

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

August 3, 2015
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Marv Calvin. Members present on a roll call were Mayor Marv Calvin, Council Members Ron Christianson, Andrew Plowman, Rick Fagerlie, Steve Ahmann, Denis Anderson, Audrey Nelsen, and Tim Johnson; Present 8, Absent 0.

Also present were Interim City Administrator Kevin Halliday, Planning and Development Director Bruce Peterson, Public Works Director Sean Christensen, Finance Director Steve Okins, Fire Chief Frank Hanson, Police Chief Jim Felt, Police Officer Jason Hey, and City Attorney Robert Scott.

There were no additions or deletions to the agenda.

Council Member Anderson offered a motion adopting the Consent Agenda as presented which included the following: City Council Minutes of July 20, Rice Memorial Hospital Board Minutes of July 15, Municipal Utilities Commission Minutes of July 27, Planning Commission Minutes of July 22, Accounts Payable Report through July 29, and the Housing and Redevelopment Authority Board Minutes of June 17, 2015. Council Member Ahmann seconded the motion, which carried.

At 7:01 p.m. Mayor Calvin opened the Hearing for the consideration of vacation of a portion of the Western Interceptor Right-of-Way. Planning and Development Director Bruce Peterson presented the vacation stating the reason is the City no longer needs this area identified as right-or-way as it will be included in the new plat. The utility easement over the parcels will be retained. There being no one present to speak for or against the ordinance, Mayor Calvin closed the hearing at 7:02 p.m.

Resolution No. 1 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 1

VACATING A PORTION OF SEWER RIGHT-OF-WAY VACATION

WHEREAS, the vacation of those portions of dedicated right-of-way parcels as described below was initiated by the City of Willmar:

Parcels 9, 10, 11, 12, and 13, City of Willmar Western Interceptor Sewer Right-of-Way Plat No. 1, with retention of the said parcels as a utility easement.

WHEREAS, the proposed vacation has been approved by the Planning Commission of the City of Willmar; and

WHEREAS, published notice and mailed notice of the proposed vacation and the hearing thereon have been given as provided by Subdivision 6 of Section 9.01 of Article IX of the Willmar City Charter; and

WHEREAS, a hearing was duly held on the proposal to vacate that portion of said right-of-way parcels on August 3, 2015; and

WHEREAS, the City Council of Willmar finds that it is in the best interests of the City of Willmar to vacate that portion of said right-of-way parcels;

NOW, THEREFORE, BE IT RESOLVED, that the above described portion of dedicated right-of-way be, and hereby is, vacated.

BE IT FURTHER RESOLVED, that the above described portion of right-of-way be, and hereby is, retained as a utility easement.

BE IT FURTHER RESOLVED that a certified copy of the Resolution be filed with the Kandiyohi County Recorder on or after August 10, 2015.

Dated this 3rd day of August, 2015.

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

Mayor Calvin recognized Jim Dokken, Council Member for Ward 4, for his 16 years of dedicated service to the City of Willmar and presented him with a commemorative plaque. He was commended for all his years of community service prior to becoming a Council Member in 1999. Mayor Calvin noted his service as a liaison to the Rice Hospital Board, Airport Commission and the Willmar Municipal Utilities Commission along with many other committees and being instrumental in Veterans' activities. Mr. Dokken thanked the Mayor and Council and stated "it's time to say goodbye."

Mayor Calvin acknowledged Bob Enos, 905 Trott Avenue SW, who had signed up to address the City Council during its scheduled Open Forum. Mr. Enos commented on a letter written by Jessica Rohloff representing the League of Women Voters strongly advocating that the replacement for Mr. Dokken on the Council come from a fair and open election from the members of Ward 4. He urged the same stating he heard one of the objections of having an open election was it is expensive. People should be allowed to govern themselves with free and open elections. Mr. Enos started to speak about his involvement in refugee resettlement in central Minnesota when his required time limit was called.

Jessica Rohloff, 3501 SE 15th Avenue, was acknowledged to speak by Mayor Calvin. She stated she was in attendance representing the League of Women Voters and spoke of the council seat vacancy being filled by election or appointment. She highly recommended the process of election and need for the people to be heard.

Council Member Fagerlie, liaison for Willmar Downtown Development, Inc., presented a Certificate of Commendation signed by Governor Dayton. The Willmar Downtown Development, Inc. received this honor because Willmar is the first City in Minnesota to be accredited nationwide for achievements in revitalizing the downtown. The other "firsts" included: Willmar being the first City in Minnesota to be designated, the first City to become accredited by the State of Minnesota and lastly the first outstate City in Minnesota to participate in the Preservation Alliance of Minnesota's Fix-It Program, which has allowed Willmar Downtown Development to purchase Historic 313 Fourth Street and renovate it as a regional local food hub to be opening the end of August. The award will hang in the Mayor's office.

Interim City Administrator Kevin Halliday informed the Council that the League of Minnesota Cities has selected Senator Lyle Koenen as one of the Legislators of Distinction for 2015. The League's Board recognized a total of 28 legislators this year including 17 House members and 11 Senate members for their actions and leadership on a wide variety of legislative issues of importance to cities across our state.

The Finance Committee Report for July 13, 2015 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 back in December, 2014, the Fire Chief at that time, Gary Hendrickson, discussed with and received approval from the City Administrator to verbally order 50 Self Contained Breathing Apparatuses with a commitment to purchase them in 2016. The SCBA's and Apparatuses were listed on the 2016 CIP for an estimated \$340,000. Staff noted that it is not common practice for the City to use a verbal order and that, per the City's auditor; there are no legal requirements to honor this order. Fire Chief Frank Hanson and Mayor Marv Calvin have been discussing this matter with the City attorney for any legal ramifications. Chief Hanson stated there are no grants available for the 2015/2016 Fiscal Year and, since Willmar's equipment is currently only one step behind the standard, the City will not be eligible for a grant until 2019. However, the useful life of SCBA's is 15 years and Willmar's equipment will reach that on April 1, 2016. Staff noted that the Council's options in this matter include 1) leaving it as a verbal order with the company assuming full liability, or 2) officially authorizing any or all of the purchase. This matter was for information only.

Item No. 3 Staff explained to the Committee that the 2015 CIP included \$60,000 for the purchase/replacement of the forklift at the Civic Center with a Bobcat Toolcat. The current forklift did not meet OSHA standards for indoor use and was recommended for replacement after a safety walk through of the Civic Center. The Toolcat is an OSHA-approved multi-use machine with forks, snow blower, and mowing attachments, making it more versatile for various tasks. The total purchase price for the new Toolcat is \$67,769.24 from Farm-Rite Equipment, Inc. Staff is requesting \$7,769.24 of unused funds from the purchase of four Kubota mowers be re-allocated for this expenditure. It was noted that this item has already been ordered and received but that it had not been brought to the Committee for approval until now. The Council's policy is that staff is to bring any item on the CIP Budget that is over \$10,000 to the Committee for approval. Staff was directed to review this policy to ensure this issue does not recur.

The Committee was recommending the Council approve the purchase of the Bobcat Toolcat from Farm-Rite Equipment, Inc., in the amount of \$67,769.24 and to re-allocate \$7,769 from the purchase of four Kubota mowers to cover the actual cost for the Toolcat over the 2015 CIP Budget amount.

Resolution No. 2 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, reviewed by Mayor Calvin, 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 approve the purchase of a Bobcat Toolcat in the amount of \$67,769.24 and to authorize the Finance Director to reallocate \$7,769 in excess funds from the 2015 Capital Improvement Program Budget for the purchase of four Kubota mowers to the purchase of this Bobcat Toolcat as follows:

Decrease:	2015 Capital Outlay/Public Works/4 Kubota Mowers	\$ 7,769
Increase:	2015 Capital Outlay/Civic Center/Bobcat Toolcat	\$ 7,769

Dated this 3rd day of August, 2015.

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

Item No. 4 The Committee received the following reports: 06/30/15 Cash/Investment Portfolio Report; 06/30/15 Quarterly Investment Activity Report; 06/30/15 Quarterly Interest/Dividends Report; 06/30/15 Ten-Year Historical Quarterly Investments Balances; 06/30/15 Ten-Year Historical Quarterly Interest/Dividends; and 06/30/15 Quarterly Rice Trust Report. This matter was taken for information only.

Item No. 5 Council Members noted that the CIP information they recently received is only for 2016 and were wondering about the other four years since it is a five-year plan. Staff explained that the first year (2016) has been ranked and will be included on the 2016 budget. The remaining four years are estimates only but have not yet been ranked. Both Chair Anderson and Mayor Calvin stated the remaining four years' estimates need to be ranked before the final 2016 Mayor's Proposed Budget is presented. This was received by the Council for information only.

The Finance Committee Report for July 27, 2015, 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.

The Public Works/Safety Committee Report for July 28, 2015 was presented to the Mayor and Council by Council Member Christianson. There were eight items for consideration.

Item No. 1 There was no public comment.

Item No. 2 Police Chief Jim Felt noted the jail census for July 28, 2015 was 170; 97 inmates from the Department of Corrections, 72 inmates from Kandiyohi County, 1 inmate from Swift County. The calls for service for the previous two weeks totaled 943. The majority of the calls were for traffic stops, followed by public assists and thefts. The total calls for service so far this year is approximately 15 days ahead of 2014 at this date. The committee discussed the recent criminal activity of thefts from unlocked cars and garages and the Neighborhood Watch program. Two conditional offers have been made to fill the vacant Officer positions, with the candidates scheduled to complete physicals and psychological evaluations. The department received a total of 39 applications for the vacancies, which is a lower number than usual, but the applications were all of good quality.

Fire Chief Frank Hanson noted the total calls for service for the previous two weeks totaled 18, and included several fire calls, vehicle accidents, severe weather watches and natural gas leaks. The total calls for service so far this year is 189, 32 calls above last year. The department continues the hiring process of Fire Fighters, with 18 applicants scheduled for a written test. Of the applicants, 5 will be hired at this time with an additional 5 to be hired in the fall to achieve the goal of a total of 40 Fire Fighters.

The Committee discussed National Night Out, scheduled for August 4th and having the Council's support for the Neighborhood Watch program to encourage people to get involved. A suggestion was offered to have Ward meetings with a possible presentation by LeeAnn Nelson of the program.

Item No. 3 Staff brought forth, for approval, the authorization to apply with the Wal-Mart Foundation for a \$1,000 grant for the DARE Program. If approved, the grant funds would be used for instructor training and development, as well as curriculum materials for students.

It was the Committee's recommendation to the Council to approve the Police Department to apply with the Wal-Mart Foundation for a \$1,000 grant for the DARE Program and if awarded, accept the grant as requested.

Resolution No. 3 was introduced by Council Member Christianson, seconded by Council Member Nelsen, reviewed by Mayor Calvin, 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 approve an application by the Willmar Police Department for, and the acceptance of, a Wal-Mart Foundation's Grant for the DARE program.

Dated this 3rd day of August, 2015.

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

Item No. 4 Staff presented, for approval, the authorization to apply with the Wal-Mart Foundation for a \$1,000 grant for the Shop with a Cop event. Officers volunteer their time to assist an underprivileged child in shopping for holiday gifts for the child's family using Wal-Mart gift cards. The children are identified as having a need for this program to the department from Family Services or school counselors.

The Committee recommended the Council approve the Police Department to apply with the Wal-Mart Foundation for a \$1,000 grant for the Shop with a Cop event and if awarded, accept the grant as requested.

Resolution No. 4 was introduced by Council Member Christianson, seconded by Council Member Nelsen, reviewed by Mayor Calvin, 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 approve an application by the Willmar Police Department for, and the acceptance of, a Wal-Mart Foundation's Grant for the Shop with a Cop program.

Dated this 3rd day of August, 2015.

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

Item No. 5 Staff brought forth, for approval, the purchase of one 2015 John Deere 624K loader with snow pusher from RDO Equipment through State Contract #90751 in the amount of \$128,356.00. \$222,000.00 was included in the 2015 CIP for the purchase and the current unit, a 2000 John Deere 624H loader, is showing signs of age in the bearings, hydraulics and transmission as well as rusting issues. The loader will be traded in and the purchase price reflects the trade in value of \$54,300.00. The Committee discussed the option of keeping the existing loader and the cost comparison of repairs versus purchasing a new loader. The new unit will have the ability to utilize existing attachments such as a bucket and forks and will be used for snow removal of larger areas such as the parking lot at the Civic Center and Community Center.

The Committee was recommending the Council approve the purchase and replacement of a front end loader with snow pusher from RDO Equipment through State Contract #90751 in the amount of \$128,356.00.

Resolution No. 5 was introduced by Council Member Christianson, seconded by Council Member Nelsen, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, 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 purchase of one 2015 John Deere 624K loader with snow pusher is accepted through State Contract #90751, 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 RDO Equipment Company for the terms and consideration of the contract in the amount of \$128,356.00.

Dated this 3rd day of August, 2015.

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

Item No. 6 Staff brought forth, for approval, the purchase of agrilime from Bryan Rock Products, Inc. in the amount of \$24,395 and miscellaneous expenses totaling \$2,000 for parts and rental equipment to complete the Swansson Field drainage and warning track rehab project. \$50,000 was allocated in the 2015 CIP to rehab the warning tracks of all five fields at North Swansson along with fixing drainage on the Orange Baseball Field.

It was the recommendation of the Committee to approve the purchase of agrilime from Bryan Rock Products, Inc. in the amount of \$24,395 and miscellaneous expenses from the Public Works Department in the amount of \$2,000 for the Swansson Field drainage and warning track rehabilitation.

Resolution No. 6 was introduced by Council Member Christianson, seconded by Council Member Nelsen, reviewed by Mayor Calvin, 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 purchase of agrilime from Bryan Rock Products, Inc. of Shakopee, MN for the Swansson field drainage and warning track rehab project in the amount of \$24,395.00 and the purchase of miscellaneous supplies and equipment by the Public Works Department in the estimated amount of \$2,000 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 \$26,395.00.

Dated this 3rd day of August, 2015.

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

Item No. 7 Staff brought forth, for approval, the recommendation of the Water View project by Duininck, Inc. to re-plat their design to align Lakeland Drive to 28th Avenue with a "T" intersection at 24th Avenue and for the City to participate in project financing to the extent Council recognizes benefit to the greater community. Discussion included the difficulty in recommending a specific dollar amount of funding as the benefit to the City of any commercial/industrial project is unknown. Concerns were noted that businesses along 19th Avenue would be affected and the safety issue of children crossing 19th Avenue as they walk to school. The Committee discussed the concept of assessing the school for a portion of the project if the area is chosen to build the new elementary school and if there was anything similar done when the high school was built.

The Committee recommended to the Council the alignment of Lakeland Drive to 28th Avenue with a "T" intersection at 24th Avenue SE and for the City to participate in project financing to the extent the Council recognizes the benefit to the greater community. Council Member Christianson moved the recommendation of the Committee. Council Member Ahmann seconded the motion, which carried.

Item No. 8 Miscellaneous Information (Information)

The Committee discussed potential stormwater pond locations and the possibility of using a stormwater utility fee in the future to fund potential solutions. The Yellow Bike Program was discussed, and the procedure by which the bikes are collected and returned to their appropriate stations.

Council Member Ahmann requested updates on stormwater improvements.

The Public Works/Safety Committee Report for July 28, 2015, 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.

The Labor Relations Committee Report for July 29, 2015 was presented to the Mayor and Council by Council Member Ahmann. There were four items for consideration.

Council Member Anderson made a motion, seconded by Council Member Christianson to go into closed session pursuant to Minn. Stat. §13D.03 to discuss labor negotiation strategies. The meeting was closed at 4:22 p.m.

Labor Attorney Frank Madden was present to discuss labor negotiation strategies with the Committee.

The meeting was reopened at 5:22 p.m. on a motion by Council Member Christianson, seconded by Council Member Anderson.

It was at this time that Labor Attorney Frank Madden left the meeting and the other individuals joined the meeting.

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

Item No. 2 Council Member Ahmann addressed the next three items on the agenda that were tabled by the Labor Relations Committee at the April 29, 2015 meeting. These included the review of three position classifications within the City (Accounting Supervisor, Administrative Assistant to the Police Department and Administrative Assistant to the City Administrator). He stated that it has been decided at this time, due to the Bureau of Mediation Services Unit Determination, that these items will not be removed from the table until the election is completed after August 18, 2015. He expressed that the Council is trying to be amiable about the situation, yet at this time they have been advised by the Labor Attorney not to discuss the position classifications. This was received for information only by the Council.

Item No. 3 Interim City Administrator Kevin Halliday presented a revised Memorandum of Agreement (MOA) between the City and the AFSCME General Unit for setting up a Health Care Savings Plan. He explained the language in the MOA was not acceptable to the Minnesota State Retirement Systems and their Finance Director was unable to establish the program on the City's behalf. Labor Attorney Frank Madden worked in conjunction with the MSRS office and AFSCME representative to prepare this revised agreement which should establish the health care savings account and is presented in the form of an MOA. Staff recommended the Council approve the MOA as drafted. The Committee was recommending the Council approve the MOA and direct Labor Attorney Frank Madden to present the document to the MSRS. Council Member Ahmann moved the recommendation of the Committee. Council Member Anderson seconded the motion which carried.

Item No. 4 Interim City Administrator Kevin Halliday stated there are three actions from this item. He informed the Council that pursuant to the Personnel Policy it is a requirement that the City Administrator get final approval to grant “permanent status” to any employee. He would recommend granting full-time status to the two Policer Officers who recently completed their probationary period, but the League of Minnesota Cities has long advised the City to remove the word “permanent” from its policy.

The first staff recommendation is to grant the two officers full-time status. He then requested the Council amend the Personnel Policy removing the word “permanent” in several areas and allow the granting of full-time status upon completion of probationary periods by the City Administrator.

The Committee was recommending to the Council to grant Officers’ Liebl and Vazquez full-time status with the City of Willmar. Council Member Ahmann moved to accept the recommendation of the Committee. Council Member Christianson seconded the motion, which carried.

The Committee also made the recommendation to the Council to direct staff to make changes as presented to the Personnel Policy in legislative print to be brought to the Labor Relations Committee at a future meeting. Council Member Ahmann made the motion as recommended by the Committee to make the proposed changes and bring them back to Committee. Council Member Anderson seconded the motion, which carried.

The Labor Relations Committee Report for July 29, 2015, 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 Christianson, and carried.

The Community Development Committee/Full Council Report for July 30, 2015 was presented to the Mayor and Council by Council Member Fagerlie. There were six items for consideration

Item No. 1 There were no public comments.

Item No. 3 The full Council was present to initiate discussion of the capital improvements programming process. Mayor Calvin introduced the subject and explained how the capital improvements budget fits into the overall City budget. Steve Okins, Finance Director, presented a PowerPoint outlining the capital improvements planning process. Mr. Okins noted that a staff committee reviewed, scored, and ranked all requests using six criteria. The primary sources of funding for the capital improvements program are bonding, cash (general revenues), special revenue, and State/Federal aid. Mr. Okins noted that there was approximately \$900,000 carryover from the 2014 budget that can be used for the CIP. Additional dollars will come from other unspent capital projects. The areas of focus for 2016 are pavement management, municipal facilities, vehicle replacement, storm/surface water management, and the community parks plan. Planning and Development Services Director Peterson presented a spreadsheet showing departmental requests for 2016, as scored and ranked by the staff committee. The Council raised a number of questions about projects and funding sources. Mayor Calvin requested that the Council Members review the CIP budget information in Dropbox as updates are made available. The CIP budget proposals were received for information only.

Item No. 3 Steve Renquist, EDC Director, provided an update on EDC activities. He reviewed development statistics from the last 10 years, such as retail spending, employment, and weekly payroll, that all demonstrate the growth of the area economy. He said the biggest projects to deal with in the near future will be the Willmar Wye rail project, and the industrial park expansion. He said it was a good opportunity to bring rail service into the west end of the new industrial park. He did express concern that the City has priced the industrial land too high. Mr. Renquist praised the land write-down policy as one means of reducing the cost of industrial park land. He emphasized the importance of the turkey industry to not just Kandiyohi County, but to the entire region. He said that the EDC was pushing the U of M for a turkey research facility and noted the expansion of activity at the avian lab located at the Mid Central Research and Outreach Center. He concluded by saying that the City and County need to grow their way to prosperity, rather than save their way to prosperity. Because the JOBZ program is shutting down statewide, a number of local companies will be

losing some property tax benefits. Mr. Renquist urged the Council to consider other means of assisting the local companies as those benefits expire. He concluded his presentation by stating that he would make the EDC five- year plan available to the Council as an electronic document. This was received by the Council for information only.

Item No. 4. Staff presented a request by Habitat for Humanity that the City gift to them a lot described as Lot 1, Block 2, Pleasant View 4th Addition. This is property that the City received as a gift a number of years ago and has since improved with utilities and streets. Joline Hovland from Habitat was present to answer questions such as the number of homes they have completed in Willmar (over 10) and how many homes have come back to Habitat because the purchasers couldn't perform on the mortgages (approximately 3). Ms. Hovland said that Habitat currently needs a lot for a 5-6 bedroom home and the lot they have on North 7th Street is too large for the house they need to build. The property is valued at \$6,300 and there is approximately \$9,600 in special assessments against the property. Ms. Hovland stated that Habitat would be willing to take on the assessments as those would be passed onto the buyer and be payable over a 10-year period.

It was the recommendation of the Committee to the Council that the City sell the lot for \$1.00 with the buyer paying the assessments. Council Member Fagerlie made a motion following the Committee's recommendation for sale of the lot for \$1.00 and the buyer paying assessments. Council Member Nelsen seconded the motion, which carried.

Item No. 5. Staff presented a proposal by a local company to purchase approximately 4.8 acres of land at the Waste Water Treatment Facility site to develop an ag/industrial use. The Council had previously given preliminary approval to the concept and directed staff to negotiate an agreement. That has been done. The offer on the table is consistent with an appraisal of the land as ordered by the City. The offer is for the sale of 4.8 acres in the amount of \$54,000 dollars. This price represents the value of the land as Ag land, with a premium added due to its accessibility to municipal sewer. The Committee discussed the nature of the business and concluded that it would be a good fit at that site due to the fact that it does generate some truck traffic and odors. It was noted that the volume and strength of discharge to the sewer system would be very minimal.

The Committee recommendation to the Council was that the City proceed with the sale of the property, that the buyer survey the property and provide a legal description to the City for the purpose of Ordinance adoption, and that staff pursue the drafting of a development agreement to govern the activities of the buyer with respect to site development and sewer construction. Council Member Fagerlie moved the recommendation of the Committee. Council Member Anderson seconded the motion, which carried.

Council Member Ahmann questioned what the volume and strength of discharge to the sewer system would be. Planning and Development Director Bruce Peterson responded that the information that was given to him was approximately 9,800 gallons per month which appears to be very minimal from a treatment standpoint.

Item No. 7. Old Business

Staff provided an update on the clean-up efforts at 944 Olaf Avenue Northwest.

The Community Development Committee Report for July 30, 2015, 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 Christianson, and carried.

Interim City Administrator Kevin Halliday explained that due to the recent Council Member vacancy in Ward 4, the Council needs to assign another Council Member to both the Finance and Labor Relations Committees, as well as a liaison to both the Airport Commission and Municipal Utilities Commission. It was the Council's direction to keep representation from each ward on the Finance and Labor Relations Committee

by appointing Council Member Nelsen from the 4th Ward. Council Member Plowman offered to be the liaison to the Airport Commission and step up from alternate for Willmar Municipal Utilities Commission until such time as a new appointment can be made. He stated if there is a conflict with attending the meeting, some other member of the Council or the Mayor would be contacted to attend in his absence.

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

RESOLUTION NO. 7

BE IT RESOLVED, by the City Council of the City of Willmar, Minnesota, that the 2015 through 2016 Amended Committee and Council Liaison appointments for members of the Council shall be provided in the list of appointments as follows:

Labor Relations Committee:	Chair:	Ahmann Nelsen Christianson Anderson
Finance Committee:	Chair:	Anderson
	Vice Chair:	Johnson Fagerlie Nelsen
Airport Commission:		Plowman
Municipal Utilities Commission:	Plowman Alternate:	Unlisted

Dated this 3rd day of August, 2015.

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

Interim City Administrator Kevin Halliday summarized the options available by City Charter for filling the Council Member vacancy in Ward 4. Two choices were discussed, that being to fill the vacancy by appointment, or hold a special election in roughly 90 days of the vacancy. In the case of a special election no primary will be held, the candidate receiving the highest number of votes is elected. If the election option is chosen, the M-100 precinct counters and the Automark handicap assist machines must be programmed. Also an Absentee Ballot Board must be established, as well as the customary costs incurred for election judges in the three precincts of Ward Four at an approximate cost of \$6,200. Mr. Halliday clarified that the deadline to make a decision on filling the Council seat is September 5th allowing one more Council meeting prior to the deadline. The question was raised as to the time allotment needed by staff to complete a special election and clarification was given by City Attorney Robert Scott stating the City has 90 days from their decision to hold a special election. It was the consensus of the Council to allow time to receive input from the public. This was received for information by the Council.

Planning and Development Services Director Bruce Peterson presented for Council consideration the final plat for an addition named Free 35 Foot Addition which is a four lot replat of three existing parcels and a portion of a vacated street in Pleasant View 3rd Addition (Pleasant View Drive SE) by Steve Woehler of Willmar. The lots would be for single-family home development and the plat has been approved by the

Planning Commission. Council Member Fagerlie made a motion to approve the final plat for Free 35 Foot Addition. Council Member Christianson seconded the motion, which carried.

Planning and Development Services Director Bruce Peterson brought forth a request for reapportionment of special assessments which is concurrent with the filing of the final plat of Free 35 Foot Addition. In replating the three lots into four, Mr. Woehler has asked that the existing assessments be reapportioned equally to the four lots being created. This was a condition of the Planning Commission's approval of the subdivision and is a recommendation of staff.

Resolution No. 8 was introduced by Council Member Ahmann, seconded by Council Member Anderson, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 8

WHEREAS, a request for reapportionment of special assessments has been filed with the City of Willmar, said request being signed by all the parties having an interest in the following-described property:

Lots 3, 4, & 5, AND that part of vacated 13th St SE, Pleasant View Third Addition.

Parcel No. 95-672-0230, 95-672-0240, and 95-672-0250

to wit: Steven C. Woehler

WHEREAS, the above have waived notice of hearing on said reapportionment; and

WHEREAS, The City Council of the City of Willmar is in agreement that the special assessments totaling \$24,106.38 placed against the above-described parcel be hereby reapportioned as herein described:

<u>Parcel No.</u>	<u>Legal Description</u>	<u>Amount</u>
95-232-0100	Lot 1, Block One, Free 35 Foot Addition	\$6,476.34
95-232-0110	Lot 2, Block One, Free 35 Foot Addition	\$5,576.85
95-232-0120	Lot 3, Block One, Free 35 Foot Addition	\$6,476.34
95-232-0130	Lot 4, Block One, Free 35 Foot Addition	\$5,576.85

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Willmar, pursuant to the request of the above that the special assessments on the above-described property be and they hereby are reapportioned as provided in the request of the above named, and BE IT FURTHER RESOLVED that the reapportionment be recorded in the records of the City of Willmar and the Kandiyohi County Auditor effective for taxes and assessments due and payable on tax statements issued in the year 2016 and thereafter.

Dated this 3rd day of August, 2015.

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

Interim City Administrator Kevin Halliday stated that subsequent to Council action at the July 20, 2015 meeting in which consideration was given to the closing of the Windstream office and direction given for staff to amend Ordinance No. 1152, the amended ordinance was presented for consideration. Staff's recommendation was to set a public hearing for August 17, 2015 to consider the ordinance amendment allowing for the closure. Council Member Christianson made a motion to set the public hearing for 7:01 p.m. on August 17, 2015. Council Member Fagerlie seconded the motion, which carried.

Announcements for Council Committee meeting dates were as follows: Finance, 4:45 p.m. at City Hall, August 10; Public Works/Safety, 4:45 p.m. at City Hall, August 11; Labor Relations, 4:45 p.m. at City Hall, August 12, 2015.

Council Member Christianson offered a motion to adjourn the meeting with Council Member Anderson seconding the motion, with carried. The meeting adjourned at 8:19 p.m.

Attest:

MAYOR

SECRETARY TO THE COUNCIL