

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

August 5, 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, Nancy Houlahan, Vince VanHeuveln, and Rick Fagerlie; Present 6, Absent 3.

Also present were City Administrator Michael Schmit, 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.

Additions to the agenda included recognition of various City employees.

Council Member Kelly offered a motion adopting the Consent Agenda which included the following: City Council Minutes of July 15, Municipal Utilities Commission Minutes of July 13 and 27, Rice Hospital Board Minutes of July 22, Zoning Appeals Board Minutes of July 13 and 20, Airport Advisory Committee Minutes of July 20, Park Board Minutes of July 21, and Planning Commission Minutes of July 22, 1998; and Mayoral appointment to Park Board - Val Swanson, reappointed, and Sue McDowell, appointed. Council Member VanHeuveln seconding the motion, which carried.

Dave Campbell, Executive Director of Willmar Fests, appeared before the Mayor and Council to thank the City Departments for their great efforts during the Willmar Fests Week and to introduce the Queen and her Royalty. Beth Ingebretson, Queen of Festivals; Courtney Kurtzbein, Aqua Princess; and Jennifer Mootz, International Princess talked about their Willmar Fests experiences, duties, and future appearances. The Mayor wished them well as ambassadors for the City in the ensuing year.

At 7:14 p.m. Mayor Heitke opened the hearing on an Ordinance Authorizing the Issuance of \$2,000,000 General Obligation Improvement Bonds, Series 1998A and the Levying of Taxes to Secure the Payment Thereof. City Administrator Schmit presented details of the proposed Ordinance to finance the 1998 Street Improvements. Upon hearing all who wished to be heard, Mayor Heitke closed the hearing at 7:16 p.m.

Council Member Kelly offered a motion to adopt, assign a number, and order final publication of an Ordinance Authorizing the Issuance of \$2,000,000 General Obligation Improvement Bonds, Series 1998A and the Levying of Taxes to Secure the Payment Thereof. Council Member VanHeuveln seconded the motion, which carried on a roll call vote of Ayes 5, Noes 0.

Dan O'Neil of Springsted, Inc., appeared before the Mayor and Council to present details of the competitive bid of the General Obligation Improvement Bonds, Series 1998A. It was noted that Salomon Smith Barney was the low bidder with a true interest rate of 4.4550%.

Resolution No. 1 was introduced by Council Member Kelly, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 5, Noes 0.

RESOLUTION NO. 1

ACCEPTING OFFER ON THE SALE OF \$2,000,000 GENERAL OBLIGATION  
IMPROVEMENT BONDS, SERIES 1998A, PROVIDING FOR THEIR ISSUANCE  
AND LEVYING A TAX FOR THE PAYMENT THEREOF

(For Resolution in its entirety, see City Council Proceedings File dated August 5, 1998, located in the City Clerk's Office.)

At 7:20 p.m. Mayor Heitke opened the hearing on an Ordinance Authorizing the Issuance of \$4,300,000 General Obligation Sales Tax Revenue Bonds, Series 1998B. City Administrator Schmit presented details of the proposed Ordinance to finance the construction of the new library. Upon hearing all who wished to be heard, Mayor Heitke closed the hearing at 7:20 p.m.

Council Member Kelly offered a motion to adopt, assign a number, and order final publication of an Ordinance Authorizing the Issuance of \$4,300,000 General Obligation Sales Tax Revenue Bonds, Series 1998B. Council Member VanHeuveln seconded the motion, which carried on a roll call vote of Ayes 5, Noes 0.

Dan O'Neil of Springsted, Inc. presented details of the competitive bid of the General Obligation Sales Tax Revenue Bonds, Series 1998B. It was noted that Piper Jaffrey, Inc. was the low bidder with a true interest cost of 4.3432%.

Resolution No. 2 was introduced by Council Member Kelly, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 5, Noes 0.

#### RESOLUTION NO. 2

ACCEPTING OFFER ON THE SALE OF \$4,300,000 GENERAL OBLIGATION  
SALES TAX REVENUE BONDS, SERIES 1998B  
AND PROVIDING FOR THEIR ISSUANCE

(For Resolution in its entirety, see City Council Proceedings File dated August 5, 1998, located in the City Clerk's Office.)

At 7:21 p.m. Mayor Heitke opened the hearing on an Ordinance Regulating Open Burning and Use of Barbecue Grills in the City of Willmar. City Administrator Schmit and Public Safety Director Strootman presented details of the proposed Ordinance and relayed incidents leading to the need for additional regulation.

Upon hearing all who wished to be heard, Mayor Heitke closed the hearing at 7:29 p.m.

Council Member Kelly offered a motion to adopt, assign a number, and order final publication of an Ordinance Regulating Open Burning and Use of Barbecue Grills in the City of Willmar. Council Member Fagerlie seconded the motion, which failed on a roll call vote of Ayes 4, Noes 1 (as per City Charter Section 2.12 Subd. 2.0 requiring five affirmative votes), Council Member Christianson voting no.

The Finance Committee Report of July 27, 1998, was presented to the Mayor and Council by Council Member Kelly. There was one item for Council consideration.

Item No. 1 The Finance Committee met to conduct its third teleconference in an on-going process of reviewing Hospital ownership issues. The teleconference involved a discussion with officials at Immanuel-St. Joseph (ISJ) in Mankato, Minnesota, a not-for-profit corporation that recently entered into a working relationship with Mayo of Rochester. The teleconference participants talked about the reasons leading up to ISJ's affiliation with Mayo and the impact the affiliation has had on Hospital operational issues and the community in general. Following ISJ's presentation, a question and answer period was conducted. This matter was for information only.

The Finance Committee Report of July 27, 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 Fagerlie, and carried.

The Public Works/Safety Committee Report of July 29, 1998, was presented to the Mayor and Council by Council Member VanHeuveln. There were five items for Council consideration.

Item No. 1 Tim Carlson, representing Eagles Landing Development, appeared before the Committee to request reimbursement for the cost of stubbing water and sewer from the trunk line to the north end of Fairway Drive in the amount of \$8,714.00. The extension of sewer and water was made a condition of the plat approval for running the water across the golf course and to the referenced development. It was noted there was no agreement between the City and the Developers for the reimbursement.

The Committee was recommending to the Council to direct staff to research the matter and provide additional information for further discussion at the City Council meeting. Mr. Carlson added information which included a history of the projects. He was under the impression that reimbursement was forthcoming as a condition of the services cutting across the golf course and included as part of the plat approval. There were no written agreements for reimbursement. Council Member Kelly moved to deny the request. Council Member VanHeuveln seconded the motion, which carried.

Item No. 2 Jamin Johnson-Schneider, Main Street Willmar Coordinator, appeared before the Committee to request closing of various streets in the Downtown on Saturday, September 19, 1998. The Willmar Area Arts Council and Main Street Willmar have organized a Fine Arts Festival to be held in the Downtown similar to Willmar Fests activities.

Following discussion regarding safety and flow of traffic, the Committee was recommending to the Council to allow the closure of streets in the Downtown on September 19, 1998, as requested. Council Member VanHeuveln moved to approve the recommendation of the Public Works/Safety Committee with Council Member Christianson seconding the motion, which carried.

Item No. 3 The Committee discussed concerns from residents along Eighth Street Southwest from 19<sup>th</sup> Avenue South to Richland Avenue regarding the speed of vehicles and various construction activities. The Committee directed staff to respond to concerns by letter. This matter was for information only.

Items No. 4 The Committee reviewed complaints received regarding train whistles blowing at night (11:00 p.m. to 7:00 a.m.). The Committee directed staff to research the issues and obtain information from the Railroad, League of Minnesota Cities, and other cities with similar conditions and report back to Committee. This matter was for information only.

Item No. 5 Staff explained to the Committee that the City annually submits an evaluation and planning system review of the Wastewater Treatment Plant to the Minnesota Pollution Control Agency by the first of August. The report is to be discussed by the City Council and a certification submitted back to the MPCA. Following discussion, the Committee directed staff to make the report available for additional discussion and action at the City Council meeting.

After Council review of the report, Resolution No. 3 was introduced by Council Member Kelly, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 5, Noes 0.

### RESOLUTION NO. 3

#### MINNESOTA POLLUTION CONTROL AGENCY ANNUAL EVALUATION AND PLANNING SYSTEM SURVEY

WHEREAS, the City of Willmar has participated in the 1998 Minnesota Pollution Control Agency Water Quality Division's Annual Evaluation and Planning System Survey; and

WHEREAS, the results of said survey have been forwarded to the City; and

WHEREAS, the City's Public Works/Safety Committee at their meeting of Tuesday, July 29, 1998, has reviewed and discussed said survey and results.

NOW, THEREFORE, BE IT RESOLVED, that the said survey is hereby accepted and received for file in the official records.

Dated this 5th day of August, 1998.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

The Public Works/Safety Committee Report of July 29, 1998, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member VanHeuveln, seconded by Council Member Christianson, and carried.

The Community Development Committee Report of July 30, 1998, was presented to the Mayor and Council by Council Member DeBlicek. There were seven items for Council consideration.

Item No. 1 LeRoy Sanders, member of the Pioneerland Library Board, met with the Committee to discuss the issue of Board size, which is currently at 45 members.

Two counties considering leaving the system, Chippewa and Yellow Medicine, have expressed concern over the size of the Board. Representation on the Board by those two counties is shrinking due to declining population. Mr. Sanders offered the opinion that the Board is functional, even at its large size. The same opinion was conveyed to staff by system director, John Houlahan.

The Committee was recommending to the Council that the Mayor draft a letter to the Board in which the Council's support for the current size of the Board is made known. Council Member Christianson moved to approve the recommendation of the Community Development Committee with Council Member VanHeuveln seconding the motion, which carried.

Item No. 2 The Committee discussed proposed housing policies drafted by staff and based on the recommendations of the Mayor's Housing Task Force. Concern was expressed over the need for proposed policy #3, as the Committee believed that rental housing information is readily available from several existing sources.

The Committee was recommending to the Council that the City Council formally adopt as housing policy number's 1, 2, and 4 through 7 of the proposed housing policies. Council Member Christianson moved to approve the recommendation of the Community Development Committee with Council Member Fagerlie, seconding the motion, which carried.

Item No. 3 The Committee discussed hours of operation for the Fairgrounds Race Track. Earlier in the year, the Council approved a change to Friday night racing with an 11:00 p.m. race deadline. This deadline was recently violated by the Racing Association. A copy of the Agreement between the Racing Association and the Fair Board, outlining the time change, was reviewed.

The Committee agreed that the date change had been well accepted. Although no action was taken, the Committee believed that it was important to publicize the 11:00 p.m. deadline in the Committee and Council minutes. This matter was for information only.

Item No. 4 The Committee briefly discussed the issue of excessive noise from train whistles. This matter had been discussed previously by the Public Works/Safety Committee and was for information only.

Item No. 5 Staff recounted the history of the City-required Developer Letter of Credit. This presentation was a follow-up to a previous inquiry by the Committee as to the effectiveness of, and need for, the developer security requirement. Initiated in 1988, the developer security policy was a response to slow residential development at a time when the City required 100% up-front payment for improvements in new plats. The 30% developer security requirement was seen as a way to stimulate residential development, yet provide a level of security for the City.

Staff offered the opinion that the program has been an overwhelming success, and strongly recommended to the Committee that it make no changes to weaken the City's security position. No action was taken and this matter was for information only.

Item No. 6 Staff informed the Committee that negotiations had been completed for the acquisition of the Jim and Mary Layman property. The Council had previously authorized the early acquisition of the property for airport development purposes. MnDOT has agreed to reimburse the City 60% of the cost of acquisition and relocation.

The Committee was recommending to the Council that the City Council adopt the resolution A) Approving the acquisition price of \$191,000, and authorizing the execution of the necessary documents to complete the acquisition; B) Paying for the acquisition out of the Industrial Development Fund; C) Authorizing staff to proceed with the removal of buildings from the site. Resolution No. 4 was introduced by Council Member Christianson, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 5, Noes 0

RESOLUTION NO. 4

APPROVING ACQUISITION OF JAMES AND MARY LAYMAN  
PROPERTY FOR AIRPORT PURPOSES

WHEREAS, James and Mary Layman requested that the City of Willmar pursue the early/hardship acquisition of their property described as follows:

(For legal description in its entirety, see City Council Proceedings  
File dated August 5, 1998, located in the City Clerk's Office.)

And;

WHEREAS, acquisition of the property is necessary for the development of the proposed new Willmar airport; and

WHEREAS, the City of Willmar was assisted in the acquisition process by the Minnesota Department of Transportation, and the acquisition was handled in accordance with state and federal acquisition procedures, and

WHEREAS, the Layman's have agreed to the acquisition at the appraised value.

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

- A. The purchase price of \$191,000 is approved.
- B. The mayor and staff are authorized to execute the documents necessary to complete the transaction.
- C. The acquisition shall be paid for out of the Industrial Development Fund.
- D. Staff is authorized to proceed with the removal of buildings from the property.

Dated this 5th day of August, 1998.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 7 The Committee reviewed and discussed a Rental Housing Inspection Program report for the period ending June 30, 1998. No action was required and this matter was for information only.

The Community Development Committee Report of July 30, 1998, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Christianson, seconded by Council Member VanHeuveln, and carried.

Planning and Development Services Director Peterson presented the annual Capital Improvement Report to the Mayor and Council for review. Council Member Fagerlie moved to accept the Capital Improvement Report with Council Member Christianson seconding the motion, which carried.

Planning and Development Services Director Peterson presented the final plat for Richland Estates for consideration by the Mayor and Council. The plat consists of 20 lots designed to accommodate five four-unit buildings in a planned unit townhouse development. The plat was approved by the Planning Commission with conditions relating to street dedication/ownership, the addition of two utility easements, and the payment or reapportionment of special assessments. Council Member Christianson moved to approve the final plat with Council Member Fagerlie seconding the motion, which carried.

Planning and Development Services Director Peterson presented a petition received by Bethesda Homes for the vacation of portions of two road easements which encumber the Bethesda Heritage property. The Planning Commission has reviewed the petition, and recommends the vacation as proposed. Resolution No. 5 was introduced by Council Member Kelly, seconded by Council Member VanHeuveln, read by Mayor Heitke, and approved on a roll call vote of Ayes 5, Noes 0.

RESOLUTION NO. 5

SETTING A PUBLIC HEARING TO CONSIDER A PETITION  
TO VACATE PORTIONS OF ROAD 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, August 19, 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 Bethesda Homes for the vacation of portions of road easements which encumber property owned by the petitioner and described as:

Mittvet's Outlot, Section 14, T119, R35

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 5th day of August, 1998.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

City Clerk Halliday presented an application for Exemption from Lawful Gambling License received from the Kandi-Swift Sexual Assault Program to hold a raffle in Willmar on October 1, 1998, as part of their annual fundraiser. Any objections must be made to the Gambling Control Board by September 1, 1998.

City Clerk Halliday informed the Mayor and Council that following the 1996 Elections, the City annexed property north of Ward One, Precinct One (Fairway Drive and Eagles Landing) and property north of Ward One, Precinct Three (College Park Circle). The annexations took in areas of the County Commissioner's District 3, and in accordance with the election laws, the voters in annexed areas must be allowed to vote for the same Commissioner after the annexation as before. Staff is requesting that Ward 1 Precinct 5 (College Park Circle) be conducted through a mail ballot. Resolution No. 6 was introduced by Council Member Kelly, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 5, Noes 0.

RESOLUTION NO. 6

CONDUCT MAIL ELECTION BALLOT

WHEREAS the City of Willmar annexed certain lands subsequent to the 1991 redistricting; and

WHEREAS the annexed area must remain in a different Kandiyohi County Commissioner District than the contiguous area known as Ward 1 Precinct 3; and

WHEREAS this newly formed area has less than 50 registered voters.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Willmar to authorize mail balloting in Ward 1, Precinct 5, pursuant to MS 204B.45 and 204B.46, and designating the Willmar City Office as the polling site for returning ballots.

Dated this 5th day of August, 1998.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Announcements for Council Committee meeting dates were as follows: Finance Committee, August 10; Public Works/Safety, August 11; and Community Development, August 13, 1998.

Mayor Heitke recognized awards/appointments presented to several City employees as follows: Rudy Vigil elected as President of the Minnesota Association of Community Telecommunication Administrators and Colleen Thompson awarded the 1998 Class A Wastewater Operator of the Year Award. Mayor Heitke read comments published by Moodys in its evaluation of the City's latest bond issues. Mayor Heitke noted the report was very complimentary of the City's financial condition and well-managed resources.

Council Member Kelly noted that Mayor Heitke had recently been elected President of the Coalition of Greater Minnesota Cities. Mayor Heitke briefly described the issues facing the Coalition and its proposed agenda for the 1999 Legislative Session.

Mayor Heitke presented to the City Council the name of Sue McDowell to serve as a board member to the Park and Leisure Services Department. Council Member Kelly moved to approve the nomination with Council Member Houlahan seconding the motion, which carried.

There being no further business to come before the Council, the meeting adjourned at 8:30 p.m. upon motion by Council Member Kelly, seconded by Council Member Fagerlie, and carried.

Attest:

\_\_\_\_\_  
MAYOR

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