

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

April 19, 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 DeBlick, 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, Planning and Development Services Director Bruce Peterson, and City Clerk Kevin Halliday.

Additions to the Agenda included United States Census, 287G U. S. Bill, Leadership telecast training, Airport projects, and Mayor's Prayer Breakfast.

The Council requested 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 April 5, Rice Hospital Board Minutes of April 7, Municipal Utilities Commission Minutes of April 12, Building Inspection Report for March, Housing and Redevelopment Authority Board Minutes of March 9, Charter Commission Minutes of March 24, 2010; and Minnesota Lawful Gambling Application, Central Minnesota Community Foundation. Council Member Christianson seconded the motion, which carried.

The Council requested clarification of Item No. 6 in the Planning Commission Minutes regarding an appeal going directly to District Court. Following discussion, the Planning Commission Minutes of April 14, 2010, were 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.

At 7:15 p.m. Mayor Heitke opened hearing to consider the vacation of a portion of 9th Street Northwest. Planning and Development Services Director Peterson presented details of a petition by Perkins Lumber to have the street vacated from Pacific Avenue to Atlantic Avenue NW to allow for a collapsed building replacement. The street hasn't been used for public purposes for some time and is a liability issue for the City. There is storm and sanitary sewer in the 9th Street North right-of-way which will be protected with a 40-foot easement. The Planning Commission has approved the request. There being no one present to speak for or against the proposed street vacation, and Mayor Heitke closed the hearing at 7:17 p.m.

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

RESOLUTION NO. 1

VACATING A PORTION OF A PUBLIC STREET

WHEREAS, the vacation of those portions of dedicated street as described below was initiated by the City:

That part of 9th St. NW described as follows: beginning at the northwest corner of the 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, and

WHEREAS, the proposed vacation has been approved by the Planning Commission of the City of Willmar; and

WHEREAS, published notice and mailed notice of the proposed vacation and the hearing thereon have been given as provided by Subdivision 6 of Section 9.01 of Article IX of the Willmar City Charter; and

WHEREAS, a hearing was duly held on the proposal to vacate that portion of said streets on April 19, 2010; and

WHEREAS, the City Council of Willmar finds that it is in the best interests of the City of Willmar to vacate that portion of said streets;

NOW, THEREFORE, BE IT RESOLVED, that the above described portion of dedicated streets be, and hereby is, vacated.

BE IT FURTHER RESOLVED, that the City shall retain a 40' utility easement over the storm and sanitary sewer lines.

BE IT FURTHER RESOLVED that a certified copy of the Resolution be filed with the Kandiyohi County Recorder on or after April 26, 2010.

Dated this 19th day of April, 2010.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Mayor Heitke acknowledged Laura Becker who had signed up to address the City Council during its scheduled Open Forum. Ms. Becker discussed the April 13, 2010, storms and subsequent flooding at the intersection of 10th and Kandiyohi Avenue and the lack of communication with citizens when the roads are unsafe.

Planning and Development Services Director Peterson presented to the Mayor and Council the 2009 Planning and Development Services Department annual report. Following a question and answer period, the report was ordered placed on file in the City Clerk's Office.

City Attorney Richard Ronning presented to the Mayor and Council the 2009 City Attorney Department annual report. Following a question and answer period, the report was ordered placed on file in the City Clerk's Office.

Mayor Heitke called for a recess at 7:57 p.m. and reconvened the meeting at 8:15 p.m.

The Public Works/Safety Committee Report of April 13, 2010, was presented to the Mayor and Council by Council Member Reese. There were six items for Council consideration.

Item No. 1 Representatives of both the Minnesota Department of Transportation (MnDOT) and Kandiyohi County were present to discuss the intersection improvements with the Committee. Jon Henslin of MnDOT presented crash data and photos of an intersection in Belle Plaine that was designed and constructed virtually the same as the recommended Alternate No. 3 1/2 being proposed for the intersection in Willmar. Mr. Henslin also reviewed a "weave analysis" conducted by the State that

indicated a Level of Service A at the present traffic volume, and even if traffic counts double, only one Level of Service B would exist. The weave analysis was done for the south median "U" turn movement.

The Committee discussed the proposed loops in the design and it was explained the south loop would be necessary due to the geometrics of the intersection of Civic Center Drive. MnDOT is willing to design and oversee the project, which is estimated to cost \$363,210.00. The intent is to complete construction in 2010.

The Committee was recommending the Council support Alternate No. 3 1/2 with the understanding that the City, County and State would share equally in the construction cost currently estimated at \$363,210.00 and that MnDOT be responsible for project coordination including design, bidding, contract letting, and construction management.

Mayor Heitke recognized County Public Works Director Gary Danielson, John Huseby and Jon Henslin who presented additional information detailing similarities with the Belle Plaine intersection.

Council Member Reese moved to approve the recommendation of the Committee to support Alternate No. 3 1/2 as presented. Council Member Christianson seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Item No. 2 Staff reviewed with the Committee the current Tree Maintenance Policy. The presence of the Emerald Ash Borer (EAB) in Minnesota has made it necessary to develop a means to manage the probable abatement and reforestation. The City has 16,255 total boulevard trees of which 61.8 percent (10,060) are ash. It is estimated that an additional 20-30,000 ash trees are on private property, parklands and woodland areas. Control measures for the EAB are mandated and the City needs to amend its current policy to reflect State and Federal statutes.

Some items for consideration when revising the tree policy were identified as: who will diagnose the tree, right of entry onto private property, who is responsible to remove private trees when diseased, utilization of the wood product, and timeline for removal. The Committee discussed the consideration of revising the City's current Tree Policy to not only address EAB, but all hazardous or dead trees.

The Committee was recommending the Council direct Staff and the City Attorney to prepare an ordinance for consideration with the inclusion of the property owner being responsible for removal of private trees. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Christianson seconded the motion, which carried.

Item No. 3 Staff informed the Committee that three quotes were received for pavement marking with the low quote being that of Traffic Marking Service of Maple Lake, Minnesota, at a rate of \$0.047 per lineal foot and total cost based on the estimated quantities of \$11,750.00. The Committee was recommending the Council accept the quote of Traffic Marking Service as presented and authorize City Administrator to enter into an agreement on behalf of the City.

Resolution No. 2 was introduced by Council Member Reese, seconded by Council Member DeBleck, 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 City of Willmar, a Municipal Corporation of the State of Minnesota, that the quote of Traffic Marking Service, Inc. of Maple Lake, Minnesota, for the 2010 Pavement Marking Requirements is accepted, and be it further resolved that the 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 \$11,750.00.

Dated this 19th day of April, 2010.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 Rhonda Rae of Donohue and Associates briefed the Committee on activities for the month of March related to the Wastewater Treatment Plant Relocation Project. Program management activities included meeting with City Staff regarding funding and finance issues, submittal of Pay Request 5 for the 30-year loan to the Public Facilities Authority for the Clean Water Revolving Fund, and Pay Request No. 6 for the Public Facilities Authority for American Recovery and Reinvestment Act (ARRA). Assisted with paperwork to process the payment and received \$291,000 from the STAG Grant and continued seeking any funding opportunities. Property acquisition continues with two properties remaining to settle.

Restoration work has started on the "D" projects. An update on the percent complete for all structures including mechanical and electrical percentages was presented on construction-related activities for the conveyance system, wastewater treatment facilities, as well as the March budget summary. Details and a map of the construction are contained in the monthly report. Basically, 93 percent complete on all structures, 85 percent complete on mechanical, and 78 percent complete on electrical. This matter was for information only.

Item No. 5 Staff informed the Committee of a cooperative construction agreement prepared by Kandiyohi County detailing responsibilities of the City and County in the construction improvements to 7th Street from Kandiyohi Avenue to Willmar Avenue Southwest. The County has designed and let the project, which is expected to be awarded to Duinink Inc. at their next board meeting.

The County shall act as the agent of the City in administration of the contract. The estimated costs were itemized in attachments. The total estimated project cost for the mill and overlay is \$87,082.89 with the City share being \$47,350.72, the County \$39,732.17. The Committee was recommending the Council approve the agreement as presented and authorize the Mayor and City Administrator to enter into the agreement.

Resolution No. 3 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. 3

AUTHORIZATION TO EXECUTE CITY OF WILLMAR AND
KANDIYOHI COUNTY COOPERATIVE CONSTRUCTION AGREEMENT

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 a Cooperative Construction Agreement between the City of Willmar and Kandiyohi County for construction of 7th Street SW from Willmar Avenue to Kandiyohi Avenue SW.

Dated this 19th day of April, 2010.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 6 Laura Becker of 1010 Kandiyohi Avenue SW addressed the Committee subsequent to a 3-4" rainfall in Willmar. It was noted the intersection of 10th Street and Kandiyohi Avenue SW flooded and was closed temporarily. This matter was for information only.

The Public Works/Safety Committee Report for April 13, 2010, was approved as presented upon motion by Council Member Reese, seconded by Council Member Christianson, and carried.

The Finance Committee Report for April 12, 2010, was presented to the Mayor and Council by Council Member Anderson. There were five items for Council consideration.

Item No. 1 Staff reviewed with the Committee the proposed 2011 Budget Calendar. The Mayor is required to submit the Budget to the Council by September and the Council is required to certify the levy to the County by September 15, 2010. After considerable discussion, it was determined that the 2011 Budget Calendar should be revised as follows: April - Mayor, City Administrator and Finance Director to meet on establishing the Budget Calendar and the Finance Committee to adopt the Budget Calendar; June 30 - Completed Department Heads' estimates must be returned to the Finance Director; July 19 and August 2 - Council Work Sessions to be held prior to the Council Meetings to discuss budget issues with the Mayor and the 5-year Capital Improvement, Vehicle Replacement and Street Improvement Plans; August 23 - Mayor presents Proposed Budget to Finance Committee; August 30 - Finance Committee to discuss the proposed budget; September 7 - Adopt and Certify Proposed Levy to the County Auditor for the Truth in Taxation Requirements.

The Committee was recommending the Council introduce a Resolution approving the 2011 Budget Calendar as revised above. Resolution No. 4 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. 4

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to revise dates on the 2011 Budget Calendar.

Dated this 19th day of April, 2010.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 2 Staff reported to the Committee that supplemental cuts approved to date by the State Legislature reduced the City's 2010 revenue by \$286,032 in Market Value Credit and Local Government Aid. The levy is reduced by \$32,000 to account for Tax Abatements. Staff is proposing to offset this shortfall of \$318,032 as follows: 1) budget as revenue \$225,000 for eligible engineering fees/other administrative costs from the 2010 Street Improvement Project; 2) sale of the fire equipment van estimated at \$40,000; 3) additional revenue from the Stinger Baseball lease of \$9,600; 4) township fire contracts are \$11,100 higher than originally budgeted; and 5) transfer \$34,569 from the Fire Station Capital Improvements budgeted for 2010.

The Committee was recommending the Council introduce a resolution amending the 2010 Budget as detailed above. Resolution No. 5 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. 5

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to make the following changes to the General Fund:

Increase:	Transfers In-2010 Improvements	\$ 225,000.00
	Sale of Equipment-Fire Van	40,000.00
	Rents and Leases-Stingers	9,600.00
	Fire Contracts	11,100.00
	Fire Station Capital	- 34,569.00
Decrease	Property Tax-Abatements	\$ 34,237.00
	Local Government Aids/MV Aid	286,032.00

Dated this 19th day of April, 2010.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 Staff reviewed with the Committee preliminary projections for the year ended December 31, 2009. This matter was for information only.

Item No. 4 The Committee was updated by Staff on the status of deferred Willmar Fabrication Loan payments. Previous action of the Council to defer payments was contingent on approval from the Department of Employment and Economic Development (DEED). The City received approval by email on January 15, 2010. Willmar Fabrication has remitted two payments since the first of the year. However, it is yet to be determined whether the Promissory Note will be amended to increase the monthly payment or if the term of the loan will be extended by four months. This matter was for information only.

Item No. 9 The Committee reviewed the following reports: February Rice Hospital; Quarterly Investment Portfolio; and Quarterly Interest Report. This matter was for information only.

The Finance Committee Report for April 12, 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 Community Development Committee Report for April 15, 2010, was presented to the Mayor and Council by Council Member Dokken. There were four items for Council consideration.

Item No. 1 Building Official, Randy Kardell explained to the Committee the rating system used by the ISO to evaluate the City's inspection programs. The City scored high on code adoption and document management but did not score as well on staffing due to ISO's perspective lack of staff based on work load. The scoring systems ranks Community's 1-10 with 1 being the best. The City of Willmar scored a 3 for both commercial and residential inspections. There are less than 20 cities in Minnesota rated as high as a #3 and no city in Minnesota has a rating higher than 3. All scored and ranking exceeded State and Federal averages. Staffing credit was given to the full-time building official and building inspector as well as part-time credit for the fire marshal and permit technician.

The Committee thanked Mr. Kardell and Department for their work and achievements with the inspections program. This matter was for information only.

Item No. 2 Staff reviewed with the Committee the process used to make historical designation for the former airport terminal building/area. A rough craniological review was presented the City is currently at the point that it needs to work with the FAA and Preservation Alliance to draft a preservation easement for the site. Staff indicated that they intended to invite representative from Bergh's fabricating to those meetings so that they could participate in the discussion. The Committee suggested that the Preservation Alliance address the Council when they are out to discuss the preservation easement. This matter was for information only.

Item No. 3 The Committee reviewed current construction projects including a number of single residential homes and some smaller commercial projects. Staff informed the Council that interest has been expressed by a company that construction assisted living facilities to put a fairly large facility in Willmar. This matter was for information only.

Item No. 4 The Committee was informed by Staff that School administration has indicated an interest in disposing of the Garfield School site. The City was informally approached to determine whether or not interest existed to acquire the property. Staff was seeking permission to enter into discussions with the School regarding the possible acquisition of Garfield. It was noted that there were no plans in the works yet, that every option for the site was on the table.

The Committee was recommending the Council authorize Staff to enter into discussions with the School District regarding the future of the school site including possible acquisition. Council Member Dokken moved to approve the recommendation of the Community Development Committee with Council Member Anderson seconding the motion, which carried.

The Community Development Committee Report for April 15, 2010, was approved as presented upon motion by Council Member Dokken, seconded by Council Member Anderson, and carried.

The Mayor and Council considered a preliminary plat for Northwood Court Second Addition. Planning and Development Services Director Peterson presented details on the two-lot plat submitted by Habitat for Humanity on Northwood Court NW and noted two single-family homes are proposed for the two lots. The Planning Commission has approved of the plat with conditions that drainage plans be submitted and approved prior to final platting. Following discussion, Council Member Anderson moved to approve the preliminary plat for Northwood Court Second Addition with Council Member Fagerlie seconding the motion, which carried.

Council Member Reese informed the Mayor and Council of a Chick-fil-A Leadership telecast program on May 7, 2010, at the First Covenant Church.

Planning and Development Services Director Peterson presented to the Mayor and Council for consideration details of an Airport \$1 million grant and using remaining funds to insulate T-hangars, gutter work and additional fencing at Willmar Municipal Airport. Following discussion, Resolution No. 6 was introduced by Council Member Reese, seconded by Council Member DeBlicke, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 6

WHEREAS, the City of Willmar has solicited quotes for t-hangar improvements and fencing at the Willmar Municipal Airport; and

WHEREAS, it is necessary to proceed with the work expeditiously to meet deadlines for the State grant program; and

WHEREAS, agreements have been prepared for the thangar improvements and fencing that detail the responsibilities of the City and contractors.

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

Dated this 19th day of April, 2010.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

City Clerk Halliday presented an update on the US Census count that included the Ridgewater College Family Fun Day which targeted questionnaire assistance to college students, work in the African Center by Federal Census staff, and a special effort to hand deliver Census questionnaires to all mobile home parks.

Council Member Ahmann remanded to the Public Works/Safety Committee concerns with the immigration U.S. Bill 287G.

Mayor Heitke announced that the Mayor's Prayer Breakfast will be held on May 6, 2010,

Announcements for Council Committee meeting dates were as follows: Finance, April 26; Public Works/Safety, April 27; and Community Development, April 29, 2010.

There being no further business to come before the Council, the meeting adjourned at 9:40 p.m. upon motion by Council Member Ahmann, seconded by Council Member Reese, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL