

**MINUTES  
ORGANIZATIONAL MEETING - HUTCHINSON CITY COUNCIL  
JANUARY 2, 2003**

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1. **INSTALLATION OF NEWLY ELECTED CITY COUNCIL MEMBERS:**

MAYOR MARLIN TORGERSON  
COUNCIL MEMBER JIM HAUGEN  
COUNCIL MEMBER BILL ARNDT

Marc Sebora had each newly elected member recite the city oath and were installed as members of the Council.

2. **CALL TO ORDER – 8:00 A.M.**

Mayor Marlin Torgerson called the meeting to order. Council Members present were Bill Arndt, 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.

3. **CONSENT AGENDA**

(a) RESOLUTIONS

1. RESOLUTION NO. 12093 – DESIGNATING OFFICIAL NEWSPAPER
2. RESOLUTION NO. 12094 – APPOINTING CITY ADMINSTRATOR FOR 2003
3. RESOLUTION NO. 12095 – DESIGNATION OF DEPOSITORIES OF CITY FUNDS IN COMMERCIAL BANKS AND INSTITUTIONS
4. RESOLUTION NO. 12096 – RESOLUTION APPROVING SECURITIES FOR COLLATERAL FROM CITIZENS BANK AND TRUST CO. OF HUTCHINSON, MINNESOTA
5. RESOLUTION NO. 12097 – RESOLUTION APPROVING SECURITIES FOR COLLATERAL FROM FIRST MINNESOTA BANK OF HUTCHINSON, MINNESOTA
6. RESOLUTION NO. 12098 – RESOLUTION APPROVING SECURITIES FOR COLLATERAL FROM BREMER BANK OF HUTCHINSON, MINNESOTA
7. RESOLUTION NO. 12099 – RESOLUTION APPROVING SECURITIES FOR COLLATERAL FROM FIRST FEDERAL FSB OF HUTCHINSON, MINNESOTA
8. RESOLUTION NO. 12100 – RESOLUTION APPROVING SECURITIES FOR COLLATERAL FROM WELLS FARGO BANK OF HUTCHINSON, MINNESOTA

(b) CONSIDERATION OF 2003CITY CALENDAR

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

4. **UNFINISHED BUSINESS**

- (a) 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 (SECOND READING AND ADOPTION)

Marc Sebora reminded the Council that the first reading of this ordinance was December 10, 2002 and was selling property in Anoka County for a utilities substation.

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Motion by Haugen, second by Peterson, to approve Ordinance No. 02-328. Motion carried unanimously.

5. **NEW BUSINESS**

(b) SELECTION OF COUNCIL'S VICE PRESIDENT

Motion by Hoversten, second by Haugen, to elect Kay Peterson as Council Vice President. Motion carried unanimously.

(c) DESIGNATION OF COUNCIL REPRESENTATIVES:

1. AIRPORT COMMISSION – Marlin Torgerson
2. HUTCHINSON AREA HEALTH CARE BOARD – Duane Hoversten
3. HUTCHINSON COMMUNITY DEVELOPMENT CORPORATION BOARD (EDA) – Duane Hoversten and Jim Haugen
4. HUTCHINSON HOUSING AND REDEVELOPMENT BOARD (HRA) – Duane Hoversten
5. LIBRARY BOARD – Kay Peterson
6. MID-MINNESOTA COMMISSION – Bill Arndt
7. PARKS, RECREATION, COMMUNITY EDUCATION ADVISORY BOARD – Bill Arndt
8. PLANNING COMMISSION – Jim Haugen
9. HUTCHINSON SAFETY COUNCIL – Kay Peterson
10. LIGHT TRAFFIC ADVISORY BOARD – Kay Peterson
11. TELECOMMUNICATIONS COMMISSION – Marlin Torgerson

Motion by Peterson, second by Arndt, to ratify appointments. Motion carried unanimously.

(c) APPOINTMENTS TO HEALTH BOARD:

- Dr. James Allen
- Dr. David Byron
- Dr. Dennis Murphy

APPOINTMENT OF FARID CURRUMBHOY TO PLANNING COMMISSION

Motion by Peterson, second by Haugen, to ratify appointments. Motion carried unanimously.

5. **ADJOURN**

With no further business to discuss, the meeting adjourned at 8:15 a.m.

**MINUTES**  
**REGULAR MEETING - HUTCHINSON CITY COUNCIL**  
**TUESDAY, JANUARY 28, 2003**

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1. **CALL TO ORDER – 5:30 P.M.**

Mayor Marlin Torgerson called the meeting to order. Members present were Bill Arndt, Jim Haugen and Duane Hoversten. Member absent was Kay Peterson. Others 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 Father Bill Sprigler, St. Anastasia Catholic Church, the invocation was dispensed.

3. **PLEDGE OF ALLEGIANCE**

4. **MINUTES**

(a) REGULAR MEETING OF JANUARY 14, 2002

The members in attendance were corrected to include Bill Arndt and remove John Mlinar.

Minutes were approved as presented with the above-stated correction.

5. **CONSENT AGENDA**

(a) REPORTS OF OFFICERS, BOARDS AND COMMISSIONS

1. PIONEERLAND LIBRARY SYSTEM FINANCIAL REPORT FOR NOVEMBER 2002
2. HUTCHINSON HOUSING & REDEVELOPMENT AUTHORITY MEETING MINUTES FROM OCTOBER 15, 2002
3. HUTCHINSON HOUSING & REDEVELOPMENT AUTHORITY MEETING MINUTES FROM DECEMBER 17, 2002
4. HUTCHINSON HOUSING, INC. ANNUAL BOARD MEETING MINUTES FROM JANUARY 15, 2003
5. PLANNING COMMISSION MINUTES FROM DECEMBER 17, 2002
6. HUTCHINSON AREA HEALTH CARE BOARD MINUTES FROM DECEMBER 17, 2002
7. CITY OF HUTCHINSON FINANCIAL REPORT FOR DECEMBER 2002
8. CITY OF HUTCHINSON INVESTMENT REPORT FOR DECEMBER 2002

(b) RESOLUTIONS AND ORDINANCES

(c) PLANNING COMMISSION ITEMS

1. CONSIDERATION FOR APPROVAL OF A **CONDITIONAL USE PERMIT AND VACATION OF EASEMENTS** REQUESTED BY HANTGE FUNERAL CHAPEL AND CREMATORY FOR CONSTRUCTION OF ADDITION AND EXPANSION OF PARKING LOT LOCATED IN THE C4 DISTRICT AT 899 HIGHWAY 15 SOUTH WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 12109 AND SET SECOND READING AND

ADOPTION OF ORDINANCE NO. FOR FEBRUARY 11, 2003)

2. CONSIDERATION FOR APPROVAL OF **CONDITIONAL USE PERMIT** REQUESTED BY DAN HUEBERT TO OPERATE A CONSTRUCTION OFFICE IN THE C5 DISTRICT LOCATED AT 225 – 3<sup>RD</sup> AVENUE NW WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 12110)
- (d) CONSIDERATION OF CHANGE ORDER NO. 4, LETTING NO. 1, PROJECT NO. 02-02
- (e) CONSIDERATION FOR APPROVAL OF HUTCHINSON AREA HEALTH CARE PURCHASING CHEMISTRY ANALYZER
- (f) CONSIDERATION FOR APPROVAL OF POLICY WAIVING FEES AT HUTCHINSON EVENT CENTER

Item 5(a)7, 5(c)1 and 5(f) were pulled for further consideration.

Motion by Hoversten, second by Arndt, to approve consent agenda with the exception of Items 5(a)7, 5(c)1 and 5(f). Motion carried unanimously.

Item 5(a)7 was pulled for further discussion. Ken Merrill, Finance Director, explained that these numbers on the financial report are preliminary and there may be necessary adjustments. Mr. Merrill explained the reasons for the preliminary numbers, conveying that much of the reasoning is due to the homestead credit that applies this year.

Motion by Hoversten, second by Haugen, to approve the City of Hutchinson financial report for December 2002. Motion carried unanimously.

Item 5(c)1 was pulled for further discussion. Council Member Haugen will be abstaining from voting on this item.

Motion by Arndt, second by Hoversten, with Haugen abstaining, for the approval of the conditional use permit for Hantge Funeral Chapel. Motion carried unanimously.

Item 5(f). Dolf Moon, Director of Parks/Recreation/Community Education, presented before the Council. This item relates to the Event Center waiving fees for certain governmental departments and entities. After conducting research on this topic, staff decided to draft a policy waiving fees for City of Hutchinson departments and organizations, but that all other non-profit entities would not be allowed to have a fee waiver.

Motion by Hoversten, second by Arndt, to approve the waiving of fees policy for the Event Center. Motion carried unanimously.

6. **PUBLIC HEARINGS** – 6:00 P.M.

- (a) CONSIDERATION FOR APPROVAL OF ORDINANCE NO. 03-332 – AN ORDINANCE GRANTING FRANCHISE TO CITIZENS BANK FOR THE USE OF PUBLIC RIGHTS OF WAY (*WAIVE FIRST READING AND SET SECOND READING AND ADOPTION FOR FEBRUARY 11, 2003*)

Bonnie Baumetz, Planning Coordinator, presented before the Council. Ms. Baumetz explained that Citizens Bank is requesting to place a canopy and vestibule on the public right-of-way which requires a franchise agreement, which is adopted by ordinance. Ms.

Baumetz further explained the plans and drawings for the canopy. Mayor Torgerson asked whether or not there will be enough space to walk straight through on the sidewalk and not have to walk around the vestibule.

The architect for Citizens Bank spoke regarding the path for pedestrian traffic. The architect did state that pedestrian traffic would still be in a flowing pattern, however they would have to walk around the vestibule to a certain degree. Duane Hoversten asked if the canopy posts could be moved out further to allow a more direct route along the sidewalk and not have to make a point to walk around the vestibule doors. The architect stated that that would be attainable.

Marc Sebor, City Attorney, stated that City Charter allows a maximum of 20 years on a franchise agreement. The agreement could be renewed after 20 years, dependent on the Council's pleasure at that time. Mr. Sebor also noted that if any road construction needed to be conducted, the vestibule could possibly have to be taken down because it does lie in the public right-of-way.

John Rodeberg, City Engineer, stated that he would look into the idea of moving the canopy out two feet as related to any maintenance issues.

Buzz Burich, President of Citizens Bank, stated that the reasoning for this design is to accommodate the handicapped patrons.

Marc Sebor suggested putting the number of years for the franchise agreement into this motion and to consider charging Citizens Bank a fee for the use of the right-of-way. Duane Hoversten suggested charging Citizens Bank the same amount that the restaurants are charged for the franchise agreements for outside cafes.

Motion by Arndt, second by Hoversten, to approve the first reading and set second reading and adoption of Ordinance No. 03-332 for February 11, 2003. Motion carried unanimously.

(b) CONSIDERATION FOR APPROVAL OF DALE STREET AND 2<sup>ND</sup> AVENUE SW IMPROVEMENTS (LETTING NO. 1, PROJECT NO. 03-01), ORDERING IMPROVEMENT AND PREPARATION OF PLANS

John Rodeberg, Director of Engineering/Public Works, presented before the Council. Mr. Rodeberg explained that staff had met previously with neighborhood residents regarding this project. Mr. Rodeberg explained how street improvement projects are selected and the point system used to determine what level of improvements need to be made.

Mr. Rodeberg explained the drivers or the reasons for the need of implementing this improvement project, which include deterioration, frequent service repairs, old sewer and water lines and a substandard storm sewer. Mr. Rodeberg continued to give an overview of the management of the pavement, storm sewer, water works and sanitary sewer systems.

Mr. Rodeberg explained the proposed improvements as part of this project would be to reconstruct all utility and street improvements and would include phasing the construction to match school hours and provide emergency access.

The cost of the project will be in the area of \$3.2 million. The trunk sewer & water fund, federal aid, state aid and city bonding would cover the majority of the project with approximately \$580,000 assessed to the residents. Mr. Rodeberg went on to cover the costs the City pays for and the estimated assessments to the residents which will range from approximately \$5600 - \$8100 dependent on the size of the lot. Mr. Rodeberg continued to review the process used if the project is approved and the payment options available to residents.

Mayor Torgerson read a letter from Joe and Cheryl Dooley who were unable to attend the

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hearing. The Dooleys had no opposition to the project.

Elroy Dobratz, 603 2<sup>nd</sup> Avenue SW, presented before the Council. Mr. Dobratz expressed that he and his wife are in favor of the project. Mr. Dobratz also commented that no one likes to spend money on these items, but the services provided are necessary. Mr. Dobratz commented that approximately 12 years ago this project was proposed and rejected with the costs being half of what they are now.

Ryan Heining, 500 2<sup>nd</sup> Avenue SW, presented before the Council. Mr. Heine expressed that he has safety concerns in this area and he requested that these concerns be addressed. Mr. Rodeberg responded by saying that there are some improvements being proposed near the elementary school which include safety enhancements.

Tom Schwarze, 140 Grove Street, presented before the Council. Mr. Schwarze commented on the left turn lane being proposed at Grove and 2<sup>nd</sup> Avenue. Mr. Schwarze requested that this not be included in the project. Mr. Schwarze requested that a four-way stop be placed at the intersection of 2<sup>nd</sup> Avenue and Lynn Road. Mayor Torgerson requested that these concerns be addressed. John Rodeberg stated that the consultants on the project have recommended the left-turn lane and he would be privy to their recommendation. Mr. Schwarze requested that his sidewalk not be replaced, as he doesn't feel that it is necessary. John Rodeberg explained that it is more cost effective to replace the whole sidewalk versus patching pieces of the current sidewalk. Mr. Schwarze asked what will happen if the state aid is not supplied for this project. John Rodeberg explained that if the monies from the State would happen to fall through, the costs would not be applied to assessments.

Bill Arndt stated that he agrees with Mr. Schwarze regarding the danger of the left-hand turn lane at the intersection of Grove Street and Dale Street. John Rodeberg suggested that Dale Street may need to be narrowed at this intersection to dissuade drivers from passing turning vehicles and buses on the right hand side.

Lee Moore, 440 Dale Street, presented before the Council. Mr. Moore voiced that he would like to have the road narrowed at the corner of Grove and Dale as opposed to a left-hand turn lane. Mr. Moore also requested that this project not be conducted at this time due to the state budget deficit and the poor economy.

Mark McCaleb, resident at corner of Pishney and 2<sup>nd</sup> Avenue, presented before the Council. Mr. McCaleb voiced concerns about where the funding sources are. He wants to be able to have a guarantee that federal and state aid will be provided. Mr. McCaleb voiced concerns about damaging trees along this project. John Rodeberg stated that the mortality rate of trees after these types of projects are generally low. Mr. McCaleb requested concrete information proving that the improvements need to be done.

Duane Hoversten commented that he has seen videotapes of this area and this system does need replacement. John Rodeberg explained that Quentin Larsen would be able to provide Mr. McCaleb, or any other residents, videotapes and reports showing the test results of the systems on the project.

Mr. McCaleb also commented that this past summer, even with all of the hard rainfalls, his sewer system was able to take all of the water down with no problems. Mr. McCaleb also raised concerns that these residents would have to pay a higher rate because it is a "showcase" street. Duane Hoversten clarified that Mr. Rodeberg had mentioned that no additional costs would be added to this project, but that the residents would be assessed just like it is any other street.

A resident at 805 2<sup>nd</sup> Avenue SW, presented before the Council. This resident expressed that he is in favor of the project. This resident voiced that his concern relates to the safety of the children. He also questioned whether or not the curve at 2<sup>nd</sup> Avenue and Dale will be widened. Mr. Rodeberg explained that it will be slightly wider.

Dennis, 647 2<sup>nd</sup> Avenue, presented before the Council. Dennis voiced that he is all for the project but again commented on the safety of the children.

Sharon Rolander, 410 2<sup>nd</sup> Avenue, presented before the Council. Ms. Rolander also requested that a four-way stop be placed at the intersection of Lynn Road and 2<sup>nd</sup> Avenue SW and she requested that the safety of the children be a priority. Ms. Rolander stated that she has learned that old gas tanks might be on her property and what might happen if a contractor might dig into them. John Rodeberg stated that he would research the issue.

Linda Miller, 635 2<sup>nd</sup> Avenue, presented before the Council. Ms. Miller also requested a four-way stop at the intersection of Lynn Road and 2<sup>nd</sup> Avenue.

Tom Schwarze requested again that the left-hand turn lane at the corner of Grove Street and 2<sup>nd</sup> Avenue be taken out of the design plan.

Andrea Walling, 642 2<sup>nd</sup> Avenue, presented before the Council. Ms. Walling questioned if there is any way to project what the costs may be in the future if the project should be rejected this year. Mr. Rodeberg stated that that is hard to predict, but it may be financial unacceptable risk to take. Duane Hoversten commented that he felt that the costs of a sewer backup are incomparable to street improvement costs.

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

Motion by Hoversten, second by Haugen, to order improvement and preparation of plans of Letting No. 1, Project No. 03-01 and research the possibility of adding a four-way stop to the intersection of Lynn Road and Second Avenue and removing the left-hand turn lane at 2<sup>nd</sup> Avenue and Grove Street in the design plans. Motion carried unanimously.

## **7. COMMUNICATIONS, REQUESTS AND PETITIONS**

### **(a) REQUEST BY STEVE COOK TO HAVE CITY EMPLOYEE(S) VIDEOTAPE LEADERSHIP MEETINGS AND WORKSHOPS FOR PUBLIC VIEWING**

Steve Cook presented before the Council. Mr. Cook expressed that he feels it's the City's duty to provide this type of service, versus the Hutchinson Leader hiring someone to videotape these meetings. Mr. Cook requested that the City have a city employee video record Leadership Meetings and Council workshops. If it's not possible for a city employee to perform these functions, Mr. Cook suggested that the City contract with the Hutchinson Leader to pay for the employee video recording the meetings. He felt by doing this, the City would project how willing they are to include the public in these important business meetings.

Mayor Torgerson stated that he had spoken to the Publisher of the Hutchinson Leader and they are willing to provide their employee to videotape the meetings. Mayor Torgerson further stated that the importance is that the meetings get videotaped, regardless of who tapes them. Steve Cook requested that the City Council make a motion to pay for the Hutchinson Leader employee to videotape the Leadership Meetings and City Council workshops. He feels that it would be a good gesture on the part of the City to show that it's important to the Council that the public be involved in these meetings.

Duane Hoversten noted that the City is not looking to add additional expenses at this time, such as paying an additional employee to videotape these meetings.

Motion by Hoversten, second by Arndt, to reject this request. Motion carried unanimously.

## **8. UNFINISHED BUSINESS**

(a) DISCUSSION OF ENTITIES IMPACTED BY OPEN MEETING LAW RELATING TO EXPANDED INSURANCE COVERAGE

Marc Sebor, City Attorney, commented that at the last meeting in December the Council had directed him to research which committees of the City are susceptible to violating the Open Meeting Law. Mr. Sebor has determined that all committees and sub-committees of the city are subject to the Open Meeting Law.

Duane Hoversten commented that the Boards of the City are sometimes unaware that the Open Meeting Law applies to them and he expressed that this coverage will protect all these boards.

Motion by Arndt, second by Haugen, to approve purchasing additional insurance coverage to cover board and commission members for Open Meeting Law violations. Motion carried unanimously.

9. **NEW BUSINESS**

(a) CONSIDERATION FOR APPROVAL OF 2002 PAY EQUITY REPORT

Brenda Ewing, Human Resources Director, explained that every three years the City of Hutchinson is required to submit a pay equity report to the State of Minnesota relating the number of female employees to male employees.

Motion by Haugen, second by Hoversten, to approve 2002 pay equity report. Motion carried unanimously.

(b) CONSIDERATION FOR APPROVAL OF RECLASSIFICATION REQUESTS

Brenda Ewing, Human Resources Director, presented before the Council. Ms. Ewing explained that this request is made each year for various positions that are requested to be reviewed for reclassification. Ms. Ewing stated that the three positions under consideration for reclassification are the Administrative Secretary, Custodian/CSO, and Water System Supervisor.

Motion by Haugen, second by Arndt, to approve reclassification requests. Motion carried unanimously.

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

Motion by Haugen, second by Hoversten, to set closed meeting for City Administrator performance review for February 11, 2003, following the City Council meeting. Motion carried unanimously.

(d) CONSIDERATION OF SETTING DATE FOR MEETING WITH CITY DIRECTORS TO DISCUSS DEPARTMENT ANNUAL REPORTS

Gary Plotz, City Administrator, commented that the City Directors would like to set a meeting in order to cover their department annual reports. Mr. Plotz also commented that in years past a Visioning Workshop has occurred to review the past year's accomplishments and the future years goals. Generally, this meeting is scheduled for half a day.

Motion by Arndt, second by Hoversten, to set meeting with City Directors to review department annual reports at a Visioning Workshop for February 25, 2003, at 9:00 a.m.. It was recommended that this meeting be video recorded. Motion carried unanimously.

10. MISCELLANEOUS

(a) COMMUNICATIONS

Mayor Torgerson noted that the American Legion Post 96 had submitted an application to conduct annual off-site gambling. The Legion is hosting a raffle for a benefit for Colton Damlow on February 2, 2003, at the McLeod County Fairgrounds.

Motion by Haugen, second by Arndt, to approve the Off-site gambling license for American Legion Post 96 for February 2, 2003. Motion carried unanimously.

**Jim Haugen** – Mr. Haugen commented on the lively and constructive public hearing held this evening on the Dale Street and 2<sup>nd</sup> Avenue SW.

**Bill Arndt** – Mr. Arndt commented on some improvements on the Dale Street/2<sup>nd</sup> Avenue project. Mayor Torgerson suggested that Mr. Arndt sit down with John Rodeberg to discuss safety issues. Mr. Arndt also commented that the Fairgrounds were signed over to McLeod County and the property and facilities are now property of McLeod County.

**Gary Plotz** – Mr. Plotz covered the items discussed at the Leadership Meeting earlier that day. Discussion was held regarding the liquor store expansion and an Elm Street improvement project.

**John Rodeberg** – Mr. Rodeberg commented on the constructive public hearing and thanked the residents for their feedback. Mr. Rodeberg also gave an update as to the condition of Jefferson Street, which at this point, everything is looking good.

**Mayor Torgerson** – Mayor Torgerson publicly thanked the Hutchinson Leader for televising the Leadership Team Meetings and Council Workshops. Mayor Torgerson also noted that, at the invitation of Employer Support for the Guard and Reserve, a volunteer organization, he had the opportunity to represent the City of Hutchinson at a National Guard/Reserves conference in San Diego, CA, sponsored by the Department of Defense.

11. CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS

(a) VERIFIED CLAIMS A

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

12. ADJOURN

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

**MINUTES  
REGULAR MEETING - HUTCHINSON CITY COUNCIL  
TUESDAY, FEBRUARY 11, 2003**

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1. **CALL TO ORDER – 5:30 P.M.**

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

2. **INVOCATION** – Due to the absence of Rev. Greg Nelson, Bethlehem United Methodist Church, the invocation was dispensed.

3. **PLEDGE OF ALLEGIANCE**

4. **MINUTES**

(a) REGULAR MEETING OF JANUARY 28, 2003

(b) BID OPENING MINUTES FROM JANUARY 28, 2003

Minutes were approved as presented.

5. **CONSENT AGENDA**

(a) REPORTS OF OFFICERS, BOARDS AND COMMISSIONS

1. PARKS, RECREATION & COMMUNITY EDUCATION BOARD MINUTES FROM JANUARY 6, 2003

2. BUILDING DEPARTMENT MONTHLY REPORT FOR JANUARY 2003

(b) RESOLUTIONS AND ORDINANCES

1. ORDINANCE NO. 03-331 – AN ORDINANCE VACATING UTILITY AND DRAINAGE EASEMENTS LOCATED BETWEEN LOT 1 AND LOT 2, BLOCK 2, OLSON'S ADDITION

2. RESOLUTION NO. 12112 – RESOLUTION GRANTING APPROVAL TO CHANGE STREET NAME FROM EAST GATE AVENUE TO GATEWAY AVENUE NE LOCATED IN THE SELTZ SUBDIVISION

3. RESOLUTION NO. 12113 – RESOLUTION RELEASING PLEDGED SECURITIES FROM FIRST FEDERAL

4. RESOLUTION NO. 12114 – RESOLUTION TO SELL AT AUCTION UNCLAIMED PROPERTY

(c) CONSIDERATION FOR APPROVAL OF WASTEWATER TREATMENT FACILITY BECOMING MEMBER OF MINNESOTA ENVIRONMENTAL SCIENCE AND ECONOMIC REVIEW BOARD

(d) CONSIDERATION FOR APPROVAL OF SHORT-TERM GAMBLING LICENSE FOR MINNESOTA WATERFOWL ASSOCIATION ON APRIL 25, 2003, AT VFW POST 906

(e) CONSIDERATION FOR APPROVAL OF AWARDED BID FOR HVAC RENOVATION PROJECT AT WASTEWATER PRETREATMENT BUILDING

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- (f) CONSIDERATION OF APPOINTMENT OF JOHN & JUNE LYMAN TO SENIOR ADVISORY BOARD TO 2006
- (g) CONSIDERATION FOR APPROVAL OF CHANGE ORDER NO. 2, LETTING NO. 3, PROJECT NO. 02-06

Motion by Haugen, second by Peterson, to approve consent agenda with the exception of Item 5(c). Motion carried unanimously.

Item 5(c). Mayor Torgerson stated that that this membership is not completely necessary at this time due to budget constraints. Motion by Hoversten, second by Arndt, to table this item until more information is received regarding state funding. Motion carried unanimously.

6. **PUBLIC HEARINGS – 6:00 P.M.**

- (a) CONSIDERATION FOR APPROVAL OF OUTDOOR RECREATION GRANT PROGRAM

Dolf Moon, Parks/Recreation/Community Education Director, presented before the Council. Mr. Moon explained that the City has, in the past, been successful at achieving these types of grants such as with the Oddfellows Park and Tartan Park. If this grant is received, the funds would be used for Rotary Park. The total project is estimated to cost a total of \$90,000 in materials and labor, including funding from the grant, the City and Rotary. Parts of the project include adding a shelter, restroom, recreation fields (sand volleyball).

Rhett Young, presented before the Council. Mr. Young expressed that this is a fantastic opportunity and he hopes the City will take advantage of it.

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

Motion by Hoversten, second by Arndt, to approve outdoor recreation grant program application process. Motion carried unanimously.

7. **COMMUNICATIONS, REQUESTS AND PETITIONS**

- (a) REQUEST FOR A STREET LIGHT ON GROVE STREET AT 430 GRACE LUTHERAN CHURCH

Motion by Peterson, second by Arndt, to forward the petition to the Hutchinson Utilities Commission. Motion carried unanimously.

8. **UNFINISHED BUSINESS**

- (a) CONSIDERATION FOR APPROVAL OF ORDINANCE NO. 03-332 – AN ORDINANCE GRANTING FRANCHISE TO CITIZENS BANK FOR THE USE OF PUBLIC RIGHTS OF WAY (*SECOND READING AND ADOPTION*)

John Rodeberg, Director of Engineering/Public Works, presented before the Council. Mr. Rodeberg explained that adjustments had been made to the plans as presented at the last meeting which included placing the posts out approximately two feet.

Motion by Hoversten, second by Arndt, to approve Ordinance No. 03-332. Motion carried unanimously.

9. **NEW BUSINESS**

(a) CONSIDERATION FOR APPROVAL OF REVISIONS TO UNIFORM POLICY

Motion by Haugen, second by Hoversten to defer this item to a later date. Motion carried unanimously.

(b) CONSIDERATION FOR APPROVAL OF PROCEEDING WITH NEW LIQUOR STORE SITE

Miles Seppelt, EDA Director, presented before the Council. Mr. Seppelt explained that staff had reviewed several different sites to construct a new liquor store. The option of expanding to the current store was not recommended due to parking issues and loading/unloading issues. Another option of moving into the current Econo Foods store was considered, but not recommended due to parking spaces and reservations by Nash Finch who owns Econo Foods. A third option was to construct to the east of Econo Foods which had parking and visibility issues. An option of the State Theatre was considered but not recommended due to renovation costs and current developments that are being considered by private developers. The final option considered is to construct on the lot to the north of the Dairy Queen where an old service station and current pawn shop are located. This option appeared to be the most favorable due to ample parking, high visibility and a nice gateway building as an entrance to the city.

Candice Woods, Liquor Store Manager, presented before the Council. Ms. Woods expressed that she feels the site to the north of Dairy Queen is the most preferred, due to the retail setting. The financing for the liquor store will be from the liquor store enterprise fund and revenue bonds.

Jim Haugen suggested that the member of the Downtown Revitalization Plan that works on traffic issues could review this to see what his/her thoughts may be. John Rodeberg stated that he could review this to see what his opinion may be, however this site was proposed in the Plan for the liquor store and no issues were brought forth.

Motion by Hoversten, second by Peterson, to approve proceeding with new liquor store site at the location to the north of the Dairy Queen. Motion carried unanimously.

Jim Haugen and Marlin Torgerson were appointed to the committee which will be planning the development of the new liquor store.

(c) CONSIDERATION FOR APPROVAL OF AWARDING SALE OF PUBLIC UTILITY BONDS

Steve Apfelbacher, Ehlers & Associates, presented before the Council. Mr. Apfelbacher explained that the sale of these utility bonds is for the purpose of the Hutchinson Utilities Commission constructing a natural gas pipeline. Mr. Apfelbacher noted that Moody's Investment Services has reaffirmed the A1 rating for the City of Hutchinson. Mr. Apfelbacher stated that the low bidder on these bonds is Piper Jaffer at an interest rate of 4.29%. The projections for bond payments is much less than anticipated due to the low, aggressive bid.

Motion by Peterson, second by Haugen, to approve awarding the sale of public utility bonds, Resolution No. 12117. Motion carried unanimously.

10. **MISCELLANEOUS**

(a) COMMUNICATIONS

**Gary Plotz** – Mr. Plotz requested that Creekside Soils be granted the opportunity to bid on a

## CITY COUNCIL MINUTES – FEBRUARY 11, 2003

stacker conveyor at an auction in Minneapolis. This conveyor will be used to process screened material. Creekside has been leasing a conveyor at a rather high rate. The compost site budgeted in 2003 \$30,000 for a stacker conveyor. Mr. Plotz requested approval to attend the auction and bid on a conveyor not to exceed \$30,000. Mayor Torgerson suggested that the compost site staff contact a representative from Hansen Gravel to see if their expertise could be used in the selection of the conveyor.

Motion by Arndt, second by Peterson, to approve attending auction and bidding on conveyor not to exceed the budgeted amount. Motion carried unanimously.

Mr. Plotz reminded the Council that the Visioning Workshop is scheduled for February 25, 2003, from 9:00 a.m. – 3:00 p.m. Mr. Plotz expressed that a major objective for this workshop will be to discuss the budget deficit and how it affects the City. Mr. Plotz made suggestions as to how to organize the meeting.

Mayor Torgerson expressed that he would like directors to meet with their employees to get employee feedback as to how to tackle the deficit problem. Mayor Torgerson also noted that if council members have specific ideas as to programs/services that need to be cut, to give them to Gary Plotz so that they can be reviewed by the directors. Mayor Torgerson felt that possibly services should be considered for elimination prior to positions being eliminated.

Duane Hoversten felt that it would be beneficial for the Council to meet with a facilitator and develop a process prior to the Council meeting with directors. Mr. Hoversten suggested that the first part of the session be an idea time and the remainder of the session be for the Council to determine cuts.

Mayor Torgerson suggested that there may be volunteers throughout the city that would be willing to assist the city with some labor items.

**Mayor Torgerson** – Mayor Torgerson noted that John Rodeberg had been voted Minnesota Engineer of the Year.

**John Rodeberg** – Mr. Rodeberg explained that a neighborhood meeting was held regarding the Elm Street project. He further explained that the project will not proceed until further conversation is held with the residents in this area. He also noted that the biggest concern with this project is the proposal of the trail. The biggest concern for staff is public safety and they will proceed when the issue is reviewed further. Mr. Rodeberg did note that there are sanitary storm sewer issues in this area and will need to be addressed.

Bill Arndt questioned whether or not there is a possibility of making this a one-way street. John Rodeberg stated that this is the only street that runs from McLeod Avenue to North High Drive and does not think that a second street could be one-way in the opposite direction. An issue is that there are limited options in this area to make improvements.

### 11. 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

#### (b) VERIFIED CLAIMS B

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

### 12. ADJOURN

CITY COUNCIL MINUTES – FEBRUARY 11, 2003

With no further business to discuss, a motion was made by Peterson, second by Hoversten, to close the regular meeting at 6:25 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.

Motion by Peterson, second by Arndt, to adjourn the closed portion of the meeting. Unanimous approval.

The regular meeting reconvened at 7:31 p.m. Motion by Peterson, second by Hoversten, to adjourn the regular Council meeting. Unanimous approval. The regular meeting adjourned at 7:32 p.m.

**MINUTES**  
**REGULAR MEETING - HUTCHINSON CITY COUNCIL**  
**TUESDAY, FEBRUARY 25, 2003**

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1. **CALL TO ORDER – 5:30 P.M.**

Mayor Marlin Torgerson called the meeting to order. Members present were Bill Arndt, Jim Haugen, Duane Hoversten and Kay Peterson. Others 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. Greg Nelson, Bethlehem United Methodist Church, the invocation was dispensed.

3. **PLEDGE OF ALLEGIANCE**

4. **MINUTES**

(a) REGULAR MEETING OF FEBRUARY 11, 2003

Minutes were approved as presented.

5. **CONSENT AGENDA**

(a) REPORTS OF OFFICERS, BOARDS AND COMMISSIONS

1. PIONEERLAND LIBRARY SYSTEM BOARD MINUTES FROM DECEMBER 19, 2002
2. FIRE DEPARTMENT MONTHLY REPORT FOR JANUARY 2003
3. HUTCHINSON AREA HEALTH CARE BOARD MINUTES FROM JANUARY 21, 2003
4. HUTCHINSON HOUSING & REDEVELOPMENT AUTHORITY BOARD MINUTES FROM JANUARY 21, 2003
5. CITY OF HUTCHINSON FINANCIAL REPORT FOR JANUARY 2003
6. CITY OF HUTCHINSON INVESTMENT REPORT FOR JANUARY 2003

(b) RESOLUTIONS AND ORDINANCES

1. RESOLUTION NO. 12125 – RESOLUTION FOR PURCHASE
2. RESOLUTION NO. 12126 – RESOLUTION ACCEPTING PLEDGED SECURITIES FROM CITIZENS BANK & TRUST

(c) PLANNING COMMISSION ITEMS

1. CONSIDERATION OF PRELIMINARY PLAT AND REZONING SUBMITTED BY HUTCHINSON LAND HOLDINGS (SHIMEK PROPERTY) WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 12121 AND WAIVE FIRST READING AND SET SECOND READING AND ADOPTION OF ORDINANCE NO. 02-333 FOR MARCH 11, 2003)
2. CONSIDERATION OF CONDITIONAL USE PERMIT REQUESTED BY MENARDS TO CONSTRUCT A FENCE 14 FEET IN HEIGHT AND ALLOW FOR OUTDOOR

CITY COUNCIL AGENDA – FEBRUARY 25, 2003

STORAGE AND DISPLY AREA LOCATED AT 1525 MONTREAL STREET SE WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 12122)

3. CONSIDERATION OF CONDITIONAL USE PERMIT REQUESTED BY HUTCHINSON UTILITIES COMMISSION TO CONSTRUCT A 115kv POWER LINE LCOATED IN THE I1 DISTRICT ALONG CITY LIMITS IN SECTION 5 WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 12123)
  4. CONSIDERATION OF FINAL PLAT TO BE KNOWN AS STEARNS WOODS LOCATED WEST OF HONEY TREE ROAD SUBMITTED BY ROGER AND RACHEL STEARNS WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 12124)
  5. CONSIDERATION OF ORDINANCE NO. 03-335 – AN ORDINANCE AMENDING SECTION 8.18.2, SUBD. 2 OF THE HUTCHINSON CITY CODE TO CHANGE LANGUAGE REGARDING THE FLOOD PLAIN MAPS (WAIVE FIRST READING AND SET SECOND READING AND ADOPTION FOR MARCH 11, 2003)
  6. CONSIDERATION OF ORDINANCE NO. 03-336 – AN ORDINANCE AMENDING SECTION 12.40, ADDING SUBD. 5.5 OF THE HUTCHINSON CITY CODE TO ADD LANGUAGE REQUIRING BOULEVARD TREE PLANTING IN NEW SUBDIVISIONS (WAIVE FIRST READING AND SET SECOND READING AND ADOPTION FOR MARCH 11, 2003)
- (d) CONSIDERATION FOR APPROVAL OF VARIOUS CITY POLICY UPDATES/AMENDMENTS
- (e) CONSIDERATION OF APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS (DALE STREET AND 2<sup>ND</sup> AVENUE SW IMPROVEMENTS, LETTING NO. 1, PROJECT NO. 03-01)
- (f) CONSIDERATION OF ORDERING PREPARATION OF REPORT ON IMPROVEMENT AND CALLILNG HEARING ON IMPROVEMENT (2003 PAVING IMPROVEMENTS, LETTING NO. 4, PROJECT NO. 03-05 THROUGH 03-11)

Item 5(d) was deferred to March 11, 2003, meeting.

Item 5(b)1 was pulled for further clarification.

Item 5(c) were pulled for further clarification.

Item 5(e) and 5(f) were pulled for further clarification.

Motion by Peterson, second by Hoversten, to approve consent agenda with the exception of the pulled items. Motion carried unanimously.

Item 5(b)1 was pulled for further clarification. Gary Plotz explained that this purchase resolution is being considered because of the amount of the purchase which requires Council approval. Mr. Plotz explained that he will need to obtain more information from the Wastewater Plant Director regarding the purpose and use of bioxide. Concrete and asphalt are big sellers at the compost site and in order to sell it, it needs to be ground first. The trucking is required to ship out product that the compost site is selling. Motion by

Peterson, second by Haugen to approve Resolution for Purchase. Motion carried unanimously.

Item 5(c)6 was pulled for further clarification. Julie Wischnack explained that the intent of this ordinance is to require developers to purchase trees, with the money being escrowed into the developers plat fees. The trees will continue to be maintained by the forestry department. The trees will be planted after the houses are built. Duane Hoversten sited concerns with legislating the requirement for developers to purchase the trees and also, due to budget issues, the City should not be acquiring any unneeded expenses. Mark Schnobrich, City Forester, explained how the City budgets for trees and tree plantings. Mr. Schnobrich explained that Hutchinson has historically planted trees on boulevards in new subdivisions. Hutchinson Utilities has provided some funding for tree plantings, however this is not a very large contribution and ultimately the forestry department is approximately 3-4 years behind in boulevard tree plantings because of the lack of funds. In order to keep up with tree plantings in the new developments, staff is identifying the need to pass on the material costs of trees to the developers.

Julie Wischnack noted that some language changes could be made to the ordinance to address the concern of long-term commitments to tree planting. Ms. Wischnack also noted that several cities already are in the practice of having developers purchase new trees for their developments.

Motion by Peterson, second by Hoversten, to defer this item to the March 11, 2003, meeting. Motion carried unanimously.

Item 5(e) was pulled for further clarification. John Rodeberg noted that the wording of Items 5(e) and 5(f) on the agenda were transposed. Mr. Rodeberg noted that the resolutions were worded correctly, however the wording on the agenda was noted incorrectly. Motion by Haugen, second by Arndt to approve Resolutions 12118, 12119 and 12120 as noted in the council packet. Motion carried unanimously.

6. **PUBLIC HEARINGS – NONE**

7. **COMMUNICATIONS, REQUESTS AND PETITIONS**

(a) CONSIDERATION OF SUPPORTING GREEN LEAF STATE PARK APPLICATION

Jade Templin, DNR, presented before the Council. Mr. Templin explained that a citizens group has put together an effort to establish a state park at the current Green Leaf Lake. Mr. Templin explained that the citizens group and the DNR has presented this proposal to the Hutchinson Chamber of Commerce for the support as well.

Milford Smith, Green Leaf State Park Advocate, presented before the Council. Mr. Smith explained that the Litchfield Chamber of Commerce, county commissioners and township supervisors are in support of this project. Mr. Smith is part of the citizens group that is willing to sell some of their land to be incorporated into the proposed Green Leaf State Park. The citizens group feels that this project would benefit both the City of Hutchinson and the City of Litchfield as it may bring additional traffic to the area.

Jade Templin explained that the citizens group would be requesting that the Council draft a resolution showing support of this project.

Motion by Arndt, second by Peterson, to approve supporting the Green Leaf State Park application and authorizing Gary Plotz to draft supporting resolution. Motion carried unanimously.

8. **UNFINISHED BUSINESS**

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

Marc Sebor, City Attorney, explained that the written summary surmises Mr. Plotz's performance appraisal.

Motion by Hoversten, second by Arndt, to approve the summary of the City Administrator's performance appraisal. Motion carried unanimously.

(b) CONSIDERATION YEARLY FRANCHISE FILING FEE FOR CITIZENS BANK

Marc Sebor explained that at the last meeting the Council approved the franchise for Citizens Bank, however the franchise filing amount was not discussed and needed to be determined by the Council.

Motion by Haugen, second by Arndt, to charge Citizens Bank an annual filing fee of \$50.00 for the franchise. Motion carried unanimously.

9. **NEW BUSINESS**

(a) CONSIDERATION OF CONDITIONAL USE PERMIT VIOLATION LOCATED AT 1150 – 14<sup>TH</sup> AVENUE NW, SCOTT AND JUDY PLOWMAN ACCESSORY BUILDING

Julie Wischnack, Director of Planning/Zoning/Building, presented before the Council. Ms. Wischnack explained that in 2001, the Plowman were approved a conditional use permit to split their lot. As part of the conditional use permit, there was a requirement that a permanent structure be built on the lot. The Plowmans constructed a temporary structure and claimed that they misunderstood the requirements of the conditional use permit. The Planning Commission is recommending that a requirement of a restriction on the deed requiring that a home be constructed on the premises should the parcel ever be conveyed and they approved a quit claim deed as drafted by City Attorney, Marc Sebor.

Motion by Peterson, second by Hoversten, to approve the recommendation of the Planning Commission which is to require that a home be constructed should the parcel ever be conveyed. Motion carried unanimously.

(b) CONSIDERATION FOR APPROVAL OF RESOLUTION SUPPORTING COUNTY MATERIAL RECOVERY FACILITY PURSUANT TO MCLEOD COUNTY SOLID WASTE PLAN

Ed Homan, McLeod County Solid Waste Director, presented before the Council. Mr. Homan explained that McLeod County Solid Waste intends to expand their current solid waste facility. Mr. Homan further explained the description of the project, the funding of the project and the rationale for the project. Mr. Homan described the costs related to the project and whom the customers are of the Solid Waste facility.

Mr. Plotz noted that language needed to be changed in the first sentence to read, "Whereas, the McLeod County Solid Waste Advisory Committee will be considering on March 17, 2003, to expand the existing material recovery facility".

Motion by Hoversten, second by Arndt, to approve the resolution supporting the county

## CITY COUNCIL AGENDA – FEBRUARY 25, 2003

material recovery facility as amended. Motion carried unanimously.

### (c) CONSIDERATION FOR APPROVAL OF SETTING DOWNTOWN REVITALIZATION PLAN REVIEW FOR MARCH 4, 2003, AT 4:00 P.M.

Julie Wischnack, Director of Planning/Zoning/Building, noted that the Revitalization Plan is posted on the City's web site and the plans are also at the City Center for anyone that would like to review them.

Motion by Peterson, second by Haugen, to set Downtown Revitalization Plan Review for March 4, 2003, at 4:00 p.m. Motion carried unanimously.

### (d) CONSIDERATION OF SETTING BOARD OF EQUALIZATION MEETING FOR MAY 8, 2003 AT 4:30 P.M.

Gary Plotz, City Administrator, noted that this meeting is set for concerned residents to meet with the McLeod County Assessor and City Council to review proposed property taxes.

Motion by Haugen, second by Arndt, to set Board of Equalization Meeting for May 8, 2003, at 4:30 p.m. Kay Peterson will be unavailable. Motion carried unanimously.

## 10. MISCELLANEOUS

### (a) COMMUNICATIONS

**John Rodeberg** – Mr. Rodeberg explained that some time ago, a request was made to review safety improvements to trunk highway 15. In order to proceed with these improvement prospects, an engineer needs to be brought into the picture. Other projects will also be part of this engineering contract.

Motion by Peterson, second by Hoversten, to approve entering into consulting agreement with SEH Consulting Group, Inc. Motion carried unanimously.

**Gary Plotz** - Mr. Plotz explained that city staff and council members met this morning for the annual visioning workshop. City directors presented their annual reports and the Finance Director covered the proposed budget costs presented by the Governor. The budget adjustments by the State will be announced by July 1, 2003. Mr. Plotz also noted that the City Council also held a workshop with the Hutchinson Area Health Care Board in which each group presented accomplishments of the past year and goals for the upcoming years.

Mayor Torgerson noted that the Council will be looking for public input as to the budget reductions.

Steve Cook presented before the Council. Mr. Cook asked of Gary Plotz the proposed amount being cut to the City's budget. Mr. Plotz explained that it is approximately \$1.4 million.

Mr. Cook asked if the Council could possibly hold off on moving ahead with the liquor store project at this time and possibly hold a public hearing at one of the upcoming meetings.

Mayor Torgerson did state that the Council is considering this location and will be taking into consideration the opinions that have been presented in the Letters to the Editor of the Hutchinson Leader. John Rodeberg also noted that public hearings were held with the Downtown Plan meetings, in which this location was chosen as part of the plan. Mayor Torgerson did state that there may be more public hearings held regarding this issue.

## 11. CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS

CITY COUNCIL AGENDA – FEBRUARY 25, 2003

(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.

12. **ADJOURN**

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

**MINUTES  
REGULAR MEETING - HUTCHINSON CITY COUNCIL  
TUESDAY, MARCH 11, 2003**

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1. **CALL TO ORDER – 5:30 P.M.**

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

2. **INVOCATION** – Rev. Kevin Oster, Our Saviors Lutheran Church

3. **PLEDGE OF ALLEGIANCE**

4. **MINUTES**

(a) REGULAR MEETING OF FEBRUARY 25, 2003

Minutes were approved as presented.

5. **CONSENT AGENDA**

(a) REPORTS OF OFFICERS, BOARDS AND COMMISSIONS

1. FIRE DEPARTMENT MONTHLY REPORT FOR FEBRUARY 2003
2. HUTCHINSON AREA HEALTH CARE FINANCIAL REPORT FOR JANUARY 2003
3. HUTCHINSON UTILITIES COMMISSION FINANCIAL REPORT FOR JANUARY 2003
4. PARKS, RECREATION & COMMUNITY EDUCATION BOARD MINUTES FROM FEBRUARY 3, 2003
5. BUILDING DEPARTMENT MONTHLY REPORT FOR FEBRUARY 2003

(b) RESOLUTIONS AND ORDINANCES

1. ORDINANCE NO. 02-333 – AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF HUTCHINSON FO A PROPERTY TO BE REZONED FROM R1 TO R2 (SECOND READING AND ADOPTION)
2. ORDINANCE NO. 03-335 – AN ORDINANCE AMENDING SECTION 8.18.2, SUBD. 2 OF THE HUTCHINSON CITY CODE TO CHANGE LANGUAGE REGARDING THE FLOOD PLAIN MAPS (SECOND READING AND ADOPTION)
3. RESOLUTION NO. 12130 – RESOLUTION RELEASING PLEDGED SECURITIES FROM WELLS FARGO BANK

(c) CONSIDERATION FOR APPROVAL OF OUT-OF-STATE TRAVEL FOR MARION GRAHAM TO ATTEND THE WASTEWATER LABORATORY EXAM WORKSHOP IN KANSAS CITY, MISSOURI, FROM MARCH 28 – 31, 2003

(d) CONSIDERATION FOR APPROVAL OF ON-SALE INTOXICATING LIQUOR AND CLUB LICENSES FOR 2003

(e) CONSIDERATION FOR APPROVAL OF SHORT-TERM GAMBLING LICENSE FOR 3M CLUB

ON APRIL 26, 2003, AT THE 3M CLUB BUILDING

Motion by Peterson, seconded by Arndt, to approve the consent agenda. The motion carried unanimously.

6. **PUBLIC HEARINGS – 6:00 p.m.**

(a) CONSIDERATION FOR APPROVAL OF ON-SALE INTOXICATING AND SUNDAY LIQUOR LICENSE FOR EUGENE STIFTER (FLYER'S NITE CLUB)

Mayor Torgerson requested to table this item to the March 25<sup>th</sup> meeting in order for Councilman Hoversten to be present.

Motion by Arndt, seconded by Haugen to continue the hearing to the March 25, 2003 meeting. The motion carried unanimously.

(b) LETTING NO. 3, PROJECT NO. 03-05 THROUGH 03-11 & 03-22 (PAVING IMPROVEMENTS) CONSIDERATION OF ORDERING IMPROVEMENT AND PREPARATION OF PLANS AND SPECIFICATIONS, APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS

John Rodeberg commented on the request and the neighborhood meeting regarding the improvements. He stated input from the neighborhood would be to do a minimum level of improvements to the streets. Mr. Rodeberg explained minimum improvements would be grading and paving only. He explained assessments would be made on a per unit basis due to the irregularity of the lots in all the areas. Mr. Rodeberg explained the process and commented on the payment options.

Mr. Rodeberg commented on the projects by street beginning with Delaware Street NW. There were no property owners from that area present. He commented on Arch Street SE and explained the unit costs. Deane Dietel, 845 – 2<sup>nd</sup> Ave. SE, questioned if a storm sewer would be part of the improvement on Arch Street. Mr. Rodeberg stated there would be some storm sewer which would end at the North side of Mr. Dietel's property. He explained on Lutdke LN NW some properties may have assessments on Golf Course Rd. There are also small storm sewer problems in this area. LeRoy Hlavka, 925 Lutdke LN NW, asked about the life expectancy of the street at minimum improvement. Mr. Rodeberg stated it is hard to tell. He stated with good maintenance streets can last up to 40 years without major improvements. He commented these improvements could have a life expectancy of 20 – 40 years. Mr. Arndt asked what the tonnage is on these improvements. Mr. Rodeberg stated all streets are a standard 5 tons. Mr. Hlavka asked the timing of the construction. Mr. Rodeberg explained each project should take a few days and they would begin construction in July or August. Florida Street NW also irregular lots or units. There were no property owners present from Florida Street. Mr. Rodeberg explained the costs on Illinois Street NW due to grade issues. John Reynolds, 140 Illinois St. NW, asked if the street would be straightened and if the improvements would line up with the driveways. Mr. Rodeberg stated there are drainage issues in this area and the street should line up with the driveways. There is only one property owner on Ranch Avenue SE. That owner was not present. Mr. Rodeberg explained the City will pay 50% on this property since the property owner has provided stormwater ponding on his property.

Mr. Rodeberg commented on the sidewalk projects for the safety of the residents in the area.

Motion by Haugen, seconded by Peterson to close the hearing. Carried unanimously.

Motion by Peterson, seconded by Haugen to approve Resolution #12128 Ordering Improvement and Preparation of Plans and Specifications for Letting No. 3, Project No. 03-05 through 03-11 and 0322 (Paving Improvements). The motion carried unanimously.

Motion by Peterson, seconded by Haugen to approve Resolution #12129 approving Plans and

Specifications and Ordering Advertisements for Bids Letting No. 3, Project No. 03-05 through 03-11 and 0322 (Paving Improvements). The motion carried unanimously.

7. **COMMUNICATIONS, REQUESTS AND PETITIONS**

None

8. **UNFINISHED BUSINESS**

None

9. **NEW BUSINESS**

(a) CONSIDERATION OF AMENDING CITY ORDINANCE SECTION 6.22, “PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANTS” TO INCLUDE ADDING LANGUAGE TO SUBD. 3 “EXEMPTIONS” (*WAIVE FIRST READING AND SET SECOND READING AND ADOPTION FOR MARCH 25, 2003*)

(b) CONSIDERATION OF AMENDING FEE SCHEDULE FOR PEDDLER, SOLICITOR, TRANSIENT MERCHANT PERMITS

City Atty. Seбора commented on his discussion with Chamber representatives regarding transient sales to businesses. He stated items 9(a) and 9(b) could be discussed at the same time. Atty. Seбора explained requests for licenses have been decreasing which could mean peddlers are not applying for licenses but are still selling merchandise in Hutchinson. Licensing would differentiate which merchants should operate their transient business in the City. The ordinance would exempt multi-vendor events held at the Hutchinson Event Center and/or McLeod County Fairgrounds and events sponsored by the Chamber or the Hutchinson Mall.

Discussion followed on encouraging residents and business owners to ask peddlers for their license.

Atty. Seбора stated charitable and religious organizations or established route peddlers are also exempt.

The public will be the best enforcement. Asking for a license it will raise awareness for peddlers to obtain licenses. The Chamber of Commerce will provide window stickers to businesses. The stickers will state Transient Merchant Licenses are required.

Discussion followed on recycling licensure.

Atty. Seбора commented on the fee amount and stated raising the fees would discourage undesirable merchants. He reported discussions with John Rodeberg to add signage at the entrances of the City which would state Transient Merchant Licenses Required.

Motion by Peterson, seconded by Arndt, to waive the first reading and set the second reading and adoption for March 25, 2003. Motion carried unanimously.

Motion by Peterson, seconded by Arndt, to amend fee schedule. Motion carried unanimously.

(c) CONSIDERATION OF RESOLUTION NO. 12131 AUTHORIZING THE SUBMITTAL OF PROPOSAL FOR YARD WASTE PROCESSING FOR THE CITY OF MINNEAPOLIS AND TO ESTABLISH A COUNCIL SUB-COMMITTEE REVIEW OF THE PROPOSAL

Gary Plotz commented on the request and the present contracts the City of Hutchinson has with other metro cities. He stated the proposal includes leaves, organics and brush. Another agency is interested in the brush which is approximately ¼ of the contract. The remainder of the contract would be the portion Hutchinson is interested in securing. He commented on the present committee and the need

CITY COUNCIL MINUTES – MARCH 11, 2003

for two council members to participate on the committee. Mr. Plotz stated Hutchinson is one of two bidders for the contract.

Mr. Arndt stated he would be interesting in serving on the committee and Ms. Peterson will also be on the committee which will meet on Thursday, March 13, at 9:00 a.m. in the City Center.

Motion by Haugen, seconded by Peterson, to approve resolution authorizing the submittal of proposal for yard waste processing for the City of Minneapolis. Motion carried unanimously.

10. **MISCELLANEOUS**

(a) COMMUNICATIONS

Resolution No. 12132 to Cancel Advertisement for Bids, Letting No. 1/Project No. 03-01  
And Resolution No. 12133 for State of MN Agency Agreement between Dept. of Transportation and City of Hutchinson, Letting No. 1/Project No. 03-01

John Rodeberg commented on the request to cancel the advertisement for bids due to wording in the agreement for federal funding. He stated the City may be able to advertise as early as next week however must wait to comply with the agreement.

Motion by Haugen, seconded by Arndt to approve Resolution # 12132 and 12133. Motion carried unanimously.

Bill Arndt reported on the leadership training he attended. He also congratulated the High School swimmers and girls basketball teams.

Gary Plotz commented on the employee meetings held to explain the budget cuts. He stated there may be Resolutions at the next City Council meeting regarding some of the cuts.

John Rodeberg explained the need to authorize the purchase of software for permitting stormwater items. He stated funds are available for the purchase. Motion by Peterson, seconded by Haugen to approve the purchase of software. Motion carried unanimously.

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

(a) VERIFIED CLAIMS A

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

(b) VERIFIED CLAIMS B

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

12. **ADJOURN**

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

**MINUTES  
REGULAR MEETING - HUTCHINSON CITY COUNCIL  
TUESDAY, APRIL 8, 2003**

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1. **CALL TO ORDER – 5:30 P.M.**

Mayor Marlin Torgerson called the meeting to order. Members present were Jim Haugen, Duane Hoversten and Kay Peterson. Member absent was Bill Arndt. Others 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 Hall, Word of Life Church, the invocation was dispensed.

3. **PLEDGE OF ALLEGIANCE**

4. **MINUTES**

(a) REGULAR MEETING OF MARCH 25, 2003

The minutes were approved as presented

5. **CONSENT AGENDA**

(a) REPORTS OF OFFICERS, BOARDS AND COMMISSIONS

1. HUTCHINSON PUBLIC LIBRARY BOARD MINUTES FROM FEBRUARY 24, 2003
2. FIRE DEPARTMENT MONTHLY REPORT FOR MARCH 2003
3. BUILDING DEPARTMENT MONTHLY REPORT FOR MARCH 2003

(b) RESOLUTIONS AND ORDINANCES

1. ORDINANCE NO. 03-334 – AN ORDINANCE AMENDING SECTIONS 3 AND 10.14 OF THE HUTCHINSON CITY CODE TO ADD LANGUAGE REGULATING SANDWICH BOARD SIGNS IN THE COMMERCIAL AND INDUSTRIAL AREAS (SECOND READING AND ADOPTION)
2. ORDINANCE NO. 03-338 – AN ORDINANCE AMENDING SECTION 10.14 REGULATING PORTABLE SIGNS IN ALL ZONING DISTRICTS (WAIVE FIRST READING AND SET SECOND READING AND ADOPTION FOR APRIL 8, 2003)
3. RESOLUTION NO. 12144 – RESOLUTION RECOGNIZING BUILDING SAFETY WEEK APRIL 6 – 12, 2003
4. RESOLUTION NO. 12145 – RESOLUTION OPPOSING STATE MANDATED ENERGY CONSERVATION PROGRAMS FUNDED BY MUNICIPAL UTILITIES
5. RESOLUTION NO. 12146 – RESOLUTION FOR PURCHASE
6. RESOLUTION NO. 12147 – RESOLUTION RELEASING PLEDGED SECURITIES FROM FIRST MINNESOTA BANK

(c) CONSIDERATION FOR APPROVAL OF TOBACCO LICENSE FOR THE STIFTER GROUP DBA FLYER'S BAR & GRILL

(d) CONSIDERATION FOR APPROVAL OF TRANSIENT MERCHANT LICENSE FOR RICHARD

CITY COUNCIL AGENDA – APRIL 8, 2003

SEIPEL DBA THE COUNTRY STOP FROM JUNE 13 THRU OCTOBER 31, 2003, AT THE RUNNINGS PARKING LOT

- (e) RE-APPOINTMENT OF KAY JOHNSON AND LARRY LADD TO HUTCHINSON PUBLIC LIBRARY BOARD TO APRIL 2006
- (f) CONSIDERATION FOR APPROVAL OF OUT-OF-STATE TRAVEL FOR CHRIS DOBRATZ AND JAKE MAY TO ATTEND THE 2003 CRIMES AGAINST CHILDREN CONFERENCE IN DALLAS, TEXAS, FROM AUGUST 18 – 21, 2003
- (g) CONSIDERATION FOR APPROVAL OF BIOSOLIDS DRYER CHANGE ORDER NO. 3
- (h) CONSIDERATION FOR APPROVAL OF LIQUOR LICENSE RENEWAL FOR ALL OCCASIONS CATERING
- (i) CONSIDERATION FOR APPROVAL OF ADVERTISING FOR BIDS FOR CONTROL SYSTEM FOR WASTEWATER LIFT STATION
- (j) CONSIDERATION FOR APPROVAL OF APPOINTMENT TO POLICE COMMISSION TO MAY 2006

Item 5(j) will be deferred to the April 22<sup>nd</sup> meeting.

Item 5(b)6 was pulled for further clarification.

Item 5(b)4 was pulled for further discussion. Mayor Torgerson commented that this resolution is to oppose the state mandated requirements of funding energy conservation programs. These requirements would pass on surcharges to ratepayers in Hutchinson. The resolution's purpose is to oppose these requirements to the Legislature so as not to incur more charges to the ratepayers of Hutchinson.

Item 5(b)3 was pulled for further discussion.

Motion by Peterson, second by Haugen, to approve consent agenda with the exception of Item 5(b)3. Motion carried unanimously.

Item 5(b)3 was covered by Barry Greive, Building Official and Brad Emans, Fire Chief. Mr. Greive announced that this is worldwide awareness week and they want to make the community aware of safety issues.

Mr. Emans presented before the Council. Mr. Emans shared that the building department is part of public safety and building code enforcement is very important for safety.

Motion by Peterson, second by Hoversten to approve Resolution No. 12144. Motion carried unanimously.

6. **PUBLIC HEARINGS**

7. **COMMUNICATIONS, REQUESTS AND PETITIONS**

- (a) DEMONSTRATION OF CREEKSIDE WEB SITE

Tom Kloss, Information Technology Director, presented before the Council. Mr. Kloss gave an overview of the Creekside web site that is being updated in-house, by city staff.

(b) UPDATE ON CITY OF HUTCHINSON STAFF REDUCTIONS

Brenda Ewing, Human Resources Director, presented before the Council. Ms. Ewing explained the staff reductions that the City of Hutchinson had implemented and the services that these effect. The departments impacted include Parks & Recreation, City Center, Finance/Administration, Engineering/Streets, HATS and the cemetery. Services impacted include reduced lobby hours at the City Center and Recreation Center office, telephone service at the City Center, reduced city parks/city facilities maintenance, right-of-way and storm water issues will be readdressed, police services staffing issues.

Duane Hoversten requested the possibility of having a phone available in the lobby of the City Center for customers to call specific extensions. Mr. Hoversten also suggested placing more items on the web site to aid customers to do things online as opposed as having to come into the building.

8. **UNFINISHED BUSINESS**

9. **NEW BUSINESS**

(a) CONSIDERATION FOR APPROVAL OF SOFT DRINK AGREEMENT

Dolf Moon, Director of Parks/Recreation/Community Education, presented before the Council. Mr. Moon explained that the recommendation of his department is to enter into a 10-year agreement with Bernick's Pepsi to provide beverages at the Recreation Center. Included in the agreement is providing the City \$50,000 and two wireless scoreboards. Mr. Moon is requesting that the \$50,000 received be placed in the parkland dedication account so as to use the money for capital improvements.

Ken Merrill, Finance Director, presented before the Council. Mr. Merrill explained that his recommendation would be to accept the \$50,000 upfront as opposed to annual installments.

Mr. Moon further explained that the 10-year term is standard in comparison to other companies.

Motion by Hoversten, second by Peterson, to approve soft drink agreement with Bernick's Pepsi. Motion carried unanimously.

(b) CONSIDERATION FOR APPROVAL OF CAPITALIZATION THRESHOLD POLICY

Ken Merrill, Finance Director, presented before the Council. Mr. Merrill explained that in the past all fixed assets have been capitalized, regardless of the value. Mr. Merrill is requesting that anything \$1000 and over be capitalized. Those items under \$1000 will still be tracked and still be held responsible for. Depreciation expenses also now need to be reported.

Mr. Merrill explained that the hospital and utilities should have already established a threshold policy and will not need to follow the City's policy.

Motion by Hoversten, second by Haugen, to approve \$1000 capitalization threshold policy. Motion carried unanimously.

10. **MISCELLANEOUS**

(a) COMMUNICATIONS

**John Rodeberg** – Mr. Rodeberg reported that they are working their best to keep Jefferson Street in the best shape it can.

**Gary Plotz** – Mr. Plotz noted that there was a handout distributed tonight from Senator Dille, authoring a revised budget reduction plan.

Mr. Plotz also noted that he was at a committee meeting at the City of Minneapolis regarding the City of Hutchinson’s bid to collect Minneapolis’s yard waste. City staff will be back in Minneapolis in two weeks to further discuss this plan.

**Kay Peterson** – Ms. Peterson encouraged citizens to tie yellow ribbons around their trees and fly their US flags to illustrate the wish to have all troops to return safely.

**Marlin Torgerson** – Mayor Torgerson read a letter from the Committee of the National Day of Prayer that noted the National Day of Prayer will be held on May 1 at 7:00 p.m. at St. Anastasia Parish.

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

(a) VERIFIED CLAIMS A

Motion by Peterson, second by Haugen, to approve Claims A from appropriate funds. Motion carried unanimously.

12. **ADJOURN**

With no further business to discuss, the meeting adjourned at 6:20 p.m.

**MINUTES  
HUTCHINSON CITY COUNCIL  
SPECIAL MEETING  
WEDNESDAY, APRIL 9, 2003 3:00 P.M.**

1. **CALL TO ORDER – 3:00 P.M.**

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

2. **NEW BUSINESS**

(a) **CONSIDERATION FOR APPROVAL OF PURCHASING CONSOLIDATED FREIGHTWAYS PROPERTY**

Patrick Spethman, Hutchinson Utilities Commission Interim General Manager, presented before the Council. Mr. Spethman explained that the purpose of this meeting is to request from the Council approval to bid on property located at 175 Michigan Street SE in Hutchinson. The sale of this property is being auctioned on April 10, 2003.

Mr. Spethman further explained that this property is adjacent to the current Utilities facility and would be beneficial for purchase for future expansion of the current facility, secured storage, location for inventory/shipping/receiving and a potential site for EDA growth. The funding of this purchase will be made through internal cash flow. Mr. Spethman went on to describe the property, real estate taxes, and market value.

Mr. Spethman requested that the Council approve a bid level of up to \$165,000 for the property.

Mayor Torgerson noted that he had looked at the property and this facility will serve the purposes that are needed at this time. Another benefit noted was that this property will not lose its value.

Duane Hoversten expressed that this is an advantageous purchase, especially with keeping the EDA in mind for future expansion.

There was general discussion on the bid level amount. It was suggested that Mayor Torgerson be present during the bidding process. Duane Hoversten expressed that he felt the bid level amount should be higher.

Motion by Hoversten, second by Haugen, to approve the bid level of \$190,000 for the Hutchinson Utilities Commission to bid on Consolidated Freightways property. Motion carried unanimously.

3. **ADJOURN**

With no further business to discuss, the meeting adjourned at 3:20 p.m.

**MINUTES**  
**REGULAR MEETING - HUTCHINSON CITY COUNCIL**  
**TUESDAY, APRIL 22, 2003**

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1. **CALL TO ORDER – 5:30 P.M.**

Mayor Marlin Torgerson called the meeting to order. Members present were Jim Haugen, Bill Arndt, Duane Hoversten and Kay Peterson. Others 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 Church, the invocation was dispensed.

3. **PLEDGE OF ALLEGIANCE**

4. **MINUTES**

(a) REGULAR MEETING OF APRIL 8, 2003

(b) SPECIAL MEETING OF APRIL 9, 2003

(c) BID OPENING MINUTES FROM APRIL 15, 2003

The minutes were approved as presented.

5. **CONSENT AGENDA**

(a) REPORTS OF OFFICERS, BOARDS AND COMMISSIONS

1. PARKS, RECREATION & COMMUNITY EDUCATION BOARD MINUTES FROM MARCH 3, 2003

2. HUTCHINSON HOUSING & REDEVELOPMENT AUTHORITY BOARD MINUTES FROM JANUARY 21 AND MARCH 18, 2003

3. HUTCHINSON AREA HEALTH CARE BOARD MINUTES FROM MARCH 18, 2003

4. CITY OF HUTCHINSON FINANCIAL REPORT FOR MARCH 2003

5. CITY OF HUTCHINSON INVESTMENT REPORT FOR MARCH 2003

(b) RESOLUTIONS AND ORDINANCES

1. RESOLUTION NO. 12164 – A RESOLUTION APPROVING EXCAVATOR LICENSE FEE

(c) PLANNING COMMISSION ITEMS

1. CONSIDERATION OF A **PRELIMINARY PLAT** TO BE KNOWN AS WENDY'S ADDITION AND **CONDITIONAL USE PERMIT** FOR DRIVE-THRU AREA, MINOR FLOOD PLAIN ALTERATIONS AND THE SHORELAND ALTERATIONS LOCATED AT 1190 HWY 7 WEST WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 12157 AND 12158)

2. CONSIDERATION OF A **VARIANCE** REQUESTED BY HUTCHINSON HOSPITAL TO REDUCE SETBACK FROM FREEMONT AVENUE FOR ADDITION TO THE HOSPITAL ICU AREA WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 12159)

3. CONSIDERATION OF A **CONDITIONAL USE PERMIT** REQUESTED BY KARRIE INGEBRETSON TO REMOVE EXISTING NON-CONFORMING GARAGE AND REPLACE 2.2 FEET FROM ALLEY LOCATED AT 415 FRANKLIN STREET SW WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 12160)
  4. CONSIDERATION OF A **CONDITIONAL USE PERMIT** REQUESTED BY CITY OF HUTCHINSON PARKS DEPARTMENT TO CONSTRUCT A 24' X 24' STORAGE GARAGE ON PARK PROPERTY LOCATED IN THE 100 YEAR FLOOD PLAIN AT ROBERTS PARK, 1600 ROBERTS ROAD SW WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 12161)
  5. CONSIDERATION OF PETITION TO BEGIN **ANNEXATION** OF PROPERTY BY RESOLUTION LOCATED IN LYNN TOWNSHIP WITH UNFAVORABLE STAFF RECOMMENDATION AND FAVORABLE PLANNING COMMISSION RECOMMENDATION (ADOPT RESOLUTION NO. 12162)
  6. CONSIDERATION OF REQUEST BY GENE EBNET TO **EXTEND VARIANCE** GRANTED ON PROPERTY LOCATED AT 106 GARDEN ROAD WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 12163)
- (d) CONSIDERATION FOR APPROVAL OF TEMPORARY LIQUOR LICENSE FOR AMERICAN LEGION FROM JUNE 5 – 7, 2003
- (e) CONSIDERATION FOR APPROVAL OF POLICE COMMISSION APPOINTMENT
- (f) CONSIDERATION FOR APPROVAL OF TRANSIENT MERCHANT LICENSE FOR T.A.P. ENTERPRISES AT THE RECREATION CENTER ON JUNE 14, 2003
- (g) RETAIL ON-SALE, NON-INTOXICATING MALT LIQUOR (3.2 BEER) LIQUOR LICENSE RENEWALS
- HUTCHINSON HUSKIE BASEBALL ASSOCIATION
  - LITTLE CROW BOWLING LANES
  - GODFATHER'S PIZZA
  - MEADOWLINKS GOLF CLUB
  - SKY VENTURES (PIZZA HUT)
- (h) RETAIL OFF-SALE, NON-INTOXICATING MALT LIQUOR (3.2 BEER) LIQUOR LICENSE RENEWALS
- COBORN'S INC – CASHWISE
  - TOM THUMB #196 – BONKERS
  - SPEEDWAY SUPERAMERICA
  - CITGO QUIKMART
  - ERICKSON OIL PRODUCTS - FREEDOM VALU CENTERS
  - CATTOOR OIL COMPANY
  - ERICKSON'S DIVERSIFIED – ECONO FOODS
  - WALMART
- (i) DALE STREET AND 2<sup>ND</sup> AVENUE SW IMPROVEMENTS, LETTING NO. 1, PROJECT NO. 03-01
- RESOLUTION NO. 12148 – RESOLUTION DECLARING COST TO BE ASSESSED

- AND ORDERING PREPARATION OF PROPOSED ASSESSMENT
  - RESOLUTION NO. 12149 – RESOLUTION FOR HEARING ON PROPOSED ASSESSMENT (MAY 6, 2003, AT 5:30 P.M.)
- (j) 2003 PAVING IMPROVEMENTS, LETTING NO. 3, PROJECT NO. 03-05 THROUGH 03-09, 03-11, 03-22
- RESOLUTION NO. 12150 – RESOLUTION RECEIVING REPORT AND CALLING HEARING ON IMPROVEMENT (PUBLIC HEARING PRIOR TO ASSESSMENT HEARING FOR MISSED PARCEL)
  - RESOLUTION NO. 12151 – RESOLUTION DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT
  - RESOLUTION NO. 12152 – RESOLUTION FOR HEARING ON PROPOSED ASSESSMENT (MAY 13<sup>TH</sup> AT 6:00 P.M.)
- (k) STEARNS WOODS IMPROVMENTS, LETTING NO. 9, PROJECT NO. 03-17
- PETITION FOR LOCAL IMPROVEMENT
  - AGREEMENT OF ASSESSMENT AND WAIVER OF IRREGULARITY AND APPEAL
  - RESOLUTION NO. 12153 – RESOLUTION DECLARING ADEQUACY OF PETITION AND ORDERING PREPARATION OF REPORT
  - RESOLUTION NO. 12154 – RESOLUTION RECEIVING REPORT AND WAIVING HEARING ON IMPROVEMENT
  - RESOLUTION NO. 12155 – RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS & SPECIFICATIONS
  - RESOLUTION NO. 12156 – RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS
  - APPROVAL OF STEARNS WOODS SUBDIVISION AGREEMENT
- (l) CONSIDERATION FOR APPROVAL OF CITY FORESTER ATTENDING TREE AUCTION
- (m) CONSIDERATION FOR APPROVAL OF HUTCHINSON AREA HEALTH CARE PURCHASING X-RAY MACHINE
- (n) CONSIDERATION FOR APPROVAL OF SHORT-TERM GAMBLING LICENSE FOR CROW RIVER HABITAT FOR HUMANITY ON AUGUST 19, 2003, AT THE MCLEOD COUNTY FAIRGROUNDS
- (o) CONSIDERATION FOR APPROVALS AND PERMITS FOR THE 61<sup>ST</sup> ANNUAL HUTCHINSON JAYCEE WATER CARNIVAL FOR JUNE 9 – 15, 2003

Items 5(c)5, 5(e), 5(i), 5(j), 5(k), and 5(c)1 were pulled for further action.

Motion by Haugen, second by Peterson, to approve consent agenda with the exception of Items 5(c)5, 5(e), 5(i), 5(j), 5(k) and 5(c)1. Motion carried unanimously.

Item 5(c)1 had further discussion. Julie Wischnack, Director of Planning/Zoning/Director, presented before the Council. Ms. Wischnack noted that Burger King has raised concerns of traffic congestion at the intersection where Wendy's plans on developing, which is at the corner of School Road and the Hwy 7 Service Road (where Rosie's is currently located).

John Rodeberg, Director of Engineering, explained the design plan that city staff and MnDOT have comprised to address traffic issues, which they feel is the best plan that can be designed at this time. The site plan includes adding an additional entrance further south onto the service road and adding a right turn lane onto the service road.

Mr. Rodeberg explained that some modifications could be considered for the SuperAmerica entrances.

Mr. Rodeberg explained that he does not feel a one-way to the east on the service road will work appropriately or address safety issues.

Howard Reinhard, Burger King, addressed the Council. Mr. Reinhard explained that his issues are exiting off of the service road onto School Road traveling south.

Gail Plaisance, Hutch Bowl, addressed the Council. Mr. Plaisance raised concerns regarding the safety of the intersection.

Mr. Rodeberg stated that this intersection can be continually reviewed to determine if any improvements will need to be made.

Motion by Haugen, second by Peterson, to approve Item 5(c)1. Motion carried unanimously.

Item 5(c)5 was pulled for further discussion.

Julie Wischnack, Director of Planning/Zoning/Building, presented before the Council. Ms. Wischnack explained that city staff did not favor this annexation, however the Planning Commission voted unanimously in favor of it. Ms. Wischnack explained the area that is being petitioned for annexation which is on the south end of the city adjacent to the airport. Ms. Wischnack further explained the reasons for city staff's unfavorable recommendation, which include that this annexation is premature and that services are not out that far yet.

John Rodeberg went on to state that this area does not seem to be the appropriate location at this time.

Jim Haugen stated that the Planning Commission's overall feeling was that there are already neighboring houses and services near the area and that timing is not all that bad. In addition, this area will more than likely be developed in the future and that if we annexed it, the City would have more control over the development.

Duane Hoversten raised the concern of the issue of if the developer would want to do development within the year, are we bound to allow them to do so, even though we are unable to provide

services? Marlin Torgerson noted that when the area on Highway 7 East was annexed, the City made it very clear to the developer that services would not be provided for at least five years. Mayor Torgerson stated that if this area is annexed, it needs to be made very clear that services may not be provided for 4-6 years.

Julie Wischnack noted that the annexation on Highway 7 East was mediated and that the agreement included the fact that services would not be provided for a certain amount of years. Ms. Wischnack stated that this annexation is being done by resolution and she would like to get an attorney's opinion on whether or not conditions can be attached to it.

Frank Fay, real estate agent, addressed the Council. Mr. Fay explained that the main reason for the interest in the area is due to the fact that the school district intends to build a school in the area.

Bob McManus, developer, presented before the Council. Mr. McManus stated that his company is developing areas in several different communities and they are sensitive to the city's financial situation. Mr. McManus stated that his company would like to sit down with city planners to thoroughly plan and develop this area.

Duane Hoversten suggested tabling this item until more input can be received as far as wording the resolution of annexation so that all issues can be addressed.

Motion by Hoversten, second by Haugen, to table this item until May 13, 2003, in order to receive more information and word the resolution correctly. Motion carried unanimously.

Item 5(e) was pulled for further discussion. Mayor Torgerson recommended that Barry Anderson be appointed to the Police Commission.

Motion by Arndt, second by Haugen to appoint Barry Anderson to a three-year term to the Police Commission. Motion carried unanimously.

Item 5(i) was pulled for further discussion.

John Rodeberg addressed the Council. Mr. Rodeberg explained that the State has revised the way procedures are completed for testing. The City now has to pay for the cost of testing, therefore on the assessment rolls, the fee increased from 24% to 25% to cover the city's expense of in-house testing.

Motion by Haugen, second by Arndt, to increase testing fee to 25% to cover city's expense. Motion carried unanimously.

Item 5(j) was pulled for further discussion.

John Rodeberg noted that the public hearing on May 6<sup>th</sup> is set for 6:00 p.m. for this project. Mr. Rodeberg also covered the project costs which are approximately \$2.6 million. Mr. Rodeberg further noted that assessments will cover less than 19% of the project, therefore the City is funding the majority of the project.

Item 5(k) was pulled for further discussion.

John Rodeberg noted that again the testing fee increased to 25% to cover in-house testing costs.

Motion by Hoversten, second by Peterson, to approve Items 5(i), 5(j), and 5(k). Motion carried unanimously.

6. **PUBLIC HEARINGS**

7. **COMMUNICATIONS, REQUESTS AND PETITIONS**

8. **UNFINISHED BUSINESS**

(a) CONSIDERATION FOR APPROVAL OF POLICY UPDATES/AMENDMENTS

Brenda Ewing, Human Resources Director, presented before the Council. Ms. Ewing stated that various policies are being considered so that they coincide with current practices. Ms. Ewing covered the changes made to each policy.

Motion by Peterson, second by Arndt, to approve updates to city policies 3.02, 3.09, 3.12 and 3.22. Motion carried unanimously.

9. **NEW BUSINESS**

(a) CONSIDERATION FOR APPROVAL OF POLICY UPDATE

Brenda Ewing, Human Resources Director, presented before the Council. Ms. Ewing clarified that this is a new policy and not an update. This policy addresses nepotism amongst seasonal and temporary employees.

Motion by Peterson, second by Haugen, to approve City Policy No. 3.30. Duane Hoversten questioned the chain of command and whether or not the Director should be over the department that the seasonal/temporary employee is working in. Mr. Hoversten noted that a seasonal/temporary employee should work in a different department as a direct relative. Motion denied.

Motion by Peterson, second by Hoversten, to table this item until May 13, 2003. Motion carried unanimously.

(b) CONSIDERATION FOR APPROVAL OF 1997 UNIFORM BUILDING CODE FEE SCHEDULE

Julie Wischnack, Director of Planning/Zoning/Building, addressed the Council. Ms. Wischnack explained the fee schedule revisions, as the fees are increasing considerably. Ms. Wischnack reminded the Council that the Building Department has not increased building permit fees for three years. She also noted that all contractors have been notified of the proposed fee changes. Ms. Wischnack noted that the fee changes would take effect immediately.

Duane Hoversten suggested placing this fee schedule into effect in 30 days.

Motion by Hoversten, second by Haugen, to approve 1997 Uniform Building Code fee schedule and have the implementation date be in 30 days. Motion carried unanimously.

(c) CONSIDERATION FOR APPROVAL OF ADOPTING BUILDING CODE CHANGE

Barry Greive, Building Official, addressed the Council. Mr. Greive stated that effective March 31, 2003, the State of Minnesota has adopted the State Building Code. This code intends to be adopted

internationally eventually so that architects, engineers and contractors will be in unison across the states. Mr. Greive also noted that staff is recommending that the most current Uniform Housing Code be adopted as well.

General discussion was held regarding the energy code.

Kay Peterson commented that houses in different areas of the country should not need to meet one international code. Barry Greive stated that there are different provisions for different topography issues. Mr. Greive stated that the contractors have been notified that this is being considered by the Council.

Motion by Haugen, second by Arndt, to approve adoption of building code change and set second reading and adoption of Ordinance No. 03-341 for May 13, 2003. Motion carried unanimously.

### **Liquor Store Project**

Mayor Torgerson read a resolution reaffirming the action that city staff should continue to proceed with the development of a new liquor store. Mayor Torgerson stated that the workshop held earlier today addressed the issue of proceeding with this project.

Gary Plotz, City Administrator, addressed the Council. Mr. Plotz noted that the explanation for proceeding with this project is due to a pro forma that indicates that a new liquor store would be even more profitable than the current store. Other issues surrounding proceeding with a new liquor store include long wait lines at the current store, challenges of new stores coming into town. Mr. Plotz also explained the funding for the new store, which will comprise of using enterprise fund balances.

Motion by Hoversten, second by Peterson, to approve the resolution and move forward with the liquor store project. Haugen – aye; Arndt – nay; Peterson – aye; Hoversten – aye; Torgerson – aye. Motion carried 4 to 1.

## 10. **MISCELLANEOUS**

### (a) COMMUNICATIONS

**John Rodeberg** – Mr. Rodeberg requested that the City enter into an agreement with Braun Intertec to provide engineering, environmental and materials testing services. The State is now requiring that City's perform their own testing, therefore the need for the agreement. Braun Intertec will supply the testing at a very reduced rate.

Motion by Haugen, second by Peterson, to enter into agreement with Braun Intertech for testing services. Motion carried unanimously.

**Bill Arndt** – Mr. Arndt stated that on May 24, 2003, at 6:30 p.m. at the Event Center a meeting will be held to discuss the river.

**Marlin Torgerson** – Mayor Torgerson noted that a Crop Walk will be held May 4, 2003, starting at 3:00 p.m. This walk is for world hunger.

**Gary Plotz** – Mr. Plotz stated that he, the Mayor and Randy DeVries, presented before the Transportation Committee of Minneapolis earlier today. The Minneapolis Transportation Committee has recommended awarding a five-year contract to the City of Hutchinson (Creekside Soils) to collect the City of Minneapolis's leaves and brush. Half of the material will go to St. Paul and half will come back to the compost site. This contract is worth \$3.5 million over the next five years.

Mr. Plotz also noted that Steve Madson, Police Chief, will be retiring effective May 1, 2003. Lt. David Erlandson has been appointed as Interim Police Chief until January 1, 2004. Mr. Plotz requested that an appreciation event be scheduled for May 8, 2003, following the Board of Review

meeting. The event will be held at a city employee's home.

Motion by Hoversten, second by Arndt, to approve setting a potluck appreciation event for the retirement of Steve Madson for May 8, 2003, at 5:30 p.m..

Mr. Plotz further noted that recently the Council approved staff attend an auction to purchase a conveyor. City staff did bid on a conveyor and was able to purchase it for \$11,000, which is much lower than the \$30,000 anticipated. Mr. Plotz also noted that for the City of Minneapolis project, both private and city property will be used for hauling. More equipment may need to be obtained in order to spearhead this project.

Motion by Arndt, second by Peterson, to authorize City Administrator to attend auction on May 12, 2003, to purchase equipment for City of Minneapolis project. Motion carried unanimously.

11. **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.

12. **ADJOURN**

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

**MINUTES  
REGULAR MEETING - HUTCHINSON CITY COUNCIL  
TUESDAY, MAY 13, 2003**

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1. **CALL TO ORDER – 5:30 P.M.**

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

2. **INVOCATION** – A substitute for Rev. Brian Brosz, Congregational-UCC, delivered the invocation.

3. **PLEDGE OF ALLEGIANCE**

4. **MINUTES**

(a) REGULAR MEETING OF APRIL 22, 2003

(b) SPECIAL MEETING MINUTES FROM MAY 6, 2003

(c) BID OPENING MINUTES FROM APRIL 29, 2003, AND MAY 6, 2003

(d) BOARD OF EQUALIZATION MINUTES FROM MAY 8, 2003

The minutes were approved as presented.

5. **CONSENT AGENDA**

(a) REPORTS OF OFFICERS, BOARDS AND COMMISSIONS

1. PLANNING COMMISSION MINUTES FROM MARCH 18, 2003

2. PIONEERLAND LIBRARY SYSTEM BOARD MINUTES FROM FEBRUARY 20, 2003, AND MARCH 20, 2003

3. PIONEERLAND LIBRARY SYSTEM FINANCIAL REPORT FOR MARCH 2003

4. HUTCHINSON PUBLIC LIBRARY BOARD MINUTES FROM MARCH 24, 2003

5. FIRE DEPARTMENT MONTHLY REPORT FOR APRIL 2003

6. BUILDING DEPARTMENT MONTHLY REPORT FOR APRIL 2003

(b) RESOLUTIONS AND ORDINANCES

1. ORDINANCE NO. 03-341 – AN ORDINANCE ADOPTING THE MINNESOTA STATE BUILDING CODE (*SECOND READING AND ADOPTION*)

2. ORDINANCE NO. 03-343 – AN ORDINANCE GRANTING SONORA'S MEXICAN RESTAURANT THE RIGHT TO PROVIDE A SIDEWALK CAFE' LOCATED IN THE PUBLIC RIGHT OF WAY ON 2<sup>ND</sup> AVENUE (*WAIVE FIRST READING AND SET SECOND READING AND ADOPTION FOR MAY 27, 2003*)

3. RESOLUTION NO. 12170 – CITY OF HUTCHINSON EQUAL EMPLOYMENT OPPORTUNITY POLICY/AMEND APPENDIX A OF THE CITY'S PERSONNEL POLICY

4. RESOLUTION NO. 12175 – RESOLUTION AUTHORIZING CITY OF HUTCHINSON

MEMBERSHIP TO HUTCHINSON AREA CHAMBER OF COMMERCE

5. RESOLUTION NO. 12176 – RESOLUTION TRANSFERRING \$155,000 FROM SPECIAL ASSESSMENT FUND TO CENTRAL GARAGE FUND FOR FISCAL YEAR 2002
  6. RESOLUTION NO. 12177 – RESOLUTION APPROVING ENTERING INTO MNDOT LANDSCAPE PARTNERSHIP AGREEMENT
- (c) CONSIDERATION FOR APPROVAL OF DANCE PERMIT FOR JAKE BANDEMER FROM JUNE 5 – 7, 2003 FOR POLKA FEST AT MCLEOD COUNTY FAIRGROUNDS
- (d) REAPPOINTMENT OF DONNA BAYSINGER TO POLICE COMMISSION UNTIL 2006
- (e) APPOINTMENT OF TIMOTHY SMITH TO TREE BOARD TO 2006
- (f) CONSIDERATION FOR APPROVAL OF SHORT-TERM GAMBLING LICENSE FOR ST. ANASTASIA CATHOLIC CHURCH ON SEPTEMBER 7, 2003
- (g) EDMONTON AVENUE SE AND TH 7 FRONTAGE ROAD (LETTING NO. 5, PROJECT NO. 03-12 AND 03-19)
- ORDERING PREPARATION OF REPORT ON IMPROVEMENT
  - RECEIVING REPORT AND CALLING HEARING ON IMPROVEMENT FOR MAY 27, 2003
- (h) DALE STREET SW/2<sup>ND</sup> AVENUE SW (LETTING NO. 1, PROJECT NO. 03-01 – ASSESSMENT ROLL NO. 5061)
- DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT
  - ADOPTING ASSESSMENT
  - ACCEPTING BID AND AWARDDING CONTRACT
- (i) CONSIDERATION FOR APPROVAL OF AWARDDING BID FOR STONEY POINT LIFT STATION AND RAW WASTEWATER PUMP STATION ELECTRICAL AND CONTROL IMPROVEMENTS
- (j) CONSIDERATION FOR APPROVAL OF USING CITY RIGHT-OF-WAY FOR POPCORN WAGON AND FARMER’S MARKET FROM MAY 31, 2003, THROUGH OCTOBER 31, 2003
- (k) CONSIDERATION FOR APPROVAL OF TRANSIENT MERCHANT LICENSE FOR GERALD JOHNSON TO SELL NOVELTIES AT THE GRANDE DAY PARADE ON JUNE 15, 2003

Item 5(g), 5(h) and 5(j) was pulled for further discussion.

Motion by Haugen, second by Arndt, to approve consent agenda with the exception of Items 5(g), 5(h) and 5(j). Motion carried unanimously.

Item 5(g) had further clarification. John Rodeberg explained that these are two separate street improvement projects. The Edmonton Avenue project is near the entrance to Menards. The TH 7 project is the Wendy’s project.

Item 5(h) had further clarification. John Rodeberg explained that a special Council meeting was held last week regarding this project. No action was taken at that time. Bonding is now in place

and the final numbers have been determined and everything is ready to go. Councilmember Arndt commented that he had been past Jefferson Street and had concerns that little progress has been made thus far. Mr. Rodeberg explained that basically the contractors are waiting for the wet weather to cease. Councilmember Arndt noted that the Dale/2<sup>nd</sup> Avenue project must move along on schedule due to the school calendar. John Rodeberg noted that this project should move on track due to the fact that they will be starting this project much earlier than the Jefferson Street project started.

Motion by Hoversten, second by Haugen to approve Items 5(g) and 5(h). Motion carried unanimously.

Item 5(j) was discussed further. Councilmember Haugen noted that on the day of the Farmer's Market the alley to the south is closed off because of 1<sup>st</sup> Avenue being closed off. Something needs to be done so that deliveries can be made in the back of the Main Street businesses. John Rodeberg noted that staff can take a look at the situation and maybe discussions need to be held with the Downtown Association. A suggestion was to designate a parking stall in the public parking lot as "deliveries only". City staff will work with area businesses to address delivery issues.

Motion by Haugen, second by Arndt to approve Item 5(j). Motion carried unanimously.

## 6. PUBLIC HEARINGS

- (a) 2003 PAVING IMPROVEMENTS (LETTING NO. 3, PROJECT NO. 03-05 THROUGH 03-09, 03-11, 03-22 – ASSESSMENT ROLL NO. 5062)
- ADOPTING ASSESSMENT
  - ACCEPTING BID AND AWARDED CONTRACT

John Rodeberg, Director of Engineering/Public Works, presented before the Council. Mr. Rodeberg explained that this is the third meeting regarding these projects. Mr. Rodeberg reviewed the scope of the paving projects and how assessments are computed. Mr. Rodeberg described the project scope, cost and assessments for each project. The projects are taking place on Delaware Street NW, Arch Street SE, Ludtke Lane NW, Florida Street NW, Illinois Street NW, Ranch Avenue SE and School Road North sidewalk. The majority of the project scopes include grading and paving, with storm sewer improvements being done in some areas.

A resident of Ludtke Lane asked whether or not a weight restriction will be placed on the street. John Rodeberg explained that this street will have the same restrictions as other streets in town. The resident stated that when construction is being done on Golf Course Road, the equipment operators use Ludtke Lane to enter and turn around. John Rodeberg stated that his department should be notified and they will come up and tag the equipment operators. This resident also questioned whether or not his assessments could be reduced to a one lot assessment as opposed to a lot and a half as his is the smallest lot on the street. Mr. Rodeberg stated the same formula is used for all and if his lot size is reduced and assessments are reduced, the other property owners' assessments will go up.

Randy Arndt, 155 Illinois Street, presented before the Council. Mr. Arndt stated that he has some drainage issues and thanked city staff for working with him to address them.

Deane Dietel, Arch Street, presented before the Council. Mr. Dietel asked if the surveying lines would be changed to match the road. Mr. Rodeberg explained that this street is not centered in the right-of-way, however it is in the road right-of-way. Since the proposal does not include widening the street, no surveying lines will need to be changed. Mr. Dietel questioned whether or not the City

would pick up more than 35% of the cost due to the fact that Arch Street was tarred years ago and not maintained. Mr. Rodeberg explained that it was a mix bituminous that was laid and is difficult to maintain.

Jim Haugen clarified that the School Road sidewalk project, which runs from Arizona Street to Golf Course Road, would be approved contingent on easements being acquired.

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

Motion by Hoversten, second by Haugen, to adopt assessments, accept bids and award contract for 2003 paving improvements. Motion carried unanimously.

## **7. COMMUNICATIONS, REQUESTS AND PETITIONS**

### **(a) UPDATE ON MS TRAM BIKE RIDE ACROSS MINNESOTA**

Vi Mayer, President of Hutchinson Area Chamber of Commerce, presented before the Council. Mr. Mayer explained the details of the group coming through Hutchinson. Approximately 1000 bikers will be in the City on July 30, 2003. Entertainment, lodging and food are just a few of the items the MS Tram Bike Ride Across Minnesota committee has been working on. The route will enter onto School Road and exit off of School Road.

Dr. Brian Bonte, MS Tram Committee Chair, presented before the Council. Dr. Bonte explained that he has been diagnosed with Multiple Sclerosis for the past ten years. Dr. Bonte spoke about the MS disease. Dr. Bonte also briefed on more details of the ride.

### **(b) UPDATE ON LIQUOR STORE PROJECT AND SELECTION OF ARCHITECT**

Gary Plotz, City Administrator, presented before the Council. Mr. Plotz explained that several proposals were received for architectural services for the new liquor store. Two finalists have been selected and a recommendation will be made at the May 27, 2003, Council meeting.

### **(c) BECKY WALRADTH – DISCUSSION OF ELM STREET IMPROVEMENT PROJECT**

Becky Walradth, resident of Elm Street, presented before the Council. Ms. Walradth stated that last year the Mayor had told the residents that this would be a priority. Since that time, residents have received a letter stating that this project will not be done this year.

John Rodeberg explained that substantial property acquisition needs to be done for ponding on 10<sup>th</sup> Avenue prior to Elm Street improvements otherwise the flooding issues will not be addressed on Elm Street. Mr. Rodeberg continued to explain that budget constraints are limiting the number of improvement projects. Mr. Rodeberg further explained that design phases have continued on this project. Ms. Walradth explained that she received a letter from Allied Adjusters stating that the system on her street cannot handle the heavy rains. Ms. Walradth explained that she has concerns if more heavy rains comes this summer. Mr. Rodeberg explained that he feels some design improvements could be made at her residence to improve safety issues.

Marc Sebor, City Attorney, explained that Allied Adjusters is the claims adjusters for the League of Minnesota Cities. Mr. Sebor further explained that the City is bound by the adjuster's decision.

Mayor Torgerson asked Ms. Walradth if she had done any improvements to her home to help prevent flooding. Ms. Walradth explained that the only adjustment they could make would be to remove a door, however that would decrease her property value.

John Rodeberg suggested having Barry Greive, Hutchinson Building Official, look at the property to see if any other improvements could be made. Mr. Rodeberg also explained that street and system improvements have been made to the neighborhood in the past.

The current timeline would include this project as a priority for 2004, if funding is available.

Dave Heidebrink, Maple Street, presented before the Council. Mr. Heidebrink asked for clarification as to when the project will actually happen. Mr. Rodeberg iterated that it is slotted for 2004, again, based on the legislature and funding.

John Rodeberg confirmed for Ms. Walradth that city staff will keep her updated.

8. **UNFINISHED BUSINESS**

(a) **CONSIDERATION FOR APPROVAL OF SEASONAL/TEMPORARY EMPLOYMENT POLICY**

Marc Sebor, City Attorney, presented before the Council. Mr. Sebor requested that this item be tabled indefinitely until more solid research can be obtained from other cities.

Motion by Hoversten, second by Arndt, to table this item until more research can be obtained. Motion carried unanimously.

(b) **CONSIDERATION OF PETITION TO BEGIN ANNEXATION OF PROPERTY BY RESOLUTION LOCATED IN LYNN TOWNSHIP WITH UNFAVORABLE STAFF RECOMMENDATION AND FAVORABLE PLANNING COMMISSION RECOMMENDATION (ADOPT RESOLUTION NO. 12162)**

Marc Sebor, City Attorney, addressed the Council. Mr. Sebor explained that at the last Council meeting the Council had raised issues as to whether or not conditions could be addressed on the Resolution for Annexation. Mr. Sebor explained that conditions could not be placed on a resolution unless a supplemental agreement was entered into with Lynn Township outlining those conditions. Mr. Sebor suggested entering into an agreement with the developers which would outline specific conditions.

Mayor Torgerson asked Mr. Sebor for clarification as to whether or not the City has to provide utilities if it is economically not feasible. Mr. Sebor explained that the City does not if the City cannot afford to. However, Mr. Sebor stated that the Council needs to consider the Comprehensive Plan in which this area is planned for annexation in 2015-2020. There has been preliminary discussion that the developer may offer to pay for services. Duane Hoversten commented that he was under the impression that the developer wanted to sit down with city staff to work out these types of issues. Mr. Rodeberg stated that that could possibly take place within the next two weeks.

Motion by Arndt, second by Hoversten, to postpone action on this issue to the May 27, 2003, meeting with the expectation that staff and developers will meet to come up with a developer's agreement. Motion carried unanimously.

9. **NEW BUSINESS**

(a) **CONSIDERATION FOR APPROVAL OF INTERIM DIRECTOR POSITION CONTRACT**

Mayor Torgerson questioned the wording in Section 4. Mayor noted that there was no mention of severance in the section. Mayor Torgerson suggested striking the words severance pay from the section title.

Motion by Hoversten, second by Haugen, to approve Interim EDA Director position contract. Motion carried unanimously. Mayor Torgerson noted that the current EDA Director is in the National Guard and has a very high probability of being called up to serve in Bosnia for up to one year.

(b) **CONSIDERATION FOR APPROVAL OF CALLING FOR SALE OF 2003 GENERAL**

OBLIGATION IMPROVEMENT BONDS

Ken Merrill, Finance Director, presented before the Council. Mr. Merrill stated that the sale of these bonds is for three separate street improvement projects. The sale of these bonds must occur before the end of May 2003 due to the Minnesota legislative session. Mr. Merrill requested that a special meeting be held on May 29, 2003, to award the sale of the bonds.

Motion by Arndt, second by Haugen, to set special meeting for May 29, 2004, at 5:00 p.m. to award the sale of general obligation bonds. Motion carried unanimously.

Motion by Haugen, second by Hoversten, to approve resolution calling for sale of 2003 general obligation improvement bonds. Motion carried unanimously.

10. MISCELLANEOUS

(a) COMMUNICATIONS

**Marc Sebor** – Marc Sebor, City Attorney, explained that at the last Council meeting a management agreement was approved with the Victorian Inn. A correction has been made to the agreement indicating the correct license name.

Motion by Arndt, second by Hoversten, to approve amended management agreement, which corrects the name of the new license holder. Motion carried unanimously.

**Bill Arndt** – Mr. Arndt stated that he has received phone calls regarding spraying for mosquitos and whether or not the city intends to spray this year. Mr. Plotz explained that the City could research other, more effective techniques rather than spraying.

11. CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS

(a) VERIFIED CLAIMS A

Motion by Haugen, second by Arndt, 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.

12. ADJOURN

With no further business to discuss, the meeting adjourned at 6:55 p.m.

**MINUTES  
REGULAR MEETING - HUTCHINSON CITY COUNCIL  
TUESDAY, MAY 27, 2003**

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1. **CALL TO ORDER – 5:30 P.M.**

Mayor Marlin Torgerson called the meeting to order. Members present were Jim Haugen (arrived later), Kay Peterson, Bill Arndt and Duane Hoversten. Others present were Ken Merrill, Finance Director and John Rodeberg, Director of Engineering/Public Works.

2. **INVOCATION** – Rev. Brian Brosz, Congregational-UCC, delivered the invocation.

3. **PLEDGE OF ALLEGIANCE**

4. **MINUTES**

(a) REGULAR MEETING OF MAY 13, 2003

Minutes were approved as presented.

5. **CONSENT AGENDA**

(a) REPORTS OF OFFICERS, BOARDS AND COMMISSIONS

1. CITY OF HUTCHINSON FINANCIAL REPORT FOR APRIL 2003
2. HUTCHINSON AREA HEALTH CARE BOARD MINUTES FROM APRIL 15, 2003
3. HUTCHINSON HOUSING & REDEVELOPMENT AUTHORITY MEETING MINUTES FROM APRIL 15, 2003, AND MAY 1, 2003
4. HUTCHINSON PLANNING COMMISSION MINUTES FROM APRIL 15, 2003

(b) RESOLUTIONS AND ORDINANCES

1. ORDINANCE NO. 03-343 – AN ORDINANCE GRANTING SONORA’S MEXICAN RESTAURANT THE RIGHT TO PROVIDE A SIDEWALK CAFE LOCATED IN THE PUBLIC RIGHT OF WAY ON 2<sup>ND</sup> AVENUE (*SECOND READING AND ADOPTION*)
2. RESOLUTION NO. 12177 – A RESOLUTION AUTHORIZING CHARGING FOR MISCELLANEOUS SERVICES AT HUTCHINSON POLICE SERVICES

(c) PLANNING COMMISSION ITEMS

1. CONSIDERATION OF **PRELIMINARY PLAT** TO BE KNOWN AS RAVENWOOD WEST AND **REZONING** THE AREA TO R2 SUBMITTED BY ROGER DERRICK (ADOPT RESOLUTION NO. 12184 AND WAIVE FIRST READING AND SET SECOND READING AND ADOPTION OF ORDINANCE NO. 03-339 FOR JUNE 10, 2003)
2. CONSIDERATION OF **CONDITIONAL USE PERMIT** REQUESTED BY B&B PROPERTIES FOR OUTDOOR DISPLAY AT L&P SUPPLY LOCATED AT 1470 SOUTH GRADE ROAD (ADOPT RESOLUTION NO. 12185)
3. CONSIDERATION OF **CONDITIONAL USE PERMIT** REQUESTED BY THE CITY OF HUTCHINSON PARKS DEPARTMENT FOR SHORELAND ALTERATION OF THE SOUTH FORK OF THE CROW RIVER (ADOPT RESOLUTION NO. 12186)

4. CONSIDERATION OF **FINAL PLAT** TO BE KNOWN AS WENDY'S ADDITION (ADOPT RESOLUTION NO. 12187)
- (d) CONSIDERATION FOR APPROVAL OF SHORT-TERM GAMBLING LICENSE FOR HUTCHINSON AREA FOUNDATION FOR HEALTH CARE ON AUGUST 11, 2003, AT THE CROW RIVER GOLF CLUB
  - (e) CONSIDERATION FOR APPROVAL OF SHORT-TERM GAMBLING LICENSE FOR HUTCHINSON FIRE DEPARTMENT ON SEPTEMBER 13, 2003, AT THE HUTCHINSON FIRE STATION
  - (f) CONSIDERATION FOR APPROVAL OF SHORT-TERM GAMBLING LICENSE FOR HEART OF MINNESOTA ANIMAL SHELTER ON AUGUST 19, 2003, AT THE ANIMAL SHELTER BUILDING
  - (g) CONSIDERATION FOR APPROVAL OF TEMPORARY WAGE ADJUSTMENT OF ACTING POLICE CHIEF
  - (h) CONSIDERATION FOR APPROVAL OF RAVENWOOD WEST SUBDIVISION AGREEMENT
  - (i) CONSIDERATION FOR APPROVAL OF WENDY'S DEVELOPMENT AGREEMENT
  - (j) CONSIDERATION OF LETTING NO. 9, PROJECT NO. 03-17, ASSESSMENT ROLL NO. 5063 – STEARNS WOODS
    - DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT
    - WAIVING HEARING ON PROPOSED ASSESSMENT
    - ADOPTING ASSESSMENT
    - ACCEPTING BID AND AWARDDING CONTRACT

Items 5(h) and 5(i) were pulled for further discussion.

Motion by Arndt, second by Peterson, to approve consent agenda with the exception of Items 5(h) and 5(i). Motion carried unanimously.

John Rodeberg explained that these agreements are drafts that have not been reviewed by the other parties. Mr. Rodeberg requested that the Council approve these drafted agreements and if any substantive changes would need to be made, Mr. Rodeberg would bring the revised agreements back to the Council for approval.

Motion by Peterson, second by Hoversten to approve drafts of subdivision agreements with the condition that if any substantive changes are made, they be brought back to the Council. Motion carried unanimously.

6. **PUBLIC HEARINGS** - 6:00 P.M.

- (a) ON-SALE INTOXICATING AND SUNDAY LIQUOR LICENSE FOR VICTORIAN INN MANAGEMENT COMPANY

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

Motion by Hoversten, second by Arndt, to approve on-sale intoxicating and Sunday liquor license for Victorian Inn Management Company. Motion carried unanimously.

- (b) LETTING NO. 5, PROJECT NOS. 03-12, 03-19 – EDMONTON AVENUE SE AND TH 7

FRONTAGE ROAD (ORDERING IMPROVEMENT AND PREPARATION OF PLANS)

John Rodeberg explained that this project cannot proceed unless the State approves bonding. The proposal for Edmonton Avenue is to extend it to Jefferson Street. Mr. Rodeberg explained the project scope which is complete construction of street, sanitary sewer, watermain, trunk and lateral storm sewer and trail. The cost of this project is approximately \$1.5 million. Mr. Rodeberg explained how the costs are divided between City and property owners. The trunk sewer and sanitary sewer lines were explained in more detail.

John Rodeberg explained the second project which is on TH7 service road where Wendy's is developing. John Rodeberg explained that the service road entrance will be moved to the south approximately 130 feet directly across from the south Super America entrance. In addition, a trail will be developed at a 20 to 1 slope for handicap accessibility. Wendy's has dedicated thousands of dollars worth of land for the right-of-way as well as offered to assist with the development of the trail. Mr. Rodeberg covered the costs of the project. Mr. Rodeberg noted that traffic signals for left-hand turn lanes on School Road have been ordered.

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

Motion by Arndt, second by Peterson, to approve ordering improvement and preparation of plans on Letting No. 5, Project Nos. 03-12 and 03-19. Motion carried unanimously.

**7. COMMUNICATIONS, REQUESTS AND PETITIONS**

**(a) MOSQUITO CONTROL REPORT**

John Rodeberg explained that approximately 10 years ago the City of Hutchinson stopped spraying to rid of mosquitoes. The main reasons were the cost and low effectiveness. The Council recently requested that staff take a look again at the prospect of spraying for mosquitoes. Staff has researched the effect and cost of taking this on. Spraying or briquets would cost approximately \$100,000 and the effect is not 100%. Another option researched was spraying for large events only. The cost of this would be approximately \$1000 per event, again with not 100% effect.

Dolf Moon, Parks/Recreation/Community Education Director, also explained that the timeframe is not advantageous now for spraying, as it should be done before mosquito season, such as mid-April. Mr. Moon stated that staff needs direction as to if this should be budgeted for 2004 and which department should manage it, as staff has been reduced and there may not be enough manpower.

Marlin Torgerson stated that the public can aid in reducing the risk of the West Nile Virus spread by mosquitos by keeping standing water to a minimum. Mayor Torgerson noted that spraying is not the most effective method, if there is one at all. Mayor Torgerson stated that each homeowner can spray their own yard as the most effective method. It was suggested that citizens check with county agents as far as what chemicals are the most safe and effective.

Duane Hoversten suggested staff check with other communities to see what they are doing this summer and fall and report back to the Council in November with the results.

**(b) UPDATE ON CONSTRUCTION OF NATURAL GAS PIPELINE**

John Webster, Hutchinson Utilities Commission, presented before the Council. Mr. Webster explained that all of the pipe has been delivered or is on its way. Mr. Webster went on to explain that the Contractor is ready to go in Trimont, the start of the line. Mr. Webster also explained that two contracts are being developed as part of the project. Condemnation proceedings are in progress with the first hearing set for June 4<sup>th</sup> and the second being June 12<sup>th</sup>. A start date of construction is anticipated for June 24, 2003. Although the start is behind schedule, staff is confident that the project will be complete by the end of the year. Mr. Webster explained that if the pipeline is not complete by November 1, 2003, HUC can buy power from several markets on a month by month basis.

8. **UNFINISHED BUSINESS**

- (a) CONSIDERATION OF PETITION TO BEGIN ANNEXATION OF PROPERTY BY RESOLUTION LOCATED IN LYNN TOWNSHIP WITH UNFAVORABLE STAFF RECOMMENDATION AND FAVORABLE PLANNING COMMISSION RECOMMENDATION - ADOPT RESOLUTION NO. 12162 (CONSIDERATION FOR APPROVAL OF PLATH ANNEXATION DEVELOPMENT AGREEMENT)

John Rodeberg explained that the developer has explained that his plans are not out of line with the City's. Mr. Rodeberg detailed the agreement that has been drafted, which outlines the City's expectations of adding services to this area. Conditions are addressed in this agreement as to how the City intends for this area to be developed. Mr. Rodeberg explained where the trunk line would run.

Motion by Hoversten, second by Arndt, with Peterson abstaining, to approve annexation of Lynn Township property and Plath annexation development agreement, with minor clerical changes made. Motion carried unanimously.

9. **NEW BUSINESS**

- (a) CONSIDERATION FOR APPROVAL OF TEMPORARY SIGN REQUEST BY HUTCHINSON AREA UNITED WAY

Connie Walters, United Way, presented before the Council. Ms. Walters explained that a Boy Scout has offered to take charge of a thermometer project to indicate how much money the United Way has brought in during their fund drive. The United Way is requesting that the thermometer sign be placed in Library Square, or any other park, during their fund drive, from September 10 through October 31, 2003.

Mayor Torgerson suggested that the City Attorney shed his opinion on how this request violates the current sign ordinance and how it may effect setting a precedence to other organizations.

Motion by Hoversten, second by Arndt, to defer this item to June 10, 2003, after staff has researched this item further. Motion carried unanimously.

- (b) CONSIDERATION FOR APPROVAL OF OAKLAND CEMETERY FEE SCHEDULE

John Rodeberg explained that due to budget cuts, a part-time cemetery worker has been cut. The local funeral home has requested that the same service level attempt to be maintained in spite of that. For these reasons, staff is recommending that the fee schedule be increased. Staff has researched other cemetery rates and Oakland's were actually on the lower side of the scale.

Motion by Peterson, second by Haugen, to approve Oakland Cemetery fee schedule.

Bill Arndt questioned the process if a resident is unable to pay these rates. John Rodeberg explained that there is a separate policy that covers that. The allocation of these fees was discussed. Motion carried unanimously.

- (c) UPDATE ON LIQUOR STORE PROJECT AND CONSIDERATION FOR APPROVAL OF ARCHITECT SERVICES CONTRACT

Miles Seppelt presented before the Council. Mr. Seppelt explained that the Liquor Store Project Steering Team has been meeting weekly for the past six weeks. This Team has selected an architect that has a tremendous amount of experience in designing liquor stores. Mr. Seppelt explained that the agreement was just received today and has not been reviewed by the City Attorney. He is requesting that the agreement be approved on the condition of staff approval. All other aspects of the project are on schedule. The outside of the structure will blend in with the other buildings along Main Street. Kay Peterson stressed how important the outside appearance is to the neighboring area.

Motion by Haugen, second by Peterson, to defer this item to June 10, 2003, until the City Attorney has had an opportunity to review the contract. Jim Haugen suggested viewing schematics prior to the agreement being approved. Motion carried unanimously.

(d) CONSIDERATION FOR APPROVAL OF CALLING FOR PUBLIC HEARING TO ESTABLISH A REDEVELOPMENT TIF DISTRICT

Miles Seppelt explained that this area is for establishing a redevelopment TIF district for the State Theatre. More details will be presented at the public hearing.

Motion by Hoversten, second by Arndt, to set public hearing for July 8, 2003, at 6:00 p.m. to establish a redevelopment TIF district. Motion carried unanimously.

(e) CONSIDERATION FOR APPROVAL OF ESTABLISHING LOCATION FOR TRAFFIC CONTROL DEVICES

John Rodeberg explained that there are a number of traffic control devices being proposed. The majority of these are being recommended due to sight distances and safety issues. Mr. Rodeberg is requesting that this item be deferred to June 10, 2003, to allow him time to send out notices to residents.

Motion by Peterson, second by Haugen, to defer this item to June 10, 2003. Motion carried unanimously.

(f) DISCUSSION OF PROJECT STATUS ON JEFFERSON STREET SE AND DALE STREET/2<sup>ND</sup> AVENUE SW

John Rodeberg explained that citizens have raised issues that the 2<sup>nd</sup> Avenue project has started before the Jefferson Street project, which was initially started last fall. Mr. Rodeberg iterated that the Jefferson Street project is headed by the County and not the City. Contractors have showed a schedule that they plan on being complete by the end of July. If they do not complete the project as scheduled, staff will encourage the County to fine them appropriately.

Mr. Rodeberg went on to explain that 2<sup>nd</sup> Avenue from Dale Street to Lynn Road has began construction and the entire project is scheduled for completion by September 1. Temporary water is being installed in this area this week. Hydrants are still accessible on the corners.

(g) CONSIDERATION FOR APPROVAL OF ELECTRICAL AND MAINTENANCE COSTS FOR STREET LIGHTS & TRAFFIC LIGHT WITH HUTCHINSON UTILITIES

John Rodeberg explained that HUC has been doing maintenance work on street lights and traffic lights, billing the City and the City bills them back. Mr. Rodeberg explained that the costs have been increasing and due to the bureaucracy of the process, residents could be paying an increased rate. Staff is suggesting that this process be consolidated by having HUC maintain and pay for the light system. The residents will not then see any rate increase.

Motion by Peterson, second by Arndt, to approve Hutchinson Utilities Commission maintaining the electrical and maintenance costs for streetlights and traffic lights. Motion carried unanimously.

10. **MISCELLANEOUS**

(a) COMMUNICATIONS

**Purchase of Furniture for Mental Health Outpatient Area of Hutchinson Hospital**

Hutchinson Area Health Care submitted a request to purchase furniture for the mental health outpatient area of the hospital. The total purchase is \$87,500.

Motion by Haugen, second by Peterson, to approve Hutchinson Area Health Care purchasing furniture

for the mental health outpatient area. Motion carried unanimously.

**Duane Hoversten** – Mr. Hoversten requested that the City Attorney review the new conceal and carry law with the Council and how it effects Hutchinson.

**Ken Merrill** – Mr. Merrill reminded the Council of the Special Council meeting set for May 29, 2003, at 5:00 p.m. for the purpose of the sale of go bonds.

Mr. Merrill also requested that the Council set a Council informational meeting for June 10, 2003, to discuss the budget issues in relation to the State's final plan.

Motion by Haugen, second by Hoversten, to set a Council informational meeting for June 10, 2003, at 4:00 p.m. to discuss the budget plan. Motion carried unanimously.

11. **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.

12. **ADJOURN**

With no further business to discuss, the meeting adjourned at 6:55 p.m.

**MINUTES**  
**REGULAR MEETING - HUTCHINSON CITY COUNCIL**  
**TUESDAY, JUNE 10, 2003**

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1. **CALL TO ORDER – 5:30 P.M.**

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

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

3. **PLEDGE OF ALLEGIANCE**

4. **MINUTES**

(a) REGULAR MEETING OF MAY 27, 2003

(b) BID OPENING FROM MAY 23, 2003

(c) SPECIAL MEETING FROM MAY 29, 2003

Minutes were approved as presented.

5. **CONSENT AGENDA**

(a) REPORTS OF OFFICERS, BOARDS AND COMMISSIONS

1. HUTCHINSON FIRE DEPARTMENT MONTHLY REPORT FOR MAY 2003

2. BUILDING DEPARTMENT MONTHLY REPORT FOR MAY 2003

3. HUTCHINSON AREA HEALTH CARE FINANCIAL REPORTS FOR FEBRUARY, MARCH AND APRIL, 2003

4. HUTCHINSON UTILITIES COMMISSION FINANCIAL REPORTS FOR FEBRUARY, MARCH AND APRIL 2003

(b) RESOLUTIONS AND ORDINANCES

1. ORDINANCE NO. 03-339 – AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF HUTCHINSON FOR A PROPERTY TO BE REZONED FROM R1 AND C2 TO R2 LOCATED AT OUTLOT A, RAVENWOOD (*SECOND READING AND ADOPTION*)

2. RESOLUTION NO. 12195 – RESOLUTION APPROVING WASTE WISE INTERNSHIP POSITION AT CREEKSIDE COMPOST FACILITY

3. RESOLUTION NO. 12196 – RESOLUTION AUTHORIZING THE HUTCHINSON COMMUNITY DEVELOPMENT COMMISSION TO WAIVE DEVELOPER’S FEE

(c) CONSIDERATION FOR APPROVAL OF CHANGE ORDER NO. 1 FOR LETTING NO. 2, PROJECT NO. 02-03

(d) CONSIDERATION FOR APPROVAL OF EMPLOYMENT AGREEMENT DOCUMENT FOR EDA INTERIM DIRECTOR POSITION

(e) CONSIDERATION FOR APPROVAL OF AMENDING RESOLUTION NO. 11527, SUPPORTING

THE HRA TO BECOME AN ORGINATING LENDER FOR THE FIX-UP FUND LOAN PROGRAM, AND REQUEST FOR APPROVAL OF REVISED HOUSING REHABILITATION REVOLVING LOAN FUND GUIDELINES AND REQUEST FOR APPROVAL OF AMENDING RESOLUTION 10581 RELATED TO THE AUTHORIZATION TO ADMINISTER CITY HOUSING FUNDS

- (f) CONSIDERATION FOR APPROVAL OF CITY PARTICIPATION IN THE ROLLING MEADOWS EAST DEVELOPMENT

Item 5(b)2 was pulled for further discussion.

Kay Peterson noted that at the McLeod County Solid Waste Advisory Committee meeting it was clarified that this is not an internship position. Gary Plotz stated that the State of Minnesota has a program to employ individuals to research waste programs. Mr. Plotz verified that this is not an internship program, however Ed Homan, Solid Waste Director, had requested that this resolution be drafted to start the process. The resolution will be reworded to appropriately identify the position and will be presented to SWAC.

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

6. **PUBLIC HEARINGS - 6:00 P.M.**

- (a) UPDATING BUSINESS SUBSIDIES CRITERIA POLICY

Miles Seppelt, EDA Director, presented before the Council. Mr. Seppelt explained that State Legislature has required that Cities adopt criteria in which they award subsidies to businesses. The State also requires that cities have specific criteria with quantifiable numbers included. Mr. Seppelt explained the criteria established for the City of Hutchinson providing assistance to businesses. The policy includes retaining flexibility for providing assistance.

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

Motion by Haugen, second by Hoversten, to approve business subsidies criteria policy. Motion carried unanimously.

7. **COMMUNICATIONS, REQUESTS AND PETITIONS**

- (a) Tom Kloss, Information Technology Director, demonstrated features of the new City of Hutchinson web site. The web site has been rebuilt to be more efficient and customer-friendly.

8. **UNFINISHED BUSINESS**

- (a) CONSIDERATION FOR APPROVAL OF ESTABLISHING LOCATION FOR TRAFFIC CONTROL DEVICES

John Rodeberg noted that at the last Council meeting this item was deferred so that notification could be given to the residents in the effected areas. A revised resolution has been submitted to remove the items that may be controversial. Those traffic control devices will be presented for approval when communication has been able to be distributed.

Motion by Hoversten, second by Peterson, to approve Resolution No. 12183 establishing location for traffic control devices. Motion carried unanimously.

- (b) CONSIDERATION FOR APPROVAL OF TEMPORARY SIGN REQUEST BY HUTCHINSON

AREA UNITED WAY

Marc Sebora, City Attorney, informed the Council that he had reviewed the request from the United Way. Mr. Sebora suggested that a franchise agreement be entered into for this temporary sign project. Mr. Sebora recommended that this item be deferred to the next meeting as to allow him time to discuss with United Way and draft a franchise agreement.

Motion by Arndt, second by Haugen, to defer this item to the June 24, 2003, Council meeting. Motion carried unanimously.

(c) CONSIDERATION FOR APPROVAL OF ARCHITECT SERVICES CONTRACT FOR LIQUOR STORE

Miles Seppelt, EDA Director, explained that this agreement was presented at the last Council meeting however the City Attorney had not had an opportunity to review it. Changes have been made to the contract and one other piece that needs to be added is a not to exceed level. Mr. Seppelt requested that this item be deferred to the June 24, 2003, Council meeting to include this language.

Motion by Arndt, second by Haugen, to table this item to the June 24, 2003, Council meeting. Motion carried unanimously.

9. **NEW BUSINESS**

(a) UPDATE ON CONCEAL AND CARRY LAW

Marc Sebora, City Attorney, reviewed the Conceal and Carry Law that was approved by Minnesota Legislature. Mr. Sebora stated that this law effects city employees by restricting their ability to carry guns during their employment. Mr. Sebora recommended that a policy be drafted to address this issue. The other way it effects the City is allowing guns on city property. City entities do not have the ability to ban guns from city property, which may also include the city-owned hospital. This raises a serious issue for Hutchinson.

Marlin Torgerson noted that he would like to schedule a meeting with Police Commission members, Lt. Erlandson and Marc Sebora to discuss challenging the law which prohibits cities from not being able to ban guns from certain city-owned buildings.

(b) UPDATE ON CITY OF HUTCHINSON 2003 BUDGET

Ken Merrill, Finance Director, presented before the Council. Mr. Merrill explained that city staff has revised the 2003 budget in response to the State budget reductions. The City of Hutchinson's reduction from the state will total approximately \$641,000 for FY 2003 and FY 2004, which is lower than initially brought forth by the Governor's office. The City's plan in response to the State's budget deficit included freezing employee wages, freezing capital expenditures, not hiring new employees and downsizing staff levels. Mr. Merrill continued to explain that a new LGA formula has been established for 2004. Mr. Merrill explained the State's allowance of levy limits. Mr. Merrill reviewed the departments that have reduced their budgets and how they have done so. The annualized total reduction for 2004 is approximately \$1.1 million. The revised City plan that Directors developed includes removing the freeze on performance pay, capital expenditures and removing the freeze of hiring new employees for 2003 as \$774,000 has been reduced from the 2003 general fund budget. Severance and retirement employee payments in 2003 will come from the general fund balance.

(c) CONSIDERATION FOR APPROVAL OF SETTING 2002 AUDIT REVIEW INFORMATIONAL MEETING

Ken Merrill, Finance Director, explained that the City's auditors will have a completed report by June 24, 2003, and would like to review the audit with the City Council.

Motion by Peterson, second by Hoversten, to approve setting 2002 audit review informational meeting

for June 24, 2003, at 4:00 p.m. Motion carried unanimously.

10. **MISCELLANEOUS**

(a) COMMUNICATIONS

1. DISCUSSION ON EXTENSION OF BAR/RESTAURANT CLOSING HOURS

Marc Sebor, City Attorney, noted that the State Legislature has passed a law to extend bar hours to 2:00 a.m. and gives the City the authority to extend the hours locally as well. Mr. Sebor noted that the change in the law takes effect July 1, 2003. Mr. Sebor wanted to bring it to the Council's attention.

Mr. Sebor also informed the Council that back in 1954 an individual deeded some property on Jefferson Street to the City of Hutchinson for a street easement. The City has not found a need for services on this property, therefore the City would like to dispose of the land. City Charter requires that this type of procedure be passed by ordinance.

Motion by Peterson, second by Arndt, to set second reading of Ordinance 03-343 for June 24, 2003. Motion carried unanimously.

**Gary Plotz** – Mr. Plotz asked Ken Merrill to present a four-month report on the compost site sales activity. Sales have been very good at the compost site for the first four months of the year. Mr. Merrill noted that approximately \$130,000 has been received in sales at the compost site.

Mr. Plotz also noted that a fire occurred while the horizontal grinder was being operated. The grinder is insured and the fire is being investigated by the League of Minnesota Cities. The grinder has been replaced by the City's insurance coverage.

Mr. Plotz also informed the Council that the City of Hutchinson was awarded a five-year contract to haul the City of Minneapolis's organic material, or leaves specifically. The City of Hutchinson will be paid a maximum of \$750,000 per year to haul this material. However, a large portion of this payment will be going to the hauling of the material and the storing of the material. In addition, Wright County has a facility available that the City of Hutchinson may be able to process the material in.

Mr. Plotz also informed the Council that Norm Coleman's office will be in the City tomorrow morning, and will be holding a meet and greet in the Council Chambers at 8:30 a.m.

**Marlin Torgerson** – Mayor Torgerson commended Mr. Plotz on his hard work in achieving the goals of the compost site.

**John Rodeberg** – Mr. Rodeberg noted that the Dale/2nd Avenue project is going very well and is on schedule. Mr. Rodeberg noted that the Jefferson Street project is progressing and gravel should be placed next week. Mr. Rodeberg stated that drainage in the Northwoods neighborhood is being addressed.

11. **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

(b) VERIFIED CLAIM B

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

12. **ADJOURN**

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

**MINUTES  
REGULAR MEETING - HUTCHINSON CITY COUNCIL  
TUESDAY, JULY 8, 2003**

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1. **CALL TO ORDER – 5:30 P.M.**

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

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

3. **PLEDGE OF ALLEGIANCE**

4. **MINUTES**

(a) REGULAR MEETING OF JUNE 24, 2003

The minutes were approved as presented.

5. **CONSENT AGENDA**

(a) REPORTS OF OFFICERS, BOARDS AND COMMISSIONS

1. HUTCHINSON AREA HEALTH CARE FINANCIAL REPORT FOR MAY 2003
2. HUTCHINSON UTILITIES COMMISSION FINANCIAL REPORT FOR MAY 2003
3. HUTCHINSON PUBLIC LIBRARY BOARD MEETING MINUTES FROM APRIL 28, 2003 AND MAY 27, 2003
4. PARKS, RECREATION & COMMUNITY EDUCATION ADVISORY BOARD MINUTES FROM APRIL 7, 2003
5. HUTCHINSON CONVENTION AND VISITORS BUREAU AUDIT REPORT FOR 2002
6. FIRE DEPARTMENT MONTHLY REPORT FOR JUNE 2003

(b) RESOLUTIONS AND ORDINANCES

1. ORDINANCE NO. 03-345 – AN ORDINANCE VACATING EASEMENTS REQUESTED BY BRUCE NAUSTDAL TO VACATE DRAINAGE AND UTILITY EASEMENTS LOCATED ALONG THE SOUTHERLY PROPERTY LINE OF LOT 10, BLOCK 2, FIRST ADDITION TO RAVENWOOD WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (*SECOND READING AND ADOPTION*)
2. ORDINANCE NO. 03-346 – AN ORDINANCE VACATING EASEMENTS REQUESTED BY JEFF BULAU TO REDUCE A TEN FOOT EASEMENT TO SIX FEET ALONG THE EASTERLY PROPERTY LINE OF LOT 3, BLOCK 1, FOURTH ADDITION TO LAKEWOOD TERRACE WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (*SECOND READING AND ADOPTION*)
3. RESOLUTION NO. 12205 – A RESOLUTION AUTHORIZING ENTERING INTO LEASE AGREEMENT WITH STATE OF MINNESOTA, DEPARTMENT OF PUBLIC SAFETY, FOR DRIVER EXAM STATION IN CITY CENTER

4. RESOLUTION NO. 12211 – A RESOLUTION CALLING FOR A PUBLIC HEARING ON THE ADOPTION OF UPDATED CRITERIA FOR THE GRANTING OF BUSINESS SUBSIDIES
- (c) CONSIDERATION FOR APPROVAL OF CHANGE ORDER NO. 1 FOR BUILDING 20 AT WASTEWATER PLANT
  - (d) CONSIDERATION FOR APPROVAL OF SHORT-TERM GAMBLING LICENSE FOR MCLEOD ALLIANCE FOR VICTIMS OF DOMESTIC VIOLENCE FOR OCTOBER 21, 2003, AT UCC CHURCH
  - (e) CONSIDERATION FOR APPROVAL OF ANNUAL EXCAVATOR LICENSES
  - (f) CONSIDERATION FOR APPROVAL OF APPROVING PERA PARTICIPATION FOR THE HUTCHINSON CITY ADMINISTRATOR
  - (g) ASSESSMENT ROLL NO. 5061, LETTING NO. 1, PROJECT NO. 03-01 (DALE STREET SW/2<sup>ND</sup> AVENUE SW) – ADOPTING REVISED ASSESSMENT ROLL

Item 5(b)4 was withdrawn by staff.

Items 5(b)1 and 5(e) were pulled for further discussion.

Motion by Haugen, second by Arndt, to approve consent agenda with exceptions of Items 5(b)1, 5(b)4 and 5(e). Motion carried unanimously.

Item 5(b)1. Bill Arndt asked John Rodeberg whether or not this property was far enough from the drainage tile line. John Rodeberg believes that there are no drainage issues in this specific area. Motion by Arndt, second by Hoversten to approve Item 5(b)1. Motion carried unanimously.

Item 5(e). Duane Hoversten requested that the excavator's license for Ed Rettman not be approved until further information is received from staff. John Rodeberg noted that staff has had some difficulty with this contractor and are working on agreements with him to have him continue to work. However, they do understand Mr. Hoversten's issues.

Motion by Haugen, second by Hoversten, to approve excavator's licenses with the exception of Ed Rettman's. Motion carried unanimously.

6. **PUBLIC HEARINGS** - 6:00 P.M.

- (a) CONSIDERATION OF ORDINANCE NO. 03-348 - ENTERING INTO FRANCHISE AGREEMENT WITH HUTCHINSON AREA UNITED WAY FOR TEMPORARY SIGN (*WAIVE FIRST READING AND SET SECOND READING AND ADOPTION FOR JULY 22, 2003*)

Marc Sebor, City Attorney, presented before the Council. Mr. Sebor explained the background of this request, which was to have a boy scout organize a project by constructing a sign indicating the funds raised by the United Way. The agreement is for five years and the sign may be posted in Girl Scout Park. The franchise fee may be waived but the organization will need to pay the temporary sign permit.

Bill Arndt suggested having a civic sign area to promote non-profit organizations. Julie Wischnack, Director of Planning/Zoning/Building, explained that staff would research a site for such a sign display.

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

Motion by Hoversten, second by Arndt, to approve Ordinance No. 03-348, granting a franchise to Hutchinson Area United Way to erect a sign in Girl Scout Park and set a \$10 franchise fee. Motion carried unanimously.

- (b) LETTING NO. 13, PROJECT NO. 03-15 (ROLLING MEADOWS POND) AND 03-23 (GROVE STREET DRAINAGE) – ORDERING IMPROVEMENT AND PREPARATION OF PLANS AND APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS

John Rodeberg, presented before the Council. Mr. Rodeberg explained that these two projects are drainage related and have no assessments proposed. Mr. Rodeberg explained the project description and costs. The problems in the Rolling Meadows area include drainage occurring above land. The proposal on Grove Street is to put in a tile line to ease the large amount of ponding. There may be another phase to this project, but costs would need to be further researched. These projects will be done this year.

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

Motion by Arndt, second by Hoversten, to approve ordering improvement and preparation of plans and approving plans and specifications and ordering advertisement for bids on Letting No. 13, Project No. 03-15. Motion carried unanimously.

- (c) CONSIDERATION FOR APPROVAL OF ESTABLISHING TAX INCREMENT FINANCE DISTRICT NO. 4-13

Miles Seppelt, presented before the Council. Mr. Seppelt explained that part of the Downtown Revitalization Plan included plans of restoring the historic State Theatre. The new owners of the State Theatre would like to renovate the theatre to its 1937 history and run the theatre as a second-run theatre. The apartments above the theatre would be renovated, as well as the retail space adjacent to the theatre. The entire restoration project is estimated at \$1.3 million.

Mr. Seppelt explained how tax increment financing works. This district is being considered as a redevelopment TIF district. Mr. Seppelt explained what the TIF funds must be used for. Mr. Seppelt reviewed the business subsidies criteria for the district. Mr. Seppelt also explained the funding sources for the project.

Duane Hoversten thanked the owners for their interest in Hutchinson.

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

Motion by Haugen, second by Hoversten, to approve establishing Tax Increment Finance District No. 4-13. Motion carried unanimously.

7. **COMMUNICATIONS, REQUESTS AND PETITIONS**

8. **UNFINISHED BUSINESS**

9. **NEW BUSINESS**

- (a) CONSIDERATION FOR APPROVAL OF CITY RECOGNITION EVENT

Kay Peterson explained that historically the city has held a recognition event for employees and board members. Two dates have been proposed: September 10 and September 18, 2003.

Motion by Arndt, second by Haugen, to hold recognition event for September 18, 2003. Motion carried unanimously.

- (b) CONSIDERATION FOR APPROVAL OF REORGANIZATION OF PUBLIC WORKS

MAINTENANCE OPERATIONS

John Rodeberg explained that he and his Assistant Public Works Director are requesting that a reorganization be approved for street department due to staff reductions and retirement. The request is to create two lead positions in lieu of a supervisor position. Due to some prior step adjustments, the salary total does not increase. The positions are proposed to be advertised internally.

Brenda Ewing explained that the request for this evening is to approve the creation of the lead positions. At the next Council meeting, staff will be requesting some reclassifications.

Motion by Hoversten, second by Arndt, to approve reorganization of public works maintenance operations by creating two lead positions. Motion carried unanimously.

(c) CONSIDERATION FOR APPROVAL OF CALLING FOR PUBLIC HEARINGS ON THE ADOPTION OF AN ORDINANCE TO ESTABLISH SPECIAL SERVICE DISTRICT NO. 1 AND ON THE ADOPTION OF A RESOLUTION TO IMPOSE SERVICE CHARGES IN SPECIAL SERVICE DISTRICT NO. 1

Miles Seppelt, EDA Director, presented before the Council. Mr. Seppelt explained that staff has received a number of petitions requesting that a Special Services District be created in the downtown area. The petitions have been verified and meet approval to move ahead in the process. This Special Services District would create a tax capacity to be used specifically in the downtown area. The request before the Council tonight is to set a public hearing for August 12, 2003, to adopt an ordinance establishing a Special Services District and to set a public hearing for August 26, 2003, to adopt a resolution imposing service charges in the district. Properties eligible in this district must be commercial. The property owners will pay a service charge which will be included on the property owner's assessment notice. The money will be used for items such as infrastructure improvements, a downtown coordinator and marketing promotions. Approximately \$100,000 will be raised annually. The petition indicates that the District would be in place for 15 years.

Duane Peterson, downtown property owner, presented before the Council. Mr. Peterson requested that a sunset provision be included in the ordinance, that whereby the district would have the option to evaluate the program after five years to determine whether or not they would like to continue for ten more years. He also stated that a majority of the downtown property owners should agree to it, the majority being 60-70%.

Rich Peterson, presented before the Council. Mr. Peterson asked if there is a list of the 123 parcels and petitioners that he could review. Miles Seppelt informed him that city staff could get him the information.

Duane Hoversten asked whether or not changes could be made to the petitions. Marc Seboria stated that that is a question that will need to be researched.

Motion by Hoversten, second by Arndt, to call for public hearings on the adoption of an ordinance to establish Special Service District No. 1 for August 12, 2003, at 6:00 p.m. and on the adoption of a resolution to impose service charges in Special Service District No. 1 for August 26, 2003, at 6:00 p.m.. Motion carried unanimously.

(d) LETTING NO. 2, PROJECT NO. 03-02 (PLAZA 15 ACCESS AND SAFETY IMPROVEMENTS) – ORDERING PREPARATION OF REPORT ON IMPROVEMENT AND APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS

John Rodeberg, presented before the Council. Mr. Rodeberg explained that the request tonight is to approve ordering preparation of report on improvement and receiving report and calling for hearing. Mr. Rodeberg explained that this project is to enhance pedestrian access between the hospital and Plaza 15, which includes an ADA accessible entrance. Pull-over parking would be created and handicapped parking would be moved as part of this project, as well as creating approximately 40 new parking stalls. At this time the parking lot is not being proposed for reconstruction improvements.

The hospital will be paying for half of the project. Two streetlight units will be included in front of the Event Center.

Motion by Hoversten, second by Haugen, to approve ordering preparation of report on improvement and receiving report and calling for hearing on Letting No. 2, Project No. 03-02. Motion carried unanimously.

10. **MISCELLANEOUS**

(a) COMMUNICATIONS

John Rodeberg explained that the County is requesting that County Road 82 be established as County State Aid Highway 115. The City must agree with the County in order for them to proceed with this establishment. A revision will need to be made to the resolution.

Motion by Haugen, second by Arndt, to approve Resolution No. 12215, establishing CSAH 115. Motion carried unanimously.

- (b) Marc Sebor, City Attorney, presented before the Council. Mr. Sebor explained that in November 2002, the Council had authorized the EDA to move ahead with condemnation proceedings for Industrial Park expansion. As a result of the proceedings, the value of the land was upheld at a price higher than what the EDA could afford. The Council must dismiss the proceedings so that the EDA can cease with the proceedings. In addition, staff is requesting the Council quit claim the land that was being proposed.

Motion by Arndt, second by Hoversten, to approve Resolution No. 12216 and waive first reading and set second reading of Ordinance No. 03-350. Motion carried unanimously.

John Rodeberg explained that Jefferson Street is paved. Dale/2<sup>nd</sup> Avenue project is having some trouble with a water leak, but overall the project is moving along very well.

Gary Plotz commented on an article that was in the Star Tribune regarding the enterprise funds in the City of Hutchinson. Mr. Plotz also noted that the City of Hutchinson will be aiding with cleanup in the City of Buffalo Lake due to tornado damage by grinding the debris. Mr. Plotz also noted that the City of Hutchinson is hosting a composting school July 9 – 11 at the compost site. Mr. Plotz further stated that the contract with Minneapolis has yet to be received, once it is, a pro forma will be presented.

John Rodeberg thanked Dave Telecky and the Street Department for responding to requests during the recent storms. He also thanked recently retired Police Chief Madson for his help as well.

Gary Plotz noted that one individual has filed for Council Member, that being Casey Stotts who filed for Council Seat #4.

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

(a) VERIFIED CLAIMS A

Motion by Haugen, second by Arndt, 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.

12. **ADJOURN**

CITY COUNCIL MINUTES – JULY 8, 2003

With no further business to discuss, the meeting adjourned at 7:05 p.m.

**MINUTES  
REGULAR MEETING - HUTCHINSON CITY COUNCIL  
TUESDAY, JULY 22, 2003**

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1. **CALL TO ORDER – 5:30 P.M.**

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

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

3. **PLEDGE OF ALLEGIANCE**

**PRESENTATION BY THE HUTCHINSON LEGION AND VFW TO DESIGNATE THE CITY OF HUTCHINSON AS A COMMEMORATIVE CITY FOR THE KOREAN WAR VETERANS**

4. **MINUTES**

(a) REGULAR MEETING OF JULY 8, 2003

(b) BID OPENING FROM JULY 15, 2003

(c) BID OPENING FROM JULY 18, 2003

The bid opening minutes from July 18, 2003, need to be revised to strike out the last bid listed (Wm. Mueller & Sons) as it was included erroneously. The remainder of the minutes were approved as presented.

5. **CONSENT AGENDA**

(a) REPORTS OF OFFICERS, BOARDS AND COMMISSIONS

1. PLANNING COMMISSION MEETING OF JUNE 17, 2003

2. HUTCHINSON AREA HEALTH CARE BOARD MINUTES FROM JUNE 17, 2003

3. CITY OF HUTCHINSON INVESTMENT REPORT FOR JUNE 2003

4. CITY OF HUTCHINSON GENERAL FUND FINANCIAL REPORT FOR JUNE 2003

5. CITY OF HUTCHINSON WATER/SEWER/REFUSE REPORT FOR JUNE 2003

6. HUTCHINSON HOUSING AND REDEVELOPMENT AUTHORITY BOARD MEETING MINUTES OF APRIL 15 AND JUNE 19, 2003

7. PIONEERLAND LIBRARY SYSTEM REVENUE AND EXPENDITURE REPORT OF MAY 31, 2003

8. BUILDING DEPARTMENT MONTHLY REPORT FOR JUNE 2003

9. PARKS, RECREATION & COMMUNITY EDUCATION BOARD MINUTES FROM JUNE 2, 2003

(b) RESOLUTIONS AND ORDINANCES

1. ORDINANCE NO. 03-348 - ENTERING INTO FRANCHISE AGREEMENT WITH

HUTCHINSON AREA UNITED WAY FOR TEMPORARY SIGN (*SECOND READING AND ADOPTION*)

2. ORDINANCE NO. 03-350 – AN ORDINANCE QUIT CLAIMING ANY INTEREST THE CITY OF HUTCHINSON MAY HAVE IN REAL ESTATE LOCATED BY MARVIN HACKBARTH, ET AL, SECTION 5, HASSAN VALLEY TOWNSHIP (SECOND READING AND ADOPTION)
3. RESOLUTION NO. 12228 - RESOLUTION TO SELL UNCLAIMED PROPERTY AT AUCTION
4. RESOLUTION NO. 12231 - RESOLUTION TO SELL AT AUCTION COMPUTER EQUIPMENT DECLARED UNUSABLE BY THE CITY
5. RESOLUTION NO. 12232 - RESOLUTION SPECIFYING THE USES OF ROTARY PARK PURSUANT TO THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES PARK GRANT PROGRAM
6. RESOLUTION NO. 12233 - RESOLUTION SETTING INTEREST RATE FOR 2003 ADOPTED ASSESSMENT ROLLS

(c) PLANNING COMMISSION ITEMS

1. CONSIDERATION OF A **VARIANCE** REQUESTED BY SAM SCHOLL, PROPERTY OWNER, TO REDUCE FRONT YARD SETBACK FROM 30 FEET TO 25 FEET FOR THE CONSTRUCTION OF A ROOF OVER THE EXISTING ENTRANCE LOCATED AT 712 SHADY RIDGE ROAD NW WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 12217)
2. CONSIDERATION OF A **CONDITIONAL USE PERMIT** REQUESTED BY ROGER STEARNS, STEARNSWOOD, TO CONSTRUCT AN 118' X 102' POLE TYPE STORAGE WAREHOUSE ON PROPERTY LOCATED IN THE I/C (INDUSTRIAL/COMMERCIAL) DISTRICT AT 320 – 3<sup>RD</sup> AVENUE NW WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO.12218)
3. CONSIDERATION OF A **CONDITIONAL USE PERMIT** REQUESTED BY JUNE INSELMANN, PROPERTY OWNER, TO CONSTRUCT A RETAINING WALL WITHIN THE EASEMENT LOCATED AT 725 SOUTHVIEW DRIVE SW WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 12219)
4. CONSIDERATION OF **FINAL PLAT** TO BE KNOWN AS RAVENWOOD WEST WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 12221)

(d) LETTING NO. 5/PROJECT NO. 03-12/03-19 (EDMONTON & JEFFERSON/TH 7 FRONTAGE ROAD) SAP 133-131-01/133-117-12) RESOLUTION NO. 12225 ACCEPTING BID AND AWARDING CONTRACT

(e) SA-5064 – LETTING NO. 5/PROJECT NO. 03-12/03-19 (EDMONTON & JEFFERSON/TH 7 FRONTAGE ROAD) SAP 133-131-01/133-117-12) RESOLUTION NO. 12226 DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT AND RESOLUTION NO. 12227 FOR HEARING ON PROPOSED ASSESSMENT

(f) CONSIDERATION FOR APPROVAL OF ANNUAL EXCAVATOR LICENSES

(g) CONSIDERATION OF APPOINTMENT OF BECKY FELLING TO THE HUTCHINSON REDEVELOPMENT AUTHORITY BOARD

- (h) CONSIDERATION FOR APPROVAL TO ENHANCE HUTCHINSON POLICE SERVICES FIREARM PROGRAM
- (i) CONSIDERATION FOR APPROVAL OF SHORT-TERM ON-SALE NON-INTOXICATING MALT LIQUOR LICENSE FOR HUTCHINSON JAYCEES ON JULY 30, 2003, AT WEST RIVER PARK
- (j) CONSIDERATION FOR APPROVAL OF SHORT-TERM NON-INTOXICATING MALT LIQUOR LICENSE FOR MCLEOD COUNTY FAIR BOARD FROM AUGUST 15 – 19, 2003, AT MCLEOD COUNTY FAIRGROUNDS
- (k) CONSIDERATION FOR APPROVAL OF SUNDAY INTOXICATING LIQUOR LICENSE FOR LAMPLIGHTER LOUNGE II

Item 5(f) was pulled for further discussion.

Motion by Peterson, second by Haugen, to approve consent agenda with the exception of Item 5(f). Motion carried unanimously.

Item 5(f) had further discussion. Marc Sebor, City Attorney, explained that there have been various issues related to the licensing of excavators as regulated by Ordinance No. 02-308. Mr. Sebor has drafted a revised ordinance that does not require an excavator license but still requires an excavator to obtain a permit, with restrictions on those permits, such as if they would have multiple permit violations. Marc Sebor suggested that no excavator licenses be issued until this revised ordinance is adopted and that refunds be issued to those that submitted license application fees.

Motion by Peterson, second by Hoversten, to waive first reading and set second reading and adoption of Ordinance No. 03-352 for August 12, 2003, including suspending the license application process until the second reading of the ordinance. It was noted that staff does have the ability to deny permits currently. Motion carried unanimously.

**6. PUBLIC HEARINGS - 6:00 P.M.**

- (a) LETTING NO. 02, PROJECT NO. 03-02 (PLAZA 15 ACCESS AND SAFETY IMPROVEMENTS) – ORDERING IMPROVEMENT AND PREPARATION OF PLANS AND APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS

John Rodeberg, Director of Engineering/Public Works, presented before the Council. Mr. Rodeberg explained that this project actually contains numerous small projects, which include safety enhancements, handicap accessibility enhancements, adding parking spaces, and constructing sidewalk connections. The approximate project cost is \$105,000. The assessments will be split in half between the hospital and the Event Center.

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

Motion by Hoversten, second by Arndt, to order improvement and preparation of plans and approve plans and specifications and order advertisement for bids on Letting No. 2, Project No. 03-02. Motion carried unanimously.

- (b) CONSIDERATION OF ORDINANCE NO. 03-349 - ENTERING INTO A FRANCHISE AGREEMENT WITH NOOK AND CRANNY FOR THE RIGHT TO OUTDOOR DISPLAY OVER

AND ABOVE CERTAIN PROPERTY LOCATED IN THE PUBLIC RIGHT-OF-WAY AT 34 MAIN STREET NORTH (*WAIVE FIRST READING AND SET SECOND READING AND ADOPTION FOR AUGUST 12, 2003*)

Julie Wischnack, Director of Planning/Zoning/Building, presented before the Council. Ms. Wischnack explained that this is the formal process for a business to acquire the right to use public right-of-way.

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

It was suggested that a \$25.00 franchise fee be required for the franchise.

Motion by Arndt, second by Hoversten, to waive first reading and set second reading and adoption of Ordinance No. 03-349 for August 12, 2003, and set franchise fee at \$25.00. Motion carried unanimously.

**7. COMMUNICATIONS, REQUESTS AND PETITIONS**

**(a) PRESENTATION BY DAVE ERLANDSON, ACTING POLICE CHIEF, REGARDING POLICE STAFFING**

Lt. David Erlandson explained that staff and Council had requested that he present current staffing issues in the police department. Currently, the police department has three positions that have not been filled due to budget restraints. They include a full-time police officer, a part-time police officer and a community service officer. In addition, the police chief retired May 1, 2003, and Sgt. Chuck Jones will be retiring Sept. 1, 2003. Lt. Erlandson covered public expectations of the police department, current staffing of support personnel, the core of the organization which includes Communications and Patrol. Lt. Erlandson expressed that he felt current staff levels are minimum for the organization. Lt. Erlandson also reviewed other stress factors that contribute to staffing and scheduling. The lieutenant reviewed how the department has been coping with the staffing levels. Lt. Erlandson recommended the solutions to current staffing problems, which include being able to fill the part-time officer position, fill the position of retiring Sgt. Chuck Jones, place temporary part-time officer at the hospital and decide future of remaining vacant positions.

Gary Plotz noted that several of these items were decided to move forward on at the Police Commission meeting. Other items that require Council action will be discussed during the budgetary process.

Marc Sebor also noted that Hutchinson is a regional center, which places extra demands on Hutchinson's police officers.

Gary Plotz further noted that the original plan when Steve Madson retired, was to begin the selection process of a new police chief in September with a start date of January 1, 2004. The Police Commission will be intensely involved in that process. However there will need to be administrative decisions made to help direct the Police Commission.

**(b) DISCUSSION OF ELECTRICAL INSPECTION FUNCTION BY THE CITY OF HUTCHINSON**

Brad Emans, Fire Chief, presented before the Council. Mr. Emans explained that city directors had been brainstorming ways to increase revenue for the City of Hutchinson. Mr. Emans is offering the services of the fire department to perform electrical inspections for the City as opposed to the state conducting them. By bringing the electrical inspections in-house, it would generate approximately \$35,000/year. Mr. Emans did note that if the fire department takes on this responsibility, he may very well be in front of the Council in the future asking for additional personnel. This endeavor could be ready in March 2004. Mayor Torgerson stated that this item will be considered during the budgetary process for 2004. However, the Council did inform him that they should probably begin the process of getting the appropriate person licensed.

8. **UNFINISHED BUSINESS**

(a) CONSIDERATION FOR APPROVAL OF RECLASSIFICATION OF PUBLIC WORKS MAINTENANCE OPERATIONS POSITIONS

Brenda Ewing, Human Resources Director, presented before the Council. Ms. Ewing explained that three positions are being proposed for reclassification, with reclassifying them to Grade 3 positions.

Motion by Arndt, second by Haugen, to approve reclassification of water/wastewater maintenance positions. Motion carried unanimously.

9. **NEW BUSINESS**

(a) CONSIDERATION OF ORDINANCE NO. 03-351 ADOPTING THE 2003 EDITION OF THE MINNESOTA STATE FIRE CODE, REGULATING AND GOVERNING THE SAFE GUARDING OF LIFE AND PROPERTY FROM FIRE AND EXPLOSION HAZARDS ARISING FROM THE STORAGE, HANDLING AND USE OF HAZARDOUS SUBSTANCES, MATERIALS AND DEVICES, AND FROM CONDITIONS HAZARDOUS TO LIFE OR PROPERTY IN THE OCCUPANCY FOR BUILDINGS AND PREMISES IN THE CITY OF HUTCHINSON; PROVIDING FOR THE ISSUANCE OF PERMITS FOR HAZARDOUS OPERATIONS (*WAIVE FIRST READING AND SET SECOND READING AND ADOPTION FOR AUGUST 12, 2003*)

Jim Popp, Fire Administrative Officer, presented before the Council. Mr. Popp explained that this code is a state code and when adopted by ordinance, he is able to enforce it.

Motion by Haugen, second by Hoversten, to waive first reading and set second reading and adoption of Ordinance No. 03-351 for August 12, 2003. Motion carried unanimously.

(b) CONSIDERATION OF ORDINANCE NO. 03-347 AN ORDINANCE AMENDING SECTIONS 3 AND 7 OF SECTION 12 OF THE HUTCHINSON ZONING ORDINANCE ADDING DEFINITION OF RESIDENTIAL DOG KENNEL AND REGULATION OF PLACEMENT OF RESIDENTIAL DOG KENNELS IN YARDS WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (*WAIVE FIRST READING AND SET SECOND READING AND ADOPTION FOR AUGUST 12, 2003*)

Julie Wischnack, Director of Planning/Zoning/Building, presented before the Council. Ms. Wischnack explained that there has been much discussion amongst the Planning Commission regarding this ordinance. At the last Planning Commission meeting, the vote was 4-3 to adopt this ordinance. The proposed ordinance would be allow for up to 3 dogs over six months of age and that the kennels are allowed on any lot of residence and must be placed in the rear yard located behind the housed. The kennels must also be placed on a cement slab 10 feet or more from the rear and side property line. Mayor Torgerson raised concerns regarding certain lots that have very limited rear yard setbacks. Duane Hoversten and Kay Peterson stated that they would like to hear more public input before enacting upon this ordinance.

Weston Scott, presented before the Council. Mr. Scott explained that he feels that if there are a majority of lots that are inadequate for a kennel, then there may be more free animals roaming outside of a kennel.

Brandon Fraser, presented before the Council. Mr. Fraser stated that the proposed ordinance is more to aid in setback requirements in relation to runoff of animal urine and feces.

Jim Popp presented before the Council. Mr. Popp raised an issue of incurring more rules for enforcement issues. He brought up examples such as requiring cement slabs. He personally would not be able to have a cement slab because there is a gas line underneath his current dog kennel, so he raised the question of whether he would have to relocate the kennel.

Barry Greive, Building Official, presented before the Council. Mr. Greive did note that it would be

difficult to enforce this ordinance. He did note that current ordinances are enforced, however, some of them are on a complaint-basis only.

Ms. Wischnack noted that she has some sample nuisance ordinances that may be better written than Hutchinson's current nuisance ordinance.

Motion by Hoversten, second by Arndt, to table this item to the August 12, 2003, Council meeting to receive more public input. Motion carried unanimously.

(c) **CONSIDERATION OF A CONDITIONAL USE PERMIT AND LOT SPLIT REQUESTED BY RTM RESTAURANT GROUP FOR CONSTRUCTION OF AN ARBY'S RESTAURANT LOCATED AT 1340 HWY 15 S WITH UNFAVORABLE STAFF RECOMMENDATION AND FAVORABLE PLANNING COMMISSION RECOMMENDATION (ADOPT RESOLUTION NO. 12220)**

Julie Wischnack, Director of Planning/Zoning/Building, presented before the Council. Ms. Wischnack explained that the only disagreement between staff and the Planning Commission is the issue of the location of the entrance and parking. Staff recommendation is to have angle parking and an in-only entrance. Planning Commission is recommending having 90 degree parking and in-only entrance. After discussion, it was stated that staff would agree to the in-out entrance if the radius is increased to allow more room to drive in.

John Bogart, Bogart & Associates, presented before the Council. Mr. Bogart explained that a one-way in entrance is acceptable to them, as well as increasing the radius to make it more easily accessible.

Ms. Wischnack also noted that a revised resolution has been presented which now does not include the lot split. The lot split portion of the application will be presented at a future meeting.

Motion by Hoversten, second by Arndt, to approve conditional use permit for RTM Restaurant Group to construct an Arby's Restaurant located at 1340 Hwy 15 South, with the condition that the radius be increased at the entrance. Motion carried unanimously.

(d) **CONSIDERATION OF BID AWARD FOR WALKING FLOOR TRAILERS AND REVIEW OF THE PRO FORMA REVENUE/EXPENSE FOR THE MINNEAPOLIS ORGANICS CONTRACT – PHASE I**

Gary Plotz, City Administrator, presented before the Council. Mr. Plotz reminded the Council that Hutchinson had been awarded a contract with the City of Minneapolis to haul their organics. Mr. Plotz informed the Council that the actual contract was received by city staff late on July 18<sup>th</sup> and was unable to be included in the Council packet for Council review. Mr. Plotz also informed the Council that staff, consultant and City Attorney have reviewed and it appears to cover all the bases necessary. A few items need to be clarified and it will be presented to the Council at the next meeting. The contract was written indicating that Hutchinson would be taking care of Minneapolis's leaves and a subcontractor taking care of the wood. Mr. Plotz voiced he has some concerns with Hutchinson being responsible for the wood subcontractor and the City may not take responsible for this portion. However, the advantage of being the general for the wood product is that the operating costs are split in half.

Mr. Plotz reviewed the pro forma for this contract to illustrate the revenue generated from this contract. The pro forma covered the leaves and the wood. To illustrate the amount of leaf product being transported compares to 1167 trailer loads. Mr. Plotz stressed that this is a best estimate of a net profit of approximately \$91,000 in yardwaste. The estimate savings of Hutchinson being in charge of this project is approximately \$150,000. Mr. Plotz reviewed the various product lines that the compost site is marketing. The majority of these products are delivered to customers over the winter months. The use of the walking floor trailers will be used all year long.

Mr. Plotz informed the Council of the amount of research staff had done on obtaining the appropriate,

cost-effective type of truck. Mr. Plotz is requesting that the City purchase the trailers and have the private sector have the truck to pull the trailers. Two bids were received and staff is recommending the lower of the two bids with the total cost being \$231,300.63, which includes three 53' walking floor trailers and one 48' walking floor trailer with a hitch. Council Member Hoversten recommended the purchase of four 53' walking floor trailers. Gary Plotz said he would consider and internally discuss the suggestion before place the order.

Funding will be provided by using a portion of the cash balance in the sewer/water/compost fund. It will take 45-60 days to acquire these trucks. Local truckers will be recruited to perform the hauling of the product. Mr. Plotz stated that there is a standard warranty on the trucks and there is a location in Minneapolis that services the trailers.

Motion by Hoversten, second by Peterson, to approve awarding bid to purchase four walking floor trailers for compost site. Motion carried unanimously.

(e) CONSIDERATION OF REQUEST FOR SETTING AN INFORMATIONAL MEETING ON AUGUST 12, 2003, AT 4:00P.M. AT CITY CENTER REGARDING CURRENT DEBT AND FUTURE FUNDING NEEDS

Motion by Hoversten, second by Arndt, to set Informational Meeting for August 12, 2003, at 4:00 p.m. to review current debt and future funding needs. Motion carried unanimously.

10. **MISCELLANEOUS**

(a) COMMUNICATIONS

1. CONSIDERATION FOR APPROVAL OF AWARDING HVAC REPLACEMENT BID TO HUTCHINSON PLUMBING AND HEATING, INC.

Julie Wischnack, Director of Planning/Zoning/Building, presented before the Council. Ms. Wischnack explained that the funding will come out of the capital fund which have funds left over from the library bond.

Motion by Arndt, second by Peterson, to approve awarding HVAC replacement bid to Hutchinson Plumbing and Heating, Inc. in the City library. Motion carried unanimously.

2. CONSIDERATION FOR APPROVAL OF MOTORIZED GOLF CART PERMIT

Motion by Arndt, second by Peterson, to approve issuing motorized golf cart permit to Donald Tonsberg. Motion carried unanimously.

**Jim Haugen** – Mr. Haugen questioned whether or not there has been mosquito complaints. In addition, Mr. Haugen asked whether or not a temporary stop sign can be placed at the intersection of Hwy 15 and 5<sup>th</sup> Avenue. Mr. Rodeberg explained that he has spoken to MnDOT about the placement of a stop sign at the intersection of Hwy 15 and 5<sup>th</sup> Avenue and it has been determined that it is not the solution as it would back up Main Street even more.

Bill Arndt questioned whether or not the stop light at Main Street and 1<sup>st</sup> Avenue can be timed differently. Mr. Rodeberg explained that cycling improvements are being evaluated.

Mr. Rodeberg commented that approximately \$100,000 would need to be spent on spraying for mosquitos in the ponding areas, but would only decrease mosquitos in residents' backyard by about 25%. Mr. Rodeberg stated that in order to have significant effect, spraying would need to be done on a county level or a regional level.

Mr. Rodeberg also informed the Council that the Jefferson Street project should be complete in a couple of weeks. The 2<sup>nd</sup>/Dale Street project has been delayed due to rain. Gravel is being hauled in and all the pipe is in place on 2<sup>nd</sup> Avenue. Hopefully by late next week more gravel can be placed on

2<sup>nd</sup> Avenue. Contractors are approximately one week behind schedule, however 2<sup>nd</sup> Avenue should be complete by the start of school.

Bill Arndt questioned whether or not there is an ordinance that regulates the number of garage sales a residence has. Gary Plotz stated no, but they could look into it.

Duane Hoversten noted that there is a truck that parks on Michigan Street and leaves it running all night, which creates a nuisance for the residents that live across the street. Mr. Rodeberg stated he would check into ways to work with this situation.

Duane Hoversten also noted that Joel Kraft has served his second term on the HRA Board and will be retiring. Mr. Hoversten publicly thanked Mr. Kraft for his service.

Gary Plotz noted that he, the Mayor, Duane Hoversten, Randy DeVries and John Rodeberg will be visiting a reverse osmosis plant this week in Michigan. It is being researched to compare to the plant that Hutchinson will be constructing.

Mr. Plotz also informed the Council that a Wright County transfer facility is available to store the product being hauled from Minneapolis and he has offered a very low price. He presented in front of the Wright County Board and they are strongly considering the City's offer.

**11. 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.

**12. ADJOURN**

With no further business to discuss, the meeting adjourned at 8:30 p.m.

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Marlin Torgerson, Mayor

ATTEST:

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Gary D. Plotz, City Administrator

**MINUTES  
REGULAR MEETING - HUTCHINSON CITY COUNCIL  
TUESDAY, AUGUST 12, 2003**

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1. **CALL TO ORDER – 5:30 P.M.**

Mayor Marlin Torgerson called the meeting to order. Members present were Jim Haugen, Duane Hoversten, Kay Peterson and Bill Arndt. Other present was Ken Merrill, Finance Director.

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

3. **PLEDGE OF ALLEGIANCE**

4. **MINUTES**

(a) REGULAR MEETING OF JULY 22, 2003

(b) BID OPENING FROM AUGUST 5, 2003

(c) BID OPENING FROM AUGUST 11, 2003

Minutes were approved as presented.

5. **CONSENT AGENDA**

(a) REPORTS OF OFFICERS, BOARDS AND COMMISSIONS

1. PIONEERLAND LIBRARY SYSTEM FINANCIAL REPORT FOR JUNE 2003

2. BUILDING DEPARTMENT MONTHLY REPORT FOR JULY 2003

3. HUTCHINSON AREA HEALTH CARE FINANCIAL REPORT FOR JUNE 2003

4. HUTCHINSON UTILITIES COMMISSION FINANCIAL REPORT FOR JUNE 2003

(b) RESOLUTIONS AND ORDINANCES

1. CONSIDERATION OF ORDINANCE NO. 03-349 - ENTERING INTO A FRANCHISE AGREEMENT WITH NOOK AND CRANNY FOR THE RIGHT TO OUTDOOR DISPLAY OVER AND ABOVE CERTAIN PROPERTY LOCATED IN THE PUBLIC RIGHT-OF-WAY AT 34 MAIN STREET NORTH (*WAIVE FIRST READING AND SET SECOND READING AND ADOPTION FOR AUGUST 12, 2003*)

2. CONSIDERATION OF ORDINANCE NO. 03-351 – AN ORDINANCE ADOPTING THE 2003 EDITION OF THE MINNESOTA STATE FIRE CODE, REGULATING AND GOVERNING THE SAFE GUARDING OF LIFE AND PROPERTY FROM FIRE AND EXPLOSION HAZARDS ARISING FROM THE STORAGE, HANDLING AND USE OF HAZARDOUS SUBSTANCES, MATERIALS AND DEVICES, AND FROM CONDITIONS HAZARDOUS TO LIFE OR PROPERTY IN THE OCCUPANCY FOR BUILDINGS AND PREMISES IN THE CITY OF HUTCHINSON; PROVIDING FOR THE ISSUANCE OF PERMITS FOR HAZARDOUS OPERATIONS (*SECOND READING AND ADOPTION*)

3. CONSIDERATION OF ORDINANCE NO. 03-352 – AN ORDINANCE AMENDING HUTCHINSON CITY ORDINANCE 02-308 REGULATING THE LICENSING OF EXCAVATORS (*SECOND READING AND ADOPTION*)

4. RESOLUTION NO. 12234 – A RESOLUTION TO SELL AT AUCTION SURPLUS PROPERTY

5. RESOLUTION NO. 12238 – RESOLUTION FOR PURCHASE

CITY COUNCIL MINUTES – AUGUST 12, 2003

- (c) CONSIDERATION FOR APPROVAL OF AWARDED BID FOR ROBERTS PARK PARKING LOT IMPROVEMENTS
- (d) CONSIDERATION FOR APPROVAL OF OUT-OF-STATE TRAVEL FOR MARION GRAHAM TO THE WASTEWATER LAB EXAM WORKSHOP FROM SEPTEMBER 19 – 28, 2003
- (e) CONSIDERATION FOR APPROVAL OF OUT-OF-STATE TRAVEL FOR BARRY GREIVE TO ATTEND CODE HEARINGS IN NASHVILLE, TENNESSE, THE WEEK OF SEPTEMBER 7, 2003
- (f) CONSIDERATION FOR APPROVAL OF LOT SPLIT REQUESTED BY RTM RESTAURANT GROUP FOR CONSTRUCTION OF AN ARBY'S RESTAURANT LOCATED AT 1340 HWY 15 SOUTH
- (g) CONSIDERATION FOR APPROVAL OF GAMBLING LICENSE FOR HUTCHINSON HOCKEY ASSOCIATION (SECOND LOCATION)
- (h) CONSIDERATION FOR APPROVAL OF SHORT-TERM GAMBLING LICENSE FOR DUCKS UNLIMITED ON SEPTEMBER 2, 2003, AT CROW RIVER COUNTRY CLUB
- (i) CONSIDERATION FOR APPROVAL OF DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT AND SETTING REVISED HEARING DATE FOR PROPOSED ASSESSMENT ON ASSESSMENT ROLL NO. 5064 & 5064, LETTING NO. 5, PROJECT NO. 03-12 & 03-19
- (j) CONSIDERATION FOR APPROVAL OF ACCEPTING BID AND AWARDED CONTRACT ON LETTING NO. 13, PROJECT NO. 03-15 & 03-23

Item 5(b)5. It was noted that an additional purchase of bags for the compost site was authorized as outlined in the memo distributed to the City Council and included in the packet.

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

6. **PUBLIC HEARINGS** - 6:00 P.M.

- (a) SOUTH FORK CROW RIVER SHORE LAND HABITAT PROJECT

Julie Wischnack presented before the Council. Ms. Wischnack explained that this hearing is a requirement of the National Guard. This project is being conducted free of charge by the National Guard. This public hearing is to allow any other parties that would like to offer their services for the project for the same cost.

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

Motion by Arndt, second by Hoversten, to approve the National Guard assisting with the South Fork Crow River Shore Land Habitat Project. Motion carried unanimously.

- (b) CONSIDERATION OF ORDINANCE NO. 03-353 – AN ORDINANCE AUTHORIZING ESTABLISHMENT OF SPECIAL SERVICE DISTRICT NO. 1 (*WAIVE FIRST READING AND SET SECOND READING AND ADOPTION FOR AUGUST 26, 2003*)

Lisa McClure presented before the Council. Ms. McClure explained that the Downtown Association had presented a petition to the Council containing 32.9% population of a geographical location of the targeted area. Ms. McClure clarified that city staff is facilitating this project, however is not spearheading it. Ms. McClure noted that the hearing tonight is to have a first reading and set the second reading of the ordinance establishing the special service district, with a second public hearing being held August 26, 2003, to discuss the service rates that will be imposed. Ms. McClure further explained that the purpose of this type of district is to provide further services to the downtown area, such as marketing, advertising, personnel, beautification, etc. Ms. McClure further noted that these monies will not be going to the refurbishing of the State Theatre or the Hutch Hotel.

Matt McMillian, Hutchinson Downtown Association, presented before the Council. Mr. McMillian requested of the Council that a special service district be established. Mr. McMillian gave background information as to other projects that had occurred in the downtown area to enhance services, such as increased public parking and the establishment of districts for Shopko and Econo Foods. Mr. McMillian noted that 50 of the 64 parcel owners signed the petition in favor of establishing such a district. A few other businesses did not sign the petition, however have stated that they will not oppose the establishment. The rate of \$.19 per square foot is being suggested as the imposed rate, which will bring in approximately \$100,000 per year. Mr. McMillian also noted that Roger Olson, American Legion, informed him that the Legion is in support of the petition.

Rusty Fifield, Hoisington Kogler, presented before the Council. Mr. Fifield emphasized the point that this project was not city-instigated, however public-instigated. Mr. Fifield further explained that at the next public hearing, the services that could be provided will be outlined more specifically. Concerns by property owners over the assessable amount need to be submitted to staff prior to the public hearing on August 26, 2003. Mr. Fifield further explained that if the ordinance should have a first reading, 35% of the geographical location can petition to reject the original petition prior to the second reading. It was noted that property owners have not had an opportunity to review the ordinance as it is drafted. Mr. Fifield explained that the drafted ordinance covers requirements of statute, however boundaries haven't changed nor the amount per square footage since the original plan was outlined.

Lisa McClure did state that no one had requested a copy of the ordinance. Mayor Torgerson recited the ordinance to the audience and a copy of was handed out.

Lisa McClure stated 124 property owners are eligible to be assessed within the district. 71 property owners signed the petition.

DuWayne Peterson presented before the Council. Mr. Peterson explained that at a previous meeting he had suggested adding a sunset provision. He recommends that this language be included in the ordinance. Mr. Peterson further noted that state statute allows for property owners to have a benefit of objection of being assessed for this special district after filing a written request with the City. Mr. Peterson also requested that this information be included in the ordinance.

Maria Oman, 141 South Main Street, 25 Washington Ave. North and will be purchasing the Kelly's Dance Studio building. Ms. Oman noted that she does not receive the Hutchinson Leader and that she has not received anything from the City regarding the establishment of this district. The only notification she has received was from the assessor's office showing the proposed amount to be taxed. Ms. Oman stated that she surveyed property owners in the proposed district. Ms. Oman voiced concerns over the fact that neither she nor her renters are able to access these funds for their own personal improvements. Ms. Oman has concerns that rental rates will need to be increased in order to cover the new tax, which in turn will drive out renters. Ms. Oman would like to be able to use the funds for her own property and not to substantiate the district as a whole. Ms. Oman also questioned whether or not there is a cap of the price per square footage, or if that would be evaluated after so many years.

Myron Johnson, VFW, presented before the Council. Mr. Johnson expressed that the VFW is not necessarily in favor of the establishment of this district, as they are a service organization. Mr. Johnson further noted that the VFW's membership is depleting and they have concerns over the numbers that they will be able to retain in future years.

Don Walser, presented before the Council. Mr. Walser explained that his law firm is in support of this endeavor as it will only revitalize the downtown, and increase the property value.

Jill Corson, Corson's, presented before the Council. Ms. Corson explained that her store is not in favor of this at all, simply because they cannot afford it. She wants to know if they will be forced to pay these taxes if the ordinance passes.

Woody Lamprecht, Bavarian Haus, presented before the Council. Mr. Lamprecht asked what happens if this is not passed. And what happens to the \$100,000 paid to Hoisington Koegler.

Jim Kuehl, presented before the Council. Mr. Kuehl stated that he would like to have a sunset provision as well. He would like to have more information as to what specifically, and the amount of money, spent on which projects.

Rusty Fifield, Hoisington Koegler, presented before the Council. Mr. Fifield explained that the service charge that will be imposed is capped and cannot be collected for more than 15 years. The City Council has no right to extend the service charge as originally adopted. The amount is also capped at \$.19/square footage for those 15 years. The only way either of these items could be changed is if they would be petitioned and instigated by the property owners. Mr. Fifield expressed that this is a type of sunset provision.

Sharon Gruenhagen, 27 Main St. North, presented before the Council. Ms. Gruenhagen explained that she is against the establishment of this district. Ms. Gruenhagen explained that a large portion of the funds will be used for payroll, and she feels that inflation would take up most of this money. Ms. Gruenhagen also expressed that she does not feel that these funds would help her property specifically. Ms. Gruenhagen felt that those properties that want to be included for such improvements should be included. She also felt that there are no guarantees for her business that it will benefit from being a part of this district.

Cheryl Labat, owner of Glass Apple, presented before the Council. Ms. Labat stated that the property tax would be a burden for her. She also noted that she is afraid that by adding additional taxes, she is afraid that it could possibly push out the independent specialty stores. Ms. Labat asked the Council to think about what their vision is for downtown and what type of businesses they would like to have in the downtown area.

Skip Quade presented before the Council. Mr. Quade expressed that he believes that if nothing is done downtown now, it may hurt it more so in the long run. Mr. Quade expressed that he is in favor of this program, however there may be other issues that need to be reviewed as well.

Lee Gruenhagen, owner of Vacuum Gallery and Bike Shop, presented before the Council. Mr. Gruenhagen stated that his business would not benefit from the services that will be provided from these funds, and that issues such as parking need to be addressed.

Tim Ulrich, EDA President, presented before the Council. Mr. Ulrich clarified that the EDA paid for the Hoisington Koegler downtown study via a small cities grant from the State. Mr. Ulrich reminded residents that the extra parking installed behind the businesses was paid for by assessments. These funds could be used for items such as additional parking.

Nancy Murphy, owner of Nook and Cranny, presented before the Council. Ms. Murphy explained that she is a member of the Downtown Association. Ms. Murphy also voiced that she has some concerns about rising renter rates.

Gerry Jones, 140 North Main, presented before the Council. Mr. Jones pointed out that he is unclear as to whether or not all the businesses would benefit from this district.

Keith Kamrath, presented before the Council. Mr. Kamrath expressed that having a sunset provision is more acceptable. Mr. Kamrath also expressed that he would like to have the opportunity to spend these dollars on his business specifically, as opposed to supporting all of the businesses. Mr. Kamrath expressed that he would like to have a property owner vote.

Mr. Fifield reminded the listeners that any property owner can sign a petition to veto the decision of the City Council. 35% of the landowners must sign the petition in order to veto the petition.

Art Benjamin, Nemitz & Sons, presented before the Council. Mr. Benjamin expressed that he likes the sunset provision option.

Gail Cox, Main Clips, presented before the Council. Ms. Cox asked what the definition of commercial tax is and questioned why these property owners should be incurred more costs when they are already paying for good services.

Robert Powell presented before the Council. Mr. Powell questioned the administration of the special service district. Mr. Powell questioned whether or not the district would have the ability to bond in and of itself. Mr. Fifield explained that the City could issue bonds for improvements within the special service district. Only service charges from the district could be used to pay the bonds back.

Lee Stritesky presented before the Council. Mr. Stritesky commented that other areas of the commercial/retail district should be tapped into to include the entire economic community.

Dave Skoog, 22 1<sup>st</sup> Avenue, presented before the Council. Mr. Skoog clarified that the tax capacity could be less than what is portrayed.

Lisa McClure did share with the residents that the EDA does have low interest loans for residential and business buildings.

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

Kay Peterson stated that one of her concerns is the tax capacity issue. Ms. Peterson clarified that this is only a first reading of the ordinance with the second reading being considered in two weeks.

Duane Hoversten commented that he has been closely following this through the study. Mr. Hoversten further commented that this program can only increase the value of buildings. For small business owners, the more business that this can potentially bring in outweighs the few hundred dollars that it will cost each year.

Jim Haugen appreciated the fact that any taxes are regressive taxes. Mr. Haugen asked of Mr. Fifield if the Council can deny the petition as presented. Mr. Fifield explained that state statute gives the Council the authority to design the program once the petition has been presented. Mr. Fifield again clarified that the original signers of the petition still maintain the right to veto the ordinance.

Motion by Arndt, second by Hoversten, to set second reading of Ordinance No. 03-353 for August 26, 2003. Mr. Feifer clarified that veto provisions are outlined in state statute 428A. Motion carried unanimously.

**7. COMMUNICATIONS, REQUESTS AND PETITIONS**

Vi Mayer, Chamber of Commerce, presented before the Council. Mr. Mayer thanked the City of Hutchinson for all of their assistance over the past five months. City parks have been used for several events and Mr. Mayer expressed his thanks for the various departments in the preparation for these events.

**8. UNFINISHED BUSINESS**

- (a) **CONSIDERATION OF ORDINANCE NO. 03-347 AN ORDINANCE AMENDING SECTIONS 3 AND 7 OF SECTION 12 OF THE HUTCHINSON ZONING ORDINANCE ADDING DEFINITION OF RESIDENTIAL DOG KENNEL AND REGULATION OF PLACEMENT OF RESIDENTIAL DOG KENNELS IN YARDS WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (*WAIVE FIRST READING AND SET SECOND READING AND ADOPTION FOR AUGUST 26, 2003*)**

Julie Wischnack, Director of Planning/Zoning/Building, presented before the Council. Ms. Wischnack explained that the Planning Commission had voted 4-3 to approve the ordinance as indicated in the Council packet. Ms. Wischnack explained that at the last Council meeting, this item was tabled to give the Council to receive more community comments.

Mayor Torgerson noted that little comment had been received. Kay Peterson stated that at the last meeting it was noted that there is a current ordinance that can enforce nuisances, such as the issues arised out of the drafting of this ordinance. Duane Hoversten echoed the same comments as Ms. Peterson made. Jim Haugen stated that this ordinance may be somewhat ineffective as the current ordinance may take care of the problem.

Ms. Wischnack suggested revising the current nuisance ordinance that has a stronger effect. She stated that within a couple of weeks staff will present a revised ordinance.

Motion by Hoversten, second by Arndt, to reject Ordinance No. 03-347 for August 26, 2003. Motion carried unanimously.

9. **NEW BUSINESS**

(a) **UPDATE ON HUTCHINSON LIQUOR STORE**

Ms. Wischnack presented before the Council. Ms. Wischnack stated that staff is requesting Council's guidance in proceeding with the construction of a new liquor store. Mayor Torgerson noted that the appraised value of the targeted property came in lower than the assessed value. The property owners therefore have reservations about selling the property for lower than the assessed value. Duane Hoversten suggested that the Council review the appraisal values, current budget, and other options before proceeding further. Duane Hoversten suggested that the process slow down for further research, but that the City is still committed to launching this project in the future.

Motion by Arndt to cease with the progression of this project currently, to provide more time to research other options, no second. Motion died. No official action taken.

(b) **CONSIDERATION FOR APPROVAL OF FINAL PLAT TO BE KNOWN AS SOUTHWIND SUBMITTED BY HUTCHINSON HOLDINGS LLC**

Julie Wischnack presented before the Council. Ms. Wischnack explained that this area is west of Jefferson Street and south of Edmonton Avenue. This development includes 94 lots. The action tonight is for the first phase of the plat as well as a subdivision agreement.

Motion by Peterson, second by Haugen, to approve final plat to be known as Southwind. Motion carried unanimously.

(c) **CONSIDERATION FOR APPROVAL OF FILLING OPEN PUBLIC WORKS POSITIONS**

Brenda Ewing, Human Resources Director, presented before the Council. Ms. Ewing explained that this request is part of the overall Public Works reorganization, which was approved by the City Council a few weeks ago. This request is to fill current open positions, not newly created positions. John Olson explained that part of the reorganization is to center the positions around functions and not departments.

Motion by Hoversten, second by Arndt, to approve filling open Public Works positions. Motion carried unanimously.

(d) **CONSIDERATION FOR APPROVAL OF PURCHASE AGREEMENT FOR INDUSTRIAL PARK LAND**

Lisa McClure presented before the Council. Ms McClure explained that the EDA is requesting that this property be purchased for Industrial Park land development.

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Motion by Haugen, second by Hoversten, to approve purchase agreement for Industrial Park land currently owned by Lee Stritesky. Motion carried unanimously.

(e) CONSIDERATION FOR APPROVAL OF CALLING FOR PUBLIC HEARING ON SENIOR HOUSING PROJECT AND THE PROPOSED ISSUANCE OF REFUNDING REVENUE BONDS

Jim Haugen will be abstaining from this action.

Ken Merrill, Finance Director, noted that this action is to set a public hearing to sell revenue bonds which is for refinancing Prince of Peace bonds to take advantage of the low interest rates.

Motion by Peterson, second by Arndt, to approve calling for public hearing on senior housing project (Prince of Peace) for September 9, 2003. Motion carried unanimously.

(f) CONSIDERATION FOR APPROVAL TO ACCEPT PROPOSAL OF ABDO ABDO EICK & MEYERS FOR AUDITING SERVICES

Ken Merrill explained that these audit services would cover 2003-2005. Mr. Merrill further noted that this firm has been the City's auditing firm for several years and have performed very well. Although the rates are increasing somewhat, there is a not to exceed number built in to the agreement. Duane Hoversten requested that Mr. Merrill receive further quotes for service rates to make sure the rates are competitive.

Motion by Hoversten, second by Haugen, to table this item until Mr. Merrill is able to obtain comparable service rates. Motion carried unanimously.

(g) CONSIDERATION FOR APPROVAL OF SETTING HEARING DATE FOR WALMART LIQUOR LICENSE VIOLATION

Motion by Haugen, second by Peterson, to approve setting hearing date for Walmart liquor license violation for September 3, 2003, at 12:00 p.m. Motion carried unanimously.

10. MISCELLANEOUS

(a) COMMUNICATIONS

Melissa Starke noted that at the July 8, 2003, City Council meeting, the Council approved entering into a lease agreement with the State of Minnesota for use of the Council Chambers for a drivers exam test station. Along with that they approved Resolution No. 12205. Ms. Starke noted that the lease was actually for motorcycle testing in the Roberts Park parking lot and requested that the Council take action to revise Resolution No. 12205 to clarify the location and purpose of the testing.

Motion by Arndt, second by Peterson to approve revised Resolution No. 12205. Motion carried unanimously.

**Bill Arndt** – Mr. Arndt encouraged residents to give blood at the blood drive this week. Mr. Arndt also requested that everyone attend the McLeod County Fair.

**Ken Merrill** – Mr. Merrill requested an informational meeting be set for August 26, 2003, for the purpose of discussing the 2004 budget.

Motion by Haugen, second by Peterson to set informational meeting for August 26, 2003, at 4:00 p.m. Motion carried unanimously.

11. CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS

(a) VERIFIED CLAIMS A

Motion by Peterson, second by Arndt, with Hoversten abstaining, to approve and authorize payment

CITY COUNCIL MINUTES – AUGUST 12, 2003

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.

12. **ADJOURN**

With no further business to discuss, the meeting adjourned at 8:05 p.m.

**MINUTES  
REGULAR MEETING - HUTCHINSON CITY COUNCIL  
TUESDAY, AUGUST 26, 2003**

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1. **CALL TO ORDER – 5:30 P.M.**

Mayor Marlin Torgerson called the meeting to order. Members present were Jim Haugen, Duane Hoversten, Kay Peterson and Bill Arndt. Others present were Ken Merrill, Finance Director and John Rodeberg, Director of Engineering/Public Works.

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

3. **PLEDGE OF ALLEGIANCE**

4. **MINUTES**

(a) REGULAR MEETING OF AUGUST 12, 2003

(b) BID OPENING MINUTES FROM AUGUST 12, 2003

Minutes were approved as presented.

5. **CONSENT AGENDA**

(a) REPORTS OF OFFICERS, BOARDS AND COMMISSIONS

1. CITY OF HUTCHINSON FINANCIAL REPORT FOR JULY 2003

2. CITY OF HUTCHINSON INVESTMENT REPORT FOR JULY 2003

3. HUTCHINSON AREA HEALTH CARE FINANCIAL REPORT FOR JULY 2003

4. HUTCHINSON AREA HEALTH CARE BOARD MINUTES FROM JULY 15, 2003

5. HUTCHINSON HOUSING & REDEVELOPMENT AUTHORITY BOARD MINUTES FROM JULY 15, 2003

6. HUTCHINSON PLANNING COMMISSION MINUTES FROM JULY 15, 2003

7. PIONEERLAND LIBRARY SYSTEM BOARD MINUTES FROM JUNE 19, 2003

(b) RESOLUTIONS AND ORDINANCES

1. RESOLUTION NO. 12241 – A RESOLUTION TO SELL AT AUCTION COMPUTER EQUIPMENT DECLARED UNUSEABLE BY THE CITY

2. RESOLUTION NO. 12244 – RESOLUTION TEMPORARILY SUSPENDING PARKING RESTRICTIONS ON JEFFERSON STREET DURING ARTS & CRAFTS FESTIVAL

3. RESOLUTION NO. 12246 – RESOLUTION FOR PURCHASE

4. RESOLUTION NO. 12252 – RESOLUTION AUTHORIZING CITY OF HUTCHINSON TO APPLY FOR MINNESOTA OFFICE OF ENVIRONMENTAL ASSISTANCE GRANT APPLICATION FOR COMPOST FACILITY

CITY COUNCIL AGENDA – AUGUST 26, 2003

(c) PLANNING COMMISSION ITEMS

1. CONSIDERATION OF ANNEXATION OF 25.86 ACRES REQUESTED BY RODNEY RIEWER LOCATED IN HASSAN VALLEY TOWNSHIP ALONG JEFFERSON STREET SE WITH STAFF RECOMMENDATION AND A FAVORABLE RECOMMENDATION (*WAIVE FIRST READING AND SET SECOND READING AND ADOPTION OF ORDINANCE NO. 03-354 FOR SEPTEMBER 9, 2003*)
2. CONSIDERATION TO REZONE PROPERTY FROM R2 TO C4 LOCATED AT 222 5<sup>TH</sup> AVENUE NW FOR OFFICE BUILDING SUBMITTED BY STEPHEN GASSER, APPLICANT WITH STAFF RECOMMENDATION AND A FAVORABLE RECOMMENDATION (*WAIVE FIRST READING AND SET SECOND READING AND ADOPTION OF ORDINANCE NO. 03-355 FOR SEPTEMBER 9, 2003*)
3. CONSIDERATION OF A CONDITIONAL USE PERMIT REQUESTED BY FLORIAN THODE TO ALLOW OUTDOOR STORAGE ON PROPERTY IN THE I-1 DISTRICT LOCATED AT 327 HWY 7 EAST WITH STAFF RECOMMENDATION AND A FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 12242)
4. CONSIDERATION TO AMEND CONDITIONAL USE PERMIT TO ALLOW FOR A ZERO FOOT SETBACK FOR PAVING PARKING LOT LOCATED AT 225 3<sup>RD</sup> AVENUE NW REQUESTED BY FORD ROLFE WITH STAFF RECOMMENDATION AND A FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 12243)

(d) CONSIDERATION FOR APPROVAL OF TRANSIENT MERCHANT LICENSE FOR CLINT KRAFT AT NATIONAL GUARD ARMORY ON AUGUST 28, 2003

(e) CONSIDERATION FOR APPROVAL OF SHORT-TERM GAMBLING LICENSE FOR VFW AUXILIARY ON OCTOBER 18 AND NOVEMBER 26, 2003 AT VFW POST 906

(f) CONSIDERATION FOR APPROVAL OF NON-INTOXICATING MALT LIQUOR LICENSE FOR ST. ANASTASIA CATHOLIC CHURCH ON SEPTEMBER 6 & 7, 2003, AT ST. ANASTASIA CATHOLIC CHURCH

Item 5(c)1 was pulled for further discussion.

Motion by Arndt, second by Haugen, to approve consent agenda, excluding Item 5(c)1. Motion carried unanimously.

Item 5(c)1 had further discussion. Julie Wischnack, Director of Planning/Zoning/Building, presented before the Council. Mayor Torgerson noted that he felt the City should be held harmless if there are noise complaints in this area as it is surrounded by the Compost Facility and the Police/Fire Training Station. Ms. Wischnack did state that the developers are aware of this condition and it was noted in the pre-development minutes. Ms. Wischnack stated that some sort of documentation could be included in the resolution.

Motion by Arndt, second by Hoversten, to approve setting second reading and adoption of

Ordinance No. 03-354 for September 9, 2003. Motion carried unanimously.

6. **PUBLIC HEARINGS** - 6:00 P.M.

(a) CONSIDERATION OF IMPOSING SERVICE CHARGES FOR SPECIAL SERVICE DISTRICT NO. 1

Lisa McClure, Interim EDA Director, presented before the Council. Ms. McClure explained that this action would be to impose the service charges to fund the district. \$.19/square foot is what is being proposed for commercial property. The calculations per property were determined by staff using the County Assessor's records. Ms. McClure distributed letters from property owners disputing their assessment amounts based on the calculations. Approximately 30 properties had adjusted square footage calculations.

Rusty Feifer, Hoisington Koegler, explained the fundamentals of the resolution being presented. The current surcharge amount proposed is \$.19/square foot and can be lowered, but not raised. These funds would create the total revenue for the district. This revenue can only be used within the Special Service District and only for those items listed in Ordinance 03-353. In addition, an advisory board would be created to provide recommendations to the Council. This service charge will be in place for 15 years. The assessments would be placed on property owners' tax bill each year. An annual review would be required of the properties in the district to review any square footage changes. Once adopted, this resolution may be petitioned to be vetoed by the property owners. 35% of the property owners is required for the petition to be vetoed. Property owners have 45 days to submit a veto petition. The veto petition needs to have a specific objection, signed by the property owner and include the parcel identification number. Following the adoption of this resolution, within five days notice must be sent out to the property owners explaining the veto process. Mr. Feifer continued to explain there would not be a need to veto the ordinance because the ordinance is powerless without revenue.

Andrea Hetke, Dorsey & Whitney, presented before the Council. Ms. Hetke explained again that 35% signatures of the property owners is required for a veto.

Rusty Feifer informed the Council that an Advisory Board could be established to review the objections on the assessments. Ms. Feifer also explained that the Advisory Board is just that, advisory to the Council. The Council still makes final decisions on the use of the funds. Mr. Feifer clarified that a property owner could present a benefit of objection annually.

Kay Peterson clarified that in Section 2.04 the first sentence should read that "the service charge shall be a maximum of \$.19 per square foot..." Mr. Feifer stated that this section will be reworded to reflect that the maximum is \$.19 per square foot and will not exceed that.

Sharon Gruenhagen, 27 Main Street, presented before the Council. Ms. Gruenhagen recapped the points she made at the last public hearing. Ms. Gruenhagen stated that there are 129 parcels that are scheduled to be taxed in the district. 103 property owners are involved in this district. 54 of these property owners have signed a counter petition to oppose the district. 35 of these property owners signed the petition to begin the process and now 25% of them have signed the counter petition. More than 7% of the tax capacity has changed their minds of establishing the district. Ms. Gruenhagen gave examples of tax capacity. Ms. Gruenhagen stated that this project has divided the downtown businesses. Ms. Gruenhagen stated that during her discussion with other downtown property owners, she found that they are all progressive and would like to use their funds in the Downtown Association, if the fees would be lowered.

Matt McMillian, Hutchinson Downtown Association volunteer, presented before the Council. Mr. McMillian clarified that the dues to the Hutchinson Downtown Association are \$125 and goes up minimally per employee. Mr. McMillian illustrated examples of various businesses that have moved their businesses outside of the downtown area and detailed revenue returns.

Al Kramer, Ace Hardware, presented before the Council. Mr. Kramer expressed that he feels this is an unfair tax and the business owners are responsible for enhancing their businesses.

CITY COUNCIL AGENDA – AUGUST 26, 2003

Skip Quade, 101 Park Place, presented before the Council. Mr. Quade expressed that he feels if nothing is done downtown, it could harm the downtown.

Rich Peterson presented before the Council. Mr. Peterson expressed that he is opposed to the portion of the administrative portion of the revenues, but not opposed to the capital improvements.

Jim Kuehl presented before the Council. Mr. Kuehl reviewed the services provided with these revenues. Mr. Kuehl feels that there are still several unanswered questions. Mr. Kuehl suggested that this item be tabled until more questions can be answered. He further suggested that a downtown committee be formed to look at ways to progress the downtown area.

Dwayne Peterson presented before the Council. Mr. Peterson stated that he had reviewed the Downtown Revitalization Master Plan final report. Mr. Peterson feels that the advisory board should establish the price per square foot annually and adjust it as needed. Mr. Peterson did voice that he is in support of this district.

Keith Kamrath presented before the Council. Mr. Kamrath compared this project to the failed school bond referendum that occurred in 2002. Mr. Kamrath voiced that he feels that the downtown property owners agree that there may be a problem downtown, however this may not be the solution.

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

Duane Hoversten suggested that this item be tabled until more information can be researched. Mr. Feifer stated that the Council has six months to act upon this item.

Jim Kuehl stated that he was informed that copies of the Master Plan were available for \$25.00 and he was wondering if they could be available free of charge.

Lisa McClure stated that this plan is available on line, in the EDA office, at the Planning/Building desk and at the public library, as well as paper copies available for \$25.00 and a CD available for \$15.00. Julie Wischnack explained that it costs staff approximately \$100 to produce this plan.

Sharon Gruenhagen iterated that almost half of the property owners are against the establishment of a district.

Andrea Hetke again outlined the veto process.

Rich Peterson stated that he feels that the citizens can veto the ordinance, per his interpretation of the ordinance.

Andrea Hettke clarified that the ordinance does not specify the same veto provisions for the ordinance as there is for the resolution.

Motion by Hoversten, second by Arndt, to table this item until September 23, 2003, so further information can be researched. Motion carried unanimously.

Lisa McClure stated that a revised notice will be sent out to property owners clarifying the action taken tonight.

(b) LETTING NO. 5, PROJECT NOS. 03-12, 03-19 - EDMONTON AVENUE/TH 7 FRONTAGE ROAD – ADOPTING ASSESSMENT

John Rodeberg stated that this project has been awarded and it includes three properties. Mr. Rodeberg outlined the project for the Council. The total project cost is \$1.7 million. Mr. Rodeberg explained how the costs are divided. Mr. Rodeberg broke down the assessments for each property owner.

Mr. Rodeberg stated that no curb and gutter will be conducted on Edmonton Avenue this year, but the remainder of the project will be completed. TH7 is scheduled to be paved by September 15, 2003.

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

Motion by Arndt, second by Peterson, to approve adopting assessments for Letting No. 5, Project Nos. 03-12 and 03-19. Motion carried unanimously.

(c) **CONSIDERATION OF VACATION OF EASEMENTS LOCATED AT 810 AND 820 HILLCREST ROAD NE BETWEEN LOTS 5 AND 6, BLOCK 1, WALNUT RIDGE ESTATES PLAT 3**

John Rodeberg explained that these properties were replatted by Paul Betker a number of years ago for single family dwellings. Mr. Betker would now like to build duplexes.

A citizen asked whether or not this was too close to the property lines. Mr. Rodeberg explained that the side property lines are not at issue, however it's the center property line which does not concern the other property lines.

Motion by Haugen, second by Hoversten, to close public hearing.

Motion by Haugen, second by Hoversten, to approve vacating easements located at 810 and 820 Hillcrest Road NE between Lots 5 and 6, Block 1, Walnut Ridge Estates, Plat 3. Motion carried unanimously.

7. **COMMUNICATIONS, REQUESTS AND PETITIONS**

8. **UNFINISHED BUSINESS**

(a) **CONSIDERATION OF ORDINANCE NO. 03-353 – AN ORDINANCE AUTHORIZING ESTABLISHMENT OF SPECIAL SERVICE DISTRICT NO. 1 (*SECOND READING*)**

Motion by Haugen, second by Hoversten, to approve Ordinance No. 03-353, authorizing the establishment of Special Service District No. 1.

Kay Peterson explained that she would be voting against the establishment of this district for two reasons. One being that the percentage of signatures needed to begin the process is very small and on a one-one vote. Ms. Peterson also expressed that she feels this has divided the downtown property owners and there is not enough cooperation amongst them. Bill Arndt also explained that he would be voting against the establishment mainly for the same reasons as Ms. Peterson and that there are still too many unanswered questions.

Rusty Feifer, Hoisington-Koegler, explained that this action is to establish the district. However, if there is no revenue to support it, the district would not be operable.

Duane Hoversten commented that much information has been presented over the last two years and the process has been followed as prescribed by the State. Mr. Hoversten continued by saying that he would like to find a way to bring the property owners together on this subject.

Marlin Torgerson suggested tabling this item until more questions can be answered.

Motion by Haugen, second by Hoversten to approve Ordinance No. 03-353, establishing Special Service District No. 1. A roll call vote was taking with Haugen voting aye, Arndt voting nay, Peterson voting nay, Hoversten voting aye, and Torgerson voting aye. Motion carried 3-2.

(b) **CONSIDERATION FOR APPROVAL TO ACCEPT PROPOSAL OF ABDO ABDO EICK & MEYERS FOR AUDITING SERVICES**

Ken Merrill, Finance Director, stated that he had done further research on what other communities are doing in reference to writing their own audit reports. Duane Hoversten stated he was satisfied with the comparison numbers.

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Motion by Hoversten, second by Peterson, to accept the proposal of Abdo Abdo Eick & Meyers for auditing services from 2003 – 2005. Motion carried unanimously.

9. **NEW BUSINESS**

(a) REVIEW OF COMPREHENSIVE & GENERAL LIABILITY INSURANCE RENEWAL

Jeff Borkenhagen, Insurance Planners, presented before the Council. Mr. Borkenhagen reviewed the insurance coverages and premiums for the upcoming insurance benefit year. Overall, rates have risen 6.25%, which is very low. The City is expected to save \$107,000 by staying at the same deductible of \$25,000. Ken Merrill, Finance Director, clarified that the City budgets for this amount of deductible.

Motion by Arndt, second by Hoversten to approve renewing comprehensive and general liability insurance coverage with a \$25,000 deductible. Motion carried unanimously.

(b) CONSIDERATION FOR APPROVAL OF GRANTING BUSINESS SUSBIDY AND REDEVELOPMENT AGREEMENT WITH EARTHLY DELIGHTS

Lisa McClure, Interim EDA Director, presented before the Council. Ms. McClure requested that the Council pull this item and take no action as issues rose throughout the day and more questions need to be answered. This item was pulled and no action was taken.

(c) CONSIDERATION OF RESOLUTION NO. 12249 – SETTING TRUTH IN TAXATION HEARING DATE FOR TAXES PAYABLE 2004

Motion by Haugen, second by Peterson, to set Truth in Taxation hearing for December 2, 2003, at 5:30 p.m. in the Council Chambers. Motion carried unanimously.

(d) CONSIDERATION OF RESOLUTION NO. 12250 – SETTING 2004 PRELIMINARY TAX LEVY FOR CITY OF HUTCHINSON

Ken Merrill stated that these numbers would be used for the preliminary tax statements that are sent out prior to the truth-in-taxation hearing. This is an increase from the 2003 tax levy, partly because of the reduction in state aid dollars as well as an increase in debt service dollars. This levy amount cannot be increased but may be decreased. John Rodeberg reminded the Council that the general fund is down, however the levy has increased due to other conditions.

Motion by Peterson, second by Arndt, to approve setting 2004 preliminary tax levy for the City of Hutchinson in the amount of \$4,780,880.00. Motion carried unanimously.

(e) CONSIDERATION OF RESOLUTION NO. 12251 – SETTING 2004 PRELIMINARY TAX LEVY FOR SPECIAL TAXING DISTRICT HUTCHINSON REDEVELOPMENT AUTHORITY

Motion by Hoversten, second by Haugen, to approve setting 2004 preliminary tax levy for Special Taxing District Hutchinson Redevelopment Authority in the amount of \$87,720.00. Motion carried unanimously.

10. **MISCELLANEOUS**

Melissa Starke, Administrative Secretary, explained that at the last Council meeting the Council had approved Resolution No. 12240, authorizing the sale of surplus property at auction. Ms. Starke noted that an additional item had been added to the list of items to be sold, and therefore asked for Council's approval of the revised list.

Motion by Peterson, second by Arndt, to approve the revised list of items to sell at auction as attached to Resolution No. 12240. Motion carried unanimously.

(a) COMMUNICATIONS

John Rodeberg explained that the bid opening held August 12, 2003, for Letting No. 2, Project No.

CITY COUNCIL AGENDA – AUGUST 26, 2003

03-02 brought in one bid which was 30% higher than estimated. Mr. Rodeberg requested that the Council reject this bid and the project will be readvertised at a later date.

Motion by Haugen, second by Hoversten, to reject the bid for Letting No. 2, Project No. 03-02. Motion carried unanimously.

John Rodeberg also informed the Council that at an earlier meeting the Crow River Channel Protection project, Letting No. 13, Project No. 02-22, was discussed and approved, however it was delayed due to concerns of high water. Due to current conditions and the amount of time that has lapsed, Mr. Rodeberg requested of the Council that the bids be rejected and to authorize the readvertisement for bids on this project.

Motion by Peterson, second by Hoversten to reject bids and authorize readvertisement for bids on the Crow River Channel Protection project, Letting No. 13, Project No. 02-22. Motion carried unanimously.

John Rodeberg updated the Council that the power outage yesterday was due to a line break near the hospital. This line may not have been appropriately marked by Gopher State One.

John Rodeberg also explained that the 2<sup>nd</sup> Avenue block in front of Park Elementary should be complete by September 1. However, the Dale Street/Roberts Road intersection will probably still be closed. Bill Arndt suggested that parking issues will need to be addressed if alternate routes are used.

Galen Houk addressed the Council in regard to the Riewer annexation (Item 5(c)1). Mr. Houk stated that he has concerns about being annexed in the future due to being surrounded by annexed properties. Mr. Houk expressed that he has no interest in being annexed any time in the near or distant future. John Rodeberg suggested that an orderly annexation agreement be put in place with the Houks and the City. This agreement would outline unknowns and address issues as to why/how the city would annex. Mr. Houk would like to have an agreement in place as to have a certainty of some sort.

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

(a) VERIFIED CLAIMS A

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

**12. ADJOURN**

With no further business to discuss, the meeting adjourned at 7:45 p.m.

**MINUTES  
REGULAR MEETING - HUTCHINSON CITY COUNCIL  
TUESDAY, SEPTEMBER 9, 2003**

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1. **CALL TO ORDER – 5:30 P.M.**

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

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

3. **PLEDGE OF ALLEGIANCE**

4. **MINUTES**

(a) REGULAR MEETING OF AUGUST 26, 2003

(b) BID OPENING MINUTES FROM AUGUST 25, 2003

Minutes were approved as presented.

5. **CONSENT AGENDA**

(a) REPORTS OF OFFICERS, BOARDS AND COMMISSIONS

1. BUILDING DEPARTMENT MONTHLY REPORT FOR AUGUST 2003

2. HUTCHINSON PUBLIC LIBRARY BOARD MINUTES FROM JUNE 23, 2003

3. FIRE DEPARTMENT MONTHLY REPORT FOR AUGUST 2003

4. HUTCHINSON UTILITIES COMMISSION FINANCIAL REPORT FOR JULY 2003

(b) RESOLUTIONS AND ORDINANCES

1. ORDINANCE NO. 03-354 – AN ORDINANCE ANNEXING 25.86 ACRES REQUESTED BY RODNEY RIEWER LOCATED IN HASSAN VALLEY TOWNSHIP ALONG JEFFERSON STREET SE WITH STAFF RECOMMENDATION AND A FAVORABLE RECOMMENDATION (*SECOND READING AND ADOPTION*)

2. ORDINANCE NO. 03-355 – AN ORDINANCE REZONING PROPERTY FROM R2 TO C4 LOCATED AT 222 5<sup>TH</sup> AVENUE NW FOR OFFICE BUILDING SUBMITTED BY STEPHEN GASSER, APPLICANT WITH STAFF RECOMMENDATION AND A FAVORABLE RECOMMENDATION (*SECOND READING AND ADOPTION*)

3. RESOLUTION NO. 12256 – A RESOLUTION APPROVING SPONSORSHIP OF EARTHLY DELIGHTS (STATE THEATRE PROJECT) CHALLENGE LOAN APPLICATION THROUGH SOUTHWEST MINNESOTA FOUNDATION IN PARTNERSHIP WITH THE STATE OF MINNESOTA

(c) LETTING NO. 13, PROJECT NO. 02-22 (SOUTH FORK CROW RIVER BANK STABILIZATION) – REJECTING BIDS ON IMPROVEMENT AND ORDERING ADVERTISEMENT FOR REBID

(d) LETTING NO. 2, PROJECT NO. 03-02 (PLAZA 15 PARKING LOT) – REJECTING BIDS AND REJECTING IMPROVEMENT

Item 5(b)1 was pulled for further discussion.

Motion by Hoversten, second by Peterson, to approve consent agenda with the exception of Item 5(b)1. Motion carried unanimously.

Item 5(b)1. Marc Sebor, City Attorney, stated that there may be some conflicts between the annexed property and the compost site, wastewater facility and training center in regard to potential high noise levels, odor and other related issues. City staff would like to have the opportunity to notify property owners in this area of the possibility of these issues and therefore Mr. Sebor asked that this item be tabled until that notice is able to be sent out. Mayor Torgerson questioned whether or not additional covenants could be put in place. John Rodeberg informed the Council that in the site plan the developers noted in writing that they are aware of these issues. Mr. Rodeberg asked whether or not language could be placed in a development agreement regarding the potential problems and distributed to property owners prior to developing occurring or should it be placed in the annexation documentation. Mr. Sebor stated that it would be sufficient to include pertinent language in the development agreement, as long as everyone is aware upfront of the issues.

Motion by Arndt, second by Haugen, to approve Item 5(b)1. Motion carried unanimously.

6. **PUBLIC HEARINGS - 6:00 P.M.**

(a) PRINCE OF PEACE SENIOR APARTMENTS, INC. PROJECT – AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND SALE OF HOUSING FACILITIES REFUNDING REVENUE BONDS

Marc Sebor explained that this authorization would allow the housing authority to refinance the revenue bonds for the Prince of Peace Apartments at a lower rate.

A representative spoke before the Council. The representative explained that Ken Merrill, Finance Director, had consulted with the League of Minnesota Cities and this would not effect the TIF District that Prince of Peace is housed in.

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

Motion by Hoversten, second by Peterson, with Haugen abstaining, to approve authorizing and providing for the issuance and sale of housing facilities refunding revenue bonds, approving Resolution No. 12257. Motion carried unanimously.

7. **COMMUNICATIONS, REQUESTS AND PETITIONS**

(a) REPORT ON CONSTRUCTION OF PICNIC SHELTER AT HUTCHINSON MUNICIPAL AIRPORT

John Olson, Airport Manager, introduced Josh Miller to present before the Council.

Mr. Miller explained to the Council that he had constructed a picnic shelter and two picnic tables at The Hutchinson Airport in order to achieve his eagle scout status. Mr. Miller explained the reasoning for the location of the shelter and the process of building the project. Mr. Miller also identified the

donations he received to construct the shelter.

(b) ALTERNATIVE PROPOSAL FOR DOWNTOWN SPECIAL SERVICE DISTRICT NO. 1 – STEVE COOK

Steve Cook, 728 Juul Road, presented before the Council. Mr. Cook commented that he had reviewed the Downtown Master Plan and feels that there are very good ideas and projects identified in the Plan. Mr. Cook voiced concerns over the fact that the City has a lack of participation in this project, mainly in the funding. Mr. Cook expressed that he felt that there should be a partnership between the City and the property owners to pay the assessments. Mr. Cook also expressed that he initially felt that there may not be a need for a Downtown Coordinator and that maybe this position could be joined with a current position either held by the City or the Chamber. However, after further insight, he realized that this will be an important position, at least at the birth of the District.

John Rodeberg did clarify that the City will be taking part in large downtown improvement projects in the future through capital improvements.

Mr. Cook showed a visual aid illustrating the original proposal on the table to fund the Special Service District, which totals approximately \$101,000. Mr. Cook then illustrated an alternative proposal which basically showed the City splitting the cost with the downtown property owners. The total burden then on the property owners in the downtown district would then be reduced to approximately \$.11/square foot as opposed to the proposed \$.19/square foot. Mr. Cook stressed that he feels everyone should work together to come to a common goal for the City and the downtown.

Mayor Torgerson reminded the public that the City has the power to establish the district, however did not instigate the origination of it, nor will it “run it”. Mayor Torgerson noted that the City may need to look into the legality of whether or not it can provide funding for the things required within the District.

8. **UNFINISHED BUSINESS**

(a) CONSIDERATION FOR APPROVAL OF GRANTING BUSINESS SUBSIDY AND REDEVELOPMENT AGREEMENT WITH EARTHLY DELIGHTS (STATE THEATER PROJECT)

Lisa McClure, Interim EDA Director, presented before the Council. Ms. McClure stated that this agreement is between the City and the company that will be owning the State Theatre. This agreement is the final piece that needs to be completed to finalize the project. Ms. McClure informed the Council that the business subsidy agreement, which was previously approved by the Council, is within the redevelopment agreement. The owners of Earthly Delights intend to close on the property at the end of the month.

Marc Seborá stated that the City is well protected and the Company meets all insurance requirements. The City is not committed until the Company actually owns the property.

Motion by Peterson, second by Arndt, to approve granting business subsidy and redevelopment agreement with Earthly Delights for the State Theatre Renovation Project. Motion carried unanimously.

9. **NEW BUSINESS**

(a) CONSIDERATION FOR APPROVAL OF REMAINING VEHICLE REPLACEMENTS

John Olson, Assistant Public Works Director, presented before the Council. Mr. Olson explained that equipment has been assigned to staff members for snow removal purposes. Due to this type of organization, Mr. Olson is requesting that the Council approve the vehicle replacement schedule for what is needed for this winter. The system of bidding was used for this purpose.

Motion by Peterson, second by Haugen, to approve replacing remaining fleet vehicles on replacement schedule. Motion carried unanimously.

(b) CONSIDERATION FOR APPROVAL OF ENTERING INTO CONSULTING CONTRACTS WITH SRF CONSULTING

John Rodeberg, Director of Engineering/Public Works, presented before the Council. Mr. Rodeberg explained that SRF Consulting is the City's main transportation consultant. Mr. Rodeberg is requesting that the Council approve entering into consulting agreements with SRF for the Edmonton Avenue project and Golf Course Road project to outline routes for these roads. These projects will be major road links in the future. SRF will be used for aligning these road connections. The total fee for both of these projects is proposed to be \$17,000. The designs will be based on current storm sewer capacity. Mr. Arndt suggested placing a larger pipe in the Golf Course Road area near Modern Mazda to solve flooding issues and be ready to tie into other areas. General discussion was held regarding the storm sewer system in the Rolling Meadows East area. General discussion of underpasses was held and placements along Highway 7.

Motion by Haugen, second by Arndt, to approve entering into consulting contract with SRF Consulting for Edmonton Avenue project and Golf Course Road project. Motion carried unanimously.

(c) CONSIDERATION FOR APPROVAL OF SETTING INFORMATIONAL MEETING WITH DOWNTOWN BUSINESS OWNERS TO DISCUSS SPECIAL SERVICE DISTRICT NO. 1 (KAY PETERSON AND BILL ARNDT)

Bill Arndt explained that he and Kay Peterson have met with various downtown property owners and have received several ideas regarding the downtown Special Service District. Their idea is to bring all of the property owners together and have a facilitator bring out discussion amongst the property owners. Mr. Arndt can sense the division on this issue amongst the property owners.

Kay Peterson explained that the action being requested is to schedule a meeting with the downtown property owners prior to the next Council meeting. Ms. Peterson stated that no matter what happens, her goal is to bring the downtown property owners together to use the Downtown Master Plan and make the downtown successful. The Council would not conduct the meeting, however would be more like observers of the meeting.

Motion by Peterson, second by Arndt, to set informational meeting for September 17, 2003, at 7:00 p.m. at the Event Center. Motion carried unanimously.

10. MISCELLANEOUS

(a) COMMUNICATIONS

**John Rodeberg** – Mr. Rodeberg explained that the City and MnDOT are working together on the Highway 15 Corridor regarding traffic signals, retaining walls, etc.

Mr. Rodeberg also requested that two council members sit in on a meeting September 25, 2003, at 2:00 p.m. to hear an update on an addition to the HATS facility. Feedback will need to be received to ensure that staff is moving in the right direction with this project. Jim Haugen and Kay Peterson will attend.

Mr. Rodeberg further stated that the City is contracting with a contractor to complete the alley project behind the post office. Approximately \$6000-\$8000 will be needed to complete the improvements.

**Gary Plotz** – Mr. Plotz explained that staff and the City of Minneapolis are currently working on the language in the contract between the two entities for the hauling of Minneapolis's leaves. The City is also conducting testing at the transfer site in Minneapolis. Bagging will also be happening at the compost site to meet current orders.

Mr. Plotz also informed the Council that retired Rep. Ness is assisting Congressman Colin Peterson. Mr. Plotz and Mayor Torgerson met with Mr. Ness and Mr. Peterson and discussed federal grant

opportunities.

**Bill Arndt** – Mr. Arndt informed the public to attend the river meeting at the event center on September 11, 2003, at 6:30 p.m. The purpose is to discuss improving the Crow River. This meeting will be taped.

**Jim Haugen** – Mr. Haugen asked Mr. Rodeberg asked if there had been any feedback regarding crossing at 2<sup>nd</sup> Avenue and Lynn Road. Mr. Rodeberg stated that things have been going very well and the remainder of the project is to be completed October 1, 2003. He thanked the residents along this route for their patience and understanding. Mr. Rodeberg explained that new handicap ramps have been installed due to federal regulations.

**Marc Sebor** – Mr. Sebor asked the Council if there is a more efficient way to address the issue of citizens that want to be placed on the Council agenda and that do not provide much background information as to their topic of discussion. Mayor Torgerson suggested contacting the League of Minnesota Cities to see what their recommendation is. He will approach them at the Mayors Convention later this fall.

Melissa Starke, Recording Secretary, informed the Council that a gentleman had stopped in the office earlier in the day regarding parking issues he has in his neighborhood. This gentleman lives on Prairie View Drive and informed her that he has a neighbor that has at least three cars parked in a line on the street, which is on a curve and makes for poor visibility. He also stated that these cars all leak a great amount of oil and may be damaging the road. Since there is not a current ordinance that specifically addresses these issues, it was recommended that John Rodeberg's staff review the situation and deal with the gentleman's concerns.

#### 11. CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS

##### (a) VERIFIED CLAIMS A

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

HCVN representative asked if the Council would like the informational meeting to be taped on September 17. The Council answered in the affirmative.

#### 12. ADJOURN

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

**MINUTES  
REGULAR MEETING - HUTCHINSON CITY COUNCIL  
TUESDAY, SEPTEMBER 23, 2003**

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1. **CALL TO ORDER – 5:30 P.M.**
2. **INVOCATION** – Rev. Grant Blomberg, Riverside Assembly of God Church, delivered the invocation.
3. **PLEDGE OF ALLEGIANCE**
4. **MINUTES**
  - (a) REGULAR MEETING OF SEPTEMBER 9, 2003

Minutes were approved as presented.
5. **CONSENT AGENDA**
  - (a) REPORTS OF OFFICERS, BOARDS AND COMMISSIONS
    1. HUTCHINSON HOUSING & REDEVELOPMENT AUTHORITY MINUTES FROM AUGUST 19, 2003
    2. PARKS, RECREATION & COMMUNITY EDUCATION BOARD MINUTES FROM JULY 7, 2003
    3. HUTCHINSON AIRPORT ADVISORY COMMISSION MINUTES FROM JULY 29, 2003
    4. HUTCHINSON PLANNING COMMISSION MINUTES FROM AUGUST 19, 2003
    5. HUTCHINSON AREA HEALTH CARE BOARD MEETING MINUTES FROM AUGUST 19, 2003
    6. PIONEERLAND LIBRARY SYSTEM BOARD MEETING MINUTES FROM JULY 17, 2003
  - (b) RESOLUTIONS AND ORDINANCES
    1. RESOLUTION NO. 12258 – RESOLUTION DESIGNATING LOCATION OF POLLING PLACE FOR ALL CITY AND SCHOOL DISTRICT 423 PRECINCTS AND APPOINTING JUDGES FOR THE 2003 SPECIAL CITY AND INDEPENDENT SCHOOL DISTRICT 423 ELECTION
  - (c) PLANNING COMMISSION ITEMS
    1. CONSIDERATION OF CONDITIONAL USE PERMIT REQUESTED BY HUTCHINSON MANUFACTURING TO CONSTRUCT A 40 X 80 POLE TYPE STORAGE BUILDING IN THE I/C DISTRICT LOCATED AT 720 HWY 7 WEST WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 12259)
    2. CONSIDERATION OF A PRELIMINARY PLAT TO BE KNOWN AS ROLLING MEADOWS EAST, REZONING OF THE PROPERTY FROM R1 TO R3 PDD AND A

REQUEST FOR A PLANNED DEVELOPMENT DISTRICT SUBMITTED BY BRUCE NAUSTDAL, LOCATED NORTH OF HWY 7 WEST WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 12260 & 12261 AND WAIVE FIRST READING AND SET SECOND READING AND ADOPTION OF ORDINANCE NO. 03-356 FOR OCTOBER 14, 2003)

3. CONSIDERATION OF PRELIMINARY AND FINAL PLAT TO BE KNOWN AS COUNTY FAIR MARKETPLACE THIRD ADDITION AND COUNTY FAIR MARKETPLACE FOURTH ADDITION SUBMITTED BY RYAN COMPANIES WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 12263 & 12264)
  4. CONSIDERATION OF REPLAT OF ISLAND VIEW HEIGHTS FOURTH ADDITION TO ISLAND VIEW HEIGHTS, SIXTH ADDITION AND AMENDMENT TO PDD SUBMITTED BY SCENIC HOMES, INC. WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 12265 & 12266)
  5. CONSIDERATION OF VARIANCE REQUESTED BY MATTHEW KUHN TO REDUCE FRONT YARD SETBACK TO CONSTRUCT A ROOF OVER A DECK 14.2 FEET FROM FRONT PROPERTY LINE LOCATED AT 530 GROVE STREET SW WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 12267)
  6. CONSIDERATION OF AMENDING ZONING ORDINANCE TO ALLOW FOR RESIDENTIAL PROPERTIES IN THE C3 DISTRICT WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (WAIVE FIRST READING AND SET SECOND READING AND ADOPTION OF ORDINANCE NO. 03-357 FOR OCTOBER 14, 2003)
  7. CONSIDERATION OF CONDITIONAL USE PERMIT FOR A FENCE LOCATED AT 700 AIRPORT ROAD WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 12268)
- (d) CONSIDERATION FOR APPROVAL OF HOSPITAL CAPITAL EXPENDITURES (OPERATING TABLES, MEDICAL HEADWALLS, PATIENT CARE UNITS AND SURGICAL CABINETS)
- (e) CONSIDERATION FOR APPROVAL OF CHANGE ORDER NO. 1 FOR STONEY POINT LIFT STATION – PROJECT NO. 03-18, LETTING NO. 10
- (f) CONSIDERATION FOR APPROVAL OF TRANSIENT MERCHANT LICENSE FOR T.A.P. ENTERPRISES ON OCTOBER 15, 2003, AT THE BEST WESTERN VICTORIAN INN
- (g) CONSIDERATION FOR APPROVAL OF OUT OF STATE TRAVEL FOR CHRIS DOBRATZ TO ATTEND TRAINING IN STERLING, VIRGINIA FROM NOVEMBER 11 – 14, 2003

Item 5(c)1 was pulled for separate action.

Motion by Peterson, second by Hoversten, to approve consent agenda with the exception of Item 5(c)1. Motion carried unanimously.

Item 5(c)1 was referred back to Planning Commission for further clarification as requested by Tom Daggett, applicant. Motion by Arndt, second by Peterson to refer Item 5(c)1 back to Planning Commission. Motion carried unanimously.

6. **PUBLIC HEARINGS - NONE**

7. **COMMUNICATIONS, REQUESTS AND PETITIONS**

8. **UNFINISHED BUSINESS**

(a) CONSIDERATION OF IMPOSING SERVICE CHARGES FOR SPECIAL SERVICE DISTRICT NO. 1

Marc Sebor, City Attorney, reminded the Council that a meeting had been held with the property owners last week. Mr. Sebor reminded the property owners that in order to object to this district, if adopted, they need to provide a written objection obtaining 35% of the property owners' signatures. This resolution would need to be adopted prior to receiving any sort of written objection. Mr. Sebor also informed the Council that if they would not take action tonight, the Council would have up to six months to impose this tax. After the six months time has elapsed, the issue is moot. Mayor Torgerson asked of Marc Sebor the legal requirements of accepting the petition.

Mr. Sebor explained that, if the resolution is adopted, the City needs to mail notice out to the property owners within five days of the passage. The property owners then have 45 days to submit a petition objecting to the service tax.

Bill Arndt questioned whether or not the district would still be in operation if this resolution is not adopted. Mr. Sebor explained that the district would exist on paper, however it would not be operable due to lack of funding.

Kay Peterson asked if the special service district could be supported by a group of volunteers or another entity. Mr. Sebor stated that it would not be proper for another entity to operate this district when it has been established under specific guidelines.

Marlin Torgerson explained to the group that the Council will follow all legal steps that are required by state statute in the formulation of this district.

Motion by Arndt, second by Peterson, to deny imposing service charges for Special Service District No. 1, but to create a committee of some sort to handle some of the issues raised throughout this process. Marlin Torgerson stated that he did not like to see the downtown so divided on issues such as these. Bill Arndt thanked everyone that participated in this project, and he hopes that the hard work that has been done thus far can still be used to some degree. Duane Hoversten expressed that he feels that the process should be followed per statute and the people should have the opportunity to vote on whether or not it should remain intact. Jim Haugen also stated that the process should be followed through and the Council should not make the ultimate decision, the people should, just as it was initiated. He would like to see the first effort validated by seeing this through through the proper legal steps. A roll call vote was taken. Haugen – nay; Arndt – aye; Peterson – aye; Hoversten – nay; Torgerson – nay. Motion failed 3-2. Motion by Hoversten, second by Haugen, to move forward with this district and impose the \$.19 service charge. Roll call vote was taken. Haugen – aye; Arndt – nay; Peterson – aye; Hoversten – aye; Torgerson – aye. Kay Peterson noted that she had misunderstood Hoversten's motion and that although she voted aye, she intended to vote nay. However, the vote does not change. The district now has 45 days to submit a petition to reject the service charge.

9. **NEW BUSINESS**

(a) CONSIDERATION OF DETERMINING VALIDITY OF OBJECTION TO INCLUSION IN SPECIAL SERVICE DISTRICT NO. 1

Marc Sebor, City Attorney, explained that three property owners had submitted written objections to being included in the Special Service District, due to various reasons, which are all permissible by state statute. The properties include the Faith Lutheran Church Hope Center, Dave Skoog property and Madson Peterson properties. The City Council needs to decide whether or not these three property owners should be included in the Special Service District. If the Council decides that they should be included, the property owners have 30 days to appeal the decision to the district court. Duane Hoversten commented that he felt the property values would increase as a whole due to being in this district. Kay Peterson asked if a property's use would change, would that change whether or not they could be included in the Special Service District.

Julie Wischnack stated that these three properties were included due to the County Assessor's commercial properties records. Marc Sebor stated that the Board governing this district will determine square footage changes. Staff used the County's category system.

Motion by Arndt, second by Haugen, to leave all three properties included in the Special Service District.

Peterson – nay; All others voted – aye. Motion carried unanimously.

(b) CONSIDERATION OF A VARIANCE AND CONDITIONAL USE PERMIT REQUESTED BY ART BENJAMIN FOR CONSTRUCTION OF GARAGE ADDITION LOCATED AT 108 GROVE STREET SW WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 12262)

Motion by Peterson, second by Arndt, to approve variance and conditional use permit for Art Benjamin to construct a garage addition located at 108 Grove Street. Motion carried unanimously.

(c) CONSIDERATION FOR APPROVAL OF PARTIAL REIMBURSEMENT OF DUES IN FITNESS PROGRAM FOR HUTCHINSON POLICE OFFICERS

Lt. Dave Erlandson, Interim Police Chief, presented before the Council. Lt. Erlandson explained that all officers are mandated to take a fitness test twice a year and need to achieve a minimum score. Duane Hoversten questioned whether or not this money could be better spent on officers. Mayor Torgerson requested a quarterly memo reporting on the program.

Motion by Peterson, second by Haugen, to approve partial reimbursement of \$100 for dues for fitness program for Hutchinson police officers. Motion carried unanimously.

(d) CONSIDERATION FOR APPROVAL OF SETTING LOCATION OF TRAFFIC CONTROL DEVICES

John Rodeberg stated that these items were removed from an earlier resolution to resolve some issues. These no parking areas were re-evaluated to determine how much parking would be needed in these areas. The no parking designations on South Grade Road SW from Otter Lake to School Road are mainly per the request of the County Engineer. Bill Arndt asked whether or not the stretch on South Grade Road near Lakewood Drive can be a no passing zone and add more parking on South Grade Road. Mr. Rodeberg will speak with the County Engineer regarding this issue. The other area is on Fifth Avenue South and the recommendation is to have no parking during the winter season.

Motion by Peterson, second by Hoversten, to set location of traffic control devices at . Motion carried unanimously.

(e) CONSIDERATION FOR APPROVAL OF CONTRACT WITH AMERICAN SOCIETY OF CIVIL ENGINEERS FOR PEER REVIEW OF ENGINEERING/PUBLIC WORKS DEPARTMENT

John Rodeberg informed the Council that this project is being expanded from the east coast. Due to

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current staffing issues, staff feels that this would be a beneficial endeavor. Duane Hoversten asked if this program could be expanded to include public works. John Rodeberg stated that Public Works will be included.

Motion by Hoversten, second by Haugen, to approve contract with American Society of Civil Engineers for peer review of engineering/public works department. Motion carried unanimously.

(f) CONSIDERATION FOR APPROVAL OF FINAL APPLICATION FOR U.S. ARMY CORPS OF ENGINEERS AQUATIC RESTORATION PROGRAM (DAM RECONSTRUCTION)

John Rodeberg stated that this application is ready to be submitted for the project, which will cost a total of approximately \$1.3 million. The Corps. Of Engineers will decide whether or not the project will proceed due to the amount of funding they will have available. Bill Arndt also stated that the group working on the south fork should be copied as well on the application as they may have some funding available. John Rodeberg stated that the project would take approximately 2 ½ months.

Motion by Peterson, second by Arndt, to approve final application for U.S. Army Corps of Engineers Aquatic Restoration Program. Motion carried unanimously.

(g) CONSIDERATION FOR APPROVAL OF SETTING INFORMATIONAL MEETING FOR OCTOBER 14, 2003, AT 4:00 P.M. TO DISCUSS 2004 BUDGET

Motion by Peterson, second by Haugen, to set informational meeting for October 14, 2003, at 4:00 p.m. to discuss 2004 budget. Motion carried unanimously.

(f) CONSIDERATION FOR APPROVAL OF RESETTING NOVEMBER 11, 2003, CITY COUNCIL MEETING DUE TO VETERANS DAY HOLIDAY

Motion by Haugen, second by Peterson, to reset November 11, 2003, City Council meeting to November 12, 2003, at 5:30 p.m. Motion carried unanimously.

10. MISCELLANEOUS

(a) COMMUNICATIONS

**Kay Peterson** – Ms. Peterson thanked everyone involved with the Special Service District.

**Gary Plotz** – Mr. Plotz informed the Council and the public that the water billing system will be changing. The City currently bills on a bimonthly basis, billing one section of the City at one time, and the second section being billed at a different time. Now, to coincide with the Utilities meter readings, all meters will be read at one time and billing will occur once a month. Rate payers will have 15 days to pay their bill before a late charge is incurred.

Mr. Plotz updated the Council that 3-4 semi loads of waste material are being hauled out of Minneapolis and will soon be up to 25 loads per day. So far everything is going smoothly.

Mr. Plotz updated the Council on the Wright County transfer facility. Mr. Plotz also informed the Council that city employees are being shared to work through various processes. Two bagging shifts are currently being run at the compost site and will continue until the end of November. Mr. Plotz also stated that the City is looking for more haulers.

**John Rodeberg** – Mr. Rodeberg reminded the Council of the facility meeting at HATS 2:00 p.m. on September 24, 2004. Jim Haugen and Kay Peterson will be attending. Mr. Rodeberg stated that the current improvement project on 2<sup>nd</sup> Avenue/Dale Street is coming along and he thanked all of the residents as they have been so cooperative.

The Wendy's project is moving along very well and should be opening in mid-October.

The Edmonton Avenue project is moving along very well and curb and gutter may be placed this fall

if the weather holds.

Discussion was held on the Ravenwood project.

Mayor Torgerson stated that the Fire Department received a grant from FEMA to replace their breathing apparatus equipment. Gary Forcier spearheaded this project. Mayor Torgerson also stated that he had spent a day speaking to several farmers along the pipeline route and observed part of the construction of the pipeline. There is 25 miles left to complete and they believe that it may be able to be done by the end of the year.

Julie Wischnack stated that the Downtown Master Plan was awarded the Best Plan and Julie will be accepting that award on Thursday of this week.

Ms. Wischnack also stated that a new appraisal can be obtained for the liquor store and asked for the direction the Council would like to take. Duane Hoversten asked that this topic be brought up after the Special Service District is complete.

11. **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.

12. **ADJOURN**

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

**MINUTES  
REGULAR MEETING - HUTCHINSON CITY COUNCIL  
TUESDAY, OCTOBER 14, 2003**

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1. **CALL TO ORDER – 5:30 P.M.**

2. **INVOCATION** – Rev. Randy Chrissis, Christ the King Lutheran Church delivered the invocation.

3. **PLEDGE OF ALLEGIANCE**

4. **MINUTES**

(a) REGULAR MEETING OF SEPTEMBER 23, 2003

(b) BID OPENING MINUTES FROM OCTOBER 3, 2003

Minutes were approved as presented.

5. **CONSENT AGENDA**

(a) REPORTS OF OFFICERS, BOARDS AND COMMISSIONS

1. PIONEERLAND LIBRARY BOARD EXPENDITURE REPORT FOR JULY AND AUGUST 2003

2. PIONEERLAND LIBRARY BOARD MINUTES FROM AUGUST 28, 2003

3. BUILDING DEPARTMENT MONTHLY REPORT FOR SEPTEMBER 2003

4. FIRE DEPARTMENT MONTHLY REPORT FOR SEPTEMBER 2003

5. HUTCHINSON AIRPORT COMMISSION MINUTES FROM JULY 29, 2003

6. CITY OF HUTCHINSON INVESTMENT REPORT FOR AUGUST 2003

7. CITY OF HUTCHINSON FINANCIAL REPORT FOR GENERAL FUND AND WATER/WASTEWATER FUND FROM AUGUST 2003

8. HUTCHINSON UTILITIES COMMISSION FINANCIAL REPORT FOR AUGUST 2003

9. HUTCHINSON AREA HEALTH CARE FINANCIAL REPORT FOR AUGUST 2003

(b) RESOLUTIONS AND ORDINANCES

1. ORDINANCE NO. 03-356 – AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF HUTCHINSON FOR A PROPERTY TO BE REZONED FROM R1 TO R3 – ROLLING MEADOWS EAST (*SECOND READING AND ADOPTION*)

2. ORDINANCE NO. 03-357 – AN ORDINANCE AMENDING SECTION 8.11 OF THE HUTCHINSON CITY CODE TO ADD LANGUAGE ALLOWING FOR RESIDENTIAL PROPERTIES IN THE C3 DISTRICT (*SECOND READING AND ADOPTION*)

3. RESOLUTION NO. 12270 – A RESOLUTION REVISING RESOLUTION NO. 11945 GIVING APPROVAL OF A CONDITIONAL USE PERMIT AMENDING THE PLANNED DEVELOPMENT DISTRICT #02-00 AND A PRELIMINARY PLAT TO BE KNOWN AS COLORADO RIDGE, A REPLAT OF HELLAND’S SEVENTH ADDITION
4. RESOLUTION NO. 12273 – A RESOLUTION RELEASING PLEDGED SECURITIES FROM WELLS FARGO
5. RESOLUTION NO. 12274 - A RESOLUTION FOR PURCHASE
- (c) CONSIDERATION FOR APPROVAL OF AIRPORT AGRICULTURAL PROPERTY FARM LEASE
- (d) CONSIDERATION FOR APPROVAL OF RE-APPOINTING CRAIG LENZ TO HUTCHINSON UTILITIES COMMISSION TO 2008
- (e) CONSIDERATION FOR APPROVAL OF RE-APPOINTING DAVE SKAAR TO THE AIRPORT COMMISSION TO 2006
- (f) LETTING NO. 13, PROJECT NO. 02-22 – CROW RIVER BANK STABILATION (ACCEPTING BID AND AWARING CONTRACT)
- (g) LETTING NO. 9, PROJECT NO. 03-17 – PARK ISLAND DRIVE SW EXTENSION (CHANGE ORDER NO. 1)
- (h) CONSIDERATION FOR APPROVAL OF 2004 ASSESSING AGREEMENT

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

6. **PUBLIC HEARINGS - NONE**
7. **COMMUNICATIONS, REQUESTS AND PETITIONS**
8. **UNFINISHED BUSINESS**
9. **NEW BUSINESS**

- (a) ACCEPTANCE OF OBJECTIONS TO SPECIAL SERVICE DISTRICT NO. 1

Gary Plotz stated a petition was received objecting to the Special Service District No. 1. He commented on the several meetings that have taken place in the past and the most recent meeting held at the Events Center to explain the use of the money collected for the Special Service District. Mr. Plotz stated there were 55 signatures of property owners on the petition totaling 44% of the district. Minnesota Statutes prohibit a service charge from being enacted if 35% or more of the effected property owners submit a written objection to the City Administrator within 45 days of the implementation of the service charge. Mr. Plotz explained the need to repeal Resolution No. 12247 and Ordinance 03-353 which create the Special Service District No. 1 and the service charges.

Atty. Sebor explained the council should take formal action on the recognition of the petition objecting to the Special Service District No. 1.  
Motion by Arndt, second by Peterson to accept the petition objecting to the Special Service District No. 1. Motion carried unanimously.

- (b) CONSIDERATION FOR ADOPTION OF RESOLUTION NO. 12275 – A RESOLUTION REPEALING RESOLUTION NO. 12247 – IMPOSING A SERVICE CHARGE FOR SPECIAL SERVICE DISTRICT NO. 1

Motion by Peterson, second by Haugen to adopt Resolution #12275 repealing Resolution #12247. Motion carried unanimously.

- (c) CONSIDERATION OF ORDINANCE NO. 03-358 – AN ORDINANCE REPEALING ORDINANCE NO. 03-353 – ESTABLISHING SPECIAL SERVICE DISTRICT NO. 1 (*WAIVE FIRST READING AND SET SECOND READING AND ADOPTION FOR OCTOBER 28, 2003*)

Mr. Arndt asked if the ordinance could remain to keep the Special Service District.

Atty. Sebora stated the ordinance could be repealed this year and a new ordinance requested in the next calendar year.

Mayor Torgerson asked if it is necessary to repeal the ordinance.

Atty. Sebora stated it is not necessary however, in 6 months the Special Service District will not continue to exist. He stated it would be a matter of clarity to repeal the ordinance to clear up the file. Discussion followed on the process in creating a new district. Atty. Sebora suggested repealing the ordinance. Ms. Peterson asked if the ordinance could stay in place for six months. Atty. Sebora explained the implementation of the charge in 6 months would not happen in this calendar year and stated it is cleaner to repeal the ordinance now.

Duwayne Peterson, business owner, suggested the council give the Special Services District a chance to continue without the funding. He stated now is the time to take the opportunity to form the district using volunteers to structure the district forming committees for special projects such as the Post Office, Business Park, etc. Mr. Peterson stated the city should move forward and not eliminate the possibility now.

Atty. Sebora explained the EDA is available to set up the volunteer groups without a Special Service District. Mr. Hoversten commented on the possibility of keeping the ordinance for a short time until restructuring occurs.

Motion by Hoversten, second by Arndt to table the repeal of Ordinance #03-353 until the last City Council meeting in 2003. Motion carried unanimously.

Jim Kuehl, property owner in proposed district, asked what was tabled. Mayor Torgerson explained the Ordinance creating the Special Service District was tabled until the end of the year.

- (d) CONSIDERATION FOR APPROVAL OF HEALTH INSURANCE ADMINISTRATION CONTRACT & STOP LOSS CONTRACT

Ken Merrill explained the request for the contract. He introduced Rich Westlund, Westlund and Associates, who explained the bid process and the contract year.

Motion by Peterson, second by Hoversten to approve the health insurance administration contract with CCStpa beginning September 1, 2003 and stop loss contract with ING beginning September 1, 2003 as proposed by Mr. Westlund. Motion carried unanimously.

- (e) CONSIDERATION FOR APPROVAL OF ISSUES RELATED TO THE MINNESOTA DEPARTMENT OF TRANSPORTATION

CITY COUNCIL MINUTES – OCTOBER 14, 2003

John Rodeberg commented on Resolution #12272 requesting consideration of concrete surface for State Highway 7 improvements. He stated concrete is lower maintenance and longer lasting than bituminous.

Motion by Peterson, second by Arndt to approve Resolution #12272. Motion carried unanimously.

Mr. Rodeberg commented on responses he received to the Hwy 15 Corridor issues. The response was not positive to the City of Hutchinson's suggestions. John is asking to approve the response to Mn/DOT.

Motion by Arndt, second by Haugen to approve the City response to Mn/DOT. Motion carried unanimously.

(f) **CONSIDERATION FOR APPROVAL OF SETTING INFORMATIONAL MEETING FOR OCTOBER 28, 2003, AT 4:00 P.M.**

Motion by Hoversten, second by Arndt to set an informational meeting at 4:00 p.m. on October 28, 2003. Motion carried unanimously.

**10. COMMUNICATIONS**

**John Rodeberg:** 1. A Council Representative is needed for the Resource Allocation Committee which meets approximately 2 times per year. Bill Arndt agreed to be on the committee. 2. Approval is requested of a contract with SEH to reconstruct a portion of Jefferson Street due to further expansion of the city limits to the south. Motion by Arndt, second by Haugen to approve the contract with SEH. Motion carried.

**Gary Plotz:** The Wright County Board of Commissioners approved the proposal for Hutchinson to lease their compost site as a pilot project for 18 months. The facility is off I-94 and will save hauling miles for the City of Minneapolis contract. Mr. Plotz commented on the compost sales and materials. There will be more information in the next City Council packet.

**Mayor Torgerson:** The Mayor read a proclamation proclaiming October 2003, as Hot Meals on Wheels month.

**11. 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. Hoversten abstaining the motion carried.

(b) VERIFIED CLAIMS B

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

**12. ADJOURN**

With no further business to discuss, the meeting adjourned at 6:15 p.m.

**MINUTES  
REGULAR MEETING - HUTCHINSON CITY COUNCIL  
TUESDAY, OCTOBER 28, 2003**

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1. **CALL TO ORDER – 5:30 P.M.**

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

2. **INVOCATION** – Rev. Jon Lindekugel, Christ the King Lutheran Church, delivered the invocation.

3. **PLEDGE OF ALLEGIANCE**

4. **MINUTES**

(a) REGULAR MEETING OF OCTOBER 14, 2003

Motion by Arndt, second by Haugen, to approve the minutes. Motion carried unanimously.

5. **CONSENT AGENDA**

(a) REPORTS OF OFFICERS, BOARDS AND COMMISSIONS

1. PARKS, RECREATION & COMMUNITY EDUCATION ADVISORY BOARD MINUTES FROM SEPTEMBER 8, 2003

2. HUTCHINSON AREA HEALTH CARE BOARD MEETING MINUTES FROM SEPTEMBER 16, 2003

3. HUTCHINSON HOUSING & REDEVELOPMENT AUTHORITY BOARD MINUTES FROM SEPTEMBER 16, 2003

4. PLANNING COMMISSION MINUTES FROM SEPTEMBER 16, 2003

5. HUTCHINSON AREA HEALTH CARE FINANCIAL REPORT FOR SEPTEMBER 2003

6. CITY OF HUTCHINSON INVESTMENT REPORT FOR SEPTEMBER 2003

7. CITY OF HUTCHINSON GENERAL FUND, WATER AND WASTEWATER FINANCIAL REPORTS FOR SEPTEMBER 2003

(b) RESOLUTIONS AND ORDINANCES

1. RESOLUTION NO. 12276 – RESOLUTION CERTIFYING ASSESSMENTS OF THE CITY OF HUTCHINSON TO THE COUNTY OF MCLEOD

2. RESOLUTION NO. 12283 - RESOLUTION TO SELL AT AUCTION COMPUTER EQUIPMENT DECLARED UNUSEABLE BY THE CITY

3. RESOLUTION NO. 12284 – RESOLUTION FOR PURCHASE

(c) PLANNING COMMISSION ITEMS

1. CONSIDERATION OF A **CONDITIONAL USE PERMIT** REQUESTED BY STEPHANIE GUGGISBERG FOR DRIVE THRU STACKING AT A 10' X 18' COFFEE KIOSK LOCATED IN THE MENARDS PARKING LOT AT 1525 MONTREAL STREET SE WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 12277)
  2. CONSIDERATION OF A PETITION TO **ANNEX** CITY OWNED PROPERTY (WETHERELLPROPERTY – 21.66 ACRES) FOR INDUSTRIAL USE LOCATED IN HASSAN VALLEY TOWNSHIP REQUESTED BY THE HUTCHINSON ECONOMIC DEVELOPMENT AUTHORITY WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (WAIVE FIRST READING AND SET SECOND READING AND ADOPTION OF ORDINANCE NO. 03-360 FOR NOVEMBER 12, 2003)
  3. CONSIDERATION OF A **FINAL PLAT** TO BE KNOWN AS ROLLING MEADOWS EAST SUBMITTED BY BRUCE NAUSTADAL WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 12278)
- (d) ASSESSMENT ROLL NO. 5015 – LETTING NO. 7, PROJECT NO. 97-25 (ACTIVATING DEFERRED ASSESSMENT)
- (e) ASSESSMENT ROLL NO. 5061 – LETTING NO. 1, PROJECT NO. 03-01 (ADOPTING REVISED ASSESSMENT)
- (f) LETTING NO. 5, PROJECT NOS. 03-12 & 03-19 (APPROVAL OF CHANGE ORDER NO. 1)

Item 5(b) and 5(c)3 were pulled from the consent agenda for further discussion.

Motion by Haugen, second by Hoversten, to approve consent agenda with the exception if Items 5(b)3 and 5(c)3. Motion carried unanimously.

Item 5(b)3: Duane Hoversten stated that there needs to be better structure at the compost facility before approving this purchase. Mr. Hoversten stated that he would like a definite, separate structure built for the compost site, such as the way the liquor store is structured. Mr. Hoversten stated he would like to approve this purchase, however schedule a meeting within the next week to build a structure for the compost site and to comprise an advisory committee.

Motion by Hoverstsen, second by Arndt, to approve the purchase with the idea that a structure will be built for the compost site. Motion carried unanimously.

Item 5(c)3: John Rodeberg stated that the plat of this area needs to be revised due to the roundabout that will be included in the area. The developer has been informed and has no issues with replatting. The plat will basically be reconfigured. Due to the replatting, a public hearing will need to be held and will then come back to the Council at the second meeting in November.

Motion by Arndt, second by Haugen, to defer this item to the November 25, 2003, City Council meeting. Motion carried unanimously.

6. **PUBLIC HEARINGS - 6:00 P.M.**

- (a) PRINCE OF PEACE SENIOR APARTMENTS, INC. PROJECT – AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND SALE OF HOUSING FACILITIES REFUNDING REVENUE BONDS

Ken Merrill, Finance Director, explained to the Council that this item was brought before the Council previously, however the public hearing is being held again to meet publication requirements. Mr. Merrill explained that the money being received from this sale will be going to the Hutchinson EDA for future use.

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

Motion by Hoversten, second by Arndt, to approve the issuance and sale of housing facilities refunding revenue bonds for Prince of Peace, approving Resolution No. 12285. Motion carried unanimously.

Ken Merrill noted that this property is located in a tax increment finance district and this will continue in a “pay as you go” plan.

7. **COMMUNICATIONS, REQUESTS AND PETITIONS**

8. **UNFINISHED BUSINESS**

- (a) CONSIDERATION OF A CONDITIONAL USE PERMIT REQUESTED BY TOM DAGGETT, HUTCHINSON MANUFACTURING, REFERRED BACK TO PLANNING COMMISSION BY CITY COUNCIL FOR FURTHER CLARIFICATION WITH UNFAVORABLE RECOMMENDATION

Julie Wischnack, Planning Director, presented before the Council. Ms. Wischnack explained that Mr. Daggett had informed her that he would be withdrawing the conditional use permit application. Although he has not formally done so, to comply with the 60 day rule, the Planning Commission is requesting that the City Council deny this application. Mr. Daggett would then need to reapply if he would like to move forward with this request. If no action is taken within 60 days, the conditional use permit will be approved.

Attorney Seborra recommended rejecting this conditional use permit due to the disagreement between the applicant and the Planning Commission on the conditions placed on the permit.

Motion by Hoversten, second by Arndt, with Haugen abstaining, to deny this conditional use permit with a reapplication fee being waived, should Mr. Daggett apply again for this same conditional use permit. Motion carried unanimously.

9. **NEW BUSINESS**

- (a) CONSIDERATION FOR APPROVAL OF ADOPTING MEMORANDUM OF UNDERSTANDING BETWEEN HUTCHINSON AREA HEALTH CARE AND PRESBYTERIAN HOMES

Phil Graves, Hutchinson Area Health Care CEO, presented before the Council. Mr. Graves informed the Council that the hospital is progressing with meeting the needs of senior care housing. Jay Christensen, Faegre & Benson, presented before the Council. Mr. Christensen explained the Memorandum of Understanding, which is a nonbonding document between Hutchinson Area Health Care and Presbyterian Homes to progress with the project of providing senior care services in Hutchinson. In addition, a Board would be established comprising of three members from HAHC and three from Presbyterian Homes. The Hospital has approved the Memorandum of Understanding and three members were appointed to serve on a transaction committee. This is a beginning point for the venture and final documents will be brought before the Council for approval.

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Motion by Hoversten, second by Haugen, to approve Resolution No. 12286. Motion carried unanimously.

Motion by Hoversten, second by Arndt, to approve adopting memorandum of understanding between Hutchinson Area Health Care and Presbyterian Homes. Motion carried unanimously.

- (b) CONSIDERATION TO **DETACH** PROPERTY FROM CITY LIMITS REQUESTED BY DIANE AND KON SORENSEN (5 ACRES) WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (PLANNING COMMISSION 6-1 VOTE) (ADOPT RESOLUTION NO. 12279)

Julie Wischnack, Director of Planning, presented before the Council. Ms. Wischnack explained that a detachment is the opposite of an annexation. Ms. Wischnack further explained that the applicant is requesting that two vacant parcels be detached from their property. The Planning Commission voted 6-1 and staff is recommending denial of this detachment. The applicants have expressed that they are unable to receive city services and therefore would like to be detached. Storm water charges are assessed on these two vacant parcels that the property owners pay. Duane Hoversten questioned whether or not there is a way to address the storm water charges. Ms. Wischnack stated that she would need to confer with other staff members.

Duane Hoversten stated that all members of the Council need to be present in order to vote against the Planning Commission.

Motion by Hoversten, second by Arndt, to defer this item to the November 12, 2003, City Council meeting.. Motion carried unanimously.

- (c) CONSIDERATION TO **VACATE** DRAINAGE AND UTILITY EASEMENTS REQUESTED BY MIKE MCNELIS AT 1344 HERITAGE AVENUE NW WITH UNFAVORABLE RECOMMENDATION

Julie Wischnack, Director of Planning, presented before the Council. Ms. Wischnack explained that staff has realized that there is a very large telephone line on this property and the applicants have the option to pay for moving the line.

Motion by Arndt, second by Haugen, to defer this item until the applicant follows up with the Planning Staff. Motion carried unanimously.

- (d) CONSIDERATION OF ACCEPTING TAX FORFEITED LAND FROM MCLEOD COUNTY FOR THE PURPOSE OF ESTABLISHING A HISTORICAL INTERPRETIVE CENTER

Dolf Moon, Director of Parks, Recreation, Community Education, presented before the Council. Mr. Moon explained that this is a follow-up from a Leadership Team Meeting held a couple of weeks ago.

Mr. Sebor explained that this property is located on Washington Avenue and the County is offering this parcel to the City of Hutchinson as a tax forfeiture property as long as the City uses it for historical purposes. If the City is interested, the City must submit an application to the County by November 16, 2003. Mr. Sebor explained that there are no tax liens on the property that the City needs to be concerned with. Mr. Sebor presented a resolution for the Council's consideration to acquire the tax forfeited property.

Motion by Arndt, second by Hoversten, to apply for tax forfeited land from McLeod County for the purpose of establishing a historical interpretive center. Motion carried unanimously.

- (e) PRESENTATION BY BRAD EMANS, FIRE CHIEF, ON FEE FOR SERVICE

Brad Emans, Fire Chief, presented before the Council. Mr. Emans stated that his main goal is to provide information to the public regarding this issue and is not seeking any specific action from the Council. Mr. Emans explained that this is an idea he is pursuing in order to generate more revenue for

CITY COUNCIL MINUTES – OCTOBER 28, 2003

the City. Mr. Emans explained the idea of the fee for service, which would entail charging for fire services by billing insurance companies. Mr. Emans stressed the fact that services would still be provided to all residents and would not be denied for any reasons. Payment issues would be between the City and the insurance companies and would not involve the home owners. The fire department's hope would be to receive approximately 50% of the bill, which would accumulate to approximately \$40,000. Mr. Emans would like to receive feedback from the public and the City Council. Mr. Emans continued to state that this is not a new idea in other areas.

(f) **CONSIDERATION OF SETTING DATE FOR CANVASSING RESULTS FROM SPECIAL ELECTION TO BE HELD ON NOVEMBER 4, 2003**

Motion by Arndt, second by Haugen, to set November 5, 2003, at 8:30 a.m. to canvass city and school district election results. Motion carried unanimously.

(g) **CONSIDERATION FOR APPROVAL OF SETTING BUDGET INFORMATIONAL MEETING FOR NOVEMBER 12, 2003**

Motion by Arndt, second by Haugen, to set budget informational meeting for November 12, 2003, at 4:00 p.m. Motion carried unanimously.

**10. COMMUNICATIONS**

Melissa Starke, Administrative Secretary, stated that the VFW had submitted a one-day gambling application for November 26, 2003, that required the Council's approval.

Motion by Haugen, second by Arndt, to approve the VFW one-day gambling license. Motion carried unanimously.

Gary Plotz explained that at an informational meeting the Council had requested that staff research ways to handle the telephone services at the City Center. Mr. Plotz explained that the responsibility of answering the main line of the City Center will be answered by a live person and the duties would be distributed amongst four current employees. Hours of the City Center will be expanded to be open from 8am-4pm, with the front doors being locked at 4:30 p.m.

Motion by Arndt, second by Haugen, to approve the proposed plan for City Center phone services and hours. Motion carried unanimously.

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

(a) **VERIFIED CLAIMS A**

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

**12. ADJOURN**

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

**MINUTES  
REGULAR MEETING - HUTCHINSON CITY COUNCIL  
WEDNESDAY, NOVEMBER 12, 2003**

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1. **CALL TO ORDER – 5:30 P.M.**

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

2. **INVOCATION** – Rev. Gerard Bode, Peace Lutheran Church, delivered the invocation.

3. **PLEDGE OF ALLEGIANCE**

4. **MINUTES**

(a) REGULAR MEETING OF OCTOBER 28, 2003

Minutes were approved as presented

5. **CONSENT AGENDA**

(a) REPORTS OF OFFICERS, BOARDS AND COMMISSIONS

1. BUILDING DEPARTMENT MONTHLY REPORT FOR OCTOBER 2003

2. FIRE DEPARTMENT MONTHLY REPORT FOR OCTOBER 2003

3. HUTCHINSON PUBLIC LIBRARY BOARD MINUTES FROM AUGUST 25 AND SEPTEMBER 22, 2003

4. HUTCHINSON POLICE COMMISSION MINUTES FROM AUGUST 27 AND NOVEMBER 3, 2003

(b) RESOLUTIONS AND ORDINANCES

1. RESOLUTION NO. 12289 – RESOLUTION FOR PURCHASE

2. ORDINANCE NO. 03-360 - PETITION TO ANNEX CITY OWNED PROPERTY (WETHERELL PROPERTY – 21.66 ACRES) FOR INDUSTRIAL USE LOCATED IN HASSAN VALLEY TOWNSHIP REQUESTED BY THE HUTCHINSON ECONOMIC DEVELOPMENT AUTHORITY WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (SECOND READING AND ADOPTION)

(c) ASSESSMENT ROLL NO. 5061 – LETTING NO. 1, PROJECT NO. 03-01 (ADOPTING REVISED ASSESSMENT)

(d) LETTING NO. 5, PROJECT NOS. 03-12 & 03-19 (APPROVAL OF CHANGE ORDER NOS. 2, 3, 4 & 5)

(e) LETTING NOS. 4 & 5, PROJECT NO. 02-11 (APPROVAL OF CHANGE ORDER NO. 4)

(f) LETTING NO. 3, PROJECT NO. 02-06 (APPROVAL OF CHANGE ORDER NO. 3)

- (g) LETTING NO. 3, PROJECT NOS. 03-05, 03-06, 03-07, 03-08, 03-09, 03-11, 03-22 (APPROVAL OF CHANGE ORDER NO. 1)
- (h) LETTING NO. 13, PROJECT NO. 03-15 (APPROVAL OF CHANGE ORDER NO. 1)
- (i) CONSIDERATION FOR APPROVAL OF SHORT-TERM GAMBLING LICENSE FOR FRATERNAL ORDER OF EAGLES ON FEBRUARY 1, 2004, AT FLYERS NITE CLUB
- (j) CONSIDERATION FOR APPROVAL OF SHORT-TERM GAMBLING LICENSE FOR ST. ANASTASIA CATHOLIC CHURCH ON DECEMBER 18, 2003

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

6. **PUBLIC HEARINGS - 6:00 P.M.**

- (a) ORDINANCE NO. 03-359 – AN ORDINANCE ADOPTING REVISIONS TO SECTIONS 4.015, 4.02, 4.03 AND 11.02 OF HUTCHINSON CITY CHARTER (*WAIVE FIRST READING AND SET SECOND READING AND ADOPTION FOR NOVEMBER 25, 2003*)

Marc Sebor, City Attorney, explained that the Charter Commission had met earlier this fall to consider implementing changes to the City Charter adopted in November 2002. Mr. Sebor informed the Council on the referendum procedure if citizens would be opposed to any of these changes. The changes mainly regard including the amendment voted on by the citizens of Hutchinson relating to designated council seats and primary elections. The other change included allowing a council member to serve on the Utilities Commission.

Steve Cook, 728 Juul Road, presented before the Council. Mr. Cook expressed that the changes made to the Charter regarding the election procedure meet the expectations of his petition committee. Mr. Cook commented that the section relating to the Utilities Commission appointment was laid out well, however he felt that the Council member should be compensated at possibly half the rate of a regular Utilities Commission member. Mayor Torgerson stated that he had thought about the compensation issue of the Council member and he suggested possibly a per diem type of payment.

Mike Cannon, Chair of Charter Commission, presented before the Council. Mr. Cannon explained that the Charter Commission had discussed the compensation of the Council member, however determined that no compensation should be given to the Council member serving on the Utilities Commission. Discussion was held on the amount of time board members serve on each commission throughout the City and whether or not compensation should be given to a council member serving on the Utilities Commission.

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

Motion by Peterson, second by Arndt, to set second reading and adoption of Ordinance No. 03-359 to November 25, 2003. Motion carried unanimously.

7. **COMMUNICATIONS, REQUESTS AND PETITIONS**

8. **UNFINISHED BUSINESS**

- (a) CONSIDERATION TO **DETACH** PROPERTY FROM CITY LIMITS REQUESTED BY DIANE AND KON SORENSEN (5 ACRES) WITH UNFAVORABLE STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (PLANNING COMMISSION 6-1 VOTE) (ADOPT RESOLUTION NO. 12279)

Julie Wischnack, Planning/Zoning/Building Director, presented before the Council. Ms. Wischnack

explained that the property is currently located on the edge of the city limits and the request is to detach two pieces of property from the City and have them be all inclusive within the County.

John Rodeberg, Director of Engineering, explained that the piece of property requesting detachment is adjacent to the property that holds the building site, which is in the township. He noted that the property receives multiple city services, including street maintenance, snow removal and emergency services. It also receives services related to the stormwater utility fee, such as street sweeping and storm sewer access. Mr. Rodeberg further explained that there is a way to reduce the storm drainage fees on the vacant lots.

Ms. Wischnack explained that the city utilities, per policy, do not provide services to this specific piece of property and that it would not be possible for these types of services to be provided to this property because they are located too far away. John Rodeberg further noted that emergency services for police are dispatched directly to Hutchinson Police Services for this property.

Diane Sorenson, property owner, explained to the Council that a portion of their driveway is located in the City and a portion is located in the County and their goal is to have it all inclusive within the County. Her wish is to have it all zoned the same.

Julie Wischnack gave the Council several other examples of property that could be considered for detachment that are currently within city limits. The services provided to the property were discussed further.

Motion by Arndt, second by Peterson, to reject the detachment of the Sorenson property from city limits. Motion carried unanimously.

Julie Wischnack explained that the detachment may still be considered at the state level.

9. **NEW BUSINESS**

(a) **CONSIDERATION FOR APPROVAL OF PROPOSAL TO CONDUCT A MARKET ANALYSIS FOR THE EXPANSION OF THE LIQUOR HUTCH**

Candice Woods, Liquor Store Manager, presented before the Council. Ms. Woods explained that at the last liquor store team meeting, direction was given to research having a market analysis completed for the expansion of the current city-owned liquor store. The last analysis completed in 1999 suggested opening a second liquor store on the south end of Hutchinson. Ms. Woods recommended having another analysis done to see differences brought forth from 1999.

Motion by Arndt, second by Haugen, to approve proposal to conduct a market analysis for the expansion of the city-owned liquor store at a cost of \$6500. Motion carried unanimously.

(b) **CONSIDERATION OF POLICY FOR SEASONAL EXCEPTIONS TO SUMP PUMP ORDINANCE**

John Rodeberg informed the Council that based on the original ordinance, changing over the sump pump system was not allowed. Mr. Rodeberg explained that he still needs to consult with legal counsel on the possibility of this and he also needs to verify how many homeowners are interested in this. Mr. Rodeberg explained he is seeking the Council's direction on whether or not this is a good idea and if so, more research will be conducted. This can be a safety issue for some homeowners.

Motion by Peterson, second by Haugen, to direct the City Engineer and City Attorney to research seasonal exceptions to the current sump pump ordinance. Motion carried unanimously.

(c) **CONSIDERATION FOR APPROVAL OF POLICE CHIEF POSITION DESCRIPTION**

Marc Sebor, City Attorney, explained to the Council that since the retirement of Police Chief Madson, the Police Commission has met and made some revisions to the police chief position description. Changes made include the title of the position, level of experience and level of education required for the position. The Police Commission has approved the police chief position description.

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Brenda Ewing, Human Resources Director, outlined specifically the changes made to the position description.

Motion by Peterson, second by Haugen, to approve police chief position description. Motion carried unanimously.

(d) DISCUSSION OF CITY ATTORNEY POSITION

Gary Plotz, City Administrator, explained that the Council should make the decision on whether or not to retain the contractual relationship with Mr. Sebor for city attorney services or to terminate the contractual relationship and continue Mr. Sebor's employment as a regular full-time employee. Mr. Plotz further explained that having Mr. Sebor located within the City Center and focusing exclusively on city work has been very beneficial. Attorney services have been provided to the hospital, nursing home and public utilities, with those entities contributing to the salary of the attorney position.

Motion by Haugen, second by Peterson, to terminate the contractual relationship with the City Attorney and hire him as a full-time employee. Motion carried unanimously.

(e) CONSIDERATION FOR APPROVAL OF SETTING BUDGET INFORMATIONAL MEETING FOR NOVEMBER 25, 2003, AT 4:00 P.M.

Gary Plotz clarified that this informational meeting will be held to discuss the enterprise funds.

Motion by Peterson, second by Arndt, to approve setting budget informational meeting for November 25, 2003, at 4:00 p.m. at the City Center. Motion carried unanimously.

10. COMMUNICATIONS

**Bill Arndt** – Mr. Arndt congratulated the high school football team on making it to the state tournament. Mr. Arndt also stated that he has driven around and looked at the pipeline process and commended the pipeline company on how they have progressed and the job they have done.

Mayor Torgerson also informed the Council that the pipeline is completely underground and there are only a few spots where it needs to be bored under rivers.

**Gary Plotz** – Mr. Plotz congratulated Kay Peterson on reelection and Casey Stotts to election of the council member seats. Mr. Stotts will be going through an orientation with city staff.

Mr. Plotz also updated the Council on a meeting held regarding organizational structure at the compost site. A pro forma statement is also being worked on for the compost site and will be presented at the next Council meeting.

**Marlin Torgerson** – Mayor Torgerson thanked the fire department for the contribution of the flags that are located in the Council chambers.

Steve Cook – Mr. Cook commented that it appears that non-biodegradable plastic bags are being ground with waste material at the compost site. Mr. Plotz explained the grinding, composting and bagging process.

11. CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS

(a) VERIFIED CLAIMS A

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

(b) VERIFIED CLAIMS B

CITY COUNCIL MINUTES – NOVEMBER 12, 2003

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

12. **ADJOURN**

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

ATTEST:

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Marlin Torgerson, Mayor

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Gary D. Plotz, City Administrator

**MINUTES  
REGULAR MEETING - HUTCHINSON CITY COUNCIL  
TUESDAY, NOVEMBER 25, 2003**

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1. **CALL TO ORDER – 5:30 P.M.**

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

2. **INVOCATION** – Rev. Gerard Bode, Peace Lutheran Church, delivered the invocation.

3. **PLEDGE OF ALLEGIANCE**

**PROCLAMATION DECLARING NOVEMBER 30, 2003, AS “DARVIN ZIEMAN DAY”**

4. **MINUTES**

(a) REGULAR MEETING OF NOVEMBER 12, 2003

Motion by Arndt, second by Hoversten to approve the minutes from November 12, 2003. Minutes were approved as presented.

5. **CONSENT AGENDA**

(a) REPORTS OF OFFICERS, BOARDS AND COMMISSIONS

1. PIONEERLAND LIBRARY SYSTEM EXPENSE REPORT FOR SEPTEMBER 2003

2. PIONEERLAND LIBRARY SYSTEM BOARD MINUTES FROM SEPTEMBER 18, 2003

3. PARKS, RECREATION & COMMUNITY EDUCATION BOARD MINUTES FROM OCTOBER 8, 2003

4. HUTCHINSON PUBLIC LIBRARY BOARD MINUTES FROM OCTOBER 27, 2003

5. HUTCHINSON AREA HEALTH CARE BOARD MINUTES FROM OCTOBER 21, 2003

6. HUTCHINSON HOUSING & REDEVELOPMENT AUTHORITY BOARD MINUTES FROM SEPTEMBER 16 AND OCTOBER 21, 2003

7. CITY OF HUTCHINSON INVESTMENT REPORT FOR OCTOBER 2003

8. CITY OF HUTCHINSON FINANCIAL REPORT (GENERAL FUND) FOR OCTOBER 2003

9. CITY OF HUTCHINSON FINANCIAL REPORT (WATER, WASTEWATER, SEWER FUNDS) FOR OCTOBER 2003

(b) RESOLUTIONS AND ORDINANCES

1. ORDINANCE NO. 03-359 – AN ORDINANCE ADOPTING REVISIONS TO SECTIONS 4.015, 4.02, 4.03 AND 11.02 OF HUTCHINSON CITY CHARTER (*SECOND READING AND ADOPTION*)

CITY COUNCIL MINUTES – NOVEMBER 25, 2003

2. RESOLUTION NO. 12295 – RESOLUTION CERTIFYING ASSESSMENTS
3. RESOLUTION NO. 12296 – RESOLUTION APPROVING DEFERRED ASSESSMENT
4. RESOLUTION NO. 12297 – RESOLUTION TRANSFERRING \$155,000 FROM SPECIAL ASSESSMENT FUND TO CENTRAL GARAGE FUND FOR FISCAL YEAR 2003
5. RESOLUTION NO. 12298 - RESOLUTION TRANSFERRING FUNDS FROM THE GENERAL FUND, ECONOMIC LOAN, ENERGY LOAN, TO HUTCHINSON COMMUNITY DEVELOPMENT (EDA) FUND
6. RESOLUTION NO. 12299 – RESOLUTION TRANSFERRING \$291,000 FROM LIQUOR FUND TO GENERAL FUND
7. RESOLUTION NO. 12300 – RESOLUTION TRANSFERRING \$110,000 FROM WATER SEWER & REFUSE FUND TO 2002C REFUNDING IMPROVEMENT BONDS & GENERAL FUND

(c) PLANNING COMMISSION ITEMS

1. CONSIDERATION OF **VACATION OF EASEMENTS** IN ISLAND VIEW HEIGHTS 4<sup>TH</sup> ADDITION AND **FINAL PLAT** OF ISLAND VIEW HEIGHTS 6<sup>TH</sup> ADDITION REQUESTED BY BILL GILK, SCENIC HOMES, PROPERTY OWNER WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 12290 AND WAIVE FIRST READING AND SET SECOND READING AND ADOPTION OF ORDINANCE NO. 03-362 FOR DECEMBER 9, 2003)
2. CONSIDERATION OF **CONDITIONAL USE PERMIT** REQUESTED BY CINEMA 1, LLP, PROPERTY OWNER, TO EXPAND THE EXISTING FACILITY BY TWO SCREENS LOCATED IN THE I/C DISTRICT AT 766 CENTURY AVENUE SW WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 12291)
3. CONSIDERATION OF A **CONDITIONAL USE PERMIT** REQUESTED BY HUTCHINSON CO-OP, PROPERTY OWNER, TO CONSTRUCT AN OVERHEAD FERTILIZER BIN WITH FLOOD PLAIN ALTERATIONS IN THE I/C DISTRICT LOCATED AT 200 – 3<sup>RD</sup> AVENUE NW WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 12292)
4. CONSIDERATION OF **LOT SPLIT** AND **VARIANCE** REQUESTED BY ROBERT BEELER, PROPERTY OWNER, OF PROPERTY LOCATED AT 903 HWY 15 SOUTH WITH UNFAVORABLE STAFF RECOMMENDATION AND UNFAVORABLE PLANNING COMMISSION RECOMMENDATION
5. CONSIDERATION OF **PRELIMINARY PLAT** AND **FINAL PLAT** TO BE KNOWN AS FIRST ADDITION TO THE MEADOWS SUBMITTED BY MCLEOD COUNTY, PROPERTY OWNER, WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (ADOPT RESOLUTION NO. 12294)
6. CONSIDERATION OF ADOPTING THE HIGHWAY 7 ACCESS MANAGEMENT **ORDINANCE** WITH STAFF RECOMMENDATION AND FAVORABLE RECOMMENDATION (WAIVE FIRST READING AND SET SECOND READING OF ORDINANCE NO. 03-361 FOR DECEMBER 9, 2003)

(d) CONSIDERATION FOR APPROVAL OF GAMBLING LICENSE FOR HUTCH WRESTLING CLUB AT FLYER'S NITE CLUB (SECOND LOCATION)

(e) CONSIDERATION FOR APPROVAL OF ENTERING INTO GRANT AGREEMENT FOR

AIRPORT MAINTENANCE AND OPERATION

(f) CONSIDERATION FOR APPROVAL OF OUT-OF-STATE TRAVEL BY DIRECTOR OF ENGINEERING/PUBLIC WORKS

Item 5(b)1 was pulled for further discussion.

Motion by Haugen, second by Hoversten, to approve consent agenda with the exception of Item 5(b)1. Motion carried unanimously.

Item 5(b)1. Marc Sebor, City Attorney, explained that this ordinance requires an affirmative vote of all city council members. Due to the absence of the Mayor, Mr. Sebor requested that the adoption of this ordinance be tabled until the December 9<sup>th</sup> Council meeting.

Motion by Hoversten, second by Arndt, to table the adoption of this ordinance to December 9, 2003. Motion carried unanimously.

6. **PUBLIC HEARINGS - 6:00 P.M.**

(a) CONSIDERATION FOR APPROVAL OF VACATION/REDEDICATION OF RIGHT OF WAY AND FINAL PLAT FOR ROLLING MEADOWS EAST

Julie Wischnack, Planning/Zoning/Building Director, presented before the Council. Ms. Wischnack - explained that the right-of-way has changed since the preliminary plat was submitted. Due to the redesign of the road, the final plat has changed and requires Council approval.

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

Motion by Hoversten, second by Haugen, to approve vacation/rededication of right of way and final plat for Rolling Meadows East. Motion carried unanimously.

7. **COMMUNICATIONS, REQUESTS AND PETITIONS**

8. **UNFINISHED BUSINESS**

9. **NEW BUSINESS**

(a) CONSIDERATION FOR APPROVAL OF 2003/2004 DENTAL INSURANCE CONTRACT

Rich Westlund, Westlund & Associates, presented before the Council. Mr. Westlund explained that he had conducted an in depth study of the coverages that the City currently has. Mr. Westlund further explained that there have been several complaints with the current dental insurance provider, Delta Dental. After researching other providers, Mr. Westlund recommended switching to services being provided by Midwest Dental. The plan is very similar to the plan being provided by Delta Dental and the rates will remain very close to what they are now.

Gary Plotz, City Administrator, also informed the Council that the wage committee had reviewed the agreement with Midwest Dental, and they recommend switching to their plan as well.

Motion by Arndt, second by Haugen, to approve 2003/2004 dental insurance contract with Midwest Dental. Motion carried unanimously.

(b) CONSIDERATION FOR APPROVAL OF SETTING WALMART LIQUOR LICENSE VIOLATION HEARING

CITY COUNCIL MINUTES – NOVEMBER 25, 2003

Marc Sebor, City Attorney, reminded the Council that WalMart had violated their liquor license. The liquor ordinance requires that this hearing not be held any sooner than 15 days from this Council meeting. Kay Peterson and Jim Haugen will be attending this hearing.

Motion by Hoversten, second by Arndt, to approve setting WalMart liquor license violation hearing for December 11, 2003, at 12:00 p.m.. Motion carried unanimously.

(c) **CONSIDERATION FOR APPROVAL OF SETTING INFORMATIONAL MEETING FOR DECEMBER 9, 2003, AT 4:00 P.M.**

Motion by Arndt, second by Haugen, to approve setting informational meeting for December 9, 2003, at 4:00 p.m. to discuss the 2004 City budget. Motion carried unanimously.

**10. COMMUNICATIONS**

**Marc Sebor** – Mr. Sebor informed the Council that the City had received information that a special election will be held to fill the vacancy of Representative Tony Kielkucki. The tentative dates for the election are scheduled for December 16<sup>th</sup> for a primary election, if necessary, and December 30<sup>th</sup> for the special election. Paper ballots will be used as opposed to the electronic ballots.

**Bill Arndt** - Mr. Arndt congratulated the Hutch girls swim team on winning the state swimming title and congratulated the football team on making it to the state tournament.

**Gary Plotz** – Mr. Plotz explained that the management structure at the Creekside Compost facility is being proposed to change. It is currently being run by the Water/Wastewater/Resource Recovery Director and, due to other major projects coming up in the near future that will require his oversight, staff is proposing that a contractual employee be hired to oversee the compost facility. Staff envisions that the current contractual employee, Steve Madson, continue to provide management services through March 2004 since it is a slower time of year for the compost site, and the City would then advertise to fill a General Manager position in March with the hopes of having it filled by April 2004. Duane Hoversten also stated that the compost facility would be tracked budget-wise completely separate from the Wastewater Department. Mr. Plotz also explained that staff is proposing that an advisory committee of the compost site be established.

Motion by Hoversten, second by Arndt, to approve the new management structure for the compost facility. Motion carried unanimously.

Gary Plotz also mentioned that the current Administrative Secretary, Melissa Starke, will be leaving on maternity leave very shortly and he introduced her temporary replacement, Sandy Fleischman.

**John Rodeberg** – Mr. Rodeberg informed the Council that, as per our request and that of Mn/DOT District 8, the previous pavement determination noting a bituminous surface has been preliminarily revised to concrete. We expect final confirmation soon.

Mr. Rodeberg also informed the Council that a consultant has been chosen for the Hwy 7 project. General discussion was held regarding the project.

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

(a) **VERIFIED CLAIMS A**

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

**12. ADJOURN**

With no further business to discuss, the meeting adjourned at 6:05 p.m.

CITY COUNCIL MINUTES – NOVEMBER 25, 2003

ATTEST:

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Marlin Torgerson, Mayor

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Gary D. Plotz, City Administrator

**MINUTES**  
**REGULAR MEETING - HUTCHINSON CITY COUNCIL**  
**WEDNESDAY, DECEMBER 10, 2003**

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1. **CALL TO ORDER – 5:30 P.M.**

Mayor Marlin Torgerson called the meeting to order. Members present were Jim Haugen, Kay Peterson, Bill Arndt, and Duane Hoversten. Others present were Gary Plotz, City Administrator and Marc Sebor, City Attorney.

2. **INVOCATION** – The Mayor dispensed with the invocation in the absence of Rev. Sam Grozdanov.

3. **PLEDGE OF ALLEGIANCE**

4. **MINUTES**

(a) REGULAR MEETING OF NOVEMBER 25, 2003

Minutes were approved as presented

5. **CONSENT AGENDA**

(a) REPORTS OF OFFICERS, BOARDS AND COMMISSIONS

1. HUTCHINSON PLANNING COMMISSION MEETING MINUTES FROM OCTOBER 21, 2003

2. CITY OF HUTCHINSON TRUTH IN TAXATION HEARING MINUTES FROM DECEMBER 2, 2003

3. HUTCHINSON AREA HEALTH CARE COMPARATIVE BALANCE SHEET AS OF OCTOBER 31, 2003

4. HUTCHINSON AREA HEALTH CARE STATEMENT OF REVENUES AND EXPENSES MONTH AND PERIOD ENDED OCTOBER 31, 2003

5. HUTCHINSON UTILITIES FINANCIAL REPORT FOR OCTOBER 2003

6. FIRE DEPARTMENT MONTHLY REPORT FOR NOVEMBER 2003

7. PARKS, RECREATION & COMMUNITY EDUCATION ADVISORY BOARD MINUTES FROM NOVEMBER 3, 2003

8. PIONEERLAND LIBRARY SYSTEM BY LAW AMENDMENT

(b) RESOLUTIONS AND ORDINANCES

1. ORDINANCE NO. 03-359 – AN ORDINANCE ADOPTING REVISIONS TO SECTIONS 4.015, 4.02 AND 11.02 OF HUTCHINSON CITY CHARTER (*SECOND READING AND ADOPTION*)

2. ORDINANCE NO. 03-362 – AN ORDINANCE OF THE CITY OF HUTCHINSON, MINNESOTA VACATING UTILITY AND DRAINAGE EASEMENTS LOCATED IN ISLAND VIEW HEIGHTS 4<sup>TH</sup> ADDITION (*SECOND READING AND ADOPTION*)
3. ORDINANCE NO. 03-363 – AN ORDINANCE OF THE CITY OF HUTCHINSON, MINNESOTA VACATING RIGHT OF WAY EASEMENTS KNOWN AS PARCEL NO. 2 OF CITY OF HUTCHINSON STREET RIGHT OF WAY PLATNO. 5 (*SECOND READING AND ADOPTION*)
4. RESOLUTION NO. 12301 – RESOLUTION DESIGNATING LOCATION OF POLLING PLACE FOR ALL CITY AND PRECINCTS AND APPOINTING JUDGES FOR THE DECEMBER 2003 SPECIAL ELECTION TO FILL A VACANCY IN THE OFFICE OF STATE REPRESENTATIVE OF HOUSE DISTRICT 18A.
5. RESOLUTION NO. 12310 – RESOLUTION FOR PURCHASE

(c) 2004 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 OF CONSULTING CONTRACT WITH SRF CONSULTING FOR GOLF COURSE ROAD EXTENSION (LETTING NO. 1/PROJECT NO. 04-01)
- (e) CONSIDERATION OF AMENDED CONSULTING CONTRACT WITH BARR ENGINEERING COMPANY FOR CROW RIVER BANK STABILIZATION (LETTING NO. 13/PROJECT NO. 02-22)
- (f) CONSIDERATION OF CONSULTING CONTRACT WITH SEH CONSULTING FOR INDUSTRIAL PARK (LETTING NO. 4/PROJECT NO. 04-04)
- (g) LETTING NOS. 4 & 5, PROJECT NO. 02-11 (APPROVAL OF CHANGE ORDER NO. 5)
- (h) LETTING NO. 7, PROJECT NO 02-16 (APPROVAL OF CHANGE ORDER NO. 2)
- (i) LETTING NO. 3, PROJECT NOS. 03-05, 03-06, 03-07, 03-08, 03-09, 03-11, AND 03-22 (APPROVAL OF CHANGE ORDER NO. 2)
- (j) CONSIDERATION FOR APPROVAL OF RECREATION CENTER IMPROVEMENT EXPENDITURE
- (k) CONSIDERATION FOR APPROVAL OF TWO-YEAR APPOINTMENT OF JIM POPP, TOM

GLAESER, AND WESTON SCOTT AS FIRE DEPARTMENT OFFICERS

- (l) CONSIDERATION FOR APPROVAL OF ORGANIZATIONAL MEETING FOR JANUARY 2, 2004 AT 8:00 A.M.
- (m) LETTING NO. 7, PROJECT NO. 00-02 (APPROVAL OF CHANGE ORDER NO. 2) was added to the consent agenda.

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

6. **PUBLIC HEARINGS - 6:00 P.M.**

- (a) ORDINANCE NO. 03-364 – AN ORDINANCE OF THE CITY OF HUTCHINSON, MINNESOTA, GRANTING BIRCHWOOD/CONNECT CARE THE RIGHT TO PLACE AN OUTDOOR THERMOMETER SIGN OVER AND ABOVE CERTAIN PROPERTY LOCATED IN PUBLIC RIGHT OF WAY AT LEGION PARK.

Linda Remucal addressed the Council regarding the proposed thermometer sign. The Hospice House is not fully funded and this would be a good way to communicate to the public that further donations are needed.

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

Motion by Haugen, second by Peterson, to set second reading and adoption of Ordinance No. 03-364 to December 23, 2003. Motion carried unanimously.

7. **COMMUNICATIONS, REQUESTS AND PETITIONS**

- (a) REQUEST FOR JOINT MEETING WITH THE CITY COUNCIL AND THE PLANNING COMMISSION FOR WEDNESDAY, JANUARY 28, 2004 (3:30 – 6:00 P.M.)

Motion by Peterson, second by Haugen, to approve joint meeting with city council and the planning commission for Wednesday, January 28, 2004 (3:30 – 6:00 p.m.). Motion carried unanimously.

8. **UNFINISHED BUSINESS**

- (a) AN ORDINANCE REPEALING ORDINANCE NO. 03-353 – ESTABLISHING SPECIAL SERVICE DISTRICT NO. 1

City Attorney Marc Sebor that this issue had been discussed by the Council in October 2003, and that the matter was tabled until tonight. Petitions were received from property owners within the district to abolish the proposed fee.

Motion by Haugen, second by Hoversten, to accept the ordinance repealing ordinance no. 03-353. Motion carried unanimously.

9. **NEW BUSINESS**

(a) APPROVAL OF REQUEST TO ACCEPT PROPOSALS FOR CITY PROSECUTION SERVICES

City Attorney Marc Seborá addressed the Council regarding this matter. He reviewed the information included in the packet that outlined the prosecution duties of his position and the considerable time involved to complete them. He reiterated that the City has in the past employed an assistant attorney to provide the prosecutorial function. The proposal to consider prosecutorial services from a third party should make him more available on a daily basis to the various City departments, including Hutchinson Area Health Care and Hutchinson Utilities Commission. The proposal would include a contract arrangement, with the service hours less than the equivalent of a full time employment position. Mr. Seborá requests authority to go forward with soliciting proposals for prosecution services.

Motion by Peterson, second by Arndt, to approve request to accept proposals for city prosecution services. Motion carried unanimously.

(b) RESOLUTION NO. 12303 – RESOLUTION ADOPTING 2004 TAX LEVY FOR CITY OF HUTCHINSON, MINNESOTA

(c) RESOLUTION NO. 12304 – RESOLUTION FOR SETTING 2004 TAX LEVY FOR SPECIAL TAXING DISTRICT HUTCHINSON REDEVELOPMENT AUTHORITY

(d) RESOLUTION NO. 12305 – RESOLUTION ADOPTING THE GENERAL FUND BUDGET FOR FISCAL YEAR 2004

(e) RESOLUTION NO. 12306 – RESOLUTION ADOPTING 2004 LIQUOR FUND BUDGET

(f) RESOLUTION NO. 12307 – RESOLUTION ADOPTING 2004 STORM WATER UTILITY BUDGET

(g) RESOLUTION NO. 12308 – RESOLUTION ADOPTING 2004 CENTRAL GARAGE FUND BUDGETS

(h) RESOLUTION NO. 12309 – RESOLUTION ADOPTING THE CAPITAL PROJECTS FUND BUDGET FOR FISCAL YEAR 2004

Items (b) – (i) were discussed collectively.

Ken Merrill, Finance Director, commented on the budget proposals. The general fund budget includes market and step increase amounts as well as employee insurance premium increase amounts. The liquor fund includes a security system and reduction in part time labor. The storm water utility rates are adjusted up 15% for 2004. The Capital projects budget has been modified to add a line item for land purchase in regards to the railroad property within the City and a reduced item for police mobile computing and field reporting equipment.

Brenda Ewing, Director of Human Resources, presented information on the wage policy and recommendation from the wage committee that includes a 2.5% increase to the pay grid for 2004.

Council member Hoversten proposed a 1.5% increase to the pay grid and an additional one time 1% payment to the employees. The City is proposing to pay for 80% of the employee insurance premium amounts. It was also noted that the U.S. Consumer Price Indexes realized a 2.0% and a 1.9% increase from October 2002 to October 2003. The September figures were 2.3 for the period of September 2002-2003.

Motion by Haugen, second by Peterson to adopt Resolutions Nos. 12303, 12304, 12306, 12307, 12308, and 12309. Motion carried unanimously.

(i) RESOLUTION NO. 12302 – RESOLUTION ADOPTING POSITION CLASSIFICATION ASSIGNMENT TABLE EFFECTIVE JANUARY 1, 2004

Motion by Peterson, second by Arndt to defer Resolution No. 12302 (position classification assignment table) and Resolution No. 12305 (fiscal year 2004 general fund budget) to the December 23, 2003, regular Council meeting. Motion carried unanimously.

(j) CONSIDERATION FOR APPROVAL OF LONG TERM DISABILITY COVERAGE RECOMMENDATION

Ms. Ewing presented information of the proposals for the employee long term disability coverage. Proposals were accepted through December 3, 2003. Three proposals were received and have been preliminarily reviewed by our risk managers. It was requested that this item be deferred until the December 23, 2003 meeting so that further review can be completed to ensure we are making accurate comparisons.

Motion by Peterson, second by Arndt, to defer the long term disability coverage item to the December 23, 2003, Council meeting. Motion carried unanimously.

10. **COMMUNICATIONS**

Gary Plotz, City Administrator, noted that an informational session was scheduled for 4:00 p.m. today, but was canceled. He further informed the Council that the Minneapolis project is wrapping up for the season, and an additional week to refine the compost budget is preferred by staff.

Motion by Peterson, second by Haugen, to set an informational session on the compost budget for 4:15 p.m. on Tuesday, December 23 at City Center.

Kay Peterson – Anyone who attended the send-off ceremony last evening had to be very impressed. Governor Pawlenty, Lt. Governor Molnau, Senator Dille, and other dignitaries attended. It was estimated that over 1,000 people attended. In speaking with various families of the guard members, everyone felt very good about the ceremony.

Bill Arndt – Mr. Arndt also commented on the impressive send off ceremony.

Ken Merrill presented information to the Council regarding the leasing of a pay/wheel loader at the compost site. The City has a proposal to enter into a lease purchase agreement that will allow us to apply all of the rental payments to date to the purchase of the equipment. The proposal requires

Council approval to enter into the 5-year lease agreement. The window of opportunity for the lease closes, today. After five years of payments, the City may purchase the loader for \$1.00. The lease includes equipment maintenance provisions.

Council member Hoversten questioned if there is a buyout provision in the lease. Mr. Merrill indicated that the city may discontinue the lease arrangement after each year if the City does not appropriate the funds for the lease in the budget process. The purchase is through the state contract.

Motion by Hoversten, second by Arndt, to approve entering into a 5-year lease agreement for the lease purchase of a wheel loader as long as the conditions of the agreement discussed are incorporated.

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

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

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

12. **ADJOURN**

The meeting adjourned at 6:10 p.m.

ATTEST:

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Marlin Torgerson, Mayor

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Gary D. Plotz, City Administrator

**MINUTES**  
**REGULAR MEETING – HUTCHINSON CITY COUNCIL**  
**TUESDAY, DECEMBER 23, 2003**

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1. **CALL TO ORDER – 5:30 P.M.**

Mayor Marlin Torgerson called the meeting to order. Members present were Jim Haugen, Kay Peterson, Bill Arndt, and Duane Hoversten. Others present were Gary Plotz, City Administrator and Marc Sebor, City Attorney.

2. **INVOCATION** – Rev. Sam Grozdanov, Shalom Baptist

3. **PLEDGE OF ALLEGIANCE**

4. **MINUTES**

(a) REGULAR MEETING OF DECEMBER 10, 2003

Minutes were approved as presented

5. **CONSENT AGENDA**

(a) REPORTS OF OFFICERS, BOARDS AND COMMISSIONS

1. PURCHASE OF LOGS BID OPENING MINUTES FROM DECEMBER 12, 2003

2. FINANCIAL REPORT FOR NOVEMBER 2003 (GENERAL FUND, WATER, AND SEWER DEPARTMENTS)

3. INVESTMENT REPORT FOR NOVEMBER

4. HUTCHINSON HOUSING & REDEVELOPMENT AUTHORITY REGULAR BOARD MEETING MINUTES FROM NOVEMBER 18, 2003

(b) RESOLUTIONS AND ORDINANCES

1. ORDINANCE NO. 03-358 – AN ORDINANCE REPEALING ORDINANCE NO. 03-353 – ESTABLISHING SPECIAL SERVICE DISTRICT NO. 1 (*SECOND READING AND ADOPTION*)

2. RESOLUTION NO. 12315 – CONSIDERATION FOR APPROVAL RESOLUTION ADOPTING 2004 HOUSING COMMUNITY DEVELOPMENT PLAN

3. RESOLUTION NO. 12314 – CONSIDERATION FOR APPROVAL OF DNR CONSERVATION PARTNERSHIP GRANT FOR MILLER WOODS OAK SAVANNAH

4. RESOLUTION NO. 12312 – CONSIDERATION FOR APPROVAL OF CONDITIONAL USE PERMIT REQUESTED BY MILES AND LINDA MCMONAGLE, PROPERTY OWNERS, TO ALLOW RESTORATION OF THE MARQUEE, CANOPY, AND TOWER LOCATED ABOVE THE ROOF LINE ON THE STATE THEATRE, 35 WASHINGTON AVENUE EAST

5. RESOLUTION NO. 12316 – CONSIDERATION FOR APPROVAL OF RESOLUTION APPROVING AN EXTENSION OF CONDITIONAL USE PERMIT GRANTED TO MENARDS TO CONSTRUCT A FENCE 14 FEET IN HEIGHT AND ALLOW FOR OUTDOOR STORAGE AND DISPLAY AREA LOCATED AT 1525 MONTREAL STREET SE

(c) 2004 LICENSE RENEWALS

1. TOBACCO LICENSES
2. MASSAGE LICENSE

(d) CONSIDERATION FOR APPROVAL OF SHORT-TERM GAMBLING LICENSE FOR HUTCHINSON BASEBALL ASSOCIATION AT VFW POST 906

(e) CONSIDERATION FOR APPROVAL OF SHORT-TERM GAMBLING LICENSE FOR MINNESOTA WATERFOWL CENTRAL CHAPTER AT VFW POST 906

(f) CONSIDERATION FOR APPROVAL OF NOTICE FROM HENNEPIN COUNTY REGIONAL RAIL AUTHORITY REGARDING EXEMPT ABANDONMENT IN MCLEOD, CARVER, AND HENNEPIN COUNTIES

(g) CONSIDERATION FOR APPROVAL OF HCVB BUDGET 2004

(h) CONSIDERATION FOR APPROVAL OF OUT-OF-STATE TRAVEL TO SEATTLE, WASHINGTON TO VISIT THE LRI COMPOST FACILITY BY CREEKSIDE SOILS SITE COORDINATOR, DOUG JOHNSON AND STEVE MADSON

(i) CONSIDERATION FOR APPROVAL OF OUT-OF-STATE TRAVEL BY ANDY KOSEK TO LAS VEGAS, NEVADA TO ATTEND THE ANNUAL US COMPOSTING COUNCIL CONFERENCE

(j) CONSIDERATION FOR APPROVAL OF WALMART NON-INTOXICATING LICENSE SUSPENSION STIPULATED AGREEMENT

(k) CONSIDERATION FOR APPROVAL FOR APPOINTMENT OF NEW HRA BOARD MEMBER PAT SPETHMAN (REPLACING JOHN HOULE)

5(b)4 was pulled for further discussion. Ms. Wschnack informed the Council that there was some discussion at the planning commission regarding the flashing light issue with the signage (there is a condition in the conditional use permit). Ms. Wschnack further explained that downtown design review committee needs to be approached regarding this and they need to review plans before the Council acts on the Marquee. Mr. Sebor explained that there was some concern whether the design of the lights with the canopy and tower would be allowed under the current building code. There is a provision dealing with flashing signs that allows them to be reviewed by the downtown design committee. Ms. Wschnack is going to meet with the design committee and bring the new proposal to the next City Council meeting for consideration at that point.

Motion by Kay Peterson, second by Jim Haugen to defer action on (b)4 until the next regular Council Meeting in January. Motion carried unanimously.

5(f) was pulled by Council Member Arndt for further discussion. Council Member Arndt was concerned that the abandonment, the bridges, culverts, and pipes might also be pulled out. If this happens, it could cost the City of Hutchinson time and money in replacing them in the future. Council Member Arndt would like to see the rails pulled but not the bridges. He requested that this be looked into so as to ensure this will not happen. Mr. Rodeberg said that the engineering department is working with Ron McGraw and McLeod County Railroad Authority to ensure that this does not happen and to have a little more of an involvement on how the rail is abandoned. He recommended that this be included in the motion. Rail America is involved in the abandonment and part of their requirement is they remove rails and a number of other things. The expectation though is they may or may not do that however. Mr. Rodeberg is not sure what is required under the law regarding the bridges, if there is safety or other issues. In the case of Luce Line, the DNR was taking over but in this case Hennepin County control.

Motion by Bill Arndt, second by Jim Haugen, to approve railroad abandonment contingent on ensuring the preservation of trails, bridges, culverts, and pipes and that the abandonment is consistent with our plans so as the corridor is preserved as a future transportation corridor. Motion carried unanimously.

5(g) was pulled by Council Member Hoversten for further discussion. Council Member Hoversten gave a brief history of how the HCVB was created. The HCVB was created by a City Ordinance and the Ordinance has the Hutchinson motels collecting tax just like tax is collected in retail stores. In the Ordinance the City selected the Chamber of Commerce to oversee the HCVB with the HCVB being an arm of the Chamber of Commerce. With that in mind, it falls on the City Council to ultimately oversee the budget because it is a tax collection. The current budget does not show that the HCVB plans to move out of the City Chamber. The budget also does not show that out of 13 to 14 comparable cities, the average CVB spends 25 – 35% of their budget on staff. The HCVB spent over 50% this last year on staff. Because they are moving to a different location they are going to have to hire one or two more part time staff to answer phones, running the expenses up higher. Council Member Haugen is requesting that the budget be approved for 90 days and in that 90 days a strategic planning committee be put together to put a strategic plan together on what it is the HCVB is going to do and what their mission is and also to come up with a revised budget that fits what their strategic plan is going to be. The members should include people from the Chamber, the Council, and the HCVB. Within the 90 days the HCVB will come back to the council with a revised budget and strategic plan. The mayor will name two people at the January 2, 2004 organizational meeting. Mariann Felk, HCVB advisory board representative from the fairgrounds, stated that they can and will comply with the stipulations that the City Council has requested and also invited the City Council members to attend any meeting(s).

Motion by Kay Peterson, second by Duane Hoversten for a 90 day provisional budget with the expectation that a committee will be put together to put together a strategic plan with a budget that matches that plan and will be brought before the City Council for review before the 90 days are completed. Motion carried unanimously.

5(k) was pulled by Mayor Torgerson for further discussion. Mayor Torgerson explained that there

are legal questions about having a city employee and a director serve on one of the entrepreneurial funds. The mayor asked Mr. Seboria to research if this would be a proper appointment and recommended that this be deferred to the first regular City Council meeting in January.

Motion by Kay Peterson, second by Bill Arndt to defer appoint for City Attorney to research if this would be a legal appointment until the first regular meeting in January. Motion carried unanimously.

Motion by Duane Hoversten, second by Kay Peterson, to approve consent agenda except for 5(b)4, 5(f), 5(g), and 5(k) as presented. Motion carried unanimously.

6. **PUBLIC HEARINGS - 6:00 P.M.**

7. **COMMUNICATIONS, REQUESTS AND PETITIONS**

8. **UNFINISHED BUSINESS**

(a) CONSIDERATION FOR APPROVAL OF RESOLUTION NO. 12305 TO ADOPT GENERAL FUND BUDGET 2004

Mr. Merrill explained that the finance department has been working on this for several months. It includes the 2004 wage adjustment and the medical and health insurance adjustments. Mr. Merrill requested approval of the general fund budget based on the original general fund budget presented on December 10, 2003.

Motion by Kay Peterson, second by Duane Hoversten, to accept the resolution as presented to adopt the general fund budget for 2004. Motion carried unanimously.

(b) CONSIDERATION FOR APPROVAL OF RESOLUTION NO. 12302 TO ADOPT ANNUAL WAGE ADJUSTMENT

Ms. Ewing discussed the annual wage adjustment resolution. The original proposal of December 10, 2003 was for a 2½% market adjustment. Per the City Council's direction, the wage committee met on December 15, 2003 to review their recommendation and Council Member Hoversten's (all members were present) proposal to adjust the pay grid 1½% and to grant employees a separate 1% lump sum payment. The recommendation of the committee was to present to the Council the original proposal of a 2½% market wage adjustment. The wage committee felt it was very important to maintain the integrity of the pay grid so the City can stay competitive and retain good employees. There was a study done of comparative cities for the committee to review. Council Member Peterson stated that a comparative study was done a few years ago when the city started losing many of its employees and the committee then found that they were behind the comparative pay scale for other similar cities. Because of this, the city implemented a major adjustment to the pay scale and the committee is recommending an adjustment now so this does not happen again. Mr. Rodeberg commented that the pay grid is average in comparison to other like cities, but is not at all competitive. Council Member Haugen stated that the committee also looked at the added work required of employees due to the layoffs. The quality of work did not diminish even though there was more work for the employees to do. Council Member Arndt was concerned that the City was granting raises when so many people

were just laid off and some of those people still have not found new jobs. Mr. Kloss added to Mr. Rodeberg's comments that this is not really a raise but a market adjustment to the pay plan to ensure its integrity. After discussions based on the wage committee's recommendation, Ms Ewing requested approval of the original annual wage adjustment resolution presented on December 10, 2003.

Motion by Kay Peterson, second by Jim Haugen, to accept as presented the resolution to adopt annual wage adjustment. Motion carried with three ayes (Kay Peterson, Jim Haugen, and Mayor Torgerson) and two nays (Duane Hoversten and Bill Arndt).

(c) CONSIDERATION FOR APPROVAL TO ADOPT LONG TERM DISABILITY INSURANCE PROPOSAL

Ms. Ewing explained that this was deferred at the December 10, 2003 City Council meeting as the risk managers from Berkley Risk Services were reviewing the proposal received. Ms. Ewing presented the results and gave an explanation of the risk management review. Based on ranking in several areas, the risk management review recommended that the City of Hutchinson accept the UNUM proposal. Mr. Plotz also commented that Hutchinson Area Health Care did its own review and has selected UNUM as their provider. Ms. Ewing stated that there is a difference in premium price, however, our risk managers are indicating UNUM as a better choice due to market share and services able to offer. Council Member Hoversten also did a comparison and agrees with this review.

Motion by Duane Hoversten, second by Jim Haugen, to accept as presented the long-term disability insurance proposal from UNUM. Motion carried unanimously.

9. **NEW BUSINESS**

(a) CONSIDERATION FOR APPROVAL OF RESOLUTION NO. 12313 ADOPTING WATER, WASTEWATER, REFUSE, RECYCLING, AND COMPOST BUDGET

Mr. Merrill explained that this has been broken down into two different departments (the water and wastewater being one and the refuse and recycling being the other). Because of this change the finance department reviewed the budgets and the numbers have changed somewhat from the packet information.

Mr. Merrill also requested approval for the lease agreement for the wheel loaders at this time since there is an advantage to approving both at one time.

Motion by Duane Hoversten, second by Bill Arndt, to accept as presented the resolution adopting water, wastewater, refuse, recycling, and compost budget. Motion carried unanimously.

Motion Kay Peterson, second Jim Haugen to approve the lease agreement for wheel loaders at the compost facility. Motion carried unanimously.

(b) CONSIDERATION FOR APPROVAL OF RESOLUTION NO. 12321 FOR TRANSFER OF RESIDUAL REVENUES FOR TAX DISTRICT NO. 4

Mr. Merrill explained that this resolution is closing out old tax district no. 4. There was residual

money left in these accounts that the finance department has been researching what can be done with that. They have found that is the money comes from non-tax increment sources (i.e. interest earning and sale of property) come under the guidance of the City Council. The finance department, with City Council approval, is going to move this money out of the tax increment fund. That will allow 2003 to be the last year for state audit reporting as it disposes of all money in that fund. The people at Ehlers have been working on this to ensure that the City has the right procedures. This has also been reviewed and prepared by Gerry Gilligan of Dorsey Law Firm. It still allows options to remain open.

Motion by Jim Haugen, second by Bill Arndt, to accept as presented the resolution for transfer of residual revenues for tax district no. 4 (prior to July 1, 1997). Motion carried unanimously.

(c) CONSIDERATION FOR APPROVAL OF RESOLUTION NO. 12322 FOR TRANSFER OF RESIDUAL REVENUES FOR TAX DISTRICT NO. 4

Mr. Merrill explained that this resolution is closing out old tax district no. 4. There was residual money left in these accounts that the finance department has been researching what can be done with that. They have found that is the money comes from non-tax increment sources (i.e. interest earning and sale of property) come under the guidance of the City Council. The finance department, with City Council approval, is going to move this money out of the tax increment fund. That will allow 2003 to be the last year for state audit reporting as it disposes of all money in that fund. The people at Ehlers have been working on this to ensure that the City has the right procedures. This has also been reviewed and prepared by Gerry Gilligan of Dorsey Law Firm. It still allows options to remain open.

Motion by Kay Peterson, second by Duane Hoversten, to accept as presented the resolution for transfer of residual revenues for tax district no. 4 (after July 1, 1997). Motion carried unanimously.

(d) CONSIDERATION FOR APPROVAL OF RESOLUTION NO. 12323 FOR REIMBURSEMENT OF ADMINISTRATION AND ENGINEERING FEES FOR 2003

Mr. Merrill explained that this resolution was to reimburse the general fund for administration fees and engineering services set-up by the city policy for the projects. Transfer from the water and sewer fund for those administration and engineering fees and the administrative fees for the 2003 improvement bonds. Also took storm water utility for engineering and administration fees.

Motion by Jim Haugen, second by Kay Peterson, to accept as presented the resolution for reimbursement of administration and engineering fees for 2003. Motion carried unanimously.

(e) CONSIDERATION OF APPROVAL FOR CITY OF HUTCHINSON LETTER OF CREDIT FOR PERFORMANCE BOND

Mr. Merrill asked the City Council to defer this item until January 2, 2003 Organizational Meeting because he had not yet received all items needed for the bond. The performance bond they are trying to get that is required with the contract with the City of Minneapolis. With this performance bond there is a letter of credit that is needed.

Motion by Kay Peterson, second by Jim Haugen, to defer this agenda item for consideration at the Organizational Meeting on January 2, 2004 when Mr. Merrill will have the information required for

the City to issue a letter of credit for performance bond. Motion carried unanimously.

(f) CONSIDERATION FOR APPROVAL OF 2004 WORKERS COMPENSATION INSURANCE POLICY

Mr. Merrill presented information to the City Council regarding the 2004 workers compensation insurance policy. Berkley Risk Services reviewed the different options and their recommendation would be to renew the policy as presented by League of Minnesota Cities Insurance Trust with the managed care with 3% credit option and the standard premium. He also explained that the modifier has decreased this year (fewer claims to report).

Motion by Duane Hoversten, second by Bill Arndt, to accept as presented the 2004 workers compensation insurance policy. Motion carried unanimously.

(g) CONSIDERATION FOR APPROVAL OF PURCHASE OF LOGS

Mr. Plotz explained that this was a purchase of logs for 14 logs at compost facility (logs received from tree trimmings from boulevards).

Motion by Jim Haugen, second by Bill Arndt, to accept as presented the purchase of logs. Motion carried unanimously.

(h) CONSIDERATION FOR APPROVAL TO HAVE THE CITY ATTORNEY DRAFT ORDINANCE FOR FEE FOR SERVICE FOR FIRE DEPARTMENT

Mr. Emans discussed the reason for fees for service for fire department. Mr. Emans provided the Council with various newspaper articles regarding fees. This is another means of revenue in place of loosing budget. It has been widely advertised and brought before council. Mr. Emans has only received one comment from a taxpayer who is concerned his insurance premiums will incread. Mr. Emans is requesting that he be able to work with the City Attorney on ordinance so as to allow for some allowance in billing but to different situations but would remain legal. He also requested that during budget process of 2005 the ordinance would be reviewed again to review comments and see how the fee collection it is working.

Motion by Bill Arndt, second by Jim Haugen, to accept as presented to have the city attorney along with the fire chief draft an ordinance for fee for service for fire department. Motion carried unanimously.

(i) CONSIDERATION FOR APPROVAL OF CONTRACT FOR CREEKSIDE SOILS MANAGEMENT SERVICES

This is a three month contract.

Motion by Duane Hoversten, second by Kay Peterson, to accept as presented the contract for Creekside Soils Management Services. Motion carried unanimously.

(j) CONSIDERATION FOR APPROVAL OF ONE YEAR NUTRITION SERVICES INC. CONTRACT

Ms. Wischnack explained the new contract. The fee reimbursed to the city will be a significant increase. There is a new service provider. The City was able to renegotiate the contract. For years Augustana had the contract and it was \$300. The other problem was we had trouble breaking out the exact costs because there were employees of the city working over there so it was more difficult to break out the utility and other costs than what we have today. It is pretty straight forward at to what costs we are incurring in taking care of that building. The contract is proposed at \$800.

Motion by Bill Arndt, second by Jim Haugen, to accept as presented the contract for one year Nutrition Services Inc. Motion carried unanimously.

- (k) CONSIDERATION FOR APPROVAL AUTHORIZING THE PURCHASE OF COST ACCOUNTING/CONTRACT MANAGEMENT SOFTWARE AT \$122,200
- (l) CONSIDERATION FOR APPROVAL AUTHORIZING THE PURCHASE OF SPACE LABS MONITORING EQUIPMENT FOR CRITICAL CARE UNIT AT \$280,558
- (m) CONSIDERATION FOR APPROVAL AUTHORIZING THE PURCHASE OF HILL ROM BEDS FOR CRITICAL CARE UNIT AT \$105,365
- (n) CONSIDERATION FOR APPROVAL AUTHORIZING THE PURCHASE OF PROJECT FURNISHINGS AT \$230,000

9(k), 9(l), 9(m), and 9(n) were read together

Motion by Kay Peterson, second by Duane Hoversten, to authorize purchase of accounting/contract management software, space labs monitoring equipment for critical care unit, Hill Rom beds for critical care unit, and project furnishings. Motion carried unanimously.

## 10. COMMUNICATIONS

Mr. Sebor, Mr. Plotz, Mayor Torgerson, and the City Council thanked Duane Hoversten for all the work he has done for City, City Council, and other committees. They also thanked him for the help he gave them. The mayor pinned a Key to the City on his sweater.

Duane Hoversten thanked the citizens for allowing him to serve on committee and also thanked mayor and council.

Council Member Arndt commented on the cars parked on the street after a snowstorm when the plow trucks are trying to clean the streets. He commented that it is very dangerous and adds an expense to the city to have to go back and clean up later. Mr. Rodeberg commented that the police department has assigned an officer to help with this problem and more cars will start being towed.

Mr. Rodeberg requested that the council approve a short-term contract with FCH to put in a lift station and sewer and water lines in the industrial park not to exceed \$53,885.

Motion by Kay Peterson, second Bill Arndt to accept the short-term contract with FCH to put in a lift

station and water and sewer lines in the industrial park. Motion carried unanimously.

Mr. Orlin Henke asked the City Council to review the policy on a temporary snow fence. He presented a copy of a letter he sent to his neighbor requesting that orange snow fence between his house and his neighbor be taken down. He does not believe that it is conducive to the neighborhood and he is concerned about the water in his yard once the snow melts. He also brought pictures for the council to review. He commented that the planning committee has requested that his neighbor not put red signs and yellow tape on the surrounding trees. Mr. Henke is asking the Council to clarify the current ordinance on how long and where snow fences can be set. What does temporary mean? The mayor requested that the city attorney will look at regulations. Mr. Seboria explained that there is not a city ordinance regarding this right now but he will research to see what can be done. Council Member Arndt reminded everyone that snowmobiles are not allowed on boulevards but it is hard to control.

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

Motion by Duane Hoversten, second Bill Arndt to approve claims, appropriations, and contract payments.

12. **ADJOURN**

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