

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

January 10, 2011
7:00 p.m.

City Clerk Kevin Halliday, chief officer in charge of voting for the City of Willmar, presented to Mayor Frank Yanish a Certificate of Election. City Clerk Halliday then presented to Council Members Bruce DeBlieck, Ron Christianson, Rick Fagerlie, and Doug Reese Certificates of Election. The Honorable Judge Don Spilseth, Judge of District Court, officiated the Swearing-in Ceremonies of the Mayor and Council Members.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Frank Yanish. Members present on a roll call were Mayor Yanish, 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, Public Works Director Holly Wilson, Finance Director Steven Okins, Planning and Development Services Director Bruce Peterson, Community Education and Recreation Director Steve Brisendine, and City Clerk Kevin Halliday.

Mayor Yanish called upon The Reverend Steven Bielenberg to give the invocation.

Council Member Reese offered a motion adopting the Consent Agenda which included the following: City Council Minutes of December 20, Rice Hospital Board Minutes of December 15, Municipal Utilities Commission Minutes of December 20 and 27, Building Inspection Report for December, and Community Education and Recreation Board Minutes of December 17, 2010.

At 7:15 p.m. Mayor Yanish opened a hearing on an Ordinance Amending Rates Charged by the Municipal Utilities Commission to be Effective for Billings Sent on and After February 1, 2011. Bruce Gomm, General Manager of the Willmar Municipal Utilities, presented a Power Point presentation showing Willmar's low water rates. Randy Asleben, Director of Engineering at Jennie-O Turkey Store, expressed concerns regarding the size of the increase, being 10 percent per year, and the new summer conservation rate charged four months of the year. Bart Murphy, WMU Superintendent of Water/Heating, detailed unfunded mandates and the current need for various repairs and capital projects that were held back due to the hard economic times. Upon hearing all those who wished to be heard, Mayor Yanish closed the hearing at 7:28 p.m.

Following discussion, Council Member DeBlieck offered a motion to adopt, assign a number, and order final publication of an Ordinance Amending Rates Charged by the Municipal Utilities Commission of the City of Willmar, a Public Utility, to be effective for Billings Sent On and After February 1, 2011. Council Member Fagerlie seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

At 7:52 p.m. Mayor Yanish opened a hearing on an Ordinance Amending No. 1060, Known as the Willmar Zoning Ordinance by Amending Section 3 Relating to Employees at Home Occupations. Planning and Development Services Director Peterson informed the Mayor and Council the Ordinance amends the existing home occupation regulation regarding family member only employees to allow up to two non-family member employees residing at another address based on business type and intensity of operations. There being no one present to speak for or against the proposed Ordinance, Mayor Yanish closed the hearing at 7:55 p.m.

Following discussion, Council Member Ahmann offered a motion to adopt, assign a number, and order final publication of Ordinance Amending No. 1060, Known as the Willmar Zoning Ordinance by Amending Section 3 Relating to Employees at Home Occupations. Council Member Christianson seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

At this time Mayor Yanish presented to the Council, Staff, and public the Mayor's 2011 State of the City Address.

The Mayor and Council discussed the Rice Care Center Project and financing. Finance Director Okins informed the Council that Rice Memorial Hospital will be pursuing a Hospital Revenue Note. Following discussion, Council Member Reese moved to call for a hearing on January 24, 2011, for the consideration of the Rice Memorial Hospital Revenue Note, Series 2011A with Council Member Dokken seconding the motion, which carried.

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

The Finance Committee Report for January 3, 2011, was presented to the Mayor and Council by Council Member Anderson. There were nine items for Council consideration.

Item No. 1 John Sullivan addressed the Committee regarding the Local Option Sales Tax program. Chair Anderson pointed out the agenda reflects this topic as being scheduled for future meetings. Mayor Heitke also spoke to this issue. This matter was for information only.

Item No. 2 Staff presented the City of Willmar Investment Policy to the Committee for its annual review. Following discussion, the Committee was recommending the Council make a motion amending the Investment Policy to include a terminology section. Council Member Anderson moved to approve the recommendation of the Finance Committee with Council Member Christianson seconding the motion, which carried.

Item No. 3 Staff reviewed with the Committee the General Fund Revenue and Expenditures as of December 30, 2010. It was noted that these are not the final figures as receivables and payables need to be determined and accrued as of the end of the year. These final numbers will determine if any additional year-end appropriations would be needed. This matter was for information only.

Item No. 4 Staff presented information to the Committee regarding the 2010 Property/Casualty Dividend that is anticipated to be received in the amount of \$33,319. Mayor Heitke explained the LMCIT process of determining insurance premiums as well as dividends. It was also noted that cities are required to be a member of the League of Minnesota Cities in order to participate in its Insurance Trust program. This matter was for information only.

Item No. 5 City Administrator Schmit reviewed the City's Appropriations Request that was submitted to David Turch in January, 2010. It was recommended that the next annual request be prepared after the City Council holds its Strategic meeting in February, 2011. This matter was for information only.

Item No. 6 City Finance Director Okins reviewed the proposed 2011 Fee Schedule which establishes fees for City services, permits and licenses, and rental rates for City equipment. Following discussion, the Committee was recommending the Council introduce a resolution establishing the 2011 Fee Schedule as presented.

Resolution No. 1 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 1

WHEREAS, the City Council of the City of Willmar duly establishes fees for service, sets fees for permits and licenses, and establishes rental rates for City equipment.

NOW, THEREFORE, BE IT RESOLVED that the below listed fees be duly adopted for the year 2011 and the same hereby ordered kept on file in the office of the City Clerk-Treasurer.

CITY CLERK:

Liquor License Investigation Fees:

Sole Proprietor	\$100.00
Partnership	150.00
Corporation	300.00
Limited Liability Company	300.00

Liquor Licenses:

On-Sale Liquor	\$4,000.00 per year
Off-Sale Liquor	950.00 per year
Club On-Sale Liquor	300.00 per year
On-Sale Wine	200.00 per year
On-Sale Sunday	200.00 per year
On-Sale 3.2% Malt Liquor	150.00 per year
Temporary On-Sale Liquor	100.00 per year

PUBLIC WORKS:

Maintenance Trucks:

3 -5 Ton Trucks	\$ 35.00/hour
1 Ton Truck	18.00/hour
3 -5 Ton Truck/Plow/Sander	41.00/hour
3 -5 Ton Truck/Plow/Sander/Wing	55.00/hour
1 Ton Truck Plow	27.00/hour
Tandem Truck	41.00/hour
Tandem Truck/Plow/Sander/Wing	57.00/hour
½-3/4 Ton Pickup	17.00/hour
1 Ton /Water Tank	27.00/hour

Tractors, Loaders, Motor Graders:

2 -3 CY Loaders	\$ 82.00/hour
Loader/Plow/Wing	102.00/hour
Loader/Snow Blower	122.00/hour
Motor Grader	96.00/hour
Motor Grader/One-Way Plow	102.00/hour
Motor Grader/One-Way Plow/Wing	115.00/hour
40-50 Hp Tractor	21.00/hour
40-50 Hp Tractor/Attachments	35.00/hour
MT Trackless/Blower/Mower	61.00/hour
90 HpTractor/22' Flail Mower	55.00/hour
30-40 Hp Unit Mower/Blower/Sweeper	35.00/hour
Skid-Loader	35.00/hour
Skid-Loader/Attachments	50.00/hour
Snowplowing Sidewalks (incl. labor and equipment)	0.60/LF

Specialty Equipment:

Air Conveyance Unit	\$ 55.00/hour
Elgin Sweeper (4 CY)	\$ 70.00/hour
Hydraulic Sewer Cleaner	68.00/hour
Sewer Rodder	41.00/hour
Paint Sprayer	9.00/hour
Paint Sprayer and 1 Ton Truck	27.00/hour
50' Bucket Truck	70.00/hour
30' Bucket Truck	41.00/hour
Brush Chipper	29.00/hour
Tamper	9.00/hour
Bituminous Distributor and Truck (less material)	50.00/hour

Bituminous Roller	55.00/hour
Grass and Leaf Pickup Broom	29.00/hour
Chain Saws	10.00/hour
Trailers	12.00/hour
Over Seeder	29.00/hour
Turf Pro	29.00/hour
Gator and Sprayer	27.00/hour
Generator	9.00/hour
Trash Pumps	9.00/hour
Utility Vehicle with Crane Hoist	42.00/hour
Air Compressor	25.00/hour

Materials:

Winter Sand Mixed with Salt	\$ 50.00 CY
Gravel	20.00/Ton
Bituminous Cold Mix	95.00/Ton
Chalk Dust (50lb. bag)	6.00/bag
Diamond Dry (50lb. bag)	12.00/bag
Bituminous Repair (incl. labor and equipment)	45.00/SY

Facilities or Equipment:

Bleachers – 3 or 5 High	\$25.00 \$27.00/day
Minimum moving charge	75.00/day
Picnic Tables – Rental per table (12 maximum)	10.00/day
Barricades	\$ 2.00/day
Minimum charge for hauling barricades	20.00
Lights for ball fields	\$25.00/day for each field

Labor:

Regular	Contract rate plus 35% 53%
Overtime	Contract rate plus 35% 53%

Access Fees:

Industrial Park Storm Pond	\$ 835.00/acre
Lake North Lift Station	595.00/acre
Arby's Lift Station	1,050.00/acre
Ortenblad Lift Station	247.91/lot
Abbott Drive, Lift Station	895.00/acre

~~Engineering Department:~~

Director:	\$ 75.00/hour
Engineer	60.00/hour
Technician	40.00/hour

Wastewater Treatment:

<u>5,000 gallon tanker with hydraulic boom:</u>	<u>\$ 30.00/hour</u>
<u>Portable Lab Sampler</u>	<u>\$ 5.00/hour</u>

Airport:

<u>Conference Room</u>	<u>\$40.00/non-airport related meetings</u>
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COMMUNITY EDUCATION AND RECREATION:

Adult recreation programs will charge cost of program, officials, balls, sanctioning fees, etc., plus \$7.00 per team court fee for volleyball/basketball and \$10.00 per team field fee for softball.

Baseball/Softball Fields	Minimum \$50.00 or \$30.00 per game With a \$250.00 daily rate
Robbins Island enclosed shelters*	\$70.00 \$75.00/day April - November \$120.00/day for heat
*Plus clean-up/damage deposit	50.00
Open shelters	32.00/day
Indoor Playground	30.00/hour with \$200.00 damage deposit
<u>City Auditorium/Range Rental</u>	<u>\$27.00/hour</u>

Showmobile:	
Events in Willmar (not for profit)	\$200.00 <u>\$215.00/day</u> +staff expenses
<u>(Plus Clean-up/Damage Deposit)</u>	<u>\$200.00</u>
<u>Plus Staff Costs</u>	
Events in Willmar (for profit)	500.00/day +staff expenses

Civic Center:	
Dry floor events	\$580.00/day
Ice Rental	120.00 <u>\$130.00/hour</u>
Blue Line Center	400.00 <u>\$110.00/hour</u>

Aquatic Center:	
Individual season pass	\$ 85.00
Family of 2	125.00
Family of 3	135.00
Family of 4	145.00
Family of 5	155.00
Family of 6	165.00
<u>Each Additional Family Member</u>	<u>15.00</u>
Daily Admission Rate	3.00
Observers	2.00 <u>3.00</u>
Group Admission	2.50

Discount Coupons:	
10 Coupons	\$ 25.00
20 Coupons	45.00
Pool Rental:	
2-hour minimum	\$100.00 per hour plus guard/staff fees

FIRE DEPARTMENT:

Firefighter hours that are billed are taken directly from the roll call list.
Firefighters receive a \$14.30 per hour and are paid in one-hour increments.

Equipment:

	<u>1st Hour</u>	<u>Additional Hour</u>
1 st line pumper - 5251, 5257 and 5258	\$300	\$200/hr
2nd line pumps - 5252	200	150/hr
Tanker/pumpers 5276	300	200/hr
Ladder truck - 5299	500	400/hr
Personnel carrier - 5293	100	50/hr
Grass rig - 5285	150	100/hr
Support Vehicles - 5296, 5297	75	50/hr
Trailers	75	50/hr

Equipment charges are billed by the quarter hour as time listed on the fire report, after initial one-hour charge.

Special equipment and supplies used will be billed on a cost basis.

A 25% administrative fee will be added to fire watch/standby conducted by the Fire Department for special events and any standby conducted during fire protection/detection system downtime (as described in the Minnesota State Fire Code).

3000 PSI (only) air tank filling fee	\$15.00
Fire Reports	\$ 0.25/page plus postage

POLICE DEPARTMENT:

\$60.00 per hour for off-duty police officers
~~\$1.50~~ \$1.10 Automated Pawn Transaction Fee-each electronic reportable transaction

Dated this 10th day of January, 2011.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 7 Staff informed the Committee that a donation of \$100 has been received from the family of Marie Kojetin to the City of Willmar's Aquatic Center to be used for the Adaptive Swim Lessons. The Committee was recommending the Council to introduce a resolution accepting the donation of \$100 from the family of Marie Kojetin as presented.

Resolution No. 2 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 2

WHEREAS, the City of Willmar has received a donation of \$100.00 from the family of Marie Kojetin to the Dorothy Olson Aquatic Center to be used for Adaptive Swim Lessons;

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

Dated this 10th day of January, 2011.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 8 Staff reviewed future agenda items with the Committee including Local Option Sales Tax, Rice Care Center Financing, and Deferred/Suspense Assessments. This matter was for information only.

Item No. 9 The Committee received the November Rice Trust Report. This matter was for information only.

The Finance Committee Report for January 3, 2011, 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 carried.

The Public Works/Safety Committee Report for January 4, 2011, was presented to the Mayor and

Council by Council Member Reese. There were eight items for Council consideration.

Item No. 1 The Committee discussed safety concerns along 19th Avenue SW near Community Christian and Roosevelt Schools as discussed in November 2010. Staff was directed to research alternatives and costs to be brought back before the Committee. Del Brouwer, Superintendent of Community Christian School in Willmar, was present to address questions. Public Works Director Wilson informed the Committee she researched the installation of school zone flashers and that past precedence for both Kennedy and Roosevelt Schools indicates that school participation includes the cost of materials and any future maintenance.

It was estimated the two sections of sidewalk with handicap ramps making the connection on both sides in the right-of-way could cost \$4,600. Materials for a flashing system similar to the one installed at Roosevelt School would be \$1,200-\$1,500 for materials with City staff potentially performing the installation. A system run by solar energy would be \$3,600 per unit for a total of \$7,200 with it being noted that private contractors may be required for this installation. A set of speed limit flashing signs is estimated to cost \$8,000. Willmar Municipal Utilities has agreed to provide the electricity at no charge.

The history of traffic accidents in that area in the last five years showed four accidents of which two occurred during the summer months, one on a Sunday, and one during school hours. It was noted that traffic counts in this vicinity have increased approximately 2,000 vehicles per day since 2006, and that in mid-December the County formally requested Mn/DOT complete a speed study.

Following discussion, the Committee was recommending the Council allow Community Christian School to proceed with their plans to install flashing lights. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee directing Staff to work with Community Christian School on the installation of the flashers subject to plan approval by the Public Works Director. Council Member Christianson seconded the motion, which carried.

Item No. 2 Public Works Director Wilson briefed the Committee on activities for the recent snow events. This matter was for information only.

Item No. 3 Staff reviewed with the Committee Project No. 0901 which includes street improvements on Trott Avenue SW from 10th to 16th Streets and 11th Street SW from Trott Avenue to T.H. 12. During the construction additional common excavation and Class 5 aggregate was needed due to unstable subgrade in the area of 12th Street SW and Trott Avenue. These extra quantities and a bituminous incentive of \$2,675.80 resulted in Change Order No. 1 in the amount of \$9,964.32. Staff also presented the final estimate to Project No. 0901 for a total of \$101,283.61, which consists of the final adjusting quantities and the 5% retainage. Staff recommended approval of the change order, accepting the project as constructed, and issuing final payment to Duininck Inc.

The Committee was recommending the Council approve Change Order No. 1 to Project No. 0901 in the amount of \$9,964.32, accept Project No. 0901, and issue final payment to Duininck Inc. as presented.

Resolution No. 3 was introduced by Council Member Reese, seconded by Council Member Fagerlie, reviewed Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 3

WHEREAS, a contract has been awarded to Duininck Inc. of Prinsburg, Minnesota, on June 2, 2009 in the amount of \$993,522.50 for Project No. 0901 – 2009 Street Improvements; and

WHEREAS, it is desired to add to the above contracted amount due to unstable subgrade and bituminous incentive of \$2,675.80.

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

1. Additional work is herewith authorized to be added to the above contract in the amount of \$9,964.32 and identified as Change Order No. 1.
2. Funding for the additional work is from the project budget.

Dated this 10th day of January, 2011.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Resolution No. 4 was introduced by Council Member Reese, seconded by Council Member Fagerlie, reviewed Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 4

ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

IMPROVEMENT: Project No. 0901 – 2009 Street Improvements
 CONTRACTOR: Duinick, Inc.
 DATE OF CONTRACT: June 2, 2009
 BEGIN WORK: August 31, 2009
 COMPLETE WORK: September 3, 2010
 APPROVE, CITY ENGINEER: January 4, 2011

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

1. The said City of Willmar Project No. 0901 be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$993,522.50
Change Order No. 1	\$9,964.32
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$1,003,486.82
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$1,003,486.82
Less Previous Payments	\$902,203.21
FINAL PAYMENT DUE CONTRACTOR:	\$101,283.61

Dated this 10th day of January, 2011.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 Staff recommended to the Committee final acceptance and payment to Duinick Inc. for Project No. 1003 – the reconstruction of the North Swansson Field Parking lot/Trailhead Improvements. All the required paperwork has been received and final quantities agreed upon by City staff and the contractor. The payment consists of the final adjusted quantities as constructed and the 5% retainage in the amount of \$9,099.90.

The Committee was recommending the Council accept Project No. 1003 and issue final payment to Duinick Inc. as presented. Resolution No. 5 was introduced by Council Member Reese, seconded by

Council Member Christianson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 5

ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

IMPROVEMENT: Project No. 1003 – South Swansson Field Parking Lot/Trailhead Improvements
CONTRACTOR: Duinick, Inc.
DATE OF CONTRACT: June 24, 2010
BEGIN WORK: July 7, 2010
COMPLETE WORK: August 26, 2010
APPROVE, CITY ENGINEER: January 4, 2011

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

1. The said City of Willmar Project No. 1003 be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$185,049.65
Change Order (None)	\$0.00
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$185,049.65
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$181,998.10
Less Previous Payments	\$172,898.20
FINAL PAYMENT DUE CONTRACTOR:	\$9,099.90

Dated this 10th day of January, 2011.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 5 Rhonda Rae of Donohue and Associates presented to the Committee final pay estimate for Project No. 0816-D6 – Wastewater Pump Stations, awarded to Di-Mar Construction, Inc. The project is complete and the work has been inspected by City staff and Donohue to verify satisfactory completion. It is Donohue’s recommendation to accept the project as constructed and issue final payment to Di-Mar Construction, Inc. in the amount of \$48,850.32.

The Committee was recommending the Council accept Project No. 0816-D6 and issue final payment to Di-Mar Construction, Inc. as presented. Resolution No. 6 was introduced by Council Member Reese, seconded by Council Member Christianson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 6

ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

IMPROVEMENT: Project No. 0816-D6 – Wastewater Pump Stations
CONTRACTOR: Di-Mar Construction, Inc.
DATE OF CONTRACT: July 28, 2009
BEGIN WORK: July 28, 2009

COMPLETE WORK: December 17, 2010
APPROVE, CITY ENGINEER: Donohue & Associates, Inc.

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

1. The said City of Willmar Project No. 0816-D6 be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$1,940,000.00
Change Order	\$14,012.76
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$1,954,012.76
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$1,954,012.76
Less Previous Payments	\$1,905,162.44
FINAL PAYMENT DUE CONTRACTOR:	\$48,850.32

Dated this 10th day of January, 2011.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 6 Staff reviewed with the Committee proposals received to update paperwork and educate Staff on the requirements of OSHA. This fall the City was randomly chosen to be audited by OSHA, which resulted in several violations and penalties. Subsequently Staff requested proposals to provide updating of records and adequate training. Two proposals were received with the lower one being that from SafeAssure of Willmar for \$6,125.00. It was Staff's recommendation to enter into an agreement with SafeAssure for 2011.

The Committee was recommending the Council authorize the Mayor and City Administrator to enter into an agreement with SafeAssure as presented. Resolution No. 7 was introduced by Council Member Reese, seconded by Council Member DeBlieck, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

Resolution No. 7

Authorization to Execute Contract

BE IT RESOLVED by the City of Willmar as follows:

1. That the Contract between SafeAssure and the City of Willmar for assisting with OSHA requirements is accepted, and that the Finance Director is authorized to transfer funds to cover the costs.
2. That the Mayor and City Administrator are authorized to execute this agreement on behalf of the City of Willmar.

Dated this 10th day of January, 2011.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 7 Police Chief Wyffels gave a brief overview of what is known as K2 Synthetic Marijuana. K-2 is a mixture of dried herbs, flowers and tobacco that have been sprayed with a synthetic compound chemically similar to THC that mimics the effects of marijuana. K-2 has been around since 2006, and most of the risks are unknown, but adverse reactions including hallucinations and severe agitation have been reported. On November 25, 2010, a 30-day notice was given from the DEA of its intent to ban the drug for up to a year to give the health department time to study its affects. On December 25, 2010, it became temporarily illegal and banned. This matter was for information only.

Item No. 8 City Administrator Schmit explained the City is currently under contract with Donohue and Associates to do the design work for the Western Collector. The planned route for the 24-inch pipe was reviewed with the committee. To date, the project is at a point where the City needs to solidify the route by acquiring the necessary land through fee title or permanent easements. In order to proceed with the appraisal process, the necessary survey work is required. Staff recommended hiring the firm of O'Malley and Boe Land Surveyors, Inc. to perform the necessary tasks. Once this is complete, the appraisal process can begin and Staff requested hiring the firm of Ruhland Commercial Consultants, LTD for the appraisal work.

The Committee was recommending the Council authorize Staff to retain the firm of O'Malley and Boe Land Surveyors, Inc. to perform the necessary survey work and to contract with Ruhland Commercial Consultants, LTD to appraise required easement and/fee title properties needed for the Western Collector. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Christianson seconding the motion, which carried.

The Public Works/Safety Committee Report for January 4, 2011, 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 carried.

The Community Development Committee Report for January 6, 2011, was presented to the Mayor and Council by Council Member DeBlieck. There were five items for Council consideration.

Item No. 1 Staff updated the Committee on the status of the Mahanaim Church at the corner of 7th Street Southwest and Litchfield Avenue. Apparently the deal between a private contractor and the church to swap land for the building has fallen through. All asbestos has been removed from the building. The asbestos removal contractor had an agreement with the church to remove the asbestos with the understanding that he would place a lien again the property to cover his expenses. The holder of the church mortgage has agreed to subordinate the mortgage to the lien.

It was the opinion of Staff that, although the building has not been removed, a major portion of the problem has been eliminated by the fact that the asbestos has been removed from the structure. The estimated cost to demolish the church building is about one-half of what it was a year ago when the asbestos was still in the building.

The Committee discussed the two options available: 1) to allow more time for the asbestos contractor to put together a deal to acquire, demolish, and dispose of the structure, or 2) to move forward with court action to order the demolition. With the second option it is very likely that it would fall upon the City to have the building demolished and the site brought to grade. If this was the case, the site could possibly remain vacant for five years and be declared tax forfeited if the assessment levied by the City goes unpaid. The assessment placed against the property by the City to cover demolition costs would be the first to be cleared in the event of a sale.

At the recommendation of Staff, the Committee informally decided to give the asbestos contractor approximately 30 days to put a deal together. The Committee indicated that if that did not happen the Council could direct the City Attorney to start court action for the building removal. This matter was for information only.

Item No. 2 Staff presented an update on the former airport terminal building eligibility appeal

process. Two letters have been prepared which state the City's case against National Register eligibility for the former terminal building/site. These letters were signed by the Mayor and provided to the FAA who is packaging the appeal. Advocacy has been sought from Congressman Peterson, whose office has agreed to intercede on behalf of the City. Additionally, support is being sought from Senators Klobuchar and Franken. The FAA is to provide the City with a digital copy of the entire appeal packet. The packet was supposed to have been filed by the FAA with the Keeper of the National Register of Historic Places around the first of the year. The Keeper will have 45 days after the receipt of the packet to review the material and rule on it. In the letters to the Keeper the City requested a face to face meeting to discuss the appeal. No word has been received yet as to whether or not that will happen. The discussion concluded with the Committee reaffirming their desire to obtain the land release and move forward with the development of the site. This matter was for information only.

Item No. 3 The Committee discussed possible incentives for the sale of the City-owned lots in PleasantView 4th Addition. An example of what another community had done in the way of offering incentives was presented and discussed. Concern was expressed regarding competition with private sector developers. It was the recommendation of Staff that the City continue to offer the lots for sale and to entertain offers on a case by case basis. It was a consensus of the Committee to offer no incentives at this time, but to continue to offer the properties for sale. This matter was for information only.

Item No. 4 Staff presented the Committee with a brief recap of 2010 construction activity. Just over \$22.5 million of total construction valuation was permitted in 2010. Of this total, nearly \$15 million was commercial/industrial construction. Nearly \$5 million in residential values resulted from 30 total dwelling units, including 12 single family homes. This matter was for information only.

Item No. 5 The Committee received from Staff a brief summary of ongoing projects including United Farm Credit Services, Jimmy Johns, and the redevelopment of the UBC site. This matter was for information only.

The Community Development Committee Report for January 6, 2011, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member DeBlicke, seconded by Council Member Dokken, and carried.

The Mayor and Council considered a number of Council reorganizational resolutions. Resolution No. 8, establishing Committee assignments, was introduced by Council Member Reese, seconded by Council Member Anderson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0

RESOLUTION NO. 8

BE IT RESOLVED, by the City Council of the City of Willmar, Minnesota, that the 2009 through 2010 Committee appointments for members of the Council shall be provided in the list of appointments as follows:

Labor Relations Committee:

Chair: Steve Ahmann
Vice Chair: Tim Johnson
Doug Reese
Denis Anderson
Michael Schmit, City Administrator
Steve Okins, Finance Director
Municipal Utilities Commission

Finance Committee:

Rice Hospital Board
Chair: Denis Anderson
Vice Chair: Rick Fagerlie
Jim Dokken
Tim Johnson
Michael Schmit, City Administrator
Steve Okins, Finance Director

<u>Community Development Committee:</u>	Kevin Halliday, City Clerk-Treasurer Chair: Jim Dokken Vice Chair: Bruce DeBlieck Ron Christianson Steve Ahmann Michael Schmit, City Administrator Bruce Peterson, Planning/Development Services Director
<u>Public Works/Safety Committee:</u>	Chair: Doug Reese Vice Chair: Ron Christianson Bruce DeBlieck Rick Fagerlie Michael Schmit, City Administrator David Wyffels, Police Chief Holly Wilson, Public Works Director Marv Calvin, Fire Chief Tim Johnson
<u>Woodland Centers:</u>	Steve Ahmann
<u>Mid-Minnesota Development Commission:</u>	Doug Reese and Ron Christianson
<u>Cable Communications:</u>	Rick Fagerlie and Tim Johnson
<u>Community Education and Recreation:</u>	Jim Dokken
<u>Rice Hospital Board:</u>	Bruce DeBlieck (Jim Dokken alternate)
<u>Municipal Utilities Commission:</u>	Ron Christianson
<u>Convention and Visitors Bureau:</u>	Denis Anderson
<u>Human Rights Commission:</u>	Jim Dokken
<u>Community Center Council:</u>	Doug Reese
<u>Sister City:</u>	Rick Fagerlie and Bruce DeBlieck
<u>Transit Joint Powers Board:</u>	Chair Denis Anderson Vice Chair Ron Christianson
<u>Fire Code Appeals Board:</u>	Frank Yanish, Ron Christianson and Denis Anderson
<u>Economic Development Commission:</u>	Steve Ahmann
<u>Willmar Design Center:</u>	Ron Christianson (Jim Dokken alternate)
<u>Housing and Redevelopment Authority:</u>	Denis Anderson
<u>Pioneerland Library System:</u>	

Dated this 10th day of January, 2011.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Resolution No. 9, designating meeting dates and times, was introduced by Council Member Reese, seconded by Council Member Christianson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 9

BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, that the regular semi-monthly meetings of the City Council shall be held at 7:00 p.m. on the first and third Mondays of each month during the next two years and that the regular place of said meetings shall be in the Council Chambers of the Municipal Utilities Building, 700 Litchfield Avenue Southwest, Willmar, Minnesota; and

BE IT FURTHER RESOLVED that the time for adjournment of said Council meetings shall be no later than 11:00 p.m. with the following exceptions:

1. An item of business under consideration at 11:00 p.m. may be disposed.
2. Business from the first meeting of the month will be carried over to the second meeting if

- necessary.
3. Any business not completed at the second meeting of the month, which is urgent and must have action will be adjourned to a special meeting.

Dated this 10th day of January, 2011.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Resolution No. 10, appointing the Mayor Pro Tempore, was introduced by Council Member Christianson, seconded by Council Member Dokken, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 10

WHEREAS, the Charter of the City of Willmar, a municipal corporation of the State of Minnesota, provides that in the absence or disability of the Mayor, an Acting Mayor shall be appointed by action of the City Council;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar as follows:

that during the years 2011 and 2012, should the Mayor, the Honorable Frank Yanish, be absent or unable to act as such Mayor, that Council Member Reese be and is hereby appointed as Acting Mayor to act in all said circumstances and as set forth in the Charter of the City of Willmar.

Dated this 10th day of January, 2011.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Resolution No. 11, regarding legal publication, was introduced by Council Member Ahmann, seconded by Council Member Reese, and approved on a roll call vote of Ayes 7, Noes 1 – Council Member Christianson voted “No.”

RESOLUTION NO. 11

BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, a municipal corporation of the State of Minnesota, that the West Central Daily Tribune of Willmar, Minnesota, be designated as the legal newspaper for the City of Willmar and that the fees set by State statutes for legal publications be accepted.

Dated this 10th day of January, 2011.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Resolution No. 12, appointed a responsible authority, was introduced by Council Member Christianson, seconded by Council Member Reese, and approved on a roll call vote of Ayes 8, Noes 0.

