

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

March 6, 2006  
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, Rick Fagerlie, Jim Dokken, and Steven Gardner; Present 8, Absent 1 – Council Member Cindy Swenson was excused from the meeting.

Also present were City Administrator Michael Schmit, City Attorney Richard Ronning, Police Captain David Wyffels, 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, and City Clerk Kevin Halliday.

Council Member Christianson offered a motion adopting the Consent Agenda which included the following: City Council Minutes of February 21, Municipal Utilities Commission Minutes of February 27, Planning Commission Minutes of February 22, Building Inspection Report for February, 2006; and Mayoral appointment of Tracy Jansons, Willmar Lakes Area Convention and Visitors Bureau. Council Member Reese seconded the motion, which carried.

At 7:05 p.m. Mayor Heitke opened a hearing on an Ordinance Amending Municipal Ordinance No. 1060, the Willmar Zoning Ordinance. Planning and Development Services Director Peterson informed the Mayor and Council the City is initiating the rezoning of the MinnWest campus property, formerly the Willmar Regional Treatment Center, from G (Government/Institutional) to T (Technology) for technology businesses. The Planning Commission has approved the rezoning. There being no one present to speak for or against the proposed Ordinance, Mayor Heitke closed the hearing at 7:06 p.m.

Council Member Reese offered a motion to adopt, assign a number, and order final publication of the Ordinance Amending Municipal Ordinance No. 1060, the Willmar Zoning Ordinance. Council Member DeBlieck seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Dr. Doug Allen, President of Ridgewater College, appeared before the Mayor and Council to report on the state of the College as well as its future goals. Dr. Allen gave a brief history of the College which was established in 1961 and now serves approximately 9,465 students at the Hutchinson and Willmar campuses. Ridgewater College serves a broad regional area of west central Minnesota. Mayor Heitke thanked Dr. Allen and acknowledged that Ridgewater College is a tremendous asset to the region.

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 for February 28, 2006, was presented to the Mayor and Council by Council Member Reese. There were eight items for Council consideration.

Item No. 1 Jon Henslin of the Minnesota Department of Transportation (MnDOT) presented a proposal to the Committee for a Road Safety Audit at the intersection of North Business 71, County Road 24 and T.H. 294. Objectives of the safety audit are to ensure safety is included in the project design and promote a safe environment. Mr. Henslin also presented a proposed professional services contract detailing the Road Safety Audit and final deliverables. MnDOT has funds available April 1 – May 1, 2006, to perform the audit, and there would be no cost to the City.

The Committee was recommending the Council concur with MnDOT's effort to conduct a Road Safety Audit at the intersection of North Business 71, County Road 24 and T.H. 294. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Christianson seconding the motion, which carried.

Item No. 2 City Clerk Halliday presented to the Committee details of a Special Events Permit requested by the Alexandria Beetles of the Northwoods Baseball League to use the Baker Diamond Facility to host a semi-professional baseball game with food and alcohol sales. The City Attorney has determined there are two options for the Alexandria Beetles to consider. One would be to apply for a temporary 1 to 4 day on-sale license jointly with a club, charitable or religious, or other nonprofit organization in which the applicant must carry the liquor liability. The other is a special provision, sports or community festival liquor sales in which the municipality may allow a current holder of an on-sale license to dispense the intoxicating liquor and that applicant must carry the liquor liability coverage. This proposal would require an amendment to the current City ordinance to allow alcohol sales to be sold in a City park at the City Council's discretion.

The Committee was recommending the Council introduce an Ordinance to amend Section 11-88 Alcohol Beverages to allow alcohol sales in a park. Council Member Reese moved to introduce an Ordinance to amend Section 11-88 and schedule a hearing for April 3, 2006. Council Member Anderson seconded the motion which carried.

Item No. 3 Sam Lahanis of Donohue and Associates appeared before the Committee to discuss the City's need to apply for a discharge permit for the relocation of Wastewater Treatment Plant approximately 5.5 miles west of the existing facility. This relocation would change the discharge point of the Wastewater Treatment Plant. A permit must be approved by both the Kandiyohi County Board of Commissioners for County Ditch No. 10 and the Joint County Drainage Authority (Kandiyohi, Chippewa, and Renville Counties) for Judicial Ditch No. 7. Donohue and Associates is requesting permission to proceed with the permitting process and file a petition for the City of Willmar requesting permission to discharge the effluent into Hawk Creek.

The Committee was recommending the Council direct Donohue and Associates to apply for a new discharge permit and authorize them to proceed with the permitting process. Resolution No. 1 was introduced by Council Member Reese, seconded by Council Member Anderson, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

#### RESOLUTION NO. 1

WHEREAS the City of Willmar desires to relocate the Wastewater Treatment Plant to a site located at 2944 75<sup>th</sup> Street Southwest, Willmar, Minnesota, next to the existing sludge holding facilities, approximately 5.5 miles west of the existing wastewater facility and relocate the discharge point into Hawk Creek.

WHEREAS it is necessary to apply for a new discharge permit in order to facilitate the

relocation of the Wastewater Treatment Plant, and said permit must be approved by the Kandiyohi County Board of Commissioners and the Joint County Drainage Authority of Kandiyohi, Chippewa and Renville Counties.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that City Staff through the agreement with Donohue and Associates Inc., is authorized to proceed with the permitting process and that the Mayor and City Administrator be authorized to execute the same.

Dated this 6<sup>th</sup> ay of March, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 4 The Committee reviewed Change Order No. 1 for Project No. 0401 – 2004 Street Improvements. Following consideration, the Committee was recommending the Council accept Change Order No. 1. Resolution No. 2 was introduced by Council Member Reese, seconded by Council Member Anderson, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO 2

WHEREAS, a contract has been awarded to Duininck Bros. Inc. of Prinsburg, Minnesota, on July 8, 2004 in the amount of \$1,697,008.59 for Project No. 0401 – 2004 Street and Other Improvements; and

WHEREAS, it is desired to add to the above contracted amount due to an incentive clause in the bituminous specification for which the contractor received incentive pay.

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 \$887.95 and identified as Change Order No. 1.
2. Funding for the additional work is from the project budget.

Dated this 6<sup>th</sup> ay of March, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 5 The Committee reviewed a final pay estimate for Project No. 0401 to Duininck Bros. Inc. in the amount of \$94,880.14. Following discussion, the Committee was recommending the Council accept Project No. 0401 as presented and authorize final payment. Resolution No. 3 was introduced by Council Member Reese, seconded by Council Member

Anderson, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 3

ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

IMPROVEMENT: Project No. 0401 – 2004 Street and Other Improvements  
CONTRACTOR: Duinick Bros. Inc.  
DATE OF CONTRACT: July 8, 2004  
BEGIN WORK: July 20, 2004  
COMPLETE WORK: June 15, 2005  
APPROVE, CITY ENGINEER: February 28, 2006

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

1. The said City of Willmar Project No. 0401 be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$1,697,008.59
Change Orders (1)	\$887.95
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$1,697,896.54
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$1,697,896.54
Less Previous Payments	\$1,603,016.40
FINAL PAYMENT DUE CONTRACTOR:	\$94,880.14

Dated this 6<sup>th</sup> ay of March, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 6 The Committee reviewed the final pay estimate to Landwehr Construction of St. Cloud, in the amount of \$55,511.11. This contract contained the underground work for the new developments in 2005. Following discussion, the Committee was recommending the Council accept Project No. 0502 as presented and authorize final payment. Resolution No. 4 was introduced by Council Member Reese, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 4

ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

IMPROVEMENT: Project No. 0502 – 2005 Sewer and Water Main Improvements  
CONTRACTOR: Landwehr Construction Inc.  
DATE OF CONTRACT: May 16, 2005

BEGIN WORK: May 23, 2005  
COMPLETE WORK: August 17, 2005  
APPROVE, CITY ENGINEER: February 28, 2006

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

1. The said City of Willmar Project No. 0502 be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$1,038,681.65
Change Orders (None)	\$0.00
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$1,038,681.65
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$1,035,242.51
Less Previous Payments	\$979,731.40
FINAL PAYMENT DUE CONTRACTOR:	\$55,511.11

Dated this 6<sup>th</sup> ay of March, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 7 The Committee reviewed plans and specifications for the 2006 Street, Sewer and Water Improvements, and was recommending the Council approve the plans and specifications and authorize advertisement for bids. Resolution No. 5 was introduced by Council Member Reese, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

#### RESOLUTION NO. 5

WHEREAS the City Engineer of the City of Willmar has presented to the City Council plans and specifications for Project No. 0601 (Street Improvements), 0602 (Sewer and Water Improvements) and 0604 (Koosman Development) 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 17th day of April, 2006, at the City Office Building, 333 Southwest Sixth Street, Willmar, Minnesota.

Dated this 6<sup>th</sup> ay of March, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Item No. 8 The Committee reviewed the final payment to Granite Ledge Electrical Contractors Inc. for the two signal systems on Willmar Avenue SE at the intersections of Lakeland Drive and 5<sup>th</sup> Street SE. The Committee was recommending the Council accept Project No. 0505 and authorize final payment. Resolution No. 6 was introduced by Council Member Reese, seconded by Council Member Anderson, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 6

ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

IMPROVEMENT:	Project No. 0505 – 2005 Signal System Improvements
CONTRACTOR:	Granite Ledge Electrical Contractors, Inc.
DATE OF CONTRACT:	July 28, 2005
BEGIN WORK:	August, 2005
COMPLETE WORK:	December 1, 2005
APPROVE, CITY ENGINEER:	February 28, 2006

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

1. The said City of Willmar Project No. 0505 be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$310,970.00
Change Orders (None)	\$0.00
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$310,970.00
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$310,920.00
Less Previous Payments	\$221,692.00
FINAL PAYMENT DUE CONTRACTOR:	\$89,228.00

Dated this 6<sup>th</sup> ay of March, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Planning and Development Services Director Peterson presented to the Mayor and Council for consideration an Ordinance relating to portable and temporary signs. The Planning Commission has reviewed and researched other cities' regulations regarding portable and temporary signage and recommends its approval. Council Member DeBlieck offered a motion to introduce the Ordinance amending Section 5 relating to portable and temporary signs and to schedule a hearing for March 20, 2006. Council Member Anderson seconded the motion, which carried.

City Clerk Halliday informed the Mayor and Council that the West Central Builders Association has rented space at the Civic Center and is requesting a temporary liquor license. Following discussion, Council Member Fagerlie moved to approve the temporary liquor license for West Central Builders Association with Council Member DeBlieck seconding the motion, which carried on a roll call vote of Ayes 6, Noes 0, Council Member Christianson abstained from voting.

Announcements for Council Committee meeting dates were as follows: Public Works/Safety, March 14; and Community Development, March 16, 2006.

City Clerk Halliday presented to the Mayor and Council the 2005 City Clerk-Treasurer Departmental annual report. Following a question and answer period, the report was ordered placed on file in the City Clerk's Office.

Community Education and Recreation Director Brisendine presented to the Mayor and Council the 2005 Community Education and Recreation Departmental annual report. Following a question and answer period, the report was ordered placed on file in the City Clerk's Office.

Council Member Christianson asked to be excused from the March 20, 2006, City Council meeting.

There being no further business to come before the Council, the meeting adjourned at 8:55 p.m. upon motion by Council Member Reese, seconded by Council Member Christianson, and carried.

Attest:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
SECRETARY TO THE COUNCIL