

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

August 17, 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 DeBlieck, Steve Ahmann, Rick Fagerlie, Jim Dokken, and Tim Johnson; Present 9, Absent 1 - Denis Anderson was excused from the meeting.

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

The Community Center Council and Planning Commission Minutes were removed from the Consent Agenda.

Council Member Ahmann offered a motion adopting the Consent Agenda which included the following: City Council Minutes of August 3, Municipal Utilities Commission Minutes of August 10, Zoning Appeals Board Minutes of August 10, Community Center Minutes of August 5, and Building Inspection Report for July 31, 2009. Council Member Christianson seconded the motion, which carried.

The Mayor and Council reviewed the Community Education and Recreation Council Minutes and recognized CER Supervisor LeAnne Freeman and summer part-time staff. Sara Banks, Jamie Wilson, and Jeremy Werner provided details of the various programs they supported at the Willmar Community Center over the summer. The Council thanked them for their enthusiastic service to the senior population. It was further noted the Eagles would be conducting a pool billiard tournament at the City Auditorium and their request for alcohol sales was approved by the Community Education and Recreation Council. The Community Education and Recreation Council Minutes of July 24, 2009, were approved upon a motion by Council Member Dokken, seconded by Council Member DeBlieck, and carried.

The Council discussed a Planning Commission item regarding an Occupation Conditional Use Permit to operate a home occupation business, noting business would be conducted by phone and internet and no clients coming to the home. The Planning Commission Minutes of August 12, 2009, were approved upon a motion by Council Member Fagerlie, seconded by Council Member Dokken, and carried.

LeAnne Freeman, Executive Director of Willmar Fests, Inc., appeared before the Mayor and Council to express appreciation for supporting the 2009 Willmar Fests activities and recap the various activities. Sara Frank, Aqua Princess and Lisa Hedlof, International Princess shared new experiences and future events scheduled. The Mayor expressed appreciation and wished them all well on the year-long journey as Ambassadors for the City of Willmar.

Mayor Heitke acknowledged several individuals who had signed up to address the City Council during its scheduled Open Forum. Richard Halterman expressed concerns regarding the condition of the railroad crossing at 10th Street and asked that the Burlington Northern Sante Fe Railroad be contacted regarding the matter.

John Sullivan spoke of a recent joint powers agreement and the need for a City Data Practices Policy.

John and Laura Becker addressed recent flooding in southwest Willmar and urged the Council to implement the improvements recommended by the Stormwater Task Force.

The Finance Committee Report for August 10, 2009, was presented to the Mayor and Council by Council Member Fagerlie. There were six items for Council consideration.

Item No. 1 Staff presented to the Committee the Willmar Fire Relief Association's schedule form for lump-sum pension plans which is required to be filed annually with the City. The report is a determination of plan liabilities and the required contribution from the City if a deficit is projected. This year's report indicates that a municipal contribution is not required in 2010 to meet the \$2,400 benefit level. This matter was for information only.

Item No. 2 Staff informed the Committee that Department Directors have submitted their 2010 budget recommendations which are in the process of being compiled. Mayor Heitke is scheduled to meet with Staff in late August to begin preparation of the budget for Council review in September.

Previous budget discussions have included the State's 2010 LGA unallotment for Willmar scheduled to be approximately \$620,785. Early estimates project this amount may be reduced by \$48,000 after factoring in the formula inflationary increase. As previously discussed by the Committee, further discussion may warrant some consideration for levying back part of the unallotted LGA proceeds. This matter was for information only.

Item No. 3 The Committee was informed by Staff that the Minnesota Pollution Control Agency has awarded the remainder of the Total Maximum Daily Load Program Grant to the City of Willmar in the amount of \$2,192,935 for the Waste Treatment Plant project.

John Brandt, of Donohue & Associates, explained the total amount that Willmar's project was eligible for under TMDL grant guidelines was \$2,692,935. On December 2, 2008, the City entered into a TMDL Grant Agreement with the Minnesota Public Facilities Authority for \$500,000 from available funds, with an unfunded balance of \$2,192,935. This unfunded portion has now been awarded. The original grant agreement with Minnesota PFA needs to be amended to reflect the new total TMDL grant of \$2,692,935.

The Committee was recommending the Council introduce a resolution to accept the additional TMDL Grant funds, authorize execution of the grant documents, and amend the budget accordingly. Resolution No. 1 was introduced by Council Member Fagerlie, seconded by Council Member Dokken, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 1

Resolution Authorizing the Amendment to the Total Maximum Daily Loan Program Grant Agreement with Minnesota Public Facilities Authority

WHEREAS, the Minnesota Pollution Control Agency certified as-bid TMDL project cost of \$6,489,000, with an Essential Project Component percentage of 83%; and

WHEREAS, the TMDL eligible costs are \$5,385,870 ($6,489,000 \times 83\% = 5,385,870$). The TMDL program provides a grant for 50% of the eligible costs, making the City eligible to receive a grant from the TMDL program in the amount of \$2,692,935; and

WHEREAS, on December 2, 2008, the City of Willmar entered into a Total Maximum Daily Load Program Grant Agreement with the Minnesota Public Facilities Authority for \$500,000 from available funds, with an unfunded balance of \$2,192,935.

NOW THEREFORE BE IT RESOLVED, the City of Willmar hereby authorizes the amendment in the amount of \$2,192,935 to the original contract dated December 2, 2008, with the Minnesota Public Facilities Authority.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are authorized to sign the

amendment on behalf of the City and the project budget be amended accordingly

Dated this 17th day of August, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 The Committee reviewed the following reports: 2nd Quarter Willmar Area Foundation, July WRAC-8, July Convention and Visitors Bureau, and July Local Option Sales Tax. This matter was for information only.

Item No. 5 The Committee considered an Ordinance prepared by City Attorney Ronning, per Council direction, Amending Municipal Code Section 8.73 by deleting part (a)(2) which addresses licenses/permits issued for events for the benefit of church, school, or charitable institutions. The City, in the past, has not required that such an event obtain a license from the City which precludes the requirement of liability insurance.

The Committee was recommending the Council introduce the Ordinance as recommended. Council Member Fagerlie moved to introduce the Ordinance Amending Municipal Code 8.73 by Deleting Part (a)(2) and to set a public hearing for September 8, 2009. Council Member Dokken seconded the motion, which carried.

Item No. 6 The Committee briefly discussed the City's Data Practices Policy and was informed by Staff that there is such a policy in place.

The Finance Committee Report for August 10, 2009, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Fagerlie, seconded by Council Member Dokken, and carried.

The Public Works/Safety Committee Report for August 11, 2009, was presented to the Mayor and Council by Council Member Reese. There were nine items for Council consideration.

Item No. 1 The Committee continued discussion on the street sweeper as referred back by the City Council. Staff presented a memo addressing the purpose of purchasing the sweeper, how it would be used and a cost comparison of buying vs. renting. The unit along with the money is included in the 2009 systematic replacement schedule. Staff recommends purchasing the unit as scheduled. Patrick Boyle, owner/operator of EnviroSweep, presented details of his street sweeping rental services which included a 12-week plan. Mr. Boyle indicated that he also services surrounding communities such as Spicer, New London, Kandiyohi and Grove City.

Following discussion the Committee asked Staff to evaluate Mr. Boyles' cost analysis and report back to the Committee. This matter was for information only.

Item No. 2 Staff presented an overview of the Emerald Ash Borer (EAB) stating the problem is currently seen in 12 states and Canada. Although the Emerald Ash Borer has made its way into Minnesota there is no evidence of EAB in the City's 30,000 to 50,000 Ash trees. Staff noted that the City is no longer planting Ash trees. This matter was for information only.

Item No. 3 City Administrator Schmit briefed the Committee on the status of the Highway 71/CR 24/TH 424 intersection and correspondence with the County and MnDOT. The City is moving ahead to design mode, verses just concept drawings and expect to meet again with County and State officials. This matter was for information only.

Item No. 4 An update on the Double D noise issue will be discussed at a future Committee meeting. This matter was for information only.

Item No. 5 Rhonda Ray of Donohue and Associates briefed the Committee on activities for the month of July related to the Wastewater Treatment Plant relocation. Program management activities included meeting with City Staff regarding funding and finance issues. Work continues with Don Roecker, PFA, MPCA, City Staff and Donohue Staff for funding opportunities from the American Recovery and Reinvestment Act of 2009, the Federal stimulus funds, Water Resources Development Act and Environmental Protection Agency State and Tribal Assistance Grant. Work is ongoing with legal counsel to provide information on property acquisition for the interceptor.

An update was also presented on construction-related engineering activities for the conveyance system and wastewater treatment facilities as well as the July budget summary. The Committee also noted that they would like to hold the next Public Works Safety meeting at the site of the new Waste Water Treatment facility and be given a tour. This matter was for information only.

Item No. 6 The Committee discussed a recent street closure request which was denied from St. Mary's Church which closed Kandiyohi Avenue along with closing 12th street from Kandiyohi Avenue to Monongalia Avenue. The street closure policy, which was adopted in October, 2008, addressed these requests. It was the consensus of the Committee to follow the policy in place. Kandiyohi Avenue from 11th Street to 13th Street would not be allowed closure, but 12th from Kandiyohi Avenue to Monongalia would be allowed to be closed for their event. This matter was for information only (see later action).

Item No. 7 The Committee further discussed quiet zone issue as referred back to Committee by the Council. Staff presented information regarding a quiet zone issue in Wayzata and noted that the City cannot establish quiet zones by simply adopting an ordinance. FRA rules and regulations would apply as they did in Wayzata and the crossings were brought into conformance. This matter was for information only.

Item No. 8 The Committee received the Storm Water Task Force Minutes of July 14 and 28, 2009. This matter was for information only.

Item No. 9 Fire Chief Calvin informed the Committee of a retirement party that will be held at 6:00 pm on August 22, 2009, at the Legion for firefighters who have recently retired.

The Committee discussed Kandiyohi County fairgrounds concerns such as garbage and the winter boat access in need of repair.

City Administrator Schmit informed the Committee that Staff is reviewing the City's Data Practice Policy. These matters were for information only.

The Public Works/Safety Committee Report for August 11, 2009, were approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Reese, seconded by Council Member Fagerlie, and carried.

Council Member Christianson asked to reconsider the denial of the street closure and moved to approve the request from St. Mary's to close Kandiyohi Avenue and 12th Street from Kandiyohi Avenue to Monongalia Avenue. Council Member Ahmann seconded the motion, which carried on a roll call vote of Ayes 4, Noes 3 – Council Members Reese, DeBlicke and Fagerlie voted "No."

Mayor Heitke recognized Mark Beasley, Northland Securities underwriter, who presented a Resolution regarding the Bethesda Nursing Home Revenue Note. Following a brief review of the project and time frame, Resolution No. 3 was introduced by Council Member Christianson, seconded by Council Member Ahmann, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 2

RESOLUTION APPROVING THE ISSUANCE AND SALE OF A NURSING HOME
REVENUE NOTE, SERIES 2009 (BETHESDA PROJECT) AND AUTHORIZING THE EXECUTION
OF DOCUMENTS RELATING THERETO

(For Resolution in its entirety, see City Council proceedings file dated
August 17, 2009, located in the City Clerk's Office)

The Mayor and Council considered a preliminary plat for Cambridge Addition. Planning and Development Services Director Peterson presented details of the proposed five-lot replat of some lots in Terraplane Estates intended for the development of a mixture of three-unit and four-unit rental apartments by KLC of Willmar (Kosman Homes). The Planning Commission approved the preliminary plat with conditions regarding existing assessments and minor drawing changes. Council Member Fagerlie moved to approve the preliminary plat for Cambridge Addition with Council Member Dokken seconding the motion, which carried.

City Clerk Halliday presented to the Mayor and Council a list of properties that have not paid the charges for weed and grass mowing. Pursuant to Municipal Code, Chapter 9, Article III concerning the cutting of weeds or grass and in the case of noncompliance, such work is to be performed by the City or its agent. The costs thereof can be certified as a special assessment against the property in question. Following discussion, Council Member Christianson moved to set a public hearing for 7:03 p.m. on September 8, 2009, to consider objections to the proposed assessment for the mowing costs incurred. Council Member Dokken seconded the motion, which carried

City Administrator Schmit informed the Mayor and Council that it is necessary to reschedule the first Council meeting in September due to the Labor Day holiday. Council Member Reese moved to reschedule the September 7, City Council meeting to September 8, 2009. Council Member DeBlieck seconded the motion, which carried.

Announcements for Council Committee meeting dates were as follows: Finance, August 24; Public Works/Safety, September 1; Labor Relations, September 2; and Community Development, September 2, 2009

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

Attest:

MAYOR

SECRETARY TO THE COUNCIL