

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

August 2, 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, Jim Dokken, and Tim Johnson; Present 9, Absent 0.

Also present were City Administrator Michael Schmit, Police Chief David Wyffels, Fire Chief Marv Calvin, Acting Public Works Director Holly Wilson, Finance Director Steve Okins, Community Education and Recreation Director Steve Brisendine, Planning and Development Services Director Bruce Peterson, and City Clerk Kevin Halliday.

The Council requested that 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 July 19, Council Work Session Minutes of July 26, Rice Hospital Board Minutes of July 21, Municipal Utilities Commission Minutes of July 26, Willmar Design Center Minutes of June 9 and July 14, and Charter Commission Minutes of July 8 and 15, 2010. Council Member Reese seconded the motion, which carried.

The Council discussed Planning Commission Item No. 3, Municipal Utilities land acquisition, and Item No. 5, Second Street SE access. The Planning Commission Minutes of July 28, 2010, were approved as presented upon motion by Council Member DeBlieck, seconded by Council Member Dokken, and carried.

Mayor Heitke recognized Jim Kulset who has recently resigned from the position of Chief of Police and after serving 32 years with the Police Department.

Dan Ness, past President of the Coalition of Greater Minnesota Cities, and Tim Flaherty, Flaherty and Hood, appeared before the Mayor and Council to discuss lobbying efforts of the CGMC. The Coalition has closely monitored the \$245 million in cuts, which was 29 percent of total Local Government Aids. Mr. Flaherty noted that \$52 million were permanent cuts. A \$4 million transfer from greater Minnesota transit to the Metro area was stopped by CGMC lobbying efforts. Following the presentation, Mayor Heitke thanked Mr. Flaherty and his staff for their efforts on behalf of the City of Willmar.

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

The Public Works/Safety Committee Report of July 27, 2010, was presented to the Mayor and Council by Council Member Christianson. There were seven items for Council consideration.

Item No. 1 The proposed Tree Ordinance was brought back to Committee from the previous Council meeting. Changes were made based on Council recommendations to Section 7 – Transporting Firewood, referring back to State Statute to govern the transporting rather than obtaining a permit from the Public Works Director.

The Committee was recommending the Council introduce the Tree Ordinance for a public hearing on August 16, 2010. Council Member Christianson moved to introduce the Ordinance Providing for Tree Inspection and Eradication of Tree Diseases and Pests and schedule a public hearing for August 16, 2010. Council Member DeBleck seconded the motion, which carried.

Item No. 2 Staff presented to the Committee a comparison of public versus private costs to repair frost boils using either bituminous or concrete. It was noted that contracting for services, including the possibility of using concrete, would be considered for 2011 projects. This matter was for information only.

Item No. 3 Rhonda Rae, Donohue and Associates, presented the bid results from the July 20, 2010 opening for the decommissioning of the existing Wastewater Treatment Plant. Four bids were received with the low bid, including "Alternate A," being that of Reiner Contracting, Inc. of Hutchinson, MN in the amount of \$2,037,700.00. Alternate A includes the removal of the storage tanks and revising the site grades for future use as a holding pond. The engineer's estimate for the project was \$5,250,000.00 and Donohue recommended award of the contract.

The Committee was recommending the Council accept the bid of Reiner Contracting, Inc. as presented and authorize the Mayor and City Administrator to enter into an agreement on behalf of the City. Resolution No. 1 was introduced by Council Member Christianson, seconded by Council Member Fagerlie, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 1

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the bid of Reiner Contracting, Inc. of Hutchinson, Minnesota, for Project 1017-B, Decommissioning of the Existing Wastewater Treatment Facility, 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 bidder for the terms and conditions of the contract in the amount of \$2,037,700.00

Dated this 2nd day of August, 2010.

/s/ Lester Heitke

MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Item No. 4 John Bryant of Donohue and Associates presented a change order to the Committee for Project No. 0814-D4, the pipeline installation from County Road 15 to the new Wastewater Treatment Facility including the effluent discharge outfall. The change order includes riprap items to enlarge the outfall area in order to meet the final requirements of the utility permit issued by Kandiyohi County. The change order increases the current contract amount by \$38,788.18.

The Committee was recommending the Council approve Change Order No. 2 to Project No. 0814-D4 as presented. Resolution No. 2 was introduced by Council Member Christianson, seconded by Council Member Fagerlie, 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. 0814-D4 with S. R. Weidema, Inc. for the construction of Southern Interceptor, Forcemain and Outfall (from the new WWTF to the BNSF railroad);

WHEREAS, Change Order No. 1 increasing the contract amount by \$7,097.60 has been previously authorized; and

WHEREAS, additional riprap at the Hawk Creek Outfall is a requirement of the Utility Permit issued by Kandiyohi County; and

WHEREAS, it is recommended to approve the costs associated with the installation of riprap at the Hawk Creek Outfall.

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that Change Order No. 2 be approved; as a result, the contract amount will be increased in the amount of \$38,788.18 for Project 0814-D4 Southern Interceptor, Forcemain and Outfall (from the new WWTF to the BNSF Railroad).

Dated this 2nd day of August, 2010.

/s/ Lester Heitke

MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Item No. 5 The City has received a cooperative construction agreement for the improvement of the TH 71/TH 294/CR 24 intersection. The agreement provides for payment to the State of the City and County's share of the costs of the intersection improvement, which is being shared equally between the State, County and City. The proposed City's share of the cost is \$227,488.03 to be funded by state aid funds and included in the 2010 Improvements Budget. The project is scheduled to be bid August 27, 2010, and completed by the end of October.

The Committee was recommending the Council approve the execution of the agreement and authorize the Mayor and City Administrator to sign on behalf of the City. Resolution No. 3 was introduced by Council Member Christianson, seconded by Council Member Fagerlie, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 3

BE IT RESOLVED, that the City of Willmar enter into Mn/DOT Agreement No. 97284 with the State of Minnesota, Department of Transportation for the following purposes:

To provide for payment by the City to the State of City's share of costs of the intersection improvement construction and other associated construction to be performed upon, along and adjacent to TH 994A from 818 feet south of CSAH 24/23rd Street NE to 1,112 feet north of CSAH 24/23rd Street NE within the corporate City limits under State Project No. 3419-08.

BE IT FURTHER RESOLVED, that the Mayor and City Administrator are authorized to execute the Agreement any amendments to the Agreement.

Dated this 2nd day of August, 2010.

/s/ Lester Heitke

MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Item No. 6 Staff informed the Committee that the Fire Department received a request from the property owner (Mark Nelson) of the old Happy Chef/Rick's Royal Steakhouse building at 2300 E.

Highway 12 to conduct a training burn. All necessary permits will be obtained and an asbestos inspection performed prior to any burn training being conducted. The burn/demolition is planned to take place over the remainder of the summer. It was noted the opportunity to train in a commercial building does not happen very often.

The Committee was recommending the Council approve a requested training burn at 2300 East Highway 12. Council Member Christianson moved to approve the recommendation of the Public Works/Safety Committee with Council Member Anderson seconding the motion, which carried.

Item No. 7 Staff informed the Committee of recent discussions with the Minnesota Department of Transportation relating to the City's Becker Avenue Redesign Project. The City's project qualifies as an applicant for a Tiger II Grant through the U.S. Department of Transportation. The grant would fund all but 1 percent of the \$1.8 million project with the City's local share not-to-exceed \$25,000.

The concept of the project was presented to the City Council by the architect earlier this spring, and includes the reconstruction of six blocks of Becker Avenue in the downtown including a convertible section for markets, a multi-use trail corridor, storm water planters, curb bump-outs and improved pedestrian environment. Construction could take place in 2011 if the application is successful.

The Committee was recommending the Council authorize submittal of a Tiger II grant by MnDOT to assist in the funding of Becker Avenue Redesign Project. Resolution No. 4 was introduced by Council Member Christianson, seconded by Council Member DeBleck, and reviewed by Mayor Heitke. Council Member Christianson moved to amend the motion to state the \$25,000 be solicited from the private sector. Council Member Dokken seconded the motion. Following discussion, Council Member Christianson withdrew his motion and Council Member Dokken withdrew his second. The original motion then carried on a roll call vote of Ayes 7, Noes 1 – Council Member Dokken voted “No.”

RESOLUTION NO. 4

BE IT RESOLVED, by the City Council of the City of Willmar to authorize submittal by MnDOT, on behalf of the City, of a TIGER II transportation grant application for the Becker Avenue complete street project, with the final project design and financing subject to approval by the Council.

Dated this 2nd day of August, 2010.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

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

City Clerk Halliday informed the Mayor and Council that the proposed 2011 budget for WRAC-8 includes \$9,000 for a TriCaster Pro-Newtek Production Switcher. The current switcher crashed in July and staff hand-wired the cables directly to the computer, bypassing the old switcher. Staff is requesting a \$9,000 increase to the WRAC-8 budget to authorize the purchase of a new switcher in 2010. Following discussion, Resolution No. 5 was introduced by Council Member Reese, seconded by Council Member Dokken, 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 increase the 2010 WRAC-8 Budget by \$9,000.00 for a TriCaster Pro-Newtek Production Switcher.

