

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

November 6, 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, Cindy Swenson, Rick Fagerlie, Jim Dokken, and Steven Gardner; Present 9, Absent 0.

Also present were City Attorney Richard Ronning, Police Captain Dave Wyffels, 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, Administrative Assistant Audrey Peterson, and City Clerk Kevin Halliday.

Proposed additions to the agenda included an ordinance regarding excessive vehicle noise and an ordinance designating truck routes.

The Municipal Utilities Commission Minutes were removed from the Consent Agenda.

Council Member Christianson offered a motion adopting the Consent Agenda which included the following: City Council Minutes of October 16, Rice Hospital Board Minutes of October 11, Planning Commission Minutes of October 25, Kandiyohi Area Transit Board Minutes of August 10 and September 26, Airport Commission Minutes of October 16, and Community Ed and Recreation Board Minutes of October 27, 2006; and Mayor reappointment of Tori Leitch and Brandt Haglund to Community Ed and Recreation Advisory Board. Council Member Reese seconded the motion, which carried.

The Mayor and Council discussed the item regarding participation in the CAPX Transmission Project. Following discussion, the Municipal Utilities Commission Minutes of October 23, 2006, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Gardner, seconded by Council Member Fagerlie, and carried.

At 7:08 p.m. Mayor Heitke opened a public hearing on an Ordinance to rezone certain lands. Planning and Development Services Director Peterson presented details of the request from Janine VanEngen and Janet Clark to rezone 504 19<sup>th</sup> Avenue Southwest for office use. There being no one present to speak for or against the proposed Ordinance, Mayor Heitke closed the hearing at 7:09 p.m.

Council Member Reese offered a motion to adopt, assign a number, and order final publication of the Ordinance Amending Municipal Ordinance No. 1060, the Willmar Zoning Ordinance. Council Member Christianson seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Mayor Heitke recognized Ms. Sara Carlson who presented a review of the Southwest Initiative Foundation activities over the past year as well as a new direction that is currently being finalized and implemented through a five-year strategic plan. This plan has a proactive and deliberate focus on both renewable energy and community leadership. Jim and Mary Schnell, Lordez Schwab, and Pat Berg explained how the Foundation assisted with various programs/projects. This matter was for information only.

Mayor Heitke acknowledged Mr. and Mrs. Allan Bjornberg and Marilee Druskin, who had signed up to address the City Council during its scheduled Open Forum. Concerns were expressed regarding the level and water quality of Lake Wakanda.

The Finance Committee Report for October 30, 2006, was presented to the Mayor and Council by Council Member Anderson. There were eight items for Council consideration.

Item No. 1 The Committee received a request from the Willmar Design Center for an additional \$17,500 to fulfill the City's original budget of \$50,000 for 2006 contributions for the Downtown. Earlier in the year the City purchased a dilapidated house on Benson Avenue for \$17,500, and funds for this expenditure were taken from the Downtown budget.

The Design Center has spent \$32,500 which is their reduced share of the 2006 allocation from the City and will need to shut down for the rest of the year if they cannot obtain the additional \$17,500. The next contribution anticipated from the City of Willmar will be in 2007 for another budgeted amount of \$50,000.

The Committee was recommending that the request be approved and \$17,500 be put back into the Willmar Design Center's budget for 2006. 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 8, 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:	Non Departmental-Willmar Design Center	\$17,500.00
Decrease:	Expired Capital Outlay Reserves	\$17,500.00

Dated this 6<sup>th</sup> day of November, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 2 The Committee received a report from Pat Curry regarding his progress in raising funds to bring the recently acquired F-14 Tomcat from Minneapolis to Willmar. He has obtained estimates totaling \$52,000 for demilitarizing and transporting the plane. Because of the time constraints set by the Navy, Mr. Curry is continually contacting businesses and individuals to secure donations and is open to any possible assistance in this matter.

It was the consensus of the Committee for Staff and Mr. Curry to research funding possibilities with the Federal/State Governments; the City's lobbyist David Turch; the American Legion, etc., and to report back to the Finance Committee at its next meeting scheduled for November 13, 2006. This matter was for information only.

Item No. 3 Steve Renquist, EDC Executive Director, appeared before the Committee to

review the EDC 2007 budget. Mr. Renquist noted that 2007 revenue includes \$455,000 from the County Tax Levy which is the same as 2006. There is also budgeted \$45,000 to be utilized in 2007 from the Agency's reserves. In 2006, \$28,000 was appropriated from reserves. At the end of 2005, the Reserve totaled approximately \$105,000. Overall budgeted expenditures for 2007 will increase approximately \$19,000 over 2006 which includes an increase in payroll costs and various committee expenses.

After review of general expenditures and various EDC committee expenses, the Committee asked Mr. Renquist to provide for distribution to the Council a list of the contacts that the EDC has made recently to show their extensive activity in bringing economic development to Willmar.

The Committee was recommending the Council approve the EDC 2007 Budget as proposed. Council Member Anderson moved to approve the recommendation of the Finance Committee with Council Member Gardner seconding the motion, which carried.

Item No. 4 The Committee considered a request from Fire Chief Calvin that \$4,320 in funds left over from the 2005 Vehicle Replacement Fund be used to replace the headsets in engines 5257 and 5258 as this is a safety issue for the Willmar Fire Department.

The Committee was recommending the Council pass a resolution to transfer \$4,320 from the 2005 Vehicle Replacement Fund to the Fire Department's 2006 Budget. Resolution No. 2 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

Resolution No. 2

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:	Fire 2006 Capital Outlay	\$4,320.00
Decrease:	Fire 2006 Capital Outlay	\$4,320.00

Dated this 6<sup>th</sup> day of November, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

The Committee was informed by Fire Chief Calvin that a Hometown Heroes Grant was awarded to the Willmar Fire Department from the Wal-Mart Foundation in the amount of \$2,000. Through this grant, fire prevention materials were purchased in the amount of \$1,987.76. For budgeting purposes, Chief Calvin was requesting that the grant funds received from Wal-Mart be applied to the expenditure account used to purchase the fire prevention materials.

The Committee was recommending the Council approve of the request as presented. 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 8, 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 Fire Department General Fund Budget as follows:

Increase:	Office Supplies	\$2,000.00
Increase:	Donations	\$2,000.00

Dated this 6<sup>th</sup> day of November, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 5 The Committee considered a request from Police Chief Kulset that the Police Department's budget be increased by \$5,600 for Overtime. This reflects the \$5,600 reimbursement received from the State of Minnesota for the 2006 Safe and Sober Grant. Officers are paid from the Overtime budget line item for hours worked during the Safe and Sober Grant. The State reimburses the Willmar Police Department for this overtime.

The Committee was recommending the Council approve of the request as presented. Resolution No. 4 was introduced by Council Member Anderson, seconded by Council Member Gardner, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 4

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 Overtime	\$5,600.00
Increase:	Safe & Sober Grant	\$5,600.00

Dated this 6<sup>th</sup> day of November, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 6 Staff informed the Committee that the current three-year Agreement for Payment of Intergovernmental Transfer with the Willmar Municipal Utilities will expire on December 31, 2006. It was proposed that a new three-year agreement be executed incorporating the same formula used during the last three years. The formula used to calculate the amount of the transfers is 4.80 percent of the MUC audited net worth.

Following discussion, the Committee was recommending the Council introduce a resolution to authorize the Mayor and City Administrator to execute the agreement as proposed. 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 8, 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 Mayor and City Administrator be authorized to enter into an agreement between the City of Willmar and Willmar Municipal Utilities for payment of intergovernmental transfer.

Dated this 6<sup>th</sup> day of November, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 7 The Committee acknowledged receipt of the following reports: 09/30/2006 Quarterly Interest Report, 09/30/2006 Quarterly Investment Report, 09/30/2006 CVB, 09/30/2006 WRAC-8, 09/30/2006 Local Option Sales Tax, 09/30/2006 EDC, 09/30/2006 Rice Memorial Hospital, 09/30/2006 Rice Trust. This matter was for information only.

Item No. 8 The Committee briefly discussed budget concerns including the \$200,000 increase in the City's tax levy proposed to be used as leverage for additional funding for the street improvement program. This matter was for information only.

The Finance Committee Report for October 30, 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 Gardner, and carried.

The Public Works/Safety Report for October 31, 2006, was presented to the Mayor and Council by Council Member Reese. There were four items for Council consideration.

Item No. 1 The Committee reviewed the October Monthly Report Summary prepared by Donohue and Associates for the WWTP Relocation Project. The Design Phase of the project continues with multiple in-house layout meetings. Additional survey information was collected and soil borings were performed at the new site. Donohue continued efforts to complete the Environmental Assessment Worksheet and the NPDES Permit application along with the start of the permit process for the interceptor and force main crossings in the railroad, gas lines and state roads.

S. J. Louis began construction of the Southern Interceptor through Water View Business Park. They encountered wet soils during the second week of construction and needed to evaluate their installation methods. A meeting was held between City and Donohue staff and the various contractors performing the work on this segment of the interceptor project. The meeting addressed the progress of the construction and some of the difficulties that arose due to bad soil conditions. Work on the project is planned to resume on November 1 with a modified pipe bedding method that is working in similar conditions out in the field. This matter was for information only.

Item No. 2 The Committee discussed the water levels at Lake Wakanda and the possibility of requesting the Department of Natural Resources (DNR) to consider lowering the water

levels. The County would in turn submit a similar request.

The Committee was recommending that the Council authorize staff to submit a formal request to the DNR to lower the water level in Lake Wakanda. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Swenson seconding the motion, which carried.

Item No. 3 Public Works Director Odens presented the Improvement Report for the Water View Business Park Development in southeast Willmar. The report includes new construction, reconstruction, street lighting, a signal system, and path project. Staff briefly reviewed the streets to be constructed and the miscellaneous items proposed. The total estimated cost for the improvements is \$3,125,000.00 with the City's share being approximately \$1,400,000.00.

Following discussion, the Committee was recommending the Council approve the Preliminary Report, order an Improvement Hearing for November 20, 2006, and adopt the four preliminary budgets for the Water View Business Park Improvements.

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

#### RESOLUTION NO. 6

#### RECEIVING PRELIMINARY REPORT AND CALLING PUBLIC HEARING ON WATER VIEW BUSINESS PARK IMPROVEMENTS

#### WHEREAS:

1. The City Council deems it necessary and expedient that the City of Willmar, Minnesota, construct certain improvements to-wit: grading, gravel base, bituminous paving, curb and gutter, sidewalk, signal systems, street lighting, sanitary sewer, storm sewer, water main, sump pump drain tile, and service lines in the City as described in and in accordance with the preliminary plans and report prepared by the City Engineer.

2. The Council has been advised by the City Engineer that said project in the Water View Business Park (Duininck Bros. SE Willmar Development) contained in the Preliminary Report dated October 31, 2006 are feasible and should best be made as proposed, and the City Engineer's report to this effect has heretofore been received by the Council, and filed with the Clerk-Treasurer; and

3. The statute provides that no such improvements shall be made until the Council shall have held a public hearing on such improvements following mailed notice and two publications thereof in the official newspaper stating time and place of the hearing, the general nature of the improvement, the estimated costs thereof and the area proposed to be assessed, in accordance with the law;

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

1. A public hearing will be held at the time and place set forth in the Notice of Hearing hereto attached to consider said proposed improvements.

2. The nature of the improvements, the estimated cost of each major portion thereof, and the areas proposed to be assessed therefore are described in the form of Notice of Hearing hereto attached.

3. The notice of said public hearing shall be in substantially the form contained in the notice hereto attached.

4. The Clerk-Treasurer is hereby authorized and directed to cause notice of said hearing to be given two publications in the official newspaper. Said publications shall be one week apart, and at least three days shall elapse between the last publication and the hearing. Not less than ten days before the hearing the Clerk-Treasurer shall mail notice of the hearing to the owner of each parcel of land within the area proposed to be assessed as described in the notice. For the purpose of giving such mailed notice, owners shall be those shown to be such on the records of the County Auditor or, if the tax statements in the County are mailed by the County Treasurer, on the records of the County Treasurer. As to properties not listed on the records of the County Auditor or the County Treasurer, the Clerk-Treasurer shall ascertain such ownership by any practicable means and give mailed notice to such owners.

Dated this 6<sup>th</sup> day of November, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Resolution No. 7 was introduced by Council Member Reese, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

**RESOLUTION NO. 7**

**PRELIMINARY 19<sup>th</sup> AVENUE SE PAVING BUDGET**

<b>SUPPLIES</b>		<b>RECEIVABLES</b>	
Office Supplies	\$500.00	Property Owners	\$153,956.00
Small Tools	\$500.00	State (MSAS)	\$400,000.00
Motor Fuels & Lubricants	\$1,000.00	City (MUC)	\$15,000.00
Postage	\$500.00	City (WWTP)	\$189,195.00
Mtce. of Other Improvements	\$1,000.00	City (CIF)	<u>\$313,349.00</u>
General Supplies	<u>\$500.00</u>	TOTAL	\$1,071,500.00
TOTAL	\$4,000.00		
<b>OTHER SERVICES</b>		<b>FINANCING</b>	
Printing & Publishing	\$1,500.00	Bonds	\$656,500.00
Mtce. of Other Impr.	\$850,000.00	State (SA)	\$400,000.00
Other Services	<u>\$80,000.00</u>	City	<u>\$15,000.00</u>
TOTAL	\$931,500.00	TOTAL	\$1,071,500.00
<b>OTHER CHARGES</b>		<b>GRAND TOTAL</b>	
Insurance & Bonds	\$1,000.00		\$1,071,500.00
Prof. Serv. (B&M, SOILS, SURVEY)	\$115,000.00		

Adm. OH (Transfer)	\$10,000.00
Other Charges	<u>\$10,000.00</u>
TOTAL	\$136,000.00

GRAND TOTAL \$1,071,500.00

Dated this 6<sup>th</sup> day of November, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Resolution No. 8 was introduced by Council Member Reese, seconded by Council Member Swenson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 8

PRELIMINARY WATER VIEW BUSINESS PARK PAVING BUDGET

SUPPLIES		RECEIVABLES	
Office Supplies	\$500.00	Property Owners	\$1,306,386.00
Small Tools	\$500.00	City (LOST)	\$23,000.00
Motor Fuels & Lubricants	\$1,000.00	City (CIF)	<u>\$354,114.00</u>
Postage	\$500.00	TOTAL	\$1,683,500.00
Mtce. of Other Improvements	\$1,000.00	FINANCING	
General Supplies	<u>\$500.00</u>	Bonds	\$1,660,500.00
TOTAL	\$4,000.00	City (LOST)	<u>\$23,000.00</u>
OTHER SERVICES		TOTAL	\$1,683,500.00
Printing & Publishing	\$1,500.00	GRAND TOTAL	
Mtce. of Other Impr.	\$1,377,000.00	\$1,683,500.00	
Other Services	<u>\$150,000.00</u>		
TOTAL	\$1,528,500.00		
OTHER CHARGES			
Insurance & Bonds	\$1,000.00		
Prof. Serv. (B&M, SOILS, SURVEY)	\$100,000.00		
Adm. OH (Transfer)	\$20,000.00		
Other Charges	<u>\$30,000.00</u>		
TOTAL	\$151,000.00		
GRAND TOTAL	\$1,683,500.00		

Dated this 6<sup>th</sup> day of November, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK



Resolution No. 9 was introduced by Council Member Reese, seconded by Council Member Swenson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 9

PRELIMINARY WATER VIEW BUSINESS PARK STREET LIGHTING BUDGET

SUPPLIES		RECEIVABLES	
Office Supplies	\$100.00	Property Owners	\$129,800.00
Small Tools	\$200.00	TOTAL	\$129,800.00
Motor Fuels & Lubricants	\$500.00	FINANCING	
Postage	\$200.00	Bonds	\$129,800.00
General Supplies	<u>\$500.00</u>	TOTAL	\$129,800.00
TOTAL	\$1,500.00	GRAND TOTAL	
OTHER SERVICES			
Printing & Publishing	\$300.00		
Mtce. of Other Impr.	\$103,000.00		
Other Services	<u>\$15,000.00</u>		
TOTAL	<u>\$118,300.00</u>		
OTHER CHARGES			
Adm. OH (Transfer)	<u>\$10,000.00</u>		
TOTAL	\$10,000.00		
GRAND TOTAL	\$129,800.00		

Dated this 6<sup>th</sup> day of November, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Resolution No. 10 was introduced by Council Member Reese, seconded by Council Member Swenson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 10

PRELIMINARY WATER VIEW BUSINESS PARK SINGAL SYSTEM BUDGET

SUPPLIES		RECEIVABLES	
Small Tools	\$200.00	State (SA)	\$118,200.00
Postage	\$200.00	Other (DBI-Cash)	<u>\$118,200.00</u>
General Supplies	<u>\$500.00</u>	TOTAL	\$236,400.00
TOTAL	\$900.00	FINANCING	
OTHER SERVICES		State (SA)	\$118,200.00
Printing & Publishing	\$300.00	Other (Cash)	<u>\$118,200.00</u>
Mtce. of Other Impr.	\$200,000.00	TOTAL	\$236,400.00
Other Services	<u>\$15,000.00</u>	GRAND TOTAL	
TOTAL	\$215,300.00		

OTHER CHARGES	
Prof. Serv. (SEH)	\$15,200.00
Adm. OH (Transfer)	\$5,000.00
TOTAL	\$20,200.00
GRAND TOTAL	\$236,400.00

Dated this 6<sup>th</sup> day of November, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 4 The Committee considered Change Order No. 1 for the 2005 Street Lighting Improvements installed in the areas of new development and path lighting in Pheasant Run. The change order in the amount of \$526.80 is due to relocation of feed points resulting in a footage increase of wire. Funding for the change order is within the 2005 Project Budget.

Following discussion, the Committee was recommending the Council accept Change Order No. 1 for Project No. 0507 as presented. Resolution No. 11 was introduced by Council Member Reese, seconded by Council Member Swenson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 11

WHEREAS, a contract has been awarded to Willmar Electric Service of Willmar, Minnesota, on August 31, 2005 in the amount of \$128,181.04 for construction of Project No. 0507 – 2005 Street Lighting Improvements; and

WHEREAS, it is desired to add additional work to the above contract for the relocation of feed points.

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 \$526.80 and identified as Change Order No. 1.
2. Funding for the additional work is from the project budget.

Dated this 6<sup>th</sup> day of November, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

The Committee reviewed the final pay request to Willmar Electric Service in the amount of \$14,270.00 for Project No. 0507. The final amount consists of the retainage, the change order, and a few miscellaneous items to complete the project.

The Committee was recommending the Council accept the project and issue final payment. Resolution No. 12 was introduced by Council Member Reese, seconded by Council Member Swenson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO.12

ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

IMPROVEMENT: Project No. 0507 – 2005 Street Lighting Improvements

CONTRACTOR:	Willmar Electric Service
DATE OF CONTRACT:	August 31, 2005
BEGIN WORK:	September 20, 2005
COMPLETE WORK:	July 6, 2006
APPROVE, CITY ENGINEER:	October 18, 2006

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

1. The said City of Willmar Project No. 0507 be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$128,181.04
Change Orders (1)	\$526.80
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$128,707.84
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$128,707.84
Less Previous Payments	\$114,436.85
FINAL PAYMENT DUE CONTRACTOR:	\$14,270.99

Dated this 6<sup>th</sup> day of November, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

The Public Works/Safety Committee Report for October 31, 2006, were 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 Labor Relations Committee Report for November 1, 2006, was presented to the Mayor and Council by Council Member Fagerlie.

Item No. 1 Chair Fagerlie recognized Municipal Utilities Commission President Bob Bonawitz who was present to discuss a recent MUC action requesting approval for Commission Members to receive compensation for attending official Utilities' business meetings. It was noted during the discussion that a change would be required in the City Charter in order for the

compensation to be paid and that any change would require unanimous approval by ordinance. It was the consensus of the Committee to refer this matter to the full Council with no formal recommendation.

City Attorney Ronning briefed the Mayor and Council on the amended State Statute requiring implementation of a Charter Commission. Following a lengthy discussion, Council Member Fagerlie moved to allow the Municipal Utilities Commission Members to be paid to attend monthly MUC meetings. Council Member Anderson seconded the motion, which carried on a roll call vote of Ayes 6, Noes 2 – Council Members Christianson and Gardner voted “No.” Council Member Fagerlie offered a motion to direct staff to assemble the Charter Commission with Council Member Dokken seconding the motion which failed.

Item No. 2 The Committee meeting was closed for the purpose of discussing 2007 employment contract guidelines with Mr. Madden for the City proper, Rice Hospital and MUC. The meeting was then reopened. This matter was for information only.

The Labor Relations Committee Report for November 1, 2006, was approved as presented and ordered placed on file in the City Clerk’s Office upon motion by Council Member Fagerlie, seconded by Council Member Gardner, and carried.

The Community Development Committee Report for November 2, 2006, was presented to the Mayor and Council by Council Member DeBlieck. There were three items for Council consideration.

Item No. 1 The Committee continued their ongoing discussion of hazardous and dilapidated buildings within the community. Staff presented information regarding the hazardous buildings sections of the code as well as a letter from the City Attorney outlining different types of enforcement available to the City was also reviewed and discussed.

Staff brought the Committee up to date regarding the structures at 409 East Litchfield Avenue and 516 Ann Street SE. It was noted that both buildings had been vacated as per court order. The relationship between these buildings and the hazardous buildings code was discussed by the Committee.

The Committee was recommending the Council direct staff to pursue corrective action or removal for the structure at 409 East Litchfield Avenue under the hazardous buildings section of the code. Council Member DeBlieck moved to approve the recommendation of the Community Development Committee with Council Member Dokken seconding the motion, which carried.

Item No. 2 The Committee discussed the future connection of 5<sup>th</sup> Street SE between 19<sup>th</sup> Avenue and the segment built south of Willmar Avenue. Staff informed the Committee that a number of meetings have occurred over the past year with representatives of J. Herzog Companies, who is the owner of the mall. The most recent meeting was with the company CEO, who indicated that the owners would not object to the construction of 5<sup>th</sup> Street east of the mall. The responsibility for financing the project was briefly discussed.

The Committee was recommending to the Council that the segment of 5<sup>th</sup> Street SE between 19<sup>th</sup> Avenue and the current terminus be included in the 2007 improvement project. Council Member DeBlieck moved to approve the recommendation of the Community Development Committee with Council Member Swenson seconding the motion, which carried.

Item No. 3 Staff informed the Committee that Bonnema Survey had been engaged to do redevelopment planning and platting of the former airport site. The preliminary drawings should be available within about a week, and it is hoped that a preliminary plat will be ready for Planning Commission review in early December. The redevelopment plans and plat will reflect the proposed major changes to the local street network, including the county road bisecting the airport property, the future termination and turn back of Highway 40, and the northerly rerouting of Willmar Avenue and its future connection to the county road. This matter was for information only.

The Community Development Committee Report for November 2, 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, and carried.

Planning and Development Services Director Peterson presented to the Mayor and Council details of a Joint Resolution Orderly Annexation for the future site of the Wastewater Treatment Plant property, which totals approximately 188.67 acres. The annexation has been approved by the Planning Commission and approved/signed by St. John's Township. Following discussion, Resolution No. 13, calling for a public hearing on November 20, 2006, was introduced by Council Member Anderson, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

#### RESOLUTION NO. 13

A Joint Resolution of the City of Willmar and St. John's Township Relating to Orderly Annexation of City Brush Site and Future Site of Wastewater Treatment Plant

(For Resolution of its Entirety, see City Council Proceedings Files dated November 6, 2006, located at the City Clerk's Office)

The Mayor and Council considered a Senior Citizen Deferment Resolution. City Clerk Halliday presented details of Minnesota Statutes allowing senior citizens 65 years of age or older, meeting certain income guidelines, to defer special assessments placed against homestead property. Following discussion, Resolution No. 14 was introduced by Council Member Reese, seconded by Council Member Anderson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

#### RESOLUTION NO. 14

WHEREAS, the City Council of the City of Willmar, Minnesota, did order the reconstruction of certain streets during the year 2006; and

WHEREAS, Minnesota Statutes, Sections 435.193 to 435.195 allows local governments making a special assessment to defer the payment of that assessment for any homestead property owned by a person 65 years of age or older or retired by virtue of a permanent and total disability; and

WHEREAS, certain property owners have made application to the City for delayed payment of tax on special assessments and have met the criteria contained in Minnesota Statutes for said deferment.

NOW, THEREFORE, BE IT RESOLVED by the Willmar City Council that special assessments as hereinafter designated be certified to the County and deferred for the years of

2007 through 2016 with interest at the annual rate of five and seventy-six hundredths (5.76%) percent.

BE IT FURTHER RESOLVED that the option to defer payments will terminate and all deferred payments and interest become payable if a) the owner dies and the surviving spouse is not eligible; b) the property or a portion of the property is sold, transferred or subdivided; c) the property loses its homestead status; or d) the City determines that to require immediate or partial payment would not create a hardship.

Le Charl Lessman  
401 Olena Ave SE

95-250-1510  
Lot 11, Block 007, Glarum's Addition to Willmar

\$1,957.52

Dated this 6<sup>th</sup> day of November, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

City Clerk Halliday informed the Mayor and Council that it is necessary to schedule a special Council meeting for the purpose of canvassing ballots from the General Election. Council Member Anderson moved to set the Board of Canvass for November 9, 2006, with Council Member Reese seconding the motion, which carried.

Council Member Anderson offered a motion to remove the Ordinance Prohibiting Excessive Vehicle Noise from the table. Council Member DeBlieck seconded the motion, which carried. City Clerk Halliday reviewed the Ordinance as published noting that language stating "authorized emergency vehicles as defined in Minnesota Statutes shall be exempt from the provisions of this Ordinance and vehicles participating in races and events approved by the City Council or participating at city-approved race track" should remedy Council concerns. It was noted this change was significant and requires a new public hearing. The previous Ordinance was introduced and seconded on October 16, 2006, and defeated on a roll call vote of Ayes 0, Noes 8. Following discussion, Council Member DeBlieck offered a motion to introduce an amended Ordinance Prohibiting Excessive Vehicle Noise, Including Noise from Trucks Using Engine Retarding Brakes, and Adopting by Reference Minnesota Statutes Sections 169.69 and 169.693 and Minnesota Rules Parts 7030.1000 to 7030.1050 and to schedule a public hearing for November 20, 2006. Council Member Anderson seconded the motion, which carried.

The Mayor and Council considered an Ordinance designating truck routes. Following discussion, Council Member Anderson offered a motion to introduce an Ordinance Amending Municipal Code Section 15-139 Designating Truck Routes and to schedule a public hearing for November 20, 2006. Council Member Gardner seconded the motion, which carried.

Announcements for Council Committee meeting dates were as follows: Finance Committee, November 13, 2006.

There being no further business to come before the Council, the meeting adjourned at 9:42 p.m. upon motion by Council Member Reese, seconded by Council Member DeBlieck, and carried.

Attest:

\_\_\_\_\_  
MAYOR

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