

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

March 15, 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, Rick Fagerlie, Jim Dokken, and David Chapin; Present 9, Absent 0.

Also present were 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, City Clerk Kevin Halliday, and Administrative Assistant Audrey Peterson.

Proposed additions to the agenda included an update on Mayor's trip to Washington D.C.

Council Member Christianson offered a motion adopting the Consent Agenda which included the following: City Council Minutes of March 1, Municipal Utilities Commission Minutes of March 8, Rice Hospital Board Minutes of March 9, Planning Commission Minutes of March 10, Building Inspection Report for February, Pioneerland Library Board Minutes of January 15, Airport Commission Minutes of March 2, and Zoning Appeals Board Minutes of March 8, 2004; and Willmar Hockey Association Application for Exempt Permit. Council Member DeBlieck seconded the motion, which carried.

At 7:02 p.m. Mayor Heitke opened a hearing on an Ordinance Amending Ordinance No. 1060 to Rezone Certain Property. Planning and Development Services Director Peterson informed the Mayor and Council that Erickson Land Company, LLP proposes the rezoning of property east of North Lakeland Drive from Ag/GB to R-2 for purposes of residential PUD development. It was noted the proposal is consistent with the Comprehensive Plan and has been approved by the Planning Commission. There being no one present to speak for or against the proposed Ordinance, Mayor Heitke closed the hearing at 7:03 p.m.

Council Member Reese offered a motion to adopt, assign a number and order final publication of the Ordinance Amending Ordinance No. 1060 to Rezone Certain Property. Council Member Christianson seconded the motion, which carried on a roll vote of Ayes 8, Noes 0.

At 7:12 p.m. Mayor Heitke opened a hearing on a Business Subsidy Policy. Planning and Development Services Director Peterson informed the Mayor and Council that Minnesota Statutes require the adoption of a Business Subsidy Policy before cities can grant financial assistance in excess of \$25,000 to a business. There being no one present to speak for or against the proposed policy, Mayor Heitke closed the Hearing at 7:14 p.m.

The Council discussed a Business Subsidy Policy drafted by staff using a model policy provided by Briggs and Morgan and the hourly wage floor. Council Member DeBlieck moved to approve the Business Subsidy Policy with a \$10.00 wage floor with Council Member Dokken seconding the motion. Council Member Reese moved to amend the motion to include a biennial review of the Policy. Council Member Christianson seconded the motion, which carried. The motion to approve the Business Subsidy Policy then carried on a roll call vote of Ayes 6, Noes 2 – Council Members Anderson and Chapin voted “No.”

Mayor Heitke recognized Rick Borgen who had signed up to address the City Council during its scheduled Open Forum. Mr. Borgen expressed concerns regarding his neighbors. Following discussion, the matter was referred to the Public Works/Safety Committee.

The Community Development Committee Report for March 4, 2004, was presented to the Mayor and Council by Council Member DeBlieck. There were five items for Council consideration.

Item No. 1 Staff presented to the Committee rough working drawings of the site plan, FBO building and terminal building for the new Airport. The terminal is currently calculated at 4,800 square feet, down by 2,000 square feet from a previous plan, and the estimated cost is \$1,088,000.00. It was noted that the Airport Commission had not yet made any formal recommendations to the Council regarding building construction. The Committee expressed concerns over the cost estimates, and staff indicated the consultants have been directed to reduce costs. This matter will come back to the Committee once the Airport Commission has made a formal recommendation. This matter was for information only.

Item No. 2 Jan Scheltens and Lyle Tiegs appeared before the Committee to present a handout addressing issues and needs in the Central Business District. The Committee was interested in pursuing a variety of the suggestions contained in the handout.

Mayor Heitke recognized CBD business owners Mary Weimerskirm and Lyle Tiegs, representing Main Street Willmar, who presented suggestions for improving the appearance of the downtown.

The Committee was recommending to the Council that Staff be directed to develop exterior maintenance standards for commercial/industrial buildings. Council Member DeBlieck moved to approve the recommendation of the Community Development Committee with Council Member Houlahan seconding the motion, which carried.

The Committee was recommending to the Council that the garbage container and planting issues be referred to Public Works staff for follow-up. Council Member DeBlieck moved to approve the recommendation of the Community Development Committee with Council Member Houlahan seconding the motion, which carried.

The Committee was recommending to the Council that the Willmar Municipal Utilities study options for improved lighting for the Central Business District and to report back to the Committee. Council Member DeBlieck moved to approve the recommendation of the Community Development Committee with Council Member Dokken seconding the motion, which carried.

The Committee also discussed Downtown parking options, including possible ramp locations and the development of additional surface parking. It was noted the City and Hospital are currently studying the matter. It was agreed that a long-term vision for Downtown was needed, and that the Main Street organization needs to develop the vision and bring it to the City for discussion. This matter was for information only.

Item No. 3 The Committee reviewed an update on Community Marketing Coalition activities. Among the recent projects were the development of a second marketing brochure and the creation of a CD ROM to market the Willmar area and the business community. Copies of the CD were distributed to Committee Members. This matter was for information only.

Item No. 4 The Committee reviewed a map of four-lane highways in greater Minnesota. The map shows an obvious lack of four-lane access to the southwest and west central parts of the state. This came to the Committee as a follow-up to the discussion of efforts to improve the Highway 23 corridor between Willmar and St. Cloud and was received for information only.

Item No. 5 The Committee discussed the future use of 60 acres of the Willmar Regional Treatment Center property lying west of Highway 71. The property is currently zoned Government/Institutional. With the possible sale of the property, the Committee wanted to have a plan in place to guide future development, and was recommending the Council refer the matter to the Planning Commission for a summary plan. Council Member DeBlieck moved to approve the recommendation of the Community Development Committee with Council Member Dokken seconding the motion, which carried.

The Community Development Committee Report for March 4, 2004, 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 Houlahan and carried.

The Public Works/Safety Committee Report for March 8, 2004, was presented to the Mayor and Council by Council Member Reese. There were eight items for Council consideration.

Item No. 1 Richard Doom of Doom and Cuypers appeared before the Committee to discuss his bid problems with the subcontractor on the WEAC Auditorium Balcony Air Conditioning Project. Mr. Doom restated that, through no fault of his, he did not receive all the information necessary to bid from the subcontractor and his attempt to try to find a different subcontractor failed. Following discussion a motion was made to return the bid bond to Doom Cuypers. The motion died for lack of a second. Following continued discussion no motion was offered to reverse the previous Council action. This matter was for information only.

Item No. 2 The Committee discussed an ordinance adopted in 2003 dealing with the issue of the Minnesota State Law allowing alcohol sales to close at 2:00 a.m. The ordinance was adopted limiting the time of sales to 1:00 a.m. locally, but that Saturday sales were inadvertently omitted.

The Committee was recommending the Council introduce the correcting ordinance for a hearing April 5, 2004. Council Reese moved to introduce an Ordinance Amending Willmar Municipal Code 3-83 Which Regulates Hour and Days of Sale of On-sale Liquor Establishments. Council Member Christianson seconded the motion, which carried.

Item No. 3 The Committee reviewed plans and specifications for the 2004 Street, Sewer and Water Improvements with a proposed bid opening date of April 12, 2004. The Committee was recommending the Council to approve the plans and specifications and authorize advertisement of bids for Project No. 0401 and 0402 to be opened April 12, 2004.

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 8, Noes 0.

RESOLUTION NO. 1

WHEREAS the City Engineer of the City of Willmar has presented to the City Council plans

and specifications for Project Nos. 0401 and 0402 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 the advertisement for bids is herewith authorized. Bids will be publicly opened and read at 1:00 p.m. on the 26th day of April, 2004, at the City Office Building, 333 Southwest Sixth Street, Willmar, Minnesota.

Dated this 15th day of March, 2004.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 The Committee reviewed the final payment request for the 2002 Street Improvements to Duinink Brothers Construction, Inc. The request includes payment of the 5 percent retainage and for completion of the wearing course on Abbott Drive NE, 9th Street SW, Olena Avenue SE, 16th Avenue NE, and 3rd Street NE. The project included the previous authorization of two change orders and is within budget.

The Committee was recommending the Council accept the project and approve final payment. Resolution No. 2 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. 2

WHEREAS, a contract has been awarded to Duinink Bros., Inc. of Prinsburg, Minnesota, on July 22, 2002, in the amount of \$938,671.52 for Project No. 0201; and

WHEREAS, Change Order No. 1 increasing the amount by \$30,123.75 has previously been authorized; and

WHEREAS, it is desired to add additional work to the above contract.

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 estimated by the City Engineer to be \$11,591.86.
2. Funding for the additional work is from within the Project Budget.

Dated this 15th day of March, 2004.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

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 8, Noes 0.

RESOLUTION NO. 3

ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

PROJECT NUMBER: 0201
IMPROVEMENT: 2002 Street Improvements

CONTRACTOR: Duininck Bros. Inc., Prinsburg, MN.
DATE OF CONTRACT: 7-22-02
BEGIN WORK: 8-7-02
COMPLETE WORK: 6-27-03
APPROVE, CITY ENGINEER: 3-8-04

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

1. The said Project No. 0201 be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$938,671.52
Change Orders Nos. 1 and 2	\$41,715.61
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$980,387.13
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$980,387.13
Less Previous Payments (1-5)	\$919,149.39
FINAL PAYMENT DUE CONTRACTOR:	\$61,237.74

Dated this 15th day of March, 2004.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 5 The Committee reviewed a Change Order No. 2 for the RBC Replacement Improvements at the Wastewater Treatment Plant. The contractor for the project, PKG Contracting, Inc. of Fargo, North Dakota, earlier agreed to modify the RBC manufacturer to Walker Process Equipment in order to match the existing RBC's at the plant. The contractor is now requesting a change order in the amount of \$7,503.75 for additional crane rental expenses for the installation of these RBC's due to variations in design and weight.

The Committee was recommending the Council approve Change Order No. 2 to the Wastewater Treatment Plant RBC Project and amend the contract with PKG Contracting accordingly. 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

WHEREAS, a contract has been awarded to PKG Contracting, Inc. of Fargo, North Dakota, on October 20, 2003, in the amount of \$833,769.00 for Wastewater Treatment RBC Improvements; and

WHEREAS, Change Order No. 1 altering the RBC supplier with no monetary change has previously been authorized; and

WHEREAS, it is desired to add additional work to the above contract.

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 estimated by the Consulting Engineer to be \$7,503.75
2. Funding for the additional work is from within the improvement budget.

Dated this 15th day of March, 2004.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 6 The Committee reviewed a proposed agreement between the City and Humane Society of Kandiyohi County to provide impounding of stray animals. The agreement is for the term of one year, includes fees for impoundment and boarding, and outlines the minimum standards for the facility. It was noted the terms of the agreement are the same as previous years.

The Committee was recommending the Council accept the terms of the agreement and authorize the Mayor and City Administrator to sign on behalf of the City. 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

Whereas the City of Willmar desires to enter into an agreement with the Humane Society of Kandiyohi County to provide impounding services of stray animals for the City of Willmar; and

Whereas an agreement has been prepared to retain the Humane Society 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 15th day of March, 2004.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 7 The Committee considered a request received by the Fire Department from Monson Excavating (a subcontractor of Duininck Brothers) to have the Department conduct a training burn on the brick building toward the front of the former Schwanke property prior to June 1, 2004.

The Committee was recommending the Council approve the training burn as requested. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Christianson seconded the motion, which carried.

Item No. 8 The Committee considered a request from staff to submit an application for the 2004 FEMA Fire Service Grant. If received, the grant monies will be used to purchase 20 handheld radios, 45 pagers and 40 hours of training for all firefighters in the use of fire equipment. The grant is a 90/10 split with 90 percent coming from FEMA and a 10 percent local match, which would be provided in the 2004 operating budget of the Fire Department.

The Committee was recommending the Council approve the application for the FEMA Fire Service Grant. Resolution No. 6 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. 6

BE IT RESOLVED, by the City Council of the City of Willmar to support staff's submittal of a grant application to FEMA for the 2004 Fire Service Grant requesting financial support for purchase of fire equipment.

Dated this 15th day of March, 2004.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Public Works/Safety Committee Report for March 8, 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.

City Clerk Halliday informed the Mayor and Council that the West Central Builders Association has rented space at the Civic Center and is requesting a temporary liquor license. Following discussion, Council Member DeBlieck moved to approve of the temporary liquor license for West Central Builders Association. Council Member Anderson seconded the motion, which carried on a roll call vote of Ayes 6, Noes 1 – Council Member Chapin voted “No,” and Council Member Christianson abstained from voting.

Planning and Development Services Director Peterson informed the Mayor and Council that a new Willmar zoning map has been prepared in cooperation with Mid-Minnesota Development

Commission. The map is a compilation of all zoning changes that have occurred since the current map was adopted in 1994 and provides greater consistency with the Comprehensive Plan. Council Member Anderson offered a motion to introduce an Ordinance Amending Ordinance No. 1060 to Rezone Certain Property and to schedule a public hearing on April 5, 2004. Council Member Reese seconded the motion, which carried.

Announcements for Council Committee meeting dates were as follows: Public Works/Safety, March 23; Labor Relations, March 24; Finance, March 29; and Community Development, April 1, 2004.

Mayor Heitke briefed the Council on a recent trip to Washington D.C. to meet with the Congressional delegation to discuss funding for the new Airport Project.

Council Member Chapin requested to be excused from the April 5, 2004, City Council meeting.

Police Chief Kulset presented to the Mayor and Council the 2003 Willmar Police Departmental annual report. Following a question and answer period, the report was ordered placed on file in the City Clerk's Office.

Fire Chief Kulset presented to the Mayor and Council the 2003 Willmar Fire Departmental 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 9:13 p.m. upon motion by Council Member DeBlieck, seconded by Council Member Fagerlie, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL