

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

May 18, 2009
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 DeBlicek, Denis Anderson, Steve Ahmann, Rick Fagerlie, Jim Dokken, and Tim Johnson; Present 9, Absent 0.

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 an Ordinance concerning background checks, north Highway 71 intersection options, Proclamation of Poppy month, and a Memorial Day announcement.

Council Member Anderson offered a motion adopting the Consent Agenda which included the following: City Council Minutes of May 4; Municipal Utilities Commission Minutes of May 11; Planning Commission Minutes of May 13, Building Inspection Report for April; Housing and Redevelopment Authority Board Minutes of April 14; Charter Commission Minutes of April 22; Community Education and Recreation Board Minutes of May 1, 2009; and Mayoral appointment recommendations: Community Education and Recreation Board – appoint Eric Bands and reappoint Chris Bennett. Council Member Fagerlie seconded the motion, which carried.

At 7:05 p.m. Mayor Heitke opened a public hearing on an Ordinance Authorizing the Sale of Land Owned by the City. Planning and Development Services Director Peterson presented details of the proposed Ordinance authorizing the sale of land to Kandiyohi County. The Humane Society of Kandiyohi County will construct its new facility at the site. There being no one present to speak for or against the proposed Ordinance, Mayor Heitke closed the hearing at 7:07 p.m.

Council Member Christianson offered a motion to adopt, assign a number, and order final publication of the Ordinance Authorizing the Sale of Land Owned by the City. Council Member DeBlicek seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Mayor Heitke acknowledged that no one had signed up to address the City Council during its scheduled Open Forum.

Stacey Roberts, Executive Director of the United Way, presented to the Mayor and Council the United Community Assessment of Needs (UCAN) which was conducted to assist the United Way to prioritize health and human service needs and eliminate gaps in service. Ms. Roberts discussed the survey process including the extra efforts to include the Latino population. She presented details of the characteristics of Kandiyohi County residents, employment and economic development, income and finances, housing and health needs. Mayor Heitke thanked Ms. Roberts for her presentation.

Planning and Development Services Director Peterson presented to the Mayor and Council the final draft of the Willmar Comprehensive Plan and announced a public meeting has been scheduled for May 20, 2009.

The Finance Committee Report for May 11, 2009, was presented to the Mayor and Council by Council Member Anderson. There were six items for Council consideration.

Item No. 1 The Committee reviewed Staff's annual recommendations relating to municipal tort liability limits. The statutory municipal tort liability limits for 2009 are set at \$400,000 per claimant, \$1,200,000 per occurrence through June 30, 2009. On July 1st the limits increase to \$500,000 per claimant, \$1,500,000 per occurrence.

If the City does not waive statutory torts limits, an individual claimant would be able to recover no more than \$400,000 on any claim to which the statutory tort limits apply. The total which all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would be limited to \$1,200,000. These statutory limits would apply regardless of whether or not the City purchases the optional excess liability coverage. Claims to which the statutory municipal tort limits do not apply are not affected by this decision.

The Committee was recommending that the Council not waive the statutory tort liability limits. 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 informed the Committee that the City has received a verbal request to issue conduit financing for a three-phased project for Bethesda. The project would include a new adult day care facility, wellness and aquatic therapy center, and resident room remodeling at Pleasant View Care Center. Staff has provided Bethesda with the City's policy and information forms to Bethesda and will bring back the formal request to the Committee when received. This was for information only.

Item No. 3 The Committee discussed the status of financing for the proposed Veteran's Home. City Administrator Schmit informed the Committee that the present proposal by the Economic Development Commission has the City and County each contributing \$2,000,000 towards the project, but all indications are that it will be removed from any State consideration this legislative session and should be discussed in the 2010 budget process if the City intends to participate in the future. This matter was for information only.

Item No. 4 Due to action by the Council to accept the Storm Water Task Force Report and recommendations to study the possible solutions further, Staff asked if the Council's intent was to establish a special budget or charge any costs incurred from a present City Department budget. The Committee directed Staff to charge any costs either to the Public Works or Engineering departmental budgets. This matter was for information only.

Item No. 5 The Committee was informed by Staff the City received notification that it is eligible to apply for an additional \$300,000 of STAG Grant financing. This will amount will add to the \$477,900 already received from STAG and \$500,000 of TMDL Grant money received. All other financing is either PFA loan or WTP funds. This matter was for information only.

Item No. 6 The Committee reviewed the April CVB, WRAC-8 and Local Option Sales Tax reports. This matter was for information only.

The Finance Committee Report for May 11, 2009, 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 for May 12, 2009, was presented to the Mayor and Council by Council Member Reese. There were six items for Council consideration.

Item No. 1 Brad Bonk, Supervisor for the Community Education and Recreation Department, appeared before the Committee seeking permission to contract with a state-licensed liquor caterer to provide the sale of alcohol (beer) during the Willmar Fests Softball Tournament at Swansson Field. Reasons for the request included attracting more teams to the tournament, increased revenue, thus the ability to offer an increased prize package, the opportunity for fans and participants to enjoy a beverage on-site versus leaving, and more fans attracted creating a better playing atmosphere.

Staff intends to write letters of interest to the three local state-licensed liquor caterers outlining the request. In addition to the sale of alcohol, they would ask for food concessions to be included in the agreement contingent on the vendor obtaining proper county permits. The area used would be fenced, police services would be contracted, and customers would have to have a means of being carded and banded. By using a state-licensed provider, whose staff are trained to know when to refuse service, this can be accomplished. Following discussion, the Committee was recommending the Council approve the sale of alcohol at the Willmar Fests Softball Tournament. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Fagerlie seconding the motion, which carried.

Item No. 2 Staff informed the Committee that bids were opened April 14, 2009, for the North Business 71 Path Project. A total of five bids were received with the low bid of \$85,684.70 from Duinick Bros. Inc. The engineer's estimate for the project is \$103,950.00. Final approval has been received from SHPO after completion of the archeological study.

Following discussion, the Committee was recommending the Council award the contract for Project No. 0809 to Duinick Bros. Inc. in the amount of \$85,684.70 and authorize the Mayor and City Administrator to enter into an agreement on behalf of the City. Resolution No. 1 was introduced by Council Member Reese, seconded by Council Member Fagerlie, reviewed 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, a Municipal Corporation of the State of Minnesota, that the bid of Duinick Bros., Inc. of Prinsburg, Minnesota for Project No. 0809 is accepted, and be it further resolved that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an agreement with the bidder for the terms and consideration of the contract in the amount of \$85,684.70.

Dated this 18th day of May, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Committee reviewed the Project No. 0809 budget which was revised to include the bid price of the contract. The Committee was recommending the Council adopt the revised budget for Project No. 0809 as presented. Resolution No. 2 was introduced by Council Member Reese, seconded by Council Member DeBlicke, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 2

AS-BID TRAIL IMPROVEMENT BUDGET, 2008 PORTION
ESTIMATED TOTAL COST \$203,500

SUPPLIES		RECEIVABLES	
Motor Fuels & Lubricants	\$300.00	State (DNR Grant - 50/50)	\$42,840.00
Postage	\$100.00	City (LOST)	<u>\$160,660.00</u>
General Supplies	<u>\$150.00</u>	TOTAL	\$203,500.00
TOTAL	\$550.00		
OTHER SERVICES		FINANCING	
Printing & Publishing	\$450.00	State (DNR Grant - 50/50)	\$42,840.00
Mtce. of Other Impr.	\$183,500.00	City (LOST)	<u>\$160,660.00</u>
		TOTAL	\$203,500.00

Other Services	<u>\$10,000.00</u>
TOTAL	\$193,950.00

OTHER CHARGES

Prof. Serv.	\$4,500.00	0809 - N. Business 71	\$85,685
Advertising	\$500.00	0810 - CR 47 & Lakeland Dr.	\$97,814
Adm. OH (Transfer)	<u>\$4,000.00</u>		
TOTAL	\$9,000.00		

GRAND TOTAL \$203,500.00

Dated this 18th day of May, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 Staff informed the Committee that bids were opened May 5, 2009, for the assessable portion of the 2009 Improvements and compared the costs for 2009 construction to 2008, and prices have remained relatively the same. It was Staff's recommendation to use last year's assessment rate of \$57.88 per foot for this year's project.

The Committee was recommending the Council declare the cost to be assessed and order preparation of the assessment roll. Resolution No. 3 was introduced by Council Member Reese, seconded by Council Member Fagerlie, reviewed by Mayor Heitke, and approved on a roll call sheet of Ayes 8, Noes 0.

RESOLUTION NO. 3

DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF ASSESSMENT ROLL
IN CONNECTION WITH 2009 STREET AND OTHER IMPROVEMENTS
(PROJECT NOS. 0901, 0903 and 0904)

WHEREAS, contracts have been let for the construction of Street and Other Improvements of 2009 in the City, to-wit: City Project Nos. 0901, 0903 and 0904 and;

WHEREAS, the total cost of said Street and Other Improvements of 2009 is \$4,758,541.53.

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

1. The City Council hereby determines that the County shall pay \$2,804,557.53 and the City shall pay \$1,953,984.00 of said cost, exclusive of the amount it may pay as a property owner, and the sum of \$440,467.96 shall be assessed against benefited property owners based upon benefits received without regard to cash valuation.

2. The Clerk-Treasurer, with the assistance of the City Engineer, shall forthwith calculate the proper amount to be specially assessed for such improvement against every assessable lot, piece or parcel of land without regard to cash valuation as provided by law, and he shall file a copy of such assessment in his office for public inspection.

3. The Clerk-Treasurer shall, upon the completion of such assessment, notify the City Council thereof.

Dated this 18th day of May, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 Pursuant to the establishment of the cost for assessments and ordering preparation of the assessment roll, the Committee discussed the need to set an Assessment Hearing for the 2009 Improvements. The Committee was recommending the Council call for an Assessment Hearing for the 2009 Improvements to be held June 1, 2009.

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

RESOLUTION NO. 4

CALLING HEARING ON ASSESSMENTS FOR PROJECT NO. 0901
2009 STREET AND OTHER IMPROVEMENTS

WHEREAS, the City Clerk-Treasurer with the assistance of the City Engineer has prepared an assessment roll for Project Nos. 0901, 0903 and 0904 of the 2009 Street and Other Improvements, and said proposed assessment roll is on file with the Clerk-Treasurer and open to public inspection.

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

1. The Clerk-Treasurer shall publish notice that this City Council will meet to consider the proposed assessments on June 1, 2009, at 7:02 p.m. in the Council Chambers, Municipal Utilities Building, 700 West Litchfield Avenue, Willmar, Minnesota.
2. Said notice shall also be mailed to the owners of each parcel of property described in the assessment roll.
3. Such notice shall be in substantially the following form: (On file in the City Clerk's Office)
4. Said notice shall be published by the City Clerk-Treasurer in the official newspaper at least two weeks prior to the hearing and mailed by said Clerk-Treasurer to the owners of each parcel described in the assessment roll.

Dated this 18th day of May, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 5 The Committee considered a request from Staff for permission to apply and accept funding from the Bureau of Justice Assistance for bullet-proof vests. Funding is available from April, 2009, through September, 2011, and the Willmar Police Department is scheduled to replace 29 vests in February of 2011 at an estimated cost of \$21,750.00. In the past the Police Department has received up to 50 percent of the replacement cost through this grant. Vests are on a five-year replacement schedule to ensure bullet resistant integrity.

The Committee was recommending the Council approve of the application and acceptance of grant funding from the Bureau of Justice Assistance for bullet-proof vests. Resolution No. 5 was

introduced by Council Member Reese, seconded by Council Member Christianson, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 5

BE IT RESOLVED by the City Council of the City of Willmar to approve an application by the Police Department for, and the acceptance of, a grant from the Bureau of Justice Assistance Grant. The funds will be used for the replacement of bullet-proof vests.

Dated this 18th day of May, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 6 Rhonda Rae of Donohue and Associates briefed the Committee on April activities related to the relocation of the Wastewater Treatment Plant. Program management activities included attending the Ward 2 COPPS meeting to discuss the construction schedule for Project 0815 D-5. Change Order No. 2 was presented and approved by the Council resulting in a credit of \$50,000 to the project. Worked with Staff on edits and updates to Chapter 16, Division 2 Connections of the Willmar Municipal Code and on edits to the Industrial Wastewater Discharge Permit for Jennie-O Turkey Store.

Meetings were held with Staff to continue discussions of funding and finance issues; submittal of pay requests 12 and 13 to the Public Facilities Authority for the Clean Water Revolving Fund Loan and Wastewater Improvement Fund, and discussion continues with legal counsel to provide information on the property acquisition.

An Open House informational meeting conducted in May with residents and business owners before construction of the conveyance system begins along 28th Avenue SW. A significant amount of pipe has been installed under each of the three conveyance projects. The contractor for 0812-C, building construction, has started concrete forming and pouring for 9 of the 21 structures. The progress of each structure is detailed in the monthly report. This matter was for information only.

The Public Works/Safety Committee Report for May 12, 2009, 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 Christianson, and carried.

The Mayor and Council considered a preliminary plat for Bethesda Nursing Home Second Addition. Planning and Development Services Director Peterson presented details of the plat, a three-lot plat consolidating and cleaning up some poorly written metes and bounds described parcels of the Bethesda Campus. The Planning Commission approved the preliminary plat with the condition that utility easements be added. Following discussion, Council Member Anderson moved to approve the preliminary plat of Bethesda Nursing Home Second Addition with Council Member Christianson seconding the motion, which carried.

City Clerk Halliday presented to the Council an Ordinance Relating to Criminal History Background for Applicants for City Employment and City Licenses. Following discussion, Council Member Anderson offered a motion to introduce the Ordinance Relating to Criminal History Background for Applicants for City Employment and City Licenses and set a public hearing for June 1, 2009. Council Member Reese seconded the motion, which carried.

City Administrator Schmit discussed with the Mayor and Council an Open House held the previous week in which the consultant, Howard Preston, presented conclusions of his study. Mr. Schmit discussed various alternates and indicated a speed study is nearing completion. This matter was referred to the Public Works/Safety Committee for consideration.

Announcements for Council Committee meeting dates were as follows: Public Works/Safety, May 26; and Community Development, May 28, 2009.

Council Member Dokken announced activities planned in recognition of Memorial Day.

Mayor Heitke read a Poppy Day Proclamation.

Council Member Anderson requested to be excused from the June 1, 2009, Council meeting.

There being no further business to come before the Council, the meeting adjourned at 8:47 p.m. upon motion by Council Member Ahmann, seconded by Council Member Anderson, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL