

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

December 19, 2011
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Frank Yanish. Members present on a roll call were Mayor Yanish, Council Members Doug Reese, Ron Christianson, Bruce DeBlieck, Denis Anderson, Steve Ahmann, Jim Dokken, and Tim Johnson; Present 8, Absent 1 - Rick Fagerlie was excused from the meeting.

Also present were City Administrator Charlene Stevens, City Attorney Richard Ronning, Police Chief David Wyffels, Fire Chief Marv Calvin, Public Works Director Holly Wilson, Finance Director Steve Okins, Community Education and Recreation Director Steve Brisendine, Planning and Development Services Director Bruce Peterson, and City Clerk Kevin Halliday.

Mayor Yanish announced that he would be moving the Open Forum to the beginning of the Agenda, and removing the resignation of Doug Lindblad and an appointment to the Planning Commission from the Consent Agenda.

Mayor Yanish acknowledged several individuals who had signed up to address the City Council during its scheduled Open Forum. Bob Bonawitz urged the Council to exercise its authority, citing City code of ordinances, to veto the Municipal Utilities Commission's decision to remove Bruce Gomm from his duties as General Manager. He stated the Council should select an unbiased party to perform the pending investigation and that the Utilities Commission should not be involved in the selection process. The investigation should look at the General Manager, staff members and the individual and collective members of the Commission. Mr. Bonawitz concluded his remarks by urging the Council to make sure Mr. Gomm remains in the position of General Manager.

Jerry Gesch addressed the Council stating the solar project, recently rejected by the Utilities Commission, is a wonderful project, a demonstration project for the company and would give Willmar a lot of exposure. Mr. Gesch urged the Council to participate in the proposal.

Jim Loslaben, Vice President of tenKsolar, spoke of solar production at the wind turbine site and encouraged the City Council to enter into a nonbinding letter-of-intent to take advantage of Federal dollars available until year-end for solar projects. City Attorney Ronning advised the Council that no authority exists in the City Charter to bypass the Utilities Commission on this matter and enter into an agreement. Mayor Yanish suggested that the matter be placed back on the Utilities Commission agenda for the December 27, 2011, meeting.

Council Member DeBlieck requested that the Municipal Utilities Commission Minutes of December 12, 2011, be removed from the Consent Agenda.

Council Member Christianson offered a motion adopting the Consent Agenda which included the following: City Council Minutes of December 5, Planning Commission Minutes of December 14, Accounts Payable Report through December 14, Building Inspection Report for November, Housing and Redevelopment Authority Minutes of November 8, Community/Activity Center Minutes of December 6, and Community Education/Recreation Joint Powers Board Minutes of December 9; Exempt Permit Applications for West Central Ducks Unlimited (Willmar American Legion and Oaks at Eagle Creek); Mayoral Reappointments: Municipal Utilities Commission, Matt Schrupp and Dan Holtz; and Rice Hospital Board, Eric Weiber; and Mayoral Appointments: Municipal Utilities Commission, Carol Laumer and Willmar Lakes Area CVB, Shawna Adams. Council Member Anderson seconded the motion, which carried.

The Willmar Municipal Utilities Commission Minutes of December 12, 2011, were discussed with Council Member DeBlieck stating he had confidence in the Commission and their decision to place the General Manager on an administrative leave with pay. Council Member Reese said the Utilities is a big part of the City and supported the recommendation that an outside firm conduct the evaluation. Council Member Ahmann expressed his appreciation to the Commissioners. Council Member DeBlieck explained that the tenKsolar project is a worthwhile project, but the Commission felt it should not be done at this time. Council Member DeBlieck moved that the Municipal Utilities Commission Minutes for December 12, 2011, be approved as presented with Council Member Christianson seconding the motion, which carried.

At 7:35 p.m. Mayor Yanish opened a hearing on an Ordinance Amending the Charter of the City of Willmar. Shawn Mueske, Charter Commission Chair, reviewed some of the proposed changes and stated the Commission tried to stay out of the politics and thoroughly debated the changes. Mr. Mueske explained that the overriding power of the Council was amended to require six votes placing an equal threshold on all overrides throughout the Charter. Upon hearing from all those who wished to be heard, Mayor Yanish closed the hearing at 7:37 p.m.

Council Member Anderson offered a motion to adopt, assign a number, and order final publication of the Ordinance Amending the Charter of the City of Willmar. Council Member Ahmann seconded the motion. It was noted that all eight Council Members must be present to approve changes to the Charter, and Council Member Anderson moved to table the Ordinance. Council Member Ahmann seconded the motion, which carried.

The Mayor and Council considered a Resolution Calling for a Public Hearing on an Ordinance Authorizing the Issuance of General Obligation Hospital Revenue Refunding Bonds, Series 2012A. Finance Director Okins informed the Council that the City has determined that significant savings exist by refunding the General Obligation Hospital Revenue Bonds, Series 2002. In order to finance said refunding, it is necessary to issue General Obligation Hospital Revenue Refunding Bonds, Series 2012A.

Resolution No. 1, Calling for a Public Hearing on Ordinance Authorizing the Issuance of General Obligation Hospital Revenue Refunding Bonds, Series 2012A, was introduced by Council Member Christianson, seconded by Council Member Johnson, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 1

RESOLUTION CALLING FOR A PUBLIC HEARING ON ORDINANCE AUTORIZING THE ISSUANCE OF GENERAL OBLIGATION HOSPITAL REVENUE REFUNDING BONDS, SERIES 2012A

(For Resolution in its entirety, see City Council Proceedings dated
December 19, 2011, located in the City Clerk's Office)

The Finance Committee Report for December 12, 2011, was presented to the Mayor and Council by Council Member Anderson. There were seven items for Council consideration.

Item No. 1 Chair Anderson acknowledged that no one was present to address comments to the Committee.

Item No. 2 Pursuant to a November, 2011, liquor compliance check conducted by the Willmar Police Department, Staff presented to the Committee the list of retail liquor establishments that violated Municipal Code Sec. 3-2 Selling or Giving Intoxicating Liquor to Persons to Whom Sale is Prohibited. The Golden Place and Sunray Spirits incurred their first violation for which representatives were present to explain measures being taken to eliminate future violations, including enrolling all employees in compliance check training programs annually. A second violation was issued to Kandi Entertainment Center in the amount of \$1,000 and a third violation was issued to Gerry's Liquors in the amount of \$2,000. City Clerk Halliday informed the Committee that both establishments paid their fines in full by the designated deadline. This matter was for information only.

Item No. 3 Chairman Anderson recognized Municipal Utilities Commissioner Doug Lindblad who explained to the Committee that due to the current General Manager being placed on administrative leave, Larry Heinen and Wes Hompe have been appointed interim managers and would be presenting the proposed 2012 Budget at this time. They reviewed Operating Revenues, which include the approved 7% increase in electrical rates, and Operating Expenses, noting that power transmission costs have increased in 2011 and will continue to do so in 2012. Some of the Capital Improvements include power plant upgrades, purchasing six leased diesel units, ongoing underground conversion projects, meter replacement as needed, vehicle replacements, and office reroofing. Estimated Retained Earnings at the end of 2012 is projected to be \$1,178,200. The report was received for information only.

Item No. 4 Public Works Director Wilson presented to the Committee the proposed Preliminary Western Interceptor Budget Amendment reallocating \$40,030 to come from the Storm Water Fund instead of the Local Option Sales Tax Fund. This revision is required because LOST funds cannot be used for the portion of this project located outside the city limits.

The Committee was recommending the Council pass a resolution amending the Preliminary Western Interceptor Budget as presented. Resolution No. 2 was introduced by Council Member Anderson, seconded by Council Member Christianson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 2

PRELIMINARY WESTERN INTERCEPTOR BUDGET

OTHER SERVICES		RECEIVABLES	
Mtce. of Other Impr.	<u>\$3,998,979.00</u>	LOST	\$1,453,656.00
TOTAL	\$3,998,979.00	Temp Bond	\$3,479,423.00
		Storm Water Fund	\$ <u>40,030.00</u>
OTHER CHARGES		TOTAL	\$4,973,109.00
Prof. Serv.	\$515,481.00		
Other Charges	<u>\$199,949.00</u>	FINANCING	
TOTAL	\$715,430.00	LOST	\$1,453,656.00
		Temp Bond	\$3,479,423.00
CAPITAL OUTLAY		Storm Water Fund	\$ <u>40,030.00</u>
Land and Legal	<u>\$258,700.00</u>	TOTAL	\$4,973,109.00
TOTAL	\$258,700.00		
		GRAND TOTAL	\$4,973,109.00
GRAND TOTAL	\$4,973,109.00		

Dated this 19th day of December, 2011.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 5 The Committee considered a request from Staff to advance \$9,620 of \$10,000 designated in the 2012 City Hall Capital Budget to 2011 Capital Budget to complete various necessary repairs to the heating system at City Hall. Following discussion, the Committee was recommending the Council pass a resolution to advance \$9,620 from the 2012 City Hall Capital Budget to 2011 as presented.

Resolution No. 3 was introduced by Council Member Anderson, seconded by Council Member Christianson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 3

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to make the following changes to the 2011 and 2012 Capital Budgets:

Increase:	2011 City Hall Roof	\$9,620.00
Decrease:	2012 City Hall Roof	\$9,620.00

Dated this 19th day of December, 2011.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 6 The Committee considered a request from Staff to appropriate \$13,280 from the Storm Water Fund for cleaning out approximately 1,660 feet of open ditch in the Pleasant View area at a cost of \$5,600, and for excavation of the Ortenblad Pond bottom to remove sediment, repair the washout and place rip rap with fabric at the outlet at a cost of \$7,680. The Committee was recommending the Council pass a resolution appropriating \$13,280 from the Storm Water Fund for the two projects as presented.

Resolution No. 4 was introduced by Council Member Anderson, seconded by Council Member Christianson, reviewed by Mayor Yanish, 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 make the following changes to the Surface Water Improvement Budgets:

Increase:	Storm Water Projects - Other Services	\$13,280.00
Decrease:	Fund Reserves	\$13,280.00

Dated this 19th day of December, 2011.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 7 Staff reported to the Committee that Rice Hospital is looking at refinancing its 2002 Bond and provided a preliminary timetable for the proposed issuance of General Obligation Hospital Revenue Refunding Bonds in 2012. This matter was for information only.

The Finance Committee Report for December 12, 2011, 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 Public Works/Safety Committee Report for December 13, 2011, was presented to the Mayor and Council by Council Member Reese. There were five items for Council consideration.

Item No. 1 Staff informed the Committee that Requests for Proposals were received by the City for construction-related services associated with the Western Interceptor Project. Public Works Director Wilson explained the process the evaluation committee used to review each proposal based on three technical categories: firm experience, project team, and project approach. The Committee then

evaluated the price proposals to come up with a total score for each successful proposer. Staff is recommending accepting the proposal of Donohue and Associates in an amount of \$171,630.00 based on the evaluation.

The Committee was recommending the Council accept the proposal of Donohue and Associates and authorize the Mayor and City Administrator to enter into an agreement on behalf of the City. Resolution No. 5 was introduced by Council Member Reese, seconded by Council Member DeBlieck, reviewed by Mayor Yanish, 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 construction-related engineering services associated with the Western Interceptor Project; and

Whereas a proposal has been made by, and an agreement prepared to retain, the firm of Donohue and Associates of Willmar, Minnesota in a not-to-exceed amount of \$171,630.00 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 19th day of December, 2011.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 2 The Committee considered a proposed agreement with the FBO for airport operations. The compensation in the agreement remains the same as the previous year. Some changes include the removal of the maintenance of the heating system, water heater and softener which is to be done by Staff. Added are the weekly logging of the number of planes and prior City approval of any major repairs in excess of \$500.

The Committee was recommending the Council approve the Airport Operations Agreement as presented and authorize the Mayor and City Administrator to enter into an agreement. Resolution No. 6 was introduced by Council Member Reese, seconded by Council Member Christianson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 6

Whereas the City of Willmar desires to retain a firm to provide on-site airport management and maintenance for the City of Willmar; and

Whereas a proposal has been made by, and an agreement prepared to retain Maximum Cruise Aviation, LLC for a not-to-exceed amount of \$20,000.00 for the year 2012 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 19th day of December, 2011.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 Staff informed the Committee that they have been in contact with State representatives to determine the need for an agreement with the State of Minnesota and reported it has to be in place in order to receive any federal funding for projects. The City can sign the agreement at this time to streamline the funding process or has the opportunity to enter into the agreement should a federal project arise.

The Committee was recommending the Council accept the agency agreement pending approval of the City Attorney and authorize the Mayor and City Administrator to sign on behalf of the City. Following discussion, it was the consensus of the Council to defer this matter to the next Public Works/Safety Committee meeting.

Item No. 4 The Committee received from Staff a final acceptance and payment to Duinick Inc. for Project No. 1001, the reconstruction of various streets in the 2010 Street Reconstruction Improvements Project. All the required paperwork has been received and final quantities agreed upon by City Staff and the contractor. The payment consists of the final adjusted quantities as constructed and the 5% retainage in the amount of \$212,222.55. Staff noted the final amount included deductions for both bituminous disincentive and working day penalties.

The Committee was recommending the Council accept Project No. 1001 and issue final payment to Duinick Inc. as presented. Resolution No. 7 was introduced by Council Member Reese, seconded by Council Member DeBlicek, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 7

ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

IMPROVEMENT: Project No. 1001 - 2010 Street Improvements
CONTRACTOR: Duinick, Inc.
DATE OF CONTRACT: June 11, 2010
BEGIN WORK: July 16, 2010
COMPLETE WORK: June 4, 2011
APPROVE, CITY ENGINEER: December 12, 2011

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

1. The said City of Willmar Project No. 1001 be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$1,684,877.52
Change Order (None)	\$0.00
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$1,684,877.52
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$1,668,133.58
Less Previous Payments, Disincentives, and Penalties	\$1,455,911.03
FINAL PAYMENT DUE CONTRACTOR:	\$ 212,222.55

Dated this 19th day of December, 2011.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 5 Public Works Director Wilson informed the Committee that the City has again been approached by a group of property owners who live outside the City limits on or near 8th Street NE. Several of them have been experiencing problems with their septic system and have requested discussions with Staff regarding the availability to hook up to City sewer. This matter was for information only.

The Public Works/Safety Committee Report for December 13, 2011, 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 December 14, 2011, was presented to the Mayor and Council by Council Member Ahmann. There were three items for Council consideration.

Item No. 1 The meeting was closed discuss employment contract negotiations and then reopened.

Item No. 2 City Administrator Stevens provided the Committee with information regarding the total hours of maintenance and custodial service needed to service the City's buildings. City Administrator Stevens requested that the Committee approve the hiring of a Building Maintenance position at a Grade 3 consistent with the two existing positions of Grade 3 and Grade 4. Ms. Stevens stated that if the position was not filled, the City would need to consider changing and/or eliminating some services such as set up and take down for activities at the Community Center and/or City Auditorium.

The Committee discussed contracting out for custodial services and/or assigning other employees to provide the services. Council Member Anderson stated that it had been examined before and three positions were needed. The Committee was recommending to the Council to approve the hiring of a Building Maintenance Position Grade 3. Council Member Ahmann moved to approve the recommendation of the Labor Relations, with Council Member Anderson seconding the motion. Following discussion, the motion failed on a roll call vote of Ayes 3, Noes 4 - Council Members Ahmann, Christianson, Dokken and Johnson voted "no."

Item No. 3 City Administrator Stevens provided the Committee with proposed amendments to the City's Personnel Policy regarding business-related vehicle operations, stating that the policy was out of date. The Labor Relations Committee was recommending approval of the changes. Following discussion, Council Member Ahmann moved to approve the recommendation of the Labor Relations Committee with Council Member Christianson seconding the motion, which carried.

The Labor Relations Committee Report for December 14, 2011, 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 December 15, 2011, was presented to the Mayor and Council by Council Member Dokken. There were seven items for Council consideration.

Item No. 1 There were no public comments offered at this meeting.

Item No. 2 Staff presented the Committee with the most recent inspection memo for rehab work at the John's Supper Club Building, noting that little progress is being made. Committee discussion focused on the validity of the outstanding building permit, timeline to complete the unfinished work, and penalties for non-compliance. Staff recommended that Mr. Kidrowski be required to submit a construction schedule if another extension to the agreement completion date is granted.

Following discussion the Committee was recommending the Council grant a 90-day extension to the agreement for rehabilitation, contingent upon Mr. Kidrowski submitting a construction schedule to the City by December 30, 2011. Further, it is the intent of the Council to pursue penalties if the work is not completed by March 31, 2012.

The Committee asked Staff to research consequences for failure to complete construction, such

as negating the building permit, charging for special inspections, issuing demolition orders, and/or financial penalties.

Paul Kidrowski addressed the Mayor and Council stating that plenty of preparatory work was completed in the lower levels.

Following discussion, Council Member Dokken moved to approve the recommendation of the Community Development Committee to grant a 90-day extension to the agreement, with Council Member Ahmann seconding the motion, which carried. Council Member Reese voted "No."

Item No. 3 The Committee received an update from Staff on the five downtown planning meetings held December 6 through 8, 2011. There was one community-wide meeting held with 60 individuals in attendance, and four stakeholder meetings that included over 75 additional persons interested in the downtown. Valuable input was received at the meetings, and that information will be the basis for plan elements to be developed over the next several weeks. This matter was for information only.

Item No. 4 Staff presented to the Committee a mock-up of a marketing piece being developed for the former terminal building and site. The marketing piece will be sent to realtors, architects, aviation groups, and historical groups. It will also be marketed on the internet on a variety of websites. This matter was for information only.

Item No. 5 The Committee discussed a fire-damaged structure located at 201 Havana Street NW. The property was destroyed in a fire last February and continues to exist in a hazardous condition. Staff had asked the Committee to declare the building as unsafe or dangerous under the building code. Under that scenario, the property owner would be required to rehabilitate or demolish the building within a 30-day period. Failure to do so would typically result in the City pursuing an action in the courts for title to the real estate. One quote for demolition had been received, and that quote seemed very high. Rather than move forward at this time with the declaration, the Committee requested that Staff get more quotes and bring the matter back to the next meeting. This matter was for information only.

Item No. 6 The Committee considered a request from the Willmar HRA to adopt a resolution approving a grant application for the HOME rental rehabilitation program. Following discussion, the Committee was recommending the Council adopt the resolution approving the grant application and authorizing the HRA to administer the program within the City of Willmar.

Resolution No. 8 was introduced by Council Member Dokken, seconded by Council Member DeBlicek, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 8

Willmar Housing and Redevelopment Authority Application to Minnesota Housing Finance Agency Rental Rehabilitation Deferred Loan Program

WHEREAS, the Housing and Redevelopment Authority In and For the City of Willmar, Minnesota has applied to the Minnesota Housing Finance Agency to be an administrator of the Rental Rehabilitation Deferred Loan Pilot Program (RRDL) for Kandiyohi County and McLeod County excluding the City of Hutchinson;

WHEREAS, the RRDL Program provides rental property owners 0% deferred loans for a maximum of \$300,000 with a maximum term of 15 years to make repairs maintaining rental housing units in safe, sanitary and decent condition;

WHEREAS it is necessary as part of the application process for the Willmar Housing and Redevelopment Authority to receive approval of the Willmar City Council to allow the HRA to administer the program in the City of Willmar;

WHEREAS, it is necessary as part of the application process for the Willmar Housing and Redevelopment Authority to receive approval of the Willmar City Council to allow the HRA to administer the program in the City of Willmar;

WHEREAS the HRA has been a previous administrator for Minnesota Housing Finance Agency Rental Rehab Programs;

NOW, THEREFORE, LET IT BE RESOLVED the Willmar City Council acknowledges the HRA's application to the Minnesota Housing Finance Agency and agrees the HRA administer the program within the City of Willmar.

Dated this 19th day of December, 2011.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 7 Staff presented to the Committee proposed resolutions calling for the decertification of the City's final two tax increment financing districts. Those two districts are the Phoenix on Fifth condominium housing district and the Lakewood BK Properties economic development district. It was noted that there are no outstanding financial issues with the two districts. Following discussion, the Committee was recommending the Council adopt two resolutions calling for the dissolution of the Phoenix on Fifth and Lakewood BK Properties districts.

Resolution No. 9 was introduced by Council Member Dokken, seconded by Council Member Ahmann, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 9

RESOLUTION DISSOLVING TAX INCREMENT FINANCING DISTRICT (PHOENIX ON FIFTH)

WHEREAS, in July 1988 the City of Willmar established the Phoenix on Fifth Tax Increment Financing District and adopted a plan therefor; and

WHEREAS, all of the capital and administrative costs of the tax increment financing district which were set forth in the plan have been paid or provided for; and

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

1. The City Council hereby finds, determines and declares to dissolve the Phoenix on Fifth Tax Increment Financing District as of December 19, 2011.
2. Any excess tax increments held in the Tax Increment Financing District Tax Increment Account shall be returned to County Auditor of Kandiyohi County for distribution of the affected tax jurisdictions in accordance with Minnesota Statutes, Section 469.176 Subd. 2.
3. The City Administrator is hereby directed to send a copy of this resolution to the County Auditor of Kandiyohi County and to take all other steps which are necessary to dissolve the Tax Increment Financing District and to distribute the excess tax increments.

Dated this 19th day of December 2011.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Resolution No. 10 was introduced by Council Member Dokken, seconded by Council Member Ahmann, reviewed by Mayor Yanish, and approved on a roll call vote of ayes 7, Noes 0.

RESOLUTION NO. 10

RESOLUTION DISSOLVING TAX INCREMENT FINANCING
DISTRICT (LAKEWOOD BK PROPERTIES)

WHEREAS, in April 2001 the City of Willmar established the Lakewood BK Properties Tax Increment Financing District and adopted a plan therefor; and

WHEREAS, all of the capital and administrative costs of the tax increment financing district which were set forth in the plan have been paid or provided for; and

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

4. The City Council hereby finds, determines and declares to dissolve the Lakewood Properties BK Properties Tax Increment Financing District as of December 19, 2011.
5. Any excess tax increments held in the Tax Increment Financing District Tax Increment Account shall be returned to County Auditor of Kandiyohi County for distribution of the affected tax jurisdictions in accordance with Minnesota Statutes, Section 469.176 Subd. 2.
6. The City Administrator is hereby directed to send a copy of this resolution to the County Auditor of Kandiyohi County and to take all other steps which are necessary to dissolve the Tax Increment Financing District and to distribute the excess tax increments.

Dated this 19th day of December 2011.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Community Development Committee Report for December 15, 2011, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Dokken, seconded by Council Member Christianson, and carried.

The Mayor and Council considered a Civic Center Arena Special Event Permit by On-Sale Liquor License Holder. City Clerk Halliday explained that the Civic Center has rented space to the Willmar Curling Club who will hold a three-day New Year's Bonspiel and plans to serve alcohol and a Special Event Permit is required. The Baker's Eagle Creek Eatery LLC has applied for the permit with an on-site employee. Following discussion, Council Member DeBlieck moved to approve the Civic Center Arena Special Event Permit as presented with Council Member Johnson seconding the motion, which carried.

City Clerk Halliday presented to the Mayor and Council the following establishments requesting renewal of current Sunday Liquor Licenses: On-Sale - Austin F. Hanscom Post 167, Applebee's Neighborhood Grill & Bar, El Tapatio Mexican Restaurant, Holiday Inn/Green Mill, Grizzly's Grill N'

Saloon, Kandi Entertainment Center, Oaks at Eagle Creek, and Finstad-Week Post 1639; and Club On-Sale - Willmar Fraternal Order of Eagles and Willmar Elks Lodge. Council Member Reese moved to approve the Liquor Licenses as presented with Council Member Johnson seconding the motion, which carried.

The Mayor and Council considered an Ordinance to Rezone Certain Lands from R-4 to R-3. Planning and Development Services Director Peterson presented details of the proposed rezoning of several blocks south of the Central Business initiated by the Planning Commission. The rezoning will allow single family, duplexes, tri-plexes, and four-plexes as legal permitted uses to make financing and resale more feasible for the existing single family homes. The Planning Commission has held a hearing and approved the request. Council Member Christianson offered a motion to introduce an Ordinance Amending Municipal Ordinance No. 1060 and schedule a public hearing for January 3, 2012. Council Member Dokken seconded the motion, which carried.

There being no further business to come before the Council, the meeting adjourned at 8:57 p.m. upon motion by Council Member Christianson, seconded by Council Member Dokken, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL