

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

July 19, 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, Douglas Reese, Nancy Houlahan, Bruce DeBlieck, 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, Police Chief Jim Kulset, Community Education and Recreation Director Steve Brisendine, and City Clerk Kevin Halliday.

Additions to the Agenda included a Mayoral Proclamation.

The Pioneerland Library Board Minutes of May 18, and Rice Hospital Board Minutes of July 12, 2000, were removed from the Consent Agenda.

Council Member Kelly offered a motion adopting the Consent Agenda, which included the following: City Council Minutes of July 5, Municipal Utilities Commission Minutes of July 10, Pioneerland Library Board Minutes of April 25, Building Inspection Report for June, Housing and Redevelopment Authority Minutes of June 13, Zoning Appeals Board Minutes of June 29, Airport Commission Minutes of June 29 and July 3 and 6, and Planning Commission Minutes of July 12, 2000. Council Member Fagerlie seconded the motion, which carried.

The Mayor and Council reviewed the Personnel Committee Report in the Pioneerland Library Board Minutes of May 18, 2000. Following discussion, Council Member Reese moved to accept the Pioneerland Library Board Minutes with Council Member Christianson seconding the motion, which carried.

The Mayor and Council reviewed the Rice Hospital Board Minutes of July 12, 2000. Rice Home Health Care concerns were discussed reviewing the financial dilemma and the estimated \$400,000 loss in the year 2000. It was noted that Rice Hospital has a disproportionate share of clients on waived services and the State controlled reimbursement levels cannot support the services. Following discussion, Council Member Kelly moved to approve the Rice Hospital Board Minutes with Council Member Reese seconding the motion, which carried.

At 7:11 p.m. Mayor Heitke opened a hearing on an Ordinance Imposing a Moratorium on the Construction of Communications Towers. City Administrator Schmit informed the Mayor and Council the Ordinance would impose a moratorium on the construction of new communications towers. The moratorium would allow the Planning Commission time to amend the Zoning Ordinance to better address issues accompanying tower construction. Mike Reeger, from St. Paul, voiced concerns over the estimated time the moratorium was in place (State law limiting the time to one year). Upon hearing all those who wished to be heard, Mayor Heitke closed the hearing at 7:15 p.m.

Council Member Kelly offered a motion to adopt, assign a number, and order final publication of the Ordinance Imposing a Moratorium on the Construction of Communications Towers. Council Member Christianson seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Council Member Kelly moved to direct the Planning Commission to complete their work with the Zoning Ordinance in 90 days. Council Member Reese seconded the motion, which carried.

Bill Appelgren, 208 Robbins Avenue SW, addressed the Mayor and Council regarding concerns of the Senior Citizen Coordinator and his concerns with

parking over driveways along Robbins Avenue following the opening of the new business, Lu Lu Beans.

Mayor Heitke read a Proclamation recognizing Dwayne Rumney for being elected National President of the Benevolent and Protective Order of Elks. Mr. Rumney presented a summary of the activities carried out by the Elks, which include: community service, family programs, Elks National Retirement Home, Veterans programs, youth and drug awareness programs. Mr. Rumney discussed the work of the local lodge, state lodge and grand lodge including his work visiting every state promoting the Elk's commitment to charity, justice, brotherly love and fidelity.

Mayor Heitke recognized En-Tel General Manager Jeff Roiland and Project Engineer Peter Johnson who presented an update of the progress to date of overlaying fiberoptics and other telecommunication infrastructure to offer local, long-distance telephone and high-speed data services by the year 2001. A chronological timeframe of activity, including the excavation permitting process, pre-construction meeting with nine construction crews, and the June, 2000 construction start were presented. Locate concerns with other utilities in the right-of-way were discussed. This matter was for information only.

The Finance Committee Minutes of July 10, 2000, were presented to the Mayor and Council by Council Member Kelly. There were four items for Council consideration.

Item No. 1 The Committee considered a proposal from staff to improve the videotaping of Council meetings by designing a three camera videotaping layout and repositioning the podium to the former center position. Following discussion, the Committee was recommending to the Council to appropriate funds from the WRAC-8 reserve. 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

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: Appropriations	
Capital Outlay - Equipment	\$15,000.00
Decrease: Fund Balance	
Designated Reserve	\$15,000.00

Dated this 19th day of July, 2000.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 2 Staff informed the Committee that the WRAC-8 Building at 417 Litchfield Avenue is in need of roof repair. Quotes have received and it was staff's recommendation to repair the roof and fund the costs with reserves. The Committee was recommending to the Council appropriating funds from the WRAC-8 reserve for the funding of the roof repair. Resolution No. 2 was introduced by Council Member Kelly, seconded by Council Member Anderson, 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 WRAC-8 Fund:

Increase: Appropriations	
Capital Outlay - Building	\$9,422.00

Decrease: Fund Balance  
Designated Reserve \$9,422.00

Dated this 19th day of July, 2000.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 3 The Committee reviewed a proposal from the City's financial consultant to perform a rate review and projection study for the City's Sewer/Wastewater Fund. The study will enable the city to adjust rates to a level which will adequately cover not only operating and maintenance expenses, but also current and future capital costs. The Committee was recommending to the Council that the Mayor and City Administrator to enter into an agreement with Springsted Incorporated to conduct the Rate Study for the City.

Resolution No. 3 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. 3

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 between the City of Willmar and Springsted Incorporated to conduct the Wastewater Treatment rate study in an amount not to exceed \$9300.00.

Dated this 19th day of July, 2000.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 4 Staff informed the Committee the League of Minnesota Cities would like to conduct a regional meeting in Willmar this Fall, and it is the League's policy that before they schedule a meeting they receive the City Council's approval. The Committee was recommending to the Council to approve the tentative scheduled regional meeting of the League of Minnesota Cities for October 24, 2000.

Council Member Kelly moved to approve the recommendation of the Finance Committee with Council Member Houlahan seconding the motion, which carried.

The Finance Committee Report of July 10, 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 Christianson, and carried.

The Public Works/Safety Committee Report of July 11, 2000, was presented to the Mayor and Council by Council Member Reese. There were eight items for Council consideration.

Item No. 1 Staff updated the Committee on the status and proposed action to bring the City of Willmar's bleachers into compliance with State standards. The City currently has 26 bleachers of which 10 will need retrofitting to comply with new standards. The State has revised the deadline to January, 2002 to come into compliance. There will be a 5-year conformance inspection required and also a 10-year structural inspection required. This matter was for information only.

Item No. 2 Conrad Bostron, President of Main Street Willmar, appeared before the Committee to discuss the difficulty they are having with planting flowers around the trees in the Central Business District. The group currently

plant flowers as part of a beautification project around approximately 20 of the trees and is requesting the City to either investigate grates with larger holes for planting or simply remove the grates in the summer. Following discussion regarding liability and other options available, the Committee requested staff to gather additional information and bring back to a future meeting. This matter was for information only.

Item No. 3 The Committee discussed liquor issues, which was referred back to Committee for further discussion. City Attorney Ronning briefed the Committee on information received from the League of Minnesota Cities concerning administrative penalties for violation of the liquor laws. The Committee also discussed the need to amend the current ordinance to further define certain terms to eliminate vagueness. This matter was for information only.

Item No. 4 The Committee reviewed the estimate with Duininck Bros. Construction Co. for final payment of Project No. 9901, and was recommending to the Council to accept the project 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 NO.: 9901  
IMPROVEMENT: Street and Other Improvements

Contractor:	Duininck Bros. Construction Inc.
Date of Contract:	June 2, 2000
Begin Work:	June 14, 2000
Complete Work:	June 19, 2000
Approve, City Engineer	July 11, 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:	\$1,184,595.95
Change Orders (None)	0
Final Net Contract Amount, Proposed:	\$1,184,595.95
Actual Final Contract Amount as Constructed:	\$1,105,166.57
Less Previous Payments (Est. #1)	1,064,158.22
FINAL PAYMENT DUE CONTRACTOR:	\$ 41,008.35

Dated this 19th day of July, 2000.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 5 The Committee reviewed the City cost participation in sanitary sewer service replacement and the current practice of how the policy operates and procedure followed. The Committee was recommending to the Council to revise the policy to reflect the City cost participation of 50 percent with the City's share not to exceed \$1,000. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Dokken seconded the motion.

Following discussion regarding the budget process for making policy changes requiring increased funding, Council Member Kelly moved to table the matter. Council Member Anderson seconded the motion, which carried on a roll call vote of Ayes 5, Noes 3 - Council Members Christianson, Dokken and Fagerlie voted "No."

Item No. 6 Staff presented a proposed revision to the Waste Treatment Plant Facility Plan Agreement. The agreement revision reflects changes to the scope of work as it will not need to be submitted for funding nor will the environmental assessment worksheet need to be done at this time. It also reflects work required to revise the facility plan to include Jennie-O. The Committee was recommending to the Council to revise the Facility Plan Agreement with Bonestroo and Associates. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Anderson seconding the motion, which carried.

Item No. 7 Staff presented a proposed revision to the Wastewater Treatment RBC replacement agreement. The revision combines all the engineering services required in the replacement of the mechanical bar screen, rotary screen, digester mixers, as well as the RBC. The Committee was recommending to the Council to

revise the RBC Agreement with Bonestroo and Associates to a not-to-exceed amount of \$38,200.00 for additional engineering services to replace the mechanical bar screen, rotary screen, and the digester mixers. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Kelly seconding the motion, which carried.

Item No. 8 The Committee requested an update from Fire Chief Calvin on house fires that occurred on 23<sup>rd</sup> Street Southeast and on 13<sup>th</sup> Street Southwest. This matter was for information only.

The Public Works/Safety Committee Report of July 11, 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.

The Labor Relations Committee Report of July 12, 2000, was presented to the Mayor and Council by Council Member Christianson. There was one item for Council consideration.

Item No. 1 The Committee meeting was closed to receive updates on contract negotiations with Rice Hospital, Utility General Manager and City bargaining groups. Upon reopening the meeting, it was the consensus of the Committee that a tentative agreement between the Rice Hospital and the MnRN Association Group falls within the guidelines set by the City Council for contract approvals. Formal consideration and approval will take place through the regular presentation and approval of the Rice Hospital Board minutes.

The Committee discussed in detail a tentative agreement reached with the City AFSCME 559-Street Unit. The contract calls for cost-of-living adjustments of 3 percent on January 1, 2000; 3 percent on January 1, 2001; and 3 percent on January 1, 2002. Other items changed included five-year timeframe to advance in salary instead of one year, grievance procedure language required by the Equal Opportunity Commission, grandchildren added to the definition of immediate family, and vacation leave allowed in one-half hour increments. The total package cost for 2000 is 6.524 percent (4.154 excluding steps); 2001, 5.347 percent, and 2002, 2.62 percent (excluding any consideration for health insurance in the second and third years); and a three-year average of 4.831 percent. The Committee was recommending to the Council approval of the contract. Council Member Christianson moved to approve the recommendation of the Labor Relations Committee with Council Member Anderson seconding the motion, which carried.

The Labor Relations Committee Report of July 12, 2000, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Christianson, seconded by Council Member Anderson, and carried.

Announcements for Council Committee meeting dates were as follows:  
Finance, July 24, 2000.

Mayor Heitke informed the Council that Mark Yudof, President of the University of Minnesota, will be in Willmar on July 20, 2000, to present to the community activities and information regarding University programs.

Mayor Heitke recognized and placed on file a Senior Citizens petition regarding the matter of appointing a new coordinator at the Community/Senior Center.

There being no further business to come before the Council, the meeting adjourned at 8:36 p.m. upon motion by Council Member Kelly, seconded by Council Member DeBlieck, and carried.

Attest:

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MAYOR

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SECRETARY TO THE COUNCIL