

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

October 2, 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 Doug Reese, Ron Christianson, Bruce DeBlieck, Denis Anderson, Nancy Houlahan, Rick Fagerlie, Jim Dokken, and David Chapin; 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.

Proposed additions to the agenda included announcements regarding the Hospital and Airport groundbreaking, and National Community Education Day.

Council Member Reese offered a motion adopting the Consent Agenda which included the following: City Council Minutes of September 18, Municipal Utilities Commission Minutes of September 23, Planning Commission Minutes of September 25; Convention and Visitors Bureau Minutes of August 20; Kandiyohi Transit Board Minutes of August 27, September 11 and 17; Senior Council Minutes of September 4; and Community Education and Recreation Board Minutes of September 20, 2002. Council Member Christianson seconded the motion, which carried.

Mayor Heitke recognized Rice Hospital C.E.O. Lorry Massa who presented a Hospital building project update detailing a tentative work schedule. Mr. Massa also presented a construction zone diagram showing construction areas and parking areas and briefly reviewed a financing schedule proposed by bond consultant, Springsted Financial Advisors. This matter was for information only.

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

The Mayor and Council considered an appeal of a liquor serving license. Following discussion with Victor Thatcher, Council Member Reese moved to uphold the denial with Council Member DeBlieck seconding the motion, which carried.

The Finance Committee Report of September 23, 2002, was presented to the Mayor and Council by Council Member Anderson. There was one item for Council consideration.

Item No. 1 Mayor Heitke presented to the Committee his proposed Year 2003 Budget detailing proposed revenues and expenditures including a discussion of the capital outlay program and a review of non-departmental appropriations. The Mayor noted the proposed budget includes a tax levy decrease of \$82,498 and the total proposed Year 2003 levy is \$1,835,251.

It was noted that the Finance Committee would be reviewing the Mayor's proposed budget between now and the scheduled Committee meeting on November 25, 2002, at which time the full Council will participate in a discussion of final budget considerations. This matter was for

information only.

The Finance Committee Report for September 23, 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 September 24, 2002, was presented to the Mayor and Council by Council Member Reese. There were three items for Council consideration.

Item No. 1 The Committee reviewed the final parking plan for the Rice Hospital Construction project. The Committee has previously approved the concept, but requested to review the final plan. The temporary front entry and Emergency Room entry work has started with the main construction project scheduled for an October 1, 2002, bid letting. The Committee was recommending to the Council to approve the parking plan as presented. 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 The Committee reviewed the Total Maximum Daily Load (TMDL) Plan and Impaired Waters List. The Federal Clean Water Act requires states through the MPCA office to submit a list of waters that do not meet state water quality standards. States then are required to develop TMDL plans to get those impaired waters into compliance. This covers any pollutant such as metals, phosphorous, dissolved oxygen, BOD, etc. The issue is that the MPCA arbitrarily developed the impaired water list without reliable data. They also developed a draft TMDL Rule that is vague, over broad, arbitrary, and in some cases assumes uses for waters that cannot support such uses. If the TMDL rules are passed, it could potentially require very costly upgrades to the City's waste treatment facility. It also could have more restrictive requirements than the current NPDES permit. It was noted that the City of Willmar is concerned with water quality and the environment in general, but wants reasonableness with making a decision.

The Committee was recommending to the Council to join in a lawsuit and pay the assessment as proposed in the amount of \$5,524.00. Staff will continue to monitor expenditures at the Wastewater Treatment Plant throughout the balance of the year in order to identify available funds from the operation's budget for payment of the assessment. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member DeBlieck seconding the motion, which carried.

Item No. 3 Council Member Christianson raised a concern about recent odors at the Waste Treatment Plant. He suggested forewarning the public if any changes are expected in the operating procedures that might cause odors. This matter was for information only.

Council Member Houlahan raised a concern that some people are leaving their garbage containers at the curb longer than what the ordinance allows. Staff will put an article in the "Sights and Sounds" regarding this and also discuss with West Central Sanitation. This matter was for information only.

The Public Works/Safety Committee Report of September 24, 2002, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Christianson, and carried.

The Community Development Committee Report of September 25, 2002, was presented to the Mayor and Council by Council Member DeBlieck. There were three items for Council consideration.

Item No. 1 The Committee continued discussion of the subject of window/siding and mechanical permits. At the Council's direction, staff had submitted a proposed fee schedule and reviewed the fee schedule memo with the Committee. Staff was specifically recommending permits for siding replacement, window replacement if a structural change is included, a commercial mechanical permit that would use the UBC fee schedule, and residential mechanical permits for gas line testing and gas appliances.

The Committee was recommending to the Council that no changes to permit and fee schedules be implemented at this time. Council Member DeBlieck moved to approve the recommendation of the Community Development Committee. Pursuant to discussion regarding the making a motion to make no changes, Council Member Christianson withdrew his second and the motion died for the lack of a second. Following a lengthy discussion regarding the adoption of the Uniform Building Code, Council Member Anderson moved to institute permits for window/siding and mechanical and adopt the proposed fee schedules. Council Member Reese seconded the motion which resulted in a roll call vote of Ayes 4, Noes 4 – Council Member Christianson, Chapin, Dokken and Fagerlie voted “No.” Mayor Heitke cast the deciding affirmative vote.

Item No. 2 The Committee reviewed an update on the status of the drafting of an exterior maintenance code. It was noted that a particularly bad residential structure was being pursued for voluntary removal. If that is not successful, staff will be working with the City Attorney to force the removal of this structure. This matter was for information only.

Item No. 3 The Committee received updates on a variety of development projects including retail projects, a motel project, several industrial projects, and a number of new residential projects. It was noted that Planner position interviews were set for October 2, 2002. This matter was for information only.

The Community Development Committee Report of September 25, 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 Dokken, and carried.

City Administrator Schmit presented to the Mayor and Council for consideration a Resolution calling for a public hearing on an Ordinance authorizing the issuance of General Obligation Hospital Revenue Bonds. Following discussion, Council Member Reese moved to introduce the Resolution and schedule the Ordinance hearing for October 16, 2002. Council Member Christianson seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 1

CALLING FOR A PUBLIC HEARING ON ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION HOSPITAL REVENUE BONDS AND LEVYING A TAX FOR THE PAYMENT THEREOF

(For Resolution in its entirety, see City Council Proceedings file dated
October 2, 2002, located in the City Clerk's Office)

City Clerk Halliday informed the Mayor and Council that following the adoption of the assessment roll for the 2002 Improvements, the City sold General Obligation Improvement Bonds at an all-time low rate. The adopted assessment roll listed the stated interest rate of 6 percent and it must now be reduced to 5 percent. Following discussion, Resolution No. 2, was introduced by

Council Member Christianson, seconded by Council Member Chapin, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 2

AMENDING ASSESSMENT ROLL

WHEREAS, the City Council of the City of Willmar, Minnesota, duly adopted the assessment roll for the 2002 Street Improvement Project on May 1, 2002, and

WHEREAS, the assessment roll was amended on June 5, 2002, when certain adopted assessments had been deleted due to amending the order of improvements, which deleted 3rd Street SE, 9th Street SE, 26th Avenue SW, 10th Street NW, and Gay Street SE.

WHEREAS, the General Obligation Improvement Bonds were sold at a cost below fiscal projections.

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

1. Such assessment roll be amended to the sum of \$1,217,036.27, a copy of which is attached hereto and made a part hereof, is hereby accepted.
2. Such assessments shall be as follows:
 - A. The assessments shall be payable in equal annual installments extending over a period of ten (10) years, the first of said installments to be payable with general taxes for the year 2003, collectible with such taxes during the year 2012.
 - B. To the first installment shall be added interest at the rate of five (5) percent per annum on the entire principal amount of the assessment from the date of the bond sale, September 4, 2002, until December 31, 2003. To each subsequent installment, when due there shall be added interest for one year at said rate on the unpaid principal amount of the assessment.
 - C. The owner of any property so assessed may at any time prior to the certification of the assessment or the first installment thereof to the County Auditor (Treasurer), pay the whole of the principal amount of the assessment on such property with interest accrued to the date of payment to the City Clerk-Treasurer, except that no interest shall be charged if the entire assessment is paid by October 31, 2002, and such property owner may at any time prior to November 15 of any year pay to the City Clerk-Treasurer the entire principal amount.
3. The City Clerk-Treasurer shall forthwith transmit a certified duplicate copy of the assessment to the County Auditor to be extended on the tax list of the County.

Dated this 2nd day of October, 2002.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

City Clerk Halliday presented to the Mayor and Council a list of property owners who have made application for agricultural land exemptions and have met the criteria in the City's Assessment policy. Following discussion, 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

WHEREAS, the City Council of the City of Willmar, Minnesota, did order the installation of certain street and other improvements made under Projects No. 9801, 9301 and 9101, and certain sewer and water main improvements made under Projects No. 9801, 9701, 9303, 9202, 9002, 7402, and 6905.

WHEREAS, Section W of the City of Willmar Comprehensive Assessment Policy allows the City to temporarily exempt from assessments certain lands currently used for agriculture purposes; and

WHEREAS, certain property owners have made application to the City for delayed payment of taxes on special assessments and have met the criteria contained in the Comprehensive Assessment Policy for said deferment;

NOW, THEREFORE, BE IT RESOLVED by the Willmar City Council that special assessments as hereinafter designated be certified to the County and deferred until such property is developed or upon approval of the final plat, and that no interest be charged until such time.

BE IT FURTHER RESOLVED that upon development or plat approval that tapping fee shall be based on the project year bid price per front foot or unit, or on the current year costs at the time of connection/platting, whichever is greater:

1.	Harvey Hawkinson 7340 26 th St NE Willmar	95-924-0020 Project 9202 Project 9101 Project 9002	\$13,005.00 51,455.70 35,340.00
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Section 24, Township 119, Range 35

That part of the Northwest Quarter of Northwest Quarter lying Northwesterly of Highway right-of way, except the South 125 feet of North 175 feet of West 133 feet. (31.40 acres)

2.	Harvey Hawkinson 7340 26 th St NE Willmar	95-913-0040 Project 9202 Project 9002	\$12,095.00 8,255.00
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Section 13, Township 119, Range 35

Southwest Quarter of Southwest Quarter, except North 300 feet of South 345 feet of East 435.6 feet of West 468.8 feet of Southwest Quarter of Southwest Quarter, and except part out to road to Pheasant Run. (32 acres)

3.	Glenn and Joanne Shannon 605 Lakeland Drive SE	95-913-1120 Project 9101	\$ 2,035.00
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Willmar	Project 9801	\$13,901.47
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Section 13, Township 119, Range 35

Part of Southwest Quarter of Northwest Quarter: Commencing at point on West line of Southwest Quarter of Northwest Quarter 26 2/3 rods North of Southwest corner, thence East parallel to North line of Southwest Quarter of Northwest Quarter 60 rods, thence South to a point 13 1/3 rods North of South line of Southwest Quarter of Northwest Quarter, thence West to West line thereof, thence North to beginning.

4.	LeAnn Isaacson ETAL	95-914-2610	
	10785 46 th Place N	Project 9002	\$39,731.66
	Plymouth	Project 9303	22,360.66

Section 14, Township 119, Range 35

South 610 feet of Northeast Quarter except West 393.61 feet; Southeast Quarter except South 914.88 feet of West 1085 feet and except part platted as Bergquists Estates, Perkins 5th Addition and Gesch Park except that part of the South Half of Northeast Quarter described as follows: Commencing 715 feet South and 393.61 feet East of Northwest Corner of Southwest Quarter Northeast Quarter, Thence East to Southwest Corner of Lot 7, Block 7 Erickson's Third Addition, Thence South 70 feet, Thence West to East Line of Welch's Addition, Thence North 70 feet to part of beginning and except part platted into Gesch YMCA Addition. (99.10 Acres)

5.	Maurice & Evelyn Bomstad	95-913-0035	
	809 Lakeland Drive SE	Project 9002	\$ 3,731.00
	Willmar		

Section 13, Township 119, Range 35

South 15 acres of Northwest Quarter of Southwest Quarter except plat of Valley View Addition.

6.	Mildred Thorpe	95-908-0130	
	1301 SW 8th Street	Project 6905	\$ 2,460.00
	Willmar	Project 7402	3,517.00

Section 8, Township 119, Range 35

West 309.7 feet of East 929.2 feet of North 400 feet of South 470 feet and West 854.2 feet of East 929.2 feet of North 300 feet of South 770 feet of Southeast Quarter of Northeast Quarter. (6 acres)

7.	Marlan and Kay McLane	95-913-1200	
	613 Lakeland Drive SE	Project 9801	\$13,901.47
	Willmar		

Section 13, Township 119, Range 35

Part of Northwest Quarter: Commencing at the Southwest Corner of the Northwest Quarter, thence North 110 feet, thence East 163 feet, thence North 110 feet, thence East 827 feet, thence South 220 feet, thence West 990 feet to beginning, except the North 6 feet of the South 135 feet of the East 8 feet of the West 171 feet thereof.

8.	Triumphant Life Church	95-908-0140	
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3010 7th Ave NW
Willmar

Project 9301

\$27,495.00

Section 8, Township 119, Range 35
West 423 feet of East 929.2 feet of North 400 feet of South 470 feet of East half of
Northeast quarter - Ag property.

*Split Property

(West 431.2 feet of East 506.2 feet of North 400 feet of South 470 feet of East Half of
Northeast Quarter - Church property.)

9. William N. Bernard, ETAL
520 Litchfield Ave W
Willmar

95-912-0970
Project 9701

\$12,119.04

Section 12, Township 119, Range 35
North 1,655 feet of Northwest Quarter excluding West 40 acres thereof.

Dated this 2nd day of October, 2002.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

City Clerk Halliday informed the Mayor and Council that it is necessary to appoint Judges to serve in the November 5, 2002, General Election. Resolution No. 4 was introduced by Council Member Reese, seconded by Council Member Dokken, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

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 5, 2002:

WARD ONE

Precinct One:

Pat Morse
Richard Hoglund
Stanza Haagenson
Cheryl Retrum
Daniel Pederson
Ardell Engwall

Precinct Two:

Joan Schultz
Dona Wieking
Rosemary Habicht
Dorothy Fransen
Marlys Boeder

Precinct Three:

George Berg
Owen Heuring
JoAnn Jagt
Sally McAdams

		Bill Schultz Lee Durst Francis Rahn Daisy Score Beverly Chambers Leonette Sadler Myron Schroeder Doris Helsper Dan Reigstad
WARD TWO	Precinct One:	
	Precinct Two:	Marlene Backer Arlene Rice Eilene Magnuson June Oslund Lenora Neuman Beverly Ledebøer
	Precinct Three:	Marilyn Hanson Doris Doerhofer Mary Lorentzen Alice VanOrt Evelyn Fullerton Donna Hillenbrand
WARD THREE	Precinct One:	Alvin Hoogeveen Mavis Hagert Iona Andreen Ruby Bernhagen Harriet Levy Jon Winge
	Precinct Two:	Marcella Erickson Elaine Pearson Floyd Boeder Duane Bock Esther Floren Ben Weiner
	Precinct Three:	C. Leonard Pearson Blanche Berger Sherwood Mellom Juna Halstrom Verle Watson Carol Baker
WARD FOUR	Precinct One:	Neil Cofer Joyce Hanson Margie Carlson Evangelin Bass Merle Berkeland Joey Werder
	Precinct Two:	Marsha Butterfield Ruby Freeberg Penny Selseth LeCharl Lessman Arlene Syverson Stanley Marcus

Precinct Three:

Bob Jones
Francis Yule
Sharon Baker
Howard Freeberg
Connie Heath
Mavis Willroth
Daniel Pederson
Ardell Engwall

Absentee Judges:

Dated this 2nd day of October, 2002.

/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 Final Plat for Richland Estates Second Addition, a two-lot plat intended to be part of the Richland Estates PUD. The Plat is intended to accommodate one twin home and borders on the section of 9th Street Southwest being constructed this year. It was noted all conditions for approval have been met. Council Member Fagerlie moved to approve the Final Plat for Richland Estates Second Addition with Council Member Chapin, seconding the motion, which carried.

Fire Chief Calvin informed the Mayor and Council that the City of Danvers has offered to buy the City's 1967 American LaFrance fire truck for \$5,000. Following discussion, Council Member DeBlieck moved to approve the sale as presented with Council Member Fagerlie seconding the motion, which carried.

Announcements for Council Committee meeting dates were as follows: Finance, October 7; Public Works/Safety, October 8; and Labor Relations, October 23, 2002.

Mayor Heitke announced two ground-breaking events: Rice Hospital on October 9, and the Airport on October 10, 2002.

Community Education and Recreation Director Brisendine informed the Mayor and Council that on October 10, 2002, there were be an open house at Washington Learning Center in recognition of National Community Education Day.

Council Member Christianson offered a motion removing air conditioners from the mechanical permit inspection process. Council Member Fagerlie seconded the motion which resulted in a roll call vote of Ayes 4, Noes 4 – Council Member Reese, Houlahan, Anderson and DeBlieck voted "No." Mayor Heitke cast the deciding no vote.

There being no further business to come before the Council, the meeting adjourned at 8:50 p.m. upon motion by Council Member Reese, seconded by Council Member DeBlieck, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL