

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

June 6, 2016  
7:00 p.m.

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

Also present were City Clerk Kevin Halliday, Public Works Director Sean Christensen, Police Chief Jim Felt, Fire Chief Frank Hanson, Finance Director Steve Okins, Planning and Development Services Director Bruce Peterson, and City Attorney Robert Scott.

Proposed additions to the agenda included addressing further action to be taken by the Council pertaining to "social affair" in the CER Joint Powers Board minutes and the liquor license application for the Willmar Fests Beach Party at Robbins Island on June 25<sup>th</sup>.

Council Member Plowman offered a motion to adopt the Consent Agenda which included the following items: City Council Minutes of May 16, Rice Memorial Hospital Board Minutes of May 18, Willmar Municipal Utilities Board Minutes of May 23, Airport Commission Minutes of May 24, Accounts Payable Report through June 2, Human Rights Commission Minutes of April 19, Willmar Lakes Area CVB Minutes of April 19, CER Joint Powers Board Minutes of May 27, and the Building Inspection Report for May, 2016. Council Member Fagerlie seconded the motion which carried.

At 7:03 p.m. Mayor Calvin opened the hearing to consider an Ordinance Imposing Residency Restrictions on Sexual Offenders and Sexual Predators. Planning and Development Services Director Bruce Peterson presented the ordinance that has been discussed by the Council on several occasions. The final document presented for hearing imposes residency restrictions on sexual offenders and sexual predators by prohibiting them from residing within 1,000 feet of a school, licensed day care center, park, public playground or place of worship and additionally that no sex offender lives within 1,000 feet of another sex offender.

There being no one to speak for or against the proposed ordinance, Mayor Calvin closed the hearing at 7:05 p.m. and opened it up for discussion by the Council. Council Member Ahmann offered a motion to adopt, assign a number and order final publication of the Ordinance for Imposing Residency Restrictions on Sexual Offenders and Sexual Predators. Council Member Johnson seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

At 7:08 p.m. Mayor Calvin opened the hearing to consider a Business Subsidy Agreement with Dooley Brothers, LLP. Planning and Development Services Director Bruce Peterson informed the Council that a final purchase priced based on the City's industrial park land write-down has been agreed upon. Because this amount of the write-down exceeds \$150,000, Minnesota Statutes require a business subsidy agreement. The purchase price has been written down due to the job creation factors and the value of the improvements being constructed on the site.

There being no one to speak for or against the proposed business subsidy agreement, Mayor Calvin closed the hearing at 7:10 p.m. and opened it up for discussion by the Council.

Resolution No. 1 was introduced by Council Member Plowman, seconded by Council Member Anderson to approve the Business Subsidy Land Write-Down Agreement between the City and Dooley Bros. LLP. The resolution was reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0

RESOLUTION NO. 1

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 enter Business Subsidy Land Write-Down Agreement between the City of Willmar and Dooley Bros. LLP.

Dated this 6th day of June, 2016.

/s/ Marv Calvin  
Mayor

/s/ Kevin Halliday  
Attest: City Clerk

At 7:15 p.m., Mayor Calvin opened the continued hearing on an amendment to the City Charter proposed by the Charter Commission under Section 2.03. City Clerk Kevin Halliday detailed the Charter Commission's recommendation to add a new subdivision where a structure is set up to compel future City Councils to develop a vision, mission statement and strategic plan. Staff's recommendation is to hear from the public and following any testimony, close the hearing which will trigger the thirty-day approval or denial date by which all eight Council Members must vote affirmatively for any Charter changes.

Bob Bonawitz, 2525 - 7<sup>th</sup> Avenue SE spoke in favor of the amendment to have a vision for the City to put in place and have the volunteer organizations come together with this vision.

Council Member Anderson made a motion to close the hearing. Council Member Ahmann seconded the motion which passed. Mayor Calvin closed the hearing at 7:17 p.m. and opened it up for discussion by the Council. Council Member Nelsen made a motion for Administration to survey the members of the City Council to find when all eight Council Members can be present so that a meeting can be scheduled before July 6, 2016. Council Member Anderson seconded the motion, which carried.

At 7:22 p.m. Mayor Calvin opened the continued ordinance hearing for amending City Charter Section 7.05 - Recall of the City Charter. City Clerk Kevin Halliday stated this section strikes out the current language whereby the Charter Commission desires to not address the issue of any reimbursements for legal services, supplies, printing, and notarial fees, and simply makes it clear that no City funds are to be expended for the actions of the Citizen Recall Committee nor can any committee member accept any remuneration for services performed on such a committee.

There being no one to speak for this issue, Council Member Ahmann made a motion to close the hearing. Council Member Anderson seconded the motion which passed. Mayor Calvin closed the hearing at 7:23 p.m.

At 7:24 p.m. Mayor Calvin opened the continued ordinance hearing for amending City Charter Section 2.11 - Procedure. City Clerk Kevin Halliday stated this section of the Charter strikes through current language detailing the known versions of parliamentary rules defaulting to the word "established" set of parliamentary rules. The Charter Commission believes this will properly position the City for the ever-changing rules and names in the future.

There was no one to speak for or against the amendment to the Charter Section 2.11. Council Member Mueske made a motion to close the hearing. Council Member Anderson seconded the motion which passed. Mayor Calvin closed the hearing at 7:25 p.m.

At 7:25 p.m. Mayor Calvin opened the continued ordinance hearing for amending City Charter Section 9.04 – Oath of Office. City Clerk Kevin Halliday informed the Council this amendment adds detail to the current oath which is administered to elected or appointed officials and board and commission members. The Charter Commission believes clarity of individual offices and positions is beneficial for this City.

There being no one to speak for or against this amendment to the Charter, Council Member Anderson made a motion to close the hearing. Council Member Mueske seconded the motion, which passed. Mayor Calvin closed the hearing at 7:26 p.m.

No one requested to speak during the Open Forum.

Mayor Calvin recognized Willmar Fests Board Member James Miller who thanked the City Council and staff for their help and support and extended invitations to the events scheduled for the 71<sup>st</sup> annual community celebration. Again this year the flag raising ceremony to kick off Willmar Fests will be held at Selvig Park on 8:00 a.m., Wednesday, June 22<sup>nd</sup>. He acknowledged the many great sponsors who make this celebration happen. He touched on the many events of the festival to include the Grand Day Parade on Saturday, June 25<sup>th</sup>; coronation from 3:00 to 5:00 p.m. and again the kid’s carnival at Robbins Island free of charge sponsored by Jennie-O Turkey Store.

Mr. Miller then introduced the 2016 Willmar Fests Royalty: Queen of Festivals, Miranda Roelofs, Aqua Princess, Morgan Stoeberl, and International Princess, Kadijah Farhat. The royalty thanked the Mayor and Council for their past support and gave a presentation of some events they have attended as representatives of Willmar. Mayor Calvin thanked them for their commitment as Ambassadors for the City and for their attendance at numerous parades and city celebrations.

Matt Johnson, Mid-Minnesota Development Commission came before the Council to present results from the survey for Project of Regional Significance and the Local Option Sales Tax. Mr. Johnson was requested to facilitate the draft project report for the City based on the results of the on line survey that had 840 participants. The results showed the highest priority the survey respondents chose was regional streets/highways. The actual statistics are contained within the report which is on file in the Clerk’s office at City Hall. Mr. Johnson summarized the results in order of significance. Mayor Calvin expressed his and the Council’s appreciation for the work performed on the report in such tight time frame.

The Finance Committee Report for May 23, 2016 was presented to the Mayor and Council by Council Member Anderson. There were five items for consideration.

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

Item No. 2        Staff explained to the Committee that the current WRAC budget was incorporated with the Information Systems budget in 2013 when the two departments were combined. At the December, 2015, Cable Advisory Committee Meeting it was recommended that the budgets be separated again due to the difficulty of tracking and approving a recommended budget for the WRAC Department. With the renewal of the cable franchise this year, a needs assessment was performed by CBG Communications. With this study, there have been equipment and infrastructure upgrade recommendations that were suggested for the years 2017 through 2019. At this time, funding is a concern due to the removal of the WRAC reserve fund. There have been suggestions to implement a PEG Fee to local cable subscribers. The PEG Fee is an option under the current cable franchise which consists of charging cable subscribers an additional one dollar per month and the funds can only be used towards purchases for the local access stations and studio. It was reviewed by staff that the current franchise fees which the City receives would be adequate to fund the WRAC operating budget along with the proposed equipment and infrastructure upgrades and that any excess funds from those franchise fees could be placed into a reserve account for WRAC projects or distributed as needed. It was noted that separating the budgets would alleviate the need to implement the PEG fee for cable subscribers. The proposed change would start with the 2017 budget and the Cable Coordinator would be the responsible

party for proposing the WRAC budget to the Council. The Committee was recommending the Council introduce a resolution to separate the WRAC budget from the Information Systems Budget beginning in 2017.

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

RESOLUTION NO. 2

BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, that the WRAC budget be separated from the Information Systems Budget beginning with 2017.

Dated this 6th day of June, 2016.

/s/ Marv Calvin  
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Mayor

/s/ Kevin Halliday  
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Attest: City Clerk

Item No. 3 Staff explained to the Committee that previous action by the City Council approving an agreement for Junior Hockey has resulted in an estimated increase for Civic Center expenditures as well as an increase in rental income of \$20,000. The term of the lease begins June 1, 2016, for one year in the amount of \$40,000 with 6 months allocated to the 2016 Budget and 6 months allocated to the 2017 Budget. It was the Committee’s recommendation that the Council introduce a resolution increasing the 2016 Civic Center Budget in the amount of \$20,000 for both revenues and expenditures as presented.

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

RESOLUTION NO. 3

Civic Center Budget Amendment

PERSONNEL SERVICES:		RECEIVABLES:	
Salaries Temp. Employees	<u>\$1,250.00</u>	Other – Ice Rental	<u>\$20,000.00</u>
TOTAL	\$1,250.00	TOTAL	\$20,000.00
SUPPLIES:		FINANCING:	
General Supplies	\$1,250.00	Other – Ice Rental	<u>\$20,000.00</u>
		TOTAL	\$20,000.00
OTHER SERVICES:			
Utilities	<u>\$12,500.00</u>		
TOTAL	\$12,500.00		
OTHER CHARGES:			
Other Charges	<u>\$5,000.00</u>		
TOTAL	\$5,000.00		
GRAND TOTAL	\$20,000.00	GRAND TOTAL	\$20,000.00

Dated this 6th day of June, 2016.

/s/ Marv Calvin  
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Mayor

/s/ Kevin Halliday  
Attest: City Clerk

Item No. 4 Staff reviewed with the Committee the proposed 2017 Budget Calendar. It was noted that Council needs to adopt and certify the Proposed Levy to the County Auditor for Truth in Taxation in September. The Committee was recommending the Council approve the 2017 Budget Calendar as presented.

Council Member Anderson moved the recommendation of the Committee. Council Member Fagerlie seconded the motion, which carried.

Item No. 5 Staff explained to the Committee that previous City Council action has approved the 2016 Street Improvement Program of \$2,869,000. Funding for the program is planned to come from a number of funding sources, those being a General Tax Levy, Municipal State Aid, Waste Treatment funds, Willmar Municipal Utilities, Kandiyohi County, and the issuance of approximately \$1,600,000 in General Obligation Special Revenue Bonds. At this time, Council action is required to set a public hearing which staff is proposing to be held June 20, 2016, at 7:05 PM. The Committee was recommending the Council introduce a resolution setting a Public Hearing for June 20, 2016, at 7:05 PM to discuss the 2016 General Obligation Street Improvements.

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

RESOLUTION NO. 4

RESOLUTION CALLING FOR PUBLIC HEARING ON AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$1,600,000 GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2016A AND LEVYING TAXES FOR THE PAYMENT THEREOF

(For Resolution in its entirety, see City Council procedures file dated June 6, 2016, located in the City Clerk's Office)

Dated this 6th day of June, 2016.

/s/ Marv Calvin  
Mayor

/s/ Kevin Halliday  
Attest: City Clerk

Item No. 6 Staff explained to the Committee that the City of Willmar has entered into an agreement with Bolton & Menk for engineering and construction related services for the Fairgrounds Lift Station project. The preliminary budget for this project is \$640,000 which has previously been approved by the Council. At this time, staff is requesting authorization to apply for the Minnesota Public Facilities Authority (PFA) loan from the Clean Water Revolving Fund in the amount of \$640,000. It was the Committee's recommendation to the Council to introduce a resolution authorizing the City of Willmar's application for a PFA loan estimated at \$640,000 to fund the Fairgrounds Lift Station Project.

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

RESOLUTION NO. 5

BE IT RESOLVED that the City of Willmar is hereby applying to the Minnesota Public Facilities Authority for a loan from the Clean Water Revolving Fund/Drinking Revolving Fund for improvements to its drinking water system/municipal wastewater treatment system as described in the loan application.

BE IT FURTHER RESOLVED that the City of Willmar estimates the loan amount to be \$640,000 or the as-bid cost of the project.

BE IT FURTHER RESOLVED that the City of Willmar has the legal authority to apply for the loan, and the financial, technical, and managerial capacity to repay the loan and ensure proper construction, operation and maintenance of the project for its design life.

BE IT FURTHER RESOLVED that the City of Willmar hereby expresses its official intent to use proceeds of this loan to reimburse construction expenditures made prior to the issuance of its general obligation bond to the Public Facilities Authority.

Dated this 6th day of June, 2016.

/s/ Marv Calvin  
Mayor

/s/ Kevin Halliday  
Attest: City Clerk

The Finance Committee Report for May 23, 2016, 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, which carried.

The Community Development Committee Report for May 26, 2016 was presented to the Mayor and Council by Council Member Fagerlie. There were five items for consideration.

Item No. 1        There were no public comments.

Item No. 2        The Committee discussed ongoing issues of default of the terms of an FBO agreement between the City and Brian Negen of Maximum Cruise Aviation. Staff provided information in a packet detailing events of default. Insurance documents recently submitted by Mr. Negen indicate inadequate coverage as determined by the City Clerk. The Airport Commission had discussed the matter earlier in the week and had taken action to direct Mr. Negen to provide proper insurance coverage prior to the Community Development Committee meeting. Mr. Negen had been informed of the Committee meeting at an earlier Airport Commission meeting, but was not in attendance.

It was suggested that if the City received periodic financial statements it would give the City an indication of the FBO's ability to perform under the agreement. Staff said that there had been a clear history of default and non-performance. MnDOT has suspended Mr. Negen's operator license for failure to provide the required proof of insurance. The Committee reviewed the default issues in detail and it was suggested that the FBO was not worthy of a second chance. Pat Curry, Airport Commission Chair, said the City has liability for the FBO mechanic work if no insurance is in place. It was suggested by the Committee that more Airport Commission involvement be required in monitoring FBO performance.

The Committee was recommending to the Council that the FBO contract with Maximum Cruise Aviation/Brian Negen be terminated immediately. Council Member Fagerlie moved the recommendation of the Committee. Council Member Plowman seconded the motion. Mayor Calvin called on City Attorney Robert Scott to clarify points in the Berns Knight PA letter received by the City late that afternoon. The letter was from an attorney representing the FBO and requested thirty days to resolve the dispute. One dispute was

that a thirty-day notice was not given to the FBO. Mr. Scott noted that he received a copy of the letter from Planning and Development Service Director Bruce Peterson which triggered the thirty-day notice to the FBO to cure his default. The attorney's letter also stated that the insurance coverages have been reinstated, but upon review of the coverages not all of them required by the contract have been complied with.

The Council discussed the airport issues at length and the procedure of relaying information to the Council. Council Member Nelsen opined that the Council needs to take into consideration the empowerment of the Boards and Commissions as they are the first line of communication in issues such as this. Following discussion by the Council, the motion passed.

Item No. 3 Staff presented background on efforts to work with the owner of property at 810 Campbell Ave NW, to have the dilapidated structures removed. A demolition permit had been issued late last summer, but the owner never followed through with the demolition. The property has continued to deteriorate and poses a definite safety hazard. The Committee discussed the City's liability and responsibility should the property owner not remove the structures.

The Committee was recommending the Council declare the structures at 810 Campbell Ave NW as hazardous buildings and to issue an order for their repair or removal. Council Member Fagerlie moved the recommendation of the Committee. Council Member Nelsen seconded the motion, which carried.

Item No. 4 Staff provided updates on:

- Wye rail project
- The capital improvement budgeting process
- Local options sales tax public participation
- Dooley's project
- Miscellaneous commercial/residential project

These updates were received by the Council for information only.

Item No. 5 Staff presented a proposal to the Committee that the City forgo a business development infrastructure grant as previously awarded. In 2015, the City partnered with MinnWest Technology Campus Management Company to secure a \$470,000 Innovation Business Public Infrastructure Grant. The City was to be the public entity owning the property where the project was to occur on the MinnWest Campus. After award of the grant, it was determined that Kandiyohi County owned a significant amount of real property where the improvements would be made. For that reason, it is proposed that the County would be the better governmental unit to receive and manage the funds. The grant was to simply be a pass-through for roadway and parking lot improvements on the campus. City staff worked with MinnWest to put the project together, and concurs that the County would be the better grant recipient.

The Committee was recommending the Council adopt a resolution forgoing the 2015 grant and recommending that the County replace the City as the grantee.

Resolution No. 6 was introduced by Council Member Fagerlie, seconded by Council Member Nelsen reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0

#### RESOLUTION NO. 6

BE IT RESOLVED by the City Council of the City of Willmar a Municipal Corporation of the State of Minnesota that the City hereby agrees to forgo the Business Development Infra-structure Grant #IBDP-15-0002-O-FY15 in the amount of \$470,000.00, as previously awarded.

BE IT FURTHER RESOLVED that the City of Willmar shall no longer be designated as the grantee; rather, that the grantee designation be changed to Kandiyohi County.

Dated this 6th day of June, 2016.

/s/ Marv Calvin  
Mayor

/s/ Kevin Halliday  
Attest: City Clerk

It was noted that on May 2, 2016, the Council tabled the action on the Backflow/Cross Connection Program. A motion was made by Council Member Fagerlie to remove from the table the Backflow/Cross Connection Program. Council Member Nelsen seconded the motion, which carried. Prior discussion questioned whether this action was needed and directed City Attorney Scott to report on the consequence of not implementing this mandated program. The Council received the email provided by City Attorney Robert Scott. City Attorney Scott expressed his understanding of the motion at the previous Council meeting was not to proceed with preparation of the ordinance, but to direct staff to initiate the mandated Municipal Backflow/Cross Connection Program and direct Willmar Municipal Utilities to implement the program as he purveyor of water. The previous motion carried.

Council Member Nelsen noted her comments regarding Boards and Commissions were not reported in the Community Development minutes and she wanted to ascertain that the item isn't dropped. She opined that the Council review what the Boards and Commissions roles are or what they should be doing. These entities should be used to their fullest to provide feedback and better monitoring.

The Committee Development Committee Report for May 26, 2016, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Fagerlie, seconded by Council Member Nelsen, which carried.

The Public Works/Safety Committee Report for May 31, 2016 was presented to the Mayor and Council by Council Member Christianson. There were seven items for consideration.

Item No. 1 No public comments were made.

Item No. 2 Police Chief Felt noted the jail census for May 31, 2016 was 106; 35 inmates from the Department of Corrections, 67 inmates from Kandiyohi County and 4 inmates from other counties. The calls for service the previous two weeks totaled 912 and are 11 days ahead of this date last year. The majority of the calls for the previous two weeks were for traffic stops, followed by public assists and animal complaints.

Chief Hanson noted total Fire Department calls for service the previous two weeks totaled 14. The calls included 8 alarm activations, 2 car accidents, 2 elevator rescues, 1 car fire, 1 crash, 1 small building and 1 weather watch. The response time from dispatch to in route for April was 3 minutes 20 seconds and for May was 3 minutes 22 seconds. The total calls for service this year is 128, compared to 140 calls in 2015. The Council received the Police and Fire updates for information only.

Item No. 3 Staff brought forth, for approval, acceptance of a \$2,500 CenterPoint Partnership Award for automated external defibrillators (AED's) for the Police Department. It is requested the recipient match funds for the safety equipment and the department has budgeted for the replacement of the AED costs and has the matching funds available. The useful life of the AED's is an average of 12 to 14 years. The Committee was recommending the Council accept the \$2,500 CenterPoint Partnership Award for the purchase of automatic external defibrillators for the Willmar Police Department.

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



RESOLUTION NO. 7

BE IT RESOLVED by the City Council of the City of Willmar to approve the acceptance of the CenterPoint Community Partnership Award in the amount of \$2,500 for Automated External Defibrillators (AED's) for the Willmar Police Department.

Dated this 6th day of June, 2016.

/s/ Marv Calvin  
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Mayor

/s/ Kevin Halliday  
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Attest: City Clerk

Item No. 4 Dave Baker presented the concept of a destination playground at Robins Island brought forth from Vision 2040 and NEXT groups. Using Leathers and Associates to assist with the project, the concept includes constructing 15-20,000 square foot custom-designed community built playground area and the total estimated \$700-800,000 cost would be covered through fundraising. The Committee discussed the protocol of accepting donations and being the fiscal agent on the project as well as bidding requirement guidelines. Pedestrian access concerns were noted and possible remedies within the Park Plan. The Committee was recommending the Council support the concept of a destination playground at Robbins Island and to present it at the June 20<sup>th</sup>. Council Member Nelsen moved the recommendation of the Committee. Council Member Ahmann seconded the motion, which carried.

Item No. 5 Staff brought forth, for approval, to accept the project and authorize final payment to Duinick, Inc. in the amount of \$127,985.34 for Project No. 1401 that included the reconstruction of Gorton Avenue NW from 7<sup>th</sup> Street to 10<sup>th</sup> Street and 9<sup>th</sup> Street NW from Campbell Avenue to Ella Avenue. It was the Committee's recommendation to the Council to accept Project No. 1401 and authorize final payment to Duinick, Inc. in the amount of \$127,985.34.

Resolution No. 8 was introduced by Council Member Nelsen, seconded by Council Member Ahmann reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0

RESOLUTION NO. 8

ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

IMPROVEMENT: Project No. 1401 – Gorton Avenue NW, 9<sup>th</sup> Street NW Reconstruction

CONTRACTOR:	Duinick, Inc.
DATE OF CONTRACT:	June 16, 2014
BEGIN WORK:	August 18, 2014
COMPLETE WORK:	May 9, 2016
APPROVE, ENGINEERING DEPT:	May 11, 2016

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

1. The said City of Willmar Project No. 1401 be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT: \$966,788.83

FINAL NET CONTRACT AMOUNT, PROPOSED: \$966,788.83

ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED: \$883,251.35  
Less Previous Payments & Liquidated Damages -\$755,266.01

**FINAL PAYMENT DUE CONTRACTOR: \$127,985.34**

Dated this 6th day of June, 2016.

/s/ Marv Calvin  
Mayor

/s/ Kevin Halliday  
Attest: City Clerk

Item No. 6 Staff brought forth, for approval, Change Order No. 1 in the amount of \$42,475.60 for Project No. 1601 with Duinick, Inc. for a water main replacement and street repair in 22<sup>nd</sup> Street SW from 20<sup>th</sup> Avenue to 19<sup>th</sup> Avenue. The current contract pricing was extended for the change order cost. The Committee was recommending the Council approve Change Order No. 1 in the amount of \$42,475.60 for Project No. 1601 with Duinick, Inc.

Resolution No. 9 was introduced by Council Member Nelsen, seconded by Council Member Anderson reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, 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 of the City of Willmar are hereby authorized to modify the contract for CP 1601 between the City of Willmar and Duinick, Inc. of Prinsburg, Minnesota by Change Order No. 1 in the increased amount of \$542,475.60.

Dated this 6th day of June, 2016.

/s/ Marv Calvin  
Mayor

/s/ Kevin Halliday  
Attest: City Clerk

Item No. 7 The Committee discussed safety issues at Minnegasco Park area of 16<sup>th</sup> Street and Minnesota Ave SW. The Committee discussed stormwater issues including the detention at the site of the new elementary school with continued conversations still taking place with staff regarding their detention efforts. The stormwater detention issues in the Pheasant Run and Holiday Inn area were discussed with staff noting the issue is being taken care of. The condition of Branch 3 of Ditch 23-A was discussed, with the concerns of sediment and vegetation noted. Staff noted the vegetation cannot be removed as it is needed for erosion control and the volume is currently sufficient. Staff continues to monitor the ditch. The Council received these items for information only.

The Public Works/Safety Committee Report for May 31, 2016, 2016, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Nelsen, seconded by Council Member Mueske. Police Chief Felt addressed the safety concerns at Minnegasco Park as related to traffic. Council Member Ahmann made suggestions for park safety and signage. Mr. Ahmann commented on the sediment in Ditch 23-A and asked about the removal of vegetation. Public Works Director Sean Christensen stated the vegetation on the ditch banks needs to stay in place to prevent erosion. The motion to file the minutes carried.

Finance Director Steve Okins explained the next step in the financing of the Westwood Court Lift Station Project is the bonding of the Sewer Revenue Notes to secure the loan that the Public Financing

Authority system will be financing the project. This will take place in the same time schedule as the 2016 Improvements Bond.

Resolution No. 10 was introduced by Council Member Anderson, seconded by Council Member Fagerlie reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0

RESOLUTION NO. 10

RESOLUTION CALLING FOR PUBLIC HEARING ON AN ORDINANCE AUTHORIZING THE ISSUANCE OF A GENERAL OBLIGATION SEWER REVENUE NOTE, SERIES 2016B

(For Resolution in its entirety, see City Council procedures file dated June 6, 2016, located in the City Clerk's Office)

Dated this 6th day of June, 2016.

/s/ Marv Calvin  
Mayor

/s/ Kevin Halliday  
Attest: City Clerk

City Clerk Kevin Halliday presented an application and permit for a One-Day to Four-Day Temporary On-Sale Liquor License from the Willmar Lakes Rotary Club to sell alcohol during two Rockin Robbins Concerts located at Robbins Island on July 17, 2016 and August 16, 2016. A state application and permit for the temporary on-sale liquor license is required to distribute or consume alcohol on City park property. It is staff's recommendation to approve the state application and permit for a One-Day to Four-Day Temporary On-Sale Liquor License for the Willmar Lakes Rotary Club. Council Member Anderson moved the recommendation of staff. Council Member Fagerlie seconded the motion which carried on a roll call vote of 7 Ayes, 0 Noes.

City Clerk Halliday presented to the Mayor and Council a Resolution Designating Polling Locations for the Primary Election, scheduled for Tuesday, August 9 and the General Election, scheduled for November 8, 2016.

Resolution No. 11 was introduced by Council Member Fagerlie, seconded by Council Member Anderson reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0

RESOLUTION NO. 11

BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, that the following buildings be designated as the official voting locations for the 2016 Primary and General Elections:

FIRST WARD:	1 <sup>st</sup> Precinct	Willmar Community Center 624 North Highway 71
	2 <sup>nd</sup> Precinct	Lakeview Apartment Building 300 North 7th Street
	3 <sup>rd</sup> Precinct	Word of Faith Family Church 3010 7 <sup>th</sup> Avenue Northwest

SECOND WARD:	1 <sup>st</sup> Precinct	St. Mary's Catholic Church 713 Southwest 12th Street
	2 <sup>nd</sup> Precinct	Vinje Lutheran Church 1101 Willmar Avenue Southwest
	3 <sup>rd</sup> Precinct	Rock of Life, CRC 1708 Southwest 8th Street
THIRD WARD:	1 <sup>st</sup> Precinct	Willmar Conference Center 2100 East Highway 12
	2 <sup>nd</sup> Precinct	Highland Apartments 115 East Becker Avenue
	3 <sup>rd</sup> Precinct	City Auditorium 313 West 6th Street
FOURTH WARD:	1 <sup>st</sup> Precinct	First Baptist Church 1000 6 <sup>th</sup> Street Southeast
	2 <sup>nd</sup> Precinct	Calvary Lutheran Church 302 Olena Avenue
	3 <sup>rd</sup> Precinct	Redeemer Lutheran Church 1401 Southwest 6th Street

Dated this 6th day of June, 2016.

/s/ Marv Calvin  
Mayor

/s/ Kevin Halliday  
Attest: City Clerk

Council Member Johnson made a motion to direct the City Attorney to draft an amendment to the current ordinance for permitted uses at the Civic Center which would allow for the sale of alcohol to include "social affairs." Council Member Nelsen seconded the motion, which carried.

City Clerk Kevin Halliday presented an application submitted by Willmar Fests for the Beach Party on June 25<sup>th</sup>. The event has a band and Oaks on Eagle is taking application to dispense alcohol at Robbins Island Park. It was staff's recommendation to the Council to approve the liquor application subject to review of the certificate of insurance and approval by the Chief of Police. Council Member Anderson moved the recommendation of staff. Council Member Nelsen seconded the motion which was approved on a roll call vote of Ayes 7, Noes 0.

Announcements for Council Committee meeting dates were as follows: Finance/Full Council, 4:45 p.m. at the Council Chambers, June 13; Public Works/Safety, 4:45 p.m. at City Hall, June 14; Labor Relations, 4:45 p.m. at City Hall, June 15, 2016.

Council Member Nelsen inquired as to a date for City Administrator Kruse's performance evaluation. Council Member Ahmann stated he is currently researching various review processes. Council Member Nelsen expressed her concern as to the six-month timeline. City Attorney Robert Scott expressed his view that the contract refers to a six-month evaluation and then a one-year evaluation, but it is important to have a proper evaluation process in place and set an actual target date for the evaluation. City Attorney Robert Scott stated the six-month evaluation is not a probation period but rather a target date. The legal status of the employee does not change.

Council Member Anderson offered a motion to adjourn the meeting with Council Member Fagerlie seconding the motion, with carried. The meeting adjourned at 9:22 p.m.

Attest:

\_\_\_\_\_  
MAYOR

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