

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

January 20, 2004  
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, Jim Dokken, and David Chapin; Present 9, Absent 1 - Rick Fagerlie was excused from the meeting.

Also present were City Administrator Michael Schmit, City Attorney Richard Ronning, Police Chief Jim Kulset, Fire Chief Marv Calvin, Public Works Director Mel Odens, Finance Director Steven Okins, Planning and Development Services Director Bruce Peterson, Community Education and Recreation Director Steve Brisendine, and City Clerk Kevin Halliday.

Mayor Heitke presented to the City Council, staff and citizens of Willmar his message of the State of Affairs of the City of Willmar in which he highlighted events of 2003 and priorities for 2004.

Proposed additions to the agenda included Mayoral appointments.

Council Member DeBlieck offered a motion adopting the Consent Agenda which included the following: City Council Minutes of January 5, Municipal Utilities Commission Minutes of January 12, Rice Hospital Board Minutes of January 13, 2004, Building Inspection Report for December and Pioneerland Library Board Minutes of November 20, 2003, Zoning Appeals Board Minutes of January 12, 2004; Pheasants Forever Lawful Gambling Permit; and Mayoral appoints to Airport Commission – Bruce Hanson, and Housing and Redevelopment Authority Board – Dena Horning and Vera Novak. Council Member Christianson seconded the motion, which carried.

Mayor Heitke recognized Deb Brandt representing Heartland Community Action Agency. Ms. Brandt provided an overview of the poverty facts for their constituents in the previous fiscal year. She detailed the "Hope Strategic Plan" designed to eliminate poverty in the four-county area which included the building of relationships across class and race lines to get people out of poverty; develop educational achievements to ensure all low-income children receive a quality education; and develop resources to assure all low-income people have safe, livable, affordable housing. Mayor Heitke thanked Ms. Brandt for the presentation of the plan. This matter was for information only.

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

The Public Works/Safety Committee Report for January 13, 2004, was presented to the Mayor and Council by Council Member Reese. There were six items for Council consideration.

Item No. 1 The Committee reviewed the Police Department's second compliance check for 2003 of the 4 off-sale and the 13 on-sale liquor establishments in Willmar. Of those checked, two of the on-sale establishments failed – Vannandy's Bar and Nightclub and Centre Point Mall Bar and Grill. In accordance to City ordinance, a first violation requires a written warning to the license holder and an appearance at a regularly scheduled meeting of a Committee of the Council.

Darwin Jacobson, license holder for Centre Point Mall Bar and Grill, appeared before the Committee to explain measures being taken to eliminate future violations. The employee who failed to check for ID is no longer employed by the establishment and the others employed serving liquor have previously taken training.

Richardo Lopez and Marcela Diaz, license holder for Vannandy's Bar & Nightclub appeared before the Committee. Ms. Diaz failed the compliance check by serving an individual of the Police Department even after asking to see proper identification. Mr. Lopez and Ms. Diaz expressed their willingness to receive training for all employees by the Police Department.

Ms. Diaz was informed that the City has yet to receive a name and application for a resident manager, which is also required by City ordinance and was directed to bring the name and application to the City for approval or Vannandy's was not to open. It was noted that a resident manager was presented to the City as directed.

This matter was for information only.

Item No. 2 The Committee reviewed a professional services agreement with Waters Edge Design Group to design the new stadium at Baker Field. In addition to designing the structure, the contract includes four site visits during construction, one at substantial completion, and one at final inspection for a cost of \$10,877.50. It was noted this dollar amount is 50 percent of the actual costs with the other 50 percent being an in-kind contribution of Waters Edge.

Phil Anderson, who has been volunteering his architectural services for preliminary design, discussed the layout and future plans of the facility. Rick Maursetter and Don Spilseth were also in attendance to show support and answer questions. The fundraising committee to date has raised approximately \$440,000 and is presently soliciting in-kind contributions also.

The Committee was recommending the Council approve the agreement for design services and authorize the Mayor and City Administrator to sign on behalf of the City. Resolution No. 1 was introduced by Council Member Reese, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 1, Council Member Chapin abstained from voting.

#### RESOLUTION NO. 1

Whereas the City of Willmar desires to retain an architect to provide professional services to design Baker Field Stadium Seating for the City of Willmar; and

Whereas a proposal has been made by, and an agreement prepared to retain, the firm of Waters Edge Architectural Group, Inc. of Willmar, Minnesota in a not to exceed amount of \$10,877.50 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 20<sup>th</sup> day of January, 2004.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 3 The Committee reviewed the revised Ordinance granting a franchise to CenterPoint Energy/Minnegasco, which was revised by deleting any fees paid to the City for utilization of the right-of-way. Discussion was held pertaining to any recommendation from the League of MN Cities and the inclusion of Section 9 – Franchise Fee.

The Committee was recommending the Council approve the Ordinance as presented and introduce for hearing. Following discussion, Council Member Reese moved to refer the Ordinance back to Committee for further review. Council Member DeBlieck seconded the motion, which carried.

Item No. 4 The Committee reviewed a change order to the Highway 12 Signal Project (0305) with Granite Ledge Electrical. Following discussion of additional work and costs, the Committee was recommending the Council approve Change Order No. 1 as presented.

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 7, Noes 0.

#### RESOLUTION NO. 2

WHEREAS, a contract has been awarded to Granite Ledge Electrical Contractors, Inc. of Foreston, Minnesota, on November 12, 2003 in the amount of \$101,200.00 for construction of Project No. 0305 – Trunk Highway 12 Signal Improvements; and

WHEREAS, it is desired to add additional work to the above contract for be relocation of an EVP sensor pedestal;

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

1. Additional work is herewith authorized to be added to the above contract in the amount of \$2,786.23 and identified as Change Order No. 1.
2. Funding for the additional work is from the project budget and reimbursable from State Aid Funds.

Dated this 20<sup>th</sup> day of January, 2004.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 5 The Committee considered a change order from Terwisscha Construction for additional work for the Dorothy Olson Aquatic Center. Following discussion, the Committee was recommending the Council approve Change Order No. 1 as presented.

Resolution No. 3 was introduced by Council Member Reese, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

#### RESOLUTION NO. 3

WHEREAS, a contract has been awarded to Terwisscha Construction of Willmar, Minnesota, on October 7, 2003 in the amount of \$1,303,303.00 for construction of the Dorothy Olson Aquatic Center under the direction of US Aquatics as engineer; and

WHEREAS, it is desired to add additional work to the above contract for two box hydrants to the bath house and changing the sump pump from ¼ to ½ hp;

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

1. Additional work is herewith authorized to be added to the above contract in the amount of \$1,016.00 and identified as Change Order No. 1.
2. Funding for the additional work is from the project budget.

Dated this 20<sup>th</sup> day of January, 2004.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 6 The Committee discussed a concern for pedestrian safety in the vicinity of the curve on 7<sup>th</sup> Street NW near the entrance to the fairgrounds. This matter was for information only.

The Public Works/Safety Committee Report for January 13, 2004, 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.

The Community Development Committee Report for January 15, 2004, 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 lobbying agreement with David Turch and Associates. The focus of the discussion centered on the City's opinion of value received over the past year. It was noted that the Airport funding in the Federal Appropriations Bill probably would not have been earmarked without the assistance of Turch and Associates. The annual cost for the services of David Turch and Associates are \$54,000.00 plus incidentals.

The Committee was recommending the Council approve a one-year extension of the lobbying agreement with David Turch and Associates with funding to come from the Industrial Development Fund. Resolution No. 4 was introduced by Council Member DeBlieck, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, 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 Mayor and City Administrator be authorized to enter into a one-year extension of the lobbying agreement between the City of Willmar and David Turch and Associates with funding to come from the Industrial Development Fund.

Dated this 20<sup>th</sup> day of January, 2004.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Item No. 2 The Committee discussed concerns about violations of the City ordinance regulating garbage cans in public right-of-way for extensive periods of time. The Committee directed staff to send a letter to the garbage haulers asking them to remind their customers to properly remove their cans from the right of way after the garbage has been picked up. This matter was for information only.

Item No. 3 The Committee reviewed updates on a variety of projects including Menards, Mills, Rice Hospital, East Highway 12, and miscellaneous commercial and residential projects. This matter was for information only.

Item No. 4 Staff informed the Committee of recent discussions regarding the redevelopment of the Willmar Regional Treatment Center. As part of the discussion, it was suggested that the site be included in the Willmar JOBZone. These zones are the tax-free zones established by the 2003 Legislature that allow municipalities to offer corporate tax income tax or real estate tax relief as an incentive to developing or redeveloping businesses. The current JOBZone for the City was defined as a portion of the existing Airport on each side of the future extension of County Road 5. In order to amend the Willmar JOBZone or to increase the number of acres, it is necessary that the Council take the first step of approving the expansion of the zone.

The Committee was recommending the Council approve the addition of the WRTC property as a City of Willmar JOBZone. 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 reviewed a request from Kandiyohi County that the City relinquish its extra-territorial Building Code enforcement authority. It was noted the County did not do mechanical permitting and inspections the same manner the City did. An opinion was offered that without those inspections, the future interests of the City were not being adequately protected.

The Committee was recommending to the Council that the County's request be denied pending evidence that the Mechanical Code was being properly enforced. Council Member DeBlieck moved to approve the recommendation of the Community Development Committee. The motion died for the lack of a second.

The Council discussed a letter received from the County clarifying the enforcement of mechanical permitting and inspections.

Council Member Christianson offered a motion to introduce an Ordinance Repealing Ordinance No. 1109 Extending the Enforcement of the Minnesota State Building Code to Areas not More Than Two Miles Distant from the Corporate Boundaries of the City of Willmar. Council Member Dokken seconded the motion, which carried.

The Community Development Committee Report for January 15, 2004, was approved as presented upon motion by Council Member DeBlieck, seconded by Council Member Dokken, and carried.

Announcements for Council Committee meeting dates were as follows: Finance, January 26; Public Works/Safety, January 27; Labor Relations, January 28, and Community Development, February 5, 2004. It was also noted that the Community Education and Recreation Board would be meeting on January 30, 2004.

Mayor Heitke announced that 2005 will be the City of Willmar's 135<sup>th</sup> anniversary and urged interested citizens to call City Offices if they are willing to assist in the planning of a year-long celebration of the City's heritage.

Mayor Heitke offered praise to the West Central Tribune and writer David Little for the recent biofilter article which offered details of the Wastewater Treatment Plant project designed by City staff and the apparent success of the process in controlling odors.

Council Member Reese offered congratulations to Mayor Heitke who was elected to a two-year term on the National League of Cities Board of Directors during the NLC Congress of Cities recently held in Nashville, Tennessee.

Mayor Heitke and Council Member DeBlieck asked to be excused from the February 2, 2004, City Council meeting.

There being no further business to come before the Council, the meeting adjourned at 8:22 p.m. upon motion by Council Member Reese, seconded by Council Member DeBlieck, and carried.

Attest:

\_\_\_\_\_  
MAYOR

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