

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

February 19, 2008
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 Ron Christianson, Bruce DeBlicek, Denis Anderson, Cindy Swenson, Rick Fagerlie, and Jim Dokken; Present 7, Absent 2 – Council Members Douglas Reese and Steven Gardner were 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.

Additions to the Agenda included comments on testimony of the Veteran's facility in Willmar and a Mayoral appointment to the Zoning Appeals Board.

The Council requested the Council Work Session Minutes for January 24, and Housing and Redevelopment Authority Minutes of January 15, 2008, be removed from the Consent Agenda.

Council Member Fagerlie offered a motion adopting the Consent Agenda which included the following: City Council Minutes of February 4, Council Work Session of February 13, Municipal Utilities Commission Minutes of February 11, Planning Commission Minutes of February 13, and Building Inspection Report for January, 2008. Council Member Anderson seconded the motion, which carried.

Council Member Dokken moved to approve the Mayoral appointments as follows: Planning Commission - Paul Borgerding; Police Civil Service Commission - Lowell Fostervold; Municipal Utilities Commission - Steve Salzer; and Zoning Appeals Board - Ross Magnuson. Council Member Fagerlie seconded the motion, which carried.

The Council discussed the Council Work Session Minutes of January 24, 2008, and noted discussion regarding the 26 acres owned by the Willmar Municipal Utilities in southwest Willmar was not mentioned. Council Member Dokken moved to approve the Minutes as corrected with Council Member Anderson seconding the motion, which carried.

Following discussion of single-family properties, the Housing and Redevelopment Authority Minutes of January 15, 2008 were accepted upon motion by Council Member Dokken, seconded by Council Member DeBlicek, and carried.

At 7:10 p.m. Mayor Heitke opened a hearing on 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. City Clerk Halliday presented details of the proposed Ordinance. There being no to speak for or against the proposed Ordinance, Mayor Heitke closed the hearing at 7:13 p.m.

Council Member Anderson offered a motion to adopt, assign a number, and order final publication of the 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. Council Member Christianson seconded the motion, which carried on a roll call vote of Ayes 6, Noes 0.

Mayor Heitke recognized John Sullivan and Loren Schultz who had signed up to address the Council during its scheduled Open Forum. Mr. Sullivan expressed concerns with Council action regarding the Charter

Commission; and Mr. Schultz expressed concerns with a dam built on Eagle Lake.

The Community Development Committee Report for February 7, 2008, was presented to the Mayor and Council by Council Member DeBlieck. There were five items for Council consideration.

Item No. 1 Staff updated the Committee on efforts to amend ordinances in accordance with the Housing Task Force recommendations. Staff is working with the City Attorney and Planning Commission to draft the amendments. It is anticipated the amended ordinances will be available for review and action by the end of March.

The Committee discussed compliance issues. One suggestion made was that volunteers be used to make contact in the neighborhoods and to note violations. This idea will be suggested by Council Members at the various ward meetings. This matter was for information only.

Item No. 2 The Committee was informed by Staff that the agreement between Mid Minnesota Development Commission for Comprehensive Plan update services had been signed. Mid Minnesota staff is packaging the plan and working on updating a number of sections. They will also be preparing the maps that will be part of the Comprehensive Plan. It is expected that a draft of the Plan will be available for public review and hearings in late March to mid April. This matter was for information only.

Item No. 3 The Committee discussed at length the issue of storm water controls in new residential development. Several members of the Committee encouraged the use of rain gardens on individual properties. It was also suggested that rain gardens be incorporated in future City right-of-way projects. One concern was that they be made identifiable to avoid complaints about weeds. With respect to rain gardens and rights-of-ways, several issues were discussed including maintenance and rain gardens serving as an obstruction to the installation or repair of infrastructure. Rain barrels were noted as another option to put on private property. It was suggested that Staff review existing ordinances for conflicts, i.e. rain gardens and weed and grass violations.

The Committee discussed rain garden development on public properties and City participation in the National Flood Insurance Program. It was noted that the flood prone areas in Willmar were not in designated flood zones. It was a consensus of the Committee that the flood insurance matter be raised again in the Public Works Committee. This matter was for information only.

Item No. 4 Staff presented information to the Committee about the Willmar Lakes Area Chamber of Commerce "Buy into the Lakes Area" Program, a program in which Willmar businesses are asked to increase their local spending in order to retain dollars in the Willmar community. Staff has reviewed the Chambers program and will continue to research the possibilities of increasing local purchases, operating within the guidelines and laws governing public expenditures. This matter was for information only.

Item No. 5 Several items discussed briefly by the Committee included population estimates, mobile home conditions, and low to moderate income housing. This matter was for information only.

The Community Development Committee Report for February 7, 2008, 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.

The Finance Committee Report for February 11, 2008, was presented to the Mayor and Council by Council Member Anderson. There were five items for Council consideration.

Item No. 1 Staff reviewed with the Committee the current policy for permitting various event 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 City Attorney 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. The Willmar Jaycees and Willmar Fests representatives were requesting a change in the City's policy to allow 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; and 3) identify specific community events for which a deductible would be allowed.

Staff presented recommended changes to the policy allowing a deductible of \$2,500 or less. In the event the deductible exceeds the aforementioned threshold, the City will collect and deposit in the General Fund, cash or equivalent to cover the gap between the deductible amount and the allowed \$2,500. The deposited funds shall remain with the City for 90 days from the date of the event or until the City is unaware of any potential claims resulting from the insured event. The Committee was recommending the City change the General Liability Policy requirements as discussed. Council Member Anderson moved to approve the recommendation of the Finance Committee with Council Member Fagerlie seconding the motion, which carried.

Item No. 2 Staff presented to the Committee the scheduled 6.35 percent annual increase in the Waste Treatment rates. The proposed increase is based on the 2001 rate study commissioned from Springsted Inc.

It was noted the final rates will be somewhat higher based on projected increase in construction estimates and final availability of State and Federal grants. Staff informed the Committee that they will be meeting with representatives from Springsted, Briggs and Morgan, and Donohue and Associated on February 25, 2008, to further evaluate the possible structure and length of the project financing.

The Committee was recommending the Council introduce an ordinance adopting the new Wastewater Treatment Plant Rates as presented and set a public hearing for March 17, 2008. Council Member Anderson offered a motion to introduce an Ordinance adopting the new Waste Water Treatment Plant rates as presented and schedule a hearing for March 17, 2008. Council Member Fagerlie seconded the motion, which carried.

Item No. 3 The Committee reviewed a revised agreement between the City and SW Minnesota Housing Partnership. The revisions primarily allowed the City to use the Housing and Redevelopment Authority to over see the DEED grant.

The Committee was recommending the Council introduce a resolution authorizing the Mayor and Administrator to sign the agreement as amended. 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 3, Noes 3 – Council Members Christianson, Swenson, and Dokken voted “No.” Mayor Heitke cast the deciding affirmative vote.

RESOLUTION NO. 1

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 be authorized to sign an amendment to the Cooperative Agreement dated January 22, 2008, between the City of Willmar and Southwest Minnesota Housing Partnership in Support of a Small Cities Development Program Project, whereby the Willmar Housing and Redevelopment Authority be responsible for the general administrative services of the grant.

Dated this 19th day of February, 2008.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Item No. 4 The Committee reviewed a lease extension with Mid-Mn Development Commission. The lease would extend the time the Commission is leasing City Hall space an additional five years commencing June 1, 2008, and expiring May 31, 2013. The amount of the lease would be \$1,200 monthly for the first three years, \$1,250 in the fourth year, and \$1,300 in the fifth and final year.

The Committee was recommending the Council introduce a Resolution authorizing the Mayor and Administrator to sign the lease as presented. Resolution No. 2 was introduced by Council Member Anderson, seconded by Council Member DeBlieck, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0,

RESOLUTION NO. 2

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 be authorized to enter into a lease extension with Mid-Minnesota Development Commission for lease of space at the City Office Building.

Dated this 19th day of February, 2008.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Item No. 5 The Committee reviewed a request from Fire Chief Calvin granting permission to the Fire Department to apply, accept, and expend the Workplace Safety Grant in an amount not to exceed \$3,545. The grant would help fund the mandated repair of the hose tower ladder per OSHA regulations.

The Committee was recommending the Council introduce a resolution to record, accept and expend the Workplace Safety Grant and described. Resolution No. 3 was introduced by Council Member Anderson, seconded by Council Member DeBlieck, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 3

BE IT RESOLVED by the City Council of the City of Willmar to approve an application for and the acceptance of a Workplace Safety Grant in an amount not to exceed \$3,545.00. The funds will be used to help fund the mandated repair of the hose tower ladder per OSHA regulations.

Dated this 19th day of February, 2008.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

The Finance Committee Report for February 11, 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 Christianson, and carried.

The Public Works/Safety Committee Report for February 12, 2008, was presented to the Mayor and Council by Council Member Christianson. There were six items for Council consideration.

Item No. 1 Public Works Director Odens presented to the Committee the Improvement Report for proposed 2008 Improvements. The report included three segments of residential streets to be reconstructed and one section for mill and overlay. Major new construction included 5th Street SE from 600 feet south of Willmar Avenue to 19th Avenue (referred to as the Mall Road), Pleasant View Drive SE from 12th to 15th Street, the paving only of Willmar Avenue SW from TH 40 to CR 47, and several areas of new development. The new construction areas also include street lighting. The Committee discussed the proposed Pleasant View storm sewer improvements, as well as the status of the signal system at 24th Avenue and First Street South. Miscellaneous work in the report includes deck maintenance on the First Street Bridge, three areas of walk paths and crack sealing. The total estimated cost of the projects included in the Improvement Report is \$3,363,300.00.

The Committee was recommending the Council approve the 2008 Improvement Report and order an Improvement Hearing for 7:02 p.m., March 3, 2008. Resolution No. 4 was introduced by Council Member Christianson, seconded by Council Member DeBlieck, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 4

RECEIVING PRELIMINARY REPORT AND CALLING PUBLIC HEARING ON YEAR 2008 IMPROVEMENT PROJECTS

WHEREAS:

1. The City Council deems it necessary and expedient that the City of Willmar, Minnesota, construct certain improvements to-wit: grading, gravel base, bituminous paving, curb and gutter, sidewalk, signal systems, street lighting, sanitary sewer, storm sewer, water main, sump pump drain tile, and service lines in the City as described in and in accordance with the preliminary plans and report prepared by the City Engineer.

2. The Council has been advised by the City Engineer that said Year 2008 Improvement Projects contained in the Preliminary Report are feasible and should best be made as proposed, and the City Engineer's report to this effect has heretofore been received by the Council, and filed with the Clerk-Treasurer; and

3. The statute provides that no such improvements shall be made until the Council shall have held a public hearing on such improvements following mailed notice and two publications thereof in the official newspaper stating time and place of the hearing, the general nature of the improvement, the estimated costs thereof and the area proposed to be assessed, in accordance with the law;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, as follows:

1. A public hearing will be held at the time and place set forth in the Notice of Hearing hereto attached to consider said proposed improvements.

2. The nature of the improvements, the estimated cost of each major portion thereof, and the areas proposed to be assessed therefore are described in the form of Notice of Hearing hereto attached.

3. The notice of said public hearing shall be in substantially the form contained in the notice hereto

attached.

4. The Clerk-Treasurer is hereby authorized and directed to cause notice of said hearing to be given two publications in the official newspaper. Said publications shall be one week apart, and at least three days shall elapse between the last publication and the hearing. Not less than ten days before the hearing the Clerk-Treasurer shall mail notice of the hearing to the owner of each parcel of land within the area proposed to be assessed as described in the notice. For the purpose of giving such mailed notice, owners shall be those shown to be such on the records of the County Auditor or, if the tax statements in the County are mailed by the County Treasurer, on the records of the County Treasurer. As to properties not listed on the records of the County Auditor or the County Treasurer, the Clerk-Treasurer shall ascertain such ownership by any practicable means and give mailed notice to such owners.

Dated this 19th day of February, 2008.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 2 Craig Holmes of Donohue and Associates briefed the Committee on the various activities that took place in January, 2008 related to the WWTP Relocation Project. The right-of-way and easement acquisition continues and the first condemnation hearing scheduled for January 17, was continued on February 7, and should conclude on February 28, 2008

The 95 percent plans and specifications are currently being reviewed by the MPCA and NPDES permitting activities have included numerous discussions with them to review the proposed rules. Donohue completed its own quality assurance review and have begun to incorporate the review comments submitted in workshops with WWTP staff.

Willmar's FY 2009 federal funding requests are complete and meetings are scheduled with our Congressional Delegation on February 13-14, 2008. The Minnesota funding issues continue to be addressed. The MPCA's EAW approval letter has been received and the draft Wetland Replacement Plan and Erosion Control Plan are complete. This matter was for information only.

Item No. 3 The City received information from the Transportation Alliance asking the Council to consider a resolution on transportation funding and send it to the Governor and legislative leaders. The Committee reviewed the proposed resolution recommending the Council adopt the resolution as presented. Resolution No. 5 was introduced by Council Member Christianson, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 4, Noes 2 – Council Member Christianson and Dokken voted “No.”

RESOLUTION NO. 5

RESOLUTION REQUESTING COMPREHENSIVE ROAD AND TRANSIT FUNDING

(For Resolution in its entirety, see City Council Proceedings file data
February 19, 2008, located in the City Clerk's Office)

Item No. 4 Staff reviewed with the Committee the updated bridge inspection and inventory report for the City. The main areas in need of maintenance are deck issues cited on the First Street Bridge and are included in this year's improvement report. This matter was for information only.

Item No. 5 The Committee considered a contract with the State of Minnesota through Ridgewater College to provide Passenger Motor Vehicle Drug Interdiction training to twelve members of the Police Department at a cost of \$1,500.00. The Committee was recommending the Council approve the contract and authorize the Mayor and City Administrator to sign on behalf of the City. Resolution No. 6 was introduced by Council Member Christianson, seconded by Council Member Dokken, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 6

AUTHORIZATION TO EXECUTE
CUSTOMIZED TRAINING INCOME CONTRACT

It is resolved by the City of Willmar as follows:

1. That the Minnesota State Colleges and Universities Customized Training Income Contract between Ridgewater College and the Willmar Police Department is accepted.
2. That the Mayor and City Administrator are authorized to execute this agreement on behalf of the City of Willmar.

Dated this 19th day of February, 2008.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 6 The Committee discussed the possibility of the City adopting an ordinance to monitor the amount and type of storm water runoff for City residences. This matter was for information only.

The Public Works/Safety Committee Report for February 12, 2008, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Christianson, seconded by Council Member Fagerlie, and carried.

Craig Holmes, Donohue and Associates, informed the Mayor and Council that the City previously applied for placement on the Minnesota Public Facilities Authority's (PFA) Intended Use Plan as indication its intent to borrow funds under the PFA's Clean Water Revolving Fund Loan Program. Willmar is now filing its application to borrow funds needed to finance the Wastewater Conveyance and Treatment Facilities Program. Following discussion, Resolution No. 7 was introduced by Council Member Dokken, seconded by Council Member DeBleck, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 7

RESOLUTION AUTHORIZING THE APPLICATION FOR A MINNESOTA CLEAN WATER REVOLVING FUND LOAN TO FINANCE THE WASTEWATER CONVEYANCE & TREATMENT FACILITIES PROGRAM

BE IT RESOLVED that the City of Willmar is hereby applying to the Minnesota Public Facilities Authority for a loan from the Clean Water Revolving Fund for improvements to its municipal wastewater treatment system as described in the loan application.

BE IT FURTHER RESOLVED that the City of Willmar estimates the loan amount to be \$ 87,200,000 or the cost of the project.

BE IT FURTHER RESOLVED that the City of Willmar has the legal authority to apply for the loan, and the financial, technical, and managerial capacity to repay the loan and ensure proper construction, operation and maintenance of the project for its design life.

BE IT FURTHER RESOLVED that the City of Willmar hereby expresses its official intent to use proceeds of this loan to reimburse planning, design, and construction phase expenditures made prior to the issuance of its general obligation bond to the Public Facilities Authority.

Dated this 19th day of February, 2008.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Mayor and Council considered a Premise Permit for the VFW Post 1639. City Clerk Halliday presented details of the premise permit application the VFW is making to the Gambling Control Board for the period of June 30, 2008 through June 30, 2010, for a pull-tab dispensing service, paddlewheel, and bingo. 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. 8 was introduced by Council Member DeBlieck, seconded by Council Member Christianson, and carried.

RESOLUTION NO. 8

REQUESTING THAT THE MINNESOTA GAMBLING CONTROL BOARD
APPROVE THE APPLICATION FOR A
PREMISE PERMIT FOR THE VFW POST 1639

WHEREAS, the VFW Post 1639 has applied to the Minnesota Gambling Control Board to obtain a Premise Permit for a Gambling License at the VFW Post 1639, 1108 E Hwy 12, 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 VFW Post 1639 and respectfully requests that the State of Minnesota Gambling Control Board approve the Premise Permit to the VFW Post 1639 for the time period of 6-30-2008 through 6-30-2010.

Dated this 19th day of February, 2008.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Announcements for Council Committee meeting dates were as follows: Labor Relations, February 27; and Community Development, February 28, 2008.

Council Member Dokken informed the Council he would be participating in testimony to the Legislature regarding the proposed Veteran's Administration nursing facility.

There being no further business to come before the Council, the meeting adjourned at 8:35 p.m. upon motion by Council Member Anderson, seconded by Council Member DeBlieck, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL