

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

December 20, 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, Ron Christianson, Bruce DeBlicek, Douglas Reese, Denis Anderson, Nancy Houlahan, Jim Dokken, and Rick Fagerlie; Present 9, Absent 0.

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 City Clerk Kevin Halliday.

Proposed additions to the agenda included the mobile staging unit and Xcel Report.

The Planning Commission minutes were removed from the Consent Agenda.

Council Member Reese offered a motion adopting the Consent Agenda which included the following: City Council Truth-in-Taxation Minutes of December 6, City Council Minutes of December 6, Municipal Utilities Commission Minutes of December 11, Rice Hospital Board Minutes of December 13, Building Inspection Report for November, Pioneerland Library Board Minutes of October 17, Housing and Redevelopment Authority Minutes of November 14, Kandiyohi Area Transit Operations Board Minutes of November 28, and Cable Advisory Committee Minutes of December 7, 2000; and Consideration of Application for Exempt Permit, Rocky Mountain Elk Foundation. Council Member DeBlicek seconded the motion, which carried.

The Mayor and Council discussed the Lincoln Clements/Public Market conditional use requirement that the owner file a petition for the improvement/construction of 9th Street Southwest between 19th Avenue and Richland Avenue Southwest. Planning and Development Services Director Peterson stated the applicant has demonstrated a commitment to the project and the street would exit south of Public Market building. The Planning Commission Report of December 13, 2000, were accepted as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Reese, seconded by Council Member Kelly, and carried.

At 7:18 p.m. Mayor Heitke opened the hearing on an Ordinance Amending Willmar Zoning Ordinance No. 1060, Relating to Wireless Communication Towers and Antennas. Planning and Development Services Director Peterson informed the Mayor and Council that the purpose of the amendment is to establish guidelines for the siting/construction of telecommunication facilities in the City. It was noted the Planning Commission has considered the amendment and recommends adoption of the Ordinance.

John Spencer, representing the local chapter of ham radio operators, appeared before the Mayor and Council objecting to the 35-foot maximum height for towers, and explained the importance of increasing the tower height to 65 feet for local ham radio operators. Mr. Spencer presented pictures showing existing towers and detailed how visually hidden most of the towers can be in the neighborhoods. Mr. Spencer stated that the 35-foot limit would impair the reach and function of ham radio operations. Upon hearing all those who wished to be heard, Mayor Heitke closed the hearing at 7:26 p.m.

Following discussion, Council Member Kelly moved to amend Section 10.B.7.c from "not exceed 35 feet" to "raising the tower height to not exceed 65 feet."

Council Member Christianson seconded the motion, which carried. Council Member DeBlicke moved to amend Section 10.H.2.g from "setting the tower base to no more than 100 square feet" to "no more than 200 square feet base and a top of no more than 50 square feet." Council Member Kelly seconded the motion, which carried.

Council Member Kelly offered a motion to adopt, assign a number and order final publication of the Ordinance Amending Ordinance No. 1060 Known as the Willmar Zoning Ordinance by Adding Section 10 Relating to Wireless Communication Towers and Antennas as amended. Council Member Anderson seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Mayor Heitke acknowledged several individuals who had signed up to address the City Council during its scheduled Open Forum.

Shirley Hulst expressed concerns regarding moving the senior dining site to the Senior/Community Center. Ms. Hulst indicated there were no kitchen facilities and the dining site would conflict with up to 55 events per month.

Morris Watkins, Jim Schnell and Wayne Hulst voiced consistent statements that a senior nutrition site would not be a good match for the Senior Center activities currently offered.

Vince Van Heuveln addressed the Council regarding the Fixed Base Operator agreement extension.

Michael Reger, from Quest Wireless, addressed the Council regarding co-locating antennas on the Kennedy watertower. The Council directed Mr. Reger to work with City and MUC staff regarding the matter.

Tony Amon addressed the Council regarding his disappointment with action taken at the December 13, 2000, Planning Commission meeting mandating a street petition for the Lincoln Clements/Public Market permit.

The Finance Committee Report of December 11, 2000, was presented to the Mayor and Council by Council Member Kelly. There were seven items for Council consideration.

Item No. 1 Representatives from the Kandiyohi County Area Family YMCA came before the Committee to discuss their request for assistance on the establishment of a YMCA in the City of Willmar. Included in the request was consideration of \$345,000 in indirect infrastructure expenses and \$150,000 in cash contributions per year over five years (\$750,000 total).

Following a review of the City Attorney's opinion regarding contributions and after hearing from representatives of the YMCA regarding the specifics of their request, Council Member Kelly moved to assist the YMCA project by contributing the proposed infrastructure improvements (Olena Avenue, building permit fee, storm water detention, storm sewer and water main improvements, curb and gutter) excluding the building permit state surcharge, and further that staff be directed to explore the manner in which these improvements can be financed. Council Member Fagerlie seconded the motion, which carried.

Council Member Anderson then moved to direct staff to explore options for funding an unspecified cash contribution to the YMCA. Council Member Reese seconded the motion, which resulted in a roll call vote of Ayes 4, Noes 4 - Council Members Christianson, Dokken, Fagerlie, and DeBlicke voted "No." Mayor Heitke cast the deciding affirmative vote.

Item No. 2 The Committee reviewed the El Tequila Restaurant liquor application, noting that the business would be incorporating at year end. Following discussion, the Committee was recommending to the Council to waive the \$300 one-time investigative fee for the new corporation. Council Member Kelly moved to approve the recommendation of the Finance Committee with Council Member Anderson seconding the motion, which carried.

Item No. 3 General Manager, Mike Nitchals presented to the Committee for

review the Municipal Utilities' proposed 2001 budget. The Total Operating Revenues being proposed were \$18.9 million with a bottom line of \$1.2 million, or a projected 6 percent profit margin. The MUC is proposing no rate increase at this time. This matter was received for information only.

Item No. 4 The Committee reviewed staff's recommendations for fees charged for various Leisure Service activities and equipment rental. Slight increases were implemented due to the non-support fee being eliminated as a result of the merger of Community Education and City Recreation departments. The Committee was recommending to the Council approval of the fees for 2001 as recommended.

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

BE IT RESOLVED by the Willmar City Council that the year 2001 Leisure Services and Public Works fee schedules be adopted as set forth on Exhibit A attached hereto (on file in the City Clerk's Office).

Dated this 20th day of December, 2000.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 5 City Attorney Ronning presented to the Committee his findings with regard to various City contributions as follows: 1) VFW - the City could make a contribution to fund a senior citizen meal program, however, it must be at a senior citizen center. The Committee directed staff to explore possible solutions with seniors at the Center to provide this service. 2) Willmar Area Chamber of Commerce and Main Street Willmar groups - contributions would have to be specified to be used for advertising and/or promoting the City of Willmar.

The Committee also reviewed with Earleen Warner, Pioneerland Library, a request to increase the Library amount recommended by the Mayor from \$220,000 to \$232,000 for the purchase of additional books and materials. The Committee was informed that the amount of time available for the use of the bond proceeds was extended and it would be possible to use these funds to cover the additional \$12,000 requested. No action was required by the Committee, and this matter was for information only.

Item No. 6 The Committee was informed by staff that the State of Minnesota has not signed Airport funding agreements for its share of consultant contracts already entered into by the City. Since this would put the project into a deficit balance as of December 31, 2000, it was necessary for the City to amend the project budget funding all costs from the Community Development Fund until State and Federal Agreements can be obtained.

The Committee was recommending to the Council that the project budget be amended. Resolution No. 2 was introduced by Council Member Kelly, seconded by Council Member DeBlieck, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

Resolution No. 2

AUTHORIZATION TO EXECUTE MINNESOTA DEPARTMENT OF
TRANSPORTATION AGREEMENT FOR STATE FINANCIAL ASSISTANCE
FOR AIRPORT IMPROVEMENT

BE IT RESOLVED by the City Council of the City of Willmar as follows:

1. That the State of Minnesota Agreement No. 81206, "Agreement for State Financial Assistance for Airport Consultant

Services," for State Project No. 3401-47 at the Willmar Municipal Airport is hereby accepted.

- 2. That the Mayor and City Administrator are hereby authorized and directed to execute said Agreement No. 81206 on behalf of the City of Willmar, and to execute and affix their signatures to any and all further required documents pertinent hereto, and all amendments thereof.

Dated this 20th day of December, 2000.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 7 The Committee reviewed the following reports: November General Fund Departmental, C.V.B., D.S. Library and WRAC-8 reports. This matter was for information only.

The Finance Committee Report of December 11, 2000, 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 Fagerlie, and carried.

City Administrator Schmit presented information to the Mayor and Council regarding the 2001 Tax Levy and Budget. Following discussion, Resolution No. 3 was introduced by Council Member Kelly, seconded by Council Member DeBlieck, 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, Kandiyohi County, Minnesota, that the following sums of money to be levied for the current year collectable in 2001, upon the taxable property in said City of Willmar, for the following purposes:

General Fund	<u>\$ 2,544,350</u>
TOTAL:	\$ 2,544,350

BE IT RESOLVED, that there is a sufficient sum of money in the Debt Service Funds of the City, together with the above Debt Service Fund Tax Levy, to pay principal and interest in 2001 on all outstanding bond issues, and the deferred annual tax levies previously certified to the County Auditor are hereby canceled;

FURTHER, pursuant to a request by the Housing and Redevelopment Authority in and for the City of Willmar, for authorization to levy a special tax to be included as part of its fiscal year 2001 - 2002 Budget;

BE IT RESOLVED that the City Council of the City of Willmar, Minnesota, hereby authorized the Housing and Redevelopment Authority to levy a special tax in the amount of \$75,418 pursuant to the powers vested under the Minnesota Statutes.

The City Clerk is hereby instructed to transmit a certified copy of this Resolution to the County Auditor of Kandiyohi County, Minnesota.

Dated this 20th day of December, 2000.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Resolution No. 4 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. 4

ADOPTING THE BUDGET FOR THE FISCAL YEAR 2001

BE IT RESOLVED by the City Council of the City of Willmar that the Annual Budget for the fiscal year beginning January 1, 2001, which has been submitted by the Mayor and modified and approved by the City Council, is hereby adopted, the totals of the said budget and the Mayor's division thereof being as follows:

EXPENDITURE REQUIREMENTS

General Government	\$ 1,612,611
Public Safety	3,126,801
Public Works	2,240,109
Leisure Services	876,226
Capital Improvements	1,107,588
Other Operating	1,379,108
Waste Treatment	2,596,063
Debt Services	<u>3,419,439</u>
Total:	\$16,357,945

Dated this 20th day of December, 2000.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Public Works/Safety Committee Report of December 12, 2000, was presented to the Mayor and Council by Council Member Reese. There were eight items for Council consideration.

Item No. 1 The Committee reviewed a recommendation from the Finance Committee to consider a resolution for funding expenditures incurred by HNTB. The City has not yet received agreements with the Department of Aeronautics for reimbursement of the majority of these expenses. It was the Finance Committee's recommendation to appropriate monies from the Industrial Development Fund since the agreements are forthcoming from the State. This item was for information only.

Item No. 2 The Committee was informed by staff that the existing Fixed Base Operator agreement with Willmar Air Service (WAS) expires on December 31, 2000. Staff has prepared an extension agreement, which provides for annual compensation of \$15,000 divided in twelve equal payments. Either party may terminate the proposed agreement with one-month's written notice.

The Committee was recommending to the Council approval of the extension agreement and authorize the Mayor and City Administrator to sign on behalf of the City. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee. The motion died for the lack of a second.

City Administrator Schmit explained to the Mayor and Council that notice was given to WAS regarding the expiration of the agreement and that there was no duplication of services with the new Airport Manager. Following additional

discussion, Council Member DeBlieck moved to refer the matter back to the Public Works/Safety Committee for further consideration. Council Member Kelly seconded the motion, which carried.

Item No. 3 The Committee reviewed specifications for the interim upgrades at the Wastewater Treatment Plant, and was recommending to the Council approval of the plans and specifications and authorize advertisement for bids. Resolution No. 5 was introduced by Council Member Reese, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 5

WHEREAS, the City Engineer of the City of Willmar has presented to the City Council plans and specifications for the upgrades at the Wastewater Treatment Plant 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 advertisement for bids is herewith authorized. Bids will be publicly opened and read at 1:30 p.m. on the 22nd day of January, 2001, at the City Office Building, 333 Southwest Sixth Street, Willmar, Minnesota.

Dated this 20th day of December, 2000.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 The Committee considered the final payment estimate for Project No. 0002 which includes the development on 15th Avenue NW and First Street North. The Committee was recommending to the Council approval of the final payment. Resolution No. 6 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. 6

ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

PROJECT NUMBER: 0002
IMPROVEMENT: Sewer and Water Improvements

CONTRACTOR:	Quam Construction Co., Inc.
DATE OF CONTRACT:	May 11, 2000
BEGIN WORK:	May 17, 2000
COMPLETE WORK:	November 10, 2000
APPROVE, CITY ENGINEER:	December 12, 2000

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

1. The said Project No. 0002 be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$191,769.30
Change Orders (None)	0.00

FINAL NET CONTRACT AMOUNT, PROPOSED: \$191,769.30

ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED: \$187,694.95
Less Previous Payments (Est. #1-4) 178,310.20
FINAL PAYMENT DUE CONTRACTOR: \$ 9,384.75

Dated this 20th day of December, 2000.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 5 The Committee considered a bid tabulation for the 2001 Towing Requirements and was recommending to the Council to authorize the Mayor and City Administrator to enter into an agreement on behalf of the City. Resolution No. 7 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. 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 Ed's Service Center and Sales, Inc. of Willmar, Minnesota for 2001 Towing Requirements is accepted, and be it further resolved that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an agreement with the bidder for the terms and consideration of the contract in the amount of \$20,639.70.

Dated this 20th day of December, 2000.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 6 The Committee considered a tabulation of quotes for the 2001 Sanitation Requirements. The low quote was Willmar City Sanitation. This matter was for information only.

Item No. 7 The Committee reviewed a generalized list of projects proposed for the year 2001, and was recommending to the Council to order the preparation of the Improvement Report for the 2001 Projects. Resolution No. 8 was introduced by Council Member Reese, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 8

ORDER OF IMPROVEMENT REPORT

WHEREAS, it is proposed to construct the following improvements under the 2001 Improvement Project: grading, gravel base, curb and gutter, tiling, bituminous pavement, sidewalk, service lines, sanitary sewer, storm sewer, water main, and street lighting and to assess the benefited property for all or a portion of the cost of the improvement, pursuant to Minnesota Statutes, Section 429.011 to 429.111 (Laws 1953, Chapter 398, as amended).

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF WILLMAR, MINNESOTA, that the proposed improvement be referred to the City Engineer for study, and that he is instructed to report to the Council advising the Council in a preliminary way as to whether the proposed improvement is feasible, and as to

whether it should best be made as proposed or in connection with some other improvement, and the estimated cost of the improvement as recommended.

Dated this 20th day of December, 2000.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 8 The Committee discussed a request from Qwest to place cell phone antennas on the water tower at 9th Street and Willmar Avenue Southwest. It was noted present City policy does not allow placement of items on water towers for safety reasons; however, planned revisions to the zoning ordinance would allow these placements. It was the consensus of the Committee to pursue discussions with the Municipal Utilities Commission in order to establish a uniform policy regarding use of City-owned water towers. This matter was for information only.

The Public Works/Safety Committee Report of December 12, 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 Christianson, and carried.

City Clerk Halliday informed the Mayor and Council that the City has received requests for renewal of current Sunday liquor licenses. Following discussion, Council Member Kelly moved that the following establishments be granted renewal of their Sunday liquor licenses: On-sale - Applebee's, Blue Heron on the Green, Edinbary's, El Tequila, and Green Mill; and Club On-sale - American Legion Post 167, Fraternal Order of Eagles, and Finstad-Week Post 1639. Council Member Fagerlie seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

City Clerk Halliday informed the Mayor and Council that the City has received an application for a cable franchise and it is necessary to schedule a hearing to consider the application. Council Member DeBlicek moved to schedule a hearing for January 8, 2001. Council Member Fagerlie seconded the motion, which carried.

City Administrator Schmit noted that following a general election, the City Charter requires the Council to conduct a reorganizational meeting. Following discussion, Council Member Kelly moved to schedule the reorganizational meeting on January 8, and the second meeting on January 24, 2001. Council Member DeBlicek seconded the motion, which carried.

Planning and Development Services Director Peterson presented to the Mayor and Council a plat for T & M Second Addition located on 28th Avenue Southwest, which is intended for commercial development. It was noted the Planning Commission has approved the plat on the condition two utility easements requested by the MUC be added. Council Member Reese moved to approve the T & M Second Addition plat with Council Member Kelly seconding the motion, which carried.

Planning and Development Services Director Peterson presented to the Mayor and Council a plat for Lake North Third Addition located on Foot Lake, which is intended for six twin-home units. It was noted the Planning Commission has approved the plat on the condition that driveway easements be added. Council Member Kelly moved to approve the Lake North Third Addition plat with Council Member Reese seconding the motion, which carried.

Announcements for Council Committee meeting dates were as follows: joint Labor Relations and Public Works/Safety, December 26, 2000.

Public Works Director Odens informed the Mayor and Council that bids were opened for a Mobile Staging Unit. Following discussion, Resolution No. 9 was introduced by Council Member Christianson, seconded by Council Member Anderson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

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 Wenger Corporation of Owatonna, Minnesota for a Mobile Staging Unit is accepted, and be it further resolved that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an agreement with the bidder for the terms and consideration of the contract in the amount of \$72,070.00.

Dated this 20th day of December, 2000.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Mayor Heitke informed the Council that Xcel would be making an announcement regarding powerlines on December 27, 2000, in the Council Chambers.

Mayor Heitke acknowledged that this was Council Member Verna Kelly's last meeting. The Mayor presented Ms. Kelly with a plaque and thanked her for the many years of dedicated service to the City of Willmar.

There being no further business to come before the Council, the meeting adjourned at 9:31 p.m. upon motion by Council Member Christianson, seconded by Council Member Anderson, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL