

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

September 6, 2005  
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 Chief Jim Kulset, Fire Chief Marv Calvin, Public Works Director Mel Odens, Planning and Development Services Director Bruce Peterson, Community Education and Recreation Director Steve Brisendine, and City Clerk Kevin Halliday.

Proposed additions to the agenda included an Emergency Management Assistance Compact, YMCA block party and the Hurricane Katrina disaster.

The Council requested that the Municipal Utilities Commission and Planning Commission 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 15, Building Inspection Report for August, Police Commission Minutes of May 18, and Convention and Visitors Bureau Minutes of July 19, 2005. Council Member Reese seconded the motion, which carried.

Following discussion of services to the MinnWest Technology Campus, the Municipal Utilities Commission Minutes of August 29, 2005, 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.

Following discussion of the MinnWest Technology Campus Final Plat, the Planning Commission Minutes of August 24, 2005, 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 7:10 p.m. Mayor Heitke opened the hearing on an Ordinance Amending Parking Times Limits for Service Trailers. Police Chief Kulset presented details of the proposed Ordinance noting the amendment covers commercial service trailers, excluding them from the two-hour limit if used for commercial purposes. There being no one present to speak for or against the proposed Ordinance, Mayor Heitke closed the hearing at 7:11 p.m.

Council Member Reese offered a motion to adopt, assign a number, and order final publication of the Ordinance Amending Parking Times Limits for Service Trailer. Council Member Anderson seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

At 7:12 p.m. Mayor Heitke opened the hearing to consider special assessments for unpaid weed/grass mowing. City Clerk Halliday presented to the Mayor and Council a list of individuals who have unpaid weed and/or grass charges and was recommending these charges be certified against the real property. There being no one present to speak for or against the proposed special

assessments, Mayor Heitke closed the hearing at 7:14 p.m.

Resolution No. 1 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. 1

WHEREAS, Section 9-41 of the Willmar City Code states that such unpaid weed or grass mowing bills represent a lien of the real property receiving mowing services; and

WHEREAS, THE City Council of the City of Willmar has offered the owner his right to request an appearance before the Council to make objections to payment;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that the amount of the unpaid weed / grass mowing charges totaling \$1580.00 be certified to the County Auditor to be extended on the tax rolls of such real property in the same manner as other taxes for collecting in 2006 and collected by the County Treasurer, and paid to the City Clerk-Treasurer along with other taxes; and

BE IT FURTHER RESOLVED that the unpaid weed or grass charges be certified against the real property as follows:

1. Parcel No. 95-220-1910 \$275.00  
Located at 402 Ann Street SE; and  
Described as Ferring's Addition to the City of Willmar, Block 013, E 100ft of Lots 1 & 2
2. Parcel No. 95-280-0090 \$255.00  
Located at 825 5<sup>th</sup> Street SW; and  
Described as Hanson's Addition to Willmar, Block 001, Lot 8 Exc E 55ft S ½ of Lot 9 Exc E 55ft
3. Parcel No. 95-630-0770 \$80.00  
Located at 407 Litchfield Avenue SE; and  
Described as Paulson & Sunde's Subdivision in Willmar, Block 004, Lot D Eastern AD Lot 27 Exc. E 4ft
4. Parcel No. 95-911-0280 \$90.00  
Located at 1309 Lakeland Drive NE; and  
Described as S 68' OF N 503' OF W 150' OF E 183' OF  
GOV'T LOT 2
5. Parcel No. 95-310-0030 \$95.00  
Located at 324 Litchfield Avenue SE; and  
Described as Highland Addition to Willmar, LOT 4, W'LY 37.8 FT OF LOT 3
6. Parcel No. 95-006-2290 \$230.00  
Located at 608 7<sup>th</sup> Street SW; and  
Described as First Addition to the Town of Willmar, LOT 2; N5FT. OF LOT 3
7. Parcel No. 95-220-0710 \$130.00  
Located at 206 Anthony Street SE; and  
Described as Ferring's Addition to the Town of Willmar, LOT 1 & N 15 FT. OF LOT 2 & S'LY

1/2 OF VACATED ALLEY ADJ. N'LY LOT LINE OF LOT 1

8. Parcel No. 95-180-0310 \$140.00  
Located at 702 3<sup>rd</sup> Street SE; and  
Described as Erickson's Addition to the Town of Willmar, LOT 1 & N1/2 OF LOT 2
9. Parcel No. 95-040-0650 \$125.00  
Located at 610 17<sup>th</sup> Street SW; and  
Described as Barnstad's Addition to the Town of Willmar, LOT 6 & S. 20 FT. OF LOT 5
10. Parcel No. 95-880-0030 \$160.00  
Located at 1011 Becker Avenue SE; and  
Described as Wojohn's Addition to the Town of Willmar, Lot 3

Dated this 6<sup>th</sup> day of September, 2005.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

At 7:15 p.m. Mayor Heitke opened a hearing on an Ordinance Adopting a Sales and Use Tax and a Motor Vehicle Excise Tax for the City of Willmar. City Clerk Halliday presented details of the proposed Ordinance providing for the half-percent local option sales tax. It was noted the City plans to spend money raised by the tax during the next seven years on improvements to the Industrial Park at the old Airport site, increase hiking and biking trails, connect the Civic Center and Blue Line Center, and buy 60 acres of State land near the Willmar Regional Treatment Center. There being no one present to speak for or against the proposed Ordinance, Mayor Heitke closed the hearing at 7:17 p.m.

Council Member Anderson offered a motion to adopt, assign a number, and order final publication of an Ordinance Adopting a Sales and Use Tax and a Motor Vehicle Excise Tax for the City of Willmar. Council Member Dokken seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Mayor Heitke acknowledged that no one had signed up to address the City Council during its scheduled Open Forum.

Amy Wilde, Meeker County Commissioner and Mid-Minnesota Senior Services Development Consultant, presented to the Mayor and Council a Willmar "Minnesota Living Well Community" data summary and analysis. Ms. Wilde reviewed demographic projections in the year 2030 and ways a community can prepare to offer the best possible environment in which seniors can retire and readily obtain the services necessary to maintain maximized independence, safety and quality of life. This matter was received for information only.

The Finance Committee Report for August 29, 2005, was presented to the Mayor and Council by Council Member Anderson. There were nine items for Council consideration.

Item No. 1 Arlen Christianson, Kandiyohi County ARC Executive Director, appeared

before the Committee to request a reduction of a \$550 daily fee to rent the Willmar Civic Center. Mr. Christianson explained that the Kandiyohi County ARC organization was renting the Civic Center for a fall dance for people with developmental disabilities. The organization has held spring dances before at the Convention Center but has outgrown that facility. ARC is encountering higher expenses than anticipated due to the City's insurance limit requirements of \$1,000,000.

Following discussion, the Committee was recommending that instead of reducing rental fees, the Council contribute \$300 from the Mayor and Council Departmental Budget to the Kandiyohi County ARC Non-Profit organization. Council Member Anderson moved to approve the recommendation of the Finance Committee, with Council Member Dokken seconded the motion, which carried.

Item No. 2 Steven Renquist, EDC Director, presented to the Committee a budget that had been approved by the Operations Board of the Joint Economic Development Commission. Mr. Renquist explained that the Joint Powers Board has directed staff to reduce the proposed amount of the levy from \$520,000 to \$455,000.

Mr. Renquist informed the Committee that the Operations Board has not met since the action of the Joint Powers Board. They will have to adjust the proposed budget accordingly, and return with a revised Budget to the Finance Committee before October 15, 2005, as outlined in the Joint Powers Agreement. This matter was for information only.

Item No. 3 Mr. Renquist explained to the Committee that there was a misunderstanding of the JOBZ rules and regulations in regards to the application of property taxes on unoccupied buildings. JOBZ regulations require property taxes to be paid on any unoccupied buildings. When the MinnWest project was structured, it was represented that there would be no taxes required with the JOBZ classification.

Mr. Renquist requested that the City abate all property taxes on unoccupied buildings for the MinnWest project for the life of the JOBZ classification, with the understanding that the buildings become exempted as they become occupied. It was also explained that the same request will have to be honored to the other taxing districts of the County and School District as well.

The Committee was recommending the Council to approve the concept to abate the City property taxes on all unoccupied buildings in the JOBZ zone of the MinnWest project for the life of the classification or until the buildings are occupied. Council Member Anderson moved to approve the recommendation of the Finance Committee with Council member Dokken seconding the motion, which carried.

Item No. 4 Staff explained to the Committee that due to a Federal law called the Help America Vote Act of 2002, each polling location is required to have an electronic, assistive voting machine in place by the Primary Election of 2006. The new machines come equipped with headphones, toggle switches, touch screens and breath-sensitive functions. The machines allow voters to cast ballots privately and independently, no matter what their disability.

Each assistive voting machine costs approximately \$5,400. In addition, there will be ongoing maintenance costs of about \$200 annually, per machine, and a \$750 charge to program each machine for each election. If the City considered one (1) voting location per Ward, the programming costs could be reduced from \$18,000 per election year to \$6,000. Proposed voting locations could be Ward 1- Senior Citizens Center; Ward 2 -Evangelical Free Church; Ward 3 - Willmar Conference Center; and Ward 4 - First Baptist Church. This would require a change in Section 2-146 of the City Municipal Code.

The Committee discussed this at some length and agreed to send the matter to the Council

with no recommendation. Following discussion, it was the consensus of the Council to refer back to the Finance Committee for further discussion.

Item No. 5 The Committee reviewed a list of property owners who have been approved for agricultural land exemptions and have met the criteria contained in the City's Assessment Policy. The Assessment Policy allows the City to temporarily exempt certain land currently used for agricultural purposes from special assessments.

The Committee was recommending the Council adopt a resolution exempting qualifying land owners of the Special Assessments for agricultural purposes. 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

WHEREAS, the City Council of the City of Willmar, Minnesota, did order the installation of certain street and other improvements made under Projects No. 0501, 9301 and 9101, and certain sewer and water main improvements made under Projects No. 9701, 9303, 9202, 9002, 7402, and 6905.

WHEREAS, Section W of the City of Willmar Comprehensive Assessment Policy allows the City to temporarily exempt from assessments certain lands currently used for agriculture purposes; and

WHEREAS, certain property owners have made application to the City for delayed payment of taxes on special assessments and have met the criteria contained in the Comprehensive Assessment Policy 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 until such property is developed or upon approval of the final plat, and that no interest be charged until such time.

BE IT FURTHER RESOLVED that upon development or plat approval that tapping fee shall be based on the project year bid price per front foot or unit, or on the current year costs at the time of connection/platting, whichever is greater:

1.	Virgil Hawkinson ETAL	95-924-0020	
	c/o Gayle Hawkinson-Pagle	Project 9202	\$13,005.00
	11772 Indian Beach Rd.	Project 9101	51,455.70
	Spicer	Project 9002	35,340.00
		Project 0501	61,137.01

Section 24, Township 119, Range 35

That part of the Northwest Quarter of Northwest Quarter lying Northwesterly of Highway right-of way, except the South 125 feet of North 175 feet of West 133 feet. (31.40 acres)

2.	Virgil Hawkinson ETAL	95-913-0040	
	c/o Gayle Hawkinson-Pagle	Project 9202	\$12,095.00
	1772 Indian Beach Rd.	Project 9002	8,255.00
	Spicer	Project 0501	31,715.79

Section 13, Township 119, Range 35

Southwest Quarter of Southwest Quarter, except the South 685 feet of West 468.8 feet of Southwest Quarter of Southwest Quarter, and except part for plat of Pheasant Run. (32 acres)

- |    |   |   |                                       |
|----|---|---|---------------------------------------|
| 3. | Gesch Properties LLC c/o LeAnn Isaacson<br>10785 46 <sup>th</sup> Place N<br>Plymouth | 95-914-2610<br>Project 9002<br>Project 9303<br>Project 0501 | \$39,731.66<br>22,360.66<br>77,504.80 |
|----|---|---|---------------------------------------|

Section 14, Township 119, Range 35

South 610 feet of Northeast Quarter except West 393.61 feet; Southeast Quarter except South 914.88 feet of West 1085 feet and except part platted as Bergquists Estates, Perkins 5<sup>th</sup> Addition and Gesch Park except that part of the South Half of Northeast Quarter described as follows: Commencing 715 feet South and 393.61 feet East of Northwest Corner of Southwest Quarter Northeast Quarter, Thence East to Southwest Corner of Lot 7, Block 7 Erickson's Third Addition, Thence South 70 feet, Thence West to East Line of Welch's Addition, Thence North 70 feet to part of beginning and except part platted into Gesch YMCA Addition. (99.10 Acres)

- |    |  |                             |             |
|----|--|-----------------------------|-------------|
| 4. | Maurice & Evelyn Bomstad<br>1015 Willmar Ave. SE, Apt 134<br>Willmar | 95-913-0035<br>Project 9002 | \$ 3,731.00 |
|----|--|-----------------------------|-------------|

Section 13, Township 119, Range 35

South 15 acres of Northwest Quarter of Southwest Quarter except plat of Valley View Addition. (14.02 Acres)

- |    |   |   |                         |
|----|---|---|-------------------------|
| 5. | Mildred Thorpe<br>1301 SW 8th Street<br>Willmar | 95-908-0130<br>Project 6905<br>Project 7402 | \$ 2,460.00<br>3,517.00 |
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Section 8, Township 119, Range 35

West 309.7 feet of East 929.2 feet of North 400 feet of South 470 feet and West 854.2 feet of East 929.2 feet of North 300 feet of South 770 feet of Southeast Quarter of Northeast Quarter. (6 acres)

- |    |   |                             |             |
|----|---|-----------------------------|-------------|
| 6. | Jean Langsjoen-Hogan Trust<br>and Carter Family Trust<br>1455 Hansen Dr SW<br>Willmar | 95-903-0010<br>Project 0501 | \$93,012.00 |
|----|---|-----------------------------|-------------|

Section 3, Township 119, Range 35

Southeast Quarter of Southwest Quarter and Southwest Quarter of Southwest Quarter except the Southerly 350' of the Westerly 233' of Southwest Quarter of Southwest Quarter and except parts platted as Northwood Estates and Northwood Estates Second Addition . (64.13 acres)

- |    |   |                             |             |
|----|---|-----------------------------|-------------|
| 7. | Word of Faith Family Church<br>3010 7 <sup>th</sup> Ave NW<br>Willmar | 95-908-0140<br>Project 9301 | \$27,495.00 |
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Section 8, Township 119, Range 35

West 423 feet of East 929.2 feet of North 400 feet of South 470 feet of East half of Northeast quarter - Ag property. \*Split Property (West 431.2 feet of East 506.2 feet of North 400 feet of South 470 feet of East Half of Northeast Quarter - Church property.)

8. William N. Bernard, ETAL 95-912-0970  
520 Litchfield Ave SW Project 9701 \$12,119.04  
Willmar

Section 12, Township 119, Range 35  
North 1,655 feet of Northwest Quarter excluding West 40 acres thereof.

Dated this 6<sup>th</sup> day of September, 2005.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 6 Staff presented to the Committee the 2006 Property Tax Levy that will be proposed by the Mayor in his 2006 Budget. The Levy, as proposed, will increase by the amount generated by new construction in the City over the year.

This will be an \$80,000 increase, from \$2,255,677 to \$2,335,667, or approximately a 3.55 percent increase. Staff explained Truth-in-Taxation regulations allow Cities to lower, but not raise, the Levy after the preliminary amount is certified by September 15, 2005. It was noted that the Mayor has prepared a balanced budget using the dollar amount recommended and will be presenting his budget at the September 12, 2005, Committee meeting.

The Committee was recommending the Council adopt a resolution setting the Preliminary Property Tax Levy for the City of Willmar at \$2,335,677. Resolution No. 3 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. 3

BE IT RESOLVED by the City Council of the City of Willmar, Kandiyohi County, Minnesota, that the following sums of money be levied for the current year collectable in 2006, upon the taxable property in said City of Willmar for the following purposes:

General Fund	<u>\$2,335,667.00</u>
	\$2,335,667.00

BE IT RESOLVED, that there is a sufficient sum of money in the Debt Service Funds of the City, together with the above Debt Service Fund Tax Levy, to pay principal and interest in 2006 on all outstanding bond issues, and the deferred annual tax levies previously certified to the County Auditor are hereby canceled;

FURTHER, pursuant to a request by the Housing and Redevelopment Authority in and for the City of Willmar, for authorization to levy a special tax to be included as part of its fiscal year 2006 - 2007 Budget;

BE IT RESOLVED that the City Council of the City of Willmar, Minnesota, hereby authorizes the Housing and Redevelopment Authority to levy a special tax in the amount of \$116,081.00 pursuant to the powers vested under the Minnesota Statutes.

The City Clerk is hereby instructed to transmit a certified copy of this Resolution to the County Auditor of Kandiyohi County, Minnesota.

Dated this 6<sup>th</sup> day of September, 2005.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 7 Staff informed the Committee that it is necessary to set and notify the County Auditor of Truth-in-Taxation hearing dates. It was determined that the City Council meeting dates in December would work for both the initial and continuation hearings.

The Committee was recommending the Council set the Truth-in-Taxation hearing dates for the City of Willmar for December 5, and December 19, 2005. Council Member Anderson moved to approve the recommendation of the Finance Committee with Council Member Christianson seconding the motion, which carried.

Item No. 8 The Committee reviewed the July Transit Report. This matter was for information only.

Item No. 9 The Committee was reminded that future agendas will include discussion of the City's Assessment Policy and the 2006 Budget. This matter was for information only.

The Finance Committee Report for August 29, 2005, 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 Christianson, and carried.

The Public Works/Safety Committee Report for August 30, 2005, was presented to the Mayor and Council by Council member Reese. There were 10 items for Council consideration.

Item No. 1 Sam Lahanis of Donohue and Associates was present to overview recommendations for flow monitoring at the Wastewater Treatment Plant. The existing raw wastewater flow meter at the plant can't measure more than 6,000 gpm. Historical wet weather events have produced flow rates greater than 6,000 gpm. Peak flow is a critical number for facility planning and the flow monitoring would be done in eight places for up to eight weeks.

Proposals were sent to four firms of which the City has received a proposal from Minnesota Valley Testing Laboratories, Inc. (MVTL) which contains two options. Option 1 would have MVTL provide all services and Option 2 would have MVTL provide some services and a local engineering consultant would provide the remainder. It is the recommendation of Donohue and Associates to award the project to MVTL in accordance with Option 1 with data to be analyzed by Donohue and Associates.



The Committee was recommending the Council award the flow monitoring to Minnesota Valley Testing Laboratories of New Ulm and authorize the Mayor and City Administrator to sign on behalf of the City. Resolution No. 4 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. 4

Whereas the City of Willmar desires to retain a firm to monitor flows at key sanitary sewer manholes for the City of Willmar; and

Whereas a proposal has been made by, and an agreement prepared to retain, the firm of Minnesota Valley Testing Laboratories, Inc. of New Ulm, Minnesota for a not to exceed amount of \$28,995.00 for Option 1, 8-week study.

Now therefore be it resolved by the City Council of the City of Willmar that said agreement be approved and that the Mayor and City Administrator be authorized to execute the same.

Dated this 6<sup>th</sup> day of September, 2005.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 2 The Committee received information from staff on the Automated Pawn System (APS) and a user agreement with the City of Minneapolis required to access the system. The Committee also received a draft amending Willmar's present pawn ordinance, prepared by the City Attorney, which would require pawn shops to submit transaction data via the APS. Phil Hafvenstein, from the City of Minneapolis, explained APS to the Committee. Automated Pawn is a system that takes electronic transaction reports from pawn shops and stores the information in a user-friendly database to be accessed by law enforcement for investigative and regulatory purposes. Chief Kulset requested the Police Department be allowed to enter into an agreement with Minneapolis to access Automated Pawn System and that the Council consider amending the City Pawn Ordinance to require pawn shops to submit transaction data via the APS. Dennis Johnson from Security Coin & Pawn, and Kip Foster from KC Pawn, expressed concerns about the cost of implementing the APS to their businesses. They also questioned why second-hand stores are not presently regulated.

Following considerable discussion, the Committee was recommending the Council adopt a resolution allowing the Willmar Police Department to enter into a user agreement with the City of Minneapolis to access Automated Pawn. 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 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 a User Agreement between the City of Willmar and City of Minneapolis to access the Automate Pawn System.

Dated this 6<sup>th</sup> day of September, 2005.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

The Committee was recommending the Council introduce the amended pawn ordinance and set a public hearing for September 19, 2005, at 7:01 p.m. The motion also sets the electronic billable transaction fee in the ordinance at \$1.50 per billable transaction and allows an investigation fee commensurate to the cost of the investigation for new pawn shop license applications. Council Member Reese moved to introduce and Ordinance Amending Willmar Municipal Code Section 8-201 through 8-208 and Implementing the Automated Pawn System in the City of Willmar. Council Member DeBlieck seconded the motion which carried.

Item No. 3 The Committee reviewed an agreement between the City of Willmar and Kandiyohi County for the distribution of fine assessment money that is collected by the Court for drug cases in Kandiyohi County. This agreement was worked out between the Sheriff and the Police Chief based on the number of kids provided drug abuse prevention programs by each Department. Sixty percent of the fines levied, per Minnesota Statute, would go to the City of Willmar, and forty percent to Kandiyohi County.

The Committee was recommending the Council adopt a resolution allowing the Mayor and the City Administrator to enter into an agreement with Kandiyohi County for the distribution of controlled substance surcharge funds. Resolution No. 6 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. 6

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 with Kandiyohi County for the distribution of controlled substance surcharge funds.

Dated this 6<sup>th</sup> day of September, 2005.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 4 Rick Maursetter and Kathy Breen, representing the Baseball Boosters, presented to the Committee a request for additional signing to 22<sup>nd</sup> Street SW from Willmar Avenue to 19<sup>th</sup> Avenue designating this section as Earl B. Olson Parkway. The request is to add the informational sign on top of the existing sign post and that it remain indefinitely. The Committee was recommending the Council approve the request to add additional signage to 22<sup>nd</sup> Street Southwest from Willmar Avenue to 19<sup>th</sup> Avenue designating it as Earl B. Olson Parkway.

Rick Maursetter appeared before the Mayor and Council to encourage their support of the request. Following discussion, 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. 5 The Committee reviewed a proposed Grant Agreement for Airport Improvements with the State of Minnesota. The agreement offers financial assistance from the State for Phase 6d at the new airport. This phase involves the 2005 Miscellaneous Improvements (Project #2005-10) for which Duinck Bros. was awarded the contract. The agreement details the proportionate cost share for the project between federal, state and local governments.

The Committee was recommending the Council approve grant agreement #88663 for Airport improvements and authorize the Mayor and City Administrator to sign on behalf of the City. 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

AUTHORIZATION TO EXECUTE  
MINNESOTA DEPARTMENT OF TRANSPORTATION  
GRANT AGREEMENT FOR AIRPORT IMPROVEMENT

It is resolved by the City of Willmar as follows:

1. That the State of Minnesota Agreement No. 88663, "Grant Agreement for Airport Improvement," for State Project No. 3401-57 at the New Willmar Municipal Airport is 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 6<sup>th</sup> day of September, 2005.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

The Committee reviewed the scope of services prepared by HNTB Corporation for Phase 6d at the new Willmar Municipal Airport. This phase involves construction administration and observation services for the work that will be done by Duinck Bros. The scope also includes construction observation of the wetland mitigation site and updating of the Airport Layout Plan to reflect as-builts.

The Committee was recommending the Council approve the agreement with HNTB and authorize the Mayor and City Administrator to sign on behalf of the City. Resolution No. 8 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. 8

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 HNTB Corporation. The supplement includes the addition of Phase 6-D for construction administration and observation services for the 2005 Miscellaneous Improvements contract with Duininck Companies at the New Municipal Airport.

BE IT FURTHER RESOLVED, the original contract amount for Phase 6d of \$183,530.00.

Dated this 6<sup>th</sup> day of September, 2005.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 6 The Committee reviewed Change Order No. 1 to the 2004 Airport Construction Contract Project No. 2004-11. This project includes the grading, paving, drainage, and electrical work for the new airport. The change order covers additional grading, relocation of a water line to the terminal building, elimination of tie-downs, and placing fabric over unstable soil conditions. The change order will increase the contract by \$7,520.00.

The Committee was recommending the Council approve Change Order No 1 to Project No. 2004-11 in the amount of \$7,520.00. Resolution No. 9 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. 9

WHEREAS, a contract has been awarded to Duininck Bros., Inc. of Prinsburg, Minnesota, on September 27, 2004 in the amount of \$3,192,271.70 for construction of the 2004 Grading, Paving and Drainage Improvements at the new airport under the direction of HNTB as engineer; and

WHEREAS, it is desired to add additional work to the above contract for grading of "W" along sides of entrance road, relocate water service line to terminal building due to revised building plans, eliminate tiedowns from concrete apron, and place fabric over unstable soils in concrete apron.

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 \$7,520.00 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 September, 2005.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 7 Airport Commission Chair Steve NedreLOW appeared before the Committee to offer recommendations to adjust the aviation fueling system plans. The Commission feels that certain changes will bring the bids within budget and major changes would involve separating the jet fuel system from the Avgas system and allowing alternates on some items. Staff was directed to work with HNTB to make the necessary changes for the Commission to review and bring back to the Committee at a future date.

The Committee agreed to the concept and was recommending the Council authorize the redesign the plans and specs within the budget constraints previously allotted. 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. 8 The Committee reviewed correspondence from the Minnesota Department of Natural Resources (DNR) regarding the cooperative efforts on the installation of a new boat launch ramp near 7<sup>th</sup> Street and the improvement of the shore fishing area by the culvert near Rau Park. The DNR is now requesting improving an access to East Foot Lake off 7<sup>th</sup> Street across the street from the entrance to the fairgrounds. The grass area is a popular access point for anglers and has started to erode into the lake. The DNR is proposing a short gravel roadway/launch area at this location and is requesting approval of the City for the improvements.

The Committee was recommending the Council endorse the concept approving the improvements to the access as recommended by the DNR. Council Member Reese moved to approve of the recommendation of the Public Works/Safety Committee with Council Member Swenson seconding the motion, which carried.

Item No. 9 The Committee reviewed plans and specifications for street lighting improvements on Willmar Avenue SE from 4<sup>th</sup> Street to 23<sup>rd</sup> Street SE. The project, which is eligible for State Aid Funds, consists of steel light pole design similar to the ones on 1<sup>st</sup> Street and would be installed on the south side of Willmar Avenue along this stretch of new construction.

The Committee was recommending the Council approve the plans and specifications for the Willmar Avenue Street Lighting Project No. 0509 and authorize advertisement for bids. Resolution No. 10 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. 10

WHEREAS the City Engineer of the City of Willmar has presented to the City Council plans and specifications for Project No. 0509 (Willmar Avenue SE 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 26th day of September, 2005, at the City Office Building, 333 Southwest Sixth Street, Willmar, Minnesota.

Dated this 6<sup>th</sup> day of September, 2005.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 10 The Committee discussed weed/grass complaints and the possibility of the Police Department bicycle patrol handling lawn grass complaints. This matter was for information only.

The Public Works/Safety Committee Report for August 30, 2005, 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.

At this time Council Member Christianson was excused from the meeting.

Planning and Development Services Director Peterson presented to the Mayor and Council a Final Plat for MinnWest Technology Campus, the plat of the Willmar Regional Treatment Center property. The plat is a Common Interest Community which will have recorded declarations depicting shared drives, parking, etc. The electric utility easements survey was not yet complete when the Planning Commission reviewed the final plat, but will be done prior to recording and signing of the plat. The land will be transferred from the State after the platting is completed. Following discussion, Council Member Reese moved to approve the Final Plat for MinnWest Technology Campus with Council Member Anderson seconding the motion, which carried.

Planning and Development Services Director Peterson presented to the Mayor and Council a Final Plat for Family Eye and ENT Center, a one-lot plat for the development on Southwest 19<sup>th</sup> Avenue. The plat is a way to combine the metes and bounds and platted parcels into one lot and has been approved by the Planning Commission. Following discussion, Council Member Reese moved to approve the Final Plat for Family Eye and ENT Center with Council Member Anderson seconding the motion, which carried.

Planning and Development Services Director Peterson presented to the Mayor and Council a Preliminary Plat for Super 8 Addition, a two-lot plat consisting of the Super 8 site and a second lot for resale for commercial development proposed by David Baker. The property is accessed via 28<sup>th</sup> Avenue Southeast. The Planning Commission has approved the Preliminary Plat. Following discussion, Council Member Anderson moved to approve the Super 8 Addition Preliminary Plat with Council Member Anderson seconding the motion, which carried.

Planning and Development Services Director Peterson presented to the Mayor and Council a request for Reapportionment of Special Assessments. Mills Properties Inc. requests that the assessments against their property be reapportioned to reflect the Mills Addition to Willmar. Following discussion, Resolution No. 11 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. 11

WHEREAS, a request for reapportionment of special assessments has been filed with the City of Willmar, said request being signed by all the parties having an interest in the following-described property:

SE ¼ of SE ¼ excluding r-o-w, Section 27, Township 119, Range 35.  
Parcel No. 95-927-0060  
to wit: Mills Properties Inc.

WHEREAS, the above have waived notice of hearing on said reapportionment; and

WHEREAS, The City Council of the City of Willmar is in agreement that the special assessments totaling \$126,494.90 placed against the above-described parcel be hereby reapportioned as herein described:

<u>Parcel No.</u>	<u>Legal Description</u>	<u>Amount</u>
95-507-0010	Lot 1, Bock 1, Mills Addition to Willmar	\$63,639.58
95-507-0020	Lot 2, Block 1, Mills Addition to Willmar	\$62,855.32

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Willmar, pursuant to the request of the above that the special assessments on the above-described property be and they hereby are reapportioned as provided in the request of the above named, and BE IT FURTHER RESOLVED that the reapportionment be recorded in the records of the City of Willmar and the Kandiyohi County Auditor effective for taxes and assessments due and payable on tax statements issued in the year 2006 and thereafter.

Dated this 6<sup>th</sup> day of September, 2005.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Planning and Development Services Director Peterson presented to the Mayor and Council an Ordinance to amend the Shoreland Ordinance 1022. The Ordinance amends/adds text to include Oslo Lake as a natural environment lake. Following discussion, Council Member Anderson offered a motion to introduce an Ordinance Amending No. 1022 Known as the Willmar Shoreland Ordinance and set a hearing for September 19, 2005. Council Member DeBlieck seconded the motion, which carried.

Fire Chief Calvin presented to the Mayor and Council for consideration an Emergency Management Assistance Compact Intergovernmental Development Agreement. The agreement allows communities to assist with the Hurricane Katrina disaster. The Willmar Fire Department would send four firefighters and one fire engine to New Orleans. Following discussion, Resolution No. 12 was introduced by Council Member Anderson, seconded by Council Member DeBlieck, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 12

