

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

April 18, 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, Steve Ahmann, Rick Fagerlie, Jim Dokken, and Tim Johnson; Present 7, Absent 2 – Council Members Bruce DeBlieck and Denis Anderson were excused from the meeting.

Also present were City Administrator Michael Schmit, City Attorney Richard Ronning, Police Chief David Wyffels, 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 a letter from Adjutant General Nash and consideration of the League of Minnesota Cities CC Ludwig Award.

The Council requested that the Community and Activity Center Council minutes be removed from the Consent Agenda.

Council Member Fagerlie offered a motion adopting the Consent Agenda which included the following: City Council Minutes of April 4, Council Work Session Minutes of April 13, Municipal Utilities Commission Minutes of April 11, Planning Commission Minutes of April 13, Accounts Payable through April 13, Building Inspection Report for March, and Housing Redevelopment Authority Report for April 5, 2011. Council Member Christianson seconded the motion, which carried.

Community and Activity Center Chair Cathy Johnson presented to the Council an update on activities and usage of the Center. Following discussion, the Community and Activities Council Minutes of April 5, 2011, were accepted as presented upon motion by Council Member Dokken, seconded by Council Member Fagerlie, and carried.

At 7:06 p.m. Mayor Yanish opened a hearing on an Ordinance Amending Willmar Municipal Code Section 1-15 to Provide for a Petty Misdemeanor Penalty for Housing Maintenance and Exterior Storage Code Violations. Planning and Development Services Director Peterson presented details of the proposed changes to the Willmar Municipal Code. There being no one present to speak for or against the proposed Ordinance, Mayor Yanish closed the hearing at 7:07 p.m.

Council Member Dokken offered a motion to adopt, assign a number, and order final publication of an Ordinance Amending Willmar Municipal Code Section 1-15 to Provide for a Petty Misdemeanor Penalty for Housing Maintenance and Exterior Storage Code Violations. Council Member Christianson seconded the motion, which carried on a roll call vote of Ayes 6, Noes 0.

Mayor Yanish recognized Dr. Marty Jannings and Boy Scouts from Troop 227 who had signed up to address the City Council during its scheduled Open Forum. The Scouts introduced themselves and read letters regarding various City concerns.

Public Works Director Wilson presented to the Mayor and Council the 2010 Public Works Departmental Annual Report. Following a question and answer period, the report was ordered placed on file in the City Clerk's Office.

The Finance Committee Report for April 11, 2011, was presented to the Mayor and Council by Council Member Fagerlie. There were five items for Council consideration.

Item No. 1 There was no one present to address the Committee during the Public Forum, and this matter was for information only.

Item No. 2 Rice Hospital CEO Mike Schramm and CFO Bill Fenske reported to the Committee that 2010 ended on a positive note with an increase in net assets. This upward trend has continued into the first quarter of 2011 as well. This matter was for information only.

Item No. 3 MUC General Manager Bruce Gomm reported to the Committee that while 2010 revenues were slightly below budget, there was an increase in net assets at the end of the year. The first quarter of 2011 reflects a continued decrease in revenues. It was noted that electrical rates are scheduled to be reviewed to determine if a possible increase needs to be proposed. This matter was for information only.

Item No. 4 Staff reviewed with the Committee the proposed 2012 Budget Calendar. It was noted that some items have been moved to an earlier date including the Mayor's presentation of the budget to the Finance Committee which has been scheduled for July this year. It is the intent that this part of the process be finished prior to City Administrator Schmit's retirement at the end of July. Following discussion, the Committee was recommending the Council approve the 2012 Budget Calendar as presented.

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

RESOLUTION NO. 1

BE IT RESOLVED by the Willmar City Council that the 2012 Budget Calendar be approved as presented.

Dated this 18th day of April, 2011.

/s/ Frank Yanish

MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Item No. 5 The Committee considered the Preliminary Western Interceptor Budget estimated at \$4,973,109, proposed to be financed through Local Option Sales Tax funds and a temporary bonding package. In order to include preliminary expenses in the bonding portion of this project, the City must declare its intent to reimburse itself for any costs incurred prior to the financing. Staff informed the Committee that it is necessary to pass a Resolution declaring the City's intent to reimburse itself for all preliminary costs for construction of the Western Collector.

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

RESOLUTION NO. 2

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

(For Resolution in its entirety, see City Council Proceedings file dated April 18, 2011, located in the City Clerk's Office)

The Committee further recommended the Council introduce a Resolution adopting the Preliminary Western Interceptor Budget as presented. Resolution No. 3 was introduced by Council Member Fagerlie, seconded by Council Member Johnson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 6, Noes 0.

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

RESOLUTION NO. 3

PRELIMINARY WESTERN INTERCEPTOR BUDGET
ESTIMATED TOTAL COST \$4,973,109.00

OTHER SERVICES:		RECEIVABLES:	
Mntc. Of Other Improvements	<u>\$3,998,979.00</u>	LOST	\$1,453,656.00
TOTAL:	\$3,998,979.00	Temp. Bond	<u>\$3,519,453.00</u>
		TOTAL:	\$7,973,109.00
OTHER CHARGES:		FINANCING:	
Professional Services:	\$ 515,481.00	LOST	\$1,453,656.00
Other Charges	<u>\$ 199,949.00</u>	Other	<u>\$3,519,453.00</u>
TOTAL:	\$ 715,430.00	TOTAL:	\$4,973,109.00
CAPITAL OUTLAY			
Land and Legal	<u>\$ 258,700.00</u>		
TOTAL:	\$ 258,700.00		
GRAND TOTAL:	\$4,973,109.00		

Dated this 18th day of April, 2011.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Committee considered a proposal received for appraisal services which are required to complete the Western Collector project. Following discussion, Staff was directed to obtain competitive quotes from other interested parties. This item was taken for information only.

The Finance Committee Report for April 11, 2011, 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 Christianson, and carried.

The Public Works/Safety Committee Report for April 12, 2011, was presented to the Mayor and Council by Council Member Reese. There were six items for Council consideration.

Item No. 1 Staff informed the Committee that bids were received for the 2011 Street and Other Improvements. Two contractors submitted bids with the apparent low bid being that of Duinck Inc. for \$1,796,223.84, which is under the Engineer's Estimate of \$2,032,021.00. The City Council is

required to hold an Assessment Hearing for the improvements, and Staff recommended a hearing date of May 16, 2011.

The Committee was recommending the Council schedule an Assessment Hearing as proposed. Resolution No. 4 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. 4

CALLING HEARING ON ASSESSMENTS FOR PROJECT NO. 1101
2011 STREET AND OTHER IMPROVEMENTS

WHEREAS, the City Clerk-Treasurer with the assistance of the City Engineer has prepared an assessment roll for Project No. 1101 of the 2011 Street and Other Improvements, and said proposed assessment roll is on file with the Clerk-Treasurer and open to public inspection.

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

1. The Clerk-Treasurer shall publish notice that this City Council will meet to consider the proposed assessments on May 16, 2011, at 7:02 p.m. in the Council Chambers, Municipal Utilities Building, 700 West Litchfield Avenue, Willmar, Minnesota.
2. Said notice shall also be mailed to the owners of each parcel of property described in the assessment roll.
3. Such notice shall be in substantially the following form: (On file in the City Clerk's Office)
4. Said notice shall be published by the City Clerk-Treasurer in the official newspaper at least two weeks prior to the hearing and mailed by said Clerk-Treasurer to the owners of each parcel described in the assessment roll.

Dated this 18th day of April, 2011.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 2 The Committee discussed tree removal due to concerns of residents on 3rd Street SE after recent removal of several trees. Staff explained the trees were marked for removal because of hollowing issues. The trees were in City right-of-way and did not have Emerald Ash Borer. This was a maintenance type of removal and trees will be replanted if space permits. Residents can request a specific type of tree for replacement from the current list by contacting the Public Works Department. This matter was for information only.

Item No. 3 The Committee discussed traffic impacts resulting from the street vacation of Pacific Avenue. Plans for the street vacation were initiated in April 2010. Staff stated no complaints have been received from the public. The alternate route of Benson Avenue is a 9-ton route and can handle the traffic. This item was for information only.

Item No. 4 The Committee discussed street sweeping for 2011. It was noted that no funds were designated in the general operating budget for 2011 to cover additional sweeping costs. Following

discussion, it was the consensus of the Committee not to proceed with hiring additional street sweeping services for 2011.

Item No. 5 Rhonda Rae of Donohue and Associates briefed the Committee on activities for the month of March related to the Wastewater Treatment Plant Relocation Project. Program management activities included submittal of Pay Request No. 18 for the 30-year loan to the Public Facilities Authority for the Clean Water Revolving Fund.

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. Just two properties remain unsettled. Once the documents are signed, the contractor has 90 days to complete the project, which is lowering the manholes and completing the punch list items.

Projects 0813-D3 and 0814-D4 are substantially complete. Meetings continue between the City and property owners regarding the final restoration of properties. Project 0815-D5 was approved for final project acceptance and final payment in September 2010 and Project 0816-D6 approved in January 2011. All systems at the new Wastewater Treatment Facility are operational and are being operated by City Staff. The contractor continues working on punch list items and post start-up services.

The construction of Project No. 1017-B, decommissioning of the old facility, is progressing. Construction in the Administration Building is complete and the contractor declared substantial completion on the Administration Building as of February 25. The contractor has removed the Primary Settling Complex, Excess Flow Basins, Biofilter Building, FRP Odor Control Tower, Roughing Filter, Effluent Pump Station, Chlorine Building, Secondary Settling Basin, Sludge Thickener, most of Digesters 1 and 4 and portions of Digesters 2 and 3. The contractor is continuing to haul sludge from the Digesters and debris from the site.

Ninety-five percent of the plans and specifications for Project 1109-B2 Decommissioning the Ortenblad and Arby's Lift Stations and Sewer Reroute were completed and routed for review and comments. Relating to the budget, \$78.8 million of the \$86.0 million project has been spent. This matter was for information only.

Item No. 6 The Committee considered information prepared by the Concrete Paving Association of Minnesota regarding the construction of streets using concrete instead of asphalt. This matter was for information only.

The Public Works/Safety Committee Report for April 12, 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 April 14, 2011, was presented to the Mayor and Council by Council Member Dokken. There were seven items for Council consideration.

Item No. 1 There were no public comments and this matter was for information only.

Item No. 2 Nikki Ilgen, acting Director for the Willmar HRA, presented an update on the Westwinds housing project. Information included eligibility criteria, maintenance responsibilities, and occupancy rates. It was noted that there are a substantial number of people on the waiting list for housing in the development. This matter was for information only.

Item No. 3 Bev Dougherty, with the Design Center, appeared before the Committee to explain several art projects proposed for the upcoming summer. The first project is a coffee mug

decorating contest which will be unveiled during Willmar Fests and will be auctioned next fall. There will be a film series on food, sponsored by the community-owned grocery store project. The final project will consist of a number of local knitters will be knitting a tree sweater for a tree on the boulevard by Bethel Lutheran Church. This matter was for information only.

Item No. 4 Staff presented an update on the most common rental housing inspection program violations and noted that these violations occurred in one and two-family structures. This matter was for information only.

Item No. 5 Staff presented a letter from the Census Bureau outlining the City's right to challenge the census of housing counts. It was the recommendation of Staff that no challenge be filed as the housing counts are not in dispute, rather it would be the total number of persons that would be questioned. This matter was for information only.

Item No. 6 The Committee reviewed a powerpoint presentation showing conditions at the mobile home parks. Exterior storage and maintenance violations were prevalent, as were site maintenance and drainage issues. An attempt will be made to coordinate a meeting with City, County and mobile home park representatives to discuss the on-going park conditions issue.

On a related note, the Committee briefly discussed a city-wide clean-up effort. Mayor Yanish agreed to speak with local waste haulers to solicit their involvement. This matter was for information only.

Item No. 7 Staff and the Mayor offered a brief recap of the recent meeting with the FAA and SHPO regarding the land release. The next steps in dealing with the historical designation issue were explained, as was a tentative time table for future meetings. This matter was for information only.

The Community Development Commission minutes of April 14, 2011, were approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Dokken, seconded by Council Member Christianson, and carried.

Public Works Director Wilson informed the Mayor and Council that the condition of 19th Street NW from Gorton Avenue from Gorton Avenue NW to the end of the cul-de-sac has deteriorated substantially this spring. Staff proposed reconstructing this segment of street in the 2011 construction season. Following discussion, Resolution No. 5 was introduced by Council Member Christianson, seconded by Council Member Dokken, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 5

ORDER OF IMPROVEMENT REPORT

WHEREAS, it is proposed to construct the following improvements under the 19TH Street NW Improvement Project: grading, gravel base, curb and gutter, bituminous pavement, storm sewer, and water main, 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 18th day of April, 2011.

/s/ Frank Yanish

MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

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

RESOLUTION NO. 6

RECEIVING PRELIMINARY REPORT AND
CALLING PUBLIC HEARING ON 19TH STREET NW IMPROVEMENT PROJECT

WHEREAS:

1. The City Council deems it necessary and expedient that the City of Willmar, Minnesota, construct certain improvements to-wit: grading, gravel base, bituminous paving, curb and gutter, storm sewer, and water main, in the City as described in and in accordance with the preliminary plans and report prepared by the City Engineer.

2. The Council has been advised by the City Engineer that said 19th Street NW Improvement Project contained in the Preliminary Report are feasible and should best be made as proposed, and the City Engineer's report to this effect has heretofore been received by the Council, and filed with the Clerk-Treasurer; and

3. The statute provides that no such improvements shall be made until the Council shall have held a public hearing on such improvements following mailed notice and two publications thereof in the official newspaper stating time and place of the hearing, the general nature of the improvement, the estimated costs thereof and the area proposed to be assessed, in accordance with the law;

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

1. A public hearing will be held at the time and place set forth in the Notice of Hearing hereto attached to consider said proposed improvements.

2. The nature of the improvements, the estimated cost of each major portion thereof, and the areas proposed to be assessed therefore are described in the form of Notice of Hearing hereto attached.

3. The notice of said public hearing shall be in substantially the form contained in the notice hereto attached.

4. The Clerk-Treasurer is hereby authorized and directed to cause notice of said hearing to be given two publications in the official newspaper. Said publications shall be one week apart, and at least three days shall elapse between the last publication and the hearing. Not less than ten days before the hearing the Clerk-Treasurer shall mail notice of the hearing to the owner of each parcel of land within the area proposed to be assessed as described in the notice. For the purpose of giving such mailed notice, owners shall be those shown to be such on the records of the County Auditor or, if the tax statements in the County are mailed by the County Treasurer, on the records of the County Treasurer.

As to properties not listed on the records of the County Auditor or the County Treasurer, the Clerk-Treasurer shall ascertain such ownership by any practicable means and give mailed notice to such owners.

Dated this 18th day of April, 2011.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

City Clerk Halliday informed the Mayor and Council that the Municipal Utilities Commission has requested the Council certify an unpaid utility charge on a property located at 320 4th Street SW as a lien on the real property. It is recommended that this lean be certified now and not wait for the normal October resolution. Following discussion, 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 6, Noes 0.

RESOLUTION NO. 7

WHEREAS, Section 16-127 of the Willmar City Code states that such unpaid utility bills represent a lien on the real property receiving utility services; and

WHEREAS, the Willmar Municipal Utilities Commission has offered the owner the right to request an appearance before the Commission to make objections to payment; and

WHEREAS, the Willmar Municipal Utilities Commission has adopted Resolution No. 13 on April 11, 2011, requesting the Willmar City Clerk-Treasurer to certify the unpaid utility charges as a lien on the real property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that the amount of the unpaid utility charges totaling \$11,246.44 be certified to the County Auditor to be extended on the tax rolls of such real property in the same manner as other taxes for collecting in 2012 and collected by the County Treasurer, and paid to the City Clerk-Treasurer along with other taxes; and

BE IT FURTHER RESOLVED that the unpaid utility charges be certified against the real property as follows:

1. Parcel No. 95-003-5000 \$11,246.44
Located at 320 4th Street SW
Described as Section 15, Township 119,
Range 35, Block 43; Willmar, Town of (Original); Lots 5 & N 1/2 of Lot 6

Dated this 18th day of April, 2011.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Announcements for Council Committee meeting dates were as follows: Finance, April 25; Public Works/Safety, April 26; Council/Charter Committee Work Session, April 27; Council Strategic Planning Session, April 29; and Labor Relations, May 4, 2011.

Council Member Reese informed the Mayor and Council that former Mayor Les Heitke was actively involved in the League of Minnesota Cities. Princeton City Administrator Mark Karnowski plans to nominate Mr. Heitke for the League's CC Ludwig Award and is requesting the Council pass a resolution of support. Resolution No. 8 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. 8

RESOLUTION OF SUPPORT

WHEREAS, members of the Council of the City of Willmar know Les Heitke, former Mayor, to be an active member of the League of Minnesota Cities; and

WHEREAS, Mr. Heitke has worked hard as a member of many organizations to enhance cities of all sizes; and

WHEREAS, the Council feels Mr. Heitke's unselfish service to cities of Minnesota is the real meaning of the C. C. Ludwig Award.

NOW, THEREFORE, BE IT RESOLVED by the Willmar City Council to support the nomination of Les Heitke for the C. C. Ludwig Award.

Dated this 18th day of April, 2011.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Council Member Dokken read a letter from Adjutant General Richard Nash regarding "Beyond the Yellow Ribbon" and commending the community for its support for area soldiers and their families.

There being no further business to come before the Council, the meeting adjourned at 8:20 p.m. upon motion by Council Member Reese, seconded by Council Member Christianson, and carried.

Attest: _____
MAYOR

SECRETARY TO THE COUNCIL