

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

September 17, 2012
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, Steve Ahmann, Rick Fagerlie, and Tim Johnson; Present 7, Absent 2 – Council Member Denis Anderson and Jim Dokken were excused from the meeting.

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

Additions to the Agenda included an announcement of a retiring City Employee

Council Member Ahmann offered a motion adopting the Consent Agenda which included the following: City Council Minutes of September 4, City Council Work Session Minutes of September 10, Municipal Utilities Commission Minutes of September 10, Mayoral appointment of Cassie Akerson to the Police Civil Service, Planning Commission Minutes for September 12, Accounts Payable through September 12, and Building Inspection Report for August, 2012. Council Member Fagerlie seconded the motion, which carried.

Mayor Yanish recognized John Sullivan and Gerry Gesch who had signed up to address the City Council during its scheduled Open Forum. Mr. Sullivan criticized the West Central Tribune for story of Mayor/Council relationships with City Staff published on September 14, and an Editorial citing the need for Council leadership for the betterment of the community published on September 15, 2012. Gerry Gesch spoke in favor of both articles.

The Finance Committee Report for September 10, 2012, was presented to the Mayor and Council by Council Member Fagerlie. There were four items for Council consideration.

Item No. 1 Charles Oakes of West Central Industries (WCI) explained to the Committee that WCI had received conduit financing through the City of Willmar in 2005 for a \$1.1 million Private Revenue Note which allowed them to accomplish a significant expansion to their building. With the current low interest rates available, WCI has obtained preliminary approval through North American State Bank for Tax-Exempt Revenue Bonds to refinance the remaining balance of \$473,095 at a fixed interest rate of 2.35% over seven years subject to City of Willmar approval. It was noted that this type of bond financing has no impact on the City's bond rating.

The Committee was recommending the Council approve the West Central Industries Tax-Exempt Revenue Note for \$473,095 through North American State Bank as proposed. Council Member Fagerlie moved to approve the recommendation of the Finance Committee with Council Member DeBlieck seconding the motion, which carried.

Item No. 2 The Committee was informed by Staff that the City's Local Option Sales Tax is due to sunset at the end of 2012. It was being recommended that a letter be sent to the Minnesota Department of Revenue notifying them of this termination. Further, City Ordinance No. 1097 establishing this tax needs to be repealed.

The Committee was recommending the Council direct Staff to submit notification to the Minnesota Department of Revenue that the City of Willmar's Local Option Sales Tax will be ending on December 31, 2012; and to introduce an Ordinance Repealing City Code Chapter 5, Finance and Taxation, Article IV,

Sales and Use Tax and Motor Vehicle Excise Tax, and to set a public hearing. Council Member Fagerlie moved to introduce the Ordinance Repealing City Code Chapter 5, Finance and Taxation, and schedule the public hearing for October 1, 2012, and direct Staff to write a letter to the Department of Revenue. Council Member DeBlieck seconded the motion, which carried.

Item No. 3 The Committee reviewed the August Local Option Sales Tax, WRAC-8, and CVB Reports and the July Rice Hospital Report. This matter was for information only.

Item No. 4 Future agenda items scheduled for September 24, 2012, include Mayor/Council salaries and fund balance. Agenda items scheduled for October 22nd, include the HRA Budget Presentation. Agenda items scheduled for November 26, 2012, include budget presentations by Rice Hospital and MUC. This matter was for information only.

The Finance Committee Report for September 10, 2012, was approved as presented upon motion by Council Member Fagerlie, seconded by Council Member Christianson, and carried.

The Public Works/Safety Committee Report for September 11, 2012, was presented to the Mayor and Council by Council Member Reese. There were four items for Council consideration.

Item No. 1 Public Works Director Wilson presented the results of the proposals received for Engineering/Surveying Services. The request included the survey and design work for the 2013 Construction Projects. It does not include the essential day-to-day operations, survey data for in-house engineering design, construction inspection, locating property corners, utility locates and data collection for the City's MS4 requirements. Discussion was held regarding filling the position of Engineering Technician/Surveyor which will be brought before the Labor Relations Committee.

Three proposals were received with the low proposal being that of Bollig Inc. in the amount of \$85,585.00. The work scope includes preliminary survey this fall so the final plans can be complete in early February. Bollig Inc. proposed completing the work in fewer hours than the other two firms. Following discussion, the Committee was recommending the Council accept the proposal of Bollig, Inc. and authorize the Mayor and City Administrator to enter into an agreement on behalf of the City.

Resolution No. 1 was introduced by Council Member Reese, seconded by Council Member Reese, seconded by Council Member Christianson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 1

WHEREAS, the City of Willmar is seeking proposals from professional civil engineering firms to provide preliminary engineering/surveying services and to assist the City Engineering Department for the City; and

WHEREAS, a proposal has been made by, and an agreement prepared to retain, the firm of Bollig, Inc., Willmar, Minnesota, to provide said services.

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

BE IT FURTHER RESOLVED that funding for said services not to exceed \$85,585.00, be from Professional Services in the Willmar Engineering Department Budget.

Dated this 17th day of September, 2012.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 2 As a result of the resignation of the Public Works Director/City Engineer, Staff requested proposals from three local engineering firms for Interim City Engineering Services based on an hourly basis. An example of tasks that would be required by the consultant which would require a Civil Engineer and Professional Engineer's License were reviewed by the Committee. The firm with the lowest hourly rate was Bolton and Menk, Inc. at \$60.00 hour. Following discussion, the Committee was recommending the Council enter into an agreement as presented with Bolton and Menk, Inc. for Interim Engineering Services.

Resolution No. 2 was introduced by Council Member Reese, seconded by Council Member Christianson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 2

WHEREAS, the City of Willmar is seeking proposals from professional civil engineering firms to provide Interim City Engineering Services for the City; and

WHEREAS, a proposal has been made by, and an agreement prepared to retain, the firm of Bolton and Menk, Inc., Minnesota, to provide said services.

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

BE IT FURTHER RESOLVED that funding for said services, \$60.00 per hour, be from Professional Services in the Willmar Engineering Department Budget.

Dated this 17th day of September, 2012.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 Review of the barking dog ordinance was brought back to Committee for further consideration. Police Chief Wyffels contacted various communities requesting a summary of the consideration for a violation of the ordinance and presented it to the Committee for discussion. In reviewing the ordinances of other communities, it was noted that Willmar is the most restrictive. No action was taken, and this matter was for information only.

Item No. 4 Council Member Christianson brought up the condition of some areas of curbing along 9th Street SW that have been damaged. Staff stated it is current practice that these areas would be fixed when the street is reconstructed.

Also discussed was the condition of the railroad crossing at 10th Street SW. It was noted that Staff has contacted Burlington Northern Santa Fe on several occasions requesting the potholes be repaired. City staff cannot perform work in railroad right-of-way. This matter was for information only.

The Public Works/Safety Committee Report for September 11, 2012, 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 Report for September 13, 2012, was presented to the Mayor and Council by Council Member DeBlicek. There were five items for Council consideration.

Item No. 1 There were no public comments offered at this meeting.

Item No. 2 Kim Fedder, manager at Regency Mobile Home Parks, along with Jose Montoya, appeared before the Committee to discuss the maintenance and operations of the mobile home parks. It is estimated that there are 60 homes remaining in the west park and 45 homes remaining in the east park after recent demolitions. There have been 40 evictions over the past two years and more are coming. The management is working to remove abandoned mobile homes. They have done 20 to 30 over the past two years. It is estimated that there are 25 to 35 children in the east park and even more in the west park. The mobile home park representatives stated the need for a playground near the east park. It was noted that on a scale of 1-10, most remaining mobile homes rate a 3 or 4. The residents are poor and cannot afford the maintenance. All homes are owner occupied. Both parks are currently for sale.

It was the consensus of the Committee that mobile homes are a necessary part of the housing spectrum, providing an affordable housing alternative. Staff stated that no major inspection efforts were planned for individual homes in the near future. It was suggested by the Committee that the management contact Heartland Community Action Agency to address housing maintenance and energy issues. This matter was for information only.

Item No. 3 Chair Dokken said there has not been much use of the City website by citizens to register complaints or raise questions. It was requested that Mark Boeschen attend a future Community Development meeting to give a website demonstration on the Citizen Support Center. This matter was for information only.

Item No. 4 Staff presented updates on commercial/industrial projects, as well as Departmental activities, which included work on the airport land release, airport redevelopment, industrial park infrastructure, and downtown planning. This matter was for information only.

Item No. 5 The Committee raised several issues under miscellany which included the status of the Erickson furniture building, schedule for a downtown parking study and other Design Center activities, Rice Care Center project, status of Lincoln School, and future use of Garfield School site. This matter was for information only.

The Community Development Committee Report for September 13, 2012, was approved as presented upon motion by Council Member DeBlieck, seconded by Council Member Christianson, and carried.

Planning and Development Services Director Peterson presented details of the proposed Ordinance Amending City Code Chapter 4, Animals which would replace an existing section of the Municipal Code with clearer, more objective language and eliminate subjective decision-making and create clearer standards for the keeping of animals. Following discussion, Council Member Christianson offered a motion to introduce an Ordinance Amending City Code Chapter 4, Animals, Article 1, in General and schedule a hearing for October 1, 2012. Council Member Reese seconded the motion, which carried.

City Administrator Stevens presented details of a proposed Ordinance adopting regulations to govern illicit discharge to the stormwater system. Following discussion, Council Member Christianson offered a motion to introduce an Ordinance Adopting a New Chapter 17, Surface Water Management, Article I, In General, and Article II, Illicit Discharge and Illegal Connection to the City's Stormwater Drainage System and schedule a public hearing for October 1, 2012. Council Member Johnson seconded the motion, which carried.

Mayor Yanish recognized Shawn Mueske, Charter Commission Chair, who informed the Mayor and Council that the Commission has completed its work on the Charter amendments and was presenting an amended Ordinance to them for their consideration. City Attorney Scott stated that he has proposed clearer language to the Commission on Council Member vacancies and that the Commission was scheduled to meet October 8, 2012, and could consider amending that language before publishing the Ordinance. The Council could review any changes at their October 15, meeting and still meet the October 17, 2012, publication date.

Council Member Ahmann offered a motion to introduce an Ordinance Amending the Charter of the City of Willmar and schedule a public hearing for November 5, 2012. Council Member DeBlieck seconded the motion, which carried.

The Mayor and Council considered a final plat for Valley View Court Second Addition. Planning and Development Services Director Peterson presented details of the request from Anjali Dahiya to subdivide a single lot into two to build a twin home in Valley View Court. The Planning Commission has approved of an amendment to the conditional use permit as well as easements and conditions of the final plat. Council Member Reese moved to approve the Valley View Court Second Addition Final Plat as presented with Council Member DeBlieck seconding the motion, which carried.

Announcements for Council Committee meeting dates were as follows: Finance, September 24; Public Works/Safety, September 25; Labor Relations, September 26; and Community Development, September 27, 2012.

City Administrator Stevens informed the Mayor and Council that Les Lange is retiring after 26 years with the Wastewater Treatment Plant. Mr. Lange was recently recognized as "Class A Operator of the Year" for the State of Minnesota.

Council Member Ahmann mentioned that at a recent Willmar Design Center meeting a discussion took place of the 1999 – 2000 Vision 2020 project. There is interest within the community to collaborate a Vision 2040 project. Ms. Stevens pointed out that Ken Warner and Ron Erpelding are scheduled to present a Vision 2040 report at the September 24, 2012, Finance Committee meeting.

There being no further business to come before the Council, the meeting adjourned at 7:45 p.m. upon motion by Council Member Ahmann, seconded by Council Member Reese, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL