

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

November 2, 2009  
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Lester Heitke. Members present on a roll call were Mayor Heitke, Council Members Doug Reese, Ron Christianson, Bruce DeBlieck, Denis Anderson, Steve Ahmann, Rick Fagerlie, Jim Dokken, and Tim Johnson; Present 9, Absent 0.

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

Mayor Heitke requested that a proclamation be added to the Agenda.

Council Member Anderson offered a motion adopting the Consent Agenda which included the following: City Council Minutes of October 19, Municipal Utilities Commission Minutes of October 26, Kandiyohi Area Transit Board Minutes of August 18, Housing and Redevelopment Authority Board Minutes of September 8, and Police Commission Minutes of September 29, 2009; and Eagles Club Lawful Gambling Application. Council Member DeBlieck seconded the motion, which carried.

At 7:03 p.m. Mayor Heitke opened a public hearing on an Ordinance Amending the Willmar Zoning Ordinance by Adding Section 11 Relating to Wind Energy Conversion Systems. Planning and Development Services Director Peterson presented details of the proposed Ordinance initiated and approved by the Planning Commission. There being no one present to speak for or against the Ordinance, Mayor Heitke closed the hearing at 7:05 p.m.

Council Member Ahmann offered a motion to adopt, assign a number, and order final publication of the Ordinance Amending the Willmar Zoning Ordinance by Adding Section 11 Relating to Wind Energy Conversion Systems. Council Member Reese seconded the motion. Following discussion of wind turbines, Council Member Reese moved that the Ordinance be tabled and referred to the City Attorney for review and comment. Council Member Anderson seconded the motion, which carried.

City Administrator Schmit reviewed with the Mayor and Council the loan agreements the City has entered into with the Minnesota Public Facilities Authority (MPFA) to finance the new Wastewater Treatment Facility. Several modifications to the original financing package have been pursued. Essentially, being proposed was an extension of term (30 years) on the unspent portion of the original loan, estimated to be \$36.2 million.

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

**RESOLUTION NO. 1**

AMENDING AND SUPPLEMENTING RESOLUTION ACCEPTING THE OFFER OF THE MINNESOTA  
PUBLIC FACILITIES AUTHORITY TO PURCHASE A GENERAL OBLIGATION SEWER REVENUE NOTE

(For Resolution in its entirety, see Council proceedings file dated November 2, 2009, located in the City Clerk's file)

Beverly Dougherty, Willmar Design Center, and Steve Renquist, Economic Development Commission, appeared before the Mayor and Council to present an update on the Becker Avenue Design Project. The group reviewed several design options and following a general discussion, the Becker Avenue report was received for information.

Mayor Heitke recognized Kammy Nelson and Donna Ahrens who provided information on "Beyond the Yellow Ribbon," a program pioneered by the Minnesota National Guard that empowers community leaders to develop action plans and organize groups to support military families. The local group will be hosting a community training group on November 10, 2009, at the City Auditorium. Following discussion, Council Member Reese moved that the City endorse the program with Council Member DeBlick seconding the motion, which carried.

Mayor Heitke recognized Cecil Meyer who had signed up to address the City Council during its scheduled Open Forum. Mr. Meyer inquired if the current budget process included funds for railroad quiet zones and stressed the urgency for Council action to facilitate improvements as soon as possible.

The Finance Committee Report for October 26, 2009, was presented to the Mayor and Council by Council Member Anderson. There were eight items for Council consideration.

Item No. 1 Staff presented to the Committee a proposed Resolution to accept a series of donations to the Fire Department. Donations from Domino's Pizza, \$1,500; the Willmar Firefighters Association, \$750; and the Willmar Police Department, \$500 were acknowledged and to be used for publishing *Storytime at the Fire Station* books. Land O' Lakes, \$1,200 was acknowledged to be used for technical rescue team training; and Ms. Judith Terhune, \$25 towards the General Fund.

The Committee was recommending the Council adopt a resolution accepting the donations and directing a letter of appreciation be sent to the respective parties. Resolution No. 2 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

#### RESOLUTION NO. 2

WHEREAS, the Willmar Fire Department has received the following donations to be used toward book publishing for *Storytime at the Fire Station*; \$1,500 from Domino's Pizza; \$750 from the Willmar Firefighters' Association; and \$500 from the Willmar Police Department

WHEREAS, the Willmar Fire Department has received a donation of \$1,200 from Land 'O Lakes for use toward Technical Rescue Team (TRT) training;

WHEREAS, the Willmar Fire Department has received a donation of \$25 from Ms. Judith Terhune for use by the City,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Willmar to accept the \$1,500; \$1,200; \$500; \$750; and \$25 donations and that the fire department's budget be adjusted accordingly.

Dated this 2nd day of November, 2009.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 2 The Committee considered a request by Staff that capital budget funds be transferred to various line items for the repainting of the ceiling, walls and floors in the Fire Station garage. Because bids came in over the amount budgeted for these activities, all the work was completed by firefighters and Public Works staff resulting in a savings in excess of \$21,000.

The Committee was recommending that the Council adopt a resolution reappropriating funds for capital improvements at the Fire Department. Resolution No. 3 was introduced by Council Member Anderson, seconded by Council Member Dokken, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

### RESOLUTION NO. 3

BE IT RESOLVED by the City Council of the City of Willmar that the Finance Director be directed to reappropriate \$21,000.00 for capital improvements in the Fire Department Budget.

Dated this 2nd day of November, 2009.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 3 Fire Chief Calvin reviewed with the Committee Fire Department revenues and expenditures included in the Mayor's proposed 2010 Budget. Staff indicated that like all other departments, the Fire Department had prepared a budget at or below approved 2009 expenditures and indicated that Willmar residents could expect to see no reduction in firefighting services. This matter was for information only.

Item No. 4 Staff presented to the Committee a model ordinance establishing fees for emergency protection fire services. This matter had been referred from Council Members interested in exploring the idea of raising additional revenue for fire services. Along with intent, the Committee discussed who would be affected, firefighters and equipment costs, billing and collection procedures, impact on property owners, and City and Fire Department image issues. It was agreed that this matter would be discussed in greater detail at the Council meeting and was received for information only.

Item No. 5 The Committee received the following reports for information only: August Rice Hospital, Third Quarter Rice Trust, September Rice Trust, Third Quarter Interest, Third Quarter Investment Activity and September Investment Portfolio.

Item No. 6 The Committee was advised by Staff of a tax forfeited property at 628 9<sup>th</sup> Street Southeast that has been placed back on the tax rolls. There is \$2,822.40 in 2003 special assessments against the property and Staff recommended that amount be certified for reassessment.

The Committee was recommending the Council adopt a resolution certifying the 2003 assessments for collection. Resolution No. 4 was introduced by Council Member Anderson, seconded by Fagerlie, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 4

WHEREAS, the following property located within the City of Willmar was offered for sale by the County Auditor at tax forfeiture sale: Parcel No. 95-222-1620; Lot 12, Block 8, Ferrings Second Addition

WHEREAS, the above property was subject to reassessment of \$2,822.40 if sold; and

WHEREAS, the above property was sold to Luvland Holding Inc. on September 11, 2009.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, that the \$2,822.40 special assessments against the above property be placed on the tax rolls for collection over a ten (10) year period with an interest rate of five and seventy-one hundredths (5.71%) percent; and that the County Auditor be notified to extend this assessment on the tax rolls payable in 2010 and thereafter.

Dated this 2nd day of November, 2009.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 7 The Committee considered requests for a senior citizen deferment of special assessments under the 2009 Street Improvement Program and was informed by Staff that the property owners have been determined to be eligible applicants.

The Committee was recommending the Council adopt a resolution approving the requests for senior citizen deferment of special assessments, Project 0901. Resolution No. 5 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 5

WHEREAS, the City Council of the City of Willmar, Minnesota, did order the reconstruction of certain streets during the year 2009; 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 2010 through 2019 with interest at the annual rate of five and seventy-five hundredths (5.75%) 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.

Inez Jean Moe 1420 Trott Avenue SW	95-015-0360 Lots 8, 9, 10; Block 3, Railroad Addition	\$6,299.66
Gerald Rossell 604 26 <sup>th</sup> Avenue NE	95-137-0180 Lot 5 exc. W 10' & that part of vacated 25 <sup>th</sup> Ave NE, Block 2, Country Club Terrace	\$3,709.20

Dated this 2nd day of November, 2009.

\_\_\_\_\_  
/s/ Lester Heitke  
MAYOR

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

Item No. 8 The Committee discussed the next regularly scheduled Finance Committee meeting scheduled for November 9, 2009. Staff requested that the Committee consider rescheduling that meeting to accommodate scheduling conflicts. It was the consensus of the Council that the Finance Committee meet Thursday, November 5, 2009.

The Finance Committee Report for October 26, 2009, 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 Ahmann, and carried.

The Public Works/Safety Committee Report for October 27, 2009, was presented to the Mayor and Council by Council Member Reese. There were nine items for Council consideration.

Item No. 1 Staff presented to the Committee the final pay estimate for Project No. 0801 under contract with Chad Monson Excavating. The project consisted of the reconstruction of various streets during 2008. The final payment in the amount of \$51,385.96 is the 5 percent retainage and adjustments for working day penalties and bituminous incentive. Staff recommended accepting the project as constructed which came in under budget.

The Committee was recommending the Council accept the project as constructed and authorize final payment to Chad Monson Excavating as presented. Resolution No. 6 was introduced by Council Member Reese, seconded by Council Member DeBlicek, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 6

ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

IMPROVEMENT:	Project No. 0801 – 2008 Street Improvements
CONTRACTOR:	Chad Monson Excavating, LLC
DATE OF CONTRACT:	July 24, 2008
BEGIN WORK:	August 4, 2008
COMPLETE WORK:	July 28, 2009
APPROVE, CITY ENGINEER:	September 16, 2009

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

1. The said City of Willmar Project No. 0801 be herewith approved and accepted by the City of Willmar.

2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$1,045,302.70
Change Order No. (none)	\$ 0.00
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$1,045,302.70
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$1,037,494.83
Less Previous Payments	\$ 986,108.87
FINAL PAYMENT DUE CONTRACTOR:	\$ 51,385.96

Dated this 2nd day of November, 2009.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

The Committee considered the final pay estimate for Project No. 0802 with Voss Plumbing and Heating of Paynesville. This project included the underground utilities to the Welcome to Our Home Assisted Living Facility and storm sewer relocation for Willmar Poultry Company. All work has been completed within budget and the final payment in the amount of \$5,612.10 is the 5 percent retainage.

The Committee was recommending the Council accept the project as constructed and authorize final payment to Voss Plumbing and Heating of Paynesville as presented. Resolution No. 7 was introduced by Council Member Reese, seconded by Council Member Christianson, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

#### RESOLUTION NO. 7

#### ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

IMPROVEMENT:	Project No. 0802 – 2008 Underground Improvements
CONTRACTOR:	Voss Plumbing & Heating of Paynesville
DATE OF CONTRACT:	June 4, 2008
BEGIN WORK:	June 19, 2008
COMPLETE WORK:	September 4, 2008
APPROVE, CITY ENGINEER:	September 15, 2009

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

1. The said City of Willmar Project No. 0802 be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$118,000.00
Change Order No. (none)	\$ 0.00
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$118,000.00
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$112,241.90

Less Previous Payments \$106,629.80  
FINAL PAYMENT DUE CONTRACTOR: \$ 5,612.10

Dated this 2nd day of November, 2009.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 2 The Committee reviewed quotes opened on October 20, 2009, for the installation of a fiber optic cable from the existing Wastewater Treatment Plant to the Willmar Municipal Utilities South Substation on 19<sup>th</sup> Avenue SW. The link is needed to complete the connection to an overhead fiber line that already exists between the WMU South Substation and the new Wastewater Treatment Plant. Quote requests were sent to seven companies with three submitting quotes. Funding is included in the Program Budget and Staff recommended accepting the quote of Michels Corporation in the amount of \$73,829.08.

The Committee was recommending the Council accept the quote of Michels Corporation and authorize the Mayor and City Administrator to enter into a contract on behalf of the City. Resolution No. 8 was introduced by Council Member Reese, seconded by Council Member Christianson, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

#### RESOLUTION NO. 8

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the quote of Michels Corporation of Brownsville, Wisconsin for Project No. 0909 - installation of a fiber optic line 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 vendor for the terms and consideration of the contract in the amount of \$73,829.08.

Dated this 2nd day of November, 2009.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 3 Staff presented a recommendation to amend the recently adopted alcohol ordinance for the Northwoods League/Taunton Stadium 3.2% Malt Liquor License to include sales in the newly constructed south side patio. The area is a controlled access lounging area for pregame liquor sales. The entrance/exit would be closely monitored by Staff so as not allow minors to enter the area.

The Committee was recommending the Council direct the City Attorney to draft an amendment to the ordinance to include the patio area for liquor sales. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Christianson seconding the motion, which carried.

The Committee discussed whether or not there should be limitations of "plastic or paper" glasses or allow the use of plastic bottles as requested by the Willmar Baseball LLC owners at the ordinance public hearing. Staff was directed to confer with the City Attorney and Police Chief to formulate a

workable solution and to consider banning all glass containers served to the baseball concession patrons. This matter was for information only.

Item No. 4 The Committee continued discussion on an amendment to the Street Closure Policy. Committee Members referred the proposed amendment to City Attorney Ronning for review and a draft amendment to the policy was presented. Staff explained the reason for the amendment and the concerns presented by the League of Minnesota Cities relating to any future liability. The Committee discussed the current policy and proposed changes, and a motion was made and seconded to adopt the changes to the policy as written by the City Attorney. The motion failed on a 2-2 vote and is being sent to the City Council with no recommendation.

Following discussion, Council Member Christianson moved to approve the amendment to the Street Closure Policy. Council Member Fagerlie seconded the motion, which carried on a roll call vote of Ayes 6, Noes 2 – Council Members Reese and DeBlieck voted “No.”

Item No. 5 The Committee considered a request for a Special Event Permit from The Baker’s Eagle Creek Eatery LLC to serve alcohol on behalf of the Willmar Curling Club at a two-day New Year Bonspiel event on January 8 and 9, 2010. A Special Event Permit is required to distribute or consume alcohol on the Civic Center grounds and recent State Statute changes now allow this as long as it is not a youth event for persons less than 18 years of age. The request would allow alcohol to be served in the upstairs room on both days between the hours of 8:00 a.m. until midnight.

The Committee was recommending the Council grant the Special Event Permit as requested. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Fagerlie seconding the motion, which carried.

Item No. 6 Staff explained to the Committee that Minnesota Statutes now allow for a municipality to offer an On-Sale Wine License to a theatre for sales to patrons attending events at the theatre. The Barn Theatre would like to pursue an On-Sale Wine License for their events. Staff recommended the City Attorney draft the ordinance to allow On-Sale Wine only, and to include the specific wording needed to define “theatre.”

The Committee was recommending the Council direct the City Attorney to draft an ordinance allowing the sale of wine for establishments like the Barn Theatre to be brought back to Committee for review. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Fagerlie seconded the motion, which carried.

Item No. 7 The Committee reviewed Project No. 0816-D6 (Wastewater Pump Stations), which was awarded in July of 2009 to Di-Mar Construction. Rhonda Rae of Donohue and Associates explained that during submittal review of the shop drawings, it was determined that hoist power would be required for maintenance of the pumps. Donohue and City Staff negotiated a price with Di-Mar Construction to include hoist power for two pump stations for a total cost increase of \$2,021.00. Donohue recommended entering into a contract amendment with Di-Mar increasing the total contract amount to \$1,942,021.00.

The Committee was recommending the Council approve Change Order No. 1 as presented. Resolution No. 9 was introduced by Council Member Reese, seconded by Council Member Anderson, reviewed by Mayor Heitke, and approved on roll call vote of Ayes 7, Noes 1 – Council Member Ahmann voted “No.”

#### RESOLUTION NO. 9

WHEREAS, the City of Willmar entered into Contract No. 0816-D6 with Di-Mar Construction, Inc.

for the construction of two Wastewater Pump Stations; and

WHEREAS, no Change Orders have been previously authorized; and

WHEREAS, during review of contractor submittals it was determined that hoist power is required for maintenance of the pumps at Structures 710 and 720; and

WHEREAS, it is recommended to provide a 20-amp circuit breaker bucket in the motor control centers at Structures 710 and 720 for hoist power.

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that Change Order No. 1 be approved; as a result, the contract amount will be increased in the amount of \$2,021.00 for Project 0816-D6 Wastewater Pump Stations.

Dated this 2nd day of November, 2009.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 8 Rhonda Rae of Donohue and Associates presented to the Committee five changed items for consideration to Project No. 0812-C. The total of the cost reductions and additions associated with the changes is \$3,696.40 and is the fifth such modification for this project. The total amount of unanticipated allowances comes to \$188,354.35 leaving a remaining balance of \$311,645.65.

The Committee was recommending the Council approve Allowance Modification No. 5 to Project No. 0812-C as presented. Resolution No. 10 was introduced by Council member Reese, seconded by Council Member DeBlicek, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

#### RESOLUTION NO. 10

WHEREAS, the City of Willmar entered into Contract No. 0812-C with Graham Construction Services, Inc. for the construction of a new Wastewater Treatment Facility (WWTF); and

WHEREAS, Change Order No. 1 and Change Order No. 2 decreasing the amount by \$397,788 and \$10,000 respectively have been previously authorized; and

WHEREAS, the above contract has a contingency allowance of \$500,000 in Part 1 – GENERAL 1.02 Specific Allowances; and

WHEREAS, Unanticipated Allowance No. 1 increasing the amount by \$17,191.77, Unanticipated Allowance No. 2 increasing the amount by \$75,775.90, Unanticipated Allowance No. 3 increasing the amount by \$60,801.00, Unanticipated Allowance No. 4 increasing the amount by \$30,889.28 out of a \$500,000 allowance have been previously authorized; and

WHEREAS, it is recommended to approve Unanticipated Allowance No. 5 which contains the following: Item 1: Delete Gravity Belt Thickener Cameras; Item 2: Delete eight (8) proposed control stations for Bio-Solids Tank No. 1. Add one (1) control station for Magnesium Hydroxide Feed Pump; Item 3: Supply and install power wiring to six (6) overhead door operators in Administration Building Garage; Item 4: Add six (6) DV/DT Filters for six (6) aerator adjustable speed drives in Buildings 205 and 250; Item 5: Change five (5) 30" PC monitors to 22" PC monitors.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that:

1. Additional work is hereby authorized as Owner Unanticipated Cost Allowance No. 5 for \$3,696.40.
2. Funding for additional work is covered within Contract No. 0812-C Part 1-GENERAL 1.02 Specific Allowances reducing the owner Unanticipated Cost Allowance from \$315,342.05 to \$311,645.65.
3. As specified in the above contract prior to final payment, an appropriate Change Order will be issued and the Contract Price shall be adjusted.

Dated this 2nd day of November, 2009.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 9 The Committee discussed the progress of the street sweeping quotes, the status of the TH71/TH294/CSAH 24 Intersection Improvements and the need to continue the reconstruction of deteriorating streets in the City. This matter was for information only.

The Public Works/Safety Committee Report for October 27, 2009, 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 Labor Relations Committee Report for October 28, 2009, was presented to the Mayor and Council by Council Member Ahmann. There was one item for Council consideration.

Item No. 1 The meeting was closed for the purpose of discussing 2010 contract negotiations of the City Administrator, City Attorney, and Department Directors, First Line Supervisors and Confidential Employees group.

Upon reopening the meeting, the Committee was recommending to the Council that the employment agreements of the City Administrator, City Attorney and Department Head, First Line Supervisors and Confidential Employees be extended under the current terms and conditions (including no cost-of-living adjustments or change in benefits) through December 31, 2010. Council Member Ahmann moved to approve the recommendation of the Labor Relations Committee, seconded by Council Member Anderson, and carried.

The Labor Relations Committee Report for October 28, 2009, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Ahmann, seconded by Council Member Anderson, and carried.

The Community Development Committee Report for October 29, 2009, was presented to the Mayor and Council by Council Member DeBlieck. There were five items for Council consideration.

Item No. 1 Staff outlined code issues with the former church building at 707 Litchfield Ave SW. The Committee reviewed two letters to the owners that reviewed code deficiencies and issues. The letters stated what needed to be done to bring the building to code. Nothing has been done to correct the major deficiencies. It was Staff's recommendation that the building be declared unsafe and the matter be referred to the City Attorney to initiate formal removal proceedings.

Staff reviewed the major items that need correcting including fire code issues. Several major

hazards continue to exist, including: improper mechanical venting, crumbling masonry, improper exiting, and structural issues. Staff indicated the building is not totally secure and persons are accessing the building in violation of orders.

Roberto Trevino of All Star Realty said the building owners have been trying to get some work done over the past two years so that they can sell it. The building has been shown to several prospective buyers. All utilities have been disconnected and the building is unheated. Mr. Trevino said four of the twelve items listed in the January 2009 letter have been corrected. Letters from the church and the lien holder for the property were presented and discussed.

Lance Peterson of Peterson Brothers Funeral Home said they were interested in the building being removed. He said he toured it last week and it is full of mold and mildew. Rolf Peterson of Peterson Brothers Funeral Home said that there was an asbestos issue that will need to be resolved and the building is past the point of salvaging. Staff told the Committee that if the building was declared to be unsafe, it would be placarded and access would be prohibited.

The Committee was recommending the Council declare the building to be unsafe; that the matter be referred to the City Attorney to initiate formal removal proceedings; and the City take the necessary action to secure the sidewalks on the north and east sides of the building to protect the public from the potential of falling masonry. Council Member DeBlieck moved to approve the recommendation of the Community Development Committee with Council Member Dokken seconding the motion, which carried. Council Member Reese abstained from voting.

Item No. 2 Staff presented the City Storm Water Management Ordinance to the Committee for discussion purposes. The matter was referred to the Committee to initiate review of storm water management standards and thresholds as they relate to new development. The Committee briefly discussed minimum standards and thresholds for storm water improvements. It was noted that the Storm Water Task Force will continue its review and recommendations will be forthcoming. This matter was for information only.

Item No. 3 Steve Renquist of the City/County Economic Development Commission presented to the Committee three ideas for a permanent downtown market. The concepts provided for market/festival areas, parking improvements, storm water control, park development, and pedestrian/bike routes. Several downtown trail plan concepts were presented, as well. This matter was for information only.

Item No. 4 The Committee received an update from Staff on the Westwinds residential project. Plans for 28 twin-home units have been submitted and reviewed, and construction permits are ready to be issued. This matter was for information only.

Item No. 5 Mr. Dokken requested that the Committee review sections 1-5 of the Storm Water Ordinance at the next meeting, and that the remaining sections be reviewed at a future meeting. He asked that Engineering Staff and members of the Storm Water Task Force participate in the discussion. This matter was for information only.

The Community Development Committee Report for October 29, 2009, 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 Dokken, and carried.

Announcements for Council Committee meeting dates were as follows: Finance, November 5; Public Works/Safety, November 10; and Community Development, November 12, 2009.

Mayor Heitke called on Public Works Director Odens to comment on the 7<sup>th</sup> Street railroad crossing. Mr. Odens indicated that the crossing will be blocked by BNSF for two days of repairs.

Mayor Heitke read a proclamation recognizing professional truck drivers across America.

There being no further business to come before the Council, the meeting adjourned at 9:43 p.m. upon motion by Council Member Ahmann, seconded by Council Member Anderson, and carried.

Attest:

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MAYOR

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SECRETARY TO THE COUNCIL