

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

November 19, 2007  
7:00 p.m.

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

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

Additions to the Agenda included an amendment to a Wastewater Treatment Plant Interceptor Resolution from November 5, 2007; Rice Hospital Board term limits; and the joint City/County/School Board meeting.

The Council requested the Planning Commission Minutes be removed from the Consent Agenda.

Council Member Reese offered a motion adopting the Consent Agenda which included the following: City Council Minutes of November 5, Municipal Utilities Commission Minutes of November 13, Building Inspection Report for October, Pioneerland Library Board Minutes of September 20, Police Commission Minutes of October 1, and Housing and Redevelopment Authority Minutes of October 9, 2007. Council Member DeBlieck seconded the motion, which carried.

The Mayor and Council discussed Item #8 of the Planning Commission Minutes regarding the Pizza Ranch Plan Review and construction timelines, and the reduction in the number of parking spaces; and Item #10 regarding the Welcome to Our Home Conditional Use Permit. Concerns were raised with a decision being made without full stormwater calculations being completed. Following discussion, Council Member Anderson moved to approve the Planning Commission Minutes of November 14, 2007, with Council Member Christianson seconding the motion, which carried.

At 7:31 p.m. Mayor Heitke opened a hearing on an Ordinance Extending the Corporate Limits of the City of Willmar. Planning and Development Services Director Peterson presented details of the proposed Ordinance which Donald and Carol Williamson have filed a petition to annex 12.11 acres east of 15<sup>th</sup> Street Southwest. Mr. Williamson offered lot size comments regarding his development plans. Upon hearing all those who wished to be heard, Mayor Heitke closed the hearing at 7:33 p.m.

Council Member Gardner offered a motion to adopt, assign a number, and order final publication of the Ordinance Extending the Corporate Limits of the City of Willmar. Council Member Reese seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

At 7:35 p.m. Mayor Heitke opened a hearing on an Ordinance Amending Willmar Ordinance No. 1192 by Establishing a Franchise Fee. City Administrator Schmit explained the purpose of a proposed franchise fee which would be to generate additional revenue to address stormwater mitigation issues. Al Swintek, CenterPoint Energy Manager, explained in detail CenterPoint Energies policies regarding local franchise fees, explaining the company's participation in other communities throughout the state, and presented a series of recommendations for the Council to consider in adoption of its own

ordinance. John Sullivan expressed opposition to the franchise fee, stating that money should be levied for infrastructure improvements through property tax increases. Upon hearing all those who wished to be heard, Mayor Heitke closed the hearing at 7:50 p.m.

Following discussion of CenterPoint Energy recommendations, Council Member Anderson moved to refer the Ordinance Amending Willmar Ordinance No. 1192 by Establishing a Franchise Fee to the Finance Committee to clarify rates and other issues. Council Member Gardner seconded the motion, which carried.

Mayor Heitke acknowledged several individuals who had signed up to address the City Council during its scheduled Open Forum. Warren Jorenson distributed information on rainwater gardens and a League of Minnesota Cities public purpose checklist. Brian Geselka addressed the 19<sup>th</sup> Avenue SW process of spot rezoning to Limited Business. Laura Becker requested updates and timelines to address stormwater flooding issues.

Mayor Heitke recognized retiring City employee, Glenn Negan, who has worked with the Willmar Police Department for over 34 years. Mayor Heitke thanked Mr. Negan for his dedicated service and extended congratulation and best wishes in retirement.

Mayor Heitke recognized YMCA Program Directors Bryan Thiery and Troy Peterson who presented an overview of the YMCA Youth in Government Program. The program provides opportunities for youth to learn about State and local government. Cooper Willis, Mason Marshall and Robert Brau explained various activities they have participated in. Mayor Heitke thanked the group for their presentation and encouraged the youth to continue their involvement with government.

Mayor Heitke recognized Housing Task Force Co-Chairs John Bjornson and Jolene Hovland, who presented a report of Task Force activities. Task Force recommendations included changes to the Exterior Maintenance Ordinance, Zoning Ordinance, Municipal Code and Rental Housing Ordinance. Mayor Heitke expressed appreciation to Mr. Bjornson and Ms. Hovland and the members of the Housing Task Force for their time and work.

Council Member DeBlieck moved to refer the recommendations of the Housing Task Force to the Community Development Committee. Council Member Dokken seconded the motion, which carried.

The Public Works/Safety Committee Report for November 13, 2007, was presented to the Mayor and Council by Council Member Reese. There were eight items for Council consideration.

Item No. 1 Staff informed the Council that Short Elliott Hendrickson, consulting engineer for the project, has presented Change Order No. 3 to Project No. 0705. The change order is a result of wet soil conditions that affected the signal standard at the southwest corner of the intersection. During construction a field tile was encountered and rerouted to the storm sewer. The water was pumped out and the ground compacted prior to the installation of the mast arm pole. It turned out the soil was saturated enough that over time the mast arm pole was leaning to the east. The contractor used their equipment to pull the mast arm back into place, dug up around the foundation, and re-compacted the ground around the foundation. A month later the City noticed that the mast arm pole had once again begun to lean.

After further review and analysis, SEH and the City decided it was necessary to have Granite Ledge Electric complete additional work to ensure that this foundation is properly supported. The contractor will excavate around the entire foundation and install concrete around the entire foundation. The estimated cost of this work is \$4,600. The contractor has agreed to split the cost with the City. Since the completion date will be affected by this work, the contract date needs to be extended to December 15, 2007.

The Committee was recommending the Council extend the completion date to December 15, 2007, approve Change Order No. 3, and authorize the City Administrator to sign on behalf of the City. Resolution No. 1 was introduced by Council Member Reese, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 1

WHEREAS, a contract has been awarded to Granite Ledge Electrical Contractors, Inc. of Foreston, Minnesota, on June 4, 2007 in the amount of \$205,820.00 for Project No. 0705 – Traffic Control Signal System at 19<sup>th</sup> Avenue and 5<sup>th</sup> Street SE; and

WHEREAS, Change Order No. 1 reducing the amount by \$266.52 has previously been authorized; and

WHEREAS, Change Order No. 2 added work to the contract in the amount of \$3,757.00; and

WHEREAS, it is desired to add additional work to the above contract.

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

1. Additional work is herewith authorized to be added to the above contract estimated by the consulting engineer to be \$2,300.00 and the completion date be extended to December 15, 2007.
2. Funding for the additional work is from within the Project Budget.

Dated this 19<sup>th</sup> day of November, 2007.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

The Committee reviewed a letter from SEH stating they have reached the maximum contract amount of \$18,200 for the professional services related to the design and construction of the traffic signal at the intersection of 19<sup>th</sup> Avenue and 5<sup>th</sup> Street SE. SEH would like the City to consider increasing the contract by \$3,000.00 to account for additional site visits and issues related to the location of a signal pole and to review construction issues for modifications to the in place concrete foundation on the southwest corner.

The Committee was recommending the Council approve the amendment to the professional services agreement for Project No. 0705 increasing the not-to-exceed figure to \$21,200 and authorize the City Administrator to sign on behalf of the City. Resolution No. 2 was introduced by Council Member Reese, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 2

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into a contract amendment to supplement the agreement between the City of Willmar and Short Elliott Hendrickson Inc., (SEH). The supplement includes costs for additional site visits and construction issues related to the work to be completed on City of Willmar Project No. 0705.

WHEREAS, the original contract amount of not to exceed \$15,200.00 was amended by \$3,000.00 in August, 2007 for a total not to exceed figure of \$18,200.00.

BE IT FURTHER RESOLVED, the amended contract amount of not to exceed \$18,200.00 is hereby amended by \$3,000.00 for a total not to exceed figure of \$21,200.00.

Dated this 19<sup>th</sup> day of November, 2007.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

The Committee reviewed a revised budget for the signal project to include all the contractor change orders and the increase in the contract with SEH. The Committee was recommending the Council revise the budget accordingly to reflect the contract changes. Resolution No. 3 was introduced by Council Member Reese, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 3

AS-BID WATER VIEW BUSINESS PARK SIGNAL SYSTEM BUDGET  
PROJECT NO. 0705 - ESTIMATED TOTAL COST \$245,957

SUPPLIES		RECEIVABLES	
Small Tools	\$200.00	State (SA)	\$121,100.00
Postage	\$200.00	Public Works	\$3,757.00
General Supplies	<u>\$500.00</u>	Other (DBI)	<u>\$121,100.00</u>
TOTAL	\$900.00	TOTAL	\$245,957.00
OTHER SERVICES		FINANCING	
Printing & Publishing	\$300.00	State (SA)	\$121,100.00
Mtce. of Other Impr.	\$211,611.00	City (Transfer from 0703)	\$121,100.00
Other Services	<u>\$6,946.00</u>	Public Works	<u>\$3,757.00</u>
TOTAL	\$218,857.00	TOTAL	\$245,957.00
OTHER CHARGES		Granite Ledge Contract:	
Prof. Serv. (SEH)	\$21,200.00	Original Contract Amount: \$205,820	
Adm. OH (Transfer)	\$5,000.00	Change Order No. 1 - (\$266.52)	
TOTAL	\$26,200.00	Change Order No. 2 - \$3,757	
		Change Order No. 3 - \$2,300	
GRAND TOTAL	\$245,957.00		

Dated this 19<sup>th</sup> day of November, 2007.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 2 Staff informed the Committee that the Civic Center has received donations from three businesses to furnish a "student study area" in the lobby of the new connection between the Civic Center and Blue Line Building. Slumberland has donated a leather sofa sectional valued at

\$3,000 and Fireside Hearth and Home and Torgerson Properties have donated a free-standing gas fireplace valued at \$3,500 (Fireside Hearth and Home - \$2,000 and Torgerson Properties - \$1,500).

The Committee was recommending the Council accept the donation of items for the "student study area" and send a "thank you" to those who made the donations. Resolution No. 4 was introduced by Council Member Reese, seconded by Council Member Anderson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 4

WHEREAS, Slumberland, Fireside Hearth and Home and Torgerson Properties have agreed to donate to the City of Willmar a leather sofa sectional valued at \$3,000 and a free-standing gas fireplace valued at \$3,500 to be used in the lobby of the Civic enter.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Willmar, Minnesota, that the City accept the donations from Slumberland, Fireside Hearth and Home, and Torgerson Properties and that the City Administrator be directed to express the community's appreciation for the donation.

Dated this 19<sup>th</sup> day of November, 2007.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 3 The Committee considered an agreement with the State of Minnesota for financing and repayment of the Airport's 12-unit T-hangar. The agreement consists of an 80/20 cost share split and an interest-free loan for the term of ten years. The total eligible financing costs will not exceed \$350,983.00. The City will repay to the State 120 monthly installments which will be funded mostly from lease agreements from the hangar rentals.

The Committee was recommending the Council accept the agreement with the State of Minnesota to finance the Airport T-hangar and authorize the Mayor and City Administrator to sign on behalf of the City and revise the budget accordingly. Resolution No. 5 was introduced by Council Member Reese, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 5

AUTHORIZATION TO EXECUTE MINNESOTA DEPARTMENT OF TRANSPORTATION  
HANGAR FINANCING AND REPAYMENT AGREEMENT

It is resolved by the City of Willmar as follows:

1. That the state of Minnesota Agreement No. 91953, "Hangar Financing and Repayment Agreement," for State Project No, TH-140 at the Willmar Municipal Airport is accepted.
2. That the Mayor and City Administrator are authorized to execute this Agreement and any amendments on behalf of the City of Willmar.

Dated this 19<sup>th</sup> day of November, 2007.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Resolution No. 6 was introduced by Council Member Reese, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 6

T-HANGAR BUDGET; ESTIMATED TOTAL COST \$587,000

SUPPLIES		RECEIVABLES	
Postage	\$1,000.00		
General Supplies	<u>\$1,000.00</u>	State Hangar Loan Fund	\$280,786.40
TOTAL	\$2,000.00	Bonding/DEED Grant	\$236,017.00
		City (DEED Grant)	<u>\$70,196.60</u>
		TOTAL	\$587,000.00
OTHER SERVICES		FINANCING	
Printing & Publishing	\$1,000.00	State Hangar Loan Fund	\$280,786.40
Mtce. of Other Impr.	<u>\$523,000.00</u>	Bonding/DEED Grant	\$236,017.00
TOTAL	\$524,000.00	City (DEED) Grant	\$70,196.60
		Other	
OTHER CHARGES		TOTAL	\$587,000.00
Prof. Serv. (SEH)	\$59,000.00		
Advertising	\$500.00	GRAND TOTAL	\$587,000.00
Adm. OH (Transfer)	\$1,500.00		
TOTAL	\$61,000.00		
		*Ineligible items totaling	
GRAND TOTAL	\$587,000.00	\$236,017.00	
		include items such as mobilization,	
		construction of aprons, site	
		engineering, etc...	

Dated this 19<sup>th</sup> day of November, 2007.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

The Committee reviewed Change Order No. 1 prepared by SEH consisting of several items relating to the construction of the 12-unit T-hangar at the Airport. The completion date is also requested to be extended 15 days to November 30, 2007. The cost for these items results in a deduct to the contract of \$7,592.53. The Committee was recommending the Council accept the items of Change Order No. 1 to the T-hangar contract with Breitbach Construction and authorize the City Administrator to sign on behalf of the City. Resolution No. 7 was introduced by Council Member Reese, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 7

WHEREAS, a contract has been awarded to Breitbach Construction Co. of Elrosa, Minnesota, on September 17, 2007, in the amount of \$530,561.99 for construction of a 12-unit T-Hangar at the Willmar Municipal Airport under the direction of Short Elliott Hendrickson, Inc. as consulting engineer; and

WHEREAS, it is desired to make changes to the above contracted amount due the addition of

lighted exit signs and a change of curb material for containment required by building/fire code.

WHEREAS, the completion date is also being extended 15 days to November 30, 2007 to allow for these changes

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

1. Additional work is herewith authorized to be added to the above contract which results in a deduct of \$7,592.46 and identified as Change Order No. 1.
2. The completion date is extended to November 30, 2007.

Dated this 19<sup>th</sup> day of November, 2007.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 4 The Committee reviewed a letter from Barr Engineering in response to the City's request to retain their firm for periodic consulting services. The scope of services includes plan review of new development submittals, stormwater modeling and providing consultations and recommendations for a not to exceed figure of \$10,000. This is a one-year interim contract to be funded by transferring money from personnel services into professional services.

The Committee was recommending the Council accept the interim agreement for engineering services with Barr Engineering not to exceed \$10,000 and authorize the City Administrator to sign on behalf of the City. Resolution No. 8 was introduced by Council Member Reese, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

#### RESOLUTION NO. 8

WHEREAS, the City of Willmar desires to retain a firm to provide periodic consulting services for items such as development submittal reviews and stormwater modeling; and

WHEREAS, a proposal has been made by, and an agreement prepared to retain, the firm of Barr Engineering Company of Minneapolis, Minnesota in a not to exceed amount of \$10,000 for said services;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that said agreement be approved and that the Mayor and City Administrator be authorized to execute the same.

Dated this 19<sup>th</sup> day of November, 2007.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 5 Staff reviewed with the Committee Project No. 0715, Phase II of the Southern Interceptor to connect to the proposed Wastewater Treatment Plant, which began construction in October. The contractor for the project is Chad Monson Excavating of Willmar, Minnesota. Shortly after construction began it was discovered that excavated trench materials to be used for backfill were excessively moist requiring subgrade stabilization before patching the Kandi Mall's parking lot. The contractor was ordered to bring in additional aggregate materials and geotextile fabric resulting in an

additional \$41,131.00 to the contract price.

The Committee was recommending the Council accept Change Order No. 1 in the amount of \$41,131.00 for Project No. 0715 to be funded from within the project budget. Resolution No. 9 was introduced by Council Member Reese, seconded by Council Member Anderson, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 1 – Council Member Dokken voted “No.”

RESOLUTION NO. 9

WHEREAS, a contract has been awarded to Chad Monson Excavating of Willmar, Minnesota, on October 10, 2007, in the amount of \$415,825.00 for construction of Project No. 0715 (WWTP Interceptor Phase II) under the direction of Donohue and Associates as consulting engineer; and

WHEREAS, it is desired to add to the above contracted amount due to the need to provide a stable foundation under the Kandi Mall parking lot pavement restoration.

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

1. Additional work is herewith authorized to be added to the above contract in the amount of \$41,131.00 and identified as Change Order No. 1.
2. Funding for the additional work is from the project budget.

Dated this 19<sup>th</sup> day of November, 2007.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 6 Staff informed the Committee that the first phase of the interceptor, Project No. 0609, being constructed by SJ Louis Construction, Inc. has been completed. Upon tabulating final quantities it was determined there were modifications that resulted in various changes. Donohue and Associates has prepared Change Order No. 2 to reflect these items. In summary the contractor did not have to move as much dirt, additional pipe was installed on 28<sup>th</sup> Avenue SW (54 feet) and a large culvert did not need to be replaced resulting in a net deduct of \$49,160.00

The Committee was recommending the Council accept Change Order No. 2 for a net deduct of \$29,160.00 for Project No. 0609. Resolution No. 10 was introduced by Council Member Reese, seconded by Council Member Swenson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 10

WHEREAS, a contract has been awarded to S. J. Louis Construction Inc. of Waite Park, Minnesota, on September 28, 2006, in the amount of \$574,584.00 for construction of Phase I of the WWTP Interceptor identified as City Project No. 0609; and

WHEREAS, Change Order No. 1 increasing the amount by \$26,048.00 has previously been authorized; and

WHEREAS, it is desired to make changes to the work in the above contract.

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

1. The work is herewith authorized to be changed in the above contract estimated by the



consulting engineer to be a deduct of \$29,160.00.

Dated this 19<sup>th</sup> day of November, 2007.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 7 The Committee reviewed specifications for the annual towing requirements. Last year the City initially requested quotes, but when the total came in above \$50,000 the contract had to be let out on bids. The specifications remain the same as previous years with the exception of a proposed two-year contract.

The Committee was recommending the Council approve the plans and specifications for the 2008-09 Towing Requirements and authorize advertisement of bids to be opened December 14, 2007. Resolution No. 11 was introduced by Council Member Reese, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 11

WHEREAS the City Engineer of the City of Willmar has presented to the City Council plans and specifications for the 2008-2009 Towing Requirements for the City of Willmar;

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

Final plans and specifications are hereby approved, and publication of the advertisement for bids is herewith authorized. Bids will be publicly opened and read at 1:00 p.m. on the 14th day of December, 2007, at the City Office Building, 333 Southwest Sixth Street, Willmar, Minnesota.

Dated this 19<sup>th</sup> day of November, 2007.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 8 The Committee requested an update on the progress toward the construction of detention ponds. City Administrator Schmit informed the Committee that Staff met with the School Board and received permission to proceed with soil testing at both the Garfield and Kennedy School locations. It does not appear feasible to build a detention pond at Kennedy School due to water levels, but plans are continuing to be developed for Garfield School. This matter was for information only.

The Public Works/Safety Committee Report for November 13, 2007, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Reese, seconded by Council Member Fagerlie, and carried.

The Community Development Committee Report for November 15, 2007, was presented to the Mayor and Council by Council Member DeBlieck. There were three items for Council consideration.

Item No. 1 The Committee discussed issues that have arisen recently with developers requesting that they be allowed to install infrastructure or public improvements in their own developments. The requests have come for both commercial and residential projects. Staff stated that the current City policy was that there was to be no private work in public rights-of-ways or plats, due to

past instances of poor or incomplete work. Current City policy provides for the City to design, finance, and construct projects.

The matter was discussed at length by the Committee. It was agreed that it would be a good topic for the retreat as there may be some merit to loosening the policy in the future. It was a consensus of the Committee that the Council reaffirm its current policy of not allowing developers to privately contract for work in the public rights-of-way. This matter was for information only.

Item No. 2 City Administrator Schmit provided the Committee with background information on a proposal to purchase a T-hangar building from Willmar Air Service. The City had originally looked to build a 24-unit T-hangar, but chose instead to build a 12-unit building at a cost of \$300,000. Staff was recommending that the City purchase the Willmar Air Service T-hangar on a contract for deed at a price of \$225,000. A down payment of \$75,000 would be paid within 60 days, with \$50,000 per year paid in 2009, 2010 and 2011.

The anticipated source of the acquisition funds is the \$1 million in state bonding grant moneys approved in 2005. Due to some issues with the State of Minnesota, it has not yet been determined if those funds will be made available for this purchase. Regardless, Staff believes it is in the best interest of the Airport and the City to pursue the acquisition.

The Committee was recommending the City proceed with the purchase of the Willmar Air Service T-hangar on a contract for deed with the above terms, and that the matter be referred to the Planning Commission for their consideration as per the City Charter. Council Member DeBlieck, seconded by Council Member Anderson, and carried.

Item No. 3 Council Member Christianson informed the Committee that he had contacted the Attorney General's Office to follow up on the issue of acquiring the Jorgenson house at 10<sup>th</sup> Street Southwest and Kandiyohi Avenue. He said that he had some concerns about the action taken by the Council and the expressed fears that such an acquisition might be considered a gift without a public purpose. Council Member Christianson said that the opinion he received from the Attorney General's Office was that it would not be considered a gift if it was purchased at the appraised price and if the intent was to alleviate drainage issues, thereby addressing the public purpose question.

Council Member Christianson moved to direct Staff to negotiate with the property owner of 1000 Kandiyohi Avenue SW to purchase the property for detention pond or rain garden as a part of the solution for flooding concerns. Council Member Gardner seconded the motion, which failed on a roll call vote of Ayes 3, Noes 5 – Council Members Reese, Anderson, Dokken, Fagerlie, and DeBlieck voted "No."

The Community Development Report for November 15, 2007, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member DeBlieck, seconded by Council Member Anderson, and carried.

Planning and Development Services Director Peterson presented to the Mayor and Council a Preliminary/Final Plat for West Pump Station Addition, a one outlot plat for the Municipal Utilities to house a pump station. The Utilities will be purchasing the property from a church and granting them access easement to the back of the property. The existing underground vault will be properly removed/abandoned. Council Member Anderson moved to approve the Preliminary/Final Plat for West Pump Station Addition. Council Member Reese seconded the motion, which carried.

Planning and Development Services Director Peterson presented to the Mayor and Council a Preliminary Plat for Fairacre Addition, a six-lot single family home residential development proposed by Don and Carol Williamson, east of 15<sup>th</sup> Street SW. The Planning Commission approved the Preliminary Plat with conditions regarding utility easements, infrastructure, and stormwater issues. Mayor Heitke

read a letter from Mr. and Mrs. Williamson into the record. Following discussion, Council Member Christianson moved to table the Preliminary Plat for Fairacre Addition with Council Member Gardner seconding the motion, which carried.

The Mayor and Council considered a Preliminary Plat for ODP Addition, a one-lot commercial plat being developed by Orvis Pattison. Planning and Development Services Director Peterson announced that the applicant withdrew the Plat in a call to the Planning and Development Services Office. This matter was for information only.

Planning and Development Services Director presented to the Mayor and Council for consideration an Ordinance to Rezone Certain Property. Mr. Leo Martinez proposes the rezoning of his property at 201 Becker Avenue SE from R-5 to LB to allow the growth of his insurance business. It currently exists on the site as a home occupation. The rezoning has been approved by the Planning Commission. Council Member Gardner offered a motion to introduce an Ordinance Amending Municipal Ordinance No. 1060, the Willmar Zoning Ordinance, and schedule a public hearing on December 3, 2007. Council Member Dokken seconded the motion, which carried.

Craig Holmes, Donohue and Associates, presented to the Mayor and Council for consideration amended right-of-way plats used as the legal description of parcels to be acquired for the proposed conveyance (interceptor sewer and force main) corridors. The Council approved right-of-way plats 1–8, and 11 on November 5, 2007. Since that time right-of-way plat 5 was modified to show two additional remnant parcels acquired as the result of purchase negotiations. Right-of-way plats 6, 7 and 8 were modified to include permanent utility easement acquisition of town road easements for interceptor sewer construction. Following discussion, Resolution No. 12 was introduced by Council Member Anderson, seconded by Council Member DeBlieck, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

#### RESOLUTION NO. 12

#### RESOLUTION APPROVING AMENDED INTERCEPTOR SEWER RIGHT OF WAY PLATS

(For Resolution in its entirety, see City Council Proceedings file dated  
November 19, 2007, located in the City Clerk's Office)

Announcements for Council Committee meeting dates were as follows: Finance, November 25, Holiday Inn Conference Center; and Labor Relations, December 12, 2007.

Craig Holmes, Donohue and Associates, presented to the Mayor and Council for consideration amendments to prior approved offers to property owners along the interceptor corridor whereby the length of temporary easements was listed as one year but it should be amended to end in the year 2012. Following discussion, Resolution No. 13 was introduced by Council Member DeBlieck, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

#### RESOLUTION NO. 12

#### AMENDING RESOLUTION NO. 07-10 DETERMINING JUST COMPENSATION FOR PARCELS 28, 30, 20a, 34, 35 AND 37

(For Resolution in its entirety, see City Council Proceedings file dated  
November 19, 2007, located in the City Clerk's Office)

The Mayor and Council discussed the term limits for Rice Hospital Board Members. City Attorney Ronning advised the Council that the Charter Commission would need to be activated to

consider any increase in length of terms. It was the consensus of the Council to refer the matter to the Labor Relations Committee for consideration.

The Mayor and Council discussed the recent joint, City, County, and School Board meeting and the establishment of a joint Committee. It was the consensus of the Council to refer the matter to the Labor Relations Committee for consideration.

Council Member Christianson requested to be excused from the December 3, 2007, Council meeting.

There being no further business to come before the Council, the meeting adjourned at 10:23 p.m. upon motion by Council Member Anderson, seconded by Council Member Reese, and carried.

Attest:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
SECRETARY TO THE COUNCIL