

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

October 16, 2006  
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 DeBleick, Denis Anderson, Jim Dokken, and Steven Gardner; Present 7, Absent 2 - Cindy Swenson and Rick Fagerlie were excused from the meeting.

Also present were City Administrator Michael Schmit, City Attorney Richard Ronning, Public Works Director Mel Odens, Finance Director Steven Okins, Planning and Development Services Director Bruce Peterson, Community Education and Recreation Director Steve Brisendine, Police Captain Dave Wyffels, and City Clerk Kevin Halliday.

The Planning and Airport Commission minutes were removed from the Consent Agenda.

Council Member Christianson offered a motion adopting the Consent Agenda which included the following: City Council Minutes of October 2, Municipal Utilities Commission Minutes of October 10, Building Inspection Report for September, Housing Redevelopment Authority Board Minutes of September 12, Pioneerland Library Board Minutes of September 21, and Community Education and Recreation Minutes of September 29, 2006. Council Member DeBleick seconded the motion, which carried.

The Mayor and Council requested clarification on the item regarding the Donnerite Plan Review. Following discussion, the Planning Commission Minutes of October 11, 2006, were approved as presented and ordered placed on file in the City Clerk's Office.

The Mayor and Council discussed the item regarding taxi lanes. Following discussion, the Municipal Airport Commission Minutes of September 19, 2006, were approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Dokken, seconded by Council Member Gardner, and carried.

At 7:08 p.m. Mayor Heitke opened a hearing to consider a taxi fare rate increase. City Clerk Halliday presented details of the request from Care Transportation, Inc., AKA Willmar Cab, to increase a taxi fare rate increase from \$2.25 base to a \$3.50 base rate. There being no one present to speak for or against the proposed rate increase, Mayor Heitke closed the hearing at 7:10 p.m.

Resolution No. 1 was introduced by Council Member Gardner, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0.

**RESOLUTION NO. 1**

WHEREAS, Care Transportation, Inc. (Willmar Taxi), a duly licensed taxi cab operator in the City of Willmar has petitioned for an increase in rates now being charged by said cab company; and

WHEREAS, the City Council of the City of Willmar has, following published notice, conducted a hearing and received evidence with respect to the request for a rate increase; and

WHEREAS, the City Council of the City of Willmar has duly considered the evidence adduced at said hearing and has duly considered the rate increase request and finds that the request for a rate increase is reasonable and justified.

NOW, THEREFORE, BE IT RESOLVED that Care Transportation, Inc., (Willmar Taxi) be and hereby is allowed to change its rate structure as follows:

Increase taxi fare base rate to \$3.50

AND BE IT FURTHER RESOLVED that said rates shall become effective on the 17<sup>th</sup> day of October, 2006.

Dated this 16<sup>th</sup> day of October, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

At 7:16 p.m. Mayor Heitke opened a hearing on an Ordinance Prohibiting Excessive Vehicle Noise, Including Noise from Trucks Using Engine Retarding Brakes, and Adopt by Reference Minnesota Statutes Sections 169.69 and 169.693 and Minnesota Rules 7030.1000 to 7030.1050. City Administrator Schmit presented the details of the proposed Ordinance. Wendell Swanson and Jed Bendix were present to speak in favor of the proposed Ordinance. Upon hearing from all those who wished to be heard, Mayor Heitke closed the hearing at 7:00 p.m.

Council Member Reese offered a motion to approve, assign a number and order final publication of the Ordinance Prohibiting Excessive Vehicle Noise, Including Noise from Trucks Using Engine Retarding Brakes, and Adopt by Reference Minnesota Statutes Sections 169.69 and 169.693 and Minnesota Rules 7030.1000 to 7030.1050. Council Member Anderson seconded the motion. Pursuant to inquiries regarding the effect on Fairground racing noises, the Council requested City Attorney Ronning to review the ordinance to assure that auto racing at the Fairgrounds was not affected. Following further discussion, Council Member Reese moved to table the Ordinance with Council Member Dokken seconding the motion, which carried.

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

The Public Works/Safety Committee Report for October 10, 2006, were presented to the Mayor and Council by Council Member Reese. There were six items for Council consideration.

Item No. 1 Bev Dougherty of the Willmar Design Center was present to answer questions of the Committee and present the route and activities of the Holiday Parade. The event is scheduled for Saturday, November 18, 2006, from 3:00 – 8:00 p.m. The Committee discussed the activities and staff expressed no concerns with the event.

The Committee was recommending the Council approve closing of the streets for the event as presented. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Anderson seconded the motion, which carried.

Item No. 2 The Committee considered a number of items regarding the Water View

Business Park. Staff presented the development schedules for the projects in the Water View Business Park Development indicating the timeline involved. Six contracts are associated with the improvements in this area, of which several will involve assessments. This item was for information only.

Staff informed the Committee that the Improvement Report for several portions of the Water View Business Park Development needs to be ordered for future review by the City Council. Following discussion, the Committee was recommending the Council order preparation of the Improvement Report for the Water View Business Park Developments.

Resolution No. 2 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. 2

ORDER OF IMPROVEMENT REPORT

WHEREAS, it is proposed to construct the following improvements under the 2006 Water View Business Park Improvement Project:

grading, gravel base, curb and gutter, tiling, bituminous pavement, sidewalk, service lines, sanitary sewer, storm sewer, water main, street lighting, and signal system

and to assess the benefited property for all or a portion of the cost of the improvement, pursuant to Minnesota Statutes, Section 429.011 to 429.111 (Laws 1953, Chapter 398, as amended).

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF WILLMAR, MINNESOTA:

That the proposed improvement be referred to the City Engineer for study, and that he is instructed to report to the Council advising the Council in a preliminary way as to whether the proposed improvement is feasible, and as to whether it should best be made as proposed or in connection with some other improvement, and the estimated cost of the improvement as recommended.

Dated this 16<sup>th</sup> day of October, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

The Internal Revenue Code Bond Regulations require a municipality to declare its intent to reimburse itself for all costs incurred prior to the sale of General Obligation Improvement Bonds. The Water View Business Park development process is underway and it is the intent of the City to include all administrative and other costs of the project in the bond sale. The Committee was recommending the Council adopt a resolution of Intent to Reimburse for the Water View project.

Resolution No. 3 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. 3

RESOLUTION ESTABLISHING PROCEDURES RELATING TO COMPLIANCE WITH  
REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE

(For Resolution in its entirety, see City Council Proceedings file dated  
October 16, 2006, located in the City Clerk's Office)

Staff presented a proposal for design and construction engineering services for the Water View Business Park Paving Improvements from Bolton and Menk. The design portion provides for preparation of construction plans for 24<sup>th</sup> Avenue, 5<sup>th</sup> Street and 9<sup>th</sup> Street SE in the Water View Business Park Development, preparation of specifications, permit applications, assistance in the bidding process and preparation of contract documents between the City and the Contractor for a total cost of \$19,900.00.

The Committee was recommending the Council approve the proposal as presented and authorize the Mayor and City Administrator to enter into an agreement on behalf of the City. Resolution No. 4 was introduced by Council Member Reese, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 4

Whereas the City of Willmar desires to retain a firm to provide both design and construction engineering services for the Water View Business Park Street Improvement Project; and

Whereas a proposal has been made by, and an agreement prepared to retain, the firm of Bolton & Menk, Inc. of Willmar, Minnesota in a not to exceed amount of \$19,900.00 for design services and \$63,500.00 for construction services;

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

Dated this 16<sup>th</sup> day of October, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Staff also presented a proposal for design and construction engineering services for 19<sup>th</sup> Avenue SE from west of 5<sup>th</sup> Street to 9<sup>th</sup> Street. The scope of services involves detailed plans for the reconstruction to include storm sewer, water main and street improvements. Drainage reports will also be required along with preparation of specifications, permit applications, assistance in the bidding process and preparation of contract documents between the City and the Contractor. Bolton and Menk's estimated cost to complete the above design services is \$36,800.00.

The Committee was recommending the Council approve the proposal as presented and authorize the Mayor and City Administrator to enter into an agreement on behalf of the City. Resolution No. 5 was introduced by Council Member Reese, seconded by Council Member

Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 6. Noes 0.

RESOLUTION NO. 5

Whereas the City of Willmar desires to retain a firm to provide both design and construction engineering services for the 19<sup>th</sup> Avenue portion of the Water View Business Park Street Improvement Project; and

Whereas a proposal has been made by, and an agreement prepared to retain, the firm of Bolton & Menk, Inc. of Willmar, Minnesota in a not to exceed amount of \$36,800.00 for design services and \$61,500.00 for construction services;

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

Dated this 16<sup>th</sup> day of October, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

The Committee considered a proposal for construction engineering services for Signal System Improvements at the intersection of 19<sup>th</sup> Avenue and 5<sup>th</sup> Street SE from Short, Elliott, and Hendrickson for a not to exceed figure of \$15,200.00. The proposal includes the traffic signal design and construction services. The Committee was recommending the Council approve of the proposal as presented and authorize the Mayor and City Administrator to enter into an agreement 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 6, Noes 0.

RESOLUTION NO. 6

Whereas the City of Willmar desires to retain a firm to provide engineering services for design and construction services for a traffic signal system at the proposed new intersection of 19<sup>th</sup> Avenue SE and 5<sup>th</sup> Street SE; and

Whereas a proposal has been made by, and an agreement prepared to retain, the firm of Short Elliott Hendrickson. of St. Paul, Minnesota in a not to exceed amount of \$15,200.00 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 and City Administrator be authorized to execute the same.

Dated this 16<sup>th</sup> day of October, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Staff presented a change order request for Project No. 0603, which is the underground utility improvements for the Water View Business Park Development, reducing the pipe size and type from a 36-inch concrete to a 21-inch PVC. The change order results in a deduction to the contract with S. J. Louis Construction. The Committee was recommending the Council approve the change order as presented and revise the budget accordingly.

Resolution No. 7 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. 7

WHEREAS, a contract has been awarded to S. J. Louis Construction, Inc., of Waite Park, MN on September 10, 2006, in the amount of \$1,323,113.40 for the construction of utility improvements in the Water View Business Park Development and identified as City Project No. 0603; and

WHEREAS, it is desired to change the size of pipe used in the above-referenced contract.

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

Deletion of the 36-inch pipe and related materials is herewith authorized to the above contract estimated by the Consulting Engineer to be \$194,024.00.

Addition of 21-inch pipe and related materials is herewith authorized to the above contract and estimated by the Consulting Engineer to be \$107,665.22.

Dated this 16<sup>th</sup> day of October, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Resolution No. 8 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. 8

BUDGET PROJECT NO. 0603  
SE WILLMAR DUININCK BROS. DEV.

SUPPLIES		RECEIVABLES	
Office Supplies	\$500.00	Property Owners	\$1,088,800.00
Small Tools	\$500.00	WWTP	\$162,640.00
Motor Fuels & Lubricants	\$1,000.00	City (2005 Proj. Budget Transfer CIF)	\$28,100.00
Postage	\$500.00	City (CIF - Storm)	\$144,000.00
Mtce. of Other Improvements	\$1,000.00	City (Developer's Agreement)	\$40,000.00
General Supplies	<u>\$1,000.00</u>	Other (Duininck Bros.)	<u>\$28,100.00</u>

TOTAL	\$4,500.00	TOTAL	\$1,491,640.00
OTHER SERVICES		FINANCING	
Printing & Publishing	\$1,000.00	Bonds	\$1,435,440.00
Mtce. of Other Impr.	\$1,236,740.00	MUC	\$0.00
Other Services	<u>\$37,700.00</u>	City (2005 Proj. Budget Transfer)	\$28,100.00
TOTAL	\$1,275,440.00	Other (Duininck Bros.)	<u>\$28,100.00</u>
		TOTAL	\$1,491,640.00
OTHER CHARGES		GRAND TOTAL	\$1,491,640.00
Insurance & Bonds	\$1,000.00		
Prof. Serv. (B&M and Barr)	\$200,700.00		
Other Charges	<u>\$10,000.00</u>		
TOTAL	\$211,700.00		
GRAND TOTAL	\$1,491,640.00		

Dated this 16<sup>th</sup> day of October, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 3 Pat Curry, Gene Underland, and State Representative Al Juhnke appeared before the Committee to discuss the City's acceptance of an F-14 Tomcat Fighter Plane. Mr. Curry presented details that led up to the City's opportunity to take possession of an F-14 Aircraft to be based as a static display at the new Municipal Airport site. Mr. Curry explained the process involved in order to get the aircraft to Willmar including demilling, the method of hauling, and its placement on a pedestal at the Airport. The City has recently sent in the paperwork to start the process of the receipt of the aircraft. Mr. Curry, Representative Al Juhnke, and City staff will coordinate efforts of raising the funds necessary to demill, transport, and place the aircraft at its new site. This item was for information only.

B & H Petroleum Company is requesting an extension of the completion date for the Airport Aviation Fuel System to October 20, 2006. The original completion date for the system was September 17, 2006. Reasons cited by B & H Petroleum Company were stated to the Committee by Airport Manager Galvan. It was noted that since the new Airport opened, the City has had to provide fuel to aircraft from a fuel truck for a monthly rental fee of \$3,000.00. The Committee was recommending the Council deny the request to extend the completion date. Council Member Reese moved to approve of the recommendation of the Public Works/Safety Committee with Council Member Anderson seconding the motion, which carried.

The Committee considered a change order for Project No. 0606. Staff presented a brief history on the soil correction project at the new Airport. The project took place in the HG-4 hangar site. Soil borings were taken and bids received to excavate the site. The low bid was that of Commerford Gravel of Danvers, MN coming in well below the Engineer's Estimate.

After the work commenced it was determined the excavation needed to go to greater depths to clear the area of unstable soil conditions. The timeline for the project was so that interruption of work would not allow the airport hangar area to be completed prior to inclement weather. Commerford Gravel continued the excavation which resulted in Change Order No. 1 in the amount of \$27,499.60. The project is now completed and staff recommended acceptance of the change

order, acceptance of the project with issuance of final payment and the revision of the budget.

The Committee was recommending the Council approve Change Order No. 1, authorize final payment to the contractor, and revision of the project budget to reflect the changes. Resolution No. 9 was introduced by Council Member Reese, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 9

WHEREAS, a contract has been awarded to Commerford Gravel, Inc. of Danvers, Minnesota, on July 26, 2006, in the amount of \$65,687.50 for soil correction at the new Municipal Airport; and

WHEREAS, it is desired to add additional work to the above contract for needed soil correction modifications; and

WHEREAS, it is desired to accept the project and authorize final payment; and

WHEREAS, it is desired to amend the budget.

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

Additional work is herewith authorized to be added to the above contract in the amount of \$27,499.60 and identified as Change Order No. 1.

Dated this 16<sup>th</sup> day of October, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Resolution No. 10 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. 10

ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

IMPROVEMENT: Project No. 0606 –Soil Correction - Municipal Airport

CONTRACTOR:	Commerford Gravel Inc.
DATE OF CONTRACT:	July 26, 2006
BEGIN WORK:	August 2, 2006
COMPLETE WORK:	August 17, 2006
APPROVE, CITY ENGINEER:	October 10, 2006

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

1. The said City of Willmar Project No. 0606 be herewith approved and accepted by the City of Willmar.



2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$65,687.50
Change Orders (1)	\$27,499.60
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$93,187.10
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$93,187.10
Less Previous Payments	\$58,475.83
FINAL PAYMENT DUE CONTRACTOR:	\$34,711.27

Dated this 16<sup>th</sup> day of October, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Resolution No. 11 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. 11

AIRPORT SOIL CORRECTIONS BUDGET

OTHER SERVICES		RECEIVABLES	
Mtce. of Other Improvements	\$93,187.10	City PIR	\$99,187.10
TOTAL	\$93,187.10	TOTAL	\$99,187.10
OTHER CHARGES		FINANCING	
Prof. Services	\$5,000.00	City	\$99,187.10
Advertising	\$1,000.00	TOTAL	\$99,187.10
TOTAL	\$6,000.00		
GRAND TOTAL	\$99,187.10	GRAND TOTAL	\$99,187.10

Dated this 16<sup>th</sup> day of October, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Staff informed the Committee of standing water in the hangar groups at the new Airport. The Public Works Department has done additional grading of the site, yet the nuisance water continues to pond near hangars. A proposal from three tiling firms was sought to extend tile along each taxiway connecting to the ditch system. The low quote was received from Quam Construction for \$5.25/LF. Staff is requesting permission to proceed with the tile installation with funding from the Public Works Operating Budget. The Committee was recommending the Council approve the quote of Quam Construction to perform the tile installation as presented in the hangar group area. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Anderson seconding the motion, which carried.

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

PRELIMINARY DRAINAGE BUDGET

SUPPLIES		RECEIVABLES	
General Supplies	<u>\$500.00</u>	City (2006 PW Budget)	<u>\$15,500.00</u>
TOTAL	\$500.00	TOTAL	\$15,500.00
OTHER SERVICES		FINANCING	
Mtce. of Other Impr.	<u>\$15,000.00</u>	City (2006 PW Budget)	<u>\$15,500.00</u>
TOTAL	\$15,000.00	TOTAL	\$15,500.00
GRAND TOTAL	\$15,500.00	GRAND TOTAL	\$15,500.00

Dated this 16<sup>th</sup> day of October, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Airport Manager Galvan informed the Committee that there are two aircraft that are uncomfortable in using the 20-foot taxi lane at the new Airport. Both these aircraft have an 18.5 foot undercarriage, which does not allow much room for error. Ms. Galvan has been in contact with HNTB and a proposal has been submitted to widen certain portions of the taxi lanes to 25 feet to allow these aircraft use of the Airport. The project is estimated to cost \$40,000 and is expected to be added to an airport paving project as a change order and funded from 2007 Entitlement Funds.

The Committee was recommending the Council approve the Change Order amending the paving contract with Duininck Bros. Inc. Resolution No. 13 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. 13

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

WHEREAS, Change Order No. 1 increasing the amount by \$7,520.00 has previously been authorized; and

WHEREAS, it is desired to add additional work to the above contract.

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

1. Additional work is herewith authorized to be added to the above contract estimated

- by the City Engineer to be \$39,984.80.
2. Funding for the additional work is from within the Project Budget.

Dated this 16<sup>th</sup> day of October, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

The Committee reviewed plans and specification for construction of a 16-unit T-hangar at the Airport have been prepared by SEH. A bid opening date for November 14, 2006, is being proposed. The Committee was recommending the Council approve the plans and specification and authorize advertisement for bids. Resolution No. 14 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. 14

WHEREAS the Consulting Engineer for the Airport Tee-Hangar Construction for the City of Willmar has presented to the City Council plans and specifications;

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 14th day of November, 2006, at the City Office Building, 333 Southwest Sixth Street, Willmar, Minnesota.

Dated this 16<sup>th</sup> day of October, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 4 Staff updated the Committee on progress of the interceptor project (0609). S. J. Louis Construction has started construction with the installation of 400 feet of pipe in the ground. This is a portion of the first 1,800 foot segment of the project. This matter was for information only.

The Committee received the monthly report from Donohue for information only. The design phase of the project continues.

Item No. 5 The Committee discussed the donation of a parcel of land (Nelson Trust), which was approved in concept earlier in the year. Negotiations have been completed with the two trusts for the transfer of the triangular piece of property needed to be acquired by the City for the connection of 5<sup>th</sup> Street SE to 28<sup>th</sup> Avenue. The City is agreeing to waive any assessments against the property in exchange for the 9,354 square foot parcel.

The Committee was recommending the Council accept the property and waive any assessments against Parcel No. 33-023-0080. 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, the City of Willmar is desirous of connecting 5<sup>th</sup> Street Southeast from 24<sup>th</sup> Avenue to 28<sup>th</sup> Avenue Southeast; and

WHEREAS, the trustees of the Marital Trust and Credit Trust established under the Last Will and Testament of Myron S. Nelson, owner of the 9,354 sq. ft. parcel better defined in Exhibit A hereby attached, are willing to donate the connecting land to the City in exchange for waiving special assessments against the abutting property for all proposed construction of the initial improvements to wit: watermain, sanitary sewer, curb/gutter and bituminous street work.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Willmar, Minnesota, that the City accept the donation of the parcel of land defined in Exhibit A (on file in the City Clerk's Office) and that the City Administrator be directed to express the community's appreciation; and

BE IT FURTHER RESOLVED that the assessments placed against parcel 33-023-0080 owned by the aforementioned trusts are hereby waived and reduced to zero in each of the future assessments rolls for each and every improvement initially constructed on 5<sup>th</sup> Street Southeast.

Dated this 16<sup>th</sup> day of October, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 6 The Committee was informed the formal dedication for the Civilian Conservation Corp Statue is planned for October 18, 2006. This matter was for information only.

The Public Works/Safety Committee Report for October 10, 2006, 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 Anderson, and carried.

Planning and Development Services Director Peterson informed the Mayor and Council that Janine VanEngen and Janet Clark have presented a request to rezone 504 19<sup>th</sup> Avenue Southwest from R-2 (One and Two Family Residential) to LB (Limited Business) for office use. The Planning Commission has approved of the rezoning. Council Member DeBlieck moved to introduce an Ordinance to Rezone Certain Lands from R-2 to LB and hold a public hearing on November 6, 2006. Council Member Reese seconded the motion, which carried.

The Mayor and Council considered a Final Plat for Genesis Second Addition. Planning and Development Services Director Peterson presented details of the four-lot replat for twin home development by Steve Ahmann. There were a few minor changes made to the plat involving a storm water easement. Council Member Reese moved to approve the Final Plat for Genesis Second Addition with Council Member Anderson seconding the motion, which carried.

Planning and Development Director Peterson presented to the Mayor and Council a request from Steven Ahmann that the assessments against his property be reapportioned to reflect the Genesis Second Addition Plat. Following discussion, Resolution No. 16 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. 16

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:

Lots 3 and 4, Block 1, Genesis Addition.  
Parcel No. 95-229-0030 and 95-229-0040  
to wit: Steven J. Ahmann

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 \$17,994.86 placed against the above-described parcel be hereby reapportioned as herein described:

<u>Parcel No.</u>	<u>Legal Description</u>	<u>Amount</u>
95-	Lot 1, Block 1, Genesis Second Addition	\$4,498.72
95-	Lot 2, Block 1, Genesis Second Addition	\$4,498.71
95-	Lot 3, Block 1, Genesis Second Addition	\$4,498.71
95-	Lot 4, Block 1, Genesis Second Addition	\$4,498.72

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 2007 and thereafter.

Dated this 16<sup>th</sup> day of October, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

The Mayor and Council considered a Preliminary/Final Plat for Portland Acres Fifth Addition. Planning and Development Services Director Peterson presented details of the one-lot split into two lots for a twin home requested by Hanson Brothers. The replat is to put a property line down the middle of the twin home allowing both halves to be sold. The Planning Commission approved of the request with the condition that the assessments be reapportioned prior to final plat signatures. Council Member Anderson moved to approve the Preliminary/Final Plat for Portland Acres Fifth Addition with Council Member Gardner seconding the motion, which carried.

Planning and Development Director Peterson presented to the Mayor and Council a request from Hanson Brothers Investment Ltd. that the assessments against their property on 6<sup>th</sup> Street SW be reapportioned to reflect the plat of Portland Acres Fifth Addition. Following discussion, Resolution No. 17 was introduced by Council Member Gardner, seconded by Council Member DeBlick, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 17

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:

Lot 11, Block 5, Portland Acres Fourth Addition  
Parcel No. 95-684-0710  
to wit: Hanson Brothers Investments Ltd.

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 \$960.66 placed against the above-described parcel be hereby reapportioned as herein described:

Parcel No.	Legal Description	Amount
95-	Lot 1, Block 1, Portland Acres Fifth Addition	\$480.33
95-	Lot 2, Block 1, Portland Acres Fifth Addition	\$480.33

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 2007 and thereafter.

Dated this 16<sup>th</sup> day of October, 2006.

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*/s/ Lester Heitke*  
MAYOR

\_\_\_\_\_  
*/s/ Kevin Halliday*  
Attest: CITY CLERK

The Mayor and Council considered an application for an Exempt Permit from the Fraternal Order of Eagles. Council Member DeBlieck offered a motion to approve the Exempt Permit as presented with Council Member Gardner seconding the motion which carried.

Announcements for Council Committee meeting dates were as follows: Finance, October 30; Public Works/Safety, October 31; Labor Relations, November 1; and Community Development, November 2, 2006.

There being no further business to come before the Council, the meeting adjourned at 8:33 p.m. upon motion by Council Member Reese, seconded by Council Member Gardner, and carried.

Attest:

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MAYOR

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SECRETARY TO THE COUNCIL