

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

March 15, 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 Verna Kelly, Denis Anderson, Ron Christianson, Bruce DeBlieck, Douglas Reese, Nancy Houlahan, Jim Dokken, and Rick Fagerlie; Present 9, Absent 0.

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.

Additions to the Agenda included an amendment to the 2000 street project and a census report.

The Municipal Utilities Commission and Airport Commission Minutes were removed from the Consent Agenda.

Council Member Kelly offered a motion adopting the Consent Agenda, which included the following: City Council Minutes of March 1, Rice Hospital Minutes of March 8, Building Inspection Report for February, Pioneerland Library Board Minutes of January 20, and Planning Commission Minutes of March 8, 2000. Council Member DeBlieck seconded the motion, which carried.

Council Member Christianson requested additional details regarding Resolution No. 12 in the Municipal Utilities Commission Minutes of February 28, 2000, whereby the Commission was invited by Allied Power Board of Governors to participate in a telecommunications venture with En-Tel Communications, LLC. Municipal Utilities General Manager Mike Nitchals provided details of En-Tel's intentions of providing telecommunication services in Willmar including voice, high-speed data and related services. Allied Power needed to make a \$650,000 financial commitment to become a full equity member, and the MUC voted to capitalize Allied Power in the amount of \$325,000.

Steve, Roe, Chairman of KandiLink, spoke in favor of taking steps to improve telecommunications in this area. This matter was for information only. The Municipal Utilities Commission Minutes of February 28, 2000, were approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Christianson, seconded by Council Member DeBlieck, and carried.

Council Member Dokken requested additional information regarding management issues in of the Airport Commission Minutes. Following clarification, the Airport Commission Minutes of March 7, 2000, were accepted as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Dokken with Council Member Kelly seconding the motion, which carried.

At 7:13 p.m. Mayor Heitke opened a hearing on an Ordinance Amending Ordinance No. 1060 to Rezone Certain Property. Planning and Development Director Peterson presented details of the request by developers that the former Kindelhope site be rezoned from R-3 to R-4 to allow medium-density multi-family housing. It was noted the Planning Commission has considered the matter and recommends the site be rezoned. Several citizens appeared before the Mayor and Council voicing opposition to this rezoning based on a potential housing project that could cause traffic congestion at the 7th Street and Willmar Avenue intersection, cause rainwater concerns plus add to the high vacancy rate in rental property. Upon hearing all those who wished to be heard, Mayor Heitke closed the hearing at 7:31 p.m.

Following discussion, Council Member Kelly 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 Reese seconded the motion, which carried on a roll call vote of Ayes 5, Noes 3 - Council Members Christianson, Dokken and Fagerlie voted "No."

Mayor Heitke recognized Jeff Filipek and David Juhlke who appeared before the Mayor and Council to present a status report on the YMCA. It was noted that reaction to the YMCA programs has been very positive and more programs are being developed to meet the needs of the growing community. Several partnerships and collaborate efforts have been established. The forecast is to raise capital money in 2000, begin construction of a new facility in 2001, and have a tentative opening date in the spring of 2002. Mayor Heitke thanked Mr. Filipek and Juhlke for their presentation, and the Council received the matter for information only.

The Finance Committee Report of March 6, 2000, was presented to the Mayor and Council by Council Member Kelly. There were five items for Council consideration.

ITEM NO. 1 Willmar Municipal Utilities General Manager Mike Nitchals reviewed with the Committee a memorandum that the Municipal Utilities Commission and Kandiyohi Cooperative Board received from Allied Power Board of Governors in regards to a new telecommunications proposal. The memorandum explained that Allied Power has been invited to participate in a telecommunications venture.

En-Tel Communications, LLC has invited Allied Power to become a full equity member of En-Tel, which intends to provide telecommunications services in Willmar including voice, high-speed data, and related services. En-Tel wishes to make its own formal announcement of its intentions in the near future.

Based on Allied Power's analysis, the Allied Power Board of Governors unanimously voted to accept the invitation to participate subject to four conditions as follows:

1. No asset pledge from Allied Power or its members.
2. Allied Power will be given a seat on the Board of Directors
3. Allied Power's fiber project will serve the Municipal Utilities East Substation, and to connect several Kandiyohi County office buildings remain as an outside, standalone agreement.
4. Allied Power's financial commitment of \$650,000 (\$325,000 each from Kandiyohi Power Cooperative and Willmar Municipal Utilities) be subject to approval of such members' governing board.

The first three conditions have been resolved to all the parties' satisfaction, and Allied Power's request to each governing board is to approve the capital contribution. This matter was information only.

ITEM NO. 2 Barry Darval, representing the Blue Line Club, came before the Committee to request the Council consider funding an additional \$9,153 that the Club has incurred on a sprinkler system for the new Blue Line Building. The costs were incurred due to changes made during construction, thus requiring modifications to the sprinkler system.

It was the consensus of the Committee that since the Blue Line Organization authorized the change orders, it was their responsibility to pay the additional costs. The Committee was recommending to the Council that the request be denied.

Council Member Kelly moved to approve the recommendation of the Finance Committee. Council Member Dokken seconded the motion. The Mayor invited Barry Darval to address the Council. Mr. Darval restated the Club's dilemma with the mild winter causing a much shorter season in the natural ice facility, resulting in less rental revenue. Following discussion, the motion was defeated.

Council Member DeBlieck offered a motion to approve the payment of \$9,153 for additional costs of the Blue Line Building and to refer the matter of finding a funding source to the Finance Committee. Council Member Kelly seconded the motion, which resulted in a roll call vote of Ayes 4, Noes 4 - Council Members Reese,

Houlahan, Anderson, and Dokken voted "No." Mayor Heitke cast the deciding affirmative vote.

ITEM NO. 3 Staff explained to the Committee the process used in order for the City to reimburse itself for costs incurred prior to the sale of any bonds. The law requires the governing body introduce a resolution stating its intentions to reimburse itself. The Committee was recommending that the Council introduce a resolution stating its intention to reimburse itself for any costs incurred for the Year 2000 Street Improvement Project.

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

RESOLUTION NO. 1

ESTABLISHING PROCEDURES RELATING TO COMPLIANCE
WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE

(For Resolution in its entirety, see Council Proceedings file
dated March 15, 2000, located in the City Clerk's Office)

ITEM NO. 4 The Committee reviewed additional billing from Helping Minnesota Cities for costs incurred to complete the City's Pay Equity study. The costs were for two additional meetings that were not covered under the original not-to-exceed contract. The Committee was recommending to the Council approval of said payment.

Resolution No. 2 was introduced by Council Member Kelly, seconded by Council Member Anderson, 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, a municipal corporation of the State of Minnesota, that the Mayor and City Administrator be authorized to enter into a contract addendum between the City of Willmar and Helping Minnesota Cities in the amount of \$870.00 for additional costs incurred with the Pay Equity/Compensation Study.

Dated this 15th day of March, 2000.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

ITEM NO. 5 The Committee discussed the position of a Senior Citizens Coordinator and reviewed history of the position and present situation, which has resulted in the request for additional hours. Staff was directed to discuss these items with the Senior Advisory Board and bring back a recommendation to a future Committee meeting. This matter was for information only.

The Finance Committee Report of March 6, 2000, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Kelly, seconded by Council Member Anderson, and carried.

The Public Works/Safety Committee Report of March 7, 2000, was presented to the Mayor and Council by Council Member Reese. There were four items for Council consideration.

Item No. 1 The Committee reviewed plans and specifications for the 2000 Street Project and was recommending to the Council approval of the plans and specifications for Project 00-01 and authorize the advertisement for bids to be opened April 10, 2000.

Resolution No. 3 was introduced by Council Member Reese, seconded by Council Member Kelly, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 3

WHEREAS the City Engineer of the City of Willmar has presented to the City Council plans and specifications for the 2000 Street Improvements (Project No. 0001) 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 1:30 p.m. on the 10th day of April, 2000, at the City Office Building, 333 Southwest Sixth Street, Willmar, Minnesota.

Dated this 15th day of March, 2000.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 2 The Committee considered a request for final payment to Caldwell Asphalt for the 1999 Seal Coat Project No. 9904, and was recommending to the Council that the project be accepted and authorize final payment. Resolution No. 4 was introduced by Council Member Reese, seconded by Council Member Kelly, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 4

ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

PROJECT NUMBER: 9904
IMPROVEMENT: Crack Sealing

CONTRACTOR: Caldwell Asphalt Co.
DATE OF CONTRACT: July 15, 1999
BEGIN WORK: August 19, 1999
COMPLETE WORK: August 24, 1999
APPROVE, CITY ENGINEER: October 1, 1999

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

1. The said Project No. 9904 be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$47,646.15
Change Orders (None)	\$0.00
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$47,646.15
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$47,058.88
Less Previous Payments (None)	\$0.00
FINAL PAYMENT DUE CONTRACTOR:	\$47,058.88

Dated this 15th day of March, 2000.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 The Committee reviewed costs for the City of Willmar's portion of a proposed MnDOT project for T.H. 12 past the Downtown. Staff reminded the Committee of the work being proposed and explained that the costs came in much higher than estimated. It was the consensus of the Committee that the work be completed as the water main being replaced is 105 years old and the sanitary sewer is 86 years old. The cost of this work was not included in the recently held improvement hearing for the 2000 Street Project.

To help recover a portion of the City costs and be consistent with the assessment policy, the Committee felt this work is eligible for assessments and was recommending that the Council order an improvement hearing for the T.H. 12 Downtown Bypass Project. Resolution No. 5 was introduced by Council Member Reese, seconded by Council Member Kelly, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 5

RECEIVING PRELIMINARY REPORT AND
CALLING PUBLIC HEARING ON T.H. 12 BYPASS PROJECT

WHEREAS:

1. The City Council deems it necessary and expedient that the City of Willmar, Minnesota, construct certain improvements to-wit: curb and gutter, sidewalk, sanitary sewer, and water main in the City as described in and in accordance with the preliminary plans and report prepared by the Minnesota Department of Transportation.

2. The Council has been advised by the City Engineer that said T.H. 12 Bypass Improvements contained in the Preliminary Report are feasible and should best be made as proposed, and the Minnesota Department of Transportation's report to this effect has heretofore been received by the Council, and filed with the Clerk-Treasurer; and

3. The statute provides that no such improvements shall be made until the Council shall have held a public hearing on such improvements following mailed notice and two publications thereof in the official newspaper stating time and place of the hearing, the general nature of the improvement, the estimated costs thereof and the area proposed to be assessed, in accordance with the law;

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

1. A public hearing will be held at the time and place set forth in the Notice of Hearing hereto attached to consider said proposed improvements.

2. The nature of the improvements, the estimated cost of each major portion thereof, and the areas proposed to be assessed therefore are described in the form of Notice of Hearing hereto attached (on file in the City Clerk's Office).

3. The notice of said public hearing shall be in substantially the form contained in the notice hereto attached.

4. The Clerk-Treasurer is hereby authorized and directed to cause notice of said hearing to be given two publications in the official newspaper. Said publications shall be one week apart, and at least three days shall elapse between the last publication and the hearing. Not less than ten days before the hearing the Clerk-Treasurer shall mail notice of the hearing to the owner of each

parcel of land within the area proposed to be assessed as described in the notice. For the purpose of giving such mailed notice, owners shall be those shown to be such on the records of the County Auditor or, if the tax statements in the County are mailed by the County Treasurer, on the records of the County Treasurer. As to properties not listed on the records of the County Auditor or the County Treasurer, the Clerk-Treasurer shall ascertain such ownership by any practicable means and give mailed notice to such owners.

Dated this 15th day of March, 2000.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 The Committee considered an application being submitted jointly between the Willmar Police Department and the Willmar Ambulance Service/Rice Hospital for the purpose of obtaining funds to purchase automated external defibrillators. The Committee was recommending to the Council approval of the grant application. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Kelly seconding the motion, which carried.

The Public Works/Safety Committee Report of March 7, 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 Kelly, and carried.

Planning and Development Services Director Peterson presented to the Mayor and Council for consideration a proposed professional services agreement for the consultant for the Airport project. This agreement covers the remaining phases of the project. It was noted the Airport Commission recommends that the agreement be approved. Council Member Kelly offered a motion to approve the professional services agreement with HNTB except that the agreement with the acquisition subcontractor, W.D. Schock, be exempted pending clarification; and further that the Mayor and City Administrator be authorized to execute the agreement pending final review and concurrence by the City Attorney. Council Member Christianson seconded the motion, which carried.

Planning and Development Services Director Peterson presented the Mayor and Council a preliminary plat of Valley View Court, a 31-lot plat located on Willmar's east side owned by Erickson Land Company. It was noted the Planning Commission conducted a hearing and approved the plat contingent upon the addition of utility easements. Council Member Kelly moved to approve the preliminary plat of Valley View Court subject to the addition of utility easements. Council Member Christianson seconded the motion, which carried.

City Clerk Halliday informed the Mayor and Council that the following establishments have requested renewal of liquor licenses: On-sale - Holiday Inn of Willmar, Edinbary's, Blue Heron on the Green and Applebee's; On-sale 3.2% malt liquor - Valley Golf Course, Pizza Hut and Ruttles; Wine - Ruttles; Club On-sale - Eagles, Elks Lodge, VFW and American Legion; and Off-sale - Cashwise Liquors, Gerry's Liquor, Liquor Mart and Skylark Liquors. Mr. Halliday further informed the Council that the Liquor Mart will be sold and the new owners are desirous of opening April 3, 2000, requiring Council approval for the time period through April 25, 2000.

Council Member Kelly moved to approve Liquor Mart off-sale license for the period of April 3, 2000, to April 25, 2000. Council Member Reese seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0. Council Member Kelly moved to approve the requests for renewal of liquor licenses with Council Member Fagerlie seconding the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Announcements for Council Committee meeting dates were as follows: Finance, March 20; Public Works/Safety, March 21; Labor Relations, March 22; and

Community Development, March 23, 2000.

Public Works Director Odens presented to the Mayor and Council a request from a developer to delete a proposed street project due to a change in development plans. Resolution No. 6 was introduced by Council Member Reese, seconded by Council Member DeBlieck, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 6

AMENDING THE ORDER FOR
2000 STREET AND OTHER IMPROVEMENTS

WHEREAS, the City Council of the City of Willmar duly held a public hearing on the construction of street and other improvements on March 1, 2000; and

WHEREAS, the improvements described in said Notice of Hearing were designated and the City Engineer directed to prepare final plans and specifications for said improvements.

WHEREAS, the Developer proposing to install sanitary sewer and service lines along Willmar Avenue Southeast has reconsidered the development proposal and is desirous of discontinuing the development during the year 2000 construction period.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, the proposed improvement project described as: Willmar Avenue Southeast - Lakeland Drive Southeast to 1,000 Feet West be deleted from the 2000 Street Project.

Dated this 15th day of March, 2000.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Mayor Heitke reminded citizens that they should have received their Census 2000 questions in the mail and asked everyone to aid the Federal government's census efforts by completing the questionnaires as quickly as possible.

Mayor Heitke presented to the Council for consideration the following Committee reappointment/appointments: Airport Commission - reappoint Maurice Evans and appoint Ted Anderson; and Community Education and Recreation appointments - Steve Sharstrom, Joan Blonigan-Christianson, Owen Antil, Val Swanson and Wayne Hulst. Council Member Christianson moved to defer the appointments until the following Council meeting. Council Member Dokken seconded the motion, which failed. Council Member Kelly moved to approve the appointments as presented with Council Member Reese seconding the motion, which carried.

Mayor Heitke called for a recess at 9:12 p.m. and reconvened the meeting at 9:23 p.m.

At this time Planning and Development Services Director Peterson presented to the Mayor and Council the 1999 Planning and Development Services 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 9:45 p.m. upon motion by Council Member Kelly, seconded by Council Member Christianson, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL