

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

July 6, 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, Planning and Development Services Director Bruce Peterson, and City Clerk Kevin Halliday.

Additions to the Agenda included introduction of the Willmar Fests Ambassadors, Department of Commerce and Coalition of Greater Minnesota Cities.

Council Member Anderson offered a motion adopting the Consent Agenda, which included the following: City Council Minutes of June 21, Municipal Utilities Commission Minutes of June 28, Planning Commission Minutes of June 23, Building Inspection Report for June, Community Education and Recreation Board Minutes of May 28 and June 25, and Zoning Appeals Board Minutes of June 21, 2010. Council Member Reese seconded the motion, which carried.

Willmar Fests Board Member, Deb Larson, appeared before the Mayor and Council to express appreciation for supporting the 2010 Willmar Fests activities and recap the various activities. The three Willmar Fests Ambassadors were introduced to the Council: Megan Michaelis, Queen of Festivals, Shelby Morton, Aqua Princess; and Ashley Bach, International Princess. The Mayor expressed appreciation and wished them all well on the yearlong journey as Ambassadors for the City of Willmar.

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

The Finance Committee Report for June 28, 2010, was presented to the Mayor and Council by Council Member Anderson. There were three items for Council consideration.

Item No. 1 Garfield School Custodian Rich Olson gave the Committee a short tour of the building. City Administrator Schmit explained that the School District was proposing to deed Garfield to the City in exchange for credit toward street construction costs for the area behind Roosevelt School. If the City would acquire the Garfield School property, possible uses include developing it into a new location for the City Offices or demolishing the building to create green space. The Committee requested staff obtain a ballpark estimate of renovation costs required to convert the building to office space. It was noted the City should determine its interest in the property at the earliest possible date for the school's planning purposes. This matter was for information only.

Item No. 2 City Clerk Halliday presented a request from the Willmar Charter Commission to engage League of Minnesota Cities Charter Review Counsel Rachel Carlson to review the Commission's proposed changes to the City Charter. Initial charter review costs are \$75 per hour with a maximum of \$750. Subsequent reviews would be charged at the same hourly rate. Mileage and overnight expenses would also be billed should the LMC Staff Attorney be requested to attend a Commission meeting.

The Committee was recommending the Council introduce a resolution approving the League of Minnesota Cities Charter Assistance Agreement and to use \$1,500 in the Mayor/Council budget for this

expenditure. 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 to authorize the Mayor and City Administrator to enter into an agreement with the League of Minnesota Cities for Charter review assistance;

BE IT FURTHER RESOLVED, to authorize the Finance Director to make the following changes to the Mayor and Council/Non-Departmental budgets within the general fund:

Increase:	Professional Services – Mayor	\$1,500.00
Decrease:	Other Services – Non-Departmental	\$1,500.00

Dated this 6th day of July, 2010.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 The Committee reviewed the most recent ten-year history of Local Government Aid and Property Tax Levies including 2010 budgeted amounts. Discussion included anticipated changes in formulas determining levy limits beginning in 2011.

The Vehicle Replacement Program and the 2010-2014 Capital Improvement Program were discussed. It was noted that Kandiyohi Area Transit will be requesting a contribution from the City of approximately \$9,000 for a new bus for 2011.

Detailed revenue information in the General Operating Fund, Special Revenue Funds, Debt Service Funds, and Internal Service Funds was reviewed. Council Member Fagerlie suggested the possibility of charging for fire calls be included in the work session discussion.

In consideration of economic shortfalls, consolidation of some departments may be necessary. Staff has been reviewing possibilities for this option.

Staff presented to the Committee a proposed community survey that would ask citizens: 1) to select from a list the ten municipal programs or activities that should be priorities in 2011; 2) whether or not citizens would support a tax increase, fee increases, and/or cuts in municipal services; 3) how well the City has maintained service levels; and 4) other thoughts, opinions or concerns regarding the City budget/finances. The Committee was recommending to the Council to authorize a community survey be conducted to assist the Council in determining its 2011 budget funding priorities. Council Member Anderson moved to approve the recommendation of the Finance Committee with Council Member Fagerlie seconding the motion. The original motion then carried. Council Member Christianson made a motion to include a line item for lobbyist, with Council Member Ahmann seconding the motion. Council Member Christianson later withdrew his motion.

The Committee discussed concerns that further expenditure reductions for 2011 may be required should the Local Government Aid be decreased again. It was requested that staff prepare another three-phase reduction plan for future consideration. The Mayor and Council may consider targeting a percentage reduction in LGA over time in order to reduce the City's dependence on LGA for future budgets.

Staff continues to work on potential opportunities for the use of volunteers and further

consideration is required by Council and staff to pursue green initiatives. There was also brief discussion of extraordinary expenditures including funding for major capital projects, i.e. the Becker Avenue Project, Quiet Zones, etc.

The Finance Committee Report of June 28, 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 approved on a roll call vote of Ayes 8, Noes 0.

The Public Works/Safety Committee Report for June 29, 2010, was presented to the Mayor and Council by Council Member Reese. There were four items for consideration.

Item No. 1 John Bryant of Donohue and Associates presented the proposal from Graham Construction Services, Inc. for the Web Portal Development that was included in the project as an allowance modification of \$25,000. This software contains the reporting measures necessary to transfer electrical, regulatory, chemical and weather reports to manage the operations of the new Wastewater Treatment Facility. The Committee was recommending the Council approve the Web Portal Development Allowance No. 1 in the amount of \$23,945.00 and authorize the City Administrator to execute it on behalf of the City. 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 8, Noes 0.

RESOLUTION NO. 2

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, the above contract has a Web Portal Development contingency allowance of \$25,000 in Specification Section 01210 Part 1 – GENERAL 1.02 Specific Allowances; and

WHEREAS, Web Portal Development will provide City Staff with information and reports necessary to manage the operations of the new Wastewater Treatment Facility; and

WHEREAS, it is recommended to approve Web Portal Development Allowance Modification No. 1 which includes electrical reports, regulatory reports, chemical reports and weather reports.

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 Web Portal Development Allowance Modification No. 1 in the amount of \$23,945.00
2. Funding for additional work is covered within Contract No. 0812-C Specification Section 01210 Part 1-GENERAL 1.02 Specific Allowances reducing the Web Portal Development Allowance from \$25,000.00 to \$1,055.00.
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 6th day of July, 2010.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 2 Donohue staff presented a recommendation to reduce the escrow account for Project No. 0813-D3 from five percent to one percent. This interceptor project is from just east of First

Street heading west to a point at County Road 15 at the railroad tracks. The contractor for the project is Weidema Construction. The pipe installation is complete and all the piping has been tested and is ready to be put into service. Staff is developing a punch list of minor items to be completed prior to final acceptance and closeout. The Committee was recommending the Council approve the substantial completion of Project No. 0813-D3 and reduce the escrow account from five percent to one percent of the contract value. 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

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, S.R. Weidema considers the entire Work ready for its intended use; and

WHEREAS, S.R. Weidema has notified the City of its completion of Work, and the Work has been inspected by the City and Donohue & Associates to determine status of completion; and

WHEREAS, the Work was determined to be substantially complete on June 14, 2010; and

WHEREAS, Donohue & Associates has developed a tentative list of items to be completed or corrected before final payment is issued; and

WHEREAS, due to the limited number of items to be completed or corrected, Donohue & Associates recommends a reduction in the escrow account from 5 percent to 1 percent of the Contract Value.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that Project 0813-D3 be approved for substantial completion as of June 14, 2010, and the escrow account be reduced to 1 percent of the Contract Value.

Dated this 6th day of July, 2010.

/s/ Lester Heitke

MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Item No.3 Donohue staff presented a recommendation to reduce the escrow account for Project No. 0814-D4 from five percent to one percent. This interceptor project is from near the railroad tracks at County Road 15 westerly out to the new facility. The contractor for the project is Weidema Construction. The pipe installation is complete and all the piping has been tested and is ready to be put into service. One outstanding issue is the completion of the permit with Kandiyohi County at Hawk Creek where some additional riprap is needed, along with some punch list items. The Committee was recommending the Council approve the substantial completion of Project No. 0814-D4 and reduce the escrow account from five percent to one percent of the contract value. 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 entered into Contract No. 0814-D4 with S.R. Weidema, Inc. for the construction of Southern Interceptor, Forcemain and Outfall (from the new WWTF to BNSF Railroad); and

WHEREAS, S.R. Weidema considers the entire Work ready for its intended use; and

WHEREAS, S.R. Weidema has notified the City of its completion of Work, and the Work has been inspected by the City and Donohue & Associates to determine status of completion; and

WHEREAS, the Work was determined to be substantially complete on June 14, 2010; and

WHEREAS, Donohue & Associates has developed a tentative list of items to be completed or corrected before final payment is issued; and

WHEREAS, due to the limited number of items to be completed or corrected, Donohue & Associates recommends a reduction in the escrow account from 5 percent to 1 percent of the Contract Value.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that Project 0814-D4 be approved for substantial completion as of June 14, 2010, and the escrow account be reduced to 1 percent of the Contract Value.

Dated this 6th day of July, 2010.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 A brief discussion was held concerning the repair of the manhole at the intersection of 10th Street and Kandiyohi Avenue SW. A contractor has been hired by the City to perform the necessary repair work. This matter was for information only.

The Public Works/Safety Committee Report of June 29, 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 approved on a roll call vote of Ayes 8, Noes 0.

The Labor Relations Committee Report for June 30, 2010, was presented to the Mayor and Council by Council Member Ahmann. There were four items for consideration.

Item No. 1 City Administrator Schmit, while acknowledging the scheduled retirement of Police Chief James Kulset on July 23, 2010, initiated a discussion with regard to a Police Chief appointment. Mr. Schmit informed the Committee that due to talent within the organization, the initial call for Police Chief applications was limited to the Willmar Police Department. Three applications were received and all three referred to MDA Leadership Consulting for testing and comprehensive assessment. The findings were presented to the Police Commission on Monday, June 14, 2010, at which time all three applicants were included on the eligibility list along with a recommendation that Captain David Wyffels for appointment to the position of Police Chief. As the appointing authority, City Administrator Schmit was recommending to the Committee that Captain David Wyffels be appointed Chief of the Willmar Police Department effective July 24, 2010, at a salary of \$88,250, and that the appointment include a one-year probationary period. Appointments of Department Director positions require City Council approval.

The Committee was recommending the Council appoint Captain David Wyffels as Police Chief under the terms and conditions recommended. Council Member Ahmann moved to approve the recommendation of the Labor Relations Committee with Council Member Anderson seconding the motion, which carried.

Item No. 2 City Administrator Schmit informed the Committee that Public Works Director Mel Odens has announced his resignation effective July 9, 2010. After discussing options to fill the Public Works Director position, Mr. Schmit recommended to the Committee that Assistant City Engineer Holly Wilson be appointed Acting Public Works Director effective July 10, 2010, and that during her term as Acting Public Works Director, her annual salary be set at \$81,324.

The Committee was recommending the Council appoint Assistant City Engineer Holly Wilson as Acting Public Works Director under the terms and conditions presented. Council Member Ahmann moved to approve the recommendation of the Labor Relations Committee with Council Member Reese seconding the motion, which carried.

Item No. 3 City Administrator Schmit presented to the Committee a document titled "Workforce Planning City Hall in Transition." The purpose of the document is to make the Mayor and Council aware of a number of personnel changes within the organization that will be occurring in the next one to two years. Mr. Schmit announced his plans to retire in July of 2011, and noted a number of other pending retirements in the near future.

The Workforce Planning document includes five major areas of discussion including identifying the problem, reinvention and/or retooling, recruitment, retention, and knowledge transfer. The document concludes by identifying the number of retirements within each department through December 31, 2011, and general discussion of additional retirements by year-end 2012.

It's the intent of the workforce-planning project to assist the Mayor and Council Members in making decisions about staffing levels and other organizational issues over the next one-year period.

The Committee reviewed information from Springsted Incorporated regarding the process for selecting a replacement City Administrator. In the event the Mayor and Council chose to use executive search services, Springsted Incorporated provided a process overview and estimated costs. The Committee was recommending the Council schedule a work session to review and discuss the Workforce Plan. Council Member Ahmann moved to approve the recommendation of the Labor Relations Committee with Council Member Anderson seconding the motion, which carried.

Item No. 4 Chair Ahmann announced the intent of the Committee to close the meeting to discuss employment contract negotiations. A 5:55 p.m. Council Member Anderson moved to close the meeting, with Council Member Reese seconding the motion, which carried. At 6:08 p.m., Council Member Reese moved to reopen the meeting with Council Member Anderson seconding the motion, which carried.

The Committee was recommending to the Council that subject to ratification by LELS, that the contract between the City of Willmar and Law Enforcement Labor Services, Inc. for the year ending December 31, 2010, be approved. The contract includes no general wage increases, but employees will continue to be eligible for step increases. Additionally, the contract included several language clarifications/revisions. Council Member Ahmann moved to approve the recommendation of the Labor Relations Committee with Council Member Anderson seconding the motion, which carried.

The Labor Relations Committee Report of June 30, 2010 was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Ahmann, seconded by Council Member Anderson, and approved on a roll call vote of Ayes 8, Noes 0.

The Council was presented a request to rezone the property of Kathleen Martens at 312 SW 8th Street from R-2 (One and Two Family Residential) to R-3 property (Low Density Multiple Family Residential) to allow three apartment units in the home. The home currently contains two residential units and a chiropractic clinic. The planning Commission approved the rezoning and initiated the rezoning of the other properties on the east half of the block to act as a transition/buffer from the commercial uses to the north. Council Member Christianson moved to introduce an ordinance for public hearing on July 19 to rezone the property as recommended by Planning and Development Services Director Bruce Peterson with Council Member Fagerlie seconding the motion, which carried.

The Council was presented for consideration an agreement with the State of Minnesota Department of Transportation authorizing Mn/DOT to act as the City's agent in accepting federal funds on the City's behalf for the construction of City Project No. 1004, the path surfacing along CSAH 41 and CSAH 24. Public Works Director Odens recommended approval of the agreement. Resolution No. 5

was introduced by Council Member Anderson, seconded by Council Member Reese, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 5

BE IT RESOLVED, that pursuant to Minnesota Statute Sec. 161.36, the Commissioner of Transportation be appointed as Agent of the City of Willmar to accept as its agent, federal aid funds which may be made available for eligible transportation-related projects.

BE IT FURTHER RESOLVED, the Mayor and City Administrator are hereby authorized and directed for and on behalf of the City to execute and enter into an agreement with the Commissioner of Transportation prescribing the terms and conditions of said federal aid participation as set forth and contained in "Minnesota Department of Transportation Agency Agreement No. 97282," a copy of which said agreement was before the City Council and which is made a part hereof by reference.

Dated this 6th day of July, 2010.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Council Member Anderson moved to nominate Joe Thompson to the Charter Commission. Council Member Reese seconded the motion, which carried.

The Council recognized the years of employment of Mel Odens as Director of Public Works. Council Member Reese commented that Mr. Odens came in 1996 with South Dakota dust on him. Council Members acknowledged his professionalism and thanked him for being an asset to the community.

The Council briefly discussed the issue of Local Government Aid funding. The Coalition of Greater Minnesota Cities has information available and is willing to make the effort to meet with the Council at its Strategic Planning Session.

Announcements for Council Committee meeting dates were as follows: July 12, Finance; July 13, Public Works/Safety; and Community Development, July 14, 2010.

There being no further business to come before the Council, the meeting adjourned at 8:35 p.m. upon motion by Council Member Anderson, seconded by Council Member Fagerlie, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL