

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

August 21, 2002  
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, Community Education and Recreation Director Steve Brisendine, and City Clerk Kevin Halliday.

Proposed additions to the agenda included comments from the Mayor regarding the Rice Hospital referendum.

Council Member DeBlieck offered a motion adopting the Consent Agenda which included the following: City Council Minutes of August 7, Municipal Utilities Commission Minutes of August 12, Rice Hospital Board Minutes of August 14, Planning Commission Minutes of August 14, Building Inspection Report for July, Kandiyohi Transit Board Minutes of June 11, Pioneerland Library Board Minutes of June 20, Housing Redevelopment Authority Minutes of July 16, Senior Council Minutes of August 7, Airport Commission Minutes of August 13 and 14, 2002; and Rocky Mountain Elk Foundation Application for Exempt Permit. Council Member Reese seconded the motion, which carried.

At 7:02 p.m. Mayor Heitke opened a hearing on an Ordinance Authorizing the Issuance of \$1,125,000 General Obligation Improvement Bonds, Series 2002A and the Levying of Taxes to Secure the Payment Thereof. City Administrator Schmit presented details of the pending bond sale used to finance a portion of the City's 2002 improvement project. There being no one present to speak for or against the proposed Ordinance, Mayor Heitke closed the hearing at 7:03 p.m.

Council Member Reese offered a motion to adopt, assign a number, and order final publication of the an Ordinance Authorizing the Issuance of \$1,125,000 General Obligation Improvement Bonds, Series 2002A and the Levying of Taxes to Secure the Payment Thereof. Council Member DeBlieck seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

At 7:04 p.m. Mayor Heitke opened a special assessment hearing for unpaid weed/grass mowing. City Clerk Halliday informed the Mayor and Council that pursuant to Willmar Municipal Code, Chapter 9, Article III, in cases of noncompliance the mowing can be performed by the City and the costs certified as a special assessment against the property concerned. It was noted that prior notice of the hearing was given to the property owners. No one was present to speak for or against the proposed assessments, and Mayor Heitke closed the meeting at 7:05 p.m.

Following discussion, Resolution No. 1 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. 1

WHEREAS, Section 9.41 of the Willmar City Code states that such unpaid weed or grass mowing bills represent a lien of the real property receiving mowing services; and

WHEREAS, the City Council of the City of Willmar has offered the owner his right to request an appearance before the Council to make objections to payment;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that the amount of the unpaid utility charges totaling \$406.90 be certified to the County Auditor to be extended on the tax rolls of such real property in the same manner as other taxes for collecting in 2003 and collected by the County Treasurer, and paid to the City Clerk-Treasurer along with other taxes; and

BE IT FURTHER RESOLVED the unpaid weed or grass charges be certified against the real property as follows: (parcel numbers and locations on file in the City Clerk's Office)

Dated this 21<sup>st</sup> day of August, 2002.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Mayor Heitke read a Proclamation regarding public power.

Mayor Heitke acknowledged the efforts of Don Fluegge of SAFECO Insurance, who has donated a scoreboard at Baker Diamond to the City valued at \$20,000.

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

The Finance Committee Report of August 12, 2002, was presented to the Mayor and Council by Council Member Anderson. There were four items for Council consideration.

Item No. 1 The Committee was informed by staff that the Community Education and Recreation Department had sent out RFP's to the local soft drink vending companies asking for bids to provide vending services at the areas the CER Department programs are held. The Committee was recommending that the Council introduce a resolution to authorize the Mayor and Administrator sign an agreement awarding a contract to Bernicks Company.

Resolution No. 2 was introduced by Council Member Anderson, seconded by Council Member Chapin, 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 an agreement between the City of Willmar and Bernick's Pepsi Cola of Willmar to provide vending services

through December 31, 2007.

Dated this 21<sup>st</sup> day of August, 2002.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 2 The Committee considered a staff recommendation for changes to the Police Department budget for the 2002 Safe and Sober campaign. The total change to cover overtime costs amounted to \$5,911.25. The Committee was recommending the Council introduce a resolution to authorize the Finance Director to amend the Police Department Budget by presented.

Resolution No. 3 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, read by Mayor Heike, 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 to authorize the Finance Director to amend the Police Department Budget within the General fund:

Increase – Grant Revenues \$5,912.00

Increase – Overtime \$5,912.00

Dated this 21<sup>st</sup> day of August, 2002.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 3 The Committee reviewed information on a tax-forfeited land sale to David and Carol Nelson. The property purchased has special assessments that can be reassessed at this time. It was the moved to recommend to the Council to set a special Assessment hearing for September 4, 2002 to give the Nelson's the opportunity to speak to the reassessments.

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

Item No. 4 The Committee reviewed the following reports: June Central Minnesota Community Foundation, Pioneerland Library, K.A.T., Rice Memorial, Municipal Utilities, Investment and Interest, July General Fund, W.R.A.C-8, C.V.B. and Cushman Rice Trust. This matter was for information only.

The Finance Committee Report of August 12, 2002, 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 Fagerlie, and carried.

The Public Works/Safety Committee Report of August 13, 2002, was presented to the Mayor and Council by Council Member Reese. There were eight items for Council consideration.

Item No. 1 Penny Leader and Darin Olson of Pizza Hut appeared before the Committee to address concerns of the establishment's violation of the liquor ordinance. The Police Department performed a compliance check on June 25, 2002, of which their employee failed to check identification. According to the ordinance, a first violation requires a written warning to the license holder and their appearance at a City Council Committee meeting to explain measures being taken to eliminate future violations. Ms. Leader informed the Committee she would be implementing a sign off sheet for employees following the Willmar Police Department's power point training presentation and review of the Pizza Hut's National Training Manual. This matter was for information only.

Item No. 2 The Committee discussed the liquor violation of El Tequila. Staff stated that notification to appear before the Committee had been sent to El Tequila, and it was noted that for the second consecutive meeting no representatives appeared. The Committee was recommending to the Council that staff review the matter and make a recommendation for action at the next City Council meeting.

Council Member Reese presented a staff recommendation calling for a \$250 fine and at the same time require El Tequila to participate in the alcohol servers training program. The fine and training are to be completed in 45 days or the liquor license is to be suspended. Council Member Reese moved to approve the penalties as recommended with Council Member Houlahan seconding the motion, which carried.

Item No. 3 Dave Carr, Knutson Construction and representing Rice Hospital, appeared before the Committee to overview the proposed parking plan for the Rice Hospital construction, and request permission to use street parking. There will be approximately 150 parking spaces disrupted with the construction. They have been successful with working with private parties, but are also approaching the City as some of the street parking will be affected. The Hospital is requesting a portion of Becker Avenue, 2<sup>nd</sup> Street, and 3<sup>rd</sup> Street be set aside, and they also may need to use the City parking lot at 3<sup>rd</sup> Street/Litchfield Avenue. Mr. Carr indicated the parking plan will be included in the bid documents. Lorry Massa, CEO of Rice Hospital, said that once the parking plan is approved, the hospital plans to do public awareness.

The Committee was recommending to the Council to approve the parking concept and refer to staff for a final recommendation. 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 Del Sheets of Waters Edge Architectural Group, appeared before the Committee to present an overview the Civic Center/Blue Line Center connection design. The connection includes two varsity locker rooms, figure skating locker room, meeting room, entrance area, and office space. The concept included two levels on the front portion and a single level on the back portion but designed to be able to accommodate another level in the future. After some discussion, the Committee recommends that this topic be discussed in detail at another Public Works/Safety meeting with this being the priority agenda item. They requested that the cost of the connection, other capital costs, operating costs, staffing, and other costs be available at that meeting as well. This matter was for information only.

Item No. 5 The Committee considered a request to solicit donations to purchase an electronic sign on the east side of the Fire Station. Companies to be approached include Kandiyohi Premium Water, Viking Coke, and Bernick's Pepsi and the estimated cost of the sign is \$24,000. The Fire Department would maintain and monitor messaging on the sign. The Committee was recommending to the Council to approve staff's request to solicit proposals. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Houlahan seconding the motion, which carried.

Item No. 6 The Committee considered a request to conduct inspections of daycare and foster care homes within the Fire Department's service area. Staff provided a brief history on daycare and foster care inspections that are currently being conducted by the State Fire Marshal's office. It was the recommendation of Staff to begin conducting the day care and foster care inspections. It was noted that if the City does not conduct the inspections, the State Fire Marshal's office will continue to provide this service.

The Committee was recommending to the Council to approve staff's request to conduct day care and foster care inspections (at \$50 per inspection). Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Houlahan, seconding the motion, which carried.

Item No. 7 The Committee considered a proposed change to the Personnel Policy regarding a "Drug-Free Workplace." The changes will better reflect the City's recognition of safety problems created when employees use or abuse illegal drugs and/or alcohol and or abuse prescription drugs. The policy update acknowledges in a more contemporary way the City's concern for providing a safe workplace for its employees and will serve to complete the necessary requirements for release of Community Development Block Grant funds.

The Committee was recommending to the Council approval of the revised policy as presented. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member DeBlieck seconding the motion, which carried.

Item No. 8 The Committee briefly discussed the issue of bike patrol schedules. This matter was for information only.

The Public Works/Safety Committee Report of August 13, 2002, 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 Community Development Committee Report of August 15, 2002, was presented to the Mayor and Council by Council Member DeBlieck. There were four items for Council consideration.

Item No. 1 The Committee continued their discussion regarding permit authority for mechanical permits, as well as permits for siding and window replacement. City Attorney Ronning was present to address questions concerning the City's authority and responsibility relative to code adoption and enforcement. Liability issues were discussed as was the need for timing and cost of mechanical permits. The Committee also discussed the process for issuing permits and conducting inspections for siding and window replacement.

The Committee was recommending to the Council that staff be directed to outline the

process for permitting and inspections, and draft a fee schedule for mechanical permits as well as siding and window replacements. This information is to be brought back to the Committee. Council Member DeBlieck moved to approve the recommendation of the Community Development Committee with Council Member Fagerlie seconding the motion, which carried.

Item No. 2 The Committee reviewed information from the International Property Maintenance Code relative to the exterior maintenance of residential buildings and discussed the value of a clean community and the benefit of maintaining the tax base. Concern was expressed about the cost of exterior maintenance to the elderly and low-income families.

The Committee was recommending to the Council that staff be directed to draft an ordinance dealing with exterior maintenance of residential structures, and that it be brought back to the Committee for further review. Council Member DeBlieck moved to approve the recommendation of the Community Development Committee with Council Member Fagerlie seconding the motion, which carried.

Item No. 3 The Committee received updates on the following: residential development, airport project, Mills Fleet Farm, Home Depot, and a variety of commercial/industrial projects. This matter was for information only.

Item No. 4 Due to some recent complaints, the Committee discussed transient merchant activity in the community. The question in front of the Committee was whether or not the City should pursue any attempt to license or otherwise control transient merchants. The Committee decided that staff should clarify the existing regulations dealing with transient merchants in the City of Willmar and Kandiyohi County, and to place the matter on a future agenda. The City Attorney will be consulted in this matter. This matter was for information only.

The Community Development Committee Report of August 15, 2002, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member DeBlieck, seconded by Council Member Christianson, and carried.

Planning and Development Services Director Peterson presented to the Mayor and Council for consideration an Ordinance to Rezone Certain Lands, R-1 to R-3. LCR Properties, LLC propose rezoning property west of 29<sup>th</sup> Street SE for PUD/condo development. It was noted the Planning Commission conducted a public hearing on the matter and approved the rezoning. Council Member Reese offered a motion to introduce the Ordinance to Rezone Certain Lands, R-1 to R-3 and set a public hearing for September 4, 2002. Council Member DeBlieck seconded the motion, which carried.

Planning and Development Services Director Peterson presented to the Mayor and Council for consideration an Ordinance to Rezone Certain Lands, R-4 to LB. Jerome and Jane Vikse propose rezoning property at 412 7<sup>th</sup> Street SW from R-4 to LB to allow office use. It was noted the Planning Commission conducted a public hearing on the matter and approved the rezoning. Council Member DeBlieck offered a motion to introduce the Ordinance to Rezone Certain Lands, R-4 to LB and set a public hearing for September 4, 2002. Council Member Chapin seconded the motion, which carried.

Planning and Development Services Director Peterson presented to the Mayor and Council for consideration a final plat for McKenzie Estates, a two-lot plat for single-family residential development. It was noted the Planning Commission approved the final plat, but will not sign off pending receipt of the title opinion. Council Member Reese offered a motion to approve the final

plat for McKenzie Estates, pending receipt of the title opinion. Council Member Chapin seconded the motion, which carried.

Announcements for Council Committee meeting dates were as follows: Finance, August 26; Public Works/Safety, August 27; Community Development, August 29; and Cable Advisory, August 29, 2002.

Mayor Heitke reminded voters of the pending September 10, 2002, Primary Election at which time there will be a special election for the Rice Hospital Project Referendum.

There being no further business to come before the Council, the meeting adjourned at 8:07 p.m. upon motion by Council Member Reese, seconded by Council Member DeBlieck, and carried.

Attest:

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MAYOR

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