

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

August 1, 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 DeBleck, Denis Anderson, Steve Ahmann, Rick Fagerlie, Jim Dokken, and Tim Johnson; Present 9, Absent 0.

Also present were City Administrator Charlene Stevens, City Attorney Richard Ronning, Police Chief David Wyffels, Fire Chief Marv Calvin, 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 the acknowledgement of City Administrator Charlene Stevens.

Council Member Anderson offered a motion adopting the Consent Agenda which included the following: City Council Minutes of July 18, Rice Hospital Board Minutes of July 13, Municipal Utilities Commission Minutes of July 25, Planning Commission Minutes of July 27, Accounts Payable through July 27, and Willmar Design Center Minutes of July 13, 2011. Council Member Ahmann seconded the motion, which carried.

Mayor Yanish explained that due to the State of Minnesota shutdown coming to an end, the scheduled hearing on an Ordinance Establishing Electrical Installation Inspection Program by the City was cancelled. This matter was for information only.

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

The Finance Committee Report for July 25, 2011, was presented to the Mayor and Council by Council Member Anderson. There were four items for Council consideration.

Item No. 1 Staff explained to the Committee that concrete work and fencing on the right-field plaza at Taunton Stadium has been completed for approximately \$9,100. The Stingers agreed to supply the block and the City agreed to supply the concrete and fencing to complete the project. Funding is proposed to be taken from the 2008 Leisure Services Capital Expenditures Budget. Originally, \$20,000 was budgeted in 2008 for a Warming House at the Garfield Rink but the project was not done. In 2010, \$12,000 of that budget was used to irrigate the yellow softball field at Swansson Field leaving \$8,000 unspent. Further, \$3,000 originally budgeted for storage sheds in 2008 remains unused for a total of \$11,000 available.

The Committee was recommending the Council approve the concrete work and fencing on the right-field plaza at Taunton Stadium and to utilize \$9,100 from the 2008 Leisure Services Capital Expenditures Budget for this project. Resolution No. 1 was introduced by Council Member Anderson, seconded by Council Member Christianson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 1

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to make the following changes to the Leisure Service budget within the Capital Improvement Fund:

Increase:	Ball Park Improvements	\$9,100.00
Decrease:	Warming House Improvements	\$9,100.00

Dated this first day of August, 2011.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Staff informed the Committee that a donation of \$13,923 has been received from Michael Olson to erect a sign at the north entrance to the Aquatic Center on 15th Avenue Southwest. This sign would be similar to the existing one on the 22nd Street Southwest entrance. Mr. Olson is also considering a donation for signage on the Aquatic Center building which would consist of individual brushed steel letters spelling out Dorothy Olson Aquatic Center to be placed either above the main entrance or on the block wall to the west of the main entrance. It is estimated that this would be an additional \$1,500.

The Committee was recommending the Council introduce a resolution accepting donations of \$13,923 for a sign at the north entrance to the Aquatic Center and \$1,500 for lettering on the Aquatic Center building. Resolution No. 2 was introduced by Council Member Anderson, seconded by Council Member DeBlieck, 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 to the Aquatic Center Sign/Letters budget within the Capital Improvement Fund:

Increase:	Donations	\$15,423.00
Increase:	Aquatic Center Sign/Letters	\$15,423.00

Dated this first day of August, 2011.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 2 Dean Sjoquist of Donohue & Associates presented to the Committee a proposed Change Order No. 1 decreasing the total Waste Treatment Project 1017-B Contract by \$179,437.36. There were four items with unspent balances: 1) Shelving and Furniture Allowance \$9,356.59; 2) General Allowance \$145,882.92; 3) Unit Price for 162,000 Gallons of Anaerobic Digester Contents \$15,197.85; and 4) Unit Price for 100 Ton Refuse Disposal \$9,000. It was requested that the Council accept this change order which decreases the total contract for Project 1017-B to \$1,858,262.64. Following discussion, it was moved by Council Member DeBlieck, seconded by Council Member Johnson, and passed to make the following:

The Committee was recommending the Council introduce a resolution to approve Change Order No. 1 for Project 1017-B as presented and to authorize the City Administrator to execute it on behalf of the City of Willmar. Resolution No. 3 was introduced by Council Member Anderson, seconded by Council Member DeBlieck, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 3

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

WHEREAS, in accordance with Article 11 of the General Conditions of the Construction Contract, an appropriate Change Order will be issued to adjust the contract on account of Work covered by allowances and unit price work; and

WHEREAS, two allowances and two specific unit price bid items were included in the contract to provide adequate budget and bonding to cover items not precisely determined prior to bidding; and

WHEREAS, Shelving and Furniture Allowance Contract Amount \$12,000.00; Approved Amount Expended \$2,775.58; Unspent Balance \$9,224.42; and

WHEREAS, General Allowance Contract Amount \$150,000.00; Approved Amount Expended \$4,117.08; Unspent Balance \$145,882.92; and

WHEREAS, Unit Price for 162,000 Gallons of Anaerobic Digester Contents Contract Amount \$56,700.00; Amount Used \$41,502.15; Unspent Balance \$15,197.85; and

WHEREAS, Unit Price for 100 Ton Refuse Disposal Contract Amount \$9,000.00; Amount Used \$0.00; Unspent Balance \$9,000.00; and

WHEREAS, it is recommended to approve the changes and the cost associated with Change Order No. 1.

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that Change Order No. 1 be approved, as a result, the contract amount will be decreased by \$179,305.19 for a revised Contract Price of \$1,858,394.81 for Project 1017-B Decommissioning of the Existing Wastewater Treatment Facility.

Dated this first day of August, 2011.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 Mr. Sjoquist informed the Committee that Waste Treatment Project 1017-B achieved Substantial Completion as of June 13, 2011. Following inspection, Donohue & Associates prepared a list of items that needed to be corrected before final payment could be issued. Reiner Contracting has completed these items which have been inspected and verified as satisfactory by City Staff and Donohue & Associates. Subsequently, it is being recommended that the Council approve final acceptance of Project No. 1017-B and authorize the City Administrator to execute final payment to Reiner Contracting.

The Committee was recommending the Council introduce a resolution to approve final acceptance of Project No. 1017-B and to authorize the City Administrator to execute final payment to Reiner Contracting, Inc., as presented. Resolution No. 4 was introduced by Council Member Anderson, seconded by Council Member DeBlieck, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 4

ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

IMPROVEMENT: Project No. 1017-B Decommissioning of the Existing Wastewater Treatment Facility

CONTRACTOR:	Reiner Contracting, Inc.
DATE OF CONTRACT:	August 30, 2010
NOTICE TO PROCEED:	August 30, 2010
SUBSTANTIAL COMPLETION:	
Maintenance Building, Structure 100	February 25, 2011
Remaining Project Work	June 13, 2011
FINAL COMPLETION:	August 1, 2011
APPROVAL:	Donohue & Associates, Inc.

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

1. The said City of Willmar Project 1017-B be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$2,037,700.00
Change Orders	\$ (179,305.19)
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$ 1,858,394.81
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$1,858,394.81
Less Previous Payments	\$1,801,209.94
FINAL PAYMENT DUE CONTRACTOR:	\$ 57,184.87

Dated this first day of August, 2011.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 The Committee received the Local Option Sales Tax, June 30 Cash/Investment, 2nd Quarter Interest/Dividends, 2nd Quarter Investment Activity, June 30 WRAC-8, June 30 CVB, 2nd Quarter Rice Trust, and June Rice Trust Reports for information only. Discussion revolved around the Local Option Sales Tax Program including the Western Interceptor and development of the Industrial Park and Old Airport. This matter was for information only.

The Finance Committee Report for July 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 DeBlieck, and carried.

The Community Development Committee Report for July 28, 2011, was presented to the Mayor and Council by Council Member Dokken. There were four items for Council consideration.

Item No. 1 There were no public comments offered at this meeting.

Item No. 2 Steve Renquist, EDC Director, appeared before the Committee and presented a PowerPoint on an EDC Operations Board recommendation to engage a consultant to conduct a parking needs analysis. The proposed study is intended to deal with parking demand on a statistical basis and would not include physical site recommendations. It was stressed that the City should be looking out 20 years to stay ahead of anticipated development. The Committee had a number of questions about historical changes in parking demand and future development. Representatives of the Willmar Design Center explained their vision for the future and how parking was a part of it.

Mayor Yanish recognized Richard Engan, representing the Willmar Design Center, who offered historical comments on the downtown parking and anticipated future development of parking needs. The matter was received for information only.

Item No. 3 Planning continued for the September 10, 2011 community clean-up, and an informational packet from Lakeland Broadcasting was presented. Discussion included details for the disposal of household hazardous waste. Funding is not available for the County to staff or provide special collection as they currently collect five to six days per week. Dave Opsahl explained Willmar Municipal Utilities' participation in fluorescent light bulb disposal and noted that the Utilities would not be involved in the appliance collection because the recycler had agreed to accept most appliances for free. Sergeant Kappe from the Willmar National Guard will direct two or three teams of guard members who will pick up products that others cannot haul. A collection fee will be charged, as well as a disposal fee. Rudy Vigil of WRAC-8 described cable TV segments shot to advertise the upcoming clean-up. Rick Dahle of Cullen's Home Center explained their plans to also collect appliances and electronics, and to offer an opportunity to donate usable product to military families. Chair Dokken inquired about liability on the part of the City. City Attorney Ronning responded that the proposed clean-up effort didn't create much liability exposure for the City and this item will continue to be discussed pending conclusion of the clean-up effort. This matter was for information only.

Item No. 4 Staff provided updates on the following: 1) Work on the airport land release will resume now that the State is back in operation. Guidance on the marketing plan and National Register application are expected to be provided by the State; 2) The Trail and Pedestrian Plan hearing will probably occur later in August, due to a delay in preparing the final draft for the Planning Commission. 3) Construction projects - United Farm Credit Services and Rice Care Suites are nearing completion. Work on the new dental clinic continues. The Planning Commission approved a plan review for a Little Caesar's Pizza drive up facility. 4) Significant improvement is being made in the mobile home parks. A major effort to remove trash has occurred in the West Park and it was underway in the East Park. New management seems to be willing to hold the tenants to a higher standard. 4) John's Supper Club - no work schedule or progress report were submitted as required by the Council. Staff will follow up with a letter to Mr. Kidrowski. This matter was for information only.

The Community Development Committee Report for July 28, 2011, was 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.

City Clerk Halliday informed the Mayor and Council that the owners of Sunray Express, located at

3002 First Avenue NW, have applied for an Off-sale Intoxicating Liquor License. Council Member Reese moved to approve the Off-sale Intoxicating Liquor License as presented. Council Member Dokken seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

The Mayor and Council considered an Ordinance to Rezone Certain Lands from G/I (Government/Institutional) to LB (Limited Business). Planning and Development Services Director Peterson presented details of the rezoning request from Affiliated Community Medical Center to allow the building to be used for maintenance, laundry, purchasing/supplies and storage. It was noted that the Planning Commission has approved the rezoning. Council Member DeBlick moved to introduce an Ordinance Amending Municipal Ordinance No. 1060, the Willmar Zoning Ordinance and schedule a public hearing for August 15, 2011. Council Member Fagerlie seconded the motion, which carried.

Announcements for Council Committee meeting dates were as follows: Finance, August 8; Public Works/Safety, August 9; and Community Development, August 11, 2011.

Council Member Dokken acknowledged that in *American Legion*, Department of Minnesota publication, Willmar Police Captain Jim Felt was announced as the "American Legion Officer of the Year."

Mayor Yanish recognized City Administrator Charlene Stevens, who was attending her first City Council meeting. Ms. Stevens stated that she was pleased to be in Willmar with her family, appreciates the dedicated and high caliber staff, and looking for a long tenure with the City. The Mayor offered his welcoming comments.

There being no further business to come before the Council, the meeting adjourned at 7:33 p.m. upon motion by Council Member Anderson, seconded by Council Member Reese, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL