

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

October 3, 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.

Proposed additions to the agenda included announcements regarding the Municipal Utilities Commission, United Way campaign, Fire Department and Eagle Scout projects.

Council Member Reese offered a motion adopting the Consent Agenda which included the following: City Council Minutes of September 19, Municipal Utilities Commission of September 24, Building Inspection Report for August, Human Rights Commission Minutes of August 21, Kandiyohi Area Transit Minutes of August 21, Airport Commission Minutes of August 14 and September 4, and Planning Commission Minutes of September 26, 2001; and Mayoral appointment of Roland Swenson to the Planning Commission. Council Member Anderson seconded the motion, which carried.

Mayor Heitke read a letter from Ed Gesch and family presenting to the City of Willmar as a gift Lot 1, Block 2, Gesch YMCA Addition for parkland. The Mayor extended his appreciation to the Gesch family for the gift. Resolution No. 1 was introduced by Council Member Christianson, seconded by Council Member DeBlieck, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 1

WHEREAS, the Ed Gesch Family has agreed to donate to the City of Willmar land described as Lot 1, Block 2, of the Gesch YMCA Addition for park development.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Willmar, Minnesota, that the City accept the donation from the Ed Gesch Family and that the City Administrator be directed to express the community's appreciation for the donation.

Dated this 3rd day of October, 2001.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Mayor Heitke recognized Gene South, President of Entel Communications LLC, who addressed the Council during the Open Forum. Mr. South commented on the length of time it has taken to arrive at an acceptable cable franchise agreement. The matter was scheduled for the next Citizens Cable Advisory Committee meeting planned for October 15, 2001.

The Finance Committee Report of September 24, 2001, was presented to the Mayor and Council by Council Member Anderson. There were five items for Council consideration.

Item No. 1 The Committee considered a request from the Convention and Visitors Bureau to amend their budget to account for activities that had not been included in the 2001 Budget. The Committee was recommending the to the Council approval of the request. Resolution No. 2 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. 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. Budget:

| | | |
|-----------|-------------------------------|------------|
| Increase: | Refunds and Reimbursements | \$3,960.00 |
| | Tourism Grant | 1,780.00 |
| Increase: | Travel | \$ 960.00 |
| | Subscriptions and Memberships | 3,000.00 |
| | Furniture and Equipment | 1,780.00 |

Dated this 3rd day of October, 2001.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 2 The Committee began its review the 2002 Mayor's proposed budget. The major areas discussed were property taxes, Local Government Aid, interest earnings and intergovernmental transfers. The Committee will review the major areas of expenditures at their next meetings, and try to conclude with the review of fund balances and capital Improvements. This matter was for information only.

Item No. 3 The Committee reviewed the need to reapportion special assessments for Project 2001. The assessments were against a parcel of land owned by Ed Gesch adjoining the future YMCA site. The Committee was recommending the Council pass a resolution to reapportion the special assessments as recommended. Resolution No. 3 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 3

WHEREAS, the City Council of the City of Willmar, Minnesota, did order the construction of certain streets and other improvements during the year 2001 including streets herein

described as Olena Ave SE and

WHEREAS, the cost of the street and other improvements were assessed pursuant to the adoption of the assessment roll on May 12, 2001; and

WHEREAS, the property under development was not yet platted by the owner or recorded with the County of Kandiyohi, requiring all assessments to be duly recorded against the parcel identified as number 95-914-2610 and described as follows:

SCT-14, TWP-119, RANG-35
S 610' OF NE1/4 EXC W 393.61'; SE1/4 EXC
S 914.88' OF W 1085' & EXC PARTS IN PLATS -BERGQUISTS EST.,
PERKINS 5TH & GESCH PARK EXC THAT PART OF THE S1/2 OF NE1/4
DESC AS
FLWS: COMM 715' S & 393.61' E OF NW COR OF SW1/4NE1/4, TH E TO SW
COR OF LOT 7, BLK 7 ERICKSON'S THIRD ADD, TH S 70', TH W TO E LINE
OF WELCH'S ADD, TH N 70' TO PT OF BEG.

WHEREAS, the property under development was subsequently platted and recorded.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, that the remaining balance of the special assessments against the above property be divided against the following parcels for collection over the remaining period and with the stated interest rate as originally adopted:

| <u>Parcel No.</u> | <u>Legal Description</u> | <u>Parcel Address</u> | <u>Amount</u> |
|-------------------|--|-----------------------|---------------|
| 95-236-0020 | Gesch YMCA Addition Block 1, Lot 2 | | \$25,198.09 |
| 95-914-2610 | SECT-14 TWP-119 RANG-35 S 610' OF NE1/4 EXC W 393.61'; SE1/4 EXC S 914.88' OF W 1085' & EXC PARTS IN PLATS - BERGQUISTS EST., PERKINS 5 TH & GESCH PARK EXC THAT PART OF THE S1/2 OF NE1/4 DESC AS FLWS: COMM 715' S & 393.61' E OF NW COR OF SW1/4NE1/4, TH E TO SW COR OF LOT 7, BLK 7 ERICKSON'S THIRD ADD, TH S 70', TH W TO E LINE OF WELCH'S ADD, TH N 70' TO PT OF BEG, & EXC PART PLATTED INTO GESCH YMCA ADD. | 1205 Willmar Ave SE | \$32,280.67 |

Dated this 3rd day of October, 2001.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 Mayor Heitke asked the Committee for their support in buying and displaying American Flags on the major routes throughout the City. Areas discussed were the Willmar entrance signs, First Street, Highway 12 corridor and Downtown area. It was then moved to direct staff to explore the installation of more American flags throughout the City using any expected surplus funds in the current year budget. Council Member Anderson moved to direct staff to solicit

quotes for American flags in the range of \$16,000. Council Member Dokken seconded the motion, which carried.

Item No. 5 The Committee reviewed the August Rice Trust and K.A.T. reports. This matter was for information only.

The Finance Committee Report of September 24, 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 Public Works/Safety Committee Report of September 26, 2001, was presented to the Mayor and Council by Council Member Reese. There were seven items for Council consideration.

Item No. 1 Don Williamson and Wayne Sandbulte, representing West Central Sanitation appeared before the Committee to review correspondence relating to an injury of one of their employees. Mr. Williamson explained that on any given day each sanitation employee makes 300-350 garbage pickups and that it would assist in keeping costs and injuries down if the City would amend its ordinance to allow curbside pickup. The Committee was recommending to the Council to introduce an ordinance allowing curbside service. Council Member Reese offered a motion to introduce an Ordinance Amending Willmar Municipal Code Section 12-27 Regulating Placement of Garbage and Garbage Containers and to schedule a hearing on October 17, 2001. Council Member Christianson seconded the motion, which carried.

Item No. 2 Keith Webster appeared before the Committee to discuss costs he sustained for replacement of the sanitary sewer service line at 706 West Litchfield Avenue. The City participated in associated costs by contributing labor and equipment for traffic control and patching of the street at a cost of \$5,140.52. The remaining costs were to be paid by the owner totaling \$7,534.92. Mr. Webster is requesting further consideration by the City. After a lengthy discussion it was the consensus of the Committee that the City had met its obligation pursuant to previous Council action. This matter was for information only.

Item No. 3 The Committee reviewed a request from Dave Solsrud to consider support in the development of new hangar space. It was noted several private tenants are being evicted from the Willmar Air Service hangar due to growth of airport business. Two possible forms of assistance were discussed: waive the building permit fees and/or waive the land lease costs. The City has previously adopted the concept to assist with relocation costs if there are local, state, or federal monies available. The Committee was recommending to the Council to waive the building permit fees. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Christianson seconding the motion, which carried.

Item No. 4 Staff informed the Committee on recent developments at the Wastewater Treatment Plant. Shank Constructors, the contractor performing the interim improvements, has expressed concern for the structural integrity of the roof of the second digester. Staff requested Bonestroo and Associates, the consulting engineer, to perform an analysis of the supports. Their evaluation indicated that the roof support appears to be in good condition. They are not, however, willing to ensure in writing the safety of the construction workers. Staff studied three options that would be agreeable to Shank Constructors to complete the project: 1.) To remove the cover during interior construction and put back in place - \$35,000 2.) Remove the cover and perform cleaning and repairs as necessary - \$47,295, or 3.) Replace the existing cover - \$215,000. Staff is also seeking a second opinion by another firm to determine viable options. This matter was for information only.

Item No. 5 The Committee considered a request from Duininck Bros. Inc. for an extension of the completion date on Project No. 0101 to October 13, 2001. This would extend the project two weeks from the original date in the specifications. The Committee was recommending to the Council approval of the change order extending the completion date of Project No. 0101.

Resolution No. 4 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. 4

WHEREAS Duininck Bros. Inc. of Prinsburg, Minnesota, contractor for City of Willmar Project No. 0101 desires to have the completion date changed to October 13, 2001; and

WHEREAS the majority of the work has been completed and this would extend the date two weeks beyond what was stated in the original specifications.

NOW THEREFORE BE IT RESOLVED that the completion date for Project No. 0101 is hereby changed to October 13, 2001.

Dated this 3rd day of October, 2001.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 6 The Committee reviewed a Fire Department standby report which was brought back to Committee subsequent to previous Council action to monitor a change from 18 to 6 standby days throughout the year. This report reflects the six months of 2001 from Memorial Day to Labor Day, and staff would like to continue with the revised program. The Committee was recommending to the Council to continue the present six days of standby and allow staff to monitor the situation making recommendations as needed. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Houlahan seconded the motion, which carried.

Item No. 7 The Committee reviewed an agreement received from the State of Minnesota Department of Aeronautics for two-thirds participation in annual airport operation and maintenance costs. The Committee was recommending to the Council approval of the grant agreement and authorize the Mayor and City Administrator to sign on behalf of the City.

Resolution No. 5 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. 5

AUTHORIZATION TO EXECUTE
MINNESOTA DEPARTMENT OF TRANSPORTATION
GRANT AGREEMENT FOR AIRPORT MAINTENANCE AND OPERATION

Be it resolved by the City Council of the City of Willmar as follows:

1. That the State of Minnesota Agreement No. 81928, "Grant Agreement for Airport Maintenance and Operation at the Willmar Municipal Airport," is hereby accepted.
2. That the Mayor and City Administrator are authorized to execute this Agreement and any amendments on behalf of the City of Willmar.

Dated this 3rd day of October, 2001.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 8 The Committee reviewed an amendment to the professional service contract with HNTB to allow subcontractor W.D. Schock to update all appraisals for the new Willmar airport. Following discussion, the Committee was recommending to the Council approval the contract amendment and to authorize the Mayor and City Administrator to sign on behalf of the City and to also revise the budget accordingly.

Resolution No. 6 was introduced by Council Member Reese, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 2 – Council Members Chapin and Fagerlie voted “No.”

RESOLUTION NO. 6

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 of the City of Willmar are hereby authorized to enter into a contract amendment to supplement the agreement between the City of Willmar and HNTB Corporation. The supplement includes the addition of time required for updated appraisals by subconsultant, W. D. Schock. This addition which is associated with Phase Three, Land Acquisition, would aid in acquiring adequate property to accommodate the necessary land acquisition for the new airport.

BE IT FURTHER RESOLVED, the original contract amount of \$235,722.00, including the first amendment of \$6,020.00, is hereby amended by \$30,200.00 for a total not to exceed figure of \$271,942.00.

Dated this 3rd day of October, 2001.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Resolution No. 7 was introduced by Council Member Reese, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 2 – Council Member Chapin and Fagerlie voted “No.”

RESOLUTION NO. 7

REVISED PRELIMINARY BUDGET
 AIPORT IMPROVEMENT PROJECT
 ESTIMATED TOTAL COST \$2,973,401

PERSONNEL SERVICES:

| | |
|--------------------------|--------------|
| Salaries Reg. Employees | \$ 247.00 |
| Overtime Reg. Employees | \$ 1,000.00 |
| Salaries Temp. Employees | 500.00 |
| Employer Pension Contr. | 1,043.00 |
| Employer Ins. Contr. | <u>40.00</u> |
| Total: | \$ 2,830.00 |

RECEIVABLES:

| | |
|----------------------------|---------------------|
| State | \$ 376,884.00 |
| City (Industrial Dev Fund) | 485,783.00 |
| Other – FAA | <u>2,110,734.00</u> |
| Total: | \$2,973,401.00 |

SUPPLIES:

| | |
|--------------------------|-----------------|
| Office Supplies | \$ 1,500.00 |
| Small Tools | 500.00 |
| Motor Fuels & Lubricants | 1,000.00 |
| Postage | 500.00 |
| General Supplies | <u>2,000.00</u> |
| Total: | \$ 5,500.00 |

FINANCING:

| | |
|-------------|---------------------|
| State | \$ 376,884.00 |
| City | 485,783.00 |
| Other – FAA | <u>2,110,734.00</u> |
| Total: | \$2,973,401.00 |

OTHER SERVICES:

| | |
|-----------------------|--------------------|
| Printing & Publishing | <u>\$ 1,000.00</u> |
| Total | \$ 1,000.00 |

OTHER CHARGES:

| | |
|---|---------------------|
| Professional Services (HNTB, Aerial photos) | \$ 709,536.00 |
| Advertising | 500.00 |
| Adm. OH (Transfer) | 60,000.00 |
| Other Charges | <u>2,194,035.00</u> |
| Total: | \$2,964,071.00 |

GRAND TOTAL: \$2,973,401.00

Dated this 3rd day of October, 2001.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Public Works/Safety Committee Report of September 26, 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 Community Development Committee Report of September 27, 2001, was presented to the Mayor and Council by Council Member DeBlieck. There were five items for Council consideration.

Item No. 1 The Committee considered a developers agreement, which details the terms of the Lakewood BK Tax Increment Financing program. Being proposed was a maximum \$100,000 note with a maximum 8-year term. The impact of the 2001 tax bill on TIF districts was discussed. The Committee was recommending to the Council hat the Mayor and City Administrator be authorized to execute the agreement and note on behalf of the City. 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 at length the findings of the recent ISO Building Code Effectiveness Grading. The City scored 73.76 points out a possible 100, placing it in a Class 4. It was noted that the Class 4 score was a very good score for a Greater Minnesota community, and that higher classifications typically only occur in metropolitan suburbs. The Class 4 ranking means that the building inspection process has been found to be very effective locally, and it indicates that the department is well prepared to deal with new construction. Looking to the future, this ISO rating will have a positive impact on property insurance rates within the community. This matter was for information only.

Item No. 3 The Committee reviewed information regarding changes to the Building Permit Fee reporting requirements. For the year 2002, the City will have to review its fee schedule so that the fees are reasonable and proportionate to the actual cost of providing the services. It was noted that the City has attempted to do this over time, and that the current fee structure was a fair representation of the actual costs of providing the service. Staff also noted that beginning with the report filed in April of 2003, for the year 2002, the City will have to report its fees for construction activities to the Department of Administration. This matter was for information only.

Item No. 4 The Committee reviewed a memorandum regarding a proposed reinspection fee for the Rental Housing Inspection Program. Staff stated that there were a number of individuals who on a very consistent basis did not appear for scheduled appointments. It is costing the program and the City a fair amount of staff time and money to conduct the required reinspections. The Committee was recommending to the Council that a resolution be adopted amending the Rental Housing Inspection Program fee schedule to include a \$30.00 reinspection fee for missing a scheduled inspection. Resolution No. 8 was introduced by Council Member DeBlieck, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 8

AMENDING THE FEE SCHEDULE FOR THE RENTAL HOUSING INSPECTION PROGRAM

WHEREAS, Section 10 of Ordinance No. 990 directed the City of Willmar to develop a plan for the inspection of rental units within the City, and

WHEREAS, the plan that was developed includes a schedule of fees for the administration of the Rental Housing Inspection Program, and

WHEREAS, a significant problem exists with rental property owners not keeping scheduled appointments with program inspectors for the inspection of rental units, and

WHEREAS, the need to re-schedule inspections has become costly to the City and detrimental to the efficient administration of the Program.

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

1. The fee schedule for the Rental Housing Inspection Program is hereby amended to include a re-inspection fee of \$30.00.
2. Said re-inspection fee shall be charged upon failure by a property owner or designee to keep a scheduled inspection appointment.
3. Said re-inspection fee shall be due and payable prior to re-scheduling the missed inspection.
4. Failure to pay a re-inspection fee to re-schedule an inspection in a timely manner shall result in the suspension of the operating license for the unit(s) so affected.

Dated this 3rd day of October, 2001.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 5 The Committee heard updates on a number of projects relating to clinic development, retail development, new businesses, and overall construction valuations. This matter was for information only.

The Community Development Committee Report of September 27, 2001, 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 Dokken, and carried.

The Mayor and Council considered a final plat for Yorktown Estates Second Addition. Planning and Development Services Director Peterson presented details on the 22-lot plat in Southwest Willmar, which includes the extension of 20th and 21st Streets Southwest and the construction of 23rd Avenue Southwest. It was noted all easements have been added. Council Member Reese moved to approve the final plat for Yorktown Estates Second Addition with Council Member Anderson seconded the motion, which carried. Council Member Christianson abstained from voting.

Announcements for Council Committee meeting dates were as follows: Public Works/Safety, October 9; Finance, October 10; Community Development, October 11; Civic Center Task Force, October 15; and Cable Advisory, October 15, 2001.

Mayor Heitke acknowledged that the Willmar firefighters recently accepted donations at two

street intersections for the September 11, 2001, terrorist attacks and commended them for raising over \$21,000 for relief efforts.

Council Member DeBlieck announced that the Willmar Municipal Utilities will be holding its annual Public Power Open House on October 10, 2001.

Mayor Heitke acknowledged the Eagle Scout project of Nathan Hulstrand. Mr. Hulstrand worked on the Flags of Honor Poles. With the help of the National Guard and many scouts the poles were pulled, sanded, painted and replaced and the beautification project has been a special asset for the City.

Mayor Heitke acknowledged the Eagle Scout project of Kyle DeBlieck. Mr. DeBlieck built a table and shelter on First Street North, north of the radio station at Hedin Park.

There being no further business to come before the Council, the meeting adjourned at 8:06 p.m. upon motion by Council Member Christianson, seconded by Council Member DeBlieck, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL