

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

January 22, 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, Ron Christianson, Bruce DeBlieck, Steve Ahmann, Rick Fagerlie, Jim Dokken, and Tim Johnson; Present 8, Absent 0.

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, Fire Chief Gary Hendrickson, City Attorney Robert Scott, and City Clerk Kevin Halliday.

The Council requested that the January 7, 2013, Council Minutes be removed from the Consent Agenda.

Council Member Christianson offered a motion adopting the Consent Agenda which included the following: Planning Commission Minutes of January 9; Municipal Utilities Commission Minutes of January 14; Accounts Payable Report through January 17; Applications for Exempt Permit – NRA Foundation Inc., Willmar Sertoma Club and Prairie Pothole Chapter MN Waterfowl Association; Mayoral Appointments: Pioneerland Library Board – Suzanne Nelsen, Economic Development Operations Board – Robert Enos and Gary Gilman; Out-of-State Travel for Council Member Bruce DeBlieck to an APPA Conference in Washington D.C.; Police Commission Minutes of January 9; and Willmar Lakes Area CVB Minutes of December 18, 2012. Council Member Ahmann seconded the motion, which carried.

Council Member Dokken questioned the voting process of the Mayor Pro Tempore at the January 7, 2013, Council meeting. City Attorney Scott provided various answers including the option to rescind the motion appointing Denis Anderson as Mayor Pro Tempore. Following a lengthy discussion of the process, Council Member Christianson moved to rescind the action approving the Resolution appointing the Mayor Pro Tempore. Hearing no second to the motion, Council Member Christianson withdrew his motion. Council Member Christianson moved to approve the January 7, 2013, City Council Minutes with Council Member Anderson seconding the motion, which carried.

City Administrator presented a Certificate of Recognition to the Kandiyohi Area Family YMCA. The YMCA operates as a volunteer-lead organization providing various wellness services to the community. On behalf of the Mayor, Council and community, Ms. Stevens expressed appreciation for the services provided and wished the YMCA success in their capital campaign.

Mayor Yanish acknowledged Dale Johnson who had signed up to address the City Council during its scheduled Open Forum. Mr. Johnson spoke with regards to the anniversary of the City Auditorium, the history behind the Memorial Room, and asked the City to officially rededicate the 1938 Memorial Room/Auditorium.

The Finance Committee Report for January 14, 2013, was presented to the Mayor and Council by Council Member Anderson. There were five items for Council consideration.

Item No. 1 Kelly Welch distributed information to the Committee regarding the West Central Integration Collaborative revenue sources as well as census data for Kandiyohi County and provided a copy of a WCCO Reporter's story about Somalis in Minnesota. This matter was for information only.

Item No. 2 Darrell Sunvold of Quick Funds, Inc. had contacted Staff stating he would not be attending the meeting. This matter was for information only.

Item No. 3 Staff informed the Committee that the Willmar Fire Department has been a member of PERA's Statewide Volunteer Firefighter (SVF) Retirement Plan since January, 2012. The SVF Advisory Board is recommending a change to plan provisions to allow survivor benefits to be paid in cases where firefighters die prior to becoming fully vested, which is after five years of service. This provision is already a requirement for relief associations that are not part of the SVF plan, so the change would put the SVF plan in compliance with relief association laws. All 63 fire departments participating in the PERA Volunteer Firefighter Retirement Plan must pass a resolution in order for the plan change to become effective. Once that has been accomplished, this revision will be presented to the State Legislature to review and pass into law.

The Committee was recommending the Council pass a resolution to ratify the addition of a provision to the PERA SVF Retirement Plan allowing survivor benefits to be paid to firefighters who die within their first five years of service. 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 7, Noes 0.

RESOLUTION NO. 1

WHEREAS, the Willmar Fire Department has joined the Statewide Volunteer Firefighter Retirement Plan administered by the Public Employees Retirement Association (PERA); and

WHEREAS, the Statewide Plan offers survivor benefits to the families of firefighters who die after providing at least 5 years of service; and

WHEREAS, the City highly values the contributions of volunteer firefighters and wishes to also provide similar survivor benefits to the families of firefighters who die before providing 5 years of service; and

WHEREAS, the City understands that should this provision be approved and passed into law, it would not increase required contribution amounts.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Willmar to ratify the addition of a plan provision allowing survivor benefits to be paid to firefighters who die within their first five years of service, should such a provision be passed into law

Dated this 22nd day of January, 2013.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 Staff presented the City of Willmar Investment Policy to the Committee for its annual review. This matter was for information only.

Item No. 5 Police Chief Wyffels informed the Committee that electronic automated pawn transactions are regulated along with a fee schedule, which is applied to each pawn transaction. Part of the fee structure charged for pawn transactions is determined by the City of Minneapolis which controls the Automated Pawn System (APS). Willmar has been participating in this program since April, 2006, at which time the automated pawn transaction fee was \$1.50 per transaction. Of that amount, \$1.00 was paid to the City of Minneapolis and \$.50 was retained by the City of Willmar. In 2010, the City of Minneapolis reduced their fee from \$1.00 to \$.60 per transaction. This savings was passed directly back

to the local business owners. The City received notification that the City of Minneapolis is increasing their portion from \$.60 to \$.90 per transaction. It is Staff's recommendation to increase the fee charged to the affected business owners from \$1.10 to \$1.40 per transaction, of which \$.90 will be forwarded to the City of Minneapolis and \$.50 will continue to be retained by the City of Willmar.

The Committee was recommending the Council introduce a Resolution increasing the fee charged to pawn brokers within the City of Willmar for each electronic reportable pawn transaction as presented and direct the Chief of Police to notify in writing all businesses subject to the Automated Pawn System of this increase. 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 7, Noes 0.

RESOLUTION NO. 2

WHEREAS, the City Council of the City of Willmar sets fees for pawn brokers within the City of Willmar for electronic automated pawn transactions;

NOW, THEREFORE, BE IT RESOLVED that the fee listed below be duly adopted for the year 2013;

POLICE DEPARTMENT: ~~\$1.10~~ \$1.40 Automated Pawn Transaction Fee-each
electronic reportable transaction

BE IT FURTHER RESOLVED that the Chief of Police notify in writing all businesses subject to the Automated Pawn System of the increase.

Dated this 22nd day of January, 2013.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 6 The Committee considered the following reports: Baseball Stadium Project; CVB November 30, Financial; Local Option Sales Tax November 30, Financial; Rice Hospital November 30, Financial Report; and Rice Trust Activity Report as of November, 2012. This matter was for information only.

Item No. 7 City Administrator Stevens provided information obtained from City Attorney Scott as a result of Council Member requests that Staff research legal opinion regarding the City of Willmar, Municipal Utilities, Rice Memorial Hospital and its subsidiaries, Community Education and Recreation, Willmar HRA, and the EDC paying dues to the Chamber of Commerce. The Committee requested further clarification to be presented to the Council in anticipation of making a final decision in this matter.

Council Member Dokken referred to a League of Minnesota Cities public purpose document and requested that the Willmar Municipal Utilities and Rice Hospital provide a written public purpose position if they choose to be a member of the Chamber of Commerce. Staff was directed to forward this request to the Municipal Utilities Commission and Rice Hospital Board.

The Finance Committee Report for January 14, 2013, 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 Christianson, and carried.

The Public Works/Safety Committee Report for January 15, 2013, was presented to the Mayor and Council by Council Member Christianson. There were two items for Council consideration.

Item No. 1 Paul Jurek of Bollig, Inc. presented to the Committee an update on the timeline for the Lakeland Drive Interceptor/MinnWest Lift Station Project. Bollig Inc. is currently in the preliminary design stages and working on the EIW and Facility Plan. The PFA loan application, state aid funding and other various funding groups included in the project are being developed as well. Bollig is requesting authorization to schedule a hearing date for the EIW and Facility Plan. This is a requirement of the Minnesota Pollution Control Agency which allows public review and comment on the proposed plan. Both documents will be presented to Staff by the end of January.

The Committee was recommending the Council set a hearing date of February 19, 2013. Resolution No. 3 was introduced by Council Member Christianson, seconded by Council Member Anderson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 3

WHEREAS, the submittal of a Facilities Plan to the Minnesota Pollution Control Agency is required for the Lakeland Drive Interceptor/MinnWest Lift Station Project (Project No. 1310); and

WHEREAS, a Public Hearing is required to receive comments and feedback from the public on the Facilities Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the Public Hearing for the Lakeland Drive Interceptor/MinnWest Lift Station Project be scheduled for 7:02 p.m., February 19, 2013.

Dated this 22nd day of January, 2013.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 2 The Committee discussed the matter of Police presence in the Willmar Public Schools. Police Chief Wyffels reported that there are three officers who work in the school system: one at the high school, one at the middle school and one between the three elementary schools.

Council Member DeBlick requested the most recent Transportation Plan be placed on a future agenda for review. This matter was for information only.

The Public Works/Safety Committee Report for January 15, 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 Anderson, and carried.

The Community Development Committee Report for January 17, 2013, was presented to the Mayor and Council by Council Member Fagerlie. There were four items for Council consideration.

Item No. 1 There were no public comments and this matter was for information only.

Item No. 2 The Committee discussed the second draft of an ordinance to regulate exterior maintenance of commercial/industrial/institutional buildings. The ordinance has been cleaned up to eliminate conflicting references with the municipal code. Staff informed the Committee that the format of the ordinance would be changed to be consistent with a typical City ordinance. It was a consensus of the Committee that the ordinance was needed to allow the City the necessary authority to regulate exterior maintenance and be enforced on a "complaint" basis.

The Committee was recommending the Council refer the ordinance to the City Attorney for review, and following legal review, transmit it to the Council for a public hearing. Council Member

Fagerlie moved to approve the recommendation of the Community Development Committee with Council Member DeBlicek seconding the motion, which carried.

Item No. 3 Gus Wordell from Hutchinson presented to the Committee a proposal to acquire and redevelop the east side mobile home park. He informed the Committee that he owned a mobile home park in Hutchinson and it has been very successful. His plan is to purchase the mobile home park and replace all the current homes with 3-5 bedroom homes. He has a letter of intent with the park owner. All new homes going into the park would be purchased by Mr. Wordell and subsequently resold. All homes will be on a permanent foundation. Because of the size and appearance they are considered to be manufactured homes, rather than mobile homes. They will have 2x6 walls and will meet all energy codes. Mr. Wordell said he planned to upgrade the infrastructure in the park and will have crime free and drug free addendums to the lease. No rentals will be permitted; all homes will be owner occupied. Background checks will be required for all prospective owners.

Mr. Wordell concluded his presentation by requesting that the City consider issuing revenue bonds to assist with the financing and to create a tax increment financing district to assist with the costs of infrastructure improvements. It was a consensus of the Committee to work with Mr. Wordell and directed him to pursue formal applications for the revenue bond financing and tax increment financing. This matter was for information only.

Item No. 4 Council Member Dokken suggested that the community highlight the history of the War Memorial Auditorium. 2012 marked the 75th anniversary of the building with the Memorial Room completed a year later. Mr. Dokken agreed to spearhead the recognition effort. Council Member Fagerlie moved to appoint Council Member Dokken and Dale Johnson as co-chairs of the celebration event and directed them to prepare a budget for consideration. Council Member Dokken seconded the motion, which carried.

The Committee briefly discussed the County Road 5/19th Avenue street light issue. City Administrator Stevens mentioned that she had been in contact with Willmar Municipal Utilities and the County to discuss a strategy to improve lighting.

The Community Development Committee Report for January 17, 2013, 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.

City Administrator Stevens informed the Mayor and Council that Don Ericson, Kandiyohi County Emergency Operations Director, has been filling the role of interim Emergency Operations Coordinator for the City of Willmar. With the appointment of Gary Hendrickson as Fire Chief/Fire Marshal for the City of Willmar and with his background in emergency management, it is appropriate to appoint him as the City's coordinator. Council Member Anderson moved to appoint Fire Chief Hendrickson as Emergency Operations Coordinator for the City of Willmar. Council Member Fagerlie seconded the motion, which carried.

City Clerk Halliday informed the Mayor and Council that it is necessary to appoint election judges for the Ward 4 Special Election scheduled for February 12, 2013. Resolution No. 4 was introduced by Council Member Christianson, seconded by Council Member Dokken, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 4

BE IT RESOLVED, that the individuals listed below be appointed as Judges to work at the Ward 4 Special Election in the City of Willmar on Tuesday, February 12, 2013:

WARD FOUR

Precinct One:

David Rogers, Head Judge
Gary Simmons
Cynthia Clouse

