

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

June 20, 2005
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, Denis Anderson, Cindy Swenson, Rick Fagerlie, Jim Dokken, and Steven Gardner; Present 8, Absent 1 - Bruce DeBlieck,

Also present were City Administrator Michael Schmit, City Attorney Richard Ronning, Police Captain Dave Wyfells, 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.

The Council requested that the Board of Zoning Appeals Minutes were removed from the Consent Agenda.

Council Member Reese offered a motion adopting the Consent Agenda which included the following: City Council Minutes of June 20, Rice Hospital Board Minutes of June 1, Municipal Utilities Commission Minutes of June 13, Planning Commission Minutes of June 8, Pioneerland Library Board Minutes of April 21, 2005; and Application for Exempt Permit – United Way of Kandiyohi County. Council Member Anderson seconded the motion, which carried.

The Council discussed Board of Zoning Appeals Board Item No. 2 regarding storm water drainage at the North American State Bank. Council Member Dokken moved to accept the Board of Zoning Appeals Board Minutes of June 6, 2005, with Council Member Fagerlie seconding the motion, which carried.

Mayor Heitke recognized Kathy Aho, President of Springsted Incorporated, who presented details of the negotiated sale of the \$3,675,000 General Obligation Improvement Bonds, Series 2005A. Harris N.A. was the low bidder with a 3.5287 percent interest rate. Following discussion, Resolution No. 1 was introduced by Council Member Christianson, seconded by Council Member Anderson, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 1

**ACCEPTING OFFER ON THE SALE OF \$3,675,000 GENERAL OBLIGATION
IMPROVEMENT BONDS, SERIES 2005A, PROVIDING FOR THEIR ISSUANCE
AND LEVYING A TAX FOR THE PAYMENT THEREOF**

(For Resolution in its entirety, see City Council proceedings file dated
June 20, 2005, located in the City Clerk's Office)

Ms. Aho informed the Mayor and Council that Wells Fargo Brokerage Services, LLC was the low bidder of the \$1,290,000 General Obligation Water Revenue Bonds, Series 2005B with a 3.6794 percent interest rate. Following discussion, Resolution No. 2 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 2

ACCEPTING OFFER ON THE SALE OF \$1,290,000 GENERAL OBLIGATION
WATER REVENUE BONDS, SERIES 2005B, PROVIDING FOR THEIR ISSUANCE

(For Resolution in its entirety, see City Council proceedings file dated
June 20, 2005, located in the City Clerk's Office)

Mayor Heitke recognized Ms. Sara Grewing and Kari Thurlow, representing Flaherty and Hood P.A. and the Coalition of Greater Minnesota Cities. Ms. Grewing discussed the Local Government Aid proposal being considered both in the House and Senate. She provided a review of transportation funding, noting the 10-cent gas tax proposal was vetoed by Governor Pawlenty, but that support for a 5-cent gas tax appears strong. Ms. Grewing commented that 17 cities were seeking legislative approval for a local option sales tax and that an amendment proposal was forthcoming that all cities requesting local sales tax for capital projects of regional significance and have voter approval may be allowed. Ms. Thurlow discussed legislature developments with annexation issues and the environment. Mayor Heitke thanked Ms. Grewing and Ms. Thurlow for their presentation.

Mayor Heitke recognized Beverly Dougherty, Main Street Willmar Coordinator, who appeared before the Mayor and Council to present details of the Minnesota Design Team's recommendations for Willmar and the downtown area. Stating the consensus of the community was that the downtown was the "heart of the community," Ms. Dougherty was requesting that money should be channeled to the concepts of the Design Team's findings for downtown Willmar. The recommendations were presented to the Mayor and Council for review at their leisure. This team review has led to a new Willmar Design Center located at 416 Southwest 4th Street, which was established to address the findings of the Minnesota Design Team. This matter was for information only.

Ms. Nancy Murphy addressed the Mayor and City Council during its scheduled Open Forum seeking support for "Celebrate America," a July 3, 2005, celebration of churches at the Assembly of God. This matter was for information only.

The Public Works/Safety Committee Report for June 14, 2005, was presented to the Mayor and Council by Council Member Reese. There were eight items for Council consideration.

Item No. 1 The Committee considered a proposal from Duininck Bros. Inc. to annex and develop approximately 117 acres in southeast Willmar lying just south of 19th Avenue SE and east of First Street South. A challenge for this area is the convergence of Main Ditch 23-A and Branches 1 and 2, along with known flood prone areas. Previously Barr Engineering's reports have indicated significant flood storage is needed, and their reports recommended regional ponding in several areas with this being one of them.

Following discussion of the installation and responsibility issues, the Committee was recommending the Council approve the storm water pond concept as presented for the development within the Duininck Brothers, Inc. property. 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 The Committee considered a proposal from Barr Engineering Company to update the 1998 Storm Water Model for the southeast drainage area. Modeling would analyze the impacts of the proposed Duininck development, existing flood levels, and the design of a backflow prevention structure for the City. The cost of the work performed would be split 50/50 with Duininck Brothers, Inc.

Following discussion, the Committee was recommending the Council approve the proposal as presented by authorizing the Mayor and City Council to enter into an agreement on behalf of the City and revise the 2005 Street Budget accordingly. 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

Whereas the City of Willmar desires to retain a consultant to provide professional engineering services for updating the 1998 Storm Water Model for the southeast drainage area, analyze impact of Duininck’s development and design of backflow prevention structure for the City of Willmar; and

Whereas a proposal has been made by, and an agreement prepared to retain, the firm of Barr Engineering Company of Minneapolis, Minnesota in a not to exceed amount of \$56,200.00 for said services. Funding for professional services shall be split 50/50 with Duininck Bros. Inc. for a total of \$28,100.00 each;

Now therefore be it resolved by the City Council of the City of Willmar that said agreement be approved and that the Mayor and City Administrator be authorized to execute the same.

Dated this 20th day of June, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

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

PRELIMINARY BUDGET PROJECT NO. 0503
SE WILLMAR DUININCK BROS. DEVELOPMENT

OTHER CHARGES:		RECEIVABLES:	
Prof. Services	<u>\$56,200.00</u>	City (2005 Proj. Budget Tran.)	\$28,100.00
Total:	\$56,200.00	Other (Duininck Bros.)	<u>28,100.00</u>
		Total:	\$56,200.00
		FINANCING:	
		City (2005 Proj. Budget Tran.)	\$28,100.00

Other (Duininck Bros.)	<u>28,100.00</u>
Total:	\$56,200.00

Dated this 20th day of June, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 The Committee considered bids opened on June 6, 2005, for the construction of two traffic signal systems along Willmar Avenue SE and for some miscellaneous traffic signal work throughout the City. Five bids were received with Granite Ledge Electrical Contractors Inc., Foreston, Minnesota being the apparent low bidder. The consulting engineers that designed the project recommend awarding the project in the amount of \$310,970.00.

The Committee was recommending the Council award the project to Granite Ledge Electrical Contractors Inc. and authorize the Mayor and City Administrator to enter into an agreement on behalf of the City. Resolution No. 5 was introduced by Council Member Reese, seconded by Council Member Dokken, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 5

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the bid of Granite Ledge Electrical Contractors, Inc. of Foreston, Minnesota for City Project No. 0505 is accepted, and be it further resolved that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an agreement with the bidder for the terms and consideration of the contract in the amount of \$310,970.00

Dated this 20th day of June, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 Staff reminded the Committee that on April 18, 2005, the Willmar City Council approved an agreement with the Willmar Baseball and Fastpitch Boosters for the terms outlined in a Memorandum dated April 8, 2005. The memorandum discussed partnering with the City to allow the Boosters to build the bathroom/concession building and then upon satisfactory completion turn it over to the City. The plans have now been submitted to the City Building Inspector and a permit prepared. The waiving of the permit fees for the concession stand project was briefly discussed.

Following discussion, the Committee was recommending the Council waive the City's permit fees for the project so that only the state surcharge shall apply. 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. 5 The Committee reviewed correspondence from Landwehr Construction, Inc. concerning the completion date stipulated in the contract for Project No. 0502 – 2005 Sewer and Water Main Improvements. Due to excessive rainfall and uncontrollable weather they are requesting to have the completion date extended by 2.5 weeks.

Following discussion, the Committee was recommending the Council extend the completion date for Project No. 0502 as requested. Resolution No. 6 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. 6

WHEREAS Landwehr Construction, Inc. of St. Cloud, Minnesota, contractor for the City of Willmar Project No. 0502 Sewer and Water Main Improvements desires to have the completion date for the project changed to August 17, 2005; and

WHEREAS it has been determined there was excessive rainfall and uncontrollable weather this spring.

NOW THEREFORE BE IT RESOLVED that the Project No. 0502 completion date is hereby changed to August 17, 2005.

Dated this 20th day of June, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 6 The Committee was informed by staff that members of the Foot Lake Association have submitted an application for funds from a grant they have received from Kandiyohi County. The grant will be used to rehabilitate the ditch east of Westwood Court which is eroding its banks and ditch bottom due to high velocities, sensitive soils, and limited vegetation growth. The rehabilitation efforts will remove shade to promote vegetation growth, create a sediment pool and install rock check dams to slow velocities.

These improvements are estimated to cost \$5,805. An itemized breakdown indicates costs to be shared by Kandiyohi County, the Foot Lake Association and the City of Willmar. The majority of the labor costs will be provided by City and County resources. This matter was for information only.

Item No. 7 The City received a request from the State of Minnesota to enter into a lease agreement allowing the Department of Public Safety to use an area of land on the north dead end of Transportation Drive for the term of five years to be used as a motorcycle skill test course. The testing will be conducted on Fridays between the hours of 8:00 a.m. and 10:00 a.m. the months of May through October. The committee discussed the use of this area and the stipulation in the agreement to exclude use of the area during events such as the Sonshine Festival and any conflicts with school events.

The Committee was recommending the Council approve the agreement with the stated stipulations included and authorize the Mayor and City Administrator to sign on behalf of the City. Resolution No. 7 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. 7

Authorization to Execute State of Minnesota
Department of Public Safety Lease Agreement No. PS0246

It is resolved by the City of Willmar as follows:

1. That the State of Minnesota Lease Agreement No. PS0246, "Agreement for Motorcycle Skill Test Course" on the north dead end of Transportation Drive in Willmar, Minnesota is accepted.
2. That the Mayor and City Administrator are authorized to execute this agreement and any amendments on behalf of the City of Willmar.

Dated this 20th day of June, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 8 The Committee discussed parking enforcement in the downtown and traffic safety issues at the entrance to Walmart and Menards. This matter was for information only.

The Public Works/Safety Committee Report for June 14, 2005, 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.

Planning and Development Services Director Peterson informed the Mayor and Council that Joel Jorgenson has presented a request to vacate a portion of a transmission line easement for a land sale. It was noted the Planning Commission has approved the partial easement vacation as it covered all of the property owners land, not just the transmission line. Following discussion, Resolution No. 8 was introduced by Council Member Reese, seconded by Council Member Dokken, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 8

RESOLUTION SETTING A PUBLIC HEARING TO CONSIDER A
PETITION TO VACATE A TRANSMISSION LINE EASEMENT

BE IT RESOLVED by the City Council of the City of Willmar that the Council conduct a public hearing at 7:01 p.m. on Tuesday, July 5, 2005, in the Council Chambers at the Municipal Utilities Commission Building, 700 SW Litchfield Avenue, Willmar, Minnesota.

