

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

March 1, 2000  
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 Denis Anderson, Ron Christianson, Bruce DeBlieck, Douglas Reese, Nancy Houlahan, Jim Dokken, and Rick Fagerlie; Present 8, Absent 1 - Council Member Verna Kelly was excused from the meeting.

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

The City Council Minutes of February 16, 2000, were removed from the Consent Agenda.

Council Member Reese offered a motion adopting the Consent Agenda, which included the following: Municipal Utilities Commission Minutes of February 14, and Planning Commission Minutes of February 23, 2000. Council Member DeBlieck seconded the motion, which carried.

The City Council Minutes of February 16, 2000, were amended to reflect the correct vote on Resolution No. 2, which should read Ayes 6, Noes 2 - Council Members Dokken and Christianson voted "No." The Minutes as amended were approved on a motion by Council Member Christianson, seconded by Council Member DeBlieck and carried.

Mayor Heitke recognized a City employee retiring after 32 years of public service. The Mayor acknowledged Jim Anderson, Public Works Department, thanking him and extending congratulations.

At 7:08 p.m. Mayor Heitke opened a hearing on the 2000 Street and Other Improvements Project. Public Works Director Odens presented to the Mayor and Council the proposed improvements and estimated cost of the reconstruction and new construction areas. The total costs of the improvements are estimated at \$1,678,000. The proposed areas of construction were discussed one street at a time. Several citizens voiced opposition to the 9<sup>th</sup> Street Southwest proposal of constructing a new street from 19<sup>th</sup> Avenue to Richland Avenue Southwest. One citizen voiced concern for the wetlands in the area of the Lake North Development. It was further noted Lakeland Broadcasting requested that a sanitary sewer extension be added to the improvement projects, and the State of Minnesota requested to delete the proposed bypass ramps for future inclusion in a MnDOT project. Upon hearing all those who wished to be heard, Mayor Heitke closed the hearing at 8:15 p.m.

Council Member Christianson offered a motion to delete 9<sup>th</sup> Street Southwest from the project. Council Member Dokken seconded the motion, which carried on a roll call vote of Ayes 4, Noes 3 - Council Members Reese, Houlahan and Anderson voted "No."

Resolution No. 1, which included the removal of 9<sup>th</sup> Street Southwest and bypass ramps and the addition of a sanitary sewer extension - CSAH 41 (Lakeland Broadcasting), 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. 1**

ORDERING 2000 STREET AND OTHER IMPROVEMENTS

(AND DIRECTING PREPARATION OF FINAL PLANS AND SPECIFICATIONS)  
FOR PROJECT NO. 0001

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 Project No. 0001 (Street and Other Improvements of 2000).

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 1<sup>st</sup> day of March, 2000.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

At 8:36 p.m. Mayor Heitke opened a hearing on an Ordinance Allowing Background Checks on Managers and Tenants of Rental Housing. Police Chief Kulset presented to the Mayor and Council details of the Ordinance, which would allow the Police Department to conduct local background checks on managers and tenants of rental housing. It was noted these checks would be used by property owners/managers who participate in the Police Department's Crime Free Multi-Housing Program. Diane Vlach was present and questioned the name of the Ordinance, indicating the words "Crime Free" could be a liability issue. It was noted that the wording came directly from State Statutes. Upon hearing all those who wished to be heard, Mayor Heitke closed the hearing at 8:37 p.m.

Council Member Reese offered a motion to adopt, assign a number, and order final publication of the Ordinance Allowing Background Checks on Managers and Tenants of Rental Housing. Council Member Fagerlie seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

At 8:40 p.m. Mayor Heitke opened a hearing on an Ordinance Amending Municipal Code Section 7-31(6) Concerning Fair Housing. Police Chief Kulset presented to the Mayor and Council details of the ordinance, which will allow property owners and managers to ask for information that the Criminal Justice Information System requires in order to run criminal background checks on potential managers or tenants. There being no one to speak for or against the proposed Ordinance, Mayor Heitke closed the hearing at 8:44 p.m.

Council Member DeBlieck offered a motion to adopt, assign a number, and order final publication of the Ordinance Amending Municipal Code Section 7-31(6) Concerning Fair Housing. Council Member Christianson seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

At 8:45 p.m. Mayor Heitke opened a hearing on an Ordinance Amending Willmar

Municipal Code Sections 6.58, 6.59, and 6.60 Concerning the Willmar Fire Department. City Administrator Schmit informed the Mayor and Council the amendment was necessary as a result of organizational changes made to the Fire Department in 1999. There being no one present to speak for or against the proposed Ordinance, Mayor Heitke closed the hearing at 8:46 p.m.

Council Member Reese offered a motion to adopt, assign a number, and order final publication of an Ordinance Amending Willmar Municipal Code Sections 6.58, 6.59, and 6.60 Concerning the Willmar Fire Department. Council Member DeBlieck seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Steve Roe, Chair of KandiLink, appeared before the Mayor and Council to provide an update on telecommunication issues in southwestern Minnesota. Mr. Roe reported on the technical advances in telecommunications, but voiced concern with the shortage of digital switching capacity in the Willmar area. The U. S. West transfer to Citizens Communication has been deferred until 2001. The KandiLink activities report included the following concerns/issues: increasing occurrences of delayed dial tone, lack of redundant/self healing long distance service to Willmar, all long distance traffic carried on "single pipe" routed to St. Cloud, lack of local US West management, e-Commerce revolution is inundating existing telephone infrastructure, concerns that a local Internet service provider is out of outbound capacity and cannot accept new customers, and telephone rates may be overrated as an issue. Mr. Roe spoke against a portion of the Ventura administration's telecommunications plan proposal because it mandates state control of local access and would take WRAC-8 out of the City's control. Mayor Heitke thanked Mr. Roe for the presentation, and this matter was for information only.

The Public Works/Safety Committee Report of February 22, 2000, was presented to the Mayor and Council by Council Member Reese. There were seven items for Council consideration.

Item No. 1 Mike Nitchals, Municipal Utilities General Manager, addressed the Committee concerning a 1990 Service Territory Agreement between the MUC and Kandiyohi Cooperative concerning electric service to the Willmar Regional Treatment Center (WRTC). The term of the agreement is 20 years. It was the MUC's understanding of the agreement that after ten years the WRTC's electric service would be transferred to the them. Upon request of the transfer, the MUC received correspondence from the Cooperative asking for approximately \$243,000 for facilities and loss of revenue. The MUC felt the two entities should work together to find a mutually acceptable solution. It was the consensus of both entities to transfer service of the WRTC to Allied Power. The MUC felt the City Council should be made aware of the solution and they will be acting on it at a February 28, 2000, meeting. This matter was for information only.

Item No. 2 Kevin Madsen, Arena Manager, informed the Committee on the status of the Civic Center Rink Floor Project. Last fall staff initiated a request for proposals from six qualified consulting engineers and received proposals from four firms. The proposals are for the design phase to replace the rink floor in the year 2001. The engineering services would need to be completed by this fall and bids taken to allow floor removal starting in May and completed after the Sonshine Festival. In August and September the piping would be completed and the floor poured allowing two months to cure prior to ice time.

The Committee was recommending to the Council to accept the proposal and authorize the Mayor and City Administrator to enter into an agreement with ACC Architects, and approve the budget as presented. Resolution No. 2 was introduced by Council Member Reese, seconded by Council Member DeBlieck, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 2

CIVIC CENTER RINK FLOOR  
PRELIMINARY BUDGET  
ESTIMATED TOTAL COST \$25,000  
\*Budget Amounts are Essential

PERSONNEL SERVICES:  
 Salaries Reg. Employees \$0.00  
 Overtime Reg. Employees 0.00  
 Salaries Temp. Employees 0.00  
 Employer Pension Contr. 0.00  
 Total: \$0.00

RECEIVABLES:  
 Property Owners \$0.00  
 County 0.00  
 State 0.00  
 City - PIR Fund\* \$25,000.00  
 Total: \$25,000.00

SUPPLIES:  
 Office Supplies \$ 200.00  
 Motor Fuels & Lubricants 500.00  
 Postage 300.00  
 General Supplies 0.00  
 Total: \$ 1,000.00

FINANCING:  
 Bonds  
 State  
 City - PIR Fund\* \$25,000.00  
 Total: \$25,000.00

OTHER SERVICES:  
 Printing & Publishing \$ 500.00  
 Travel-Conf-Schools 500.00  
 Mtce. of Other Impr.(Cntrt) 19,250.00  
 Other Services 0.00  
 Total \$ 20,250.00

\*The Public Improvement Revolving (PIR) Fund to be reimbursed through future operating budgets.

OTHER CHARGES:  
 Insurance & Bonds \$ 0.00  
 Professional Services 0.00  
 Advertising 100.00  
 Adm. OH (Transfer) 3,650.00  
 Total: \$ 3,750.00

GRAND TOTAL: \$ 25,000.00

WHEREAS, the City of Willmar desires to retain a consultant to provide professional engineering services to design a rink floor for the Civic Center, City of Willmar;

WHEREAS, a proposal has been made by, and an agreement prepared to retain the firm of ACC architects for a not-to-exceed figure of \$19,250 plus reimbursable costs as requested by the City 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 it.

BE IT FURTHER RESOLVED that funding for said services be from P.I.R. Funds.

Dated this 1<sup>st</sup> day of March, 2000.

/s/ Lester Heitke  
 MAYOR

/s/ Kevin Halliday  
 Attest: CITY CLERK

Item No. 3 The Committee discussed issues related to snowmobiles and ordinance violations within the City limits. The Police Department has received a total of 39 calls for service over the past two winters in relation to driving across sidewalks and/or private property. It was noted that the City cannot ban snowmobiles as the State Statutes don't allow it. Staff informed the Committee that ordinances from various cities were obtained and basically were no different than Willmar. Gary Oleski of 1804 SE 7<sup>th</sup> Avenue, expressed his concerns to the Committee suggesting additional means of identification to allow for easier enforcement. It was noted this is also governed by the State. This matter was for information only.

Item No. 4 Staff presented the final payment request to Juul Contracting for sewer and water main installation completed in the summer of 1999. The

project was completed within budget. The Committee was recommending to the Council approval of the project and authorize final payment.

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

RESOLUTION NO. 3

ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

PROJECT NUMBER: 9902  
IMPROVEMENT: Sewer and Water Main

CONTRACTOR: Juul Contracting. Inc.  
DATE OF CONTRACT: April 12, 1999  
BEGIN WORK: April 19, 1999  
COMPLETE WORK: May 26, 1999  
APPROVE, CITY ENGINEER: February 22, 2000

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

1. The said Project No. 9902 be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$78,441.50
Change Orders (None)	\$0.00
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$78,441.50
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$76,820.28
Less Previous Payments (Estimate Nos. 1 and 2)	\$72,702.27
FINAL PAYMENT DUE CONTRACTOR:	\$4,118.01

Dated this 1<sup>st</sup> day of March, 2000.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 5 The Committee considered a request from Experimental Aircraft Association to use the facilities at the Willmar Municipal Airport for its Third Annual Air Show. The Committee was recommending to the Council to approve use of the facilities at the Airport for the fall Air Show and advise the Airport Commission. 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. 6 The Committee discussed amending the nuisance ordinance to specifically address barking dogs. The City Attorney informed staff there is nothing in the present ordinance that deals with the issue. Amending the nuisance ordinance would eliminate any problems of enforcement and court proceedings. The Committee agreed the City Attorney should be directed to amend the ordinance and bring it back for review. This matter was for information only.

Item No. 7 Staff informed the Committee of an upcoming meeting with the Area Transportation Improvement Program. This meeting will have potential impacts on the City's street improvement program and whether or not the City needs to proceed with the construction of the three bypass exit ramps. This matter was for information only.

The Public Works/Safety Committee Report of February 22, 2000, 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 Fagerlie, and carried.

Planning and Development Services Director Peterson presented to the Mayor and Council a plat for Ted's Terrace, a one-lot plat, which reflects the combining of platted and unplatted lands. It was noted the Planning Commission approved the plat with the addition of a six-foot utility easement along the west lot line. Council Member DeBlieck moved to approve the plat of Ted's Terrace with Council Member Anderson seconding the motion, which carried.

Planning and Development Service Director Peterson presented to the Mayor and Council a proposed Ordinance to Rezone Certain Lands from R-3 to R-4. It was noted the Planning Commission recommends the former Kindlehope site be rezoned to allow medium-density multi-family housing. Council Member Reese offered a motion to introduce the Ordinance to Rezone Certain Lands from R-3 to R-4 and to schedule a public hearing for March 15, 2000. Council Member Houlahan seconded the motion, which carried.

Mayor Heitke called for a recess at 9:19 p.m. and reconvened the meeting at 9:27 p.m.

Announcements for Council Committee meeting dates were as follows: Finance, March 6; Public Works/Safety, March 7; and Labor Relations, March 22, 2000.

At this time City Clerk-Treasurer Halliday presented to the Mayor and Council the 1999 City Clerk-Treasurer Annual Report. Following a brief 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 9:46 p.m. upon motion by Council Member Christianson, seconded by Council Member Anderson, and carried.

Attest:

\_\_\_\_\_  
MAYOR

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