



WILLMAR CITY COUNCIL MEETING  
MONDAY, JANUARY 5, 2026 @ 6:30 PM  
BOARD ROOM HEALTH AND HUMAN SERVICES BUILDING  
2200 – 23rd STREET NE, WILLMAR MINNESOTA

**AGENDA**

1. Call Meeting to Order
2. Roll Call
3. Pledge of Allegiance
4. Proposed Additions or Deletions to Agenda
5. Consent Items  
Approve:
  - A. City Council Minutes of December 15, 2025
  - B. Special City Council Meeting Minutes of December 29, 2025
  - C. Planning Commission Minutes of December 17, 2025\_DRAFT
  - D. Willmar Municipal Utilities Commission Minutes of December 22, 2025
  - E. 2026-2027 Humane Society Agreement
  - F. Municipal Utilities Commission Applicants
  - G. Accounts Payable Report, 12/11/2025 - 12/31/2025Information:
  - H. Review Rice Memorial Hospital Board Applicant
  - I. Monthly Building Report December 2025
6. Approve Consent Agenda Items
7. Items Removed from Consent Agenda
8. Open Forum (Individuals Limited to Three (3) Minutes)
9. Public Hearing:
  - A. Consideration to Amend Section 4.02, Subdivision 4 of the City Charter
  - B. Consideration to Amend Section 4.02, Subdivision 8 of the City Charter
  - C. Consideration to Amend Section 4.06 of the City Charter
  - D. Consideration to Codify the City of Willmar Zoning Ordinance No. 1060
10. Regular Business
  - A. 4th Street Reconstruction Considerations
  - B. Review of Sanitary Sewer Ordinance

- C. Consideration to Approve a Job Position for the Planning and Development Department
- D. Review of the Outside Employment Policy
- E. Sunday Liquor License Renewal for 2026
- F. Consideration of P & S Stores, LLC Off-Sale Intoxicating Liquor License
- G. Resolution to Acknowledge Donations for the Fourth Quarter of 2025

11. Announcements

12. Adjourn

**WILLMAR CITY COUNCIL PROCEEDINGS**  
**BOARD ROOM HEALTH AND HUMAN SERVICES BUILDING**  
**2200 – 23rd STREET NE, WILLMAR MINNESOTA**

December 15, 2025  
6:30 PM

The regular meeting of the Willmar City Council was called to order by Mayor Douglas Reese. Members present on a roll call were Mayor Douglas Reese, Council Members Justin Ask, Tom Gilbertson, Steve Gardner, Rick Fagerlie, Vicki Davis, Tom Butterfield, and Carl Shuldes Excused: Audrey Nelsen, Present 8, Absent 1.

Also present were City Administrator Leslie Valiant, City Operations Director Kyle Box, Police Chief Michael Holme, Fire Chief Frank Hanson, Deputy Fire Chief Matt Grave, Battalion Chief Josh McGillivray, Finance Director Tom Odens, Parks and Recreation Director Rob Baumgarn, Planning and Development Director Christopher Corbett, City Engineer Spencer Johnson, City Clerk Vernae Larsen, and City Attorney Robert Scott.

There were no additions or deletions to the agenda.

A motion was made by Council Member Ask to **Approve the Agenda as Presented**. Council Member Gilbertson seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Ayes      Council Member Ask, Council Member Gilbertson, Council Member Gardner,  
              Council Member Fagerlie, Council Member Davis, Council Member Butterfield,  
              Council Member Shuldes  
Noes      None

**COSENT AGENDA**

City Clerk Vernae Larsen reviewed the consent agenda.

Approve:

- A. City Council Minutes of December 1, 2025
- B. City Council Work Session Minutes of December 8, 2025
- C. Police Civil Service Commission Minutes of December 1, 2025 (DRAFT)
- D. Willmar Municipal Utilities Commission Minutes of December 8, 2025
- E. Planning Commission Minutes of November 19, 2025
- F. Planning Commission Minutes of December 3, 2025\_Draft
- G. Preliminary and Final Plats for Northwood Estates Third Addition
- H. Preliminary and Final Plats for Trentwood Estates Fifth Addition
- I. Reschedule Public Hearing for Consideration to Amend Section 4.02, Subdivision 8 of the City Charter to January 5, 2026
- J. Reschedule Public Hearing for Consider Amendment Section 4.02, Subdivision 4 of the City Charter January 5, 2026
- K. Reschedule Public Hearing for Consideration to Amend Section 4.06 of the City Charter to January 5, 2026

- L. Reschedule Public Hearing for the Consideration to Codify the City of Willmar Zoning Ordinance No. 1060 to January 5, 2026
- M. Cooperative Agreement for Building Official Services 2026 - 2028 - Kandiyohi
- N. Cooperative Agreement for Building Official Services 2026 - 2028 - Atwater
- O. Cooperative Agreement for Building Official Services 2026 - 2028 - New London
- P. Agreement and Consent to Removal of Hazardous Building
- Q. Permission to Negotiate and Award Bid to Remove Hazardous Building
- R. **Resolution No. 2025-139** Consideration of Designating Polling Places for Elections 2026
- S. Kandiyohi County Pheasants Forever Lawful Gambling Application
- T. **Resolution No. 2025-140** Premise Permit for Willmar Baseball Booster Association at Foxhole Brewhouse Inc.
- U. Reappointments to Boards and Commissions
- V. **Resolution No. 2025-141** to Authorize Electronic Fund Transfers for 2026
- W. **Resolution No. 2025-142** Appointing Official Depositories for 2026
- X. **Resolution No. 2025-143** SafeAssure Consultants Safety Program Agreement - 2026
- Y. Accounts Payable Report, 11/27/25 - 12/10/25

Information:

- Z. Finance Report through 11/30/2025
- AA. November Building Report 2025
- BB. Charter Commission Meeting Minutes of October 28, 2025 - DRAFT
- CC. Municipal Utilities Commission and Planning/Zoning Applicants
- DD. Director Reports

Council Member Ask moved to **Approve Consent Agenda Items**. Council Member Davis seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Ayes Council Member Ask, Council Member Gilbertson, Council Member Gardner, Council Member Fagerlie, Council Member Davis, Council Member Butterfield, Council Member Shuldes

Noes None

**OPEN FORUM**

Chery Shuck – 2409 8<sup>th</sup> St. SW, addressed the Council with concerns of rising property taxes in the city. Her concerns were not just for her own taxes, but also for the elderly and less fortunate.

Bob Enos – 905 Trott Ave SW, expressed to the Council his opposition to the Connect Willmar broadband project.

## OLD BUSINESS

### A. 2026 Budget and Tax Levy

Finance Director Tom Odens gave a review of the proposed 2026 Budget and Tax Levy. A motion was made by Council Member Ask **to take from the table the motion to adopt the 2026 tax levy from the December 1, 2025 meeting of the City Council.** Council Member Fagerlie seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Ayes Council Member Ask, Council Member Gilbertson, Council Member Gardner,  
Council Member Fagerlie, Council Member Davis, Council Member Butterfield,  
Council Member Shuldes  
Noes None

After discussion, Mayor Reese called for a vote on the motion made on December 1, 2025 by Council Member Nelson and seconded by Council Member Gardner, to **adopt Resolution No. 2025-144 approving the 2026 Tax Levy at a total of \$12,087,303.** The motion carried on a roll call vote of Ayes 7, Noes 0.

Ayes Council Member Ask, Council Member Gilbertson, Council Member Gardner,  
Council Member Fagerlie, Council Member Davis, Council Member Butterfield,  
Council Member Shuldes  
Noes None

A motion was made by Council Member Butterfield to **adopt Resolution No. 2025-145 approving the 2026 Budget in the amount of \$61,945,263.** Council Member Shuldes seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Ayes Council Member Ask, Council Member Gilbertson, Council Member Gardner,  
Council Member Fagerlie, Council Member Davis, Council Member Butterfield,  
Council Member Shuldes  
Noes None

## NEW BUSINESS

### A. Donation of FIRE SUPPRESSION TOOL to the Fire Department

Fire Chief Frank Hanson introduced David Frey, Master of the Willmar Masons Sharon Lodge, who offered information on how the Fire Suppression Tool unit works. Chief Hanson requested approval by resolution to accept a donation from the Willmar Masons Sharon Lodge #104 to the Fire Department of three FIRE SUPPRESSION TOOL (FST) units with a retail value total \$4,000.

Council Member Gilbertson made a motion to **Adopt Resolution No. 2025-146 accepting the Donation of three FIRE SUPPRESSION TOOL units to the Willmar Fire Department.** Council Member Gardner seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Ayes Council Member Ask, Council Member Gilbertson, Council Member Gardner,  
Council Member Fagerlie, Council Member Davis, Council Member Butterfield,  
Council Member Shuldes  
Noes None

B. **Approve the hiring of Shane Stefanick as the City of Willmar Public Works Director**

City Administrator Leslie Valiant gave an overview of the qualifications of candidate Shane Stefanick and asked the Council to approve the hiring of Shane Stefanick as Public Works Director. A motion was made by Council Member Shuldes to **Approve the hiring of Shane Stefanick as the City of Willmar Public Works Director**. Council Member Davis seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Ayes Council Member Ask, Council Member Gilbertson, Council Member Gardner,  
Council Member Fagerlie, Council Member Davis, Council Member Butterfield,  
Council Member Shuldes

Noes None

C. **Resolution Adopting the 2026 Fee Schedule**

Operations Director Kyle Box gave an overview of some of the recommended changes and additions to the fee schedule and called for the council to adopt and approve the 2026 Fee Schedule. A motion was made by Council Member Gilbertson to **Adopt Resolution No. 2025-147 Adopting the 2026 Fee Schedule**. Council Member Shuldes seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Ayes Council Member Ask, Council Member Gilbertson, Council Member Gardner,  
Council Member Fagerlie, Council Member Davis, Council Member Butterfield,  
Council Member Shuldes

Noes None

D. **Willmar Connect**

Operations Director Kyle Box provided updates on the Willmar Connect Broadband project and where things stand with the bid process, citing a delay due to the lowest bidder withdrawing their bid due to it not being complete. He anticipates bringing an action to the council for approval early in the new year.

E. **Terminate Build-to-Suit Lease with the Glacial Lakes Curling Club**

Parks and Rec Director Rob Baumgarn requested approval to formally terminate the build-to-suit lease agreement with the Glacial Ridge Curling Club since they have moved to a new location and are no longer renting space from the City of Willmar. Council Member Ask moved to **Terminate Build-to-Suit Lease with the Glacial Lakes Curling Club**. Council Member Gardner seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Ayes Council Member Ask, Council Member Gilbertson, Council Member Gardner,  
Council Member Fagerlie, Council Member Davis, Council Member Butterfield,  
Council Member Shuldes

Noes None

F. **Sale of Low-Potency Hemp Edible Retail 2026 Registrations**

City Clerk Vernae Larsen requested approval for the Sale of Low-Potency Hemp Edible Retail Registrations. Council Member Fagerlie moved to **Approve the Sale of Low-Potency Hemp Edible Retail 2026 Registrations**. Council Member Shuldes seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Ayes Council Member Ask, Council Member Gilbertson, Council Member Gardner,  
Council Member Fagerlie, Council Member Davis, Council Member Butterfield,  
Council Member Shuldes  
Noes None

**G. Sunday Liquor License Renewals for 2026**

City Clerk Vernae Larsen requested approval for the 2026 Sunday Liquor License Renewals, Pending Police Department Approval. Council Member Fagerlie made a motion to **Approve the Sunday Liquor License Renewals for 2026**. Council Member Butterfield seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Ayes Council Member Ask, Council Member Gilbertson, Council Member Gardner,  
Council Member Fagerlie, Council Member Davis, Council Member Butterfield,  
Council Member Shuldes  
Noes None

**H. Hire Consultant Dave Unmacht for Joint Session with WMU**

City Administrator Leslie Valiant provided information on the process taken by City staff and Willmar Municipal Utilities staff to find a suitable moderator. Administrator Valiant requested approval to enter into contract with Dave Unmacht to conduct joint work sessions with City Council and Willmar Municipal Utilities Commission. A motion was made by Council Member Gilbertson to **Adopt Resolution No. 2025-148 Approving the Hiring of Consultant Dave Unmacht for Joint Session with WMU**. Council Member Davis seconded the motion, which carried on a roll call vote of Ayes 6, Noes 1.

Ayes Council Member Ask, Council Member Gilbertson, Council Member Gardner,  
Council Member Davis, Council Member Butterfield, Council Member Shuldes  
Noes Council Member Fagerlie

**CLOSED SESSION**

**A. Minn. Stat. § 13D.05, subd. 3(c) — Property Located Under 1st Street Bridge**

A motion was made by Council Member Shuldes to enter **Closed Session pursuant to Minn. Stat. § 13D.05, subd. 3(c) to discuss the property located under the 1<sup>st</sup> Street Bridge**. Council Member Butterfield seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Ayes Council Member Ask, Council Member Gilbertson, Council Member Gardner,  
Council Member Fagerlie, Council Member Davis, Council Member Butterfield,  
Council Member Shuldes  
Noes None

The Council entered into closed session at 7:56pm. City Staff present were City Administrator Leslie Valiant, City Operations Director Kyle Box, City Planning and Development Director Christopher Corbett, City Clerk Vernae Larsen and City Attorney Robert Scott. **Closed Session concluded at 8:28 pm.**

With no further business to discuss, Council Member Fagerlie moved to **Adjourn at 8:29 p.m.** Council Member Butterfield seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Ayes Council Member Ask, Council Member Gilbertson, Council Member Gardner,  
Council Member Fagerlie, Council Member Davis, Council Member Butterfield,  
Council Member Shuldes

Noes None

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
CITY CLERK

RESOLUTION NO. 2025-139

RESOLUTION APPROVING DESIGNATING POLLING PLACES FOR ELECTIONS IN 2026

Motion By: Ask

Second By: Davis

BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, that the following buildings be designated as the official voting locations for the 2026 Elections:

FIRST WARD:	1 <sup>st</sup> Precinct	National Guard Armory 614 North Highway 71
	2 <sup>nd</sup> Precinct	Four Season Shelter, Robbins Island 945 Business Hwy 71 N
	3 <sup>rd</sup> Precinct	Word of Faith Family Church 3010 7 <sup>th</sup> Avenue Northwest
SECOND WARD:	1 <sup>st</sup> Precinct	St. Mary's Catholic Church 713 Southwest 12th Street
	2 <sup>nd</sup> Precinct	Vinje Lutheran Church 1101 Willmar Avenue Southwest
	3 <sup>rd</sup> Precinct	Rock of Life, CRC 1708 Southwest 8th Street
	4 <sup>th</sup> Precinct	Mail Ballot
THIRD WARD:	1 <sup>st</sup> Precinct	Refuge Church 1000 6 <sup>th</sup> Street Southeast
	2 <sup>nd</sup> Precinct	Highland Apartments 115 East Becker Avenue
	3 <sup>rd</sup> Precinct	Willmar Education and Arts Center 611 West 5th Street
FOURTH WARD:	1 <sup>st</sup> Precinct	Refuge Church 1000 6 <sup>th</sup> Street Southeast
	2 <sup>nd</sup> Precinct	Calvary Lutheran Church 302 Olena Avenue
	3 <sup>rd</sup> Precinct	First Covenant Church 801 Southwest Willmar Avenue

Dated this 15<sup>th</sup> day of December 2025.

Attest:

/S/ Douglas E. Reese  
MAYOR

/S/Vernae Larsen  
CITY CLERK

**RESOLUTION NO. 2025-140**

**REQUESTING THAT THE MINNESOTA GAMBLING CONTROL BOARD APPROVE THE APPLICATION FOR A PREMISE PERMIT FOR THE WILLMAR BASEBALL BOOSTER ASSOCIATION**

Motion By: Ask Second By: Davis

WHEREAS, the Willmar Baseball Booster Association has applied to the Minnesota Gambling Control Board to obtain a Premise Permit for a Gambling License at the Foxhole Brewhouse Inc., 905 Business Hwy 71 N, Willmar, Minnesota;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that the City approves of the Premise Permit for the Willmar Baseball Booster Association and respectfully requests that the State of Minnesota Gambling Control Board approve the Premise Permit to the Willmar Baseball Booster Association.

Dated this 15<sup>th</sup> day of December, 2025.

/S/ Douglas E. Reese  
MAYOR

ATTEST:

/S/Vernae Larsen  
CITY CLERK

**RESOLUTION NO. 2025-141**

**RESOLUTION GIVING THE CITY AUTHORITY TO MAKE ELECTRONIC FUND TRANSFERS FOR 2026**

Motion By: Ask Second By: Davis

WHEREAS, Minnesota Statute, Section 471.38 allows the use of electronic funds transfer for the following payments:

- a) for a claim for payment from an imprest payroll bank account or investment of excess money;
  - b) for a payment of tax or aid anticipation certificates;
  - c) for vendor payments;
  - d) for payment of bond principal, bond interest and a fiscal agent service charge from the debt redemption fund;
- and

WHEREAS, Section 471.38 requires that certain policy controls be enacted in order for a local government to utilize electronic funds transfer, including that the governing body annually delegates the authority to make electronic funds transfers to a designated business administrator or chief financial officer or the officer's designee.

NOW THEREFORE, BE IT RESOLVED, the City Council of the City of Willmar delegates the authority to make electronic funds transfers on behalf of the City to the City's Finance Director or their designee.

BE IT FURTHER RESOLVED, the Finance Director is directed to take all steps necessary for compliance with Minn. Stat. § 471.38.

Passed and adopted by the City Council on this 15<sup>th</sup> day of December 2025.

\_\_\_\_\_  
/S/ Douglas E. Reese  
Douglas Reese, Mayor

ATTEST:

\_\_\_\_\_  
/S/Vernae Larsen  
Vernae Larsen, City Clerk

**RESOLUTION NO. 2025-142**

**APPOINTING OFFICIAL DEPOSITORIES FOR CITY FUNDS FOR 2026**

Motion By: Ask Second By: Davis

WHEREAS, State Statutes require that the City designate general depositories for the City monies:

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF WILLMAR, MINNESOTA, that Heritage Bank, N.A. be designated as the official general depository for 2026 for the City's general operating checking accounts;

BE IT FURTHER RESOLVED that the following be designated as official depositories for the City's temporary investment program for 2026.

Old National Bank (Bremer Bank)	Bremer Wealth
U.S. BanCorp United	Wells Fargo Advisors.
Multi-Bank Securities	4-M
UBS	Moreton Capital Markets

BE IT FURTHER RESOLVED that investment counselors may be utilized for the acquisition of commercial paper, banker's acceptances, brokered CDs, taxable munis and governmental securities;

BE IT FURTHER RESOLVED that the designation of the foregoing depositories is contingent upon receipt by the City of Willmar of evidence of sufficient collateral in the amount and kinds as required by the State Statutes.

BE IT FURTHER RESOLVED, that the Finance Director shall have authority to wire transfer funds from one official depository to another for the purpose of investing City funds.

Where upon the Resolution was declared duly passed and adopted this 15<sup>th</sup> day of December 2025.

\_\_\_\_\_  
/S/ Douglas E. Reese  
Douglas Reese, Mayor

ATTEST:

\_\_\_\_\_  
/S/Vernae Larsen  
Vernae Larsen, City Clerk

**RESOLUTION NO. 2025-143**

**AUTHORIZATION TO EXECUTE AGREEMENT WITH SAFEASSURE CONSULTANTS, INC.**

Motion By: Ask Second By: Davis





**RESOLUTION NO. 2025-147**

**ESTABLISHES FEES FOR SERVICES, PERMITS, LICENSES,  
AND RATES FOR CITY EQUIPMENT**

Motion By:     Gilbertson                          Second By:     Shuldes    

WHEREAS, the City Council of the City of Willmar duly establishes fees for service, permits, licenses, and rates for city equipment.

NOW THEREFORE, BE IT RESOLVED, that the listed fees are duly adopted for the year 2026, and the same hereby ordered kept on file in the office of the City Clerk.

Passed and adopted by the City Council on this 15th day of December 2025.

    /S/ Douglas E. Reese      
MAYOR

ATTEST:

    /S/Vernae Larsen      
CITY CLERK

**RESOLUTION NO. 2025-148**

**AUTHORIZE CONTRACT WITH UNMACHT CONSULTING**

Motion By:     Gilbertson                          Second By:     Davis    

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Mayor and City Administrator to enter contract with Unmacht Consulting for the purpose of facilitating a Joint Work Session with the City Council and Willmar Municipal Utilities Commission for a not to exceed expense of \$6,250.

Dated this 15th day of December, 2025

    /S/ Douglas E. Reese      
Mayor

Attest:

    /S/Vernae Larsen      
City Clerk

**WILLMAR CITY COUNCIL PROCEEDINGS**

**City Hall**

**333 6th ST SW**

**WILLMAR MINNESOTA**

December 29, 2025

7:00 AM

The special meeting of the Willmar City Council was called to order by Mayor Douglas Reese. Members present on a roll call were Mayor Douglas Reese, Council Members Justin Ask, Audrey Nelsen, Steve Gardner, Vicki Davis, Tom Butterfield, and Carl Shuldes, Excused: Tom Gilbertson, and Rick Fagerlie, Present 7, Absent 2.

Also present were City Administrator Leslie Valiant, City Operations Director Kyle Box, Finance Director Tom Odens, Human Resource Director Alissa Gambrel.

**A. Resolution Approving 2026, 2027, and 2028 Base Pay**

Human Resource Director Alissa Gambrel presented the proposed Base Pay Structures reflecting a 4% increase for 2026, a 3½% increase for 2027, and a 3½% increase for 2028 for non-represented employees. Council Member Nelsen made a motion to **Adopt Resolution 2025-149 Approving the 2026, 2027, and 2028 Base Pay Structures as presented for non-represented employees**. Council Member Shuldes seconded the motion, which carried on a roll call vote of Ayes 6, Noes 0.

Ayes Council Member Ask, Council Member Nelsen, Council Member Gardner,  
Council Member Davis, Council Member Butterfield, Council Member Shuldes

Noes None

**B. Resolution Approving City Health Insurance Contributions in 2026, 2027, and 2028 For Nonunion City Employees**

Human Resource Director Alissa Gambrel presented the proposed City contributions and requested approval for the City Health Insurance Contributions in 2026, 2027, and 2028 for Non-union Employees. A motion was made by Council Member Shuldes to **Adopt Resolution 2025-150 Approving City Health Insurance Contributions in 2026, 2027, and 2028 For Nonunion City Employees**. Council Member Davis seconded the motion, which carried on a roll call vote of Ayes 6, Noes 0.

Ayes Council Member Ask, Council Member Nelsen, Council Member Gardner,  
Council Member Davis, Council Member Butterfield, Council Member Shuldes

Noes None

**C. Resolution Approving Labor Agreement and Memorandums of Understanding between the City of Willmar and Law Enforcement Labor Services, Inc.**

Human Resource Director Alissa Gambrel presented the Labor Agreement and Memorandums of Understanding between the City of Willmar and Law Enforcement

Labor Services, Inc. Following discussion, a motion was made by Council Member Gardner to **Adopt Resolution 2025-151 Approving Labor Agreement and Memorandums of Understanding between the City of Willmar and Law Enforcement Labor Services, Inc.** Council Member Butterfield seconded the motion, which carried on a roll call vote of Ayes 6, Noes 0.

Ayes Council Member Ask, Council Member Nelsen, Council Member Gardner, Council Member Davis, Council Member Butterfield, Council Member Shuldes  
Noes None

With nothing further to discuss, Council Member Nelsen moved to **Adjourn at 7:16 AM.** Council Member Shuldes seconded the motion, which carried on a roll call vote of Ayes 6, Noes 0.

Ayes Council Member Ask, Council Member Nelsen, Council Member Gardner, Council Member Davis, Council Member Butterfield, Council Member Shuldes  
Noes None

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MAYOR

Attest:

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CITY CLERK

CITY OF WILLMAR  
RESOLUTION NO. 2025-149

APPROVING 2026, 2027, AND 2028 BASE PAY STRUCTURES

WHEREAS, the City of Willmar City Council must approve base pay and other components of base pay for City of Willmar (City) employees for calendar years in which it has not taken formal action on such items; and

WHEREAS, the City approves such items through base pay structures.

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

The City Council approves the following:

1. City of Willmar's Base Pay Structures, which are attached hereto and incorporated herein by reference in their entirety, for:

- A. January 1, 2026 through December 31, 2026 (2026 BPS)
  - B. January 1, 2027 through December 31, 2027 (2027 BPS)
  - C. January 1, 2028 through December 31, 2028 (2028 BPS)
2. City of Willmar employees in the following positions will be subject to the 2026 BPS, 2027 BPS, and 2028 BPS:
- A. All positions in an appropriate unit represented by an exclusive representative who have executed an agreement agreeing to be subject to the 2026 BPS, 2027 BPS, and 2028 BPS.
  - B. All regular positions not represented by an exclusive representative.

Voting in Favor: Council Member Ask, Council Member Nelsen, Council Member Gardner, Council Member Davis, Council Member Butterfield, Council Member Shuldes

Voting Against: NONE

Resolution duly seconded and passed this 29<sup>th</sup> day of December, 2025.

/S/Vernae Larsen  
City Clerk

/S/ Douglas E. Reese  
Mayor

CITY OF WILLMAR  
RESOLUTION NO. 2025-150

APPROVING CITY HEALTH INSURANCE CONTRIBUTIONS IN 2026, 2027, AND 2028  
FOR NONUNION CITY EMPLOYEES

WHEREAS, the City of Willmar City Council must approve the City of Willmar's (City) contributions to health insurance for nonunion City employees for calendar years in which it has not taken formal action on such items.

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

1. In calendar years 2026, 2027, and 2028, the Employer will pay up to the following amounts monthly towards insurance premiums for calendar years 2026, 2027 and 2028, respectively, for Employees for either the single or family coverage chosen by the Employee within the health insurance plan offered by the Employer: (i) for single coverage, \$676.95 in 2026, \$710.79 in 2027, and \$746.43 in 2028; and (ii) for family coverage, \$1,849.14 in 2026, \$1,941.60 in 2027, and \$2,038.68 in 2028.
2. In calendar years 2026, 2027, and 2028, the Employer will deposit into the Employee's HSA the amount of \$250.00 each month for those enrolled in the single plan, and

\$500.00 each month for those enrolled in the family plan, chosen by the Employee within the HSA plan offered by the Employer. If the annual deductible for the HSA plan is greater than the annual contribution limit on health savings accounts, the difference will be paid to the Employee or their healthcare provider. If an Employee in the HSA plan experiences a hardship during the year, the Employee may appeal in writing to the City Administrator for the Employer's full annual contribution to be deposited into the Employee's health savings account.

3. In calendar year 2026, the Employer will pay up to the following amounts monthly towards insurance premiums for calendar year 2026 for Employees for either the employee+children or employee+spouse coverage chosen by the Employee within the health insurance plan offered by the Employer: (i) for employee+children coverage, \$1,255.26; and (ii) for employee+spouse coverage, \$1,387.23.
4. In calendar year 2026, the Employer will deposit into the Employee's HSA the amount of \$500.00 each month for those enrolled in either the employee+children or employee+spouse coverage, chosen by the Employee within the HSA plan offered by the Employer.

Voting in Favor: Council Member Ask, Council Member Nelsen, Council Member Gardner, Council Member Davis, Council Member Butterfield, Council Member Shuldes

Voting Against: NONE

Resolution duly seconded and passed this 29<sup>th</sup> day of December, 2025.

/S/Vernae Larsen \_\_\_\_\_  
City Clerk

/S/ Douglas E. Reese \_\_\_\_\_  
Mayor

CITY OF WILLMAR  
RESOLUTION NO. 2025-151  
APPROVING LABOR AGREEMENT AND MEMORANDUMS OF UNDERSTANDING  
BETWEEN THE CITY OF WILLMAR AND LAW ENFORCEMENT LABOR SERVICES,  
INC.

WHEREAS, Law Enforcement Labor Services, Inc. is the exclusive representative for certain City of Willmar employees;

WHEREAS, the current labor agreement between the City of Willmar and Law Enforcement Labor Services, Inc. expired on December 31, 2025;

WHEREAS, the City of Willmar and Law Enforcement Labor Services, Inc. met and negotiated over the terms of the new labor agreement and memorandums of understanding regarding court cancellation pay and City health insurance contributions for 2026, respectively, between the parties;

WHEREAS, the parties reached a tentative agreement of the terms of the new labor agreement and memorandums of understanding; and

WHEREAS, the Public Employment Relations Act requires that the City of Willmar execute a labor agreement and memorandums of understanding and implement them in the form of a resolution.

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

1. The Labor Agreement between City of Willmar and Law Enforcement Labor Services, Inc. for January 1, 2026 through December 31, 2028, which is attached hereto and incorporated herein by reference in its entirety, is approved.
2. The Memorandums of Understandings between City of Willmar and Law Enforcement Labor Services, Inc., which are attached hereto and incorporated herein by reference in their entirety, are approved
3. The City Clerk and Mayor must execute the agreement and memorandums of understanding
4. The City of Willmar must implement the agreement and memorandums of understanding.

Voting in Favor: Council Member Ask, Council Member Nelsen, Council Member Gardner, Council Member Davis, Council Member Butterfield, Council Member Shuldes

Voting Against: NONE

Resolution duly seconded and passed this 29<sup>th</sup> day of December, 2025

/S/Vernae Larsen  
City Clerk

/S/ Douglas E. Reese  
Mayor

**WILLMAR PLANNING COMMISSION  
WEDNESDAY, DECEMBER 17, 2025  
333 6<sup>TH</sup> STREET SW, CONFERENCE ROOM 1**

**MINUTES**

The Willmar Planning Commission met on Wednesday, December 17, 2025, at 6:00PM at City Hall.

**Members Present:** Gary Newberg; Stacy Holwerda; Bob Poe; and Christopher Buzzeo

**Members Absent:** Yvon Fils-Aime.

**Others Present:** Christopher Corbett (Planning Director); Christopher Frank (City Planner); Hietham Zemam (Applicant); Anwar Zemam (Applicant); Doug Fenstra (Applicant); Corey Ahrens (Commissioner Applicant).

1. Chairperson Buzzeo called for order at 6:02PM.
2. Roll Call.
3. Additions/Deletions: None.
4. Minutes:
  - 4.1. **Planning Commission Minutes for December 3, 2025:** Commissioner Newberg motioned to approve the Minutes for December 3, 2025, seconded by Commissioner Holwerda, and approved unanimously.
5. General Public Testimony: None.

**6. REGULAR BUSINESS**

**6.1 HEARING AND ACTION**

**6.1.1 CONDITIONAL USE PERMIT: TOBACCO SHOP – COBRA CORP.**

Location: 1305 1<sup>st</sup> S S, Suite 4A; Parcel #: 95-280-2450; Zone: GB-1; Ward 3

This item was tabled from the December 3, 2024, meeting to seek input from the Willmar Public School District. The Commission reviewed seven affirmative findings of fact required for approval under Section 9.E.3.

Staff shared correspondence from Dr. Adams (School District Superintendent) recognizing that this CUP decision is outside the jurisdiction of the school board and their beliefs should not dictate the decision, but also supporting the inclusion of specific provisions in the Conditional Use Permit (CUP) to address concerns regarding underage sales and advertising. Commissioners discussed the mechanism for revoking a CUP should these conditions be violated. It was noted that while underage sales are a legal matter, targeted advertising to minors could be a specific trigger for Planning Commission review and potential revocation.

**Commissioner Newberg motioned to approve the Conditional Use Permit with the additional condition that any violation of underage sale or targeted underage advertisement may be reviewed by the Planning Commission for revocation of this permit, seconded by Commissioner Holwerda. The motion passed by a unanimous vote of 4-0 (Commissioner Fils-Aime was not present).**

## 6.2 PLATS

None.

## 6.3 BRIEFINGS

None.

## 7. DIRECTOR'S REPORT

Director Corbett provided a 2025 year-end update on the Department of Planning and Development, including:

- **2025 Accomplishments:** Highlights included the adoption of the Comprehensive Plan, Safe Streets 4 All Plan, the Bike Pedestrian Trail Plan, and the launch of the "My Willmar" app and online permitting portal.
- **Regional Services:** The city expanded inspection services to Atwater, New London, and Kandiyohi through two-year contracts, generating revenue for the city.
- **2026 Priorities:** Major upcoming initiatives include a zoning code rewrite (starting January), a downtown improvement pilot project, and more intentional marketing of Industrial Park/publicly-owned land.
- **Budget:** The 2026 city operations budget and Capital Improvement Plan were recently approved.

## 8. MISCELLANEOUS

Commissioners requested future information regarding apartment occupancy rates and information on where new apartment occupancy was coming from (outside Willmar vs. in-Willmar house migration) in Willmar to assist in long-term planning for single-family housing needs.

Staff noted that training for the Planning Commission, potentially including City Council members, is planned for March or April 2025 to discuss roles/responsibilities and the potential merger with the Board of Zoning Appeals.

## 9. ADJOURN

**Commissioner Poe moved to adjourn the meeting, seconded by Commissioner Newberg, and passed unanimously. The meeting was adjourned at 6:41 PM.**



**WILLMAR MUNICIPAL UTILITIES COMMISSION**

Meeting Minutes – December 22, 2025

11:45 a.m. WMU Auditorium

The Willmar Municipal Utilities Commission met in regular session on Monday, December 22, 2025, at 11:45 a.m. in the WMU Auditorium. Commissioners present were John Kennedy, Dave Baumgart, Terrill Sieck, Carol Laumer, and Bruce DeBlieck. Commissioners absent were Patricia Elizondo and Shawn Mueske.

Staff present included General Manager Jeron Smith; Director of Administration Janell Johnson; Facilities & Maintenance Supervisor Kevin Marti; Finance & Office Services Supervisor Andrea Prekker; Information Systems Coordinator Mike Sangren; and Executive Secretary Abby Ahrendt. Also present were City Attorney Robert Scott (via teleconference) and Jennifer Kotila of the *West Central Tribune*.

Vice President Kennedy, serving as Acting President, called the meeting to order, followed by the Pledge of Allegiance. Kennedy asked if there were any requests or changes to the agenda. General Manager Smith noted that President Shawn Mueske, Commissioner Patricia Elizondo, and City Council Liaison Tom Gilbertson were excused. The meeting proceeded to the Consent Agenda. Following review and discussion, Commissioner DeBlieck moved, and Commissioner Baumgart seconded, to approve the Consent Agenda.

**RESOLUTION NO. 54**

BE IT RESOLVED by the Municipal Utilities Commission of the City of Willmar, Minnesota, that the Consent Agenda be approved as presented, including the following:

- ❖ Minutes from the December 8, 2025, MUC Meeting
- ❖ Bills represented by vouchers No. 20251882 through No. 20251924, including associated wire transfers, totaling \$2,591,310.45.

Dated this 22nd day of December, 2025.

\_\_\_\_\_  
President

Attest:

\_\_\_\_\_  
Secretary

The foregoing resolution was adopted by a vote of five ayes and zero nays.

Vice President Kennedy recognized Commissioners Terrill Sieck (2023–2025) and Bruce DeBlieck (2017–2025) for their years of service to the Commission. In the absence of President Mueske, Kennedy read a letter expressing appreciation for their dedication, consistent attendance, and leadership during critical times, noting their willingness to attend additional meetings and participate remotely when needed. The letter conveyed the Commission’s gratitude for their service and acknowledged the valuable counsel they provided throughout their tenures. Vice President Kennedy then presented each Commissioner with a plaque in recognition of their service.

Information Systems Coordinator Sangren presented the 2026 Pen Test Vendor Selection, noting that WMU has historically rotated vendors on a two-year cycle for penetration testing services. Sangren reviewed

competitive quotes received from NetSPI and FRSecure and recommended awarding a two-year contract to FRSecure in the amount of \$38,000, as the lower quoted vendor that could provide fresh perspectives on WMU's systems, with testing planned for July 2026. Following review and discussion, Commissioner Baumgart moved, and Commissioner Sieck seconded, to approve the recommendation.

**RESOLUTION NO. 55**

BE IT RESOLVED that the Willmar Municipal Utilities Commission approves the recommendation to award a two-year contract for penetration testing services for the 2026–2027 period to FRSecure for \$38,000 as presented by the Information Systems Coordinator.

Dated this 22nd day of December, 2025.

\_\_\_\_\_  
President

Attest:

\_\_\_\_\_  
Secretary

The foregoing resolution was adopted by a vote of five ayes and zero nays.

General Manager Smith presented the 2026 Electric Utility Reporting on Distributed Generation, explaining that the filing is required under Minnesota Rules and ensures WMU has updated rates, tariffs, and interconnection information on file for customers with distributed generation resources. Smith noted that the report is required to be filed with the Willmar Municipal Utilities Commission by January 2, 2026.

General Manager Smith presented the 2026 Municipal Utilities Commission meeting schedule. Commissioner Baumgart moved, and Commissioner Laumer seconded, to approve the schedule as presented. This motion passed unanimously.

Commissioner DeBlieck presented the Labor Committee meeting minutes from the December 11, 2025 meeting. He reviewed the Committee's discussion regarding the 2026 WMU Policies, the Memorandum of Understanding between Willmar Municipal Utilities and IBEW Local 160 related to Minnesota Paid Leave, and the General Manager's annual performance evaluation. Following review, Commissioner DeBlieck moved, and Commissioner Sieck seconded, to approve the Labor Committee meeting minutes from December 11, 2025. The motion passed unanimously.

Commissioner Laumer moved, and Commissioner Baumgart seconded, to approve the 2026 WMU Policies as recommended by the Labor Committee.

**RESOLUTION NO. 56**

BE IT RESOLVED that the Willmar Municipal Utilities Commission approves the 2026 WMU Policies as presented and recommended by the Labor Committee.

Dated this 22nd day of December, 2025.

\_\_\_\_\_  
President

Attest:

\_\_\_\_\_  
Secretary

The foregoing resolution was adopted by a vote of five ayes and zero nays.

Commissioner Baumgart moved, and Commissioner Sieck seconded, to approve the Memorandum of Understanding between Willmar Municipal Utilities and IBEW Local 160 regarding implementation of the Minnesota Paid Leave program for calendar year 2026.

**RESOLUTION NO. 57**

BE IT RESOLVED that the Willmar Municipal Utilities Commission approves the Memorandum of Understanding with IBEW Local 160 regarding Minnesota Paid Leave for calendar year 2026.

Dated this 22nd day of December, 2025.

\_\_\_\_\_  
President

Attest:

\_\_\_\_\_  
Secretary

The foregoing resolution was adopted by a vote of five ayes and zero nays.

Commissioner DeBlieck moved, and Commissioner Baumgart seconded, to approve the General Manager's performance review as recommended by the Labor Committee.

**RESOLUTION NO. 58**

BE IT RESOLVED that the Willmar Municipal Utilities Commission accepts the Labor Committee's determination that the General Manager's performance evaluation is satisfactory, with a COLA adjustment to be considered in accordance with the terms of the General Manager's employment agreement.

Dated this 22nd day of December, 2025.

\_\_\_\_\_  
President

Attest:

\_\_\_\_\_  
Secretary

The foregoing resolution was adopted by a vote of five ayes and zero nays.

General Manager Smith provided an update to the Commission, beginning with City Council actions. He reported that Commissioner Patricia Elizondo was reappointed by the City Council and noted the introduction by the City Council, of Municipal Utility Commission applicants including Steve Ammerman and Brad Michelson. Smith also reported that the City Council approved moving forward with a joint work session with Dave Unmacht, with staff interviews scheduled for early January. He provided an update on the implementation of CivicPlus, noting a target date of January 12, 2026 for use at the first Commission meeting of the new year. Smith reviewed highlights from the 2025 Regional Winter Assessment, discussed the Xcel Energy powerline maintenance project scheduled for 2026, and concluded by highlighting upcoming events, including MMUA Governance in Action on January 23, 2026, in St. Cloud, and the APPA Legislative Rally to be held in February 2026 in Washington, D.C.

Vice President Kennedy asked if there was any additional discussion. Hearing none, Commissioner Baumgart moved, and Commissioner DeBlieck seconded, to adjourn the meeting. The motion carried unanimously. The meeting adjourned at 12:22 p.m.

Respectfully submitted,  
WILLMAR MUNICIPAL UTILITIES

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Abby Ahrendt, Executive Secretary

ATTEST:

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Secretary



## City Council Action Request

<b>Council Meeting Date:</b>	January 5, 2026	<b>Agenda Item Number:</b>	5.E.
<b>Agenda Section:</b>	Consent Items	<b>Originating Department:</b>	Police Department
<b>Resolution:</b>	Yes	<b>Prepared By:</b>	Michael Holme, Police Chief
<b>Ordinance:</b>	No	<b>Presented By:</b>	Michael Holme, Police Chief
<b>Item:</b>	2026-2027 Humane Society Agreement		

**RECOMMENDED ACTION:**

Approve the 2026, 2027 Humane Society Agreement

**OVERVIEW:**

The City of Willmar has an agreement with the Hawk Creek Humane Society for impounding animals. The society provides a minimum of 8 dog runs and 8 cat cages for the City of Willmar. The fee charged includes the services for food, water, daily exercise, euthanasia and cremation if needed. The previous agreement was for two years; the 2024 annual fee was \$46,410 and the 2025 annual fee was \$48,034. The 2026 annual fee will remain the same as 2025 \$48,034 and the 2027 rate will increase 2.5% for a total annual fee of \$49,234.

**BUDGETARY/FISCAL ISSUES:**

2026 \$48,034 same as 2025  
 2027 \$49,234 a 2.5% increase

**ALTERNATIVES TO CONSIDER:**

Re-negotiate the contract proposal.

**ATTACHMENTS:**

1. Resolution No (Draft)
2. Humane Society DRAFT agreement 2026-2027 contract

**Resolution No. \_\_\_\_\_**

**A RESOLUTION APPROVING THE HUMANE SOCIETY AGREEMENT FOR 2026 AND 2027**

Motion By: \_\_\_\_\_ Second By: \_\_\_\_\_

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the terms with The Humane Society of Kandiyohi and Meeker Counties 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 Society for the terms and considerations of the contract in the amount of \$48,034 for 2026 and \$49,234 for 2027.

Dates this 5<sup>th</sup> day of January, 2026

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

## **AGREEMENT**

This Agreement is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2026 by and between THE HUMANE SOCIETY OF KANDIYOHI & MEEKER COUNTIES, a non-profit corporation under the laws of the State of Minnesota, (hereinafter "Society"), and the CITY OF WILLMAR, a municipal corporation under the laws of the State of Minnesota, (hereinafter "City").

WHEREAS, City is desirous of having a responsible party provide impounding of stray animals; and

WHEREAS, Society is desirous of providing such services to City; and

WHEREAS, the parties wish to reduce to writing their agreement for the provision of impounding services by Society to City;

NOW, THEREFORE, IT IS HEREBY AGREED by and between the parties hereto as follows:

1. Subject to the terms and conditions of this agreement. Society does hereby agree to provide impounding services of animals brought to it by City.
2. This agreement shall commence January 1, 2026 and shall terminate on December 31, 2027, subject to any extensions agreed to by the parties hereto.
3. The fees to be charged by the Humane Society for its services shall be \$48,034 for the 2026 calendar year. The fees charged by the Humane Society for its services shall be \$49,234 for the 2027 calendar year.
  - a. Fees for impounding an animal shall be determined by the Humane Society and paid by the owner of the animal directly to the Humane Society. If the animal is not claimed by the owner, there will be no impounding fee charged to the City.
  - b. The fee charged is to include services for the following: food, water, daily exercise, euthanasia, and cremation if needed.
4. Society agrees that labor to provide any of the services herein agreed to be provided by Society shall be provided by volunteers of Society or by paid employees of Society and there shall be no labor charges to City. The only fees to be charged to City are those enumerated in the preceding paragraph.
5. Society agrees that it will provide a minimum of eight dog runs and eight cat cages and further agrees to use its best efforts to accommodate more than eight dogs and eight cats whenever possible. City acknowledges that the Society will not provide after-hour emergency services and that City must make arrangements with other veterinarian service providers to provide after-hour services.

6. Society agrees that it will be open a minimum of 20 hours for pet owners to recover their pets during the five-day holding period required by city ordinance.
7. Society shall allow an access to the Society's building by the City's Police Department for impounding of animals when the building is not being staffed by Society's employees and volunteers.
8. Society agrees to provide accommodations for the required ten-day rabies observation period. Society will not be responsible for sending invoices to the Department of Health for rabies examinations. Sending of such invoices shall be the responsibility of the treating doctor of veterinary medicine.
9. City agrees to pay the monthly charges incurred for Society's services within 15 working days of receiving an itemized invoice from Society.
10. This agreement contains the entire agreement of the parties hereto and no amendments shall be effective unless in writing and signed by both of the parties hereto.

IN WITNESS WHEREOF, the Agreement has been executed the day and year first above written.

**CITY OF WILMAR**

By: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

Its: \_\_\_\_\_

**HUMANE SOCIETY OF KANDIYOHI COUNTY**

By: \_\_\_\_\_

Its: \_\_\_\_\_



**City Council Action Request**

<b>Council Meeting Date:</b>	January 5, 2026	<b>Agenda Item Number:</b>	5.F.
<b>Agenda Section:</b>	Consent Items	<b>Originating Department:</b>	Administration
<b>Resolution:</b>	No	<b>Prepared By:</b>	Allie Paulsen, Administrative Assistant
<b>Ordinance:</b>	No	<b>Presented By:</b>	
<b>Item:</b>	Municipal Utilities Commission Applicants		

**RECOMMENDED ACTION:**

Approve Steve Ammermann and Brad Michelson to the Municipal Utilities Commission

**OVERVIEW:**

Mayor Reese has approved forwarding Municipal Utilities Commission applicants Steve Ammermann and Brad Michelson.

**BUDGETARY/FISCAL ISSUES:**

**ALTERNATIVES TO CONSIDER:**

**ATTACHMENTS:**

1. Ammermann, Steve - Utility Commission
2. Michelson, Brad Application - Utility Commission

**Application for Appointment to  
City Board/Committee/Commission**

Please indicate the Board/Committee(s)/Commission(s) to which you are interested in being appointed. (If more than one, please number in order of choice.)

- \_\_\_\_\_ Airport Commission (meets monthly)
- \_\_\_\_\_ Cable Advisory Board (meets as needed)
- \_\_\_\_\_ Charter Commission (meets as needed)
- \_\_\_\_\_ Park and Recreation Board
- \_\_\_\_\_ City/County Economic Development Operations Board (meets monthly)
- \_\_\_\_\_ City of Willmar HRA
- \_\_\_\_\_ Human Rights Commission (meets as needed)
- X   \_\_\_\_\_ Municipal Utilities Commission (meets bi-monthly)
- \_\_\_\_\_ Pioneerland Library System Board (meets monthly)
- \_\_\_\_\_ Planning Commission (meets bi-monthly)
- \_\_\_\_\_ Police Civil Service Commission (meets first Monday in February each year and on as-needed basis thereafter)
- \_\_\_\_\_ Rice Memorial Hospital (meets bi-monthly)
- \_\_\_\_\_ Willmar Convention and Visitors Bureau
- \_\_\_\_\_ Zoning Appeals Board (meets monthly)
- \_\_\_\_\_ Ad hoc Task Forces (will be posted and will meet on an as-needed basis)

**Applicant Information**

Name: Steve Ammermann Date of Application: 12-9-25  
 Address: 300 16<sup>th</sup> Ave NE / Willmar Phone No. 320-894-8863  
(Certain Boards and Commissions may require that you are a resident of the City of Willmar)  
 Email: sammermann11@gmail.com

What prompted you to make application for a citizen committee? I was contacted from Kevin Marti and after discussion, agreed to apply.

Briefly tell us why you want to serve on this Board/Committee/Commission:  
The opportunity to contribute in a meaningful way by ensuring that the utility is reliable, affordable, and forward thinking.

List any special background or experience you have which would be helpful to this Board/Committee/Commission:

I enjoy problem solving and making decisions based on data, community input and long term planning.

List your educational background: Willmar Community Technical College  
Accounting Degree

List any social, fraternal, patriotic, governmental, or service organizations, which you have or currently are serving on:

See attachment of community involvement.

If you are employed, please provide the name and address of your employer and your position:

Retired May 2024 from the West Central Tribune  
as Publisher / GM. 42 years.

Please return completed application to:

Mayor's Office  
333 SW 6<sup>th</sup> Street  
Willmar, MN 56201

Or fax completed forms to:

(320) 235-4917

Or via email to:

Leslie Valiant, City Administrator  
[lvaliant@willmarmn.gov](mailto:lvaliant@willmarmn.gov)

**Steve Ammermann**

1981 Business Manager

1992 Assistant General Manager

2000 Publisher / General Manager

2023 Publisher, Central Lakes Group - Willmar, Alexandria and St. Cloud

**Community Involvement**

Willmar Lakes Area Chamber of Commerce - Board member and Treasurer

Kandiyohi County Area YMCA - Board member and President

Kandiyohi County Food Shelf - Board member and president

Willmar Kiwanis Club - member and president

Willmar Lakes Area Vision 2040 - Steering and executive committee

United Way of Kandiyohi County - Board member

Rice Health Foundation - Board member and Treasurer

Hwy 23 Coalition, board member

Willmar Area Development Corp - board member

Grow MN team member

MSHSL basketball referee

**Application for Appointment to  
City Board/Committee/Commission**

Please indicate the Board/Committee(s)/Commission(s) to which you are interested in being appointed. *(If more than one, please number in order of choice.)*

- \_\_\_\_\_ Airport Commission (meets monthly)
- \_\_\_\_\_ Cable Advisory Board (meets as needed)
- \_\_\_\_\_ Charter Commission (meets as needed)
- \_\_\_\_\_ Park and Recreation Board
- \_\_\_\_\_ City/County Economic Development Operations Board (meets monthly)
- \_\_\_\_\_ City of Willmar HRA
- \_\_\_\_\_ Human Rights Commission (meets as needed)
- X  \_\_\_\_\_ Municipal Utilities Commission (meets bi-monthly)
- \_\_\_\_\_ Pioneerland Library System Board (meets monthly)
- \_\_\_\_\_ Planning Commission (meets bi-monthly)
- \_\_\_\_\_ Police Civil Service Commission (meets first Monday in February each year and on as-needed basis thereafter)
- \_\_\_\_\_ Rice Memorial Hospital (meets bi-monthly)
- \_\_\_\_\_ Willmar Convention and Visitors Bureau
- \_\_\_\_\_ Zoning Appeals Board (meets monthly)
- \_\_\_\_\_ Ad hoc Task Forces (will be posted and will meet on an as-needed basis)

**Applicant Information**

Name: Brad Michelson Date of Application: November 17, 2025

Address: 1801 Hansen Dr SW, Willmar MN 56201 Phone No. (320) 428-1825  
(Certain Boards and Commissions may require that you are a resident of the City of Willmar)

Email: Brad.Michelson@icloud.com

What prompted you to make application for a citizen committee? I was asked if I had interest

Briefly tell us why you want to serve on this Board/Committee/Commission:

Willmar has been good for us. I have free time now and would like to give back to the community.

List any special background or experience you have which would be helpful to this Board/Committee/Commission:

~~I managed the Cash Wise store for its first 30 years. I worked for 12 years as a project superintendent building new stores and remodeling existing facilities in 5 states. I have worked with many city governments and I am interested in serving on the board.~~

---

List your educational background: High school and 3 1/2 years of college

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List any social, fraternal, patriotic, governmental, or service organizations, which you have or currently are serving on:

~~I have served on the Willmar Planning commission, Willmar fest committee, Ducks Unlimited, Vinje church council and numerous Service clubs~~

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If you are employed, please provide the name and address of your employer and your position:

I am retired.

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Please return completed application to:

Mayor's Office  
333 SW 6<sup>th</sup> Street  
Willmar, MN 56201

Or fax completed forms to:

(320) 235-4917

Or via email to:

Leslie Valiant, City Administrator  
[lvaliant@willmarmn.gov](mailto:lvaliant@willmarmn.gov)



**City Council Action Request**

<b>Council Meeting Date:</b>	January 5, 2026	<b>Agenda Item Number:</b>	5.G.
<b>Agenda Section:</b>	Consent Items	<b>Originating Department:</b>	Finance
<b>Resolution:</b>	No	<b>Prepared By:</b>	Tom Odens, Finance Director
<b>Ordinance:</b>	No	<b>Presented By:</b>	Vernae Larsen, City Clerk
<b>Item:</b>	Accounts Payable Report, 12/11/2025 - 12/31/2025		

**RECOMMENDED ACTION:**

Review and Approve Accounts Payable Listing

**OVERVIEW:**

**BUDGETARY/FISCAL ISSUES:**

Reduction of Departmental Budgets by amounts approved.

**ALTERNATIVES TO CONSIDER:**

**ATTACHMENTS:**

1. 12.11.25-12.31.25 Ck 76281-76415
2. EFT CK 630-633

# Vendor Payment Listing

December 11, 2025 thru December 31, 2025



VENDOR	NAME	INVOICE	CHECK NO	INVOICE NET	INVOICE DESCRIPTION
100075	AT&T MOBILITY	GBY112025	76281	41.92	FirstNet backups Nov
100375	KANDIYOHI CO-OP ELECTRIC POWER	STMT/12-25	76282	1,542.62	Kandi Co-op Electric
102593	LOFFLER COMPANIES	5208554	76283	127.72	CH Plotter prints
102593	LOFFLER COMPANIES	5211540	76283	268.11	Standalone printer prints
100541	MUNICIPAL UTILITIES	STMT/11-25	76284	41,770.83	Municipal Utilities Nov 2025
102915	VERIZON WIRELESS	6130552448	76285	2,387.82	Verizon Dec/Jan
104192	Aaron Reich	12192514290	76286	4,495.00	Scan Tool
104192	Aaron Reich	12192514294	76286	0.01	scan tool sub
104423	Abraham David Paquette	123025	76287	2,928.25	Reimbursement Chevy Avalanche
103696	ACE ROLLOFFS & DISPOSAL	234/12-25	76288	162.24	Garbage
103696	ACE ROLLOFFS & DISPOSAL	235/12-25	76288	184.93	Garbage Rec
103800	AFLAC	469933	76289	775.43	Premiums withheld from employees 12/26
104419	Agustín Ayala Díaz	122925	76290	1,500.00	Tree roots reimbursement sanitary line
103557	AMAZON CAPITAL SERVICES	1CHR-HCP7-L9M1	76291	8.19	Drain brush
103557	AMAZON CAPITAL SERVICES	111V-3C79-JV4V	76291	5.49	batteries
103557	AMAZON CAPITAL SERVICES	1PWG-RRFH-FIMJ	76291	7.81	beads
103557	AMAZON CAPITAL SERVICES	1WGN-HFQG-V1DJ	76291	41.56	(2) 10-pack 7' black patch cable
103557	AMAZON CAPITAL SERVICES	174C-YJY9-LQ49	76291	81.04	(4) iPhone 16 case
103557	AMAZON CAPITAL SERVICES	1R1M-NXFK-W4RW	76291	150.56	Caution Signs for Outdoor Rink
103557	AMAZON CAPITAL SERVICES	143N-VJL6-XM9X	76291	8.35	2m SC to SC fiber jumper
103557	AMAZON CAPITAL SERVICES	16GC-RX4H-DCH7	76291	405.00	TPMS Sensors
103557	AMAZON CAPITAL SERVICES	1XNL-TG3C-DR7C	76291	11.00	Replacement rear wiper for Explorer
103557	AMAZON CAPITAL SERVICES	199N-66RJ-FWJX	76291	20.79	Batteries
103557	AMAZON CAPITAL SERVICES	10QN-GVF7-F7XX	76291	20.79	Batteries
103557	AMAZON CAPITAL SERVICES	11GC-YLQG-4YMF	76291	120.96	Office Supplies
100057	AMERICAN WELDING & GAS INC	0011293463	76292	40.13	Cylinder rent
100057	AMERICAN WELDING & GAS INC	0011322112	76292	448.50	CERT Training
103845	ANDERSON/CALLA-SJEA	121525	76293	1,368.00	November volleyball camp registrations
100075	AT&T MOBILITY	87296610156X01032026	76294	1,488.35	FirstNet Nov/Dec
103610	AUSTIN INCORPORATED	50869	76295	120.00	Septic Pumping
103610	AUSTIN INCORPORATED	50877	76295	120.00	Septic Pumping
103610	AUSTIN INCORPORATED	50957	76295	120.00	Septic Pumping
100131	AVENU INSIGHTS & ANALYTICS	INVB-067855	76296	2,310.00	AS400 hosting - Dec
102266	AXON ENTERPRISE INC	INUS303011-2	76297	1,828.38	reissue ck 73193-Software Video player and editing
102860	BATTERY WHOLESAL INC	278166WIL	76298	63.27	LS UPS batteries
100103	BERNICK'S PEPSI-COLA CO	181949	76299	210.99	Coffee
101010	BOLTON & MENK INC	0382621	76300	16,322.75	Iverson Park LS prof. svcs
101010	BOLTON & MENK INC	0377121	76300	318.00	Gorton Ave Prof. Services
101010	BOLTON & MENK INC	0382428	76300	3,705.00	professional services Oct 25-Nov 21 2025
101010	BOLTON & MENK INC	0382438	76300	1,243.00	MPCA PFAS Source Id and Reduction Grant
101010	BOLTON & MENK INC	0382424	76300	1,404.00	2508 2025 Seal coat improvement
101010	BOLTON & MENK INC	0382432	76300	1,580.00	MS4 Administration
101010	BOLTON & MENK INC	0382419	76300	1,571.00	Professional Services Oct 25-Nov 21 2025
101010	BOLTON & MENK INC	0382427	76300	4,853.00	BNSF TH 40 Tile Repair
101010	BOLTON & MENK INC	0382433	76300	2,115.00	Outdoor Covered Rink
101010	BOLTON & MENK INC	0382430	76300	12,635.00	Fiber Network
101010	BOLTON & MENK INC	0382429	76300	2,813.50	Eagle Lake LS 7 8 9
101010	BOLTON & MENK INC	0382426	76300	2,657.50	2601-B 16th St SW Improvements
101010	BOLTON & MENK INC	0382421	76300	17,459.00	2501-B 4th Street SW Improvement
101010	BOLTON & MENK INC	0382418	76300	3,639.50	1st Street NE & Business 71 Mill
101010	BOLTON & MENK INC	0382420	76300	7,201.16	20th St SE and 2nd Ave SE
101010	BOLTON & MENK INC	0382415	76300	1,656.00	19th Ave Path Improvement
101010	BOLTON & MENK INC	0382413	76300	19,113.50	13th St SW, Grace Ave SW and Rice
101010	BOLTON & MENK INC	0382435	76300	2,140.50	2503-B St Improvement Project West
101010	BOLTON & MENK INC	0382423	76300	14,466.50	2504-B Lakeland Drive Path
101980	BSE	931689404	76301	146.55	Fastner Rack
103181	BULLET PROOF MECHANICAL SERV	12365	76302	296.00	Troubleshoot boiler
103181	BULLET PROOF MECHANICAL SERV	12348	76302	481.00	Work for the freezer
103960	BUREAU OF CRIM. APPREHENSION	00000892456	76303	1,560.00	CJDN Access Fee July 2025 to June 2026
103993	Calibrations and Controls, Inc.	INV-21875	76304	1,894.58	Headworks LEL meter repair
103993	Calibrations and Controls, Inc.	INV-21899	76304	2,840.00	Flow meter calibrations

# Vendor Payment Listing

December 11, 2025 thru December 31, 2025



VENDOR	NAME	INVOICE	CHECK NO	INVOICE NET	INVOICE DESCRIPTION
102336	CANON FINANCIAL SERVICES INC	42303583	76305	127.77	291358-2
102336	CANON FINANCIAL SERVICES INC	42303582	76305	140.23	291358-1
102336	CANON FINANCIAL SERVICES INC	42303586	76305	74.96	291358-5
102336	CANON FINANCIAL SERVICES INC	42303584	76305	134.15	291358-3
102336	CANON FINANCIAL SERVICES INC	42303585	76305	72.11	291358-4
103390	CENTRACARE	731914088	76306	76.00	Short physical P. Thein
104415	CENTROL Crop Consulting, Inc	4271	76307	288.00	Brush site compost testing
104248	Century Fence Company	258954301	76308	10,751.00	Fence installation at Sunrise dugouts
100154	CHAMBERLAIN OIL CO	534010-00	76309	463.27	Diesel Exhaust Fluid
100154	CHAMBERLAIN OIL CO	534378-00	76309	1,260.00	Grease pump headworks
100154	CHAMBERLAIN OIL CO	534009-00	76309	1,538.16	15w-40, 80w-90
100156	CHAPPELL CENTRAL INC	SVC-127698	76310	1,313.82	HVAC reappear
100736	CHARTER COMMUNICATIONS	175505001122125	76311	88.71	Dec/Jan TV
101708	CINTAS CORPORATION	5309207207	76312	121.00	First Aid Kits
104070	Column Software PBC	B15E1683-0117	76313	160.92	Publish Pet Licenses
104070	Column Software PBC	B15E1683-0118	76313	78.92	2nd Pet License Notice
104070	Column Software PBC	B15E1683-0120	76313	89.88	Codify Zoning Ordinance pulication
104070	Column Software PBC	B15E1683-0121	76313	242.08	Ord amend Charter sect 4.02 subd 8
104070	Column Software PBC	B15E1683-0122	76313	242.08	Ordinance amend Charter 4.02 sub 4
104070	Column Software PBC	B15E1683-0123	76313	228.72	Ord to amend Sect 4.06
104392	Community Broadband Action Network Corporation	1071	76314	6,937.50	Willmar Connect Engagement Nov 2025
103677	COORDINATED BUSINESS SYSTEMS	40706132	76315	136.78	CVB - Managed Print
103677	COORDINATED BUSINESS SYSTEMS	TNA125409	76316	256.97	CVB - Managed IT
103677	COORDINATED BUSINESS SYSTEMS	TNA125720	76316	244.00	CVB - Managed IT
102130	CORE & MAIN LP	Y269513	76317	673.18	Down town pipe repair
102130	CORE & MAIN LP	INV0023075	76317	536.94	Manhole Sledge Hammer
102293	DONOHUE & ASSOCIATES	14714-03	76318	10,788.00	JOTs BNR project
100212	DOOLEY'S PETROLEUM INC	1219252	76319	473.15	Plant gas
104183	DSC Communications	2509172	76320	6,078.50	(16) Siren batteries & truck charge
100222	DUININCK INC	568669	76321	1,724.65	Asphalt
100222	DUININCK INC	564815	76321	812.74	Robbins Island Beach/ Trails
100222	DUININCK INC	566782	76321	465.47	Class 2 for trail repairs
100222	DUININCK INC	566965	76321	1,100.00	road construction materials
100231	ED'S SERVICE CENTER & SALES	150411	76322	195.00	Tow for ICR 25005978 to Willmar Impound
104418	Energy Systems Consulting LLC	12182025WILLMAR-01A	76323	5,860.00	Generator repair
104418	Energy Systems Consulting LLC	12182025WILLMAR-02	76323	6,552.00	Generator CPU
103305	EPG MEDIA LLC	19945	76324	525.00	CVB - Advertising
102443	EXCEL OVERHEAD DOOR	45690	76325	38,380.00	public works garage door repairs
103002	FARM-RITE EQUIPMENT	P60649	76326	94.38	Filter
103002	FARM-RITE EQUIPMENT	P60853	76326	219.35	Oil/filter for toolcat
103002	FARM-RITE EQUIPMENT	P60900	76326	61.40	Fluid Oil
102484	FISCHER/BETH	12292025	76327	100.00	CVB - Cell Phone (Nov & Dec)
102973	FLEETPRIDE	130919964	76328	447.98	Filters
102973	FLEETPRIDE	130968645	76328	32.48	Filters
102973	FLEETPRIDE	131007038	76328	283.86	Filters
102973	FLEETPRIDE	131103283	76328	194.20	Filters
100274	FLOOR TO CEILING STORE	CG501359	76329	2,877.53	CVB - Backsplash
100274	FLOOR TO CEILING STORE	CG501602	76329	2,120.00	CVB - Stools
100274	FLOOR TO CEILING STORE	CG501480	76329	14,804.00	CVB - Tables & Chairs
100274	FLOOR TO CEILING STORE	CG501752	76329	1,118.00	CVB - Desk
100274	FLOOR TO CEILING STORE	CG501482	76329	1,353.00	CVB - Reception Desk
101791	FP MAILING SOLUTIONS	R1106889407	76330	188.16	Postage Machine Rental
103459	FRAMEWORK INC	004252	76331	1,500.00	CVB - Website Updates
100293	GENERAL MAILING SERVICES	75752	76332	10.12	postage 11/03/2025
100293	GENERAL MAILING SERVICES	75750	76332	38.99	General Mailing Services
100293	GENERAL MAILING SERVICES	75761	76332	31.16	POSTAGE 12/08-12/12/2025
100293	GENERAL MAILING SERVICES	75645	76332	178.41	POSTAGE 12/01-12/05/2025
100293	GENERAL MAILING SERVICES	75346	76332	72.34	CVB-Postage
100293	GENERAL MAILING SERVICES	75755	76332	49.08	CVB - Cases Postage
100293	GENERAL MAILING SERVICES	75809	76332	131.15	postage 12/15-12/19/25
100293	GENERAL MAILING SERVICES	75603	76332	27.44	Postage 11/24-11/28/2025

# Vendor Payment Listing

December 11, 2025 thru December 31, 2025



VENDOR	NAME	INVOICE	CHECK NO	INVOICE NET	INVOICE DESCRIPTION
100293	GENERAL MAILING SERVICES	75858	76332	212.71	postage 12/22-12/26/25
104286	Glacial Ridge Curling	238	76333	600.00	CVB - Advertising
102835	GOODIN COMPANY	5519860-00	76334	533.43	Reznor heater repair
102835	GOODIN COMPANY	5519860-01	76334	16.77	Reznor heater repair
100786	GRAINGER INC	9736726507	76335	175.35	Plant thermostat
100786	GRAINGER INC	9750883291	76335	209.17	General supplies
103608	GRAVE/MATTHEW L	121725	76336	427.00	Training Reimbursement
103765	HARRY'S FROZEN FOOD	83844	76337	402.50	Concessions
100324	HAUG IMPLEMENT CO - JOHN DEERE	540185	76338	1,986.68	Tractor service
102609	HAUG-KUBOTA LLC	28401	76339	176.32	3 point arms
102609	HAUG-KUBOTA LLC	28422	76339	61.92	Pins, Link Assy
100325	HAWKINS INC	7277486	76340	10,892.70	Muni ferric
100325	HAWKINS INC	7284721	76340	7,386.39	Polymer
100325	HAWKINS INC	7289169	76340	10,874.70	Ind. ferric
100327	HAYNES WINDOW CLEANING SERVICE	38309	76341	100.00	October & December window cleaning
102036	HEGLUND CATERING	16985	76342	262.38	CVB - Board Lunch
104417	Hesse Inc.	2058	76343	1,257.06	Brine Additive
100333	HILLYARD\HUTCHINSON	608000805-2	76344	(56.34)	Duplicate payment on check 75995
100333	HILLYARD\HUTCHINSON	606034862	76344	538.06	Toilet paper, hand soap, cleaning gloves, paper t
100333	HILLYARD\HUTCHINSON	606034762	76344	1,123.95	Cleaning Supplies
102486	IN CONTROL INC	S_INV03243	76345	3,443.63	Ferric control board
103404	JOHNSON CNTRLS FIRE PROTECTION	53537740	76346	1,053.59	Inspection
100378	KANDIYOHI CO PUBLIC HEALTH	122925	76347	555.00	License Renewal Swanson Field
100378	KANDIYOHI CO PUBLIC HEALTH	123025	76347	555.00	License Renewal Civic Center
100382	KANDIYOHI CO RECORDER'S OFFICE	712479	76348	46.00	Recorder Fees for Ag Deferred Spec Assess
103619	KANDIYOHI CO TREASURER	12112025	76349	19.32	Maintenance Overtime for City of Willmar Meeting
102498	KRIS ENGINEERING INC	42183	76350	7,367.72	Cutting Edges
103376	LLOYD SECURITY INC	1000006471	76351	318.00	Annual services
103226	LOCAL GOV'T INFORMATION SYS.	153046	76352	77.50	County domains LOGIS ESA whitelisting
103226	LOCAL GOV'T INFORMATION SYS.	153124	76352	222.00	LOGIS SIEM hosting
102593	LOFFLER COMPANIES	5199578	76353	34.45	CVB - Telephone Charges
102593	LOFFLER COMPANIES	571862739	76354	312.35	500-0757297-000
100427	MACQUEEN EQUIPMENT INC	P69112	76355	56.49	Wiper arm
101121	MAGNUSON SHEET METAL INC	1501	76356	220.00	Service
100435	MARC	0867169-IN	76357	2,309.22	Siliconized Release Agent 55
100438	MARCUS CONSTRUCTION CO INC	100-014693	76358	1,360.00	Community Center Design
102898	MATHESON TRI-GAS INC	0032531459	76359	79.20	Earplugs
100449	MENARDS	03846	76360	19.95	General supplies
100449	MENARDS	03850	76360	71.81	General supplies
100449	MENARDS	03890	76360	32.87	Painting supplies
100449	MENARDS	03920	76360	14.97	Batteries, Ice Melt
100449	MENARDS	04018	76360	59.97	Milkhouse heaters
100449	MENARDS	4148	76360	7.09	pvc and screws
100449	MENARDS	04145	76360	17.88	General supplies
100449	MENARDS	04182	76360	48.77	Heater, plunger
100449	MENARDS	04184	76360	59.97	Shower Head
100449	MENARDS	04137	76360	51.96	Spray bottle, CLR
100449	MENARDS	04152	76360	84.93	Mop, handle & bucket: Medical Building
100449	MENARDS	04618	76360	9.98	PVC
100449	MENARDS	03230	76360	438.06	Small Tools
100449	MENARDS	04457	76360	17.47	Brass Padlock and Frogtape
100449	MENARDS	04613	76360	144.99	Battery for biosolids truck
100449	MENARDS	3840	76360	53.48	Carpet threshold covers
100449	MENARDS	2706	76360	61.10	Mulch, brake cleaner
100449	MENARDS	1304	76360	28.76	Mouse traps, batteries
100449	MENARDS	1686	76360	42.21	Primer, pvc pipe, fittings
100449	MENARDS	581	76360	40.25	Brass fittings
100449	MENARDS	442	76360	39.41	RV antifreeze, caulking
100449	MENARDS	172	76360	29.94	RV antifreeze
102114	METRO CHIEF FIRE OFFICERS ASSN	2026	76361	100.00	F. Hanson 2026 Dues
103790	MILES PARTNERSHIP,LLP	123607	76362	2,800.00	CVB - Advertising

# Vendor Payment Listing

December 11, 2025 thru December 31, 2025



VENDOR	NAME	INVOICE	CHECK NO	INVOICE NET	INVOICE DESCRIPTION
103790	MILES PARTNERSHIP,LLLP	125727	76362	2,950.00	CVB - Advertising
103729	MILLS PARTS CENTER	6542841	76363	48.72	Exhaust Bracket
101805	MINI BIFF LLC	17971	76364	144.84	Mini Biff
102565	MINN WEST TECHNOLOGY CAMPUS	FT002605	76365	800.00	CVB - Security Deposit Suite 123
102565	MINN WEST TECHNOLOGY CAMPUS	3020178	76365	800.00	CVB - Rent
100480	MN CHIEFS OF POLICE ASSN	22810	76366	513.00	Membership for 2026 -Voting Dues
100480	MN CHIEFS OF POLICE ASSN	22825	76366	585.00	2026 Chief's Conference
101257	MN MUNICIPAL UTILITIES ASSN	67282	76367	50.00	Pre-Employment testing - T. Wubber
100513	MN RECREATION & PARK ASSN	11333	76368	175.00	Rec Coordinator Job Posting
100520	MN STATE FIRE CHIEFS ASSN	10444	76369	506.00	2026 Membership Dues
100873	MOTOR SPORTS OF WILLMAR	2512569	76370	223.96	Ranger oil change kits
100541	MUNICIPAL UTILITIES	STMT/11-2025	76371	50,450.76	Municipal Utilities November
100544	MVTL LABORATORIES INC	1337808	76372	314.25	Lab test's
100544	MVTL LABORATORIES INC	1338807	76372	58.25	Lab test
100544	MVTL LABORATORIES INC	1338728	76372	82.25	Lab test's
101627	NCL OF WISCONSIN INC	529015	76373	113.50	Lab supplies
102547	CARRANZA/NOE	290	76374	150.00	Interpreting services for ICR 25013029
102547	CARRANZA/NOE	291	76374	150.00	Interpreting services for ICR# 25011991
102547	CARRANZA/NOE	292	76374	150.00	Interpreting Services for ICR# 25013250
102547	CARRANZA/NOE	293	76374	150.00	Interpreting Services for Officer Cody Caron
103605	NORTH CENTRAL INTERNATIONAL	X201151319:01	76375	22.35	Brake Quick Release Valve
103605	NORTH CENTRAL INTERNATIONAL	R201004502:02	76375	1,608.48	Semi repair
101596	O & S CONSTRUCTION CO INC	CW1-25	76376	890.00	Dirt work for Civic Center fiber splicing
104252	PreCise MRM LLC	IN200-2010275	76377	100.00	Data plan for gps on snow rem. vehicles
100374	PREMIUM WATERS INC	330695189	76378	69.45	water
102719	PRO COLOR GRAPHICS	8494	76379	695.95	CVB - Exterior Sign
104416	Pro Hydro-Test, LLC	INV-1140	76380	6,245.00	SCBA Cylinder hydro testing
103529	PRO WATER SOLUTIONS	13615	76381	546.70	Service
103529	PRO WATER SOLUTIONS	13535	76381	630.00	Solar Salt
101093	QUICK SIGNS	183761	76382	616.00	signs with new logo
101093	QUICK SIGNS	183893	76382	2,046.00	CVB - Interior Sign
103867	RS AMERICAS INC	9021573519	76383	122.64	12vdc power supply
103867	RS AMERICAS INC	9021569166	76383	79.22	24vdc power supplies
103990	Schneck/Brady	122925	76384	215.45	Safety boots reimbursement
100685	SERVICE CENTER/CITY OF WILLMAR	STMT/11-25	76385	17,010.93	Unleaded and Diesel fuel November 2025
100275	SHI CORP	B20628475	76386	44,372.50	Office 365 FY25/FY26 renewal
103699	SILVA/AMBER	STMT/12-25	76387	961.63	Wellness Program December 2025
103302	STEELE/JASON	123125	76388	202.50	Safety boots Jason Steele
103256	STEINBEISSER AUTO REPAIR LLC	22252	76389	71.69	TPMS sensor
100188	STERLING WATER-MINNESOTA LLC	315X04333604	76390	19.45	Softener rental
100188	STERLING WATER-MINNESOTA LLC	315X04341805	76390	60.75	Softener salt
100161	SYSCO WESTERN MINNESOTA	353071252	76391	945.37	Concessions
100161	SYSCO WESTERN MINNESOTA	353066866	76391	756.76	Concessions
104381	Systematic Technologies, LLC	5.1223	76392	1,909.01	Door access system for trailhead
104381	Systematic Technologies, LLC	102	76392	1,157.46	Civic Center fiber splicing
104040	T-Mobile USA, Inc	L2512080111	76393	50.00	Warrant Search for Officer Cortez Arredondo
104422	The Jamar Company	281224	76394	8,075.00	Public Works Roofing Project
103375	TITAN MACHINERY	PS1027473-1	76395	3,940.10	Snow Pusher Parts
102583	TORKELSON'S LOCK SERVICE	25-631	76396	646.00	Locks for offices
102674	TOWMASTER	90003698	76397	387.30	Crosby Shackle
102674	TOWMASTER	90003706	76397	195.96	Rocker Switch's
102674	TOWMASTER	90004093	76397	165.77	Return Spring
103795	TYLER TECHNOLOGIES, INC	CI100-00228899	76398	136,777.20	Tyler Technologies FY25/26 renewal
100165	ULTIMATE SAFETY CONCEPTS INC	220415	76399	333.78	Cal gas ammonia
101286	UNCOMMON USA INC	1343111-IN	76400	44.00	Flag
103143	US BANK EQUIPMENT FINANCE	571488584	76401	751.80	500-0664928-000/001
100777	VIKING COCA-COLA BOTTLING CO	3812715	76402	1,935.25	Concession supplies
100777	VIKING COCA-COLA BOTTLING CO	3756465	76402	1,005.50	Concession supplies
100777	VIKING COCA-COLA BOTTLING CO	3764455	76402	709.05	Vending
100777	VIKING COCA-COLA BOTTLING CO	3768246	76402	304.25	Concessions
100777	VIKING COCA-COLA BOTTLING CO	3759693	76402	1,089.55	Concessions

# Vendor Payment Listing

December 11, 2025 thru December 31, 2025



VENDOR	NAME	INVOICE	CHECK NO	INVOICE NET	INVOICE DESCRIPTION
104334	Vinco, Inc	65138	76403	4,042.93	Electrical Repairs
102868	WALT'S	121925	76404	66.63	Gas
100798	WEST CENTRAL ELECTRIC SUPPLY	1303205-0001-01	76405	21.00	PLC fuses
100798	WEST CENTRAL ELECTRIC SUPPLY	1303329-0001-01	76405	266.25	Timeclock for Outdoor Rink
100803	WEST CENTRAL PRINTING	25627	76406	439.93	Printing of OT Slips, Door Hangers, Prop Inv Sheet
102689	WILLMAR AUTO VALUE	22590957	76407	9.98	Light Bulb
102689	WILLMAR AUTO VALUE	22591316	76407	25.47	(3) mini blade fuses' to have on hand
102689	WILLMAR AUTO VALUE	22591647	76407	389.97	Batteries
102689	WILLMAR AUTO VALUE	22591530	76407	18.95	Bung Wrench
102689	WILLMAR AUTO VALUE	22592409	76407	54.97	Wiper blade, Windshield Glue
102689	WILLMAR AUTO VALUE	22592429	76407	249.99	Brake Parts
102689	WILLMAR AUTO VALUE	22592125	76407	40.79	Hyd. Fitting
102689	WILLMAR AUTO VALUE	22592097	76407	244.74	Hyd. Fittings
102689	WILLMAR AUTO VALUE	22592216	76407	222.75	Battery
102689	WILLMAR AUTO VALUE	22592427	76407	49.99	Rear brake pads
102689	WILLMAR AUTO VALUE	22592584	76407	259.98	Battery's
102689	WILLMAR AUTO VALUE	22592940	76407	204.75	Battery
102689	WILLMAR AUTO VALUE	22593518	76407	192.84	hyd Fittings
102689	WILLMAR AUTO VALUE	22593030	76407	299.98	Brake pads and rotors
102689	WILLMAR AUTO VALUE	22593515	76407	(77.78)	core return
102689	WILLMAR AUTO VALUE	22592960	76407	152.99	Fan Assembly
102689	WILLMAR AUTO VALUE	22593026	76407	492.76	Serpentine Belt kit, alternator
102689	WILLMAR AUTO VALUE	22593129	76407	(78.98)	Return belt and tensioner
102689	WILLMAR AUTO VALUE	22593025	76407	57.99	Belt tensioner
102689	WILLMAR AUTO VALUE	22593024	76407	20.99	Serpentine Belt
102689	WILLMAR AUTO VALUE	22593130	76407	212.89	Battery's, shop supplies
102689	WILLMAR AUTO VALUE	22594005	76407	121.33	battery
102689	WILLMAR AUTO VALUE	22593532	76407	80.99	Pressure Switch
102689	WILLMAR AUTO VALUE	22594003	76407	(80.99)	Return pressure switch
102689	WILLMAR AUTO VALUE	22594007	76407	55.99	Wiper blade
102689	WILLMAR AUTO VALUE	22593848	76407	4.90	General supplies
102689	WILLMAR AUTO VALUE	22593850	76407	5.49	General supplies
102689	WILLMAR AUTO VALUE	22594123	76407	97.81	Def Filter
102689	WILLMAR AUTO VALUE	22593185	76407	1.00	Parts
100812	WILLMAR CHAMBER OF COMMERCE	12012025	76408	14,595.56	CVB - Monthly Nov bills and rent for Dec
100812	WILLMAR CHAMBER OF COMMERCE	59282	76408	70.62	CVB - Nov Mail, Recycling, and Internet
100812	WILLMAR CHAMBER OF COMMERCE	59283	76408	7,690.66	CVB - Credit Card 10/17/25-12/03/25
100812	WILLMAR CHAMBER OF COMMERCE	12292025	76408	3,638.42	CVB credit card charges
103557	AMAZON CAPITAL SERVICES	1MVN-RPGV-6R63	76409	789.00	Drone and 3 batteries
101010	BOLTON & MENK INC	0382436	76410	27,706.29	2503-C Street improvement Tech Dr
104424	Heartland Construction LLC	534	76411	49,078.00	East Wall Repairs Civic Center
103075	HORIZON COMMERCIAL POOL SUPPLY	INV124885	76412	80,783.00	Pool Slide and Down Payment on Sand Filter
102547	CARRANZA/NOE	294	76413	225.00	Interpreting Services for Officer Hay
103109	RDO EQUIPMENT CO	E0354511	76414	44,400.00	Maxxpro live edge snow pusher
102689	WILLMAR AUTO VALUE	22593134	76415	18.99	Classical Section
<b>Total</b>				<b>907,292.95</b>	

# Vendor Payment Listing

December 11, 2025 thru December 31, 2025



VENDOR	NAME	INVOICE	CHECK NO	INVOICE NET	INVOICE DESCRIPTION
100492	MN DEPT OF REVENUE	STMT/12-25	630	3,088.11	Sales and Fuel Tax
100467	CENTERPOINT ENERGY	STMT/11-2025	631	5,832.89	Natural Gas November
103996	UBS Financial Services, INC	122625	632	3,000,000.00	UBS Money Market Investment
102365	CARDMEMBER SERVICE	STMT/11-25	633	6,429.78	BREMER BANK CREDIT CARD STATEMENT NOV 2025
			<b>Total</b>	<b>3,015,350.78</b>	



**City Council Action Request**

<b>Council Meeting Date:</b>	January 5, 2026	<b>Agenda Item Number:</b>	5.H.
<b>Agenda Section:</b>	Consent Items	<b>Originating Department:</b>	Administration
<b>Resolution:</b>	No	<b>Prepared By:</b>	Allie Paulsen, Administrative Assistant
<b>Ordinance:</b>	No	<b>Presented By:</b>	
<b>Item:</b>	Review Rice Memorial Hospital Board Applicant		

**RECOMMENDED ACTION:**

For Council to review William Fenske's application for the Rice Memorial Hospital Board

**OVERVIEW:**

Mayor Reese has put forth Rice Memorial Hospital Board applicant, William Fenske, for Council review.

**BUDGETARY/FISCAL ISSUES:**

**ALTERNATIVES TO CONSIDER:**

**ATTACHMENTS:**

1. Fenske, William Rice Memorial Hospital Board

# APPLICATION FOR APPOINTMENT TO CITY BOARD/COMMITTEE/COMMISSION ('22)

Print

Del

**Submitted by:** William Fenske

**Submitted On:** 2025-12-16 13:54:12

**Submission IP:** 75.143.136.193 (172.31.27.87)  
proxy-IP (raw-IP)

**Status:** Open

**Priority:** Normal

**Assigned To:** Allie Paulsen

**Due Date:** Open



## APPLICATION FOR APPOINTMENT TO CITY BOARD/COMMITTEE/COMMISSION

333 Southwest 6th Street, Willmar, MN 56201 | 320-235-8311 | Fax: 320-235-4917

Please indicate the Board/Committee(s)/Commission(s) to which you are interested in being appointed. You may select more than one.

\* Please indicate the Board/Committee(s)/Commission(s) to which you are interested in being appointed. You may select more than one.

- Airport Commission (meets monthly)
- Cable Advisory Board (meets as needed)
- Charter Commission (meets as needed)
- Park and Recreation Board
- City/County Economic Development Operations Board (meets monthly)
- Human Rights Commission (meets as needed)
- Municipal Utilities Commission (meets bi-monthly)
- Pioneerland Library System Board (meets monthly)
- Planning Commission (meets bi-monthly)
- Police Civil Service Commission (meets first Monday in February each year and on as-needed basis thereafter)
- Willmar Convention and Visitors Bureau
- Ad hoc Task Forces (will be posted and will meet on an as-needed basis)
- Zoning Appeals Board
- Downtown Willmar (DTW)

If you are currently in this Board/Committee/Commission, are you applying for reappointment to serve another term?

- Yes
- No, I have not served this Board/Committee/Commission

### APPLICANT INFORMATION

Date	* First Name	* Last Name
12/16/2025	William	Fenske

Format: MM/DD/YYYY

**\* Address**

1801 3rd St NE

**\* City**

Willmar

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**\* Phone**

3208941184

Phone

**\* Email**

fenskeb13@gmail.com

Email

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**\* What prompted you to make application for a citizen committee?**

This application is for the Rice Memorial Hospital Board. Seeking to continue my service to the community and having retired from Rice I viewed this as a way I could continue to serve with my expertise.

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**\* Briefly tell us why you want to serve on this Board/Committee/Commission:**

Having retired from Rice a few years ago, my passion still is with Rice and with healthcare. I care deeply about Rice and its continued success and believe I have more to offer Rice and am willing to serve in this position.

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**\* List any special background or experience you have which would be helpful to this Board/Committee/Commission:**

I have over 30 years of healthcare executive experience including 14 years at Rice Memorial Hospital and continue my passion for healthcare as I currently teach healthcare administration at multiple master level programs.

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**\* List your educational background**

I have a BS from Southwest MN State University, an MBA from the University of MN, and Doctor of Business Administration degree from Metro State University.

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**\* List any social, fraternal, patriotic, governmental, or service organizations, which you have or currently are serving on:**

I have volunteered for numerous organizations in the community and had previously belonged to Rotary. I continue to serve at Calvary Lutheran Church.

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**\* If you are employed, please provide the name and address of your employer and your position:**

State of MN - College Instructor/Professor

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### City of Willmar Monthly Permit Reports December 2025

Permit Number	Address	Permit Type	Permit Work Class	Permit Issue Date	Permit Valuation	Parcel #
RMECH-2025-0116	620 19th St SE	Residential Mechanical	Mechanical	12/2/2025	\$16,913.36	95-229-0100
BLDR-2025-0310	1301 29th St NW	Residential	Alteration/Remodel	12/5/2025	\$6,500.00	95-135-0090
RMECH-2025-0117	500 14th St SE	Residential Mechanical	Mechanical	12/5/2025	\$5,000.00	95-184-0910
RPLUMB-2025-0026	1301 29th St NW	Residential Plumbing	Plumbing	12/5/2025	\$900.00	95-135-0090
RMECH-2025-0121	705 Augusta Ave SE	Residential Mechanical	Mechanical	12/5/2025	\$15,750.00	95-660-0100
BLDR-2025-0308	813 5th St SE	Residential	Residing	12/8/2025	\$7,500.00	95-250-0490
BLDR-2025-0311	208 Becker Ave SE	Residential	Demolition	12/8/2025	\$6,205.00	95-740-0640
RMECH-2025-0120	1301 17th St SW	Residential Mechanical	Mechanical	12/5/2025	\$7,000.00	95-921-5720
BLDC-2025-0066	420 30th St NW	Commercial	Alteration/Remodel	12/10/2025	\$2,900.00	95-909-0160
RMECH-2025-0122	1802 7th St SW	Residential Mechanical	Mechanical	12/11/2025	\$5,000.00	95-922-6610
RMECH-2025-0119	425 Benson Ave SW	Residential Mechanical	Mechanical	12/12/2025	\$13,297.00	95-003-3280
RMECH-2025-0118	357 14th St SE	Residential Mechanical	Mechanical	12/12/2025	\$5,738.00	95-150-0020
RMECH-2025-0114	1704 Richland Ave SW	Residential Mechanical	Mechanical	12/12/2025	\$4,716.00	95-868-0450
BLDC-2025-0064	360 45th St NW	Commercial	Addition	12/12/2025	\$99,500.00	33-007-0105
RMECH-2025-0123	1607 8th St SW	Residential Mechanical	Mechanical	12/12/2025	\$7,200.00	95-664-0370
FIRE-2025-0013	1605 1st St S	Fire Alarm	Fire Alarm	12/15/2025	\$4,500.00	95-923-8640
BLDC-2025-0065	1605 1st St S	Commercial	Alteration/Remodel	12/15/2025	\$7,000.00	95-923-8640
BLDR-2025-0313	1013 Lakeland Dr NE	Residential	Alteration/Remodel	12/16/2025	\$4,000.00	95-911-0605
RPLUMB-2025-0027	2205 20th Ave SW	Residential Plumbing	Plumbing	12/24/2025	\$1,925.69	95-601-0028
RPLUMB-2025-0025	821 6th St SW	Residential Plumbing	Plumbing	12/2/2025	\$800.00	95-090-0490
BLDR-2025-0309	821 6th St SW	Residential	Alteration/Remodel	12/5/2025	\$13,400.00	95-090-0490
BLDC-2025-0067	1017 1st St S	Commercial	Re-Roof	12/16/2025	\$41,000.00	95-252-0080
RMECH-2025-0124	1508 15th Ave SW	Residential Mechanical	Mechanical	12/31/2025	\$5,128.00	95-863-0560
RMECH-2025-0125	2531 7th Ave SE	Residential Mechanical	Mechanical	12/31/2025	\$5,319.00	95-668-4990
RMECH-2025-0126	309 Vos Park Dr NW	Residential Mechanical	Mechanical	12/31/2025	\$5,618.00	95-835-0070
RMECH-2025-0127	2200 6th Ave SE	Residential Mechanical	Mechanical	12/31/2025	\$5,003.00	95-668-0520

**26 Total Permits**

**Total Valuation: \$297,813.05**

**YTD Permits: 701**

**YTD Valuation: \$59,103,338.18**



**City Council Action Request**

<b>Council Meeting Date:</b>	January 5, 2026	<b>Agenda Item Number:</b>	9.A.
<b>Agenda Section:</b>	Public Hearing:	<b>Originating Department:</b>	Planning and Development
<b>Resolution:</b>	No	<b>Prepared By:</b>	Christopher Corbett, Planning and Development Director
<b>Ordinance:</b>	Yes	<b>Presented By:</b>	Christopher Corbett, Planning and Development Director , Robert Scott, City Attorney
<b>Item:</b>	Consideration to Amend Section 4.02, Subdivision 4 of the City Charter		

**RECOMMENDED ACTION:**

Motion by \_\_\_\_\_ Second by \_\_\_\_\_ to approve, by ordinance, amending City of Willmar Charter Section 4.02, Subdivision 4 to modify the duties of the Planning Commission with regard to recommending the capital improvements.

Motion by \_\_\_\_\_ Second by \_\_\_\_\_ to publish the ordinance.

**OVERVIEW:**

The proposed amendment to Section 4.02, Subdivision 4 of the City Charter would require the Planning Commission to review the Capital Improvement Plan (CIP) to ensure its consistency with the City’s Comprehensive Plan. This provision aligns with Minn. Stat. 462.356, which directs planning commissions to issue findings on whether proposed public improvements comply with adopted comprehensive plans.

The amendment has the support of the Planning Commission and was approved by the City Charter Commission on October 28, 2025.

**BUDGETARY/FISCAL ISSUES:**

None.

**ALTERNATIVES TO CONSIDER:**

Request more information.

**ATTACHMENTS:**

1. Charter Amendment Ordinance - PC CIP Changes

2. PC Letter of Support for 2025 Charter Amendments

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING SECTION 4.02  
OF THE CHARTER OF THE CITY OF WILLMAR

WHEREAS, Pursuant to Minn. Stat. § 410.12, subd. 7, the Charter Commission for the City of Willmar convened on October 28, 2025, and at such meeting recommended that the City Council of the City of Willmar enact a charter amendment by ordinance pursuant to which Section 4.02 of the Willmar Charter be amended to modify the duties of the Planning Commission in regards to recommending the capital improvements.

WHEREAS, the City Council of the City of Willmar received the above-mentioned recommendation of the Charter Commission when it received the draft minutes of the Charter Commission's \_\_\_\_\_, 2025 meeting at the City Council's \_\_\_\_\_, 2025, regular meeting.

NOW THEREFORE, THE CITY OF WILLMAR HEREBY ORDAINS:

Section 1. AMENDMENT OF CHARTER SECTION 4.02. Article IV, Section 4.02 of the Willmar Charter, is hereby amended as follows (deleted material is crossed out; new material is underlined; sections and subsections not being amended are omitted):

**Section 4.02. – The Planning Commission.**

Subdivision 4. Recommended capital improvements. The Commission shall review the City of Willmar's, and as applicable, the Municipal Utilities Commission's and Rice Memorial Hospital Board's recommended capital improvements report(s) containing recommended capital improvements which are necessary or desirable in the forthcoming five (5) year period. The report shall include estimated budget requirements for such improvements, and it may contain a priority list and an arrangement of such improvements with respect to the year they are recommended to begin. The Commission shall submit a report to the City Council of the Commission's findings as to compliance of the proposed capital improvements with the comprehensive municipal plan. Failure of the Commission to report on the submission within 30 days after such a reference, or such other period as may be designated by the City Council, shall be deemed to have satisfied the requirements of this subdivision. The City Council may, by resolution adopted by two-thirds vote, dispense with the requirements of this subdivision when in its judgment it finds that the proposed capital improvement has no relationship to the comprehensive municipal plan. ~~The Commission shall submit a response to the body that prepared the report stating whether, in the opinion of the Commission, the recommended capital improvements are necessary or desirable in the forthcoming five (5) year period, provided that in the event that the Commission shall have failed to act thereon within a period of sixty (60) days after the adoption of the motion or resolution submitting or referring it to the Commission, the report shall be deemed to have been approved by the Commission as submitted.~~

Section 2. EFFECTIVE DATE. Pursuant to Minn. Stat. § 410.12, subd. 7, this ordinance shall be effective 90 days after its adoption and second publication.

Passed by the City Council of the City of Willmar this \_\_\_ day of \_\_\_\_\_, 2025.

ATTEST:

\_\_\_\_\_  
Verna Larsen, City Clerk

\_\_\_\_\_  
Douglas E. Reese, Mayor

VOTE:        \_\_\_ SHULDES \_\_\_ GILBERTSON \_\_\_ DAVIS \_\_\_ GARDNER  
             \_\_\_ FAGERLIE \_\_\_ ASK \_\_\_ BUTTERFIELD \_\_\_ NELSEN

This Ordinance introduced by Council Member: \_\_\_\_\_

This Ordinance introduced on: \_\_\_\_\_

This Ordinance published on: \_\_\_\_\_

This Ordinance given a hearing on: \_\_\_\_\_

This Ordinance adopted on: \_\_\_\_\_

This Ordinance published on: \_\_\_\_\_



333 6<sup>th</sup> Street Southwest | Willmar MN 56201 | 320.235.4913

December 3, 2025

**Subject: Willmar Planning Commission Recommendation of Proposed City Charter Amendments to City Council**

Dear Honorable Members of the City Council,

The Willmar Planning Commission is recommending approval of the proposed amendments to the City Charter that came before the Willmar City Council at the November 3, 2025 meeting. These amendments regarding the functions of the volunteer Planning Commission would improve the clarity, effectiveness, and efficiency of the Planning Commission's duties.

The proposed amendments to redefine the roll of the Planning Commission regarding the capital improvement plan (CIP) and land transactions have been requested by this Commission multiple times over the past few years in effort to clarify the Commission's duty regarding these items.

The current language in the City Charter is unclear as to the method of recommendation or approval that is needed by the Commission for the above referenced items. The Commission is unclear whether the items should be evaluated for their effectiveness, price, benefits, rationale, etc. Furthermore, the Commission is not involved in the negotiations or informative work sessions for these items to provide the requisite knowledge for effective decision-making.

The proposed amendment would clarify the Commission's duty to review and report on the items within the context of their correlation with the Comprehensive Plan and align with the state statutory requirements for Planning Commission review.

The Planning Commission also understands the Board of Zoning Appeals (BZA) has struggled to maintain an effective level of members and this Commission accepts the roles and responsibilities of the BZA if it were to be merged with the Planning Commission. This Commission would also welcome the additional members from the BZA joining this body.

Based on our review of the proposed language of the City Charter amendments, the Planning Commission has concluded that this change would be beneficial to the operation of this Commission.

Dated: 12/3/2025

Christopher Buzzeo, Chairperson

Attest:

Stacy Holwerda, Secretary



### City Council Action Request

<b>Council Meeting Date:</b>	January 5, 2026	<b>Agenda Item Number:</b>	9.B.
<b>Agenda Section:</b>	Public Hearing:	<b>Originating Department:</b>	Planning and Development
<b>Resolution:</b>	No	<b>Prepared By:</b>	Christopher Corbett, Planning and Development Director
<b>Ordinance:</b>	Yes	<b>Presented By:</b>	Christopher Corbett, Planning and Development Director , Robert Scott, City Attorney
<b>Item:</b>	Consideration to Amend Section 4.02, Subdivision 8 of the City Charter		

**RECOMMENDED ACTION:**

Motion by \_\_\_\_\_ Second by \_\_\_\_\_ to approve the ordinance, amending City of Willmar Charter Section 4.02, Subdivision 8 to modify the duties of the Planning Commission regarding the acquisition, sale, transfer or termination of public lands, buildings and property.

Motion by \_\_\_\_\_ Second by \_\_\_\_\_ to publish the ordinance.

**OVERVIEW:**

The proposed amendment to Section 4.02, Subdivision 8 of the City Charter would require the Planning Commission to review all proposed purchases and sales of property for consistency with the City’s Comprehensive Plan. This provision mirrors Minn. Stat. 462.356, which directs planning commissions to issue findings on whether acquisitions and dispositions align with adopted comprehensive plans.

The amendment has the support of the Planning Commission and was approved by the City Charter Commission on October 28, 2025.

**BUDGETARY/FISCAL ISSUES:**

None.

**ALTERNATIVES TO CONSIDER:**

Request more information.

**ATTACHMENTS:**

1. Charter Amendment Ordinance - Subd 8 Real Estate etc

2. PC Letter of Support for 2025 Charter Amendments

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING SECTION 4.02  
OF THE CHARTER OF THE CITY OF WILLMAR

WHEREAS, Pursuant to Minn. Stat. § 410.12, subd. 7, the Charter Commission for the City of Willmar convened on October 28, 2025, and at such meeting recommended that the City Council of the City of Willmar enact a charter amendment by ordinance pursuant to which Section 4.02 of the Willmar Charter be amended to modify the duties of the Planning Commission regarding the acquisition, sale, transfer or termination of public lands, buildings and property.

WHEREAS, the City Council of the City of Willmar received the above-mentioned recommendation of the Charter Commission when it received the draft minutes of the Charter Commission's \_\_\_\_\_, 2025 meeting at the City Council's \_\_\_\_\_, 2025, regular meeting.

NOW THEREFORE, THE CITY OF WILLMAR HEREBY ORDAINS:

Section 1. AMENDMENT OF CHARTER SECTION 4.02. Article IV, Section 4.02 of the Willmar Charter, is hereby amended as follows (deleted material is crossed out; new material is underlined; sections and subsections not being amended are omitted):

**Section 4.02. – The Planning Commission.**

Subdivision 8. Acquisition, sale, transfer or termination of public lands, buildings and property. No City street, park, public grounds or real estate, ways, streets, alleys or buildings shall be acquired, constructed, extended, sold, transferred, conveyed or vacated until the same shall have been submitted to ~~and~~ approved by the Commission. ~~No City street, park, public grounds or real estate, ways, streets, alleys or buildings shall be leased for a period in excess of three (3) years until the same shall have been submitted to and approved by the Commission.~~ The Commission shall submit a report to the City Council of the Commission's findings as to compliance of the proposed acquisition, sale, or transfer with the comprehensive municipal plan. Failure of the Commission to report on the submission within 30 days after such a reference, or such other period as may be designated by the City Council, shall be deemed to have satisfied the requirements of this subdivision. The City Council may, by resolution adopted by two-thirds vote, dispense with the requirements of this subdivision when in its judgment it finds that the proposed acquisition, sale, or transfer has no relationship to the comprehensive municipal plan. In the event that the Commission shall affirmatively disapprove the same or shall determine to attach conditions thereto, the action thereon shall be by resolution setting forth its findings with respect thereto and its specific reasons for such disapproval. In the event that the Commission shall have failed to act thereon within a period of thirty (30) days after the adoption of the motion or resolution submitting or referring it to the Commission, it shall be deemed to have been approved as submitted.

Section 2. EFFECTIVE DATE. Pursuant to Minn. Stat. § 410.12, subd. 7, this ordinance shall be effective 90 days after its adoption and second publication.

Passed by the City Council of the City of Willmar this \_\_\_ day of \_\_\_\_\_, 2025.

ATTEST:

\_\_\_\_\_  
Verna Larsen, City Clerk

\_\_\_\_\_  
Douglas E. Reese, Mayor

VOTE:        \_\_\_ SHULDES \_\_\_ GILBERTSON \_\_\_ DAVIS \_\_\_ GARDNER  
             \_\_\_ FAGERLIE \_\_\_ ASK \_\_\_ BUTTERFIELD \_\_\_ NELSEN

This Ordinance introduced by Council Member: \_\_\_\_\_

This Ordinance introduced on: \_\_\_\_\_

This Ordinance published on: \_\_\_\_\_

This Ordinance given a hearing on: \_\_\_\_\_

This Ordinance adopted on: \_\_\_\_\_

This Ordinance published on: \_\_\_\_\_



333 6<sup>th</sup> Street Southwest | Willmar MN 56201 | 320.235.4913

December 3, 2025

**Subject: Willmar Planning Commission Recommendation of Proposed City Charter Amendments to City Council**

Dear Honorable Members of the City Council,

The Willmar Planning Commission is recommending approval of the proposed amendments to the City Charter that came before the Willmar City Council at the November 3, 2025 meeting. These amendments regarding the functions of the volunteer Planning Commission would improve the clarity, effectiveness, and efficiency of the Planning Commission’s duties.

The proposed amendments to redefine the roll of the Planning Commission regarding the capital improvement plan (CIP) and land transactions have been requested by this Commission multiple times over the past few years in effort to clarify the Commission’s duty regarding these items.

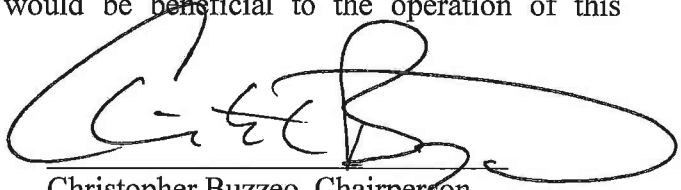
The current language in the City Charter is unclear as to the method of recommendation or approval that is needed by the Commission for the above referenced items. The Commission is unclear whether the items should be evaluated for their effectiveness, price, benefits, rationale, etc. Furthermore, the Commission is not involved in the negotiations or informative work sessions for these items to provide the requisite knowledge for effective decision-making.

The proposed amendment would clarify the Commission’s duty to review and report on the items within the context of their correlation with the Comprehensive Plan and align with the state statutory requirements for Planning Commission review.

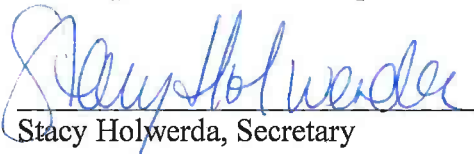
The Planning Commission also understands the Board of Zoning Appeals (BZA) has struggled to maintain an effective level of members and this Commission accepts the roles and responsibilities of the BZA if it were to be merged with the Planning Commission. This Commission would also welcome the additional members from the BZA joining this body.

Based on our review of the proposed language of the City Charter amendments, the Planning Commission has concluded that this change would be beneficial to the operation of this Commission.

Dated: 12/3/2025

  
Christopher Buzzeo, Chairperson

Attest:

  
Stacy Holwerda, Secretary



### City Council Action Request

<b>Council Meeting Date:</b>	January 5, 2026	<b>Agenda Item Number:</b>	9.C.
<b>Agenda Section:</b>	Public Hearing:	<b>Originating Department:</b>	Planning and Development
<b>Resolution:</b>	No	<b>Prepared By:</b>	Christopher Corbett, Planning and Development Director
<b>Ordinance:</b>	Yes	<b>Presented By:</b>	Christopher Corbett, Planning and Development Director , Robert Scott, City Attorney
<b>Item:</b>	Consideration to Amend Section 4.06 of the City Charter		

**RECOMMENDED ACTION:**

Motion by \_\_\_\_\_ Second by \_\_\_\_\_ to approve, by ordinance, assign the duties and responsibilities of the Board of Zoning Appeals to the Planning Commission amending City of Willmar Charter Section 4.06

Motion by \_\_\_\_\_ Second by \_\_\_\_\_ to publish the ordinance.

**OVERVIEW:**

The Board of Zoning Appeals (BZA), like several other City boards and commissions, is facing limited participation due to a shortage of volunteers. Currently, only two of seven seats are filled, and despite repeated outreach, no new applications have been received. As a result, the BZA has had to forward two items to the City Council for a decision this year. To address this untenable situation, a merger with the Planning Commission is proposed to strengthen both the body and the City’s planning processes. This amendment will not dissolve the Board of Zoning Appeal.

The amendment would revise the City Charter to grant the Council authority, by ordinance, to allow the Planning Commission to serve in the dual role of Planning Commission and Board of Zoning Appeals. If enacted, the two current BZA members have agreed to join the Planning Commission, which itself is operating with only five of nine seats filled.

This recommendation, supported by both the Planning Commission and the BZA, was approved by the City Charter Commission on October 28, 2025.

**BUDGETARY/FISCAL ISSUES:**

None.

**ALTERNATIVES TO CONSIDER:**

Request more information.

**ATTACHMENTS:**

1. Charter Amendment Ordinance - reassigning BZA duties to PC (v1) - 080425

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING SECTION 4.06  
OF THE CHARTER OF THE CITY OF WILLMAR

WHEREAS, Pursuant to Minn. Stat. § 410.12, subd. 7, the Charter Commission for the City of Willmar convened on \_\_\_\_\_, 2025, and at such meeting recommended that the City Council of the City of Willmar enact a charter amendment by ordinance pursuant to which Section 4.06 of the Willmar Charter be amended to authorize the City Council to, by ordinance, assign the duties and responsibilities of the Board of Zoning Appeals to the Planning Commission; and

WHEREAS, the City Council of the City of Willmar received the above-mentioned recommendation of the Charter Commission when it received the draft minutes of the Charter Commission's \_\_\_\_\_, 2025 meeting at the City Council's \_\_\_\_\_, 2025, regular meeting.

NOW THEREFORE, THE CITY OF WILLMAR HEREBY ORDAINS:

Section 1. AMENDMENT OF CHARTER SECTION 4.06. Article IV, Section 4.06 of the Willmar Charter, is hereby amended as follows (deleted material is crossed out; new material is underlined; sections and subsections not being amended are omitted):

**Section 4.06. - Board of zoning appeals.**

Subdivision 1. Members, qualifications, term, officers. There shall be a board of zoning appeals comprised of seven members, appointed for terms of three years, none of whom shall hold any other office or position in the city government. The board shall elect a chair, a vice-chair, a secretary and such other officers as it shall from time to time determine. No member shall serve more than two consecutive terms on the board. The serving of a term of two years or more shall be considered a full term for purposes of the preceding sentence.

Subdivision 2. Powers and duties. The board shall hear all applications for variances to the requirements of the zoning ordinance of the city. The board shall have such other powers and duties as the city council, by ordinance, may prescribe, or which are assigned to a board of appeals and adjustments in state law.

Subdivision 3. Reassignment of powers and duties. The City Council may, by ordinance, assign the powers and duties of the Board of Appeals and Adjustments as set forth in this Section to the Planning Commission, in which case the Planning Commission shall serve as the Board of Zoning Appeals and Adjustments. The City Council may further establish such procedures for appeals from decisions of the Board of Zoning Appeals as the City Council may determine appropriate, in accordance with state law.

Section 2. EFFECTIVE DATE. Pursuant to Minn. Stat. § 410.12, subd. 7, this ordinance shall be effective 90 days after its adoption and second publication.

Passed by the City Council of the City of Willmar this \_\_\_ day of \_\_\_\_\_, 2025.

ATTEST:

\_\_\_\_\_  
Verna Larsen, City Clerk

\_\_\_\_\_  
Douglas E. Reese, Mayor

VOTE:        \_\_\_ SHULDES \_\_\_ GILBERTSON \_\_\_ DAVIS \_\_\_ GARDNER  
             \_\_\_ FAGERLIE \_\_\_ ASK \_\_\_ BUTTERFIELD \_\_\_ NELSEN

This Ordinance introduced by Council Member: \_\_\_\_\_

This Ordinance introduced on: \_\_\_\_\_

This Ordinance published on: \_\_\_\_\_

This Ordinance given a hearing on: \_\_\_\_\_

This Ordinance adopted on: \_\_\_\_\_

This Ordinance published on: \_\_\_\_\_



**City Council Action Request**

<b>Council Meeting Date:</b>	January 5, 2026	<b>Agenda Item Number:</b>	9.D.
<b>Agenda Section:</b>	Public Hearing:	<b>Originating Department:</b>	Planning and Development
<b>Resolution:</b>	No	<b>Prepared By:</b>	Christopher Corbett, Planning and Development Director
<b>Ordinance:</b>	Yes	<b>Presented By:</b>	Christopher Corbett, Planning and Development Director
<b>Item:</b>	Consideration to Codify the City of Willmar Zoning Ordinance No. 1060		

**RECOMMENDED ACTION:**

Motion by \_\_\_\_\_ Second by \_\_\_\_\_ to approve, by ordinance, codifying the Willmar Zoning Ordinance (Ordinance No. 1060), along with all subsequent amendments, into Chapter 14, Article I of the City Code.

Motion by \_\_\_\_\_ Second by \_\_\_\_\_ to publish by summary of publication.

**OVERVIEW:**

This amendment proposes codifying the Willmar Zoning Ordinance (Ordinance No. 1060), along with all subsequent amendments, into Chapter 14, Article I of the City Code. To accommodate this placement, sections within Articles II–IV of Chapter 14 will be renumbered. The codification process also updates internal references and corrects typographical errors, without altering the substance or regulatory impact of Ordinance 1060 as amended.

Codification is the formal process of organizing and integrating ordinances into a structured municipal code. It ensures consistency, clarity, and accessibility by consolidating related regulations, updating cross-references, and correcting minor errors, while preserving the original legal intent and effect of the ordinance.

Approval of this codification is required in advance of the comprehensive zoning rewrite scheduled to begin in January 2026.

**BUDGETARY/FISCAL ISSUES:**

None.

**ALTERNATIVES TO CONSIDER:**

**ATTACHMENTS:**

1. Zoning Codification Enactment Ordinance 091525
2. Summary publication of zoning codification enactment ordinance 091525
3. Codified zoning ordinance - Code Ch 14, Art I

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE CODIFYING THE WILLMAR ZONING ORDINANCE,  
ORDINANCE NO. 1060, AS AMENDED

The City Council of the City of Willmar hereby ordains as follows:

Section 1. AMENDMENT OF MUNICIPAL CODE CHAPTER 14, ARTICLE I. The Code of Ordinances of the City of Willmar, Chapter 14, “Land Development,” Article I, “In General,” is hereby repealed in its entirety and replaced by the enactment of a new Article I entitled “Willmar Zoning Ordinance” to read as provided in Appendix A to this ordinance, which is attached hereto and incorporated herein by reference.

Section 2. RENUMBERING OF MUNICIPAL CODE CHAPTER 14, ARTICLE II. The Code of Ordinances of the City of Willmar, Chapter 14, “Land Development,” Article II, “Subdivisions,” Sections 14-102 through 14-256 within Divisions 1, 2, 3 and 4, are hereby renumbered as Sections 14-302 through Sections 14-456.

Section 3. RENUMBERING OF MUNICIPAL CODE CHAPTER 14, ARTICLE III. The Code of Ordinances of the City of Willmar, Chapter 14, “Land Development,” Article III, “Floodplain Management,” Sections 14-202 through 14-231 within Divisions 1, 2 and 3, are hereby renumbered Sections 14-502 through 14-531.

Section 4. RENUMBERING OF MUNICIPAL CODE CHAPTER 14, ARTICLE IV. The Code of Ordinances of the City of Willmar, Chapter 14, “Land Development,” Article IV, “Local Heritage Designation,” Sections 14-251 through 14-256 are hereby renumbered as Sections 14-602 through 14-607.

Section 5. CODIFICATION OF ORDINANCE NO. 1060; SUPERSEDING EFFECT. The enactment of a new Article I entitled “Willmar Zoning Ordinance” pursuant to Section 1 above shall have the effect of codifying Ordinance No. 1060 and all subsequent amendments thereto; such codification includes updating internal references and correcting typographical errors but does not alter the substance effect of the regulations contained within Ordinance 1060, as amended. From and after the effective date of this Ordinance, Article I as enacted pursuant to Section 1 above shall supersede Ordinance 1060, as amended.

Section 6. EFFECTIVE DATE. This ordinance shall be effective from and after its adoption and second publication.

Passed by the City Council of the City of Willmar this \_\_\_ day of \_\_\_\_\_, 20\_\_.

ATTEST:

\_\_\_\_\_  
Verna Larsen, City Clerk

\_\_\_\_\_  
Doug Reese, Mayor

VOTE:        \_\_\_ SHULDES \_\_\_ GILBERTSON \_\_\_ DAVIS \_\_\_ GARDNER  
             \_\_\_ FAGERLIE \_\_\_ ASK \_\_\_ BUTTERFIELD \_\_\_ NELSEN

This Ordinance introduced by Council Member: \_\_\_\_\_

This Ordinance introduced on: \_\_\_\_\_

This Ordinance published on: \_\_\_\_\_

This Ordinance given a hearing on: \_\_\_\_\_

This Ordinance adopted on: \_\_\_\_\_

This Ordinance published on: \_\_\_\_\_

**APPENDIX A**

WILLMAR, MINNESOTA  
CHAPTER 14  
**ARTICLE I. – ZONING ORDINANCE**

*[Remainder of page intentionally left blank]*

**SUMMARY PUBLICATION OF CITY OF WILLMAR ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE CODIFYING THE WILLMAR ZONING ORDINANCE,  
ORDINANCE NO. 1060, AS AMENDED**

**Summary:** Ordinance No. \_\_\_\_ as adopted by the Willmar City Council on \_\_\_\_\_, 2025, has the effect of codifying the Willmar Zoning Ordinance, Ordinance No. 1060, and subsequent amendments thereto, within Chapter 14, Article I of the City Code. The Ordinance also renumbers the sections within Articles II - IV of Chapter 14 to make room for the zoning ordinance in Article I. The codification of Ordinance 1060, as amended, includes updating internal references and correcting typographical errors but does not alter the substance effect of the regulations contained within Ordinance 1060, as amended.

The complete text of Ordinance No. \_\_\_\_ may be obtained at no charge at City Hall (333 6<sup>th</sup> Street Southwest, Willmar, MN 56201), or from the City's website at [www.willmarmn.gov](http://www.willmarmn.gov).

## Willmar, Minnesota, Code of Ordinances

### Chapter 14 – LAND DEVELOPMENT

#### ARTICLE I. – ZONING ORDINANCE

##### DIVISION 1. – TITLE AND APPLICATION

###### Sec. 14-1. – Title.

This Article shall be known as the "Willmar Zoning Ordinance," except as referred to herein, where it shall be known as "this Ordinance."

###### Sec. 14-2. – Intent and Purpose.

The intent and purpose of this Ordinance is to:

- (a) Protect and promote the general welfare of the people who are citizens of, reside in, or who transact business or own property in the City.
- (b) Promote the orderly and compatible development of residential, business, industrial, recreational, and public areas.
- (c) Provide adequate light, air, and convenience of access to property.
- (d) Limit congestion in the public rights-of-way.
- (e) Promote development coinciding with the availability of necessary public services and utilities.
- (f) Divide the City into zones/districts; regulate the location, construction, reconstruction, alteration, and use of land, structures, or improvements within the various zones/districts.
- (g) Preserve the value of land and buildings throughout the city.
- (h) Provide for the gradual elimination and regulation of those uses of land, buildings, structures, and improvements which do not conform to the standards of the zones/districts in which they are located, and which may adversely affect the development and the value of property in such zones/districts.
- (i) Provide for the wise use and conservation of natural resources.
- (j) Provide for the enforcement of this Ordinance, define the duties of the administrative officers and responsible parties, and provide penalties for the violation of the provisions herein contained.

## Willmar, Minnesota, Code of Ordinances

### Sec. 14-3. – Relation to Comprehensive Land Use Plan.

It is the policy of the City of Willmar that the enforcement, amendment, and administration of this Ordinance be accomplished with due consideration of the goals and policies contained in the Comprehensive Land Use Plan as developed and amended from time to time by the Planning Commission and City Council.

### Sec. 14-4. – Standards.

- (a) Where the conditions imposed by any provisions of this Ordinance are either more or less restrictive than comparable conditions imposed by other ordinance, rule, or regulation of the City, the ordinance, rule, or regulation which imposes the more restrictive condition, standard, or requirement shall prevail.
- (b) In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and welfare.
- (c) No structure shall be erected, converted, enlarged, reconstructed, or altered, and no structure or land shall be used for any purpose or in any manner which is not in conformity with the provisions of this Ordinance.
- (d) Except as herein provided, no building, structure, or premises shall hereafter be used or occupied and no building permit shall be granted that does not conform to the requirements of this Ordinance.

### Sec. 14-5. – Zoning Map.

The Zoning Map, as amended from time to time as herein provided, shall be and comprise a part of this Ordinance.

- (a) *Annexed Territory.* Annexed territory shall be in the A- Agriculture District unless otherwise stipulated in the annexation ordinance/resolution or Municipal Board annexation order.
- (b) *Zoning District Boundaries.* Zoning district boundary lines of this Ordinance follow lot lines, center lines of roads and streets, railroad right-of-way lines, the center of water courses, or corporate limit lines, all as they exist upon the effective date of this Ordinance. Appeals and questions of doubt concerning the exact location of a zoning district boundary line shall be heard by the Board of Zoning Appeals. When any street, alley, or other public right-of-way is vacated by official action of the City, the zoning district abutting the center line of said alley or other public right-of-way shall not be affected by such proceeding.

### Sec. 14-6. – Authority.

## **Willmar, Minnesota, Code of Ordinances**

This Ordinance is enacted pursuant to the authority granted by the Municipal Planning Act, Minnesota Statutes, Sections 462.351 to 462.365.

### **Sec. 14-7. – Separability.**

It is hereby declared to be the intention of the city that the several provisions of this Ordinance are separable in accordance with the following:

- (a) If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgement shall not affect any other provisions of this Ordinance not specifically included in said judgement.
- (b) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building, or other structure, such judgement shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgement.

### **Sec. 14-8. – Violations and Penalties.**

Any person who violates any of the provisions of this Ordinance shall, upon conviction thereof, be guilty of a misdemeanor and shall be punished as provided for in the laws of the State of Minnesota. Each day that a violation is permitted to exist shall constitute a separate offense.

### **Sec. 14-9. – Other Remedies.**

For the purpose of enforcing the provisions of this Ordinance, or to prevent violations thereof, the City shall have available to it all of the lawful remedies and procedures provided by Statute or other law, including but not limited to obtaining from the Court having jurisdiction thereof restraining orders, mandatory injunctions, or other appropriate forms of relief.

### **Secs. 14-10—14-12. - Reserved.**

[Remainder of page intentionally left blank]

## Willmar, Minnesota, Code of Ordinances

### DIVISION 2. – RULES AND DEFINITIONS

#### Sec. 14-13. – Rules.

The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

- (a) The singular number includes the plural, and plural the singular.
- (b) The present tense includes the past and the future tenses, and the future the present.
- (c) The word “shall” is mandatory, while the word “may” is permissive.
- (d) The masculine gender includes the feminine and neuter.

#### Sec. 14-14. – Definitions.

The following is a list of commonly used terms in this Ordinance and their definitions. Definitions pertaining to signs are found in ~~Section~~ Division 5 of this Ordinance:

*Accessory building or use.* A subordinate building, structure, or use which is located on the same lot on which the main building or use is situated, and which is reasonable, necessary, and incidental to the conduct of the primary use of such building or main use.

*Adult entertainment uses.* A use which involves any of the following activities or which utilizes any of the following business procedures or practices; either:

- (1) Any use or business which is conducted exclusively for the patronage of adults and as to which minors are specifically excluded from patronage there at either by-law or by the operators of such business; or
- (2) Any other use or business which offers its patrons services or entertainment characterized by an emphasis on matter depicting, exposing, describing, discussing, or relating to specified sexual activities or specified anatomical areas.

Specifically included in the term, but without limitation, are adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult massage parlors, adult saunas, adult companionship establishments, adult health clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotel or motel, and adult body painting studios.

*Agricultural uses.* Those uses commonly associated with the growing of produce on farms. These include: field crop farming; pasture for hay; fruit growing; tree, plant, shrub, or flower nursery without building; truck gardening; roadside stand for sale in-season of products grown on premises; and livestock raising and feeding, but not including fur farms, commercial animal feed lots, or kennels.

*Airport.* The Willmar Municipal Airport.

## Willmar, Minnesota, Code of Ordinances

*Airport Zoning District.* An overly zoning district indicating the area subject to regulation by the Airport Zoning Board of the City of Willmar.

*Annexation.* The lawful process by which territory outside the City limits is attached to, and becomes a part of, the City of Willmar.

*Apartment.* A room or suite of rooms which is designed for, intended for, or occupied as a residence by a single family or an individual, and is equipped with cooking facilities.

*Basement.* A portion of a building between floor and ceiling, located partly above and partly below grade, and having one-half or more of its floor to ceiling height below the average grade of the adjoining ground. Underground or earth houses that meet all other requirements of the Building Code shall not be considered basements.

*Bed and breakfast.* Lodging establishments providing short term guest accommodations within the primary residence of the applicant. Such facility must be licensed by the Minnesota Department of Health or its designee. The commercial serving of food shall be limited to breakfasts served to overnight guests only. In addition to meeting the parking requirement for a residence, on (1) additional hard-surfaced, off-street parking space per guest room shall be provided and be adequately screened from adjacent residences. Conditional uses issued for bed and breakfast establishments shall be issued specifically to the applicant and are not transferable with the property. Initial approval shall be provisional, subject to a one-year review. At such time, the conditional use may be reissued, reissued subject to additional conditions, or not issued if evidence is presented that such use presents a negative impact on the surrounding neighborhood.

*Boarding house.* A building other than a hotel where, for compensation by prearrangement for definite periods, lodging or lodging and meals are provided to three or more persons, not of the principal family therein, but not including a building providing these services for more than ten persons.

*Brew pubs.* A brewer who satisfies the definition of a "brew pub" in Minnesota Statutes, Section 340A.101, as the same may be amended, and who holds a brew pub license for the on-sale of intoxicating or 3.2 percent malt liquor pursuant to City Code Section 3-138 and Minnesota Statutes, Section 340A.24.

*Building area.* The portion of the lot remaining after required yards (setbacks) have been provided.

*Building.* Any structure having a roof supported by columns or walls used or intended for enclosing or sheltering any use, person, or property.

*Building Code.* The Building Code currently in effect at any time in the City.

*Building height.* The vertical distance between the highest adjoining ground level at the building or ten feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or average height of the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof.

*Building Inspector.* The Building Inspector of the City of Willmar.

## Willmar, Minnesota, Code of Ordinances

*Building Permit.* A permit issued by an authorized official of the City to an agent or an owner on land granting lawful authority to build, repair, alter, or reconstruct buildings, structures, or improvements.

*Building setback.* The minimum horizontal distance between the building and the lot line.

*Building setback line.* A line within a lot parallel with a lot line or a high-water mark or line identifying the setback area where buildings are prohibited.

*Business.* Any occupation, employment, or enterprise wherein merchandise is exhibited or sold, or where services are offered or performed for compensation.

*Carport.* A vehicle shelter having one or more sides open.

*Certificate of Compliance.* A certified issued by the Zoning Administrator certifying that a parcel of land or lot is occupied and used in full compliance with the provisions of this Ordinance.

*Certificate of Occupancy.* A certificate issued by the Zoning Administrator or the Building Inspector certifying that a building is acceptable for occupancy and is in compliance with the Building Code and the Zoning Ordinance.

*Church.* A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

*City.* The City of Willmar, Minnesota.

*City Attorney .* The City Attorney of the City of Willmar.

*City Engineer.* The City Engineer of the City of Willmar.

*City sewer.* A pipe or system of pipes connected with the municipal sewage collection system owned and operated by the city.

*City water.* The water distribution system of the City, owned and operated by Willmar Municipal Utilities.

*Cluster development.* A pattern of subdivision development which places detached houses, duplexes, or townhouse units into compact groupings and may provide a network of commonly owned or dedicated open spaces.

*Club or lodge.* A non-profit association of persons who are bona fide members paying dues, use of premises being restricted to members and their guests. It shall be permissible to serve food and meals on such premises providing adequate dining room space and kitchen facilities are available. Serving of alcoholic beverages to members and their guest shall be allowed, providing such serving is secondary and incidental to the operation of the dining room for the purpose of serving food and meals, providing further that such serving of alcoholic beverages is in compliance with the applicable Federal, State, and Municipal laws.

## Willmar, Minnesota, Code of Ordinances

*Columbarium.* A building, structure, or part of a building or structure that is used or intended to be used as a repository composed of individual niches designed for the inurnment of cremated remains of the deceased.

*Columbarium individual niches.* An individual recess within a columbarium designated to contain the cremated remains of one deceased within a single cremation urn or container; or the cremains of two deceased within two cremation urns or containers.

*Commission.* The Planning Commission of the City of Willmar.

*Comprehensive Land Use Plan.* The “With Willmar” comprehensive land use policy plan and the future land use map contained therein, adopted by the City Council on July 7, 2025, as amended.

*Conditional use.* An activity or use of the land which, because of special problems of control intrinsic in the use, requires reasonable but special, unusual, or extraordinary limitations for the protection of the public welfare and the integrity of the Comprehensive Land Use Plan.

*Conditional use permit.* A permit issued by the Planning Commission, in accordance with procedures specified in this Ordinance, as a flexibility device to enable the City to assign dimensions or conditions to a proposed use.

*Condominium.* A multiple dwelling containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling is subject to applicable provisions of Minnesota State Statutes.

*Council.* The City Council of the City of Willmar.

*Day care (home).* A use, restricted to a family dwelling, in which supervision and training of children of school or pre-school age is provided during part of the day (less than twenty four (24) hours) with no overnight accommodations, and children are delivered and removed daily. The number of children to be cared for shall not exceed twelve, not including the family’s own children. All required licenses shall be obtained.

*Daycare center.* A commercial service provided to the public in which children of school or pre-school age are cared for during established business hours. Overnight accommodations may be provided, and children are delivered and removed daily. All required licenses shall be obtained.

*Drive-in.* Any use where products or services, or both, are provided to the customer under conditions where the customer does not have to leave the vehicle, or where service to the vehicle occupants is offered regardless of whether service is also provided within a building.

*Driveway access.* Openings or access to a public street or highway from private property.

*Duplex.* A residential building containing two (2) complete, independent dwelling units.

*Dwelling.* A building occupied or intended to be occupied exclusively for human habitation; does not include rooms in hotels, motels, nursing homes, boarding houses, bed and breakfast establishments, trailers, tents, cabins, cellars, or trailer coaches.

## Willmar, Minnesota, Code of Ordinances

*Dwelling, multiple (multi-family).* A building designed with three or more dwelling units exclusively for occupancy by three or more families living independently of each other. Hallways, entrances, and exists may or may not be shared.

*Dwelling, single family.* A detached dwelling unit designed exclusively for occupancy by one (1) family.

*Dwelling, single family attached (Twin home).* Two (2) single family dwellings with a zero lot line on one side and sharing a common wall, with the common wall and all jointly owned or jointly utilized facilities including, but not limited to, decks, utility lines, and driveways being governed under a declaration of covenants and restrictions.

*Dwelling, two (2) family.* A dwelling designed with two (2) dwelling units, exclusively for occupancy by two (2) families living independently of each other.

*Dwelling unit.* A residential accommodation, including complete kitchen and bathroom facilities (permanently installed), which is arranged, designed, used, or intended for use exclusively as living quarters for one (1) family.

*Essential services.* Gas, electrical, steam, or water transmission or distribution systems; and collection, communication, supply, or disposal systems operated by a public/municipal utility or other governmental agency as well as Public Safety Emergency Services.

*Exterior storage.* The storage of goods, vehicles, equipment, manufactured products, refuse, or any kind of material in the open, not fully enclosed by a building, or not fully screened as defined in Section ~~3.0.3~~ 14-32(c).

*Family.* One (1) person, or two (2) or more persons each related to the other by blood, marriage, adoption, or foster care living together as a single housekeeping unit; or a group of not more than five (5) persons not so related maintaining a common household and using common cooking and kitchen facilities.

*Fence.* A partition, structure, wall, or gate erected as a dividing marker, visual or physical barrier, or enclosure.

*Final plat.* A map of an approved subdivision or described property prepared in conformity with the Subdivision Ordinance and the laws of the State of Minnesota, acceptable for recording with the County Recorder.

*Flood plain.* An area officially designated by lawful authority as an area which might be subject to flowing and as to which special regulations are imposed.

*Floor area, gross.* The sum of the gross area of the various floors of a building, in which the basement floor shall not be included unless such area constitutes a story.

*Front lot line.* That boundary of a lot which abuts on a public street or a private road; corner lots shall be deemed to have frontage on both streets.

## Willmar, Minnesota, Code of Ordinances

*Front yard.* A yard extending across the front of the lot between the inner side or rear yard lines (on corner lots), and lying between the front line of the lot and the nearest building line.

*Frontage.* That boundary of a lot which abuts a public street or a private road.

*Functional plan.* The capacity of a building or improvement to be used or enjoyed, considered individually and in relation to the surrounding area.

*Garage (private).* An accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families residing upon the premises. Such space can be rented to non-residents of the property for private passenger vehicles and/or non-commercial vehicles, trailers, or equipment, provided that not more than one-half of the space is rented to persons not resident on the premises, except that all the space in a garage of one or two car capacity may be so rented.

*Garage (public).* A building or portion of a building, except any herein defined as a private garage, used for the storage or repair of motor vehicles; or where any such vehicles are kept for remuneration or hire, and in which any sale of gasoline, oil, and accessories is only incidental to the principal use.

*Grade (adjacent ground elevation).* The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line, or when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.

*Home Occupation.* Work or occupation engaged in by the occupants of a dwelling at or from the dwelling. This activity shall be clearly incidental and secondary to the residential use of the premises. Such home occupation shall not require internal or external alterations or involve construction features not customarily found in dwellings.

*Hotel.* A building having provision for six (6) or more guests, in which lodging is provided for compensation, and which is open to transient or permanent guests or both. No provision is made for cooking, and ingress and egress to and from all rooms is made through an inside lobby or area supervised by a person in charge.

*Interior lot.* A lot other than a corner lot, including a through-lot.

*Junk Motor Vehicle.* A motor vehicle that satisfies the definition of a "junk vehicle" in Minnesota Statutes, Section 16B.011, as the same may be amended.

*Junk yard.* Land or buildings where waste, or discarded/salvaged materials are bought, sold, stored, exchanged, cleaned, packed, disassembled, or handled, including but not limited to scrap metal, rags, paper, hides, rubber products, glass products, lumber products, and products resulting from the wrecking of automobiles or other vehicles.

*Kennel.* Any place where four (4) or more domestic pets over six months of age are kept, boarded, bred, or offered for sale, excluding a veterinary clinic.

## Willmar, Minnesota, Code of Ordinances

*Landscaping.* The covering or dressing of a land area so as to cover the soil with grass, shrubs, trees, rock, or berms.

*Livestock.* Cattle, hogs, sheep, goats, horses, poultry, and other animals generally associated with the raising and production of meat, dairy products, and breeding stock.

*Lot.* A parcel of land described by metes and bounds, registered land survey, or plat.

*Lot (of record).* A lot which was of record or registered as a separate lot or parcel in the Office of the County Recorder, prior to July 13, 1982.

*Lot area.* The area of a horizontal plane within the lot lines.

*Lot depth.* The mean horizontal distance between the front and rear lines of a lot.

*Lot line.* Any property line bounding a lot, including the line abutting a street which is also called the right-of-way line.

*Lot width.* The horizontal distance between the side lot lines of a lot measured at the front and rear setback lines, and if they are different, the average of them.

*Manufactured home.* A non-mobile detached residential dwelling unit that is fabricated at a central factory and then transported to a building site where final installations are made in accordance with Building Code standards, permanently affixing the unit to the site. Manufactured home siting is regulated by Section 3.J. of this Ordinance.

*Mobile Home.* A detached residential dwelling unit designed for transportation on streets or highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like. A travel trailer is not to be considered a mobile home. Mobile home siting is regulated by Section 3.J. of this Ordinance.

*Mobile home park.* A tract of land designed, maintained, and intended for the placement of mobile homes.

*Motel.* A building or group of buildings, also called motor hotels, used primarily as a temporary residence for motorists and travelers *with convenient access to off- street parking spaces for the exclusive use of the guests.*

*Municipality.* The City of Willmar.

*Nonconforming structure or use.* Any structure or use which on effective date of this Ordinance does not, even though lawfully established, conform to the applicable provisions if the structure or use was to erected under the terms and standards of this Ordinance.

*Official Zoning Map.* The official zoning map of the City of Willmar.

## Willmar, Minnesota, Code of Ordinances

*Open sales lot.* Lands devoted to the display of goods for sale, rent, lease, or trade, where goods are not enclosed within a building.

*Parking space.* A permanently maintained area, either within or outside of a building, of sufficient size to store one vehicle.

*Permitted use.* A use which may be lawfully established in a particular zone/district, provided it conforms with all requirements, regulations, and performance standards (if any) of such district.

*Person.* An individual, firm, partnership, association, corporation, or organization of any kind.

*Planned Unit Development.* A development, often with a mixture of uses and densities, in which the subdivision, zoning, or other development controls are applied to the project as a whole rather than to individual lots.

*Planning Commission.* The Planning Commission of the City of Willmar.

*Principal structure/use.* A building, structure, or use which determines the predominant use, as contrasted to an accessory, incidental, or subordinate use.

*Private sewer system.* A sewage disposal system on private property, and not connected to the municipal sewer system.

*Rear lot line.* That boundary of a lot which is opposite to the front lot line, and in the case of a corner lot, may be either of the two possible other lines depending on which way the principal structure may be faced or fronted.

*Rear yard.* A yard extending across the rear of the lot between the inner side yard lines, and lying between the rear line of the lot and the nearest building line.

*Recorder.* The County Recorder of Kandiyohi County.

*Recreational Vehicle.* Any vehicle, such as a van camper, tent camping trailer, self-contained travel trailer, pickup camper, camping bus, or self-contained, self-propelled truck chassis mounted vehicle providing living accommodations, designed and used for temporary recreational or living quarters.

*Recreational Vehicle Park.* A park, court, or campsite designed, maintained, or intended for the purpose of locating and providing accommodations for recreational vehicles.

*Recycling center.* A facility that is not a junkyard, at which recoverable resources such as newspapers, cardboard, plastics, glassware, and metal cans are collected, separated, and processed prior to shipment to others who will use those materials to manufacture new products. Processing is defined as the preparation of material for efficient shipment by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, and cleaning. The facility must meet Minnesota Pollution Control Agency requirements for recycling facilities. There shall be no shredding, compacting, baling, or other processing of ferrous metals other than food and beverage containers. Under all circumstances, precautions shall be taken to ensure the containment of recyclable resources while at the center.

## Willmar, Minnesota, Code of Ordinances

*Required setback.* A yard area which shall not, because of restrictions contained in this Ordinance, be built on or be covered by structures.

*Residential facility.* Any facility, public or private, which for gain or otherwise regularly provides one or more persons with a 24-hour per day substitute for care, food, lodging, training, education, supervision, habilitation, rehabilitation, and treatment they need, but which for any reason cannot be furnished in the person's own home.

*Restaurant.* An establishment which serves food to be consumed primarily while seated at tables, counters, or booths within a building.

*Retail business uses.* The operation of a business selling goods over a counter or from a store, or selling personal services.

*Right-of-way (r/w).* That portion of a dedicated street, avenue, or other public way lying between its outer boundaries, and on which public streets, boulevards, tree plantings, and sidewalks may be located.

*Roadside sales stand.* A structure used only for the display and sale of products, and used only a seasonal basis.

*Screening.* A fence, structure, plantings, or earth arrangement designed and used singularly or in combinations to substantially reduce visual access.

*Seasonal business.* Business activities for which the demand or the supply is seasonal.

*Setback.* The minimum horizontal distance between a structure and the lot line of the lot on which it is located, which distance is to be measured perpendicularly from the lot line or property line to the nearest portion of the structure.

*Shopping center.* Any grouping of eight or more retail uses in one or more principal structures, under single ownership, with adequate off-street parking and a minimum of fifty thousand (50,000) square feet in building area.

*Side lot line.* Any boundary of a lot which is not a front lot line or a rear lot line.

*Side yard.* A yard between the side line of the lot and the nearest building line.

*Street.* A public right-of-way which includes a street roadway, sidewalks, boulevards, *public and private utilities*, and tree planting areas.

*Street roadway.* That part of a street or avenue which is designed and used for motor vehicle traffic and parking.

*Structure.* Anything which is built, constructed, or erected, an edifice or building of any kind; or any piece of work artificially built up and/or composed of parts joined together in some definite manner whether temporary or permanent in character.

## Willmar, Minnesota, Code of Ordinances

*Structural alteration.* Any change, other than incidental repairs, which would affect the supporting members of a building or other structure, such as bearing walls, columns, beams, girders, or foundations.

*Subdivision.* A described tract of land which is to be, or has been, divided or subdivided into two or more lots or parcels for the purpose of transfer of ownership, building development, or tax assessment purposes.

*Subdivision Ordinance.* The City of Willmar Subdivision Ordinance regulations for the subdivision and platting of lands within the City of Willmar as contained in Article II of this Chapter 14.

*Supper club.* A building with facilities for the preparation and serving of meals, and where intoxicating liquors may be sold on-sale, and live entertainment and dancing may be permitted.

*Townhouse.* A residential building containing two (2) or more dwelling units of not more than two (2) stories each with at least one (1) common wall, each unit so oriented as to have all exterior separate.

*Transition area.* An area which is located in the vicinity of the boundary area between two districts permitting different kinds of uses.

*Use.* The purpose or activity for which the land or building thereon is designated, arranged, or intended, or for which it is occupied, utilized, or maintained, and shall include the performance of such activity as defined by the standards of this Ordinance or by conditions imposed on particular uses.

*Useable open space.* A required ground area or terrace area on a lot which is graded, developed, landscaped, and equipped and intended and maintained for either active or passive recreation or both, available and accessible to and useable by only persons occupying a dwelling unit or rooming unit on the lot and their guests. Such areas shall be grassed and landscaped or covered only for a recreational purpose. Roofs, driveways, and parking areas shall not constitute useable open space.

*Variance.* The waiving, by Board of Zoning Appeals action, of the literal provisions of the Zoning Ordinance in instances where their strict enforcement would cause hardship because of physical circumstances reasonably unique to the individual property under consideration.

*Warehousing.* The storage of materials or equipment within an enclosed building as a principal use.

*Yard.* An open space on the lot which is unoccupied and unobstructed from its lowest level to the sky. A yard extends along a lot line at right angles to such lot line to a depth or width specified in the yard regulations for the zoning district in which such lot is located.

*Zoning Administrator.* The Zoning Administrator of the City of Willmar.

*Zoning District.* An area or areas within the City in which the regulations and requirements of this Ordinance are uniform.

*Zoning Map (Official).* The Zoning Map of the City of Willmar adopted as part of this Ordinance.

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*Zoning Ordinance.* The Zoning Ordinance of the City of Willmar contained in this Article, also referred to as “this Ordinance”.

**Secs. 14-15—14-17. - Reserved.**

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**DIVISION 3. – GENERAL PROVISIONS**

**Sec. 14-18. – Sewer and Water.**

- (k) *General.* City sanitary sewer and water facilities shall be utilized whenever such facilities are available or can be made available by extensions which prove to be both feasible, economical, and in the best interests of the City. Where public facilities are unavailable, a proper system of sewage treatment, disposal, and water supply conforming to the standards and requirements of the City Engineer, Minnesota Pollution Control Agency, and the Minnesota State Department of Health shall be employed.
- (l) *Compliance.* Site plans shall show the proposed sewage disposal system and well location. A Certificate of Compliance shall not be granted until on-site sewage treatment and disposal facilities are installed and functioning properly as approved by the Kandiyohi County Zoning Administrator. Residential lot areas shall be a minimum of one acre when private sewer or water systems are utilized.

**Sec. 14-19. – Lots.**

- (a) *Buildings.* Except for R-1 and R-2 Districts, more than one (1) principal building may be permitted on a single lot if area, setback, and density requirements are met.
- (b) *Minimum Size.* Every lot created after the effective date of this Ordinance shall meet the lot size requirements of the zoning district in which it is located.
- (c) *Lots of Record.* Lots of record in R-1, R-2, and R-3 Districts not meeting district area requirements shall be issued a building permit provided:
  - (1) The proposed dwelling structure is single family.
  - (2) Lot area and width are at least seventy (70) percent and sixty (60) percent of the district requirements for area and width.
  - (3) Parking and setback requirements are met.
- (d) *Lakeshore Lots.* All lots having frontage on a lake are subject to the provisions of the City of Willmar Shoreland Management Ordinance, as well as the provisions of this Ordinance. The jurisdiction of the Shoreland Management Ordinance may extend to all lands within one-thousand feet of the ordinary high water mark of a public lake.
- (e) *Reduction.* No lot shall be reduced in area or dimension so as to make it less than the minimum required by this Ordinance. If the lot size is less than the minimum required, it shall not be further reduced.

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**Sec. 14-20. – Yards.**

- (e) *Reduction.* No yard area shall be reduced in area or dimension so as to make it less than the minimum required by this Ordinance. If the yard is less than the minimum required, it shall not be further reduced.
- (f) *Transitional Yards.* Transitional yards shall be provided between either business/industrial properties or uses and residential properties or uses by the business/industrial property or use. Side and rear yard landscaping and screening shall also be required of the business/industrial property or use. Side and rear yard screening as required by this Ordinance shall be either a fence up to seven (7) feet in height and at least seventy-five percent opaque, or a dense planting of sufficient width and density to provide an effective screen. Such screening shall be kept in good repair, painted, neatly trimmed, or otherwise appropriately maintained.
- (g) *Encroachments.* The following are permitted encroachments into the minimum required areas for front or side yards:
  - (1) Roof eaves-three (3) feet, and decks-five (5) feet.
  - (2) Gutters, awnings, open terraces, steps, chimneys, flagpoles, landscaping, open fire escapes, fences, exposed wheelchair ramps, air conditioning equipment, and gas station pump canopies (supports to be set back a minimum of ten (10) feet from the front and side lot lines).
  - (3) No evergreen type of tree, solid fence, berm, shrub, dense planting, or hedge (over two (2) feet in height above curb elevation) shall be placed or allowed to grow that might block or impede vision for street traffic. The area where such encroachment is prohibited is the triangular area in the yards adjacent to the streets (or alleys) measured fifty (50) feet from each curb or edge of street and then diagonally connecting those two points.

**Sec. 14-21. – Height.**

- (a) *Limitations.* If the height of any structure exceeds the following limits, it shall require a conditional use permit:

Residential Districts (R-1, R-2, R-3)	2 stories or 35 feet
Agricultural & Multiple Family Districts (A, R-4, R-5)	3 stories or 45 feet
Business & Industrial Districts (LB, GB, CB, SC, I-1, I-2, T)	4 stories or 55 feet

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- (b) *Exempt.* Height limitations shall not apply to belfries, church spires, cupolas and domes, monuments, public utility facilities, transmission towers of commercial and private radio broadcasting stations, television antennae, roof top structures, (such as mechanical equipment, elevator shaft and equipment enclosures), silos, barns, chimneys and smokestacks, and flagpoles.
- (c) *Airport.* In all cases, no structure shall violate the limits and provisions of the Airport Master Plan or Airport Zoning Map of the City of Willmar.

### Sec. 14-22. – Accessory Buildings/Structures.

- (c) *Permit.* No accessory building/structure shall be constructed on a lot prior to the time of construction of the principal building.
- (d) *Setbacks.* Accessory buildings/structures in the rear yard of a residential lot shall be located no closer than five (5) feet from the side or rear lot line.
- (e) *Height.* No accessory building in a residential district shall exceed two (2) stories.
- (f) *Location.* No detached garages or other accessory buildings/structure shall be located nearer the front lot line than the principal building in residential zones, except where the principal building is at least one hundred (100) feet from the front line and meets all other setback regulations.
- (g) *Number.* No residential lot shall contain more than two (2) detached accessory buildings unless the lot exceeds one (1) acre in size. Detached accessory buildings shall not be used for commercial purposes except for home occupations.
- (h) *Garages.* Only one (1) detached garage with a maximum gross area of one thousand (1,000) square feet shall be permitted in residential districts. No door or other access opening shall exceed twelve (12) feet in height. The exterior color, design, and materials shall be similar to the principal structure. If not constructed at time of the principal structure, garage plans shall be indicated on the general site plan.
- (i) *Non-residential.* “Accessory” buildings in the Business and Industrial districts may be located any place to the rear or side of the principal building, subject to a rear and side lot line setback of ten (10) feet.
- (j) Shipping/storage containers and trailers in residential areas shall be prohibited for use as a storage structure, except as a temporary unit for moving purposes for a period of not more than one consecutive month in a twelve-month period or as a temporary construction project container for limited time not to exceed three consecutive months.
- (k) *Columbaria.* Any church, place of worship or religious institution may establish, outside of a cemetery, an interior or exterior columbarium as an accessory structure subject to the following requirements:

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- (1) *Application.* A church, place of worship or religious institution must submit a complete site plan application, conditional use permit application, and a plan of perpetual care and maintenance of the proposed columbarium to the Planning and Development Services Department.
- (2) *Application fee.* In addition to other applicable fees, an application for a columbarium under this section shall be accompanied by an application fee in such amount as the city council may establish by resolution.
- (3) *Criteria.* All columbaria must comply with the following requirements:
  - a. No columbaria shall be permitted except pursuant to a valid conditional use permit pursuant to Section 9.E of this Ordinance.
  - b. The church, place of worship or religious institution must own the property on which the columbarium is to be situated.
  - c. The construction, operation, maintenance, and disposition of a columbarium by the church, place of worship or religious institution shall be in accordance with all applicable state statutes and regulations.
  - d. Columbarium structures shall comply with all setback requirements in the zoning district in which the columbarium is proposed to be located, and with specific respect to the front lot setback, the columbarium shall be set back by at least the applicable front lot setback requirement in the zoning district in which the columbarium is proposed to be located or 30 feet, whichever is greater.
  - e. The exterior of the columbarium must be constructed to be consistent with architecture and materials of the primary structure.
  - f. Signage shall be limited to inscriptions on the face of a columbarium niche and commemorative plaque on the columbarium structure. Commemorative plaques may be no larger than 12 inches by 12 inches.
  - g. A church, place of worship or religious institution operating a columbarium authorized under this subsection E shall at all times maintain accurate and updated records of whose cremated remains are located in the columbarium.
  - h. Exterior columbaria must additionally comply with the following requirements:
    - i. Exterior columbaria must adjoin a building on the property owned and occupied by the church, place of worship or religious institution, and shall be located in a side or rear yard.

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- ii. If visible from other properties or the public right-of-way, exterior columbaria shall not exceed eight feet in height as measured from the average grade elevation where the columbarium meets the grade.
- iii. Exterior columbaria shall comply with all applicable landscape standards and design standards in the zoning district in which the columbarium is proposed to be located.
- i. If the church, place of worship or religious institution ceases operation, all urns and remains must be removed from the property within six months.
- j. The conditional use permit may additionally establish conditions as reasonably necessary to ensure that the location and design of the columbarium on the property will not unreasonably harm the future development potential of the property, in the event the church, place of worship or religious institution ceases operation thereon.

(4) *Zoning District Boundaries.* Zoning district boundary lines of this Ordinance follow lot lines, center lines of roads and streets, railroad right-of-way lines, the center of water courses, or corporate limit lines, all as they exist upon the effective date of this Ordinance. Appeals and questions of doubt concerning the exact location of a zoning district boundary line shall be heard by the Board of Zoning Appeals. When any street, alley, or other public right-of-way is vacated by official action of the City, the zoning district abutting the center line of said alley or other public right-of-way shall not be affected by such proceeding.

### Sec. 14-23. – Dwelling Units.

- (c) *House Moves.* A house may be moved into the City or from one tract to another within the City providing the structure shall meet all building, plumbing, heating, and electrical codes of the City. This may require completely new systems for the building. The owner may also be required to post a Performance Bond or other security as may be determined by the Planning Commission. The Bond or security would insure that all code requirements would be met and that necessary exterior construction/work would be completed as proposed. Such relocated houses shall require plan approval by the Planning Commission before a building permit is issued. The Zoning Administrator shall give or cause to be given written notice to all abutting property owners of the date, time, and place of the Planning Commission meeting at which plans for relocation of houses shall require plan approval by the Planning Commission before a building permit is issued. The Zoning Administrator shall give or cause to be given written notice to all abutting property owners of the date, time, and place of the Planning Commission meeting at which plans for relocation of the house will be considered. Such notice shall be mailed at least ten (10) days prior to the meeting

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date to the persons shown as owners of the abutting real estate by the records in the office of the City of Willmar Assessor.

- (d) *Prohibited.* No garage, accessory building, recreation vehicle, tent, trailer, or basement of an unfinished dwelling may be used as a dwelling unit. The basement of a house under construction may be used by the owner as a dwelling unit for his family during the construction of the house for a period not to exceed two (2) years.
- (e) *Business Districts.* Residences or apartments shall be permitted in all Business districts, provided the necessary fire separation between commercial and residential occupancies is maintained, and all Building and Fire Code requirements are met. Parking shall be provided in accordance with the Ordinance (not required in the Central Business District), and setbacks and areas shall be as required in the Business districts and not as required by the Residential districts.

Existing homes in Business or Industrial districts shall be given the same consideration as residential uses in transitional zone situations.

- (f) *Industrial Districts.* No new residences of any kind shall be permitted in the Industrial districts.

### **Sec. 14-24. – Home Occupations.**

- (a) *Permitted.* A home occupation shall be permitted by conditional use only if it meets the following standards:
  - (1) Only members of the family and up to two non-family members residing at another address based on business type and intensity of operation are employed or work in the home occupation.
  - (2) The home occupation takes place in either part of the house or the garage.
  - (3) Adequate and convenient off-street parking is available for customers and employees.
  - (4) No outside storage of items to be sold, manufactured, or repaired shall be permitted.
- (b) *Prohibited.* A home occupation shall not be permitted where the following condition or conditions are present:
  - (1) Persons other than members of the family are employed, except for one non-family member employee that resides at another address.
  - (2) Retail sales of products normally sold in commercial areas is the sole activity, with the products being made or manufactured elsewhere.
  - (3) Adequate off-street parking is not provided.

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- (4) Outside storage, display, or work areas are used for the home occupation.
- (c) *Examples.* Examples of typical home occupations include: beauty operator, small appliance repair, sharpening service, insurance agent, music instructor, etc.

### Sec. 14-25. – Recreational Vehicles.

- (a) *Permitted.* Recreational vehicles, including mobile integral truck mounted units, pull-type trailers, buses, or modified trucks are permitted.
  - (1) As recreational equipment in any district.
  - (2) If stored in fenced or screened areas in any Business or Industrial districts.
  - (3) If stored in the rear yard in Residential districts (one (1) unit per yard).
  - (4) In any commercial vehicle storage area.
  - (5) In a recreational vehicle park.
  - (6) As a temporary sleeping or living unit on a construction site during construction, provided sewer and water facilities are available as approved by the City Engineer.
- (b) *Prohibited.* Recreational vehicles are prohibited as permanent living quarters in any district.

### Sec. 14-26. – Recreational Vehicle Parks and Campgrounds.

- (a) *Application.* The application for a conditional use permit for the development of recreational vehicle parks and campgrounds shall indicate the name and address of the owner or developer, the legal description and post office address of the property, a general description of the construction schedule, and shall be accompanied by plans which show the following:
  - (1) Location and size of the proposed recreational vehicle park or campground.
  - (2) Location and size of all vehicle and trailer lots, camping areas, storage areas, recreation areas, utility buildings, parking spaces and sites, and all setback dimensions.
  - (3) Landscaping plans and specifications.
  - (4) Grading plan with two (2) foot contour intervals.
  - (5) Plans for streets, sanitary sewage disposal, solid waste disposal, surface drainage, water systems, electrical service, gas service, and utility buildings.
  - (6) Plans for a street lighting system.
  - (7) Location and width of all streets abutting the trailer park.
  - (8) Such other information as may be required or requested by the Zoning Administrator or Planning Commission.

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- (b) *Designation of uses.* The plans submitted shall designate specific areas for primitive tent camping, recreational vehicles, trailers, and all other uses.
- (c) *Design Standards.* The following design standards shall govern and design and development of recreational vehicle parks and campgrounds.
- (1) All utilities, such as sewer, water, fuel, electricity, and telephone shall be underground. Plans for the disposal of surface storm water shall be approved by the City Engineer.
  - (2) All land area shall be adequately drained and properly maintained free of dust, refuse, garbage, and rubbish, or debris. The proposed method of garbage, waste, and trash disposal must be approved by the Zoning Administrator.
  - (3) A forty (40) foot wide boundary landscaped area shall be provided around each park. No trailer or building shall be located within this forty (40) foot exterior boundary area.
  - (4) Each park shall contain at least six (6) fully developed recreational vehicle lots.
  - (5) Facilities for potable water, the collection/treatment/disposal of sewage, and bathing shall be in accordance with the regulations of Kandiyohi County and Minnesota Department of Health Rules. Such facilities must be approved by the City Engineer prior to occupancy.
  - (6) Each park shall have a building for use by the operator as an office, and such building/office shall be clearly identified. A map of the park shall be displayed at the office.
  - (7) Each campsite shall contain at least four thousand (4000) square feet, and shall have a minimum width of forty (40) feet. Recreational vehicles/camping trailers shall be set back a minimum of twenty (20) feet from the access road.
  - (8) Streets and parking areas for cars at each campsite and the parking area for recreational vehicles/camping trailers shall be paved or of a dust-free material approved by the City Engineer.
  - (9) Recreational vehicles campgrounds shall conform to all other applicable local, state, and federal laws, ordinances, rules and regulations.

### **Sec. 14-27. – Mobile (Manufactured) Homes.**

- (a) *Permitted.* Mobile homes are permitted uses only in the following areas:
- (1) Agricultural districts and R-3 & R-4 districts. If sited in an Agricultural, R- 3, or R-4 Zoning District (except in an approved mobile home park), the Design Standards in Section 3.J.3 must be met.

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- (2) Mobile home parks in R-4 Zoning Districts. (see Sections 14-27(c)(5) and 14-28).
  - (3) Temporary offices, storage, or living quarters during construction of permanent facilities.
- (b) *Conditions.* Use of a mobile home for a temporary facility (under 1.c., above) requires connection to City sewer and watermains or an alternative system approved by the City Engineer.
- (c) *Manufactured Home Design Standards* (for homes not erected in mobile home parks).
- (1) *Foundations.* Required. Permanent concrete, block, or treated wood to a depth of forty-two (42) inches below finished grade. Homes to be securely fastened to foundation.
  - (2) *Basements.* Not required. Homes to be securely fastened to basement walls, if selected as the required foundation.
  - (3) *Roof Line.* Minimum of 3/12 pitch (no flat, metal, corrugated, or shed type roofs permitted). Roof overhang to be a minimum of fifteen (15) inches.
  - (4) *Location.* Locate same as conventional home with longest dimension of the home parallel to the street and located within and between the narrowest dimensions of the lot.
  - (5) *Minimum Width.* Twenty-four (24) feet overall dimension; Twelve (12) feet overall dimension in mobile home parks.
  - (6) *Siding.* Shall have horizontal lapped edges, no wider than twelve (12) inches. Flat sheet metal siding shall not be permitted. Other conventional housing siding allowed at the discretion of the Zoning Administrator.
  - (7) *Utilities.* Shall be connected to all City utilities (sewer, water, electric power). No exterior above-grade fuel tanks shall be allowed.
  - (8) *Other Laws.* Manufactured homes shall also comply with all state and federal laws and regulations.

### Sec. 14-28. – Mobile Home Parks.

- (a) *Permitted.* Mobile Home Parks (MHP) shall be permitted in R-4 Residential Districts subject to the granting of a conditional use permit.
- (b) *Application.* The application for a conditional use permit for the development of a manufactured or mobile home park, or addition to an existing park, shall include the name and address of the developer, the legal description and post office address of the property, and a general description of the construction schedule, and shall be accompanied by plans which show the following:

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- (1) Location and size of the park.
  - (2) Location and size of all lots, storage areas, recreation areas, central laundry areas, central refuse disposal, roadways, parking spaces, and all setback dimensions.
  - (3) Detailed landscaping plans.
  - (4) Location and width of sidewalks, if required by the City Engineer or Planning Commission.
  - (5) Plans for sanitary sewage disposal, surface drainage, water systems, electrical service, telephone service, gas service, street lighting, sidewalks, streets, entrances and access to existing streets.
  - (6) The method of disposing of garbage and refuse.
  - (7) Description of maintenance procedures and grounds supervision.
  - (8) Such other information as may be required or requested by the Zoning Administrator or Planning Commission.
- (c) *Design Standards-Mobile Home Parks.* The following design standards shall govern the design and development of mobile home parks.
- (1) A park shall be capable of providing at least one hundred (100) fully developed lots. Existing parks are exempt from this provision.
  - (2) All homes shall be connected to City sewer and water through a central water supply and sanitary sewer distribution system. All water and sewer systems shall be constructed in accordance with plans and specifications approved by the City Engineer. All water systems shall provide an adequate water supply and number of hydrants for firefighting as per the Uniform Fire Code.
  - (3) All streets and lots shall be numbered in accordance with the City standard numbering policy as approved by the Building Inspector. The house or lot numbers for each home shall be clearly marked for ease of visibility from the street or roadway.
  - (4) All parks shall be required to have one (1) or more recreational areas which shall be easily accessible to all park residents. Recreational areas shall be located as to be free of traffic hazards and shall, where the topography permits, be centrally located. These recreation areas shall be subject to approval by the Planning Commission. All equipment installed in such an area shall be owned and maintained by the owner or operator at his own expense.
  - (5) All utilities shall be underground. Plans for the disposal of surface storm water shall be approved by the City Engineer; such water shall be retained on the site, if

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possible. If a connection is made to an in-place City system, a connection fee or assessment may be charged for this service.

- (6) Park exterior boundary lines shall be screened by trees, shrubs, or fences. Such boundary areas shall be at least twenty (20) feet wide. Existing parks are exempt from these provisions.
- (7) Any home sites adjacent to a City street shall be subject to the same setbacks and requirements as a standard residential unit for that district.
- (8) The area beneath all homes shall be skirted with a material that is generally uniform throughout the mobile home park. Such skirting shall be so constructed that the underside of the home is subject to reasonable inspection.
- (9) Each home lot shall be served by a central fuel supply system such as natural gas or a central LP system, or the City's hot water system. No separate private fuel containers, such as fuel oil tanks or Lop cylinders, shall be allowed in any park.
- (10) Adequate sized, screened areas shall be set aside for storage of boats, boat trailers, hauling trailers, recreational vehicles, and all other equipment tenants may have need to store. Such equipment shall not be stored upon individual home lots nor upon the streets within the park.
- (11) Each home lot within a park shall abut on and have access directly to a street. Streets shall be paved with concrete or bituminous, and be of similar construction to other City residential streets. The paved surface with concrete curb and gutter shall be at least thirty (30) feet in width from curb to curb. Access drives from streets to all parking spaces and home site shall be paved. Parking on one side only shall be permitted on thirty (30) foot wide streets; parking on both sides would be permitted if the street width is increased to forty (40) feet. All streets shall have curves/turns with adequate radii to accommodate emergency vehicles. Fire lanes shall be clearly indicated. Existing parks are exempt from the curb and gutter requirement. The minimum allowable width for streets within existing parks shall be twenty-two (22) feet.

(d) *Design Standards-Lots.* The following design standards shall govern the design and development of mobile home park lots.

- (1) Each home site shall contain at least six thousand (6000) square feet [4200 for existing parks] of land area for the exclusive use of the occupant and shall be at least fifty (50) feet [35 feet for existing parks] wide.
- (2) Homes shall be placed upon lots so that there shall be at least a twenty (20) foot [fourteen (14) feet for existing parks] clearance between homes, twenty-five (25) feet [eighteen (18) feet for existing parks] between the front of the home and the street curb, and fifteen (15) feet [eleven (11) feet for existing parks] between the

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rear of the home and the rear lot line. Homes shall be parked no closer than ten (10) feet [seven (7) feet for existing parks] to a side lot line.

- (3) The yards shall be landscaped. Landscaping shall include trees, hedges, grass, fences, windbreaks, and/or similar features. Temporary storage shall not be allowed in the front yard or setback area.
- (4) Each home lot shall have paved off-street parking space for at least two (2) automobiles. Each space shall be ten (10) feet by twenty (20) feet minimum.
- (5) The corners of each home lot shall be clearly marked and each site shall be numbered.

(e) *Implementation.* Except where specifically exempted, existing mobile home parks shall comply with the provisions of this Section 14-28(c)(11).

### **Sec. 14-29. – Planned Unit Developments (PUD's).**

- (a) *Purpose.* The purpose of a Planned Unit Development (PUD) is to allow more creative, suitable, and practical uses of land not possible under individual zoning district regulations. It allows the Planning Commission flexibility in determining development standards, setbacks, and density for PUD's proposed by the developers.
- (b) *Permitted.* Residential Planned Unit Developments are permitted in all but R-1 Residential Districts, subject to the granting of a conditional use permit. Commercial Planned Unit Developments are permitted in the Limited Business and General Business Districts, subject to the granting of a conditional use permit.
- (c) *Application.* An application for a PUD shall be on a conditional use permit application submitted to the Zoning Administrator. Application information shall include:
  - (1) Location, description, and size of the development area.
  - (2) A layout plan of lots, streets, sewer, water, and all other utilities.
  - (3) Plans for buildings, accessory buildings, and uses, parking areas, garages, drainage, and landscaping.
  - (4) Location of open areas, recreation areas, and open space for the complex.
- (d) *Design Standards.* The following design standards shall govern the design and development of any PUD:
  - (1) *Plat.* The area shall be platted.
  - (2) *Streets.* Both public and private streets in the PUD shall be constructed in accordance with current City Standards for similar streets. Streets may be constructed and maintained by the developer as private streets.

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- (3) *Sewer and Water.* City sewer and water shall be utilized. All mains and service lines within the PUD shall be considered private
- (4) *Parking Areas.* Parking shall meet the requirements of Division 4 of this Ordinance. Parking areas shall be paved, landscaped, and partially screened by berms if possible.
- (5) *Setbacks.* The Planning Commission shall not deviate from the setbacks as set forth in this Ordinance regarding the outside boundary lines of the development. Interior building separation distances or setbacks from an interior private street system may be as determined by the Planning Commission.
- (6) *Density.* The developer may place more than one (1) principal building within the development. Densities maybe be increased by the Planning Commission, but shall not exceed two (2) times the usual permitted density of the district in which the PUD is located.
- (7) *Landscaping.* The Planning Commission may require landscaping, open areas, green areas, fencing, berms, or other amenities it considers appropriate and necessary for the development.
- (8) *Design.* The streets, sidewalks, and utilities shall be subject to the approval of the City Engineering Department.
- (9) *Drainage.* Storm water shall be retained on the site, if possible. The drainage plan for the area, including possible connection to an in-place City storm sewer system. Shall be subject to the approval of the City Engineer.
- (10) *Other.* Because of the uniqueness of the total PUD concept, the Planning Commission reserves the right to impose whatever conditions it feels necessary and proper to insure compatibility and conformance of the PUD with the intent and purposes of this Zoning Ordinance and the surrounding neighborhood.

### **Sec. 14-30. – Fences and Hedges.**

- (a) *General.* Fences and hedges may be allowed in any zoning district. All fences shall be kept in good repair, painted, trimmed, and well maintained. That side of fence considered to be the face (finished side as opposed to structural supports) shall face the street or abutting property. No private fences or hedges shall be permitted on public right-of-way. Fences or hedges placed within utility easements are subject to removal at the expense of the property owner if required for the maintenance or improvement of the utility.
- (b) *Commercial/Industrial.* Fences in Business or Industrial districts may be erected to a height of eight (8) feet above finished grade. Barbed wire may be installed at the top (to the eight (8) foot height). Such fences shall not be permitted in the front yard unless approved by the Planning Commission.

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- (c) *Residential.* Fences in the rear or side yards in residential districts may be constructed to a height of seven (7) feet above finished grade. Fences or hedges erected along a rear or interior side lot line may be constructed right up to the property line, although the City recommends a two (2) foot setback to allow for fence maintenance. On a corner lot, the rear yard fence shall be set back at least three (3) feet from the right-of-way line on the street side of the lot, and shall be constructed on or behind the existing rear building line. Fences or hedges in the front yard of a principal structure may be no higher than three and one-half feet (3½). In the event a fence or hedge is adjacent to and parallel with the front line (or side lot line on the street side of a corner lot), such fence shall be set back at least one (1) foot from the right-of-way line. Barbed wire fences shall not be permitted in any Residential district.
- (d) *Rear Yard Defined.* For the purpose of interpreting these fence regulations, rear yard shall be defined as that yard which is on the opposite side of the house from the main entrance (identifiable by the address).

### Sec. 14-31. – Setbacks.

- (a) *Predominance.* Front yard setbacks shall be according to each district. In older established areas, however, where a predominant setback has already been established at something other than that required by this Ordinance, the Zoning Administrator may allow the predominate setback to control.
- (b) *State Highways.* All front yard setbacks along State Highways in the City of Willmar shall be a minimum of fifty (50) feet, except for T.H. 12 between 11<sup>th</sup> Street and Robert Street SE. Where properties are served by a service road, this requirement shall not apply.

### Sec. 14-32. – Exterior Storage.

- (a) *Residential.* In residential districts, all materials, machinery, vehicles, and equipment shall be stored within a building or be fully screened so as not to be visible from adjoining or adjacent lands and the street, except for the following:
- (1) Agricultural and landscaping equipment/materials in current use on the premises.
  - (2) Construction materials/equipment in current use on the premises.
  - (3) Motorcycles, recreational vehicles (as per Section 14-25), boats, snowmobiles, all-terrain vehicles, trailers (less than 24 ft. long), and other recreational equipment with current licenses in the driveway or back yard. The above-mentioned vehicles shall be limited to seven units per residential property (each license shall constitute one unit). Trailers shall be limited to three per residential property. No more than four licensed and operable motor vehicles per lawful dwelling unit may be parked or stored anywhere outside on R-1 and R-2 zoned property, excluding vehicles of occasional guests who do not reside on the property.

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- (4) Firewood, neatly stacked, intended for use on the premises.
  - (5) Lawn furniture and play equipment
  - (6) Dog kennels in the rear or side yard.
  - (7) Covered, rigid garbage containers in the rear yard, or side yard when fully screened.
- (b) *Commercial.* In Limited/General Business and Shopping Center Districts, all materials, machinery, vehicles, and equipment shall be stored within a building or be fully screened so as not to be visible from adjoining or adjacent lands and the street, except for the following:
- (1) Landscaping materials/equipment in current use on the premises.
  - (2) Construction materials/equipment in current use on the premises.
  - (3) Motor vehicles with current licenses provided the vehicles are necessary for the operation of the business.
  - (4) Licensed/unlicensed motor vehicles for sale by authorized dealers.
  - (5) Items/materials which, by their nature, require exterior storage and are offered for sale on the premises.
  - (6) Covered, rigid garbage containers in the rear yard, or side yard when fully screened.
  - (7) Other items, materials, machinery, and equipment as approved by the Planning Commission and Zoning Administrator.
- (c) *Fully Screened Defined.* For purposes of this Ordinance, fully screened shall be defined to mean screened by a fence of at least seventy-five (75) percent opacity, or by a dense planting of sufficient width and density to provide an effective screen.
- (d) *Industrial.* In Industrial Districts that abut residential areas, all materials, machinery, vehicles, and equipment shall be stored within a building or be fully screened so as not to be visible from adjoining or adjacent lands and the street, except as follows:
- (1) Landscaping materials/equipment in current use on the premises or being displayed for sale/business product purposes.
  - (2) Construction materials/equipment in current use on the premises or being displayed for sale/business product purposes.
  - (3) Motor vehicles with current licenses provided the vehicles are necessary for the operation of the business and are operable.
  - (4) Licensed/unlicensed motor vehicles for sale by licensed dealers.
  - (5) Items/materials which, by their nature, require exterior storage and/or are offered for sale on the premises.

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- (6) Covered, rigid garbage containers and dumpsters in the rear, or side yard when fully screened
- (7) Other items, materials, machinery, and equipment as approved by the Planning Commission and Zoning Administrator.

**Sec. 14-33. – Landscaping.**

(a) *General.* Landscaping of the premises shall be required for commercial, industrial, and multi-family residential development projects (new or significant expansion). The required landscaping may include berms, sodding or seeding, and shrub/tree/flower/plantings. Plans for project landscaping shall require approval by the Zoning Administrator, or by the Planning Commission when made a condition of Commission approval. The following general requirements shall be applicable in all districts:

- (1) All exposed ground areas surrounding or within a principal or accessory use, including street boulevards, which are not devoted to drives, sidewalks, patios, or other such uses shall be landscaped with grass, shrubs, trees, or other living ornamental landscape materials.
- (2) All landscaped areas shall be kept neat, clean and uncluttered.
- (3) No landscaped area shall be used for the parking of vehicles or the storage or display of materials, supplies or merchandise.
- (4) Undisturbed areas of existing natural vegetation maintained free of noxious weeds need not be altered.
- (5) A reasonable attempt shall be made to preserve as many existing trees as is practical and to incorporate them into the proposed development plan.

(b) A landscape plan indicating location, numbers, and types of landscape materials, and design of areas to be landscaped shall be submitted to the Zoning Administrator for review, revision as necessary, and approval. Said plan shall be drawn to scale and shall require approval prior to the issuance of a building permit.

(c) *Landscape Design Requirements.*

<u>District</u>	<u>Minimum % of total net area to be landscaped</u>
LB, GB, I-1, I-2, R-3,	10%
R-4, R-5, G/I	

(d) *Screening/Buffering.*

- (1) All non-residential principal and accessory uses, including off-street parking, except business signs, which are situated within 50 feet of a residential district shall be fully screened from such district by a fence and/or landscaping meeting the minimum seventy-five (75%) percent opacity (as defined in Section 14-32(c)).

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- (2) In all commercial and industrial districts, mechanical equipment and other similar features shall be screened from adjacent properties and public streets with the application of landscaping designed to be compatible with the architectural treatment of the principal structure.
  - (3) All external loading and service areas accessory to buildings shall be screened from the ground level view when facing a residential district or public street, except at access points, with architectural enhancements, walls and/or landscaping.
  - (4) Landscaped buffer areas shall be located along the outer perimeter of any lot where two land uses of differing intensity abut one another. A buffer area may be provided within required yards, but not within any portion of the public right-of-way. Buffer areas shall meet the fully screened opacity level already mentioned in Section 14-33(d)(1).
- (e) *Parking Areas.* Off-street parking areas accessory to the aforementioned land uses shall also require landscaping. This landscaping shall serve to break up the barren effect of the hard-surface parking area and improve the visual aesthetics of the associated land use. Such landscaping may include landscape islands (which also serve to direct vehicle flow and parking alignment), sodding or seeding, and shrub/tree/flower plantings. Plan approval for parking area landscaping shall be as set forth in #1 above. Parking Islands: All commercial parking lots containing 50 (fifty) or more parking stalls shall have curbed/landscaped islands to break up areas of pavement, to guide traffic movement, and to aid in stormwater control. Each island shall include plantings of trees and/or shrubs.
- (f) *Landscaping Around Stormwater Retention Ponds.* Landscape plans for stormwater retention ponds shall be required as per the Surface Water Management Ordinance, Chapter 17.
- (g) *Installation, Maintenance, and Substitutions/Reductions.*
- (1) All landscape materials and required screening shall be installed prior to issuance of a final certificate of occupancy. A temporary certificate of occupancy may be issued without the installation provided a financial security Performance Bond or other security shall be submitted to ensure the remaining improvements are completed.
  - (2) All landscaping shall be subject to periodic inspection by the Zoning Administrator. Landscaping that is not installed, maintained, or replaced as needed to comply with the approved landscape plan shall be considered in violation of the terms of the site plan or building permit.
  - (3) The Zoning Administrator may approve the substitution or reduction of planting requirements where one or more of the following conditions are shown to exist:
    - a. The proposal will allow site development that is more consistent with the historic nature of the area.

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- b. Existing plan materials, walls, fences, or the topography of the site and its surroundings make the required landscaping or buffering less necessary.
  - c. The required landscaping or buffering would hinder truck access and service necessary to the operation of the use or create a hazard by obstructing a motorist's view of traffic.
  - d. The required landscaping would reduce necessary surveillance of the site for security purposes.
- (h) *Tree Preservation Plan.* In order to retain, as far as practicable, substantial tree stands as part of urban development, a tree preservation plan should be submitted to the city prior to removing trees or commencing construction.
- (i) Landscaping and parking lot buffers in the Central Business District where surface parking is provided shall be as follows:
- (1) *Parking Lot Buffers.* The five-foot parking area setback shall constitute the required parking lot buffer, and shall be composed of one of the following options:
    - a. An ornamental railing at least three feet high, in combination with perennials or shrubs in quantities to ensure eventual 100% soil coverage;
    - b. A hedge of shrubs a minimum of two (2) feet high and a maximum of four (4) feet high;
    - c. Perennials or shrubs in quantities to ensure eventual 100% soil coverage, in combination with one ornamental tree (1 ½" caliper at installation) per thirty-two (32) feet of parking lot frontage in locations that allow adequate sight lines for automobiles and existing parking lots; or
  - (2) *Parking Lot Landscaping.*
    - a. Parking areas larger than 30 stalls shall include 150 (one hundred fifty) square feet of interior landscaping for each 15 (fifteen) parking stalls.
    - b. Parking areas with public right-of-way frontage greater than 74' (seventy-four feet) shall provide one shade tree (2 ½" caliper at installation) per 25' (twenty-five) feet of frontage.
    - c. Each 150 (one hundred fifty) square feet of interior parking lot landscaping shall include one of the following options:
      - i. Shrubs and perennials in quantities to ensure eventual 100% soil coverage, in combination with one ornamental or shade tree (1 ½" caliper at installation).

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- ii. Perennials only, in quantities to ensure eventual 100% soil coverage, when the landscape area is sunken below parking lot grade and used for stormwater management.

(3) *Stormwater Management.* Permeable pavement and other techniques to manage Stormwater on site are encouraged. Techniques that return the rate of runoff to the equivalent of native grassland shall allow a 50% reduction in the interior landscaping requirement. The requirements of the Surface Water Management Ordinance, Chapter 17 shall be met at all times.

### Sec. 14-34. – Adult Oriented Business.

(a) *Purpose.* In order to protect the City's community image, property values, public health, safety, welfare, and business environment, the City has found it necessary, in light of the harmful and unwanted secondary effects that certain businesses generate, to restrict where such businesses may locate within the City and to regulate those businesses. Only those businesses with secondary effects on neighboring properties and on the City are intended to be regulated. This section is not intended to restrict art. It is the purpose of this Ordinance to regulate adult oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the City and to establish reasonable and uniform regulations to:

- (1) Prevent additional criminal activity within the City;
- (2) Prevent deterioration of neighborhoods and its consequent adverse effect on real estate values of properties within the neighborhood;
- (3) To locate Adult Oriented Business away from residential areas, schools, churches, parks, and playgrounds;
- (4) Prevent concentration of Adult Oriented Businesses within certain areas of the City.

(b) *Findings of the City Council.* The City Council of the City of Willmar makes the following findings regarding the need to license adult oriented businesses. The findings are based upon the experiences of other cities where such businesses have located, as studied by City staff.

- (1) Adult oriented businesses can exert a dehumanizing influence on persons attending places of worship, children attending state licensed family daycare homes, state licensed group family day care homes, and state licensed child care centers; students attending school; and people using public parks and libraries.
- (2) Adult oriented businesses can be used as fronts for prostitution and other criminal activity. The experience of other cities indicates that the proper management and operation of such businesses can, however, minimize this risk, provided the owners and operators of such facilities are regulated by licensing or other procedures.

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- (3) Adult oriented businesses can significantly contribute to the deterioration of residential neighborhoods and can impair the character and quality of the residential housing in the area in which such businesses are located, thereby exacerbating the shortage of affordable and habitable housing for City residents.
  - (4) The concentration of sexually-oriented businesses in one area can have a substantially detrimental effect on the area in which such businesses are concentrated and on the overall quality of life in the community. A cycle of decay can result from the influx and concentration of adult oriented businesses. The presence of such businesses is often perceived by others as an indication that the community or area is deteriorating and the result can be devastating to other businesses that may be required to move out of the vicinity and which could influence residents to relocate from the area. It has been noted that the presence of such businesses can have the overall effect of causing declining real estate values, which result can be exacerbated by the concentration of such business, which can erode the City's tax base and contribute to overall community blight.
  - (5) Adult oriented businesses can increase the risk of exposure to communicable diseases including but not limited to Acquired Immune Deficiency Syndrome (AIDS) for which currently there is no cure. The experiences of other cities indicate that such businesses can facilitate a spread of communicable diseases by virtue of the design of the premises, thereby endangering not only the patrons of such establishments but also the general public.
  - (6) Adult oriented businesses can cause or contribute to public health problems by the presence of live adult entertainment in conjunction with food and/or drink on the same premises.
  - (7) Sexually-oriented businesses can contribute to an increase in criminal activity in the area in which such businesses are located, taxing city crime-prevention programs and law enforcement services.
  - (8) Sexually-oriented businesses can cause or contribute to public health problems by the presence of live adult entertainment in conjunction with food and/or drink on the same premises.
  - (9) The risk of criminal activity and/or public health problems can be minimized through a licensing and regulatory scheme as prescribed herein.
- (c) *Definitions.* For purposes of this section the terms defined in this section have the meanings given to them.
- (1) *Adult Oriented Business.* Any of the uses and businesses described in this section "Adult Oriented Businesses" which are subject to the regulation of this Ordinance.

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- (2) *Adult Body Painting Studio.* An establishment or business which provides the service of applying paint or other substances, whether transparent or non-transparent, to or on the body of a patron when such body is wholly or partially nude in terms of specified anatomical area as defined herein.
- (3) *Adult Book Store.* An establishment that has forty percent (40%) or greater of its current store stock, by numbers of items, in merchandise, videos, books, magazines, and/or other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas as herein defined.
- (4) *Adult Companionship Establishment.* A business or commercial enterprise that provides the service of engaging in or listening to conversation, talk, or discussion between an owner, employee, or agent of the enterprise and a customer, if such service is distinguished or characterized by an emphasis on specified anatomical areas or specified sexual activities.
- (5) *Adult Conversation/Rap Parlor.* A business or commercial enterprise that provides the service of engaging in or listening to conversation, talk, or discussion, from which minors are excluded by reason of age or where such service is distinguished or characterized by an emphasis on specified anatomical areas or specified sexual activities.
- (6) *Adult Entertainment Facility.* A building or space wherein an admission is charged at the entrance, or food or alcoholic and nonalcoholic beverages are sold or intended for consumption and wherein may be observed live presentations of entertainment including nude dancing, modeling or nudity, or which include other activities distinguished or characterized by an emphasis on matters depicting, describing, or referring to specified sexual activities or specific anatomical areas as defined herein.
- (7) *Adult Gift or Novelty Business.* A business or commercial enterprise that has as a principal activity the sale of devices, implements, equipment, or novelties that are designed, marketed, used, or sold for the primary purpose of stimulating human genitals otherwise providing sexual stimulation.
- (8) *Adult Health Club or Adult Sports Club.* A business or commercial enterprise that is named, signed, advertised, or promoted as a facility or club providing health- or sports-related goods, services, or equipment, that is distinguished or characterized by an emphasis on specified anatomical areas or specified sexual activities.
- (9) *Adult Hotel or Motel.* A business or commercial enterprise that provides rooms, facilities, or lodging on a short-term basis and wherein material or entertainment is presented, displayed, provided, or otherwise made available that is distinguished or

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characterized by an emphasis on specified anatomical areas or specified sexual activities.

(10) *Adult Massage Parlor.* A massage parlor or health club which provides the services of massage, if such service is distinguished or characterized by an emphasis on specified anatomical areas or specified sexual activities.

(11) *Adult Modeling Studio.* A business or commercial enterprise the primary or dominant activity of which is to provide for its customers to observe, paint, paint upon, sketch, draw, sculpt, photograph, videotape, or otherwise depict or portray, with the intent of providing sexual stimulation or sexual gratification to such customers, specified anatomical areas or one or more models or subjects who are engaging in specified sexual activities.

(12) *Adult Motion Picture Arcade.* Any place to which the public is permitted or invited wherein coin-, token-, electronically-, or mechanically-controlled or operated still or motion picture machines, projectors, or other image-producing devices are provided or maintained to show images to no more than one person per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on specified anatomical areas or specified sexual activities, and the individual viewing areas are not screened, including but not limited to doors and curtains, in any way to obstruct the viewing areas from monitoring.

(13) *Adult Motion Picture Theater.* A building or space with a capacity of fifty (50) or more persons used for representing material distinguished or characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas as herein defined, for observations by patrons therein. The phrase "used for" in the definition shall mean a regular and substantial course of conduct and not a one-time presentation of such material.

(14) *Adult Mini-Motion Picture Theater.* A building or space with a capacity for fewer than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas as herein defined, for observation by patrons therein. The phrase "used for" in this definition shall mean a regular and substantial course of conduct and not a one-time presentation of such material.

(15) *Adult-Oriented Cabaret.* A business or commercial enterprise that provides dancing or other live entertainment, from which minors are excluded by reason of age or where such entertainment is distinguished or characterized by an emphasis on the presentation, display, depiction, or description of specified anatomical areas or specified sexual activities.

(16) *Adult Sauna, Steam Room, or Bathhouse Facility.* A business or commercial enterprise that provides one or more steam or heat bathing rooms or sauna or

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steam room facilities, where the services provided are distinguished or characterized by an emphasis on specified anatomical areas or specified sexual activities, or from which minors are excluded by reason of age.

(17) *Adult Use Other*. Any place to which the public is permitted, a business or commercial enterprise that is distinguished or characterized by an emphasis on specified anatomical areas or specified sexual activities.

(18) *Specified Sexual Activities*. Are any of the following conditions:

- a. Human genitals in a discernible state of sexual stimulation or arousal; or
- b. Acts of human masturbation, sexual intercourse, sadomasochistic behavior or sodomy; or
- c. Fondling of or other erotic touching of human genitals, the pubic region or pubic hair, buttock, or female breast or breasts; or
- d. Any combination of the foregoing.

(19) *Specified Anatomical Areas*. For the purposes of this Ordinance, this means;

- a. Less than completely or opaquely covered:
  - i. Human genitals, pubic region or pubic hair; or
  - ii. Buttock; or
  - iii. Female breast or breasts below a point immediately above the top of the areola; and
- b. Human male genitals in a discernibly turgid state even if completely or opaquely covered.

(d) *Zoning Regulations*.

- (1) Adult-oriented businesses shall be prohibited in all of the City's zoning districts except in the following districts: I-1(Limited Industry District), I-2 (General Industry District), and GB (General Business District).
- (2) Liquor licenses shall not be issued to adult oriented businesses.
- (3) No adult-oriented business shall be located less than seven hundred fifty (750) feet from any residential zoning district boundary or site used for residential purposes and/or less than one thousand (1,000) feet from any church site, from any school site, from any park, or from any youth facility site. In addition, no adult entertainment use may be located within one thousand (1,000) feet of another adult entertainment use. For purposes of this Ordinance, this distance shall be horizontal measurement from the nearest existing residential district boundary or site property line used for residential purposes, church site, school site, park, youth facility site, or

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another adult entertainment use site to the nearest point of the proposed adult entertainment use site property line.

(4) *Signage.* Signs for Adult Oriented Businesses shall comply with the City's Ordinance for signs addressed in Section 5 of the City's Zoning Ordinance as well as the following:

- a. No merchandise or pictures of the products or entertainment on the premises shall be displayed in window areas or any area where they can be viewed from the sidewalk in front of the building.
- b. Window areas shall not be covered or made opaque in any way. No signs shall be placed in any window. A one-square foot sign shall be placed on the door to state hours of operation and admittance is restricted to adults only.

(e) *Licensing Regulations.* No person shall own or operate a sexually-oriented business within the City unless such person is currently licensed under this Ordinance.

(1) *All Applicants.* For all applicants, whether a natural person, cooperation, partnership, or other form of organization the following shall be provided to the City Clerk:

- a. The legal description of the premises to be licensed, along with a floor plan of the premises. The floor plan of the premises shall detail all internal operations and activities, including a statement of the total floor space occupied by the business. The floor plan need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimension of the interior of the premises to an accuracy of plus or minus six (6) inches.
- b. If the site of the business is being leased, the property owner as well as the lessee shall follow Section 14-34(e)(1)-(5) of this Ordinance, as well as supply a copy of the signed lease agreement.
- c. The name and street address of the business. If the business is to be conducted under a designated name, or style other than the name of the applicant, a certified copy of the certificate required by Minnesota Statutes, Section 333.01 shall be submitted.

(2) *Applicants who are Natural Persons.* Applicants who are natural persons shall provide the following information to the City Clerk:

- a. The name, place, and date of birth, street and city address, and phone number of the applicant.

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- b. Where the applicant has ever used or has been known by a name other than the applicant's name, and if so, the name or names used and information concerning dates and places where used.
- c. The street and city addresses at which the applicant has lived during the preceding two (2) years.
- d. The type, name, and location of every business or occupation in which the applicant has been engaged during the preceding two (2) years and name(s) and address(es) of the applicant's employer(s) and partner(s), if any, for the preceding two (2) years.
- e. Whether the applicant has ever been convicted of a felony, gross misdemeanor, misdemeanor, or violation of any ordinance other than a petty misdemeanor traffic ordinance. If so, the applicant shall furnish information as to the date, place, and offense for which convictions were had.

(3) *Applicants that are Partnerships.* Applicants who are part of a partnership shall provide the following information to the City Clerk:

- a. The name(s) and address(es) of all general partners and all of the information concerning each general partner that is required of applicants in Section 14-34(e)(2).
- b. The name(s) of the managing partner(s) and the interest of each partner in the business.
- c. A true copy of the partnership agreement shall be submitted with the application. If the partnership is required to file a certificate as to a trade name pursuant to Minnesota Statutes, Section 333.01, a certified copy of such certificate shall be attached to the application.

(4) *Corporate or Other Applicants.* Applicants who are part of a corporation or other organization shall provide the following information to the City Clerk:

- a. The name of the corporation or business form, and if incorporated, the state of incorporation.
- b. A true copy of the Certificate of Incorporation, Articles of Incorporation or Association Agreement and By-laws shall be attached to the application. If the applicant is a foreign corporation, a Certificate of Authority as required by Minnesota Statutes, Section 303.06, shall be attached.

The name of the manager(s), proprietor(s), or other agent(s) in charge of the business and all of the information concerning each manager, proprietor or agent that is required of the applicants in Section 14-34(e)(2).

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(5) *License Fees.* Application and investigation fee.

- a. The license application fee shall be Five Hundred Dollars (\$500.00) annually, prorated if applied for in mid-year.
- b. The application license fee shall be paid in full before the application for a license is considered. All fees shall be paid to the Issuing Authority for deposit into the general fund of the City. Upon rejection of any application for a license or upon withdrawal of application before approval of the Issuing Authority the license fee shall be refunded to the applicant.
- c. When the license is for premises where the building is not ready for occupancy, the time fixed for computation of the license fee of the initial license period shall be ninety (90) days after approval of the license by the Issuing Authority or upon the date an occupancy permit is issued for the building.
- d. *Investigation Fee.* An applicant for any license under this Division shall deposit with the Issuing Authority, at the time an original application is submitted, One Thousand Dollars (\$1,000.00) to cover the costs involved in verifying the license application and to cover the expense of any investigation needed to assure compliance with this Division. The investigation fee shall be nonrefundable.

(f) *Persons Ineligible for a License.* The Issuing Authority shall issue a license under this division to an applicant unless one (1) or more of the following conditions exists:

- (1) The applicant is not eighteen (18) years of age or older on the date the application is submitted to the Issuing Authority;
- (2) The applicant has had a conviction of a felony or gross misdemeanor or misdemeanor relating to sex offenses, obscenity offenses, or adult uses in the past five (5) years;
- (3) The applicant failed to supply all of the information requested on the license application;
- (4) The applicant gave false, fraudulent, or untruthful information on the license application;
- (5) The applicant has had an adult oriented business license revoked from the City or another jurisdiction within a one (1) year period immediately preceding the date the application was submitted;
- (6) The sexually-oriented business does not meet the zoning requirements prescribed in this Ordinance

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- (7) The premise to be licensed as an adult oriented business is currently licensed by the City as an establishment licensed to sell alcoholic beverages.
- (8) The applicant has not paid the license and investigation fees required in Section 14-34(e)(5).

(g) *License Restrictions.*

- (1) The operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business may not occur within one thousand (1,000) feet of another sexually oriented business. In addition, there shall not be more than one sexually oriented business within a block front even if said block is greater than one thousand (1,000) feet in length.
- (2) The operation, establishment, or maintenance of more than one sexually oriented business in the same building, structure, or portion thereof, or the increase of floor area of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business, is prohibited.
- (3) Adult oriented businesses shall not be allowed as an accessory use to any principal use.
- (4) No customer, spectator, or patron of a licensed facility shall directly pay or give any gratuity to any dancer or performer and no dancer or performer shall solicit any pay or gratuity from any customer, spectator, or patron.
- (5) All performers, dancers, and persons providing live entertainment distinguished or characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas in the licensed facility or in areas adjoining the licensed facility shall remain at all times a minimum distance of ten (10) feet from all patrons, customers, or spectators and shall dance or provide such entertainment on a platform intended for that purpose, which shall be raised at least two (2) feet from the level of the floor on which patrons or spectators are located.
- (6) No dancer, performer, or person providing live entertainment distinguished or characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas in the licensed facility or in areas adjoining the licensed facility where the entertainment can be seen by patrons of the licensed facility shall fondle or caress any spectator or patron.
- (7) No Adult Oriented Business site shall be open to the public from the hours of 11:00 p.m. to 9:00 a.m.

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(h) *Inspection and Expiration/Renewal.*

- (1) An applicant or licensee shall permit health officials, representatives of the police department, fire chief, and planning and development services department, to inspect the premises of an Adult Oriented Business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business.
- (2) Each license shall expire at the end of the calendar year and may be renewed only by re-applying. Application renewal must be made at least sixty (60) days before the expiration date, and when made less than sixty (60) days before expiration date, the expiration of the license will not be affected.
- (3) A licensee shall not transfer this license to another, nor shall a licensee operate an Adult Oriented Business under the authority of a license at any place other than the address designated in the application.

(i) *Suspension.* A suspension by the City shall be preceded by written notice of the licensee and a public hearing. The notice shall give at least 10 days' notice of the time and place of the hearing and shall state the nature of the charges against the licensee. The notice may be served upon the licensee personally, or by leaving the same at the licensed business premises with the person in charge thereof. The city may suspend a license for a period not to exceed thirty (30) days if it determines that licensee or an employee of a licensee has:

- (1) Violated or is not in compliance with any provision of this chapter.
- (2) Engaged in the use of alcoholic beverages while on the Adult Oriented Business premises other than at an Adult Hotel or Motel.
- (3) Refused to allow an inspection of the Adult Oriented Business premises as authorized by this chapter.
- (4) Knowingly permitted gambling by any person on the Adult Oriented Business premise.
- (5) Demonstrated inability to operate or manage an Adult Oriented Business in a peaceful and law-abiding manner, thus necessitating action by law enforcement officers.

(j) *Revocation.* The City may revoke a license if any of the grounds for suspension occurs and the license has been suspended within the preceding twelve (12) months. A revocation by the City shall be preceded by written notice of the licensee and a public hearing. The notice shall give at least 10 days' notice of the time and place of the hearing and shall state the nature of the charges against the licensee. The notice may be served upon the licensee personally, or by leaving the same at the licensed business premises with the person in charge thereof. The City shall revoke a license if it determines that:

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- (1) A licensee gave false or misleading information in the material submitted to the City during the application process;
  - (2) A licensee or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises;
  - (3) A licensee or an employee has knowingly allowed prostitution on the premises;
  - (4) A licensee or an employee knowingly operated the Adult Oriented Business during a period of time when the licensee's license was suspended;
  - (5) A licensee has been convicted of an offense in Section 14-34(f)(2), for which the time period required in Section 14-34(f)(2), has not elapsed;
  - (6) On two or more occasions within a twelve (12)-month period, a person or persons committed an offense occurring in or on the licensed premises of a crime listed in Section 14-34(f)(2), for which a conviction has been obtained, and the person or persons were employees of the Adult-Oriented Business at the time the offenses were committed.
  - (7) A licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation or masturbation to occur in or on the licensed premises.
- (k) *Appeals.* The fact that a revocation is being appealed shall have no effect on the revocation of the license.
- (l) *Exceptions.* Section 14-34(j)(3) does not apply to adult motels as a ground for revoking the license unless the licensee or employee knowingly allowed the act of sexual intercourse, sodomy, oral copulation, masturbation, or sexual contact to occur in a public place or within public view.
- (m) *Granting a License after Revocation.* When the City revokes a license, the revocation shall continue for one year and the licensee shall not be issued an Adult-Oriented Business license for one year from the date revocation became effective. If, subsequent to revocation, the City finds that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least 90 days have elapsed since the date the revocation became effective. If the license was revoked under Section 14-34(j)(5), an applicant may not be granted another license until the appropriate number of years required under this Section 14-34(m) has elapsed.
- (n) *Severability.* Every section, provision, or part of this ordinance is declared severable from every other section, provision, or part thereof; to the extent that if any section, provision, or part of this ordinance shall be held invalid by a court of competent jurisdiction it shall not invalidate any other section, provision, or part thereof.

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### Sec. 14-35. – Annexation.

- (a) Ordinances or resolutions annexing lands to the City may include a determination as to how the annexed lands are to be zoned. In the absence of such determination, the lands shall be zoned A-Agriculture as a means of creating a “holding” zone until the proper zoning can be determined.

### Sec. 14-36. – Driveway Access.

- (a) *Permit.* A driveway access permit or approval for connection to a public road/street with jurisdiction from a governmental agency other than the City shall be obtained for said road/street before a Building Permit is issued.
- (b) *Materials.* That portion of the private driveway, private street or land which traverses the public street right-of-way shall be constructed of materials as follows, if the private driveway, street or lane intersects:
  - (1) For a concrete street or a concrete curb and gutter, the apron and new gutter shall be concrete, unless crushed gravel or other similar material is approved by the City Engineer or the City Engineer’s designee.
  - (2) For a bituminous roadway without concrete curb and gutter, the intersecting area may be concrete, bituminous or other materials as approved by the City Engineer or the City Engineer’s designee.
- (c) *Maximum width.* The maximum driveway width at the curb line of the street shall be no more than 32 feet, exclusive of returns, in commercial and industrial zones and no more than 24 feet, exclusive of returns, in residential zones.
- (d) *Minimum distance to street intersection.* The minimum distance between the driveway and the nearest return of the intersection of two streets shall be 50 feet as measured at the curb line of the street.
- (e) *Minimum distance between driveways.* Except in the R-1, R-2, and R-3 districts, the minimum distance between adjoining driveways shall be 50 feet, as measured at the curb line of the street. In R-1, R-2, and R-3 districts, the minimum distance between adjoining driveways shall be ten feet, as measured at the curb line of the street.
- (f) *Minimum distance between driveway and lot line.* Except in the R-1, R-2, and R-3 districts, the minimum distance between a driveway and a side lot line shall be ten feet, as measured at the curb line of the street. In R-1, R-2, and R-3 districts, the minimum distance between a driveway and a side lot line shall be five feet, as measured at the curb line of the street.
- (g) *Maximum number.* On residential lots less than 150 feet in width, no more than one driveway per lot shall intersect a street. At no time shall any residential lot have more than two driveways that intersect a street. If a corner lot in an R-1 or R-2 zone is less than 150 feet in width, but not located on a collector or arterial street, that lot may have two

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driveways, one intersecting each street, granted that each driveway is located at least 50 feet from any street intersection.

- (h) *Curb cuts on collector streets.* The number of driveways intersecting a street designated as a collector or arterial by the comprehensive plan shall be limited to those driveways essential for adequate access. When properties adjoin more than one street, driveways shall be restricted, if possible, to the street with a lower volume of traffic. The following additional restrictions apply to lots in the R-1 district and R-2 district:
- (1) On interior lots no more than one driveway per dwelling unit shall intersect a street designated by the comprehensive plan as a collector or arterial.
  - (2) On corner lots or through lots no driveway shall intersect with a street designated by the comprehensive plan as a collector or arterial.
  - (3) If all streets adjoining the lot are designated as collector or arterial, driveways shall be limited to the street with the lowest volume of traffic.
- (i) *Other standards.* The engineer may adopt additional standards as to the design, materials and installation of driveways to be located on the right-of-way streets.

### **Sec. 14-38. – Building Permit/Approval.**

- (a) Permit. No construction or alteration of a building/structure requiring a building permit under City policy shall begin until such time as the required permit has been obtained from the Building Inspector.
- (b) Compliance. At such time as the Building Inspector has conducted and signed off on the final inspection, the structure shall be deemed to be in compliance with the applicable codes, standards, and ordinances. Certificates of Compliance for Building Code or Zoning Ordinance compliance will be made available at the request of the affected property owner.

### **Sec. 14-39. – Fees.**

- (a) The City Council shall establish by resolution, from time to time, such fees as it shall determine for applications made and/or permits issued pursuant to this Ordinance.

### **Secs. 14-40—14-42. - Reserved.**

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### DIVISION 4. – OFF-STREET PARKING AND LOADING

#### Sec. 14-43. – Off- street Parking.

- (a) *General.* The off-street parking requirements of this Ordinance shall apply to all buildings, structures, and uses of land constructed, established, or authorized after the adoption of this Ordinance.
- (b) *Exempt.* The following areas in the Central Business District (CBD) are exempt from parking and loading regulations:
- Area 1: The area bounded by the T.H. 12 By-Pass on the north, 2<sup>nd</sup> Street SW on the east; Trott Avenue on the south; and 6<sup>th</sup> Street on the west; and
- Area 2: The area bounded by the T.H. 12 By-Pass on the south and east; the BN RR on the north; and 7<sup>th</sup> Street SW on the west.
- (c) *Surfacing and Drainage.* Off-street parking areas for all commercial, industrial, and multi- family residential developments shall be paved with a permanent concrete, bituminous, or reasonable substitute surface, subject to approval by the Zoning Administrator and City Engineer. Such areas shall be graded and drained to dispose of all surface water accumulation within the parking area by storm sewer where available. All parking surfacing shall use at least 20% of permeable pavement.
- (d) *Landscaping.* Commercial, industrial, institutional, and multi-family residential developments which include off-street parking as a part of the overall project shall provide landscaping within or adjacent to the parking are in accordance with Section 14-33 of this Ordinance. All parking lots shall provide at least one tree per each 4 (four) parking spaces in a location to be approved by the Planning and Development Department.
- (e) *Location.* All necessary off-street parking facilities required by this Ordinance shall be subject to the following requirements:
- (1) Parking spaces required by this Ordinance shall be located on the same property as the principal use served. In the case of shared use of parking, parking spaces can be located in other property, according to Section 14-43(i).
  - (2) There shall be no off-street parking areas within fifteen (15) feet of any right-of-way.
  - (3) In R-1 and R-2 Districts, no off-street parking shall be permitted, except upon such driveways as conform with Section 14-43(e)(7).
  - (4) Parking on residential lots (R-2 to R-5) or parcels adjacent to Limited or General Business use is subject to plan approval by the Planning Commission Zoning Administrator. Such parking shall adhere to all setback requirements and shall be screened from adjacent residential districts or uses.
  - (5) No driveway or off-street parking area shall be located closer than five (5) feet from an adjacent side or rear lot line in residential areas, or ten (10) feet in multi-family residential, commercial, or industrial districts. In R-1 and R-2 districts where older

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narrower (fifty [50] foot) lots still exist and such setbacks are impractical, this requirement will not apply. In any instance where the five (5) foot setback is not maintained, the driveway/parking area shall be constructed so as to direct runoff away from the side and rear lot lines adjacent properties.

- (6) No direct access rows of parking spaces onto public streets or alleys shall be permitted. Internal isles shall be provided.
  - (7) All driveways and parking areas in residential districts shall be paved with a permanent concrete, bituminous or reasonable substitute surface, subject to approval of the Zoning Administrator and City Engineer, with the drainage from such surfaces directed towards the storm sewers and/or (preferably) the property's green space, but so as to not negatively impact neighboring homes or properties. Driveways shall not occupy more than 30% of the area within the minimum building setbacks from the street(s), nor shall they, within those setbacks, lie between the residence or residence portion of the structure and the street, except for a maximum of 3' width extension for service as a sidewalk. In CBD, where off-street surface parking is provided it shall be setback 5' (five feet) from all street rights-of-way (see Section 14-33). Surface parking shall be located at least 40' (forty feet) from any street intersection.
- (f) *Existing.* Such spaces existing on the effective date of this Ordinance shall not be reduced in number unless said number exceeds the requirements set forth herein.
- (g) *Standards & Design.*
- (1) *Approval.* All parking lot layouts shall be subject to the final approval of the City Engineer and the Planning Commission Zoning Administrator.
  - (2) *Design.* The design of off-street parking areas shall be based on sound and accepted engineering design principals, and shall be safe, practical, and logical layouts.
  - (3) *Lighting.* All parking lots accessory to the following uses shall be lighted:
    - a. All businesses and industrial uses.
    - b. Multi-family dwellings of eight (8) or more units in R-4 and R-5 districts.
  - (4) *Screening.* Off-street parking areas for commercial, industrial, and multi-family residential uses shall be screened from adjacent residential uses. Such screening shall be included as part of the landscaping required in Sections 14-33 and 14-43(d).
- (h) *Maximum and Minimum Parking Space Requirements.*
- (1) *Parking space maximum and minimum not specified.* The maximum number of stalls may be defined according to project demand and Planning and Development Department approval. The minimum number of spaces to be provided shall be based on requirements for similar uses, location of the proposed use, the number of employees on the largest shift, total square footage, potential customer use, or other expected demand and traffic generated by the proposed use. If the Director of

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the Planning and Development Department reasonably determines that a parking generation study should be prepared by a qualified professional, the Director of the Planning and Development Department may require submission of such a study to aid the Director of the Planning and Development Department in making a determination with respect to the minimum number of required parking spaces. The Director of the Planning and Development Department may approve the minimum or maximum parking ratio for any use in this Section as follows:

- a. Horizontal and pedestrian and safety signs shall be provided and maintained.
  - b. Bike parking is mandatory in all new building approvals.
  - c. The parking ratio is supported by a parking demand analysis provided by the applicant, including but not limited to:
    - i. Documentation supplied by the applicant regarding actual parking demand for the proposed use; or
    - ii. Evidence in available planning and technical studies relating to the proposed use; or
    - iii. Required parking for the proposed use as determined by other compatible jurisdictions.
  - d. *Periodic Review.* The Director may require periodic review of the proposed review of the reduced parking supply to ensure the terms of the approval are being met.
  - e. To increase the maximum parking ratio, the applicant must show that shared or off-site parking is not available or adequate to meet demand.
  - f. To increase the maximum parking ratio, the applicant must show that shared or off-site parking is not available or adequate to meet demand.
- (i) *Joint Parking Facility.* The Planning Commission may, after receiving a recommendation from Staff, give approval for one (1) or more businesses to provide the required off-street parking facilities by joint use of one (1) or more sites where the total number of spaces provided are less than the sum of the total required for each business, should they provide them separately. When considering a request for such approval, Staff shall not recommend that such approval be granted, nor the Planning Commission approve such a request, except when the following conditions are found to exist:
- (1) The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use shall be located within three hundred (300) feet of such parking facilities.
  - (2) The applicant shall show that there is no substantial conflict in the principal operating hours of the two buildings or uses for which joint use of off-street parking facilities is proposed.

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- (3) A properly drawn legal instrument, executed by the party concerned for joint use of off-street parking facilities, duly approved as to form and manner of execution by the City Attorney shall be filed with the City Clerk and recorded with the County Recorder.

### Sec. 14-44. – Off-street Loading.

- (a) *General.* Adequate off-street loading space shall be provided in connection with any structure which requires receipt or distribution of materials by vehicles.
- (b) *Number of Loading Berths Required.* The number of required off-street loading berths shall be as follows:
  - (1) *Manufacturing, Fabrication, Processing Warehousing, Storage, Retail Sales, Schools, Hotels.* For such a building between five thousand (5,000) and fifty thousand (50,000) square feet of floor area, one (1) loading berth is required; for a building fifty thousand and one (50,001) to one hundred thousand (100,000) square feet in area, two (2) loading berths are required. One (1) loading berth shall be provided for each additional thirty-five thousand (35,000) square feet of floor area or fraction thereof in excess of one hundred thousand (100,000) square feet.
  - (2) *Manufacturing and Retail Sales Under Five Thousand (5,000) Square Feet.* Adequate off-street loading and service entrances shall be provided subject to the approval of the Zoning Administrator.
  - (3) *Auditoriums, Convention Halls, Exhibition Halls, Sports Arenas, Stadiums.* Ten thousand (10,000) to one hundred thousand (100,000) square feet of floor area, one (1) loading berth; for each additional one hundred thousand (100,000) square feet of floor area or fraction thereof, one (1) additional loading berth.
  - (4) *Public or Semi-Public Recreational Buildings, Community Centers, Private and Public Educational Institutions, Religious Institutions, Hospitals, Clinics, Professional or Commercial Offices, Nursing Homes or Similar Group Housing, Senior Citizen Housing.* Adequate off-street loading and service entrances shall be provided subject to approval of the Zoning Administrator.
- (c) *Location.*
  - (1) All required loading berths and facilities shall be off-street and located on the same lots as the building or use to be served.
  - (2) All loading berths curb cuts shall be located a minimum of fifty (50) feet from the intersection of two (2) or more street right-of-way. This distance shall be measured from the property line.
  - (3) No loading berths shall be located closer than thirty (30) feet from a residential district unless within a structure.
  - (4) Loading berths shall not occupy the front yard setback area.
  - (5) Loading berths shall not conflict with pedestrian movement.

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- (6) Loading berths shall not obstruct the view of the public right-of-way from off-street parking access.
- (7) Each loading berth shall be located with appropriate means of vehicular access to a street or public alley in a manner which will cause the least interference with traffic.
- (d) *Surfacing and Drainage.* All loading berths and driveways having access onto a concrete or asphalt surfaced street or public right-of-way shall be surfaced with asphalt, concrete, or a reasonable substitute surface, subject to approval by the Zoning Administrator and City Engineer. Drainage of loading areas is subject to approval by the City Engineer.
- (e) *Accessory Use, Parking, and Storage.* Any space allocated as a required loading berth or access drive so as to comply with the terms of these zoning regulations shall not be used for the storage of goods, inoperable vehicles, or snow, and shall not be included as part of the area used to meet off- street parking requirements.
- (f) *Size.* Unless otherwise specified in this ordinance, the first loading berth shall be not less than fifty- five (55) feet in length, and additional berths required shall be not less than thirty (30) feet in length. All loading berths shall be not less than ten (10) feet in width and fourteen (14) feet in height, exclusive of aisle and maneuvering space.
- (g) *Landscaping.* Commercial, industrial, institutional, and multi-family residential developments which include off-street loading as a part of the overall project shall provide landscaping within or adjacent to the loading area in accordance with the requirements for parking areas found in Section 14-33 of this Ordinance.

**Secs. 14-45–14-48. – Reserved.**

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### DIVISION 5. – Signs

#### Sec. 14-49. – Purpose.

- (f) *Purpose.* The purpose of this Division is to coordinate and regulate the type, placement, and physical dimensions of signs within the City’s various zoning districts. To this end, the City Council finds:
- (4) That private and public monies have been invested in the City for the beautification of both public and private properties.
  - (5) That there are different commercial communication requirements of various districts in the business community.
  - (6) That aesthetics contribute to the quality of life in the community and to the enhancement of property values.
  - (7) That attractively designed, appropriately placed, soundly constructed, and well maintained signs enhance both public and private investments and increase property values.
  - (8) That proper regulation of signs encourages the innovative use of design, promotes both renovation and proper maintenance, allows for special circumstances, and guarantees equal treatment under the law through accurate record keeping and consistent enforcement.
- (g) The City Council considers standards and regulations in this Division to be reasonable and necessary to attain the purposes listed herein and adopts this Division to ensure:
- (1) That such public and private investments in improving the quality of life are protected.
  - (2) That the economic vitality of the community is maintained.
  - (3) That the integrity of residential areas and the dignity of public facilities and open areas are preserved.
  - (4) That the general appearance of the City and the business environment is improved.

#### Sec. 14-50. – Scope.

- (a) *Scope.* This Division is not intended to regulate official traffic signs and signals, government signs the City Council has no jurisdiction to regulate, the copy or message of signs, signs not intended to be viewed by pedestrians or the occupants of motor vehicles on the public streets, thoroughfares or alleys, product dispensers, point of purchase displays, scoreboards on athletic fields, flags of any state, nation international organization, or non-commercial organization, religious symbols, commemorative plaques, holiday decorations, display of

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street numbers, or any display or construction not defined herein as a sign. This Division shall not apply to building design unless said design incorporates a sign as defined in this Division, in which case that part of such design which is a sign shall be subject to the provisions of this Division.

### Sec. 14-51. – Definitions.

(b) *Definitions.* The following definition of terms and phrases used in this Section shall govern:

- (1) *Abandoned Sign.* A sign which no longer identifies or advertises a bona fide business, owner, lessor, lessee, service, product, or activity, or for which no legal owner can be found, or, if found, disclaims any interest in the sign.
- (2) *Animated Sign.* A sign depicting motion by virtue of moving, flashing, revolving, flickering lights, or change of color in light or lighting effects, or by mechanical means which tend to depict motion.
- (3) *Awning.* A shelter, of canvas or similar material, projecting from and supported by the exterior wall of a building, constructed on a supporting framework.
- (4) *Awning Sign.* A sign painted on, printed on, constructed as an integral part of, or attached flat against the surface of, an awning.
- (5) *Banner.* A sign made of fabric or any non-rigid material with no enclosing framework.
- (6) *Billboard.* An off-premise, outdoor advertising structure designed to carry changeable, temporary posters, copy, or painted or designed messages, symbols, or pictures, and the sign area of which exceeds one hundred twenty-eight (128) square feet.
- (7) *Building Frontage.* That part of the lot length or width projected from and equal to the length or width of the building fronting on one (1) or more streets.
- (8) *Canopy.* An ornamental, roof-like structure, which may be attached to a building or another structure, or may stand independently, and which is not a marquee.
- (9) *Canopy Sign.* Any sign which is suspended from or which forms part of a canopy and which does not extend horizontally beyond the limits of such canopy.
- (10) *Changeable Copy Sign.* A sign upon which message copy can be changed through the use of detachable letters or numerals, panels, or electrical or electronic controls, lamps, or illuminated tubes.
- (11) *City.* The City of Willmar, Minnesota.

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- (12) *Clearance*. The shortest vertical distance between the grade of the street, curb, or sidewalk immediately beneath a sign and the lowest point of the sign, including framework and embellishments, extending over such grade.
- (13) *Construction Sign*. A temporary sign identifying an architect, contractor, subcontractor, developer, financier, supplier of materials, or other like information with respect to construction on the property on which the sign is located.
- (14) *Development Sign*. A sign identifying a particular subdivision or residential development or area of a particular commercial or industrial complex, located at the entrance or entrances to such development or complex.
- (15) *Directional Sign*. An on-premise sign giving directions, instructions, or facility and which may contain the name or logo of an establishment but no advertising copy, such as parking, entrance, or exit sign.
- (16) *Double-faced Sign*. A sign with two (2) faces.
- (17) *Facade*. The entire building front including the parapet.
- (18) *Face of Sign*. The area of a sign on which the copy is placed.
- (19) *Festoon*. A string of garland of leaves, flowers, ribbons, tinsel, small flags, pinwheels, ornamental windsocks, or other like ornaments.
- (20) *Flashing Sign*. A sign which contains an intermittent or sequential light source used primarily to attract attention.
- (21) *Freestanding Sign*. A sign permanently fixed to the ground by one (1) or more uprights, posts, columns, or pylons, and not attached to any building.
- (22) *Frontage*. The length of the property line of any one premise along a right-of-way on which it borders.
- (23) *Government Sign*. A sign erected and maintained by the city, county, state, or federal government for traffic direction, or for the designation of or direction to any school, hospital, historical site, or public service, property, or facility.
- (24) *Hazardous Sign*. Any sign determined by the Zoning Administrator to be structurally unsafe or in disrepair to the point of being unsafe.
- (25) *Height*. The vertical distance measured from the highest point of the sign to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.
- (26) *Identification Sign*. A sign with copy which is limited to the name and address of a building, institution, or person, and to the activity or occupation being identified.
- (27) *Illumination Sign*. A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

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- (28) *Incidental Sign*. A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises, such as a credit card sign or a sign indicating hours of business.
- (29) *Maintenance*. The cleaning, painting, or repair of a sign, or the replacement of defective parts thereof, in a manner that does not alter the basic copy, design, or structure of the sign.
- (30) *Mansard*. A lower, almost vertical slope of a mansard roof, including a roof-like facade architecturally comparable to a building wall.
- (31) *Marquee*. A permanent, roof-like structure of rigid materials supported by and extending from the façade of a building and projecting over its entrance.
- (32) *Marquee Sign*. A sign attached to or supported by a marquee.
- (33) *Multi-Business Sign*. A sign for a building or structure where more than one (1) business is located, including building directories and signs for entrance identification.
- (34) *Nameplate*. A non-electric on-premises identification sign limited to the name, address, and occupation of an occupancy or group of occupancies.
- (35) *Obsolete Sign*. A sign which advertises or identifies neither the person involved nor the business or activity presently carried on the premises, or which identifies a name no longer used by the activity carried on the premises.
- (36) *Occupancy*. The state of being in legal possession of a building or portion of a building or a premise or portion of a premise, either as owner, lessee, or tenant, or other claim of right, and for a given use.
- (37) *Off-Premise Sign*. A sign, other than a billboard as herein defined, advertising an establishment, merchandise, service, or entertainment which is not sold, produced, manufactured, or furnished on the property on which the sign is located.
- (38) *On-Premise Sign*. A sign which advertises or identifies the use, the business transacted, the services rendered, the goods sold or produced, the name of the business, or the name of the person, or a combination of such categories, on the premises on which the sign is located.
- (39) *Other Street Frontage*. Business frontage on a street or streets other than the principal street frontage.
- (40) *Owner*. A person in whom is vested the dominion, title, or proprietary right in property affected by this Section. For purposes of this Section, the owner of real estate on which a sign is located is presumed to be the owner of the sign unless the

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contrary appears on the application for a permit under this Section or by any other writing filed with the Zoning Administrator.

- (41) *Parapet*. The extension of a false front or wall above the roofline.
- (42) *Person*. Individual, corporation, firm, partnership, or similar association.
- (43) *Point of Purchase Display*. Advertising of a retail item accompanying its display, such as an advertisement on a dispenser.
- (44) *Political Sign*. A temporary sign used in connection with a local, state, or national election or referendum.
- (45) *Portable Sign*. A sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.
- (46) *Premises*. A parcel of land with its appurtenances and buildings composing a unit as to a use to which a sign or signs are directed.
- (47) *Principal Street Frontage*. The frontage on the street which the principal entrance of the building on the premises faces, or, in instances permitted by this Section, that street which the owner elects to have considered as the principal street frontage.
- (48) *Projecting Sign*. A sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.
- (49) *Property Line*. The boundary line between premises owned by different persons, or between the outer limits of the *right-of-way* easement of a street, throughfare, or road, either dedicated or obtained by a public authority by purchase or condemnation, and the property abutting such street, throughfare, or road.
- (50) *Real Estate Sign*. A temporary sign advertising the premises upon which the sign is located as being for rent, lease, or sale.
- (51) *Right-of-Way Line*. The outer limits of the dedicated area of a street, road, or thoroughfare, or, in the case of an easement or title obtained through purchase or condemnation by a public authority, the outer limits of such acquired area.
- (52) *Roofline*. The top edge of the roof of a building, or the parapet, whichever is higher, excluding any cupola, pylon, chimney, or minor projection.
- (53) *Roof Sign*. A sign erected on the roof or projecting above the roof.
- (54) *Rotating Sign*. A sign in which the sign itself or any portion thereof moves in a revolving or similar manner but does not include methods of changing copy.
- (55) *Setback*. The distance between a property line or right-of-line, measured perpendicular to such line, and the part of a sign which is closest to such property line or right-of-way line.

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(56) *Sign*. Any device, structure, fixture, or placard using graphics, symbols, pictures, illustration or written or printed copy, or any combination of them, designed specifically for the purpose of advertising or identifying any person, institution, facility, product, goods, or services, or any combination thereof.

(57) *Sign Area*. The physical dimensions of a sign face.

- a. *Projecting and Freestanding Signs*. In calculating the area of a single freestanding or projecting sign, only the largest face of any double-faced sign shall be counted.
- b. *Multiple Use Freestanding Signs*. The sign area shall be determined by calculating the area enclosed by the perimeter of each sign and totaling such areas. Total sign area does not include protective devices, pole covers, structure covers, framing, or embellishments, as long as such devices or embellishments, as long as such devices or embellishments do not contain advertising or identification.
- c. *Single Box Signs, Wall Cabinet Signs, or Signs on Boards or Other Material*. The sign area shall be determined by calculating the area enclosed by the perimeter of the box, cabinet, or board or board structure, or similar structure to which the sign is attached or on which it is painted. In cases where there is additional background such as plain boards, painted boards, art work, figures, designs, or logos, the additional background is to be included in the total area of the sign face.
- d. *Wall Signs Composed of Letters, etc*. The sign area of wall signs composed of individual letters or numbers or combinations of both, using the wall as background with no added decoration, shall be determined by measuring the perimeter or perimeters of each line of letters or numbers or combinations thereof within parallel lines enclosing all letters and numbers in the line. Where more than one (1) line is used, the sign areas for all the lines shall be totaled to determine the total sign area of the sign.

(58) *Single Face Sign*. A sign with a copy on one (1) face only and which may be seen from one (1) direction only.

(59) *Subdivision Identification Sign*. A development sign identifying a recognized subdivision, condominium complex, residential development, or commercial or industrial complex.

(60) *Temporary sign*. A sign or banner constructed of cloth, canvas, cardboard, wallboard, or other similar material, or of any material where the intent is that the sign be used for only a short period of time in a single location.

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(61) *Under-Canopy Sign*. A sign suspended from or otherwise hung or attached under a canopy and not extending horizontally beyond the canopy structure or above the canopy.

(62) *Use*. The application or employment of a premise, a facility, a building, a sign, or any other property for a particular purpose.

(63) *Wall Sign*. A sign attached parallel with and extending not more than twelve (12) inches from the wall or mansard of a building, including painted, individual letters and cabinet signs.

(64) *Window Sign*. A sign installed inside a window and intended to be viewed from the outside.

(65) *Zoning Administrator*. The Zoning Administrator of the City of Willmar.

### Sec. 14-52. – General Sign Provisions.

(a) *General Sign Provisions*. Signs to conform to this Division. It shall hereafter *be* unlawful, and a violation of this Ordinance, to erect, place, or maintain a sign in the City of Willmar except in accordance with the provisions of this Division.

(b) *Signs Requiring Permits*. Unless specifically exempted by a provision of this Division, or in instances where a Special Sign Permit is provided for, each sign shall require a Sign Permit, for which application shall be made on forms prepared by the Zoning Administrator and issued upon the payment of the fees therefore prescribed by this Division.

### Sec. 14-53. – Prohibited Signs.

(a) *Prohibited Signs*. The following signs are prohibited:

(1) Abandoned Signs.

(2) Billboards.

(3) Flashing signs.

(4) Hazardous signs.

(5) Signs imitating or resembling traffic signs or signals or government signs.

(6) Signs attached to trees, telephone or utility poles, public benches, or streetlights, or placed on any public property or street or highway right-of-way by any person other than one having authority from a government to place such sign.

(7) Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign.

(8) Signs which obstruct access to fire escapes, exits, doors, standpipes, or ventilating systems, or which interfere with the view of traffic signs or signals by those to whom such signs or signals are directed.

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- (9) Signs for which a permit is required under this Section, which were constructed before such permit was issued, and as to which no procedures provided by this Section have been initiated to bring such signs into compliance with the provisions of this Section.

### **Sec. 14-54. – Special Signs.**

- (a) *Special Signs.* The following signs are prohibited unless a Special Sign Permit is issued by the Zoning Administrator under the regulations herein set forth:
  - (1) Off-premise directional signs.
  - (2) Off-premise advertising signs.
  - (3) Portable signs.
  - (4) Temporary signs.
  - (5) Roof signs.
  - (6) Banners, festoons, and pennants in place more than three (3) days; and searchlights.
  - (7) Any other signs not included under Section 14-53. of this Ordinance.
  - (8) Bus signs.
- (b) *General Conditions for Obtaining Special Sign Permits.* Any sign in Section 14-54(c) shall be generally prohibited, but may be permitted through the issuance of a Special Sign Permit by the Zoning Administrator upon the sign meeting the standards and rules set forth for one of the types of signs listed, and meeting one (1) of the following criteria:
  - (1) The sign is necessary for the preservation of substantial property rights in the property to which the sign is directed;
  - (2) There is no provision in this Section for the type of sign for which a Special Sign Permit is required; or
  - (3) The sign may be beneficial to a substantial number of people.
- (c) *Standards and Rules for Specific Types of Signs.*
  - (1) *Off-Premise Direction Signs.* Such signs shall be permitted only in those instances where the Zoning Administrator finds the sign necessary or convenient for a substantial number of people attending or seeking to attend or visiting or seeking to visit a facility which, because of its nature, tends to attract a large number of people. The primary purpose of such sign shall be to assist visitors to a facility, or to find it once they are in the area. The sign area on such signs shall not exceed twenty (20) square feet. Such signs shall not be permitted in any residential district, nor in the CB-Central Business District, and shall not carry any advertising.

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- (2) *Off-Premise Advertising Signs.* Such signs shall be permitted only in the instances where they will benefit the traveling public, or where a business is not visible from any street or highway. They shall be limited, with respect to the instance that they are permitted for the benefit of the traveling public, to advertising public accommodations not located on the thoroughfare along which the sign is placed, advertising community events or those sponsored or nonprofit, civic, philanthropic education or religious organizations, or where a business is not visible from any street or highway (via portable not permanent signage), and shall conform to the regulations pertaining to on-premise signs in the district in which they are placed. Such signs shall not be permitted in any residential district.
- (3) *Portable Signs.* Such signs may be used only for special attractions, occasions, or events where their use will assist the public in the location of the event, attraction, or occasion, or the facility in which it is held. No such sign shall be permitted in any residential district. They shall be of such size and form as the Zoning Administrator in his discretion shall determine. They shall be placed no earlier than five (5) days before the event or attraction and shall be removed promptly upon the termination of the event or conclusion of the attraction (not to exceed a total of twenty-eight (28) consecutive days per quarter year period beginning on day permit is issued). For persons or institutions having recurring events, the Zoning Administrator may in his discretion set forth in one Special Sign Permit for such person or institution the recurring events to be covered by the Permit without the re-issuance of a Permit for such sign. A \$100.00 deposit for portable signs (amount to be determined by City Ordinance) is required and will be returned only if the sign is removed by the date stated on the permit. The applicant must reclaim the deposit when the sign is removed. If the sign remains after the date specified on the permit, the City will utilize the deposit to remove the sign.
- (4) *Temporary Signs.* No such sign shall be permitted in any Residential district. The Zoning Administrator shall determine the conditions under which a Special Sign Permit is issued for such signs in the other districts and shall specify the length of time the sign may be maintained, which in any event shall not exceed 30 days. Temporary signs located in commercial or industrial zoned districts may not exceed twelve (12) square feet in area provided that said signs are limited to two (2) signs per business. Temporary signs shall be allowed by special sign permit only. Permits shall not exceed a total of seven (7) consecutive days per quarter year beginning on day permit is issued.
- (5) *Roof signs.* The City Council finds that, because of their increased exposure to high winds and storms and that difficulty of providing proper anchorage for them, roof signs tend to present conditions that are more hazardous to the public than other types of signs. It, therefore, in the interest of public safety, adopts the following special regulations for such signs as reasonable and necessary:

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- a. Roof signs shall be allowed only in General Business districts.
- b. Sign area shall not exceed .75 square feet/lineal foot of roof or (20) square feet, whichever is larger.
- c. Sign shall not exceed four (4) feet in height.
- d. The sign shall not extend higher than the roof peak.
- e. No wall signs will be allowed on the side of a building to which a roof sign is oriented.
- f. Signs shall not project horizontally beyond the edge of the roof upon which they are erected.
- g. Signs shall be structurally sound, properly anchored, and provide drainage around the sign structure.

(6) *Festoons, Pennants, and Searchlights.* Festoons, pennants, and searchlights are prohibited in all residential districts. In business and industrial districts, such signs in place for more than three (3) days must have a Special Sign Permit, except a searchlight must have a Permit for any period it is used. Such signs are permitted only on the premises where the event is held. Such signs may be placed for only the following occasions and only for the period specified in each, as follows:

- a. Special events – Fourteen (14) days.
- b. Holiday Observances – Forty (40) days.
- c. Grand Openings – Fourteen (14) days.
- d. Closing out, or going out, of business sales – Fifty (50) days.

(7) *Banners.* Banners are prohibited in all residential districts. In business and industrial districts, banners shall be regulated as follows:

- a. *General Business, Shopping Center, and Industrial Districts.* Two (2) banners allowed per property without a permit; not to exceed thirty (30) square feet each; for not more than thirty (30) days per banner.
- b. *Central Business and Limited Business Districts.* One (1) banner allowed per property without a permit; not to exceed thirty (30) square feet; for not more than thirty (30) days.
- c. The thirty (30) day time period may be extended upon granting of a Special Sign Permit, but shall not exceed the maximum period specified as follows:
  - i. Product advertisement – Sixty (60) days.
  - ii. Holidays observance – Sixty (60) days.

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- iii. Closing/Going-out-of-business – Ninety (90) days.
  - d. All banners shall be securely mounted/hung, preferable flat against a wall or fence. Banners advertising special events may be erected within a public right-of-way by a governmental unit or non-profit organization upon the granting of a Special Sign Permit and subject to the following conditions:
    - i. Size – Not to exceed thirty (30) inches by thirty (30) feet.
    - ii. Height – Minimum of fifteen (15) feet above street grade.
    - iii. Placement – To be placed only by Willmar Municipal Utilities, or others as approved by the City Engineer.
    - iv. Maintenance – Banner shall contain air relief, and shall be removed if torn.
- (8) *Bus Signs.* Bus signs shall only be permitted on public transit busses, and shall be regulated as follows:
- a. Maximum sign area shall not exceed fifteen (15) square feet per side or rear of the bus.
  - b. Signs are to be flush-mounted or adhesive-backed.
  - c. A Special Sign Permit shall be required for each transit bus carrying such advertising. Each permit shall be valid for a period of one (1) year from the date of issuance.

### **Sec. 14-55. – Signs Not Requiring Permits.**

- (a) No permit shall be required for the following types of signs, provided that such signs shall be subject to all other applicable provisions of this Division.
- (1) Signs advertising garage, rummage, or household auction sales, and placed on the premises where the sale is held.
  - (2) Real estate signs.
  - (3) Construction signs of thirty-two (32) square feet or less.
  - (4) Directional signs of two (2) square feet or less.
  - (5) Nameplates of one-half (1/2) square feet or less.
  - (6) Political signs.
  - (7) Public signs or notices placed by any agency of government.
  - (8) Emergency signs, or signs warning of hazards, whether placed by public or private persons or agencies.

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- (9) Window signs.
- (10) Incidental signs.
- (11) Banners, festoons, and pennants in place for three (3) days or less.

### **Sec. 14-56. – Regulation of On-premise Signs by Zoning District.**

#### *(a) Signs Permitted In All Districts.*

- (1) Signs not requiring permits under the provisions of Section 14-55 are permitted in all zoning districts, provided that such signs shall not advertise a use in any district not permitted under this Ordinance, either directly or as a nonconforming use under Division 7 of this Ordinance.
- (2) There shall be permitted, in lieu of the construction sign permitted as a sign not requiring a permit, one (1) additional construction sign for each street frontage of a project, not to exceed thirty-two (32) square feet in sign area. Such signs may be erected thirty (30) days prior to beginning of construction and shall be removed fourteen (14) days following completion of construction.
- (3) There shall be permitted one (1) non-illuminated real estate sign for each property to be sold, rented, or leased, not to exceed six (6) square feet in sign area in residential districts and the Central Business District, and thirty- two (32) square feet in all other districts. Such signs must be removed within ten (10) days of sale, rental, or lease.
- (4) Each occupancy shall be permitted one (1) attached nameplate, not to exceed two (2) square feet in sign area.
- (5) Political signs, in such number as permitted by the owner of the premise, each not to exceed six (6) square feet in sign area in all districts except industrial districts, where signs thirty-two (32) square feet in sign area may be permitted, may be erected on private property not more than thirty (30) days prior to the election or referendum to be voted upon and shall be removed within seven (7) days following the election or referendum. In a general election year, the size regulations for political signs will not be enforced during the period beginning August 1 and ending ten (10) days following the state general election.
- (6) There shall be permitted two (2) directional signs for each property not to exceed ten (10) square feet in sign area in the aggregate and each sign not to exceed four (4) feet in height.

#### *(b) Signs Permitted In All Residential Districts.*

- (1) Signs not requiring permits under the provisions of Section 14-55 are permitted in all residential zoning districts, provided that such signs shall not advertise a use in any

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district not permitted under this Ordinance either directly or as nonconforming use under Division 7 of this Ordinance.

- (2) There shall be permitted in all residential districts containing one (1) or more neighborhood subdivisions, one (1) or two (2) subdivisions identification signs for each such subdivision, at the discretion of the person having control of the subdivision, not to exceed eighty (80) square feet in aggregate sign area for each subdivision.
- (3) There shall be permitted in residential districts containing one (1) or more apartment or condominiums complexes, one (1) or two (2) identification signs for each such complex, at the discretion of the person having control of the complex, not to exceed forty (40) square feet in aggregate sign area.
- (4) Each church, synagogue, and school shall be permitted one (1) freestanding sign, not to exceed sixty-four (64) square feet in sign area, and wall signs not to exceed forty (40) square feet in aggregate sign area.
- (5) Each home occupation occupancy shall be permitted to erect and maintain one (1) freestanding sign, not to exceed two (2) square feet in sign area. Each occupancy holding the right as a nonconforming business or industrial use shall be permitted to erect and maintain one (1) freestanding or wall sign, not to exceed eight (8) square feet in sign area.
- (6) The maximum height of all permitted freestanding signs shall be six (6) feet, and all signs shall have a minimum setback of ten (10) feet from any property line.
- (7) Electronic reader boards are permitted and shall follow the sign area requirement for wall or freestanding signs. Electronic reader boards can be animated or scroll, but they shall not flash or display rapid animation so as not to distract, or mimic any emergency vehicles. Signs that face residential homes shall not illuminate their signs from 10 p.m. to 6 a.m.

### (c) *Signs Permitted In LB – Limited Business Districts.*

- (1) There shall be permitted in the LB- Limited Business Districts, signs as permitted under Sections 14-56(a) and 14-56(b), subject to restrictions as to use provided in this Ordinance, in addition to the signs permitted in this Subsection.
- (2) There shall be permitted for each premise one (1) square foot in sign, not to exceed one (1) square foot in sign area for each linear foot of principal street frontage up to a maximum of sixty-four (64) square feet in sign area. Such signs shall not exceed a height of eight (8) feet where the sign faces a residential district and sixteen (16) feet in all other placements.

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- (3) Freestanding signs shall have a minimum setback of ten (10) feet from any property line and a minimum clearance of eight (8) feet over any vehicular use area and seven and one-half (7 ½) feet over any pedestrian use area.
- (4) Up to six (6) percent of any wall area, computed by taking the width or length of the building times its height, or sixteen (16) feet, whichever is less, may be devoted to wall signs, provided that each wall sign must be located on the wall as to which its sign area is measured, and that each wall shall be entitled to a minimum sign area of forty (40) square feet, regardless of wall size.
- (5) Allocation of sign area for wall signs on multiple occupancy buildings shall be controlled by the building owner, who shall be directly responsible for obtaining the necessary permits for all signs, or for seeing that they are obtained, and for compliance with this Division.
- (6) Each premise, in lieu of a wall sign as herein permitted, shall be permitted to have one (1) projecting sign, provided that such sign shall not exceed twenty (20) square feet in sign area, shall not project more than three (3) feet from the building to which it is attached, and shall not project over any property line.
- (7) Each occupancy having a canopy shall be permitted to maintain one (1) under-canopy sign, not to exceed five (5) square feet in sign area and to have a minimum clearance of seven and one-half (7 ½) feet.
- (8) Each occupancy having a marquee, or the building owner if the marquee is located so that it is shared by two (2) incidental signs, not to exceed four (4) square feet in aggregate sign area.
- (9) Each occupancy having a marquee, or the building owner if the marquee is located so that it is shared by two (2) or more occupancies, shall be permitted to maintain a marquee sign on the front and each side of the marquee, the sign area in each case limited to one-half (1/2) square foot of sign area for each linear foot of marquee frontage or marquee extension on each respective side.
- (10) Each occupancy shall be permitted to have a maximum of two (2) incidental signs, not to exceed four (4) square feet in aggregate sign area.
- (11) Electronic reader boards are permitted and shall follow the sign area requirements for wall or freestanding signs. Electronic reader boards can be animated or scroll, but they shall not flash or display rapid animation so as not to distract, or mimic any emergency vehicles.

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### (d) *Signs Permitted In GB – General Business, I-1 – Limited Industry, and I-2 General Industry Districts.*

- (1) There shall be permitted in the GB – General Business, I-1 – Limited Industry, and I-2 – General Industry Districts, signs as permitted Sections 14-56(a) and 14-56(b), subject to restrictions as to use provided in this Ordinance, in addition to the signs permitted under this Subsection.
- (2) There shall be permitted one (1) freestanding sign for each premise, provided that, where a premise has in excess of one hundred fifty (150) linear feet of principal street frontage, one (1) additional freestanding sign for each additional one hundred (100) linear feet or major fraction thereof shall be permitted. The sign area herein below provided for freestanding signs shall be the aggregate sign area for the freestanding signs on the premise and, in the event more than one (1) freestanding sign is erected on the premise, the sign area shall be allocated to the signs as determined by the owner. If more than one (1) freestanding sign is located on the premises, they shall be placed at least seventy-five (75) feet apart. No sign shall be located closer to any property line than eight (8) feet.
- (3) On the following streets, a setback of at least two (2) feet from the right-of-way shall be required rather than a setback of eight (8) feet: First Street SW from Willmar Avenue to Litchfield Avenue, and Litchfield Avenue SW from First Street to Second Street and from Seventh Street to Eleventh Street.
- (4) The principal frontage street shall be, in the case of premises bounded by more than one street, that street which the owner elects to have considered as the principal frontage street, provided that the freestanding sign or signs must be erected with reference to such street and in conformity with the setback requirements herein provided with respect to the other street or streets.
- (5) The maximum sign area for freestanding signs shall not exceed eight tenths (8/10) square foot for each linear foot of principal street frontage up to a maximum of two hundred (200) square feet with a minimum setback of eight (8) feet, nine tenths (9/10) square foot for each linear foot of principal street frontage up to a maximum of two hundred twenty-five (225) square feet with a minimum setback of fifteen (15) feet, or one (1) square foot for each linear foot of principal street frontage up to a maximum setback of twenty (20) feet. Such signs shall not exceed a height of eight (8) feet where the sign faces a residential district.
- (6) The maximum height of freestanding signs shall be twenty (20) feet, provided that signs erected at a setback of twenty (20) feet or more shall be permitted to be erected and maintained to a height of twenty-five (25) feet.
- (7) Up to eight (8) percent of any wall area, computed by taking the width or the length of the building times its height, or sixteen (16) feet, whichever is less, may be

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devoted to wall signs, provided that each wall sign must be located on the wall as to which its sign area is measured, and that each wall shall be entitled to a minimum sign area of sixty (60) square feet, regardless of wall size. For building walls which are more than two hundred fifty (250) feet from the principal street right-of-way, a maximum wall height of twenty (20) feet shall be used for the purpose of computing the maximum allowable wall sign area.

- (8) Allocation of sign area for wall signs on multiple occupancy buildings shall be controlled by the building owner, who shall be directly responsible for obtaining the necessary permits for all signs, or for seeing that they are obtained, and for compliance with this Division.
- (9) Each premise shall be permitted, in lieu of a wall sign as herein permitted, to have one (1) projecting sign, provided that such sign shall not exceed thirty (30) square feet in sign area, shall not project more than four (4) feet from the building to which it is attached when located in the GB – General Business District, nor more than six (6) feet from the building to which it is attached when located in an I – Industrial District, and shall not project over any property line.
- (10) Each occupancy having a canopy shall be permitted to maintain one (1) under-canopy sign, not to exceed six (6) square feet in sign area and to have a minimum clearance of seven and one-half (7 ½) feet.
- (11) Each occupancy having a canopy shall be permitted to maintain, in addition to the under-canopy sign herein permitted, one (1) canopy sign for each of the front, back, and sides of the canopy, the sign area of each sign not to exceed one-half (1/2) square foot of sign area for each linear foot of front, back, and sides, and to be limited by the linear feet on the respective front, back, or side on which the sign is placed.
- (12) Each occupancy having an awning shall be permitted to maintain one (1) awning sign, not to exceed one (1) square foot in sign area per one (1) linear foot of awning.
- (13) Each occupancy having a marquee, or the building owner if the marquee is located so that it is shared by two (2) or more occupancies, shall be permitted to maintain a marquee sign on the front and each side of the marquee, the sign area in each case limited to one-half (1/2) square foot of sign area for each linear foot of marquee or marquee extension on each respective side.
- (14) Each occupancy shall be permitted to maintain a maximum of two (2) incidental signs, not to exceed six (6) square feet in aggregate sign area.
- (15) All freestanding, projecting, awning, canopy, and marquee signs shall have a minimum setback of two (2) feet from any vehicle use area, a minimum clearance of fifteen (15) feet over any vehicle use area, and a minimum clearance of seven and one-half (7 1/2) feet over any pedestrian use area.

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- (16) Each premise in a General Business District shall be permitted, in lieu of wall sign as herein permitted, to have one (1) roof sign as regulated in Section 14-56(c), as amended, of this Ordinance.
- (17) Electronic reader boards are permitted and shall follow the sign area requirements for wall or freestanding signs. Electronic reader boards can be animated or scroll, but they shall not flash or display rapid animation so as not to distract, or mimic any emergency vehicles.

### *(e) Signs Permitted In The CB – Central Business District.*

- (1) There shall be permitted in the CB – Central Business District, signs as permitted under Sections 14-56(a) and 14-56(b), subject to restrictions as to be provided in this Ordinance, in addition to the signs permitted under this Subsection.
- (2) There shall be permitted for each street frontage for each apartment building and for each condominium building one (1) identification sign, each sign not to exceed eight (8) square feet in sign area.
- (3) Churches, synagogues, and non-profit organizations shall be permitted to maintain one (1) freestanding sign, not to exceed thirty (30) feet in sign area, and one (1) wall sign for each wall, each sign not to exceed forty (40) square feet in sign area.
- (4) Each business or professional occupancy shall be permitted to maintain one (1) free standing sign, not to exceed fifty (50) square feet in sign area, not to exceed twenty (20) feet in height, and with a maximum setback of four (4) feet.
- (5) Wall signs for each building wall fronting on a street or alley shall be permitted with a sign area on each wall not to exceed one and one-half (1 1/2) square feet of sign area for each linear foot of the building's length or width, whichever may apply, or forty (40) square feet, whichever is greater, provided, that if individual or script cut-out letters are used with the walls as the background, the sign area for each wall shall not exceed three (3) square feet of sign area for each linear foot of length or width of the building, whichever applies, or sixty (60) square feet, whichever is greater.
- (6) Each premise shall be permitted, in lieu of a wall sign as herein permitted, to have one (1) projecting sign, provided that such sign shall not exceed twenty (20) square feet in sign area, shall not project more than two (2) feet from the building to which it is attached, shall not project more than two (2) feet over any right-of-way, and shall not project over any property line which is a boundary line between separately owned properties.
- (7) Each occupancy having a canopy shall be permitted to maintain one (1) under-canopy sign per street frontage, each sign not to exceed five (5) square feet in sign area and to have a minimum clearance of seven and one-half (7 ½) feet.

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- (8) Each occupancy having an awning shall be permitted to maintain one (1) awning sign, not to exceed one (1) square foot in sign area per linear foot of awning.
- (9) Each occupancy having a marquee, or the building owner if the marquee is located so that it is shared by two (2) or more occupancies, shall be permitted to maintain a marquee sign on the front and each side of the marquee, the sign area in each case limited to one-half (1/2) square foot of sign area for each linear foot of marquee frontage or marquee extension on each respective side.
- (10) Each occupancy shall be permitted to have a maximum of two (2) incidental signs, not to exceed two (2) square feet in aggregate sign area.
- (11) Electronic reader boards are permitted and shall follow the sign area requirements for wall or freestanding signs. Electronic reader boards can be animated or scroll, but they shall not flash or display rapid animation so as not to distract, or mimic any emergency vehicles.
- (12) When applying for a sign permit, the applicant shall provide, in addition to a scaled drawing of the entire sign, a product sample, which may be one of the following:
  - a. If the sign will be fabricated by a reputable sign company, provide a small product sample of a similar sign design with similar materials and fabrication methods, or
  - b. If the sign will be fabricated by a reputable sign company, provide full-color photos of similar signs the company has fabricated installed, or
  - c. If the sign will be fabricated by an individual, provide a sample portion of the sign at full size and in full color. For example, if the sign will be painted, provide several letters painted on the same surface as the final sign.

### (f) *Signs Permitted In The Shopping Center Districts.*

- (1) There shall be permitted in the SC – Shopping Center Districts, signs as permitted in Section 14-56(a), subject to restrictions as to use provided in this Ordinance, in addition to the signs permitted under this Subsection.
- (2) One (1) freestanding sign shall be permitted for each shopping center property. There shall be permitted on such freestanding sign structure an identifying the property, and additional signs identifying major tenants. The aggregate sign area of such freestanding sign structure shall not exceed three hundred fifty (350) square feet, and shall not exceed thirty-five (35) feet in height.
- (3) Where a premise has in excess of one hundred fifty (150) feet of principal street frontage, one (1) additional freestanding sign for each one hundred (100) linear feet or major fraction thereof shall be permitted, provided that no matter how many freestanding signs are permitted under this formula the aggregate sign area of all

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signs shall not exceed five hundred fifty (550) square feet, and provided, further, if the linear front footage on such principal street frontage is less than three hundred fifty (350) feet, an aggregate sign area of three hundred fifty (350) feet, an aggregate sign area of three hundred fifty (350) square feet shall be permitted.

- (4) If a shopping center premise has frontage abutting a street other than the principal frontage street, one (1) additional freestanding sign shall be permitted on the other street frontage. The aggregate sign area of such sign shall not exceed one (1) square foot of sign area for each linear foot of other street frontage, and no such sign shall have a sign area in excess of one hundred fifty (150) square feet.
- (5) All freestanding signs shall have a minimum setback of eight (8) feet to any property line, and may not be closer to another freestanding sign than seventy-five (75) feet.
- (6) Freestanding signs on the principal street frontage other than the sign authorized in Section 5.H.6.b. shall have a maximum height of twenty (20) feet. Signs with a setback of twenty (20) or more shall be permitted to be erected and maintained to a height of twenty-five (25) feet. Freestanding signs on other street frontage shall not exceed twenty (20) feet in height. Any freestanding sign on other street frontage that faces a residential district shall not exceed ten (10) feet in height and shall not have a sign area in excess of sixty-four (64) square feet.
- (7) Up to eight (8) percent of any wall area, computed by taking the width of the occupancy times the height of the building to a maximum of twenty (20) feet, whichever is less, may be devoted to wall signs. Allocation of area for wall signs on shopping center premises shall be controlled by the owner of the premises, who shall be directly responsible for obtaining necessary permits for all signs, or for seeing that they are obtained, and for compliance with this Division.
- (8) There shall be permitted (1) entrance canopy sign not to exceed in sign area one (1) square foot for each linear foot of entrance canopy, provided that applications for entrance canopy signs are accompanied by written permission of the owner of the property.
- (9) Under-canopy signs shall be permitted under such rules as the owner of the premises may determine, provided that such signs may not exceed four (4) square feet in sign area and shall have a minimum clearance of seven and one-half (7 ½) feet.
- (10) Each occupancy having an awning shall be permitted to maintain one (1) awning sign for each awning, each awning sign not to exceed one (1) square foot of sign area for each linear foot of awning.
- (11) Each occupancy having a marquee, or the building owner if the marquee is located so that it is shared by two (2) or more occupancies, shall be permitted to maintain a

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marquee sign or signs, the sign area of which shall not exceed in the aggregate one-half (1/2) square foot of sign area for each linear foot of marquee frontage and each linear foot on each side of marquee extension from the façade of the building to which it is attached, provided that no sign shall be constructed on the frontage or the sides of the marquee in sign area larger than that would be permitted measuring the front or the side on each side, as the case may be.

- (12) Incidental signs not to exceed two (2) square feet in aggregate sign area shall be permitted for each occupancy or each entrance for such occupancy.
- (13) Freestanding, awning, marquee, canopy, and under-canopy signs shall have a minimum setback of two (2) feet from any vehicular use area, a minimum clearance of fifteen (15) feet over any vehicular use area, and a minimum clearance of seven and one-half (7 ½) feet over any pedestrian use area.
- (14) Electronic reader boards are permitted and shall follow the sign area requirements for wall or freestanding signs. Electronic reader boards can be animated or scroll, but they shall not flash or display rapid animation so as not to distract, or mimic any emergency vehicles.

### (g) *Signs Permitted In P – Park; G – Government/Industrial, and A – Agriculture Districts.*

- (1) There shall be permitted in the P – Park, G – Government / Institutional, and A – Agriculture Districts, signs as permitted in Section 14-56(a), subject to restrictions as to use provided in this Ordinance, in addition to the signs permitted under this Subsection.
- (2) There shall be permitted on each premise in these districts one (1) freestanding identification sign with a maximum sign area of twenty (20) square feet, a minimum setback of ten (10) feet, and a maximum height of eight (8) feet.
- (3) Other signs not meeting these requirements must have Planning Commission approval.

### **Sec. 14-57. – Illegal Signs.**

#### (a) *Signs deemed illegal signs.* The following signs are illegal signs:

- (1) Any sign placed or maintained without a permit from and after the effective date of this Ordinance.
- (2) There shall be permitted on each premise in these districts one (1) freestanding identification sign with a maximum sign area of twenty (20) square feet, a minimum setback of ten (10) feet, and a maximum height of eight (8) feet.
- (3) Ther signs not meeting these requirements must have Planning Commission approval.

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- (4) Any sign which is constructed or maintained in violation of any code or codes applicable to it or which violates any applicable law.
- (5) Any sign which in its construction, maintenance, repair, or relocation violates any provision of this Ordinance or which violates any condition in an issued permit or in any determination granting a variance with conditions attached.

### *(b) Violations; Penalties.*

- (1) The placement or maintenance of an illegal signs shall constitute a violation of this Ordinance and be subject to the penalties therein described. The City may employ any or all of the remedies set forth in Division 1 of this Ordinance in order to prevent or terminate the placement or maintenance of such illegal sign and to impose all the sanctions available to the City to enforce the provisions hereof.
- (2) Any sign placed after the effective date of this Ordinance before the required permit for such sign has been applied for shall be subject to immediate removal unless the owner thereof shall within five (5) days of notice by the Zoning Administrator make application for the required permit and pay the fee therefore. In such case, the fee shall be double that set out in the resolution of the Council and shall be paid in full upon the filing of the application.
- (3) The City shall have the power to remove any sign not removed by the owner, and to charge and collect the costs of such removal under all remedies available to it under the law from the owner of such sign, including the power to assess the costs of removal against the real estate on which the sign is placed where the owner of the sign is also the owner of such real estate, using the procedures hereinafter set forth.
- (4) As to any illegal sign not removed by the owner, the Zoning Administrator shall institute removal proceedings in the following manner: He/She shall serve upon the owner of the sign, with a copy to the owner of the tract on which the sign is located, by delivery personally or by certified mail, a Notice of Removal, stating that if the said sign is not removed, it will be removed by the City within a period of ten (10) days after the delivery or mailing of the notice for permanent signs and three (3) days for portable signs. The notice shall also specify that the costs of such removal shall be charged to the owner of the sign and that, where the sign is placed or maintained on real estate by an owner who is also the owner of the sign, if they same is not paid before the time set by law for the Clerk- Treasurer to certify to the County Auditor special assessments levied by the City Council, the Clerk-Treasurer will certify such costs as a special assessment on the real estate tract on which the sign is located. Failure of the owner of the sign to pay the said charges upon notification thereof by the Zoning Administrator shall also constitute a violation of this Ordinance.

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- (5) Any person whose sign is in violation of this Ordinance shall not be entitled to a sign permit for any other sign until the sign in violation has either been removed and all charges therefore incurred by the City paid or made to conform to the provisions of this Ordinance.

### **Sec. 14-58. – Nonconforming Signs.**

#### *(a) Definition; Status; Continuation.*

- (1) Any sign in place at the effective date of this Ordinance which does not conform to the provisions of this Ordinance with respect to location, setback, height, clearance, type of sign, sign area, or number of signs permitted is a nonconforming sign.
- (2) Nonconforming signs shall be considered lawful signs if they do not violate any provision of this Ordinance dealing with permits, and applicable law or code, or condition in any variance or permit pertaining thereto, and may be continued for the applicable period pertaining to such sign provided the provisions of this Section 14-58 are observed.
- (3) The nonconforming status of such signs may be maintained if the following provisions are observed:
  - a. The sign is maintained at all times in conformity with the provisions of this Ordinance as to maintenance, and with the provisions of this Ordinance and other laws and codes providing for the safety of the public.
  - b. The sign identifies or advertises the owner, facility, the product, or services provided on the premises to which it relates.
  - c. The period of nonconforming use as herein provided has not terminated.

#### *(b) Nonconforming Use Period.*

- (1) *Standards for determining nonconforming use period.* It is the intent of this Ordinance that all nonconforming signs shall either be made to conform or be removed as soon as practicable, commensurate with the preservation of property values inherent in the sign. The following criteria shall govern the determination of a nonconforming use period:
  - a. Whether or not a permit was obtained for the sign, or approval was granted by virtue of including the sign on a development plan/site plan receiving a positive review by the Zoning Administrator or Planning Commission. It shall be the responsibility of the sign owner to demonstrate to the Zoning Administrator that a nonconforming sign has a permit or was likewise approved at the time of its erection.

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- b. The nonconforming use period for such permitted/approved signs shall not exceed ten (10) years from the date of verification of the nonconforming status of the sign by the Zoning Administrator.
- c. For signs without permits/plan approval, the nonconforming use period shall not exceed five (5) year from the date of verification of the nonconforming status of the signs by the Zoning Administrator.
- d. This criterion shall not apply to signs allowed by a variance, as a variance is permanent in nature unless conditioned otherwise.

(2) *Location of the sign with respect to the public road right-of-way.*

- a. To minimize potential liability to the city created by a sign erected in, or projecting into a public road right-of-way, the nonconforming use period for such signs shall not exceed two (2) years from the date of verification of the nonconforming status of the sign by the Zoning Administrator.
- b. To minimize potential liability to the City created by a sign erected in, or projecting into, a public road right-of-way, the nonconforming use period for such signs shall not exceed two (2) years from the date of verification of the nonconforming status of the sign by the Zoning Administrator.

(3) If the sign is nonconforming because it, with another or other signs, exceeds the number of signs permitted under this Ordinance, the owner of the signs shall determine which sign or signs shall remain as the permitted sign or signs and the nonconforming use period of the six (6) months.

(4) The nonconforming use period of any sign shall not exceed the periods herein established, unless a longer period is granted under the appeals procedures hereinafter provided for.

(5) Signs which were determined to be nonconforming under the terms of Ordinance No. 871, adopted in 1986, shall not have their nonconforming use period extended by this Ordinance.

(c) *Procedures for Determination of Nonconforming Use Period.* It is the intent of this Ordinance that the period of nonconforming use of each nonconforming sign shall be determined in order that both the City officials and the owner of the sign might program the disposition of the sign. To that end, the following procedure for determining the nonconforming use period for each sign shall be followed:

- (1) From time to time as shall be deemed necessary, the Zoning Administrator shall make an inventory and set up a record for nonconforming signs in the city and shall maintain said record until the nonconforming signs are removed.

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- (2) The Zoning Administrator shall thereupon, using the criteria herein set forth, make a determination of the nonconforming use period for each nonconforming sign.
- (3) Upon such determination being made, the Zoning Administrator shall serve a notice upon the owner of such sign setting out his determination of the nonconforming use period of the sign and a copy of Section 14-58 of this Ordinance. If the owner of the property on which the sign is located is different than the owner of the sign, a copy of the notice and of the said Section shall also be served on the owner of the property.
- (4) In filing an objection to the Zoning Administrator's determination of nonconforming use period, the owner of the sign shall have the following options available:
  - a. Owners of signs determined to have a ten (10) year period of nonconforming use – appeal to the Board of Zoning Appeals
  - b. Owners of signs determined to have less than a ten (10) year period of nonconforming use – demonstrate that use of the sign was officially permitted or approved, and/or appeal to the Board of Zoning Appeals.
  - c. Owners of any nonconforming signs – demonstrate that the sign was allowed by a variance.
- (5) If the owner does not file an objection to the determination of the zoning Administrator within a period of (30) days from his receipt of notice, the determination of the Zoning Administrator shall be final and conclusive.
- (6) Following the thirty (30) day objection period, the owner of a sign having filed a timely objection shall have an additional thirty (30) days to either demonstrate that the sign was officially permitted or approved, and/or file an appeal to the Board of Zoning Appeals.
- (7) If the owner of the sign does not file an appeal to the Board of Zoning Appeals within the aforementioned sixty (60) – day time period, the determination of the Zoning Administrator shall be final and conclusive.
- (8) In the event of an appeal, the procedure to be followed shall be that set forth in Section 14-221 of this Ordinance.
- (9) In lieu of an appeal, the owner of the sign, at the owner's expense, may submit the matter to arbitration, in which event the procedure and rights of the parties shall be determined by the provisions of the Minnesota Arbitration Act.

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(d) *Maintenance/Repair/Alteration of Nonconforming Signs.*

- (1) *Maintenance.* A nonconforming sign shall be properly maintained during the established period of nonconforming use in accordance with Section 14-59 of this Ordinance.
- (2) *Repairs.* If any nonconforming sign is damaged by any means to the extent of fifty (50) percent or more of its value, it shall not be repaired except as to bring the sign into complete compliance with all provisions of this Ordinance.
- (3) *Alterations.* A nonconforming sign may be altered with respect to the face only. No structural alterations shall be permitted, nor shall any alteration of sign faces be permitted which increases the area, height, or setback nonconformity of the sign.
- (4) *Variances Prohibited.* No variance may be granted for any increase in the nonconformity of a sign.

(e) *Disposition After Expiration of Nonconforming Use Period.* Any sign as to which the nonconforming use period, as herein determined, has expired, and which is not removed or rehabilitated to make it a conforming sign on or before the expiration of such period, shall thereupon become an illegal sign and be subject to the penalty provisions of Section 14-57 of this Ordinance.

(f) *Annexations.* Any signs on property which is hereafter annexed to the City shall be subject to the provisions of this Ordinance, the same as if the tract annexed were a part of the City on the effective date of this Ordinance, effective as of the date of the annexation becomes final. Upon annexation of any tract, the Zoning Administrator shall examine the same to determine that all signs conform and permits required are obtained as herein provided.

### **Sec. 14-59. – General Regulatory Provisions.**

- (a) *Maintenance.* All signs shall be maintained so that exposed surfaces are clear and painted if painting is required, defective parts are replaced, and broken or non-functioning parts are repaired or removed.
- (b) *Lighting.* Unless otherwise provided by this Ordinance, all signs may be illuminated, provided that no sign may utilize an exposed incandescent lamp with an external reflector without a sunscreen or comparable diffusion, any lamp throwing light on the sign in which the direct light from the lam is visible from any public street or public sidewalk, or any revolving beacon light.
- (c) *Changeable Copy.* Unless otherwise provided by this Ordinance, any sign permitted by this Ordinance may use changeable copy, changed either manually or electronically.

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- (d) *Compliance with Codes.* All signs shall comply with the provisions of the building Code and the Electrical Code adopted by the City Council of the City of Willmar, now or hereafter in effect, where applicable.
- (e) *Standards.* The standards of construction for all signs shall be those as to which Code provisions are in effect specifically, or if there are no such specific provisions, the nearest reasonable regulations pertaining to items such as type of material used, anchoring, wind loading, and other safety factors as are in effect in the City.
- (f) *Anchoring.*
  - (1) No sign shall be suspended by no rigid attachments that will allow the sign to swing in a wind. Banners as regulated in Section 14-54(c)(7) are exempt from this provision.
  - (2) All freestanding signs have self-supporting structures erected on or permanently attached to concrete foundations.
  - (3) All portable signs on display shall be braced or secured to prevent motion.

### Sec. 14-60. – Administrative Provisions.

#### (a) *General Administration.*

- (1) *Administrator.* These sign regulations shall be administered by the Zoning Administrator or his designee, with all powers and subject to the provisions set forth with respect to said office in this Ordinance.

#### (b) *Forms; Permits; Fees; Denials.*

- (1) *Forms.* The Zoning Administrator shall prepare forms for Sign Permits, Special Sign Permits, applications, notices, and all other forms which may be required for the administration and the enforcement of the provisions of this Section. Such forms shall incorporate all provisions required with respect thereto by this Section and this Ordinance and data and requests for data as shall enable the Zoning Administrator, and if necessary, the Board of Zoning Appeals, or a board of arbitration, or the courts, to make a determination based on all available facts. Forms for determinations adverse to the owner shall clearly state the rights of the owner with respect to appeal or other remedy available to him by the provisions of this Division and this Ordinance.
- (2) *Permits.* To be effective, Sign Permits and Special Sign Permits must be in writing, be legibly set forth, and be dated and signed by the Zoning Administrator. A copy of all Permits and determinations issued or made shall be kept permanently by the Zoning Administrator.

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- (3) *Fees.* Any fee provided for in this Section shall be that amount which the Council in its Resolution on fees determines. If any sign is placed before a Permit is issued, the fee shall be doubled.
- (4) *Denials.* If an application for a Sign Permit is denied by the Zoning Administrator, he shall upon request, set forth his reasons for such denial in writing with references to applicable provisions of this Division.

**Secs. 14-61—14-63. - Reserved.**

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### DIVISION 6. – ZONING DISTRICTS AND DISTRICT REGULATIONS

**Sec. 14-64. – District Summary.** For purposes of this Ordinance, the City of Willmar is hereby divided into zoning districts which shall be designated as follows:

(a) *Residential Districts.*

- (1) R-1, One-Family Residential District.
- (2) R-2, One- and Two-Family Residential District.
- (3) R-3, Low Density Multiple Family Residential District.
- (4) R-4, Medium Density Multiple Family Residential District.
- (5) R-5, High Density Multiple Family Residential District.

(b) *Business Districts.*

- (1) LB, Limited Business District.
- (2) GB, General Business District.
- (3) CB, Central Business District.
- (4) SC, Shopping Center District.

(c) *Industrial Districts.*

- (1) I-1, Limited Industry District.
- (2) I-2, General Industry District.

(d) *Shoreland Districts.* Shoreland Districts exist as overlay districts adjacent to the public waters in the City of Willmar. These districts have greater restrictions relative to use and bulk/density of development, and are regulated by the City of Willmar Shoreland Management Ordinance.

(e) *Other Districts.*

- (1) P, Park District.
- (2) G, Government/Institutional District.
- (3) A, Agriculture District.

(f) *Renaissance Zone.* The Renaissance Zone is an overlay district encompassing the Central Business (CB) district and certain lands adjacent thereto. This district offers greater flexibility relative to zoning requirements otherwise imposed by the underlying zoning districts and is regulated by Division 13 of this Ordinance.

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**Sec. 14-65. – Permitted in All Districts.** The following uses are deemed appropriate for all zoning districts:

- (a) Signs as regulated by Division 5.
- (b) Parking as regulated by Division 4.
- (c) Buildings temporarily located for construction purposes.
- (d) Decorative landscape features and fences as regulated by Division 3.
- (e) Satellite dishes/antennae as an accessory structure as regulated by Division 3.

**Sec. 14-66. – R-1, One-Family Residential District.**

- (a) *Permitted Uses.* Only the following uses shall be permitted outright:
  - (1) One-family detached dwellings.
  - (2) Agricultural uses, not including livestock raising or feeding.
- (b) *Permitted Uses with Plan Review.* The following uses are permitted provided plans are submitted to and approved by the Zoning Administrator and Planning Commission, subject to such conditions as they may attach thereto:
  - (1) City parks.
  - (2) Licensed residential facilities with six (6) or fewer residents.
  - (3) Room and board for up to four (4) persons.
  - (4) Essential services and public uses.
- (c) *Conditional Uses.* The following additional uses are permitted upon the granting of a conditional use permit by the Planning Commission, subject to such conditions as they may attach thereto:
  - (1) Churches and cemeteries.
  - (2) Commercial day nurseries and schools.
  - (3) Golf courses, tennis clubs.
  - (4) Home occupations.
  - (5) Private and public schools.
  - (6) Structures over two (2) stories or thirty-five (35) feet high.

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(d) *Permitted Accessory Uses.* The following accessory structures or uses of land shall be permitted:

- (1) Garages, carports, and parking space.
- (2) Keeping of domestic pets; does not include kennels.
- (3) Residential waterfront uses and recreational equipment.
- (4) Swimming pools and tennis courts.
- (5) Detached garage storage or storage buildings.

(e) *Lot Area, Width, and Setback Requirements.* The following standards shall be the minimum requirements for development in the “R-1” District:

a. Lot Area	10,000 square feet
b. Lot Width	80 feet
c. Setbacks	
Front (r/w)	30 feet
Rear	30 feet
Side, interior	10 feet
Side, street (r/w)	10 feet

**Sec. 14-67. – R-2, One- and Two-Family Residential District.**

(a) *Permitted Uses.* Only the following uses shall be permitted outright:

- (1) One-family detached dwellings.
- (2) Two-family (duplex) detached dwellings, including twin-homes.
- (3) Agricultural uses, not including livestock raising or feeding.

(b) *Permitted Uses with Plan Review.* The following uses are permitted provided plans are submitted and approved by the Zoning Administrator and the Planning Commission, subject to such conditions as they may attach thereto:

- (1) City parks.
- (2) Licensed residential facilities with six (6) or fewer residents.
- (3) Parking for adjacent LB or GB use.
- (4) Room for board for up to four (4) persons.
- (5) Essential services and public uses.

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(c) *Conditional Uses.* The following additional uses are permitted upon the granting of a conditional use permit by the Planning Commission, subject to such conditions as they may attach thereto:

- (1) Churches and cemeteries.
- (2) Commercial day nurseries and schools.
- (3) Golf courses, tennis clubs.
- (4) Home occupations.
- (5) Neighborhood service stores.
- (6) Nursing, rest, or retirement homes.
- (7) Planned unit developments.
- (8) Private and public schools.
- (9) Structures over two (2) stories or thirty-five (35) feet high.
- (10) Bed and breakfast establishments.
- (11) Non-residential storage within an existing building.

(d) *Permitted Accessory Uses.* The following accessory structures or uses of land shall be permitted:

- (1) Garages, carports, and parking space.
- (2) Keeping of domestic pets; does not include kennels.
- (3) Residential waterfront uses and recreational equipment.
- (4) Swimming pools and tennis courts.
- (5) Detached garage storage or storage buildings.

(e) *Lot Area, Width, and Setback Requirements.* The following standards shall be the minimum requirements for development in the “R-2” District:

a. Lot Area	8,500 square feet for single-family dwelling 12,000 square feet for two-family dwelling
b. Lot Width	75 feet for single-family dwelling 85 feet for two-family dwelling

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c. Setbacks	
Front (r/w)	30 feet
Rear	30 feet
Side, interior	10 feet
Side, street (r/w)	30 feet

**Sec. 14-68. – R-3, Low Density Multi-Family Residential District.**

- (a) *Permitted Uses.* Only the following uses shall be permitted outright:
- (1) One-family detached dwellings.
  - (2) Two-family (duplex) detached dwellings, including twin-homes.
  - (3) Three-and four-plex multi-dwellings, and townhouses up to four units.
  - (4) Agricultural uses, not including livestock raising or feeding.
- (b) *Permitted Uses with Plan Review.* The following uses are permitted provided plans are submitted to and approved by the Zoning Administrator and the Planning Commission, subject to such conditions as they may attach thereto:
- (1) City parks.
  - (2) Licensed residential facilities with six (6) or fewer residents.
  - (3) Manufactured homes.
  - (4) Parking for adjacent LB or GB use.
  - (5) Room and board for up to four (4) persons.
  - (6) Essential services and public uses.
  - (7) Bed and breakfast establishments.
- (c) *Conditional Uses.* The following additional uses are permitted upon the granting of a conditional use permit by the Planning Commission:
- (1) Churches and cemeteries.
  - (2) Commercial day nurseries and schools.
  - (3) Home occupations.
  - (4) Licensed residential facilities with seven (7) to sixteen (16) residents.
  - (5) Neighborhood service stores.

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- (6) Nursing, rest, and retirement homes.
- (7) Planned unit developments.
- (8) Private and public schools.
- (9) Structures over two (2) stories or thirty-five (35) feet high.
- (10) Non-residential storage within an existing building.

(d) *Permitted Accessory Uses.* The following accessory structures or uses of land shall be permitted:

- (1) Garages, carports, and parking space.
- (2) Keeping of domestic pets; does not include kennels.
- (3) Residential waterfront uses and recreational equipment.
- (4) Swimming pools and tennis courts.
- (5) Detached garage storage or storage buildings.

(e) *Lot Area, Width, and Setback Requirements.* The following standards shall be the minimum requirements for development in the “R-3” District:

	1-Family	2-Family	3-Plex	4-Plex
a. Lot Area (square feet)	8,500	12,000	15,000	18,000
b. Lot Width (feet)	70	80	90	100
c. Setbacks (feet)				
Front (r/w)	30	30	30	30
Rear	30	30	30	35
Side, interior	10	10	10	15
Side, street (r/w)	30	30	30	30

**Sec. 14-69. – R-4, Medium Density Multi-Family Residential District.**

(a) *Permitted Uses.* Only the following uses shall be permitted outright:

- (1) Two-family (duplex) detached dwellings, including twin-homes.
- (2) Three-and four-plex multi-dwellings, and townhouses up to four units.
- (3) Agricultural uses, not including livestock raising or feeding.

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- (b) *Permitted Uses with Plan Review.* The following uses are permitted provided plans are submitted to and approved by the Zoning Administrator and the Planning Commission, subject to such conditions as they may attach thereto:
- (1) City parks.
  - (2) Licensed residential facilities with six (6) or fewer residents.
  - (3) Manufactured homes.
  - (4) Multi-dwellings up to twelve (12) units/building, including apartments and townhouses.
  - (5) Neighborhood service stores.
  - (6) Parking for adjacent LB or GB use.
  - (7) Room and board for up to four (4) persons.
  - (8) Structures over three (3) stories or forty-five (45) feet high.
  - (9) Essential services and public uses.
- (c) *Conditional Uses.* The following additional uses are permitted upon the granting of a conditional use permit by the Planning Commission, subject to such conditions as they may attach thereto:
- (1) Churches and cemeteries.
  - (2) Commercial day nurseries and schools.
  - (3) Licensed residential facilities with seven (7) to sixteen (16) residents.
  - (4) Mobile home parks, subject to Section 14-28.
  - (5) Multi-dwellings of thirteen (13) to twenty-four (24) units/building.
  - (6) Nursing, rest, and retirement homes.
  - (7) Planned unit developments.
  - (8) Private and public schools.
- (d) *Permitted Accessory Uses.* The following accessory structures or uses of land shall be permitted:
- (1) Garages, carports, and parking space.
  - (2) Keeping of domestic pets; does not include kennels.
  - (3) Residential waterfront uses and recreational equipment.

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- (4) Swimming pools and tennis courts.
- (5) Detached garage storage or storage buildings.

(e) *Lot Area, Width, and Setback Requirements.* The following standards shall be the minimum requirements for development in the “R-4” District:

	2-Family	3-Plex	4-Plex	Units 5-12	Units 13-24
a. Lot Area (square feet)	10,000	13,000	15,000	3,500	3,000
b. Lot Width (feet)	80	90	100	add 5 feet per unit	add 5 feet per unit
c. Setbacks (feet)					
Front (r/w)	30	30	30	30	30
Rear	30	30	35	40	40
Side, interior	10	10	15	20	20
Side, street (r/w)	30	30	30	30	30

**Sec. 14-70. – R-5, High Density Multi-Family Residential District.**

- (a) *Permitted Uses.* Only the following uses shall be permitted outright:
- (1) Multi-dwellings, four (4) to twelve (12) units/building, including apartments and townhouses.
- (b) *Permitted Uses with Plan Review.* The following uses are permitted provided plans are submitted to and approved by the Zoning Administrator and the Planning Commission, subject to such conditions as they may attach thereto:
- (1) City parks.
  - (2) Licensed residential facilities with sixteen (16) or fewer residents.
  - (3) Multi-dwellings up to thirteen (13) to twenty-four (24) units/building.
  - (4) Neighborhood service stores.
  - (5) Parking for adjacent LB or GB use.
  - (6) Structures over three (3) stories or forty-five (45) feet high.
  - (7) Essential services and public uses.

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(c) *Conditional Uses.* The following additional uses are permitted upon the granting of a conditional use permit by the Planning Commission, subject to such conditions as they may attach thereto:

- (1) Multi-dwellings of twenty-five (25) to forty-eight (48) units/building.
- (2) Nursing, rest, and retirement homes.
- (3) Planned unit developments.

(d) *Permitted Accessory Uses.* The following accessory structures or uses of land shall be permitted:

- (1) Garages, carports, and parking space.
- (2) Keeping of domestic pets; does not include kennels.
- (3) Residential waterfront uses and recreational equipment.
- (4) Swimming pools and tennis courts.
- (5) Detached garage storage or storage buildings.

(e) *Lot Area, Width, and Setback Requirements.* The following standards shall be the minimum requirements for development in the “R-5” District:

	4-Plex	Units 5 and above
a. Lot Area (square feet)	12.000	add 2.000 sf per unit
b. Lot Width (feet)	100	add 2 feet per unit
c. Setbacks (feet)		
Front (r/w)	30	30
Rear	35	40
Side, interior	15	20
Side, street (r/w)	30	30

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### Sec. 14-71. – LB, Limited Business District.

- (a) *Permitted Uses.* The following uses are permitted provided plans are submitted to and approved by the Zoning Administrator and the Planning Commission, subject to such conditions as they may attach thereto:
- (1) Alterations/tailor shops.
  - (2) Art studio, prints and supplies.
  - (3) Banks/financial institutions.
  - (4) Bed and breakfast establishments.
  - (5) Broadcasting studios (w/o transmission tower).
  - (6) Churches.
  - (7) Commercial day nurseries or schools.
  - (8) Fraternal/service clubs.
  - (9) Funeral homes/crematoriums.
  - (10) Medical/dental clinics.
  - (11) Nurseries/greenhouses (sales only, no heavy equipment).
  - (12) Offices, business and professional.
  - (13) Parking.
  - (14) Photo studios, including the sale of photographic supplies.
  - (15) Essential services and public uses
  - (16) Hair care (barbers, beauty shops, salons, etc.)
- (b) *Conditional Uses.* The following uses are permitted upon the granting of a conditional use permit by the Planning Commission, subject to such conditions as they may attach thereto:
- (1) Businesses with drive-up facilities (if use permitted).
  - (2) Hotels/motels. (only in an LB District contiguous to the CBD).
  - (3) Multiple-family dwelling units as a secondary use in a business structure.
  - (4) Museums.
  - (5) Nursing homes, residential care facilities.
  - (6) Planned unit developments.

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- (7) Structures exceeding forty-five (45) feet in height (if use permitted).
- (8) Convenience stores with gasoline sales.
- (9) Restaurants (excluding fast food, drive-ins or drive-throughs).
- (10) Mini storage business.
- (11) Athletic/recreation facilities.
- (12) Brew pubs.

(c) *Permitted Accessory Uses.* The following accessory structures or uses of land shall be permitted:

- (1) Detached storage or accessory buildings.

(d) *Lot Area, Width, and Setback Requirements.* The following standards shall be the minimum requirements for development in the “LB” District:

a. Lot Area (square feet)	15.000
b. Lot Width (feet)	100
c. Setbacks (feet)	
Front (r/w)	25 feet; 15 feet, if District is adjacent to CBD
Rear	10
Side, interior	10
Side, street (r/w)	25 feet; 15 feet, if District is adjacent do CBD

**Sec. 14-72. – GB, General Business District.**

(a) *Permitted Uses.* Only the following uses shall be permitted outright:

- (1) Alterations/tailor shops.
- (2) Appliance sales and service.
- (3) Art studio, including sale of prints and supplies.
- (4) Athletic/recreation facilities.
- (5) Automobile/light truck sales and service.

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- (6) Automobile/truck parts and supplies sales.
- (7) Bait and tackle stores.
- (8) Bakeries.
- (9) Banks/financial institutions.
- (10) Bicycle sales and service.
- (11) Broadcasting studios.
- (12) Carpet/floor covering stores.
- (13) Churches.
- (14) Clothing stores.
- (15) Commercial day nurseries or schools.
- (16) Computer/electronic equipment sales and service.
- (17) Drug stores/pharmacies.
- (18) Dry cleaners.
- (19) Employment agencies
- (20) Fabric stores.
- (21) Farm supplies sales.
- (22) Flower shops.
- (23) Funeral homes/crematoriums.
- (24) Furniture stores.
- (25) Glass sales/service.
- (26) Hair care (barbers, beauty shops, salons, etc.).
- (27) Hardware stores.
- (28) Laundromats.
- (29) Liquor sales, on and off.
- (30) Medical/dental clinics.
- (31) Motorcycle/snowmobile/boat sales and service.
- (32) Museums.

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- (33) Music stores.
- (34) Office supply stores.
- (35) Offices, business and professional.
- (36) Parking
- (37) Pet stores.
- (38) Photo processing business.
- (39) Photo studios, including the sale of the photographic supplies.
- (40) Printing shops.
- (41) Schools and colleges.
- (42) Shoe stores.
- (43) Small engines sales and service.
- (44) Sporting goods stores.
- (45) Tanning parlors.
- (46) Theaters.
- (47) Tire sales and service.
- (48) Toy stores.
- (49) Veterinary clinics.
- (50) Video stores.
- (51) Welding supply stores.
- (52) Essential services and public uses.
- (53) Tattoo parlors.
- (54) Brew pubs.

(b) *Permitted Uses with Plan Review.* The following uses are permitted provided plans are submitted to and approved by the Zoning Administrator and the Planning Commission, subject to such conditions as they may attach thereto:

- (1) Armories, convention halls, auditoriums.
- (2) Building contractor shops.
- (3) Bus terminals.

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- (4) Businesses w/ drive-up facilities (if use permitted).
- (5) Car washes.
- (6) Department stores.
- (7) Discount stores.
- (8) Electrical contractors shops.
- (9) Fertilizer sales.
- (10) Fraternal/service clubs.
- (11) Hotels/motels.
- (12) Livestock feed sales.
- (13) Lumber yards (including misc. building materials).
- (14) Mini-storage businesses.
- (15) Multi-business buildings and complexes (if use permitted).
- (16) Multiple-family dwelling units as a secondary use in a business structure.
- (17) Nurseries, greenhouses.
- (18) Plastering/drywall contractor shops.
- (19) Plumbing/heating/air conditioning/refrigeration/ventilation contractors shops.
- (20) Restaurants (including night clubs and fast food).
- (21) Roofing contractors shops.
- (22) Seasonal businesses.
- (23) Sheet metal contractors shops.
- (24) Sign contractors ships
- (25) Structures exceeding forty-five feet in height (if use permitted).
- (26) Supermarkets/grocery stores (including convenience stores w/o gas sales).
- (27) Water conditioning contractors shops, including bottling and sales.
- (28) Welding shops.

(c) *Conditional Uses.* The following uses are permitted upon the granting of a conditional use permit by the Planning Commission, subject to such conditions as they may attach thereto:

- (1) Adult entertainment uses as regulated in Section 14-34.

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- (2) Flammable gas/liquid sales and storage (including gas stations and convenience stores with gas sales).
- (3) Planned unit developments.
- (4) Recycling transfer stations.
- (5) Brewer taprooms.
- (6) Multi-family dwelling structures.

(d) *Permitted Accessory Uses.* The following accessory structures or uses of land shall be permitted:

- (1) Detached storage or accessory buildings.

(e) *Lot Area, Width, and Setback Requirements.* The following standards shall be the minimum requirements for development in the “GB” District:

a. Lot area (square feet)	15.000
b. Lot width (feet)	100
c. Setbacks (feet)	
Front (r/w)	25*
Rear	10
Side, interior	10
Side, street (r/w)	25*

\* All front or street setbacks along state/federal highways shall be a minimum of fifty (50) feet except for T.H.12 between 11<sup>th</sup> Street Southwest and Lakeland Drive.

**Sec. 14-73. – CB, Central Business District.**

(a) *Permitted Uses.* Only the following uses shall be permitted outright:

- (1) Alterations/tailor shops.
- (2) Appliance sales and service.
- (3) Art studio, including sale of prints and supplies.
- (4) Athletic/recreation facilities.
- (5) Automobile/light truck sales and service.

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- (6) Bakeries.
- (7) Banks/financial institutions.
- (8) Bicycle sales and service.
- (9) Broadcasting studio (without transmission towers).
- (10) Carpet/floor covering stores.
- (11) Churches.
- (12) Clothing stores.
- (13) Commercial day nurseries or schools.
- (14) Computer/electronic equipment sales and service.
- (15) Drug stores/pharmacies.
- (16) Dry cleaners.
- (17) Employment agencies.
- (18) Fabric stores.
- (19) Flower shops.
- (20) Fraternal/service clubs.
- (21) Funeral homes/crematoriums.
- (22) Furniture stores.
- (23) Hair care (barbers, beauty shops, salons, etc.).
- (24) Hardware stores.
- (25) Hospitals.
- (26) Interior design stores.
- (27) Laundromats.
- (28) Liquor sales, on and off.
- (29) Medical/dental clinics.
- (30) Office supply stores.
- (31) Offices, business and professional.
- (32) Paint stores.

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- (33) Pawnshops.
- (34) Pet stores.
- (35) Photo processing business.
- (36) Photo studios, including the sale of the photographic supplies.
- (37) Printing shops.
- (38) Restaurants (including night clubs and fast food).
- (39) Schools and colleges.
- (40) Shoe stores.
- (41) Sporting goods stores.
- (42) Tanning parlors.
- (43) Tattoo parlors.
- (44) Theaters.
- (45) Tire sales.
- (46) Toy stores.
- (47) Video stores.
- (48) Wholesale sales.
- (49) Essential services and public uses.

(b) *Permitted Uses with Plan Review.* The following uses are permitted provided plans are submitted to and approved by the Zoning Administrator and the Planning Commission, subject to such conditions as they may attach thereto:

- (1) Armories, convention halls, auditoriums.
- (2) Bus terminals.
- (3) Art studios, including the sale of prints and supplies.
- (4) Department stores.
- (5) Discount stores.
- (6) Multiple-family dwelling units as a secondary use in a business structure.
- (7) Parking facilities
- (8) Specialty food stores.

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(9) Structures exceeding forty-five (45) feet in height.

(10) Taxi/mass transit businesses.

(c) *Conditional Uses.* The following uses are permitted upon the granting of a conditional use permit by the Planning Commission, subject to such conditions as they may attach thereto:

(1) Hotels and motels.

(2) Supermarkets/grocery stores (including convenience stores with/without gas sales).

(3) Brewer taprooms.

(4) Brew pubs.

(5) Multi-family dwelling structures, including apartments and townhomes, with off-street parking as determined by the Planning Commission.

(d) *Permitted Accessory Uses.* The following accessory structures or uses of land shall be permitted:

(1) Armories, auditoriums, or convention halls.

(e) *Lot Area, Width, and Setback Requirements.* The following standards shall be the minimum requirements for development in the “CBD” District:

a. Lot Area (square feet)	2,000
b. Lot Width (feet)	25
c. Setbacks (feet)  All	Shall be zero (0) feet from all street rights-of-way.

(f) *Encroachments.* Encroachments into the right-of-way by marquees, roof overhangs, or awnings in the CBD will be limited to a distance of six (6) feet or one-half the width of the sidewalk, whichever is less. All such encroachments must provide seven and one-half (7 ½) feet of vertical clearance to the sidewalk.

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### (g) *Design Standards.*

- (1) *Building Placement.* In the Central Business District buildings shall be placed at primary street corners, defined as the intersections of Litchfield Ave. SW and 1st, 2nd, 3rd, 4th, 5th, and 6th Streets; Becker Ave. SW and 1st, 2nd, 3rd, 4th, and 5th Streets; and Benson Ave. SW and 2nd, 3rd, 4th, and 5th Streets. If no primary corner exists, buildings shall be placed as per setback requirements in Section 14-73 (e).
- (2) *General Design.* The design and construction of downtown buildings shall be in keeping with the scale and quality of existing buildings in the heart of downtown, primarily at the intersection of Litchfield Ave. SW and 4<sup>th</sup> St. SW. Design creativity is encouraged. Willmar has no defined and required aesthetic. Scale and architectural quality is more important than a particular style.
- (3) *Scale.* Buildings shall be two, three, or four stories in height (buildings over four stories require plan review as per Section 14-72(b)(9)) or one story with an ornamental cornice constituting a minimum of one-half the height of the inhabited space.
- (4) *Materials.* Buildings shall be constructed of high-quality materials such as brick, stone, stucco, or decorative masonry, with accent materials of metal, stone, glass, or other materials.
- (5) *Entrances.* The primary building entrance should provide access directly to the public sidewalk, not to a parking area. A secondary entrance accessing a parking area is permitted.
- (6) *Windows.* All facades at street level adjacent to the public right-of-way shall be consistent with surrounding architectural development.

### (h) *Architectural Projections.*

- (1) Elements may extend 2' (two feet) out over the public sidewalk, provided there is a minimum of 7.5' (seven and half feet) vertical clear zone between the sidewalk surface and the underside of the projection.
- (2) Architectural projections shall be limited to awnings (for signs see Section 14-56(e)) and decorative building elements, which shall be an integral part of the building design and may only extend one foot over the public sidewalk.

### (i) *Awnings.* (see Section 14-56(e) for signed awnings.)

- (1) Awnings shall be composed of fabric, or of hard materials complementary to the building design.
- (2) Awnings may be lit on both sides, but may not be internally lit.
- (3) Vinyl awnings are not permitted.

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- (j) *Design Review.* Building designs shall be submitted along with site plans for Plan Review by the Planning Commission.

### **Sec. 14-74. – SC, Shopping Center District.**

- (a) *Definition.* The Shopping Center District is defined as any grouping of ten (10) or more retail uses in one or more principal structures under single control, with off-street parking and a minimum of fifty thousand (50,000) square feet in building area.

- (b) *Permitted Uses.* Only the following uses shall be permitted outright:

- (1) Athletic/recreation facilities.
- (2) Automobile/light truck parts sales and service.
- (3) Banks/financial institutions.
- (4) Broadcast studios (without transmission towers).
- (5) Computer/electronic equipment sales and service.
- (6) Department stores.
- (7) Discount stores.
- (8) Flower shops.
- (9) Haircare (barbers, beauty shops, salons, etc.).
- (10) Hardware stores.
- (11) Liquor sales, on and off.
- (12) Medical/dental clinics.
- (13) Offices, business and professional.
- (14) Photo processing businesses.
- (15) Printing shops.
- (16) Restaurants (including night clubs and fast food).
- (17) Retail stores.
- (18) Seasonal businesses.
- (19) Supermarkets/grocery stores (including convenience stores without gas sales).
- (20) Theaters.
- (21) Tire sales.

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- (22) Alterations/tailor shops.
- (23) Appliance sales and service.
- (24) Art studio, prints and supplies.
- (25) Bakeries.
- (26) Bicycle sales and service.
- (27) Carpet/floor covering stores.
- (28) Clothing stores.
- (29) Commercial day care or schools.
- (30) Drug stores/pharmacies.
- (31) Employment agencies.
- (32) Fabric stores.
- (33) Furniture stores.
- (34) Glass sales/services.
- (35) Interior design stores.
- (36) Multi-business buildings and complexes (if use permitted).
- (37) Music stores.
- (38) Nurseries/greenhouses (sales only, no heavy equipment).
- (39) Office supplies stores.
- (40) Paint stores.
- (41) Pawn shops.
- (42) Pet stores.
- (43) Photo studios, including sale of photographic supplies.
- (44) Restaurants (excluding fast food, drive-ins, or drive-throughs).
- (45) Shoe stores.
- (46) Small engines sales and service.
- (47) Specialty food stores.
- (48) Sporting goods stores.

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- (49) Tanning parlors.
- (50) Tattoo parlors.
- (51) Taxi/mass transit businesses.
- (52) Toy stores
- (53) Truck sales and service.
- (54) Veterinary clinics.
- (55) Video stores.

(c) *Permitted Uses with Plan Review.* The following uses are permitted provided plans are submitted to and approved by the Zoning Administrator and the Planning Commission, subject to such conditions as they may attach thereto.

- (1) Any permitted use in Section 14-74(b) above where the business is free-standing and not connected to the main complex.
- (2) Detached accessory buildings.
- (3) Parking.
- (4) Structures over forty-five (45) feet in height.
- ~~(5)~~ Convenience stores with gasoline sales.
- (6) Bus terminals.
- (7) Businesses with drive-up facilities (if use permitted).
- (8) Car washes.
- (9) Churches.
- (10) Fraternal/service clubs.
- (11) Motorcycle/snowmobile/boat/recreational vehicle sales and service.

(d) *Lot Area, Width, Setback, and Miscellaneous Requirements.* The following standards shall be the minimum requirements for development in the "SC" District:

	Main Complex	Additional fee – Standing Facilities
a. Lot Area (square feet)	140,000	10,000

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b. Lot Width (feet)	400	100
c. Setbacks (feet)		
Front (r/w)	100	50
Rear	100	50
Side, interior	50	20
Side, street (r/w)	100	50
d. Landscaping, minimum, % of site	10%	10%
e. Minimum sidewalk and/or landscaped area adjacent to building (feet)	10	10
f. Required traffic island at main entrance	10 feet wide 50 feet long	N/A

(e) *Conditional Uses.* The following uses are permitted upon the granting of a conditional use permit by the Planning Commission, subject to such conditions as they may attach thereto:

- (1) Warehousing/distribution/storage.
- (2) Assembly (parts).
- (3) Schools and colleges.
- (4) Brewer taprooms.
- (5) Nursing homes, residential care facilities.

**Sec. 14-75. – I-1, Limited Industry District.**

(a) *Permitted Uses with Plan Review.* The following uses shall be permitted provided plans are submitted to and approved by the Zoning Administrator and the Planning Commission, subject to such conditions as they may attach thereto:

- (1) Automobile/truck sales, repair, and service.
- (2) Commercial dog kennels.
- (3) Contractors shops.
- (4) Equipment rental business.
- (5) Greenhouses and nurseries.
- (6) Manufacturing businesses.

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- (7) Metal fabrication businesses.
- (8) Motor freight terminals.
- (9) Poultry processing.
- (10) Printing shops.
- (11) Storage facilities, including mini-storage.
- (12) Transportation facilities/businesses.
- (13) Veterinary clinics.
- (14) Wholesale sales.
- (15) Essential services and public uses.

(b) *Conditional Uses.* The following uses are permitted upon the granting of a conditional use permit by the Planning Commission, subject to such conditions as they may attach thereto:

- (1) Adult entertainment uses, as regulated in Section 14-34.
- (2) Gas bulk plants.
- (3) Manufacturing of explosive or toxic materials.
- (4) Solid waste collection and recycling facilities for metals, glass, paper, wood, etc. (not including household garbage).
- (5) Storage and/or sale of flammable liquids and gases.
- (6) Agricultural product processing plants.

(c) *Permitted Accessory Uses.* The following accessory structures or uses of land shall be permitted.

- (1) Detached storage or accessory buildings.
- (2) An apartment for on-site security personnel, included within the business structure.

(d) *Lot Area, Width, Setback, and Miscellaneous Requirements.* The following standards shall be the minimum requirements for development in the "I-1" District:


	Additional fee – Standing Facilities
a. Lot Area (square feet)	20,000

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b. Lot Width (feet)	100
c. Setbacks (feet)	
Front (r/w)	40
Rear	30
Side, interior	20
Side, street (r/w)	40
d. Open, landscaped area	20%
e. Building / lot coverage	50% maximum

**Sec. 14-76. – I-2, General Industry District.**

(a) *Permitted Uses with Plan Review.* The following uses shall be permitted provided plans are submitted to and approved by the Zoning Administrator and the Planning Commission, subject to such conditions as they may attach thereto:

- (1) Automobile/truck sales, repair, and service.
- (2) Commercial dog kennels.
- (3) Equipment rental business.
- (4) Farm  implement sales, repair, and service.
- (5) Farm product sales.
- (6) Greenhouses and nurseries.
- (7) Lumber/wood production and treatment.
- (8) Manufacturing businesses.
- (9) Metal fabrication businesses.
- (10) Motor freight terminals.
- (11) Poultry processing.
- (12) Printing shops.
- (13) Storage facilities, including mini-storage.
- (14) Transportation facilities/businesses.
- (15) Veterinary clinics.

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- (16) Essential services and public uses.
- (17) Lumber yards (including miscellaneous building materials).
- (18) Gun ranges and gun sales.

(b) *Conditional Uses.* The following uses are permitted upon the granting of a conditional use permit by the Planning Commission, subject to such conditions as they may attach thereto:

- (1) Agricultural product processing plants.
- (2) Gas bulk plants.
- (3) Manufacturing of explosive or toxic materials.
- (4) Meat packing/rendering plants.
- (5) Power plants.
- (6) Solid waste collection and recycling facilities for metals, glass, paper, wood, etc. (not including household garbage).
- (7) Concrete, bituminous, or gravel production businesses. (Applies to permanent installation only. Temporary seasonal operations for public works improvement projects are permitted as an essential service or public use.)
- (8) Automotive salvage/reduction yard.
- (9) Small scale slaughterhouse (structure shall not exceed 5,000 square feet).

(c) *Permitted Accessory Uses.* The following accessory structures or uses of land shall be permitted.

- (1) Detached storage or accessory buildings.
- (2) An apartment for on-site security personnel, included within the business structure.

(d) *Lot Area, Width, Setback and Miscellaneous Requirements.* The following standards shall be the minimum requirements for development in the "I-2" District:

a. Lot Area (square feet)	15,000
b. Lot Width (feet)	100
c. Setbacks (feet)	Front (r/w)      30
	Rear                      20

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Side, interior	15
Side, street (r/w)	30
d. Open, landscaped area	10%
e. Building / lot coverage	75% maximum

**Sec. 14-77. – P, Park/Open Space District.**

- (a) *Permitted Uses.* Only the following uses shall be permitted outright:
  - (1) Agricultural uses, not including livestock raising or feeding.
  - (2) Wildlife/nature areas.
  - (3) Essential services and public uses.
- (b) *Permitted Uses with Plan Review.* The following uses shall be permitted provided plans are submitted and approved by the Zoning Administrator and the Planning Commission, subject to such conditions as they may attach thereto:
  - (1) Archery and firearm ranges.
  - (2) City or County parks and recreation areas.
  - (3) Golf courses.
  - (4) Swimming pools.
- (c) *Conditional Uses.* The following uses are permitted upon the granting of a conditional use permit by the Planning Commission, subject to such conditions as they may attach thereto:
  - (1) Recreational vehicle parks and campgrounds.
- (d) *Permitted Accessory Uses.* The following accessory structures or uses of land shall be permitted:
  - (1) Detached storage or accessory buildings.
- (e) *Lot Area, Width, and Setback Requirements.* The following standards shall be the minimum requirement for development in the “P” District”
  - (1) Lot area = No minimum area\*
  - (2) Lot width = No minimum width\*
  - (3) Setback to any property line = 50 feet.

\* As recommended by the Zoning Administrator and approved by the Planning Commission.

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### Sec. 14-78. – G, Government/Institutional District.

(a) *Permitted Uses with Plan Review.* The following uses shall be permitted provided plans are submitted to and approved by the Zoning Administrator and the Planning Commission, subject to such conditions as they may attach thereto:

- (1) City offices/buildings/facilities.
- (2) County offices/buildings/facilities.
- (3) Community colleges.
- (4) Municipal utilities offices/buildings/facilities.
- (5) Public airports.
- (6) Public hospitals/treatment centers.
- (7) Public parking lots/facilities.
- (8) Public schools.
- (9) State and federal offices/buildings/facilities.
- (10) Technical colleges
- (11) Vacant public lands.

(b) *Permitted Accessory Uses.* The following accessory structures or uses of land shall be permitted:

- (1) Detached storage or accessory buildings.

(c) *Lot Area, Width, and Setback Requirements.* The following standards shall be the minimum requirements for development in the “G/I” District:

- (1) Lot area = No minimum area\*
- (2) Lot width = No minimum width\*
- (3) Setback to any property line = As recommended by the Zoning Administrator and approved by the Planning Commission, taking into consideration the zoning and district requirements governing the surrounding area. In no case, however, shall the setbacks be less than thirty (30) feet for the front (street r/w) or rear, and fifteen (15) feet for the sides, except where a use abuts a railroad line and zero (0) setback is necessary for access and loading purposes.

\* As recommended by the Zoning Administrator and approved by the Planning Commission.

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### Sec. 14-79. – A, Agriculture District.

- (a) *Permitted Uses.* Only the following uses shall be permitted outright:
- (1) Agricultural uses, not including livestock raising or feeding.
  - (2) Commercial kennels.
  - (3) Nurseries/greenhouses.
  - (4) Parks.
  - (5) Riding stables.
  - (6) Seasonal roadside sales of flowers, produce, or other agricultural products.
  - (7) Wildlife/nature areas.
- (b) *Permitted Use with Plan Review.* The following uses shall be permitted provided plans are submitted to and approved by the Zoning Administrator and the Planning Commission, subject to such conditions as they may attach thereto:
- (1) Archery and firearms ranges.
  - (2) Fairgrounds.
  - (3) Golf courses.
  - (4) Lumber processing.
  - (5) Single family detached dwellings (one (1) acre minimum lot size, must have municipal sewer and water).
- (c) *Conditional Uses.* The following uses are permitted upon the granting of a conditional use permit by the Planning Commission, subject to such conditions as they may attach thereto:
- (1) Agricultural product processing.
  - (2) Contractors shops/yards.
  - (3) Race tracks.
  - (4) Recreational vehicle parks and campgrounds.
  - (5) Solid waste collection and storage facilities for metals, glass, wood, paper, etc. (not including household garbage; no processing of wastes).
- (d) *Permitted Accessory Uses.* The following accessory structures or uses of land shall be permitted:
- (1) Detached storage or accessory buildings.

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(e) *Lot Area, Width, and Setback Requirements.* The following standards shall be the minimum requirements for development in the “A” District:

c. Lot Area (square feet)	No minimum area *
b. Lot Width (feet)	No minimum width *
c. Setbacks (feet)	
Front (r/w)	100
Rear	50
Side, interior	50
Side, street (r/w)	100

\* As recommended by the Zoning Administrator and approved by the Planning Commission.

**Sec. 14-80. – Technology District.**

(a) *Permitted Use with Plan Review.* The following uses shall be permitted provided plans are submitted to and approved by the Zoning Administrator and the Planning Commission, subject to such conditions as they may attach thereto:

- (1) Animal health products/services.
- (2) Athletic/recreation facilities.
- (3) Bio-Technology businesses.
- (4) Business/technology incubator.
- (5) Commercial day nurseries and schools.
- (6) Component assembly.
- (7) Computer Science/information technology business.
- (8) Education uses/businesses.
- (9) Engineering businesses (including biological, chemical, electrical, engineering and mechanical).
- (10) Essential services and public uses.

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- (11) Food and other services (complimentary to the technology district).
- (12) Governmental/institutional offices/buildings/facilities.
- (13) Limited production.
- (14) Medical/dental clinics.
- (15) Parking.
- (16) Prototyping.
- (17) Research and development businesses.

(b) *Permitted Accessory Uses.* The following accessory structures or uses of land shall be permitted:

- (1) Detached storage or accessory buildings.
- (2) Residences for on-site maintenance or security (no new homes).

(c) *Lot Area, Width, Setback, and Miscellaneous Requirements.* The following standards shall be the minimum requirements for development in the “T” District:

a. Lot Area (square feet)	15,000
b. Lot Width (feet)	100
c. Setbacks (feet)	
Front (r/w)	25
Rear	25
Side, interior	15
Side, street (r/w)	25
Access lot/out lot	15
d. Open, landscaped area	20%
e. Building / lot coverage	50% maximum

(d) *Permitted Uses.* Only the following uses shall be permitted outright:

- (1) Offices, business and professional.

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### Sec. 14-81. – GB-2 - General Business District-2.

(a) *Permitted Uses.* Only the following uses shall be permitted outright:

- (1) Alterations/tailor shops.
- (2) Appliance sales and service.
- (3) Armories, convention halls, auditoriums.
- (4) Art studios, including sale of prints and supplies.
- (5) Athletic/recreation facilities.
- (6) Automobile/light truck sales and service.
- (7) Automobile/truck parts and supplies sales.
- (8) Bait and tackle stores.
- (9) Bakeries.
- (10) Banks/financial institutions.
- (11) Bicycle sales and service.
- (12) Brew pubs.
- (13) Brewer taprooms.
- (14) Broadcasting studios.
- (15) Building contractors shops.
- (16) Bus terminals.
- (17) Businesses/drive up facilities.
- (18) Car washes.
- (19) Carpet/floor covering stores.
- (20) Churches.
- (21) Clothing stores.
- (22) Commercial day nurseries or schools.
- (23) Computer/electronic equipment sales and service.
- (24) Department stores.
- (25) Discount stores.

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- (26) Drug stores/pharmacies.
- (27) Dry cleaners.
- (28) Electrical contractors shops.
- (29) Employment agencies.
- (30) Essential services and public uses.
- (31) Fabric stores.
- (32) Family recreation.
- (33) Farm supplies sales.
- (34) Fertilizer sales.
- (35) Flower shops.
- (36) Fraternal/service clubs.
- (37) Funeral homes/crematoriums.
- (38) Furniture stores.
- (39) Glass sales/service.
- (40) Hair care (barbers, beauty shops, salons, etc.).
- (41) Hardware stores.
- (42) Hotels/motels.
- (43) Laundromats.
- (44) Liquor sales, on and off.
- (45) Livestock feed sales.
- (46) Lumber yards (including misc. building materials).
- (47) Medical/dental clinics.
- (48) Motorcycle/snowmobile/boat sales and service.
- (49) Multi-businesses building and complexes.
- (50) Multiple-family dwelling units as a secondary use in a business structure.
- (51) Museums.
- (52) Music stores.

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- (53) Nurseries, greenhouses.
- (54) Office supplies stores.
- (55) Offices, business and professional.
- (56) Parking.
- (57) Pet stores.
- (58) Photo processing business.
- (59) Photo studios, including the sale of photographic supplies.
- (60) Plastering/drywall contractors shops.
- (61) Plumbing/heating/air conditioning/refrigeration/ventilation contractors shops.
- (62) Printing shops.
- (63) Restaurants (including fast food).
- (64) Retail stores.
- (65) Roofing contractors shops.
- (66) Schools and colleges.
- (67) Seasonal businesses.
- (68) Sheet metal contractors shops.
- (69) Shoe stores.
- (70) Sign contractors shops.
- (71) Small engines sales and service.
- (72) Smoking shops.
- (73) Sporting goods stores.
- (74) Tanning parlors.
- (75) Tattoo parlors.
- (76) Theaters.
- (77) Tire sales and service.
- (78) Toy stores.
- (79) Trucks sales and service.

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- (80) Veterinary clinics.
- (81) Video stores.
- (82) Water conditioning contractors shops.
- (83) Welding shops.
- (84) Welding supply stores.

(b) *Permitted Uses with Plan Review.* The following uses are permitted provided plans are submitted to and approved by the Zoning Administrator and Planning Commission, subject to such conditions as they may attach thereto:

- (1) Amusement parks.
- (2) Malls.
- (3) Multi-family dwellings structures.
- (4) Night-clubs.
- (5) Supermarkets/grocery stores (including convenience stores with gas sales).

(c) *Conditional Uses.* The following uses are permitted upon the granting of a conditional use permit by the Planning Commission, subject to such conditions as they may attach thereto:

- (1) Adult entertainment uses, as regulated in Section 14-34.
- (2) Flammable gas/liquid sales and storage (including gas stations and convenience stores with gas sales).
- (3) Planned unit development.
- (4) Recycling transfer stations.

(d) *Lot Area, Width, and Setback Requirements.* The following standards shall be the minimum requirement for development in the GB-2 District:

a. Lot Area (square feet)	20,000
b. Lot Width (feet)	100
c. Setbacks (feet)	
Front (r/w)	25*
Rear	10
Side, interior	10

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Side, street (r/w)

25\*

\* All front or street setbacks along state/federal highways be a minimum of fifty (50) feet except for T.H.12 between 11<sup>th</sup> Street SW and Lakeland Drive.

### Sec. 14-82. – I-3 - Rail Park Industry District.

(a) *Permitted Use with Plan Review.* The following uses shall be permitted provided plans are submitted to and approved by the Zoning Administrator and the Planning Commission, subject to such conditions as they may attach thereto. All uses may be related to Rail tracks and transportation and are conditions to be approved by the Planning Commission.

- (1) Manufacturing, fabrication, and/or processing of any commodity, except that expressly prohibited here, as set out in Section 14-82(b) below, the uses being conditionally permitted there being expressly prohibited here.
- (2) Retail sales of any commodity manufactured, fabricated or processed on the premises, or of any commodity designed especially for use in agriculture, mining, industry, business, transportation, or construction, including, but not limited to, the following uses:
  - a. Building material sales yard and lumberyard, including the sale of rock, sand, gravel, and the like as an incidental part of the main business.
  - b. Contractor's equipment storage yard or plant, or rental of equipment commonly used by contractors.
  - c. Freighting or trucking yard or terminal.
- (3) Abattoirs (slaughterhouse or meatworks).
- (4) Docks and piers.
- (5) Battery exchange station.
- (6) Building, heating, or electrical contractor.
- (7) Coal washing, storage and transfer yards and facilities
- (8) Concrete mixing facilities/asphalt.
- (9) Contractors yard and building.
- (10) Exterminator or inset poison manufacturing.
- (11) Fat, oil and grease facilities.
- (12) Fat rendering.

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- (13) Fertilizer manufacture.
- (14) Flour and grain milling.
- (15) Food-processing facilities.
- (16) Fuel oil/bottled gas distributor and storage.
- (17) Freight trucking.
- (18) Gravel and mineral extraction, batch plants.
- (19) Grain and feed elevators and supply.
- (20) Heavy equipment sales, rental or repair.
- (21) Industries: limestone, fertilizer, concrete, lumber.
- (22) Intermodal facilities.
- (23) Laboratories and research and development.
- (24) Leather curing and tanning.
- (25) Livestock auctions.
- (26) Logistics related industry or business.
- (27) Logistics and distribution facilities.
- (28) Manufacturing – light assembly and processing Type A.
- (29) Manufacturing – light assembly and processing Type B.
- (30) Manufacturing – heavy.
- (31) Manufacturing – chemical plant.
- (32) Monument works
- (33) Natural resource storage/transfer.
- (34) Outdoor storage, principal use.
- (35) Pharmaceutical and biomedical companies.
- (36) Plastic processing.
- (37) Publishing and printing.
- (38) Rail freight facilities.
- (39) Rail transportation.

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- (40) Railroad yard terminal.
- (41) Refining or storage.
- (42) Truck transportation.
- (43) Railroad services and management.
- (44) Recycling processing center.
- (45) Salvage yard.
- (46) Sawmill.
- (47) Stock yards.
- (48) Storage, self/mini warehouse.
- (49) Vehicle towing.
- (50) Vehicle fuel/gas station.
- (51) Vehicle storage, maintenance and repair.
- (52) Transfer station, solid waste.
- (53) Warehouse storage and distribution.
- (54) Wholesale establishment and storage.

(b) *Conditional Uses.* Uses not related to Section 14-82(a) can be permitted if related to rail logistic use upon the granting of a conditional use permit by the Planning Commission, subject to such conditions as it may attach thereto.

(c) *Prohibited Uses.* All uses not related to rail facilities and logistics, or which involve the following uses, are prohibited:

- (1) Extractive industry.
- (2) Incinerator, medical waste/hazardous waste, nonhazardous waste, and/or any incinerating facility that would be considered regulated as a point source.
- (3) Refinery, petroleum products.
- (4) Hazardous waste processing or storage.
- (5) Explosive manufacturing or storage.
- (6) Bottling plant.
- (7) Animal rendering.

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(d) *Permitted Accessory Uses.* The following accessory structures or uses of land shall be permitted

- (1) Detached storage or accessory buildings.
- (2) An apartment for on-site security personnel, included within the business structure.

(e) *Lot Area, Width, Setback and Miscellaneous Requirements.* The following standards shall be the minimum requirements for development in the "I-3" District:

a. Lot Area	1.5 acres 65,340 sq ft
b. Lot Width (feet)	150
c. Setbacks (feet)	
Front (r/w)	100
Rear	75
Side, interior	50
Side, street (r/w)	100
Open, landscaped area	10%
Building/lot coverage	75% maximum

**Secs. 14-83–14-86. – Reserved.**

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### DIVISION 7. – NONCONFORMING STRUCTURES/USES

**Sec. 14-87. – Public Policy.** Nonconforming structures/uses, in many cases, represent a substantial financial investment on the part of the owner. For the most part, these structures/uses were legally established and became nonconforming due to action by or for the City, and due to no fault of the owner. Although this Section provides for the continuation of nonconforming structures/uses, it shall be the policy of the City of Willmar that most nonconforming structures/uses be eliminated as soon as practical in order that the intent and purpose of this Ordinance might be served.

**Sec. 14-88. – Signs.** The provisions of this Division shall not apply to signs (refer to Division 5).

**Sec. 14-89 – Unlawful Uses.** An unlawful use shall not be construed to be a nonconforming use.

**Sec. 14-90 – Continuation.** The lawful use of nonconforming land uses and structures may be continued, subject to the terms and provisions of this Ordinance.

**Sec. 14-91 – Change From Nonconforming Use.** A nonconforming use may be changed to a conforming (permitted) use, but once it has become conforming it cannot revert to a nonconforming use. A nonconforming use may be changed to a more restrictive nonconforming use, provided no structural changes are made to the structures involved. A nonconforming use shall not be changed to a less restrictive nonconforming use.

**Sec. 14-92 – Abandonment.** When any nonconforming structure/use is abandoned for a period of six (6) months or more, such structure shall not be used, or use established, in any manner which would constitute nonconformity with the provisions of this Ordinance. Such structures/uses shall be considered abandoned, and the City may proceed to cause the structure to be removed or the use barred from re-establishment.

**Sec. 14-93 – Damage or Destruction.** If any nonconforming structure, or structure used as part of a nonconforming use, is destroyed by fire or other peril to the extent of greater than fifty (50) percent of its market value, as indicated in the records of the assessor at the time of damage, and no building permit has been applied for within 180 days of when the property is damaged, it shall not be restored unless the structure or use can be brought into conformity with this Ordinance. If a building permit is applied for within 180 days of the damage, the City may impose reasonable conditions on the building permit to mitigate any newly created impact on adjacent properties or water body. Any damaged structures which are not repaired, or which a building permit has not been applied for within 180 days of the damage shall be removed from the premises by the owner upon order of the City.

**Sec. 14-94 – Repair, Maintenance, and Alteration.** Repairs to and maintenance of a nonconforming structure to keep it in a state of repair and maintenance required by this Ordinance shall be permitted. Alterations that are required by law or regulation shall be permitted. Repairs, maintenance, or alterations may be made at any time if the purpose is to make the structure conform to the standards of the zoning district in which it is located.

**Sec. 14-95 – Enlargement or Additions.** A nonconforming structure may be enlarged or added to, subject to the following conditions:

- (a) The enlargement shall not increase any existing non-conformity.

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- (b) The enlargement shall not create any new non-conformity.
- (c) A variance may not be granted to allow any additional non-conformities.
- (d) The main floor area of the enlargement/addition shall not exceed thirty-three (33) percent of the existing main floor area.
- (e) A conditional use permit shall be applied for, and approved, prior to issuing a building permit for the requested enlargement or addition.

**Sec. 14-96 – Relocations of Structures/Uses.** No nonconforming structure or use shall be moved to another lot or to any other part of the parcel of land upon which it was constructed or conducted at the time of this Ordinance adoption, unless such movement shall bring the nonconforming structure/use into compliance with the provisions of this Ordinance.

**Sec. 17-97 – Variance Prohibited.** No variance may be granted for any enlargement or addition to any nonconforming structure/use except as provided for in Section 14-95. A variance shall not be used to make lawful a nonconforming use; use variances are expressly prohibited.

**Secs. 14-98–14-100. – Reserved.**

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**DIVISION 8. – PERFORMANCE STANDARDS**

**Sec. 14-101. – Explosives.** No activities involving the storage, utilization, or manufacture of materials or products such as TNT or dynamite which could decompose by detonation shall be permitted except such as may be specifically permitted by the City Council.

**Sec. 14-202 – Radiation and Electrical Emissions.** No activities shall be permitted that emit dangerous radioactivity beyond enclosed areas. There shall be no electrical disturbance (except from domestic household appliances) adversely affecting the operation at any point of any equipment other than that part of the creator of such disturbance.

**Sec. 14-203 – Lighting and Glare.**

- (a) Any lighting used to illuminate an off-street parking area, sign, or other structure shall be arranged as to deflect light away from any adjoining residential use or from the public streets. Direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled in a manner so as not to light adjacent property. Bare incandescent light bulbs shall not be permitted in view of an adjacent property or public right-of-way.
- (b) Except for street lighting provided by the Willmar Municipal Utilities, any light or combination of lights which cast light on a public street shall not exceed one foot candle (meter reading) as measured from the center line of said street. Any light or combination of lights which cast light on residential property shall not exceed four-tenths (4/10) foot candles (meter reading) as measured from any property line.

**Sec. 14-204 – Smoke.** The emission of smoke by any use shall be in compliance with, and be regulated by, the State of Minnesota Pollution Control Agency.

**Sec. 14-205 – Dust and Other Particulate Matter.** The emission of dust, fly ash, or other particulate matter by any use shall be in compliance with, and be regulated by, the State of Minnesota Pollution Control Agency.

**Sec. 14-206 – Odor.** The emission of odor by any use shall be in compliance with, and be regulated by, the State of Minnesota Pollution Control Agency.

**Sec. 14-207 – Noise.**

- (a) All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency, or shrillness, and as measured at any property line, shall not exceed the following intensity in relation to sound frequency:

Sound Levels in Decibels		
	R-1" "R-2" "R-3" "R-4" "R-5" "LB" "CB" and "P"	"GB" "SC" "G/I" "I-1" "I-2" and "A"
Octave Band, Hertz	Zoning Districts	Zoning Districts

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37.5 to 75	63	78
75 to 150	59	74
150 to 300	55	69
300 to 600	51	66
600 to 1200	45	60
1200 to 2400	38	53
2400 to 4800	31	46
Over 4800	25	40

(b) *Exceptions.* The standards contained in paragraph (a) of this Section 14-207 shall not apply to the following:

- (1) Noises not directly under control of the property owner.
- (2) Noises emanating from construction and maintenance activities between 7 a.m. and 9 p.m.
- (3) The noise of safety signals, warning devices, and emergency pressure relief valves.
- (4) Transient noises of moving sources such as automobiles, trucks, airplanes, and railroads.
- (5) The levels specified in paragraph (a) of this Section 14-207 may be exceeded by ten (10) decibels for a single period, not longer than fifteen (15) minutes in length, for any one day.

(c) In instances where it is determined that a proposed land use may generate a level of noise or vibration that will impact surrounding land uses, the Planning Commission and/or City Council may require that efforts to reduce the potential noise or vibration impact be undertaken. These efforts may include screening, landscaping, site planning techniques, and restrictions on operating hours.

**Sec. 14-208 – Drainage.** Upon request, a drainage plan for any proposed development shall be submitted to the City Engineer for review and approval.

**Secs. 14-209-14-212 – Reserved.**

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### DIVISION 9. – AFFORDABLE HOUSING

#### Sec. 14-213. – Definitions.

- (f) The following definitions shall apply in the interpretation and enforcement of this Division.
- (1) *Affordable Housing Unit*. A housing unit for which the rent is affordable, according to HUD standards, for a household making a maximum of eighty percent (80%) of AMI or for which the rent charged is a below fair market rents.
  - (2) *Below Market Rent*. A rental amount that is below the market value rental rate for a comparable unit as determined by an appraisal or market study provided by the property owner or developer.
  - (3) *Fair Market Rent (FMR)*. A payment standard estimated and published annually by HUD for Office of Management and Budget (OMB) for metropolitan areas and nonmetropolitan counties and used to determine rents for an array of affordable housing, including: Housing Choice Voucher program, project-based Section 8 contracts, Housing Assistance Payment (HAP), HOME Investment Partnerships program, Emergency Solution Grants program, Continuum of Care recipients, leases using Continuum of Care funds, and Public Housing. 42 USC 1437(f) requires FMRs be posted online at least thirty (30) days before they are effective, which is at the start of the federal fiscal year.
  - (4) *HUD*. The United States Department of Housing and Urban Development.

#### Sec. 14-214. – Application.

- (a) The provisions of this Subsection (a) shall apply only to projects that (a) will include, through new construction or renovation of an existing structure, four or more units of multifamily housing; (b) receive public financial assistance in the form of tax abatement or tax increment financing; and (c) is located within the area bounded by the following streets and geographic markers: To the North by Litchfield Ave SE between Ferring Street SE and Gay Street SE and the Burlington Northern and Santa Fe (BNSF) Railway between Gay Street SE and 11th Street SW; to the West by 11th Street SW between the BNSF Railway and Becker Avenue SW and 7th Street SW between Becker Avenue SW and Kandiyohi Avenue SW; to the South by Becker Avenue SW between 11th Street SW and 7th Street SW, Kandiyohi Avenue SW between 7th Street SW and 1st Street S, Augusta Ave SE between 1st Street S and 4th Street SE, Minnesota Avenue SE between 4th Street SE and Julii Street SE, and Becker Avenue SE between Julii Street SE and Ferring Street SE; and to the East by 4th Street SE between Augusta Avenue SE and Minnesota Avenue SE, Julii Street SE between Minnesota Avenue SE and Becker Avenue SE, Ferring Street SE between Becker Ave SE and Litchfield Avenue SE, and Gay Street SE between Litchfield Ave SE and the BNSF Railway.

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### Sec. 14-214. – Housing Plan Requirement.

- (a) All projects to which this Division applies, shall satisfy the following requirements:
- (1) At least five percent (5%) or one unit, whichever is greater, of the housing units shall be reserved for and affordable by households making a maximum of eighty percent (80%) of AMI, as determined at the time of initial occupancy, for a minimum period of fifteen (15) years from and after the date on which a certificate of occupancy is issued to allow occupancy of such unit(s). A restrictive covenant memorializing this requirement shall be recorded against the property on which such project is constructed.
  - (2) No new construction or renovation that changes the prior occupancy or use of a building to multifamily housing of four units or more shall designate more than twenty-five percent (25%) of its units as affordable housing units.
  - (3) Affordable and ADA-accessible units shall be scattered across a project and not concentrated together or segregated into a single floor, wing or other section of the building or a portion of a site.
  - (4) Rents charged for designated affordable housing units as required under subparagraph a above are not based on a household's income, but shall apply in designated units. A designated affordable housing unit shall therefore remain so for the duration of the required 15- year term, even if the resident household's income significantly changes during occupancy.
  - (5) Households making eighty percent (80%) of AMI or less shall qualify for designated Efficiency, 1BR and 2BR units whose rents are set at Fair Market Rent for Kandiyohi County, as defined and published by HUD's Office of Policy Development and Research.
  - (6) Over the 15-year term of any applicable affordable housing designation, the property owner shall adjust rent annually pursuant to the Fair Market Rent for Kandiyohi County, as defined and published by HUD's Office of Policy Development and Research.
  - (7) For the duration of construction or renovation, intermediate transition housing shall be provided for current residents in existing below-market housing units, as determined by an owner-provided appraisal or market study, and for those households whose rents are subsidized on the site of the project;
  - (8) Current residents of below-market housing units on the site of the project shall have the right of first refusal to lease new units created by renovation or construction on the site; and
  - (9) In the event that the project will result in a reduction in the number of housing units or displace existing tenants making eighty percent (80%) or less of AMI, due to redevelopment or renovation activities, residents of such existing units who are

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unable to secure a lease in the new development shall be provided relocation assistance pursuant to Minn. Stat. § 117.52, as the same may be amended.

- (10) Owners must comply with Title VIII of the Civil Rights Act of 1968 (Fair Housing Act) as amended, which prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing- related transactions, because of race, color, religion, sex, familial status, national origin, and disability.

**Secs. 14-216–14-218. – Reserved.**

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### DIVISION 10. – ADMINISTRATIVE PROVISIONS

#### Sec. 14-219. – Administrative Officer.

- (a) *Zoning Administrator.* This Ordinance shall be administered and enforced by the Zoning Administrator who shall be appointed by the City Council.
- (b) *Duties of the Zoning Administrator.* The Zoning Administrator shall enforce this Ordinance through the proper legal channels and, in addition and in furtherance of said authority he/she shall:
  - (1) Administer and enforce the provisions of this Ordinance in cooperation with the City Attorney, and refer to the City Attorney all violations of this Ordinance which cannot be handled administratively.
  - (2) Receive, file, and forward to the respective official bodies applications for variances, appeals, plan reviews, conditional use permits, and amendments.
  - (3) Publish and process all notices required under the provisions of this Ordinance, and file affidavits of publication.
  - (4) Maintain records of all permits issued, appeals, variances, plan reviews, conditional use permits, and amendments.
  - (5) Maintain a permanent record of this Ordinance, the Zoning Map, and the Comprehensive Land Use Plan of the City; record all amendments; provide for public inspection at all times; and provide for the distribution or sale of each as directed by the Council.
  - (6) Assist the Building Inspector on determining that building permits comply with the terms of this Ordinance.
  - (7) Issue house numbers, certificates, and such other permits as are required by the Ordinance.
  - (8) Act as advisor to the Planning Commission and as secretary of the Board of Zoning Appeals.
  - (9) Perform such other related administrative duties as may be delegated by the Council.

#### Sec. 14-220. – Board of Zoning Appeals.

- (a) *Establishment.* There is hereby established a Board of Zoning Appeals for the City of Willmar, which shall consist of seven members appointed by the Mayor with the approval of the City Council.

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(b) *Powers and Duties of the Board.* The Board shall have the power and duty of hearing and deciding, subject to appeal to the District Court of Kandiyohi County, appeals or requests in the following cases:

- (1) Appeals where it is alleged that there is an error in any order, requirements, decision, or determination made by the Zoning Administrator in the enforcement of this Ordinance.
- (2) Requests for variances from the literal provisions of this Ordinance in instances where their strict enforcement would cause undue hardship because of the circumstances unique to the individual property under consideration.

### **Sec. 14-221. – Appeals.**

(a) *Authority.* The Board of Zoning Appeals shall hear and decide appeals from and review any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Ordinance. Any appeal of a decision by the Planning Commission on a Conditional Use Permit, Rezone, or Text Amendment shall be filed directly with the District Court except that in the case of a Planning Commission's denial of a conditional use permit application, no appeal to the District Court shall be made without first applying to the City Council for reconsideration of the decision pursuant to Section 14-223(e).

(b) *Procedure.*

- (1) An appeal may be taken to the Board of Zoning Appeals by any person or by any Officer, Department, Board, or Commission of the City affected by a decision of the Zoning Administrator. Such appeal shall be taken within thirty (30) days of the decision by filing with the Zoning Administrator a notice of appeal, specifying the grounds for submitting the appeal. A non-refundable filing fee shall accompany the filing of the appeal. The Zoning Administrator shall transmit to the Board of Zoning Appeals all of the papers constituting the record which the action appealed from was taken.
- (2) An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Zoning Appeals after notice of appeal has been filed with him/her that by reasons of facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed other than by a restraining order, which may be granted by the Board of Zoning Appeals or by a court of record upon notice to the Zoning Administrator and on showing of due cause.
- (3) A public hearing shall be set, advertised, and conducted by the Board of Zoning Appeals in accordance with Section 14-226 of this Ordinance.
- (4) Within thirty days following the close of the public hearing, the Board of Zoning Appeals shall render a decision on the appeal.

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- (5) The decision of the Board of Zoning Appeals shall be the final decision of the City, and any appeal therefrom shall be to the District Court of Kandiyohi County. Any such appeal shall be made by any aggrieved person within a period thirty (30) days from the mailing of the notice to such person, or, if no such notice is mailed, within thirty (30) days of consideration of the Board minutes by the City Council.

### Sec. 14-222. – Variances.

(a) *Authority.* Except as otherwise provided in Section 14-220, the Board of Zoning Appeals may authorize such variances from the provisions of this Ordinance, and that there are practical difficulties or particular hardships in carrying out the strict letter of the provisions of this Ordinance as will not be contrary to the public interest. Variances may be authorized only in those specific instances enumerated in this Section, and then only when the Board of Zoning Appeals has made findings of fact as hereinafter required.

(b) *Procedure.*

- (1) An application for a variance shall be submitted to the Zoning Administrator. A non-refundable application fee shall accompany each application.
- (2) The application shall contain the legal description of the property, the zoning district in which it is located, a brief statement of the applicant's interest in the property.
- (3) A public hearing shall be set, advertised, and conducted by the Board of Zoning Appeals in accordance with Section 14-226 of this Ordinance.
- (4) Within thirty (30) days following the close of the public hearing, the Board of Zoning Appeals shall render its decision granting or denying the variance. Such decision shall be accompanied by findings of fact, shall refer to any exhibits containing plans and specifications, and shall remain part of the permanent records of the Zoning Administrator. The findings of fact shall specify the reason or reasons for granting or denying the variance. The terms of relief shall be specifically set forth.
- (5) The decision of the Board of Zoning Appeals shall be the final decision of the City, and any appeal therefrom shall be to the District Court of Kandiyohi County. Any such appeal shall be made by any aggrieved person within a period of thirty (30) days from the mailing of the notice to such person, or, if no such notice is mailed, within thirty (30) days of consideration of the Board Minutes by the City Council.

(c) *Standards for variances.*

- (1) A variance shall be granted only if it is established that it is in harmony with the general purpose and intent of this Ordinance, that it is consistent with the Comprehensive Plan, and that there are practical difficulties in carrying out the strict letter of the provisions of this Ordinance. The Board of Zoning Appeals shall make the following affirmative findings before determining that practical difficulties exist:

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- a. The property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance.
  - b. The plight of the landowner is due to unique circumstances not created by the landowner.
  - c. The variance, if granted, will not alter the essential character of the locality.
  - d. The variance, if granted, will not be detrimental to nor endanger the public welfare.
- (2) Economic considerations alone shall not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
- (3) Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes, Section 216C.04, Subdivision 14, when in harmony with this Ordinance. The Board of Zoning Appeals may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located. The Board of Zoning Appeals may permit as a variance the temporary use of a one family dwelling as a two-family dwelling. Variances from the provisions of this Ordinance shall otherwise be granted by the Zoning Board of Appeals only in accordance with the preceding provisions, and may be granted by the Board of Appeals only in accordance with the preceding provisions, and may be granted only in the following instances:
- a. To vary the applicable lot area, lot width, and lot depth requirements.
  - b. To vary the applicable bulk regulations, including maximum height, lot coverage, floor area ratio, and minimum yard requirements.
  - c. To vary the applicable off-street parking and loading requirements.
  - d. To vary the regulations relating to restoration of damaged or destroyed nonconforming structures.
- (4) Specific conditions and safeguards may be imposed upon the premises benefitted by a variance as considered necessary to prevent injurious effects upon other property in the neighborhood or upon public facilities and services. Violations of such conditions and safeguards shall be a violation of this Ordinance.
- (5) No variance permitting the erection or alteration of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is issued and construction is actually begun within that period and is thereafter diligently pursued to completion. The applicant may petition the Board of Zoning Appeals for an extension of time. Such extensions shall be requested in writing and be filed with the Zoning Administrator at least thirty (30) days before the

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expiration of the original variance. There shall be no charge for the filing of such petition. Such petition shall be presented to the Board for their review and decision. An extension shall be valid for not more than an additional six (6) months.

(d) *Recording.* A copy of the variance decision shall be filed with the Kandiyohi County Recorder.

### **Sec. 14-223. – Conditional Use Permits.**

(a) *Application.* An application for a conditional use permit shall be submitted to the Zoning Administrator. A non-refundable application fee, as established from time to time by the City Council to cover administrative costs and costs of the hearing, shall accompany each application.

(b) *Purpose.* The purpose of a conditional use permit is to provide the City of Willmar with reasonable degree of discretion in determining the suitability of certain designated uses relation to the general welfare, public health, and safety. Conditional use permits may be considered an issue by the Planning Commission in the following instances:

- (1) Where provided for in this Ordinance.
- (2) Where a particular use sought or requested is not provided for or included in any district as set forth in this Ordinance.
- (3) For government uses or other uses traditionally associated with a public use (e.g. schools, churches, etc.).
- (4) For a temporary use not otherwise provided for in this Ordinance and which would be inappropriate or detrimental if permitted as a permanent use.

(c) *Standards for Conditional Use Permits.*

- (1) A conditional use permit shall be granted only if the Planning Commission makes, where applicable, the following affirmative findings:
  - a. That the conditional use, with such conditions as the Commission shall determine and attach, conforms to the purpose and intent of this Ordinance, and is in conformity with the Comprehensive Land Use Plan of the City.
  - b. That there was no factual demonstration of a substantial/appreciable negative impact on values to properties in the neighborhood from the proposed conditional use.
  - c. The conditional use will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance to the community.
  - d. That the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district as zoned.

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- e. That adequate utilities, access roads, stormwater management, and other necessary facilities have been, or are being provided.
- f. That adequate measures have been, or will be, taken to provide ingress and egress in such a manner as to minimize traffic congestion and maximize public safety in the public streets.
- g. The conditional use will be designed, constructed, operated, and maintained in a manner that is compatible in appearance with the existing or intended character of the surrounding area/neighborhood.

(d) *Conditions.*

- (1) The Planning Commission may impose conditions upon the conditional use if, in its opinion, specific circumstances of a request justify those additional controls to protect the health, safety, and welfare of the neighborhood and general public.
- (2) The Planning Commission shall impose a condition that the use at all times conforms to all applicable local, state, and federal laws and regulations.
- (3) The City Engineer shall approve any off-street parking lots and ingress and egress to the site prior to the issuance of a building permit.

(e) *Reconsideration.* Whenever an application for a conditional use permit has been considered and denied, a similar application for a conditional use permit affecting substantially the same property shall not be considered again by the Planning Commission for a period of six (6) months from the date of the denial unless a decision to reconsider such a matter is made by not less than six-eighths (6/8) vote of the City Council.

(f) *Lapse of Conditional Use Permit by Non-Use.* If, within one year after granting a conditional use permit, the work has not been substantially completed, then such permit shall become null and void unless a petition for an extension of time in which to complete the work has been granted by the Planning Commission. Such extensions shall be requested in writing and filed with the Zoning Administrator at least thirty (30) days before the expiration of the original conditional use permit. There shall be no charge for the filing of such petition. The request for extension shall state facts showing a good faith attempt to complete the work permitted in the conditional use permit. Such petition shall be presented to the Commission for their review and decision.

(g) *Termination.* The violation of any condition imposed upon the conditional use shall be cause for termination of use. In the event of termination, the Zoning Administrator shall notify the property owner of the decision to terminate. The owner shall have the right to appeal as provided for in Section 14-221 of this Ordinance.

(h) *Procedure.*

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- (1) A public hearing shall be set, advertised, and conducted by the Planning Commission in accordance with Section 14-226 of this Ordinance.
- (2) Within thirty (30) days following the close of the public hearing, the Planning Commission shall render its decision and transmit it to the City Council. The decision of the Commission shall be final, unless an appeal is taken to the Board of Zoning Appeals as provided for in Section 14-221 of this Ordinance.
  - (i) *Recording.* A copy of the conditional use permit decision shall be filed with the Kandiyohi County Recorder.

### Sec. 14-224. – Plan Reviews.

- (a) *Applicability.* Certain uses do not require a conditional use permit, but do require review and approval of plans by the Planning Commission.
- (b) *Standards.* The standards to be met are the same as those required for conditional use permits in Section 14-223(c) of this Ordinance.
- (c) *Conditions.* The Planning Commission may impose the same conditions as stated in 14-223(d) of this Ordinance.

### Sec. 14-225. – Amendments.

- (a) *Authority.* The text of this Ordinance and the Zoning Map may be amended from time to time by Ordinance duly enacted by the City Council, provided, however, that no such amendment shall be enacted except in accordance with the procedure of this Division, and in compliance with the City Charter. In reviewing a proposal to amend the Zoning Ordinance or Zoning Map, the relationship between the proposed amendment and the Comprehensive Municipal Plan shall be considered.
- (b) *Initiation.* Proposed changes or amendments may be initiated by the City Council, by the Board of Zoning Appeals, by the Planning Commission, or by any one or more owners of real estate in the City so as to affect the real estate of such owner(s).
- (c) *Procedure.*
  - (1) When any proposed change or amendment is initiated by the City Council or by the Board of Zoning Appeals, such body shall transmit its proposal to the Planning Commission for a public hearing and report thereon.
  - (2) When any proposed change or amendment is initiated by an owner or owners of real estate in the City, an application for such amendment shall be filed with the Zoning Administrator. A non-refundable application fee shall accompany each application.
  - (3) A public hearing shall be set, advertised, and conducted by the Planning Commission in accordance with Section 14-226 of this Ordinance.

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- (4) Within thirty (30) days following the conclusion of the public hearing, the Planning Commission shall transmit to the City Council its recommendation regarding the proposed amendment.
- (5) Within forty-five (45) days of the receipt of the recommendation of the Planning Commission, the City Council shall refuse, or by Ordinance adopt, the proposed amendment.

### **Sec. 14-226. – Public Hearings.**

- (a) *Setting of Hearing.* For all requests brought before the Planning Commission or Board of Zoning Appeals for which a public hearing is required by this Ordinance, the Zoning Administrator, in cooperation with the Chairperson of the respective Commission/Board, shall select a reasonable time and place for the public hearing on request.
- (b) *Notice of Hearings.*
  - (1) *Published.* Notice of public hearings shall be given not more than thirty (30) days and not less than ten (10) days before the hearing by publication at least once in the official newspaper of the City of Willmar. Such notice shall include the time and place of the hearing, a description of the contents of the request to be heard, and the address or location of the property to which the request applies.
  - (2) *Mailed.* For variances, conditional use permits, and amendments, in addition to the general notice to the public that is published, separate notice by letter shall be mailed at least ten (10) days before the hearing to all property owners residing within three hundred and fifty (350) feet of the subject property. Such notices shall be sent by the Zoning Administrator, and addresses taken from current City records shall be deemed sufficient for such notification.
- (c) *Conduct of Hearing.* Any person may appear and testify at a public hearing, either in person or by a duly authorized agent or attorney.

### **Secs. 14-227—14-230. - Reserved.**

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### DIVISION 11. – WIRELESS COMMUNICATION TOWERS AND ANTENNAS

**Sec. 14-231. – Purpose and Intent.** In order to accommodate the communication needs of residents and business while protecting the public health, safety, and general welfare of the community, the City Council finds that these regulations are necessary in order to:

- (a) Facilitate the provision of wireless telecommunication services to the residents and businesses of the City;
- (b) Minimize adverse visual effects of towers through careful design and siting standards;
- (c) Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements;
- (d) Maximize the use of existing properties from tower failure through structural standards and setback requirements;
- (e) Encourage intergovernmental and community cooperation in co-location and site sharing.

**Sec. 14-232. – Definitions.** The following definitions of terms and phrases used in this Division shall govern:

- (a) *Antenna.* Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves when such system is either external to or attached to the exterior of a structure.
  - (1) *Antenna – building mounted.* Any antenna, other than an antenna with its supports resting on the ground, directly attached or affixed to a building, tank, tower, building mounted mast less than 10' tall, or structure other than a telecommunication tower.
  - (2) *Antenna – ground mounted.* Any antenna with its base, single or multiple posts, placed directly on the ground or a mast less than ten feet (10') tall and six inches (6") in diameter.
- (b) *Antenna array.* An antenna array is one or more rods, panels, discs, or similar devices used for the transmission or reception of radio frequency signals, which may include omnidirectional antenna (rod), directional antenna (panel), and parabolic antenna (disc.). The antenna array does not include the support structure.
- (c) *Certified engineer.* A licensed professional engineer who is registered to practice in the State of Minnesota.
- (d) *Co-location/site sharing.* Co-location/site sharing shall mean use of a common site by two or more wireless license holders or by one wireless license holder for more than one type of communications technology and/or placement of a tower on a structure owned or operated by a utility or other public entity.

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- (e) *Commercial wireless telecommunication services.* Licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.
- (f) *Equipment building/cabinet.* A cabinet or building used by telecommunication providers to house equipment at a facility.
- (g) *Exempt telecommunication facility.* Includes, but is not limited to, the following:
- (1) A single ground or building mounted receive-only radio or television antenna including any mast, for the sole use of the resident occupying a residential parcel on which the radio or television antenna is located, with an antenna height not exceeding forty feet (40');
  - (2) A ground or building mounted receive-only radio or television satellite dish antenna (TVRO) provided the dish is not located in the front yard of the parcel on which it is located and provided the height of said dish does not exceed the height of the ridge line of the primary structure on said parcel;
  - (3) All citizens band radio antenna or antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service which existed at the time of the adoption of this Ordinance, or for which the height (post and antenna) does not exceed sixty-five (65) feet.
  - (4) Mobile services providing public information coverage of news events of a temporary nature;
  - (5) Hand held devices such as cell phones, business-band mobile radios, walkie-talkies, cordless telephones, garage door openers and similar devices as determined by the Zoning Administrator; and
  - (6) City government owned and operated towers supporting receive and/or transmit antennas, including supporting structures, for all public safety and service purposes, which existed at the time of the adoption of this Ordinance.
- (h) *Lattice tower.* A self supporting support structure, erected on the ground, which consists of metal crossed strips or bars to support antennas and related equipment.
- (i) *Monopole.* A wireless communication facility which consists of a single-pole structure, erected on the ground to support wireless communication antennas and connecting appurtenances.
- (j) *Public utility.* Persons, corporations, or governments supplying gas, electric, transportation, water, sewer, or land line telephone service to the general public. For the purpose of this Ordinance, commercial wireless telecommunication service facilities shall not be considered public utility uses, and are defined separately.

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- (k) *Telecommunication facility.* A facility that transmits and/or receives electromagnetic signals. It includes antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, telecommunication towers or similar structures supporting said equipment, equipment buildings, parking areas, other accessory development and related equipment.
- (l) *Telecommunication tower.* A mast, pole, monopole, guyed tower, lattice tower, free-standing tower, or other structure designed and primarily used to support antennas. A ground or building mounted mast supporting one or more antennas, dishes, arrays, etc. shall be considered a telecommunication tower if the total height exceeds ten (10) feet.
- (m) *Tower, multi-user.* A tower to which are attached the antenna of more than one commercial wireless communications service provider or governmental entity.
- (n) *Tower, single-user.* A tower to which is attached only the antenna of a single user, although the tower may be designed to accommodate the antennas of multiple users as required in this Ordinance.
- (o) *Tower height.* The vertical distance from a tower's point of contact with the ground to the highest point of the tower, including all antennas and other attachments. When a tower is mounted on another structure, "height" shall be the combined height of the structure and tower, including all antennas and attachments.

**Sec. 14-233. – Existing Antennas and Towers.** Antennas and towers and accessory structures in existence at the time of adoption of this Ordinance, which do not conform to or comply with this Ordinance, are subject to the following provisions:

- (a) Towers may continue in use for the purpose now used and as now existing but may not be replaced or structurally altered without complying in all respects with this Ordinance.
- (b) If such towers are damaged or destroyed due to any reason or cause, except for owner neglect, the tower may be repaired and restored to its former use, location and physical dimensions upon obtaining a building permit therefor, but without otherwise complying with this Ordinance.

**Sec. 14-234. – Siting Priorities.** The following establishes the order of priority for telecommunications facilities. A proposal for such facilities shall not be approved on any of the following locations unless the applicant shows and the City finds that the applicant is unable to locate the facilities on any location which has a higher priority.

- (a) Place antennas on appropriate existing structures such as buildings, communications towers, water towers and smokestacks.
- (b) Place antennas and towers on sites where other public facilities are located or planned.
- (c) Place antennas on new towers on other private property in this order: industrial districts, commercial districts, multi-family residential districts, and single-family residential districts.

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**Sec. 14-235. – Co-location/Site Sharing.** All commercial wireless telecommunication towers erected, constructed, or located within the City shall comply with the following co-location/site sharing regulations:

- (a) A proposal for a new commercial wireless telecommunication service tower shall not be approved unless the City finds that the telecommunication equipment planned for the proposed tower cannot be accommodated on an existing or approved tower within a one mile search radius (one-half mile for towers under 150 feet in height; one quarter mile for towers under 80 feet in height) of the proposed tower due to one or more of the following reasons:
  - (1) The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
  - (2) The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.
  - (3) Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer (to serve commercial and residential needs in corporate boundaries).
  - (4) Other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing tower or building.
- (b) Any proposed commercial wireless telecommunication service tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is at least 140 feet in height, or for at least one additional user if the tower is between 100 and 140 feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.
- (c) It shall be the responsibility of the applicant to provide to the City, at no cost to the City, an inventory of available structures in the subject area.
- (d) The applicant is encouraged to allow the City access to the tower for City government owned and operated receive and/or transmit antennas for all public safety and service purposes to enhance communications for such purposes, provided that any attached communication equipment does not interfere with applicant's equipment.
- (e) As a condition of approval, the applicant shall make available unutilized space for co-location of other telecommunication facilities, including space for these entities providing similar

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competing services. A good faith effort in achieving co- location shall be required of the host entity.

- (1) Co-location will not be required in cases where the addition of the new service or facilities would cause quality of service impairment to the existing facility or if it becomes necessary for the host to go off line for a significant period of time.
- (2) The host is entitled to reasonable compensation from any co-locator for the use of its facility. Such compensation would include reimbursement for the cost of constructing the facility as it relates to any co-locator as well as a proportionate share of any rents paid by the host.
- (3) The failure of any applicant to make a good faith effort to allow for co- location shall constitute a breach of its agreement with the City. In the event of such a breach, the City shall provide at least sixty (60) days prior written notice to allow a cure of such breach. In the event the said breach is not cured within said period, the City shall be authorized to disassemble the subject tower at the applicant's cost.

**Sec. 14-236. – Zoning District Allowances.** Commercial towers and antennas shall be allowed as follows:

- (a) City government owned and operated towers supporting receive and/or transmit antennas for all public safety and government service purposes shall be a permitted use in all zoning districts subject to the following requirements:
  - (1) Such towers shall conform to the accessory structure setback for the zoning district in which they are located. Guy wires shall be set back no less than one foot (1') from property lines.
  - (2) Such towers shall be installed in accordance with the instructions furnished by the manufacturer of the tower model. Antennas mounted on a tower may be modified and changed at any time so long as the published allowable load on the tower is not exceeded and the structure of the tower remains in accordance with the manufacturer's specifications.
- (b) Towers in residential, governmental/institutional, park, and agricultural zoning districts are prohibited except as follows:
  - (1) Towers supporting commercial antennas and conforming to all applicable provisions of the Zoning Ordinance shall be allowed as a conditional use, and only in the following locations:
    - a. Church sites, when camouflaged as steeples or bell towers. Antennas and all other associated structures shall also be camouflaged.
    - b. Park sites, when compatible with the nature of the park.
    - c. Government, school, utility and institutional sites.

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(c) *Towers in commercial zoning districts.*

(1) Towers supporting commercial antennas and conforming to all applicable provisions of the Zoning Ordinance shall be allowed as a conditional use in the Central Business Zoning District only in the following locations:

- a. Church sites, when camouflaged as steeples or bell towers. Antennas and all other associated structures shall also be camouflaged.
- b. Government, school, utility, and institutional sites.

(2) Towers supporting commercial antennas and conforming to all applicable provisions of the Zoning Ordinance shall be allowed a conditional use in the Limited Business and General Business Zoning Districts.

(d) *Towers in industrial zoning districts.* Towers supporting commercial antennas and conforming to all applicable provisions of the Zoning Ordinance shall be allowed as a permitted use with plan review in the Limited Industry and General Industry Zoning Districts.

### **Sec. 14-237. – Tower Placement, Setback and Height.**

(a) *Towers in Residential, Government/Institutional, Park, and Agricultural Zoning Districts.*

- (1) *Placement.* Telecommunication towers shall be located in the rear yard or side yard without encroaching on the front yard area.
- (2) *Setbacks.* The minimum setback from any property line shall be not less than 50% of the tower height. However, the minimum setback from any property line abutting non-residential zoned property shall be not less than 25% of the tower height. The minimum setback from any residence shall be not less than 100% of the tower height. Equipment buildings or cabinets shall comply with the accessory building setbacks for the zoning district in which it is located.
- (3) *Height.* The maximum height for telecommunication towers (including antennas and other attachments) in Residential Zoning Districts shall not exceed 150 feet. The maximum height in Government/Institutional, Park, and Agricultural Zoning Districts shall not exceed 175 feet.

(b) *Towers in Commercial Zoning Districts.*

- (1) *Placement.* Telecommunication towers shall be located in the rear yard or side yard, without encroaching on the front yard area.
- (2) *Setbacks.* The minimum setback from any property line shall be not less than 25% of the tower height, or 20 feet, whichever is greater. The minimum setback from any residence shall be not less than 10% of the tower height. Equipment buildings or cabinets shall comply with the principal building setbacks for the commercial zoning district in which it is located.

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(3) *Height.* The maximum height for telecommunication towers (including antennas and other attachments) shall not exceed 175 feet.

(c) *Towers in Industrial Zoning Districts.*

(1) *Placement.* Telecommunication towers shall be located in the rear yard or side yard, without encroaching on the front yard area.

(2) *Setbacks.* The minimum setback from any property line shall be not less than 25% of the tower height, or 20 feet, whichever is greater. The minimum setback from any residence shall be not less than 50% of the tower height. Equipment buildings or cabinets shall comply with the principal building setbacks for the industrial zoning district in which it is located.

(3) *Height.* The maximum height for telecommunication towers (including antennas and other attachments) shall be 200 feet.

(d) *Miscellaneous placement provisions.*

(1) Towers shall not encroach upon any easements.

(2) Towers shall be set back from public rights-of-way and from planned rights-of-way shown in the Comprehensive Plan of the City.

(3) Towers shall not be located between a principal structure and a public street, with the following exceptions:

a. In industrial zoning districts, towers may be placed within a side yard abutting an internal industrial street.

b. On sites adjacent to public streets on all sides, towers may be placed within a side yard abutting a local street

(4) Setbacks shall be measured between the base of the tower located nearest the property line and actual property line.

(5) A tower's setback may be reduced or its location in relation to a public street varied, at the sole discretion of the City, to allow the integration of a tower into an existing or proposed structure such as a church steeple light standard, power line support device, or similar structure.

**Sec. 14-238. – General Requirements.** All new towers/antennas erected after the effective date of this Ordinance shall comply with the following provisions.

(a) *Building Permits.* All communications towers shall require a building permit and be anchored in a stationary position. Manufacturer's specifications for the antenna and supporting structure shall be attached to the building permit application.

(b) *Structural Standards and Wind Loading.*

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- (1) Each tower shall be designed and built to withstand an 80 mph baseline wind speed with a minimum of one-half inch radial ice. If industry standards increase these requirements, all new or rebuilt towers shall conform to the new standards.
  - (2) Tower designs shall be certified by a licensed professional engineer to conform to the latest structural standards and wind loading requirements of the Uniform Building Code/Minnesota State Building Code and its Electronics Industry Association.
  - (3) Towers and antennas shall be designed to conform with accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code.
  - (4) All towers shall be constructed to conform with the requirements of the Occupational Safety and Health Administration.
  - (5) Towers must be self-supporting without the use of wires, cables, beams or other means. No guy wires shall be used without a Conditional Use Permit. The design should utilize an open framework or monopole configuration. Permanent platforms or structures exclusive of antennas that serve to increase off-site visibility are prohibited.
  - (6) Support structures shall be grounded, following manufacturer's specifications.
  - (7) The base of the tower shall occupy no more than 200 square feet and the top of the tower shall be no larger than 50 square feet.
  - (8) Metal towers shall be constructed of or treated with corrosive resistant material. Wood poles shall be impregnated with rot resistant substances.
  - (9) No part of any antenna or tower shall at anytime extend across or over any part of the right-of-way, public street, highway, sidewalk or property line.
  - (10) No ladder rungs shall be allowed within 15 feet of the ground.
- (c) *Antennas Mounted on Roofs, Walls and Existing Towers.* The placement of commercial wireless telecommunication antennas on roofs, walls, and existing towers and other structures may be approved by the Zoning Administrator subject to the following provisions:
- (1) The antenna must meet the requirements set forth in this Ordinance
  - (2) The existing structure upon which placement of an antenna is proposed must be conforming to all applicable provisions of the Zoning Ordinance
  - (3) A site and building plan as required by the City must be submitted.
  - (4) A report prepared by a qualified and licensed professional engineer approved by the City indicating the existing structure or tower's suitability to accept the antenna, and the proposed method of affixing the antenna to the structure, is submitted and

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approved by the City. Complete details of all fixtures and couplings and the precise point of attachment shall be indicated.

- (d) *Visual Compatibility.* All telecommunication facilities, except exempt facilities defined in Section 14-232(a)(7), shall be construed and sited so as to minimize the visual effect of such facilities on the surrounding area. To that end, the following measures shall be implemented.
- (1) Towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging treatment, except in cases where the color is dictated by federal or state authorities. Materials employed shall not be unnecessarily bright, shiny, or reflective and shall be of a color or type which blend with the surroundings to the greatest extent possible.
  - (2) No commercial telecommunication facility shall be installed at a public trail, public park or other outdoor recreation area, or on property designated as Park or Open Space, unless it blends with the surrounding existing natural and man-made environment in such a manner as to be effectively unnoticeable and a trading is made that no other location is technically feasible.
  - (3) No commercial telecommunication facility that is readily visible from off- site shall be installed closer than one-half mile from another readily visible uncamouflaged or unscreened telecommunication facility unless it is a co-located facility, situated on a multiple-user site, or blends with the surrounding existing natural and man-made environment in such a manner as to be effectively unnoticeable; or technical evidence acceptable to the City is submitted showing a clear need for the facility and the infeasibility of co-locating it on one of the existing sites.
  - (4) Facility structures and equipment shall be located, designed and screened to blend with the existing natural or built surroundings so as to reduce visual impacts to the extent feasible considering the technological requirements of the proposed telecommunication service and the need to be compatible with neighboring residences and the character of the community.
  - (5) The facility shall be designed to blend with any existing supporting structure and shall not substantially alter the character of the structure or local area.
  - (6) A visual analysis, which may include photo montage, field mock up, or other techniques shall be prepared and submitted by or on behalf of the applicant in conjunction with an application for a conditional use permit or a building permit, which identifies the potential visual impacts, at design capacity, of the proposed facility. Consideration shall be given to views from public areas as well as from private residences. The analysis shall assess the cumulative impacts of the proposed facility and other existing and foreseeable telecommunication facilities in the area, and shall identify and include all feasible mitigation measures consistent with the

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technological requirements of the proposed telecommunication service. All costs for the visual analysis, and applicable administrative costs, shall be borne by the applicant.

- (e) *Lighting.* Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for the particular tower. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower.
- (f) *Signs/Advertising.* The use of any portion of a tower for signs other than warning or equipment information signs is prohibited. No advertising messages or identification visible off-site shall be placed on the tower, antennas, or other attachments.
- (g) *Accessory Buildings/Cabinets.*
  - (1) Accessory buildings/cabinets shall enclose transmission equipment, power equipment or any equipment located on the ground near the tower.
  - (2) All utility buildings/cabinets accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setbacks established by this Ordinance.
- (h) *Screening and Landscaping.*
  - (1) Tower locations should provide the maximum amount of screening possible for off-site views of the facility.
  - (2) Existing on-site vegetation shall be preserved to the maximum extent practicable.
  - (3) Accessory buildings/cabinets and ground mounted equipment shall be screened from view from abutting public rights-of-way and from abutting residentially zoned property by suitable vegetation, at least 5 feet in height, except where the use of non-vegetative screening better reflects and complements the architectural character of the surrounding area.
  - (4) Security fencing at least 6 feet in height shall enclose the area on which the commercial use antenna tower is located.

**Sec. 14-239. – Additional Submittal Requirements.** In addition to the information required elsewhere in this Ordinance, applications for towers/antennas shall include the following supplemental information.

- (a) *Engineering Report.* A report from a licensed professional engineer shall be required and shall at a minimum:
  - (1) Describe the tower height and design including scaled drawings of cross section, elevation, site plan and landscaping plan.

## Willmar, Minnesota, Code of Ordinances

- (2) Document the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas.
  - (3) Describe the tower's capacity, including the number and type of antennas that it can accommodate, and where such antenna may be mounted and assure that ANSI Standards are met.
  - (4) Document what steps the applicant will take to avoid interference with established public safety telecommunications.
  - (5) Include an engineer's stamp, signature, and Minnesota registration number.
  - (6) Include proof of ownership of the proposed site or authorization to utilize it.
- (b) *Letter of Intent.* For all commercial wireless telecommunications service towers, a letter of intent shall be required committing the tower owner and his or her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.

**Sec. 14-240. – Abandoned or Unused Towers or Portions of Towers.** Abandoned or unused towers or portions of towers shall be removed as follows:

- (a) All abandoned or unused towers or portions of towers and accompanying accessory facilities shall be removed within six months of the cessation of operations unless a time extension is approved by the City. If a time extension is not approved, the tower may be deemed hazardous, substandard and/or a nuisance pursuant to Minnesota Statutes, Sections 463.15-463.261, 561.01- 561.03, and 429.101, and applicable City ordinances. In the event a tower is determined to be a nuisance, the City may act to abate such nuisance and require removal of the tower at the property owner's expense.
- (b) The owner shall provide the City with a copy of the notice of the Federal Communication Commission intent to cease operations and shall be given six months from the date of ceasing operations to remove the abandoned or unused tower and all accessory structures. In the case of multiple operators sharing the use of a single tower, this provision shall not become effective until all users cease operations for a period of six months. The equipment on the ground is not to be removed until the tower structure has first been dismantled. After the facilities are removed, the site shall be restored to its original or to an improved condition.

**Sec. 14-241. – Interpretation.** It is not the intention of this Ordinance to interfere with, abrogate, or annul any covenant or other agreement between parties, provided, however where this Ordinance imposes greater restriction upon the use of premises for antennas or towers than are imposed or required by other ordinances, rules, regulations or permits, or by covenants or agreement, the provisions of this Ordinance shall govern.

**Willmar, Minnesota, Code of Ordinances**

**Sec. 14-242. – Inspections and Violations.** All towers, monopoles, antennas and the like must obtain a building permit and are subject to inspection by the City Building Official to determine compliance with UBC construction standards. Deviation from the original construction for which a permit is obtained is a misdemeanor.

**Secs 14-243-14-246. – Reserved.**

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**DIVISION 12. – WIND ENERGY CONSERVATION SYSTEMS (WECS)**

**Sec. 14-247. – Purpose and Intent.** The purpose of this Division is to establish standards and procedures by which the installation and operation of wind energy conversion systems and vertical axis wind energy conversion systems shall be governed within the City.

**Sec. 14-248. – Definitions.**

- (a) *WECS – Wind Energy Conservation System:* An electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations, that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or distributed into the electrical grid.
- (b) *Aggregated Project:* Aggregated projects are those which are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual WECS within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also included as part of the aggregated project.
- (c) *Commercial WECS:* A WECS of equal to or greater than 15 kW in total name plate generating capacity.
- (d) *Vertical Axis WECS:* A WECS of less than 14 kW in total name plate generating capacity.
- (e) *Feeder Line:* Any power line that carries electrical power from one or more wind turbines or individual transformers associated with the individual wind turbines to the point of interconnection with the electric power grid, in the case of interconnection with the high voltage transmission systems, the point of interconnection shall be the substation serving the WECS.
- (f) *Rotor Diameter:* The diameter of the circle described by the moving rotor blades.
- (g) *Substations:* Any electrical facility designed to convert electricity produced by wind turbines to a voltage greater than 35,000 volts for interconnection with high voltage transmission lines shall be located outside of the road right of way.
- (h) *Total Height:* The highest point, above ground level, reached by a rotor tip or any other part of the WECS.
- (i) *Tower:* Towers include vertical structures that support the electrical generator, or rotor blades.
- (j) *Tower Height:* The total height of the WECS exclusive of the rotor blades.
- (k) *Transmission Line:* Those electrical power lines that carry voltages of at least 69,000 volts (69 KV) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.

## Willmar, Minnesota, Code of Ordinances

- (l) *Wind Turbine*: A wind turbine is any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind.

### Sec. 14-249. – Application Procedures.

- (a) Application for WECS shall be reviewed and processed in accordance with the conditional use permit procedures established in Section-14-223. The following information is required in addition to the information required for a conditional use permit application:
- (b) The application for all WECS shall include the following information:
- (1) A description of the project including: number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and all means of interconnecting with the electrical grid.
  - (2) Property survey, including the location of property lines, wind turbines, electrical wires, interconnection points with the electrical grid, and all related accessory structures. The site layout shall include distances and be drawn to scale.
  - (3) Evidence that the applicant can obtain and maintain adequate liability insurance for the WECS and subject property.
  - (4) Licensed Professional Engineer's certification.
  - (5) Documentation of land ownership or legal control of property.
- (c) The application for commercial WECS shall also include:
- (1) The latitude and longitude of individual wind turbines. A USGS topographical map, or map with similar data, of the project site including boundaries of the project area, surrounding property within ¼ mile, and any other WECS within 10 rotor diameters of the proposed project.
  - (2) Location of wetlands, scenic, and natural areas (including bluffs) within one mile of the proposed WECS.
  - (3) FAA Permit Application.
  - (4) Location of all known Communications Towers within 2 miles of the proposed project. Provide proof that the WECS will not interfere with emergency or other microwave transmission.
  - (5) A noise study, prepared by a qualified professional that demonstrates that except for intermittent episodes, the WECS shall not emit noise in excess of the limits established in Minnesota Rules 7030 governing noise and Section 14-207 of Willmar Zoning Ordinance, as applicable.
  - (6) A shadow flicker model that demonstrates that shadow flicker shall not fall on, or in, any existing residential structure. Shadow flicker expected to fall on a roadway or a portion of a residentially zoned property may be acceptable if the flicker does not

## Willmar, Minnesota, Code of Ordinances

exceed 30 hours per year; and the flicker will fall more than 100' from an existing residence; or the traffic volumes are less than 500 vehicles (ADT). The shadow flicker model shall:

- a. Map and describe with a 1,000' radius of the proposed dispersed wind energy system the topography, existing residences and location of their windows, location of other structures, wind speeds and directions, existing vegetation and roadways. The model shall represent the most probable scenarios of wind constancy, sunshine constancy, and wind directions and speed.
- b. Calculate the locations of shadow flicker caused by the proposed project and the expected durations of the flicker at these locations, calculate the total number of hours per year of flicker at all locations.
- c. Identify problem areas where shadow flicker will interfere with existing or future residences and roadways and describe proposed mitigation measures, including, but not limited to, a change in siting of WECS, a change in the operation of the WECS, or grading or landscaping mitigation measures.

(7) Decommissioning plan.

(8) Description of potential impacts on nearby WECS and wind resources on adjacent properties.

(d) Application procedures for aggregated projects:

- (1) Aggregated projects may jointly submit a single application and be reviewed under joint proceedings, including notices, hearings, reviews and as appropriate, approvals. Permits will be issued and recorded separately.
- (2) One WECS shall be permitted per property in R-1 and R-2 Districts, aggregated shall be allowed in all other Districts as the conditional use permitting process allows.

### **Sec. 14-250. – District Regulations.**

(a) Vertical Axis WECS are permitted with a conditional use permit in the following districts:

- (1) R-1, R-2, R-3, R-4, R-5, LB, CBD, SCD, GB, I-1, I-2, Ag, G/I

(b) Commercial WECS are permitted with a conditional use permit in the following districts:

- (2) LB, CBD, SCD, GB, I-1, I-2, Ag, G/I

(c) Guyed Towers shall be prohibited in all districts

(d) One tower shall be permitted per property in all residential districts, and multiple WECS per property shall be considered via a conditional use permit and the following standards:

- (1) Proximity to another WECS and the property line.

## Willmar, Minnesota, Code of Ordinances

- (2) Aesthetics.
- (3) Design professional data shall be provided proving that the property can accommodate and safely facilitate more than one WECS.

### **Sec. 14-251. – Setback/Height Limits.**

- (a) WECS shall adhere to the setbacks established as follows:
  - (1) Vertical Axis WECS and Commercial WECS shall be setback 1.25 times the total height from the property line.
- (b) WECS shall adhere to the height limits established in Section 14-21(a) regarding height limitations as follows:
  - (1) Commercial WECS shall not exceed 55 feet in height.
  - (2) Vertical Axis WECS in a residential area shall not exceed 35 feet in height.
- (c) WECS shall adhere to mounting parameters as follows:
  - (1) Lots that are equal to or exceed 100' in width can mount WECS in rear yards or on a structure.
  - (2) Lots that are less than 100' in width shall be limited to structure mounts only.
- (d) WECS unit blades shall be limited to 7' in diameter and unit height to 10' maximum.

### **Sec. 14-252. – Requirements and Standards.**

- (a) Safety Design Standards.
  - (1) *Engineering Certification.* For all WECS, the manufacture's engineer or another qualified engineer shall certify that the turbine, foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions.
  - (2) *Clearance.* Rotor blades or airfoils must maintain at least 12 feet of clearance between their lowest point and the ground.
  - (3) All electrical devices interconnected to the local grid must adhere to IEEE 1547 (standard for interconnecting distributed resources with electric power systems) as adopted by Willmar Municipal Systems.
  - (4) *Warnings.* For all Commercial WECS, a sign or signs shall be posted on the tower, transformer and substation warning of high voltage. Signs with emergency contact information shall also be posted on the turbine or at another suitable point.
- (b) Standards.
  - (1) *Tower Configuration.* All wind turbines, which are part of a commercial WECS, shall be installed with a tubular, monopole type tower.

## Willmar, Minnesota, Code of Ordinances

- (2) *Color and Finish.* All wind turbines and towers shall be white, grey or another non-obtrusive color. Blades may be black in order to facilitate deicing. Finishes shall be matte or non-reflective.
- (3) *Lighting.* Lighting, including intensity and frequency of strobe, shall adhere to but not exceed requirements established by Federal Aviation Administration permits and regulations. Red strobe lights are preferred for night-time illumination to reduce impact on migrating birds. Red pulsating incandescent lights should be avoided.
- (4) *Other Signage.* All signage on site shall comply with the City of Willmar Sign Ordinance. The manufacturers or owners company name and/or logo may be placed upon the nacelle, compartment containing the electrical generator, of the WECS.
- (5) *Feeder Lines.* All communications and feeder lines, equal to or less than 34.5 kV in capacity, installed as part of a WECS shall be buried where reasonably feasible. Feeder lines installed as part of a WECS shall not be considered an essential service. This standard applies to all feeder lines subject to City authority. No communication and feeder lines that are not part of a public project shall be allowed within public right-of-way, nor shall any such lines be the responsibility of any public entity for locates.
- (6) *Shadow Flicker.* Shadow flicker may not exceed 30 hours per year and shall not fall more than 100' from an existing residential property.
- (7) *Waste Disposal.* Solid and Hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site promptly and disposed of in accordance with all applicable local, state and federal regulations.
- (8) *Discontinuation and Decommissioning.* A WECS shall be considered a discontinued use after 1 year without energy production, unless a plan is developed and submitted to the Zoning Administrator outlining the steps and schedule for returning the WECS to service. All commercial WECS and accessory facilities, including the foundation, shall be completely removed within a year of discontinuation of use for commercial WECS projects. For non-commercial projects, the footings for the WECS may be left in place provided the slab remains in place.
- (9) Each Commercial WECS shall have a Decommissioning plan outlining the anticipated means and cost of removing WECS at the end of their serviceable life or upon becoming a discontinued use. The cost estimates shall be made by a competent party; such as a Professional Engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning. The plan shall also identify the financial resources that will be available to pay for the decommissioning and removal of the WECS and accessory facilities.
- (10) *Orderly Development.* Upon issuance of a conditional use permit, all Commercial WECS shall notify the Energy Facility Permitting staff of Department of Commerce of the project location and details on the form specified by the Department.

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- (11) *Noise*. All WECS shall not exceed 30 Db at the property line.
- (12) *Electrical Codes and Standards*. All WECS and accessory equipment and facilities shall comply with the National Electrical Code and other applicable standards.
- (13) *Federal Aviation Administration*. All WECS shall comply with FAA standards and permits.
- (14) *International Building Code*. All WECS shall comply with the International Building Code adopted by the State of Minnesota.
- (15) *Interference*. The applicant shall minimize or mitigate interference with electromagnetic communications, such as radio, telephone, microwaves, or television signals caused by any WECS. The applicant shall notify all communication tower operators within two miles of the proposed WECS location upon application to the City for permits. No WECS shall be constructed so as to interfere with any microwave transmissions.
- (16) *Right of Entrance*. By the acceptance of the conditional use permit, the owner/operator grants permission to the City of Willmar to enter the property to remove the WECS pursuant to the terms of the conditional use permit and to assure compliance with other conditions set forth in the permit.

### (c) Avoidance and Mitigation of Damages to Infrastructure and Utilities

- (1) *Roads*. Applicants shall: identify all county, city or township roads to be used for the purpose of transporting commercial WECS, substation parts, concrete, and/or equipment for construction, operation or maintenance of the commercial WECS and obtain applicable weight and size permits from the impacted road authority(ies) prior to construction.
- (2) Be responsible for restoring or paying damages as agreed to by the applicable road authority(ies) sufficient to restore the road(s) and bridges to preconstruction conditions.
- (3) *Drainage System*. The applicant shall be responsible for immediate repair of damage to public drainage systems stemming from construction, operation or maintenance of the WECS.
- (4) The owner of the WECS is responsible for any damage to any below grade public or private utilities.

**Secs. 14-253—14-256. - Reserved.**

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### DIVISION 13. – RENAISSANCE ZONE OVERLAY DISTRICT

#### Sec. 14-257. – General Provisions

- (a) *Title.* This Division shall be known as the “City of Willmar Renaissance Zone Ordinance”
- (b) *Intent and Purpose.* The intent and purpose of this Ordinance is to:
- (1) Encourage urban commercial and residential development that transforms the Renaissance Zone into a self-sustaining economy that strengthens current businesses and continually attracts new commercial projects.
  - (2) Celebrate, protect and preserve Willmar’s cultural and economic diversity by ensuring there is a demographically representative variety of housing, retail, office space and community events.
  - (3) Maintain a regionally-demographically-pegged mixture of upper-, middle-, and low-income housing units, so the Renaissance Zone remains a place for everyone in relation to and within a 5 percent deviation from combined levels found within the city and its two- mile extraterritorial subdivision regulation enforcement jurisdiction.
  - (4) Ensure the Renaissance Zone reflects the cultural heritage and economic diversity of the area by attracting development that increases both the Renaissance Zone’s resident population and the number of visitors/patrons to the Renaissance Zone by (a) utilizing a high-density, mixed-use design, (b) repositioning and reinforcing the Renaissance Zone as the cultural, health, and entertainment center of Willmar, and (c) dedicating public spaces and commons areas for events.
- (c) *Jurisdiction.* The provisions of this Ordinance shall apply to the areas of the City’s Central Business District and adjacent lands identified as the Renaissance District on the official Zoning Map, as amended from time to time.
- (d) *Applicability and Relation to Other Provisions.* This Ordinance shall apply to all development within the Renaissance Zone that takes advantage of the alternative processes and provisions contained within this Ordinance. For such development, this Ordinance may impose restrictions on structures and land uses in addition to those applicable to the underlying zoning district. In many cases, this Ordinance provides greater flexibility relative to the regulations applicable to the underlying zoning district. Where this Ordinance expressly conflicts with any other provision of the Willmar Zoning Ordinance, this Ordinance shall prevail. Where there is no express conflict, provisions of this Ordinance and of the Willmar Zoning Ordinance shall be interpreted to give effect to both provisions to the greatest extent possible
- (e) *Definitions.* Unless specifically defined below, words or phrases used in this Ordinance shall have their common meaning and to give this Ordinance its most reasonable application.

## Willmar, Minnesota, Code of Ordinances

- (1) *Parking credit.* A reduction in the required number of off-street parking spaces required under City of Willmar Zoning Ordinance, Division 4.
- (2) *Pedestrian-oriented landscaping.* Landscaping focused on amenities for those walking, including but not limited to, seating, fountains, sculptures, plantings, tables, pedestrian coverings, and lighting.
- (3) *Renaissance zone application.* The City of Willmar Renaissance Zone Application, including the main application, the additional forms for specific programs, and any additional documents required by the Zoning Administrator.
- (4) *Local heritage designation.* Buildings, sites, uses, structure, objects and districts that are recognized for their historical, architectural, archaeological, or cultural importance, as designated by the City of Willmar pursuant to the Local Heritage Designation Ordinance in Article IV of this Chapter.
- (5) *Open Zoning.* A process of individual project review through which a proposed use that is not allowed under the zoning requirements of the underlying zoning district, but which promotes and encourages adaptive reuse of heritage-designated and existing infrastructure; contextual use and creativity; density; mixed-income housing; entertainment uses; a healthy, equitable, and resilient community; and pedestrian-scaled streetscapes, may be granted a conditional use permit under this Division 13.

### Sec. 14-258. – Administration

- (a) *Applications.* In addition to any application usually required under the Willmar Zoning Ordinance, a Renaissance Zone Application must be submitted to the Zoning Administrator for all projects within the Renaissance Zone that take advantage of the alternative processes and provisions contained within this Ordinance.
- (b) *Zoning Administrator.* The Zoning Administrator shall accept all Renaissance Zone Applications, review for completeness, and act upon the application in accordance with the processes herein described.
- (c) *Variances.* Variances may be granted in accordance with Minnesota Statutes Chapter 462. The administrative procedures for variance applications contained in Section 9, Subsection D of the City of Willmar Zoning Ordinance shall be followed for variance applications within the Renaissance Zone.
- (d) *Conditional Use Permits.* The review of a conditional use permit application for a property within the Renaissance Zone shall follow the application procedure found in the City of Willmar Zoning Ordinance Section 12, if the proposed use is a conditional use pursuant to the applicable provisions of the City of Willmar Zoning Ordinance, Ordinance No. 1060, for the underlying zone. Any requests for conditional uses not permitted by the applicable provisions of the City of Willmar Zoning Ordinance, Ordinance No. 1060, for the underlying zone may apply for a conditional use permit using the Open Zoning provisions found herein.

## Willmar, Minnesota, Code of Ordinances

**Sec. 14-259. – Performance Standards.** Projects issued a conditional use permit under Section 14-260 below shall be exempted from the setback requirements and other performance standards established in the underlying zoning district. Such setback requirements or performance standards may be addressed in conditions of the conditional use permit customized to reflect the specific characteristics and impacts of the permitted project.

**Sec. 14-260. – Open Zoning.**

- (a) *Eligibility.* All projects within the Renaissance Zone not permitted by the underlying Zoning District, as defined in the City of Willmar Zoning Ordinance, Ordinance No. 1060, may apply for a Conditional Use Permit (CUP) under the Open Zoning process set forth in this Section 14-260.
- (b) *Open Zoning Process.* The open zoning process allows the consideration of a conditional use permit for any use within the Renaissance Zone that is evaluated pursuant to Subparagraph 4 herein to promote and encourage adaptive reuse of heritage-designated and existing infrastructure; contextual use and creativity; density; mixed-income housing; entertainment uses; a healthy, equitable, and resilient community; and pedestrian-scaled streetscapes, notwithstanding the underlying zoning district requirements.
- (c) *Application.* All projects wishing to apply for a conditional use permit under the open zoning process must submit a completed Renaissance Zone Application to the City Zoning Administrator, and provide all additional information requested by City staff, the Planning Commission, the Development Committee, and the City Council to support the application. When the Zoning Administrator determines the application is complete, the Zoning Administrator shall submit the application to the Planning Commission.
- (d) *Local Heritage Designation.* An Applicant may apply for Local Heritage Designation of any existing or proposed buildings, in accordance with the Willmar Local Heritage Designation program, Willmar City Code Chapter 14, Section 4, simultaneously with the open zoning application. If the project contains one or more Local Heritage Designated structures, structures on the list of potential heritage sites, or is in the Downtown Commercial Heritage District, the applicant must simultaneously submit an alteration/renovation/demolition review request in accordance with Article IV of this Chapter 14.
- (e) *Evaluations and Approvals.* The Planning Commission shall follow the procedure and criteria laid out in the conditional use process, Willmar Planning Code 9E2- 9E9 for the evaluation and approval of a conditional use permit under the open zoning process. The Planning Commission shall additionally consider the objective evaluation of the project’s viability and furtherance of the following Renaissance Zone objectives, according to a uniform scoring system to be approved by the City Council:
  - (1) Whether the project exhibits creativity in addressing contextual, spatial and architectural relationships;
  - (2) Whether and the extent to which the project will include mixed-income housing;
  - (3) Whether and the extent to which the project will include retail and/or office space;

## Willmar, Minnesota, Code of Ordinances

- (4) Whether and the extent to which the project will complement and/or enhance the vitality and character of the Renaissance Zone;
  - (5) Whether and the extent to which the project will enhance the pedestrian experience;
  - (6) Whether the project meets a demand and/or fills a market gap;
  - (7) Whether the project is financially feasible and viable; and
  - (8) Whether the project is shovel ready.
- (f) *Ineligible Uses.* The following uses are ineligible for a CUP under the open zoning process:
- (1) Adult uses.
  - (2) Agricultural product processing plants.
  - (3) Gas bulk plants.
  - (4) Manufacturing of explosive or toxic materials.
  - (5) Meat packing/rendering plants.
  - (6) Power plants.
  - (7) Solid waste collection and recycling facilities for metals, glass, paper, wood, etc. (not including household garbage).
  - (8) Storage and/or sale of flammable liquids and gases, except as reasonably necessary in connection with the on-site retail sale thereof.
  - (9) Permanent concrete, bituminous, or gravel production businesses.
- (g) Appeals from decisions of the Zoning Administrator or Planning Commission regarding decisions made in accordance with this ordinance may be made to the Board of Zoning Appeals, by following the process and standards found in Section 14-221.

### **Sec. 14-261. – Parking**

- (a) *Off-street parking requirements.* The off-street parking requirements of Division 4 of this Ordinance apply to all buildings, structures, and uses of land constructed, established, or authorized, except Parking Credits may be used to meet said requirements.
- (b) Upon submission of the Renaissance Zone Application and the Parking Reduction application, the Zoning Administrator may issue parking credits not to exceed 50% of the parking requirements under the Willmar Zoning Ordinance, for the following reasons:
- (1) Construction or use of below grade contextual or camouflaged parking;
  - (2) Suitable number of public parking space if retail or office uses are included;
  - (3) Installation of bike parking;

## Willmar, Minnesota, Code of Ordinances

- (4) Installation of Electric Vehicle Charging Stations;
- (5) Shared car amenities provided by multifamily housing management for the use of multifamily housing residents.

### **Sec. 14-262. – Fees**

- (a) Notwithstanding any other ordinance provision or the City of Willmar Fee Schedule, upon the approval of a Renaissance Zone Application requesting permit fee reductions an applicant shall not be charged a fee for any the following, except as provided in subparagraph 2 below:
  - (1) Building permit fees;
  - (2) Land use application fees;
  - (3) Sign permit fees;
  - (4) Sewer availability charge; or
  - (5) Water availability charge.
- (b) If a share of any of these fees or charges listed in subparagraph 1 above is due to the Federal Government, State of Minnesota, or another political subdivision, the Zoning Administrator shall charge the applicant the non-City portion of the fee.

### **Secs. 14-263—14-299. - Reserved.**



## City Council Action Request

<b>Council Meeting Date:</b>	January 5, 2026	<b>Agenda Item Number:</b>	10.A.
<b>Agenda Section:</b>	Regular Business	<b>Originating Department:</b>	Administration
<b>Resolution:</b>	No	<b>Prepared By:</b>	Kyle Box, City Operations Director
<b>Ordinance:</b>	No	<b>Presented By:</b>	Jared Voge
<b>Item:</b>	4th Street Reconstruction Considerations		

**RECOMMENDED ACTION:**

Motion to proceed with the 4th Street Reconstruction design documents with alternative A

**OVERVIEW:**

At the December 1, 2025, Council meeting, the City Council approved moving forward with three potential street design alternatives for the 4th Street SW Improvement Project. These options, identified as Alternatives A, B, and C, are included in the enclosed presentation. The City Council also directed staff to engage property owners along 4th Street to gather public input on these alternatives. Staff hosted an open house and administered a survey. Each property owner fronting the proposed 4th Street SW project area was mailed notifications regarding the details of the survey and open house. Based on feedback from these efforts, Alternative A was the residents' favored design option for the project. Staff is seeking Council approval to proceed with Alternative A, based on feedback from residents.

**BUDGETARY/FISCAL ISSUES:**

**ALTERNATIVES TO CONSIDER:**

**ATTACHMENTS:**

1. 4thStreetSW\_SurveyResults



**WILLMAR**

# 4<sup>th</sup> Street SW Typical Sections Alternatives Public Input Results

Presented by: Jared Voge, City Engineer

January 5, 2026

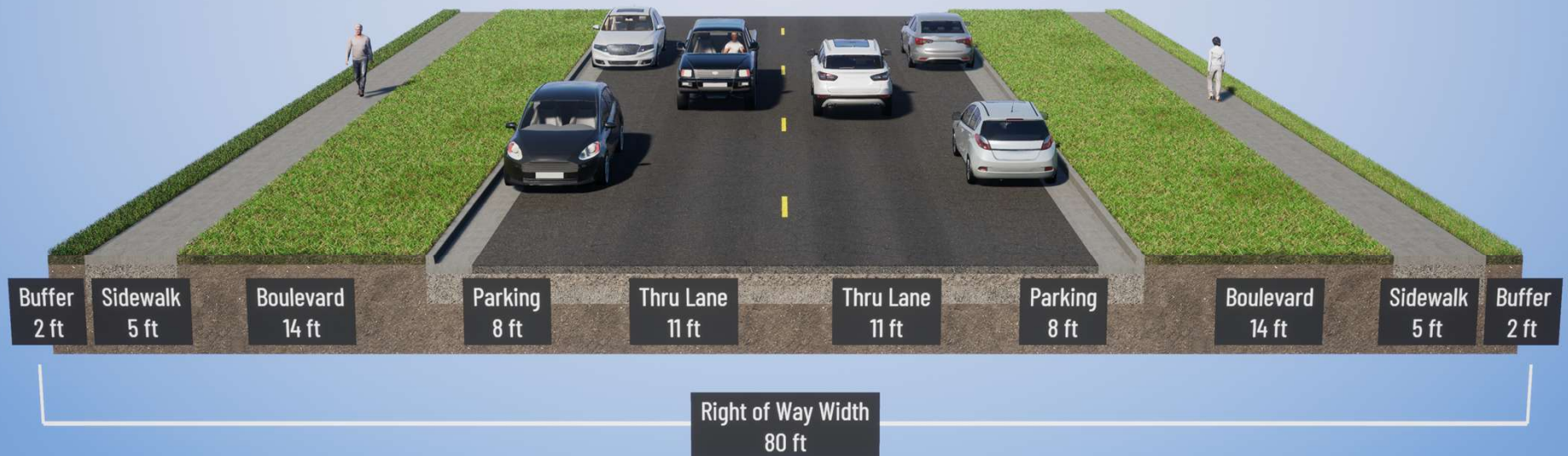
# Existing Conditions

Estimated Street & Restoration Cost: \$3,065,000



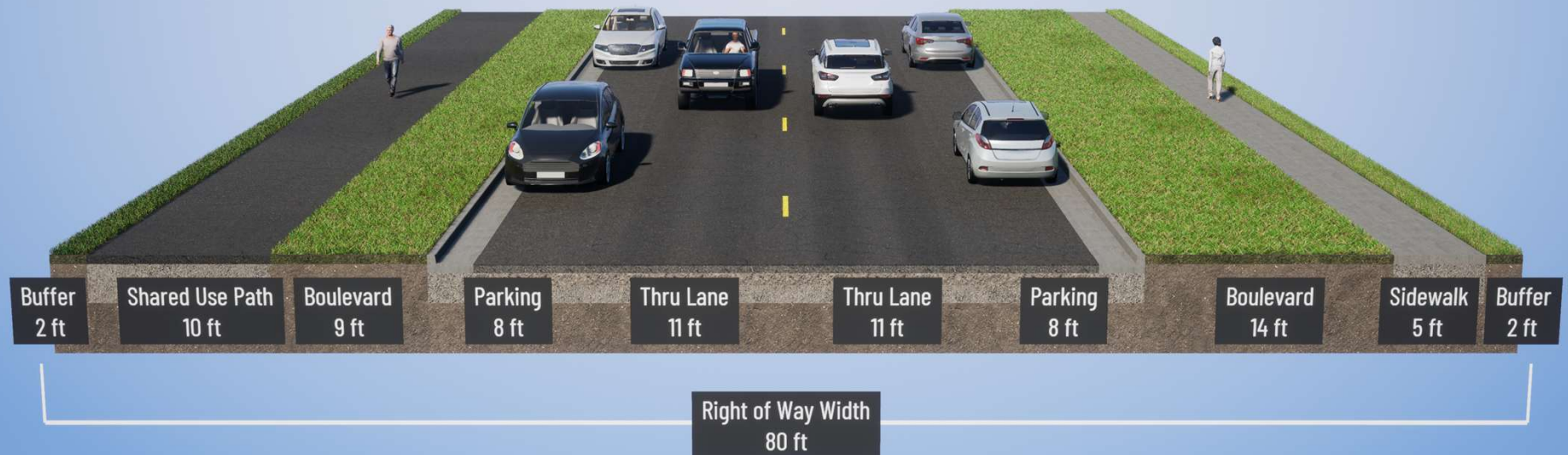
# Alternative A: Street Diet

Estimated Street & Restoration Cost: \$2,735,000



# Alternative B: Street Diet w/ Off-Street Path

Estimated Street & Restoration Cost: \$2,935,000



# Alternative C: Off-Street Two-Way Bikeway & Sidewalks

Estimated Street & Restoration Cost: \$2,975,000



# Community Survey Results

## Engagement At a Glance:

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**18 Survey Responses; ~25% of Project Area**



**Alternative A** was the highest ranked design option.  
*83% of respondents ranked it as their preferred design.*



**Alternative B** was the second most popular option.  
*72% of respondents ranked it as their second choice.*

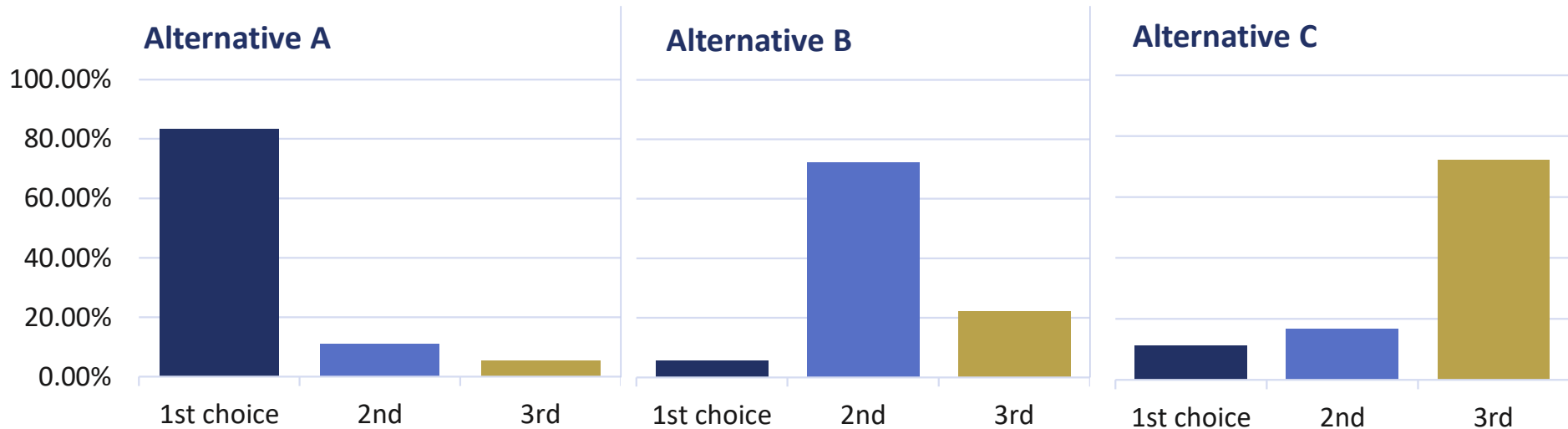


**Alternative C** was consistently ranked as least-preferred.  
*72% of respondents ranked it as their third choice.*

# Full Survey Results

	<i>1<sup>st</sup> choice</i>	<i>2<sup>nd</sup> choice</i>	<i>3<sup>rd</sup> choice</i>
<b>Alternative A: Street Diet</b>	<b>15</b>	1	2
<b>Alternative B: Street Diet with Shared Path and Sidewalk</b>	2	<b>13</b>	3
<b>Alternative C: Street Diet with Off-Street 2-way Bikeway and Sidewalks</b>	1	4	<b>13</b>

*Measured by number of responses*



*Measured as percentage breakdown of respondent preferences*



**WILLMAR**

# Questions?

4<sup>th</sup> Street SW Typical Sections Alternatives  
Public Input Results

Presented by: Jared Voge, City Engineer

January 5, 2026



**City Council Action Request**

<b>Council Meeting Date:</b>	January 5, 2026	<b>Agenda Item Number:</b>	10.B.
<b>Agenda Section:</b>	Regular Business	<b>Originating Department:</b>	Wastewater
<b>Resolution:</b>	No	<b>Prepared By:</b>	Leslie Valiant, City Administrator
<b>Ordinance:</b>	No	<b>Presented By:</b>	Sara Sietsema
<b>Item:</b>	Review of Sanitary Sewer Ordinance		

**RECOMMENDED ACTION:**

**OVERVIEW:**

Staff review of the sanitary sewer ordinance

**BUDGETARY/FISCAL ISSUES:**

**ALTERNATIVES TO CONSIDER:**

**ATTACHMENTS:**

1. Sealing the Leaks 1-5-2026

# Sealing the Leaks:

Protecting City Infrastructure  
& Taxpayer Dollars

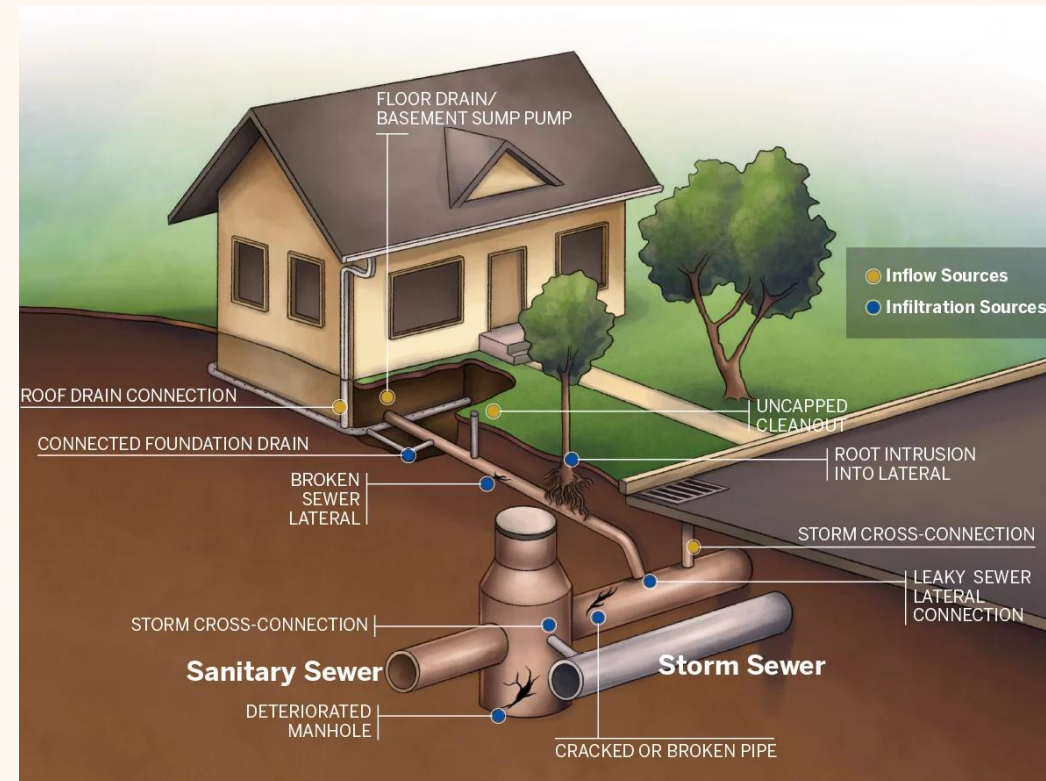
January 5, 2026

Sara Sietsema, Environmental Specialist



# Why is I&I a Problem?

- Reduces the capacity of the WWTF, leaving less for existing residents and future growth
- Makes treatment less efficient since the wastewater is diluted by water
- Increases the cost to residents because we are treating a higher flow volume
- Increases risk of overflows, bypass events, and back-ups



# Protecting Our Community Assets & Future Capacity

## Protecting Infrastructure Capacity (The City's Investment)

- **Prevent System Upsizing:** Eliminating groundwater "theft" preserves existing capacity for community growth.
- **Reduce Mechanical Wear:** Lower volumes prevent premature (and costly) lift station and pump failures.
- **Defer Plant Expansion:** Keeping I&I out delays the need for massive capital investments in treatment plant upgrades.



# Protecting Our Community Assets & Future Capacity

## Protecting New Homebuyers (The Resident's Investment)

- **Hidden Liability Defense:** Prevents buyers from inheriting a “functional” but failing pipe and a sudden \$10,000+ emergency repair.
- **Consumer Safeguard:** Provides professional review for technical assets that the average buyer cannot evaluate themselves.



# Protecting Our Community Assets & Future Capacity

## Protecting Sewer Rates (The Taxpayer's Investment)

- **Operational Efficiency:** Reducing “clean water” treatment volumes keeps monthly operational costs and resident utility bills stable.
- **Smart Growth:** Reserved capacity allows for new development without triggering "capacity surcharges" or infrastructure levies.



# Understanding Licensing vs. Specialized Expertise

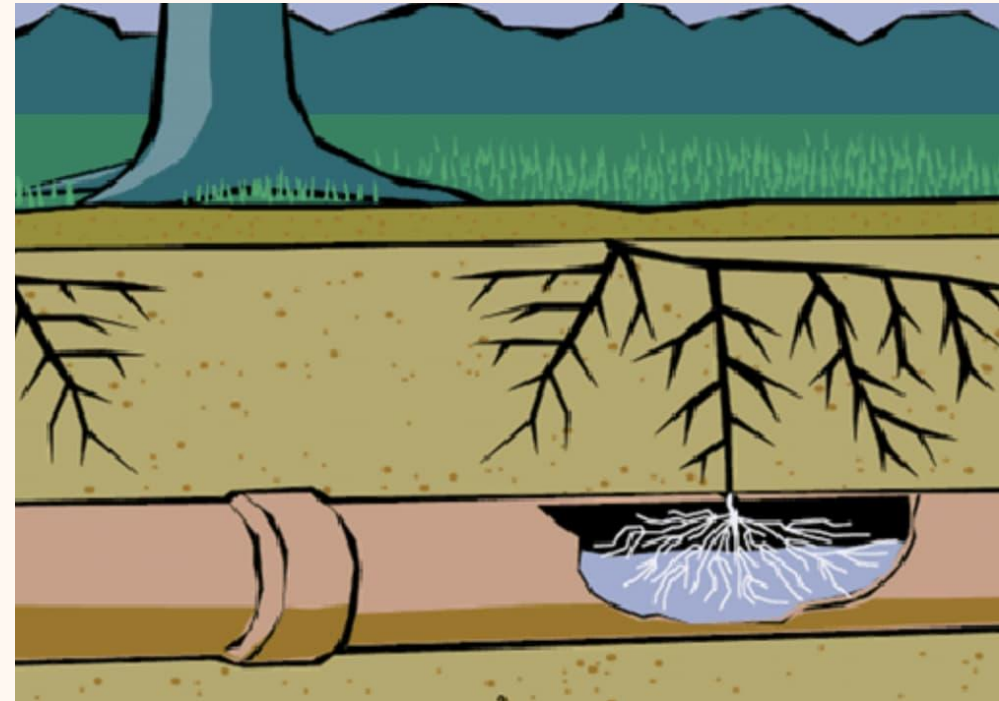
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- **Current Reality:** Minnesota currently has no state licensing category specifically for televising collection systems.
- **Contractor Variation:** ISTS inspectors and CCTV contractors operate under different (or non-existent) training criteria.
- **The Credential Gap:** A plumbing or HVAC license does not imply experience with large-scale municipal collection systems.



# Internal Expertise as a Safeguard

- **Professional Staffing:** Our staff are licensed Wastewater Treatment and Collection System operators.
- **Advanced Training:** Our team undergoes dozens of hours of specialized continuing education to stay current with industry standards.
- **The Goal:** We don't just watch the video. We are trained to see the critical defects – like weeping joints – that a standard contractor may miss.



# Redefining “Functional”: The Two-Way Street

- **Outbound Reliability (The Homeowner’s View):** Wastewater must leave the home efficiently without backups.
- **Inbound Integrity (The City’s View):** The pipe must be a "sealed system" that prevents external water and soil from entering.



# The Fiscal Impact: Why “Functional” Leaks Cost Money

## 1. Treatment of "Clean" Water

- **The Cost:** We are effectively spending taxpayer dollars to pump and treat "clean" groundwater and rain.
- **The Scale:** I&I can account for **30% to 65%** of the total flow during a storm, drastically inflating the monthly treatment costs.

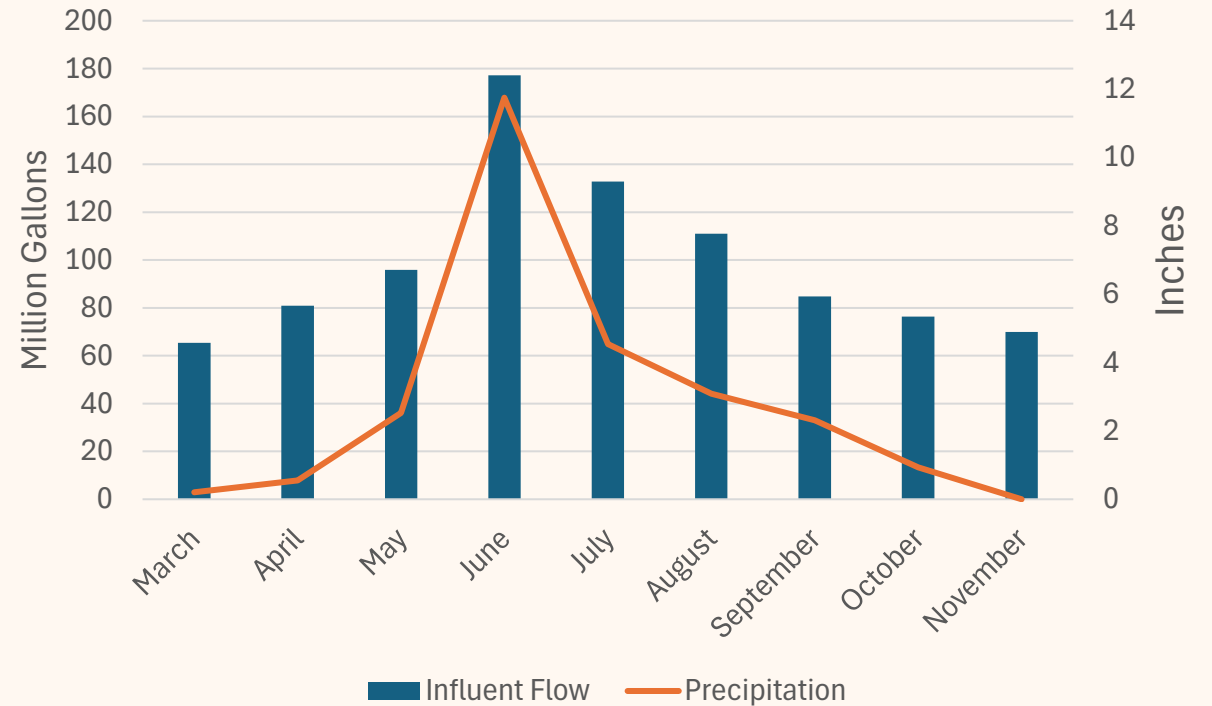
## 2. Lost System Capacity: Our sewer mains and lift stations have a finite "ceiling" of how much water they can move.

- **The Bottleneck:** If 30% of our pipe capacity is taken up by groundwater entering through leaky laterals, that is 30% less capacity available for community growth.
- **The Consequence:** Leaky pipes can force the City to upsize a main line years earlier than necessary—a multi-million-dollar expense that could have been avoided by sealing laterals.

# The Fiscal Reality: A \$300,000 Rain Event

Metric	Impact of a Single 1 GPM Leak
Daily Excess Flow	1,440 Gallons
Seasonal Flow (7 Months)	302,400 Gallons
Current Treatment Rate	\$4.81 per 1,000 Gallons
<b>Annual Taxpayer Loss</b>	<b>\$1,454 per leak</b>
<b>10-Year Cumulative Cost</b>	<b>\$14,540 per leak</b>

## 2025 Monthly Influent Flow and Precipitation



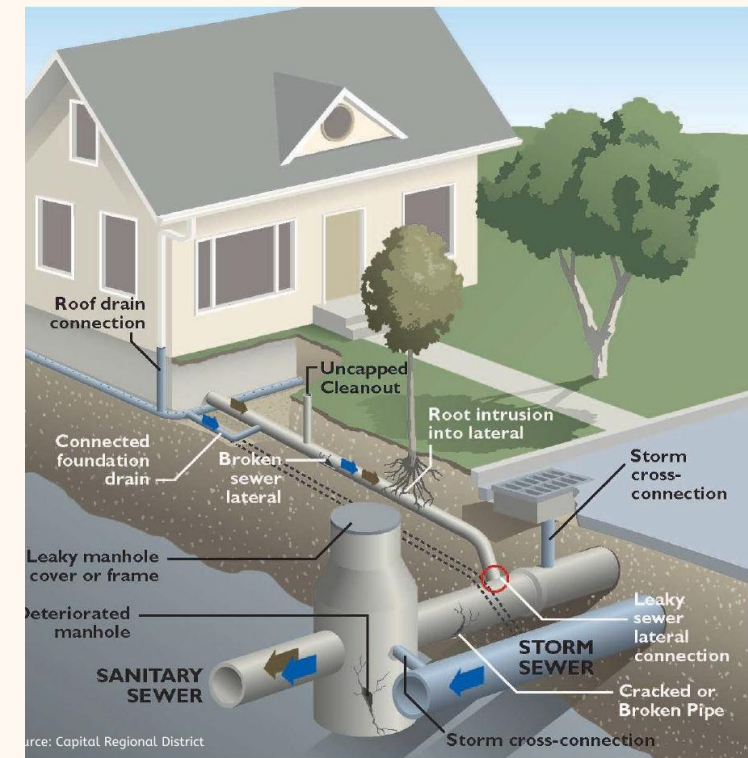
# Rehabilitation Strategies

- **Trenchless Methods (Lower Disruption):**
  - **CIPP Lining:** "Pipe-within-a-pipe" technology.
  - **Slip Lining & Pipe Bursting:** Structural replacement with minimal digging.
- **Traditional Excavation:** Open-cut trench
- **Fiscal Strategy:** Property owners work with their contractor to match the specific repair method to the pipe's condition to maximize the "life-per-dollar" of the asset.



# Sustainable Infrastructure, Stable Rates

- **Proactive Asset Protection**
- **Fiscal Stewardship through I&I Control**
  - Lower Volumes
  - Avoided Construction
- **Qualified Oversight**
- **The Bottom Line:** Investing in the "invisible" health of our pipes today ensures we do not have to ask for emergency funding or significant rate hikes tomorrow to expand our facilities.





### City Council Action Request

<b>Council Meeting Date:</b>	January 5, 2026	<b>Agenda Item Number:</b>	10.C.
<b>Agenda Section:</b>	Regular Business	<b>Originating Department:</b>	Planning and Development
<b>Resolution:</b>	No	<b>Prepared By:</b>	Christopher Corbett, Planning and Development Director
<b>Ordinance:</b>	No	<b>Presented By:</b>	Christopher Corbett, Planning and Development Director
<b>Item:</b>	Consideration to Approve a Job Position for the Planning and Development Department		

**RECOMMENDED ACTION:**

Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to approve the Economic and Community Development Specialist position within the Planning and Development Department.

**OVERVIEW:**

The Economic and Community Development Specialist, within the Department of Planning and Development, will advance strategies from the 2025 Comprehensive Plan and planning initiatives to strengthen Willmar’s economic vitality. The role focuses on supporting the central business district, Industrial Park, residential and commercial growth, and ensuring long-term business retention. Key responsibilities include research, policy development, communication strategies, and targeted outreach to businesses, stakeholders, and residents. By building partnerships, the Specialist will promote and attract new investment, and support the expansion and retention of local businesses.

The salary range is: \$61,089 — \$82,326 per the Base Pay Schedule. If approved by council, the job application will be posted within Q1 of 2026. This position is replacing the Main Street Coordinator position.

**BUDGETARY/FISCAL ISSUES:**

**ALTERNATIVES TO CONSIDER:**

Request more information.

**ATTACHMENTS:**

1. Economic and Community Development Specialist\_Planning

## **ECONOMIC AND COMMUNITY DEVELOPMENT SPECIALIST**

**Department: Planning and Development**

**Immediate Supervisor:** Director, Planning and Development

**Pay Grade:** EF **FLSA Status:** Non-exempt

### **Purpose**

Through the Department of Planning and Development, this position will support planning initiatives and the implementation of strategies outlined in the 2025 Comprehensive Plan, *WITH Willmar*. The role is central to advancing the City's economic vitality, with a strong emphasis on strengthening the central business district, promoting sustainable growth across residential and commercial sectors, and ensuring long-term business retention.

The Specialist will perform a variety of technical and professional-level duties related to planning, development, and community engagement. Responsibilities include conducting research and analysis, creating communication strategies, and drafting policy related content. In addition, the Specialist will lead targeted outreach efforts to engage local businesses, community stakeholders, and residents; building partnerships that provides economic resilience, attract new investment, and support the retention and expansion of existing enterprises.

### **Organizational Relationships** Communicates with:

*Internally* – City Administration, Boards and Commissions, and various City staff;

*Externally* – Local, State, and Federal Stakeholders, Government Agencies and Non-Governmental Organizations

### **Essential Functions**

- Prepares and submits applications for grants and other external funding sources to advance community and economic development initiatives, including projects in the downtown district, industrial park, and designated gateway corridors.
- Coordinates and oversees strategic economic development efforts within Willmar's central business district, focusing on growth and long-term vitality.
- Facilitates and supports city-sponsored events, projects, and initiatives that enhance the vibrancy, accessibility, and commercial appeal of the downtown area.
- Researches, analyzes, and interprets social, economic, demographic, and land use data and trends; prepares comprehensive reports and recommendations to guide development decisions and inform policy updates.
- Conducts business process analysis and recommends improvements to increase efficiency, transparency, and responsiveness in development services.
- Participates in the planning and implementation of redevelopment projects, ensuring alignment with community goals and regulatory requirements.
- Assists with general city planning duties, including reviewing development proposals for compliance with zoning, land use, and environmental regulations; prepares staff reports and recommendations for consideration by decision-making bodies.
- Performs other related duties as assigned to support the City's planning and development objectives.

# **ECONOMIC AND COMMUNITY DEVELOPMENT SPECIALIST**

## **Required Knowledge, Skills, and Abilities**

Knowledge of economic and community development

Knowledge of government structure and practices

Skills in budgeting & municipal finances

Grant writing

Skills in professional writing and verbal communication

Computer skills: Outlook, Word, Excel, etc.

Ability to work with the public and stakeholder groups

Ability to conceptualize and develop new and improve existing community activities, projects, programs, and incentives

## **Minimum Qualifications**

Associate's degree and 2-3 years of grant management/budgeting experience in a similar position (Local, State, and Federal Government Agencies, Non-governmental Agencies, etc.).

## **Preferred Qualifications**

Bachelor's degree in community development, business/non-profit management, planning, regional studies, public administration, or related field.

## **Working Conditions**

Work is primarily performed in a standard office environment, with routine travel both within and outside the city to attend meetings. Regular transportation needs are met using either a city-issued or personal vehicle. The position requires near vision, focus, hearing, and tactile perception.

Duties also involve the use of both fine and gross motor skills as needed.



### City Council Action Request

<b>Council Meeting Date:</b>	January 5, 2026	<b>Agenda Item Number:</b>	10.D.
<b>Agenda Section:</b>	Regular Business	<b>Originating Department:</b>	Human Resources
<b>Resolution:</b>	No	<b>Prepared By:</b>	Alissa Gambrel, Human Resources Director
<b>Ordinance:</b>	No	<b>Presented By:</b>	Alissa Gambrel, Human Resources Director
<b>Item:</b>	Review of the Outside Employment Policy		

**RECOMMENDED ACTION:**

None

**OVERVIEW:**

Per council member request, the Outside Employment Policy is being brought forward for review and discussion.

**BUDGETARY/FISCAL ISSUES:**

None

**ALTERNATIVES TO CONSIDER:**

None

**ATTACHMENTS:**

1. Outside Employment Policy

## OUTSIDE EMPLOYMENT

The potential for conflicts of interest is lessened when individuals employed by the City of Willmar regard the City as their primary employment responsibility. All outside employment is to be reported to the employee's immediate supervisor. If a potential conflict exists based on this policy or any other consideration, the supervisor will consult with the City Administrator. Any City employee accepting employment in an outside position that is determined by the City Administrator to be in conflict with the employee's City job will be required to resign from the outside employment or may be subject to discipline up to and including termination.

For the purpose of this policy, outside employment refers to any non-City employment or consulting work for which an employee receives compensation, except for compensation received in conjunction with military service or holding a political office or an appointment to a government board or commission that is compatible with City employment. The following is to be considered when determining if outside employment is acceptable:

- Outside employment must not interfere with a full-time employee's availability during the City's regular hours of operation or with a part-time employee's regular work schedule.
- Outside employment must not interfere with the employee's ability to fulfill the essential requirements of their position.
- The employee must not use City equipment, resources or staff in the course of the outside employment.
- The employee must not violate any City personnel policies as a result of outside employment.
- The employee must not receive compensation from another individual or employer for services performed during hours for which they are also being compensated by the City. Work performed for others while on approved vacation or compensatory time is not a violation of policy unless that work creates the appearance of a conflict of interest.
- No employee will work for another employer, or for their own business, while using paid sick leave from the City for those same hours.
- Departments may establish more specific policies as appropriate, subject to the approval of the City Administrator.

City employees are not permitted to accept outside employment that creates either the appearance of or the potential for a conflict with the development, administration or implementation of policies, programs, services or any other operational aspect of the City.



### City Council Action Request

<b>Council Meeting Date:</b>	January 5, 2026	<b>Agenda Item Number:</b>	10.E.
<b>Agenda Section:</b>	Regular Business	<b>Originating Department:</b>	City Clerk
<b>Resolution:</b>	No	<b>Prepared By:</b>	Deborah Stulen, Administrative Assistant
<b>Ordinance:</b>	No	<b>Presented By:</b>	Vernae Larsen, City Clerk
<b>Item:</b>	Sunday Liquor License Renewal for 2026		

**RECOMMENDED ACTION:**

Approve the 2026 Sunday Liquor License Renewal, Pending Police Department Approval, on a Roll Call Vote

**OVERVIEW:**

The following establishment is requesting renewal of their current Sunday Liquor License for 2026:

**Sunday Liquor License**

El Tapatio Mexican Restaurant

**BUDGETARY/FISCAL ISSUES:**

\$200.00 application fee per establishment

**ALTERNATIVES TO CONSIDER:**

Deny the renewal applications as requested

**ATTACHMENTS:**

None



### City Council Action Request

<b>Council Meeting Date:</b>	January 5, 2026	<b>Agenda Item Number:</b>	10.F.
<b>Agenda Section:</b>	Regular Business	<b>Originating Department:</b>	City Clerk
<b>Resolution:</b>	No	<b>Prepared By:</b>	Deborah Stulen, Administrative Assistant
<b>Ordinance:</b>	No	<b>Presented By:</b>	Vernae Larsen, City Clerk
<b>Item:</b>	Consideration of P & S Stores, LLC Off-Sale Intoxicating Liquor License		

**RECOMMENDED ACTION:**

Approve the P & S Off-Sale Intoxicating Liquor License through the Fiscal Year Ending April 25, 2026, on a Roll Call Vote.

**OVERVIEW:**

On December 11, 2025, P & S Stores, LLC, new owner Parveen Singh, request to hold an Off-Sale Intoxicating Liquor License located at 3001 1st Ave NW under the name P & S Stores, LLC dba Westside Market. The Willmar Police Department has completed a background, criminal history, and driving record check. Kathy Link is the Resident Manager for this establishment.

**BUDGETARY/FISCAL ISSUES:**

\$125.00 Investigation Fee and \$950.00 License Fee

**ALTERNATIVES TO CONSIDER:**

Deny the approval of the requested applications.

**ATTACHMENTS:**

None



### City Council Action Request

<b>Council Meeting Date:</b>	January 5, 2026	<b>Agenda Item Number:</b>	10.G.
<b>Agenda Section:</b>	Regular Business	<b>Originating Department:</b>	Administration
<b>Resolution:</b>	Yes	<b>Prepared By:</b>	Allie Paulsen, Administrative Assistant
<b>Ordinance:</b>	No	<b>Presented By:</b>	Vernae Larsen, City Clerk
<b>Item:</b>	Resolution to Acknowledge Donations for the Fourth Quarter of 2025		

**RECOMMENDED ACTION:**

**OVERVIEW:**

The City regularly receives donations and, pursuant to formerly adopted Council action, allows staff to promptly send a thank-you letter and formally approve the donations quarterly. Attached is the resolution acknowledging the fourth quarter donations for 2025.

**BUDGETARY/FISCAL ISSUES:**

Q4 donations total: \$28,961.00

**ALTERNATIVES TO CONSIDER:**

None to consider

**ATTACHMENTS:**

1. Resolution for Q4 Donations 2025

**RSOLUTION NO.**  
**ACKNOWLEDGEMENT OF**  
**DONATIONS**

Motion By: \_\_\_\_\_

Second By: \_\_\_\_\_

**WHEREAS**, the City of Willmar has received donations which have been acknowledged by the City Administrator expressing the community’s appreciation for the period of October 1, 2025, through December 31, 2025.

<b>Amount</b>	<b>From</b>	<b>For/Purpose</b>
\$296.00	New London American Legion	Willmar Police Explorers
\$165.00	Sara’s Sole Care LLC	Taylor Swift Event at the Community Center
\$100.00	Pest Pro II	Taylor Swift Event at the Community Center
\$100.00	Kari Visser (The Kleaning Lady)	Taylor Swift Event at the Community Center
\$100.00	Elmquist Jewelers	Taylor Swift Event at the Community Center
\$100.00	Insurance Center	Taylor Swift Event at the Community Center
\$50.00	Don’s Building Center	Taylor Swift Event at the Community Center
\$50.00	Hair We Are	Taylor Swift Event at the Community Center
\$250.00	Liveedge Construction LLC	Taylor Swift Event at the Community Center
\$250.00	Casey’s General Stores	Taylor Swift Event at the Community Center
\$800.00	Charter Communications	Taylor Swift Event at the Community Center
\$750.00	Julie Havoy with OSAIC Wealth Inc.	Willmar Community Center Programs
\$1,500.00	Walmart	Shop With a Cop
\$2,500.00	Jennie-O/Hormel Financial Services	2026 Community Growth Programs
\$20,000.00	BlueCross BlueShield Minnesota	2026 Community Growth Programs
\$250.00	American Legion Post No. 167	Veteran’s Coffee Social at the Community Center
\$100.00	Voiture 1413	Veteran’s Coffee Social at the Community Center
\$250.00	Legion of St Michael LEMC	Willmar Police Explorers
\$300.00	Iron Warrior Motorcycle Club	Willmar Fire Explorers
\$250.00	Legion of St Michael LEMC	Willmar Fire Explorers
\$500.00	Beverly Falk on behalf of Edward Jones	Willmar Fire Department for discretionary use
\$300.00	Iron Warrior Motorcycle Club	Willmar Police Explorers

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of Willmar, Minnesota that the City formally accepts the donations as listed.

Dated this 5 day of January, 2026

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MAYOR

Attest:

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CITY CLERK