

**MINUTES
REGULAR MEETING – HUTCHINSON CITY COUNCIL
JANUARY 8, 2002**

1. **CALL TO ORDER – 5:30 P.M.**

Mayor Marlin Torgerson called the meeting to order. Council Members present were John Mlinar, Jim Haugen, Kay Peterson and Duane Hoversten. Also present were Gary Plotz, City Administrator and John Rodeberg, Director of Engineering/Public Works.

2. **INVOCATION** – The invocation was dispensed due to the absence of Rev. Kevin Oster, Our Savior's Lutheran Church.

3. **MINUTES**

(a) REGULAR MEETING OF DECEMBER 21, 2001

(b) SPECIAL ORGANIZATIONAL MEETING OF JANUARY 2, 2002

(c) BID OPENING FROM DECEMBER 21, 2001

Minutes were approved as presented

4. **CONSENT AGENDA**

(a) REPORTS OF OFFICERS, BOARDS AND COMMISSIONS

1. HUTCHINSON PUBLIC LIBRARY BOARD MEETING MINUTES FROM NOVEMBER 26, 2001

2. HUTCHINSON FIRE DEPARTMENT MONTHLY REPORT FOR DECEMBER 2001

3. BUILDING DEPARTMENT MONTHLY REPORT FOR DECEMBER 2001

(b) RESOLUTIONS AND ORDINANCES

1. RESOLUTION NO. 11866 – RESOLUTION FOR PURCHASE OF JOHN DEERE TRACTOR & LOADER AND WHEEL LOADER & PLOW

(c) CONSIDERATION FOR APPROVAL OF STATE PREMISES PERMIT RENEWAL FOR AMERICAN LEGION POST 96

(d) CONSIDERATION FOR APPROVAL OF AGREEMENT WITH AUGUSTANA SENIOR DINING FOR 2002

(e) CONSIDERATION FOR ACCEPTANCE OF BID FROM ORVIS WAHL FOR PURCHASE OF CAB-OVER SWEEPER AND MACK TRUCK

Item (e) was omitted from the Consent Agenda.

Motion by Haugen, second by Mlinar, to approve consent agenda. Motion carried unanimously.

5. **PUBLIC HEARING – 6:00 P.M. - NONE**

6. **COMMUNICATIONS, REQUESTS AND PETITIONS**

(a) REVIEW OF FIVE-YEAR CAPITAL PLAN

Ken Merrill, Finance Director, informed the Council that a draft plan has been created outlining items over \$10,000 that are being requested for purchase between the years 2002 and 2006. Mr.

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Merrill noted that there are various changes from last year's approved plan. He explained that these changes are mainly due to requests for changes in the infrastructure. Mr. Merrill also explained that the main focus of this meeting's discussion will be on the year 2002 plan. Mr. Merrill explained the contents of the Capital Plan draft to the Council and how the draft document is laid out.

John Olson, Assistant Public Works Director, explained the proposed budget for the airport. Mr. Olson explained that the airport's capital plan is set up with the Federal Airport Improvement Program, which has a 90% match for local airport projects. Mr. Olson explained that due to Hutchinson being involved in this program, these plans need to be in place whether or not the funds are actually used or not.

Mr. Olson further explained the proposed capital plan for the central garage. He explained that the years 2002-2005 hold the infusion of cash from previous years. Further funds in the plan incorporate additional space for mechanical repairs due to more mechanics being employed by all three entities (city, county and state).

Julie Wischnack, Director of Planning/Zoning/Building, presented on the funds proposed for the City Center and Public Library. Ms. Wischnack explained that the funds proposed for the City Center include funding for upgrading/repairing the heating/ventilation system. The additional funds are for a mechanical filing system needed for the vast amount of files that need to be retained within the City Center.

Ms. Wischnack explained that the funds proposed for the library mainly incorporate new carpeting. Also budgeted are funds for painting the building.

Dolf Moon, Director of Parks, Recreation & Community Education, explained the funds proposed for the Civic Arena and Recreation Center. Mr. Moon explained that the bulk of the proposed budget includes the new softball complex and upgrades to the outdoor swimming pool. These items will need to be approved by the citizens of Hutchinson through a public vote. Mr. Moon explained that the reason for the proposal of a new softball complex is due to the lack of ballfields for all of the youth and adult leagues. The remaining proposed funding ranges from plexi-glass replacements at the Civic Arena to upgrades of park shelters to resurfacing tennis courts. There is also proposed funding for new park shelters due to the demand for parks in residential areas. Mr. Moon further explained that the floor in the Recreation Center will also need to be replaced.

Randy DeVries, Director of Water/Wastewater, explained the funds budgeted for the compost site. Mr. DeVries noted that funds proposed are for fencing and a parking lot. There is the possibility of the site going county wide, therefore there will be a need for expansion to the building as well. Mr. Plotz noted that the county is currently paying for the grinder at the compost site, therefore, this may become a joint project.

Mr. DeVries further explained the proposed Capital Plan for the Wastewater Dept. Funds proposed included a new lift station, upgrades to equipment at the Wastewater Plant building, and new pumps at the lift stations. Mr. DeVries explained that the state may impose regulations relating to phosphorous and therefore may cause upgrades needed for equipment and to the plant.

Mr. DeVries explained that the funds proposed for the Water Plant are mainly for the upgrades to the Water Plant itself. Also included is a new water tower at the south end of town. The Water Plant is the main component of the proposed funds.

Mr. Merrill noted on behalf of Economic Development that the funding source for the industrial park expansion will be changed.

Brad Emans, Fire Chief, explained that the funding for the fire department proposed is for a multi-use vehicle and a fire/police training center. The training center will be 75% funded by a grant. Additional funding will be used for interior painting at the Fire Station. Mr. Merrill explained that the funding for the training center was duplicated, hence the high number listed

under the Fire line item.

Mr. Merrill noted on behalf of the HRA that \$150,000 funding is being proposed.

John Rodeberg, Director of Engineering/Public Works, explained that over half of the funding in the Capital Improvement Plan is for infrastructure improvements. Mr. Rodeberg explained the policy and process used to determine which streets will receive improvements. He explained that the surface of the streets and the sanitary sewer, watermain and storm sewer systems are rated and evaluated. Mr. Rodeberg further detailed the tools used to gauge and monitor the financing of the growth in Hutchinson. Mr. Rodeberg explained the numbers proposed for the Capital Plan and related them to the projects they are proposed for. Mr. Rodeberg presented the projects slated for 2002. Mr. Rodeberg noted that there is proposed funding in the Public Works department to purchase aerial topography and digital orthophotos in the community in 2002, but this will be delayed until funding is available (estimated in 2004).

Tom Kloss, Information Technology Coordinator, explained that funds for laptops, monitors, servers and other upgrades are proposed in the IT Capital Plan. Mr. Kloss also noted that when a user receives a new, upgraded computer, that user's machine is then transferred to another area for use.

Neil Wegner, Liquor Store Manager, explained that a store expansion is proposed in the Liquor Store's proposed plan. Mr. Wegner stated that price comparisons have been conducted between remodeling the current location with building a new facility. Also proposed in the Capital Plan are funds to purchase land on the south end of town to build a second liquor store.

Ken Merrill noted that due to the absence of Steve Madson, Police Chief, the Police Services plan will be reviewed at a later date.

Mr. Merrill stated that the funds listed in the General Obligations bonds section would be used to fund the softball complex/waterpark and the expansion to the police station. These funds would need voter approval.

Mayor Torgerson noted that this is a plan and is not an approved list of expenditures. Kay Peterson noted that she was in favor of the format and that she appreciated all of the work that had gone into it. John Mlinar commented that it is favorable to project into the future the needs that may need to be addressed.

Mr. Merrill stated that the final plan will be presented at the next Council meeting for a recommendation of approval.

7. **UNFINISHED BUSINESS**

8. **NEW BUSINESS**

(a) CONSIDERATION OF SETTING COUNCIL WORKSHOP FOR JANUARY 22, 2002, AT 4:00 P.M. TO DISCUSS URBAN DESIGN GUIDELINES WITH PLANNING COMMISSION

Motion by Peterson, second by Hoversten, to set council workshop for January 22, 2002, at 4:00 p.m. Motion carried unanimously.

(b) CONSIDERATION FOR CHANGE ORDER REQUEST REGARDING HUTCHINSON EVENT CENTER

Dolf Moon, Director Parks, Recreation & Community Education, explained to the Council that a change order is requested by Shingobee Builders for the Event Center. Mr. Moon explained that Wold Architectures recommends approval for these change orders. Mr. Moon explained the process that the Event Center Committee used when setting priorities regarding the initial planning phase of the Event Center. Items were disregarded initially, however due to the project coming in under budget, they can now be considered. These

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change orders are required mainly for a partition in a conference room and plumbing work that needs to be done between walls.

Motion by Mlinar, second by Haugen, to accept change order request for Hutchinson Event Center. Motion carried unanimously.

John Rodeberg explained that a pilot test needs to be conducted for the Water Treatment plant. However, city staff has agreed that work conducted to date should be evaluated. Consultants have been interviewed to review the work conducted at the Water Plant to date. Mr. Rodeberg noted that if this review is done before the testing begins, it will give the consultants the best understanding of the processes and technologies used. Approval is needed by the council to approve the agreement with the chosen consultant, HDR, to review work done to date at the Water Treatment Plant.

Mayor Torgerson noted that the selected company is very well-respected in the industry.

Motion by Peterson, second by Haugen to approve the agreement with HDR Engineering for professional services to conduct a review of the Water Treatment Study. Motion carried unanimously.

MISCELLANEOUS

(a) COMMUNICATIONS

Jim Haugen – Mr. Haugen noted that the Council should set a date for a Visioning Workshop.

Motion by Peterson, second by Mlinar, to set a Visioning Workshop for January 23, 2002, at 12:00 p.m. Motion carried unanimously.

John Mlinar – Mr. Mlinar noted that he has received a couple of phone calls on sump pumps and the pipes freezing up. He also noted that even if the pipes are frozen and the pumps are not hooked up correctly, the pumps will continue to run but will not be pumping water out. Mr. Rodeberg stated that heat tape may be a solution, but he encouraged citizens to not revert to the “old methods”. He noted that many citizens are trying to do things appropriately, but the hook-up is not working for them. He further explained that city staff is able to accommodate these residents in certain ways by conducting further inspections of hook-ups.

Gary Plotz – Mr. Plotz reviewed the items covered at the Leadership meeting: 1) HDR Report; 2) Rail Preservation (negotiation is currently taking place). Mr. Plotz suggested that a committee be created to work on the rail preservation if the portion of the rail located by the Utilities plant is purchased. Kay Peterson and Jim Haugen were appointed to the committee along with Clarence Kadmas, John Rodeberg, Marc Sebor and Gary Plotz. Additionally, there was discussion held regarding Spruce Ridge Landfill and a process used to capture methane off of compost and provide energy for homes. There is potential for groundwater contamination and air & noise quality issues. Mr. Plotz suggested that the Hutchinson Solid Waste Committee become involved with this issue. Mayor Torgerson agreed that the committee should meet relatively soon to discuss and review this issue.

10. CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS

(a) VERIFIED CLAIMS A

Motion by Peterson, second by Haugen, with Hoversten abstaining, to approve and authorize payment of Verified Claims A from appropriate funds. Motion carried unanimously.

(b) VERIFIED CLAIMS B

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Motion by Hoversten, second by Mlinar, to approve and authorize payment of Verified Claims B from appropriate funds. Motion carried unanimously.

11. ADJOURN

With no further business to discuss, the meeting adjourned at 7:10 p.m.

**MINUTES
REGULAR MEETING – HUTCHINSON CITY COUNCIL
JANUARY 22, 2002**

1. **CALL TO ORDER – 5:30 P.M.**

Mayor Marlin Torgerson called the meeting to order. Council Members present were John Mlinar, Jim Haugen, Kay Peterson and Duane Hoversten. Also present were Gary Plotz, City Administrator and John Rodeberg, Director of Engineering/Public Works.

2. **INVOCATION** – Rev. Kevin Oster, Our Savior’s Lutheran Church, delivered the invocation.

3. **MINUTES**

(a) REGULAR MEETING OF JANUARY 8, 2002

Minutes were approved as presented

4. **CONSENT AGENDA**

(a) REPORTS OF OFFICERS, BOARDS AND COMMISSIONS

1. PIONEERLAND LIBRARY SYSTEM BOARD MEETING MINUTES FROM NOVEMBER 15, 2001
2. PIONEERLAND LIBRARY SYSTEM FINANCIAL REPORT FOR NOVEMBER 2001
3. HUTCHINSON AREA HEALTH CARE BOARD MEETING MINUTES FROM DECEMBER 18, 2002
4. CITY OF HUTCHINSON FINANCIAL REPORT FOR DECEMBER 2001
5. CITY OF HUTCHINSON CERTIFICATES OF DEPOSIT FOR DECEMBER 2001

(b) RESOLUTIONS AND ORDINANCES

1. RESOLUTION NO. 11865 – RESOLUTION FOR PURCHASE – ENGINEERING SERVICES AND REPLACEMENT WINDOWS
2. RESOLUTION NO. 11870 – RESOLUTION RELEASING PLEDGED SECURITIES FROM CITIZENS BANK & TRUST COMPANY

(c) PLANNING COMMISSION ITEMS

1. CONSIDERATION OF A **CONDITIONAL USE PERMIT** TO OPERATE A MOTORCYCLE REPAIR, SALES AND PAINTING BUSINESS IN THE I/C ZONING DISTRICT AS REQUESTED BY MICHAEL ANDERSON, APPLICANT AND BERNIE MCRAITH, OWNER, 700 AIRPORT ROAD WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 11867)
2. CONSIDERATION OF A **CONDITIONAL USE PERMIT** FOR A 14 X 30 FOOT ACCESSORY TEMPORARY BUILDING FOR STORAGE IN AN I/C DISTRICT AND CONSIDERATION OF **REZONING** FROM R1 TO I/C AS REQUESTED BY LOWELL BAUMETZ (MODERN MAZDA), 585 HIGHWAY 7 WEST WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 11868) (*WAIVE FIRST READING AND SET SECOND READING AND ADOPTION FOR FEBRUARY 12, 2002*)
3. CONSIDERATION OF A **CONDITIONAL USE PERMIT** TO CREATE A RECREATIONAL PARK FACILITY WHICH WOULD INCLUDE A SKATE PARK,

BMX TRACK, SOFTBALL FIELD AND PLAYGROUND AREA WITHIN AN R2 ZONING DISTRICT AS REQUESTED BY WORD OF LIFE CHURCH, 950 SCHOOL ROAD SW WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 11869)

4. CONSIDERATION OF A **SKETCH PLAN** TO SUBDIVIDE 26 SINGLE FAMILY LOTS AND **REZONING** FROM AN R4 TO AN R3 DISTRICT AS REQUESTED BY ED RETTMANN, JR. (*WAIVE FIRST READING AND SET SECOND READING AND ADOPTION FOR FEBRUARY 12, 2002*)

(d) APPOINTMENT OF MEMBERS TO SENIOR ADVISORY BOARD

- JULIE JENSEN, NEW APPOINTMENT TO 2005
- MARY BRAUN, REAPPOINTMENT TO 2005
- GALE NELSON, REAPPOINTMENT TO 2005

(e) CONSIDERATION FOR APPROVAL TO PURCHASE HANDHELD RADIOS

(f) CONSIDERATION FOR APPROVAL OF STATE PREMISE PERMIT RENEWAL APPLICATION FOR VOITURE 414 40/8

(g) CONSIDERATION FOR APPROVAL OF LEASING OMNICELL MEDICATION AUTOMATION SYSTEM FOR HUTCHINSON AREA HEALTH CARE

(h) CONSIDERATION FOR APPROVAL OF FEE SCHEDULES (POLICY NO. 2.22) FOR CITY OF HUTCHINSON HANDBOOK

(i) CONSIDERATION FOR APPROVAL OF OUT-OF-STATE TRAVEL FOR MIKE MIES AND BRUCE FENSKE TO ATTEND VACTOR TRAINING IN STREETER, ILLINOIS IN APRIL 2002 AND FOR GARY PLOTZ AND RANDY DEVRIES TO ATTEND THE BICYCLE CONFERENCE IN SAN FRANCISCO, CALIFORNIA ON MARCH 2 – 6, 2002

Mayor Torgerson noted that the Pioneerland Library Board is looking for a new board member. Individuals interested may submit their names to the Hutchinson City Center.

Motion by Mlinar, second by Peterson, to approve consent agenda. Motion carried unanimously.

John Mlinar commended the Word of Life Church on undertaking this project, especially since this type of project is typically coordinated by the City's Parks Department.

5. **PUBLIC HEARING – 6:00 P.M. - NONE**

6. **COMMUNICATIONS, REQUESTS AND PETITIONS**

(a) REVIEW OF GOVERNOR'S PROPOSED STATE SHORT FALL

Mayor Torgerson stated that the state's budget shortfall would impact the City of Hutchinson by cutting funds in the amount of approximately \$565,000. Ken Merrill, Finance Director, reviewed Governor Ventura's plan to make up the budget deficit. The Governor's office is proposing that cities use reserve funds to make up the difference in the lack of funding from the state. Mr. Merrill stated that city directors are considering several alternatives to reduce spending. Items that are currently in place include: hold on General Fund Employee hiring; no expending of capital purchases; hold on expenditures and freeze capital expenditures (excluding items affecting safety and approved by City Administrator). Mr. Merrill also noted that Governor Ventura is also considering budget cutbacks for the year 2003 as well as the current year. Mr. Ventura feels that Minnesota cities have reserve funding that they will be able to fall back on.

Duane Hoversten noted that the State is penalizing the cities for their own budget deficit.

7. **UNFINISHED BUSINESS**

(a) CONSIDERATION FOR APPROVAL OF LEGAL SERVICES FOR 2002

Marc Sebor, City Attorney, excused himself from the discussion.

Gary Plotz, City Administrator, explained that there are three items to consider for action: 1) consideration of in-house attorney as compared to a contract with a law firm; 2) consideration of the details of the employment contract; 3) consideration of appointing Marc Sebor as the City Attorney

Mayor Torgerson that the process of hiring an in-house attorney has been considered at length for 4-6 weeks and every detail has been considered thoroughly.

Duane Hoversten noted that due to a decrease in the quality of service over the last year, he feels it would be a wise decision to hire an in-house attorney. However, he does feel that a provision needs to be included with the approval of hiring a city-employed attorney. The contract and review of services needs to be evaluated in two years (end of contract) to determine whether or not this method of legal representation is the most advantageous form of representation.

Motion by Hoversten, second by Mlinar to hire an in-house, city-employed attorney for a two-year term. Motion carried unanimously.

Motion by Peterson, second by Haugen to approve the employment contract as drafted. Motion carried unanimously.

Motion by Mlinar, second by Haugen, to appoint Marc Sebor as City Attorney contingent upon meeting the criteria in the employment contract. Motion carried unanimously.

8. **NEW BUSINESS**

(a) CONSIDERATION OF RECLASSIFICATION REQUEST

Brenda Ewing, Human Resources Coordinator, explained that generally positions are considered for reclassification in January of each year. However, last year no reclassifications were considered due to the new pay plan/structure. Ms. Ewing explained that five positions are up for consideration to be re-classified. The positions being considered for reclassification are: Part-time Accounting Specialist, Adult Recreation Programmer, Information Technology Manager, Human Resources Coordinator and Public Works Specialist. Ms. Ewing detailed the proposed percentage increases for each position.

Motion by Haugen, second by Mlinar, to approve reclassification requests. Duane Hoversten questioned whether or not discussion has been held with other directors/staff, especially in relation to the Governor's cutting of funds. Gary Plotz noted that these position grades have been considered for some time, and it was felt that the reclassification was necessary. Staff will be considering freezing the hiring of other positions, and will therefore have the appropriate funds for these increases. Motion carried unanimously.

(b) CONSIDERATION FOR APPROVAL OF 2002 HOUSING COMMUNITY DEVELOPMENT PLAN

Jean Ward, Director of HRA, presented the proposed Housing Community Development Plan (the "Plan"). The main goal of the Plan is to incorporate the findings in the Maxfield Study and to also meet the needs of the residents in the community. The Plan is based on projected community growth within Hutchinson. Ms. Ward reviewed the recommendations of the Maxfield study regarding the number of housing units and the type of units.

Motion by Peterson, second by Mlinar, to approve 2002 Housing Community Development Plan. Motion carried unanimously.

(c) CONSIDERATION FOR APPROVAL OF FIVE-YEAR CAPITAL PLAN

Ken Merrill, Finance Director, affirmed that this is a plan and not a guarantee of capital expenditures. Mr. Merrill explained that a few modifications were made to the plan that was presented at the last Council meeting. These changes include: a funding change for scheduled water and sewer improvements; the Improvement Project 028 will be moved from 2002 to 2003; and the duplication of the fire training center was removed for 2002.

Motion by Mlinar, second by Hoversten to approve the Five-Year Capital Plan. Motion carried unanimously.

(d) CONSIDERATION FOR AN ORDINANCE OR RESOLUTION FOR THE ESTABLISHMENT OF “DESIGNATED” AT-LARGE COUNCIL POSITIONS AND A PRIMARY ELECTION TO IDENTIFY THE CANDIDATES FOR THOSE POSITIONS

Mayor Torgerson read Chapter 2 of the City Charter. Mayor Torgerson noted that it was the recommendation of the City Attorney for this item to be addressed by the Charter Commission and not the City Council. He recommended that this item be addressed to the Charter Commission at the Public Hearing on January 31, 2002.

Steve Cook and Mike Ribich requested that the Council listen to their proposal.

Mayor Torgerson asked each member whether or not they felt Mr. Ribich and Mr. Cook should bring this item to the attention of the Charter Commission.

Jim Haugen – stated “yes”, felt that this item should be acted upon with the Charter Commission; John Mlinar – feels that the proper procedure would be for Mr. Cook and Mr. Ribich to bring it to the attention of the Charter Commission first.

Mr. Ribich requested that the Council allow them the opportunity to speak before them. Mr. Ribich stated that state statute allows them the opportunity to speak before the Council.

Kay Peterson – stated that she felt this item should be addressed to the Charter Commission; Duane Hoversten – agreed that this item should be addressed to the Charter Commission. Mr. Hoversten commented that Mr. Ribich and Mr. Cook did contact each Council member by phone, so they are all aware of the topic at hand. The consensus of the Council was that this item should be considered at the Charter Commission Public Hearing on January 31.

Mr. Cook explained that the late notice of this Council agenda item was due to last-minute details being put together and they wanted the Council the opportunity to review the information before the Charter Commission Public Hearing.

Mr. Cook stated that they would approach the Charter Commission and asked that, if the Charter Commission was not in favor, could he and Mr. Ribich have the opportunity to return to the Council for consideration. The Mayor stated that would be acceptable.

Mr. Cook and Mr. Ribich stated that part of their intention is to have the public informed of their proposal and felt that approaching the City Council was one of the best methods of achieving this.

(e) CONSIDERATION FOR SETTING JOINT MEETING WITH HUTCHINSON UTILITIES COMMISSION

A tentative date of February 19, 2002, at 3:00 p.m. was proposed. Mr. Plotz will confirm with the Utilities Commission and the formal setting of the meeting will be approved at the next Council meeting.

- (f) CONSIDERATION FOR SETTING COUNCIL WORKSHOP FOR FEBRUARY 12, 2002, AT 4:00 P.M. TO DISCUSS THE HDR WATER TREATMENT REVIEWS

Motion by Peterson, second by Hoversten to set Council workshop for February 12, 2002 at 4:00 p.m. John Rodeberg noted that staff would be meeting with HDR at 11:00 a.m. that same day if any Council members would like to take part. Motion carried unanimously.

9. **MISCELLANEOUS**

- (a) COMMUNICATIONS

John Rodeberg, Director of Engineering/Public Works, requested that Resolution No. 11872 be approved. This resolution establishes County State Aid Highway 25 within city limits.

Motion by Peterson, second by Haugen to approve Resolution No. 11872. Motion carried unanimously.

Marc Sebora – Mr. Sebor thanked the Council for their vote of confidence in his abilities to perform as City Attorney for the City of Hutchinson.

Jim Haugen – Mr. Haugen noted that the Planning Commission has an opening on the Planning Board. Please submit names to the City of Hutchinson.

John Mlinar – Mr. Mlinar noted that a meeting was held between Hutchinson Telephone Co. and Southwest Minnesota Foundation regarding a program titled “TNT”. More information will be forthcoming as the project continues to progress. A PAC meeting will be held next week regarding the improvements to Hwy 212. A Mid-Minnesota meeting will be held on January 30.

Duane Hoversten – Mr. Hoversten commented that the Event Center is coming along very nicely and the Event Center Committee will be making a presentation to the Council in the near future.

Gary Plotz – Mr. Plotz reviewed the agenda for the Visioning Workshop to be held on January 23. Mr. Plotz also noted that this is a public meeting and the public is invited to attend.

Mr. Plotz stated that he is serving on a state-wide Solid Waste Committee to help direct the future of solid waste processing. Mr. Plotz noted that the state policy hierarchy on solid waste is being considered for revision, which would include source-separated organics. Mr. Plotz also explained to the Council that Creekside Soils took part in a trade show geared towards nurseries and landscape companies. Mr. Plotz noted that over 40 contacts were made and there is a large amount of interest in the bagging capabilities of this plant.

Mayor Torgerson commended residents on the job they have done on source-separating. He encouraged residents to continue to source-separate, which will aid in the success of the compost site. If the compost site is successful, that will in turn help decrease taxes within the community.

10. **CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS**

- (a) VERIFIED CLAIMS A

Motion by Peterson, second by Hoversten, to approve and authorize payment of Verified Claims A from appropriate funds. Motion carried unanimously.

11. **ADJOURN**

CITY COUNCIL MINUTES – JANUARY 22, 2002

With no further business to discuss, the meeting adjourned at 6:35 p.m.

**MINUTES
REGULAR MEETING - HUTCHINSON CITY COUNCIL
TUESDAY, FEBRUARY 12, 2002**

1. **CALL TO ORDER – 5:30 P.M.**

Mayor Marlin Torgerson called the meeting to order. Council Members present were John Mlinar, Jim Haugen, Kay Peterson and Duane Hoversten. Also present were Gary Plotz, City Administrator and John Rodeberg, Director of Engineering/Public Works.

2. **INVOCATION** – Due to the absence of Rev. Jim Hall, Word of Life Outreach Center, the invocation was dispensed.

3. **MINUTES**

(a) REGULAR MEETING OF JANUARY 22, 2002

Minutes were approved as presented

4. **CONSENT AGENDA**

(a) REPORTS OF OFFICERS, BOARDS AND COMMISSIONS

1. UTILITIES COMMISSION FINANCIAL REPORT FOR NOVEMBER 2001
2. UTILITIES COMMISSION FINANCIAL REPORT FOR DECEMBER 2001
3. HUTCHINSON FIRE DEPARTMENT MONTHLY REPORT FOR JANUARY 2002
4. BUILDING DEPARTMENT MONTHLY REPORT FOR JANUARY 2002
5. PARKS, RECREATION & COMMUNITY EDUCATION BOARD MINUTES FROM DECEMBER 6, 2001

(b) RESOLUTIONS AND ORDINANCES

1. ORDINANCE NO. 02-305 – AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF HUTCHINSON FOR PROPERTY (RAVENWOOD DEVELOPMENT) TO BE REZONED FROM R4 TO R3
2. ORDINANCE NO. 02-306 – AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF HUTCHINSON FOR A PORTION OF PROPERTY (MODERN MAZDA) TO BE REZONED FROM R1 TO I/C
3. RESOLUTION NO. 11874 – A RESOLUTION ESTABLISHING LOCATIONS FOR TRAFFIC CONTROL DEVICES
4. RESOLUTION NO. 11875 – A RESOLUTION ESTABLISHING PUBLIC MATCH, RESPONSIBILITY AND SIGNATOR FOR CENTRAL MINNESOTA EMERGENCY SERVICES TRAINING CENTER GRANT
5. RESOLUTION NO. 11876 – A RESOLUTION AUTHORIZING PARTICIPATION IN HOME RENTAL REHABILITATION PROGRAM
6. RESOLUTION NO. 11877 – A RESOLUTION FOR PURCHASE OF SEMI-TRACTOR

(c) CONSIDERATION FOR APPROVAL OF TEMPORARY ON-SALE LIQUOR LICENSE FOR GOPHER CAMPFIRE CLUB ON FEBRUARY 22, 2002

(d) CONSIDERATION FOR APPROVAL OF STATE PREMISE PERMIT RENEWAL FOR

ELKS LODGE 2427

- (e) DESIGNATION OF DEPOSITORY RELATIONSHIP FOR PAYMENT LOCK BOX PROCESSING WITH AMERICANA NATIONAL BANK IN ALBERT LEA, MN
- (f) CONSIDERATION FOR APPROVAL OF MASSAGE LICENSE FOR RENEE SCHMELING
- (g) CONSIDERATION FOR APPROVAL OF OUT-OF-STATE TRAVEL FOR RANDY DEVRIES, DOUG JOHNSON, GARY PLOTZ AND MARLIN TORGERSON TO CHICAGO, ILLINOIS FROM FEBRUARY 24 – 26, 2002, TO VIEW COMPOST MIXING EQUIPMENT
- (h) CONSIDERATION FOR APPROVAL OF OUT-OF-STATE TRAVEL FOR LISA GRINA TO DETROIT, MICHIGAN FROM FEBRUARY 19 – 20 TO EVALUATE LOGIS SOFTWARE PACKAGE
- (i) CONSIDERATION FOR APPOINTMENT TO PLANNING COMMISSION

Mayor Marlin Torgerson appointed Kathy Hanneman to the Planning Commission.

Motion by Mlinar, second by Hoversten, to approve consent agenda, with exception of Item 4(g). Motion carried unanimously.

Item 4(g) was pulled for further discussion.

Randy DeVries, Director of Water/Wastewater/Resource Recovery, presented that the equipment being evaluated in Chicago is needed to mix specific products at the compost site. This piece of equipment is needed to progress further in the project of the compost site. The main reason for out-of-state travel is due to the fact that there are no other municipalities that use this type of equipment, therefore it is necessary for city staff to travel to locations that have the appropriate, up-to-date equipment.

Gary Plotz, City Administrator, noted that trips such as these have been very productive in the past for reviewing various pieces of equipment. An alternative to traveling to the site would be to hire an engineering firm to evaluate the types of equipment needed. Mr. Plotz further noted that by having city staff evaluate and sample the equipment, hands-on, it gives them a better idea as to how the equipment will operate.

Randy DeVries stated that the entire trip will cost approximately \$1000 and has been budgeted in the capital plan of the Compost fund.

Mayor Torgerson noted that he has asked city staff to present a synopsis of the compost site project in April to educate the public on the products and services that are and will be available in the near future.

Motion by Mlinar, second by Haugen, to approve out-of-state travel for Randy DeVries, Gary Plotz, Doug Johnson and Marlin Torgerson to Chicago, Illinois to view compost mixing equipment. Duane Hoversten motioned, second by Peterson to amend the motion to allow up to four people to attend this trip. Motion carried unanimously.

2. **PUBLIC HEARING – 6:00 P.M. - NONE**

3. **COMMUNICATIONS, REQUESTS AND PETITIONS**

- (a) PRESENTATION BY “HIS STANDARDS”

Representatives from “His Standards” presented before the Council. This group voiced concerns regarding adult-oriented (pornographic) materials supplied in local gas stations. The group stated that they would like the community “cleaned up” and have this material

removed from the area.

They also voiced concerns that the current city ordinance is not being enforced. They stated that they had contacted the local police department with the enforcement issues and felt that they were “blown off” with no action being considered. They are requesting that the ordinance either be revised or actively enforced.

The group has also developed a petition to remove pornography from the area. They also voiced opinions and statistics that these types of materials aid in the development of criminal activity, abuse, divorce, etc. and are very degrading towards women.

John Mlinar asked the group what they would like to see changed in the ordinance. The representatives stated that the ordinance currently states that the material must be in an opaque cover with only the title shown. However, these materials are not in such a cover and show the entire front cover of the material, which usually show a lude picture of women. They either want this enforced or they want the material pulled from the shelf if it is not enforced.

Mayor Marlin Torgerson assured the group that the local ordinance will be enforced and the Council has the power to make sure that that happens.

Marc Sebor, City Attorney, stated that the representatives are correct in their understanding of the ordinance. Mr. Sebor offered to meet with the group to speak about the ordinance and those businesses in violation as well as discuss with them the response they received from local law enforcement.

John Mlinar noted that a similar issue was brought up approximately nine years ago and as time goes by, enforcement tends to lax. He thanked the group for addressing the Council with this issue.

4. **UNFINISHED BUSINESS**

8. **NEW BUSINESS**

- (a) CONSIDERATION FOR SETTING CONTINUATION OF VISIONING WORKSHOP FOR FEBRUARY 19, 2002, AT 12:00 NOON
- (b) CONSIDERATION FOR SETTING JOINT MEETING WITH UTILITIES COMMISSION FOR FEBRUARY 19, 2002, AT 3:00 P.M.
- (c) CONSIDERATION FOR SETTING CLOSED MEETING TO DISCUSS MELIN LITIGATION

Motion by Haugen, second by Peterson to set closed meeting for February 19, 2002, at 11:30 a.m., Visioning Workshop for February 19, 2002, at 12:00noon and Utilities Meeting for February 19, 2002, at 3:00 p.m. Motion carried unanimously.

- (d) CONSIDERATION FOR APPROVAL OF AGREEMENT WITH DONOHUE & ASSOCIATES FOR ADDITIONAL ENGINEERING SERVICES FOR BIOSOLIDS DRYING FACILITY

Randy DeVries, Director of Water/Wastewater/Resource Recovery, stated that a sprinkler system, as well as a few other items, need to be added to the original Biosolids design plan. This agreement encompasses the design of the fire suppression equipment. Duane Hoversten questioned why the engineering firm did not originally include this in the plans. Randy DeVries stated that the original plan received an acceptable rating, that did not include the fire suppression equipment. After an additional rating, it has been made mandatory that this equipment be installed.

Marc Sebor noted that this agreement is to approve the design of the fire suppression

equipment, not the actual equipment.

Duane Hoversten stated that he feels that Donohue & Associates should pay for at least half of these services, due to the fact they probably should have included them in the original plan.

John Mlinar asked for clarification whether or not the equipment inside the building will operate appropriately. Randy DeVries assured the Council that the equipment will operate appropriately.

Marc Seborra stated that the City is in a Catch 22 position. In order to open the Biosolids facility again, this equipment will need to be installed.

Motion by Peterson, second by Haugen, to approve the engineering services agreement. Duane Hoversten requested that negotiations be made with Donohue & Associates to reduce the cost of the design fee to the City. Motion by Hoversten, second by Mlinar, to amend the motion to request that the maximum amount not exceed \$6500. Motion carried unanimously.

9. MISCELLANEOUS

(a) COMMUNICATIONS

John Mlinar – Mr. Mlinar noted that the last meeting of the 212 Corridor was held last month. A resolution is being requested by the cities along Hwy 212, and Hutchinson will be included in the approval of this resolution. Hutchinson is involved with this project because of the value of the Hwy 22 connection with Hwy 212. This resolution will be on the next council agenda for approval.

Mr. Mlinar commended Terry Davis on the information he provided regarding the railroad. This presentation will be on the local access channel in the near future.

Gary Plotz – Mr. Plotz noted that he, Ken Merrill and the Mayor took part in the legislative hearing at the Capitol. This group presented to legislature the drastic reduction in funding as compared to other cities in Minnesota. A bill was proposed to increase local government aid by \$500,000 to Hutchinson. Mayor Torgerson made it very apparent at the hearing that Hutchinson is definitely on the “short hand of the stick”.

John Rodeberg – The Crow River Dam preliminary designs have been presented. Mr. Rodeberg requested that one council member be part of an organized group to brainstorm ideas as far as what they would like this area to look like. Kay Peterson and Marlin Torgerson volunteered to be part of this group.

The Central Minnesota Emergency Training Center is in the design phase of the development of this project. The MPCA has permitted the City of Hutchinson to lead Phase II of this project, with the MPCA covering all expenses. This will allow for better control of the timing of the project. The City is working on a contract with Barr Engineering and a Joint Powers Agreement with the MPCA.

Mayor Torgerson noted that Representative Ness assured him that funds are available for this project.

Neighborhood meetings are being planned for those residents in areas where improvement projects are planned. Notices will be sent to those affected.

The state faces the possibility of losing \$100 million in federal highway funding. Mr. Rodeberg noted that this may directly affect the City of Hutchinson regarding future development, in particular proposed improvements to TH7 in 2006 & 2007.

10. CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS

(a) VERIFIED CLAIMS A

Motion by Peterson, second by Haugen, with Hoversten abstaining to approve and authorize payment of Verified Claims A from appropriate funds. Motion carried unanimously.

(b) VERIFIED CLAIMS B

Motion by Mlinar, second by Haugen, to approve and authorize payment of Verified Claims B from appropriate funds. Motion carried unanimously.

11. ADJOURN

With no further business to discuss, the meeting adjourned at 6:30 p.m.

**MINUTES
REGULAR MEETING - HUTCHINSON CITY COUNCIL
FEBRUARY 26, 2002**

1. **CALL TO ORDER – 5:30 P.M.**

Mayor Marlin Torgerson called the meeting to order. Council Members present were John Mlinar, Jim Haugen, Kay Peterson and Duane Hoversten. Also present were Gary Plotz, City Administrator, Marc Sebor, City Attorney and John Rodeberg, Director of Engineering/Public Works.

2. **INVOCATION** – The invocation was dispensed due to the absence of Rev. Jim Hall, Word of Life Outreach Center.

3. **MINUTES**

(a) REGULAR MEETING OF FEBRUARY 12, 2002

Minutes were approved as presented

4. **CONSENT AGENDA**

(a) REPORTS OF OFFICERS, BOARDS AND COMMISSIONS

1. PIONEERLAND LIBRARY SYSTEM BOARD MINUTES FROM DECEMBER 13, 2001
2. HUTCHINSON AREA HEALTH CARE BOARD MINUTES FROM JANUARY 15, 2002
3. PLANNING COMMISSION MINUTES FROM JANUARY 15, 2002
4. CITY OF HUTCHINSON CERTIFICATES OF DEPOSIT FOR JANUARY 2002
5. CITY OF HUTCHINSON FINANCIAL REPORT FOR JANUARY 2002

(b) RESOLUTIONS AND ORDINANCES

1. RESOLUTION NO. 11878 – RESOLUTION TO APPROPRIATE/SELL AT AUCTION UNCLAIMED PROPERTY
2. RESOLUTION NO. 11879 – RESOLUTION TO SELL AT AUCTION SURPLUS PROPERTY
3. RESOLUTION NO. 11880 – RESOLUTION TO AMEND THE CITY OF HUTCHINSON FLEXIBLE BENEFIT PLAN, HEALTH CARE REIMBURSEMENT PLAN AND DEPENDENT CARE REIMBURSEMENT PLAN

(c) PLANNING COMMISSION ITEMS

1. CONSIDERATION OF A VARIANCE TO REDUCE FRONT YARD SETBACK FROM 25 FEET TO 24 FEET TO CONSTRUCT A DETACHED GARAGE ON PROPERTY LOCATED AT 705 CHURCH STREET AS REQUESTED BY DAVID TIFFT WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 11881)
2. CONSIDERATION OF A VARIANCE TO REDUCE FRONT AND CORNER SIDE YARD SETBACK AND LOT AREA TO REPLACE A DEMOLISHED STRUCTURE LOCATED AT 605 BROWN STREET AS REQUESTED BY JEFF HAMILTON WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 11882)

3. CONSIDERATION OF A FINAL PLAT TO BE KNOWN AS SUMMERSET SECOND ADDITION WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 11883)
- (d) CONSIDERATION FOR APPROVAL OF 2002 GAMBLING LICENSES AND 2002 TOBACCO LICENSE
 - (e) CONSIDERATION FOR APPROVAL OF PAYMENT TO WM MUELLER AND SONS FOR SCHOOL ROAD SW STREET REPAIRS
 - (f) CONSIDERATION FOR APPROVAL OF DANCE PERMIT FOR EUGENIO TREJO ON MARCH 23, 2002
 - (g) CONSIDERATION FOR APPROVAL OF TRANSIENT MERCHANT APPLICATION FOR T.A.P. ENTERPRISES ON MAY 25, 2002
 - (h) CONSIDERATION FOR APPROVAL OF CHANGE ORDER NO. 3, LETTING NO. 8, PROJECT NO. 01-21
 - (i) CONSIDERATION FOR APPROVAL OF FEE SCHEDULES (POLICY NO. 2.22) FOR CITY OF HUTCHINSON HANDBOOK
 - (j) CONSIDERATION FOR APPROVAL FOR OUT-OF-STATE TRAVEL FOR JULIE WISCHNACK TO ATTEND THE NATIONAL CONFERENCE OF THE AMERICAN PLANNING ASSOCIATION IN CHICAGO, ILLINOIS FROM APRIL 14 – 17, 2002
 - (k) CONSIDERATION FOR APPROVAL OF SHORT-TERM GAMBLING LICENSE FOR 3M CLUB ON APRIL 27, 2002
 - (l) CONSIDERATION FOR APPROVAL TO PURCHASE 15 REPLACEMENT BEDS AS REQUESTED BY HUTCHINSON AREA HEALTH CARE
 - (m) RE-APPOINTMENT OF BOB PETERSON TO HUTCHINSON AREA HEALTH CARE BOARD TO 2006

Item 4(c)2 was pulled for further discussion.

Motion by Mlinar, second by Haugen, to approve consent agenda, with the exception of Item 4(c)2 and (m). John Mlinar noted that the beds at the hospital are being replaced for the safety of patients. Motion carried unanimously.

Hoversten motion, second by Mlinar, with Peterson abstaining to approve Item (m). Motion carried unanimously.

Julie Wischnack, Director of Planning/Zoning/Building, presented before the Council regarding the variance requests by Jeff Hamilton on 605 Brown Street. Ms. Wischnack explained that the applicant has applied for three variances for setbacks to the property to construct a duplex in an R2 district.

A few modifications have been made to the original application since receiving the site plan from the applicant. In addition, a revised resolution has been provided to the Council to address issues raised by residents in the neighborhood. Specific issues addressed were parking restrictions and number of units within the duplex.

Barry Greive, Building Official, explained that egress windows would need to be installed in the basement if bedrooms would be constructed. However, Mr. Greive further explained that it would be in violation to construct additional living quarters in the basement.

Mayor Torgerson noted that the Council could not deny an application if it is not in violation

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of City Ordinance. Mayor Torgerson also noted that he had received a phone call expressing opposition to this variance application. Jim Haugen read letters opposing the approval of these variance requests.

Ms. Wischnack explained that the revised resolution has attempted to address concerns raised by concerned area residents. Ms. Wischnack also offered that the Council does have the authority to table this item until March 12, 2002, for further research to be conducted.

John Mlinar expressed that he feels one of the major concerns/issues is in relation to parking availability. Ms. Wischnack explained that there is ample parking space between the garages and the public right-of-way for one-car length.

Jim Haugen noted that the existing foundation and the proposed construction meet all setback requirements. This is a larger than normal lot that is being requested, yet the structure is shorter than what is typically allowed.

Mayor Torgerson expressed that he feels it appears that the main issue here is Mr. Hamilton not being a “good neighbor”. This would not be a stable reason to deny the variances.

Duane Hoversten noted that he was made aware of construction being done before variances being approved. Ms. Wischnack explained that Mr. Hamilton had a permit to demolish and cap the existing foundation. Further work was done in excess of the capping and the Building Official informed Mr. Hamilton that he had to cease work on the structure, and Mr. Hamilton complied.

Ms. Wischnack explained that there is adequate space for at least six vehicles to park around the structure. Ms. Wischnack also explained that there is adequate parking between the alley and the existing garage as well. The current parking availability does comply with the current ordinance.

Nancy Murphy, 570 Brown Street, addressed the Council. Ms. Murphy questioned the lot size requirement of 5000 sq. ft. for more than one unit. Ms. Murphy has issues with the size of the proposed structure. She feels that the replaced structure should be the same type of dwelling that was removed.

Ms. Wischnack stated that, in 1997, the lot size requirement was changed. She noted that the information she was able to obtain showed that the Planning Commission surveyed surrounding communities and the area lot ranges were from 4000 – 6000 square feet.

Jeff Hamilton, applicant, addressed the Council. Mr. Hamilton stated that he is not asking for anything above and beyond current city regulations. He feels that most of the complaints have to do more with personal issues and not the structure itself.

Marc Sebor, City Attorney, explained that the main issue for the Council to consider is whether or not a hardship exists. Mr. Sebor stated this area is zoned for this type of structure.

Lorie Loomis, 626 Brown Street, addressed the Council. Ms. Loomis raised issues regarding the architecture of the proposed structure. She does not feel that the proposed structure will “fit in” with the current structures. Ms. Loomis asked the Council if they would like a structure of that size next to their house.

Marlin Torgerson stated that whether or not a Councilmember would “like it” does not constitute justification for denial.

Motion by Peterson, second by Mlinar to table this item until March 12, 2002 – parking, drainage, design and hardship issues will be further researched. Motion carried unanimously.

Jim Haugen noted that the only variance that would be required for a single-family dwelling

application would be for the yard setbacks, however the size of the structure would not be at issue.

5. **PUBLIC HEARING – 6:00 P.M. - NONE**

6. **COMMUNICATIONS, REQUESTS AND PETITIONS**

(a) REQUEST TO OPEN SHOOTING RANGE FOR 4-H GROUP

Bob Schlueter, resident of Hutchinson, requested of the Council the ability to operate a shooting range in the basement of a building downtown for a 4-H group. Mr. Schlueter explained that he has addressed all safety issues and building regulations. Mr. Schlueter also noted that he had spoken to the police department regarding this issue, and they requested that Mr. Schlueter acquire City Council approval, due to City Ordinance banning shooting within city limits.

Mr. Schlueter further explained that fire-armed trained, adult supervisors would be required to be in attendance at all times when shooting is taking place. John Mlinar feels that a policy needs to be established to address various issues. Jim Haugen stated that he had spoken with Police Chief Madson who has no issues with this request, other than the fact that it violates current City Code.

Marc Sebor, City Attorney, stated that city ordinance defines BB guns as firearms. Kay Peterson requested that the City Attorney draft an ordinance/policy to address these issues for groups/programs such as 4-H.

(b) E-DEMOCRACY PRESENTATION

Tom Kloss, Director of Information Technology, addressed the Council. He stated that Council member Haugen had requested Mr. Kloss research the possibility of an e-democracy web site to provide civic information. Mr. Kloss researched other city's sites and shared his findings with the Council. This web site will also be used as a "bulletin board" type for concerned citizens that city officials and staff could review and respond to. This web site is being considered for sponsorship by the Hutchinson Leader. The City will not be sponsoring this site.

(c) UPDATE ON EVENT CENTER

An update will be given at the March 26, 2002 meeting.

7. **UNFINISHED BUSINESS**

8. **NEW BUSINESS**

(a) CONSIDERATION OF JOINT POWERS AGREEMENT WITH THE STATE OF MINNESOTA AND CONSIDERATION OF ENTERING INTO AGREEMENT WITH CONSULTING FIRM

John Rodeberg, Director of Engineering/Public Works, explained that the City of Hutchinson is requesting from the MPCA that the old city dump site be used as a public safety training site. The MPCA is in favor of the City of Hutchinson leading Phase II of the environmental review of the site. Two consultants are being considered for this project. Mr. Rodeberg will seek the MPCA's approval of which consultant to use.

Motion by Hoversten, second by Peterson, to approve Joint Powers Agreement with the State of Minnesota. Motion carried unanimously. Motion by Haugen, second by Peterson to negotiate and enter into an agreement with the chosen consulting firm. Motion carried unanimously.

(b) CONSIDERATION OF SETTING BOARD OF EQUALIZATION MEETING FOR MAY

CITY COUNCIL MINUTES – FEBRUARY 26, 2002

9, 2002, AT 4:30 P.M.

Motion by Peterson, second by Hoversten, to set Board of Equalization Meeting for May 9, 2002, at 4:30 p.m. at the City Center. Motion carried unanimously.

John Mlinar proposed that this meeting be televised. Mr. Mlinar explained that the County Assessor is in attendance and it is in an opportune time for citizens to bring forth questions regarding their tax statements.

(c) CONSIDERATION FOR APPROVAL OF 2002 COMPREHENSIVE PLAN

Julie Wischnack, Director of Planning/Zoning/Building, explained to the Council that Open Houses were held last week and that the final approval will be requested in March. No action is required tonight. Maps will be provided to the townships for them to in turn provide to their residents. John Mlinar requested that a presentation be made at the March 12, 2002, Council meeting.

(d) CONSIDERATION OF ORDINANCE NO. 01-304 AMENDING CHAPTER 11 (ZONING ORDINANCE) ADDING LANGUAGE FOR A NEW ZONING DISTRICT NAMED "GATEWAY ZONING DISTRICT" (*WAIVE FIRST READING AND SET SECOND READING AND ADOPTION FOR MARCH 12, 2002*)

Julie Wischnack, Director of Planning/Zoning/Building, addressed the Council with the proposed ordinance. This ordinance pertains to the newly annexed area along Highway 7 East. Ms. Wischnack requested any comments from the Council regarding the ordinance. Duane Hoversten thanked staff and landowners for the hard work spent on this issue. Mr. Hoversten stated that the goal of this ordinance is to provide tools and specifications for businesses in gateway areas to conform to and "look good", yet not apply financial hardships to business owners to comply.

Mayor Torgerson noted that this is not a new ordinance in general. This type of ordinance is in place in many communities, yet it is a new requirement for Hutchinson.

John Mlinar commented on the requirement of no parking on the side of Highway 7. Ms. Wischnack explained that a revision has been made to the proposed ordinance stating that a deviation from this parking request needs to be approved by the Planning Commission. Ms. Wischnack reminded the Council that this issue originated from the question of what types of businesses should be allowed in areas without water/sewer service.

Motion by Mlinar, second by Hoversten, to defer this item to March 12, 2002. Motion carried unanimously.

(e) CONSIDERATION FOR APPROVAL OF CHANGE ORDER NO. 3 FOR HUTCHINSON EVENTS CENTER

Motion by Mlinar, second by Peterson, to approve Change Order No. 3 for Hutchinson Events Center. Motion carried unanimously.

(f) CONSIDERATION FOR SETTING COUNCIL WORKSHOP ON MARCH 26, 2002, AT 4:00 P.M. TO DISCUSS HDR WATER PLANT STUDY

John Rodeberg noted that there are various items for presentation on March 26, 2002. Julie Wischnack offered to present the Comprehensive Plan on March 12, 2002.

Motion by Peterson, second by Mlinar, to set council workshop for March 26, 2002, at 4:00 p.m. to discuss HDR water treatment plant study. Motion carried unanimously.

9. MISCELLANEOUS

(a) COMMUNICATIONS

John Mlinar – April 1 will be the approval date for the Highway 22 Bypass Resolution. The February 12, 2002, Council minutes should reflect this date. Mr. Mlinar also noted that he had attended an open forum at Ridgewater College where the Chancellor delivered a presentation. Mr. Mlinar presented to the Chancellor a key to the city.

Gary Plotz – Gary Plotz briefed the Council on the very informative trip to Chicago, Illinois to review a bagging facility. Mayor Torgerson, Randy DeVries, Doug Johnson and Gary Plotz traveled to Chicago to review the equipment and methods used of a bagging plant and to review how Hutchinson can possibly operate a similar-type plant. A presentation will be made in April regarding the Compost Site.

John Rodeberg – Mr. Rodeberg requested that a change order be approved for a reduction in the cost of paving the parking lot on Hassan Street (lot behind 101 Park Place). Motion by Peterson, second by Haugen to approve Change Order No. 1. Mr. Rodeberg informed the Council that work is going to be conducted at the dam located along Main Street. The DNR is in support of the work being proposed by the City.

The Annual Contractors meeting was held this morning. Rate changes, building permits, etc. were discussed at this meeting. It was a very positive meeting.

Marlin Torgerson – Mayor Torgerson commented on the amount of information that was received at the plant that was visited in Chicago. The company will be very helpful in the progression of Hutchinson's compost site.

10. CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS

(a) VERIFIED CLAIMS A

Motion by Peterson, second by Mlinar, to approve and authorize payment of Verified Claims A from appropriate funds. Motion carried unanimously.

11. ADJOURN

With no further business to discuss, the meeting adjourned at 7:10 p.m.

**MINUTES
REGULAR MEETING - HUTCHINSON CITY COUNCIL
MARCH 12, 2002**

1. CALL TO ORDER – 5:30 P.M.

Vice President Mlinar called the meeting to order. Council Members present were Jim Haugen, Kay Peterson and Duane Hoversten. Member absent was Mayor Marlin Torgerson. Also present were Gary Plotz, City Administrator, Marc Sebor, City Attorney and John Rodeberg, Director of Engineering/Public Works.

2. INVOCATION – Rev. Brian Brosz, of Congregational UCC Church, delivered the invocation.

3. MINUTES

(a) REGULAR MEETING OF FEBRUARY 26,2002

Minutes were approved as presented

4. CONSENT AGENDA

(a) REPORTS OF OFFICERS, BOARDS AND COMMISSIONS

1. FIRE DEPARTMENT MONTHLY REPORT FOR FEBRUARY 2002
2. HUTCHINSON POLICE COMMISSION MINUTES FROM AUGUST 16, 2001
3. HUTCHINSON PUBLIC LIBRARY BOARD MINUTS FROM JANUARY 28,2002
4. BUILDING DEPARTMENT MONTHLY REPORT FOR FEBRUARY 2002

(b) RESOLUTIONS AND ORDINANCES

1. RESOLUTION NO. 11884 – A RESOLUTION ENDORSING THE VISION AND CORRIDOR MANAGEMENT PLAN FOR HIGHWAY 212
2. RESOLUTION NO. 11885 – A RESOLUTION AUTHORIZING THE OPERATION OF A SHOOTING RANGE FOR THE 4-H CLUB
3. RESOLUTION NO. 11886 – A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO CONTRACT WITH STATE OF MINNESOTA
4. RESOLUTION NO. 11889 – A RESOLUTION FOR PURCHASE OF TABLES, CHAIRS, PORTABLE STAGE AND ACCESSORIES FOR HUTCHINSON EVENT CENTER
5. RESOLUTION NO. 11890 – A RESOLUTION ACCEPTING PLEDGED SECURITIES FROM FIRST MINNESOTA BANK

(c) CONSIDERATION FOR APPROVAL OF MASSAGE LICENSES FOR GENESIS SALON AND HUTCHINSON THERAPEUTIC AND MASSAGE CENTER

(d) CONSIDERATION FOR APPROVAL OF RENEWAL OF CONSUMPTION & DISPLAY PERMIT FOR LITTLE CROW BOWLING LANES

(e) CONSIDERATION FOR OUT-OF-STATE TRAVEL FOR CHRISTIE ROCK TO ATTEND THE NATIONAL AMERICAN PLANNING ASSOCIATION CONFERENCE IN CHICAGO, ILLINOIS FROM APRIL 13 – 17, 2002

(f) CONSIDERATION FOR OUT-OF-STATE TRAVEL FOR CHRIS DOBRATZ TO ATTEND THE FORENSIC ASSOCIATION OF COMPUTER TECHNICIANS IN DES

CITY COUNCIL MINUTES – MARCH 12, 2002

MOINES, IOWA FROM APRIL 8 – 12, 2002

- (g) CONSIDERATION FOR APPROVAL OF ENTERING INTO LEASE AGREEMENT FOR A MULCH COLORIZER FOR CREEKSIDE SOILS
- (h) CONSIDERATION FOR APPROVAL OF RESOLUTION NO. 11891 AND 11892 – ORDERING PREPARATION OF REPORT ON IMPROVEMENT AND RECEIVING REPORT AND CALLING HEARING ON IMPROVEMENT FOR LETTING NO. 3 (PROJECT NO. 02-04, 02-05 AND 02-06)
- (i) CONSIDERATION FOR APPROVAL OF RESOLUTION NO. 11893 AND 11894 – ORDERING PREPARATION OF REPORT ON IMPROVEMENT AND RECEIVING REPORT AND CALLING HEARING ON IMPROVEMENT FOR LETTING NO. 4 (PROJECT NO. 02-07, 02-08, 02-09, 02-13 AND 02-14)
- (j) CONSIDERATION FOR APPROVAL OF RESOLUTION NO. 11895 AND 11896 – ORDERING PREPARATION OF REPORT ON IMPROVEMENT AND RECEIVING REPORT AND CALLING HEARING ON IMPROVEMENT FOR LETTING NO. 5 (PROJECT NO. 02-10, 02-11 AND 02-12)

Item 4 (b) 1 and (g) were pulled for further discussion

Motion by Peterson, second by Hoversten, to approve consent agenda excluding Items 4(b)1 and (g). Motion carried unanimously.

John Rodeberg, Director of Engineering/Public Works, explained that this resolution presented is to pledge Hutchinson's support of the Highway 212 Corridor Management Plan.

A representative from MnDOT spoke before the Council and explained that the final phases are being completed for this project. The representative highlighted the outcomes of the Corridor Management Plan. A section of this corridor will be converted into a freeway as well as have upgrades along the highway. The resolution that is being requested for adoption will be part of the actual Corridor Management Plan documentation. Year 2025 is the projected completion date of the entire project.

Motion by Haugen, second by Peterson to approve Resolution No. 11884. Motion carried unanimously.

Gary Plotz, City Administrator, explained the 12-month pro forma for bulk sales of colored mulch. The City currently receives more than 1600 yards of wood per year. The Compost Site charges approximately \$6800 to receive wood in. The wood is then turned into mulch at which profit has been approximately \$43,000.00.

The machine that is being proposed is used and comes with a conveyor system.

Mr. Plotz disbursed a brochure that will be distributed to surrounding communities marketing colored mulch as a product of the compost site.

Randy DeVries explained that the machine being proposed will also break down peat for potting soil, in addition to being used for colorizing mulch.

Motion by Hoversten, second by Haugen to approve the leasing of a mulch colorizer. Motion carried unanimously.

5. PUBLIC HEARING – 6:00 P.M.

- (a) CONSIDERATION FOR ORDINANCE NO. 02-307, AMENDING SECTION 4.01 OF THE HUTCHINSON CITY CODE REGARDING BUILDING CODE

Julie Wischnack, Director of Planning/Zoning/Building explained that this is an annual

update and to ensure that all codes are in place that are being enforced in the field.

Bill Gilk, 1014 Prairie View Drive SW, presented before the Council. Mr. Gilk explained that a letter was distributed to area contractors regarding WAC/SAC increases in new developments. Mr. Gilk asked the Council the proper procedure to address the increase in rates.

John Rodeberg noted that WAC/SAC fees would be increased to \$1900.00. Mr. Rodeberg explained that changes in rates are reduced/increased by resolution and does not require a public hearing.

Bill Gilk explained that rates have jumped from \$1000 to \$1750 and now \$1900. He has concerns that the procedure be modified and that this issue be addressed.

Motion by Peterson, second by Hoversten to close the public hearing. Motion carried unanimously.

Motion by Haugen, second by Peterson to approve Ordinance No. 02-307. Motion carried unanimously.

6. COMMUNICATIONS, REQUESTS AND PETITIONS

7. UNFINISHED BUSINESS

- (a) CONSIDERATION OF A VARIANCE TO REDUCE FRONT AND CORNER SIDE YARD SETBACK AND LOT AREA TO REPLACE A DEMOLISHED STRUCTURE LOCATED AT 605 BROWN STREET AS REQUESTED BY JEFF HAMILTON WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 11882)

Julie Wischnack, Director of Planning/Zoning/Building, addressed issues regarding modifications of parking, drainage and size of the structure.

A swale will be installed for drainage. Six parking spaces will be available on the lot for vehicles. The structure has been modified to a story and a half structure with additional dormers. Hardship issues were identified as well.

Ms. Wischnack informed the Council that her staff was notified today that block was being laid unauthorized at this address. The Building Official instructed the contractor to stop work, which with the contractor complied.

Ms. Wischnack explained that the front yard setback and side yard setbacks are required for either a single-home dwelling or a duplex.

Ms. Wischnack explained that a revised resolution has been created to approve the two variances for the front and side yard setbacks, yet denying the duplex variance.

Marc Sebor, City Attorney, noted that a petition had been circulated by residents in this area requesting that the duplex variance be denied, and according to City Code a 4-0 vote must be made to override the decision of the Planning Commission.

Motion by Hoversten, second by Peterson, to approve the first two variances for setbacks and deny the variance for a duplex. Jim Haugen noted that the Planning Commission held more weight on the fact that the previous structure was used as a duplex. Duane Hoversten commented that City Council should not portray that they condone property owners using properties for unintended uses. Motion carried unanimously.

- (b) ORDINANCE NO. 01-304 – AN ORDINANCE AMENDING CHAPTER 11 ADDING LANGUAGE FOR A NEW ZONING DISTRICT NAMED “GATEWAY ZONING DISTRICT” (SECOND READING AND ADOPTION)

Julie Wischnack, Director of Planning/Zoning/Building, explained the changes made to the ordinance as requested by the Council at the previous meeting. Changes were made regarding front yard setbacks, parking and signage.

Jim Heikes, property owner, presented before the Council. Mr. Heikes requested that the word “minimum” be included in the section relating to the front yard setbacks (i.e. minimum of a thirty foot front yard setback). Ms. Wischnack agreed that this wording can be added to the section.

Ms. Wischnack further explained revisions made to the proposed ordinance regarding permitted signs. Language can be added to define pole or pylon signs.

Bob Wier, Yamaha MotorSports, presented before the Council. Mr. Wier was in favor of the options that were presented in the revised ordinance. However, he made note that additional expenses were incurred to Yamaha’s building plans due to the new ordinance regulations. Mr. Wier requests that the options are adopted as part of the Gateway Ordinance. The biggest opposition Mr. Wier has to the ordinance is the landscaping requirements.

Ms. Wischnack explained that there is room for flexibility regarding landscaping and will be addressed on a case by case basis in working with the City Forester. Negotiations will be attempted with each application.

Ms. Wischnack further explained that this ordinance allows for room for negotiation in all cases, whether it be cost of the structure, landscaping, etc.

Fred Seltz,, property owner in the Gateway District, presented before the Council. Mr. Seltz commented that Walmart is a block building, Menards is a a pole shed building and now requirements are being made for the east end of the city that would initially not allow these types of buildings. Mr. Seltz also has issues with his undeveloped property as far as mowing and landscaping and the requirement in the ordinance that states all land must be maintained.

Ms. Wischnack explained that undeveloped land needs to be maintained in some fashion, whether it is grass (must be mowed) or a farm crop.

Jay Blake, consultant regarding the Comprehensive Plan, presented before the Council. Mr. Blake explained the goal of an ordinance such as the Gateway District Ordinance is to improve the look of areas, which would include all gateway entrances to the city.

Mr. Haugen requested Mr. Blake comment on signage. Mr. Blake explained that pylon signs are generally the least expensive and require the least amount of maintenance. Mr. Blake further explained the most adherent issue should be the size and height of the sign. Also, the main issue is to keep the look of the sign unified. He felt that the main issue that should be addressed regarding signs should be the size and height and not so much emphasis put on the pedestal base.

The Council was in favor of all of the options presented.

Jim Heikes noted that he is uncomfortable with the fact that issues can be taken care of on a case by case basis. New staff, new ideas could change a lot of the facets of this ordinance if they are considered individually. Mr. Heikes also has additional issues with interior landscaping requirements (parking lot islands).

Julie Wischnack explained that the requirements are not unreasonable for parking islands. The square footage listed is generally a small area.

Jim Haugen requested that grass not be a requirement in the islands. He requested that mulch or rocks be an option in the center of islands.

Bob Wier requested that these requirements be incorporated in the gateway areas north,

south and west of town.

Ms. Wischnack explained that requirements will need to be met in all gateway districts.

Mr. Rodeberg noted that islands are in place in the Target area, by the Hutch Mall and Cash Wise, etc. The requirements are not as excessive as they seem.

Mr. Wier also has issues with the perimeter landscaping requirements as well.

Duane Hoversten noted that the Council is more than willing to work with small businesses to insure that both the needs of the city and the business owners will be met. Mr. Hoversten also noted that a starting place needs to be established and negotiations may be made.

Motion by Hoversten, second by Haugen, to adopt changes made in the options of the Gateway Ordinance. Haugen – aye, Peterson – nay, Hoversten – aye, Mlinar- aye. Motion carried 3 to 1.

8. **NEW BUSINESS**

(a) **CONSIDERATION FOR APPROVAL OF CAPITAL EXPENDITURE OF RURAL-CITY SHARED FIRE PICK-UP TRUCK**

Brad Emans, Fire Chief, requested that a 1982 pick-up truck be replaced. The town board voted to replace this pick-up and pay for the entire cost of the truck and request that the city repay the second half of the truck in 2003.

Duane Hoversten asked Ken Merrill whether or not it would be out of bounds to purchase the pick-up at this time. Mr. Merrill explained that this item was budgeted for and that funds will be available. In order to receive it at the time of need, it must be ordered now. Mr. Emans explained that the truck will be available in June of 2002.

Motion by Peterson, second by Hoversten, to approve the capital expenditure of rural-city fire pick-up truck. Motion carried unanimously.

Fire Chief Emans informed the Council that a committee has been formed within the Fire Department to review/evaluate safety issues within the community. 3M has also been working on a similar effort and is working jointly with the fire department on smoke detectors/alarms giveaways.

(b) **CONSIDERATION OF ORDINANCE NO. 02-308 AMENDING HUTCHINSON CITY ORDINANCE SECTION 10.47 TO INCLUDE PROVISIONS FOR THE LICENSING OF EXCAVATORS (WAIVE FIRST READING AND SET SECOND READING AND ADOPTION FOR MARCH 26, 2002)**

Marc Sebor, City Attorney, explained that the Utilities Commission requested that due to the amount of excavators intentionally interrupting services, it was recommended that an annual license be obtained by contractors performing excavation work. This license may require contractors posting bonds for excavation work as well. This license will pose restrictions on contractors to prevent these types of interruptions from occurring.

John Rodeberg stated that this ordinance covers plumbers, landscapers, etc. The licensing would be issued as an additional license to a contractor's permit.

Ms. Wischnack noted that an excavation permit is required from her department for activities such as digging ground for a garage.

Motion by Hoversten, second by Haugen, to defer first reading for March 26, 2002. Motion carried unanimously.

(c) **CONSIDERATION OF ORDINANCE NO. 02-309 AMENDING HUTCHINSON CITY**

ORDINANCE SECTION 5.41 PERTAINING TO LIQUOR SALES AT SPORTS, CONVENTION OR CULTURAL FACILITIES (WAIVE FIRST READING AND SET SECOND READING AND ADOPTION FOR MARCH 26, 2002)

Marc Sebor, City Attorney, stated that a Hutchinson ordinance already exists pertaining to liquor sales at these specific events. Minor language revisions have been made.

Motion by Hoversten, second by Peterson to set second reading for March 26, 2002. Motion carried unanimously.

(d) CONSIDERATION FOR APPROVAL OF COMPREHENSIVE PLAN

Jay Blake, planning consultant, presented before the Council. Mr. Blake stated that housing, economic development, land use and parks and recreation were areas that were reviewed when developing the plan. Mr. Blake stated that the Comprehensive Plan is a guide to aid in decisions regarding undertaking new projects. This Plan will need to be updated as projects are completed and new ones are undertaken.

A major note was the overwhelming cooperation between townships and the City of Hutchinson. Mr. Blake hopes that other communities model themselves after the Hutchinson Plan.

Ms. Wischnack explained that this plan will be continually updated and added to as projects are completed. Ms. Wischnack also informed the Council that an option for individuals to purchase will be via CD, a very affordable option.

Motion by Peterson, second by Haugen, to approve the Comprehensive Plan with much gratitude and accolades to the consultant and staff. Motion carried unanimously.

(e) CONSIDERATION FOR APPROVAL OF ORDERING AN ALTERNATIVE URBAN AREA REVIEW FOR THE CITY OF HUTCHINSON

John Rodeberg noted that this review allows for one large environmental study for the community, as opposed to an individual basis. This will need to be updated as changes are made.

Motion by Peterson, second by Hoversten, to approve the Alternative Urban Area Review. Jim Haugen questioned whether or not this item was budgeted for. John Rodeberg noted that this is budgeted for each year. Motion carried unanimously.

9. MISCELLANEOUS

(a) COMMUNICATIONS

John Mlinar – Mr. Mlinar noted that Kmart will be closing and many employees will be impacted.

Gary Plotz – Mr. Plotz thanked the Council for allowing him and Randy DeVries the opportunity to attend the BioCycle in San Francisco. This trip allowed much educational information to them in the area of mulch and other compost material. Mr. Plotz also informed the Council that a leachate program is being recommended by the County and not a bioreactor project. No water will be added to the process. These are not bioreactor projects. A public meeting will be held before it moves forward.

John Rodeberg – Mr. Rodeberg noted that McLeod Country approved the project with SEH. Mr. Rodeberg also proposed that Barr Engineering be approved to work on the old dump site.

Motion by Peterson, second by Hoversten to accept contract with Barr Engineering on the old dump site. The cost will not exceed \$50,000 and MPCA will pick up the entire cost. Motion carried unanimously.

10. CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS

(a) VERIFIED CLAIMS A

Motion by Haugen, second by Peterson, with Hoversten abstaining to approve and authorize payment of Verified Claims A from appropriate funds. Motion carried unanimously.

(b) VERIFIED CLAIMS B

Motion by Hoversten, second by Haugen, to approve and authorize payment of Verified Claims B from appropriate funds. Motion carried unanimously.

11. ADJOURN

With no further business to discuss, the meeting adjourned at 8:00 p.m.

**MINUTES
REGULAR MEETING - HUTCHINSON CITY COUNCIL
MARCH 26, 2002**

1. **CALL TO ORDER – 5:30 P.M.**

Vice President Mlinar called the meeting to order. Council Members present were Jim Haugen, Kay Peterson and Duane Hoversten. Member absent was Mayor Marlin Torgerson. Also present were Gary Plotz, City Administrator and John Rodeberg, Director of Engineering/Public Works.

2. **INVOCATION** – Rev. Brian Brosz, of United Congregational Church, delivered the invocation.

3. **MINUTES**

(a) REGULAR MEETING OF MARCH 12, 2002

(b) BID OPENING FROM MARCH 18, 2002

Minutes were approved as presented.

4. **CONSENT AGENDA**

(a) REPORTS OF OFFICERS, BOARDS AND COMMISSIONS

1. PARKS, RECREATION & COMMUNITY EDUCATION ADVISORY BOARD MINUTES FROM FEBRUARY 7, 2002
2. HUTCHINSON AREA HEALTH CARE BOARD MINUTES FROM FEBRUARY 19, 2002
3. PIONEERLAND LIBRARY SYSTEM MEETING MINUTES FROM JANUARY 17, 2002
4. PLANNING COMMISSION MINUTES FROM FEBRUARY 19, 2002
5. CITY OF HUTCHINSON CERTIFICATES OF DEPOSIT FOR FEBRUARY 2002
6. CITY OF HUTCHINSON FINANCIAL REPORT FOR FEBRUARY 2002

(b) RESOLUTIONS AND ORDINANCES

1. ORDINANCE NO. 01-304 – AN ORDINANCE AMENDING CHAPTER 11 ADDING LANGUAGE FOR A NEW ZONING DISTRICT NAMED “GATEWAY ZONING DISTRICT” (SECOND READING AND ADOPTION)
2. ORDINANCE NO. 02-307 – AN ORDINANCE AMENDING SECTION 4.01 OF THE HUTCHINSON CITY CODE REGARDING BUILDING CODE (WAIVE FIRST READING AND SET SECOND READING AND ADOPTION FOR MARCH 26, 2002)
3. ORDINANCE NO. 02-309 – AN ORDINANCE AMENDING HUTCHINSON CITY ORDINANCE SECTION 5.41 PERTAINING TO LIQUOR SALES AT SPORTS, CONVENTION OR CULTURAL FACILITIES (WAIVE FIRST READING AND SET SECOND READING AND ADOPTION FOR MARCH 26, 2002)
4. RESOLUTION NO. 11902 – RESOLUTION FOR PURCHASE OF BROXIDE ODOR CONTROL

(c) PLANNING COMMISSION ITEMS

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1. CONSIDERATION OF A CONDITIONAL USE PERMIT TO APPROVE A PROPOSED SITE CONTRACT AND SECURITY BUILDING CONSTRUCTION AS REQUESTED BY 3M COMPANY, 905 ADAMS STREET SE WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 11897)
2. CONSIDERATION OF A CONDITIONAL USE PERMIT REQUESTED BY LARSON BUILDERS, APPLICANT, TO CONSTRUCT AN ADDITION ON A DETACHED GARAGE LOCATED AT 45 – 5TH AVENUE NW WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 11898)
- (d) CONSIDERATION FOR APPROVAL OF ENTERING INTO PROFESSIONAL AGREEMENT WITH VAN SICKLE, ALLEN & ASSOCIATES TO PROVIDE ENGINEERING SERVICES AND CONTRACT MANAGEMENT FOR FIRE DEPARTMENT TRAINING TOWER
- (e) CONSIDERATION FOR APPROVAL OF SHORT-TERM GAMBLING LICENSE FOR LITTLE CROW ARCHERY CLUB ON MARCH 9, 2003
- (f) CONSIDERATION FOR APPROVAL OF TRANSIENT MERCHANT LICENSE FOR RICHARD SEIPEL, DBA THE COUNTRY STOP, TO SELL PRODUCE FROM JUNE 15 – AUGUST 31, 2002
- (g) RE-APPOINTMENT OF DEAN KIRCHOFF TO PLANNING COMMISSION THROUGH 2007
- (h) CONSIDERATION FOR APPROVAL TO PURCHASE TECHNICAL EQUIPMENT FROM INNOVATIVE PRESENTATIONS FOR HUTCHINSON EVENT CENTER
- (i) CONSIDERATION FOR APPROVAL OF ON-SALE INTOXICATING LIQUOR AND CLUB LICENSES FOR 2002
- (j) CONSIDERATION FOR APPROVAL OF TEMPORARY RECYCLING PERMIT FOR CAN MAN 2
- (k) CONSIDERATION FOR APPROVAL OF OUT-OF-STATE TRAVEL FOR MARION GRAHAM TO ATTEND THE WASTEWATER LABORATORY EXAM WORKSHOP IN MANCHESTER, NEW HAMPSHIRE FROM APRIL 19 – 22, 2002

Item 4(b)1 was pulled for further discussion.

Motion by Peterson, second by Haugen, to approve consent agenda with the exception of Item 4(b)1. Motion carried unanimously.

Kay Peterson stated that she was not comfortable with the language included in Ordinance No. 02-307 – the language being too restrictive.

Duane Hoversten noted that due to the fact that a conditional use permit will need to be obtained to go ahead with any new construction or re-construction, he felt that this ordinance would need to be used as a tool. Mr. Hoversten also noted that the first few applicants will be “testing” the ordinance and that is the only way the City will know if it is working or if it needs to be yet improved. Jim Haugen was in agreement with Mr. Hoversten’s comments.

Motion by Haugen, second by Hoversten to approve Ordinance No. 02-307. A roll call vote was taken: Haugen – aye, Peterson – nay, Hoversten – aye, Mlinar – aye. The vote passed 3 to 1.

5. **PUBLIC HEARING** – 6:30 P.M.

- (a) LETTING NO. 3, PROJECT NO. 02-04, 02-05, 02-06 – A RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS AND SPECIFICATIONS (RESOLUTION NO. 11899)

John Rodeberg, Director of Engineering/Public Works, presented before the Council. Mr. Rodeberg explained that neighborhood meetings have been held with each area. Mr. Rodeberg noted that a pavement management program is conducted for each proposed improvement area. A ranking system is applied to assess what sort of improvement should be made. Mr. Rodeberg noted that generally \$2.5 – 3 million is typically spent on improvement projects each year.

Mr. Rodeberg further noted that after estimates have been obtained from project contractors, notification is sent to each homeowner citing the exact amount that will be assessed to them. A second hearing will be held before the bids are awarded to the project contractors.

Letting No. 3 includes Oakland Ave and Juul Road.

The Oakland Avenue projects incorporates a mill and overlay reconstruction. Mr. Rodeberg noted that there had been requests to include a walking path, however there simply is not ample room. Half of the costs of mill and overlay projects are covered by the City with the second half being assessed to the homeowners. Mr. Rodeberg also noted that the estimates provided to the homeowners are on the high side.

The Juul Road project is a complete reconstruction project mainly due to many sewer failures. Mr. Rodeberg noted that a petition had been circulated requesting that the cost of the project be reduced if it wouldn't be denied. The City will be paying for over half of the cost of this project. Mr. Rodeberg also noted that staff has been working with Mark Schnobrich, City Forester, to ensure the least amount of damage will be done to city trees. There are blocks on the south side that only have a sidewalk on a portion of the block. It is proposed to take out those sidewalks completely, to reduce the risk of liability.

Ed Marsh, 596 Juul Road, presented before the Council. Mr. Marsh explained that this road has been reconstructed a few times since 1951. Mr. Marsh is on the corner of Merrill Street and Juul Road. Mr. Marsh feels that everything is in compliance and it does not need any further reconstruction. Mr. Rodeberg noted that the last time work was done was in 1973.

Steve Cook, 728 Juul Road, presented before the Council. Mr. Cook expressed that there is a lack of good information being presented to the homeowners as to why this project needs to be done. Mr. Cook feels that there should be some type of visual aid to show the underground road from in the past to now to compare the amount of deterioration. Mr. Cook also feels that not enough information was provided to show why there were septic failures and what the cause was. Mr. Cook noted that there is a wide age range of residents on Juul Road and that the younger families may be more prone to be in approval of this project as opposed to the more senior homeowners. Mr. Cook would like to see more options available to the senior citizens for a deferred assessment program. Mr. Cook feels that overall there was no good information provided to the residents to compare work that needs to be done.

John Rodeberg responded by noting that it is difficult to define the amount of information to provide, due to the vast amount that is available and each homeowner may have a different preference as to how much they would like to know. However, separate meetings could be held to provide more specific information.

Jack Sandberg, 571 Juul Road, presented before the Council. Mr. Sandberg feels that the street portion and the sidewalk portion seem to be in fine form. Mr. Sandberg questioned whether or not the amount of the street reconstruction could be reduced. Mr. Sandberg questioned Mr. Rodeberg on funding available for street improvements from the State. Mr. Rodeberg noted that there is state money available, however it is unavailable for use on reducing assessments.

Mark Schnobrich, City Forester, presented before the Council. Mr. Schnobrich noted that

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there has been some decline in the health of the trees on Juul Road due to disease and root problems, as well as aging deterioration. Mr. Schnobrich noted that healthy trees would not be removed, however the “sick” and “aged” trees would be those considered. Mr. Schnobrich noted that approximately eight trees would be removed due to aging. Another five or six would be removed due to being very near a water shutoff.

Cindy Sandberg, 571 Juul Road, presented on behalf of her neighbors across the street that were not able to be present. Ms. Sandberg raised concerns regarding the inconvenience of the construction work during the project. Ms. Sandberg also raised concerns regarding Juul Road being a truck route. Ms. Sandberg requested that the project be postponed one year.

Mr. Rodeberg noted that school buses do not have to follow truck routes. Mr. Rodeberg noted that the project would last approximately five-six months and he agreed with her that it is a “mess” during that time to go in and out of driveways.

Vern Erble, 729 Juul Road, presented before the Council. Mr. Erble expressed that he felt the cost of this project could be reduced considerably by assessing each area individually.

John Rodeberg noted that “patching” work has been done on other projects throughout the city, however it is not the most desirable method. Mr. Rodeberg agreed that Juul Road is “on the border” for complete reconstruction, but the decision was mainly due to the many sewer failures.

Marcia Yetzer, 546 Juul Road, presented before the Council. Ms. Yetzer questioned whether or not parking would be restricted on one side of the street if the plan is for it to be narrowed.

John Rodeberg stated that there are not plans to ban parking on one side of the street but possibly incorporate alternate methods to slow the traffic down.

Merrill Johnson, Juul Road, expressed that he doesn’t feel that there is a need to reconstruct the street and that the homeowners will not reap any benefits from this project. Mr. Johnson asked for alternatives to be considered to upgrade the street.

John Rodeberg noted that separate cutting could be considered and only those sidewalks will be replaced that needed to be removed.

Mike Meyer, 717 Juul Road, explained that he had concerns regarding the narrowing of the street.

John Rodeberg recommended continuing the hearing on April 23, then hold another neighborhood meeting and consider conducting sewer work only with no reconstruction to the road surface.

John Mlinar noted that, according to a petition, three homeowners were in approval of the project and approximately 22 homeowners were opposed to the project.

Motion by Hoversten, second by Peterson, to defer this hearing until April 23, 2002. Motion carried unanimously.

- (b) LETTING NO. 4, PROJECT NO. 02-07, 02-08, 02-09, 02-13, 02-14 – A RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS AND SPECIFICATIONS (RESOLUTION NO. 11900)

John Rodeberg explained that this project is on Milwaukee Avenue, Goebel Street and Goebel Circle. The project is being requested for deferment to a future year. The Civic Arena project and miscellaneous street and sidewalk maintenance improvements will be transferred to another Letting No.

Greg Curry, 955 Milwaukee Avenue, presented before the Council. Mr. Curry requested that earlier notifications be sent out, as opposed to only months before the project.

Tom Kern, 990 Goebel Circle, questioned why these projects are being proposed to be dropped from the improvement list.

John Rodeberg explained that some projects need to be dropped each year. Mr. Rodeberg also stated that no residents had informed him that they had a great interest in going forward with this project. Mr. Rodeberg also stated that the amount of maintenance that has been applied in the past will not be applied in the future due to the deterioration of the street.

Motion by Peterson, second by Hoversten, to close the public hearing.

Motion by Peterson, second by Haugen, to remove No. 02-07, 02-08, and 02-09 from the 2002 Improvement List. Motion carried unanimously.

(c) LETTING NO. 5, PROJECT NO. 02-10, 02-11, 02-12 – A RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS AND SPECIFICATIONS (RESOLUTION NO. 11901)

Motion by Peterson, second by Hoversten, to open the public hearing. Motion carried unanimously.

John Rodeberg explained that this project includes Elm Street, Oak Street and 9th Avenue NE. Mr. Rodeberg explained the process used before the actual bids are awarded to begin construction work, as well as the payment process of the assessments.

Elm Street is being proposed for full reconstruction work. Mr. Rodeberg explained the main concern in this area amongst residents is the off-street trail. Mr. Rodeberg noted that most comments received were that the road did need to be reconstructed, however there were also several safety issues on the street. Therefore, staff is proposing a trail. Mr. Rodeberg is recommending that more neighborhood meetings be held regarding the proposed trail before any further action is taken. Mr. Rodeberg requested that this item be deferred to April 9, 2002.

Mr. Rodeberg also noted that it is being proposed to add angle parking along Northwoods Park, as well as other safety improvements near the park.

Gene Chrast, 76 North High Drive, presented before the Council. Mr. Chrast made note that there is no representation from the Council that lives in this neighborhood. Mr. Chrast raised concerns that no proper or timely notification was given to the area residents. Mr. Chrast also requested that utility lines be buried before work is complete. Mr. Chrast has concerns with the maintenance of the bituminous trail that is proposed. He also raised issues of privacy and liability. Mr. Chrast presented a petition to the Council signed by an overwhelming majority of the residents along Elm Street that do not want to go ahead with this project.

Robert Schwanke, 874 Elm Street, raised concerns regarding the removal of trees if the street needs to be widened. Approximately 45 trees would need to be removed. Mr. Schwanke also raised concerns regarding the trail running immediately in front of the homeowners' property and invading privacy. Mr. Schwanke also raised several traffic safety issues. Mr. Schwanke's main concern is property value decreasing.

John Rodeberg did note that during the second neighborhood meeting the City Forester and Park Director will be available to answer further questions regarding the trail and trees.

Gene Chrast requested that no second meeting be held due to the fact that a petition has already been signed opposing the trail.

John Rodeberg noted that he wanted all the residents to have full and accurate information regarding the proposal.

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Jerry Specht, 724 Elm Street, publicly opposed the bike path/trail.

Paul Otte, 410 Elm Street, opposed the bike path/trail proposal. Mr. Otte noted that the distance from his garage to the curb is 30 feet. If the street would be widened, the trail would only be 18 feet from his house. Mr. Otte is more in favor of sidewalks as opposed to a trail. He does not feel that safety issues will be necessarily taken care of with this proposal. Mr. Otte expressed that he does feel the path would decrease his property value.

John Rodeberg stated that he is all in favor of dropping the trail proposal if the residents are not in favor of it, however, safety issues need to be addressed. Mr. Rodeberg also noted that two five-foot sidewalks would narrow the street even more than what is stated in the proposal.

Kay Peterson noted that the petition is requesting that the entire project be dropped.

Grace Chrast noted that she drafted the petition and the intent of the petition was only to be opposing the trail, not the entire project.

Marc Sebor, City Attorney, noted that the petition will be read as all signators are opposed to the entire project, and the process would need to be started over again, with the proposal only including street improvements (excluding the trail). An acceptable alternative would be to defer this item until a future meeting and then have a second petition presented to approve the project, excluding the trail project.

Paul Otte noted that the majority of the residents on Elm Street agree that the surface of the road does need to be repaired, however do not narrow the road, reduce parking, create a trail, etc.

Kay Peterson noted that something needs to be submitted to counteract the signed petition.

Jerry Specht proposed a show of hands of Elm Street residents opposing the trail.

The Oak Street project is proposed as a complete reconstruction project. The area between Oakwood and 9th will be removed from the project.

Carol Lang questioned whether or not this includes College Avenue.

John Rodeberg noted that it is sewer line only on College Avenue and no street assessments will be applied. Ms. Lang questioned why the assessments on Elm Street are so high. Mr. Rodeberg noted that bituminous costs are high due to high oil costs.

The 9th Avenue Project encompasses curb, gutter and street improvements as well as the trunk storm sewer, however the trunk storm sewer is paid by the city. Only street between curb and gutter or the sidewalk is going to be considered.

Brian Jager, Oak Street, voiced that he feels Oak Avenue is in fine condition. He feels that scrapping the project and only improving sewer lines is far-fetched.

Lee Salmi, 4 – 9th Avenue NE, presented before the Council. Mr. Salmi noted that the main problem with the storm sewer is that Maplewood Academy uses the 9th Avenue power takeoff. Mr. Salmi feels that if the Academy was not allowed to use the power takeoff, there would be no problems. Mr. Salmi noted that no resurfacing has been done in 32 years. Mr. Salmi voiced an objection to reconstructing the curbs if only to put in new storm systems. John Rodeberg noted that typically maintenance overlays are not done due to lack of funds and the city prefers to incorporate projects into a one-time project.

Motion by Peterson, second by Haugen, to continue the hearing to April 9, 2002. Motion carried unanimously.

Motion by Peterson, second by Hoversten to approve Project 02-13 and 02-14. Motion

carried unanimously.

John Mlinar thanked all of the residents for being present at the public hearing. Mr. Mlinar also thanked city staff for all the work done on these proposed projects.

John Rodeberg reminded the public that the purpose of all the meetings is to meet the residents' needs and not to impose any of these projects on any homeowners.

6. COMMUNICATIONS, REQUESTS AND PETITIONS

(a) UPDATE ON HUTCHINSON EVENT CENTER

Dolf Moon, Director of Parks, Recreation & Community Education, introduced the committee members that worked on various aspects of the Event Center project. Mr. Moon also noted that members of the Senior Advisory Board were available to present a check to the City of Hutchinson in the amount of \$70,000.00 as a contribution to the Event Center. Mr. Pollmann, Senior Advisory Board, presented the check to the City Council.

Mr. Moon further explained the various marketing activities that have taken place to promote the Event Center.

Matt McMillian and Tom Wirt, Event Center Committee members, presented on the Event Center web site. Items located on the web site include room sizes and rates, a rental application, miscellaneous forms, a map of the facility and of the city of Hutchinson, vendors, events, programs, etc.

Keith Enstad, Convention & Visitors Bureau, stated that in his opinion this will be an "easy sell" to potential customers. Mr. Enstad explained that already several meetings and conventions have already booked at the Event Center.

Dolf Moon explained that a large asset of the Event Center is the fact that the seniors will be there every day and holding daily activities. Mr. Moon expressed that the Event Center will be able to house multiple events from weddings to reunions to large meetings.

Duane Hoversten thanked the Event Center Committee and the seniors that put all the hard work into this project.

(b) UPDATE ON HDR WATER TREATMENT STUDY

John Rodeberg, Director of Engineer/Public Works, explained that an early study had been conducted by Earth Tech on the Water Treatment Plant. HDR is a consulting firm that was brought in to review the information provided by Earth Tech.

A representative from HDR presented before the Council. The representative stated that some sort of change will need to be made to the Water Treatment Plant due to tightening regulations.

The main drivers of changes needing to be made to the Water Plant include corrosion control, ammonia removal and iron/manganese removal. The representative explained that the Hutchinson Water Treatment Plant is facing unique changes due to the fact that all of these factors need to be taken care of at the same time.

Dr. Steve Ryber, HDR, presented before the Council. Mr. Rybar conducted a forensic assessment on copper corrosion at the Water Treatment Plant. Mr. Ryber noted that copper leaching is occurring from household tubing, and the US Environmental Protection Agency claims that this is a very important issue. The copper release rates in Hutchinson are higher than the EPA allows. Dr. Ryber detailed the studies conducted to show the actual amount of copper within the water system.

Roger Nowak, HDR, presented before the Council. Mr. Nowak presented the options

available to take care of the copper leaching. The options presented were 1) corrosion control only, 2) biofiltration – modify existing facility, 3) biofiltration – new facility and 4) reverse osmosis. Mr. Nowak stated that the first two options would not improve the existing plant, due to the fact that the facility is approaching 20 years old. EarthTech had presumed the same options for treatment. Mr. Nowak stated that reverse osmosis would be the most expensive option, with a new facility costing half of the amount of reverse osmosis. The first two options would get the plant up to code, however the age of the facility would still be at issue.

John Rodeberg stated that the next step is to do further testing and to also consider taste of the water and aesthetics of the plant. A final report will be issued to the City by HDR within the next week or so.

7. **UNFINISHED BUSINESS**

- (a) CONSIDERATION OF ORDINANCE NO. 02-308 – AN ORDINANCE AMENDING HUTCHINSON CITY ORDINANCE SECTION 10.47 TO INCLUDE PROVISIONS FOR THE LICENSING OF EXCAVATORS (SET SECOND READING AND ADOPTION FOR APRIL 9, 2002)

John Rodeberg requested that this item be deferred for two weeks. An additional ordinance is being drafted regarding right-of-ways and will tie into this proposed ordinance.

Motion by Hoversten, second by Peterson to defer this item until April 9, 2002. Motion carried unanimously.

8. **NEW BUSINESS**

- (a) CONSIDERATION FOR APPROVAL OF CHANGE ORDER NO. 4 FOR HUTCHINSON EVENT CENTER

Motion by Peterson, second by Haugen, to approve Change Order No. 4 for Hutchinson Event Center. Motion carried unanimously.

- (b) CONSIDERATION FOR APPROVAL OF CHANGING AMOUNT OF SPENDING AUTHORITY FOR HUTCHINSON AREA HEALTH CARE BOARD OF DIRECTORS

Duane Hoversten noted that the amount being requested is \$50,000 that the HAHC Board may approve without seeking City Council approval. Mr. Hoversten noted that with the cost of health care items today as opposed to 30 years ago, this is much in line as to what is needed.

Motion by Haugen, second by Peterson, to approve the spending amount be increased to \$50,000 for the Hutchinson Area Health Care Board. Motion carried unanimously.

9. **MISCELLANEOUS**

- (a) COMMUNICATIONS

Marc Sebor – Mr. Sebor noted that re-districting had taken place and that the County Commissioners are required to have 20% representation of each area. A proposal will be made to the City Council to realign the precinct boundaries so that an even amount of percentages is spread between the County Commissioners. The reason to realign the precinct boundaries is due to the fact that townships may not be divided or split. Gary Plotz noted that Precinct 2 has had the largest amount of growth within the City. Mr. Plotz noted that if there are minor changes in district boundaries, there is no need for a county election. To be in compliance with the redistricting guidelines, approximately 174 people would need to be added to Precinct 3. By doing this, the Commissioners' representation of each area would be more evenly distributed. Mr. Plotz further noted that the City has the authority to

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change the boundary lines. Mr. Plotz stated that he would provide the media with maps and boundary guidelines, as well as hold a public hearing the end of April. Mr. Plotz stated that advertisements and a public hearing must be held by the end of April.

Motion by Peterson, second by Haugen to approve advertising for and setting a public hearing for 6:00 p.m. on April 23, 2002. Motion carried unanimously.

John Mlinar – John Mlinar noted that two free batteries are available for smoke detectors, sponsored by 3M. The batteries can be picked up from the fire station.

Kay Peterson – Kay Peterson request that Connie Lambert and Newt Potter be re-appointed to the Hutchinson Public Library Board.

Motion by Haugen, second by Hoversten to re-appoint Connie Lambert and Newt Potter to the Hutchinson Public Library Board. There is also an opening on the Pioneerland Library System Board.

Duane Hoversten – Duane Hoversten noted that the HRA Board was given a \$600,000 grant for the Franklin-Grove Improvement Project.

Gary Plotz – Gary Plotz summarized the discussion held this morning at the Team Leadership Meeting. The items discussed were as follows: acquiring additional parkland, HDR Water Treatment Study, Industrial Park expansion, marketing of liquor beverages at the Event Center, and liquor store expansion.

John Rodeberg – John Rodeberg requested that an advertisement for bids for the fire training tower be approved.

Motion by Haugen, second by Peterson to approve advertisement for bids for the Public Safety Training Tower. Motion carried unanimously.

10. CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS

(a) VERIFIED CLAIMS A

Motion by Peterson, second by Hoverten, to approve and authorize payment of Verified Claims A from appropriate funds. Motion carried unanimously.

11. ADJOURN

With no further business to discuss, the meeting adjourned at 8:55 p.m.

**MINUTES
REGULAR MEETING - HUTCHINSON CITY COUNCIL
APRIL 9, 2002**

1. **CALL TO ORDER – 5:30 P.M.**

Mayor Marlin Torgerson called the meeting to order. Council Members present were John Mlinar, Jim Haugen, Kay Peterson and Duane Hoversten. Also present were Gary Plotz, City Administrator and Marc Sebor, City Attorney.

2. **INVOCATION** – Rev. Howard Anderson, of Hunter’s Ridge Church, delivered the invocation.

3. **MINUTES**

(a) REGULAR MEETING OF MARCH 26, 2002

Minutes were approved as presented

4. **CONSENT AGENDA**

(a) REPORTS OF OFFICERS, BOARDS AND COMMISSIONS

1. BUILDING DEPARTMENT MONTHLY REPORT FOR MARCH 2002
2. FIRE DEPARTMENT MONTHLY REPORT FOR MARCH 2002
3. UTILITIES COMMISSION FINANCIAL REPORT FOR FEBRUARY 2002

(b) RESOLUTIONS AND ORDINANCES

1. ORDINANCE NO. 02-310 – AN ORDINANCE AMENDING SECTION 2.58, SUBDIVISION 2, “HOSPITAL AND NURSING HOME BOARD”, EXTENDING THE SPENDING AUTHORITY OF THE HOSPITAL BOARD TO \$50,000.00 (WAIVE FIRST READING AND SET SECOND READING AND ADOPTION FOR APRIL 23, 2002)

(c) CONSIDERATION FOR APPROVAL OF TRANSIENT MERCHANT LICENSE FOR WILLIAM MARSCHALL, DBA HUMMINGBIRD HABITAT, TO SELL NURSERY STOCK AND GARDEN CENTER MERCHANDISE IN THE HUTCHINSON MALL PARKING LOT FROM APRIL – JULY 2002

(d) CONSIDERATION FOR APPROVAL OF OUT-OF-STATE TRAVEL FOR BRAD EMANS, RANDY REDMAN AND GARY FORCIER TO ROCKLAND COUNTY, NEW YORK TO VISIT, OBSERVE AND TRAIN IN A FIRE TRAINING SITE FROM MAY 9 – 12, 2002

(e) REQUEST BY HUTCHINSON GARDEN CLUB FOR PERMISSION TO USE A PORTION OF THE MUNICIPAL PARKING LOT AT HASSAN STREET SE AND 1ST AVENUE SE ON SATURDAY, MAY 11, 2002, FROM 8:00 A.M. TO 12:00 NOON FOR A PLANT SALE

(f) CONSIDERATION FOR APPROVAL OF CHANGE ORDER NO. 5 FOR HUTCHINSON EVENT CENTER

(g) RE-APPOINTMENT OF ROSE JERGENS AND BRIAN WENDLANDT TO TREE BOARD TO 2005

(h) CONSIDERATION FOR REJECTING LETTING NO. 4, PROJECT NO. 02-07 (MILWAUKEE AVE SE), 02-08 (GOEBEL ST SW), 02-09 (GOEBEL CIRCLE SW), 02-13 (CIVIC ARENA ACCESS), 02-14 (MISC STREET & SIDEWALK MAINTENANCE)

CITY COUNCIL MINUTES – APRIL 9, 2002

(i) CONSIDERATION FOR APPROVAL OF FEE REVISION FOR RESIDENTIAL BASEMENT FINISHES

Motion by Mlinar, second by Peterson, to approve consent agenda. Motion carried unanimously.

5. **PUBLIC HEARING – 6:00 P.M.**

(a) LETTING NO. 5, PROJECT NO. 02-10 (ELM STREET NE), 02-11 (OAK STREET NE & COLLEGE AVENUE NE) AND 02-12 (9TH AVENUE NE)

Archie Kucera, 886 Elm Street, presented before the Council. Mr. Kucera noted that a new petition had been started at the last meeting and he questioned if that had been submitted. John Rodeberg noted that a revised petition had not been submitted. Mr. Rodeberg explained that neighborhood meetings will be held in the Fall as to the plan that will be proposed for next year's project.

Mayor Torgerson made note that comments were received by the Council from residents citing safety issues in this area. Based on those general comments, city staff developed a proposal. Mayor Torgerson stressed that the City Council directs city staff and that Mr. Rodeberg had done his job by proposing a plan to address safety issues. Both Mr. Rodeberg and the Mayor stressed that neighborhood meetings will be held far enough in advance before a new proposal is presented for this neighborhood.

Gene Chrast, 76 North High Drive, presented before the Council. Mr. Chrast noted that he would like to see some electric wires buried in this area. Mr. Chrast would also like to see several bids considered for this project (i.e. sections of sidewalk replaced vs. entire sidewalk replaced).

Al Schmidt, resident, questioned why sewer service needs to be installed at the College/Oak area. Mr. Rodeberg explained that work was going to be proposed on Oak and would have to be done on College to accomplish that work. However, the College project is being proposed as being dropped this year.

Mr. Rodeberg noted that there is always a risk when working is postponed a year.

John Rodeberg noted that a portion on Oak Street is proposed to be dropped and the rest of the area to continue with as proposed.

John Rodeberg reported that issues were raised on 9th Avenue as to whether or not curb and gutter needed to be replaced. Mr. Rodeberg also noted that there are issues as to Maplewood Academy emptying their line into the 9th Avenue line. Mr. Rodeberg noted that this is a marginal risk and somewhat reduces the length of the process.

Lee Salmi, 4 – 9th Avenue NE, presented before the Council. Mr. Salmi noted that he is thankful that the curb/gutter replacement is being dropped. Mr. Salmi questioned whether or not the price of the 9th Avenue project will be increased due to the fact that the other projects are being dropped. Mr. Rodeberg stated that the 9th Avenue NE project costs would not be increased because of that factor.

Motion by Peterson, second by Mlinar, to close the public hearing. Motion carried unanimously.

Motion by Mlinar, second by Haugen, to drop Elm Street project, drop the north block of Oak Street and drop new curb & gutter from 9th Avenue NE. The remainder of the work would proceed on Oak Street and 9th Avenue NE. Motion carried unanimously.

Another hearing will be held once formal bids are received.

6. **COMMUNICATIONS, REQUESTS AND PETITIONS**

7. **UNFINISHED BUSINESS**

- (a) CONSIDERATION OF ORDINANCE NO. 02-308 – AN ORDINANCE AMENDING HUTCHINSON CITY ORDINANCE SECTION 10.47 TO INCLUDE PROVISIONS FOR THE LICENSING OF EXCAVATORS (SET SECOND READING AND ADOPTION FOR APRIL 9, 2002)

Action – Motion to defer item to April 23, 2002

Marc Sebor, City Attorney, explained that this ordinance will be tied into a right-of-way ordinance that will be presented at the next City Council meeting as well.

Motion by Peterson, second by Hoversten to defer this item until April 23, 2002. Motion carried unanimously.

8. **NEW BUSINESS**

- (a) CONSIDERATION FOR APPROVAL OF LETTING NO. 1, PROJECT NO. 02-01 (NE AREA TRUNK SANITARY SEWER – PHASE 1 TARTAN PARK TO NE CORNER OF IMPRESSIONS INC.) & PROJECT NO. 02-02 (2ND AVENUE SE & NE AREA TRUNKI STORM SEWER)

John Rodeberg explained that this project will support the Hwy 212 corridor and Michigan Street. The sewer costs will come out of the trunk fund and the hearing will be held at the April 23 meeting.

Motion by Peterson, second by Haugen, to approve Letting No. 1, Project 02-02. Motion carried unanimously.

- (b) CONSIDERATION FOR APPROVAL OF LETTING NO. 2, PROJECT NO. 02-03

John Rodeberg explained that in the past the City has bonded for street light improvements and Hutch Utilities . This project is going to be paid by previously assessed projects. These will be installed on School Road, Arizona, Heritage, Texas, Century and Market Streets.

Motion by Peterson, second by Mlinar, to approve Letting No. 2, Project No. 02-03. Motion carried unanimously.

- (c) CONSIDERATION FOR APPROVAL OF LETTING NO. 10, PROJECT NO. 02-19 – CRACK SEALING STREET MAINTENANCE THROUGHOUT CITY

John Rodeberg explained that this project will be included as part of the bond issue. A contract will be worked out for under \$50,000 and these maintenance projects were included in the Capital Improvement Plan.

Motion by Mlinar, second by Haugen to approve Letting No. 10, Project 02-19. Motion carried unanimously.

- (d) JEFFERSON STREET REPORT AND PROJECT STATUS

John Rodeberg explained that McLeod County hired SEH to conduct a feasibility study along Jefferson Street. The report proposes to serve only those areas from the cul-de-sac on Jefferson Street to Century Avenue. The County will be picking up some of the cost on the road construction. The project is progressing well. The next neighborhood meeting will be Monday April 15.

No action needed.

(e) CONSIDERATION FOR APPROVAL OF ADVERTISING FOR BIDS FOR SOIL BLENDING LINE AT COMPOST FACILITY

Gary Plotz, City Administrator, explained that staff had visited manufacturing sites that manufacture blending lines. Mr. Plotz explained that staff is requesting only to solicit bids for this type of equipment and not to make any purchases at this point. After bids are received, a recommendation will be presented to the Council. Mayor Torgerson suggested that staff give a presentation to the Council on the equipment that was viewed.

Motion by Peterson, second by Hoversten, to approve advertising for bids for a soil blending line. Motion carried unanimously.

(f) CONSIDERATION OF ORDINANCE NO. 02-309 AMENDING HUTCHINSON CITY ORDINANCE SECTION 5.41 PERTAINING TO LIQUOR SALES AT SPORTS, CONVENTION OR CULTURAL FACILITIES (WAIVE FIRST READING AND SET SECOND READING AND ADOPTION FOR APRIL 23, 2002)

Marc Sebor, City Attorney, explained that this small change details that this ordinance pertains to both clubs and restaurants.

Motion by Mlinar, second by Haugen, to set second reading and adoption for April 23. Motion carried unanimously.

(g) CONSIDERATION FOR APPROVAL OF ORDINANCE NO. 02-311 – AN ORDINANCE CHANGING THE BOUNDARIES OF ELECTION PRECINCTS (WAIVE FIRST READING AND SET SECOND READING AND ADOPTION FOR APRIL 23, 2002)

Julie Wischnack, Director of Planning/Zoning/Building, presented to the Council on the location of the County districts and where the City of Hutchinson's boundaries pertain to those districts. The map she presented showed that District 3, also City Precinct 3, had a lower population count in relation to the other two districts that lie in Hutchinson.

Ms. Wischnack further explained the formulas used to determine the population in each precinct by using census blocks.

The proposed change is to extend the boundary line in Precinct 3 into Precinct 2. In that way, the population numbers are somewhat more balanced between the three city precincts.

Motion by Hoversten, second by Haugen, to approve Ordinance 02-311 and set adoption for April 23. Motion carried unanimously.

9. **MISCELLANEOUS**

(a) COMMUNICATIONS

1. LETTING NO. 3, PROJECT NO. 02-06 (JUUL ROAD NE)

John Rodeberg noted that this public hearing is set for April 23. Mr. Rodeberg explained that staff had reviewed video tapes of the sewer system and are continuing to recommend the complete sewer work. However, only mill and overlay work is being recommended instead of complete reconstruction.

Duane Hoversten – Mr. Hoversten noted that a ribbon cutting event will be held on May 10, 2002, at 12noon at the Event Center, as well as a public open house on May 18.

Gary Plotz – Mr. Plotz stated that a resolution has been disbursed to council members in support of tax abatement for the Industrial Park. Mr. Plotz explained that the state allows for financial tools on tax abatement and tax increment financing and that the City has used tax increment financing since the 1970's. Mr. Plotz noted that other communities are adopting

policies on tax abatement. Mr. Plotz explained that the City's financial consultant has recommended that Hutchinson adopt tax abatement policies as well, as opposed to using tax increment financing processes. Mr. Plotz also noted that the City of Winsted has expressed support of using tax abatement. Mr. Plotz also noted that the City of Glencoe has shown interest and it has been recommended that these three cities meet to discuss using tax abatement and then present their interests at the County Board meeting next week. Mr. Plotz requested authorization to attend the County Board meeting to encourage the board to approve support of using tax abatement and approve the proposed resolution. John Mlinar suggested establishing criteria that would be required in order to be approved for tax abatement. Gary Plotz noted that the most focus would be put on Industrial Parks.

Motion by Mlinar, second by Haugen to approve City staff attending County Board meeting to support the resolution for tax abatement and adopted Resolution No. 11916. Motion carried unanimously.

Marc Sebora – Mr. Sebor noted that information regarding Industrial Park Expansion and acquiring Hackbarth property will be on the next meeting's agenda.

John Rodeberg – Mr. Rodeberg noted that the Bike & Blade Bonanza and City Wide Garage Sale will be held on May 4. Helmets will be sold at the Bike & Blade Bonanza.

Marlin Torgerson – Mayor Torgerson noted that there is also a Shrine Convention on May 4.

10. CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS

(a) VERIFIED CLAIMS A

Motion by Peterson, second by Mlinar, with Hoversten abstaining, to approve and authorize payment of Verified Claims A from appropriate funds. Motion carried unanimously.

(b) VERIFIED CLAIMS B

Motion by Haugen, second by Hoversten, to approve and authorize payment of Verified Claims B from appropriate funds. Motion carried unanimously.

11. ADJOURN

With no further business to discuss, the meeting adjourned at 6:30 p.m.

**MINUTES
REGULAR MEETING - HUTCHINSON CITY COUNCIL
APRIL 23, 2002**

1. **CALL TO ORDER – 5:30 P.M.**

Mayor Marlin Torgerson called the meeting to order. Council Members present were John Mlinar, Jim Haugen, Kay Peterson and Duane Hoversten. Also present were Gary Plotz, City Administrator, John Rodeberg, Director of Engineering/Public Works and Marc Sebor, City Attorney.

2. **INVOCATION** – Rev. Howard Anderson, of Hunter’s Ridge Community Church, delivered the invocation.

3. **MINUTES**

(a) REGULAR MEETING OF APRIL 9, 2002

Minutes were approved as presented

4. **CONSENT AGENDA**

(a) REPORTS OF OFFICERS, BOARDS AND COMMISSIONS

1. PIONEERLAND LIBRARY SYSTEM BOARD MINUTES FROM FEBRUARY 21, 2002
2. PARKS, RECREATION & COMMUNITY EDUCATION ADVISORY BOARD MINUTES FROM MARCH 7, 2002
3. HUTCHINSON AIRPORT COMMISSION MINUTES FROM OCTOBER 18, 2001
4. HUTCHINSON AREA HEALTH CARE FINANCIAL REPORT FOR FEBRUARY 2002
5. HUTCHINSON AREA HEALTH CARE FINANCIAL REPORT FOR MARCH 2002
6. CITY OF HUTCHINSON FINANCIAL REPORT FOR MARCH 2002
7. CITY OF HUTCHINSON CERTIFICATES OF DEPOSIT FOR MARCH 2002
8. HUTCHINSON AREA HEALTH CARE BOARD MEETING MINUTES FROM MARCH 19, 2002

(b) RESOLUTIONS AND ORDINANCES

1. ORDINANCE NO. 02-309 – AN ORDINANCE AMENDING HUTCHINSON CITY ORDINANCE SECTION 5.41 PERTAINING TO LIQUOR SALES AT SPORTS, CONVENTION OR CULTURAL FACILITIES (SECOND READING AND ADOPTION)
2. ORDINANCE NO. 02-311 – AN ORDINANCE CHANGING THE BOUNDARIES OF ELECTION PRECINCTS (SECOND READING AND ADOPTION)
3. RESOLUTION NO. 11931 – RESOLUTION FOR PURCHASE OF CHEVROLET & FORD RANGER PICKUPS AND FOOD SERVICE ITEM & CHAIRS FOR EVENT CENTER
4. RESOLUTION NO. 11935 – RESOLUTION IN SUPPORT OF HUTCHINSON UTILITIES COMMISSION CONSTRUCTION OF NATURAL GAS PIPELINE

5. RESOLUTION NO. 11933 – RESOLUTION TO ENTER INTO LEASE AGREEMENT WITH STATE OF MINNESOTA, DEPARTMENT OF PUBLIC SAFETY, FOR DRIVER EXAM STATION IN CITY CENTER

(c) PLANNING COMMISSION ITEMS

1. CONSIDERATION OF A VARIANCE REQUESTED BY CHRISTIAN CHRISTENSEN TO REDUCE SIDE YARD SETBACK FROM 6 FEET TO 2 FEET 4 INCHES FOR EXPANSION OF SHED LOCATED AT 915 2ND AVENUE SW WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 11926)
2. CONSIDERATION OF A CONDITIONAL USE PERMIT REQUESTED BY BRUCE SCHULTZ TO INSTALL A 47” FENCE IN FRONT YARD LOCATED AT 545 MAIN STREET SOUTH WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 11927)
3. CONSIDERATION OF A CONDITIONAL USE PERMIT AND SKETCH PLAN SUBMITTED BY KEVIN COMPTON TO CONSTRUCT TWIN HOMES IN PLANNED DEVELOPMENT DISTRICT WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 11928)
4. CONSIDERATION OF A CONDITIONAL USE PERMIT REQUESTED BY THE CITY OF HUTCHINSON TO CONSTRUCT A STORM WATER RETENTION POND IN THE FLOOD PLAIN LOCATED AT 840 – 2ND AVENUE SE WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 11929)
5. CONSIDERATION OF A CONDITIONAL USE PERMIT REQUESTED BY THE CITY OF HUTCHINSON FOR SHORELAND IMPROVEMENTS LOCATED AT 300 LES KOUBA PARKWAY WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 11930)
6. CONSIDERATION OF ORDINANCE NO. 02-313 – AN ORDINANCE FOR ANNEXATION OF CITY PROPERTY LOCATED IN HASSAN VALLEY TOWNSHIP – EDMONTON AVENUE RIGHT-OF-WAY (7.98 ACRES) AND PROPERTY DEEDED TO THE CITY FOR BICYCLE TRAIL PURPOSES (APPROXIMATELY 22.2 ACRES) (WAIVE FIRST READING AND SET SECOND READING AND ADOPTION FOR MAY 14, 2002)

(d) CONSIDERATION FOR APPROVAL OF TEMPORARY LIQUOR LICENSE FOR AMERICAN LEGION ON MAY 25 AND JUNE 6 – 8, 2002 AT MCLEOD COUNTY FAIRGROUNDS

(e) CONSIDERATION FOR APPROVAL OF SHORT-TERM ON-SALE NON-INTOXICATING LIQUOR LICENSE FOR AMERICAN LEGION ON MAY 4, 2002, AT MCLEOD COUNTY FAIRGROUNDS

(f) RETAIL ON-SALE NON-INTOXICATING MALT LIQUOR (3.2 BEER) LIQUOR LICENSE RENEWALS

- GODFATHER’S PIZZA
- SKY VENTURES, LLC DBA PIZZA HUT
- LITTLE CROW BOWLING LANES
- HUTCHINSON HUSKIES BASEBALL ASSOCIATION

(g) RETAIL OFF-SALE NON-INTOXICATING MALT LIQUOR (3.2 BEER) LIQUOR LICENSE RENEWALS

- WAL-MART

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- ERICKSON OIL PRODUCTS (4TH AVENUE)
- SPEEDWAY SUPERAMERICA
- TOM THUMB DBA BONKERS
- COBORN'S DBA CASH WISE FOODS
- TWIN CITIES AVANTI STORES DBA BUDGET MART
- CITGO QUIK MART

- (h) CONSIDERATION FOR APPROVAL OF PARADE ROUTES FOR ZUHRAH SHRINE ON MAY 4, 2002, AND AMERICAN LEGION POST 96 ON MAY 27, 2002
- (i) CONSIDERATION FOR APPROVAL OF SHORT-TERM GAMBLING LICENSE FOR CONNECT CARE ON AUGUST 20, 2002, AT MCLEOD COUNTY FAIRGROUNDS
- (j) LETTING NO. 2, PROJECT NO. 02-03 (STREET LIGHT IMPROVEMENTS THROUGHOUT CITY)
- (k) LETTING NO. 4, PROJECT NO. 00-05 (JORGENSEN STREET SE – 1006 JORGENSEN STREET SE – STAFFORD PROPERTY)
- (l) LETTING NO. 10, PROJECT NO. 02-19 (CRACK SEALING STREET MAINTENAMCE THROUGHOUT CITY)
- (m) LETTING NO. 2, PROJECT NO. 00-02 (CHANGE ORDER NO. 3)
- (n) LETTING NO. 10, PROJECT NO. 01-22 (CHANGE ORDER NO. 1)

Mayor Torgerson recited Resolution No. 11935 in support of the natural gas pipeline. Mayor Torgerson noted that this project is part of an attempt to block the pipeline by a competitor.

Item 4(c)3 was tabled by the City Council, due to the fact that it was tabled by the Planning Commission at the April 22, 2002, Planning Commission meeting.

Gary Plotz noted that action for Items 4(b)1 and 4(b)2 will be adopting the ordinances.

Motion by Mlinar, second by Haugen, to approve consent agenda, with the exception if Item 4(c)3, and to clarify that Items 4(b)1 and 4(b)2 will be adopting the specified ordinances. Motion carried unanimously.

5. **PUBLIC HEARING – 6:00 P.M.**

- (a) LETTING NO. 1, PROJECT NO. 02-01 & 02-02 (SAP 133-109-007) – NE AREA TRUNK SANITARY SEWER – PHASE 1 & 2ND AVENUE SE FROM CROW RIVER BRIDGE TO MICHIGAN STREET

John Rodeberg, Director of Engineering/Public Works, stated that part of this project is to construct a pond in the Tartan Park area. The largest part of the project is the sanitary sewer line. This is a large trunk line that serves a large portion of the city that will provide for future capacity. Mr. Rodeberg reviewed the project scope and the approximate assessment costs.

Michael Haefner, American Energy Systems, presented before the Council. Mr. Haefner explained that he has a business with a large amount of footage on Michigan Avenue and 5th Avenue and wanted to know how this project will benefit his lot. Mr. Rodeberg noted that Mr. Haefner will receive a 132' credit on the long side of his lot. Mr. Haefner also expressed that the pond and the trunk sewer line will not benefit him, and he does not feel that the assessments specific to these items should effect him. Mr. Rodeberg noted that the standard formula for determining assessment costs would be applied to American Energy Systems. No pond or trunk sewer assessments proposed for his property.

Jim Haugen asked Mr. Rodeberg if the Ridgewater College property is able to be assessed in that it is state property. Mr. Rodeberg confirmed that this property can be assessed.

Motion by Mlinar, second by Peterson to close the public hearing. Motion carried unanimously.

Motion by Hoversten, second by Haugen to approve Letting No. 1, Project No. 02-01 & 02-02 – authorizing ordering advertisement for bids. Motion carried unanimously.

(b) LETTING NO. 3, PROJECT NO. 02-04 (FAIR AVENUE SE), 02-05 (OAKLAND AVENUE SE) AND 02-06 (JUUL ROAD SW)

John Rodeberg stated that most of the concerns in this Letting are related to Juul Road. At the March 19, 2002, Council meeting, residents had requested that other options be explored to reduce the price to improve this street. Mr. Rodeberg stated that staff has proposed to change the project by dropping the complete reconstruction from Lynn Road to Merrill Street and only conduct mill and overlay. The cost of the project has been reduced approximately 35%. The assessments of the western portion of the street are the same as originally presented. The next portion of this process is to approve seeking bids for the project and acquiring more accurate assessment costs. Mr. Rodeberg detailed several sanitary sewer and watermain issues that should be addressed this year. In addition, residents have street and landscaping issues, and have concerns regarding the trees along the boulevards. Mr. Rodeberg explained that there is a video that is available for viewing of the underground piping, however he also used a graphic to show the number of tree roots, concrete and other blockages in the lines. The proposal is for the western two blocks to remain the same as originally proposed, and having the eastern block have only a mill and overlay.

Merrill Johnson, 748 Juul Road, presented before the Council. Mr. Johnson shared some approximate, preliminary numbers that he had put together on the cost of the project. Mr. Johnson also expressed that he felt there was no benefit to the new storm sewer system. Mr. Johnson also expressed that this is a state aid street and he questioned why the City is not picking up part of the cost. Mr. Rodeberg stated that the City does not cover the costs on state aid streets. Mr. Rodeberg referred to Jefferson Street, where the cost is partially being covered by the City, but that is due to areas being annexed into the City. There was some discussion as to the City's assessment policy. Mayor Torgerson clarified that truck routes are a thicker road and the City pays for the extra layer of overlay. There was further discussion and comparisons of Jefferson Street to Juul Road. Mr. Johnson's main concern is the high cost and the fact that he has been assessed three times in the length of time that he has lived on Juul Road.

Motion by Peterson, second by Mlinar to approve Letting No. 3, Project No. 02-04, 02-05 and 02-06 – authorizing ordering advertisement for bids. Mr. Mlinar noted that firm assessment numbers will be delivered to the residents of this area. Mr. Rodeberg noted that the bids should be received by mid-May and the exact proposed assessments will be mailed out to the residents at least 10 days before the assessment hearing, currently proposed for mid-June. Motion carried unanimously.

6. **COMMUNICATIONS, REQUESTS AND PETITIONS**

7. **UNFINISHED BUSINESS**

(a) CONSIDERATION OF ORDINANCE NO. 02-308 – AN ORDINANCE AMENDING HUTCHINSON CITY ORDINANCE SECTION 10.47 TO INCLUDE PROVISIONS FOR THE LICENSING OF EXCAVATORS (SET SECOND READING AND ADOPTION FOR MAY 14, 2002)

Duane Hoversten noted that he has concerns with the wording in Subd. 7. Mr. Hoversten recommended adding the wording “for severing or damaging an unmarked utility or negligently severing or damaging a marked utility” to the first sentence. Mr. Hoversten also

recommended that staff develop a policy that would go along with this ordinance.

Motion by Hoversten, second by Peterson to table this item until May 14, 2002 and add the proposed language to Subd. 7 Motion carried unanimously.

8. **NEW BUSINESS**

(a) CONSIDERATION OF SETTING DATE FOR CLOSED MEETING FOR CITY ADMINISTRATOR PERFORMANCE REVIEW

Motion by Mlinar, second by Haugen, to set date for May 14, 2002, immediately following the City Council meeting to discuss City Administrator performance review. Motion carried unanimously.

Marc Seborá noted that the City Administrator does have the discretion to open the meeting after it has been closed.

(b) CONSIDERATION OF PURSUING INDUSTRIAL PARK EXPANSION VIA NEGOTIATION OR CONDEMNATION

The word “should” was recommended to be changed to “will” in the sentence “...then the City should institute condemnation proceedings to ensure...”

Motion by Haugen, second by Hoversten, to approve Resolution No. 11934 with the exception of changing “should” to “will”. Motion carried unanimously.

(c) DISCUSSION OF PLANNING COMMISSION APPOINTMENTS

Marc Seborá noted that he had reviewed the Planning Commission ordinance that was revised in 1997. Mr. Seborá determined that the Planning Commission should only consist of residents of the city, plus one Council Member. Mayor Torgerson noted that he does not recall a time that a non-resident has ever served on the Planning Commission and he is in agreement with the decision of Mr. Seborá.

Mayor Torgerson appointed Steve Jansick to the Planning Commission, due to the fact that Todd Schnobrich resides outside the city limits.

Motion by Peterson, second by Mlinar, to appoint Steve Jansick to the Planning Commission. Motion carried unanimously.

9. **MISCELLANEOUS**

(a) COMMUNICATIONS

Jim Haugen – Mr. Haugen commended John Rodeberg and his staff on the excessive work that was researched on the Juul Road project.

John Mlinar – Mr. Mlinar thanked Melissa Starke, Secretary to the Council, for a packet of information regarding boards and commissions.

Duane Hoversten – Mr. Hoversten commented on the Downtown Association meeting that was held on April 22, 2002. The proposed advancements for the City are very exciting. Mayor Torgerson that an Open House will be held on May 6, 2002, to expand on the Downtown Revitalization Project.

Gary Plotz – Mr. Plotz reviewed the items that were discussed at the Team Leadership Meeting earlier in the day: BioSolids Drying Facility – has been determined that the BioSolids facility is considered an occupancy to the equivalency of a grain drying facility. A change order will be presented to the Council for a sprinkling system of the main room in the

facility. A wastewater permit was authorized by the MPCA with no phosphorous limits that need to be met. An AWWA Waterworks Convention will be held in June and Randy DeVries, Director of Water/Wastewater/Resource Recovery, recommended that it may be beneficial for the Mayor and council members to attend. A meeting was held with the Carver County Solid Waste Board, where the City of Hutchinson presented on the compost site. Carver County has interest in developing a site similar to Hutchinson's. Gary Plotz presented before the County Commissioners on tax abatement – the County board approved to work on a county policy to address tax abatement. Discussion was held on an alternative liquor store site location or a second location. The City's Vision Statement was reviewed. Benchmarking is going to be conducted within each department and create measurements for each area. The Fair Board approved deeding the fairgrounds property to the County. Mr. Plotz recommended that a committee be appointed consisting of two council members and members of city staff to work with county representatives on this transition. Mayor Torgerson and Duane Hoversten will sit on this committee, as well as Gary Plotz and Dolf Moon to meet with County representatives.

Motion by Mlinar, second by Peterson to appoint Mayor Torgerson, Duane Hoversten, Gary Plotz and Dolf Moon to a sub-committee to work with county representatives on the McLeod County Fairgrounds transition. Motion carried unanimously.

John Rodeberg – Mr. Rodeberg stated that a meeting was held last week with the Jefferson Street residents regarding the assessment policies of the City. Staff is proposing to move ahead with the annexation of the Jefferson Street area and it can be approved by ordinance. A questionnaire is going to be sent out by McLeod County to the residents relating to the opinion of the residents of moving ahead with the project. The County will be leading this entire process. Mr. Rodeberg also noted that there was a request by the owners of Salon Montage for closing of the sidewalk in front of their business on Main Street. This request will be forwarded to the police department for final approval.

Marlin Torgerson – Mayor Torgerson noted that on May 4 there are several events occurring in Hutchinson. They include the Bike & Blade Bonanza, City-wide Garage Sale, VFW Meeting, and the Zuhrah Shrine Spring Ceremonial and Parade. Mayor Torgerson also reminded residents that a Board of Equalization meeting will be held on May 9, 2002, at 4:30 p.m. Lastly, Mayor Torgerson noted that he City of Hutchinson is one of three finalists for an environmental award.

10. CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS

(a) VERIFIED CLAIMS A

Motion by Mlinar, second by Peterson, to approve and authorize payment of Verified Claims A from appropriate funds. Motion carried unanimously.

11. ADJOURN

With no further business to discuss, the meeting adjourned at 6:50 p.m.

**MINUTES
REGULAR MEETING - HUTCHINSON CITY COUNCIL
MAY 14, 2002**

1. **CALL TO ORDER – 5:30 P.M.**

Mayor Marlin Torgerson called the meeting to order. Council Members present were John Mlinar, Jim Haugen, Kay Peterson and Duane Hoversten. Also present were Gary Plotz, City Administrator, Marc Sebor, City Attorney and John Rodeberg, Director of Engineering/Public Works.

2. **INVOCATION** – Rev. Christine Olson, Faith Lutheran Church, delivered the invocation.

3. **MINUTES**

(a) REGULAR MEETING OF APRIL 23, 2002

(b) BID OPENING MINUTES FROM MAY 3, 2002

(c) BID OPENING MINUTES FROM MAY 6, 2002

Minutes were approved as presented

4. **CONSENT AGENDA**

(a) REPORTS OF OFFICERS, BOARDS AND COMMISSIONS

1. FIRE DEPARTMENT MONTHLY REPORT FOR APRIL 2002

2. HUTCHINSON PUBLIC LIBRARY BOARD MINUTES FROM MARCH 25, 2002

3. HUTCHINSON PLANNING COMMISSION MINUTES FROM MARCH 19, 2002

4. PARKS, RECREATION AND COMMUNITY EDUCATION MEETING MINUTES FROM APRIL 4, 2002

5. BUILDING DEPARTMENT MONTHLY REPORT FOR APRIL 2002

(b) RESOLUTIONS AND ORDINANCES

1. ORDINANCE NO. 02-312- AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF HUTCHINSON TO INCLUDE CERTAIN LAND (30.1 ACRES) OWNED BY THE CITY OF HUTCHINSON AND ABUTTING THE CITY OF HUTCHINSON PURSUANT TO MINNESOTA STATUTES 414.033, SUBDIVISION 2(1) (SECOND READING AND ADOPTION)

2. RESOLUTION NO. 11932 – RESOLUTION TO SELL AT AUCTION UNCLAIMED & SURPLUS PROPERTY

3. RESOLUTION NO. 11936 – RESOLUTION AMENDING RESOLUTION NO. 9593 THE CITY OF HUTCHINSON EMPLOYEE HANDBOOK – PERSONNEL POLICY SECTION 22

4. RESOLUTION NO. 11937 – RESOLUTION ACCEPTING BID AND AWARDED CONTRACT FOR LETTING NO. 2, PROJECT NO. 02-03 (STREET LIGHT IMPROVEMENTS)

5. RESOLUTION NO. 11938 – RESOLUTION DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT FOR ASSESSMENT ROLL NO. 5054, LETTING NO. 4 & 5, PROJECT NO. 02-11 (OAK ST NE), 02-12 (9TH AVENUE NE), 02-13 (CIVIC ARENA ACCESS) AND 02-14 (MISC STREET/SIDEWALK MAINTENANCE)

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6. RESOLUTION NO. 11939 – RESOLUTION FOR HEARING ON PROPOSED ASSESSMENT ROLL NO. 5054, LETTING NO. 4 & 5
7. RESOLUTION NO. 11940 – RESOLUTION FOR PURCHASE OF ASPHALT COMPACTOR/ROLLER AND CRACK SEALANT INSTALLATION
- (c) CONSIDERATION FOR APPROVAL OF DANCE PERMIT FOR JAKE BANDEMEIER FOR POLKA FEST ON JUNE 5 – 7, 2002, AT MCLEOD COUNTY FAIRGROUNDS
- (d) CONSIDERATION FOR APPROVAL OF ON-SALE NON-INTOXICATING MALT LIQUOR LICENSE FOR MEADOWLINKS GOLF CLUB
- (e) CONSIDERATION FOR APPROVAL OF SHORT-TERM GAMBLING LICENSE FOR HUTCHINSON FIRE RELIEF ASSOCIATION AT HUTCHINSON FIRE STATION ON SEPTEMBER 14, 2002
- (f) CONSIDERATION FOR APPROVAL OF PEDDLER’S LICENSE FOR GERALD JOHNSON TO SELL NOVELTIES AT JAYCEE WATER CARNIVAL PARADE ON JUNE 16, 2002
- (g) CONSIDERATION FOR APPROVALS AND PERMITS FOR THE 60TH ANNUAL HUTCHINSON JAYCEE WATER CARNIVAL FOR JUNE 10 – 16, 2002
- (h) CONSIDERATION FOR APPROVAL OF CITY OF HUTCHINSON VISION STATEMENT
- (i) CONSIDERATION FOR APPROVAL OF TEMPORARY LIQUOR LICENSE FOR ELKS LODGE FROM JUNE 27 – 30, 2002
- (j) CONSIDERATION FOR APPROVAL OF TEMPORARY LIQUOR LICENSE FOR VFW POST 906 FROM JUNE 6 – 8, 2002
- (k) CONSIDERATION FOR SHORT-TERM GAMBLING LICENSE FOR CROW RIVER HABITAT ON AUGUST 20, 2002, AT MCLEOD COUNTY FAIRGROUNDS
- (l) CONSIDERATION FOR AWARDED BID TO MAGNEY CONSTRUCTION FOR FIRE TOWER TRAINING CENTER

Item (l) was pulled for separate discussion.

Motion by Peterson, second by Mlinar, to approve consent agenda with the exception of Item (l). Motion carried unanimously.

John Rodeberg, Director of Engineering/Public Works, explained that this training tower will be placed adjacent to the environmental landfill. This award should be approved contingent on the completion of the environmental review and a “Notice to Proceed” from the City of Hutchinson.

Motion by Mlinar, second by Haugen, to approve Item (l) contingent upon a completion of an environmental review of the site. Motion carried unanimously.

5. **PUBLIC HEARING** – 6:00 P.M.

- (a) VACATION OF A PORTION OF WASHINGTON AVENUE EAST OF THE SOUTH FORK OF THE CROW RIVER

John Rodeberg, explained that this is an unusual situation in that in the early 1900s this piece of land was originally vacated and became part of the railroad right-of-way. The ordinance that is proposed is to affirm the vacation that is, and has been, railroad right-of-way.

The State of Minnesota had land in this area for a fish hatchery. The portion of land that needs to have documentation of a vacation is the portion of the trail northeast of Arch Street which runs adjacent to Washington Avenue, just east of the “Bass Pond” area.

Harlow Karg, 75 Arch Street, questioned whether or not the City would have built a bridge to go across the river. Mr. Rodeberg explained that the State purchased this area for a fish hatchery approximately 100 years ago. Mr. Karg explained that the State had proposed paying him for his property in this area.

The City owns 20 feet of the railroad right-of-way. Again, this is reaffirming a previous vacation. The Attorney General’s office is requesting this in order to make payment to the City for this area.

Harlow Karg asked whether or not the trail was placed on right-of-way. Mr. Rodeberg explained that the trail is on the 20 feet that the City owns of the railroad right-of-way.

Motion by Haugen, second by Hoversten, to close the Public Hearing.

Motion by Peterson, second by Haugen, to approve the reaffirmation of the vacation of the portion of Washington Avenue. Motion carried unanimously.

6. **COMMUNICATIONS, REQUESTS AND PETITIONS**

7. **UNFINISHED BUSINESS**

- (a) CONSIDERATION OF ORDINANCE NO. 02-308 – AN ORDINANCE AMENDING HUTCHINSON CITY ORDINANCE SECTION 10.47 TO INCLUDE PROVISIONS FOR THE LICENSING OF EXCAVATORS (SET SECOND READING AND ADOPTION FOR MAY 28, 2002)

Gary Plotz, explained that additional language was added to this ordinance that was recommended at the last Council meeting. The recommended language has been incorporated to this ordinance as requested.

Motion by Hoversten, second by Peterson, to set second reading and adoption for May 28, 2002. Motion carried unanimously.

8. **NEW BUSINESS**

- (b) CONSIDERATION OF SETTING DATE FOR JOINT MEETING WITH CHARTER COMMISSION

Mayor Torgerson read a letter submitted by the Chair of the Charter Commission, Mr. Chuck Carlson. The Charter Commission is complete with its review of the City Charter and has made revisions as they have deemed necessary. The Charter Commission also has held a Public Hearing to receive comments from the public to the proposed Charter. The proposed Charter has also been reviewed by Legal Counsel for the League of Minnesota Cities. The Charter Commission is requesting to meet with the Council to proceed in the approval process.

Motion by Mlinar, second by Haugen, to set a joint meeting with the Charter Commission for June 4, 2002, at 5:00 p.m. Motion carried unanimously.

- (b) CONSIDERATION FOR APPROVAL OF ACQUISITION OF BERNHAGEN PROPERTY

John Rodeberg, Director of Engineering/Public Works, explained that the City has been searching for a site for storm water ponding. This area, which is south of North High Drive and west of Bluff Street, fits well for a ponding area, as well as a recreation area for a softball complex. The price this piece of land has been offered is under the appraised price.

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Funding for this project would come out of the storm water utility fund and the park dedication fund.

John Mlinar questioned Dolf Moon, Director of Parks, Recreation & Community Education, whether or not there are ample funds in the park dedication fund. Mr. Moon affirmed that needed funds are available. John Mlinar noted that additional recreation facilities are in demand.

Motion by Mlinar, second by Haugen, to approve the acquisition of the Bernhagen property. Motion carried unanimously.

(c) CONSIDERATION OF SETTING SPECIAL MEETING TO DISCUSS THE STATUS OF FLYERS/HI TOPS LIQUOR LICENSE

Marc Sebor, Hutchinson City Attorney, explained that an employee at Flyers had not allowed a police officer to enter the premises, which violates city ordinances. Therefore, the Council needs to meet discuss the status of the restaurant's liquor license.

Motion by Peterson, second by Hoversten, to set a special meeting for June 4, 2002, at 4:00 p.m. Council members Haugen and Peterson will be present. Motion carried unanimously.

(d) CONSIDERATION OF HUTCHINSON POLICE SERVICES ENTERING INTO AGREEMENT WITH HUTCHINSON AREA HEALTH CARE TO PROVIDE HOSPITAL SECURITY

Duane Hoversten noted that this is a beneficial joint venture between Hutchinson Police Services and Hutchinson Area Health Care.

Motion by Mlinar, second by Peterson, to approve the agreement to provide security services at Hutchinson Area Health Care. Motion carried unanimously.

(e) CITY ADMINISTRATOR PERFORMANCE REVIEW – CLOSED SESSION

9. **MISCELLANEOUS**

(a) COMMUNICATIONS

John Mlinar – Mr. Mlinar commented that the Event Center is a beautiful complex.

Duane Hoversten – Mr. Hoversten invited the public to the Open House at the Event Center on Saturday. He also commended Dolf Moon and John Rodeberg, as well as the Bernhagen family for working together to acquire this land for the City for future development.

Gary Plotz – Mr. Plotz gave an update on the topics covered at the Team Leadership Meeting earlier that day. They were as follows: update on Event Center - events happening this Friday and Saturday with the public welcome at both events; benchmarking project for City staff; update on tax abatement policy; update on Fairgrounds status – joint meeting between City Council and McLeod County Commissioners on the management of the McLeod County Fairgrounds; discussion on recycling reimbursement for the City; water billing issues; discussion of a private fence that has been installed on City cemetery property; update on the Bernhagen land acquisition proposal; discussion of Miller's Woods entrance; discussion of the break-in at the Recreation Center last week; joint advertising for enterprise funds; discussion was held on the policy change in the personnel handbook.

John Rodeberg – Mr. Rodeberg explained that the area near Menards has been disturbed by an area contractor and is causing drainage issues. Water is approximately seven feet higher than it should be due to the disturbance. The intersection is closed until the water is dropped.

Marlin Torgerson – Mayor Torgerson noted that he has received several comments from the general public on the outstanding job done on the Event Center, especially the work of Dolf

Moon. Also, the Mayor, Gary Plotz, Sara Griswold and Randy DeVries attended a Minnesota Environmental Institute banquet for the Compost Facility as one of three finalists for an environmental award. In addition, the City will be applying for another City Achievement Award.

10. CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS

(a) VERIFIED CLAIMS A

Motion by Haugen, second by Mlinar, with Hoversten abstaining, to approve and authorize payment of Verified Claims A from appropriate funds. Motion carried unanimously.

(b) VERIFIED CLAIMS B

Motion by Hoversten, second by Peterson, to approve and authorize payment of Verified Claims B from appropriate funds. Motion carried unanimously.

Sheldon Swenson, Waste Management, presented before the Council. Mr. Swenson requested of the Council any comments that they have received regarding the refuse hauling performed by Waste Management. Mr. Plotz explained that a Public Hearing will be scheduled in June to discuss these issues.

Motion by Peterson, second by Mlinar, to set a Public Hearing with Waste Management for June 11, 2002.

11. ADJOURN

With no further business to discuss, a motion was made by Haugen, second by Mlinar, to close the regular meeting at 6:35 p.m. to conduct the performance appraisal of City Administrator Gary Plotz. Mr. Plotz stated that he had no opposition to the meeting being closed. Motion carried unanimously.

The regular meeting reconvened at 7:50 p.m. The Council briefly reviewed the composition and administration of the City's compensation plan.

The regular meeting adjourned at 8:00 p.m.

**MINUTES
REGULAR MEETING - HUTCHINSON CITY COUNCIL
MAY 28, 2002**

1. **CALL TO ORDER – 5:30 P.M.**

Mayor Marlin Torgerson called the meeting to order. Council Members present were John Mlinar, Jim Haugen, Kay Peterson and Duane Hoversten. Also present were Ken Merrill, Finance Director, Marc Sebor City Attorney and John Rodeberg, Director of Engineering/Public Works.

2. **INVOCATION** – Rev. Randy Freund, of Faith Lutheran Church, delivered the invocation.

3. **MINUTES**

(a) REGULAR MEETING OF MAY 14, 2002

(b) BID OPENING MINUTES FROM MAY 20, 2002

(c) BID OPENING MINUTES FROM MAY 22, 2002

(d) BOARD OF EQUALIZATION MINUTES FROM MAY 9, 2002

Minutes were approved as presented

4. **CONSENT AGENDA**

(a) REPORTS OF OFFICERS, BOARDS AND COMMISSIONS

1. AIRPORT COMMISSION MINUTES FROM APRIL 8, 2002

2. PIONEERLAND LIBRARY SYSTEM BOARD MINUTES FROM MARCH 21, 2002

3. PIONEERLAND LIBRARY SYSTEM FINANCIAL REPORT FOR MARCH 2002

4. HUTCHINSON AREA HEALTH CARE BOARD MINUTES FROM APRIL 16, 2002

5. CITY OF HUTCHINSON FINANCIAL REPORT FOR APRIL 2002

6. CITY OF HUTCHINSON INVESTMENT REPORT FOR APRIL 2002

7. HUTCHINSON PUBLIC LIBRARY BOARD MINUTES FROM APRIL 22, 2002

(b) RESOLUTIONS AND ORDINANCES

1. ORDINANCE NO. 02-308 – AN ORDINANCE AMENDING HUTCHINSON CITY ORDINANCE SECTION 10.47 TO INCLUDE PROVISIONS FOR THE LICENSING OF EXCAVATORS (SECOND READING AND ADOPTION)

2. RESOLUTION NO. 11950 – RESOLUTION FOR PURCHASE OF COMPOST BAGS

3. RESOLUTION NO. 11941- RESOLUTION DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT [ASSESSMENT ROLL NOS. 5055 & 5056 – LETTING NO. 3/PROJECT NO. 02-04 (FAIR AVENUE SE), 02-05 (OAKLAND AVENUE SE) & 02-06 (JUUL ROAD SW)]

4. RESOLUTION NO. 11942 – RESOLUTION FOR HEARING ON PROPOSED ASSEMENT [ASSESSMENT ROLL NOS. 5055 & 5056 – LETTING NO. 3/PROJECT NO. 02-04 (FAIR AVENUE SE), 02-05 (OAKLAND AVENUE SE) & 02-06 (JUUL ROAD SW)]

(c) PLANNING COMMISSION ITEMS

1. CONSIDERATION OF TABLED CONDITIONAL USE PERMIT REQUESTED BY KEVIN COMPTON TO CONSTRUCT 3 TWINHOMES ON PROPERTY IN HELLAND'S 7TH ADDITION. ALSO, CONSIDERATION OF A PRELIMINARY PLAT TO BE KNOWN AS COLORADO RIDGE LOCATED ON COLORADO STREET AND EIGHTH AVENUE WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 11945)
2. CONSIDERATION OF A PRELIMINARY PLAT TO BE KNOWN AS 1ST ADDITION TO RAVENWOOD LOCATED SOUTH OF CENTURY AVENUE AND WEST OF THE FAIRGROUNDS AND CONSIDERATION TO REZONE PROPERTY TO BE PLATTED 1ST ADDITION TO RAVENWOOD FROM R-3 TO PDD AS REQUESTED BY BRUCE NAUSTDAL, ALSO CONSIDERATION OF A CONDITIONAL USE PERMIT TO AMEND THE PDD LOCATED IN THE PROPERTY TO BE PLATTED 1ST ADDITION TO RAVENWOOD WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 11947)
3. CONSIDERATION OF A VARIANCE TO CONSTRUCT A PORCH 12.7' FROM PROPERTY LINE AS REQUESTED BY JEFF HAMILTON ON MILWAUKEE AVENUE WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 11948)

(d) CONSIDERATION FOR APPROVAL OF SHORT-TERM GAMBLING LICENSE FOR 3M CLUB AT 3M CLUB BUILDING ON JUNE 15, 2002

(e) APPOINTMENT OF JACK SANDBERG TO PIONEERLAND LIBRARY SYSTEM BOARD

(f) APPOINTMENT OF MEMBER TO PLANNING COMMISSION

Item 4(f) was tabled until the June 11th Council meeting. Item 4(b)4 was pulled for further discussion.

John Rodeberg explained that Resolution No. 11942 is to call a hearing for the proposed assessment as opposed to adopting the assessment as the agenda item states.

Motion by Mlinar, second by Haugen to set assessment hearing for June 11, 2002. Motion carried unanimously.

Motion by Peterson, second by Mlinar, to approve consent agenda, with the exception of Item (f) and with the change to Item 4(b)4, calling for hearing on proposed assessment. Motion carried unanimously.

Duane Hoversten requested that Item (f) be tabled until more names can be added for consideration.

Motion by Peterson, second by Hoversten, to table Item (f) until June 11, 2002. Motion carried unanimously.

5. **PUBLIC HEARING – 6:00 P.M.**

(a) FRANCHISE AGREEMENT WITH COFFEE COMPANY TO UTILIZE PUBLIC RIGHT OF WAY FOR THE PURPOSES OF A SIDEWALK CAFE

Julie Wischnack noted that the Coffee Company had signed a one-year contract last year with the City for this same franchise. This franchise for consideration is for a three-year contract.

Motion by Mlinar, second by Haugen to close the public hearing. Motion carried

unanimously.

Motion by Mlinar, second by Haugen to approve the franchise agreement with the Coffee Company. Motion carried unanimously.

- (b) ASSESSMENT ROLL NO. 5054 – LETTING NO. 4 & 5/PROJECT NO. 02-11 (OAK STREET NE), 02-12 (9TH AVENUE NE), 02-13 (CIVIC ARENA ACCESS), & 02-14 (MISC. STREET/SIDEWALK MAINTENANCE) (ADOPTING ASSESSMENT AND ACCEPTING BID AND AWARDING CONTRACT)

John Rodeberg noted for the Council that the bids came in lower than expected for these projects. Mr. Rodeberg stated that actual costs have been mailed out to the residents effected with the actual amounts that they will be assessed. Various payment options are available for residents as well. John Rodeberg reviewed the projected costs, as to the amount that the City pays and what the residents pay. Mr. Rodeberg estimated that the projects will be starting in approximately three weeks.

Glen Novotny, Hector resident, stated that he attended this public hearing on behalf of a relative that lives on Oak Street. Mr. Novotny asked if this is a new construction or is it routine maintenance. Mr. Rodeberg explained that this is a complete reconstruction project.

Motion by Mlinar, second by Peterson to close the public hearing. John Rodeberg further explained that there is a deferred assessment program for the elderly and disabled, if they meet the income guidelines. Motion carried unanimously.

Motion by Mlinar, second by Peterson to approve Letting No. 4 & 5. John Rodeberg explained that the Projects 02-13 and 02-14 are covered financially 100% by the City. Motion carried unanimously.

6. **COMMUNICATIONS, REQUESTS AND PETITIONS**

- (a) PRESENTATION BY PHIL GRAVES ON PROPOSED BUILDING PROGRAM FOR HUTCHINSON AREA HEALTH CARE

Bob Peterson, Hutchinson Area Health Care Board Chair, along with Phil Graves, CEO Hutchinson Area Health Care (HAHC), presented before the Council on the long-range plan for a building program for HAHC.

Phil Graves distributed a letter written to the Council outlining the master site plan for HAHC, which entails remodeling and adding on to the current facility. The proposed project costs lie within the range of \$11 – 12 million dollars. Phil Graves presented on the layout that is presented for the revised site. Phil Graves outlined all of the projects that will be entailed with the master site plan. Phil Graves proposed that he return at the June 11, 2002, meeting to answer any questions the Council may have from this presentation. Mr. Graves further explained various financing options to fund this project. These options include general obligation bonds, general revenue or insurance revenue bonds. Mr. Graves went on to state that at this time, the project will proceed due to the plan of the Hospital to house five surgeons in the near future. Fundraising (i.e. private donations) will also be considered to help fund the project.

John Mlinar commented that this is an exciting plan and there is an obvious need for expansion due to the large growth of the area.

7. **UNFINISHED BUSINESS**

- (a) SUMMARY OF CLOSED MEETING PROCEEDINGS FOR CITY ADMINISTRATOR PERFORMANCE APPRAISAL

Mayor Torgerson read the summary of the City Administrator's performance appraisal. The summary noted that Mr. Plotz's strengths and weaknesses were discussed, along with the

goals set for the following year. A 3.5% pay increase was recommended.

Motion by Hoversten, second by Haugen to approve the 3.5% pay increase for Gary Plotz, City Administrator. Motion carried unanimously.

8. **NEW BUSINESS**

(a) **CONSIDERATION FOR APPROVAL OF NAVIGATIONAL AIDS SERVICE ROAD AND TAXIWAY IMPROVEMENTS**

John Rodeberg stated that a contract needs to be considered with TKDA as the consultant to this capital improvement project. This is a step that needs to be acquired before the project can move to the next step. This is part of the annual safety improvements that are made to the airport each year. A new access road will be constructed, along with widening of aprons and parking lot improvements.

Motion by Mlinar, second by Peterson, to approve advertisement for bids and entering into contract with TKDA. Motion carried unanimously.

(b) **CONSIDERATION OF SETTING BUDGET WORKSHOP FOR JUNE 11, 2002, AT 4:00 P.M.**

Ken Merrill noted that this is the start of the process for the 2003 year.

Motion by Mlinar, second by Hoversten, to set budget workshop for June 11, 2002, at 4:00 p.m.. Motion carried unanimously.

(c) **CONSIDERATION FOR APPROVAL OF ESTABLISHING LOCATION OF TRAFFIC CONTROL DEVICES (4-WAY STOP AT ADAMS STREET AND 5TH AVENUE SE)**

John Rodeberg noted that that this is the ideal location along Adams Street due to the new 3M entrance and the reconstruction work that has been done on 5th Avenue. There is great difficulty in crossing Adams Street due to increased traffic in the area. “Temporary signs” and “warning signs” will be installed prior to the permanent signs being placed.

John Mlinar questioned the feasibility of placing a four-way stop at 2nd Avenue and Adams Street. John Rodeberg noted that there are not enough warrants or specific criteria that is met for this location, rather that there is not enough traffic to deem a four-way stop. Duane Hoversten questioned the difference between stoplights vs. the four-way stop. John Rodeberg noted that stoplights may be considered in the future, but new warrant criteria would need to be met.

Mayor Torgerson questioned whether or not left-turn signals could be installed at School Road and Hwy 7 West. John Rodeberg stated he would research the possibility with MnDOT.

Motion by Haugen, second by Mlinar to approve traffic control devices at Adams Street and 5th Avenue SE. Mayor Torgerson noted whether or not there was ample room along Adams Street for turning lanes. John Rodeberg stated that there is room, but different scenarios will need to be considered when this becomes an option. Motion carried unanimously

(d) **CONSIDERATION OF A CONDITIONAL USE PERMIT TO REPLACE A WOODEN FENCE WITH A 6 FOOT VINYL FENCE IN THE FRONT YARD AS REQUESTED BY STEVEN SENART, 986 THOMAS AVENUE SW WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION – 4 TO 2 VOTE (ADOPT RESOLUTION NO. 11946)**

Issues with this application is that the fence may obstruct the view of Lake Street when backing out of the driveway on Thomas Avenue. Mayor Torgerson noted that he had driven to the applicant’s residence and tested the view of the fence and he did not see any increased

viewing problems due to the construction of the fence. Julie Wischnack, Director of Planning/Zoning/Building, presented before the Council. Ms. Wischnack explained that the Planning Commission's proposal is to have the fence angled to create more viewing area of Lake Street. John Rodeberg stated that a fence is already on the property and he and the Police Chief are comfortable with the location of the fence currently, but would prefer to have the fence angled, as originally proposed.

Motion by Mlinar, second by Haugen, to approve Resolution No. 11946. Motion carried unanimously.

Steve Senart, 986 Thomas Avenue, distributed a picture showing that there is ample viewing room with the fence moving back 8 inches.

- (e) CONSIDERATION OF A VARIANCE TO REDUCE SIDE YARD SETBACK FROM 6' TO 2' FOR CONSTRUCTION OF A 20' X 30' DETACHED GARAGE WITH AN 8' X 18' ATTACHED SCREEN PORCH AS REQUESTED BY SHERRY BETHKE LOCATED AT 325 ADAMS STREET SE WITH UNFAVORABLE RECOMMENDATIONS (ADOPT RESOLUTION NO. 11949)

Julie Wischnack explained to the Council that the proposal was to construct a detached garage approximately 4.5' from the property line. Both staff and Planning Commission felt that there were other options on the property to construct the garage rather than obtaining this variance.

Motion by Mlinar, second by Haugen, to deny the variance application and adopt Resolution No. 11949. Motion carried unanimously.

- (f) DISCUSSION OF FENCED ISSUE AT 215 ECHO CIRCLE SE

Julie Wischnack updated the Council on this fence issue between the City of Hutchinson and Richard Schmidtbauer. Ms. Wischnack delivered the Council background information as to the sequence of events and as to how City staff became aware of the fence on cemetery property and the status of the situation to date. In summary, Mr. Schmidtbauer's private fence is placed two feet onto City cemetery property.

John Rodeberg noted that other businesses have placed requests to encroach on city property, which all have been denied. City staff would like to handle this as originally intended with no private fences on city property.

General discussion was held on the location of the garage, utility boxes and the fence.

Mayor Torgerson noted that there are two options: 1. Take the fence down; 2. Move the fence onto Mr. Schmidtbauer's property.

Motion by Peterson, second by Hoversten, to have the fence moved off of city property and provide city staff assistance to come up with alternative entrances from the back of the garage. Motion carried unanimously.

- (g) CONSIDERATION OF ORDINANCE NO. 02-316 – AN ORDINANCE CREATING SECTION 10.051 RELATING TO FIREWORKS PERMITTED WITHIN THE CITY LIMITS AND CONSIDERATION OF ORDINANCE NO. 02-317 – AN ORDINANCE AMENDING HUTCHINSON CITY ORDINANCE 10.05 SUBD. 4 AND SUBD. 6 (SET SECOND READING AND ADOPTION FOR JUNE 11, 2002)

Mayor Torgerson noted that this is precipitated by the State Legislature enacting a law allowing fireworks within the State of Minnesota.

Brad Emans, Fire Chief, noted that this law went into effect immediately as opposed to August 1 as other laws do. Mr. Emans further noted that fireworks have not been allowed in Minnesota for approximately 60 years. Therefore, an ordinance has been drafted to address

this law.

Mr. Emans explained that the items included in the law include sparklers, snakes, etc., or, in other words, items that do not propel or explode which are rather minor items at this point. However, it is the consensus that the lobbyists will be back next year to have the more volatile items included. Duane Hoversten asked where the numbers were derived from in Subd. 3 (c) which indicate the amount of pounds that are allowed. Brad Emans explained that various Fire Chiefs conspired to come up with this number so that there is uniformity amongst various cities. Mr. Hoversten and Fire Chief Emans agreed that this amount of allowable pounds may be low and could prohibit a retailer from being able to transport them. Mr. Emans explained that this section is not intended to prohibit, but to keep residents safe. Motion by Mlinar, second by Peterson, to approve the first reading and set second reading and adoption for June 11, 2002. Duane Hoversten requested that retailers contact the city if there are any issues with the poundage restrictions. Motion carried unanimously.

9. MISCELLANEOUS

(a) COMMUNICATIONS

John Mlinar – Mr. Mlinar commented that he has received an overwhelmingly amount of positive responses regarding the Event Center.

Kay Peterson – Ms. Peterson commented that the number in attendance at the Memorial Park dedication was amazing – approximately 1500 in attendance.

John Rodeberg – Mr. Rodeberg explained that John Olson has been working with the school district and presenting information on storm water and preventing storm water pollution and will be facilitating an environmental project with a 7th grade class. John Olson presented before the Council on the specifics of the project. This is an exciting opportunity to teach kids about stormwater and to complete the requirements of phase II of the environmental educational requirements. John Rodeberg noted that various pollutants are drained into catch basins and he commended Mark Schnobrich and John Olson on the work they have done on this educational project.

Also, an advertisement for bid was distributed to the Council members for Creekside Soils Blending Line. A proposal for bids is being requested to obtain this piece of equipment. John Rodeberg noted that private interest has been shown to the City for the use of this type of equipment.

Motion by Hoversten, second by Peterson to approve advertisement for bids for Creekside Soils Blending Line. Motion carried unanimously.

Marlin Torgerson – Mayor Torgerson noted that he has received comments regarding parking on Lewis Avenue, specifically near the School Road corner. He requested the Engineering Dept. to review this area.

Marc Sebor – Mr. Sebor thanked Julie Wischnack, Steve Madson, Brad Emans and Barry Grieve for the assistance they provided in drafting the fireworks ordinance.

10. CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS

(a) VERIFIED CLAIMS A

Motion by Peterson, second by Haugen, to approve and authorize payment of Verified Claims A from appropriate funds. Motion carried unanimously.

11. ADJOURN

With no further business to discuss, the meeting adjourned at 7:00 p.m.

MINUTES
REGULAR MEETING - HUTCHINSON CITY COUNCIL
TUESDAY, JUNE 11, 2002

1. **CALL TO ORDER – 5:30 P.M.**

Mayor Marlin Torgerson called the meeting to order. Council Members present were John Mlinar, Jim Haugen, Kay Peterson and Duane Hoversten. Also present were Gary Plotz, City Administrator, Marc Sebor City Attorney and John Rodeberg, Director of Engineering/Public Works.

2. **INVOCATION** – Rev. Todd Ertsgaard, Oak Heights Covenant Church

3. **MINUTES**

(a) REGULAR MEETING OF MAY 28, 2002

Minutes were approved as amended.

4. **CONSENT AGENDA**

(a) REPORTS OF OFFICERS, BOARDS AND COMMISSIONS

1. FIRE DEPARTMENT MONTHLY REPORT FOR MAY 2002
2. BUILDING DEPARTMENT MONTHLY REPORT FOR MAY 2002
3. HUTCHINSON AREA HEALTH CARE FINANCIAL REPORT FOR APRIL 2002

(b) RESOLUTIONS AND ORDINANCES

1. ORDINANCE NO. 02-314 – AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF HUTCHINSON FOR A PROPERTY TO BE REZONED FROM R3 TO PDD #02-01 (RAVENWOOD ADDITION) (*SECOND READING AND ADOPTION*)
2. ORDINANCE NO. 02-315 – AN ORDINANCE OF THE CITY OF HUTCHINSON, MINNESOTA, GRANTING THE COFFEE COMPANY THE RIGHT TO PROVIDE A SIDEWALK CAFÉ OVER AND ABOVE CERTAIN PROPERTY LOCATED IN PUBLIC RIGHT OF WAY ON 18 MAIN STREET (*SECOND READING AND ADOPTION*)
3. ORDINANCE NO. 02-316 – AN ORDINANCE CREATING SECTION 10.051 RELATING TO FIREWORKS PERMITTED WITHIN THE CITY LIMITS (*SECOND READING AND ADOPTION*)
4. ORDINANCE NO. 02-317 – AN ORDINANCE AMENDING SECTION 10.05 RELATING TO FIREWORKS PERMITTED WITHIN THE CITY LIMITS (*SECOND READING AND ADOPTION*)
5. ORDINANCE NO. 02-318 – AN ORDINANCE REAFFIRMING VACATION OF A PORTION OF WASHINGTON AVENUE EAST (*SECOND READING AND ADOPTION*)

(c) APPOINTMENT OF MEMBER TO PLANNING COMMISSION – **Robert Hantge**

- (d) CONSIDERATION OF SHORT-TERM GAMBLING LICENSE FOR ST. ANASTASIA CATHOLIC CHURCH FOR FALL FESTIVAL ON SEPTEMBER 8, 2002
- (e) CONSIDERATION OF SHORT-TERM NON-INTOXICATING MALT LIQUOR LICENSE FOR ST. ANASTASIA CATHOLIC CHURCH FOR FALL FESTIVAL ON SEPTEMBER 8, 2002
- (f) ASSESSMENT ROLL NO. 5057 – LETTING NO. 1/PROJECT NO. 02-01 (NE TRUNK) & 02-02 (2ND AVENUE SE)J (DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT; HEARING ON PROPOSED ASSESSMENT)
- (g) CONSIDERATION OF 1ST ADDITION TO RAVENWOOD

Motion by Hoversten to pull item 4(b)3 for further discussion and defer item 4(g) to June 25th, seconded by Mlinar, to approve remaining consent agenda items. Motion carried unanimously.

Item 4(b)3 – Ordinance #02-316

Brad Emans, Fire Chief, commented on the Ordinance and revisions. He explained the bill passed by the State became effective the day the Governor signed it. Brad stated the weight limits were changed according to sprinkled or non-sprinkled buildings. He also addressed the 15 day delay and stated the city will try to expedite the process before July 4th.

City Atty. Marc Sebor, explained the time delay to process the licenses.

Atty. Mark Peterson, representing T & T Fireworks Co., stated the company is one of the largest wholesale fireworks distributors. Atty. Peterson stated the case by case review of the weight limitations made sense. He commented on concerns with the language regarding the number of days to process the licenses. Atty. Peterson stated the largest concern is with the prohibition of outdoor sales. He would like to see exterior sales allowed. He commented on the requirement of background checks for the larger established merchants in the City.

Atty. Sebor explained the factors for safety and regulations that were taken into account by the committee.

Tom Wiprud commented on the types of fireworks and the non-regulated items available to the public. He commented on display fireworks and stated the background checks were worthless for fireworks permits.

Atty. Sebor explained the committee obtained information from the State of MN and other communities on fireworks and regulations by cities before writing the ordinance. He explained the background check is a City of Hutchinson requirement for many types of sales in the community.

Barry Greive, Building Official, explained the reasons for the ordinance regulating the storage of fireworks and commented on the responses from other communities on their regulations. He stated there was much thought and research done to complete the ordinance.

Atty. Sebor stated wording should be changed for Subd. 2 A. as follows: “The fire chief shall give final approval or denial of an application for the manufacture, storage for commercial purposes or sale of fireworks within 14 days of such application being made to

the City.”

Discussion followed on moving ahead with the ordinance and reviewing after July 4th.

Motion was made by Hoversten to approve the ordinance with the revisions. Seconded by Mlinar, the motion carried unanimously.

5. **PUBLIC HEARING – 6:00 P.M.**

- (a) ASSESSMENT ROLL NO. 5055 & 5056 – LETTING NO. 3/ PROJECT NO. 02-04 (FAIR AVENUE SE), 02-05 (OAKLAND AVENUE SE), & 02-06 (JUUL ROAD SW) – ADOPTING ASSESSMENT AND ACCEPTING BID & AWARDED CONTRACT

John Rodeberg, City Engineer, commented on the project and the meeting with the neighborhoods. He stated Fair Ave. is also included in the project. He stated the largest project is Juul Road and it is also the most controversial. Mr. Rodeberg explained the safety issues and reasons for the project. He then explained this is the second hearing and the actual final assessment costs. John stated there are a number of payment options for individuals.

Merrill Johnson, 748 Juul Rd. SW, commented on his concerns regarding cost of the project and the fact he has been assessed in the past on the same property. He stated there does not seem to be a dire need for the work presently.

Mr. Rodeberg explained the subsidies by the city for some of the costs.

Mr. Rodeberg commented on the Oakland Ave. project and the proposal. He stated these assessments would be spread out over 5 years due to the smaller cost of the project.

Motion by Mlinar, second by Peterson, to close the public hearing. Motion carried unanimously.

Motion by Peterson, second by Haugen, to adopt assessments, accept bids and award contracts. Motion carried unanimously.

- (b) ON-SALE INTOXICATING LIQUOR LICENSE FOR ALL OCCASIONS CATERING

Atty. Sebor stated the license would begin June 25th.

Motion by Hoversten, second by Peterson, to close the public hearing. Motion carried unanimously.

Motion by Mlinar, second by Peterson, to approve issuing an on-sale intoxicating liquor license for All Occasions Catering.

6. **COMMUNICATIONS, REQUESTS AND PETITIONS**

7. **UNFINISHED BUSINESS**

8. **NEW BUSINESS**

- (a) CONSIDERATION OF REQUESTS FROM THE HUTCHINSON AREA CHAMBER OF COMMERCE FOR THE 28TH ANNUAL ARTS AND CRAFTS FESTIVAL TO BE HELD ON SEPTEMBER 13 - 14, 2002

- USE OF LIBRARY SQUARE FOR EXHIBITORS
- CLOSING OF DESIGNATED STREETS AND MUNICIPAL PARKING LOTS

▪ CLOSING OF PARKING AREAS ON STREETS FOR EXHIBITOR LOADING AND UNLOADING

Motion by Mlinar, second by Haugen, to approve request by Hutchinson Chamber of Commerce. Motion carried unanimously.

(b) CONSIDERATION FOR APPROVAL OF PROPOSED BUILDING PROGRAM FOR HUTCHINSON AREA HEALTH CARE

Motion by Mlinar, second by Peterson, to approve building program for Hutchinson Area Health Care. Motion carried unanimously.

(c) CONSIDERATION FOR APPROVAL OF HUTCHINSON COMMUNITY DEVELOPMENT COMMISSION BECOMING MEMBER OF THE MINNESOTA COMMUNITY CAPITAL FUND

John Rodeberg explained the program to open up loans to the community.

Mr. Hoversten commented on the program

Motion by Hoversten, second by Haugen, to approve request by HCDC to become members of the MN Community Capital Fund. Motion carried unanimously.

Councilman Mlinar left the meeting at this time.

(d) CONSIDERATION FOR APPROVAL OF CHANGE ORDER NO. 5 FOR SAFETY IMPROVEMENTS ON BIOSOLIDS DRYER

Gary Plotz, City Administrator, asked to defer this item for a future meeting.

(e) CONSIDERATION FOR APPROVAL OF ORDERLY ANNEXATION OF JEFFERSON STREET AREA PROPERTY

John Rodeberg commented on the process and the tax phase-in. He explained orderly annexation will ease taxing for the Jefferson St. property owners and move the process ahead more quickly.

Motion by Peterson, second by Hoversten, to approve Resolution #11952 for Orderly Annexation of Jefferson Street area property. Motion carried unanimously.

9. **MISCELLANEOUS**

(a) COMMUNICATIONS

John Rodeberg – Mr. Rodeberg stated the fountain was placed in the river by Robert Hantge and Lawrence Winter.

Gary Plotz – Mr. Plotz commented on items discussed at the Team Leadership meeting:

1. Industrial wastewater permits by MPCA.
2. Update on fairgrounds by Dolf Moon.
3. Update on judicial hearings on gas line project by Clarence Kadrmas.
4. Oak Heights church request for parking lot extension.
5. Solid waste projects in terms of products to be sold.
6. Update on visit by Congressman Collin Peterson.
7. County Solid Waste meeting.
8. Collection of organic waste by Hutchinson School District.

10. CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS

(a) VERIFIED CLAIMS A

Motion by Haugen, second by Peterson to approve and authorize payment of Verified Claims A from appropriate funds. Motion carried with Hoversten abstaining.

(b) VERIFIED CLAIMS B

Motion by Peterson, second by Hoversten to approve and authorize payment of Verified Claims B from appropriate funds. Motion carried unanimously.

11. ADJOURN

With no further business to discuss, the meeting adjourned at 6:35 p.m.

MINUTES
REGULAR MEETING - HUTCHINSON CITY COUNCIL
JUNE 25, 2002

1. **CALL TO ORDER – 5:30 P.M.**

Mayor Marlin Torgerson called the meeting to order. Council Members present were John Mlinar, Jim Haugen, and Kay Peterson. Member absent was Duane Hoversten. Also present were Gary Plotz, City Administrator, Marc Sebor, City Attorney and John Rodeberg, Director of Engineering/Public Works.

2. **INVOCATION** – Due to the absence of Rev. Todd Ertsgaard, Oak Heights Covenant Church, the invocation was dispensed.

3. **MINUTES**

(a) REGULAR MEETING OF JUNE 11, 2002

Minutes were approved as presented

4. **CONSENT AGENDA**

(a) REPORTS OF OFFICERS, BOARDS AND COMMISSIONS

1. PIONEERLAND LIBRARY SYSTEM FINANCIAL REPORT FOR APRIL 2002
2. PIONEERLAND LIBRARY SYSTEM BOARD MINUTES FROM APRIL 18, 2002
3. PARKS, RECREATION & COMMUNITY EDUCATION BOARD MINUTES FROM MAY 2, 2002
4. HUTCHINSON HOUSING & REDEVELOPMENT AUTHORITY BOARD MINUTES FROM MAY 29, 2002
5. HUTCHINSON AREA HEALTH CARE FINANCIAL REPORT FOR MAY 2002
6. HUTCHINSON AREA HEALTH CARE BOARD MINUTES FROM MAY 21, 2002
7. CITY OF HUTCHINSON FINANCIAL REPORT FOR MAY 2002
8. CITY OF HUTCHINSON INVESTMENT REPORT FOR MAY 2002

(b) RESOLUTIONS AND ORDINANCES

1. RESOLUTION NO. 11963 – RESOLUTION SUPPORTING THE EXTENSION OF ROLLING MEADOWS, BUILDING BETTER NEIGHBORHOODS PROGRAM
2. RESOLUTION NO. 11964 – RESOLUTION FOR PURCHASE OF FIBER OPTIC CABLE

(c) PLANNING COMMISSION ITEMS

1. CONSIDERATION OF PRELIMINARY PLAT SUBMITTED BY FREDERICK SELTZ, JAMES HEIKES AND HENNEN'S TO BE KNOWN AS SELTZ SUBDIVISION LOCATED ON HIGHWAY 7 EAST AND HIGHWAY 22 WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 11965)

2. CONSIDERATION OF A CONDITIONAL USE PERMIT REQUESTED BY ROGER DERRICK, VILLAGE HOMES OF HUTCHINSON INC., TO CONSTRUCT FOUR TO SIX-PLEX BUILDINGS WITHIN AN R-3 DISTRICT LOCATED IN RAVENWOOD PLAT WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 11966)
 3. CONSIDERATION OF A VARIANCE REQUESTED BY DONOVAN BOETTCHER, 745 – 4TH AVENUE SW, TO REDUCE FRONT YARD SETBACK FROM 25 FEET TO 15.2 FEET FOR CONSTRUCTION OF AN ADDITION WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 11967)
 4. CONSIDERATION OF A CONDITIONAL USE PERMIT REQUESTED BY TROY ROLING, 47 – 5TH AVENUE NE, FOR CONSTRUCTION OF A 1344 SQUARE FOOT DETACHED GARAGE WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 11968)
 5. CONSIDERATION OF A VARIANCE REQUESTED BY JAMIE EMANS, 885 HIGHWAY 7 WEST, TO CONSTRUCT A 12' X 26' STORAGE SHED ON PROPERTY ZONED C-4 WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 11969)
 6. CONSIDERATION OF A FINAL PLAT SUBMITTED BY NAUSTDAL/SORENSEN TO BE KNOWN AS 1ST ADDITION TO RAVENWOOD WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 11970)
 7. CONSIDERATION OF ORDINANCE NO. 02-319 – AN ORDINANCE OF THE CITY OF HUTCHINSON VACATING ALL UTILITY AND DRAINAGE EASEMENTS LOCATED IN LOT 1, LOT 2 AND LOT 3, BLOCK 3, HELLAND'S SEVENTH ADDITION (WAIVE FIRST READING AND SET SECOND READING AND ADOPTION FOR JULY 9, 2002)
- (d) CONSIDERATION FOR APPROVAL OF MASSAGE LICENSE FOR PAMELA BOLL DBA RED CLOVER MASSAGE & WELLNESS
 - (e) CONSIDERATION FOR APPROVAL OF OUT-OF-STATE TRAVEL FOR STEVE MADSON FROM JULY 21 – 24, 2002, TO ATTEND THE FBI NAA TRAINING CONFERENCE
 - (f) LETTING NO. 7, PROJECT NO. 02-16 – 1ST ADDITION TO RAVENWOOD (ORDERING PREPARATION OF REPORT AND RECEIVING REPORT AND CALLING HEARING ON IMPROVEMENT)
 - (g) ASSESSMENT ROLL NO. 5056- LETTING NO. 3, PROJECT NO. 02-06 (ADOPTING REVISED ASSESSMENT)
 - (h) CONSIDERATION FOR APPROVAL OF SHORT-TERM NON-INTOXICATING MALT LIQUOR LICENSE FOR R.C. PROMOTIONS ON JULY 20, 2002, AT THE MCLEOD COUNTY FAIRGROUNDS
 - (i) CONSIDERATION FOR APPROVAL OF SHORT-TERM GAMBLING LICENSE FOR MINNESOTA DEER HUNTERS ASSOCIATION FOR MARCH 23, 2003, AT MCLEOD COUNTY FAIRGROUNDS

Motion by Mlinar, second by Peterson, to approve consent agenda. Motion carried unanimously.

5. **PUBLIC HEARING – 6:00 P.M. – WASTE MANAGEMENT**

The public hearing was opened to accept public comments regarding the services of Waste Management, City of Hutchinson refuse hauler. No comments were received.

Motion by Peterson, second by Haugen to close the public hearing. Motion carried unanimously.

Steve Metz, District Manager of Waste Management, thanked the Council for having a good working relationship with them.

6. **COMMUNICATIONS, REQUESTS AND PETITIONS**

Bob Peterson, Hutchinson Area Health Care Board Chair, presented to the Council a brief background of the search for improved senior care facilities. Phil Graves, CEO of Hutchinson Area Health Care, presented before the Council. Mr. Graves explained that the organization has been researching options to update and revise the current senior care facilities. A task force was formed to analyze financials, location and the needs of a senior care facility. The task force determined that potential partners should be researched further due to the fact that this is their primary business and they would have the best idea of what the best choice would be to enhance senior care facilities in Hutchinson. The partners interviewed felt that potential options include adding on to the current nursing home site, linking on to the hospital, building a new facility at a new location or relocating the facility to the downtown area. The HAHC Board decided that the best option is to enter into a partnership to enhance senior care facilities, beyond nursing home care facilities. Mr. Graves also explained that by entering into a partnership, it could lead into privatizing the hospital organization and that the Council should keep that in mind. Mr. Graves requested the Council's permission to send out request for proposals to enter into a partnership to provide senior care facilities.

Motion by Mlinar, second by Haugen to approve HAHC to send out Request For Proposals for partnerships for senior care facilities. Motion carried unanimously.

7. **UNFINISHED BUSINESS**

8. **NEW BUSINESS**

- (a) CONSIDERATION FOR APPROVAL OF SETTING COUNCIL WORKSHOP FOR JULY 9, 2002, AT 4:00 P.M. TO DISCUSS BIOSOLIDS DRYING FACILITY AND SPACE NEEDS FOR POLICE SERVICES

Motion by Peterson, second by Haugen, to set a council workshop for July 9, 2002, at 4:00 p.m. Motion carried unanimously.

- (b) CONSIDERATION FOR APPROVAL OF PARKING LOT PAVING TIME EXTENSION FOR OAK HEIGHTS COVENANT CHURCH

Julie Wischnack explained that Oak Heights Covenant Church has requested to extend the time allotted to pave their parking lot until June 2003. Planning Staff is requesting that the parking lot be paved by October 2002. It was noted that the conditional use permit was applied for approximately three years ago.

Mr. Kegley, Oak Heights Covenant Church, presented before the Council. Mr. Kegley explained that the reason for the extension request is that the parking lot is currently placed on fill material and the extension would allow for an aid in compaction before the paving. Mr. Kegley further explained that the church has paved the driveway that links to South Grade Road, which resolves any plowing issues. They are also planning to apply crushed gravel as the top surface until complete paving can be done.

John Mlinar questioned John Rodeberg as to whether or not there is an advantage to wait a longer period of time to allow for more compaction. John Rodeberg explained that there is a benefit for compaction if there is a longer waiting period. A crushed material placed on top of the parking lot would be better than Class 5 gravel alone.

Jim Haugen recommended, as a compromise, laying down one layer by October and then adding the remaining layers at a later date. John Mlinar noted that a crushed surface would take care of any gravel runoff. Kay Peterson recommended the first layer be required to be laid by October 30 and the remaining be completed by June 30, 2003.

Julie Wischnack explained that the Planning Department was attempting to put forth the effort to enforce the ordinance as written and not make exceptions project by project.

Motion by Mlinar, second by Haugen, to require that grade 5 gravel and crushed rock be in place by winter 2002, with resurfacing being completed by June 2003. Motion carried unanimously.

(c) CONSIDERATION FOR APPROVAL OF LEASE AGREEMENT WITH STATE OF MINNESOTA FOR DEPARTMENT OF MOTOR VEHICLE TESTING

Julie Wischnack explained the Minnesota Department of Public Safety currently rents the Council Chambers to conduct motor vehicle testing. Staff is recommending that the rent be increased from \$1040.00 per year to \$1560.00 per year. The Minnesota Department of Public Safety has recently verbally requested that the rental agreement be for a length of five years, however Staff is recommending that the agreement be in place for three years as in past years.

Motion by Haugen, second by Peterson to increase the rental rate to \$1560/year and to enter into a three-year agreement. Motion carried unanimously.

(d) CONSIDERATION OF PROCEDURE TO BE USED TO ADOPT REVISED HUTCHINSON CITY CHARTER

Marc Sebor, City Attorney, explained that at the June 4, 2002, Joint Meeting with the Charter Commission, the City Council accepted receipt of the proposed revised charter. Mr. Sebor further explained that the two options for adopting the Charter are either to bring it to the public for a vote or to adopt it by ordinance, with it going into effect 90 days following the adoption of the ordinance. A petition may then be circulated to override the ordinance and be voted on at an election.

Marc Sebor further noted that two Charter amendments were adopted by public vote by citizens of Hutchinson in the Fall of 2000. Mr. Sebor made note that these amendments were reflected as changes in the proposed revised Charter due to the fact that they were new changes since the 1987 Charter revision. There was a concern raised by Steve Cook that if the proposed Charter would be rejected by the citizens, these amendments would also be rejected due to the fact that they appear as proposed changes. Therefore, a revised Charter has been distributed to include these approved 2000 amendments noting them not as changes or red-lined items, but as original wording included in the 1987 Charter.

Motion by Mlinar, second by Peterson, to pose the newly revised Charter to the citizens for a vote at the November election. Motion carried unanimously.

9. MISCELLANEOUS

(a) COMMUNICATIONS

John Rodeberg stated that staff has surplus vehicles that they would like to sell by receiving bids. He requested the authority to advertise these items and sell them to the highest bidder. Motion by Mlinar, second by Haugen to approve the sale of surplus property. Motion carried unanimously.

John Rodeberg also noted that Ken Merrill is requesting that a workshop be scheduled to meet with the auditors. Motion by Peterson, second by Haugen to set Council workshop for July 23, 2002. Motion carried unanimously.

John Rodeberg also noted that a subdivision agreement for grading work in the Ravenwood development needs to be approved so that work can be started immediately.. Motion by Peterson, second by Mlinar to approve grading subdivision agreement. Motion carried unanimously.

John Mlinar – John Mlinar requested that a draft of the tax abatement policy be distributed. Mr. Mlinar also noted that requests have been made in the 9th Avenue area for a larger pipe to be placed for drainage issues. John Rodeberg explained that due to the vast amount of rain over the last four days, the systems just cannot keep up, simply the conditions are beyond the City's control. Mr. Rodeberg noted that the majority of the City's systems have been operating as they are intended for. All issues are trying to be addressed the best as possible. Mr. Rodeberg noted that the pipe currently being put into the 9th Avenue basin is the appropriate size for the area that it is leading into. The pipe being put in is designed to support the north end of the city. A larger storm sewer pipe does not necessarily take care of all the issues at hand.

Kay Peterson – Kay Peterson thanked city staff for all of the hard work during the Water Carnival.

Gary Plotz – Gary Plotz explained that due to the recent rain storms, city crews will be picking up broken branches off the boulevards and a roll-off container will be at the Compost Site for wet/soiled carpets. The container will be available from June 26 – July 3.

Mr. Plotz also noted that the City of Hutchinson is organizing an appreciation dinner for Representative Ness on July 11, 2002, at 6:00 p.m. Due to the fact that a majority of the Council members will be in attendance, the City Attorney recommended setting this as an official meeting.

Motion by Mlinar, second by Peterson to approve this date as an official meeting time. Motion carried unanimously.

John Rodeberg – John Rodeberg noted that the water levels at the dam are alleviating and no gates have been opened. The police department is keeping an eye on the dam and will notify him at any time if it appears that the water starts to rise uncontrollably. Mr. Rodeberg also noted that the water levels at the wastewater plant are approximately 50% lower than previous years and is more than likely due to the sump pump project. If the project would not have been in place, the odds are very good that sewage would have been flowing into the Crow River.

Marlin Torgerson – Mayor Torgerson noted that following the last rain storm, the pond on California Street was full, but the catch basin was accepting water perfectly. The area on 5th Avenue NW and James Street was as deep as the top of the fire hydrant, approximately 3 – 4 feet. The catch basins were just full and could not take anymore water. He commended the residents in this area for their understanding and patience. Mayor Torgerson also commended all city staff and departments that aided the residents through the storm damages. Mayor Torgerson also requested that all residents be aware of the catch basins in their area and make sure they are kept clean.

10. CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS

(a) VERIFIED CLAIMS A

Motion by Mlinar, second by Peterson, to approve and authorize payment of Verified Claims A from appropriate funds. Motion carried unanimously.

11. ADJOURN

With no further business to discuss, the meeting adjourned at 6:40 p.m.

**MINUTES
REGULAR MEETING - HUTCHINSON CITY COUNCIL
TUESDAY, JULY 9, 2002**

1. **CALL TO ORDER – 5:30 P.M.**

Mayor Marlin Torgerson called the meeting to order. Council Members present were John Mlinar, Jim Haugen, Duane Hoversten and Kay Peterson. Also present were Gary Plotz, City Administrator, Marc Sebor, City Attorney and John Rodeberg, Director of Engineering/Public Works.

2. **INVOCATION** – Rev. Max Myers, Riverside Assembly of God Church

3. **MINUTES**

(a) REGULAR MEETING OF JUNE 25, 2002

(b) BID OPENING MINUTES FROM JUNE 28, 2002

(c) BID OPENING MINUTES FROM JULY 2, 2002

Minutes were approved as presented

4. **CONSENT AGENDA**

(a) REPORTS OF OFFICERS, BOARDS AND COMMISSIONS

1. HUTCHINSON PUBLIC LIBRARY BOARD MINUTES FROM MAY 20, 2002

2. HUTCHINSON UTILITIES FINANCIAL REPORT FOR MAY 2002

3. HUTCHINSON FIRE DEPARTMENT MONTHLY REPORT FOR JUNE 2002

4. BUILDING DEPARTMENT MONTHLY REPORT FOR JUNE 2002

(b) RESOLUTIONS AND ORDINANCES

1. CONSIDERATION OF ORDINANCE NO. 02-319 – AN ORDINANCE OF THE CITY OF HUTCHINSON VACATING ALL UTILITY AND DRAINAGE EASEMENTS LOCATED IN LOT 1, LOT 2 AND LOT 3, BLOCK 3, HELLAND'S SEVENTH ADDITION (*SECOND READING AND ADOPTION FOR JULY 9, 2002*)

(c) CONSIDERATION FOR APPROVAL OF SHORT-TERM NON-INTOXICATING MALT LIQUOR LICENSE FOR MCLEOD COUNTY FAIR BOARD FROM AUGUST 16 – 20, 2002 AT MCLEOD COUNTY FAIRGROUNDS

(d) CONSIDERATION FOR APPROVAL OF PLACING ADVERTISEMENT TO SELL ELECTION PRECINCT COUNTERS

(e) CONSIDERATION FOR APPROVAL OF TRANSIENT MERCHANT LICENSE FOR ROBERT PAUL TO SELL CLOTHING ON JULY 17, 2002 AT HUTCHINSON EVENT CENTER

(f) CONSIDERATION FOR APPROVAL OF HUTCHINSON FIRE DEPARTMENT BYLAWS

Motion by Ms. Peterson, second by Mr. Mlinar, to approve consent agenda. Motion carried unanimously.

5. **PUBLIC HEARING** – 6:00 P.M.

(a) ASSESSMENT ROLL NO. 5057/LETTING NO. 1/PROJECT NO. 02-02 (2ND AVENUE SE) – ADOPTING ASSESSMENT AND ACCEPTING BID AND AWARDDING CONTRACT

John Rodeberg commented on the location of the construction. He stated reconstructing Second Avenue will decrease residents flooding issues. Mr. Rodeberg explained ponding in the area and the splitting of assessments. He commented on the costs and the formal objection by the Haefners, American Energy Systems.

Dean Dietel, 845-2nd Ave. S.E., commented on the flooding problems he has experienced over the years. He stated he does not object to the project. He does have concerns with the cost to his property and the benefit the property would receive from the construction. Mr. Rodeberg stated the cost is high for residential and would like approval by the City Council to negotiate with Mr. Dietel. He stated the work would lessen the impact of the water however, there must be a reasonable amount of benefit to the parcel. He commented this is an unusual circumstance.

Discussion followed on the non-conforming structures on the property and the difficulty in replacing a home on the property.

Julie Wischnack stated future owners of the property would be required to carry flood insurance.

Discussion followed on leaway to negotiate the cost with property owners and come back to the Council with recommendations.

Richard McClure, 945 – 5th Ave. S.E., thanked Mr. Rodeberg for his cooperation in the development of his property. He voiced concerns with the benefits of the pond for his property. Mr. Rodeberg reminded the City Council of the conditions on the Conditional Use Permit approved for Mr. McClure stating he would not have to construct a pond on his property however he would be assessed for this pond.

Mike Haefner, American Energy Systems, 150 Michigan St., commented on his letter of objection to the Council.

Ms. Peterson moved to close the hearing, second by Mr. Mlinar the hearing closed at 6:30 p.m.

Ms. Peterson made a motion to recommend approval of the project and delay the assessments to a later date after negotiations with property owner. Second by Mr. Haugen the motion carried unanimously.

Mr. Haugen moved to formally acknowledge the objection by American Energy Systems, second by Ms. Peterson the motion carried unanimously.

- (b) LETTING NO. 7/PROJECT NO. 02-16 (1ST ADDITION TO RAVENWOOD) – ORDERING IMPROVEMENT AND PREPARATION OF PLANS & APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS

Mr. Rodeberg explained the location of the property and commented on ownership of the property and difficulty with the project. He explained the assessment costs and stated this is the first part of the process and a second hearing will take place in a month.

Lucille Arlt, 1091 Blackbird Trail, asked who is responsible for the costs. Mr. Rodeberg stated the property owner would be responsible however he does not know the agreement between the property owners and the developers in this case. He stated the original Subdivision Agreement states the development will have private improvements and now a portion of the improvements will be public.

Atty. Marc Sebor will research the agreement.

Mr. Rodeberg stated he is not sure of ownership at this time.

Ms. Peterson moved to close the hearing. Second by Mr. Hoversten the hearing closed at 6:40 p.m.

Ms. Peterson moved to order the improvement and prepare plans and specifications and order advertisement for bids. Seconded by Mr. Mlinar the motion carried unanimously.

6. **COMMUNICATIONS, REQUESTS AND PETITIONS**

Building Official Barry Greive commented on the water damage and mold in apartments after the large rainfall. He reported the State Dept. of Health does have instructions on cleaning mold.

7. **UNFINISHED BUSINESS**

8. **NEW BUSINESS**

- (a) CONSIDERATION FOR APPROVAL OF CHANGE ORDER NO. 5 FOR BIOSOLIDS DRYING FACILITY

Mr. Ed Nevers summarized the change order for additional safety features.

Mayor Torgerson stated the change order was presented and discussed at the workshop preceding the meeting.

Mr. Mlinar made a motion to approve the change order. The motion was seconded by Mr. Haugen. Ms. Peterson stated the change is for safety. Mr. Mlinar stated this change order may eliminate future problems. The motion carried unanimously.

- (b) CONSIDERATION FOR APPROVAL OF HUTCHINSON AREA FINAL AUAR

Ms. Wischnack commented on the Alternative Urban Area Review (AUAR) and explained the reasons for the study. She stated after the AUAR is approved each council member will receive the document on a CD.

Mr. Mlinar made a motion to approve the AUAR. The motion was seconded by Ms. Peterson and carried unanimously.

- (c) CONSIDERATION LETTING NO. 9/PROJECT NO. 02-18 (JEFFERSON STREET SE)–

CONSIDERATION OF JOINT POWERS AGREEMENT WITH MCLEOD COUNTY,
ORDERING PREPARATION OF REPORT AND RECEIVING REPORT AND CALLING
HEARING ON IMPROVEMENT

Mr. Rodeberg commented on the Joint Powers agreement and stated this will be a County project.

A motion was made by Mr. Hoversten to approve the preparation of report, receiving report and calling for hearing on improvement. Second by Ms. Peterson the motion carried unanimously.

(d) CONSIDERATION OF SETTING DATE AND LOCATION FOR ANNUAL CITY
PICNIC FOR THURSDAY, AUGUST 22, 2002 AT HUTCHINSON EVENT CENTER

Gary Plotz commented on plans for the picnic to be more of an appreciation for volunteers and employees. The event would take place at the Events Center and be held possibly in September when more people would be available to attend. He asked for two representatives from the City Council to sit on the committee. John Mlinar and Mayor Torgerson will be the council representatives on the committee.

(e) CONSIDERATION FOR APPROVAL OF CONDITIONAL USE PERMIT FOR
UTILITIES SUBSTATION

Ms. Wischnack commented on the conditional to the resolution.

Discussion followed regarding the addition of tree plantings on the North side of the site.

Mr. Mlinar made a motion to approve the conditional use permit with plantings on the North side of property. Seconded by Mr. Haugen the motion carried unanimously.

(f) CONSIDERATION OF AWARDING CONTRACT FOR CREEKSIDE SOILS BLENDING
LINE

Mr. Plotz commented on the composting center and some complications in blending soils. He stated efficient equipment would help to provide a better product than compost alone. He explained performance specifications have been developed with the help of John Rodeberg.

Discussion followed on the challenges in selling a higher standard product. Mr. Plotz presented the over all scope of the project. He commented on the timeline and financing of the project.

Mr. Hoversten made a motion to approve the request to award the contract. Seconded by Mr. Haugen the motion carried unanimously.

9. **MISCELLANEOUS**

(a) COMMUNICATIONS

Mayor Torgerson commented on the letter received by Mr. Heidebink regarding damage due to flooding. Mr. Rodeberg stated he is working with the areas that have problems. He explained the review of the 9th Ave. area. They are putting in a 4 foot diameter on 9th Ave. which will help the area.

Becky Walradth, 55-9th Ave. N.E., commented on the damage caused in her basement by flooding. She stated the storm sewer is not working correctly. She voiced concern with the problems on 10th Ave. not being alleviated by the 9th Ave. storm sewer construction.

Mr. Rodeberg stated there are a combination of problems however all improvements in the

area will help. He explained the entire neighborhood will be reviewed.

Gary Plotz – commented on there being no items for the agenda for a morning meeting. He also explained the November election deadlines. He commented on the 4:00 p.m. work shop which included: Police Chief presented improvement plan for the next 10-15 years and asked the Council to authorize staff to set a bid opening date. Mr. Mlinar made a motion to authorize staff to set a bid opening date with several options of types of building. Seconded by Mr. Hoversten, the motion carried unanimously.

The Ness Appreciation dinner is to be held on July 11, 2002. There are 50 signed up to attend.

Mr. Plotz asked to set a workshop for update on the blending facility. Mr. Hoversten made a motion to set a workshop at 4:00 p.m. on August 13, 2002. Seconded by Ms. Peterson, the motion carried unanimously.

Mayor Torgerson – commented a letter received on June 21st regarding early morning noise at VFW Park. He asked Gary Plotz to check on the complaint.

Jim Haugen – commented on possible staff follow up with a time table and options to repair in the event of flooding. Mr. Rodeberg stated they have started better informing the public by using the website and Channel 10 in an exceptional rain event.

Marc Sebor – commented on the July 2nd Editorial. He stated the City Council meetings and workshops are legal and available to the public. The room used for the meetings have been adequate for the number attending. If there are more attending than the room will allow they would move to the Council Chambers. He stated the City Council Chambers is more intimidating to the public and staff. Discussion followed on the communication there is now between staff and City Council. Mr. Hoversten commented on the communication with the public also.

10. CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS

(a) VERIFIED CLAIMS A

Motion by Mr. Mlinar, second by Mr. Haugen, to approve and authorize payment of Verified Claims A from appropriate funds. Motion carried unanimously. Mr. Hoversten abstained from voting.

(b) VERIFIED CLAIMS B

Motion by Mr. Hoversten, second by Ms. Peterson, to approve and authorize payment of Verified Claims B from appropriate funds. Motion carried unanimously.

11. ADJOURN

With no further business to discuss, the meeting adjourned at 7:10 p.m.

**MINUTES
REGULAR MEETING - HUTCHINSON CITY COUNCIL
JULY 23, 2002**

1. **CALL TO ORDER – 5:30 P.M.**

Mayor Marlin Torgerson called the meeting to order. Council Members present were John Mlinar, Jim Haugen, Kay Peterson and Duane Hoversten. Also present were Gary Plotz, City Administrator, Marc Sebora, City Attorney and John Rodeberg, Director of Engineering/Public Works.

2. **INVOCATION** – Rev. Max Myers, of Riverside Assembly of God Church, delivered the invocation.

PRESENTATION OF AWARD OF EXCELLENCE TO CITY OF HUTCHINSON FROM MINNESOTA RECREATION & PARKS ASSOCIATION (MRPA) FOR VETERANS MEMORIAL PARK

Cheryl Corman, City of New Ulm, also a representative from MRPA, presented an award of excellence to Lawrence Winter, who accepted on behalf of the Parks & Recreation Department. This award was given to the City of Hutchinson because of the exemplary work completed on the Veterans Memorial Park.

Mayor Torgerson also expressed appreciation to the various county individuals that aided in the development of this park.

3. **MINUTES**

(a) REGULAR MEETING OF JULY 9, 2002

(b) BID OPENING MINUTES FROM JULY 11, 2002

Minutes were approved as presented

4. **CONSENT AGENDA**

(a) REPORTS OF OFFICERS, BOARDS AND COMMISSIONS

1. PIONEERLAND LIBRARY SYSTEM BOARD MINUTES FROM MAY 16, 2002

2. PIONEERLAND LIBRARY SYSTEM FINANCIAL REPORT FOR MAY 2002

3. HUTCHINSON AREA HEALTH CARE BOARD MINUTES FROM JUNE 18, 2002

4. PLANNING COMMISSION MINUTES FROM JUNE 18, 2002

5. PLANNING COMMISSION SPECIAL MEETING MINUTES FROM JULY 2, 2002

6. CITY OF HUTCHINSON FINANCIAL REPORT FOR JUNE 2002

7. CITY OF HUTCHINSON INVESTMENT REPORT FOR JUNE 2002

(b) RESOLUTIONS AND ORDINANCES

1. RESOLUTION NO. 11984 – RESOLUTION AUTHORIZING HUTCHINSON TELEPHONE COMPANY TO MAKE DIRECT PAYMENT TO HUTCHINSON COMMUNITY VIDEO NETWORK FOR PUBLIC, EDUCATION AND GOVERNMENT PROGRAMMING ACCESS CHANNELS

2. RESOLUTION NO. 11985 – RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT FOR SAFE AND SOBER CAMPAIGN

3. RESOLUTION NO. 11986 – RESOLUTION DESIGNATING THE LOCATION OF THE POLLING PLACE FOR ALL CITY PRECINCTS AND APPOINTING JUDGES FOR THE 2002 CITY OF HUTCHINSON AND PRIMARY AND GENERAL STATE ELECTIONS
4. RESOLUTION NO. 11993- RESOLUTION AMENDING RESOLUTION NO. 11780 ESTABLISHING INCOME GUIDELINES AND ASSET LIMITATIONS FOR SENIOR & DISABLED CITIZENS DEFERRED ASSESSMENTS AND SENIOR & DISABLED CITIZENS REDUCED REFUSE RATE

(c) PLANNING COMMISSION ITEMS

1. CONSIDERATION OF CONDITIONAL USE PERMIT AND VARIANCE REQUESTED BY TONY BENTON, PROPERTY OWNER, TO REPLACE EXISTING GARAGE THREE FEET FROM PROPERTY LINE AND HARD SURFACE DRIVEWAY UP TO THE PROPERTY LINE AT 418 MILLER AVENUE SW WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 11979)
2. CONSIDERATION OF A CONDITIONAL USE PERMIT REQUESTED BY WILLIAM HAACK, PROPERTY OWNER, TO MOVE AN 18' X 18' GARAGE ONTO PROPERTY LOCATED AT 705 GROVE STREET SW WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 11981)
3. CONSIDERATION OF A CONDITIONAL USE PERMIT REQUESTED BY CITY OF HUTCHINSON POLICE DEPARTMENT TO MOVE A HOUSE FROM 127 – 1ST AVENUE SW TO 1100 ADAMS STREET SE WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 11982)
4. CONSIDERATION OF A LOT SPLIT LOCATED AT 500 GOLF COURSE ROAD SUBMITTED BY JEFF MUNSELL, PROPERTY OWNER WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 11983)

(d) CONSIDERATION FOR APPROVAL OF SHORT-TERM GAMBLING LICENSE FOR 3M CLUB ON SEPTEMBER 13 – 14, 2002, AT 3M CLUB BUILDING

(e) CONSIDERATION OF REAPPOINTING JOHN HOULE TO HRA BOARD FOR FIVE-YEAR TERM

(f) CONSIDERATION OF OUT-OF-STATE TRAVEL REQUEST FOR SERGEANT CHRIS DOBRATZ AND INVESTIGATOR MICHELLE HAMMOND-JOHNSON TO ATTEND THE NATIONAL CENTER FOR MISSING & EXPLOITED CHILDREN IN DALLAS, TEXAS FROM AUGUST 6 TO AUGUST 9, 2002

(g) CONSIDERATION OF ACCEPTING BIDS FOR SALE OF SURPLUS PROPERTY (CITY VEHICLES)

(h) CONSIDERATION FOR APPROVAL OF ROOF REPLACEMENT (THREE SECTIONS) ON THE PLAZA 15 SHOPPING CENTER

Motion by Haugen, second by Hoversten, to approve consent agenda. Motion carried unanimously.

5. **PUBLIC HEARING – 6:00 P.M.**

(a) LETTING NO. 9, PROJECT NO. 02-18 (JEFFERSON STREET SE) – ORDERING IMPROVEMENT AND PREPARATION OF PLANS AND SPECIFICATIONS AND

APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS

John Rodeberg, Director of Engineering/Public Works, noted that this is the first public hearing for the Jefferson Street annexation project. This area officially was annexed into the city July 21, 2002. Mr. Rodeberg explained the process used when ordering improvement projects and calling for bids. He stated that after bids are received and awarded, actual cost figures will be sent to the residents. Mr. Rodeberg explained the various payment options as well as the deferred assessment plan.

Mr. Rodeberg went on to explain that this project is parented by McLeod County, however the City has a joint powers agreement with the County to assist in the project work. The work projected to be completed for 2002 is to put in sanitary storm sewer and a gravel overlay. Mr. Rodeberg explained that McLeod County will cover the costs of street and path costs and all storm sewer costs related to providing service to the street. The City will be covering the costs for reconstruction of sanitary sewer and watermain for parcels previously in the city limits, previously assessed parcels for street and trunk storm sewer extension. Mr. Rodeberg explained that the costs to the property owners will be formulated to be assessed in the most fair manner amongst all residents. Mr. Rodeberg went on to briefly explain deferred assessments policies and procedures.

Mr. Rodeberg presented the estimated project costs and assessment amounts.

Michelle Shufelt, 1324 Jefferson St., explained that she has safety concerns regarding the transportation and parking during construction due to the fact that she operates a home daycare. Mr. Rodeberg explained that the contractors who are awarded the bid will be instructed to do their best to make sure there are openings and accommodations for her customers, and all residents. Ms. Shufelt also had concerns regarding the school bus routes and pickup and drop offs for the children. Mr. Rodeberg explained that school buses do not drive on construction routes and they will need to locate different pickup/drop off sites. They will make every effort to make sure the pickup/drop off sites are in the same location throughout the project.

Brian Burgess, 1383 Jefferson St., presented before the Council. Mr. Burgess recited a letter on behalf of Keith and Mary Wagner, whom were not able to be present. The Wagners were opposed to the project mainly due to the high costs. Mr. Burgess is also opposed to the annexation project and requested the Council to grant John Rodeberg the authority to be able to negotiate with him on the assessed amounts of his property, as they did with American Energy Systems and Deane Dietel, as Mr. Burgess's estimated assessment amounts are approximately \$42,000. He also requested of the Council the authority to negotiate on the sale of the property on the other side of the river. Mayor Torgerson stated that more information will need to be obtained before negotiations could be considered. Mayor Torgerson also noted that there were extenuating circumstances with Mr. Dietel's property that do not relate to Mr. Burgess's property. However, the City will work with the Burgess's in some way regarding the assessed amount.

Motion by Peterson, second by Haugen to close the public hearing. Motion carried unanimously.

Motion by Mlinar, second by Hoversten, to approve the preparation reports of Letting No. 9, Project 02-18. Motion carried unanimously. John Mlinar commented that this action is only to obtain bids and not to approve the project.

6. COMMUNICATIONS, REQUESTS AND PETITIONS

(a) COMMENTS FROM BECKY WALRADTH REGARDING 9TH AVENUE

Becky Walradth, resident of 9th Avenue, presented before the Council. Ms. Walradth commented that she has previously spoken with both Gary Plotz and John Rodeberg regarding the flooding in her neighborhood. She feels that the immense flooding is due to non-sufficient

storm sewer drainage. She has been assured by City staff that the issue will be monitored.

Mike Keeler, 10th Avenue, presented before the Council. Mr. Keeler asked John Rodeberg if there were any plans to replace the storm sewer system on 10th Avenue in the future. Mr. Rodeberg explained that there are three projects scheduled in the next two years that will assist with the storm sewer drainage in the 10th Avenue area. There is also a specific replacement project proposed for 10th Avenue in 2004, however more details will need to be considered. Mr. Keeler questioned whether or not there might be something broken or blocking the line that might be backing up the streets so rapidly. Mr. Rodeberg explained that this area has been investigated and there is nothing that is visibly broken or blocked. Mr. Rodeberg clarified that the line placed in 10th Avenue intersected an old county tile line, which may be causing a problem. John Rodeberg stated that staff will check this line to make sure there are no blockages.

Becky Walradth asked what short-term solutions there are to address the flooding issues on 10th Avenue. Ms. Walradth's concern with 10th Avenue is that when it rains, this street floods into her backyard. Mr. Rodeberg responded that there really are no short-term solutions available.

Coleen Mickolicek, 10th Avenue resident, presented before the Council. Ms. Mickolicek commented that she had looked into the catch basins and noticed broken-off pieces of cement on the bottom. John Rodeberg explained that the system line could be breaking off due to aging. Ms. Mickolicek also commented that their home had sanitary sewer backup and requested that their mound be cleaned out on a more regular schedule. John Rodeberg stated that he would put the request in to the appropriate department to make sure all mounds are cleaned on a regular schedule.

Ms. Walradth asked the Council, that in the event that her home owner's insurance cancels them, will the City cover them for insurance. She has received a cancellation notice from her insurance company because she has had three claims in two years. Duane Hoversten commented that he has received a notice similar in nature and that he will be working with his insurance company to try and resolve the issue. He understands how she feels as he is in the same type of situation.

John Mlinar asked if top water could be contributing to the problems these neighborhoods are having. John Rodeberg stated that top water is an issue and that the designs of sewer lines from fifty years ago that take in top water are not designed as they are today. Therefore, the older areas of town tend to have more issues as compared to the newer areas of the city. John Mlinar commented on whether or not sandbags or some other item could be used as a short-term aid. Mr. Rodeberg felt that would not be the appropriate solution.

Sayles Walradth, 9th Avenue resident, asked if the City could obtain easements to place holding ponds on private property. John Rodeberg stated that the city would be able to go through condemnation proceedings if there were no other solutions to address these problems.

7. **UNFINISHED BUSINESS**

8. **NEW BUSINESS**

- (a) CONSIDERATION OF A CONDITIONAL USE PERMIT REQUESTED BY MPI CHOPPERS, INC., APPLICANT, TO ALLOW SALE OF USED MOTORCYCLES IN THE C-4 DISTRICT LOCATED AT 492 HWY 7 EAST WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 19980)

Julie Wischnack, Planning/Zoning Director, presented to the Council. Ms. Wischnack explained that the Planning Commission voted to approve this item on a 6-1 vote.

John Mlinar noted that the controversial issue was the amount of motorcycles being displayed at one time.

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Ms. Wischnack explained that the Planning Commission recommended that a large size lot be used to display a maximum number of 15 motorcycles at one time.

Motion by Mlinar, second by Haugen, with Peterson abstaining, to approve the conditional use permit for MPI Choppers, Inc. Motion carried unanimously.

(b) REVIEW OF 2001 CITY AUDIT

Kyle Meyers, of the auditing firm of Abdo, Abdo, Eick and Meyers, presented before the Council. Mr. Meyers did comment that the City was awarded an award of excellence as a result of the audit. Mr. Meyers gave an overview of the findings of the audit. There was only one non-compliant issue and the auditors reported that there were no material weaknesses found in the audit.

Duane Hoversten asked Mr. Meyers if there were any internal controls that could be conducted to avoid any of the issues that have occurred with other city entities as well as private businesses. Mr. Meyers did state that his firm would be able to conduct some internal controls that would measure activity within the organization.

John Mlinar commended Ken Merrill, Finance Director, for his excellent work for the past 25 years.

(c) CONSIDERATION OF REJECTING BIDS FOR AIRPORT SAFETY IMPROVEMENTS (LETTING NO. 12, PROJECT NO. 02-21)

John Rodeberg stated that the bids came in much higher than anticipated. This project will be rolled over into a project for next year.

Motion by Mlinar, second by Haugen, to reject the airport safety improvement project. Motion carried unanimously.

(d) CONSIDERATION OF APPROVING CONSULTANT CONTRACT WITH HOWARD R. GREEN FOR WATER TREATMENT OPTION ANALYSIS

John Rodeberg explained that HDR Engineering has completed their final report regarding the Water Treatment plant. Based on their studies they have made a recommendation to biologically treat the water with the addition of a pH adjustment. However, staff has concerns that by adjusting the pH, this could cause problems with copper levels in the water, among other things. The Department of Health and a second consultant do not feel that this is the most viable option. Staff feels it is essential to obtain another opinion on this recommendation. Due to the vast dollar amount related to the project, staff feels it needs to have all necessary studies completed.

Motion by Hoversten, second by Peterson, to enter into consultant agreement with Howard R. Green Company to report on the feasibility of biological treatment and pH adjustment of water at the Water Treatment Plant. Motion carried unanimously.

(e) DISCUSSION OF OLD CITY DUMP AND PUBLIC SAFETY TRAINING SITE

John Rodeberg explained that three different projects are occurring at the old city dump site currently. They are: 1) environmental site assessments by the MPCA, part of the Voluntary Inspection and Cleanup Program, 2) the river bank erosion program and 3) construction of the public safety training site. John Rodeberg explained that the City will need to start picking up some costs relating to the MPCA site assessments. The MPCA has paid for the costs so far through grant money, however effective July 1, 2002, costs are the responsibility of the city.

John Rodeberg went on to explain that the river bank erosion project is the largest project of the three at this time.

(f) CONSIDERATION FOR APPROVAL OF ACKNOWLEDGING REVISIONS TO SECTION 2.09 AND 4.01 OF PROPOSED CITY CHARTER AMENDMENTS

Marc Sebora, City Attorney, presented before the Council. Mr. Sebora referred to a meeting on June 4, 2002, in which the Council publicly received and acknowledged the proposed City Charter. However, sections 2.09 and 4.01 did not read verbatim as voted on in the 2000 election. Therefore, it is being requested that these revisions be considered as they are written as voted on in the 2000 election, with the revisions recommended by the Charter Commission noted as changes. John Mlinar requested that Marc Sebora investigate whether or not these revisions be signed off by the Charter Commission.

Motion by Mlinar, second by Haugen, to accept these revisions to clarify the amendments voted on in the 2000 election. Motion carried unanimously.

(g) UPDATE ON NEW WATER BILLING STATEMENTS

Ken Merrill, Finance Director, presented before the Council. Mr. Merrill explained that it has been a goal of the water billing department to have the ability to print water bills in house as opposed to off-site, which adds additional costs to the billing system. Mr. Merrill explained that the goal is to have the new statements used for the first billing cycle in August. John Mlinar commented that it may be more clear if the descriptions in the account summary are able to be spelled out in completion, as opposed to abbreviating the descriptions. Mr. Merrill stated that this issue will be addressed. Mr. Merrill also explained that there is a direct payment option available for residents that may want to have payments taken directly out of their account. In addition, there are two drop boxes in the city for payments.

(h) CONSIDERATION FOR APPROVAL OF HUTCHINSON AREA HEALTH CARE AND HUTCHINSON MEDICAL CENTER ENTERING INTO JOINT VENTURE TO PROVIDE MRI SCANNING SERVICES TO THE COMMUNITY

Motion by Peterson, second by Hoversten, to approve the joint venture between HAHC and HMC. Motion carried unanimously.

9. MISCELLANEOUS

(a) COMMUNICATIONS

John Mlinar – John Mlinar made note that there are openings on the Charter Commission. Melissa Starke, Council Secretary, noted that an ad had been placed in the July 23 and July 25, 2002, Hutchinson Leader editions advertising the openings. Mr. Mlinar also made note that the workshops prior to the Council meetings are open to the public. Mr. Mlinar also recommended saying the pledge of allegiance before Council meetings.

Duane Hoversten – Mr. Hoversten stated that there are two openings on the HRA Board and anyone interested in serving should contact him or Jean Ward at City Center.

Gary Plotz – Mr. Plotz stated that the Jefferson St. Annexation and the 9th Avenue neighborhood projects were discussed at the Team Leadership Meeting this morning. Also, a steering committee to plan the city appreciation picnic is recommending that September 19, 2002, be set for the picnic. Mr. Plotz also requested that the workshop scheduled for August 13, 2002, to discuss the compost site's blending line be rescheduled to August 27, 2002, due to a conflict in the marketing consultant's schedule.

Motion by Peterson, second by Mlinar, to cancel August 13, 2002, workshop and reschedule it for August 27, 2002, at 4:00 p.m. Motion carried unanimously.

John Rodeberg – John Rodeberg noted that he has found a possible funding source in the Corp. of Engineers for the Crow River Dam project. Mr. Rodeberg requested of the Council

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the authority to pursue obtaining this funding.

Motion by Peterson, second by Hoversten to authorize John Rodeberg to pursue grant money from the Corp. of Engineers for the Crow River Dam project. Motion carried unanimously.

10. CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS

(a) VERIFIED CLAIMS A

Motion by Peterson, second by Haugen, to approve and authorize payment of Verified Claims A from appropriate funds. Motion carried unanimously.

11. ADJOURN

With no further business to discuss, the meeting adjourned at 7:20 p.m.

**MINUTES
REGULAR MEETING - HUTCHINSON CITY COUNCIL
AUGUST 13, 2002**

1. **CALL TO ORDER – 5:30 P.M.**

Mayor Marlin Torgerson called the meeting to order. Council Members present were John Mlinar, Jim Haugen, Kay Peterson and Duane Hoversten. Also present were Gary Plotz, City Administrator, Marc Sebor, City Attorney and John Olson, Assistant Public Works Director

2. **INVOCATION** – Rev. Jon Lindekugel, of Christ the King Church, delivered the invocation.

3. **MINUTES**

(a) REGULAR MEETING OF JULY 23, 2002

(b) BID OPENING MINUTES FROM AUGUST 2, 2002

Motion by Mlinar, second by Peterson to approve the minutes as presented. Motion carried unanimously.

4. **CONSENT AGENDA**

(a) REPORTS OF OFFICERS, BOARDS AND COMMISSIONS

1. HUTCHINSON UTILITIES FINANCIAL STATEMENT FOR JUNE 2002

2. HUTCHINSON PUBLIC LIBRARY BOARD MINUTES FROM JUNE 24, 2002

3. HUTCHINSON FIRE DEPARTMENT MONTHLY REPORT FOR JULY 2002

4. PIONEERLAND LIBRARY SYSTEM FINANCIAL REPORT FOR JUNE 2002

5. PIONEERLAND LIBRARY SYSTEM BOARD MINUTES FROM JUNE 20, 2002

6. BUILDING DEPARTMENT MONTHLY REPORT FOR JULY 2002

7. HUTCHINSON AREA HEALTH CARE FINANCIAL REPORT FOR JUNE 2002

8. PARKS, RECREATION & COMMUNITY EDUCATION BOARD MINUTES FROM JUNE 6, 2002

(b) RESOLUTIONS AND ORDINANCES

1. RESOLUTION NO. 12001 – RESOLUTION APPROVING A LICENSE AGREEMENT GRANTING RIGHTS TO THE HUTCHINSON UTILITIES COMMISSION

2. RESOLUTION NO. 12002 – RESOLUTION FOR PURCHASE OF PEAT AND TRUCKING SERVICES

3. RESOLUTION NO. 12003 – RESOLUTION ESTABLISHING LOCATION OF TRAFFIC CONTROL DEVICES

4. RESOLUTION NO. 12004 – RESOLUTION ESTABLISHING MUNICIPAL STATE AID STREET (EDMONTON AVENUE)

(c) LETTING NO. 7, PROJECT NO. 02-16 (1ST ADDITION TO RAVENWOOD)

DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT

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WAIVING HEARING ON PROPOSED ASSESSMENT
ADOPTING ASSESSMENT
ACCEPTING BID

- (d) LETTING NO. 13, PROJECT NO. 02-20 (SOUTH FORK CROW RIVER BANK STABILIZATION)

ORDERING PREPARATION OF REPORT ON IMPROVEMENT (REVISED)
RECEIVING REPORT AND CALLING FOR HEARING ON IMPROVEMENT (REVISED)

- (e) CONSIDERATION FOR APPROVAL OF SHORT-TERM GAMBLING LICENSE FOR MCLEOD ALLIANCE FOR VICTIMS OF DOMESTIC VIOLENCE ON OCTOBER 23, 2002
- (f) CONSIDERATION FOR APPROVAL OF TRANSIENT MERCHANT LICENSE FOR HOMIER DISTRIBUTING ON AUGUST 26 – 27, 2002, AT NATIONAL GUARD ARMORY
- (g) CONSIDERATION FOR APPROVAL OF MASSAGE LICENSE FOR REJUVENATING CENTER
- (h) CONSIDERATION OF HRA BOARD APPOINTMENT
- (i) CONSIDERATION FOR APPROVAL OF OUT-OF-STATE TRAVEL FOR MARION GRAHAM TO ATTEND THE WASTEWATER LABORATORY EXAM WORKSHOP IN PROVIDENCE, RHODE ISLAND FROM SEPTEMBER 13 – 16, 2002
- (j) CONSIDERATION FOR APPROVAL OF OUT-OF-STATE TRAVEL FOR DOUG JOHNSON TO BALDWIN, WISCONSIN FROM AUGUST 12 – 16, 2002
- (k) CONSIDERATION FOR APPROVAL OF SHORT-TERM GAMBLING LICENSE FOR DUCKS UNLIMITED ON SEPTEMBER 4, 2002, AT CROW RIVER COUNTRY CLUB
- (l) CONSIDERATION FOR APPROVAL OF SHORT-TERM GAMBLING LICENSE FOR HUTCHINSON AREA FOUNDATION FOR HEALTH CARE ON OCTOBER 26, 2002, AT CROW RIVER COUNTRY CLUB

Items 4 (c) and (h) were pulled for separate discussion.

Item 4 (c): John Olson explained that all waivers of acceptance have not been received for the Ravenwood Project, therefore the project should not be awarded at this time. Staff is requesting that the preparation of assessment be approved and order hearing to be set for the first Council meeting in September.

Item (h): Jean Ward, HRA Director, explained that this item should be tabled until the next Council meeting for appointment. The HRA Board will be considering adding another member to the Board and therefore may be appointing two members.

Motion by Peterson, second by Hoversten, to defer action on appointing HRA Board member. Motion carried unanimously.

Motion by Mlinar, second by Haugen, to prepare assessment and set assessment hearing for Ravenwood Project for first meeting in September. Motion carried unanimously.

Motion by Mlinar, second by Haugen, to approve consent agenda with the exception of items 4(c) and (h). Motion carried unanimously.

5. **PUBLIC HEARING – 6:00 P.M.**

CITY COUNCIL MINUTES – AUGUST 13, 2002

(a) CONSIDERATION FOR APPROVAL OF SUNDAY INTOXICATING LIQUOR LICENSE FOR ALL OCCASIONS CATERING

Motion by Mlinar, second by Peterson to close the public hearing. Motion carried unanimously.

Motion by Haugen, second by Peterson to approve the Sunday Intoxicating liquor license for All Occasions Catering. Motion carried unanimously.

6. **COMMUNICATIONS, REQUESTS AND PETITIONS**

(a) REQUEST BY ERLAND JABLINSKI REGARDING VFW PARK

Marc Sebor, City Attorney, explained that the Jablinskis had made a request to the Council to consider adopting an ordinance that regulates the hours of city parks. This request stems from a complaint they have regarding two young adults playing basketball near their home at the VFW park during early morning hours. Mr. Sebor explained that there is no current ordinance that addresses the hours of the parks. He further commented that some city parks have state trails that run through them and require accessibility at all hours. Mr. Sebor further explained that there is a city ordinance that governs nuisances, which would need to be determined on a case by case basis. John Mlinar expressed that he feels the police need to enforce current ordinances that are already in place and have the police possibly speak to the individuals using the park to see if there are any other alternatives for them. Marc Sebor will track the activity regarding this request.

(b) CONSIDERATION FOR APPROVAL OF FUNDING REQUEST BY MCLEOD COUNTY FAIR BOARD

Marc Sebor, City Attorney, explained that the McLeod County Fair Board had made a financial request to Hutchinson Area Health Care to make a \$1000 contribution for the County Fair. Mr. Sebor's findings show that the hospital is statutorily unable to provide funding to such organizations. However, the City is able to make such a donation. Kay Peterson expressed that she feels the City offers various services throughout the Fair that more than make up for monetary donations. Gary Plotz noted that the City provides services such as street sweeping, water truck services, Fire & Rescue, etc.

Motion by Peterson, second by Mlinar, to reject the request of donating to the McLeod County Fair Board. Motion carried unanimously.

7. **UNFINISHED BUSINESS**

8. **NEW BUSINESS**

(a) CONSIDERATION FOR APPROVAL OF ACCEPTING FRANKLIN-GROVE NEIGHBORHOOD SMALL CITIES REHABILITATION GRANT

Jean Ward, HRA Executive Director, explained that there are final applications and approved resolutions that need to be completed to obtain the Minnesota state grant for the Franklin-Grove neighborhood. Ms. Ward explained the program to the Council (geographic area, income requirements of applicants, loan amounts, etc). Ms. Ward explained that the main purpose of the program is to rehabilitate the homes in this area and to address health and safety issues. Ms. Ward requested that the Council approve the contracts and resolutions provided in the packet.

Motion by Peterson, second by Hoversten, to approve the contracts, agreements and resolutions required to obtain the Franklin-Grove Neighborhood grant. Motion carried unanimously.

(b) CHARTER AMENDMENTS ELECTION CONSIDERATIONS (STEVE COOK)

CITY COUNCIL MINUTES – AUGUST 13, 2002

Steve Cook explained that he would like to provide more information to citizens to avoid any confusion regarding the Charter amendments that will be on the same ballot as the proposed City Charter at the November election. Mr. Cook explained that Amendment #2 is to change the number of signatures required to petition the City. Mr. Cook further explained that with elections changing to even years, there is a larger voter turnout because the elections are held in conjunction with state and federal elections. The amendment is to propose changing the required number of signatures from 20% to 10%. Amendment #1 proposes having a primary municipal election and also to have designated Council seats. Each Council seat would have a number assigned to it (i.e. #1, #2, #3, etc.) and each candidate would have to designate which seat they are running against. Mr. Cook expressed that the designated seats option would allow candidates to run against only those that they choose to, and not all members at large, as it is currently stated in the Charter. Mr. Cook explained that the designated seats would be voted on at a municipal primary election, with the top two vote getters proceeding to the general election in November.

Steve Cook addressed possible confusion at the election between the proposed City Charter and the amendments. Mr. Cook clarified that the Charter Commission will have the proposed (revised) Charter on the ballot and the amendments will be listed separately as amendments to the proposed Charter. Mr. Cook proposed that only the changes be addressed on the ballot to avoid any confusion. He also explained that the proposed amendments do not effect any of the changes that are being proposed by the Charter Commission. Mr. Cook does not feel that a special election should be held only for the charter amendments, due to the cost of the election. Mr. Cook went on to explain that at the June 25, 2002, City Council meeting it was stated that the time had expired to acquire the language on the primary ballot. However, Mr. Cook researched the fact that the deadline to submit language to McLeod County was July 23, 2002, and he and Mr. Michael Ribich had informed each council member of that. Alas, the language was not included on the primary ballot.

Marc Seboria stated that the Council has 12 weeks to set an election from the receipt of the petition. Kay Peterson expressed that her understanding is that once the petition is received, it is automatically set for the general election. Marc Seboria went on to explain that the Council has the option to set the date of the election. They do not have the power to decide whether or not it is voted on – that is automatic once the petitions are received.

Motion by Peterson, second by Mlinar, to publicly receive the petition and authorize City Administrator to authenticate the signatures at the McLeod County Auditor's office. John Mlinar suggested renumbering the additional section in Amendment #1 to coincide with the numbering system already placed in the Charter. Duane Hoversten noted that this Council action is not approving the amendments, however simply publicly accepting them. Motion carried unanimously.

Motion by Mlinar, second by Peterson, to set charter amendments for the general election on November 5, 2002. Duane Hoversten voiced that he is not in favor of the timing of this. He feels it is last minute. Mayor Torgerson voiced that he feels that the general election is the most appropriate time for the amendments to be voted on, where there is most likely the highest voter turnout. Michael Ribich noted that the Council will ease any confusion to the voters in the wording of the questions regarding the amendments. A roll call vote was taken for the motion. Haugen – Aye; Mlinar - Aye; Peterson – Aye; Hoversten – Nay; Torgerson – Aye. Motion carried 4 to 1.

(c) PRESENTATION OF PETITION FOR HUTCHINSON CITY CHARTER AMENDMENTS

This action was taken with Item 4(b).

(d) CONSIDERATION OF RE-SETTING SEPTEMBER 10, 2002, CITY COUNCIL MEETING DUE TO PRIMARY ELECTION

Motion by Peterson, second by Mlinar, to change the September 10, 2002, Council meeting to September 9, 2002, due to the primary election. Motion carried unanimously. Motion by

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Peterson, second by Mlinar, to reject re-setting the Council meeting to September 9, 2002, due to a school board meeting on the same date. Motion carried unanimously.

Motion by Peterson, second by Mlinar, to set the first Council meeting in September to September 12, 2002. Motion carried unanimously.

(e) CONSIDERATION OF SETTING BUDGET WORKSHOP PRECEDING FIRST CITY COUNCIL MEETING IN SEPTEMBER

Motion by Haugen, second by Hoversten, to set budget workshop for September 12, 2002.. Motion carried unanimously.

Motion by Mlinar, second by Haugen, to amend Resolution No. 12008 to set assessment hearing for Ravenwood project for September 12, 2002. Motion carried unanimously.

9. MISCELLANEOUS

(a) COMMUNICATIONS

John Mlinar – Mr. Mlinar introduced Olar Opar from Astonia. Mr. Opar explained that he is from the dairy industry in Astonia visiting the United States. Mr. Opar explained that he is on his town council in Astonia and that is why he is visiting Hutchinson’s City Council meeting tonight. He is curious to see how Hutchinson’s City Council handles city issues and problems.

Mr. Mlinar also noted that a flyer was distributed with the compost bags. A change noted on the flyer is that the tree limb diameter accepted is one-quarter inch. Any limbs larger than that may damage the equipment used to grind them up. Mr. Mlinar also noted that a list of acceptable items was included in the flyer.

John Mlinar also commented on the 20 mph speed zone on Second Avenue that runs past Park Elementary. Mr. Mlinar feels that the wording of the sign regarding “when children are present” can be confusing and he asked that staff review possibly obtaining a sign that is more clear. John Olson commented that the words “when children are present” is set by the state. Mr. Olson stated that he will research possibly placing a placard underneath the wording to better clarify when the speed zone should be enforced. Mr. Olson also commented that center signs could be placed in the middle of the road during school hours.

Mayor Torgerson noted that a resolution was passed earlier this evening to establish traffic control devices on Jefferson Street and Sunset Street. Mayor Torgerson also asked that staff review again Lewis Avenue for parking restrictions. John Olson will follow-up with the Mayor’s request.

Duane Hoversten – Mr. Hoversten thanked all police, fire and other city staff for their assistance with National Night Out.

Gary Plotz – Mr. Plotz requested that a resolution be approved for Creekside Soils with the Office of Environmental Assistance. The resolution is for a grant for additional hours to label compost bags and to apply standards to the industry. This grant provides a soft match for the additional hours needed to apply the standards.

Motion by Peterson, second by Hoversten to accept Resolution No. 12009 accepting the grant for Creekside Soils. Motion carried unanimously.

Mr. Plotz reviewed the items discussed at the Team Leadership meeting earlier in the day: 1. Update on Fairgrounds situation between McLeod County and the City of Hutchinson; 2. Ice Arena contract with Hutch Hockey Association; 3. Weed notice procedure; 4. Update on the police storage building; 5. Update on storm damage claims for storm sewer and/or sanitary sewer; 6. Update on \$5000 MPCA fine for a City/EDA project; 7. Update on

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potential liquor store sites. Hutchinson will be receiving full payment from the McLeod County Solid Waste Committee as requested from the County, as well as funding for compost monitors. Mr. Plotz also explained that the compost site is seeking request for proposals to obtain leaves from other cities for processing. Mr. Plotz wanted to make the Council aware that they are taking part in this procedure, as it will be a revenue maker

10. CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS

(a) VERIFIED CLAIMS A

Motion by Mlinar, second by Haugen, with Hoversten abstaining, to approve and authorize payment of Verified Claims A from appropriate funds. Motion carried unanimously.

(b) VERIFIED CLAIMS B

Motion by Haugen, second by Peterson, to approve and authorize payment of Verified Claims B from appropriate funds. Motion carried unanimously.

11. ADJOURN

With no further business to discuss, the meeting adjourned at 7:00 p.m.

**MINUTES
REGULAR MEETING - HUTCHINSON CITY COUNCIL
AUGUST 27, 2002**

1. **CALL TO ORDER – 5:30 P.M.**

Mayor Marlin Torgerson called the meeting to order. Council Members present were John Mlinar, Jim Haugen, Kay Peterson and Duane Hoversten. Also present were Gary Plotz, City Administrator, Marc Sebor, City Attorney and John Rodeberg, Director of Engineering/Public Works.

2. **INVOCATION** – Rev. Randy Chrissis, of Christ the King Lutheran Church, delivered the invocation.

3. **MINUTES**

(a) REGULAR MEETING OF AUGUST 13, 2002

Minutes were approved as presented

4. **CONSENT AGENDA**

(a) REPORTS OF OFFICERS, BOARDS AND COMMISSIONS

1. HUTCHINSON AREA HEALTH CARE BOARD MINUTES FROM JULY 16, 2002
2. PLANNING COMMISSION MINUTES FROM JULY 16, 2002
3. HUTCHINSON UTILITIES FINANCIAL STATEMENT FOR JULY 2002
4. HUTCHINSON AREA HEALTH CARE FINANCIAL STATEMENT FOR JULY 2002
5. CITY OF HUTCHINSON INVESTMENT REPORT FOR JULY 2002
6. CITY OF HUTCHINSON FINANCIAL REPORT FOR JULY 2002

(b) RESOLUTIONS AND ORDINANCES

1. RESOLUTION NO. 12010 – RESOLUTION TEMPORARILY SUSPENDING PARKING RESTRICTIONS ON JEFFERSON STREET DURING ARTS & CRAFTS FESTIVAL
2. RESOLUTION NO. 12012 – RESOLUTION PROVIDING SUPPORT TO MCLEOD COUNTY TO PROCEED WITH JEFFERSON STREET PROJECT
3. RESOLUTION NO. 12016 – RESOLUTION TO SELL AT AUCTION UNCLAIMED PROPERTY

(c) PLANNING COMMISSION ITEMS

1. CONSIDERATION OF A PRELIMINARY PLAT AND FINAL PLAT SUBMITTED BY FRANK FAY FOR FREDERICK SELTZ AND HENNEN'S PROPERTIES TO BE KNOWN AS SELTZ SUBDIVISION LOCATED ON HWY 7 EAST AND HWY 22 WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 12013)
2. CONSIDERATION OF A CONDITIONAL USE PERMIT REQUESTED BY MICHAEL DEMMER, PRAIRIE SENIOR COTTAGES, TO CONSTRUCT AN ASSISTED LIVING PROJECT LOCATED AT 850 CLEVELAND AVENUE SW WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 12014)

3. CONSIDERATION OF FINAL PLAT TO BE KNOWN AS COLORADO RIDGE SUBMITTED BY KEVIN COMPTON LOCATED IN HELLAND'S SEVENTH ADDITION WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 12015)
 4. CONSIDERATION OF ORDERLY ANNEXATION OF VINCENT DOOLEY PROPERTY BETWEEN CITY OF HUTCHINSON AND THE TOWNSHIP OF HUTCHINSON (ADOPT RESOLUTION NO. 11994)
- (d) CONSIDERATION FOR APPROVAL OF OUT-OF-STATE TRAVEL FOR BARRY GREIVE TO FORT WORTH, TEXAS, FROM SEPTEMBER 29 – OCTOBER 4, 2002, TO ATTEND A JOINT MEETING WITH BUILDING OFFICIALS AND CODE ADMINISTRATORS
- (e) CONSIDERATION OF HRA BOARD APPOINTMENT
- (f) LETTING NO. 13, PROJECT NO. 02-20 (SOUTH FORK CROW RIVER BANK STABILIZATION)
- ORDERING IMPROVEMENT AND PREPARATION OF PLANS AND SPECIFICATIONS
 - APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS
- (g) ASSESSMENT ROLL NO. 5058, LETTING NO. 7, PROJECT NO. 02-26 (1ST ADDITION TO RAVENWOOD)
- WAIVING HEARING ON ASSESSMENT
 - ADOPTING ASSESSMENT
 - ACCEPTING BID AND AWARDED CONTRACT

Item 4(e) was pulled for further discussion. Ian McDonald was recommended by the HRA Board to be appointed.. Kay Peterson asked if there were any further discussions regarding adding a board member as was mentioned at the last Council meeting. Duane Hoversten explained that at this time there will be no addition of board members. He also stated that there were three excellent candidates that showed interest in serving and confirmed that there will be a term open next year. Ian McDonald was officially appointed to the HRA Board.

Item 4(f) was pulled and will be presented as a public hearing.

Motion by Mlinar, second by Haugen, to approve consent agenda with the exception of Item 4(f). Motion carried unanimously.

5. **PUBLIC HEARING – 6:00 P.M.**

- (a) LETTING NO. 13, PROJECT NO. 02-20 (SOUTH FORK CROW RIVER BANK STABILIZATION)

John Rodeberg, Director of Engineering/Public Works, presented before the Council. Mr. Rodeberg explained that this area of the south fork of the Crow River bank is eroding and needs to be improved and rebuilt. Mr. Rodeberg explained that the MPCA's dump site project is also a part of this project. The stabilization project is proposed to return to its original channel. The estimated total cost of the project is approximately \$171,000 and will be 100% assessed to property owners. The requested approval for tonight is to advertise for bids from contractors to move ahead with the project. John Rodeberg explained that no additional funding has been located due to cutbacks in grant dollars.

A gentleman approached the Council who lives across from West River Park. He and some neighbors in his area are requesting that this area also be improved due to severe erosion damage. John Rodeberg explained that his staff will review this area to see what

improvements can be made.

Motion by Mlinar, second by Peterson, to close the public hearing. Motion carried unanimously.

Motion by Peterson, second by Hoversten, to approve the plans and specifications and order advertisement for bids and order improvement and preparation of plans and specifications. Motion carried unanimously.

6. COMMUNICATIONS, REQUESTS AND PETITIONS

(a) 2003 FUNDING REQUEST BY SOUTHWEST MINNESOTA FOUNDATION

Marc Sebor, City Attorney, explained that he had distributed to the Council the Attorney General's opinion regarding cities in general making contributions to non-profit organizations. Due to the extreme scrutiny of cities spending taxpayers' funds, Mr. Sebor's recommendation would be to deny this funding request. Mayor Torgerson explained that historically the City Council has contributed to the Southwest Minnesota Foundation and that the state does not necessarily look down on these types of contributions, due to what this type of organization gives back to the community.

Sherry Ristau, SW Minnesota Foundation President, presented before the Council. Ms. Ristau expressed that to date she has not faced this type of obstacle with other cities. Ms. Ristau explained that she would be happy to meet with the City Attorney and other city officials to explain the types of contributions they make to area businesses in Hutchinson and the surrounding area. Marc Sebor did state that since the SW Minnesota Foundation does contribute back to the community, there may be a way to work out this type of donation to them. Ms. Ristau continued to update the Council on the current projects and other matching funds that have been received.

Motion by Mlinar, second by Peterson, to defer this item to the September 12, 2002, Council meeting until further research can be conducted regarding such contributions. Motion carried unanimously.

7. UNFINISHED BUSINESS

8. NEW BUSINESS

(a) CONSIDERATION FOR APPROVAL OF CONSTRUCTION OF HUTCHINSON POLICE SERVICES STORAGE GARAGE

Steve Madson, Director of Police/Emergency Management Services, distributed to the Council a drawing of the proposed storage garage. Mr. Madson continued to explain that the funding of the building is covered and the necessity of the building due to an expansion in investigative personnel.

Motion by Peterson, second by Mlinar, to approve the construction of the Hutchinson Police Services storage garage. Motion carried unanimously.

(b) CONSIDERATION FOR APPROVAL OF APPROPRIATING FUNDS FOR THE FIRE/POLICE TRAINING SITE

Brad Emans, Fire Chief, presented before the Council. Mr. Emans publicly thanked Police Chief Madson for the work he has achieved with this project. Mr. Emans continued by stating that this project is somewhat over budget, even though extra funding has been sought and cutbacks have been made to the project. Mr. Emans explained that in 1980 the City passed a bond for the fire station and there are excess funds still available. Mr. Emans requested that up to \$25,000 be transferred from the fire station excess bond fund to the general fund to cover the additional costs related to the construction of the training site. John Rodeberg further explained that some of the extra costs incurred are related to the crow

river bank stabilization project and funds will need to be acquired in order for this project to be completed.

Motion by Peterson, second by Mlinar, to appropriate up to \$25,000 for the fire/police training site from the fire station excess bond fund. Motion carried unanimously.

(c) CONSIDERATION FOR APPROVAL OF RENEWAL OF LIABILITY, COMPREHENSIVE AND PROPERTY INSURANCE

Jeff Borkenhagen, Insurance Planners, presented before the Council. Mr. Borkenhagen explained that the League of MN Cities Insurance Trust, which covers loss control, remains strong and a large percentage of Minnesota cities are members of the Trust. Mr. Borkenhagen reviewed the various insurance coverages and the premium activity from year to year for the City of Hutchinson. Overall, rates and premiums have lowered due to the amount of claims and the City's exposure. Ken Merrill, Finance Director, reviewed some of the additional coverages that the League of MN Cities Insurance Trust has included as part of the overall package. Mr. Merrill further explained that the City's \$25,000 deductible is being reviewed to determine the benefits of it. Jeff Borkenhagen continued to explain the dividend check that may be issued to the City at the end of each year, based upon a calculation that the League configures pooling in all the cities in Minnesota. The dividend is based on the City's activity and the deductible that is paid in. Mr. Merrill explained the fidelity bonds that are placed on the Finance Director and the CEO of Hutchinson Area Health Care. The City Administrator will also be added for coverage under the fidelity bonds. John Mlinar questioned the coverage placed on the City Council for the Open Meeting Law. Mr. Mlinar expressed that he doesn't see a need for the City to pay for this type of coverage when they have more than adequate legal advice provided by the City Attorney. Ken Merrill explained that this coverage is for individual council members in the event they are on target and would need legal coverage. There was discussion amongst the Council Members weighing the necessity of this coverage and different circumstances that it may pertain to.

Duane Hoversten requested the items specifically covered under the Open Meeting Law coverage. Jeff Borkenhagen explained that this coverage is specifically to cover actions relating to violating the Open Meeting Law. Jeff Borkenhagen will research this coverage in more depth and confer with the Finance Director and City Attorney. Ken Merrill requested that the City Council approve the insurance renewals as presented.

Motion by Haugen, second by Mlinar to renew the insurance renewals, which does not include the Open Meeting Law coverage. Motion carried unanimously.

(d) CONSIDERATION FOR APPROVAL OF CALLING FOR SALE OF 2002 GENERAL OBLIGATION IMPROVEMENT BOND AND SEWER & REVENUE BONDS

Jim Prosser, Ehlers & Associates, presented before the Council. Mr. Prosser explained the street projects outlined as part of the sale of the general obligation improvement bonds. The projects require two different bond issues for better control measures. Mr. Prosser continued to explain the structure of the bonds and the repayment schedule. The current market interest rate is at a near historic low and not expected to change prior to the bond sale. Mr. Prosser explained that the City's credit rating is very good and in favorable standings.

Motion by Hoversten, second by Mlinar, to approve the calling of general obligation improvement bonds and sewer improvement bonds, adopting Resolution No. 12017 and Resolution No. 12018. Motion carried unanimously.

(e) CONSIDERATION FOR APPROVAL OF EDA EXECUTIVE DIRECTOR POSITION DESCRIPTION AND APPLICATION PACKET

Brenda Ewing, Human Resources Director, explained the minor changes that were made the EDA Director job description. These changes include to whom the position reports to, clarifying duties and responsibilities and office equipment used in the position. Ms. Ewing

went on to explain the advertising recruitment strategies used to fill the position.

Motion by Peterson, second by Hoversten, to approve the position description and application packet. Motion carried unanimously.

9. **MISCELLANEOUS**

(a) COMMUNICATIONS

Gary Plotz explained that at the compost site workshop earlier today city staff reviewed various activities that are happening at the compost site, including the marketing strategies that are in place. Mr. Plotz explained specific projects and improvements that have been made to processes. These projects include colorizing mulch and a blending line for soil mixing. Mr. Plotz explained that the City of Hutchinson (dba Creekside Soil) entered into a marketing contract earlier in the year with Jeff Meehan Sales to market Creekside's products.

Jeff Meehan presented before the Council. Mr. Meehan explained that his firm has sold and marketed bagged lawn care products for the past 25 years. Mr. Meehan continued to explain that three distributors have been scheduled to sell Creekside products at trade shows throughout the area. Independent entities (i.e. Bachman's, Mills Fleet, etc.) are being contacted regarding the Creekside products. One-on-one presentations, faxes, mailings and trade shows are all part of the marketing program for Creekside.

Mayor Marlin Torgerson read a request made by Hutchinson Area Health Care Board requesting the City Council approve upgrading the dictating system. The Hutchinson Area Health Care Board requests the Council's approval to purchase this system for the amount of \$225,376.57.

Motion by Mlinar, second by Haugen, to approve purchasing the new dictation system for Hutchinson Area Health Care. Motion carried unanimously.

Marc Sebora – Mr. Sebor requested that the City Council approve closing a portion of the September 12, 2002, Council meeting to discuss litigation regarding the Scenic Heights law suit.

Motion by Mlinar, second by Peterson, to close a portion of the City Council meeting on September 12, 2002. Motion carried unanimously.

Mr. Sebor also reminded citizens to be aware of stop arm signs on school buses. Mr. Sebor explained the rules and fines related to violating a stop arm sign.

John Mlinar – Mr. Mlinar reviewed the Fall Parks, Recreation and Community Education brochure, displaying the various activities and services provided in Hutchinson for the youth to the elderly. There is an abundance of information provided in this brochure. Mr. Mlinar also made a public announcement that he will not be running for council member in the Fall election. Mr. Mlinar has served on the City Council for 21 years.

Kay Peterson – Ms. Peterson reminded citizens that the part of Grove Street that runs on the west side of Park Elementary is a one-way street, which is also the block that the buses park on when picking up children. She cited that several vehicles drive the wrong way on this street and can be very dangerous for the children in the neighborhood. John Rodeberg mentioned that city staff will research placing additional signs on this stretch of Grove Street.

Gary Plotz – Mr. Plotz reviewed the candidate filing procedure that opened today. Filing closes September 10, 2002. As of today, Bill Arndt has filed for a council member seat.

Mr. Plotz also explained that Creekside Compost Site has received a Governor's Award and

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the ceremony will be held October 3, 2002, in St. Paul. All council members are invited to attend.

John Rodeberg – Mr. Rodeberg explained that John Olson had researched the speed zone on 2nd Avenue along the south side of Park Elementary School. Mr. Olson's findings are that the current signage is the most appropriate and the most enforceable. The MN State Patrol has specific training that they can provide to local law enforcement officers to better enforce this rule.

Mr. Rodeberg also requested the City Council to set a public hearing for the next Council meeting for the old dump site improvement project.

Motion by Peterson, second by Haugen to approve the report on improvement and call for public hearing to improve the old dump site. Motion carried unanimously.

Mr. Rodeberg also requested the costs to be assessed and ordering preparation of proposed assessment for Jefferson Street in order to move the project ahead. Prices came in much lower than anticipated.

Motion by Mlinar, second by Peterson to approve the costs to be assessed, ordering preparation of assessment and set hearing for September 12, 2002, for the Jefferson Street project. Motion carried unanimously.

Marlin Torgerson – Mayor Torgerson noted that he has been working with organizations to arrange programs/events on September 11, 2002, at Library Square at 12 noon. Mayor Torgerson asked all citizens to take part in the events and to wear red, white and blue on this day.

10. CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS

(a) VERIFIED CLAIMS A

Motion by Haugen, second by Peterson, to approve and authorize payment of Verified Claims A from appropriate funds. Motion carried unanimously.

11. ADJOURN

With no further business to discuss, the meeting adjourned at 7:10 p.m.

**MINUTES
REGULAR MEETING - HUTCHINSON CITY COUNCIL
SEPTEMBER 12, 2002**

1. **CALL TO ORDER – 5:30 P.M.**

Mayor Marlin Torgerson called the meeting to order. Council Members present were John Mlinar, Jim Haugen, Kay Peterson and Duane Hoversten. Also present were Gary Plotz, City Administrator, Marc Sebor, City Attorney and John Rodeberg, Director of Engineering/Public Works.

2. **INVOCATION** – Rev. Eric Goodwin, of Peace Lutheran Church, delivered the invocation.

3. **MINUTES**

(a) REGULAR MEETING OF AUGUST 27, 2002

Minutes were approved as presented

4. **CONSENT AGENDA**

(a) REPORTS OF OFFICERS, BOARDS AND COMMISSIONS

1. FIRE DEPARTMENT MONTHLY REPORT FOR AUGUST 2002
2. PIONEERLAND LIBRARY SYSTEM FINANCIAL REPORT FOR JULY 2002
3. BUILDING DEPARTMENT MONTHLY REPORT FOR AUGUST 2002

(b) RESOLUTIONS AND ORDINANCES

1. RESOLUTION NO. 12027 – RESOLUTION FOR PURCHASE OF ELECTRONIC FILING SYSTEM

(c) CONSIDERATION OF APPOINTING JEFFREY LUX TO AIRPORT COMMISSION TO 2007 AND DOUG MCGRAW TO COMPLETE ROBERT HANTGE'S TERM TO 2004

(d) CONSIDERATION OF RE-APPOINTING BRUCE PETERSON AND MIKE SCHIESL TO THE PARKS, RECREATION AND COMMUNITY EDUCATION BOARD TO 2005

(e) CONSIDERATION FOR APPROVAL OF TRANSIENT MERCHANT LICENSE FOR T.A.P. ENTERPRISES ON NOVEMBER 17, 2002, AT THE RECREATION CENTER

(f) CONSIDERATION FOR APPROVAL OF CHANGE ORDER NO. 1 & 2 FOR FIRE TRAINING TOWER

(g) CONSIDERATION FOR APPROVAL OF OFF-SALE NON-INTOXICATING MALT LIQUOR LICENSE FOR ECONO FOODS

(h) CONSIDERATION FOR APPROVAL OF ENTERING INTO AGREEMENT WITH SOFT DRINK PROVIDER FOR HUTCHINSON EVENT CENTER

(i) CONSIDERATION FOR APPROVAL OF SHORT-TERM GAMBLING LICENSE FOR CROW RIVER HABITAT FOR HUMANITY FOR OCTOBER 5, 2002, AT HUTCHINSON HIGH SCHOOL

Motion by Mlinar, second by Haugen, to approve consent agenda, with the exception of Item 4(b)1. This item will be discussed later in the meeting. Motion carried unanimously.

5. **PUBLIC HEARING – 6:00 P.M.**

CITY COUNCIL MINUTES – SEPTEMBER 12, 2002

(a) LETTING NO. 14, PROJECT NO. 02-23 (OLD CITY DUMP SITE)

- ORDERING IMPROVEMENT AND AUTHORIZING NEGOTIATION OF CONTRACT

John Rodeberg, Director of Engineering, presented before the Council. Mr. Rodeberg explained that the City has completed Phase I and II of the investigation of the site as part of the Voluntary Inspection Cleanup program. This public hearing is part of the process to proceed with the project. Mr. Rodeberg further reviewed the costs of the project, estimating at \$97,000. All this work will be on the east side of the river.

Motion by Hoversten, second by Mlinar, to close the public hearing. Motion carried unanimously.

Motion by Hoversten, second by Mlinar, to approve Letting No. 14, Project No. 02-23. Motion carried unanimously.

(b) LETTING NO. 9, PROJECT NO. 02-18 (JEFFERSON STREET SE)

- ADOPTING ASSESSMENT

John Rodeberg, Director of Engineering, explained that this public hearing is for the purposes of setting the assessments. Mr. Rodeberg explained that this project runs on Jefferson Street from Century Avenue to Jefferson Court. Mr. Rodeberg also reminded the Council that this is a project of McLeod County, with the City providing assistance. Mr. Rodeberg further reviewed the specific improvements included in the project, as well as the costs and assessments, and which entities are paying for what portions of the project. Mr. Rodeberg outlined the deferred assessment policies. He then presented the project costs, which came in much less than estimated. He also presented the final assessment numbers, which again came in much less than estimated. Mr. Rodeberg explained that there is a resident on Jefferson Street that is not being annexed, but would like to start paying on assessments now because of the low interest rates. Mr. Rodeberg explained that the City will be able to track this and work with him so that he may be able to start paying now. Mr. Rodeberg also explained that the homeowner with the largest lot may be willing to sell part of his lot to the City so that it will ease the assessment amount to him.

Brian Burgess, 1383 Jefferson Street, presented before the Council. Mr. Burgess explained that he is thankful that construction costs came in lower to ease the costs to him. Mr. Burgess requested that the Council consider any possible ways to reduce his assessments.. Mr. Burgess's assessments are much higher than others on Jefferson Street because of his extra large lot.

After discussion, it appears that selling lots from his property may be the only option to him to reduce the assessment amounts.

Galen Houk, presented before the Council. He asked for clarification as to his situation (living outside city limits, yet paying on the assessments). John Rodeberg explained the process used when paying off assessments.

Motion by Mlinar, second by Hoversten to close the public hearing. Motion carried unanimously.

Motion by Mlinar, second by Haugen to approve adopting the assessments for Letting No. 9, Project No. 02-18. Duane Hoversten commended McLeod County and John Rodeberg on working toward lower costs to homeowners. Motion carried unanimously.

6. **COMMUNICATIONS, REQUESTS AND PETITIONS**

7. **UNFINISHED BUSINESS**

(a) 2003 FUNDING REQUEST BY SOUTHWEST MINNESOTA FOUNDATION

Motion by Mlinar, second by Peterson to defer this item to the September 24, 2002, City Council meeting. Motion carried unanimously.

Action – Motion to reject- Motion to approve

8. **NEW BUSINESS**

(a) CONSIDERATION FOR APPROVAL OF ACTIVATING AN ADDITIONAL HCVN ACCESS CHANNEL

Barry Anderson, President of HCVN Board of Directors, presented before the Council. Mr. Anderson explained that currently HCVN serves the community of Hutchinson by providing local television service via franchise agreement with the City of Hutchinson. Mr. Anderson commented that Marc Sebor, City Attorney, had relayed to him that he had received a request from a Telecommunications Commission member that may wish to consider this at one of their board meetings. Mr. Anderson requested that the action be delayed two weeks to give the Telecommunications Commission the time to meet if they wish to consider this item.

Motion by Mlinar, second by Peterson, to defer this item to the September 24, 2002, City Council meeting and have it placed on the Consent Agenda. Motion carried unanimously.

(b) CONSIDERATION OF RESOLUTION NO. 12028 – SETTING 2003 PRELIMINARY TAX LEVY FOR CITY OF HUTCHINSON

Ken Merrill, Finance Director, presented before the Council. Mr. Merrill explained that the preliminary levy numbers show a decrease of approximately 8% from last year. Mr. Merrill continued to explain as to the areas that the numbers have been reduced and the reasons attributed to that. Both Ken Merrill and Mayor Torgerson noted that the decrease in the tax levy is thanks to city staff and the City Council in the management of funds.

Motion by Hoversten, second by Peterson, to set the preliminary tax levy at \$4.144.169. Motion carried unanimously.

(c) CONSIDERATION OF RESOLUTION NO. 12029 – SETTING 2003 PRELIMINARY TAX LEVY FOR SPECIAL TAXING DISTRICT HUTCHINSON REDEVELOPMENT AUTHORITY

Ken Merrill, Finance Director, presented before the Council. Mr. Merrill explained that this is the preliminary tax levy for the Hutchinson Housing & Redevelopment Authority. The preliminary levy is slightly higher than last year's amount.

Motion by Haugen, second by Mlinar to approve the 2003 preliminary tax level for special taxing district HRA. Motion carried unanimously.

(d) CONSIDERATION OF RESOLUTION NO. 12033 – SETTING TRUTH IN TAXATION HEARING DATE FOR TAXES PAYABLE 2003

Ken Merrill, Finance Director, requested that the City Council consider December 3, 2002, at 5:30 p.m. for the Truth in Taxation hearing.

Motion by Mlinar, second by Haugen, to set the Truth in Taxation hearing for December 3, 2002, at 5:30 p.m.. Motion carried unanimously.

(e) CONSIDERATION FOR APPROVAL OF WORDING OF PROPOSED CITY CHARTER REVISIONS QUESTION ON NOVEMBER 2002 ELECTION BALLOT

Motion by Peterson, second by Hoversten, to approve Resolution No. 12030, wording of City Charter question on November election ballot. Motion carried unanimously.

(f) CONSIDERATION FOR APPROVAL OF WORDING OF CHARTER AMENDMENT QUESTIONS ON NOVEMBER 2002 ELECTION BALLOT

Marc Sebor, City Attorney, explained that he had drafted these questions as forming a synopsis of the petitions that were approved.

Motion by Peterson, second by Mlinar, to approve Resolution No. 12031, wording of the Charter amendment questions for the November election ballot. Motion carried unanimously.

(g) ISLAND VIEW HEIGHTS LITIGATION (CLOSED SESSION)

9. MISCELLANEOUS

(a) COMMUNICATIONS

Gary Plotz explained the electronic filing system that staff is requesting approval to purchase. Melissa Starke, Administrative Secretary, also explained that the system proposed is a refurbished piece that came in approximately \$4000 less than a new machine. The filing system, along with cubie walls that will be constructed for privacy, will be at a figure much less than budgeted for.

Motion by Hoversten, second by Mlinar to approve the purchase of Kardex Lektreiver electronic filing system. Motion carried unanimously.

Gary Plotz explained that Creekside compost site has a large mixer and two conveyors that they had advertised for bid. The City obtained a bid for \$18,000, which is only approximately \$2000 less than a new system and he is requesting that the Council approve awarding this bid.

Motion by Haugen, second by Hoversten, to approve the sale of the mixer and conveyor system for \$18,000. Motion carried unanimously.

Ken Merrill, Finance Director, explained that the Hutchinson Area Health Care Board is requesting that the City Council approve placing a referendum bond question on the November election ballot to expand the hospital. This project would be completely paid for by the revenues of the hospital.

Motion by Peterson, second by Mlinar, to approve setting the bond referendum question for the hospital on the November election ballot. Duane Hoversten noted that this saves the hospital/city approximately \$2 million. Motion carried unanimously.

Ken Merrill, updated the Council that the City will be opening for bids on three bond issues on September 24, 2002.

Mayor Torgerson noted that a resident of Hutchinson has been missing from Hutchinson since last night. He is an alzheimer's resident from Prairie Senior Cottages. City emergency personnel have not yet been able to locate him. Mayor Torgerson requested that all residents be aware of anyone that may match his description and notify the police department.

Jim Haugen – Jim Haugen reminded the residents of the Arts & Crafts Festival this weekend.

John Mlinar – Mr. Mlinar noted that he has received phone calls from residents on Elm Street and he wanted to pass on to John Rodeberg that they are still “out there” in regard to street improvement projects.

Duane Hoversten – Mr. Hoversten asked that all residents attend the Arts & Crafts Festival

this weekend.

Gary Plotz – Mr. Plotz explained that the blending line for the compost site arrived today and production will be starting next week. Mr. Plotz also reminded the Council that the appreciation picnic is September 19, 2002. He also noted that employees and board members are paid for by the City, however guests need to pay for their own meal ticket. Mr. Plotz also updated the Council on City Office filings. They are as follows: Mayor – Marlin Torgerson and Paul Harding. Council member – Jim Haugen, Bill Arndt and Steve Cook. Mr. Plotz also informed the Council that Neil Wegner, Liquor Store Manager, has resigned and will be taking a position with Locher Bros. Mr. Plotz explained that at the next meeting, he will be bringing organizational improvement recommendations to the Council for the liquor store. Gary Plotz requested that the Council set a Council workshop for the City benchmarking project for September 24, 2002, at 4:00 p.m. Mr. Plotz also requested that a Council workshop be held to discuss budget reductions for October 8, 2002, at 4:00 p.m.

Motion by Peterson, second by Hoversten, to set Council workshops on September 24 and October 8, 2002, at 4:00 p.m. Motion carried unanimously.

John Rodeberg – Mr. Rodeberg thanked residents for their patience with all the projects this year and delays due to rain. The sewer line on 9th Avenue has been inspected and no obstructions were found. He also noted that the 2nd Avenue bridge has been closed due to construction work.

Marc Sebora – Mr. Sebor thanked all of the residents and emergency personnel for taking part in the 9/11 ceremony on Wednesday.

Marlin Torgerson – Mayor Torgerson thanked the school choirs that performed at the 9/11 ceremony. He also thanked all the participants of the various veteran organizations that took part in the ceremony.

10. CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS

(a) VERIFIED CLAIMS A

Motion by Peterson, second by Mlinar, with Hoversten abstaining, to approve and authorize payment of Verified Claims A from appropriate funds. Motion carried unanimously.

(b) VERIFIED CLAIMS B

Motion by Haugen, second by Hoversten, to approve and authorize payment of Verified Claims B from appropriate funds. Motion carried unanimously.

11. ADJOURN

Motion by Peterson, second by Haugen, to move to a closed session to discuss the Island View Heights lawsuit. Motion carried unanimously.

The Council meeting resumed at 6:44 p.m.

With no further business to discuss, the meeting adjourned at 6:45 p.m.

**MINUTES
REGULAR MEETING - HUTCHINSON CITY COUNCIL
SEPTEMBER 24, 2002**

1. **CALL TO ORDER – 5:30 P.M.**

Mayor Marlin Torgerson called the meeting to order. Council Members present were John Mlinar, Jim Haugen, Kay Peterson and Duane Hoversten. Also present were Gary Plotz, City Administrator, Marc Sebor, City Attorney and John Rodeberg, Director of Engineering/Public Works.

2. **INVOCATION** – Due to the absence of Rev. Eric Goodwin, of Peace Lutheran Church, the invocation was dispensed.

3. **MINUTES**

(a) REGULAR MEETING OF SEPTEMBER 12, 2002

(b) BID OPENING MINUTES FROM SEPTEMBER 20, 2002

Minutes were approved as presented

4. **CONSENT AGENDA**

(a) REPORTS OF OFFICERS, BOARDS AND COMMISSIONS

1. PARKS, RECREATION & COMMUNITY EDUCATION BOARD MINUTES FROM AUGUST 1, 2002

2. PIONEERLAND LIBRARY SYSTEM BOARD MINUTES FROM JULY 18, 2002

3. CITY OF HUTCHINSON FINANCIAL REPORT FOR AUGUST 2002

4. HUTCHINSON AREA HEALTH CARE BOARD MINUTES FROM AUGUST 20, 2002

5. PLANNING COMMISSION MINUTES FROM AUGUST 20, 2002

(b) RESOLUTIONS AND ORDINANCES

1. RESOLUTION NO. 12042 – A RESOLUTION RELATING TO LOCAL GOVERNMENT INFORMATION SYSTEMS – AUTHORIZING THE EXECUTION AND DELIVERY OF SECOND AMENDMENT TO THE JOINT AND COOPERATIVE AGREEMENT

2. RESOLUTION NO. 12043 – A RESOLUTION FOR PURCHASE OF CONSULTING SERVICES FOR THE WASTEWATER TREATMENT PLANT

3. RESOLUTION NO. 12047 – A RESOLUTION FOR PURCHASE OF SKID STEER AND SNOW BLOWER

(c) PLANNING COMMISSION ITEMS

1. CONSIDERATION OF A CONDITIONAL USE PERMIT REQUESTED BY BURNS PHILP FOOD INC., 35 ADAMS STREET NE, FOR REMOVAL OF TWO 4000 GALLON STORAGE SILOS AND INSTALL ONE 20,000 GALLON SILO WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 12037)

2. CONSIDERATION OF A VACATION OF UTILITY EASEMENTS REQUESTED BY GREG WHEATLEY LOCATED BETWEEN LOTS 8 AND 9, BLOCK 1, ISLAND

VIEW HEIGHTS SECOND ADDITION WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (WAIVE FIRST READING AND SET SECOND READING AND ADOPTION OF ORDINANCE NO. 02-320 FOR OCTOBER 8, 2002)

3. CONSIDERATION OF A CONDITIONAL USE PERMIT REQUESTED BY RIGHT WAY BUILDERS INC. TO OPERATE A CONSTRUCTION BUSINESS OFFICE IN THE C-5 DISTRICT AT 225 – 3RD AVENUE NW WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 12040)
4. CONSIDERATION OF A CONDITIONAL USE PERMIT REQUESTED BY HUTCHINSON MUNICIPAL AIRPORT TO IDENTIFY AN AREA IN THE AIRPORT LAYOUT PLAN FOR CONSTRUCTION OF PRIVATE HANGARS WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 12041)
- (d) CONSIDERATION FOR APPROVAL OF SHORT-TERM GAMBLING LICENSE FOR ST. ANASTASIA CHURCH FOR DECEMBER 12, 2002
- (e) CONSIDERATION FOR APPROVAL OF ACTIVATING AN ADDITIONAL HCVN ACCESS CHANNEL
- (f) CONSIDERATION FOR APPROVAL OF ADOPTING REVISED ASSESSMENT FOR ASSESSMENT ROLL NO. 5054, LETTING NO. 4 & 5, PROJECT NOS. 02-11, 02-12, 02-13 AND 02-14 (OAK STREET/9TH AVENUE NE/CIVIC ARENA/MISCELLANEOUS)
- (g) CONSIDERATION FOR APPROVAL OF DECLARING COST TO BE ASSESSED, ORDERING PREPARATION OF PROPOSED ASSESSMENT AND SETTING HEARING ON ASSESSMENT FOR ASSESSMENT ROLL NO. 5060, LETTING NO. 13, PROJECT NO. 02-22 (SOUTH FORK CROW RIVER BANK STABILIZATION)
- (h) CONSIDERATION FOR APPROVAL OF CONSULTING AGREEMENTS WITH SEH
- (i) CONSIDERATION FOR APPROVAL OF TRANSIENT MERCHANT LICENSE FOR THE COUNTRY STOP
- (j) CONSIDERATION FOR APPROVAL OF TOBACCO LICENSE FOR SAM'S EXXON LOCATED AT 9 – 4TH AVENUE
- (k) CONSIDERATION FOR APPROVAL OF WAIVING RENTAL FEE AT HUTCHINSON EVENT CENTER FOR THE HUTCHINSON DOWNTOWN ASSOCIATION ON OCTOBER 10, 2002
- (l) CONSIDERATION FOR APPROVAL OF FORWARDING REQUEST BY SOUTHWEST MINNESOTA FOUNDATION TO THE HUTCHINSON ECONOMIC DEVELOPMENT AUTHORITY

Motion by Haugen, second by Mlinar, to approve consent agenda. Motion carried unanimously.

5. **PUBLIC HEARING – 6:00 P.M. - NONE**

6. **COMMUNICATIONS, REQUESTS AND PETITIONS**

7. **UNFINISHED BUSINESS**

- (a) CONSIDERATION FOR APPROVAL OF FUNDS APPROPRIATION FOR HUTCHINSON POLICE SERVICES

Steve Madson, Director of Police/Emergency Management Services, presented before the Council. Mr. Madson explained that his original plan to construct a new storage garage is not feasible at this time due to staffing shortages and other obstacles. Therefore, he is requesting to proceed with the second piece of the plan now, which is to remodel the old fire station. Mr. Madson described the layout of the remodeling plan. The funds are available in the police department's operating budget.

Motion by Peterson, second by Mlinar to approve the remodeling of the old fire station for the investigative unit of Hutchinson Police Services. Motion carried unanimously.

8. **NEW BUSINESS**

- (a) CONSIDERATION OF A CONDITIONAL USE PERMIT REQUESTED BY LOWELL BAUMETZ, MODERN MAZDA, 585 HIGHWAY 7 WEST, TO REMOVE EXISTING 12' X 16' SHED AND CONSTRUCT A 3-BAY POLE-TYPE ADDITION ONTO EXISTING BUILDING LOCATED IN I/C/ DISTRICT (ADOPT RESOLUTION NO. 12038)

Julie Wischnack, Director of Planning/Zoning/Building, presented before the Council. Ms. Wischnack explained that this was approved 6-1 by the Planning Commission. The dissenting vote on the Planning Commission had concerns regarding screening on the north side to block the view from any residential areas that may be developed in the future. Staff did not have these concerns at this time. Council members Hoversten and Peterson questioned whether or not the current conditional use permit should contain language regarding if/when the area to the north is developed residentially, screening would be installed. Ms. Wischnack explained that this type of language could be added to the current conditional use permit if the Council would prefer. Duane Hoversten requested that language be included in the current conditional use permit stating that if the area to the north is developed residentially, Modern Mazda would be required to acquire some type of screening. Ms. Wischnack requested that the City Council be specific as to the amount and type of screening that will be put in place.

Lowell Baumetz, co-owner of Modern Mazda, presented before the Council. Mr. Baumetz stated that he is more than willing to plant trees for screening, however trees are a good hiding place for thieves that may be jumping the fence. So, he suggested that the Council possibly confer with the Chief of Police regarding other methods used for screening. Mr. Baumetz also commented that he is looking into purchasing some of the property to the north of his buildings.

Motion by Hoversten, second by Mlinar, to approve the conditional use permit with adding language stating that six to ten trees will be planted when residential development takes place. Motion carried unanimously.

- (b) CONSIDERATION OF A CONDITIONAL USE PERMIT AND VARIANCE REQUESTED BY BEN STENZEL, 55 – 5TH AVENUE NE, TO CONSTRUCT A 24' X 32' ADDITION ONTO EXISTING 24' X 32' GARAGE (1536 SQ. FT.) 5.5' FROM PROPERTY LINE (ADOPT RESOLUTION NO. 12039)

Julie Wischnack, Director of Planning/Zoning/Building, presented before the Council. Ms. Wischnack explained that the Planning Commission had approved this CUP and variance 5-2. The dissenting votes had concerns regarding the massive size of the garage in relation to the size of the house.

Kay Peterson clarified that this request is not in violation of any current zoning ordinance.

Motion by Peterson, second by Hoversten, to approve the conditional use permit and variance for an addition to a garage located at 55 – 5th Avenue NE. Motion carried unanimously.

- (c) CONSIDERATION OF AMENDMENT TO ZONING ORDINANCE SECTION 10.07 REGULATING FENCE PLACEMENT (WAIVE FIRST READING AND SET SECOND

READING AND ADOPTION FOR OCTOBER 8, 2002)

Julie Wischnack, Director of Planning/Zoning/Building, presented before the Council. Ms. Wischnack stated that staff is requesting a change to the fence placement ordinance. Changes to the current ordinance include not allowing fences to be built on property lines, should not encroach public right-of-ways and must be a minimum of 5 feet from any right-of-ways, and on corner lots fences may not be more than 30 inches in height.

Kay Peterson commented that the wrought iron fences on some properties in the City would not meet the new requirements and she has concerns regarding that. Ms. Wischnack explained that as long as the fences are five feet from the right of way, there would be no problems. Kay Peterson clarified that if a resident would want to install a 40" fence, they would be able to go through the conditional use permit process.

Motion by Mlinar, second by Haugen to waive the first reading and set second reading and adoption of Ordinance No. 02-321 for October 8, 2002. Motion carried unanimously.

(d) CONSIDERATION OF RESOLUTION NO. 12044 – AUTHORIZING THE SALE OF GENERAL OBLIGATION IMPROVEMENT BONDS

Jim Prosser, Ehlers and Associates, presented before the Council. Mr. Prosser described the issues of the general obligation bonds that the authorization of sale is being requested for. The true interest rate for the GO Improvement Bonds came in at 3.4%, which is much lower than anticipated. The sewer revenue bonds came in at 3.3%. The GO Improvement refunding bonds came in at 2.38%. Mr. Prosser also explained that the City's bond rating had improved and also that the City's credit rating is very commendable. Moody's Investments gave the City a bond rating of A3, which is exceptional for cities the size of Hutchinson.

Motion by Mlinar, second by Peterson, to authorize the sale of the general obligation bonds. Motion carried unanimously.

(e) CONSIDERATION OF RESOLUTION NO. 12045 – AUTHORIZING THE SALE OF GENERAL OBLIGATION IMPROVEMENT REFUNDING BONDS

Motion by Mlinar, second by Peterson, to authorize the sale of the general obligation improvement refunding bonds. Motion carried unanimously.

(f) CONSIDERATION OF RESOLUTION NO. 12046 – AUTHORIZING THE SALE OF GENERAL OBLIGATION SEWER REVENUE BONDS

Motion by Mlinar, second by Peterson, to authorize the sale of general obligation sewer revenue bonds. Motion carried unanimously.

(g) CONSIDERATION OF RESTRUCTURING OF RESPONSIBILITIES AT THE LIQUOR STORE

Gary Plotz, City Administrator, explained to the Council that the liquor store has grown extremely over the last ten years in annual sales. In the past ten years, the liquor store has added two additional full-time liquor store clerks. However, due to the change in management with the current Liquor Store Manager leaving the organization, staff felt it was an opportune time to restructure the liquor store organization. Therefore, staff is recommending that the restructure consist of eliminating one full-time clerk position through a layoff and establishing the position of Assistant Manager. The new organization would then consist of a Manager, an Assistant Manager, two full-time clerks and several part-time clerks.

Motion by Hoversten, second by Haugen, to approve the restructuring of the liquor store organization. Motion carried unanimously.

- (h) CONSIDERATION FOR APPROVAL OF SETTING COUNCIL WORKSHOP FOR OCTOBER 22, 2002, AT 4:00 P.M. TO DISCUSS WATER PLANT STUDIES

Motion by Peterson, second by Hoversten, to set a council workshop for October 22, 2002, at 4:00 p.m. to discuss the water plant studies. Motion carried unanimously.

- (i) CONSIDERATION FOR APPROVAL OF A FRANCHISE AGREEMENT WITH JOE DOOLEY TO BUILD A PRIVATE HANGAR AT HUTCHINSON AIRPORT

John Rodeberg, Director of Engineering/Public Works Director, explained that in the long-range plans of the airport is to allow for the construction of private hangars. The current hangars have been full for several years and the airport does not have enough demand to build more hangars. This agreement would allow the construction of private hangars at the Hutchinson Municipal Airport.

Motion by Haugen, second by Peterson, to approve the franchise agreement with Joe Dooley to construct a private hangar. Motion carried unanimously.

9. **MISCELLANEOUS**

- (a) COMMUNICATIONS

John Rodeberg, Director of Engineering/Public Works, explained that staff is preparing for the NE Trunk Storm Sewer project which includes the construction of a storm sewer line from the intersection of 9th Avenue NE and Elm Street N to Northwoods Avenue and Hillcrest Street. He is requesting that an agreement be approved with SEH for them to provide engineering services to provide assistance with the project..

Motion by Mlinar, second by Haugen, to approve the agreement with SEH for engineering services for the NE Trunk Storm Sewer project. Motion carried unanimously.

Jim Haugen – Mr. Haugen commented that the EDA and the Hutchinson Downtown Association is completing the downtown study and will be holding a meeting October 10, 2002, and the public is invited to attend.

John Mlinar – Mr. Mlinar noted the members that were appointed to the Charter Commission for four-year terms.

Duane Hoversten – Mr. Hoversten informed the listening public that prior to the Council meeting, the Council held a workshop regarding a benchmarking project that City Directors presented. The benchmarking project provided information as to how other cities operate in relation to how Hutchinson operates. It was very beneficial information and showed how and why Hutchinson is such a progressive community.

Gary Plotz – Mr. Plotz requested that the Council set a joint meeting with the Hutchinson Utilities Commission to discuss the pipeline project. Motion by Mlinar, second by Peterson to set the joint meeting for October 10, 2002, at 12:00 noon at the City Center. Motion carried unanimously.

Mr. Plotz also commented that Winona County representatives visited the compost site and were very impressed with the facility.

Marlin Torgerson – Mayor Torgerson noted that the City of Hutchinson has received a Governor's Award for the yard waste program that will be presented October 3rd.

Mayor Torgerson recommended that Kirk Kosel be appointed to the Parks, Recreation, Community Education Board. Motion by Peterson, second by Mlinar to approve Kirk Kosel's appointment. Motion carried unanimously.

10. CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS

(a) VERIFIED CLAIMS A

Motion by Mlinar, second by Peterson, to approve and authorize payment of Verified Claims A from appropriate funds. Motion carried unanimously.

11. ADJOURN

With no further business to discuss, the meeting adjourned at 6:30 p.m.

**MINUTES
REGULAR MEETING - HUTCHINSON CITY COUNCIL
OCTOBER 8, 2002**

1. **CALL TO ORDER – 5:30 P.M.**

Mayor Marlin Torgerson called the meeting to order. Council Members present were John Mlinar, Jim Haugen, Kay Peterson and Duane Hoversten. Also present were Gary Plotz, City Administrator, Marc Sebor, City Attorney and John Rodeberg, Director of Engineering/Public Works.

2. **INVOCATION** – Rev. Sam Grozdanov, of Shalom Baptist Church, delivered the invocation.

3. **MINUTES**

(a) REGULAR MEETING OF SEPTEMBER 24, 2002

Minutes were approved as presented

4. **CONSENT AGENDA**

(a) REPORTS OF OFFICERS, BOARDS AND COMMISSIONS

1. HUTCHINSON AREA CONVENTION & VISITORS BUREAU AUDIT FROM 2001
2. HUTCHINSON BUILDING DEPARTMENT MONTHLY REPORT FOR SEPTEMBER 2002
3. PIONEERLAND LIBRARY SYSTEM FINANCIAL REPORT FOR AUGUST 2002
4. FIRE DEPARTMENT MONTHLY REPORT FOR SEPTEMBER 2002

(b) RESOLUTIONS AND ORDINANCES

1. RESOLUTION NO. 12048 – RESOLUTION PROCLAIMING THE PERIOD OF OCTOBER 21 – NOVEMBER 20, 2002, AS MANUFACTURING AND TECHNOLOGY MONTH
2. RESOLUTION NO. 12051 – RESOLUTION SETTING INTEREST RATE FOR 2002 ADOPTED ASSESSMENT ROLLS
3. ORDINANCE NO. 02-320 – AN ORDINANCE VACATING UTILITY AND DRAINAGE EASEMENTS LOCATED BETWEEN LOT 8 AND LOT 9, BLOCK 1, ISLAND VIEW HEIGHTS SECOND ADDITION (SECOND READING AND ADOPTION)
4. ORDINANCE NO. 02-321 – AN ORDINANCE AMENDING SECTION 10.07 OF THE HUTCHINSON CITY CODE REGARDING FENCES AND WALLS (SECOND READING AND ADOPTION)
5. ORDINANCE NO. 02-322 – AN ORDINANCE GRANTING JOE DOOLEY THE RIGHT TO CONSTRUCT AND MAINTAIN A PRIVATE HANGAR ON HUTCHINSON CITY AIRPORT PROPERTY (SECOND READING AND ADOPTION)

(c) CONSIDERATION FOR APPROVAL OF CHANGE ORDERS NO. 1, NO. 2 AND NO. 3 FOR LETTING NO. 1, PROJECT NO. 02-01 & 02-02

(d) CONSIDERATION FOR APPROVAL OF CHANGE ORDER NO. 1, LETTING NO. 3, PROJECT NO. 02-06

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- (e) CONSIDERATION FOR APPROVAL OF SHORT-TERM GAMBLING LICENSE FOR FRATERNAL ORDER OF EAGLES ON JANUARY 25, 2003
- (f) CONSIDERATION FOR APPROVAL OF ASSESSMENT AGREEMENT BETWEEN CITY OF HUTCHINSON AND MCLEOD COUNTY

Item 4(b)5 was pulled for separate action.

Marc Sebor, City Attorney, explained that this item is granted approval via a franchise agreement. All franchises require a public hearing and for that reason he requested that a public hearing be set for October 22, 2002. Motion by Mlinar, second by Haugen to set a public hearing and second reading and adoption of Ordinance No. 02-322 for October 22, 2002. Motion carried unanimously.

Motion by Mlinar, second by Peterson, to approve consent agenda, with the exception of Item 4(b)5. John Mlinar clarified that Item 4(f) is the assessment agreement with McLeod County. Kay Peterson also clarified that the interest rate in Item 4(b)2 is 4.38%. Motion carried unanimously.

5. **PUBLIC HEARING – 6:00 P.M.**

- (a) CONSIDERATION FOR APPROVAL OF ON-SALE INTOXICATING LIQUOR LICENSE FOR SONORA’S MEXICAN RESTAURANT

Mayor Torgerson clarified that the manager of the establishment must be a resident of Hutchinson.

Motion by Peterson, second by Mlinar to close the public hearing. Motion carried unanimously.

Motion by Haugen, second by Mlinar, to approve the on-sale intoxicating liquor license, subject to the fact that the manager of the restaurant is a resident of Hutchinson. Motion carried unanimously.

- (b) ASSESSMENT ROLL NO. SA-5060 – LETTING NO. 13, PROJECT NO. 02-22 (SOUTH FORK CROW RIVER BANK STABILIZATION) – ADOPTING ASSESSMENT AND ACCEPTING BID AND AWARDED CONTRACT

John Rodeberg, Director of Engineering/Public Works, explained that this project is located behind the National Guard Armory on Adams Street. This project is to correct the area where the Crow River changed course a number of years ago. The assessments will be applied to city-owned property. The bids on this project came in much lower than estimated. Mr. Rodeberg explained that the funds for this project will be coming from general improvement bonds. Mr. Rodeberg is requesting that this project be approved contingent upon the City obtaining the Minnesota DNR permit.

Motion by Mlinar, second by Peterson, to close the public hearing. Motion carried unanimously.

Motion by Haugen, second by Mlinar, to approve the project contingent upon receiving the DNR permit from the state. Motion carried unanimously.

6. **COMMUNICATIONS, REQUESTS AND PETITIONS**

- (a) REQUEST BY JOYCE RUST FOR CONSIDERATION OF ADDING MOSQUITO CONTROL FOR NEXT SPRING/SUMMER SEASON

Mayor Marlin Torgerson explained that he had spoken with the City Engineer of Willmar regarding spraying for mosquitos next season. The engineer explained to Mayor Torgerson that it will cost approximately \$15,000 for the chemical alone to spray for mosquitos. The

CITY COUNCIL MINUTES – OCTOBER 8, 2002

equipment will cost approximately \$8000-\$9000, with labor costs on top of that. Mayor Torgerson expressed that at this point in time, unless other funding can be obtained, this item will not be included in the 2003 budget. Mayor Torgerson suggested that staff research the amount of dollars it will take to conduct sufficient spraying and that those numbers may be reported to the citizens. Kay Peterson noted that due to the West Nile virus and the possibility of serious health problems related to it, there may be a possibility of additional funding from other sources available in the future.

7. **UNFINISHED BUSINESS**

8. **NEW BUSINESS**

(a) CONSIDERATION OF REORGANIZATION WITHIN THE WATER/SEWER/COMPOST OPERATIONS

Gary Plotz, City Administrator, explained to the Council that the opportunity has arisen to restructure the Water/Sewer/Compost department due to the departure of an employee. The proposal is to replace the position of Sr. Wastewater Operator with an Assistant Utility Director who would oversee the water, wastewater and compost plants. This enterprise has grown immensely over the last ten years and there is a need to restructure to provide more support to the current Utility Director.

Motion by Hoversten, second by Mlinar, to approve the reorganization within the water/sewer/compost operations department. Motion carried unanimously.

(b) CONSIDERATION OF APPROVING LETTER OF UNDERSTANDING WITH LEAGUE OF MINNESOTA CITIES

John Rodeberg, Director of Engineering/Public Works, explained that the League of Minnesota Cities is developing a guide to aid cities with permitting processes. The funds were budgeted for this project.

Motion by Mlinar, second by Peterson, to approve the letter of understanding with the League of Minnesota Cities. Motion carried unanimously.

9. **MISCELLANEOUS**

(a) COMMUNICATIONS

Motion by Peterson, second by Haugen to set a budget workshop at 4:00 p.m. on November 12, 2002. Motion carried unanimously.

John Rodeberg – Mr. Rodeberg noted that the detour on Highway 7 is scheduled to be completed by mid-November, however he is somewhat skeptical that it will be completed by then. Mr. Rodeberg also updated the Council on the Jefferson Street project by stating that the project is going very well, and there is good communication occurring with the residents. Mr. Rodeberg also explained that there was a broken tile near Denver Avenue and the developer is slowly addressing all issues in this area. There was general discussion regarding retention ponds and the design of them.

Marlin Torgerson – Mayor Torgerson explained that the City of Hutchinson received a MN Governor's Award for the compost site project. Mr. Torgerson explained that the city was one of nine award recipients and he shared the plaque with the citizens of Hutchinson.

10. **CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS**

(a) VERIFIED CLAIMS A

Motion by Peterson, second by Mlinar, with Hoversten abstaining, to approve and authorize

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payment of Verified Claims A from appropriate funds. Motion carried unanimously.

(b) VERIFIED CLAIMS B

Motion by Peterson, second by Hoversten, to approve and authorize payment of Verified Claims B from appropriate funds. Motion carried unanimously.

11. ADJOURN

With no further business to discuss, the meeting adjourned at 6:05 p.m.

**MINUTES
REGULAR MEETING - HUTCHINSON CITY COUNCIL
OCTOBER 22, 2002**

1. **CALL TO ORDER – 5:30 P.M.**

Mayor Marlin Torgerson called the meeting to order. Council Members present were John Mlinar, Jim Haugen, Kay Peterson and Duane Hoversten. Also present were Gary Plotz, City Administrator, Marc Sebora, City Attorney and John Rodeberg, Director of Engineering/Public Works.

2. **INVOCATION** – Rev. Sam Grozdanov, of Shalom Baptist Church, delivered the invocation.

3. **MINUTES**

(a) REGULAR MEETING OF OCTOBER 8, 2002

(b) JOINT MEETING WITH HUTCHINSON UTILITIES COMMISSION ON OCTOBER 10, 2002

Minutes were approved as presented

4. **CONSENT AGENDA**

(a) REPORTS OF OFFICERS, BOARDS AND COMMISSIONS

1. PIONEERLAND LIBRARY SYSTEM BOARD MINUTES FROM AUGUST 15, 2002
2. HUTCHINSON PUBLIC LIBRARY BOARD MINUTES FROM JULY 22, 2002
3. HUTCHINSON PUBLIC LIBRARY BOARD MINUTES FROM AUGUST 26, 2002
4. PLANNING COMMISSION MINUTES FROM SEPTEMBER 17, 2002
5. HUTCHINSON AREA HEALTH CARE FINANCIAL REPORT FOR SEPTEMBER 2002
6. HUTCHINSON AREA HEALTH CARE BOARD MINUTES FROM SEPTEMBER 17, 2002
7. CITY OF HUTCHINSON FINANCIAL REPORT FOR SEPTEMBER 2002
8. CITY OF HUTCHINSON INVESTMENT REPORT FOR SEPTEMBER 2002
9. COMPOST REFUSE FINANCIAL REPORT FOR SEPTEMBER 2002

(b) RESOLUTIONS AND ORDINANCES

1. RESOLUTION NO. 12052 – RESOLUTION CERTIFYING ASSESSMENTS OF THE CITY OF HUTCHINSON TO THE COUNTY OF MCLEOD

(c) PLANNING COMMISSION ITEMS

1. CONSIDERATION OF ANNEXATION LOCATED IN HASSAN VALLEY TOWNSHIP REQUESTED BY HUTCHINSON LAND HOLDINGS, LLC (SHIMEK PROPERTY) WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (*WAIVE FIRST READING AND SET SECOND READING AND ADOPTION OF ORDINANCE NO. 02-323 FOR NOVEMBER 12, 2002*)
2. CONSIDERATION OF REZONING PROPERTY FROM R-1 TO C-2 REQUESTED BY L&P SUPPLY, 1470 SOUTH GRADE ROAD WITH STAFF

RECOMMENDATION AND FAVORABLE RECOMMENDATION (*WAIVE FIRST READING AND SET SECOND READING AND ADOPTION OF ORDINANCE NO. 02-324 FOR NOVEMBER 12, 2002*)

3. CONSIDERATION OF VARIANCE REQUESTED BY LARSON BUILDERS TO CONSTRUCT A THREE-SEASON PORCH 40 FEET FROM THE SHORELAND LOCATED AT 346 SCHOOL ROAD WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 12054)
 4. CONSIDERATION OF DENYING A VARIANCE REQUESTED BY DAVID VANDENBERG, 1035 JEFFERSON STREET, TO REDUCE DRIVEWAY SETBACK FROM 5 FEET TO 1 FOOT WITH STAFF RECOMMENDATION AND UNFAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 12055)
 5. CONSIDERATION OF A CONDITIONAL USE PERMIT REQUESTED BY RIGHT WAY BUILDERS TO OPERATE A CONSTRUCTION BUSINESS OFFICE IN THE C-5 DISTRICT AT 177 – 3RD AVENUE NW WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 12056)
- (d) CONSIDERATION FOR APPROVAL OF OUT-OF-STATE TRAVEL FOR JOHN RODEBERG, DIRECTOR OF ENGINEERING/PUBLIC WORKS, TO WASHINGTON, D.C. FROM JANUARY 12 – 16, 2003
- (e) CONSIDERATION FOR APPROVAL OF OUT-OF-STATE TRAVEL FOR SGT. CHRIS DOBRATZ TO APPLETON, WISCONSIN, FROM NOVEMBER 12 – 15, 2002
- (f) APPOINTMENT OF BOARD MEMBERS TO PARKS, RECREATION & COMMUNITY EDUCATION BOARD AND PLANNING COMMISSION
- (g) CONSIDERATION FOR APPROVAL OF CIVIC ARENA AGREEMENT MODIFICATIONS
- (h) CONSIDERATION FOR APPROVAL OF TRANSIENT MERCHANT LICENSE FOR ROBERT PAUL ON NOVEMBER 7, 2002, AT HUTCHINSON EVENT CENTER

Mike Cannon appointed to Parks, Recreation & Community Education Board and Mike Flaata appointed to the Planning Commission.

John Rodeberg clarified that the variance for Mr. Vandenberg was denied by the Planning Commission.

Motion by Mlinar, second by Haugen, to approve consent agenda. Motion carried unanimously.

5. **PUBLIC HEARING – 6:00 P.M.**

- (a) ORDINANCE NO. 02-322 – AN ORDINANCE GRANTING A FRANCHISE WITH JOE DOOLEY TO CONSTRUCT AND MAINTAIN A PRIVATE HANGAR ON HUTCHINSON CITY AIRPORT PROPERTY (SECOND READING AND ADOPTION)

John Rodeberg explained that this is the first franchise agreement being considered for a private hangar to be built at the Hutchinson Municipal Airport. John Olson, Assistant Public Works Director, went on to explain that this is historic for the Hutchinson Airport, as this is the first private hangar to be considered. Mr. Olson projected that this area may very well be developed with commercial grade hangars.

Mr. Olson explained that the process used for individuals interested in building private hangars are for the individuals to apply for a franchise and then enter into a lease agreement. The lease agreement will be somewhat geared to the specific individual/applicant, however the ordinance granting the franchise will be standard.

Motion by Peterson, second by Mlinar to close the public hearing. Motion carried unanimously.

Motion by Mlinar, second by Hoversten, to approve the franchise agreement and adopt Ordinance No. 02-322. Motion carried unanimously.

6. **COMMUNICATIONS, REQUESTS AND PETITIONS**

(a) PROJECT NO. 02-06, JUUL ROAD SW – REQUEST BY MERRILL AND DONNA JOHNSON

John Rodeberg explained that Merrill Johnson, resident on Juul Road, had raised a concern regarding the assessment payments that are due even though the project is not completed yet.

Mr. Rodeberg explained that the project is 95% complete, with final completion slotted for the Spring 2003. Mr. Rodeberg went on to explain the process used for paying assessments.

7. **UNFINISHED BUSINESS**

8. **NEW BUSINESS**

(a) CONSIDERATION FOR APPROVAL OF RATE AND POLICY CHANGES AT OAKLAND CEMETERY

John Olson, Assistant Public Works Director, presented before the Council. Mr. Olson explained that in comparison to other municipal cemeteries, Hutchinson rates are average, however services and maintenance of the cemetery are well above average. Due to that, Mr. Olson is proposing that rates increase with a percentage of the increase being deposited into the perpetual care fund.

Motion by Peterson, second by Hoversten, to approve the rate changes at Oakland Cemetery. Motion carried unanimously.

(b) CONSIDERATION OF A VARIANCE REQUESTED BY GENE EBNET, 106 GARDEN ROAD, TO CONSTRUCT AN ADDITION TO NON-CONFORMING GARAGE 2.6 FEET FROM PROPERTY LINE WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 12053)

John Rodeberg, Director of Engineering presented on behalf of the Director of Planning/Zoning/Building. Mr. Rodeberg explained that the request was to construct a garage 2.6 feet from the property line, with requirements normally being 3 feet from the property line.

Motion by Mlinar, second by Haugen, to approve variance for Gene Ebnet at 106 Garden Road. Motion carried unanimously.

(c) CONSIDERATION OF SETTING DATE FOR CANVASSING RESULTS FROM GENERAL ELECTION TO BE HELD NOVEMBER 5, 2002

Motion by Mlinar, second by Peterson to set the canvassing of the November 5th election for November 6, 2002, at 8:00 a.m. Motion carried unanimously.

(d) CONSIDERATION FOR APPROVAL OF LOG, BRANCH AND LEAF GRINDER REQUEST

Gary Plotz, City Administrator, presented before the Council. Mr. Plotz explained that McLeod County has been grinding this type of material at several locations throughout the county. The County leases the equipment to provide this service. The amount of material to be ground has increased over the years. The City is proposing that the County pay for a horizontal grinder, with the City providing the grinding services with City staff, at each

location. The City would then retain the ground material for composting. The County is also considering requesting that the City provide the trucking services from each area city that participates to haul the material to the compost site. Mr. Plotz explained that a formal request needs to be made by the City in order for the County to approve such a transaction.

Motion by Peterson, second by Mlinar, to approve a request to the County of \$250,000 (est.) for the horizontal log, branch and leaf grinder. Motion carried unanimously.

9. **MISCELLANEOUS**

(a) COMMUNICATIONS

Kay Peterson – Ms. Peterson stated that the Hutchinson Fire Department was recognized at the Fire Chiefs Conference for the expose done on WCCO Channel 4. Ms. Peterson also informed the public that free batteries for smoke detectors are being given away by the Fire Department.

Gary Plotz – Mr. Plotz explained the items that were discussed at the Team Leadership Meeting earlier in the day. Items discussed were the horizontal grinder, the EDA Executive Director position – an offer has been extended, the Liquor Store Manager position – an offer has been extended, liquor store location – an appraisal will be done on property located on Main Street, update on Jefferson Street project.

John Rodeberg – Mr. Rodeberg explained that earlier in the year there were two assessment objections filed. One of the objections was filed by American Energy Systems on 2nd Avenue. After review, staff is recommending reducing the assessment rate for property with existing curb and gutter (including Ridgewater College) which reflects the cost of removing and replacing concrete curb and gutter. The second objection was filed by Deane Dietel also on 2nd Avenue. After further review, staff is recommending not to modify the assessments on his property. Money from state aid funds are available to aid in this project.

Motion by Peterson, second by Hoversten, to approve amended assessment roll on 2nd Avenue. Motion carried unanimously.

Marc Sebor – Mr. Sebor explained that he is researching the possibility of having a Council Representative serve on the Utilities Commission in order to approve communication lines between the two commissions. Mr. Sebor will have a recommendation at the next Council meeting.

10. **CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS**

(a) VERIFIED CLAIMS A

Motion by Haugen, second by Peterson, to approve and authorize payment of Verified Claims A from appropriate funds. Motion carried unanimously.

11. **ADJOURN**

With no further business to discuss, the meeting adjourned at 6:15 p.m.

**MINUTES
REGULAR MEETING - HUTCHINSON CITY COUNCIL
NOVEMBER 12, 2002**

1. **CALL TO ORDER – 5:30 P.M.**

Mayor Marlin Torgerson called the meeting to order. Council Members present were John Mlinar, Jim Haugen, and Kay Peterson. Absent was Council Member Duane Hoversten. Also present were Gary Plotz, City Administrator, Marc Sebor, City Attorney and John Rodeberg, Director of Engineering/Public Works.

2. **INVOCATION** – Rev. Scott Daniels, of Vineyard United Methodist Church, delivered the invocation.

3. **MINUTES**

(a) REGULAR MEETING OF OCTOBER 22, 2002

Minutes were approved as presented

4. **CONSENT AGENDA**

(a) REPORTS OF OFFICERS, BOARDS AND COMMISSIONS

1. BUILDING DEPARTMENT MONTHLY REPORT FOR OCTOBER 2002
2. PIONEERLAND LIBRARY SYSTEM FINANCIAL REPORT FOR SEPTEMBER 2002
3. HUTCHINSON AIRPORT COMMISSION MINUTES FROM SEPTEMBER 5, 2002
4. PARKS, RECREATION & COMMUNITY EDUCATION BOARD MINUTES FROM SEPTEMBER 9, 2002
5. FIRE DEPARTMENT MONTHLY REPORT FOR OCTOBER 2002

(b) RESOLUTIONS AND ORDINANCES

1. RESOLUTION NO. 12060 – RESOLUTION DEFERRING ASSESSMENT FOR SENIOR CITIZEN
2. RESOLUTION NO. 12062 – RESOLUTION TRANSFERRING FUNDS FROM THE GENERAL FUND, ECONOMIC LOAN, ENERGY LOAN, TO HUTCHINSON COMMUNITY DEVELOPMENT (EDA) FUND
3. RESOLUTION NO. 12063 – RESOLUTION TRANSFERRING \$158,500 FROM SPECIAL ASSESSMENT BOND FUND TO AIRPORT CONSTRUCTION FUND
4. RESOLUTION NO. 12064 – RESOLUTION TRANSFERRING \$170,000 FROM CAPITAL PROJECTS FUND TO AIRPORT CONSTRUCTION FUND
5. RESOLUTION NO. 12065 – RESOLUTION RELATING TO FINANCING EXPENDITURES RELATING TO NATURAL GAS PIPELINE
6. RESOLUTION NO. 12066 – RESOLUTION RELATING TO FINANCING EXPENDITURES RELATING TO IMPROVEMENT TO HUTCHINSON COMMUNITY HOSPITAL
7. RESOLUTION NO. 12067 – RESOLUTION FOR PURCHASE
8. ORDINANCE NO. 02-323 – AN ORDINANCE ANNEXING 41.3 ACRES OF

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PROPERTY IN HASSAN VALLEY TOWNSHIP (SECOND READING AND ADOPTION)

9. ORDINANCE NO. 02-324 – AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF HUTCHINSON FOR A PROPERTY TO BE REZONED FROM R-1 TO C-2 (SECOND READING AND ADOPTION)

- (c) CONSIDERATION FOR APPROVAL OF CHANGE ORDER NO. 1 (LETTING NO. 3, PROJECT NO. 02-06)
- (d) CONSIDERATION FOR APPROVAL OF CHANGE ORDER NO. 1 (LETTING NO. 4 & 5 PROJECT NO. 02-11, 02-12, 02-13, 02-14)
- (e) CONSIDERATION FOR APPROVAL OF HUTCHINSON AREA CONVENTION & VISITORS BUREAU BUDGET
- (f) CONSIDERATION FOR APPROVAL OF ACQUIRING RIGHT-OF-WAY FOR GOLF COURSE ROAD
- (g) CONSIDERATION FOR APPROVAL OF FLEXIBLE BENEFIT PLAN DOCUMENT AND PLAN SUMMARY DOCUMENT RESTATEMENT
- (h) CONSIDERATION FOR APPROVAL OF REVISING STATE AID STREET SYSTEM

Motion by Mlinar, second by Peterson, to approve consent agenda. Motion carried unanimously.

5. **PUBLIC HEARING – 6:00 P.M. - NONE**

6. **COMMUNICATIONS, REQUESTS AND PETITIONS**

7. **UNFINISHED BUSINESS**

8. **NEW BUSINESS**

(a) DISCUSSION OF VEHICLE(S) REMOVAL DURING SNOW EVENTS (STREET & PARKING LOTS)

John Olson, Assistant Director of Public Works, presented before the Council. Mr. Olson explained that the major issues that arise during snow removal season are mainly larger snow equipment, increased city street mileage and fine/enforcement limitations. One of the options discussed to improve the snow removal procedure was to utilize the police department's Community Service Officer for snow removal operations. Other options discussed were to establish new parking regulations and increase enforcement efforts.

Mr. Rodeberg further elaborated by stating that this is the first phase in putting specific snow removal procedures in place. He requested that the Council approve allowing the CSO to perform four overtime hours during snow removal operations.

Jim Haugen asked what those residents that park in city lots do in snow removal times. Mr. Olson explained that these residents are directed to park in other designated parking lots.

Gary Plotz requested that the Council approve the additional four hours for the CSO Officer to assist with snow removal operations and at the next meeting possibly consider increasing the fine for residents that do not move their vehicles during snow removal operations.

Motion by Mlinar, second by Haugen, to approve the additional hours for the CSO and move on to Phase II for the snow removal operations. Motion carried unanimously.

(b) CONSIDERATION FOR APPROVAL OF SETTING BUDGET WORKSHOP FOR

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NOVEMBER 26, 2002

Gary Plotz requested that the budget workshop be scheduled to begin at 3:30 p.m. in order to hold a farewell/recognition party for Neil Wegner prior to the Council meeting.

Motion by Mlinar, second by Peterson, to set the budget workshop for 3:30 p.m. on November 26, 2002, and set a farewell/recognition party for 4:45 p.m. for Neil Wegner, former Liquor Store Manager.

(c) CONSIDERATION FOR APPROVAL OF CONSULTING AGREEMENT WITH EARTH TECH FOR WATER TREATMENT PLANT PILOT TESTING

John Rodeberg explained that this consulting agreement is to allow Earth Tech to move forward with the pilot testing for the new water treatment plant. This new method will include softening the water, which raises some issues for local water softening businesses. Mr. Rodeberg explained that Earth Tech has stated that the water will only be softened enough to reduce the copper in the water. This specific pilot test will be testing to see how everything reacts when working together. Mr. Rodeberg noted that further meetings will be held with local businesses regarding the softening of the water being conducted at the water treatment facility.

Jon Hantge, Tri County Water, presented before the Council. Mr. Hantge asked if his company and other local companies could take part with the pilot testing in the hopes that they may be able to contribute some expertise and further knowledge.

Motion by Haugen, second by Mlinar, to approve the consulting agreement with Earth Tech for water treatment plant pilot testing. Kay Peterson requested that the motion be amended to include having local water treatment companies be involved with the pilot testing. Motion carried unanimously.

(d) CONSIDERATION FOR APPROVAL OF ASSESSMENT MANUAL

John Rodeberg, Director of Engineering/Public Works, presented before the Council. Mr. Rodeberg briefly explained the policy and procedures guide of the Assessment Manual. Mr. Rodeberg explained that this manual is based on Minnesota State Statute 429 and the “Local Improvement Guide” developed by the League of Minnesota Cities. Mr. Rodeberg went on to explain the types of improvements that the City is allowed to assess for. He also covered some of the language changes made throughout the manual.

Motion by Mlinar, second by Peterson, to approve the assessment manual. Motion carried unanimously.

(e) CONSIDERATION OF ORDINANCE NO. 02-325 – AN ORDINANCE PERMITTING CITY COUNCIL MEMBERS TO SERVE ON THE HUTCHINSON UTILITIES COMMISSION (WAIVE FIRST READING AND SET SECOND READING AND ADOPTION FOR NOVEMBER 26, 2002)

Marc Sebor, City Attorney, explained that it was suggested to him that communication lines could be improved between the City Council and the Hutchinson Utilities Commission. As a way to improve this communication, he had conducted research to determine whether or not a Council Member or Mayor could serve in this capacity. Mr. Sebor did find that this is allowable by state statute.

Steve Cook, 728 Juul Road, presented before the Council. Mr. Cook expressed that he feels the proposed ordinance and the City Charter do not comply. He suggested that this change be adopted by amending the City Charter, as in the same order the Council liaison is appointed to the hospital board. Marc Sebor expressed that he feels this appointment could be adopted in either capacity, either by ordinance or by amending the City Charter.

There was general discussion regarding on how to appoint a Council Member to the Utilities

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Commission.

Motion by Mlinar, second by Peterson, to waive first reading and set second reading and adoption of Ordinance No. 02-325 for November 26, 2002. Motion carried unanimously.

(f) RESOLUTION DESIGNATING CITY COUNCIL MEMBER SEATS

Marc Sebor, City Attorney, explained that a petition was circulated and approved to place on the election ballot an amendment to the City Charter having a designated seat system for Council Member seats. The voters in Hutchinson approved this amendment to the City Charter and the petition required that the designated seats be put in place at the following Council meeting. Therefore, he requested that the Council approve the designated seat system so illustrated on Resolution No. 12061.

Motion by Mlinar, second by Peterson, to designate the City Council member seats so defined on Resolution No. 12061. Motion carried unanimously.

9. MISCELLANEOUS

(a) COMMUNICATIONS

Gary Plotz – Mr. Plotz requested that the second Council meeting in December be rescheduled to December 23, 2002, at 5:30 p.m. Motion by Haugen, second by Peterson, to set the second meeting in December for December 23, 2002, at 5:30 p.m. Motion carried unanimously.

Mr. Plotz also explained that staff and Council would like to set an informal appreciation event on December 23, 2002, for outgoing Council Member John Mlinar at 4:45 p.m. Motion by Peterson, second by Haugen, to set appreciation event for December 23, 2002, at 4:45 p.m. Motion carried unanimously.

Mr. Plotz requested that the Council set the organizational meeting for January 2, 2002, at 8:00 a.m. Motion by Haugen, second by Peterson, to set organizational meeting for January 2, 2002, at 8:00 a.m. Motion carried unanimously.

Mr. Plotz requested that the Council set a meeting to visit with new employees that have joined city staff in recent months. Motion by Peterson, second by Mlinar, to set reception event with new employees for January 14, 2002, at 4:45 p.m. Motion carried unanimously.

Mr. Plotz reviewed the items discussed at the Team Leadership Meeting earlier in the day. The items discussed were adding a t.v. monitor at the back of the Council Chambers, which was decided to avoid installing at this time. Also discussed were bagging activities at the compost facility, the EDA Director position, the Assistant Liquor Store Manager position and the orientation for new elected officials.

John Rodeberg – Mr. Rodeberg explained that the DNR has requested that the City of Hutchinson delay the Crow River Bank stabilization project for one year. Mr. Rodeberg also explained that there is a Highway 7 Open House next week regarding the three passing lanes that are being projected. Mr. Rodeberg stated that the Jefferson Street project will be completed for the Fall next week.

Marlin Torgerson – Mayor Torgerson updated the residents on the gas pipeline project. He stated that he, Clarence Kadmas, and Dave Wetterling (President of HUC), met with representatives from New Ulm and Fairfax regarding them tying into the proposed gas pipeline, which went very well. Mayor Torgerson further explained the purpose and projections of the natural gas pipeline.

10. CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS

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(a) VERIFIED CLAIMS A & B

Motion by Mlinar, second by Haugen, to approve and authorize payment of Verified Claims A and B from appropriate funds. Motion carried unanimously.

Steve Cook, presented before the Council and requested that he be considered for serving on the Planning Commission. Mr. Cook also asked of John Rodeberg as to when the new streetlights will be installed on Juul Road. Mr. Rodeberg explained that the contractor informed him that they would be installed last week and he is hopeful that they will be installed by the end of next week.

Mayor Torgerson welcomed students from the New Century Charter School.

John Mlinar asked John Rodeberg if 2nd Avenue will be receiving a second coat of bituminous this year. Mr. Rodeberg explained that it will not be this Fall but will be in the Spring.

Mayor Torgerson noted that there was a workshop this afternoon with vacant seats. He welcomed the public to attend all workshops.

11. ADJOURN

With no further business to discuss, the meeting adjourned at 6:55 p.m.

**MINUTES
REGULAR MEETING - HUTCHINSON CITY COUNCIL
NOVEMBER 26, 2002**

1. **CALL TO ORDER – 5:30 P.M.**

Mayor Marlin Torgerson called the meeting to order. Council Members present were John Mlinar, Jim Haugen, Kay Peterson and Duane Hoversten. Also present were Gary Plotz, City Administrator, Marc Sebora, City Attorney and John Rodeberg, Director of Engineering/Public Works.

2. **INVOCATION** – Rev. Scott Daniels, of Vineyard United Methodist Church, delivered the invocation.

PRESENTATION OF CONGRATULATIONS AND THANKS TO HUTCHINSON PUBLIC LIBRARY STAFF

Council member Kay Peterson presented a plaque to the Hutchinson Public Library staff for the outstanding work they provide to the library.

Mayor Torgerson introduced two new employees with the City of Hutchinson: Candice Woods, Liquor Store Manager and Miles Seppelt, EDA Director. Mayor Torgerson also presented an award to Neil Wegner, outgoing Liquor Store Manager, for his efforts the past nine years.

3. **MINUTES**

(a) REGULAR MEETING OF NOVEMBER 12, 2002

Minutes were approved as presented

4. **CONSENT AGENDA**

(a) REPORTS OF OFFICERS, BOARDS AND COMMISSIONS

1. PIONEERLAND LIBRARY SYSTEM BOARD MINUTES FROM SEPTEMBER 19, 2002
2. HUTCHINSON AREA HEALTH CARE BOARD MINUTES FROM OCTOBER 15, 2002
3. HUTCHINSON AIRPORT ADVISORY COMMISSION MINUTES FROM OCTOBER 17, 2002
4. HUTCHINSON AREA HEALTH CARE FINANCIAL REPORT FOR OCTOBER 2002
5. PLANNING COMMISSION MINUTES FROM OCTOBER 15, 2002
6. CITY OF HUTCHINSON FINANCIAL REPORT FOR OCTOBER 2002
7. CITY OF HUTCHINSON INVESTMENT REPORT FOR OCTOBER 2002

(b) RESOLUTIONS AND ORDINANCES

1. RESOLUTION NO. 12080 – A RESOLUTION DEFERRING ASSESSMENTS FOR SENIOR CITIZEN
2. RESOLUTION NO. 12073 – A RESOLUTION AUTHORIZING EDA LOAN ADJUSTMENT
3. RESOLUTION NO. 12074 – A RESOLUTION TRANSFERRING FUNDS FROM WASTEWATER DEPARTMENT AND 2002 IMPROVEMENT CONSTRUCTION

FUNDS TO GENERAL FUND FOR ENGINEERING AND ADMINISTRATION FEES

4. RESOLUTION NO. 12075 – A RESOLUTION TRANSFERRING \$277,200 FROM LIQUOR FUND TO GENERAL FUND
5. RESOLUTION NO. 12076 – A RESOLUTION TRANSFERRING \$106,000 FROM WATER, SEWER & REFUSE FUND TO 1995 IMPROVEMENTS BONDS & GENERAL FUND
6. RESOLUTION NO. 12077 – A RESOLUTION CERTIFYING ASSESSMENTS OF THE CITY OF HUTCHINSON TO THE COUNTY OF MCLEOD

(c) PLANNING COMMISSION ITEMS

1. CONSIDERATION OF LOT SPLIT REQUESTED BY BRIAN BURGESS FOR PROPERTY LOCATED AT 1383 JEFFERSON STREET SE WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 12081)

(d) CONSIDERATION FOR APPROVAL OF ADOPTING UPDATED 2002 STATE RECORDS RETENTION SCHEDULE

(e) CONSIDERATION FOR APPROVAL OF INVESTMENT AUTHORIZATION

Motion by Mlinar, second by Haugen, to approve consent agenda. Motion carried unanimously.

5. **PUBLIC HEARING – 6:00 P.M. - NONE**

6. **COMMUNICATIONS, REQUESTS AND PETITIONS**

(a) FORMAL REQUEST TO PLACE TRAFFIC CONTROL DEVICE AT INTERSECTION OF HIGHWAY 15 NORTH AND COUNTY ROAD 12

John Rodeberg, Director of Engineering/Public Works, presented before the Council. Mr. Rodeberg explained that city staff has requested MnDOT to evaluate the speed limit and traffic signals at the intersection of Hwy 15 and North High Drive. Mr. Rodeberg explained that this project alone would cost approximately \$500,000 and therefore would like to propose MnDOT cooperative projects which would include six different locations with various revisions. Mr. Rodeberg also explained that project priority, cooperative agreements and funding are all items to be considered for these projects. Mr. Rodeberg stated that a formal request can of course be requested, however he noted that it will take time and work on the part of the city.

Motion by Peterson, second by Hoversten, to support all six projects, plus the intersection of Hwy 15 South and Airport Road, however emphasizing the priority to evaluate the intersection of Hwy 15 and County Road 12. John Mlinar asked Mr. Rodeberg if a four-way stop could be placed at the intersection of Hwy 15 and County Road 12. Mr. Rodeberg explained that specific warrants need to be met before one is installed. Motion carried unanimously.

7. **UNFINISHED BUSINESS**

(a) ORDINANCE NO. 02-325 – AN ORDINANCE PERMITTING CITY COUNCIL MEMBERS TO SERVE ON THE HUTCHINSON UTILITIES COMMISSION (*SECOND READING AND ADOPTION*)

Marc Sebor, City Attorney, explained that his recommendation is to forward this matter to the Charter Commission to possibly incorporate this appointment into the City Charter. Mr. Sebor explained that the Council could temporarily appoint an individual for 14 months and

at the 2004 organizational meeting could appoint an individual for the full five-year term.

Motion by Mlinar, second by Haugen, to reject Ordinance No. 02-325. Motion carried unanimously. Mr. Seborá also requested that if the Council should appoint a Council member, that that individual would not receive compensation for serving on the Utilities Commission.

Motion by Hoversten, second by Haugen, to appoint Mayor Torgerson to the Utilities Commission for 14 months, without receiving compensation. Motion carried unanimously.

Marc Seborá will be in contact with the Charter Commission regarding this appointment being included in the City Charter.

8. NEW BUSINESS

(a) CONSIDERATION OF AUTHORIZING THE ACQUISITION OF PROPERTY OWNED BY MARVIN HACKBARTH FOR THE PURPOSE OF AN INDUSTRIAL PARK EXPANSION

Marc Seborá, City Attorney, explained that this matter was initially passed at the second meeting in April of 2002. Since that time, the EDA revised the property that it wishes to acquire, therefore the legal description has changed. As part of the acquisition application process to the State, the legal description needs to be completely accurate. Therefore, this action is more or less a housekeeping item.

Motion by Haugen, second by Peterson, to approve the acquisition of the Hackbarth property for an expansion to the Industrial Park. Motion carried unanimously.

(b) CONSIDERATION FOR APPROVAL OF SALE OF GENERAL OBLIGATION MEDICAL FACILITIES BONDS

Steve Apfelbacher, Ehlers & Associates, presented before the Council. Mr. Apfelbacher requested that the Council approve the sale of general obligation funds in reference to the recent passing of the hospital referendum. Mr. Apfelbacher explained the features of the bond sale and the funding sources. The plan is to consider proposals and award the sale of the bonds at the December 10, 2002, City Council meeting.

Motion by Mlinar, second by Haugen, to approve the sale of general obligation medical facilities bonds, approving Resolution Nos. 12078 & 12079. Motion carried unanimously.

(c) CONSIDERATION FOR APPROVAL OF SETTING BUDGET WORKSHOP FOR DECEMBER 10, 2002, AT 4:00 P.M.

Motion by Hoversten, second by Peterson to set budget workshop for December 10, 2002, at 4:00 p.m. Motion carried unanimously.

9. MISCELLANEOUS

(a) COMMUNICATIONS

Marc Seborá – Mr. Seborá explained that John Mlinar had requested that the Council consider adding the pledge of allegiance to the City Council meeting. Therefore, he has drafted a revision to City Ordinance Section 2.04, adding the Pledge of Allegiance to the list of items covered. He does not wish for the Council to take action on a first reading tonight, but the ordinance will be placed on the next Council agenda.

John Mlinar – John Mlinar asked John Rodeberg if the city has a plan regarding retention ponds and the possibility of fencing them to keep young children off and out of them. Mr. Rodeberg explained that fences typically attract children and not deter them. He said the

city's ponds are generally four to six feet deep and have plantings around them to aid in deterring people from getting too close. Mr. Rodeberg also explained that the City follows Best Management Standards as developed nationally. General discussion was held regarding ponding and liabilities.

John Mlinar also asked the status of the ponding project at Linden Park. John Rodeberg explained that that project is tied into the Bernhagen property and proposed project there. Alternatives are being looked at until those projects are finalized.

Kay Peterson – Ms. Peterson reminded everyone that the Truth In Taxation Hearing is set for December 3, 2002, at 5:30 p.m.

Gary Plotz – Mr. Plotz informed the Council that Mediacom has added Channel 7 as the second local access channel.

Mr. Plotz also informed the Council that he attended a police department staff meeting today, at which they requested that pressure be applied to MnDOT to install traffic signals at the same intersections mentioned tonight.

Mr. Plotz also suggested that the Council set the remaining December Team Leadership Meetings as they do the Council workshops. This topic would also be presented at the organizational meeting in January.

Motion by Peterson, second by Hoversten to set Team Leadership Meetings at 7:00 a.m. on December 10 and December 23, 2002. Mayor Torgerson explained the purpose and design of these meetings. Haugen – aye, Mlinar – nay, Peterson – aye, Hoversten – aye, Mayor Torgerson – aye. Motion carried 4 – 1.

10. CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS

(a) VERIFIED CLAIMS A

Motion by Peterson, second by Mlinar, to approve and authorize payment of Verified Claims A from appropriate funds. Motion carried unanimously.

11. ADJOURN

With no further business to discuss, the meeting adjourned at 6:30 p.m.

**MINUTES
REGULAR MEETING - HUTCHINSON CITY COUNCIL
DECEMBER 10, 2002**

1. **CALL TO ORDER – 5:30 P.M.**

Mayor Marlin Torgerson called the meeting to order. Council Members present were John Mlinar, Jim Haugen, Kay Peterson and Duane Hoversten. Also present were Gary Plotz, City Administrator, Marc Sebor, City Attorney and John Rodeberg, Director of Engineering/Public Works.

2. **INVOCATION** – The invocation was dispensed due to the absence of Rev. Jim Hakes, Seventh Day Adventist Church.

3. **MINUTES**

(a) REGULAR MEETING OF NOVEMBER 26, 2002

Minutes were approved as presented

4. **CONSENT AGENDA**

(a) REPORTS OF OFFICERS, BOARDS AND COMMISSIONS

1. HUTCHINSON PUBLIC LIBRARY BOARD MINUTES FROM SEPTEMBER 23, 2002
2. HUTCHINSON PUBLIC LIBRARY BOARD MINUTES FROM OCTOBER 28, 2002
3. HUTCHINSON FIRE DEPARTMENT MONTHLY REPORT FOR NOVEMBER 2002
4. HUTCHINSON HOUSING & REDEVELOPMENT AUTHORITY BOARD MINUTES FROM NOVEMBER 19, 2002
5. HUTCHINSON UTILITIES FINANCIAL REPORT FOR OCTOBER 2002
6. BUILDING DEPARTMENT MONTHLY REPORT FOR NOVEMBER 2002
7. PIONEERLAND LIBRARY SYSTEM FINANCIAL REPORT FOR OCTOBER 2002

(b) RESOLUTIONS AND ORDINANCES

1. ORDINANCE NO. 02-326 – AN ORDINANCE TO INCLUDE RECITING PLEDGE OF ALLEGIANCE AT CITY COUNCIL MEETING (WAIVE FIRST READING AND SET SECOND READING AND ADOPTION FOR DECEMBER 23, 2002)
2. RESOLUTION NO. 12082 – A RESOLUTION DEFERRING ASSESSMENTS FOR SENIOR CITIZEN
3. RESOLUTION NO. 12083 – A RESOLUTION FOR PURCHASE

(c) 2002 LICENSE RENEWALS

1. BINGO LICENSES
2. GAMBLING DEVICES LICENSES
3. COMMERCIAL/RECYCLING HAULERS
4. PAWN SHOP LICENSE
5. TAXI CAB LICENSE
6. TOBACCO LICENSES
7. MASSAGE LICENSES

- (d) CONSIDERATION FOR APPROVAL OF OUT-OF-STATE TRAVEL FOR DICK NAGY AND RANDY DEVRIES TO ATTEND THE AWWA MEMBRANE TECHNOLOGY CONFERENCE IN ATLANTA, GEORGIA, FROM MARCH 2 – 5, 2003
- (d) CONSIDERATION FOR APPROVAL OF CHANGE ORDER NO. 1, LETTING NO. 7, PROJECT NO. 02-16

Item 4(b)1 was pulled for discussion. Marlin Torgerson asked if this item could be adopted by resolution as opposed to city ordinance. Marc Sebora explained that there is currently an ordinance in place which structures the procedure of City Council meetings. Therefore, the proper way to add the Pledge of Allegiance to the procedure is to revise the ordinance.

Item 4(c) was pulled for further discussion. Melissa Starke, Administrative Secretary, made note that the licenses are for 2003 renewal as opposed to 2002 as indicated. Also, Ms. Starke informed the Council that the Bingo, Gambling and Pawn Shop License Renewals are only effective upon the completion of a favorable inspection by the Police, Fire and Building Departments. When there reports have been received, the licenses will then be issued to those establishments.

Motion by Mlinar, second by Peterson, to approve consent agenda. Motion carried unanimously.

5. **PUBLIC HEARING – 6:00 P.M. - NONE**

6. **COMMUNICATIONS, REQUESTS AND PETITIONS**

7. **UNFINISHED BUSINESS**

8. **NEW BUSINESS**

- (a) CONSIDERATION FOR APPROVAL OF AWARDED SALE OF GENERAL OBLIGATION MEDICAL FACILITIES REVENUE BONDS

Jim Prosser, Ehlers & Associates, presented before the Council. Mr. Prosser explained that there were two separate sales for the general obligation medical facilities revenue bonds. The bonds were sold at interest rates considerably less than expected. The interest rates came in at approximately 4%. Mr. Prosser referenced the City of Hutchinson's exceptional bond rating partly based on the diversification within Hutchinson.

Motion by Hoversten, second by Peterson, to approve the sale of general obligation medical facilities bonds, adopting Resolution No. 12084. Motion carried unanimously.

- (b) CONSIDERATION FOR APPROVAL OF ADOPTING 2003 TAX LEVY FOR THE CITY OF HUTCHINSON

Ken Merrill, Finance Director, presented before the Council. Mr. Merrill explained that the tax levy for 2003 is less than 2002. This is due in part to the growth of the city and the tax capacity increase.

Motion by Peterson, second by Mlinar, to approve Resolution 12085, adopting the 2003 tax levy for the City of Hutchinson. Motion carried unanimously.

- (c) CONSIDERATION FOR APPROVAL OF ADOPTING 2003 TAX LEVY FOR SPECIAL TAXING DISTRICT HUTCHINSON REDEVELOPMENT AUTHORITY

Ken Merrill, Finance Director, explained that the tax levy for this district is slightly higher than 2002, but is mainly due to the increase growth of Hutchinson.

Motion by Haugen, second by Hoversten to approve Resolution No. 12086, adopting 2003 tax levy for special taxing district. Motion carried unanimously.

(d) CONSIDERATION FOR APPROVAL OF ADOPTING THE GENERAL FUND BUDGET FOR FISCAL YEAR 2003

Ken Merrill, Finance Director, explained that the general fund budget is coupled in with the tax levy. The budget is an increase from 2002, however additional revenues have been incorporated to offset the increase. Also, additional contingency funds have been put in place due to the State's budget deficit. Included in the general fund budget is the market adjustment recommendation per the Wage Committee.

Brenda Ewing, Human Resources Director, presented before the Council. Ms. Ewing formally presented the wage committee recommendation, which includes a 2.25% market adjustment, no increase to medical insurance premiums and a 6% increase to dental insurance premiums. Ms. Ewing explained all the factors and measurements that the Wage Committee used when determining their recommendation.

Motion by Mlinar, second by Haugen, to approve Resolution No. 12087, adopting the 2003 general fund budget. Motion carried unanimously.

(e) CONSIDERATION FOR APPROVAL OF ADOPTING THE CAPITAL PROJECTS FUND BUDGET FOR FISCAL YEAR 2003

Ken Merrill, Finance Director, explained to the Council that this budget contains funds transferred from Hutchinson Utilities and other funds transferred in for capital projects.

Motion by Peterson, second by Haugen, to approve Resolution No. 12088, adopting the capital projects fund budget. Motion carried unanimously.

(f) CONSIDERATION FOR APPROVAL OF ADOPTING 2003 CENTRAL GARAGE FUND BUDGETS

Ken Merrill, Finance Director, explained that this fund contains funds for vehicles – mainly repairs and replacements.

Motion by Haugen, second by Peterson, to approve Resolution No. 12089, adopting the 2003 central garage fund. Motion carried unanimously.

(g) CONSIDERATION OF ORDINANCE NO. 02-328 – AN ORDINANCE AUTHORIZING THE SALE OF CITY OWNED LAND SITUATED IN ANOKA COUNTY, CURRENTLY USED FOR ELECTRICAL SUBSTATION PURPOSES (WAIVE FIRST READING AND SET SECOND READING AND ADOPTION FOR DECEMBER 23, 2002)

Marc Sebor, City Attorney, explained the purpose for the sale of the land, which is mainly to equal out the City's assets.

Motion by Peterson, second by Hoversten, to set second reading of Ordinance No. 02-328 for December 23, 2002. Motion carried unanimously.

9. **MISCELLANEOUS**

(a) COMMUNICATIONS

John Rodeberg, Director of Engineering/Public Works, explained that prior to the Council meeting an amended agreement between the City of Hutchinson and Gary Wetherell had been handed out to the Council Members. Mr. Rodeberg requested that this item be deferred to the December 23, 2002, meeting in order to fine tune the agreement.

Motion by Peterson, second by Haugen to defer this item until December 23, 2002.

John Mlinar – Mr. Mlinar requested that something be done at the intersection of Highway

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15 and County Road 12 regarding vehicles passing on the right. John Rodeberg stated that he would look into it. General discussion was held regarding the regulations of passing on the side of vehicles and passing over solid white lines.

Gary Plotz – Mr. Plotz noted that a meeting with the City's state representatives has been tentatively scheduled for January 2, 2003, at the City Center. Mr. Plotz requested that the Council formally set this meeting. Topics that will be discussed are community needs, unfounded mandates and budget constraints. An internal meeting will be held December 20 with city staff to prepare for this meeting with the state and federal representatives.

Motion by Peterson, second by Mlinar, to set meeting with state representatives for January 2, 2003, at 8:30 a.m. and an internal meeting for December 20, 2002, at 10:30 a.m.

10. CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS

(a) VERIFIED CLAIMS A

Motion by Peterson, second by Mlinar, with Hoversten abstaining to approve and authorize payment of Verified Claims A from appropriate funds. Motion carried unanimously.

(b) VERIFIED CLAIMS B

Motion by Haugen, second by Peterson, to approve and authorize payment of Verified Claims B from appropriate funds. Motion carried unanimously.

11. ADJOURN

With no further business to discuss, the meeting adjourned at 6:10 p.m.

**MINUTES
REGULAR MEETING - HUTCHINSON CITY COUNCIL
DECEMBER 23, 2002**

1. **CALL TO ORDER – 5:30 P.M.**

Mayor Marlin Torgerson called the meeting to order. Council Members present were John Mlinar, Jim Haugen, Kay Peterson and Duane Hoversten. Also present were Gary Plotz, City Administrator, Marc Sebor, City Attorney and John Rodeberg, Director of Engineering/Public Works.

2. **INVOCATION** – Due to the absence of Rev. Jim Hakes, of Seventh Day Adventist Church, the invocation was dispensed.

3. **MINUTES**

(a) REGULAR MEETING OF DECEMBER 10, 2002

(b) BID OPENING FROM DECEMBER 10, 2002

Minutes were approved as presented

4. **CONSENT AGENDA**

(a) REPORTS OF OFFICERS, BOARDS AND COMMISSIONS

1. PIONEERLAND LIBRARY SYSTEM BOARD MINUTES FROM OCTOBER 17, 2002
2. HUTCHINSON HOUSING & REDEVELOPMENT AUTHORITY BOARD MINUTES FROM DECEMBER 17, 2002
3. PLANNING COMMISSION MINUTES FROM NOVEMBER 19, 2002
4. PARKS, RECREATION & COMMUNITY EDUCATION BOARD MINUTES FROM NOVEMBER 4, 2002
5. COMPOST SITE FINANCIAL REPORT FOR NOVEMBER 2002
6. CITY OF HUTCHINSON FINANCIAL REPORT FOR NOVEMBER 2002
7. CITY OF HUTCHINSON INVESTMENT REPORT FOR OCTOBER 2002

(b) RESOLUTIONS AND ORDINANCES

1. ORDINANCE NO. 02-326 – AN ORDINANCE TO INCLUDE RECITING PLEDGE OF ALLEGIANCE AT CITY COUNCIL MEETINGS (SECOND READING AND ADOPTION)

(c) PLANNING COMMISSION ITEMS

1. CONSIDERATION OF AMENDMENT TO ZONING ORDINANCE SECTION 12.20, SUBD. 1(K) TO CHANGE LANGUAGE REGULATING SUBDIVISION PLATTING REQUIREMENTS WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (WAIVE FIRST READING AND SET SECOND READING AND ADOPTION OF ORDINANCE NO. 02-327 FOR JANUARY 14, 2003)

(d) **2003 LICENSE RENEWALS**

1. TOBACCO LICENSES
2. MASSAGE LICENSES

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- (e) CONSIDERATION FOR APPROVAL OF OUT-OF-STATE TRAVEL FOR JOHN RODEBERG TO ATTEND THE NATIONAL PLANNING CONFERENCE IN DENVER, COLORADO, FROM MARCY 3 – 7, 2003, AND THE INTERNATIONAL LOW-VOLUME ROAD CONFERENCE IN RENO, NEVADA, FROM JUNE 23 – 26, 2003
- (f) CONSIDERATION FOR APPROVAL OF OUT-OF-STATE TRAVEL FOR KEN MERRILL TO ATTEND THE NATIONAL GFOA CONFERENCE IN NEW YORK, NEW YORK FROM MAY 18 – 21, 2003
- (g) CONSIDERATION FOR APPROVAL OF OUT-OF-STATE TRAVEL FOR DOUG JOHNSON TO ATTEND THE US COMPOST COUNCIL CONFERENCE IN LAS VEGAS, NEVADA FROM JANUARY 28 – 31, 2003
- (h) CONSIDERATION FOR APPROVAL OF CHANGE ORDER NO. 2, LETTING NO. 4 & 5, PROJECT NO. 02-11
- (i) CONSIDERATION FOR APPROVAL OF SHORT-TERM GAMBLING LICENSE FOR HUTCHINSON BASEBALL ASSOCIATION ON FEBRUARY 1, 2003, AT VFW
- (j) CONSIDERATION FOR APPROVAL OF APPOINTMENTS TO HUTCHINSON FIRE DEPARTMENT
- (k) CONSIDERATION FOR APPROVAL OF TRANSIENT MERCHANT LICENSE FOR HOMIER DISTRIBUTING ON JANUARY 24 & 25, 2003, AT NATIONAL GUARD ARMORY
- (l) CONSIDERATION FOR APPROVAL OF FLEXIBLE BENEFIT PLAN DOCUMENT AND PLAN SUMMARY DOCUMENT RESTATEMENT
- (m) CONSIDERATION FOR APPROVAL OF FEE SCHEDULES (POLICY NO. 2.22) FOR CITY OF HUTCHINSON HANDBOOK
- (n) CONSIDERATION FOR APPROVAL OF RECOMMENDING BILL ARNDT TO SERVE ON THE JOINT PLANNING BOARD
- (o) CONSIDERATION FOR APPROVAL OF ACCEPTING BIDS FOR MENTAL HEALTH OUTPATIENT REMODELING PROJECT AT HUTCHINSON COMMUNITY HOSPITAL
- (p) CONSIDERATION FOR APPROVAL OF PURCHASING COULTER HEMATOLOGY ANALYZER FOR HUTCHINSON COMMUNITY HOSPITAL

Items 4(b)1 and 4(a)5 were pulled for further action. Motion by Mlinar, second by Peterson, to approve consent agenda excluding items 4(b)1 and 4(a)5. Motion carried unanimously.

Item 4(a)5 information was not included in the packet and no action was taken.

Item 4(b)1 motion by Mlinar, second by Peterson to approve Ordinance No. 02-326. John Mlinar commented on the power of the words of the pledge of allegiance. Mr. Mlinar also shared the history of the creation of the pledge of allegiance. Motion carried unanimously. The audience and Council recited the pledge of allegiance.

5. **PUBLIC HEARING – 6:00 P.M. - NONE**

6. **COMMUNICATIONS, REQUESTS AND PETITIONS**

7. **UNFINISHED BUSINESS**

- (a) CONSIDERATION FOR APPROVAL OF AMENDED AGREEMENT BETWEEN CITY

OF HUTCHINSON AND GARY AND MARY ANN WETHERELL

John Rodeberg, Director of Engineering/Public Works, explained that there is a current agreement in place and this amended agreement changes the dates of the lease to accommodate a future economic development project in this area.

Motion by Mlinar, second by Haugen to approve amended agreement with the Wetherells. Motion carried unanimously.

8. **NEW BUSINESS**

(a) CONSIDERATION FOR APPROVAL OF 2003 WAGE ADJUSTMENT POLICY

Brenda Ewing, Human Resources Director, presented before the Council. Ms. Ewing explained that at the last meeting the Council approved a 2.25% wage adjustment. This policy adjusts wages in each grade by that 2.25%.

Motion by Hoversten, second by Peterson, to approve the 2003 wage adjustment policy. Motion carried unanimously.

(b) CONSIDERATION OF PRELIMINARY PLAT TO BE KNOWN AS STEARNS WOODS, REZONING FROM R1 TO R2 AND CONDITIONAL USE PERMIT FOR CONSTRUCTION OF HOSPICE HOUSE LOCATED AT 720 HONEY TREE ROAD WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 12058 AND WAIVE FIRST READING AND SET SECOND READING AND ADOPTION OF ORDINANCE NO. 02-329 FOR JANUARY 14, 2003)

Julie Wischnack, Director of Planning/Zoning/Building, presented before the Council and explained that a hospice house is proposed to be built on this property. Ms. Wischnack explained that three items need action: preliminary plat, rezoning and conditional use permit. Ms. Wischnack explained the conditions for approval that are recommended by the Planning Staff and the Planning Commission. The most contentious item related to the approval of the hospice house is the business office being located out of the house. Ms. Wischnack outlined the conditions required of the office and the number of hospice house personnel.

Motion by Peterson, second by Hoversten, to approve the preliminary plat, rezoning and conditional use permit of the hospice house located in the Birchwood development. Jim Haugen abstained from voting. John Mlinar commented on the rezoning of this type of business and asked Marc Sebora, City Attorney, if this is permissible. Marc Sebora stated that in his Attorney's Opinion he had noted that ConnectCare's offices should not be located within the hospice house. John Mlinar commented on approving this type of use if it is not legally permissible. Mr. Mlinar commented that staff should possibly look at amending the current ordinance which states what types of uses can be in which type of zone.

Duane Hoversten asked for further clarification on the number of employees that will be housed at the hospice house. Ms. Wischnack explained that there would be approximately eight full-time employees located at the hospice house.

Cheryl Dooley, presented before the Council. Ms. Dooley explained that ConnectCare is not a business, it is a service and a non-profit organization. Ms. Dooley explained that the employees that will work out of the hospice house will be completely tied to the operations specifically to the house.

John Mlinar asked Marc Sebora if the hospice house is not classified as a business, will that be permissible. Mr. Sebora commented that he based his opinion on what functions are coming specifically out of the office and how they pertain to the house specifically.

Motion carried unanimously.

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- (c) CONSIDERATION FOR APPROVAL OF ENTERING INTO AGREEMENT WITH MCLEOD COUNTY SOLID WASTE FOR PURCHASE OF HORIZONTAL GRINDER

Motion by Mlinar, second by Haugen to approve the agreement between the City of Hutchinson and McLeod County. Mayor Torgerson noted that this money comes from tip fees and not taxpayer money. Motion carried unanimously.

- (d) CONSIDERATION FOR APPROVAL OF AWARDING BID FOR HORIZONTAL GRINDER

Motion by Peterson, second by Hoversten, to award the bid for horizontal grinder in the amount of \$250,010, plus the extended warranty in the amount of \$9,618.00. Motion carried unanimously.

- (e) CONSIDERATION FOR APPROVAL OF ORDINANCE NO. 02-320 – AN ORDINANCE AMENDING ORDINANCE NO. 02-322 “GRANTING FRANCHISE TO JOE DOOLEY” TO INCLUDE PRIVATE HANGAR LEASE AS PART OF ORDINANCE (WAIVE FIRST READING AND SET SECOND READING AND ADOPTION FOR JANUARY 14, 2003)

Marc Sebor, City Attorney, explained that this amended ordinance is including the lease agreement as part of the franchise agreement, as required by City Charter. Mr. Sebor also noted that this approval requires a public hearing which will be held at the next city council meeting.

Motion by Mlinar, second by Haugen, to set public hearing and second reading of Ordinance No. 02-320 for January 14, 2003. Motion carried unanimously.

- (f) CONSIDERATION FOR APPROVAL OF EXPANDED INSURANCE COVERAGE FOR BOARDS & COMMISSIONS

Ken Merrill, Finance Director, presented before the Council. Mr. Merrill explained that approximately three months ago the Council had requested that city staff research further insurance coverage for council members and board and commission members for coverage referencing the open meeting law.

Jeff Borkenhagen, Insurance Planners, explained that this type of coverage is optional for the city to acquire. Mr. Borkenhagen explained that the League of Minnesota Cities Insurance Trust does not cover legal issues pertaining to alleged acts of violating the open meeting law. Mr. Borkenhagen further explained the amounts of coverage, related costs, and various procedures involved. All boards that are a part of the City would be included under this coverage. General discussion was held regarding council members and various board members liability issues. Mr. Borkenhagen explained the type of coverage the City currently has through the LMCIT. Mr. Borkenhagen stated that he would further research which entities are covered and which are not.

Motion by Mlinar, second by Peterson, to defer this item to the next Council meeting and review further information regarding which entities are covered. Motion carried unanimously. Kay Peterson requested that Marc Sebor research which committees, boards, sub-committees, etc. are susceptible to violating the open meeting law.

- (g) CONSIDERATION FOR APPROVAL OF INSURANCE DEDUCTIBLE CHANGES

Ken Merrill, Finance Director, explained that previously the Council had voiced concerns regarding the amount of the deductible that the City has.

Bill Klep, Berkley Risk Managers, presented before the Council. Mr. Klep explained that city staff had requested that Berkley research deductible amounts and what is the most appropriate for the City of Hutchinson. Mr. Klep walked the Council through the summary of the information he had compiled regarding all deductible coverages. Mr. Klep's presentation showed that by choosing the \$25,000 deductible versus the \$10,000 deductible,

thousands of dollars are saved.

Motion by Hoversten, second by Haugen, to approve the \$25,000 deductible for the City of Hutchinson. Motion carried unanimously.

(h) CONSIDERATION FOR APPROVAL OF ADOPTING 2003 WATER WASTEWATER REFUSE COMPOST BUDGET

Ken Merrill noted that this budget was reviewed with the City Council at the December 10, 2002, workshop. Mr. Merrill also noted that increased water rates were approved earlier in the agenda and will be part of this budget.

Motion by Haugen, second by Peterson, to adopt water wastewater compost refuse budget. Motion carried unanimously.

(i) CONSIDERATION FOR APPROVAL OF ADOPTING 2003 LIQUOR FUND BUDGET

Ken Merrill explained that this budget is designed for the current location and if the liquor store would change locations the budget would need to be amended.

Motion by Haugen, second by Peterson, to approve liquor fund budget. Motion carried unanimously.

(j) CONSIDERATION FOR APPROVAL OF ADOPTING FIVE YEAR CAPITAL IMPROVEMENT PROGRAM

Ken Merrill explained that this plan covers capital expenditures between the years 2003 and 2007.

Motion by Mlinar, second by Peterson to approve capital improvement program. Motion carried unanimously.

(k) CONSIDERATION FOR APPROVAL OF FUND TRANSFERS

Ken Merrill explained that this resolution will authorize transferring funds from special assessment bonds and senior building fund to the Event Center and will close out the outstanding on the Event Center fund.

Motion by Peterson, second by Hoversten, to authorize the transfer of funds adopting Resolution No. 12087. Motion carried unanimously.

9. **MISCELLANEOUS**

(a) COMMUNICATIONS

All the council members and staff thanked John Mlinar of his many years devoted to the city and extended their appreciation for having the opportunity to work with him.

Gary Plotz – Mr. Plotz reminded the Council that the organizational meeting is set for January 2, 2003, at 8:00 a.m. and an 8:30 a.m. meeting with state representatives will be held following.

Marlin Torgerson – Mayor Torgerson commented on the January 2nd meeting with state and federal officials. The goal of the meeting is to discuss upcoming projects and the state deficit problem.

Brad Emans, Fire Chief, presented a plaque on behalf of the Fire Department to John Mlinar for all his years of service to the city.

10. CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS

(a) VERIFIED CLAIMS A

Motion by Peterson, second by Haugen, to approve and authorize payment of Verified Claims A from appropriate funds. Motion carried unanimously.

11. ADJOURN

With no further business to discuss, the meeting adjourned at 6:50 p.m.