

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

August 16, 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, Nancy Houlahan, Rick Fagerlie, Jim Dokken, and George Berg; 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.

City Clerk Kevin Halliday presented to Council Member George “Corky” Berg a Certificate of Public Officials Appointment and introduced the Honorable Judge John Lindstrom. Judge Lindstrom, Eighth Judicial District, officiated the Swearing-in Ceremony of Ward Two Council Member Berg.

Council Member Reese offered a motion adopting the Consent Agenda which included the following: City Council Minutes of August 2, Special Council Minutes of August 9, Municipal Utilities Commission Minutes of August 9, Rice Hospital Board Minutes of August 4 and 11, Planning Commission Minutes of August 11, and Housing and Redevelopment Authority Minutes of June 8 and July 20, 2004. Council Member DeBlieck seconded the motion, which carried.

At 7:06 p.m. Mayor Heitke opened the hearing on an Ordinance Extending the Corporate Limits of the City of Willmar. Planning and Development Services Director Peterson presented details of the petition filed by Ken Parker and Peter Poss to annex 2.6 acres of land to allow for the expansion of Hennen Furniture. The Planning Commission has approved the request. Upon hearing all those who wished to be heard, Mayor Heitke closed the hearing at 7:07 p.m.

Council Member Reese offered a motion to approve, assign a number and order final publication of the Ordinance Extending the Corporate Limits of the City of Willmar. Council Member Anderson seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Steve Rice, President of the Willmar Lakes Area Chamber of Commerce, appeared before the Mayor and Council to present details of this week’s events celebrating the Chamber’s 75th Anniversary. Mayor Heitke read a proclamation which proclaimed the week of August 16 through 20, 2004, as Willmar Lakes Area Chamber of Commerce Week.

The Mayor and Council considered an annexation petition from Donald and Mavis Larson. Planning and Development Services Director Peterson presented the details petition to annex two lots in the Sheridan Heights plat for the purpose of developing a church. Property ownership has been verified and the Planning Commission has recommended approval of the annexation.

Following discussion, Resolution No. 1 was introduced by Council Member Anderson, seconded by Council Member DeBlieck, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 1

WHEREAS, a Petition for Annexation (File #04-02) has been filed for the following described piece of property:

Lots 13 and 14, Block 3 of Sheridan Heights, and dedicated road described as follows: beginning at the northwest corner of Lot 13, thence west 70' to the east line of Block 2 of Sheridan Heights, thence southerly to the south right-of-way line of CSAH 24, thence easterly 270.02' to a point, thence northerly to the southeast corner of Lot 14, thence westerly 200' along the south line of Lot 14 to the southwest corner of Lot 14, thence northerly 247.03' along the west line of Block 3 to the point of beginning. Containing 2.03 acres, more or less.

WHEREAS, the Petitioners have certified and stated that they are the sole owners of said property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that ownership of the aforescribed property, by the petitioners, in the manner stated has been verified.

BE IT FURTHER RESOLVED that it has been verified that the Petition for Annexation includes not only the request to be annexed, but a request for City services/improvements/facilities/utilities.

Dated this 16th day of August, 2004.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Council Member DeBlieck offered a motion to introduce the Ordinance Extending the Corporate Limits of the City of Willmar and schedule a hearing for September 7, 2004. Council Member Dokken 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 for August 9, 2004, was presented to the Mayor and Council by Council Member Anderson. There were 10 items for Council consideration.

Item No. 1 Rice Hospital CEO Lorry Massa presented to the Committee the first six-month financial report for the Hospital. Although the profit is not meeting expectations for the first six months, Mr. Massa expects the second half of the year to improve due to the areas such as Orthopedic Surgery being fully staffed and a full six months of the Rose Center. This matter was for information only with Mr. Massa scheduled to return after the next quarter.

Item No. 2 Willmar Municipal Utilities General Manager Mike Nitchals presented to the Committee an update on the first six-month financial status of the Willmar Municipal Utilities. Mr. Nitchals indicated that sales were up and profits were about in line with projections. An item not included on the statement is a book entry for the equity profit or loss in Allied Power. Since the losses have been substantial for the last two years, this could have an impact by yearend. This matter was for information only with Mr. Nitchals scheduled to return after the next quarter.

Item No. 3 The Committee reviewed a list of unpaid bills against various residents for grass mowing. Pursuant to Willmar Municipal Code concerning the cutting of weeds or grass, and in the case of noncompliance, such work is to be performed by the City; and the costs certified as a special assessment against the property concerned.

The Committee was recommending the Council schedule a hearing for September 7, 2004, to consider objections to the proposed assessments for grass mowing. Council Member Anderson moved to approve the recommendation of the Finance Committee with Council Member Fagerlie seconding the motion, and carried.

Item No. 4 The Committee also reviewed a list of unpaid bills against various residents for snow removal. Pursuant to Willmar Municipal Code concerning the removal of snow, and in the case of noncompliance, such work to be preformed by the City; and the costs certified as a special assessment against the property concerned.

The Committee was recommending the Council schedule a hearing for September 7, 2004, to consider objections to the proposed assessments for snow removal. Council Member Anderson moved to approve the recommendation of the Finance Committee with Council Member Fagerlie seconding the motion, which carried.

Item No. 5 The Committee reviewed annual retirement schedules from the Fire Relief Association. The schedules calculate funds available and allowable retirement benefits, which can be paid from those funds. There being no request to increase the City share at this time, the matter was for information only.

Item No. 6 The Committee was informed by staff that the City has settled the majority of labor contracts and designated reserves must be appropriated to various departments to cover the increased costs.

Following discussion, the Committee was recommending the Council introduce a Resolution to amend the budgets as recommended. 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 7, Noes 0.

RESOLUTION NO. 2

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to amend the General, WRAC-8 and Waste Treatment Budgets:

Increase: General Fund -Personnel Services	\$ 61,000
WRAC-8 – Personnel Services	\$ 4,000
Waste Treatment – Personnel Services	\$ 15,000
Decrease: General Fund Designated Reserves	\$ 61,000
WRAC-8 Designated Reserves	\$ 4,000
Waste Treatment Designated Reserves	\$ 15,000

Dated this 16th day of August, 2004.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 7 The Committee discussed the Bethesda Project bond issues. Staff noted that the required period of time has passed since the public hearing on issuing and refinancing debt had passed and no one has come forward to object to the project. Following discussion, the Committee was recommending the Council introduce two resolutions as follows: a Resolution to issue not-to-exceed \$1,500,000 of new debt known as Nursing Home Revenue Bonds, and a second Resolution to issue \$6,550,000 of Housing Facility Revenue Refunding Note.

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 7, Noes 0.

RESOLUTION NO. 3

APPROVING THE ISSUANCE AND SALE OF THE \$6,550,000 HOUSING FACILITY REVENUE REFUNDING NOTE, SERIES 2004A (SUNRISE VILLAGE PROJECT) AND \$100,000 TAXABLE HOUSING FACILITY REVENUE REFUNDING NOTE, SERIES 2004B (SUNRISE VILLAGE PROJECT) AND AUTHORIZING THE EXECUTION OF DOCUMENTS RELATING THERETO

(For Resolution in its entirety, see City Council Proceedings File dated August 16, 2004, located in the City Clerk's Office)

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 7, Noes 0.

RESOLUTION NO. 4

AUTHORIZING THE ISSUANCE OF NURSING HOME REVENUE BONDS, SERIES 2004A AND TAXABLE NURSING HOME REVENUE BONDS, SERIES 2004B (BETHESDA PROJECT) AND AUTHORIZING THE EXECUTION OF NECESSARY DOCUMENTS

(For Resolution in its entirety, see City Council Proceedings File dated August 16, 2004, located in the City Clerk's Office)

Item No. 8 The Committee received an update from Staff on the Local Option Sales Tax and discussed the ballot wording, project dollar levels, and the ballot question deadline of September 20, 2004. Two additional issues were placed before the Committee to discuss which included the Waste Treatment Plant new construction and the annual street replacement program.

The Committee agreed that the addition of these two projects should be discussed by the full Council. The City Council discussed at length the Wastewater Treatment Plant options, a dollar cap on the street replacement program, and regional impact of the various issues.

Following discussion, Council Member Dokken moved to add Waste Treatment Plant new construction and annual street replacement program to the ballot question. The motion died for the lack of a second.

Council Member Reese moved to remove the proposed ballot wording "... the sales tax

would expire upon payment of the bonded indebtedness issued to finance the project” with Council Member Christianson seconding the motion. Following discussion, Council Member Christianson moved to table the matter with Council Member Reese seconding the motion, which carried.

Item No. 9 The Airport funding will be placed on a future Committee agenda. This matter was for information only.

Item No. 10 The Committee reviewed the June Rice Trust and Central Minnesota Community Foundation Reports. This matter was for information only.

The Finance Committee Report for August 9, 2004, 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 Dokken, and carried.

The Public Works/Safety Committee Report for August 10, 2004, was presented to the Mayor and Council by Council Member Reese. There were five items for Council consideration.

Item No. 1 The Committee reviewed a request from Josh Jensen of Infinia Health Care for a partial street closure on August 31, 2004, to allow for their 4th Annual Block Party with area residents. The Committee was recommending the Council approve the temporary street closure request as presented. 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. 2 The Celebrate Art/Celebrate Coffee Festival Co-Chairs, Cleone Thompson and Kay Thompson, appeared before the Committee to request the City’s support for the 7th Annual Fall Festival in the downtown on September 18, 2004. The request includes the temporary closure of 5th Street from Trott to Litchfield Avenues and Becker Avenue from 4th to 6th Streets. In addition, the closure of the parking lot next to and behind the Masonic Temple building to house the artists’ tents by noon Friday. Staff approved the request with no safety concerns.

The Committee was recommending the Council approve the temporary street and parking lot closure for the Fall Festival as presented. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Berg seconding the motion, which carried.

Item No. 3 The Committee reviewed a final payment request for Design Electric for the 28th Avenue Signal Improvement Project which was done in conjunction with the development of Home Depot. The project came in under budget and was completed in 2003.

The Committee was recommending the Council accept the project and authorize final payment to Design Electric. 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 7, Noes 0.

RESOLUTION NO. 5

ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

IMPROVEMENT: 28th Avenue South Signal Improvements, City of Willmar Project No. 0306

CONTRACTOR:	Design Electric, Inc.
DATE OF CONTRACT:	May 29, 2003
BEGIN WORK:	June, 2003

COMPLETE WORK:
APPROVE, CITY ENGINEER:

December, 2003
August 10, 2004

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

1. The said 28th Avenue Signal Improvements (Project No. 0306) be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:		\$183,377.00
Change Order No.(s)	None	\$0.00
FINAL NET CONTRACT AMOUNT, PROPOSED:		\$183,377.00
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:		\$180,509.62
Less Previous Payments		\$169,185.41
FINAL PAYMENT DUE CONTRACTOR:		\$11,324.21

Dated this 16th day of August, 2004.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 Staff briefly explained to the Committee a study being conducted by the State of Minnesota in conjunction with Kandiyohi County and the City of Willmar to address the section of Highway 71-23 from Willmar north to the Eagle Lake "Y." The study started in 2000 when the State of Minnesota was identifying major corridors throughout the State. The concept will be presented to the Planning Commission Wednesday and there will also be a public involvement process. Final study reports will be made available to the Mayor and Council Members. This matter was for information only.

Item No. 5 The Committee discussed the Wastewater Treatment Plant relocation issue and noted the options have been presented to all Wards as requested. Following discussion, a motion was made and seconded to proceed with the single plant construction at the new site. The motion did not pass on a tie vote, and the matter presented to the City Council with no recommendation.

Council Member Reese informed the Mayor and Council that the Chamber of Commerce has requested a presentation by City Administrator Schmit to the Chamber business community and requested a delay in action until feedback is received. 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 Anderson, and carried.

Public Works Director Odens presented to the Mayor and Council bid results for the 2004

First Street Mill and Overlay Improvements. Following discussion, Resolution No.6 was introduced by Council Member Reese, seconded by Council Member Anderson, 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, a municipal corporation of the State of Minnesota, that the bid of Duininck Bros. Inc., of Prinsburg, Minnesota, for Project No. 0403 is accepted, and be it further resolved that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an agreement with the bidder for the terms and consideration of the contract in the amount of \$540,882.40.

Dated this 16th day of August, 2004.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Public Works Director Odens presented to the Mayor and Council a request from the Willmar EAA Chapter 1172 to use the Willmar Municipal Airport for an Airshow to be held on September 5, 2004. Following discussion, Council Member Christianson moved to approve of the request as presented with Council Member Dokken seconding the motion, which carried.

Planning and Development Services Director Peterson presented to the Mayor and Council a preliminary plat for the Hennen Addition, a one-lot plat that's in the process of being annexed for a future addition to Hennen Furniture. The Planning Commission has approved the preliminary plat subject to assessments being reapportioned and the annexation being completed prior to the recording of the final plat. Council Member Reese moved to approve the preliminary plat as presented with Council Member Dokken seconding the motion, which carried.

The Mayor and Council considered the Westwind Estates Second Addition reapportionment of special assessments. City Clerk Halliday presented details of a proposed development by the Southwest Minnesota Housing Partnership. Following discussion, Resolution No. 7 was introduced by Council Member Reese, seconded by Council Member DeBlieck, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 7

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

Westwind Estates – Lots 13-15 of Block 1, Lot 7 of Block 2, Lots 1-6 of Block 3, Lot 1 of Block 4, Lots 1-4 of Block 5 and Lots 1-3 of Block 6

Parcel No. 95-868-0130 to 0360

to wit: Southwest MN Housing Partnership

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

WHEREAS, the City Council of the City of Willmar is in agreement that the special assessments totaling \$347,877.98 placed against the above-described parcel be hereby reapportioned as herein described:

Block	Lot	Legal Description	Amount	Parcel No.
1	1	Westwind Estates Second Addition	\$ 22,665.39	95-868-0400
1	2		\$ 18,885.31	95-868-0410
1	3		\$ 19,640.72	95-868-0420
2	1		\$ 22,665.39	95-868-0430
3	1		\$ 15,863.66	95-868-0440
3	2		\$ 12,216.53	95-868-0450
3	3		\$ 12,215.02	95-868-0460
3	4		\$ 12,215.02	95-868-0470
3	5		\$ 12,215.02	95-868-0480
3	6		\$ 12,215.02	95-868-0490
3	7		\$ 12,215.02	95-868-0500
3	8		\$ 19,640.72	95-868-0510
4	1		\$ 21,298.10	95-868-0520
5	1		\$ 13,271.08	95-868-0530
5	2		\$ 13,272.60	95-868-0540
5	3		\$ 13,272.60	95-868-0550
5	4		\$ 13,272.60	95-868-0560
5	5		\$ 15,863.66	95-868-0570
6	1		\$ 15,863.66	95-868-0580
6	2		\$ 12,846.54	95-868-0590
6	3		\$ 12,846.54	95-868-0600
6	4		\$ 23,417.78	95-868-0610

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 2005 and thereafter.

Dated this 16th day of August, 2004.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

City Clerk Halliday informed the Mayor and Council that, in accordance to Minnesota Statutes, it is time to appoint judges to serve at the September 14, 2004, Primary Election. Resolution No. 8 was introduced by Council Member DeBlieck, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0 – Council Member Berg abstained from voting.

RESOLUTION NO. 8

BE IT RESOLVED, that the individuals listed below be appointed as Judges to work at the Primary Election in the City of Willmar on September 14, 2004:

WARD ONE:	Precinct One:	Pat Morse
		Stanza Haagenson
		Cheryl Retrum
	Precinct Two:	Verle Watson
		Jon Winge
		Joan Schultz
		Rosemary Habicht
		Daniel Pederson
		Ardell Engwall
Precinct Three:	Sally McAdams	
	Ione Nichols	
	Owen Heuring	
	JoAnn Jagt	
	Bill Schultz	
	Lee Durst	
WARD TWO	Precinct One:	Jon Devenport
		June Oslund
		Daisy Score
		Beverly Chambers
		Leonette Sadler
	Precinct Two:	Doris Helsper
		Lea Braun
		Marjorie Carlson
		Marlene Backer
		Eilene Magnuson
		Dan Reigstad
		Dorothy Fransen
	Precinct Three:	George Berg
		Beverly Ledeboer
		Karen Westby
WARD THREE	Precinct One:	Marilyn Hanson
		Doris Doerhofer
		Mary Lorentzen
		Gary Cotten
		Duane Bock
		Donna Hillenbrand
		Alvin Hoogeveen
		Mavis Hagert

Iona Andreen
Ruby Bernhagen
Harriet Levy
Merle Berkeland

	Precinct Two:		Marcella Erickson Elaine Pearson Marlys Boeder Esther Floren J. Marie Engwall Ann Pederson	
	Precinct Three:		C. Leonard Pearson Sherwood Mellom Shirley Klenk William Sook Laural Rieckman	
WARD FOUR	Precinct One:		Neil Cofer Joyce Hanson Mavis Willroth Evangelin Bass David Rogers Joey Werder	
	Precinct Two:		Marsha Butterfield Ruby Freeberg Penny Selseth LeCharl Lessman Arlene Syverson Stanley Marcus	
	Precinct Three:		Bob Jones Francis Yule Sharon Baker Howard Freeberg Connie Heath Romona Berg	
Absentee:	Daniel Pederson Ardell Engwall	Reserve:	Florence Erickson Eileen Kolinski Shirley Jensen	Linda Dilley Mary Stetzel Mary
Cotten				

Dated this 16th day of August, 2004.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Announcements for Council Committee meeting dates were as follows: Public Works/Safety, August 24; Labor Relations, August 25; and Community Development, September 2, 2004.

Council Member DeBlieck voiced concerns that the State of Minnesota never completed the bypass to the intersection of County Road 5 and reports that another traffic accident claimed the life

of a 16-year old girl. Staff was directed to get data on accidents at the intersection in efforts to convince the State legislature to complete the bypass.

Community Education and Recreation Director Brisendine presented a brief report on the daily attendance at the Dorothy Olson Aquatic Center. Mr. Brisendine stated that the last day the facility will be open in 2004 is the 29th of August.

There being no further business to come before the Council, the meeting adjourned at 8:34 p.m. upon motion by Council Member Christianson, seconded by Council Member Berg, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL