

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

April 7, 1999
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 Verna Kelly, Denis Anderson, Ron Christianson, Bruce DeBlieck, Douglas Reese, Nancy Houlahan, Jim Dokken, and Rick Fagerlie; Present 9, Absent 0.

Also present were City Administrator Michael Schmit, City Attorney Richard Ronning, Park and Leisure Services Director Dale Johnson, Public Safety Director Dan Strootman, 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 March 17, Municipal Utilities Commission Minutes of March 22, Rice Hospital Board Minutes of March 24, Human Rights Commission Minutes of February 23, Kandiyohi Area Transit Joint Powers Board Minutes of March 22, and Planning Commission Minutes of March 24, 1999. Council Member Kelly seconded the motion, which carried.

At 7:02 p.m. Mayor Heitke opened the hearing on an Ordinance Amending Municipal Code Section 6-59 Concerning Officers of the Willmar Fire Department. City Administrator Schmit informed the Mayor and Council that years ago the Municipal Code was amended reflecting the appointment of the Fire Chief. It was the intent of the Council to also include the First and Second Assistant Fire Chiefs to be appointed by the Fire Chief. This was inadvertently left out, but was reflected in the Fire Department's Bylaws. Warren Jorgenson appeared before the Mayor and Council to suggest that additional changes be made to the proposed Ordinance requiring National Fire Code training standards. Upon hearing all those who wished to be heard, Mayor Heitke closed the hearing at 7:25 p.m.

Council Member Kelly offered a motion to refer the Ordinance Amending Municipal Code Section 6-59 Concerning Officers of the Willmar Fire Department to the Public Works/Safety Committee for further consideration. Council Member Dokken seconded the motion, which carried.

Mayor Heitke recognized Steve Roe who presented a status report on the activities of the KandiLink group and local telecommunications issues. Mr. Roe detailed the past activities of this consortium of users and providers of telephone services, cable television, and Internet services. This matter was for information only.

Mayor Heitke recognized Jackie Fowler of Dakota Telecommunications Group (DTG). Ms. Folwer presented a proposal to create a comprehensive new hybrid fiber optic infrastructure for the community of Willmar. DTG is applying to the City Council for a non-exclusive cable television franchise. The granting of that franchise would immediately trigger the construction of a new city-wide infrastructure over which they would provide voice, video, and data services. The City would incur no costs associated with the construction of this network. Following Ms. Fowler's presentation, Council Member Christianson moved to refer the matter to the Community Development Committee for consideration. Council Member DeBlieck seconded the motion, which carried.

The Finance Committee Report of March 29, 1999, was presented to the Mayor and Council by Council Member Kelly. There were six items for Council consideration.

Item No. 1 Staff reviewed with the Committee the state application for the

Kandiyohi Area Transit program. The application was being submitted by the Joint Powers Board to coordinate the efforts of the Kandiyohi County Board and Willmar City Council to provide an expanded area-wide public transportation program. The application as submitted would increase the City's portion from an estimated \$8,000 in the 1999 Adopted Budget to about \$35,000. It was noted there would be enough funds remaining in the Transit Fund Reserve to cover the additional costs for 1999, but there would need to be fee changes to fund the program in future years.

Due to the fact the State Department of Transportation has not approved the application, this matter was for information only and will be brought back to the Committee when a final agreement is negotiated.

Item No. 2 Staff presented a recommendation from the League of MN Cities asking the City to introduce a resolution requesting that the Legislature repeal the sales tax on local government purchases. It was estimated this would save the City of Willmar an estimated \$130,000 per year. It was the moved to recommend the Council pass a resolution encouraging the State Legislature to repeal the state sales tax on local government purchases.

Resolution No. 1 was introduced by Council Member Kelly, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 1

SUPPORTING REPEAL OF THE STATE SALES TAX
FOR LOCAL GOVERNMENT PURCHASES

WHEREAS, the Legislature imposed the sales tax on local governments in 1992 when facing a significant state budget deficit; and

WHEREAS, the State government has collected hundreds of millions of dollars in sales tax since 1992 on local government purchases of items such as road maintenance equipment, wastewater treatment facilities, and building materials; and

WHEREAS, the sales tax on local government purchases is passed on to residents in the form of higher property taxes and fees; and

WHEREAS, the State's financial picture has improved dramatically and the need for the sales tax no longer exists; and

WHEREAS, Minnesota is one of only seven states which impose sales tax on local government purchases; and

WHEREAS, imposing the sales tax on local government purchases is an inefficient way to raise State revenues, especially where sales tax is paid for bonding projects with accompanying interest costs;

NOW, THEREFORE, BE IT RESOLVED that the Willmar City Council encourages its State legislators to support the repeal of the sales tax on local governments.

Dated this 7th day of April, 1999.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 The Committee considered a recommendation from staff that the City participate in the costs of publication for a map/brochure provided by the Willmar Area Chamber of Commerce. The Chamber gives the City approximately 25 percent of the maps for distribution to the general public. The Committee was

recommending to the Council approval of the request as submitted. Council Member Kelly moved to approve the recommendation of the Finance Committee with Council Member DeBlicek seconding the motion, which carried.

Item No. 4 The Committee reviewed a cost-sharing agreement with the State Department of Aeronautics, which would reimburse the City for 60 percent of all eligible office remodeling costs recently completed at the Airport. The Committee was recommending to the Council a resolution authorizing the City Administrator and Mayor to sign the agreement.

Resolution No. 2 was introduced by Council Member Kelly, seconded by Council Member Christianson, read by Mayor Heitke, 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 as follows:

1. That the State of Minnesota Agreement No. 78670, Grant Agreement for Airport Improvement, for State Project No. 3401-44 at the Willmar Municipal Airport is accepted.
2. That the Mayor and City Administrator are authorized to execute this Agreement and any amendments on behalf of the City of Willmar

Dated this 7th day of April, 1999.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 5 The Committee reviewed the current open Capital Projects report, and the February Rice Hospital Financial and Rice Trust Reports. This matter was for information only.

Item No. 6 The Committee listed the following items for future agendas: intergovernmental transfer with the Municipal Utilities Commission, Blue Line Club building, and 1999 bonds. This matter was for information only.

The Finance Committee Report of March 29, 1999, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Kelly, seconded by Council Member Christianson, and carried.

The Public Works/Safety Committee Report of March 31, 1999, was presented to the Mayor and Council by Council Member Reese. There were nine items for Council consideration.

Item No. 1 Lorry Massa, representing Main Street Willmar, met with the Committee to present a proposed Loitering Ordinance. The ordinance was drafted in coordination with the City Attorney, Police Department, and ordinances currently in use by other cities. Signed petitions showing support of the ordinance were circulated to the members for review.

The Committee was recommending to the Council to direct the City Attorney prepare the ordinance to be introduced for hearing at a future City Council meeting. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Kelly seconding the motion, which carried.

Item No. 2 Loren Engleby of the Soil and Conservation Office and Steve Erickson of the U.S. Fish and Wildlife Department appeared before the Committee to review updated information on the status of the restoration of Grass Lake. Staff informed the Committee that concerned parties met to discuss the results of the viewer's benefit assessment report. The total estimated project cost is \$6.8

million of which \$4.5 million remains to be funded. The viewer's report apportioned benefit to the City of Willmar, Kandiyohi County, and State of Minnesota.

City staff has contacted Senator Johnson and Representative Juhnke to inquire into any likelihood of additional State funds. The response received by the City shows a consideration for a 50 percent split of the remaining costs, although a state bonding bill cannot be introduced until next session.

Also discussed was the issue of the \$1 million NAWCA grant that expires in September, 1999. It was felt an extension is possible, but only if commitments are received from the City of Willmar and Kandiyohi County. Staff reviewed preliminary assessment calculations. Boundaries of property affected are generally 15th Street SW to the west, and Highway 12 to the north. An estimated assessment for a single-family average residential lot would be \$185 for each \$1 million of city cost. It was the consensus of the Committee that a meeting be held with County officials to discuss cost participation. The matter was for information only.

Item No. 3 Committee Members reviewed bids received on March 22, 1999, for Project 9902 - 1999 Sewer and Water Improvements. It was staff's recommendation to award the project prior to the assessment hearing as only a small portion will be assessed and the remainder is through developer's agreement. The Committee was recommending to the Council to award the bid to Juul Contracting and to authorize the Mayor and City Administrator to enter into an agreement on behalf of the City.

Resolution No. 3 was introduced by Council Member Reese, seconded by Council Member Kelly, 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 bid of Juul Contracting Company of Hutchinson, Minnesota, for Project No. 9902 - 1999 Sewer and Water Main Improvements is accepted, and be it further resolved that the Mayor and City Administrator be authorized to enter into an agreement with the bidder for the terms and consideration of the contract in the amount of \$78,441.50.

Dated this 7th day of April, 1999.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 The Committee considered a recommendation from staff to hold a hearing for the 1999 assessments on May 5, 1999. The Committee was recommending to the Council to call for the Assessment Hearing to be held on May 5, 1999, at 7:02 p.m. Resolution No. 4 was introduced by Council Member Reese, seconded by Council Member Kelly, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 4

CALLING HEARING ON ASSESSMENTS FOR
PROJECTS 9901 AND 9902 - STREET AND OTHER IMPROVEMENTS

WHEREAS, the City Clerk-Treasurer with the assistance of the City Engineer has prepared an assessment roll for Projects 9901 and 9902 Street and Other Improvements, and said proposed assessment roll is on file with the Clerk-Treasurer and open to public inspection.

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

1. The Clerk-Treasurer shall publish notice that this City Council will meet to consider the proposed assessments on May 5, 1999, at 7:02 p.m. in the Council Chambers, Municipal Utilities Building, 700 West Litchfield Avenue, Willmar, Minnesota.

2. Said notice shall also be mailed to the owners of each parcel of property described in the assessment roll.

3. Such notice shall be in substantially the following form: (Notice on file in the City Clerk's Office)

4. Said notice shall be published by the City Clerk-Treasurer in the official newspaper at least two weeks prior to the hearing and mailed by said Clerk-Treasurer to the owners of each parcel described in the assessment roll.

Dated this 7th day of April, 1999.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 5 The Committee briefly discussed the CSAH 24 speed issue. This matter was for information only. the memorandum from staff.

Item No. 6 The Committee reviewed an agreement for a controlled house burn at 110 Northwest 18th Street scheduled for April 22, 1999. This matter was for information only.

Item No. 7 Staff informed the Committee of the Law Enforcement Center Planning Committee meeting scheduled for Monday, April 5, 1999. The Committee was recommending to the Council that Council Member Reese replace Richard Halterman on the Law Enforcement Center Planning Committee. 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. 8 Council Member Reese briefed the Committee on the upcoming projects planned in this area by the Minnesota Department of Transportation. The next three years were outlined in a meeting he and others attended including completion of the bypass interchanges in the year 2000, and the four-lane bypass in the years 2001 and 2002. The Committee was recommending to the Council to send a resolution showing the City's support for MnDOT's Area Transportation Plan.

Resolution No. 5 was introduced by Council Member Reese, seconded by Council Member Kelly, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 5

BE IT RESOLVED by the Willmar City Council that the City of Willmar hereby declares its support of the draft 2000-2002 Area Transportation Improvement Program (ATIP) for MnDOT District 8, which includes in part the completion of the Willmar bypass and interchanges from T.H. 71 south to the north City limits.

Dated this 7th day of April, 1999.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 9 The Committee briefly discussed the traffic situation at the

intersection of Highways 12 and 40 West and the speed limit on Highway 12. This matter was for information only.

The Public Works/Safety Committee Report of March 31, 1999, 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 DeBlicek, and carried.

The Community Development Committee Report of April 1, 1999, was presented to the Mayor and Council by Council Member DeBlicek. There were seven items for Council consideration.

Item No. 1 Jean Spaulding from the Willmar Convention and Visitors Bureau and Ken Warner from the Willmar Area Chamber of Commerce presented a concept for image enhancement marketing. The marketing campaign would allow for a unified, cohesive approach to enhancing Willmar's image.

The Committee was recommending to the Council to approve the concept and refer the matter to the Finance Committee to determine a source of funding. Council Member DeBlicek moved to approve the recommendation of the Community Development Committee with Council Member Fagerlie seconding the motion, which carried.

Item No. 2 The Committee reviewed Change Order No. 7 for the library project. These changes are primarily to address field conditions or have been requested by library staff to facilitate installation of the telecommunication system.

The Committee was recommending to the Council to adopt the resolution approving Change Order No. 7. Resolution No. 6 was introduced by Council Member DeBlicek, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0 - Council Member Houlahan abstained from voting.

RESOLUTION NO. 6

WHEREAS, a contract has been awarded to Nelson Construction Company, Inc., on May 29, 1998, in the amount of \$2,965,000 for the construction of an addition to and renovation of the Willmar Public Library; and

WHEREAS, Change Orders No. 1 through 6 in the amount of \$126,856.00 have 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 estimated to be \$5,207.00.
2. Funding for the additional work is from the G. O. Sales Tax Revenue Bond.

Dated this 7th day of April, 1999.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 The Committee discussed correspondence from Dale Jones requesting early acquisition of his house and property for airport purposes. The Committee was recommending to the Council that staff be directed to pursue the early acquisition of the Jones' property on the condition that MnDOT agrees to lead the process, and to refer the matter to the Finance Committee to determine a source of funding. Council Member DeBlicek moved to approve the recommendation

of the Community Development Committee with Council Member Fagerlie seconding the motion, which carried.

Item No. 4 Staff reported to the Committee that the Kandiyohi Area Transit Joint Powers Board recently amended the Joint Powers Agreement deleting a sentence in clause 8 eliminating the County's responsibility as fiscal agent. The County asserted that the added workload would be a burden on their administration department, and that a private sector accounting firm could do the work for the same cost. Procedurally, the City Council has to ratify the Joint Powers Board action.

The Committee was recommending to the City Council to ratify the action of the Joint Powers Board, thereby eliminating the County's responsibility as the fiscal agent and depository of transit board funds. Council Member DeBlieck moved to approve the recommendation of the Community Development Committee with Council Member Kelly seconding the motion, which carried.

Item No. 5 The Committee reviewed bid tabulations for library furniture and furnishings. It was noted that the bids came in considerably under budget. The Committee was recommending to the Council that resolutions be adopted which approve the low bids and award contracts.

Resolution No. 7 was introduced by Council Member DeBlieck, seconded by Council Member Kelly, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0, Council Member Houlahan abstained from voting.

RESOLUTION NO. 7

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the bid of Jones Library Sales of Rochester, Minnesota, for the Willmar Public Library architectural wood work is accepted, and be it further resolved that the Mayor and City Administrator be authorized to enter into an agreement with the bidder for the terms and consideration of the contract in the amount of \$95,570.00.

Dated this 7th day of April, 1999.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Resolution No. 8 was introduced by Council Member DeBlieck, seconded by Council Member Kelly, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0, Council Member Houlahan abstained from voting.

RESOLUTION NO. 8

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the bid of Jones Library Sales of Rochester, Minnesota, for the Willmar Public Library steel shelving is accepted, and be it further resolved that the Mayor and City Administrator be authorized to enter into an agreement with the bidder for the terms and consideration of the contract in the amount of \$55,241.00.

Dated this 7th day of April, 1999.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Resolution No. 9 was introduced by Council Member DeBlieck, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote

of Ayes 7, Noes 0, Council Member Houlahan abstained from voting.

RESOLUTION NO. 9

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the bid of Embury, Inc. of DeForest, Wisconsin, for the Willmar Public Library carrels, chairs and tables is accepted, and be it further resolved that the Mayor and City Administrator be authorized to enter into an agreement with the bidder for the terms and consideration of the contract in the amount of \$77,307.00.

Dated this 7th day of April, 1999.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Resolution No. 10 was introduced by Council Member DeBlieck, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0, Council Member Houlahan abstained from voting.

RESOLUTION NO. 10

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the bid of S & T Office Products of St. Cloud, Minnesota, for the Willmar Public Library seating and miscellaneous is accepted, and be it further resolved that the Mayor and City Administrator be authorized to enter into an agreement with the bidder for the terms and consideration of the contract in the amount of \$30,408.00.

Dated this 7th day of April, 1999.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Resolution No. 11 was introduced by Council Member DeBlieck, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0, Council Member Houlahan abstained from voting.

RESOLUTION NO. 11

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the bid of Metro Systems of Minneapolis, Minnesota, for the Willmar Public Library furniture is accepted, and be it further resolved that the Mayor and City Administrator be authorized to enter into an agreement with the bidder for the terms and consideration of the contract in the amount of \$31,213.00.

Dated this 7th day of April, 1999.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 6 Staff informed the Committee of a new procedure called Community Enhancement Program, which is being initiated to deal with exterior storage and general property maintenance issues. The new procedure will allow staff to deal with the issues less formally and at a significantly lower cost by using carbon-less forms that can be left on the premises. This will eliminate

the need for a certified letter for each violation. Because most property owners respond well to City requests to comply with the Ordinances, it is expected that this process will not only work better for the City, but be less threatening to the property owner. This matter was for information only.

Item No. 7 Staff informed the Committee that the Planning and Development Services Department was witnessing an increase in the number of complaints involving exterior maintenance of owner-occupied homes and properties. Inspection personnel have suggested a housing code to deal with exterior maintenance issues. The Committee discussed possible options to deal with the issue and directed Staff to provide more information at a future meeting. This matter was for information only.

The Community Development Committee Report of April 1, 1999, 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 Fagerlie, and carried.

The Mayor and Council considered a final plat for Hughes Addition, a two-lot plat intended as the site of an oral surgery center and Home Medical. It was noted the Willmar Municipal Utilities had requested a six-foot easement along the east line of the plat and the Planning Commission has approved of the final plat. Council Member Kelly moved to approve the final plat for Hughes Addition with Council Member DeBlieck seconding the motion, which carried.

Planning and Development Services Director Peterson informed the Mayor and Council that Lincoln Clements has requested the Public Market property on Southwest 9th Street be rezoned from R-3 Low Density Multi-family to LB - Limited Business for the purpose of additional office and service/retail occupancy. The Planning Commission has heard the matter and approved the rezoning. Council Member Kelly offered a motion to introduce an Ordinance Amending Ordinance No. 1060 to Rezone Certain Property and call for an April 21, 1999, hearing. Council Member Christianson seconded the motion, which carried.

City Clerk Halliday informed the Mayor and Council that the following establishments are requesting renewal of their current liquor licenses: On-sale - Holiday Inn of Willmar, Edinbary's and Blue Heron on the Green; Club On-sale - Eagles, Elks Lodge, VFW and American Legion; On-sale Non-intoxicating - Valley Golf Course and Pizza Hut; Off-sale - Cashwise Liquors, Gerry's Liquor and Skylark Liquors; and Wine/Non-intoxicating - Ruttles. Off-sale applications for Liquor Mart and Eastgate Liquor have been received without proof of insurance and approval would be contingent on City Attorney approval. Council Member Kelly offered a motion to approve the requests for renewal of liquor licenses as requested. Council Member Houlahan seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Mayor Heitke called for a recess at 8:55 p.m. and reconvened the meeting at 9:03 p.m.

At this time Public Safety Director Strootman presented to the Mayor and Council the 1998 Public Safety Department Annual Report. Following Mr. Strootman's report, City Attorney Ronning presented the 1998 City Attorney's Departmental Annual Report.

Announcements for Council Committee meeting dates were as follows: Finance, April 12; Public Works/Safety, April 13; and Labor Relations, April 14, 1999.

There being no further business to come before the Council, the meeting adjourned at 9:45 p.m. upon motion by Council Member Kelly, seconded by Council Member Dokken, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL