

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

May 15, 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, 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, Public Works Director Mel Odens, Finance Director Steven Okins, Planning and Development Services Director Bruce Peterson, and City Clerk Kevin Halliday.

Council Member Reese offered a motion adopting the Consent Agenda which included the following: City Council Minutes of May 1, Municipal Utilities Commission Minutes of May 8, Planning Commission Minutes of May 10, Building Inspection Report for April, Zoning Appeals Board Minutes of May 8, 2006; and approval of out-of-state travel for Council Member DeBlieck. Council Member Christianson seconded the motion, which carried.

At 7:02 p.m. Mayor Heitke opened a hearing on Ordinance Amending Willmar Municipal Code §3-125 Limiting Areas Where On-sale Liquor License Holders May Dispense Liquor. City Clerk Halliday informed the Council that pursuant to the adopted Ordinance allowing alcohol sales in a City park, permits may be issued by the City to allow an existing holder of an on-sale license to sell alcohol off premises for a sports or community festival. 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 Christianson offered a motion to adopt, assign a number, and order final publication of an Ordinance Amending Willmar Municipal Code §3-125 Limiting Areas Where On-sale Liquor License Holders May Dispense Liquor. Council Member Anderson seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

At 7:04 p.m. Mayor Heitke opened a hearing on a request to vacate a portion of an electrical utility easement. Planning and Development Services Director Peterson informed the Mayor and Council that MinnWest Technology Campus is requesting vacation of a portion of a 12-foot buried electric line utility easement to allow a building addition. The Willmar Municipal Utilities and Planning Commission have approved the vacation request. Sid Roda appeared before the Council to question the effect of the vacation on his property. Upon hearing all those who wished to be heard, Mayor Heitke closed the hearing at 7:16 p.m.

Resolution No. 1 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. 1

WHEREAS, a petition has been filed by MinnWest Technology Campus for the vacation of a portion of a 12' wide electric utility easement the center line of said easement described as follows: Line 78 and Line 79, shown as 'L78' and 'L79' in Parcel 1 of the MinnWest Technology Campus Right of Way Plat No. 1, on file in the office of the Kandiyohi County Recorder.

WHEREAS, the proposed easement vacation has been approved by the Planning Commission of the City of Willmar; and

WHEREAS, published notice and mailed notice of the proposed vacation and the hearing thereon have been given as provided by Subdivision 6 of Section 9.01 of Article IX of the Willmar City Charter; and

WHEREAS, a hearing was duly held on the petition for vacation of said easement on the 15th day of May, 2006; and

WHEREAS, the City Council of the City of Willmar finds that granting said petition will not deny any person utility service now being provided through said easement; and

WHEREAS, a substitute easement shall be provided which adequately meets the needs of the City of Willmar and the other public utilities; and

WHEREAS, the City Council of the City of Willmar finds that it is in the best interest of the City of Willmar to grant said petition;

NOW, THEREFORE, IT IS HEREBY RESOLVED that the utility easement described as follows is hereby vacated: Line 78 and Line 79, shown as 'L78' and 'L79' in Parcel 1 of the MinnWest Technology Campus Right of Way Plat No. 1, on file in the office of the Kandiyohi County Recorder.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed with the Kandiyohi County Recorder on or after May 22, 2006.

Dated this 15th day of May, 2006.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Public Works/Safety Committee Report for May 9, 2006, was presented to the Mayor and Council by Council Member Reese. There were seven items for Council consideration.

Item No. 1 The Committee reviewed plans and specifications for a new development in northwest Willmar proposed by J & C Enterprises in the 21-lot plat known as Valley Brook Estates. In February when the 2006 Improvements were ordered, the plats included the remainder of the Valley Brook plat, as well as the Hidden Valley plat. During the course of planning, the developer discussed downsizing the project and constructing only a portion of the Valley Brook Estates work in 2006 with the remainder of both plats in 2007. The work proposed for Project No. 0602 includes 850 feet of 36th Street NW and 550 feet of 4th Avenue NW along with the storm water pond.

Following discussion, the Committee was recommending the Council approve the plans and specifications and authorize advertisement for bids. 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 7, Noes 1 – Council Member DeBlicke voted “No.”

RESOLUTION NO. 2

WHEREAS the City Engineer of the City of Willmar has presented to the City Council plans and specifications for Project No. 0602 (J & C Enterprises development in Valley Brook) for the City of Willmar;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Willmar that: Final plans and specifications are hereby approved, and publication of the advertisement for bids is herewith authorized. Bids will be publicly opened and read at 1:00 p.m. on the 19th day of June, 2006, at the City Office Building, 333 Southwest Sixth Street, Willmar, Minnesota.

Dated this 15th day of May, 2006.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 2 Sam Lahanis of Donohue and Associates introduced Craig Holmes who will be replacing Sam as the Project Manager by the end of June. Mr. Lahanis is leaving Donohue and Associates to seek employment closer to his home in Illinois. Mr. Holmes is a Professional Engineer with over 30 years of experience including various construction projects for Wastewater Treatment Facilities.

Mr. Lahanis presented to the Committee a request to transfer a total of \$55,674.00 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. 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. 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, 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.	\$145,000	+\$25,000	\$170,000
PM Infrastructure Mgmt.	\$ 35,270	+\$10,000	\$ 45,270
Public Relations	\$ 76,138	-\$10,000	\$ 66,138
Packaging	\$ 31,800	-\$30,000	\$ 1,800
Regulatory Landscape	\$ 14,600	+ \$5,000	\$ 19,600

Alternative Evaluation	\$266,509	+\$15,674	\$282,183
Facilities Plan	\$ 56,000	-\$15,674	\$ 40,326

Dated this 15th day of May, 2006.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 Mr. Lahanis briefed the Committee on the activities that took place in April related to the Wastewater Treatment Plant Relocation. The orthographic survey of the new plant site and collection system route from the existing plant site to the new plant site was completed. A meeting was held with Phil Kvam to discuss project and easement acquisition as well as take his comments and concerns. Several meetings were held to discuss the draft Facilities Plan, and the final presentation with acceptance by the City Council was May 1, 2006. This matter was for information only.

Item No. 4 Craig Holmes of Donohue and Associates overviewed the proposed engineering services agreement for program management and design services of the Wastewater Treatment and Conveyance System. The design phase of services provides bidding documents to construct the planned facilities as detailed in the agreement. Donohue and Associates will also design and provide bidding and construction-related services for the interim treatment facilities improvements at the existing wastewater treatment facilities. The interim facilities provide treatment capacity to allow the City to maintain effluent quality until the new wastewater treatment facilities are in operation in 2010.

The Committee was recommending the Council accept the engineering services agreement with Donohue and Associates for the Design Phase of the new Wastewater Treatment and Conveyance System and approve the budget prepared by staff. Resolution No. 4, approving the budget, was introduced by Council Member Reese and seconded by Council Member Christianson. Following a discussion of the order of the resolution, Council Member Reese withdrew his motion and Council Member Christianson withdrew his second.

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 the City of Willmar desires to retain a firm to provide program management services for the design phase of the Wastewater Treatment Plant Relocation Project; and

Whereas a proposal has been made by, and an agreement prepared to retain, the firm of Donohue & Associates of Sheboygan, Wisconsin, in a not-to-exceed amount of \$4,349,172.00 for said services;

Now therefore be it resolved by the City Council of the City of Willmar that said agreement be approved and that the Mayor and City Administrator be authorized to execute the same.

Dated this 15th day of May, 2006.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Resolution No. 5 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. 5

DESIGN PHASE BUDGET
WILLMAR WASTEWATER TREATMENT PLANT RELOCATION
ESTIMATED TOTAL BUDGET \$6,850,000

SUPPLIES		RECEIVABLES	
Office Supplies	\$1,000.00	City	<u>\$6,850,000.00</u>
Postage	500.00	TOTAL	\$6,850,000.00
Mtce. of Equipment	5,000.00		
Mtce. of Structures	2,000.00		
General Supplies	<u>1,500.00</u>	FINANCING	
TOTAL	\$10,000.00	Bonds	<u>\$6,850,000.00</u>
		TOTAL	\$6,850,000.00
OTHER SERVICES			
Mtce. of Equipment	\$2,000.00		
Other Services	1,000.00		
Business Park Sewer	1,990,000.00	GRAND TOTAL	\$6,850,000.00
Interim WTF Modifications	290,000.00		
Easements	<u>150,000.00</u>		
TOTAL	\$2,430,000.00		
OTHER CHARGES			
Prof. Services	\$4,360,000.00		
Advertising	2,000.00		
Adm. OH (Transfer)	20,000.00		
Other Charges	<u>28,000.00</u>		
TOTAL	\$4,410,000.00		
GRAND TOTAL	\$6,850,000.00		

Dated this 15th day of May, 2006.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Item No. 5 Staff presented a revised budget for the 2006 Improvements. The revision reflects the downsizing of the project in the J & C Enterprises development in northwest Willmar and the as-bid amount for the two projects let. There are several projects remaining to be let yet this year to include street lighting and a signal system.

The Committee was recommending the Council approve the revised budget for the 2006 Improvements totaling \$3,769,500. Resolution No. 6 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. 6

PRELIMINARY 2006 IMPROVEMENT BUDGET
ESTIMATED TOTAL COST \$3,769,500

PERSONNEL SERVICES		RECEIVABLES	
Overtime Reg. Employees	\$500.00	Property Owners	\$682,022.00
Salaries Temp. Employees	6,000.00	City (MUC)	40,000.00
Employer Pension Contr.	<u>1,500.00</u>	State (State Aid)	900,000.00
TOTAL	\$8,000.00	City (CIF)	525,653.00
		City (LOST)	300,000.00
		Other (FAA)	150,000.00
		Developer (Bond)	500,375.00
		Developer (Cash)	450,000.00
SUPPLIES		City (Utility fee)	<u>221,450.00</u>
Office Supplies	\$1,500.00	TOTAL	\$3,769,500.00
Small Tools	2,000.00		
Motor Fuels & Lubricants	1,000.00		
Postage	2,000.00	GRAND TOTAL	\$3,769,500.00
Mtce. of Other Improvements	2,000.00		
General Supplies	<u>3,500.00</u>		
TOTAL	\$12,000.00		
OTHER SERVICES			
Printing & Publishing	\$4,000.00		
Mtce. of Other Impr.	2,628,500.00		
Other Services	<u>840,000.00</u>		
TOTAL	\$3,472,500.00		
OTHER CHARGES			
Insurance & Bonds	\$2,000.00		
Prof. Serv.	\$100,000.00		
Adm. OH (Transfer)	\$125,000.00		
Other Charges	\$50,000.00		
TOTAL	\$277,000.00		
GRAND TOTAL	\$3,769,500.00		

Dated this 15th day of May, 2006.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Item No. 6 Rice Hospital is now entering the final phase of their construction project which includes the demolition of the north wing. In order to accommodate patients and staff, the Hospital has requested to designate the east side of 4th Street SW between Becker and Trott Avenue specifically for patient parking and the south side of Becker Avenue adjacent to the Rice Hospital Campus for construction staging. These spaces are expected to be barricaded in order to provide a safety perimeter around the project site. The demolition site will be fenced off during the entire project for the timeframe of June 1, through September 30, 2006.

Following discussion, the Committee was recommending the Council approve the reserved parking request during the final phase of the Rice Hospital Construction Project as presented. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Dokken seconding the motion, which carried.

Item No. 7 For the eighth year the Willmar Police Department is requesting to participate with area law enforcement partners in the Safe and Sober Program. The grant is funded through the Minnesota Department of Public Safety/Office of Traffic Safety. The Willmar Police Department will be working in conjunction with Kandiyohi County, Atwater Police, Swift County and the Benson Police Department. The total grant request is for \$34,400. The local match for the grant is the operational cost of police vehicles. The program allows the agencies to make a concentrated effort toward traffic safety.

Following discussion, the Committee was recommending the Council approve the application for the grant and permit staff to enter into a grant agreement as requested. Resolution No. 7 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. 7

AUTHORIZING EXECUTION OF AGREEMENT

BE IT RESOLVED that the Willmar Police Department enter into a grant agreement with the Minnesota Department of Public Safety, Office of Traffic Safety for the project entitled "Safe and Sober Communities" during the period from October 1, 2006, through September 30, 2007.

BE IT FURTHER RESOLVED that Jim Kulset, Chief of Police, is hereby authorized to execute such agreements and amendments as are necessary to implement the project on behalf of the Willmar Police Department.

BE IT FURTHER RESOLVED that the Kandiyohi County Auditor/Treasurer is hereby authorized to be the fiscal agent and administer the grant on behalf of the Willmar Police Department.

Dated this 15th day of May, 2006.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Announcements for Council Committee meeting dates were as follows: Finance, May 22; Public Works/Safety, May 23; Community Development, May 25; and Labor Relation's May 31, 2006.

Mayor Heitke congratulated Willmar Police Officer Glenn Negen who recently received the Minnesota Chiefs Association's Medal of Honor.

There being no further business to come before the Council, the meeting adjourned at 8:12 p.m. upon motion by Council Member Reese, seconded by Council Member Anderson, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL