

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

February 4, 2008  
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by Mayor Pro Tempore Doug Reese. Members present on a roll call were Council Members Doug Reese, Ron Christianson, Bruce DeBlieck, Denis Anderson, Cindy Swenson, Rick Fagerlie, Jim Dokken, and Steven Gardner; Present 8, Absent 1 – Mayor Les Heitke.

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, and City Clerk Kevin Halliday.

Additions to the Agenda included Mayoral appointments to the Community Education and Recreation Board, Rice Hospital Board, and Planning Commission.

The Council requested the Planning Commission and Municipal Utilities Commission Minutes be removed from the Consent Agenda.

Council Member Anderson offered a motion adopting the Consent Agenda which included the following: City Council Minutes of January 22, Community Education and Recreation Board Minutes of January 25, 2008; and Exempt Permit Application for West Central Ducks Unlimited. Council Member Fagerlie seconded the motion, which carried.

Mayor Heitke arrived at the meeting at 7:05 p.m.

The Council discussed Item No. 3 in the Planning Commission Minutes, noting there are a total of 37 parcels instead of 36 and further discussed the philosophy of advocating the use of existing empty lots in the City's core. The Planning Commission Minutes of January 30, 2008, were approved as corrected with Council Member Fagerlie seconded the motion, which carried.

Following discussion of a three-year labor agreement with IBEW Local Union #160, the Municipal Utilities Commission Minutes of January 28, 2008, were approved as presented upon motion by Council Member DeBlieck, seconded by Council Member Gardner, and carried.

Mayor Heitke presented to the Council for consideration the following appointments: Community Education and Receptions – Nancy Byberg; Rice Hospital Board-David Anfinson; and Planning Commission-Charles Oakes. Council Member Reese moved to approve of the appointments as presented with Council Member Gardner seconding the motion, which carried.

Mayor Heitke recognized Terry Riemer and Warren Jorgenson who had signed up to address the City Council during its scheduled Open Forum. Mr. Riemer and Mr. Jorgenson expressed concerns regarding the vacancy on the Police Civil Service Commission.

The Finance Committee Report for January 28, 2008, was presented to the Mayor and Council by Council Member Anderson. There were five items for Council consideration.

Item No. 1 The Committee considered a request to re-appropriate \$6,500 from the Planning and Development Department's 2007 professional services budget to 2008 to cover cost of services to be provided by Mid-Minnesota Development Commission for the Comprehensive Plan Project. These services were anticipated to be utilized in 2007, but for a variety of reasons, were delayed until 2008.

The Committee was recommending the Council approve the request as presented. Resolution No. 1 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, read by Mayor Heitke,

and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 1

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to amend the Planning and Development Services Department Budget of the General Fund as follows.

Decrease:	Reserve-2007 Excess	\$ 6,500
Increase:	Appropriations – Professional Services	\$ 6,500

Dated this 4<sup>th</sup> day of February, 2008.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 2 Staff informed the Committee that pursuant to an annual review of the City's schedule of rental rates and fees, several changes have been proposed to more adequately compensate for costs incurred by the City to provide the various services.

Following discussion, the Committee was recommending the Council adopt the new schedule of rental rates and fees as presented. 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 1 – Council Member Dokken voted “No.”

RESOLUTION NO. 2

WHEREAS, the City Council of the City of Willmar duly establishes fees for service, sets fees for permits and licenses, and establishes rental rates for City equipment.

NOW, THEREFORE, BE IT RESOLVED that the below listed fees be duly adopted for the year 2008 and the same hereby ordered kept on file in the office of the City Clerk-Treasurer.

PUBLIC WORKS:

Maintenance Trucks:

3 –5 Ton Trucks	\$ 35.00 /hour
1 Ton Truck	18.00/hour
3 –5 Ton Truck/Plow/Sander	41.00/hour
3 –5 Ton Truck/Plow/Sander/Wing	55.00/hour
1 Ton Truck Plow	27.00/hour
Tandem Truck	41.00/hour
Tandem Truck/Plow/Sander/Wing	57.00/hour
½-3/4 Ton Pickup	17.00/hour
1 Ton /Water Tank	27.00/hour

Tractors, Loaders, Motor Graders:

2 –3 CY Loaders	\$ 82.00 /hour
Loader/Plow/Wing	102.00/hour
Loader/Snow Blower	122.00/hour
Motor Grader	96.00/hour
Motor Grader/One-Way Plow	102.00/hour
Motor Grader/One-Way Plow/Wing	115.00/hour
40-50 Hp Tractor	21.00/hour
40-50 Hp Tractor/Attachments	35.00/hour
MT Trackless/Blower/Mower	61.00/hour
90 HpTractor/22' Flail Mower	55.00/hour

30-40 Hp Unit Mower/Blower/Sweeper	\$35.00/hour
Skid-Loader	35.00/hour
Skid-Loader/Attachments	50.00/hour
Snowplowing Sidewalks (incl. labor and equipment)	0.60/LF
Specialty Equipment:	
Air Conveyance Unit	\$ 55.00/hour
Elgin Sweeper (4 CY)	70.00/hour
Hydraulic Sewer Cleaner	68.00/hour
Sewer Rodder	41.00/hour
Paint Sprayer	9.00/hour
Paint Sprayer and 1 Ton Truck	27.00/hour
50' Bucket Truck	70.00/hour
30' Bucket Truck	41.00/hour
Brush Chipper	29.00/hour
Tamper	9.00/hour
Bituminous Distributor and Truck (less material)	50.00/hour
Bituminous Roller	55.00/hour
Grass and Leaf Pickup Broom	29.00/hour
Chain Saws	10.00/hour
Trailers	12.00/hour
Over Seeder	29.00/hour
Turf Pro	29.00/hour
Gator and Sprayer	27.00/hour
Generator	9.00/hour
Trash Pumps	9.00/hour
Utility Vehicle with Crane Hoist	42.00/hour
Air Compressor	25.00/hour
Materials:	
Winter Sand Mixed with Salt	\$ 50.00/CY
Gravel	20.00/Ton
Bituminous Cold Mix	95.00/Ton
Chalk Dust (50lb. bag)	6.00/bag
Diamond Dry (50lb. bag)	12.00/bag
Bituminous Repair (incl. labor and equipment)	45.00/SY
Facilities or Equipment:	
Bleachers – 3 or 5 High	\$25.00/day
Minimum moving charge	75.00/day
Picnic Tables – Rental per table (12 maximum)	10.00/day
Barricades	2.00/day
Minimum charge for hauling barricades	20.00
Lights for ball fields	25.00/day each field
Labor:	
Regular	Contract rate plus 35%
Overtime	Contract rate plus 35%
Access Fees:	
Industrial Park Storm Pond	\$ 835.00/acre
Lake North Lift Station	595.00/acre
Arby's Lift Station	1,050.00/acre
Engineering Department:	
Director:	\$ 75.00/hour
Engineer	60.00/hour
Technician	40.00/hour

**COMMUNITY EDUCATION AND RECREATION:**

Adult recreation programs will charge cost of program, officials, balls, sanctioning fees, etc., plus \$5.00 per team court fee for volleyball/basketball and \$10.00 per team field fee for softball.

Baseball Fields	Minimum \$50.00 (1 game) or \$20.00 per game (2 or more)
Softball Fields	Minimum \$50.00 or \$20.00 per game
Robbins Island enclosed shelters*	60.00/day April - November
	120.00/day for heat
*Plus clean-up/damage deposit	50.00
Open shelters	30.00/day
Showmobile:	
Events in Willmar (not for profit)	\$200.00/day
Events in Willmar (for profit)	500.00/day +staff expenses
Events out of town	300.00/day +staff expenses
Damage deposit \$200.00, returnable once inspection completed	
Civic Center:	
Dry floor events	\$580.00/day
Ice Rental	120.00/hour
Blue Line Center	100.00/hour
Aquatic Center:	
Individual season pass	\$ 73.00
Family of 2	100.00
Family of 3	110.00
Family of 4	120.00
Family of 5 or more	130.00
Daily Admission Rate	4.00
Twilight and Group Rate	3.00

**FIRE DEPARTMENT:**

Firefighter hours that are billed are taken directly from the roll call list.

Firefighters receive a \$14.00 per hour and are paid in one-hour increments.

Equipment:	<u>1<sup>st</sup> Hour</u>	<u>Additional Hour</u>
1 <sup>st</sup> line pumper - 5251, 5257 and 5258	\$300	\$200/hr
2 <sup>nd</sup> line pumpers - 5252	200	150/hr
Tanker/pumpers 5276	150	100/hr
Ladder truck - 5299	500	400/hr
Personnel carrier - 5293	100	50/hr
Grass rig - 5285	150	100/hr
Support Vehicles – 5296, 5297	75	50/hr

Equipment charges are billed by the quarter hour as time listed on the fire report, after initial one-hour charge.

Special equipment and supplies used will be billed on a cost basis.

**POLICE DEPARTMENT:**

\$50.00 per hour for off-duty police officers

Dated this 4<sup>th</sup> day of February, 2008.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 3 City Clerk Halliday explained to the Committee that the current policy for permitting various events is to require the sponsors to provide proof of insurance for general liability coverage up to the maximum municipal tort liability limits (which increased in 2008 from \$1,000,000 per occurrence to \$1,200,000 per occurrence).

In 2007, the Jaycees provided a certificate of insurance listing a \$2,500 deductible. Upon consulting with Attorney Rich Ronning, the City also required the Jaycees to remit a check for the \$2,500 deductible so that the zero to one million dollar coverage was complete. Laura and Stephen Deleski of the Willmar Jaycees

were present to request the City refund the \$2,500 the Jaycees paid to cover the deductible in 2007 and to request a change in the City's policy by allowing the insurance coverage with a small deductible. If the City would allow a deductible, the cost of insurance premiums would be more affordable and the Jaycees could continue to sponsor the Downtown Block Party.

The Committee discussed possible changes to the City's policy including: 1) allow a deductible to reduce premium costs; 2) require payment from the sponsor in the amount of the deductible which would be held for a shorter length of time than the current one year; 3) identify specific community events for which a deductible would be allowed. Staff was directed to draft language to address the liability and deductible issue and report back to the Committee. This matter was for information only.

**Item No. 4** Craig Holmes of Donohue & Associates explained to the Committee that the original Wastewater Treatment Plant Relocation Program Design Phase budget in the amount of \$6,850,000 was established by the City Council in May, 2006. Out of this budget, \$810,000 is being proposed to be transferred to a new Conveyance Corridor Acquisition budget. Areas of the Design Phase budget would then be amended by the amount of the transfer.

The Committee was recommending the Council introduce a resolution adopting the new Wastewater Treatment Plant Conveyance Corridor Acquisition budget of \$810,000 and amending the Wastewater Treatment Plant Relocation Program Design Phase budget of \$6,850,000.

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

RESOLUTION NO. 3

CONVEYANCE CORRIDOR ACQUISITION  
WILLMAR WASTEWATER TREATMENT PLANT RELOCATION  
ESTIMATED TOTAL BUDGET \$810,000

OTHER SERVICES		RECEIVABLES	
Fee Simple Land Purchase	\$295,200.00	City	<u>\$810,000.00</u>
Easements	\$157,500.00	TOTAL	\$810,000.00
Contingency	<u>\$47,300.00</u>		
TOTAL	\$500,000.00		
OTHER CHARGES		FINANCING	
Prof. Serv.	<u>\$310,000.00</u>	Transfer from Design Budget	<u>\$810,000.00</u>
TOTAL	\$310,000.00	TOTAL	\$810,000.00
GRAND TOTAL	\$810,000.00	GRAND TOTAL	\$810,000.00

Dated this 4<sup>th</sup> day of February, 2008.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Resolution No. 4 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 4

DESIGN PHASE BUDGET  
WILLMAR WASTEWATER TREATMENT PLANT RELOCATION

ESTIMATED TOTAL BUDGET \$6,850,000

SUPPLIES		RECEIVABLES	
Office Supplies	\$2,000.00	City	<u>\$6,850,000.00</u>
Postage	\$500.00	TOTAL	\$6,850,000.00
Mtce. of Equipment	\$5,000.00		
Mtce. of Structures	\$2,000.00	FINANCING	
General Supplies	<u>\$2,500.00</u>	Bonds	<u>\$6,850,000.00</u>
TOTAL	\$12,000.00	TOTAL	\$6,850,000.00
OTHER SERVICES			
Printing & Publishing	\$2,000.00	GRAND TOTAL	\$6,850,000.00
Mtce. of Other Impr.			
Project 0609	\$700,000.00		
Project 0713	\$148,100.00		
Project 0715	\$430,000.00		
Other Services	\$1,000.00		
Contingency	<u>\$364,900.00</u>		
TOTAL	\$1,646,000.00		
OTHER CHARGES			
Prof. Serv.	\$4,360,000.00		
Adm. OH (Transfer)	\$2,000.00		
Other Charges	\$20,000.00		
Transfer-Easement/ROW Acquisition	<u>\$810,000.00</u>		
TOTAL	\$5,192,000.00		
GRAND TOTAL	\$6,850,000.00		

Dated this 4<sup>th</sup> day of February, 2008.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 5 The Committee reviewed the following reports: 12/31/2007 Outstanding Indebtedness and December Rice Trust. This matter was for information only.

The Finance Committee Report for January 28, 2008, 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 Fagerlie, and carried.

The Public Works/Safety Committee Report of January 29, 2008, was presented to the Mayor and Council by Council Member Reese. There were nine items for Council consideration.

Item No. 1 Public Works Director Odens presented to the Committee a revised project list for 2008. In the reconstruction section, streets in the Valley Brook area were deleted to coincide with the Hidden Valley Estates development proposed for construction in 2009. Willmar Avenue SW from 18<sup>th</sup> Street SW to TH 40 is being deleted because the railroad crossing upgrades near TH 40 are postponed until 2009. Three streets on the list that were to be reconstructed in conjunction with the WWTP conveyance line are also delayed until 2009 to coincide with that construction.

In the overlay section, Minnesota Avenue SW from 9<sup>th</sup> Street to 10<sup>th</sup> Street SW is now being proposed to be repaired as a ribbon patch delaying overlay a few years. The underground section deletes Willmar

Avenue SW from 8<sup>th</sup> Street to 11<sup>th</sup> Street because the County has postponed their project from 1<sup>st</sup> Street to 18<sup>th</sup> Street until 2009. The City proposed constructing these storm sewer improvements along with the County's project. Other areas of the underground section to include two new developments are also removed as the developers of Hidden Valley Estates and Fairacres Addition have withdrawn plans for this construction season. This also affects the street lighting.

Staff then proposed adding the construction of Pleasant View Drive SE from 12<sup>th</sup> Street to 15<sup>th</sup> Street to coincide with the development of a storm sewer improvement that is being designed to alleviate flooding issues in this area. Other items of revision include the annual crack sealing improvements, further evaluation of the 10<sup>th</sup> Street and Kandiyohi Avenue SW storm water options, and deletion of the path on Willmar Avenue SW to instead propose construction of a path along Lakeland Drive from the YMCA to Olena Avenue SE.

The Council discussed the direction to Staff regarding 10<sup>th</sup> Street and Kandiyohi Avenue Southwest evaluation.

The Committee was recommending the Council order the Improvement Report for the 2008 Projects based on revisions presented. 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 8, Noes 0.

RESOLUTION NO. 5

ORDER OF REVISED IMPROVEMENT REPORT

WHEREAS, it is proposed to construct the following improvements under the 2008 Revised Improvement Project:

grading, gravel base, curb and gutter, tiling, bituminous pavement, sidewalk, service lines, sanitary sewer, storm sewer, water main, street lighting, and signal system

and to assess the benefited property for all or a portion of the cost of the improvement, pursuant to Minnesota Statutes, Section 429.011 to 429.111 (Laws 1953, Chapter 398, as amended).

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF WILLMAR, MINNESOTA:

That the proposed improvement be referred to the City Engineer for study, and that he is instructed to report to the Council advising the Council in a preliminary way as to whether the proposed improvement is feasible, and as to whether it should best be made as proposed or in connection with some other improvement, and the estimated cost of the improvement as recommended.

Dated this 4<sup>th</sup> day of February, 2008.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 2 Public Works Director Odens informed the Committee that the City has received a final pay request from Granite Ledge Electrical Contractors Inc. for construction of signal system at the intersection of 19<sup>th</sup> Avenue and 5<sup>th</sup> Street SE. Following discussion, the Committee was recommending the Council accept Project No. 0705 and issue final payment to Granite Ledge Electrical Contractors Inc.

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 8, Noes 0.

RESOLUTION NO. 6

ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

IMPROVEMENT: Project No. 0705 – Signal System 19<sup>th</sup> Avenue and 5<sup>th</sup> Street SE  
CONTRACTOR: Granite Ledge Electrical Contractors Inc.  
DATE OF CONTRACT: June 4, 2007  
BEGIN WORK: April, 2007  
COMPLETE WORK: January 9, 2008  
APPROVE, CITY ENGINEER: January 29, 2008

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

1. The said City of Willmar Project No. 0705 be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$205,820.00
Change Orders (1-3)	\$5,790.48
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$211,610.48
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$211,610.48
Less Previous Payments	\$195,130.00
FINAL PAYMENT DUE CONTRACTOR:	\$16,480.48

Dated this 4<sup>th</sup> day of February, 2008.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 3 Staff presented a final request for payment on the 2004 Airport Grading, Paving, and Electrical Project awarded to Duinick Bros. Inc. HNTB and Staff are recommending final acceptance. The Committee was recommending the Council accept the 2004 Airport Paving, Grading, and Electrical Project and issue final payment to Duinick Bros Inc.

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 8, Noes 0.

RESOLUTION NO. 7

ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

IMPROVEMENT: 2004 Airport Grading, Paving, and Electrical  
CONTRACTOR: Duinick Bros. Inc.  
DATE OF CONTRACT: September 27, 2004  
BEGIN WORK: October 2004  
COMPLETE WORK: November 2007  
APPROVE, CITY ENGINEER: January 29, 2008

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

1. The said 2004 Airport Grading, Paving, and Electrical project be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$3,192,271.70
Change Order #1	\$7,520.00
Change Order #2	\$39,984.80
Change Order #3	\$194,287.68
 FINAL NET CONTRACT AMOUNT, PROPOSED:	 \$3,434,064.18
 ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	 \$3,305,827.39
Less Previous Payments	\$3,235,999.26
 FINAL PAYMENT DUE CONTRACTOR:	 \$69,828.13

Dated this 4<sup>th</sup> day of February, 2008.

\_\_\_\_\_  
/s/ Lester Heitke  
MAYOR

\_\_\_\_\_  
/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 4 The final pay request for the 2005 Airport Miscellaneous Improvements under contract with Duinick Bros. Inc. was also submitted for approval. This project consisted of continued grading of the Airport site, drain tile, fence, gates, lighting, runway paving and striping. All work was completed in July of 2007. There was one change order for the project decreasing the contract by \$86,000 for deletion of a sprinkler system. Staff and HNTB recommend acceptance of the project and approval of the final payment.

The Committee was recommending the Council accept the 2005 Airport Miscellaneous Improvements Project and issue final payment to Duinick Bros Inc. 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 8, Noes 0.

RESOLUTION NO. 8

ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

IMPROVEMENT:	2005 Miscellaneous Airport Improvements
CONTRACTOR:	Duinick Bros. Inc.
DATE OF CONTRACT:	July 18, 2005
BEGIN WORK:	July 2005
COMPLETE WORK:	June 2007
APPROVE, CITY ENGINEER:	January 29, 2008

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

1. The said 2005 Miscellaneous Airport Improvement project be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$1,054,542.83
Change Order #1	(\$86,000)
 FINAL NET CONTRACT AMOUNT, PROPOSED:	 \$968,542.83

ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$965,963.53
Less Previous Payments	\$944,308.84
 FINAL PAYMENT DUE CONTRACTOR:	 \$21,654.69

Dated this 4<sup>th</sup> day of February, 2008.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 5 The Committee reviewed the Airport Layout Plan prepared by the consulting engineer, HNTB. All Federally funded airports are required to keep an updated Airport Layout Plan on file. HNTB would like to submit the plan to the FAA and State after approval by the City Council. Airport Manager Galvan reviewed the plan sheets with the Committee and in particular the as-built sheet which indicates what the Airport could look like in the future and the Conceptual Part 77 Surface Map. The map outlines the zoning requirements in place at the new Airport. The development of areas within the specified Part 77 surfaces is subject to Airport Zoning Regulations which may limit the height of structures.

The Committee was recommending the Airport Layout Plan be approved 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

WHEREAS, the Federal Aviation Administration requires the development of an Airport Layout Plan as part of the grant assurances; and

WHEREAS, the City of Willmar hired HNTB Corporation to develop such a plan for submittal to the Federal Aviation Administration and State of Minnesota - Office of Aeronautics; and

WHEREAS, said plan is now ready for final transmittal to the Federal Aviation Administration and State of Minnesota – Office of Aeronautics for approval;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Willmar to support the proposed airport layout plan and approve the document as presented; and

BE IT FURTHER RESOLVED, that the Mayor and City Administrator be authorized to execute the official document.

Dated this 4<sup>th</sup> day of February, 2008.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 6 Tom Angus of HNTB addressed the Committee concerning a request to amend a professional services agreement with the City. Mr. Angus stated the additional costs were due to changes in the standards of the Airport Layout Plan (ALP). These significant changes in content and format resulted in a major unanticipated rework of the 1999 ALP. HNTB is proposing a lump-sum amendment of \$30,000 to complete the additional work. The additional costs are grant eligible with 95 percent Federal funding and 5 percent local.

The Committee was recommending the Council approve the amendment to the professional services

agreement in the lump sum amount of \$30,000, authorize the Mayor and City Administrator to sign on behalf of the City, and amend the budget accordingly. Resolution No. 10 was introduced by Council Member Reese, seconded by Council Member DeBlieck, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 10

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. The supplement includes the addition of Phase 6D-1 for construction administration and observation services for the 2005 Miscellaneous Improvements contract at the New Municipal Airport.

BE IT RESOLVED, the original contract amount for Phase 6d of \$183,530.00.

Be IT FURTHER RESOLVED, the contract shall be amended by \$30,000.00 for a total not to exceed \$213,530.00 for these services.

Dated this 4<sup>th</sup> day of February, 2008.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Resolution No. 11 was introduced by Council Member Reese, seconded by Council Member DeBlieck, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 11

2005 MISCELLANEOUS AIRPORT IMPROVEMENT PROJECT  
Estimated Total Cost \$1,290,573.00

OTHER SERVICES		RECEIVABLES	
Printing & Publishing	\$3,000.00	Federal	\$1,115,858.00
Mtce. Of Other Improvements	<u>\$967,973.00</u>	State	\$81,190.00
TOTAL	\$970,973.00	City	\$92,025.00
		LOST	<u>\$1,500.00</u>
OTHER CHARGES		TOTAL	\$1,290,573.00
Prof. Serv.	\$318,600.00		
Advertising	<u>\$1,000.00</u>	FINANCING	
TOTAL	\$319,600.00	Federal	\$1,087,358.00
		State	\$81,190.00
GRAND TOTAL	\$1,290,573.00	City	\$92,025.00
		LOST	<u>\$30,000.00</u>
		TOTAL	\$1,290,573.00
		GRAND TOTAL	\$1,290,573.00

Dated this 4<sup>th</sup> day of February, 2008.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 7 The City has received a request for a liquor license for the sale of intoxicating liquors at the Arena by a non-Minnesota based corporation. The current ordinance states the licensee must be organized under the laws of the State or registered to do business under the laws of the State. In this era of national groups leasing the Civic Center, Staff recommends amending the ordinance to remove the State of Minnesota limitations.

Following discussion, the Committee was recommending the Council Introduce the ordinance for a hearing. Council Member Reese moved to introduce an Ordinance Amending Municipal Code § 3-5(c)(1) Eliminating the Requirement that the Lessee of the Civic Center be a Corporation Under Minnesota Law or Registered to do Business in Minnesota and schedule a hearing on February 19, 2008. Council Member Fagerlie seconded the motion, which carried.

Item No. 8 The Committee considered two final right-of-way plats used as the legal description of parcels to be acquired for the proposed conveyance corridors. These plats are used by the City's appraiser and legal counsel for property acquisition, and Donohue and Associates recommends acceptance of the plats.

The Committee was recommending the Council accept the right-of-way plats as presented and authorize the City Administrator to sign for the City. Resolution No. 12 was introduced by Council Member Reese, seconded by Council Member DeBlieck, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

#### RESOLUTION NO. 12

#### RESOLUTION APPROVING INTERCEPTOR SEWER RIGHT-OF-WAY PLATS

(For Resolution in its entirety, see City Council Proceedings file dated February 4, 2008, located in the City Clerk's Office)

Item No. 9 Committee Members asked for an update from Staff regarding a recent informational meeting called to discuss the State's proposed 800 MHz communication system. Staff provided an explanation of the proposed system including information from St. Cloud officials who have participated in a pilot program and financial implications to the City and County as we near the deadline dates for mandated broad and narrow band changes and decisions regarding moving forward with the purchase and installation of 800 MHz in the City and County. This matter was for information only.

The Council continued discussion on the matter of storm water flooding. Council Member Gardner offered a motion to direct Staff to evaluate the area of 10<sup>th</sup> Street and Kandiyohi Avenue Southwest for storm water alternatives with options which may include acquisition of property or properties in that study area and to report back to the Council by June, 2008. Council Member Christianson seconded the motion. Council Member Fagerlie moved to amend the motion, replacing the word acquisition with "trading or swapping" land. Council Member Christianson seconded the motion, which carried on a roll call vote of Ayes 5, Noes 3 – Council Members Reese, Gardner, and DeBlieck voted "No." The original motion then carried on a roll call vote of Ayes 7, Noes 1 – Council Member Reese voted "No."

The Public Works/Safety Committee Report for January 29, 2008, 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 DeBlieck, and carried.

City Administrator Schmit presented to the Mayor and Council for consideration the City's 2008 Pay Equity Report, which is required every three years by the Minnesota Department of Employee Relations (DOER). Generally speaking, the report includes a number of tests that determine and insure there is consistency in the compensation of male and female classes with comparable work values (job points). Council Member Reese moved to approve the City's 2008 Pay Equity Report with Council Member Swenson seconding the motion, which carried. It was agreed that a more detailed explanation of the Pay Equity Report and process would be presented at the next regularly scheduled Labor Relations Committee meeting.

The Mayor and Council considered a Premise Permit for Community Charities of Minnesota at the Kandi Entertainment Center (KEC). City Clerk Halliday presented details of the premise permit application Community Charities is making to the Gambling Control Board for the period of April 1, 2008, through March 31, 2010, at the KEC for pull-tabs. It was noted the local unit of government must approve the premise permit application by resolution and submit to the Licensing Section of the Gambling Control Board. Resolution No. 13 was introduced by Council Member Anderson, seconded by Council Member Reese, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 13

REQUESTING THAT THE MINNESOTA GAMBLING  
CONTROL BOARD APPROVE THE APPLICATION FOR A  
PREMISE PERMIT FOR THE COMMUNITY CHARITIES OF MINNESOTA

WHEREAS, Community Charities of Minnesota has applied to the Minnesota Gambling Control Board to obtain a Premise Permit for a Gambling License at the Kandi Entertainment Center, 500 19<sup>th</sup> Avenue, Willmar, Minnesota;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that the City approves of the Premise Permit for the Community Charities of Minnesota and respectfully requests that the State of Minnesota Gambling Control Board approve the Premise Permit to the Community Charities of Minnesota for the time period of 4-1-2008 through 3-31-2010.

Dated this 4<sup>th</sup> day of February, 2008.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Announcements for Council Committee meeting dates were as follows: Community Development, February 7; Finance, February 11; Public Works/Safety, February 12; and Labor Relations, February 27, 2008.

Mayor Heitke announced that the Celebration of Cultures will take place on February 23, 2008, at Kennedy School.

There being no further business to come before the Council, the meeting adjourned at 9:48 p.m. upon motion by Council Member Reese, seconded by Council Member Anderson, and carried.

Attest:

\_\_\_\_\_  
MAYOR

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