

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

February 21, 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.

Council Member Reese offered a motion adopting the Consent Agenda which included the following: City Council Minutes of February 7, Municipal Utilities Commission Minutes of February 12, Building Inspection Report for January, Housing and Redevelopment Authority Board Minutes of January 16, Community Education and Recreation Board Minutes of January 25, Planning Commission Minutes of February 14, 2001, and Pioneerland Library Board Minutes of November 16, 2000; Application for Exempt Permit for the Minnesota Jaycees, and Mayoral appointments of Florence Pendergrast and Brad Wallenberg to the Human Rights Commission. Council Member Christianson seconded the motion, which carried.

At 7:02 p.m. Mayor Heitke opened the hearing for the 2001 Street and Other Improvements Project. Public Works Director Odens presented to the Mayor, Council and citizens in attendance a review and explanation of the proposed improvements and estimated cost. Seven streets were planned for reconstruction, four areas designed for an overlay and three new streets designed by local developers. The estimated total cost of the proposed project was \$2,696,000. Several citizens appeared before the Mayor and Council seeking clarification of the project regarding 15<sup>th</sup> Avenue Northwest, 4<sup>th</sup> Street and Johanna, 5<sup>th</sup> Street Southwest near the Post Office and Unitarian Church, 9<sup>th</sup> Street Southwest, and Richland Circle. Citizens in the Richland Avenue area presented a petition opposing the construction of 9th Street Southwest to the Mayor. Upon hearing all those who wished to be heard, Mayor Heitke closed the meeting at 8:15 p.m.

Following discussion, Council Member Christianson offered a motion to remove 9<sup>th</sup> Street Southwest from the improvement project. Council Member Dokken seconded the motion, which carried on a roll call vote of Ayes 5, Noes 3 - Council Member Reese, Houlahan and Anderson voted "No."

Resolution No. 1, as amended, was introduced by Council Member DeBlieck, seconded by Council Member Reese, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 1

ORDERING 2001 STREET AND OTHER IMPROVEMENTS  
(AND DIRECTING PREPARATION OF FINAL PLANS AND SPECIFICATIONS)

WHEREAS, after due Notice of Public Hearing on the construction of street and other improvements for the City of Willmar, Minnesota, hearing on said improvements was duly held and the Council heard all persons desiring to be heard on the matter and fully considered the same.

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

1. It is advisable, expedient, and necessary that said improvements as described in the Notice of Hearing thereon be constructed, and the same are hereby ordered made.

2. The improvements described in said Notice of Hearing are hereby designated and shall be known as 2001 Street and Other Improvements.

3. The City's Engineer is hereby directed to prepare final plans and specifications for said improvements.

4. The City Council shall let the contract for all or part of the work for said improvements or order all or part of the work done by day labor or otherwise as authorized by Minnesota Statutes, Section 429.041, Subdivision 2, within one year of the date of this resolution ordering said improvements.

Dated this 21<sup>ST</sup> day of February, 2001.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Mayor Heitke called for a recess at 8:45 p.m. and reconvened the meeting at 8:58 p.m.

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

Mayor Heitke recognized Brian Grogan from Moss and Barnett who presented to the Mayor and Council a report on En-Tel Communication's legal, technical and financial qualifications to operate a cable system in the City. Mr. Grogan commented that En-Tel appears to have qualified management and their fiscal qualifications are favorable due to the successful securing of a loan from the Rural Telephone Finance Corporation. En-Tel has \$7.7 million in assets and \$4.7 million in liabilities. Mr. Grogan stated that in order for En-Tel to ensure compliance with its obligations pursuant to the franchise, the City should condition its granting of a franchise on a bond requirement of \$100,000 which would provide security in the event damage or other issues arise requiring restoration at the City's expense.

Resolution No. 2 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. 2

REGARDING FINDINGS OF FACT WITH RESPECT TO THE  
PROPOSAL OF EN-TEL COMMUNICATIONS, LLC  
FOR A CABLE COMMUNICATIONS FRANCHISE

(For Resolution in its entirety, see City Council Minutes file dated February 21, 2001, located in the City Clerk's Office)

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

Item No. 1 The Committee reviewed plans and specifications for the replacement of the Civic Center floor and equipment retrofit. The total estimated cost of the project is \$485,000. Following discussion, the Committee was recommending to the Council to approve the plans and specifications and authorize advertisement of bids.

Resolution No. 3 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. 3

WHEREAS, the City Engineer of the City of Willmar has presented to the City Council plans and specifications for the replacement of the floor and equipment retrofit at the Civic Center 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 1:30 p.m. on the 19<sup>th</sup> day of March, 2001, at the City Office Building, 333 Southwest Sixth Street, Willmar, Minnesota.

Dated this 21<sup>ST</sup> day of February, 2001.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 2 The Committee considered an application to the Department of Natural Resources for a 50/50 cost share of the extension of the walk path from the Flags of Honor Park to Civic Center Drive. The estimated cost of the project is \$50,000. The Committee was recommending to the Council to adopt a resolution of support for the project.

Resolution NO. 4 was introduced by Council Member Reese, seconded by Council Member Houlahan, 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 support staff's submittal of a grant application to the Minnesota Department of Natural Resources requesting financial support for the construction of an extension to the walk path from the Flags of Honor Park to Civic Center Drive.

Dated this 21<sup>ST</sup> day of February, 2001.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

The Public Works/Safety Committee Report of February 12, 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 Finance Committee Report of February 12, 2001, was presented to the Mayor and Council by Council Member Anderson. There were six items for Council consideration.

Item No. 1 Erik Vogel, representing Celebration of Cultures, was present to discuss with the Committee the planned diversity celebration. The event scheduled for February 24, 2001, at Kennedy Elementary School is intended to create awareness of the ethnic diversity in the community, and display positive aspects of living in a multi-cultural community. The organizing committee has a goal of raising \$8,000 for the event and is requesting a \$1,000 contribution from the City.

The Committee was recommending to the Council that the City donate \$1,000 from its Civic Promotions Budget to help fund the Celebration of Cultures. Council Member Anderson moved to approve the recommendation of the Finance Committee with Council Member Fagerlie seconding the motion, which carried.

Item No. 2 CEO Lorry Massa was present to update the Committee on the status of Rice Home Health Care program. Mr. Massa provided a brief history of the program purchase from Kandiyohi County and reviewed past, current and future financial projections. This matter was for information.

Item No. 3 Representatives of the Blue Line Club appeared before the Committee to request the Council's assistance in securing a loan/note for the Blue Line Building. One option would be for the City to subordinate its interest in the building to Home State Bank, and the second would be for the City to serve as a conduit for a Note Financing through a Wells Fargo Public Finance Program. Following a lengthy discussion, it was the consensus of the Committee to have staff do further research on the options and report back at a later date.

On a related note, the Committee, staff and Blue Line Club talked about the concept of coordinating artificial ice installation programs. Following a review of the Public Works/Safety Committee's recommendation to approve plans and specifications and call for bids and the Blue Line Club's desired plans for artificial ice, the Committee was recommending to the Council that staff be allowed to contact the Civic Center consultant to solicit a proposal for a feasibility study. Council Member Anderson moved to approve the recommendation of the Finance Committee with Council Member Fagerlie seconding the motion, which carried.

Item No. 4 The Committee reviewed the proposed Pioneerland Library System 2001 agreement and bylaws. It was noted the new agreement and revised bylaws have addressed the needs for an improved process to resolve future disputes concerning issues related to the agreement, clarification of ownership, and protection of assets. The Committee was recommending to the Council that the proposed agreement be approved and the Mayor be authorized to sign on behalf of the City.

Resolution No. 5 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, 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 Mayor be authorized to enter into a joint powers agreement between the City of Willmar and Pioneerland Library System.

Dated this 21<sup>ST</sup> day of February, 2001.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 5 Staff advised the Committee that the City has received \$10,780 from the Bureau of Justice as a local law enforcement block grant. The funds are to be used for overtime hours focusing on targeted enforcement of problem areas identified by the public and Call-For-Service statistics. The Committee was recommending to the Council approval of a Resolution authorizing budget changes.

Resolution No. 6 was introduced by Council Member Anderson, seconded by Council Member Houlahan, 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 to authorize the Finance Director to make the following changes within the Police Department within the General Fund:

Increase: Overtime	\$10,780.00
Increase: Grant Revenue	\$10,780.00

Dated this 21<sup>ST</sup> day of February, 2001.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Item No. 6 The Committee briefly discussed the status of the Library project and proposed schedule for ending the local option sales tax. It was the consensus of the Committee that this matter would be monitored monthly to better define capital improvement needs and tax revenue projections. This matter was for information only.

The Finance Committee Report of February 12, 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 Fagerlie, and carried.

The Mayor and Council considered an Ordinance to Rezone Certain Lands from A (Agriculture) to R-2 (One and Two Family Residential). Planning and Development Services Director Peterson presented information on the proposal from Ed Gesch to rezone a portion of his property in southeast Willmar for the anticipated development of the YMCA and additional City parkland/stormwater retention. It was noted that the Planning Commission has approved the rezoning. Following discussion, Council Member DeBlieck offered a motion to introduce the Ordinance to Rezone Certain Lands and schedule a hearing for March 7, 2001. Council Member Fagerlie seconded the motion, which carried.

Planning and Development Services Director Peterson presented to the Mayor and Council a preliminary plat for the YMCA Addition, a subdivision on the property described in the Gesch rezoning ordinance. The property consists of three large lots and the easterly extension of Olena Avenue to Lakeland Drive. It was noted that the Planning Commission approved the preliminary plat with conditions relating to additional easements, access, surface water management and the reallocation/reapportionment of special assessments. Following discussion, Council Member Reese moved to approve the preliminary plat as presented with Council Member Christianson seconding the motion, which carried.

Announcements for Council Committee meeting dates were as follows: Finance, February 26; Public Works/Safety, February 27; and Community Development, February 28, 2001.

Mayor Heitke presented to the Council for consideration the following appointments: Municipal Utilities Commission, Marv Kray; Zoning Appeals Board, Sherlan Baker; and Airport Commission, David Solsrud.

There being no further business to come before the Council, the meeting adjourned at 9:36 p.m. upon motion by Council Member Reese, seconded by Council Member Christianson, and carried.

Attest:

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MAYOR

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SECRETARY TO THE COUNCIL