

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

May 1, 2006
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Pro Tempore Doug Reese. Members present on a roll call were Council Members Doug Reese, Ron Christianson, Bruce DeBlieck, Denis Anderson, Cindy Swenson, Rick Fagerlie, Jim Dokken, and Steven Gardner; Present 8, Absent 1 – Mayor Lester Heitke was excused from the meeting.

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

Proposed additions to the Agenda included Mayoral appointments of Dr. Steven Nedrelov and Jeff Nuytten to the Airport Commission. Council Member Christianson moved to approve the appointments as presented with Council Member DeBlieck seconding the motion, which carried.

Council Member Anderson offered a motion adopting the Consent Agenda which included the following: City Council Minutes of April 17, Municipal Utilities Commission Minutes of April 24, Planning Commission Minutes of April 19 and 26, Zoning Appeals Board Minutes of April 17, 2006; and Exempt Permit applications for Willmar Hockey Association and Bethesda Foundation. Council Member Christianson seconded the motion, which carried.

At 7:03 p.m. Mayor Pro Tempore Reese opened a hearing on an Ordinance Amending Ordinance No. 1113 Establishing the Willmar Municipal Airport Commission and Providing for Its Duties and Responsibilities. City Administrator Schmit explained the proposed changes to the Ordinance will more clearly define the Commission's role as advisory in nature. There being no one present to speak for or against the proposed Ordinance, and Mayor Pro Tempore Reese closed the hearing at 7:05 p.m.

Council Member Christianson offered a motion to adopt, assign a number and order final publication of the Ordinance Amending Ordinance No. 1113 Establishing the Willmar Municipal Airport Commission and Providing for Its Duties and Responsibilities. Council Member Dokken seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Ms. Phyllis DeBlieck appeared before the Council during its scheduled Open Forum to present information on Blue Star Mothers. The organization provides support to men and women serving in the military as well as their families. Mayor Pro Tempore Reese thanked Mrs. DeBlieck and members of the local chapter of Blue Star Mothers for their efforts and support.

The Finance Committee Report for April 23, 2006, was presented to Council by Council Member Anderson. There were 11 items for Council consideration.

Item No. 1 Staff informed the Committee the State of Minnesota has mandated that each city government adopt an out-of-state travel policy for its elected officials. Following discussion, the Committee was recommending the Council introduce a Resolution to adopt the Out-Of-State Travel Policy for the Mayor and Council Members. Resolution No. 1 was introduced by Council Member Anderson, seconded by Council Member Dokken, read by Mayor Pro Tempore Reese, and

approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 1

OUT-OF-STATE TRAVEL POLICY FOR THE WILLMAR CITY COUNCIL

WHEREAS, the 2005 regular session of the Minnesota State Legislature has mandated that every City develop and approve, by a recorded vote, an out-of-state travel policy for its applicable elected officials (Minnesota Statutes 471.661); and

WHEREAS, the elected officials for the City of Willmar affected by this statutory requirement are the MAYOR PRO TEMPORE and eight ward Council Members; and

WHEREAS, the City of Willmar recognizes that its elected officials may at times receive value from traveling out of the state for workshops, conferences, events and other assignments. This policy sets forth the conditions under which out-of-state travel will be reimbursed by the City; now, therefore

BE IT RESOLVED: That the following Out-of-State Travel Policy shall apply for all City of Willmar Elected Officials beginning April 5, 2006:

General Guidelines:

1. The event, workshop, conference or assignment must be approved in advance by the City Council at an open meeting and must include an estimate of the cost of the travel. In evaluating the out-of-state travel request, the Council will consider the following:
 - a. Whether the elected official will be receiving training on issues relevant to the City or to his or her role as the MAYOR PRO TEMPORE or as a council member;
 - b. Whether the elected official will be meeting and networking with other elected officials from around the country to exchange ideas on topics of relevance to the City or on the official roles of local elected officials.
 - c. Whether the elected official will be viewing a city facility or function that is similar in nature to one that is currently operating at, or under consideration by the City where the purpose for the trip is to study the facility or function to bring back ideas for the consideration of the full council.
 - d. Whether the elected official has been specifically assigned by the Council to visit another city for the purpose of establishing a goodwill relationship such as a "sister-city" relationship.
 - e. Whether the elected official has been specifically assigned by the Council to testify on behalf of the City at the United States Congress or to otherwise meet with federal officials on behalf of the City.
 - f. Whether the City has sufficient funding available in the budget to pay the cost of the trip.
2. No reimbursements will be made for attendance at events sponsored by or affiliated with political parties.
3. The City may make payments in advance for airfare, lodging and registration if specifically approved by the council. Otherwise all payments will be made as reimbursements to the elected official.
4. The City will reimburse for transportation, lodging, meals, registration and incidental costs as follows:

- a. Airfare will be reimbursed at the coach rate.
 - b. Mileage will be reimbursed at the IRS rate. If two or more council members travel together by car, only the driver will receive reimbursement. The City will reimburse for the cost of renting an automobile if necessary to conduct City business.
 - c. Receipts are required for lodging, airfare and meals and should accompany an expense report form. It is not necessary to have receipts for cabs and tips. The expense report form shall be submitted to the Finance Department for payment.
 - d. The City will not reimburse for alcoholic beverages, personal telephone calls, costs associated with the attendance of a family member, rental of luxury vehicles, meal expenses included in the cost of registration or recreational expenses such as golf or tennis.
5. The elected official shall make available to the City all materials received at said conference.
 6. All frequent flyer miles or rebates shall accrue to the benefit of the owner of the credit card used in the purchase of allowable travel expenses.
 7. The City Council may make future amendments to this policy as deemed appropriate. The City Council also reserves the right to approve exceptions to this policy upon a majority vote of the Council.

Dated this 1st day of May, 2006.

/s/ Douglas Reese
MAYOR PRO TEMPORE

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 2 The Committee reviewed current statutory tort liability limits to the extent of the coverage purchased from the League of Minnesota Cities Insurance Trust. It was noted that if the City does not waive the statutory tort limits, an individual claimant would be able to recover no more than \$300,000 on any claim to which the statutory tort limits apply. The total which all claimants would be able to recover in a single occurrence to which the statutory tort limits apply would be limited to \$1,000,000. If the City waives the statutory tort limits and purchases excess liability coverage, a single claimant could potentially recover an amount up to the limit of the coverage purchased. The total which all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would also be limited to the amount of coverage purchased, regardless of the number of claimants.

Following discussion, the Committee was recommending the Council introduce a resolution stating the City will not waive the statutory tort limits. Resolution No. 2 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, read by Mayor Pro Tempore Reese, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 2

WHEREAS, cities obtaining liability coverage from the League of Minnesota Cities Insurance Trust must decide whether or not to waive the statutory tort liability limits to the extent of coverage purchased, and

WHEREAS, the City Council has reviewed the various options for monetary limits on

municipal tort liability.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that the City does not waive the monetary limits on municipal tort liability established by Minnesota Statutes 466.04.

Dated this 1st day of May, 2006.

/s/ Douglas Reese
MAYOR PRO TEMPORE

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 Staff informed the Committee that due to economic reasons, Willmar Township wishes to combine with one of the City of Willmar's precincts to enable their voters to use the electronic assistive voting machines. There are a couple of precinct locations that could provide adequate space for both the City's voters and the Township's voters.

Following discussion, the Committee was recommending the Council introduce a resolution allowing Willmar Township to use one of the City of Willmar's polling places. Resolution No. 3 was introduced by Council Member Anderson, seconded by Council Member Gardner, read by Mayor Pro Tempore Reese, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 3

WHEREAS, Minnesota Statutes 204B.14 was amended by the Minnesota Legislature during the 2005 session;

WHEREAS, Minnesota Statutes 204B.14, Subd. 2, Item 3 provides that up to four contiguous municipalities located entirely outside the metropolitan area, as defined by Section 200.02, Subdivision 24, that are contained in the same county may combine polling places for election day activities;

WHEREAS, the City of Willmar and Willmar Township wish to combine their polling places pursuant to Minnesota Statutes 204B.14;

NOW, THEREFORE, BE IT RESOLVED, that the Willmar City Council does hereby approve the combining polling place of the City of Willmar for State and Federal elections beginning in 2006.

BE IT FURTHER RESOLVED, that a signed copy of this resolution be filed with Kandiyohi County Auditor/Treasurer with thirty (30) days after approval by the governing body.

Dated this 1st day of May, 2006.

/s/ Douglas Reese
MAYOR PRO TEMPORE

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 The Municipal Utilities 2005 Financial Statement was distributed to the Committee members at the last meeting. MUC staff will be contacted to attend the next scheduled Committee meeting to present their financial review. This matter was for information only.

Item No. 5 Lorry Massa presented a financial review of Rice Memorial Hospital's 2005 Audited Year-End Report. 2005 shows a deficit of \$540,401 which is the first year since 1991 that a loss has occurred, and various items were discussed that impacted this status. The orthopedic clinic, which was part of the hospital for nine months, brought in good revenue but closed in April, 2005. Imaging revenues have decreased as well due to Affiliated Community Medical Center purchasing their own imaging equipment in 2004 and no longer utilize the Hospital for this service. Further, in 2005 there was an audit adjustment for 2004 of \$300,000 which needed to be refunded to Medicare. The Hospital is attempting to work with physicians from both local clinics to augment its orthopedic, oncology, and urology departments which would enhance future revenues for the Hospital. This matter was for information only.

Item No. 6 The Committee considered a request from Police Chief Kulset to increase the Police 2006 budget by \$1,000. The Police Department received a check from CRP, Inc., in Washington, D.C., for the Department's participation in the Underage Drinking Prevention Program. The Committee was recommending the Council introduce a resolution to amend the 2006 Police Department Budget as proposed.

Resolution No. 4 was introduced by Council Member Anderson, seconded by Council Member Dokken, read by Mayor Pro Tempore Reese, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 4

BE IT RESOLVED by the City Council of Willmar, Minnesota, that the Finance Director be authorized to amend the Police Department Services Budget by adding \$1,000.00 which was received as grant revenue from CRP, Inc.

Dated this 1st day of May, 2006.

/s/ Douglas Reese
MAYOR PRO TEMPORE

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 7 The Committee was informed by Staff that costs for the airport fuel tanks are approximately \$324,000. The requested State grant is \$150,000 with \$150,000 matching funds from the City. Staff was recommending authorization to pursue an additional request from the State of Minnesota to cover the shortfall of \$24,000; half from the State with the other half earmarked as City matching funds.

The Committee was recommending the Council introduce a resolution to amend the State grant to fund the additional match required for the purchase and installation of the airport fuel tanks.

Resolution No. 5 was introduced by Council Member Anderson, seconded by Council Member Gardner, read by Mayor Pro Tempore Reese, and carried on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 5

BE IT RESOLVED by the City Council of Willmar, Minnesota, that the Finance Director be authorized to increase the Airport Fuel Tank Project Budget from \$300,000 to \$325,000 and be it further resolved to direct staff to pursue an amendment to the State of Minnesota Grant financing the State's share of the Airport Fuel Tank Project.

Dated this 1st day of May, 2006.

/s/ Douglas Reese
MAYOR PRO TEMPORE

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 8 The Committee was informed by Staff that the Minnesota Department of Transportation is requiring reimbursement of \$824,380 for its share of the existing airport lands. Staff has met with the Aeronautics Division and verified the various State funds dispersed to the City over the years. It was noted the City Administrator sent a letter to the Department of Aeronautics outlining the procedure the City would like to follow in remitting these funds to the State, subject to City Council approval. The Department of Aeronautics provided written response agreeing to these terms if they are approved by the City Council. In conjunction with the above amount due the State of Minnesota, it is expected that \$300,000 of Federal funds will need to be reimbursed as well.

Following discussion, the Committee was recommending the Council introduce a resolution authorizing the City Administrator and the Mayor to enter into an agreement with the State of Minnesota following the above terms and conditions. Resolution No. 6 was introduced by Council Member Anderson, seconded by Council Member Dokken, read by Mayor Pro Tempore Reese, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 6

WHEREAS, the State of Minnesota Department of Aeronautics has accepted a proposal detailing the terms and conditions of an agreement to reimburse Aeronautics \$824,380 for its share of existing Airport investments;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Willmar, Minnesota, approve of the following:

1. The City agrees to reimburse the Minnesota Department of Transportation the appraised value of \$824,380.
2. The City reserves the right to conduct an audit of all parcels at the Airport site to determine the State's role and financial participation at the time of purchase. The City will, upon acceptance of this proposal, reimburse the State's share of the value of land developed and not used for Airport purposes. This does not include parcels not involving State financial participation.
3. The City will pay the balance of the reimbursement owed upon the sale of remaining parcels, as each sale occurs, and in direct proportion to the State's participation in the initial purchase.

4. The City reserves the right to accelerate payments or prepay the entire balance at any time prior to the conclusion of this agreement.
5. In the event the entire amount of the \$824,380 is not reimbursed to MnDOT within three years of the date of closure of the current Airport, the City agrees to pay any outstanding balances in not more than five equal annual payments, again reserving the right to prepay.

Dated this 1st day of May, 2006.

/s/ Douglas Reese
MAYOR PRO TEMPORE

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 9 Staff updated the Committee on the status of the Tax Increment Financing funds for which the City is in non-compliance with the State. A compromise has been reached between the City and State in that the City will return the full amount of \$4,319.28 for both increment districts to the County and the State Auditor will pursue creating a technical amendment to existing law addressing the City's issues for future similar occurrences. Issues arose because the increments were collected properly by the County in the allotted time period but the County paid the City after the District Duration Limit expired. The State needs to allow a timeline for the collected funds to be dispersed. It was staff's recommendation to remit the full amount of TIF funds to the County and encourage the State Auditor to pursue an appropriate law change.

Following discussion, the Committee was recommending the Council to approve staff's recommendation. Council Member Anderson moved to approve the recommendation of the Finance Committee with Council Member Fagerlie seconding the motion, which carried.

Item No. 10 The Committee was reminded that the Street Assessment Policy will be included on a future agenda for their consideration. The matter was for information only.

Item No. 11 The Committee acknowledged receipt of the following reports: March CVB, March WRAC-8, March EDC, First Quarter Investment Activity, March 31st Cash Investments, First Quarter Interest Dividends, March 31st Investment Listing, First Quarter Rice Trust. This matter was for information only.

The Finance Committee Report of April 24, 2006, 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 Gardner, and carried.

The Public Works/Safety Committee Report for April 25, 2006, was presented to the Council by Mayor Pro Tempore Reese. There were five items for Council consideration.

Item No. 1 The Willmar Design Center (WDC) and Gateway Transportation Committee appeared before the Committee to again explore the concept of opening accesses off of Highway 12 on both the east and west ends near the downtown. Since 1998 City staff, Mn/DOT, and representatives for the downtown have discussed various alternatives. Subsequent to a meeting in November of 2005 Mn/DOT committed to providing a set of criteria that would be acceptable should the City choose to pursue the development of roundabouts.

Using the design criteria set for a roundabout, staff prepared a preliminary map showing proposed locations of roundabouts on either end of the downtown. This drawing gave both staff and the WDC representatives the opportunity to visualize the impact of the project. It was the consensus of both groups that the impacts were far more extensive than first perceived. The WDC met briefly prior to the Committee meeting and expressed their concerns to continue the effort of finding some way to open the downtown that Mn/DOT will accept. Staff will continue to work with the WDC and Mn/DOT to develop additional ideas of opening up the downtown and bring these recommendations back to Committee. This matter was for information only.

Item No. 2 The Committee reviewed a resolution approving the Facilities Plan for relocating the Wastewater Treatment Plant which needs to be submitted to the Minnesota Pollution Control Agency. Following discussion, the Committee was recommending the Council approve the resolution as presented to submit the WWTP Facilities Plan to the Minnesota Pollution Control Agency.

Ken Sedmak of Donohue and Associates appeared before the Council to present a summary of the WWTP Facilities Plan. Randy Aslaben, representing Jennie-O Turkey Store, informed the Council of JOTS support of the project.

Resolution No. 7 was introduced and read by Mayor Pro Tempore Reese, seconded by Council Member Christianson, and approved on a roll call vote of Ayes 7, Noes 0, Abstention 1 – Council Member Anderson.

Resolution No. 7

Whereas the City of Willmar desires to relocate the Wastewater Treatment Plant to a site located at 2944 75th Street SW, Willmar, MN next to the existing sludge holding facilities, approximately 5.5 miles west of the existing wastewater facility.

Whereas it is necessary to submit to the Minnesota Pollution Control Agency a Facilities Plan for the relocation of the Wastewater Treatment Plant, and said Facilities Plan must be approved by the Minnesota Pollution Control Agency.

Now therefore be it resolved by the City Council of the City of Willmar that City Staff, through the agreement with Donohue and Associates Inc., is authorized to proceed with submitting the approved Facilities Plan to the Minnesota Pollution Control Agency and that the Mayor and City Administrator are authorized to execute the same.

Dated this 1st day of May, 2006.

/s/ Douglas Reese
MAYOR PRO TEMPORE

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 The Committee reviewed bids received for the 2006 Street Reconstruction and Overlay Project. Staff is in the process of compiling figures for this year's assessments and proposes a hearing be held on June 5, 2006. The Committee was recommending the Council pass a resolution calling for an assessment hearing to be held on June 5, 2006.

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

RESOLUTION NO. 8

CALLING HEARING ON ASSESSMENTS FOR PROJECT NO. 0601
2006 STREET AND OTHER IMPROVEMENTS

WHEREAS, the City Clerk-Treasurer with the assistance of the City Engineer has prepared an assessment roll for Project No. 0601 of the 2006 Street and Other Improvements, and said proposed assessment roll is on file with the Clerk-Treasurer and open to public inspection.

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

1. The Clerk-Treasurer shall publish notice that this City Council will meet to consider the proposed assessments on June 5, 2006, at 7:02 p.m. in the Council Chambers, Municipal Utilities Building, 700 West Litchfield Avenue, Willmar, Minnesota.
2. Said notice shall also be mailed to the owners of each parcel of property described in the assessment roll.
3. Such notice shall be in substantially the following form: (On file in the City Clerk's Office)
4. Said notice shall be published by the City Clerk-Treasurer in the official newspaper at least two weeks prior to the hearing and mailed by said Clerk-Treasurer to the owners of each parcel described in the assessment roll.

Dated this 1st day of May, 2006.

/s/ Douglas Reese
MAYOR PRO TEMPORE

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 The Committee reviewed a proposal for construction testing services from Northern Technologies, Inc. to perform geotechnical exploration services for the Willmar Airport Hangar Relocation Project. The project consists of construction of three hangars and pavement entrances in an area not previously graded for building sites.

The Committee was recommending the Council accept the agreement for geotechnical exploration services as presented and authorize the Mayor and City Administrator to sign on behalf of the City. Resolution No. 9 was introduced and read by Mayor Pro Tempore, seconded by Council Member Christianson, and carried on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 9

Whereas Northern Technologies, Inc. has prepared a proposal for work identified as Geotechnical Exploration services for the Willmar Airport Hangar Relocation Project for the City of Willmar; and

Whereas an agreement has been prepared to perform such services and outlined in the proposal dated April 24, 2006.

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 1st day of May, 2006.

/s/ Douglas Reese
MAYOR PRO TEMPORE

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 5 The Council discussed GIS mapping of the sanitary and storm sewer system which was completed last summer. Nineteen (19) of the City's 106 benchmarks were checked and several discrepancies were noted. Staff has received a proposal from Bonnema Surveys Inc. to provide GPS elevation readings on the remaining 87 benchmarks and implement them into electronic format. This information could then be a layer in the GIS mapping system used by the City.

The Committee was recommending the Council accept the agreement for surveying services as presented and authorize the Mayor and City Administrator to sign on behalf of the City. Resolution No. 10 was introduced and read by Mayor Pro Tempore Reese, seconded by Council Member Swenson, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 10

Whereas Bonnema Surveys has prepared a proposal for work identified as the Bench Marks GPS Survey for the City of Willmar; and

Whereas an agreement has been prepared to perform such services and outlined in the proposal dated April 22, 2006.

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 1st day of May, 2006.

/s/ Douglas Reese
MAYOR PRO TEMPORE

/s/ Kevin Halliday
Attest: CITY CLERK

The Public Works/Safety Committee Report for April 25, 2006, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Mayor Pro Tempore Reese, seconded by Council Member Christianson, and carried.

The Council considered a proposed amendment to the Liquor Ordinance. City Clerk

Halliday informed the Council that pursuant to the adopted Ordinance allowing alcohol sales in a City park, a permit may be issued by State Statute 340A.404 to allow an existing holder of an on-sale license to sell alcohol off premises for a sports or community festival. Following discussion, Council Member Anderson offered a motion to introduce an Ordinance Amending Willmar Municipal Code 3-125 Limiting Areas Where On-sale Liquor License Holders May Dispense Liquor and to schedule a hearing for May 15, 2006. Council Member Gardner seconded the motion, which carried.

Planning and Development Services Director Peterson informed the Council that MinnWest Technology Campus is requesting vacation of a portion of a 12-foot buried electric line utility easement to allow a building addition. Willmar Municipal Utilities has approved the vacation request; once the new line is in place a replacement easement will be recorded. The Planning Commission has approved of the vacation. Following discussion, Resolution No. 11 was introduced by Council Member Christianson, seconded by Council Member Gardner, read by Mayor Pro Tempore Reese, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 11

RESOLUTION SETTING A PUBLIC HEARING TO CONSIDER A
PETITION TO VACATE A ELECTRIC LINE UTILITY EASEMENT

BE IT RESOLVED by the City Council of the City of Willmar that the Council conduct a public hearing at 7:03 p.m. on Monday, May 15, 2006, in the Council Chambers at the Municipal Utilities Commission Building, 700 SW Litchfield Avenue, Willmar, Minnesota.

BE IT FURTHER RESOLVED that the purpose of the hearing will be to consider a petition submitted by MinnWest Technology Campus, for the vacation of a portion of a 12'wide buried electric utility easement the center line of said easement more particularly described as: Line 78 and Line 79, shown as 'L78' and 'L79' in Parcel 1, MinnWest Technology Campus Right of Way Plat No. 1, on file in the office of the Kandiyohi County Recorder.

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

Dated this 1st day of May, 2006.

/s/ Douglas Reese
MAYOR PRO TEMPORE

/s/ Kevin Halliday
Attest: CITY CLERK

Planning and Development Services Director Peterson presented to the Council a preliminary plat for Cardinal Paths, a 92-lot planned unit development with a mix of single-family and twin-home development by Jim Martinson. The development will have public streets and several outlots for stormwater retention. The Planning Commission approved the preliminary plat with conditions such as adding utility easements and completing stormwater design. Following discussion, Council Member Fagerlie moved to approve the preliminary plat for Cardinal Paths with Council Member Gardner seconding the motion, which carried.

Planning and Development Services Director Peterson presented to the Council a

SECRETARY TO THE COUNCIL