

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

June 4, 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, Bruce DeBlieck, Denis Anderson, Cindy Swenson, Rick Fagerlie, Jim Dokken, and Steven Gardner; 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, 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 Minutes of May 23 and 30, 2007, be removed from the consent agenda.

Council Member Reese offered a motion adopting the Consent Agenda which included the following: Special City Council Meeting Minutes of May 21, City Council Minutes of May 21, Rice Hospital Board Minutes of May 18, Municipal Utilities Commission Minutes of May 29, Airport Commission Minutes of May 22, and Council Work Session Minutes of May 30, 2007. Council Member DeBlieck seconded the motion, which carried.

The Council discussed an item in the May 23, 2007, Planning Commission Minutes relating to a conditional use permit for EarthTech Energy. Council Member Christianson moved to send the matter back to the Planning Commission for reconsideration with Council Member Reese seconding the motion. Council Member Anderson moved to amend the motion to state that the Planning Commission reconsider the EarthTech Energy conditional use permit within 30 days. Council Member Gardner seconded the motion, which carried. The motion as amended then carried. The Planning Commission Minutes of May 23, 2007, were approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Reese, seconded by Council Member Anderson, and carried.

The Council discussed an item in the May 30, 2007, Planning Commission Minutes relating to the Gesch Properties rezoning. The Planning Commission Minutes were approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Dokken, seconded by Council Member Gardner, and carried.

At 7:37 p.m. Mayor Heitke opened a hearing on an Ordinance to Rezone Certain Lands from R-4 (Medium Density Multiple Family Residential) to R-2 (One and Two-Family Residential). Planning and Development Services Director Peterson explained that Dawn Skogstad proposes the rezoning of property in Park View Estates for the purpose of single-family home residential. The Planning Commission has approved of the rezoning. There being no one present to speak for or against the proposed Ordinance, Mayor Heitke closed the hearing at 7:38 p.m.

Council Member Fagerlie 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 Christianson seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

City Administrator Schmit presented to the Mayor and Council for consideration a Resolution Accepting Offer on the Sale of \$1,725,000 General Obligation Improvement Bonds, Series 2007B. Kathy Aho, representing Springsted, presented details of the negotiated sale of the Bonds, noting that Cronin & Company was the low bidder at 4.0696 percent. Following discussion, Resolution No. 1 was introduced by Council Member Reese, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

#### RESOLUTION NO. 1

#### ACCEPTING OFFER ON THE SALE OF \$1,725,000 GENERAL OLBIGATION IMPROVEMENT BONDS, SERIES 2007B, PROVIDING FOR THEIR ISSUANCE AND LEVYING A TAX FOR THE PAYMENT THEREOF

(For Resolution in its entirety, see City Council Proceedings file dated June 4, 2007, located in the City Clerk's Office)

Mayor Heitke recognized Mr. Carl Kuhl from Senator Coleman's St. Paul office. Mr. Kuhl presented an update on the Water Resources Development Act which contains authorization for \$15 million to the City of Willmar for the new Waste Water Treatment Plant. The Senate passed the bill three weeks ago which will head to conference committee with the House version. The bill will direct the Army Corps of Engineers to seek special funding or use their annual allocation to assist with the Willmar Waste Water Treatment Project. The oversight and involvement of the Army Corps of Engineers was discussed. Council Member Dokken moved to direct staff to draft a letter of appreciation to Senator Coleman for his effort in seeking this funding. Council Member Gardner seconded the motion, which carried.

Mayor Heitke recognized Cultural Liaison Idalia Leuze who presented the West Central Integration Collaborative 2006 annual report. Roberto Valdez, WAMM Coordinator was also present to update the Council on developments in the activities of the Willmar Area Multicultural Market. This matter was for information only.

In the Council Open Forum session, Mayor Heitke recognized Warren Erickson, Steve Salzer and Wayne Lenzmeier who spoke in opposition to the proposed EarthTech Energy conditional use permit reconsideration as previously sent back to the Planning Commission in an earlier action.

The Public Works/Safety Committee Report for May 29, 2007, was presented to the Mayor and Council by Council Member Reese. There were eight items for Council consideration.

Item No. 1 Beverly Dougherty, Willmar Design Center, submitted to the Committee a request to apply for a transportation grant to add to the trail system at the corner of Ella Avenue NW and the 1<sup>st</sup> Street Bridge. Following discussion, the Committee was recommending the Council approve the concept and submittal of the grant application with final design subject to approval of the Committee.

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 8, Noes 0.

#### RESOLUTION NO. 2

BE IT RESOLVED, by the City Council of the City of Willmar to support the Willmar Design

Center's submittal of a transportation grant application to add to the trail system at the corner of Ella Avenue NW and the 1<sup>st</sup> Street Bridge subject to final design approval of the City.

Dated this 4<sup>th</sup> day of June, 2007.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 2 Craig Holmes of Donohue and Associates presented to the Committee a resolution by which the Council would approve the City's intent to file a State funding request under the State's 2008 Capital Appropriations for the new Wastewater Treatment Plant Improvement Project. The Committee was recommending the Council proceed to request State appropriations for the new Wastewater Treatment Plant and authorize the City Administrator to submit all requested information.

Resolution No. 3 was introduced by Council Member Reese, seconded by Council Member Dokken, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

### RESOLUTION NO. 3

RESOLUTION DOCUMENTING THE CITY OF WILLMAR'S INTENT TO FILE A STATE FUNDING REQUEST UNDER THE STATE'S 2008 CAPITAL APPROPRIATIONS SOLICITATION FOR ITS WASTEWATER TREATMENT PLANT IMPROVEMENT PROJECT

WHEREAS, the City of Willmar (City) is proceeding with the reconstruction of its Wastewater Treatment Plant (Project), and

WHEREAS, the City has been working for the past several years to secure outside capital funding to lower the overall financial impact of this Project on all its users, and

WHEREAS, the Minnesota Congressional Delegation has listed this Project for potential funding from several available federal resources, and

WHEREAS, the State of Minnesota has offered local governments and political subdivisions the opportunity to request state appropriations for capital improvement projects for consideration during the 2008 session.

BE IT RESOLVED that the City of Willmar will proceed to request state appropriations for this Project and that Michael C. Schmit, City Administrator is authorized to submit all requested information and work with the Minnesota Department of Finance on this request.

Dated this 4<sup>th</sup> day of June, 2007.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 3 The Committee reviewed the May monthly progress report for the Wastewater Treatment Plant Relocation Project. The design team of Donohue and Associates continues to work on detailed design to reach the 75% complete goal in July. The Facilities Plan Amendment was submitted to the MPCA and the permitting process continues with several regulatory agencies.

A flow monitoring program at three or four locations is planned to eliminate clear water infiltration/inflow. Design is complete for Phase II of the Southern Interceptor. Easement acquisition is in progress to support a construction start in August for an additional interceptor line installation along 5<sup>th</sup> Street SE, north of 19<sup>th</sup> Avenue SE to the existing WWTP. This matter was for information only.

Item No. 4 The Committee considered a request from the Fire Department for permission to conduct a training burn at 1028 East Highway 12. After removal of the residence, the property will be used for a parking lot. All necessary permits will be obtained and asbestos inspections performed prior to any training being conducted. The burn/demolition is planned for between June 20 and November 1, 2007.

The Committee was recommending the Council approve the training burn at 1028 East Highway 12. Council Member Reese moved to approve the recommendation of the Public Works/ Safety Committee with Council Member Fagerlie seconding the motion, which carried.

Item No. 5 Staff informed the Committee three quotes were received for the removal of the existing fuel tanks at the old airport. The low quote received is from Service West Contracting of Elk River, MN in the amount of \$11,300. The removal is planned to be funded through the economic development initiative grant.

Following discussion, the Committee was recommending the Council approve the project and award it to Service West Contracting and authorize the City Administrator to sign on behalf of the City. 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 8, 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 quote of Service West Contracting, of Elk River, Minnesota for the removal of the existing fuel tanks at the former airport 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 vendor for the terms and consideration of the contract in the amount of \$11,300.00.

Dated this 4<sup>th</sup> day of June, 2007.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 6 The Committee reviewed correspondence from both Everstrong Construction and Bonestroo relating to the contractor's request for final payment in the amount of \$50,802.38 for the new terminal building at the airport. The City took over ownership of the building in October,

2006, and there are a few issues yet to be resolved that do not involve the workmanship of Everstrong Construction.

The Committee was recommending the Council accept the terminal building as constructed and issue final payment to Everstrong Construction. 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 8, Noes 0.

RESOLUTION NO. 5

ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

IMPROVEMENT:	Airport Terminal Building
CONTRACTOR:	Everstrong Construction
DATE OF CONTRACT:	April 4, 2005
COMPLETE WORK:	September 2006
APPROVE, CITY ENGINEER:	May 29, 2007

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

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

ORIGINAL CONTRACT AMOUNT:	\$1,010,667.00
Change Order No. 1	\$5,380.60
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$1,016,047.60
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$1,016,047.60
Less Previous Payments	\$965,245.22
FINAL PAYMENT DUE CONTRACTOR:	\$50,802.38

Dated this 4<sup>th</sup> day of June, 2007.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Staff further informed the Committee Everstrong Construction also submitted a final pay request for the FBO building in the amount of \$33,229.39. The City also took over ownership of this building in October of 2006. There are no issues with this structure and staff recommends acceptance.

The Committee was recommending the Council accept the FBO building as constructed and issue final payment to Everstrong Construction. 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 8, Noes 0.

RESOLUTION NO. 6

ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

IMPROVEMENT: Airport Fixed Based Operator Hangar  
CONTRACTOR: Everstrong Construction  
DATE OF CONTRACT: April 4, 2005  
COMPLETE WORK: September 2006  
APPROVE, CITY ENGINEER: June 4, 2007

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

- 1. The said Airport Fixed Based Operator Hangar be herewith approved and accepted by the City of Willmar.
- 2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$663,291.00
Change Order No. 1	\$1,296.73
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$664,587.73
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$664,587.73
Less Previous Payments	\$631,358.34
FINAL PAYMENT DUE CONTRACTOR:	\$33,229.39

Dated this 4<sup>th</sup> day of June, 2007.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 7 Public Works Director Odens presented the tabulation of bids opened in April for the 2007 Street Improvements – Project No. 0701. This project includes the assessable properties for which the hearing was held at the last City Council meeting. It is staff’s recommendation to award the bid to the low bidder, Duininck Bros. Inc.

Following discussion, the Committee was recommending the Council accept the bid of Duininck Bros. Inc. subject to the City receiving no appeals to the assessment within the 30-day window and authorize the Mayor and City Administrator to enter into an agreement on behalf of the City. Resolution No. 7 was introduced by Council Member Reese, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on roll call vote of Ayes 8, 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 Duininck Bros., Inc. of Prinsburg, Minnesota for Project No. 0701 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 \$1,055,537.06.

Dated this 4<sup>th</sup> day of June, 2007.

/s/ Lester Heitke

MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Item No. 8 The Committee reviewed correspondence from Bethel Church requesting to hold a Sunday service outside on June 24, 2007. The service would be held on Becker Avenue and they are seeking permission to block the street between 4<sup>th</sup> and 5<sup>th</sup> Street. The Committee felt more information and discussion of fire lane issues is needed.

Following discussion, Council Member Anderson moved to approve the request from Bethel Church with Council Member Christianson seconding the motion, which carried.

The Public Works/Safety Committee Report for May 29, 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.

Planning and Development Services Director Peterson presented to the Mayor and Council an Ordinance to Rezone Certain Lands from AG and R-2 (Agricultural and One and Two-Family Residential) to LB (Limited Business). Gesch Properties proposes the rezoning of land for the purpose of development of office, medical, and professional uses. The Planning Commission has approved the rezoning. Council Member Reese offered a motion to introduce the Ordinance and schedule a public hearing for July 2, 2007. Council Member Anderson seconded the motion, which carried.

The Mayor and Council considered a final plat for Krupa Addition. Planning and Development Services Director Peterson presented details of the one-lot commercial plat requested by Myron Krupa. The plat is a split off of the Willmar Auto Plaza parcel for the development of a freestanding laundry-mat building. There were utility easement additions and other conditions attached by the Planning Commission for final plat approval. Council Member Fagerlie moved to approve the final plat for Krupa Addition with Council Member DeBlieck seconding the motion, which carried.

Announcements for Council Committee meeting dates were as follows: Finance, June 11; Public Works/Safety, June 12; and Community Development, June 14, 2007.

Council Member Reese requested that he be excused from the June 18, 2007, City Council meeting.

There being no further business to come before the Council, the meeting adjourned at 9:14 p.m. upon motion by Council Member Reese, seconded by Council Member Christianson, and carried.

Attest:

\_\_\_\_\_  
MAYOR

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