

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

November 16, 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 DeBlicek, 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, Planning and Development Services Director Bruce Peterson, and City Clerk Kevin Halliday.

Additions to the Agenda included Airport Commission discussion and the tabled Ordinance on wind energy.

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

Council Member Ahmann offered a motion adopting the Consent Agenda which included the following: City Council Minutes of November 2, Municipal Utilities Commission Minutes of November 9, Rice Hospital Board Minutes of October 14 and November 3, Building Inspection Report for October, Charter Commission Minutes of October 14, and Community Education and Recreation Board Minutes of October 23, 2009. Council Member Reese seconded the motion, which carried.

Following discussion on proposals for security patrol services, the Housing and Redevelopment Authority Board Minutes of October 20, 2009, were approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Ahmann, seconded by Council Member Anderson, and carried.

Mayor Heitke recognized YMCA Program Director Bryan Thiery who presented an overview of the YMCA Youth in Government Program. The program, which began in 1946, provides opportunities for youth in grades 8 – 12 to learn about State and local government. Sean Carlson and Hanna Anderson spoke of their experiences on the Program. Mayor Heitke thanked the group for their presentation and encouraged the youth to continue their involvement with government.

Mayor Heitke acknowledged Ms. Madelyn Taylor who had signed up to address the City Council during its scheduled Open Forum. Ms. Taylor expressed her appreciation to various City Departments and employees for services provided.

The Finance Committee Report for November 5, 2009, was presented to the Mayor and Council by Council Member Anderson. There were four items for Council consideration.

Item No. 1 The Committee was informed by Staff that the City has received notification from the Minnesota Department of Commerce of two applications, Bennett Ventures, Inc. and Quick Funds, Inc., to renew Currency Exchange Licenses. Under Minnesota Statutes the City is required to render a decision regarding the renewal of the license within 60 days.

The Committee was recommending the Council schedule hearings for Bennett Ventures, Inc. and Quick Funds, Inc. on December 7, 2009. 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 reviewed information regarding a donation of washed sand valued at \$2,242.69 from Monson Corporation. The sand was placed at Bria's Playground at Jaycee Park. The Committee was recommending the Council adopt a Resolution accepting the donation and send a letter of appreciation to Monson Corporation, Inc.

Resolution No. 1 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. 1

WHEREAS, the City of Willmar has received a donation from of sand valued at \$2,242.69 from Monson Corporation which was placed at Bria's Playground at Jaycee Park;

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.

Dated this 16th day of November, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 The Committee considered a budget amendment to cover earlier Council action approving the change order for the D-6 Project for wiring and professional services and was recommending the Council adopt a Resolution to amend the Waste Treatment Capital Project as presented.

Resolution No. 2 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. 2

WWTP RELOCATION BUDGET SUMMARY \$86,218,712

OTHER SERVICES:		RECEIVABLES	
Mtce. Of Other Improvements	\$69,125,880	Federal Grants	\$ 925,079
Other Services	<u>3,897,067</u>	State-TMDL Grant	2,692,935
Total:	\$73,022,947	City	500,812
		State-PFA Loans	<u>82,099,886</u>
		Total:	\$86,218,712
OTHER CHARGES:		FINANCING:	
Professional Services	\$11,701,989	Bonds-PFA SRF (ARRA Loan 2)	\$ 1,788,716
Other Charges	<u>1,493,777</u>	Bonds-PFA SRF (Loan 1)	73,311,171
Total:	\$13,195,766	State-PFA WIF	7,000,000
		City-WTP Reserves	500,812
		Grant-Fed EPA STAG-06	477,900
		Grant-Fed ARRA	447,179
		Grant-State TMDL	<u>2,692,934</u>
		Total:	\$86,218,712

GRAND TOTAL \$86,218,712

Dated this 16th day of November, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 The Committee reviewed the Non-Departmental sections of the Mayor's Proposed 2010 budget. Outside organizational requests, insurance deductibles and civic promotions were discussed at length. Committee Members were reminded to contact Staff with questions prior to the next Committee meeting of November 23, 2009, which will be the meeting to draft final recommendations for the 2010 budget.

The Finance Committee Report for November 5, 2009, were 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 November 10, 2009, were presented to the Mayor and Council by Council Member Reese. There were five items for Council consideration.

Item No. 1 As directed by the Council, Staff obtained quotes for annual street sweeping. The Committee reviewed the tabulation of quotes opened November 3, 2009. Three quotes were received based on an hourly rate. This item was for information only to be referenced in the final budget meeting November 23, 2009.

Item No. 2 The Committee considered specifications for the bi-annual towing requirements, which remain the same as previous years with the only changes being in insurance requirements or number of units bid. A bid opening date is set for December 14, 2009.

The Committee was recommending the Council approve the plans and specifications for the 2010-11 Towing Requirements and authorize advertisement of bids to be opened December 14, 2009. Resolution No. 3 was introduced by Council Member Reese, seconded by Council Member Christianson, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 3

WHEREAS the City Engineer of the City of Willmar has presented to the City Council plans and specifications for the 2010-2011 Towing Requirements 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 December, 2009, at the City Office Building, 333 Southwest Sixth Street, Willmar, Minnesota.

Dated this 16th day of November, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 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 20 to the Public Facilities Authority for the Clean Water Revolving Fund, and Pay Request No. 5 for the Total Maximum Daily Load Grant.

Donohue and City Staff submitted Pay Request No. 1 to the Public Facilities Authority for the American Recovery and Reinvestment Act of 2009 and Clean Water Revolving Funds. A PowerPoint presentation was prepared for the Mayor's presentation to the Minnesota House Capital Investment Committee at which the City is requesting \$20 million from the State.

Property acquisition continues on both the Kvam and Janssen properties. The events are summarized in the monthly report. Both Kvams and Janssen have appealed the awards. An update was also presented on construction-related engineering activities for the conveyance system and wastewater treatment facilities, as well as the October budget summary. This matter was for information only.

Item No. 4 John Bryant of Donohue and Associates presented to the Committee Unanticipated Allowance No. 6 to Project No. 0812-C. The request for the allowance modification is due to wet conditions and failure of road sub-soils to pass the roll test. In order to establish the road base before freeze up and stay on schedule with the project, the road profile has changed. Donohue proposed including Geotextile Fabric and increasing the road base from 12" to 18" of Class 5 Gravel. The total for the items associated with the changes is \$108,184.00 leaving a balance of \$203,461.65 in the allowance.

The Committee was recommending the Council approve Allowance Modification No. 6 to Project No. 0812-C in the amount of \$108,184.00. Resolution No. 4 was introduced by Council Member Reese, seconded by Council Member DeBlieck, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 4

WHEREAS, the City of Willmar entered into Contract No. 0812-C with Graham Construction Services, Inc. for the construction of a new Wastewater Treatment Facility (WWTF); and

WHEREAS, Change Order No. 1 and Change Order No. 2 decreasing the amount by \$397,788 and \$10,000 respectively have been previously authorized; and

WHEREAS, the above contract has a contingency allowance of \$500,000 in Part 1 – GENERAL 1.02 Specific Allowances; and

WHEREAS, Unanticipated Allowance No. 1 increasing the amount by \$17,191.77, Unanticipated Allowance No. 2 increasing the amount by \$75,775.90, Unanticipated Allowance No. 3 increasing the amount by \$60,801.00, Unanticipated Allowance No. 4 increasing the amount by \$30,889.28, Unanticipated Allowance No. 5 increasing the amount by \$3,696.40 out of a \$500,000 allowance have been previously authorized; and

WHEREAS, it is recommended to approve Unanticipated Allowance No. 6 which contains the following: Revise new road profile at new Wastewater Treatment Facility to include 6" of additional over-excavation, installation of Type V Geotextile Fabric and 6" of additional 1½" minus gravel base.

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 Owner Unanticipated Cost Allowance No. 6 for \$108,184.00.

2. Funding for additional work is covered within Contract No. 0812-C Part 1-GENERAL 1.02 Specific Allowances reducing the owner Unanticipated Cost Allowance from \$311,645.65 to \$203,461.65.
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 16th day of November, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 5 Previous Council discussions directed Staff to include the modifications to the TH 71/TH 294/CR 24 intersection in the 2010 Improvements. In preparation, City Staff has completed the survey of the site, and will begin design this fall. This matter was for information

The Public Works/Safety Committee Report for November 10, 2009, 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 Fagerlie, and carried.

The Community Development Report for November 12, 2009, was presented to the Mayor and Council by Council Member DeBlieck. There were six items for Council consideration.

Item No. 1 The Committee discussed a proposed resolution requesting that the Minnesota Department of Transportation Committee to further study to passenger rail service between Willmar and Minneapolis. The corridor is being dubbed the Little Crow Transit way. A similar resolution of support has been adopted by Kandiyohi County.

The Committee was recommending the Council adopt the resolution in support of further study of passenger rail service. Resolution No. 5 was introduced by Council Member DeBlieck, seconded by Council Member Dokken, and carried on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 5

IN SUPPORT OF FURTHER STUDY OF PASSENGER RAIL ALONG THE LITTLE CROW TRANSIT WAY FROM MINNEAPOLIS TO WILLMAR

WHEREAS, the City of Willmar is situated near the Little Crow Transit Way corridor.

WHEREAS, existing freight rail infrastructure could likely be used to provide passenger rail service.

WHEREAS, a significant population of commuters reside in Willmar who could benefit from decreased congestion and enhanced transportation choices that come with passenger rail service.

WHEREAS, following a national pattern, cities along rail corridors can expect to see increased private investments and economic development opportunities.

WHEREAS, the National Association of Railroad Passengers includes the Little Crow Transit Way as part of its proposed vision of a national passenger rail network.

WHEREAS, the Draft Statewide Freight and Passenger Rail Plan identifies a projected demand of 1,543,000 rides from Minneapolis to Willmar in the year 2030, along with a potential 20,000 ridership.

WHEREAS, passenger rail service to Willmar could eventually be extended to Sioux Falls, thus establishing a connection across Minnesota from Chicago to South Dakota.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that the Minnesota Department of Transportation be advised to continue to study the potential for passenger rail service along the Little Crow Transit Way corridor.

Dated this 16th day of November, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 2 The Committee reviewed photos of residential scale wind energy conservation systems. This matter had been discussed at the previous Council meeting, at which time the ordinance to regulate wind energy systems was tabled. No action was taken.

Council Member DeBlieck moved to remove the wind energy ordinance from the table. Council Member Dokken seconded the motion, which carried.

Andrew Bjur, Planning Commission Chair, informed the Mayor and Council that studies show the noise level of vertical access wind turbines is 32 decibels at 9 feet which is the noise level of a whisper. Discussion ensued regarding the appropriations of the structure in residential areas and maintenance issues that would follow in a few years.

Council Member Anderson moved to refer the ordinance back to the Planning Commission with Council Member DeBlieck seconding the motion. City Attorney Ronning informed the Council that the motion would conclude the discussion and close action on the public hearing and ordinance review. The motion and second were withdrawn.

Council Member Anderson moved to table the ordinance with Council Member DeBlieck seconding the motion, which carried.

Council Member DeBlieck moved to refer the matters of concern on the ordinance back to the Planning Commission with Council Member Anderson seconding the motion, which carried.

Item No. 3 Staff presented an update on the status of the land release of the former airport and informed the Committee they are working with Mid-Minnesota Development Commission to address the remaining issues required for the environmental assessment. One of the main issues remaining in the environmental review is to review the historical significance of the terminal building and area. The Committee continued to question the historical significance of the structures. Staff indicated that it was almost a forgone conclusion that the structure would have to remain and had already received a federal historical designation. Work will continue to resolve the land release issue.

Item No. 4 The Committee discussed the status of the Westwinds Project. Staff stated that permits are ready to be picked up and that total cost of the permits was over \$36,000. A late 2009 start is anticipated. This matter was for information only.

Item No. 5 Staff informed the Committee that the deadline imposed by the Council for the summation of plans to rehabilitate the John's Supper Club Building was approaching on Monday, November 16, 2009. Planning and Development Services Director Peterson informed the Mayor and Council that an architectural firm has submitted floor plans and the owner is progressing on a

rehabilitation plan. Following discussion, Council Member Ahmann moved to extend the timeframe by an additional 45 days. Council Member Dokken seconded the motion, which carried.

Item No. 6 In response to City Council action, the Committee discussed the order for the demolition of the church at intersection of 7th Street Southwest/Litchfield Avenue. A verbal offer has been extended by the property owner to gift the property to the City. Several gift scenarios were presented by Staff and discussed by the Committee. Liability issues were a major concern as well as environmental unknowns in an old building.

Planning and Development Services Director Peterson informed the Mayor and Council that Staff was soliciting demolition quotes and assistance in reviewing asbestos abatement was underway with the Regional Development Commission staff. The options of ownership of the gifted property may be beneficial to the City after razing the building at an estimated cost of \$100,000 and the subsequent placement of demolition costs as a special assessment against the property. The matter was for information only pending a written offer from the owner.

The Community Development Committee Report for November 12, 2009, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member DeBlieck, seconded by Council Member Christianson, and carried.

Mayor Heitke read into the record a National Community Education Day Proclamation.

City Administrator Schmit informed the Mayor and Council that City Attorney Ronning has prepared an Order for Removal or Repair to be served on the property owners of the building located at 707 Litchfield Avenue Southwest. The process should begin regardless of the property being gifted to the City as previously discussed.

Following discussion, Resolution No. 6 was introduced by Council Member DeBlieck, seconded by Council Member Dokken, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 1 – Council Member Reese voted “No.”

RESOLUTION NO. 6

BE IT RESOLVED that the City Council of the City of Willmar adopt the attached Order for Removal or Repair of the hazardous building located at 707 Litchfield Avenue Southwest.

Dated this 16th day of November, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Council Member Ahmann inquired if there should be Council representation on the Airport Commission. Mayor Heitke offered to check on the number of Commission members currently serving and report back to the Council.

Announcements for Council Committee meeting dates were as follows: Finance Committee, November 23 and 30, 2009.

Mayor Heitke announced the Holiday Parade will be held on November 21, 2009.

Council Member Ahmann discussed the concerns with HRA public property not paying for street improvements and referred to Staff the HRA public housing nonpayment of special assessments.

There being no further business to come before the Council, the meeting adjourned at 9:00 p.m. upon motion by Council Member Christianson, seconded by Council Member DeBlieck, and carried

Attest:

MAYOR

SECRETARY TO THE COUNCIL