

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

February 21, 2006  
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, Rick Fagerlie, Jim Dokken, and Steven Gardner; Present 8, Absent 1 – Council Member Cindy Swenson.

Also present were City Administrator Michael Schmit, Police Chief Jim Kulset, Fire Chief Marv Calvin, Public Works Director Mel Odens, Planning and Development Services Director Bruce Peterson, and Administrative Assistant Audrey Peterson.

Council Member Reese offered a motion adopting the Consent Agenda which included the following: City Council Minutes of February 6, Rice Hospital Board Minutes of February 1, Municipal Utilities Commission Minutes of February 13, Planning Commission Minutes of February 8, Housing and Redevelopment Authority Board Minutes of January 10, 2006, and Pioneerland Library Board Minutes of November 17, and Willmar Police Commission Minutes of December 19, 2005. Council Member DeBlieck seconded the motion, which carried.

Mayor Heitke recognized Lance Cpl. Jesse Ortega, a Marine from Willmar who was injured last year in Iraq. Cpl. Ortega recounted the events associated with an injury he received while on foot patrol and thanked his family and community for their support. Phillis DeBlieck and Sharon Skaro, representing the Blue Star Mothers, presented a blanket with a Purple Heart to Lance Cpl. Ortega. Mayor Heitke and the Council expressed their appreciation for his service and dedication.

At 7:17 p.m. Mayor Heitke opened the 2006 street and other improvements hearing. City Administrator Schmit explained the purpose of the hearing is to review and explain the proposed improvements and estimated cost and to obtain input from interested parties. Public Works Director Odens provided details of the proposed improvements which include reconstruction, new construction, overlay, underground utility work, street lighting, and miscellaneous projects. Staff informed the Council that Lakeland Drive Southeast has been removed from the project due to a commitment from Kandiyohi County to include those improvements in the Willmar Avenue interchange project. Several individuals addressed the proposed reconstruction on 20<sup>th</sup>, 21<sup>st</sup> and 25<sup>th</sup> Avenues Southwest and Olena Avenue Southeast. Mayor Heitke read a letter received from Carol Foshaug regarding 20<sup>th</sup> Avenue Southwest. Council Member Swenson arrived at the meeting at 7:35 p.m. Upon hearing all those who wished to be heard, Mayor Heitke closed the hearing at 8:15 p.m.

The Council discussed at length the issues of flooding, contractor restrictions on certain streets and future development in southwest Willmar. Resolution No. 1 was introduced by Council Member Reese, seconded by Council Member Gardner, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0. Council Member Swenson abstained from voting.

RESOLUTION NO. 1

ORDERING 2006 STREET AND OTHER IMPROVEMENTS  
(AND DIRECTING PREPARATION OF FINAL PLANS AND SPECIFICATIONS)

WHEREAS, after due Notice of Public Hearing on the construction of street and other improvements for the City of Willmar, Minnesota, hearing on said improvements was duly held and the Council heard all persons desiring to be heard on the matter and fully considered the same.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, as follows:

1. It is advisable, expedient, and necessary that said improvements as described in the Notice of Hearing thereon be constructed, and the same are hereby ordered made.
2. The improvements described in said Notice of Hearing are hereby designated and shall be known as 2006 Street and Other Improvements.
3. The City's Engineer is hereby directed to prepare final plans and specifications for said improvements.
4. The City Council shall let the contract for all or part of the work for said improvements or order all or part of the work done by day labor or otherwise as authorized by Minnesota Statutes, Section 429.041, Subdivision 2, within one year of the date of this resolution ordering said improvements.

Dated this 21<sup>st</sup> day of February, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Michael Schmit  
Attest: CITY ADMINISTRATOR

At 8:26 p.m. Mayor Heitke opened a hearing on an Ordinance Amending Sections 2, 3 and 5 of the Rate Schedule for Users of the City of Willmar Waste Treatment Plant. City Administrator Schmit informed the Mayor and Council the 6.35 percent rate increase is part of the long-range financing plan implemented in 2000 for the new Wastewater Treatment Plant. There being no one to speak for or against the Ordinance, Mayor Heitke closed the hearing at 8:29 p.m.

Council Member Reese offered a motion to adopt, assign a number, and order final publication of the Ordinance Amending Sections 2, 3 and 5 of the Rate Schedule for Users of the City of Willmar Waste Treatment Plant. Council Member Christianson seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

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

Mayor Heitke called for a recess at 8:30 p.m. and reconvened the meeting at 8:40 p.m.

The Finance Committee Report for February 13, 2006, was presented to the Mayor and Council by Council Member Anderson. There were four items for Council consideration.

Item No. 1 Finance Director Okins presented to the Committee a preliminary report explaining the increase in Waste Treatment revenue as it related to both the rate increases and water consumption. A final report will be presented at the next regularly scheduled Finance Committee meeting. This matter was for information only.

Item No. 2 Fire Chief Calvin presented to the Committee a comprehensive review of the Willmar Firefighters Association current pension contribution agreement which runs through 2008 and comparative pension data collected from like size cities. Following review of the current agreement which calls for a \$10,000 per year contribution, a consensus was reached to leave the arrangement status quo. This matter was for information only.

Item No. 3 Community Education and Recreation Director Brisendine presented to the Committee a review of the feasibility study of moving the senior dining meal site from the VFW to the Willmar Area Senior Citizen's Community Center. He noted that options one and two of the study required capital investment at the Senior Center to accommodate the meal site.

Brian Gislason, representing the VFW, stated the VFW was happy to have the seniors at their facility and the shortfall in program funding for the facility is absorbed as a community service. Newly-elected Vice President of the Senior Citizen's Club, Paul Jensen, talked about the convenience of the VFW location and that the Senior Club wants the arrangement to remain status quo.

Following discussion, a consensus was reached to maintain the senior dining arrangement as it currently exists and direct staff to draft a site layout to better understand the property and its potential uses. This matter was for information only.

Item No. 4 City Clerk Halliday presented to the Committee a proposal for commercial hangar rent at the new airport which was equal to the recently adopted small business/individual rental rates. Mr. Halliday stated the taxi lane pavement for the commercial hangars on the ramp is similar to lanes leading to other hangars and that the large size commercial hangars generate significantly more personal property taxes.

The Committee was recommending the Council approve the proposed commercial hangar rates as presented. Council Member Anderson moved to approve the recommendation of the Finance Committee with Council Member Fagerlie seconding the motion, which carried.

Following discussion of the status of the Airport Commission, Mayor Heitke directed that the matter be referred to the Public Works/Safety Committee and staff to review the future role of the Airport Commission following completion of development and construction activity.

The Finance Committee Report for February 13, 2006, 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 Dokken, and carried.

The Public Works/Safety Committee Report for February 14, 2006, was presented to the Mayor and Council by Council Member Reese. There were five items for Council consideration.

Item No. 1 Staff presented to the Committee for consideration two change orders with Everstrong Construction. Change Order No. 1 for the terminal building is in the amount of \$5,380.60 and includes four items of additional work: 1) removal and replacement of unstable soil below the foundation, 2) additional cement admixture waterproofing for the rock face concrete and

exterior mortar, 3) stud framing to conceal structural cross bracing, and 4) stud framing at northwest corner of the roof overhang to enclose structural framing members.

Change Order No. 1 for the FBO building in the amount of \$1,296.73 includes seven items with increases and decreases to the contract price. The first two items have previously been approved by the City Council in November, 2005, in the amount of \$5,325.63. The total for the two change orders is \$6,677.33 with \$1,351.70 remaining to be approved. Funding for the additional work is available in the contingency project budget.

The Committee was recommending the Council approve Change Order No. 1 for the Terminal Building and Change Order No. 1 for the FBO building as presented. Resolution No. 2 was introduced by Council Member Reese, seconded by Council Member Swenson, 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 Everstrong Construction of Redwood Falls, Minnesota, on April 4, 2005, in the amount of \$1,673,958.00 for construction of the Airport Terminal and FBO Hangar Buildings at the new airport; and

WHEREAS, it is desired to add additional work to the above contract for both buildings noted as Change Order No. 1 for each.

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 \$6,677.33 and identified as Change Order No. 1 to each building.
2. Funding for the additional work is from the project budget.

Dated this 21<sup>st</sup> day of February, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Michael Schmit  
Attest: CITY ADMINISTRATOR

Item No. 2 The Committee reviewed a summary of activities for the Wastewater Treatment Plant Relocation Project for the month of January, 2006. The alternatives' analysis portion of the planning phase is underway with evaluations being reviewed for a cost-effective Facilities Plan recommendation. The final step in the planning process is the development of the Facilities Plan to be approved by the MPCA. The Facilities Plan is scheduled for completion and submittal to MPCA by April 2006. This matter was for information only.

Item No. 3 The Committee reviewed a mailing for the stakeholder meeting for the Wastewater Treatment Plant Relocation. The meeting is scheduled for February 23, 2006 at 7:00 p.m. at the Council Chambers of the Municipal Utilities Building. This matter was for information only.

Item No. 4 The Committee considered a request from the Police Department to participate in an Identification Based Information System with the Minnesota Bureau of Criminal

Apprehension (BCA). This two-finger identification system allows law enforcement to rapidly identify an individual using the two index fingerprints. If the individual has a criminal history, the system can identify them within approximately three minutes. The Department would receive one remote unit for the term of one year. After that term the City would decide whether or not to commit to paying for the maintenance and any cellular airtime.

The Committee was recommending the Council approve an agreement with the State of Minnesota for the Remote Data Terminal and authorize the Mayor and City Administrator to sign on behalf of the City. Resolution No. 3 was introduced by Council Member Reese, read by Mayor Heitke, seconded by Council Member Swenson, and carried on a roll call vote of Ayes 8, Noes 0.

### RESOLUTION NO. 3

WHEREAS the Willmar Police Department has requested permission to participate in an Identification Based Information System with the Minnesota Bureau of Criminal Apprehension;

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 an agreement with the State of Minnesota for the Remote Data Terminal.

Dated this 21<sup>st</sup> day of February, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Michael Schmit  
Attest: CITY ADMINISTRATOR

Item No. 5 The Committee considered a request from staff to apply for two grants through the Department of Natural Resources' Trail Grant Program. The first grant is the Local Trails Connections Grant program in the amount of \$85,000 to match the City's local \$100,000 share available from the local option sales tax dollars. These monies would go toward developing the interconnectedness with existing trails in the community. The second is a Regional Trail Grant for \$100,000 with match also from local option sales tax dollars to create a rest stop/restroom facility at the local trailhead that is the beginning of the Glacial Lakes Trail. In addition the City would utilize some of these dollars to enhance connection to this trail around the Civic Center property.

The Committee was recommending the Council authorize staff to apply for the two grants sharing in costs to construct the outdoor bathroom facility. Resolution No. 4 was introduced by Council Member Reese, seconded by Council Member Swenson, 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 to approve of two grant applications through the Minnesota Department of Natural Resources. The monies from the grants will be used to develop interconnectedness with existing trails in the community and to create a rest stop/restroom facility at the Glacial Lakes trailhead.

Dated this 21<sup>st</sup> day of February, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Michael Schmit  
Attest: CITY ADMINISTRATOR

The Council discussed the City of Rochester's "City of Fitness Program" and directed staff to get information on the program.

The Public Works/Safety Committee Report for February 14, 2006, 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 Labor Relations Committee Report for February 15, 2006, was presented to the Mayor and Council by Council Member Fagerlie. There were four items for Council consideration.

Item No. 1 The Committee closed the meeting to discuss Rice Hospital contract negotiations. Council Member DeBlieck excused himself from the Committee due to an apparent conflict of interest and Council Member Dokken filled his position. The meeting was reopened. This matter was for information only.

Item No. 2 The Committee considered a grievance filed by LELS on behalf of a recently retired Police Officer who was claiming the City miscalculated payments of unused vacation and sick leave. At issue was the interpretation of language in Article 9.7 of the LELS employment contract regarding the payout of accumulated sick leave earnings when employees opt to leave those funds with the City to cover health insurance premium costs. The second issue pertained to the question of whether longevity pay should be used to calculate the payment of unused vacation pay. In the case of both sick leave and vacation, the City has historically used the regular base pay hourly rate in effect at the time of the employee's retirement to determine any payout amounts.

Mr. Frank Madden and Mr. Dean Mann represented the City and LELS positions respectively. Following discussion, it was the consensus of the Committee to deny the grievance in its entirety. This matter was for information only.

Item No. 3 The Committee considered a grievance filed by AFSCME Local 559 – General Unit on behalf of a member contesting the severity of a disciplinary action. The Grievant had been suspended for two weeks without pay for violation of the City's Personnel Policy governing employee conduct and disciplinary offenses.

The City's interests were represented by Mr. Frank Madden. The Grievant and AFSCME Local 559 – General Unit were represented by Mr. Jon Anderson. Following discussion, it was the consensus of the Committee to deny the grievance in its entirety. This matter was for information only.

Item No. 4 City Administrator Schmit presented to the Committee a proposal to upgrade Mr. Tom Rosemier's position classification of Building Inspection Technician to that of Building Inspector. It was explained that Mr. Rosemier has received his Building Official Certification and the proposal is intended to curtail turnover in the Building Inspection Department. It was noted that

the four previous Technicians had all been recruited and left for Building Official positions after attaining their Building Official Certification. Staff contended the City would be better served and more competitive with other local jurisdictions if these adjustments were made.

Following discussion, the Committee was recommending to the Council that Mr. Rosemier's position classification be upgraded to Building Inspector, Range 7, and that he be placed at Step 6 of the salary schedule. Council Member Fagerlie moved to approve the recommendation of the Labor Relations Committee with Council Member Gardner seconding the motion, which carried. Council Member Christianson abstained from voting.

The Labor Relations Committee Report for February 15, 2006, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Fagerlie, seconded by Council Member Gardner, and carried.

Planning and Development Services Director Peterson informed the Mayor and Council that the City is initiating the rezoning of the MinnWest campus property from G (Government/Institutional) to T (Technology) for technology businesses. It was noted the Planning Commission has approved the rezoning. Council Member Christianson offered a motion to introduce an Ordinance Amending Municipal Ordinance No. 1060, the Willmar Zoning Ordinance, and schedule a hearing for March 6, 2006. Council Member Dokken seconded the motion, which carried.

Announcements for Council Committee meeting dates were as follows: Public Works/Safety, 4:45 p.m., February 28, 2006.

There being no further business to come before the Council, the meeting adjourned at 9:27 p.m. upon motion by Council Member Reese, seconded by Council Member Gardner, and carried.

Attest:

\_\_\_\_\_  
MAYOR

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