

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

June 6, 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 DeBlicek, 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, Planning and Development Services Director Bruce Peterson, and City Clerk Kevin Halliday.

Proposed additions to the agenda included a presentation from Steve Roe representing KandiLink.

The Council requested that the Planning Commission Minutes be removed from the Consent Agenda.

Council Member Reese offered a motion adopting the Consent Agenda which included the following: City Council Minutes of May 16, Municipal Utilities Commission Minutes of May 14 and 30, Human Rights Commission Minutes of April 17, and Airport Commission Minutes of May 3, 2001. Council Member Fagerlie seconded the motion, which carried.

The Mayor and Council discussed the Planning Commission Minutes of May 23, 2001. Item No. 4 regarding the Willmar Municipal Utilities water tower plan review was discussed. Kathy Petrick, 813 Lakeland Drive NE, appeared before the Mayor and Council to voice her concerns regarding the placement of the water tower without what she referred to as public input. She was concerned that the Commission's review took place after construction had started and the potential diminished value of her property. Ms. Petrick was requesting a public hearing on the Project. Following a staff explanation of procedural matters, the Planning Commission Minutes of May 23, 2001, were accepted and ordered placed on file in the City Clerk's Office upon motion by Council Member Anderson, seconded by Council Member Houlahan, and carried.

Mayor Heitke recognized Steve Roe, Chair of KandiLink, who detailed some points of advocacy for telecommunication matters in the Kandiyohi area. Through certain telecommunications and technology promotional programs, the Kandiyohi area is gaining recognition as a technology community suitable for business enterprises. Mr. Roe stated that he was moving to northern Minnesota and introduced Mr. Dean Bouta, the newly-elected Chairman of KandiLink. Mr. Bouta addressed the Mayor and Council and personally thanked Mr. Roe for the endless hours of dedicated service to KandiLink. Mayor Heitke thanked Mr. Roe for the time served leading KandiLink, and for his contributions to the community.

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

The Finance Committee Report of May 21, 2001, was presented to the Mayor and Council by Council Member Anderson. There were three items for Council consideration.

Item No. 1 The Committee reviewed the financial status of the Rice Trust. Following discussion of qualification guidelines, it was the consensus of the Committee to make no changes at this time and continue to monitor the Trust. This matter was for information only.

Item No. 2 The Committee met with staff from Rice Hospital to review the Hospital's 2000 Financial Report. Following discussion, the Report was placed on file, and this matter was for information only.

Item No. 3 The Committee reviewed the following reports: March Pioneerland Library Financial, April D. S. Library, CVB and WRAC-8. This matter was for information only.

The Finance Committee Report of May 21, 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 Public Works/Safety Committee Report of May 29, 2001, was presented to the Mayor and Council by Council Member Reese. There were 10 items for Council consideration.

Item No. 1 The Committee received from staff an update on the Airport Project and discussed runway justification and construction, land acquisition, funding issues, review appraisals, and the financial exposure and implication of appraisals of the existing Airport. The Committee reviewed a resolution authorizing the Department of Aeronautics to prepare an application for FAA assistance, and was recommending to the Council approval of said resolution.

Resolution No. 1 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 1 - Council Member Chapin voted "No."

RESOLUTION NO. 1

APPOINTING AND DESIGNATING THE COMMISSIONER OF TRANSPORTATION AS AGENT FOR THE CITY OF WILLMAR, HEREAFTER IDENTIFIED AS THE MUNICIPALITY.

BE IT RESOLVED THAT: For the purpose of carrying out the following project: AIP 3-27-0115-02; LAND ACQUISITION FOR NEW AIRPORT, the Municipality does hereby appoint and designate the Commissioner of Transportation of the State of Minnesota as its agent and authorizes him or his duly authorized representative:

1. To prepare and submit the Application for Federal Assistance.
2. To request and receive any monies, either public or private, on behalf of the Municipality, including money received from the State of Minnesota or from the federal government, and to deposit such monies with the State Treasurer.
3. To pay to the Municipality any amount of such monies received as may become due under the Municipality contracts.

Dated this 6th day of June, 2001.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 2 The Committee considered a request of Main Street Willmar to close certain Downtown streets (Becker Avenue from 6th to 4th Streets and 5th Street from Trott Avenue to Litchfield Avenue) for the annual Willmar Fests Block Party. The Committee was recommending to the Council approval of the temporary street closures as requested by Main Street Willmar. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member DeBlicek seconding the motion, which carried.

Item No. 3 The Committee reviewed bids received for the 2001 Street and Other Improvements - Project No. 0101. A total of two bids were received, both under the engineer's estimate of \$1.4 million. The Committee was recommending to the Council to award the bid to Duininck Bros. 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 Anderson, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0 - Council Member Christianson abstained from voting.

RESOLUTION NO. 2

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the bid of Duininck Brothers, Inc. of Prinsburg, Minnesota for Project No. 0101 (2001 Street and Other Improvements) 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 \$1,298,729.29.

Dated this 6th day of June, 2001.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 The Committee reviewed bids received for Project No. 0103 - Mill and Overlay of North First Street (SBL). Two bids were received under the engineer's estimate of \$281,800. The Committee was recommending to the Council to award the bid to Duininck Bros. and 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 Reese, seconded by Council Member Christianson, 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 Duininck Brothers, Inc. of Prinsburg, Minnesota for Project No. 0103 (2001 Mill and Overlay Improvements) 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 \$259,938.90.

Dated this 6th day of June, 2001.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 5 The Committee reviewed bids received for the 2001 Seal Coat Improvements. Four bids were received for the project with the engineer's estimate being \$43,500. The Committee was recommending to the Council to award the contract to Morris Seal Coat 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 Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 4

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the bid of Morris Seal Coat of Morris, Minnesota for Project No. 0104 (2001 Seal Coat Improvements) 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 \$39,526.70.

Dated this 6th day of June, 2001.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 6 The Committee was updated by staff on various projects planned for the 2001 construction season including street, sewer and water main, signal system, seal coat, walk path, and mill and overlay improvements.

Staff explained that 15th Avenue NW was on the improvement list, but should be deleted. This is a joint project with the County and they plan to reschedule the project for next year. The Committee was recommending to the Council to remove 15th Avenue NW from this year's improvements. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Anderson seconding the motion, which carried.

Item No. 7 The Committee considered the final budget for 2001 Improvements, and noted bids have been received for the majority of the projects so funding can be established. The Committee was recommending to the Council to accept the final budget as presented.

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

RESOLUTION NO. 5

FINAL 2001 STREET IMPROVEMENTS BUDGET
ESTIMATED TOTAL COST \$2,225,080.00

PERSONNEL SERVICES:		RECEIVABLES:	
Overtime Reg. Employees	\$ 500.00	Property Owners	\$940,285.00
Salaries Temp. Employees	6,000.00	City (MUC)	148,635.00
Employer Pension Contr.	<u>1,500.00</u>	State Aid & Turnback	575,660.00
Total:	\$ 8,000.00	City - WTP	61,500.00
		City - PW	18,000.00
SUPPLIES:		City CI Fund	250,000.00
Office Supplies	\$ 1,500.00	Developer Agreement	181,000.00
Motor Fuels	1,000.00	Other (DNR Grant)	25,000.00
Small Tools	2,000.00	City - Park Devel	<u>25,000.00</u>
Postage	2,000.00	Total:	\$2,225,080.00
General Supplies	<u>3,500.00</u>		
Total:	\$10,000.00		
		FINANCING:	
OTHER SERVICES:		Bonds	\$1,400,420.00
Printing & Publishing	\$ 2,000.00	State	575,660.00
Mtce. of Other Impr.	1,691,700.00	City - Park Devel	25,000.00
Other Services	<u>330,530.00</u>	City - PW	18,000.00
Total	\$2,024,230.00	Developer Agreement	181,000.00

OTHER CHARGES:
Professional Services \$ 10,000.00
Advertising 1,000.00
Adm. OH (Transfer) 126,850.00
Other Charges 45,000.00
Total: \$ 182,850.00

Other (DNR Grant) 25,000.00
Total: \$2,225,080.00

GRAND TOTAL: \$2,225,080.00
Dated this 6th day of June, 2001.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 8 The Committee reviewed a change order from Shank Constructors for the WTP Interim Improvement, and was recommending to the Council to approve the change order and authorize the City Administrator to sign on behalf of the City.

Resolution No. 6 was introduced by Council Member Reese, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 6

WHEREAS, a contract has been awarded to Shank Constructors, Inc. of Brooklyn Park, Minnesota, on February 20, 2001, in the amount of \$1,880,400.00 for the construction of Waste Treatment Facility Improvements; and

WHEREAS, Change Order No. 1 in the amount of \$335,189.00 has previously been authorized; and

WHEREAS, it is desired to make additional changes to the above contract.

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

1. A reduction of \$232.00 for exchange in type of gas meter. A change in the substantial completion date from September 30, 2001 to November 21, 2001 and a change in the final completion date from November 30, 2001 to December 21, 2001.

Dated this 6th day of June, 2001.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 9 Staff briefed the Committee on the contents of the proposed liquor ordinance. Section two defines the minimum penalties proposed for violators to include fines and license suspension/revocation.

Following discussion, the Committee was recommending to the Council to introduce an ordinance establishing penalties for violations resulting from the sale of alcoholic beverages for hearing on July 2, 2001 with a revision to Item No. 5 from ten years to five years or five consecutive successful compliance checks, whichever is sooner.

Council Member Reese moved to introduce the Ordinance and call for a public hearing on July 2, 2001. Council Member DeBlieck seconded the motion. Council Member Christianson moved to amend the draft ordinance, striking Section 2.a. "First violation" and changing it to a written warning to the license holder. Council Member Dokken seconded the motion. Council Member Anderson moved to amend the amending motion regarding that the license holder or manager attend a Council committee meeting to explain measures to be taken by the license holder to eliminate future violations. Council Member Chapin seconded the motion. Council Member Fagerlie moved to amend the amending motion regarding that the license holder or manager attend a full Council meeting. Council Member Dokken seconded the amending motion, which carried. The amending motion adding a required attendance by the license holder carried. The amending motion changing Section 2.a. to a written warning from a \$500 fine carried. Council Member Anderson moved to amend the draft ordinance, striking the words "and five days suspension of license" from Section 2.b. Council Member Christianson seconded the motion, which failed. The original motion introducing the Ordinance establishing penalties for violations from the sale of alcoholic beverages and calling for a hearing on July 2, 2001, then carried.

The Committee then reviewed the membership issue. The proposed ordinance removes item "d" from the ordinance previously presented to the Committee last year.

Following discussion, the Committee was recommending to the Council to introduce an ordinance amending municipal code section 3-255 specifying who can be served liquor in a private club for hearing on July 2, 2001. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee. Council Member DeBlieck seconded the motion. Following a lengthy discussion, the motion carried on a roll call vote of Ayes 5, Noes 3 - Council Member Christianson, Dokken and Fagerlie voted "No."

The Committee reviewed results of compliance checks conducted on May 24, 2001. All fifteen establishments were checked with only the American Legion found noncompliant. The Committee discussed the penalty for the violation, and since the City is currently operating under no ordinance, a penalty decision needs to be made or the state will levy a penalty. The first recommendation was a \$750 fine and 5-day suspension, which failed for no second. The Committee was recommending to the Council to penalize the American Legion with a \$750 fine, including notification that they are entitled to a hearing.

Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee. Council Member Houlahan seconded the motion, which carried.

Item No. 10 Staff reviewed with the Committee the concept of a Police Department substation in the Downtown area. The intent of a substation would be to provide a police presence as well as a central location for bike patrol, foot patrol, and parking enforcement. The County is going to a full-time attorney; therefore, the use of the old law enforcement center is no longer available. Staff has money budgeted in 2001, and is continuing to look at other options for a location including City Offices, Auditorium, and Fire Station. This was received for information only, and staff was directed to pursue various options and report back to the Committee at a later date.

The Public Works/Safety Committee Report of May 29, 2001, 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 DeBlieck, and carried.

The Community Development Committee Report of May 31, 2001, was presented to the Mayor and Council by Council Member DeBlieck. There were five items for Council consideration.

Item No. 1 The Committee discussed the Airport Project relative to recent economic activity in the community. Of primary concern was the redevelopment of the existing Airport for industrial uses, given the fact that there is now vacant

space in the industrial park. Staff explained the need for not only vacant buildings, but also for buildable property so that there is an adequate supply of bare ground available for new construction.

Project timing and protective zoning for the new Airport were also discussed. The Committee expressed concern about the speed at which the acquisitions are taking place. This matter was for information only.

Item No. 2 As a follow-up to a previous Committee discussion, staff presented examples of exterior maintenance codes from several Minnesota cities. These codes set standards for residential exterior maintenance. The Council had previously expressed a desire to try to deal with the exterior conditions of all residential properties, not just rental properties.

The Committee directed staff to proceed with drafting a sample ordinance dealing with exterior maintenance. Following Committee review of a draft ordinance, staff offered to bring photographs and the proposed ordinance to COP meetings for additional input. This matter was for information only.

Item No. 3 The Committee reviewed the following projects: Culver's Restaurant, Progressive Glass, Burger King, a telemarketing/call center, two major church projects, Public Market expansion, new development within the Mall, Bethesda Homes expansion, the AGCO situation, miscellaneous industrial projects, and residential activity. It was noted that more permits had been issued for new single-family homes the first five months of 2001 than were issued in the entire year of 2000. This matter was for information only.

Item No. 4 The Committee discussed the issue of commercial rehabilitation activities in the central business district and requested staff to contact the HRA concerning possible funds available for commercial rehabilitation in the Downtown area. This matter was for information only.

Item No. 5 The Committee discussed the possibility of opening the by-pass to one-way traffic onto Litchfield Avenue and directed staff review the matter with the City Engineer. This matter was for information only.

The Community Development Committee Report of May 31, 2001, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member DeBlicek, seconded by Council Member Dokken, and carried.

City Clerk Halliday presented to the Mayor and Council for consideration a premise permit renewal for the American Legion Post 167. The permit is for pull-tab and bingo activities for the period September 1, 2001, through August 31, 2003. Following discussion, Resolution No. 7 was introduced by Council Member Reese, seconded by council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 7

REQUESTING THAT THE MINNESOTA GAMBLING
CONTROL BOARD APPROVE THE APPLICATION FOR A
PREMISE PERMIT FOR THE AMERICAN LEGION POST 167

WHEREAS, the American Legion Post 167 has applied to the Minnesota Gambling Control Board to obtain a Premise Permit for a Gambling License at the American Legion Post 167, 220 Southwest 19th Avenue, Willmar, Minnesota;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that the City approves of the Premise Permit for the American Legion Post 167 and respectfully requests that the State of Minnesota Gambling Control Board approve the Premise Permit to the American Legion Post 167.

Dated this 6th day of June, 2001.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Planning and Development Services Director Peterson presented to the Mayor and Council a petition from Jennie-O Foods, Inc. to vacate a portion of 11th Street and Pacific Avenue Southwest. The Planning Commission has reviewed and approved the petition. Resolution No. 8 was introduced by Council Member Reese, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 8

SETTING A PUBLIC HEARING TO CONSIDER
THE VACATION OF A PORTION OF PUBLIC STREETS

BE IT RESOLVED by the City Council of the City of Willmar that the Council conduct a public hearing at 7:02 p.m. on Monday, July 2, 2001, in the Council Chambers at the Municipal Utilities Commission Building, 700 West Litchfield Avenue, Willmar, Minnesota.

BE IT FURTHER RESOLVED that the purpose of the hearing will be to consider a petition for the vacation of that portion of the dedicated streets as described below:

That part of the platted 11th Street SW according to the ORIGINAL TOWNSITE OF WILLMAR, as of public record, Kandiyohi County, Minnesota, described as follows: Commencing at the Southeast corner of Block 105 of the FIRST ADDITION TO THE CITY OF WILLMAR, as of public record, Kandiyohi County, Minnesota; thence South, along the East line of the Vacated portion of Pacific Avenue, 30.00 feet to a point in the South line of the said Vacated portion of Pacific Avenue, said point the point of beginning; thence West, along last said line, 7.00 feet; thence South, parallel with the East line of the Vacated portion of 11th Street (Microfilm No. 29806), a distance of 2.00 feet; thence East, Parallel with the South line of said Vacated portion of Pacific Avenue, 20.00 feet; thence North, parallel with the said East line of the Vacated portion of 11th Street, 32.00 feet to the South line of the Vacated portion of 11th Street; thence, West, along last said line, 5.00 feet to the said East line of the Vacated portion of 11th Street; thence South, along last said line, 30.00 feet to the Southeast corner of said Microfilm No. 29806; thence West, along the South line of said Microfilm No. 29806, a distance to 8.00 feet to the point of beginning.

BE IT FURTHER RESOLVED that any person having an interest in said matter is invited to appear in person or be represented by counsel to be heard on this matter.

Dated this 6th day of June, 2001.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Planning and Development Services Director Peterson presented to the Mayor and Council for consideration a request for reapportionment of special assessments submitted by Ed Gesch. It was noted a condition of plat approval for the YMCA Addition Plat was that the "ag deferred" assessments be reapportioned.

Following discussion, Resolution No. 9 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. 9

WHEREAS, a request for reapportionment of special assessments has been filed with the City of Willmar, said request being signed by all of the parties having an interest in the following-described property:

(Property description on file in the City Clerk's Office)
Parcel No. 95-914-2610:

to wit: Edward Gesch, etal

WHEREAS, the above have waived notice of hearing and hearing on said reapportionment; and

WHEREAS, the City Council of the City of Willmar is in agreement with the suggested reapportionment set out in the request submitted by the above.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Willmar, pursuant to the request of the above that the special assessments on the above-described property be and they hereby are reapportioned as provided in the request of the above named, and BE IT FURTHER RESOLVED that the reapportionment be recorded in the records of the City of Willmar and the Kandiyohi County Auditor effective for taxes and assessments due and payable on tax statements issued in the year 2002 and thereafter.

Dated this 6th day of June, 2001.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Announcements for Council Committee meeting dates were as follows: Airport Commission, June 7; Public Works/Safety, June 12; Community-wide COPP, June 20; and Labor Relations, June 27, 2001. It was noted the Flags of Honor building dedication would be held on June 14, 2001.

There being no further business to come before the Council, the meeting adjourned at 9:15 p.m. upon motion by Council Member Christianson, seconded by Council Member Reese, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL