

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

August 2, 2004
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 Ron Christianson, Bruce DeBlieck, Nancy Houlahan, Rick Fagerlie, Jim Dokken, and David Chapin; Present 7, Absent 2 - Doug Reese and Denis Anderson were 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, Planner Megan Sauer, Community Education and Recreation Director Steve Brisendine, and City Clerk Kevin Halliday.

Proposed additions to the agenda included an announcement by Council Member Chapin, update on County Road 5, Economic Development Commission Operation Board appointment, and appointments to the Willmar Municipal Utilities/Kandiyohi Power Cooperative merger committee.

Council Member DeBlieck offered a motion adopting the Consent Agenda which included the following: City Council Minutes of July 19, Municipal Utilities Commission Minutes of July 26, Rice Hospital Board Minutes of July 28, Planning Commission Minutes of July 28, Building Inspection Report for June, Police Commission Minutes of March 31, Airport Commission Minutes, Zoning Appeals Board Minutes of July 19, 2004; and Eagles Lawful Gambling Application. Council Member Fagerlie seconded the motion, which carried.

It was noted that the Housing and Redevelopment Authority Minutes of June 8, 2004, were missing pages; and there was an error in the attendance record in the City Council Minutes.

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

The Finance Committee Report for July 26, 2004, was presented to the Mayor and Council by Council Member Fagerlie. There were two items for Council consideration.

Item No. 1 The Committee was informed that the WEAC Air Conditioning Project was substantially complete, and it was staff's recommendation to accept the project, authorize Change Order No. 1 excluding \$458 for increased steel prices, and authorize final payment. Resolution No. 1 was introduced by Council Member Fagerlie, seconded by Council Member Dokken, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0.

The Committee was recommending the Council introduce a resolution to accept the project, authorize Change Order No. 1 and final payment for the WEAC Air Conditioning Project.

RESOLUTION NO. 1

ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

IMPROVEMENT:

CONTRACTOR:

DATE OF CONTRACT:

WEAC Balcony Air Conditioning
Terwisscha Const. of Willmar, MN
March 2, 2004

BEGIN WORK:	May 2, 2004
COMPLETE WORK:	July 21, 2004
APPROVE, ARCHITECT: (Engan & Assoc.)	July 27, 2004

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

1. The said WEAC Balcony Air Conditioning Improvements be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$117,960.00
Change Order No. 1	(\$1,173.25)
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$116,786.75
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$116,786.75
Less Previous Payments	\$110,646.50

FINAL PAYMENT DUE CONTRACTOR:	\$6,140.25
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Dated this 2nd day of August, 2004.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 2 Staff informed the Committee they were hoping to have received signed settlement agreements for an Aquatic Center Change Order which would have allowed the project to essentially be closed out. Absent the required paperwork, this matter was received for information only.

The Finance Committee Report for July 26, 2004, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Fagerlie, seconded by Council Member Dokken, and carried.

The Community Development Committee Report for July 29, 2004, was presented to the Mayor and Council by Council Member DeBlieck. There were three items for Council consideration.

Item No. 1 Dorothy Gaffaney, Executive Director of the Willmar HRA, appeared before the Committee to review programs currently administered by the HRA. Specifically noted were financial issues with the Section 8 Rental Assistance Program as being a problem area being dealt with by the Agency.

The HRA is moving forward with a permanent supportive housing project which will include three duplexes. The units are for persons with disabilities and are planned for Countryside Addition in southeast Willmar. Ms. Gaffaney proposed moving \$82,080.00 of Small Cities Development Program income to the North Side Grant to be used for the support of housing program. Because the North Side Grant was an open grant program, the agency had been told that this was the best way to handle the shift of dollars. The Committee was recommending the Council authorize the Mayor to execute the necessary documents to implement the grant adjustment. Council Member DeBlieck moved to approve the recommendation of the Community Development Committee with Council Member Christianson seconding the motion, which carried.

Information on the North Side Small Cities Development Program was also reviewed and

discussed. This program makes loans available to owner and renter occupied structures for housing rehabilitation and up to 45 residences could be rehabbed under the program. Additional program money may be made available for lead hazard abatement. This is dependent upon an amendment to the grant which is anticipated. The Committee was recommending the Council authorize the Mayor to execute the grant agreement for lead hazard reduction. Council Member DeBlieck moved to approve the recommendation of the Community Development Committee with Council Member Dokken seconding the motion, which carried.

Ms. Gaffaney distributed information on the Bridges to Bridges Program, which is a rental assistance program for persons with serious and persistent mental illness. This program is a partnership between the HRA and the Southwestern Minnesota Adult Mental Health Consortium. This matter was for information only.

Item No. 2 The Committee reviewed updates on the following commercial and industrial projects: Gurley's Foods, Relco Unisystems, Fed Ex Ground, and Family Eye Center. This matter was for information only.

Item No. 3 The Committee discussed an opinion from the City Attorney that had been solicited relative to the potential sale of property on Block 47. Because of the required schedule noted in the attorney's correspondence, staff will meet with the hospital CEO to discuss the future sale. This matter was for information only.

The Community Development Committee Report for July 29, 2004, 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 Fagerlie, and carried.

Public Works Director Odens informed the Mayor and Council the Highway 12 Signals Improvement Project was complete and recommended final payment to the contractor. Resolution No. 2 was introduced by Council Member Christianson, seconded by Council Member DeBlieck, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 2

ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

IMPROVEMENT:	Highway 12 Signal Improvements
CONTRACTOR:	Granite Ledge Electrical Contractors
DATE OF CONTRACT:	November 12, 2003
BEGIN WORK:	November 12, 2003
COMPLETE WORK:	June 30, 2004
APPROVE, CITY ENGINEER:	July 26, 2004

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

1. The said Highway 12 Signal Improvements be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT: \$101,200.00

Change Order No. 1	\$2,786.23
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$103,986.23
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$103,986.23
Less Previous Payments	\$91,080.00
FINAL PAYMENT DUE CONTRACTOR:	\$12,906.23

Dated this 2nd day of August, 2004.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Planning and Development Services Director Peterson presented to the Mayor and Council a petition from Ken Parker and Peter Poss to annex 2.6 acres of land to allow for the expansion of Hennen Furniture. The request has been approved by the Planning Commission. Following discussion, Resolution No. 3 was introduced by Council Member Christianson, seconded by Council Member Chapin, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 3

WHEREAS, a Petition for Annexation (File #04-01) has been filed for the following described piece of property:

That part of Government Lot 4, Section 26, Township 119, Range 35 Kandiyohi County, Minnesota, described as follows; Commencing at the Northeast corner of Lot 1, Block Three of SOUTH INDUSTRIAL PARK, as of public record, Kandiyohi County, Minnesota; thence on an assumed bearing of S 0° 04' 36" E, along the East line of said Lot 1, a distance of 250.00 feet; thence on a bearing of S 89° 55' 24" E, 300.00 feet to the point of beginning of the tract herein described; thence continuing on a bearing of S 89° 55' 24" E, 311.54 feet; thence on a bearing of N 0° 04' 36" E, 316.00 feet to the South line of Block Two of said SOUTH INDUSTRIAL PARK; thence on a bearing of N 89° 55' 24" W, along last said line 536.54 feet to the East line of the Dedicated Road in said SOUTH INDUSTRIAL PARK; thence on a bearing of S 0° 04' 36" W, along last said line 66.00 feet to the South line of said Dedicated Road; thence on a bearing of S 89° 55' 24" E, 225.00 feet; thence on a bearing of S 0° 04' 36" W, 250.00 feet to the point of beginning, containing 2.6 acres, more or less.

WHEREAS, the Petitioners have certified and stated that they are the sole owners of said property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that ownership of the aforescribed property, by the petitioners, in the manner stated has been verified.

BE IT FURTHER RESOLVED that it has been verified that the Petition for Annexation includes not only the request to be annexed, but a request for City services/improvements/facilities/utilities.

Dated this 2nd day of August, 2004.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

City Administrator Schmit informed the Council that the FAA has prepared a grant for \$3.6 million for construction of a runway/taxiway/road access to the new Municipal Airport. The proposal includes an additional \$1 million appropriated by Congress to complete the runway construction.

Following discussion, Resolution No. 4 was introduced by Council Member Christianson, seconded by Council Houlahan, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 4

AUTHORIZATION TO EXECUTE FEDERAL AVIATION ADMINISTRATION
AGREEMENT FOR GRANT OFFER

WHEREAS, the Federal Aviation Administration has presented a grant offer in the amount of \$3,647,867 for runway, taxiway, apron, lighting and access road construction costs of the new airport; and

WHEREAS, an agreement has been prepared for the terms and conditions of such grant offer;

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Willmar that the Mayor and City Administrator are hereby authorized to enter into said agreement on behalf of the City.

Dated this 2nd day of August, 2004.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

City Planner Megan Sauer presented to the Mayor and Council for consideration a final plat for Les Chermak Addition, a Limited Business two-lot plat being developed by Les Chermak and Anfinson and Riley P.A. All conditions of preliminary plat approval have been met and utility easements were added to the final plat, which has been approved by the Planning Commission. Council Member Houlahan moved to approve the final plat for Les Chermak Addition, seconded by Council Member Chapin, and carried.

The Mayor and Council discussed the first meeting in September, which conflicts with the Labor Day holiday. Council Member DeBlieck moved to reschedule the September 6, Council meeting to Tuesday, September 7, 2004. Council Member Dokken seconded the motion, which carried.

Announcements for Council Committee meeting dates were as follows: Finance, August 9; Public Works/Safety, August 10; and Labor Relation, August 25, 2004.

Council Member Chapin submitted to the Mayor and Council his letter of resignation from the City Council, Ward Two, noting that he was moving to Lincoln, Nebraska. Mr. Chapin stated that he has enjoyed serving the citizens of his Ward and thanked fellow officials and staff for the positive atmosphere and cooperation in working on the many issues that came before the Council. The Mayor and Council wished him well in his move to Nebraska.

Mayor Heitke read a memo from staff providing details for the Council to fill the vacancy by appointment and the Charter requirement that the Council meet weekly until the vacancy is filled.

The Mayor presented a letter of interest from George Berg acknowledging his willingness to serve the balance of the term. Council Member Christianson presented the name of Tim Johnson, Public Defender and former attorney for Atwater and Raymond as an interested candidate for the vacancy. Council Member Christianson offered a motion to appoint Tim Johnson to fill the unexpired term in Ward Two. The motion died for a lack of a second.

Council Member Houlahan moved to appoint George "Corky" Berg to fill the unexpired term in Ward Two. Council Member DeBlieck seconded the motion, which failed on a roll call vote of Ayes 2, Noes 4 – Council Members Christianson, Dokken, Fagerlie and Chapin voted "No."

Mayor Heitke called for a recess at 7:54 p.m. and reconvened the meeting at 8:07 p.m.

Council Member DeBlieck moved to set a special meeting of the City Council at 7:00 p.m., August 9, 2004, to consider a process to fill the unexpired term in Ward Two. Council Member Chapin seconded the motion, which carried.

Council Member Dokken moved to limit the meeting to hear from potential candidates and not vote on the appointment with Council Member Fagerlie seconding the motion. Following discussion, the motion and second were withdrawn. Staff was directed to contact the local newspaper and radio stations regarding the special meeting to interview individuals interested in filling the unexpired term.

Mayor Heitke announced that Renae Rahn has resigned from the Economic Development Commission Operations Board and recommended Bev Dougherty. Council Member Christianson moved to approve the recommendation of Mayor Heitke with Council Member Chapin seconding the motion, which carried.

Mayor Heitke read a letter from Gary Geiger resigning from the Municipal Utilities Commission due to meeting conflicts.

Mayor Heitke recommended to the Council that Council Members Denis Anderson and Doug Reese be appointed to serve on the Willmar Municipal Utilities/Kandiyohi Power Cooperative Merger Committee. Council Member DeBlieck moved to approve of the Mayor's recommendation with Council Member Chapin seconding the motion, which carried.

Council Member DeBlieck asked staff to explain the County Road 5 traffic citations recently issued. Police Chief Wyffels explained why the Police issued citations to the motorists who disregarded road construction barricades. It was noted that motorists drove through police tape, drove on the lawn at Foot Lake Estates and moved picnic tables to get around the barricades. This matter was for information only.

There being no further business to come before the Council, the meeting adjourned at 8:34 p.m. upon motion by Council Member Christianson, seconded by Council Member Chapin, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL