

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

October 2, 2006
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, Cindy Swenson, Rick Fagerlie, Jim Dokken, and Steven Gardner; Present 9, Absent 0.

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.

Council Member Reese offered a motion adopting the Consent Agenda which included the following: City Council Minutes of September 18, Rice Hospital Board Minutes of September 13, and Municipal Utilities Commission Minutes of September 25, 2006; Knights of Columbus Exempt Permit Application; and Mayoral reappointment of Brenda McNichols to the Police Civil Service Commission. Council Member Christianson seconded the motion, which carried.

At 7:02 p.m. Mayor Heitke opened a hearing on an Ordinance Amending the salaries paid to the Mayor and City Council. City Administrator Schmit presented details of the proposed increase in salaries. There being no one present to speak for or against the proposed Ordinance, Mayor Heitke closed the hearing at 7:03 p.m.

Council Member Anderson offered a motion to adopt, assign a number and order final publication of the Ordinance Amending the Salaries Paid to the Mayor and City Council. Council Member Reese seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

At 7:04 p.m. Mayor Heitke opened a hearing on an Ordinance Amending Municipal Ordinance No. 1060, the Willmar Zoning Ordinance. Planning and Development Services Director Peterson presented information on the proposal of Chad Monson to rezone property southeast of the Americinn from R-4 (Medium Density Multiple Family Residential) to GB (General Business) for the purpose of commercial development. There being no one present to speak for or against the proposed Ordinance, Mayor Heitke closed the hearing at 7:05 p.m.

Council Member Fagerlie offered a motion to adopt, assign a number and order final publication of the Ordinance Amending Municipal Ordinance No. 1060, the Willmar Zoning Ordinance. Council Member Dokken seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

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

The Finance Committee Report for September 25, 2006, was presented to the Mayor and Council by Council Member Dokken. There were seven items for Council consideration.

Item No. 1 The Committee considered a request from Bill Graves for the City of Willmar to pay for an apron required to be installed for his hangar at the new Airport at an estimated cost of

\$25,000 - \$29,000. Mr. Graves stated that he had, at his own expense, put in concrete aprons on two sides of his hangar at the old airport. He felt his situation was unique since most other hangars at the old airport did not have concrete aprons. Subsequently, he had excessive relocation costs compared to other hangar owners.

The Committee discussed the possibility of reimbursing Mr. Graves for a pro-rated share of the original cost of the apron at the old airport based on life expectancy, but would leave final details of any solution to administration. The Committee was recommending the Council direct staff to negotiate with Mr. Graves on a satisfactory reimbursement of apron costs. Council Member Dokken moved to approve the recommendation of the Finance Committee with Council Member Gardner seconding the motion, which carried on a roll call vote of Ayes 5, Noes 3 – Council Members Anderson, Swenson, and DeBlieck voted “No.”

Item No. 2 The Committee considered a request from Police Chief Kulset that \$35,000 for fuel set aside by the Council late in the 2006 budget process be transferred to the Police Department’s budget. The Committee was recommending the Council approve the request as presented.

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

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to amend the General Fund Budget as follows:

Increase:	Police Fuel	\$35,000.00
Decrease:	Non-Departmental Other Charges	\$35,000.00

Dated this 2nd day of October, 2006.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 Staff informed the Committee that a revision needs to be made to the 2006 Improvement Budget to remove the bike path project in the amount of \$375,000. This project, which is part of the Park Development proposed under the Local Option Sales Tax Program, has been rescheduled for 2007. The Committee was recommending the Council approve the revised 2006 Street Improvement Budget as stated.

Resolution No. 2 was introduced by Council Member Dokken, seconded by Council Member Gardner, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 2

PERSONNEL SERVICES		RECEIVABLES	
Overtime Reg. Employees	\$500.00	Property Owners	\$702,585.00

Salaries Temp. Employees	\$6,000.00	City (MUC)	\$67,800.00
Employer Pension Contr.	<u>\$1,500.00</u>	State (State Aid)	\$875,000.00
TOTAL	\$8,000.00	City (CIF)	\$525,653.00
SUPPLIES		County	\$7,000.00
Office Supplies	\$1,500.00	Developer (Bond)	\$500,375.00
Small Tools	\$2,000.00	Developer (Cash)	\$400,000.00
Motor Fuels & Lubricants	\$1,000.00	City (Utility fee)	<u>\$221,450.00</u>
Postage	\$2,000.00	TOTAL	\$3,299,863.00
Mtce. of Other Improvements	\$2,000.00	FINANCING	
General Supplies	<u>\$3,500.00</u>	Bonds	\$1,950,063.00
TOTAL	\$12,000.00	State (State Aid)	\$875,000.00
OTHER SERVICES		City (MUC)	\$67,800.00
Printing & Publishing	\$4,000.00	County	\$7,000.00
Mtce. of Other Impr.	\$2,570,439.00	Developer (Cash)	<u>\$400,000.00</u>
Other Services	<u>\$293,670.00</u>	TOTAL	\$3,299,863.00
TOTAL	\$2,868,109.00		
OTHER CHARGES		GRAND TOTAL	\$3,299,863.00
Insurance & Bonds	\$2,000.00		
Prof. Serv. (Barr \$14,000 Grass Lake)	\$100,000.00		
Adm. OH (Transfer)	\$259,754.00		
Other Charges	\$50,000.00		
TOTAL	\$411,754.00		
GRAND TOTAL	\$3,299,863.00		

Dated this 2nd day of October, 2006.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 The Committee considered a request from Community Education and Recreation Director Brisendine that \$7,100 be transferred from the Hanson Park Equipment Replacement Project in the 2005 Capital Budget to the Aquatic Center in the 2006 Capital Budget for electrical work done by Willmar Electric Service in the Aquatic Center's storage shed.

Following discussion, the Committee was recommending the Council pass a resolution to transfer \$7,100 from the 2005 Capital Budget to the 2006 Capital Budget. Resolution No. 3 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. 3

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to amend the Capital Improvement Fund Budget as follows:

Increase: Aquatic Center Building Wiring \$7,100.00

Decrease: 2005 – Park Improvements \$7,100.00

Dated this 2nd day of October, 2006.

/s/ Lester Heitke

MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Item No. 5 The Committee received from Staff a summary of the Aquatic Center Project showing both funding sources and use of funds totaling \$1,958,705.48. Of this amount \$1,200,000 was funded from the Olson Grant, \$4,254.96 from the Assembly of God Youth, \$75,200 from Independent School District No. 347 as a land contribution, \$285,000 from the Municipal Utilities, and \$394,250.52 from the City of Willmar. Mayor Heitke extended appreciation to the Rotary Club for contributing the benches in the Aquatic Center. This item was for information only.

Item No. 6 The Committee acknowledged receipt of the following reports: July Rice Hospital, August Local Option Sales Tax, August WRAC-8, August CVB, August Investment, August Rice Trust, Willmar Fest 3-year History. This matter was for information only.

Item No. 7 Staff informed the Committee that Care Transportation, Inc. is requesting a proposed base rate increase from \$2.25 to \$3.50 due to a decrease in the level of taxi cab usage. The last increase occurred in 2000. A public hearing is required to be held whenever a rate change is requested. The date proposed for this public hearing is October 16, 2006.

The Committee was recommending the Council set the public hearing for October 16, 2006, to discuss this proposed base rate increase. Council Member Dokken moved to approve the recommendation of the Finance Committee with Council Member Gardner seconding the motion, which carried.

The Finance Committee Report for September 25, 2006, 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.

The Public Works/Safety Committee Report for September 26, 2006, was presented to the Mayor and Council by Council Member Reese. There were three items for Council consideration.

Item No. 1 The Committee considered a letter from Duinick Bros. Inc. requesting that the City Council waive any and all penalties for liquidated damages for the construction of 3rd Street SW under Project No. 0501. Duinick Bros. Inc. was suggesting that construction crews experienced very difficult conditions at the site, including poor soils and two separate flooding incidents, which hampered their ability to complete the project within contract deadline dates.

The Committee discussed at great lengths the reconstruction of 3rd Street SW and the circumstances which lead to liquidated damages, including comparison to the Council's previous action regarding a request from Chad Monson Excavating, contractor for Project 0601. It was the consensus of the Committee to refer this matter to the City Council meeting on October 2, 2006, without recommendation.

The Council discussed the liquidated damages policy and its precedent on future enforcement of liquidated damages in contracts. Council Member Gardner moved to impose the liquidated damages on Duinick Bros. Inc. and then withdrew his motion. Following further discussion, the Council failed to act on any motion and the liquidated damages on Project 0501 remain in effect. This matter was for information only.

Item No. 2 Police Chief Kulset reviewed with the Committee a proposed ordinance prohibiting excess vehicle noise, including noise from trucks using engine retardant brakes. The City Council had requested staff to research this matter following numerous complaints from the general public about trucks using “jake brakes” causing abnormal or excessive noise.

The Committee was recommending the Council introduce the Ordinance for hearing on October 16, 2006. Council Member Reese offered a motion to introduce an Ordinance Prohibiting Excessive Vehicle Noise, Including Noise from Trucks Using Engine Retarding Brakes, and Adopting by Reference Minnesota Statutes Sections 169.69 and 169.693 and Minnesota Rules Parts 7030.100 to 7030.1050. Council Member Christianson seconded the motion, which carried.

Item No. 3 City Administrator Schmit presented to the Committee a request from Kevin Ortenblad and others to drill a well at the new Airport site to serve his and neighboring hangars. Mr. Schmit explained that although the City previously decided to include water and sewer at the new Airport under the 2007 Improvement Program, it was unclear that hangar owners would be willing to absorb an average cost/assessment of the estimated \$17,000-18,000 cost per hangar owner.

Acknowledging that only a handful of hangar owners were interested in water service, staff was recommending that Mr. Ortenblad and others be allowed to drill a well to serve their hangars, that the wells be drilled and maintained at no cost to the City, and that an agreement/lease be prepared governing the terms and conditions of well ownership and maintenance. It was further determined that language be included in any agreement/lease requiring the well to be abandoned and capped at the time said services may be provided. It was understood by all parties involved that hangar owners would be given a reasonable amount of time to recoup their investment prior to connecting to any City water system.

The Committee was recommending to the Council that the hangar owners be allowed to drill the well under the terms and conditions previously discussed. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Dokken seconding the motion, which carried.

Mr. Ortenblad provided a letter to the Committee regarding additional concerns at the new Willmar Airport including cost sharing of apron surfaces, taxi lane widths, hangar color schemes, and general soil conditions at the hangar sites. Staff briefly responded to each of these concerns, which did not require or result in any additional Committee action and was for information only.

The Public Works/Safety Committee Report for September 26, 2006, 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 Community Development Committee Report for September 28, 2006, was presented to the Mayor and Council by Council Member DeBlieck. There were four items for Council consideration.

Item No. 1 Doug Skaug and Amy Meyer appeared before the Committee to request

reconsideration of the Council decision to overturn Planning Commission action approving the auto salvage use at the intersection of Trott Avenue and Hwy 40. The Committee discussed the use and the process gone through to reach a decision. The Committee was recommending the Council reconsider their decision to overturn Planning Commission action relative to the auto salvage use.

Council Member Christianson stated that the intent of his motion at the Committee meeting was just to bring the matter back to the full Council for further consideration. Following discussion, Council Member DeBlieck moved to reconsider previous Council denying the auto salvage plan review. Council Member Dokken seconded the motion, which tallied a roll call vote of Ayes 4, Noes 4 – Council Members Christianson, Anderson, Gardner and Fagerlie voted “No.” Mayor Heitke chose not to vote and the motion failed for a lack of a majority.

Item No. 2 The Committee discussed, at length, a variety of issues relative to the City’s Rental Housing Inspection Program. Primary among the issues was the exterior condition of rental properties and the decline in neighborhood conditions being witnessed in the City of Willmar.

The Committee discussed the rental housing program and how it impacts neighborhoods. Options to deal with the matter were discussed and include raising standards, being more aggressive with enforcement, participating in the repair process, increasing penalties, and pursuing demolition of building deemed hazardous. The Council’s authority to order demolition was briefly discussed.

Staff was requested to provide details to the Committee at a future meeting as to the necessary process for structure removal. It was also decided that it would be beneficial if City Attorney Ronning, could attend the next meeting to discuss legal issues in enforcing the Rental Housing Ordinances. The discussion concluded by the Committee recommending that this issue be discussed at the next Council and Staff retreat. This matter was for information only.

Item No. 3 The Committee reviewed the process for the Capital Improvement program. Staff reminded them that it was a Charter requirement for the Planning Commission to compile departmental requests and to combine them into a document to the Council detailing those departmental requests. Ultimately, the reason for doing annual capital improvements planning is for the Mayor and Council to use those departmental requests in the budget process and to enable the Mayor and Council to take a long-range view of capital needs. This matter was for information only.

Item No. 4 Staff provided updates to the Committee on departmental activities and a variety of on-going and proposed projects. This matter was for information only.

The Community Development Committee Report for September 28, 2006, 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 Christianson, and carried.

The Mayor and Council considered a Resolution appointing Judges to work at the November General Election. Following discussion, Resolution No. 4 was introduced by Council Member Anderson, seconded by Council Member Dokken, and carried.

RESOLUTION NO. 4

BE IT RESOLVED, that the individuals listed below be appointed as Judges to work at the General Election in the City of Willmar on November 7, 2006:

WARD ONE	Precinct One:	Pat Morse, Head Judge Stanza Haagenson Cheryl Retrum Verle Watson Jon Winge Maria Aranda		
	Precinct Two:	Joan Schultz, Head Judge Ione Nichols Ardell Engwall Sally McAdams Samuela Heyer Shirley Miller		
	Precinct Three:	Owen Heuring, Head Judge Bill Schultz JoAnn Jagt Lee Durst Lynn Shuldes Sherlan Baker		
	WARD TWO	Precinct One:	Daisy Score, Head Judge Beverly Chambers Doris Helsper Lea Braun Mary Ann Cotton Marjorie Carlson	
		Precinct Two:	Eilene Magnuson, Head Judge Dan Reigstad Dorothy Fransen Beverly Ledeboer Ardis Just Fay Marti	
		Precinct Three:	George Berg, Head Judge Marilyn Hanson Doris Doerhofer Mary Lorentzen Donna Hillenbrand Alice VanOrt	
		WARD THREE	Precinct One:	Merle Berkeland, Head Judge Mavis Hagert Iona Andreen Ruby Bernhagen Harriet Levy Donald Jacobson
			Precinct Two:	Ann Pederson, Head Judge Marlys Boeder Esther Floren J. Marie Engwall Diane Plowman Duane Bock
			Precinct Three:	Laural Rieckman, Head Judge Sherwood Mellom Shirley Jensen Stephen Enockson Juna Halstrom Ardel Stiles

