

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

May 2, 2005
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, Cindy Swenson, Rick Fagerlie, Jim Dokken, and Steven Gardner; 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.

The Municipal Utilities Commission and Planning Commission minutes were removed from the Consent Agenda.

Council Member Christianson offered a motion adopting the Consent Agenda which included the following: City Council Minutes of April 18, Planning Commission Minutes of April 27, Police Commission Minutes of March 7, Kandiyohi Transit Board Minutes of March 22, 2005, and Bethesda Foundation Lawful Gambling Permit. Council Member Reese seconded the motion, which carried.

The Committee acknowledged the Willmar Municipal Utilities receiving the 2004 APPA Safety Award. The Municipal Utilities Commission Minutes of April 25, 2005, were approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member DeBlieck, seconded by Council Member Dokken, and carried.

At 7:03 p.m. Mayor Heitke opened a hearing on an Ordinance Amending No. 1060, Known as the Willmar Zoning Ordinance by Amending Section 3.M.2 Relating to Fencing in the Commercial/Industrial Districts. Planning and Development Services Director Peterson presented details of the proposed Ordinance which would allow up to eight-foot high fences in Commercial/Industrial Districts. There being no one present to speak for or against the proposed Ordinance, Mayor Heitke closed the meeting at 7:04 p.m.

Council Member Christianson moved to adopt, assign a number, and order final publication of the Ordinance Amending No. 1060 Known as the Willmar Zoning Ordinance by Amending Section 3.M.2 Relating to Fencing in the Commercial/Industrial Districts. Council Member Swenson seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

At 7:05 p.m. Mayor Heitke opened a hearing on an Ordinance Amending Willmar Municipal Code Sections 3-113 and 3-136 Regulating On-Sale Liquor. City Clerk Halliday presented details of the proposed Ordinance which will allow a bowling center to be an eligible business for a liquor license and to amend the Sunday sale of intoxicating liquors between the hours of 10:00 a.m. on Sunday and 1:00 a.m. on Monday. Keith Pattison, Kandi Entertainment Center, spoke in favor of the proposed amendments in order to conduct business equally with the current County regulations. Annexation of the Kandi Entertainment Center is expected to occur following the Duinink

Annexation. Upon hearing all those who wished to be heard, Mayor Heitke closed the hearing at 7:09 p.m.

Council Member Christianson offered a motion to adopt, assign a number, and order final publication of the Ordinance Amending Willmar Municipal Code Sections 3-113 and 3-136 Regulating On-Sale Liquor. Council Member Anderson seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

BobbiJo Berg and Marilyn Bolin, Kandiyohi County Public Health Department, presented details of the health initiative "Steps to a Healthier Willmar." The local program is part of a national program focusing on prevention of diabetes, obesity and asthma, and control of risk factors including poor nutrition, physical inactivity, and use and exposure to tobacco.

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

The Finance Committee Report for April 25, 2005, was presented to the Mayor and Council by Council Member Anderson. There were seven items for Council consideration.

Item No. 1 Staff presented to the Committee a request to appropriate 2003 unspent capital dollars for the replacement of RTU's at the Waste Treatment Lift Station. Following discussion, the Committee was recommending the Council introduce a resolution to appropriate \$40,000 for the replacement of Waste Treatment RTU's.

Resolution No. 1 was introduced by Council Member Anderson, seconded by Council Member Dokken, 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 amend the Waste Treatment Budgets:

Increase:	Capital Outlay-RTU's	\$40,000
Decrease:	Waste Treatment Designated Reserves	\$40,000

Dated this 2nd day of May, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 2 The Committee discussed the status of legislation affecting the process and issuing of administrative citations by the City for traffic violations. This matter was for information only.

Item No. 3 The Committee discussed funding the recommendation from the Council to hire an auditor to audit the Cable Franchise's annual accounts. Following discussion, the Committee was recommending the Council introduce a Resolution amending the WRAC-8 budget by \$13,000 to cover additional auditing costs.

Resolution No. 2 was introduced by Council Member Anderson, seconded by Council Member Dokken, 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 to authorize the Finance Director to amend the WRAC-8 Budget:

Increase:	Professional Service	\$13,000
Decrease:	Designated Reserves	\$13,000

Dated this 2nd day of May, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Committee further recommended the Council introduce a resolution to amend the travel and conference line item by \$3,000 to cover additional travel costs that will be associated with the All America City Program. Resolution No. 3 was introduced by Council Member Anderson, seconded by Council Member Gardner, 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 to authorize the Finance Director to amend the WRAC-8 Budget:

Increase:	Travel & Conference	\$3,000
Decrease:	Designated Reserves	\$3,000

Dated this 2nd day of May, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 The Committee considered a recommendation from Community Education and Recreation Director Brisendine to consider instituting a facility use fee for utilizing facilities of the School and City. Due to scheduling conflicts this matter was received for information only, and will be discussed during the 2006 Budget process.

Item No. 5 Staff informed the Committee that the heating and air conditioning roof unit on the Senior Citizens Center stopped working and needs to be replaced as soon as possible. Staff recommended that unused 2002 Capital appropriations be used to cover the costs.

The Committee was recommending the Council introduce a resolution to appropriate \$8,000 of unused 2002 Capital Appropriations for the Senior Citizens Center heating and air conditioning unit. Resolution No. 4 was introduced by Council Member Anderson, seconded by Council Member Gardner, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 4

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to amend the Sr. Citizens Department of the General Fund/ Capital Outlay Budgets:

Increase:	Capital Outlay	\$ 8,000
Decrease:	Designated Reserves	\$ 8,000

Dated this 2nd day of May, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 6 The Committee was reminded that the hearing for Vannandy's liquor license violation will be held on May 9, 2005. This matter was for information only.

Item No. 7 The Committee reviewed the following reports: December Rice Trust, Community Foundation, KAT Financial and the 1st Quarter Interest/Dividends, Investments, Rice Trust and Cash reports. This matter was for information only.

The Finance Committee Report for April 25, 2005, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Anderson, seconded on Council Member Dokken, and carried.

The Public Works/Safety Report for April 26, 2005, was presented to the Mayor and Council by Council Member Reese. There were seven items for Council consideration.

Item No. 1 Ken Quist of the Willmar Jaycees was present and informed the Committee that the Jaycees will again be organizing and sponsoring the Willmar Fests Downtown Block Party. Mr. Quist briefed the Committee on the event and requested permission to close off a portion of both Becker Avenue and 5th Street SW and the parking lots in Block 50 and Masonic lot. The event will be held on June 22, 2005.

The Committee was recommending the Council approve the parking lots and street closures as presented for the Willmar Fests Downtown Block Party. Council Member Reese moved to approve the recommendation of the Council Member Reese, seconded by Council Member Christianson, and carried.

Item No. 2 The Committee reviewed a tabulation of bids for the Wastewater Treatment Plant Biosolids Semi Tractor. Specifications were sent to three possible bidders with one bid being received from Nelson Leasing, Inc. of Willmar for \$63,395.02.

The Committee was recommending the Council accept the bid of Nelson Leasing and authorize the Mayor and City Administrator to sign an agreement on behalf of the City. Resolution

No. 5 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. 5

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the bid of Nelson International of Willmar, Minnesota for Wastewater Treatment Plant Biosolids Semi is accepted, and be it further resolved that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an agreement with the bidder for the terms and consideration of the contract in the amount of \$63,395.02

Dated this 2nd day of May, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 The Committee reviewed bid results for Project No. 0502 – 2005 Sewer and Water Improvements. Seven bids were received with the low bid being that of Landwehr Construction, Inc. of St. Cloud in the amount of \$1,038,681.65. The Engineer’s Estimate for the project is \$1,115,255.50.

The Committee was recommending the Council accept the bid of Landwehr Construction Inc. authorize the Mayor and City Administrator to enter into an agreement on behalf of the City, and revise the project budget. Resolution No. 6 was introduced by Council Member Reese, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 6

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the bid of Landwehr Construction, Inc. of St. Cloud, Minnesota for City of Willmar Project No. 0502 is accepted, and be it further resolved that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an agreement with the bidder for the terms and consideration of the contract in the amount of \$1,038,681.65

Dated this 2nd day of May, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Resolution No. 7 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. 7

