

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

July 16, 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 an on-sale liquor license application for the Double D Club.

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

Council Member Reese offered a motion adopting the Consent Agenda which included the following: City Council Minutes of July 2, Municipal Utilities Commission Minutes of July 9, Building Inspection Report for June, and Airport Zoning Board Minutes of July 11, 2007. Council Member Christianson seconded the motion, which carried.

Following discussion regarding Passion Properties senior assisted living conditional use permit, the Planning Commission Minutes of July 11, 2007, were 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.

Following discussion regarding a Westwinds townhouse resolution, the Housing and Redevelopment Authority Board Minutes of June 18, 2007, were accepted as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Dokken, seconded by Council Member Gardner, and carried.

Following a briefing by Mayor Heitke, the Housing Task Force Minutes of July 9, 2007, were accepted as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Christianson, seconded by Council Member Dokken, and carried.

Police Chief Kulset introduced Sergeant Julie Asmus, who was recently named the American Legion National Law Officer of the Year. Chief Kulset listed Sergeant Asmus' many activities of community involvement and her exemplary career in law enforcement. American Legion Representatives Russ Anderson and District 7 Commander Arnie Gynild discussed the details of the National program and informed the Council that Sergeant Asmus would travel to Reno, Nevada, to accept the award in August of 2007.

Mayor Heitke recognized Rick Goodemann, Southwest Minnesota Housing Partnership

Executive Director, who presented details of a proposed Westwinds Estates project. The project consists of 15 units of immediate home ownership, 30 units of intermediate home ownership (lease to own), and 6 units for permanent rental units. Mr. Goodemann explained the concept of Section 42 Low Income Housing Tax Credits and Community Land Trust which helps future owners who can't qualify for home ownership in conventional financing methods. The home construction was estimated in the range of \$175,000 per single-family unit and the owners are required to enter into a "Contract of Care" whereby they must maintain the structure. Mr. Goodeman was requesting support from the Council to submit a funding request to the Minnesota Department of Employment and Economic Development (DEED) for \$250,000 of Small Cities Development Funds and the submission to Minnesota Housing Agency to establish a community land trust. Several citizens from the neighborhood offered comments as to the negative impact on their property with so many low income units.

Following a lengthy discussion, Resolution No. 1 was introduced by Council Member Reese, seconded by Council Member Gardner, read by Mayor Heitke and defeated on a roll call vote of Ayes 3, Noes 5 – Council Members Anderson, Swenson, Dokken, Christianson and Fagerlie voted "No". Prior to the end of the meeting, Council Member Christianson changed his vote to an "abstention."

Mayor Heitke called of a recess at 9:16 p.m. and reconvened the meeting at 9:26 p.m.

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

The Community Development Committee Report for July 10, 2007, was presented to the Mayor and Council by Council Member DeBlieck. There were six items for Council consideration.

Item No. 1 The Committee reviewed an ordinance adopting the new 2007 Minnesota State Building Code. The new Code went into effect July 10, 2007, and jurisdictions have a reasonable amount of time within which to formally adopt the code. Included with the Code was a proposed revised fee schedule which sets fees approximately midway between the 1994 Code fee schedule (currently in effect) and the 1997 Code fee schedule.

Following discussion, the Committee was recommending the Council Introduce the ordinance for a hearing on August 6, 2007, keeping the current 1994 fee schedule. Council Member DeBlieck offered a motion to introduce an Ordinance Adopting the Minnesota State Building Code. Council Member Dokken seconded the motion, which carried.

Item No. 2 The Committee reviewed an ordinance adopting the new 2007 Minnesota State Fire Code, including appendix chapters B, C and D. This Code also went into effect July 10, 2007, and local units of government have a reasonable amount of time within which to formally adopt the code.

Following discussion the Committee was recommending the Council Introduce the Ordinance for a hearing on August 6, 2007. Council Member DeBlieck offered a motion to introduce an Ordinance Adopting the 2007 Minnesota State Fire Code (the 2006 International Fire Code). Council Member Dokken seconded the motion, which carried.

Item No. 3 Staff presented to the Committee recommended changes to the policies of the Willmar Fire Marshal. These policies guide developers and contractors in the uniform and consistent application of fire safety principles related to the Fire Code.

Following discussion, the Committee was recommending the Council adopt the revised Willmar Fire Marshal Policies. Council Member DeBlieck moved to approve the Willmar Fire Marshal Policies with Council Member Dokken seconding the motion, which carried.

Item No. 4 The Committee discussed staff's progress with efforts to pursue voluntary compliance with orders to repair or remove unsafe structures. Earlier this year 20 notices were sent to property owners asking that unsafe structures be removed or repaired. Seventeen property owners, or 85%, complied with these orders. Staff requested direction in pursuing compliance for the other three property owners, beginning with a Council declaration that the structures are unsafe or hazardous.

The Committee discussed the process available to the City under Minnesota Statutes and was recommending the Council formally declare the structures as unsafe and hazardous, and that the matter be referred to the City Attorney for follow-up under Minnesota Statutes Chapter 463.15-463.26. Council Member DeBlieck moved to approve the recommendation of the Community Development Committee with Council Member Dokken seconding the motion, which carried.

The Committee also discussed exterior storage and unsafe building issues at the Willmar Boiler business on 19th Avenue SW. Numerous attempts have been made over several years to achieve compliance, but the owner has evaded all attempts to-date.

Following discussion, the Committee was recommending the Council formally declare the metal building unsafe and hazardous, and to refer the matter to the City Attorney for follow-up under Minnesota Statutes Chapter 463.15-463.26, as well as to pursue the zoning violations related to exterior storage. Council Member DeBlieck moved to approve the recommendation of the Community Development Committee with Council Member Dokken seconding the motion, which carried.

Item No. 5 Major discussion of Central Business District identification/location signs was delayed until a future meeting when a representative of the Design Center will be invited. This matter was for information only.

Item No. 6 The Committee considered Professional Service Agreements for appraisal services for the Waste Water Treatment Plant interceptor line right-of-way acquisition. The proposed agreements are with Mike Amo of Sauk Center and Ruland Commercial Consultants Ltd of St. Cloud. The Council was informed that a court order had been issued granting the City access to property west of town for purposes of surveying, appraising, soil borings and environmental work, and that it was necessary to begin the appraisal process in the very near future.

The Committee was recommending the Council adopt resolutions approving professional services agreements with the two appraisal firms as submitted, and to authorize the Mayor and City Administration to execute said agreements.

Resolution No. 2 was introduced by Council Member DeBlieck, 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, a municipal corporation of the State of Minnesota, that the Mayor and City Administrator be authorized to enter into a professional service agreement between the City of Willmar and Mike Amo of Sauk Center, Minnesota, for appraisal services for the Waste Water Treatment Plant interceptor line right-of-way acquisition.

Dated this 16th day of July, 2007.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Resolution No. 3 was introduced by Council Member DeBlieck, seconded by Council Member Fagerlie, 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, a municipal corporation of the State of Minnesota, that the Mayor and City Administrator be authorized to enter into a professional service agreement between the City of Willmar and Ruland Commercial Consultants Ltd. of St. Cloud, Minnesota, for appraisal services for the Waste Water Treatment Plant interceptor line right-of-way acquisition.

Dated this 16th day of July, 2007.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Community Development Committee Report for July 10, 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.

Public Works Director Odens informed the Mayor and Council that MnDOT, Office of Aeronautics, is requesting the City enter into a time extension agreement on the State's portion of new Airport Grants 3401-49 (grading), 3401-50 (grading and drainage), and 3401-53 (runway, taxiways, apron, parking, roads).

Following discussion, 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

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 Amendment No. 3 to the State Funding Agreement Number 83850 for Project S.P. 3401-49 extending the expiration date of the agreement until June 30, 2009.

Dated this 16th day of July, 2007.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

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

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 Amendment No. 1 to the State Funding Agreement Number 85780 for Project S.P. 3401-50 extending the expiration date of the agreement until June 30, 2009.

Dated this 16th day of July, 2007.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Resolution No. 6 was introduced by Council Member Reese, seconded by Council Member DeBlieck, 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 of the City of Willmar are hereby authorized to enter into Amendment No. 1 to the State Funding Agreement Number 87004 for Project S.P. 3401-53 extending the expiration date of the agreement until June 30, 2009.

Dated this 16th day of July, 2007.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Announcements for Council Committee meeting dates were as follows: Public Works/Safety, July 24; and Labor Relations, July 25, 2007.

City Clerk Halliday informed the Mayor and Council that Duane Mark Duenow, dba Double D Club, has applied for an On-sale liquor license at 1300 SE Lakeland Drive. Following discussion, Council Member Gardner moved to approve the license contingent upon approval of the certificate of insurance by City Attorney Ronning. Council Member DeBlieck seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Mayor Heitke informed the Council that he has been invited by the Northwest Foundation to go to Mexico in October. The Foundation was selecting individuals from Iowa, Idaho, Oregon and Minnesota who have had experience with Latino population growth challenges to share ideas on how to assist people of Latino background to improve the quality of their life and work. Rob Anderson and Kathy Schwantes have also been invited to attend. This matter was for information only.

There being no further business to come before the Council, the meeting adjourned at 10:06 p.m. upon motion by Council Member Dokken, seconded by Council Member Christianson, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL