

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

January 16, 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 Captain David Wyffels, Fire Chief Marv Calvin, Public Works Director Mel Odens, Finance Director Steven Okins, Planning and Development Services Director Bruce Peterson, and City Clerk Kevin Halliday.

Proposed additions to the agenda included a Martin Luther King proclamation, tax forfeiture property reassessment resolution, appointments to a City/County Economic Development Committee, and citizen appointments to two committees.

The Housing and Redevelopment Authority Board Minutes of December 11, 2001, were removed from the Consent Agenda.

Council Member Reese offered a motion adopting the Consent Agenda which included the following: City Council Minutes of January 2, 2002, Building Inspection Report for December, Pioneerland Library Board Minutes of November 15, Willmar Lakes Area Convention and Visitors Bureau Minutes of December 18, 2001, Planning Commission Minutes of January 3, Civic Center Task Force Minutes of January 8, 2002, and Exempt Permits for the Sertoma Club and Pheasants Forever. Council Member Fagerlie seconded the motion, which carried.

The Mayor and Council discussed a report in the HRA Minutes regarding the Crime Free Multi Housing Program, in which it was noted all projects have passed the final inspection. The Housing and Redevelopment Authority Minutes of December 11, 2001, were accepted as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Reese, seconded by Council Member DeBlieck, and carried.

Mayor Heitke introduced Tim Flaherty and Carrie Solberg from Flaherty and Hood, the lobbyists for the Coalition of Greater Minnesota Cities. This matter was for information only.

At 7:12 p.m. Mayor Heitke opened a hearing on an Ordinance Amending Sections 2, 3 and 5 of Rate Schedule for Users of the Willmar Wastewater Treatment Plant. Finance Director Okins presented details to the Mayor and Council regarding the raising of rates to pay for the upgrades at the present facility and for future construction plans. It was noted the effect of the increase on an average household would be seventy (\$.70) cents per month. There being no one present to speak for or against the proposed Ordinance, Mayor Heitke closed the hearing at 7:16 p.m.

Council Member Reese offered a motion to adopt, assign a number, and order final

publication of the Ordinance Amending Sections 2, 3 and 5 of Rate Schedule for Users of the Willmar Wastewater Treatment Plant. Council Member Fagerlie seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

At 7:19 p.m. Mayor Heitke opened a hearing on an Ordinance Amending the Temporary Intoxicating Liquor License Ordinance. City Clerk Halliday presented details to the Mayor and Council noting that Section 1 would allow temporary sales on Sunday and Section 2 would increase the permit length from three days to four days. There being no one present to speak for or against the proposed Ordinance, Mayor Heitke closed the hearing at 7:20p.m.

Following discussion, Council Member Christianson moved to strike Section 1 of the proposed Ordinance with Council Member Chapin seconding the motion which resulted in a roll call vote of Ayes 4, Noes 4 – Council Members Houlahan, Anderson, Chapin and Dokken voted “No.” Mayor Heitke cast the deciding affirmative vote.

Council Member Chapin offered a motion to adopt, assign a number, and order final publication of the Ordinance Amending the Temporary Intoxicating Liquor License Ordinance as amended. Council Member Dokken seconded the motion, which carried on a roll call vote of Ayes 7, Noes 1 – Council Member Dokken vote “No.”

Mayor Heitke recognized Tom Kelleher and Dave Baker, representing the Civic Center Task Force, who presented the Task Force’s findings and recommendations for Council review and consideration. The recommendations included the following: 1) the urgent expansion of the Civic Center to include new co-ed locker rooms and shower facilities, 2) discussions with the Blue Line Club to facilitate the City’s ownership and control of both facilities, 3) dual revenue to expense ratio, 4) pursue discussions with other organizations to develop complimentary uses, and 5) consider a study to better determine the cost/benefit of additional facility enhancements.

Following discussion, Council Member DeBlieck moved to refer the Civic Center Task Force findings and recommendations to the Public Works/Safety Committee for consideration. Council Member Fagerlie seconded the motion, which carried.

Mayor Heitke called on Senator Dean Johnson and Representative Alan Juhnke who appeared before the Mayor and Council to discuss current issues prior to the start of the 2002 Legislative Session. Senator Johnson, a 24-year member of the Legislature, began discussing the \$2.4 billion surplus of one year ago and the \$1.9 billion deficit projected for the current budget year ending June 30, 2003. It was noted that there are 26,000 less jobs in Minnesota today than one year ago. The Governor is proposing \$700 million in State budget cuts, \$675 million cuts in local government aid and possible \$400 million in tax increases. Senator Johnson further discussed air freight/cargo standards and the opportunity to have a freight airport in Willmar, redistricting plans being reviewed by the Legislature, and the future plans at the Willmar Regional Treatment Center caused by the possible shift of some programs to the St. Peter, Minnesota, facility. This matter was for information only.

Representative Juhnke discussed the new airport project, changing minority population, loss of rural representatives pursuant to redistricting, and the Minnesota Twins and stadium issues. This matter was for information only

Don Lighthizer and Patty Daniels addressed the Mayor and Council during the Open Forum expressing concerns of the Governor’s proposed elimination of jobs at the Willmar Regional Treatment Center. It was noted that 163 jobs would be shifted to the St. Peter, Minnesota, facility

while 119 support jobs would be eliminated. The Mayor offered comments regarding the impact on the City with such a large quantity of job losses.

City Administrator Schmit presented to the Mayor and Council for consideration an authorizing application for Rental Rehabilitation administered through the Minnesota Housing Finance Agency. The program, which is administered by the Housing and Redevelopment Authority, provides funds to assist rental property owners in upgrading rental properties. Following discussion, Resolution No. 1 was introduced by Council Member Christianson, seconded by Council Member Reese, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 1

AUTHORIZING APPLICATION FOR
MHFA HOME RENTAL REHABILITATION PROGRAM FUNDS

WHEREAS, the Minnesota Housing Finance Agency, State of Minnesota has been authorized to undertake a program to provide assistance to property owners for the purpose of rental housing rehabilitation; and

WHEREAS, the Housing and Redevelopment Authority In and For the City of Willmar, Minnesota, has developed an application as an Administering Entity for the Minnesota Housing Finance Agency Home Rental Rehabilitation Program; and

WHEREAS, the Housing and Redevelopment Authority In and For the City of Willmar, Minnesota, has demonstrated the ability to perform the required activities of the Minnesota Housing Finance Agency Rental Rehabilitation Program;

NOW, THEREFORE, BE IT RESOLVED that the Housing and Redevelopment Authority In and For the City of Willmar, Minnesota, is hereby authorized as an entity to be charged with the administration of funds made available through the Minnesota Housing Finance Agency Home Rental Rehabilitation Program, in the City of Willmar, Minnesota.

Dated this 16th day of January, 2002.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Mayor Heitke called for a recess at 8:59 p.m. and reconvened the meeting at 9:10 p.m.

The Finance Committee Report of January 7, 2002, was presented to the Mayor and Council by Council Member Reese. There were three items for Council consideration.

ITEM NO. 1 The Committee reviewed estimated revenues and expenses associated with the WSA SnoCross races and an amendment to the Convention and Visitors Bureau budget. CVB staff explained the budget changes and talked about the impact of the event on the community's economy, i.e. hotels, restaurants, etc. The Committee was recommending to the Council approval of a resolution amending the CBV budget as presented.

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 make the following changes within the C.V.B. Fund:

Increase: Estimated Revenues

SnoCross Admission	\$45,600.00
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Increase: Appropriations

General Supplies	\$ 2,700.00
Communications	200.00
Maint. Of Other Services	18,200.00
Cleaning and Waste	1,000.00
Rents	2,650.00
Professional Services	4,200.00
Advertising	1,400.00
Other Charges	687.00
Commissions (SnoCross 40%)	5,825.00
Fund Balance	8,738.00

Dated this 16th day of January, 2002.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

ITEM NO. 2 Staff presented the 2002 General and Capital Fund cash flow projections to the Committee for review. It was explained that the City presently has a \$2 million cash flow reserve and that with the \$1 million dollars allocated to the Capital Improvement program for 2002, the City would still have a \$3 million negative cash flow by July. This was received for information only at this time and the Committee will discuss the need for additional reserves in March when final 2001 financial numbers are available. This matter was for information only.

ITEM NO. 3 The Committee briefly reviewed 2001 departmental expenditures exceeding appropriations. The department's included Elections, which received an unexpected billing from Kandiyohi County for ballot counting, and Public Works, which exceeded snow and ice appropriations. Formal budget adjustments would be made in March. This matter was for information only.

The Finance Committee Report of January 7, 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 January 8, 2002, was presented to the Mayor and Council by Council Member Christianson. There were six items for Council consideration.

Item No. 1 The Committee reviewed a final change order with Shank Constructors for

the Wastewater Treatment Facility Improvements. It was noted the entire project is substantially complete, and the second digester work was completed by KHC Construction with no complications. The Committee was recommending to the Council to approve Change Order No. 5 with Shank Constructors.

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

RESOLUTION NO. 3

WHEREAS, a contract has been awarded to Shank Constructors, Inc. of Brooklyn Park, Minnesota, on February 20, 2001, in the amount of \$1,880,400.00 for the construction of Waste Treatment Facility Improvements; and

WHEREAS, Change Order No. 1 increasing the amount by \$335,189.00, Change Order No. 2 decreasing the amount by \$18,793.00, Change Order No. 3 increasing the amount by \$6,324.74, and Change Order No. 4 decreasing the amount by \$5,591.00 have previously been authorized; and

WHEREAS, it is desired to make additional changes to the work from the above contract resulting in another deletion;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that: deletion of work is herewith authorized to the above contract estimated by the Consulting Engineer to be \$8,526.00.

Dated this 16th day of January, 2002.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 2 The Committee discussed concerns expressed by several citizens as to why the intersection of 3rd Street and Litchfield Avenue Southwest is not a four-way stop. Staff explained that 3rd Street is left open as a direct ambulance route to the hospital. Staff was directed to retrieve an intersection accident history and any other pertinent data and place this matter on a future Committee agenda. This matter was for information only.

Item No. 3 The Committee discussed Robbins Island ice fishing issues as referred by Council action. Staff informed the Committee of the history of the maintenance on Robbins Island and the issue of snow filling the roadways shortly after plowed. The decision was made to then block the roads and develop the area into ski trails. Several skiers were present to express their gratitude for the trails stating the area has ideal conditions and facilities.

It was noted that the weather this late fall/winter influenced the condition of the ice not allowing vehicles onto the lake as in previous years. Normally it is a limited amount of time you cannot access the lake. This matter was for information only.

Item No. 4 Staff informed the Committee that six bids were received for a new Class A Pumper. After review of the bids, it was determined that the low bid did not meet specifications as required. Staff recommends award of the bid to the next low bidder, General Fire Safety Equipment. The purchase is included in the Capital Improvement Program and is under the budgeted amount.

The Committee was recommending to the Council to accept the bid of General Fire Safety Equipment and authorize the Mayor and City Administrator to enter into a contract on behalf of the City. Resolution No. 4 was introduced by Council Member Christianson, seconded by Council Member Reese, 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, a Municipal Corporation of the State of Minnesota, that the bid of General Fire and Safety Equipment of Wyoming, Minnesota for the purchase of a 2002 Class A Pumper 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 \$326,534.00.

Dated this 16th day of January, 2002.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 5 The Committee discussed the possible removal of the no parking signs within a two-block radius of Kennedy School. It was the consensus of the Committee to leave the signage as is to avoid parking conflict issues with neighboring residential properties. This matter was for information only.

Item No. 6 The Committee discussed future development of a park area trail system extending north from the Flags of Honor Memorial to Swan Lake. This matter was for information only.

The Public Works/Safety Committee Report of January 8, 2002, 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 Reese, and carried.

The Labor Relations Committee Report of January 9, 2002, was presented to the Mayor and Council by Council Member Houlahan. There were two items for Council consideration.

Item No. 1 The Committee considered three proposed changes to the City's Personnel Policy. First, was a rewrite of Section 2.22, Sexual Harassment. The language changes resulted from working with the League of Minnesota Cities to set up training sessions for City employees. In addition to clarification issues the new language more clearly defines examples of harassment, spells out employer and employee responsibilities, and identifies State resources.

Secondly, Section 5.1, Vacations, is proposed for change to reflect revised hiring procedures and providing exceptions for the use of vacation during probationary periods. This change is intended to accommodate permanent part-time employees promoted to full-time status.

Finally, Section 3.4, Inclement Weather, is being revised to clarify procedures for dealing with employees unable to reach their workstation due to adverse weather conditions.

Following discussion, the Committee was recommending to the Council approval of the proposed changes as presented, subject to review and approval of the City Attorney. Council Member Houlahan moved to approve the recommendation of the Labor Relations Committee with Council Member Anderson seconded the motion, which carried.

Item No. 2 The Committee meeting was closed for the purpose of conducting the City Administrator's performance evaluation and contract provisions. Upon reopening the meeting, Chair Houlahan lead a discussion with the Mayor, Council Members and the City Administrator regarding Council priorities for the Year 2002. Following discussion, the Committee was recommending to the Council that Mr. Schmit's base salary be set at \$84,200 for Calendar Year 2002. Council Member Houlahan 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 January 9, 2002, 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 Chapin, and carried.

City Clerk Halliday informed the Mayor and Council that the Veterans of Foreign Wars Post 1639 has submitted an application for a Premise Permit Renewal to the Gambling Control Board. It was noted the local unit of government must sign the application and the Council vote on the information. Following discussion, Resolution No. 5 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. 5

REQUESTING THAT THE MINNESOTA GAMBLING CONTROL BOARD APPROVE THE APPLICATION FOR A PREMISE PERMIT FOR THE VFW POST 1639

WHEREAS, the VFW Post 1639 has applied to the Minnesota Gambling Control Board to obtain a Premise Permit for a Gambling License at the VFW Post 1639, 1108 East Highway 12, Willmar, Minnesota;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that the City approves of the Premise Permit for the VFW Post 1639 and respectfully requests that the State of Minnesota Gambling Control Board approve the Premise Permit to the VFW Post 1639.

Dated this 16th day of January, 2002.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Planning and Development Services Director Peterson presented to the Mayor and Council for consideration a preliminary plat for Fifth Addition to Lakewood, a nine-lot residential plat west of

Country Club Drive. It was noted the Planning Commission has conducted a hearing on the plat and approved it with one condition relating to cul-de-sac design. Council Member Reese moved to approve the Preliminary Plat of Fifth Addition to Lakewood with Council Member Fagerlie seconding the motion, which carried.

Planning and Development Services Director Peterson presented to the Mayor and Council for consideration a preliminary plat for Independence Place, a four-lot (plus outlot) mixed-use plat bordering Willmar Avenue Southeast. It is to be the site of the Independence Place senior housing cooperative and commercial development along the Willmar Avenue frontage. It was noted the Planning Commission has conducted a hearing on the plat and approved it with conditions requiring additional easements and stormwater drainage plans. Council Member Reese moved to approve the Preliminary Plat of Fifth Addition to Lakewood with Council Member Chapin seconding the motion, which carried.

Planning and Development Services Director Peterson informed the Mayor and Council that AGCO Corporation and Crow Wing Oil Co. have submitted a petition for the vacation of unused utility and roadway easements encumbering their industrial park property. It was noted the Planning Commission recommends the vacation as presented, and staff recommends adoption of the resolution setting a public hearing.

Resolution No. 6 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. 6

RESOLUTION SETTING A PUBLIC HEARING TO CONSIDER A
PETITION TO VACATE UTILITY EASEMENTS

BE IT RESOLVED by the City Council of the City of Willmar that the Council conduct a public hearing at 7:02 p.m. on Wednesday, February 6, 2002, in the Council Chambers at the Municipal Utilities Commission Building, 700 SW Litchfield Avenue, Willmar, Minnesota.

BE IT FURTHER RESOLVED that the purpose of the hearing will be to consider a petition submitted by AGCO/Crow Wing Oil, for the vacation of utility and roadway easements which currently encumber their property in the Willmar Industrial Park.

BE IT FURTHER RESOLVED that any person having an interest in said matter is invited to appear in person or be represented by counsel to be heard on this matter.

Dated this 16th day of January, 2002.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Planning and Development Services Director Peterson informed the Mayor and Council that as part of an Easement Transfer Agreement made in 2001, the City agreed to pursue the vacation of unused utility easements currently encumbering Lot 6, Block 1, Koosman Signature Addition. It was noted the Planning Commission recommends the vacation as proposed, and staff recommends adoption of a resolution setting a public hearing.

Resolution No. 7 was introduced by Council Member Fagerlie, seconded by Council Member Chapin, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 7

RESOLUTION SETTING A PUBLIC HEARING TO CONSIDER A
PETITION TO VACATE UTILITY EASEMENTS

BE IT RESOLVED by the City Council of the City of Willmar that the Council conduct a public hearing at 7:03 p.m. on Wednesday, February 6, 2002, in the Council Chambers at the Municipal Utilities Commission Building, 700 SW Litchfield Avenue, Willmar, Minnesota.

BE IT FURTHER RESOLVED that the purpose of the hearing will be to consider the vacation of utility easements which currently encumber Lot 6, Block 1, Koosman Signature Addition.

BE IT FURTHER RESOLVED that any person having an interest in said matter is invited to appear in person or be represented by counsel to be heard on this matter.

Dated this 16th day of January, 2002.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Public Works Director Odens presented for Council consideration a Resolution accepting the Civic Center floor replacement project and authorizing final payment. Following discussion, Resolution No. 8 was introduced by Council Member Christianson, seconded by Council Member Reese, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 8

ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

IMPROVEMENT: Civic Center Rink Floor Replacement

CONTRACTOR:	Arena Systems
DATE OF CONTRACT:	April 24, 2001
COMPLETE WORK:	September 14, 2001
APPROVE, CITY ENGINEER:	January 4, 2002

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

1. The said Civic Center Rink Floor Replacement be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT: \$308,974.00

Credit Memo	\$1,000.00
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$307,974.00
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$307,974.00
Less Previous Payments (1 through 4)	\$293,525.30
FINAL PAYMENT DUE CONTRACTOR:	\$14,448.70

Dated this 16th day of January, 2002.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Announcements for Council Committee meeting dates were as follows: Finance, January 28; Public Works/Safety, January 29; Labor Relations, January 30; and Community Development, January 31, 2002.

Mayor Heitke read a Proclamation of Martin Luther King, Jr. Council Member DeBlieck offered a motion to accept the proclamation with Council Member Reese seconding the motion, which carried.

City Clerk Halliday reported that a tax forfeiture lot was sold in Oslo Heights and special assessments remain on the property and must be reassessed. Council Member Reese moved to schedule a reassessment hearing for February 6, 2002. Council Member Anderson seconded the motion, which carried.

Mayor Heitke presented to the Council for consideration the appointment of Nathan Streed to the Board of Zoning Appeals. It was noted this matter would be considered at the February 6, 2002, meeting.

Mayor Heitke was recommending to the Council that Kay Westly be reappointed to serve on the Planning Commission. Council Member Fagerlie moved to approve the recommendation with Council Member DeBlieck seconding the motion, which carried.

Mayor Heitke acknowledged, and offered congratulations to, Michelle Schwitters, winner of the 2002 Business and Professional Women's Young Careerist Award.

Council Member Fagerlie requested to be excused from the February 6, 2002, Council meeting.

There being no further business to come before the Council, the meeting adjourned at 9:52 p.m. upon motion by Council Member Reese, seconded by Council Member Anderson, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL