

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

August 21, 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 Ron Christianson, Bruce DeBlieck, Denis Anderson, Cindy Swenson, Rick Fagerlie, Jim Dokken, and Steven Gardner; Present 8, Absent 1 – Doug Reese was excused from the meeting.

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

The Council requested the Planning Commission and Housing and Redevelopment Authority Board minutes be removed from the Consent Agenda.

Council Member Christianson offered a motion adopting the Consent Agenda which included the following: City Council Minutes of August 7, Rice Hospital Board Minutes of August 2, Pioneerland Library Board Minutes of June 15, and Convention Visitors Bureau Board Minutes of July 18, 2006. Council Member DeBlieck seconded the motion, which carried.

The Mayor and Council discussed the Planning Commission item regarding Skaug consignment auction conditional use permit. Council Member Anderson moved to refer the matter back to the Planning Commission to look at the number of salvage cars, fencing and plantings with Council Member Gardner seconding the motion, which carried. Council Member Christianson moved to request the Commission to define “junkyard” with Council Member Anderson seconding the motion, which carried. The Planning Commission Minutes of August 9, 2006, were 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 Mayor and Council discussed the Housing and Redevelopment Authority item regarding the Community Land Trust and requested the HRA Director present the information to the Council. The Housing and Redevelopment Authority Board Minutes of July 11, 2006, were accepted as presented and ordered placed on file upon motion by Council Member Christianson, seconded by Council Member DeBlieck, and carried.

AT 7:26 p.m. Mayor Heitke opened a hearing on an Ordinance to rezone certain lands from R-2 (One and Two Family Residential) to GB (General Business). Planning and Development Services Director Peterson presented details of Robert and Karen Williams proposal to rezone property between First and Second Streets SE north of Minnesota Avenue, 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 questioned the potential use of the Rousseau property, its commercial land-use limits and parking concerns. Karen Rousseau spoke against the proposal which would leave their land as the only remaining residential property. Upon hearing from all who wished to be heard, Mayor Heitke closed the hearing at 7:41 p.m.

Council Member Christianson offered a motion to adopt, assign a number, and order final publication of an Ordinance Amending Municipal Ordinance Amending Municipal Ordinance No. 1060, the Willmar Zoning Ordinance. Council Member Anderson seconded the motion, which carried on a roll call vote of Ayes 6, Noes 1 – Council Member Dokken voted “No.”

At 7:46 p.m. Mayor Heitke opened a hearing on an Ordinance to rezone certain lands from R-4 (Medium Density Multiple Family Residential) to LB (Limited Business). Planning and Development Services Director Peterson presented details of Werder Enterprises (Compassionate Care) proposal to rezone 601 4<sup>th</sup> Street SW from R-4 to LB for office use. The Planning Commission has approved the rezoning. There being no one present to speak for or against the proposed Ordinance, Mayor Heitke closed the hearing at 8:48 p.m.

Council Member Anderson offered a motion to adopt, assign a number, and order final publication of an Ordinance Amending Municipal Ordinance Amending Municipal Ordinance No. 1060, the Willmar Zoning Ordinance. Council Member DeBlieck seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Kevin Herrmann, 300 7<sup>th</sup> Street, appeared before the Council at the scheduled Open Forum to present concerns regarding the noise from train whistles.

The Finance Committee Report for August 14, 2006, was presented to the Mayor and Council by Council Member Anderson. There were 11 items for Council consideration.

Item No. 1 The Committee reviewed annual reports required to be filed by the Willmar Fire Relief Association. The reports indicated the Association’s assets would presently be able to fund retirement liabilities calculated on \$3,600 per year of service which was increased \$300 over last year. Currently the City’s commitment level is \$2,400. No action was being requested by the Association, and this matter was for information only.

Item No. 2 Finance Director Okins informed the Committee that an employee has requested a change in health insurance from single to family coverage which will result in an increase in the employer’s contribution. Subsequently, the 2006 budget needs to be amended by increasing the Assessing Department’s expenditures and decreasing Non-Departmental expenditures by \$2,381.

The Committee was recommending the Council introduce a resolution to amend the 2006 budget as presented by Staff. Resolution No. 1 was introduced by Council Member Anderson, seconded by Council Member Gardner, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

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

#### RESOLUTION NO. 1

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to amend the General Fund Budget as follows:

Increase:	Assessing Personnel Services	\$2,381.00
Decrease:	Non-Departmental Other Services	\$2,381.00

Dated this 21<sup>st</sup> day of August, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 3 The Committee was informed that the 2005 Audit for the Economic Development Commission has been received. The City can now proceed with entering the 2006 beginning balances which will in turn provide a more accurate financial accounting for the EDC. This matter was for information only.

Item No. 4 The Committee reviewed Project Cost Summary for the Civic Center/Blue Line Building Connection provided by Engan Associates with a total projected cost of \$984,000. This amount is substantially higher than the \$300,000 originally budgeted for the Civic Center a couple of years ago when the City was planning the Local Option Sales Tax projects. It was noted that the WRTC Land Development/Acquisition project as well as the Bike Path project will be delayed until 2007 because there are DNR grant applications being prepared which could provide additional funding over and above the Local Option Sales Tax funds. Subsequently, the budget amounts for these two projects for 2006 totaling \$700,000 could be transferred to the Civic Center Budget which then would cover the cost for that project.

The Committee was recommending the Council introduce a resolution revising the Civic Center/Blue Line Center Connection Budget as presented in the Project Cost Summary. Resolution No. 2 was introduced by Council Member Anderson, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 1 – Council Member Dokken voted “No.”

RESOLUTION NO. 2

<b>OTHER SERVICES:</b>		<b>RECEIVABLES:</b>	
Mtce. of Other Improve.	\$820,000.00	City Local Option Sales Tax	<u>\$984,000.00</u>
Other Services	<u>82,000.00</u>	Total:	\$984,000.00
Total:	\$902,000.00		
<b>OTHER CHARGES:</b>		<b>FINANCING:</b>	
Professional Serv.	<u>\$82,000.00</u>	City Local Option Sales Tax	<u>\$984,000.00</u>
Total	\$82,000.00	Total:	\$984,000.00
Grand Total:	\$984,000.00		

Dated this 21<sup>st</sup> day of August, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 5 The Committee reviewed a memo presented by Staff requesting a payment be made to Kandiyohi County Communications for a new Records Management System (RMS).

Beginning with 2005 the City budgeted \$23,400 per year for three years to assist the County in paying for the RMS. Nothing was paid in 2005 because the system was not working as per specifications. Since the RMS is now working properly, both the 2005 and 2006 payments are required to be paid.

The Committee was recommending the Council introduce a resolution to re-appropriate \$23,400 from the 2005 budget to 2006 for the Records Management System project. Resolution No. 3 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. 3

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to amend the General Fund Budget as follows:

Increase:	Police Other Charges	\$23,400.00
Decrease:	Undesignated Fund Balance	\$23,400.00

Dated this 21<sup>st</sup> day of August, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 6 The Committee received from staff an update on the WRAC-8 Audit. Apparently there is still an issue regarding the pay out of franchise fees for bundling services, particularly those bundles including telephone. Consequently, the audit cannot be finalized at this time, and the Committee was recommending the Council require resolution to the audit findings by the end of the year (12/31/2006). Council Member Anderson moved to approve the recommendation of the Finance Committee with Council Member Gardner seconding the motion, which carried.

Item No. 7 The Committee discussed various funding options for additional street improvements beginning in 2007. This item will be included on the next Finance Committee Meeting Agenda and was for information only.

Item No. 8 The Committee discussed the 2007 budget process and will start looking at fund balances at the next Finance Committee Meeting. This matter was for information only.

Item No. 9 The Committee was informed that the Water View Business Park budget would be discussed at the Community Development Committee meeting on August 17, 2006. This matter was for information only.

Item No. 10 Staff informed the Committee that projected costs to install water and sewer lines to the hangars at the new Airport total \$170,000. This project will be included in the 2007 Improvement Program with revenues coming from the hangar owners. Subsequently in 2007, the City will invoice the hangar owners for rent as well as the water/sewer installation costs.

Following discussion, the Committee was recommending the Council introduce a resolution adopting the Hangar Water/Sewer Budget in the amount of \$170,000 with funding revenues from

the hangar owners, all of which will be part of the 2007 Improvement Program. 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

OTHER SERVICES:		RECEIVABLES:	
Mtce. of Other Improve.	<u>\$170,000.00</u>	Other-Hangar Owners	
	<u>\$170,000.00</u>		
Total:	\$170,000.00	Total:	\$170,000.00
		FINANCING:	
		Other-Hangar Owners	
	<u>\$170,000.00</u>		
Grand Total:	\$170,000.00	Total:	\$170,000.00

Dated this 21<sup>st</sup> day of August, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 11 The Committee acknowledged receipt of the following reports: Rice Hospital Financial 6/30/06, Local Option Sales Tax 7/31/06, EDC 7/31/06, WRAC-8 7/31/06, CVB 7/31/06, Willmar Arts Fund 6/30/06, 2<sup>nd</sup> Quarter MUC, 7/31/06 investment. This was for information only.

The Finance Committee Report for August 14, 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 Public Works/Safety Committee Report for August 15, 2006, was presented to the Mayor and Council by Council Member Anderson. There were nine items for Council consideration.

Item No. 1 The matter of the Minnesota Alliance for Safe Highways was referred to Committee by the Council. Due to the fact that a Mn/DOT Representative could not be present at this meeting, the matter was postponed to a future Committee meeting. This matter was for information only.

Item No. 2 The Committee considered bids taken for the Airport Apron Expansion Project on August 10, 2006, noting the apparent low bidder was Chad Monson Excavating LLC at \$94,202.00. Due to a technicality, staff is recommending the contract be awarded to Duinck Bros. Inc. at a bid of \$99,219.00. Chad Monson Excavating submitted an incomplete bid proposal by not acknowledging receipt of Addendum No. 1.

Staff then presented the revised budget reflecting the actual bid costs and sources of financing. Following discussion, the Committee was recommending the Council accept the bid of Duinck Bros. Inc., authorize the Mayor and City Administrator to enter into an agreement on behalf of the City, and amend the budget as presented by staff.

Resolution No. 5 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. 5

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the bid of Duinick Bros., Inc. of Prinsburg, Minnesota for the Airport Apron Expansion Project is accepted, and be it further resolved that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an agreement with the bidder for the terms and consideration of the contract in the amount of \$99,219.00.

Dated this 21<sup>st</sup> day of August, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Resolution No. 6 was introduced by Council Member Anderson, seconded by Council Member Gardner, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 6

OTHER SERVICES:		RECEIVABLES:	
Other Services	<u>\$99,219.00</u>	Federal (Design NE)	\$ 12,000.00
Total:	\$99,219.00	City (PIR/LOST/GRANT)	21,531.00
OTHER CHARGES:		Federal (Construction NE)	67,469.00
Professional Serv.	<u>\$12,000.00</u>	City (Federal NE)	4,961.00
Total	\$12,000.00	Other (FBO)	<u>5,258.00</u>
		Total:	\$111,219.00
Grand Total: \$111,219.00		FINANCING:	
		Federal	\$ 79,469.00
		City	26,492.00
		Other (FBO)	<u>5,258.00</u>
		Total:	\$111,219.00

Dated this 21<sup>st</sup> day of August, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 3 Staff explained to the Committee that a Grant Agreement and associated paperwork for Airport Improvements with the Federal Government through the State of Minnesota for the installation of the concrete apron and associated costs will be forthcoming. The agreement offers financial assistance to cover a portion of the costs. The agreement details the cost share for the project.

The Committee was recommending the Council approve the grant agreement for the airport apron expansion and authorize the Mayor and City Administrator to sign on behalf of the City.

Resolution No. 7 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. 7

AUTHORIZATION TO EXECUTE  
GRANT AGREEMENT FOR AIRPORT APRON EXPANSION

Be it resolved by the City Council of the City of Willmar as follows:

1. That the Federal Grant Agreement for Project Number AIP 3-27-0115-07-06 for the Airport Apron Expansion is hereby accepted.
2. That the Mayor and City Administrator are authorized to execute this Agreement and any amendments on behalf of the City of Willmar.

Dated this 21<sup>st</sup> day of August, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 4 The Committee reviewed a final estimate for Project No. 0604-A to Juul Contracting in the amount of \$10,224.46. The project consisted of the installation of underground utilities in the Emerald Pond Development east of Lakeland Drive on Olena Avenue as well as 17<sup>th</sup> and 19<sup>th</sup> Streets. Staff recommended the project be accepted and final payment be issued.

The Committee was recommending the Council accept the project and authorize final payment in the amount of \$10,224.46. Resolution No. 8 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. 8

ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

IMPROVEMENT: Project No. 0604-A, 2006 Sewer & Water Main Improvements  
CONTRACTOR: Juul Contracting Inc.  
DATE OF CONTRACT: April 21, 2006  
BEGIN WORK: May 4, 2006  
COMPLETE WORK: June 8, 2006  
APPROVE, CITY ENGINEER: August 15, 2006

BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, that:

1. The said City of Willmar Project No. 0604-A be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$203,792.50
Change Orders (None)	\$0.00

FINAL NET CONTRACT AMOUNT, PROPOSED: \$203,792.50  
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED: \$197,744.03  
Less Previous Payments \$187,519.57

FINAL PAYMENT DUE CONTRACTOR: \$10,224.46

Dated this 21<sup>st</sup> day of August, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 5 The Committee reviewed the July Monthly Report from Donohue and Associates concerning progress of the Wastewater Treatment Plant Relocation Project. The design of the plans for Water View Park Interceptor Sewer for the new plant to be bid September 5, 2006 and the evaluation process of alternate routes for the interceptor west of 28<sup>th</sup> Avenue SW were included in the report.

Craig Holmes, Donohue and Associates, appeared before the Mayor and Council stating they have identified some savings in construction and operating costs. By burying the main interceptor sewer line 4 feet deeper than previously designed and eliminating a pumping station at the old treatment plant will save about \$400,000 in the new treatment plant's \$80 million estimated cost. Also, the elimination of a pumping station near Arby's Restaurant will save the City an estimated \$375,000 in operating costs over a 20-year period. Following discussion, Council Member Anderson moved to endorse the concept of lowering the interceptor with Council Member Christianson seconding the motion, which carried.

Item No. 6 Staff presented a brief history and proposed fee schedule for the City's Right-of-Way Ordinance. The proposed fee change is being requested to alleviate confusion occurring when permittees submit an \$85.00 fee when it should be \$170.00 and vice versa. Staff is recommending changing the fee schedule to \$125.00 to lessen confusion and streamline the process. The \$125.00 fee proposed is an average based on monies collected in 2005.

The Committee was recommending the Council approve the revised fee schedule for the Right-of-Way Ordinance as presented. Resolution No. 9 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. 9

BE IT RESOLVED by the City Council of the City of Willmar that fees and rates for the Right-of-Way Ordinance be set as follows:

Registration Fees:

- Excavators - \$50.00
- Franchise Holders – No Charge
- City of Willmar, Public Works – No Charge
- City of Willmar, Municipal Utilities – No Charge

Excavation Permit Fees:



\$125.00 – In the ROW  
City of Willmar, Public Works – No Charge  
City of Willmar, Municipal Utilities – No Charge

Surface Repair Rates if City Restoration is Required:

For Asphalt:

Plate Numbers 1, 2 & 7      \$15.00/SF of excavation – minimum \$1500.00  
Plate Numbers 3, 4 & 8      \$ 8.00/SF of excavation – minimum \$ 800.00  
Plate Numbers 5 & 9      \$ 5.50/SF of excavation – minimum \$ 550.00  
Plate Numbers 6 & 10\$ 5.50/SF of excavation – no minimum

For Concrete:

Plate Numbers 1 – 6 and charge actual cost for replacement.

For Curb and Gutter Repair:

Replacement at \$15.00/LF and \$3.75/LF for any additional removal.

Temporary Repairs:

Asphalt or concrete winter patch mix at actual cost of patch placement shall be used on all street openings open to traffic when seasonal conditions prevent permanent repairs for more than ten (10) calendar days.

Dated this 21<sup>st</sup> day of August, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 7 The Committee considered a request from the Fire Department for permission to conduct a training burn at two locations in Willmar Township. The first one is at 1899 45<sup>th</sup> Avenue SE, which is an older farm house the owners plan to replace with a new home, and the second at 1937 NW 1<sup>st</sup> Street. Both owners have requested the homes be used for training purposes, and all necessary permits will be obtained and asbestos inspections performed prior to any training being conducted. The Committee was recommending the Council approve the training burns at both locations. Council Member Anderson moved to approve the recommendation of the Public Works/Safety Committee with Council Member Dokken seconding the motion, which carried.

Item No. 8 Public Works Director Odens presented to the Committee information for the 2006 Street Lighting Project No. 0607. The plans include lighting for Valley Brook Addition, the path on County Road No. 5 and in the vicinity of the Church for Latter Day Saints. Staff is proposing a bid opening date of September 18, 2006.

The Committee was recommending the Council approve the plans and specifications for Project No. 0607 and authorize advertisement of bids. Resolution No. 10 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. 10

WHEREAS the City Engineer of the City of Willmar has presented to the City Council plans and specifications for Project No. 0607 (2006 Street Lighting Improvements) 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 1:00 p.m. on the 18th day of September, 2006, at the City Office Building, 333 Southwest Sixth Street, Willmar, Minnesota.

Dated this 21<sup>st</sup> day of August, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 9 Due to many recent water main breaks on 5<sup>th</sup> Street SW in the vicinity of 16<sup>th</sup> Avenue SW, Willmar Municipal Utilities approached City staff requesting consideration of the water main replacement on 5<sup>th</sup> Street between 16<sup>th</sup> and 15<sup>th</sup> Avenues SW. Willmar Municipal Utilities will pay 100 percent of the cost.

City staff has approached Chad Monson Excavating, the contractor for Project No. 0601 who is currently working in the area, to receive a cost to perform the work. The improvement would consist of replacing the water main and repaving the street at this year's contract prices. It is noted the water main costs have risen in recent months and staff has negotiated a unit price. The estimated total cost for performing the work is \$27,800.00. Staff is recommending entering into a change order with Monson Excavating to do the work with Willmar Municipal Utilities covering the cost.

The Committee was recommending the Council approve Change Order No. 1 to Project No. 0601. Resolution No. 11 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. 11

WHEREAS, a contract has been awarded to Chad Monson Excavating, LLC of Willmar, Minnesota, on June 22, 2006 in the amount of \$1,337,350.00 for Project No. 0601 – 2006 Street and Other Improvements; and

WHEREAS, it is desired to add to the above contracted amount due to the addition of the replacement of water main on 5<sup>th</sup> Street SW between 16<sup>th</sup> and 15<sup>th</sup> Avenues

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

1. Additional work is herewith authorized to be added to the above contract in the amount of \$27,773.50 and identified as Change Order No. 1.
2. Funding for the additional work is from the project budget.

Dated this 21<sup>st</sup> day of August, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

The Public Works/Safety Committee Report for August 15, 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 August 17, 2006, was presented to the Mayor and Council by Council Member DeBlieck. There were two items for Council consideration.

Item No. 1 The Committee reviewed and discussed, in detail, the development agreement between the City of Willmar and Duinick Development, Inc. The Agreement pertained specifically to the development of Water View Business Park in southeast Willmar. Special attention was paid to section 2 "Responsibilities" and section 3 which dealt with the self-help provision.

The Committee was recommending the Council approve the agreement subject to full Council discussion and review, and subject to the City Attorney's explanation of issues related to the self-help provisions.

Following a lengthy discussion, Resolution No. 12, approving the development agreement with Duinick Bros. Inc., was introduced by Council Member DeBlieck and seconded by Council Member Christianson. Council Member Gardner moved to amend the motion by striking language in Section 3 "and/or its contractor or the contract between the City and the contractor" as recommended by the City Attorney. Council Member Dokken seconded the motion which failed on a roll call vote of Ayes 2, Noes 5 – Council Members Christianson, Anderson, Swenson, Fagerlie and DeBlieck voted "No." The original motion then carried on a roll call vote of Ayes 7, Noes 0.

#### RESOLUTION NO. 12

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the Mayor be authorized to enter into a developer agreement with Duinick Development, Inc. for Water View Business Park.

Dated this 21<sup>st</sup> day of August, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 2 Staff provided the Committee with updates on a variety of projects including the Airport, Best Buy, Super Wal-Mart, and a variety of smaller commercial and industrial projects. This matter was for information only.

The Community Development Committee Report for August 17, 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 Dokken, and carried.

City Administrator Schmit informed the Mayor and Council it would be advantageous for the City to reclassify the proposed Wastewater Treatment Plant bond issue as short-term financing. This will allow the City to reimburse itself at a later date through the Public Finance Authority at a lower rate. Resolution No. 13 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. 13

RESOLUTION PROVIDING FOR THE COMPETITIVE NEGOTIATED SALE OF  
\$6,850,000 GENERAL OBLIGATION TEMPORARY WASTEWATER BONDS, SERIES 2006B  
(For Resolution in its entirety, see City Council proceedings file dated  
August 21, 2006, located in the City Clerk's Office)

City Administrator Schmit presented to the Mayor and Council a bid tabulation for Project No. 0605, 2006 Mill and Overlay Improvements. Following discussion, Resolution No. 14 was introduced by Council Member Christianson, seconded by Council Member DeBlieck, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 14

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the bid of Duininck Bros., Inc. of Prinsburg, Minnesota for the Project No. 0605 is accepted, and be it further resolved that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an agreement with the bidder for the terms and consideration of the contract in the amount of \$550,584.30.

Dated this 21<sup>st</sup> day of August, 2006.

\_\_\_\_\_  
/s/ Lester Heitke  
MAYOR

\_\_\_\_\_  
/s/ Kevin Halliday  
Attest: CITY CLERK

Announcements for Council Committee meeting dates were as follows: Finance, August 28; Public Works/Safety, August 29; Labor Relations, August 30; and Community Development, September 14, 2006.

There being no further business to come before the Council, the meeting adjourned at 9:45 p.m. upon motion by Council Member Gardner, seconded by Council Member Fagerlie, and carried.

Attest:

\_\_\_\_\_  
MAYOR

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