

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

January 4, 2016
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Marv Calvin. Members present on a roll call were Mayor Marv Calvin, Council Members Ron Christianson, Denis Anderson, Audrey Nelsen, Andrew Plowman, Tim Johnson, Steve Ahmann, and Rick Fagerlie. Present 8, Absent 1. Council Member Shawn Mueske was excused from the meeting.

Also present were City Administrator Larry Kruse, City Clerk Kevin Halliday, Finance Director Steve Okins, Police Chief Jim Felt, Fire Chief Frank Hanson, Public Works Director, Sean Christensen, Community Education and Recreation Director Steve Brisendine and City Attorney Robert Scott.

Additions and deletions to the agenda included Item number 11, Consideration of Amending Ordinance to the City Charter being pulled from the Agenda due to lack of full Council. The item will be brought back at the January 19, 2016 meeting.

Council Member Anderson offered a motion to adopt the Consent Agenda which included the following items: City Council Minutes of December 21, Willmar Municipal Utilities Board Minutes of December 28, Rice Memorial Hospital Board Minutes of December 16, Application for Exempt Permit – Pheasants Forever Inc., Accounts Payable Report through December 31, and committee applications for both appointment and reappointment.

Council Member Nelsen questioned the time frame to review the tabled motion from the December 21, 2016 Council meeting relating to the Bolton and Menk professional services contract and the final land release for the airport. Mayor Calvin stated this will be reviewed at the next Finance Committee meeting and brought back to full Council at the following meeting.

Council Member Ahmann questioned an application for appointment to the Municipal Utilities Commission as the application stated he was asked by his supervisor to apply to replace a resigning commissioner who represented a large company. City Administrator Larry Kruse informed the Council that he had a conversation with this individual and his qualifications are much broader than what was submitted on the original application. An updated application will be presented for consideration at the next Council meeting.

At 7:07 p.m. Mayor Calvin opened the hearing for consideration of a Nuisance Administrative Fee Ordinance. City Clerk Kevin Halliday updated the Council on the added Kandiyohi County \$10.00 fee for each parcel certified for a lien in the subsequent year. This includes grass/weed mowing, snow removal/cleanup, infected tree removal, garbage clean up, and any unpaid utility lien referred from the Municipal Utilities Commission. The City Attorney has prepared an Amending Ordinance for the various sections of the Municipal Code that deal with these abatements and replaces it with language that would allow the Council to set the fee by resolution.

There being no one to speak for or against the ordinance amendment, Mayor Calvin closed the hearing at 7:08 p.m. and opened it up for discussion by the Council. Council Member Fagerlie offered a motion to adopt, assign a number and order final publication of the Ordinance Amending Chapters 9 and 16 of the Municipal Code. Council Member Ahmann seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

There were no requests to speak during the Open Forum.

City Administrator Larry Kruse informed the Council that the City is required to appoint one person designated to be in charge of data practices and is responsible for release of data. It is staff's recommendation to appoint the new City Administrator to this responsibility.

Resolution No. 1 was introduced by Council Member Anderson, seconded by Council Member Christianson, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 1

APPOINTING A RESPONSIBLE AUTHORITY

WHEREAS, Minnesota Statutes, Section 13.02, Subd. 6, requires that the City of Willmar appoint one person as the Responsible Authority to administer the requirements for collection, storage, use and dissemination of data on individuals within the City; and

WHEREAS, the City Council of the City of Willmar shares the concern expressed by the Legislature on the responsible use of all City data and wishes to satisfy this concern by immediately appointing an administratively and technically qualified Responsible Authority as required under the Statute.

BE IT RESOLVED by the City Council of the City of Willmar Minnesota, that the City Administrator Larry Kruse be appointed as the Responsible Authority for the purpose of meeting all requirements of Minnesota Statutes, Sections 13.02-13.87, as amended, and with rules as lawfully promulgated by the Commissioner of Administration as published in the State Register.

Dated this 4th day of January, 2016.

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

City Clerk Kevin Halliday presented the proposed 2016 Fee Schedule which establishes fees for City services, permits and licenses, and rental rates for City equipment to the Council for consideration. Clerk Halliday pointed out several things for discussion including the inclusion of the \$75 Administrative Fee just approved in the Ordinance Amendment and the other main changes are under the Fire Department and a decrease in towing fees.

Following some discussion by the Council, Resolution No. 2 was introduced by Council Member Fagerlie, seconded by Council Member Nelsen, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 2

WHEREAS, the City Council of the City of Willmar duly establishes fees for service, sets fees for permits and licenses, and establishes rental rates for City equipment.

NOW, THEREFORE, BE IT RESOLVED that the below listed fees be duly adopted for the year 2016 and the same hereby ordered kept on file in the office of the City Clerk-Treasurer.

CITY CLERK:

Liquor License Investigation Fees:	
Sole Proprietor	\$100.00
Partnership	150.00
Corporation	300.00
Limited Liability Company	300.00

Liquor Licenses:	
On-Sale Liquor	\$4,000.00 per year
Off-Sale Liquor	950.00 per year
Club On-Sale Liquor	300.00 per year
On-Sale Wine	200.00 per year
On-Sale Sunday	200.00 per year
On-Sale 3.2% Malt Liquor	150.00 per year
Temporary On-Sale Liquor	100.00 per year
On-Sale Taproom	150.00 per year
Off-Sale Taproom	150.00 per year

ADMINISTRATIVE FEES:

<u>Chapter 9, Article I, Section 9-3</u>	
Nuisance Abatement — Administrative Fee	\$75.00
<u>Chapter 9, Article III, Section 9-43</u>	
Removal of Weed/Grass Nuisance — Administrative Fee	\$75.00
<u>Chapter 9, Article VI, Section 9-66</u>	
Removal of Infected Trees — Administrative Fee	\$75.00
<u>Chapter 9, Article I, Section 13-2</u>	
Payment for Current Service — Administrative Fee	\$75.00
(snow removal, sidewalk repairs, etc.)	

PUBLIC WORKS:

Maintenance Trucks:

3 -5 Ton Trucks	\$ 35.00/hour
1 Ton Truck	18.00/hour
3 -5 Ton Truck/Plow/Sander	41.00/hour
3 -5 Ton Truck/Plow/Sander/Wing	55.00/hour
1 Ton Truck Plow	27.00/hour
½ - ¾ Ton Pickup	17.00/hour
1 Ton /Water Tank	27.00/hour

Tractors, Loaders, Motor Graders:

2 -3 CY Loaders	\$ 82.00/hour
Loader/Plow/Wing	102.00/hour
Loader/Snow Blower	122.00/hour
Motor Grader	96.00/hour
Motor Grader/One-Way Plow	102.00/hour
Motor Grader/One-Way Plow/Wing	115.00/hour
40-50 Hp Tractor	21.00/hour
40-50 Hp Tractor/Attachments	35.00/hour
MT Trackless/Blower/Mower	61.00/hour
90 Hp Tractor/22' Flail Mower	55.00/hour
30-40 Hp Unit Mower/Blower/Sweeper	35.00/hour
Skid-Loader	35.00/hour
Skid-Loader/Attachments	50.00/hour
Snowplowing Sidewalks (incl. labor and equipment)	0.60/LF

Specialty Equipment:

Air Conveyance Unit	\$ 55.00/hour
Elgin Sweeper (4 CY)	\$ 70.00/hour
Hydraulic Sewer Cleaner	68.00/hour
Sewer Rodder	41.00/hour

Paint Sprayer	9.00/hour
Paint Sprayer and 1 Ton Truck	27.00/hour
50' Bucket Truck	70.00/hour
30' Bucket Truck	41.00/hour
Brush Chipper	29.00/hour
Tamper	9.00/hour
Bituminous Distributor and Truck (less material)	50.00/hour
Bituminous Roller	55.00/hour
Grass and Leaf Pickup Broom	29.00/hour
Chain Saws	10.00/hour
Trailers	12.00/hour
Over Seeder	29.00/hour
Turf Pro	29.00/hour
Gator and Sprayer	27.00/hour
Generator	9.00/hour
Trash Pumps	9.00/hour
Utility Vehicle with Crane Hoist	42.00/hour
Air Compressor	25.00/hour
Materials:	
Winter Sand Mixed with Salt	\$55.00 CY
Gravel	20.00/Ton
Bituminous Cold Mix	105.00/Ton
Chalk Dust (50lb. bag)	7.00/bag
Diamond Dry (50lb. bag)	13.00/bag
Bituminous Repair (incl. labor and equipment)	55.00/SY
Facilities or Equipment:	
Bleachers – 3 or 5 High	\$27.00/day
Minimum moving charge	75.00/day
Picnic Tables – Rental per table (12 maximum)	10.00/day
(for pickup only-no delivery)	
Barricades	\$ 2.00/day
Minimum charge for hauling barricades	20.00
Lights for ball fields	\$25.00/day for each field
Labor:	
Regular	Contract rate plus 53%
Overtime	Contract rate plus 53%
Access Fees:	
Industrial Park Storm Pond	\$ 835.00/acre
Radio Station Drive Lift Station	595.00/acre
Abbott Drive, Lift Station	895.00/acre
Wastewater Treatment:	
5,000 gallon tanker with hydraulic boom:	\$ 30.00/hour
Portable Lab Sampler	\$ 5.00/hour
Airport:	
Conference Room	\$40.00/non-airport related meetings

COMMUNITY EDUCATION AND RECREATION:

Adult recreation programs will charge cost of program, officials, balls, sanctioning fees, etc., plus \$7.00 per team court fee for volleyball/basketball and \$10.00 per team field fee for softball.

Baseball/Softball Fields	Minimum \$ 50.00 or \$30.00 per game With a \$250.00 daily rate
Robbins Island Enclosed Shelters	\$100.00/day April – November and \$50.00 damage deposit
Open Shelter No. 1 (has electricity)	\$32.00/day and \$50.00 damage deposit
Open Shelter No. 2 & Lions Shelter (no electricity)	\$20.00/day and \$50.00 damage deposit
Showmobile:	
Events in Willmar (not for profit) (Plus Clean-up/Damage Deposit) Plus Staff Costs	\$215.00/day + staff expenses 200.00
Events in Willmar (for profit)	\$500.00/day + staff expenses
Civic Center:	
Dry floor events	\$580.00/day
Ice Rental	\$145.00/hour
<u>Blue Line</u>	
Dry Floor events	\$400.00/day
Ice Rental	\$145/hour
Aquatic Center:	
Individual season pass	\$ 85.00
Family of 2	125.00
Family of 3	135.00
Family of 4	145.00
Family of 5	155.00
Family of 6	165.00
Each Additional Family Member	15.00
Daily Admission Rate	3.00
Observers	3.00
Group Admission	2.50
Discount Coupons:	
10 Coupons	\$ 25.00
20 Coupons	45.00
Pool Rental:	
2-hour minimum	\$100.00 per hour plus guard/staff fees

FIRE DEPARTMENT:

Firefighter hours that are billed are taken directly from the roll call list.
Firefighters receive a \$14.30 per hour and are paid in one-hour increments.

Equipment:	<u>First Hour</u>	<u>Additional Hour</u>
1 st line pumper - 5251, 5257	\$300	\$200/hour
Tanker/pumpers 5276	300	200/hour
Ladder trucks – 5298 and 5299	500	400/hour
Grass rig - 5285	150	100/hour

Support Vehicles – 5296, 5297	75	50/hour
Trailers	75	50/hour

Equipment charges are billed by the quarter hour as time listed on the fire report, after initial one-hour charge.

Special equipment and supplies used will be billed on a cost basis.

A ~~25% administrative fee will be added to~~ \$25.00 per hour per Firefighter for fire watch/standby conducted by the Fire Department for special events and any standby conducted during fire protection/detection system downtown downtime (as described in the Minnesota State Fire Code).

<u>Training Room Rental Fee:</u>	<u>\$50.00 per hour with a 2 hour minimum</u>
Fire Alarm Permit	\$ 30.00
Fire Alarm Permit Renewals	\$ 30.00 every 3 years
Alarm Malfunction	\$500.00
Bottle Filling Fees	2216 PSI air tank filling fee \$5.00/bottle
	3000 PSI air tank filling fee \$10.00/bottle
	4500 PSI air tank filling fee \$15.00/bottle
	5000-6000 PSI air tank filling fee \$25.00/bottle
3000 PSI (only) air tank filling fee	\$15.00
Fire Reports	\$ 0.25/page plus postage

POLICE DEPARTMENT:

\$60.00 per hour for off-duty police officers
 \$ 1.40 Automated Pawn Transaction Fee-each electronic reportable transaction

Contracted Towing (Per tow)	\$ 45.00 <u>25.00</u> per towed vehicle
	\$ 61.52 <u>68.57</u> towing administrative fee
	\$ 8.48 <u>6.43</u> tax
Base Total	\$ 115.00 <u>100.00</u>

Possible extra tow costs depending upon circumstances involved:
 \$160.00 per hour for "extra work" labor
 \$160.00 per hour for flat hourly tow rate
 \$ 5.50 per mile outside of City limits
 \$ 10.00 per day storage fee after 48 hours

Dated this 4th day of January, 2016.

/s/ Marv Calvin
 Mayor

/s/ Kevin Halliday
 Attest: City Clerk

Public Works Director Sean Christensen presented information relating to the Transportation Alternatives Program which provides funds for transportation alternatives for pedestrians, bicyclists and other non-motorized forms of transportation to be constructed in 2019. The City is applying for a trail along Highway 12 East beginning at the intersection of Lakeland Drive and continuing along the south side to the intersection of Highway 12 and 23rd Street SE. This intersection will serve as the connection point in the Willmar Trail System and would provide approximately 2,150 feet of green corridor along with pedestrian pathway facilities. Staff was recommending two resolutions be approved by the Council, one being the

authorization for the City as the sponsoring agency to assume full responsibility for the operation and maintenance of the property and facilities related to the project, and the second to approve the project as proposed and include a willingness to secure and guarantee the local share of the costs (20% match) and the responsibility for seeing this project through to its completion.

Resolution No. 4 was introduced by Council Member Fagerlie, seconded by Council Member Nelsen, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 4

WHEREAS: The Federal Highway Administration (FHWA) requires that states agree to operate and maintain facilities constructed with federal transportation funds for the useful life of the improvement and not change the use of right of way or property ownership acquired without prior approval from the FHWA; and

WHEREAS: Transportation Alternatives projects receive federal funding; and

WHEREAS: the Minnesota Department of Transportation (MnDOT) has determined that for projects implemented with alternative funds, this requirement should be applied to the project proposer; and

WHEREAS: City of Willmar is the sponsoring agency for the Transportation
Alternatives project identified as Highway 12 East Trail

THEREFORE BE IT RESOLVED THAT the sponsoring agency hereby agrees to assume full responsibility for the operation and maintenance of property and facilities related to the aforementioned Transportation Alternatives project.

Dated this 4th day of January, 2016.

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

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

RESOLUTION NO. 5

BE IT RESOLVED that the City of Willmar agrees to act as a sponsoring agency for a "Transportation Alternatives" project identified as Highway 12 East Trail and has reviewed and approved the project as proposed. Sponsorship includes a willingness to secure and guarantee the local share of costs associated with this project and responsibility for seeing this project through to its completion, with compliance of all applicable laws, rules and regulations.

BE IT FURTHER RESOLVED that the City of Willmar is hereby authorized to act as agent on behalf of this sponsoring agency.

Dated this 4th day of January, 2016

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

Announcements for Council Committee meeting dates were as follows: Finance, 4:45 p.m. at City Hall, January 11; Public Works/Safety, 4:45 p.m. at City Hall, January 12; Labor Relations, 4:45 p.m. at City Hall, January 13, Community Development, 4:45 p.m., at City Hall, January 14, 2015; City Council Meeting will be held Tuesday, January 19th due to the Federal Holiday.

Council Member Anderson offered a motion to adjourn the meeting with Council Member Johnson seconding the motion, with carried. The meeting adjourned at 7:28 p.m.

Attest:

MAYOR

SECRETARY TO THE COUNCIL

LABOR RELATIONS/CITY COUNCIL PROCEEDINGS
CONFERENCE ROOM NO. 1
CITY OFFICE BUILDING
WILLMAR, MINNESOTA

January 13, 2016
4:45 p.m.

The meeting of the Willmar Labor Relations Committee/Council opened at 4:45 p.m. Members present on a roll call were Mayor Marv Calvin, Council Members Ron Christianson, Andrew Plowman, Tim Johnson, Steve Ahmann, Denis Anderson, Audrey Nelsen. Present 7, Absent 2. Council Member Rick Fagerlie was excused from the meeting and Shawn Mueske arrive later in the meeting.

Also present were City Administrator Larry Kruse, City Clerk Kevin Halliday, Finance Director Steve Okins, Public Works Director Sean Christensen, Planning and Development Director Bruce Peterson, Judy Thompson Appraiser II, and Luke Langer, Union Steward.

Council member Ahmann departed the meeting.

Item No. 1 There were no comments from the public.

Item No. 2 City Clerk Kevin Halliday presented information related to additional salary compensation for Ms. Judy Thompson, Appraiser II, who has been performing additional tasks in the absence of a full-time City Assessor. Halliday stated the contracted Senior Accredited Assessor is only in the office seven days a month, and the rest of the time Ms. Thompson assumes oversight of the office. The Council listened to Halliday's request and asked for additional information such as how many extra hours were worked, were the added tasks performed in addition to her regular job, who performed her job if there were not additional hours, how much is the cost to date and what is the source of the funding if the Council would take action. No action was taken and the item was referred to the next Labor Relations Committee meeting with a request that this be handled as soon as possible.

Council member Ahmann reentered the meeting.

Item No. 3 Council Member Christianson made a motion to go into closed session pursuant to Minn. Stat. §13D.03. to discuss negotiation strategies for the City including labor relation contracts, insurance and compensation. Council Member Anderson seconded the motion, which carried. The meeting was closed at 5:03 p.m.

Council member Mueske entered the meeting at 5:15 p.m.

The meeting was reopened at 7:45p.m. by motion of Council Member Anderson, and seconded by Council Member Johnson. Mayor Calvin declared the meeting open. No employees or public were in attendance.

Council Member Anderson made a motion, seconded by Councilman Plowman to grant the following wage increases:

2016 Compensation	Wage Increases		
Department Directors	2.5% increase effective January 1, 2016	Market Rate Adjustment	Date of Market Rate Adjustment
City Clerk Treasurer (Increase not added to base- One time)	\$ 2,298		
Community Dev Director	\$ 2,298	\$ 1,952	1/1/16
Finance Director	\$ 2,298	\$ 2,298	1/1/16
Fire Chief	\$ 2,050	\$ 1,640	6/22/16
Police Chief	\$ 2,157	\$ 3,451	6/17/16
Public Works Director	\$ 2,298	\$ 5,515	3/14/16
Confidential Employees			
Finance	\$ 1,218	\$ 1,948	1/1/16
Police	\$ 1,243	\$ 1,626	1/1/16
Admin Assistant	\$ 1,226	\$ 7,844	1/1/16

The motion carried five to two with Council Members Christianson and Ahmann voting "No."

Council Member Ahmann made a motion to set the City Health Insurance participation for all full-time employees at \$1,428 per month for family and dependents and have the City Attorney draft the necessary language to incorporate and/or amend all of the City's Labor Agreements accordingly. Council Member Plowman seconded the motion, which carried unanimously.

Council Member Ahmann made a motion to adjourn the meeting with Council Member Johnson seconding the motion, which carried unanimously. The meeting adjourned at 7:50 p.m.

Attest:

MAYOR

SECRETARY TO THE COUNCIL

SUBJECT TO FINAL APPROVAL OF THE MUNICIPAL UTILITIES COMMISSION

WILLMAR MUNICIPAL UTILITIES MINUTES
MUNICIPAL UTILITIES AUDITORIUM
JANUARY 11, 2016

The Municipal Utilities Commission met in its regular meeting on Monday, January 11, 2016 at 11:45 a.m. in the Municipal Utilities Auditorium with the following Commissioners present: Dan Holtz, Jeff Nagel, Joe Gimse, Justin Mattern and Abdirzak Mahboub. Absent was Commissioner Carol Laumer.

Others present at the meeting were: General Manager Wesley Hompe, Director of Finance Tim Hunstad, Director of Operations John Harren, Power Supply Manager Chris Carlson, Customer Service Supervisor Stacy Stien, Administrative Secretary Beth Mattheisen, Water/Heating Supervisor Joel Braegelman, Energy Services/Marketing Rep Mary Kosbab, Power Resources Analyst Michelle Marotzke, Line Distribution Supervisor Dick Thynes (& spouse Diane Thynes), City Attorney Robert Scott (via teleconference), City Administrator Larry Kruse, City Councilman Shawn Mueske, WC Tribune Journalist Shelby Lindrud, and Matt Montgomery (Utility Service Co.).

Commissioner Holtz informed the Commission that the first item of business to be addressed would be the annual election of MUC officers for 2016. For the position of President, Commissioner Nagel made a motion to nominate Commissioner Holtz to serve as President. There being no other nominations, Commissioner Mattern seconded the motion which carried, and Commissioner Holtz was elected President of the Municipal Utilities Commission for the year 2016 by a unanimous vote.

For the position of Vice President, Commissioner Nagel made a motion to nominate Commissioner Laumer to serve as Vice President. There being no other nominations, Commissioner Gimse seconded the motion which carried, and Commissioner Laumer was elected Vice President of the Municipal Utilities Commission for the year 2016 by a unanimous vote.

For the position of Secretary, Commissioner Mattern made a motion to nominate Commissioner Nagel to serve as Secretary. There being no other nominations, Commissioner Holtz seconded the motion which carried, and Commissioner Nagel was elected Secretary of the Municipal Utilities Commission for the year 2016 by a unanimous vote.

For the position of Treasurer, Commissioner Mahboub made a motion to nominate Commissioner Gimse to serve as Treasurer. There being no other nominations, Commissioner Mattern seconded the motion which carried, and Commissioner Gimse was elected Treasurer of the Municipal Utilities Commission for the year 2016 by a unanimous vote.

Following the election of officers for 2016, Commissioner Holtz (President) requested a resolution to approve the Consent Agenda. Commissioner Gimse offered a resolution to approve the Consent Agenda as presented. Commissioner Mahboub seconded.

RESOLUTION NO. 1

"BE IT RESOLVED, by the Municipal Utilities Commission of the City of Willmar, Minnesota, that the Consent Agenda be approved as presented which includes:

- ❖ Minutes from the December 28, 2015 Commission meetings; and,
- ❖ Bills represented by vouchers No. 160001 to No. 160070 inclusive in the amount of \$138,775.84 with a MISO credit in the amount of \$10,892.05 and a Westmoreland Resources coal payment in the amount of \$162,597.16.

Dated this 11th day of January, 2016.

President

ATTEST:

Secretary

The foregoing resolution was adopted by a vote of five ayes and zero nays.

At this time, Commissioner Holtz informed the Commission that there are several annual organizational matters to be addressed. The first matter would be to establish regular meeting times and location for the year 2016. Following discussion, Commissioner Gimse made a motion to set the 2016 Municipal Utilities Commission meeting schedule as presented with the meetings to be held on the second and fourth Mondays of each month (unless otherwise designated) at 11:45 a.m. in the Municipal Utilities Auditorium. Commissioner Mahboub seconded the motion, which carried by a vote of five ayes and zero nays.

Commissioner Holtz next requested recommendations for appointments to both the WMU Labor Committee and the WMU Planning Committees for 2016. Following discussion, Commissioner Holtz appointed Commissioners Laumer, Gimse, & himself (Holtz) to serve on the WMU Labor Committee for the year 2016. Commissioner Mattern offered a motion to approve the WMU Labor Committee appointments as designated. Commissioner Nagel seconded the motion which carried by a vote of five ayes and zero nays.

Commissioner Holtz followed by appointing Commissioners Mattern, Nagel & Mahboub to serve on the WMU Planning Committee. Following discussion, Commissioner Gimse offered a motion to approve the WMU Planning Committee appointments as designated. Commissioner Mattern seconded the motion which carried by a vote of five ayes and zero nays.

Director of Finance Hunstad reviewed with the Commission the 2016 Beginning Year Fund Balances. Hunstad presented the Commission with a brief explanation of each of the fund/accounts along with their associated balances. Hunstad was proposing that the Commission approve setting the January 1, 2016 fund balances at the December 31, 2015 levels incorporating the following revisions: 1) decrease the minimum balance of the Operating Reserve to \$2.4 million; 2) increase the Expansion Reserve Fund by \$500,000 to assist with funding of the new office facility; and, 3) increase the Customer Deposit Fund to \$275,000. Following discussion, General Manager Hompe was recommending a resolution be offered to establish the 01/01/2016 fund balances at the 12/31/2015 levels incorporating the modifications as presented.

FUND/ACCOUNT	<u>1/1/2016</u>	<u>12/31/2015</u>
<u>Funds Required by Bond Covenants:</u>		
1.a. Operating reserve	\$2,400,000	\$2,400,000
2.a. Parity revenue bond sinking fund	415,557	415,557
2.b. Subordinate GO bond sinking fund	146,376	146,376
3. Bond and interest reserve account	887,481	887,481
4. Utilities improvement & replacement fund	1,700,000	1,700,000

Funds designated by Municipal Utilities Commission:

1.b. Unallocated operating reserve	1,733,245	2,258,245
5. Customer deposit fund	275,000	250,000
6. Expansion reserve fund	550,000	50,000
7. Catastrophic reserve fund	2,000,000	2,000,000
8. Water treatment plant reserve fund	1,000,000	1,000,000
9. Transmission construction fund	2,000,000	2,000,000
10. Generation construction fund	4,000,000	4,000,000
TOTAL	<u>\$17,107,659</u>	<u>\$17,107,659</u>

Following discussion, Commissioner Nagel offered a resolution to approve the fund balances as presented. Commissioner Mattern seconded.

RESOLUTION NO. 2

"BE IT RESOLVED, by the Municipal Utilities Commission of the City of Willmar, Minnesota, that the 2016 Beginning Year Fund Balances be approved as presented."

Dated this 11th day of January, 2016.

President

ATTEST:

Secretary

The foregoing resolution was adopted by a vote of five ayes and zero nays.

Water/Heating Supervisor Braegelman presented the Commission with a request to approve a water tank maintenance contract with Utility Service Co., Inc. Braegelman informed the Commission that two bids had been received for the contract which would encompass work related to the painting and maintenance of both the interior and exterior of the tank. The maintenance contract is for the Willmar Avenue Water Tank. Utility Service Rep Matt Montgomery was in attendance to describe the schedule of work and fees associated with the ten-year contract. (It was noted that WMU currently has a renovation and maintenance contract with Utility Service for Willmar's College Water Tank and have been pleased with their contractual performance.) It was noted that the Commission requested additional clarification of the work schedule and the fees associated with the contract. Following discussion, Commissioner Gimse offered a resolution to approve the ten-year contract with Utility Service Group for the maintenance of the Willmar Avenue Water Tank. Commissioner Mattern seconded.

RESOLUTION NO. 3

"BE IT RESOLVED, by the Municipal Utilities Commission of the City of Willmar, Minnesota, that the ten-year service maintenance contract with Utility Service Co., of Perry, GA, to provide professional services needed to maintain WMU's 300,000 gallon Willmar Avenue Water Tank be approved as presented."

Dated this 11th day of January, 2016.

President

ATTEST:

Secretary

The foregoing resolution was adopted by a vote of five ayes and zero nays.

At this time, a number of utility-related reports were presented to the Commission by Staff. These informational reports and analyses included:

1. November 2015 Financial Statements (Director of Finance Hunstad)
2. November 30, 2015 Investment Report (Director of Finance Hunstad)
3. November 2015 Power Supply Report (Power Supply Manager Carlson)

General Manager Hompe presented the Commission with a request to review and approve the revised 2016 Schedule of Charges. The minor modifications to the Schedule of Charges reflect a unified approach to the current service charges (i.e. labor, lien certification, non-ARM meter reading). Following discussion, Commissioner Gimse offered a resolution to approve the 2016 Schedule of Charges as presented. Commissioner Mahboub seconded.

RESOLUTION NO. 4

“BE IT RESOLVED, by the Municipal Utilities Commission of the City of Willmar, Minnesota, that the revised 2016 Schedule of Charges be approved as presented.”

Dated this 11th day of January, 2016.

President

ATTEST:

Secretary

The foregoing resolution was adopted by a vote of five ayes and zero nays.

General Manager Hompe recognized Line Distribution Supervisor Dick Thynes for his years of service (32+) and dedication as a valued member of the WMU Staff. Dick will be retiring from WMU on Friday, January 15th. (A celebration of Dick’s retirement will be held on Friday, Jan. 15th, from 2:30-4:00 pm in the WMU Auditorium.) Thynes expressed to the Commission and Staff his sincere appreciation and gratitude for their insight and guidance throughout his years with WMU. Dick’s wealth of knowledge of the distribution system will be greatly missed. Best wishes, Dick!

General Manager Hompe next introduced Energy Service/Marketing Representative Mary Kosbab. Mary joined the Utilities in August 2015 and brought with her over 15 years of experience in the

utility service arena (Meeker County). Mary presented the Commission with a brief update of current issues being addressed in the Energy Services/Marketing Dept. (i.e. updating load control data base, rebates including load management, WMU's 125th Anniversary celebration, new WMU facilities, website design update, inter-office newsletter, and innovative marketing ideas).

At this time, General Manager Hompe recognized Larry Kruse who was in attendance. Mr. Kruse is the City of Willmar's new City Administrator. We look forward to a long and prosperous collaboration with Mr. Kruse regarding both present and future issues involving the City and WMU with the goal of bringing a unified front to the betterment of Willmar and its citizens.

General Manager Hompe reviewed with the Commission a listing of anticipated educational subjects tentatively scheduled for presentation throughout the year. Among the monthly subjects to be addressed include: departmental updates, facilities tour, budgetary process, safety/compliance, energy services, building/facilities update, etc.

General Manager Hompe presented the Commission with a number of upcoming meetings/events to note. These include:

- 2016 APPA Events:
 - Legislative Rally – March 7-9 (Washington, DC)
 - Lineworkers Rodeo – April 1-2 (Shakopee, MN)
 - National Conference – June 10-15 (Phoenix, AZ)
- 2016 MMUA Events:
 - Legislative Conference – Tues., April 19 (St. Paul – one day only)
 - Annual Summer Meeting – August 15-17 (Cragun's)

There being no further business to come before the Commission, Commissioner Mattern made a motion to adjourn the meeting. Commissioner Gimse seconded the motion which carried by a vote of five ayes and zero nays, and the meeting was adjourned at 12:50 p.m.

Respectfully Submitted,

WILLMAR MUNICIPAL UTILITIES

Beth Mattheisen
Administrative Secretary

ATTEST:

Jeff Nagel, Secretary

MINNESOTA LAWFUL GAMBLING
LG220 Application for Exempt Permit

An exempt permit may be issued to a nonprofit organization that:

- conducts lawful gambling on five or fewer days, and
- awards less than \$50,000 in prizes during a calendar year.

If total raffle prize value for the calendar year will be \$1,500 or less, contact the Licensing Specialist assigned to your county by calling 651-539-1900.

Application Fee (non-refundable)
Applications are processed in the order received. If the application is postmarked or received 30 days or more before the event, the application fee is **\$100**; otherwise the fee is **\$150**.
Due to the high volume of exempt applications, payment of additional fees prior to 30 days before your event will not expedite service, nor are telephone requests for expedited service accepted.

ORGANIZATION INFORMATION

Organization Name: Kandiyohi County Friends Previous Gambling Permit Number: _____
Minnesota Tax ID Number, if any: _____ Federal Employer ID Number (FEIN), if any: _____
Mailing Address: _____
City: _____ State: _____ Zip: _____ County: _____
Name of Chief Executive Officer (CEO): Kim Eickhoff
Daytime Phone: _____ Email: ike.eickhoff@gmail.com

NONPROFIT STATUS

Type of Nonprofit Organization (check one):
 Fraternal Religious Veterans Other Nonprofit Organization

Attach a copy of one of the following showing proof of nonprofit status:

(DO NOT attach a sales tax exempt status or federal employer ID number, as they are not proof of nonprofit status.)

- A current calendar year Certificate of Good Standing**
Don't have a copy? Obtain this certificate from:
MN Secretary of State, Business Services Division Secretary of State website, phone numbers:
60 Empire Drive, Suite 100 www.sos.state.mn.us
St. Paul, MN 55103 651-296-2803, or toll free 1-877-551-6767
- IRS income tax exemption (501(c)) letter in your organization's name**
Don't have a copy? To obtain a copy of your federal income tax exempt letter, have an organization officer contact the IRS toll free at 1-877-829-5500.
- IRS - Affiliate of national, statewide, or international parent nonprofit organization (charter)**
If your organization falls under a parent organization, attach copies of both of the following:
1. IRS letter showing your parent organization is a nonprofit 501(c) organization with a group ruling, and
2. the charter or letter from your parent organization recognizing your organization as a subordinate.

GAMBLING PREMISES INFORMATION

Name of premises where the gambling event will be conducted (for raffles, list the site where the drawing will take place): Holiday Inn Conference Center
Address (do not use P.O. box): 240 23rd ST, S.E.
City or Township: Willmar Zip: 56201 County: Kandiyohi
Date(s) of activity (for raffles, indicate the date of the drawing): March 12, 2016

Check each type of gambling activity that your organization will conduct:
 Bingo* Paddlewheels* Pull-Tabs* Tipboards*
 Raffle (total value of raffle prizes awarded for the calendar year: \$ _____)

* **Gambling equipment** for bingo paper, paddlewheels, pull-tabs, and tipboards must be obtained from a distributor licensed by the Minnesota Gambling Control Board. EXCEPTION: Bingo hard cards and bingo number selection devices may be borrowed from another organization authorized to conduct bingo. To find a licensed distributor, go to www.mn.gov/gcb and click on **Distributors** under **List of Licensees**, or call 651-539-1900.

LOCAL UNIT OF GOVERNMENT ACKNOWLEDGMENT (required before submitting application to the Minnesota Gambling Control Board)

**CITY APPROVAL
for a gambling premises
located within city limits**

The application is acknowledged with no waiting period.
 The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days (60 days for a 1st class city).
 The application is denied.

Print City Name: City of Willmar
 Signature of City Personnel: [Signature]
 Title: City Clerk Treasurer Date: 1-13-2016

The city or county must sign before submitting application to the Gambling Control Board.

**COUNTY APPROVAL
for a gambling premises
located in a township**

The application is acknowledged with no waiting period.
 The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days.
 The application is denied.

Print County Name: _____
 Signature of County Personnel: _____
 Title: _____ Date: _____

TOWNSHIP (if required by the county)
 On behalf of the township, I acknowledge that the organization is applying for exempted gambling activity within the township limits. (A township has no statutory authority to approve or deny an application, per Minn. Statutes, section 349.213.)

Print Township Name: _____
 Signature of Township Officer: _____
 Title: _____ Date: _____

CHIEF EXECUTIVE OFFICER'S SIGNATURE (required)

The information provided in this application is complete and accurate to the best of my knowledge. I acknowledge that the financial report will be completed and returned to the Board within 30 days of the event date.

Chief Executive Officer's Signature: _____ Date: _____
 (Signature must be CEO's signature; designee may not sign)

Print Name: _____

REQUIREMENTS

Complete a separate application for:

- all gambling conducted on two or more consecutive days, or
- all gambling conducted on one day.

Only one application is required if one or more raffle drawings are conducted on the same day.

Financial report to be completed within 30 days after the gambling activity is done:
 A financial report form will be mailed with your permit. Complete and return the financial report form to the Gambling Control Board.

Your organization must keep all exempt records and reports for 3-1/2 years (Minn. Statutes, section 349.166, subd. 2(f)).

MAIL APPLICATION AND ATTACHMENTS

Mail application with:

- _____ a copy of your proof of nonprofit status, and
- _____ application fee (non-refundable). If the application is postmarked or received 30 days or more before the event, the application fee is **\$100**; otherwise the fee is **\$150**. Make check payable to **State of Minnesota**.

To: Minnesota Gambling Control Board
 1711 West County Road B, Suite 300 South
 Roseville, MN 55113

Questions?
 Call the Licensing Section of the Gambling Control Board at 651-539-1900.

Data privacy notice: The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process the application. Your organization's name and address will be public information when received by the Board. All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public. If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public. Private data about your organization are available to Board members, Board staff whose work requires access to the information; Minnesota's Department of Public Safety; Attorney General; Commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor, national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.

This form will be made available in alternative format (i.e. large print, braille) upon request.

LG220 Application for Exempt Permit

An exempt permit may be issued to a nonprofit organization that:

- conducts lawful gambling on five or fewer days, and
- awards less than \$50,000 in prizes during a calendar year.

If total raffle prize value for the calendar year will be \$1,500 or less, contact the Licensing Specialist assigned to your county by calling 651-539-1900.

Application Fee (non-refundable)

Applications are processed in the order received. If the application is postmarked or received 30 days or more before the event, the application fee is **\$100**; otherwise the fee is **\$150**.

Due to the high volume of exempt applications, payment of additional fees prior to 30 days before your event will not expedite service, nor are telephone requests for expedited service accepted.

ORGANIZATION INFORMATION

Organization Name: Safe Avenues Previous Gambling Permit Number: X-92763-15-004

Minnesota Tax ID Number, if any: 0305-9482-000 Federal Employer ID Number (FEIN), if any: 41-1931304

Mailing Address: P.O. Box 568

City: Willmar State: MN Zip: 56201 County: Kandiyohi

Name of Chief Executive Officer (CEO): Jennifer Johnson

Daytime Phone: 320-235-0475 Ext. 12 Email: jenj@willmarshelter.com

NONPROFIT STATUS

Type of Nonprofit Organization (check one):

Fraternal Religious Veterans Other Nonprofit Organization

Attach a copy of one of the following showing proof of nonprofit status:

(DO NOT attach a sales tax exempt status or federal employer ID number, as they are not proof of nonprofit status.)

A current calendar year Certificate of Good Standing
 Don't have a copy? Obtain this certificate from:
 MN Secretary of State, Business Services Division Secretary of State website, phone numbers:
 60 Empire Drive, Suite 100 www.sos.state.mn.us
 St. Paul, MN 55103 651-296-2803, or toll free 1-877-551-6767

IRS income tax exemption (501(c)) letter in your organization's name
 Don't have a copy? To obtain a copy of your federal income tax exempt letter, have an organization officer contact the IRS toll free at 1-877-829-5500.

IRS - Affiliate of national, statewide, or international parent nonprofit organization (charter)
 If your organization falls under a parent organization, attach copies of both of the following:
 1. IRS letter showing your parent organization is a nonprofit 501(c) organization with a group ruling, and
 2. the charter or letter from your parent organization recognizing your organization as a subordinate.

GAMBLING PREMISES INFORMATION

Name of premises where the gambling event will be conducted (for raffles, list the site where the drawing will take place): Best Western Plus & Conference Center

Address (do not use P.O. box): 2100 E Hwy 12

City or Township: Willmar Zip: 56201 County: Kandiyohi

Date(s) of activity (for raffles, indicate the date of the drawing): April 29, 2016

Check each type of gambling activity that your organization will conduct:

Bingo* Paddlewheels* Pull-Tabs* Tipboards*

Raffle (total value of raffle prizes awarded for the calendar year: \$ 17,000.)

* **Gambling equipment** for bingo paper, paddlewheels, pull-tabs, and tipboards must be obtained from a distributor licensed by the Minnesota Gambling Control Board. EXCEPTION: Bingo hard cards and bingo number selection devices may be borrowed from another organization authorized to conduct bingo. To find a licensed distributor, go to www.mn.gov/gcb and click on **Distributors** under **LIST OF LICENSEES**, or call 651-539-1900.

LOCAL UNIT OF GOVERNMENT ACKNOWLEDGMENT (required before submitting application to the Minnesota Gambling Control Board)

<p style="text-align: center;">CITY APPROVAL for a gambling premises located within city limits</p> <p><input checked="" type="checkbox"/> The application is acknowledged with no waiting period.</p> <p><input type="checkbox"/> The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days (60 days for a 1st class city).</p> <p><input type="checkbox"/> The application is denied.</p> <p>Print City Name: <u>City of Willmar</u></p> <p>Signature of City Personnel: <u><i>[Signature]</i></u></p> <p>Title: <u>City Clerk Treasurer</u> Date: <u>1-12-2016</u></p> <div style="border: 1px solid black; padding: 5px; text-align: center; margin-top: 20px;"> <p>The city or county must sign before submitting application to the Gambling Control Board.</p> </div>	<p style="text-align: center;">COUNTY APPROVAL for a gambling premises located in a township</p> <p><input type="checkbox"/> The application is acknowledged with no waiting period.</p> <p><input type="checkbox"/> The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days.</p> <p><input type="checkbox"/> The application is denied.</p> <p>Print County Name: _____</p> <p>Signature of County Personnel: _____</p> <p>Title: _____ Date: _____</p> <p>TOWNSHIP (if required by the county) On behalf of the township, I acknowledge that the organization is applying for exempted gambling activity within the township limits. (A township has no statutory authority to approve or deny an application, per Minn. Statutes, section 349.213.)</p> <p>Print Township Name: _____</p> <p>Signature of Township Officer: _____</p> <p>Title: _____ Date: _____</p>
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CHIEF EXECUTIVE OFFICER'S SIGNATURE (required)

The information provided in this application is complete and accurate to the best of my knowledge. I acknowledge that the financial report will be completed and returned to the Board within 30 days of the event date.

Chief Executive Officer's Signature: *[Signature]* Date: 1/11/16
(Signature must be CEO's signature; designee may not sign)

Print Name: Jen Johnson

<p>REQUIREMENTS</p> <p>Complete a separate application for:</p> <ul style="list-style-type: none"> • all gambling conducted on two or more consecutive days, or • all gambling conducted on one day. <p>Only one application is required if one or more raffle drawings are conducted on the same day.</p> <p>Financial report to be completed within 30 days after the gambling activity is done: A financial report form will be mailed with your permit. Complete and return the financial report form to the Gambling Control Board.</p> <p>Your organization must keep all exempt records and reports for 3-1/2 years (Minn. Statutes, section 349.166, subd. 2(f)).</p>	<p>MAIL APPLICATION AND ATTACHMENTS</p> <p>Mail application with:</p> <p><input type="checkbox"/> a copy of your proof of nonprofit status, and</p> <p><input type="checkbox"/> application fee (non-refundable). If the application is postmarked or received 30 days or more before the event, the application fee is \$100; otherwise the fee is \$150. Make check payable to State of Minnesota.</p> <p>To: Gambling Control Board 1711 West County Road B, Suite 300 South Roseville, MN 55113</p> <p>Questions? Call the Licensing Section of the Gambling Control Board at 651-539-1900.</p>
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<p>Data privacy notice: The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process the</p>	<p>application. Your organization's name and address will be public information when received by the Board. All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public. If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public. Private data about your organization are available to Board members, Board staff whose work requires access to the information; Minnesota's Depart-</p>	<p>ment of Public Safety; Attorney General; Commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor, national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.</p>
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**WILLMAR PLANNING COMMISSION
CITY OF WILLMAR, MN
WEDNESDAY, JANUARY 13, 2016**

MINUTES

1. The Willmar Planning Commission met on Wednesday, January 13, 2016, at 7:00 p.m. at the Willmar City Offices Conference Room #2.

** Members Present: Randy Czarnetzki, Margaret Fleck, Gary Geiger, Bob Poe, Aaron Larson, Rolf Standfuss, and Steve Gardner.

** Members Absent:

** Others Present: Karla Tinklenberg, Bob & Jan Saulsbury, Roland Nissen, and Megan DeSchepper- Planner.

2. REORGANIZATION: Mr. Geiger made a motion, seconded by Mr. Larson, to nominate Mr. Czarnetzki for Chair.

Mr. Poe made a motion, seconded by Mr. Standfuss, to nominate Mr. Geiger for Vice Chair.

Mr. Standfuss made a motion, seconded by Mr. Gardner, to nominate Mr. Larson for Secretary.

The motions carried.

3. WILLMAR PUBLIC SCHOOLS REZONE AG TO G/I FILE NO. 16-01: The public hearing opened at 7:05 p.m. Staff presented on behalf of Willmar Public Schools the request to rezone from AG (Agriculture) to G/I (Government/Institutional) of property legally described as follows: part of the SW ¼ of the SW ¼ excluding the S 685' of W 468.8' of SW ¼ of SW ¼ and excluding part for plat of Pheasant Run, Section 13, Township 119, Range 35 (see file for full legal). There is a mix of residential, commercial, and agricultural land adjacent to the property.

Roland Nissen, an abutting land owner inquired if his property were being rezoned and if there was any site plans to review. Staff noted that only the parcel the School District purchased is being rezoned, no other properties. The only item being reviewed and considered at the meeting is the request for rezoning; no site plans have been submitted. In the future a site plan will come before the Commission for review.

With no further comments, the public hearing closed at 7:13 p.m.

Staff comments were reviewed and discussed (see Attachment A).

Mr. Gardner made a motion, seconded by Mr. Standfuss, to approve the rezone and forward it onto the City Council for a hearing and ordinance adoption.

The motion carried.

4. DOWNTOWN DESIGN STANDARDS DISCUSSION: The Commission reviewed and discussed a draft Downtown Designs Standards. They talked about the scale regulation limiting buildings to no more than 4 stories. They didn't want to prohibit a possible project that would be five or six stories if it fit the locale. It was noted anything over four stories would require plan review so that may be a way to deal with anything above that.

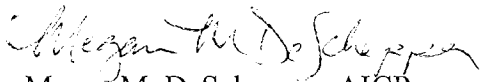
They talked about the Stormwater Ordinance and how that may impact downtown development as there is limited open space for ponding. They asked staff to share that Ordinance for review to see what would be required.

Then they talked about windows downtown. The draft had a sentence about reflective and faux glass being prohibited. After discussion about windows with tint, shades, or newspaper or other view blocking materials on them the Commission asked staff to better define that sentence.

The Commission discussed the Willmar Downtown Development Design Teams wish for historical designated district (buildings) as well as historic preservation district standards and committee. The Commission asked to know more of the details on all those plans. Further discussion will be held at a future meeting.

5. With no further business to come before the Commission the meeting adjourned at 7:47p.m.

Respectfully submitted,


Megan M. DeSchepper, AICP
Planner/Airport Manager

PLANNING COMMISSION-JANUARY 13, 2016

STAFF COMMENTS

1. WILLMAR PUBLIC SCHOOLS REZONE AG to G/I FILE NO. 16-01:

- The applicant is Willmar Public Schools, Willmar, MN.
- The applicant is requesting to rezone the property from AG (Agricultural) to G/I (Government/Institutional) for development of an elementary school on property legally described as follows: part of the SW ¼ of the SW ¼ excluding the S 685' of W 468.8' of SW ¼ of SW ¼ and excluding part for plat of Pheasant Run, Section 13, Township 119, Range 35.
- The property to the east is zoned R-3 (Low Density Multiple Family), property to the north is zoned R-2 (One and Two Family Residential), property to the west is zone LB (Limited Business), and property to the south is zoned AG (Agricultural).
- Willmar public schools wishes to develop the land into an elementary school which will require plan review by the Planning Commission should the rezone be approved.
RECOMMENDATION: Approve the rezone and forward the matter to the City Council for a hearing and Ordinance Adoption.

City of Willmar, Minnesota

Building Inspection Report

From 12/01/2015 To 12/31/2015

No.	Date	Owner and Address	Legal Description	Use	Permit For	Value	Total Fee
23456	12/9/2015	MILLS PROPERTIES, INC 2508 AIRPORT Drive SW	95-870-0350 L 0; B 2 WILLMAR INDUSTRIAL PARK	Commercial Add/Alter Commercial/Alteration	REMODEL SALES OFFICE/ RAISED PLATFORM	\$7,500.00	\$230.21
23472	12/2/2015	ROSA GUTIERREZ 1704 8TH Avenue SE	95-843-0650 L 15; B 6 WELSHIRE ADDITION	Residential Add/Alter Residential/Alteration	RELOCATE /RESIZE SEVERAL WINDOWS	\$9,470.00	\$231.89
23473	12/4/2015	MARCIA HOLQUIN 1301 DANA Drive SE	95-142-0140 L 14; B 1 DANA HEIGHTS ADDITION	Residential Add/Alter Reroofing	RESIDENTIAL REROOFING	\$16,365.00	\$38.18
23474	12/2/2015	LYNETTE BRAUN 420 JULII Street SE	95-220-1560 L 6; B 11 FERRING'S ADDITION	Residential Add/Alter Reroofing	RESIDENTIAL REROOFING	\$1,500.00	\$30.75
23480	12/4/2015	WILLMAR REDEVELOPMENT COMPA 1400 LAKELAND Drive NE LOT# 68	95-980-6080 L 68; B 0 NORTHLAND SQUARE MHP	Mobile Home In/Out Mobil Home Transport	MOVE IN NEW 16' X 80', FRIENDSHIP, #37004	\$0.00	\$75.00
23481	12/10/2015	SCOTT ABRAMS 1414 GRACE Avenue SW	95-080-0220 L 2; B 2 BON VAN ACRES	Residential Add/Alter Residential/Alteration	REMODEL BATHROOMS, ADD LAUNDRY ROOM	\$35,000.00	\$633.15

No.	Date	Owner and Address	Legal Description	Use	Permit For	Value	Total Fee
23483	12/4/2015	CHRISTIANSON AND ASSOCIATES 302 5TH Street SW	95-003-4820 L 1, PTS. OF 2; B 42 ORIGINAL CITY	Commercial Add/Alter Commercial/Alteration	CONSTRUCT 7 NEW OFFICE SPACES	\$50,000.00	\$973.34
23488	12/10/2015	STEVE LOTTMAN 713 TROTT Avenue SE	95-220-1570 L 7; B 11 FERRING'S ADDITION	Residential Add/Alter Install Egress Window	INSTALL EGRESS WINDOW	\$600.00	\$33.55
23492	12/10/2015	DAN HOLT 608 28TH Avenue SW	95-684-0515 L PT OF 11-12; B 4 PORTLAND ACRES 4TH ADD	Residential Add/Alter Reroofing	RESIDENTIAL REROOFING	\$5,300.00	\$32.65
23493	12/9/2015	ROLF RASMUSSEN 829 PLEASANTVIEW Drive SE	95-671-0620 L 12; B 4 PLEASANT VIEW 2ND ADDN	Residential Add/Alter Deck	REPAIRS TO DECK	\$1,850.00	\$84.23
23494	12/10/2015	GREG GARBERICH 1240 17TH Street SW	95-860-0480 L 8; B 3 WEST PARK 1ST ADDITION	Residential Add/Alter Reroofing	RESIDENTIAL REROOFING	\$5,500.00	\$32.75
23505	12/16/2015	CELA- JAMES INVESTMENTS 714 7TH Street SW	95-006-3340 L 4; B 80 FIRST ADDITION	Residential Add/Alter Reroofing	PARTIAL RESIDENTIAL REROOF	\$5,000.00	\$32.50
23506	12/16/2015	GREATER MINNESOTA FAMILY SERV 513 5TH Street SW	95-006-0940 L 12 & PT OF 11; B 63 FIRST ADDITION	Residential Add/Alter Commercial/Alteration	CONSTRUCT 2ND STORY EXIT STAIRWAY	\$15,051.00	\$398.99

No.	Date	Owner and Address	Legal Description	Use	Permit For	Value	Total Fee	
23509	12/16/2015	CLAY VENOSDEL 1020 BUSINESS HIGHWAY 71 N	95-911-0670 L ; B S 11; T 119; R 35	Commercial Add/Alter Commercial/Alteration	INTERIOR REMODEL/ EXTERIOR SIDING FOR CLEAN ROOM	\$21,235.00	\$525.83	
23513	12/29/2015	REDEEMER LUTHERAN CHURCH 1401 6TH Street SW	95-922-6000 L ; B S 11; T 119; R 35	Commercial Add/Alter Commercial/Alteration	INTERIOR REMODEL PROJECT	\$210,000.00	\$2,476.46	
23517	12/31/2015	THOMAS QUIMBY CHRISSY QUIMBY 900 LITCHFIELD Avenue SE	95-220-1110 L pt of 1-4; B 9 FERRING'S ADDITION	Commercial Add/Alter Commercial/Alteration	INTERIOR REMODEL FOR FITNESS CENTER	\$15,000.00	\$378.34	
23520	12/23/2015	LCR PROPERTIES, LLC 1109 HIGH Avenue NE	95-552-0040 L 4; B 1 NORTH CREEK (PUC #42)	Commercial Add/Alter Commercial/Alteration	INTERIOR REMODEL FOR LAB/OFFICE	\$38,000.00	\$789.14	
23534	12/31/2015	MICK QUINN 701 1ST Street S	95-410-0050 L 5 & pt of 3,6,7,8; B 1 JOHNSON'S SUBDIVISION	Commercial Add/Alter Commercial/Alteration	INTERIOR OFFICE REMODEL FOR NEW OWNER	\$55,000.00	\$1,027.40	
Current Year Current Month Totals						18	\$492,371.00	\$8,024.36
Previous Year Current Month Valuation							\$794,037.44	
Current YTD Valuation From 01/01/2015 To 12/31/2015							\$35,820,216.83	
Previous YTD Valuation							\$48,558,272.75	

**MINUTES OF THE REGULAR MEETING
OF THE
WILLMAR HOUSING AND REDEVELOPMENT AUTHORITY
AND THE
KANDIYOHI COUNTY HOUSING AND REDEVELOPMENT AUTHORITY
BOARDS OF COMMISSIONERS**

Wednesday, November 18, 2015

CALL TO ORDER/ROLL CALL

The Joint Special Meeting of the Willmar HRA Board of Commissioners and the Kandiyohi County HRA Board of Commissioners was called to order by KCHRA/WHRA Chair Kerry Johnson on Wednesday, November 18, 2015 at 12:00 p.m. in the HRA Conference Room located in Suite 2090 at the Kandiyohi County Health and Human Services Building.

Willmar HRA Board members present included Chair Kerry Johnson and Vice-Chair Ryan Tillemans. Secretary Luz Gonzalez was absent.

Kandiyohi County HRA Board members present on roll-call were Chair Kerry Johnson, Vice-Chair Ryan Tillemans, Secretary Bev Schafer, and Commissioner Dawn Witt. Commissioner Jeanna Lilleberg arrived at 12:30 p.m. Resident Commissioner Mary Sundin was excused and Commissioner Luz Gonzalez was absent.

Others present during the meeting included: Kandiyohi County Board Liaison Rollie Nissen; Willmar City Council Liaison Steve Ahmann; Executive Director Jill Bengtson; Administrative Coordinator Nikki Ilgen.

The purpose of the meeting was to conduct November regular business.

AGENDA

Executive Director Bengtson requested adding discussion to change the December meeting date under New Business-6D. Secretary Schafer made a motion to accept the agenda with the addition and Vice-Chair Tillemans seconded the motion which was approved (4) Ayes, (0) Nays.

MINUTES

A motion to approve the October 21, 2015 minutes as presented was made by Secretary Schafer, seconded by Commissioner Witt and carried on vote of (4) Ayes, (0) Nays.

APPROVAL OF ACCOUNTS PAYABLE

The Willmar HRA Board Resolution No. 16-1939 authorizing Accounts Payable for the month of September 2015 was introduced for approval by Chair Johnson, seconded by Vice-Chair Tillemans and approved on a roll-call vote of (2) Ayes, (0) Nays.

**RESOLUTION NO. 16-1939
ACCOUNTS PAYABLE APPROVAL**

WHEREAS, there is now before the Housing and Redevelopment Authority In and For the City of Willmar, Minnesota, for consideration the question of claims for payment, expenditures of which are all itemized, and

WHEREAS, said claims are set forth and itemized, have now been approved for payment by the Executive Director, having fully inspected and examined said claims;

NOW, THEREFORE BE IT RESOLVED by the Housing and Redevelopment Authority In and For the City of Willmar, Minnesota, that the Executive Director be and is hereby authorized to execute, issue, and deliver checks and warrants for the total amount of \$68,259.60 for September 2015 expenditures summarized as follows:

General Administration: \$8,053.68
Public Housing: \$30,624.80
Country View Place: \$9,620.12
Bridges to Bridges: \$16,112.00
Bridges RTC: \$849.00

APPROVED this 18th day of November, 2015 by the Willmar HRA Board of Commissioners, in Willmar, MN.

Kerry Johnson, Chair

ATTEST:

Luz Gonzalez, Secretary

The Willmar HRA Board Resolution No. 16-1940 authorizing Accounts Payable for the month of October 2015 was introduced for approval by Chair Johnson, seconded by Vice-Chair Tillemans and approved on a roll-call vote of (2) Ayes, (0) Nays.

**RESOLUTION NO. 16-1940
ACCOUNTS PAYABLE APPROVAL**

WHEREAS, there is now before the Housing and Redevelopment Authority In and For the City of Willmar, Minnesota, for consideration the question of claims for payment, expenditures of which are all itemized, and

WHEREAS, said claims are set forth and itemized, have now been approved for payment by the Executive Director, having fully inspected and examined said claims;

NOW, THEREFORE BE IT RESOLVED by the Housing and Redevelopment Authority In and For the City of Willmar, Minnesota, that the Executive Director be and is hereby authorized to execute, issue, and deliver checks and warrants for the total amount of \$68,990.55 for October 2015 expenditures summarized as follows:

General Administration: \$3,692.95
Public Housing: \$2,146.00
Country View Place: \$17,702.60
Bridges to Bridges: \$14,640.00
Bridges RTC: \$809.00

APPROVED this 18th day of November, 2015 by the Willmar HRA Board of Commissioners, in Willmar, MN.

Kerry Johnson, Chair

ATTEST:

Luz Gonzalez, Secretary

Commissioner Lilleberg arrived at 12:03 p.m.

The Kandiyohi County HRA Board Resolution 2016-31 authorizing Accounts Payable and Payroll reports for the month of October 2015 was introduced for approval by Commissioner Witt, seconded by Commissioner Lilleberg and approved unanimously (5) Ayes, (0) Nays.

**RESOLUTION 2016-31
ACCOUNTS PAYABLE APPROVAL**

WHEREAS, there is now before the Kandiyohi County Housing and Redevelopment Authority for consideration the question of claims for payment, expenditures of which are all itemized and;

WHEREAS, said claims are set forth and itemized, have now been approved for payment by the Executive Director, having fully inspected and examined said claims;

NOW, THEREFORE BE IT RESOLVED by the Kandiyohi County HRA that the Executive Director be and is hereby authorized to execute, issue, and deliver checks and warrants for the total amount of \$468,967.00 for October 2015 expenditures summarized as follows:

Kandi Townhomes: \$10,222.62
Section 8 Voucher: \$107,995.99
MURL Program: \$141.16
TL Program: \$46,265.91
Managed Programs: \$2,545.20
General Admin: \$17,209.49
Public Housing: \$72,251.18
Bridges: \$3,098.76
Country View Place: \$4,950.77
Shelter Plus Care: \$8,816.68
Dana Heights: \$27,577.37
West Central Mental Health Housing: \$3,981.26
Westwind Townhomes: \$22,223.49
Highland Apartments LP: \$67,189.86
Highland Apartments GP: \$11,307.89
Wages, FICA, FUTA, SUTA: \$63,189.37

APPROVED, this 18th day of November, 2015 by the Kandiyohi County HRA Board of Commissioners in Willmar, MN.

Kerry Johnson, Chair

ATTEST:
Beverly Schafer, Secretary

PROGRAM REPORTS

Executive Director Bengtson reviewed the Properties Report and Rental Assistance Report for both the Willmar and Kandiyohi County HRAs.

NEW BUSINESS

KHRA Resolution 2016-31 Approving Post Issuance Compliance Procedure and Policy for Tax-Exempt Governmental Bonds

Executive Director Bengtson presented Resolution 2016-32 – Resolution Approving Post-Issuance Compliance Procedure and Policy for Tax-Exempt Governmental Bonds. Secretary Schaefer made a motion to approve Resolution 2016-32 with a date change on page one from October 21, 2015 to November 18, 2015 which was seconded by Commissioner Lilleberg and carried (5) Ayes, (0) Nays.

KANDIYOHI COUNTY HOUSING AND REDEVELOPMENT AUTHORITY

RESOLUTION NO. 2016-32

**RESOLUTION APPROVING POST-ISSUANCE COMPLIANCE
PROCEDURE AND POLICY FOR TAX-EXEMPT GOVERNMENTAL BONDS**

BE IT RESOLVED By the Board of Commissioners (the “Board”) of the Kandiyohi County Housing and Redevelopment Authority (“HRA”) as follows:

Section 1. Recitals.

1.01. The HRA from time to time issues tax-exempt governmental bonds to finance various public projects.

1.02. Under Sections 103 and 140 to 150 of the Internal Revenue Code of 1986, as amended (the “Code”) and related regulations, the HRA is required to take certain actions after the issuance of such bonds to ensure that interest on those bonds remains tax-exempt.

1.03. The HRA has determined to adopt written procedures regarding how the HRA will carry out its bond compliance responsibilities, and to that end has caused to be prepared a document titled Post-Issuance Compliance Procedure and Policy for Tax-Exempt Governmental Bonds (the “Policy”).

1.04. The Board has reviewed the Policy has determined that it is in the best interest of the HRA to adopt the Policy.

Section 2. Policy Approved.

2.01. The Board approves the Policy in substantially the form on file in the office of the HRA.

2.02. HRA staff are authorized to take all actions necessary to carry out the Policy.

Approved by the Board of Commissioners of the Kandiyohi County Housing and Redevelopment Authority this 18th day of November, 2015.

Kerry Johnson, Chair

ATTEST:
Beverly Schafer, Secretary

Kandiyohi County Housing and Redevelopment Authority
POST-ISSUANCE COMPLIANCE PROCEDURE AND POLICY
FOR TAX-EXEMPT GOVERNMENTAL BONDS

Post-Issuance Compliance Procedure and Policy
for Tax-Exempt Governmental Bonds

The Kandiyohi County Housing and Redevelopment Authority (the "Issuer") issues tax-exempt governmental bonds (TEBs) to finance capital improvements. As an issuer of TEBs, the Issuer is required by the terms of Sections 103 and 141-150 of the Internal Revenue Code of 1986, as amended (the "Code"), and the Treasury Regulations promulgated thereunder (the "Treasury Regulations"), to take certain actions after the issuance of TEBs to ensure the continuing tax-exempt status of such bonds. In addition, Section 6001 of the Code and Section 1.6001-1(a) of the Treasury Regulations impose record retention requirements on the Issuer with respect to its TEBs. This Post-Issuance Compliance Procedure and Policy for Tax-Exempt Governmental Bonds (the "Policy") has been approved and adopted by the Issuer to ensure that the Issuer complies with its post-issuance compliance obligations under applicable provisions of the Code and Treasury Regulations.

1. Effective Date and Term. The effective date of this Policy is the date of approval by the Board of Commissioners of the Issuer (~~October 21, 2015~~) November 18, 2015 and this Policy shall remain in effect until superseded or terminated by action of the Board of Commissioners of the Issuer.

2. Responsible Parties. The Executive Director of the Issuer (the "Compliance Officer") shall be the party primarily responsible for ensuring that the Issuer successfully carries out its post-issuance compliance requirements under applicable provisions of the Code and Treasury Regulations. The Compliance Officer will be assisted by the staff of the Finance Department of the Issuer and by other Issuer staff and officials when appropriate. The Compliance Officer of the Issuer will also be assisted in carrying out post-issuance compliance requirements by the following service providers:

- (a) Bond Counsel;
- (b) Municipal Advisor;

- (c) Paying Agent if any, for any services of TEBs; and
- (d) Rebate Analyst.

The Compliance Officer shall be responsible for assigning post-issuance compliance responsibilities to staff of the Issuer, Bond Counsel, Paying Agent, and Rebate Analyst. The Compliance Officer shall utilize such other professional service organizations as are necessary to ensure compliance with the post-issuance compliance requirements of the Issuer. The Compliance Officer shall provide training and educational resources to Issuer staff responsible for ensuring compliance with any portion of the post-issuance compliance requirements of this Policy.

3. Post-Issuance Compliance Actions. The Compliance Officer shall take the following post-issuance compliance actions or shall verify that the following post-issuance compliance actions have been taken on behalf of the Issuer with respect to each issue of TEBs:

(a) The Compliance Officer shall obtain a transcript of principal documents (typically prepared by Bond Counsel).

(b) The Compliance Officer shall ensure an Information Return for Tax-Exempt Governmental Obligations, Form 8038-G is filed with the Internal Revenue Service (the "IRS"), within the time limit imposed by Section 149(e) of the Code and applicable Treasury Regulations (typically prepared and filed by Bond Counsel).

(c) In consultation with the Municipal Advisor and Bond Counsel, the Compliance Officer shall account for the expenditure of bond proceeds or prepare an "allocation memorandum" for each issue of TEBs in accordance with the provisions of Treasury Regulations, Section 1.148-6(d)(1), that accounts for the allocation of the proceeds of the tax-exempt bonds to expenditures not later than the earlier of:

(i) eighteen (18) months after the later of (A) the date the expenditure is paid, or (B) the date the project, if any, that is financed by the tax-exempt bond issue is placed in service; or

(ii) the date sixty (60) days after the earlier of (A) the fifth anniversary of the issue date of the tax-exempt bond issue, or (B) the date sixty (60) days after the retirement of the tax-exempt bond issue.

(d) The Compliance Officer, in consultation with Bond Counsel, shall identify proceeds of TEBs that must be yield-restricted and shall monitor the investments of any yield-restricted funds to ensure that the yield on such investments does not exceed the yield to which such investments are restricted.

(e) In consultation with Bond Counsel, the Compliance Officer shall determine whether the Issuer is subject to the rebate requirements of Section 148(f) of the Code with respect to each issue of TEBs. In consultation with Bond Counsel, the Compliance Officer shall determine, with respect to each issue of TEBs of the Issuer, whether the Issuer is eligible for any of the temporary periods for unrestricted investments and is eligible for any of the spending exceptions to the rebate requirements. The Compliance Officer shall contact the Rebate Analyst (and, if appropriate, Bond Counsel) prior to the fifth anniversary of the date of issuance of each issue of TEBs of the Issuer and each fifth anniversary thereafter to arrange

for calculations of the rebate requirements with respect to such TEBs. If a rebate payment is required to be paid by the Issuer, the Compliance Officer shall prepare or cause to be prepared the Arbitrage Rebate, Yield Reduction and Penalty in Lieu of Arbitrage Rebate, Form 8038-T, and submit such Form 8038-T to the IRS with the required rebate payment. If the Issuer is authorized to recover a rebate payment previously paid, the Compliance Officer shall prepare or cause to be prepared the Request for Recovery of Overpayments Under Arbitrage Rebate Provisions, Form 8038-R, with respect to such rebate recovery, and submit such Form 8038-R to the IRS.

4. Procedures for Monitoring, Verification, and Inspections. The Compliance Officer shall institute such procedures as the Compliance Officer shall deem necessary and appropriate to monitor the use of the proceeds of TEBs issued by the Issuer, to verify that certain post-issuance compliance actions have been taken by the Issuer, and to provide for the inspection of the facilities financed with the proceeds of such bonds. At a minimum, the Compliance Officer shall establish the following procedures:

(a) The Compliance Officer shall monitor the use of the proceeds of TEBs to: (i) ensure compliance with the expenditure and investment requirements under the temporary period provisions set forth in Treasury Regulations, Section 1.148-2(e); (ii) ensure compliance with the safe harbor restrictions on the acquisition of investments set forth in Treasury Regulations, Section 1.148-5(d); (iii) ensure that the investments of any yield-restricted funds do not exceed the yield to which such investments are restricted; and (iv) determine whether there has been compliance with the spend-down requirements under the spending exceptions to the rebate requirements set forth in Treasury Regulations, Section 1.148-7.

(b) The Compliance Officer shall monitor the use of all bond-financed facilities in order to: (i) determine whether private business uses of bond-financed facilities have exceeded the *de minimis* limits set forth in Section 141(b) of the Code as a result of leases and subleases, licenses, management contracts, research contracts, naming rights agreements, or other arrangements that provide special legal entitlements to nongovernmental persons; and (ii) determine whether private security or payments that exceed the *de minimis* limits set forth in Section 141(b) of the Code have been provided by nongovernmental persons with respect to such bond-financed facilities. The Compliance Officer shall provide training and educational resources to any Issuer staff who have the primary responsibility for the operation, maintenance, or inspection of bond-financed facilities with regard to the limitations on the private business use of bond-financed facilities and as to the limitations on the private security or payments with respect to bond-financed facilities.

(c) The Compliance Officer shall undertake the following with respect to each outstanding issue of TEBs of the Issuer: (i) an annual review of the books and records maintained by the Issuer with respect to such bonds; and (ii) an annual physical inspection of the facilities financed with the proceeds of such bonds, conducted by the Compliance Officer with the assistance with any Issuer staff who have the primary responsibility for the operation, maintenance, or inspection of such bond-financed facilities.

5. Record Retention Requirements. The Compliance Officer shall collect and retain the following records with respect to each issue of TEBs of the Issuer and with respect to the facilities financed with the proceeds of such bonds: (i) audited financial statements of the Issuer; (ii) appraisals, demand surveys, or feasibility studies with respect to the facilities to be financed with the proceeds of such bonds; (iii) publications, brochures, and newspaper articles related to the bond financing; (iv) trustee or paying agent statements; (v) records of all investments and the gains (or

losses) from such investments; (vi) paying agent or trustee statements regarding investments and investment earnings; (vii) reimbursement resolutions and expenditures reimbursed with the proceeds of such bonds; (viii) allocations of proceeds to expenditures (including costs of issuance) and the dates and amounts of such expenditures (including requisitions, draw schedules, draw requests, invoices, bills, and cancelled checks with respect to such expenditures); (ix) contracts entered into for the construction, renovation, or purchase of bond-financed facilities; (x) an asset list or schedule of all bond-financed depreciable property and any depreciation schedules with respect to such assets or property; (xi) records of the purchases and sales of bond-financed assets; (xii) private business uses of bond-financed facilities that arise subsequent to the date of issue through leases and subleases, licenses, management contracts, research contracts, naming rights agreements, or other arrangements that provide special legal entitlements to nongovernmental persons and copies of any such agreements or instruments; (xiii) arbitrage rebate reports and records of rebate and yield reduction payments; (xiv) resolutions or other actions taken by the governing body subsequent to the date of issue with respect to such bonds; (xv) formal elections authorized by the Code or Treasury Regulations that are taken with respect to such bonds; (xvi) relevant correspondence relating to such bonds; (xvii) documents related to guaranteed investment contracts or certificates of deposit, credit enhancement transactions, and financial derivatives entered into subsequent to the date of issue; (xviii) copies of all Form 8038Ts and Form 8038-Rs filed with the IRS; and (xix) the transcript prepared with respect to such TEBs.

The records collected by the issuer shall be stored in any format deemed appropriate by the Compliance Officer and shall be retained for a period equal to the life of the TEBs with respect to which the records are collected (which shall include the life of any bonds issued to refund any portion of such TEBs or to refund any refunding bonds) plus four (4) years.

6. Remedies. In consultation with Bond Counsel, the Compliance Officer shall become acquainted with the remedial actions under Treasury Regulations, Section 1.141-12, to be utilized in the event that private business use of bond-financed facilities exceeds the *de minimis* limits under Section 141(b)(1) of the Code. In consultation with Bond Counsel, the Compliance Officer shall become acquainted with the Tax Exempt Bonds Voluntary Closing Agreement Program described in Notice 2008-31, 2008-11 I.R.B. 592, to be utilized as a means for an issuer to correct any post-issuance infractions of the Code and Treasury Regulations with respect to outstanding tax-exempt bonds.

7. Continuing Disclosure Obligations. In addition to its post-issuance compliance requirements under applicable provisions of the Code and Treasury Regulations, the Issuer has agreed to provide continuing disclosure, such as annual financial information and material event notices, pursuant to a continuing disclosure certificate or similar document (the "Continuing Disclosure Document") prepared by Bond Counsel and made a part of the transcript with respect to each issue of bonds of the Issuer that is subject to such continuing disclosure requirements. The Continuing Disclosure Documents are executed by the Issuer to assist the underwriters of the Issuer's bonds in meeting their obligations under Securities and Exchange Commission Regulation, 17 C.F.R. Section 240.15c2-12, as in effect and interpreted from time to time ("Rule 15c2-12"). The continuing disclosure obligations of the Issuer are governed by the Continuing Disclosure Documents and by the terms of Rule 15c2-12. The Compliance Officer is primarily responsible for undertaking such continuing disclosure obligations and to monitor compliance with such obligations.

8. Other Post-Issuance Actions. If, in consultation with Bond Counsel, Municipal Advisor, Paying Agent, Rebate Analyst, or the Board of Commissioners, the Compliance Officer determines that any additional action not identified in this Policy must be taken by the Compliance Officer to ensure the continuing tax-exempt status of any issue of governmental bonds of the Issuer,

the Compliance Officer shall take such action if the Compliance Officer has the authority to do so. If, after consultation with Bond Counsel, Municipal Advisor, Paying Agent, Rebate Analyst, or the Board of Commissioners, the Compliance Officer determines that this Policy must be amended or supplemented to ensure the continuing tax-exempt status of any issue of governmental bonds of the Issuer, the Compliance Officer shall recommend to the Board of Commissioners that this Policy be so amended or supplemented.

9. Taxable Governmental Bonds. Most of the provisions of this Policy, other than the provisions of Section 7, are not applicable to governmental bonds the interest on which is includable in gross income for federal income tax purposes. On the other hand, if an issue of taxable governmental bonds is later refunded with the proceeds of an issue of tax-exempt governmental refunding bonds, then the uses of the proceeds of the taxable governmental bonds and the uses of the facilities financed with the proceeds of the taxable governmental bonds will be relevant to the tax-exempt status of the governmental refunding bonds. Therefore, if there is any reasonable possibility that an issue of taxable governmental bonds may be refunded, in whole or in part, with the proceeds of an issue of TEBs, then for purposes of this Policy, the Compliance Officer shall treat the issue of taxable governmental bonds as if such issue were an issue of TEBs and shall carry out and comply with the requirements of this Policy with respect to such taxable governmental bonds. The Compliance Officer shall seek the advice of Bond Counsel as to whether there is any reasonable possibility of issuing TEBs to refund an issue of taxable governmental bonds.

10. Qualified 501(c)(3) Bonds. If the Issuer issues bonds to finance a facility to be owned by the Issuer but which may be used, in whole or in substantial part, by a nongovernmental organization that is exempt from federal income taxation under Section 501(a) of the Code as a result of the application of Section 501(c)(3) of the Code (a "501(c)(3) Organization"), the Issuer may elect to issue the bonds as "qualified 501(c)(3) bonds" the interest on which is exempt from federal income taxation under Sections 103 and 145 of the Code and applicable Treasury Regulations. In consultation with Bond Counsel at the determination of the Compliance Officer, for purposes of this Policy, the Compliance Officer shall treat such issue of qualified 501(c)(3) bonds as if such issue were an issue of tax-exempt governmental bonds and shall carry out and comply with the requirements of this Policy with respect to such qualified 501(c)(3) bonds. Alternatively, in cases where compliance activities are reasonably within the control of the relevant 501(c)(3) Organization, the Compliance Officer may determine that all or some portion of compliance responsibilities described in this Policy shall be assigned to the relevant organization.

11. Conduit Bonds. The Issuer may also issue tax-exempt bonds, the proceeds of which are loaned to certain private entities, including qualified 501(c)(3) organizations (referred to as "conduit bonds"). The Issuer will require, as part of approval of any conduit bonds, that the borrower assumes the duties of post-issuance compliance described in this policy, including provisions for reporting to the Issuer.

KHRA Discussion 2016 LMC Insurance Renewal: Liability waiver and purchasing excess data breach mitigation coverage.

Executive Director Bengtson explained that she was working with staff at Corneil Elkjer Agency on the HRA's Insurance renewal application and needed to know if the Board wished to waive the statutory tort limits or not on the Liability Coverage – Waiver Form. Executive Director Bengtson also explained that there was new coverage available to cover the agency in the event of a data breach.

A motion was made by Commissioner Lilleberg and seconded by Commissioner Witt to not waive the monetary limits on municipal tort liability established by Minnesota Statutes 466.04 and to have staff check with Attorney Burgett to see if the HRA should apply for the data breach coverage. The motion was approved unanimously (5) Ayes, (0) Nays.

KHRA Employee 2016 Benefits

Chair Johnson excused herself from the meeting at 12:50 p.m. The meeting continued with Vice-Chair Tillemans presiding.

A summary of 2016 Employee Health Insurance benefits was presented outlining the Blue Cross Blue Shield plans, actual costs for 2015 and anticipated costs for 2016 as compared to the budget. Also included in the summary of benefits included the proposed changes to the HRA share of the Health Savings Plan; premium changes for employees for Dental. A motion was made by KHRA Commissioner Lilleberg and seconded by KHRA Secretary Bev Schafer to approve the plans and costs for 2016 as presented. Motion carried (4) Ayes, (0) Nays.

Discussion to Change Meeting Date

Because the McLeod County HRA Board is meeting on December 16, 2015, Bengtson requested the Kandiyohi County HRA/Willmar HRA Boards change the December meeting date to December 15, 2015 at noon. After some discussion it was decided that the December meeting would be held on December 15, 2015 at noon.

OLD BUSINESS

KHRA Resolution 2016-33 to Adopt Revised ByLaws

Executive Director Bengtson presented Resolution 2016-33 – Resolution to Adopt Revised ByLaws Kandiyohi County Housing and Redevelopment Authority which changes Section 6. Removal, Hearing, Notice of the ByLaws to add the following: *The Kandiyohi County Housing and Redevelopment Authority Board of Commissioners will recommend to the Kandiyohi County Board of Commissioners that an HRA Commissioner be removed from the HRA Board of Commissioners when an HRA Commissioner has three unexcused absences from HRA meetings in a twelve month calendar year.* Secretary Schaefer made a motion to approve Resolution 2016-33 which was seconded by Commissioner Witt and carried (4) Ayes, (0) Nays.

RESOLUTION 2016-33
RESOLUTION TO ADOPT REVISED BYLAWS
KANDIYOHI COUNTY HOUSING AND REDEVELOPMENT AUTHORITY

WHEREAS, there is now before the Kandiyohi County Housing and Redevelopment Authority Board of Commissioners for consideration the matter of the governing Board's ByLaws and proposed revisions;

NOW, THEREFORE BE IT RESOLVED that the Board of Commissioners of the Kandiyohi County HRA do hereby adopt the revised ByLaws as restated;

BE IT FURTHER RESOLVED that the restated Bylaws shall take effect immediately.

ADOPTED by the Kandiyohi County HRA Board of Commissioners this 18th day of November, 2015.

Kerry Johnson, Chair

ATTEST:

Beverly Schafer, Secretary

**BYLAWS
KANDIYOHI COUNTY HOUSING AND REDEVELOPMENT AUTHORITY**

ARTICLE I

Organization and Offices

Section 1. Name. The name of the organization shall be the Kandiyohi County Housing and Redevelopment Authority (hereafter the "Authority").

Section 2. Seal. The Authority shall have no seal.

Section 3. Registered Office. The location and address of the principal offices of the Authority shall be 2200 23rd ST NE, Suite 2090, Willmar, Minnesota 56201.

Section 4. Other Offices. The Authority may have other offices at such places within the County of Kandiyohi, State of Minnesota, as the Board of Commissioners may determine from time to time.

ARTICLE II

Governance and Powers

Section 1. Governance. Control of the Authority shall be vested in a board of seven (7) commissioners who are United States citizens and residents of Kandiyohi County, to be appointed by the Kandiyohi County Board of Commissioners in accordance with Minnesota Statutes Section 469.006, as may be amended, and any applicable Federal Regulation(s).

Section 2. Powers. The Authority shall be a public body corporate and politic and shall have all the powers necessary or convenient to carry out its defined duties and purposes as set forth in Minnesota Statutes Sections 469.001 to 469.047, including those powers specifically enumerated in Minnesota Statutes Section 469.012, as may be amended.

ARTICLE III

Board Membership

Section 1. Commissioners: Number, Tenure and Qualification. All HRA Commissioners shall be appointed by the Kandiyohi County Board of Commissioners. The number of commissioners which shall constitute the whole HRA Board of Commissioners shall be seven (7) of which one (1) must be appointed in accordance with the requirements of Code of Federal Regulations, title 24, part 964, five (5) shall be appointed to represent the Kandiyohi County Commissioner geographical districts to the greatest extent possible, one (1) is recommended by the Willmar City Council to the Kandiyohi County Board of Commissioners for appointment. Commissioners shall be appointed for a term of office of five (5) years except that vacancies shall be filled for the unexpired term. A commissioner may serve for no more than two (2) consecutive terms. Commissioners shall be natural persons who reside in Kandiyohi County and are otherwise eligible for appointment under Minnesota Statutes Sections 469.001 to 469.047, as may be amended.

Section 2. Additional Commissioner(s). If any additional commissioner(s) are appointed, one of any such additional commissioner(s) must be appointed in accordance with the requirements of Code of Federal Regulations, title 24, part 964.

Section 3. Elected Official Liaisons to the HRA Board of Commissioners One (1) elected official of the Willmar City Council and one (1) elected official of the Kandiyohi County Board of Commissioners shall also be appointed by each respective governing Board to attend the HRA Board

meetings and participate in discussion. The Elected Official Liaisons will not be voting members of the HRA Board of Commissioners.

Section 4. Certificates of Appointment. Appointment of a commissioner shall be without preference and without regard to sex, race, age, color or creed. A certified copy of the certificate of appointment of each commissioner shall be filed with the Commissioner of Employment and Economic Development.

Section 5. Expenses; Compensation. Each commissioner may receive necessary expenses, including traveling expenses, incurred in the performance of duties. Each commissioner may be paid up to \$40 for attending each regular and special meeting of the Authority. Commissioners who are full-time state employees or full-time employees of the political subdivisions of the state may not receive the daily payment, but they may suffer no loss in compensation or benefits from the state or a political subdivision as a result of their services on the Board. Commissioners who are full-time state employees or full-time employees of the political subdivisions of the state may receive expenses provided for in this section unless the expenses are reimbursed by another source. (Minnesota Statutes Section 469.011 (4), as may be amended.) The actual rate of pay and expense reimbursement shall be as set from time to time by the Authority's Board of Commissioners, within the limits provided herein.

Section 6. Removal, Hearing, Notice. It shall be the duty of each commissioner to actively participate in the affairs of the Authority, to include attendance at regular and special meetings. In accordance with Minnesota Statutes Section 469.010, for inefficiency or neglect of duty, or misconduct in office, a commissioner may be removed by the Kandiyohi County Board of Commissioners. The involved commissioner must be given a copy of the charges alleging such inefficiency, neglect of duty or misconduct at least ten (10) days prior to a hearing at which the commissioner has an opportunity to be heard in person or through counsel. When charges in writing have been preferred against a commissioner, pending final action thereon, the Kandiyohi County Board of Commissioners may temporarily suspend the commissioner. If it is found that those charges have not been substantiated, the Commissioner shall be immediately reinstated in office. When any Commissioner is removed, a record of the proceedings together with the charges and findings thereon shall be filed in the Offices of the County Auditor. The Kandiyohi County Housing and Redevelopment Authority Board of Commissioners will recommend to the Kandiyohi County Board of Commissioners that an HRA Commissioner be removed from the HRA Board of Commissioners when an HRA Commissioner has three unexcused absences from HRA meetings in a twelve month calendar year.

ARTICLE IV

Officers

Section 1. Officers. The Officers of the Authority shall be a Chairperson, Vice-Chairperson and Secretary.

Section 2. Qualification, Election and Term. The officers of the Authority shall be members of the Board of Commissioners of the Authority. The Officers shall be elected annually at the regularly scheduled July meeting of the Authority for a term of one (1) year. Officers shall hold office until their successors shall have been duly qualified and elected unless prior thereto, they shall have resigned or been removed.

Section 3. Removal or Vacancy. An Officer may be removed at any time by the vote of a majority of the voting Commissioners of the Authority. Any vacancy in any office shall be filled by the election of a successor at the next regular meeting of the Authority, and such Officer's term shall be for the unexpired term of the vacant office.

Section 4. Chairperson. The Chairperson shall preside at all meetings of the Authority. Except as otherwise authorized by resolution of the Authority, the Chairperson shall sign all contracts, deeds, and other instruments made by the Authority. The Chairperson shall provide such

recommendations and information to the Authority as may be considered proper concerning the business, affairs and policies of the Authority.

Section 5. Vice-Chairperson. The Vice-Chairperson shall have such powers and perform such duties as the Board of Commissioners may from time to time prescribe. The Vice-Chairperson shall perform the duties of the Chairperson in the absence or incapacity of the Chairperson; and, in the case of the resignation or death of the Chairperson, the Vice-Chairperson shall perform and be vested with all the duties and powers of the Chairperson until such time as the Authority shall elect a new Chairperson.

Section 6. Secretary. The Secretary of the Authority shall prepare or cause to be prepared and distributed; notice of all meetings and an agenda for all meetings of the Authority; shall keep or cause to be kept a full and accurate record of all business transacted by the Authority; and, shall be the custodian of all the records and reports of the Authority or assign such duties to the Executive Director, as may be appropriate.

Section 7. Additional Duties. The Officers of the Authority shall perform such other duties and functions as may from time to time be required by the Authority or the bylaws or rules and regulations of the Authority.

ARTICLE V

Committees

The Board may by resolution from time to time establish committees and may, in its designation, constitute such committees either as standing or *ad hoc* committees and shall prescribe their duties and function and their membership. Members of committees of the Board may consist of Commissioners, officers or employees of the Authority or other persons not associated with the Authority, as the Board shall prescribe.

ARTICLE VI

Personnel

Section 1. Executive Director. The Authority shall employ or contract for the services of an Executive Director. The Executive Director shall have such terms of employment as the Authority shall authorize. Candidates for the position shall possess those qualifications as may from time to time be established by the Authority. No Commissioner of the Authority shall be eligible for this position.

a. Compensation. The Executive Director's compensation shall be approved by the Authority Commissioners.

b. Responsibilities. The duties, responsibilities and authority of the Executive Director shall be as established from time to time by the Authority or by law, and may include, but are not limited to:

- i. General supervision over the administration of the Authority's business and affairs, subject to the direction of the Authority, to include hiring and firing of employees, whether permanent or temporary;
- ii. Manage the housing projects of the Authority;
- iii. Maintain the records of the Authority;
- iv. Keep a record of the proceedings of the Authority in a journal of proceedings to be kept for such purposes as authorized by the Authority Officers;
- v. Have care and custody of all funds of the Authority and deposit same in the name of the Authority in such banks that the Authority may select;
- vi. Sign all orders and checks for payment of money and shall pay out and disburse such moneys under the direction of the Authority. Except as otherwise authorized by Resolution of the Authority, all such orders and checks shall be countersigned by the Chairperson or other officer; and

- vii. Keep regular books of accounts showing receipts and expenditures and shall render to the Authority at each regular meeting, or more often if requested, an account of all transactions and also of the financial condition of the Authority.

Section 2. Additional Personnel. The Authority may from time to time employ such additional personnel as it deems necessary to exercise its powers, duties and functions as prescribed by the Housing and Redevelopment Law of Minnesota (Minnesota Statutes Sections 469.001 to 469.047). The selection of other personnel other than the Executive Director shall be at the discretion of the Executive Director and subject to Federal and State of Minnesota laws.

ARTICLE VII

Meetings

Section 1. Place. All meetings of the Authority shall be held at the Kandiyohi County Health and Human Services Building, 2200 23rd St NE, Willmar, Minnesota, unless some other place is designated by the Commissioners by a majority vote at a prior meeting.

Section 2. Regular Meetings. Regular meetings shall be held monthly and without notice at the regular meeting place of the Authority on the third (3rd) Wednesday of each month at 12:00 p.m. unless the same shall be a legal holiday in which event said meeting will be held on the Wednesday after the third (3rd) Wednesday of that month. A schedule of meetings shall be prepared and posted prior to the first meeting of any new fiscal year.

Section 3. Annual Meeting. The annual meeting of the Authority shall be held on the third (3rd) Wednesday of July at 12:00 pm at the regular meeting place of the Authority. To accommodate special annual meeting arrangements, the date, time and place of the annual meeting may be changed by resolution approved and properly published and posted in advance of the new time. If the date falls on a legal holiday, the annual meeting shall be held on a date authorized by the Authority.

Section 4. Special Meetings. Special meetings of the Authority may be called by the Chairperson, or in the absence of the Chairperson, by the Vice-Chairperson, upon their own initiative, or by the request of two members of the Authority, for the purpose of transacting any business designated in the notice. The notice for a special meeting may be delivered to each Commissioner of the Authority at least three (3) days prior to the date of such special meeting. The business conducted at the special meeting shall be limited to the purpose for which the meeting was called, except if all commissioners are present at the meeting, the Commissioners may conduct any and all lawful business.

Section 5. Quorum. The powers of the Authority shall be vested in the Commissioners in office at any time; a majority of whom shall constitute a quorum for all purposes. (Minnesota Statutes Section 469.011). Four Commissioners shall constitute a quorum for the purpose of conducting its business and exercising its powers and for other purposes, but a smaller number may adjourn from time to time until a quorum is obtained. When a quorum is in attendance, action may be taken by the Authority upon the vote of a majority of the Commissioners present.

Section 6. Manner of Voting. Each Commissioner eligible to vote shall be entitled to one vote and such vote may only be cast by that Commissioner. All questions coming before any meeting of the Commissioners shall be presented in the form of motions or resolutions. Questions of substance shall be determined by resolutions, the vote on such resolutions to be by roll call. All resolutions shall be submitted in written form and shall be entered in full in the Minute Book with the vote of each Commissioner indicated therein. All resolutions shall be chronologically numbered on entry.

Section 7. Conflicts of Interest. In the event that any matter comes before the Board as to which any Commissioner has a conflict of interest, that Commissioner shall disclose such conflict of interest and shall abstain himself from consideration or voting with respect to such matter. Commissioners shall review a Board Conflict of Interest Policy at each annual meeting and declare in writing any potential conflicts of interest.

Section 7. Order of Business and Recording of Resolutions. At a regular meeting of the Authority, the following shall be the order of business:

- a. Call to Order (includes roll call)
- b. Approval of the Agenda
- c. Approval of previous meeting minutes
- d. Approval of Accounts Payable
- e. Financial Reports Review
- f. Program Reports Review
- g. Old business
- h. New Business
- i. Report of HRA Board Liaisons
- j. Report of Committees
- k. Report of Executive Director
- l. Adjournment

All resolutions shall be in writing, numbered and shall be included in the minutes of the proceedings of the Authority.

Section 8. Parliamentary Procedure. Robert's Rules of Order shall govern the conduct of all meetings of the Authority.

Section 9. Open Meeting Law. The Authority is subject to and must conduct its meetings in accordance to Minnesota Chapter 13D The Open Meeting Law.

ARTICLE VIII

Miscellaneous

Section 1. Amendments. Except as limited by statute, these Bylaws may be altered or amended only upon the affirmative vote of four eligible members of the Authority's Board of Commissioners at a regular or special meeting. Any recommendation for amendment of the Bylaws must be submitted to the Board of Commissioners in its entirety, for review at a meeting preceding the meeting at which the motion for amendment may be heard. Such amendment must be by resolution with a specified effective date.

The undersigned, Chairman and Secretary of the Kandiyohi County Housing and Redevelopment Authority, does hereby certify that the foregoing Bylaws are the Bylaws adopted for the Authority by its Board of Commissioners at a meeting held on the 18th day of November, 2015, and are effective the 1st day of December, 2015.

Kerry Johnson, Chair

ATTEST:

Beverly Schafer, Secretary

REPORT OF BOARD LIAISONS

County Board Liaison Rollie Nissen reported the following:

- 1) The mural painting in the Lobby of the Health & Human Service Building was just revealed. Ron Adams was the artist and the project was made possible with a grant from SW MN Arts Council. Bengtson indicated that one of the individuals in the mural – Clinton Haroldson was a member of the first Kandiyohi County HRA Board.
- 3) Willmar Downtown Holiday Parade will be held on Saturday, November 21st. Activities start at 2 p.m. with the parade at 6:30 p.m.

County Board Liaison Rollie Nissen left at 1:04 p.m.

Willmar City Council Liaison Steve Ahmann reported the following:

- 1) The Tiger Grant in the amount of \$10 million dollars was recently award for the Willmar Railroad Bypass Project.
- 2) Looking at future growth in the City of Willmar with possible expansion in the Industrial Park.
- 3) Shawn Mueske has been sworn into the City Council to replace Jim Dokken.

REPORT OF COMMITTEES

There have been no committee meetings.

REPORT OF EXECUTIVE DIRECTOR

Executive Director Bengtson reported on the following items:

- 1) Copperleaf bond project closed.
- 2) Audit Status – Due to problems with HUD's Online Systems with the WHRA/KCHRA Merger, the preliminary audits have not been entered in HUD's web based system and cannot be entered until HUD fixes the problem. The preliminary audits are due to HUD by August 31st annually. The final audit cannot be completed until the problem is fixed, HUD receives the preliminary audit, the HRA receives HUD's comments to the preliminary audit and HUD's comments can be incorporated into the final audit.
- 3) Highland Apartments will be showcased on November 20th for the Chamber Connection.
- 4) A meeting was held recently for the plumbing replacement project at Lakeview Apartments. Design work has started and bids should be able to go out after design work is approved.

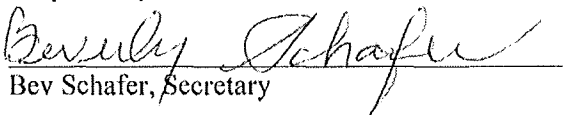
NEXT MEETING

The next regular meeting is scheduled for December 15, 2015 at 12:00 p.m.

ADJOURNMENT

Having no further business to discuss, the meeting was declared adjourned at 1:25 p.m.

Respectfully submitted,


Bev Schafer, Secretary

ATTEST:


Kerry Johnson, Chair

**Application for Appointment to
City Board/Committee/Commission**

Please indicate the Board/Committee(s)/Commission(s) to which you are interested in being appointed. (If more than one, please number in order of choice.)

- _____ Airport Commission (meets monthly)
- _____ Cable Advisory Board (meets as needed)
- _____ Charter Commission (meets as needed)
- _____ Community Education & Recreation Advisory Board (meets monthly)
- _____ City/County Economic Development Operations Board (meets monthly)
- _____ Housing and Redevelopment Authority (meets monthly)
- _____ Human Rights Commission (meets as needed)
- _____ Municipal Utilities Commission (meets bi-monthly)
- _____ Pioneerland Library System Board (meets monthly)
- _____ Planning Commission (meets bi-monthly)
- _____ Police Civil Service Commission (meets first Monday in February each year and on as-needed basis thereafter)
- _____ Rice Memorial Hospital (meets bi-monthly)
- _____ Willmar Convention and Visitors Bureau
- 4 _____ Zoning Appeals Board (meets monthly)
- _____ Ad hoc Task Forces (will be posted and will meet on an as-needed basis)

Applicant Information

Name: Andy Engal Date of Application: Jan 1
Address: 311 4th st Phone No. 612 770 4348
(Certain Boards and Commissions may require that you are a resident of the City of Willmar)

Email: andy.engal@engal.com

What prompted you to make application for a citizen committee? I like this town

Briefly tell us why you want to serve on this Board/Committee/Commission:

~~best~~ interested in community
development & growth

List any special background or experience you have which would be helpful to this Board/Committee/Commission:

For Willmar resident For 3 yrs, Architect
in town, ~~was~~ ^{was} on planning commission 6 yrs

List your educational background: '96 WHS Graduate 2006
Masters in Architecture From U of M Minneapolis

List any social, fraternal, patriotic, governmental, or service organizations, which you have or currently are serving on:

LIONS CLUB Willmar MN

If you are employed, please provide the name and address of your employer and your position:

311 4th St SW Willmar, MN

Please return completed application to:

Mayor's Office
333 SW 6th Street
Willmar, MN 56201

Or fax completed forms to:

(320) 235-4917

Application for Appointment to City Board/Committee/Commission

Please indicate the Board/Committee(s)/Commission(s) to which you are interested in being appointed. (If more than one, please number in order of choice.)

- Airport Commission (meets monthly)
- Cable Advisory Board (meets as needed)
- Charter Commission (meets as needed)
- Community Education & Recreation Advisory Board (meets monthly)
- City/County Economic Development Operations Board (meets monthly)
- Housing and Redevelopment Authority (meets monthly)
- Human Rights Commission (meets as needed)
- Municipal Utilities Commission (meets bi-monthly)
- Pioneerland Library System Board (meets monthly)
- Planning Commission (meets bi-monthly)
- Police Civil Service Commission (meets first Monday in February each year and on as-needed basis thereafter)
- Rice Memorial Hospital (meets bi-monthly)
- Willmar Convention and Visitors Bureau
- Zoning Appeals Board (meets monthly)
- Ad hoc Task Forces (will be posted and will meet on an as-needed basis)

Applicant Information

Name: Shelly Huseby Date of Application: 12/18/15

Address: 2009 Prairie Ln SW Willmar Phone No. 220-1602
(Certain Boards and Commissions may require that you are a resident of the City of Willmar)

Email: Shuseby@goodwillcenterseals.org

What prompted you to make application for a citizen committee? Saw poll in WC Tribune, talked with Councilman Nelson
Briefly tell us why you want to serve on this Board/Committee/Commission:

I have worked in Human Services for 23 years, I have a vast background of working with people with disabilities, people on public assistance and new Americans, just to name a few. I believe in treating all persons with respect and dignity.

List any special background or experience you have which would be helpful to this Board/Committee/Commission:

I have extensive ^{of experience} ~~volunteering~~ with hospice, church and the beginning of Family Promise in Willmar. My agency has been asked + I have led the development of job training programs for new Americans

List your educational background: Bachelors of Arts - Human Services ; Associate in Arts - General ; Legal Secretary Certificate

List any social, fraternal, patriotic, governmental, or service organizations, which you have or currently are serving on:

Willmar Area Chamber of Commerce Board ; Rice Health Foundation COTA Board, Rice Hospice, Vinje Personnel Committee

If you are employed, please provide the name and address of your employer and your position:

Goodwill East Side MN - Workforce Development Manager
100 19th Ave SW Willmar

Please return completed application to:

Mayor's Office
333 SW 6th Street
Willmar, MN 56201

Or fax completed forms to:

(320) 235-4917

**Application for Appointment to
City Board/Committee/Commission**

Please indicate the Board/Committee(s)/Commission(s) to which you are interested in being appointed. *(If more than one, please number in order of choice.)*

- _____ Airport Commission (meets monthly)
- _____ Cable Advisory Board (meets as needed)
- _____ Charter Commission (meets as needed)
- _____ Community Education & Recreation Advisory Board (meets monthly)
- _____ City/County Economic Development Operations Board (meets monthly)
- _____ Housing and Redevelopment Authority (meets monthly)
- _____ Human Rights Commission (meets as needed)
- XXX _____ Municipal Utilities Commission (meets bi-monthly)
- _____ Pioneerland Library System Board (meets monthly)
- _____ Planning Commission (meets bi-monthly)
- _____ Police Civil Service Commission (meets first Monday in February each year and on as-needed basis thereafter)
- _____ Rice Memorial Hospital (meets bi-monthly)
- _____ Willmar Convention and Visitors Bureau
- _____ Zoning Appeals Board (meets monthly)
- _____ Ad hoc Task Forces (will be posted and will meet on an as-needed basis)

Applicant Information

Name: Nathan Weber Date of Application: January 11, 2016

Address: 3331 Eagle Ridge Drive West; Willmar, MN 56201

Phone No.: C 320-212-7271; H 320-214-8986; W 320-231-7190
(Certain Boards and Commissions may require that you are a resident of the City of Willmar)

Email: npweber@j-ots.com

What prompted you to make application for a citizen committee? When I learned of a possible opening in the Utilities Commission, I viewed this as a good opportunity to help serve my community.

Briefly tell us why you want to serve on this Board/Committee/Commission:

I would very much like to get involved with community service and believe that my work experience, education and previous community involvement makes me a great fit for the Utilities Commission. I look forward to serving the City of Willmar.

List any special background or experience you have which would be helpful to this Board/Committee/Commission:

I have several years of previous volunteer board experience. United Way, 2002-2004. Willmar Chamber of Commerce, 2005-2008 where I was Board Chair in 2007. Willmar Hockey Association, 2009-2011 and was President for 2 years.

List your educational background: University of Minnesota, BA Economics 1989

List any social, fraternal, patriotic, governmental, or service organizations, which you have or currently are serving on:

None

If you are employed, please provide the name and address of your employer and your position:

Jennie-O Turkey Store, Plant Manager, 1530 Willmar Ave SW, Willmar, MN 56201

Please return completed application to: Mayor's Office
333 SW 6th Street
Willmar, MN 56201

Or fax completed forms to: (320) 235-4917

FINANCE COMMITTEE

MINUTES

The Labor Relations Committee of the Willmar City Council met on Monday, January 11, 2016, in Conference Room No. 1 at the City Office Building.

Present: Denis Anderson Chair
Tim Johnson Vice-Chair
Rick Fagerlie Member
Shawn Mueske Member

Others present: Council Member Audrey Nelsen sat in for Rick Fagerlie until 4:55 PM, City Administrator Larry Kruse, Finance Director Steve Okins, Rice Hospital Representatives Mike Schramm and Bill Fenske, Planning and Development Director Bruce Peterson, and Police Chief Jim Felt.

Item No. 1 Call to Order

The meeting was called to order by Chair Anderson at 4:45 p.m.

Item No. 2 Public Comments

There were no comments from the public.

Item No. 3 Rice Hospital Intergovernmental Transfer Agreement (Resolution)

Rice Hospital Representatives Mike Schramm and Bill Fenske explained to the Committee that back in the Fall of 2010, Rice Hospital and the City amended the Intergovernmental Transfer Agreement to increase the rate of payment from .40% to .75% of Net Position to cover a pass-through of funds from the State of Minnesota for Medical Assistance Costs for Rice Care Center. Then again in 2013, the rate was increased from .75% to .80% because of increased costs and reimbursement for the program. Beginning in 2016, this program has been replaced and no longer needs to come through the City to Rice Hospital. Since the program revenues go directly to Rice, staff has met and discussed the need to amend the present agreement which covers 2016 through 2018. Staff recommendation would be revenue neutral to the General Fund budget and this would only affect the amount related to the Reimbursement for Rice Care Center.

Following discussion, Council Member Mueske made a motion to introduce a resolution to approve the amended Intergovernmental Transfer Agreement with Rice Memorial Hospital to reflect .45% of Net Position with a floor of \$225,000 as presented. Council Member Nelsen seconded the motion which carried.

Council Member Fagerlie arrived at this time.

Item No. 4 Bolton & Menk Work Order No. 5 (Resolution)

Planning and Development Director Peterson explained to the Committee that while staff had completed the first two phases of the land release for the former airport, the final phase is much more technical due to the extent and type of information required by the FAA. The City of Wilmar has a professional services contract with Bolton & Menk for the airport services, but there was nothing within that scope of services that included work on the land release. Bolton & Menk had led the effort to secure the phase three land release and has worked on this quite some time. It was determined that the City should formalize those efforts in a work order to define the scope of the additional services, as well as the compensation for those services. The total for Work Order No. 5 for the Airport Land Release Phase 3 is \$40,000. It was noted that funding is available in the 2015 Airport Operating Budget.

Following discussion, Council Member Mueske made a motion to introduce a resolution to approve Work Order No. 5 for the Airport Land Release Phase 3 in the amount of \$40,000 with Bolton & Menk. Council Member Fagerlie seconded the motion which carried.

Item No. 5 Police Department Video Equipment Funding (Resolution)

Staff explained that the Police Department shares a facility with the Kandiyohi County Sheriff's Office that was built in 2000. The initial video recording system installed in the interview rooms used DHS cassettes and was upgraded to DVD recording about nine years ago. In the Fall of 2015, the DVD recording system failed and was deemed irreparable. In the interim, staff has been able to retrofit one of the three interview rooms with lower quality video equipment but an upgrade and replacement is deemed a high priority. An estimate from Bank-Koe Company was found to fit our needs and at a lower price than other vendors. It would also be expandable in the future if needed. This system would be an upgrade to digital video and make transfer of videos to the prosecutors and court more efficient plus produce a much higher quality video/audio recording. Staff time to transfer videos is predicted to decrease significantly. Courts and the public continue to expect and demand video and audio recordings for criminal investigations and we deem this a high priority item for replacement. Due to the sudden failure of the system, it was an unexpected replacement and had not been placed on a CIP at this point. Total cost to the City for this new system is estimated at \$13,765.25 and it is being requested that these funds be taken from other line items in the 2015 Police Department Operating Budget. It was noted that the County is also contributing the same amount for the purchase of this equipment.

Following discussion, Council Member Fagerlie made a motion to approve the purchase of the new video/audio recording equipment from Ban-Koe Company in the amount of \$13,765.25 and that these funds are to be taken from the 2015 Police Department Operating Budget. Council Member Mueske seconded the motion which carried.

Item No. 6 2016 Improvement Project Preliminary Budget (Resolution)

Staff presented to the Committee the preliminary budget for the 2016 Improvement Projects. It was noted that Council action is required to approve the budgets outlining the estimated cost and funding sources for the projects. Estimated bond financing for these improvements is \$1,260,000.

Following discussion, Council Member Fagerlie made a motion to introduce a resolution to approve the 2016 Improvement Projects Preliminary Budget as presented. Council Member Mueske seconded the motion which carried.

Item No. 7 Ice Arena Water System Funding (Resolution)

Staff presented to the Committee a request to install a Reverse Osmosis Water System in both the Blue Line Arena and the Cardinal Arena at the Civic Center. If approved, the System in the Blue Line Arena would be replaced yet this season in order to improve the ice for curling. It was noted that the System in the Cardinal Arena would be installed after the ice season because it would need some storage area created and would work better for staff and the installer to complete the project after the ice is out for the year. Total cost for both arenas is estimated at \$25,898 with \$23,000 budgeted for this project in the CIP. The remaining 2,898 is requested to be taken out of the 2016 Civic Center Operating Budget.

Following discussion, Council Member Fagerlie made a motion to introduce a resolution to approve the Reverse Osmosis Water System Project for the Civic Center in the amount of \$25,898 and that \$2,898 be transferred from the 2016 Civic Center Operating Budget to the 2016 CIP Budget. Council Member Johnson seconded the motion which carried.

Item No. 8 Orange Baseball Field Scoreboard Donations (Resolution)

Staff explained that the Willmar Baseball/Fastpitch Booster Association agreed to cost share in the purchase of the scoreboard for the Orange Baseball Field at Swansson Park and subsequently have made a donation of \$5,000 for this project.

Following discussion, Council Member Mueske made a motion to introduce a resolution to accept the donation of \$5,000 from the Willmar Baseball/Fastpitch Booster Association for the purchase of the scoreboard at the Orange Baseball Field and to direct the City Administrator to send a letter of appreciation. Council Member Johnson seconded the motion which carried.

Item No. 9 Insurance Trust Dividend (Information)

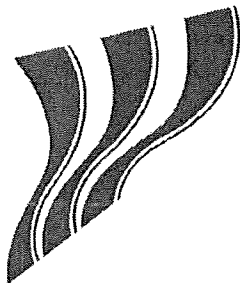
Staff explained the \$250,000 was temporarily borrowed in 2014 from the Designated Self-Insurance Fund Balance to help fund the City Auditorium/Gun Range corrections with the intent of using annual Insurance Dividends to repay it. In 2014, \$31,916 was received from the League of Minnesota Cities Insurance Trust reducing the amount from \$250,000 to \$218,083. In December, 2015, an additional \$50,527 was received and, if applied to the adjusted balance would reduce the amount needed to repay the loan to \$167,557. This matter was for information only.

There being no further business to come before the Committee the meeting was adjourned at 5:20 p.m.

Respectfully submitted,



Carol Cunningham
Accounting Supervisor



CITY OF WILLMAR, MINNESOTA
REQUEST FOR COMMITTEE ACTION

Agenda Item Number: . 3

Meeting Date: January 11, 2016

Attachments: Yes No

CITY COUNCIL ACTION

Date: January 19, 2016

- Approved Denied
 Amended Tabled
 Other

Originating Department: Finance

Agenda Item: Rice Hospital Intergovernmental Transfer Agreement

Recommended Action: Resolution authorizing Mayor and Administrator to sign the amended agreement reducing the present Intergovernmental Transfer Agreement from .80 of the Net Position to .45 of the Net Position, resulting in a floor of \$225,000 as well.

Background/Summary: Starting in the Fall of 2010, Rice Memorial Hospital and the City amended the Intergovernmental Transfer Agreement to increase the rate of payment from .40 to .75 of Net Position to cover a pass-through of funds from the State of Minnesota for Medical Assistance Costs for Rice Care Center. Then again in 2013, the rate was increased from .75 to .80 because of increased costs and reimbursement for the program. Starting in 2016, this program has been replaced and no longer needs to come through the City to Rice Hospital. Since the program revenues go directly to Rice, staff has met and discussed the need to amend the present agreement which covers 2016 through 2018. Staff recommendation would be revenue neutral to the General Fund budget and this would only affect the amount related to the Reimbursement for Rice Care Center.

Alternatives: Not to amend the agreement or change by a different rate.

Financial Considerations: General Fund Budget-Neutral. Intergovernmental Transfer and Non-Departmental payment to Rice by the same amounts.

Preparer: Steven B. Okins, Finance Director

Signature:

Comments:

**AGREEMENT FOR INTERGOVERNMENTAL TRANSFER PAYMENTS BY AND
BETWEEN RICE MEMORIAL HOSPITAL AND THE CITY OF WILLMAR**

This Agreement is made and entered into this ___ day of _____, _____, by and between the Rice Memorial Hospital, a public hospital and instrumentality of the City of Willmar (hereinafter referred to as "Rice Hospital"), and the City of Willmar, a Minnesota municipal corporation (hereinafter referred to as the "City"), WITNESSETH:

WHEREAS, Rice Hospital is a public hospital located at 301 Becker Avenue Southwest in the City and possesses the powers of a nonprofit corporation relative to its delivery of healthcare services pursuant to Minn. Stat. § 144.581;

WHEREAS, the real property upon which Rice Hospital's facilities in the City are located is exempt from paying real estate taxes;

WHEREAS, Rice Hospital and the City have previously entered into agreements whereby the Hospital would remit to the City annual negotiated intergovernmental transfer payments in consideration for the municipal services provided to Rice Hospital by the City; and

WHEREAS, the parties desire to continue the annual intergovernmental transfers pursuant to the terms and conditions outlined below;

NOW, THEREFORE, BE IT RESOLVED by and between the parties as follows:

1. Rice Hospital shall pay to the City an annual intergovernmental transfer payment equivalent to .45 percent of the Hospital's net assets (excluding Rice Health Foundation net assets) at the conclusion of the preceding calendar year in each of 2016, 2017 and 2018, provided that:
 - a. Except as may be required to comply with Paragraph (b) below, Rice Hospital shall not be obligated to pay any amount hereunder that would result in the reduction of its net revenues to a point where the debt coverage ratio is less than 1.25 times its debt service as stated in its bond covenants; and
 - b. At no time shall Rice Hospital's total intergovernmental transfer payment to the City for any calendar year covered by this Agreement be less than \$225,000.
2. Except as may be otherwise necessitated by Paragraph 1(a) above, Rice Hospital's annual transfer payments to the City shall be made in four equal installments in the amount of one quarter of the annual payment on March 30, June 30, September 30, and December 30 of each year.
3. The parties hereby agree that the terms and conditions of this Agreement shall remain in effect through December 31, 2018, and that this Agreement may only be modified by written amendment executed by both parties.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed in their corporate names and seals affixed thereto the day and year first above written.

CITY OF WILLMAR

RICE MEMORIAL HOSPITAL

By: _____
Mayor

By: _____
President

By: _____
City Administrator

By: _____
Chief Executive Officer

**AGREEMENT FOR INTERGOVERNMENTAL TRANSFER PAYMENTS BY AND
BETWEEN RICE MEMORIAL HOSPITAL AND THE CITY OF WILLMAR**

This Agreement is made and entered into this 1st day of January, 2016 by and between the Rice Memorial Hospital, a public hospital and instrumentality of the City of Willmar (hereinafter referred to as "Rice Hospital"), and the City of Willmar, a Minnesota municipal corporation (hereinafter referred to as the "City"), WITNESSETH:

WHEREAS, Rice Hospital is a public hospital located at 301 Becker Avenue Southwest in the City and possesses the powers of a nonprofit corporation relative to its delivery of healthcare services pursuant to Minn. Stat. § 144.581;

WHEREAS, the real property upon which Rice Hospital's facilities in the City are located is exempt from paying real estate taxes;

WHEREAS, Rice Hospital and the City have previously entered into agreements whereby the Hospital would remit to the City annual negotiated intergovernmental transfer payments in consideration for the municipal services provided to Rice Hospital by the City; and

WHEREAS, the parties desire to continue the annual intergovernmental transfers pursuant to the terms and conditions outlined below;

NOW, THEREFORE, BE IT RESOLVED by and between the parties as follows:

1. Rice Hospital shall pay to the City an annual intergovernmental transfer payment equivalent to .80 percent of the Hospital's net assets (excluding Rice Health Foundation net assets) at the conclusion of the preceding calendar year in each of 2016, 2017 and 2018, provided that:
 - a. Except as may be required to comply with Paragraph (b) below, Rice Hospital shall not be obligated to pay any amount hereunder that would result in the reduction of its net revenues to a point where the debt coverage ratio is less than 1.25 times its debt service as stated in its bond covenants; and
 - b. At no time shall Rice Hospital's total intergovernmental transfer payment to the City for any calendar year covered by this Agreement be less than \$200,000.
2. Except as may be otherwise necessitated by Paragraph 1(a) above, Rice Hospital's annual transfer payments to the City shall be made in four equal installments in the amount of one quarter of the annual payment on March 30, June 30, September 30, and December 30 of each year.
3. The parties hereby agree that the terms and conditions of this Agreement shall remain in effect through December 31, 2018, and that this Agreement may only be modified by written amendment executed by both parties.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed in their corporate names and seals affixed thereto the day and year first above written.

CITY OF WILLMAR

By: _____

Mayor

By: _____

City Administrator

RICE MEMORIAL HOSPITAL

By: _____

President

By: _____

Chief Executive Officer

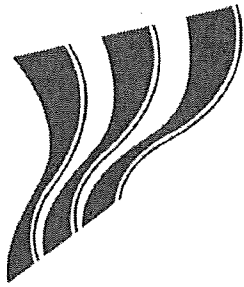
Rice Memorial Hospital

To: Michael Schmit
From: Michael Schramm
Date: September 16, 2010
Subject: Rice Care Center

The Legislature created a new program this year which allows public owners (governmental owners) of nursing homes to pay the state share of costs for a rate increase up to the full rebasing rate. What this means is that through this program, Rice Care Center would see its revenues increase. Interested nursing homes have to apply by September 30, 2010 and pending federal approval rate increases will start on January 1, 2011. Because the local government owner (City of Willmar) is paying the difference in Medical Assistance costs between the current rate and the new higher rate, there is no cost to the state for implementing this new program. Department of Human Services (DHS) has developed an application form for this program as well as calculating the rates for each eligible care center so the owner will know what level of rate increase their care center could receive. In the application for the program, the owner will have to apply for a specific level of increase up to the full rebasing rate. Rice is requesting the full rebasing rate.

The specifics for the Rice Care Center include an estimated \$169,000 of the state share costs which would be invoiced to the City of Willmar and paid on a monthly basis. The federal matching component is nearly double this amount. Rice is proposing to increase the inter-governmental transfer rate (Payment In Lieu Of Taxes) from the current .004 of Net Assets with a floor of \$200,000 to .0075 of Net Assets with a floor of \$375,000.

Although the State Legislature has passed this program, the Center for Medicare & Medicaid Services (CMS) must review and approved this additional federal funding and thus the applications could be rejected. Therefore, the additional payment from Rice to the City for the inter-governmental transfer rate is contingent upon federal approval of this program and Rice actually receiving increased Medicaid reimbursement. Your support of this initiative is much appreciated and we will be at the Council meeting on Monday to further explain this request and answer any questions.



CITY OF WILLMAR, MINNESOTA
REQUEST FOR COMMITTEE ACTION

Agenda Item Number: 4

Meeting Date: January 11, 2016

Attachments: Yes No

CITY COUNCIL ACTION

Date: _____

- | | |
|-----------------------------------|---------------------------------|
| <input type="checkbox"/> Approved | <input type="checkbox"/> Denied |
| <input type="checkbox"/> Amended | <input type="checkbox"/> Tabled |
| <input type="checkbox"/> Other | |

Originating Department: Planning and Development Services

Agenda Item: Work Order Number 5 to Bolton & Menk Professional Services Contract

Recommended Action: To approve the work order for the final phase of the land release

Background/Summary: While staff had completed the first two phases of the land release for the former airport, the final phase is much more technical due to the extent and type of information required by the FAA. The City of Willmar has a professional services contract with Bolton & Menk for the airport services, but there was nothing within that scope of services that included work on the land release. Bolton & Menk had led the effort to secure the phase three land release and has worked on this quite some time. It was determined that the City should formalize those efforts in a work order to define the scope of the additional services, as well as the compensation for those services. The attached work order does both. The attached timeline depicts work performed on the land release by Bolton & Menk.

Alternatives: To not approve the work order.

Financial Considerations: The total cost for the additional services is \$40,000. Funding is available in the 2015 Airport budget.

Preparer: Bruce D. Peterson, AICP
Director of Planning and Development Services

Signature: 

Comments:

**WORK ORDER NO. 5
TO
PROFESSIONAL SERVICES CONTRACT
FOR
LAND RELEASE PHASE 3; "ORIGINAL" AIRPORT LOCATION**

BETWEEN: The City of Willmar,
A Minnesota municipal corporation **(CLIENT)**

AND: Bolton & Menk, Inc. **(CONSULTANT)**

EFFECTIVE DATE: *January*
~~December~~ __, 2016

RECITALS

1. City owns and operates the Willmar Municipal Airport (John L. Rice Field) located in Willmar, Minnesota.
2. This is Work Order No. 5 to the Professional Services Contract, between City and Bolton & Menk, Inc. The Professional Services Contract effective April 23, 2012, is referred to herein as the "Master Agreement".

AGREEMENT

DESCRIPTION

The CONSULTANT agrees to provide Professional Services required for the prior Airport Location Land Release, Phase 3 at the Willmar Municipal Airport/City of Willmar (herein referred to as the CLIENT).

I.A. BASIC SERVICES

For purposes of this Work Order, the Basic Services to be provided by the CONSULTANT are as follows:

Project Scope

It is understood that the CLIENT is required to provide historical documentation of the old airport property for releasing all federal obligations of said properties for compliance and continuation of receiving federal grants at the new airport. The CLIENT had completed Land Release Phases 1 & 2 and requested assistance for the final phase 3 documentation efforts.

TASK 1. Land Release Report

For the CLIENT to sell airport property acquired through a percentage of federal funding, a Land Release is required with certain process requirements that must be followed before the land can be released back to the City or sold to a private entity. The guidelines for this process are presented in FAA Order 5190.6B. The steps are outlined as follows:

1. The owner must make a written request and justify why there has been a change in the aviation need for the land as well as supply considerable detail about the history and condition of the property.
2. An Environmental Assessment (EA) or CATEX is required, which must address the impact of the sale and the proposed future use of the land. The land release will be incorporated into the

Environmental Assessment under Secondary and Cumulative Impacts. This will fulfill the requirement of environmental review of the land release. COMPLETED BY CLIENT. CONSULTANT will assist with coordination with MnDOT and FAA for approval of the environmental document.

3. Proceeds from the sales/release belong to the FAA, the State, and the City in the ratios at which the property was purchased. There are specific FAA Terms and Conditions and State Project Agreements that define the funding shares. To accomplish the request for the Phase 3 land release, the CONSULTANT will complete the following tasks in accordance with AC 150/5190.6B:

Task 1: Legal Description and Condition of Property.

Complete a legal description of the property requested for the land release and determine the amount of acreage.

Task 2: Property Title and Appraised Value

The CLIENT will furnish evidence of clear title to the property to be sold. If existing documentation is not available from the original purchase, then the CLIENT will complete a title search and furnish evidence of clear title for the parcel to be sold. CONSULTANT will work with City Attorney to develop title, deed and deed restrictions for the airport property to be released.

CONSULTANT will discuss with both the County Assessor and/or County Recorder as to current land values and recent property sales. This appraised value would document potential for future revenue from sale of property and identify dedicated uses for the federal and state share of these funds at the airport.

Task 3: Review Comprehensive Plans

Review CLIENT Comprehensive Plans to determine long range vision for parcel or adjoining parcels, such as: Airport Master Plan, ALP, City Comprehensive Plan, Land Use Plan, Economic Development Plan, and/or Industrial Park Plan.

Task 4: Request of Land Release to FAA and Mn/DOT

Using the City of Willmar's vision for the property and FAA Order 5190.6B, the CONSULTANT will write the justification for the land release. This will describe the reason for the land release, and develop consensual reasons for FAA allowance of this transaction. This will include supporting documentation such as estimated property/parcel values and future use of existing property. This will also identify the cost participation of the original purchase and detail the sum of funds from the future sale that would be required to remain dedicated for airport purposes.

TASK 2. Sponsor, FAA and MnDOT Aeronautics Coordination

This task covers the Administration and Coordination of Phase 3 of the Land Release. This task includes the following:

1. The CONSULTANT and CLIENT agree that historical research services furnished shall be to the extent necessary to determine compliance with federal guidelines.
2. The CONSULTANT shall attend up to (5) site visits with the CLIENT and (5) with AGENCIES.

TASK 3. Field Survey and Property Research Assistance

The CONSULTANT will assist the CLIENT with the following Survey and Research Assistance tasks:

1. Verification of prior and existing airport properties. The 1975 Airport Layout Plan property map data tables were not found along with the "Exhibit A" document.
2. Including discussions with Mn/DOT and FAA to provide background for approval as well as completing Federal guidelines.
3. Complete a boundary description of the old airport site Phase 3 parcels.
4. Kandiyohi County property research, estimated (4) visits to gather parcel information and estimated Appraised Property values along with MnDOT archive searches.

I.B. ADDITIONAL SERVICES

Consulting services performed other than those authorized under Section I.B. shall not be considered part of the Basic Services and may be authorized by the CLIENT as Additional Services. Additional Services consist of those services, which are not generally considered to be Basic Services; or exceed the requirements of the Basic Services; or are not definable prior to the commencement of the project; or vary depending on the technique, procedures or schedule of the project contractor. Additional services may consist of the following:

1. Upon receiving the CLIENT's request, CONSULTANT will assist with completing any close out report for requesting the final grant reimbursement for phases of the prior projects, in accordance with Mn/DOT of FAA requirements
2. Attendance of additional meetings beyond those identified in the above scope.
3. Creation of a new "Exhibit "A" document.
4. All other services not specifically identified in Section I.A.

I.C. CONSIDERATION

The services described above in Section I.A. BASIC SERVICES shall be provided as follows:

1. Land Release Report	\$ 23,500
2. Sponsor, FAA & MnDOT Coordination	\$ 11,300
3. <u>Field Survey & Property Research</u>	<u>\$ 5,200</u>
TOTAL AUTHORIZED FEE	\$ 40,000

Progress payments shall be made in accordance with the Attached Fee Schedule and Section III of the Master Agreement.

I.D. SCHEDULE

TASK	SERVICE DESCRIPTION	DATE
1	Land Release Report **	February 2013 - December, 2015
2	Sponsor, FAA & MnDOT Coordination	February 2013 - December 2015
3	Field Survey & Property Research	May 2015 – August 2015

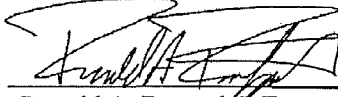
** ((Project started as T51.105032, Task 004 - Miscellaneous Projects))

I.E. AUTHORIZATION

City of Willmar, Minnesota

Bolton & Menk, Inc.

Mr. Marv Calvin Mayor



Ronald A. Roetzel, P.E.
Principal

Mr. Kevin Halliday Interim City Administrator

1-6-16

Willmar Airport Land Release Timeline(s)

October 9, 2009:

- FAA issued a “Cease and Desist” notification for Grant Assurance Violations – Notice of Noncompliance (NC). NC is at both airport property locations. There were easement issues at the new airport location and land use/release issues at the old airport site. Both issues have to be resolved for the City to be in “Compliance” again.
- FAA Requirements have changed numerous times over the last ten years. New Standard Operating Procedures (SOP) have been developed and all airport documents are now required to meet these standards.
- Any land identified on the Exhibit “A” Property Map may not be disposed of or used for other than those airport purposes without FAA consent. All compliance matters shall be the responsibility of the Sponsor. Environmental impacts need to be considered by the requesting party when preparing a land release.

May 29, 2012:

- City of Willmar receives Phase 1 Land Release Approval from the FAA-ADO. Completed by Sponsor.

November 2, 2012:

- City of Willmar receives Phase 2 Land Release approval from FAA-ADO. Completed by Sponsor.

June 2, 2014:

- FAA-ADO staff recommends Bolton & Menk, Inc. (BMI) assist Sponsor with final land release phase.

June 12, 2014: BMI START of project

- Sponsor staff contacts BMI requesting assistance in completing the final land release due to the detailed complexity of the project.
- Sponsor was notified/reminded by the FAA that federal year end cutoff is September 30.

July – September 2014:

- BMI receives sponsor documentation of Phase 1 and 2 efforts and prior survey data files.
- Property background search starts at Kandiyohi County records by BMI survey staff.
- Sponsor attorney was unsuccessful in getting property owner easement agreements prior to the end of the federal fiscal year (September 30).

October 2014:

- BMI continues property background searches at County/MnDOT/FAA offices.

November 2014:

- BMI survey staffs starts reviewing Property Deeds and Boundary information.
- Prepare Phase 3 Metes and Bounds description matching format of prior land releases prepared by sponsor.

November 11, 2014:

- BMI receives timeline from sponsor’s attorney about the easement condemnation/“Quick Take” Notice for possible filling on November 18.

- Timeline showed possible final payment award to easement holders on June 22, 2015 or earlier if this procedure was necessary.
- FAA extended deadline for the Sponsor to receive federal funding for 2015 projects to December 30, 2014 but easement agreements were still unobtainable.

December 2014:

- Final property description and graphics are completed for Phase 3.
- Since the deadline for the easements was not met, no Federal dollars were allocated in 2015, so there was no tight timeline to complete until the easement issues could be settled. BMI continued to send updated information to the FAA-ADO to review and make sure the process was being completed correctly per Standard Operation Procedures (SOP).

January 2015:

- Meetings at MnDOT for additional property research and history.

March 2015:

- Meetings at FAA-ADO for Exhibit "A" background history. Exhibit "A" map for the old airport site has not been located.
- Microfiche background record research.
- MnDOT Aeronautics file research.

April – June 2015:

- Continued property background history research.
- First "Draft" submitted to FAA staff for review/confirmation of information to date.

July 2015:

- MnDOT Aeronautics staff locates additional archived records.
 - Exhibit "A" property information not in state system records.
- BMI staff starts additional review of record information.
- Located additional "misfiled" property information at FAA Regional Office, Chicago.

(This not changed to CF)

August – October 2015:

- Sent updated second "draft" to FAA staff for concurrence and review of Federal or State funded parcels.
- Noncompliance Easement Agreement between the sponsor and the property owner(s) signed on October 1.
- Sponsor forwards Noncompliance Easement Agreement to Agencies for review/approval.

November 2015:

- Resent updated third "Draft" to FAA for concurrence and review.

December 2015:

- Addressed FAA staff comments in "Draft" report.

December 14, 2015:

- **SUBMITTED to FAA; Final Phase 3 Land Release Report**

Additional Information requested:

1. Complexity of the submittals

The land release documentation requires the funding history to be obtained for all parcels acquired with federal or state dollars for airport property. The original property acquisition for the old airport site began in July 1947. All land files are kept off site with MnDOT and staff requested delivery of the files to MnDOT Office of Aeronautics to be copied to support the background of the project. Due to the complexity of the project and the number of parcels being released, multiple boxes and trips to MnDOT Office of Aeronautics were required.

In addition to the old airport property research, knowledge of the agreements between the City and the United States are evaluated including six of the 31 grant assurances that relate to federal funding.

The land release document should answer the following questions:

- a. What is requested?
- b. What agreement(s) with the United States are involved?
- c. Why the release, modification, reformation, or amendment is requested.
- d. What facts and circumstances justify the request?
- e. What requirements of state or local law or ordinance should be provided for in the language of an FAA-issued document if the request is consented to or granted?
- f. What property or facilities are involved?
- g. How the property was acquired or obtained by the airport owner.
- h. What is the present condition and what present use is made of any property or facilities involved?
- i. What use or disposition will be made of the property or facilities?
- j. What is the appraised fair market value of the property or facilities? Appraisals or other evidence required to establish fair market value.
- k. What proceeds are expected from the use or disposition of the property and what will be done with any net revenues derived.
- l. A comparison of the relative advantage or benefit to the airport from sale or other disposition as opposed to retention for rental income.

2. Firm's experience in working on land releases

Bolton & Menk has completed a land release project for the Jackson Municipal Airport, Mankato Regional Airport, and Blue Earth County. All three projects were completed to FAA standards following FAA Order 5190.6B Chapters 22 and 23, FAA Policy & Procedures Memo (PPM) 5190.6, and Advisory Circular 150/5100-17. The land release documents follow Grant Assurances #4 Good Title, #5 Preserving Rights and Powers, #21 Compatible Land Use, #25 Airport Revenues, #29 Airport Layout Plan/Exhibit A, and #31 Disposal of Land.

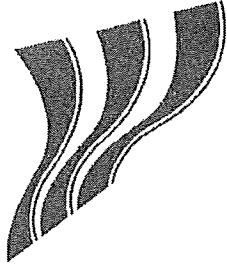
The following information is needed in a land release package:

- Answers to PPM 5190.6, appendix 2 questions
- Plat of survey
- Current property appraisal that determines Fair Market Value
- National Environmental Policy Act (NEPA) clearance
- Environmental site assessment
- Deed restriction (PPM 5190.6 Appendix 3)
- Updated Airport Layout Plan and Exhibit A

The previous land release documents provided by Bolton & Menk met all FAA standards and were used as a template to complete the Willmar Municipal Airport project.

3. Relationship between Bolton & Menk and FAA

Bolton & Menk works closely with FAA on all airport projects. The three previous land release projects were completed with FAA staff and there is an understanding by Bolton & Menk of the information needed to be provided to FAA.



CITY OF WILLMAR, MINNESOTA
REQUEST FOR COMMITTEE ACTION

Agenda Item Number: 5

Meeting Date:

Attachments: Yes No

CITY COUNCIL ACTION

Date:

- | | |
|-----------------------------------|---------------------------------|
| <input type="checkbox"/> Approved | <input type="checkbox"/> Denied |
| <input type="checkbox"/> Amended | <input type="checkbox"/> Tabled |
| <input type="checkbox"/> Other | |

Originating Department: Willmar Police

Agenda Item: Appropriation of funds for unplanned replacement of interview video equipment

Recommended Action: Request approval to authorize funding & purchase of replacement video recording equipment at the Law Enforcement Center due to an unexpected and irreparable failure to existing equipment.

Split cost with the Kandiyohi County Sheriff's Office would be \$13,765.25 (WPD share) to purchase and install replacement equipment. The equipment would also upgrade the system to digital recording capabilities.

We believe funding could come from the 2015 Willmar PD budget with realignment from other line items (due to payroll changes from retirement to replacement, funds left in some line items, etc.)

Background/Summary: The Willmar Police Department shares a facility with the Kandiyohi County Sheriff's Office that was built in 2000. The initial video recording system installed in the interview rooms was DHS cassettes and was upgraded to DVD recording about 9 years ago.

In the fall of 2015, the DVD recording system failed and was deemed irreparable. In the interim, staff have been able to retrofit one of the three interview rooms with lower quality video equipment but an upgrade and replacement is deemed a high priority.

The attached sales agreement (estimate) from the Ban-Koe Company was found to fit our needs and a lower price than other vendors. It would also be expandable in the future, if needed. This video system would upgrade to digital video and make transfer of videos to the prosecutors & court more efficient plus produce a much higher quality video / audio recording. Staff time to transfer videos is predicted to decrease significantly.

Courts and the public continue to expect and demand video and audio recordings for criminal investigations. We deem this a high priority item for replacement. Due to the sudden failure of the system, it was an unexpected replacement and had not been placed on a CIP at this point.

Alternatives: Continue with interim fix and place on future CIP.

Financial Considerations: Expenses up to \$13,765.25 which could be realigned from the 2015 Willmar PD budget from other line items.

Preparer: Chief Jim Felt

Signature:

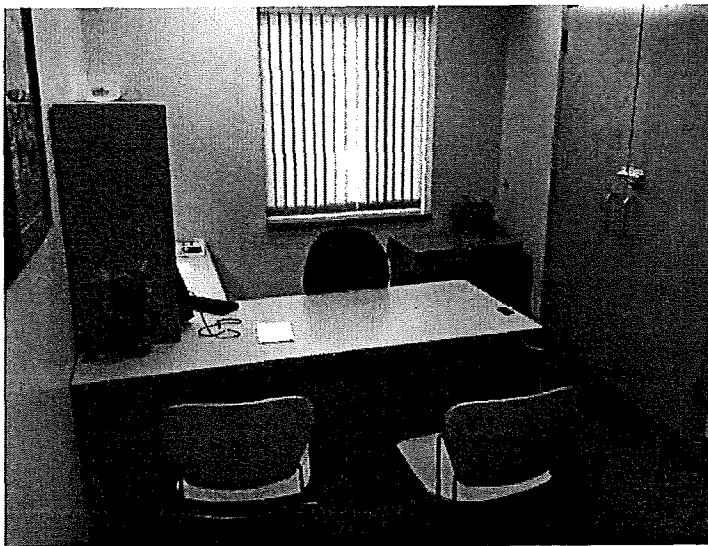
Comments:



Interview Room #1



Interview Room #2



Lobby Interview Room



SALES AGREEMENT

9100 West Bloomington Freeway, Bloomington, MN 55431
 tel (952) 888-6688 | fax (952) 888-3344

CUSTOMER PO:
 SALESPERSON: RICK EGAN, RE-532 DATE: 12/2/2015

PROJECT:	Willmar Police Department	OWNER:	Willmar Police Department
ADDRESS:	2201 NE 23rd Street	ADDRESS:	2201 NE 23rd Street
ADDRESS2:		ADDRESS2:	
CITY, STATE ZIP:	Willmar, MN	CITY, STATE ZIP:	Willmar, MN
CONTACT:	Det. Sgt. Vince King	CONTACT:	Det. Sgt. Vince King
PHONE:		PHONE:	
FAX:		FAX:	

BILL TO:	Willmar Police Department	SHIP TO:	Ban-Koe Companies
ADDRESS:	2201 NE 23rd Street	ADDRESS:	9100 West Bloomington Freeway
ADDRESS2:		ADDRESS2:	
CITY, STATE ZIP:	Willmar, MN	CITY, STATE ZIP:	Minneapolis, MN 55431-2200
CONTACT:	Det. Sgt. Vince King	CONTACT:	
PHONE:		PHONE:	(952) 888-6688
FAX:		FAX:	(952) 888-3344

THIS ORDER WILL SHIP: Only Upon Your Request in Writing - not until
 * TERMS OF SALE: 50% Deposit - 40% Due Upon Shipment - 10% Due Upon Owner Training
 METHOD OF PAYMENT: Ban-Koe Will Invoice Customer

ORDER SUMMARY: Video Evidence Solution & Options

QTY	DESCRIPTION	SYSTEM PRICE
1	Base Quote (Three Rooms) - Replace Existing Interview Video Surveillance System with Video Evidence System	23,330.49
1	Add Family Services Interview Room - Assumes LAN connection between building existing	5,895.72
	ONE YEAR WARRANTY ON ABOVE	
	<u>Optional but Recommended Annual Support Agreements (choose only one)</u>	
	TSP (Annual Support Contract) Base Bid	1,695.00
	TSP (Annual Support Contract) Base Bid + Option 1	1,995.00

Benefits of Video Evidence Solution

- Ability to copy video/audio and layer to a standard 4.7 gb DVD
- Seamlessly combines the audio and video interrogation recording together
- Ability to book mark and index key points of interrogation in real time
- Provides a web based access to video based on user permission rights
- Minimal keystrokes and mouse clicks
- Extremely end user friendly
- Ease of use in processing videos to DVD
- Ability to download more than 1 camera at a time
- Provides ability to have more than one camera/room at a time
- Doesn't fill up local hard drive with unnecessary copies
- Provide network security to the cameras to prevent unauthorized viewing
- Allow live audio/video monitoring of the interview rooms from the Investigators areas

Support Contract Summary - What it Includes

- Call: 800-969-9633 Option 1 for Support (952-888-6688)
 Email: support@bankoe.com
- unlimited access to support center (call or email above)*
 - access to support after hours - call same number (no email)
 - control components are covered (parts & labor) (i.e. NVR, power supply, base station, etc.)
 - software upgrades as required, included
 - re-training on feature functionality (Video Evidence)
 - not covered - acts of God, vandalism, neglect.
- *Call support center for any reason to get support.

PLEASE CIRCLE ITEMS YOU WOULD LIKE TO PURCHASE AND SIGN AT LOWER RIGHT CORNER OF AGREEMENT.

SUB-TOTAL:
 TAX: NOT INCLUDED
 TOTAL
 DEPOSIT:
 BALANCE:

SHIPPING & HANDLING INCLUDED
 REMIT ALL PAYMENTS TO THIS ADDRESS:
 BAN-KOE COMPANIES
 9100 WEST BLOOMINGTON FREEWAY
 MINNEAPOLIS, MN 55431



TERMS & CONDITIONS

The attached proposal is valid for sixty (60) Days. After sixty (60) Days, the proposal may be withdrawn at any time. By signing this Agreement, customer agrees to all the Agreement Terms & Conditions, pages 2 and 3 attached herein. Ban-Koe will commence final connections, check-out, certification, and training upon receipt of 90% of the order total. Finance charges will apply on any past due amounts at a rate of 1.5% *18% APR or \$25.00 whichever is greater. Credit Card payments are subject to a 3% processing fee on the total amount charges.

BAN-KOE SIGNS HERE:
 BY (X): _____
 TITLE: _____
 DATE: _____

CUSTOMER SIGNS HERE:
 BY (X): _____
 TITLE: _____
 DATE: _____



DATE: 12/2/2015

JOB: WILLMAR POLICE DEPARTMENT
2201 NE 23RD STREET

WILLMAR, MN

SYSTEM: Base Quote (Three Rooms) - Replace Existing Interview Video Surveillance System with Video Evidence System

QTY	DESCRIPTION
3	Indoor 2MP, Vandal Dome, Auto Focus, 2.7~9mm lens @F1.2, IR Cut Filter PoE, H.264/MPEG4/MJPEG, Progressive Scan CMOS, 3 year advanced replacement warranty No camera license required with Video Insight 5.0 or higher VMS software includes unlimited SUP (software upgrade program) for all updates and major software releases
1	Dell R320 , Single Xeon Processor, 4 GB of RAM, Dual 1 GB Ethernet Ports, Server 2012 Std. R2 Edition, Support for (4) 3.5" drives, 8TB Storage total with 9TB usable, PERC H710 Raid Controller, DVD-RW, Keyboard and Mouse, No Audio, No Rails NVR price includes, First 8 IPSv5 license, 3 year hardware limited warranty* 5 years of "SUP" for all updates and major software releases for all licenses added to the NVR
1	Wall Mount Rack (Three Section)
3	Latching Push Button for Audio/Video Record Activation/Deactivation - One Button Panel, Single Gang
3	Indicator Light for Inside Room Audio/Video Record Activation/Deactivation - One Button Panel, Single Gang
3	Louroe Verifact A Wall or Ceiling Microphone
1	AP-8 RM Louroe 8 Zone Rack Mount Base Station
3	Install & Provide Cable from Camera to Recording Room
3	Install & Provide Cable from Mic to Recording Room
3	Install & Provide Cable from Button & Indicator to Camera
12	Install all room devices (cameras, mics, buttons, indicators, etc.)
1	Install Wall Rack
1	Cable - CAT6
1	Cable - 18/4
1	Cable - 18/2 OAS
1	T&E

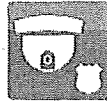
POE Network switch provided by owner/county/IT department
PC in Recording Room provided by owner/county/IT department

+ \$1,000
(\$500 WPD)

DEDICATED COMPUTER TO
BE PURCHASED DIRECTLY
FROM KANABYSHI COUNTY

+ 1,500
(\$750 WPD)

MULTI-PORT DVR PLAYER TO
BE PURCHASED DIRECTLY FROM
KANABYSHI COUNTY



vidix Video Evidence

Up to date technology meeting today's standards in video evidence capture and processing leads to streamlined operations and repeatable processes resulting in efficient workflow. Video Evidence reduces agency liability as well as the financial and personal risk to law enforcement professionals providing them with the confidence they require in their day-to-day operations and ultimately in the courtroom.

Benefits

Features

Request a Demo

Benefits



Simplify

Simplify the interview process with consistent and repeatable processes.



Faster Transcribing

High quality video leads to high quality audio files which reduce the time and effort needed in transcribing statements.



Secure Information

Top of the line servers and components with automatic backups set your mind at ease when it comes to technology related issues.

Features

Lightweight, High Quality Video

Video Evidence recording controls are simple to use and designed to operate without disrupting operating procedures. Once recorded, the digital media is stored on reliable media rather than bulky audio or video tapes or CD's, ensuring a complete and accurate recording of excellent quality.

Simultaneous Interviews

Conduct, record and view multiple interviews simultaneously all on one system.

Tailored Recording Options

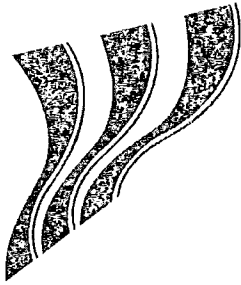
Start/stop the recording process with a push button, from the client software. Add a card reader for greater control of the recording environment, mute the audio if required for client privilege. Add

Bookmark and Time Stamp

Automatic date/time stamp included on all recordings, personalize with your own watermark, bookmark key events with case number, demographics, and interviewer for quick search and review.

Open Compatible and Proprietary Media

Recordings can be saved in a universal format as well as saved in a proprietary format that includes its own playback application.



CITY OF WILLMAR, MINNESOTA
REQUEST FOR COMMITTEE ACTION

Agenda Item Number: 10

Meeting Date: January 11, 2016

Attachments: Yes No

CITY COUNCIL ACTION

Date: January 19, 2016

- | | |
|-----------------------------------|---------------------------------|
| <input type="checkbox"/> Approved | <input type="checkbox"/> Denied |
| <input type="checkbox"/> Amended | <input type="checkbox"/> Tabled |
| <input type="checkbox"/> Other | |

Originating Department: Engineering

Agenda Item: Preliminary Budget Presentation for the 2016 Improvement Projects

Recommended Action: Execute resolution to approve the recommended budget for the 2016 Improvement Projects.

Background/Summary: Staff has prepared the preliminary budget for the 2016 Improvement Projects. Council action is required to approve the budgets outlining the estimated cost and funding sources for the projects.

Alternatives: Further review and discussion of Project costs and financing.

Financial Considerations: Usage of funding sources as noted on the attached budget resolution.

Preparer: Sean E. Christensen, P.E.
Public Works Director

Signature: 

Comments:

RESOLUTION NO. ____
PRELIMINARY 2016 STREET IMPROVEMENTS BUDGET

ESTIMATED TOTAL COST \$2,945,250.00

*Budget Amounts are Essential

Dated:

Code

PERSONNEL SERVICES

10* Salaries Reg. Employees	_____
11* Overtime Reg. Employees	_____
12* Salaries Temp. Employees	_____
13* Employer Pension Contr.	_____
14* Employer Ins. Contr.	_____
TOTAL	_____ \$0.00

RECEIVABLES

Assessments Prop Owners	_____ \$802,842.00
Community Investment	_____ \$457,158.00
General	_____ \$397,000.00
State Aid	_____ \$1,105,750.00
WTP	_____ \$40,000.00
MUC	_____ \$42,500.00
Kandiyohi County	_____ \$100,000.00
TOTAL	_____ \$2,945,250.00

SUPPLIES

20* Office Supplies	_____
21* Small Tools	_____
22* Motor Fuels & Lubricants	_____
23* Postage	_____
24 Mtce. of Equipment	_____
25 Mtce. of Structures	_____
26 Mtce. of Other Improvements	_____
27 Subsistence of Persons	_____
28 Cleaning & Waste Removal	_____
29* General Supplies	_____
TOTAL	_____ \$0.00

FINANCING

General	_____ \$397,000.00
Bonds	_____ \$1,260,000.00
State Aid	_____ \$1,105,750.00
WTP	_____ \$40,000.00
MUC	_____ \$42,500.00
Kandiyohi County	_____ \$100,000.00
TOTAL	_____ \$2,945,250.00

GRAND TOTAL \$2,945,250.00

Dated: _____

OTHER SERVICES

30 Communications	_____
31* Printing & Publishing	_____
32 Utilities	_____
33* Travel-Conf.-Schools	_____
34 Mtce. of Equipment	_____
35 Mtce. of Structures	_____
36* Mtce. of Other Impr.	_____ \$2,541,956.00
37 Subsistence of Persons	_____
38 Cleaning & Waste Removal	_____
39* Other Services	_____ \$254,195.60
TOTAL	_____ \$2,796,151.60

 Mayor

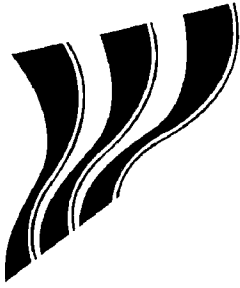
Attest:

OTHER CHARGES

40 Rents	_____
41* Insurance & Bonds	_____
42 Awards & Indemnities	_____
43 Subscription/Memberships	_____
44 Interest	_____
45 Licenses & Taxes	_____
46 Prof. Serv.	_____ \$133,076.00
47* Advertising	_____
48* Adm. OH (Transfer)	_____
49 Other Charges	_____ \$16,022.40
TOTAL	_____ \$149,098.40

 City Clerk/Treasurer

GRAND TOTAL \$2,945,250.00



**CITY OF WILLMAR, MINNESOTA
REQUEST FOR COMMITTEE ACTION**

Agenda Item Number: 17

Meeting Date: January 11, 2016

Attachments: Yes No

CITY COUNCIL ACTION

Date:

- | | |
|-----------------------------------|---------------------------------|
| <input type="checkbox"/> Approved | <input type="checkbox"/> Denied |
| <input type="checkbox"/> Amended | <input type="checkbox"/> Tabled |
| <input type="checkbox"/> Other | |

Originating Department: Community Education & Recreation

Agenda Item: Reverse Osmosis Water System

Recommended Action: To approve Willmar Water Conditioning proposal to install RO Water Systems in both the Blue Line Arena and Civic Center Arena. \$23,000.00 was approved in the 2016 CIP for this work to be completed.

Background/Summary: We would like to install the Blue Line Arena system yet this winter to improve the BLA ice for curling yet this season. We will have the Cardinal Arena System installed after the ice season this year. That system needs some storage area created and it would be better for staff and the installer to complete that project after ice is out this year. There is \$23,000.00 in the CIP for this work, the remaining \$2,898.00 to complete this work will come out of the operations budget for the Civic Center.

Alternatives: Do not approve the work.

Financial Considerations: \$25,898.00 Total \$9,993.00 BLA \$15,905.00 CA

Preparer: Steve Brisendine

Signature:

Comments:

There are a few things that we can use at the blue line club presently installed from old system. We will reuse these items (Grundfus pump, 1-300 gallon tank, carbon filter)

#1 Civic Center

2 vessel Coster reverse osmosis system
1 Grundfus Delivery pump
1- LindySpring carbon filter 10"x54"
1- LindySpring twin tank
2-1500 gallon storage tanks

#2 Blue Line Center

2 vessel Coster reverse osmosis system
1- LindySpring twin tank
1-1500 gallon storage tank

Equipment installation included all labor, fittings
Electrical not included (some outlets needed)

\$25898.00

Sincerely Bob Fader

Willmar Water Cond.
1600 11th ave NE
Willmar MN 56201
320-235-1420

www.willmarwater.com<<http://www.willmarwater.com>>
www.currierswater.com<<http://www.currierswater.com>>
www.caponewater.com<<http://www.caponewater.com>>

12/11/15
Blue Line Center

2 vessel Coster reverse osmosis system
1- LindySpring twin tank
1-1500 gallon storage tank
16"x65" calcite filter (ph. Up)
bypass for above

Equipment installation included all labor, fittings
Electrical not included (some outlets needed)

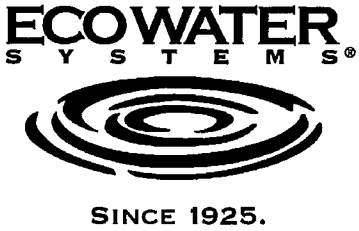
\$9993.00

Sincerely Bob Fader

Willmar Water Cond.
1600 11th ave NE
Willmar MN 56201

www.willmarwater.com
www.currierswater.com
www.caponewater.com

[320-235-1420](tel:320-235-1420)



QUOTATION

Quote Number: 1676
 Quote Date: Dec 4, 2015
 Page: 1
 PO Number: Revised R.O Quote

EcoWater Systems of Willmar
 101 Litchfield Avenue SE
 Willmar MN 56201

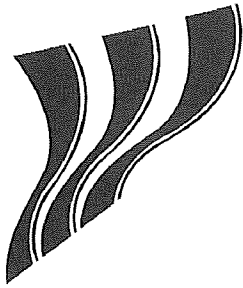
Quoted To:
Willmar Area Civic Center 2707 Arena Dr. Willmar, MN 56201

Customer ID	Good Thru	Payment Terms	Sales Rep
3 WILCI-01	1/3/16	Net 10 Days	Jay Johanneck

Quantity	Item	Description	Unit Price	Amount
1.00	3 CommOther	<p>2 Sets of Equipment: Each side will get 1-EWS070D (Softener System), ECWS Carbon (Chlorine Removal for R.O.), EPRO3000 (3,000 gallon per day R.O. system)</p> <p>4500 Gallon open air tank (3,000 gallons for Civic Side & 1500 for Curling side) Grundfos Pump (60 GPM CRI E10-4)</p> <hr/> <p>This includes the plumbing bid we received from Willmar Plumbing and Heating. The Civic side will have a new on-demand water heater installed- Hot water to the showers and hot R.O. water to the manifold we will plumb. The civic side will be completely plumbed in including water heater replumb.</p>	59,645.00	59,645.00

Phone: 320-235-8040
 Fax: 320-235-8125
 www.ecowaternow.com

Subtotal	59,645.00
Sales Tax	
TOTAL	59,645.00



**CITY OF WILLMAR, MINNESOTA
REQUEST FOR COMMITTEE ACTION**

Agenda Item Number: 8

Meeting Date:

Attachments: Yes No

CITY COUNCIL ACTION

Date:

- | | |
|-----------------------------------|---------------------------------|
| <input type="checkbox"/> Approved | <input type="checkbox"/> Denied |
| <input type="checkbox"/> Amended | <input type="checkbox"/> Tabled |
| <input type="checkbox"/> Other | |

Originating Department: Leisure Service

Agenda Item: Orange Baseball Field Scoreboard

Recommended Action: Accept a \$5,000.00 donation from the Willmar Baseball/Fastpitch Booster Association.

Background/Summary: The WBFBA agreed to cost share in the purchase of the scoreboard for the Orange Baseball Field. This \$5,000.00 donation is the amount agreed to.

Alternatives: Do not accept this generous donation.

Financial Considerations: \$5,000.00

Preparer: Steve Brisendine

Signature: *Steve Brisendine*

Comments:



Community Education & Recreation
1234 Kandiyohi Avenue SW
Willmar, MN 56201
320-231-8490

Billing Request

Party to be billed:

WBFBA
Willmar Baseball Fastpitch Booster Assn
Attn: Dave Baumgart

Amount:

\$5,000

*Donation for
Orange Scoreboard
Project*

Description:

Scoreboard Partnership – Orange Baseball field

101.34350.1806

Authorized Signature:

Steve Busenden

Date:

December 9, 2015

WILLMAR BASEBALL BOOSTERS ASSN

PO BOX 409
WILLMAR MN 56201

17-1-910
EZPASSSM Check
Print Protection

293

DATE 12/14/15



PAY TO THE ORDER OF *WCBR*

\$5000.00

Five thousand and no/100

DOLLARS

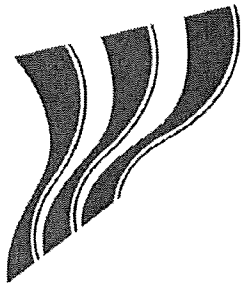
WELLS FARGO BANK, N.A.

MINNESOTA
WELLSFARGO.COM

For *Orange Scoreboard*

⑆091000019⑆ 1528749855⑆ 00293

PRINTED ON RECYCLED PAPER USING VEGETABLE-BASED INK



**CITY OF WILLMAR, MINNESOTA
REQUEST FOR COMMITTEE ACTION**

Agenda Item Number: 9
Meeting Date: January 11, 2016
Attachments: Yes No

CITY COUNCIL ACTION

Date: January 19, 2016

- | | |
|-----------------------------------|---------------------------------|
| <input type="checkbox"/> Approved | <input type="checkbox"/> Denied |
| <input type="checkbox"/> Amended | <input type="checkbox"/> Tabled |
| <input type="checkbox"/> Other | |

Originating Department: Finance

Agenda Item: Insurance Trust Dividend/Designated Reserve

Recommended Action: Information Only.

Background/Summary: \$250,000 was temporarily borrowed in 2014 from the Designated Self-Insurance Fund Balance to help fund the City Auditorium/Gun Range corrections with the intent of using the Insurance Dividend to repay it. In 2014, \$31,916 was received from the League of Minnesota Cities Insurance Trust reducing the amount from \$250,000 to \$218,084. In December, 2015, an additional \$50,527 was received and if applied to the adjusted balance would reduce the amount needed to repay the loan to \$167,557.

Alternatives: Change Directive for the use of the Dividends

Financial Considerations: \$50,527.

Preparer: Steven B. Okins, Finance Director

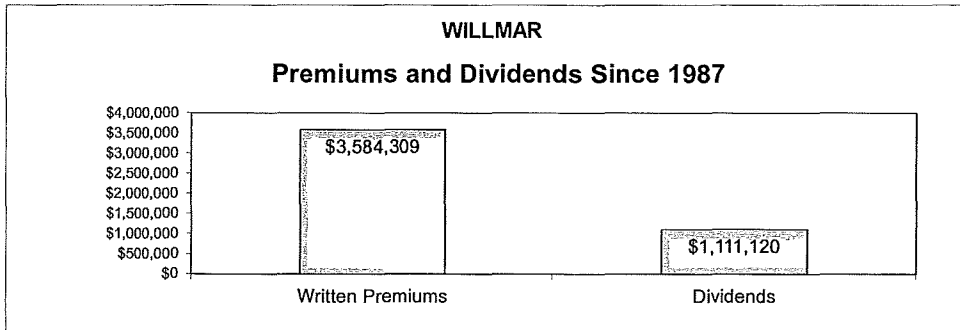
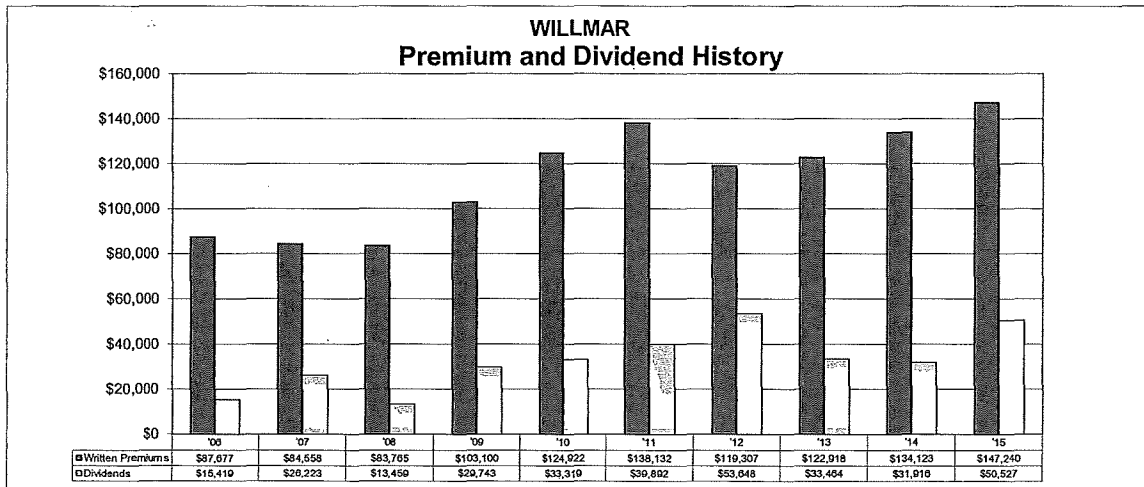
Signature:

Comments:

**LEAGUE OF MINNESOTA CITIES INSURANCE TRUST
PROPERTY/CASUALTY
2015 DIVIDEND CALCULATION
AT MAY 31, 2015**

CORNEIL-ELKJER AGENCY INC
436 LITCHFIELD AVENUE WEST
P.O. BOX 1037
WILLMAR MN 56201-3242

WILLMAR	GROSS EARNED PREMIUM	\$2,269,092
<i>PO BOX 755</i>	ADJUSTED LOSSES	\$414,326
	MEMBERS DIVIDEND PERCENTAGE	0.00306222573
<i>WILLMAR, MN 56201-0755</i>	DIVIDEND AMOUNT	\$50,527



The "gross earned premium" figure is the city's total earned premiums as of May 31, 2015 for the past 20 years (prior to 2015 it was based on total earned premiums for all years the city participated in LMCIT). This is the premium figure that's used in the dividend calculation. The "2015 written premium" figure is the city's total premium for the city's most recent renewal prior to May 31, 2015. Note that for most cities, only a portion of that 2015 written premium would be earned as of May 31, 2015.

SRC/JE/ID	DIRCTY VEN/CUS/EXPL	DATE	REFER	INVOICE	AMOUNT	CLAIM	SESS'N AUTH	PO#	F 9 CLEAR
	101			GENERAL FUND					
	101.293041			ASSIGNED FD BAL-SELF INSURAN					
J-123111-585	MISC JOURNAL ENTRIES	123111	5		1,000,000.00CR		060812 CAROL		000000
J-122414-004	MISC JOURNAL ENTRIES	122414	5		250,000.00		122414 CAROL		000000
J-123114-257	MISC JOURNAL ENTRIES	123114	2		31,916.00CR		061115 CAROL		000000
.....	101.293041			ASSIGNED FD BAL-SELF INSURAN	781,916.00CR	*TOTAL.....			
.....	101			GENERAL FUND	781,916.00CR	*TOTAL.....			

50,527. -
~~731,389~~
* 892,443
* 167,557 - Balance to be repaid

PUBLIC WORKS/SAFETY COMMITTEE

MINUTES

The Public Works/Safety Committee of the Willmar City Council met on Tuesday, January 12, 2016, in Conference Room No. 1 at the City Office Building.

Present: Ron Christianson Chair
Audrey Nelsen Vice Chair
Denis Anderson Member
Andrew Plowman Member

Others present: Public Works Director Sean Christensen; Police Chief Jim Felt; Fire Chief Frank Hanson; Shelby Lindrud "West Central Tribune"; George Hulstrand Jr.; Dick & Mary Lou Arne; Shirley Berg; Betty Wetterling; Robin Olson; Sonia Collier; John Baken (Citizens with concerns regarding the library crossing)

Item No. 1 Call to Order

The meeting was called to order by Chair Christianson at 4:45 p.m.

Item No. 2 Public Comments: Library Congestion Discussion (Information)

Citizens brought forth the concern of pedestrians crossing mid-block on the 400 block of 5th Street SW in front of the library. Mary Lou Arne spoke on behalf of the group to address the issue of safety for pedestrians not using the cross walk when exiting the library and school buses. The group requested a yellow marked crosswalk with signs in front of the library to allow pedestrians to cross the street to the Block 50 parking lot. Staff noted research shows these types of crosswalks and signs create a false sense of security and are confusing for traffic, as well as pedestrians not looking for traffic because the crosswalk is there. Chief Felt spoke with the bus companies that have stops in front of the library, and the KMS and Willmar buses are now dropping students off at the corner of 5th Street and Becker Avenue. This should alleviate children crossing the street mid-block to get to waiting parents in the Block 50 parking lot. The timeline of the reconstruction of the parking lot was discussed, with the idea to close access points to 5th Street as a possible solution noted. Staff stated the parking lot is not included in this year's improvement projects, as it was previously estimated at nearly \$500,000 to complete. The Committee and citizens discussed the speed limit on the street, and the idea of lowering it for the safety of pedestrians. Additional research by staff will be continued and the topic will be addressed further at a future Public Works/Safety meeting.

Item No. 3 Police and Fire Update (Information)

Police Chief Jim Felt noted the jail census for January 12, 2016 was 157; 84 inmates from the Department of Corrections, 68 inmates from Kandiyohi County and 5 inmates from Swift County. The calls for service since December 29 totaled 759 and are 4 days ahead for 2016. The total calls for service for 2015 totaled 19,575 and was 1,493 over the calls for 2014. The majority of the calls for the last two weeks were for traffic stops, followed by public assists and abandoned vehicles. Chief Felt explained the broadness of public assist calls can vary from emergency messages to items in the roadway.

Fire Chief Frank Hanson noted the total Fire Department calls for service for the previous two weeks totaled 16, 15 since January 1st. The calls included 4 alarm activations, 4 car accidents, 3 carbon monoxide alarms, and 3 sprinkler flow alarms. The total calls for service for 2015 totaled 333, 24 calls above 2014. Chief Hanson reminded citizens to replace carbon monoxide detectors every 5 years and replace the batteries every year. The department has received their SCBA equipment and hopes to have it in service March 1st.

Item No. 4 1503-A Change Order No. 1 and Project Final (Resolution)

Staff brought forth, for approval, Project No. 1503-A Change Order No. 1 and authorization of final payment to Duinick, Inc. The City entered into an agreement with Duinick on May 18, 2015 for the curb, sidewalk, pedestrian ramps, bituminous overlay and striping of Trott Avenue SE from 1st Street to Julii Street and Kandiyohi Avenue SW from 11th Street to 7th Street. Change Order No. 1 resulted from overages in quantities of concrete and bituminous.

A motion was made by Council Member Nelsen, seconded by Council Member Plowman to approve Change Order No. 1 in the amount of \$9,491.76, accept Project No. 1503-A and authorize final payment to Duinick, Inc. in the amount of \$30,511.51. The motion carried.

Item No. 5 1503-B Change Order No. 1 and Project Final (Resolution)

Staff brought forth, for approval, Project No. 1503-B Change Order No. 1 and authorization of final payment to Duinick, Inc. The City entered into an agreement with Duinick on May 18, 2015 for the curb and bituminous overlay of 23rd Street SW from Trott Avenue to 320 feet north; 7th Street SE from Willmar Avenue to the former Wastewater Treatment Plant; and 25th Street SE from 7th Avenue to 4th Avenue. Change Order No. 1 resulted from overages in quantities of materials for the project.

A motion was made by Council Member Nelsen, seconded by Council Member Anderson to approve Change Order No. 1 in the amount of \$1,254.31, accept Project No. 1503-B and authorize final payment to Duinick, Inc. in the amount of \$9,262.14. The motion carried.

Item No. 6 Airport Update (Information)

Staff brought forth, for information, an update on the Willmar Municipal Airport. The Public Works Department continues to do an excellent job with snow removal on the runway. The Committee discussed the definition of NOTAM, which stands for a Notice To Airmen, and is used to alert pilots to anything out of the ordinary such as ice on the runway or winter conditions. -

Item No. 7 Non-Agenda Items (Information)

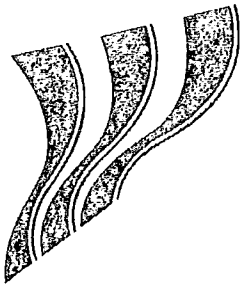
The Committee discussed the potential of lower bids for 2016 road construction projects in regards to lower petroleum costs. The ordinance pertaining to snow removal on sidewalks was discussed, with staff to obtain additional information. Citizen Robin Olson commented on the possible change in the ordinance regarding Saturday parking, with Chief Felt noting no changes being made at this time. Mr. Olson also discussed the concern of pedestrians crossing near the entrance of Frieda's Café, with staff to investigate solutions further.

There being no further business to come before the Committee, the meeting was adjourned at 5:44 p.m. by Chair Christianson.

Respectfully submitted,



Sean E. Christensen, P.E.
Public Works Director



**CITY OF WILLMAR, MINNESOTA
REQUEST FOR COMMITTEE ACTION**

Agenda Item Number: 4

Meeting Date: January 12, 2016

Attachments: Yes No

CITY COUNCIL ACTION

Date: January 19, 2016

- | | |
|-----------------------------------|---------------------------------|
| <input type="checkbox"/> Approved | <input type="checkbox"/> Denied |
| <input type="checkbox"/> Amended | <input type="checkbox"/> Tabled |
| <input type="checkbox"/> Other | |

Originating Department: Engineering

Agenda Item: Change Order No. 1, Accept Project and Authorize Final Payment for Project 1503-A

Recommended Action: Approve Change Order No. 1 in the amount of \$9,491.76, accept the project and authorize final payment to Duinck, Inc. in the amount of \$30,511.51 for Project No. 1503-A.

Background/Summary: The City Council entered into an agreement with Duinck, Inc. on May 18, 2015 for the curb, sidewalk, pedestrian ramps, bituminous overlay and striping of Trott Avenue SE from 1st Street to Julii Street and Kandiyohi Avenue SW from 11th Street to 7th Street. Change Order No. 1 resulted from overages in quantities of concrete and bituminous. The final pay request is hereby submitted for consideration. Staff is recommending final payment be made.

Alternatives: N/A

Financial Considerations: The change order and final payment is within the project budget.

Preparer: Sean E. Christensen, P.E.
Public Works Director

Signature:

Comments:

CONTRACTOR'S ESTIMATE NO. 3 (FINAL)
 PROJECT NO. 1503-A

CONTRACTOR: DUININCK INC.
 P.O. BOX 208
 PRINSBURG, MN 56281

CONSTRUCTION OF: CURB, SIDEWALK, PEDESTRIAN RAMPS, BITUMINOUS OVERLAY, AND STRIPING

LOCATION: TROTT AVENUE SE AND KANDIYOHI AVENUE SW

DATE: JANUARY 4, 2016

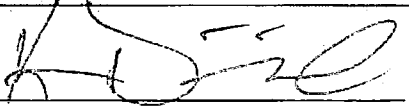
HONORABLE MAYOR AND CITY COUNCIL
 CITY OF WILLMAR, MINNESOTA


IN ACCORDANCE WITH THE CONTRACT WITH DUNINCK INC.
 I HEREWITH PRESENT THE FOLLOWING ESTIMATE

1503-A

STREET ITEMS					
	ITEM	UNIT	QUANTITY	PRICE	TOTAL
2104.501	Remove Concrete Curb/Curb and Gutter	LF	1,151.4	\$3.00	\$3,454.20
2104.509	Remove 4" Concrete Sidewalk	SF	10,659.3	\$0.75	\$7,994.48
2104.505	Remove Concrete Driveway Pavement	SY	129.3	\$8.00	\$1,034.40
2104.509	Remove Bituminous Pavement	SY	128	\$36.00	\$4,608.00
2105.525	Topsoil Borrow (CV)	CY	105.4	\$40.00	\$4,216.00
2211.501	Aggregate Base (Class 5)	TON	282.5	\$16.00	\$4,520.00
2232.501	Mill Bituminous Pavement 1-1/2"	SY	9,275	\$5.00	\$46,375.00
2360.502	Type SP 12.5 Non Wear Course Mix (3,B)	TON	46.12	\$110.00	\$5,073.20
2360.501	Type SP 12.5 Wearing Course Mix (3,B)	TON	1,651.60	\$87.00	\$143,689.20
2504.602	Adjust Valve Casting	EA	21	\$300.00	\$6,300.00
2506.522	Adjust Frame & Ring Casting	EA	21	\$550.00	\$11,550.00
2531.501	Concrete Curb and Gutter, Design B624	LF	1,374.7	\$21.98	\$30,215.91
2531.507	6" Concrete Driveway Pavement	SY	236.5	\$63.00	\$14,899.50
2521.501	4" Concrete Sidewalk	SF	13,172.9	\$6.20	\$81,671.98
2531.618	Truncated Domes	SF	676	\$52.00	\$35,152.00
2582.503	Crosswalk Marking-Epoxy	SF	592	\$4.20	\$2,486.40

2575.501	Seeding	AC	0.47	\$6,000.00	\$2,820.00
2575.502	Seed Mixture 25-151 (spec. 2014)	LB	56.7	\$4.00	\$226.80
2575.562	Hydraulic Matrix Type Bonded Fiber	LB	1,416.0	\$1.50	\$2,124.00
2575.532	Fertilizer Analysis 20-10-20 Type 3	LB	165.2	\$2.00	\$330.40
2575.601	Erosion & Sediment Control	LS	1.0	\$5,500.00	\$5,500.00
2565.602	6'x6' Loop Detectors Design PVC	EA	11	\$750.00	\$8,250.00
2582.501	Pavement Message (Left Arrow)-Epoxy	EA	2	\$125.00	\$250.00
2582.501	Pavement Message (Right Arrow)-Epoxy	EA	2	\$125.00	\$250.00
2582.501	Pavement Message (Thru Arrow)-Epoxy	EA	2	\$125.00	\$250.00
2582.502	4" Solid Line White-Epoxy	LF	185	\$0.84	\$155.40
2582.502	4" Broken Line Yellow-Epoxy	LF	650	\$0.85	\$552.50
2582.502	4" Double Solid Line Yellow-Epoxy	LF	306	\$1.70	\$520.20
2582.502	24" Solid Line White-Epoxy	LF	30.5	\$8.50	\$259.25
TOTAL PROJECT 1503-A					\$424,728.81
(Price includes all applicable sales and use taxes)					
BITUMINOUS DISINCENTIVE					\$1,132.05
SUBTOTAL:					\$423,596.76
LESS PREVIOUS ESTIMATE #1					\$336,016.67
LESS PREVIOUS ESTIMATE #2					\$57,068.58
LESS PREVIOUS ESTIMATE #3					
LESS PREVIOUS ESTIMATE #4					
AMOUNT DUE CONTRACTOR THIS ESTIMATE:					\$30,511.51

APPROVED: 
CONTRACTOR

APPROVED: 
CITY ENGINEER

CONTRACT AMOUNT: \$414,105.00
BUDGET NO.: 415.48451.0336

CHANGE ORDER NO. 1

CITY OF WILLMAR, MINNESOTA

PROJECT – PROJECT 1503-A-2015 STREET IMPROVEMENTS

CONTRACTOR – DUININCK INC. BOX 208, PRINSBURG, MN 56281

The following changes in work, quantities and cost for the above project are herewith authorized:


<u>Cost Summary:</u>	Original Contract	\$414,105.00
	Change Order No. 1 (includes bituminous disincentive of \$1,132.05)	\$9,491.76
	Contract Total	\$423,596.76

Date: January 4, 2016

CITY OF WILLMAR:

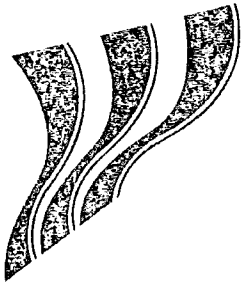

Sean Christensen, Public Works Director

DUININCK INC.


Contractor

Project 1503-A Incentive /Disincentive Summary

	incentive	Disincentive	Location	Core #'s	Date
		\$ 605.87	Trott Ave SE	3,4,5	8/21/2015
		\$526.18	Kandiyohi Ave SW	6,7	8/21/2015
TOTAL	\$0.00	\$ 1,132.05			
Total Project Incentive /Disincentive	(\$1,132.05)				



CITY OF WILLMAR, MINNESOTA
REQUEST FOR COMMITTEE ACTION

Agenda Item Number: 5
Meeting Date: January 12, 2016
Attachments: Yes No

CITY COUNCIL ACTION

Date: January 19, 2016

Approved Denied
 Amended Tabled
 Other

Originating Department: Engineering

Agenda Item: Change Order No. 1, Accept Project and Authorize Final Payment for Project No. 1503-B

Recommended Action: Approve Change Order No. 1 in the amount of \$1,254.31, accept the project and authorize final payment to Duinick, Inc. in the amount of \$9,262.14 for Project No. 1503-B.

Background/Summary: The City Council entered into an agreement with Duinick, Inc. on May 18, 2015 for the curb and bituminous overlay of 23rd Street SW from Trott Avenue to 320 feet north; 7th Street SE from Willmar Avenue to the former Wastewater Treatment Plant; and 25th Street SE from 7th Avenue to 4th Avenue. Change Order No. 1 resulted from overages in quantities of materials for the project. The final pay request is hereby submitted for consideration and staff is recommending final payment be made.

Alternatives: N/A

Financial Considerations: The change order and final payment is within the project budget.

Preparer: Sean E. Christensen, P.E.
Public Works Director

Signature: 

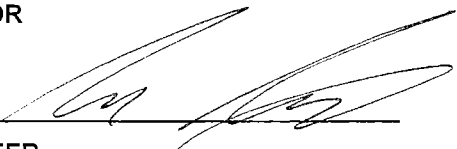
Comments:

CONTRACTOR'S ESTIMATE NO. 2 (FINAL)**PROJECT NO. 1503-B****CONTRACTOR: DUININCK INC.****P.O. BOX 208****PRINSBURG, MN 56281****CONSTRUCTION OF: CURB AND BITUMINOUS OVERLAY****LOCATION: 23RD STREET SW, 25TH STREET SE AND 7TH STREET SE****DATE: DECEMBER 16, 2015****HONORABLE MAYOR AND CITY COUNCIL****CITY OF WILLMAR, MINNESOTA****IN ACCORDANCE WITH THE CONTRACT WITH DUNINCK INC.****I HEREWITH PRESENT THE FOLLOWING ESTIMATE****1503-B**

STREET ITEMS					
	<u>ITEM</u>	<u>UNIT</u>	<u>QUANTITY</u>	<u>PRICE</u>	<u>TOTAL</u>
2104.501	Remove Concrete Curb/Curb and Gutter	LF	1,119.9	\$5.00	\$5,599.50
2104.505	Remove Concrete Driveway Pavement	SY		\$6.48	\$0.00
2104.509	Remove Bituminous Pavement	SY	522.4	\$17.53	\$9,157.67
2105.501	Common Excavation	CY	15	\$32.36	\$485.40
2105.525	Topsoil Borrow (CV)	CY	23.1	\$37.20	\$859.32
2211.501	Aggregate Base (Class 5)	TON	33.3	\$35.00	\$1,165.50
2232.501	Mill Bituminous Pavement 1-1/2"	SY	6,120	\$4.00	\$24,480.00
2360.502	Type SP 12.5 Non Wear Course Mix (3,B)	TON	112.50	\$110.00	\$12,375.00
2360.501	Type SP 12.5 Wearing Course Mix (3,B)	TON	818.92	\$85.00	\$69,608.20
2504.602	Adjust Valve Casting	EA	2	\$200.00	\$400.00
2506.522	Adjust Frame & Ring Casting	EA	7	\$400.00	\$2,800.00
2531.501	Concrete Curb and Gutter, Design B624	LF	534.8	\$19.98	\$10,685.30
2531.501	Concrete Curb and Gutter, Design D412	LF	585.1	\$17.80	\$10,414.78
2531.507	6" Concrete Driveway Pavement	SY		\$58.00	\$0.00
2575.501	Seeding	AC	0.05	\$10,000.00	\$500.00
2575.502	Seed Mixture 25-151 (spec. 2014)	LB	6	\$5.00	\$30.00

2575.562	Hydraulic Matrix Type Bonded Fiber	LB	150.0	\$2.75	\$412.50
2575.532	Fertilizer Analysis 20-10-20 Type 3	LB	17.5	\$2.00	\$35.00
2575.601	Erosion & Sediment Control	LS	1.0	\$1,300.00	\$1,300.00
TOTAL PROJECT 1503-B					\$150,308.18
(Price includes all applicable sales and use taxes)					
BITUMINOUS DISINCENTIVE					\$141.61
SUBTOTAL:					\$150,166.57
LESS CREDIT FOR BITUMINOUS SALVAGE:					
LESS PREVIOUS ESTIMATE #1					\$140,904.43
LESS PREVIOUS ESTIMATE #2					
LESS PREVIOUS ESTIMATE #3					
LESS PREVIOUS ESTIMATE #4					
AMOUNT DUE CONTRACTOR THIS ESTIMATE:					\$9,262.14

APPROVED: 
CONTRACTOR

APPROVED: 
CITY ENGINEER

CONTRACT AMOUNT: \$148,912.27
BUDGET NO.: 415.48451.0336

	Date Paved			Core #'s		Incentive	Disincentive
1503-B	8/20/2015	25th Street SE		1			
	8/21/2015	7th Street SE		2			
	8/21/2015	23rd Street SW		8			\$141.61
		1503-B Disincentive Total					\$141.61

CHANGE ORDER NO. 1

CITY OF WILLMAR, MINNESOTA

PROJECT – PROJECT 1503-B-2015 STREET IMPROVEMENTS

CONTRACTOR – DUININCK INC. BOX 208, PRINSBURG, MN 56281

The following changes in work, quantities and cost for the above project are herewith authorized:

<u>Cost Summary:</u>	Original Contract	\$148,912.27
	Change Order No. 1 (includes bituminous disincentive of \$141.61)	\$1,254.30
	Contract Total	\$150,166.57

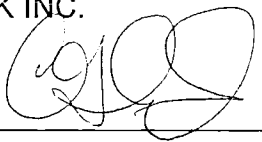
Date: December 16, 2015

CITY OF WILLMAR:

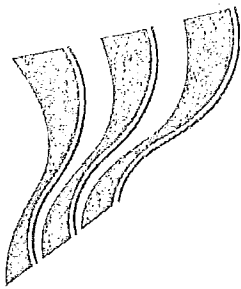


Sean Christensen, Public Works Director

DUININCK INC.



Contractor



**CITY OF WILLMAR, MINNESOTA
REQUEST FOR COMMITTEE ACTION**

Agenda Item Number: - 10

Meeting Date: January 12, 2016

Attachments: Yes No

CITY COUNCIL ACTION

Date: January 19, 2016

- | | |
|-----------------------------------|---------------------------------|
| <input type="checkbox"/> Approved | <input type="checkbox"/> Denied |
| <input type="checkbox"/> Amended | <input type="checkbox"/> Tabled |
| <input type="checkbox"/> Other | |

Originating Department: Public Works

Agenda Item: Airport Update

Recommended Action: For information only

Background/Summary: Updates on activities of the Willmar Municipal Airport

Alternatives: N/A

Financial Considerations: N/A

Preparer: Sean E. Christensen, P.E.
Public Works Director

Signature:

Comments:

Willmar Municipal Airport Operations Monthly Report December 2015

Winter did arrive in December. 41 NOTAM's were issued as a result of a few snow events throughout the month. Normal winter slow down, along with weather issues held our operations a bit lower this month. On average for the month, we saw about 60 operations per week.

The terminal building was cleaned weekly, with extra touch up cleanings due to snow being tracked in. On the 23rd Paul Beck from Weep No More, and myself had a small Christmas Potluck. About 15 people showed up, and it was a lot of fun.

The Public Works guys once again performed flawlessly during our snow events. It is very comforting to know that we have dedicated employees who take pride in their work. Our snow removal plan is the same as it was last year, and so far, it has worked well.

Winter is typically a slow time for small General Aviation Airports. We will continue to keep a close watch on the happenings out here. We are looking forward to the projects that will come now that FAA funding has been restored. Hopefully 2016 will be an active and safe year at the Willmar Municipal Airport.

Thank You
Eric

**COMMUNITY DEVELOPMENT COMMITTEE
MINUTES**

The Community Development Committee of the Willmar City Council met on Thursday, January 14, 2016, in Conference Room No. 1 at the City Office Building.

Present:	Rick Fagerlie	Chair
	Andrew Plowman	Vice Chair
	Audrey Nelsen	Member
	Tim Johnson	Member

Others present: Bruce Peterson - Director of Planning and Development Services, Larry Kruse – City Administrator, Shelby Lindrud – West Central Tribune, Dan Selander – Dooley’s Petroleum, Ron Davis, Mitra Engan, and Doug Fenster .

Item No. 1 Call to Order

The meeting was called to order by Chair Fagerlie at 4:45 p.m.

Item No. 2 Public Comments

There were no public comments.

Item No. 3 Proposal to Sell Industrial Park Land (Resolution)

Staff presented a purchase agreement from Dooley Bros. LLP to purchase three lots in the Willmar Industrial Park Fourth Addition with an option for a fourth lot. This is the project which was discussed in December and the City Council directed staff to negotiate a final purchase agreement, which has been done. The purchase agreement calls for the sale of three lots at the listed price of \$1.25 per square foot for a total of \$442,747.00. It is anticipated that this price could be reduced due to use of the Industrial Land Write-Down Policy. The Committee asked how many positions Dooley’s had at their other locations. Currently, they have 3 to 4 full time employees in the Willmar office and nearly 30 employees in their Murdock office. Dooley’s plan to move their natural gas staff, accounting jobs, and some bulk drivers to the Willmar location. Staff will work with the company to see exactly how those jobs fit into the Write-Down Policy.

Following discussion, a motion was made by Council Member Nelsen, seconded by Council member Plowman, and passed to approve a purchase agreement with Dooley Brothers LLP at a sale price of \$442,747.00 with the final price to be adjusted in accordance with the Industrial Land Write-Down Policy.

Staff noted that, following approval of the purchase agreement, they would begin work on the required ordinance to sell property, as well as a business subsidy agreement if the Land Write-Down was large enough to warrant it under statute.

Item No. 4 Sex Offender Housing (For Information Only)

The Committee discussed an analysis of law regarding sex offender housing prepared by City Attorney Robert Scott. The crux of the analysis was that the City has no authority to regulate licensed facilities that serve six or fewer residents, as they are considered a single family use by statute. There is, however, some authority to regulate the location of housing for sex offenders as long as they are not licensed facilities.

Ron Davis, a neighbor to such a facility in Willmar, suggested that a State-wide registry of level one, two, and three offenders was needed with location information available to area residents and potential home buyers. Mr. Davis stated that the proximity of sex offender housing to other homes may hurt sales and

property values. Mr. Davis also expressed his concern about the pending release of hundreds of offenders due to an anticipated Federal Court ruling.

Mitra Engan asked several questions about how to determine whether or not facilities or housing is licensed, and urged the Council to do what they could to protect neighborhoods.

It was a consensus of the Committee that additional legislation was needed at the State level. The Committee requested more clarification on the matter and suggested that the City Attorney be present or on a phone conference for a future discussion. Also, Representative Baker and Senator Koenen should be involved in those discussions.

Item No. 5 2015 Construction Summary (For Information Only)

Staff presented the Construction Summary for the year 2015. The total valuation of new construction in the City exceeded \$35 million dollars. Several projects that were anticipated to be started in 2015 have been delayed until 2016, so the 2016 construction figures should far exceed 2015.

Item No. 6 Willmar Wye Project (For Information Only)

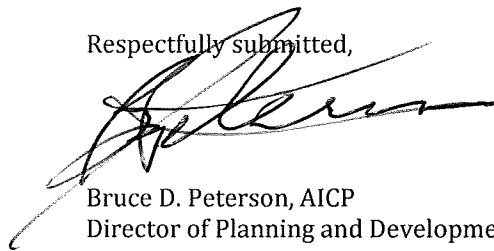
The Committee discussed the Wye Project and how to get more information out to the Council and the public. Staff noted that the project is being led by MnDOT and the Federal Railway Administration. The City's involvement includes only the donation of right-of-way at this point, and the City is not a major player in design and financing. Staff noted that a community meeting has been suggested to be held in the Spring of 2016 once more project details are known.

Item No. 5 New Business

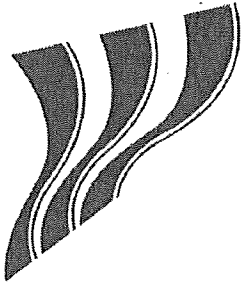
There was no new business.

There being no further business to come before the Committee, the meeting was adjourned at 5:45 p.m. by Chair Fagerlie.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bruce D. Peterson", is written over the typed name and title.

Bruce D. Peterson, AICP
Director of Planning and Development Services



**CITY OF WILLMAR, MINNESOTA
REQUEST FOR COMMITTEE ACTION**

Agenda Item Number: 3

Meeting Date: January 14, 2016

Attachments: Yes No

CITY COUNCIL ACTION

Date: _____

- | | |
|-----------------------------------|---------------------------------|
| <input type="checkbox"/> Approved | <input type="checkbox"/> Denied |
| <input type="checkbox"/> Amended | <input type="checkbox"/> Tabled |
| <input type="checkbox"/> Other | |

Originating Department: Planning and Development Services

Agenda Item: Proposal to sell Industrial Park land

Recommended Action: To approve a purchase agreement with Dooley Brothers, LLP at a sale price of \$442,747.00, with the final price to be reduced in accordance with the Industrial Land Write Down Policy.

Background/Summary: City received a purchase offer from Dooley Brothers, LLP to purchase three lots in the Willmar Industrial Park 4th Addition with an option for a fourth lot. The proposed project would include office facilities, as well as shop and maintenance facilities for the Company. The exact scope of the project has not yet been defined. The Company has expressed an interest in utilizing the City's Industrial Land Write Down Policy. That Policy has as a requirement that the base price for the sale of the property be the listing price of \$1.25 per square foot. Staff will be able to answer questions from the Committee regarding the purchase agreement.

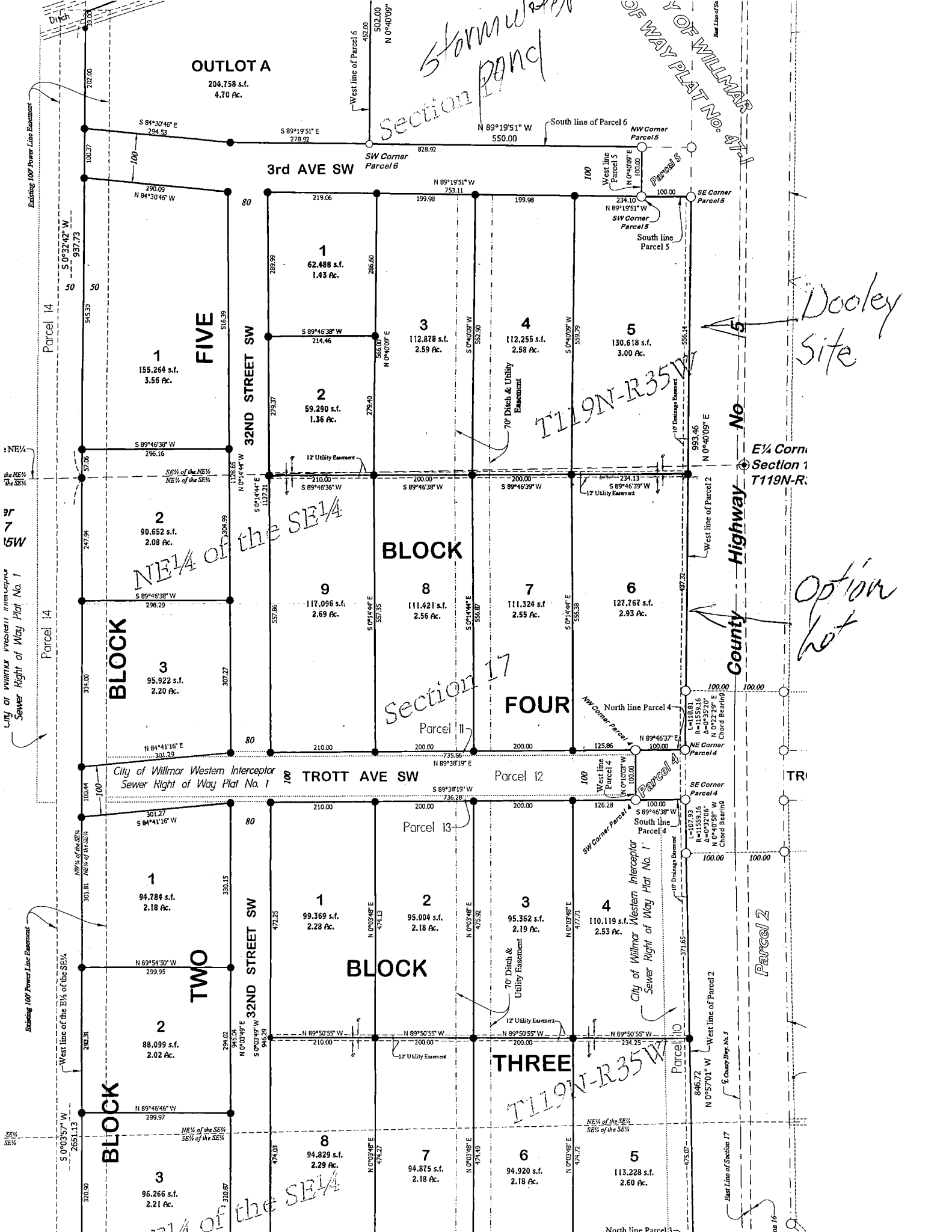
Alternatives: To not pursue the sale

Financial Considerations: The total purchase price for the three lots at \$1.25 per square foot is \$442,747.00. It is anticipated that the price could be reduced by approximately \$325,000 due to the use of the Industrial Land Write Down Policy. The option price will remain at \$1.25 per square foot for the fourth lot, pending final negotiations.

Preparer: Bruce D. Peterson, AICP
Director of Planning and Development Services

Signature:

Comments:



OUTLOT A
204,758 s.f.
4.70 Ac.

3rd AVE SW

32ND STREET SW

100 TROTT AVE SW

TWO

BLOCK

THREE

FOUR

BLOCK

FIVE

Stormwater Section Pond

Dooley Site

Option lot

NE 1/4 of the SE 1/4

T119N-R35W

T119N-R35W

OF WAY PLAT No. 47-1
Y OF WILLMAR

County Highway No. 5

E 1/4 Corner Section 1 T119N-R

Existing 100' Power Line Easement

City of Willmar Western Interceptor Sewer Right of Way Plat No. 1

City of Willmar Western Interceptor Sewer Right of Way Plat No. 1

Existing 100' Power Line Easement

SE 1/4 of the SE 1/4

SE 1/4 of the SE 1/4

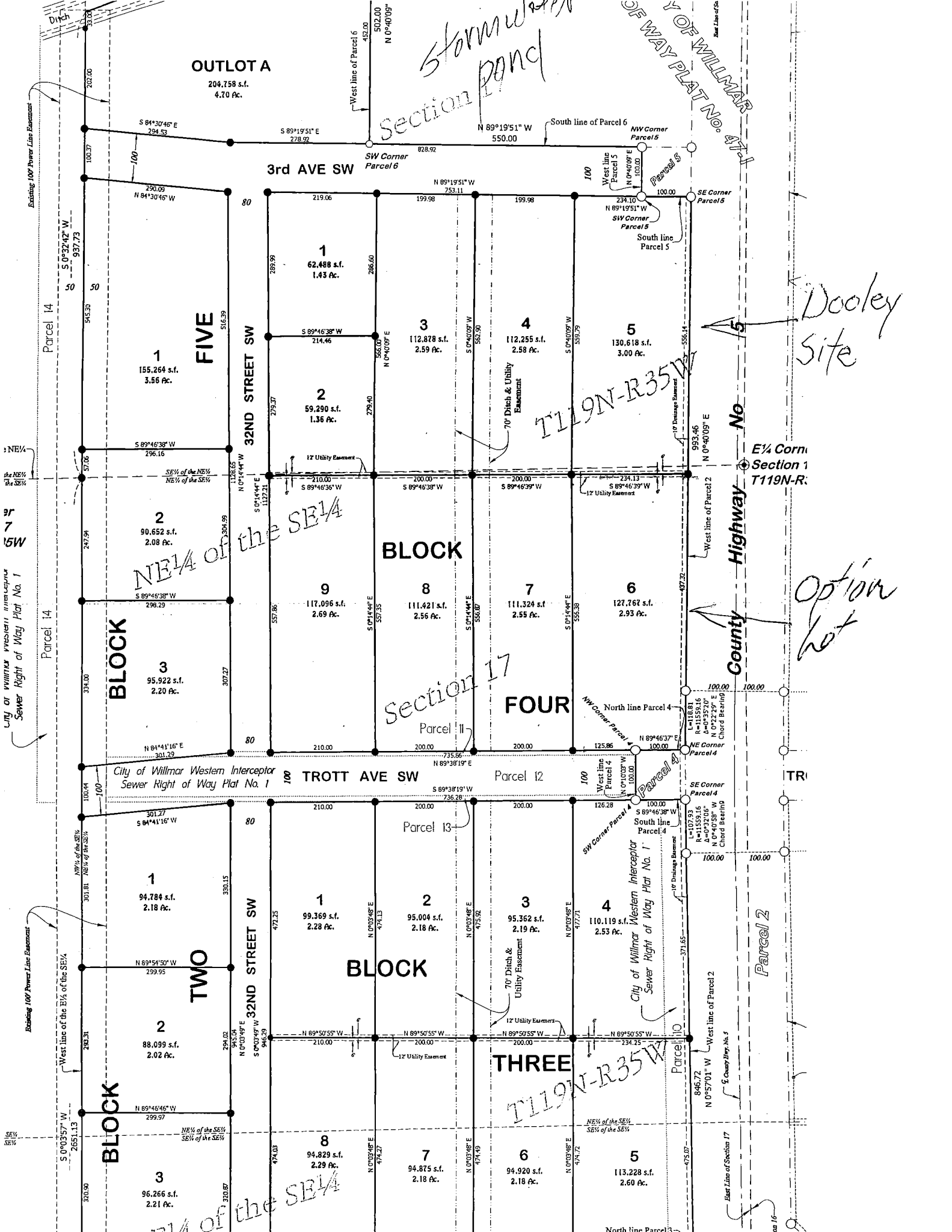
City of Willmar Western Interceptor Sewer Right of Way Plat No. 1

City of Willmar Western Interceptor Sewer Right of Way Plat No. 1

E County Hwy. No. 5

East Line of Section 17

Section 16



COMMERCIAL PROPERTY PURCHASE AGREEMENT

This Commercial Property Purchase Agreement is made this ____ day of _____, 2016, by and between Dooley Bros., LLP, a Minnesota limited liability partnership, hereinafter referred to as "Buyer", and the City of Willmar, a municipal corporation under the laws of Minnesota, hereinafter referred to as "Seller."

RECITALS

1. Seller is the owner of certain real estate located in the City of Willmar, Kandiyohi County, Minnesota, as legally described on the attached Exhibit A, together with all improvements thereon (the "Property").
2. Buyer desires to acquire Seller's interest in the Property by voluntary sale.
3. Seller is willing to sell its interest in the Property "as is" without making any representations or warranties as to the condition of the Property or its suitability to Buyer's purposes.

AGREEMENT

In consideration of the mutual covenants and agreements of the parties hereto contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Seller and Buyer hereby agree as follows:

1. Offer/Acceptance. Buyer agrees to purchase and Seller agrees to sell the Property under the terms and conditions set forth in this Agreement.
2. Purchase Price. The purchase price for the Property shall be Four Hundred Forty Two Thousand Seven Hundred Forty Seven Dollars (\$442,747.00), subject to reduction upon application of the City's Industrial Land Pricing Write-Down Policy attached hereto as Exhibit B, which reduction will be specified in a Business Subsidy Agreement between Buyer and Seller to be executed prior to the Closing Date, payable as follows:
 - a. Five Thousand Dollars (\$5,000.00) as earnest money ("Earnest Money"), which Earnest Money shall be held by Seller, the receipt of which Seller hereby acknowledges; and
 - b. The balance, Four Hundred Thirty Seven Thousand Seven Hundred Forty Seven Dollars (\$437,747.00), less the price reduction upon application of the City's Industrial Land Pricing Write-Down Policy, by check or wire to be paid on the Closing Date.
3. No Representations or Warranties. Seller agrees to quit claim the Property to Buyer on the Closing Date without making any representations or warranties about the

condition of the Property, and Buyer agrees to accept the Property “as is”, subject to the terms and conditions herein contained.

4. Closing Date. The closing shall take place at Willmar City Hall, 333 Sixth Street Southwest, Willmar, Minnesota, 56201, or at such other place as may be agreed to mutually by the parties, on a date mutually agreed to by the parties, but no later than thirty (30) days after the Inspection/Due Diligence Period described in Section 12 has expired or is waived in writing by Buyer, subject to extension for title curative matters pursuant to Section 9 (the “Closing Date”). Seller agrees to deliver possession of the Property to Buyer on the Closing Date.

5. Seller’s Closing Documents. On the Closing Date, Seller shall deliver to Buyer the following:

- a. Quit Claim Deed. A duly executed quit claim deed, conveying the entirety of Seller’s interest in the Property to Buyer.
- b. Seller’s Affidavits. Seller shall provide a standard owner’s affidavit and/or indemnity which may be reasonably required by the Title Company to issue an owner’s policy of title insurance conforming to the requirements of Section 9 of this Agreement.
- c. Well Certificate. If there are wells on the Real Property, a Well Certificate in the form required by Minn. Stat. § 103I.
- d. Other Affidavits. Any other affidavits or certificates that may be required under Minn. Stat. § 116.48, Subd. 6, or Sect. 115B.16 or other provisions of law.
- e. Abstract. The abstract of title or the owner’s duplicate certificate of title for the Real Property, if the same is in the Seller’s possession.
- f. Other. Such other documents as may reasonably be required to transfer fee title to the Property to Buyer and to enable the Title Company to provide the Title Policy as required by this Agreement.

6. Buyer’s Closing Obligations. On the Closing Date, Buyer will deliver to Seller the Purchase Price (less the Earnest Money previously paid to Seller), by check or wire.

7. Contingencies.

- a. Buyer’s Contingencies. The obligation of the Buyer to perform under this Purchase Agreement is contingent upon the timely occurrence or satisfaction of each of the following conditions:

- i. On the Closing Date, title to the Property shall be acceptable to Buyer in accordance with the provisions of Section 9.
 - ii. The Inspection Period described in Section 12, shall have expired without Buyer's termination of the Purchase Agreement.
 - iii. Buyer has obtained financing or otherwise obtained funds sufficient to enable it to pay the Purchase Price.
 - iv. At closing, Seller shall enter into an agreement with Buyer, in form and substance acceptable to the Parties, granting Buyer a Right of First Refusal to Lot 6, Industrial Park, Fourth Addition to the City of Willmar, pursuant to which the Buyer will have 30 days following Seller's presentation of another purchase agreement for the sale of such property to exercise its right to purchase such property on the same terms and conditions as contained in the purchase agreement so presented.
 - v. The contingencies in this section are solely for the benefit of, and may at any time be waived by, the Buyer. If any approval as provided herein is not obtained by the Closing Date, this Agreement shall be null and void, and in this event Seller may retain the earnest money paid by Buyer.
- b. Seller's Contingencies. The obligation of the Seller to perform under this Purchase Agreement is contingent upon the timely occurrence or satisfaction of each of the following conditions:
- i. The Willmar City Council shall pass an ordinance authorizing the sale of the Property to Buyer consistent with the terms of this Agreement as required by Section 2.12, subdivision 1(G) of the City's Home Rule Charter.
 - ii. At or prior to closing, Buyer shall enter into a Business Subsidy Agreement with Seller pursuant to the requirements of Minnesota Statutes, Section 116J.994, subdivision 3, with respect to the application of Seller's Industrial Land Pricing Write-Down Policy (Exhibit A) to reduce the Purchase Price, in form and substance acceptable to the Seller (the "Business Subsidy Agreement").
 - iii. Buyer shall have performed all of its obligations required to be performed by Buyer under this Agreement as and when required under this Agreement.

8. Prorations. Seller and Buyer agree to the following prorations and allocation of costs regarding this Agreement.

- a. Title Insurance and Closing Fee. Buyer will pay all costs of the Title Commitment and all premiums required for the issuance of the Title Policy. Buyer will pay all costs relating to the title examination of the Property. Seller and Buyer will each pay half of any closing fee imposed by the Title Company. All other costs charged by the Title Company will be prorated as is normal and customary in the county in which the Property is located.
- b. Deed Tax. Buyer shall pay the state deed tax as required in order to convey the Property to Buyer.
- c. Real Estate Taxes and Special Assessments. General real estate taxes payable in the year prior to the year of Closing and all prior years will be paid by Seller. General real estate taxes shall be prorated such that Seller shall pay such portion of such taxes and assessments attributable to the period beginning on January 1 of the year in which the Closing Date takes place, and continuing through and including the Closing Date and Buyer shall pay such portion of such taxes attributable to the period beginning on the first day after the Closing Date takes place. If general real estate taxes due and payable during the year in which the Closing Date takes place have not yet been determined as of the Closing Date, Buyer and Seller shall prorate based on the last tax statement available. Seller shall deliver the Property with all special assessments for infrastructure improvements constructed on or adjacent to the Property paid in full.
- d. Broker's Fees. Buyer shall be responsible for real estate broker fees according to the written agreement between Buyer and Buyer's broker.
- e. Recording Costs. Buyer will pay the cost of recording Seller's quit claim deed and Well Certificate, if any. Seller shall pay the cost of recording any documents necessary to perfect its own title or which release encumbrances other than Permitted Encumbrances.
- f. Other Costs. All other operating costs of the Property will be allocated between Seller and Buyer as of the Closing Date, so that Seller pays that part of such other operating costs accruing on or before the Closing Date, and Buyer pays that part of such operating costs accruing after the Closing Date.
- g. Attorneys' Fees. Each of the parties will pay its own attorneys', accountants' and consultants' fees.

9. Title. Seller shall quit claim the entirety of its interest in the Property to Buyer, and Buyer shall have the opportunity to satisfy itself that Seller's interest in the Property is free of encumbrances other than easements and restrictions of record which do not

materially interfere with Buyer's intended use of the Property and Permitted Exceptions as provided herein.

- a. Title Commitment. Buyer may at any time during the Inspection Period, obtain at its sole cost and expense, a title commitment ("Title Commitment") covering the Property and binding the title company ("Title Company") to issue at closing a current form ALTA Owner's Policy of Title Insurance ("Title Policy") in the full amount of the purchase price hereunder. Within thirty (30) days of the effective date of this Agreement, Seller shall deliver to Buyer one or more Abstracts of Title, if the same are in Seller's possession, covering all parcels that make up the Property.
- b. Objections. Within fifteen (15) business days after delivery of the Title Commitment to Buyer from its Title Company, Buyer may deliver to Seller such written objections as Buyer may have to the form and content contained therein. Seller shall make commercially reasonable efforts to satisfy such objections prior to the Closing Date.
- c. Buyer's Rights if Seller Fails to Cure Objections. If Seller delivers written notice to Buyer on or before the Closing Date that Seller is unable to satisfy any objection or if, for any reason, Seller is unable to convey title satisfactory to Buyer in accordance herewith, Buyer may, as Buyer's exclusive remedies, waive such objections and accept such title as Seller is able to convey or terminate this Agreement by written notice to Seller and receive a refund of the earnest money, provided that such termination notice must be delivered on or before the Closing Date.
- d. Permitted Exceptions. The following shall be deemed to be permitted exceptions:
 - (1) Building and zoning laws, ordinances, state and federal regulations; and
 - (2) The lien of real property taxes payable in the year of Closing which by the terms of this Agreement are to be paid or assumed by Buyer.
 - (3) Matters contained in any title commitment or survey which Buyer is in possession of and for which Buyer does not make any objection to or waives any objection to and proceeds to closing on the Property.

10. Operation Prior to Closing. During the period from the date of Seller's acceptance of this Agreement to the Closing Date (the "Executory Period"), Seller shall operate and maintain the Property in the ordinary course of business in accordance with

prudent, reasonable business standards, including the maintenance of adequate liability insurance and any currently-maintained insurance against loss by fire, windstorm and other hazards, casualties and contingencies, including vandalism and malicious mischief, provided, that Seller will not enter into any new leases, or renew any lease terms (other than on a month-to-month basis), or modify or terminate any lease, or accept the surrender of any leased premises, without the written consent of Buyer, which consent shall not be unreasonably withheld or delayed.

11. Damage. If, prior to the Closing Date, all or any part of the Property is substantially damaged by fire casualty, the elements or any other cause, Seller shall immediately give notice to Buyer of such fact and at Buyer's option (to be exercised within fifteen (15) days after Seller's notice), this Agreement shall terminate. In the event Buyer does not terminate this Agreement during the said fifteen (15) day period, Seller shall have the right, during the succeeding five (5) day period to terminate this Agreement by giving written notice thereof to Buyer. In the event either Buyer or Seller so terminates this Agreement, the parties will have no further obligations under this Agreement and any Earnest Money, together with any accrued interest, shall be refunded to Buyer.

12. Inspection/Due Diligence Period. Buyer shall have sixty (60) days from the effective date of this Purchase Agreement, subject to a reasonable extension if necessary pursuant to Section 12.c. below (the "Inspection/Due Diligence Period"), to (i) conduct such surveys, reviews, inspections and tests of the Property as Buyer in its sole discretion deems necessary or advisable, (ii) conduct a Phase I environmental site assessment of the Property and, if a Recognized Environmental Condition is found or if recommended in the Phase I assessment, a Phase II environmental site assessment of the Property, and (iii) obtain such federal, state and local governmental approvals and permits as Buyer in its sole discretion deems necessary or advisable for Buyers proposed development and use of the Property. Such inspection/due diligence by Buyer shall include, but not necessarily be limited to, the following:

- a. Seller shall allow Buyer and its agents, upon 24 hours advance verbal or written notice from Buyer to Seller, the right of any ingress and egress over and through the Property for the purpose of inspecting and testing the same and making other observations as Buyer deems prudent, necessary or advisable, all however, at Buyer's expense. Buyer agrees to indemnify and hold Seller harmless from all expense, injury, death, or property damage or claims of any kind whatsoever arising out of or in any way incidental to Buyer's presence on the Property for the purposes aforesaid, which indemnity and hold harmless obligation of Buyer shall survive termination of this Purchase Agreement for any reason. Buyer will return the Property to its original condition after any inspections and testing.
- b. If prior to the end of the Inspection/Due Diligence Period, Buyer finds any information or conditions relating to the Property or Buyer's proposed development and use thereof that are objectionable to Buyer in Buyer's

sole discretion, Buyer shall have the right to terminate this Purchase Agreement by giving written notice of termination to Seller no later than the end of the Inspection/Due Diligence Period and in such case, any Earnest Money shall be promptly refunded to Buyer. For purposes of this Section, objectionable information or conditions means: (1) that the item or component being inspected is not fit for its intended purpose in Buyer's sole discretion, that it is in violation of a public law, code or regulation, that it needs replacement, cleaning, repairs or service, or that it is missing essential parts; or, (2) that a Recognized Environmental Condition (such as for example radon, mold, well water contamination, asbestos, soil contamination, noise or vibration) exists at levels that are unacceptable to Buyer. However, an item or component is not in objectionable condition if its only imperfections are cosmetic or signs of wear and tear or diminished effectiveness associated with an item or component of its age, or because it is not new or perfect, or because it is legally nonconforming under current law.

- c. In the event that the Phase I environmental site assessment of the property conducted by Buyer finds a Recognized Environmental Condition or recommends that a Phase II environmental site assessment of the property be completed, the parties shall agree to extend of the Inspection/Due Diligence Period as reasonably necessary to allow such Phase II environmental site assessment to be completed, and any other applicable time periods established herein shall be extended by the same amount of time as the Inspection/Due Diligence Period extension.

13. Purchase "As-Is". Subject to Buyer's right to terminate this Agreement during the Inspection/Due Diligence Period (Section 12), Buyer agrees to accept the condition of the Property, including specifically without limitation, the environmental and geological condition of the Property, in an "AS-IS" and with "ALL FAULTS" condition. Buyer's acceptance of title to the Property shall represent Buyer's acknowledgment and agreement that, except as expressly set forth in this Agreement: (i) Seller has not made any written or oral representation or warranty of any kind with respect to the Property (including without limitation express or implied warranties of title, merchantability, or fitness for a particular purpose), (ii) Buyer has not relied on any written or oral representation or warranty made by Seller, its agents or employees with respect to the condition or value of the Property, (iii) Buyer has had an adequate opportunity to inspect the condition of the Property, including without limitation, any environmental testing, and to inspect documents applicable thereto, and Buyer is relying solely on such inspection and testing, and (iv) the condition of the Property is fit for Buyer's intended use. Buyer agrees to accept all risk of Claims (including without limitation all Claims under any Environmental Law and all Claims arising at common law, in equity or under a federal, state or local statute, rule or regulation) whether past, present or future, existing or contingent, known or unknown, arising out of, resulting from or relating to the condition of the Property, known or unknown, contemplated or un contemplated, suspected or unsuspected, including without limitation, the presence of any Hazardous

Substance on the Property, whether such Hazardous Substance is located on or under the Property, or has migrated or will migrate from or to the Property.

For purposes of this Section, the following terms have the following meanings:

“Environmental Law” means the Comprehensive Environmental Response, Compensation and Liability Act (“CERCLA”), 42 U.S.C. §9601 et seq., the Resource Conservation and Recovery Act, 42 U.S.C. §9601 et seq. the Federal Water Pollution Control Act, 33 U.S.C. §1201 et seq., the Clean Water Act, 33 U.S.C. §1321 et seq., the Clean Air Act, 42 U.S.C. §7401 et seq., the Toxic Substances Control Act, 33 U.S.C. §1251 et seq., and the Minnesota Environmental Response and Liability Act, all as amended from time to time, and any other federal, state, local or other governmental code, statute, regulation, rule, law, permit, consent, license, order or ordinance dealing with the protection of human health, safety, natural resources or the environment now existing and hereafter enacted; and

“Hazardous Substance” means any pollutant, contaminant, hazardous substance or waste, solid waste, petroleum product, distillate, or fraction, radioactive material, chemical known to cause cancer or reproductive toxicity, polychlorinated biphenyl or any other chemical, substance or material listed or identified in or regulated by any Environmental Law.

“Claim” or “Claims” means any and all liabilities, suits, claims, counterclaims, causes of action, demands, penalties, debts, obligations, promises, acts, fines, judgment, damages, consequential damages, losses, costs, and expenses of every kind (including without limitation any attorney’s fees, consultant’s fees, costs, remedial action costs, cleanup costs and expenses which may be related to any claims).

14. Notices. Any notice required or permitted to be given by any party upon the other is given in accordance with this Agreement if it is directed to Seller by delivering it personally to a representative of Seller; or if it is directed to Buyer, by delivering to a representative of Buyer; or if mailed by United States registered or certified mail; return receipt requested, postage prepaid; or if transmitted by facsimile copy followed by mailed notice as above required, or if deposited cost paid with a nationally recognized, reputable overnight courier, properly addressed as follows:

If to Buyer: Dooley Bros., LLP
P. O Box 775
Willmar, MN 56201

If to Seller: City Administrator
City of Willmar
333 Sixth Street Southwest
Willmar, MN 56201

Notices shall be deemed effective on the earlier of the date of receipt or the date of deposit as aforesaid; provided, however, that if notice is given by deposit, that the time for response to any notice by the other party shall commence to run two (2) business days after any such deposit. Any party may change its address for the service of notice by giving advance written notice of such change to the other party, in any manner above specified.

15. Entire Agreement; Amendments. This Agreement represents the complete and final agreement of the parties and supersedes any prior or contemporaneous oral or written understanding between the parties. There are no verbal agreements that change this Agreement and no waiver of any of its terms will be effective unless in a writing executed by the parties. This Agreement may be amended only in writing, signed by both parties.

16. Binding Effect; Assignment. This Agreement shall be binding upon the parties hereto and their respective heirs, executors, administrators, successors and assigns. Each party agrees to give the other party notice prior to assigning its interest in the Property or this Agreement.

17. Controlling Law. The Parties acknowledge and agree that each has been given the opportunity to independently review this Agreement with legal counsel, and/or has the requisite experience and sophistication to understand, interpret, and agree to the particular language of this Agreement. The Parties have equal bargaining power, and intend the plain meaning of the provisions of this Agreement. In the event of an ambiguity in or dispute regarding the interpretation of this Agreement, the ambiguity or dispute shall not be resolved by application of any rule that provides for interpretation against the drafter of the Agreement. This Agreement has been made under the laws of the State of Minnesota, and such laws will control its interpretation.

18. Remedies. If Buyer defaults under this Agreement and fails to cure such default within thirty (30) days after receipt of written notice from Seller identifying such default, then Seller has the right to immediately terminate this Agreement and retain the Earnest Money as liquidated damages, time being of the essence of this Agreement. The termination of this Agreement and retention of the Earnest Money will be the sole remedy available to Seller for such default by Buyer, and Buyer will not be liable for damages. If Seller defaults under this Agreement and fails to cure such default within thirty (30) days after receipt of written notice to from Buyer identifying such default, then Buyer has the right to immediately terminate this Agreement and have the Earnest Money returned to it. The termination of this Agreement will be Buyer's sole remedy for default by Seller, and Seller will not be liable for damage.

19. Counterparts. This Purchase Agreement may be executed in counterparts, each of which shall be deemed an original, and which together shall constitute a single, integrated contract.

IN WITNESS WHEREOF, the undersigned have caused this Agreement to be executed on the date above written.

BUYERS:

SELLER:

DOOLEY BROS., LLP

CITY OF WILLMAR

By: _____
Michael Johnson, CEO

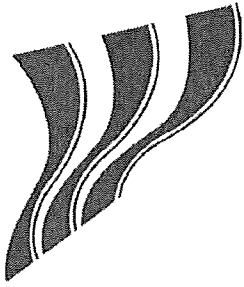
By: _____
Marvin Calvin, Mayor

By: _____

By: _____
Larry Kruse, City Administrator

EXHIBIT A
LEGAL DESCRIPTION

Lot 4, Lot 5, and Lot 7, Industrial Park, Fourth Addition to the City of Willmar, Section 17, Township 119 N. Range 35 W. in the City of Willmar, County of Kandiyohi, State of Minnesota, according to the plat on file and of record in the office of the County Recorder of Kandiyohi County, Minnesota



**CITY OF WILLMAR, MINNESOTA
REQUEST FOR COMMITTEE ACTION**

Agenda Item Number: 5

Meeting Date: January 14, 2016

Attachments: Yes No

CITY COUNCIL ACTION

Date: _____

- | | |
|-----------------------------------|---------------------------------|
| <input type="checkbox"/> Approved | <input type="checkbox"/> Denied |
| <input type="checkbox"/> Amended | <input type="checkbox"/> Tabled |
| <input type="checkbox"/> Other | |

Originating Department: Planning and Development Services

Agenda Item: 2015 Construction Summary

Recommended Action: N/A

Background/Summary: Committee will discuss summary results of 2015 construction season.

Alternatives: N/A

Financial Considerations: N/A

Preparer: Bruce D. Peterson, AICP
Director of Planning and Development Services

Signature:

Comments:

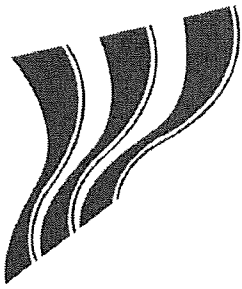
Monthly Grand Totals

18 \$492,371.00 \$4,906.50 \$2,871.66 \$246.20 \$8,024.36

YTD Totals

From 01/01/2015 To 12/31/2015

Use	Count	Value	Building	Planchéck	Surcharge	Total
Churches/Schools	1	\$1,500,000.00	\$6,387.25	\$4,151.71	\$750.00	\$11,388.96
Commercial Add/Alter	84	20,425,706.50	\$93,651.24	\$58,679.85	\$10,174.48	\$163,386.09
Commercial New	4	36,329,502.00	\$22,267.75	\$14,474.04	\$3,164.76	\$39,906.55
Garage/Shed	11	\$282,802.52	\$3,729.25	\$1,491.70	\$141.39	\$5,442.34
Mobile Home In/Out	21	\$0.00	\$1,420.00	\$0.00	\$5.00	\$1,425.00
Move/Raze	16	\$0.00	\$1,130.00	\$0.00	\$0.00	\$1,130.00
New Single-Family Dwelling	12	33,498,326.94	\$21,043.00	\$9,854.92	\$1,749.18	\$32,647.10
New Two-Family Dwelling	5	31,563,679.10	\$9,761.25	\$3,904.50	\$781.83	\$14,447.58
Residential Add/Alter	306	32,220,199.77	\$22,407.40	\$6,173.60	\$1,108.95	\$29,689.95
YTD Grand Totals	460	\$35,820,216.83	\$181,797.14	\$98,730.32	\$17,875.59	\$299,463.57



**CITY OF WILLMAR, MINNESOTA
REQUEST FOR COMMITTEE
ACTION**

Agenda Item Number: 12

Meeting Date:

Attachments: Yes No

CITY COUNCIL ACTION

Date: January 19, 2016

- Approved Denied
 Amended Tabled
 Other

Originating Department: City Clerk-Treasurer

Agenda Item: Consideration of Amending Ordinance to the Willmar Charter

Recommended Action: Adopt, Number, and Publish the Ordinance

Background/Summary:

The Charter Commission has suggested three administrative amendments be made to the Willmar City Charter. City Attorney Scott prepared the draft Ordinance detailing those amendments, which was heard at the December 21, 2015, City Council Meeting.

All Charter amendments must be approved unanimously or the Amendments cannot be adopted. The matter was not acted upon at the Council meeting (nor tabled) pending eight Council Members in attendance. If less than eight show up on January 4, 2016, staff recommendation is to not begin any discussions as January 18, 2016, Council date will still be an acceptable time frame for adoption or rejection.

Alternatives: Amend the Ordinance for sections unacceptable without further re-writes

Financial Considerations: N/A

Preparer: City Clerk-Treasurer

Signature:

Comments:

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CHARTER OF THE CITY OF WILLMAR

Pursuant to Minn. Stat. § 410.12, subd. 7, the City Council of the City of Willmar hereby ordains as follows:

Section 1. AMENDMENT OF CHARTER SECTION 2.11. Charter Section 2.11 is hereby amended as follows (deleted material is crossed out; new material is underlined; sections and subsections not being amended are omitted):

Section 2.11. - Procedure.

* * * *

Subdivision 2. Rules and journal. The Council shall adopt, at the meeting prescribed in Subdivision 1, an ~~authorized-established~~ set of parliamentary rules, ~~ie. "Robert's Rules of Order", "Mason's Manual", Thomas Jefferson's "A Manual of Parliamentary Practice", Alice Sturgis' "Rules of Order", or "Minnesota Mayor's Association Rules of Order for City Councils"~~ and shall provide for a journal of its proceedings, which journal shall be a public record. The rules adopted by the City Council are applicable to all Commissions, Boards, and Committees.

* * * *

Section 2. AMENDMENT OF CHARTER SECTION 7.05. Charter Section 7.05 is hereby amended as follows (deleted material is crossed out; new material is underlined; sections and subsections not being amended are omitted):

Section 7.05. - Recall.

The exercise in each instance of the power of recall shall be by a committee of not less than five (5) registered voters of the City. ~~None of the members of such committee shall accept any remuneration for the services performed on such committee, but the committee and its members shall be entitled to be reimbursed for and to expend a reasonable amount for legal services, supplies, printing and notarial fees.~~ The City shall not be liable for the payment of any expenditures for or on behalf of the committee and the Council shall not make any appropriation therefore, except for the cost of any election that may result from the actions of such committee.

Section 3. AMENDMENT OF CHARTER SECTION 9.04. Charter Section 9.04 is hereby amended as follows (deleted material is crossed out; new material is underlined; sections and subsections not being amended are omitted):

Section 9.04. - Oath of office.

Every Council member, elected or appointed official, and board and commission member shall, before entering upon the duties of their office take and subscribe an oath of

office in the following form: "I do solemnly swear (or affirm) that I will support the Constitutions of the United States and of the state of Minnesota, and the Willmar City Charter and that I will discharge faithfully the duties of ~~the office~~ _____ of the City of Willmar to the best of my judgment and ability."

Section 4. EFFECTIVE DATE. Pursuant to Minn. Stat. § 410.12, subd. 7, this ordinance shall be effective 90 days after its adoption and second publication.

Passed by the City Council of the City of Willmar this ____ day of _____, 2016.

This Ordinance introduced by Council Member: Ahmann

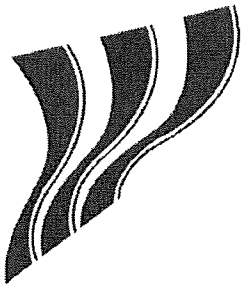
This Ordinance introduced on: December 7, 2015

This Ordinance published on: December 12, 2015

This Ordinance given a hearing on: December 21, 2015

This Ordinance adopted on: _____

This Ordinance published on: _____



**CITY OF WILLMAR, MINNESOTA
REQUEST FOR COMMITTEE
ACTION**

Agenda Item Number: 13

Meeting Date:

Attachments: ___ Yes X No

CITY COUNCIL ACTION

Date: January 19, 2016

- Approved Denied
- Amended Tabled
- Other

Originating Department: City Clerk-Treasurer

Agenda Item: Consideration of a State 1 Day to 4 Day Temporary On-Sale Liquor License Application

Recommended Action: Motion to Approve the State Application on a Roll Call Vote

Background/Summary:

The Willmar Holiday Inn & Conference Center has rented space to Minnesota Ducks Unlimited; a nonprofit corporation organized under the laws of the State of Minnesota, who will hold the Minnesota State Ducks Unlimited Convention February 11, through February 14, 2016. A State 1 Day to 4 Day Temporary On-Sale Liquor License is required to distribute or consume alcohol for this event.

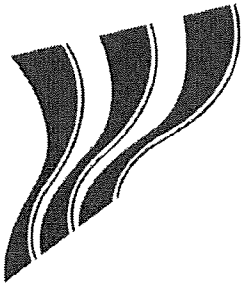
Alternatives: Drink Non-Alcoholic Beverages Only or Require Holiday Inn Staff to Man and Control a Portable Booth Where Desired

Financial Considerations: \$100 Application Fee

Preparer: City Clerk-Treasurer

Signature:

Comments:



**CITY OF WILLMAR, MINNESOTA
REQUEST FOR COMMITTEE
ACTION**

Agenda Item Number: 14

Meeting Date:

Attachments: ___ Yes No

CITY COUNCIL ACTION

Date: January 19, 2016

- | | |
|-----------------------------------|---------------------------------|
| <input type="checkbox"/> Approved | <input type="checkbox"/> Denied |
| <input type="checkbox"/> Amended | <input type="checkbox"/> Tabled |
| <input type="checkbox"/> Other | |

Originating Department: City Clerk-Treasurer

Agenda Item: Consideration of On-Sale 2016 Sunday Liquor Licenses Renewal

Recommended Action: Motion to Approve the Application on a Roll Call Vote

Background/Summary:

The following establishment is requesting renewal of their current Sunday Liquor License:

On-Sale

Pep's Sports Bar

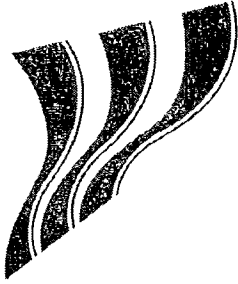
Alternatives: Deny

Financial Considerations: \$200 per establishment

Preparer: City Clerk-Treasurer

Signature:

Comments:



**CITY OF WILLMAR, MINNESOTA
REQUEST FOR COMMITTEE ACTION**

Agenda Item Number: 5

Meeting Date: January 13, 2016

Attachments: Yes No

CITY COUNCIL ACTION

Date: January 19, 2016

- | | |
|-----------------------------------|---------------------------------|
| <input type="checkbox"/> Approved | <input type="checkbox"/> Denied |
| <input type="checkbox"/> Amended | <input type="checkbox"/> Tabled |
| <input type="checkbox"/> Other | |

Originating Department: Planning & Development
Services

Agenda Item: Introduction of an Ordinance to rezone from AG (Agricultural) to G/I Government Institutional

Recommended Action: Staff recommends that the ordinance be introduced for a public hearing at the February 1, 2016 meeting.

Background/Summary: The Willmar Public Schools District has initiated the rezone of school owned property off of Willmar Ave. SE and Lakeland Dr. SE from AG (Agriculture) to G/I (Government/Institutional) for the development of a new elementary school. The approximate 32 acres abuts a variety of land uses including R-2 (One and Two Family Residential), R-3 (Lot Density Multiple Family Residential), LB (Limited Business), and AG (Agricultural). The Planning Commission approved the rezone and recommends the Council set a hearing and adopt the Ordinance.

Alternatives: N/A

Financial Considerations: N/A

Preparer: Megan M. DeSchepper, AICP
Planner/Airport Manager

Signature:

Comments:

ORDINANCE NO. _____

AN ORDINANCE AMENDING MUNICIPAL ORDINANCE NO. 1060,
THE WILLMAR ZONING ORDINANCE

The City of Willmar does ordain as follows:

SECTION 1. Zoning Change. The Zoning Ordinance and Zoning Map for the City of Willmar are hereby amended to rezone the following property from AG (Agricultural) to G/I Government/Institutional:

The Southwest Quarter of the Southwest Quarter (SW ¼ SW ¼) of Section Thirteen (13), Township One Hundred Nineteen North (119N), Range Thirty-five West (35W) of the Fifth Principal Meridian, Kandiyohi County, Minnesota; EXCEPTING THEREFROM the following described tracts: (1) The North 300 feet of the South 345 feet of the East 435.6 feet of the West 468.6 feet of the Southwest Quarter of the Southwest Quarter (SW ¼ SW ¼) of said Section 13; (2) The North 340 feet of the South 685 feet of the West 468.8 feet of the Southwest Quarter of the Southwest Quarter (SW ¼ of SW ¼) of said Section 13; and (3) That part of the Southwest Quarter of the Southwest Quarter (SW ¼ SW ¼) of said Section 13, lying Southeasterly of the centerline of Branch 3 of County Ditch No. 23A, and (4) That part of the Southwest Quarter of the Southwest Quarter (SW ¼ SW ¼) of said Section 13, taken for right-of-way for C.S.A.H. No. 23.

SECTION 2. Effective Date. This Ordinance shall be effective from and after its adoption and second publication.

This Ordinance introduced by Council Member: _____

This Ordinance introduced on: _____

This Ordinance published on: _____

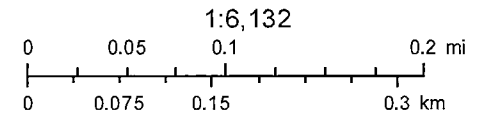
This Ordinance given a hearing on: _____

This Ordinance adopted on: _____

This Ordinance published on: _____



January 13, 2016



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and