

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

September 6, 2011
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 Doug Reese, Ron Christianson, Bruce DeBlieck, Denis Anderson, Steve Ahmann, Rick Fagerlie, Jim Dokken, and Tim Johnson; Present 9, Absent 0.

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

Council Member Christianson offered a motion adopting the Consent Agenda which included the following: City Council Minutes of August 15, Rice Hospital Board Minutes of August 10, Municipal Utilities Commission Minutes of August 25, Accounts Payable Report through August 31, Willmar Lakes Area Convention and Visitors Bureau Minutes of June 21, Community and Activity Council Minutes of August 2, Community Education and Recreation Board Minutes of August 26, 2011; and Application for Exempt Permit, West Central Ducks Unlimited. Council Member Anderson seconded the motion, which carried.

At 7:02 p.m. Mayor Yanish opened an assessment hearing for Projects 1111 and 1112. Public Works Director Wilson presented details of cost breakdown for property owners on 19th Street NW and 12th Street SW and noted the cost per foot is \$59.76. Earl Hiepler, 404 19th Street NW, stated the street was busy and there is noise from West Central Steel and that he was not in favor of investing more in streets that are so disrupted by commercial business activity. Randy Frederickson, 416 19th Street NW, voiced concerns with the current policy for cul-de-sac assessments stating he owns 13 percent of the road length, but is assessed for 25 percent of the total proposed assessments. He requested review of assessments by linear footage. Upon hearing all those who wished to be heard, Mayor Yanish closed the hearing at 7:15 p.m.

The Council discussed separating the projects as Project 1112 (12th Street SW) received no comments and needs to adhere to the adopted policy.

The Council noted that the construction of 19th Street NW should be ordered since bids were let and the construction season is drawing to a close. Following discussion, the Council directed Staff to recalculate Project 1111 based on linear footage. Resolution No. 1 was introduced by Council Member Anderson, seconded by Council Member DeBlieck, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 1

**DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF ASSESSMENT ROLL
IN CONNECTION WITH 2011 STREET AND OTHER IMPROVEMENTS (PROJECT NO. 1111)**

WHEREAS, contracts have been let for the construction of Street and Other Improvements of 2011 in the City, to-wit: City Project No. 1111 and;

WHEREAS, the total cost of said Added Street and Other Improvements of 2011 is \$79,106.75.

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 \$35,319.39 of said cost, exclusive of the amount it may pay as a property owner, and the sum of \$43,787.36 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 6th day of September, 2011.

/s/ Frank Yanish

MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Resolution No. 2 was introduced by Council Member Christianson, seconded by Council Member Johnson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 2

DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF ASSESSMENT ROLL
IN CONNECTION WITH 2011 STREET AND OTHER IMPROVEMENTS (PROJECT NO. 1112)

WHEREAS, contracts have been let for the construction of Street and Other Improvements of 2011 in the City, to-wit: City Project No. 1112 and;

WHEREAS, the total cost of said Added Street and Other Improvements of 2011 is \$118,631.00.

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 \$86,659.40 of said cost, exclusive of the amount it may pay as a property owner, and the sum of \$31,971.60 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 6th day of September, 2011.

/s/ Frank Yanish

MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

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

RESOLUTION NO. 3

ADOPTING ASSESSMENT ROLL

WHEREAS, pursuant to notice duly given as required by law, the City Council has met, heard, and passed upon all objections to the proposed assessment for 2011 Added Street and Other Improvements, and has amended such proposed assessment as it deems just;

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

1. Such proposed assessment, the sum of \$31,971.60, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein is hereby found to be benefited by the proposed improvement listed as Project No. 1112.

2. Such assessments shall be as follows:

A. The assessments shall be payable in equal annual installments extending over a period of ten (10) years, the first of said installments to be payable with general taxes for the year 2012, collectible with such taxes during the year 2012.

B. To the first installment shall be added interest at the rate of four and twenty hundredths (4.20) percent per annum on the entire principal amount of the assessment from the date of the bond sale, approximately July 5, 2011, until December 31, 2012. To each subsequent installment, when due there shall be added interest for one year at said rate on the unpaid principal amount of the assessment.

C. The owner of any property so assessed may at any time prior to the certification of the assessment or the first installment thereof to the County Auditor (Treasurer), pay the whole of the principal amount of the assessment on such property with interest accrued to the date of payment to the City Clerk-Treasurer, except that no interest shall be charged if the entire assessment is paid by October 31, 2011, and such property owner may at any time prior to November 15 of any year pay to the City Clerk-Treasurer the entire principal amount.

3. The City Clerk-Treasurer shall forthwith transmit a certified duplicate copy of this assessment to the County Auditor to be extended on the tax list of the County.

Dated this 6th day of September, 2011.

/s/ Frank Yanish

MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Resolution No. 4 was introduced by Council Member Reese, seconded by Council Member DeBlieck, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 4

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the bid of Monson Corporation of Willmar, Minnesota for Project Nos. 1111 and 1112 the 2011 Added Street Improvements 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 \$197,737.75.

Dated this 6th day of September, 2011.

/s/ Frank Yanish

MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

At 7:40 p.m. Mayor Yanish opened the hearing on special assessments for unpaid weed/grass mowing. City Clerk Halliday presented to the Mayor and Council a list of properties which have unpaid weed and/or grass charges and was recommending these charges be certified against the real property. There being no one present to speak for or against the special assessments, Mayor Yanish closed the hearing at 7:40 p.m.

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

RESOLUTION NO. 5

WHEREAS, Section 9-41 of the Willmar City Code states that such unpaid weed or grass mowing bills represent a lien of the real property receiving mowing services; and

WHEREAS, THE City Council of the City of Willmar has offered the owner his right to request an appearance before the Council to make objections to payment;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that the amount of the unpaid weed / grass mowing charges totaling \$1,148.73 be certified to the County Auditor to be extended on the tax rolls of such real property in the same manner as other taxes for collecting in 2012 and collected by the County Treasurer, and paid to the City Clerk-Treasurer along with other taxes; and

BE IT FURTHER RESOLVED that the unpaid weed or grass charges be certified against the real property as follows:

1. Parcel No. 95-146-0180 \$118.11
Located at 349 17th Street NW; and
Described as Section 16, Township 119, Range 35, Lot 8, Block 2
DISTRICT 347-17TH ST NW ADDITION

2. Parcel No. 95-530-0010 \$118.11
Located at 912 Becker Avenue SE; and
Described as Section 14, Township 119, Range 35, Lot 1
NABER'S ADDITION TO THE CITY OF WILLMAR

3. Parcel No. 95-250-0300 \$118.11
 Located at 715 5TH Street SE; and
 Described as Section 14, Township 119, Range 35, Lot 10, Block 2
 GLARUM'S ADDITION TO WILLMAR
4. Parcel No. 95-867-0030 \$118.11
 Located at 2301 9TH Street SW; and
 Described as Section 22, Township 119, Range 35, Lot 3, Block 1
 WEST PORTLAND ACRES
5. Parcel No. 95-820-0660 \$118.11
 Located at 806 Ella Avenue NW; and
 Described as Section 10, Township 119, Range 35, Block 4
 THORPE & LIEN'S ADDITION TO THE CITY OF WILLMAR
 PART OF LOT 2:BEG.200'E. FROM SW COR. OF
 LOT 2, N. 200' E. 60' S. 200' W. 60'.
6. Parcel No. 95-090-1420 \$118.11
 Located at 1004 6TH Street SW; and
 Described as Section 15, Township 119, Range 35, Lot 2
 BOOTH'S ADDITION TO WILLMAR; BLOCK K
7. Parcel No. 95-090-1140 \$118.11
 Located at 901 6th Street SW; and
 Described as Section 15, Township 119, Range 35, Lot 14
 BOOTH'S ADDITION TO WILLMAR; BLOCK H
8. Parcel No. 95-220-0090 \$85.74
 Located at 609 Litchfield Avenue SE; and
 Described as Block 1
 FERRING'S ADDITION TO THE CITY OF WILLMAR; LOTS 9 & 10
9. Parcel No. 95-770-0030 \$118.11
 Located at 711 3RD Street SE; and
 Described as Section 14, Township 119, Range 35, Lot 3, Block 1
 SUNDT'S ADDITION TO THE CITY OF WILLMAR (TORRENS)
10. Parcel No. 95-006-1730 \$118.11
 Located at 601 3rd Street SW; and
 Described as Section 15, Township 119, Range 35, Block 68
 FIRST ADDITION TO THE CITY OF WILLMAR; W 100 FT. OF LOT 14

Dated this 6th day of September, 2011.

/s/ Frank Yanish
 MAYOR

/s/ Kevin Halliday
 Attest: CITY CLERK

At 7:42 p.m. Mayor Yanish opened the hearing on special assessments for unpaid snow/ice removal. City Clerk Halliday presented to the Mayor and Council a list of properties which have unpaid snow and/or ice charges and was recommending these charges be certified against the real property.

There being no one present to speak for or against the special assessments, Mayor Yanish closed the hearing at 7:42 p.m.

Resolution No. 6 was introduced by Council Member Christianson, seconded by Council Member Johnson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 6

WHEREAS, Section 13-70 of the Willmar City Code states that such unpaid snow or ice removal bills represent a lien of the real property receiving snow / ice removal services; and

WHEREAS, THE City Council of the City of Willmar has offered the owner his right to request an appearance before the Council to make objections to payment;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that the amount of the unpaid snow / ice removal charges totaling \$255.00 be certified to the County Auditor to be extended on the tax rolls of such real property in the same manner as other taxes for collecting in 2011 and collected by the County Treasurer, and paid to the City Clerk-Treasurer along with other taxes; and

BE IT FURTHER RESOLVED that the unpaid snow or ice removal charges be certified against the real property as follows:

1. Parcel No. 95-009-0690 \$45.00
Located at 1200 Gorton Avenue NW; and
Described as Section 15, Township 19, Range 35, Block 129
SECOND ADDITION TO THE CITY OF WILLMAR; E 1/2 OF LOTS 5 & 6
2. Parcel No. 95-220-1580 \$120.00
Located at 423 Charlotte Street SE; and
Described as Section 14, Township 119, Range 35, Lot 8, Block 11
FERRING'S ADDITION TO THE CITY OF WILLMAR
3. Parcel No. 95-006-1730 \$90.00
Located at 601 3rd Street SW; and
Described as Section 15, Township 119, Range 35, Block 68
FIRST ADDITION TO THE CITY OF WILLMAR; W 100 FT. OF LOT 14

Dated this 6th day of September, 2011.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

At 7:44 p.m. Mayor Yanish opened the hearing to consider a Trails and Pedestrian Plan. Planning and Development Services Director Peterson informed the Mayor and Council that work has been completed on the Willmar Trails and Pedestrian Plan. Following public informational meetings after months of work by the Task Force to draft the plan, the Planning Commission approved the plan as an addendum to the Comprehensive Plan. Brad Lenz, 1813 Country Club Drive, requested better maintenance around Willmar Lake. Steve Vossen, 2763 Fairway Drive, stated that the trail near the stop light of Civic Center Drive should be moved from the long-term trail designation to a short-term trail designation. Upon hearing from all who wished to be heard, Mayor Yanish closed the hearing at 7:51 p.m.

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

RESOLUTION NO. 7

ADOPTING A TRAILS AND PEDESTRIAN PLAN

WHEREAS, the Willmar Comprehensive Plan adopted in 2009 included goals, objectives, and policies to address bicycle and pedestrian needs; and

WHEREAS, these objectives called for a local transportation system that complements development and provides for bicycle and pedestrian access to places of employment, recreation, shopping, entertainment, and all developed portions of the City; and

WHEREAS, a multi-jurisdictional task force led by Willmar Community Education and Recreation undertook the work of drafting a Trails and Pedestrian Plan with assistance from the Mid-Minnesota Development Commission; and

WHEREAS, the Willmar Planning Commission, following considerable outreach, research, public review, and consultation with staff, has presented to the Council a recommendation to adopt a Trails and Pedestrian Plan, including Plan maps; and

WHEREAS, a public hearing was conducted by the City Council on September 6, 2011, to gather additional public comment.

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

1. That the revised Trails and Pedestrian Plan, dated September 2011, together with Plan maps, heretofore recommended by the Planning Commission, be adopted
2. That the Plan be included by reference as a part of the Willmar Comprehensive Plan.
3. That a loose-leaf format for the Plan, together with the title, Willmar Trails and Pedestrian Plan, be approved.

Dated this 6th day of September, 2011.

/s/ Frank Yanish

MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

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

The Finance Committee Report for August 29, 2011, was presented to the Mayor and Council by Council Member Anderson. There were three items for Council consideration.

Item No. 1 Mayor Yanish presented his proposed 2012 Budget totaling \$31,683,222, and reviewed the estimated revenues and expenditures. Of the total budget, \$12,397,407 is for General Operating; \$7,504,835 is for Capital Improvements; and \$11,780,980 is for Other Operating and Debt. The property tax levy will increase \$196,000 under the Mayor's proposal to \$3,992,734.

Mayor Yanish explained the challenges faced while compiling his proposal: 1) decreasing revenue streams, specifically reductions in Local Government Aid; 2) aging infrastructure, both roadways and buildings; 3) personnel expenditures, having no contract settlements and increased benefit costs; and 4) completion of the Waste Water Treatment Plant.

The Committee will review the proposed 2012 budget over the next several meetings prior to the public hearing to be held on December 5, 2011. Staff was directed to again explore the possible consolidation of the County and City Assessing Departments. Following discussion, it was moved, seconded, and passed to make the following:

The Committee was recommending the Council introduce a resolution setting the preliminary 2012 City of Willmar Property Tax Levy at \$3,992,734 and scheduling the public hearing on the 2012 Proposed Budget for December 5, 2011. Resolution No. 8 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. 8

BE IT RESOLVED that the Mayor of the City of Willmar submitted a preliminary levy request of \$3,992,734;

BE IT RESOLVED by the City Council of the City of Willmar, Kandiyohi County, Minnesota, that the following sums of money be preliminary levied for the current year collectable in 2012, upon the taxable property in said City of Willmar for the following purposes:

| | |
|--------------|--------------------|
| General Fund | <u>\$3,992,734</u> |
| | \$3,992,734 |

BE IT RESOLVED, that there is a sufficient sum of money in the Debt Service Funds of the City, to pay principal and interest in 2012 on all outstanding bond issues, and the deferred annual tax levies previously certified to the County Auditor are hereby canceled;

FURTHER, pursuant to a request by the Housing and Redevelopment Authority in and for the City of Willmar, for authorization to levy a special tax to be included as part of its fiscal year 2011 - 2012 Budget;

BE IT RESOLVED that the City Council of the City of Willmar, Minnesota, hereby authorizes the Housing and Redevelopment Authority to levy a special tax in the amount of \$170,000 pursuant to the powers vested under the Minnesota Statutes.

The City Clerk is hereby instructed to transmit a certified copy of this Resolution to the County Auditor of Kandiyohi County, Minnesota.

Dated this 6th day of September, 2011.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 2 The Committee reviewed an agricultural land lease for the Ivan Groothuis Revocable Trust for WWTP Interceptor property just east of the new plant. This lease was similar to the other six interceptor land leases with the various Kvam properties. The Committee was recommending

the Council introduce a resolution authorizing the Mayor and City Administrator to execute the lease with the Ivan Groothuis Revocable Trust on behalf of the City.

Resolution No. 9 was introduced by Council Member Anderson, seconded by Council Member Christianson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 9

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the Mayor and City Administrator be authorized to execute a Land Lease Agreement for Waste Water Treatment Conveyance System Land between the City of Willmar and the following property owner: Ivan Groothuis Trust; Section 24, Township 119N, Range 36W (11.49 acres)

Dated this 6th day of September, 2011.

/s/ Frank Yanish

MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Item No. 3 The Committee reviewed the 2nd Quarter MUC Financial report. This matter was for information only.

The Finance Committee Report for August 29, 2011, 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.

The Public Works/Safety Committee Report for August 30, 2011, was presented to the Mayor and Council by Council Member Reese. There were eight items for Council consideration.

Item No. 1 Chief Wyffels provided information regarding actions taken by the Willmar Police Department to provide alcohol server training as directed in a recent ordinance change. The Department is offering alcohol server training every other month (six times per year) to make it easier for alcohol vendors to schedule employee attendance instead of the four training sessions a year dictated by current ordinance. Additionally a supplemental training video was created and distributed to vendors allowing them to provide immediate information to their employees. This matter was for information only.

Item No. 2 Chief Wyffels presented a concern brought forth to him by a vendor seeking clarification as to which type of circumstance constitutes a violation that would invoke the ordinance penalties to be imposed. The liquor ordinance implies to the vendor that any presence of a Police Officer in the establishment during business hours would constitute a law enforcement alcohol compliance check and should therefore be considered as a successful compliance check pass if no violations are being observed.

The vendor also questions the fairness of being held accountable for a violation during those same times an Officer might be present in their establishment and observe an incident where underage serving had occurred. The Committee recommended the City Attorney review this matter.

A second issue was discussed relating to alcohol vendors desiring to use different sources other than the Willmar Police Department to provide alcohol server training to their employees. The Committee agreed that this decision should rest with the Chief of Police and the matter be left to his/her discretion. This matter was for information only.

Item No. 3 Chief Wyffels provided information on Department activity at the Sonshine Festival event held July 13-17, 2011. Medical statistics for this event, which were contributed by the Willmar Ambulance Service Manger, Brad Hanson were also included in Chief Wyffels' report. Chief Wyffels noted that no major incidents occurred during this event and that incidents requiring Police involvement were down considerably this year when compared to other years. This matter was for information only.

Item No. 4 Rhonda Rae of Donohue and Associates presented Change Order No. 4 to Project No. 0814-D4 with S.R. Weidema, Inc. The project reached substantial completion June 14, 2010. Change Order No. 4 proposes to extend the contract by an additional 40 days to November 30, 2011, allowing for the removal of crops before the lowering of manholes starts in order to prevent crop damage.

The Committee was recommending the Council approve Change Order No. 4 to Project 0814-D4 extending the contract date and authorize the City Administrator to execute it on behalf of the City. Resolution No. 10 was introduced by Council Member Reese, seconded by Council Member Christianson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 10

WHEREAS, the City of Willmar entered into Contract No. 0814-D4 with S. R. Weidema, Inc. for the construction of Southern Interceptor, Forcemain and Outfall (from the new WWTF to the BNSF railroad);

WHEREAS, Change Order No. 1 and Change Order No. 2 increasing the contract amount by \$7,097.60 and \$38,788.18 respectively, and Change Order No. 3 resulting in a zero dollar change have been previously authorized; and

WHEREAS, Modifications to eight sewer structures need to be completed to fulfill the City's agreement with property owners; and

WHEREAS, This work will be completed by the current contractor at no cost for the release of no additional claims, warranty, and repairs related to this contract; and

WHEREAS, Contract times will be extended by an additional 40 days to allow for crop removal; and

WHEREAS, Work associated with these modifications will commence no later than November 1, 2011, and will be completed no later than November 30, 2011.

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that Change Order No. 4 be approved; as a result, the contract amount will remain at \$6,315,425.03 with a zero dollar change order for Project 0814-D4 Southern Interceptor, Forcemain and Outfall (from the new WWTF to the BNSF Railroad).

Dated this 6th day of September, 2011.

/s/ Frank Yanish

MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Item No. 5 The Committee discussed Project No. 0813-D3, Southern Interceptor from the BNSF to 5th Street SE and at the existing plant, awarded to S.R. Weidema, Inc. in August 2008 with

substantial completion in June 2010. Donohue and Associates, along with members of the City Staff, have inspected the work and found it to be complete. Donohue recommends final acceptance of the project to the City along with release of the final amount in escrow of \$65,045.76.

The Committee was recommending the Council accept Project No. 0813-D3 and issue final payment to S.R. Weidema, Inc. as presented. Resolution No. 11 was introduced by Council Member Reese, seconded by Council Member Christianson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 11

ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

IMPROVEMENT: Project No. 0813-D3 Southern Interceptor from BNSF Railroad to 5th Street SE and at Existing WWTF

CONTRACTOR: S.R. Weidema, Inc.
DATE OF CONTRACT: August 18, 2008
NOTICE TO PROCEED: September 8, 2008
SUBSTANTIAL COMPLETION: June 14, 2010
FINAL COMPLETION: September 6, 2011
APPROVAL: Donohue & Associates, Inc.

BE IT RESOLVED by the City Council of the City of Willmar, Minnesota that:

1. The said City of Willmar Project 0813-D3 be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

| | |
|--|-----------------|
| ORIGINAL CONTRACT AMOUNT: | \$6,300,842.40 |
| Change Orders | \$ 278,207.96 |
| FINAL NET CONTRACT AMOUNT, PROPOSED: | \$ 6,579,050.36 |
| ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED: | \$6,579,050.36 |
| Less Previous Payments | \$6,563,918.67 |
| BALANCE TO FINISH | \$ 15,131.69 |
| AMOUNT HELD IN ESCROW | \$ 65,045.76 |
| FINAL PAYMENT DUE CONTRACTOR: | \$ 65,045.76 |

Dated this 6th day of September, 2011.

/s/ Frank Yanish

MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Item No. 6 Ken Sedmack, Donohue and Associates, presented details on program management, Wastewater Treatment Facility design and project summary. This matter was for

information only.

Item No. 7 The Committee considered an amendment to the Construction Engineering Services Agreement with Donohue and Associates. The agreement is being revised to reflect the addition of Post Program Management Services to be completed by January 20, 2012. These services include follow up with the contractor on the completion of all items on the warranty list and the Notice of Termination to the MPCA. It also includes the submission of Pay Requests to PFA for City Direct Purchases and eligible invoices for providing inspection services to lower eight structures and revise record drawings for Project No. 0814-D4. The total compensation for such services is not to exceed \$22,282.00.

The Committee was recommending the Council approve the amendment to the agreement with Donohue and Associates for construction engineering services in the amount not to exceed of \$22,282.00 and authorize the Mayor and City Administration to sign on behalf of the City. Resolution No. 12 was introduced by Council Member Reese, seconded by Council Member Christianson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

Resolution No. 12

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into a contract amendment to reflect the addition of the following services: follow-up on the completion of all items identified on the warranty list with the Contractor, follow-up with the Contractor to complete the Notice of Termination and submit to MPCA, continue to submit Pay Requests to PFA for City Direct Purchases and any eligible invoices, provide the service of inspection for the lowering of the eight structures and revising the record drawings for Project 0814-D4, and the extension of the contract date for these services to January 20, 2012. This contract was originally entered into by Council action on August 18, 2008, and was previously amended on October 5, 2009, December 21, 2009, and June 20, 2011.

BE IT FURTHER RESOLVED, the completion date is revised to January 20, 2012.

BE IT FURTHER RESOLVED, the contract is hereby amended as follows:

| <u>Task</u> | <u>Current Amount</u> | <u>Budget Item Adjustment</u> | <u>Additional Amount</u> | <u>Revised Amount</u> |
|--|-----------------------|-------------------------------|--------------------------|-----------------------|
| Program Management and Bidding | \$1,542,925.00 | \$(8,150.00) | \$ 0.00 | \$1,534,775.00 |
| Construction Related Engineering Services | 3,256,883.50 | 8,150.00 | 0.00 | 3,265,033.50 |
| O&M Manual, Startup and Training | 424,240.00 | 0.00 | 0.00 | 424,240.00 |
| Inspection Allowance | 0.00 | 0.00 | 0.00 | 0.00 |
| Services set forth in Part I-B.A4-1 through A4-3 | <u>NA</u> | <u>NA</u> | <u>22,282.00</u> | <u>22,282.00</u> |
| TOTAL | \$5,224,048.50 | \$ 0.00 | \$22,282.00 | \$5,246,330.50 |

BE IT FURTHER RESOLVED, Compensation for Services as set forth in Part I – B.A4-1 through A4-3 as stated in Amendment No. 4 shall include the additional tasks at a cost of \$22,282.00 for a total revised contract amount of \$5,246,330.50.

BE IT FURTHER RESOLVED, Compensation for Services set forth in Part I – B.A4-4 (Requested Services) shall be in accordance with the written authorization of the Director of Public Works.

Dated this 6th day of September, 2011.

/s/ Frank Yanish

MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Item No. 8 Rhonda Rae, Donohue and Associates, announced Friday, September 2, 2011, would be her last day with Donohue and Associates. Mike Gerbitz stated the intent of Donohue is to keep the Willmar Office open. This matter was for information only.

The Public Works/Safety Committee Report for August 29, 2011, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Reese, seconded by Council Member Christianson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 8, Noes 0.

Mayor Yanish called for a recess at 8:59 p.m. and reconvened the meeting at 9:10 p.m.

The Community Development Committee Report for September 1, 2011, was presented to the Mayor and Council by Council Member Dokken. There were six items for Council consideration.

Item No. 1 There were no public comments and this matter was for information only.

Item No. 2 Roberto Valdez, Coordinator for the Willmar Area Multi Cultural Market, provided an update on activities and organizational structure. Mr. Valdez said the primary purpose of the Willmar Area Multicultural Market was to provide assistance to small businesses in the areas of management, finance, and accounting.

In 2010, a \$250,000 grant was received for building renovations, the creation of a business incubator, and loan program management. The funds were to be used at the building they currently occupy in the 200 block of Southwest 4th Street. Mr. Valdez said that they wish to purchase the building before spending money on renovations and were looking for funds to do so. The current facility houses a kitchen incubator that is being used for catering, as well as for training restaurant owners and employees. That training is conducted using University of Minnesota Extension curriculum.

Mr. Valdez noted their success in assisting minority-owned businesses, and stated that increased business activity translated to additional work for support businesses. The large number of local Latinos creates niche markets for goods and services. Mr. Valdez concluded his remarks by stating that City financial support would be advantageous in obtaining future grants. This matter was for information only.

Item No. 3 Staff provided a brief update on the organizational efforts for the community clean-up. It was noted that there would be no charge for the National Guard picking up items as it is against National Guard policy. Sergeant Kappe of the Minnesota National Guard stated that they would make up to three vehicles available for collection. Staff will provide addresses and maps for those sites requiring pickup. This matter was for information only.

Item No. 4 Bev Dougherty and Richard Engan of the Willmar Design Center were unable to attend the meeting due to a meeting conflict, and this matter was for information only.

Item No. 5 Staff presented a status report on the rehabilitation of the John Supper Club Building. It was noted that aside from the August 19, 2011, written report and photos, there have been no subsequent updates received from the building owner. Staff has had no contact with the owner in

over a week. The Building Official met with the owner on site to discuss construction requirements and the need for inspections. This matter was for information only.

Item No. 6 Staff provided updates on the following projects: A) Plans have been submitted by West Central Steel for a 26,000 square foot expansion. Plan review is scheduled for September 14, 2011. No major issues have arisen or are anticipated. The owner will be allowed to begin site preparation in advance of the plan review. B) Subway Restaurant on 1st Street will be requesting plan review for the addition of a drive-up window. City staff has worked with the owners to come up with a solution that best addresses their needs while providing the greatest storm water management benefits. C) "Discover Manufacturing" event will be held on October 28, 2011, at the Minn West Tech Campus. The event will showcase local manufacturers and their use of technology. The targeted audience is students and persons looking for work in an attempt to expose them to employment opportunities that exist in Willmar and Kandiyohi County. This matter was for information only.

The Community Development Committee Report for September 1, 2011, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Dokken, seconded by Council Member Ahmann, and carried.

Mayor Yanish called on City Administrator Stevens who read into the record a Proclamation whereby the City of Willmar joining the National Moment of Remembrance of the 10th Anniversary of September 11th. Council Member Anderson offered a motion to authorize the Mayor to sign the Proclamation with Council Member Reese seconding the motion, which carried.

Announcements for Council Committee meeting dates were as follows: Labor Relations, September 7; Finance, September 12; Public Works/Safety, September 13; and Community Development, September 15, 2011.

Council Member Ahmann requested that the City reconsider the use of Garfield School. No action was taken

Council Member Christianson offered a motion to meet in an executive session to discuss the purchase of vacant land south of Garfield School. Council Member Anderson seconded the motion which carried, with Council Member Johnson voting no.

There being no further business to come before the Council, the meeting adjourned at 10:15 p.m. upon motion by Council Member Reese, seconded by Council Member Fagerlie, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL