

**WILLMAR CITY COUNCIL PROCEEDINGS**  
**BOARD ROOM**  
**HEALTH AND HUMAN SERVICES BUILDING**  
**WILLMAR, MINNESOTA**

February 22, 2022  
6:30 p.m.

The regular meeting of the Willmar City Council was called to order by Mayor Marv Calvin. Members present on a roll call were Mayor Marv Calvin, Council Members Julie Asmus, Thomas Butterfield, Michael O'Brien, Vicki Davis, and Audrey Nelsen. Present 6, Absent 3. Council Members Rick Fagerlie, Justin Ask, and Andrew Plowman were excused from the meeting.

Also present were City Administrator Leslie Valiant, Finance Director Steve Okins, Planning and Development Services Director Justice Walker, Interim Public Works Director Gary Manzer, and City Clerk Judy Thompson.

Additions/deletions to the agenda were: Mayor Calvin asked that Items E., F., and H., from the consent agenda, be pulled due to the absence of several Council Members and the requirement of eligible votes needed to approve these items.

Council Member Nelsen moved to approve the agenda, as amended. Council Member Asmus seconded the motion, which carried unanimously.

City Clerk Judy Thompson reviewed the consent agenda.

- A. City Council Minutes of February 7, 2022
- B. Willmar Municipal Utilities Commission Minutes of February 14, 2022
- C. Planning Commission Minutes of December 15, 2022
- D. Accounts Payable Report for February 2 – 16, 2022
- ~~E. Appointment to Airport Commission – Ryan Nelson~~
- ~~F. Appointment to Planning Commission – Jasmine Miller~~
- G. Application for Exempt Permit – Willmar Senior High Trap Team
- ~~H. Removal of Khalif Bashir from Planning Commission~~
- I. Police Commission Minutes of December 17, 2021
- J. Convention and Visitors Bureau Minutes of February 15, 2022
- K. Airport Commission Minutes of January 5, 2022
- L. Appointment to Park and Recreation Board – Kent Skoglund
- M. Appointment to Human Rights Commission – Margaret (Peggy) Karsten
- N. Appointment to Human Rights Commission – Heidi Jo Ahmann
- O. Appointment to Municipal Utilities Commission – Abdirahman Hussein Abdi (Kadar)
- P. Invest in Willmar Board Minutes of August 11, 2021

Council Member Nelsen offered a motion to approve the consent agenda, with the exception of Items E., F., and H. Council Member O'Brien seconded the motion, which carried on a roll call vote of Ayes 5, Noes 0.

There was no one present to speak during the Open Forum.

Interim City Engineer Jared Voge presented a request to approve Project No. 2101-A 2nd Street Reconstruction Change Order No. 2 in the amount of \$13,396.18. The Change Order resulted from salvaging and reconstructing an existing storm sewer manhole near the entrance of McDonald's parking lot, installation of temporary mailboxes for residents, and temporary winter stabilization of the street and intersections with bituminous millings and crushed concrete until construction resumes in the spring.

**Resolution No. 2022-027 Accepting Change Order No. 2 for Project No. 2101-A** was introduced by Council Member O'Brien. Council Member Butterfield seconded the motion, which carried on a roll call vote of Ayes 5, Noes 0.

Finance Director Okins presented a request to approve the 2022 Street and Other Improvement Projects Preliminary Budget, and also adopt a resolution of Intent to Reimburse for the costs incurred on the 2022 Street and Other Improvement Projects.

**Resolution No. 2022-028 2022 Preliminary Budget Total Cost \$11,098,256** was introduced by Council Member Nelsen. Council Member Davis seconded the motion, which carried on a roll call vote of Ayes 5, Noes 0.

**Resolution No. 2022-029 Establishing Procedures Relating to Compliance with Reimbursement Bond Regulations Under the Internal Revenue Code** was introduced by Council Member Nelsen. Council Member Asmus seconded the motion, which carried on a roll call vote of Ayes 5, Noes 0.

Interim City Engineer Jared Voge presented a request to approve final plans and specifications of the 2022 Street Reconstruction Projects and Lift Station Elimination Project, and authorize advertisement for bids. Mr. Voge stated the bid opening for Project No. 2210 Highway 12 Lift Station Elimination is set for March 16th, and the bid opening date for the street reconstructions projects if set for March 23rd.

**Resolution No. 2022-030 Approving Final Plans and Specifications and Authorizing Publication of the Advertisement for Bids for a Portion of the 2022 Improvement Projects** was introduced by Council Member Nelsen. Council Member Asmus seconded the motion, which carried on a roll call vote of Ayes 5, Noes 0.

City Clerk Thompson presented a request to approve a Civic Center Special Event by On-Sale Liquor License Holder Permit for TPI Core Inc. dba Holiday Inn/Green Mill to provide liquor at a Baile Gigante Concert Event on April 9, 2022 at the Civic Center.

Council Member O'Brien offered a motion to approve staff's request. Council Member Davis seconded the motion, which carried on a roll call vote of Ayes 5, Noes 0.

City Clerk Thompson presented a request to approve a Civic Center Special Event by On-Sale Liquor License Holder Permit for Mamma Dee's Green Lantern LLC dba Green Lantern to provide liquor at a Cage Fighting Xtreme/MMA Event on April 16, 2022 at the Civic Center.

There was no action taken on this item as it died for a lack of a motion.

Mayor Calvin expressed the desire of the Council, in the past, is to use a local establishment to provide liquor at such events.

Mayor Calvin presented a summary of conclusions of the six-month performance evaluation of City Administrator Valiant, and recommended approval of a salary increase per the employment agreement with Ms. Valiant.

Council Member Nelsen offered a motion to approve the summary of conclusions and the salary increase per the employment agreement for City Administrator Valiant retroactive to December 1, 2021. Council Member Asmus seconded the motion, which carried unanimously.

Council Member Nelsen offered a motion to adjourn the meeting with Council Member Asmus seconding the motion, which carried. The meeting adjourned at 6:51 p.m.

/s/ Marv Calvin  
MAYOR

Attest:

/s/ Judy Thompson  
SECRETARY TO THE COUNCIL

**RESOLUTION NO. 2022-027**

**A RESOLUTION ACCEPTING CHANGE ORDER NO. 2 FOR PROJECT NO. 2101-A.**

Motion By: O'Brien

Second By: Butterfield

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the Mayor and City Administrator of the City of Willmar are hereby authorized to modify the contract for Project No. 2101-A between the City of Willmar and Riley Bros. Construction, Inc. by Change Order No. 2 in the increased amount of \$13,396.18.

Dated this 22nd day of February, 2022

/s/ Marv Calvin  
Mayor

Attest:

/s/ Judy Thompson  
City Clerk

**RESOLUTION NO. 2022-028**  
**2022 PRELIMINARY BUDGET**  
**TOTAL COST \$11,098,256**

\*Budget Amounts are Essential

Motion By: Nelsen

Second By: Davis

Code

**PERSONNEL SERVICES**

10* Salaries Reg. Employees	
11* Overtime Reg. Employees	
12* Salaries Temp. Employees	
13* Employer Pension Contr.	
14* Employer Ins. Contr.	
<b>TOTAL</b>	<b>\$0.00</b>

**RECEIVABLES**

Assessments Prop Owners	\$2,427,833
Community Investment	\$2,407,167
MSA	\$2,696,535
MUC	\$1,055,298
WTP	\$1,270,681
LOST	\$656,691
COUNTY	\$584,051

**TOTAL \$11,098,256**

**SUPPLIES**

20* Office Supplies	
21* Small Tools	
22* Motor Fuels & Lubricants	
23* Postage	
24 Mtce. of Equipment	
25 Mtce. of Structures	
26 Mtce. of Other Improvements	
27 Subsistence of Persons	
28 Cleaning & Waste Removal	
29* General Supplies	
<b>TOTAL</b>	<b>\$0.00</b>

**FINANCING**

Bonds	\$4,835,000
LOST	\$656,691
MSA	\$2,696,535
WTP	\$1,270,681
MUC	\$1,055,298
COUNTY	\$584,051

**TOTAL \$11,098,256**

**GRAND TOTAL \$11,098,256**

Dated this 22<sup>nd</sup> day of February, 2022

**OTHER SERVICES**

33*	Travel-Conf.-Schools	
34	Mtce. of Equipment	
35	Mtce. of Structures	
36*	Mtce. of Other Impr.	\$8,961,758
37	Subsistence of Persons	
38	Cleaning & Waste Removal	
39*	Other Services	\$448,088
	<b>TOTAL</b>	<b>\$9,409,846</b>

/s/ Marv Calvin  
Mayor

**Attest:**

/s/ Judy Thompson  
City Clerk

**OTHER CHARGES**

46*	Prof. Serv.	\$1,602,755
48	Admin OH (Transfer)	\$85,655
	<b>TOTAL</b>	<b>\$1,688,410</b>
	<b>GRAND TOTAL</b>	<b>\$11,098,256</b>

**RESOLUTION NO. 2022-029**

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

Motion By: Nelsen

Second By: Asmus

BE IT RESOLVED, by the City Council (the "Council") of the City of Willmar, Minnesota (the "City"), as follows:

1. Recitals.

A. The Internal Revenue Service has issued Treasury Regulations, Section 1.150-2 (as the same may be amended or supplemented, the "Regulations"), dealing with "reimbursement bond" proceeds, being proceeds of the City's bonds used to reimburse the City for any project expenditure paid by the City prior to the time of the issuance of those bonds.

B. The Regulations generally require that the City make a declaration of intent to reimburse itself for such prior expenditures out of the proceeds of subsequently issued bonds, that such declaration be made not later than 60 days after the expenditure is actually paid, and that the bonding occur and the written reimbursement allocation be made from the proceeds of such bonds within 18 months after the later of (1) the date of payment of the expenditure or (2) the date the project is placed in service (but in no event more than 3 years after actual payment).

C. The City heretofore implemented procedures for compliance with the predecessor versions of the Regulations and desires to amend and supplement those procedures to ensure compliance with the Regulations.

D. The City's bond counsel has advised the City that the Regulations do not apply, and hence the provisions of this Resolution are intended to have no application, to payments of City project costs first made by the City out of the proceeds of bonds issued prior to the date of such payments.

2. Official Intent Declaration. The Regulations, in the situations in which they apply, require the City to have declared an official intent (the "Declaration") to reimburse itself for previously paid project expenditures out of the proceeds of subsequently issued bonds. The Council hereby authorizes the City Clerk to make the City's Declarations or to delegate from time to time that responsibility to other appropriate City

employees. Each Declaration shall comply with the requirements of the Regulations, including without limitation the following:

A. Each Declaration shall be made not later than 60 days after payment of the applicable project cost and shall state that the City reasonably expects to reimburse itself for the expenditure out of the proceeds of a bond issue or similar borrowing. Each Declaration may be made substantially in the form of the Exhibit A, which is attached to and made a part of this Resolution, or in any other format which may at the time comply with the Regulations.

B. Each Declaration shall (1) contain a reasonably accurate description of the “project,” as defined in the Regulations (which may include the property or program to be financed, as applicable), to which the expenditure relates and (2) state the maximum principal amount of bonding expected to be issued for that project.

C. Care shall be taken so that the City, or its authorized representatives under this Resolution, not make Declarations in cases where the City doesn’t reasonably expect to issue reimbursement bonds to finance the subject project costs, and the City officials are hereby authorized to consult with bond counsel to the City concerning the requirements of the Regulations and their application in particular circumstances.

D. The Council shall be advised from time to time on the desirability and timing of the issuance of reimbursement bonds relating to project expenditures for which the City has made Declarations.

3. Reimbursement Allocations. The designated City officials shall also be responsible for making the “reimbursement allocations” described in the Regulations, being generally written allocations that evidence the City’s use of the applicable bond proceeds to reimburse the original expenditures.

4. Effect. This Resolution shall amend and supplement all prior resolutions and/or procedures adopted by the City for compliance with the Regulations (or their predecessor versions), and, henceforth, in the event of any inconsistency, the provisions of this Resolution shall apply and govern.

Adopted this 22nd day of February, 2022, by the Willmar City Council

/s/ Marv Calvin  
MAYOR

Attest:

/s/ Judy Thompson  
CITY CLERK

EXHIBIT A

DECLARATION OF OFFICIAL INTENT

The undersigned, being the duly appointed and acting City Clerk of the City of Willmar, Minnesota (the "City"), pursuant to and for purposes of compliance with Treasury Regulations Section 1.150-2 (the "Regulations"), under the Internal Revenue Code of 1986, as amended, hereby states and certifies as follows:

1. The undersigned has been and is on the date hereof duly authorized by the Willmar City Council to make and execute this Declaration of Official Intent (the "Declaration") for and on behalf of the City.
2. This Declaration relates to the following project, property or program (the "Project") and the costs thereof to be financed: 2022 Street Improvements Bond.
3. The City reasonably expects to reimburse itself for the payment of certain costs of the Project out of the proceeds of a bond issue or similar borrowing (the "Bonds") to be issued by the City after the date of payment of such costs. As of the date hereof, the City reasonably expects that \$4,835,000 is the maximum principal amount of the Bonds, which will be issued to finance the Project.
4. Each expenditure to be reimbursed from the Bonds is or will be a capital expenditure or a cost of issuance, or any of the other types of expenditures described in Section 1.150-2(d)(3) of the Regulations.
5. As of the Date thereof, the statements and expectations contained in this Declaration are believed to be reasonable and accurate.

Dated: February 22, 2022

/s/ Judy Thompson  
Judy Thompson  
City Clerk  
City of Willmar, Minnesota

**RESOLUTION NO. 2022-030**

**A RESOLUTION APPROVING FINAL PLANS AND SPECIFICATIONS AND AUTHORIZING PUBLICATION OF THE ADVERTISEMENT FOR BIDS FOR A PORTION OF THE 2022 IMPROVEMENT PROJECTS.**

Motion By: Nelsen Second By: Asmus

WHEREAS the City Engineer of the City of Willmar has presented to the City Council plans and specifications for Project Nos. 2201-A, 2201-B, 2201-C, 2201-D, and 2210 for the City of Willmar;

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

Final plans and specifications are hereby approved, and publication of the advertisement for bids is herewith authorized. Multiple bid packages will be publicly opened and read with the first opening scheduled for 1:00 p.m. on the 23rd day of March, 2022 for Project Nos. 2201-A, 2201-B, 2201-C, 2201-D; and for 10:00 a.m. on the 16<sup>th</sup> of March, 2022 for Project No. 2210 at the City Office Building, 333 Southwest Sixth Street, Willmar, Minnesota.

Dated this 22nd day of February, 2022

/s/ Marv Calvin  
Mayor

Attest:

/s/ Judy Thompson  
City Clerk