

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

May 5, 2008
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 DeBlicek, Denis Anderson, Cindy Swenson, Rick Fagerlie, Jim Dokken, and Steven Gardner; Present 9, Absent 0.

Also present were 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, Administrative Assistant Audrey Peterson, and City Clerk Kevin Halliday.

Additions to the Agenda included a Tree City USA Proclamation.

Council Member Anderson offered a motion adopting the Consent Agenda which included the following: City Council Minutes of April 21 and 28, Rice Hospital Board Minutes of April 16, Municipal Utilities Commission of April 28, Planning Commission Minutes of April 23, Building Inspection Report for April, Convention and Visitors Bureau Minutes of March 18, and Kandiyohi Area Transit Board Minutes of March 25, 2008; and Application for Exempt Permit for the VFW Post 1639. Council Member Reese seconded the motion, which carried.

Mayor Heitke read a Proclamation regarding National Music Week and introduced Nell Herzer, Myra Quale, Raeanna Gislason, Laura Morris, Marvelle Stone, Mary Seifert, Daphne Evenson, Carol Parker, Linda Kacher, and Carol Benson who sang *Hail Minnesota*. Mayor Heitke expressed appreciation to the group.

At 7:10 p.m. Mayor Heitke opened a hearing on an Ordinance to Rezone Certain Lands from I-1 to Ag. Planning and Development Director Peterson informed the Mayor and Council the Planning Commission proposed the rezoning of property south and east of Civic Center Drive NE. Andy Bjur, Planning Commission Chair, explained that the Commission wishes to rezone the land to Ag as a holding designation. Mr. Bjur further stated the land is limited for development due to the lack of access and utility services, field roads over railroad tracks, and the Commission wants the entire area planned and addressed in the updated Comprehensive Plan. John Sullivan spoke in favor of the adoption. Upon hearing all who wished to be heard, Mayor Heitke closed the hearing at 7:21 p.m.

Council Member DeBlicek 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 Reese seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Mayor Heitke recognized Scott Thaden who had signed up to address the City Council during its scheduled Open Forum. Mr. Thaden read a letter from Jasso Hipolito expressing opposition to the Westwind Estates Project.

The Public Works/Safety Committee Report for April 29, 2008, was presented to the Mayor and Council by Council Member Reese. There were six items for Council consideration.

Item No. 1 The Committee reviewed correspondence from Infinia Health Care requesting two street closures this summer. The first request is to block the street off immediately in front of the nursing home from Ella Avenue north to the facility service alley on Saturday, June 14, for a car show, and the second is to close Russell Street NW immediately west of their facility for their 9th Annual Block Party scheduled for August 14,

2008.

Following discussion, the Committee was recommending the Council approve the closing of a portion of Russell Street as requested. 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 Public Works Director Odens presented to the Committee the current project list for 2008 and the corresponding project numbers. Budgets have been prepared for Project Nos. 0801 (reconstruction), 0802 (underground utilities), 0803 (Mall Road), 0804 (developer project) and 0807, 0808 and Miscellaneous (street lighting, bridge maintenance, railroad quiet zones, crack sealing, Trott Avenue detention area). Staff informed the Committee no amount has been entered in the miscellaneous projects budget for the railroad quiet zones since meetings are ongoing with railroad authorities. In the trails budget, two segments were completed in 2007 with the remaining two scheduled for 2008.

The Committee was recommending the Council approve the project budgets as presented. Resolution No. 1 was introduced by Council Member Reese, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 1

PRELIMINARY 2008 IMPROVEMENT BUDGET
PROJECT NO. 0801
ESTIMATED TOTAL COTS \$1,251,300

PERSONNEL SERVICES		RECEIVABLES	
Overtime Reg. Employees	\$500.00	Property Owners	\$586,210.00
Salaries Temp. Employees	<u>\$500.00</u>	City (MUC)	\$52,000.00
TOTAL	\$1,000.00	City (CIF)	\$137,790.00
SUPPLIES		City (LOST)	\$142,600.00
Office Supplies	\$500.00	City (WWTP)	\$45,500.00
Small Tools	\$1,000.00	City (Utility fee)	<u>\$287,200.00</u>
Motor Fuels & Lubricants	\$1,000.00	TOTAL	\$1,251,300.00
Postage	\$1,000.00	FINANCING	
Mtce. of Other Improvements	\$500.00	Bonds (2008)	\$776,000.00
General Supplies	\$1,000.00	State	
TOTAL	\$5,000.00	City (WWTP/General)	\$45,500.00
OTHER SERVICES		City (LOST)	\$142,600.00
Printing & Publishing	\$2,000.00	City (Utility Fee)	<u>\$287,200.00</u>
Mtce. of Other Impr.	1,091,300.00	TOTAL	\$1,251,300.00
Other Services (conting.)	\$30,000.00		
TOTAL	\$1,123,300.00		
OTHER CHARGES			
Insurance & Bonds	\$2,000.00		
Prof. Serv. (Mn/DOT)	\$15,000.00		
Adm. OH (Transfer)	\$85,000.00		
Other Charges	<u>\$20,000.00</u>		
TOTAL	\$122,000.00		

Dated this 5th day of May, 2008.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

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 8, Noes 0.

RESOLUTION NO. 2

PRELIMINARY 2008 IMPROVEMENT BUDGET
PROJECT NO. 0803 – MALL ROAD
ESTIMATED TOTAL COST \$828,000

PERSONNEL SERVICES		RECEIVABLES	
Overtime Reg. Employees	\$500.00	Property Owners	\$137,730.00
Salaries Temp. Employees	\$500.00	City (MUC)	\$92,270.00
Employer Pension Contr.	<u>\$500.00</u>	City (Levy)	\$400,000.00
TOTAL	\$1,500.00	City (CIF)	\$100,000.00
		City (LOST)	\$20,000.00
SUPPLIES		City (Utility fee)	<u>\$78,000.00</u>
Office Supplies	\$300.00	TOTAL	\$828,000.00
Small Tools	\$1,200.00		
Motor Fuels & Lubricants	\$500.00	FINANCING	
Postage	\$1,000.00	Bonds	\$330,000.00
Mtce. of Other Improvements	\$1,000.00	City Levy	\$400,000.00
General Supplies	<u>\$1,500.00</u>	City (Utility Fee)	\$78,000.00
TOTAL	\$5,500.00	City (LOST)	<u>\$20,000.00</u>
		TOTAL	\$828,000.00
OTHER SERVICES			
Printing & Publishing	\$2,000.00		
Mtce. of Other Impr.	\$720,000.00		
Other Services (conting.)	<u>\$25,000.00</u>		
TOTAL	\$747,000.00		
OTHER CHARGES			
Insurance & Bonds	\$1,000.00		
Prof. Serv. (Mn/DOT)	\$15,000.00		
Adm. OH (Transfer)	\$48,000.00		
Other Charges	<u>\$10,000.00</u>		
TOTAL	\$74,000.00		
GRAND TOTAL	\$828,000.00		

Dated this 5th day of May, 2008.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Resolution No. 3 was introduced by Council Member Reese, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 3

PRELIMINARY 2008 IMPROVEMENT BUDGET
PROJECT NO. 0804-LANDMARK BUSINESS PARK
ESTIMATED TOTAL COST \$337,000

SUPPLIES		RECEIVABLES	
Small Tools	\$300.00	Property Owners	<u>\$337,000.00</u>
Motor Fuels & Lubricants	\$300.00	TOTAL	\$337,000.00
Postage	\$400.00		
General Supplies	<u>\$500.00</u>		
TOTAL	\$1,500.00		
OTHER SERVICES		FINANCING	
Printing & Publishing	\$500.00	Bonds	<u>\$337,000.00</u>
Mtce. of Other Impr.	\$312,000.00	TOTAL	\$337,000.00
Other Services (conting.)	<u>\$5,000.00</u>		
TOTAL	\$317,500.00		
OTHER CHARGES			
Insurance & Bonds	\$1,000.00		
Prof. Serv.	\$5,000.00		
Adm. OH (Transfer)	\$10,000.00		
Other Charges	<u>\$2,000.00</u>		
TOTAL	\$18,000.00		
GRAND TOTAL	\$337,000.00		

Dated this 5th day of May, 2008.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Resolution No. 4 was introduced by Council Member Reese, seconded by Council Member Reese, seconded by Council Member Gardner, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 4

PRELIMINARY 2008 IMPROVEMENT BUDGET
PROJECT NOS. 0807, 0808, AND MISCELLANEOUS
ESTIMATED TOTAL COST \$106,000.00

SUPPLIES		RECEIVABLES	
Motor Fuels & Lubricants	\$500.00	Property Owners	\$23,000.00
Postage	\$700.00	State (State Aid)	\$30,000.00
General Supplies	<u>\$1,000.00</u>	City (CIF)	\$23,000.00
TOTAL	\$2,200.00	City (Utility fee)	<u>\$30,000.00</u>
		TOTAL	\$106,000.00
OTHER SERVICES		FINANCING	
Printing & Publishing	\$1,500.00		

Mtce. of Other Impr.	\$92,000.00	Bonds	\$46,000.00
Other Services (conting.)	<u>\$5,000.00</u>	State	\$30,000.00
TOTAL	\$98,500.00	City (Utility Fee)	<u>\$30,000.00</u>
		TOTAL	\$106,000.00
OTHER CHARGES			
Insurance & Bonds	\$500.00	07 (Street Lighting)	\$20,000
Prof. Serv.	<u>\$4,800.00</u>	Bridge Maintenance	\$26,000
TOTAL	\$5,300.00	RR Quiet Zone	
		Crack Sealing	\$20,000
GRAND TOTAL	\$106,000.00	Trott Pond	\$26,000

Dated this 5th day of May, 2008.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Resolution No. 5 was introduced by Council Member DeBlieck, seconded by Council Member Reese, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 5

PRELIMINARY TRAIL IMPROVEMENT BUDGET

SUPPLIES		RECEIVABLES	
Motor Fuels & Lubricants	\$500.00	State (DNR)	\$65,000
Postage	\$200.00	City (LOST)	<u>\$316,000.00</u>
General Supplies	<u>\$300.00</u>	TOTAL	\$381,000.00
TOTAL	\$1,000.00		
OTHER SERVICES		FINANCING	
Printing & Publishing	\$500.00	State (DNR Grant)	\$65,000.00
Mtce. of Other Improvements	\$332,000.00	City (LOST)	<u>\$316,000.00</u>
Other Services	<u>\$15,000.00</u>	TOTAL	\$381,000.00
TOTAL	\$347,500.00		
OTHER CHARGES			
Prof. Serv.	\$5,000.00	0809-N. Business 71	\$95,000
Advertising	\$500.00	0810-CR 47/Lakeland Dr.	\$112,000
Adm. OH (Transfer)	<u>\$27,000.00</u>	Done Civic Center Dr. Segment	\$90,000
TOTAL	\$32,500.00	Done Robbins Island Overlay	\$35,000
GRAND TOTAL	\$381,000.00		

Dated this 5th day of May, 2008.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 The Committee reviewed Internal Revenue Code Bond regulations requiring a municipality to declare its intent to reimburse itself for all costs incurred prior to the sale of General Obligation Improvement Bonds. Planning for the 2008 Street Improvements is underway and it is the intent of the City to include all administrative and other costs of the project in the bond sale.

The Committee was recommending the Council adopt resolution of Intent to Reimburse for the 2008 Street Improvement Project. 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 8, Noes 0.

RESOLUTION NO. 6

RESOLUTION ESTABLISHING PROCEDURES RELATING TO COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE

(For Resolution in its entirety see City Council Proceedings File dated
May 5, 2008, located on file in the City Clerk's Office)

Item No. 4 Rick Reimer of Kandiyohi County Soil and Water Conservation District (SWCD) gave a slideshow presentation and explained the benefits of onsite storm water control. He emphasized the need for retention in residential areas stating that a one-quarter acre lot averages 15,816 gallons of storm water discharge a year based on average annual rainfalls. The runoff from this amount of water causes sediment which eventually drains into our storm sewer system.

Suggestions for absorbing rain water included aerating grassy areas, incorporating rain barrels, using permeable pavers and planting more vegetation. Each site is unique and the local SWCD is willing to work with property owners to design systems and recommend planting schemes as time permits. There are no matching SWCD funds available at this time to assist private property owners. He stated that SWCD is working cooperatively with the Willmar High School to construct two rain gardens on site this spring. This matter was for information only.

Item No. 5 The Committee discussed an Airport Remote Communications Outlet (RCO) grant agreement which has been received and totals \$31,920.00. It was noted there is a 95/5 funding ratio between the Federal Aviation Administration and the City to cover planning and preliminary engineering to relocate the RCO to the new Airport.

The Committee was recommending the Council approve the grant agreement as presented and authorize the Mayor and City Administrator to sign on behalf of the City. Resolution No. 7 was introduced by Council Member Reese, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 7

AUTHORIZATION TO EXECUTE GRANT AGREEMENT FOR REMOTE COMMUNICATIONS OUTLET RELOCATION

BE IT RESOLVED by the City Council of the City of Willmar as follows:

1. That the Federal Grant Agreement for Project Number AIP 3-27-0115-0908 for the Preliminary Engineering for the Relocation of the Remote Communications Outlet is hereby accepted
2. That the Mayor and City Administrator are authorized to execute this Agreement and any amendments on behalf of the City of Willmar.

Dated this 5th day of May, 2008.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Item No. 6 The Committee was informed by Staff that the City received a check in the amount of \$1,220.00 from Affiliated Community Medical Centers (ACMC) to use for the purchase of a defibrillator to be placed at the Civic Center/Blue Line Center.

The Committee was recommending the Council accept the donation in the amount of \$1,220.00 for the purchase of a defibrillator to be placed at the Civic Center and send a "thank you" to ACMC for the donation. Resolution No. 8 was introduced by Council Member Reese, seconded by Council Member DeBlieck, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 8

WHEREAS, the Affiliated Community Medical Centers has donated to the City of Willmar \$1,220.00 for the purchase of a defibrillator to be placed at the Civic Center.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Willmar, Minnesota, that the City accept the \$1,220.00 donation and that the City Administrator be directed to express the community's appreciation:

Dated this 5th day of May, 2008.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

The Public Works/Safety Committee Report for April 29, 2008, 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 DeBlieck, and carried.

The Mayor and Council were informed by City Attorney Ronning of a Report on the Westwind Estates Project. Council Member Reese moved to close the meeting and go into private session, Council Member DeBlieck seconded the motion. Following further discussion, Council Member Reese moved to table the matter with Council Member Anderson seconding the motion, which carried.

Planning and Development Services Director Peterson informed the Mayor and Council that Chad Monson and JCI Ventures Inc. request that the assessments against their property be reapportioned as they are subdividing the land into the Landmark Business Park Addition. As both parcels have benefited from the 25th Street SE Improvements, the assessments are being reapportioned equitably. Following discussion, Resolution No. 9 was introduced by Council Member Christianson, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 9

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

Lots 1-4, Block 1, Landmark Business Park.

Parcel No. 95-913-1262
to wit: JCI Ventures Inc., Eugene Bick

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 \$32,078.37 placed against the above-described parcel be hereby reapportioned as herein described:

<u>Parcel No.</u>	<u>Legal Description</u>	<u>Amount</u>
95-	Lot 1, Block 1, Landmark Business Park	\$7,302.88
95-	Lot 2, Block 1, Landmark Business Park	\$7,230.43
95-	Lot 3, Block 1, Landmark Business Park	\$7,252.44
95-	Lot 4, Block 1, Landmark Business Park	\$10,292.62

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 2009 and thereafter.

Dated this 5th day of May, 2008.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Resolution No. 10 was introduced by Council Member Christianson, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 10

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

Lots 1-6, Block 2, Landmark Business Park. And Outlot B, Landmark Business Park.
Parcel No. 95-913-1260
to wit: Chad Monson and Jo Ann Monson

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 \$68,166.53 placed against the above-described parcel be hereby reapportioned as herein described:

<u>Parcel No.</u>	<u>Legal Description</u>	<u>Amount</u>
95-	Lot 1, Block 2, Landmark Business Park	\$3,119.61
95-	Lot 2, Block 2, Landmark Business Park	\$3,119.48
95-	Lot 3, Block 2, Landmark Business Park	\$2,599.48
95-	Lot 4, Block 2, Landmark Business Park	\$2,599.48
95-	Lot 5, Block 2, Landmark Business Park	\$2,599.48
95-	Lot 6, Block 2, Landmark Business Park	\$3,743.48
95-	Outlot B, Landmark Business Park	\$50,385.52

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 2009 and thereafter.

Dated this 5th day of May, 2008.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Planning and Development Services Director Peterson presented to the Mayor and Council for consideration a preliminary plat for Willmar Industrial Park Third Addition, a City-driven expansion of the Industrial Park into a portion of the old airport. The Plat consists of 16 lots and 4 outlots. The Planning Commission has reviewed the plat and placed a few conditions/changes to be made regarding utility easements, lot/street alignment, etc. Following discussion, Council Member Reese moved to approve the preliminary plat for Willmar Industrial Park Third Addition with Council Member Anderson seconding the motion, which carried.

Planning and Development Services Director Peterson presented to the Mayor and Council for consideration a preliminary plat for Pleasant View Fourth Addition, a six-lot replat for residential development and the connection to Pleasant View Drive to 14th Avenue SE. The Planning Commission has reviewed the plat and placed a few easement and other minor changes. Following discussion, Council Anderson moved to approve the preliminary plat for Pleasant View Fourth Addition with Council Member Fagerlie seconding the motion, which carried.

City Clerk Halliday informed the Mayor and Council that in accordance with Minnesota Statutes, it is necessary to pass a resolution designating polling locations. Resolution No. 11 was introduced by Council Member Reese, seconded by Council Member DeBlieck, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 11

BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, that the following buildings be designated as the official voting locations for the 2008 Primary and General Elections:

FIRST WARD:	1 st Precinct	Senior Citizens Center 624 North Highway 71
	2 nd Precinct	Lakeview Apartment Building 300 North 7th Street
	3 rd Precinct	Ridgewater College 15th Avenue Northwest
SECOND WARD:	1 st Precinct	St. Mary's Catholic Church 713 Southwest 12th Street
	2 nd Precinct	Vinje Lutheran Church 1101 Willmar Avenue Southwest
	3 rd Precinct	Christian Reform Church 1708 Southwest 8th Street
THIRD WARD:	1 st Precinct	Willmar Conference Center 2100 East Highway 12
	2 nd Precinct	Highland Apartments

SECRETARY TO THE COUNCIL