

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

April 7, 2008  
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Lester Heitke. Members present on a roll call were Mayor Heitke, Council Members Doug Reese, Ron Christianson, Denis Anderson, Cindy Swenson, Rick Fagerlie, Jim Dokken, and Steven Gardner; Present 8, Absent 1 - Bruce DeBlieck was excused from the meeting.

Also present were City Administrator Michael Schmit, City Attorney Richard Ronning, Police Chief Jim Kulset, Fire Chief Marv Calvin, Public Works Director Mel Odens, Finance Director Steven Okins, Planning and Development Services Director Bruce Peterson, Community Education and Recreation Director Steve Brisendine, and City Clerk Kevin Halliday.

Council Member Gardner offered a motion adopting the Consent Agenda which included the following: City Council Minutes of March 17 and 31, Rice Hospital Board Minutes of March 10, Municipal Utilities Commission Minutes of March 24, Building Inspection Report for March, and Board of Zoning Appeals Minutes of March 31, 2008. Council Member Reese seconded the motion, which carried.

At 7:05 p.m. Mayor Heitke opened the continuation of a hearing on an Ordinance Amending Sections 2, 3 and 5 of the Rate Schedule for Users of the City of Willmar Waste Treatment Plant. City Administrator Schmit presented details of the proposed rate increases. There being no one present to speak for or against the proposed Ordinance, Mayor Heitke closed the hearing at 7:06 p.m.

Council Member Reese moved to adopt, assign a number, and order final publication of an Ordinance Amending Sections 2, 3 and 5 of the Rate Schedule for Users of the City of Willmar Waste Treatment Plant. Council Member Gardner seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Mayor Heitke acknowledged several individuals who had signed up to address the City Council during its scheduled Open Forum. John Sullivan addressed past Council actions regarding the Conditional Use Permit process suggesting that the process is flawed and asking the Council to fix the problem. Council Member Swenson moved to refer Mr. Sullivan's comments to the Community Development Committee with Council Member Fagerlie seconded the motion, which carried.

George Hulstrand Sr. briefly reviewed Council history noting many high-spirited discussions and promoting the duty of the Council to hold positions with vigor and vitality, and then vote and move on. He welcomed differences of opinion in public discussion.

Maria Diaz spoke in favor of the housing project in southwest Willmar and stated she was bothered by comments of the Westwind Estates Project being referred to as another Elm Lane. Raphael Torres and Luis Gonzales spoke in support of helping all people with their problems, such as housing.

Fernando Alvarez spoke favorably of the Mayor's involvement with the League of Minnesota Cities and other needs, and questioned if the Garfield detention pond was properly followed.

Mayor Heitke read a letter from Senator Joe Gimse acknowledging the \$350,000 DEED grant.

Mario Santa spoke in favor of the Westwind Project and the need for leadership with vision.

The Finance Committee Report for March 24, 2008, was presented to the Mayor and Council by Council Member Anderson. There were six items for Council consideration.

Item No. 1 City Clerk Halliday informed the Committee that Iowa Telecommunications Services, Inc. is proposing to acquire En-Tel Communications. Before this acquisition occurs, information about Iowa Telecommunications should be obtained to ensure a smooth transition for En-Tel's staff as well as for continued customer service.

The Committee was recommending the Council move to obtain and review FCC Form 394; the Bishop Communication Corporation (En-Tel's current parent company) purchase agreement; and references from various cities that have existing Iowa Telecommunications Services franchise agreements. Council Member Anderson moved to approve the recommendation of the Finance Committee, seconded by Council Member Gardner, and carried.

Item No. 2 Staff explained to the Committee that Willmar Design Center had submitted a request for the City to provide a blanket insurance policy to cover various community-wide activities organized by not-for-profit agencies such as the Becker Market. After consulting with the City's insurance representatives, it was learned that the League of Minnesota Cities Insurance Trust does not have a blanket insurance policy and that private insurance carriers would require the City to organize and control the insured event. Therefore, the Willmar Design Center must provide insurance for the activities they sponsor. This matter was for information only.

Item No. 3 John Sullivan was invited to present concerns regarding the calculation of the 2008 budget allocation for the library. This matter was for information only.

Item No. 4 The Committee was informed that the Police Department has received a donation in the amount of \$1,000 from the Lyle Munneke family in recognition of their working relationship with Dr. Munneke as the County Coroner. The Munnekes requested that these funds be used toward costs for additional training for death investigations.

The Committee was recommending the Council to introduce a resolution accepting the \$1,000 donation from the Lyle Munneke family and authorizing an increase in the Police Department's 2008 Budget for said amount. Resolution No. 1 was introduced by Council Member Anderson, seconded by Council Member Dokken, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

#### RESOLUTION NO. 1

WHEREAS, the family of Lyle Munneke, in recognition of Dr. Munneke's relationship to Law Enforcement as County Coroner, has donated to the Willmar Police Department \$1,000 to be used toward costs for additional training for death investigations.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Willmar, Minnesota, that the City accept the \$1,000 donation and that the City Administrator be directed to express the community's appreciation:

Dated this 7<sup>th</sup> day of April, 2008.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 5 Staff presented information regarding the various facets of the budget for the new Waste Water Treatment Plant. Revenues totaling \$88,177,900 include funding from the Minnesota Public Facilities Authority in the amount of \$87,200,000; a State of Minnesota Grant of \$477,900 and local sources of \$500,000. The proposed expenditure budgets totaling \$88,177,900 include: Planning \$1,140,000; Design \$4,359,172; Land & Legal \$810,000; Construction Engineering \$5,599,828; Project A – Interim Modifications \$150,000; Project B – Decommission Existing WWTF \$1,806,586; Project C – New WWTF \$50,505,367;

Project D – Conveyance System Phases I and II \$1,130,000; Project D – Conveyance System Phase III \$21,576,947; Project B – All Alternates \$1,100,000.

The Committee was recommending the Council to introduce a resolution approving the budgets for the waste treatment project as stated above totaling \$88,177,900. Resolution No. 2 was introduced by Council Member Anderson, seconded by Council Member Gardner, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 2

PRELIMINARY WASTE WATER TREATMENT PLANT BUDGET  
ESTIMATED TOTAL COST \$88,177,900

OTHER CHARGES:		RECEIVABLES:	
Planning	\$ 1,140,000.00	State	\$ 477,900.00
Design	4,359,172.00	City	500,000.00
Land & Legal	810,000.00	Other	<u>87,200,000.00</u>
Construction Engineer	5,599,828.00	Total:	\$88,177,900.00
Project A	150,000.00	FINANCING:	
Project B	1,806,586.00	State	\$ 477,900.00
Project C	50,505,367.00	City	500,000.00
Project D	1,130,000.00	Other	<u>87,177,900.00</u>
Project D. III	21,576,947.00	Total:	\$88,177,900.00
Project B Alt.	<u>1,100,000.00</u>		
Total:	\$88,177,900.00		

Dated this 7<sup>th</sup> day of April, 2008.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 6 The 2008 Improvement Budget was tabled until a future meeting. This matter was for information only.

The Finance Committee Report for March 24, 2008, 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 Gardner, and carried.

The Community Development Committee Report for March 27, 2008, was presented to the Mayor and Council by Council Member Dokken. There were four items for Council consideration.

Item No. 1 Staff presented information on special services/taxing districts. The Committee discussed the requirements to establish such districts and the expenditures allowed within such districts. By law, an ordinance is necessary to establish these districts, but the City is not mandated to adopt one simply because a petition was submitted. The petition required by law needs to be signed by the owners of 25 percent of all properties and the owners of properties that constitute a minimum of 25 percent of the net tax capacity of property within the district. Staff will follow up with the Design Center and Economic Development Commission relative to their previous interest in creating such a taxing district. This matter was for information only.

Item No. 2 The Committee discussed the development of a general guide for citizen involvement for inclusion on the City’s website, as well as to be made available in hard copy. An example from St. Louis Park was reviewed. Most of the discussion focused on an expanded presence for the Department of Planning and Development Services on the City’s website, specifically as it relates to descriptions of process for land use applications. The Committee suggested that the City take advantage of an offer from the League of Minnesota

Cities' offer to do a loss control presentation for land use issues. Staff stated that such a presentation could be coordinated with the Southwest District of the MN Chapter of the American Planning Association. Staff is the board representative for the Southwest District. This matter was for information only.

Item No. 3 Staff presented a status report on the historical review of the former airport terminal site. The report from Bolton & Menk reached the conclusion of no historical significance. The State Historic Preservation Office is requiring that the City conduct an expanded review to determine if the site is eligible for the national register. Staff made contact with one of the few historical consultants that perform that type of review. The firm is Gemini Research of Morris, MN. They have offered to do the required review for about \$6,000.

The Committee was recommending the Council introduce a resolution be adopted authorizing the Mayor and City Administrator to execute a professional services agreement with Gemini Research in the amount of \$5,986.00, and a budget resolution be adopted for the agreement with funding from the local option sales tax.

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

RESOLUTION NO. 3

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the Mayor and City Administrator be authorized to enter into a professional service agreement between the City of Willmar and Gemini Research of Morris, Minnesota, for historical review services for the release of airport land.

Dated this 7<sup>th</sup> day of April, 2008.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Resolution No. 4 was introduced by Council Member Dokken, seconded by Council Member Gardner, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 4

OTHER CHARGES		RECEIVABLES	
Professional Services	<u>\$5,986.00</u>	City - Local option sales tax	<u>\$5,986.00</u>
TOTAL	\$5,986.00	TOTAL	\$5,986.00
 GRAND TOTAL	 \$5,986.00	FINANCING	
		City - Local option sales tax	<u>\$5,986.00</u>
		TOTAL	\$5,986.00

Dated this 7<sup>th</sup> day of April, 2008.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 4 Staff explained to the Committee the need for a resolution for the reimbursement of

costs incurred for Airport projects. This relates to the bill before the 2008 legislature which amends the 2005 bonding bill that awarded the City a \$1 million grant. Additional projects were added under the amendment to allow the City to fully expend the \$1 million dollars and be reimbursed. The reason for the resolution is so the City can incur certain costs before the final adoption of the legislation and still be eligible for the full reimbursement.

The Committee was recommending the Council adopt a Resolution establishing procedures relating to compliance with reimbursement bond regulations under the Internal Revenue Code. Resolution No. 5 was introduced by Council Member Dokken, seconded by Council Member Gardner, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

#### RESOLUTION NO. 5

#### RESOLUTION ESTABLISHING PROCEDURES RELATING TO COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE

(For Resolution in its entirety, see City Council Proceedings file dated April 7, 2008, located in the City Clerk's Office)

The Community Development Committee Report for March 27, 2008, was approved as presented upon motion by Council Member Dokken, seconded by Council Member Gardner, and carried.

The Public Works/Safety Committee Report for April 1, 2008, was presented to the Mayor and Council by Council Member Reese. There were seven items for Council consideration.

Item No. 1 The Committee considered a request from the Willmar Jaycees for support and setup of the Willmar Fests Downtown Block Party. The Jaycees, who are again sponsoring the event, requested permission to close off a portion of Becker Avenue and 5<sup>th</sup> Street SW, the parking lots in Block 50, and the Masonic Temple lot. The event will be held on Thursday, June 26, 2008 from 4:00 p.m. – 9:30 p.m.

The Committee was recommending the Council approve the temporary closure of the parking lots and streets as presented for the event on June 26, 2008. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Fagerlie seconding the motion, which carried.

Item No. 2 Craig Holmes of Donohue and Associates explained the City's requirement for reduction of phosphorus at the existing WWTF in years 2008, 2009, and 2010, and full reduction to 1 mg/liter in its effluent starting in November, 2010, in order to meet new NPDES permit regulations. An alternative to reducing phosphorus at the existing facility is to purchase phosphorus credits from another WWTF operator in the Minnesota River Basin. This type of credit purchase is acceptable to the MPCA and the City of Mankato is willing to enter into an agreement with the City to do so. The purchase of these credits is considerably less than installing equipment at the existing facility to reduce phosphorus. Donohue's recommendation to the committee is to enter into such an agreement with the City of Mankato for the year of 2008 and if necessary, consider similar agreements in 2009 and 2010 along with signing a Legal Contract to Trade with the Minnesota Pollution Control Agency.

The Committee was recommending the Council approve the phosphorus trade agreement with the City of Mankato for 2008 and the Legal Contract to Trade with the MPCA and authorize the City Administrator to sign both on behalf of the City. Resolution No. 6 was introduced by Council Member Reese, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

#### RESOLUTION NO. 6

#### AUTHORIZING PHOSPHORUS CREDIT TRADE WITH THE CITY OF MANKATO

WHEREAS, the City of Willmar ("City") is a municipal corporation and subdivision of the State of Minnesota organized and operating under a home rule charter and Minnesota law, and is operating a wastewater treatment facility providing treatment for municipal wastewater; and

WHEREAS, the City Council of the City of Willmar is the official governing body of the City of Willmar; and

WHEREAS, pursuant to direction of the City Council, Donohue and Associates, Inc. prepared a Wastewater Collection and Treatment Facilities Plan, dated May 1, 2006 ("Facilities Plan") which provides for the following (which collectively, are hereafter referred to as the "Project"):

- a) Providing for the wastewater collection and disposal needs of the City of Willmar's sewer service area, including anticipated growth through the year 2030 and beyond;
- b) Eliminating conditions which have historically produced objectionable wastewater related odors;
- c) Constructing a new wastewater treatment facility at the site of the City's existing sludge transfer and storage facilities. This new facility would be operational in late 2010 and treat all wastewater generated within the City's sewer service area;
- d) Constructing two pump stations and force mains to convey production-related wastewater from the Jennie-O-Turkey Store ("JOTS") production facilities to the proposed new City wastewater treatment facility; and
- e) Constructing a large diameter gravity interceptor sewer to convey all municipal wastewater to the proposed new City wastewater treatment facility.

WHEREAS, the City's existing wastewater treatment facility has been failing to meet applicable requirements of the Minnesota Pollution Control Agency ("MPCA") for some time and is inadequate to meet the projected needs of the City's sewer service area.

WHEREAS, on May 1, 2006, the City Council of the City of Willmar adopted Resolution No. 7, authorizing City staff and Donohue & Associates, Inc. to submit the approved Facilities Plan to MPCA for MPCA approval.

WHEREAS, on June 14, 2006, the MPCA notified the City that MPCA had granted preliminary approval of the Facilities Plan; and

WHEREAS, the City's new NPDES permit for its new Wastewater Treatment Plant (WWTF) requires reduction in the amount of Phosphorus discharged from its existing WWTF if the new WWTF is not operational by November 2010; and

WHEREAS, it is possible that the new WWTF may not be operational by November 2010 due to factors outside of the City's control; and

WHEREAS, a cost-effective alternative to providing phosphorus reduction at its existing WWTF is to purchase phosphorus credits from the City of Mankato; and

WHEREAS, the Minnesota Pollution Control Agency approves the purchase of phosphorus trade credits; as an acceptable means of providing interim phosphorus reduction in the Minnesota River;

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

1. The City Council approves the execution of phosphorus trading agreements with the City of Mankato; and authorizes the City Administrator to sign said agreements on behalf of the City of Willmar.

Dated this 7<sup>th</sup> day of April, 2008.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

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

RESOLUTION NO. 7

AUTHORIZATION TO EXECUTE STATE OF MINNESOTA POLLUTION CONTROL  
AGENCY LEGAL CONTRACT TO TRADE

It is resolved by the City of Willmar as follows:

1. That the State of Minnesota Pollution Control Agency, "Legal Contract to Trade" for transfer of Jordan Trading Units for phosphorus is accepted.
2. That the City Administrator is authorized to execute this agreement and any amendments on behalf of the City of Willmar.

Dated this 7<sup>th</sup> day of April, 2008.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 3 The Committee considered a proposal from SEH to design and oversee construction services to revise the traffic signal system at the intersection of 19<sup>th</sup> Avenue and 5<sup>th</sup> Street SE to include a north leg for the extension of 5<sup>th</sup> Street SE. The proposal includes the preparation of plans and specifications and construction assistance for a not-to-exceed figure of \$3,500.00.

The Committee was recommending the Council adopt a Resolution authorizing the Mayor and City Administrator to sign the proposal on behalf of the City. Resolution No. 8 was introduced by Council Member Reese, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 8

Whereas the City of Willmar desires to retain a consultant to provide professional engineering services for providing design and construction services for a revised traffic signal system at the intersection of 19<sup>th</sup> Avenue and 5<sup>th</sup> Street SE; and

Whereas a proposal has been made by, the firm of Short Elliott Hendrickson Inc. of St. Paul, Minnesota for said services with a not to exceed figure of \$3,500.00;

Now therefore be it resolved by the City Council of the City of Willmar that said proposal is approved and that the Mayor and City Administrator be authorized to execute the same.

Dated this 7<sup>th</sup> day of April, 2008.

/s/ Lester Heitke

MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 4 The Committee was informed by Staff that the Remote Communications Outlet (RCO) for the Airport is currently located at the former airport in the basement of the terminal building. The RCO provides direct air to ground communications between pilots and flight service stations authorizing clearance for departing and arriving aircraft. In inclement weather the antenna lacks signal strength in certain locations at the new airport. The antenna and associated equipment needs to be relocated to the new airport. The relocation will be accomplished in two phases; the first being preliminary engineering and site selection. The FAA estimates the cost to be approximately \$32,000 and their personnel would be responsible for the analysis and study. The suggested source of funding is the 2008 Non-Primary Entitlement Funds the airport receives annually for eligible capital projects. The grant is a 95/5 split between the FAA and the City. Staff requested permission to request this grant from the FAA which will later reimburse the City for RCO relocation costs.

The Committee was recommending the Council authorize the City to request a grant from the FAA for preliminary engineering; authorize the City to enter into a Limited Reimbursable Agreement with the FAA, and adopt the preliminary budget. Resolution No. 9 was introduced by Council Member Reese, seconded by Council Member Gardner, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 9

Authorization to Execute Department of Transportation  
Federal Aviation Administration Agreement No. AJW-FN-CSA-08-0213

It is resolved by the City of Willmar as follows:

1. That the Federal Aviation Administration Agreement No. AJW-FN-CSA-08-0213, "Planning and preliminary engineering for the relocation of an FAA Remote Communications Outlet (RCO) and Remote Communications Air to Ground (RCAG)" in Willmar, Minnesota is accepted.
2. That the Mayor and City Administrator are authorized to execute this agreement and any amendments on behalf of the City of Willmar.

Dated this 7<sup>th</sup> day of April, 2008.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Resolution No. 10 was introduced by Council Member Reese, seconded by Council Member Anderson, read by Mayor Heitke, and approved on roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 10

BE IT RESOLVED, by the City Council of the City of Willmar to support staff's submittal of a grant application to the State of Minnesota, Office of Aeronautics for a Remote Communications Outlet grant requesting financial support for the relocation of the radio and navigation equipment.

Dated this 7<sup>th</sup> day of April, 2008.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK



Resolution No. 11 was introduced by Council Member Reese, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 11

PRELIMINARY RCO ENGINEERING RELOCATION BUDGET  
ESTIMATED TOTAL COST \$ 32,000.00

OTHER CHARGES		RECEIVABLES	
Professional Services	<u>\$32,000.00</u>	Federal (Non-Primary Entitlement)	\$30,400.00
TOTAL	<u>\$32,000.00</u>	City (101.43430.0446)	<u>\$1,600.00</u>
		TOTAL	<u>\$32,000.00</u>
GRAND TOTAL	\$32,000.00		
		FINANCING	
		Federal (Non-Primary Entitlement)	\$30,400.00
		City(101.43430.0446)	<u>\$1,600.00</u>
		TOTAL	<u>\$32,000.00</u>
		GRAND TOTAL	\$32,000.00

Dated this 7<sup>th</sup> day of April, 2008.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 5 The Committee considered a request from the Fire Department to apply for the 2008 Assistance to Firefighters Grant in the amount of \$133,038. The funds would be used for mandated upgrades to the departments' 56 self-contained breathing apparatus units. The local match for the grant, if received, would be 10 percent or \$13,304 which would be submitted in the 2009 Fire Department Budget.

The Committee was recommending the Council approve the grant application as presented. Resolution No. 12 was introduced by Council Member Reese, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 12

BE IT RESOLVED, by the City Council of the City of Willmar to support staff's application submittal, acceptance and expenditure of the 2008 Assistant to Firefighters Grant (AFG) for the purchase of Self-Contained Breathing Apparatus (SCBA) upgrades and a firefighter accountability/air management software program and to adjust the budget accordingly.

Dated this 7<sup>th</sup> day of April, 2008.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 6 The Committee reviewed Staff's request to transfer \$2,500 that was designated for carpet replacement in the Auditorium 2006 Capital Budget into the 2008 Capital Budget to purchase a floor scrubber. Staff currently rents a floor scrubber several times a year to clean floors in various City buildings

The Committee was recommending the Council authorize the Finance Director to transfer \$2,500 in capital funds as requested. Resolution No. 13 was introduced by Council Member

RESOLUTION NO. 13

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to amend the Auditorium Capital Improvement Fund Budget as follows:

Increase:	2008 Line 52 (Floor Scrubber)	\$2,500.00
Decrease:	2006 Line 52 (Carpet Replacement)	\$2,500.00

Dated this 7<sup>th</sup> day of April, 2008.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Item No. 7 The Committee considered final quantities and Change Order No. 3 for Project No. 0715, the second phase of the southern interceptor sewer east of the Kandi Mall was reviewed by the committee. Change Order No. 3 includes the final quantities as constructed resulting in a \$47,016 deduction to the contract.

Following discussion, the Committee was recommending the Council approve Change Order No. 3 to Project No. 0715 which reduces the original contract amount by \$47,016.00. Resolution No. 14 was introduced by Council Member Reese, seconded by Council Member Dokken, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 14

WHEREAS, a contract has been awarded to Chad Monson Excavating of Willmar, Minnesota, on October 10, 2007, in the amount of \$415,825.00 for construction of Project No. 0715 (WWTP Interceptor Phase II) under the direction of Donohue and Associates as consulting engineer; and

WHEREAS, Change Order No. 1 increasing the amount by \$41,131.00 has previously been authorized; and

WHEREAS, Change Order No. 2 increasing the amount by \$4,544.53 has previously been authorized; and

WHEREAS, it is desired to reduce the contracted amount to include the final, as-constructed quantities.

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

1. The above contract amount be reduced in the amount of \$47,016.00 and identified as Change Order No. 3.

Dated this 7<sup>th</sup> day of April, 2008.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

The Committee reviewed final pay request for Project No. 0715 to Chad Monson Excavating in the

amount of \$25,922.75. The project contained three change orders which resulted in a decrease of \$1,340.47 from the original contract amount. All work has been completed and Donohue and Associates recommends accepting the project as constructed and issuing final payment.

The Committee was recommending the Council accept Project No. 0715 and issue final payment to Chad Monson Excavating. Resolution No. 15 was introduced by Council Member Reese, seconded by Council Member Anderson, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0, Council Member Christianson abstained from voting.

RESOLUTION NO. 15

ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

IMPROVEMENT: Project No. 0715 – Phase 2 Southern Interceptor Sewer

CONTRACTOR:	Chad Monson Excavating, LLC
DATE OF CONTRACT:	October 8, 2007
BEGIN WORK:	October 10, 2007
COMPLETE WORK:	March 17, 2008
APPROVE, CITY ENGINEER:	March 17, 2008

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

1. The said City of Willmar Project No. 0715 be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$415,825.00
Change Orders	\$(1,340.47)
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$414,484.53
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$414,484.53
Less Previous Payments	\$388,561.78
FINAL PAYMENT DUE CONTRACTOR:	\$25,922.75

Dated this 7<sup>th</sup> day of April, 2008.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

The Public Works/Safety Committee Report for April 1, 2008, 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 Fagerlie, and carried.

Planning and Development Services Director Peterson informed the Mayor and Council that the Willmar Municipal Utilities requests two partial easement releases of two blanket easements. Both easements are outside the City limits and are being requested to be released for land sales. The Planning Commission recommends release of the easement. Following discussion, Resolution No. 16 was introduced by Council Member Reese, seconded by Council Member Gardner, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 16

WHEREAS, The City of Willmar is desirous of vacating those portions of the "blanket" utility easements described below:

RELEASE #1 -- The North 660 feet of the South 2,077 feet of the East 535 feet of the E 1/2 of the S E of Section 23, Township 118, Range 36.

RELEASE #2 - The South 636 feet of the North 1,978 feet of the West 622.3 feet of the NW 1/4 of Section 27, Township 119, Range 35.

WHEREAS, the City no longer has a use for the utility easements above described, or where a utility easement is required, the fee owner will grant a replacement easement; an

WHEREAS, it appears to be in the best interests of the City to vacate said utility easements subject to the terms of this Resolution;

NOW, THEREFORE, BE IT RESOLVED that the above-described utility easements be and they hereby are vacated subject to the condition hereinafter established;

BE IT FURTHER RESOLVED that this Resolution shall be effective as to that portion of each easement described above as RELEASE #1 and RELEASE #2, encumbering the above described release properties #1 and #2, only after a certificate signed by the Willmar City Clerk and the Manager of the Willmar Municipal Utilities Commission is filed in the Kandiyohi County Recorders Office certifying that a replacement easement has been received by the City, or that no replacement easement is required by the City.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed with the Kandiyohi County Recorder.

Dated this 7<sup>th</sup> day of April, 2008.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Announcements for Council Committee meeting dates were as follows: Finance, April 14; Public Works/Safety, April 15; and Community Development, April 17, 2008.

Police Chief Kulset presented to the Mayor and Council the 2007 Police Department Annual Report. Following a question and answer period, the report was ordered placed on file in the City Clerk's Office.

City Attorney Ronning presented to the Mayor and Council the 2007 City Attorney Department Annual Report. Following a question and answer period, the report was ordered placed on file in the City Clerk's Office.

Planning and Development Services Director Peterson presented to the Mayor and Council the 2007 Planning and Development Services Department Annual Report. Following a question and answer period, the report was ordered placed on file in the City Clerk's Office.

Council Member Gardner moved to the meeting be adjourned, with Council Member Reese seconding the motion, which failed.

Council Member Christianson questioned what the \$350,000 grant in Senator Gimse's letter was for.

Mayor Heitke stated the grant was for Westwind Estates, and City Administrator Schmit explained it was the grant the Council passed on January 22, 2008 when voting in favor of resolutions to sponsor the application for funding and to enter into a Cooperative Agreement to submit an application to DEED for the project.

Council Member Christianson offered a motion that the City of Willmar not accept DEED money for the Westwind Estates Project with Council Member Swenson seconding the motion. Council Member Anderson moved to table the matter with Council Member Gardner seconding the motion, which was defeated on a roll call vote of Ayes 3, Noes 4 – Council Members Christianson, Fagerlie, Dokken, and Swenson voted “No.” The original motion then passed on a roll call vote of Ayes 4, Noes 3 – Council Members Reese, Anderson, and Gardner voting “No.”

There being no further business to come before the Council, the meeting adjourned at 10:12 p.m. upon motion by Council Member Christianson, seconded by Council Member Fagerlie, and carried.

Attest:

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MAYOR

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SECRETARY TO THE COUNCIL