

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

October 18, 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, City Attorney Richard Ronning, 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, and City Clerk Kevin Halliday.

The Council requested that the Housing and Redevelopment Development Board Minutes of September 30, 2010, be removed from the Consent Agenda.

Council Member Reese offered a motion adopting the Consent Agenda which included the following: City Council Minutes of October 4, Municipal Utilities Commission Minutes of October 12, Building Inspection Report for September, Housing and Redevelopment Authority Board Minutes of September 14 and 23, and Community Center Minutes of October 6, 2010. Council Member Anderson seconded the motion, which carried.

Following discussion of the Housing and Redevelopment Authority Minutes of September 30, 2010, Council Member Ahmann requested that Chair Vera Novak provide a City/County HRA combining report at the November budget meeting. Council Member Ahmann moved to approve the Housing and Redevelopment Authority Board Minutes from September 30, 2010. Council Member Anderson seconded the motion, which carried.

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

Mayor Heitke recognized Ken Sedmak, Donohue and Associates Senior Project Manager, who presented a Wastewater Treatment Plant Project completion report. Mr. Sedmak reviewed the history of Willmar's old plant that was built in 1930. As the City grew, the plant was upgraded twice to increase capacity and address industrial load and served Willmar and the Eagle Lake Sewer District. The new facility meets water quality effluent limits for removal of phosphorus and ammonia which will help improve water quality in Hawk Creek, the Minnesota River, and the Mississippi River to reduce overall phosphorus. The Plant now provides sufficient capacity for local industries to expand and for the City to grow for many years. Mr. Sedmak reviewed the final costs as well as funding sources and thanked the Mayor, Council and Staff for their support and positive working relationships. This matter was for information only.

The Finance Committee Report for October 11, 2010, was presented to the Mayor and Council by Council Member Anderson. There were four items for Council consideration.

Item No. 1 Chair Anderson acknowledged that there was no one present to comment on the Mayor's 2011 Proposed Budget nor were other communications regarding the budget received prior to the meeting. This matter was for information only.

Item No. 2 Staff provided the Committee with the Waste Treatment Plant Rate Schedule Ordinance adopted by the Council in February, 2009, which set sewer service rates through 2012. The 2011 proposed budget for the Waste Treatment Plant incorporates the applicable rates found in the Rate Schedule. Once the new Facility has been operating for a year, the Council may consider reviewing the sewer rate schedule and amending if necessary. Staff also explained that, where possible, expenditures will be tracked separately for municipal versus industrial usage for consideration in future rate determination. Further discussion included restricting a portion of the fund balance to cover a full year of debt service costs plus six months of operating costs. This matter was for information only.

Item No. 3 The Committee received the 3rd Quarter CVB report and the 3rd Quarter WRAC-8 report. This matter was for information only.

Item No. 4 Chair Anderson noted that the Budget Meeting on November 22, 2010, will begin at 3:00 p.m. at the Fire Station. This matter was for information only.

The Finance Committee Report for October 11, 2010, was approved as presented upon motion by Council Member Anderson, seconded by Council Member Fagerlie, and carried.

The Public Works/Safety Committee Report for October 12, 2010, was presented to the Mayor and Council by Council Member Reese. There were five items for Council consideration.

Item No. 1 Steve Brisendine, Community Education and Recreation Director and Bobbi Jo Berg, Kandiyohi County Public Health were both present to discuss the City's Tobacco-Free Policy. The CER Joint Powers Board referred this item to the Committee. Ms. Berg explained the current Health Reform Program and that tobacco use is the leading preventable cause of death in the United States. The current policy, established in 2003 by the Council states, "no tobacco use is allowed in the City parks during youth activities." Mr. Brisendine informed the Committee that the CER Joint Powers Board visited the policy and is recommending the City consider revising it to read, "The City of Willmar does not allow the use of tobacco products on/in City-owned parks and buildings, except within the confines of a vehicle in a designated parking area."

The Committee was recommending the Council approve the policy change as recommended by Staff and the CER Joint Powers Board. Following discussion, Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Fagerlie seconding the motion which resulted in a roll call vote of Ayes 4, Noes 4 – Council Members Christianson, Ahmann, Johnson, and Dokken voted "No." Mayor Heitke cast the deciding affirmative vote.

Item No. 2 Staff briefed the Committee on the Crime Free Multi-Housing Program offered to landlords. The voluntary three-phase program is offered through the Police Department and uses crime prevention techniques. The program involves a training session, meeting seven minimum-security requirements of crime prevention through environmental design, and implementation of a neighborhood watch for the rental complex. It was noted that landlords are made aware the service is available. This item was for information only.

Item No. 3 The Committee considered a quote tabulation presented by Staff for the 2011 Annual Tree Requirements. Three quotes were received with the low quote being that of Stacy's Nursery of Willmar in the amount of \$22,996.05. It was Staff's recommendation to enter into an agreement for the furnishing of the trees in 2011.

The Committee was recommending the Council accept the low quote of Stacy's Nursery 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 Reese, seconded by Council Member DeBlicek, and carried 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 Stacy's Nursery of Willmar, Minnesota, for the 2011 Annual Tree 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 bidder for the terms and consideration of the contract in the amount of \$22,996.05.

Dated this 18th day of October, 2010.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 Rhonda Rae of Donohue and Associates presented the Committee with an overview of costs to date for the construction of all aspects of the new Wastewater Treatment Facility. It was noted the \$86 million project is expected to come in approximately \$3 million under budget and that change orders to date totaled only 0.2 percent of the total project costs.

John Bryant of Donohue and Associates presented Change Order No. 6 to Project No. 0812-C, which consists of 15 items that came up during observation and start up of the new Facility totaling an increase of \$91,540.28 to the contract with Graham Construction Services. It is the recommendation of both Donohue and Associates and Staff to accept the changes as presented.

The Committee was recommending the Council approve Change Order No. 6 in the amount of \$91,540.28 to Project No. 0812-C 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 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. 0812-C with Graham Construction Services, Inc. for the construction of a new Wastewater Treatment Facility; and

WHEREAS, Change Order No. 1 and Change Order No. 2 decreasing the amount by \$397,788 and \$10,000 respectively; Change Order No. 3 resulting in a no cost change; and Change Order No. 4 and Change Order No. 5 increasing the amount by \$12,321.47 and \$4,264 respectively have been previously authorized; and

WHEREAS, several items were identified during startup and commissioning of the new Wastewater Treatment Facility that required corrective action; and

WHEREAS, it is recommended to approve the changes and the cost associated with Change Order No. 6.

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that Change Order No. 6 be approved, as a result, the contract amount will be increased by \$91,540.28 for a revised contract amount of \$48,811,090.51 for Project 0812-C Wastewater Treatment Facility.

