

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

September 5, 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, 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 Council removed Consideration of Bids for Project No. 1016 from the Agenda.

The Rice Hospital Board Minutes of August 15, and Municipal Utilities Commission Minutes of August 27, 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 August 15, Municipal Utilities Commission Minutes of August 13, Human Rights Commission Minutes of May 15, and Planning Commission Minutes of August 29, 2001; and Application for Exempt Permit for the Knights of Columbus. Council Member Anderson seconded the motion, which carried.

The Council discussed the Workforce Shortage Resolution passed the by the Hospital Board. Council Member Dokken moved to approve the Rice Hospital Board Minutes of August 15, 2001, with Council Member Fagerlie seconding the motion, which carried.

The Council noted the Allied Power Service Zone concept discussed by the Municipal Utilities Commission. Council Member DeBlieck moved to approve the Municipal Utilities Commission Minutes of August 27, 2001, with Council Member Dokken seconding the motion, which carried.

Mayor Heitke recognized Willmar Fests President Larry Wepplo and Executive Director Peggy Sampson. Mr. Wepplo and Ms. Sampson thanked the Mayor and Council for their support and presented an update of the Willmar Fests activities.

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

The Finance Committee Report of August 20, 2001, was presented to the Council by Council Member Anderson. There were five items for Council consideration.

Item No. 1 Staff presented information to the Committee explaining the process and time lines that are required if the Council would want to end the local option sales tax. The tax was established in 1998 to fund the expansion of the Willmar Library. The Minnesota Department of

Revenue has indicated that pursuant to State Law a local option sales tax can end only at the end of a fiscal quarter. Further, DOR requires a minimum ninety- (90) day notice in order to plan for the repeal of the tax. The next fiscal quarter in which the City could meet the statutory deadline is December 31, 2001. The Committee was recommending to the Council to authorize staff to proceed with the process to repeal the local option sales tax as of December 31, 2001.

Mayor Heitke commented on the value of the local option sales tax and proposed that the City consider taking legal steps to continue the tax for the Hospital expansion project. Following discussion, Council Member Anderson moved to approve the recommendation of the Finance Committee with Council Member Dokken seconding the motion, which carried on a roll call vote of Ayes 6, Noes 2 – Council Members Houlahan and DeBlieck voted “No.”

The Committee also discussed the use and designation of the excess tax as of December 31, 2001. All excess bond proceeds and a large portion of the Debt Service fund will be used to defease the outstanding debt. This would leave approximately \$100,000, add to that the collections through the end of the year and there is estimated to be approximately \$600,000 to \$700,000. Staff was directed to verify the possible uses of the balance and to list it on a future Finance Committee meeting for action. This matter was for information only.

Item No 2 Due to previous Council action to accept a grant from the FAA for Airport land acquisition, staff presented to the Committee for consideration a preliminary budget. It was noted that a portion of the property is funded at 90 percent Federal, 10 percent local; and a portion funded at 60 percent State, and 40 percent local. The Committee was recommending to the Council a resolution setting the preliminary Capital Project - Airport budget.

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

RESOLUTION NO. 1

REVISED PRELIMINARY BUDGET
AIRPORT IMPROVEMENT – LAND ACQUISITION PROJECT
ESTIMATED TOTAL COST \$2,302,919.00

PERSONNEL SERVICES:		FINANCING:	
Salaries Regular Employees	\$ 247.50	Federal	\$1,822,500.00
Employer Pension Contr.	42.90	State	166,751.40
Employer Insurance Contr.	<u>39.60</u>	City	<u>313,667.60</u>
Total:	\$ 330.00	Total:	\$2,302,919.00
OTHER CHARGES:			
Professional Services	\$ 118,554.00		
Adm. OH (Transfer)	<u>2,184,035.00</u>		
Total:	\$2,302,589.00		
GRAND TOTAL:	\$2,302,919.00		

Dated this 5th day of September, 2001.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 The Committee reviewed 2001 Budget amendments as presented by staff. The first was due an administrative budget change to account for temporary clerical staff in the City Administrator department instead of the City Clerks Office. The Committee was recommending to the Council approval of the budget change. Resolution No. 2 was introduced by Council Member Anderson, seconded by Council Member Christianson, 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 General Fund:

Increase: Temporary Salaries – City Administrator	\$6,000.00
Decrease: Temporary Salaries – City Clerk/Treasurer	6,000.00

Dated this 5th day of September, 2001.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The second request was to account for grants received to purchase bulletproof vests for the Police Department. The Committee was recommending to the Council approval of the budget change. Resolution No. 3 was introduced by Council Member Anderson, seconded by Council Member Christianson, 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 make the following changes within the General Fund:

Increase: Grant Revenue	\$8,135.00
Decrease: Police Department – Subsistence of Persons	8,135.00

Dated this 5th day of September, 2001.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The third item was to appropriate \$60,000 from the Storm Water Reserve to fund the Olena Avenue Storm Water Retention Pond and various ditch and regional pond clean outs. The Committee was recommending to the Council approval of the budget change. Resolution No. 4 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. 4

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to make the following changes within the 2001 Street Improvement Project:

Increase: Transfers In - General	\$48,000.00
Increase: Other Services – Storm Water	48,000.00

AND within the C. P. – Surface Water Fund:

Increase: Transfers In – General	\$12,000.00
Increase: Other Services – Storm Water/Ditches	12,000.00

Dated this 5th day of September, 2001.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 The Committee discussed various requests submitted by Council Members for the 2002 budget process. This matter was for information only.

Item No. 5 The Committee reviewed the July D.S. Library, W.R.A.C.-8 and C.V.B. Financial reports. This matter was for information only.

The Finance Committee Report of August 20, 2001, was approved as presented upon motion by Council Member Anderson, seconded by Council Member Fagerlie, and carried.

The Public Works/Safety Committee Report of August 28, 2001, was presented to the Mayor and Council by Council Member Reese. There were seven items for Council consideration.

Item No. 1 The Committee reviewed a request from Main Street Willmar and Willmar Arts Council to close Becker Avenue Southwest between 4th and 6th Streets, and 5th Street Southwest between Trott and Litchfield Avenues for the Celebrate Art, Celebrate Coffee 2001 event. The Committee was recommending to the Council approval of the request as presented. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Houlahan seconding the motion, which carried.

The Committee also reviewed a request from Bremer Bank to temporarily close a portion of 6th Street and Litchfield Avenue Southwest adjacent to their property for a 125th Anniversary. The Committee was recommending to the City Council approval of the request as presented. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Christianson seconded the motion, which carried.

Item No. 2 Staff explained to the Committee that as part of the Mills Fleet Farm pending development, the City is looking into consulting assistance with the design. It is the recommendation of staff to wait to take action on this proposal until the developer agreement is signed with Mills. This matter was for information only.

Item No. 3 Staff presented to the Committee a change order as requested by Shank Constructors for interim improvements at the Wastewater Treatment Plant. It was noted that the project is approximately 80 percent complete. The Committee was recommending to the City Council approval of the request as presented.

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

RESOLUTION NO. 5

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 Waste Treatment Facility Improvements; and

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

WHEREAS, it is desired to add additional work to the above contract.

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

1. Additional work is herewith authorized to be added to the above contract estimated by the Consulting Engineer to be \$6,324.74.
2. Funding for the additional work is from the 2001 Waste Treatment Revenue Bonds.

Dated this 5th day of September, 2001.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 Police Chief Kulset presented to the Committee a joint cooperative agreement for the use of police personnel and equipment among participating law enforcement agencies in a nine-county surrounding area. The purpose of the agreement is to provide a means by which a participating law enforcement agency may obtain police assistance from another participating agency. The Committee was recommending to the Council adoption of a resolution to authorize the City of Willmar to enter into a joint and cooperative agreement.

Resolution No. 6 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. 6

BE IT RESOLVED by the Willmar City Council that the City Administrator and Chief of Police are hereby authorized to enter into a joint and cooperative agreement for the use of police personnel and equipment among participating law enforcement agencies in a joint cooperative agreement with Region 6.

Dated this 5th day of September, 2001.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Item No. 5 Staff requested authorization to apply for a grant from the Minnesota Department of Public Safety for the purchase of ten (10) onboard video cameras for the Willmar Police patrol vehicles. The grant is available to law enforcement agencies willing to participate in a racial profiling study. The Committee was recommending to the Council to authorize staff to proceed with a grant application.

Resolution No. 7 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. 7

BE IT RESOLVED by the City Council of the City of Willmar approve a grant application with the Minnesota Department of Public Safety for the purchase of ten (10) onboard video cameras for the Willmar Police patrol vehicles.

Dated this 5th day of September, 2001.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 6 The Committee reviewed a change order as requested by Arena Systems for the Civic Center floor replacement project. The change order request is for a time extension from August 31 to September 14, 2001, for final completion. The Committee was recommending to the Council approval of the change order.

Resolution No. 8 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. 8

WHEREAS Arena Systems, contractor for the Civic Center Floor Replacement Project, desires to have the completion date changed to September 14, 2001; and

WHEREAS the majority of the work left to be completed is the electrical to the compressors and some plumbing;

NOW THEREFORE BE IT RESOLVED that the completion date for the Civic Center Floor Replacement Project is hereby changed to September 14, 2001.

Dated this 5th day of September, 2001.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 7 Staff informed the Committee that there was a meeting on August 28, 2001, with HNTB, and W. D. Schock regarding the land acquisition process for the new airport. As part of the recent FAA Grant acceptance the City is ready to begin the process of the acquisition. The consultants will be making the offer on behalf of the City, and staff will be working with them on the purchase process. The intent is to make the offer, and allow the administrator to negotiate a settlement contingent on final approval by the City Council. The acquisition process is scheduled to begin in the next six weeks. The Committee was recommending to the Council to authorize the City Administrator to negotiate the purchase offers subject to Council approval. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Christianson seconding the motion, which carried.

The Public Works/Safety Committee Report of August 28, 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 Houlahan, and carried.

City Clerk Halliday presented to the Mayor and Council a list of property owners who have made application for agricultural land exemptions and have met the criteria contained in the City's Assessment Policy. Following discussion, Resolution No. 9 was introduced by Council Member DeBlieck, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 9

WHEREAS, the City Council of the City of Willmar, Minnesota, did order the installation of certain street and other improvements made under Projects No. 9801, 9301 and 9101, and certain sewer and water main improvements made under Projects No. 9801, 9701, 9303, 9202, 9002, 7402, and 6905.

WHEREAS, Section W of the City of Willmar Comprehensive Assessment Policy allows the City to temporarily exempt from assessments certain lands currently used for agriculture purposes; and

WHEREAS, certain property owners have made application to the City for delayed payment of taxes on special assessments and have met the criteria contained in the Comprehensive Assessment Policy for said deferment;

NOW, THEREFORE, BE IT RESOLVED by the Willmar City Council that special assessments as hereinafter designated be certified to the County and deferred until such property is developed or upon approval of the final plat, and that no interest be charged until such time.

BE IT FURTHER RESOLVED that upon development or plat approval that tapping fee shall be based on the project year bid price per front foot or unit, or on the current year costs at the time of connection/platting, whichever is greater:

1.	Harvey Hawkinson 7340 26 th St NE Willmar	95-924-0020 Project 9202 Project 9101 Project 9002	\$13,005.00 51,455.70 35,340.00
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Section 24, Township 119, Range 35

That part of the Northwest Quarter of Northwest Quarter lying Northwesterly of Highway right-of way, except the South 125 feet of North 175 feet of West 133 feet. (31.40 acres)

2.	Harvey Hawkinson 7340 26 th St NE Willmar	95-913-0040 Project 9202 Project 9002	\$12,095.00 8,255.00
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Section 13, Township 119, Range 35
Southwest Quarter of Southwest Quarter, except North 300 feet of South 345 feet of East 435.6 feet of West 468.8 feet of Southwest Quarter of Southwest Quarter, and except part out to road to Pheasant Run. (32 acres)

3.	Glenn and Joanne Shannon 605 Lakeland Drive SE Willmar	95-913-1120 Project 9101 Project 9801	\$ 2,035.00 \$13,901.47
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Section 13, Township 119, Range 35
Part of Southwest Quarter of Northwest Quarter: Commencing at point on West line of Southwest Quarter of Northwest Quarter 26 2/3 rods North of Southwest corner, thence East parallel to North line of Southwest Quarter of Northwest Quarter 60 rods, thence South to a point 13 1/3 rods North of South line of Southwest Quarter of Northwest Quarter, thence West to West line thereof, thence North to beginning.

4.	Edward Gesch ETAL 1205 Willmar Avenue SE Willmar	95-914-2610 Project 9002 Project 9303	\$37,310.00 34,984.00
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Section 14, Township 119, Range 35
South 610 feet of Northeast Quarter except West 393.61 feet; Southeast Quarter except South 914.88 feet of West 1085 feet and except part platted as Bergquists Estates, Perkins 5th Addition and Gesch Park. (130 acres)

5.	Maurice & Evelyn Bomstad 809 Lakeland Drive SE Willmar	95-913-0035 Project 9002	\$ 3,731.00
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Section 13, Township 119, Range 35
South 15 acres of Northwest Quarter of Southwest Quarter except plat of Valley View Addition.

6.	Mildred Thorpe 1301 SW 8th Street Willmar	95-908-0130 Project 6905 Project 7402	\$ 2,460.00 3,517.00
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Section 8, Township 119, Range 35
West 309.7 feet of East 929.2 feet of North 400 feet of South 470 feet and West 854.2 feet of East 929.2 feet of North 300 feet of South 770 feet of Southeast Quarter of Northeast Quarter. (6 acres)

7.	Marlan and Kay McLane 613 Lakeland Drive SE	95-913-1200 Project 9801	\$13,901.47
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Willmar

Section 13, Township 119, Range 35

Part of Northwest Quarter: Commencing at the Southwest Corner of the Northwest Quarter, thence North 110 feet, thence East 163 feet, thence North 110 feet, thence East 827 feet, thence South 220 feet, thence West 990 feet to beginning, except the North 6 feet of the South 135 feet of the East 8 feet of the West 171 feet thereof.

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| 8. | Triumphant Life Church
3010 7 th Ave NW
Willmar | 95-908-0140
Project 9301 | \$27,495.00 |
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Section 8, Township 119, Range 35

West 423 feet of East 929.2 feet of North 400 feet of South 470 feet of East half of Northeast quarter - Ag property.

*Split Property

(West 431.2 feet of East 506.2 feet of North 400 feet of South 470 feet of East Half of Northeast Quarter - Church property.)

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|----|---|-----------------------------|-------------|
| 9. | William N. Bernard, ETAL
520 Litchfield Ave W
Willmar | 95-912-0970
Project 9701 | \$12,119.04 |
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Section 12, Township 119, Range 35

North 1,655 feet of Northwest 1/4 exclude West. (40 acres)

Dated this 5th day of September, 2001.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Planning and Development Services Director Peterson informed the Mayor and Council that Peter and Bonnie McKenzie have submitted a request to rezone property along CSAH #5 west of Foot Lake from R-2 to GB to allow development of a mini-storage facility. It was noted the Planning Commission has considered the matter and recommends that the site be rezoned. Council Member Reese offered a motion to introduce and Ordinance to Rezone Certain Lands and to schedule a public hearing for September 19, 2001. Council Member Fagerlie seconded the motion, which carried.

Planning and Development Services Director Peterson presented to the Mayor and Council for consideration a plat for Boulder Ridge Fourth Addition, a five-lot re-plat of Lot 6, Block 1, intended to accommodate the development of four detached townhomes. It was noted that easements requested by the MUC have been added to the plat and a petition to reapportion special assessments filed by the developer. Council Member Reese moved to approve of the plat for Boulder Ridge Fourth Addition with Council Member Christianson seconding the motion, which carried.

Planning and Development Services Director Peterson presented to the Mayor and Council

for consideration a request from Boulder Ridge Development, Inc. to reapportion special assessments. Resolution No. 10 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. 10

WHEREAS, a request for reapportionment of special assessments has been filed with the City of Willmar (see Attachment A), said request being signed by all of the parties having an interest in the following-described property:

Lot 6, Block 1, Boulder Ridge
Parcel No. 95-095-0060

to-wit: Boulder Ridge Development, Inc.

WHEREAS, the above have waived notice of hearing and hearing on said reapportionment; and

WHEREAS, the City Council of the City of Willmar is in agreement with the suggested reapportionment set out in the request submitted by the above.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Willmar, pursuant to the request of the above that the special assessments on the above-described property be and they hereby are reapportioned as provided in the request of the above-named, and

BE IT FURTHER RESOLVED that the reapportionment be recorded in the records of the City of Willmar and the Kandiyohi County Auditor effective for taxes and assessments due and payable on tax statements issued in the year 2002 and thereafter.

Dated this 5th day of September, 2001.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Announcements for Council Committee meeting dates were as follows: Finance, September 10; Public Works/Safety, September 11; and Labor Relations, September 12, 2001.

Mayor Heitke commented on the great airshow held at the Willmar Municipal Utilities Airport on September 2, 2001, and thanked the staff and volunteers for their work on the event

Mayor Heitke congratulated Sergeant Glen Negan for his induction in to the Martial Arts Hall of Fame.

There being no further business to come before the Council, the meeting adjourned at 8:26 p.m. upon motion by Council Member Reese, seconded by Council Member Christianson, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL