

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

August 7, 2006  
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Lester Heitke. Members present on a roll call were Mayor Heitke, Council Members Doug Reese, Ron Christianson, Bruce DeBlieck, Denis Anderson, Rick Fagerlie, Jim Dokken, and Steven Gardner; Present 9, Absent 1 – Cindy Swenson was excused from the meeting.

Also present were City Administrator Michael Schmit, Police Chief Jim Kulset, Fire Chief Marv Calvin, Public Works Director Mel Odens, Finance Director Steven Okins, Planning and Development Services Director Bruce Peterson, Community Education and Recreation Director Steve Brisendine, and City Clerk Kevin Halliday.

The Council requested the Planning Commission Minutes of July 26, 2006, be removed from the Consent Agenda.

Council Member Christianson offered a motion adopting the Consent Agenda which included the following: City Council Minutes of July 17, Rice Hospital Board Minutes of July 7, Municipal Utilities Commission Minutes of July 10 and 24, Planning Commission Minutes of July 27, Building Inspection Report for July, 2006; and Application for Exempt Permit for West Central Ducks Unlimited. Council Member Reese seconded the motion, which carried.

The Council requested clarification of Item No. 5, Williams rezoning, in the Planning Commission Minutes. Following discussion, the Planning Commission Minutes of July 26, 2006, were approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Dokken, seconded by Council Member Fagerlie, and carried.

At 7:09 p.m. Mayor Heitke opened a public hearing on an Ordinance Authorizing the Issuance of \$1,950,000 General Obligation Improvement Bonds, Series 2006A, and the Levying of Taxes to Secure the Payment Therefore. City Administrator Schmit presented details of the proposed bonds which will be used to fund a portion of the 2006 improvement projects. There being no one present to speak for or against the proposed Ordinance, Mayor Heitke closed the hearing at 7:10 p.m.

Council Member Anderson offered a motion to adopt, assign a number and order final publication of the Ordinance Authorizing the Issuance of \$1,950,000 General Obligation Improvement Bonds, Series 2006A, and the Levying of Taxes to Secure Payment Therefore. Council Member Dokken seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

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

**RESOLUTION NO. 1**

PROVIDING FOR THE COMPETITIVE NEGOTIATED SALE OF \$1,950,000  
GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2006A

(For Resolution in its entirety, see Council proceedings file dated August 7, 2006, located in the City Clerk's Office)

At 7:11 p.m. Mayor Heitke opened a hearing on an Ordinance Authorizing the Issuance of \$6,850,000 General Obligation Wastewater Revenue Bonds, Series 2006B. City Administrator Schmit presented details of the proposed bonds to finance various improvements to the wastewater system. There being no one present to speak for or against the proposed Ordinance, Mayor Heitke closed the hearing at 7:13 p.m.

Council Member Anderson offered a motion to adopt, assign a number, and order final publication of the Ordinance Authorizing the Issuance of \$6,850,000 General Obligation Wastewater Revenue Bonds, Series 2006B. Council Member Reese seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Resolution No. 2 was introduced by Council Member Anderson, seconded by Council Member Reese, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

#### RESOLUTION NO. 2

#### PROVIDING FOR THE COMPETITIVE NEGOTIATED SALE OF \$6,850,000 GENERAL OBLIGATION WASTEWATER REVENUE BONDS, SERIES 2006B

(For Resolution in its entirety, see Council proceedings file dated August 7, 2006, located in the City Clerk's Office)

At 7:16 p.m. Mayor Heitke opened a hearing on an Ordinance Amending Ordinance No. 1060, the Willmar Zoning Ordinance. Planning and Development Services Director Peterson informed the Mayor and Council the Faigus Group proposed the rezoning of three properties south of Trott Avenue SE and west of 2<sup>nd</sup> Street SE from R-2 to GB for the purpose of development of a Walgreens Pharmacy. It was noted the Planning Commission approved the rezoning. There being no one present to speak for or against the proposed Ordinance, and Mayor Heitke closed the meeting at 7:21 p.m.

Council Member Gardner offered a motion to adopt, assign a number, and order final publication of the Ordinance Amending Ordinance No. 1060, the Willmar Zoning Ordinance. Council Member Anderson seconded the motion, which carried.

Chad Johnson, President of Willmar Fests, Inc., appeared before the Mayor and Council to express appreciation for supporting the 2006 Willmar Fests activities and recap the various activities. Kailey Hanson, Queen of Festivals, and Ashleigh Leitch, International Princess, shared new experiences and future events scheduled. Katie Simonson, Aqua Princess, was not present. The Mayor expressed appreciation and wished them well on the year-long journey as Ambassadors for the City of Willmar.

Allie Ellingson, Willmar Junior Miss and reigning Minnesota Junior Miss, appeared before the Mayor and Council to summarize her experiences over the past year with her June, 2006, appearance at the National Junior Miss competition held in Mobile, Alabama. It was noted she won a \$1,000 scholarship in the required scrapbook contest. The Mayor expressed his appreciation for her excellent representation of both Willmar and Minnesota and wished her well in her upcoming college year at the University of Minnesota.

Several individuals had signed up to address the City Council during its scheduled Open Forum. Mike Hartman and Lee Durst expressed concerns regarding the Hill's Westside Plexes preliminary plat. Sylvia Pulscher addressed the noise from trains at the Lakeview Apartments.

The Mayor and Council considered an Ordinance to Rezone Certain Lands from R-2 to GB. Planning and Development Services Director Peterson explained that Robert and Karen Williams proposed the rezoning of property between First and Second Streets SE north of Minnesota Avenue SE, from R-2 to GB for the construction of a commercial print shop. The proposal is consistent with the Comprehensive Plan and has been approved by the Planning Commission. Mona Banks and Karen Russo shared concerns with their small property not receiving an offer from Williams and as a residue parcel, it would render the property nearly unusable to a commercial enterprise. Following discussion, Council Member Reese offered a motion to introduce an Ordinance Amending Municipal Ordinance No. 1060, the Willmar Zoning Ordinance, and schedule a hearing for August 21, 2006. Council Member Christianson seconded the motion, which carried.

Planning and Development Services Director Peterson presented to the Mayor and Council a preliminary plat for Hills' Westside Plexes, a two-lot (plus two outlots) replat for four four-plexes proposed by Hillario Vargas and Dawn Skogland. The land was previously platted as Park View Estates. The Planning Commission reviewed the matter and reaffirmed their decision of approval. Following discussion, Council Member Reese moved to approve the preliminary plat of Hill's Westside Plexes with Council Member Gardner seconding the motion, which carried on a roll call vote of Ayes 5, Noes 2 – Council Members Christianson and DeBlieck voted "No."

The Finance Committee Report for July 24, 2006, was presented to the Mayor and Council by Council Member Anderson. There were four items for Council consideration.

Item No. 1 Finance Director Okins presented to the Committee a recommendation to transfer a total of \$20,834 among various line items budgeted in the Donohue & Associates contract to more accurately reflect costs. The changes are necessitated to cover actual, as opposed to estimated, costs of the various project tasks. The grand total of the Contract remains the same.

The Committee was recommending the Council introduce a resolution to approve the budget transfer the Donohue & Associates contract as proposed. Resolution No. 3 was introduced by Council Member Anderson, seconded by Council Member Reese, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

Resolution No. 3

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into a contract amendment to supplement the agreement between the City of Willmar and Donohue & Associates, Inc. The supplement includes the reallocation of costs with the present contract amount.

BE IT FURTHER RESOLVED, the original contract is hereby amended as follows:

PM Admin.	\$243,315	-\$ 9,054	\$234,261
Funding	\$ 69,846	+\$ 5,932	\$ 75,778
Public Relations	\$ 66,138	-\$ 5,017	\$ 61,121
File Management	\$ 49,699	-\$ 2,745	\$ 46,954
Packaging	\$ 1,800	-\$ 1,800	\$ -0-

Data Gathering	\$ 54,012	-0-	\$ 54,012
Service Area	\$ 46,788	-0-	\$ 46,788
Flows and Loadings	\$ 42,233	-0-	\$ 42,233
Reg. Landscape	\$ 19,600	-\$ 688	\$ 18,912
Alt. Evaluation	\$282,183	-\$ 1,530	\$280,653
Facilities Plan	\$ 40,326	+\$14,902	\$ 55,228

Dated this 7<sup>th</sup> day of August, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 2 Staff presented two segment budgets for the new Airport for the Committee to review. One was the Soil Corrections Budget for \$81,000 which is to be funded through the Public Improvement Revolving Loan (PIR) fund. The second budget was for Hangar Relocation totaling \$800,000. Funding for this budget would be \$250,000 in State Grant Funds, \$250,000 in City Bonding Funds, and \$300,000 in PIR funds. Once overall project funding issues are resolved, the PIR funds for both of these budgets would be repaid. Following discussion, the Committee was recommending the Council introduce the appropriate resolutions as presented.

Resolution No. 4 was introduced by Council Member Anderson, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 4

PRELIMINARY SOIL CORRECTIONS BUDGET  
ESTIMATED TOTAL COST \$81,000.00

OTHER SERVICES:		RECEIVABLES:	
Mtce. of Other Improvement	\$65,000.00	City PIR	<u>\$81,000.00</u>
Other Services	<u>10,000.00</u>	Total:	\$81,000.00
Total	\$75,000.00		
OTHER CHARGES:		FINANCING:	
Professional Services	\$ 5,000.00	City PIR Loan	<u>\$81,000.00</u>
Advertising	<u>1,000.00</u>	Total:	\$81,000.00
Total:	\$ 6,000.00		
GRAND TOTAL:	\$ 81,000.00		

Dated this 7<sup>th</sup> day of August, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Resolution No. 5 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 5

PRELIMINARY HANGAR RELOCATION BUDGET  
ESTIMATED TOTAL COST \$800,000.00

OTHER SERVICES:		RECEIVABLES:	
Mtce. of Other Improvement	\$627,015.00	State 3401-58	\$250,000.00
Other Services	<u>38,245.00</u>	City Bonding	250,000.00
Total	\$665,350.00	City PIR	<u>300,000.00</u>
		Total:	\$800,000.00
OTHER CHARGES:		FINANCING:	
Advertising	\$ 1,000.00	Bonds	\$250,000.00
Other Charges	<u>133,650.00</u>	State 3401-58	250,000.00
Total:	\$134,650.00	City PIR	<u>300,000.00</u>
		Total:	\$800,000.00
GRAND TOTAL:	\$800,000.00		

Dated this 7<sup>th</sup> day of August, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 3 The Committee discussed the Mayor's 2007 Budget, which will be presented at the September 11, 2006, Finance Committee meeting. It was determined that the Committee will continue, as in the past, to discuss the budget by fund balances. This matter was received for information only.

Item No. 4 The Committee acknowledged receipt of the following reports: June 30 Investment/Cash Listing, June 30/2<sup>nd</sup> Quarter Rice Trust Account, Sales Tax Reports, June 30 EDC Financial, June 30 WRAC-8 Financial, June 30 CVB Financial, 2<sup>nd</sup> Quarter Investment Activity, 2<sup>nd</sup> Quarter Interest Activity. This matter was for information only.

The Finance Committee Report for July 24, 2006, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Anderson, seconded by Council Member Fagerlie, and carried.

The Community Development Committee Report for July 27, 2006, was presented to the Mayor and Council by Council Member DeBlieck. There were four items for Council consideration.

Item No. 1 Staff presented sections from the Willmar Zoning Ordinance, Willmar City Charter, and Minnesota State Statutes regarding the City's authority to plan and the distribution of responsibilities among staff, the Planning Commission, and Council. The Committee discussed at length the need for the Council to support any action overturning the Planning Commission with findings of fact. Some discussion involved the role of citizens and neighborhoods in the public hearing process.

Staff offered the opinion that it was important to involve the public in project review, but ultimately the staff, Planning Commission, and Council were bound by the adopted ordinances and regulatory standards. This matter was received for information only.

Item No. 2 Due to recent interest by several parties, staff proposed to the Committee that the City consider the sale of City-owned land in Pleasantview Third Addition. This property consists of approximately 11 lots and a small unplatted parcel, all lying east of undeveloped 13<sup>th</sup> Street SE. This property was the site of a recent proposal by the Southwest Minnesota Housing Partnership and the Willmar HRA to develop an affordable housing project.

The Committee discussed whether there were any public needs that could be met by using that property. Staff mentioned that there was a small park located there that would need to be relocated or maintained by any future buyer. Also, there is the need for regional stormwater pond to accommodate storm runoff from a larger area.

The Committee was recommending the Council proceed with the process to offer the land for sale, order an appraisal of the property, investigate further the potential for public use, and refer the matter to the Planning Commission for their review under their Charter authority. Council Member DeBlieck moved to approve the recommendation of the Community Development Committee with Council Member Dokken seconding the motion, which carried.

Item No. 3 Staff reported to the Committee that the public meetings to solicit input for the Comprehensive Plan were a success. Input received at the meetings was deemed to be thoughtful and relevant, and will be used by staff and the Planning Commission as they draft the goals and policies section of the Plan. The Committee discussed the balance of the process for drafting, reviewing, and adopting the Comprehensive Plan. It was estimated that this process would take a minimum of six months. This matter was for information only.

Item No. 4 The Committee received updates on a variety of residential, commercial, and industrial projects. It was noted that although our construction valuations are lower than the previous year, there were a number of very good projects in the planning stage. This matter was for information only.

The Community Development Committee Report for July 27, 2006, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member DeBlieck, seconded by Council Member Fagerlie, read by Mayor Heitke, and carried.

The Public Works/Safety Committee Report for August 1, 2006, was presented to the Mayor and Council by Council Member Reese. There were 11 items for Council consideration.

Item No. 1 John Groothuis representing Kandiyohi Area Transit (KAT) appeared before the Committee to discuss a proposal for a bus station/bus shelter in downtown Willmar located in the vicinity of Selvig Park. KAT submitted a grant to the Mn/DOT Office of Transit to fund a downtown Willmar bus station/bus shelter and was granted an 80 percent funding percentage on an amount not to exceed \$75,000 (\$60,000 maximum State dollars). The remainder would be funded by KAT.

The Committee received a schematic provided by Engan Architects showing a bus shelter on the 4<sup>th</sup> Street side and benches on the Becker Avenue side. The shelter and station would both be located in the current right-of-way pending the City Attorney's review of legal documents for placement. KAT was requesting approval of the concept and site, the City's consideration of long-term ownership and maintenance responsibility, authorization of "bus only" parking spots, and technical assistance of

City staff to review building plans and specifications.

The Committee was recommending the Council approve the concept and location of the bus shelter/bus station pending the City Attorney's approval, assume ownership and maintenance responsibilities, authorization of "bus only" parking signs and the assistance of City staff as requested. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Christianson seconding the motion, which carried.

Item No. 2 Richard Engan of Engan Architects appeared before the Committee to provide a schematic and cost estimates for connection of the Blue Line Center to the Civic Center. The schematic presented joins the Blue Line Center to the Civic Center with a one-story lobby at the proposed new entrance and a larger concession area followed by storage areas and locker rooms. The existing entrance to the Civic Center would be converted into a meeting room and an additional exit door provided in the northeast corner. The total estimated cost for the project is \$980,000.

Following discussion, the Committee was recommending the Council approve the concept of the preliminary design and authorize Engan Architects to develop the plans and specifications. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member DeBlicek seconding the motion, which carried.

Item No. 3 Celebrate Art/Celebrate Coffee Festival Co-Chairs, Kay Thompson and Mary Wilkowske, appeared before the Committee to request the City's support for the Annual Celebrate Art/Celebrate Coffee Festival in the downtown on September 16, 2006. The request includes the temporary closure of 5<sup>th</sup> Street from Trott to Litchfield Avenues and Becker Avenue from 4<sup>th</sup> to 6<sup>th</sup> Streets. In addition, the parking lot next to and behind the Masonic Temple building would be closed the entire day.

Several changes in the layout have occurred this year due to access to electricity for the food court. Staff approved the request with no safety concerns as long as a 20-foot fire lane access is available at all times. Also requested was permission for placement of an outdoor bathroom on the corner of 6<sup>th</sup> Street and Becker Avenue in the parking lot of the City Office Building.

The Committee was recommending the Council approve the temporary street and parking lot closure for the Fall Festival as presented. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Dokken seconding the motion, which carried.

Item No. 4 The Committee discussed the Water View Business Park underground utilities project. Staff explained Internal Revenue Code Bond regulations requiring a municipality to declare its intent to reimburse itself for all costs incurred prior to the sale of General Obligation Improvement Bonds. The Water View Business Park development process is underway and it is the intent of the City to include all administrative and other costs of the project in the bond sale.

The Committee was recommending the Council adopt a resolution of Intent to Reimburse for the Water View project. Resolution No. 5 was introduced by Council Member Reese, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

#### RESOLUTION NO. 5

#### RESOLUTION ESTABLISHING PROCEDURES RELATING TO COMPLIANCE

WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE

BE IT RESOLVED, by the City Council (the "Council") of the City of Willmar, Minnesota (the "City"), as follows:

1. Recitals.

A. The Internal Revenue Service has issued Treasury Regulations, Section 1.150-2 (as the same may be amended or supplemented, the "Regulations"), dealing with "reimbursement bond" proceeds, being proceeds of the City's bonds used to reimburse the City for any project expenditure paid by the City prior to the time of the issuance of those bonds.

B. The Regulations generally require that the City make a declaration of intent to reimburse itself for such prior expenditures out of the proceeds of subsequently issued bonds, that such declaration be made not later than 60 days after the expenditure is actually paid, and that the bonding occur and the written reimbursement allocation be made from the proceeds of such bonds within 18 months after the later of (1) the date of payment of the expenditure or (2) the date the project is placed in service (but in no event more than 3 years after actual payment).

C. The City heretofore implemented procedures for compliance with the predecessor versions of the Regulations and desires to amend and supplement those procedures to ensure compliance with the Regulations.

D. The City's bond counsel has advised the City that the Regulations do not apply, and hence the provisions of this Resolution are intended to have no application, to payments of City project costs first made by the City out of the proceeds of bonds issued prior to the date of such payments.

2. Official Intent Declaration. The Regulations, in the situations in which they apply, require the City to have declared an official intent (the "Declaration") to reimburse itself for previously paid project expenditures out of the proceeds of subsequently issued bonds. The Council hereby authorizes the City Clerk to make the City's Declarations or to delegate from time to time that responsibility to other appropriate City employees. Each Declaration shall comply with the requirements of the Regulations, including without limitation the following:

A. Each Declaration shall be made not later than 60 days after payment of the applicable project cost and shall state that the City reasonably expects to reimburse itself for the expenditure out of the proceeds of a bond issue or similar borrowing. Each Declaration may be made substantially in the form of the Exhibit A, which is attached to and made a part of this Resolution, or in any other format which may at the time comply with the Regulations.

B. Each Declaration shall (1) contain a reasonably accurate description of the "project," as defined in the Regulations (which may include the property or program to be financed, as applicable), to which the expenditure relates and (2) state the maximum principal amount of bonding expected to be issued for that project.

C. Care shall be taken so that the City, or its authorized representatives under this Resolution, not make Declarations in cases where the City doesn't reasonably expect to issue reimbursement bonds to finance the subject project costs, and the City officials are hereby authorized to consult with bond counsel to the City concerning the requirements of the Regulations and their application in particular circumstances.

D. The Council shall be advised from time to time on the desirability and timing of the issuance of reimbursement bonds relating to project expenditures for which the City has made Declarations.

3. Reimbursement Allocations. The designated City officials shall also be responsible for making the "reimbursement allocations" described in the Regulations, being generally written allocations that evidence the City's use of the applicable bond proceeds to reimburse the original expenditures.

4. Effect. This Resolution shall amend and supplement all prior resolutions and/or procedures adopted by the City for compliance with the Regulations (or their predecessor versions), and, henceforth, in the event of any inconsistency, the provisions of this Resolution shall apply and govern.

Dated this 7<sup>th</sup> day of August, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

The Committee was informed of the plans for the underground utilities in the Water View Business Park. Following discussion, the Committee was recommending the Council approve plans and specifications for the underground utilities in the Water View Business Park (Project No. 0603) and authorize advertisement for bids. Resolution No. 7 was introduced by Council Member Reese, seconded by Council Member Dokken, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 7

WHEREAS the Consulting Engineer for the City of Willmar has presented to the City Council plans and specifications for Project No. 0603 (Waterview Business Park Underground) for the City of Willmar;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Willmar that: Final plans and specifications are hereby approved, and publication of the advertisement for bids is herewith authorized. Bids will be publicly opened and read at 11:00 a.m. on the 5th day of September, 2006, at the City Office Building, 333 Southwest Sixth Street, Willmar, Minnesota.

Dated this 7<sup>th</sup> day of August, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Staff informed the Committee they are in the process of preparing an Engineer's Estimate for

the project and requested that the budget be amended accordingly. The Committee was recommending the Council approve the preliminary budget as amended for the Water View Business Park Development. Resolution No. 8 was introduced by Council Member Reese, seconded by Council Member DeBleck, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 8

PRELIMINARY BUDGET PROJECT NO. 0603  
SE WILLMAR DUININCK BROS. DEV.  
ESTIMATED TOTAL COST: \$1,716,700

<b>PERSONNEL SERVICES</b>		<b>RECEIVABLES</b>	
Salaries Temp. Employees	\$1,000.00	Property Owners (DBI)	\$1,317,500.00
Employer Pension Contr.	\$1,500.00	MUC	0.00
Employer Ins. Contr.	\$1,500.00	WWTP	149,000.00
<b>TOTAL</b>	<b>\$4,000.00</b>	City (CIF-Storm)	154,000.00
<b>SUPPLIES</b>		City (2005 Proj. Budget Transfer-CIF)	\$28,100.00
Office Supplies	\$500.00	City (Developer's Agreement)	\$40,000.00
Small Tools	\$500.00	Other (Duininck Bros.)	<u>\$28,100.00</u>
Motor Fuels & Lubricants	\$1,000.00	<b>TOTAL</b>	<b>\$1,716,700.00</b>
Postage	500.00	<b>FINANCING</b>	
Mtce. of Other Improvements	\$1,000.00	Bonds	\$1,660,500.00
General Supplies	<u>\$1,000.00</u>	MUC	0.00
<b>TOTAL</b>	<b>\$4,500.00</b>	City (2005 Proj. Budget Transfer)	\$28,100.00
<b>OTHER SERVICES</b>		Other (Duininck Bros.)	<u>\$28,100.00</u>
Printing & Publishing	\$1,000.00	<b>TOTAL</b>	<b>\$1,716,700.00</b>
Mtce. of Other Impr.	\$1,500,000.00	<b>GRAND TOTAL</b>	<b>\$1,716,700.00</b>
Other Services	<u>\$100,000.00</u>		
<b>TOTAL</b>	<b>\$1,601,000.00</b>		
<b>OTHER CHARGES</b>			
Insurance & Bonds	\$1,000.00		
Prof. Serv. (B&M and Barr)	\$96,200.00		
Other Charges	<u>\$10,000.00</u>		
<b>TOTAL</b>	<b>\$107,200.00</b>		
<b>GRAND TOTAL</b>	<b>\$1,716,700.00</b>		

Dated this 7<sup>th</sup> day of August, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 5 Craig Holmes of Donohue and Associates reviewed with the Committee the alternative routes for the primary interceptor sewer from the western City limits to the proposed wastewater treatment facility. The study by Donohue to re-evaluate alternative routes in the western portion was requested by the City Council. Mr. Holmes summarized the alternatives studied for the

committee considering cost, constructability, construction impacts and future growth. Based on the evaluation of these factors, Donohue's recommendation is to proceed with the first route chosen by the City, the southern route, which is the original route that was documented in the Facilities Plan. Each alternative requires the acquisition of permanent and temporary utility easements. The Committee concurred with the decision, and this matter was for information only.

Item No. 6 The Committee received from staff information and a map relating to the establishment of designated truck routes in Willmar. Many of the prior established routes were on state highways, and due to construction activity, the signs were never put back in place. The majority of these streets have now been turned back to the City. Following discussion, the Committee was recommending the Council approve the designated truck routes as presented. Resolution No. 9 was introduced by Council Member Reese, seconded by Council Member Dokken, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

#### RESOLUTION NO. 9

WHEREAS, the City of Willmar desires to designate truck routes within the City; and

WHEREAS, the City Ordinance allows for designation of truck routes by the City Council.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Willmar to designate specific streets within the City as truck routes as shown on a map on file in the City Office Building.

Dated this 7<sup>th</sup> day of August, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 7 The Committee considered a request from Donohue and Associates to revise the completion date for the planning phase of their contract as they are finalizing some deliverables. The current completion date is July 15, and the request is for a two-month extension to September 15, 2006. The Committee was recommending the Council extend the completion date for the planning phase of the Donohue and Associates contract to September 15, 2006. Resolution No. 10 was introduced by Council Member Reese, seconded by Council Member Dokken, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

#### RESOLUTION NO. 10

WHEREAS, Donohue and Associates of Sheboygan, Wisconsin, consultant for the Wastewater Treatment Plant Relocation Project, desires to have the planning phase of their contract completion date for the project changed to September 15, 2006; and;

WHEREAS it has been determined this time is needed to finalize some deliverables.

NOW THEREFORE BE IT RESOLVED that the Wastewater Treatment Plant Relocation

Project Planning Phase completion date is hereby changed to September 15, 2006.

Dated this 7<sup>th</sup> day of August, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 8 Mr. Holmes, Donohue and Associates, informed the Committee that the construction of the new Wastewater Treatment Facility is eligible to apply for the TMDL grant funds. Following discussion, the Committee was recommending the Council authorize Donohue and Associates to submit an application on behalf of the City and execute a grant agreement for the Wastewater Collection and Treatment Facilities Project. Resolution No. 11 was introduced by Council Member Reese, seconded by Council Member Gardner, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

#### RESOLUTION NO.11

RESOLUTION AUTHORIZING THE CITY OF WILLMAR TO SUBMIT A TOTAL MAXIMUM DAILY LOAD (TMDL) GRANT APPLICATION TO THE MINNESOTA PUBLIC FACILITIES AUTHORITY (PFA) AND TO AUTHORIZE CITY OFFICIALS TO EXECUTE A GRANT AGREEMENT ON BEHALF OF THE CITY OF WILLMAR FOR THE WASTEWATER COLLECTION AND TREATMENT FACILITIES PROJECT

WHEREAS, under the provisions contained in Minnesota Statutes 446A.073 (2005, and amended by MN Laws 2006, Chapter 251, Section 21, Subdivision 9) the TMDL grant program was created and funds appropriated; and

WHEREAS, a TMDL study has been approved by the U.S. Environmental Protection Agency and the Minnesota Pollution Control Agency has determined that Wastewater Treatment Facility Improvements are necessary to meet the waste load reductions required by the TMDL, and

BE IT RESOLVED that the City of Willmar has the legal authority to apply for the grant, and the financial, technical, and managerial capacity to ensure proper construction, operation and maintenance of the project for its design life.

BE IT FURTHER RESOLVED, that upon approval of its application by the PFA, City of Willmar may enter into an agreement with the PFA for the above referenced project, and that City of Willmar certifies that it will comply with all applicable laws and regulations as stated in all contract agreements described in the Compliance listing of the grant application.

NOW, THEREFORE BE IT FURTHER RESOLVED, that Mayor and City Clerk, or their successors in office, are hereby authorized to execute such agreements, and amendments thereto, as are necessary to implement the TMDL project on behalf of the City of Willmar.

Dated this 7<sup>th</sup> day of August, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Item No. 9 The Committee was informed by staff of a storm water enhancement project along Bergquist Park, an area consisting of a 22-acre water shed. It appears there is a high degree of erosion along the ditch whereby the sediment is washing into Foot Lake. The project is a cooperative effort of Kandiyohi County, the DNR, the Foot Lake Association, and the City. There appears to be County funds available for water quality improvements. At this time all representatives are researching best management practices for the water shed. This matter was for information only.

Item No. 10 Staff updated the Committee on the process of moving hangars from the existing Airport to the new one, and discussed sewer and water being stubbed into this area. The Airport Commission surveyed the hangar owners and of the 23 asked, 14 responded with 10 owners in favor of the utilities. Staff has prepared a conceptual plan for sewer and water, and the total estimated cost is \$170,000. Financing for the project was suggested to be by hangar owners.

Following discussion, the Committee was recommending the Council approve the concept as presented by staff and proceed with preparation of plans and specifications. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Christianson seconding the motion, which carried.

Item No. 11 The Committee discussed the process of extending 5<sup>th</sup> Street SE from 19<sup>th</sup> Avenue to 28<sup>th</sup> Avenue. Staff requested authorization to purchase 9,364 SF of land from Gary Nelson for use as public right-of-way. As compensation for the property acquisition, the City would propose waiving all assessments and pay for all professional services, legal and administrative fees to complete the transaction. Following discussion, the Committee was recommending the Council approve the acquisition of 9,354 SF of land from Gary Nelson for use as public right-of-way. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Christianson seconding the motion, which carried.

The Public Works/Safety Committee Report for August 1, 2006, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Reese, seconded by Council Member Christianson, and carried.

The Mayor and Council considered a request from the Minnesota Alliance for Safe Highways, a program of the Coalition Against Bigger Trucks, LLC, opposing any proposals or legislation allowing the increase in size and weight of trucks on Minnesota highways. Council Member Reese moved to introduce a Resolution Opposing Any Proposals or Legislation Allowing the Increase in the Size and Weight of Trucks on Minnesota Highways with Council Member Dokken seconding the motion. Following discussion, Council Member Reese withdrew his motion and Council Member Dokken withdrew his second. The matter was then referred to the Public Works/Safety Committee for additional discussion.

The Mayor and Council considered a Resolution appointing election judges for the September Primary Election. Resolution No. 12 was introduced by Council Fagerlie, seconded by Council Member Dokken, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

#### RESOLUTION NO. 12

BE IT RESOLVED, that the individuals listed below be appointed as Judges to work at the Primary Election in the City of Willmar September 12, 2006:

WARD ONE	Precinct One:	Pat Morse, Head Judge Stanza Haagenson Cheryl Retrum Verle Watson Jon Winge Maria Aranda		
	Precinct Two:	Joan Schultz, Head Judge Ione Nichols Ardell Engwall Sally McAdams Samuela Heyer Shirley Miller		
	Precinct Three:	Owen Heuring, Head Judge Bill Schultz JoAnn Jagt Lee Durst Lynn Shuldes Sherlan Baker		
	WARD TWO	Precinct One:	Daisy Score, Head Judge Beverly Chambers Doris Helsper Lea Braun Mary Ann Cotton Marjorie Carlson	
		Precinct Two:	Eilene Magnuson, Head Judge Dan Reigstad Dorothy Fransen Beverly Ledeboer Ardis Just Fay Marti	
		Precinct Three:	George Berg, Head Judge Marilyn Hanson Doris Doerhofer Mary Lorentzen Donna Hillenbrand Alice VanOrt	
		WARD THREE	Precinct One:	Merle Berkeland, Head Judge Mavis Hagert Iona Andreen Ruby Bernhagen Harriet Levy Donald Jacobson
			Precinct Two:	Ann Pederson, Head Judge Marlys Boeder Esther Floren J. Marie Engwall Diane Plowman Duane Bock
			Precinct Three:	Laural Rieckman, Head Judge Sherwood Mellom Shirley Jensen Stephen Enockson Juna Halstrom Ardel Stiles

WARD FOUR

Precinct One:

Neil Cofer, Head Judge  
Mavis Willroth  
Evangelin Bass  
David Rogers  
Joey Werder  
Ramona Berg

Precinct Two:

Marsha Butterfield, Head Judge  
Ruby Freeberg  
LeCharl Lessman  
Arlene Syverson  
Suzanne Rogers  
Elaine Feichtinger

Precinct Three:

Bob Jones, Head Judge  
Francis Yule  
Howard Freeberg  
Connie Heath  
Linda Dilley  
Sharon Baker

Absentee Judges:

Daniel Pederson  
Ardell Engwall

Reserve Judges:

Brandt Haglund  
Joyce Malvin

Dated this 7<sup>th</sup> day of August, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

City Clerk Halliday presented to the Mayor and Council a list of properties that have not paid billings for weed and grass mowing. Pursuant to Municipal Code, Chapter 9, Article III concerning the cutting of weeds or grass and in the case of noncompliance, such work is to be performed by the City or its agent. The costs thereof can be certified as a special assessment against the property in question. Following discussion, Council Member Reese moved to set a public hearing for 7:03 p.m. on September 5, 2006, to consider objections to the proposed assessment for the mowing costs incurred. Council Member DeBlieck seconded the motion, which carried.

The Mayor and Council considered an Ordinance to Rezone Certain Lands from R-4 to LB. Planning and Development Services Director Peterson stated Werder Enterprises (Compassionate Care) proposes the rezoning of 601 4<sup>th</sup> Street SW from R-4 (Medium Density Multiple Family Residential) to LB (Limited Business) for office use. The Planning Commission has approved the rezoning. Council Member Anderson offered a motion to introduce an Ordinance Amending Municipal Ordinance No. 1060, the Willmar Zoning Ordinance. Council Member DeBlieck seconded the motion, which carried.

City Administrator Schmit informed the Mayor and Council that it is necessary to reschedule the first Council meeting in September due to the Labor Day holiday. Council Member Reese

moved to reschedule the September 4, City Council meeting to September 5, 2006. Council Member Gardner seconded the motion, which carried.

Announcements for Council Committee meeting dates were as follows: Finance, August 14; Public Works/Safety, August 15; and Community Development, August 17, 2006.

Council Member Reese requested that he be excused from the August 21, 2006, City Council meeting.

There being no further business to come before the Council, the meeting adjourned at 10:10 p.m. upon motion by Council Member Gardner, seconded by Council Member DeBlieck, and carried.

Attest:

\_\_\_\_\_  
MAYOR

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