

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

May 21, 2007
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 Administrator Michael Schmit, City Attorney Richard Ronning, Police Chief Jim Kulset, 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.

Additions to the Agenda included consideration of a Resolution authorizing and directing filing of legal action to gain access to certain properties.

Council Member Reese offered a motion adopting the Consent Agenda which included the following: City Council Minutes of May 7, Municipal Utilities Commission Minutes of May 14, Planning Commission Minutes of May 9, Housing Redevelopment Authority Minutes of April 10, 2007; and Exempt Permit Applications for American Legion and Bethesda Foundation of Willmar. Council Member Anderson seconded the motion, which carried.

At 7:05 p.m. Mayor Heitke opened a hearing on an Ordinance Extending the Corporate Limits of the City of Willmar. Planning and Development Services Director Peterson informed the Mayor and Council that John and Kathy Duevel filed a petition to annex 5.33 acres on North First Street west of 16th Avenue Northeast. The request was approved by the Planning Commission and the area was amended to include the easterly one-half of the CSAH #41 right-of-way. There being no one present to speak for or against the proposed Ordinance, Mayor Heitke closed the hearing at 7:06 p.m.

Following discussion, Council Member Reese offered a motion to adopt, assign a number, and order final publication of the Ordinance Extending the Corporate Limits of the City of Willmar. Council Member Gardner seconded the motion, which carried on a roll call vote of Ayes 7, Noes 1 – Council Member Dokken voted “No”.

At 7:07 p.m. Mayor Heitke opened a hearing on an Ordinance to Rezone Certain Property. Planning and Development Services Director Peterson informed the Mayor and Council the Planning Commission proposes initiating the rezoning of property east of Highway 40 from Highway 12 south from I-2 to I-1. The Commission wishes to change those properties to the more limited industrial use to protect current businesses and properties from possible incompatible uses. The rezoning will not affect the current uses of the properties. 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 Gardner 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 Dokken seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

At 7:10 p.m. Mayor Heitke opened a hearing on an Ordinance to Amend Ordinance No. 1060, Section 6.L.2 and Section 6.M. Planning and Development Services Director Peterson explained to the Mayor and Council the Ordinance amends the existing permitted uses in the Industrial Districts of the Zoning Ordinance to allow agricultural product processing plants by conditional use permit in the I-1 (Limited Industry District) and to change automobile salvage/reduction yards from a permitted use with plan review to a conditional use permit in the I-2 (General Industry District), 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 Gardner offered a motion to adopt, assign a number, and order final publication of the Ordinance Amending No. 1060 Known as the Willmar Zoning Ordinance by Amending Section 6 Relating to Permitted Uses in the Industrial Districts. Council Member Reese seconded the motion, which carried on a roll call vote of Ayes 7, Noes 1 – Council Member Dokken voted “No”.

At 7:12 p.m. Mayor Heitke opened a hearing on an Ordinance Prohibiting Ultimate Fighting in the City of Willmar. City Administrator Schmit presented details of the proposed Ordinance prohibiting the practice of ultimate fighting within the City. Several citizens appeared before the Council to voice their concerns that the Ordinance was too vague and could have the potential of banning all martial arts and self defense classes. Upon hearing all those who wished to be heard, Mayor Heitke closed the hearing at 7:29 p.m.

Following discussion, Council Member Dokken moved to table the Ordinance Prohibiting Ultimate Fighting with the City of Willmar. Council Member Fagerlie seconded the motion, which carried on a roll call vote of Ayes 6, Noes 2 – Council Members Reese and Anderson voted “No.”

Mayor Heitke recognized Tammy Duscher who had signed up to address the City Council during its scheduled Open Forum concerning the 16 bed mental health facility proposed for Olena Avenue.

The Finance Committee Report for May 14, 2007, was presented to the Mayor and Council by Council Member Anderson. There were four items for Council consideration.

Item No. 1 Lorry Massa, Rice Memorial Hospital CEO, informed the Committee that because there currently is not a set method of calculating the annual intergovernmental transfer from the Hospital to the City, he is proposing to establish a formula of .40% (40/100 of 1%) of the Prior Year Net Assets to determine this amount beginning January 1, 2008. Net Assets would be used as the basis rather than Net Income for a more consistent revenue stream for the City. The percentage was derived by comparing the three-year average of transfer payments from 2005 through 2007 with the three-year average of the Year-End Net Assets. The minimum amount of the annual transfer payment would not be less than \$200,000. Further details will be worked out by staff. This matter was for information only.

Mr. Massa was also requesting that because of the current financial status of the Hospital, the City waive or defer the 2007 intergovernmental transfer scheduled for \$200,000. Concerns were raised about waiving the transfer since this revenue is part of the City’s 2007 budget and would mean cutting expenditures or searching for other income sources to replace the \$200,000. The Committee was willing to defer these payments for now but would like to review the Hospital’s status toward the end of the year. This matter was for information only.

Item No. 2 Bev Dougherty, Willmar Design Center, outlined with the Committee recent

activities the Center has been pursuing. Purchase options are being sought on six City blocks to initiate multi-use development. They would further like to restore Litchfield Avenue by opening up the east and west access points. There is a parking study of Block 50 underway to review the possibility of establishing a downtown commons area and a children's playground possibly funded through the Bremer Foundation. Another project would be to urbanize First Street by working with Heartland Community Action for downtown housing and securing grants, requesting the Housing Task Force to include downtown buildings in revising city ordinances, working with the HRA re-lendable funds available for downtown, and applying for a Small Cities Development Grant. Street furniture has been purchased and assembled and is ready to be placed by the City Public Works Department. The Willmar Design Center is currently established as a 501(c)6 but is now applying for 501(c)3 status to facilitate funding potential. This matter was for information only.

Item No. 3 Staff explained to the Committee that the T-Hangar Revolving Loan Fund is available through the State of Minnesota at 0% interest. The City has a list of potential tenants and is proposing to construct a building that would house 16 hangars. The rental income from these hangars should service the debt on this revolving loan.

The Committee was recommending the Council authorize City participation in the State of Minnesota's T-Hangar Revolving Loan Fund Program. Council Member Anderson moved to approve the recommendation of the Finance Committee with Council Member Fagerlie seconding the motion, which carried.

Item No. 4 The Committee reviewed the amended budgets for the 2007 Improvement Project and 19th Avenue SE Paving Project. Amounts were reduced because 5th Street SE will no longer be included in this year's improvements. The 2007B Bond Issue which partially funds both of these projects is now estimated to be \$1,725,000.

The Committee was recommending the Council introduce a resolution to amend the 2007 Improvement Budget and the 19th Avenue SE Paving Budget as presented. 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

AS-BID 2007 IMPROVEMENT BUDGET
ESTIMATED TOTAL COST \$3,563,600

PERSONNEL SERVICES		RECEIVABLES	
Overtime Reg. Employees	\$1,000.00	City (MUC)	\$59,800.00
Salaries Temp. Employees	\$4,000.00	State (State Aid)	\$237,000.00
Employer Pension Contr.	<u>\$1,500.00</u>	City (CIF)	\$259,000.00
TOTAL	\$6,500.00	City (LOST)	\$2,214,300.00
		City (WWTP)	\$22,300.00
SUPPLIES		City (Utility fee)	<u>\$210,000.00</u>
Office Supplies	\$1,500.00	TOTAL	\$3,563,600.00
Small Tools	\$2,000.00		
Motor Fuels & Lubricants	\$1,000.00	FINANCING	
Postage	\$2,000.00	Bonds (2007-B)	\$1,090,000.00
Mtce. of Other Improvements	\$2,000.00	State	\$237,000.00
General Supplies	<u>\$2,500.00</u>	City (WWTP/General)	<u>\$22,300.00</u>
TOTAL	\$11,000.00	City (LOST)	\$2,214,300.00

OTHER SERVICES		TOTAL	\$3,563,600.00
Printing & Publishing	\$4,000.00		
Mtce. of Other Impr.	\$2,041,937.00	GRAND TOTAL	\$3,563,600.00
Other Services (Proj. 11, 12, conting.)	\$1,223,163.00		
TOTAL	\$3,269,100.00		
OTHER CHARGES			
Insurance & Bonds	\$2,000.00	01 (Street) \$1,055,537	Line 36
Prof. Serv.	\$100,000.00	02 (C.R. 5) 1,010,178	Line 39
Adm. OH (Transfer)	\$125,000.00	07 (Lighting) 20,000	Line 36
Other Charges	\$50,000.00	08 (Seal Coat) 30,000	Line 36
TOTAL	\$277,000.00	10 (Willmar Ave) \$935,800	Line 36
		11 (Walk Path) 70,000	Line 39
GRAND TOTAL	\$3,563,600.00	12 (Airport Demo) 30,000	Line 39

Dated this 21st day of May, 2007.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Finance Committee Report for May 14, 2007, 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 May 15, 2007, was presented to the Mayor and Council by Council Member Reese. There were seven items for Council consideration.

Item No. 1 The Committee reviewed a map from Ken Quist of the Willmar Jaycees. The Jaycees will be organizing and sponsoring the Willmar Fests Downtown Block Party and requested permission to close off a portion of both Becker Avenue and 5th Street SW and the parking lots in Block 50 and the Masonic Temple lot. The event will be held on Thursday, June 28, 2007.

The Committee was recommending the Council approve the parking lots and street closures as presented for the event on June 28, 2007. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Christianson seconding the motion, which carried.

Item No. 2 For the ninth year the Willmar Police Department is requesting to participate with area law enforcement partners in the Safe and Sober Program. The grant is funded through the Minnesota Department of Public Safety/Office of Traffic Safety. The Willmar Police Department will be working in conjunction with Kandiyohi County, Atwater Police, and the Benson Police Department. The total grant request is for \$31,300, and the local match for the grant is the operational cost of our police vehicles. The program allows the agencies to make a concentrated effort toward traffic safety.

Staff requested permission to allow the Willmar Police Department to enter into a grant agreement with the Minnesota Department of Public Safety/Office of Traffic Safety for the period of October 1, 2007 through September 30, 2008. Also requested was permission for the Willmar Chief

of Police to execute such agreements as necessary to implement the project on behalf of the Willmar Police Department and that Kandiyohi County be designated as the fiscal agent on behalf of the Willmar Police Department.

The Committee was recommending the Council approve the application for the grant and permit staff to enter into a grant agreement as requested. Resolution No. 2 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. 2

AUTHORIZING EXECUTION OF AGREEMENT

BE IT RESOLVED that the Willmar Police Department enter into a grant agreement with the Minnesota Department of Public Safety, Office of Traffic Safety for the project entitled "Safe and Sober Communities" during the period from October 1, 2007, through September 30, 2008.

BE IT FURTHER RESOLVED that Jim Kulset, Chief of Police, is hereby authorized to execute such agreements and amendments as are necessary to implement the project on behalf of the Willmar Police Department.

BE IT FURTHER RESOLVED that the Kandiyohi County Auditor/Treasurer is hereby authorized to be the fiscal agent and administer the grant on behalf of the Willmar Police Department.

Dated this 21st day of May, 2007.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 The Committee considered a request for permission to submit a grant application written by the Willmar Design Center to Blue Cross and Blue Shield of Minnesota for walking paths. Selected applicants will enter into a one-year contract to conduct planning that accommodates and encourages more active lifestyles.

The Committee was recommending the Council approve the Willmar Design Center's request to submit a grant application. Resolution No. 3 was introduced by Council Member Reese, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call of Ayes 8, Noes 0.

RESOLUTION NO. 3

BE IT RESOLVED by the City Council of the City of Willmar to approve of a grant application written by the Willmar Design Center to Blue Cross and Blue Shield of Minnesota. The monies from the grant will be used for the development of walking paths.

Dated this 21st day of May, 2007.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 Kandiyohi County, in cooperation with the City of Willmar, is planning the construction of a new, four-lane highway crossing the mile distance between the intersection of TH 40 (at existing CSAH 47) and TH 12 (at CSAH 5). The highway crosses the old Willmar Airport site just west of the current Willmar Industrial Park. This item was placed on the agenda as the informational meeting for the public to comment and ask questions of both City and County staff members. Various concerned citizens were in attendance.

The total cost is estimated at \$3,953,907 with approximately \$1,166,240 in Federal funding with the remainder to be shared between Kandiyohi County and the City of Willmar. The improvement includes a 10± acres storm pond and 12-inch water main as the larger items to be paid for by the City. The project is proposed to be constructed this season with the paving and signal system scheduled for 2008, which is when the road will be opened. This item was for information only.

Item No. 5 Craig Holmes of Donohue and Associates updated the Committee on the activities during the month of April. The design team is actively working on the detailed design as they head for a 75-percent complete milestone in July. The Facilities Plan Amendment was prepared and will be submitted to the MPCA.

Donohue continues to evaluate the collection system to eliminate some of its infiltration/inflow. Key manholes were identified for flow and lift stations times are being studied. Significant rainfall during this period provided data to identify sources of rainfall infiltration/inflow.

The construction contract for Project No. 0713, Interim Modifications at the existing facilities, was bid and awarded to Shank Constructors. Design is complete for Phase 2 of the Southern Interceptor. There was no construction activity in this reporting period. This matter was for information only.

Item No. 6 Staff informed the Committee that during the month of May, Kandiyohi Area Transit (KAT) is offering free bus rides to and from the Senior Dining and the Senior Center.

Item No. 7 Staff explained to the Committee that bids were originally opened last fall for a 16-unit tee hangar designed by Short Elliott Hendrickson (SEH) to be constructed at the new municipal airport. Due to funding issues, the City has decided to downscale the building and rebid the hangar unit using a 10-unit as the base bid with a 12-unit alternate and no special winter construction requirements. SEH has agreed to amend their scope of services and redesign the hangar. The cost estimate for the new design is \$14,500.

Staff informed the Committee of recent developments of the possibility of purchasing a 6-unit tee hangar owned by Willmar Air Service, which was relocated to the new airport. Staff requested and was granted permission to negotiate a price with Willmar Air Service.

The Committee was recommending the Council approve the amendment to the original

agreement with Short Elliot Hendrickson 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 Anderson, 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, 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 Short Elliott Hendrickson Inc., (SEH). The supplement includes costs for additional design work to be completed on the Willmar Municipal Airport Tee Hangar.

BE IT FURTHER RESOLVED, the original contract amount of not to exceed \$44,200 is hereby amended by \$14,500 for a total not-to-exceed figure of \$58,700.

Dated this 21st day of May, 2007.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Committee was recommending the Council approve the plans and specifications and authorize advertisement of bids to be opened June 28, 2007. Resolution No. 5 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. 5

WHEREAS the Consulting Engineer for the City of Willmar has presented to the City Council plans and specifications for a Tee Hangar at the Willmar Municipal Airport 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 10:00 a.m. on the 28th day of June, 2007, at the City Office Building, 333 Southwest Sixth Street, Willmar, Minnesota.

Dated this 21st day of May, 2007.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Committee reviewed a revised budget for the project and was recommending the budget be adopted as presented. 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

PRELIMINARY T-HANGAR BUDGET
ESTIMATED TOTAL COST \$620,000

SUPPLIES		RECEIVABLES	
Postage	\$1,000.00	State Hangar Loan Fund	\$320,000.00
Mtce. of Other Improvements	\$1,000.00	Bonding/DEED Grant	\$220,000.00
General Supplies	<u>\$1,000.00</u>	Other	<u>\$80,000.00</u>
TOTAL	\$3,000.00	TOTAL	\$620,000.00
OTHER SERVICES		FINANCING	
Printing & Publishing	\$1,000.00	State Hangar Loan Fund	\$320,000.00
Mtce. of Other Impr.	<u>\$555,000.00</u>	Bonding/DEED Grant	\$220,000.00
TOTAL	\$556,000.00	Other	<u>\$80,000.00</u>
OTHER CHARGES		TOTAL	\$620,000.00
Prof. Serv. (SEH)	\$59,000.00	GRAND TOTAL	
Advertising	\$500.00	\$620,000.00	
Adm. OH (Transfer)	<u>\$1,500.00</u>		
TOTAL	\$61,000.00		
GRAND TOTAL	\$620,000.00		

Dated this 21st day of May, 2007.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Public Works/Safety Committee Report for May 15, 2007, 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 Fagerlie, and carried.

The Labor Relations Committee Report for May 16, 2007, was presented to the Mayor and Council by Council Member Gardner. There were four items for Council consideration.

Item No. 1 Chair Gardner recognized Bob Bonawitz, Chair of the Municipal Utilities Commission, who provided a summary of the Commission's General Manager search. Mr. Bonawitz advised the Committee that the position had been offered to Mr. Bruce Gomm. Mr. Gomm is the Manager of Engineering and Operations at Kaukauna Utilities in Kaukauna, Wisconsin. Kaukauna Utilities is one of the country's 2,200 public power systems, a publicly owned and operated utility with 58 employees. The estimated starting date for Mr. Gomm is June 18, 2007. This matter was for information only.

Item No. 2 City Administrator Schmit presented to the Committee proposed language to be included in the City's Personnel Policy and Procedures governing the use of City-issued credit cards. Following review, the Committee was recommending to the Council that the policy governing the use of City-issued credit cards be included into the Personnel Policy and Procedures as proposed. Council Member Gardner moved to approve the recommendation of the Labor

Relations Committee with Council Member Dokken seconding the motion, which carried.

Item No. 3 City Administrator Schmit presented to the Committee a proposed memorandum of agreement between the City and various employee bargaining groups authorizing the establishment of post retirement health care savings plans (HCSP) for City employees. The plan, modeled after a previously approved Willmar Municipal Utilities employee plan, would allow employees to shift to a HCSP from the current system of leaving severance payouts with the City for the purposes of paying health insurance premiums.

The Committee was recommending that the Council authorize the establishment of health care savings plans under the terms and conditions detailed in the proposed Memorandum of Agreement. Council Member Gardner moved to approve the recommendation of the Labor Relations Committee with Council Member Reese seconding the motion, which carried.

Item No. 4 Chair Gardner announced it was the intent of the Committee to close the meeting for the purposes of discussing contract terms and conditions with City Attorney Rich Ronning. Following the closing and reopening of the meeting, the Committee was recommending the Council approve a new three-year contract with City Attorney Ronning. Generally speaking the contract calls for an adjustment in the base salary of \$3,000, 3 percent wage adjustments in each of the three years (2007 salary of \$107,982), and gap financing for medical and life insurance premiums from the date of termination through qualification for Medicare benefits (age 65). Council Member Gardner moved to approve the recommendation of the Labor Relations Committee with Council Member Dokken seconding the motion, which carried.

The Labor Relations Committee Report for May 16, 2007, 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 Dokken, and carried.

The Community Development Committee Report for May 17, 2007, was presented to the Mayor and Council by Council Member DeBlieck. There were six items for Council consideration.

Item No. 1 Staff presented proposals from two local real estate firms to provide marketing and sales services for the expanded industrial park properties, Edina Realty and Pro 1 Realty Professionals. The background of the realtors submitting the proposals was reviewed by the Committee. The Committee discussed the resumes and proposals as submitted. Staff recommended that the Council engage the services of Pro 1 Realty professionals based on their more extensive history with the sales of commercial and industrial properties.

Following discussion, the Committee was recommending to the Council that the City engage the services of Pro 1 Realty Professionals to provide real estate marketing and sales services for the expanded industrial park. Council Member DeBlieck moved to approve the recommendation of the Community Development Committee with Council Member Dokken seconding the motion, which carried. Council Member Gardner abstained from voting.

Item No. 2 The Committee considered the environmental review process used to determine environmental impacts of the redevelopment of the former airport into an expanded industrial park. It was noted that the City had received no correspondence or claims of environmental issues from any individual or agency. The difference between the state and federal environmental review processes was discussed, as were the requirements for approval.

The Committee was recommending the Council adopt the Resolution making a negative

declaration of need for an EIS to satisfy the state EAW process. Resolution No. 7 was introduced by Council Member DeBlieck, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 7

WHEREAS, the Willmar City Council is the responsible governmental unit (RGU); and

WHEREAS, the environmental assessment worksheet (EAW) pertaining to the Airport Redevelopment and Industrial Park Expansion project dated March, 2007, has been prepared and circulated to the appropriate public agencies and private citizens pursuant to Minnesota Rule 4410.1700; and

WHEREAS, based on the information contained in the EAW, planning and zoning records and files, comments received and responses, the Willmar City Council, as the RGU, has reviewed the Findings of Fact and Conclusion recommended by staff:

NOW, THEREFORE, be it resolved that: 1.) The Findings of Fact and Conclusion recommended by staff shall be attached hereto (on file in the City Clerk's Office) and the same shall constitute the Findings of Fact and Conclusion of the City Council, and a negative declaration of need for an EIS shall be issued.

Dated this 21st day of May, 2007.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Committee was recommending to the Council that the City make a formal finding of no significant environmental impact for the federal environmental assessment process. Council Member DeBlieck moved to approve the recommendation of the Community Development Committee with Council Member Christianson seconding the motion, which carried.

The Committee was recommending to the Council that the City certify the City Administrator as the Certifying Officer for federal environmental review and to consent to accept the jurisdiction of the federal courts if action is brought under the National Environmental Policy Act of 1969. Council Member DeBlieck moved to approve the recommendation of the Community Development Committee with Council Member Dokken seconding the motion which carried.

Item No. 3 The Committee discussed the pending renewal of an agreement for lobbying services with David Turch and Associates. The pros and cons of the City/Lobbyist relationship were debated. It was the opinion of Staff that Turch and Associates had served the City well for the airport project and that their expertise is in the area of transportation funding. Staff expressed concerns over staffing turnover with Turch and Associates and the lack of consistent representation received by the City for its lobbying efforts. Staff further stated that the City's relationship with federal congressional offices had progressed to the point where a Washington-based lobbyist was no longer necessary to gain access to the political process. In the case of the Wastewater Treatment Plant project, the legislative liaison of Donohue Associates has been effective in working with the congressional offices on behalf of the City.

In conversations with Willmar Municipal Utilities staff, it was stated that they would not continue a lobbying relationship absent the City cost sharing. Although the Municipal Utilities was not displeased with the effort they had received from Turch, it was the position of Utilities staff that they would follow the City's lead in any discussions affecting a future agreement.

Staff was recommending to the Committee that the agreement with David Turch and Associates not be renewed. The Committee was recommending to the Council that the City not renew its lobbying agreement with David Turch and Associates. Council Member DeBlieck moved to approve the recommendation of the Community Development Committee. Council Member Dokken seconded the motion. Mayor Heitke recognized Municipal Utilities Commissioners Bob Bonawitz and Jerry Gesch who spoke in favor of retaining Turch and Associates for their power plant considerations and ongoing energy concerns. Following discussion, the motion failed.

Council Member Gardner moved to enter into a one-year agreement with Turch and Associates with Council Member Reese seconding the motion, which carried.

Item No. 4 The Committee discussed the topic of providing public notification for orderly annexations. Current state statute requires that notice be provided to adjacent property owners for annexation action that occurs by ordinance. However, orderly annexation procedures do not have a statutory requirement for public notification.

It was the desire of the Committee that the City do more to involve the public in making orderly annexation decisions. A survey of other regional centers by staff turned up only one City that provided any notice for orderly annexation actions. The Committee was recommending to the Council that the City of Willmar provide notice to property owners within 350 feet of subject property for meetings when the Planning Commissions will review orderly annexation proposals prior to making a recommendation to the Council. Council Member DeBlieck moved to approve the recommendation of the Community Development Committee with Council Member Christianson seconding the motion, which carried.

Item No. 5 Staff informed the Committee that representatives of the firm that is doing the quiet zones study will be in Willmar on May 22, 2007, to give a demonstration on wayside horns. Wayside horns are one example of what a community can do to attempt to reduce train noise at crossings. This item was for information only.

Item No. 6 Joline Hovland, representing Habitat for Humanity, appeared before the Committee to inform them that the house on the corner of Ann Street and Becker Avenue SE had been demolished. Habitat for Humanity had purchased the house for demolition to make a lot available for construction of a new Habitat home. New construction is scheduled to begin in two weeks with occupancy of the new home in December of this year, and a family has been selected to purchase the home.

Ms. Hovland asked about permit fees for Habitat for Humanity homes. In the past the City had waived building permit fees. The Committee explained that the City no longer waives building permit fees and stated its intention to stick to that policy. This matter was for information only.

The Community Development Committee Report for May 17, 2007, 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.

Planning and Development Services Director Peterson presented to the Mayor and Council for considered an Ordinance to Rezone Certain Lands from R-4 to R-2. Dawn Skogstad proposed the rezoning of property in Park View Estates from R-4 (Medium Density Multiple Family Residential) to R-2 (One and Two Family Residential) for the purpose of single family home residential. The Planning Commission has approved the rezoning. Council Member Reese offered a motion to introduce an Ordinance Amending Municipal Ordinance No. 1060, the Willmar Zoning Ordinance, and schedule a hearing for June 4, 2007. Council Member Christianson seconded the motion, which carried.

City Clerk Halliday informed the Mayor and Council that the Elks Lodge #952 is making application to the Minnesota Gambling Control Board for a premise permit renewal. Following discussion, Resolution No. 8 was introduced by Council Member Christianson, seconded by Council Member Gardner, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 8

REQUESTING THAT THE MINNESOTA GAMBLING
CONTROL BOARD APPROVE THE APPLICATION FOR A
PREMISE PERMIT FOR THE WILLMAR ELKS LODGE #952

WHEREAS, the Willmar Elks Lodge #952 has applied to the Minnesota Gambling Control Board to obtain a Premise Permit for a Gambling License at the Willmar Elks Lodge #952, 426 Litchfield Avenue Southwest, Willmar, Minnesota;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that the City approves of the Premise Permit for the Willmar Elks Lodge #952 and respectfully requests that the State of Minnesota Gambling Control Board approve the Premise Permit to the Willmar Elks Lodge #952.

Dated this 21st day of May, 2007.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Announcements for Council Committee meeting dates were as follows: May 29, Public Works/Safety; and May 30, 2007, Council work session.

The Mayor and Council discussed the new Waste Water Treatment Plant facility project and a Resolution which would authorize and direct the filing of legal action to gain access to agricultural land for the interceptor line. Resolution No. 9 was introduced by Council Member Reese, seconded by Council Member DeBlieck, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0, Council Member Christianson abstained from voting.

RESOLUTION NO. 9

AUTHORIZING AND DIRECTING THE FILING OF LEGAL ACTION TO GAIN ACCESS
TO PROPERTY IN ANTICIPATION OF EMINENT DOMAIN PROCEEDINGS.

(For Resolution in its entirety, see City Council proceedings file dated
May 21, 2007, located in the City Clerk's Office)

Council Member Gardner offered a motion to implement a moratorium on events commonly referred to as "ultimate fighting" or "mixed martial arts" within the City of Willmar for a period of six months, or until an Ordinance regulating such events is adopted by the City Council, whichever is earlier. Nothing in this motion shall be construed to ban martial arts or other sporting events sponsored by existing established local schools of martial arts, or classes taught by public schools or community recreation organizations, or other sporting events to which physical contact is incidental. Council Member Dokken seconded the motion, which carried.

There being no further business to come before the Council, the meeting adjourned at 9:34 p.m. upon motion by Council Member Gardner, seconded by Council Member Christianson, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL