

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

April 3, 2006
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, Jim Dokken, and Steven Gardner; Present 8, Absent 1 – Rick Fagerlie was excused from the meeting.

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, City Planner Megan Sauer, Community Education and Recreation Director Steve Brisendine, and City Clerk Kevin Halliday.

Proposed additions to the agenda included consideration of liquor license renewals.

Council Member Anderson offered a motion adopting the Consent Agenda which included the following: City Council Minutes of March 20, Municipal Utilities Commission Minutes of March 27, Rice Hospital Board Minutes of March 31, Planning Commission Minutes of March 29, and Kandiyohi Area Transit Board Minutes of January 24, 2006. Council Member Gardner seconded the motion, which carried.

At 7:03 p.m. Mayor Heitke opened a hearing on an Ordinance Amending Municipal Code Section 1188 Restricting Consumption of Alcoholic Beverages in City Parks. City Clerk Halliday presented details of the proposed Ordinance which would allow alcoholic beverages to be sold in a park if the City has issued a license or permit for such a sale. There being no one present to speak for or against the proposed Ordinance, Mayor Heitke closed the hearing at 7:04 p.m.

Council Member Reese offered a motion to adopt, assign a number, and order final publication of the Ordinance Amending Municipal Code Section 1188 Restricting Consumption of Alcoholic Beverages in City Parks. Council Member Christianson seconded the motion which carried on a roll call vote of Ayes 7, Noes 0.

Mayor Heitke acknowledged that no one had signed up to address the City Council during its scheduled Open Forum.

The Finance Committee Report for March 28, 2006, was presented to the Mayor and Council by Council Member Anderson. There were eight items for Council consideration.

Item No. 1 The Committee reviewed a recommendation from Staff to transfer funds among various line items budgeted in the Donohue and Associates contract to more accurately reflect costs in those areas. The changes are necessitated to cover actual, as opposed to estimated, costs of the various project tasks, and the grand total of the Contract remains the same.

The Committee was recommending the Council approve the budget transfer among the various line items in the Donohue and Associates contract as presented. 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 7, Noes 0.

RESOLUTION NO. 1

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 agreement between the City of Willmar and Donohue & Associates, Inc. The supplement includes the reallocation of costs with the present contract amount.

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

PM Admin.	\$130,000	+\$ 15,000	\$145,000
Ordinance Review	\$ 18,680	-\$ 10,520	\$ 8,160
Funding	\$ 61,840	+\$ 8,006	\$ 69,846
Data Gathering	\$ 55,600	-\$ 1,588	\$ 54,012
Service Area	\$ 43,680	+\$ 3,108	\$ 46,788
Flow & Loading	\$ 56,239	-\$ 14,006	\$ 42,233

Dated this 3rd day of April, 2006.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 2 Sam Lahanis, representing Donohue and Associates, reviewed with the Committee a talking points document that will be used to seek out and apply for Federal and State participation in the construction of the proposed new Waste Treatment Plant. This matter was for information only.

Item No. 3 The Committee reviewed Council action of December, 2005, approving participation in the modeling costs for the study of Grass Lake. It was explained that there was no direction given at that time in regard to a funding source to cover the not-to-exceed amount of \$7,000. It was staff's recommendation that the costs be included with the 2006 Improvement project and funded through that process.

The Committee was recommending the Council approve staff's recommendation to include funding for this Grass Lake Study to cover the not-to-exceed amount of \$7,000 with the 2006 Improvement Project. Council Member Anderson moved to approve the recommendation of the Finance Committee with Council Member Dokken seconding the motion, which carried.

Item No. 4 The Committee received information explaining the classification and terminology used regarding the City's Fund Balance. This matter was for information only.

Item No. 5 The Committee considered a resolution allowing the Mayor and City Administrator to sign an agreement between the State of Minnesota and the City of Willmar transferring \$1,000,000 to the City from the State's bonding bill entitled Airport Improvements.

The Committee was recommending the Council to introduce a resolution authorizing the Mayor and City Administrator to execute the applicable agreements as presented. Resolution No. 2 was introduced by Council Member Anderson, seconded by Council Member Gardner, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 2

BE IT RESOLVED that the City of Willmar act as the legal sponsor for project(s) contained in the bonding bill entitled Airport Improvements.

BE IT FURTHER RESOLVED that the City of Willmar has the legal authority to receive financial assistance, and the institutional, managerial, and financial capability to ensure adequate project administration.

BE IT FURTHER RESOLVED that the sources and amounts of the local match identified in the development proposal are committed to the project identified.

BE IT FURTHER RESOLVED that the City of Willmar has not violated any Federal, State or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice.

BE IT FURTHER RESOLVED that upon approval of its development proposal by the State, the City of Willmar may enter into an agreement with the State of Minnesota for the above-referenced project(s), and that the City of Willmar certifies that it will comply with all applicable laws and regulations as stated in all contract agreements.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Clerk are hereby authorized to execute such agreements as are necessary to implement the project(s) on behalf of the City of Willmar.

Dated this 3rd day of April, 2006.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 6 The Committee reviewed a recommendation from Staff to borrow an amount not to exceed \$50,000 from the Public Improvement Revolving Fund to purchase of furniture at the new Airport. Following discussion, the Committee was recommending the Council approve a resolution to appropriate funds from the Public Improvement Revolving Fund as recommended.

Resolution No. 3 was introduced by Council Member Anderson, seconded by Council Member Gardner, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 3

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance

Director to amend the General Airport Department Budget as follows:

Increase:	2006 Capital Outlay -Furniture	\$ 50,000.00
Increase:	Due to P.I.R.	\$ 50,000.00

Dated this 3rd day of April, 2006.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 7 The Committee was informed by Staff that two Willmar Police Officers serve on the Minnesota Law Enforcement Memorial Association's Honor Guard and that Minnesota's division has been selected to be the honor guard in Washington, D.C. for Police Week in May, 2006. While the Law Enforcement Memorial Association is a non-profit organization, Honor Guard members have each been asked to raise \$1,000 to help cover travel costs involved for this event.

It was Staff's recommendation that the City make this contribution for the two officers in recognition of them not only representing the State of Minnesota but the City of Willmar as well. The Committee was recommending the Council approve Staff's recommendation and invite the officers to a future Council meeting. Council Member Anderson moved to approve the recommendation of the Public Works/Safety Committee with Council Member Dokken seconding the motion, which carried.

Item No. 8 The Committee acknowledged receipt of the following reports: January Rice Trust, January WRAC-8 Financial Report, and February Investment List. This matter was for information only.

The Council discussed the work Senator Dean Johnson did to secure the \$1 million grant from the State's Bonding Bill for improvements at the new Airport. Resolution No. 4 was introduced by Council Member Christianson, seconded by Council Member Gardner, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 4

WHEREAS, the City of Willmar has initiated the process of planning for and designing a new Municipal Airport; and

WHEREAS, various sources of funds are needed for the project to minimize the financial impact on City residents and businesses; and

WHEREAS, proposals to fund planning and engineering activities were submitted to our State legislators as part of the project financing plan.

WHEREAS, as part of the 2005 State appropriation the City of Willmar was granted \$1,000,000 from the State Bonding Bill.

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

City hereby expresses the community's appreciation to Senator Dean Elton Johnson for his work on behalf of the City in securing a \$1,000,000 grant for Willmar Municipal Airport planning and engineering.

Dated this 3rd day of April, 2006.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Finance Committee Report for March 28, 2006, 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 Mayor and Council considered an annexation petition filed by Wallace Janssen. City Planner Sauer explained the petition is to annex 30.94 acres of land for improvements, platting, and residential development. Ms. Sauer noted the request was approved by the Planning Commission. Following discussion, Resolution No. 5 was introduced by Council Member Dokken, seconded by Council Member Anderson, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0, Council Member Christianson abstained from voting.

RESOLUTION NO. 5

WHEREAS, a proceedings for Annexation (File #06-01) have commenced for the following described piece of property:

That part of the SW $\frac{1}{4}$ of Section 22, Township 119 North, Range 35 West of the Fifth Principal Meridian, Willmar Township, Kandiyohi County, Minnesota, described as follows:

Beginning at the southeast corner of Lot 11 of Block Three, as shown on the record plat entitled RICHLAND ACRES, on file in the office of the Kandiyohi County Recorder; thence on a geodetic bearing of North 89 degrees 33 minutes 54 seconds West, along the south line of Block Three, as shown on said record plat entitled RICHLAND ACRES, a distance of 213.16 feet to the west line of the east 604.24 feet of the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of said Section 22; thence on a bearing of South 00 degrees 06 minutes 13 seconds East, along the west line of the east 604.24 feet of the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of said Section 22, a distance of 1066.53 feet to the north line of the south 540.00 feet of the SW $\frac{1}{4}$ of said Section 22; thence on a bearing of South 89 degrees 24 minutes 54 seconds East a distance of 1262.27 feet to the east line of the W $\frac{1}{2}$ of the East $\frac{1}{2}$ of the SW $\frac{1}{4}$ of said Section 22; thence on a bearing of North 00 degrees 06 minutes 43 seconds West, along the east line of the W $\frac{1}{2}$ of the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of said Section 22, a distance of 1069.84 feet to the south line of the north 1043.50 feet of the SW $\frac{1}{4}$ of said Section 22; thence on a bearing of North 89 degrees 33 minutes 54 seconds West, along the south line of the north 1043.50 feet to the SW $\frac{1}{4}$ of said Section 22, a distance of 1048.91 feet to the point of beginning.

WHEREAS, the petitioner has certified and stated that he is the sole owner of said property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that ownership of the aforescribed property, by the petitioners, in the manner stated has been verified.

BE IT FURTHER RESOLVED that it has been verified that the Annexation will include City services/improvements/facilities/utilities.

