

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

November 18, 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 Ron Christianson, Bruce DeBlieck, Douglas Reese, Nancy Houlahan, Rick Fagerlie, Denis Anderson and Vince Van Heuveln; Present 8, Absent 1 - Council Member Verna Kelly 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 Administrative Assistant Audrey Peterson.

Additions to the Agenda included proclamations by Mayor Heitke and discussion of the Minnesota Building Code by Council Member Reese.

Council Member Fagerlie offered a motion adopting the Consent Agenda which included the following: Board of Canvass Minutes of November 4, City Council Proceedings of November 4, Municipal Utilities Commission Minutes of November 9, Rice Hospital Board Minutes of November 11, Building Inspection Report for October, Housing and Redevelopment Authority Minutes of October 15, Senior Citizen Council Minutes of November 4, and Planning Commission Minutes of November 10, 1998. Council Member Reese seconded the motion, which carried.

Mayor Heitke read Proclamations proclaiming November as National Home Care Month and National Hospice Month in the City of Willmar.

At 7:10 p.m. Mayor Heitke opened the hearing to consider the application to transfer the City's cable television franchise to Bresnan Telecommunications Company, LLC. City Administrator Schmit reviewed with the Mayor, Council and citizens in attendance the applications submitted and the qualifications of those applications. Mayor Heitke called on Bresnan representatives John Wade and Lee Endicott who presented Bresnan's plan for various community improvements, including technology and construction schedules. Upon hearing all those who wished to be heard, Mayor Heitke closed the hearing at 7:30 p.m.

Following questions from the Council directed to Mr. Wade and Mr. Endicott, Resolution No. 1 was introduced by Council Member Christianson, seconded by Council Member Van Heuveln, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 1

APPROVAL OF THE CHANGE OF CONTROL OF FRANCHISE AS A RESULT
OF THE TCI/AT&T MERGER AND APPROVAL OF THE TRANSFER
AND ASSIGNMENT OF THE CABLE TELEVISION FRANCHISE
TO BRESNAN TELECOMMUNICATIONS, LLC

(For Resolution in its entirety, see City Council proceedings
file of November 18, 1998, located in the City Clerk's Office)

The Finance Committee Report of November 8, 1998, was presented to the Mayor and Council by Council Member Fagerlie. There were three items for Council consideration.

Item No. 1 Municipal Utilities General Manager Mike Nitchals presented to the Committee the upcoming recommendation from the Municipal Utilities Commission for a proposed rate increase for the Water and Electrical Departments. Mr. Nitchals reviewed the Cost of Service and Rate Study the Commission had done to evaluate the

present rates and the future need to unbundle the electrical rates. The different cost areas of the electrical rates include: power supply costs, transmission costs, distribution costs and all other administrative costs.

The projected increases will be approximately 11 percent for each department. This matter was for information only.

Item No. 2 The Committee reviewed information provided for the 1999 Mayor's Proposed Budget. Also discussed was the upcoming schedule of November 23 for the Budget review, December 7 for the Truth-in-Taxation Hearing, and December 16, 1998, for the final budget adoption. This matter was for information only.

Item No. 3 The following reports were reviewed and received for information only: Third Quarter Interest Earnings, September Rice Trust and Activity, September Lodging Tax, September Rice Hospital Financial, September Pioneerland Library, Third Quarter M.U.C. Financial and the October Lodging Tax.

The Finance Committee Report of November 9, 1998, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Fagerlie, seconded by Council Member Christianson, and carried.

The Public Works/Safety Committee Report of November 10, 1998, was presented to the Mayor and Council by Council Member Reese. There were five items for Council consideration.

Item No. 1 Barr Engineering wasn't able to attend the Committee meeting due to the weather, and the surface water management plan and ordinance were deferred to a future meeting.

Item No. 2 The Committee reviewed technical memorandums for the Wastewater Treatment Plant facility plan. It has been determined that three issues affect the capacity and scheduling of the new plant: a) future capacity needs; b) schedule for new interceptors and collection system upgrades; and c) remaining useful life of the existing plant. Following discussion regarding clarification of the numbers and multiple questions, staff will be doing further analysis and develop recommendations for consideration at a later date. This matter was for information only.

Item No. 3 The Committee reviewed the correspondence from MnDOT regarding construction of three ramps on the bypass. MnDOT is willing to provide the project memorandum, soils, and pavement recommendation, and reimburse the City for construction costs when the bypass is complete or no later than 2010. The Committee was recommending to the Council to pursue the ramps with MnDOT through the ATP process. 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 that the South First Street Project is substantially complete for the season and was opened to traffic on November 3, 1998. The final completion of the project is July 15, 1999. This matter was for information only.

Item No. 5 The 9th Street connection from 19th Avenue to Richland Avenue was brought to Committee by Council Member Kelly as a concern of the residents along 8th Street Southwest. It was decided to invite the residents of the area to the next Committee meeting so a recommendation on the status of the connection can be made prior to the 1999 Street Improvement Report. Staff will pursue some contacts in the area and invite residents to the November 24, 1998, Public Works/Safety meeting. This matter was for information only.

The Public Works/Safety Committee Report of November 10, 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 Van Heuveln, and carried.

City Administrator Schmit presented to the Mayor and Council bids received

for agricultural leases. Following discussion, Resolution No. 2 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. 2

WHEREAS, the City of Willmar has solicited bids for the leasing of certain lands from the City of Willmar for agricultural purposes for the 1999 through 2002 seasons; and

WHEREAS, the bids have been received and opened; and

WHEREAS, the highest bid received for each of the parcels appears to be fair and reasonable and in the best interests of the City of Willmar to accept.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that the following bidders on each parcel be accepted and a written lease entered into with the successful bidder on each parcel as follows:

<u>Tract</u>	<u>Bidder</u>	<u>Bid Amount Per Acre</u>
I	Steve/Wade Kallevig	\$87.76
II	Kallman Kallevig	95.00
III	Kallman Kallevig	95.00
IV	Kallman Kallevig	85.00
V	Randolph Ellefson	40.00
VI	Steve/Wade Kallevig	50.99
VII	Steve/Wade Kallevig	95.76
VIII	John Arndt	35.00

Dated this 18th day of November, 1998.

/s/ Lester Heitke
MAYOR

/s/ Michael Schmit
Attest: CITY ADMINISTRATOR

City Administrator Schmit informed the Mayor and Council the Willmar Fire Department has received a donation of \$1,000 from the American Legion to be used for the purchase of smoke detectors and batteries. The detectors and batteries will be donated to income eligible individuals and families. Resolution No. 3 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. 3

WHEREAS, the American Legion has agreed to donate to the City of Willmar \$1,000 for the purpose of purchasing equipment for the Willmar Fire Department.

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

Dated this 18th day of November, 1998.

/s/ Lester Heitke
MAYOR

/s/ Michael Schmit
Attest: CITY ADMINISTRATOR

City Administrator Schmit informed the Mayor and Council the Prairie Lakes Chapter, Rocky Mountain Elk Foundation, is planning to hold a raffle as part of an annual fundraiser. Objections must be made to the Gambling Control Board to stop the granting of an Exemption from Lawful Gambling License or it is automatically granted. No action on the part of the Council is necessary.

City Administrator Schmit presented to the Mayor and Council bids received for the sale of the James and Mary Layman house, recently acquired for airport purposes. Following discussion, Resolution No. 4 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. 4

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the bid of Don Woltjer of Willmar, Minnesota, for the sale of a house to be moved from 6581 First Avenue West is accepted, and be it further resolved that the Mayor and City Administrator be authorized to sign necessary documents with the bidder for the terms of the sale in the amount of \$31,550.00.

Dated this 18th day of November, 1998.

/s/ Lester Heitke
MAYOR

/s/ Michael Schmit
Attest: CITY ADMINISTRATOR

Council Member Reese offered a motion to remove from the table an Ordinance Adopting the Minnesota State Building Code as Revised. Council Member DeBlieck seconded the motion, which carried. City Administrator Schmit informed the Mayor and Council the Building Inspector has meet with the Builders Association as directed by the Council at the time of the Ordinance hearing.

Council Member Van Heuveln moved to offer an amendment to leave existing fee structure as is but to add a \$30.00 roofing fee. Council Member Christianson seconded the motion. Following a discussion of the difficulties of setting fees by way of an ordinance, Council Member Van Heuveln withdrew his motion and Council Member Christianson withdrew the second.

Council Member Reese offered a motion to adopt, assign a number, and order final publication of the Ordinance Adopting the Minnesota State Building Code as Revised; Providing for its Administration and Enforcement; Regulating the Erection, Construction, Enlargement, Alteration, Repair, Moving, Removal, Demolition, Conversion, Occupancy, Equipment, Use, Height, Area and Maintenance of All Buildings and/or Structures in the City of Willmar; Providing for the Issuance of Permits and Collection of Fees Therefore; Providing Penalties for the Violation Thereof; Repealing all Other Ordinances and Parts of Ordinances in Conflict Therewith. Council Member DeBlieck seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

The Council then reconsidered the concept of setting a fee for residential roofing permits as previously suggested by Council Member Van Heuveln. Following discussion, Resolution No. 5 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. 5

BE IT RESOLVED by the City Council of the City of Willmar that fees for residential roofing permits be set at \$30.00.

Dated this 18th day of November, 1998.

/s/ Lester Heitke
MAYOR

/s/ Michael Schmit
Attest: CITY ADMINISTRATOR

Announcements for Council Committee meeting dates were as follows: Finance, November 23; and Aquatic Center Task Force and Public Works/Safety, November 24, 1998. It was noted the Truth-in-Taxation Hearing will be held on December 7, 1998, with the first regularly scheduled Council Meeting immediately following.

There being no further business to come before the Council, the meeting adjourned at 8:20 p.m. upon motion by Council Member Christianson, seconded by Council Member Fagerlie, and carried.

Attest:

MAYOR

ACTING SECRETARY TO THE COUNCIL