

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

February 1, 2010
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Lester Heitke. Members present on a roll call were Mayor Heitke, Council Members Doug Reese, Ron Christianson, Bruce DeBlicek, Denis Anderson, Steve Ahmann, Rick Fagerlie, Jim Dokken, and Tim Johnson; Present 9, Absent 0.

Also present were City Administrator Michael Schmit, City Attorney Richard Ronning, Police Chief Jim Kulset, Fire Chief Marv Calvin, Public Works Director Mel Odens, Finance Director Steve Okins, Community Education and Recreation Director Steve Brisendine, Planning and Development Services Director Bruce Peterson, and City Clerk Kevin Halliday.

Mayor Heitke recognized Boy Scouts with Troop 565 who were in attendance and working on their Citizenship in the Community Merit Badge.

The Council requested the Council Work Session Minutes be removed from the Consent Agenda.

Council Member Reese offered a motion adopting the Consent Agenda which included the following: City Council Minutes of January 19, Municipal Utilities Commission Minutes of January 25, Charter Commission Minutes of January 13, 2010; Kandiyohi Area Transit Board Minutes of November 24, and Community Center Commission Minutes of December 2, 2009 and January 6, 2010; and Lawful Gambling Application Exempt Permit, West Central Ducks Unlimited. Council Member DeBlicek seconded the motion, which carried.

Following discussion, the Council Work Session Minutes of January 27, 2010, were approved upon motion by Council Member Christianson, seconded by Council Member Anderson, and carried.

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

The Finance Committee Report for January 25, 2010, was presented to the Mayor and Council by Council Member Anderson. There were six items for Council consideration.

Item No. 1 The Committee reviewed a proposal from the Westberg and Eischens to perform a two-year program for auditing services. The program would involve auditing the City books for the years of 2009 and 2010 at an estimated cost of \$20,000 to \$21,000 per year. The Committee was recommending the Council pass a resolution authorizing the City Administrator to sign a contract with the firm of Westberg and Eischens for auditing services.

Resolution No. 1 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 1

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the City Administrator be authorized to enter into a professional services contract with Westberg Eischens, PLLP for the City of Willmar's 2009 and 2010 audit.

Dated this first day of February, 2010.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 2 Staff presented to the Committee unaudited 2009 Public Works financial information showing enough unspent dollars to cover the costs to repair the transmission of a Public Works road grader. The estimated cost of \$17,000 was lower than anticipated and the grader has already been returned to service. The Committee was recommending the Council pass a resolution appropriating \$17,000 from the 2009 unaudited excess to the 2010 Public Works Budget.

Resolution No. 2 was introduced by Council Member Anderson, seconded by Council Member Dokken, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 2

BE IT RESOLVED by the City Council of the Willmar to authorize the Finance Director to make the following changes to the Public Works budget within the general fund:

Increase:	Maintenance of Equipment	\$17,000.00
Decrease:	Fund Reserves	\$17,000.00

Dated this first day of February, 2010.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 Staff presented to the Committee unaudited 2009 Waste Treatment financial information indicating enough funds to cover the costs associated with the re-accreditation of the Waste Treatment Plant Lab. The estimated cost of the project is \$17,000. The Committee was recommending the Council pass a resolution appropriating \$17,000 from the 2009 surplus to the 2010 Waste Treatment Treatment-professional services.

Resolution No. 3 was introduced by Council Member Anderson, seconded by Council Member Johnson, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 3

BE IT RESOLVED by the City Council of the Willmar to authorize the Finance Director to make the following changes to the Waste Treatment budget within the general fund:

Increase:	Waste Treatment-Professional Services	\$17,000.00
Decrease:	2009 Surplus	\$17,000.00

Dated this first day of February, 2010.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 The Committee reviewed the 2009-2010 Meals on Wheels Budget as presented. Committee Members asked that next year when the organizations request is received that additional

historical information and line item detail be included. This matter was for information only.

Item No. 5 Staffed updated the Committee on the status of deferred Willmar Fabrication Loan payments. Previous action of the Committee to defer payments was contingent on approval from the Department of Employment and Economic Development (DEED). The City received approval by e-mail on January 15, 2010. This matter was for information only.

Item No. 6 The Committee reviewed the cash and investment report of 12/31/09 and the Rice Trust reports. This matter was for information only.

The Finance Committee Report for January 25, 2010, 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 January 26, 2010, was presented to the Mayor and Council by Council Member Reese. There were five items for Council consideration.

Item No. 1 City Clerk Halliday briefed the Committee on a request from the Eagles Club to hold a pool tournament on February 19 and 20, 2010, in the City Auditorium including the serving of alcohol. The club has subsequently applied for a temporary liquor license and during the application process, became aware of the license criteria of requiring police service at all times during the time that intoxicating liquor is being dispensed. The 22 hours of service at \$60 per hour for the City off-duty police officer is a budget issue for the Eagles. Bob Stone, representing the Eagles was present to request the Committee consider revising the language in Section 3-176 of the ordinance dealing with temporary liquor licensing to allow the decision of the need for a police officer(s) be left to the discretion of the Chief of Police.

The Committee was recommending to the Council to revise the language of Section 3-176 requiring the need for police services to be at the discretion of the Chief of Police. Council Member Reese offered a motion to introduce an Ordinance Amending Section 3176 of the Willmar Municipal Code Regulating Police Presence at Functions Where Liquor is Served and to schedule a public hearing for February 16, 2010. Council Member DeBlieck seconded the motion, which carried.

Item No. 2 Public Works Director Odens gave a presentation to the Committee detailing the Street Reconstruction Program and Funding History. In the 1960's residents paid 100% of their street assessment. In the 1980's this was changed to a 50/50 split between the resident and the City. In 1997, the policy was revised to 75% resident and 25% City, where it remains to date. A utility replacement fee was incorporated in June of 2003 at \$2/month to replace the local share of water and sewer assessments. This has since grown to \$4/month to help fund storm water and miscellaneous street costs and generates revenue of approximately \$400,000 per year. In addition to these funding sources, the City also used monies from the Community Investment Fund interest earnings for street reconstruction.

The basis for the Street Rehabilitation and Reconstruction Program was explained. Willmar started reconstruction of streets in 1961 with the goal of keeping all streets improved and maintained. The life cycle of the streets was discussed considering either a 40 or 50-year cycle along with a funding plan. A street work history was presented with various maps that show the City has constructed, reconstructed, overlaid, seal coated, or crack sealed 95.6 of its 132 miles of streets since 1998.

An overview and criteria for the 5-Year Plan was presented. Every three years employees of the Public Works Department conduct an independent review of all the streets in the City. Based on the information received, the condition of each street is rated. This rating has helped establish how many miles of reconstruction and overlay should be constructed each year. The City targets 1.5 miles of both reconstruction and overlay in order to maintain an adequate program. From these ratings, staff developed a list of proposed construction activity through 2015 for the Committee's review.

Staff presented two project reconstruction plans with estimated costs for 2010. One plan includes the streets and projects staff recommends for 2010 to allow the City to continue with the current level of maintenance, and the other is a scaled down version minus the City's contribution. The Committee was recommending that Staff be directed to research funding options in favor of the larger project and provide this information to the Council for review. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Fagerlie seconding the motion, which carried.

Item No. 3 The Committee considered a Fixed Based Operator (FBO) agreement between the City and Maximum Cruise Aviation (MCA) allowing them to act as the Primary Fixed Based Operator at the Willmar Municipal Airport. The current agreement with MCA will expire on January 31, 2010. This agreement would be for a term of five years and contains the same language with the exception of the insurance requirements being increased to \$500,000/\$1,000,000.

The Committee was recommending the Council accept the FBO agreement as presented and authorize the Mayor and City Administrator to enter into an agreement on behalf of the City. Resolution No. 4 was introduced by Council Member Reese, seconded by Council Member Christianson, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 4

WHEREAS, the City of Willmar desires to retain a Primary Fixed Base Operator to provide aviation services to based and transient aircraft for the City of Willmar; and

WHEREAS, a proposal has been made by, and an agreement prepared to retain, the firm of Maximum Cruise Aviation, 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 be from professional services in the Willmar Municipal Airport General Budget.

Dated this first day of February, 2010.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 John Bryant of Donohue and Associates presented the Committee with two changed items for consideration to Project No. 0812-C. The net of the cost reductions and additions associated with the changes is \$1,777.51 and is the eighth such modification for this project. The total amount of unanticipated allowances for 0812-C comes to \$320,429.39 leaving a remaining balance of \$177,793.10.

The Committee was recommending the Council approve Allowance Modification No. 8 to Project No. 0812-C as presented. Resolution No. 5 was introduced by Council Member Reese, seconded by Council Member DeBlicek, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 5

WHEREAS, the City of Willmar entered into Contract No. 0812-C with Graham Construction Services, Inc. for the construction of a new Wastewater Treatment Facility (WWTF); and

WHEREAS, Change Order No. 1 and Change Order No. 2 decreasing the amount by \$397,788 and \$10,000 respectively have been previously authorized; and

WHEREAS, the above contract has a contingency allowance of \$500,000 in Specification Section 01210 Part 1 – GENERAL 1.02 Specific Allowances; and

WHEREAS, Unanticipated Allowance No. 1 increasing the amount by \$17,191.77, Unanticipated Allowance No. 2 increasing the amount by \$75,775.90, Unanticipated Allowance No. 3 increasing the amount by \$60,801.00, Unanticipated Allowance No. 4 increasing the amount by \$30,889.28, Unanticipated Allowance No. 5 increasing the amount by \$3,696.40, Unanticipated Allowance No. 6 increasing the amount by \$108,184.00, and Unanticipated Allowance No. 7 increasing the amount by \$23,891.04 out of a \$500,000 allowance have been previously authorized; and

WHEREAS, it is recommended to approve Unanticipated Allowance No. 8 which contains the following: Item 1: Changes associated with Willmar Municipal Utilities 15KW wiring; Item 2: Modify ductbank routing to underground vaults for transformers and switches.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that:

1. Additional work is hereby authorized as Owner Unanticipated Cost Allowance No. 8 for \$1,777.51.
2. Funding for additional work is covered within Contract No. 0812-C Specification Section 01210 Part 1-GENERAL 1.02 Specific Allowances reducing the owner Unanticipated Cost Allowance from \$179,570.61 to \$177,793.10.
3. As specified in the above contract prior to final payment, an appropriate Change Order will be issued and the Contract Price shall be adjusted.

Dated this first day of February, 2010.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 5 Donohue staff presented to the Committee Change Order No. 5 to WWTP Project No. 0813-D3, the southern interceptor. During excavation for the installation of the pipe in 28th Avenue SW, contaminated soil was encountered. The Fire Marshal and West Central Environmental Consultants then evaluated the site. It was determined that high pH material was present due to debris from a previous concrete business. Measures were then taken to prevent potential hazards and the contaminated soil was removed from the site. Compensation is due to S.R. Weidema for their cost to excavate and remove the soils in the amount of \$15,880.38.

The Committee was recommending the Council approve Change Order No. 5 to Project No. 0813-D3 as presented. Resolution No. 6 was introduced by Council Member Reese, seconded by Council Member Christianson, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 6

WHEREAS, the City of Willmar entered into Contract No. 0813-D3 with S.R. Weidema, Inc. for the construction of Southern Interceptor (From BNSF RR to 5th St. SE & at Existing WWTF); and

WHEREAS, Change Order No. 1 increasing the contract amount by \$15,882.08, Change Order No. 2 decreasing the contract amount by \$50,000.00, Change Order No. 3 increasing the contract amount by \$5,695.00, and Change Order No. 4 increasing the contract amount by \$290,750.50 have

been previously authorized; and

WHEREAS, contaminated soil containing a high pH material was encountered on 28th Avenue SW; and

WHEREAS, the contaminated soils were excavated and removed from the site, and hauled to the approved site; and

WHEREAS, it is recommended to approve the costs associated with the excavation, removal and hauling of the contaminated soils found at 28th Avenue SW.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that Change Order No. 5 be approved; as a result, the contract amount will be increased in the amount of \$15,880.38 for a revised Contract price of \$6,579,050.36 for Project 0813-D3 Southern Interceptor (From BNSF RR to 5th St. SE & at Existing WWTF).

NOW, THEREFORE, BE IT FURTHER RESOLVED, that with approval of this Change Order, Contractor waives all previously submitted claims which have not been approved by Change Order.

Dated this first day of February, 2010.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Public Works/Safety Committee Report for January 26, 2010, 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.

Public Works Director Odens informed the Mayor and Council that a contract amendment to the August, 2009, Agreement with Barr Engineering for various phases of the storm water-related improvements has been received. In the original scope of work, Phase 3 contained the analysis of the former Wastewater Treatment Plant site as part of an evaluation for storm water management. The City is in the process of decommissioning the plant and feels there is an opportunity to evaluate storm water management as part of the plant decommissioning work. Barr was approached regarding the matter and has prepared a contract amendment for additional estimated cost for Phases 2 and 3.

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

RESOLUTION NO. 7

Whereas the City of Willmar desires to retain a firm to provide engineering services for Phases II and III of updating the City's water management plan and hydrologic/hydraulic modeling to reflect current conditions; and

Whereas a proposal has been made by, and a contract amendment prepared to retain, the firm of Barr Engineering Company of Minneapolis, Minnesota in a not to exceed amount of \$69,980.00 for said services;

Now therefore be it resolved by the City Council of the City of Willmar that said contract amendment be approved and that City Administrator be authorized to execute the same.

