

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

February 17, 2009
7:00 p.m.

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

Also present were City Administrator Michael Schmit, City Attorney Richard Ronning, Police Chief Jim Kulset, Fire Chief Marv Calvin, Planning and Development Services Director Bruce Peterson, Community Education and Recreation Director Steve Brisendine, Assistant Engineer Holly Wilson, and City Clerk Kevin Halliday.

The Community Development Committee Report for February 12, 2009, was deleted from the Agenda.

Council Member Anderson offered a motion adopting the Consent Agenda which included the following: City Council Minutes of February 2, Council Work Session Minutes of February 9; Municipal Utilities Commission Minutes of February 9, Planning Commission Minutes of February 11, Building Inspection Report for January, Housing and Redevelopment Authority Board Minutes of January 13 and 27, and Community Education and Recreation Board Minutes of January 30, 2009; and Police Commission Minutes of September 22, 2008, Council Member Christianson seconded the motion, which carried.

At 7:03 p.m. Mayor Heitke opened the hearing on an Ordinance Authorizing the Issuance of \$8,730,000 Municipal Utility Revenue Bonds, Series 2009. Mr. Doug Green, Springsted Incorporated, was present to review with the Council the Request for Proposals, noting this would be a negotiated process, not a competitive sale that is usually offered. He is anticipating hearing from seven or eight banks and holding agencies. There being no one present to speak for or against the proposed Ordinance, Mayor Heitke closed the hearing at 7:09 p.m.

Council Member Anderson offered a motion to adopt, assign a number and order final publication of the Ordinance Authorizing the Issuance of \$8,730,000 Municipal Utility Revenue Bonds, Series 2009. Council Member Reese seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

At 7:21 p.m. Mayor Heitke opened the hearing on an Ordinance Amending No. 1198 Known as the Exterior Condition of Residential Structures Ordinance by Amending Section 5 Relating to Exterior Maintenance Standards. Planning and Development Services Director Peterson presented details of the proposed changes, as recommended by the Housing Task Force, which are stricter than the previous Ordinance. There being no one present to speak for or against the proposed Ordinance, Mayor Heitke closed the hearing at 7:23 p.m.

Council Member Reese offered a motion to adopt, assign a number and order final publication of the Ordinance Amending No. 1198 Known as the Exterior Condition of Residential Structures Ordinance by Amending Section 5 Relating to Exterior Maintenance Standards. Council Member Anderson seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

At 7:25 p.m. Mayor Heitke opened the hearing on an Ordinance Amending Willmar Municipal Code Chapter 9 Article V. Noise Section 9-88.2 Same Penalties. Planning and Development Services Director Peterson presented details of the proposed Ordinance, noting that a second or subsequent Complaint within 30 days shall be punishable as a misdemeanor. There being no one present to speak for or against the proposed Ordinance, Mayor Heitke closed the hearing at 7:27 p.m.

Council Member DeBlieck offered a motion to adopt, assign a number and order final publication of the Ordinance Amending Willmar Municipal Code Chapter 9 Article V. Noise Section 988.2 Same Penalties. Council Member Ahmann seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

At 7:30 p.m. Mayor Heitke opened the hearing on an Ordinance Amending Willmar Zoning Ordinance Amending No. 1060 Known as the Willmar Zoning Ordinance by Amending Section 3 Relating to Exterior Storage and Section 4 Related to Off-Street Parking. Planning and Development Services Director Peterson presented details of the proposed revisions regarding off-street parking and exterior storage limits. There being no one present to speak for or against the proposed Ordinance, Mayor Heitke closed the hearing at 7:32 p.m.

Council Member Reese offered a motion to adopt, assign a number and order final publication of the Ordinance Amending Willmar Zoning Ordinance Amending No. 1060 Known as the Willmar Zoning Ordinance by Amending Section 3 Relating to Exterior Storage and Section 4 Related to Off-Street Parking. Council Member Anderson seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

At 7:35 p.m. Mayor Heitke opened the hearing on an Ordinance Amending Willmar Municipal Code Chapter 13 Article 13 Sidewalks Section 13-70(a) Removal of Snow, Ice, Dirt and Rubbish. Planning and Development Services Director Peterson presented details of the proposed Ordinance which doubles the time standard from 12 hours to 24 hours for removal of snow. There being no one present to speak for or against the proposed Ordinance, Mayor Heitke closed the hearing at 7:36 p.m.

Council Member Anderson offered a motion to adopt, assign a number and order final publication of the Ordinance Amending Willmar Municipal Code Chapter 13 Article 13 Sidewalks Section 13-70(a) Removal of Snow, Ice, Dirt and Rubbish. Council Member Reese seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

At 7:37 p.m. Mayor Heitke opened the hearing on an Ordinance Amending Willmar Municipal Code Chapter 6.5 Article II Rental Housing Division 2. Standards Section 6.5 – 46 Responsibilities of Owners and Occupants (g). Planning and Development Services Director Peterson reviewed the proposed changes which states the owner of rental property must provide garbage containers to all occupants. There being no one present to speak for or against the proposed Ordinance, Mayor Heitke closed the hearing at 7:39 p.m.

Council Member Reese offered a motion to adopt, assign a number and order final publication of the Ordinance Amending Willmar Municipal Code Chapter 6.5 Article II Rental Housing Division 2. Standards Section 6.5 – 46 Responsibilities of Owners and Occupants (g). Council Member Ahmann seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

At 7:40 Mayor Heitke opened a hearing on an Ordinance Amending Municipal Ordinance No. 1060, the Willmar Zoning Ordinance. Planning and Development Services Director Peterson presented details of a request from Wayne Schwitters to rezone his property at 412 7th Street SW from LB (Limited Business) to R-2 (One and Two-Family Residential). There being no one present to speak for or against the proposed Ordinance, Mayor Heitke closed the hearing at 7:42 p.m.

Council Member DeBlieck offered a motion to adopt, assign a number and order final publication of the Ordinance Amending Municipal Ordinance No. 1060, the Willmar Zoning Ordinance. Council Member Reese seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Mayor Heitke recognized Loren Schultz who had signed up to address the City Council during its scheduled Open Forum. Mr. Schultz expressed concerns of the proposed wind turbines being constructed in a wetland area and noted a tile blockage in the neighboring property.

Mayor Heitke recognized Lee Byberg representing the Citizens Energy Plan, a grassroots

organization made up of citizens and business people that have begun a national conversation about energy issues. The goal of the CEP is to present a national energy plan to the US Congress no later than September, 2010. It was noted that a Citizens Energy Summit is scheduled for February 24, 2009, at the Willmar Conference Center. This matter was received for information only.

Mayor Heitke recognized Dr. Doug Allen, President of Ridgewater College, who addressed the Council regarding the Speak Your Peace Project. The Project is a community-based campaign to urge citizens to communicate in a respectful way. Junior High Students Nathan Erickson, Abby Navaris and Annette Tiffaney were present to speak in favor of the Project. Some Council Members voiced concerns that this program may stifle free speech. The Council acknowledged that this may be considered at the upcoming Council strategic planning session. This matter was received for information only.

Mayor Heitke called for a recess at 8:24 p.m. and reconvened the meeting at 8:35 p.m.

The Finance Committee Report for February 9, 2009, was presented to the Mayor and Council by Council Member Anderson. There were five items for Council consideration.

Item No. 1 The Finance Committee considered agreements for Fire Department Services with Dovre and Willmar Townships. The agreements are intended to establish the cost of such services and in doing so, consider a number of factors such as a percentage of total firefighter hours in response to Township calls for service. Following discussion, the Committee was recommending the Council pass Resolutions authorizing the Mayor and City Administrator to execute the Fire Department Services for Dovre Township and Willmar Township as presented.

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

RESOLUTION NO. 1

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 be authorized to enter into an Agreement for 2009 Fire Department Services with the Township of Dovre.

Dated this 17th day of February, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Resolution No. 2 was introduced by Council Member Anderson, seconded by Council Member Dokken, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 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 be authorized to enter into an Agreement for 2009 Fire Department Services with the Township of Willmar.

Dated this 17th day of February, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 2 Staff presented to the Committee an agricultural land exemption application for project assessments to a 1972 Improvement Project. The land in question is now within the City limits but

continues to be used for agricultural purposes. The Committee was recommending the Council introduce a Resolution exempting the qualifying landowner from special assessments.

Resolution No. 3 was introduced by Council Member Anderson, seconded by Council Member Ahmann, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 3

WHEREAS, the City Council of the City of Willmar, Minnesota, did order the installation of certain street, sewer and water main and other improvements made under Project No. 7206.

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

WHEREAS, certain property owners have made application to the City for delayed payment of taxes on special assessments and have met the criteria contained in the Comprehensive Assessment Policy for said deferment;

NOW, THEREFORE, BE IT RESOLVED by the Willmar City Council that special assessments as hereinafter designated be certified to the County and deferred until such property is developed or upon approval of the final plat, and that no interest be charged until such time.

BE IT FURTHER RESOLVED that upon development or plat approval that tapping fee shall be based on the project year bid price per front foot or unit, or on the current year costs at the time of connection/platting, whichever is greater:

1.	State of MN Higher Ed Board c/o Ridgewater College 2101 15 th Ave NW, Willmar	Project 7206	95-904-0040 \$14,375.92
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Section 4, Township 119, Range 35; Southeast Quarter of Southwest Quarter excluding the Westerly 500 feet of southerly 609.84 feet thereof. (33 acres)

Dated this 17th day of February, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 Municipal Utilities General Manager Bruce Gomm was present to discuss with the Committee a proposed electrical rate increase of 5.35 percent. Mr. Gomm noted the Municipal Utilities Commission conducted a hearing earlier in the day and that no one was present to speak for or against the proposed rate increase. Pursuant to City policy, the Council is required to conduct an Ordinance hearing.

The Committee was recommending that an Ordinance amending rates charged by the MUC be introduced and a public hearing scheduled for March 2, 2009. Council Member Anderson introduced an Ordinance Amending Rates Charged by the Municipal Utilities Commission of the City of Willmar, a Public Utility, to be Effective for Billings Sent on and after April 1, 2009. Council Member Fagerlie seconded the motion, which carried.

Item No. 4 The Committee considered a request from Staff to re-appropriate remaining dollars in the 2008 Waste Water Treatment Collection Budget to accommodate the design of lift stations in Sperryville and at the MinnWest Technology Campus, the interceptor line at Ortinblad/Arbys, and the western collector sewer line. The request includes \$35,000 for flow monitoring and \$15,000 for

smoke/flood testing.

The Committee was recommending the Council pass a Resolution to re-appropriate remaining dollars from the 2008 WWT Collection Budget as presented. Resolution No. 4 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 4

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to re-appropriate the remaining dollars in the 2008 Waste Water Treatment Collection Budget to the 2009 Waste Water Treatment Collection Budget to allow the projects the money was designated for to be completed.

Dated this 17th day of February, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 5 The Committee briefly reviewed findings from the preceding Council Work Session and acknowledged that no immediate Council action for budget adjustments was necessary. Discussion of these ongoing issues would continue at the March 6 and 7, 2009, City Council Strategic Planning Session. It was noted that although major capital equipment and capital projects were being delayed pending the work of the State Legislature, Staff would be considering partial payments for certain program activities, i.e. Willmar Design Center, Willmar Fests, etc. This matter was for information only.

The Finance Committee Report for February 9, 2009, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Anderson, seconded by Council Member Dokken, and carried.

The Public Works/Safety Committee Report for February 10, 2009, was presented to the Mayor and Council by Council Member Reese. There were six items for Council consideration.

Item No. 1 Jared Mueller of Met-Con Companies met with the Committee to request that the requirement of a post indicator valve (PIV) for the Walgreens store located at 1301 South First Street be waived. Fire Chief Calvin explained the current policy adopted by the City Council in July, 2007, and the requirement for a PIV on new buildings.

In the plan review process for Walgreens, Staff indicated the need for the PIV on the plans, but they were inadvertently omitted when the architect transferred the information onto the civil plan. Chief Calvin informed the Committee that a PIV is not a requirement of the State, and if the Committee wanted to waive the requirement Staff would recommend the policy be changed.

Following discussion, the Committee was recommending the Council waive the PIV as requested for Walgreens and that Item No. 3 be removed from the Willmar Fire Marshal Policies. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Christianson seconding the motion, which carried.

Item No. 2 Rhonda Rae of Donohue and Associates briefed the Committee on the January activities related to the relocation of the Wastewater Treatment Plant. There are currently four areas under construction at the new building site including the oxidation ditches and head works structure. The contractor continues forming and pouring and the installation of under slab process piping.

Program management activities included continued meetings with Staff to discuss funding and

finance issues; submittal of pay request 9 to the Public Facilities Authority for the Clean Water Revolving Fund Loan and Wastewater Improvement Fund. Pay Request No. 2 was submitted to PFA for the Total Maximum Daily Load Grant. Work continued on Chapter 16 of the Willmar Municipal Code and the Sewer Rate Ordinance was brought to the City Council for their approval at their last meeting and passed. Donohue is monitoring the legislative stimulus package and will apply if applicable. This matter was for information only.

Item No. 3 Staff presented to the Committee the Improvement Report for the proposed 2009 Improvements, along with an overview of miles of construction completed in previous years. The improvement list presented to the Committee in December was shown and Staff indicated the areas that were removed in 2009 due to the economy.

The report includes four segments of residential streets to be reconstructed, two areas of new construction, and various miscellaneous items. The streets slated for reconstruction are in conjunction with other projects such as the underground pipe installation in 11th Street and Trott Avenue SW for the new WWTP facility, Willmar Avenue SW from 18th Street to 22nd Street SW, and the two county roads.

Major new construction includes Willmar Avenue SW from TH 40 to 22nd Street SW to finish the realignment over the former airport property, and the 4th Avenue SW cul-de-sac. No formal response has been received from developers for other areas of new development. Miscellaneous work includes the rehabilitation of the deck of the First Street Bridge, storm water improvements at 10th Street and Kandiyohi Avenue SW, services line in 28th Street SW to accommodate the construction of the Humane Society facility, crack seal, and seal coat.

The total estimated cost of the projects included in the Improvement Report is \$2,549,374.88. Following discussion, the Committee was recommending the Council approve the Improvement Report and order an Improvement Hearing for 7:02 p.m., March 16, 2009. Resolution No. 5 was introduced Reese, seconded by Council Member Christianson, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 5

RECEIVING PRELIMINARY REPORT AND CALLING PUBLIC HEARING ON YEAR 2009 IMPROVEMENT PROJECTS

WHEREAS:

1. The City Council deems it necessary and expedient that the City of Willmar, Minnesota, construct certain improvements to-wit: grading, gravel base, bituminous paving, curb and gutter, sidewalk, signal systems, street lighting, sanitary sewer, storm sewer, water main, sump pump drain tile, and service lines in the City as described in and in accordance with the preliminary plans and report prepared by the City Engineer.

2. The Council has been advised by the City Engineer that said Year 2009 Improvement Projects contained in the Preliminary Report are feasible and should best be made as proposed, and the City Engineer's report to this effect has heretofore been received by the Council, and filed with the Clerk-Treasurer; and

3. The statute provides that no such improvements shall be made until the Council shall have held a public hearing on such improvements following mailed notice and two publications thereof in the official newspaper stating time and place of the hearing, the general nature of the improvement, the estimated costs thereof and the area proposed to be assessed, in accordance with the law;

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

1. A public hearing will be held at the time and place set forth in the Notice of Hearing hereto attached to consider said proposed improvements.

2. The nature of the improvements, the estimated cost of each major portion thereof, and the areas proposed to be assessed therefore are described in the form of Notice of Hearing hereto attached.

3. The notice of said public hearing shall be in substantially the form contained in the notice hereto attached.

4. The Clerk-Treasurer is hereby authorized and directed to cause notice of said hearing to be given two publications in the official newspaper. Said publications shall be one week apart, and at least three days shall elapse between the last publication and the hearing. Not less than ten days before the hearing the Clerk-Treasurer shall mail notice of the hearing to the owner of each parcel of land within the area proposed to be assessed as described in the notice. For the purpose of giving such mailed notice, owners shall be those shown to be such on the records of the County Auditor or, if the tax statements in the County are mailed by the County Treasurer, on the records of the County Treasurer. As to properties not listed on the records of the County Auditor or the County Treasurer, the Clerk-Treasurer shall ascertain such ownership by any practicable means and give mailed notice to such owners.

Dated this 17th day of February, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 Staff presented to the Committee a preliminary budget for the 2009 Improvements based on the Improvement Report totaling \$2,549,500.00. The Committee was recommending the Council approve the preliminary budget for the 2009 Improvements. Resolution No. 6 was introduced by Council Member Reese, seconded by Council Member Christianson, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 6

PRELIMINARY 2009 IMPROVEMENT BUDGET
ESTIMATED TOTAL COST \$2,549,000

PERSONNEL SERVICES		RECEIVABLES	
Overtime Reg. Employees	\$500.00	Property Owners	\$348,800.00
Salaries Temp. Employees	<u>\$1,000.00</u>	County	\$200,000.00
TOTAL	\$1,500.00	State	\$695,000.00
		City (WWTP)	\$242,000.00
SUPPLIES		City (MUC)	\$55,000.00
Office Supplies	\$500.00	Utility Fee	\$400,000.00
Small Tools	\$1,000.00	LOST	<u>\$608,200.00</u>
Motor Fuels & Lubricants	\$2,000.00	TOTAL	\$2,549,000.00
Postage	\$1,000.00		
Mtce. of Other Improvements	\$500.00	FINANCING	
General Supplies	<u>\$1,000.00</u>	Property Owners	\$348,800.00
TOTAL	\$6,000.00	County	\$200,000.00
		State	\$695,000.00
OTHER SERVICES		City (WWTP)	\$242,000.00

Printing & Publishing	\$2,000.00	City (MUC)	\$55,000.00
Subsistence of Persons	\$1,955,000.00	Utility Fee	\$400,000.00
Other Services (contingency, misc.)	<u>\$401,000.00</u>	LOST	<u>\$608,200.00</u>
TOTAL	\$2,358,000.00	TOTAL	\$2,549,000.00

OTHER CHARGES

Insurance & Bonds	\$2,000.00	GRAND TOTAL	\$2,549,000.00
Prof. Serv. (Testing, Barr)	\$15,000.00		
Adm. OH (Transfer)	\$157,000.00		
Other Charges	<u>\$10,000.00</u>		
TOTAL	\$184,000.00		

GRAND TOTAL \$2,549,500.00

Dated this 17th day of February, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 5 The Committee considered two agreements with Barr Engineering Company for consulting services. One agreement would retain their services periodically for the 2009 Street and Other Projects; and the other would cover miscellaneous City reviews, development requests and permit applications. The one for City-related work would be limited to \$5,000 per year and both agreements are effective until January 1, 2011.

The Committee was recommending the Council approve both agreements with Barr Engineering 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, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 7

WHEREAS, the City of Willmar desires to retain a firm to provide engineering services for reviewing development proposals, miscellaneous City reviews, and permit applications for compliance with City and State ordinances, rules, and regulations; and

WHEREAS, a proposal has been made by, and two agreements prepared to retain, the firm of Barr Engineering Company of Minneapolis, Minnesota, for said services;

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

Dated this 17th day of February, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 6 The Committee briefly discussed the Humane Society Facility, the Walgreens sign and the intersection of TH 71/CR 24/TH 294 speed study. This matter was for information only.

The Public Works/Safety Committee Report of February 10, 2009, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Reese, seconded by Council Member Christianson, and carried.

The Labor Relations Committee Report for February 11, 2009, was presented to the Mayor and Council by Council Member Ahmann. There were two items for Council consideration.

Item No. 1 City Administrator Schmit and Fire Chief Calvin presented to the Committee a recommendation to increase paid on-call firefighter hourly rates to \$14.30. Mr. Schmit explained that the last adjustments took place between the years of 2000 and 2002 when hourly rates were increased from \$12.50 to the current rate of \$14.00. In lieu of rate adjustments in the past few years, the Council has made lump-sum contributions to the Relief Association retirement fund.

The Committee was recommending to the Council that the paid, on-call firefighters' hourly rate be adjusted to \$14.30 effective January 1, 2009. Council Member Ahmann moved to approve the recommendation of the Labor Relations Committee with Council Member Anderson seconding the motion, which carried.

Item No. 2 Chair Ahmann announced the Committee's intent to close the meeting for the purposes of discussing contract negotiation strategies with labor representatives of the Municipal Utilities Commission and Rice Hospital Board. The discussion was to include all bargaining groups at Rice Hospital and the General Manager's position at the Municipal Utilities. The meeting was then closed and subsequently reopened. This matter was for information only.

The Labor Relations Committee Report for February 11, 2009, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Ahmann, seconded by Council Member Christianson, and carried.

The Mayor and Council considered the Westwind Estates Project Mortgage and Promissory Note documents. Council Members requested clarification of the name of the mortgagor and asked City Attorney Ronning if he was comfortable with the proposed changes made in the note. Mr. Ronning acknowledged that he accepted the changes if carried out as stated by the Westwind Estates Attorney Faegre & Benson of Minneapolis. The documents are a component part of the \$350,000 State Grant to the City of Willmar that will be passed on to the Westwind Estates developer, Southwest Minnesota Housing Partnership. The Council raised additional concerns regarding the closing date and the correct name of the mortgagor as Westwind Estates Townhomes Limited Partnership. Following discussion, Council Member Reese moved to approve of the Mortgage and Promissory Note for Westwind Estates. Council Member Anderson seconded the motion, which failed on a roll call vote of Ayes 3, Noes 5 – Council Members Christianson, Ahmann, Johnson, Dokken and Fagerlie voted “No.” This matter will be reconsidered by the Council when all questions and concerns have been addressed.

The Mayor and Council considered a Final Plat for HIS Addition. Planning and Development Services Director Peterson presented details of the proposed property along First Street South being developed by HIS Properties LLC. Two houses have been removed, and this plat combines four parcels into two commercial lots. One lot contains the existing Harmon Glass property and the other will be for future development. The Planning Commission has approved the final plat. Following discussion, Council Member Christianson moved to approve the Final Plat of HIS Addition with Council Member Fagerlie seconding the motion, which carried.

Mayor Heitke announced that the State Legislators would be assembled at Kennedy School on February 19, 2009, to take testimony on the present State budget crises.

Mayor Heitke presented details of a February 26, 2009, choral music concert at St. Mary's Church and then read a Proclamation.

Announcements for Council Committee meeting dates were as follows: Finance, February 23; and Public Works/Safety, February 24, 2009.

There being no further business to come before the Council, the meeting adjourned at 9:41 p.m. upon motion by Council Member Anderson, seconded by Council Member Reese, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL