

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

July 21, 2008
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by Council Member Bruce DeBlieck. Members present on a roll call were Council Members Ron Christianson, Bruce DeBlieck, Denis Anderson, Cindy Swenson, Rick Fagerlie, Jim Dokken, and Steven Gardner; Present 7, Absent 2 – Mayor Heitke and Council Member Doug Reese were excused from the meeting. City Clerk Halliday explained that due to the absence of Mayor and Mayor Pro Tempore, the City Council should appoint an Acting Mayor Pro Tempore. Council Member Anderson moved to appoint Council Member DeBlieck as Acting Mayor Pro Tempore with Council Member Dokken seconding the motion, which carried.

Also present were City Administrator Michael Schmit, City Attorney Richard Ronning, Police Chief Jim Kulset, Public Works Director Mel Odens, Planning and Development Services Director Bruce Peterson, Community Education and Recreation Director Steve Brisendine, and City Clerk Kevin Halliday.

Additions to the Agenda included Civic Center capital projects and Willmar Municipal Utilities/Kandiyohi Power Cooperative model territory agreement.

Council Member Gardner offered a motion adopting the Consent Agenda which included the following: City Council Minutes of July 7; Municipal Utilities Commission Minutes of July 14, Planning Commission Minutes of July 9, and Housing and Redevelopment Authority Board Minutes of June 10 and 24, 2008; and Exempt Permit, Knights of Columbus. Council Member Christianson seconded the motion, which carried.

At 7:02 p.m. Mayor Pro Tempore DeBlieck opened a hearing on an Ordinance Authorizing the Issuance of an \$87,200,000 General Obligation Wastewater Revenue Note of 2008. City Administrator Schmit explained to the Council that the TMDL Grant may not be available in 2008. Springsted Inc. has recalculated the project revenues and expenses, shifting an additional \$2 million to the Loan's balloon debt. Project costs are offset by user fees and any future grant funds will be used to write down outstanding debt. There being no one present to speak for or against the proposed Ordinance, Mayor Pro Tempore DeBlieck closed the hearing at 7:11 p.m.

Following discussion, Council Member Anderson offered a motion to adopt, assign a number, and order final publication of the Ordinance Authorizing the Issuance of an \$87,200,000 General Obligation Wastewater Revenue Note of 2008. Council Member Fagerlie seconded the motion, which carried on a roll call vote of Ayes 6, Noes 1 – Council Member Dokken voted "No."

At 7:20 p.m. Mayor Pro Tempore DeBlieck opened a hearing on an Ordinance Pertaining to Graffiti in the City of Willmar. Police Chief Kulset presented details of the proposed Ordinance to curb the spread of graffiti and establish a program for the removal of graffiti from structures within the City. Beverly Dougherty reported that the Willmar Design Center was in favor of adopting the Ordinance. Upon hearing all who wished to be heard, Mayor Pro Tempore DeBlieck closed the hearing at 7:23 p.m.

Council Member Christianson offered a motion to eliminate Section 5a, regarding parents or legal guardians being held responsible for removal or cost of the removal. The motion died for the lack of a second.

Council Member Gardner offered a motion to adopt, assign a number, and order final publication of the Ordinance Pertaining to Graffiti in the City of Willmar. Council Member Dokken seconded the motion which carried on a roll call vote of Ayes 6, Noes 1 – Council Member Christianson voted "No."

At 7:27 p.m. Mayor Pro Tempore DeBlieck opened a hearing on an Ordinance Authorizing the Exchange of Land Owned by the City of Willmar. Planning and Development Services Director Peterson

explained that in 2007 the Council gave preliminary approval to an exchange of land with Mr. Harlan Rohner for right-of-way to construct CSAH #47. Upon hearing all those who wished to be heard, Mayor Pro Tempore DeBlieck closed the hearing at 7:28 p.m.

Council Member Christianson offered a motion to adopt, assign a number, and order final publication of the Ordinance Authorizing the Exchange of Land Owned by the City of Willmar. Council Member Anderson seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

At 7:29 p.m. Mayor Pro Tempore DeBlieck opened a hearing on an Ordinance Authorizing the Exchange of Land Owned by the City of Willmar. Planning and Development Services Director Peterson explained that in order to provide a 20-foot easement for the extension of the trail along North Business 71, the Kandiyohi Power Cooperative is requiring the City deed a commensurate amount of property to the Utility. Upon hearing all those who wished to be heard, Mayor Pro Tempore DeBlieck closed the hearing at 7:30 p.m.

Council Member Christianson offered a motion to adopt, assign a number, and order final publication of the Ordinance Authorizing the Exchange of Land Owned by the City of Willmar. Council Member Anderson seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Christie Kurth, Executive Director for the Willmar Area Food Shelf, appeared before the City Council to present an update on the Food Shelf. Ms. Kurth reviewed the history which began in 1982 and has grown to serve 520 households in June, 2008. Following review of 2007 service statistics, family makeup and struggles, ethnicity, and donation statistics, Mayor Pro Tempore DeBlieck thanked Ms. Kurth for the presentation.

Mayor Pro Tempore DeBlieck acknowledged Joe Holm and Pat Curry who had signed up to address the Council during the Open Forum. Joe Holm, representing Let's Go Fishing, spoke on the benefits of the program as a tool to reach people and expressed appreciation for the City's support. Pat Curry addressed the Council on the display of the F-14 at the Willmar Airport.

The Public Works/Safety Committee Report for July 15, 2008, was presented to the Mayor and Council by Council Member Christianson. There were seven items for Council consideration.

Item No. 1 An ordinance permitting golf carts on public streets with certain restrictions was directed by the City Council to be drafted by the City Attorney and referred to Committee for consideration. The draft ordinance defines stipulations for operators including application approval by permit to include a \$100 a fee, proof of insurance, a rear-view mirror, slow-moving vehicle sign, and being physically able to operate the golf cart on public streets. There are also limitations as to which streets they may be operated on. State statute prohibits their operation on state aid highways where they would be allowed to cross only. The penalty for violation of the ordinance is a petty misdemeanor with a maximum \$100 fine.

The Committee reviewed the ordinance with staff and felt the \$100 permitting fee was excessive and should be changed to \$35. They also requested modifications to Section 3.2 stating that all permits shall be issued for a specific golf cart and a specific individual, model name, make, year and serial number of the motorized golf cart along with the name and address of the applicant with current driver's license. This item will be sent back to the City Attorney for revisions and brought back to Committee for reconsideration and was for information only.

Item No. 2 Stacy Roberts, United Way of Kandiyohi County, and Beverly Dougherty, Main Street Willmar, addressed the Committee with a request for the United Way Taste of Kandiyohi to partner with the Becker Market on August 21, 2008. The event would start at 11:00 a.m. and go until 2:00 p.m. and would use the same street closure as the market.

The Committee was recommending the Council approve the street closure in conjunction with the Becker Market on August 21, 2008 starting at 9:30 a.m. Council Member Christianson moved to approve

the recommendation of the Public Works/Safety Committee with Council Member Swenson seconding the motion, which carried.

Item No. 3 The Committee reviewed landscaping from several area nurseries to showcase the F-14 Jet Fighter at the new municipal airport. Two concepts with bids were received with Staff recommending the one of I & M Landscaping to present to the Committee. The plan contains lighting, sidewalk, benches, and shrubs/flowers that are drought tolerant and require less maintenance. The total estimated cost of the project is \$21,000 and funding for the project is within the F-14 Budget.

The Committee was recommending the Council approve the F-14 landscaping concept presented by I & M Landscaping and authorize Staff to proceed with the project. Council Member Christianson moved to approve the recommendation of the Public Works/Safety Committee with Council Member Swenson seconding the motion. Following further discussion, Council Member Christianson moved to table the matter with Council Member Dokken seconding the motion, which carried.

Item No. 4 Staff reviewed with the Committee the areas of existing and future path development including what is proposed for this construction season. The project is for one mile of path development which includes the segment along County Road 47 from T.H. 40 to T.H. 12 and a segment along Lakeland Drive SE from the YMCA to the Olena Avenue SE path.

The Committee was recommending the Council approve the plans and specifications for Project No. 0810 and authorize advertisement for bids to be opened August 19, 2008. Resolution No. 1 was introduced by Council Member Christianson, seconded by Council Member Fagerlie, read by Mayor Pro Tempore DeBlieck, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 1

WHEREAS the City Engineer of the City of Willmar has presented to the City Council plans and specifications for Project No. 0810 (2008 Path Improvements) 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 19th day of August, 2008, at the City Office Building, 333 Southwest Sixth Street, Willmar, Minnesota.

Dated this 21st day of July, 2008.

/s/ Bruce DeBlieck
Mayor Pro Tempore

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 5 Staff briefed the Committee on the history of the improvements and safety audits performed at the intersection of T.H. 294/Business 71/County Road 24 intersection. Short-term improvements have been done which include enhanced signs, and recently, the installation of LED lighting on the signs.

State, County, and City employees have met on several occasions and are recommending a feasibility study be conducted. A scope of services soliciting a study was sent to engineering firms with CH2M-Hill Inc. of Mendota Heights being selected by staff members. The cost for the study is \$46,725.00 to be split between the three entities with the City's share being \$15,575.00. Staff also presented a preliminary budget for the project to cover the City's share of the consultant costs and materials for the recently installed LED improvements. Two sources of funds were discussed, one being State Aid and the other 2007 unspent monies.

The Committee was recommending the Council authorize the City Administrator to sign the professional services agreement with CH2M-Hill on behalf of the City and approve the preliminary budget as presented. Resolution No. 2 was introduced by Council Member Christianson, seconded by Council Member Gardner, read by Mayor Pro Tempore DeBlieck, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 2

DEPARTMENT OF TRANSPORTATION AGREEMENT FOR
PROFESSIONAL AND TECHNICAL SERVICES CONTRACT

BE IT RESOLVED that the City of Willmar enter into an agreement with the State of Minnesota, Kandiyohi County and CH2M Hill Inc. for the following purposes, to wit:

To perform a complete analysis and report of intersection improvement alternatives; including each alternative's merits, impacts, characteristics and requirements at the intersection of T.H. 294/Business 71/County Road 24.

BE IT FURTHER RESOLVED that the City Administrator be authorized to execute such agreement.

Dated this 21st day of July, 2008.

/s/ Bruce DeBlieck
MAYOR PRO TEMPORE

/s/ Kevin Halliday
Attest: CITY CLERK

Resolution No. 3 was introduced by Council Member Christianson, seconded by Council Member Fagerlie, read by Council Member Fagerlie, read by Mayor Pro Tempore DeBlieck, and approved on a roll call of Ayes 7, Noes 0.

RESOLUTION NO. 3

PRELIMINARY TH294/BUS 71/CR 24 INTERSECTION STUDY BUDGET
ESTIMATED TOTAL COST \$19,175

SUPPLIES		RECEIVABLES	
Mtce. of Other Improvements	<u>\$3,600.00</u>	State MSA	\$15,575.00
TOTAL	\$3,600.00	City-Public Works	<u>3,600.00</u>
		TOTAL	\$19,175.00
OTHER SERVICES		FINANCING	
Prof. Serv. (CH2M Hill)	<u>\$15,575.00</u>	State MSA	\$15,575.00
TOTAL	\$15,575.00	City-Public Works	<u>3,575.00</u>
		TOTAL	\$19,175.00
GRAND TOTAL	\$19,175.00		

Dated this 21st day of July, 2008.

/s/ Bruce DeBlieck
MAYOR PRO TEMPORE

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 6 Craig Holmes, Donohue and Associates, appeared before the Committee to summarize activities related to the Wastewater Treatment Plant Relocation Project for the month of June 2008. Final revisions were made to the plans and specifications and the ads for bids for the four contracts totaling an estimated \$71 million were published. There have been a large number of plan requests with contractors showing interest in all four projects. Donohue continues to work with Staff regarding funding and finance issues and meet with Jennie-O Turkey Store representatives regarding the company's allocation of project costs. This matter was for information only.

Item No. 7 The present policy for City participation in replacement of a property owner's sanitary sewer line due to blockage by tree roots was reviewed by the Committee. The current policy that was adopted in June of 2003 allows for City participation of up to fifty percent (50%) of the cost of the sanitary service line replacement not to exceed \$1,000.00. The replacement cost to property owners has increased over the past years and staff recommends increasing the City's participation to \$1,500.00

The Committee was recommending the Council authorize Staff to increase the City's participation from \$1,000.00 to \$1,500.00. Council Member Christianson moved to approve the recommendation of the Public Works/Safety Committee with Council Member Fagerlie seconding the motion, which carried.

Council Member Gardner offered a motion to remove from the table the discussion of F-14 landscaping. Council Member Christianson seconded the motion, which carried. Following additional discussion, the motion to approve of the landscaping project carried.

The Public Works/Safety Committee Report for July 15, 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.

The Labor Relations Committee Report for July 16, 2008, was presented to the Council by Council Member Gardner. There were four items for Council consideration.

Item No. 1 Dale Hustedt with Rice Memorial Hospital was present to update the Committee regarding the Hospital's joint venture with Affiliated Community Medical Center to create Willmar Medical Services (WMS). The focus of Mr. Hustedt's presentation was the impact on retirement benefits to Rice Hospital employees whose positions are being privatized through the joint venture. An estimated 40 Radiology and Radiation Oncology employees are impacted by the move to WMS.

Mr. Hustedt pointed out that there is currently in place legislation (generally referred to 353F) protecting public Hospital employees that are impacted by privatization programs. Rice employees will retain accrued PERA benefits through the Rule of 90, but will no longer be making employee contributions. Current formulas do provide for employer enhancements. WMS will offer profit-sharing contributions to a 401K as a new employee retirement program.

At some time between now and the end of the calendar year, the Council will be required to pass a resolution regarding this matter. Mr. Hustedt stated that PERA officials have offered to prepare the necessary resolution to be considered by the Council at a later date. This matter is for information only.

Item No. 2 The question of convening the Charter Commission was referred to the Committee from the July 7, 2008, Council meeting. The Committee reviewed material included in the Agenda packet and minutes from the February 13, 2008, Council Work Session.

The Committee was recommending to the Council that the Charter Commission be convened. Council Member Gardner moved to approve the recommendation of the Labor Relations Committee with Council Member Dokken seconding the motion. Following discussion, Council Member Gardner moved to table the matter with Council Member Dokken seconding the motion, which carried on a roll call vote of Ayes 5, Noes 2 – Council Member Christianson and DeBlicke voted “No.”

Item No. 3 The Committee reviewed a petition requesting that the City discontinue its joint venture arrangements with the School District creating the Department of Community Education and Recreation. CER Director Steve Brisendine reviewed with Committee Members the Department's 2007 Annual Report and the general operation and numbers of participants in various recreational programs. Following discussion, it was the consensus of Committee Members to continue with the joint venture for Community Education and Recreation. This matter is for information only.

Item No. 4 City Administrator Schmit and CER Director Brisendine visited with the Committee about issues related to the Community Education and Recreation Director's compensation package. The discussion focused on equity issues within the School District and City organizational structures. It was agreed that the City Administrator would continue to research this matter and develop any recommendations for adjustments to be considered at a later date. This matter is for information only.

The Labor Relations Committee Report for July 16, 2008, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Gardner, seconded by Council Member Anderson, and carried.

The Community Development Committee Report for July 17, 2008, was presented to the Council by Mayor Pro Tempore DeBlieck. There were four items for Council consideration.

Item No. 1 The Committee discussed the most recent draft of a revised conditional use permit application and procedural guide as recommended by the Planning Commission. Also discussed were revised findings of fact for the conditional use permit review process. Several wording changes were suggested for the findings of fact, which included the use of the word neighborhood to better define an area of impact for a conditional use permit. It was clarified that any changes would require a formal ordinance and public hearing process.

Following discussion, the Committee was recommending the Council approve the revised conditional use permit application, process, and findings of fact with the changes proposed by the Committee. Council Member DeBlieck moved to approve the recommendation of the Community Development Committee with Council Member Fagerlie seconding the motion, which carried.

Item No. 2 The Committee considered a proposal by Bolton & Menk to amend the agreement entered into with the City of Willmar in November, 2007 to conduct an archaeological assessment on the former airport terminal site. The State of Minnesota is requiring that a larger area be studied prior to them signing off for the Federal land release. The estimated cost of the amendment is \$2,950 and this will cover the additional cost of the archeological review and the report for the State of Minnesota. Funding will be from the local option sales tax for airport redevelopment.

The Committee was recommending the Council adopt a resolution that amends the cost of the professional services agreement in the amount \$2,950.00, and authorizes the Mayor and City Administrator to execute the amendment. Resolution No. 4 was introduced by Mayor Pro Tempore DeBlieck, seconded by Council Member Dokken, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 4

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the 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 Bolton & Menk, Inc. The supplement includes costs for completing the archaeological portion of the Section 106 review for the remainder of the former airport site.

BE IT FURTHER RESOLVED, the original contract amount of not-to-exceed \$4,500 is hereby amended by \$2,950 for a total not-to-exceed figure of \$7,450.

Dated this 21st day of July, 2008.

/s/ Bruce DeBlieck
MAYOR PRO TEMPORE

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 Staff provided updates on the following projects: Central Minnesota Fabricating, Slumberland (new store/demolition of old store), and activities at the MinnWest Technology Campus. This matter was for information only.

Item No. 4 Mayor Heitke explained to the Committee that he was considering moving the public forum to the beginning of the Council meeting agenda. It is his intent to convene the official meeting following the public forum. The Mayor suggested the forum start 10 minutes before the meeting and not be televised. Several Committee Members disagreed with not televising the public forum. It was noted that presentations would be more carefully regulated to the 3 minute limit as the forum is not intended to be a discussion between the public and the Council. This matter was for information only.

Item No. 5 Mayor Heitke discussed with the Committee action by the Labor Relations Committee to reconvene the Charter Commission. The Committee discussed the need to have an agenda in place before the Charter Commission would be convened. As there is the potential for significant cost to the City, the Charter Commission would need to proceed with some direction.

It was a consensus of the Mayor and Committee that the Council hold a work session to define an agenda prior to convening the Charter Commission.

Council Member Christianson moved to delete the last sentence in Item No. 5 with Council Member Fagerlie seconding the motion, which carried.

Council Member Christianson moved to amend Item No. 4 replacing "several" with "all" with Council Member Dokken seconding the motion, which carried.

The Community Development Committee Report for July 17, 2008 was approved as presented upon motion by Council Member Gardner, seconded by Council Member Fagerlie, and carried.

Planning and Development Services Director Peterson presented to the Council a preliminary plat for Terraplane Estates, a 33-lot plat for three-plex and four-plex construction proposed by Gimse Brothers Inc./Chad Monson. The Planning Commission approved the plat with conditions such as utility easements added and maintenance declarations. Council Member Gardner moved to approve the preliminary plat for Terraplane Estates with Council Member Fagerlie seconding the motion, which carried.

Bruce Gomm, Willmar Municipal Utilities General Manager, appeared before the Council to present the Utilities position on the Big Stone II Power Plant. Mr. Gomm requested that the City and WMU send a joint letter to the Minnesota Public Utilities Commission expressing concern regarding the delay in approving the transmission facilities needed to transport energy from the proposed Big Stone II power plant to cities, such as Willmar, that vitally need the energy which will be made available once the plant becomes operational. Mr. Gomm went into some detail regarding the current capacity of the MUC to provide power locally, current arrangements for power purchases, and the current physical conditions of the Utilities' power plant. Following a general question and answer period which involved Commission Chair Bob Bonawitz, Council Member Christianson offered a motion that the City sign a letter of support for the Utilities' position statement to the Minnesota Public Utilities Commission. Council Member Dokken seconded the motion, which carried.

Announcements for Council Committee meeting dates were as follows: Public Works/Safety, July 29, 2008.

