

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

November 4, 1998  
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by Mayor Pro Tempore Douglas Reese.

City Clerk Kevin Halliday, chief officer in charge of voting for the City of Willmar, presented to Denis Anderson a Certificate of Election. The Honorable Judge Donald Spilseth officiated the Swearing-In Ceremony.

Members present on a roll call were Mayor Pro Tempore Reese, Council Members Verna Kelly, Ron Christianson, Bruce DeBlieck, Nancy Houlahan, Vince Van Heuveln, Denis Anderson, and Rick Fagerlie; Present 7, Absent 1 - Mayor Lester Heitke was excused from the meeting.

Also present were City Administrator Michael Schmit, City Attorney Richard Ronning, Parks and Leisure Services Director Dale Johnson, Public Safety Director Dan Strootman, Public Works Director Mel Odens, Finance Director Steven Okins, Planning and Development Services Director Bruce Peterson, and City Clerk Kevin Halliday.

Council Member Kelly offered a motion adopting the Consent Agenda which included the following: City Council Minutes of October 21, Municipal Utilities Commission Minutes of October 26, Rice Hospital Board Minutes of October 28, Zoning Appeals Board Minutes of October 26, Aquatic Facility Committee Minutes of October 27, and Planning Commission Minutes of October 28, 1998. Council Member Christianson seconded the motion, which carried.

At 7:10 p.m. Mayor Pro Tempore Reese opened the hearing on an Ordinance Extending the Enforcement of the Minnesota State Building Code to Areas not more than Two-Miles Distant from the Corporate Boundaries of the City of Willmar. Planning and Development Director Peterson informed the Mayor and Council that the Ordinance has been introduced which would extend the City's Building Code enforcement authority into an extraterritorial area not exceeding two miles beyond the City limits. Mike Kompelien appeared before the Mayor and Council to request his housing development, named Chadwick Estates, be removed from the proposed area as listed in the Ordinance. Jim Larson, Dovre Township officer, voiced concerns that Dovre Township would lose all control and requested that the City keep them informed of the building in the area. Don Anderson, State of Minnesota building official, also provided various comments with this proposal as it relates to other cities with similar controls in the region. Upon hearing all those who wished to be heard, Mayor Pro Tempore Reese closed the hearing at 7:14 p.m.

Following discussion, Council Member Fagerlie offered an amendment to the proposed Ordinance to eliminate Chadwick Estates from the boundaries. Council Member Christianson seconded the motion, which was defeated. Council Member Kelly offered a motion to adopt, assign a number, and order final publication of the Ordinance Extending the Enforcement of the Minnesota State Building Code to Areas not more than Two-Miles Distant from the Corporate Boundaries of the City of Willmar. Council Member Van Heuveln seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

At 7:44 p.m. Mayor Pro Tempore Reese opened the hearing on an Ordinance Amending Ordinance No. 1060 to Rezone Certain Property. Planning and Development Director Peterson informed the Mayor and Council that Robert Shaffer has proposed rezoning approximately nine acres of Northeast Lakeland Drive from Agriculture to General Business. No immediate development plans have been offered, and the Planning Commission held a public hearing and approved the rezoning. There being no one present to speak for or against the proposed Ordinance, Mayor Pro Tempore

Reese closed the hearing at 7:45 p.m.

Council Member Kelly offered a motion to adopt, assign a number, and order final publication of the Ordinance Amending Ordinance No. 1060 to Rezone Certain Property. Council Member Christianson seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

At 7:48 p.m. Mayor Pro Tempore Reese opened the hearing on an Ordinance Amending Municipal Ordinance No. 1060, the Willmar Zoning Ordinance. Planning and Development Services Director Peterson informed the Mayor and Council that the Planning Commission initiated a Zoning Ordinance amendment to allow restaurants (excluding fast food, drive-ins or drive-throughs) as a conditional use in those LB districts adjacent to the CBD. Following a public hearing on the matter, the Commission approved the amendment. There being no one present to speak for or against the proposed Ordinance, Mayor Pro Tempore Reese closed the hearing at 7:59 p.m.

Council Member Kelly offered a motion to adopt, assign a number, and order final publication of the Ordinance Amending Municipal Ordinance No. 1060, the Willmar Zoning Ordinance. Council Member Van Heuveln seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

At 8:00 p.m. Mayor Pro Tempore Reese opened the hearing on an Ordinance Adopting the Minnesota State Building Code as Revised; Providing for its Administration and Enforcement; Regulating the Erection, Construction, Enlargement, Alteration, Repair, Moving, Removal, Demolition, Conversion, Occupancy, Equipment, Use, Height, Area and Maintenance of All Buildings and/or Structures in the City of Willmar; Providing for the Issuance of Permits and Collection of Fees Therefore; Providing Penalties for the Violation Thereof; Repealing all Other Ordinances and Parts of Ordinances in Conflict Therewith. Planning and Development Services Director Peterson informed the Mayor and Council the proposed Ordinance adopts the State Building Code and four discretionary sections. Every three years the State adopts a revised Code, and it is mandatory that the City adopt the revised Code by Ordinance. There being no one present to speak for or against the proposed Ordinance, Mayor Pro Tempore closed the hearing at 8:04 p.m.

Council Member Christianson expressed concerns that the contractors should first meet with the Building Inspector to review the proposed changes and allow time before final adoption. Following discussion, Council Member Christianson moved to table action on the Ordinance Adopting the Minnesota State Building Code as Revised. Council Member DeBlieck seconded the motion, which carried.

Planning and Development Services Peterson presented to the Mayor and Council a final plat of Pheasant Run Eleventh Addition. The plat is being developed to accommodate the 18-unit Koosman twin-home planned unit development. It was noted the Planning Commission approved the final plat. Council Member Kelly moved to approve the final plat of Pheasant Run Eleventh Addition with Council Member Van Heuveln seconding the motion, which carried.

City Administrator Schmit presented to the Mayor and Council a bid tabulation for the replacement of the trickling filter media at the Wastewater Treatment Plant. Bids noted were higher than expected due to the media supplier requiring a support grate be placed at the base of tower on the old foundation in order to guarantee the useful life of the media. No formal addendum was submitted with the bids, but all bidders included the cost of a grate from one supplier. It was the recommendation of staff to reject all bids and include the grate in specifications and rebid. Council Member Kelly moved to reject all bids and rebid the project. Council Member Christianson seconded the motion, which carried.

The Mayor and Council considered a Resolution to defer the payment of assessments for persons 65 years of age or older or retired due to disability. Resolution No. 1 was introduced by Council Member Kelly, seconded by Council Member Fagerlie, read by Mayor Pro Tempore Reese, and approved on a roll call

vote of Ayes 8, Noes 0.

RESOLUTION NO. 1

WHEREAS, the City Council of the City of Willmar, Minnesota, did order the reconstruction of certain streets during the year 1998; 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 1999 through 2008 with interest at the annual rate of six and 45/100 (6.45%) 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.

Names and parcel numbers on file in the City Clerk's Office

Dated this 4th day of November, 1998.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Announcements for Council Committee meeting dates were as follows: Finance, November 9; Public Works/Safety, November 10; and WRAC-8 Budget Presentation, November 12, 1998.

It was noted that Mayor Heitke and Council Member Reese would be absent from the December 2, 1998, City Council meeting. Following discussion, Council Member Kelly offered a motion to move the December 2, City Council meeting to December 7, 1998, immediately following the Truth-in-Taxation Hearing. Council Member DeBlicke seconded the motion, which carried.

The Council noted the City Council Strategic Planning Retreat has been scheduled for February 12 and 13, 1999.

There being no further business to come before the Council, the meeting adjourned at 8:28 p.m. upon motion by Council Member Kelly, seconded by Council Member DeBlicke, and carried.

Attest:

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MAYOR

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SECRETARY TO THE COUNCIL