

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

February 16, 2000
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, Public Works Director Mel Odens, Planning and Development Services Director Bruce Peterson, Police Chief Jim Kulset, Fire Chief Marvin Calvin, and City Clerk Kevin Halliday.

An addition to the Agenda included Library Board appointments.

Council Member Dokken requested that the Senior Council Minutes of January 5, 2000, be removed from the Consent Agenda.

Council Member Kelly offered a motion adopting the Consent Agenda, which included the following: City Council Minutes of February 2, Rice Hospital Board Minutes of January 28 and February 9, Building Inspection Report for January, Pioneerland Library Board Minutes of November 18, Housing and Redevelopment Committee Minutes of January 11, and Planning Commission Minutes of February 9, 2000; and Exemption from Lawful Gambling License for Personal Touch Ministries and Knights of Columbus. Council Member Reese seconded the motion, which carried.

The Mayor and Council discussed the Senior Center Minutes and a recommendation to hire 30-hour per week coordinator position for the Center. Council Member Dokken moved to approve of the hiring of a coordinator. The motion died for the lack of a second. Council Member Dokken moved to refer the matter to the Finance Committee with Council Member Christianson seconding the motion, which carried. The Senior Center Minutes of January 5, 2000, were accepted 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.

At 7:08 p.m. Mayor Heitke opened the hearing on the Center City Tax Increment Financing (TIF) Plan Amendment. Planning and Development Services Director Peterson informed the Mayor and Council that it has been proposed the Center City TIF Plan be amended to add debt for the Central Business District street overlay project. It was noted that because the original Center City District was created as an HRA district, approval for this amendment was sought and obtained from the HRA Board. There being no one present to speak for or against the Center City TIF Plan Amendment, Mayor Heitke closed the hearing at 7:10 p.m.

Following discussion, 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

APPROVING THE AMENDMENT TO THE CENTER CITY
REDEVELOPMENT PROJECT AND TAX INCREMENT FINANCING PLAN

(For Resolution in its entirety, see City Council Minutes
File dated February 16, 2000, located in the City Clerk's Office)

At 7:14 p.m. Mayor Heitke opened the hearing on an Ordinance Amending Municipal Ordinance No. 1060, the Willmar Zoning Ordinance. Planning and Development Services Peterson informed the Mayor and Council the Planning Commission recently worked out an agreement with Kandiyohi Area Transit to allow advertising signs on transit buses. Mr. Peterson explained the proposed Ordinance would allow flush-mounted, adhesive-backed exterior signs and that an annual permit would be required for each bus, but have no fee. John Grothuis, KAT Director, appeared before the Mayor and Council to discuss the proposed sale of advertising, the fee structure and other matters concerning both exterior and interior signs on the buses. Upon hearing all those who wished to be heard, Mayor Heitke closed the hearing at 7:15 p.m.

Council Member Fagerlie offered a motion to adopt, assign a number and order final publication of the Ordinance Amending Municipal Ordinance No. 1060, the Willmar Zoning Ordinance. Council Member Dokken seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

City Administrator Schmit presented to the Mayor and Council for consideration a Joint Powers Agreement between the City of Willmar and Independent School District No. 347 for the consolidation of the School District's Community Education Department and the City's Leisure Services Department. Mr. Schmit reviewed several operation issues and provided details of the governing board makeup. Steve Brisendine, Community Education and Recreation Director, appeared before the Mayor and Council to answer questions.

Following discussion, Council Member Dokken moved to table the matter. Council Member DeBlieck seconded the motion, which failed on a roll call vote of Ayes 3, Noes 5 - Council Members Reese, Houlahan, Anderson, Fagerlie and Kelly voted "No". Council Member Kelly moved to approve the Joint Powers Agreement for Community Education and Recreation. Council Member Reese seconded the motion, which carried on a roll call vote of Ayes 5, Noes 3 - Council Members Christianson, Dokken and DeBlieck voted "No".

The Finance Committee Report of February 7, 2000, was presented to the Mayor and Council by Council Member Kelly. There were six items for Council consideration.

Item No. 1 Steve Brisendine, Community Education Director, explained to the Committee the funding program of statewide community education programs noting 80 out of 360 districts normally operate at a deficit. State funding had not changed in twelve years and there is a proposal to introduce new legislation allowing an increase in funding.

Mr. Brisendine explained that area legislators are requesting support for introduction of the proposed bill, and this would be an optional and not mandatory levy by Community Education. The Committee was recommending to the Council that a resolution favoring authorization of this bill be considered. Resolution No. 2 was introduced by Council Member Kelly, seconded by Council Member Anderson, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 2 - Council Member Dokken and Christianson voted "No."

RESOLUTION NO. 2

WHEREAS, school-aged youth can greatly benefit by participation in structured activities that challenge and develop their social, mental, physical and creative abilities in a safe environment during non-school hours;

WHEREAS, polling research demonstrates overwhelming public support across all demographic groups for offering such programs in their communities;

WHEREAS, because of their experience, personnel and facilities, school districts are able to take a leadership role in providing these opportunities to youth.

NOW, THEREFORE, BE IT RESOLVED that the City of Willmar supports the

introduction and passage of State legislation that would authorize, but not mandate, school districts to raise funds locally and to receive funds from the State for youth programs in community education.

Dated this 16th day of February, 2000.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 2 Janet Vandriessche and Carol Hruby, Rice Trustees, presented the 1999 Annual Accounting of the Rice Trust to the Committee. The accounting showed a market value of \$2,381,946 and a gross interest and dividend amount of \$82,422 for 1999. This matter was received for information only.

Item No. 3 Municipal Utilities General Manager Mike Nitchals presented the adopted 2000 Municipal Utility Budget to the Committee for consideration. This matter was for information only.

Item No. 4 The Committee reviewed historical data on the City's insurance premium and dividends since 1987. This matter was for information only.

Item No. 5 The Committee reviewed the status of the sale of tax-forfeited property and the special assessments that would be reassessed against it. The Committee was recommending that Council pass a resolution writing off all remaining unpaid special assessments. Resolution No. 3 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. 3

WHEREAS, the following property located within the City of Willmar was offered for sale by the County Auditor at tax forfeiture sale:

Parcel No. 95-138-0060, Lot 6, Block 1,
Countryside Addition

WHEREAS, the above property was sold to Francisco Mendoza on December 17, 1999.

WHEREAS, the above property could be subject to reassessment of \$2,990.00 when sold, but that the lot has been deemed unbuildable due to an overhead power transmission line easement through the lot.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, that the assessments of \$2,000 for paving, curb and gutter (367-8101) and \$990.00 for paving and misc. (408-9101A) be listed as zero balance due; and that the County Auditor be notified of the action to dismiss the pending assessments.

Dated this 16th day of February, 2000.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 6 The Committee reviewed the following: December Rice Financial, Investment Listing, 4th Quarter Investment, and 1999 Interest/Dividend by institution. This matter was for information only.

The Finance Committee Report of February 7, 2000, was approved as presented and placed on file in the City Clerk's Office upon motion by Council Member Kelly, seconded by Council Member Fagerlie, and carried.

The Public Works/Safety Committee Report of February 8, 2000, was presented to the Mayor and Council by Council Member Reese. There were 5 items for Council consideration.

Item No. 1 Police Officer Marilee Dorn addressed the Committee in consideration of an ordinance allowing local background checks for potential rental housing tenants and property managers. At the present time background checks are sent to St. Paul to the Bureau of Criminal Apprehension (BCA) and take approximately two weeks turnaround time. Landlords are receptive to this type of ordinance in communities that have it implemented. The proposed ordinance is necessary before the BCA can allow a local agency to run computerized criminal history checks for this purpose. The proposed ordinance is modeled after the City of Rochester's and has been reviewed by the City Attorney.

The Public Works/Safety Committee was recommending to the Council adoption of the Ordinance. Council Member Reese offered a motion to introduce an Ordinance Allowing Background Checks on Managers and Tenants of Rental Housing and to schedule a public hearing for March 1, 2000. Council Member Kelly seconded the motion, which carried.

Item No. 2 The Committee considered an amendment to the Municipal Code Section 7-31(6) concerning fair housing. The amendment to the code will allow collection of information necessary to conduct a background check. It will still disallow discrimination based on membership in protected classes.

The Committee was recommending to the Council approval of the amendment to the Municipal Code. Council Member Reese offered a motion to introduce an Ordinance Amending Municipal Code Section 7-31(6) Concerning Fair Housing and to

schedule a hearing for March 1, 2000. Council Member Kelly seconded the motion, which carried.

Item No. 3 Tim Carlson appeared before the Committee to discuss costs associated with the installation of sewer and water for the 11 lots he is proposing developing north of Willmar Lake. The total estimated cost for utilities is \$241,000. A lift station will be needed which accounts for \$100,000 of the total and brings the costs considerably higher than anticipated. Mr. Carlson is requesting some type of an agreement with the City allowing partial recovery of the associated costs through tapping fees, if and when other developments use the lift station. This matter was referred to staff for evaluation.

Public Works Director Odens presented various options available to the City to assist the developer with the costs of sewer/water installation. Council Member Reese offered a motion to refer the Finance Committee the matter of funding a share of the costs of the oversized improvements. Council Member Kelly seconded the motion. Following additional discussion, the motion and second were withdrawn. Council Member Kelly offered a motion directing staff to enter into an agreement with the developer which would require the developer to pay 100 percent of the sanitary sewer installation costs, but allow said developer to recover up to 50 percent of the cost of the improvements by being reimbursed all tapping fees collected from that line for up to 10 years, and that contract language be approved by the City Attorney. Council Member Reese seconded the motion, which carried. Council Member Reese moved to direct staff to enter into an agreement with the developer which would required the developer to pay 100 percent of the watermain installation costs, but allow said developer to recover up to 50 percent of the cost of the improvements by being reimbursed all tapping fees collected from that line for up to 10 years, and that contract language be approved by the City Attorney. Council Kelly seconded the motion, which carried.

Item No. 4 The Committee considered a resolution and an agreement with the Department of Public Safety where they would provide the City with a defibrillator. The City in turn would agree to provide training, hold them harmless, have a physician's consultant, maintain the unit and keep statistics. The City Attorney has reviewed the agreement.

The Committee was recommending to the Council approval of the agreement and authorize the Mayor and City Administrator to sign on behalf of the City. 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

BE IT RESOLVED that the Willmar Police Department enter into a Joint Powers Agreement with the State of Minnesota, Department of Public Safety pertaining to the distribution of automated external defibrillators to law enforcement agencies.

Chief of Police James Kulset is hereby authorized to execute such agreements and amendments as are necessary to implement this program on behalf of the City of Willmar Police Department.

Dated this 16th day of February, 2000.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 5 Staff informed the Committee of a meeting held with the County and State to include the realignment of Willmar Avenue West at the intersection of T.H. 40 in conjunction with the State project on Highway 40. The County is willing to fund the additional work, and the State is willing to draft a supplemental agreement, if the City will design and provide the necessary plans. Staff presented a draft design and informed the Committee that Jennie-O has been contacted and they have no objections. This matter was for information only.

The Public Works/Safety Committee Report of February 8, 2000, 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 Fagerlie, and carried.

The Labor Relations Committee Report of February 9, 2000, was presented to the Mayor and Council by Council Member Christianson. There were five items for Council consideration.

Item No. 1 The Committee met with City Attorney Ronning to review general terms and conditions of Mr. Ronning's employment contract. It was the consensus of the Committee to take this matter under advisement and continue discussions at a later date. This matter was for information only.

Item No. 2 The Committee considered proposed revisions to the Willmar Municipal Code concerning the Fire Department. Changes were being proposed to acknowledge the hiring of a new Fire Chief and the elimination in 1999 of the Public Safety Director position classification. The Committee was recommending to the Council that a hearing be set to consider an ordinance regarding proposed amendments.

Council Member Christianson offered a motion to introduce an Ordinance Amending Willmar Municipal Code Sections 6.58, 5.59 and 6.60 Concerning the Willmar Fire Department and to schedule a hearing for March 1, 2000. Council Member Reese seconded the motion, which carried.

Item No. 3 The Committee considered a proposal to reclassify the Information Systems Coordinator position classification to that of confidential employee. Following discussion, the Committee was recommending to the Council that City Administrator Schmit be authorized to contact the respective bargaining groups for the purpose of initiating discussion and if necessary, petition the Bureau of Mediation Services to exclude the position from the AFSCME bargaining unit as a confidential employee. Council Member Christianson moved to approve the recommendation of the Labor Relations Committee with Council Member Reese seconding the motion, which carried.

Item No. 4 City Administrator Schmit presented Administration's final recommendations for employee position classification job values and corresponding pay ranges. The recommendations are based on a year-long consultant study

converting the City's existing program to the Hewitt System. Following review, the Committee was recommending to the Council approval of the job values and range structures as presented. Council Member Christianson moved to approve the recommendation of the Labor Relations Committee with Council Member Reese seconding the motion, which carried.

Item No. 5 The Committee reviewed existing salary schedules for part-time employees. This matter was for information only.

The Labor Relations Committee Report of February 9, 2000, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Christianson, seconded by Council Member Reese, and carried.

The Community Development Committee Report of February 15, 2000, was presented to the Mayor and Council by Council Member DeBlieck. There were three items for Council consideration.

Item No. 1 Staff presented a proposal from Dwight Barnes to acquire City-owned property along Highway 12 in Block 22. A significant portion of the property is a landscape buffer for the highway, and a permanent easement crosses the property to serve an adjacent owner.

Following discussion, the Committee was recommending to the Council that the City not pursue the sale of the subject property at this time. Council Member DeBlieck moved to approve the recommendation of the Community Development Committee with Council Member Dokken seconding the motion, which carried.

Item No. 2 The Committee discussed the issue of rental vacancy rates. Several landlords/property managers were present to provide specific examples. An opinion was offered that low/moderate income housing was overbuilt in Willmar. A number of theories to explain the vacancies were suggested and discussed. It was a consensus of the Committee that the HRA Director be invited to the next meeting to discuss the vacancy situation.

The Committee reviewed the housing policies, which had been recommended by the Mayor's Task Force and subsequently adopted by the Council. This matter was for information only.

Item No. 3 The Committee discussed the proposed amendment to the 1999 Helgeson redevelopment TIF plan. Included in the amendment was a change in project to market rate rental housing and a reduction in TIF assistance from over \$500,000 to an estimated \$137,500.

Staff informed the Committee that legal counsel determined that a public hearing on the amended plan would not be required. There is no geographic change proposed for the TIF district and no increase in expenditures was proposed. The Committee sent the matter to the City Council without a recommendation.

Planning and Development Services Director Peterson provided details of the change in the project and that the new plan will include demolition and clean up, storm water abatement, soil corrections and asbestos abatement. Following discussion, Resolution No. 5 was introduced by Council Member Kelly, seconded by Council Member Reese, read by Mayor Heitke, and resulted in a tie vote of Ayes 4, Noes 4 - Council Members Christianson, Dokken, Fagerlie and DeBlieck voted "No". Mayor Heitke cast the deciding negative vote.

Item No. 4 Staff presented to the Committee updates on the airport project, as well as a number of commercial/industrial, residential, and redevelopment projects. This matter was for information only.

The Community Development Committee Report of February 15, 2000, 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.

Announcements for Council Committee meeting dates were as follows: Public

Works/Safety Committee, February 22, 2000.

Mayor Heitke presented to the Council for consideration appointments to the Pioneerland Library Board as follows: Jeanette Buchanan and Eric Wieberg. Council Member Reese moved to approve the appointments as presented with Council Member Christianson seconding the motion, which carried.

There being no further business to come before the Council, the meeting adjourned at 9:10 p.m. upon motion by Council Member Christianson, seconded by Council Member Dokken, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL