

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

May 2, 2001  
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 Doug Reese, Ron Christianson, Bruce DeBlieck, Denis Anderson, Nancy Houlahan, Rick Fagerlie, Jim Dokken, and David Chapin; 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.

Mayor Heitke recognized Sergeant Julie Asmus who recently was named the "Police Officer of the Year" by the Minnesota Association of Women Police.

The Airport Commission Minutes of April 12, 2001, were removed from the Consent Agenda.

Council Member Reese offered a motion adopting the Consent Agenda which included the following: City Council Minutes of April 18, Municipal Utilities Commission Minutes of April 23, Rice Hospital Board Minutes of April 18, Human Rights Commission Minutes of March 20, and Planning Commission Minutes of April 25, 2001. Council Member Christianson seconded the motion, which carried.

The Mayor and Council reviewed the Airport Commission Minutes of April 12, and noted the item placing the City on a list with the U. S. Air Force for supporting an aircraft static display was positive. Council Member Dokken questioned the impact of AGCO leaving the City on the Airport development project. It was the consensus of the Council to stay on course with the development of a new Airport, but to refer the item to the Airport Commission for further review. The Airport Commission Minutes were then accepted 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 7:19 p.m. Mayor Heitke opened the assessment hearing for the 2001 Street and Other Improvements Project. Public Works Director Odens reviewed with the Mayor and Council the project and proposed assessments. It was noted the proposed assessment rates were \$19.02 per foot for sanitary sewer improvements, \$20.39 per foot for water main improvements, and \$49.30 per foot for street reconstruction. Several citizens appeared before the Mayor and Council to voice concerns regarding trees on 4<sup>th</sup> Street Southeast, the detour on Richland Avenue, and opposition along 5<sup>th</sup> Street Southwest to the total assessments. Mayor Heitke read into the record letters received regarding the assessments. Upon hearing all those who wished to be heard, Mayor Heitke closed the hearing at 8:04 p.m.

Following discussion, Resolution No. 1 was introduced by Council Member Reese, seconded by Council Member DeBlieck, read by Mayor Heitke, and approved on a roll call vote of Ayes 5, Noes 2 - Council Members Chapin and Dokken voted "No," and Abstention 1 - Council Member Christianson.

RESOLUTION NO. 1

ADOPTING ASSESSMENT ROLL

WHEREAS, pursuant to notice duly given as required by law, the City Council has met, heard, and passed upon all objections to the proposed assessment for Project No. 0101 of the 2001 Street and Other Improvements, and has amended such proposed assessment as it deems just;

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

1. Such proposed assessment, the sum of \$907,380.90, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein is hereby found to be benefited by the proposed improvement.

2. Such assessments shall be as follows:

A. The assessments shall be payable in equal annual installments extending over a period of ten (10) years, the first of said installments to be payable with general taxes for the year 2002, collectible with such taxes during the year 2002.

B. To the first installment shall be added interest at the rate of six and fifty hundredths (6.50) percent per annum on the entire principal amount of the assessment from the date of the bond sale, June 2, 2001, until December 31, 2002. To each subsequent installment, when due there shall be added interest for one year at said rate on the unpaid principal amount of the assessment.

C. The owner of any property so assessed may at any time prior to the certification of the assessment or the first installment thereof to the County Auditor (Treasurer), pay the whole of the principal amount of the assessment on such property with interest accrued to the date of payment to the City clerk-Treasurer, except that no interest shall be charged if the entire assessment is paid by October 31, 2001, and such property owner may at any time prior to November 15 of any year pay to the City Clerk-Treasurer the entire principal amount.

3. The City Clerk-Treasurer shall forthwith transmit a certified duplicate copy of this assessment to the County Auditor to be extended on the tax list of the County.

Dated this 2<sup>nd</sup> day of May, 2001.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

At 8:16 p.m. Mayor Heitke opened the hearing on an Ordinance Authorizing the Issuance of \$2,160,000 General Obligation Sewer Revenue Bonds, Series 2001A. City Administrator Schmit presented to the Mayor and Council details of the proposed Ordinance necessary to finance improvements to the City's sewer system, including the Waste Water Treatment Plant. There being no one present to speak for or against the Ordinance, Mayor Heitke closed the hearing at 8:17 p.m.

Council Member Reese offered a motion to adopt, assign a number, and order final publication of the Ordinance Authorizing the Issuance of \$2,160,000 General Obligation Sewer Revenue Bonds, Series 2001A. Council Member Anderson seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

At 8:18 p.m. Mayor Heitke opened the hearing on an Ordinance Authorizing the Issuance of \$1,240,000 Municipal Utility Revenue Bonds, Series 2001B. City Administrator Schmit presented to the Mayor and Council details of the proposed

Ordinance necessary to finance improvements to the City's electric and water utilities. There being no one present to speak for or against the Ordinance, Mayor Heitke closed the hearing at 8:19 p.m.

Council Member Reese offered a motion to adopt, assign a number, and order final publication of the Ordinance Authorizing the Issuance of \$1,240,000 Municipal Utility Revenue Bonds, Series 2001B. Council Member Fagerlie seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

At 8:20 p.m. Mayor Heitke opened the hearing on an Ordinance Authorizing the Issuance of \$2,075,000 Municipal Utility Revenue Refunding Bonds, Series 2001C, and Entering Into of Certain Covenants with the Holders of Such Bonds Relating to the Rates Charged for Services of the Municipal Utilities. City Administrator Schmit presented to the Mayor and Council details of the proposed Ordinance necessary to provide money to refund the Municipal Utility Revenue Refunding Bonds, Series 1992A. There being no one present to speak for or against the Ordinance, Mayor Heitke closed the hearing at 8:21 p.m.

Council Member Reese offered a motion to adopt, assign a number, and order final publication of the Ordinance Authorizing the Issuance of \$2,075,000 Municipal Utility Revenue Refunding Bonds, Series 2001C, and Entering Into of Certain Covenants with the Holders of Such Bonds Relating to the Rates Charged for Services of the Municipal Utilities. Council Member Fagerlie seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

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

The Finance Committee Report of April 23, 2001, was presented to the Mayor and Council by Council Member Anderson. There were four items for Council consideration.

Item No. 1 Pursuant to Section 3-233 of the Willmar Municipal Code, the City Council imposed civil fines on local liquor establishments for violations of the liquor law. The Committee acknowledged that the Blue Heron on the Green and Elks Club have requested hearings to appeal the fines.

Ruth Otto and Omar Meierhofer, representing the Blue Heron on the Green, were present and explained their understanding of the events of March 23, 2001, which resulted in the sale of alcohol to a minor at their establishment. Ms. Otto explained the server simply looked at the year and not the month, and determined that since the individual was born in 1980, he must be 21, and proceeded to serve the alcohol.

The Committee reviewed a history of past compliance checks for the Blue Heron on the Green. The Committee was recommending to the Council to deny the appeal and maintain the fine of \$500. Council Member Anderson moved to approve the recommendation of the Finance Committee with Council Member Houlahan seconding the motion, which carried.

Roy Engelland, Don Cain and Dave Zane, representing the Elks Club, were present and explained their understanding of the events of March 23, 2001, which resulted in the sale of alcohol to a minor at their establishment. Mr. Engelland also explained the server simply looked at the year and not the month, and determined that since the individual was born in 1980, he must be 21, and proceeded to serve the alcohol. He went on to explain that additional policies have been implemented to prevent this from happening again and requested the fine be forgiven.

The Committee reviewed a history of past compliance checks and noted no violations had occurred. The Committee was recommending to the Council to stay the fine of \$500 for one year and that the fine will be forgiven if there are no violations during that probationary period. Council Member Anderson moved to approve the recommendation of the Finance Committee with Council Member Fagerlie seconding the motion, which carried.

Item No. 2 The Committee considered a request from staff to submit a grant to the Federal Emergency Management Agency to help fund the purchase of firefighting equipment and development of a firefighter fitness program. The grant would fund 90 percent of the cost with 10 percent to come from the Fire Department budget. The Committee was recommending to the Council approval of the grant application.

Resolution No. 2 was introduced by Council Member Anderson, seconded by Council Member Reese, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 2

BE IT RESOLVED by the Willmar City Council that the City Administrator is hereby authorized to submit a grant application to the Federal Emergency Management Agency for funding to purchase firefighting equipment and the development of a Firefighter Fitness Program.

Dated this 2<sup>nd</sup> day of May, 2001.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 3 The Committee discussed funding for certain storm water projects. This matter was for information only.

Item No. 4 The Committee reviewed the following reports for the month of March: Rice Trust, Rice Hospital, WRAC 8, D. S. Library, and Convention and Visitors Bureau.

The Finance Committee Report of April 23, 2001, 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 Fagerlie, and carried.

The Labor Relations Committee Report of April 25, 2001, was presented to the Mayor and council by Council Member Houlahan. There were four items for Council consideration.

Item No. 1 The Committee considered a proposal to amend Section 6.7 of the City's Personnel Policy dealing with Safety Boots/Footwear. A recent OSHA audit has recommended that in cases where a position classification requires the wearing of safety boots, the City pay 100 percent of the cost. The City currently shares the cost with employees on a 50/50 basis. The Committee was recommending to the Council adoption of the policy as presented. Council Member Houlahan moved to approve the recommendation of the Labor Relations Committee, with Council Member Reese seconding the motion, which carried.

Item No. 2 City Administrator Schmit provided the Committee with information regarding an OSHA audit and subsequent fine. The City was fined \$2,000 for an incident involving an employee improperly riding on a piece of heavy equipment and suffering a broken arm. Another \$500 was levied for deficiencies in reporting and record keeping of restricted work days. This matter was for information only.

Item No. 3 The Committee meeting was closed to discuss with representatives of the Rice Hospital Board compensation strategies and proposals for CEO and ambulance personnel contracts. The meeting then reopened.

Item No. 4 The Committee met with City Attorney Ronning to discuss general terms and conditions of his employment contract. Following a review of caseload

data and organizational issues, the Committee was recommending to the Council that Mr. Ronning's base compensation be adjusted by \$2,000, and then increased by 4.5 percent and 4.0 percent in years 2001 and 2002 respectfully. Council Member Houlahan moved to approve the recommendation of the Labor Relations Committee with Council Member Reese seconding the motion, which carried.

The Labor Relations Committee Report of April 25, 2001, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Houlahan, seconded by Council Member Reese, and carried.

The Council discussed a letter from the West Central Tribune challenging the procedure used at the Labor Relations Committee meeting regarding the Open Meeting Law. This matter was for information only.

The Community Development Committee Report of April 26, 2001, was presented to the Mayor and Council by Council Member DeBlieck. There were five items for Council consideration.

Item No. 1 Members of the Fair Board and Racing Association appeared before the Committee to discuss plans for the 2001 racing season. Races will be held on Thursday nights. Plans are to run the season until August 30, and then to hold one special event in mid-September. The 10:30 p.m. curfew will be enforced by the Association. This matter was for information only.

Item No. 2 The Committee viewed photos of dilapidated residential properties. It was a consensus of the Committee that an ordinance to regulate severe exterior conditions was needed. Staff was asked to contact the League of Minnesota Cities for examples of how other communities handle exterior residential maintenance issues. A draft ordinance will be prepared and brought back to the Committee at a later date. This matter was for information only.

Item No. 3 Staff informed the Committee that the Department was conducting its annual spring sweep for junk and garbage. Many complaints have come in from City residents. In addition to the complaints, staff are taking the initiative to identify violations when they are in the field doing other inspections. This matter was for information only.

Item No. 4 Information was provided to the Committee regarding a variety of departmental activities. Some of the activities discussed included single-family housing construction, the completion of major projects from the year 2000, the upcoming Mills property annexation, the AGCO situation, and a variety of other commercial and industrial projects. This matter was for information only.

Item No. 5 The Committee discussed concerns regarding the use of residential properties for commercial parking. Following discussion, it was acknowledged that several problems do exist with respect to that type of parking including noise, lighting and screening, but it was the opinion of staff that the present ordinance adequately addressed those issues. This matter was for information only.

The Community Development Committee Report of April 25, 2001, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member DeBlieck,

Announcements for Council Committee meeting dates were as follows: Airport Commission, May 3; Finance, May 7; Board of Review, May 7; and Public Works/Safety, May 8, 2001.

Mayor Heitke called for a recess at 8:52 p.m. and reconvened the meeting at 9:05 p.m.

Fire Chief Calvin presented to the Mayor and Council the 2000 Fire Department annual report. Following a question and answer period, the report was ordered placed on file in the City Clerk's Office.

Police Chief Kulset presented to the Mayor and Council the 2000 Police Department annual report. Following a question and answer period, the report was ordered placed on file in the City Clerk's Office.

There being no further business to come before the Council, the meeting adjourned at 9:44 p.m. upon motion by Council Member Reese, seconded by Council Member Christianson, and carried.

Attest:

\_\_\_\_\_  
MAYOR

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