

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

November 5, 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, Jim Dokken, and Steven Gardner; Present 7, Absent 2 – Rick Fagerlie and Cindy Swenson were excused from the meeting.

Also present were City Attorney Richard Ronning, Fire Chief Marv Calvin, Public Works Director Mel Odens, Planning and Development Services Director Bruce Peterson, Community Education and Recreation Director Steve Brisendine, Police Captain David Wyffels, and Administrative Assistant Audrey Peterson.

Additions to the Agenda included discussion of property at 1000 Kandiyohi Avenue Southwest.

Council Member Anderson offered a motion adopting the Consent Agenda which included the following: City Council Minutes of October 15, Rice Hospital Board Minutes of October 17, Municipal Utilities Commission Minutes of October 24, Convention and Visitors Bureau Minutes of September 18, 2007; and Application for Exempt Permit, Ricky Mountain Elk Foundation. Council Member Christianson seconded the motion, which carried.

At 7:05 p.m. Mayor Heitke opened a public hearing to consider the vacation of portions of 11th Street Southwest and Pacific Avenue Southwest. Planning and Development Services Director Peterson explained the right-of-way is being proposed to be vacated to allow for the location of a pump station for the future Wastewater Treatment Plant. The Planning Commission has considered and approved of the vacation. There being no one present to speak for or against the proposed street vacation, Mayor Heitke closed the hearing at 7:08 p.m.

Following discussion, Resolution No. 1 was introduced by Council Member Reese, seconded by Council Member DeBlieck, read by Mayor Heitke, and approved on a roll call vote of Ayes 5, Noes 0, Council Member Anderson abstained from voting.

RESOLUTION NO. 1

VACATING A PORTION OF A PUBLIC STREET

WHEREAS, the vacation of those portions of dedicated street as described below was initiated by the City:

Those portions of 11th Street Southwest and Pacific Avenue beginning at the southwest corner of Block 17, Original City; thence west 70 feet to the southeast corner of Block 104, First Addition to Willmar; thence north 210 feet to the southeast corner of Block 105, First Addition to Willmar; thence east 120 feet to the southwest corner of Lot 10, block 13, Original City; thence south 60 feet to the northwest corner of Lot 10, Block 17, Original City; thence west 50 feet to the northwest corner of Block 17, Original City; thence south 150 feet to the point of beginning, and

WHEREAS, the proposed vacation has been approved by the Planning Commission of the City of Willmar; and

WHEREAS, published notice and mailed notice of the proposed vacation and the hearing thereon have been given as provided by Subdivision 6 of Section 9.01 of Article IX of the Willmar City Charter; and

WHEREAS, a hearing was duly held on the proposal to vacate that portion of said streets on November 5, 2007; and

WHEREAS, the City Council of Willmar finds that it is in the best interests of the City of Willmar to vacate that portion of said streets;

NOW, THEREFORE, BE IT RESOLVED, that the above described portion of dedicated streets be, and hereby is, vacated.

BE IT FURTHER RESOLVED, that the City shall retain a utility easement over the entire portion of vacated r-o-w.

BE IT FURTHER RESOLVED that a certified copy of the Resolution be filed with the Kandiyohi County Recorder on or after November 12, 2007.

Dated this 5th day of November, 2007.

/s/ Lester Heitke
MAYOR

/s/ Bruce Peterson
Attest: PLANNING & DEVELOPMENT SERVICES DIRECTOR

Mayor Heitke acknowledged Warren Jorgenson who had signed up to address the City Council during its scheduled Open Forum. Mr. Jorgenson expressed concerns regarding his property at 1000 Kandiyohi Avenue SW and flooding issues.

The Finance Committee Report for October 22, 2007, was presented to the Mayor and Council by Council Member Anderson. There were three items for Council consideration.

Item No. 1 Staff explained to the Committee that the special assessments classification for a parcel from the 1969 bond and the 1972 bond need to be changed from Future-Suspense (also known as deferred) to Future-Agriculture. This parcel, located north of the parking lot by the college, was annexed in 1993 and remains agricultural land. The amount of the assessments for this parcel 33-004-0055 for the 1969 bond is \$10,688.70 and for the 1972 bond is \$14,375.92.

The Committee was also informed that the special assessments classified as Future-Suspense for two parcels from the 1975 bond need to be written off because the useful life of the improvements has expired. The amount of the assessments for parcels 33-023-0100 and 95-923-8820 is \$7,443.00.

The Committee was recommending the Council adopt a resolution reclassifying the 1969 and 1972 special assessments for parcel 33-004-0055 from Future-Suspense to Future-Agriculture in the amounts of \$10,688.70 and 14,375.92 respectively and to write off the 1975 Future-Suspense assessments for parcels 33-023-0100 and 95-923-8820 in the amount of \$7,443.00.

Resolution No. 2 was introduced by Council Member Anderson, seconded by Council Member Gardner, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 2

WHEREAS, the City of Willmar has assessments which have not been previously collected because the benefited property lies outside of the City limits of the City of Willmar; and

WHEREAS, property having been replatted into Target Addition whereby assessments have been calculated in the tapping fees assessed the developer.

NOW, THEREFORE BE IT RESOLVED that the following suspended assessments of the following projects (project numbers, amounts and legal descriptions on file in the City Clerk's Office) be and hereby are removed and that this action be recorded in the records of the City of Willmar and the Kandiyohi County Recorder.

Dated this 5th day of November, 2007.

/s/ Lester Heitke
MAYOR

/s/ Bruce Peterson
Attest: PLANNING & DEVELOPMENT SERVICES DIRECTOR

Resolution No. 3 was introduced by Council Member Anderson, seconded by Council Member Gardner, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 3

WHEREAS, the City of Willmar has assessments which have not been previously collected because the benefited property lies outside of the City limits of the City of Willmar; and

WHEREAS, property having assessments from the 1969 Watermain Improvements and the 1972 Sanitary Sewer Improvements have been annexed into the City of Willmar as new Parcel 95-904-0040; and

WHEREAS, the property qualifies for agricultural deferment under the current City Assessment Policy.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that the former Parcel 33-004-0055 re-identified as 95-904-0040 be hereby transferred to the list of agricultural deferred assessments and 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.

Dated this 5th day of November, 2007.

/s/ Lester Heitke
MAYOR

/s/ Bruce Peterson
Attest: PLANNING & DEVELOPMENT SERVICES DIRECTOR

Item No. 2 Bev Dougherty, Willmar Design Center, updated the Committee on the status of projects being pursued for downtown Willmar. The Design Center has submitted a request to open up Litchfield Avenue on both ends of downtown for the 2008 budget and is discussing the possibility of a convertible street on Becker Avenue between 3rd and 6th Streets to establish a commons area. A Federal Transportation Grant application was submitted recently in the amount of \$180,000 for the Connection to the Lakes Project and, if the grant is approved, the City's contribution would be \$68,000, with the work beginning in 2012. Ms. Dougherty also provided copies of a letter to Mayor Heitke communicating the Willmar Design Center's support for a downtown parking facility. She stated that the current available parking for Hospital staff and patients is not adequate, nor will it be as the Hospital adds new health care options. Further, a new parking facility would enable the proposed downtown commons area.

The Committee reviewed the Willmar Design Center financial report showing the budget amounts as well as actual expenditures as of September 30, 2007, and provided a report detailing the City of Willmar's portion of the Design Center's revenue with the associated expenses. This matter was for information only.

Item No. 3 The Committee continued its review of the Mayor's proposed 2008 budget by considering the City's Expenditures. Finance Director Okins stated that no new positions are being proposed for 2008 and all employee contracts are set through 2009. Items not included in the operating budget but being discussed by the Council are: 1) part-time maintenance position at the Senior Citizens Center; 2) Southwest Initiative Foundation's request for \$10,000; 3) Franchise Fee Ordinance; and 4) reduction of the Library's request which amounts to approximately \$7,000.

Items not included in the capital projects budget but that are being considered: Litchfield Avenue openings to downtown; Quiet Zones for railroad crossings; and storm water improvements.

The Committee also discussed current and future lobbying efforts for the Veterans' Home, Grass Lake, and Wastewater Treatment Plant. A suggestion to engage Dean Johnson to represent the City on State finance matters received limited discussion. This matter was for information only.

Item No. 4 The Committee reviewed the following reports: 3rd Quarter Interest/Dividends, 3rd Quarter Investment Activity, 09/30/2007 Investment Portfolio, 09/30/2007 Rice Hospital, 3rd Quarter Rice Trust. This matter was for information only.

The Finance Committee Report for October 22, 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 Gardner, and carried.

The Finance Committee Report for October 29, 2007, was presented to the Mayor and Council by Council Member Anderson. There was one item for Council consideration.

Item No. 1 The Committee continued its review of the 2008 Budget. Items not included in the operating budget, but discussed by the Committee are as follows:

- 1) Need for a part-time maintenance position at the Senior Citizens Center.
- 2) Southwest Initiative Foundation's request for \$10,000.
- 3) Franchise Fee Ordinance.
- 4) Reduction of the Library's request which amounts to approximately \$7,000.
- 5) Reduction in the Property Tax Levy by \$150,000 (\$75,000 to come from WRAC-8 Reserves and \$75,000 from other Staff recommendations)
- 6) Reallocation of Capital Requests (i.e. Garfield Warming House & Bleachers)

Items not included in the capital projects budget but that are being considered were the Litchfield Avenue openings to downtown; Quiet Zones for railroad crossings; and storm water improvements.

Following discussion, the Committee was recommending the Council consider an Ordinance to create a Franchise Fee on natural gas for the use of public right-of-way.

Council Member Anderson offered a motion to introduce an Ordinance Amending Willmar Ordinance No. 1192 by Establishing a Franchise Fee and set a public hearing for November 19, 2007. Council Member Gardner seconded the motion, which carried.

The Finance Committee Report for October 29, 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 Gardner, and carried.

The Public Works/Safety Committee Report for October 24, 2007, was presented to the Mayor and Council by Council Member Reese. There were six items for Council consideration.

Item No. 1 The Committee met with Brad Skindelin, 713 SW 11th Street, and Shari Felleson, 707 SW 11th Street, who expressed concerns about the idea of constructing a storm water detention area at the intersection of 10th Street SW and Kandiyohi Avenue. Mr. Skindelin and Ms. Felleson were of the opinion that any detention area adjacent to the property would only create ground water and additional flooding north of the immediate intersection problem area. The Committee assured the parties that the City is not considering a detention in that location under the present plan to address flooding issues in the neighborhood. This matter was for information only.

Item No. 2 Craig Holmes of Donohue and Associates updated the Committee with a summary of activities related to the Wastewater Treatment Plant Relocation and Conveyance System Improvements. In the design phase, the easement acquisition process is under way. Offers to purchase were mailed to the first group of property owners on the pipeline corridors west of County Road 5. Crop pest testing was done on selected agricultural lands west of 30th Street to address landowner concerns that the City's work may contaminate their lands. Tests confirmed that the pest was already present on most of those lands.

A workshop was conducted with Staff to review the 75-percent documents. The construction cost estimate was reviewed and the project remains within the budget. Donohue was given direction to proceed to the 95-percent design.

The Environmental Assessment Worksheet was submitted to the Minnesota Pollution Control Agency. Early review comments from the MPCA are favorable and the NPDES permit application was also submitted.

In the construction phase of the Southern Interceptor, bids were received and the contract awarded to Chad Monson Excavating. Seven hundred LF of the 1,800 LF of pipe has been installed. Restoration work on 28th Avenue SE is complete and the contract close out is in progress. Construction activities are under way for the Interim Modifications. Completion is planned for November, 2007. This matter was for information only.

Item No. 3 The Committee was informed that Bonnema Survey, under subcontract to Donohue and Associates, has prepared right-of-way plats to be used as the legal description for parcels to be acquired for the proposed conveyance (interceptor sewer and for main) corridors. Those right-of-way plats have been used by the City's appraiser and the City's property acquisition legal counsel. Donohue requested approval of nine right-of-way plats.

The Committee was recommending the Council accept Right-of-Way Plat Nos. 1 through 8, and 11, as prepared by Bonnema Surveys and forward to the County for approval. 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 6, Noes 0.

RESOLUTION NO. 4

RESOLUTION APPROVING INTERCEPTOR SEWER RIGHT OF WAY PLATS

(For Resolution in its entirety, see City Council Proceedings file dated November 5, 2007, located in the City Clerk's Office)

Item No. 4 The Committee reviewed a letter from Donohue and Associates requesting that the City consider a conventional method of letting and managing the wastewater treatment plant contracts as opposed to the construction management approach initially proposed. Craig Holmes, Project Manager for Donohue and Associates, stated that Donohue was of the opinion the conventional method would allow Donohue to better oversee the project, result in more competitive bidding and overall lower construction costs, and generally be in the best interest of Willmar rate payers.

The Committee was recommending the Council approve of Donohue's request to switch from construction management to conventional and revise the facilities plan consultant contracts accordingly. 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 was informed by Staff that over the course of the summer, the Airport fuel system received several lightening strikes and/or static surges that damaged the computer boards inside both card readers, whereby they were damaged beyond repair on multiple occasions. The City has spent over \$13,000 thus far to repair the system.

Heartland Electric provided the City with a proposal to install four additional surge protectors on the fuel system. Two would be located at each card reader outside to prevent the fuel system from becoming disabled. Following discussion, the Committee was recommending the Council authorize the Finance Director to transfer money from the Airport professional services into capital improvements. Resolution No. 5 was introduced by Council Member Reese, seconded by Council Member Dokken, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 5

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

Increase:	2007 Capital Outlay	\$2,500.00
Decrease:	2007 Professional Services	\$2,500.00

Dated this 5th day of November, 2007.

/s/ Lester Heitke
MAYOR

/s/ Bruce Peterson

Attest: PLANNING & DEVELOPMENT SERVICES DIRECTOR

Item No. 6 The Committee reviewed the Master Partnership Agreement and a Work Order Agreement from the State of Minnesota. The Master Agreement has been written to replace the old Partnership Agreement and has a future life of 5 years. Following discussion, the Committee was recommending the Council accept the Agreement as presented and authorize the Mayor and City Administrator to sign on behalf of the City. 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 5, Noes 0, Council Member DeBlieck abstained from voting.

RESOLUTION NO. 6

WHEREAS, the Minnesota Department of Transportation wishes to cooperate closely with local units of government to coordinate the delivery of transportation services and maximize the efficient delivery of such services at all levels of government; and

WHEREAS, Mn/DOT and local governments are authorized by Minnesota Statutes sections 471.59, 174.02, and 161.20, to undertake collaborative efforts for the design, construction, maintenance and operation of state and local roads; and

WHEREAS, the parties wish to be able to respond quickly and efficiently to such opportunities for collaboration, and have determined that having the ability to write "work orders" against a master contract would provide the greatest speed and flexibility in responding to identified needs.

THEREFORE BE IT RESOLVED:

1. That the City of Willmar enter in a Master Partnership Contract with the Minnesota Department of Transportation, a copy of which was before the City Council.
2. That the Mayor and City Council are authorized to execute such contract and any amendments thereto.
3. That the City Engineer is authorized to negotiate work order contracts pursuant to the Master Contract, which work order contracts may provide for payment to or from Mn/DOT, and that the City Engineer may execute such work order contracts on behalf of the City of Willmar without further approval by the City Council.

Dated this 5th day of November, 2007.

/s/ Lester Heitke
MAYOR

/s/ Bruce Peterson
Attest: PLANNING & DEVELOPMENT SERVICES DIRECTOR

Item No. 7 The Committee reviewed correspondence from the Federal Aviation Administration (FAA) regarding the City's ongoing attempt to secure release of property at the former airport site. The FAA is requiring the City conduct an additional study as a follow-up to its previous environmental assessment worksheet to secure a HUD grant for airport development. The FAA is requesting that the City have a Phase I archeological site and historic building assessment performed on the former airport building area, and a Phase II environmental due diligence audit to determine the existence of any hazardous material, wastes, or substances.

The Committee was recommending the Council accept a proposal from Bolton and Menk to conduct a Section 106 Cultural Resource Review (archeological assessment) at an estimated base line project review cost of \$4,500 to be funded through the local option sales tax account set up for airport development. 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 6, Noes 0.

RESOLUTION NO. 7

Whereas the City of Willmar desires to retain a firm to provide a Cultural Resource Review of the old airport terminal complex which complies with Section 106 of the National Historic Preservation Act; and

Whereas a proposal has been made by the firm of Bolton & Menk, Inc. for an estimated base line project review cost of \$4,500.00 to be funded through the local option sales tax account for airport development;

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

Dated this 5th day of November, 2007.

/s/ Lester Heitke
MAYOR

/s/ Bruce Peterson
Attest: PLANNING & DEVELOPMENT SERVICES DIRECTOR

The Committee further recommended the Council accept a proposal from Glacial Lakes Environmental Consulting Inc. to conduct an environmental soils assessment program at a not-to-exceed amount of \$2,875 to be funded through the local option sales tax account set up for airport development. Resolution No. 8 was introduced by Council Member Reese, seconded by Council Member DeBlieck, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 8

Whereas the City of Willmar desires to retain a firm to conduct an environmental soils assessment program for a portion of the former airport; and

Whereas a proposal has been made by the firm of Glacial Lakes Environmental Consulting, Inc. for a not to exceed amount of \$2,875.00 to be funded through the local option sales tax account for airport development;

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

Dated this 5th day of November, 2007.

/s/ Lester Heitke
MAYOR

/s/ Bruce Peterson
Attest: PLANNING & DEVELOPMENT SERVICES DIRECTOR

Item No. 8 The Committee discussed an article whereby a community was recognized for its effort to conserve energy by changing all the street lights to LED format and questioned whether Staff has looked into this matter, noting that there would likely be considerable energy cost savings realized through the use of LED. This matter was for information only.

The Public Works/Safety Committee Report for October 24, 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 DeBlieck, and carried.

Craig Holmes, of Donohue and Associates, informed the Mayor and Council that as authorized under Just Compensation Resolution No. 2, adopted on October 15, 2007, offers to purchase lands were mailed to affected property owners. Staff is attempting to negotiate purchases with property owner, but negotiations have not been successful in arriving at a mutually acceptable purchase price and terms. It is the recommendation of Staff to adopt a resolution authorizing Kennedy & Graven to file the necessary proceedings to acquire the real estate interests via eminent domain. Resolution No. 9 was introduced by Council Member DeBlieck, seconded by Council Member Reese, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 9

AUTHORIZING AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS

(For Resolution in its entirety, see City Council Minutes file dated November 5, 2007, located in the City Clerk's Office)

Mr. Holmes reviewed with the Mayor and Council the timetable of the Facilities Plan for the Wastewater Treatment and Conveyance Facilities. Two Just Compensation Resolutions have been adopted to-date allowing Staff to extend offers to purchase land parcels for wastewater conveyance facilities between the existing and new Wastewater Treatment Facility. Additional parcels are needed for the conveyance system corridor at costs equal to the appraised value as established by Ruhland Commercial Consultants. Following discussion, Resolution No. 10 was introduced by Council Member Gardner, seconded by Council Member Dokken, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 10

DETERMINING JUST COMPENSATION

(For Resolution in its entirety, see City Council Minutes file dated November 5, 2007, located in the City Clerk's Office)

Mr. Holmes informed the Council that the City has submitted an offer for acquisition of Right-of-Way for the Willmar Wastewater Treatment Facility Interceptor Sewer, Parcel 10, to the Alf Peterson Estate. The City is in receipt of a counter offer that includes the offer to purchase remnant land severed by the interceptor area. Following discussion, Resolution No. 11 was introduced by Council Member Reese, seconded by Council Member Gardner, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 11

AUTHORIZING AND DIRECTING THE PURCHASE OF REAL ESTATE (PARCEL 10)

(For Resolution in its entirety, see City Council Minutes file dated

November 5, 2007, located in the City Clerk's Office)

Planning and Development Services Director Peterson presented to the Mayor and Council information regarding a grant agreement the City entered into with the Minnesota Office of Aeronautics for the relocation of aircraft storage hangars to the new Airport. During the course of completing the work, additional costs were incurred that the State now agrees are eligible for reimbursement. Following discussion, Resolution No. 12 was introduced by Council Member Reese, seconded by Council Member Anderson, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 12

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into Amendment No. 1 to the State Funding Agreement Number 89019 for Project S.P. 3401-58 increasing the State of Minnesota's total obligations to \$377,883.04.

Dated this 5th day of November, 2007.

/s/ Lester Heitke
MAYOR

/s/ Bruce Peterson
Attest: PLANNING & DEVELOPMENT SERVICES DIRECTOR

Planning and Development Services Director Peterson informed the Mayor and Council that the Willmar Municipal Utilities Commission has requested the City Clerk-Treasurer certify unpaid utility charges of various properties as a lien on the real property. According to City Code a hearing was offered to property owners to object to the charges, and the WMU received no requests for appearance. Following discussion, Resolution No. 13 was introduced by Council Member DeBlieck, seconded by Council Member Gardner, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 13

WHEREAS, Section 16-127 of the Willmar City Code states that such unpaid utility bills represent a lien on the real property receiving utility services; and

WHEREAS, the Willmar Municipal Utilities Commission has offered the owner the right to request an appearance before the Commission to make objections to payment; and

WHEREAS, the Willmar Municipal Utilities Commission has adopted Resolution No. 56 on September 24, 2007, requesting the Willmar City Clerk-Treasurer to certify the unpaid utility charges as a lien on the real property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that the amount of the unpaid utility charges totaling \$3,890.00 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 2008 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 utility charges be certified against the real property as follows: (For list of property owners see City Council Proceedings file dated November 5, 2007, located in the City Clerk's Office)

Dated this 5th day of November, 2007.

/s/ Lester Heitke
MAYOR

/s/ Bruce Peterson
Attest: PLANNING & DEVELOPMENT SERVICES DIRECTOR

Planning and Development Services Director Peterson informed the Mayor and Council that according to Minnesota Statutes, senior citizens 65-years of age or older, meeting certain income guidelines, can 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 6, 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 2007; 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 2008 through 2017 with interest at the annual rate of five and eighty-five hundredths (5.75%) 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. (for list in its entirety, see City Council Proceedings filed dated November 5, 2007, located in the City Clerk's Office).

Dated this 5th day of November, 2007.

/s/ Lester Heitke
MAYOR

/s/ Bruce Peterson
Attest: PLANNING & DEVELOPMENT SERVICES DIRECTOR

Planning and Development Services Director Peterson presented to the Mayor and Council for consideration a preliminary plat for Hill's Westside Addition, a two lot re-plat of a portion of Park View Estates. Dawn Skogstad proposed the plat for single-family home development. The Planning Commission approved the preliminary plat with conditions regarding utility easements and street improvements. Council Member Christianson moved to approve the Preliminary Plat for Hill's Westside Addition with Council Member Gardner seconding the motion, which carried.

Planning and Development Services Director Peterson presented to the Mayor and Council for

consideration a preliminary plat for Slumberland Addition, a one-lot plat combining two unplatted parcels into one clean legal description. The Planning Commission approved the preliminary plat with some utility easements to add to the plat. Any site issues will be dealt with prior to any development during plan review. Council Member Anderson moved to approve the Preliminary Plat for Slumberland Addition with Council Member Christianson seconding the motion, which carried.

Planning and Development Services Director Peterson informed the Mayor and Council that Nelson Leasing, Inc. has requested assessments against their property abutting 25th Street SE and Willmar Avenue SE be reapportioned due to the sale of a portion of the property. As the entire parcel has benefited from the 25th Street SE improvements, the assessments must be reapportioned equally. Following discussion, Resolution No. 15 was introduced by Council Member Reese, seconded by Council Member Anderson, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 15

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:

See Attachment A on file in the City Clerk's Office.
Parcel No. 95-913-1190
to wit: Nelson Leasing Co.

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 \$59,788.01 placed against the above-described parcel be hereby reapportioned as herein described:

<u>Parcel No.</u>	<u>Legal Description</u>	<u>Amount</u>
95-913-1190	See Attachment A (on file in City Clerk's Office)	\$40,057.97
95-913-1195	See Attachment B (on file in City Clerk's Office)	\$19,730.04

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 2008 and thereafter.

Dated this 5th day of November, 2007.

/s/ Lester Heitke
MAYOR

/s/ Bruce Peterson
Attest: PLANNING & DEVELOPMENT SERVICES DIRECTOR

Announcements for Council Committee meeting dates were as follows: Public Works/Safety, November 13; Community Development, November 15; and Finance, November 26, 2007.

Council Member Gardner addressed the Mayor and Council concerning the matter of storm water flooding in the area of 10th and Kandiyohi Avenue SW. Council Member Gardner offered a motion to direct City Staff to negotiate with the owners for the purchase of the property at 1000

Kandiyohi Avenue SW, with Council Member Christianson seconded the motion. Following a lengthy discussion of the history of flooding in the area, the plan in place to correct the flooding, public purpose, and setting a precedent, a roll call vote resulted in a vote of Ayes 3, Noes 3 – Council Member Reese, Anderson and DeBlieck voted “No.” Mayor Heitke chose not to vote and the motion failed.

There being no further business to come before the Council, the meeting adjourned at 8:53 p.m. upon motion by Council Member Reese, seconded by Council Member DeBlieck, and carried.

Attest:

MAYOR

ACTING SECRETARY TO THE COUNCIL