PRELIMINARY 2005 IMPROVEMENTS BUDGET
ESTIMATED TOTAL COST \$4,731,579.00

PERSONNEL SERVICES		RECEIVABLES	
Overtime Reg. Employees	\$500.00	Property Owners	\$891,000.00
Salaries Temp. Employees	\$6,000.00	City (MUC)	\$54,750.00
Employer Pension Contr.	\$1,500.00	State (State Aid)	\$621,200.00
TOTAL	\$8,000.00	City (WTP)	\$36,000.00
		City (2004 Transfer)	\$70,000.00
		Developer	\$2,508,956.00
SUPPLIES		City (Utility fee)	\$253,969.00
Office Supplies	\$1,500.00	City (CIF)	\$65,000.00
Small Tools	\$2,000.00	Other (County)	\$0.00
Motor Fuels & Lubricants	\$1,000.00	Developer (Cash)	\$230,704.00
Postage	\$2,000.00	TOTAL	\$4,731,579.00
Mtce. of Other Improvements	\$2,000.00		
General Supplies	\$3,500.00	FINANCING	
TOTAL	\$12,000.00	Bonds	\$3,718,925.00
		State	\$621,200.00
OTHER SERVICES		City (MUC/WWTP)	\$90,750.00
Printing & Publishing	\$2,000.00	City (2004 Transfer)	\$70,000.00
Mtce. of Other Impr.	\$3,198,079.00	Other (County)	\$0.00
Other Services (Contingency)	\$1,080,000.00	Developer (Cash)	\$230,704.00
TOTAL	\$4,280,079.00	TOTAL	\$4,731,579.00
OTHER CHARGES		GRAND TOTAL	\$4,731,579.00
Insurance & Bonds	\$1,500.00		
Prof. Serv. (Mn/DOT, Consultant)	\$150,000.00		
Adm. OH (Transfer)	\$230,000.00		
Other Charges (Bond)	\$50,000.00		
TOTAL	\$431,500.00		
GRAND TOTAL	\$4,731,579.00		

Dated this 2nd day of May, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 The Committee reviewed information relating to the installation of two signal systems on Willmar Avenue SE; one at the intersection of Lakeland Drive, and the other at the intersection of the proposed 5th Street SE. In addition to the signals systems, miscellaneous improvements including loop detectors at 24th Avenue SE are included in the project. The project is eligible for state aid funding.

Following discussion, the Committee was recommending the Council approve the plans and specifications and authorize advertisement for bids to be opened June 6, 2005. Resolution No. 8 was introduced by Council Member Reese, seconded by Council Member Christianson, read by

Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 8

WHEREAS, the City Engineer of the City of Willmar has presented to the City Council plans and specifications for Project Nos. 0505-A and 0505-B (Willmar Avenue SE Signal Improvements) 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 advertisement for bids is herewith authorized. Bids will be publicly opened and read at 1:00 p.m. on the 6th day of June, 2005, at the City Office Building, 333 Southwest Sixth Street, Willmar, Minnesota.

Dated this 2nd day of May, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 5 The Police Department requested permission to participate with the Kandiyohi County Sheriff's Department and the Atwater Police Department on a May Mobilization of Seat Belts Grant. The total amount of the grant is \$5,000 to be shared by the three departments based on the number of hours each department spends fulfilling the requirements of the grant. No local match is required by the City.

The Committee was recommending the Council accept the grant money and authorize the Willmar Police Department to participate. Resolution No. 9 was introduced by Council Member Reese, seconded by Council Member Swenson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 9

BE IT RESOLVED by the City Council of the City of Willmar to accept grant funds from the May Mobilization Grant. The funds from the grant will be used traffic and seatbelt law enforcement from May 23 to June 5, 2005.

Dated this 2nd day of May, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 6 The Willmar Fire Department requested permission to apply for the Commercial Equipment Direct Assistance Program grant provided by the Department of Homeland Security. The department plans to purchase two thermal imaging cameras upon approval of the

application. There is no local match required for this program.

The Committee was recommending the Council authorize staff to apply for and accept the grant along with placing the items into inventory. Resolution No. 10 was introduced by Council Member Reese, seconded by Council Member Swenson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 10

BE IT RESOLVED by the City Council of the City of Willmar to approve an application for and the acceptance of a Commercial Equipment Direct Assistance Program Grant provided by the Department of Homeland Security. The funds will be used to purchase two thermal imaging cameras.

Dated this 2nd day of May, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 7 The Committee considered bids received for both the street and sewer and water projects. The City Council needs to set an Assessment Hearing for the street portion of these two projects. The sewer and water main project is developer funded and the assessment hearing has been waived.

The Committee was recommending the Council call for the Assessment Hearing to be held on June 6, 2005. Resolution No. 11 was introduced by Council Member Reese, seconded by Swenson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 11

CALLING HEARING ON ASSESSMENTS FOR PROJECT NO. 0501 and 0502
2005 STREET AND OTHER IMPROVEMENTS

WHEREAS, the City Clerk-Treasurer with the assistance of the City Engineer has prepared an assessment roll for Project No. 0501 and Project No. 0502 of the 2005 Street and Other Improvements, and said proposed assessment roll is on file with the Clerk-Treasurer and open to public inspection.

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

1. The Clerk-Treasurer shall publish notice that this City Council will meet to consider the proposed assessments on June 6, 2005, at 7:02 p.m. in the Council Chambers, Municipal Utilities Building, 700 West Litchfield Avenue, Willmar, Minnesota.

2. Said notice shall also be mailed to the owners of each parcel of property described in the assessment roll.

3. Such notice shall be in substantially the following form: (On file in the City Clerk's Office)

4. Said notice shall be published by the City Clerk-Treasurer in the official newspaper at least two weeks prior to the hearing and mailed by said Clerk-Treasurer to the owners of each parcel described in the assessment roll.

Dated this 2nd day of May, 2005.

/s/ Lester Heitke

/s/ Kevin Halliday
Attest: CITY CLERK

The Public Works/Safety Committee Report for April 26, 2005, 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 Anderson, and carried.

City Administrator Schmit presented to the Mayor and Council a grant agreement for the terminal and FBO buildings at the new Municipal Airport. Following discussion, Resolution No. 12 was introduced by Council Member Dokken, seconded by Council Member Gardner, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 12

Authorization to Execute Minnesota Department of Transportation Grant Agreement for Airport Improvement

It is resolved by the City of Willmar as follows:

1. That the State of Minnesota Agreement No. 88044, "Grant Agreement for Airport Improvement," for State Project No. 3401-55 at the Willmar Municipal Airport is accepted.
2. That the Mayor and City Administrator are authorized to execute this agreement and any amendments on behalf of the City of Willmar.

Dated this 2nd day of May, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Planning and Development Director Peterson informed the Mayor and Council that Duinick Companies Inc. proposes the rezoning of property east of Community Christian School, from R-3 to LB for the purpose of school development and possibly another business. This proposal is consistent with the Comprehensive Plan and has been approved by the Planning Commission.

Following discussion, Council Member Reese move to introduce an Ordinance Amending Municipal Ordinance No. 1060, the Willmar Zoning Ordinance and to schedule a public hearing for May 16, 2005. Council Member Dokken seconded the motion, which carried.

Planning and Development Director Peterson informed the Mayor and Council that Nancy Score proposes the rezoning of property east of Tiffany Square, from R-4 to GB for the purpose of development of more retail space and addition parking. The Planning Commission has approved the rezoning. Following discussion, Council Member Reese moved to introduce an Ordinance Amending Municipal Ordinance No. 1060, the Willmar Zoning Ordinance and to schedule a public hearing for May 16, 2005. Council Member Anderson seconded the motion, which carried.

Planning and Development Services Director Peterson presented to the Mayor and Council for consideration a joint resolution for an orderly annexation for Airport property, totaling 698.23 acres more or less. The annexation has been approved by the Planning Commission and approved and signed by St. John's Township and Willmar Township. Following discussion, Resolution No. 13 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. 13

A JOINT RESOLUTION OF THE CITY OF WILLMAR AND OF
ST. JOHN'S TOWNSHIP AND OF WILLMAR TOWNSHIP
RELATING TO ORDERLY ANNEXATION OF WILLMAR MUNICIPAL
AIRPORT RIGHT OF WAY NO. 1-3

(For Resolution in its entirety, see City Council Proceedings dated
May 2, 2005, located in the City Clerk's Office)

Planning and Development Director Peterson presented to the Mayor and Council a preliminary plat for Bjornson Addition, a two-lot plat for twin-home development by John Bjornson. The replatting is being done to allow each unit of the twin home to be sold, with the property line down the middle of the two units. A utility easement shall be added for final plat approval. Council Member Reese moved to approve the preliminary plat for Bjornson Addition with Council Member DeBlieck seconding the motion, which carried.

Planning and Development Director Peterson presented to the Mayor and Council a final plat for Mills Addition to Willmar, a two-lot plat to define the property for the Ford dealership and to dedicate roads in the property. The utilities are already in the ground except for the electric. Utility easements have been added as requested. The special assessments will either be paid in full prior to recording or reapportioned. Council Member Anderson moved to approve the final plat for the Mills Addition to Willmar with Council Member Reese seconding the motion, which carried.

Announcements for Council Committee meeting dates were as follows: Finance, May 9; Public Works/Safety, May 10; and Community Development, May 12, 2005.

Finance Director Okins presented to the Mayor and Council the 2004 Finance Department annual report. Following a 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 8:25 p.m. upon motion by Council Member Christianson, seconded by Council Member Reese, and

carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL