

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

September 15, 2008  
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Lester Heitke. Members present on a roll call were Mayor Heitke, Council Members Doug Reese, Ron Christianson, Bruce DeBlieck, Denis Anderson, Cindy Swenson, Rick Fagerlie, Jim Dokken, and Steven Gardner; Present 9, Absent 0.

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

Council Member Fagerlie offered a motion adopting the Consent Agenda which included the following: City Council Minutes of September 2 and 8; Board of Canvass Minutes of September 11; Municipal Utilities Commission Minutes of September 8; Building Inspection Report for August; and Housing and Redevelopment Authority Board Minutes of August 12, 2008. Council Member Anderson seconded the motion, which carried.

Mayor Heitke acknowledged David Herzer had requested to address the City Council during its scheduled Open Forum regarding the Willmar Noon Kiwanis Club. Mayor Heitke read a Proclamation supporting the Kiwanis Club and Willmar Shelter House through the "Peanuts for Kids" program.

The Finance Committee Report for September 8, 2008, was presented to the Mayor and Council by Council Member Anderson. There were five items for Council consideration.

Item No. 1 Mayor Heitke informed the Committee that he will not be presenting the City of Willmar's Proposed 2009 Budget until the Council meeting on September 15, 2008, which will enable a wider audience and public scrutiny. Staff continues to work on a few areas of the budget, including: a new rate structure for the waste treatment plant; the Local Option Sales Tax Project for the Industrial Park; Capital Expenditures Requests by various city departments; and funding for Quiet Zones and Storm Water Detention projects. This matter was for information only.

Item No. 2 City Administrator Schmit presented a draft agreement offered by the Minnesota Department of Transportation for the old airport land cost repayment of \$824,380. Representatives from the State are requesting the City of Willmar credit its annual airport maintenance grant toward this repayment. Earlier this year, to obtain land releases from the State of Minnesota, the City entered into an agreement with the State designating land sales at the airport be used to offset the amount owed to the State. Staff will be contacting State representatives for further discussion of this issue. This matter was for information only.

Item No. 3 Staff informed the Committee that City Attorney Ronning researched the donation policy issue and found that State Statute requires all donations be brought to Council for acceptance by resolution without regard to dollar amount. Subsequently, the City's current donation policy is in violation of this statute and must be amended.

The Committee was recommending the Council revise the policy stating that all donations must be presented to the City Council for acceptance by resolution without regard to the dollar amount. Council Member Anderson moved to approve the recommendation of the Finance Committee, with Council Member Fagerlie, and carried.

Item No. 4 Staff informed the Committee that \$1,653.00 is being donated to the City of Willmar from the Willmar Baseball Boosters Association for the cost of additional fencing and L Screens for the baseball field. The Committee was recommending the Council introduce a resolution accepting this donation from the Willmar Baseball Boosters in the amount of \$1,653.00. Resolution No. 1 was introduced by Council Member Anderson, seconded by Council Member Gardner, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 1

WHEREAS, the Baseball Boosters Association has donated to the City of Willmar \$1,653.00 to be used towards the cost of additional fencing and L Screens for baseball fields.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Willmar, Minnesota, that the City accept the \$1,653.00 donation and that the City Administrator be directed to express the community's appreciation.

Dated this 15<sup>th</sup> day of September, 2008.

/s/ Lester Heitke  
MAYOR

/s/ Michael Schmit  
Attest: CITY ADMINISTRATOR

Item No. 5 Staff explained to the Committee that currently, once the Council has budgeted for a capital expenditure, the City has up to three years to spend that amount. It is being suggested that this policy be changed so that a budgeted capital expenditure may be spent within the three years appropriated without further action. However, if the purpose of the budgeted amount changes, or is requested to be reappropriated for other purposes, the matter will then be brought to the Council for approval. Further discussion on this issue will be included with the 2009 budget process. This matter was for information only.

The Finance Committee Report for September 8, 2008, 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 Gardner, and carried.

The Public Works/Safety Committee Report for September 9, 2008, was presented to the Mayor and Council by Council Member Reese. There were 10 items for Council consideration.

Item No. 1 Staff presented to the Committee Change Order No. 2 to the construction of the Airport tee-hangar under contract with Breitbach Construction Co. The change order includes two additional emergency illumination lights in the garage units which added \$310.80, and the deletion of the snow guards subtracting \$1,650.00, for a net deduct of \$1,339.20. Following discussion, the Committee was recommending the Council approve Change Order No. 2 to the 2007 Tee Hangar Project and authorize the City Administrator to sign on behalf of the City.

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

RESOLUTION NO. 2

WHEREAS, a contract has been awarded to Breitbach Construction Co. of Elrosa, Minnesota, on July 2, 2007, in the amount of \$531,561.99 for construction of the 2007 Airport Tee Hangar at the new airport under the direction of Short Elliott Hendrickson as the engineer; and

WHEREAS, Change Order No. 1 decreasing the amount by \$7,592.46 has previously been

authorized; and

WHEREAS, it is desired to add additional work to the above contract.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that:

1. Additional work is herewith authorized to be added to the above contract which results in a deduct of \$1,339.20 and identified as Change Order No. 2.

Dated this 15<sup>th</sup> day of September, 2008.

/s/ Lester Heitke  
MAYOR

/s/ Michael Schmit  
Attest: CITY ADMINISTRATOR

Item No. 2 The Committee reviewed the meeting summary of August, 2008 pertaining to the evaluation of the intersection of TH 294/CR 24/Business 71. Representatives of the City, County and State met with the consulting engineer, CH2M Hill to review the work scope and schedule. The goal of the study is to provide the three entities with a complete evaluation and report of selected intersection improvement alternatives. The evaluation will document each alternative's impacts, merits, characteristics and requirements and contain information useful in planning future intersection improvements. Staff will continue to update the Committee after future meetings. This matter was for information only.

Item No. 3 At a previous Committee meeting Staff was asked for information relating to individuals and/or agencies assisting the City with public areas. The agreement used for the "Adopt-a-Public-Area" program was reviewed by the Committee along with a list of areas and the agency or individual(s) currently listed as the responsible party. Staff informed the Committee that contact with those listed will be attempted to update City records. This matter was for information only.

Item No. 4 The Committee discussed Project No. 0809, a path improvement that connects to an existing path near the former Kandiyohi Power building and runs along the west side of North Business 71 crossing at Civic Center Drive and continuing north on the east side of Business 71 ending at County Road 24. The path was authorized in the 2008 Improvement Report and plans were not finalized pending final DNR paperwork for the \$65,000 grant. The engineer's estimate is \$114,600 with the local share funded by LOST revenue.

City Administrator Schmit informed the Mayor and Council that the City has received a letter from the Minnesota Historical Society recommending that an archaeological survey be completed. Staff was recommending no action at this time. This matter was for information only.

Item No. 5 The Committee considered a request from the Fire Department to conduct two training burns located at 3077 West Highway 12 and 213 SE Lakeland Drive. All necessary permits will be obtained and asbestos inspections performed prior to any training being conducted. The burn is planned for between October 7, 2008 and February 1, 2009. The Committee was recommending the Council approve the training burns a presented by the Fire Chief. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Christianson seconding the motion, which carried.

Item No. 6 In conjunction with Kandiyohi County's proposed reconstruction of First Street North (County Road 41) from County Road 24 to County Road 25, Fire Chief Calvin presented to the Committee a request for the relocation of the outdoor warning siren near Fairway Drive. It is being proposed to move south to a location at 19<sup>th</sup> Avenue and First Street North to provide better coverage for the Foot Lake Estates and Welcome to Our Home complexes. After relocation of this siren, there would

be a need for a one in the Eagles Landing area, and a siren is proposed to be installed in the northern portion of this development.

It was noted that an outdoor warning siren was budgeted for in 2006 and the money was not expended. Staff requested approval of the relocation and installation of the two sirens and the transfer of \$20,000 from the 2006 capital outlay budget to the 2008 capital outlay budget for completion of the work. The Committee was recommending the Council approve the relocation of the existing siren and the addition of a siren as presented.

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

RESOLUTION NO. 3

BE IT RESOLVED by the City Council of the City of Willmar to authorize staff to proceed with the relocation of one outdoor emergency warning siren and the installation of one additional outdoor emergency warning siren.

BE IT FURTHER RESOLVED, that the necessary funds will be transferred from the 2006 Capital Outlay Budget into the 2008 Capital Outlay Budget.

Dated this 15<sup>th</sup> day of September, 2008.

/s/ Lester Heitke  
MAYOR

/s/ Michael Schmit  
Attest: CITY ADMINISTRATOR

Item No. 7 Rhonda Rae of Donohue and Associates briefed the Committee on activities related to the Wastewater Treatment Plant Relocation Project for the month of August, 2008. Donohue continues to work with Staff on a program to reduce fat, oil and grease in the City's sewer system and also to update the Willmar's Sewer Use Ordinance.

In the design and construction phases, bids for all four projects were reviewed and the three interceptor pipe projects awarded. Contract close out and final payment was recommended for Project No. 0609, the first phase of the interceptor project. This matter was for information only.

Item No. 8 Rhonda Rae of Donohue and Associates informed the Committee that an earlier version of Change Order No. 2 that was approved by the City Council in November, 2007 needed to be rescinded. It became necessary to amend the previous version of the change order because amended as the details of the project closeout were agreed upon. The Committee was recommending the Council rescind the Council approval for Project No. 0609 Change Order No. 2 dated November 19, 2007. Resolution No. 4 was introduced by Council Member Reese, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 4

WHEREAS, Change Order No. 2 to Project No. 0609 in a deduct amount of \$29,160.00 was approved by the City Council on November 19, 2007 and

WHEREAS, the change order became amended as the details of the project closeout were agreed upon;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that Change

Order No. 2 to Project No. 0609 be rescinded.

Dated this 15<sup>th</sup> day of September, 2008.

/s/ Lester Heitke  
MAYOR

/s/ Michael Schmit  
Attest: CITY ADMINISTRATOR

Item No. 9 The Committee considered quotes for the purchase of park play equipment in accordance with the 2008 Capital Outlay Program for equipment to be installed in Rice Park. The low quote is from Clearwater Recreation for \$27,293.00. The equipment proposed is for the age group of 5-12 years old. Staff recommended purchase of the equipment.

The Committee was recommending the Council accept the quote of Clearwater Recreation in the amount of \$27,293.00. Resolution No. 5 was introduced by Council Member Reese, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

#### RESOLUTION NO. 5

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the quote of Clearwater Recreation of Waconia, Minnesota, for purchase of park play equipment is accepted, and be it further resolved that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an agreement with the vendor for the terms and consideration of the contract in the amount of \$27,293.00.

Dated this 15<sup>th</sup> day of September, 2008.

/s/ Lester Heitke  
MAYOR

/s/ Michael Schmit  
Attest: CITY ADMINISTRATOR

Item No. 10 The Committee considered a request from Willmar Municipal Utilities to temporarily close Pacific Avenue SW from 7<sup>th</sup> to 8<sup>th</sup> Streets from approximately September 15, to October 31, 2008, to perform work on the silos. Their intent is to clean, repair and refinish the exteriors of the silos during the day time hours and possibly be able to open the street each evening as work allows.

The Committee was recommending the Council approve the request by Willmar Municipal Utilities to temporarily close Pacific Avenue SW as presented. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Fagerlie seconding the motion, which carried.

Council Member Dokken inquired as to the status of a storm water detention area at the Westwind site. City Administrator Schmit provided a brief explanation of discussions between City Staff, neighbors, and the project developer and noted that, to the best of his knowledge, the matter had been resolved.

The Public Works/Safety Committee Report for September 9, 2008, 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 September 11, 2008, was presented to the Mayor and Council by Council Member DeBlicke. There were four items for Council consideration.

Item No. 1 Dorothy Gaffaney, Willmar HRA, and Lisa Grafenteen, Southwest Minnesota Housing Partnership, presented to the Committee information regarding housing foreclosures and their relationship to affordable housing opportunities. A handout on the foreclosure process, foreclosure statistics, and assistance opportunities was presented for discussion by Ms. Grafenteen. Specific information related to the Housing and Economic Recovery Act was present by Ms. Gaffaney.

The Committee discussed various options for rehabilitation of affordable housing in the core area of the City, including the use of funds from the Housing and Economic Recovery Act, when and if available. The Willmar HRA will be working with the Southwest Minnesota Housing Partnership to access and use these funds. This matter was for information only.

Item No. 2 The Committee reviewed and discussed a proposed policy for links to the City of Willmar webpage. The draft policy was prepared by Staff, and considerable discussion focused on the number of links currently accessible from the Willmar website.

The Committee was recommending the Council approve the website links policy as presented. City Administrator Schmit presented information on the proposed Policy, and Mayor Heitke read a list of eligible links. Council Member DeBlieck moved to approve the recommendation of the Community Development Committee with Council Member Dokken seconding the motion, which carried.

Item No. 3 The Committee discussed ongoing financial and staffing issues at Rice Hospital, focusing on the proposed closing of the Diabetes Center.

City Administrator Schmit informed the Mayor and Council of a news release earlier in the day announcing that Rice Hospital and Affiliated Community Medical Centers, through their joint venture Willmar Medical Services, have created a new Diabetes Center, which is scheduled to begin seeing patients on October 1, 2008.

Item No. 4 Following a review of a new resident information packet from the City of Minnetonka, the Committee suggested that Staff look into preparing a packet of information for distribution to new residents that would explain City ordinances and outline expectations for residents. Staff informed the Committee that a draft pamphlet had been prepared earlier, but the issue encountered was how to best distribute this information to new residents. Staff will continue to work on this matter. This matter was for information only.

The Community Development Committee Report for September 11, 2008, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member DeBlieck, seconded by Council Member Dokken, and carried.

Mayor Heitke presented his proposed 2009 budget. The Mayor reviewed proposed revenues and expenditures, noting the budget totaled \$20,842,162 (General Operating \$13,385,015, Capital Improvements \$1,226,700, Other Operating and Debt \$6,230,447). The property tax levy will increase \$141,679 under the Mayor's proposal – from \$3,383,646 to \$3,525,325. Following his presentation, Mayor Heitke referred the proposed budget to the City Council's Finance Committee. The Committee will spend the next two months reviewing the budget prior to an early December public hearing.

The Mayor and Council considered a Resolution Rescheduling the Redemption of General Obligation Temporary Wastewater Bonds, Series 2006B. City Administrator Schmit presented details of the Resolution explaining that in August, 2008, the Council called for the redemption of the 2006 Wastewater Bonds. Bond Counsel has determined it is necessary to postpone the redemption of the Bonds to a later date.

Following discussion, Resolution No. 6 was introduced by Council Member Reese, seconded by Council Member DeBlieck, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 6

RESOLUTION RESCHEDULING THE REDEMPTION OF GENERAL OBLIGATION  
TEMPORARY WASTEWATER BONDS, SERIES 2006B

(For Resolution in its entirety, see City Council Minutes file date  
September 15, 2008, located in the City Clerk's Office)

Announcements for Council Committee meeting dates were as follows: Finance, September 22;  
and Public Works/Safety, September 30, 2008.

There being no further business to come before the Council, the meeting adjourned at 8:45 p.m.  
upon motion by Council Member Gardner, seconded by Council Member Reese, and carried.

Attest:

\_\_\_\_\_  
MAYOR

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