed Ordinance would be posted on the City's website.

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

The Finance Committee Report for November 14, 2011, was presented to the Mayor and Council by Council Member Anderson. There were seven items for Council consideration.

Item No. 1 Chair Anderson acknowledged that no one was present to address comments to the Committee, and this matter was for information only.

Item No. 2 Staff presented information to the Committee regarding worker's compensation insurance coverage for the City's elected officials. Several years ago the City purchased a Personal Accident Policy to cover the Mayor and Council but this type of insurance is no longer offered through the League of Minnesota Cities or anywhere else. Consequently, the only recourse is to obtain coverage for elected officials under the City's Worker's Compensation Program through the League of Minnesota Cities which estimates the total cost for all nine officials at \$174 annually.

The Committee was recommending the Council introduce a resolution requesting that the elected officials be covered under the City's Worker's Compensation Program through the League of Minnesota Cities. 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

Whereas, the law enables elected or appointed officials of the City to be covered; and

Whereas, the Mayor & Council Members intent is that they will be included as employees; and

Now, therefore, be it resolved that the Mayor & Council Members of the City of Willmar be covered by the Minnesota Workers' Compensation Law.

Dated this 21<sup>st</sup> day of November, 2011.

/s/ Frank Yanish  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 3 Staff presented to the Committee the proposed Airport Terminal Building Repairs Budget in the amount of \$29,465, which reflects actual bids received for FAA-required weatherization of the office area and hangar building at the old airport site.

The Committee was recommending the Council introduce a resolution adopting the Airport Terminal Building Repairs Budget as presented. Resolution No. 2 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. 2

AIRPORT TERMINAL BUILDING REPAIRS BUDGET  
ESTIMATED TOTAL COST \$29,465

OTHER SERVICES:		RECEIVABLES:	
Mtce. Other Improvements	<u>\$29,465.00</u>	LOST	<u>\$29,465.00</u>
TOTAL	\$29,465.00	TOTAL	\$29,465.00
		FINANCING:	
		LOST	<u>\$29,465.00</u>
		TOTAL	\$29,465.00

GRAND TOTAL

\$29,465.00

Dated this 21<sup>st</sup> day of November, 2011.

/s/ Frank Yanish  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 4 Staff presented to the Committee the proposed 2011 Street Improvements Budget in the amount of \$2,402,000 reflecting actual bids received for Projects No. 1 street work, No. 5 street lights, and the additional project on 19<sup>th</sup> Street NW. Projects No. 2 Seventh Street, No. 4 path work, and No. 6 bridge work remain at the Engineer's estimates.

The Committee was recommending the Council introduce a resolution adopting the 2011 Street Improvements Budget as presented. Resolution No. 3 was introduced by Council Member Anderson, seconded by Council Member Dokken, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 3

AS-BID 2011 STREET IMPROVEMENTS BUDGET  
ESTIMATED TOTAL COST \$2,402,000

PERSONNEL SERVICES		RECEIVABLES	
Overtime Reg. Employees	\$500.00	Property Owners	\$1,022,000.00
Salaries Temp. Employees	<u>\$1,000.00</u>	County	\$36,900.00
TOTAL	\$1,500.00	State	\$415,100.00
		City	\$802,500.00
SUPPLIES		City (MUC)	\$73,000.00
Office Supplies	\$500.00	LOST	\$35,100.00
Small Tools	\$500.00	City (WWTP)	<u>\$17,400.00</u>
Motor Fuels & Lubricants	\$2,000.00	TOTAL	\$2,402,000.00
Postage	\$1,000.00		
Mtce. Other Improvements	\$500.00	FINANCING	
General Supplies	<u>\$1,000.00</u>	Bonds	\$1,824,500.00
TOTAL	\$5,500.00	County	\$36,900.00
		State	\$415,100.00
OTHER SERVICES		City (MUC)	\$73,000.00
Mtce. Other Improvements	\$1,982,500.00	LOST	\$35,100.00
Other Services	<u>\$93,500.00</u>	City (WWTP)	<u>\$17,400.00</u>
TOTAL	\$2,076,000.00	TOTAL	\$2,402,000.00
OTHER CHARGES			
Insurance & Bonds	\$2,000.00		
Professional Services	\$30,000.00		
Advertising	\$2,000.00		
Admin. OH (Transfer)	\$235,000.00		
Other Charges	<u>\$50,000.00</u>		
TOTAL	\$319,000.00		
GRAND TOTAL	\$2,402,000.00		

Dated this 21<sup>st</sup> day of November, 2011.

/s/ Frank Yanish  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 5 Staff presented to the Committee the proposed Street Repair Improvements Budget in the amount of \$352,000 for Project 1103 reflecting actual bids received. The Committee was recommending the Council introduce a resolution adopting the Street Repair Improvements Budget for Project 1103 as presented.

Resolution No. 4 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. 4

1103 AS-BID BITUMINOUS STREET REPAIR IMPROVEMENTS BUDGET  
ESTIMATED TOTAL COST \$352,000

PERSONNEL SERVICES		RECEIVABLES	
Overtime Reg. Employees	\$500.00	City	<u>\$352,000.00</u>
Salaries Temp. Employees	<u>\$1,000.00</u>	TOTAL	\$352,000.00
TOTAL	\$1,500.00		
		FINANCING	
SUPPLIES		WRAC 8 Reserves	<u>\$352,000.00</u>
Office Supplies	\$500.00	TOTAL	\$352,000.00
Small Tools	\$500.00		
Motor Fuels & Lubricants	\$2,000.00	GRAND TOTAL	\$352,000.00
Postage	\$1,000.00		
Mtce. Other Improvements	\$500.00		
General Supplies	<u>\$1,000.00</u>		
TOTAL	\$5,500.00		
OTHER SERVICES			
Mtce. Other Improvements	\$314,500.00		
Other Services	<u>\$9,400.00</u>		
TOTAL	\$323,900.00		
OTHER CHARGES			
Insurance & Bonds	\$2,000.00		
Advertising	\$2,000.00		
Adm. OH (Transfer)	\$7,100.00		
Other Charges	<u>\$10,000.00</u>		
TOTAL	\$21,100.00		

GRAND TOTAL: \$352,000.00

Dated this 21<sup>st</sup> day of November, 2011.

/s/ Frank Yanish  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 6 Staff presented to the Committee the proposed Street Improvements Budget for Project 1112 in the amount of \$136,500 reflecting actual bids received. Temporary financing for this project will be through the Public Improvements Revolving Fund until bonds can be issued in 2012, at which time the PIR Fund will be reimbursed for the amount expended.

The Committee was recommending the Council introduce a resolution adopting the Street Improvements Budget for Project 1112 as presented. Resolution No. 5 was introduced by Council Member Anderson, seconded by Council Member Johnson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 5

1112 AS-BID STREET IMPROVEMENTS BUDGET

PERSONNEL SERVICES		RECEIVABLES	
Overtime Reg. Employees	\$500.00	Property Owners	\$32,000.00
Salaries Temp. Employees	<u>\$500.00</u>	City	\$94,500.00
TOTAL	\$1,000.00	City (MUC)	\$4,000.00
		City (WWTP)	<u>\$6,000.00</u>
SUPPLIES		TOTAL	\$136,500.00
Office Supplies	\$250.00		
Small Tools	\$250.00	FINANCING	
Motor Fuels & Lubricants	\$500.00	City (MUC)	\$4,000.00
Postage	\$300.00	City (WWTP)	\$6,000.00
Mtce. of Other Improvements	\$200.00	PIR Fund	<u>\$126,500.00</u>
General Supplies	<u>\$500.00</u>	TOTAL	\$136,500.00
TOTAL	\$2,000.00		
		GRAND TOTAL	\$136,500.00
OTHER SERVICES			
Mtce. Other Improvements	\$118,700.00		
Other Services	<u>\$3,500.00</u>		
TOTAL	\$122,200.00		
OTHER CHARGES			
Insurance & Bonds	\$1,000.00		
Prof. Serv.	\$2,500.00		
Advertising	\$1,000.00		
Adm. OH (Transfer)	<u>\$6,800.00</u>		
TOTAL	\$11,300.00		
GRAND TOTAL	\$136,500.00		

Dated this 21<sup>st</sup> day of November, 2011.

/s/ Frank Yanish  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 7 Staff reminded the Committee that the next Finance Meeting will be held Monday, November 28, 2011, in the Municipal Utilities Auditorium. At that time, the Committee will be recommending the Council certify the proposed levy and adopt the 2012 budget at the following council

meeting in December. This matter was for information only.

The Finance Committee Report for November 14, 2011, 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 Dokken, and carried.

The Public Works/Safety Committee Report for November 15, 2011, was presented to the Mayor and Council by Council Member Reese. There were four items for Council consideration.

Item No. 1 The Committee was informed by Staff that Donohue and Associates is requesting an amendment to the engineering services agreement for the Western Interceptor dated July 21, 2009, to reflect additional fees associated with the design of a trunk storm sewer, administration of the bidding process of the western interceptor, and preparation of a Clean Water Revolving Fund loan application to the Minnesota Public Facilities Authority. Josh Halvorson of Donohue and Associates explained the 54" trunk storm sewer line as being the first phase in increasing the capacity to handle a watershed area in southwest Willmar. Installation of the Western Interceptor involves construction within a portion of 30<sup>th</sup> Street SW from 19<sup>th</sup> Avenue to 30<sup>th</sup> Avenue SW. Donohue and City Staff explained that with the roadway being opened up, this would be the time to install the larger trunk line. The work would be added to the bidding documents as an alternate. The cost for these services is \$40,030. The remainder of the amendment includes \$10,365 to prepare the loan application and \$15,650 for bidding administration.

The Committee was recommending that Staff amend the contract with Donohue and Associates in the amount of \$66,045.00, revise the budget accordingly, and authorize the Mayor and City Administrator to sign on behalf of the City. Resolution No. 6 was introduced by Council Member Reese, seconded by Council Member Christianson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, 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 a contract amendment to supplement the Engineering Services Agreement dated July 21, 2009 between the City of Willmar and Donohue & Associates, Inc. This contract was previously amended by Council action on September 20, 2010, and February 7, 2011.

BE IT FURTHER RESOLVED, the contract is hereby amended as follows:

Task No.	Description	Contract Amount	Contract Change	Amended Amount
1.0 - 1.6	Preliminary Design	\$ 82,805	\$ 0	\$ 82,805
1.7	Allowances	22,558	0	22,558
2.0 - 2.16	Final Design	84,740	0	84,740
2.14	Bidding Documents	8,840	0	8,840
3.0 - 3.11	Storm Sewer	0	40,030	40,030
4.0 - 4.11	PFA Loan Application	0	10,365	10,365
5.0 - 5.6	Bidding	0	15,650	15,650
	Project Total	\$ 198,943	\$ 66,045	\$ 264,988

Dated this 21<sup>st</sup> day of November, 2011.

/s/ Frank Yanish  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 2 The Committee was informed by Staff that quotes were received to repair leaks in the upper, lower and elevator roofs of the City Office Building. The existing roof has been in place for approximately 20 years and is rubber covered by rock. Two quotes were received and reviewed by Public Works Director Wilson and Building Official Kardell. It is their recommendation to accept the quote of West Central Roofing based on the type of materials used and the technology. Funding for the replacement is available.

The Committee was recommending the Council accept the quote of West Central Roofing as presented and authorize the Mayor and City Administrator to enter into an agreement on behalf of the City. Resolution No. 7 was introduced by Council Member Reese, seconded by Council Member Christianson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 7

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the quote of West Central Roofing Contractors, Inc. of Willmar, Minnesota for roof repairs at the City Office Building 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 contractor for the terms and consideration of the contract in the amount not to exceed \$55,434.06.

Dated this 21<sup>st</sup> day of November, 2011.

/s/ Frank Yanish  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 3 The City received notice from the Minnesota Department of Transportation for renewal of the agreement whereby the Commissioner of Transportation be appointed as agent of the City of Willmar to accept federal aid funds. The agreement covers all federal funded projects the City has been awarded funds. Staff recommended acceptance of the agreement. A motion was made to accept the agency agreement and authorize the Mayor and City Administrator to sign on behalf of the City. Questions were raised, specifically the paragraph under Section II, C. No. 4 relating to payment and the City's need to enter into this agreement rather than working directly with the Federal Government. The motion was withdrawn and Staff was directed to obtain more information. This matter was for information only.

Item No. 4 The matter of criminal activity on October 29-30, 2011, was brought back to Committee for further discussion. Chief Wyffels presented informational statistics relating to the incidents that occurred during the 48-hour time frame. During that time period there were 91 different incidents. Chief Wyffels reviewed response times of both dispatch and officers, along with the number of officers scheduled during specific time periods. The Committee discussed the incidents and level of staffing. This item was for information only.

The Public Works/Safety Committee Report for November 15, 2011, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Reese, seconded by Council Member Christianson, and carried.

The Community Development Committee Report for November 17, 2011, was presented to the Mayor and Council by Council Member Dokken. There were six items for Council consideration.

Item No. 1 Chair Dokken acknowledged that no one was present to address comments to the Committee, and this matter was for information only.

Item No. 2 The Committee considered a proposed memorandum of understanding between the FAA and the City of Willmar regarding necessary steps for the land release and discussed the milestones required for completion of each phase of the land release. The Committee expressed concerns about clauses in the agreement that could further delay the process or allow the FAA to terminate the agreement. Staff indicated that the memorandum of understanding had been under consideration for some time and it was the opinion of staff that it was reasonable and workable.

The Committee was recommending the Council approve the Memorandum of Understanding and authorize the Mayor and Administrator to execute the document. Council Member Dokken moved to approve the recommendation of the Community Development Committee with Council Member Christianson seconding the motion, which carried.

Item No. 3 The Committee briefly discussed continued efforts by park management to improve conditions in the parks. Once again, park management was unable to attend the meeting and this matter was for information only.

Item No. 4 Staff presented to the Committee a recent inspection report on construction progress at the John's Supper Club Building. The inspection report concluded by offering an opinion by Staff that it was doubtful the project could be finished by December 31, 2011, which is the deadline set by the Council for completing the rehabilitation project. This matter was for information only.

Item No. 5 Staff brought the Committee up to date on efforts to organize and conduct downtown planning public input sessions. A plan schedule, event announcement, and preliminary agenda for the public meetings were reviewed. The Committee expressed interest in the planning process as well as a willingness to participate in the public meetings. It was noted that the Design Center had recently set goals and priorities at a strategic planning session. This matter was for information only.

Item No. 6 The Committee was informed by Staff of an economic analysis of metropolitan statistical areas. In the most recent analysis by Policom Corporation the City of Willmar was ranked 70<sup>th</sup> out of 576 metropolitan statistical areas across the country. The only metropolitan statistical area in Minnesota to rank higher was the Faribault - Northfield area. This matter was for information only.

The Community Development Report for November 17, 2011, were approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Dokken, seconded by Council Member Anderson, and carried.

The Mayor and Council considered a Final Plat for Evans Addition. Planning and Development Services Director Peterson presented details of the subdivision of one large parcel into two lots, one vacant and one with the existing home owned by Bruce Evans. One utility easement was added as requested by the Municipal Utilities. The Planning Commission has approved the Final Plat. Council Member Dokken offered a motion to approve the Final Plat for Evans Addition with Council Member Dokken seconded the motion, which carried.

The Mayor and Council considered a Final Plat for Terwisscha Addition. Planning and Development Services Director Peterson presented details of the four-lot plat with two outlots at the corner of Lakeland Drive and Willmar Avenue SE owned by John TerWisscha. Three of the lots are being replatted and one parcel will be newly created to be sold. The outlots will be part of a common interest community with a private drive that will be co-owned and maintained. The Planning Commission has approved the Final Plat with a condition that the declarations be recorded with the plat. Council Member Ahmann offered a motion to approve the Final Plat for Terwisscha Addition with Council Member Reese seconding the motion, which carried.

City Administrator Stevens informed the Mayor and Council of Council meetings in January and February, 2012, falling on legal holidays. Following discussion, Council Member Dokken moved to reschedule January and February meetings as follows: January 2 to 3, and January 16 to 17; and February 20 to 21, 2012. Council Member Ahmann, seconded the motion, which carried.

Announcements for Council Committee meeting dates were as follows: Finance, November 28; and Community Development, December 1, 2011.

There being no further business to come before the Council, the meeting adjourned at 7:49 p.m. upon motion by Council Member DeBlieck, seconded by Council Member Reese, and carried.

Attest:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
SECRETARY TO THE COUNCIL