

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

September 2, 2014
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Pro Tempore Denis Anderson. Members present on a roll call were Mayor Pro Tempore Denis Anderson, Council Members Ron Christianson, Audrey Nelsen, Tim Johnson, Jim Dokken, Rick Fagerlie and Bruce DeBlicek; Present 8, Absent 1. Mayor Frank Yanish was excused from the meeting.

Others present were City Administrator Charlene Stevens, Police Chief Jim Felt, Public Works Director Sean Christensen, Finance Director Steve Okins, City Clerk Kevin Halliday, Fire Chief Gary Hendrickson, Planning and Development Services Director Bruce Peterson, Community Education and Recreation Director Steve Brisendine, and City Attorney Robert Scott.

Mayor Pro Tempore Anderson mentioned there would be an addition to the Finance Committee items under the Auditorium Change Orders that will be discussed under Finance - Item 9. Council Member Ahmann noted he had one item to be brought up under New Business.

Council Member Christianson offered a motion adopting the Consent Agenda which included the following: City Council Minutes of August 18, Board of Canvass Minutes of August 15, Rice Memorial Hospital Board Minutes of August 20, Willmar Municipal Utilities Minutes of August 25, Planning Commission Minutes of August 27, Accounts Payable Report through August 27, Willmar Lakes Area CVB Board Minutes of June 25, WCER Joint Powers Board Minutes of August 22, and Zoning Appeals Board Minutes of August 25, 2014. Council Member Fagerlie seconded the motion, which carried.

At 7:02 p.m. Mayor Pro Tempore Anderson opened a scheduled hearing to consider special assessments for hedge trimming/removal. City Clerk Kevin Halliday informed the Council that over the course of the year the Public Works Department either notices or receives complaints of hedges/bushes obstructing the view for vehicles or pedestrian traffic. The complaints are verified and notices sent to owners directing them to either remove or trim back the obstruction. There is one case at 1202 SW 7 ½ Street where failure of the property owner to resolve the issue resulted in the City alleviating the obstruction and a bill sent to cover the cost. The property owner has been notified of the hearing and did not appear before the Council to object, thereby giving the City the authority to certify this cost as a special assessment. The Mayor Pro Tempore closed the hearing at 7:03 p.m.

Following discussion, Resolution No. 1 was introduced by Council Christianson, seconded by Council Member Johnson, reviewed by Mayor Pro Tempore Anderson, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 1

WHEREAS, Chapter 9, Article I of the Willmar Municipal Code states that such unpaid hedge removal bills represent a lien of the real property receiving hedge removal services; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that the amount of the unpaid hedge removal charges totaling \$79.69 be certified to the County Auditor to be extended on the tax rolls of such real property in the same manner as other taxes for collecting in 2015 and collected by the County Treasurer, and paid to the City Clerk-Treasurer along with other taxes; and

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

1. Parcel No. 95-780-0210 \$79.69

Located at 1202 7 ½ Street SW; and
Described as Section 22, Township 119, Range 35, Block 2
SUNNYSIDE
LOTS 1 & 2 & N 10' OF LOT 3

Dated this 2nd day of September, 2014.

/s/ Denis Anderson
MAYOR PRO TEMPORE

/s/ Kevin Halliday
Attest: CITY CLERK

At 7:03 p.m. Mayor Pro Tempore Anderson opened a scheduled hearing to consider special assessments for unpaid weed/grass mowing. City Clerk Kevin Halliday informed the Council that over the course of the summer, the City responded to numerous complaints regarding lack of timely mowing of lawns by certain property owners. Notices were sent to owners, and in cases where there was no response, arrangements were made by the City to have the property mowed and an invoice sent to cover the cost. The parcels listed are those that failed to pay. The City has the authority to certify as special assessments those costs not reimbursed. No property owners appeared before the Council, and the Mayor Pro Tempore closed the hearing at 7:04 p.m.

Following discussion, Resolution No. 2 was introduced by Council Member DeBlieck, seconded by Council Member Ahmann, reviewed by Mayor Pro Tempore Anderson, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 2

WHEREAS, Chapter 9, Article III of the Willmar Municipal Code states that such unpaid weed or grass mowing bills represent a lien of the real property receiving mowing services; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that the amount of the unpaid weed / grass mowing charges totaling \$1,883.68 be certified to the County Auditor to be extended on the tax rolls of such real property in the same manner as other taxes for collecting in 2015 and collected by the County Treasurer, and paid to the City Clerk-Treasurer along with other taxes; and

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

1. Parcel No. 95-480-0310 \$144.28
Located at 1207 7th Street SW; and
Described as Section 22, Township 119, Range 35, Lot 11, Block 2
LEARY'S ADDITION TO WILLMAR
2. Parcel No. 95-220-0510 \$144.28
Located at 514 Litchfield Avenue SE; and

Described as Section 14, Township 119, Range 35, Block 5
FERRING'S ADDITION TO THE CITY OF WILLMAR
LOT 1 EXC E 12 1/2 FT

3. Parcel No. 95-250-1600 \$288.56
Located at 408 Augusta Avenue SE; and
Described as Section 14, Township 119, Range 35, Block 7
GLARUM'S ADDITION TO WILLMAR
E 75 FT OF LOTS 19 & 20
4. Parcel No. 95-143-0380 \$144.28
Located at 1311 19th Avenue SE; and
Described as Section 23, Township 119, Range 35, Lot 18, Block 2
DANA HEIGHTS THIRD ADDITION
5. Parcel No. 95-616-0210 \$ 28.86
Located at 3045 1st Avenue NW; and
Described as Section 8, Township 119, Range 35, Lot 21, Block 1
PARK VIEW ESTATES
6. Parcel No. 95-616-0220 \$ 28.86
Located at 3047 1st Avenue NW; and
Described as Section 8, Township 119, Range 35, Lot 22, Block 1
PARK VIEW ESTATES
7. Parcel No. 95-616-0230 \$ 28.86
Located at 3049 1st Avenue NW; and
Described as Section 8, Township 119, Range 35, Lot 23, Block 1
PARK VIEW ESTATES
8. Parcel No. 95-616-0320 \$ 28.85

Located at 3109 1st Avenue NW; and
Described as Section 8, Township 119, Range 35, Lot 32, Block 1
PARK VIEW ESTATES
9. Parcel No. 95-616-0330 \$ 28.85
Located at 3111 1st Avenue NW; and
Described as Section 8, Township 119, Range 35, Lot 33, Block 1
PARK VIEW ESTATES
10. Parcel No. 95-665-0260 \$296.60
Located at 1101 Olena Avenue SE; and
Described as Section 14, Township 119, Range 35, Lot 16, Block 2
PERKINS FIFTH ADDITION
11. Parcel No. 95-914-2080 \$144.28
Located at 802 Mary Avenue SE; and
Described as Section 14, Township 119, Range 35
PART OF M. JOHNSON'S OUTLOT NO. 1 COM AT A PT 575' E
FROM INTERSECTION OF E LINE OF 6TH ST E & S LINE OF
MARY AVE E 75' S 150', W 75', N 150' TO BEG

- | | | |
|-----|--|----------|
| 12. | Parcel No. 95-922-7960
Located at 610 Parkview Road SW; and
Described as Section 22, Township 119, Range 35
W 75' OF E 1505' OF S 125' OF N 800' OF SE 1/4 | \$144.28 |
| 13. | Parcel No. 95-665-0460
Located at 1004 Olena Avenue SE; and
Described as Section 14, Township 119, Range 35, Lot 06, Block 3
PERKINS FIFTH ADDITION | \$144.28 |
| 14. | Parcel No. 95-672-0380
Located at 1409 12 th Street SE; and
Described as Section 23, Township 119, Range 35, Lot 8, Block 4
PLEASANT VIEW THIRD ADDITION | \$144.28 |

Dated this 2nd day of September, 2014.

/s/ Denis Anderson
MAYOR PRO TEMPORE

/s/ Kevin Halliday
Attest: CITY CLERK

At 7:05 p.m. Mayor Pro Tempore Anderson opened a scheduled hearing to consider special assessments for unpaid infectious tree removal. City Clerk Kevin Halliday informed the Council that the City has adopted a policy for infectious tree removal on private property. The property owners found in violation were notified to remove those trees within the specified time period of thirty days. Where there was no response, arrangements were made by the City to have the tree removed and an invoice sent to cover the cost. The City has the authority to certify as special assessments those costs not reimbursed. No property owners appeared before the Council, and the Mayor Pro Tempore closed the hearing at 7:05 p.m.

Following discussion, Resolution No. 3 was introduced by Council Member Ahmann, seconded by Council Member Christianson, reviewed by Mayor Pro Tempore Anderson, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 3

WHEREAS, Chapter 9, Article IV of the Willmar Municipal Code states that such unpaid infectious tree removal bills represent a lien of the real property receiving infectious tree removal services; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that the amount of the unpaid infectious tree removal charges totaling \$1,496.25 be certified to the County Auditor to be extended on the tax rolls of such real property in the same manner as other taxes for collecting in 2015 and collected by the County Treasurer, and paid to the City Clerk-Treasurer along with other taxes; and

BE IT FURTHER RESOLVED that the unpaid infectious tree removal charges be certified against the real property as follows:

1. Parcel No. 95-280-2320 \$641.25

Located at 1017 3rd Street SW; and
Described as Section 15, Township 119, Range 35, Block 13
HANSON'S ADDITION TO WILLMAR
N 1/2 OF LOTS 11 & 12

2. Parcel No. 95-040-0140 \$855.00

Located at 514 15th Street SW; and
Described as Section 16, Township 119, Range 35, Block 3
BARNSTAD'S ADDITION TO THE CITY OF WILLMAR
LOT 5 & 6

Dated this 2nd day of September, 2014.

/s/ Denis Anderson
MAYOR PRO TEMPORE

/s/ Kevin Halliday
Attest: CITY CLERK

The question of what varieties of infectious tree diseases are included in the City's current policy was asked by Council Member DeBlieck with staff offering to bring that information forth at the next Council meeting.

Mayor Pro Tempore Anderson acknowledged the request of Bob Skor, 617 SW 14th Street, to speak in the Open Forum. He requested an update on the City Auditorium Remediation Project. He expressed his concerns relating to the pending roof repairs. He requested a storm water update and the placement of signs at intersections that flood. He also questioned the amount of infiltration into the sanitary sewer system. Public Works Director Sean Christensen updated the Council on the recent rain events and stated the system was at full capacity, as it was downstream, so it was unable to move any faster. Most intersections were dry two to three hours later and the system did exactly what it was designed to do. Mr. Skor also questioned the recent request for a truck purchase and Mayor Pro Tempore informed him this item will be discussed later on the agenda under Public Works/Safety Committee.

Mayor Pro Tempore Anderson then acknowledged Betty Knutson, 722 SW 2nd Street, who had signed up for the Open Forum. Ms. Knutson slated the continued problems on the City Council and how it affects morale and thanked the Public Works staff for their fine work out in the rain last week.

Mr. Bob Enos, 905 Trott Avenue SW, was recognized by Mayor Pro Tempore Anderson to speak before the Council. Mr. Enos spoke on the open meetings law and transparency in general. Some see Council and staff use of electronic devices during meetings and this could be deemed as in violation of the open meeting law. He recommended the City develop a new policy terminating that action.

Carol Laumer, 1313 Ella Avenue NW, who had not signed up for Open Forum was allowed by Mayor Pro Tempore Anderson to speak to the Council. She stated she was addressing the Council as the community representative to the Willmar Community and Activity Center and expressed the concern for upcoming changes due to the retirement of LeAnne Freeman and asked the Council to take a look at the building/activities.

Tony Freeberg, 1310 SW 15th Street, came before the Council as well by acknowledgement of Mayor Pro Tempore Anderson. Pastor Freeberg invited the Council and staff to attend a prayer group on Tuesdays at noon at the Community Christian School. He also suggested opening Council meetings with prayer to demonstrate unity as a Council.

The Finance Committee Report for August 25, 2014 was presented to the Mayor Pro Tempore and Council by Council Member Anderson. There were eight items for consideration.

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

Item No.2 Pursuant to a July 10, 2014, liquor compliance check conducted by the Willmar Police Department, staff presented to the Committee the list of retail liquor establishments that violated Municipal Code Sec. 3-10 Minimum Penalties for Violations of State or City Ordinances resulting from the Sale of Alcoholic Beverages. Two establishments incurred their first violation for which representatives were present to explain measures being taken to eliminate future violations, including enrolling all employees in compliance check training programs annually. The two establishments involved were VFW Post 1639, represented by Deb Zeiner; and KRA Speedway, represented by Justin Hedtke. In addition, one establishment, El Tapatio Mexican Restaurant, incurred its second violation with a penalty of \$1,000 per City Ordinance 1320. It was noted this fine has been paid in full. This matter was for information only.

Item No. 3 Staff reviewed an e-mail sent from Dan Groothuis, prior owner of land northwest of the new airport runway, proposing a negotiated rental rate for ROW II which he leases from the City. Mr. Groothuis has made previous inquiries of the Council to negotiate the rental rate and on two prior occasions the Council felt there should be no change in how staff conducts the land rental procedure. Mr. Groothuis was present once again to request special bidding criteria since he lost acreage from the eminent domain taking of land. He proposed averaging the annual rents per acre of all 11 parcels plus \$20 per acre for ROW II.

Following considerable discussion, Council Member Johnson moved to approve the option of averaging the rent of all 11 parcels plus \$20 per acre for two years. Council Member Fagerlie seconded the motion. Council Member Fagerlie then moved to amend this motion to be an average of the six highest parcel rents plus \$20 per acre for four years. Council Member Anderson seconded the motion which carried. The original motion which was amended to approve the average of the six highest parcel rents plus \$20 per acre for four years was then voted on and carried.

Based on the Committee's recommendation, Council Member Anderson introduced a motion that Mr. Groothuis be allowed to pay rent on this parcel, for a period of four years, based on the average of the six highest rental rates bids received plus \$20 per acre. Council Member Fagerlie seconded the motion, which carried. It was noted this motion is for this particular parcel only.

Item No. 4 Staff explained that the Council recently accepted bids on the City Auditorium Remediation Project, including Alternate No. 4 which planned for the capping and lead containment of the basement ductwork in the lower floor at the base of the stairs, saving \$11,000. After the initial award of the project, the final mechanical plan was received which indicates a conflict with the space needed for the finished product of Alternate No. 4, therefore \$11,000 will need to be added back into the contract as Change Order No. 1.

Staff also explained that two mechanical shafts on the east end of the Auditorium running vertically from the lower floor through the roof can remain and be capped in place. This would result in a \$5,000 net reduction, identified as Change Order No. 2 to the contract.

Recent findings were then clarified by City Clerk Kevin Halliday at the Council meeting. Change Order No. 1 remains as stated; Change Order No. 2 which had an initial value of \$5,000 to leave that particular duct work in place was revisited. Greg Myers of Midwest Environmental Consulting, who has been leading the activity environmentally for the cleanup, felt the labor saved in that proposal was not reflected properly and renegotiated a new price with ECCO Midwest at a value of \$9,000 saved under Change Order No. 2.

A new change order for \$1,200 was presented as underneath certain carpet areas, asbestos tile was located that needs to be removed. ECCO Midwest provided a price to complete the removal of \$1,200. For

clarification, the City is seeing a net increase of \$3,200 from all three change orders. It was staff's recommendation to the Council to authorize all three change orders to the contract.

Following discussion, Resolution No. 4 was introduced by Council Member Christianson, seconded by Council Member Johnson, reviewed by Mayor Pro Tempore Anderson, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 4

BE IT RESOLVED by the City Council of the City of Willmar that the agreement with ECCO Midwest, Inc., of Hastings, Minnesota, for the Willmar Auditorium Remediation services project, be amended with Change Orders No. 1, 2, and 3 as follows:

- A) Change Order No. 1 - remove Alternate Deduct Addendum 4 for capping and lead containment of the basement ductwork in the lower floor at the base of the stairs, increasing the total project cost by \$11,000.
- B) Change Order No. 2 - capping two mechanical shafts on the east end of the Auditorium running vertically from the lower floor through the roof, decreasing the total project cost by \$9,000.
- C) Change Order No. 3- remove asbestos tile located under carpet increasing total project costs by \$1,200.

Dated this 2nd day of September, 2014.

/s/ Denis Anderson
MAYOR PRO TEMPORE

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 5 Staff explained that the purchase of a Zamboni Ice Resurfacer Machine is included in the 2015 Vehicle Replacement Program. Only one company in the United States manufactures this type of Zamboni. A quote was received in the amount of \$131,210 less a trade-in value of approximately \$30,000 to \$40,000. Staff is requesting to order the Zamboni now in 2014 but the City would not take delivery until 2015 as it takes up to nine months for an order to be completed and delivered. It was noted the 2015 Vehicle Replacement Program includes \$130,000 for the purchase and replacement of a new Zamboni Ice Resurfacer Machine. Chair Anderson asked if the old Zamboni should be sold instead of traded in. Staff will research this. Concerns were raised regarding authorizing a capital expenditure before officially adopting the 2015 Vehicle Replacement Program Budget.

Following discussion, the Committee was recommending to the Council to enter into the contract to purchase the Zamboni Ice Resurfacer Machine in 2014 with the understanding that receipt and payment thereof will occur in 2015 and to authorize the Mayor and City Administrator to execute the appropriate documents on behalf of the City.

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

RESOLUTION NO. 5

WHEREAS the City of Willmar's 2015 Vehicle Replacement Program includes the replacement of a Zamboni Ice Resurfacer Machine; and

WHEREAS the length of time required to order and receive delivery of a Zamboni Ice Resurfacer Machine is approximately nine months;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Willmar that said purchase be approved and that the 2014 Vehicle Replacement Program be amended to include this purchase; and

BE IT FURTHER RESOLVED that the Mayor and City Administrator be authorized to execute the necessary documents on behalf of the City for this purchase.

Dated this 2nd day of September, 2014.

/s/ Denis Anderson
MAYOR PRO TEMPORE

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 6 Staff provided information regarding current Agricultural Land Exemption of Special Assessments. If the exemption is granted, it remains on the City deferral program until its useful life is attained. The useful life of a watermain is forty years and a street is twenty years from the date of initial construction. It was being recommended that Deferred/Pending Assessments from projects in 1993 (Street) and 1974 (Watermain) heretofore exempted from payment pursuant to the agricultural exemption be written off because they are now beyond useful life.

The Committee was recommending the Council remove Parcel 95-908-0140 from the 1993 Street Assessment for \$27,495 and Parcel 95-908-0130 from the 1974 Watermain Assessment for \$3,517.

Resolution No. 6 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, reviewed by Mayor Pro Tempore Anderson, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 6

WHEREAS, the following properties located with the City of Willmar were exempted from payment of special assessments pursuant to the agricultural exemption policy:

Word of Faith Family Church	95-908-0140		
3010 7 th Ave NW	Project 9301	Streets	\$27,495.00
Willmar			

Section 8, Township 119, Range 35
West 854.2 feet of East 929.2 feet of North 400 feet of South 470 feet of
East Half of Northeast Quarter excluding part platted into West Pump Station Addition. (3.88 acres)

Mildred Thorpe	95-908-0130		
501 28 th Avenue SW	Project 7402	Watermain	\$ 3,517.00

Section 8, Township 119, Range 35
West 309.7 feet of East 929.2 feet of North 400 feet of South 470 feet and West 854.2 feet of East 929.2
feet of North 300 feet of South 770 feet of Southeast Quarter of Northeast Quarter. (5.88 acres)

WHEREAS, the City of Willmar Comprehensive Assessment Policy sets life expectancy for each improvement, and

WHEREAS, the useful life of a watermain is forty (40) years and street is twenty (20) years from the date of initial construction.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Willmar, Minnesota, that the records of the deferred and pending assessments of the above parcels be hereby removed.

Dated this 2nd day of September, 2014.

/s/ Denis Anderson
MAYOR PRO TEMPORE

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 7 Under Old Business Chair Anderson asked the Committee for their thoughts on options for funding deferred maintenance issues and offered the possibility of a small levy increase. Member Fagerlie noted that there have been past discussions of a Centerpoint Energy franchise fee as well as instituting insurance-paid fire call charges. Discussion also included scheduling council work sessions to discuss the Capital Improvement Program, Community Groups, Pavement Management, and other topics as may be requested. The Committee directed staff to provide additional information on deferred maintenance costs of the City and potential new revenue sources. This was by the Council for information only.

Item No. 8 Under New Business staff informed the Committee that the Community Education and Recreation Department is working with the Little Crow Archery Club to write a MN DNR Archery Range Development Grant which would require a match of \$2,500 from the City of Willmar/Little Crow Archers if approved. This matter was for information only.

Council Member DeBlieck requested an update on the Auditorium Remediation Project. City Clerk Kevin Halliday briefly stated the cleanup project is going well and is approximately 50% complete. September 9th is the bid opening for the contractors who are interested in restoring the building to a usable state. He indicated the roof has never been a concern and is expected to last five years. The gutters are a concern and are included in the bids.

The Finance Committee Report for August 25, 2014, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Anderson, seconded by Council Member Fagerlie, and carried.

The Public Works/Safety Committee Report for August 26, 2014, was presented to the Mayor Pro Tempore and Council by Council Member Christianson. There were five items for consideration.

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

Item No. 2 Public Works Director Sean Christensen brought forth, for approval, the acceptance of Project No. 1305 and authorization of final payment to Duinick Inc. in the amount of \$6,444.21. The City Council entered into an agreement with Duinick Inc. on June 7, 2012 for the Trott Avenue SW Improvements in conjunction with the installation of the quiet zone. The final pay request with quantities was submitted for consideration with the final construction cost falling just below the contracted price.

The Committee was recommending the Council accept Project No. 1305 and authorize final payment to Duinick Inc. in the amount of \$6,444.21.

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

RESOLUTION NO. 7

ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

IMPROVEMENT: Project No. 1305 – Overlay and Quiet Zone

CONTRACTOR:	Duininck Inc.
DATE OF CONTRACT:	May 17, 2013
BEGIN WORK:	June 6, 2013
COMPLETE WORK:	August 15, 2013
APPROVE, ENGINEERING DEPT:	June 2, 2014

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

1. The said City of Willmar Project No. 1305 be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$88,241.00
Change Order (None)	\$0.00
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$88,240.15
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$88,240.15
Less Previous Payments	\$81,795.94
FINAL PAYMENT DUE CONTRACTOR:	\$6,444.21

Dated this 2nd day of September, 2014.

/s/ Denis Anderson
MAYOR PRO TEMPORE

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 Public Works Director Sean Christensen brought forth, for approval, the purchase/replacement of the mechanic's pickup truck. The current mechanic's pickup is a 2001 Ford F250 and has mechanical problems that include the engine using oil and transmission issues. Staff is requesting to replace it with a 2014 F150 XLT for \$27,837.70 from Nelson Auto Center Fleet Department in Fergus Falls along with a Tommy Lift Gate for \$2,560.00 from Tow Master Inc. in Litchfield. The 2001 Ford F250 would be sold at the Public Works Auction and in the interim will be used to pull the tack oil distributor. The 2014 Capital Outlay Vehicle and Equipment Replacement Program included \$37,353.00 for the purchase and replacement of the mechanic's pickup, with the total purchase price being \$6,955.30 under budget. Tax, license, and tool boxes would be added at a later date.

The Committee questioned if Nelson Auto Center Fleet Department is included in a State Contract purchase. Staff will provide this information at the Council Meeting. It was the recommendation of the Committee to approve the purchase of the 2014 Ford F150 XLT with Tommy Lift Gate. Public Works Director Sean Christensen explained this purchase was through the State Contract process and any dealership is allowed to provide a bid to the cooperative with the lowest bidder being placed on a list that is provided to cities.

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

RESOLUTION NO. 8

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the purchase of 2014 Ford F150 XLT and Tommy Lift Gate 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 bidders for the terms and consideration of the contract in the amount of \$30,397.70.

Dated this 2nd day of September, 2014.

/s/ Denis Anderson
MAYOR PRO TEMPORE

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 5 Public Works Director Sean Christensen brought forth for approval a Resolution accepting the offer of the Minnesota Public Facilities Authority to purchase a \$3,000,000 General Obligation Sewer Revenue Note, Series 2014A, and authorizing execution of bond purchase and project loan agreement for the note. The funding will be utilized for the Lakeland Drive Sewer Lift Station Project, and approval is necessary to proceed with PFA Funding. Paul Jurek with Bollig Engineering, who is the consultant on the project, was present to answer any additional questions from the Committee.

The Committee was recommending the Council accept the offer of the Minnesota Public Facilities Authority to purchase a \$3,000,000 Revenue Note, Series 2014A.

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

RESOLUTION NO. 9

RESOLUTION ACCEPTING THE OFFER OF THE MINNESOTA PUBLIC FACILITIES AUTHORITY TO PURCHASE
A \$3,000,000 GENERAL OBLIGATION SEWER REVENUE NOTE, SERIES 2014A, PROVIDING FOR ITS
ISSUANCE AND AUTHORIZING EXECUTION OF A BOND PURCHASE AND PROJECT LOAN AGREEMENT
FOR THE NOTE

(For Resolution in its entirety, see City Council proceedings file dated
September 2, 2014, located in the City Clerk's Office)

Item No. 6 Under Old Business Public Works Director Sean Christensen displayed a piece of the Cured In Place Pipe being installed inside the existing concrete pipe in Lakeland Drive.

Fire Chief Gary Hendrickson provided an update on Fire Department activities. So far in 2014 there have been 212 fire calls. The majority of the calls have been for unintentional alarm system activations and unintentional smoke detector activations. Chief Hendrickson noted the average response time from the station to the address is 9 minutes and 4 seconds.

The Committee questioned if we charge for false alarm calls, and Chief Hendrickson stated at this time we do not. Chief Hendrickson indicated some insurance companies will offer the Fire Department \$500 if there is a defined loss from a provision under additional coverage. Chief Hendrickson has been approached by insurance companies offering the \$500 for calls with defined loss but he has declined the donations as he feels the homeowner's taxes are covering the services of the Fire Department. It is also felt if there is a charge placed on false alarms it will deter people from calling 911, therefore increasing possible fire fatalities and injuries. Chief Hendrickson stated if we were to have accepted the \$500 it would have generated \$6,500 in revenue this year.

The Committee questioned the staffing levels and application status for new fire fighters, with Chief Hendrickson responding he will be closing the applications process this week and there was not an abundant response. The ideal number of fire fighters the Department would like to see is 40, with our current status at 33. The Department is foreseeing losing another two fire fighters in the next two months and another five in 2017. The State Legislature is authorizing a \$500 payment to fire fighters in the 14 Southwest counties for their service of employment in the years 2014, 2015, and 2016 as a retention incentive. Chief Hendrickson did not believe it will be a great retention strategy, as it will be a significant cost to the citizens of Minnesota.

Chief of Police Jim Felt noted the jail census for August 26, 2014, was 104; 75 of those being Kandiyohi County inmates, 25 inmates from the MN Department of Corrections, 2 inmates from Swift County and 2 inmates from Big Stone County. Chief Felt responded to a question on immigration hold inmates in the jail census and stated the Sherriff has stopped noting them on the jail roster as it is not required. The calls for service for the previous two weeks totaled 775 with a total of 1,498 since the last Public Works/Safety meeting of July 29th. The majority of the calls are for traffic stops, followed by public assists and suspicious vehicles.

The Committee questioned the current drug activity and Chief Felt reported the Drug Task Force ended a major investigation with 38 warrants signed. This investigation created a significant dip in drug activity and took key suspects off the streets. There still continues to be an issue with methamphetamines and marijuana, but only a small amount is found to be manufactured in the area as most of it is brought in from Canada and Mexico. Chief Felt also noted the appearance of less graffiti with the six officers of the Gang Enforcement Team remaining active to combat those issues from the Willmar Police Department, Sherriff's Department and Multi County Drug & Gang Task Force. These items were received by the Council for information only.

Item No. 7 Under New Business Council Member Jim Dokken addressed the Committee on John Lindstrand requesting to use the City Auditorium for his Veteran's Day program this year since elections will also be held there on November 4th. Lindstrand would ask the asbestos project be delayed one week to allow the Veteran's Day program to be held on November 8th through the 13th. The Committee was informed that due to the work occurring in the Auditorium, the gym would not be available. This was received for information only.

The Public Works/Safety Committee Report for August 26, 2014, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Christianson, seconded by Council Member Ahmann, and carried.

Planning and Development Director Bruce Peterson presented the information to draft an ordinance to accommodate new and different uses of public sidewalks by adjacent commercial businesses. It allows for businesses to use the sidewalk seven days a week with a permit. It eliminates the requirement for the daily removal of property, which would allow them to leave tables and chairs on the sidewalk overnight and also allows the consumption of alcoholic beverages outside the establishment, as long as the alcoholic beverages are sold or served by a licensed establishment. Staff was recommending the Council hold a hearing on September 15, 2014, to consider the ordinance. A motion was made by Council Member Fagerlie to introduce the ordinance for a hearing at 7:02 p.m. on September 15. Council Member DeBlieck seconded the motion, which carried.

City Clerk Kevin Halliday presented a detailed list of landowners, projects and dollar amounts that have for years been deferred by the agricultural exemptions of the City's Comprehensive Assessment Policy. Each year they are sent notification to ascertain their desire to place the land in agricultural use for the next crop year. It was staff's recommendation to adopt a resolution exempting the qualifying agricultural land owners of their special assessments

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

RESOLUTION NO. 10

WHEREAS, the City Council of the City of Willmar, Minnesota, did order the installation of certain street and other improvements made under Projects No. 0501, 8606, and 9101, and certain sewer and watermain improvements made under Projects No. 9701, 9303, 9202, and 9002.

WHEREAS, Section W of the City of Willmar Comprehensive Assessment Policy allows the City to temporarily exempt from assessments certain lands currently used for agriculture purposes; and

WHEREAS, certain property owners have made application to the City for delayed payment of taxes on special assessments and have met the criteria contained in the Comprehensive Assessment Policy for said deferment;

NOW, THEREFORE, BE IT RESOLVED by the Willmar City Council that special assessments as hereinafter designated be certified to the County and deferred until such property is developed or upon approval of the final plat, and that no interest be charged until such time.

BE IT FURTHER RESOLVED that upon development or plat approval that tapping fee shall be based on the project year bid price per front foot or unit, or on the current year costs at the time of connection/platting, whichever is greater:

1.	Hawkinson Land, LLC	95-924-0020	
	4655 104 th Avenue NE	Project 9202	\$13,005.00
	Spicer	Project 9101	51,455.70
		Project 9002	35,340.00
		Project 0501	61,137.01

Section 24, Township 119, Range 35

That part of Northwest Quarter of Northwest Quarter lying Northwesterly of Highway right-of way, except the South 125 feet of North 175 feet of West 133 feet & except part platted into Kandiyohi County State Aid Highway No. 23 right-of-way Plat No.1. (26.40 acres)

2.	Hawkinson Land, LLC	95-913-0040	
	4655 104 th Avenue NE	Project 9202	\$12,095.00
	Spicer	Project 9002	8,255.00
		Project 0501	31,715.79

Section 13, Township 119, Range 35

Southwest Quarter of Southwest Quarter except the South 685 feet of West 468.8 feet of Southwest Quarter of Southwest Quarter and except part for plat of Pheasant Run. (32 acres)

3.	Gesch Properties LLC c/o LeAnn Isaacson	95-914-2610	
	10785 46 th Place N	Project 9002	\$39,731.66
	Plymouth	Project 9303	20,130.42
		Project 0501	77,504.80
		Project 1404	180,688.13

Section 14, Township 119, Range 35

South 610 feet of Northeast Quarter except West 393.61 feet; Southeast Quarter except South 914.88 feet of West 1085 feet and except parts in plats-Bergquists Estates, Perkins 5th Addition and Gesch Park except that part of the South Half of Northeast Quarter described as follows: Commencing 715 feet South and 393.61 feet East of Northwest Corner of Southwest Quarter Northeast Quarter, Thence East to Southwest Corner of Lot 7, Block 7 Erickson's Third Addition, Thence South 70 feet, Thence West to East Line of Welch's Addition, Thence North 70 feet to point of beginning and except part platted into Gesch YMCA Addition and except that part of the South Half of the Southeast Quarter described as follows: Beginning at the Northwest Corner of Lot 2, Block 1, Gesch YMCA Addition, Thence South 548.78 feet, Thence West 363.89 feet, Thence North 54 feet to Southeast Corner of Lot 1, Block 6, Perkins Fifth

Addition, Thence continuing North 495 feet to Northeast Corner of Lot 1, Block 4, Perkins Fifth Addition, Thence East along Southerly right-of-way boundary line of Olena Avenue 363.89 feet to point of beginning. (88.36 acres)

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| 4. | Jean Langsjoen-Hogan Trust
and Carter Family
1950 E Welco
St. Peter
<i>Section 3, Township 119, Range 35
Southeast Quarter of Southwest Quarter and Southwest Quarter of Southwest Quarter except the Southerly 350 feet of the Westerly 233 feet of Southwest Quarter of Southwest Quarter and except parts platted as Northwood Estates and Northwood Estates Second Addition. (64.13 acres)</i> | 95-903-0010
Project 0501 | \$93,012.00 |
| 5. | Bernard Revocable Trust Etal
c/o William Bernard
520 Litchfield Ave SW
Willmar
<i>Section 12, Township 119, Range 35
North 1,655 feet of Northwest Quarter excluding West 40 acres thereof.
(60 acres)</i> | 95-912-0970
Project 9701 | \$12,119.04 |
| 6. | J & C Enterprises of Central MN
c/o Stephen Jennings
PO Box 639
Richmond | Project 8606 | \$17,869.51 |
| | <i>Hidden Valley Estates</i> | | |
| | <i>95-308-0010 Sect-08 TWP -119 Rang-35 Lot-001 Blk-001</i> | | |
| | <i>95-308-0020 Sect-08 TWP -119 Rang-35 Lot-002 Blk-001</i> | | |
| | <i>95-308-0030 Sect-08 TWP -119 Rang-35 Lot-003 Blk-001</i> | | |
| | <i>95-308-0040 Sect-08 TWP -119 Rang-35 Lot-004 Blk-001</i> | | |
| | <i>95-308-0050 Sect-08 TWP -119 Rang-35 Lot-005 Blk-001</i> | | |
| | <i>95-308-0060 Sect-08 TWP -119 Rang-35 Lot-006 Blk-001</i> | | |
| | <i>95-308-0070 Sect-08 TWP -119 Rang-35 Lot-007 Blk-001</i> | | |
| | <i>95-308-0080 Sect-08 TWP -119 Rang-35 Lot-008 Blk-001</i> | | |
| | <i>95-308-0090 Sect-08 TWP -119 Rang-35 Lot-009 Blk-001</i> | | |
| | <i>95-308-0100 Sect-08 TWP -119 Rang-35 Lot-010 Blk-001</i> | | |
| | <i>95-308-0110 Sect-08 TWP -119 Rang-35 Lot-011 Blk-001</i> | | |
| | <i>95-308-0120 Sect-08 TWP -119 Rang-35 Lot-012 Blk-001</i> | | |
| | <i>95-308-0130 Sect-08 TWP -119 Rang-35 Lot-013 Blk-001</i> | | |
| | <i>95-308-0140 Sect-08 TWP -119 Rang-35 Lot-014 Blk-001</i> | | |
| | <i>95-308-0150 Sect-08 TWP -119 Rang-35 Lot-015 Blk-001</i> | | |
| | <i>95-308-0160 Sect-08 TWP -119 Rang-35 Lot-016 Blk-001</i> | | |
| | <i>95-308-0170 Sect-08 TWP -119 Rang-35 Lot-017 Blk-001</i> | | |
| | <i>95-308-0200 Sect-08 TWP -119 Rang-35 Lot-001 Blk-002</i> | | |
| | <i>95-308-0210 Sect-08 TWP -119 Rang-35 Lot-002 Blk-002</i> | | |
| | <i>95-308-0220 Sect-08 TWP -119 Rang-35 Lot-003 Blk-002</i> | | |
| | <i>95-308-0230 Sect-08 TWP -119 Rang-35 Lot-004 Blk-002</i> | | |
| | <i>95-308-0300 Sect-08 TWP -119 Rang-35 Lot-001 Blk-003</i> | | |
| | <i>95-308-0310 Sect-08 TWP -119 Rang-35 Lot-002 Blk-003</i> | | |
| | <i>95-308-0320 Sect-08 TWP -119 Rang-35 Lot-003 Blk-003</i> | | |
| | <i>95-308-0330 Sect-08 TWP -119 Rang-35 Lot-004 Blk-003</i> | | |
| | <i>95-308-0340 Sect-08 TWP -119 Rang-35 Lot-005 Blk-003</i> | | |
| | <i>95-308-0350 Sect-08 TWP -119 Rang-35 Lot-006 Blk-003</i> | | |
| | <i>95-308-0360 Sect-08 TWP -119 Rang-35 Lot-007 Blk-003</i> | | |
| | <i>95-308-0370 Sect-08 TWP -119 Rang-35 Lot-008 Blk-003</i> | | |

