

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

August 5, 2013  
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 Ron Christianson, Steve Ahmann, Audrey Nelsen, Tim Johnson, Jim Dokken, Rick Fagerlie and Bruce DeBlicke; Present 8, Absent 1 - Denis Anderson was excused from the meeting.

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

Additions to the Agenda included a Downtown Parking Study presentation.

Council Member Christianson offered a motion adopting the Consent Agenda which included the following: City Council Minutes of July 15, Municipal Utilities Commission Minutes of July 22, Planning Commission Minutes of July 24, Accounts Payable Report for July, Building Inspection Report for July, Airport Commission Minutes of July 17, and Community Education/Recreation Joint Powers Board Minutes of July 26, 2013. Council Member Ahmann seconded the motion, which carried.

At 7:02 p.m. Mayor Yanish opened the public hearing on an Ordinance Establishing an On-Sale Brewer Taproom Liquor License Category and Amending Off-Sale Malt Liquor Sales for the Licensed Brewer. City Clerk Halliday presented details of the proposed Ordinance which would create a new category of liquor licenses to accommodate the unique retaining venue of breweries/brew pubs in the City. This new category is requested following the Minnesota Statutes created in 2011.

Ryan Fuchs, 4922 15<sup>th</sup> Street, requested clarification as to the percentage of alcohol in the many brewing recipes and what would be allowed. Upon hearing all those who wished to be heard, Mayor Yanish closed the hearing at 7:03 p.m.

Council Member Christianson offered a motion to adopt, assign a number, and order final publication of the Ordinance Amending Chapter 3, Alcoholic Beverages, Article II, Sale of Alcoholic Beverages, Division 2, License 3-48, License Fee and Article III, Sale of Intoxicating Liquor for On-Premises Consumption, Division 2, License, Section 3-117, License Fee - Generally, and Adopting a New Section 3-137, Brewer Taproom Licenses. Council Member Johnson seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Resolution No. 1, setting the Taproom On-Sale License fee, was introduced by Council Member Christianson, seconded by Council Member Johnson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 7, Noes 0.

**RESOLUTION NO. 1**

WHEREAS, the City Council of the City of Willmar duly establishes fees for service, sets fees for permits and licenses, and establishes rental rates for City equipment.

NOW, THEREFORE, BE IT RESOLVED that the below listed fees be duly adopted and the same hereby ordered kept on file in the office of the City Clerk-Treasurer.

CITY CLERK:

Liquor Licenses: On-Sale Taproom License  
Liquor Licenses: Off-Sale Taproom License

\$150.00 per year  
\$150.00 per year

Dated this 5<sup>th</sup> day of August, 2013.

/s/ Frank Yanish  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

At 7:09 p.m. Mayor Yanish opened a scheduled hearing for Critical Care Services, Inc. for the issuance of Bonds used to purchase helicopters with one located at the Willmar Municipal Airport. City Clerk Halliday explained that Critical Care Services, Inc., a Minnesota nonprofit corporation, has requested that the Wisconsin Public Finance Authority issue Revenue Bonds (Critical Care Services, Inc. Project) Series 2013 in an amount not to exceed \$18,600,000 to finance the acquisition of six (6) helicopters, one of which will be located in Willmar. Prior to the issuance of their issuance, the Bonds are required to be approved by the governmental unit having jurisdiction over the area in which the Project is located. No one appeared before the Council and Mayor Yanish closed the hearing at 7:09 p.m.

Resolution No. 2, Approving the Issuance by the Public Finance Authority of Bonds, was introduced by Council Member DeBlieck, seconded by Council Member Fagerlie, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 2

RESOLUTION OF THE CITY COUNCIL OF WILLMAR, MINNESOTA  
APPROVING THE ISSUANCE BY THE PUBLIC FINANCE AUTHORITY  
OF BONDS ON BEHALF OF CRITICAL CARE SERVICES, INC.

(For Resolution in its entirety, see City Council proceedings file dated  
August 5, 2013, located in the City Clerk's Office)

Mayor Yanish acknowledged Jack Kuppich, Belgrade, who had signed up to address the City Council during its scheduled Open Forum. Mr. Kuppich inquired as to any available source to teach citizens East African dialects to prepare to converse with our new citizens.

Planning and Development Services Director Bruce Peterson introduced Lance Bernard, SRV Consulting Group, Inc., who presented a preliminary report of the downtown parking study. Mr. Bernard reviewed the findings of the study. A parking module, developed for staff, was reviewed to monitor and assess existing conditions and development scenarios, digital inventory of parking spaces.

Mr. Bernard stated the study was based on three assumptions: 1) 200 living units will be occupied in future; 2) Rice Hospital will expand; and 3) Downtown blocks 9, 10, 14 and 15 will maximize its existing office spaces.

Initial study recommendations included:

1. Development of parking guides and brochures, and improve way-finding/signage;
2. Establish a residential program/permit system which would allow residents to park in a designated City lot or on-street with minimal restrictions; and
3. Maintain the majority of current on-street parking restrictions (time limits), increase on-street times from two hours to four hours along portion of blocks 13, 16, 21, 8, 22, and motivate Rice Hospital employees to park in blocks 18 and 24 (not block 20)

Adam Arvidson, Planner with Willmar Design Center, summarized the study process noting overall

parking is adequate, but not always in the right place, suggesting steps to be taken to move outside core area to four-hour limits to get employees to move/park out of core area and free up central area for shoppers. The complete study and recommendations will be available in early September, 2013. Mayor Yanish thanked them for the presentation.

The Finance Committee Report for July 29, 2013, was presented to the Mayor and Council by Council Member Johnson. There were five items for Council consideration.

Item No. 1 There was no one present to address the Committee.

Item No. 2 The Committee discussed the Sperryville Lift Station project, part of the 2013 Capital Improvements Plan. The Council has previously awarded a professional services contract and the construction project is currently out for bids. A Preliminary Budget totaling \$329,100 needs to be adopted which includes \$275,000 from Capital Improvements and \$54,100 from the Operating portion of the 2013 Budget.

Following discussion, the Committee was recommending the Council pass a Resolution adopting the Sperryville Lift Station Project Preliminary Budget as presented. Resolution No. 3 was introduced by Council Member Johnson, seconded by Council Member Nelsen, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 3

PRELIMINARY SPERRYVILLE LIFT STATION BUDGET

OTHER SERVICES:		RECEIVABLES;	
Mtce. of Other Impr.	\$253,800.00	City 2013 Capital Budget	\$275,000.00
Other Services	<u>\$16,200.00</u>	City 2013 Operating Budget	<u>\$54,100.00</u>
TOTAL	\$270,000.00	TOTAL	\$329,100.00
OTHER CHARGES;		FINANCING;	
Prof. Serv.	<u>\$54,100.00</u>	City 2013 Capital Budget	\$275,000.00
TOTAL	\$54,100.00	City 2013 Operating Budget	<u>\$54,100.00</u>
		TOTAL	\$329,100.00
CAPITAL OUTLAY			
Land and Legal	<u>\$5,000.00</u>		
TOTAL:	\$5,000.00		
GRAND TOTAL	\$329,100.00		

Dated this 5<sup>th</sup> day of August, 2013.

/s/ Frank Yanish  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 3 The Committee received the May 31, 2013, Rice Hospital Financial Report. Several questions were raised and it was requested that representatives from Rice Hospital attend the Finance Committee meetings every-other month to present reports and answer questions instead of quarterly. The Committee also received the June 30, 2013, reports for Rice Trust, CVB, Interest, and Investments. This matter was for information only.

Item No. 4 There was no old business for the Committee to discuss.

Item No. 5 The Committee was reminded that the Mayor will be presenting his 2014 budget at the August 12, 2013, Finance Committee meeting. This matter was for information only.

The Finance Committee Report for July 29, 2013, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Johnson, seconded by Council Member Fagerlie, and carried.

The Public Works/Safety Committee Report for July 30, 2013, was presented to the Mayor and Council by Council Member Christianson. There were six items for Council consideration.

Item No. 1 There were no public comments at the meeting.

Item No. 2 The Committee discussed the most recent draft of changes to the Dangerous Weapons Ordinance. Issues discussed included back stops, safety, and liability. The Committee was recommending the Council introduce the Ordinance and set a hearing.

Council Member Christianson offered a motion to introduce an Ordinance Amending Chapter 10, Offenses and Miscellaneous Provision, Article III, Dangerous Weapons, Section 10-54, Discharge of Firearms and Adopting New Section 10-55, Shooting a Bow and Arrow within City Limits and schedule a public hearing for August 19, 2013. Council Member DeBlieck seconded the motion, which carried.

Item No. 3 The Committee considered the final pay estimate for the crack sealing project at the Airport. Staff reported the work has been completed by Fahrner Asphalt Sealers, LLC, and final payment requested is \$87,321.66.

The Committee was recommending the Council adopt a Resolution closing out State Project Number A4301-63 Contract 2 and authorize Staff to execute the close out documents. Resolution No. 4 was introduced by Council Member Christianson, seconded by Council Member DeBlieck, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 4

ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

IMPROVEMENT: Contract 2- State Project No. A3401-63 crack sealing/patching

CONTRACTOR: Fahrner Asphalt Sealers, LLC  
DATE OF CONTRACT: October 23, 2012  
BEGIN WORK: May 12, 2013  
COMPLETE WORK: May 31, 2013  
APPROVE, ENGINEERING DEPT: July 15, 2013

BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, that:

1. The said City of Willmar Contract 2-State Project No. A3401-63 crack sealing/patching be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$81,966.80
Change Order	\$5,354.86
FINAL NET CONTRACT AMOUNT:	\$87,321.66
FINAL PAYMENT DUE CONTRACTOR:	\$87,321.66

Dated this 5<sup>th</sup> day of August, 2013.

/s/ Frank Yanish  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 4 Staff presented to the Committee a proposed agreement with MnDOT for State participation in the maintenance and operation of the Willmar Municipal Airport for the years 2014-2015. Under the agreement the State will reimburse the City for 2/3 of eligible costs not reimbursed by other sources and not to exceed \$51,636.00 per State fiscal year.

The Committee was recommending the Council approve the agreement and authorizing the Mayor and City Administrator to execute the document. Resolution No. 5 was introduced by Council Member Christianson, seconded by Council Member Ahmann, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 5

AUTHORIZATION TO EXECUTE MINNESOTA DEPARTMENT OF TRANSPORTATION  
GRANT AGREEMENT FOR AIRPORT MAINTENANCE AND OPERATION

IT IS RESOLVED by the City of Willmar as follows:

1. That the State of Minnesota Agreement No. 03960, "Grant Agreement for Airport Maintenance and Operation," at the Willmar Municipal Airport is accepted.
2. That the Mayor and City Administrator are authorized to execute this agreement and any amendments on behalf of the City of Willmar.

Dated this 5<sup>th</sup> day of August, 2013.

/s/ Frank Yanish  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 5 – Old Business Committee Members enquired about the status of the Lakeland Drive project. Staff stated that televising was completed and an update will be provided to the Committee following a meeting with the project engineer.

Questions were also asked about the Storm Water Task Force and whether or not any work plans have been developed. It was determined that the Committee would meet with the Task Force prior to the retreat to review the Task Force recommendations and it was suggested that the Interim City Engineer prepare a work plan for storm water activities. This matter was for information only.

Item No. 6 – New Business Staff updated the Committee on recent meetings conducted by MnDOT and eastside business owners. Nathan Pederson from MnDOT reviewed the proposed 2014 maintenance project for both sides of the by-pass bridge on East Highway 12. It includes a total reconstruction with lane paving, median construction, new turn lanes, and storm water improvements. The District Engineer has agreed to seek State funds for a corridor study if the City and County participate. It was noted that the project planned for 2014 was a maintenance project and would have no impact on future construction or planning for the corridor.

Butch Haug told the Committee what he wanted to see in an East Highway 12 project, advocating for something more than is planned for 2014. Ken Warner agreed that the City needed a plan to access State funding for Highway 12 improvements. Mr. Pederson acknowledged that the Department has no medium or

long-range plans for changes to the corridor. The Committee discussed what segments of Highway 12 should be included in a corridor study and determined that such a decision would be premature.

Butch Haug, 2670 Fairway Drive NW, appeared before the Mayor and Council explaining that the City can drive economic development on East Highway 12 with a good plan and requested the action steps of appointing someone to take charge and set completion dates.

The Committee was recommending that Staff pursue options for a Highway 12 corridor study with MnDOT and Kandiyohi County. Council Member Christianson moved to approve the recommendation of the Public Works/Safety Committee with Council Member DeBlieck seconding the motion, which carried.

Public Works Superintendent Scott Ledebor explained the mosquito spraying program to the Committee. This year there were new regulations from MPCA that required pesticide permits and a plan for spraying. To-date, the entire City has been sprayed four times and they have done spot spraying at Robbins Island, Baker Field, and Sonshine Festival. In addition to the spraying the City applies larvacide in stagnate surface waters, primarily storm water ponds. \$16,720 has been spent so far this year on mosquito control efforts. Future spraying for the balance of the season is dependent on weather. Public Works will continue their application of larvacide.

Public Works Superintendent Ledebor stated that \$48,000 has been spent on crack sealing. They have finished most of the catch basin and pothole repairs. Some problem areas remain to be repaired. 285 tons of mix has been used so far. This is less than half of the usual amount due to a late start. There will be continued patching as the weather allows. It was noted that the problems with catch basins heaving are caused by the weather in that there is frost action in the road that allows openings between the casting and the road surface. This results in the washing out of base material, causing voids between the street surface and the base.

Council Member DeBlieck updated the Committee on wind generator operations. The Willmar Municipal Utilities has been working to correct an intermittent problem. They believe they have identified the parts that need to be replaced.

Chief Wyffels noted that as of July 30th there were 82 inmates in the County Jail and the Police Department had responded to 865 calls over the last two weeks.

The Public Works/Safety Committee Report for July 30, 2013, 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 Ahmann, and carried.

Under new business there was a suggestion by Council Members to rearrange the room to allow citizens to view the south-side screen.

Announcements for Council Committee meeting dates were as follows: Finance, August 12; Public Works/Safety, August 13; Community Development, August 15; Council Special Session - Organizational Study, August 20; and Labor Relations, August 21, 2013.

There being no further business to come before the Council, the meeting adjourned at 8:19 p.m. upon motion by Council Member Christianson, seconded by Council Member Ahmann, and carried.

Attest:

\_\_\_\_\_  
MAYOR

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