

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

February 22, 2011  
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Frank Yanish. Members present on a roll call were Mayor Yanish, Council Members Doug Reese, Ron Christianson, Denis Anderson, Steve Ahmann, Rick Fagerlie, and Tim Johnson; Present 7, Absent 2 – Bruce DeBlicek and Jim Dokken were excused from the meeting.

Also present were City Administrator Michael Schmit, Police Chief David Wyffels, Fire Chief Marv Calvin, Public Works Director Holly Wilson, Finance Director Steve Okins, Community Education and Recreation Director Steve Brisendine, Planning and Development Services Director Bruce Peterson, and City Clerk Kevin Halliday.

Additions to the Agenda included an appointment to the Planning Commission, approval of a grant application for crack sealing at the Airport, and a donation from the Willmar Hockey Association.

Council Member Christianson offered a motion adopting the Consent Agenda which included the following: City Council Minutes of February 7, Council Work Session Minutes of February 10, Rice Hospital Board Minutes of February 9, Municipal Utilities Commission Minutes of February 14, Planning Commission Minutes of February 9, Accounts Payable Report through February 16, Housing and Redevelopment Authority Board Minutes of January 11, Charter Commission Minutes of January 25, Mayoral Appointments: HRA Board – Luz Gonz and Kerry Johnson; Planning Commission – Nick Davis. Council Member Fagerlie seconded the motion, which carried.

Mayor Yanish recognized the retirement of Detective Timothy Manuel after 32-plus years with the Willmar Police Department. City Administrator Schmit presented to Aundie Manuel a token of appreciation for Detective Manuel's years of service.

At 7:15 p.m., Mayor Yanish opened a hearing on the 2011 Street and Other Improvement Projects. Public Works Director Wilson presented to the Council details of the individual streets proposed for reconstruction, overlay, underground utility replacement, street lighting, and miscellaneous work. The following individuals spoke concerning the proposed improvements: Arlen Roesner, 915 Becker Avenue SE concerning flooding improvements at Robert Street and Becker Avenue, broken sidewalk and truck traffic; Craig Hanson, 704 – 11 ½ Avenue SE regarding underground cable company destroying the street; Troy Anderson, 401 Charlotte Street SE questioning the assessment policy for corner lots; and Bruce Kallevig, 2801 6<sup>th</sup> Avenue NW spoke regarding water problems. Upon hearing all those who wished to be heard, Mayor Yanish closed the hearing at 7:35 p.m. Action on the 2011 Street Improvements was tabled to the next meeting due to the absence of the required number of Council Members in attendance to order an improvement project.

At 7:42 p.m. Mayor Yanish opened the Western Interceptor Facilities Plan Hearing. Rhonda Rae of Donohue and Associates presented an overview of the Western Interceptor Facilities Plan as well as a history whereby the City identified service areas and planning boundaries. The Comprehensive Collection System Plan included recommendations for the future through 2030. A workshop held in September 2009 listed the alignment alternatives and the selected preferred alignment of the Western Interceptor was selected in December 2010. The 13,000 linear foot interceptor is a gravity flow project with an estimated cost of \$4,973,000.

Mayor Yanish acknowledged John Sullivan of 508 SE 13<sup>th</sup> Street at the hearing where he stated he felt funding for the Western Interceptor was not a top priority and that the quiet zones for railroad crossings and the storm water flooding issues should be resolved first. Laura Becker of 1010 Kandiyohi Avenue SW also spoke at the hearing requesting the City Council look at other projects such as the railroad noise, 60-year flooding concerns and land release issues at the old airport site. Upon hearing all those who wished to be heard, Mayor Yanish closed the hearing at 8:21 p.m.

Following discussion, Resolution No. 1 was introduced by Council Member Reese, seconded by Council Member Fagerlie, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 1

APPROVAL OF THE WESTERN INTERCEPTOR SEWER FACILITIES PLAN

WHEREAS, after due Notice of Public Hearing on the draft Facilities Plan for the Western Interceptor Sewer Project for the City of Willmar, Minnesota, a hearing on said Facilities Plan was duly held and the Council heard all persons desiring to be heard on the matter and fully considered the same; and

WHEREAS, it is necessary to submit to the Minnesota Pollution Control Agency a Facilities Plan for the Western Interceptor Sewer Project, and said Facilities Plan must be approved by the Minnesota Pollution Control Agency.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Willmar that City Staff, through the agreement with Donohue & Associates, Inc. is authorized to proceed with submitting the approved Western Interceptor Sewer Facilities Plan to the Minnesota Pollution Control Agency and that the Mayor and City Administrator are authorized to execute the same.

Dated this 22<sup>nd</sup> day of February 2011.

/s/ Frank Yanish  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Mayor Yanish recognized Nancy Stredde owner of 1112 Lake Avenue NW who had signed up to address the City Council during its scheduled Open Forum. Ms. Stredde expressed concerns about her day care business application for property tax exemption.

Mayor Yanish called for a recess at 8:37 p.m. and reconvened the meeting at 8:46 p.m.

The Finance Committee Report for February 14, 2011, was presented to the Mayor and Council by Council Member Anderson. There were seven items for Council consideration.

Item No. 1 Chair Anderson acknowledged that there was no one present for the public comment section. This matter was for information only.

Item No. 2 Nancy Stredde, First Step Childcare Center, was present to discuss with the Committee the question of property tax exemption under the 501c3 not-for-profit program. Ms. Stredde's assertion was that as a 501c3 the Childcare Center should be exempt from local property taxes.

City Assessor Pat Erickson was present to explain the reasoning behind the City's denial of a tax

exemption request. Citing Minnesota Department of Revenue property tax rules and regulations, Ms. Erickson explained that childcare centers not associated or affiliated with churches or government organizations must meet criteria for institutions of purely public charity. In other words, the 501c3 may be exempt from property taxes if they meet all of the following factors:

1. The undertaking is to be helpful without immediate expectation of material reward.
2. Whether the institution is supported by material donations, gifts or government grants for services to the public.
3. Whether a material number of the recipients of the charity receive benefits or services at reduced or no cost.
4. Whether the income received produces a profit that is not distributed to private interests.
5. Whether the class of persons to whom the charity is made available is one having reasonable relationship to the charitable objectives.
6. Whether dividends, in form or substance, or assets upon dissolution, are not available to private interests.

In the opinion of the City and Department of Revenue the First Step Childcare Center did not meet these criteria and the application subsequently was denied.

A brief discussion of the City's JOBZ program ensued and Chair Anderson assured Ms. Stredde that although the City could not arbitrarily approve a request for exemption, the City Council and Staff would do what they could to assist in the application process for the coming year. This matter was for information only.

Item No. 3 Staff presented to the Committee the 2011 Street Improvement Program preliminary budget. The estimated \$2,419,000 program will be revised at a later date to reflect actual project amounts and related project costs. The Committee was recommending the Council approve Resolution adopting the preliminary budget as presented.

Resolution No. 2 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, reviewed by Mayor Yanish, and carried on a roll call vote of Ayes 6, Noes 0.

#### RESOLUTION NO. 2

##### PRELIMINARY 2011 STREET IMPROVEMENTS BUDGET

<p>PERSONNEL SERVICES</p> <p>Overtime Reg. Employees                   \$500.00</p> <p>Salaries Temp. Employees                <u>\$1,000.00</u></p> <p>                  TOTAL                               \$1,500.00</p> <p>SUPPLIES</p> <p>Office Supplies                               \$500.00</p> <p>Small Tools                                   \$500.00</p> <p>Motor Fuels &amp; Lubricants                \$2,000.00</p> <p>Postage   \$1,000.00</p> <p>Mtce. of Other Improvements            \$500.00</p> <p>General Supplies                           <u>\$1,000.00</u></p> <p>                  TOTAL                               \$5,500.00</p> <p>OTHER SERVICES</p>	<p>RECEIVABLES</p> <p>Property Owners                            \$965,500.00</p> <p>County   \$36,800.00</p> <p>State    \$423,200.00</p> <p>City    \$868,300.00</p> <p>City (MUC)                                  \$64,900.00</p> <p>LOST    \$35,000.00</p> <p>City (WWTP)                                <u>\$25,300.00</u></p> <p>                  TOTAL                               \$2,419,000.00</p> <p>FINANCING</p> <p>Bonds   \$1,833,800.00</p> <p>County                                        \$36,800.00</p> <p>State    \$423,200.00</p> <p>City (MUC)                                  \$64,900.00</p> <p>LOST    \$35,000.00</p>
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Mtce. of Other Impr.	\$2,082,300.00	City (WWTP)	<u>\$25,300.00</u>
Other Services	<u>\$97,700.00</u>	TOTAL	\$2,419,000.00
TOTAL	\$2,180,000.00		
		GRAND TOTAL	\$2,419,000.00
OTHER CHARGES			
Insurance & Bonds	\$2,000.00		
Prof. Serv.	\$25,000.00		
Advertising	\$2,000.00		
Adm. OH (Transfer)	\$183,000.00		
Other Charges	<u>\$20,000.00</u>		
TOTAL	\$232,000.00		
GRAND TOTAL	\$2,419,000.00		

Dated this 22<sup>nd</sup> day of February 2011.

/s/ Frank Yanish  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Staff presented to the Committee a Resolution of certification to reimburse for costs incurred prior to the sale of bonds to finance the proposed 2011 street improvements. Following discussion, the Committee was recommending the Council adopt the Resolution Establishing Procedures Relating to Compliance with Reimbursement Bond Regulations under the Internal Revenue Code.

Resolution No. 3 was introduced by Council Member Anderson, seconded by Council Member Johnson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 3

RESOLUTION ESTABLISHING PROCEDURES RELATING TO COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE

BE IT RESOLVED, by the City Council (the "Council") of the City of Willmar, Minnesota (the "City"), as follows:

1. Recitals.
  - A. The Internal Revenue Service has issued Treasury Regulations, Section 1.150-2 (as the same may be amended or supplemented, the "Regulations"), dealing with "reimbursement bond" proceeds, being proceeds of the City's bonds used to reimburse the City for any project expenditure paid by the City prior to the time of the issuance of those bonds.
  - B. The Regulations generally require that the City make a declaration of intent to reimburse itself for such prior expenditures out of the proceeds of subsequently issued bonds, that such declaration be made not later than 60 days after the expenditure is actually paid, and that the bonding occur and the written reimbursement allocation be made from the proceeds of such bonds within 18 months after the later of (1) the date of payment of the expenditure or (2) the date the project is placed in service (but in no event more than 3 years after actual payment).
  - C. The City heretofore implemented procedures for compliance with the predecessor versions of the Regulations and desires to amend and supplement those procedures to ensure compliance with the Regulations.

D. The City's bond counsel has advised the City that the Regulations do not apply, and hence the provisions of this Resolution are intended to have no application, to payments of City project costs first made by the City out of the proceeds of bonds issued prior to the date of such payments.

2. Official Intent Declaration. The Regulations, in the situations in which they apply, require the City to have declared an official intent (the "Declaration") to reimburse itself for previously paid project expenditures out of the proceeds of subsequently issued bonds. The Council hereby authorizes the City Clerk to make the City's Declarations or to delegate from time to time that responsibility to other appropriate City employees. Each Declaration shall comply with the requirements of the Regulations, including without limitation the following:

A. Each Declaration shall be made not later than 60 days after payment of the applicable project cost and shall state that the City reasonably expects to reimburse itself for the expenditure out of the proceeds of a bond issue or similar borrowing. Each Declaration may be made substantially in the form of the Exhibit A, which is attached to and made a part of this Resolution, or in any other format which may at the time comply with the Regulations.

B. Each Declaration shall (1) contain a reasonably accurate description of the "project," as defined in the Regulations (which may include the property or program to be financed, as applicable), to which the expenditure relates and (2) state the maximum principal amount of bonding expected to be issued for that project.

C. Care shall be taken so that the City, or its authorized representatives under this Resolution, not make Declarations in cases where the City doesn't reasonably expect to issue reimbursement bonds to finance the subject project costs, and the City officials are hereby authorized to consult with bond counsel to the City concerning the requirements of the Regulations and their application in particular circumstances.

D. The Council shall be advised from time to time on the desirability and timing of the issuance of reimbursement bonds relating to project expenditures for which the City has made Declarations.

3. Reimbursement Allocations. The designated City officials shall also be responsible for making the "reimbursement allocations" described in the Regulations, being generally written allocations that evidence the City's use of the applicable bond proceeds to reimburse the original expenditures.

4. Effect. This Resolution shall amend and supplement all prior resolutions and/or procedures adopted by the City for compliance with the Regulations (or their predecessor versions), and, henceforth, in the event of any inconsistency, the provisions of this Resolution shall apply and govern.

Dated this 22<sup>nd</sup> day of February 2011.

/s/ Frank Yanish  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 4 The Committee discussed the Western Collector Project including the idea of three public financing scenarios using various percentages of the local option sales tax to finance construction costs. The discussion included an analysis of the current loan program through PFA and the PFA's position with regard to a second loan covering the Western Collector. It was the consensus of Committee Members that in the event the Western Collector moves forward as planned, the City should follow up with local legislators in an attempt to use unobligated original Waste Water Treatment Plant loan proceeds as opposed to a second loan. The extent of the use of any LOST proceeds will be determined following the Facilities Plan public hearing process.

Following discussion, Resolution No. 4 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 4

BE IT RESOLVED that Senator Gimse and Representative Vogel are hereby requested to introduce and secure a Bill in the current Legislative Session allowing the City of Willmar to use unobligated funds from Public Facilities Authority Loan #MPFA-09-0043-R-FY10 to finance all or a portion of the Western Interceptor and Lakeland Avenue Utility Projects which are currently included on the Public Facility Authority's project priority list.

Dated this 22<sup>nd</sup> day of February 2011.

/s/ Frank Yanish

MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Item No. 5 The Committee considered a proposal to apply for a Greater Minnesota Public Infrastructure Program through the Minnesota Department of Employment and Economic Development (DEED) as an option to reduce capital costs associated with the Western Collector Project. Following a discussion of the details governing the Business Development Infrastructure Grant Program, the Committee was recommending the Council adopt a Resolution authorizing Staff to submit an application for up to \$1,000,000 grant through the Greater Minnesota Public Infrastructure Program through DEED.

Resolution No. 5 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 5

BE IT RESOLVED by the City Council of the City of Willmar to approve an application for up to \$1,000,000 by the City for, and the acceptance of, a Greater Minnesota Public Infrastructure Program grant through the Minnesota Department of Employment and Economic Development. Said proceeds to be used to reduce capital costs associated with the WWTP Western Collector Project.

Dated this 22<sup>nd</sup> day of February 2011.

/s/ Frank Yanish

MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Item No. 6 Staff presented to the Committee information from the Office of the State Auditor regarding claim approvals by the governing body. A summary of claims paid on a biweekly basis is included in Council packets. It was noted that many years ago the Council delegated claims approval to the Office of the City Administrator. Staff was recommending to the Committee that based on State Auditor suggestions, claims approval review revert back to the Council.

The Committee was recommending the Council approve of claims reverting back to the City Council and included under the approval section of the Council Consent Agenda. Council Member Anderson moved to approve the recommendation of the Finance Committee with Council Member

Christianson seconding the motion, which carried.

Item No. 7 The Committee reviewed the January Rice Trust Report. This matter was for information only.

The Finance Committee Report for February 14, 2011, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Ahmann, seconded by Council Member Fagerlie, and carried.

The Public Works/Safety Committee Report for February 15, 2011, was presented to the Mayor and Council by Council Member Reese. There were 11 items for Council consideration.

Item No. 1 The Committee was informed by Staff of parking modification requests for two specific areas Downtown. One for a handicap parking space in front of the Medical Supply Store located in the Heritage Square building, which will be granted; and the other for the Hospital laundry service at 409 Benson Avenue to remove parking on the opposite side of the street, which will not be granted. This item was for information only.

Item No. 2 The Committee was informed that the City received a construction agreement which covers the City's share of the costs to adjust water and sewer facilities in T.H. 12 from 6<sup>th</sup> Street East to west of the junction of US Highway 71. The State plans to let a contract to mill and overlay TH 12 this upcoming construction season. Al Rice of Mn/DOT explained the project, which will require the adjustment of the City's sanitary sewer, storm sewer, and water main facilities. The agreement appoints the State as the City's agent to design and construct the adjustment work as part of the project. The City's estimated share of the project costs is \$7,957.75.

The Committee was recommending the Council approve the agreement as presented and authorize the Mayor and City Administrator to execute it on behalf of the City. Resolution No. 6 was introduced by Council Member Reese, seconded by Council Member Christianson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 6, Noes 0.

#### RESOLUTION NO. 6

IT IS RESOLVED that the City of Willmar enter into Mn/DOT Agreement No. 98394-R with the State of Minnesota, Department of Transportation for the following purposes:

To provide for payment by the City to the State of the City's share of the costs of the utility adjustment on Trunk Highway 12 from 6<sup>th</sup> Street East to west of the Junction of US 71 in the City of Willmar under State Project No. 3403-67.

IT IS FURTHER RESOLVED that the Mayor and the City Administrator are authorized to execute the Agreement and any amendments to the Agreement.

Dated this 22<sup>nd</sup> day of February 2011.

/s/ Frank Yanish  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 3 Staff informed the Committee that the owners of the Willmar Stingers have approached the City expressing difficulty with purchasing 3.2% Malt Liquor in plastic bottles due to their

ability to only order once per calendar year. City Attorney Ronning reviewed their request and the City cannot issue a strong beer license to a non-restaurant business without special legislation. Senator Joe Gimse and Representative Bruce Vogel have been approached to consider introducing special legislation to allow strong beer licenses to teams of the Northwoods Baseball League. Both Senator Gimse and Representative Vogel have requested a resolution of support for the proposed legislation from the City prior to introducing any legislation

The Committee was recommending the Council pass a resolution of support allowing the Willmar Baseball LLC to serve strong beer at Taunton Stadium. Resolution No. 7 was introduced by Council Member Reese, seconded by Council Member Fagerlie, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 5, Noes 1 – Council Member Ahmann voted "No."

RESOLUTION NO. 7

WHEREAS, the Willmar Stingers Baseball program, held at Taunton Stadium, includes the sale of food and alcohol; and

WHEREAS, current state law limits the alcohol sales to 3.2% Malt liquor; and

WHEREAS, the owners of the Willmar Stingers desire to offer a greater selection of beer brands to the baseball attendees with strong beer; and

WHEREAS, our local Senator and Representative are willing to sponsor special legislation to allow the Willmar Stingers to sell strong beer at Taunton Stadium.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Willmar hereby supports the effort of our legislators to sponsor special legislation to allow strong beer sales at Taunton Stadium.

Dated this 22<sup>nd</sup> day of February 2011.

/s/ Frank Yanish

MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Item No. 4 The issue of drainage concerns at the First Step Childcare Center located at 1112 Lake Avenue NW was referred to the Committee by the City Council. The owner, Nancy Stredde, was present to address questions. The Committee received correspondence from both Staff and Ms. Stredde describing the activities that occurred related to drainage problems in her building. It was the consensus of the Committee that the issue was related to the private lines and not the City-owned storm sewer. This matter was for information only.

Item No. 5 City Administrator Schmit presented an overview of the Garfield School trade situation with the Committee. The Willmar School District offered the property to the City in exchange for waiving street assessments at Roosevelt School in 2010. The City hired Engan and Associates to do a feasibility study, which was reviewed by the City Council. The question of a square footage comparison was subsequently requested. The square foot area for the Garfield School facility is 28,768 square feet and the total area for the City Offices, Council Chambers and WRAC 8 is 25,914 square feet.

Mr. Schmit then presented the recent development of the building being nominated for inclusion on the Preservation Alliance of Minnesota's annual 10 Most Endangered Historic Places list. Such an inclusion would place remodeling restrictions on the building that would not be favorable to the City.



Following discussion the Committee directed Staff to contact the Willmar School District and explain that the City is not in a position to assume ownership of the facility, but would be interested in the green space on the south half. 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. 6 Police Chief Wyffels presented to the Committee information related to amending the Municipal Code regulating parking and violations. In Section 1, the fine amounts have been adjusted to reflect the recommendation of City staff along with updates to several other areas. The Committee was recommending the Council introduce the Ordinance as presented. Council Member Reese moved to introduce an Ordinance Amending Parts of Municipal Code Section 15 Regulating Parking and Violations and to schedule a public hearing on March 7, 2011. Council Member Christianson seconded the motion, which carried.

Item No. 7 Rhonda Rae of Donohue and Associates briefed the Committee on activities for the month of December related to the Wastewater Treatment Plant Relocation Project. Program management activities included submittal of Pay Request No. 16 for the 30-year loan to the Public Facilities Authority for the Clean Water Revolving Fund, and Pay Request No. 16 to the Public Facilities Authority for American Recovery and Reinvestment Act (ARRA).

The firm continues to provide information for the City's asset management, maintenance and operational program. Work continues on gravity collection piping and force main piping costs. Donohue is assisting legal counsel and City staff to provide information on the property acquisition for the western collector and lift station decommissioning projects.

Projects 0813-D3 and 0814-D4 are substantially complete. The contractors are currently working on punch list items. Project 0815-D5 was approved for final project acceptance and final payment in September 2010 and Project 0816-D6 approved on January 19, 2011. All systems at the new Wastewater Treatment Facility are operational. The contractor continues working on punch list items and post start-up services. All training is complete.

The contractor for Project No. 1017-B is progressing. The contractor has installed temporary HVAC, completed the gas line relocation, and installed equipment in the Administration building. The fiberglass covers from the RBCs were hauled out, and several buildings demolished. Equipment and process piping are being removed from the Fine Screen Building. This matter was for information only.

Item No. 8 Rhonda Rae of Donohue and Associates informed the Committee that the public hearing on the Facilities Plan for the Western Interceptor Sewer Project would take place at the Council meeting on February 22, 2011. This matter was for information only.

Item No. 9 Rhonda Rae of Donohue and Associates also informed the Committee that the public has been invited to the Council meeting for purposes of a public informational meeting related to the decommissioning of both the Ortenblad and Arby's lift stations. This matter was for information only.

Item No. 10 The Committee was informed by Staff that Donohue's contract for the decommissioning of the Ortenblad and Arby's lift stations is for design, plans and specifications and through the bidding process. The City is in need of engineering assistance for the construction management portion of the project. Donohue and Associates has agreed to carry the project through construction at an additional cost of \$38,080.00. It was Staff's recommendation to enter into an agreement with Donohue and Associates rather than solicit for an engineering firm not familiar with the project.

The Committee was recommending the Council enter into an agreement for construction management services for Project No. 1109-B2 with Donohue and Associates as presented and authorize

the Mayor and City Administrator to sign on behalf of the City. Resolution No. 8 was introduced by Council Member Reese, seconded by Council Member Christianson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 6, 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 Mayor and City Administrator of the City of Willmar are hereby authorized to enter into a contract amendment to supplement the Engineering Services Agreement dated September 21, 2010 between the City of Willmar and Donohue & Associates, Inc.

BE IT FURTHER RESOLVED, the contract is hereby amended as follows:

<u>Task No.</u>	<u>Description</u>	<u>Current Amount</u>	<u>Change</u>	<u>Revised Amount</u>
1.0 – 1.5	Preliminary Design	\$ 14,210	\$ 0	\$ 14,210
1.6	Allowances	9,453	0	9,453
2.0 – 2.13	Final Design	28,835	0	28,835
2.14	Bidding Documents	5,620	0	5,620
3.0 – 3.6	Bidding	9,840	0	9,840
4.0	Construction-Related Services	<u>0</u>	<u>38,080</u>	<u>38,080</u>
	Project Total	\$ 67,958	\$ 38,080	\$ 106,038

Dated this 22<sup>nd</sup> day of February 2011.

/s/ Frank Yanish

MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Item No. 11 Jeff Kimpling of Willmar Municipal Utilities was asked to address the Committee concerning updates to LED street lighting. New LED lights have surfaced targeting street lighting, and appear similar to the Cobra heads currently used. The price is still quite high, approximately \$600-\$800 per unit for the lowest light output. Willmar Municipal Utilities is discussing placing money in the next year's budget to purchase several to experiment in an existing residential area. This matter was for information only.

The Public Works/Safety Report for February 15, 2011, 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 February 17, 2011, was presented to the Mayor and Council by Council Member Anderson. There were 10 items for Council consideration.

Item No. 1 John Sullivan raised questions about the western interceptor sewer project. David Herzer, requested that Willmar Municipal Utilities Commission meetings be televised and that more Commission information be made available to the public. Laura Becker questioned the need for the western interceptor sewer and called for more accuracy in recording meetings. Mayor Yanish spoke about the cost of televising meetings.

Item No. 2 Staff provided information about the National Flood Insurance Program and the mandatory insurance requirements for mortgage holders in designated flood zones. That requirement

creates a financial obligation for property owners who may not be in an area that is subject to flooding. The estimated cost of such insurance ranges from \$800 to \$3,000 per year. It was noted that the Council has consistently held that the desires of many outweigh the needs of a few, and that they would not participate in the program as long as unaffected property owners face financial obligations. This matter was for information only.

Item No. 3 Bev Dougherty presented to the Committee information about Design Center activities. A document reviewing 2005-2010 goals and activities was reviewed. The top priority for 2011 is the opening of Litchfield Avenue. Operations continue to be funded by a mixture of public and private monies. The Committee briefly discussed the possible opening of Litchfield Avenue and the proposed historic designation of the Lakeland Hotel building. This matter was for information only.

Item No. 4 The Committee discussed inspection activity in the Central Business District, including building, rental, and zoning inspections. Building Official Randy Kardell described recent construction activities and reviewed a list of residential rental properties in the CBD. A handout was reviewed that included a Central Business District residential unit count and a recap of zoning enforcement. Staff explained the permitting and inspection procedures for residential development or conversion. The Committee discussed building occupancy and maintenance, and the need to review standards to ensure better downtown development in the future. This matter was for information only.

Item No. 5 Staff informed the Committee that a correction to a 2005 transmission line agreement between Willmar Municipal Utilities and the City of Willmar was needed. The agreement had been approved by both parties to allow a section of a 69 kv line to cross the former airport property. There was an error in the original legal description concerning the width of the transition line corridor. Jeff Kimpling from WMU presented a drawing and reviewed the agreement to show where the correction was needed. It was noted that the description needed to be written so there was a 100-foot wide corridor described by its center line.

The Committee was recommending the Council adopt a Resolution approving the change in the legal description as proposed. Resolution No. 9 was introduced by Council Member Anderson, seconded by Council Member Christianson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 6, Noes 0.

#### RESOLUTION NO. 9

BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, that the 2005 Transmission Line Corridor Agreement between the City and Willmar Municipal Utilities be amended by changing the "50.00 foot power line easement reference in Exhibit "A" of the Agreement to "a 100.00 foot power line corridor across part of power line corridor across part of the NE ¼ and part of the SE ¼ of Section 17, T 119, R 35, Willmar Township, Kandiyohi County, Minnesota.

Dated this 22<sup>nd</sup> day of February 2011.

/s/ Frank Yanish  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 6 Staff presented to the Committee a position paper supporting the prompt construction of the western interceptor sewer. The Committee discussed the future development of the expanded industrial park, including the timing and financing for infrastructure. This matter was for information only.

Item No. 7 The Committee received from Staff an update on Planning Commission activities including Zoning Ordinance revisions, the consideration of design standards for the Central Business District, and miscellaneous text amendments to achieve Comprehensive Plan consistency. Council Member Ahmann suggested that the Planning Commission consider adding "green" development standards to the Zoning Ordinance. This matter was for information only.

Item No. 8 The Committee discussed a recommendation by the Airport Commission that the City contract with Maximum Cruise Aviation to provide on-site management and maintenance services at a minimum of 20 hours per week. Maximum Cruise had previously subcontracted with Eric Rudningen to provide those services. When that contract expired, the City pursued a contract directly with Mr. Rudningen that was not accomplished due to liability insurance issues. The previous contract with Maximum Cruise was for approximately \$14,000 per year. They were now requesting \$20,000 per year.

The Committee was recommending the Council enter into a contract with Maximum Cruise Aviation for the year 2011 for airport on-site management/maintenance services at a rate not to exceed \$20,000 per year; pro-rated over the balance of 2011. Resolution No. 10 was introduced by Council Member Anderson, seconded by Council Member Christianson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 10

WHEREAS, the City of Willmar desires to retain a firm to provide on-site Airport management and maintenance; and

WHEREAS, a proposal has been made by the firm of Maximum Cruise Aviation, LLC for a not-to-exceed figure of \$20,000.00 for the year 2011, pro-rated as of the date of this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that said proposal be accepted and that the Mayor and City Administrator be authorized to execute the same.

Dated this 22<sup>nd</sup> day of February 2011.

/s/ Frank Yanish

MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Item No. 9 The Committee considered a request from the Economic Development Commission for a Resolution of support for a grant application. The EDC is applying for a grant in partnership with the Mid Central Research and Outreach Center at MinnWest Technology Campus for renewable energy commercialization and work force training. This will be a training center that will offer work force development and online learning through the University of Minnesota, St. Cloud State, and Ridgewater College.

The Committee was recommending the Council adopt a Resolution of support for the grant application. Resolution No. 11 was introduced by Council Member Anderson, seconded by Council Member Christianson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 11

BE IT RESOLVED, by the City Council of the City of Willmar, Minnesota, that it hereby supports

the City of Willmar/Kandiyohi County Economic Development Commission application for a Federal Economic Development Administration Grant to develop a renewable energy commercialization and workforce training center.

Dated this 22<sup>nd</sup> day of February 2011.

/s/ Frank Yanish

MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Item No. 10 Staff informed the Council that the demolition of the Mahanaim Church was substantially complete. Council Member Christianson inquired about filling the site to a level that would prevent runoff containing granular material from leaving the site. Staff told the Council that they were pleased with the efforts to remove the church, even though it took longer than anticipated. The project was ultimately able to be accomplished without the City having any direct costs or future financial obligation. This matter was for information only.

The Community Development Committee Report for February 17, 2011, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Anderson, seconded by Council Member Christianson, and carried.

City Clerk Halliday informed the Mayor and Council that the Willmar Curling Club has rented space at the Civic Center for a two-day Novice Bonspiel and plans to serve alcohol. A Civic Center Arena Special Event Permit is required and the Baker's Eagle Creek Eatery LLC has applied for this permit with on-site employee listed as Jenna Chapin. Following discussion, Council Member Fagerlie moved to approve the Civic Center Arena Special Event Permit with Council Member Christianson seconding the motion, which carried on a roll call vote of Ayes 6, Noes 0.

Planning and Development Services Director Peterson presented to the Mayor and Council a request to vacate a portion of Pacific Avenue and 8<sup>th</sup> Street Southwest from Benson Avenue to the railroad tracks. The Willmar Municipal Utilities has requested the street vacation to allow WMU truck access but to block the public. Following discussion, Resolution No. 12 was introduced by Council Member Christianson, seconded by Council Member Anderson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 6, Noes 0.

#### RESOLUTION NO. 12

#### RESOLUTION SETTING A PUBLIC HEARING TO CONSIDER A PETITION TO VACATE A STREET

BE IT RESOLVED by the City Council of the City of Willmar that the Council conduct a public hearing at 7:02 p.m. on Monday, March 21, 2011, in the Council Chambers at the Municipal Utilities Commission Building, 700 SW Litchfield Avenue, Willmar, Minnesota.

BE IT FURTHER RESOLVED that the purpose of the hearing will be to consider a street vacation initiated by the City described as:

That portion of Pacific Ave. SW described as follows: starting at the southeast corner of Lot 1, Block 16, Original Town (now City) of Willmar; thence south 70 feet to the northeast corner of Lot 1, Block 20, Original Town (now City) of Willmar; thence west along the southerly line of Pacific Ave. SW to the northwest corner of Lot 12, Block 18, Original Town of Willmar; thence north 70 feet to the

southwest corner of Lot 12, Block 14, Original Town (now City) of Willmar; thence east along the northerly line of Pacific Ave. SW to the point of beginning, and

That portion of 8<sup>th</sup> St. SW described as follows: starting at the southwest corner of Lot 12, Block 20, Original Town (now City) of Willmar; thence west 70 feet to the southeast corner of Lot 1, Block 19, Original Town (now City) of Willmar; thence north along the westerly line of 8<sup>th</sup> St. SW to the northeast corner of Lot 1, Block 15, Original Town (now City) of Willmar; thence east 70 feet to the northwest corner of Lot 12, Block 16, Original Town (now City) of Willmar; thence south along the easterly line of 8<sup>th</sup> St. SW to the point of beginning.

BE IT FURTHER RESOLVED that any person having an interest in said matter is invited to appear in person or be represented by counsel to be heard on this matter.

Dated this 22nd day of February, 2011.

/s/ Frank Yanish  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Announcements for Council Committee meeting dates were as follows: Finance, February 28, 2011.

Community Education and Recreation Director Brisendine informed the Mayor and Council of a donation from the Willmar Hockey Association to the City to assist with 2010 summer ice expenses. Following discussion, Resolution No. 13 was introduced by Council Member Christianson, seconded by Council Member Reese, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 6, Noes 0.

#### RESOLUTION NO. 13

WHEREAS, the City of Willmar has received a donation of \$1,300.00 from the Willmar Hockey Association to be used towards 2010 summer ice expenses;

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

Dated this 22<sup>nd</sup> day of February 2011.

/s/ Frank Yanish  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Public Works Director Wilson informed the Mayor and Council of a State grant agreement whereby the City could qualify for a 70%/30% match to put towards crack repair and sealing project at the Willmar Municipal Airport. Resolution No. 14 was introduced by Council Member Christianson, seconded by Council Member Ahmann, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 5, Noes 1 – Council Member Anderson voted “No.”

RESOLUTION NO. 14

BE IT RESOLVED, by the City Council of the City of Willmar that the City Administrator is authorized to enter into an agreement with MnDOT for a crack repair and sealing project at the Willmar Municipal Airport and that Staff is hereby authorized to prepare the plans and documents necessary to let the project; submit a grant request to MnDOT; and formally request a State Project Grant Agreement.

Dated this 22<sup>nd</sup> day of February 2011.

/s/ Frank Yanish  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Mayor Yanish inquired of the City Administrator as to the situation involving the City's building maintenance program. Mr. Schmit explained in some detail the difficulties of having only two full-time maintenance positions and concluded by once again requesting the Council temporarily lift its hiring freeze. Following a lengthy discussion, Council Member Reese moved to authorize the hiring of one additional full-time maintenance position. Council Member Anderson seconded the motion which carried, with Council Members Fagerlie and Johnson voting "no."

There being no further business to come before the Council, the meeting adjourned at 9:59 p.m. upon motion by Council Member Anderson, seconded by Council Member Reese, and carried.

Attest: \_\_\_\_\_  
MAYOR

\_\_\_\_\_  
SECRETARY TO THE COUNCIL