

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

February 19, 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 Denis Anderson, Steven Ahmann, Audrey Nelsen, Tim Johnson, Jim Dokken, Rick Fagerlie and Bruce DeBlieck; Present 8, Absent 1 - Ron Christianson 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.

City Clerk Halliday, chief officer in charge of voting for the City of Willmar, presented to Council Member Audrey Nelsen a Certificate of Election. The Honorable Judge Don Spilseth, Judge of District Court, officiated the Swearing-in Ceremony of Council Member Nelsen and signing of the Oath of Office.

Council Member Ahmann noted that he would have an addition to the Agenda.

Council Member Dokken requested that the Planning Commission Minutes be removed from the Consent Agenda.

Council Member Anderson offered a motion adopting the Consent Agenda which included the following: City Council Minutes of February 4, Municipal Utilities Commission Minutes of February 11, Board of Canvass Minutes of February 15, Accounts Payable Report through February 12, Mayor Appointment – Kerry Johnson to the Housing and Redevelopment Authority Board, Application for Exempt Permit – Willmar Fests, Inc., Building Inspection Report for January, and Police Commission Minutes of February 4, 2013. Council Member Ahmann seconded the motion, which carried.

Council Member Dokken asked about the Planning Commission action to remove a condition from the Torgerson development project related to drainage agreements/easements. Staff explained that the agreements were not needed as the storm water issues had been addressed and the flow-off site would slightly increase but would follow the historical drainage pattern. The Planning Commission Minutes of February 13, 2013, were approved as presented upon motion by Council Member Dokken, seconded by Council Member Fagerlie, and carried.

At 7:09 p.m. Mayor Yanish opened a hearing on the Lakeland Drive Facilities Plan. Planning and Development Services Director Peterson offered a brief overview of the draft Environmental Information Worksheet and Facilities Plan. Mr. Peterson introduced Paul Jurek of Bollig Inc. who presented two alternatives with estimated project costs. It was Bollig's recommendation to go with Alternative 2, which would stay southerly by gravity feed whereby Alternative 1 diverted westerly to the old wastewater treatment facility. There being no one present to speak for or against the proposed Facilities Plan, Mayor Yanish closed the hearing at 7:17 p.m.

Following discussion, Resolution No. 1 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. 1

APPROVAL OF THE LAKELAND DRIVE INTERCEPTOR FACILITY PLAN AMENDMENT

WHEREAS, after due Notice of Public Hearing on the draft Facility Plan Amendment for the Lakeland Drive Interceptor Project for the City of Willmar Minnesota, a hearing on said Facility Plan Amendment was duly held and the Council heard all persons desiring to be heard on the matter and fully considered the same; and

WHEREAS, it is necessary to submit to the Minnesota Pollution Control Agency a Facility Plan Amendment for the Lakeland Drive Interceptor Project, and said Facility Plan Amendment must be approved by the Minnesota Pollution Control Agency.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Willmar that City Staff, through agreement with Bollig Inc, is authorized to proceed with submitting the approved Lakeland Drive Interceptor Facility Plan Amendment to the Minnesota Pollution Control Agency and that the Mayor and City Administrator are authorized to execute the same.

Dated this 19th day of February 2013.

/s/ Frank Yanish
Mayor

/s/ Kevin Halliday
Attest: City Clerk

At 7:31 p.m., Mayor Yanish opened the hearing on the 2013 Street Projects and Other Improvements. Planning and Development Services Director Peterson offered a brief overview of the proposed improvements and introduced Jared Voge of Bolton and Menk. Mr. Voge reviewed proposed 2013 reconstruction, overlay, new construction and miscellaneous items. It was noted the sources of funding for the proposed projects include monies from the Willmar Municipal Utilities, assessments, state aid, local option sales tax, and bond proceeds. The estimated total Cost for the 2013 Improvement Projects is \$5,288,021.00. Elizabeth Knutson, 722 2nd Street Southwest, spoke of storm water after heavy rain; and Ron Rein, 209 Havana Street NE, inquired about sewer connections to two residences. Upon hearing all those who wished to be heard, Mayor Yanish closed the hearing at 8:04 p.m.

Following discussion, Resolution No. 2 was introduced by Council Member Anderson, seconded by Council Member Dokken, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 2

ORDERING 2013 STREET AND OTHER IMPROVEMENTS
(AND DIRECTING PREPARATION OF FINAL PLANS AND SPECIFICATIONS)

WHEREAS, after due Notice of Public Hearing on the construction of street and other improvements for the City of Willmar, Minnesota, hearing on said improvements was duly held and the Council heard all persons desiring to be heard on the matter and fully considered the same.

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

1. It is advisable, expedient, and necessary that said improvements as described in the Notice of Hearing thereon be constructed and the same are hereby ordered made.
2. The improvements described in said Notice of Hearing are hereby designated and shall

be known as 2013 Street and Other Improvements.

3. The City's Engineer is hereby directed to prepare final plans and specifications for said improvements.

4. The City Council shall let the contract for all or part of the work for said improvements or order all or part of the work done by day labor or otherwise as authorized by Minnesota Statutes, Section 429.041, Subdivision 2, within one year of the date of this resolution ordering said improvements.

Dated this 19th day of February 2013.

/s/ Frank Yanish
Mayor

/s/ Kevin Halliday
Attest: City Clerk

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

The Public Works/Safety Committee Report for February 11, 2013, was presented to the Mayor and Council by Council Member DeBlieck. There were four items for Council consideration.

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

Item No. 2 Paul Jurek of Bollig Inc. presented to the Committee the Facility Plan and Environmental Information Worksheet for the Lakeland Drive Interceptor Project. Both documents will be presented to the Minnesota Pollution Control Agency for review after the public hearing is held and public comments are received and are a prerequisite for PFA funding and qualify the City for placement on the priority list.

The plan proposes resizing the lift station on the MinnWest Technology Campus to allow for future expansion of the surrounding area. The interceptor line is proposed to be replaced in conjunction with the reconstruction of Lakeland Drive from the lift station south to Willmar Avenue. The size of the pipe will be increased to allow for added capacity. Two alternates are proposed, with the preferred being No. 2 at a lessor cost and less disturbance to the urban area surrounding Lakeland Drive. This matter was for information only.

Item No. 3 City Administrator Stevens presented an amendment to the ordinance governing the removal of snow, dirt, and rubbish from public sidewalks. The recommendation is to change 12 hours to 24 hours in Section 1(b) to be consistent with the remainder of the ordinance.

The Committee was recommending the Council introduce the Ordinance amendment for hearing. Council Member DeBlieck offered a motion to introduce the Ordinance Amending Chapter 13, Streets, Sidewalks and Other Public Property, Article III, Sidewalks and Other Public Property, Article III, Sidewalks, Section 70, Removal of Snow, Dirt and Rubbish and to schedule a public hearing for March 4, 2013. Council Member Dokken seconded the motion, which carried.

Item No. 4 Council Member DeBlieck expressed his appreciation to the Public Works Department for their fine job on snow removal. This matter was for information only.

The Public Works/Safety Committee Report for February 11, 2013, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member DeBlieck, seconded by Council Member Fagerlie, and carried.

The Labor Relations Committee Report for February 13, 2013, was presented to the Mayor and

Council by Council Member Ahmann. There were three items for Council consideration.

Item No. 1 Wayne Nelson addressed the Committee on behalf of Moving Willmar Forward. Mr. Nelson commended and thanked the Council for moving forward to address adoption of a code of parliamentary procedure for the City Council, full participation by the Council in the Vision 2040 initiative, engaging in an organizational study of the City and for considering a conflict of interest policy. Mr. Nelson also stated that the group remains willing to contribute \$5,000 towards the cost of the organizational study for the City. This matter was for information only.

John Sullivan, 508 13th Street, apologized to the City Administrator for his previous statement regarding the timeliness of materials sent to the City Council for meetings. This matter was for information only.

Item No. 2 City Administrator Stevens described two vacancies before the Council for their consideration and the history of the vacancies. City Clerk Halliday expanded on the vacancy in the Assessing Department, including the previous unsuccessful attempts to fill the position internally.

Committee Members had questions regarding the timeframe for training, certifications necessary and the future possibility of working with the County on a consolidated department. Following discussion, the Committee was recommending the Council authorize Staff to advertise for the position of Appraiser II. The Council discussed the upcoming organizational study and whether the City and County should again discuss the merging of City and County assessing departments. Council Member Ahmann moved to approve the recommendation of the Labor Relations Committee with Council Member Dokken seconding the motion, which carried.

Finance Director Okins reviewed the staffing needs in the Finance Department as it related to the vacancy of the payroll clerk. Mr. Okins stated he would continue to explore options, but the position also filled other rolls in the Department. Following a discussion of options for outsourcing payroll, the Committee was recommending the Council authorize Staff to advertise the position of Accounting Clerk. Council Member Ahmann moved to approve the recommendation of the Labor Relations Committee with Council Member Dokken seconding the motion, which carried.

Item No. 3 City Administrator Stevens reviewed the history for the Conflict of Interest Policy, stating it had been a goal of Chair Ahmann and was first discussed in December. Ms. Stevens explained that two policies were before the Committee, one to revise existing Personnel Policy 2.9 which applies to employees and a new policy that would apply to elected and appointed officials.

The Committee was recommending the Council amend and adopt Personnel Policy 2.9 as drafted by the City Attorney. Council Member Ahmann moved to approve the recommendation of the Labor Relations Committee with Council Member Dokken seconding the motion, which carried.

Following discussion, the Committee was recommending the Council adopt a Conflict of Interest Policy for Elected and Appointed Officials as drafted by the City Attorney. Council Member Ahmann moved to approve the recommendation of the Labor Relations Committee with Council Member Dokken seconding the motion, which carried.

The Labor Relations Committee Report for February 13, 2013, was approved was presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Ahmann, seconded by Council Member Dokken, and carried.

City Clerk Halliday presented to the Mayor and Council an Ordinance allowing multiple on-sale liquor licenses to be issued to the same owner. City Attorney Scott had prepared the draft ordinance as directed by the Council. This is an allowable option under Minnesota law, but a conflict with the current Municipal Code. The amendment will facilitate the dual licensure of the upcoming remodeling project of TPI Core Properties with the double restaurants (Green Mill Restaurant & Bar and Hurricane Grill and Wings). Following discussion, Council Member Anderson offered a motion to introduce the Ordinance

Amending Chapter 3, Alcoholic Beverages, Article III On-Premises Consumption, Division 2, License, Section 114, Persons Eligible for License and schedule a hearing on March 4, 2013. Council Member Fagerlie seconded the motion, which carried.

The Mayor and Council considered a Civic Center Arena Special Event by On-Sale Liquor License Holder Permit. City Clerk Halliday explained the Civic Center has rented space to the Willmar Curling Club who will hold a three-day Curling Bonspiel and plans to serve alcohol. A Civic Center Arena Special Event Permit is required to distribute or consume alcohol on the grounds. Baker's Eagle Creek Eatery LLC has applied for the permit with an on-site employee present. Council Member Anderson moved to approve the Civic Center Arena Special Event by On-Sale Liquor License Holder Permit. Council Member Ahmann seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Planning and Development Services Director Peterson presented to the Mayor and Council an Ordinance amending Section 9 of the Zoning Ordinance relating to appeals. The text amendment was initiated by the Planning Commission to further clarify appeals in the Zoning Ordinance and is intended to further clarify Section 9.C.1 regarding the Board of Zoning Appeals hearing appeals of actions/enforcement of the Zoning Administrator. Following discussion, Council Member Ahmann offered to introduce an Ordinance Amending No. 1060 known as the Willmar Zoning Ordinance by Amending Section 9 Relating to Appeals and schedule a public hearing for March 4, 2013. Council Member Fagerlie seconded the motion, which carried.

Announcements for Council Committee meeting dates were as follows: Finance, March 25; Public Works/Safety, March 26; and Community Development, March 28, 2013.

Council Member Ahmann raised concerns regarding the Vision 2040 group and requested that minutes of meetings and updates be shared with the Council as well as budget details.

There being no further business to come before the Council, the meeting adjourned at 9:20 p.m. upon motion by Council Member Ahmann, seconded by Council Member DeBlieck, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL