

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

June 7, 2004  
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, Rick Fagerlie, Jim Dokken, and David Chapin; Present 8, Absent 1 - Nancy Houlahan was excused from the meeting.

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.

The Council requested that the Municipal Utilities Commission Minutes of May 24, 2004, be removed from the Consent Agenda.

Council Member Christianson offered a motion adopting the Consent Agenda which included the following: City Council Minutes of May 17, Municipal Utilities Commission Minutes of May 4, Planning Commission Minutes of May 26, Kandiyohi Area Transit Board Minutes of April 20, 27 and May 12, Airport Commission Minutes of May 4, Zoning Appeals Board Minutes of May 17, and Community Education and Recreation Board Minutes of May 27, 2004; and West Central Ducks Unlimited Application for Exempt Permit. Council Member Reese seconded the motion, which carried.

The Council discussed a Municipal Utilities Commission item concerning a memorandum from Willmar Municipal Utilities employees regarding questions of the Final Report, WMU/KPC Cooperation/Consolidation Financial Analysis and Proposed Resolution. Council Member Dokken moved to send the memorandum to Springsted Bond Advisors for review with Council Member Christianson seconding the motion, which carried. The Municipal Utilities Commission Report for May 24, 2004, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Dokken, seconded by Council Member Fagerlie, and carried.

At 7:02 p.m. Mayor Heitke opened the assessment hearing for the 2004 Street and Other Improvements. The Mayor explained the purpose of the hearing is to review the project costs and explain the proposed assessments, and to obtain testimony from interested parties. Public Works Director Odens presented cost details of the 2004 improvements which include street reconstruction, new development areas, and sanitary sewer and water. Several citizens appeared before the Mayor and Council to voice concerns of the proposed assessments and the reconstruction parameters of driveway access, length of time under construction, and notification of homeowners of pending work on a specific street.

Several property owners from Richland Avenue submitted a written petition of their intent to appeal the proposed assessment. Mayor Heitke read into the record a letter from the owner of 1019 Trott Avenue Southwest, formerly 501 11<sup>th</sup> Street Southwest. City Clerk Halliday explained the recent change in address due to the location of the front door of the property and that by concurrence with the Building Inspector who maintains the legal address list of Willmar properties, this property should now be exempt from assessments by current policy. Attorney Brad Gunn,

representing the Eleanor and Wayne Olson property located north of 19<sup>th</sup> Avenue Northeast, presented a letter with various objections to the proposed assessment. Upon hearing all those who wished to be heard, Mayor Heitke closed the hearing at 8:16 p.m.

Council Member Christianson offered a motion to remove 1019 Trott Avenue SW from the assessment roll. Council Member Fagerlie seconded the motion, which carried.

Resolution No. 1 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 1 – Council Member Chapin voted “No.”

## 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 2004 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 \$1,929,806.75, 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 2005, collectible with such taxes during the year 2005.
  - B. To the first installment shall be added interest at the rate of five and ninety-hundredths (5.9) percent per annum on the entire principal amount of the assessment from the date of the bond sale, approximately June 21 2004, until December 31, 2005. 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, 2004, 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 7<sup>th</sup> day of June, 2004.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Mayor Heitke called for a recess at 8:22 p.m. and reconvened the meeting at 8:36 p.m.

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

The Community Development Committee Report for May 26, 2004, was presented to the Mayor and Council by Council Member DeBlieck. There were five items for Council consideration.

Item No. 1 Staff outlined the terminal/FBO building design history and the budget estimates for City participation. Several concepts had been reviewed to date all with costs in excess of available funding which was calculated at \$600,000.00 (\$300,000 for the terminal and \$300,000 for the FBO building).

It was noted the Airport Commission was recommending an approximate 6,600 square foot building estimated at \$93.00 per square foot for a revised terminal budget that includes money for furniture and furnishings.

Following discussion, the Committee was recommending to the Council to set the budget guidelines for the terminal building at \$1 million and the guidelines for the FBO building at \$600,000. Council Member DeBlieck moved to approve the recommendation of the Community Development Committee with Council Member Dokken seconding the motion, which carried.

The Committee discussed the issue of water service for the new Airport. A well is planned, however, some people believe municipal water service should be provided. Staff recommended against extension of the municipal system due to the concerns about stagnant water/water quality issues. The Committee concurred with the Staff recommendation.

Item No. 2 The Committee discussed an issue of tenant behavior and landlord responsibility and reviewed a copy of the St. Cloud noise control ordinance. This matter will be placed on a future agenda to allow time for the Committee to review the ordinance.

Item No. 3 The Committee reviewed a schedule for zoning and land use fees as used by the City of Elk River. This fee schedule was contrasted with current City fees. Staff brought this matter to the Commission for review prior to the 2005 budget cycle. Staff was requested to prepare a spreadsheet of the City's current fees for consideration at a future meeting. It was also requested that fee schedules be solicited from other cities of similar size and function. This matter was for information only.

Item No. 4 Staff updated the Committee on the status of the building inspector hiring process. It was noted that the final day for applications to be submitted was May 31, 2004. Interviews are scheduled to follow shortly thereafter. This matter was for information only.

Item No. 5 Staff updated the Committee on a variety of projects including: Gurley's Foods, Fed Ex, Family Eye Center, Menard's, Mill's, Magnuson Sheet Metal, Trentwood Estates and Lakewood Seventh Addition. This matter was for information only.

The Community Development Committee Report for May 26, 2004, 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.

City Administrator Schmit updated the Mayor and Council on the baseball stadium project. Mr. Schmit explained that as a result of fence improvements and the stadium letting, preliminary budgets have been updated to reflect actual costs, as well as anticipated construction costs, for the final two phases. Part of the work is being done with in-kind donations which include architectural work, surveying, storm sewer pipe, storm sewer installation and labor. Following discussion, 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 6, Noes 0, Council Member Chapin abstained from voting.

### RESOLUTION NO. 2

WHEREAS, various contractors and engineering and design firms have donated to the City of Willmar materials and services to be put towards the baseball stadium project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Willmar, Minnesota, that the City accept the donations and that the City Administrator be directed to express the community's appreciation:

1. Waters Edge, architectural services, \$10,700.00
2. Bonnema, survey, \$500.00
3. Quam Construction, storm sewer installation, \$16,200.00
4. Prinsco/Duininck, storm sewer material, \$5,500.00
5. Kandiyohi County, stadium labor, \$16,852.00
6. Bolton & Menk, design services, \$1,500.00

Dated this 7<sup>th</sup> day of June, 2004.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Community Education and Recreation Director Brisendine informed the Mayor and Council that various equipment for the Dorothy A. Olson Aquatic Center needed prior to, or at the time of, the anticipated July 2, 2004, opening was not including in the construction contract. Following discussion, Resolution No. 3 was introduced by Council Member Reese, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

### RESOLUTION NO. 3

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance

Director to amend the Aquatic Center Project Budget:

Increase: Capital Equipment Purchases	\$ 31,490
Decrease: Excess Capital Appropriations	\$ 31,490

Dated this 7<sup>th</sup> day of June, 2004.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Public Works Director Odens presented to the Mayor and Council a proposed change order for the Dorothy A. Olson Aquatic Center Project to cover fencing, conduit, and shaping adjustments. Following discussion, Resolution No. 4 was introduced by Council Member Reese, seconded by Council Member Anderson, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0, Council Member Chapin abstained from voting.

RESOLUTION NO. 4

WHEREAS, a contract has been awarded to Terwisscha Construction of Willmar, Minnesota, on October 7, 2003, in the amount of \$1,303,303.00 for construction of the Dorothy Olson Aquatic Center under the direction of US Aquatics as engineer; and

WHEREAS, Change Order No. 1 and Change Order No. 2 decreased the original contingency amount of \$25,000.00 by \$4,199.54 to \$20,800.46. Change Order No. 3 decreased the remaining contingency amount of \$20,800.46 by \$7,500.00 to \$13,300.46 and decreased the original contract amount of \$1,303,303 by \$7,500.00 to \$1,295,803.00.

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 City Engineer to be \$8,392.27.
2. Funding for the additional work is from within the Project Budget contingency amount.

Dated this 7<sup>th</sup> day of June, 2004.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

The Mayor and Council considered a request from the Kandiyohi County Public Health Department for a support resolution of a "STEPS to a HealthierUS" grant application. City

Administrator Schmit presented details of the grant which enables communities to reduce the burden of chronic diseases by encouraging a healthier lifestyle. If funded, over the five-year grant period approximately \$900,000 in resources will be available for this work in the community. Resolution No. 5 was introduced by Council Member Anderson, seconded by Council Member Chapin, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 5

(For Resolution in its entirety, see City Council Proceedings  
File dated June 7, 2004, located in the City Clerk's Office)

City Clerk Halliday informed the Mayor and Council that, in accordance with Minnesota Statutes, it is necessary to designate polling locations for the September 14, Primary Election, and November 2, 2004, General Election. Resolution No. 6 was introduced by Council Member Christianson, seconded by Council Member Dokken, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 6

BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, that the following buildings be designated as the official voting locations for the 2004 Primary and General Elections:

FIRST WARD: 1 <sup>st</sup> Precinct	Senior Citizens Center 624 North Highway 71
2 <sup>nd</sup> Precinct	Lakeview Apartment Building 300 North 7th Street
3 <sup>rd</sup> Precinct	Ridgewater College 15th Avenue Northwest
SECOND WARD: 1 <sup>st</sup> Precinct	St. Mary's Catholic Church 713 Southwest 12th Street
2 <sup>nd</sup> Precinct	Vinje Lutheran Church 1101 Willmar Avenue Southwest
3 <sup>rd</sup> Precinct	Christian Reform Church 1708 Southwest 8th Street
THIRD WARD: 1 <sup>st</sup> Precinct	Cardinal Apartments 407 Southeast Lakeland Drive
2 <sup>nd</sup> Precinct	Highland Apartments 115 East Becker Avenue
3 <sup>rd</sup> Precinct	Municipal Auditorium 311 West 6th Street
FOURTH WARD: 1 <sup>st</sup> Precinct	First Baptist Church 1000 6 <sup>th</sup> Street Southeast
2 <sup>nd</sup> Precinct	Calvary Lutheran Church 302 Olena Avenue
3 <sup>rd</sup> Precinct	Redeemer Lutheran Church 1401 Southwest 6th Street

Dated this 7<sup>th</sup> day of June, 2004.

