

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

May 17, 2000
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 Verna Kelly, Denis Anderson, Ron Christianson, Bruce DeBlicek, Douglas Reese, Nancy Houlahan, Jim Dokken, and Rick Fagerlie; Present 9, Absent 0.

Also present were City Administrator Michael Schmit, City Attorney Richard Ronning, Public Works Director Mel Odens, Finance Director Steven Okins, Planning and Development Services Director Bruce Peterson, Police Chief Jim Kulset, Fire Chief Marvin Calvin, and City Clerk Kevin Halliday.

Mayor Heitke read a Proclamation proclaiming May 18, 2000, as Poppy Day in the City of Willmar.

The Planning Commission Minutes of May 10, 2000, were removed from the Consent Agenda.

Council Member Reese offered a motion adopting the Consent Agenda, which included the following: City Council Minutes of May 3, Municipal Utilities Commission Minutes of May 8, Rice Hospital Board Minutes of May 8, Pioneerland Library Board Minutes of March 16, Housing and Redevelopment Authority Minutes of April 11, and Airport Commission Minutes of May 2, 2000. Council Member Kelly seconded the motion, which carried.

The Mayor and Council discussed the Planning Commission Minutes of May 10, 2000, and asked City Attorney Ronning to review the procedure of Council review and/or challenge to the conditional use permit approved by the Commission. City Attorney Ronning informed the Mayor and Council the Council did not have authority to veto the action taken by the Planning Commission on a conditional use permit and that any aggrieved party would be required to file an appeal to the Board of Zoning Appeals. Following discussion, the Planning Commission Minutes of May 10, 2000, were accepted as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Kelly, seconded by Council Member Reese, and carried on a roll call vote of Ayes 6, Noes 2 - Council Members Christianson and Dokken voted "No."

Mayor Heitke called for a recess at 7:20 p.m. and reconvened the meeting at 7:23 p.m.

At 7:23 p.m. Mayor Heitke opened the assessment hearing on the 2000 Street and Other Improvements (Projects 00-01 and 00-02). Public Works Director Odens reviewed the project and explained the proposed assessments. Diane Tinnis, Jade Center Manager, appeared before the Mayor and Council to voice concerns with the parking design along 3rd Street Southwest and potential safety issues. Mayor Heitke read into the record a letter of appeal on the assessments at 400 Charlotte Southeast. Staff informed the Mayor and Council that a 30 percent reduction was recommended for that parcel due to an overlooked assessment of the abutting avenue to the corner lot. Upon hearing all those who wished to be heard, Mayor Heitke closed the hearing at 7:53 p.m.

Resolution No. 1, as amended with the reduction to the property at 400 Charlotte Street Southeast, was introduced by Council Member Kelly, seconded by Council Member Reese, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 1

ADOPTING ASSESSMENT ROLL

WHEREAS, pursuant to notice duly given as required by law, the City Council has met, heard, and passed upon all objections to the proposed assessment for Project No. 0001 of the 2000 Street and Other Improvements, and has amended such proposed assessment as it deems just;

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

1. Such proposed assessment, the sum of \$369,682.03, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein is hereby found to be benefited by the proposed improvement.

2. Such assessments shall be as follows:

A. The assessments shall be payable in equal annual installments extending over a period of ten (10) years, the first of said installments to be payable with general taxes for the year 2001, collectible with such taxes during the year 2001.

B. To the first installment shall be added interest at the rate of seven and fifty-hundredths (7.50) percent per annum on the entire principal amount of the assessment from the date of the bond sale, June 7, 2000, until December 31, 2001. To each subsequent installment, when due there shall be added interest for one year at said rate on the unpaid principal amount of the assessment.

C. The owner of any property so assessed may at any time prior to the certification of the assessment or the first installment thereof to the County Auditor (Treasurer), pay the whole of the principal amount of the assessment on such property with interest accrued to the date of payment to the City clerk-Treasurer, except that no interest shall be charged if the entire assessment is paid by October 31, 2000, and such property owner may at any time prior to November 15 of any year pay to the City Clerk-Treasurer the entire principal amount.

3. The City Clerk-Treasurer shall forthwith transmit a certified duplicate copy of this assessment to the County Auditor to be extended on the tax list of the County.

Dated this 17th day of May, 2000.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

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

RESOLUTION NO. 2

ADOPTING ASSESSMENT ROLL

WHEREAS, pursuant to notice duly given as required by law, the City Council has met, heard, and passed upon all objections to the proposed assessment for Project No. 0002 of the 2000 Street and Other Improvements, and has amended such proposed assessment as it deems just;

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

1. Such proposed assessment, the sum of \$201,234.37, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein is hereby found to be benefited by the proposed improvement.

2. Such assessments shall be as follows:

A. The assessments shall be payable in equal annual installments extending over a period of ten (10) years, the first of said installments to be payable with general taxes for the year 2001, collectible with such taxes during the year 2001.

B. To the first installment shall be added interest at the rate of seven and fifty-hundredths (7.50) percent per annum on the entire principal amount of the assessment from the date of the bond sale, June 7, 2000, until December 31, 2001. To each subsequent installment, when due there shall be added interest for one year at said rate on the unpaid principal amount of the assessment.

C. The owner of any property so assessed may at any time prior to the certification of the assessment or the first installment thereof to the County Auditor (Treasurer), pay the whole of the principal amount of the assessment on such property with interest accrued to the date of payment to the City clerk-Treasurer, except that no interest shall be charged if the entire assessment is paid by October 31, 2000, and such property owner may at any time prior to November 15 of any year pay to the City Clerk-Treasurer the entire principal amount.

3. The City Clerk-Treasurer shall forthwith transmit a certified duplicate copy of this assessment to the County Auditor to be extended on the tax list of the County.

Dated this 17th day of May, 2000.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

At 7:54 p.m. Mayor Heitke opened the hearing on an Ordinance Authorizing the Issuance of \$1,600,000 Hospital Revenue Note. Rice Hospital CEO Lorry Massa presented to the Mayor and Council details of the \$1,600,000, ten-year, tax-exempt loan that will allow the Hospital to replace existing equipment for radiation with a new linear accelerator and simulator. There being no one present to speak for or against the proposed Ordinance, Mayor Heitke closed the hearing at 7:55 p.m.

Council Member Reese offered a motion to adopt, assign a number, and order final publication of the Ordinance Authorizing the Issuance of \$1,600,000 Hospital Revenue Note. Council Member Kelly seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

At 7:56 p.m. Mayor Heitke opened the hearing on an Ordinance Adopting the Right-of-Way Ordinance of the City of Willmar. Public Works Director Odens presented to the Mayor and Council details of the proposed Ordinance and fee schedule and restoration requirements. There being no one present to speak for or against the proposed Ordinance, Mayor Heitke closed the hearing at 7:58 p.m.

Council Member Reese offered a motion to adopt, assign a number and order final publication of the Ordinance Adopting the Right-of-Way Ordinance of the City of Willmar. Council Member Kelly seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Resolution No. 3 was introduced by Council Member Reese, seconded by Council Member Kelly, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 1 - Council Member Christianson voted "No."

Resolution No. 3

BE IT RESOLVED by the City Council of the City of Willmar that fees and rates for the Right-of-Way Ordinance be set as follows:

Registration Fees:

Excavators - \$50.00
Franchise Holders - No Charge
City of Willmar, Public Works - No Charge
City of Willmar, Municipal Utilities - No Charge

Excavation Permit Fees:

\$85.00 - In the ROW and not in the street.
\$170.00 - In the ROW and in the street.
City of Willmar, Public Works - No Charge
City of Willmar, Municipal Utilities - No Charge

Surface Repair Rates if City Restoration is Required:

For Asphalt:

Plate Numbers 1, 2 & 7 \$15.00/SF of excavation - minimum \$1500.00
Plate Numbers 3, 4 & 8 \$ 8.00/SF of excavation - minimum \$ 800.00
Plate Numbers 5 & 9 \$ 5.50/SF of excavation - minimum \$550.00
Plate Numbers 6 & 10 \$ 5.50/SF of excavation - no minimum

For Concrete:

Plate Numbers 1 - 6 and charge actual cost for replacement.

For Curb and Gutter Repair:

Replacement at \$15.00/LF and \$3.75/LF for any additional removal.

Temporary Repairs:

Asphalt or concrete winter patch mix at actual cost of patch

placement shall be used on all street openings open to traffic when seasonal conditions prevent permanent repairs for more than ten (10) calendar days.

Dated this 17th day of May, 2000.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Finance Committee Report of May 8, 2000, was presented to the Mayor and Council by Council Member Kelly.

Item No. 1 Al Erickson, representing Springsted Public Finance Consultants, appeared before the Committee to outline the recommended details for financing the 2000 Street Improvements. The amount of the proposed General Obligation Improvement Bonds would be \$570,000.00 to be repaid over a period of 10 years at an estimated percentage rate of 5.5.

The Committee was recommending to the Council that a resolution be introduced setting the sale of \$570,000.00 bonds to finance the 2000 Street Improvement Project. The Committee further recommended that the Council introduce an ordinance calling for a public hearing to authorize the bond sale for June 7, 2000.

Staff informed the Mayor and Council that the bond sale would need to be increased to \$665,000 to accommodate a developer's project at 25th Street Southeast.

Resolution No. 4 was introduced by Council Member Kelly, seconded by Council Member Anderson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 4

RESOLUTION PROVIDING FOR THE COMPETITIVE NEGOTIATED SALE OF
\$665,000 GENERAL OBLIGATION IMPROVEMENT

(For Resolution in its entirety, see City Council Proceedings
File of May 17, 2000, located at the City Clerk's Office)

Resolution No. 5 was introduced by Council Member Kelly, seconded by Council Member Anderson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 5

RESOLUTION CALLING FOR PUBLIC HEARING ON AN ORDINANCE
AUTHORIZING THE ISSUANCE OF \$665,000 GENERAL OBLIGATION IMPROVEMENT

(For Resolution in its entirety, see City Council Proceedings
File of May 17, 2000, located at the City Clerk's Office)

Item No. 2 The Committee reviewed the 1999 City Financial Report and was updated on all open Capital Projects. This matter was for information only.

Item No. 3 The Committee reviewed the following reports: March Rice Financial, and First Quarter M.U.C. Financial. This matter was for information only.

The Finance Committee Report of May 8, 2000, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Kelly, seconded by Council Member Christianson, and carried.

The Public Works/Safety Committee Report of May 9, 2000, was presented to the Mayor and Council by Council Member Reese. There were two items for Council consideration.

Item No. 1 Staff reviewed with the Committee previous Council action and summarized meetings with Jennie-O relative to the Waste Treatment Plant Facilities Plan. The Committee considered revised alternatives intended to minimize the impact to the City of Willmar. Staff described the options outlined in the summary provided by Bonestroo and Associates:

1. Upgrade the existing plant with Jennie-O in phases in the years 2000 and 2005.
2. Construct new plant with Jennie-O in 2010 along with upgrading the existing plant in 2000.
3. Construct new plant without Jennie-O in 2010 along with upgrading the existing plant in 2000 (Plan approved in December, 1999).

The Committee also reviewed correspondence from Jennie-O expressing their willingness to work with the City by exploring methods to extend the useful life of the plant. Flow equalization from their plant, RBC replacement, and removal efficiencies of the trickling filter are being considered at this time. They also indicated their support in upgrading the current facility and being a part of the new plant in 2010 if the capital allocation formula can be agreed upon.

Committee Members then discussed the need for a rate study to be conducted and to start the process of initiating the 2000 improvements to the plant. It was determined that this matter be referred to the Finance Committee for funding.

The Committee was recommending to the Council to proceed with Alternative No. 1 and pursue conducting a rate study. Council Member Reese moved to approve of the recommendation of the Public Works Committee with Council Member Kelly

seconding the motion. Following discussion, Council Member Dokken offered a motion to table. Council Member Fagerlie seconded the motion, which carried on a roll call vote of Ayes 5, Noes 3 - Council Members Reese, Anderson, and Kelly voted "No."

Item No. 2 As directed by the Council at their last meeting, staff overviewed the reason and intent of the proposed Right-of-Way Ordinance. The purpose of the overview was to answer questions the Committee Members or interested parties may have prior to the hearing scheduled for May 17, 2000. It was noted that the ordinance has been brought to Committee previously, presented at a KandiLink meeting, and letters were also sent to various users of the right-of-way advising them of the ordinance.

Staff also discussed the proposed fee schedule that would apply as part of the ordinance. It was the recommendation of staff to adopt the fee schedule by resolution instead of including it in the ordinance. The Committee was recommending to the Council to adopt the proposed fee schedule as presented. It was noted that this matter was adopted by the Council with the Right-of-Way Ordinance.

The Public Works/Safety Committee Report of May 9, 2000, 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 Kelly, and carried.

Announcements for Council Committee meeting dates were as follows: Finance, May 22; Public Works/Safety, May 23; Labor Relations, May 24; Community Vision 2020, May 31; Community Development, June 1; and Cable Advisory, June 1, 2000.

Mayor Heitke informed the Council of the annual Special Olympics events on May 21, 2000, and a state convention for Disabled Vets will be held in Willmar.

There being no further business to come before the Council, the meeting adjourned at 8:28 p.m. upon motion by Council Member Kelly, seconded by Council Member DeBlicek, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL