

**WILLMAR CITY COUNCIL PROCEEDINGS**  
**MULTI-PURPOSE ROOM**  
**HEALTH AND HUMAN SERVICES BUILDING**  
**WILLMAR, MINNESOTA**

September 6, 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 Rick Fagerlie, Julie Asmus, Thomas Butterfield, Michael O'Brien, Justin Ask, Vicki Davis, Andrew Plowman, and Audrey Nelsen. Present 9, Absent 0.

Also present were City Administrator Leslie Valiant, City Operations Director Kyle Box, Police Chief Jim Felt, Finance Director Steve Okins, Public Works Director Gary Manzer, Planning and Development Services Director Justice Walker, Human Resources Director LuAnn Sietsema, City Clerk Judy Thompson and City Attorney Robert Scott.

Proposed additions to the agenda included: Council Member Butterfield asked to accept further testimony from the public on the 2022 Street Projects. City Attorney Scott clarified the actions taken by Council on August 15, 2022 regarding this item.

Council Member Fagerlie moved to approve the agenda as presented. Council Member Ask seconded the motion. Council Member Nelsen asked that the assessment hearing be continued at tonight's meeting, and her desire to have further discussion on the new process. She offered this as a friendly amendment. The original motion, as amended, then carried on a roll call vote of Ayes 8, Noes 0.

City Clerk Thompson reviewed the consent agenda.

- A. City Council Minutes of August 15, 2022
- B. Willmar Municipal Utilities Board Minutes of August 22, 2022
- C. Special City Council Minutes of August 29, 2022
- D. Convention and Visitor Bureau Minutes of June 21, 2022
- E. Airport Commission Minutes of July 20, 2022
- F. Accounts Payable Report for August 6 through August 29, 2022
- G. Consider an Application to Conduct Excluded Bingo, Church of St. Mary
- H. Consider an Application for Exempt Permit, Knights of Columbus
- I. Consider a Municipal Owned Property Event with an On-Sale Liquor License Holder, Green Mill- Willmar.
- J. Consider a Temporary On-Sale Liquor License for Foxhole Brewhouse Inc.
- K. Reset the Public Hearing for the Sale of City Owned Property for September 19, 2022, at or after 6:30 P.M. - Willmar Poultry
- L. Reset the Public Hearing for the Unique Opportunities Property Rezone from AG to R-5 for September 19, 2022, at or after 6:30 P.M.
- M. Application for Appointment to the Airport Commission - John Hafner
- N. ~~Application for Appointment to the WMU Commission - John Kennedy~~

Council Member Fagerlie offered a motion to approve the consent agenda. Council Member Nelsen asked that Item N. be pulled for discussion. Council Member Asmus seconded the motion to approve the consent agenda, with the exception of Item N., which carried on a roll call vote of Ayes 8, Noes 0.

Council Member Nelsen noted the paperwork for the appointment of John Kennedy was not included in the Council packet, and asked that this item be placed on the September 19, 2022 Council agenda.

Jason Butler, outside Willmar, addressed the Mayor and Council during the Open Forum regarding his desire to have an easement granted for his commercial property located at 124 Benson Avenue SW. Mr. Butler was advised to contact City Administrator Valiant.

At 6:46 p.m., Mayor Calvin opened the public hearing for approving the assessment roll for the 2022 Improvement Projects. Contract City Engineer Jared Voge presented the pertinent information to the Mayor and Council.

Tom Jones, 1223 Litchfield Ave SW – rental property, addressed the Mayor and Council regarding the calculation and excessive amount of assessment against his property.

Darlene Donahue, 1500 SW 6<sup>th</sup> Street, addressed the Mayor and Council regarding the excessive amount assessed against her property and was comparing to her sister’s property on 2<sup>nd</sup> Street SE done recently.

Tyler Waldemarsen, 1816 SW 6<sup>th</sup> Street, addressed the Mayor and Council regarding the good condition of the road prior to construction, the amount assessed against his property, and benefit as per statute.

Tom Anderson, 1709 SW 6<sup>th</sup> Street, addressed the Mayor and Council regarding the excessive amount assessed against his property, statute regulations, footage calculation against his property versus the assessor’s records, removal of trees, and presented a signed petition by citizens objecting to the amount assessed against their property.

Jennifer Doering, 555 17<sup>th</sup> Avenue SW, addressed the Mayor and Council regarding the excessive amount assessed against her property, the footage of her lot, removal of trees, and measure of benefit to property per statute.

Antoine Switajewski, 1412 6<sup>th</sup> Street SW, addressed the Mayor and Council regarding the excessive amount assessed against his property versus the benefit to property per statute, and sump pump drainage rebuild.

Todd Larson, 427 Highland Road SW, addressed the Mayor and Council regarding the footage calculation and assessment against his property.

Bill Leenstra, 1504 6<sup>th</sup> Street SW – rental property, addressed the Mayor and Council regarding the excessive amount assessed against his property.

Sam Modderman, 501 17<sup>th</sup> Avenue SW, addressed the Mayor and Council regarding the excessive amount assessed against his property and requested a reduction for unused useful life expectancy of the street.

LuVerne Stadtherr, 500 17<sup>th</sup> Avenue SW, addressed the Mayor and Council regarding the excessive amount assessed against his property, and removal of trees.

Ashley Vasquez, 620 Charlotte Street SE, addressed the Mayor and Council regarding the excessive amount assessed against her property, the removal of sidewalk, and benefit to property value.

Robert Pierskalla, non-buildable lot on Lakeland Drive SE, addressed the Mayor and Council regarding the excessive amount assessed against his property and the footage calculation for his property.

Dan Bonnema, 612 Charlotte Street SE, addressed the Mayor and Council regarding the excessive amount assessed against his property and the benefit to property value.

James Slagter, 1200 SW 6<sup>th</sup> Street, addressed the Mayor and Council regarding the excessive amount assessed against his property and inquired about the deferment process of the assessment.

Jon Bohner, 1309 SW 6<sup>th</sup> Street, addressed the Mayor and Council regarding the excessive amount assessed against his property, and the quality of water after construction.

Don Heck, 1500 SW 6<sup>th</sup> Street, addressed the Mayor and Council regarding the completion of the project according to the schedule.

Sally Wilson, 1513 SW 6<sup>th</sup> Street SW, addressed the Mayor and Council regarding the excessive amount assessed against her property and the benefit to property value.

Kelly Heid, 1318 SW 13<sup>th</sup> Street, addressed the Mayor and Council regarding the excessive amount assessed against her property and the water quality.

Tom Anderson, 1709 SW 17<sup>th</sup> Street, addressed the Mayor and Council again inquiring the methodology and his desire to be notified if there is a change in assessment amount against his property.

Bethany Swecker, 1605 SW 6<sup>th</sup> Street, addressed the Mayor and Council regarding the excessive amount assessed against her property, the damage to their electric underground dog fence and if it will be repaired.

There being no others present to speak for or against the proposed assessment, Mayor Calvin closed the public hearing at 7:53 p.m. and opened it up for discussion by the Council. City Attorney Scott advised the Mayor and Council of the legal process to be followed.

Council Member Davis offered a motion to hold a Special City Council meeting to continue the assessment hearing process on Tuesday, October 11, 2022, at 5:30 p.m. in the Board Room at Health and Human Services Building. Council Member Fagerlie seconded the motion.

During a brief discussion, Council Member Plowman called point of order and offered a motion to take a ten minute recess. Council Member Asmus seconded the motion, which carried.

Mayor Calvin recessed the meeting at 8:02 p.m.

At 8:10 p.m. Mayor Calvin reconvened the meeting.

Following a lengthy discussion, the motion to hold a Special City Council meeting to continue the assessment hearing process on Tuesday, October 11, 2022, at 5:30 p.m. in the Board Room at Health and Human Services Building, then carried unanimously.

Organization Development Consultant Dr. Susan Herried presented an update on the cultural assessment report. It was noted she had met with majority of staff and council and is concluding the interview portion of this process, will compile the information and prepare summary report to the Council at a future date.

City Operations Director Box presented an amendment to the license agreement for the 2022 Country Music Festival to be held at Robbins Island on September 10, 2022. This request is to amend the agreement approved by Council on July 18, 2022.

Following discussion, **Resolution No. 2022-118 Resolution Approving the First Amendment License Agreement for the 2022 Country Music Festival** was introduced by Council Member Fagerlie. Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Planning and Development Services Director Walker presented a request to consider entering into a contract for interpretation services with Jeannette Morales for rental inspections.

Following discussion, Council Member Ask offered a motion to direct staff to work with City Attorney to draft a contract for interpreting services for rental inspections. Council Member Plowman seconded the motion, which carried.

Planning and Development Services Director Walker presented a request to introduce an ordinance authorizing the sale of City-owned property to Clean Chickens, and set a public hearing for September 19, 2022.

Following discussion, Council Member Fagerlie offered a motion to **introduce an Ordinance Authorizing the Sale of Real Property to Clean Chickens, LLC**, and set a public hearing for September 19, 2022. Council Member Asmus seconded the motion, which carried.

Public Works Director Manzer presented a request to approve the Game Time Grant application and use the 2022 capital improvement dollars to purchase two sets of playground equipment if awarded. Hanson Park and Bjorsell Park are scheduled to have their playground equipment replaced.

Following discussion, **Resolution No. 2022-119 Approving the Application for the Game Time Grant and If Awarded, Use the 2022 Capital Improvement Dollars to Purchase Two Sets of Playground Equipment** was introduced by Council Member Fagerlie. Council Member O'Brien seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Contracted City Engineer Jared Voge presented a request to approve the permanent utility easement with Clay and Bridgette VenOsdel for the Epitopix Sanitary Sewer and Watermain Project.

Following discussion, **Resolution No. 2022-120 Authorizing the Execution of a Permanent Utility Easement** was introduced by Council Member Plowman. Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Contracted City Engineer Jared Voge presented a request to adopt as-bid budget for the Epitopix Watermain Extension Project in the amount of \$720,665. He also requested to adopt as-bid budget for the Epitopix Sanitary Sewer Extension Project in the amount of \$1,408,050.

**Resolution No. 2022-121 Epitopix Watermain Extension As-Bid Budget Total Cost \$720,665** was introduced by Council Member Fagerlie. Council Member O'Brien seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

**Resolution No. 2022-122 Epitopix Sanitary Sewer Extension As-Bid Budget Total Cost \$1,408,050** was introduced by Council Member Nelsen. Council Member Plowman seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Human Resource Director Sietsema presented a request to approve job descriptions for Administrative Assistant-Administration, and Human Resources Assistant.

Following discussion, Council Member Fagerlie offered a motion to approve the job description for Administrative Assistant-Administration. Council Member Plowman seconded the motion, which carried.

Council Member O'Brien offered a motion to approve the job description for Human Resources Assistant. Council Member Davis seconded the motion, which carried.

City Operations Director Box presented a request to re-introduce an ordinance licensing and regulating Tetrahydrocannabinol (THC) products and call for a public hearing to be held on September 19, 2022. It was noted the first draft of the THC ordinance was introduced on August 15, 2022. With input from the Council, amendments were made to the penalty and violation section, along with recommended additional items from staff.

Following discussion, Council Member Fagerlie offered a motion to **introduce an Ordinance Regulating the Sale of Tetrahydrocannabinol Products in the City of Willmar**, and set a public hearing for September 19, 2022. Council Member Plowman seconded the motion, which carried.

Due to the length and cost of publishing the entire ordinance, Council Member Fagerlie offered a motion to publish the Ordinance regulating the sale of tetrahydrocannabinol (THC) products in the City of Willmar by summary. Council Member Plowman seconded the motion, which carried.

City Administrator Valiant presented a request to enter into a contract with Tyler Technologies for Enterprise Resource Planning (ERP) software.

Following discussion, **Resolution No. 2022-123 Authorizing the City of Willmar to Enter into a Contract with Tyler Technologies for Enterprise Resource Planning (ERP) Software** was introduced by Council Member Plowman. Council Member Davis seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Council Member Fagerlie offered a motion to adjourn the meeting, with Council Member Asmus seconding the motion, which carried. The meeting adjourned at 9:43 p.m.

/s/ Marv Calvin  
MAYOR

Attest:

/s/ Judy Thompson  
SECRETARY TO THE COUNCIL

**RESOLUTION NO. 2022-118**

**RESOLUTION APPROVING THE FIRST AMENDMENT LICENSE AGREEMENT  
FOR THE 2022 COUNTRY MUSIC FESTIVAL**

Motion By: Fagerlie Second By: Nelsen

BE IT RESOLVED by the City Council of the City of Willmar to approve the first amendment license agreement for the 2022 Country Music Festival.

Dated this 6th day of September 2022

/s/ Marv Calvin  
MAYOR

Attest:

/s/ Judy Thompson  
CITY CLERK

**RESOLUTION NO. 2022-119**

**RESOLUTION APPROVING THE APPLICATION FOR THE GAME TIME GRANT AND IF AWARDED, USE  
THE 2022 CAPITAL IMPROVEMENT DOLLARS TO PURCHASE TWO SETS OF PLAYGROUND EQUIPMENT**

Motion By: Fagerlie Second By: O'Brien

BE IT RESOLVED by the City Council of the City of Willmar to approve the application for the Game Time grant and if awarded, use the 2022 capital improvement dollars to purchase two sets of playground equipment.

Dated this 6th day of September, 2022

/s/ Marv Calvin  
MAYOR

Attest:

/s/ Judy Thompson  
CITY CLERK

**RESOLUTION NO. 2022-120**

**A RESOLUTION AUTHORIZING THE EXECUTION OF A PERMANENT UTILITY EASEMENT.**

Motion By: Plowman                      Second By: Nelsen

WHEREAS, a utility easement has been prepared for the installation of sanitary sewer and watermain utilities at Epitopix to construct, operate and maintain such utilities under the described lands; and

WHEREAS, an agreement has been prepared for the terms and conditions of the easement with compensation to the landowner in the amount of \$5,000.00;

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 are hereby authorized to sign said easement on behalf of the City.

Dated this 6th day of September, 2022

/s/ Marv Calvin  
Mayor

Attest:

/s/ Judy Thompson  
City Clerk

**RESOLUTION NO. 2022-121**  
**EPITOPIX WATERMAIN EXTENSION AS-BID BUDGET**  
**TOTAL COST \$720,665**

\*Budget Amounts are Essential

Motion By: Fagerlie                      Second By: O'Brien

Code

**PERSONNEL SERVICES**

10\* Salaries Reg. Employees  
11\* Overtime Reg. Employees  
12\* Salaries Temp. Employees  
13\* Employer Pension Contr.  
14\* Employer Ins. Contr.

**TOTAL**

**\$0.00**

**RECEIVABLES**

Assessments Prop Owners                      \$530,000  
Community Investment                              \$0  
MSA    \$0  
MUC    \$0  
WTP    \$0  
Grant (ARPA)                                      \$190,665

**TOTAL**

**\$720,665**

**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>

**OTHER SERVICES**

33* Travel-Conf.-Schools	
34 Mtce. of Equipment	
35 Mtce. of Structures	
36* Mtce. of Other Impr.	\$546,731
37 Subsistence of Persons	
38 Cleaning & Waste Removal	
39* Other Services	\$54,674
<b>TOTAL</b>	<b>\$601,405</b>

**OTHER CHARGES**

46* Prof. Serv.	\$111,760
48 Admin OH (Transfer)	\$0
49 Other Charges	\$7,500
<b>TOTAL</b>	<b>\$119,260</b>
<b>GRAND TOTAL</b>	<b>\$720,665</b>

**FINANCING**

Bonds	\$0
Grant (ARPA)	\$190,665
MSA	\$0
WTP	\$0
MUC	\$0
PROPERTY OWNER	\$530,000
<b>TOTAL</b>	<b>\$720,665</b>
<b>GRAND TOTAL</b>	<b>\$720,665</b>

Dated this 6<sup>th</sup> day of September, 2022

/s/ Marv Calvin  
Mayor

**Attest:**

/s/ Judy Thompson  
City Clerk

**RESOLUTION NO. 2022-122  
EPITOPIX SANITARY SEWER EXTENSION AS-BID BUDGET  
TOTAL COST \$1,408,050**

\*Budget Amounts are Essential

Motion By: Nelsen

Second By: Plowman

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	\$0
Community Investment	\$0
MSA	\$0
MUC	\$0
WTP	\$108,050
Grant	\$1,300,000
<b>TOTAL</b>	<b>\$1,408,050</b>

**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>

**OTHER SERVICES**

33* Travel-Conf.-Schools	
34 Mtce. of Equipment	
35 Mtce. of Structures	
36* Mtce. of Other Impr.	\$816,696
37 Subsistence of Persons	
38 Cleaning & Waste Removal	
39* Other Services	\$393,264
<b>TOTAL</b>	<b>\$1,209,960</b>

**OTHER CHARGES**

46* Prof. Serv.	\$189,590
48 Admin OH (Transfer)	\$0
49 Other Charges	\$8,500
<b>TOTAL</b>	<b>\$198,090</b>
<b>GRAND TOTAL</b>	<b>\$1,408,050</b>

**FINANCING**

Bonds	\$0
Grant	\$1,300,000
MSA	\$0
WTP	\$108,050
MUC	\$0
COUNTY	\$0
<b>TOTAL</b>	<b>\$1,408,050</b>
<b>GRAND TOTAL</b>	<b>\$1,408,050</b>

Dated this 6<sup>th</sup> day of September, 2022

/s/ Marv Calvin  
Mayor

**Attest:**

/s/ Judy Thompson  
City Clerk

**RESOLUTION NO. 2022-123**

**RESOLUTION AUTHORIZING THE CITY OF WILLMAR TO ENTER INTO A CONTRACT WITH TYLER TECHNOLOGIES FOR ENTERPRISE RESOURCE PLANNING (ERP) SOFTWARE**

Motion By: Plowman Second By: Davis

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the Mayor and City Administrator be authorized to enter into a contract with Tyler Technologies for Enterprise Resource Planning (ERP) Software for the annual amount of \$150,867.00 and implementation professional services up to \$501,355.00 to be paid from ARPA Funds.

Dated this 6<sup>th</sup> day of September, 2022.

/s/ Marv Calvin  
MAYOR

ATTEST:

/s/ Judy Thompson  
CITY CLERK