

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

November 20, 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 DeBlieck, Denis Anderson, Cindy Swenson, Rick Fagerlie, Jim Dokken, and Steven Gardner; Present 9, Absent 0.

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

The Planning Commission Minutes were removed from the Consent Agenda.

Council Member Reese offered a motion adopting the Consent Agenda which included the following: City Council Minutes of November 6, Board of Canvass Minutes of November 9, Municipal Utilities Commission Minutes of November 13, Building Inspection Report for October, and Housing Redevelopment Authority Minutes of October 10, 2006; and Mayoral reappointments to Planning Commission – Andy Bjur and Fernando Alverado; and Rice Hospital Board – Wayne Larson, Robert Kruger and Richard Engan. Council Member DeBlieck seconded the motion, which carried.

The Mayor and Council discussed the item relating to the location and site process for the proposed Community Behavioral Health Hospital. Following discussion, the Planning Commission Minutes of November 8, 2006, were approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Reese, seconded by Council Member Gardner, and carried.

At 7:10 p.m. Mayor Heitke opened a hearing to consider Water View Business Park Improvements. City Administrator Schmit explained the purpose of the hearing is to review and explain the proposed improvements, estimated costs, and to obtain input from interested parties. Public Works Director Odens provided details of the proposed improvements which include new construction, reconstruction, underground utility work, and miscellaneous projects. Keith and Jeff Pattison, Kandi Entertainment Center, appeared to address several concerns and voice objections to the future assessments of 19<sup>th</sup> Avenue Southeast. Jason Versteeg inquired as to the timeframe of connecting 5<sup>th</sup> Street SE to 28<sup>th</sup> Avenue SE. Upon hearing from all those who wished to be heard, Mayor Heitke closed the hearing at 7:47 p.m.

Following discussion, Resolution No. 1 was introduced by Council Member DeBlieck, seconded by Council Member Anderson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

**RESOLUTION NO. 1**

ORDERING STREET AND OTHER IMPROVEMENTS  
WATER VIEW BUSINESS PARK  
(AND DIRECTING PREPARATION OF FINAL PLANS AND SPECIFICATIONS)

WHEREAS, after due Notice of Public Hearing on the construction of street and other improvements for the City of Willmar, Minnesota, hearing on said improvements was duly held and the Council heard all persons desiring to be heard on the matter and fully considered the same.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, as follows:

1. It is advisable, expedient, and necessary that said improvements as described in the Notice of Hearing thereon be constructed, and the same are hereby ordered made.
2. The improvements described in said Notice of Hearing are hereby designated and shall be known as Water View Business Park Improvements.
3. The City's Engineer is hereby directed to prepare final plans and specifications for said improvements.
4. The City Council shall let the contract for all or part of the work for said improvements or order all or part of the work done by day labor or otherwise as authorized by Minnesota Statutes, Section 429.041, Subdivision 2, within one year of the date of this resolution ordering said improvements.

Dated this 20<sup>th</sup> day of November, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

At 7:04 p.m. Mayor Heitke opened a hearing on an Ordinance Prohibiting Excessive Vehicle Noise. Police Chief Kulset presented details of the proposed Ordinance which was amended to avoid conflicts with Fairgrounds racing noise. There being no one present to speak for or against the proposed Ordinance, Mayor Heitke closed the hearing at 7:43 p.m.

Council Member Reese offered a motion to adopt, assign a number, and order final publication of the Ordinance Prohibiting Excessive Vehicles Noise, Including Noise from Trucks Using Engine Retarding Brakes, and Adopting by Reference Minnesota Statutes Sections 169.69 and 169.693 and Minnesota Rules Parts 7030.1000 to 7030.1050. Council Member DeBlicke seconded the motion, which carried on a roll call vote of Ayes 7, Noes 1 – Council Member Christianson voted “No.”

A 7:57 p.m. Mayor Heitke opened a hearing on an Ordinance Amending Municipal Code Section 15-139 Designating Truck Routes. Public Works Director Odens presented details of the proposed Ordinance. Gerry Gesch questioned the delivery of goods by trucks off the routes and was informed delivery trucks may take the most direct route to their destination and then return to a designated truck route. Upon hearing all who wished to be heard, Mayor Heitke closed the hearing at 8:00 p.m.

Council Member Anderson offered a motion to adopt, assign a number, and order final publication of the Ordinance Amending Municipal Code Section 15-139 Designating Truck Routes.

Council Member Reese seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

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

Mayor Heitke recognized YMCA Community Program Director Tom Bolin who presented an overview of the YMCA Youth in Government Program. The program provides hands-on opportunities for youth to learn about State and local government and consists of 12 area youth. Kristen Daniels, Cayden Wittman and Cooper Willis explained various activities they have participated in. Mayor Heitke thanked the group for their presentation and encouraged the youth to continue their involvement with government.

The Finance Committee Report for November 13, 2006, was presented to the Mayor and Council by Council Member Anderson. There were five items for Council consideration.

Item No. 1 The Committee considered a request from Steve Fenlon, Midwest Health Care Capital, for the City to participate in a bond issue to fund an approximately 2,000 square foot addition to the Greater Minnesota Family Services headquarters located at 513 SW 5<sup>th</sup> Street in Willmar.

Greater Minnesota Family Services has proposed combining the financing for this project with other facilities located in Bird Island and in Willmar Township. The total amount of the obligations to be issued presently is estimated not to exceed \$500,000, of which approximately \$130,000 will be spent in the City of Willmar. Since the City has reached its \$10 million limit in bank qualified bond issuance for 2006, the City of Bird Island has agreed to serve as the issuer of the note. The City of Willmar will serve as the host community and will have no financial obligation to this bond issue.

Following discussion, the Committee was recommending the Council pass a resolution calling for a public hearing. 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 8, Noes 0.

## RESOLUTION NO. 2

### RESOLUTION CALLING FOR A PUBLIC HEARING ON THE ISSUANCE OF A CARE FACILITIES REVENUE NOTE AND AUTHORIZING THE PUBLICATION OF A NOTICE OF THE HEARING (GREATER MINNESOTA FAMILY SERVICES PROJECT)

WHEREAS, Minnesota Statutes, Sections 469.152 through 469.1651, relating to municipal industrial development (the "Act"), gives municipalities the power to issue revenue obligations for the purpose of providing necessary health care facilities so that adequate health care services are available to residents of the State at reasonable cost; and

(a) WHEREAS, the City of Bird Island, Minnesota ("Bird Island"), has received from Greater Minnesota Family Services, a Minnesota nonprofit corporation and 501(c)(3) organization (the "Borrower"), a proposal that Bird Island undertake a program to assist in financing, among other things, a Project described in Exhibit A which is located in the City of Willmar, Minnesota (the "City"), through the issuance of a revenue note or obligation (in one or more series) (the "Note") pursuant to the Act; and

(b) WHEREAS, the City has been advised that a public hearing and City Council approval of the financing of the Project is required under the Act and Section 147(f) of the Internal Revenue Code because a portion of facilities to be financed by the Note are located in the City:

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, as follows:

1. A public hearing on the proposal of the Borrower will be held at the time and place set forth in the Notice of Public Hearing attached hereto as Exhibit A (on file in the City Clerk's office)

2. The City Clerk is hereby authorized and directed to cause notice of the hearing to be given one publication in the official newspaper of the City and a newspaper of general circulation available in the City, not less than 14 days nor more than 30 days prior to the date fixed for the hearing, substantially in the form of the attached Notice of Public Hearing.

Dated this 20<sup>th</sup> day of November, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 2 Lorry Massa and Bill Fenske of Rice Memorial Hospital presented the Committee with the Hospital's Five-Year Financing Plan. Various reports included in this plan were reviewed reflecting actual figures from the last five years and estimated projections for the next five years. The Hospital's goal is to reach a rating by Moody's of "A-" by the year 2011. This matter was for information only.

Item No. 3 The Committee received an update from Pat Curry regarding progress in raising funds to bring the recently acquired F-14 Tomcat from Minneapolis to Willmar. To date, \$4,440 has been donated to this project. The West Central Tribune will be publishing another article about the F-14 this week and Mr. Curry will be on KWLM as well. Council Member Dokken has been in contact with the American Legion, VFW, and DAV and is waiting to hear back from them in regard to any possible contributions. Mr. Curry is continually contacting businesses and individuals to secure donations in time for the December 5, 2006, deadline. This matter was for information only.

Item No. 4 The Committee reviewed various options for funding additional street improvements. Chairman Anderson suggested that for New Construction Projects, the City establish a Public Works Reserve Fund. Funds would be allocated to this reserve on an annual basis that would be utilized for street and related improvements.

For Reconstruction Projects, Chairman Anderson suggested doubling the Utility Replacement Fee from \$2 to \$4 per month. This would help raise an additional \$200,000 per year.

Greg Hilding and Gary Geiger of the Ad-Hoc Committee for Street Improvement/ Reconstruction applauded the Committee's efforts to establish two separate funding mechanisms for streets – one for new construction and one for reconstruction. They felt this is important to

aggressively pursue transportation needs in the community.

Mayor Heitke discussed the option of the natural gas franchise fee which, when discussed a couple of years ago, would raise an additional \$300,000 annually.

This matter was for information only. It was noted a final decision would need to be made on the tax levy portion of the discussion no later than the scheduled November 27, 2006, budget meeting.

Item No. 5 The Committee acknowledged receipt of the following reports: 10/31/2006 Local Option Sales Tax, 10/31/2006 EDC Financial, 10/31/2006 CVB Financial, 10/31/2006 WRAC-8 Financial, 09/30/2006 Quarterly MUC Financial. This matter was for information.

The Finance Committee Report for November 13, 2006, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Anderson, seconded by Council Member Fagerlie, and carried.

City Clerk Halliday presented to the Mayor and Council for consideration a Resolution amending the assessment roll for Project 0601. It was noted that following the adoption of the assessment roll for the 2006 improvements, the Valley Brook Estates Development was completed with Developer J & C Enterprises of Central Minnesota LLC waiving the assessment hearing and agreeing the amounts declared. Following discussion, Resolution No. 3 was introduced by Council Member Anderson, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

### RESOLUTION NO. 3

#### AMENDING ASSESSMENT ROLL

WHEREAS, The City Council of the City of Willmar, Minnesota duly adopted the assessment roll for the 2006 Street Improvement Project on June 5, 2006 totaling the sum of \$702,585.82, and

WHEREAS, the Valley Brook Estates Development is completed with Developer J & C Enterprises of Central Minnesota LLC waiving the assessment hearing and agreeing the amounts declared.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, as follows:

1. Such assessment roll be amended to the sum of \$1,034,459.95, copy of which is attached hereto and made a part hereof, is hereby accepted.
2. Such assessments shall be as follows:
  - A. The assessments shall be payable in equal annual installments extending over a period of ten (10) years, the first of said installments to be payable with general taxes for the year 2007, collectible with such taxes during the year 2007.
  - B. To the first installment shall be added interest at the rate of five and eighty-five hundredths (5.85) percent per annum on the entire principal amount of the assessment from the date of the bond sale of September 5, 2006, until December 31, 2007. To each

subsequent installment, when due there shall be added interest for one year at said rate on the unpaid principal amount of the assessment.

C. The owner of any property so assessed may at any time prior to the certification of the assessment or the first installment thereof to the County Auditor (Treasurer), pay the whole of the principal amount of the assessment on such property with interest accrued to the date of payment to the City clerk-Treasurer, except that no interest shall be charged if the entire assessment is paid by October 31, 2006, and such property owner may at any time prior to November 15 of any year pay to the City Clerk-Treasurer the entire principal amount.

3. The City Clerk-Treasurer shall forthwith transmit a certified duplicate copy of this assessment to the County Auditor to be extended on the tax list of the County.

Dated this 20<sup>th</sup> day of November, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Public Works Director Odens presented to the Mayor and Council for consideration bids opened for the construction of a T-Hangar for the Willmar Municipal Airport. It was noted the apparent low bidder was Breitbach Construction. Following discussion, Resolution No. 4 was introduced by Council Member Dokken, seconded by Council Member Gardner, read by Mayor Heitke, and approved on a roll call vote of ayes 8, Noes 0.

RESOLUTION NO. 4

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the bid of Breitbach Construction Co. of Elrosa, Minnesota for construction of the Airport Tee Hangar 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 consideration of the contract in the amount of \$600,059.64.

Dated this 20<sup>th</sup> day of November, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

The Mayor and Council considered an Ordinance to Rezone Certain Lands from R-4 (Medium Density Multiple Family Residential) to LB (Limited Business). City Administrator Schmit informed the Mayor and Council that the Planning Commission has approved of the rezoning of property east of 7<sup>th</sup> Street Southeast and south of Willmar Avenue for the purpose of a Community

Behavioral Health Hospital. County/City Economic Development Director Steve Renquist offered a perspective on the process to select the proposed locations by the State of Minnesota.

Council Member Anderson offered a motion to introduce the Ordinance to Rezone Certain Lands from R-4 (Medium Density Multiple Family Residential) to LB (Limited Business) and set a public hearing for December 4, 2006. Council Member Christianson seconded the motion, which carried.

The Mayor and Council considered the annexation of future 5<sup>th</sup> Street Southeast right-of-way. City Administrator Schmit informed the Mayor and Council the Planning Commission had initiated the process to annex .215 acres of City-owned property that was gifted from the Nelson family to allow for the connection of 5<sup>th</sup> Street Southeast to 28<sup>th</sup> Avenue Southeast over the ditch. Following discussion, Council Member Reese moved to introduce an Ordinance Extending the Corporate Limits of the City of Willmar and set a public hearing for December 4, 2006. Council Member Anderson seconded the motion, which carried.

City Administrator Schmit informed the Mayor and Council that Willmar Fabrication has requested short-term use of a portion of the former airport across from their plant on Airport Drive for the purpose of vehicle testing. Following discussion, Council Member DeBlieck moved to approve of the property use agreement with Willmar Fabrication with Council Member Reese seconding the motion, which carried.

City Clerk Halliday informed the Mayor and Council that the City has received Currency Exchange License application from Darrell K. Sunvold, d.b.a. Quick Funds, Inc.; Wal-mart Stores, Inc. d.b.a. Wal-Mart Store #1470; and Bennett Ventures, Inc. d.b.a. Ace Cash Express. It was noted that Minnesota Statutes require the governing body hold a public hearing to consider the matter. Council Member Reese moved to schedule appropriate hearings for December 4, 2006, with Council Member Gardner seconding the motion, which carried.

The Mayor and Council considered a Resolution regarding an inclusive communities partnership promoted by the National League of Cities. Discussion ensued regarding the complete definition of inclusiveness and the criteria of race, sexuality or marital status. Following discussion, Resolution No. 5 was introduced by Council Member Reese, seconded by Council Member Anderson, read by Mayor Heitke, and approved on a roll call vote of Ayes 5, Noes 3 – Council Members Christianson, Swenson and Dokken voted “No.”

#### RESOLUTION NO. 5

WHEREAS, the City of Willmar is committed to inclusion as a fundamental aspect of our community; and

WHEREAS, cities and towns are the best place to make inclusiveness an everyday priority; and

WHEREAS, local elected officials can and should lead the way forward in making inclusiveness a priority in America’s cities and towns; and

WHEREAS, the National League of Cities has designed the Partnership for Working Toward Inclusive Communities to support cities and towns in their commitment to inclusion; and

WHEREAS, the National League of Cities and its members believe an inclusive community

promotes equal opportunity and fairness; and

WHEREAS, the National League of Cities and its members believe an inclusive community promotes citizen participation and engagement; and

WHEREAS, National League of Cities President Jim Hunt, councilmember, Clarksburg, West Virginia, has invited local officials to join the Partnership for Working Toward Inclusive Communities and to make a commitment to building more inclusive communities in their own cities and towns.

NOW, THEREFORE, BE IT RESOLVED that Willmar hereby reaffirms our commitment to inclusion as a fundamental aspect of our community, pledges active efforts to seek to achieve that goal, and urges all citizens of Willmar to join together to support this effort.

BE IT FURTHER RESOLVED that Willmar joins the Partnership for Working Toward Inclusive Communities.

Dated this 20<sup>th</sup> day of November, 2006.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Announcements for Council Committee meeting dates were as follows: Finance, November 27; Public Works/Safety, November 28; and Community Development, November 30, 2006.

There being no further business to come before the Council, the meeting adjourned at 9:02 p.m. upon motion by Council Member Reese, seconded by Council Member Christianson, and carried.

Attest:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
SECRETARY TO THE COUNCIL