

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

July 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, 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, City Clerk Kevin Halliday, Police Captain Dave Wyffels, Fire Chief Marv Calvin, Public Works Director Mel Odens, Finance Director Steven Okins, and Planning and Development Services Director Bruce Peterson.

The Council requested that the Planning Commission 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 June 18, Rice Hospital Board Minutes of June 13, Community Education and Recreation Board Minutes of May 25, 2007; and Knights of Columbus Exempt Permit. Council Member DeBlieck seconded the motion, which carried.

Following discussion regard the First Baptist Church plan review, the Planning Commission Minutes of June 27, 2007, were approved as presented upon motion by Council Member Dokken, seconded by Council Member DeBlieck, and carried.

At 7:05 p.m. Mayor Heitke opened a hearing on an Ordinance to Rezone Certain Lands from Agricultural and one and two-family residential (AG and R-2) to Limited Business (LB). Planning and Development Services Director Peterson presented details of a proposal from Gesch Properties to rezone farmland for the purpose of development of office, medical, and professional uses. The Planning Commission has approved of the rezoning.

Several citizens spoke against the rezoning of lands near Olena Avenue SE and 12th Street SE, anticipating that the State Mental Health Facility would be located there and voicing their opinion that it is not an appropriate place for a facility with the residential neighborhood and YMCA nearby. Steve Renquist of the EDC spoke favorably of the rezoning as he needs additional commercial properties to market.

Upon hearing all those who wished to be heard, Mayor Heitke closed the hearing at 7:30 p.m.

Council Member Anderson offered a motion to adopt, assign a number, and order final publication of an Ordinance Amending Municipal Ordinance No. 1060, the Willmar Zoning Ordinance. Council Member Gardner seconded the motion, which carried on a roll call vote of Ayes 6, Noes 2 – Council Members Dokken and Fagerlie voted “No.”

At 7:56 p.m. Mayor Heitke called for a recess and reconvened the meeting at 8:05 p.m.

At 8:05 p.m. Mayor Heitke opened a hearing on an Ordinance to Rezone Certain Lands from R-4 (Medium Density Multiple Family) to GB (General Business). Planning and Development Services Director Peterson presented a proposal from William and Debora Donner to rezone property east of the current Donnerite Building from R-4 (Medium Density Multiple Family) to GB (General Business) for the purpose of retail development. The Planning Commission has approved the rezoning. There being no one present to speak for or against the proposed Ordinance, Mayor Heitke closed the hearing at 8:06 p.m.

Council Member Christianson offered a motion to adopt, assign a number, and order final publication of an Ordinance Amending Municipal Ordinance No. 1060, the Willmar Zoning Ordinance. Council Member Dokken seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Mayor Heitke recognized Richard Heil, who had signed up to address the Council during its Open Forum, regarding his new taxi service and the struggles economically of starting a new service. Mayor Heitke directed him to the EDC staff to seek start up assistance.

The Finance Committee Report for June 25, 2007, was presented to the Mayor and Council by Council Member Anderson. There were three items for Council consideration.

Item No. 1 Laurie Ortega, of the Willmar Public Library, informed the Committee that the library's shortfall remains at \$27,407 and, unless this amount is received, library hours will be cut. The minimum number of hours that the library can be open and still qualify for federal funds is 40 hours per week and the library is currently open 59.5 hours per week. Questions were raised by the Committee regarding comparisons to other libraries located in similar sized cities including tax capacity rates and maintenance of effort amounts. Ms. Ortega explained that the other libraries in question probably provide different services than Willmar so comparisons cannot accurately be made. The Committee suggested that she continue to review possibilities of cutting staff time by reducing the number of staff on hand at one time and also suggested greater advertising for public donations.

The Committee noted that Local Government Aid is being reduced for 2008 which could affect the City's future contributions for the library. If the library's 2007 shortfall is appropriated, the total maintenance of effort paid by the City for 2007 would be \$342,498. Concerns were discussed that the library will continue to have shortages in the future, as early as next year. After considerable discussion, the Committee was recommending the Council fund the additional \$27,407 from the Library Capital Reserve Account established at the close-out of the library's local option sales tax funds. The Library Capital Reserve Account is intended for capital expenditures and, if additional funds continue to be taken out of the Reserve for operational purposes, it may be gone in five or six years. It was the Committee's intention that this be a one time occurrence.

The Committee was recommending the Council introduce a resolution to fund the 2007 deficit of \$27,407 from the Library Capital Reserve Account. Resolution No. 1 was introduced by Council Member Anderson, seconded by Council Member Gardner, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 1 – Council Member Dokken voted “No.”

RESOLUTION NO. 1

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to amend the General Fund Library Non-Department General Fund Budget as follows:

Increase: Transfers In-Library Reserve \$ 27,407.00
Increase: Library Contributions

Dated this 2nd day of July, 2007.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 2 Staff explained to the Committee that the Coalition of Greater Minnesota Cities is asking councils to pass a resolution in support of a 2007 special legislative session to pass the Omnibus Tax Bill previously vetoed by Governor Pawlenty. The Committee was concerned that there may be other issues included in this bill of which the City is unaware and that adequate procedures are in place through legislative leadership to prompt a special session. This matter was for information only.

Item No. 3 The Committee reviewed the May Rice Trust Report, the May CVB Report, the May WRAC-8 Report, the May Local Option Sales Tax Report, the May EDC Report, and the April Rice Hospital Report. This matter was for information only.

The Finance Committee Report for June 25, 2007, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Anderson, seconded by Council Member Dokken, and carried.

The Public Works/Safety Committee Report for June 26, 2007, was presented to the Mayor and Council by Council Member Reese. There were seven items for Council consideration.

Item No. 1 The City has received confirmation from the Minnesota Department of Natural Resources of the award of a Local Trail Connections Program grant totaling \$65,000. The money would be used to construct a trail that will connect the north area of the City of Willmar to the Glacial Lakes Trail. Staff proposed including the grant money in a \$300,000 walk path project to be constructed this year also using Local Option Sales Tax referendum monies to fund the remainder. The total project includes three segments of construction 1) the widening of the path that starts at North Business 71 and follows Civic Center Drive to the trail head from a four-foot concrete sidewalk to eight foot, 2) extension of the path near the Flags of Honor north along the Kandiyohi Power Cooperative property and continuing in front of the Minn West Technology Campus, and 3) an overlay of the path at Robbins Island.

The Committee was recommending the Council accept the grant from the Minnesota Department of Natural Resources and apply the \$65,000 toward the walk path project. Resolution No. 2 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. 2

BE IT RESOLVED by the City Council of the City of Willmar to accept grant funds from the Department of National Resources, Local Trail Connections Program, in the amount of \$65,000. The funds will be matched in the amount of \$65,000 from local option sales tax revenues.

BE IT FURTHER RESOLVED THAT said funds will be used to construct a trail connecting the north area of Willmar to the Glacial Lakes Trail, which trails will be maintained for no less than 20 years.

BE IT FURTHER RESOLVED that Mel Odens, Public Works Director for the City of Willmar, located at P O Box 755, Willmar, MN 56201, will serve as the fiscal agent for City of Willmar.

Dated this 2nd day of July, 2007.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 2 Craig Holmes of Donohue and Associates presented proposed budget revisions to the design phase of the Wastewater Treatment Plant Relocation Project. During the design phase, Donohue performed services beyond the scope of its agreement with the City. In the same period, Donohue and City staff determined that some elements thought to be needed could be eliminated thereby saving program costs such as lowering the interceptor line thus eliminating the need for a new pumping station.

It has been determined that the fees for the additional work scope is less than the fees of the deleted scope, yet the allocation of the project fees among the tasks should be adjusted to more accurately account for project fees. The Committee was recommending the Council approve the budget revisions to the Design Phase of the Wastewater Treatment Plant Relocation Project.

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

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into a contract amendment to supplement the Program Management and Design Services agreement dated May 15, 2006 between the City of Willmar and Donohue & Associates, Inc. The supplement includes the reallocation of costs as shown in Appendix A within the present contract amount.

BE IT FURTHER RESOLVED, the original contract is hereby amended as follows:

Task	Original Amount	Change	Revised Amount
Program Management	\$ 317,991	\$102,781	\$ 420,772
Design/Construction	3,578,167	(42,767)	3,535,400
Related Services			
EAW/Permits	58,014	14,986	73,000
Allowances	405,000	(75,000)	330,000
TOTAL	\$4,359,172	0	\$4,359,172

Dated this 2nd day of July, 2007.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 The Committee heard information pertaining to the proposed widening of the taxi lanes at the new airport. The taxi lanes were built 20-foot wide and it was later determined that 30 feet is necessary to accommodate based aircraft and ensure safety. The City was intending to use non-primary entitlement funds from the FAA this year, but due to a narrow timeline this may not be possible. Several discussions were held with the FAA requesting the addition of work by change order to an existing contract, but it appears the FAA prefers sealed bids be taken. The grant needs to be issued by July 16, which is unrealistic at this point. Staff recommended bidding the project and asking for an extension to the deadline from the FAA.

The Committee was recommending the Council accept the grant from the Federal Aviation Administration in the amount of \$211,375.00 contingent on the request for a deadline extension being approved. 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

AUTHORIZATION TO EXECUTE
GRANT AGREEMENT FOR AIRPORT TAXI-LANE WIDENING

Be it resolved by the City Council of the City of Willmar as follows:

1. That the Federal Grant Agreement for Project Number AIP 3-27-0115-08-07 for the Airport Taxi-Lane Widening is hereby 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 2nd day of July, 2007.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Staff informed the Committee that a professional services agreement will need to be entered into to design and prepare bidding documents for the taxi lane widening. The Committee was recommending the Council authorize the Mayor and City Administrator to enter into a professional services agreement based on the findings from the FAA. Resolution No. 5 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. 5

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the

State of Minnesota, that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into a contract amendment to supplement the agreement between the City of Willmar and HNTB Corporation for professional services for Phase 6b – 2004 Paving, Grading, and Electrical Project. The amendment includes the construction oversight of the taxi lane widening.

BE IT FURTHER RESOLVED, the original contract amount for Phase 6b of \$417,800.00 is hereby amended by \$26,500.00 for a total not to exceed figure of \$444,300.00.

Dated this 2nd day of July, 2007.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

It was noted that the FAA has authorized the City's request to widen the taxi lanes by change order to the Duininck Bros., Inc. 2004 Grading Contract. 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

WHEREAS, a contract has been awarded to Duininck Bros., Inc. of Prinsburg, Minnesota, on September 27, 2004, in the amount of \$3,192,271.70 for construction of the 2004 Grading, Paving and Drainage Improvements at the new airport under the direction of HNTB as engineer; and

WHEREAS, Change Order No. 1 increasing the amount by \$7,520.00 has previously been authorized; and

WHEREAS, Change Order No. 2 increasing the amount by \$39,984.80 has previously been authorized; and

WHEREAS, it is desired to add additional work to the above contract.

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

1. Additional work is herewith authorized to be added to the above contract estimated by the City Engineer to be \$194,287.68.
2. Funding for the additional work is from the Non-Primary Entitlement funds the Federal Aviation Administration disperses.

Dated this 2nd day of July, 2007.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Staff presented the preliminary taxi lane widening budget in the amount of \$245,000. The receivables show \$232,750 coming from Federal funds and the remainder being funded by the City. The Committee was recommending the Council approve the budget as presented. Resolution No. 7 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. 7

PRELIMINARY TAXI-LANE WIDENING BUDGET

ESTIMATED TOTAL COST \$ 245,000.00

*Budget Amounts are Essential

SUPPLIES		RECEIVABLES	
Mtce. of Other Improvements	<u>\$1,000.00</u>	Federal	\$232,750.00
TOTAL	\$1,000.00	State	\$0.00
OTHER SERVICES		City	<u>\$12,250.00</u>
Communications		TOTAL	\$245,000.00
Printing & Publishing	\$1,000.00	FINANCING	
Mtce. of Other Impr.	<u>\$200,000.00</u>	Federal	\$232,750.00
TOTAL	\$201,000.00	State	\$0.00
OTHER CHARGES		City	<u>\$12,250.00</u>
Prof. Serv.	\$40,000.00	TOTAL	\$245,000.00
Adm. OH (Transfer)	<u>\$3,000.00</u>	GRAND TOTAL	\$245,000.00
TOTAL	\$43,000.00		
GRAND TOTAL	\$245,000.00		

Dated this 2nd day of July, 2007.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 Staff informed the Committee that the Minnesota Department of Public Safety offers grants to local law enforcement agencies to conduct compliance checks at licensed liquor establishments in their jurisdiction. This program will reimburse successful grant applicants \$30 per compliance check up to two checks per license per year. The Willmar Police Department applied for the grant in May of 2007 and was informed the grant application was successful.

The Committee was recommending the Council accept the grant and authorize the Mayor and City Administrator to enter into a contract with the State of Minnesota. Resolution No. 8 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. 8

BE IT RESOLVED by the City Council of the City of Willmar to accept grant funds from the Minnesota Department of Public Safety, Alcohol and Gambling Enforcement Division, for funds to conduct compliance checks at licensed liquor establishments; and that the Mayor and City Administrator be authorized to enter into contracts with the State of Minnesota for the "Enforcing

Underage Drinking Laws” Grant Program.

Dated this 2nd day of July, 2007.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 5 The Committee considered a request by staff for permission to apply for an In-Car Camera Grant being offered by the Minnesota Department of Public Safety through the Office of Justice Programs. The grants are available to local law enforcement agencies to purchase in-car camera systems. The Willmar Police Department is pursuing six in-car camera systems through this grant. These systems would replace the six systems received in 2002.

The Committee was recommending the Council allow the Willmar Police Department to apply for the In-Care Camera Grant as presented. Resolution No. 9 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. 9

BE IT RESOLVED by the City Council of the City of Willmar to approve an application for and the acceptance of a Commercial Equipment Direct Assistance Program Grant provided by the Department of Homeland Security. The funds will be used to purchase two thermal imaging cameras.

Dated this 2nd day of July, 2007.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 6 The Committee reviewed the final pay estimate in the amount of \$3,750.40 to Design Electric Inc. of St. Cloud for City Project No. 0509. This project included the street lighting on Willmar Avenue SE in conjunction with the County’s reconstruction last year. The remainder of the contract is the retainage of the lump sum bid. Staff recommends approval and payment.

The Committee was recommending the Council accept the project and authorize final payment to Design Electric Inc. in the amount of \$3,750.40. Resolution No.10 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. 10

ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

IMPROVEMENT: Project No. 0509 – 2005 Street Lighting Improvements
CONTRACTOR: Design Electric Inc.
DATE OF CONTRACT: October 20, 2005

BEGIN WORK: April 4, 2006
COMPLETE WORK: November 21, 2006
APPROVE, CITY ENGINEER: June 26, 2007

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

1. The said City of Willmar Project No. 0509 be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$75,008.08
Change Orders (None)	\$0.00
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$75,008.08
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$75,008.08
Less Previous Payments	<u>\$71,257.68</u>
FINAL PAYMENT DUE CONTRACTOR:	\$3,750.40

Dated this 2nd day of July, 2007.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 7 The Committee discussed a recent incident regarding aggressive dog behavior in which the police department was called. After a brief discussion of current leash law regulations, it was determined that Staff should research the policies of other communities on aggressive dog behavior. This matter was for information only.

The Public Works/Safety Committee Report for June 26, 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.

Public Works Director Odens presented to the Council the bid tabulation for the twelve T-Hangar bids received on June 21, 2007. Following discussion Resolution No. 11 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. 11

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the bid of Breitchbach Construction Co. of Elrosa, Minnesota for the 2007 T-Hangar at the Willmar Municipal 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 bidder for the terms and consideration of the contract in the amount of \$530,561.99.

Dated this 2nd day of July, 2007.

/s/ Lester Heitke
MAYOR

SECRETARY TO THE COUNCIL