

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

December 21, 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, Denis Anderson, Tim Johnson, Rick Fagerlie, Jim Dokken, and Steven Ahmann; 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.

Council Member Anderson offered a motion adopting the Consent Agenda which included the following: City Council Minutes of December 7, Rice Hospital Board Minutes of December 9 and 14, Municipal Utilities Commission Minutes of December 14, Planning Commission Minutes of December 16, Police Commission Minutes of October 20, Charter Commission Minutes of October 28, Housing and Redevelopment Authority Minutes of November 10, Charter Commission Minutes of November 18, Community Ed and Recreation Board Minutes of December 11, Applications for Exempt Permit for Prairie Pothole Chapter, Willmar Sertoma Club and Shelter House, and Mayoral appointments of Paul Borene, Andy Engan and Scott Thaden to the Planning Commission. Council Member Reese seconded the motion. Council Member Ahmann offered to amend the motion with the addition of the Mayoral reappointment of Ron Erpelding to the Economic Development Commission Operations Board and the appointment of Pam Kyllingstad to the Pioneer Land Library Board. Council Member Reese seconded the motion, which carried. The original motion then carried.

At 7:08 p.m., Mayor Heitke opened the hearing on an Ordinance Amendment Allowing On-Sale of Wine at Theaters. City Clerk Treasurer Kevin Halliday presented details of the proposed Ordinance noting that only theaters with live performances shall be eligible for a wine license. John Sullivan appeared before the Council to question the eligibility of the Carmike Cinemas Theatre to sell wine. Rand Czarnetzki, President of the Barn Theatre Board also spoke in favor of the Ordinance change. Upon hearing all those who wished to be heard, Mayor Heitke closed the hearing at 7:12 p.m.

Following discussion, Council Member Christianson offered a motion to adopt, assign a number, and order final publication of the Ordinance Allowing the On-sale of Wine at Theaters in the City. Council Member Anderson seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

At 7:15 p.m. Mayor Heitke opened a hearing on a Vacation of a Portion of an Electric Utility Easement. Planning and Development Services Director Peterson presented details of the proposed utility line vacation that coincides with the platting of Cambridge Addition and noted the Planning Commission has approved the proposed Vacation. There being no one present to speak for or against the proposed Vacation, Mayor Heitke closed the hearing at 7:17 p.m.

Resolution No. 1 was introduced by Council Member Fagerlie, seconded by Council Member Anderson, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 1

WHEREAS, the vacation of that portion of the utility easement as described below was initiated by the developer KLC of Willmar:

The south 70 feet of the eastern most 6' utility easement, Lot 1, Block 1, Cambridge Addition.

WHEREAS, the proposed vacation has been approved by the Planning Commission of the City of Willmar; and

WHEREAS, published notice and mailed notice of the proposed vacation and the hearing thereon have been given as provided by Subdivision 6 of section 9.01 of Article IX of the Willmar City Charter; and

WHEREAS, a hearing was duly held on the proposal to vacation the said portion of said electric easement on December 21, 2009; and

WHEREAS, the City Council of Willmar finds that it is in the best interest of the City of Willmar to vacate that portion of utility easement;

NOW, THEREFORE, BE IT RESOVLED, that the above described portion of dedicated utility easement be, and hereby is, vacated.

BE IT FURTHER RESOLVED that a certified copy of the Resolution be filed with the Kandiyohi County Recorder on or after December 28, 2009.

Dated this 21st day of December, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Finance Committee Report for December 14, 2009, was presented to the Mayor and Council by Council Member Anderson. There were seven items for Council consideration.

Item No. 1 The discussion related to Meals on Wheels was postponed until a future Finance Committee meeting because the representative was unable to attend. This matter was for information only.

Item No. 2 Pioneerland Library Director John Houlahan and Head Librarian Christine Beyerl presented detailed information to the Committee on the Library's revised request for disbursement of approximately \$35,000 from the Library Capital Reserve Fund. Their original request has been reduced because of a Bill Gates Foundation Grant awarded to the library in the amount of \$24,000. Proposed expenditures include \$24,000 for computer and technology upgrades required by Pioneerland Library Systems; \$10,000 for establishing a designated area as "Teen Central" to include furniture, display panels, shelving, signage, etc.; and \$1,000 for reupholstering four chairs in the children's area. Staff noted that the current balance in the Library Capital Reserve Fund is approximately \$233,000.

The Committee was recommending the Council introduce a Resolution approving disbursements totaling \$35,000 from the Library Capital Reserve Fund.

Resolution No. 2 was introduced by Council Member Anderson, seconded by Council Member Ahmann, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 2

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to make the following changes within the Library Reserve Fund:

| | | |
|-----------|----------------------------------|-------------|
| Increase: | Transfers to Pioneerland Library | \$35,000.00 |
| Decrease: | Fund Balance | \$35,000.00 |

Dated this 21st day of December, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 City Clerk Halliday provided a brief history of events regarding the Green Mill Liquor Violation issue. Pursuant to an October, 2009, liquor compliance check conducted by the Willmar Police Department, the Green Mill was cited for violating Municipal Code Sec. 32 Selling or Giving Intoxicating Liquor to Persons to Whom Sale is Prohibited. By November 27, 2009, the Green Mill was to pay the \$750 fine plus suspend liquor sales for five days or file an appeal of this citation. The Green Mill did file an appeal which the Finance Committee subsequently approved, pending the outcome of the criminal case against the waitress involved, and forwarded on to the full Council. At the December 7, 2009, Council Meeting, the Green Mill appeal was denied and the issue was sent back to the Finance Committee for further discussion.

Green Mill Vice-President of Food and Beverage Operations Joe Kohaut and Manager Andy Pirotta were again present to pursue the appeal of the civil fines based on concerns that the waitress was familiar with the decoy and, consequently, did not ask for identification. City Attorney Ronning pointed out that the standard of proof in the civil case, against Green Mill, is different from the standard of proof in the criminal case, against the waitress. Subsequently, one should not rely on the results of the other. The facts clearly show that a minor was served and the Municipal Code states the penalty for such action. Bailey Kalkbrenner, who was hired by the Police Department to implement this Compliance Check, reported on the sequence of events in the Green Mill case.

Mr. Kohaut further requested that, if their appeal was not approved, the five-day suspension be delayed until January 3, through January 7, 2010, instead of December 22 through December 26, 2009. Since it is the holiday season, both beverage and food sales are up which could result in a business loss of up to \$10,000 for alcohol alone during the suspension plus tips for the wait staff based on those sales.

Committee Members raised concerns that the City had some responsibility in the timing of this suspension because of the actions taken at previous meetings. Further, it was suggested that the Council schedule a work session to discuss this ordinance. The Committee was recommending the City Council deny Green Mill's appeal and approve the delay of the five-day suspension of liquor sales to January 3, through January 7, 2010. Council Member Anderson moved to approve the recommendation of the Finance Committee with Council Member Fagerlie seconding the motion, which carried.

Item No. 4 The Committee discussed a donation from O'Reilly Auto Parts in the amount of \$200 for the Willmar Fire Department's general operating budget. The Committee was recommending the Council introduce a Resolution accepting the donation from O'Reilly Auto Parts.

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

RESOLUTION NO. 3

WHEREAS, the City of Willmar has received a donation from O'Reilly Auto Parts of \$200.00 for the Willmar Fire Department's general operating budget;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Willmar, Minnesota, that the City accept the donation and that the City Administrator be directed to express the community's appreciation.

Dated this 21st day of December, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Committee also considered a donation from Willmar Noon Kiwanis and Lions of a projector valued at \$350 for the Willmar Community Center. The Committee was recommending the Council introduce a Resolution accepting the donation of a projector valued at \$350 from Willmar Noon Kiwanis and Lions for the Willmar Community Center and to send a letter of appreciation.

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

RESOLUTION NO. 4

WHEREAS, the City of Willmar has received a donation from Willmar Noon Kiwanis and Lions of a projector valued at \$350.00 for the Willmar Community Center;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Willmar, Minnesota, that the City accept the donation and that the City Administrator be directed to express the community's appreciation.

Dated this 21st day of December, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 5 Staff reported to the Committee that in 2006 the City received a \$400,000 grant from the Minnesota Department of Employment and Economic Development (DEED) which was in turn loaned to Willmar Fabrication. In September, 2009, Willmar Fabrication requested deferment of their loan payments until January, 2010, which the City Council approved contingent on approval from DEED. As of today, approval from DEED has not yet been received and Willmar Fabrication has not made any loan payments since September, 2009. Staff is recommending that this nonpayment of loan installments be submitted to the City Attorney to pursue appropriate action. The Committee was recommending the Council pursue collection from Willmar Fabrication through the City Attorney for nonpayment of loan installments. Council Member Anderson moved to approve the recommendation of the Finance Committee with Council Member Fagerlie seconding the motion, which carried.

Item No. 6 Staff presented to the Committee a proposed revision to the City's Waste Treatment Plant Project Budget to reflect the original 2008 loan with Minnesota Public Facilities Authority and the execution of a new 30-year loan for the unspent portion of the 2008 loan. There is no change to the total budget, which remains at \$86,000,000. The Committee was recommending the Council introduce a Resolution amending the Waste Treatment Plant Project Budget to reflect the refinancing of the unspent 2008 loan into a 30-year loan.

Resolution No. 5 was introduced by Council Member Anderson, seconded by Council Member Reese, 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, a municipal corporation of the State of Minnesota, that the Mayor and City Administrator of the City of Willmar are hereby authorized to revise the City WWTF Budget to reflect the revision of the original 2008 loan with the Minnesota Public Facilities Authority and the new 30-year loan with the Minnesota Public Facilities Authority.

Dated this 21st day of December, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Rhonda Rae, of Donohue & Associates, presented a revision to the Committee for their contract that would adjust the Levels of Effort by increasing the number of Donohue staff at the plant. Additional staff on-site would be able to address potential problems that may arise when starting up the plant in October as well as to oversee the seeding. The breakdown of the Levels of Effort among the contracts in Construction-Related Services is being adjusted, but the total Donohue Contract amount is not changing. The Committee was recommending the Council introduce a Resolution revising the breakdown of the Donohue & Associates Contract to reflect the increase in Contract C and the decrease in Contracts D3, D4, and D5.

Resolution No. 6 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 6

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 approve the changes in the Level of Service from the Engineering Services Agreement Amendment No. 1 dated October 5, 2009 between the City of Willmar and Donohue & Associates, Inc. This contract was originally entered into by Council action on August 18, 2008.

Dated this 21st day of December, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 7 The Committee reviewed the November 30, 2009, reports for the Convention & Visitors Bureau and WRAC-8. This matter was for information only

The Finance Committee Report for December 14, 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 December 15, 2009, was presented to the Mayor and Council by Council Member Reese. There were nine items for Council consideration.

Item No. 1 Gary Geiger speaking on behalf of the Willmar Design Center, expressed interest in developing a special taxing district for the downtown to pay for maintenance issues such as snow removal and garbage pickup. The Committee was willing to consider the request as long as it was the consensus of the downtown establishments. Mr. Geiger will pursue the idea and bring any related information back to the Committee for consideration.

Mr. Geiger also mentioned the ongoing request of the businesses to open up access to the downtown. The Willmar Design Center would like to see the planning of this project begin in 2010 to allow time to work with the State on the concept so the project is ready by the 2012 scheduled construction. The Committee was recommending the Council place the access to downtown on the 2010 Improvement List. The motion was discussed and later withdrawn as the Committee felt it should be compared to other priority needs and funding within the City. This matter was for information only.

Item No. 2 Staff informed the Committee that the City received two quotes on November 23, 2009, for the 2010 Sanitation Services. After receipt of the quotes, Miller Sanitation withdrew due to an error they discovered in their quote. Staff recommended acceptance of the quote from West Central Sanitation in the amount of \$32,287.00. The Committee was recommending the Council accept the quote of West Central Sanitation in the amount of \$32,287.00 and authorize the Mayor and City Administrator to enter into an agreement on behalf of the City.

Resolution No. 7 was introduced by Council Member Reese, seconded by Council Member DeBlicek, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 7

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the quote of West Central Sanitation, Inc. of Willmar, Minnesota for the 2010 Annual Sanitation Requirements 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 vendor for the terms and consideration of the contract in the amount of \$32,287.00.

Dated this 21st day of December, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 Staff informed the Committee that bids were opened on December 14, 2009, for the 2010-2011 Towing Requirements. A total of five bids were received with the low bid being that of Ed's Service Center in the amount of \$37,158.30. The bid tabulation was reviewed and discussed. Greg and Tracy Oevermann representing T & G Towing were present to discuss the bids with the Committee.

Staff explained that the Administrative Fee charged for any tows within the City should to be changed to reflect the decrease in cost to the City. In the next two years, the basic tow charge will be \$38.95, and Staff presented two choices for the administrative fee for consideration. The Committee was recommending the Council accept the quote of Ed's Service Center in the amount of \$37,158.30, authorize the Mayor and City Administrator to enter in an agreement on behalf of the City, and authorize Staff to decrease the towing charges to \$100.00.

Resolution No. 8 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. 8

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the bid of Ed's Service Center of Willmar, Minnesota for the 2010-2011 Towing Requirements 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 \$37,158.30.

BE IT FURTHER RESOLVED bids received for the 2010-2011 Towing Requirements showed a decrease from the previous year;

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Willmar that the towing fees for 2010-2011 be set at \$100.00.

Dated this 21st day of December, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 Staff presented to the Committee a proposed list of improvements for 2010, which includes reconstruction, overlay, new construction, street lighting, and miscellaneous projects. Staff briefly reviewed the streets and miscellaneous items proposed for construction. This year's improvements include reconstruction of 1.3 miles of streets and 1.7 miles of overlay of various streets, including those that coincide with the County's road construction program. New construction is proposed for a portion of Pleasant View Drive SE and a road at Roosevelt School to connect the existing parking lot to 15th Avenue SW.

Miscellaneous items include deck maintenance to the First Street Bridge, path paving along County Roads 41 and 24, storm water related improvements, and crack sealing various areas. The committee discussed the need to continue the reconstruction program and refer the matter to the Finance Committee for consideration of bonding. The Committee was recommending the Council order preparation of the Improvement Report for the 2010 Improvements.

Resolution No. 9 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. 9

ORDER OF IMPROVEMENT REPORT

WHEREAS, it is proposed to construct the following improvements under the 2010 Improvement Project: grading, gravel base, curb and gutter, tiling, bituminous pavement, sidewalk, service lines, sanitary sewer, storm sewer, water main, and street lighting 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 21st day of December, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Council Member Reese moved to refer the financing/bonding for street reconstruction to the Finance Committee. Council Member Ahmann seconded the motion, which carried.

Item No. 5 Staff explained to the Committee the situation with hangar rentals at the Airport. There are 18 units available for rent and currently seven are empty. The City has lost three or four tenants in the last year in part due to high rental rates. The Airport Commission discussed the T-hangar rentals at their November meeting and the Committee reviewed a copy of the Commission minutes. Willmar currently charges between \$160-\$180 per month plus utilities depending on the door size.

Hangars in the area are renting for \$100 per month with electrical power supplied. It was the recommendation of the Airport Commission to reduce the rents to \$120 from the current rental of \$160 and to \$140 from the current rental of \$180.

The current leases expire on January 1, 2010, and Staff recommended renewing at the current rate until revenue levels can be reviewed and a recommendation made based on those findings. Following discussion, the Committee was recommending that the Council accept the recommendation of rates as presented by the Airport Commission effective January 1, 2010. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Christianson seconding the motion, which carried.

Item No. 6 The City received the biannual agreement with the State of Minnesota for reimbursement of eligible costs the City incurs for maintaining the airport during the 2010 and 2011 fiscal years from July 1 through June 30 of each year. The agreement reimburses the City at a not-to-exceed figure of \$51,636. The Committee was recommending the Council approve the agreement with the State of Minnesota and authorize the Mayor and City Administrator to sign on behalf of the City.

Resolution No. 10 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. 10

AUTHORIZATION TO EXECUTE MINNESOTA DEPARTMENT OF TRANSPORTATION GRANT AGREEMENT FOR AIRPORT MAINTENANCE AND OPERATION

Be it resolved by the City Council of the City of Willmar as follows:

1. That the State of Minnesota Agreement No. 94948, "Grant Agreement for Airport Maintenance and Operation at the Willmar Municipal Airport," is hereby accepted.
2. That the Mayor and City Administrator are authorized to execute this Agreement and any amendments on behalf of the City of Willmar.

Dated this 21st day of December, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 7 John Bryant of Donohue and Associates presented to the Committee four changed items for consideration to Project No. 0812-C. The total of the cost reductions and additions associated with the changes is \$23,891.04 and is the seventh such modification for this project. The total amount of unanticipated allowances comes to \$320,429.39 leaving a remaining balance of \$179,570.61. The Committee was recommending the Council approve the Allowance Modification No. 7 as presented.

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

RESOLUTION NO. 11

WHEREAS, the City of Willmar entered into Contract No. 0812-C with Graham Construction Services, Inc. for the construction of a new Wastewater Treatment Facility (WWTF); and

WHEREAS, Change Order No. 1 and Change Order No. 2 decreasing the amount by \$397,788 and \$10,000 respectively have been previously authorized; and

WHEREAS, the above contract has a contingency allowance of \$500,000 in Specification Section 01210 Part 1 – GENERAL 1.02 Specific Allowances; and

WHEREAS, Unanticipated Allowance No. 1 increasing the amount by \$17,191.77, Unanticipated Allowance No. 2 increasing the amount by \$75,775.90, Unanticipated Allowance No. 3 increasing the amount by \$60,801.00, Unanticipated Allowance No. 4 increasing the amount by \$30,889.28, Unanticipated Allowance No. 5 increasing the amount by \$3,696.40, Unanticipated Allowance No. 6 increasing the amount by \$108,184.00 out of a \$500,000 allowance have been previously authorized; and

WHEREAS, it is recommended to approve Unanticipated Allowance No. 7 which contains the following: Item 1: Delete PVC Insulation Jacketing in non-wetted areas; Item 2: HVAC Modifications in Administration Building; Item 3: Replacement of Annular Seals in Existing Bio-Solids Building; Item 4: Change Fiber Optic Cable from Administration Building to the new WWTF Substation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that:

1. Additional work is hereby authorized as Owner Unanticipated Cost Allowance No. 7 for \$23,891.04.
2. Funding for additional work is covered within Contract No. 0812-C Specification Section 01210 Part 1-GENERAL 1.02 Specific Allowances reducing the owner Unanticipated Cost Allowance from \$203,461.65 to \$179,570.61.
3. As specified in the above contract prior to final payment, an appropriate Change Order will be issued and the Contract Price shall be adjusted.

Dated this 21st day of December, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 8 Mr. Bryant presented to the Committee Allowance Modification No. 1 for the Natural Gas Service for Project No. 0812-C. Graham's contract for CenterPoint Energy to supply natural gas service to the new Wastewater Treatment Facility includes a total allowance modification of \$75,000.00. CenterPoint Energy has completed the installation of the service at a cost of \$4,864.51. There are no additional costs identified at this time and the City should realize a cost savings relating to the Natural Gas Service Allowance equaling \$70,135.51 at completion of the project

The Committee was recommending the Council approve the Natural Gas Service Allowance Modification No. 1 to Project No. 0812-C as presented. Resolution No. 12 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. 12

WHEREAS, the City of Willmar entered into Contract No. 0812-C with Graham Construction Services, Inc. for the construction of a new Wastewater Treatment Facility (WWTF); and

WHEREAS, the above contract has a Natural Gas Service contingency allowance of \$75,000 in Specification Section 01210 Part 1 – GENERAL 1.02 Specific Allowances; and

WHEREAS, it is recommended to approve Natural Gas Service Allowance Modification No. 1 which contains the following: Natural Gas Service Installation and Meter Cost.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that:

1. Additional work is hereby authorized as Natural Gas Service Allowance Modification No. 1 for \$4,864.51.
2. Funding for additional work is covered within Contract No. 0812-C Specification Section 01210 Part 1-GENERAL 1.02 Specific Allowances reducing the Natural Gas Service Allowance from \$75,000.00 to \$70,135.49.
3. As specified in the above contract prior to final payment, an appropriate Change Order will be issued and the Contract Price shall be adjusted.

Dated this 21st day of December, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 9 Rhonda Rae of Donohue and Associates briefed the Committee on activities for the month of November related to the Wastewater Treatment Plant Relocation Project. Program management activities included meeting with City Staff regarding funding and finance issues, submittal of Pay Request 1 for the new loan to the Public Facilities Authority for the Clean Water Revolving Fund, and Pay Request No. 6 for the Total Maximum Daily Load Grant. Worked continued with Staff on reconciling the PFA payment with the City pay request, and with PFA and Springsted on refinancing the original 20-year loan balance into a 30-year loan agreement

Donohue and City Staff submitted Pay Request No. 2 to the Public Facilities Authority for the American Recovery and Reinvestment Act of 2009 and Clean Water Revolving Funds. Work continued with many agencies as detailed in the report for funding opportunities, and the final signed paper work for the EPA STAG grant were submitted.

The updates to Chapter 16, Division 2 of the Willmar Municipal Code continued along with edits to the Industrial Wastewater Discharge Permit for Jennie-O Turkey Stores. Property acquisition continues on both the Kvam and Janssen properties. The events are summarized in the monthly report. Both Kvam and Janssen have appealed the awards. An update was also presented on construction-related engineering activities for the conveyance system and wastewater treatment facilities, as well as the November budget summary. Details of the construction are contained in the monthly report. This matter was for information only.

The Public Works/Safety Committee Report for December 15, 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 Community Development Committee Report for December 17, 2009, was presented to the Mayor and Council by Council Member DeBlieck. There were seven items for Council consideration.

Item No. 1 The Committee reviewed proposed revisions to the wind energy conversion system ordinance. The revisions were the result of Council action referring the matter back to the Planning Commission. Concerns expressed by the Council had included the size of lots to accommodate units, size and height of units, and noise levels. Staff explained how each of those issues had been addressed in the revised ordinance.

The Committee was recommending the Council set a public hearing on the revised ordinance. Council Member DeBlieck offered a motion to introduce the wind energy conversion system ordinance and schedule a public hearing for January 4, 2010. Council Member Christianson seconded the motion, which carried. Council Member Anderson voted "No."

Item No. 2 The Committee discussed a Department of Energy program for solar energy development, noting certain efforts by the City could result in being named a solar city. Federal financing may be available for special solar projects. Related activities could include zoning ordinance amendments to accommodate solar energy and the incorporation of solar energy goals into local economic development plans.

The Committee was recommending the Council refer the matter to Willmar Municipal Utilities staff to study feasibility and applicability of solar energy development, and to refer to the Planning Commission to consider solar energy construction criteria. Council Member DeBlieck moved to approve the recommendation of the Community Development Committee with Council Member Ahmann seconding the motion, which carried.

Item No. 3 The Committee reviewed a status report on the airport land release. Major revisions to the environmental assessment are being completed. The next step will be agency and public review of the draft environmental assessment. This matter was for information only.

Item No. 4 Staff presented to the Committee statistics on mobile home park enforcement. A concerted effort to improve exterior maintenance and eliminate exterior storage issues has been made with the parks over the last several months. Overall, the parks are looking better since the aggressive enforcement efforts. The current compliance rate is about 60 percent. Warren Erickson thanked Staff for their efforts and asked that the City stay on top of mobile home park conditions. This matter was for information only.

Item No. 5 The Committee was informed by Staff of a letter from the Mahanaim church offering to the City as a gift the church building at the corner of 7th Street SW and Litchfield Avenue including both parcels of land. The Committee discussed what direction the City should go with this matter. Staff outlined a couple different possibilities and discussed financial matters related to the gift and demolition.

The Committee was recommending to the Council that the City Attorney outline options the City has to deal with the property, and offer an opinion regarding setting precedent in this particular case. Also, that Staff prepare reuse and financial plans for the property. This matter was for information only.

Item No. 6 Staff reviewed with the Committee the current status of enforcement efforts regarding the Sing property on Gay Street. A number of rental violations exist and have been in the penalty phase in excess of one year. The City had gone to court earlier this year and received a judgment against the property. New buyers for the property have come forward and requested that the City reduce the amount of the judgment so that it is feasible to move forward with rehabilitation of the rental property. Staff was recommending that the City agree to reduce the approximate \$68,000 judgment to the amount of \$1,255. This represents a \$1,000 fine against the property and \$255 in court costs. The Committee discussed the situation and agreed that it was not reasonable to expect that the court judgment would be paid, and that to do nothing at this time would only result in the property further deteriorating to the point of not being repairable. Further, it would be in the best interests of the City to have the property repaired and contributing to the local housing stock and tax base.

The Committee was recommending the Council approve the negotiated figure of \$1,255 and to agree to release the City judgment/claim. Council Member DeBlieck moved to approve the recommendation of the Community Development Committee with Council Member Anderson seconding the motion, which carried.

Item No. 7 The Committee discussed the John's Supper Club building situation and received an update from Staff on several commercial and residential projects. This matter was for information only.

The Community Development Committee Report for December 17, 2009, 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 Dokken, and carried.

City Clerk Halliday presented to the Mayor and Council the following establishments requesting renewal of current Sunday Liquor Licenses: On-sale – Applebee's, El Tapatio Mexican Restaurant, Green Mill/Holiday Inn, Grizzly's Grill N' Saloon, Kandi Entertainment Center and Oaks at Eagle Creek; and Club On-sale – American Legion Post 167, Fraternal Order of Eagles, VFW Post 1639 and Willmar Elks Lodge 952. Council Member Anderson moved to approve the renewal of the Sunday Liquor Licenses as presented. Council Member Reese seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

The Mayor and Council considered Council meeting dates for the month of January and February, 2010. Following discussion, Council Member Christianson moved to reschedule the second Council meeting in January to Tuesday, January 19, due to Martin Luther King Day, and reschedule the second Council meeting in February to Tuesday, February 16, 2010, due to Presidents Day holiday. Council Member Ahmann seconded the motion, which carried.

Announcements for Council Committee meeting dates were as follows: Finance, December 28, 2009.

Community Education and Recreation Director Brisendine explained to the Mayor and Council the local Real-Along Program on WRAC-8 and the Willmar Early Children Initiative.

There being no further business to come before the Council, the meeting adjourned at 8:27 p.m. upon motion by Council Member DeBlieck, seconded by Council Member Reese, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL