

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

November 15, 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 Ron Christianson, Bruce DeBlieck, Douglas Reese, Denis Anderson, Nancy Houlahan, Jim Dokken, and Rick Fagerlie; Present 8, Absent 1 - Verna Kelly 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, Planning and Development Services Director Bruce Peterson, Community Education and Recreation Director Steve Brisendine, and Administrative Assistant Audrey Peterson.

Mayor Heitke congratulated Council Members Houlahan, Dokken and Anderson, and Council-elect David Chapin for their successful election to the City Council.

Proposed additions to the agenda included announcements regarding the YMCA, Council retreat, Rice Hospital Board reappointments, and Jack van der Geest.

The Rice Hospital Board Minutes of November 15, 2000, were removed from the Consent Agenda.

Council Member Reese offered a motion adopting the Consent Agenda which included the following: City Council Minutes of November 1, Board of Canvass Minutes of November 8, Building Inspection Report for October, Pioneerland Library Board Minutes of September 21, Zoning Appeals Board Minutes of November 6, and Planning Commission Minutes of November 8, 2000. Council Member Christianson seconded the motion, which carried.

The Mayor and Council discussed the Rice Hospital Board Minutes regarding the recently announced capital improvement program. Mayor Heitke advised the Council that staff was working with Hospital officials to set up a joint meeting between the City Council and Hospital Board to discuss the expansion program in detail. The Rice Hospital Board Minutes of November 8, 2000, were 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.

At 7:05 p.m. Mayor Heitke opened a hearing to consider an application to renew a Currency Exchange License. City Administrator Schmit informed the Mayor and Council that the City is in receipt of an application to renew a Currency Exchange License with the Minnesota Department of Commerce. Mr. Russ Bennett and Mr. Chris Bennett of Bennett Ventures Inc. D.B.A. Ace Cash Express appeared before the Mayor and Council to present information regarding their business and answered questions. Mayor Heitke closed the hearing at 7:15 p.m.

Council Member Fagerlie offered a motion to approve the Currency Exchange License application as presented. Council Member Anderson seconded the motion, which carried.

At 7:15 p.m. Mayor Heitke opened a hearing on an Ordinance Amending the Willmar Zoning Ordinance. Planning and Development Services Director Peterson informed the Mayor and Council that the Planning Commission has considered and proposed an amendment to the Zoning Ordinance to re-define screening. It is anticipated the new definition will afford better protection for residences adjacent to commercial, industrial, and multi-family residential parking lots. There being no one present to speak for or against the proposed Ordinance, Mayor Heitke closed the hearing at 7:19 p.m.

Council Member Reese 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 Fagerlie seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

At 7:20 p.m. Mayor Heitke opened a hearing regarding the City's tax rate for 2001. City Administrator Schmit explained to the Mayor and Council the change in Minnesota Statutes requiring the hearing when there is a projected increase in the tax capacity rate. No action was required on the part of the Council, and this matter was received for information only. Mayor Heitke closed the hearing at 7:24 p.m.

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

City Administrator Schmit informed the Mayor and Council the City has received a request from En-Tel Communications LLC to initiate proceedings to consider a cable television franchise. Mayor Heitke recognized Jeff Roiland, En-Tel Communications General Manager, who presented a status report on the project including construction of services lines, distribution lines, placement of pedestals, and restoration of property. Following discussion, Council Member Reese offered a motion to authorize the publication of a Notice of Intent to Franchise. Council Member DeBlicek seconded the motion, which carried.

The Finance Committee Report of November 6, 2000, was presented to the Mayor and Council by Council Member Anderson. There were five items for Council consideration.

Item No. 1 Sally Reed appeared before the Committee to present information regarding a request from Main Street Willmar to help fund the "Relight Willmar for the Holiday's 2001." Main Street is currently working on a plan to light up the Central Business District with long-lasting, durable, white strip lights.

The fundraising goal is \$60,000 and the City is being asked to make a commitment of \$5,000. It was the consensus of the Committee that the Council will discuss this item at their November 20, 2000, Budget Meeting and the Relight Willmar Committee will be notified of the outcome. This matter was for information only.

Item No. 2 The Committee reviewed a recommendation from staff to amend the salary and benefits line items in various 2000 departmental budgets to reflect the current contract settlements with the City's bargaining groups. The Committee was recommending to the Council that the departmental budgets be amended as recommended. Resolution No. 1 was introduced by Council Member Anderson, seconded by Council Member Houlahan, 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 to authorize the Finance Director to make the following changes within the General Fund, Waste Treatment and WRAC-8 budgets:

General Fund:

Decrease - Non Departmental	\$43,487.00
Increase - Appropriations	
Departmental-Personnel Services	\$43,487.00
Waste Treatment:	
Decrease - Other Charges	\$28,451.00
Increase - Appropriations	
Departmental-Personnel Services	\$28,451.00
WRAC-8:	
Decrease - Other Charges	\$1,102.00
Increase - Appropriations	
Departmental-Personnel Services	\$1,102.00

Dated this 15<sup>th</sup> day of November, 2000.

/s/ Lester Heitke  
MAYOR

/s/ Michael Schmit  
Attest: CITY ADMINISTRATOR

Item No. 3 The Committee reviewed Ordinance No. 992 Creating the Community Investment Fund including history of the fund, purpose, expenditure limitations, funding preference, and funding procedure. This matter was for information only.

Item No. 4 The Committee reviewed construction and funding of the Flags of Honor Building. It was noted service groups will fund the entire costs of the building and City costs will be held to the in-kind service of installing the foundation. This matter was for information only.

Item No. 5 The Committee reviewed the following reports: third quarter MUC, Rice Hospital, Interest/Dividends, Cash and Investment, September Rice Hospital Financial, and August Pioneerland Library. This matter was for information only.

The Finance Committee Report of November 6, 2000, 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 Houlahan, and carried.

The Public Works/Safety Committee Report of November 7, 2000, was presented to the Mayor and Council by Council Member Reese.

Item No. 1 The Committee reviewed responses to Requests for Proposals to evaluate the existing operation of traffic signals on First Street. It was noted \$35,000 has been budgeted for such engineering services in the 2000 street project budget. Staff reviewed the proposals against such items as experience, project approach, deliverables, and familiarity with the corridor. The Committee was recommending to the Council to accept the proposal of Bolton and Menk for a not-to-exceed figure of \$19,970 and authorize the Mayor and City Administrator to enter into an agreement on behalf of the City.

Resolution No. 2 was introduced by Council Member Reese, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

Resolution No. 2

Whereas the City of Willmar desires to retain a consultant to provide professional engineering services to evaluate the existing operation of traffic signals on First Street for the City of Willmar; and

Whereas a proposal has been made by, and an agreement prepared to retain, the firm of Bolton and Menk in a not-to-exceed amount of \$19,970.00 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.

Be it further resolved that funding for said services be from professional services in the 2000 Street Improvement Budget.

Dated this 15<sup>th</sup> day of November, 2000.

/s/ Lester Heitke  
MAYOR

/s/ Michael Schmit  
Attest: CITY ADMINISTRATOR

Item No. 2 The Committee was informed by staff that the final copy of the Facility Plan prepared by Bonestroo and Associates was received and made available to review. The Committee briefly discussed an executive summary of the document and was informed that Bonestroo is scheduled make a presentation at the next Public Works/Safety Committee meeting.

Item No. 3 Jeff Kimpling, Willmar Municipal Utilities, appeared before the Committee to discuss reports regarding different types of utility pedestals used by various companies throughout the City. It was noted that increases in pedestals are a result of public demand for underground power, high-speed data transfer, telecommunications, etc. The Committee requested that utility companies be encouraged to find ways to keep pedestal placements as aesthetically pleasing as possible. This matter was for information only.

Item No. 4 The Committee reviewed a map showing design standards in relation to speeds and stopping distances at the intersection of 9<sup>th</sup> Street and Willmar Avenue Southeast. It was noted that parked cars on Willmar Avenue interfere with safety issues, and it was staff's recommendation to remove parking from the entrance to Bethesda Nursing Home to 9<sup>th</sup> Street Southeast. Staff informed the committee that this section of roadway is proposed to be turned into a three-lane in the year 2002 and all parking would have to be removed at that time. It was the consensus of the Committee to confirm with staff's decision, and this matter was for information only.

Item No. 5 The Committee received a request to waive building permit fees for the Flags of Honor building. It was noted that the State surcharge fees cannot be waived and would be paid for by the Joint Veterans Council. The

Committee was recommending to the Council approval of waiving the City's Building Permit fees for the Flags of Honor building. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Fagerlie seconding the motion, which carried.

Item No. 6 The Committee considered a request to either move the Pleasantview Park play equipment or construct a pathway to the present park. Staff was directed look into the request, and this matter was for information only.

Item No. 7 The Committee reviewed information pertaining to the implementation of the City's Emergency Operations Plan on November 3, 2000, when a locomotive collided with a tanker car containing urea. This incident could have had the potential of causing an explosive situation, and Fire Department staff and all emergency services were called out to the rail yard. Twenty-six different agencies responded to situation, which took 5 - 5 1/2 hours to mitigate. This matter was for information only.

The Public Works/Safety Committee Report of November 7, 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 Community Development Committee Report of November 9, 2000, was presented to the Mayor and Council by Council Member DeBlieck. There were four items for Council consideration.

Item No. 1 Dennis Baker, representing the Fair Board, appeared before the Committee to present a report on the year 2000 racing season. The Kandiyohi Racing Association operates the track on a contract with the Fair Board. The race season ran May through early September, with a special event in late September. A number of northside residents were present to comment on the track, specifically scheduling, dust, and noise.

Council Member Anderson suggested a follow-up meeting during the racing season to review concerns and issues. This will be done via the City Council committee process. This matter was for information only.

Item No. 2 The Committee reviewed a proposal to have the City install conduit across 19<sup>th</sup> Street Northwest that would enable West Central Steel to link their manufacturing facility with their future corporate headquarters building. The City Attorney has offered a preliminary positive opinion regarding the City's authority to install and lease the conduit to West Central Steel.

The Committee was recommending to the Council that staff be directed to pursue the conduit crossing with West Central Steel on a 10-year renewable lease at \$150.00 per year, with West Central Steel paying the initial cost to install the conduit and that the City Attorney draft a lease agreement. Council Member DeBlieck moved to approve the recommendation of the Community Development Committee with Council Member Anderson seconding the motion.

Members of the Council questioned the City's participation in project. Council Member DeBlieck withdrew his motion and Council Member Anderson withdrew his second. Staff was directed to facilitate a meeting between West Central Steel and En-Tel Communications and report back to the Council.

Item No. 3 The Committee discussed the progress on the Telecommunications Tower Ordinance. The Committee requested an opportunity to review the Ordinance prior to it being sent to the Council for introduction. This matter was for information only.

Item No. 4 Staff informed the Committee that a telecommunications provider had contacted the City about the possibility of erecting towers on City-owned property and sharing rents. More information is forthcoming. This matter was for information only.

The Community Development Committee Report of November 9, 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.

City Administrator Schmit informed the Mayor and Council the Municipal Utilities Commission has submitted to the City a list of properties with unpaid utility charges to be certified to the County as a lien against real property. It was noted the MUC has conducted a meeting to hear objections from the property owners. Following discussion, Resolution No. 3 was introduced by Council Member Reese, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 3

WHEREAS, Section 16-127 of the Willmar City Code states that such unpaid utility bills represent a lien of the real property receiving utility services; and

WHEREAS, the Willmar Municipal Utilities Commission has offered the owner his right to request an appearance before the Commission to make objections to payment; and

WHEREAS, the Willmar Municipal Utilities Commission has adopted Resolution No. 43 on November 13, 2000, requesting the Willmar City Clerk-Treasurer to certify the unpaid utility charges as a lien on the real property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that the amount of the unpaid utility charges totaling \$3,789.83 be certified to the County Auditor to be extended on the tax rolls of such real property in the same manner as other taxes for collecting in 2001 and collected by the County Treasurer, and paid to the City Clerk-Treasurer along with other taxes; and

BE IT FURTHER RESOLVED that the unpaid utility charges be certified against the real property as follows:

1. Parcel No. 95-820-0450 \$1,096.64  
Located at 621 NW 7<sup>th</sup> Street  
Described as Section 10, Township 119, Range 35, Block 003  
Thorpe & Lien's Addition to Willmar; N ½ of N 65/66 of Lot 2
2. Parcel No. 95-820-0200 \$539.45  
Located at 1114 NW Olaf Avenue  
Described as Section 10, Township 119, Range 35, Block 002  
Thorpe & Lien's Addition to Willmar  
Part of Lots 8 & 9, Beg on N line of Olaf Ave 40.5 feet E of SW Cor of Lot 9 N 173' to Foot Lake NE'LY on Shore to a Pt 230' N from Olaf Ave S 230' to Olaf Ave Th W to Beg

3. Parcel No. 95-009-1010 \$239.86  
 Located at 1109 Campbell Avenue NW  
 Described as Section 15, Township 119, Range 35, Lot 002, Block 132  
 Second Addition to Willmar
4. Parcel No. 95-009-0110 \$176.99  
 Located at 1303 NW Gorton Avenue  
 Described as Section 15, Township 119, Range 35, Block 125  
 Second Addition to Willmar  
 S 50' of Lots 1 & 2 Exc W 15' of Lot 2
5. Parcel No. 95-006-7120 \$70.39  
 Located at 1223 SW Becker Avenue  
 Described as Section 15, Township 119, Range 35, Block 110  
 First Addition to the Town of Willmar  
 W 50' of Lots 12, 13 & 14
6. Parcel No. 95-090-1020 \$191.42  
 Located at 908 SW 5<sup>th</sup> Street  
 Described as Section 15, Township 119, Range 35  
 Booth's Addition to Willmar  
 Block H S ½ of Lot 2, N 20' of Lot 3
7. Parcel No. 95-252-0080 \$331.45  
 Located at 1028 SE 2<sup>nd</sup> Street  
 Described as Section 14, Township 119, Range 35, Lot 007, Block 010  
 Glarums Second Addition to Willmar
8. Parcel No. 95-740-1740 \$93.32  
 Located at 601 SE 4<sup>th</sup> Street  
 Described as Section 14, Township 119, Range 35, Lot 014, Block 011  
 Spicer's Addition to Willmar
9. Parcel No. 95-250-1850 \$82.51  
 Located at 923 SE 5<sup>th</sup> Street  
 Described as Section 14, Township 119, Range 35, Block 008  
 Glarum's Addition to Willmar  
 Lots 14 & 7 Exc. E'ly 120' of Lot 7
10. Parcel No. 95-220-1910 \$43.86  
 Located at 402 SE Ann Street  
 Described as Block 13, Ferring's Addition to the City of Willmar  
 E 100' of Lots 1 & 2
11. Parcel No. 95-580-0120 \$659.26  
 Located at 1105 SE Elizabeth Avenue  
 Described as Section 15, Township 119, Range 35, Block 001  
 Nyquist's First Addition  
 Lot 12 & W 5' of Lot 11
12. Parcel No. 95-601-0045 \$264.68  
 Located at 2305 SW 20<sup>th</sup> Avenue  
 Described as Section 21, Township 119, Range 35, Lot 006, Block 002  
 Ortenblad's Homesites

Dated this 15<sup>th</sup> day of November, 2000.

/s/ Lester Heitke  
 MAYOR

/s/ Michael Schmit  
 Attest: CITY ADMINISTRATOR

Mayor Heitke was recommending to the Council that Ken Behm and Michael Morris be reappointed to the Rice Hospital Board. Council Member Reese moved to approve of the reappointments as presented with Council Member Christianson seconding the motion, which carried.

Mayor Heitke announced that author and Holocaust concentration camp survivor Jack van der Geest was appearing in Willmar throughout the week.

Mayor Heitke informed the Council that on November 14, 2000, the YMCA Board of Directors began the capital campaign and a site for the future facility has been selected in southeast Willmar. Mayor Heitke then read a Proclamation proclaiming November, 2000, as YMCA month in Willmar.

Mayor Heitke announced that the Council's Strategic Planning Retreat has been scheduled for March 2 and 3, 2001.

Announcements for Council Committee meeting dates were as follows: Finance, November 20; Public Works/Safety, November 21; Community Development, November 30; and Labor Relations, December 13, 2000.

There being no further business to come before the Council, the meeting adjourned at 8:30 p.m. upon motion by Council Member Reese, seconded by Council Member Fagerlie, and carried.

Attest:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
ACTING SECRETARY TO THE COUNCIL