

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

July 19, 2010  
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 DeBleck, Rick Fagerlie, Jim Dokken, and Tim Johnson; Present 9, Absent 2 – Council Members Denis Anderson and Steve Ahmann.

Also present were City Attorney Richard Ronning, Police Captain David Wyffels, Fire Chief Marv Calvin, Public Works Director Mel Odens, Finance Director Steve Okins, Community Education and Recreation Director Steve Brisendine, Planning and Development Services Director Bruce Peterson, and City Clerk Kevin Halliday.

The Council requested the Airport 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 July 6, Housing and Redevelopment Authority Minutes of June 8, Charter Commission Minutes of June 9 and 23, and Community Center Council Minutes of July 7, 2010. Council Member Christianson seconded the motion, which carried.

Council Member Ahmann arrived at the meeting at 7:11 p.m.

Following discussion of Item No. 7, fuel system upgrade, the Airport Commission Minutes of June 14, 2010, were approved as presented upon motion by Council Member Christianson, seconded by Council Member Reese, and carried.

At 7:14 p.m. 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 the request to rezone the property of Kathleen Martens at 312 SW 8<sup>th</sup> Street from R-2 to R-3 to allow three apartment units in the home. There being no one present to speak for or against the proposed Ordinance, Mayor Heitke closed the meeting at 7:15 p.m.

Council Member Fagerlie 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 Christianson seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Mayor Heitke recognized DeeDee Kahring, Springsted Incorporated, who presented details of the negotiated sale of \$1,785,000 General Obligation Improvement Bonds, Series 2010A. Robert W. Baird and Company, Incorporated was the low bidder with a 2.2669 percent interest rate. Following discussion, Resolution No. 1 was introduced by Council Member Reese, seconded by Council Member Fagerlie, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

**RESOLUTION NO. 1**

**RESOLUTION ACCEPTING OFFER ON THE SALE OF \$1,785,000 GENERAL OBLIGATION  
IMPROVEMENT BONDS, SERIES 2010A, PROVIDING FOR THEIR ISSUANCE AND  
LEVYING A TAX FOR THE PAYMENT THEREOF**

(For Resolution in its entirety, see City Council minutes file dated July 19, 2010, located in the City Clerk's Office)

Rhonda Rae, Program Manager with Donahue and Associates, presented to the Mayor and Council a report on the planned start-up of the new Willmar Waste Water Treatment Plant. The next step involves colonizing the new facility with millions of microbes that digest and break down municipal waste. This process should take four to six weeks and the biochemical balance at the old waste water treatment plant might be temporarily disrupted, resulting in some odor. Odor will likely be an issue for a few days and Donohue will try to keep neighboring businesses and residents informed as much as possible. Another step in the process will be the decommissioning of the existing plant. The administration building will be remodeled to house some staff to be stationed there, but much of the remaining facility will be demolished.

Mayor Heitke recognized Charter Commission Chair Bob Bonawitz and members of the Commission. Mr. Bonawitz presented a detailed review of proposed changes and revisions as recommended by the Charter Commission. Acknowledging the red print indicated proposed additions to the Charter, Mr. Bonawitz highlighted various job authority changes with the City Administrator, vacancy criteria for elected officials, the need to maintain the Park and Leisure Services Board, operational changes with the Willmar Municipal Utilities including the removal of the override powers of the Council over the Utilities Commission, removal of the elections section, and easement procedures. Mr. Bonawitz answered Council Member questions.

The Council discussed the outside review of the City Charter by the League of Minnesota Cities Charter Review Attorney. Council Member Reese offered a motion to order the review of the City Charter be completed by the League of Minnesota Cities Charter Review Attorney. Council Member DeBlieck seconded the motion, which carried.

Mayor Heitke acknowledged that no one had signed up to address the City Council during its scheduled Open Forum.

Mayor Heitke called for a recess at 9:01 p.m. and reconvened the meeting at 9:12 p.m.

The Finance Committee Report for July 12, 2010, was presented to the Mayor and Council by Council Member Fagerlie. There were eight items for Council consideration.

Item No. 1 Staff presented a request to the Committee from the Public Works Department to re-appropriate unspent funds of \$430,000 from the 2009 Waste Treatment Operating Budget to the 2010 Waste Treatment Operating Budget. Increased costs for chemicals in 2010 are expected because the startup date of the new facility will be substantially earlier than anticipated. An increase in professional services is expected as well for rewriting several procedural manuals and for completing infrastructure projects originally budgeted in 2009.

The Committee was recommending the Council introduce a resolution reappropriating \$430,000 to the 2010 Waste Treatment Operating Budget as presented. Resolution No. 2 was introduced by Council Member Fagerlie, seconded by Council Member Dokken, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

#### RESOLUTION NO. 2

BE IT RESOLVED by the Willmar City Council that the Finance Director be authorized to reappropriate \$430,000 from 2009 Waste Treatment Operating Budget to the 2010 Waste Treatment Operating Budget.

Dated this 19<sup>th</sup> day of July, 2010.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 2 The Committee considered a request from Staff to amend the 2010 Police Department budget to reflect the Liquor Compliance Check Grant recently awarded to the City of Willmar in an amount of \$1,320. Following discussion, the Committee was recommending the Council introduce a resolution increasing the 2010 Police Department Expenditure Budget and Grant Revenue by \$1,320 for the Liquor Compliance Check Grant.

Resolution No. 3 was introduced by Council Member Fagerlie, seconded by Council Member Dokken, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

**RESOLUTION NO. 3**

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to increase the 2010 Police Department Expenditure Budget and Grant Revenue by \$1,320.00 for the Liquor Compliance Check Grant.

Dated this 19<sup>th</sup> day of July, 2010.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 3 Staff reviewed with the Committee previous Council action approving the Engineer's estimate to decommission the existing Waste Water Treatment Plant in the amount of \$3,750,000. Subsequent to that action, the Waste Treatment Plant Relocation Budget needs to be amended by increasing Maintenance of Other Improvements in the Project B Budget, Decommission Existing WWTF, to \$3,750,000 and decreasing Other Services in the Project C Budget, New WWTF.

An amendment was also requested to increase Maintenance of Other Improvements in the Project D-5c (0901) Budget, Conveyance System III, to \$221,808 for actual costs of forcemain constructed during the 2009 City street project. Other Services in the Project C Budget, New WWTF would be reduced.

The Committee was recommending the Council amend the Waste Treatment Plant Relocation Budget by increasing Project B by \$997,752, increasing Project D-5c by \$13,964 and decreasing Project C by \$1,011,716. Resolution No. 4 was introduced by Council Member Fagerlie, seconded by Council Member Johnson, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

**RESOLUTION NO. 4**

**WWTP RELOCATION BUDGET SUMMARY \$86,218,712**

OTHER SERVICES		RECEIVABLES:		
Mtce. of Other Improvements	\$70,063,099	Federal Grants	\$925,079	\$925,079
Other Services	<u>3,194,233</u>	State-TMDL Grant	2,692,935	2,692,935
TOTAL	\$73,257,332	City	500,812	500,812

		State-PFA Loans	<u>82,099,886</u>	<u>87,028,716</u>
OTHER CHARGES		TOTAL	\$86,218,712	\$91,147,542
Professional Services	\$12,138,953	FINANCING		
Other Charges	<u>822,427</u>	Bonds-PFA SRF (Loan 1)	\$42,001,362	\$42,001,362
TOTAL	\$12,961,380	Bonds-PFA SRF (ARRA)	1,788,716	1,788,716
		Bonds-PFA SRF (Loan 3)	31,309,808	36,238,638
GRAND TOTAL	\$86,218,712	State-PFA WIF	7,000,000	7,000,000
		City-WTP Reserves	500,812	500,812
		Grant - Fed EPA STAG-06	477,900	477,900
		Grant-Fed ARRA	447,179	447,179
		Grant-State TMDL	<u>2,692,935</u>	<u>2,692,935</u>
		TOTAL	\$86,218,712	\$91,147,542

Dated this 19<sup>th</sup> day of July, 2010.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 4 The Committee reviewed the proposed 2010 Street Improvements Budget reflecting actual bids received for Project No. 4 for path resurfacing by the radio station road to Eagles Landing. Project No. 6 remains at the Engineer's estimates. Following discussion, the Committee was recommending the Council adopt a resolution approving the 2010 Street Improvements Budget as presented.

Resolution No. 5 was introduced by Council Member Fagerlie, seconded by Council Member Johnson, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 5

2010 STREET IMPROVEMENTS BUDGET

PERSONNEL SERVICES		RECEIVABLES	
Overtime Reg. Employees	\$500.00	Property Owners	\$1,207,000.00
Salaries Temp. Employees	<u>1,000.00</u>	County	35,000.00
TOTAL	\$1,500.00	State	814,000.00
		City	578,000.00
SUPPLIES		City (MUC)	104,000.00
Office Supplies	\$500.00	LOST	50,000.00
Small Tools	500.00	Developer (cash)	<u>16,000.00</u>
Motor Fuels & Lubricants	2,000.00	TOTAL	\$2,804,000.00
Postage	1,000.00		
Mtce. of Other Improvements	500.00	FINANCING	
General Supplies	<u>1,000.00</u>	Bonds	\$1,785,000.00
TOTAL	\$5,500.00	County	35,000.00
		State	814,000.00
OTHER SERVICES		City (MUC)	104,000.00
Mtce. of Other Impr.	\$2,411,000.00	LOST	50,000.00
Other Services	<u>117,000.00</u>	Developer (cash)	<u>16,000.00</u>
TOTAL	\$2,528,000.00	TOTAL	\$2,804,000.00

OTHER CHARGES		GRAND TOTAL	\$2,804,000.00
Insurance & Bonds	\$2,000.00		
Prof. Serv.	20,000.00		
Advertising	2,000.00		
Adm. OH (Transfer)	225,000.00		
Other Charges	<u>20,000.00</u>		
TOTAL	\$269,000.00		
GRAND TOTAL	\$2,804,000.00		

Dated this 19<sup>th</sup> day of July, 2010.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

The Committee discussed the proposed 2010 Swansson Field Parking Lot and Trailhead Improvement Budget reflecting actual bids received and was recommending the Council pass a resolution adopting the Budget as presented. Resolution No. 6 was introduced by Council Member Fagerlie, seconded by Council Member Johnson, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 6

FINAL 2010 SWANSSON FIELD PARK LOT AND TRAILHEAD IMPROVEMENT BUDGET

PERSONNEL SERVICES		RECEIVABLES	
Salaries Temp. Employees	<u>\$500.00</u>	LOST	<u>\$213,000.00</u>
TOTAL	\$500.00	TOTAL	\$213,000.00
SUPPLIES		FINANCING	
Office Supplies	\$250.00	LOST	<u>\$213,000.00</u>
Small Tools	250.00	TOTAL	\$213,000.00
Motor Fuels & Lubricants	500.00		
Postage	300.00	GRAND TOTAL	\$213,000.00
Mtce. of Other Improvements	200.00		
General Supplies	<u>500.00</u>		
TOTAL	\$2,000.00		
OTHER SERVICES			
Mtce. of Other Impr.	\$185,000.00		
Other Services	<u>10,000.00</u>		
TOTAL	\$195,000.00		
OTHER CHARGES			
Insurance & Bonds	\$1,000.00		
Advertising	1,000.00		
Adm. OH (Transfer)	<u>13,500.00</u>		
TOTAL	\$15,500.00		

GRAND TOTAL \$213,000.00

Dated this 19<sup>th</sup> day of July, 2010.

/s/ Lester Heitke

MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Item No. 5 The Committee was informed by Staff that the divider door between the Selvig room and Burlington Northern room at the Willmar Community Center was damaged this past winter due to excessive snow and ice on the roof. The cost of replacing the door is \$14,199. The Senior Citizens Club has agreed to pay for half of the cost. Staff is requesting to reappropriate dollars remaining from the 2008 Community Center Capital Improvement Budget to fund the remaining cost of \$7,099.50.

The Committee was recommending the Council introduce a resolution reappropriating \$7,099.50 from the 2008 Community Center Capital Improvement Budget to the 2010 Budget for the purchase of a divider door. Resolution No. 7 was introduced by Council Member Fagerlie, seconded by Council Member Dokken, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 7

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to reappropriate \$7,099.50 from the 2008 Community Center Capital Improvement Budget to the 2010 Budget for the purchase of a divider door.

Dated this 19<sup>th</sup> day of July, 2010.

/s/ Lester Heitke

MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Staff informed the Committee that the City of Willmar has received a donation in the amount of \$900 from the Willmar Area Senior Citizens Club with a request that it be used for the purchase of four handicapped toilet seats and the remaining cost of the Wii system.

The Committee was recommending the Council introduce a resolution accepting the \$900 donation from the Willmar Area Senior Citizens Club and to send a letter of appreciation. Resolution No. 8 was introduced by Council Member Fagerlie, seconded by Council Member Reese, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 8

WHEREAS, the City of Willmar has received a donation of \$7,099.50 from the Willmar Area Senior Citizens Club to put towards the replacement of a divider door at the Willmar Community Center;

WHEREAS, the City of Willmar has received a donation of \$900.00 from the Willmar Area Senior Citizens Club for the purchase of handicapped toilet seats and Wii system for the Willmar Community Center;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Willmar, Minnesota, that the City accept the donations from the Willmar Area Senior Citizens Club and the City Administrator be directed to express the community's appreciation.

Dated this 19<sup>th</sup> day of July, 2010.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 6 City Administrator Schmit informed the Committee that most of the 2011 departmental budget requests have been received and the Mayor, Administrator and Finance Director will be reviewing these requests in preparation for the Council Work Session scheduled for July 26, 2010, at the Fire Station. This matter was for information only.

Item No. 7 The Committee reviewed the May, 2010, Rice Trust report. This matter was for information only.

Item No. 8 City Administrator Schmit requested guidance from the Committee regarding the Council's intention for the Garfield School property. Following discussion, Staff will contact architects to determine costs for providing an estimate on possible uses. This matter was for information only.

The Finance Committee Report for July 12, 2010, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Fagerlie, seconded by Council Member Dokken, and carried.

The Public Works/Safety Committee Report for July 13, 2010, was presented to the Mayor and Council by Council Member Reese. There were ten items for Council consideration.

Item No. 1 Steve Wright of Westside Liquor appeared before the Committee to request an off-sale liquor license to dispense alcohol at a July 29, 2010, Stingers game at Taunton Stadium. The event labeled "Wine, Women, and Baseball" is offered by Westside Liquor, a State Licensed Liquor Caterer. The event will be monitored by the Willmar Police Department, and the Committee directed Mr. Wright to use wristbands for the event.

The Committee was recommending the Council approve the off-sale liquor license for the July 29, 2010, event at Taunton Stadium. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member DeBlieck seconding the motion, which carried.

Item No. 2 Dave Baker of the Oaks at Eagle Creek was present to request an on-sale liquor license to dispense alcohol at the District Softball Tournament on July 30, 31 and August 1, 2010, at Swansson Field. This event is offered by The Oaks at Eagle Creek, a State Licensed Liquor Caterer. The plan is to set up a 20' x 30' tent and serve keg beer with a beverage cart and wristbands will be used. The event will be monitored by the Willmar Police Department.

The Committee was recommending the Council approve the on-sale liquor license for the District Softball Tournament event at Swansson Field on July 30, 31 and August 1, 2010. 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. 3 Mn/DOT approached the City requesting approval of a zero-dollar permit to construct a path connection along City right-of-way on Technology Drive. The connection will be constructed in conjunction with the Business 71/TH 294/CSAH 24 intersection improvements. The Committee was recommending the Council approve the permit to construct a path connection on Technology Drive.

Resolution No. 9 was introduced by Council Member Reese, seconded by Council Member Fagerlie, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 9

A RESOLUTION APPROVING A ZERO DOLLAR PERMIT TO CONSTRUCT TO THE STATE OF MINNESOTA DEPARTMENT OF TRANSPORTATION FOR THE TRUNK HIGHWAY 994A RECONSTRUCTION PROJECT

WHEREAS, the State of Minnesota has by its Commissioner of Transportation established and designated the route of Trunk Highway No. 994A in Kandiyohi County, Minnesota (S.P. 3419-08, City of Willmar, Kandiyohi County); and

WHEREAS, it is necessary that the State of Minnesota use for highway purposes all that tract or parcel of land situated in Kandiyohi County, Willmar, Minnesota, described as follows, to-wit: Lands outlined by red in the attached Exhibit A (on file in the City Clerk's Office).

WHEREAS, it is understood by the undersigned party having an interest in Exhibit A lands, and having fully informed, that they are not required to surrender possession of real property unless they shall agree in writing, as evidenced by this instrument, to give the State of Minnesota an immediate right of entry and permit to construct; and

WHEREAS, it is necessary that the State of Minnesota be granted permission immediately, to permit the contract letting and the subsequent construction to be commenced immediately and completed without interruption.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF WILLMAR, MINNESOTA, the undersigned, having an interest in the above described real property, hereby grants to the State of Minnesota, the right to enter upon said premises and construct said road as soon as practical, and to continue to work the same until fully completed, and to travel the same when completed.

Dated this 19<sup>th</sup> day of July, 2010.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 4 The Committee reviewed a proposed Tree Ordinance prepared by the City Attorney subsequent to Council direction. The Ordinance addresses the Emerald Ash Borer and other diseased trees declared as a nuisance. A certified tree inspector would be designated to confirm the diagnoses.

The City will remove, trim, or treat trees on public properties in accordance with the policy. When the tree inspector finds a diseased tree on private property, the owner will be notified by certified mail, return receipt, or a hand-delivered note of the existence of the nuisance, and directed to remove the tree within 30 days. If the property owner does not comply, the City will abate the nuisance and assess the property. The Committee discussed the ordinance with several questions arising that require clarification by the City Attorney. The item was sent to the Council with no recommendation and for further discussion.

Following considerable discussion, Council Member Christianson moved to refer the matter back to Public Works/Safety Committee for further review. Council Member Dokken seconding the motion, which carried.



Item No. 5 John Bryant of Donohue and Associates presented to the Committee a change order relating to the process of incorporating magnesium hydroxide into the wastewater treatment program. During installation of the feed system, several modifications for better control and monitoring of the amount of magnesium hydroxide being fed to the industrial waste were recommended. These modifications will combine the discharges of the MHS recirculation pump and the larger capacity MHS feed pump. The larger capacity MHS fee pump will become the backup recirculation pump. The total cost of the change order is \$12,321.47. Donohue staff stated it is likely the City would realize a savings in chemical costs by installation of the additional pump system.

The Committee was recommending the Council approve Change Order No. 4 to Project No. 0812-C as presented. Resolution No. 10 was introduced by Council Member Reese, seconded by Council Member DeBlicke, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 10

WHEREAS, the City of Willmar entered into Contract No. 0812-C with Graham Construction Services, Inc. for the construction of a new Wastewater Treatment Facility (WWTF);

WHEREAS, Change Order No. 1 and Change Order No. 2 decreasing the amount by \$397,788 and \$10,000 respectively, and Change Order No. 3 resulting in a no cost change have been previously authorized; and

WHEREAS, Magnesium hydroxide (Milk of Magnesia) is a suspension of finely divided solids used to increase alkalinity in the wastewater which will be taken up by the microorganisms in the wastewater treatment process; and

WHEREAS, during installation services, modifications to the MHS feed system were recommended; and

WHEREAS, in order to better control and monitor the amount of magnesium hydroxide being fed into the industrial wastewater treatment system, a smaller capacity metering pump will be installed and minor piping modifications will be performed to combine the discharges of the MHS Recirc Pump and the larger capacity MHS Feed Pump; and

WHEREAS, the larger capacity MHS Feed Pump will become the back-up recirculation pump and/or feed pump; and

WHEREAS, it is recommended to approve the changes and the cost associated with Change Order No. 4.

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that Change Order No. 4 be approved, as a result, as a result, the contract amount will be increased by \$12,321.47 for a revised contract amount of \$48,704,533.47 for Project 0812-C Wastewater Treatment Facility.

Dated this 19<sup>th</sup> day of July, 2010.

/s/ Lester Heitke

MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Item No. 6 Donohue staff presented a recommendation to grant substantial completion for Project No. 0815-D5. This forcemain project is from County Ditch 46 to Benson Avenue and was

contracted with Voss Plumbing and Heating. The pipe installation is complete and all the piping has been tested and is ready to be put into service. Most of the restoration work has been completed with some punch list items remaining.

The Committee was recommending the Council approve the substantial completion of Project No. 0815-D5. Resolution No. 11 was introduced by Council Member Reese, seconded by Council Member DeBlicek, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 11

WHEREAS, the City of Willmar entered into Contract No. 0815-D5 with Voss Plumbing & Heating of Paynesville, Inc. for the construction of Forcemain and Gravity Sewer (from CD 46 to Benson Avenue); and

WHEREAS, Voss Plumbing & Heating of Paynesville, Inc. considers the entire Work ready for its intended use; and

WHEREAS, Voss Plumbing & Heating of Paynesville, Inc. has notified the City of its completion of Work, and the Work has been inspected by the City and Donohue & Associates to determine status of completion; and

WHEREAS, the Work was determined to be substantially complete on July 7, 2010; and

WHEREAS, Donohue & Associates has developed a tentative list of items to be completed or corrected before final payment is issued.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that Project 0815-D5 be approved for substantial completion as of July 7, 2010.

Dated this 19<sup>th</sup> day of July, 2010.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 7 Change Order No. 3 to WTP Project No. 0816-D6 was presented to the Committee for consideration. This project is the construction of the two pump stations by Di Mar Construction. The change order includes the total of the cost reductions and additions associated with the additional paving needed to facilitate proposed grading with existing conditions and accomplish drainage and slopes for vehicle and pedestrian traffic. The cost for the change order is \$2,283.75.

The Committee was recommending the Council Approve Change Order No. 3 to Project No. 0816-D6 as presented. Resolution No. 12 was introduced by Council Member Reese, seconded by Council Member Christianson, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 12

WHEREAS, the City of Willmar entered into Contract No. 0816-D6 with Di-Mar Construction, Inc. for the construction of two Wastewater Pump Stations; and

WHEREAS, Change Order No. 1 resulting in a \$2,021.00 increase and Change Order No. 2 resulting in a \$9,708.01 increase have been previously authorized; and

WHEREAS, additional paving is needed to facilitate proposed grading with existing conditions and constraints to accomplish desirable drainage and slopes for vehicle and pedestrian traffic; and

WHEREAS, it is recommended to approve the changes and the cost associated with Change Order No. 3.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that Change Order No. 3 be approved; as a result, the contract amount will be increased by \$2,283.75 for a revised contract amount of \$1,954,012.76 for Project 0816-D6 Wastewater Pump Stations.

Dated this 19<sup>th</sup> day of July, 2010.

/s/ Lester Heitke

MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Item No. 8 Donohue staff presented to the Committee a recommendation to grant substantial completion for Project No. 0816-D6. This project consists of the construction of two pumps stations near the Jennie-O Turkey Store facilities. The contract was awarded to Di-Mar Construction in July 2009. The two structures and equipment have been built and are ready for their intended use. Until there is full flow it is not possible to run the pumps at full capacity. The contractor does have to complete a seven-day run requirement after full volume is achieved.

The Committee was recommending the Council approve the substantial completion of Project No. 0816-D6 as presented. Resolution No. 13 was introduced by Council Member Reese, seconded by Council Member DeBlieck, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

#### RESOLUTION NO. 13

WHEREAS, the City of Willmar entered into Contract No. 0816-D6 with Di-Mar Construction for the construction of two Wastewater Pump Stations; and

WHEREAS, Di-Mar Construction considers the entire Work ready for its intended use; and

WHEREAS, Di-Mar Construction has notified the City of its completion of Work, and the Work has been inspected by the City and Donohue & Associates to determine status of completion; and

WHEREAS, the Work was determined to be substantially complete on July 9, 2010; and

WHEREAS, Donohue & Associates has developed a tentative list of items to be completed or corrected before final payment is issued.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that Project 0816-D6 be approved for substantial completion as of July 9, 2010.

Dated this 19<sup>th</sup> day of July, 2010.

/s/ Lester Heitke

MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Item No. 9 Rhonda Rae of Donohue and Associates briefed the Committee on activities for the month of June related to the Wastewater Treatment Plant Relocation Project. Program management activities included meeting with City Staff regarding funding and finance issues, submittal of Pay Request Nos. 8 and 9 for the 30-year loan to the Public Facilities Authority for the Clean Water Revolving Fund, and Pay Request No. 9 for the Public Facilities Authority for American Recovery and Reinvestment Act (ARRA). Donohue continues to assist with seeking funding opportunities from Water Resources Development Act and the EPA State and Tribal Assistance Grant.

Work continues with legal counsel and City staff to complete property acquisition. The Industrial Waste Permit for JOTS has been executed. Asset management documentation continues and includes a list of major process-related equipment, its replacement cost, and anticipated useful life. In addition, information continues to be recorded on the capital costs for site improvements, structures, the collection piping, and force main piping costs.

Staff and Donohue continue to work with PCA and PFA to secure funds for the stormwater improvements at the existing wastewater treatment facility. The Decommissioning Project plans and specifications have been completed and the project has been advertised for bids.

An update on the percent complete for all structures (96.2%) including mechanical (95%) and electrical (86%) was presented on construction-related activities for the conveyance system, wastewater treatment facilities, as well as the June budget summary. Details and a map of the construction are contained in the monthly report. This matter was for information only.

Item No. 10 The Committee received the Airport Commission Minutes of June 14, 2010 and Storm Water Task Force Minutes of June 29, 2010. These were for information only.

The Public Works/Safety Committee Report for July 13, 2010, 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 Ahmann, and carried.

The Community Development Committee Report for July 14, 2010, was presented to the Mayor and Council by Council Member DeBlieck. There were five items for Council consideration.

Item No. 1 The Committee reviewed an estimate of value prepared by the City Assessor for seven lots the City owns in Pleasant View Fourth Addition. The south lots had a suggested sale price of \$27,600 and the north lots had a suggested sale price of \$33,800 as they are considerably larger. Staff was seeking approval of the proposed pricing in order to follow up on interest expressed by several potential buyers. The Committee again discussed the possibility of giving a lot away or selling one at a substantially discounted price to stimulate development in the area. Restrictive covenants were also suggested for the properties.

The Committee was recommending the Council price the lots as proposed. Council Member DeBlieck moved to approve the recommendation of the Community Development Committee with Council Member Dokken seconding the motion, which carried.

Item No. 2 The Committee discussed a recommendation by Staff to charge a \$10.00 fee for verification of contractor lead certification. This matter came about as a result of Legislation enacted earlier this year that would put new lead certification rules on the books in 2011.

After considerable discussion the Committee was recommending the Council enact a \$10.00 fee as proposed. No recommendation was forthcoming as the motion was defeated. This matter was for information only. The Council continued additional discussion and took no action to implement the fee.

