

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

April 17, 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 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, 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 committee appointments and a letter from Leroy Jasmer.

The Council requested the Municipal Utilities Commission Minutes of April 1, and Community Education and Recreation Board Minutes of March 21, 2002, be removed from the Consent Agenda.

Council Member Reese offered a motion adopting the Consent Agenda which included the following: City Council Minutes of April 3, Rice Hospital Board Minutes of April 10, Building Inspection Report for March, Pioneerland Library Board Minutes of February 21, and Planning Commission Minutes of April 10, 2002. Council Member DeBlieck seconded the motion, which carried.

The Council discussed an item in the Municipal Utilities Commission Minutes regarding a request from the YMCA for consideration to waive the utility charge during the construction of the facility. Council Member Chapin encouraged the MUC to reconsider the matter. Council Member Chapin moved to approve Municipal Utilities Commission Minutes of April 1, 2002, as presented with Council Member Christianson seconding the motion, which carried.

The Council discussed an item in the Community Education and Recreation Board Minutes regarding lifeguard staffing and compensation. Council Member Dokken moved to approve the Community Education and Recreation Board Minutes of March 21, 2002, with Council Member Chapin seconding the motion, which carried.

Deb Schmitzerle representing the Kandiyohi County Tobacco Coalition and Students Working Against Tobacco students appeared before the Mayor and Council to present information on Operation O2. Operation O2 is intended to educate the general public on the health effects of second-hand smoke on children and the economic impact of health care costs. This matter was received for information only.

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 8, 2002, was presented to the Mayor and Council by Council Member Anderson. There were five items for Council consideration.

Item No. 1 Bruce Lichty, TNT Regional Coordinator, updated the Committee on the goals of the TNT (Technology and Telecommunications) organization. These goals are to insure that communities and individuals in southwest Minnesota can compete in the future world economy and that these communities remain a viable place for families to maintain a healthy and prosperous way of life. The organization has accomplished this goal in two phases. The first phase was to become organized and create a structure in which to work, and the second phase included a variety of projects.

Following discussion of Phase I, defining vision and scope, and Phase II, which developed and implemented seven specific projects of the work plan, Mr. Lichty explained that TNT is planning to implement a Phase III. Phase III is projected to begin on March 1 and run for approximately 18 months and include nine specific projects.

The estimated total project funding Phase III is \$374,000 and funding formula is as follows: communities over 10,000 in population (4), \$80,000; Communities under 10,000 in population (15), \$150,000; county participation (3), \$44,000; and SW Minnesota Foundation, \$100,000.

TNT was requesting the City of Willmar split the \$20,000 estimated amount between the Willmar Area Chamber of Commerce, KCEDP, and Kandi-Link. The Committee was recommending that the Council pass a resolution funding the \$5,000 City share from the W.R.A.C. Budget.

Resolution No. 1 was introduced by Council Member Anderson, seconded by Council Member Dokken, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 1

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to make the following changes within the WRAC-8 Fund:

Increase:	Membership	\$5,000.00
Decrease:	Fund Balance	5,000.00

Dated this 17th day of April, 2002.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 2 The Committee reviewed a request from the Executive Director of Southwest Minnesota Arts and Humanities Council (SMAHC) for a \$150 contribution to support the arts programming done in southwestern Minnesota. Following discussion, the Committee was recommending to the Council approval of a contribution of \$150 to SMAHC. Council Member Anderson moved to approve the recommendation of the Finance Committee with Council Member Reese seconding the motion, which carried.

Item No. 3 The Committee was informed that in order to facilitate the 2002 contract settled with the City Administrator, it would be necessary to transfer funds to cover additional expenses. The Committee was recommending to the Council that the City Administrator budget be increased cover salary and benefit increases for 2002.

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

RESOLUTION NO. 2

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to make the following changes within the City Administrator Department of the General Fund:

Increase:	City Administrator Personnel Services	\$7,764.00
Decrease:	Non-Departmental – General Government	7,764.00

Dated this 17th day of April, 2002.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 The Committee reviewed an estimated budget for a proposed locker room addition to the Willmar Civic Center. It was noted that no official notification of the Mighty Ducks funding had been received and this item will be discussed at a future meeting. This matter was for information only.

Item No. 5 The Committee reviewed the following reports: KAT December, and 2001 Department request reports. This matter was for information only.

The Finance Committee Report of April 8, 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 April 9, 2002, was presented to the Mayor and Council by Council Member Reese. There were nine items for Council consideration.

Item No. 1 Mike Nitchals and Jeff Kimpling of Willmar Municipal Utilities appeared before the Committee to explain the basis for withdrawing 3rd Street SE from this year's schedule of underground placement of power lines. Since it was the Council's decision not to widen 3rd Street SE, the MUC no longer emphasized the power lines be buried in conjunction with this year's street reconstruction.

The Committee discussed with staff researching the possibility of placing conduit for the road crossings in time of construction to avoid any disturbance to the new roadway. This matter was for information only.

Item No. 2 Steve Brisendine, Community Education and Recreation Director, presented the time line and other information to the Committee pertaining to the development of a skateboard park. The Council, by previous action, appropriated \$30,000 toward the project. Two options were explored. One being concrete structures and the other steel with rubberized coating. Staff recommends the steel structures as they can be moved periodically to give the park a different look. Another item staff researched was the type of park. It was recommended to go with a Tier 1 Park, which is 36" or less. The City's insurance carrier would cover this type of park.

Mr. Brisendine and Jeff Filipek, representing the YMCA, gave presentations in relation to the pros and cons of site selection. The two sites in questions were the playground area of the Washington Learning Center and the YMCA. Items discussed were supervision, fencing, and wearing of safety equipment.

The Committee was recommending to the Council placing a Tier 1 Skateboard Park at the Washington Learning Center site. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member DeBlieck seconding the motion, which carried on a roll call vote of Ayes 6, Noes 2 – Council Members Christianson and Chapin voting “No.”

Item No. 3 Staff presented to the Committee a layout of the terminal for the proposed airport and explained the room designs, which included a 60-person meeting room. The consultant is finalizing the costs for a report to the City at which time a decision needs to be made on the cost amount. This matter was for information only.

Item No. 4 The Committee considered two purchase agreements for land acquisition for the new Airport. One being for the Edward Elbert property at \$11,637.00 and the other for the Heidecker property at \$100,000.00.

The Committee was recommending to the Council approval of the purchase agreements and authorize the Mayor and City Administrator to sign on behalf of the City. 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

AUTHORIZATION TO EXECUTE PURCHASE AGREEMENTS AIRPORT LAND ACQUISITION

WHEREAS, purchase agreements have been prepared for land acquisition for the new airport; and

WHEREAS, the Federal Aviation Administration and the Minnesota Department of Transportation is offering to share in the allowable costs incurred for this purpose; and

WHEREAS, agreements have been prepared for the terms and conditions of land acquisition;

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Willmar that the Mayor and City Administrator are hereby authorized to enter into said agreements on behalf of the City.

Dated this 17th day of April, 2002.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 5 Staff informed the Committee that bids were opened on April 8, 2002, for Project No. 0201 (2002 Street and Other Improvements) and Project No. 0202 (2002 Sewer and Water Improvements.) Both projects came in under the engineer's estimate and will be brought back before the Council for award of bid in early June. This matter was for information only.

Item No. 6 Daryl Nelson of Nelson Construction appeared before the Committee to request authorization to fence off a portion of 2nd Street West for four months to store construction trailers for the Heritage Bank addition. Staff concerns included leaving access to the building on the west by keeping one stall open, repairing any sidewalk damage, and fencing exterior of the trailers. The Committee was recommending to the Council approval of the closure subject to final site approval of Public Works and Safety personnel. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Christianson seconding the motion, which carried.

Item No. 7 The Committee considered a request from staff to terminate an agreement that took effect in 1987 relating to joint use of Willmar hazardous material equipment and personnel. Since that time there has been changes in the State Fire Marshal office that established Chemical Assessment Teams, Emergency Response Teams, and the Kandiyohi County HEAT Team. The Fire Department continues providing hazardous material assistance through the County Fire Chiefs Mutual Aid agreement.

The Committee was recommending to the Council to approve the termination of the joint powers agreement with Kandiyohi County and the City of Willmar as presented by staff. 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 Willmar City Council that the June 4, 1987, agreement between the City of Willmar and Kandiyohi County relating to joint use of Willmar hazardous material equipment and personnel is hereby terminated.

Dated this 17th day of April, 2002.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 8 The Committee considered a request by staff to utilize the structure at 914 Campbell Avenue NW beginning April 11, through June 1, 2002, for firefighter training. The structure is owned by Perkins Lumber and will not be burned following completion of training. The Committee was recommending to the Council to approve use of the structure for firefighter training. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Christianson seconding the motion, which carried.

Item No. 9 The Committee considered a request of staff to utilize the structure at 1005 Campbell Avenue NW beginning April 11, through June 1, 2002 for firefighter training. Perkins Lumber owns the structure and the structure will be burned after completion of the training. All the necessary permits have been obtained. The Committee was recommending to the Council to

approve the request to utilize the structure for firefighter training and live burn training by the fire department. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Christianson seconding the motion, which carried.

The Public Works/Safety Committee Report of April 9, 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 Christianson, and carried.

The Community Development Committee Report of April 11, 2002, was presented to the Mayor and Council by Council Member DeBlieck. There were seven items for Council consideration.

Item No. 1 The Committee discussed meetings conducted with District 8 Department of Transportation staff and Willmar Regional Treatment Center staff relative to the possibility for trail development on property between Eagle Creek Golf Course, Swan Lake, and Highway 71. Neither party indicated any problem with the future development of the property for trails and passive recreation. It was noted that TEA-21 Funds could be available in 2006 for trail development. This matter was for information only.

Item No. 2 Darren Ray, racing promoter, appeared before the Committee to discuss motorcycle and ATV racing at the fairgrounds. Mr. Ray was seeking permission to conduct at least one race date in the summer 2002 racing season. Information contrasting WISSOTA noise regulations with AMA noise regulations was discussed. Mr. Ray requested that a specific motorcycle/ATV racing date be allowed for June 15, 2002.

Staff was directed to contact the City of New Ulm to learn if there were noise complaints when this group raced there last year. Rollie Boll, from the Fair Board, said that the Fair Board had some concerns, but wants more use of the track. However, they don't want to sacrifice auto racing for motorcycle racing.

The Committee took no action and the matter and Mr. Ray was asked to attend the April 17, 2002 City Council meeting.

Michelle Schwitters, CVB, and Darren Ray appeared before the Mayor and Council to present additional information regarding motorcycle and ATV racing at the fairgrounds. Mr. Ray indicated the motorized vehicles would be muffled. Mr. Boll shared thoughts of the Kandiyohi County Fairboard to add more activity at the fairgrounds.

Mayor Heitke called for a recess at 8:30 p.m. to go outside to review four-wheelers and reconvened the meeting at 8:39 p.m. Council Members testified as to the inability to enjoy the use of neighborhood backyards during motorized entertainment events. Others testified as to the economic benefits of drawing visitors to town for the events and suggested one event should be authorized and to review the noise concerns before granting approval of any other events. Council Member Reese moved to approve the request to conduct one motorcycle/ATV race at the fairgrounds on June 15, 2002. Council Member Houlahan seconded the motion, which carried on a roll call vote of Ayes 5, Noes 3 – Council Members Anderson, Dokken and DeBlieck voted "No."

Item No. 3 As a follow up to the previous Committee meeting, City Clerk Halliday presented a third option for ward redistricting, Option C. This new proposal is similar to Option A, except the "bubbles" in Voss Park and Sperryville would be eliminated, thus keeping more consistency to the existing wards. Following discussion, Council Member DeBlieck offered a motion to introduce an Ordinance Amending Municipal Code Article IV Sec. 2-147 Through 2-150

Establishing Boundaries for Wards and Precinct, adopting proposal C, and to schedule a hearing on May 1, 2002. Council Member Dokken seconded the motion, which carried.

Item No. 4 The Committee reviewed a code mandate to require permits for window replacement and residing. The Committee discussed the need for the permits and time frame for compliance and waiting for the State to force compliance.

No action was taken at this time and staff was asked to find out what other communities are doing, as well as to determine if the City's re-roofing permit was also mandatory under the code. This matter was for information only.

Item No. 5 The Committee discussed the establishment of a separate permit for mechanical systems, both residential and commercial/industrial. Following discussion, staff was directed to gather additional information and report back to Committee at a future meeting. This matter was for information only.

Item No. 6 Staff informed the Committee that the City had been notified that it had been certified by the Minnesota Department of Trade and Economic Development as E-Commerce Ready. MnDETD will appear at a future Council meeting to present the certificate to the Council. This matter was for information only.

Item No. 7 The Committee received updates on the following: new Building Inspector; residential and commercial/industrial construction projects; technical assistance by staff to assist a foreign business person in establishing a manufacturing relationship with a Willmar manufacturer; and the air cargo/freight distribution center project. This matter was for information only.

The Community Development Committee Report of April 11, 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.

City Clerk Halliday presented to the Mayor and Council for consideration the following liquor establishments requesting renewal of current liquor licenses: On-sale – El Tequila Mexican Restaurant and SRV Bar & Grill; and On-sale 3.2 Malt Liquor – Valley Golf of Willmar. Council Member Reese moved to approve the licenses as presented with Council Member Fagerlie seconding the motion, which carried.

Planning and Development Services Director Peterson informed the Mayor and Council that Larry Rice has filed a petition for the vacation of a drainage easement encumbering Lot 4, Block 1, MKR Addition. It was noted surface water drainage has been re-routed and the easement is no longer needed. The Planning Commission recommending the vacation as proposed. Following discussion, 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

BE IT RESOLVED by the City Council of the City of Willmar that the Council conduct a public hearing at 7:05 p.m. on Wednesday, May 1, 2002, in the Council Chambers at the Municipal Utilities Commission Building, 700 SW Litchfield Avenue, Willmar, Minnesota.

BE IT FURTHER RESOLVED that the purpose of the hearing will be to consider a petition submitted by Larry Rice for the vacation of a drainage easement more particularly described as:

A 20-foot drainage easement bisecting Lot 4, Block 1, in the plat of MKR Addition in a north-south direction.

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.

SECRETARY TO THE COUNCIL