

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

June 15, 2009
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 Jim Kulset, Fire Chief Marv Calvin, Public Works Director Mel Odens, Finance Director Steven Okins, Planning and Development Services Director Bruce Peterson, Community Education and Recreation Director Steve Brisendine, Assistant City Engineer Holly Wilson, and Administrative Assistant Audrey Peterson.

Mayor Heitke commented on a Flag Day Ceremony held earlier in the day at the Elks Lodge.

The Council requested the Housing and Redevelopment Authority Minutes be removed from the Consent Agenda.

Council Member Reese offered a motion adopting the Consent Agenda which included the following: City Council Minutes of June 1, Municipal Utilities Commission Minutes of June 8, Planning Commission Minutes of June 10, Building Inspection Report for May, and Police Commission Minutes of February 2 and June 8, 2009; and Exempt Permit Applications for Knights of Columbus Council 2764 and Willmar Hockey Association, Inc. Council Member DeBlieck seconded the motion, which carried.

Following discussion of the Westwind Estates Project, the Housing and Redevelopment Authority Board Minutes of May 12, 2009, were accepted as presented upon motion by Council Member Dokken, seconded by Council Member Fagerlie, and carried.

At 7:07 p.m. Mayor Heitke opened the annual 2008 – 2009 stormwater public meeting. Assistant City Engineer Wilson presented an update on the status of the City's compliance with requirements in its municipal storm sewer system permit, and the implementation of the City's stormwater pollution prevention program. Assistant City Engineer Holly Wilson presented details of projects completed in 2008 and what the City is currently doing in 2009 including inspection of outfalls and construction sites, revisions to the Storm Water Ordinance, education, implementation of system for reporting alleged illicit discharges as well as a discharge inspection and assessment program, complete pond inventory, and complete rain garden projects at the Fairgrounds and 10th and Kandiyohi Avenue. Following questions from the Council, Mayor Heitke closed the hearing at 7:21 p.m.

At 7:22 p.m. Mayor Heitke opened a hearing on a proposal for a Health Care Development Project. Michelle Haefner, Chief Operating Officer with Bethesda Health and Housing, presented the three-year, three-phased project including a new adult day care facility, wellness and aquatic therapy center, and resident room remodeling at Pleasant View Care Center. Bethesda, a nonprofit corporation, has proposed the City issue nursing home revenue bonds and act as the conduit issuer for the bonds. Doug DeWane, Bethesda Chief Executive Officer, and Mark Beese, Northland Securities Bond Underwriter, provided additional information on the proposed Bonds. Mayor Heitke closed the hearing at 7:26 p.m.

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

RESOLUTION NO. 1

GIVING PRELIMINARY APPROVAL TO PROJECT, AND THE ISSUANCE OF
NURSING HOME REVENUE BONDS AND AUTHORIZING THE PREPARATION
OF NECESSARY DOCUMENTS BETHESDA PROJECT

(For Resolution in its entirety, see City Council proceedings file dated
June 15, 2009, located in the City Clerk's Office)

Mayor Heitke acknowledged Allen Bjornberg with the Wakanda Watershed and Corey Netland, Hawk Creek Watershed Project Manager. Mr. Bjornberg addressed the 2009 Wakanda Watershed water testing results and distributed pictures. Mr. Netland informed the Mayor and Council of information available through the Hawk Creek Watershed office including rain gardens and water quality as well as maps of outfalls in the area.

At 7:45 p.m. Mayor Heitke opened the hearing on the new Willmar Comprehensive Land Use Plan. Planning and Development Services Director Peterson explained the primary purpose of the Plan is to provide a guide for growth and development and that the Plan accomplishes this in two ways. First, the Plan establishes the City's Goals, Objectives and Policy Guidelines. Second, the Plan provides future land use maps to show what type of land use is desirable both within the City's current corporate boundary and inside the City's urban growth area. The Plan is written using a 20-year time-frame, although the Plan will be implemented until it is either revised or ultimately replaced. Mr. Peterson reviewed each Chapter which included Community Profile and Demographics; Natural Resources; Land Use and Economic Profile; Current and Emerging Issues; Goals, Objectives and Policies; Implementation and listings of maps, tables and figures. It was noted that the Planning Commission has approved of the Comprehensive Plan. Upon hearing all those who wished to be heard, Mayor Heitke closed the hearing at 8:05 p.m.

Following a lengthy discussion, Resolution No. 2 was introduced by Council Member DeBlieck, seconded by Council Member Ahmann, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 2

ADOPTING A REVISED COMPREHENSIVE PLAN

WHEREAS, The City Council of the City of Willmar did, in 1989, last adopt a revised Willmar Comprehensive Land Use Plan; and

WHEREAS, The City continues to grow geographically and in population, development trends are changing, goals and policies to govern development need to be relevant to current and future growth, and the Plan needs to reaffirm its statutory basis for land use regulation; and

WHEREAS, the Charter of the City of Willmar mandates periodic review and updating of the Comprehensive Plan; and

WHEREAS, the Willmar Planning Commission, following considerable outreach, research, public review, and consultation with staff, has presented to the Council a recommendation to adopt a revised Comprehensive Plan, including summary Plan maps; and

WHEREAS, a public hearing was conducted by the City Council on June 15, 2009 to gather additional public comment.

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

1. That the revised Comprehensive Plan, dated June 2009, together with summary Plan maps, heretofore recommended by the Planning Commission, be adopted
2. That the Comprehensive Land Use Plan adopted in 1989 is hereby repealed in its entirety.
3. That a loose-leaf format for the Plan, together with the title, Willmar Comprehensive Plan, be approved.

Dated this 15th day of June, 2009.

/s/ Lester Heitke
MAYOR

/s/ Michael Schmit
Attest: CITY AMINISTRATOR

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 8, 2009, was presented to the Mayor and Council by Council Member Anderson. There were six items for Council consideration.

Item No. 1 Rice Hospital CEO Mike Schram and CFO Bill Fenske were present at the Committee meeting to explain a recommendation from the Rice Board to ask the Court to reclassify the Rice Trust back to a supporting organization from its present private foundation status by allowing Rice Hospital Board the authority to appoint two additional trustees.

The implications of the request would be as a supporting organization; distributions would be directed based on intention of the trust, 50 percent of distributed income less actual expenses, instead of a Private Foundation requirement of 5 percent of account value plus a 2 percent excise tax fee. This would help maintain the long stability of the Trust and provide funds for the care of needy patients.

The Committee was recommending the Council approve the request of the Rice Hospital Board to ask the Court to allow the Board authority to appoint two additional trustees. Council Member Anderson moved to approve the recommendation of the Finance Committee with Council Member Fagerlie seconding the motion, which carried.

Item No. 2 The Committee considered an amended land lease between the City and Mike Arends. The amended lease was due to the removal of approximately (70) acres of land for the constructions of the new Waste Water Treatment Facility. The reduction in acres would reduce the lease to an amount of \$6,572.00 annually.

The Committee was recommending the Council pass a resolution authorizing the Mayor and City Administrator to enter into an amended land lease agreement with Mike Arends. Resolution No. 3 was introduced by Council Member Anderson, seconded by Council Member Dokken, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 3

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 Agreement between the City of Willmar and Mike Arends.

Dated this 15th day of June, 2009.

/s/ Lester Heitke
MAYOR

/s/ Michael Schmit
Attest: CITY AMINISTRATOR

Item No. 3 Staff informed the Committee that there was nothing new to report on possible State LGA cuts in 2009 or 2010. This matter is for information only.

Item No. 4 The Committee reviewed a donation from the Willmar Jaycees in the amount of \$1,000 to cover the costs to repair the Rice Park wading pool drain bringing it into compliance with the new safety requirements. The Committee was recommending the Council pass a resolution to accept the donation and amend the General Fund Budget accordingly.

Resolution No. 4 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. 4

WHEREAS, the Willmar Jaycees has donated to the City of Willmar a check in the amount of \$1,000.00 to be used for a new drain cover for the Rice Park pool.

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

Dated this 15th day of June, 2009.

/s/ Lester Heitke
MAYOR

/s/ Michael Schmit
Attest: CITY AMINISTRATOR

Item No. 5 The Committee was informed by Staff that the City received notification from the Public Facilities Authority (PFA) that there may be a possibility that the remaining amount not drawn on the Cities Loans may be amortized over a 30 year time frame instead of 20 years which is presently required in the loan documents.

This would require the City to redo the loan documents and issue new bonds to fund the loan. Positive impacts would be to either level out the present balloon payments and or reduce the annual debt service payments, thus possible reducing the projected rates for the Waste Water Treatment fund. More information is scheduled to be available in the month of July and August. This was for information only.

Item No. 6 The Committee reviewed the April Rice Hospital, May Convention and Visitors Bureau, May WRAC-8, and May Local Option Sales Tax reports. This matter was for information only.

The Finance Committee Report for June 8, 2009, 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 June 9, 2009, was presented to the Mayor and Council by Council Member Christianson. There were 11 items for Council consideration.

Item No. 1 The City Council previously approved the sale of alcohol at the Willmar Fests Softball Tournament using a state-licensed provider. The Community Ed and Recreation Advisory Board

contacted the three local state-licensed liquor caterers and are recommending approval of The Oaks at Eagle Creek to dispense the alcohol during the event on June 27-28, 2009. Alcohol sales will be monitored by the Willmar Police Department at all times.

The Committee was recommending the Council approve the On-Sale License Permit to The Oaks at Eagle Creek to dispense alcohol during the Willmar Fests Softball Tournament on June 27-28, 2009. Council Member Christianson offered a motion to approve the recommendation of the Public Works/Safety Committee. Council Member Reese seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Item No. 2 The Committee was informed by Staff that the Green Mill/Holiday Inn is requesting to sponsor a fenced-in beer garden near 5th Street SW in the parking lot in conjunction with the downtown block party. The event, on behalf of the Willmar Jaycees, would take place from 4:30 p.m. – 9:30 p.m. on June 25, 2009. A Community Festival Special Event On-Sale Liquor License is required along with approval to temporarily close the public parking lot.

The Committee was recommending the Council approve the Special Event On-Sale Liquor License on the date requested and also the temporary closure of the public parking lot. Council Member Christianson offered a motion to approve the recommendation of the Public Works/Safety Committee. Council Member DeBlieck seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Item No. 3 Staff informed the Committee of a \$2,000 donation from the County Attorney's Forfeiture Fund to the Willmar Police Department to assist in the purchase of bullet-proof vests. This represents the City's share of the proceeds from forfeited property. The Committee was recommending the Council accept the \$2,000 donation from the County Attorney and send acknowledgement of its receipt.

Resolution No. 5 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. 5

WHEREAS, the Kandiyohi County Attorney has donated to the Willmar Police Department \$2,000 to assist in the purchase of bullet-proof vests;

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

Dated this 15th day of June, 2009.

/s/ Lester Heitke
MAYOR

/s/ Michael Schmit
Attest: CITY AMINISTRATOR

Item No. 4 The City Council previously authorized the Willmar Design Center to proceed with soliciting RFP's from qualified consultants as the first step in receiving digital schematic designs to create a generalized concept for the right-of-way of Becker Avenue SW between 1st and 6th Streets. Staff informed the Committee that nine firms responded with RFP's and the selection committee interviewed four with the recommendation of considering the firm of Hoisington Koegler Group Inc.

Staff presented the firm's scope of services, fee schedule and timeline and recommended entering into a contract with Hoisington Koegler and setting a budget for the design work. Following discussion, the Committee was recommending the Council authorize the Mayor and City Administrator to enter into an agreement with Hoisington Koegler Group Inc.

Resolution No. 6 was introduced by Council Member Christianson, seconded by Council Member Dokken, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 6

WHEREAS, the City of Willmar desires to retain a firm to provide digital schematic designs to create a generalize concept for the right-of-way of Becker Avenue SW between 1st Street SW between 1st and 6th Streets; and

WHEREAS, a proposal has been made by the firm of Hoisington Koeqler Group Inc. for a not-to-exceed figure of \$25,000.00;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that said proposal be accepted and that the Mayor and City Administrator be authorized to execute the same.

Dated this 15th day of June, 2009.

/s/ Lester Heitke
MAYOR

/s/ Michael Schmit
Attest: CITY AMINISTRATOR

Resolution No. 7 was introduced by Council Member Christianson, seconded by Council Member Dokken, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 7

PRELIMINARY BECKER AVENUE COMMONS AREA BUDGET

OTHER CHARGES		RECEIVABLES	
Prof. Serv. (Hoisington Koeqler)	<u>\$25,000.00</u>	Willmar Design Center	<u>\$25,000.00</u>
TOTAL	\$25,000.00	TOTAL	\$25,000.00
GRAND TOTAL	\$25,000.00	FINANCING	
		Willmar Design Center	<u>\$25,000.00</u>
		TOTAL	\$25,000.00

Dated this 15th day of June, 2009.

/s/ Lester Heitke
MAYOR

/s/ Michael Schmit
Attest: CITY AMINISTRATOR

Item No. 5 Rhonda Rae of Donohue and Associates briefed the Committee on the May activities related to the relocation of the Wastewater Treatment Plant. Program management activities included additional meetings with Staff to discuss funding and finance issues; submittal of pay request 14 to the Public Facilities Authority for the Clean Water Revolving Fund Loan and Wastewater Improvement Fund, and the full amount of the TMDL Grant was received with pay request 3. Other meetings were held to discuss funding opportunities from the American Recovery and Reinvestment Act of 2009 (the federal stimulus funds), Water Resources Development Act, and the STAG grant.

Construction management of all conveyance projects continued with good progress on each one. A significant amount of pipe has been installed under each of the three conveyance projects. The contractor for D-4 is 95% complete, the D-5 contractor is temporarily stopping work for the summer and for D-3 work continues with necessary accommodations in their work schedule to not disrupt traffic during the Sonshine Festival in July.

The contractor for 0812-C, building construction, continued concrete forming and pouring for 13 of the 21 structures. Three-fourths of the concrete work is complete at the site. The progress of each structure is detailed in the monthly report. This matter was for information only.

Item No. 6 The Committee considered a revised budget for the 2009 Improvements. Revisions included the as-bid amount for Project No. 0901 and revisions in the receivables to reflect the assessable costs. The Committee was recommending the Council approve the revised budget for 2009 Improvements as presented.

Resolution No. 8 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. 8

2009 IMPROVEMENT BUDGET

PERSONNEL SERVICES		RECEIVABLES	
Overtime Reg. Employees	\$500.00	Property Owners	\$284,600.00
Salaries Temp. Employees	<u>\$1,000.00</u>	County	\$202,000.00
TOTAL	\$1,500.00	State	\$411,200.00
		*City (WWTP)	\$265,000.00
SUPPLIES		City (MUC)	\$54,000.00
Office Supplies	\$500.00	Utility Fee	\$400,000.00
Small Tools	\$500.00	LOST	<u>\$617,200.00</u>
Motor Fuels & Lubricants	\$2,000.00	TOTAL	\$2,234,000.00
Postage	\$1,000.00		
Mtce. of Other Improvements	\$500.00	FINANCING	
General Supplies	<u>\$1,000.00</u>	PIR Fund	\$284,600.00
TOTAL	\$5,500.00	County	\$202,000.00
		State	\$411,200.00
OTHER SERVICES		City (WWTP)	\$265,000.00
Printing & Publishing	\$2,000.00	City (MUC)	\$54,000.00
Mtce. of Other Impr.	\$1,647,000.00	Utility Fee	\$400,000.00
Other Services (contingency, misc.)	<u>\$371,000.00</u>	LOST	<u>\$617,200.00</u>
TOTAL	\$2,020,000.00	TOTAL	\$2,234,000.00
OTHER CHARGES			
Insurance & Bonds	\$2,000.00		
Prof. Serv. (Testing, Barr)	\$15,000.00		
Adm. OH (Transfer)	\$150,000.00		
Other Charges	<u>\$40,000.00</u>		
TOTAL	\$207,000.00		
GRAND TOTAL	\$2,234,000.00		

Dated this 15th day of June, 2009.

/s/ Lester Heitke
MAYOR

/s/ Michael Schmit
Attest: CITY AMINISTRATOR

Item No. 7 Staff reviewed with the Committee plans and specifications for the reconstruction of Willmar Avenue SW from 18th Street SW to 22nd Street SW, the continuation of underground improvements on Willmar Avenue from 22nd Street SW to Industrial Boulevard, and new construction of 4th Avenue SW in the Industrial Park. All sections will be paved this year except the section of Willmar Avenue west of 22nd Street will be underground work and grading only, with the paving to be done in 2010.

The Committee was recommending the Council approve the plans and specifications for Project No. 0903 and authorize advertisement for bids to be opened on July 14, 2009. Resolution No. 9 was introduced by Council Member Christianson, seconded by Council Member DeBlieck, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 9

WHEREAS the City Engineer of the City of Willmar has presented to the City Council plans and specifications for Project No. 0903 for the City of Willmar;

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

Final plans and specifications are hereby approved, and publication of the advertisement for bids is herewith authorized. Bids will be publicly opened and read at 1:00 p.m. on the 14th day of July, 2009, at the City Office Building, 333 Southwest Sixth Street, Willmar, Minnesota.

Dated this 15th day of June, 2009.

/s/ Lester Heitke
MAYOR

/s/ Michael Schmit
Attest: CITY AMINISTRATOR

Item No. 8 The Committee considered a request from the Fire Department for permission to apply for the 2009 Assistance to Firefighters Fire Station Construction (FSC) Grant, a project through the American Recovery and Reinvestment Act. If received, the funds would be used for the construction of a new substation on the north side of Willmar. The grant would be for building construction only.

Following discussion, the Committee was recommending the Council authorize Staff to apply for, accept, and disperse the 2009 FSC funds for a fire substation on the north side of the City. Resolution No. 10 was introduced by Council Member Christianson, seconded by Council Member Reese, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 10

BE IT RESOLVED by the City Council of the City of Willmar to approve of an application by the Willmar Fire Department for, and the acceptance of, a 2009 Assistance to Firefighters Fire Station Construction Grant, through the American Recovery and Reinvestment Act . The funds will be used for the construction of a new substation on the north side of Willmar.

