

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

September 8, 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 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, Administrative Assistant Audrey Peterson, and City Clerk Kevin Halliday.

Council Member Anderson offered a motion adopting the Consent Agenda which included the following: City Council Minutes of August 17, Rice Hospital Board Minutes of August 19 and September 1, Planning Commission Minutes of August 26, Housing and Redevelopment Authority Board Minutes of July 14, Charter Commission Minutes of July 22 and August 13, and Community Education and Recreation Board Minutes of August 28, 2009; and Exempt Permits for Willmar Lakes Area Chamber of Commerce. Council Member Reese seconded the motion, which carried.

At 7:03 p.m. Mayor Heitke opened a hearing on special assessments for unpaid weed/grass mowing. City Clerk Halliday presented to the Mayor and Council a list of properties which have unpaid weed and/or grass charges and was recommending these charges be certified against the real property. There being no one present to speak for or against the proposed special assessments, Mayor Heitke closed the hearing at 7:04 p.m.

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

RESOLUTION NO. 1

WHEREAS, Section 9-41 of the Willmar City Code states that such unpaid weed or grass mowing bills represent a lien of the real property receiving mowing services; and

WHEREAS, THE City Council of the City of Willmar has offered the owner his right to request an appearance before the Council to make objections to payment;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that the amount of the unpaid weed / grass mowing charges totaling \$2,102.15 be certified to the County Auditor to be extended on the tax rolls of such real property in the same manner as other taxes for collecting in 2010 and collected by the County Treasurer, and paid to the City Clerk-Treasurer along with other taxes; and

BE IT FURTHER RESOLVED that the unpaid weed or grass charges be certified against the real property as follows: (for complete list of parcels see City Council proceedings dated September 8, 2009, located in City Clerk's Office)

Dated this 8th day of September, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

At 7:05 p.m. Mayor Heitke opened a hearing on an Ordinance Amending Willmar Municipal Code Section 8.73 by Deleting Section (a)(2) Thereof. City Clerk Halliday presented details of the proposed revision which would require all applicants to secure a license for any exhibition or performance even if the event was for the benefit of a church, school or benevolent institution. There being no one present to speak for or against the proposed Ordinance, Mayor Heitke closed the hearing at 7:07 p.m.

Council Member Anderson offered a motion to adopt, assign a number, and order final publication of the Ordinance Amending Willmar Municipal Code Section 8.73 by Deleting Section (a)(2) Thereof. Council Member Fagerlie seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Mayor Heitke acknowledged John Kappers, who worked with the Police Department for 36 years; thanking him for his dedicated service; and extending congratulations and best wishes in retirement.

Rhonda Otteson, Heartland Community Action Agency, and Laura Ostile, Lutheran Social Services, appeared before the Mayor and Council to present information on home foreclosures in the City and County. Ms. Otteson and Ms. Ostile explained their respective organizations program to assist individuals in understanding the foreclosure process, identify community resources, budget counseling and ways the City could partner with the respective organizations. The Mayor expressed appreciation for the presentation and this matter was received for information.

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

The Finance Committee Report for August 24, 2009, was presented to the Mayor and Council by Council Member Anderson. There were seven items for Council consideration.

Item No. 1 City Clerk Halliday explained to the Committee the circumstances surrounding an alleged August 1, 2009, liquor violation (sale of alcohol to an under-aged person) at the Double D Club. The City had notified the Club of its second violation which would result in a fine and five-day license suspension. The City's Ordinance provides for an appeal. City Clerk Halliday went on to explain that due to extenuating circumstances involving multiple identifications, Staff was recommending a stay of implementation with regard to the fine and license suspension.

The Committee was recommending the City stay implementation of a civil fine or license suspension pending the outcome of court-related actions. Council Member Anderson moved to approve the recommendation of the Finance Committee with Council Member Fagerlie seconding the motion, which carried.

Item No. 2 Rice Hospital CFO Bill Fenske was present to discuss with the Committee the Hospital's June 2009 Quarterly Financial Report. Mr. Fenske pointed out that the second quarter performance ended on a positive note. Although daily census counts were down, revenue through the second quarter increased resulting in a small profit. Mr. Fenske reviewed numbers specific to the Hospital, Care Center, Home Medical, and answered questions regarding various Rice Memorial Hospital activities and plans for the future. This matter was for information only.

Item No. 3 The Willmar Municipal Utilities financial statement will be discussed at a future Finance Committee meeting. This matter was for information only.

Item No. 4 The Committee received from Staff an update of financing plans for the new Wastewater Treatment Plant Project. Much of the presentation focused on the draw downs from various interest and non-interest bearing loans and how the City can best manage its loan portfolio and minimize interest payments. Staff indicated they were in the process of drawing down a majority of the non-interest loan proceeds and working with the Minnesota Public Facilities Authority to hopefully structure a 30-year term on the remaining interest-bearing loan proceeds. This matter was for information only.

Item No. 5 The Committee continued its discussion of the 2010 Budget proposals and/or issues. Staff informed the Committee that on or prior to September 15, 2009, the City must certify to the County its preliminary levy and public hearing dates. Staff provided the Committee with information regarding State-mandated levy limit amounts which are only slightly higher (approximately \$43,000) than current 2009 rates. Levy limits and reductions in Local Government Aid can be offset in part via special levies to recover 2008 and 2009 LGA unallotments. Staff continues to work with the Mayor in developing his 2010 Budget proposal.

Following discussion, it was the consensus of the Committee to meet again on August 31, 2009. It is expected at that time to have better information regarding proposed revenues and expenditures allowing Committee Members to decide if any special levy amounts should be included in the certification of the preliminary levy.

The Committee briefly discussed and reviewed information regarding the hiring, use and cost of part-time employees. This matter will be discussed along with all General Fund expenditures as the Council works through preparation of a final budget document for its December meeting. This matter was for information only.

Item No. 6 The Committee was informed by Staff that in order to motivate property owners to clean up and/or repair fire damaged property, State Statute allows municipalities to secure the lesser of 25 percent of the actual cash value of fire damaged property or 25 percent of an insurance settlement at the time of loss. In collecting these funds, the City must establish a trust or agency fund and will release those funds to the property owner upon completion of the clean-up or repair work. The City has had this policy in place since 1995, but is required to have on file with the State of Minnesota a resolution establishing a local trust or agency fund to escrow insurance settlements.

The Committee was recommending the Council adopt a resolution establishing an escrow/trust fund for certain percentage of insurance proceeds for fire damaged property. 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

A RESOLUTION ESTABLISHING AN ESCROW/TRUST FUND FOR CERTAIN PERCENTAGE OF INSURANCE PROCEEDS FOR FIRE DAMAGE PROPERTY – MM SS 65A

WHEREAS, during the 1995 legislative session Chapter 65A was passed which authorizes municipalities to elect a procedure to ensure that owners of insured real property which has been damaged or destroyed by fire or explosion fulfill their responsibility for securing, repairing, replacing, or removing the damaged or destroyed properties, and

WHEREAS, the municipalities choosing to participate in this program would need to pass a resolution establishing a trust/escrow account for a portion of the insurance settlement (the lesser of 25% of the actual cash value of the property at the time of loss or 25% of the settlement), and give notice to the Department of Commerce by September 10, 2009, and

WHEREAS, the municipality intends to uniformly apply Chapter 65A with respect to all property located within our municipality this law will become effective on September 10, 2009.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Willmar authorizes the Finance Department to establish a Trust or Agency Fund to escrow that portion of the insurance settlement to be used for the securing, repairing, replacing, or removing damaged or destroyed properties according to Chapter 65A.

Dated this 8th day of September, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 7 The Committee reviewed the July Rice Trust Report. This matter was for information only.

The Finance Committee Report for August 24, 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 Christianson, and carried.

The Finance Committee Report for August 31, 2009, was presented to the Mayor and Council by Council Member Anderson. There was one item for Council consideration.

Chair Anderson opened the meeting by explaining the discussion was a continuation of the August 24, 2009, Finance Committee meeting at which time members considered the adoption of a resolution setting the 2010 Preliminary Levy and Truth-in-Taxation hearing dates.

Item No. 1 City Administrator Schmit explained that the Mayor has completed his work on the proposed 2010 Budget and will be making a formal presentation to the Finance Committee on September 14, 2009. The Mayor will be presenting a balanced Budget and the following highlights were noted:

- A. No major reductions in programs or services, although the City's General Fund Budget will be reduced by some \$970,000.
- B. The proposed 2010 Levy is set at the maximum allowed by State law - \$3,568,705. This is a \$43,380 increase over the 2009 Levy. The proposed 1.23% increase in Levy will be more than absorbed by an estimated \$13 million in new construction activity.
- C. The Mayor's Budget does not include special levies to recover 2008 Local Government Aid unallotments of \$316,537 or 2009 LGA unallotments of \$269,043. State law doesn't allow cities to recover through special levy 2010 LGA unallotments of \$620,785.
- D. The Mayor's proposed 2010 Budget does not include funding for large capital projects i.e. quite zones, storm water improvements, downtown bypass openings, etc. There will be a street improvement program based on the availability of State aid funding, interest earnings from the Community Investment Fund, Utility Fund, and possibly developer and homeowner participation.
- E. The Budget includes minimal use of reserve funds and fund balances with the idea that these resources would remain intact for consideration in 2011.
- F. Reductions in revenue earnings were essentially compensated for by General Fund operating cuts and adjustments to the vehicle and capital replacement programs. No new positions are being proposed, and the Airport Manager and one custodial position will not be filled.

The Committee then continued its discussion of setting the Preliminary Levy prior to the September 15, 2009, deadline. It was noted the City Council's discussion would continue through early December and that Council priorities and citizen participation may impact the Budget's final development. Accordingly, Committee Members were of the opinion that there should be a "cushion" to accommodate any changes.

Following discussion, the Committee was recommending the Council set the Preliminary Levy at \$3,668,705 with the idea that the additional \$100,000 be earmarked for storm water improvements. 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 that the Mayor of the City of Willmar submitted a preliminary levy request of \$3,568,705 and that storm water improvements are under consideration, therefore an additional \$100,000 be hereby earmarked for storm water improvements;

BE IT RESOLVED by the City Council of the City of Willmar, Kandiyohi County, Minnesota, that the following sums of money be preliminary levied for the current year collectable in 2010, upon the taxable property in said City of Willmar for the following purposes:

General Fund	<u>\$3,668,705</u>
	\$3,668,705

BE IT RESOLVED, that there is a sufficient sum of money in the Debt Service Funds of the City, to pay principal and interest in 2010 on all outstanding bond issues, and the deferred annual tax levies previously certified to the County Auditor are hereby canceled;

FURTHER, pursuant to a request by the Housing and Redevelopment Authority in and for the City of Willmar, for authorization to levy a special tax to be included as part of its fiscal year 2009 - 2010 Budget;

BE IT RESOLVED that the City Council of the City of Willmar, Minnesota, hereby authorizes the Housing and Redevelopment Authority to levy a special tax in the amount of \$170,000 pursuant to the powers vested under the Minnesota Statutes.

The City Clerk is hereby instructed to transmit a certified copy of this Resolution to the County Auditor of Kandiyohi County, Minnesota.

Dated this 8th day of September, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Committee was recommending the Council set the City's Truth-in-Taxation hearing on the final 2010 Budget for December 7, 2009, and if needed, a continuation of that hearing on December 21, 2009. Resolution No. 4 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. 4

BE IT RESOLVED by the City Council of the Willmar, Minnesota, that the Truth-in-Taxation hearing be scheduled for December 7, 2009, at 7:02 p.m. at the Council Chambers located at 700 East Litchfield Avenue, Willmar, Minnesota. If necessary, a continuation hearing is scheduled for December 7, 2009.

Dated this 8th day of September, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Finance Committee Report for August 31, 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 Dokken, and carried.

The Public Works/Safety Committee Report for September 1, 2009, was presented to the Mayor and Council by Council Member Reese. There were six items for Council consideration.

Item No. 1 Staff presented the concept of a five-year lease with the Northwoods Baseball League which would consist of several items for consideration. The contract would commit the City to 34 home games a year at Taunton Stadium plus playoffs at a revenue of \$300 per game, City staff to cleaning the bleachers, restrooms and maintenance of the baseball field. It would also grant the league an area on grounds for an office trailer and commit full concession rights to the League, along with all the advertising revenue to assist in their support of costs. The City would need to direct the City Attorney to amend the Municipal Code to grant the League a 3.2% Malt Liquor license.

It was noted the Northwoods League consists of 14 teams from Minnesota, Wisconsin, Iowa, Michigan and Canada with games starting at the end of May and continuing through mid August. The players are college students that would live with families in the community. The community would also be allowed to name the team in a naming contest. It was noted staff has contacted and discussed the proposal with baseball organizations that hold games at Taunton Stadium in Willmar.

Mayor Heitke recognized Dick Raditz, Ryan Voz and Marc Jersack, Northwoods representatives, who were in attendance to answer any questions.

The Committee was recommending the Council approve the concept of the Northwoods Baseball lease as presented and finalize necessary lease agreements. 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. 2 The street sweeper was brought back to Committee for further discussion on the concept for contracting out street sweeping rather than the purchase of a new sweeper. To maintain reliability, quality of service, and response; staff continues to recommend the purchase of a new sweeper as previously presented to the City Council. It was the consensus of the Committee to price out the cost of contracting for service through quotes for evaluation in the budget process.

Following discuss, the Committee was recommending the Council consider a price quote for a one-year trial period for cost evaluation. 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. 3 The Committee considered a request from Staff for permission to accept a \$250.00 donation from UNICEL (Rural Cellular Corporation) and to adjust the Fire Department's budget accordingly. The Committee was recommending the Council accept the donation from UNICEL to be placed in the Fire Department's Budget and send acknowledgement of its receipt.

Resolution No. 5 was introduced by Council Member Reese, seconded by Council Member Christianson, reviewed by Mayor Heitke Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 5

WHEREAS, the City of Willmar has received a donation from UNICEL in the amount of \$250.00;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Willmar, Minnesota, that the City accept the donation valued at \$250.00 and that the City Administrator be directed to express the community's appreciation.

Dated this 8th day of September, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 Staff presented a proposal from Barr Engineering Company considered as Phase I of a three-phase plan to update and improve the City's delivery of storm water-related services, infrastructure, and regulatory compliance. These tasks would be accomplished by updating the City's existing hydrologic and hydraulic model to reflect current conditions, completion of the draft Watershed Management Plan, and review of the current ordinances. Phase I would be completed in 2009 for a not to exceed cost of \$30,000.00.

The Committee was recommending the Council authorize Staff to enter into the agreement with Barr Engineering Company. Resolution No. 6 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. 6

Whereas the City of Willmar desires to retain a firm to provide engineering services for Phase I of updating the City's water management plan and hydrologic/hydraulic modeling to reflect current conditions; and

Whereas a proposal has been made by, and an agreement prepared to retain, the firm of Barr Engineering Company of Minneapolis, Minnesota in a not to exceed amount of \$30,000.00 for said services;

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

Dated this 8th day of September, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 5 Rhonda Rae of Donohue and Associates briefed the Committee on activities for the month of August related to the Wastewater Treatment Plant Relocation Project. Program management activities included assisting the City with amending the Total Maximum Daily Load (TMDL) Program Grant Agreement with the Minnesota Public Facilities Authority increasing the balance by \$500,000, meeting with City Staff regarding funding and finance issues. Work continues with Don Roecker, PFA, MPCA, City Staff and Donohue Staff for funding opportunities from the American Recovery and Reinvestment Act of 2009, the Federal stimulus funds, Water Resources Development Act and Environmental Protection Agency State and Tribal Assistance Grant. Work continued on edits and updates to Chapter 16, Division 2 of the Willmar Municipal Code and edits to the Industrial Wastewater

Discharge Permit for Jennie-O Turkey Store.

An update was also presented on construction-related engineering activities for the conveyance system and wastewater treatment facilities, as well as the August budget summary. Details of the construction are contained in the monthly report. This matter was for information only.

Item No. 6 The Committee was advised by Staff that Willmar's application for infrastructure financing from the Minnesota Public Facilities Authority has been approved. The financing package includes funds from the Federal American Recovery and Reinvestment Act (ARRA), and consists of a \$1,788,716.00 Clean Water Revolving Fund Loan for twenty years at an interest rate of 2.457%, and principle forgiveness in the amount of \$447,197.00, which does not have to be repaid.

The loan covers Project D-6 – Pump Stations. The City's original PFA loan will be reduced by a like amount. PFA has estimated this financing package will save Willmar taxpayers approximately \$670,000.00 over the term of the loan. Local Charter requirements mandate that a public hearing be held to consider new debt and bond council has ruled that provision applies to this situation. Accordingly staff is recommending that the Council consider a resolution calling for a public hearing on an ordinance authorizing the new loan, and that the hearing be held at 7:04 p.m. on September 21, 2009.

The Committee was recommending the Council introduce the new loan agreement ordinance by Resolution for a public hearing to be held on September 21, 2009 at 7:04 p.m. Resolution No. 7 was introduced by Council Member Reese, seconded by Christianson, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 7

RESOLUTION CALLING FOR PUBLIC HEARING ON AN ORDINANCE AUTHORIZING \$1,788,716 GENERAL OBLIGATION WASTEWATER REVENUE NOTE OF 2009; AND A \$447,197 FORGIVABLE LOAN

(For Resolution in its entirety, see City Council Proceedings file dated
September 8, 2009, located at the City Clerk's Office)

Council Member Reese presented to the Mayor and Council the most recent *Construction Bulletin* publication detailing on Willmar's Wastewater Treatment Plant Interceptor Project including the picture on the cover of S.R. Weidema equipment. This matter was for information only.

The Regenerative Air Unit Street Sweeper discussion resurfaced as the Council wanted to clarify the quote criteria utilizing the proper length of time of contracting the service acknowledging the need to arrive at a point of comparison of the private contractor pricing to the price of purchasing a vacuum style street sweeper. It was noted that the quote should be for daily rates to allow limited street sweeping of two weeks in the spring, two weeks mid-summer, and two weeks in the fall and not for a full year.

The Public Works/Safety Committee Report for September 1, 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 September 2, 2009, was presented to the Mayor and Council by Council Member Ahmann. There was one item for Council consideration.

Item No. 1 Chair Ahmann announced the Committee's intent to close the meeting for the purposes of discussing contract negotiation strategies with labor representatives of the City, Municipal Utilities Commission and Rice Memorial Hospital Board. Upon motion, the Committee closed the meeting at 4:45 p.m. and reopened at 6:10 p.m.

The Labor Relations Committee Report 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 September 3, 2009, was presented to the Mayor and Council by Council Member DeBlieck. There were six items for Council consideration.

Item No. 1 The Committee reviewed a proposal by Staff to increase fees for the rental inspection program. Two different possibilities for increases were provided to the Committee. An option offered by the Committee was to charge an additional fee for tenant complaints and follow-up inspections. Another suggestion was to stop investigating tenant complaints except in the case of imminent health or safety threats. It was noted that past attempts to raise rental fees had been unsuccessful.

It was the consensus of the Committee to refer the matter to the full Council without a recommendation. Following discussion, Council Member DeBlieck moved to increase rental inspection program fees. Council Member Reese seconded the motion, which failed on a roll call vote of Ayes 3, Noes 4 – Council Member Christianson, Johnson, Dokken, and Fagerlie voted “No” Council Member Ahmann abstained from voting.

Item No. 2 Staff presented a proposal for a Zoning Ordinance amendment as drafted by John Sullivan proposing changes to the Ordinance section dealing with the Board of Zoning Appeals. The Committee was recommending the Council refer the matter to the City Attorney and Planning Commission for review. 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 reviewed and discussed a status report on the Westwinds project as submitted by the Southwest Minnesota Housing Partnership. This matter was for information only.

Item No. 4 Staff reviewed with the Committee a detailed response to a letter received from the FAA several weeks ago in which the FAA raised questions/issues to be addressed prior to granting the land release for the former airport. Staff's response to the FAA addressed numerous issues related to access and use of the current airport property, as well as issues involved in the redevelopment of the former airport. It is hoped that the detailed response will accelerate the process of obtaining the final land release. This matter was for information only.

Item No. 5 The Committee received a brief update on the status of exterior maintenance and storage enforcement efforts within the parks. The Committee was reminded that Staff was responding to ongoing complaints regarding violations of the exterior maintenance ordinance and the exterior storage ordinance. Numerous violations have been uncovered and addressed. Staff is working with several property owners on extensions of their compliance dates. Over all, the process is moving ahead fairly smoothly. This matter was for information only.

Item No. 6 Staff presented updates on several projects including the MinnWest Bio-Sciences Center, O'Reilly Auto Parts, Koosman east side residential development, and Planning Commission efforts to include standards for wind energy conversion systems in the Zoning Ordinance.

The Community Development Committee Report for September 3, 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 Christianson, and carried.

The Mayor and Council considered an Ordinance to Rezone Certain Lands from GB to R4. Planning and Development Services Director Peterson presented details of the request from KLC of Willmar to rezone two lots in Terraplane Addition for development of multi-family residential apartment units. Following discussion, Council Member Fagerlie offered a motion to introduce the Ordinance and schedule a hearing for September 21, 2009. Council Member Anderson seconded the motion, which carried.

Planning and Development Services Peterson informed the Mayor and Council that the City

received a request from KLC (Koosman Land Company) of Willmar to vacate/relocate a portion of a 20 foot storm water easement and pipe to a newly-created lot line of the replated Cambridge Addition. Following discussion, Resolution No. 8 was introduced by Council Member Anderson, seconded by Council Member Reese, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 8

RESOLUTION SETTING A PUBLIC HEARING TO CONSIDER A
PETITION TO VACATE A STORMWATER EASEMENT

BE IT RESOLVED by the City Council of the City of Willmar that the Council conducts a public hearing at 7:04 p.m. on Monday, September 21, 2009, in the Council Chambers at the Municipal Utilities Commission Building, 700 SW Litchfield Avenue, Willmar, Minnesota.

BE IT FURTHER RESOLVED that the purpose of the hearing will be to consider a stormwater easement vacation initiated by KLC of Willmar described as:

20' easement consisting of the east 10' of Lot 1, Block 2, Landmark Business Park AND the west 10' of Lot 2, Block 2, Landmark Business Park

BE IT FURTHER RESOLVED that any person having an interest in said matter is invited to appear in person or be represented by counsel to be heard on this matter.

Dated this 8th day of September, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Planning and Development Services Director Peterson presented to the Mayor and Council a final plat for Cambridge Addition, a five-lot replat of lots in Terraplane Estates intended for development of a mixture of three and four-unit apartments by KLC of Willmar. The Planning Commission approved the final plat contingent upon special assessments being paid off, rezoning approval, and completion of a pending utility easement vacation/relocation. Council Member Reese moved to approve the final plat for Cambridge Addition with Council Member Fagerlie seconding the motion, which carried.

Planning and Development Services Director Peterson informed the Mayor and Council that the City initiated a request for reapportionment of special assessment against the old airport property to reflect the Willmar Industrial Park Third Addition plat. Following discussion, Resolution No. 9 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. 9

WHEREAS, a request for reapportionment of special assessments has been filed with the City of Willmar, said request being signed by all parties having an interest in the following-described property:

Willmar Industrial Park Third Addition
Parcel No. 95-916-2920, 95-916-2925, 95-916-3305
To wit: The City of Willmar

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 \$6,609.30 placed against the above-described parcel be hereby reapportioned as herein

described: (On file in the City Clerk's Office)

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 2010 and thereafter.

Dated this 8th day of September, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

City Clerk Halliday presented to the Mayor and Council a Resolution listing property owners who have made application for agricultural land exemptions and have met the criteria contained in the City's Assessment Policy. The Assessment Policy allows the City to temporarily exempt from assessments certain lands currently used for agricultural purposes. Resolution No. 10 was introduced by Council Member Anderson, seconded by Council Member Ahmann, reviewed by Mayor Heitke, and approved on a roll call of Ayes 8, Noes 0.

RESOLUTION NO. 10

WHEREAS, the City Council of the City of Willmar, Minnesota, did order the installation of certain street and other improvements made under Projects No. 0501, 8606, 9301 and 9101, and certain sewer and water main improvements made under Projects No. 9701, 9303, 9202, 9002, 7402, and 7206.

WHEREAS, Section W of the City of Willmar Comprehensive Assessment Policy allows the City to temporarily exempt from assessments certain lands currently used for agriculture purposes; and

WHEREAS, certain property owners have made application to the City for delayed payment of taxes on special assessments and have met the criteria contained in the Comprehensive Assessment Policy 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 until such property is developed or upon approval of the final plat, and that no interest be charged until such time.

BE IT FURTHER RESOLVED that upon development or plat approval that tapping fee shall be based on the project year bid price per front foot or unit, or on the current year costs at the time of connection/platting, whichever is greater: (On file in the City Clerk's Office)

Dated this 8th day of September, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Announcements for Council Committee meeting dates were as follows: Finance, September 14, and Public Works/Safety, September 15, 2009.

Mayor Heitke presented two appointments to the Council for consideration: Brian Bollig to the Planning Commission and Steve Verhelst to the Housing and Redevelopment Authority Board. Council

Member Christianson moved to approve the appointments as presented with Council Member Ahmann seconding the motion, which carried.

Mayor Heitke commented on the Willmar Municipal Utilities ribbon-cutting of the wind turbines and noted the event would be featured on the "Do You Know" program on WRAC-8.

Mayor Heitke acknowledged upcoming events of Community Education and Recreation Open House at the Jefferson Learning Center, September 10, Celebrate Art Celebrate Coffee, September 19, Noon Lion's Belgian Waffle Day, September 19, and Kiwanis Peanut Day, September 19, 2009

There being no further business to come before the Council, the meeting adjourned at 10:01 p.m. upon motion by Council Member Reese, seconded by Council Member Christianson, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL