

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

September 19, 2001
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, Police Chief Jim Kulset, 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 the Civic Center Task Force appointments and a Racial Equality Day Resolution.

Council Member Dokken requested that the minutes of the Municipal Utilities Commission, Rice Hospital Board and Housing and Redevelopment Authority be removed from the Consent Agenda.

Council Member Reese offered a motion adopting the Consent Agenda which included the following: City Council Minutes of September 5, Pioneerland Library Board Minutes of July 19, Zoning Appeals Board Minutes of September 4, and Planning Commission Minutes of September 7, 2001; and Mayoral appointment of Sandy Peters to the Housing and Redevelopment Authority and reappointment of David Duinck to the Police Civil Service Commission. Council Member DeBlieck seconded the motion, which carried.

The Council requested additional information on the Energy Acquisition Adjustment review and a 15 percent increase in the cost of health insurance. The Municipal Utilities Commission Minutes of September 10, 2001, were approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Dokken, seconded by Council Member Christianson, and carried.

The Council requested additional information on the schematic estimate of \$54,000,000. The Rice Hospital Board Minutes of September 12, 2001, were approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Dokken, seconded by Council Member Anderson, and carried.

The Council requested clarification of the proposals received from Mid Minnesota Development Commission and Heartland Community Action Agency for providing rehabilitation services. Following discussion, the Housing and Redevelopment Authority Minutes of August 14, 2001, were accepted as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Dokken, seconded by Council Member Anderson, and carried.

At 7:15 p.m. Mayor Heitke opened a public hearing on the Small Cities Development Program. Dorothy Gaffaney, Executive Director of the Willmar Housing and Redevelopment

Authority, appeared before the Mayor and Council to explain that the Willmar HRA has been working with Community Partners Research, Inc., to prepare an application for Small Cities Development Program funding for a North Side Housing Rehabilitation Program. Ms. Gaffaney presented an outline of the SCDP requirements, a map of the proposed target area, summary of the housing rehabilitation activities which included 25 owner occupied units and 20 rental units, eligibility requirements, and financing criteria. No was present to speak for or against the proposed program, and Mayor Heitke closed the hearing at 7:21 p.m.

Council Members inquired of Ms. Gaffaney as to the total statewide dollars available, total number of housing units in the target area, date of the last SCDP in the north side area, process of notifying eligible citizens, expense of preparing the grant application, and Outstate versus Metro competition level for available funds. Upon receiving answers to the inquiries, Resolution No. 1 was introduced by Council Member Reese, 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, that the City of Willmar act as the legal sponsor for project(s) contained in the Business and Community Development Application to be submitted on the 30th day of September, 2001, and that the Mayor and City Administrator are hereby authorized to apply to the Department of Trade and Economic Development for funding of this project on behalf of the City of Willmar.

BE IT FURTHER RESOLVED that the City of Willmar has the legal authority to apply for financial assistance, and the institutional, managerial and financial capability to ensure adequate construction, operation, maintenance and replacement of the proposed project for its design life.

BE IT FURTHER RESOLVED that the City of Willmar has not violated any Federal, State or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice.

BE IT FURTHER RESOLVED that upon approval of its application by the State, the City of Willmar may enter into an agreement with State of Minnesota for the above-referenced Project(s), and that the City of Willmar certifies that it will comply with all applicable laws and regulations as stated in all contract agreements and described in the Compliance Section of the Business and Community Development Application.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Administrator are hereby authorized to execute such agreements, and amendments thereto, as are necessary to implement the project(s) on behalf of the applicant.

Dated this 19th day of September, 2001.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

At 7:31 p.m. Mayor Heitke opened a hearing on an Ordinance Amending Ordinance No. 1060 to Rezone Certain Property. Planning and Development Services Director Peterson presented information to the Mayor and Council of the proposal from Peter and Bonnie McKenzie to rezone property along CSAG #5 west of Foot Lake from R-2 to GB for the development of a mini-

storage facility. Upon hearing all those who wished to be heard, Mayor Heitke closed the hearing at 7:32 p.m.

Following discussion of the site and proposed use, Council Member Reese offered a motion to adopt the Ordinance Amending Ordinance No. 1060 to Rezone Certain Property, assign a number and order final publication. Council Member Houlahan seconded the motion which failed on a roll call vote of Ayes 4, Noes 4 – Council Member Christianson, Anderson, Dokken and DeBlicke voted "No."

At this time Mayor Heitke recognized Disabled American Veterans West Central Chapter #34 representatives Harold Samuelson, Paul Wearda, Bill Sommerville and Wayne Emberland. The representatives recognized the efforts of the Mayor and Council for their dedication to the Flag Storage Building at the Flags of Honor Memorial on Business Highway 71. Appreciation was expressed for the planning assistance and construction of the foundation. It was noted the building was the project of the Willmar Area Joint Veterans Council who donated the building to the City. Commander Emberland presented the Mayor with a framed picture as a token of appreciation.

Mayor Heitke recognized Doc Watson and Beverly Hartsburg who appeared before the Council during the scheduled Open Forum. Mr. Watson addressed the Council regarding the Local Option Sales Tax, and Ms. Hartsburg addressed the Council regarding a proposed dog park.

City Administrator Schmit presented to the Mayor and Council for consideration a resolution approving a defeasance program for the Library Sales Tax Revenue Bonds and set up an escrow account through February, 2003, at which time the call feature of the bonds may be exercised.

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

RESOLUTION NO. 2

APPROVING DEFEASANCE PROGRAM FOR CERTAIN GENERAL OBLIGATION BONDS OF THE CITY

(For Resolution in its entirety see City Council Proceedings file dated
September 19, 2001, located in the City Clerk's Office)

The Finance Committee Report of September 10, 2001, was presented to the Mayor and Council by Council Member Anderson. There were two items for Council consideration.

Item No. 1 Jim Werder, President, and Jim Miller, Treasurer of the Willmar Firemen's Relief Association explained the 2000 Financial Report and schedules 1, 2 and 3 as required by State statute. The Firemen's Relief Association was requesting the City contribute \$22,931 for 2001 to cover a projected shortfall in the retirement fund. Doing so would mean increasing the City liability from \$2,100 to \$3,200 per year of service. The downturn in the Stock Market is the driving force for the short fall, and that by agreeing to contribute the \$22,931, the Council would increase the City's exposure to future obligations. It was the consensus of the Committee to refer the matter back to staff to work with the Relief Association in arriving at a level of service that could be covered by the Association's present and future assets. This matter was for information only.

Item No. 2 Mayor Heitke presented to the Committee his proposed Year 2002 Budget. Following introductory remarks, the Mayor detailed proposed revenues and expenditures including a discussion of the capital outlay program and a review of non-departmental appropriations. It was noted the proposed budget includes a tax levy decrease of \$626,601, and a total proposed Year

2002 levy is \$1,917,749. The Mayor concluded his remarks by providing comparative property tax data for similar sized communities throughout Minnesota.

Committee Chair Anderson indicated that the Finance Committee would be reviewing the Mayor's proposed budget between now and the scheduled finance meeting in November. The Committee was recommending to the Council to approve the Preliminary Tax Levy of the City at \$1,917,749, the H.R.A. at \$85,738, and receive the Year 2002 Budget for further review. Council Member Anderson moved to approve the recommendation of the Finance Committee with Council Member Dokken seconding the motion, which carried.

The Finance Committee Report of September 10, 2001, 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 of September 11, 2001, was presented to the Mayor and Council by Council Member Reese. There were six items for Council consideration.

Item No. 1 Joe Shimota, representing the Kandiyohi County Racing Commission, was present to request an extension of racetrack hours of operation from the current 10:30 p.m. end time. The extension would be for September 21 and 22, 2001, for the final racing event. This particular event is expected to draw a larger amount of cars and, in order to accommodate them, the additional time may be necessary. The Committee was recommending to the Council to allow the racetrack to remain in operation until 11:00 p.m. on the days requested. 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. 2 The Committee reviewed bids received for Project No. 0106 (Olena Avenue and 9th Street SW). Due to the timeline necessary to complete the project in its entirety this construction season, staff recommended rejecting all the bids and constructing only the water main portion of the project with quotes. The Committee was recommending to the Council to reject all bids and take quotes for the water main portion of the project to be completed this construction season. 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. 3 The Committee reviewed a map showing staff's recommended location of a dog park near the Wastewater Treatment Plant. Bev Hartzburg of W-Dog and Marie Lingl from Fancy Coats were present for the discussion. The Committee was recommending to the Council to support the concept along with the presented location and also direct staff to work with W-Dog to pursue costs and operational procedures. 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. 4 Tiffany Collins, Operational Manager for KAT, appeared before the Committee to request the City's permission to place 15-20 bus stop signs throughout the City at roughly nine locations. The matter will be brought back to Committee after coordination by City staff and KAT and was received for information only.

Item No. 5 The Committee received information pertaining to the temporary closure of the Willmar Municipal Airport following the East Coast terrorist attacks. The Airport Manager was notified by the Minnesota Regional Office in Princeton, Minnesota, to temporarily close the airport with preliminary indications it would reopen the following day. This matter was for information only.

Item No. 6 The Committee discussed various issues including the request to review several areas as sites for a proposed campground, timing of the signal system along First Street, and the addition of an Assistant Engineer. This matter was for information only.

The Public Works/Safety Committee Report of September 11, 2001, 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 of September 12, 2001, was presented to the Mayor and Council by Council Member Houlahan. There were two items for Council consideration.

Item No. 1 Municipal Utility Commissioners Stageberg and Geiger were present to review with the Committee the Municipal Utilities' Year 2001 pay structure update including a proposed step and grade schedule. Following review and discussion, it was the consensus of the Labor Relations Committee to recommend that the step and grade structure be approved at the time it's included in the minutes of the MUC. This matter was for information only.

Item No. 2 The Committee meeting was closed to discuss MUC General Manager compensation and contract strategies/issues. This matter was for information.

The Labor Relations Committee Report of September 12, 2001, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Houlahan, seconded by Council Member Reese, and carried.

Announcements for Council Committee meeting dates were as follows: Finance, September 24; Public Works/Safety, September 26; and Community Development, September 27, 2001.

Mayor Heitke presented to the Council for consideration the following individuals for the Civic Center Task Force: Dave Baker, Dave Chapin, Ron Christianson, Jim Ellingson, Sandy Gardner, Tom Kelleher, Leo Kelly, Mike Malmberg, Todd Mattison, Ron Olson, Bob Poe, Michelle Schwitters, Lee Wierschem, Lynn Bredeson, Michael Schmit, Mel Odens and Kevin Madsen. Council Member Anderson moved to approve of the Civic Center Task Force as presented with Council Member Reese seconding the motion, which carried.

Mayor Heitke read a Cities Promoting Racial Equality and declaring September 19, 2001, as Race Equality Day. Resolution No. 3 was introduced by Council Member Reese, seconded by Council Member Anderson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 3

Cities Promoting Racial Equality Race Equality Day – September 19, 2001

WHEREAS, the National League of Cities is committed to promoting racial equality and justice as a fundamental aspect of a healthy community; and

WHEREAS, the National League of Cities has urged local officials across the country to join together in a national campaign to promote racial equality and justice; and

WHEREAS, by resolution of the National League of Cities, we declare racism unjust and advocate equal rights for all; and

WHEREAS, by Act of Congress of the United States dated July 2, 1964, the Civil Rights Act of 1964 was adopted banning discrimination because of a person's color, race, national origin, religion, or sex; and

WHEREAS, by Act of Congress of the United States dated December 6, 1865, the 13th Amendment of the Constitution of the United States was adopted abolishing slavery; and

WHEREAS, by Act of Congress of the United States dated July 9, 1868, the 14th Amendment of the Constitution of the United States giving all persons born or naturalized in the United States the right to due process and equal protection under the law; and

WHEREAS, National League of Cities President Dennis W. Archer, mayor of Detroit, Michigan, has invited local officials across the country to renew their commitment to ensuring racial equality and justice for all beginning on September 19, 2001, by reporting on successful programs and announcing specific action plans for the coming year.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council of Willmar, Minnesota, hereby declare September 19, 2001, as Race Equality Day in the City of Willmar and urge all citizens of Willmar to join together to support this effort;

BE IT FURTHER RESOLVED that the Mayor and City Council of Willmar reaffirm our commitment to ensuring racial equality and justice in our city and to working with the National League of Cities to sustain this commitment throughout the country; and

BE IT FURTHER RESOLVED that the Mayor and City Council of Willmar pledge tolerance for people of all faith, ability and race and continue to promote community acceptance of difference/diversity during the coming year.

Dated this 19th day of September, 2001.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Mayor Heitke acknowledged the following community events as a result of the September 11, 2001, terrorist attack on America: Law Enforcement Center to act as a collection agency for the Red Cross and Salvation Army; Fire Department to receive donations for the Red Cross at their September 21 and 22, Open House; Fire Department working with Lakeland Broadcasting to accept donations at two intersections the morning of September 20; and a fundraising dinner at the American Legion on October 13, 2001, for the Red Cross and Salvation Army.

At this time the Mayor, Council and staff recited the Pledge of Allegiance.

Mayor Heitke announced the Celebrate Art, Celebrate Coffee festivity will be held September 22, 2001.

There being no further business to come before the Council, the meeting adjourned at 8:49 p.m. upon motion by Council Member Christianson, seconded by Council Member Fagerlie, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL