

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

May 3, 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 DeBlieck, Denis Anderson, Steve Ahmann, Rick Fagerlie, and Jim Dokken; Present 8, Absent 1 - Tim Johnson was excused from the meeting.

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 a Willmar Fests announcement.

Council Member Anderson offered a motion adopting the Consent Agenda which included the following: City Council Minutes of April 19, Rice Hospital Board Minutes of April 14, Municipal Utilities Commission Minutes of April 26, Planning Commission Minutes of April 28, Police Commission Minutes of February 1, and Willmar Design Center Minutes of April 14, 2010; and Exempt Permit Application, Pheasants Forever Kandiyohi County #2. Council Member DeBlieck seconded the motion, which carried.

Mayor Heitke acknowledged Madalyn Taylor who had signed up to address the City Council during its scheduled Open Forum. Ms. Taylor expressed appreciation and support of the Read-Along Program on WRAC-8.

Adam Arvidson, Planner with the Willmar Design Center appeared before the Mayor and Council to introduce Bruce Chamberlain of Hoisington Koegler Group, Inc. Mr. Chamberlain presented the Becker Avenue conceptual approach to redesign the corridor for year-round visitor drawing, establish a pedestrian promenade, and create a Market Courtyard. Following discussion, Mayor Heitke thanked Mr. Arvidson and Mr. Chamberlain for the presentation.

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

Finance Director Okins presented to the Mayor and Council the 2009 Finance 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 April 26, 2010, was presented to the Mayor and Council by Council Member Anderson. There were five items for Council consideration.

Item No. 1 Staff informed the Committee that Moody's Investors Service has conducted a complete recalibration of U.S. Municipal Bond Ratings to align government agencies with the private sector using the Global Rating Scale. As a result, the City of Willmar's bond rating has been reclassified from A1 to AA2. This matter was for information only.

Item No. 2 Staff reported to the Committee that pending the State Legislature's final decisions, expenditures continue to be held to a minimum. Discussion also included future State funding deficits. This matter was for information only.

Item No. 3 The Committee was informed by Staff that the City has received a donation in the amount of \$100 from the local Parkinson's Support Group with a request that it be used to help purchase a Wii System for the Willmar Community Center. The Committee was recommending the Council introduce a Resolution to accept the \$100 donation from the Parkinson's Support Group and to send a letter of appreciation to the group.

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 7, Noes 0.

#### RESOLUTION NO. 1

WHEREAS, the City of Willmar has received a donation of \$100.00 from the Parkinson's Support Group to assist with the purchase a Wii System for to the Willmar Community Center;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Willmar, Minnesota, that the City accept the donation and that the City Administrator be directed to express the community's appreciation.

Dated this 3<sup>rd</sup> day of May, 2010.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 4 The Committee reviewed the following reports: March Rice Trust and first Quarter Rice Trust. This matter was for information only.

Item No. 5 The Committee discussed Rice Hospital's proposed improvements to one of the County's buildings for new ambulance quarters. The cost was estimated to be in excess of \$100,000 but formal bids were not solicited. Staff assured the Committee that this error was caught and the contract will not be awarded until the correct procedure is followed. This matter was for information only.

The Finance Committee Report for April 26, 2010, was approved as presented and 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 April 27, 2010, was presented to the Mayor and Council by Council Member Reese. There were six items for Council consideration.

Item No. 1 The Committee was informed by Staff that Project No. 0609, Phase I of the Southern Interceptor on 5<sup>th</sup> Street SE was completed by S.J. Louis Construction and closed out several years ago with the stipulation that \$75,000 be placed in an escrow fund. City and Donohue Staff have inspected the project and there were no signs of settlement or deficiencies in any areas of the project.

Following discussion, the Committee was recommending the Council release funds in the escrow account to S.J. Louis Construction. Resolution No. 2 was introduced by Council Member Reese, seconded by Council Member Christianson, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 2

RELEASING PROJECT ESCROW ACCOUNT

IMPROVEMENT:	Project No. 0609 – Phase 1 Southern Interceptor Sewer
CONTRACTOR:	SJ Louis Construction, Inc.
DATE OF CONTRACT:	September 7, 2006
BEGIN WORK:	September 29, 2006
COMPLETE WORK:	July 15, 2008
APPROVE, CITY ENGINEER:	July 15, 2008
ESCROW ACCOUNT, RESOLUTION 6	August 4, 2008

BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, release the amount in the Project Escrow Account for Project No. 0609 – Phase 1 Southern Interceptor Sewer to SJ Louis.

Dated this 3<sup>rd</sup> day of May, 2010.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 2 The Committee discussed the 287(g) Program that allows local law enforcement to enter into a contract with the U.S. Immigration and Customs Enforcement (ICE). This partnership allows a state and local law enforcement entity to receive delegated authority for immigration enforcement within their jurisdictions. The Committee discussed the pros and cons of the program and received the matter for information only with discussion to continue at the Council meeting. Staff will research the matter further and bring any available information to the meeting.

The Council continued the discussion of the pros and cons with general comments primarily from Council Member Ahmann and Mayor Heitke. The matter was referred back to the Public Works/Safety Committee for continued discussion.

Item No. 3 Staff informed the Committee that the City has received an application from Ken Viaene to keep 30 pigeons in a loft yard building at 422 Charlotte Street SE. Staff checked with Mr. Viaene's neighbors and there were no issues expressed with the permit. The Committee was recommending the Council approve Mr. Viaene's application to keep fowl within City limits as presented. 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. 4 Staff informed the Committee that the City received a final pay request for the construction of underground utilities, curb and gutter and bituminous paving of Oxford Drive SE. The project was completed by Vreeman Construction Co., Inc. and the estimate consists of manhole adjustments and 5 percent retainage, which was held pending completion of the sanitary sewer testing. Staff has reviewed the estimate, and is recommending acceptance of the project and issuing final payment in the amount of \$16,472.37.

The Committee was recommending the Council accept Project No. 0804 and authorize final payment to Vreeman Construction Co. Inc. as presented. Resolution No. 3 was introduced by Council Member Reese, seconded by Council Member Christianson, reviewed by Mayor Heitke, and carried on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 3

ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

IMPROVEMENT: Project No. 0804  
CONTRACTOR: Vreeman Construction Co., Inc.  
DATE OF CONTRACT: July 25, 2008  
BEGIN WORK: August 11, 2008  
COMPLETE WORK: April 9, 2010  
APPROVE, CITY ENGINEER: April 27, 2010

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

1. The said City of Willmar Project No. 0804 be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$251,478.40
Change Order No. (none)	\$0.00
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$251,478.40
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED: \$230,829.20	
Less Previous Payments	\$214,356.83
FINAL PAYMENT DUE CONTRACTOR:	\$16,472.37

Dated this 3<sup>rd</sup> day of May, 2010.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 5 The Committee discussed recent incidents where pedestrians have expressed safety concerns when crossing the railroad tracks at 10<sup>th</sup> Street SW. Staff has been investigating possible improvements to the crossing along with estimated costs approaching \$300,000 and noted doing this improvement would have an impact to the five-year street program. This matter was for information only.

Item No. 6 Adam Arvidson, Willmar Design Center, appeared before the Committee to present the final concept for a redesign of Becker Avenue as proposed by consultant Hoisington Koegler Group. The schematic has the street broke down in various segments with the section from 4<sup>th</sup> to 5<sup>th</sup> Street seeing the biggest change, yet it would still be able to function as a street. The use of pavers would define this area as more of a "market street."

The area from 1<sup>st</sup> to 4<sup>th</sup> Street would see moderate change with the curb on the south side bumped out to create a walkway. Parking would be on one side only except in front of Rice Hospital where parking would be allowed on both sides. From 5<sup>th</sup> to 6<sup>th</sup> Street, there is minimum change, except for the addition of more green area. The plan also includes the extension of Selvig Park with the possibility of using the Qwest parking lot for event space. Mr. Arvidson also presented the cost estimates and answered questions of the committee. Possible funding sources were mentioned, including the pursuit of grants.

The Committee was recommending the Council support the design concept of Becker Avenue as presented. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Fagerlie seconding the motion, which carried. Council Members Reese and Christianson voted "No."

The Public Works/Safety Committee Report for April 27, 2010, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Reese, seconded by Council Member Christianson, and carried.

The Community Development Committee Report for April 29, 2010, was presented to the Mayor and Council by Council Member Dokken. There were five items for Council consideration.

Item No. 1 Staff presented a letter from Willmar Forklift requesting tax abatement for a new facility planned to be constructed at East Highway 12 and 25<sup>th</sup> Street Southeast. The Committee reviewed the Staff comments and tax abatement analysis. Of particular concern was the criteria that dealt with competition relative to an existing similar business. It was acknowledged that the applicant had a local competitor in the name of Herc-U-Lift. It was suggested that the tax abatement would grant a competitive advantage over that business.

Following discussion, the Committee was recommending the request for tax abatement be denied on the basis that the abatement would create a competitive advantage over an existing business. Council Member Dokken moved to approve the recommendation of the Community Development Committee with Council Member Anderson seconding the motion, which carried.

Item No. 2 The Committee reviewed the zoning map as prepared by Staff and Mid-Minnesota Development Commission. The map is the approved 2004 map with all amendments adopted since then. Of concern to the Committee was the possibility for potential conflicts similar to the Westwinds project or the pellet plant project. Staff explained that there was no possible way to create a zoning scheme to eliminate all conflict, but that Staff and the Planning Commission had reviewed the map and did not identify any areas where they thought major conflicts would occur. Staff further explained that it is illegal to have an ordinance or map that is exclusionary. The Committee acknowledged the need to zone for a wide range of uses. This matter was for information only.

Item No. 3 The Committee reviewed updates on the following projects: Airport redevelopment plan, Westwinds residential development, and development projects at the new airport. This matter was for information only.

Item No. 4 The Committee discussed the proposed redesign concept for Becker Avenue from First Street to 6<sup>th</sup> Street Southwest. It was noted that the concept had been before the Public Works/Public Safety Committee, as well as the Planning Commission. This matter was for information only.

Item No. 5 The Committee briefly discussed central business district parking, problems with rental properties, foreclosed homes, and parking lots in residential areas for adjacent commercial businesses. This matter was for information only.

The Community Development Committee Report for April 29, 2010, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Dokken, seconded by Council Member Anderson, and carried.

City Clerk Halliday presented to the Mayor and Council the following establishments requesting approval of new liquor licenses: On-sale 3.2 percent Malt Liquor, Willmar Baseball LLC/Willmar Stingers; Wine, Barn Theatre; and On-sale, VFW 1639. Council Member Reese offered a motion to approve the requests for new liquor licenses as presented. Council Member Christianson seconded the motion, which

carried on a roll call vote of Ayes 7, Noes 0.

City Clerk Halliday presented to the Mayor and Council a request from the Double D Club requesting approval to renew their On-sale liquor license. Mr. Halliday informed the Council that the Double D Club has been placed on the Minnesota Department of Revenue's Delinquent Taxpayers List and therefore, cannot buy wholesale liquor and that the Club doesn't have current worker's compensation insurance. The Club furthermore has other concerns such as consistent late payments on municipal utilities, citations for noise violations, a disproportionate number of Police calls, and another failed compliance check. There is no need to conduct a hearing on the matter. Following discussion, Council Member Reese moved to deny the request with Council Member DeBlieck seconding the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Mayor Heitke read into the record an Arbor Day Proclamation and noted a ceremonial tree planting took place at Hanson Park on April 28, 2010.

Mayor Heitke presented information on the Willmar Fests Queen's Banquet and After Glow Ball to be held on May 22, 2010, at the Kandi Entertainment Center.

Announcements for Council Committee meeting dates were as follows: May 10, Finance; May 11, Public Works/Safety; and Community Development, May 13, 2010.

There being no further business to come before the Council, the meeting adjourned at 9:50 p.m. upon motion by Council Member Ahmann, seconded by Council Member Reese, and carried.

Attest:

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MAYOR

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SECRETARY TO THE COUNCIL