

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

August 20, 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, Jim Dokken, and Steven Gardner; Present 8, Absent 1 - Rick Fagerlie 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.

Council Member Reese offered a motion adopting the Consent Agenda which included the following: City Council Minutes of August 6, Municipal Utilities Commission Minutes of August 13, Planning Commission Minutes of August 8, Building Inspection Report for July, Housing and Redevelopment Authority Minutes of July 10, Pioneerland Library System Board Minutes of July 19, Zoning Appeals Board Minutes of August 6 and 13, and Mayor's Housing Task Force Minutes of August 13, 2007; and Mayoral Appointment of Luz Jiminez to the Housing and Redevelopment Authority Board of Commissions. Council Member Anderson seconded the motion, which carried.

At 7:03 p.m. Mayor Heitke opened a hearing on an Ordinance Amending On-sale Liquor Conditions in the City of Willmar. City Clerk Halliday presented details of the proposed Ordinance which would prohibit activities such as mixed martial arts and ultimate fighting at licensed on-sale liquor establishments. Peter Middleton questioned the need for the Ordinance, comparing the activities to football and other aggressive sports. Upon hearing all those who wished to be heard, Mayor Heitke closed the hearing at 7:05 p.m.

Council Member Reese offered a motion to adopt, assign a number, and order final publication of the Ordinance Amending On-sale Liquor Conditions in the City of Willmar. Council Member DeBlieck seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Mayor Heitke acknowledged Lee Corti and John Sullivan who had signed up to address the City Council during its scheduled Open Forum. Mr. Corti read a letter commending LeAnne Freeman and Steve Brisendine for exceptional assistance at a Boy Scouts District day camp at Robbins Island. Mr. Sullivan spoke with regards to the EarthTech Energy conditional use permit process with the Planning Commission and Board of Zoning Appeals.

The Finance Committee Report for August 13, 2007, was presented to the Mayor and Council by Council Member Dokken. There were four items for Council consideration.

Item No. 1 Pursuant to a July, 2007, liquor compliance check conducted by the Willmar Police Department, staff presented to the Committee the list of five retail liquor establishments that violated Municipal Code Sec. 3-2 Selling or Giving Intoxicating Liquor to Persons to Whom Sale is Prohibited. Three establishments incurred their first violation for which representatives were present to explain measures being taken to eliminate future violations: 1) El Tapatio Mexican Restaurant; 2) Green Mill; and 3) Kandi Entertainment Center.

Two establishments incurred their second violation, both of which requested a hearing before the Finance Committee to present their appeal. Ashley Hecksel of the Willmar Police Department gave a detailed account of her participation in the compliance check. American Legion representatives explained measures being taken to eliminate future violations and, after considerable discussion, withdrew their appeal, thereby accepting the 5-day suspension of the sale of liquor and the \$750 fine. Golden Palace representatives explained measures being taken to eliminate future violations and, after discussion, withdrew their appeal, thereby accepting the 5-day suspension of the sale of liquor and the \$750 fine. This matter was for information only.

Item No. 2 The Committee reviewed annual reports filed by the Willmar Fire Relief Association. The Reports indicated the Associations assets would presently be able to fund retirement liabilities calculated on \$4,000 per year of service which was increased \$400 over last year. Currently, the City's commitment level is \$2,400 per year. No action was being requested by the Association, so this matter was received for information only.

Item No. 3 The Committee reviewed the ordinance requiring gambling organizations to submit a monthly report itemizing their lawful purpose expenditures of gambling proceeds. This matter was for information only.

Item No. 4 The Committee reviewed the following reports: May Rice Hospital, June MUC, June and 2nd Quarter Rice Trust, 2nd Quarter Investment/Interest, June Investment Portfolio, 1st Half Community Foundation, July Local Option Sales Tax, July EDC, July CVB, and July WRAC-8. This matter was for information only.

The Finance Committee Report for August 13, 2007, was 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.

The Public Works/Safety Committee Report for August 14, 2007, was presented to the Mayor and Council by Council Member Christianson. There were nine items for Council consideration.

Item No. 1 Bev Dougherty, representing the Willmar Design Center, appeared before the Committee to discuss the conceptual design of a Transportation Grant submittal. The application requires the submittal be a trail connection and can be used to fund habitat and landscaping. The deadline for the grant is September 14, 2007, with year 2012 for the funding.

The Committee reviewed the proposal and discussed the crossing area between the downtown and the trailhead connection with regard to safety. The Committee was recommending the Council support the scope of the design for the trail application except item #4, which is the crossing design, and authorize the Design Center to submit the application on behalf of the City.

Resolution No. 1 was introduced by Council Member Christianson, seconded by Council Member Dokken, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 1

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 1st Street Bridge.

Dated this 20th day of August, 2007.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Committee also reviewed a request to close 4th Street SW from Litchfield to Becker Avenues on September 18, 2007, for an Open House Street Party in front of the Engan Building to celebrate the designation of the former "Tribune" building to the National Historic Register. Following discussion, the Committee was recommending the Council approve the street closure as requested. Council Member Christianson moved to approve the recommendation of the Public Works/Safety Committee, with Council Member Dokken seconding the motion, which carried.

Item No. 2 The Committee considered a request from Staff to use an area behind the Senior Center for use as a community garden. The current community garden is on 7th Street and Willmar Avenue SE on private property. The success of the present community garden was discussed and it was felt that an additional, more permanent, site would be warranted.

Following discussion, the Committee was recommending the Council approve the use of the land behind the Senior Center for a community garden. Council Member Gardner moved to direct staff to research and identify other potential sites within the City and report back to the Committee in April 2008. Council Member DeBlieck seconded the motion, which failed. Council Member Christianson moved to approve the recommendation of the Public Works/Safety Committee with Council Member DeBlieck seconding the motion, which carried.

Item No. 3 The Celebrate Art/Celebrate Coffee Festival Chair Kay Thompson appeared before the Committee to request the City's support for the Annual Celebrate Art/Celebrate Coffee Festival in the downtown on September 15, 2007. The request includes the temporary closure of 5th Street from Trott to Litchfield Avenues and Becker Avenue from 4th to 6th Streets starting Friday at 5:00 p.m. which would allow placement of tents. In addition, the parking lot next to and behind the Masonic Temple building would be closed the entire day on Saturday.

It was noted the festival will remain essentially the same as last year with a 20-foot fire lane access available at all times. The Committee was recommending the Council approve the temporary street and parking lot closure for the Fall Festival as presented. Council Member Christianson moved to approve the recommendation of the Public Works/Safety Committee with Council Member Dokken seconding the motion, which carried.

Item No. 4 The Committee considered a request from Design Electrical Contractors Inc. to change the completion date for Project No. 0706 – Water View Business Park Street Lighting. Staff concurred with their request understanding that not all the curb and gutter on the Water View Business Park streets is complete. Staff recommends changing the completion date to October 26, 2007.

The Committee was recommending the Council approve the request of Design Electrical Contractors Inc. and change the completion date for Project No. 0706. Resolution No. 2 was introduced by Council Member Christianson, seconded by Council Member Swenson, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 2

WHEREAS Design Electrical Contractors, Inc. of St. Cloud, Minnesota, contractor for the City of Willmar Project No. 0706 – Water View Business Park Street Lighting Improvements, desires to have the installed and operable completion date for the project changed to October 26, 2007, and;

WHEREAS it has been determined the curb and gutter on all the streets in the development are not complete.

NOW THEREFORE BE IT RESOLVED that the Project No. 0706 installed and operable completion date is hereby changed to October 26, 2007.

Dated this 20th day of August, 2007.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 5 Craig Holmes of Donohue and Associates presented to the Committee the July monthly report for the WWTP Relocation Project and reviewed the status of the design phase. The 75 percent complete milestone will be achieved by August 24, 2007. The courts have ordered that the City and its agents can enter private lands for conducting investigation for final design and preparing appraisals.

The wet weather flows and lift station evaluations continue. Design and permitting is completed for the Phase 2 of the Southern Interceptor and easement acquisition is in progress to support a construction start in September. Willmar has received news that the pending \$15 million WRDA Grant is moving forward. In construction, Phase I of the Southern Interceptor is complete and activities are under way for interim modifications at the existing plant. This matter was for information only.

Item No. 6 The Committee received from Staff an overview of an open house at the new Airport planned for Sunday, September 2, 2007. This matter is for information only.

Item No. 7 The Committee received from Staff details of Project 0710 – Willmar Avenue SW extension plans and specifications, consisting of a 2,200 foot link that was designed along with County Road 47 and connects to Highway 40. Staff is proposing the 52-foot roadway be graded, the underground utilities installed and curb and gutter in place this construction season. The completion date, consisting of final bituminous, would be June of 2008.

Following discussion, the Committee was recommending the Council approve plans and specifications and authorize advertisement for bids. Resolution No. 3 was introduced by Council Member Christianson, seconded by Council Member Dokken, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 3

WHEREAS the City Engineer of the City of Willmar has presented to the City Council plans and specifications for Project No. 0710 (Willmar Avenue SE Street Extension) for the City of

Willmar;

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

Final plans and specifications are hereby approved, and publication of the advertisement for bids is herewith authorized. Bids will be publicly opened and read at 1:00 p.m. on the 17th day of September, 2007, at the City Office Building, 333 Southwest Sixth Street, Willmar, Minnesota.

Dated this 20th day of August, 2007.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 8 The Committee received details from Staff on Project 0715 – WWTP Phase II, Southern Interceptor. This project is the second phase of the southern interceptor and is located north of 19th Avenue SE and enters into the current Wastewater Treatment Plant property. The plans and specifications were prepared by Donohue and Associates and a September 17, 2007, bid letting is proposed. The letting is subject to receiving final easements from property owners.

The Committee was recommending the Council approve plans and specifications and authorize advertisement for bids. Resolution No. 4 was introduced by Council Member Christianson, seconded by Council Member Dokken, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 4

WHEREAS the Consulting Engineer for the City of Willmar has presented to the City Council plans and specifications for Project No. 0715 (WWTP Phase II – Southern Interceptor) for the City of Willmar;

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

Final plans and specifications are hereby approved, and publication of the advertisement for bids is herewith authorized. Bids will be publicly opened and read at 1:00 p.m. on the 17th day of September, 2007, at the City Office Building, 333 Southwest Sixth Street, Willmar, Minnesota.

Dated this 20th day of August, 2007.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 9 The Committee received an update from Staff on the construction status of the connection of the Blue Line Center to the Civic Center. The final completion date for the project is October 1, 2007 and construction is progressing on schedule.

During construction a number of items surfaced that need to be addressed by change orders. Following discussion, the Committee was recommending the Council approve Change

Order Nos. 1, 2 and 3 in payment to Chester Contracting for the Civic Center/Blue Line Connection. Resolution No. 5 was introduced by Council Member Christianson, seconded by Council Member Reese, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 5

WHEREAS, a contract has been awarded to John Chester Contracting of Willmar, Minnesota, on February 20, 2007, in the amount of \$935,500.00 for construction of the connection of the Civic Center to the Blue Line Center under the direction of Engan and Associates as architect; and

WHEREAS, it is desired to make several changes to the contract resulting in a deduct and known as Change Order No. 1.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that additional work is herewith authorized to be deducted from the above contract in the amount of \$109.00 and identified as Change Order No. 1.

Dated this 20th day of August, 2007.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Resolution No. 6 was introduced by Council Member Christianson, seconded by Council Member Reese, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 6

WHEREAS, a contract has been awarded to John Chester Contracting of Willmar, Minnesota, on February 20, 2007, in the amount of \$935,500.00 for construction of the connection of the Civic Center to the Blue Line Center under the direction of Engan and Associates as architect; and

WHEREAS, Change Order No. 1 decreasing the amount by \$109.00 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 architect to be \$9,803.00 for Change Order No. 2.
2. Funding for the additional work is from within the Project Budget.

Dated this 20th day of August, 2007.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Resolution No. 7 was introduced by Council Member Christianson, seconded by Council Member Reese, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 7

WHEREAS, a contract has been awarded to John Chester Contracting of Willmar, Minnesota, on February 20, 2007, in the amount of \$935,500.00 for construction of the connection of the Civic Center to the Blue Line Center under the direction of Engan and Associates as architect; and

WHEREAS, Change Order No. 1 decreasing the amount by \$109.00 has previously been authorized; and

WHEREAS, Change Order No. 2 increasing the amount by \$9,803.00 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 architect to be \$14,058.00 for Change Order No. 3.
2. Funding for the additional work is from within the Project Budget.

Dated this 20th day of August, 2007.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Committee further recommended to the Council to revise the budget accordingly to reflect Change Order Nos. 1, 2 and 3. Resolution No. 8 was introduced by Council Member Christianson, seconded by Council Member Reese, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 8

FINAL CIVIC CENTER/BLUE LINE CENTER BUDGET
ESTIMATED TOTAL COST \$1,076,500

OTHER SERVICES		RECEIVABLES	
Mtce. of Other Impr.	\$959,252.00	City - L.O.S.T.	<u>\$1,076,500.00</u>
Other Services	<u>\$32,248.00</u>	TOTAL	\$1,076,500.00
TOTAL	\$991,500.00		
OTHER CHARGES		FINANCING	
Prof. Serv.	<u>\$85,000.00</u>	City - L.O.S.T.	<u>\$1,076,500.00</u>
TOTAL	\$85,000.00	TOTAL	\$1,076,500.00
GRAND TOTAL	\$1,076,500.00	Change Order #1 - (\$109.00)	
		Change Order #2 - \$9,803.00	

Dated this 20th day of August, 2007.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Public Works/Safety Committee Report for August 14, 2007, were approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Christianson, seconded by Council Member Swenson, and carried.

The Community Development Committee Report for August 15, 2007, was presented to the Mayor and Council by Council Member DeBlieck. There were five items for Council consideration.

Item No. 1 Mary Lou Arne, representing the Willmar Design Center, appeared before the Committee to propose a system of logo signs for facilities identification in the Central Business District. The purpose of the signs would be to identify government facilities and public restrooms. The Committee questioned and discussed the level of need for such signs. It was suggested that the real issue was as simple as identifying the public buildings that contain public restrooms.

The Committee was recommending the Council approve the concept and have Staff investigate costs and review locations. Council Member DeBlieck moved to approve the recommendation of the Community Development Committee with Council Member Swenson seconding the motion, which carried.

Item No. 2 Staff presented the draft review of railroad crossing noise issues and quiet zone options for all Willmar crossings as prepared by Railroad Controls Limited. The Committee accepted the information in advance of the final report which will be used to guide City action on quiet zone development and budgeting. This matter was for information only.

Item No. 3 The Committee reviewed and discussed a flow chart showing how the City's Conditional Use Permit process works under current ordinances. Staff explained how the process worked for the recent pellet plant request.

Council Member Christianson offered his opinion that the City Council had more experience and was in a better position than the Planning Commission to make final decisions on CUPs. Council Member Dokken disagreed, stating that the current process has worked well with committed and talented Planning Commission members serving the City.

No action was taken on any changes to the CUP review and approval process. This matter was for information only.

Item No. 4 Staff provided updates on a number of industrial and retail projects. The Committee was also informed of an upcoming Staff change within the Department of Planning and Development Services. This matter was for information only.

Item No. 5 The Committee discussed the Baptist Church landscaping and requested that Staff share the plans for the Baptist Church parking lot with the neighbors. Staff reported that the contractor, Stacy's Nursery, will involve the neighbors in plan review and engage them in the planting process. This matter was for information only.

The Community Development Committee Report for August 15, 2007, 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 Swenson, and carried.

Planning and Development Services Director Peterson presented to the Mayor and Council a preliminary plat for Serbus Addition, a three-lot residential plat off of Gorton Avenue NW. The purpose of the plat is to legally and clearly describe splitting one large lot into three pieces, two of which will be combined to existing abutting residential lots. The Planning Commission approved the preliminary plat with minor conditions. Council Member Christianson moved to approve the preliminary plat for Serbus Addition with Council Member Reese seconding the motion, which carried.

Planning and Development Services Director Peterson presented to the Mayor and Council a final plat for Emerald Ponds Second Addition, a replat of five existing lots into four larger lots for deluxe sized rental twin homes being developed by Dan Koosman. Following discussion, Council Member Reese moved to approve the final plat for Emerald Ponds Second Addition with Council Member Dokken seconding the motion, which carried.

City Clerk Halliday presented to the Mayor and Council a list of properties that have not paid billings for weed and grass mowing. Pursuant to Municipal Code, Chapter 9, Article III concerning the cutting of weeds or grass and in the case of noncompliance, such work is to be performed by the City or its agent. The costs thereof can be certified as a special assessment against the property in question. Following discussion, Council Member Reese moved to set a public hearing for 7:03 p.m. on September 4, 2007, to consider objections to the proposed assessment for the mowing costs incurred. Council Member Swenson seconded the motion, which carried.

City Administrator Schmit informed the Mayor and Council that it is necessary to reschedule the first Council meeting in September due to the Labor Day holiday. Council Member Reese moved to reschedule the September 3, City Council meeting to September 4, 2007. Council Member DeBlieck seconded the motion, which carried.

Announcements for Council Committee meeting dates were as follows: Finance, August 27; and Public Works/Safety, August 28, 2007.

Mayor Heitke informed the Council that on September 23, 2007, a downtown parade is being planned to welcome home Kandiyohi County soldiers returning from military duty.

There being no further business to come before the Council, the meeting adjourned at 8:11 p.m. upon motion by Council Member Gardner, seconded by Council Member Reese, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL