

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

July 6, 2009
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, Steve Ahmann, Rick Fagerlie, Jim Dokken, and Tim Johnson; Present 9, Absent 0.

Also present were City Administrator Michael Schmit, City Attorney Richard Ronning, Police Chief Jim Kulset, Fire Chief Marv Calvin, Public Works Director Mel Odens, Planning and Development Services Director Bruce Peterson, and City Clerk Kevin Halliday.

Council Member Reese offered a motion adopting the Consent Agenda which included the following: City Council Minutes of June 15, Rice Hospital Board Minutes of June 10, Municipal Utilities Commission Minutes of June 22, Kandiyohi Area Transit Board Minutes of May 26, Charter Commission Minutes of May 27 and June 10, Community Education and Recreation Advisory Council Minutes of May 29 and June 26, and Building Inspection Report for June. Council Member Ahmann seconded the motion, which carried.

Mayor Heitke recognized Tom Shriener of 1113 Irene Avenue SE who had signed up to address the City Council during its scheduled Open Forum. Mr. Shriener expressed concerns relating to the Double D Club and their music on Friday and Saturday nights and the ineffectiveness of fines.

Mayor Heitke acknowledged John Sullivan of 508 SE 13th Street who signed up to address the City Council. Mr. Sullivan reaffirmed the appointment process of a new member to the Charter Commission acknowledging that the Charter Commission can also make nominations to the District Court.

Jessica Buer of 1309 SE 12th Street also addressed the City Council voicing her concerns of the noise from the Double D Club even though the club received three noise violations in 2008.

The Finance Committee Report for June 22, 2009, was presented to the Mayor and Council by Council Member Anderson. There were nine items for Council consideration.

Item No. 1 Pursuant to a May 28, 2009, liquor compliance check conducted by the Willmar Police Department, staff informed the Committee that a retail liquor establishment, Northern Grounds, violated Municipal Code Sec. 3-2 Selling or Giving Intoxicating Liquor to Persons to Whom Sales are Prohibited. City Clerk Halliday explained that this was their first violation and owner Judy Wright was present to discuss measures being taken to avoid future violations, including enrolling her employees in the Police Department's Training Program. This matter was for information only.

Item No. 2 Staff presented to the Committee an amended land lease between the City and Norman and Randy Kveene. The amended lease was due to the removal of approximately .55 acres of land from the Thomas Tools/Rohner property for the construction of the new County Road 5. To restore the Rohner property to its full size, this acreage was subsequently removed from the Kveene lease which reduces their annual rent to \$1,378.25.

The Committee was recommending the Council adopt a resolution authorizing the Mayor and City Administrator to enter into an amended land lease agreement with Norman and Randy Kveene. Resolution No. 1 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 1

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota that the City Administrator be authorized to execute a Land Lease Agreement between the City of Willmar and Norman and Randy Kveene.

Dated this 6th day of July, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 Staff informed the Committee that Charter Communications has filed a petition in the United States Bankruptcy Court seeking relief under Chapter 11. Moss & Barnett is the law firm retained by several Minnesota municipalities to address a request by Charter Communications to consent to a reorganization of Charter. Minnesota Statutes require that Charter obtain a written consent of the cities to the proposed reorganization. As a result, Moss & Barnett has prepared a resolution for all cities involved to approve which gives consent to Charter's request for reorganization.

The Committee was recommending the Council adopt a resolution consenting to Charter Communication's request for reorganization. Resolution No. 2 was introduced by Council Member Anderson, seconded by Council Member Reese, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 2

APPROVING THE PROPOSED REORGANIZATION OF CHARTER COMMUNICATIONS, INC.

RECITALS:

1. The City of Willmar, Minnesota ("City") has granted a Cable Television Franchise ("Franchise") that is currently held by CC VIII Operating, LLC ("Franchisee"), an indirect, wholly-owned subsidiary of Charter Communications, Inc. ("Charter").
2. Franchisee owns, operates and maintains a cable television system ("System") in the City.
3. On March 27, 2009, Charter and certain of its subsidiaries filed voluntary petitions in the United States Bankruptcy Court for the Southern District of New York ("Bankruptcy Court") seeking relief under the provisions of Chapter 11 of Title 11 of the United States Code to order to effectuate a financial restructuring - Case No. 09-11435.
4. Pursuant to the terms of agreements entered into between Charter and its key bondholders, Charter's current Class A Common Stock and Class B Common Stock will be cancelled and replaced with new voting stock owned by Paul G. Allen and such bondholders, as described in filings with the Bankruptcy Court (the "Reorganization").
5. Under both the Franchise and Minnesota Statutes Section 238.083, the City has concluded that its written approval is necessary for the above described Reorganization.
6. Franchisee has submitted to the City FCC Form 394 - Application for Franchise Authority Consent to Assignment or Transfer of Control of Cable Television Franchise ("Form 394") which provides

substantial information regarding the reorganization and qualifications of Charter and Franchisee following completion of the Reorganization.

7. Based on information received by the City from Franchisee, Form 394, and filings and documentation received by the City related to the proceedings before the Bankruptcy Court, the City has elected to consent to the Reorganization.

NOW, THEREFORE, THE CITY OF WILLMAR, MINNESOTA HEREBY RESOLVES AS FOLLOWS:

1. The Franchise is in full force and effect and Franchisee is the lawful holder of the Franchise.
2. Each of the foregoing recitals are hereby incorporated by reference.
3. The City hereby consents and approves of the Reorganization.
4. Since the Franchisee remains unchanged as a result of the Reorganization, nothing in this Resolution shall be interpreted to modify or alter Franchisee's past performance under the Franchise and Franchisee shall remain fully liable for any and all franchise obligations unless specifically modified or altered by the Bankruptcy Court.
5. By this consent the City does not waive any of Franchisee's commitments, duties and obligations under the Franchise, including any accrued and unfulfilled obligation of the Franchisee, whether known or unknown, relating to the Franchise.
6. In the event the Reorganization is not completed, for any reason, or is modified in any material manner, the City's consent provided hereunder shall not be effective.

This Resolution shall take effect and continue and remain in effect from and after the date of its passage, approval, and adoption.

Dated this 6th day of July, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 The Committee received information from Staff on the various types of insurances that the City is required to purchase. To date the City has carried a deductible of \$100,000 per occurrence with \$100,000 aggregate, after which the deductible is \$1,000/claim. Overall, the 2009-2010 premiums total \$147,952 which is an increase of \$44,841 over 2008-2009. In an effort to reduce costs, a couple of options were reviewed, one of which was not viable as it would provide for a \$100,000 deductible per claim with no aggregate cap. The other option would provide for a \$100,000 deductible per occurrence up to \$150,000 aggregate for the fiscal year. Once the aggregate was reached, further occurrences would require a \$1,000 deductible per claim. The annual premium for this type of coverage would be \$124,690 resulting in a savings of approximately \$23,262, depending on claims submitted.

The Committee was recommending the Council approved the insurance deductibles to be \$100,000/\$150,000/\$1,000 for a total premium of \$124,690. Council Member Anderson moved to approve the recommendation of the Finance Committee with Council Member Fagerlie seconding the motion, which carried.

Item No. 5 The Committee considered a proposed land lease between the City and MGA Flying Club for Airport T-Hangar HG-7, #1-L. The term of the lease is from May 18, 2009, to November 18, 2009 for a total of \$960. The Committee was recommending the Council adopt a resolution

authorizing the Mayor and City Administrator to enter into a land lease agreement with MGA Flying Club.

Resolution No. 3 was introduced by Council Member Anderson, seconded by Council Member Dokken, reviewed 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 City Administrator be authorized to execute an Airport T-Hangar Lease Agreement between the City and MGA Flying Club.

Dated this 6th day of July, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 6 Staff informed the Committee that the proposed amounts for City LGA unallotments have been received from the State of Minnesota. The total 2009 unallotment for the City of Willmar is \$269,043. The total for 2010 is projected to be approximately \$500,000 after allowing for inflationary factors built into the LGA process. Based on the Phase I Reduction Plan previously prepared, staff will present a revised proposal to the council detailing items to be cut from the City's 2009 Budget to offset the \$269,043 reduction of LGA funds.

Statutorily, the City could levy back what LGA funds were lost in 2008 and 2009. However, the Mayor does not want to increase the levy. Council Members should convey their thoughts to the City Administrator or the Mayor regarding the council's approach to this reduction in the budget. This matter was for information only.

Item No. 7 The Committee reviewed the May Rice Trust Report. This matter was for information only.

Item No. 8 Staff requested Council authorization to submit a funding request to the State of Minnesota under the State's 2010 Capital Appropriations in an amount of \$20,000,000 as part of funding efforts for the waste water treatment plant project. Requests are due to the State by the end of July, 2009.

The Committee was recommending the Council adopt a resolution authorizing the City Administrator to submit all requested information and work with the Minnesota Department of Finance on this request. Resolution No. 4 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 4

RESOLUTION DOCUMENTING THE CITY OF WILLMAR'S INTENT TO FILE A STATE FUNDING REQUEST UNDER THE STATE'S 2010 CAPITAL APPROPRIATIONS SOLICITATION FOR ITS WASTEWATER TREATMENT PLANT IMPROVEMENT PROJECT

WHEREAS, the City of Willmar (City) is proceeding with the reconstruction of its Wastewater Treatment Plant (Project), and

WHEREAS, the City has been working for the past several years to secure outside capital funding to lower the overall financial impact of this Project on all its users, and

WHEREAS, the Minnesota Congressional Delegation has listed this Project for potential funding from several available federal resources, and

WHEREAS, the State of Minnesota has offered local governments and political subdivisions the opportunity to request state appropriations for capital improvement projects for consideration during the 2010 session.

BE IT RESOLVED that the City of Willmar will proceed to request state appropriations for this Project and that Michael C. Schmit, City Administrator is authorized to submit all requested information and work with the Minnesota Department of Finance on this request.

Dated this 6th day of July, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 9 In reviewing the City of Willmar's Municipal Code Section 8-73(a)(2), Licenses-General, Staff noted that a performance or entertainment given for the benefit of a school, church, or benevolent institution is not required to obtain a license from the City which precludes the requirement of liability insurance. It was Staff's recommendation that this section of the ordinance be repealed. It was noted that the League of Minnesota Cities Insurance Trust offers a tenant user liability insurance policy at a very reasonable price to assist these organizations with their special fundraisers.

The Committee was recommending to the Council to direct the City Attorney to draft an ordinance repealing Section 8-73(a)(2). Council Member Anderson moved to approve the recommendation of the Finance Committee with Council Member Dokken seconding the motion, which carried.

The Finance Committee Report for June 22, 2009, was approved as presented and ordered placed on file in the City Clerk's Office upon a motion by Council Member Anderson, seconded by Council Member Fagerlie, and carried.

The Public Works/Safety Committee Report for June 23, 2009, was presented to the Mayor and Council by Council Member Reese. There were eight items for Council consideration.

Item No. 1 The Committee was informed by staff of a meeting held on June 18, 2009, between representatives of the City of Willmar, Kandiyohi County, and Minnesota Department of Transportation to consider Alternative #10 for this intersection. Alternative #10 closes off the east leg (23rd Street), but continues to provide limited access to 23rd Street off of Business 71. Staff is of the opinion that Alternative #10 meshes comments received at public and Council meetings, while still meeting goals and objectives of the Intersection Feasibility Study.

Staff indicated that Alternative #10 could be an immediate improvement and the first phase of a long-term solution as additional improvements could be added as traffic increases and development continues. Items to consider with any option include: 1) the number of accidents at this intersection as compared to alternate routes, 2) accident numbers at Civic Center Drive/Business 71 and along 7th Street between Ella Avenue and Fairgrounds, and 3) the Bus71/TH294/CR24 intersection is not in the top ten for crash numbers within the City, however it is the third highest traffic volume route.

The Committee was recommending the Council approve the recommendation of the Public Works/Safety Committee for Alternative #10 and to ask the State of Minnesota and County of Kandiyohi to share in the costs. Council Member Reese offered a motion to approve the recommendation of the Public Works/Safety Committee. Council Member Christianson seconded the motion, which carried.

Item No. 2 Josh Halverson of Donohue and Associates, Inc. informed the Committee that six bids were received and opened for Project 0816-D6 – Wastewater Pump Stations on June 16, 2009. Donohue and Associates, Inc. has reviewed and analyzed the bids and recommends that the City award this construction contract to Di-Mar Construction, Inc. of Excelsior, Minnesota, in the amount of \$1,940,000.00.

The Committee was recommending the Council award City Project No. 0816-D6 to Di-Mar Construction, Inc. and authorize the Mayor and City Administrator to sign the construction contract on behalf of the City of Willmar. Resolution No. 5 was introduced by Council Member Reese, seconded by Council Member Fagerlie, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes8, Notes 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 bid of Di-Mar Construction, Inc. of Excelsior, Minnesota, for Project 0816-D6 is accepted and be it further resolved that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an agreement with the bidder for the terms and conditions of the contract in the amount of \$1,940,000.

Dated this 6th day of July, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 Staff informed the Committee that the legislature passed Minnesota Statute 169.999, which allows law enforcement officers to issue administrative citations for certain traffic offenses. The law also obligates local units of government to provide a neutral third party to hear and rule on challenges to an administrative citation, which could be costly. Presently a uniform citation fine would be divided two-thirds to the issuing agency and one-third to the State. Most petty misdemeanor traffic offences result in a \$50.00 fine with the City receiving \$33.00. New legislation sets the fine for an administrative citation at \$60.00 with \$20.00 of that to be forwarded to the State's general fund, leaving \$40.00 for the local unit of government to pay for the administrative fine program. In essence, for \$7.00 of the fine proceeds, the City would need to employ a neutral third party to hear and rule on challenges to the administrative citation; purchase "State-approved" citations; take care of the administration details of forwarding \$20.00 per citation, and audit functions of doing so to the State. A new administrative fine ordinance would need to be passed. It was the recommendation of Staff to abandon the administrative citation program.

It was the consensus of the Committee to allow the Police Chief to abandon the administrative fine program administratively. This matter was for information only.

Item No. 4 Staff presented to the Committee a final payment in the amount of \$53,692.69 to Duinick, Inc. for Project 0809 – Path Improvements. This is the path across the frontage of the MinnWest Technology Campus. The Committee was recommending the Council accept the project and approve final Payment to Duinick, Inc. in the amount of \$53,692.69. Resolution No. 6 was introduced by Council Member Reese, seconded by Council Member Christianson, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes8, Notes 0.

RESOLUTION NO. 6

ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

IMPROVEMENT: Project No. 0809 – North Business 71 Path Improvements
CONTRACTOR: Duinick, Inc.

DATE OF CONTRACT: May 20, 2009
BEGIN WORK: June 1, 2009
COMPLETE WORK: June 16, 2009
APPROVE, CITY ENGINEER: June 23, 2009

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

1. The said City of Willmar Project No. 0809 be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$85,684.70
Change Order (None)	\$0.00
FINAL NET CONTRACT AMOUNT, PROPOSED:	
\$85,684.70	
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	
\$79,294.92	
Less Previous Payments	
\$25,602.23	
FINAL PAYMENT DUE CONTRACTOR:	\$53,692.69

Dated this 6th day of July, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 5 Staff informed the Committee of a donation from the Kandiyohi County Water Task Force in the amount of \$1,000.00 for rain garden projects. The Committee was recommending the Council accept the donation. Resolution No. 7 was introduced by Council Member Reese, seconded by Council Member DeBlicek, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Notes 0.

RESOLUTION NO. 7

WHEREAS, the City of Willmar has received a donation from Kandiyohi County Water Task Force in the amount of \$1,000.00 to be put towards rain garden projects;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Willmar, Minnesota, that the City accept the donation valued at \$1,000.00 and that the City Administrator be directed to express the community's appreciation.

Dated this 6th day of July, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 6 Staff requested permission from the Committee to participate with area law enforcement partners in the Safe and Sober Program. The Police Department will once again be collaborating with Kandiyohi County Sheriff's Office, Atwater Police Department, Swift County Sheriff's Office, and Benson Police Department. The Safe and Sober Program allows for concentrated effort towards traffic safety. The total amount of the grant is \$30,000.00, and there is no local match other than

operational costs of Police vehicles. The Committee was recommending the Council allow the Police Department to enter into a grant agreement and authorize staff to execute agreements and amendments as necessary. Resolution No. 8 was introduced by Council Member Reese, seconded by Council Member DeBlicek, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Notes 0.

RESOLUTION NO. 8

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, 2009, through September 30, 2010.

BE IT FURTHER RESOLVED that the Willmar 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 6th day of July, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 7 Fire Chief Calvin presented to the Committee a request to sell Engine 5252 for \$65,000.00 to the Dwight, North Dakota Fire Department. It was noted that the proceeds from the sale would go into the General Fund. The Committee was recommending the Council approve the recommendation of the Public Works/Safety Committee and authorize the sale of the 1981 Ford Fire Truck (Engine 5252). Council Member Reese offered a motion to approve the recommendation of the Public Works/Safety Committee. Council Member Christianson seconded the motion, which carried.

Item No. 8 Staff requested permission from the Committee to enter into a contract with Short Elliot Hendrickson (SEH) for periodic consulting services for miscellaneous traffic assistance services. The contract would be through the remainder of 2009 for a cost not to exceed \$5,000.00. The money to fund the services would be from the Engineering budget under professional services. The Committee was recommending the Council Approve staff's request to enter into a contract with Short Elliot Hendrickson for periodic traffic consulting services for an amount not to exceed \$5000 through the remainder of 2009 and authorize the City Administrator to sign on behalf of the City. Resolution No. 9 was introduced by Council Member Reese, seconded by Council Member Fagerlie, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Notes 0.

RESOLUTION NO. 9

Whereas the City of Willmar desires to retain a consultant to provide professional engineering services for providing assistance with oversight and review of operational issues related to the City owned and operated traffic systems; and

Whereas a proposal has been made by, and an agreement prepared to retain, the firm of Short Elliott Hendrickson Inc. of St. Paul, Minnesota for said services;

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

Dated this 6th day of July, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Public Works/Safety Committee Report for June 23, 2009, was approved as presented and ordered placed on file in the City Clerk's Office upon a motion upon motion by Council Member Reese, seconded by Council Member Christianson, and carried.

The Community Development Committee Report of June 25, 2009 was presented to the Mayor and Council by Council Member DeBlieck. There were six items for Council consideration.

Item No. 1 Stephen Deleski addressed the Committee with additional concerns about the use of public garbage receptacles in the central business district. He asked that ordinance language be changed to restrict private garbage disposal in a public container. The Committee discussed the situation and considered options for dealing with it. The Committee was recommending the Council consider referring the matter to the City Attorney to review existing ordinances and recommend changes to address the problem. Council Member DeBlieck offered a motion to approve the recommendation of the Community Development Committee. Council Member Christianson seconded the motion, which failed without a majority with 4 Ayes and 4 Noes.

Item No. 2 The Committee discussed at length the ongoing deterioration of the two mobile home parks. Staff explained what is being done with enforcement to address exterior maintenance and storage in the parks. Rick Suarez, manager of the two parks, described what he was trying to do to improve conditions. He suggested that the City have more enforcement and to move quicker to fine violators. The Committee discussed mobile home ownership issues and difficulties in titling the units. The ownership issue makes it difficult to determine who the actual violators are. Warren Erickson, developer of Trentwood Estates south of Regency East, explained how the park has affected his development. He suspected it was also a negative to Minn West Technology Campus.

The Committee advocated putting most of the responsibility on park ownership versus the individual owner of the units. Staff said that the owners of the units would be held responsible for the exterior condition of their units and exterior storage adjacent to their units. However, open areas of the parks and vacant lots that need cleaning up will be the responsibility of the park owners. This matter was for information only.

Item No. 3 Staff presented a brief status report on the West winds project. The underground improvements and street construction is completed. Actual construction of the units is on hold as the Southwest Minnesota Housing Partnership attempts to restructure some of its financing. Staff will contact the partnership to get a better project summary. This matter was for information only.

Item No. 4 Staff explained issues encountered with enforcement of the graffiti ordinance as drafted and adopted. Opposition has been encountered with the three day compliance window, and several property owners have indicated that they do not want the City telling them if and when they have to clean it up. They didn't want the City on their property dealing with graffiti. Council member Johnson suggested that when orders for removal were written they be delivered to the property owner by a Community Services Officer. The officer could then explain the ordinance and rationale to the property owner. Staff said they would give that a try and see if it resulted in improved enforcement. This matter was for information only.

Item No. 5 Staff provided updates on a variety of public and private construction projects, the airport land release, Community Marketing Coalition summer campaign, and the next steps that will be taken to implement the Comprehensive Plan. This matter was for information only.

Item No. 6 Staff presented a memo from Building Official Randy Kardell regarding efforts to have repaired or removed a dilapidated structure at 427 Litchfield Ave SE (see Attachment A). These efforts have

been met without success. Staff requested that the Council declare the garage to be an unsafe building and to refer the matter to the City Attorney for formal removal proceedings. The Committee was recommending the Council declare the garage at 427 Litchfield Avenue SE be declared an unsafe building and that the matter be referred to the City Attorney for the initiation of formal removal proceedings as per Minnesota State Statutes 462.15-462.26. Council Member DeBlieck offered a motion to approve the recommendation of the Community Development Committee. Council Member Dokken seconded the motion, which carried.

The Community Development Committee Minutes for June 25, 2009, were 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, which carried.

Staff presented for consideration of the Council the appointment of Verna Kelly to the Charter Commission due to a pending vacancy. Following a lengthy discussion, Council Member Christianson moved to submit the name of Verna Kelly to the Charter Commission for their consideration for nomination to the District Court. Council Member Dokken seconded the motion, which carried.

Staff informed the Council that Paul Borgerding, a member of the Planning Commission, has not been attending meetings due to personal commitments. Council Member Reese moved to remove Paul Borgerding from the Planning Commission. Council Member DeBlieck seconded the motion, which carried.

Announcements for Council Committee meeting dates were as follows: Finance, July 13; Public Works/Safety, July 14; and Labor Relations, July 15, 2009.

Mayor Heitke commented briefly on Fred Cogelow for his international award-winning carving honors.

There being no further business to come before the Council, the meeting adjourned at 9:05 p.m. upon motion by Council Member Reese, seconded by Council Member Christianson, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL