

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

October 3, 2005  
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, Denis Anderson, Cindy Swenson, Rick Fagerlie, Jim Dokken, and Steven Gardner; Present 8, Absent 1 – Council Member Bruce DeBlieck.

Also present were City Administrator Michael Schmit, City Attorney Richard Ronning, Police Chief Jim Kulset, Fire Chief Marv Calvin, Public Works Director Mel Odens, 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 request for a street closing.

The Council requested that the Municipal Utilities Commission and Planning Commission minutes be removed from the Consent Agenda.

Council Member Fagerlie offered a motion adopting the Consent Agenda which included the following: City Council Minutes of September 19, Housing and Redevelopment Authority Board Minutes of August 9, 2005; and Exempt Permit Applications – Knights of Columbus and Rocky Mountain Elk Foundation. Council Member Dokken seconded the motion, which carried.

The Council discussed Municipal Utilities Commission Resolution No. 52 regarding Allied Power serving the MinnWest Technology Campus. Council Member DeBlieck arrived at 7:06 p.m. Council Member Anderson moved to table MUC Resolution No. 52 with Council Member Reese seconding the motion, which carried. The Municipal Utilities Commission Minutes of September 26, 2005, were then approved and ordered placed on file in the City Clerk's Office upon motion by Council Member Anderson, seconded by Council Member Reese, and carried.

The Council discussed the Planning Commission item regarding the potential use of a community sign on East Benson Avenue. Council Member Christianson moved to approve the Planning Commission Minutes of September 28, 2005, with Council Member Anderson seconding the motion, which carried.

At 7:17 p.m. Mayor Heitke opened a hearing on an Ordinance Amending the Stormwater Management Ordinance. Public Works Director Odens informed the Mayor and Council that this amendment serves as a uniform response to developers regarding water quality standards per current MPCA permit guidelines. There being no one present to speak for or against the proposed Ordinance, Mayor Heitke closed the hearing at 7:18 p.m.

During the Council's scheduled Open Forum, Carol Nelson addressed Mayor and Council regarding the closing of the Willmar Regional Treatment Center and the relocation of workers to other communities. Linda Bjernberg talked about excessive lighting and lighting pollution.

Senator Dean Johnson and Representative Al Juhnke appeared before the Mayor and Council to present their annual report on Legislative activities. Items discussed included the Health Impact Fee, Campus of Excellence, Grass Lake project, WRTC adult mental health care program, Glacial Lakes trail system, State Bonding Bill, and plans for a new veterans' nursing home. This matter was for information only.

Mayor Heitke called for a recess at 8:45 p.m. and reconvened the meeting at 8:51 p.m.

The Finance Committee Report for September 26, 2005, was presented to the Mayor and Council by Council Member Dokken. There were five items for Council consideration.

Item No. 1 Staff advised the Committee that because the Duinick property located along South First Street has been annexed to the City, deferred assessments may now be certified for collection. The assessments against parcel #33-023-0070 are for street, sanitary sewer, and watermain improvements for Projects 7002, 9101 and 9605 totaling \$22,111.78.

The Committee moved to recommend the Council set a public hearing to discuss the assessments, adopt the assessment resolution, and certify the resolution to the County Auditor for a ten-year collection beginning in 2006. It was noted that on September 27, 2005, the City received from Duinick Companies a waiver of notice of hearing and consent to special assessments and the recommended public hearing is no longer necessary. It was further noted that a secondary review showed the deferred assessments for Project No. 7002 were paid over a ten-year period and that the new total is \$14,204.73.

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

#### RESOLUTION NO. 1

WHEREAS, a request for recertification 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 parcel generally described as follows: (On file in the City Clerk's Office)

to wit: Duinick Companies  
Parcel No. 33-023-0070

WHEREAS, the above interested parties have waived notice of hearing on said recertification; and

WHEREAS, the City Council of the City of Willmar is in agreement with the suggested recertification 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, hereby recertifies the special assessments on Parcel No. 33-023-0070 at \$511.07 at seven (7.0) percent interest for Project 7002 Sanitary Sewer; and \$13,693.66 at six and forty five hundredths (6.45) percent for Project 9605 First Street Improvements; and

BE IT FURTHER RESOLVED that the assessments deferred against this parcel for project 6905 water main be reduced to zero; and

BE IT FURTHER RESOLVED that the property owner has the option of either paying the total amount assessed within the prepayment period ending October 31, 2005, without interest or

paying it in annual installments with interest added. If the property owner elects not to pay the full amount, the assessment plus interest will be added to the property taxes over a ten-year period. The first year's interest will be charged at the above listed rate(s) of interest, calculated on the stated principal amount from the date of the adopted resolution through December 31, 2006 (approximately 15 months).

In all subsequent installment years, the property owner must pay the principal installment plus twelve (12) months of interest which would have accrued to December 31, of the year for which the payment was certified for collection.

The adopted assessments shall 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 2006 and thereafter.

Dated this 3<sup>rd</sup> day of October, 2005.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 2 The Committee reviewed an update prepared by staff on the Helping America Vote Act of 2002, which requires all polling places to have electronic, assistive voting machines in place by the primary election of 2006. The new machines come equipped with headphones, toggle switches, touch screens, and breath-sensitive equipment allowing disabled voters to cast ballots privately and independently. City Clerk Halliday explained to the Committee provisions of the new law, Federal funding sources, Secretary of State directives, and the County Auditor's plan for implementation.

Staff has been recommending that the Council consider consolidating precinct voting sites into one of four Ward polling locations, tentatively scheduled for the Senior Citizens Center (Ward One); Evangelical Free Church (Ward Two); City Auditorium, Holiday Inn or Central Office Building (Ward Three); and Baptist Church (Ward Four). The consolidation of precincts would reduce initial assistive voting machine acquisition costs and ongoing program and maintenance. It was noted that the four polling sites would be considered and approved at a later date.

The Committee was recommending the Council consolidate voting precincts into the respective Ward polling sites. Council Member Dokken moved to approve the recommendation of the Finance Committee with Council Member Gardner seconded the motion, which carried.

Item No. 3 The Committee began its review of the Mayor's proposed 2006 budget by considering projected revenues. City Administrator Schmit presented details of 2006 projected revenues explaining that with the exception of the local option sales tax, there were no major expected changes in revenue sources. This matter was for information only.

Item No. 4 The Committee reviewed a list of future agenda items including the City's Assessment Policy, a request from West Central Industries for tax exempt financing, and a Design Team request for funding remaining 2005 operating expenses. This matter was for information only.

Item No. 5 The Committee acknowledged receipt of the Cushman A. Rice Trust Report through August 31, 2005, the August Kandiyohi Area Transit Report, and the City's August Investment Report. This matter was for information only.

The Finance Committee Report for September 26, 2005, were 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.

The Public Works/Safety Committee Report Committee Report for September 27, 2005, was presented to the Mayor and Council by Council Member Christianson. There were six items for Council consideration.

Item No. 1 The Committee reviewed water testing results for areas of southeast Willmar taken from Ditch 23-A and the south fork of the Crow River. The testing is being done by volunteers and Minnesota Pollution Control Agency staff. It was noted that several fecal coliform results taken from Ditch 23-A were high. City staff has begun sampling the ditch to monitor the readings and develop an action plan to address this concern. Future test results will be brought to the Committee. This matter was for information only.

Item No. 2 The Committee discussed the design of the new airport aviation fuel system. Correspondence from HNTB, the consulting engineer, was reviewed which references the aspects of the system. The letter identifies the conditions they would be working under and gives cost estimates for the different options, and the Airport Commission recommends "Option C" with some revisions. In order to proceed with their recommendation, the City would need to amend the agreement with HNTB in the amount of \$7,500.

The Committee was recommending the Council amend the contract with HNTB in the amount of \$7,500 and proceed with the design of "Option C." Resolution No. 2 was introduced by Council Member Christianson, seconded by Council Member Reese, 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, 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 for professional services for Phase 5d – 2005 Airport Improvements design. The amendment includes the redesigning of the aviation fueling system.

BE IT FURTHER RESOLVED, the original contract amount for Phase 5d of \$97,500.00 is hereby amended by \$7,500.00 for a total not to exceed figure of \$105,000.00.

Dated this 3<sup>rd</sup> day of October, 2005.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 3 The Committee reviewed the bid results for the Willmar Avenue SE street lighting. Five bids were received, and Staff recommended awarding the project to the low bidder, Design Electric Inc. of St. Cloud, MN, in the amount of \$75,008.08. The engineer's estimated cost for the project is \$93,385.00.

The Committee was recommending the Council accept the bid of Design Electric Inc. and authorize the Mayor and City Administrator to enter into an agreement on behalf of the City. Resolution No. 3 was introduced by Council Member Christianson, seconded by Council Member Reese, and carried.

### RESOLUTION NO. 3

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the bid of Design Electric, Inc. of St. Cloud, Minnesota for City Project No. 0509 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 \$75,008.08.

Dated this 3<sup>rd</sup> day of October, 2005.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 4 The Committee considered a request from the Willmar Design Team to close one block of 4<sup>th</sup> Street SW from Litchfield to Becker Avenues for the evening of October 27, 2005. The Willmar Design Team is returning and they are planning a hot dog grill out followed by a meeting at Bethel Church. Details of the event will be directed to staff. No safety concerns were noted.

The Committee was recommending the Council approve the closure of 4<sup>th</sup> Street SW from Becker to Litchfield Avenue for a Design Team as requested. Council Member Christianson moved to approve the recommendation of the Public Works/Safety Committee with Council Member Dokken seconding the motion, which carried.

Item No. 5 The Committee was informed of staff's decision to place a seasonal parking restriction on 5<sup>th</sup> Street SW from 13<sup>th</sup> Avenue to 16<sup>th</sup> Avenue SW in the vicinity of Willow Run Apartments. The signage will restrict parking from November 1 through March 31 of each year to allow for snow removal. This matter was for information only.

Item No. 6 The Committee discussed recent developments in the restoration of Grass Lake, and staff indicated they would bring information as soon as it's available. This matter was for information only.

The Public Works/Safety Committee Report for September 27, 2005, 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.

Announcements for Council Committee meeting dates were as follows: Public Works/Safety, October 11; Finance, October 12; and Labor Relations, October 19, 2005.

The Council discussed a request from the Women's Shelter House to close off a section of Becker Avenue SE on October 18, 2005, from noon to 1:00 p.m. for an awareness gathering to work towards the elimination of personal violence against women. Council Member Gardner moved to approve the request as presented with Council Member Anderson seconding the motion, which carried.

Council Member Reese requested to be excused from the October 17, 2005, City Council meeting.

There being no further business to come before the Council, the meeting adjourned at 9:37 p.m. upon motion by Council Member Christianson, seconded by Council Member Dokken, and carried.

Attest:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
SECRETARY TO THE COUNCIL