

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

August 18, 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, Bruce DeBlieck, Denis Anderson, Rick Fagerlie, Jim Dokken, and Steven Gardner; Present 7, Absent 2 - Ron Christianson and Cindy Swenson were excused from the meeting.

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

Additions to the Agenda included consideration of an Exempt Permit for West Central Ducks Unlimited.

The Council requested the Minutes of the Municipal Utilities Commission, Planning Commission, and Housing and Redevelopment Authority be removed from the Consent Agenda.

Council Member Fagerlie offered a motion adopting the Consent Agenda which included the following: City Council Minutes of August 4, Building Inspection Report for July, and Senior Citizens Council Minutes of August 6, 2008, and exempt permits for Church of St. Mary's and West Central Ducks Unlimited. Council Member Anderson seconded the motion, which carried.

Bruce Gomm, General Manager of the Willmar Municipal Utilities, presented information regarding the two wind turbines, at a cost of \$3,072,500 each, to be located at a Willmar High School site. Following discussion, the Municipal Utilities Commission Minutes of August 4, 2008, were approved as presented, upon motion by Council Member DeBlieck, seconded by Council Member Dokken, and carried.

Following discussion of the Terraplane Estates revised plat and the Dairy Queen Plan Review, The Planning Commission Minutes of August 13, 2008, were approved as presented upon motion by Council Member Dokken, seconded by Council Member Anderson, and carried.

Following discussion of the Emerging Markets Housing Initiative, the Housing and Redevelopment Authority Board Minutes of July 8, 2008, were approved as presented upon motion by Council Member Dokken, seconded by Council Member Gardner, and carried.

The Mayor acknowledged Rick Kleinschmidt, who worked with the Police Department for 23 years; thanking him for his dedicated service; and extending congratulations and best wishes in retirement.

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

The Public Works/Safety Committee Report for August 12, 2008, was presented to the Mayor and Council by Council Member Reese. There were four items for Council consideration.

Item No. 1 City Administrator Schmit explained to the Committee it was Staff's goal to present a comprehensive report regarding the final recommendations for financing and construction of the Wastewater Treatment Plant Project. Rhonda Rae, Project Manager, and Craig Holmes, with Donohue and Associates, explained that bids were received and opened on July 31, 2008, for four construction projects as follows: Project 0812-C – Wastewater Treatment Facility; Project 0813-D3 – Southern Interceptor; Project 0814-D4 – Southern Interceptor, Force Main and Outfall; and Project 0815-D5 –

Force Main and Gravity Sewer.

Staff presented information regarding debt service, user rates and operating costs. An ordinance will be presented which will set the user charge, debt service charge, and non-metered rates. Kathy Aho, Springsted Incorporated, presented a Power Point which detailed the project budget including grants, General Obligation Revenue Bonds, WIF loan, potential Federal funds; estimated sources of funding, process for issuing bonds; and estimated principal repayment, total debt service, and average monthly wastewater residential costs. Ms. Aho completed her presentation with a timeline for the financing plans.

Following a general discussion of the capital projects and financing proposals, the Committee turned its attention to recommendations for specific contract awards.

Ms. Rae informed the Committee that six bids were received for Project 0812-C with the apparent low bid submitted by Graham Construction Services, Inc. of Eagan, Minnesota, in the amount of \$49,100,000.00. Graham Construction's headquarters are in Canada. Mr. Holmes and Ms. Rae informed the Committee that interviews were conducted with Graham officials and they have reviewed the company's past work, financial information, and spoke with references in communities that have worked with the company. Staff informed the Committee that it is necessary to hold action on this matter due to a summons served to the City.

Ms. Rae informed the Committee that eight bids were received for Project No. 0813-D3 with the apparent low bid submitted by S.R. Weidema of Maple Grove, Minnesota, in the amount of \$6,300,842.40. Following discussion, The Committee was recommending the Council adopt a Resolution accepting the bid of S. R. Weidema and authorize the Mayor and City Administrator to enter into an agreement on behalf of the City.

Resolution No. 1 was introduced by Council Member Reese, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, 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 bid of SR Weidema, Inc. of Maple Grove, Minnesota for Project No. 0813-D3 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 \$6,300,842.40.

Dated this 18<sup>th</sup> day of August, 2008.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Ms. Rae informed the Committee that ten bids were received for Project 0814-D4 with the apparent low bid submitted by S.R. Weidema of Maple Grove, Minnesota, in the amount of \$5,385,447.25. Ms. Rae and Mr. Holmes were recommending the City include an alternate bid which adds \$884,092.00 to cover the costs of inserting a PVC liner in the interceptor sewer. The PVC liner will increase the useful life of the interceptor. The Committee was recommending the Council accept the bid of S. R. Weidema and authorize the Mayor and City Administrator to enter into an agreement on behalf of the City.

Resolution No. 2 was introduced by Council Member Reese, seconded by Council Member DeBlick, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 2

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the bid of SR Weidema, Inc. of Maple Grove, Minnesota for Project No. 0814-D4 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 \$5,385,447.25 including the Bid Alternate No. 1 for PVC Lining (54" sewer) in the amount of \$884,092.00 for a total of \$6,269,539.25.

Dated this 18<sup>th</sup> day of August, 2008.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Ms. Rae informed the Committee that 11 bids were received for Project 0815-D5 with the apparent low bid submitted by Voss Plumbing, Heating and Air Conditioning of Paynesville, Minnesota, in the amount of \$1,332,481.32. The Committee was recommending the Council accept the bid of Voss Plumbing, Heating and Air Conditioning and authorize the Mayor and City Administrator to enter into an agreement on behalf of the City.

Resolution No. 3 was introduced by Council Member Reese, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, 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 bid of Voss Plumbing, Heating and Air Conditioning of Paynesville, Minnesota for Project No. 0815-D5 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 \$1,332,481.32.

Dated this 18<sup>th</sup> day of August, 2008.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

City Administrator Schmit reviewed with the Committee the corresponding budgets for the four projects. The sewer rates will be incorporated into a proposed Ordinance considered in 2009 budgeting process. Following discussion, the Committee was recommending the Council approve the WWTP Relocation Budget Summary in the amount of \$86,218,712.00.

Resolution No. 4 was introduced by Council Member Reese, seconded by Council Member DeBlicke, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 4

WWTP RELOCATION BUDGET SUMMARY

OTHER SERVICES		RECEIVABLES	
Mtce. Of Other Improvements	\$69,497,023	Property Owners	
Other Services	<u>\$3,521,650</u>	Federal	\$477,900
TOTAL	\$73,018,673	State	\$0
		City	\$500,812

OTHER CHARGES		Other-PFA	<u>\$85,240,000</u>
Licenses and Taxes	\$0	TOTAL	\$86,218,712
Professional Services	\$11,725,642		
Other Charges	<u>\$974,397</u>	FINANCING	
TOTAL	\$13,200,039	Bonds	\$78,240,000
		State-PFA	\$7,000,000
GRAND TOTAL	\$76,218,712	City-WTP Reserves	\$500,000
		Other-Grants	<u>\$477,900</u>
		TOTAL	\$86,218,712
		D-3	\$7,115,685
		D-4	\$6,793,017
		D-5	\$1,399,106
		D-5c	\$207,844
		D-6	\$2,287,950
		Planning	\$1,140,000
		Design	\$4,595,788
		Land & Legal	\$1,130,000
		Construction Eng.	\$5,398,251
		Project A	\$155,505
		Project B	\$3,051,915
		Project C	\$51,828,000
		Project D	\$1,115,651
		Project D 3-6	\$17,803,602
		Project B Alt.	\$0
			\$86,218,712

Dated this 18<sup>th</sup> day of August, 2008.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

City Administrator Schmit presented to the Committee for consideration an Engineering Services Agreement for Program Management and Construction Related Services for the Wastewater Treatment and Conveyance System in the amount of \$5,398,251.00. This is the third and final agreement between the City of Willmar and Donohue and Associates for the Wastewater Treatment Plant Project. Following discussion, the Committee was recommending the Council approve of the Donohue and Associates Engineering Services Agreement for Program Management and Construction Related Services for the Wastewater Treatment Plant and Conveyance System as presented.

Resolution No. 5 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.

RESOLUTION NO. 5

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State

of Minnesota, that the Mayor and City Administrator be authorized to enter into an Engineering Services Agreement with Donohue and Associates for Program Management and Construction related services for the Wastewater Treatment and Conveyance System Project in the amount of \$5,398,251.00.

Dated this 18<sup>th</sup> day of August, 2008.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

City Administrator Schmit presented details of the financing offer from the Minnesota Public Facilities Authority. Following discussion, Resolution No. 6 was introduced by Council member Reese, seconded by Council Member Gardner, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 6

RESOLUTION ACCEPTING THE OFFER OF THE MINNESOTA PUBLIC FACILITIES AUTHORITY TO PURCHASE A \$78,240,000 GENERAL OBLIGATION SEWER REVENUE NOTE, SERIES 2008C AND \$7,000,000 GENERAL OBLIGATION SEWER REVENUE NOTE, SERIES 2008D, PROVIDING FOR THE ISSUANCE AND AUTHORIZING EXECUTION OF A BOND PURCHASE AND PROJECT LOAN AGREEMENT

(For Resolution in its entirety, see City Council Minutes file dated August 18, 2008, located in the City Clerk's Office.)

City Administrator Schmit informed the Mayor and Council that the City has received word from the Minnesota Public Facilities Authority that Willmar may be accepted for a TMDL Grant. Resolution No. 7 was introduced by Council member Reese, seconded by Council Member Gardner, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 7

Minnesota Public Facilities Authority  
TMDL Grant Application Resolution

RESOLUTION AUTHORIZING THE CITY OF WILLMAR TO SUBMIT A TOTAL DAILY MAXIMUM LOAN (TMDL) GRANT APPLICATION TO THE MINNESOTA PUBLIC FACILITIES AUTHORITY (PFA), TO EXPRESS THE CITY'S INTENT TO REIMBURSE ITSELF FOR COSTS INCURRED PRIOR TO RECEIVING TMDL GRANT FUNDS AND TO AUTHORIZE CITY OFFICIALS TO EXECUTE A GRANT AGREEMENT ON BEHALF OF THE CITY OF WILLMAR FOR THE WASTEWATER COLLECTION AND TREATMENT FACILITIES PROJECT

WHEREAS, under the provisions contained in Minnesota Statutes 446A.073 the TMDL grant program was created and funds appropriated; and

WHEREAS, a TMDL study has been approved by the U.S. Environmental Protection Agency and the Minnesota Pollution Control Agency has determined that Wastewater Treatment Facility Improvements are necessary to meet the wasteload reductions required by the TMDL, and

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

BE IT RESOLVED, that upon approval of its application by the PFA, the City of Willmar may enter into a TMDL grant agreement with the PFA for the above referenced project, and that the City of Willmar certifies that it will comply with all applicable laws and regulations as stated in all contract agreements described in the Compliance listing of the TMDL grant application.

BE IT FURTHER RESOLVED that the City of Willmar hereby expresses its official intent to use TMDL grant funds to reimburse itself for eligible TMDL construction expenditures incurred prior to receipt of TMDL grant funds.

NOW, THEREFORE BE IT FURTHER RESOLVED, that Mayor and City Administrator or their successors in office, are hereby authorized to execute such agreements, and amendments thereto, as are necessary to implement the TMDL project on behalf of the City of Willmar.

Dated this 18<sup>th</sup> day of August, 2008.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 2 Police Chief Kulset presented to the Committee for consideration a Kandiyohi County All Hazard Mitigation Plan. The City, among several other cities and townships within Kandiyohi County, has participated in the hazardous mitigation planning process to establish a framework for the development of the multi-jurisdictional plan. Following discussion of the process and any potential costs, the Committee was recommending the Council adopt the Kandiyohi County All Hazard Mitigation Plan.

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 6, Noes 0.

#### RESOLUTION NO. 8

#### RESOLUTION TO ADOPT THE KANDIYOHI COUNTY ALL HAZARD MITIGATION PLAN

WHEREAS, the City of Willmar has participated in a hazard mitigation planning process as established under the Disaster Mitigation Act of 2000; and WHEREAS, the Act establishes a framework for the development of a County Hazard Mitigation Plan; and

WHEREAS, the Act as part of the planning process requires public involvement and local coordination among neighboring local units of government and businesses; and

WHEREAS, the Kandiyohi County Plan includes a risk assessment including past hazards, hazards that threaten the County, maps of hazards, an estimate of structures at risk, a general description of land uses and development trends; and WHEREAS, the Kandiyohi County Plan includes a mitigation strategy including goals and objectives and an action plan identifying specific mitigation projects and costs; and

WHEREAS, the Kandiyohi County Plan includes a maintenance or implementation process including plan updates, integration of the plan into other planning documents and how Kandiyohi County will maintain public participation and coordination; and

WHEREAS, the Plan has been shared with the Minnesota Division of Homeland Security and Emergency Management and the Federal Emergency Management Agency for review and comment; and

WHEREAS, the Kandiyohi County All-Hazard Mitigation Plan will make the County eligible to receive FEMA hazard mitigation grants; and

WHEREAS, this is a multi-jurisdictional Plan and cities and townships that participated in the planning process also need to adopt the County Plan.

NOW, THEREFORE, BE IT RESOLVED, THAT THE CITY OF WILLMAR HEREBY ADOPTS THE KANDIYOHI COUNTY ALL-HAZARD MITIGATION PLAN.

Dated this 18<sup>th</sup> day of August, 2008.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 3 The Committee reviewed Change Order No. 1 to Project No. 0712 - 2007 Civic Center Drive Path Improvements. The additional costs to the project are due to turf establishment which were underestimated at the time the project was bid. The total increase is \$1,329.35 and funding is available within the project budget and Staff recommended approval of the change order. The Committee was recommending the Council approve Change Order No. 1 to Project No. 0712 and authorize the Mayor and City Clerk to sign on behalf of the City.

Resolution No. 9 was introduced by Council Member Reese, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0.

#### RESOLUTION NO. 9

WHEREAS, a contract has been awarded to Voss Plumbing and Heating of Paynesville, Minnesota, on September 17, 2007 in the amount of \$58,858.50 for Project No. 0712 – Civic Center Path Widening; and

WHEREAS, it is desired to add to the above contracted amount due to additional quantities in turf establishment.

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

1. Additional work is herewith authorized to be added to the above contract in the amount of \$1,329.35 and identified as Change Order No. 1.
2. Funding for the additional work is from the project budget.

Dated this 18<sup>th</sup> day of August, 2008.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Staff presented the final pay estimate for Project No. 0712 including payment for Change Order No. 1 in the amount of \$7,049.12 to Voss Plumbing and Heating of Paynesville, Inc. The payment consists of the retainage and the change order. The Committee was recommending the Council accept Project No. 0712 and authorize final payment as presented. Resolution No. 10 was introduced by Council member Reese, seconded by Council Member Gardner, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 10

ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

IMPROVEMENT: Project No. 0712 – Civic Center Path Widening  
CONTRACTOR: Voss Plbg. & Heating of Paynesville  
DATE OF CONTRACT: September 17, 2007  
BEGIN WORK: October 2, 2007  
COMPLETE WORK: July 14, 2008  
APPROVE, CITY ENGINEER: August 12, 2008

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

1. The said City of Willmar Project No. 0712 be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$58,858.50
Change Order No. 1	\$1,329.35
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$60,187.85
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$60,187.85
Less Previous Payments	\$53,138.73
FINAL PAYMENT DUE CONTRACTOR:	\$7,049.12

Dated this 18<sup>th</sup> day of August, 2008.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 4 Staff presented the final pay estimate for Project No. 0710 which was the construction of underground utilities, grading, aggregate base and curb and gutter to the extension of Willmar Avenue SW from T.H. 40 to County Road 47. The final amount of \$22,506.13 to Voss Plumbing and Heating of Paynesville, Inc. consists of the retainage. It was noted the project came in below budget, and Staff recommended approval. The Committee was recommending the Council accept Project No. 0710 and authorize payment as presented.

Resolution No. 11 was introduced by Council Member Reese, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 11

ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

IMPROVEMENT: Project No. 0710 – Willmar Avenue Extension  
CONTRACTOR: Voss Plbg. & Heating of Paynesville  
DATE OF CONTRACT: October 2, 2007  
BEGIN WORK: October 11, 2007  
COMPLETE WORK: June 24, 2008  
APPROVE, CITY ENGINEER: August 12, 2008

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



1. The said City of Willmar Project No. 0710 be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$422,739.67
Change Orders (None)	\$0.00
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$422,739.67
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$419,698.88
Less Previous Payments	\$397,192.75
FINAL PAYMENT DUE CONTRACTOR:	\$22,506.13

Dated this 18<sup>th</sup> day of August, 2008.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

The Public Works/Safety Committee Report for August 12, 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.

The Finance Committee Report for August 12, 2008, was presented to the Mayor and Council by Council Member Anderson. There were five items for Council consideration.

Item No. 1 Staff presented to the Committee a proposed revision to the Donation Policy changing the amount of a donation requiring formal action in the form of a resolution by the Council from \$1,000.00 to \$5,000.00. The Council would continue to be notified of any donations under \$5,000.00. The Community Education and Recreation Department initiated the change in order to respond in a more timely fashion to the many donations received throughout the year.

Following discussion, it was the consensus of the Committee to make no changes to the Donation Policy. This matter was for information only.

Item No. 2 City Administrator Schmit presented to the Committee a final draft of the Procedure for Application to City of Willmar for Private Activity and Qualified 501(C) (3) Revenue Bond Financing (Conduit Financing). Mr. Schmit reviewed suggested changes, concluding that a formal conduit financing policy will be helpful when considering requests.

The Committee was recommending the Council approve the Procedure for Application to the City for Private Activity and Qualified 501(C) (3) Revenue Bond Financing (Conduit Financing). Council Member Anderson moved to approve the recommendation of the Finance Committee, with Council Member Reese seconding the motion, which carried.

Item No. 3 The Committee considered a revised budget for Project No. 0803, also known as the Mall Road or extension of 5<sup>th</sup> Street Southeast. Revisions made to the preliminary budget include the as-bid contract price and changes in assessment receivables. The Committee was recommending the Council approve the revised budget for Project No. 0803.

Resolution No. 12 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 12

AS BID 2008 IMPROVEMENT BUDGET  
PROJECT NO. 0803 – MALL ROAD  
ESTIMATED TOTAL COST \$838,000

PERSONNEL SERVICES		RECEIVABLES	
Overtime Reg. Employees	\$500.00	Property Owners	\$58,290.00
Salaries Temp. Employees	\$500.00	City (MUC)	\$91,340.00
Employer Pension Contr.	<u>\$500.00</u>	City (Levy)	\$400,000.00
TOTAL	\$1,500.00	City (CIF)	\$144,850.00
		City (LOST)	\$30,000.00
SUPPLIES		City (Utility fee)	<u>\$130,660.00</u>
Office Supplies	\$300.00	TOTAL	\$855,140.00
Small Tools	\$1,200.00		
Motor Fuels & Lubricants	\$500.00	FINANCING	
Postage	\$1,000.00	Bonds	\$294,480.00
Mtce. of Other Improvements	\$1,000.00	City Levy	\$400,000.00
General Supplies	<u>\$1,500.00</u>	City (Utility Fee)	\$130,660.00
TOTAL	\$5,500.00	City (LOST)	<u>\$30,000.00</u>
		TOTAL	\$855,140.00
OTHER SERVICES			
Printing & Publishing	\$2,000.00		
Mtce. of Other Impr.	\$743,600.00		
Other Services (conting.)	<u>\$28,540.00</u>		
TOTAL	\$774,140.00		
OTHER CHARGES			
Insurance & Bonds	\$1,000.00		
Prof. Serv. (Mn/DOT)	\$15,000.00		
Adm. OH (Transfer)	\$48,000.00		
Other Charges	<u>\$10,000.00</u>		
TOTAL	\$74,000.00		
GRAND TOTAL	\$855,140.00		

Dated this 18<sup>th</sup> day of August, 2008.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 4 The Committee reviewed a revised budget for Project No. 0805, which is the development of Westwind 3<sup>d</sup> Addition. Revisions made to the preliminary budget include the as-bid contract price. This project is funded by a cash agreement with the developer. The Committee was recommending the Council approve the revised budget for Project No. 0805.

Resolution No. 13 was introduced by Council Member Anderson, seconded by Council DeBlicek, read by Mayor Heitke, and approved on a roll call vote of Ayes 5, Noes 1 – Council Member Dokken voted “No.”

RESOLUTION NO. 13

AS BID 2008 IMPROVEMENT BUDGET  
PROJECT NO. 0805 – WESTWIND ESTATES  
ESTIMATED TOTAL COST \$788,100

PERSONNEL SERVICES		RECEIVABLES	
Overtime Reg. Employees	\$500.00	Developer (cash)	<u>\$788,100.00</u>
Salaries Temp. Employees	\$500.00	TOTAL	\$788,100.00
Employer Pension Contr.	<u>\$500.00</u>		
TOTAL	\$1,500.00		
		FINANCING	
SUPPLIES		Developer (cash)	<u>\$788,100.00</u>
Office Supplies	\$300.00	TOTAL	\$788,100.00
Small Tools	\$1,200.00		
Motor Fuels & Lubricants	\$500.00		
Postage	\$500.00		
Mtce. of Other Improvements	\$500.00		
General Supplies	<u>\$1,500.00</u>		
TOTAL	\$4,500.00		
OTHER SERVICES			
Printing & Publishing	\$1,000.00		
Mtce. of Other Impr.	\$650,100.00		
Other Services (conting.)	<u>\$70,000.00</u>		
TOTAL	\$721,100.00		
OTHER CHARGES			
Insurance & Bonds	\$1,000.00		
Prof. Serv. (Mn/DOT & Barr)	\$15,000.00		
Adm. OH (Transfer)	\$35,000.00		
49 Other Charges	<u>\$10,000.00</u>		
TOTAL	\$61,000.00		
GRAND TOTAL	\$788,100.00		

Dated this 18<sup>th</sup> day of August, 2008.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 5 The Committee considered establishing a storm water task force made up of community members to gather information and address storm water issues, and discussed the Charter Commission.

The Committee inquired on the status of the recent dog attack on a Postal carrier. Staff indicated that the Post Office is requiring mailboxes in the immediate neighborhood of the attack, and that Staff has been in contact with the neighbors. City Attorney Ronning will issue a letter stating the City's intent to declare the dog dangerous and steps will be taken to remove the animal. It was noted that attempts in the last legislative session to tighten up regulations of dangerous dogs were unsuccessful.

Council Member Gardner addressed the storm water task force. Following discussion, Council Member Dokken moved establish a storm water task with Council Member Gardner seconding the motion, which carried. Following discussion of the Charter Commission, Council Member Anderson moved to direct Staff to schedule a Council Work Session to review the matter. Council Member Dokken seconded the motion, which carried.

The Finance Committee Report for August 12, 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 Reese, and carried.

The Community Development Committee Report for August 14, 2008, was presented to the Mayor and Council by Council member DeBlicek. There were five items for Council consideration.

Item No. 1 The Committee discussed a proposal by Buxton Company to perform an analysis of the Willmar retail market and to provide services for retail marketing. Jean Spaulding of the EDC reviewed the methodology proposed and technical aspects of the proposal. Staff requested that initially the Committee only discuss the matter and offer comments as to how they see retail marketing fitting into comprehensive economic development efforts. The consulting services could cost in the range of \$50,000. It was noted that no City dollars have been budgeted for 2009 to support such a marketing program.

It was suggested that the Chamber of Commerce was the appropriate party to perform retail marketing and, at the very least, be included in the conversation. Staff expressed concern over the timing of the marketing proposal, given the current state of the economy. The Committee shared those concerns. Staff will pursue the matter for additional information and references, and will bring the matter back for additional Committee discussion if the issues of local priorities and financial feasibility are resolved. This matter was for information only.

Item No. 2 The Committee discussed efforts to improve housing conditions in the core area of the City, noting the City had made a major investment in infrastructure but the condition of housing has not kept up. The Committee discussed possible participation in the foreclosure grant program. These efforts are being spearheaded by the Southwest Minnesota Housing Partnership and have involved the HRA. Staff was asked to invite the HRA Director to a future meeting to discuss options for acquiring and rehabilitating homes in the core City. This matter was for information only.

Item No. 3 Staff presented an update on efforts to revise the City's comprehensive land use plan. Staff of Mid-Minnesota Development Commission continues to work on the plan and the maps. It is anticipated that a draft will be available in the early Fall for review and consideration. This matter was for information only.

Item No. 4 Staff reviewed Planning Commission action to recommend an amendment to the conditional use permit findings of facts portion of the Zoning Ordinance. Work done by the Planning Commission over the past several months has resulted in findings that are more easily understood and less ambiguous. These revised findings should give the public a better understanding of how the conditional use permit decision making process works and the foundation on which the decisions are made.

Andrew Bjur, Planning Commission Chair, reviewed the revised findings and changes to the review procedures. It was noted that one of the finding of fact had been eliminated by the Planning Commission as it was determined to be nearly identical in content to another finding that had been revised and rewritten. This matter was for information only.

Item No. 5 Staff updated the Committee on work to draft amendments to various ordinances to advance the concerns of the Housing Task Force which completed their work last spring. Drafts are being written to amend ordinances that cover everything from exterior maintenance to exterior storage, to parking, animals, and noise. Because of the complexity of the subjects being addressed, the process has

taken longer than anticipated. Staff noted that, over all, complaints seem to be down slightly, but added that was no reason to be any less vigilant in efforts to keep the community clean and safe. It is anticipated that the amendments will be ready for Council action in the Fall of 2008. This matter was for information only.

The Community Development Committee Report for August 14, 2008, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member DeBlicek, seconded by Council Member Dokken, and carried.

Planning and Development Services Director Peterson presented to the Mayor and Council an Ordinance to amend Ordinance 1060, Section 9.E.a.1-7. The proposed Ordinance amends the Conditional Use Permit affirmation findings of fact. The Planning Commission has held a public hearing and approved the draft changes. Following discussion, Council Member Reese offered a motion to introduce the Ordinance Amending No. 1060 Section 9.E.a.1-7 and schedule a hearing for September 2, 2008. Council Member Anderson seconded the motion, which carried.

The Mayor and Council considered a final plat for Terraplane Estates. Planning and Development Services Director Peterson presented details of the 36-lot plat for one twin, three-plex and four-plex construction proposed by Gimse Brothers Inc./Chad Monson on the southeast side of town. The development is a planned unit development consisting of private streets, and the maintenance of streets, etc. will be handled by a private association covenants and declarations. Council Member Anderson moved to approve the final plat for Terraplane Estates with Council Member Reese seconding the motion, which carried.

City Clerk Halliday presented to the Mayor and Council a list of properties that have not paid billings for weed and grass mowing. Pursuant to Municipal Code, Chapter 9, Article III concerning the cutting of weeds or grass and in the case of noncompliance, such work is to be performed by the City or its agent. The costs thereof can be certified as a special assessment against the property in question. Following discussion, Council Member Gardner moved to set a public hearing for 7:03 p.m. on September 2, 2008, to consider objections to the proposed assessment for the mowing costs incurred. Council Member Dokken seconded the motion, which carried.

City Administrator Schmit informed the Mayor and Council that it is necessary to reschedule the first Council meeting in September due to the Labor Day holiday. Council Member DeBlicek moved to reschedule the September 1, City Council meeting to September 2, 2008. Council Member Fagerlie seconded the motion, which carried.

Announcements for Council Committee meeting dates were as follows: Finance, August 25; Public Works/Safety, August 26; Labor, August 27; and Community Development, September 11, 2008.

There being no further business to come before the Council, the meeting adjourned at 9:23 p.m. upon motion by Council Member Gardner, seconded by Council Member Dokken, and carried.

Attest:

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MAYOR

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SECRETARY TO THE COUNCIL