

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

May 19, 2014
7:00 p.m.

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

Others present were City Administrator Charlene Stevens, Police Chief David Wyffels, Public Works Director Sean Christensen, City Clerk Kevin Halliday, Community Education and Recreation Director Steve Brisendine, Fire Chief Gary Hendrickson and City Attorney Robert Scott.

Additions to the Agenda under Consent Items included the Mayoral Appointment of Art Benson to the City/County Economic Development Operations Board.

Council Member Anderson offered a motion adopting the Consent Agenda which included the following: City Council Minutes of May 5, Willmar Municipal Utilities Minutes of May 12, Planning Commission Minutes of May 14, Application for Exempt Permit: Willmar Firefighters Association, Accounts Payable Report through May 15, Mayoral Appointment of Art Benson to the City/County Economic Development Operations Board, and Zoning Appeals Board Minutes of May 12, 2014. Council Member Dokken seconded the motion, which carried.

Council Member DeBlieck highlighted the Willmar Municipal Utilities minutes and summarized the 2013 Financial Statement noting their financial contributions to the City. This was for information only.

Mayor Yanish acknowledged one request to speak in the Open Forum. Bob Skor, 617 SW 14th Street, came before the Council to inquire about the repair of the the water problems at the Auditorium. He also mentioned the inconvenience of no parking on 6th Street during the Car Show at Kennedy School and the curb elevations on Kandiyohi Avenue. His concerns were addressed by staff.

Fire Chief Hendrickson recognized three individuals who have completed their one-year probationary period with the Willmar Fire Department - Andrew Christensen, Jarad Ripperger and Jason Scheffler. Each officer had worked 185 hours attending fire calls and 182 hours of training over the last year, which was a sacrifice for the Firefighters as well as their families. Chief Hendrickson recited a Willmar Fire Department Oath of Office to the Officers followed by the receipt of their individual badges.

Fire Chief Hendrickson recognized Jordan Hanson as an Honorary Member of the Willmar Fire Department for his tireless commitment to serve the Fire Department through the 2014 school year with 240 hours of significant dedication. Jordan participates in Focus House, which is a program within Willmar Public School that allows students transitional training beyond meeting graduation requirements. Mr. Hanson was presented with a firefighters' helmet inscribed with his name.

The Finance Committee Report for May 12, 2014 was presented to the Mayor and Council by Council Member Anderson. There were eight items for consideration.

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

Item No. 2 Bill Fenske, CFO of Rice Hospital, presented the Committee with the 03/31/14 Financial Report, which reflects a year-to-date net operating loss of \$2,485,994. The month of March

generated a loss of \$99,638, which is an improvement from February's net loss of \$1,153,480 and January's net loss of 1,232,876. The primary contributing factors of increased outpatient activity helped improve the Hospital's financial performance. Discussion included accounts receivable issues, the shift in Payer Mix to more governmental sources and less commercial sources, and efforts to recruit more specialized physicians for the hospital, particularly orthopedists. The Council received this for information only.

Item No. 3 Staff explained to the Committee that Dan Groothuis, prior owner of land northwest of the new airport runway, has inquired of various Council Members whether special bidding criteria could be given to land owners who lost acreage from the eminent domain taking of land. Mr. Groothuis was present at the Committee meeting and expressed his desire to have negotiated rental rates or rights-of-first refusal after bids are solicited. After considerable discussion, it was the consensus of the Committee that there should be no change in how staff conducts the land rental procedure. This was received for information only.

Item No. 4 Staff explained that Bill Latham of WM Latham Appraisals, under contract with the City for \$29,500, has concluded the appraisal of the Lakeland Drive SE Bike Trail project. Initial Permanent and Temporary Easement Values were estimated at \$40,500 but the total appraised value returned by Mr. Latham totals \$85,450. Consequently, an additional \$45,000 needs to be allocated from the Industrial Development Fund in order to complete the project of purchasing the necessary easements. It was noted that the Temporary Easement deadline is two years from the purchase; subsequently, it was determined that the Temporary Easements should be purchased in September to allow for two construction seasons to complete the project.

The Committee was recommending increasing the Lakeland Drive Bike Path Budget by \$45,000 allocated from the Industrial Development Fund to enable completion of the required easement purchase for the Lakeland Drive SE Bike Trail project. Resolution No. 1 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 1

REVISED LAKELAND DRIVE PATH BUDGET
FOR EASEMENT ACQUISITION

OTHER CHARGES:		RECEIVABLES:	
Professional Services	\$29,500.00	City - LOST	<u>\$115,000.00</u>
Other Charges	<u>\$85,500.00</u>	TOTAL	\$115,000.00
TOTAL	\$115,000.00		
		FINANCING:	
		City - LOST	<u>\$115,000.00</u>
		TOTAL	\$115,000.00
GRAND TOTAL	\$115,000.00		

Dated this 19th day of May, 2014.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 5 The Finance Committee reviewed staff's proposed 2015 Budget Calendar. Mayor Yanish stated at the Committee meeting he had no questions or concerns regarding this 2015 calendar.

The Committee was recommending the Council approve the 2015 Budget Calendar as presented. Council Member Anderson moved to approve the recommendation with Council Member Fagerlie seconding the motion, which carried.

Item No. 6 Staff provided to the Committee a tentative budget calendar for the 2014 Street Improvement Project and reported that there are ongoing discussions with local lending institutions for possible alternatives to normal bonding procedures for street improvement financing. Preliminary information reflects little additional costs using local financing, which would provide the benefit of utilizing local dollars. It was the consensus of the Committee that staff should continue to pursue these local financing alternatives. This was received for information only.

Item No. 7 Staff explained to the Committee that the City has received invoices for ditch repairs within the City limits in the amount of \$156,270.29, however, the 2014 Budget includes only \$20,000 for these repairs. It is being proposed that the remaining \$136,271 be funded through the Surface Water Management Budget. These invoiced costs being levied are based on the prior year's expenses and are previous to the Redetermination of Benefits of County Ditches dated April 1, 2014. It was noted that future expenses for routine maintenance and repairs will be considerably less. Council Member Johnson asked if there is a procedure for objecting to the cost of the ditch maintenance. Chair Anderson also questioned whether or not the City could contest the cost and asked staff to research other funding sources.

Following discussion Council Member Nelsen moved to table this matter until the next Finance Committee meeting to allow staff an opportunity to determine the process, if any, for contesting the charges and to look into other possible funding sources for these costs. Council Member Fagerlie seconded the motion which carried. This was received by the Council for information only.

Item No. 8 Staff explained that the 2014 Capital Improvement Program includes \$25,000 designated for Sign Retro-Reflectivity by federal mandate; however, this is considered annual maintenance and not a capital project that requires fixed asset tracking. Subsequently, it is being requested that these funds be reallocated into the 2014 Public Works Maintenance of Other Improvements Operating Budget.

The Committee was recommending reallocating \$25,000 from the 2014 Capital Improvements Budget to the 2014 Public Works Maintenance of Other Improvements Operating Budget for Sign Retro-Reflectivity maintenance. Resolution No. 2 was introduced by Council Member Anderson, seconded by Council Member Nelsen, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 2

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to reallocate the 2014 Budget Amount for the Sign Retro-Reflectivity Maintenance Project as follows:

Increase:	Public Works (Supplies) Maintenance of Other Improvements Expenditures	\$25,000
Decrease:	Capital Improvement Program Expenditures	\$25,000

Dated this 19th day of May, 2014.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 8 There was no old business for the Committee to discuss.

Item No. 9 There was no new business for the Committee to discuss.

The Finance Committee Report for May 12, 2014, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Anderson, seconded by Council Member Fagerlie, and carried.

Council Member Ahmann commented on the Rice Memorial Hospital financial status and the change in the health care industry. He requested an informational meeting with members of the hospital and/or staff for further details.

The Public Works/Safety Committee Report for May 13, 2014 was presented to the Mayor and Council by Council Member Christianson. There were seven items for consideration.

Item No. 1 There were no public comments.

Item No. 2 Staff presented a recommendation to approve Contract No. 1301-A Change Order #1. The project was awarded to Duinick Inc. on May 9, 2013 for the street improvements to Kandiyohi Avenue SW from 1st Street to 7th Street SW, and 11th Street to 15th Street. Staff noted minor extra work was required to correct grade and drainage problems. Change Order No. 1 in the amount of \$10,875.60 was negotiated with the contractor to address the added work. Project funding was discussed with the committee, noting the design engineer has agreed to pay additional contract costs for completing the work. The Committee questioned if the work solved the grade and drainage problems and asked staff to look further into it. Following discussion, the Committee was recommending the Council table the Contract No. 1301-A Change Order #1.

Item No. 3 The Committee reviewed a summary of the bids opened for the Gorton Avenue NW and 9th Street NW Improvements City Project No. 1401. At this time the City Council is required to declare the costs to be assessed in accordance with the requirements of Chapter 429, State of Minnesota Statutes. Staff is recommending the improvements based on Bid Alternate B to use bituminous surfacing.

The Committee reviewed a summary of the bids opened for the 12th Street SE Improvements City Project No. 1404. At this time the City Council is required to declare the costs to be assessed in accordance with the requirements of Chapter 429, State of Minnesota Statutes. Staff is recommending the improvements based on Bid Alternate B to use bituminous surfacing.

The Committee reviewed a summary of the bids opened for the 23rd Street SW, 10th Street SW, 9th Street SW, 7th Street SE, and 25th Street SE Improvements City Project No. 1403. At this time the City Council is required to declare the costs to be assessed in accordance with the requirements of Chapter 429, State of Minnesota Statutes. Staff is recommending the improvements based on Bid Alternate B to use bituminous surfacing.

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

RESOLUTION NO. 3

Declaring Cost to be Assessed and Ordering Preparation of Assessment Roll
In Connection With 2014 Street and Other Improvements
(Project Nos. 1401, 1403, and 1404)

WHEREAS, contracts have been let for the construction of Street and Other Improvements of 2014 in the City, to-wit: City Project Nos. 1401, 1403, and 1404 and;

WHEREAS, the total cost of said Street and Other Improvements of 2014 is \$1,978,113.00.

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

1. The City Council hereby determines that the City shall pay \$1,175,738.38 of said cost, exclusive of the amount it may pay as a property owner, and the sum of \$802,374.62 shall be assessed against benefited property owners based upon benefits received without regard to cash valuation.
2. The Clerk-Treasurer, with the assistance of the City Engineer, shall forthwith calculate the proper amount to be specially assessed for such improvement against every assessable lot, piece or parcel of land without regard to cash valuation as provided by law, and he shall file a copy of such assessment in his office for public inspection.
3. The Clerk-Treasurer shall, upon the completion of such assessment, notify the City Council thereof.

Dated this 19th day of May, 2014.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 The Committee was informed that the staff is in the process of preparing the assessable footage and amounts for each a property affected by Project Nos. 1401, 1403 and 1401. It is at this time the affected property owners are to be notified of their assessed amount and a hearing date set for June 16, 2014. Resolution No. 4 was introduced by Council Member Christianson, seconded by Council Member DeBlicek, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 4

Calling Hearing on Assessments for Project Nos. 1401, 1403, And 1404
2014 Street and Other Improvements

WHEREAS, the City Clerk-Treasurer with the assistance of the City Engineer has prepared an assessment roll for Project Nos. 1401, 1403, and 1404 of the 2014 Street and Other Improvements, and said proposed assessment roll is on file with the Clerk-Treasurer and open to public inspection.

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

1. The Clerk-Treasurer shall publish notice that this City Council will meet to consider the proposed assessments on June 16, 2014, at 7:01 p.m. in the Council Chambers, Municipal Utilities Building, 700 West Litchfield Avenue, Willmar, Minnesota.
2. Said notice shall also be mailed to the owners of each parcel of property described in the assessment roll.
3. Such notice shall be in substantially the following form:
4. Said notice shall be published by the City Clerk-Treasurer in the official newspaper at least two weeks prior to the hearing and mailed by said Clerk-Treasurer to the owners of each parcel described in the assessment roll.

Dated this 19th day of May, 2014.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 5 The committee reviewed staff's requests for approval of a permit application allowing construction/use of a private archery range design as illustrated on the application. The permit for Jody Freiborg, residing at 508 NW 34th Street was reviewed by Chief Wyffels and the Committee recommended approval. Council Member Christianson moved to approve the recommendation with Council Member DeBlieck seconding the motion, which carried.

Item No. 6 Under Old Business Police Chief Dave Wyffels noted the jail census for May 14, 2014 was 97, and that the calls for service for the previous two weeks totaled 614. This was for information only.

Item No. 7 Under New Business staff presented a recommendation to award the 2014 Seal Coating, Project No. 1408 contract to Caldwell Asphalt Co., Inc. in the amount of \$23,365.85 and authorize the Mayor and City Administrator to execute the agreement on behalf of the City. It was the recommendation of the Committee that the contract be awarded for the 2014 Seal Coating, Project No. 1408 to Caldwell Asphalt Co., Inc. in the amount of \$23,365.85.

Resolution No. 5 was introduced by Council Member Christianson, seconded by Council Member Anderson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 5

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the bid of Caldwell Asphalt Co., Inc. of Hawick, Minnesota for Project No. 1408 is accepted, and be it further resolved that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an agreement with the bidder for the terms and consideration of the contract in the amount of \$23,365.85.

Dated this 19th day of May, 2014.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Public Works/Safety Report for May 13, 2014, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Christianson, seconded by Council Member DeBlieck, and carried.

Old Business included Council Member Johnson expressing his concerns for the property on the end of the Airport's northwest runway having no right-of-first refusal. He expressed the fundamental fairness and requested the Council consider a negotiated lease. Discussion was held as to the impact this would have on the other property owners affected by the same situation. Presently all the parcels that were taken by eminent domain are leased out by means of sealed bids. City Attorney Robert Scott stated legally if there is a negotiated lease, it would require to be done at fair-market value. This was discussed for information only.

Council Member Christianson inquired into the status of the repair to the nose cone of one of the wind turbines. Council Member DeBlieck stated the parts are on order.

The meeting concluded with recognition for Police Chief Dave Wyffels who is retiring May 31st and this is his last City Council meeting. Mr. Wyffels provided a statement pertaining to the Police Department which read as follows:

The Willmar Police Department is a solid and well-functioning organization. Upon my retirement you will find the following:

Equipment: Our department equipment (the more expensive items) such as portable breath testing devices, recorders, tasers, tint meters, radar/lidar units, cameras, firearms, radios, etc. are all up-to-date and well maintained. I foresee no expected additional repair costs for the rest of this year for this equipment. Looking forward into the foreseeable future of 3 -5 years I see no need to replace any of the mentioned equipment. However, in approximately 2-3 years, the squad car camera system will need to be replaced in all marked units at an estimated \$45,000 - \$48,000 total project cost. We currently are doing repairs as necessary while waiting for a possible merge of technology between body-cams worn by an officer that can co-exist with the car cameras we have mounted in the squads. This may (or may not) happen, but for right now it is the most logical and economical approach until such time as the squad cameras have to be directly addressed. We have only been spending an average of \$800.00 per year on repair for the squad camera systems.

Squads: Department vehicles are also in great shape and we have reached a point where we can easily follow the Council's vehicle replacement schedule that is currently in place. Simply following that plan of replacement will allow this agency to maintain a sound fleet.

Budget: Our department budget is 3.19 % under normal budgetary expenditures for the year thus far. This figure represents good budget management and does not reflect any practice of delayed responses to necessary purchases. It takes into account all purchases made to date along with consideration of any monthly, quarterly or yearly scheduled payments such as equipment rentals, bond payments or other contracted services. Additionally, it includes some purchases that would normally have been made later this year, but were made earlier recognizing the upcoming departmental transition and being cognizant of trying to reduce any difficulties a new department head might encounter when coming on board.

Staff: I am currently working on replenishing our expected May 31st staffing deficiencies. I should have the entry level officer hiring process completed to a point where the City is ready to make an offer to acceptable applicants just prior to my leave. I anticipate the hiring of two new officers at that time and depending upon what happens with my replacement will determine whether or not a third applicant is pulled from the same hiring list. The promotional process for the upcoming Sgt. vacancy has been completed. The top candidate for the promotional process will be identified and offered the promotion after meeting with the Police Commission on May 20, 2014.

All other staff are fully trained in their current respective areas. I expect that level of training to continue as needed. If you have been following the news over the past few days, you can see that activity is starting to ramp up for the summer, but I believe under the right guidance and direction, the Willmar Police Department is certainly capable of handling the job. I am proud of the men and women I work with and I feel privileged to have had the opportunity to work among such professionals.

Chief Wyffels

Police Chief Wyffels was thanked by the Council for all his years of service.

Public Works Director Christensen announced the hearing date is to be set for the Annual Storm Water Meeting, at which time the City is required to provide an update on the status of compliance with the MS4 Permit Requirements. A motion was made by Council Member Anderson to set the hearing for June 16, 2014 at 7:02 p.m. Council Member Nelsen seconded the motion, which carried.

Announcements for Council Committee meeting dates were as follows: Public Works/Safety, May 27; Labor Relations, May 28; and Community Development, May 29, 2014.

The announcement was made that an Open House will be held on May 30th from 2:00 – 4:00 p.m. at the Emergency Operations Center in honor of the retirement of both Police Chief Dave Wyffels and Police Sergeant Julie Asmus.

Council Member DeBlieck stated the 2040 Website is up and operational. The website calendar will provide you with meeting times and places, as well as the minutes.

There being no further business to come before the Council, the meeting adjourned at 8:03 p.m. upon motion by Council Member Anderson, seconded by Council Member Christianson, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL

WILLMAR CITY COUNCIL PROCEEDINGS
BOARD ROOM
WILLMAR MUNICIPAL UTILITIES BUILDING
WILLMAR, MINNESOTA

May 19, 2014
6:30 p.m.

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

Others present included City Administrator Charlene Stevens and City Attorney Robert Scott.

Council Member Ahmann moved to close the meeting pursuant to Minn. Stat. sec. 13D.05, subd. 3(b) under the attorney_client privilege to discuss pending litigation concerning a labor grievance brought by Law Enforcement Labor Services, Inc. (LELS) and Marilee Dorn. Council Member Anderson seconded the motion, which carried.

The meeting reopened at 6:50 p.m. on a motion by Council Member Christianson, seconded by Council Member DeBlieck.

Council Member Ahmann made a motion, seconded by Council Member Dokken, to approve a settlement agreement between the City of Willmar, LELS and Marilee Dorn and authorize the Mayor and City Administrator to execute the same on behalf of the city. The motion carried 8-0.

There being no further business, adjourned at 6:51 p.m. on a motion by Council Member Anderson, seconded by Council Member Ahmann, and carried.

MAYOR

Attest:

CITY ADMINISTRATOR

Special Meeting

**RICE MEMORIAL HOSPITAL
BOARD OF DIRECTORS**

MINUTES

May 14, 2014

5:30 PM

Board Room

Board Members in Attendance: David Anfinson, President; Dr. Douglas Allen, Vice President; Eric Weiberg, Secretary; Dr. Michael Gardner, Treasurer; and Directors Andrea Carruthers, Dr. Lachlan Smith, Jon Saunders

Administrative Staff in Attendance: Michael Schramm, Bill Fenske, Wendy Ulferts, Teri Beyer, Dr. Ken Flowe

- 5:30 pm Motion by Director Allen to close the meeting for strategic planning purposes under Minn. Stat. Sec. 144.581. Seconded by Director Gardner. Motion carried.
- 5:35 pm Strategic planning discussion.
- 7:25 pm Motion by Director Allen to come out of closed session. Seconded by Director Carruthers. Motion carried.
- 7:30 pm Meeting adjourned.

Submitted by:

Eric Weiberg
Secretary

SR

RICE MEMORIAL HOSPITAL

Board of Directors

May 21, 2014

PRESENT: President, David Anfinson; Vice President, Dr. Douglas Allen; Treasurer, Dr. Michael Gardner and Directors Dr. Lachlan Smith, Andrea Carruthers and Jon Saunders

EXCUSED: Secretary, Eric Weiberg

ADMINISTRATIVE STAFF: Michael Schramm, CEO; Bill Fenske, Dr. Ken Flowe, Teri Beyer, Wendy Ulferts, Sandy Roelofs

GUESTS: Jim Dokken

Call to Order/Minutes: President Anfinson called the meeting to order at 5:30 p.m. **ACTION: A motion was made by Director Gardner, seconded by Director Allen, and carried that the minutes of the April 16, 2014 and May 14, 2014 meetings be approved as written.**

Patient Experience: Teri Beyer reviewed a patient experience from the Hospice Department/Grief Center. The contact doesn't cease from the Hospice program after the death of a Hospice patient. The staff remains in contact with the family for one year following the patient's death. Correspondence was reviewed from a patient's family stating that they have appreciated the letters of encouragement from the Hospice Program since their parent's death. They felt that the program was truly a blessing to their family and greatly appreciated.

Quality Report: Teri Beyer and Wendy Ulferts presented information to the Board in regard to an annual patient safety survey process that is held at Rice Hospital for all staff regarding Rice's patient safety efforts. The Safety Survey results were reviewed as developed by the Agency for Healthcare Research & Quality (AHRQ) in regard to the following:
A) Importance of survey results. B) Response rates for the past four years. C) Graphs addressed/reviewed on survey questions from the following categories: 1) Overall perception of patient safety. 2) Organization learning-continuous improvement. 3) Frequency of events reports. 4) Teamwork across units. 5) Feedback and communication about error. 6) Management support for patient safety. 7) Nonpunitive response to error. 8) Teamwork within unit section. 9) Supervisory/manager expectations and actions promoting patient safety. 10) Communication openness. 11) Staffing. 12) Handoffs and transition. D) Actions resulting from AHRQ surveys.

Financial Report: Bill Fenske reviewed the Hospital's financial reports for the period ending March 31, 2014 as follows:
A) Rice generated a loss of \$99,000 from operations in March with the primary contributing factors of increased outpatient activity that helped improve financial performance. B) Total operating revenues were 3.0% greater than the prior three-month average while Net Operating Expenses were 5.6% less than the prior three-month average. C) Lower than projected activity and a negative net revenue variance of 10.2% was greater than the 4.8% expense reduction, thus contributing to the negative performance.

Medical Staff Report: Dr. Flowe reviewed the Medical Staff Executive and Credentials Committee minutes from the April 22, 2014 meetings. A) He reviewed the following information from the Medical Staff Executive Committee Summary: 1) The Anesthesiology Department Criteria and the Pathology Department Criteria were presented to the Executive Committee for review. It was noted that the RMH Bylaws Board Certification Standards for 2014 have been added to all departmental criteria. 2) The Epic Anesthesia module "go live" took place on May 13. 3) The Committee was reminded of the upcoming Medical Staff educational presentation on May 5 to be given by Dr. Lee Cafferty on "Blood Transfusion Update: Choosing Wisely, Patient Blood Management and Optimal Transfusion Triggers OR 7 is the new 9." **ACTION: A motion was made by Director Allen, seconded by Director Gardner, and carried that the minutes of the April 22 2014 Medical Staff Executive and Credentials Committee meetings be approved as presented; and that the following appointments to the Medical Staff of Rice Memorial Hospital be approved: Initial Applications: Locum Tenens Staff: Brian Schroeder, M.D. – Emergency Medicine/Department of Emergency Medicine. Medical Doctor Associates, Norcross, GA. Lawrence Vierra, D.O. – Orthopedics/ Department of Surgery. Staff Care, Irving, TX. Temporary privileges previously granted for start date of 3/3/2014. (*Dr. Vierra is no longer employed by ACMC effective 4/25/2014.) Temporary Privileges: James Moitoza, M.D. – Orthopedics/Department of Surgery. Staff Care,**

Irving, TX. Temporary privileges for start date of 5/5/2014. Transfer from Active to Affiliate Status: Sophie Dojacques, M.D. – Obstetrics-Gynecology/Department of Obstetrics-Gynecology. Affiliated Community Medical Center, Willmar, MN. Temporary Privileges for Non-Staff Physician: David Waters, D.P.M. – Podiatry Resident/Department of Surgery. Heartland Orthopedic Specialists, Alexandria, MN. Privileges to assist preceptor, Russell Sticha, D.P.M. April 2-30, 2014. Reappointment Applications: Active Staff: Ryan Davis, M.D. – Family Practice; Emergency Medicine/Departments of Family Practice & Emergency Medicine. Affiliated Community Medical Center, Willmar, MN. Carlos Franco Palacios, M.D. – Nephrology-Hospitalist/Department of Internal Medicine. Affiliated Community Medical Center, Willmar, MN. Jonathan Haas, M.D. – Orthopedics/Department of Surgery. Affiliated Community Medical Center, Willmar, MN. Affiliate Staff: Thomas Dudley, M.D. – Orthopedics/Department of Surgery. Heartland Orthopedic Specialists, Alexandria, MN. Allied Health Staff: Lester Heitke, LP -- Licensed Psychologist/Department of Psychiatry. Rice Institute for Counseling and Education, Willmar, MN; AND THAT the Anesthesiology Department Criteria and the Pathology Department Criteria be approved as presented with no changes noted.

CEO Report – Mike Schramm:

- A. Rice Care Center: 1) Interviews have been conducted with candidates for the Administrator position at Rice Care Center and we hope to have a replacement named soon. Tony Ogdahl continues to serve as our Interim Administrator. 2) Project F beds have been open for several weeks now and we are beginning to fill those beds as we were able to get staff hired and trained. Project D will soon be completed and we have a state inspection scheduled for June 9 or 10.
- B. Union Negotiations: Two mediation sessions were held with the MNA and as a result, we were able to reach a tentative settlement. Upcoming meetings have also been scheduled with the IAFF bargaining unit.
- C. Recruitment: 1) Site visits have been held recently or have been scheduled with physician candidates in the following specialty areas: a) Pathology. b) Medical Oncology. c) Orthopedics. 2) Recruitment efforts continue in the areas of Orthopedics as well as for Hospitalist physicians.
- D. Rice Home Medical (RHM): The new RHM branch/site was recently opened in Fergus Falls as a part of our joint venture with Lake Region Healthcare.
- E. EPIC: The “go live” for the Hospital’s new EPIC anesthesia system took place on May 13, and the implementation went well. We continue to work on functionality organization-wide and our efforts continue around meaningful use.
- F. Surgery Center: Perkins and Will presented an assessment they completed for the Willmar Surgery Center to the Willmar Medical Services (WMS) Operations Committee at its April 22 meeting. The Committee recently held a special meeting in order to discuss the report in more detail and are currently developing a plan for moving forward.
- G. Mental Health Services: A meeting was recently held with ACMC in regard to working more closely together on this service line.
- H. Employee Recognition Week: Rice Hospital celebrated Employee Recognition week with various events as we do each year. Three recipients received this year’s “My Nurse Made the Difference” awards. Karen Janssen, Jeannine Dahl and Monica Rohner were the recipients. The Triple E (Employees Exemplifying Excellence) award winners were Lisa Ziehl, Nathan Goracke and Donna Serbus. We had an awards ceremony Wednesday morning for all length-of-service recipients as well as a noon luncheon for 15 and 20 year employees and an evening banquet for 25, 30, 35, and 40 year employees.
- I. MHA Quarterly Good Catch Award: Nita Tieszen was awarded the Minnesota Hospital Association (MHA) Good Catch for Patient Safety award in a ceremony held earlier this week at Rice. Lawrence Massa as well as other MHA staff participated in the award ceremony.
- J. Rice Health Foundation (RHF): The RHF’s annual donor recognition banquet was held on May 1. Tom Johnson and Dr. Lachlan Smith were recognized as outgoing board members that evening.

New Business:

- A. Cushman Rice Trust Co-Fiduciary Approval Form and Investment Policy Statement – Bill Fenske: 1) These documents need to be reviewed on an annual basis. The Rice Trust approval form and policy statement were reviewed by the Finance Committee at its May 8 meeting during the Rice Trust Fund annual review provided by Bremer Investment Management and Trust representatives. The Committee is recommending to the full board

its approval of said documents. **ACTION: A motion was made by Director Carruthers, seconded by Director Smith and carried that the Cushman Rice Trust Co-Fiduciary Approval Form and Investment Policy Statement be approved as presented and recommended. (See attached).**

- B. Bremer Bank Safe Deposit Box Authorization – Bill Fenske: Due to changes in regulations, it was stated that a formal resolution was required by the Board, authorizing designated individuals of the Hospital to be granted access to its safe deposit box at Bremer Bank. **ACTION: A motion was made by Director Saunders, seconded by Director Gardner and carried that Michael Schramm, Bill Fenske, and Marilee Vogel be authorized and given access to the safe deposit department of Bremer Bank, N.A., and access to Rice Memorial Hospital's safe deposit box. (See attached).**
- C. Minnesota Nurses Association (MNA) Contract Approval: A) CEO Schramm reviewed highlights from the Hospital's second mediation session held with Hospital MNA representatives, as follows: 1) Administration was very pleased that they were able to reach a tentative settlement. 2) The Hospital's MNA members voted last week to ratify the proposed MNA agreement with Rice Memorial Hospital. 3) Highlights from the Executive Summary between Rice Hospital and the MNA were reviewed in regard to: a) Duration of contract. b) Wages and market adjustments. c) Shift differentials. d) Insurance benefits. e) Low need days. f) Paid time off plan/termination. g) Extended sick time/employee death. h) Savings clause. i) Hospice on-call duty. j) Hours clarification. **ACTION: A motion was made by Director Smith, seconded by Director Carruthers and carried that the proposed Executive Summary Agreement between Rice Memorial Hospital and the Minnesota Nurses Association Union be approved as presented and recommended.**
- D. Rice Health Foundation (RHF): President Anfinson presented the proposed slate of RHF Board nominations for 2014. **ACTION: A motion was made by Director Gardner, seconded by Director Allen and carried that the proposed slate of Rice Health Foundation Board nominations for 2014 be approved as presented: Barb Abrams – second term, ending May, 2017; Brad Schmidt - first term, ending May, 2017; Dr. Patricia Hoeft – first term, ending May, 2017; and John Christianson – first term, ending May, 2017.**

Old Business: Nothing to report.

Hospital Committee Reports: A) Committee Reports were received for the following Board Committees/Events: 1) Finance Committee – May 8. 2) Ethics Committee – May 5. 3) Board Executive Committee – April 21 & May 14. 4) Willmar Medical Services Board – April 22. 5) Rice Health Foundation (RHF) Board – April 17. 6) Employee Recognition Awards Ceremony – May 7. 7) MHA Good Catch Award presentation – May 19. 8) RHF Donor Recognition Banquet – May 1.

City Council Report – Jim Dokken: 1) The Willmar City Council met on May 19. No additional committee meetings are scheduled until next week. 2) He stated that a Memorial Day celebration will be held at the Fairview Cemetery on May 26. 3) He reviewed information from a Veteran's conference he attended recently in Rochester, MN.

Adjournment: There being no further business, the meeting was adjourned at 6:40 pm.

Submitted by:

Sandy Roelofs, Acting Secretary

CORPORATE AUTHORIZATION CERTIFICATE FOR SAFE DEPOSIT

I, Eric E. Weiberg do hereby certify that I am secretary of Rice Memorial Hospital, a corporation organized under the laws of the State of Minnesota, and that the following is a true and correct copy of a resolution adopted at the Hospital Board meeting of the corporation's board of directors in accordance with its Bylaws on the 21st day of May, 2014.

"RESOLVED: that this corporation authorizes the rental of safe deposit boxes (herein called safes).

"RESOLVED: that until written notice to the contrary is given by this corporation to the safe deposit department of Bremer Bank N.A. access to this corporation's safes in the vaults of Bremer Bank shall be had by the following:

Michael W. Schramm
NAME

[Signature]
SPECIMEN SIGNATURE

DATE

Bill Fenske
NAME

[Signature]
SPECIMEN SIGNATURE

DATE

Marilee Vogel
NAME

[Signature]
SPECIMEN SIGNATURE

DATE

NAME

SPECIMEN SIGNATURE

DATE

NAME

SPECIMEN SIGNATURE

DATE

NAME

SPECIMEN SIGNATURE

DATE

any one of whom shall have full authority to enter the safes, to make deposits to the safes or remove any part or all of the contents of the safes, exchange or surrender the safes or cancel the leases.

IN WITNESS WHEREOF, I have hereunto set my hand as secretary of the corporation this

29 day of May, 2014.

[Signature]
Secretary

File completed form with the lease

Co-Fiduciary Approval Form

Under the terms of the Cushman Rice Trust u/w dated 1-6-1927, we share joint investment and fiduciary responsibility with Bremer Trust, N.A.

For convenience in carrying out the administration of this trust, we hereby agree and direct that until we revoke this authorization, Bremer Trust, N.A. may, without our approval,

1. carry out any purchases and sales of securities consistent with the investment objectives and asset-mix ranges set forth in the Investment Policy statement attached;
2. pay the routine bills for the Trust; (grant disbursements are not considered a routine bill)
3. vote, issue proxies to vote, join in or oppose any plans for reorganization; and exercise any other rights incident to the ownership of any stocks, bonds or other properties of the Trust Estate;
4. determine allocation of receipts and disbursements between principal and income;
5. negotiate leases for any real estate or mineral interest holdings of the trust, execute leases on behalf of the trust after providing copies of them to other trustees and allowing them opportunities to provide input and instructions.

I hereby agree to immediately notify Bremer Trust, N.A. if I learn of any change in circumstances that would warrant a different arrangement.

In addition to the foregoing, I hereby rarify and affirm the payments of all bills, all investment decisions and asset mix allocations, all distributions and allocations, and all proxy votes , made and carried out by Bremer Trust, N.A. since I accepted the role of co- trustee.

BY: Bremer Trust, NA, Eric Weiberg and David Anfinson as Co-Fiduciaries of Cushman Rice Trust u/w dated 1-6-1927.

Date: May 29, 2014 Signature: _____

Date: 5/29/14 Signature: _____

Date: _____ Trust Officer
Signature: _____

Cushman Rice Trust

Investment Policy Statement

Introduction

It is the intent of this statement to establish a philosophy which will guide the Trustees toward the achievement of the desired investment objectives. It is a set of guidelines that specify the action to be taken to achieve the investment objectives within the constraints imposed. It is intended to give sufficient flexibility to adapt to changes in the investment environment.

Definition and Function

The Cushman Rice Trust is maintained to help pay for operations and hospital attendance for poor and needy persons at the Rice Memorial Hospital.

Objective

The primary investment objective of the fund is to provide for long-term growth of assets with secondary emphasis on income. Consideration is also given to increasing the level of income to offset the long-term effect of inflation. The fund will contain, primarily, securities expected to grow in value over the long term. It also will contain some securities that are expected to produce income.

Guidelines

1. **Asset Allocation.** It will be the responsibility of the Trustee to allocate assets of the trust fund among equities, fixed income obligations, alternative investments and cash equivalents. The asset mix of the portfolio should fall within the following guidelines.

<u>Asset Category</u>	<u>Range</u>	<u>Target</u>
Cash Equivalents	0%-10%	1%
Fixed Investments	25%-45%	35%
Equity Investments	45%-65%	54%
Alternative Investments	0%-15%	10%

The portfolio will be managed with these targets as a guide. Allocations may fluctuate outside the ranges indicated for short timeframes due to market volatility, market outlook and cash flows.

2. **Cash and Cash Equivalents.** Cash and cash equivalents should be maintained in investments that are of high quality and are instantly marketable.
3. **Fixed Investments.** The Trustee shall manage the ownership of bonds for income and average price volatility. All individual bond holdings must have at least an A rating by a recognized rating organization and be readily marketable. Duration of the total bond portfolio should not exceed a 10 year average life. The allocation to High Yield and International Bonds or Bond Funds should not exceed 10% for each category. Permitted fixed income vehicles are:

- Government and Agency Bonds
- Mortgage Backed Bonds
- Corporate Bonds
- Municipal Bonds
- Guaranteed Investment Contracts
- Certificates of Deposit

Fixed Income Mutual Funds
Money Market

4. **Equity Investments.** Common stock, preferred stock, and equity mutual funds are permitted. The equity investment should be diversified between industry sectors and market capitalization and may include international equities.
5. **Alternative Investments.** The objective of alternative investments is to enhance long-term returns and to reduce overall risk by investing in assets that are statistically uncorrelated to equities and fixed income. The alternative investment must be readily marketable. Alternative investments are limited to:
 - Exchange Traded Funds (ETF) or Mutual Funds employing alternative asset classes or investment strategies
 - Real Estate Investment Trusts (REIT) or REIT Funds
 - Mutual Funds employing Hedge Fund Strategies
6. **Preservation of Principal.** The Trustee must make reasonable efforts to preserve the principal of the funds, but preservation of principal shall not be imposed on each individual investment. It is understood that the dual goals of capital appreciation and income may cause volatility in the total value of the fund.
7. **Constraints.** Types of investments are limited to those outlined in these guidelines and those authorized by Minnesota Statutes 501B.151.

Review

Bremer will provide to all trustees the market benchmarks shown below to assist them in monitoring performance and the effectiveness of the allocations in achieving trust objectives.

Asset Class

Cash Equivalents
Fixed Investments
US Equities
International Equities
Alternatives

Benchmark Index

Citigroup 1 month Treasury Bill
Barclays Cap Intermediate Aggregate Index
Standard & Poor's 500, Russell 2000
MSCI EAFE (US\$ & Net)
Citigroup 3 Month Treasury Bill

This investment policy statement is in effect from the date of the attached co- fiduciary approval letter until it is replaced with an updated agreement. The provisions of this agreement should be reviewed annually in conjunction with executing the co- fiduciary approval letter.

WILLMAR MUNICIPAL UTILITIES MINUTES
MUNICIPAL UTILITIES AUDITORIUM
MAY 27, 2014

The Municipal Utilities Commission met in its regular meeting on Tuesday, May 27, 2014 at 11:45 a.m. in the Municipal Utilities Auditorium with the following Commissioners present: Steve Salzer, Matt Schrupp, Carol Laumer, Dan Holtz, Jeff Nagel, Joe Gimse, and Justin Mattern.

Others present at the meeting were: General Manager Wesley Hompe, Director of Finance Tim Hunstad, Director of Operations John Harren, Customer Service Supervisor Stacy Stien, Power Production Supervisor Jon Folkedahl, Administrative Secretary Beth Mattheisen, City Councilman Bruce DeBlicek, City Attorney Robert Scott (via teleconference), MCR Consultants Jim Pardikes & Ron Kennedy, and WC Tribune Journalist David Little.

President Salzer opened the meeting by requesting a resolution to approve the Consent Agenda. Following a review, Commissioner Schrupp offered a resolution to approve the Consent Agenda as presented. Commissioner Holtz seconded.

RESOLUTION NO. 20

"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 May 12, 2014 Commission meeting; and,
- ❖ Bills represented by vouchers No. 140850 to No. 140973 inclusive in the amount of \$1,183,805.60 with a MISO credit in the amount of \$23,451.34 and a Westmoreland Resource coal payment in the amount of \$146,686.58.

President

ATTEST:

Secretary

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

At this time, Staff members presented the Commission with two utility-related reports. Director of Finance Hunstad reviewed with the Commission the February 2014 Financial Report. Following the Financial Report, Customer Service Supervisor Stien reviewed with the Commission the April 2014 Sales & Revenue Report. The presented reports were for information only.

Consultants Jim Pardikes and Ron Kennedy from the firm MCR Performance Solutions, LLC of Deerfield, Illinois, were in attendance to deliver a presentation to the Commission on their recent cost and benefit analysis conducted on behalf of WMU. MCR is a management consulting firm which focuses on the utilities industry and provides insight and advisory services. WMU engaged MCR to conduct the analysis in an effort to provide strategies and transmission consulting services related to the option of becoming a MISO Transmission Owner (TO). MCR has a vast knowledge of transmission rates and cost recovery mechanisms (i.e. Attachment O) along with federal regulations concerning the electric transmission industry.

The MCR study was divided into two parts. Phase I was to develop an Attachment O (transmission asset cost recovery mechanism) and support data to optimize WMU's revenue and comply with the new MISO rate protocols. Phase I has been completed and was submitted to MISO prior to the May 1, 2014 deadline. The Phase II portion of the project was to conduct a cost benefit analysis to determine whether WMU should join MISO as a Transmission Owner and the timing involved in becoming a TO. In conjunction with Phase I, educational workshops were held with WMU Staff to discuss subjects including transmission assets & timing and cost allocations. It was noted that as a MISO TO, WMU would have the opportunity to invest in additional transmission projects in the future. Estimated projections from incremental transmission revenue from additional transmission investment by joining MISO as a TO were presented. Following extensive discussion, it was the consensus of the Commission to further assess the options involved in becoming a MISO TO and to seek formal action at the next MUC meeting (June 9th).

Commissioner Laumer informed the Commission of the winning entries submitted this year for the Tom Bovitz Memorial Scholarship sponsored by the Willmar Municipal Utilities and MMUA. The applicants are required to submit a 500-750 word essay on "*Municipal Utilities - Good for All of Us*". Participation in this program helps to increase awareness of public power while giving back to the community it serves. The entries are submitted by Willmar High School Seniors who reside in the city of Willmar. The first place entry and winner of a \$750 scholarship is Miranda Roelofs. The second place entry and winner of a \$250 scholarship is Paighton Schrupp. Scholarship awards were distributed by Commissioner Laumer on May 23rd at the WHS Cap & Gown Day ceremony.

General Manager Hompe reminded the Commissioners of a number of upcoming utility-related events. Items of interest to note include:

- APPA Utility Governance Webinar Series (nine-part series): #6: "*Rate Making for Utility Boards & City Councils*", Monday, June 30th @ 1:00-2:30 p.m.
- APPA National Conference - June 13-18 (Denver, CO)
- MMUA Annual Summer Meeting - August 18-20 (Arrowwood Resort - Alexandria)

Anyone interested in attending or participating in any of the events is asked to contact Beth Mattheisen (WMU Office) to make the necessary arrangements.

General Manager Hompe informed the Commission of the current status of the wind turbine repair (nosecone). The nosecone for Wind Turbine T4 has been manufactured and DeWind technicians will be arriving in Willmar next week to complete the installation and repairs to the unit.

There being no further business to come before the Commission, Commissioner Schrupp offered a motion to adjourn the meeting. Commissioner Mattern seconded the motion which carried, and the meeting was adjourned by a vote of seven ayes and zero nays

Respectfully Submitted,

WILLMAR MUNICIPAL UTILITIES

Beth Mattheisen
Administrative Secretary

ATTEST:

Carol Laumer, Secretary

WILLMAR PLANNING COMMISSION
CITY OF WILLMAR, MN
WEDNESDAY, MAY 28, 2014

MINUTES

1. The Willmar Planning Commission met on Wednesday, May 28, 2014, at 7:00 p.m. at the Willmar City Offices Conference Room #2.

** Members Present: Mark Klema, Gary Geiger, Andrew Engan, Randy Czarnetzki, Sandy Bebler, and Aaron Larson.

**Members Absent: Margaret Fleck, Bob Poe, and Scott Thaden.

** Others Present: Douglas Fenstra, and Megan DeSchepper- Planner.

2. MINUTES: The minutes of the May 14, 2014 meeting were approved as submitted.

3. HAR-MAR FOODS PLANNED UNIT DEVELOPMENT CONDITIONAL USE PERMIT-FILE NO. 14-5: The public hearing opened at 7:02 p.m. Doug Fenstra presented, on behalf of Har-Mar Foods, the conditional use permit request for a commercial planned unit development common interest community on property legally described as follows: the north 158' of the south 502' of E ½ of SE ¼ of NE ¼ excluding the west 240' thereof, Section 22, Township 119, Range 35 (1704 1st St. S.). The parcel has two buildings on it and is being proposed to be subdivided into two parcels and one outlot. The outlot will ensure common interest for access, parking, private drive, and green space through the planned unit development. The common interest community will govern Outlot A with association bylaws and declarations to cover the common interests.

No one appeared to speak for or against the request and the public hearing closed at 7:08 p.m.

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

Mr. Engan made a motion, seconded by Ms. Bebler, to approve the planned unit development conditional use permit with the following conditions:

- A. The common interest bylaws and declarations shall be recorded congruent with the final plat so they will track together in the future.
- B. The use shall meet all applicable local, state, and federal rules and regulations at all times.

The Planning Commission made the affirmative findings of fact as per Section 9.E.3.a.1-7.

The motion carried, with Mr. Czarnetzki abstaining.

4. HAR-MAR FOODS ADDITION PRELIMINARY PLAT-FILE NOT. 14-2: The public hearing opened at 7:11 p.m. Mr. Fenstra presented the request on behalf of the applicant Har-Mar Foods for a two lot subdivision with one outlot on property legally described as follows: the north 158'

of the south 502' of E ½ of SE ¼ of NE ¼ excluding the west 240' thereof, Section 22, Township 119, Range 35 (1704 1st St. S.). There are currently two buildings on the parcel; the subdivision will split the parcel into two with one building on each parcel. The property owner wishes to subdivide the property to make the western building on proposed Lot 2 marketable for sale. The proposed outlot will ensure access, a private drive, parking, and green space in a common interest community. The Association bylaws and declaration will govern the common interests.

No one appeared to speak for or against the request and the public hearing was closed at 7:15 p.m.

The Planning Commission reviewed and discussed staff comments (see Attachment A).

The Commission talked about Outlot A and the shared interest in tax values, assessments etc. Staff commented that those shared interests are all spelled out in the bylaws and declarations which were reviewed and approved by the City Assessor. Staff added that the water main is private once it leaves the public right-of-way and the declarations cover the utilities as well.

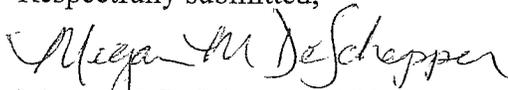
Ms. Bebler made a motion, seconded by Mr. Larson, to approve the preliminary plat with the following conditions:

- A. The proposed declaration correction shall be made as per the City Assessor's comments in Attachment A.
- B. The water main shall remain private, and it's maintenance/access etc.
- C. The declarations and bylaws shall be recorded congruent with the final plat to ensure tracking in the future.

The motion carried with Mr. Czarnetzki abstaining.

5. MISCELLANY: Staff asked the Commission's opinion regarding the regulation of bee keeping within the City limits as there was a complaint regarding a hive in the back yard of a residence and concern about safety. The Planning Commission discussed animal ordinance regulations as well as looking at bee keeping through land use regulations. They asked staff to research what other communities do regarding bee hives for discussion at an upcoming meeting.
6. There being no further information to come before the Commission the meeting closed at 7:25 p.m.

Respectfully submitted,


Megan M. DeSchepper, AICP
Planner/Airport Manager

PLANNING COMMISSION-MAY 28, 2014

STAFF COMMENTS

1. HAR-MAR FOODS PLANNED UNIT DEVELOPMENT CONDITIONAL USE PERMIT- FILE NO. 14-5:

- The applicant is Har-Mar Foods, Marshall, MN.
- The applicant is requesting a conditional use permit for a commercial planned unit development common interest community on property legally described as follows: the north 158' of the south 502' of E ½ of SE ¼ of NE ¼ excluding the west 240' thereof, Section 22, Township 119, Range 35 (1704 1st St. S.).
- The existing parcel is being subdivided into two parcels and one outlot. Outlot "A" will be shared common area for access, drive, parking, and green space. The Applicant has submitted draft bylaws for the owners association as well draft declarations for the common interest community no. 53. These documents shall be recorded concurrently with the final plat so they will track together in the future.
- Outlot A and its declarations and bylaws will ensure that Lot 2 has access, which is the only way the parcel could be subdivided.
- Cross parking agreements are in the Outlot A documents.
- Existing building setbacks are met with the new proposed lot lines.

RECOMMENDATION: Approve the planned unit development conditional use permit with the following conditions:

- A. The common interest bylaws and declarations shall be recorded congruent with the final plat so they will track together in the future.
- B. The use shall meet all applicable local, state, and federal rules and regulations at all times.

2. HAR-MAR FOODS ADDITION PRELIMINARY PLAT- FILE NO. 14-2:

- The applicant is Har-Mar Foods, Marshall, MN.
- The applicant is requesting subdividing the existing lot with two structures on it into two parcels and one outlot on property legally described as follows: the north 158' of the south 502' of E ½ of SE ¼ of NE ¼ excluding the west 240' thereof, Section 22, Township 119, Range 35 (1704 1st St. S.).
- The property is zoned GB (General Business).
- The property is accessed via 1st St. S.
- Outlot "A" is proposed to be common interest area for the two proposed lots for access, drives, parking, and green space.
- Setbacks will be met for the two new proposed lots with the existing structures.
- Lot square footage and width meet Ordinance requirements.
- The private water main that serves both lots is covered in the bylaws.

Fire Chief/Marshal Comments: No concerns.

Assessor's Comments: No existing assessments. Replat of parcel 95-922-6902. On the proposed declarations for the common interest community on Page 1 under B. remove residential unit as their will only be commercial uses on these properties.

MUC Comments: Electrical services are available and will continue to serve existing restaurant and office space. Water line for 1708 runs on 1704's property. The line will remain private and should be covered for maintenance etc. in the declarations and bylaws.

Engineering Comments: This is an existing site that has not been improved for years. No major changes indicated from existing conditions. Streets, water, sanitary sewer, and storm sewer are all adequate and already available.

RECOMMENDATION: Approve the preliminary plat with the following conditions:

- A. The proposed declaration correction shall be made as per the City Assessor's comments above.
- B. The water main shall remain private, and it's maintenance/access etc.
- C. The declarations and bylaws shall be recorded congruent with the final plat to ensure tracking in the future.

VENDOR NAME AND NUMBER CHECK# DATE	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F S 9 BX M	ACCOUNT NAME	ACCOUNT
CARD SERVICES								
39608 05/28/14	002552 COFFEE/PAPER TOWELS	20.74		040710		D N	GENERAL SUPPLIES	101.41408.0229
39608 05/28/14	VISION 2040 MTG-MUFFINS	27.90		041108		D N	SUBSISTENCE OF P	101.41401.0227
39608 05/28/14	CONCESSION SUPPLIES	7.15		041316		D N	GENERAL SUPPLIES	101.45433.0229
39608 05/28/14	COFFEE/FILTERS	19.16		042110		D N	GENERAL SUPPLIES	101.41408.0229
39608 05/28/14	CONCESSION SUPPLIES	67.83		042413		D N	GENERAL SUPPLIES	101.45433.0229
39608 05/28/14	CONCESSION SUPPLIES	32.56		042510		D N	GENERAL SUPPLIES	101.45433.0229
39608 05/28/14	CONCESSION SUPPLIES	30.91		042608		D N	GENERAL SUPPLIES	101.45433.0229
39608 05/28/14	CONCESSION SUPPLIES	11.44		042613		D N	GENERAL SUPPLIES	101.45433.0229
	VENDOR TOTAL	223.03		*CHECK TOTAL				
		223.03						
CARDMEMBER SERVICE								
39594 05/22/14	002365 KARDELL-SEMINAR REGIS.	75.00		STMT/4-14		D N	TRAVEL-CONF.-SCH	101.41402.0333
39594 05/22/14	DESCHPEPER-WORKSHOP REG.	25.00		STMT/4-14		D N	TRAVEL-CONF.-SCH	101.41402.0333
39594 05/22/14	BAT/BIRD/MAMMAL NET	109.25		STMT/4-14		D N	SMALL TOOLS	101.42411.0221
39594 05/22/14	FREIGHT CHARGES	146.11		STMT/4-14		D N	POSTAGE	101.42411.0223
39594 05/22/14	MEALS-INTERVIEW PANEL	50.00		STMT/4-14		D N	SUBSISTENCE OF P	101.42411.0227
39594 05/22/14	MEALS-INTERVIEW PANEL	50.00		STMT/4-14		D N	SUBSISTENCE OF P	101.42411.0227
39594 05/22/14	AMMUNITION	1,197.58		STMT/4-14		D N	GENERAL SUPPLIES	101.42411.0229
39594 05/22/14	AMMUNITION	1,394.38		STMT/4-14		D N	GENERAL SUPPLIES	101.42411.0229
39594 05/22/14	LANDFILL CHARGES	32.45		STMT/4-14		D N	CLEANING AND WAS	101.42411.0338
39594 05/22/14	LANDFILL CHARGES	16.10		STMT/4-14		D N	CLEANING AND WAS	101.42411.0338
39594 05/22/14	LANGNER-LODGING EXPENSE	111.14		STMT/4-14		D N	TRAVEL-CONF.-SCH	101.43417.0333
	VENDOR TOTAL	3,207.01		*CHECK TOTAL				
		3,207.01						
CENTERPOINT ENERGY								
39609 05/28/14	000467 NATURAL GAS CHARGES	13.46		6007936/5-14		D N	UTILITIES	230.43430.0332
39609 05/28/14	NATURAL GAS CHARGES	802.44		6007939/5-14		D N	UTILITIES	101.43425.0332
39609 05/28/14	NATURAL GAS CHARGES	13.46		6038773/5-14		D N	UTILITIES	101.43425.0332
39609 05/28/14	NATURAL GAS CHARGES	497.12		6061271/5-14		D N	UTILITIES	101.45433.0332
39609 05/28/14	NATURAL GAS CHARGES	28.94		6069198/5-14		D N	UTILITIES	101.43425.0332
39609 05/28/14	NATURAL GAS CHARGES	321.92		6084836/5-14		D N	UTILITIES	101.45435.0332
39609 05/28/14	NATURAL GAS CHARGES	574.55		6085332/5-14		D N	UTILITIES	101.45433.0332
39609 05/28/14	NATURAL GAS CHARGES	361.52		6102726/5-14		D N	UTILITIES	101.42412.0332
39609 05/28/14	NATURAL GAS CHARGES	314.45		6725927/5-14		D N	UTILITIES	230.43430.0332
39609 05/28/14	NATURAL GAS CHARGES	13.46		7177865/5-14		D N	UTILITIES	230.43430.0332
39609 05/28/14	NATURAL GAS CHARGES	219.48		8503501/5-14		D N	UTILITIES	651.48485.0332
39609 05/28/14	NATURAL GAS CHARGES	440.03		8512023/5-14		D N	UTILITIES	651.48485.0332
39609 05/28/14	NATURAL GAS CHARGES	6,578.07		8795475/5-14		D N	UTILITIES	651.48484.0332
	VENDOR TOTAL	10,178.90		*CHECK TOTAL				
		10,178.90						
CHARTER COMMUNICATIONS								
39610 05/28/14	000736 MONTHLY PHONE SERVICE	151.60		2191/5-14		D N	COMMUNICATIONS	101.41409.0330
39610 05/28/14	MONTHLY PHONE SERVICE	44.93		5124/6-14		D N	COMMUNICATIONS	101.41409.0330
	VENDOR TOTAL	196.53		*CHECK TOTAL				
		196.53						

VENDOR NAME AND NUMBER CHECK# DATE DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F S 9	BX M	ACCOUNT NAME	ACCOUNT
CLARKE MOSQUITO CONTROL 39611 05/28/14 MOSQUITO CNTRL CHEMICAL 002157	914.81		5060327		D	N	GENERAL SUPPLIES	101.43425.0229
CROW CHEMICAL & LIGHTING 39612 05/28/14 DISP. GLOVES/HAND TOWLS 000186	87.60		4195		D	N	GENERAL SUPPLIES	651.48484.0229
39612 05/28/14 CLEANING SUPPLIES	171.00		4199		D	N	CLEANING AND WAS	101.43425.0228
39612 05/28/14 CLEANING SUPPLIES	52.60		4209		D	N	CLEANING AND WAS	101.43425.0228
39612 05/28/14 CLEANING SUPPLIES	53.30		4217		D	N	CLEANING AND WAS	101.43425.0228
39612 05/28/14 BROOM/SUPPLIES	64.25		4217		D	N	GENERAL SUPPLIES	101.43425.0229
39612 05/28/14 KLEENEX	62.65		4226		D	N	GENERAL SUPPLIES	651.48484.0229
39612 05/28/14 DISPOSABLE GLOVES	6.85		4226		D	N	GENERAL SUPPLIES	651.48484.0229
VENDOR TOTAL	498.25		*CHECK TOTAL					
CROW/MATTHEW 39613 05/28/14 SAFETY BOOTS .02133	125.00		0521114		D	N	SUBSISTENCE OF P	101.43425.0227
DELBOSQUE/KELSI 39614 05/28/14 MILEAGE EXPENSE 003079	25.76		051514		D	N	TRAVEL-CONF.-SCH	101.43425.0333
39614 05/28/14 NOTARY RECORDING FEE	20.00		051514		D	N	LICENSES AND TAX	101.43425.0445
VENDOR TOTAL	45.76		*CHECK TOTAL					
DELL MARKETING LP 39615 05/28/14 WIRELESS KEYBOARD/MOUSE 001747	37.49		XJDNUT8D7		D	N	SMALL TOOLS	101.41409.0221
DEPT OF HUMAN SERVICES 39616 05/28/14 CLEANING SERVICES 000009	84.00		00000206075		D	N	CLEANING AND WAS	101.45435.0338
DESIGN WEST 39617 05/28/14 REUPHOLTERED CHAIRS .02134	161.34		019860		D	N	MTCE. OF EQUIPME	208.45005.0224
39617 05/28/14 REUPHOLTERED CHAIRS	150.00		019860		D	N	MTCE. OF EQUIPME	208.45005.0334
VENDOR TOTAL	311.34		*CHECK TOTAL					
DOOLEY'S PETROLEUM INC 39618 05/28/14 4,000 GALLONS UNLEADE 002163	13,104.16		4065630		D	N	INVENTORIES-MDSE	101.125000
39618 05/28/14 4,000 GALLONS DIESEL	12,655.90		4065630		D	N	INVENTORIES-MDSE	101.125000
VENDOR TOTAL	25,760.06		*CHECK TOTAL					
ELECTRIC PUMP INC 39619 05/28/14 MUNI SCUM PUMP BRACKET 000788	661.75		0052769		D	N	MTCE. OF EQUIPME	651.48484.0224
ELIZONDO/CATARINA 39620 05/28/14 REFUND SHELTER DEPOSIT .02135	50.00		0521114		D	N	DEPOSITS	101.230000
ELMQUIST JEWELERS 39621 05/28/14 WYFFELS-RETIREMENT GIFT 000236	195.60		91848		D	N	GENERAL SUPPLIES	101.41401.0229

VENDOR NAME AND NUMBER CHECK# DATE DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F S 9 BX M	ACCOUNT NAME	ACCOUNT
ELMQUIST JEWELERS 39621 05/28/14 ASMUS-RETIREMENT GIFT 39621 05/28/14 MADSEN-RETIREMENT GIFT VENDOR TOTAL	195.60 195.60 586.80 586.80		91848 91848 *CHECK TOTAL		D N D N	GENERAL SUPPLIES GENERAL SUPPLIES	101.41401.0229 101.41401.0229
EMERGENCY RESPONSE SOLUT 39622 05/28/14 LANYARD-THRLM IMAGE CMRA	80.97		2139		D N	SMALL TOOLS	101.42412.0221
ERIC'S AVIATION SERVICES 39623 05/28/14 ON SITE MGMT SERV-JUN ETTERMAN ENTERPRISES 001567 39624 05/28/14 SMALL TOOLS 39624 05/28/14 TRASH PUMP FITTING VENDOR TOTAL	6,333.33 102.02 46.16 148.18 148.18		STMT/6-14 210617 210617 *CHECK TOTAL		D N D M 07 D M 07	PROFESSIONAL SER SMALL TOOLS MTC. OF EQUIPME	230.43430.0446 651.48485.0221 651.48485.0224
EVANS/JASON 39625 05/28/14 CRISIS NEGOTIATION CLASS	92.39		581		D N	TRAVEL-CONF.-SCH	101.42411.0333
EXCEL OVERHEAD DOOR 39626 05/28/14 REPL. DAMAGED DR SLATS	625.00		22086		D N	INSURANCE DEDUCT	101.41428.0822
FARNAM'S GENUINE PARTS 39627 05/28/14 PORTABLE HYD. RAM KIT 39627 05/28/14 BRAKE PARTS 39627 05/28/14 BATTERY FOR LIFT 39627 05/28/14 BRAKE PARTS VENDOR TOTAL	399.00 537.02 88.64 388.16 1,412.82 1,412.82		700217 701658 701879 702337 *CHECK TOTAL		D N D N D N D N	SMALL TOOLS INVENTORIES-MDSE MTC. OF EQUIPME INVENTORIES-MDSE	101.43425.0221 101.125000 101.45433.0224 101.125000
FASTENAL COMPANY 39628 05/28/14 CLARIFIER FLUSH VALVE	12.77		MNWILL115248		D N	MTC. OF EQUIPME	651.48484.0224
FIRE EQUIPMENT SPECIALTY 39629 05/28/14 CLEAN/INSP. FIRE GEAR FISCHER/BETH 002484 39630 05/28/14 CELL PHONE-APRIL 39630 05/28/14 CELL PHONE-MAY 39630 05/28/14 NEW LONDON HOTEL MTG VENDOR TOTAL	160.00 14.77 14.77 13.54 43.08 43.08		8340 052714 052714 052714 *CHECK TOTAL		D N D M 07 D M 07 D M 07	SUBSISTENCE OF P COMMUNICATIONS COMMUNICATIONS TRAVEL-CONF.-SCH	101.42412.0227 208.45005.0330 208.45005.0330 208.45005.0333
FISHNET SECURITY INC 39631 05/28/14 2015 SOFTWARE LICENSE 39631 05/28/14 2016 SOFTWARE LICENSE	75.40 75.40		I0090732 I0090732		D N D N	PREPAID EXPENSES PREPAID EXPENSES	101.128000 101.128000

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GENERAL MAILING SERVICES 000293									
39635 05/28/14	POSTAGE 05/05 - 05/09/14	0.59		12007		D	N	POSTAGE	651.48484.0223
39635 05/28/14	POSTAGE 05/12 - 05/16/14	12.94		12048		D	N	POSTAGE	101.41401.0223
39635 05/28/14	POSTAGE 05/12 - 05/16/14	58.19		12048		D	N	POSTAGE	101.41402.0223
39635 05/28/14	POSTAGE 05/12 - 05/16/14	8.45		12048		D	N	POSTAGE	101.41403.0223
39635 05/28/14	POSTAGE 05/12 - 05/16/14	7.08		12048		D	N	POSTAGE	101.41404.0223
39635 05/28/14	POSTAGE 05/12 - 05/16/14	2.03		12048		D	N	POSTAGE	101.41405.0223
39635 05/28/14	POSTAGE 05/12 - 05/16/14	15.00		12048		D	N	POSTAGE	101.41408.0223
39635 05/28/14	POSTAGE 05/12 - 05/16/14	0.88		12048		D	N	POSTAGE	101.41409.0223
39635 05/28/14	POSTAGE 05/12 - 05/16/14	7.65		12048		D	N	POSTAGE	101.41424.0223
39635 05/28/14	POSTAGE 05/12 - 05/16/14	0.59		12048		D	N	POSTAGE	101.42411.0223
39635 05/28/14	POSTAGE 05/12 - 05/16/14	0.59		12048		D	N	POSTAGE	101.43425.0223
39635 05/28/14	POSTAGE 05/12 - 05/16/14	6.65		12048		D	N	POSTAGE	101.45432.0223
39635 05/28/14	POSTAGE 05/12 - 05/16/14	8.12		12048		D	N	POSTAGE	101.45433.0223
39635 05/28/14	POSTAGE 05/12 - 05/16/14	0.59		12048		D	N	POSTAGE	101.45435.0223
39635 05/28/14	POSTAGE 05/12 - 05/16/14	2.95		12048		D	N	POSTAGE	208.45005.0223
39635 05/28/14	POSTAGE 05/12 - 05/16/14	0.59		12048		D	N	POSTAGE	230.43430.0223
39635 05/28/14	POSTAGE 05/12 - 05/16/14	3.65		12048		D	N	POSTAGE	414.48451.0223
39635 05/28/14	POSTAGE 05/12 - 05/16/14	1.77		12048		D	N	POSTAGE	651.48484.0223
	*CHECK TOTAL	531.04							
	VENDOR TOTAL	531.04							
GOMEZ/JUAN	.02136								
39636 05/28/14	REFUND SHELTER DEPOSIT	50.00		052114		D	N	DEPOSITS	101.230000
GRAINGER INC	000786								
39637 05/28/14	STRAP FOR HAULING	19.78		9421544330		D	N	GENERAL SUPPLIES	101.45433.0229
HARDWARE HANK EXPRESS	000452								
39638 05/28/14	TEAR MENDER GLUE	6.99		0401		D	N	GENERAL SUPPLIES	101.41408.0229
39638 05/28/14	PLUMBING PARTS	15.00		040314		D	N	MTCE. OF STRUCTU	101.43425.0225
39638 05/28/14	ICE MELT	13.99		040414		D	N	GENERAL SUPPLIES	101.41408.0229
39638 05/28/14	BLDG MTCE-PARTS	3.38		040714		D	N	MTCE. OF STRUCTU	101.41408.0225
39638 05/28/14	BLDG MTCE-PARTS	0.30		040714		D	N	MTCE. OF STRUCTU	101.41408.0225
39638 05/28/14	4-TINE SPADE FORK	18.99		040714		D	N	SMALL TOOLS	101.43425.0221
39638 05/28/14	LINE FOR TENNIS NETS	10.77		040714		D	N	MTCE. OF EQUIPME	101.43425.0224
39638 05/28/14	RUBBER STRAPS	4.38		040814		D	N	GENERAL SUPPLIES	101.45427.0229
39638 05/28/14	DEHUMIDIFIER FILTERS	93.96		040914		D	N	MTCE. OF EQUIPME	101.41408.0224
39638 05/28/14	PLUMBING PARTS	21.82		041014		D	N	MTCE. OF STRUCTU	101.43425.0225
39638 05/28/14	WALL SWITCH PLATE	0.49		041114		D	N	MTCE. OF STRUCTU	101.41408.0225
39638 05/28/14	BATTERIES	30.98		042214		D	N	GENERAL SUPPLIES	101.41409.0229
39638 05/28/14	KEYS FOR BLDG	18.93		042314		D	N	MTCE. OF STRUCTU	101.43425.0225
39638 05/28/14	SUPPLIES	3.78		042414		D	N	GENERAL SUPPLIES	101.41409.0229
39638 05/28/14	TOILET TISSUE/HAND TWLS	34.77		042514		D	N	GENERAL SUPPLIES	101.41409.0229
39638 05/28/14	PLUMBING PARTS	2.00		042514		D	N	MTCE. OF STRUCTU	101.43425.0225
39638 05/28/14	PLUMBING PARTS	6.00		042814		D	N	MTCE. OF EQUIPME	101.43425.0224
39638 05/28/14	BATTERIES	14.99		042914		D	N	GENERAL SUPPLIES	101.41409.0229
39638 05/28/14	LIGHT BULBS	11.97		043014		D	N	MTCE. OF STRUCTU	101.43425.0225

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HARDWARE HANK EXPRESS	39638	05/28/14	PAINT FOR BLDG	23.99		043014		D	N	MTCE. OF STRUCTU	101.45433.0225
			VENDOR TOTAL	337.48	*CHECK TOTAL						
HAWKINS INC	39639	05/28/14	FERRIC CHLORIDE	4,748.63		3594256 RI		D	N	GENERAL SUPPLIES	651.48484.0229
HILLYARD FLOOR CARE SUPP	39640	05/28/14	CLEANING SUPPLIES	130.69		601103988		D	N	CLEANING AND WAS	101.45433.0228
	39640	05/28/14	CLEANING SUPPLIES	43.56		601113114		D	N	CLEANING AND WAS	101.45433.0228
	39640	05/28/14	CLEANING SUPPLIES	1,596.10		601130197		D	N	CLEANING AND WAS	101.45433.0228
	39640	05/28/14	SCRUBBER REPAIR-PARTS	276.60		700129602		D	N	MTCE. OF EQUIPME	101.45433.0224
	39640	05/28/14	SCRUBBER REPAIR-LABOR	243.00		700129602		D	N	MTCE. OF EQUIPME	101.45433.0334
			VENDOR TOTAL	2,289.95	*CHECK TOTAL						
HYDRITE CHEMICAL CO	39641	05/28/14	ANTIFOAM	924.00		01701384		D	N	GENERAL SUPPLIES	651.48484.0229
	39641	05/28/14	MAGNESIUM HYDROXIDE	8,985.60		01704953		D	N	GENERAL SUPPLIES	651.48484.0229
			VENDOR TOTAL	9,909.60	*CHECK TOTAL						
INNOVATIVE OFFICE SOLUTI	39642	05/28/14	CORRECTION TAPE	6.78		IN0528260		D	N	OFFICE SUPPLIES	101.42412.0220
JAGUSH/JEFFREY	39643	05/28/14	MILEAGE 4/29-5/23/14	39.20		052714		D	N	TRAVEL-CONF.-SCH	101.43425.0333
	39643	05/28/14	MILEAGE 4/29-5/23/14	39.20		052714		D	N	TRAVEL-CONF.-SCH	101.43425.0333
			VENDOR TOTAL	78.40	*CHECK TOTAL						
KANDIYOHI CO RECORDER'S	39644	05/28/14	PLAT COPIES FEE	10.00		SOP-059017		D	N	PROFESSIONAL SER	101.41404.0445
	39644	05/28/14	RECORDING FEES	46.00		618595		D	N	PROFESSIONAL SER	101.41404.0445
			VENDOR TOTAL	56.00	*CHECK TOTAL						
KANDIYOHI CO RECYCLING A	39645	05/28/14	LAMP RECYCLING	54.00		32		D	N	CLEANING AND WAS	651.48484.0338
KANDIYOHI CO-OP ELECTRIC	39646	05/28/14	WELCOME TO WILLMAR SIGN	101.00		STMT/5-14		D	N	UTILITIES	101.43425.0332
	39646	05/28/14	WELCOME TO WILLMAR SIGN	60.75		STMT/5-14		D	N	UTILITIES	101.43425.0332
	39646	05/28/14	CO RD 23/HWY 71 BYPASS	122.00		STMT/5-14		D	N	UTILITIES	101.43425.0332
	39646	05/28/14	ELEC SERV-LIFT STATIONS	790.00		STMT/5-14		D	N	UTILITIES	651.48485.0332
	39646	05/28/14	ABBOTT DR LIFT STATION	73.00		STMT/5-14		D	N	UTILITIES	651.48485.0332
	39646	05/28/14	ELEC SERV-SECURITY LIGHT	36.00		STMT/5-14		D	N	UTILITIES	651.48485.0332
			VENDOR TOTAL	1,182.75	*CHECK TOTAL						
			VENDOR TOTAL	1,182.75							

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LANGE/CRAIG 39647 05/28/14 MGIA CONFERENCE 002000	44.00	574		D N	TRAVEL-CONF.-SCH	101.42411.0333
LARSEN/DORIE 39648 05/28/14 REF.-CANCELLED BASEBALL .02621	40.00	051914		D N	REFUNDS AND REIM	101.41428.0882
LOCATORS & SUPPLIES INC 39649 05/28/14 RAIN PANTS 002162	24.71	0223069		D N	SUBSISTENCE OF P	101.43425.0227
LUSCHEN/LOREN 39650 05/28/14 WOODSHOP SUPPLIES .02076	29.24	051614		D N	GENERAL SUPPLIES	101.45435.0229
MADSEN/KEVIN 39651 05/28/14 MIAMA SPRING CONFERENCE 001127	103.04	050614		D N	TRAVEL-CONF.-SCH	101.45433.0333
MENARDS 39652 05/28/14 SHOP DOOR REPAIR-PARTS 000449	18.00	48898		D N	MTCE. OF STRUCTU	101.43425.0225
39652 05/28/14 PLUMBING PARTS	42.98	48933		D N	MTCE. OF STRUCTU	101.43425.0225
39652 05/28/14 PUMP FOR SELVIG FOUNTAIN	149.99	49016		D N	MTCE. OF OTHER I	101.43425.0226
39652 05/28/14 JOTS 2 BUBBLER PIPING	15.17	49244		D N	MTCE. OF OTHER I	651.48485.0226
39652 05/28/14 LAWN MOWER BLADE	14.99	49547		D N	MTCE. OF EQUIPME	101.43425.0224
39652 05/28/14 SOFTENER SALT	24.00	49773		D N	GENERAL SUPPLIES	651.48484.0229
VENDOR TOTAL	265.13	*CHECK TOTAL				
MINI BIFF LLC 39653 05/28/14 TOILET RENTALS 001805	19.94	A-62958		D N	RENTS	101.43425.0440
39653 05/28/14 TOILET RENTALS	39.88	A-62959		D N	RENTS	101.43425.0440
VENDOR TOTAL	59.82	*CHECK TOTAL				
MINNEAPOLIS FINANCE DEPA 39654 05/28/14 AUTO PAWN TRANS FEE 000466	187.20	400413004975		D N	PROFESSIONAL SER	101.42411.0446
MN DEPT OF REVENUE 199 05/20/14 SALES TAX-APRIL 000492	2,577.00	STMT/4-14		M N	SALES TAX PAYABL	101.206000
199 05/20/14 USE TAX-APRIL	249.73	STMT/4-14		M N	SALES TAX PAYABL	101.206000
199 05/20/14 USE TAX-APRIL	0.58CR	STMT/4-14		M N	OFFICE SUPPLIES	101.42411.0220
199 05/20/14 USE TAX-APRIL	2.04CR	STMT/4-14		M N	SMALL TOOLS	101.42411.0221
199 05/20/14 USE TAX-APRIL	6.38CR	STMT/4-14		M N	GENERAL SUPPLIES	101.42411.0229
199 05/20/14 DIESEL FUEL TAX-APRIL	307.70	STMT/4-14		M N	MOTOR FUELS AND	101.43425.0222
199 05/20/14 USE TAX-APRIL	110.27	STMT/4-14		M N	MOTOR FUELS AND	101.43425.0222
199 05/20/14 DIESEL FUEL TAX-APRIL	90.16	STMT/4-14		M N	MOTOR FUELS AND	101.43425.0222
VENDOR TOTAL	3,325.86	*CHECK TOTAL				
MN FIRE SERVICE CERTIF. 39655 05/28/14 HANSON-CERTIF. EXAM 000018	200.00	2630		D N	TRAVEL-CONF.-SCH	101.42412.0333

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MN LODGING ASSOCIATION 002391 39656 05/28/14 MEMBERSHIP DUES 39656 05/28/14 MEMBERSHIP DUES VENDOR TOTAL	104.19 145.81 250.00 250.00	40506 40506 *CHECK TOTAL		D N D N	PREPAID EXPENSES SUBSCRIPTIONS AN	208.128000 208.45005.0443
MN UNITED SNOMOBILE ASS 001970 39657 05/28/14 MEMBERSHIP DUES 39657 05/28/14 MEMBERSHIP DUES VENDOR TOTAL	33.36 66.64 100.00 100.00	70867 70867 *CHECK TOTAL		D N D N	PREPAID EXPENSES SUBSCRIPTIONS AN	208.128000 208.45005.0443
MVTL LABORATORIES INC 000544 39658 05/28/14 SLUDGE TESTING 39658 05/28/14 WASTEWATER ANALYSIS VENDOR TOTAL	1,273.00 45.00 1,318.00 1,318.00	702515 702980 *CHECK TOTAL		D N D N	PROFESSIONAL SER PROFESSIONAL SER	651.48486.0446 651.48484.0446
MWOA 000545 39659 05/28/14 WERDER-LAB WRKSHR REGIS.	125.00	052114		D N	TRAVEL-CONF.-SCH	651.48484.0333
NCL OF WISCONSIN INC 001627 39660 05/28/14 LAB SUPPLIES	130.21	338520		D N	GENERAL SUPPLIES	651.48484.0229
NEXTEL COMMUNICATION 000578 39661 05/28/14 CELLULAR PHONE USAGE	1,554.42	317498885-072		D N	COMMUNICATIONS	101.41409.0330
OFFICE SERVICES 000589						
39662 05/28/14 PHOTO COPIES 4/15-5/13	37.13	052014		D N	OFFICE SUPPLIES	101.41401.0220
39662 05/28/14 PHOTO COPIES 4/15-5/13	40.13	052014		D N	OFFICE SUPPLIES	101.41401.0220
39662 05/28/14 PHOTO COPIES 4/15-5/13	61.71	052014		D N	OFFICE SUPPLIES	101.41402.0220
39662 05/28/14 PHOTO COPIES 4/15-5/13	135.15	052014		D N	OFFICE SUPPLIES	101.41403.0220
39662 05/28/14 PHOTO COPIES 4/15-5/13	36.14	052014		D N	OFFICE SUPPLIES	101.41403.0220
39662 05/28/14 PHOTO COPIES 4/15-5/13	160.20	052014		D N	OFFICE SUPPLIES	101.41404.0220
39662 05/28/14 PHOTO COPIES 4/15-5/13	98.42	052014		D N	OFFICE SUPPLIES	101.41404.0220
39662 05/28/14 PHOTO COPIES 4/15-5/13	33.38	052014		D N	OFFICE SUPPLIES	101.41405.0220
39662 05/28/14 PHOTO COPIES 4/15-5/13	17.38	052014		D N	OFFICE SUPPLIES	101.41405.0220
39662 05/28/14 PHOTO COPIES 4/15-5/13	1.35	052014		D N	OFFICE SUPPLIES	101.41405.0220
39662 05/28/14 PHOTO COPIES 4/15-5/13	1.11	052014		D N	OFFICE SUPPLIES	101.41405.0220
39662 05/28/14 PHOTO COPIES 4/15-5/13	1.20	052014		D N	OFFICE SUPPLIES	101.41409.0220
39662 05/28/14 PHOTO COPIES 4/15-5/13	0.30	052014		D N	OFFICE SUPPLIES	101.41424.0220
39662 05/28/14 PHOTO COPIES 4/15-5/13	55.52	052014		D N	OFFICE SUPPLIES	101.43417.0220
39662 05/28/14 PHOTO COPIES 4/15-5/13	37.80	052014		D N	OFFICE SUPPLIES	101.43417.0220
39662 05/28/14 PHOTO COPIES 4/15-5/13	25.54	052014		D N	OFFICE SUPPLIES	101.43425.0220
39662 05/28/14 PHOTO COPIES 4/15-5/13	21.75	052014		D N	OFFICE SUPPLIES	101.43425.0220
39662 05/28/14 PHOTO COPIES 4/15-5/13	38.80	052014		D N	OFFICE SUPPLIES	101.45432.0220
39662 05/28/14 PHOTO COPIES 4/15-5/13	34.20	052014		D N	OFFICE SUPPLIES	101.45432.0220
39662 05/28/14 PHOTO COPIES 4/15-5/13	5.88	052014		D N	OFFICE SUPPLIES	101.45433.0220

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OFFICE SERVICES 000589							
39662 05/28/14 PHOTO COPIES 4/15-5/13	57.02		052014		D N	OFFICE SUPPLIES	413.48451.0220
39662 05/28/14 PHOTO COPIES 4/15-5/13	2.59		052014		D N	OFFICE SUPPLIES	651.48484.0220
39662 05/28/14 PHOTO COPIES 4/15-5/13	3.23		052014		D N	OFFICE SUPPLIES	651.48484.0220
VENDOR TOTAL	905.93	*CHECK TOTAL					
	905.93						
OXYGEN SERVICE COMPANY 002223							
39663 05/28/14 HELMET ADF LENS ELEMENT	98.51		07778998		D N	GENERAL SUPPLIES	101.43425.0229
PIONEERLAND LIBRARY SYST 000614							
39664 05/28/14 2ND QTR OPERATIONAL B 97,122.00			052014		D N	OTHER CHARGES	101.45426.0449
PLUMBING & HEATING OF WI 000618							
39665 05/28/14 CORE THRU PUMP STA. WALL 242.00			17596		D N	MTCE. OF STRUCTU	651.48485.0335
PREMIUM WATERS INC 000374							
39666 05/28/14 SOFTENER SALT	12.00		329949/3-14		D N	GENERAL SUPPLIES	101.42412.0229
39666 05/28/14 DRINKING WATER	8.00		329949/4-14		D N	SUBSISTENCE OF P	101.42412.0227
VENDOR TOTAL	20.00	*CHECK TOTAL					
	20.00						
PRINT MASTERS 000624							
39667 05/28/14 PRINTED NEWSLETTERS	157.00		77249		D N	PRINTING AND PUB	101.45435.0331
RADIO SHACK ACCOUNTS REC 000637							
39668 05/28/14 FUSE FOR SCOREBOARD	3.49		026752		D N	MTCE. OF OTHER I	101.45432.0226
REGALADO/ANTOINETTE .02132							
39595 05/22/14 REFUND SHELTER DEPOSIT	50.00		051214		D N	DEPOSITS	101.230000
39595 05/22/14 SHELTER RENTAL FEE	100.00		051214		D N	REFUNDS AND REIM	101.41428.0882
39595 05/22/14 CANCELLATION FEE	10.00	CR	051214		D N	REFUNDS AND REIM	101.41428.0882
VENDOR TOTAL	140.00	*CHECK TOTAL					
	140.00						
RICOH USA INC 002101							
39669 05/28/14 COPIER LEASE AGRMT	632.00		92465566		D N	RENTS	741.48001.0440
SIMPLEX GRINNELL 001411							
39670 05/28/14 SPRINKLER SYSTEM INSP.	726.23		769660755		D N	MTCE. OF STRUCTU	101.45433.0335
SKOGLAND/BRAD 003080							
39671 05/28/14 BASEBALL COACHES CLINIC	300.00		051914		D N	PROFESSIONAL SER	101.45432.0446
SOMALI CONNECTION 002524							
39672 05/28/14 INTERPRETING	150.00		14006258		D N	PROFESSIONAL SER	101.42411.0446
STAR TRIBUNE 000710							
39673 05/28/14 SUBSCRIPTION RENEWAL	100.75		7986818/5-14		D N	SUBSCRIPTIONS AN	101.41402.0443

Vendor Payments History Report
INCLUDES ONLY POSTED TRANS

VENDOR NAME AND NUMBER	CHECK#	DATE	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F S 9	B X M	ACCOUNT NAME	ACCOUNT
STATEWIDE DISTRIBUTING I	000718										
39674	05/28/14	CONCESSION SUPPLIES	115.20		098175		D N			GENERAL SUPPLIES	101.45433.0229
SURPLUS WAREHOUSE INC	000728										
39675	05/28/14	RATCHET STRAP FOR HLLG	14.99		051514		D N			GENERAL SUPPLIES	101.43425.0229
39675	05/28/14	STRAPS FOR HAULING	179.91		052014		D N			GENERAL SUPPLIES	101.45432.0229
39675	05/28/14	STRAPS FOR HAULING	119.94		052114		D N			GENERAL SUPPLIES	101.45432.0229
		VENDOR TOTAL	314.84		*CHECK TOTAL						
		VENDOR TOTAL	314.84								
THOMPSON/JUDY	000949										
39676	05/28/14	SEMINAR/ETHICS CLASS	238.20		052214		D N			TRAVEL-CONF. -SCH	101.41404.0333
TIRES PLUS	000747										
39677	05/28/14	SIGN DEPOSIT REF 2014-7	100.00		2014-7		D N			DEPOSITS-SIGN PE	101.230001
UNCOMMON USA INC	001286										
39678	05/28/14	US FLAGS	96.00		707361		D N			GENERAL SUPPLIES	651.48484.0229
39678	05/28/14	US FLAGS	144.00		726934		D N			GENERAL SUPPLIES	101.43425.0229
		VENDOR TOTAL	240.00		*CHECK TOTAL						
		VENDOR TOTAL	240.00								
US BANK	000264										
39679	05/28/14	#154 GO IMP BOND-SC	450.00		3618283		D N			OTHER CHARGES	327.47100.0449
US POST OFFICE	000759										
39680	05/28/14	POSTAGE-POLLING NOTICE	214.13		052314		D N			POSTAGE	101.41424.0223
VIKING COCA-COLA BOTTLIN	000777										
39681	05/28/14	CONCESSION SUPPLIES	77.25		1374754		D N			GENERAL SUPPLIES	101.45433.0229
39681	05/28/14	CONCESSION SUPPLIES	202.00		1382071		D N			GENERAL SUPPLIES	101.45433.0229
39681	05/28/14	CONCESSION SUPPLIES	11.40CR		177834		D N			GENERAL SUPPLIES	101.45433.0229
		VENDOR TOTAL	267.85		*CHECK TOTAL						
		VENDOR TOTAL	267.85								
WAL-MART COMMUNITY	000789										
39682	05/28/14	BATTERIES	14.01		041514		D N			GENERAL SUPPLIES	101.42411.0229
39682	05/28/14	GUN CLEANER/SUPPLIES	36.21		042414		D N			GENERAL SUPPLIES	101.42411.0229
39682	05/28/14	PAPER PLATES/FOAM CUPS	21.30		043014		D N			GENERAL SUPPLIES	651.48484.0229
39682	05/28/14	FOAM CUPS/FORKS/COFFEE	57.09		050614		D N			GENERAL SUPPLIES	651.48484.0229
39682	05/28/14	SUPPLIES-SWAT TRAINING	2.12		050814		D N			GENERAL SUPPLIES	101.42411.0229
		VENDOR TOTAL	130.73		*CHECK TOTAL						
		VENDOR TOTAL	130.73								
WEST CENTRAL COMMUNICATI	000796										
39683	05/28/14	RADIO REPAIR-LABOR	225.50		077679S		D N			MICE. OF EQUIPME	101.42411.0334
WEST CENTRAL SANITATION	000805										
39684	05/28/14	GARBAGE SERVICE-MAY	27.58		6806100/5-14		D N			CLEANING AND WAS	230.43430.0338

Vendor Payments History Report
INCLUDES ONLY POSTED TRANS

VENDOR NAME AND NUMBER	CHECK#	DATE	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F	S	9	EX	M	ACCOUNT NAME	ACCOUNT
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REPORT TOTALS:

201,691.36

RECORDS PRINTED - 000303

Vendor Payments History Report

FUND RECAP:	
FUND	DESCRIPTION
101	GENERAL FUND
208	CONVENTION & VISITORS BUREAU
230	WILLMAR MUNICIPAL AIRPORT
327	D.S. - 2007B BOND
413	S.A.B.F. - #2013
414	S.A.B.F. - #2014
651	WASTE TREATMENT
741	OFFICE SERVICES
TOTAL ALL FUNDS	

DISBURSEMENTS	
BANK NAME	DISBURSEMENTS
HERT HERITAGE BANK	201,691.36
TOTAL ALL BANKS	201,691.36

**Willmar Lakes Area CVB Board Meeting
EBO Room of the CVB / Chamber
Tuesday, April 15, 2014 @ 12:00 Noon**

Members Present: Kevin Halliday, Ron Fake, Sue Steinert, Kevin Madsen, Rick Schueller, Ken Warner, Don Asche, Audrey Nelsen and David Feist

Members Excused: Ron Erpelding, Denny Baker, Dave Pederson and Tanya Rosenau

Members Absent: Janet Demuth, Jim Butterfield and Roger Imdieke

Staff Present: Beth Fischer

- I. **Call to Order:** Feist called the meeting to order at 12:18 p.m.
 - a. **Additions or corrections to the agenda:** There were no additions or corrections.

- II. **Approve Minutes from the March 18, 2014 Meeting:** It was MSC (m/Halliday; s/Asche) to approve the minutes from the March 18, 2014 meeting.

- III. **Financial Report:** Halliday presented the financial report and reviewed the lodging tax revenues report. It was MSC (m/Fake; s/Nelsen) to approve the financial report as it was presented.

- IV. **Committee Reports & Requests:**
 - a. **Sports Committee:** Fischer shared the committee is working on updating the Sports Facility Guide and researching examples of communities that have a nice Fieldhouse. The goal is to secure prototypes of successful venues to share as we move forward with a proposal for a Fieldhouse in the area. They also discussed the importance of hiring an Arena Manager that can see the vision for all users and potential users of the site. Interviews for a new Arena Manager are scheduled for Thursday, April 24, 2014. Fischer will participate in the interview process.
 - b. **Special Events Committee:** No new business to report.
 - c. **Meetings & Conventions Committee:** Feist shared the committee is working on updating the Meetings Facility Guide and preparing for the MSAE Expo. Fischer is in the process of collecting updated information and pictures from venues in the area. The goal is to have an updated booth and new facility guide by the MSAE Expo in June.
 - d. **Visitor Guide Committee:** Fischer shared advertising letters have been distributed for the 2015 guide. The committee reviewed several other guide samples and gathered ideas for the new guide. They have also been busy distributing the guide.
 - e. **Leisure Travel Committee:** The committee met at Sibley State Park and had a wonderful presentation. Greg Harp has joined the committee. The committee recapped the four sport shows attended, and it was a consensus to participate in all in 2015.
 - f. **Executive Committee:** Feist stated the Executive Committee will be meeting on April 15, 2014, following the Board Meeting.

- V. **Affiliated Partnership Updates/Reports:**
 - a. **Vision 2040 Update:** Halliday shared the Steering Committee has hired E-Tap Marketing as the website coordinator for Vision 2040. The website should be updated in May, and

will be an access point for agendas, minutes, meeting dates and activities taking place with Vision 2040. Warner added that Bello Cucina is an early success story for Vision 2040. The owner reviewed the community input regarding wanting an Italian restaurant in the area, and selected Spicer as their new location.

- b. **Community Marketing Coalition Update:** Fischer shared the CMC will be working as a marketing arm of the Vision 2040 group. They are in the process of developing a strategic plan for this partnership to ensure consistency in the message that goes out to the community and to help promote the successes of Vision 2040.

- VI. **Executive Director Report:** Fischer distributed the report and reviewed some of the larger events that are coming up such as the Spicer Annual Banquet, Earth Day Celebration at PWELC, i3@MTC and the Mayor's Bike Ride on May 16th. She has submitted ads for Meetingpages.com, MN Trails and the Little Crow Ski Team program. Spicer was awarded the 2017 Division II State American Legion Baseball Tournament and the dates are set for the USA Curling Junior National Championships. It will be held January 16 – 23, 2016 in the Blue Line Arena. Welcome bags were provided to the 7th District GOP Convention. A complete copy of the Executive Director's Report is available upon request from the CVB office.

VII. **Other Business:**

- a. **Word Around the Community:**

- i. **Asche:** Work is underway on the new Hardee's. He also heard Taco Bell may be coming to Willmar.
- ii. **Feist:** The switch is official. They are now a Best Western Plus.
- iii. **Fake:** Bello Cucina will be opening soon.
- iv. **Nelsen:** Encouraged everybody to get involved in the Vision 2040 process and shared the Public Works Committee is expected to receive information on the City Auditorium at their April 15th meeting.

- b. **Next Meeting:** The next meeting of the CVB Board of Directors is scheduled for Tuesday, May 20, 2014 at 12:00 noon.

- VIII. **Adjournment:** Feist adjourned the meeting at 12:57 p.m.

Respectfully Submitted by,

Beth Fischer, Executive Director

Willmar Lakes Area Convention & Visitors Bureau

CVB Executive Director's Report – May 2014

- May 22: Adirondack Chairs Community Event
- May 24: Memorial Day / Law Day 5K Walk/Run
- May 28 – 30: WCCO – "Goin to the Lake"
- May 30: WCCO Radio – John Hines Show
- June 13 – 14: Studio Hop
- June 13 – 15: Willmar Youth Baseball Tournament
- June 17 – 22: Willmar Fests
- June 18 -19: Sabra Tours
- June 20 – 21: R & J Tours
- June 19 – 22: IWMC (Iron Warriors Motorcycle) Central Region Conference
- June 22: Rib Fest at Glacial Ridge Winery
- July 3: Street Dance - Johnny Holm Band
- July 3 - 6: Spicer 4th of July Activities
- July 6: Green Lake Road Race
- July 12 – 13: Buckingham Blitz
- July 16 – 19: Sonshine Music Festival
- July 18 – 20: New London Water Days

Advertising:

- Submitted ad to MN Trails for their spring issue.
- Submitted ad for the Little Crow Ski Team program.
- Submitted for the Summer Fun Guide in the West Central Tribune.
- Submitted ad to MN Meetings & Events for their summer issue.
- Submitted ad to the Lakes Area Review for the Mayor's Bike Ride.
- Submitted ad to the West Central Tribune for the Mayor's Bike Ride.
- Contracted ad space with Travel Guides Free

Proposals/Conference Assistance:

- Submitted bid to host the 2016 MN DAV Fall Conference. Willmar was awarded this conference. It will be held the first weekend in October in 2016.
- We were awarded the 2016 Kiwanis Key Club Conference. It will be held April 8-10, 2016.
- We were awarded the 2016 Gideons Convention. It will be held April 14 -16, 2016.
- Submitted bid to host the 2016 NARFE Convention. Met with local representative to discuss bid and provided a tour of the updated conference site campus. Provided them with area information and visitor guides to distribute at their 2014 convention.
- Met with MN 4-H Board to discuss their 2015 Convention that will be held in Willmar on February 19-21.
- Met with Iron Warriors regarding their upcoming rally in Willmar. We will be providing maps and a breakfast reception for them. Earlier we set up room blocks and provided area information and rate cards for their attendees.
- Met with the Willmar Hockey Association to solidify dates for the 2014 – 2015 tournament season. Communicated dates with area hotel properties and have begun the process of setting up room blocks for the tournaments. Also, working with them on some additional events/activities for the upcoming season and ads for Let's Play Hockey.

- Assisted Catholic Order of Foresters with meeting space and accommodations for their July Board meeting scheduled in Willmar. We have bid on their 2016 convention which we anticipate will be voted upon in July.
- We provided welcome bags for the Cat Scratch Fever 5K. i3@mtc and the Willmar Car Club Show.
- Completed several prospect calls looking to bring new groups to the Willmar Lakes Area and sales calls encouraging old business to bring their meeting or conference back to the area.

Misc:

- Working with WCCO TV & WCCO Radio on their upcoming visits to the Willmar Lakes Area. I have assisted them with securing sites for their visits, media contacts and a variety of other items.
- Organized the 2nd Annual Mayor's Bike Ride which was held on Friday, May 16th. We had a nice turnout and enjoyed a picnic in Spicer with participants from Spicer, New London and Willmar.
- Continue to promote biking in Kandiyohi County. Our bike committee meets monthly. We are working with other groups to encourage Willmar, Spicer and New London to obtain a Bike Friendly Community status and on other projects related to biking. Two of the components required in the designation include bike events and education. All participants on the Mayor's Bike Ride received an educational bike piece regarding biking that we created.
- Created awareness during Tourism Week with a red t-shirt campaign and thank you stops to area businesses.
- Participated in the Arena Manager interviews for the City of Willmar.
- Attended Vision 2040 meetings for the Fieldhouse, Movies in the Park & Robbins Island redevelopment.
- Attended meetings for Willmar Fests, Spicer Annual Banquet and Spicer of 4th July planning meetings.
- Provided name badges and registration assistance for the Spicer Annual Banquet.
- Participated in a hotel exploratory meeting in New London.
- Met with Marshall MN group to tour the Civic Center and discuss their upcoming project.
- Participated in a MN Heartland Tourism Association Officers' Conference Call.
- Continue to market the area via Facebook, Twitter and Pinterest.

MINUTES

WILLMAR POLICE COMMISSION

Thursday, April 17, 2014

A meeting of the Willmar Police Civil Service Commission was held on Thursday, April 17, 2014. Members present were: President Dennis Anfinson, Vice President Cassie Akerson, and Secretary Kathy Schwantes. Police Chief David Wyffels and Administrative Assistant Sue Edwards were also present.

The meeting was called to order by President Anfinson at 3:48 p.m.

A motion was made by Commissioner Akerson, seconded by Commissioner Schwantes, to approve the April 11, 2014 minutes as submitted. **Motion carried.**

The Commission reviewed the final test results for the police officer hiring, including written test scores, oral interview scores and preference points given for veterans, from the 20 candidates interviewed April 15-17, 2014. Chief Wyffels explained that we would be hiring two candidates immediately, and the next step would be to establish the eligibility register so backgrounds could be initiated.

After discussion, Commissioner Schwantes made a motion, seconded by Commissioner Akerson, to set the cut-off at 80% on the final scores, establishing the eligibility register by certifying the top 11 names, and to begin background checks on the top four candidates. **Motion carried.**

Chief Wyffels thanked Commissioner Anfinson for giving his time the last three days to participate on the oral interview panel.

There being no further business, a motion to adjourn was made by Commissioner Schwantes, seconded by Commissioner Akerson. Meeting was adjourned at 4:10 p.m.

Secretary Kathy Schwantes
by Sue Edwards

**Meeting Minutes
Kandiyohi Area Transit
Operations Board**

Tuesday, April 22, 2014 at 10:00 a.m.
KAT Facility

Members Present: Michelle Prah, Chad Christianson, Kevin Halliday, Kristi Maahs,
Darrell Ruch, LeAnne Freeman, Debra Buffington

Members Absent: Terri Fehn, Pam Meinert

Staff Present: Tiffany Collins, Transit Director; Doug Sweeter, Operations Coordinator;
Darla Kimpling, Office Coordinator

Ex-Officio
Members Absent: Bev Herfindahl

Guests(s): None

Introductions

No introductions were made.

Approval of Agenda

Kevin Halliday made a motion to approve the agenda. Chad Christianson seconded the motion, which carried.

Approval of Minutes

Kevin Halliday made a motion to approve the minutes from March 4, 2014. Michelle Prah seconded the motion, which carried.

Director's Update

Financials – Tiffany reviewed the financials. KAT has been awarded additional funds for some additional administration duties. The 1st Quarter MnDOT grant has been received. Tiffany reminded the board that the MnDOT Grant was split between two line items and starting this year it will all be in one line item under MnDOT Grant. In Administration there is additional funding for training. \$6,000 will be used in May for RouteMatch training. RouteMatch representatives will be here the week of May 19th (2 half days and 3 full days). Bus #89 has had some major repairs and Bus #90 is having A/C repairs done. Half of the insurance has been paid for the year. The \$19,560 listed in the insurance line item is work comp expense which will be moved into line item 1065. Chad Christianson asked about the amount differences in line item 1061 Health & Life Insurance. Tiffany responded that in January the payment was for January

and February resulting in a credit in February which is the employees' contribution. The bill does come monthly, but it's a timing issue. Tiffany will work with Bev on using the additional funds to possibly purchase the Armor Radios. The General Fund (Volunteer Driver Program) has been very busy. Last year this program netted about \$12,000. The Elderly/Disabled Program has been pretty quiet. This bus is being used as backup and was used to start the Hwy 12 Route for a couple of weeks. The Hwy 12 Route is a \$75,000 annual budget and started on March 24th. Funds were spent for advertising for drivers and to purchase an Armor Radio in the amount of \$1,468.00 for this route.

Ridership – Doug reviewed the ridership for March. Total ridership for March was 10,764 which was really good with an average daily ridership of 512.57. One day the total ridership was 606. There were 0 rides on the 5310. Some calls have been coming in to reserve it for group outings. Saturday was pretty consistent with 318 for March. The Monday Evening Route was really good with 75 riders. There were 5 Monday's in March which helped. The Sr. Transportation Program has 568 riders. Doug and Jennifer have been out promoting this program. Doug also reported that work is being done to determine if there is a need for Sunday transportation and working with Crossroads to start transporting their clients. Tiffany and Doug will meet with Crossroads again this afternoon. This transportation would add about 100 rides per day. A rate of \$50.00 per hour will be charged for this transportation and a staff person will be on each bus to deal with any medical or behavioral issues. Tiffany stated that this still needs to be approved by Bev Herfindahl from MnDOT. Renville Public Transit lost their transportation for an ACTS Program in Olivia. Renville has some drivers that could come up to Willmar earlier and help with this transportation. It's a good coordination effort. Renville would be only doing one of the afternoon routes. KAT is able to take care of all the morning transportation.

Committee Updates

Expansion Committee – Michelle Prah reviewed the Expansion Minutes from the March 11th meeting. Kristi Maahs stated that the survey handed out to members of churches who already have their own transportation might not fill in that they need this transportation. Darrell Ruch said that there might be a need for people attending the community meals on Saturdays and Sundays. Kristi Maahs reviewed the Expansion Minutes from the April 8th meeting. She questioned the dates of when the last surveys were done. In one place it said 2010 and in another it said 2012. Tiffany clarified that KAT had done a survey in 2012 and that MnDOT had done a survey in 2010.

Administration Committee – The board members can read through these minutes and if there are questions, concerns or corrections to let Tiffany know.

Joy Ride Project

Tiffany updated the board that there is now enough funds from area bars and vendors to start this program. Those committed are O'Neil's, Zorbaz and the Spicer Legion. In Willmar the VFW has committed and the Oakes on special occasions. The plan is to run it from Memorial Day to Labor Day running on Friday and Saturday nights. Doug spoke with Nancy Franke-Willmar

regarding the time it would take to get people home. The hours of operations will be from 11:30 p.m. to 3:00 a.m. with a 6 mile radius from both Spicer and Willmar. The 6 mile radius would cover going around Green Lake. A driver has not been hired for this route. When Tiffany had brought it up at a KAT staff meeting, none of the drivers were interested. The driver will have an Armor radio for security. Tiffany has quoted an hourly rate of \$50.00, but it may have to be adjusted to a higher cost. A premium may have to be paid to get a driver. There is more support from a group with more organization than the last time this was done. The bartenders will sell the tickets for \$7.00 and make sure that the names and addresses are legible for the driver to read. Doug said that this organization has a successful program running in Battle Lake. There was some concern about cleaning the bus, so there might be a need for a cleaning fee.

2014 Bus Recommendation

Tiffany reviewed the two bids for the bus. One is from North Central in the amount of \$68,135 and the 2nd one is from Telin Transportation Group in the amount of \$71,142. The cost of the farebox has been deducted from the Telin bid. It was thought that Main Farebox had gone out of business, but they haven't. There was a recommendation from the Administration Committee to purchase the bus from Telin. Included in their bid is the Seon Camera System which is not available to North Central. They have a different camera system included in their bid, but KAT would have to purchase the reader for that system. The Telin bid does include the Ricon lift which is what KAT uses.

Chad Christianson made a motion to recommend to the Joint Powers Board to purchase the bus from Telin Transportation Group, LLC in the amount of \$71,142. Michelle PrahI seconded the motion, which carried.

Hwy 12 Route Update

The board members read the Hwy 12 Route Operational Procedure and Guidelines. It had gone through the Expansion Committee, but it was decided to send it back for further discussion.

Renville Updates

Tiffany stated that the meetings have been going very well. Tiffany has a copy of the JP Agreement and if any board member is wanting a copy to contact Tiffany and she will get them a copy. It is being reviewed by 5 attorneys: Renville County Attorney, Kandiyohi County Attorney, City of Willmar Attorney, KAT's Attorney (Mike Burgett), and Chris Smith from the Minnesota League of Cities. This JP Agreement will have to be taken to the City of Willmar Finance Committee on April 28th, Renville County on May 27th and Kandiyohi County on May 20th. An all staff meeting for Renville Public Transit and KAT will be held on June 10th at which time questions and concerns can be addressed. The Personnel Policies are being worked on. The next scheduled Joint Powers Board meeting is June 6th. The new Joint Powers Board will consist of 8 members (2 from Renville County, 2 from Kandiyohi County, 2 from The City of Willmar and 2 other elected officials). The Operations Board will be made up of 14 members. Reimbursement for travel to attend these meetings has been discussed. The assets from both

entities will be combined. Based on ridership, hours and miles, Renville does 1/3 of KAT in ridership and hours. Renville has more miles than KAT. No new name has been decided on yet.

Other Updates

Darla checked with Megan Deschepper at the City of Willmar regarding the ordinance on bus advertising signage. The advertising on the buses are within the guidelines, however, a permit is required for each bus. In order to amend the ordinance the Planning Commission would have to have a public hearing on. Then it would go to the City council for a public hearing and finally ordinance adoption. Research needs to be done regarding other entities that have wrapped buses with information being brought back in June or July. The radio stations do an ad trade. Some ideas for advertising possibilities are MinnWest Campus, Jennie-O, Stingers and Wal-Mart.

Tiffany asked the boards opinion regarding the resolution for the purchase of the new bus. Does a Joint Powers Board meet to approve the resolution with the actual cost of the bus or can it be done by email? The board felt that a meeting does need to be held.

Meeting Set Up/Dates

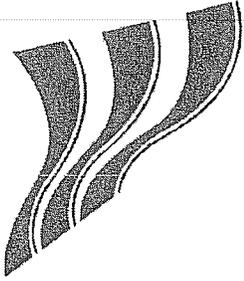
The next meeting is scheduled for May 27, 2014 @ 10:00 a.m.

Adjourn Meeting

Chad Christianson made a motion to adjourn the meeting. Kevin Halliday seconded the motion, which carried.

The meeting adjourned at 11:25 a.m.

Submitted by,
Darla Kimpling
Office Coordinator



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

Agenda Item Number: 9

Meeting Date:

Attachments: Yes No

CITY COUNCIL ACTION

Date: June 2, 2014

- Approved Denied
 Amended Tabled
 Other

Originating Department: City Clerk-Treasurer

Agenda Item: Consideration of Contract with Engan Associates, P.A.

Recommended Action: Adopt Resolution with Engan Associates, P.A. for Professional Services for the City Auditorium Hazard Abatement and Building Improvement Project

Background/Summary:

The Engan Associates, P.A. firm will be contracted for services for City Auditorium Design Development (\$16,000), Construction Documents (\$20,000), Bidding and Negotiating (\$2,500) and Construction Administration (\$5,500).

Alternatives: Abandon project, search for another professional team.

Financial Considerations: \$44,000

Preparer: City Clerk-Treasurer

Signature:

Comments:

CONSULTANT SERVICES CONTRACT

This Contract is made this 15TH day of May, 2014, by and between the CITY OF WILLMAR, a Minnesota Municipal Corporation, 333 6th Street SW, Willmar, MN 56201, ("CITY"), and Engan Associates, P. A., 311 4th Street SW, P. O. Box 956, Willmar, Minnesota, ("CONSULTANT"), (collectively the "PARTIES").

WHEREAS, CITY requires professional services in conjunction with the Willmar City Auditorium Hazard Abatement and Building Improvement Project (the "Project"); and

WHEREAS, CONSULTANT agrees to furnish the various professional services required by CITY.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, the Parties agree as follows:

SECTION I – CONSULTANT'S SERVICES AND RESPONSIBILITIES

- A. **Scope of Services.** CONSULTANT agrees to perform various Project services as detailed in Exhibit 1, Scope of Services, attached hereto and incorporated herein by reference.
- B. **Changes to Scope of Services/Additional Services.** Upon mutual agreement of the parties hereto pursuant to Section VI, Paragraph K of this Contract, a change to the scope of services detailed in Exhibit 1, attached hereto, may be authorized. In the event that such a change to the scope of services detailed in Exhibit 1, attached hereto, requires additional services by CONSULTANT, CONSULTANT shall be entitled to additional compensation consistent with Section III of this Contract. CONSULTANT shall give notice to CITY of any additional services prior to furnishing such additional services. CITY may request an estimate of additional cost from CONSULTANT, and upon receipt of the request, CONSULTANT shall furnish such cost estimate, prior to CITY's authorization of the changed scope of services.
- C. **Changed Conditions.** If CONSULTANT determines that any services it has been directed or requested to perform by CITY are beyond the scope of services detailed in Exhibit 1, attached hereto, or that, due to changed conditions or changes in the method or manner of administration of the Project, CONSULTANT's effort required to perform its services under this Contract exceeds the estimate which formed the basis for

CONSULTANT's compensation, CONSULTANT shall promptly notify CITY of that fact. Upon mutual agreement of the parties hereto pursuant to Section VI, Paragraph K of this Contract, additional compensation for such services, and/or an extension of time for completion thereof, may be authorized. In the absence of such a mutual agreement, amounts of compensation and time for completion shall be equitably adjusted, provided that CONSULTANT first provides notice to CITY as required by this Paragraph and CITY has not terminated this Contract pursuant to Section IV, Paragraph B.

D. **Standard of Care.** Services provided by CONSULTANT or its subcontractors and/or sub-consultants under this Contract will be conducted in a manner consistent with that level of care and skill ordinarily exercised by members of CONSULTANT's profession or industry. CONSULTANT shall be liable to the fullest extent permitted under applicable law, without limitation, for any injuries, loss, or damages proximately caused by Consultant's breach of this standard of care. CONSULTANT shall put forth reasonable efforts to complete its duties in a timely manner. CONSULTANT shall not be responsible for delays caused by factors beyond its control or that could not be reasonably foreseen at the time of execution of this Contract. CONSULTANT shall be responsible for costs, delays or damages arising from unreasonable delays in the performance of its duties.

E. **Insurance.**

1. Required Insurance. CONSULTANT agrees to maintain, at CONSULTANT's expense, the following insurance policies in the listed amounts:

Worker's Compensation	Statutory Limits
Employer's Liability	\$500,000 each accident \$500,000 disease policy limit \$500,000 disease each employee
Comprehensive General Liability	\$1,000,000 property damage and bodily injury per occurrence \$1,000,000 general aggregate \$1,000,000 Products – Completed Operations Aggregate \$100,000 fire legal liability each occurrence \$5,000 medical expense
Comprehensive Automobile Liability	\$500,000 combined single limit each accident (shall include coverage for all owned, hired and non-owned vehicles)

Umbrella or Excess Liability \$1,000,000

All policies listed above shall be written on an "occurrence" form ("claims made" and "modified occurrence" forms are not acceptable) and shall apply on a "per project" basis.

With the exception of the Worker's Compensation policies, all policies listed above shall name CITY as an additional insured under the policy.

All policies listed above shall contain a provision that coverages afforded thereunder shall not be canceled or non-renewed, nor shall coverage limits be reduced by endorsement, without prior written notice to CITY.

2. Professional Liability Insurance. CONSULTANT agrees to provide to CITY a certificate evidencing that it has in effect, with an insurance company in good standing and authorized to do business in Minnesota, a professional liability insurance policy coverage insuring CONSULTANT against damages for legal liability arising from an error, omission or negligent act in the performance of professional services for CITY. Said policy shall insure payment of damage for legal liability arising out of the performance of professional services. Said policy shall provide coverage in the minimum amounts of \$1,000,000 for each claim. Said policy shall not name CITY as an insured. Said policy shall additionally contain a provision that coverages afforded there under shall not be canceled or non-renewed, nor shall coverage limits be reduced by endorsement, without prior written notice to CITY.
3. Certificates of Insurance. True, accurate and current certificates of insurance, showing evidence of the required insurance coverages, are hereby provided to CITY by CONSULTANT and are attached hereto as Exhibit 2.

SECTION II – CITY'S RESPONSIBILITIES

- A. CITY shall promptly compensate CONSULTANT as services are performed to the satisfaction of the Willmar City Clerk Treasurer, in accordance with Section III of this Contract.
- B. CITY shall provide access to any and all previously acquired information relevant to the scope of services detailed in Exhibit 1, attached hereto, in its custody to CONSULTANT for its use, at CONSULTANT's request.
- C. CITY will, to the fullest extent possible, grant access to and make all provisions for entry upon both public and private property as necessary for CONSULTANT's performance of

the services detailed in Exhibit 1, attached hereto.

- D. Kevin Halliday, CITY's City Clerk Treasurer, shall serve as the liaison person to act as CITY's representative with respect to services to be rendered under this Contract. Said representative shall have the authority to transmit instructions, receive instructions, receive information, interpret and define CITY'S policies with respect to the Project and CONSULTANT's services.

Such person shall be the primary contact person between CITY and CONSULTANT with respect to the services from CONSULTANT under this Contract. CITY reserves the right to substitute the authorized contact person at any time and shall notify CONSULTANT thereof.

SECTION III – CONSIDERATION

- A. **Fees.** CITY will compensate CONSULTANT as detailed in Exhibit 3, Schedule of Fees, which is attached hereto and incorporated herein by reference, for CONSULTANT's performance of services under this Contract.
- B. If CITY fails to make any payment due CONSULTANT for services performed to the satisfaction of the CITY's City Clerk Treasurer, and expenses within thirty days after the date of CONSULTANT's invoice, CONSULTANT may, after giving seven days written notice to CITY, and without waiving any claim or right against CITY and without incurring liability whatsoever to CITY, suspend services and withhold project deliverables due under this Contract until CONSULTANT has been paid in full all amounts due for services, expenses and charges.

SECTION IV – TERM AND TERMINATION

- A. **Term.** This Contract shall be in effect until such time as the Project is completed or as otherwise provided in this Contract.
- B. **Termination.** This Contract may be terminated by either party for any reason or for convenience by either party upon seven (7) days written notice. In the event of termination, CITY shall be obligated to CONSULTANT for payment of amounts due and owing including payment for services performed or furnished to the date and time of termination, computed in accordance with Section III of this Contract.
- C. **Default.** If CONSULTANT fails to satisfy any of the provisions of this Contract, or so fails to perform and/or administer the services detailed in Exhibit 1, attached hereto, pursuant to the requirements of Section I of this Contract, in such a manner as to endanger the performance of the Contract or the services provided hereunder, this shall constitute default. Unless CONSULTANT's default is excused by CITY, CITY may, upon written notice, immediately cancel this Contract or exercise any other rights or

remedies available to CITY under this Contract or law. In the event of CONSULTANT's default, CONSULTANT shall be liable to CITY for any and all costs, disbursements, attorney and consultant fees reasonably incurred by CITY in enforcing this Contract.

- D. **Suspension of Work.** If any work performed by CONSULTANT is abandoned or suspended in whole or in part by CITY, CONSULTANT shall be paid for any services performed to the satisfaction of the CITY's City Clerk Treasurer prior to CONSULTANT's receipt of written notice from CITY of such abandonment or suspension, but in no event shall the total of CITY's payments to CONSULTANT under this Contract be required to exceed a percentage of the total contract price (calculated by either the Contract price or the maximum price set forth in Exhibit 3, attached hereto) equivalent to the percentage of the scope of services completed by CONSULTANT to the satisfaction of the CITY's City Clerk Treasurer as determined by CITY.

SECTION V – INDEMNIFICATION

- A. CONSULTANT shall indemnify, protect, save, hold harmless and insure CITY, and its respective officers, directors, employees and members and agents, from and against any and all claims and demands for, or litigation with respect to, all damages which may arise out of or be caused by CONSULTANT or its agents, employees, contractors, subcontractors, or sub-consultants with respect to CONSULTANT's performance of its obligations under this Contract. CONSULTANT shall defend CITY against the foregoing, or litigation in connection with the foregoing, at CONSULTANT's expense, with counsel reasonably acceptable to CITY. CITY, at its expense, shall have the right to participate in the defense of any Claims or litigation and shall have the right to approve any settlement, which approval shall not be unreasonably withheld. The indemnification provision of this Section shall not apply to damages or other losses proximately caused by or resulting from the gross negligence or willful misconduct of CITY. All indemnification obligations shall survive termination, expiration or cancellation of this Contract.
- B. CITY shall indemnify protect, save, hold harmless and insure CONSULTANT, and its respective officers, directors, employees and members and agents, from and against any and all claims and demands for, or litigation with respect to, all damages which may arise out of or be caused by CITY or its agents, employees, contractors, subcontractors or sub-consultants with respect to CITY's performance of its obligations under this Contract. CITY shall defend CONSULTANT against the foregoing, or litigation in connection with the foregoing, at CITY's expense, with counsel reasonably acceptable to CONSULTANT. CONSULTANT, at its expense, shall have the right to participate in the defense of any Claims or litigation and shall have the right to approve any settlement, which approval shall not be unreasonably withheld. The indemnification provision of this Section shall not apply to damages or other losses proximately caused by or resulting from the gross negligence or willful misconduct of CONSULTANT. All indemnification

obligations shall survive termination, expiration or cancellation of this Contract.

- C. Nothing contained in this Contract shall create a contractual relationship with or a cause of action in favor of a third party against CITY or CONSULTANT. CONSULTANT's services under this Contract are being performed solely for CITY's benefit, and no other entity shall have any claim against CONSULTANT because of this Contract or the performance or nonperformance of services provided hereunder.

SECTION VI – GENERAL TERMS

- A. **Voluntary and Knowing Action.** The PARTIES, by executing this Contract, state that they have carefully read this Contract and understand fully the contents thereof; that in executing this Contract they voluntarily accept all terms described in this Contract without duress, coercion, undue influence, or otherwise, and that they intend to be legally bound thereby.
- B. **Authorized Signatories.** The PARTIES each represent and warrant to the other that (1) the persons signing this Contract are authorized signatories for the entities represented, and (2) no further approvals, actions or ratifications are needed for the full enforceability of this Contract against it; each party indemnifies and holds the other harmless against any breach of the foregoing representation and warranty.
- C. **Notices.** The PARTIES' representatives for notification for all purposes are:

CITY:

Kevin J. Halliday
City Clerk-Treasurer
333 SW 6th Street
Willmar, MN 56201
Phone: 320-214-5166
Email: khalliday@willmarmn.gov

CONSULTANT:

Engan Associates, P.A.
311 4th Street SW
PO Box 956
Willmar, MN 56201
Phone: 320-235-0860
Email: Andrew.bjur@engan.com

- D. **Dispute Resolution.** CITY and CONSULTANT agree to negotiate all disputes between them in good faith for a period of 30 days from the date of notice of dispute prior to proceeding to formal dispute resolution or exercising their rights under law.

- E. **Electronic/Digital Data.** Because of the potential instability of electronic/digital data and susceptibility to unauthorized changes, copies of documents that may be relied upon by CITY are limited to the printed copies (also known as hard copies) that are signed or sealed by CONSULTANT. Except for electronic/digital data which is specifically identified as a project deliverable by this Contract or except as otherwise explicitly provided in this Contract, all electronic/digital data developed by CONSULTANT as part of the project is acknowledged to be an internal working document for CONSULTANT's purposes solely and any such information provided to CITY shall be on an "as is" basis strictly for the convenience of CITY without any warranties of any kind. In the event of any conflict between a hard copy document and the electronic/digital data, the hard copy document governs. The electronic/digital data shall be prepared in the current software in use by the CONSULTANT and is not warranted to be compatible with other systems or software.
- F. **Opinions or Estimates of Construction Cost.** Where provided by the CONSULTANT as part of Exhibit 1 or otherwise, opinions or estimates of construction cost will generally be based upon public construction cost information. Since the CONSULTANT has no control over the cost of labor, materials, competitive bidding process, weather conditions and other factors affecting the cost of construction, all cost estimates are opinions for general information of the CITY and the CONSULTANT does not warrant or guarantee the accuracy of construction cost opinions or estimates. The CITY acknowledges that costs for project financing should be based upon contracted construction costs with appropriate contingencies.
- G. **Independent Contractor Status.** CONSULTANT, at all times and for all purposes hereunder, shall be an independent contractor and is not an employee of CITY for any purpose. No statement contained in this Contract shall be construed so as to find CONSULTANT to be an employee of CITY, and CONSULTANT shall not be entitled to any of the rights, privileges, or benefits of employees of CITY, including but not limited to, workers' compensation, health/death benefits, and indemnification for third-party personal injury/property damage claims.

CONSULTANT acknowledges that no withholding or deduction for State or Federal income taxes, FICA, FUTA, or otherwise, will be made from the payments due CONSULTANT, and that it is CONSULTANT's sole obligation to comply with the applicable provisions of all Federal and State tax laws.

CONSULTANT shall at all times be free to exercise initiative, judgment and discretion as to how to best perform or provide services identified herein.

CONSULTANT is responsible for hiring sufficient workers to perform the services/duties required by this Contract, withholding their taxes and paying all other

employment tax obligations on their behalf.

H. **Subcontracting.** CONSULTANT shall not enter into any subcontract for performance of any services contemplated under this Contract without the prior written approval of CITY. CONSULTANT shall be responsible for the performance of all subcontractors and/or sub-consultants. As required by Minn. Stat. § 471.425, CONSULTANT must pay all subcontractors, less any retainage, within 10 calendar days of CONSULTANT's receipt of payment from the CITY for undisputed services provided by the subcontractor(s) and must pay interest at the rate of one and one half percent per month or any part of a month to the subcontractor(s) on any undisputed amount not paid on time to the subcontractor(s).

I. **Assignment.** This Contract may not be assigned by either Party without the written consent of the other Party.

J. **Modifications/Amendment.** Any alterations, variations, modifications, amendments or waivers of the provisions of this Contract shall only be valid when they have been reduced to writing, and signed by authorized representative of the CITY and CONSULTANT.

K. **Records—Availability and Retention.** Pursuant to Minn. Stat. § 16C.05, subd. 5, CONSULTANT agrees that CITY, the State Auditor, or any of their duly authorized representatives at any time during normal business hours and as often as they may reasonably deem necessary, shall have access to and the right to examine, audit, excerpt, and transcribe any books, documents, papers, records, etc., which are pertinent to the accounting practices and procedures of CONSULTANT and involve transactions relating to this Contract.

CONSULTANT agrees to maintain these records for a period of six years from the date of termination of this Contract.

L. **Force Majeure.** The PARTIES shall each be excused from performance under this Contract while and to the extent that either of them are unable to perform, for any cause beyond its reasonable control. Such causes shall include, but not be restricted to fire, storm, flood, earthquake, explosion, war, total or partial failure of transportation or delivery facilities, raw materials or supplies, interruption of utilities or power, and any act of government or military authority. In the event either party is rendered unable wholly or in part by force majeure to carry out its obligations under this Contract then the party affected by force majeure shall give written notice with explanation to the other party immediately.

M. **Compliance with Laws.** CONSULTANT shall abide by all Federal, State and local laws, statutes, ordinances, rules and regulations now in effect or hereinafter adopted

pertaining to this Contract or to the facilities, programs and staff for which CONSULTANT is responsible.

- N. **Covenant Against Contingent Fee.** CONSULTANT warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for CONSULTANT to solicit or secure this Contract, and that it has not paid or agreed to pay any company or person, other than a bona fide employee, any fee, commission, percentage, brokerage fee, gift or any other consideration, contingent upon or resulting from award or making of this Contract.
- O. **Covenant Against Vendor Interest.** CONSULTANT warrants that it is not employed by any vendor of equipment or service provider that could result in a commission, percentage, brokerage, or contingent fee as a result of CONSULTANT's association with the CITY.
- P. **Non-Discrimination.** The provisions of any applicable law or ordinance relating to civil rights and discrimination shall be considered part of this Contract as if fully set forth herein.
- Q. **Interest by City Officials.** No elected official, officer, or employee of CITY shall during his or her tenure or employment and for one year thereafter, have any interest, direct or indirect, in this Contract or the proceeds thereof.
- R. **Work Product.** All materials such as reports, exhibits, models, graphics, computer files, maps, charts, and supporting documentation produced under work authorized by this Contract ("Materials") shall become the property of CITY upon completion of the work. CITY may use the information for the Project for which they were prepared. Such use by CITY shall not relieve any liability on the part of CONSULTANT. Notwithstanding any of the foregoing to the contrary; (a) CONSULTANT may reuse standard details of its Materials in the normal course of its business; and (b) CITY understands that the Materials have been prepared for a specific project, and are not intended to be reused for other purposes. If CITY reuses the Materials for any other purpose, CITY waives any claims against CONSULTANT arising from such reuse and agrees to defend and indemnify CONSULTANT from any claims arising from such reuse.
- S. **Governing Law.** This Contract shall be deemed to have been made and accepted in Kandiyohi County, Minnesota, and the laws of the State of Minnesota shall govern any interpretations or constructions of the Contract without regard to its choice of law or conflict of laws principles.
- T. **Data Practices.** The PARTIES acknowledge that this Contract is subject to the requirements of Minnesota's Government Data Practices Act, Minnesota Statutes, Section 13.01 *et seq.*

- U. **No Waiver.** Any Party's failure in any one or more instances to insist upon strict performance of any of the terms and conditions of this Contract or to exercise any right herein conferred shall not be construed as a waiver or relinquishment of that right or of that Party's right to assert or rely upon the terms and conditions of this Contract. Any express waiver of a term of this Contract shall not be binding and effective unless made in writing and properly executed by the waiving Party.
- V. **Data Disclosure.** Under Minn. Stat. § 270C.65, Subd. 3 and other applicable law, CONSULTANT consents to disclosure of its social security number, federal employer tax identification number, and/or Minnesota tax identification number, already provided to CITY, to federal and state agencies and state personnel involved in the payment of CITY obligations. These identification numbers may be used in the enforcement of federal and state laws which could result in action requiring CONSULTANT to file state tax returns, pay delinquent state tax liabilities, if any, or pay other CITY liabilities.
- W. **Patented Devices, Materials and Processes.** If this Contract requires, or the CONSULTANT desires, the use of any design, device, material or process covered by letters, patent or copyright, trademark or trade name, CONSULTANT shall provide for such use by suitable legal agreement with the patentee or owner and a copy of said agreement shall be filed with CITY. If no such agreement is made or filed as noted, CONSULTANT shall indemnify and hold harmless CITY from any and all claims for infringement by reason of the use of any such patented designed, device, material or process, or any trademark or trade name or copyright in connection with the services agreed to be performed under the Contract, and shall indemnify and defend CITY for any costs, liability, expenses and attorney's fees that result from any such infringement.
- X. **Mechanic's Liens.** CONSULTANT hereby covenants and agrees that CONSULTANT will not permit or allow any mechanic's or materialman's liens to be placed on the City's interest in the Property that is the subject of the Project during the term hereof. Notwithstanding the previous sentence, however, in the event any such lien shall be so placed on CITY's interest, CONSULTANT shall take all steps necessary to see that it is removed within thirty (30) days of its being filed; provided, however, that CONSULTANT may contest any such lien provided CONSULTANT first posts a surety bond, in favor of and insuring CITY, in an amount equal to 125% of the amount of any such lien.
- Y. **Construction Observation.** CONSULTANT shall visit the project at appropriate intervals during construction to become familiar with the progress and quality of the contractors' work and to determine if the work is proceeding in general accordance with the Project plans and specifications, and shall be responsible for notifying CITY of any errors or omissions in contractor's work or any deviations in the contractor's work from the Project plans and specifications developed by CONSULTANT.]

- Z. **Severability.** The invalidity or unenforceability of any provision of this Contract shall not affect the validity or enforceability of any other provision. Any invalid or unenforceable provision shall be deemed severed from this Contract to the extent of its invalidity or unenforceability, and this Contract shall be construed and enforced as if the Contract did not contain that particular provision to the extent of its invalidity or unenforceability.
- AA. **Entire Contract.** These terms and conditions constitute the entire Contract between the PARTIES regarding the subject matter hereof. All discussions and negotiations are deemed merged in this Contract.
- BB. **Terms Binding on Successors and Assigns.** All of the terms, covenants and agreements herein contained shall be binding upon and shall inure to the benefit of the heirs, successors and assigns of CONSULTANT and CITY.
- CC. **Headings and Captions.** Headings and captions contained in this Contract are for convenience only and are not intended to alter any of the provisions of this Contract and shall not be used for the interpretation of the validity of the Contract or any provision hereof.
- DD. **Survivability.** All covenants, indemnities, guarantees, releases, representations and warranties by any Party or PARTIES, and any undischarged obligations of CITY and CONSULTANT arising prior to the expiration of this Contract (whether by completion or earlier termination), shall survive such expiration.
- EE. **Execution.** This Contract may be executed simultaneously in two or more counterparts that, when taken together, shall be deemed an original and constitute one and the same document. The signature of any Party to the counterpart shall be deemed a signature to the Contract, and may be appended to, any other counterpart. Facsimile and email transmissions of executed signature pages shall be deemed as originals and sufficient to bind the executing Party.

Remainder of page intentionally left blank.

SECTION VII - SIGNATURES

IN WITNESS WHEREOF, the PARTIES have hereunto executed this document the day and year first above written.

CONSULTANT: Engan Associates, P. A.

By: [Handwritten Signature]

Date: 5-15-14

Title: PRINCIPAL

Print Name: RICARDO P. ENGAN

By: _____
(Signature)

Date: _____

Title: _____

Print Name: _____

CITY OF WILLMAR:

By: _____
Frank Yanish, Its Mayor

Date: _____

ATTEST:

Charlene Stevens, Its City Administrator

Date: _____

EXHIBIT 1

SCOPE OF SERVICES

Subject to the terms of this Contract, CONSULTANT shall perform the following services:

**ENGAN
ASSOCIATES, P.A.**
ARCHITECTS
INTERIOR DESIGNERS



May 5, 2014

Kevin Halliday, City Clerk-
Treasurer City of Willmar
333 6th Street Southwest
Willmar, MN 56201

Re: City Auditorium Upgrades

(296.14) Dear Kevin,

Thank you for the opportunity to submit a proposal for the next phase of work on the Willmar City Auditorium. The following is a description of the services we propose to provide to meet the needs described in Steps 1-3 of the 2014 Master Plan for the Auditorium.

First, Engan Associates proposes to assist the City of Willmar in selecting an independent lead abatement consultant. This work is noted as Step 1 in the 2014 Master Plan (see p. 14 of that document). This consultant will then review the scope of the lead as noted in the previous testing reports and develop bid documents for the abatement process.

As outlined in Step 2 of the Master Plan (p. 14), it is likely that existing ductwork and mechanical equipment will need to be removed rather than cleaned. The scope of this work will be determined in the Engan Associates' Design Development phase (detailed below). The project will be broken into a base bid that includes all work to reinstall a basic ventilation system after the abatement process is completed.

Four Alternates will be provided as an outcome of Design Development:

1. Alternate 1 will be a plan to renovate the existing firing range, as noted in Step 3 of the Master Plan (see p. 15 for all of Step 3)).
2. Alternate 2 will be a plan to repair the bullet trap and install new ballistic protection blocks at the firing range's columns (as noted in Step 3.1)

3. Alternate 3 is a plan to replace the bullet trap and add ballistic protection bocks (as noted in Step 3.2).
4. Alternate 4 will provide a plan to repair the gutters and downspouts, as noted in Step 4 of the Master Plan (see pp. 18-19).

Following is a detailed outline of the scope of services we propose.

Design Development

Fee: \$16,000.00

- Coordinate with abatement consultant, develop plans and documents to define the scope of the project.
- Develop floor plan, building sections, and mechanical plans.
- Submit revised opinion of cost.
- Outcome of this phase: statement of scope of the project on paper.
- Design Development scheduled for completion 4 weeks after contracts are signed.

311 4th Street SW, P.O. Box 956 Willmar, MN 56201 320-235-0860 fax 320-235.0861 www.engan.com

Construction Documents

Fee: \$20,000.00

- Develop documents for purpose of soliciting public bids.
- Develop plan, elevations, building sections, finish notes, details, specifications, mechanical plans, and electrical plans.
- Construction Documents scheduled for completion 3 weeks after approval of Design Development.
- Abatement can occur at this time.

Bidding and Negotiating

Fee: \$2,500.00

- Design team will conduct an on site pre-bid meeting with interested contractors, review contractor questions, and develop addenda to the contract. Design team will also assist the City in conducting a bid opening meeting.
- Bidding and Negotiating scheduled for completion 4 weeks after bid documents approved by City.

Construction Administration

Fee: \$5,500.00

- Conduct on-site progress meetings, develop meeting notes, review shop drawings, review pay applications, and conduct a substantial completion meeting.
- Construction Administration scheduled for completion 12 weeks after start of construction.

In the near future, Engan Associates will also submit a proposal for assisting the City of Willmar in submitting an application to the MN Historical Society for a small Legacy Grant to pay for a Historic Structure Report. The preparation of this Report is an important step in the submission process for

larger historic properties grants, which would then be used to help pay for accessibility upgrades, exterior preservation, and interior systems upgrades needed by the City Auditorium.

Please let me know if any clarification is needed on any of the points above. I can be reached at 320-214-8729 ext. 204 or Andrew.Bjur@Engan.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Bjur', with a long, sweeping horizontal line extending to the right.

Andrew Bjur AIA, LEED AP, CID

EXHIBIT 2
CERTIFICATES OF REQUIRED INSURANCE COVERAGES

ACORDTM

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
01/24/2014

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER H. Robert Anderson & Assocs., Inc. 8201 Norman Center Drive Suite 220 Bloomington, MN 55437	CONTACT NAME: PHONE (A/C, No, Ext): 952.893.1933		FAX (A/C, No): 952.893.1819
	E-MAIL ADDRESS:		
INSURED Engan Associates, P.A. 311 4th Street SW Willmar, MN 56201	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A: Hartford Casualty Insurance Co.		
	INSURER B: Twin City Fire Insurance Co.		
	INSURER C: XL Specialty Insurance Co.		
	INSURER D:		
	INSURER E:		
INSURER F:			

COVERAGES **CERTIFICATE NUMBER: 13-14 All Lines** **REVISION NUMBER:**

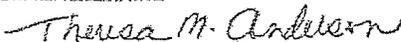
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY		41SBAUJ4061	08/01/2013	08/01/2014	EACH OCCURRENCE \$ 2,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY					DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR					MED EXP (Any one person) \$ 2,000,000
	GENL AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC					PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 4,000,000 PRODUCTS - COMP/OP AGG \$ 4,000,000
A	AUTOMOBILE LIABILITY		41SBAUJ4061	08/01/2013	08/01/2014	COMBINED SINGLE LIMIT (Ea accident) \$ 2,000,000
	<input type="checkbox"/> ANY AUTO					BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS	<input type="checkbox"/> SCHEDULED AUTOS				BODILY INJURY (Per accident) \$
	<input checked="" type="checkbox"/> HIRED AUTOS	<input checked="" type="checkbox"/> NON-OWNED AUTOS				PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB	<input type="checkbox"/> OCCUR				EACH OCCURRENCE \$
	EXCESS LIAB	<input type="checkbox"/> CLAIMS-MADE				AGGREGATE \$
	DED	RETENTION \$				\$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY		41WECPL8380	08/01/2013	08/01/2014	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	<input type="checkbox"/> Y <input type="checkbox"/> N	N/A			E.L. EACH ACCIDENT \$ 500,000
	If yes, describe under DESCRIPTION OF OPERATIONS below					E.L. DISEASE - EA EMPLOYEE \$ 500,000
	DESCRIPTION OF OPERATIONS below					E.L. DISEASE - POLICY LIMIT \$ 500,000
C	Professional Liability		DPS9707778	08/07/2013	08/07/2014	Each Claim/ \$2,000,000
						Annual Aggregate \$2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

If required by written contract, City of Willmar is additional insured under above general liability coverage, as per that policy's language.

This certificate or memorandum of insurance does not affirmatively or negatively amend, extend, or alter the coverages afforded by the insurance policies.

CERTIFICATE HOLDER City of Willmar 333 6th Street SW Willmar, MN 56201	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 

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EXHIBIT 3

COMPENSATION

Subject to the limitations set forth in this Exhibit, CITY will compensate CONSULTANT in accordance with the schedule of fees below for the time spent in performance of services under this Contract, provided that under no circumstances shall CONSULTANT's total charges to CITY, including expenses, exceed \$ 44,000.00 ("maximum price"), unless such charges in excess of the maximum price are authorized in writing by the Willmar City Administrator before they are incurred by CITY.

CITY will make periodic payments to CONSULTANT upon billing at intervals not more often than monthly at the rates specified in the schedule of project fees included herein, provided that no bill/invoice submitted to CITY shall exceed a percentage of the maximum price equivalent to the percentage of the scope of services completed by CONSULTANT .

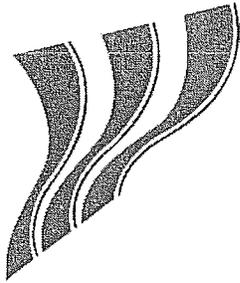
CITY shall be entitled to withhold five percent (5%) of the maximum price until such time as CONSULTANT has fully performed the scope of services detailed in Exhibit 1 to the satisfaction of the CITY'S City Clerk Treasurer.

Schedule of Project Fees

<u>Classification</u>	<u>Total Project Rate</u>
Design Development	\$16,000.00
Construction Documents	\$20,000.00
Bidding and Negotiating	\$2,500.00
Construction Administration	\$5,500.00

EXHIBIT 4

SPECIAL CONDITIONS SUPPLEMENT



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

Agenda Item Number: 10

Meeting Date: June 2, 2014

Attachments: Yes No

CITY COUNCIL ACTION

Date:

- Approved Denied
 Amended Tabled
 Other

Originating Department: Planning and
Development
Services

Agenda Item: Har-Mar Foods Addition- Preliminary Plat

Recommended Action: Approve the preliminary plat.

Background/Summary: Har-Mar Foods Addition is a two parcel subdivision at 1704 1st St. S. owned by Har-Mar Foods, Marshall, MN. There are two existing buildings on the parcel and this will be splitting the lot and allowing access and common interest between the two properties via Outlot A. The Planning Commission approved the preliminary plat.

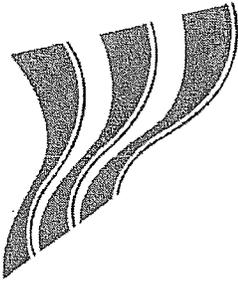
Alternatives: N/A

Financial Considerations: N/A

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

Signature: *Megan M. DeSchepper*

Comments:



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

Agenda Item Number: 11

Meeting Date:

Attachments: Yes x No

CITY COUNCIL ACTION

Date: June 2, 2014

- Approved Denied
 Amended Tabled
 Other

Originating Department: City Clerk-Treasurer

Agenda Item: Consideration of City Park Special Event by On-Sale Liquor License Holder – Bakers Creek Eatery, LLC dba The Oaks at Eagle Creek

Recommended Action: Approve City Park Special Event by On-Sale Liquor License Holder – Bakers Creek Eatery, LLC dba The Oaks at Eagle Creek contingent upon Community Education & Recreation Board approval

Background/Summary:

Willmar Fests, Inc. will be holding a Beach Party at Robbins Island on June 21, 2014, with plans to serve a full array of liquor. A City Park Special Event by On-Sale Liquor Holder permit is required to allow a State Liquor Caterer License holder to distribute alcohol on the City Park grounds. The Bakers Creek Eatery, LLC dba The Oaks at Eagle Creek has applied for this permit with on-site employee listed as David Baker.

The Community Education & Recreation Board will meet and consider this request on Friday, May 30, 2014. City Council approval should be contingent upon approval of the Community Education & Recreation Board.

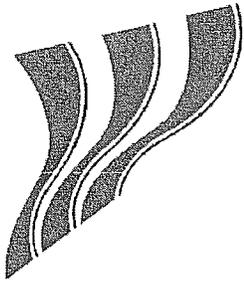
Alternatives: Drink Non-Alcoholic Beverages Only

Financial Considerations: \$100 Application Fee

Preparer: City Clerk-Treasurer

Signature:

Comments:



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

Agenda Item Number: 12

Meeting Date:

Attachments: ___ Yes x No

CITY COUNCIL ACTION

Date: June 2, 2014

- | | |
|-----------------------------------|---------------------------------|
| <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 City Park Special Event by On-Sale Liquor License Holder – Bakers Creek Eatery, LLC dba The Oaks at Eagle Creek

Recommended Action: Approve City Park Special Event by On-Sale Liquor License Holder – Bakers Creek Eatery, LLC dba The Oaks at Eagle Creek contingent upon Community Education & Recreation Board approval

Background/Summary:

The Willmar Stingers will be holding a “Jimmy Buffett, Margaritaville” night on June 28, 2014, with plans to serve a full array of liquor. A City Park Special Event by On-Sale Liquor Holder permit is required to allow a State Liquor Caterer License holder to distribute alcohol on the City Park grounds. The Bakers Creek Eatery, LLC dba The Oaks at Eagle Creek has applied for this permit with on-site employee listed as David Baker.

The Community Education & Recreation Board will meet and consider this request on Friday, May 30, 2014. City Council approval should be contingent upon approval of the Community Education & Recreation Board.

Alternatives: Drink Non-Alcoholic Beverages Only

Financial Considerations: \$100 Application Fee

Preparer: City Clerk-Treasurer

Signature:

Comments: