

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

December 18, 2002  
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 DeBlicke, 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.

Proposed additions to the agenda included January Council meetings and Community Education and Recreation grant.

Council Member Reese offered a motion adopting the Consent Agenda which included the following: City Council Minutes of December 2, Municipal Utilities Commission Minutes of December 9, Rice Hospital Board Minutes of December 11, Planning Commission Minutes of December 11, Building Inspection Report for November, Pioneerland Library Board Minutes of October 17, Housing Redevelopment Committee Minutes of November 12, Airport Commission Minutes of December 3, Senior Citizens Council of December 4, and Zoning Appeals Board Minutes of December 9, 2002. Council Member DeBlicke seconded the motion, which carried.

Mayor Heitke recognized Fred Cogelow who had signed up to address the City Council during its scheduled Open Forum.

The Labor Relations Committee Report of December 4, 2002, was presented to the Mayor and Council by Council Member Houlahan. There was one item for Council consideration.

Item No. 1 The Committee meeting was closed to meet with Rice Hospital and Municipal Utilities Commission Labor Relations Committees to discuss 2003 employment contract strategies. This matter was for information only.

The Labor Relations Committee Report of December 4, 2002, 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 Anderson, and carried.

The Finance Committee Report of December 9, 2002, was presented to the Mayor and Council by Council Member Anderson. There were four items for Council consideration.

Item No. 1 Springsted representative Al Erickson appeared before the Committee to review final figures and details of the \$51.2 G.O. Hospital Revenue Bonds. Items discussed were Moody's rating and comments, purchasing of the bonds, final pricing and the disposition of funds. Mr. Erickson talked about the favorable timing and market conditions, community support and use of the General Obligation backing, bond rating by Moody's, insurance implications, and the planning by both Hospital and City staff.

Mr. Massa then updated the Committee on the present and future construction activities, parking, and timing of future bids on the project. This matter was for information only.

Item No. 2 The Committee discussed the Mayor's proposal to allocate the \$900,000 of excess sales tax revenues. The Mayor had proposed \$200,000 for additional locker room space at the Willmar Civic Center, \$300,000 for a Library Capital Reserve Account, and the remaining \$400,000 to go into the Industrial Development Fund for Airport Relocation and industrial park infrastructure.

Larry Koeninger, Pioneerland Library Director, was present to explain comments he has received and answer any questions the Committee may have regarding future capital plans at the Willmar Public Library.

The Committee was recommending the Council introduce a resolution to allocate \$200,000 for additional locker rooms at the Willmar Civic Center, \$300,000 to an interest-bearing Library Capital Improvement Expendable Trust Reserve, and the remaining \$400,000 to the Industrial Development Fund. Resolution No. 1 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0 – Council Member Houlahan abstained from voting.

#### RESOLUTION NO. 1

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to amend the Library Debt Service and Library Construction Accounts (all excess funds) as follows:

Increase:	Transfers Out – Civic Center Capital Improvement Fund	\$200,000.00
	Transfers Out – Library Expendable Trust Fund	\$300,000.00
	Transfers Out – Industrial Development Fund	\$400,000.00+
Decrease:	Fund Balance	\$900,000.00+

Dated this 18<sup>th</sup> day of December, 2002.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 3 The Committee reviewed preliminary fees for the Public Works and Leisure Services Departments. These recommendations, along with all other Departments, will be adopted at the Council's January reorganizational meeting. This matter was for information only.

Item No. 4 Staff informed the Committee that the City has received an annual engagement letter from Westberg, Eischens & VanBuren. The process to engage an independent auditor has been the same for many years, and it was the consensus of the Committee that the City should periodically change auditors to avoid any possible conflicts. The Committee expressed that this was in no way a reflection on the ability or quality of work by the current auditing firm. It was then moved to recommend to the Council that staff be directed to prepare a Request for Proposals and solicit bids for the 2002 Audit.

Council Member Anderson moved to approve the recommendation of the Finance

Committee with Council Member Dokken seconding the motion, which carried.

The Finance Committee Report of December 9, 2002, 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 December 10, 2002, was presented to the Mayor and Council by Council Member Reese. There were 10 items for Council consideration.

Item No. 1 The Committee reviewed a memo summarizing various options attempted over the past years to eliminate odor problems at the Wastewater Treatment Plant (WTP), as well as highlighting processes and options being pursued. The WTP is presently doing a one-month pilot study with a biocube trailer from a Minneapolis based company and has started the addition of ferric chloride to the clarifiers. The City is making efforts to resolve the odor problem during the interim until the new plant is built.

City Administrator Schmit presented further details of the odor resolution attempts. This matter was for information only.

Item No. 2 The Committee reviewed a preliminary drawing of an addition to the Civic Center, which includes two varsity locker rooms and a multi-purpose/figure skating dressing room. The annex would be 10-12 feet from the Blue Line Center with a square footage of approximately 2,150 and an estimated cost of \$225,000. Staff stated the \$50,000 Mighty Ducks grant requires initiation of construction prior to October of 2003.

Staff received a proposal from Waters Edge Design Group for a scope of services to design, bid, and perform construction management of the project at a not-to-exceed cost of \$16,000 plus \$1,000 for reimbursables. Staff noted that the Finance Committee is making a recommendation to Council to move \$200,000 from the excess sales tax and appropriating it to this project.

The Committee was recommending to the Council to adopt a project budget for the Civic Center Locker Room Addition. Resolution No. 2 was introduced by Council Member Reese, seconded by Council Member Houlahan, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 2

PRELIMINARY BUDGET – CIVIC CENTER LOCKER ROOMS  
ESTIMATED TOTAL COST \$250,000.00

OTHER SERVICES:		RECEIVABLES	
Printing & Publishing	\$ 500.00	State Mighty Ducks	\$ 50,000.00
Mtce. of Other Impr.(Cntrt)	224,000.00	City Transfer In S	<u>200,000.00</u>
Other Services	<u>10,000.00</u>	Total:	\$250,000.00
Total	\$234,500.00		
OTHER CHARGES:		FINANCING	
Professional Services	\$ 15,000.00	State Might Ducks	\$ 50,000.00
Advertising	<u>500.00</u>	City Transfer In S	<u>250,000.00</u>
Total:	\$ 15,500.00	Total:	\$250,000.00
GRAND TOTAL:	\$250,000.00		



Dated this 18<sup>th</sup> day of December, 2002.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

The Committee was recommending to the Council to authorize the Mayor and City Administrator to enter into an agreement with Waters Edge Group for the Civic Center Locker Room. Resolution No. 3 was introduced by Council Member Reese, seconded by Council Member DeBlieck, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

Resolution No. 3

Whereas, the City of Willmar desires to retain a consultant to provide professional engineering services to design, bid, and perform a locker room addition at the Civic Center for the City of Willmar; and

Whereas, a proposal has been made by, and an agreement prepared to retain, the firm of Waters Edge Design Group of Willmar, Minnesota in a not to exceed amount of \$17,000.00 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.

Dated this 18<sup>th</sup> day of December, 2002.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 3 The Committee discussed an amended liquor ordinance prepared by the City Attorney, which was brought back for review. Further revisions include licensing being applicable to any licensed premise and striking the seven-day grace period. Staff has been in contact with most of the off-sale establishments and they foresee no problems with the ordinance changes.

The Committee was recommending to the Council to introduce the ordinance for a hearing on January 13, 2003. Council Member Reese offered to introduce the Ordinance Amending Municipal Code Sections on Licensing of Employees of On- and Off-sale Liquor Establishments. Council Member Houlahan seconded the motion, which carried.

Item No. 4 The Committee reviewed a proposal from Short Elliot Hendrickson (S.E.H.) to enter into an agreement for design services for a traffic signal at the intersection of First Street South and 28<sup>th</sup> Avenue. Staff explained the time line and the need to expedite the project in order to accommodate the Home Depot Project. If the intersection meets the warrants, two legs of the system would be state aid eligible. The Committee was recommending to the Council approval of the proposal and enter into an agreement for design services with S.E.H. for a traffic signal for a not- to-exceed amount of \$11,500.

Resolution No. 4 was introduced by Council Member Reese, seconded by Council Member

Houlahan, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

Resolution No. 4

Whereas the City of Willmar desires to retain a consultant to provide professional engineering for design and construction services for a traffic signal at the intersection of First Street and 28<sup>th</sup> Avenue South for the City of Willmar; and

Whereas a proposal has been made by, and an agreement prepared to retain, the firm of Short Elliott Hendrickson Inc. of St. Paul, Minnesota in a not to exceed amount of \$11,500.00 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.

Dated this 18<sup>th</sup> day of December, 2002.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 5 The Committee reviewed a list of the proposed improvements for 2003. After review of the improvements, one addition was requested: the inclusion of a sewer force main in conjunction with the water line proposed by the MUC for the pump station project. The Committee was recommending that the Council order the preparation of the 2003 Improvement Report.

Resolution No. 5 was introduced by Council Member Reese, seconded by Council Member DeBlicke, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0, Council Member Christianson abstained from voting.

RESOLUTION NO. 5

ORDER OF IMPROVEMENT REPORT

WHEREAS, it is proposed to construct the following improvements under the 2003 Improvement Project: grading, gravel base, curb and gutter, tiling, bituminous pavement, sidewalk, service lines, sanitary sewer, storm sewer, water main, signal system 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 18<sup>th</sup> day of December, 2002.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Item No. 6 The Committee reviewed a proposed fee schedule for 2003 towing, and the question was raised whether to charge \$60 or \$70 to cover towing and administrative fees. The Committee was recommending to the Council to raise the tow fee from \$60.00 to \$70.00 effective January 1, 2003. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Houlahan seconding the motion, which carried.

Item No. 7 The Committee was considered the tabulation for both the 2003 Sanitation and Towing Requirements. Staff will proceed with execution of the appropriate contracts. This matter was for information only.

Item No. 8 Staff informed the Committee of a \$2,000 rebate the City received as being one of 110 cities that participated in the development of a storm water guide plan through the League of Minnesota Cities. This matter was for information only.

Item No. 9 Staff informed the Committee that the City has received a partnership agreement proposal from the Minnesota Department of Transportation. This five-year agreement covers services that MnDOT provides that are billed on a materials and equipment basis such as laboratory testing for project samples. The Committee was recommending to the Council to authorize the Mayor and City Administrator to enter into the agreement on behalf of the City.

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

RESOLUTION NO. 6

MINNESOTA DEPARTMENT OF TRANSPORTATION  
PARTNERSHIP CONTRACT

BE IT RESOLVED that the City of Willmar enter into an agreement with the State of Minnesota Department of Transportation for the following purposes, to wit:

To allow the State of Minnesota to provide research by sharing facilities, equipment, staff, data or other means in order to provide transportation-related services and support .

BE IT FURTHER RESOLVED that the Mayor and Clerk be and they hereby are authorized to execute such agreement.

Dated this 18<sup>th</sup> day of December, 2002.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Item No 10 The Committee briefly discussed ice fishing access to the west fishing area of Robbins Island. This matter was for information only.

The Public Works/Safety Committee Report of December 10, 2002, 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 Houlahan, and carried.

The Community Development Committee Report of December 12, 2002, 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 issue of regulating transient merchant activities within the City of Willmar. Ken Warner, President of the Willmar Lakes Area Chamber of Commerce, presented his views on the matter.

The Committee was recommending to the Council to refer the matter to the City Attorney for a draft ordinance, recognizing the need to accommodate scouts, youth groups, etc. 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 design standards for new commercial and industrial construction, as well as exterior renovations of commercial and industrial buildings. Two options for dealing with the matter were discussed. One option is to create a review committee to offer comments and approval on exterior designs. The second option would be to adopt specific standards that construction would have to adhere to. Staff suggested that the League of Minnesota Cities be contacted for information to see how the matter is handled by other cities. This matter was for information only.

Item No. 3 The Committee discussed a letter from County Administrator Wayne Thompson requesting that the City relinquish its extraterritorial building code enforcement authority. Staff expressed concern about continuity of standards in the City's fringe areas. The Committee shared the concern of staff given the fact that building code administration would be a new activity for the County.

The Committee was recommending to the Council that a letter stating its unwillingness to relinquish its extraterritorial building code enforcement authority until the County has its system underway and has demonstrated the capability to enforce the building code in a manner consistent with the City of Willmar. Council Member DeBlieck moved to approve the recommendation of the Community Development Committee with Council Member Christianson seconding the motion, which carried. The Committee also discussed the potential for a joint City/County code enforcement office.

Item No. 4 The Committee reviewed a request by a local business owner for the vacation of excess right-of-way at the intersection of 19<sup>th</sup> Avenue and First Street. The property is encumbered significantly by the excess right-of-way, which was originally intended to be a sight corner for old Highway 71 and 23.

The Committee was recommending to the Council to initiate the vacation/sale process by referring the matter to the City Attorney for an opinion on the process the City needs to follow to convey the property. Council Member DeBlieck moved to approve the recommendation of the Community Development Committee with Council Member Dokken seconding the motion, which carried.

Item No. 5 The Committee received updates on a variety of commercial, industrial and



multi-family housing projects. Some of those projects included Home Depot, Grizzly's Restaurant, the helicopter base, East Highway 12 commercial development, and the HDC Development Senior Housing project. This matter was for information only.

The Community Development Committee Report of December 12, 2002, 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 Dokken, and carried.

Planning and Development Services Director Peterson presented to the Mayor and Council for consideration an Ordinance Amending Rates Charged by the Municipal Utilities Commission of the City of Willmar, a Public Utility, to be Effective for Billings Sent on and After March 1, 2003. A report from WMU General Manager Mike Nitchals reviewing the electric cost of service and rate design study summary was reviewed. The report recommends an overall increase in electric rates of 2.5 percent with individual rate classes receiving increases from approximately 1 to 6 percent. Following discussion, Council Member Anderson offered a motion to introduce the Ordinance Amending Rates Charged by the Municipal Utilities Commission and to schedule a public hearing for January 22, 2003. Council Member Anderson seconded the motion, which carried.

Planning and Development Services Director Peterson informed the Mayor and Council the representatives of Myron Nelson Trust have petitioned the City for the annexation of property in southeast Willmar, the proposed site for the Home Depot Store. It was noted the Planning Commission has considered the matter and recommends the annexation as requested. Following discussion, Council Member Reese offered a motion to introduce an Ordinance Extending the Corporation Limits of the City of Willmar and to schedule a hearing for January 13, 2003. Council Member Fagerlie seconded the motion, which carried.

Resolution No. 7 was introduced by Council Member DeBlieck, seconded by Council Member Dokken, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

#### RESOLUTION NO. 7

WHEREAS, a Petition for Annexation (File #02-01) has been filed for the following described piece of property: Part of the N1/2 NW1/4 Section 26, and part of Government Lot 2, Section 26, all in T119, R35 (part of parcel 33-026-0110) and;

WHEREAS, the Petitioners have certified and stated that they are the sole owners of said property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that ownership of the afore-described property, by the petitioners, in the manner stated has been verified.

BE IT FURTHER RESOLVED that it has been verified that the Petition for Annexation includes not only the request to be annexed, but a request for City services/improvements/facilities/utilities.

Dated this 18<sup>th</sup> day of December, 2002.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Planning and Development Services Director Peterson presented to the Mayor and Council for consideration the Preliminary Plat for the Home Depot Addition, a two-lot plat that includes the easterly extension of 28<sup>th</sup> Avenue Southeast. It was noted the Planning Commission has approved the preliminary plat with several conditions relating to easements and assessments. Council Member DeBlieck moved to approve the Preliminary Plat for the Home Depot Addition with the conditions recommended by the Planning Commission. Council Member Dokken seconded the motion, which carried.

City Clerk Halliday informed the Mayor and Council that the following establishments have requested renewals of current Sunday liquor licenses: On-Sale – Applebee's, Blue Heron on the Green, Green Mill and SRV Bar & Grill; and Club On-Sale – American Legion Post 167, Fraternal Order of Eagles and VFW Post 1639. Council Member DeBlieck moved to approve the Sunday liquor license renewals as presented with Council Member Houlahan seconding the motion, which carried.

Announcements for Council Committee meeting dates were as follows: Finance, January 6; Public Works/Safety, January 7; and Community Development, January 9, 2003.

Council Member Anderson moved to set the second meeting in January to January 22, 2003, with Council Member Dokken seconding the motion, which carried.

Community Education and Recreation Director Brisendine informed the Mayor and Council that the Department of Children, Families and Learning awarded a 21<sup>st</sup> Century Learning Center Grant in an annual amount of \$186,000 to assist in the after-school and non-school day educational programming. Various details of activities at the Roosevelt, Jefferson, and Kennedy Schools were presented. This matter was for information only.

Mayor Heitke presented to the Council for consideration the following appointments to the Willmar Convention and Visitors Bureau: Connie Filley, Keith Pattison and Helen Heinen. Council Member Reese moved to approve the appointments as presented with Council Member Chapin seconding the motion, which carried.

Mayor Heitke presented to the Council for consideration the following reappointments to various Boards and Commissions: Rice Memorial Hospital Board – Constance Vanderbilt and Gary Nielsen; Airport Commission – Steve Nedrelov, Patrick Curry and Marguerite Swenson; Municipal Utilities Commission – Gary Geiger; Planning Commission – Frank Yanish; and Housing and Redevelopment Authority – John Haines. Council Member Chapin moved to approve the reappointments as presented with Council Member Anderson seconding the motion, which carried.

Council Member Reese asked to be excused from the January 22, 2003, City Council meeting.

There being no further business to come before the Council, the meeting adjourned at 8:42 p.m. upon motion by Council Member Christianson, seconded by Council Member Houlahan, and carried.

Attest:

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MAYOR

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SECRETARY TO THE COUNCIL