

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

July 1, 1998  
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 Verna Kelly, Ron Christianson, Douglas Reese, Richard Halterman, Nancy Houlahan, Vince Van Heuveln, and Rick Fagerlie; Present 8, Absent 1 - Council Member Bruce DeBlicek was excused from the meeting.

Also present were City Administrator Michael Schmit, City Attorney Richard Ronning, Parks and Leisure Services Director Dale Johnson, Public Safety Director Dan Strootman, Public Works Director Mel Odens, Finance Director Steven Okins, Planning and Development Services Director Bruce Peterson, and City Clerk Kevin Halliday.

Proposed additions or deletions included the Library Board, Law Enforcement Center and a presentation by Council Member Halterman.

Council Member Kelly offered a motion adopting the Consent Agenda which included the following: City Council Minutes of June 15, Rice Hospital Board Minutes of June 17, Municipal Utilities Commission Minutes of June 22, and Park Board Minutes of June 16. Council Member Reese seconded the motion which carried.

Mayor Heitke recognized citizens who attended the meeting to voice concerns with the Valhalla Shores PUD proposal. Tom Oyen and Kathy Eggimann voiced objections to the loss of privacy and the extended time frame of construction of the three twin-homes and one single-family home proposal. Planning and Development Services Director Bruce Peterson stated that the City has never imposed construction time frames on a developer and he reiterated the Planning Commission's condition that the developer must preserve as many trees as possible. Upon hearing all those who wished to be heard, Council Member Kelly offered a motion to approve the Planning Commission minutes of June 24, 1998. Council Member Reese seconded the motion which carried.

At 7:13 p.m. Mayor Heitke opened a hearing on an Ordinance to Amend Ordinance No. 1022, the Willmar Shoreland Zoning Ordinance. Planning and Development Director Peterson presented to the Mayor and Council details of the proposed Ordinance. It was noted the Planning Commission was recommending to the Council that the Shoreland Zoning Ordinance be amended to allow residential planned unit developments in the R-2/S and R-3/S zoning districts. There being no one present to speak for or against the proposed Ordinance, Mayor Heitke closed the hearing at 7:14 p.m.

Council Member Reese offered a motion to adopt, assign a number, and order final publication of the Ordinance to Amend Ordinance No. 1022, the Willmar Shoreland Zoning Ordinance. Council Member Christianson seconded the motion which carried on a roll call vote of Ayes 7, Noes 0.

The Finance Committee Report of June 22, 1998, was presented to the Mayor and Council by Council Member Kelly. There were two items for Council consideration.

Item No. 1 The Committee reviewed the findings and recommendations of staff regarding the sale of 1998 Street Improvement Bonds. Following a brief review of the project schedule, the Committee was recommending to the Council the sale of the 1998 Improvement Bonds on August 5, 1998. Council Member Kelly moved to approve the recommendation of the Finance Committee with Council Member Halterman seconding the motion, which carried.

Item No. 2 The Committee reviewed the findings and recommendations of staff regarding the sale of Library Sales Tax Revenue Bonds and proposed amendments to the project construction budget. Planning and Development Services Director Bruce Peterson and Library Director Earlene Warner were present to review proposed additions to the Library project/budget including additional funding for telecommunications, security system, collection upgrade and technology. The Committee was recommending to the Council approval of the amended Library budget as presented.

Resolution No. 1 was introduced by Council Member Kelly, seconded by Council Member Reese, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0, Council Member Houlahan abstained from voting.

RESOLUTION NO. 1

AMENDED LIBRARY PROJECT BUDGET  
ESTIMATED TOTAL COST: \$4,495,191

OTHER SERVICES:		RECEIVABLES:	
Maintenance of Structures	\$2,965,000	State - Grant	\$ 195,191
Other Services	<u>335,091</u>	City-Local Option	<u>4,300,000</u>
Total:	\$3,300,091	Sales Tax	
		Total:	\$4,495,191
OTHER CHARGES:		FINANCING:	
Rents (Site Dev/Relocation)	\$ 400,100	Bonds	\$4,300,000
Professional Services	<u>290,000</u>	State-Grant	<u>195,191</u>
Total:	\$ 690,100	Total:	\$4,495,191
Furniture and Equipment	\$ 505,000		
GRAND TOTAL:	\$4,495,191		

Dated this 1st day of July, 1998.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

The Committee was further recommending to the Council to set the sale date of the Library Sales Tax Revenue Bonds for August 5, 1998. Council Member Kelly moved to approve the recommendation of the Finance Committee with Council Member Fagerlie seconding the motion, which carried.

The Finance Committee Report of June 22, 1998, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Kelly, seconded by Council Member Halterman, and carried.

The Labor Relations Committee Report of June 22, 1998, was presented to the Mayor and Council by Council Member Reese. There was one item for Council consideration.

Item No. 1 City Administrator Schmit reported to the Committee on the status of his brief negotiations with representatives of Willmar Air Service regarding the Airport Fixed Base Operator (FBO) agreement. It was suggested by Mr. Warren Anderson, representing Willmar Air Service during the course of these discussions, that there was perhaps new information regarding the Manager/FBO issues that may influence the Council's decision to reconsider its position in hiring an Airport Manager.

Mr. Anderson proceeded to review with Committee Members information concerning the Airport Management position classification and services provided by Willmar Air Service. Mr. Anderson also presented a summary of communities with comparable size and flight operations and correspondence from Jim Hanson of

Owatonna Airport, Inc. and Bruce Jaeger of Willmar Air Service, Inc. The presentation concluded with discussing conflict of interest issues and the likely impact on the ability of Willmar Air Service to provide certain services in the event the City follows through with its plans to hire a full-time Airport Manager.

Considerable time was spent discussing the materials provided by Mr. Anderson and Mr. Jaeger, the future of Willmar Air Service as FBO and the numerous issues leading to the Council's previous decision to hire a full-time Airport Manager. No motions or recommendations were forthcoming, and the matter presented to the Council with no action.

City Administrator Schmit informed the Council that he was approached by Willmar Air Service to consider an alternative to the City hiring a full time Airport Manager. Mr. Warren Anderson, representing Willmar Air Service, presented details of a proposal to allow Willmar Air Service to hire and train an Assistant Airport Manager as a company employee. The Airport Manager would assign the Assistant Airport Manager with management and FBO responsibilities as needed. The City would develop an Airport Management Agreement that requires the manager (Willmar Air Service) to retain the services of a part-time assistant, experienced or trained in airport management.

Following discussion, Council Member Reese moved to put a hold on the hiring process of an Airport Manager and directed staff to pursue the proposal presented by Willmar Air Service. Council Member Kelly seconded the motion, which carried.

The Labor Relations Committee Report of June 22, 1998, 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 Public Works/Safety Committee Report of June 24, 1998, was presented to the Committee by Council Member Halterman. There were three items for Council consideration.

Item No. 1 Staff updated the Committee on the projected start date of the second sheet of ice project building construction and presented the final agreement between the City and the Willmar Blue Line Club. The Committee was recommending to the Council to approve the agreement with the Willmar Blue Line Club and authorize the Mayor and City Administrator to sign on behalf of the City. Resolution No. 2 was introduced by Council Member Halterman, seconded by Council Member Reese, 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, a municipal corporation of the State of Minnesota, that the Mayor and City Administrator be authorized to enter into an agreement between the City of Willmar and Willmar Blue Line Club for the operation and maintenance of the second sheet of ice building at the Civic Center Arena.

Dated this 1st day of July, 1998.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 2 The Committee reviewed final estimate for Project No. 9702, 1997 underground project completed by Quam Construction, and was recommending to the Council to approve the final payment. Resolution No. 3 was introduced by Council Member Halterman, seconded by Council Member Reese, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 3

ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

PROJECT NUMBER: 9702  
IMPROVEMENT: 1997 Sewer and Water Improvements

Contractor:	Quam Construction Co., Inc.
Date of Contract:	April 21, 1997
Begin Work:	May 6, 1997
Complete Work:	June 11, 1998
Approve, City Engineer:	June 23, 1998

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

1. The said Project No. 9702 be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

Original Contract Amount:	\$111,754.90
Final Net Contract Amount, Proposed:	\$111,754.90
Actual Final Contract Amount as Constructed:	\$100,711.38
Less Previous Payments 1 - 3	95,675.81
FINAL PAYMENT DUE CONTRACTOR:	\$ 5,035.57

Dated this 1st day of July, 1998.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 3 The Committee considered a request from Nelson Construction Co., Inc. for the use of 15 parking spaces in the City-owned parking lot for the duration of the library construction. The Committee was recommending to the Council to deny the request to reserve any parking spaces for Nelson Construction Co. in the City-owned lot. Council Member Halterman moved to approve the recommendation of the Public Works/Safety Committee with Council Member Reese seconding the motion, which carried.

The Public Works/Safety Committee Report of June 24, 1998, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Halterman, seconded by Council Member Christianson, and carried.

The Mayor and Council considered an agreement between the City of Willmar and Kandiyohi County for the reconstruction of County Road 116, which leads from Highway 40 to the brush disposal/sludge storage site. Following discussion, Resolution No. 4 was introduced by Council Member Kelly, seconded by Council Member Reese, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 4

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 be authorized to enter into an agreement between the City of Willmar and Kandiyohi County for the reconstruction of County Road No. 116.

Dated this 1st day of July, 1998.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Planning and Development Services Director Peterson presented to the Mayor and Council a preliminary plat for Valhalla Shores, a 7-lot plat designed to accommodate the Al Hoffman (Valhalla Shores) PUD. It was noted the Planning Commission has approved of the preliminary plat contingent upon certain conditions being met. Following discussion, Council Member Reese moved to approve the preliminary plat for Valhalla Shores. Council Member Van Heuveln seconded the motion, which carried.

Planning and Development Services Director Peterson informed the Mayor and Council that SuperValu Holdings, Inc. has petitioned the City for the vacation of snow fence and slope easements, which encumber the site of the future Cub Food store. It was noted the Planning Commission recommends the easements be vacated as requested. 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 7, Noes 0.

RESOLUTION NO. 5

RESOLUTION SETTING A PUBLIC HEARING TO CONSIDER A  
PETITION TO VACATE SNOW FENCE AND SLOPE EASEMENTS

BE IT RESOLVED by the City Council of the City of Willmar that the Council conduct a public hearing at 7:02 p.m. on Wednesday, July 15, 1998, in the Council Chambers at the Municipal Utilities Commission Building, 700 West Litchfield Avenue, Willmar, Minnesota.

BE IT FURTHER RESOLVED that the purpose of the hearing will be to consider a petition submitted by SuperValu Holdings, Inc., for the vacation of snow fence and slope easements which encumber property owned by the petitioner and described as:

The South 400 feet of the North 883 feet of the NW¼ of the SW¼ of Section 23, Township 119, Range 35, except the East 660 feet thereof, and also except the plat of Highway Commercial Tract. And Lot 5, except the North 25 feet thereof, and Lots 6, 7 and 8 of Highway Commercial Tract, Kandiyohi County, Minnesota.

BE IT FURTHER RESOLVED that any person having an interest in said matter is invited to appear in person or be represented by counsel to be heard on this matter.

Dated this 1st day of July, 1998.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Announcements for Council Committee meeting dates were as follows: Finance, July 6; Public Works/Safety, July 7; Labor Relations, July 8; and Community Development, July 9, 1998.

Council Member Kelly presented a complaint received regarding the size of the Library Board and was asked for a Council reaction to reducing the City's representation on the Board. Following a short discussion, Council Member Kelly referred the matter to the Community Development Committee for consideration. Council Member Halterman seconded the motion, which carried.

The Council voiced concerns with the financing of the law enforcement center and the need to discuss the agreement proposed by Kandiyohi County. Council Member Kelly moved to refer the matter to the Finance Committee for consideration. Council Member Christianson seconded the motion, which carried.

Council Member Halterman tendered a letter of resignation to the Council effective on September 16, 1998. He stated that following discussion with his family, that it was time to pursue other concerns. Council Member Halterman was first elected in 1976 and will serve as a Council Member nearly 22 years. The Mayor and Council Members thanked Mr. Halterman for his leadership and guidance over the years. Council Member Kelly moved to accept Richard Halterman's resignation. Council Member Van Heuveln seconded the motion, which carried.

City Administrator Schmit presented details of conducting a special election to fill the unexpired term of Council Member - Ward One. Following discussion, Resolution No. 6 was introduced by Council Member Van Heuveln, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 6

WHEREAS, Richard Halterman has resigned as Council Member, Ward One, effective September 16, 1998; and

WHEREAS, the Willmar City Charter, Section 2.06, Subdivision 2, requires the vacancy to be filled by election.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, that a Special Election, Ward One, be held on Tuesday, November 3, 1998.

BE IT FURTHER RESOLVED that a Special Primary Election, Ward One, will be held on Tuesday, September 15, 1998, if necessary.

BE IT FURTHER RESOLVED that the filing dates for the unexpired term of Council Member, Ward One, will be Tuesday, July 7, through Tuesday, July 21, 1998.

Dated this 1st day of July, 1998.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

There being no further business to come before the Council, the meeting adjourned at 8:40 p.m. upon motion by Council Member Kelly, seconded by Council Member Reese, and carried.

Attest:

\_\_\_\_\_  
MAYOR

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