

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

November 7, 2005  
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, Rick Fagerlie, Jim Dokken, and Steven Gardner; Present 9, Absent 1 – Cindy Swenson was excused from the meeting.

Also present were City Attorney Richard Ronning, Police Chief Jim Kulset, Fire Chief Marv Calvin, Planning and Development Services Director Bruce Peterson, Assistant City Engineer Brian Bollig, Administrative Assistant Audrey Peterson, and City Clerk Kevin Halliday.

Mayor Heitke acknowledged and congratulated the Willmar Senior High Boys Cross Country State Team Championship recently held at St. Olaf College.

The Council requested that the Municipal Utilities 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 October 17, Planning Commission Minutes of October 26, Building Inspection Report for October, Kandiyohi Transit Board Minutes of August 23, Police Commission Minutes of September 2, Community Education and Recreation Board Minutes of October 28, 2005; Eagles Auxiliary Exempt Permit Application; and Mayoral appointment of John Lindstrom to the Rice Hospital Board. Council Member Christianson seconded the motion, which carried.

The Council discussed an item in the Municipal Utilities Commission Minutes regarding shared customers between the Municipal Utilities and Kandiyohi Power Cooperative. The Municipal Utilities Commission Minutes of October 24, 2005, were approved as presented upon motion by Council Member Gardner, seconded by Council Member Dokken, and carried.

At 7:06 p.m. Mayor Heitke opened a hearing to consider vacating a portion of 36<sup>th</sup> Street Northwest. Planning and Development Services Director Peterson explained to the Mayor and Council the portion of 36<sup>th</sup> Street Northwest is being requested to be vacated to reroute the street to 4<sup>th</sup> Avenue Northwest. It is currently platted to dead-end into a field and the reroute would allow better traffic distribution and safety. There being no one present to speak for or against the street vacation, Mayor Heitke closed the hearing at 7:08 p.m.

Following discussion, Resolution No. 1 was introduced by Council Member Reese, seconded by Council Member Anderson, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

**RESOLUTION NO. 1**

**VACATING A PORTION OF A PUBLIC STREET**

WHEREAS, the vacation of that portion of the dedicated street as described below was initiated by the City of said street:

Beginning at the southwest corner of Lot 7, Block Two, as shown on said record plat entitled VALLEY BROOK ESTATES; thence on an assumed bearing of north 88 degrees 54 minutes 19 seconds east, along the south line of said Lot 7, a distance of 61.50 feet; thence easterly, along the south line of said Lot 7, on a curve concave to the north, which has a central angle of 26 degrees 02 minutes 15 seconds, a radius of 69.59 feet, and a cord bearing of north 75 degrees 53 minutes 13 seconds east, a distance of 31.62 feet; thence southwesterly, along a curve concave to the southeast, which has a central angle of 37 degrees 31 minutes 34 seconds, a radius of 170.00 feet, and a cord bearing of south 44 degrees 06 minutes 14 seconds west, a distance of 111.34 feet to the north line of Lot 10, Block Three, as shown on said record plat entitled VALLEY BROOK ESTATES; thence on a bearing of south 88 degrees 54 minutes 19 seconds west, along the north line of said Lot 10, a distance of 16.07 feet to the west line of said record plat entitled VALLEY BROOK ESTATES; thence on a bearing of north 00 degrees 13 minutes 59 seconds east, along the west line of said record plat entitled VALLEY BROOK ESTATES, a distance of 70.02 feet to the point of beginning.

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

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

WHEREAS, a hearing was duly held on the proposal to vacate that portion of said street on November 7, 2005; and

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

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

BE IT FURTHER RESOLVED that a certified copy of the Resolution be filed with the Kandiyohi County Recorder on or after November 14, 2005.

Dated this 7<sup>th</sup> day of November, 2005.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Mayor Heitke opened a hearing at 7:12 p.m. on a proposal for the issuance of a Revenue Note for West Central Industries, Inc. City Clerk Halliday presented details of the request from West Central Industries, Inc. for a Commercial Development Revenue Note in the amount of \$1.1 million in order to finance the renovation, expansion and equipping of an approximately 45,000 square foot facility. West Central Industries Executive Director Charlie Oaks appeared before the Mayor and Council to explain the project would double the size of the kitchen used for the Meals-on-Wheels program and to answer questions. Upon hearing all those who wished to be heard, Mayor Heitke closed the hearing at 7:18 p.m.

Following discussion, Resolution No. 2 was introduced by Council Member Dokken, seconded by Council Member Reese, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 2

RESOLUTION APPROVING THE ISSUANCE AND SALE OF A  
COMMERCIAL DEVELOPMENT REVENUE NOTE, SERIES 2005, AND  
AUTHORIZING THE EXECUTION OF DOCUMENTS RELATING THERETO  
(WEST CENTRAL INDUSTRIES, INC.)

(For Resolution in its entirety, see Council Proceedings File dated  
November 7, 2005, located in the City Clerk's Office)

At 7:19 p.m. Mayor Heitke opened a hearing on a currency exchange license renewal for Wal-Mart Stores, Inc. City Clerk Halliday presented details of the application for the renewal of a Currency Exchange License and reviewed the applicable State Statute. Mayor Heitke read for the record a letter from Darrell K. Sunvold in opposition of the Wal-Mart license renewal. There being no one to speak for or against the proposed license renewal, Mayor Heitke closed the hearing at 7:24 p.m.

Following discussion, Council Member Reese moved to approve the currency exchange license renewal for Wal-Mart Stores, Inc. Council Member Christianson seconded the motion, which carried.

At 7:26 p.m. Mayor Heitke opened a hearing on a currency exchange license renewal for Bennett Ventures, Inc. d.b.a Ace Cash Express. City Clerk Halliday presented details of the application for the renewal of a Currency Exchange License and reviewed the applicable State Statute. There being no one present to speak for or against the proposed license renewal, Mayor Heitke closed the hearing at 7:26 p.m.

Council Member Reese moved to approve the currency exchange license renew for Bennett Ventures, Inc. d.b.a Ace Cash Express. Council Member Fagerlie seconded the motion, which carried.

Mayor Heitke recognized individuals who had signed up to address the Council during its Open Forum. Gordon Grafgard expressed his concerns of the condition on 402 Ann Street Southeast. It was noted that this matter will be discussed in the Community Development Committee Report. John Burns expressed his concerns of possible changes in the polling sites, particularly the reduction of 12 polling locations down to four locations.

The Labor Relations Committee Report for October 19, 2005, was presented to the Mayor and Council by Council Member Fagerlie. There were five items for Council consideration.

Item No. 1 Fire Chief Calvin met with the Committee to discuss proposed changes to the Rules and Regulations of the Willmar Fire Department regarding the selection of officers. Chief Calvin pointed out that the Department would like to move away from electing officers to a procedure that provides for selection by Committee based on qualifications. As part of his presentation Chief Calvin reviewed minimum qualifications required for all position classifications at the Fire Department. Chief Calvin noted as well a proposed change to the position classification of Assistant Chief. Rather than having Assistant Chiefs one, two and three, classifications would

change to include Assistant Chief, Deputy Chief – Operations, and Deputy Chief – Training. These positions would continue to be appointed by the City Administrator based on recommendations of the Fire Chief.

The Committee was recommending the Council approve the proposed Fire Department Selection Rules and Regulations as presented. Council Member Fagerlie moved to approve the recommendation of the Labor Relations Committee, with Council Member Gardner seconding the motion, which carried.

Item No. 2 Following the action of the Selection Rules and Regulations, the Committee continued the discussion of revisions to the Assistant Chief position classifications. The Committee was recommending the Council approve the changes to the position classifications and minimum qualifications to include Assistant Chief, Deputy Chief – Operations, and Deputy Chief – Training as presented. Council Member Fagerlie moved to approve the recommendation of the Labor Relations Committee with Council Member Gardner seconding the motion, which carried.

Item No. 3 Marv Kray, Chair of the MUC's Labor Relations Committee, and General Manager Nitchals met with the Committee to discuss a proposal to create a Health Care Savings Plan (HCSP) as an option for retiring employees to convert all or a portion of their retirement severance pay into a tax-free account to be used for eligible health care expenses after retirement. The Committee reviewed specific language to implement the HCSP. MUC officials noted that with the Council's approval, the next step would be to reach concurrence with IBEW and seek formal MUC approval. Those actions would be included in future MUC minutes which would eventually be submitted to the Council for formal approval.

Labor Relations Committee Members acknowledged approval of the concept and encouraged MUC representatives to pursue adoption of the HCSP program. This matter was for information only.

Item No. 4 MUC representatives presented to the Committee numerous proposed changes to their Personnel Policy and Procedures Manual. General Manager Nitchals provided an outline of the revisions and following a lengthy discussion, including concerns with personal use of computers, it was the consensus of the Committee that the Council approve of the changes as they are presented in future MUC minutes. This matter was for information only.

Item No. 5 City Administrator Schmit presented to the Committee a proposal to adjust the salary of Finance Director Steven Okins pursuant to responsibilities associated with the City's Information Systems Division. The Committee was recommending the Council approve of the adjustment of the salary for Finance Director Okins from \$79,387 to \$81,674 retroactive to May 7, 2005. Council Member Fagerlie moved to approve the recommendation of the Labor Relations Committee with Council Member Gardner seconding the motion, which carried.

The Labor Relations Committee Report for October 19, 2005, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Fagerlie, seconded by Council Member Dokken, and carried.

The Finance Committee Report for October 31, 2005, was presented to the Mayor and Council by Council Member Anderson. There were six items for Council consideration.

Item No. 1 The Committee considered a proposed resolution to defer certain special assessments. Minnesota Statute allows Senior Citizens 65 years of age or older, meeting certain income guidelines, to defer assessments placed against homesteaded property. The City has received one application to defer for the 2005 street reconstruction program.

Following discussion, the Committee was recommending the Council approve of the Resolution to defer special assessments as presented. Resolution No. 3 was introduced by Council Member Anderson, seconded by Council Member Dokken, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 3

WHEREAS, the City Council of the City of Willmar, Minnesota, did order the reconstruction of certain streets during the year 2005; 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 owner(s) 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 2006 through 2015 with interest at the annual rate of five and fifty hundredths (5.50%) 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.

Elizabeth Gangle	95-280-1010	\$2,085.75
902 SW 3 <sup>rd</sup> Street	Lot 1, Block 6, Hanson's Addition to Willmar	

Dated this 7<sup>th</sup> day of November, 2005.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 2 Jim Kulset, Chief of Police, presented information to the Committee regarding the requested purchase of a new Forensic Computer for the Police Department. The existing computer, purchased in 1998, is becoming outdated. Furthermore, investigations utilizing it have substantially increased since then. Chief Kulset was requesting to transfer unused funds originally budgeted for a third replacement squad car from the 2003 Capital Outlay Budget in the amount of \$7,600 for this purpose.

The Committee was recommending the Council approve the transfer of funds from the 2003 Capital Outlay Budget to the 2005 Capital Outlay Budget for the purchase of a new Forensic Computer. Resolution No. 4 was introduced by Council Member Anderson, seconded by Council Member DeBlieck, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 4

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

Increase:	Police Department Forensic Computer	\$ 7,600
Decrease:	Police Department Squad Cars	\$ 7,600

Dated this 7<sup>th</sup> day of November, 2005.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 3 The Committee reviewed an application for renewal of a Currency Exchange License received from Bennett Ventures, Inc. d.b.a. Ace Cash Express. This application will be considered immediately following one previously received from Wal-Mart Stores, Inc., and set for a public hearing. This matter was for information only.

Item No. 4 The Committee continued its review of the Mayor's 2006 proposed budget. Major areas discussed were the appropriations for General Government, Public Safety, Public Works, Leisure Services, Capital Outlay, Waste Treatment, Non-Departmental and Industrial Development. Another area of concern is increased fuel costs, which were not incorporated into the Mayor's proposed budget originally prepared in July. There has been a substantial fluctuation in prices since then but it was proposed to wait until the end of November to recommend any adjustments to the budget regarding this issue. This matter was for information only.

Item No. 5 The Committee was apprised of future agenda items to be discussed which include the Pioneerland Library System's 2006 Budget Request, Waste Treatment Plant Financing, assessment policy, and funding of street reconstruction programs. This matter was for information only.

Item No. 6 The Committee acknowledged receipt of the Investment/Cash Report, the 3<sup>rd</sup> Quarter Investment Activity, and the 3<sup>rd</sup> Quarter 2005 Interest/Dividends Reports. This matter was for information only.

The Finance Committee Report for October 31, 2005, 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 Dokken, and carried.

The Public Works/Safety Committee Report for November 1, 2005, was presented to the Mayor and Council by Council Member Reese. There were nine items for Council consideration.

Item No. 1 As referred by the City Council, the Committee discussed concerns relating to the ingress/egress concerns of Valley Brook residents as a result of the proposed development of the plat northwest of their homes. Six area residents were present to address the Committee, along with Michael Cruze, one of the members of the development group. Subsequent to the City Council meeting, the developers have purchased additional property southeast of Valley Brook and have brought forth a proposal to extend the street to the south and east of Valley Brook to alleviate the

ingress/egress situation. The proposed plat will be brought before the Planning Commission for approval. This matter was for information only.

Item No. 2 Bev Dougherty, Willmar Design Center, appeared before the Committee to review activities of the Holiday Parade. The event is scheduled for November 15, 2005, with the Selvig Park tree lighting at 5:30 p.m. and parade at 6:00 p.m. Following discussion, the Committee was recommending the Council approve closing of the streets for the event as presented. This matter was for information only.

Item No. 3 The Committee reviewed a proposal from Bolton and Menk, consulting engineers, for entering into a professional services agreement. As the City continues to develop southeast Willmar with Duininck Bros. Inc. the design services are necessary to meet the developer's timeline. The proposal includes designing the extension of 24<sup>th</sup> Avenue SE to the east, 5<sup>th</sup> Street SE from north of 19<sup>th</sup> Avenue to the south to 28<sup>th</sup> Avenue, 9<sup>th</sup> Street SE from 20<sup>th</sup> Avenue to south of 24<sup>th</sup> Avenue SE and 19<sup>th</sup> Avenue SE in the vicinity of the development. It does not include the storm-ponding development, signal system, or street lighting. The cost for the agreement will be covered by a developer's agreement with Duininck Bros. Inc., and the project budget needs to be amended accordingly.

Following discussion, the Committee was recommending the Council accept the proposal of Bolton and Menk as presented, authorize the Mayor and City Administrator to enter into an agreement on behalf of the City, and amend the project budget. 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 7, Noes 0.

#### RESOLUTION NO. 5

Whereas the City of Willmar desires to retain a firm to provide design engineering services for the South 71 Commercial Development 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 \$40,000.00 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 7<sup>th</sup> day of November, 2005.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Resolution No. 6 was introduced by Council Member Reese, seconded by Council Member Anderson, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

