

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

April 5, 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 DeBlicke, 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.

Additions to the Agenda included announcements regarding the Mayor's Prayer Breakfast, Census, and Board of Review.

Council Member Ahmann offered a motion adopting the Consent Agenda which included the following: City Council Minutes of March 15, Rice Hospital Board Minutes of March 9, Municipal Utilities Commission Minutes of March 22, Planning Commission Minutes of March 24, Charter Commission Minutes of March 3, Community Center Council Minutes of March 15, and Community Education and recreation Board Minutes of March 26, 2010; and Mayoral Appointments: Zoning Appeals – Mark Suedbeck and Beverly Dougherty, Planning Commission – Gary Geiger, and Housing Redevelopment Authority Board – Mary Thalberg. Council Member DeBlicke seconded the motion, which carried.

Mayor Heitke recognized Representative Al Juhnke and Senator Joe Gimse who were present to update the Mayor and Council on the 2010 Legislative Session. Senator Gimse commended the City of Willmar on its stand to not increase the levy, discussed the State of Minnesota's \$1 billion budget deficit, and the \$326,000 Local Government Aid (LGA) loss to Willmar.

Representative Juhnke expressed his frustration with LGA cuts noting that no city plays on an equal playing field since LGA does not impact the Metro's outer ring. Mr. Juhnke expressed concern over cuts in mental health, education/college, and rural hospitals. He was an advocate for the airport rollover account whereby the City doesn't remit the old airport property value to the State but use it to improve the new airport. He also raised concerns with the impact on local governments with the emerald ash borer.

Following a question and answer period, Mayor Heitke thanked Senator Gimse and Representative Juhnke for their attendance and wished them well in their remaining days working until the May 17, 2010, session closing.

Mayor Heitke called for a recess at 8:15 p.m. and reconvened the meeting at 8:24 p.m.

General Manager Bruce Gomm presented to the Mayor and Council an update on the Willmar Municipal Utilities. Mr. Gomm discussed the status of the wind turbines and noted the Utility continues to work out warranty issues on one of the two turbines which had a major hydraulic issue through the winter. The final 5 percent payment is being withheld as negotiations continue over energy production that was lost. Also discussed was the Utility's obligation to continue making monthly payments toward planning costs of the cancelled Big Stone II project, power plant updates with burning biomass noting the cost was 10 percent more than coal but less than natural gas.

Mayor Heitke acknowledged Jerry Gesch, Dave Baker and Keith Patteson who had signed up to address the City Council during its scheduled Open Forum. Mr. Gesch spoke in favor of a roundabout to

improve the intersection to the Health and Human Services Building on North Highway 71. Dave Baker and Keith Patteson expressed concern with equity in the liquor license fee and club liquor license fees and stated the industry is hurt when the competition isn't treated equally.

Fire Chief Calvin presented to the Council the 2009 Fire Department annual report. Following a question and answer period, the report was ordered placed on file in the City Clerk's Office.

Police Chief Calvin presented to the Council the 2009 Police Department annual report. Following a question and answer period, the report was ordered placed on file in the City Clerk's Office.

The Finance Committee Report for March 29, 2010, was presented to the Mayor and Council by Council Member Anderson. There were five items for Council consideration.

Item No. 1 Willmar Librarian Christine Beyerl gave the Committee a short tour of the facility and explained the various programs/activities presently being offered at the Willmar Public Library, and presented the Library's goals for 2010-1011. This matter was for information only.

Item No. 2 The Committee considered two resolutions related to the 2010 street improvements program. The first was to declare the City's intent to reimburse itself for all costs incurred prior to the sale of bonds to finance the project; and the second was for a preliminary budget. Following discussion, the Committee was recommending that the Council pass resolutions adopting a 2010 Street Improvement Capital Budget for \$3,687,000, and declaring the intent to reimburse for costs.

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

PRELIMINARY 2010 STREET IMPROVEMENTS BUDGET
Estimated total cost \$3,687,000.00

PERSONNEL SERVICES		RECEIVABLES	
Overtime Reg. Employees	\$500.00	Property Owners	\$1,400,000.00
Salaries Temp. Employees	<u>\$1,000.00</u>	County	\$371,000.00
TOTAL	\$1,500.00	State	\$954,000.00
		City	\$830,000.00
SUPPLIES		City (MUC)	\$65,000.00
Small Tools	\$500.00	LOST	<u>\$67,000.00</u>
Motor Fuels & Lubricants	\$500.00	TOTAL	\$3,687,000.00
Postage	\$2,000.00		
Mtce. of Equipment	\$1,000.00	FINANCING	
Subsistence of Persons	\$500.00	Bonds	\$2,230,000.00
General Supplies	<u>\$1,000.00</u>	County	\$371,000.00
TOTAL	\$5,500.00	State	\$954,000.00
		City (MUC)	\$65,000.00
OTHER SERVICES		LOST	<u>\$67,000.00</u>
Subsistence of Persons	\$3,134,000.00	TOTAL	\$3,687,000.00
Other Services	<u>\$250,000.00</u>		
TOTAL	\$3,384,000.00		
OTHER CHARGES			
Insurance & Bonds	\$2,000.00		
Prof. Services	\$47,000.00		
Advertising	\$2,000.00		

Admin. OH (Transfer)	\$225,000.00
Other Charges	<u>\$20,000.00</u>
TOTAL:	\$296,000.00

GRAND TOTAL \$3,687,000.00

Dated this 5th day of April, 2010.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

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

RESOLUTION ESTABLISHING PROCEDURES RELATING TO COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE

(For Resolution in its entirety, see City Council proceedings file dated April 5, 2010, located in the City Clerk's Office)

Item No. 3 Staff reviewed with the Committee correspondence received from the State Aeronautics' Office outlining the repayment of costs associated with the purchase of land at the old airport site and the status the land releases. Some of the possible revenue sources available would be selling off of two excess parcels, one being 60 acres and the second 80 acres. Staff requested permission to move forward with the signing of the agreement.

Following discussion, the Committee was recommending the Council pass a resolution to authorize the signing of the agreement. Resolution No. 3 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. 3

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the Mayor and City Administrator be authorized to enter into an Airport Land Cost Repayment Agreement between the Minnesota Department of Transportation, Office of Aeronautics and City of Willmar in the amount of \$824,380.00.

Dated this 5th day of April, 2010.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 The Committee and Staff discussed the status of future LGA cuts and possible budgetary issues for 2010. It was explained that the April 12th Finance meeting will be addressing a number of budget items. Those being the 2011 Budget Calendar, 2009 audited finance reports, 2010 first quarter reports and recommendations to address the 2010 and 2011 budget issues. This matter was for information only.

Item No. 5 The Committee reviewed the February Rice Trust report, and this matter was for information only.

The Finance Committee Report for March 29, 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 Dokken, and carried.

The Public Works/Safety Committee Report for March 30, 2010, was presented to the Mayor and Council by Council Member Reese. There were 11 items for Council consideration.

Item No. 1 The Committee considered a request from the Fire Department to accept the bid from Metro Fire in the amount of \$125,290.78 for the purchase of Self-Contained Breathing Apparatus (SCBA) upgrades. In February, two bids were received and subsequently rejected. The recent bids are more cost effective and it is Staff's recommendation to accept the low bid and use 2010 Fire Department monies to fund the City cost share of \$6,584.00.

The Committee discussed the results and was recommending the Council accept the bid of Metro Fire, authorize the Mayor and City Administrator to enter into an agreement on behalf of the City and adjust the budget to fund the City's share. Resolution No. 4 was introduced by Council Member Reese, seconded by Council Member Fagerlie, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 4

BE IT RESOLVED, by the City Council of the City of Willmar to accept the bid from Metro Fire for the Fire Department's SCBA upgrades and Accountability System in the amount of \$125,290.78.

BE IT FUTHER RESOLVED, to allow the Fire Department to proceed with the 2009 Assistance to Firefighters Grant using \$6,584 for the required 5% local match with monies from the 2010 operating budget and to adjust the budget accordingly.

Dated this 5th day of April, 2010.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 2 The Committee was informed by Staff that the City received three quotes for street sweeping with the low quote being that of Cleaning Restoration Services Inc. of Willmar, Minnesota, in the amount of \$69.00 per hour. The City designated \$30,000 in the 2010 Budget for street sweeping and intends to use the vendor on an as-needed basis. The unit is an air vacuum type sweeper, capable of picking up finer particles than the current mechanical broom the City owns.

The Committee was recommending the Council accept the quote of Cleaning Restoration Services, Inc. as presented and authorize the Mayor and City Administrator to enter into an agreement. Resolution No. 5 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. 5

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the quote of Cleaning Restoration Services., Inc. of Willmar, Minnesota for the 2010 Street Sweeping Requirements 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 vendor for

the terms and consideration of the contract in the not to exceed amount of \$30,000.00.

Dated this 5th day of April, 2010.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 The Committee was informed by Staff that four quotes for the 2010 Crack Seal project had been received with the lowest quote is from Northwest Asphalt Maintenance Inc. of Goodridge, Minnesota for \$0.99 per pound. The City has designated \$15,000 in the budget for the project, which includes First Street from Willmar Avenue to the bridge and various areas to the north edge of the City.

The Committee was recommending the Council accept the quote of Northwest Asphalt Maintenance, Inc. as presented and authorize the Mayor and City Administrator to enter into an agreement on behalf of the City. 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

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the quote of Northwest Asphalt Maintenance, Inc., of Goodridge, Minnesota for the 2010 Crack Sealing Requirements 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 vendor for the terms and consideration of the contract in the not to exceed amount of \$15,000.00.

Dated this 5th day of April, 2010.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 Staff briefed the Committee on the City's requirement for reduction of phosphorus at the existing WWTF for 2010 in order to meet the Minnesota River Basin NPDES permit regulations. As in the previous two years, an alternative to reducing phosphorus at the existing facility is to purchase phosphorus credits from another WWTF operator in the Minnesota River Basin. This type of credit purchase is acceptable to the MPCA. The City is currently under an agreement with the City of Mankato to do so and has executed a Legal Contract to Trade with the Minnesota Pollution Control Agency. The City budgeted \$40,000 in the 2010 operating budget and staff recommends renewing both the phosphorus trade agreement for 2010 and the Legal Contract to Trade Form A with the MPCA.

The Committee was recommending the Council approve the phosphorus trade agreement with the City of Mankato for 2010 and the Legal Contract to Trade with the MPCA and authorize the City Administrator to sign both on behalf of the City. Resolution No. 7 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. 7

AUTHORIZING PHOSPHORUS CREDIT TRADE WITH THE CITY OF MANKATO

WHEREAS, the City of Willmar ("City") is a municipal corporation and subdivision of the State of

Minnesota organized and operating under a home rule charter and Minnesota law, and is operating a wastewater treatment facility providing treatment for municipal wastewater; and

WHEREAS, the City Council of the City of Willmar is the official governing body of the City of Willmar; and

WHEREAS, pursuant to direction of the City Council, Donohue and Associates, Inc. prepared a Wastewater Collection and Treatment Facilities Plan, dated May 1, 2006 ("Facilities Plan") which provides for the following (which collectively, are hereafter referred to as the "Project"):

- a) Providing for the wastewater collection and disposal needs of the City of Willmar's sewer service area, including anticipated growth through the year 2030 and beyond;
- b) Eliminating conditions which have historically produced objectionable wastewater related odors;
- c) Constructing a new wastewater treatment facility at the site of the City's existing sludge transfer and storage facilities. This new facility would be operational in late 2010 and treat all wastewater generated within the City's sewer service area;
- d) Constructing two pump stations and force mains to convey production-related wastewater from the Jennie-O-Turkey Store ("JOTS") production facilities to the proposed new City wastewater treatment facility; and
- e) Constructing a large diameter gravity interceptor sewer to convey all municipal wastewater to the proposed new City wastewater treatment facility.

WHEREAS, the City's existing wastewater treatment facility has been failing to meet applicable requirements of the Minnesota Pollution Control Agency ("MPCA") for some time and is inadequate to meet the projected needs of the City's sewer service area.

WHEREAS, on May 1, 2006, the City Council of the City of Willmar adopted Resolution No. 7, authorizing City staff and Donohue & Associates, Inc. to submit the approved Facilities Plan to MPCA for MPCA approval.

WHEREAS, on June 14, 2006, the MPCA notified the City that MPCA had granted preliminary approval of the Facilities Plan; and

WHEREAS, the City's Minnesota River Basin MNG420038 permit requires reduction in the amount of Phosphorus discharged from its existing WWTF in years 2008, 2009, and 2010; and

WHEREAS, a cost-effective alternative to providing phosphorus reduction at its existing WWTF is to purchase phosphorus credits from the City of Mankato; and

WHEREAS, the Minnesota Pollution Control Agency approves the purchase of phosphorus trade credits; as an acceptable means of providing interim phosphorus reduction in the Minnesota River;

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

The City Council approves the execution of the Legal Contract to Trade Form A and Phosphorus Trade Agreement with the City of Mankato; and authorizes the City Administrator to sign said agreements on behalf of the City of Willmar.

Dated this 5th day of April, 2010.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 5 Staff reviewed with the Committee plans and specifications for Project No. 1001 to include the improvement of 2.8 miles of City streets. The projected completion date is November 15, 2010, with the exception of the Roosevelt School Road, which has a completion date of August 20, 2010. Staff requested approval of the plans and specifications and authorization to advertise for bids to be opened May 4, 2010.

The Committee was recommending the Council approve the plans and specifications for Project 1001 as presented. Resolution No. 8 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. 8

WHEREAS the City Engineer of the City of Willmar has presented to the City Council plans and specifications for Project No. 1001 for the City of Willmar;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Willmar that:

Final plans and specifications are hereby approved, and publication of the advertisement for bids is herewith authorized. Bids will be publicly opened and read at 1:00 p.m. on the 4th day of May, 2010, at the City Office Building, 333 Southwest Sixth Street, Willmar, Minnesota.

Dated this 5th day of April, 2010.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 6 Donohue staff presented Change Order No. 3 to WWTP Project No. 0812-C, which consists of a transfer of the unused portion of the Natural Gas Service Allowance to the Owner Unanticipated Cost Allowance. This transfer will increase the allowance remaining balance to \$162,990.33 and decrease the Natural Gas Service Allowance to \$0 resulting in a no cost change to the contract price. The natural gas service work has been completed leaving an unused portion of \$70,135.49.

The Committee was recommending the Council approve Change Order No. 3 to Project No. 0812-C transferring \$70,135.49 from the Natural Gas Service Allowance to the Owner Unanticipated Cost Allowance. Resolution No. 9 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. 9

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);

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, a Natural Gas Service Allowance was established in the amount of \$75,000, of which \$4,864.51 has been previously used; and

WHEREAS, it is recommended to transfer the remaining \$70,135.49 from the Natural Gas Allowance to the Owner Unanticipated Cost Allowance.

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that Change Order No. 3 be approved, as a result, the contract amount will remain at

\$48,692,212 with a zero dollar change order for Project 0812-C Wastewater Treatment Facility.

Dated this 5th day of April, 2010.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 7 Donohue staff presented Unanticipated Allowance No. 10 to WWTP Project No. 0812-C, the Wastewater Treatment Facility. The allowance contains twelve items. The net cost of reductions and additions associated with the changes is \$146,141.85. The total amount of unanticipated allowances for 0812-C comes to \$553,287.01 leaving a remaining balance of \$16,848.48. The twelve items were explained in detail by Donohue staff. It was noted that Project 0812-C is 90 percent complete and additions have been limited to three tenths of one percent on the \$49,100,000 project.

The Committee was recommending the Council approve Allowance Modification No. 10 to Project No. 0812-C in the amount of \$146,141.85. Resolution No. 10 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. 10

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, Unanticipated Allowance No. 7 increasing the amount by \$23,891.04, and Unanticipated Allowance No. 8 increasing the amount by \$1,777.51 out of a \$500,000 allowance have been previously authorized; and

WHEREAS, it is recommended to approve Unanticipated Allowance No. 9 which contains the following: Item 1: Install 1.5 inches of Wearing Course Asphalt on New Wastewater Treatment Facility Site Binder Course Paved Roads; Item 2: Telephone System Upgrade from Level 4 to Level 6.

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. 9 for \$84,938.26.
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 \$177,793.10 to \$92,854.84.
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 5th day of April, 2010.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 8 The budget for the new Wastewater Treatment Facility includes \$100,000 for the purchase of office furniture. A quote was received from Bennett Office Technologies, Inc. in the amount of \$58,447 and reviewed by Engan and Associates. It was noted the furniture is in accordance with State contract pricing and includes desks and workstations, etc. The purchase of smaller items such as trash receptacle, white boards, etc. is not included in this purchase. It is the recommendation of Donohue and staff to purchase the furniture as quoted.

The Committee was recommending the Council accept the bid of Bennett Office Technologies, Inc. in the amount of \$58,477 for the purchase of office furniture and authorize the Mayor and City Administrator to sign a contract on behalf of the City. Resolution No. 11 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. 11

WHEREAS, the Program Budget for Project 0812-C Wastewater Treatment Facility includes \$260,000 for City of Willmar direct purchases relating to the project; and

WHEREAS, office furniture is included in the program budget at a value of \$100,000, and is needed at the new Wastewater Treatment Facility; and

WHEREAS, a quote has been submitted by Bennett Office Technologies in the amount of \$58,447; and

WHEREAS, the quote has been reviewed and recommended by Engan & Associates and is in accordance with State Contract Pricing.

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the direct purchase of furniture in the amount of \$58,447 be approved for Project 0812-C Wastewater Treatment Facility.

Dated this 5th day of April, 2010.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 9 Staff presented to the Committee an agreement with Short Elliott Hendrickson Inc. (SEH) for periodic assistance and analysis of City-owned and operated traffic systems for a not to exceed amount of \$5,000. The City has had similar agreements with SEH in the past whereby Staff is able to utilize their traffic signal expertise. This may include items such as design of new systems, modifications of existing systems, and maintenance/timing/operational issues. The agreement expires December 31, 2010.

The Committee was recommending the Council approve the agreement for traffic services with Short Elliott Hendrickson and authorize the City Administrator to sign on behalf of the City. Resolution

No. 12 was introduced by Council Member Reese, seconded by Council Member DeBlieck, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 12

WHEREAS, the City of Willmar desires to retain a consultant to provide professional engineering services for providing assistance with oversight and review of operational issues related to the City owned and operated traffic systems; and

WHEREAS, a proposal has been made by, and an agreement prepared to retain, the firm of Short Elliott Hendrickson, Inc. of St. Paul, Minnesota, for said services;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that said agreement be approved and that the City Administrator be authorized to execute the same.

Dated this 5th day of April, 2010.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 10 City Administrator Schmit updated the Committee on recent correspondence pertaining to the Grass Lake Project. Staff has met on several occasions with State, County and DNR officials, but unclear to what extent the Minnesota Pollution Control Agency (MPCA) supports the restoration of Grass Lake and is willing to provide stormwater credits for local participation. A letter dated February 18, 2010, to the MPCA requesting their position was presented along with return correspondence. In their letter, MPCA indicates they recognize the difficulty of the project yet cannot support the project as currently described and designed and are not in a position to issue credits. This matter was for information only.

Item No. 11 Staff recently met with representatives of the Minnesota Department of Transportation and Kandiyohi County to discuss an alternate design referred to as Alternate No. 10 prepared by City staff. Alternate No. 10 was designed as a result of public input received at a hearing on the intersection alternatives. Mn/DOT and the County analyzed the proposal and continue to feel that Alternate No. 3 ½ is the best solution. Both agencies have preliminarily indicated they would not provide assistance to the proposed Alternate No. 10.

The State is willing to design and bid Alternate No. 3 ½ with costs being split three ways between the City, County and State. The Committee discussed the options for the intersection at length and it was the consensus to send the item to the full Council for further discussion with no recommendation.

The Council discussed the need to take action in light of the fact some new design needs to be implemented. Council Member Reese moved to approve Alternate No. 3 ½. Council Member Christianson seconded the motion, which failed on a roll call vote of Ayes 3, Noes 5 – Council Members Anderson, Ahmann, Dokken, Fagerlie, and DeBlieck voted “No.”

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

The Community Development Committee Report for April 1, 2010, was presented to the Mayor and Council by Council Member DeBlieck. There were six items for Council consideration.

Item No. 1 Jay Kieft, Director of County Family Services and Kevin Bollin, Behavior Health Hospital Administrator, provided the Committee with an update on the Willmar 16-bed Behavioral Health

Hospital. The Department of Human Services has been looking at ways to use these facilities differently and more efficiently. There is a new report to the Legislature that was recently released regarding use of the facility. Southwest Minnesota has an abundance of acute mental health care beds, so the local facility will see a change in occupancy from short-stay patients to patients who stay 1-3 months. Patients will come to the Willmar facility after being stabilized at other locations. The facility will remain a 16-bed, locked facility. They are looking to create partnerships to use the facility in the future. The nearest acute facility after the change will be in Annandale, Minnesota.

The average census has been around 11, with the census in 2010 close to 16 which is capacity. Thirteen of 36 staff will be terminated on May 1, 2010, as fewer will be needed to provide long-term care. The Committee discussed the ongoing mental health needs of the community and how to best meet them. This matter was for information only.

Item No. 2 Charlie Nelson and Layne Roberts of the Kandi Racing Association were present to discuss with the Committee racetrack issues for 2009-2010. Information was received that documented end times for the races this past season. The curfew in the agreement was observed with the exception of one evening. Representatives presented the 2010 race schedule. Racing is scheduled to begin May 6, 2010, and should end in late September. The Committee discussed noise, dust and mud tracking. The KRA representatives said efforts are on-going to minimize dust and mud. This matter was for information only.

Item No. 3 The Committee discussed the United Community Assessment of Needs in Kandiyohi County. This study was done in 2008 in conjunction with the United Way. It was suggested that the study would be used to support the development of additional affordable housing and to qualify for grants. This matter was for information only.

Item No. 4 Staff sought direction from the Committee regarding the demolition of mobile homes that have been deemed unsafe and/or dangerous. There would be challenges using the typical process to remove dangerous buildings because mobile homes are classified as personal property. It was a consensus of the Committee that a letter be sent to the park owners ordering them to clean up the abandoned, unsafe and dangerous mobile homes as they would be considered to be garbage or debris on property owned by the mobile home park. Prior to doing so, Staff will meet with the City Attorney to get his opinion and recommendations. Staff was also asked to contact the County and enlist their aid as the County is the licensing authority for mobile home parks. This matter was for information only.

Item No. 5 Staff presented to the Committee a letter from City Attorney Ronning detailing his conversations with the mortgage holders of the Mahanaim Church property. The church indicated that they are willing to deed the property to the City, but requested that the City reimburse them any amount paid above and beyond the City's expenses incurred in demolishing and cleaning up the site. It was noted that a land swap was still an option, as a local property owner is still in conversation with the church regarding a possible land swap. The matter was for information only.

Item No. 6 The Committee discussed the matter of hand-painted signs in the Central Business District. Staff said that the Zoning Ordinance controlled the size and placement of signs and required that they are kept in good condition, but doesn't prohibit hand painted signs.

Following discussion, the Committee was recommending to the Council that the matter of hand-painted signs to the Planning Commission for review and recommendation. Council Member DeBlieck moved to approve the recommendation of the Community Development Committee with Council Member Dokken seconded the motion, which carried.

The Community Development Committee Report of April 1, 2010, 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.

Planning and Development Services Director Peterson informed the Mayor and Council of a request from Perkins Lumber to vacate portions of 8th Street NW, 9th Street NW and Atlantic Avenue NW.

The Planning Commission recommends that only the 9th Street NW segment be vacated at this time due to ongoing discussions with Willmar Municipal Utilities and BNSF. An easement will be retained to provide access to sanitary and storm sewer lines that exist in the City right-of-way. Following discussion, Resolution No. 13 was introduced by Council Member Anderson, seconded by Council Member Ahmann, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 13

RESOLUTION SETTING A PUBLIC HEARING TO CONSIDER THE VACATION OF A PORTION OF PUBLIC STREET

BE IT RESOLVED, by the City Council of the City of Willmar that it conduct a public hearing at 7:03pm on Monday, April 19, 2010, in the Council Chambers at the Municipal Utilities Commission Building, 700 SW Litchfield Avenue, Willmar, Minnesota.

BE IT FURTHER RESOLVED, that the purpose of the hearing will be to consider a petition submitted by Perkins Lumber for the vacation of that portion of the dedicated street as described below:

That part of 9th Street NW described as follows: beginning at the northwest corner of Lot 12, Block 10, Original Town (now City) of Willmar; thence southerly 150 feet to the southwest corner of said Lot 12; thence westerly 70 feet to the southwest corner of Lot 1, Block 11, Original Town (now City) of Willmar; thence northerly 150 feet to the northeast corner of said Lot 11; thence easterly 70 feet to the point of beginning.

BE IT FURTHER RESOLVED, that any person having an interest in said matter is invited to appear in person or be represented by counsel to be heard on this matter.

Dated this 5th day of April, 2010.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Council Member Reese moved to extend the City Council meeting beyond 11:00 p.m. Council Member Ahmann seconded the motion, which carried.

City Clerk Halliday presented to the Mayor and Council the following establishments requesting renewal of current liquor licenses: On-sale - Applebee's Grill & Bar, El Tapatio, Grizzly's Grill N' Saloon, Holiday Inn/Green Mill, Kandi Entertainment Center, New Fireside and Oaks at Eagle Creek; On-sale 3.2% Malt Liquor – Café Persepolis, Golden Palace, Pizza Hut and Valley Golf; Wine – Café Persepolis and Golden Palace; Club On-sale – Elks Lodge and Eagles; Conditional Club On-sale – American Legion and VFW; and Off-sale – Cash Wise Liquor, Cub Foods, Gerry's Liquor, Wal-Mart Super Center and West Side Liquor. City Clerk Halliday pointed out some issues with regard to apparent violations of Club licenses and was recommending that the VFW and American Legion be approved for a Club Liquor License based on the condition that continued public dances and events are terminated. Staff was directed to monitor club activity and report back to the City Council in six months.

Following discussion, Council Member Reese moved to approve the liquor license renewals as presented upon the approval of the City Attorney. Council Member DeBlieck seconded the motion, which carried on a roll call vote of Ayes 7, Noes 1 – Council Member Anderson voted “No.”

City Clerk Halliday informed the Mayor and Council that pursuant to election law, it is necessary to designate polling locations for the 2010 elections. Following discussion, Resolution No. 14 was introduced by Council Member DeBlieck, seconded by Council Member Christianson, reviewed by Mayor

Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 14

BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, that the following buildings be designated as the official voting locations for the 2010 Primary and General Elections:

FIRST WARD:	1 st Precinct	Willmar Community Center 624 North Highway 71
	2 nd Precinct	Lakeview Apartment Building 300 North 7th Street
	3 rd Precinct	Ridgewater College 15th Avenue Northwest
SECOND WARD:	1 st Precinct	St. Mary's Catholic Church 713 Southwest 12th Street
	2 nd Precinct	Vinje Lutheran Church 1101 Willmar Avenue Southwest
	3 rd Precinct	Christian Reform Church 1708 Southwest 8th Street
THIRD WARD:	1 st Precinct	Willmar Conference Center 2100 East Highway 12
	2 nd Precinct	Highland Apartments 115 East Becker Avenue
	3 rd Precinct	Municipal Auditorium 311 West 6th Street
FOURTH WARD:	1 st Precinct	First Baptist Church 1000 6 th Street Southeast
	2 nd Precinct	Calvary Lutheran Church 302 Olena Avenue
	3 rd Precinct	Redeemer Lutheran Church 1401 Southwest 6th Street

Dated this 5th day of April, 2010.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

City Clerk Halliday offered Census statistics and data noting national, state and local returns as compared with the 2000 Census. This matter was for information only.

City Clerk Halliday reminded Council Members of the upcoming, April 19, 2010, Board of Appeal and Equalization starting at 11:00 a.m. in Conference Room #2 at the City Office Building.

Mayor Heitke announced the Mayor's Pray Breakfast is scheduled for May 6, 2010, with Peg Chamberlain, National Council of Churches, as the guest speaker.

Announcements for Council Committee meeting dates were as follows: Finance, April 12; Public Works/Safety, April 13; and Community Development, April 15, 2010.

There being no further business to come before the Council, the meeting adjourned at 11:15 p.m. upon motion by Council Member Anderson, seconded by Council Member Ahmann, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL