

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

October 4, 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, Ron Christianson, Bruce DeBlicek, Douglas Reese, Denis Anderson, Nancy Houlahan, Jim Dokken, and Rick Fagerlie; Present 9, Absent 0.

Also present were City Administrator Michael Schmit, City Attorney Richard Ronning, Police Chief Jim Kulset, Fire Chief Marv Calvin, City Engineer 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.

Proposed additions to the agenda included a reimbursement resolution and League of Minnesota Cities meeting announcement.

The Planning Commission Minutes of September 27, 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 September 20, Municipal Utilities Commission Minutes of September 25, and Housing and Redevelopment Authority Minutes of August 8, 2000. Council Member DeBlicek seconded the motion, which carried.

The Mayor and Council discussed the Planning Commission Minutes of September 27, 2000. Mayor Heitke requested further input to Item No. 4 regarding telecommunications towers. Planning and Development Director Peterson clarified several issues still under consideration by the Planning Commission and provided the estimated timetable for the draft of a new tower ordinance. Council Member Kelly moved to accept the Planning Commission Minutes of September 27, 2000. Council Member Reese seconded the motion, which carried.

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

The Finance Committee Report of September 26, 2000, was presented to the Mayor and Council by Council Member Kelly. There were two items for Council consideration.

Item No. 1 Mayor Heitke presented to the Committee his proposed Year 2001 Budget and detailed proposed revenues and expenses including a discussion of the capital outlay program and a review of non-departmental expenditures. The Mayor noted the proposed budget includes a tax levy increase of \$168,757.00. The total proposed Year 2001 levy is \$2,544,350.00. The Mayor concluded his remarks by providing comparative property tax data for similar sized communities throughout Minnesota.

Chairman Kelly indicated that the Finance Committee would be reviewing the Mayor's proposed budget between now and the scheduled December 6, 2000, Truth-in-Taxation hearing. The Finance Committee and other Council Members have set aside Monday, November 20, 2000, to meet with the Mayor and staff regarding the budget. This matter was for information only.

Item No. 2 The Committee considered a request from Planned Community Living, a not-for-profit 501C3, to waive building permit fees on a proposed new meeting facility. It was the consensus of the Committee that more information

was needed and the matter was tabled. Council Member Kelly moved to remove the matter from the table with Council Member Anderson seconding the motion, which carried.

City Administrator Schmit presented to the Mayor and Council additional information on the Planned Community Living and the organization's intent to construct a facility for Al Anon. Following discussion, Council Member Kelly moved to waive \$1,650.20 in building permit fees on the proposed new meeting facility. Council Member Christianson seconded the motion, which carried.

The Finance Committee Report of September 25, 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 Reese, and carried.

The Public Works/Safety Committee Report of September 26, 2000, was presented to the Mayor and Council by Council Member Reese. There were two items for Council consideration.

Item No. 1 The Committee considered a proposal for engineering services to replace the Civic Center Arena roof. Money for the repairs was budgeted for in the year 2000. Due to the magnitude of the project, a proposal was received from Howard R. Green Co. to determine the design and properly spec the project for bids.

The proposal is divided into two phases, one being for design and preparation of bid documents and the other construction observation. Staff felt the City Building Official could perform the majority of the construction observation and testing. Following discussion, the Committee was recommending to the Council to enter into an agreement that provides for the basic services in the amount of \$4,960 and the construction phase on a per trip charge of \$475.

Resolution No. 1 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. 1

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 Howard R. Green Co. for engineering services for Civic Center Arena Roof Project in the amount of \$4,960.00 for basic services and \$475.00 per trip charge.

Dated this 4th day of October, 2000.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 2 Steve Wright, Airport Manager, presented to the Committee a brief history of the current airport along with the funding aspects that would be involved in the construction of a new airport. Discussion was held in relation to different facility operations that could be offered, and the various types of runway construction and navigational aides. This matter was for information only.

The Public Works/Safety Committee Report 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 Fagerlie, and carried.

The Labor Relations Committee Report of September 27, 2000, was presented to the Mayor and Council by Council Member Christianson. There were two items for Council consideration.

Item No. 1 City Administrator Schmit presented to the Committee a proposed Memorandum of Agreement between LELS and the City. The proposed agreement calls for establishing a nine-hour shift schedule for the Willmar Police Department school liaison officers. The agreement is designed to better conform to school schedules. The Committee discussed the advantages and disadvantages to both the School and City noting that the agreement was on a trial basis for the current school year and that it could be terminated by either party at any time.

The Committee was recommending to the Council approval of the Memorandum of Agreement as presented. Council Member Christianson moved to approve the recommendation of the Labor Relations Committee with Council Member Reese seconding the motion, which carried.

Item No. 2 The Committee meeting was closed to discuss various City and Willmar Municipal Utilities employment contract strategies and proposals. This matter was for information only.

The Labor Relations Committee Report of September 27, 2000, 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 Community Development Committee Report of September 28, 2000, was presented to the Mayor and Council by Council Member DeBlieck. There were eight items for Council consideration.

Item No. 1 Steve Wright, Airport Manger, presented to the Committee options for temporary hangars at the airport, and the Committee discussed the pros and cons of each option. It was noted the Airport Commission had requested that the Council budget a minimum of \$150,000 for temporary hangar development.

The Committee was recommending to the Council to direct the Airport Commission to pursue the temporary fabric structure and "carousel" hangar options. 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 discussed the issue of improving exterior conditions of owner-occupied homes that are in poor repair. Staff recommended a complaint-based system to compel owners to make exterior improvements. It was suggested that staff inventory those properties most in need of exterior improvements. Once the Committee has the inventory, the Council could view the properties prior to taking further action. This matter was for information only.

Item No. 3 The Committee reviewed progress made by En-Tel in siting their equipment buildings. It was acknowledged that the siting issue will become even greater as more telecommunications providers offer service in Willmar. This matter was for information only.

Item No. 4 Staff informed the Committee on recent Planning Commission activity to review the Zoning Ordinance section dealing with parking screening on commercial, industrial, and multi-family residential properties. An ordinance amending current regulations will be brought to the Council at a later date. This matter was for information only.

Item No. 5 The Committee received updates on the following: Accurpress addition, Score commercial project, Ellingson Allergy Clinic, Willmar Overhead Door expansion, Helgeson apartments, Sunrise Village expansion, twin homes and single-family dwellings. It was acknowledged that total permit value was down, but the total number of permits issued was up considerably over 1999. This matter was for information only.

Item No. 6 Chairman DeBlieck reported on a forum held on September 28, 2000, to discuss commuter rail in Minnesota. A handout from the forum was reviewed. The Committee discussed whether commuter rail was a logical

expectation for Willmar and West Central Minnesota. It was a decision of the Committee that Senator Johnson, Representative Juhnke, and DOT Representatives be invited to a future meeting to discuss this issue. This matter was for information only.

Item No. 7 Chairman DeBlieck reported that the most recent races at the track ran late, in violation with of the agreement with the City. It was suggested that the City require mufflers for the future-racing season. Racetrack representatives will be invited to a future meeting to review City expectations. This matter was for information only.

Item No. 8 Mayor Heitke suggested to the Committee that Greg Spartz, CEO at Willmar Regional Treatment Center, be invited to a future meeting to discuss issues of concern with respect to facility. This matter was for information only.

The Community Development Committee Report of September 28, 2000, 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 Fagerlie, and carried.

The Mayor and Council considered judges for the November General Election. Resolution No. 2 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. 2

BE IT RESOLVED, that the individuals listed below be appointed as Judges to work at the General Election in the City of Willmar on November 7, 2000:

WARD ONE	Precinct One:	Dorothy Fransen Pat Morse Carol Baker Gerry Nyberg Stanza Haagenson Cheryl Retrum
	Precinct Two:	Pat Hadder Dona Wieking Evelyn Fullerton Rosemary Habicht Alice VanOrt Don Bergman
	Precinct Three:	JoAnn Jagt Sally McAdams Owen Heuring Bill Schultz Lee Durst Francis Rahn
	Precinct Four:	Dan Pederson Ardell Engwall Marlys Boeder Joan Schultz Jon Winge Duane Bock
WARD TWO	Precinct One:	Daisy Score Beverly Chambers Leonette Sadler Myron Schroeder Doris Helsper Dan Reigstad
	Precinct Two:	Arlene Rice Eilene Magnuson Lea Braun Lenora Neuman Marlene Backer

	Precinct Three:	Marie Carlson Doris Doerhofer Mary Lorentzen Marilyn Hanson Margett Negen Betty Schow Donna Hillenbrand
WARD THREE	Precinct One:	Vernon Raske Mavis Hagert Iona Andreen Rosemary Peters Ruby Bernhagen Harriet Levy Ann Pederson Marcella Erickson Elaine Pearson Floyd Boeder Melvin Poppen Esther Floren
	Precinct Two:	Millie Holverson Blanche Berger Florence Pendergrast Juna Halstrom Verle Watson C. Leonard Pearson
	Precinct Three:	Joyce Hanson Margie Carlson Evangelin Bass Neil Cofer Ed Hadder Joey Werder Marsha Butterfield Ruby Freeberg Penny Selseth LeCharl Lessman Arlene Syverson Stanley Marcus
WARD FOUR	Precinct One:	Bob Jones Francis Yule Sharon Baker Howard Freeberg Connie Heath Gary Paulson Gladys Zuidema Rhoda Lang
	Precinct Two:	
	Precinct Three:	
Absentee Judges:		

Dated this 4th day of October, 2000.

 /s/ Lester Heitke
MAYOR

 /s/ Kevin Halliday
Attest: CITY CLERK

Announcements for Council Committee meeting dates were as follows: Public Works/Safety, October 12; and Labor Relations, October 13, 2000.

The Mayor and Council discussed the Wastewater Treatment Plant Upgrades - RBR Replacement Project. Resolution No. 3 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. 3

RESOLUTION ESTABLISHING PROCEDURES

RELATING TO COMPLIANCE WITH REIMBURSEMENT BOND
REGULATIONS UNDER THE INTERNAL REVENUE CODE

BE IT RESOLVED, by the City Council (the "Council") of the City of Willmar, Minnesota (the "City"), as follows:

1. Recitals.

A. The Internal Revenue Service has issued Treasury Regulations, Section 1.150-2 (as the same may be amended or supplemented, the "Regulations"), dealing with "reimbursement bond" proceeds, being proceeds of the City's bonds used to reimburse the City for any project expenditure paid by the City prior to the time of the issuance of those bonds.

B. The Regulations generally require that the City make a declaration of intent to reimburse itself for such prior expenditures out of the proceeds of subsequently issued bonds, that such declaration be made not later than 60 days after the expenditure is actually paid, and that the bonding occur and the written reimbursement allocation be made from the proceeds of such bonds within 18 months after the later of (1) the date of payment of the expenditure or (2) the date the project is placed in service (but in no event more than 3 years after actual payment).

C. The City heretofore implemented procedures for compliance with the predecessor versions of the Regulations and desires to amend and supplement those procedures to ensure compliance with the Regulations.

D. The City's bond counsel has advised the City that the Regulations do not apply, and hence the provisions of this Resolution are intended to have no application, to payments of City project costs first made by the City out of the proceeds of bonds issued prior to the date of such payments.

2. Official Intent Declaration. The Regulations, in the situations in which they apply, require the City to have declared an official intent (the "Declaration") to reimburse itself for previously paid project expenditures out of the proceeds of subsequently issued bonds. The Council hereby authorizes the City Clerk to make the City's Declarations or to delegate from time to time that responsibility to other appropriate City employees. Each Declaration shall comply with the requirements of the Regulations, including without limitation the following:

A. Each Declaration shall be made not later than 60 days after payment of the applicable project cost and shall state that the City reasonably expects to reimburse itself for the expenditure out of the proceeds of a bond issue or similar borrowing. Each Declaration may be made substantially in the form of the Exhibit A, which is attached to and made a part of this Resolution, or in any other format which may at the time comply with the Regulations.

B. Each Declaration shall (1) contain a reasonably accurate description of the "project," as defined in the Regulations (which may include the property or program to be financed, as applicable), to which the expenditure relates and (2) state the maximum principal amount of bonding expected to be issued for that project.

C. Care shall be taken so that the City, or its authorized representatives under this Resolution, not make Declarations in cases where the City doesn't reasonably expect to issue reimbursement bonds to finance the subject project costs, and the City officials are hereby authorized to consult with bond counsel to the City concerning the requirements of the Regulations and their application in particular circumstances.

D. The Council shall be advised from time to time on the desirability and timing of the issuance of reimbursement bonds relating to project expenditures for which the City has made Declarations.

3. Reimbursement Allocations. The designated City officials shall also be responsible for making the "reimbursement allocations" described in the Regulations, being generally written allocations that evidence the City's use of the applicable bond proceeds to reimburse the original expenditures.

4. Effect. This Resolution shall amend and supplement all prior

resolutions and/or procedures adopted by the City for compliance with the Regulations (or their predecessor versions), and, henceforth, in the event of any inconsistency, the provisions of this Resolution shall apply and govern.

Dated this 4th day of October, 2000.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Mayor and Council discussed the placement of power boxes of Right-of-Way users in residential area and referred the matter to the Public Works/Safety Committee for study.

There being no further business to come before the Council, the meeting adjourned at 7:59 p.m. upon motion by Council Member Kelly, seconded by Council Member Christianson, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL