

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

April 2, 2007
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 was excused from the meeting.

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, and City Clerk Kevin Halliday.

The Council requested the Planning Commission and Zoning Appeals Board 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 March 19, Rice Hospital Board Minutes of March 14, Municipal Utilities Commission Minutes of March 26, Housing and Redevelopment Authority Minutes of February 13, and Convention and Visitor Bureau Minutes of February 20, 2007. Council Member Fagerlie seconded the motion, which carried.

Following discussion of an item regarding the Mast orderly annexation, the Planning Commission Minutes of March 28, 2007, was approved as presented upon motion by Council Member Dokken, seconded by Council Member Fagerlie, and carried.

Following discussion of the Rockford Construction/Family Video setback, the Zoning Appeals Board Minutes of March 19, 2007, were accepted as presented upon motion by Council Member Dokken, seconded by Council Member Gardner, and carried.

Chad Johnson, Willmar Fests Executive Director, appeared before the Mayor and Council to present an update on recent changes to the organization. Mr. Johnson discussed the new website, schedule of events which were condensed to a four-day summer celebration, and expanding the board to 20 members. It was noted the block party was moved to Thursday along with the kiddie parade and the Queen's ball to be held on Friday following the international banquet. This matter was for information only.

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 March 27, 2007, was presented to the Mayor and Council by Council Member Reese. There were eight items for Council consideration.

Item No. 1 The Committee considered proposed revised self-fueling regulations at the new Willmar Municipal Airport. It was noted that Staff's recommendations differed from those of the Airport Commission, including provisions for procedures to follow in the event of a fuel spill and the requirement for a permitting process.

The Committee was recommending the Council adopt the Airport Commission's recommendations for self fueling from portable tanks (which excludes the permit process) and include staff's recommendations to develop procedures to be followed in the event of a fuel spill.

Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Christianson seconding the motion. Following discussion, Council Member Gardner moved to amend the motion to include "fuelers provide a certificate of insurance." The motion died for the lack of a second. The original motion as presented then carried.

Item No. 2 The Committee reviewed a written request from Bethel Church for its third Annual Concert Series starting June 5 and repeating each Tuesday through July from 12:15 p.m. – 12:45 p.m. As in previous years, the concerts will be held on Becker Avenue between 4th and 5th Streets. In the event of rain, the concert will be moved inside Bethel Church.

The Committee was recommending the Council approve the street closure request for the concert series as presented. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Dokken seconding the motion, which carried.

Item No. 3 The Committee reviewed the final project pay request to Duininck Bros. Inc. in the amount of \$99,740.41 for the second grading and drainage project at the new Municipal Airport. The contract includes two previously approved change orders and final payment is the retainage. Closeout is recommended as the punch list items are complete.

The Committee was recommending the Council accept the project as complete and issue final payment. 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

ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

IMPROVEMENT:	2003 Airport Grading and Drainage
CONTRACTOR:	Duininck Bros., Inc.
DATE OF CONTRACT:	September 15, 2003
BEGIN WORK:	September 2003
COMPLETE WORK:	September 2006
APPROVE, CITY ENGINEER:	April 2, 2007

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

1. The said 2003 Airport Grading and Drainage be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$3,241,658.45
Change Order #1	\$216,262.20
Change Order #2	\$6,588.85
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$3,464,509.50
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$3,464,509.50
Less Previous Payments	\$3,364,769.09

FINAL PAYMENT DUE CONTRACTOR:

\$99,740.41

Dated this 2nd day of April, 2007.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Committee also reviewed a pay request for professional services provided by HNTB for the 2003 Grading and Drainage Project at the Airport. The final amount due the consulting engineer is \$727.77. The Committee was recommending the Council approve the final payment as presented. Resolution No. 2 was introduced by Council Member Reese, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 2

Whereas the City of Willmar desires to accept and approve final payment to HNTB Corporation for construction services rendered in Phase 6a of the new Willmar Municipal Airport; and

Whereas the above stated contract was entered into by the City Council of the City of Willmar on the 15th of September, 2002 for said services;

Now therefore be it resolved by the City Council of the City of Willmar that said proposal be approved and that the Mayor and City Administrator be authorized to accept and authorize final payment to HNTB Corporation for services rendered in above project.

Dated this 2nd day of April, 2007.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 The Committee considered a final pay estimate for Project 0607 to Willmar Municipal Utilities in the amount of \$1,808.16. The project consisted of street lighting in the Valley Brook Addition, 2nd Street NW, and walk path lighting along 30th Street NW. Staff recommends acceptance of the project and issuance of the final payment of the 5% retainage.

The Committee was recommending the Council accept the project and issue final payment as presented. 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. 0607 – 2006 Street Lighting Improvements
CONTRACTOR: Willmar Municipal Utilities
DATE OF CONTRACT: October 5, 2006

BEGIN WORK: November 6, 2006
COMPLETE WORK: November 17, 2006
APPROVE, CITY ENGINEER: March 27, 2007

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

1. The said Project No. 0607 be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$36,163.14
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$36,163.14
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$36,163.14
Less Previous Payments	\$34,354.98
FINAL PAYMENT DUE CONTRACTOR:	\$1,808.16

Dated this 2nd day of April, 2007.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 5 Staff informed the Committee that bids were opened on March 21, 2007, for the installation of a signal system at the intersection of 19th Avenue and 5th Street SE and miscellaneous traffic signal work at the intersection of 19th Avenue SE and First Street. Four bids were received with Granite Ledge Electrical Contractors of Foreston, Minnesota, being the apparent low bidder in the amount of \$205,820.00. The engineer's estimate for the project is \$220,700.00.

The Committee was recommending the Council award Project No. 0705 to Granite Ledge Electrical Contractors and authorize the Mayor and City Administrator to enter into an agreement on behalf of the City. Resolution No. 4 was introduced by Council Member Reese, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 4

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 of Foreston, Minnesota for Project No. 0705 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 \$205,820.00.

Dated this 2nd day of April, 2007.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 6 The Committee reviewed quotes received for the 2007 Seal Quote Improvements. Four quotes were received with the low quote being that of Caldwell Asphalt Co., Inc. of Hawick, MN. Locations scheduled for seal coat include the Ramblewood Slough area, portions of Pheasant Run and some areas in the southwest part of the City.

The Committee was recommending the Council award the contract to Caldwell Asphalt Co., 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 Anderson, 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 quote of Caldwell Asphalt Co., Inc. of Hawick, Minnesota for Project No. 0708 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 \$33,954.00.

Dated this 2nd day of April, 2007.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 7 The Committee was informed by Staff that the City has received quotes from three companies to purchase play equipment for Rice and Canigo Parks. The three quotes total \$34,097.10. There is \$20,000 for each year designated in the Capital Outlay Programs for 2007 and 2006. Staff is requesting authorization to purchase the equipment using the \$20,000 from the 2006 Capital Outlay Program and the remainder from 2007.

The Committee was recommending the Council appropriate the 2006 Capital Outlay Program funds into the 2007 program to upgrade the playground equipment. Resolution No. 6 was introduced by Council Member Reese, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 6

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to amend the Capital Improvement Fund Budget as follows:

Increase:	Playground Equipment	\$20,000.00
Decrease:	Fund Balance	\$20,000.00

Dated this 2nd day of April, 2007.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 8 Staff informed the Committee that the Willmar Municipal Airport has received the prestigious award of Outstanding Leadership in the Promotion of Aviation for 2006. The award will be presented to City representatives at the Minnesota Council of Airports meeting on April 13, 2007.

The Committee briefly discussed updates to the study of the flooding problems at Kandiyohi Avenue and 10th Street SW. Barr Engineering is continuing its analysis of the area. This item was for information only.

The Public Works/Safety Committee Report for March 27, 2007, 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 Labor Relations Committee Report for March 28, 2007, was presented to the Mayor and Council by Council Member Gardner. There were three items for Council consideration.

Item No. 1 MUC Chairperson Bob Bonawitz was present to discuss with the Committee a proposed employment agreement with Mike Nitchals to continue service as General Manager on a limited basis following an announced retirement of April 7, 2007. The agreement is intended to allow for an orderly transition to a new General Manager. The Committee sought clarification on the total cost of the employment agreement and hours worked, and it was agreed that the MUC would provide specific language limiting the agreement to 438 hours through the period ending August, 2008.

The Committee was recommending the Council approve the employment agreement with Mr. Nitchals as revised. Council Member Gardner moved to approve the recommendation of the Labor Relations Committee with Council Member Dokken seconding the motion, which carried.

Item No. 2 The Committee received for information a summary of a Staff review of the Police Civil Service Commission rules and regulations. The PCSC had directed Staff to conduct the review and make recommendations for any updates or changes. The Staff analysis included an observation that the Council may want to at least have a discussion to answer the question of whether or not the City should continue with the PCSC.

It was noted the Police Commission was created many years ago to ensure fair treatment for all Police employees, hire and retain competent employees, to protect against political interference in their positions, and ensure fair and equitable opportunities for employment based on merit. It was also noted that there are numerous other Federal and State organizations in place to provide those rights and protections including the City's Personnel Policies and Procedures and collective bargaining agreements. Finally, it was pointed out that there was no record of any disciplinary hearings in front of the PCSC as most work-related issues are generally resolved through the grievance procedure process.

One final observation from Staff suggests that the hiring and promotional process for Police Officers is unnecessarily bogged down by the current PCSC rules and regulations, which puts the City at a competitive disadvantage in recruiting and hiring the best possible candidates.

City Administrator Schmit requested that the Council carefully consider this matter and that he was awaiting position statements from the PCSC members and the local law enforcement community prior to making any final recommendations. This matter was for information only.

Item No. 3 City Administrator Schmit presented to the Committee for approval a proposed employment agreement with AFSCME #559 Public Works. The agreement covering the period January 1, 2007, through December 31, 2009, calls for an annual wage adjustment of 3 percent.

The Committee was recommending the Council approve a three-year agreement with AFSCME #559 Public Works as presented. Council Member Gardner moved to approve the recommendation of the Labor Relations Committee with Council Member Christianson seconding the motion, which carried.

The Labor Relations Committee Report for March 28, 2007, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Gardner, seconded by Council Member Anderson, and carried.

Public Works Director Odens presented to the Mayor and Council a tabulation of bids for the 2007 Street Lighting Improvements for Water View Business Park, noting Design Electric, Inc. was the low bidder. Following discussion, Resolution No. 7 was introduced by Council Member Reese, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 7

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the bid of Design Electric, Inc. of St. Cloud, Minnesota for Project No. 0706 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 \$82,570.00.

Dated this 2nd day of April, 2007.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

City Clerk Halliday informed the Mayor and Council that EKA Hospitality Inc. DBA New Fireside has applied for an On-sale 3.2% Malt Liquor License; La Nueva Rosita's will not be renewing their On-sale 3.2% Malt Liquor or On-sale Wine License; and the Liquor Mart would be closing on April 24, 2007. Following discussion, Council Member Reese moved to approve the application from EKA Hospitality Inc. dba New Fireside for an On-sale 3.2% Malt Liquor License. Council Member Gardner seconded the motion, which carried.

City Clerk Halliday presented to the Mayor and Council the following Liquor License Renewals: On-sale – Applebee's, Blue Heron on the Green, El Tapatio, Grizzly's Grill & Saloon, Holiday Inn/Green Mill and Kandi Entertainment Center; On-sale 3.2% Malt Liquor – Café Persepolis, Centre Point Mall Bar, Golden Palace, New Fireside, Pizza Hut and Valley Golf Course; Wine – Café Persepolis and Golden Palace; Club On-sale – American Legion 167, VFW 1639, Fraternal Order of Eagles and Elks Lodge; and Off-sale – Cashwise Liquors, Cub Foods, Gerry's Liquor and Westside Liquor. Council Member Reese moved to approve the Liquor License Renewals as presented with Council Member Fagerlie seconding the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Planning and Development Services Director Peterson presented to the Mayor and Council a final plat for Sterling Apartments, a two-lot replat requested by Cambridge Apartments Inc. It was noted the easements have been added as requested and a draft of the declarations has been submitted for City review. Council Member Reese moved to approve the final plat for Sterling Apartments with Council Member Christianson seconding the motion, which carried.

Planning and Development Services Director Peterson presented to the Mayor and Council for consideration an Ordinance to Rezone Certain Lands from R-2 (One and Two Family Residential) to I-2 (General Industry). Chappell Central Inc. proposed the rezoning for the expansion of its existing business and parking lot at such time the home is removed. It was noted the proposal is consistent with the Comprehensive Plan and approved by the Planning Commission. Council Member Dokken moved to introduce the Ordinance to Rezone and schedule a public hearing form April 16, 2007. Council Member Christianson seconded the motion, which carried.

Announcements for Council Committee meeting dates were as follows: Public Works/Safety, April 10; Labor Relations, April 11; and Community Development, April 12, 2007.

Council Member Anderson requested that he be excused from the April 12, 2007, Council meeting.

Council Member Reese brought to the Council's attention the latest MPCA phosphorus rules for discharge limits and the efforts being waged by the Coalition of Greater Minnesota Cities to delay the implementation date and the contribution requested by the Coalition to address the issue. Staff was directed to place the matter on the next Public Works/Safety Committee Agenda.

Planning and Development Services Director Peterson presented to the Mayor and Council the 2006 Planning and Development Services annual report. Following a question and answer period, the report was ordered placed on file in the City Clerk's Office.

City Attorney Ronning presented to the Mayor and Council the 2006 City Attorney annual report. Following a question and answer period, the report was ordered placed on file in the City Clerk's Office.

There being no further business to come before the Council, the meeting adjourned at 9:08 p.m. upon motion by Council Member Gardner, seconded by Council Member Reese, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL