

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

October 15, 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, Bruce DeBlieck, Denis Anderson, Cindy Swenson, Rick Fagerlie, Jim Dokken, and Steven Gardner; Present 8, Absent 1 – Ron Christianson was excused from the meeting.

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

Council Member Reese offered a motion adopting the Consent Agenda which included the following: City Council Minutes of October 1, Rice Hospital Board Minutes of October 5, Municipal Utilities Commission Minutes of October 9, Planning Commission Minutes of October 10, Building Inspection Report for September, Police Commission Minutes of August 29, Housing Redevelopment Authority Minutes of September 11, Senior Citizens Council Minutes of October 3, and Mayor's Housing Task Force Minutes of October 8, 2007. Council Member DeBlieck seconded the motion, which carried.

Mayor Heitke acknowledged several individuals who had signed up to address the City Council during its scheduled Open Forum. Myron Carlson, Bruce Watlund, Mike Carlson, David Ditmarson, David Becker and Warren Jorgenson expressed concerns about flooding in the area of 10<sup>th</sup> Street and Kandiyohi Avenue Southwest and questioned the use of school parks and playgrounds as detention areas for possible solutions.

The Community Development Committee Report for October 4, 2007, was presented to the Mayor and Council by Council Member DeBlieck. There were four items for Council consideration.

Item No. 1 Bruce Gomm, Willmar Municipal Utilities General Manager, and Bob Bonnawitz, Willmar Municipal Utilities Commission Chair, presented to the Committee a tentative service territory agreement between Willmar Municipal Utilities and Kandiyohi Power Cooperative. The document details the changes to the service territories, as well as costs involved in those changes. The term of the agreement is from January 1, 2008, to December 31, 2024. A long-term compensation model for annexation areas will be included in the preliminary agreement.

Several issues remain to be resolved and once these issues have been resolved and the agreement has undergone legal review, the agreement will come back to the City for approval. This matter was for information only.

Item No. 2 The Committee considered an informal request by Donnerite for tax abatement on their East Highway 12 facility. The matter had been discussed previously by Donnerite and Economic Development Commission staff. Action by the Committee was deferred pending a formal request or appearance by the company, and this matter was for information only.

Item No. The Committee received from Staff a proposal that would vacate the block of 11<sup>th</sup> Street Southwest between Benson and Pacific Avenues as well as a small segment of Pacific Avenue to the east of 11<sup>th</sup> Street. The purpose for the street vacation is to provide a site for the new

Waste Water Treatment Facility pumping station. Following discussion, the Committee was recommending the Council adopt a resolution setting a hearing on the proposed street vacation.

Resolution No. 1 was introduced by Council Member DeBlieck, seconded by Council Member Dokken, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 1

RESOLUTION SETTING A PUBLIC HEARING TO CONSIDER  
THE VACATION OF A PORTION OF PUBLIC STREET

BE IT RESOLVED by the City Council of the City of Willmar that it conduct a public hearing at 7:03 p.m. on Monday, November 5, 2007, 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 the vacation of that portion of the dedicated street as described below:

These portions of 11<sup>th</sup> Street Southwest and Pacific Avenue beginning at the southwest corner of Block 17, Original City; thence west 70 feet to be southeast corner of Block 104, First Addition to Willmar; thence north 210 feet to the southeast corner of block 105, First Addition to Willmar; thence east 120 feet to the southwest corner of Lot 10, Block 13, Original City; thence south 60 feet to the northwest corner of Lot 10, Block 17, Original City; thence west 50 feet to the northwest corner of Block 17, Original City; thence south 150 feet to the point of beginning.

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 15<sup>th</sup> day of October, 2007.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 4 The Committee received from Staff an update on the Mayor's Housing Task Force. The Task Force has been meeting bi-weekly since July, and is nearing the conclusion of their work. A number of recommendations for changes to regulatory and enforcement ordinances have been proposed, and will be presented to the Council in the near future. Staff thanked the Council Members that have been involved as well as the committed Task Force Members. This matter was for information only.

The Community Development Committee Report for October 4, 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 Dokken, and carried.

The Finance Committee Report for October 8, 2007, was presented to the Mayor and Council by Council Member Anderson. There were three items for Council consideration.

Item No. 1 Bill Fenske, representing Rice Hospital, explained to the Committee that the original estimate for constructing a new facility to replace Rice Care Center has been revised to \$25,000,000 based on construction costs projected for 2009. The original estimate of \$20,000,000 was calculated with 2007 values. Subsequently, the amount in the Hospital's Intent to Reimburse

Resolution approved by the City Council on October 1, 2007, needs to be revised to reflect this new maximum bond estimate.

The Committee was recommending the Council introduce a resolution declaring the City, on behalf of Rice Hospital, intends to reimburse itself for the preliminary bond issue costs incurred prior to the bond amount determination with an estimated maximum aggregate bond principal amount of \$25,000,000. Resolution No. 2 was introduced by Council Member Anderson, seconded by Council Member Gardner, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

## RESOLUTION NO. 2

### RESOLUTION ESTABLISHING PROCEDURES RELATING TO COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE

(For Resolution in its entirety, see City Council Proceedings file dated October 15, 2007, located in the City Clerk's Office)

Item No. 2 The Committee continued its review of the Mayor's proposed 2008 budget by considering the City's investment portfolio and fund balances. The current investment breakdown by fund was discussed with the Committee as well as reserved and designated fund balances of December 31, 2006, including: 1) restrictions on use of various funds including the Economic Development Revolving Loan Fund; 2) WRAC-8 primarily funded by cable franchise dollars which are not restricted; 3) Convention and Visitors Bureau funds are restricted for CVB use only and the Local Option Sales Tax funds are designated for the building connection between the Civic Center and the Blue Line Center, expansion of hiking/biking trails, purchase of WRTC land, and Industrial Park expansion; 4) The Community Investment Fund; 5) possible funding sources for three major projects that need to be addressed for 2008 (entrances to downtown on east and west sides to be opened for through traffic, Quiet Zones for the railroad crossings, and flood control pursued for various parts of the city); and 6) reviewing specific departmental and other expenditures. This matter was for information only.

Item No. 3 The Committee reviewed the following reports: September Local Option Sales Tax, September WRAC-8, and September CVB. This matter was for information only.

The Finance Committee Report for October 8, 2007, 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 October 9, 2007, was presented to the Mayor and Council by Council Member Reese. There were five items for Council consideration.

Item No. 1 Nathan and Kristal Doscher appeared before the Committee to present a request for the City's support to their proposal for replacement of play equipment at the former 7<sup>th</sup> Street Park on the north side recently renamed Jaycee Park. Prior to this meeting, Nathan Doscher met with City staff, as well as Community Ed and Rec. staff, about upgrading the park's play equipment in memory of their daughter, Bria.

The Committee was recommending the Council approve of the park development plan as presented and acceptance of any donations from the foundation to fund the project. Resolution No. 3 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 0.

## RESOLUTION NO. 3

WHEREAS, Nathan and Kristal Doscher, in conjunction with the Willmar Jaycees, propose to make certain improvements and replace the play equipment at 7<sup>th</sup> Street Park renamed Jaycee Park in memory of their daughter, Bria; and

WHEREAS, the City of Willmar desires that such improvements of said Jaycee Park be completed; and

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Willmar to support the park development project as presented and authorize the acceptance of any donations from the foundation to fund the project.

Dated this 15<sup>th</sup> day of October, 2007.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 2 The Committee continued discussion on storm water flooding. Public Works Director Odens presented a report titled "Surface Water Management Plan Update." The report gave the history of storm water management where initially design standards were significantly different than present-day with little understanding of rainfall frequency and could typically only handle 5-year rainfall events. Today storm systems (pipes, curb and gutter, overflow swales, and ponding areas) are typically designed to provide up to a 100-year level of protection. In 1998 the first comprehensive storm water management plan for the City was developed as a result of a study conducted by Barr Engineering. This study is used as a guide to plan projects which enable the City to grow in a systematic manner and assisted in identifying known areas of localized flooding within the City. Staff reviewed these areas and explained the improvements that have been incorporated that have reduced or eliminated flooding in most of the 16 areas identified.

The rain event measured on August 21, 2007, was variable throughout the community, but generally is estimated at 3.75 inches within 45 minutes near the intersection of 10<sup>th</sup> Street SW and Kandiyohi Avenue. The table contained in the report showed an event of this magnitude exceeds the 100-year event.

In 2006 Barr Engineering was contracted to analyze possible ponding options that would limit and/or alleviate chronic flooding at the intersection of 10<sup>th</sup> Street SW and Kandiyohi Avenue. The analysis was to include modeling three different ponding scenarios in the Kennedy School area. It appears that increasing pipe capacity and constructing detention ponds within the watershed of 190 acres will be needed to reduce the flooding in the intersection.

The report presented options and related cost estimates for Committee consideration. Detention ponds with estimated costs and capacities were proposed at four locations: 1) Garfield School – 4,000 CY, 2) Kennedy School – 11,000 CY, 3) Miller Park – 5,000 CY and 4) Trott Avenue SW and TH 40 – 2,000 CY. The estimates contained figures for both open ponds and underground piping. Also included was the preliminary cost estimate to relocate six residents at 10<sup>th</sup> Street and Kandiyohi Avenue and build a detention pond at that intersection.

Staff indicated the County has preliminary plans to reconstruct Willmar Avenue SW where there is a 123" x 81" metal arch storm sewer. The consideration of extending it west during reconstruction to increase storage capacity was discussed. Also noted was that the detention pond proposed at Trott Avenue and TH 40 has the option of being made deeper if the sanitary sewer line and water main were

relocated. It was noted that the Miller Park site was not to be considered.

Following a lengthy discussion, the Committee was recommending the Council direct Staff to initiate discussion with Willmar Public Schools to obtain the rights to construct detention ponds in both the Kennedy and Garfield School areas, prepare plans to construct a detention area near Trott Avenue SW and TH 40, and investigate extending the Willmar Avenue storm pipe to the west during the 2008 construction season. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Gardner seconding the motion which carried on a roll call vote of Ayes 6, Noes 1 – Council Member Dokken voted “No.”

Item No. 3 Staff updated the Committee on Project No. 0504, the reconstruction of Willmar Avenue SE in 2005 in conjunction with Kandiyohi County. An agreement between the City and County to reimburse for the appropriate costs was entered at that time and final amounts have been received. The invoice is higher than originally anticipated due to the inclusion of the replacement of the water main from 4<sup>th</sup> through 12<sup>th</sup> Streets. The project is now complete and Staff recommends final acceptance and payment to the County and revision of the budget to show the additional funding.

The Committee was recommending the Council accept Project No. 0504 and authorize payment to Kandiyohi County and revise the budget to reflect the additional costs. Resolution No. 4 was introduced by Council Member Reese, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

#### RESOLUTION NO. 4

Whereas the City of Willmar desires to accept Project No. 0504 and approve final payment to Kandiyohi County for construction costs and services rendered; and

Whereas the above stated contract was entered into by the City Council of the City of Willmar on the 29<sup>th</sup> day of April, 2005 for said services;

Now therefore be it resolved by the City Council of the City of Willmar that said final payment in the amount of \$784,680.38 be approved to Kandiyohi County for services and associated construction costs rendered in above project.

Dated this 15<sup>th</sup> day of October, 2007.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Resolution No. 5 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 0.

#### RESOLUTION NO. 5

#### FINAL 2005 IMPROVEMENTS BUDGET ESTIMATED TOTAL COST \$4,693,971.00

|                          |            |                   |              |
|--------------------------|------------|-------------------|--------------|
| PERSONNEL SERVICES       |            | RECEIVABLES       |              |
| Overtime Reg. Employees  | \$500.00   | Property Owners   | \$955,694.00 |
| Salaries Temp. Employees | \$6,000.00 | City (MUC)        | \$61,067.00  |
| Employer Pension Contr.  | \$1,500.00 | State (State Aid) | \$621,200.00 |

|                                  |                |                      |                |
|----------------------------------|----------------|----------------------|----------------|
| TOTAL                            | \$8,000.00     | City (WTP)           | \$36,000.00    |
|                                  |                | City (2004 Transfer) | \$70,000.00    |
| SUPPLIES                         |                | Developer            | \$2,439,626.00 |
| Office Supplies                  | \$1,500.00     | City (Utility fee)   | \$253,969.00   |
| Small Tools                      | \$2,000.00     | City (CIF)           | \$25,711.00    |
| Motor Fuels & Lubricants         | \$1,000.00     | Other (County)       | \$0.00         |
| Postage                          | \$2,000.00     | Developer (Cash)     | \$230,704.00   |
| Mtce. of Other Improvements      | \$2,000.00     | TOTAL                | \$4,693,971.00 |
| General Supplies                 | \$3,500.00     |                      |                |
| TOTAL                            | \$12,000.00    | FINANCING            |                |
| OTHER SERVICES                   |                | Bonds                | \$3,675,000.00 |
| Printing & Publishing            | \$2,000.00     | State                | \$621,200.00   |
| Mtce. of Other Impr.             | \$3,198,079.00 | City (MUC/WWTP)      | \$97,067.00    |
| Other Services (Contingency)     | \$1,086,317.00 | City (2004 Transfer) | \$70,000.00    |
| TOTAL                            | \$4,286,396.00 | Other                | \$0.00         |
|                                  |                | Developer (Cash)     | \$230,704.00   |
|                                  |                | TOTAL                | \$4,693,971.00 |
| OTHER CHARGES                    |                |                      |                |
| Insurance & Bonds                | \$1,500.00     |                      |                |
| Prof. Serv. (Mn/DOT, Consultant) | \$121,900.00   |                      |                |
| Transfer to 4503                 | \$28,100.00    |                      |                |
| Adm. OH (Transfer)               | \$186,075.00   |                      |                |
| Other Charges (Bond)             | \$50,000.00    |                      |                |
| TOTAL                            | \$387,575.00   |                      |                |
| GRAND TOTAL                      | \$4,693,971.00 |                      |                |

|    | Project Desc.           | Cost              | Line |
|----|-------------------------|-------------------|------|
| 01 | Street                  | \$2,159,398       | 36   |
| 02 | Sewer and Water         | \$1,038,681       | 36   |
| 04 | Willmar Ave (County)    | \$784,680         | 39   |
| 05 | Signal System-Lakeland  | (separate budget) |      |
| 05 | Signal System-5th ST SE | (separate budget) |      |
| 07 | Street Lighting         | \$200,000         | 39   |
|    | Seal Coat, Crack Seal   | \$60,000          | 39   |

Dated this 15<sup>th</sup> day of October, 2007.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 4 The Committee received an update from Staff regarding 0504, signal improvements. SEH prepared Supplemental Agreement No. 1 with Granite Ledge Electrical to Project No. 0705 (19<sup>th</sup> Avenue and 5<sup>th</sup> Street Signal Systems). The Committee was recommending the Council accept the Supplemental Agreement No. Resolution No. 6 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 0.

**RESOLUTION NO. 6**

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, it is desired to make several changes to the contract resulting in a deduct and known as Change Order No. 1.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that: additional work is herewith authorized to be deducted to the above contract in the amount of \$266.52

and identified as Change Order No. 1.

Dated this 15<sup>th</sup> day of October, 2007.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

The Committee considered the second supplemental agreement which covers a price quote from Granite Ledge Electrical to perform additional work on the First Street and Trott Avenue signal system. The Committee was recommending the Council To accept Supplemental Agreement No. 2 and authorize the City Administrator to sign. Resolution No. 7 was introduced by Council Member Reese, seconded by Council Member Reese, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 7

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, 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 \$3,757.00.
2. Funding for the additional work is from within the Public Works Budget.

Dated this 15<sup>th</sup> day of October, 2007.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 5 The City received the biannual agreement with the State of Minnesota for reimbursement of eligible costs the City incurs for maintaining the Airport during the 2008 and 2009 fiscal years from July 1 through June 30 of each year. The not-to-exceed figure of \$51,636 is an \$8,274 increase from the previous agreement. The Committee was recommending the approve the agreement with the State of Minnesota and authorize the Mayor and City Administrator to sign on behalf of the City.

Resolution No. 8 was introduced by Council Member Reese, seconded by Council Member Gardner, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 8

AUTHORIZATION TO EXECUTE MINNESOTA DEPARTMENT OF TRANSPORTATION

GRANT AGREEMENT FOR AIRPORT MAINTENANCE AND OPERATION

Be it resolved by the City Council of the City of Willmar as follows:

1. That the State of Minnesota Agreement No. 91403, "Grant Agreement for airport Maintenance and Operation at the Willmar Municipal Airport," is hereby 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 15<sup>th</sup> day of October, 2007.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

The Public Works/Safety Committee Report for October 8, 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 Gardner, and carried.

Mayor Heitke recognized Craig Holmes, Donohue and Associates, who explained to the Council that as authorized under the Just Compensation Resolution, adopted on September 17, 2007, offers to purchase certain lands for the Wastewater Treatment Plant interceptor project were mailed to affected property owners. Mr. Holmes explained that negotiations between City Staff and property owners have been unsuccessful and eminent domain proceedings are necessary to acquire the land and maintain the construction schedule. Following discussion, Resolution No. 9 was introduced by Council Member Reese, seconded by Council Member Gardner, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 9

RESOLUTION AUTHORIZING AND DIRECTING THE FILING OF  
EMINENT DOMAINE PROCEEDINGS

(For Resolution in its entirety, see City Council Minutes file dated  
October 15, 2007, located in the City Clerk's Office)

Mr. Holmes explained to the Mayor and Council that it is necessary to purchase additional land necessary for the conveyance system corridor. These parcels are located near the eastern end of the corridor. Following discussion, Resolution No. 10 was introduced by Council Member Reese, seconded by Council Member Gardner, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 10

RESOLUTION DETERMINING JUST COMPENSATION

(For Resolution in its entirety, see City Council Minutes file dated  
October 15, 2007, located in the City Clerk's Office)

City Clerk Halliday presented to the Mayor and Council a list of property owners who have made application for agricultural land exemptions and have met criteria contained in the City's



Assessment Policy. Following discussion, Resolution No. 11 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 11

WHEREAS, the City Council of the City of Willmar, Minnesota, did order the installation of certain street and other improvements made under Projects No. 0501, 9301 and 9101, and certain sewer and water main improvements made under Projects No. 9701, 9303, 9202, 9002, 7402, and 6905.

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: (Complete list of property owners and descriptions are on file in the City Clerk's Office)

Dated this 15<sup>th</sup> day of October, 2007.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Planning and Development Services Director Peterson informed the Mayor and Council that Donald and Carol Williamson filed a petition to annex 12.11 acres off of 15<sup>th</sup> Street Southwest. The Planning Commission and Willmar Township have reviewed and approved of the request. Following discussion, Resolution No. 12 was introduced by Council Member Fagerlie, seconded by Council Member Reese, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 12

WHEREAS, a proceedings for Annexation (File #07-03) have commenced for the following described piece of property:

The W ½ of the SW ¼, excepting the East 604.24 feet thereof, also excepting the South 540.00 feet thereof, and also excepting the North 1,365.50 feet thereof, In Section 22, Township 119, Range 35.

WHEREAS, the petitioners have certified and stated that they are the sole owner of said property.

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

of the afore-described property, by the petitioners, in the manner stated has been verified.

BE IT FURTHER RESOLVED that it has been verified that the Annexation will include City services/improvements/facilities/utilities.

Dated this 15<sup>th</sup> day of October, 2007.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Council Member Fagerlie moved to schedule a hearing for an Ordinance Extending the Corporation Limits for November 19, 2007, with Council Member Reese seconding the motion, which carried.

The Mayor and Council considered a final plat for Water View Business Park Second Addition. Planning and Development Services Director Peterson presented details of Water View Business Park Second Addition, a two-lot plat split by Wal-Mart for a proposed gas station. The Planning Commission approved the final plat with certain conditions. Council Member Anderson moved to approve the Water View Business Park Second Addition final plat as presented. Council Member DeBlieck seconded the motion, which carried.

Announcements for Council Committee meeting dates were as follows: Finance, October 22 and 29; and Public Works/Safety, October 24, 2007.

Public Works Director Odens presented to the Mayor and Council for consideration a Change Order for Project 0701. The Change Order would be to replace the entire water main from 6<sup>th</sup> Street to 8<sup>th</sup> Street Southwest in the Duinick Bros. Inc. contract. Following discussion, Resolution No. 13 was introduced by Council Member Gardner, seconded by Council Member Swenson, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

#### RESOLUTION NO. 13

WHEREAS, a contract has been awarded to Duinick Bros. Inc. of Prinsburg, Minnesota, on June 7, 2007, in the amount of \$1,055,537.06 for Project No. 0701 – 2007 Street and Other Improvements; and

WHEREAS, it is desired to add to the above contracted amount due to the addition of the replacement of water main on 26<sup>th</sup> Avenue SW between 6<sup>th</sup> and 8<sup>th</sup> Streets.

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 \$68,192.85 and identified as Change Order No. 1.
2. Funding for the additional work is from the project budget.

Dated this 15<sup>th</sup> day of October, 2007.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

There being no further business to come before the Council, the meeting adjourned at 8:49 p.m. upon motion by Council Member Gardner, seconded by Council Member Fagerlie, and carried.

Attest:

\_\_\_\_\_  
MAYOR

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