

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

September 4, 2002
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, Denis Anderson, Nancy Houlahan, Rick Fagerlie, Jim Dokken, and David Chapin; Present 8, Absent 1 – Council Member Doug Reese was excused from the meeting.

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, City Clerk Kevin Halliday, and Administrative Assistant Audrey Peterson.

Proposed additions to the agenda included announcements of the Board of Canvass, September 11 events and Good Sam Samboree.

Council Member DeBlieck offered a motion adopting the Consent Agenda which included the following: City Council Minutes of August 21, Rice Hospital Board Minutes of August 27, Municipal Utilities Commission Minutes of August 29, Planning Commission Minutes of August 28, Convention and Visitors Bureau Minutes of July 16, Kandiyohi Area Transit Board Minutes of July 21, August 14 and 20, Cable Advisor Committee Minutes of August 29, 2002; and Application for Exempt Permit for Knights of Columbus. Council Member Christianson seconded the motion, which carried.

At 7:02 p.m. Mayor Heitke opened a hearing on reassessments for special assessment on tax forfeiture property. City Clerk Halliday informed the Mayor and Council that property located in Oslo Heights was offered for sale by the County Auditor as tax forfeiture. David and Carol Nelson purchased the property on July 18, 2002. There being no one present to speak for or against the reassessment, Mayor Heitke closed the hearing at 7:03 p.m.

Resolution No. 1 was introduced by Council Member Christianson, seconded by Council Member Anderson, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 1

WHEREAS, the following property located within the City of Willmar was offered for sale by the County Auditor at tax forfeiture sale:

Parcel No. 95-603-0710
Lot 1, Block 4, Oslo Heights

WHEREAS, the above property was subject to reassessment of \$4,760.66 if sold; and

WHEREAS, the above property was sold to David and Carol Nelson on July 18, 2002.

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

Minnesota, that the \$4,760.66 special assessments against the above property be placed on the tax rolls for collection over a ten (10) year period for Project 7902 – Watermain, Sanitary Sewer, and Other Improvements, with an interest rate of 8 percent; and that the County Auditor be notified to extend this assessment on the tax rolls payable in 2003.

Dated this 4th day of September, 2002.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

At 7:04 p.m. Mayor Heitke opened a hearing on an Ordinance Amending Ordinance No. 1060 to Rezone Certain Property. Planning and Development Services Director Peterson informed the Mayor and Council that LCR Properties, LLC propose to rezone property west of 19th Street SE from R-1 to R-3 for PUD/condo development. It was noted the Planning Commission has conducted a public hearing on the matter and approved the rezoning. 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 Christianson 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 Chapin seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

At 7:07 p.m. Mayor Heitke opened a hearing on an Ordinance Amending Ordinance No. 1060 to Rezone Certain Property. Planning and Development Services Director Peterson informed the Mayor and Council that Jerome and Jane Vikse propose rezoning property at 412 7th Street SW from R-4 to LB to allow office use. It was noted the Planning Commission has conducted a public hearing on the matter and approved the rezoning. There being no one present to speak for or against the proposed Ordinance, Mayor Heitke closed the hearing at 7:08 p.m.

Council Member DeBlieck 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 Dokken seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Mayor Heitke recognized John Nefstead, representing Springsted Public Finance Advisors, who presented a bid tabulation for the sale of \$1,125,000 General Obligation Improvement Bonds. Mr. Nefstead commented on the City's strong financial status and Moody's A2 rating. He then went on to review the bids submitted, noting U. S. Bancorp Piper Jaffray Inc. was the low bidder at a True Interest Rate of 3.2958 percent.

Following discussion and a historical review of interest rates of prior year bond sales, Resolution No. 2 was introduced by Council Member Christianson, seconded by Council Member Anderson, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 2

ACCEPTING OFFER ON THE SALE OF
\$1,125,000 GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2002A,
PROVIDING FOR THEIR ISSUANCE

(For Resolution in its entirety, see City Council Proceedings file dated September 4, 2002, located in the City Clerk's Office)

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

The Finance Committee Report of August 26, 2002, was presented to the Mayor and Council by Council Member Anderson. There were three items for Council consideration.

Item No. 1 The Committee reviewed the status of the Rice Trust with Rice Trustees Janet Vandendriessche and Carol Hruby. This matter was for information only.

Item No. 2 The Committee reviewed Truth in Taxation procedures and was recommending to the Council to schedule the City's Truth in Taxation hearing for December 4, and the continuation hearing, if necessary, for the second regularly scheduled meeting of December 18, 2002. Council Member Anderson moved to approve the recommendation of the Finance Committee with Council Member Fagerlie seconding the motion, which carried.

Item No. 3 Staff informed the Committee on the status and process of the Airport land acquisition. Condemnation procedures have been instituted with the court. The hearing date has been set for September 10, 2002, and part of the procedure will require the City to deposit with the court the total amount of approximately \$1.8 million of appraised value by the October 7, 2002, possession date.

Staff is working with MnDOT to access Federal and State grants so the City will not have to cash flow the total amount required. If the City would have to deposit the full amount for any amount of time, it would require the Council to temporarily borrow from other fund reserves. Since MNDOT and staff are working out the details, this matter was received for information at this time, and staff will have final recommendations at a later date.

The Finance Report of August 26, 2002, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Anderson, seconded by Council Member Fagerlie, and carried.

The Public Works/Safety Committee Report of August 27, 2002, was presented to the Mayor and Council by Council Member Christianson. There were seven items for Council consideration.

Item No. 1 The Committee reviewed a resolution authorizing the Department of Aeronautics to prepare an application for Federal Assistance and allow them to receive and disburse federal funds as required by Minnesota Statute. This resolution is in response to the FAA allocation of \$2.23 million to begin runway grading for the new airport. The Committee was recommending to the Council to designate the Commissioner of Transportation of the State of Minnesota as the City of Willmar's agent for application and disbursement of Federal Funding for the new airport.

Resolution No. 3 was introduced by Council Member Christianson, seconded by Council Member Houlihan, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 3

APPOINTING AND DESIGNATING THE COMMISSION OF TRANSPORTATION
AS AGENT FOR THE CITY OF WILLMAR

BE IT RESOLVED that for the purpose of carrying out the following project: AIP 3-27-0015-03, the Municipality does hereby appoint and designate the Commissioner of Transportation of the State of Minnesota as its agent and authorizes him or his duly authorize representative:

1. To prepare and submit the Application for Federal Assistance.
2. To request and receive any monies, either public or private, on behalf of the Municipality, including money received from the State of Minnesota or from the Federal government, and to deposit such monies with the State Treasurer.
3. To pay to the Municipality any amount of such monies received as may become due under the Municipality's contracts.

The Municipality has reviewed and understands the terms and conditions of Accepting Airport Improvement Program Grants.

Dated this 4th day of September, 2002.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 2 The Committee reviewed examples of assessment policies from various communities from around the state and discussed ways to improve the City's policy. This matter was received for information only.

Item No. 3 The Committee considered a request from the YMCA to close a street near the north entrance of Eagles Landing on Eagle Ridge Drive West for a block party. The party is scheduled for September 8, 2002, and YMCA staff will be in attendance throughout the duration of the event. The Committee requested staff inform them of the general requirements of the Fire, Police, and Public Works Departments.

The Committee was recommending to the Council approval of the Eagle Ridge Drive West street closure for the YMCA block party. Council Member Christianson moved to approve the recommendation of the Public Works/Safety Committee with Council Member DeBlieck, seconding the motion, which carried.

Item No. 4 The Committee considered a request from the First Baptist Church to close 11th Avenue Southeast for Fall kick-off activities on September 18, 2002. The Committee requested staff inform them of the general requirements of the Fire, Police, and Public Works Departments.

The Committee was recommending to the Council approval the 11th Avenue Southeast street closure for the First Baptist Church. Council Member Christianson moved to approve the recommendation of the Public Works/Safety Committee with Council Member Houlahan seconding the motion, which carried.

Item No. 5 The Committee reviewed a staff recommendation for improvements to the Senior Citizens Center. The 2002 budget appropriated \$25,000 for roof repairs. After review of the roof by a roofing company and a construction company, it was determined the repairs could be

done for \$3,300. Other repairs recommended include refinishing the wood floor, remove a portion of the front planters, install awnings and office remodeling.

The Committee was recommending to the Council approval of the additional improvements to the Senior Citizens Center. Council Member Christianson moved to approve the recommendation of the Public Works/Safety Committee with Council Member Houlahan seconding the motion, which carried.

Item No. 6 The Committee reviewed a brochure for the 5th annual Airfest to be held September 1, 2002, at the Airport. There will not be an airshow this year but there will be static displays of airplanes, helicopters, and much more. This matter was for information only.

Item No. 7 The Committee discussed various miscellaneous items such as recent fire burn, 10-hour parking in Old Town, and First Street Signal project. This matter was for information only.

The Public Works/Safety Committee Report of August 27, 2002, 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 DeBlieck, and carried.

Finance Director Okins presented to the Mayor and Council for consideration a resolution setting the 2003 preliminary levy. It was noted that the 2003 levy was less than the 2002 levy by approximately \$82,000. Following discussion, Resolution No. 4 was introduced by Council Member Anderson, seconded by Council Member Houlahan, 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, Kandiyohi County, Minnesota, that \$1,835,251 be set as the preliminary levy for the current year collectable in 2003, upon the taxable property in said City of Willmar;

BE IT RESOLVED, that there is a sufficient sum of money in the Debt Service Funds of the City to pay principal and interest in 2003 on all outstanding bond issues, and the deferred annual tax levies previously certified to the County Auditor are hereby canceled;

FURTHER, pursuant to a request by the Housing and Redevelopment Authority in and for the City of Willmar, for authorization to levy a special tax to be included as part of its fiscal year 2002 - 2003 Budget;

BE IT RESOLVED that the City Council of the City of Willmar, Minnesota, hereby authorizes the Housing and Redevelopment Authority to levy a special tax in the amount of \$89,166.00 pursuant to the powers vested under the Minnesota Statutes.

The City Clerk is hereby instructed to transmit a certified copy of this Resolution to the County Auditor of Kandiyohi County, Minnesota.

Dated this 4th day of September, 2002.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Community Development Committee Report of August 27, 2002, was presented to the Mayor and Council by Council Member DeBlieck. There were two items for Council consideration.

Item No. 1 The Committee reviewed Planning and Zoning procedures. Staff distributed copies of the Minnesota Planning Association Citizen Planner Handbook. This guide was developed by the Board of the Minnesota Planning Association to provide a tool for Planning Commissioner education. Staff thought it would be an excellent way for the Committee to better acquaint themselves with planning and zoning procedures. Committee Members were asked to review the handbook and bring questions to a future meeting. This matter was for information only.

Item No. 2 Staff provided updates on the following: hiring of a Planner, Airport land acquisition, town house projects, Mills project, East Highway 12 projects, West Central Steel expansion, and South First Street development. This matter was for information only.

Item No. 3 Due to an alleged complaint by a contractor regarding the City's responsiveness to inspection requests, staff explained building inspection procedures. The Committee was told that the building code requires 24-hour notice for inspections, but that is a rule that City staff has rarely had to use. Almost all inspections are conducted the same day that they are requested. Contractors call in and schedule their inspections typically in the morning, and all inspections are conducted by the end of the day. The inspectors have an excellent track record and receive very few complaints. It was further noted that inspection staff make themselves available in early morning and into the evening hours, but that there is no provision for any weekend inspections. That would be a labor contract matter. The Committee was also briefed on the process for handling nuisance complaints and the compliance process. This matter was for information only.

The Community Development Committee Report of August 29, 2002, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member DeBlieck, seconded by Council Member Fagerlie, and carried.

Planning and Development Services Director Peterson presented to the Mayor and Council for consideration a Preliminary Plat for Boulder Pointe, an 11-lot plat intended for duplexes and condominium twin-home development. It was noted the Planning Commission approved the plat with conditions relating to street dedication, utility easements, and increasing lot sizes. Following discussion, Council Member DeBlieck moved to approve the Preliminary Plat for Boulder Pointe with the conditions placed on it by the Planning Commission. Council Member Chapin seconded the motion, which carried.

Planning and Development Services Director Peterson presented to the Mayor and Council the Planning Commission Capital Improvements Report. Mr. Peterson explained the Planning Commission has compiled the capital improvement requests of various City departments and reviewed the requests with regard to land use, zoning and growth. Mayor Heitke recognized Jay Lawton, member of the Planning Commission, who was present to answer questions. Following discussion, the Planning Commission Capital Improvements Report was received for information only.

Announcements for Council Committee meeting dates were as follows: Finance, September 9; and Public Works/Safety, September 10, 2002.

Mayor Heitke presented the following schedule of events in observance of 9-11 (the terrorist's attack on the World Trade Center and Pentagon): Willmar Fire Department, 9:00 a.m.; Assembly of God Church, 7:00 p.m.; and, as requested by President George Bush, a moment of silence at 10:00 a.m. in the local schools.

Mayor Heitke commented on the upcoming Primary Election to be held on Tuesday, September 10, 2002, and the Rice Hospital reconstruction referendum. City Clerk Halliday informed the Mayor and Council that Kandiyohi County will hold its Board of Canvass on Friday, September 13, 2002. Council Member Houlahan will represent the City. The City's Board of Canvass was scheduled for Thursday, September 12, 2002, at 4:45 p.m.

Mayor Heitke commented on the Good Sam "Samboree" held at the Civic Center Arena.

Public Works Director Odens presented to the Mayor and Council for consideration an Airport land acquisition agreement. Following discussion, Resolution No. 5 was introduced with Council Member Houlahan, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 5

AUTHORIZATION TO EXECUTE PURCHASE AGREEMENTS AIRPORT LAND ACQUISITION

WHEREAS, purchase agreements have been prepared for land acquisition for the new airport; and

WHEREAS, the Federal Aviation Administration and the Minnesota Department of Transportation is offering to share in the allowable costs incurred for this purpose; and

WHEREAS, agreements have been prepared for the terms and conditions of land acquisition;

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Willmar that the City Administrator are hereby authorized to enter into said agreements on behalf of the City.

Dated this 4th day of September, 2002.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

There being no further business to come before the Council, the meeting adjourned at 8:00 p.m. upon motion by Council Member Anderson, seconded by Council Member DeBlieck, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL