

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

May 2, 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, Bruce DeBlieck, Denis Anderson, Steve Ahmann, Rick Fagerlie, Jim Dokken, and Tim Johnson; Present 9, Absent 0.

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

The Council requested that the April 25, 2011, Municipal Utilities Commission Minutes be removed from the Consent Agenda.

Council Member Reese offered a motion adopting the Consent Agenda which included the following: City Council Minutes of April 18, Rice Hospital Board Minutes of April 13, Accounts Payable through April 27, Planning Commission Minutes of April 27, and Willmar Design Center Board Minutes of April 13, 2011. Council Member Fagerlie seconded the motion, which carried.

The Council discussed Municipal Utilities Commission Minutes regarding a proposal to increase travel expenses/meal allowances. Following discussion, Council Member Anderson moved to table Commission Resolution No. 17 with Council Member Christianson seconding the motion, which carried. Council Member Anderson moved to approve the balance of the Minutes dated April 25, 2011, with Council Member Ahmann seconding the motion, which carried.

At 7:08 p.m. Mayor Yanish opened the street improvement hearing on 19th Street Northwest. Public Works Director Wilson explained the details of proposed reconstruction of 19th Street NW from Gorton Avenue to the end of a cul-de-sac. Odee Hendrickson suggested the City pour cement in the cul-de-sac rather than repair it on a yearly basis. Randy Fredrickson questioned the temporary fix. Earl Hiepler expressed concern over the West Central Steel's parking lot and dragging mud onto Gorton Avenue Northwest. Upon hearing all those who wished to be heard, Mayor Yanish closed the hearing at 7:15 p.m.

Following discussion, Resolution No. 1 was introduced by Council Member DeBlieck, seconded by Council Member Reese, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 1

**ORDERING 19TH STREET NW IMPROVEMENTS
(AND DIRECTING PREPARATION OF FINAL PLANS AND SPECIFICATIONS)**

WHEREAS, after due Notice of Public Hearing on the construction of street and other improvements for the City of Willmar, Minnesota, hearing on said improvements was duly held and the Council heard all persons desiring to be heard on the matter and fully considered the same.

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

1. It is advisable, expedient, and necessary that said improvements as described in the Notice of Hearing thereon be constructed, and the same are hereby ordered made.

2. The improvements described in said Notice of Hearing are hereby designated and shall be known as 19th Street NW Improvements.

3. The City's Engineer is hereby directed to prepare final plans and specifications for said improvements.

4. The City Council shall let the contract for all or part of the work for said improvements or order all or part of the work done by day labor or otherwise as authorized by Minnesota Statutes, Section 429.041, Subdivision 2, within one year of the date of this resolution ordering said improvements.

Dated this 2nd day of May, 2011.

/s/ Frank Yanish

MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Steve Klein, Vice President and Senior Civil Engineer with Barr Engineering, presented to the Mayor and Council the Willmar Storm Water Management Plan. Mr. Klein indicated that Willmar's flooding problems are complex and interconnected, ranging from flat topography, increased runoff and undersized storm sewers as well as high groundwater table, soil conditions that restrict infiltration of water and the lack of designated storm water detention ponds. Barr Engineering considered seven options that range in price from \$12.9 million with a low impact on flooding to \$78.9 million with a high impact on flooding. Future actions to address flooding included seven alternatives: 1) Incorporate water storage in open areas, 2) Incorporate storage and 10-year level of service, 3) Upsize trunk storm sewer to convey 100-year flows, 4) Upsize trunk storm sewer and construct a pond west of Menards, 5) Upsize trunk storm sewer and construct a pond southwest of the proposed Grass Lake, 6) Upsize trunk storm sewer and construct ponds west of Menards and southwest of the proposed Grass Lake, and 7) Maximize flood storage in select areas and increase pipe capacity, targeting problematic flood areas.

Mr. Klein presented the following recommendations: 1) Extended detention and water quality treatment at former WWTP, 2) Flood risk assessment feasibility study, 3) Emergency flood response plan, 4) Review and revise City storm water ordinances, 5) Upgrade system to a 10-year level of service, 6) Regular updates of the City XP-SWMM model, 7) Enroll in the National Flood Insurance Program, 8) No fill in the floodplain without mitigation, and 9) Discourage development in floodplain areas.

Several citizens expressed concerns and asked questions for clarity. Dave Becker urged the Council to keep the issues in front of everybody and diligently work on the options. Terry Bronson advised the Council to not confuse "open" areas with "unused" areas and use park spaces as last resort for detention pond options. This matter was for information only.

Mayor Yanish called for a recess at 9:08 p.m. and reconvened the meeting at 9:19 p.m.

Mayor Yanish recognized John Sullivan and Joe Ridler who had signed up to address the City Council during its scheduled Open Forum. Mr. Sullivan spoke about financial issues and the use of City vehicles, and Mr. Ridler expressed concerns about bituminous streets not holding up.

City Clerk Halliday presented to the Mayor and Council the 2010 City Clerk's 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 25, 2011, was presented to the Mayor and Council by Council Member Anderson. There were eight items for Council consideration.

Item No. 1 John Sullivan addressed the Committee with concerns regarding the purchase of new vehicles, Local Option Sales Tax fund, and status of JobZ with Willmar Fabrication. This matter was for information only.

Item No. 2 City Administrator Schmit reported to the Committee that the latest meeting between the City, FAA, and SHPO resulted in an agreement to do a more detailed analysis of the reuse of the old airport terminal building. The FAA and SHPO are insisting on an analysis that covers a minimum of three options and that this be done prior to any consideration being given to demolition. Engan Associates has submitted a proposal of \$5,000 to perform a reuse study which would provide a choice of making the building useable for 1) warehouse purposes, 2) industrial use, or 3) other business.

The Committee was recommending the Council approve the contract with Engan Associates to perform a reuse study of the old airport terminal building for \$5,000, to confirm with Engan Associates the deadline by which this study needs to be completed, and to confirm with the FAA and SHPO that the options in the Engan proposal are satisfactory. Council Member Anderson moved to approve the recommendation of the Finance Committee with Council Member Fagerlie seconding the motion, which carried.

Item No. 3 Staff explained to the Committee that Workers Compensation Insurance costs for the Fire Department were inadvertently omitted from the 2011 budget in the amount of \$20,000. Further, due to a change in marital status of an employee in the Information Systems Department, Health Insurance costs need to be increased in the amount of \$12,810. As a result, it is being proposed that \$32,810 be transferred from the Non-Departmental Insurance Deductible account to temporarily cover these changes. Later in the year, this account will be reviewed to determine whether the \$32,810 should be deducted from another area of the budget.

The Committee was recommending the Council introduce a Resolution amending the 2011 Budget as presented. Resolution No. 2 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, reviewed by Mayor Yanish, 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 general fund:

| | | |
|-----------|---|-------------|
| Increase: | Employer Insurance Contribution – Fire | \$20,000.00 |
| | Employer Insurance Contribution – Information Systems | \$20,000.00 |
| Decrease: | Non-Departmental – Insurance Deductible | |

Dated this 2nd day of May, 2011.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 The Committee was informed by Staff that various City Departments have been receiving requests for debit and credit card payment options for the myriad of licenses and permits. Pricing programs and offers from a few companies have been reviewed with Staff recommending the use

of RevTrak of Bloomington, Minnesota. Staff also addressed concerns about credit card transaction charges reducing the revenue actually received and informed the Committee that as a government entity, a transaction fee may be charged to the customer to offset these costs. Another option to consider is to limit credit/debit card payments to specific items only.

Following discussion, the Committee was recommending to the Council the following: 1) the City should pursue credit card services, 2) Staff be directed to obtain pricing options from local banks, 3) to charge a transaction fee to the customer, 4) types of items should not be limited, and 5) choose price options when considering proposals. Council Member Anderson moved to approve the recommendation of the Finance Committee with Council Member Dokken seconding the motion, which carried.

Item No. 5 Staff presented to the Committee the Preliminary 2011 Street Improvement Budget revised per bids received for Street Project No. 1. The other projects in this Budget remain as Engineer's estimates until such time bids are let.

The Committee was recommending the Council introduce a Resolution adopting the Preliminary 2011 Street Improvement Budget as presented. Resolution No. 3 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 3

REVISED PRELIMINARY 2011 STREET IMPROVEMENTS BUDGET

| | | | |
|-----------------------------|--------------------|-----------------|--------------------|
| PERSONNEL SERVICES | | RECEIVABLES | |
| Overtime Reg. Employees | \$500.00 | Property Owners | \$1,035,700.00 |
| Salaries Temp. Employees | <u>\$1,000.00</u> | County | \$36,900.00 |
| TOTAL | \$1,500.00 | State | \$415,100.00 |
| | | City | \$741,800.00 |
| SUPPLIES | | City (MUC) | \$72,200.00 |
| Office Supplies | \$500.00 | LOST | \$35,100.00 |
| Small Tools | \$500.00 | City (WWTP) | <u>\$17,200.00</u> |
| Motor Fuels & Lubricants | \$2,000.00 | TOTAL | \$2,354,000.00 |
| Postage | \$1,000.00 | | |
| Mtce. of Other Improvements | \$500.00 | FINANCING | |
| General Supplies | <u>\$1,000.00</u> | Bonds | \$1,777,500.00 |
| TOTAL | \$5,500.00 | County | \$36,900.00 |
| | | State | \$415,100.00 |
| OTHER SERVICES | | City (MUC) | \$72,200.00 |
| Mtce. of Other Impr. | \$1,964,700.00 | LOST | \$35,100.00 |
| Other Services | <u>\$94,300.00</u> | City (WWTP) | <u>\$17,200.00</u> |
| TOTAL | \$2,059,000.00 | TOTAL | \$2,354,000.00 |
| | | | |
| OTHER CHARGES | | GRAND TOTAL | \$2,354,000.00 |
| Insurance & Bonds | \$2,000.00 | | |
| Prof. Serv. | \$30,000.00 | | |
| Advertising | \$2,000.00 | | |
| Adm. OH (Transfer) | \$234,000.00 | | |
| Other Charges | <u>\$20,000.00</u> | | |
| TOTAL | \$288,000.00 | | |

GRAND TOTAL \$2,354,000.00

Dated this 2nd day of May, 2011.

/s/ Frank Yanish

MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Item No. 6 Staff reviewed with the Committee that in 2005 the City received a grant from DEED in the amount of \$400,000 which, in turn, was loaned to Willmar Fabrication. Recently, Willmar Fabrication paid off the balance of this loan and the City is subsequently required to return the full \$400,000 to DEED. Staff is working with DEED to determine whether the interest portion of the payments received from Willmar Fabrication is to be used to establish a revolving loan fund or if it can be used for other purposes. This matter was taken for information only.

Item No. 7 The Committee received the March 31 Cash/Investment Portfolio, 1st Quarter Investment Activity, 1st Quarter Interest/Dividends, March Rice Trust, and 1st Quarter Rice Trust Reports. This matter was for information only.

Item No. 8 Staff informed the Committee that the Washington School property was sold to Affiliated Community Medical Centers on April 22, 2011. This sale nullifies the Willmar Public School lease for the City's Skateboard Park. ACMC is willing to enter into a \$1 lease with the City for one to three months to either store the equipment on the current site or to continue its use as a skateboard park, pending legal advice. Should they concur and have no insurance concerns with the City's coverage, Staff is recommending entering into this lease. It was noted that Community Education and Recreation staff are diligently pursuing a new site but additional time is needed.

Following discussion, the Committee was recommending the Council enter into a lease with Affiliated Community Medical Centers for \$1 for either storage of equipment or use as a skateboard park, pending a decision on ACMC insurance. Council Member Anderson moved to approve the recommendation of the Finance Committee, with Council Member Fagerlie seconding the motion, which carried.

The Finance Committee Report for April 25, 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 Fagerlie, and carried.

The Public Works/Safety Committee Report for April 26, 2011, was presented to the Mayor and Council by Council Member Reese. There were seven items for Council consideration.

Item No. 1 The Committee was informed by Staff that bids were opened April 12, 2011, for the assessable portion of the 2011 Improvements, not including 19th Street NW. Staff has compared the costs for 2011 construction to 2010, and assessments rates have increased slightly. It was the recommendation of Staff to assign the rate of \$59.76 per foot for this year's road reconstruction and \$25.46 per foot for overlay. Last year the rates were \$55.88 per foot for reconstruction and \$23.06 for overlay. The total for assessable footage to be collected is \$986,915.51 with the City's portion being \$809,308.33 not as a benefitted property owner.

The Committee was recommending the Council declare the cost to be assessed and order preparation of the assessment roll. Following discussion, Resolution No. 4 was introduced by Council

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

RESOLUTION NO. 4

DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF ASSESSMENT ROLL
IN CONNECTION WITH 2011 STREET AND OTHER IMPROVEMENTS
(PROJECT NO. 1101)

WHEREAS, contracts have been let for the construction of Street and Other Improvements of 2011 in the City, to-wit: City Project No. 1101 and;

WHEREAS, the total cost of said Street and Other Improvements of 2011 is \$1,796,223.84.

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

1. The City Council hereby determines that the City shall pay \$809,308.33 of said cost, exclusive of the amount it may pay as a property owner, and the sum of \$986,915.51 shall be assessed against benefited property owners based upon benefits received without regard to cash valuation.

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

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

Dated this 2nd day of May, 2011.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 2 The Committee was informed by Staff that the Willmar Police Department is requesting approval to apply for and accept a grant through the Minnesota Institute of Public Health for reimbursement for the cost of alcohol compliance checks. Successful applicants will be reimbursed at a rate of \$30.00 per compliance check with an anticipated two checks per license over a one-year grant period starting July 1, 2011. The Department has used this grant resource in past years to assist in offsetting the local cost of alcohol compliance checks

The Committee was recommending the Council authorize Staff to apply for, and accept, grant funding from the Minnesota Institute of Public Health for alcohol compliance checks. Resolution No. 5 was introduced by Council Member Reese, seconded by Council Member Fagerlie, reviewed by Mayor Yanish, 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 that the Willmar Police Department be allowed to apply for, and accept, grant funding from the Minnesota Institute of Public Health for reimbursement for the cost of alcohol compliance checks from July 1, 2011, to May 15, 2012.

Dated this 2nd day of May, 2011.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 The Committee was informed by Staff that the Willmar Police Department has requested approval to enter into an Off-Campus Work-Study Program agreement with Ridgewater College from July 1, 2011, to June 30, 2012. The agreement provides for 75% reimbursement of earned wages for qualified work-study participants attending Ridgewater College with the City contributing the remaining 25%. The Police Department has participated in this same type of agreement in the past when employing either approved summer help or Community Service Officers.

The Committee was recommending the Council approve the agreement for Off-Campus Work-Study Program and authorize the Mayor and City Administrator to sign on behalf of the City. Resolution No. 6 was introduced by Council Member Reese, seconded by Council Member Fagerlie, reviewed by Mayor Yanish, 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 be authorized to enter into a one-year Off-Campus Work Study agreement between the City of Willmar and Ridgewater College.

Dated this 2nd day of May, 2011.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 The Committee was informed by Staff that the City received an application from Ken Viaene to keep 30 pigeons in a loft building in the yard at 422 SE Charlotte Street. This would be the second year of licensure. The Committee was recommending approval the application to keep fowl at 422 Charlotte Street SE. 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. 5 Dean Sjoquist of Donohue and Associates presented to the Committee a request for approval of Furniture Allowance No. 1 for shelving, fixtures and furniture to accommodate the two office areas renovated at the former Wastewater Treatment facility. The total amount of the request is \$2,643.41, to be paid from an allotted \$12,000.00 leaving a balance of \$9,356.59.

The Committee was recommending the Council approve Furniture Allowance No. 1 to Project No. 1017-B and author the City Administrator to sign on behalf of the City. 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 8, Noes 0.

RESOLUTION NO. 7

WHEREAS, the City of Willmar entered into Contract No. 1017-B with Reiner Contracting, Inc. for the decommissioning of the existing Wastewater Treatment Facility (WWTF); and

WHEREAS, the above contract has a Shelving, Fixtures and Furniture Allowance of \$12,000 included in the project cost to cover items not precisely determined prior to bidding; and

WHEREAS, office furniture is necessary due to the renovation of the administration building; and

WHEREAS, a quote has been submitted for the office furniture in the amount of \$2,643.41; and

WHEREAS, it is recommended to approve Shelving, Fixtures and Furniture Allowance No. 1 which contains the cost associated with the above items.

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 Shelving, Fixtures and Furniture Allowance No. 1 for \$2,643.41.
2. Funding for additional work is covered within Contract No. 1017-B Specification Section 01210 Part 1-GENERAL 1.02 Specific Allowances reducing the Shelving, Fixtures and Furniture Allowance from \$12,000 to \$9,356.59.
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 2nd day of May, 2011.

/s/ Frank Yanish

MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Rhonda Rae, Donohue and Associates, reported on the former Wastewater Treatment Plant decommissioning project running into debris. MPCA reviewed the site and does not require a permit for reburial with a clay cap. However, on site 5, which is three feet below ground level, requires a copy with clay. This matter was for information only.

Item No. 6 Staff presented to the Committee a request to apply for and accept a grant through Center Point Energy for a photo ionization detector (PID) in the amount of \$2,499.00. A P.I.D. could be used by the HazMat Team to sample the atmosphere in a timelier manner, which saves valuable time in emergencies. The remaining cost would be from within the Fire Department Budget.

The Committee was recommending the Council approve the application and acceptance the Community Partnership Grant for a P.I.D. as presented. 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 8, Noes 0.

RESOLUTION NO. 8

BE IT RESOLVED by the City Council of the City of Willmar that the Willmar Fire Department be allowed to apply for, and accept, grant funding from Center Point Energy Community Partnership for a photo ionization detector (PID) in the amount of \$2,499.00.

Dated this 2nd day of May, 2011.

/s/ Frank Yanish

MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Item No. 7 The Committee considered an application for outdoor fireworks received from Willmar Baseball LLC to display fireworks on six dates following baseball games at Taunton Stadium and

discussed complaints received from area residents last year following the opening ceremony fireworks display. It was the consensus of the Committee to place a time restriction on the displays and not allow them to continue past 11:00 p.m. on weeknights. This would include the evening of June 1, 2011, on the application and any postponements made up not on a Friday or Saturday.

Following discussion, the Committee was recommending the Council restrict fireworks displays to end prior to 11:00 p.m. on nights other than Friday and Saturday. Council Reese moved to approve the recommendation of the Public Works/Safety Committee, with Council Christianson seconding the motion, which carried.

The Public Works/Safety Committee Report for April 26, 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 Mayor and Council considered a Cooperative Construction Agreement with Kandiyohi County. Public Works Director Wilson presented details of the Agreement to overlay 7th Street Southwest from Willmar Avenue to 19th Avenue Southeast with the City's share estimated at \$39,767.50. Following discussion, Resolution No. 9 was introduced by Council Member Reese, seconded by Council Member Christianson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 9

AUTHORIZATION TO EXECUTE CITY OF WILLMAR AND
KANDIYOHI COUNTY COOPERATIVE CONSTRUCTION AGREEMENT

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 be authorized to enter into a Cooperative Construction Agreement between the City of Willmar and Kandiyohi County for construction of 7th Street SW from Willmar Avenue to 19th Avenue SW.

Dated this 2nd day of May, 2011.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Announcements for Council Committee meeting dates were as follows: Labor Relations, May 4; Finance, May 9; and Community Development, May 12, 2011.

City Administrator Schmit announced that Sergeant Jim Felt was named as the Minnesota American Legion Enforcement Officer of the Year.

There being no further business to come before the Council, the meeting adjourned at 10:23 p.m. upon motion by Council Member Reese, seconded by Council Member Christianson, and carried.

Attest: _____
MAYOR

SECRETARY TO THE COUNCIL