

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

November 15, 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, and Jim Dokken; Present 7, Absent 2 - Rick Fagerlie and Tim Johnson were excused from the meeting.

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

The Council requested that the Board of Canvass 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 November 1, Municipal Utilities Commission Minutes of November 8, Planning Commission Minutes of November 10, Building Inspection Report for October, Charter Commission Minutes of September 28, and Housing and Redevelopment Authority Board Minutes of October 12, 2010; Exempt Permit Application for Safe Avenues, aka Shelter House, Inc.; and Mayoral Reappointments: Economic Development Commission, Milan Schmeising; Police Civil Service Commission, Lowell Fostervold; Pioneerland Library Board, David Herzer; Planning Commission, Charlie Oakes; and Rice Hospital Board, Steven Cederstrom, Mike Gardner and David Anfinson. Council Member DeBlieck seconded the motion, which carried.

Following clarification of the write in process, the Board of Canvass Minutes of November 5, 2010, were approved as presented upon motion by Council Member Ahmann, seconded by Council Member Anderson, and carried.

At 7:05 p.m. Mayor Heitke opened a hearing on a currency exchange license renewal for Bennett Ventures, Inc. d.b.a. Ace Cash Express. City Clerk Halliday presented information regarding Bennett Ventures, Inc. Chris Bennett was present to answer any Council questions. There being no one to speak for or against the proposed license renewal, Mayor Heitke closed the hearing at 7:06 p.m.

Council Member Ahmann offered a motion to approve the currency exchange license renewal for Bennett Ventures, Inc. Council Member Christianson seconded the motion, which carried

At 7:08 p.m. Mayor Heitke opened a hearing on a currency exchange license renewal for Darrell K. Sunvold, d.b.a. Quick Funds, Inc. City Clerk Halliday presented information regarding Quick Funds, Inc. There being no one to speak for or against the proposed license renewal, Mayor Heitke closed the hearing at 7:09 p.m.

Council Member Reese offered a motion to approve the currency exchange license renewal for Quick Funds, Inc. Council Member Christianson seconded the motion, which carried.

Mayor Heitke recognized Richard Engan who had signed up to address the City Council during its scheduled Open Forum. Mr. Engan, representing the Willmar Design Center, presented information on the 2010 Holidaze Parade and events to be held on November 20, 2010, in downtown Willmar.

The Finance Committee Report for November 8, 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 comments from concerned citizens. One comment spoke to the budgeted WRAC-8 expenditures. It was noted that WRAC-8 is currently self-sufficient and the City Council controls how excess funds may be utilized. Other questions were clarified including: 1) the increase in the Mayor/Council budget is due to anticipated costs of \$20,000 associated with a City Administrator Search firm; 2) increase in the Legal budget reflects \$9,000 for rent in anticipation of the current City Attorney discontinuing his private practice; 3) increase in the Fire Protection budget is due to anticipation of an increase in fire calls resulting in the subsequent increase in temporary employee payroll; 4) purchase of a Fire Chief vehicle and four Public Works pickups cannot be replaced with seized vehicles because State Law allows only law enforcement to drive seized vehicles; 5) Park and Public Works Park Development budgets include \$52,000 for general park development and playground equipment. 6) Public Works budget, the purchase of a grader, loader, bucket, and tractor may not be needed, depending on the Council's decisions in December whether or not to contract out certain services; 7) Non-Departmental budget, the \$11,000 historically has been to cover administrative costs for the City Flex plan, City auction costs, and any unplanned expenditures that can't be assigned to a department or program; 8) \$175,000 budgeted for Refunds/Reimbursements is for PERA State Aid Funds due to the Hospital and MUC after the funds are received from the State; and 9) \$27,000 budgeted for the lobbyist is one-half the total cost with the other half paid by MUC. There are several projects the lobbyist is currently working on, such as Quiet Zone funding. Once the Waste Water Treatment Plant funding is complete, the consultant will continue efforts in these other areas. This matter was for information only.

Item No. 2 Staff informed the Committee that a bid opening was held September 10, 2010, to lease out agricultural land surrounding the old and new Airports and new Waste Water Treatment Plant. Bid tabulations and proposed leases were reviewed reflecting interested bidders in 12 of the 13 tracts, ranging in size from 10.62 acres to 162.36 acres. One tract, ROW 5, has 6 acres and received no bids. Adjacent renters were contacted but showed no interest. An unsuccessful bidder, Dan Groothuis, who has rented land from the City in the past, was present to raise concerns over the bidding process.

The Committee was recommending the Council introduce a Resolution authorizing the Mayor and City Administrator to execute the 12 land leases as presented. Resolution No. 1 was introduced by Council Member Anderson, seconded by Council Member Dokken, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 6, 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 City Administrator be authorized to execute a Land Lease Agreements between the City of Willmar and the following Lessees:

|                         |   |
|-------------------------|---|
| Kallevig Agri-Products: | Section 17 and 18, Township 119N, Range 35W; 73 acres more or less<br>Section 17, Township 119N, Range 35W; 138.5 acres more or less    |
| Byron Boike             | Section 16, Township 119N, Range 35W; 12.50 acres more or less<br>Section 20, Township 119N, Range 35W; 56 acres more or less           |
| Heidecker Brothers      | Section 17, Township 119N, Range 35W; 17.2 acres more or less<br>Section 18, Township 119N, Range 35W; 10.62 acres more or less         |
| Steve Ruschen           | Sections 16 and 17, Township 119N, Range 35W; 140 acres more or less<br>Section 13, Township 119N, Range 36W; 162.36 acres more or less |

John Arndt                      Section 16, Township 119N, Range 35W; 29.97 acres more or less  
Jay Larson                      Section 23, Township 119N, Range 36; 72.7 acres more or less  
Dennis Bredeson              Section 14, Township 119N, Range 36W; 13 acres more or less  
Mike Arends                    Section 11, Township 119N, Range 35W; 68 acres more or less

Dated this 15<sup>th</sup> day of November, 2010.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 3      The Committee was reminded by Staff that the next Finance Committee meeting will be held at 3:00 p.m. on Monday, November 22, 2010, at the Fire Station. At that time, the Committee will be recommending the Council certify the proposed levy and adopt the 2011 budget at the following council meeting in December. This matter was for information only.

Item No. 4      The Committee received the October CVB and WRAC-8 reports. This matter was for information only.

The Finance Committee Report for November 8, 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 Dokken, and carried.

The Public Works/Safety Committee Report for November 9, 2010, was presented to the Mayor and Council by Council Member Reese. There were five items for Council consideration.

Item No. 1      Del Brouwer, Superintendent of Community Christian School, was present to address safety concerns along 19<sup>th</sup> Avenue SW near both Community Christian and Roosevelt Schools. Mr. Brouwer briefed the Committee on growth of the school causing increased traffic, along with the increased volumes on 19<sup>th</sup> Avenue. There are currently flashing lights on either side of Roosevelt School and Mr. Brouwer proposed moving one on the east end farther to the east encompassing the entire area on both sides of the schools. A concern with moving the flashers was that traffic entering 19<sup>th</sup> Avenue SW from 15<sup>th</sup> Street would not know they are in a school zone. Mr. Brouwer felt it should be the responsibility of the City to protect the citizens and absorb the entire cost of the project.

Acting Public Works Director Wilson informed the Committee she researched the installation of flashing lights and that past precedence for both Kennedy and Roosevelt Schools indicates the school participation was the cost of the materials, which at that time was \$2,000, and any future maintenance. It appears City Staff performed the installation, and Willmar Municipal Utilities provides the electricity at no charge. It was noted two sections of sidewalk with handicap ramps should be installed in order to make the connection on both sides in the right-of-way.

The Committee then discussed other alternatives such as flashing LED lighting on the school zone signs or the installation of flashing speed radar signage. This item was received for information to be brought back to Committee with cost estimates of the alternatives.

Item No. 2      Staff presented information related to contracting for additional street sweeping in 2010. The City retained Cleaning Restoration Services through Council action in May. Starting in June for a period of six weeks, weather permitting, the vacuum sweeper completed one pass through the City. The time invoiced was 183 hours at \$69.00 per hour with approximately 136.5 cubic yards of debris

collected for \$12,627.00. Staff indicated that the air machine did not pick up the type of material they thought it would, and when crossing over catch basins it would lose suction. During the same time period invoiced by Cleaning and Restoration Services, the Pelican sweeper the City owns picked up 310 cubic yards of material. The Committee discussed the issue and asked Staff to prepare more information particularly related to cost comparisons before a decision can be made as to continue such services. This matter was for information only.

Item No. 3 Staff was directed to research the possibility of placement of porous asphalt in the City. This type of mix allows moisture to seep through pores creating less storm water runoff. Acting Public Works Director Wilson informed the Committee that the Minnesota Local Road and Research Board is currently doing a study for Minnesota climate that ends this fall and results should be available in 2011. This type of asphalt is recommended for parking lots and low volume roads, although concerns of using it in Willmar would be the clay soil conditions and the need for four feet of vertical separation from the water table. It also requires good maintenance practices as the pores can become clogged with sand and salt. It was the consensus of the Committee to wait for the results of the MLRRB study and bring this item back to Committee for further consideration. This matter was for information only.

Item No. 4 Rhonda Rae, Donohue and Associates presented a request for General Allowance No. 1 to WWTP Project No. 1017-B for the Committee's consideration. Project No. 1017-B is the Decommissioning of the existing Wastewater Treatment Facility, awarded to Reiner Contracting. A General Allowance is included in the project cost to cover items not precisely determined prior to bidding. General Allowance No. 1 includes the total of the additional cost to relocate the transformer at the existing facility approximately 60 feet to the north and east from the previous site plan.

The relocation will provide Willmar Municipal Utilities accessibility to the transformer. The total recommended amount for the allowance is \$3,990. The Committee was recommending the Council approve General Allowance No. 1 for Project No. 1017-B 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 6, Noes 0.

#### RESOLUTION NO. 2

WHEREAS, the City of Willmar entered into Contract No. 1017-B with Reiner Contracting, Inc. for the decommissioning of the existing Wastewater Treatment Facility (WWTF); and

WHEREAS, the above contract has a General Allowance of \$150,000 included in the project cost to cover items not precisely determined prior to bidding; and

WHEREAS, it has been discovered that Willmar Municipal Utilities will not be able to access the site specified for the transformer at the existing WWTF; and

WHEREAS, the relocation of the transformer will be approximately 60 feet to the north and east of the previous site plan, which is accessible to Willmar Municipal Utilities; and

WHEREAS, it is recommended to approve General Allowance No. 1 which contains the cost associated with relocating the transformer at the existing WWTF.

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 General Allowance No. 1 for \$3,990.

2. Funding for additional work is covered within Contract No. 1017-B Specification Section 01210 Part 1-GENERAL 1.02 Specific Allowances reducing the General Allowance from \$150,000 to \$146,010.
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 15<sup>th</sup> day of November, 2010.

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/s/ Lester Heitke

MAYOR

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/s/ Kevin Halliday

Attest: CITY CLERK

Item No. 5 Rhonda Rae of Donohue and Associates briefed the Committee on activities for the month of October 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 No. 13 for the 30-year loan to the Public Facilities Authority for the Clean Water Revolving Fund, and Pay Request No. 13 to the Public Facilities Authority for American Recovery and Reinvestment Act (ARRA). Donohue continues to assist with seeking funding opportunities from Water Resources Development Act and the EPA State and Tribal Assistance Grant.

The firm has been providing information for the City's asset management, maintenance and operational program. Work continues on gravity collection piping capital costs and forcemain piping costs. The Dedication Ceremony/Open House was held on October 22 with approximately 300 people in attendance. Donohue provided brochures, booklets and staffing for the station tours.

Projects 0813-D3, 0814-D4, and 0816-D6 are substantially complete. The contractors are currently working on punch list items. Project 0815-D5 was approved for final project acceptance and final payment. Coordination of training continued with receipt of Vendor O & M manuals and work on the Plant O & M manual. The contractor for Project No. 1017-B has mobilized their equipment on site and will start demolition of the existing structures in November. This matter was for information only.

The Public Works/Safety Committee Report for November 9, 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 Anderson, and carried.

City Clerk Halliday informed the Mayor and Council of terms expiring on the Charter Commission and the recent action by the Commission to nominate replacement members. Following discussion, Council Member Reese moved to nominate Richard Heglund and Richard Falk to the Charter Commission. Council Member DeBlicek seconded the motion, which carried.

Announcements for Council Committee meeting dates were as follows: Community Education and Recreation, November 19; Finance, November 22; Community Development November 29; and Public Works/Safety, November 30, 2010.

There being no further business to come before the Council, the meeting adjourned at 7:48 p.m. upon motion by Council Member Reese, seconded by Council Member Anderson, and carried.

Attest:

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MAYOR

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SECRETARY TO THE COUNCIL