#### RESOLUTION NO. 6

PRELIMINARY BUDGET PROJECT NO. 0503  
SE WILLMAR DUININCK BROS. DEVELOPMENT

ESTIMATED TOTAL COST: \$96,200.00

OTHER CHARGES		RECEIVABLES	
Professional Services	<u>\$96,200.00</u>	City-2005 Project Transfer	\$28,200.00
Total:	\$96,200.00	City-Developer's Agreement	40,000.00
		Other-Duininck Bros.	<u>28,100.00</u>
		Total:	\$96,200.00
GRAND TOTAL:	\$96,200.00		
		FINANCING	
		Bonds	\$40,000.00
		City-2005 Project Transfer	28,100.00
		Other-Duininck Bros.	<u>28,100.00</u>
		Total:	\$96,200.00

Dated this 7<sup>th</sup> day of November, 2005.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Staff informed the Committee that in July the Council authorized the City to use Barr Engineering to model storm water impacts for the Duininck Bros. Inc. (DBI) Development in southeast Willmar. A large pond has been proposed in the development and Barr Engineering's model demonstrated a back flow structure is not needed. It has also been determined, however, that DBI will need additional ponding areas for flood storage. Staff requested the Committee consider using the monies set aside in Task D (back flow structure) for the additional modeling work and amend the scope of services in the professional services agreement with Barr Engineering accordingly.

The Committee was recommending the Council approve changing Task D of the scope of services within the Barr Engineering contract to allow them to further evaluate the storm water quality and flooding conditions in the DBI development in southeast Willmar. Resolution No. 7 was introduced by Council Member Reese, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 7

Whereas the City of Willmar desires to amend Barr Engineering's professional engineering services for updating the 1998 Storm Water Model for the southeast drainage area, analyze impact of Duininck's development and design of backflow prevention structure for the City of Willmar as follows: Delete design of the backflow prevention structure and add further evaluation and modeling of the water quality and flood storage in southeast Willmar Duininck Bros. Inc. development.

Whereas an amended scope of services has been prepared by Barr Engineering Company of Minneapolis, Minnesota and which has no effect on the original contract amount.

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

Dated this 7<sup>th</sup> day of November, 2005.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 4 Fire Chief Calvin informed the Committee the City will be receiving its new pumper/tanker truck next week. There were several minor changes made to the original order which resulted in an increase to the cost in the amount of \$429.95. The Committee was recommending the Council approve the changes to the contract as outlined in the invoice and approve final payment in the amount of \$315,941.95.

Resolution No. 8 was introduced by Council Member Reese, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

#### RESOLUTION NO. 8

WHEREAS, a contract has been awarded to Rosenbauer America – General Division of Wyoming, Minnesota, on January 24, 2005 in the amount of \$315,513.00 for construction of the 2005 Custom Pumper/Tanker; and

WHEREAS, it is desired to add to the above contracted amount the addition of a siren, brake controller and lightbar.

WHEREAS, it is desired to deduct from the above contracted amount the deletion of compartment lights, extension of the front bumper and travel allowance.

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

1. Additional and deducted work is herewith authorized to be added to the above contract in the amount of \$428.95 and identified as Change Order No. 1.
2. Funding for the additions and deletions to the truck is from the project budget.

Dated this 7<sup>th</sup> day of November, 2005.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 5 The Committee reviewed correspondence from the City of Lake Lillian to purchase the City's 1987 International Tanker in the amount of \$25,000. The Committee was recommending the Council accept the City of Lake Lillian's offer of \$25,000 for the 1987 International Tanker. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member DeBlieck seconding the motion, which carried.

Item No. 6 The Committee reviewed a request from the Fire Department to conduct training burns at the two following address: 1000 South 1<sup>st</sup> Street and 125 Benson Avenue SE. The address on 1<sup>st</sup> Street is a triple garage only, as the house will be moved off prior to the burn,

and the other is a two-story residence. Permits have been obtained for both locations and staff is awaiting the results of asbestos checks. Following discussion, the Committee was recommending the Council approve the training burns at both addresses. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Christianson seconding the motion, which carried.

Item No. 7 The Committee continued discussions on the water quality testing results representatives from Lake Wakanda brought to the City in September. These test results showed fecal counts that appeared to be high. Since that time City staff started performing water testing in Ditch 23-A next to the Wastewater Treatment Plant and also televised the westerly 1,500 feet of the storm sewer from the outlet at 4<sup>th</sup> Street SE. No major adverse findings were noted from the water testing or storm sewer televising. Staff was directed to continue to periodically monitor the water and share this information with concerned representatives from the Lake Wakanda area. This matter was for information only.

Item No. 8 The Committee received a demonstration from Bonnema Surveys on the manhole data collected this fall and its GIS format in conjunction with the various ways it can be retrieved and the data used by the City. Staff then presented information relating to the contract with Bonnema Surveys. When the inventory mapping was originally contracted, the scope of work included an estimated number of structures at 3,000. Upon completion of the project, the actual number of structures is 4,831. Bonnema Surveys is requesting an amendment to their contract to cover the additional structures and also some additional surveying and updating requested by the City.

Following discussion, the Committee was recommending the Council approve an amendment to the contract with Bonnema Surveys in the amount of \$56,284 and transfer the money to cover the additional costs from the Wastewater Treatment Collections budget into the WWTP Relocation Budget. 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 7, Noes 0.

#### RESOLUTION NO. 9

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into a contract amendment to supplement the agreement between the City of Willmar and Bonnema Surveys. The supplement includes costs for additional manhole data collected.

BE IT FURTHER RESOLVED, the original contract amount of not-to-exceed \$100,000.00 is hereby amended by \$56,284.00 for a total not-to-exceed figure of \$156,284.00.

Dated this 7<sup>th</sup> day of November, 2005.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Resolution No. 10 was introduced by Council Member Reese, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 10

PRELIMINARY BUDGET  
WILLMAR WASTEWATER TREATMENT PLANT RELOCATION  
ESTIMATED TOTAL COST: \$1,191,939

SUPPLIES		RECEIVABLES	
Office Supplies	\$ 500.00	City (WWTP)	<u>\$1,191,939.00</u>
Postage	500.00	Total:	\$1,191,939.00
Mtce of Equipment	10,000.00	FINANCING	
Mtce of Structures	6,000.00	Bonds	\$1,015,939.00
General Supplies	<u>1,000.00</u>	City (WWTP-2004Transfer)	150,000.00
Total:	\$18,000.00	City (WWTP-2005 Transfer)	<u>26,000.00</u>
OTHER SERVICES		Total:	\$1,191,939.00
Printing/Publishing	\$ 2,000.00	GRAND TOTAL:	
Other Services	<u>1,000.00</u>	\$1,191,939.00	
Total:	\$ 3,000.00		
OTHER CHANGES:			
Professional Services	\$1,139,939.00		
Advertising	1,000.00		
Admin. OH (Transfer)	20,000.00		
Other Charges	<u>10,000.00</u>		
Total:	\$1,170,939.00		
GRAND TOTAL:	\$1,191,939.00		

Dated this 7<sup>th</sup> day of November, 2005.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 9 The Committee received a briefing from Staff on the Willmar Avenue SE Project. Two lifts of bituminous have been completed, and starting next week the access off Willmar Avenue onto 4<sup>th</sup> Street SE will be closed. The contractor plans to have this portion of the Willmar Avenue project reopened to traffic by November 15, 2005. This matter is for information only.

The Public Works/Safety Committee Report for November 1, 2005, 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 Christianson, and carried.

The Community Development Committee Report for November 3, 2005, was presented to the Mayor and Council by Council Member DeBlieck. There were four items for Council consideration.

Item No. 1 The Committee discussed the issue of dilapidated houses in certain

neighborhoods. It is noted that the worse conditions seem to be concentrated in two particular neighborhoods. Options for improving conditions include the City's Exterior Maintenance Ordinance or the statutory provisions regulating hazardous structures. Successes under the City's Exterior Maintenance Code were noted, specifically the recent home on West Litchfield Avenue.

Conditions at 402 Ann Street were discussed at length, and photos of the property were viewed. The specifics of the hazardous buildings provision of State Statute were reviewed. Staff suggested that might be the best option to deal with the house at 402 Ann Street. The Committee was recommending the Council declare the buildings at 402 Ann Street a hazard and to initiate abatement under the statutory provisions. Council Member DeBlieck moved to approve the recommendation of the Community Development Committee with Council Member Dokken seconding the motion, which carried.

Item No. 2 The Committee considered a request from the County Facilities Maintenance Manager for roof drain repair at the Library building. The matter was before the Library Board and they recommended that the repairs be made with funding to come from the City's Library Capital Reserve. The Committee was recommending the Council authorize the repairs to the roof drain system and to pay for the cost from the Library Capital Reserve. Council Member DeBlieck moved to approve the recommendation of the Community Development Committee with Council Member Dokken seconding the motion, which carried.

Item No. 3 The Committee discussed the proposed Airport Marketing Plan. The Plan is fairly broad and does not contain a lot of specifics. It does however provide a basic framework for marketing future development and activities at the Airport. The Committee requested a response from the Airport Commission prior to taking any formal action on the plan. This matter was for information only.

Item No. 4 The Committee asked if the City could require down lighting for all new light fixtures in an attempt to avoid "washing out" the night sky. Staff will research options for dealing with the down lighting issue, including contacting the League of Minnesota Cities Research Department. This matter was for information only.

The Community Development Committee Report for November 3, 2005, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member DeBlieck, seconded by Council Member Christianson, and carried.

City Clerk Halliday informed the Mayor and Council that SNW Enterprises Inc. has applied for an On-sale and Sunday Liquor Licenses with the business name being Hi Tops Bar & Grill. It was noted the Police Chief has signed off on all documents. Following discussion, Council Member Fagerlie moved to approve of the Liquor Licenses for Hi Tops Bar & Grill subject to the City Attorney's approval of the Certificate of Insurance. Council Member DeBlieck seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Planning and Development Services Director Peterson informed the Mayor and Council that Larry Rice of Boulder Ridge Development requests the assessments against their property be reapportioned to reflect Fourth Addition to Boulder Point. Following discussion, Resolution No. 11 was introduced by Council Member Reese, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

#### RESOLUTION NO. 11

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 3, Block 1, Boulder Point Third Addition.

Parcel No. 95-094-0320

to wit: Boulder Ridge Development

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 \$18,242.35 placed against the above-described parcel be hereby reapportioned as herein described:

Parcel No.	Legal Description	Amount
	Lot 1, Block 1, Fourth Addition to Boulder Point	\$4,560.58
	Lot 2, Block 1, Fourth Addition to Boulder Point	\$4,560.59
	Lot 4, Block 1, Fourth Addition to Boulder Point	\$4,560.59
	Lot 5, Block 1, Fourth Addition to Boulder Point	\$4,560.59

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 2006 and thereafter.

Dated this 7<sup>th</sup> day of November, 2005.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Planning and Development Services Director Peterson presented to the Mayor and Council for consideration a Final Plat for Fourth Addition to Boulder Point, a five-lot plat with further development to the west planned for a second phase. The development will be a planned unit development common interest community for twin-home development accessed via 19<sup>th</sup> Street SE and controlled by a homeowners association. Following discussion, Council Member Fagerlie moved to approve the Final Plat of Fourth Addition to Boulder Point with Council Member Christianson seconding the motion, which carried.

Announcements for Council Committee meeting dates were as follows: Finance, November 14; and Public Works/Safety, November 15, 2005.

Council Member Christianson asked to be excused from the November 21, 2005, Council meeting.

There being no further business to come before the Council, the meeting adjourned at 8:51 p.m. upon motion by Council Member Reese, seconded by Council Member Anderson, and carried.

Attest:

MAYOR

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SECRETARY TO THE COUNCIL