

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

February 2, 2000
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, Denis Anderson, Ron Christianson, Bruce DeBlicek, Douglas Reese, Nancy Houlahan, Jim Dokken, and Rick Fagerlie; Present 9, Absent 0.

Also present were City Administrator Michael Schmit, City Attorney Richard Ronning, Public Works Director Mel Odens, Finance Director Steven Okins, Planning and Development Services Director Bruce Peterson, Police Chief Jim Kulset, Fire Chief Marvin Calvin, and City Clerk Kevin Halliday.

An addition to the Agenda included reconsideration of TIF to Kindlehope.

Council Member Reese offered a motion adopting the Consent Agenda, which included the following: City Council Minutes of January 19, and Municipal Utilities Commission Minutes of January 24, 2000. Council Member Kelly seconded the motion, which carried.

At 7:02 p.m. Mayor Heitke opened a hearing to on an Ordinance Amending Ordinance No. 1060 to Rezone Certain Property. Planning and Development Services Director Peterson informed the Mayor and Council that Ernest Hazel III proposed rezoning land in Lake North Addition from R-2 to LB to accommodate a profession office development. It was noted the Planning Commission voted 4-3 to recommend that the property be rezoned as requested. Tim Carlson, Carlson Construction of Willmar, and John Hafner, Principal of Johnson, Sheldon & Sorensen Architects appeared before the Mayor and Council to provide various details of the proposed office development. Upon hearing from all those who wished to be heard, Mayor Heitke closed the hearing at 7:09 p.m.

Following discussion, Council Member Kelly offered a motion to adopt, assign a number, and order final publication of the Ordinance Amending Ordinance No. 1060 to Rezone Certain Property. Council Member Reese seconded the motion, which carried on a roll call vote of Ayes 7, Noes 1 - Council Member DeBlicek voted "No."

Mayor Heitke read a Proclamation proclaiming January 30 through February 4, 2000, as "Meals on Wheels" Awareness Week.

The Public Works/Safety Committee Report of January 25, 2000, was presented to the Mayor and Council by Council Member Reese. There were six items for Council consideration.

Item No. 1 Public Works Superintendent Gilbertson and Working Foreman Ledebouer were present to answer questions of the Committee in regard to snow removal. Staff reviewed three main issues of snow removal: sidewalks, the Central Business District (CBD), and procedures. Staff reviewed the recent ten-inch snow event, including problem areas and procedural matters. In addition to the streets, City crews are responsible for cleaning approximately 8.25 miles of sidewalk and 4 miles of bike paths.

Orvis Lang and Sid Rooda were present to discuss problems they have been experiencing with snowmobiles running over public sidewalks and private property. The compacted snow makes removal difficult. Committee Members discussed possible solutions, but no action was taken to recommend changes to the City's snow removal policy. This matter was for information only.

Item No. 2 Madeline Taylor appeared before the Committee meeting to voice concerns for public safety and handicapped parking at the public library site.

She requested the Committee consider designating the west side of 5th Street as Library parking only, place flashing lights in the vicinity of the entrance, or pursue some kind of traffic control. Staff informed the Committee that there are controlled crosswalks on either end of the block that are available for use, and a handicapped parking spot is planned near the entrance. This matter was for information only.

Item No. 3 Staff presented the 2000 Improvement Report including street reconstruction, new construction, overlay, and miscellaneous underground utilities. It was noted that 24th Avenue SE is deleted at this time as no indications of development have been received from Duinincks.

The Committee was recommending to the Council to accept the report and call for an Improvement Hearing to be held at 7:02 p.m. on March 1, 2000. Resolution No. 1 was introduced by council Member Reese, seconded by Council Member Kelly, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 1

RECEIVING PRELIMINARY REPORT AND
CALLING PUBLIC HEARING ON
YEAR 2000 IMPROVEMENT PROJECTS

WHEREAS:

1. The City Council deems it necessary and expedient that the City of Willmar, Minnesota, construct certain improvements to-wit: grading, gravel base, bituminous paving, curb and gutter, sidewalk, street lighting, sanitary sewer, storm sewer, water main, sump pump drain tile, and service lines in the City as described in and in accordance with the preliminary plans and report prepared by the City Engineer.

2. The Council has been advised by the City Engineer that said Year 2000 Improvement Projects contained in the Preliminary Report are feasible and should best be made as proposed, and the City Engineer's report to this effect has heretofore been received by the Council, and filed with the Clerk-Treasurer; and

3. The statute provides that no such improvements shall be made until the Council shall have held a public hearing on such improvements following mailed notice and two publications thereof in the official newspaper stating time and place of the hearing, the general nature of the improvement, the estimated costs thereof and the area proposed to be assessed, in accordance with the law;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, as follows:

1. A public hearing will be held at the time and place set forth in the Notice of Hearing hereto attached to consider said proposed improvements.

2. The nature of the improvements, the estimated cost of each major portion thereof, and the areas proposed to be assessed therefore are described in the form of Notice of Hearing hereto attached.

3. The notice of said public hearing shall be in substantially the form contained in the notice hereto attached (on file in the City Clerk's Office).

4. The Clerk-Treasurer is hereby authorized and directed to cause notice of said hearing to be given two publications in the official newspaper. Said publications shall be one week apart, and at least three days shall elapse between the last publication and the hearing. Not less than ten days before the hearing the Clerk-Treasurer shall mail notice of the hearing to the owner of each parcel of land within the area proposed to be assessed as described in the notice. For the purpose of giving such mailed notice, owners shall be those shown to be such on the records of the County Auditor or, if the tax statements in the County are mailed by the County Treasurer, on the records of the County

Treasurer. As to properties not listed on the records of the County Auditor or the County Treasurer, the Clerk-Treasurer shall ascertain such ownership by any practicable means and give mailed notice to such owners.

Dated this 2nd day of February, 2000.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 The Committee reviewed a supplemental agreement with MnDOT for additional equipment and labor costs needed to complete the upgrade of circuitry on the flashing lights at the railroad crossings of Lakeland Drive and 10th Street. The City's financial participation is zero percent.

The Committee was recommending to the Council approval of the agreement and authorize the Mayor and City Administrator to sign on behalf of the City. Resolution No. 2 was introduced by Council Member Reese, seconded by Council Member Kelly, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 2

BE IT RESOLVED, that the City of Willmar enter into an agreement with the Burlington Northern and Sante Fe Railway Company and the Commissioner of Transportation for the installation and maintenance of railroad crossing signals at the intersection of 10th Street (MSAS 113) with the tracks of the Burlington Northern and Santa Fe Railway Company in Willmar, Minnesota, and appointing the Commissioner of Transportation agent for the City to supervise said project and administer available Federal Funds in accordance with Minnesota Statute, Section 161.36. The City's share of the cost shall be zero percent of the total signal cost.

BE IT FURTHER RESOLVED, that the Mayor and City Administrator be and they are hereby authorized to execute said agreement for and on behalf of the City.

Dated this 2nd day of February, 2000.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

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

RESOLUTION NO. 3

BE IT RESOLVED, that the City of Willmar enter into an agreement with the Burlington Northern and Sante Fe Railway Company and the Commissioner of Transportation for the installation and maintenance of railroad crossing signals at the intersection of Lakeland Drive (MSAS 152) with the tracks of the Burlington Northern and Santa Fe Railway Company in Willmar, Minnesota, and appointing the Commissioner of Transportation agent for the City to supervise said project and administer available Federal Funds in accordance with Minnesota Statute, Section 161.36. The City's share of the cost shall be zero percent of the total signal cost.

BE IT FURTHER RESOLVED, that the Mayor and City Administrator be and they are hereby authorized to execute said agreement for and on behalf of the City.

Dated this 2nd day of February, 2000.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 The Committee reviewed correspondence for an agreement with MnDOT to provide payment in the amount of \$5,500 for road life consumed on 19th Avenue SE and Lakeland Drive. The State proposes using these City streets as a detour route during the grading and surfacing of T.H. 12 from 7th Street West to Dolson Street.

The Committee was recommending to the Council approval of the agreement and authorize the Mayor and City Administrator to sign on behalf of the City. Resolution No. 4 was introduced by Council Member Reese, seconded by Council Member Kelly, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 4

IT IS RESOLVED that the City of Willmar enter into MnDOT Agreement No. 79716 with the State of Minnesota, Department of Transportation, for the following purposes:

To provide for payment by the State to the City for the use of 19th Avenue Southeast and Lakeland Avenue as a detour route during grading and surfacing construction performed upon, along and adjacent to Trunk Highway No. 12 from County State Aid Highway No. 41 to 140 feet west of Dolson Street in the City of Willmar under State Project No. 3403-59 (12=010).

IT IS FURTHER RESOLVED that the Mayor and City Administrator are authorized to execute the Agreement.

Dated this 2nd day of February, 2000.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 6 The Committee reviewed the estimate to Quam Construction for final payment of Project No. 9802. The project consisted of sewer and water construction on Fairway Drive, 10th Street SW, Richland Avenue SW and East T.H. 12 and came in under budget.

The Committee was recommending to the Council to accept the project and authorize final payment. 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 8, Noes 0.

RESOLUTION NO. 5

ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

PROJECT NUMBER: 9802
IMPROVEMENT: Sewer and Water Main

CONTRACTOR: Quam Construction Co. Inc.
DATE OF CONTRACT: May 7, 1999
BEGIN WORK: May 12, 1998
COMPLETE WORK: September 29, 1988
APPROVE, CITY ENGINEER: January 25, 2000

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

1. The said Project No. 9802 be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$259,542.30
Change Orders (None)	\$0.00
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$259,542.30
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$251,731.58
Less Previous Payments (Estimate Nos. 1 - 4)	\$233,440.96
FINAL PAYMENT DUE CONTRACTOR:	\$18,290.62

Dated this 2nd day of February, 2000.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Public Works/Safety Committee Report of January 25, 2000, 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 Finance Committee Report of January 24, 2000, was presented to the Mayor and Council by Council Member Kelly. There were five items for Council consideration.

Item No. 1 The Committee reviewed a request for reconsideration of the section in the City's Assessment Policy which requires Private Developers to provide collateral of 30 percent of the estimated cost of needed improvements in the form of cash, bond, or an approved letter of credit, on all projects requested by the Developer.

The Committee reviewed a list of developments that have met this requirement in the past as well a history of delinquent assessments from past projects. It was noted that since this policy has been in place, there have been no delinquent assessments against any associated parcels. It was determined not to recommend any change in the policy at this time. This matter was for information only.

Item No. 2 The Committee held its annual review of the City's Investment Policy. Given that staff and the Committee had no recommended changes, it was moved, seconded and passed to continue the policy as is. This matter was for information only.

Item No. 3 Staff informed the Committee that recent Council action to modify the Downtown Tax Increment District to enable the City to overlay the downtown streets would require action from the Council to designate the excess tax increment funds as the source of funding of the improvements. The Tax Increment would replace the normal amount recovered from special assessments.

It was the feeling of the Committee that since the increment was generated by the Downtown property owners, that it would be appropriate in this case to use TIF to replace the special assessments. The Committee was recommending to the Council to fund the Downtown street overlay with excess tax increment funds. Council Member Kelly moved to approve the recommendation of the Finance Committee with Council Member Anderson seconding the motion, which carried.

Item No. 4 Staff informed the Committee that a tax forfeited parcel had been sold and the City was authorized to reassess uncollected special assessments. It was noted before the City could reassess the property, a public hearing must be held to consider any objections to the proposed reassessments. The Committee was recommending to the Council to introduce a resolution calling for a hearing.

City Clerk Halliday updated the Council to the fact that this property has been deemed "unbuildable" due to the transmission power line easement running through the property. Following discussion, Council Member Kelly offered a motion to refer the matter back to the Finance Committee for further discussion. Council Member Anderson seconded the motion, which carried.

Item No. 5 The following reports were reviewed by the Committee: November and December Rice Trust, November Rice Hospital, D.S. Library, C.V.B. and W.R.A.C.-8. This matter was for information only.

The Finance Committee Report of January 24, 2000, 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 Christianson, and carried.

Planning and Development Services Director Peterson informed the Mayor and Council that the Planning Commission recently worked out an agreement with Kandiyohi Area Transit to allow advertising signs on transit buses. Following discussion, Council Member Kelly offered a motion to introduce an Ordinance Amending Municipal Ordinance No. 1060, the Willmar Zoning Ordinance and to schedule a public hearing for February 16, 2000. Council Member Fagerlie seconded the motion, which carried.

Announcements for Council Committee meeting dates were as follows: Finance, February 7; Public Works/Safety, February 8; Labor Relations, February 9; and Community Development, February 15, 2000.

The Mayor and Council discussed recent Council action denying tax increment financing to Tax Increment District No. 2 of Municipal Development District No. VIII. Council Member Kelly moved to reconsider the TIF vote on financing the southside project. Council Member Anderson seconded the motion, which carried. It was noted the proposed TIF costs included demolition and cleaning up of the old Kindlehope buildings, storm water drainage improvement, and extension of improvements. Council Member Kelly then moved to refer the matter of Municipal Development District No. VIII to the Community Development Committee for further consideration. Council Member Anderson seconded the motion. Following discussion, Council Member Kelly moved to withdraw her motion and Council Member Anderson withdrew his second. Council Member Reese offered a motion to call for a hearing on the matter of using TIF funds for the southside project in Tax Increment District 2 of Municipal Development District No. VIII. Council Member Kelly seconded the motion, which resulted in a roll call vote of Ayes 4, Noes 4 - Council Member Christianson, Dokken, Fagerlie and DeBlieck voted "No." Mayor Heitke cast the deciding affirmative vote.

There being no further business to come before the Council, the meeting adjourned at 8:19 p.m. upon motion by Council Member Christianson, seconded by Council Member Fagerlie, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL