

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

April 18, 2022  
6:30 p.m.

The regular meeting of the Willmar City Council was called to order by the Mayor Marv Calvin. Members present on a roll call were Mayor Marv Calvin, Council Members Julie Asmus, Thomas Butterfield, Michael O'Brien, Justin Ask, Vicki Davis, Andrew Plowman, and Audrey Nelsen. Present 8, Absent 1. Council Member Rick Fagerlie was excused from the meeting.

Also present were City Administrator Leslie Valiant, Police Chief Jim Felt, Finance Director Steve Okins, Parks and Recreation Director Rob Baumgarn, Planning and Development Services Director Justice Walker, Interim Public Works Director Gary Manzer, Human Resource Director LuAnn Sietsema, City Clerk Judy Thompson, and City Attorney Robert Scott.

There were no additions or deletions to the agenda.

Mayor Calvin asked that Item 12. Consideration of Block 25 Contamination Cleanup Grant Application, Committing Local Match and Authorizing Execution of Agreements be moved up on the agenda, and addressed following the interviews of City Operations Director.

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

City Clerk Judy Thompson reviewed the consent agenda.

- A. City Council Minutes of April 4, 2022
- B. Willmar Municipal Utilities Commission Minutes of April 11, 2022
- C. Planning Commission Minutes of March 2, 2022
- D. Application for Exempt Permit – Willmar Hockey Association
- E. Accounts Payable Report for March 31 – April 13, 2022
- F. **Resolution No. 2022-059 Approving Adopt-a-Park Program**
- G. Building Report for the Month of March 2022

Council Member Plowman offered a motion to approve the consent agenda. Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Baker Tilly Representative Patti Heminover gave a brief overview of the process for interviews of candidates for City Operations Officer.

Interviews were conducted for the two finalists: Dan Coughlin and Kyle Box.

Following the interviews, Ms. Heminover stated she would forward additional information on the candidates when it is received, within the next couple of days. Once the information is received and presented to City Administrator Valiant and Human Resource Director Sietsema, a meeting will be scheduled to make the final selection.

City Planner Kayode Adiatu presented a request to approve and adopt Block 25 Contamination Cleanup Grant Application. The cleanup grant is a matching grant, and the developers have committed to the matching funds. It was noted Minnesota Department of Employment and Economic Development (DEED) requires the grant applicant be a governmental entity, therefore, the role of the City is to act as fiscal host of the grant application in order to facilitate the private development of the site. There is no financial commitment required from the City.

Following discussion, **Resolution No. 2022-060 Approving Contamination Cleanup Grant Application, Committing Local Match, and Authorizing Contract Signature** was introduced by Council Member Davis. Council Member Ask seconded the motion, which carried on a roll call vote of Ayes 6, Noes 0. Council Member Nelsen abstained from voting.

Economic Development Director Aaron Backman presented a request to approve the early access agreement between the City and Nexyst 360 pertaining to the proposed project area, which encompasses about 137 acres of city-owned land. The agreement is intended to allow studies or investigations to be completed prior to the potential sale of City land.

Following discussion, **Resolution No. 2022-061 Approving the Early Access Agreement for Site Evaluations with Nexyst 360, Inc.** was introduced by Council Member Ask. Council Member Plowman seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Planning and Development Services Director Walker presented an update on the abatement process for MinnWest Technology Campus Company, and requested a public hearing be set for May 16, 2022.

Following discussion, Council Member Nelsen offered a motion to table this item and further information be brought back to Council at a future date. Council Member Butterfield seconded the motion which carried, on a roll call vote of Ayes 4, Noes 3. Council Members Ask, Davis, and Plowman voted “no”.

Human Resource Director Sietsema presented a request to approve the revised job description and wage reclassification for the Wastewater Lab Technician.

Following discussion, Council Member Plowman offered a motion to approve staff’s recommendation. Council Member Asmus seconded the motion, which carried unanimously.

Contracted City Engineer Jared Voge presented a request to award Project No. 2210 TH 12 Lift Station Elimination to Tom’s Backhoe in the amount of \$2,664,319; adopt the As-bid Budget for Project No. 2210 TH 12 Lift Station Elimination in the amount of \$3,197,960 and; adopt Amendment No. 1 of the Professional Services Agreement with Bolton and Menk, Inc. for the TH 12 Lift Station Elimination Project in the amount of \$266,400.

Following discussion, **Resolution No. 2022-062 Awarding Project No. 2210 to Tom’s Backhoe in the Amount of \$2,664,319** was introduced by Council Member Plowman. Council Member Asmus seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

**Resolution No. 2022-063 Project No. 2210 TH 12 Lift Station Elimination As-Bid Budget Total Cost \$3,197,960** was introduced by Council Member Plowman. Council Member Ask seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

**Resolution No. 2022-064 Accepting Contract Amendment No. 1 with Bolton and Menk, Inc. for the TH 12 Lift Station Elimination Project** was introduced by Council Member Plowman. Council Member Ask seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Contracted City Engineer Jared Voge presented a request to accept Project No. 2001-B and authorize final payment to Riley Bros. Construction, Inc. in the amount of \$20,655.77.

**Resolution No. 2022-065 Accepting Project No. 2001-B and Authorize Final Payment** was introduced by Council Member Asmus. Council Member Plowman seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Mayor Calvin asked Council to consider directing staff to provide clarification at the next Council meeting regarding the MinnWest Technology Campus Abatement Process.

Council Member Nelsen offered a motion to direct staff to provide clarification at the next Council meeting regarding the MinnWest Technology Campus Abatement Process. Council Member Plowman seconded the motion, which carried.

Parks and Recreation Director Baumgarn presented a request to re-allocate \$254,311.50 from the Blue Line Arena insulation project to the Civic Center roof project and approve Change Order No. 16 for the Civic Center roof improvements in the amount of \$360,587.00.

Following discussion, **Resolution No. 2022-066 Re-Appropriating Funds from the Blue Line Arena Insulation Project to the Civic Center Roof Project and Approval of Change Order No. 16 for the Events and Recreation Center in the Amount of \$360,587.00** was introduced by Council Member Asmus. Council Member O'Brien seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Parks and Recreation Director Baumgarn presented a request to approve the agreement with Mid State Audio for the Events/Rec Center sound system for the amount of \$38,017.17.

Following discussion, **Resolution No. 2022-067 Approving Invest in Willmar Events and Recreation Center Sound System Agreement with Mid State Audio** was introduced by Council Member Plowman. Council Member Asmus seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Parks and Recreation Director Baumgarn presented a request to award the Recreation Field Fence Project to American Fence Company in the amount of \$108,800.00 and adopt the project budget in the amount of \$119,680.00.

Following discussion, **Resolution No. 2022-068 Approving the Contract with American Fence Company in the Amount of \$108,800.00 and Adopt the Project Budget in the Amount of \$119,680.00** was introduced by Council Member Asmus. Council Member Butterfield seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

City Clerk Thompson presented a request to approve and acknowledge the donations for the first quarter of 2022.

**Resolution No. 2022-069 Acknowledgement of Donations** was introduced by Council Member Nelsen. Council Member Davis seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

City Administrator Valiant presented a request to elect the standard allowance under the revenue loss provision option for the American Rescue Plan Act dollars.

Following discussion, **Resolution No. 2022-070 A Resolution to Elect the Standard Allowance Available Under the Revenue Loss Provision of the Coronavirus Local Fiscal Recovery Fund Established Under the American Rescue Plan Act** was introduced by Council Member Davis. Council Member Ask seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

City Administrator Valiant reminded Council to send their comments on the candidates for City Operations Officer to her.

Mayor Calvin noted a special Council meeting is tentatively scheduled for Friday, April 22nd at 12:00 noon to consider offering the position of City Operations Officer to one of the candidates interviewed this evening.

Council Member Nelsen offered a motion to adjourn the meeting with Council Member Asmus seconding the motion, which carried. The meeting adjourned at 7:49 p.m.

/s/ Marv Calvin  
MAYOR

Attest:

/s/ Judy Thompson  
SECRETARY TO THE COUNCIL

**RESOLUTION NO. 2022-059**

**A RESOLUTION APPROVING THE PARKS AND RECREATION ADOPT-A-PARK PROGRAM**

Motion By: Plowman                      Second By: Nelsen

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the City Council of the City of Willmar hereby approves the Adopt-A-Park program.

Dated this 18<sup>th</sup> day of April, 2022

/s/ Marv Calvin  
Mayor

Attest:

/s/ Judy Thompson  
City Clerk

**RESOLUTION NO. 2022-060**

**A RESOLUTION APPROVING CONTAMINATION CLEANUP GRANT APPLICATION, COMMITTING LOCAL MATCH, AND AUTHORIZING CONTRACT SIGNATURE**

Motion By: Davis                      Second By: Ask

WHEREAS, under the authority of the Contamination Cleanup Grant Program, the Department of Employment and Economic Development (DEED) awards grant funds for the costs of investigating for contaminants and developing a plan to clean contamination; and

WHEREAS, the City of Willmar desires to obtain grant funds for the Block 25 Redevelopment Project in order to facilitate the private development of the site; and

WHEREAS, the City Council of the City of Willmar seeks to approve the Contamination Cleanup grant application to be submitted to DEED on May 1, 2022 by the City of Willmar for the Block 25 Redevelopment Project site; and

WHEREAS, the City of Willmar will act as the legal sponsor for project(s) contained in the Contamination Cleanup Grant Program to be submitted on May 1, 2022 and that Leslie Valiant (City Administrator) is hereby authorized to apply to the Department of Employment and Economic Development for funding of this project on behalf of the City of Willmar; and

WHEREAS, the City of Willmar has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure adequate project administration; and

WHEREAS, the sources and amounts of the local match identified in the application are committed to

the project identified; and

WHEREAS, the City of Willmar has not violated any Federal, State or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice; and

WHEREAS, upon approval of its application by the state, the City of Willmar may enter into an agreement with the State of Minnesota for the above-referenced project(s), and that the City certifies that it will comply with all applicable laws and regulation as stated in all contract agreements.

NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL THAT: The City Council of the City of Willmar hereby approves and adopts the Contamination Cleanup grant application to be submitted to the Department of Employment and Economic Development (DEED) on May 1, 2022 by the City of Willmar for the Block 25 Redevelopment Project site, attached hereto as Exhibit A; and

BE IT FURTHER RESOLVED THAT: The City Council hereby approves the grant application and authorizes and directs the Mayor and City Clerk to execute such agreements as are necessary to implement the project on behalf of the City.

Dated this 18<sup>th</sup> day of April, 2022.

/s/ Marv Calvin  
Mayor

Attest:

/s/ Judy Thompson  
City Clerk

**EXHIBIT A**  
**Contamination Cleanup Grant Application**

(Complete Grant Application is on file in the Planning & Development Services Department)

**RESOLUTION NO. 2022-061**

**A RESOLUTION APPROVING THE EARLY ACCESS AGREEMENT  
FOR SITE EVALUATIONS WITH NEXYST 360, INC.**

Motion By: Ask Second By: Plowman

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota that the Early Access Agreement for site environmental assessments, surveys, soil investigations, and other evaluations with Nexyst 360, Inc. is accepted and approved, and be it further resolved that the Mayor and City Administrator of the City of Willmar are hereby authorized to execute a version thereof.

Dated this 18<sup>th</sup> day of April, 2022

/s/ Marv Calvin  
MAYOR

ATTEST:

/s/ Judy Thompson  
CITY CLERK

**RESOLUTION NO. 2022-062**

**A RESOLUTION AWARDING PROJECT NO. 2210 TO TOM'S BACKHOE IN THE AMOUNT OF \$2,664,319.**

Motion By: Plowman                      Second By: Asmus

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the bid of Tom's Backhoe of Brainerd, MN for Project No. 2210 TH 12 Lift Station Elimination 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 \$2,664,319.

Dated this 18th day of April, 2022

/s/ Marv Calvin  
Mayor

Attest:

/s/ Judy Thompson  
City Clerk

**RESOLUTION NO. 2022-063**  
**PROJECT NO. 2210 TH 12 LS ELIMINATION AS-BID BUDGET**  
**TOTAL COST \$3,197,960**

\*Budget Amounts are Essential

Motion By: Plowman                      Second By: Ask

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                      \$0  
Community Investment                      \$0  
MSA                      \$0  
MUC                      \$225,684  
WTP                      \$2,972,276  
LOST                      \$0  
COUNTY                      \$0

**TOTAL                      \$3,197,960**

**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

**FINANCING**

Bonds                      \$0  
LOST                      \$0  
MSA                      \$0  
WTP                      \$2,972,276  
MUC                      \$225,684  
COUNTY                      \$0

**TOTAL                      \$3,197,960**

28 Cleaning & Waste Removal  
 29\* General Supplies  
**TOTAL \$0.00**

**GRAND TOTAL \$3,197,960**

Dated this 18<sup>th</sup> day of April, 2022

**OTHER SERVICES**

31\* Printing & Publishing \$500  
 34 Mtce. of Equipment  
 35 Mtce. of Structures  
 36\* Mtce. of Other Impr. \$2,664,319  
 37 Subsistence of Persons  
 38 Cleaning & Waste Removal  
 39\* Other Services (5%) \$133,215.95  
**TOTAL \$2,798,035**

/s/ Marv Calvin  
 Mayor

**Attest:**

/s/ Judy Thompson  
 City Clerk

**OTHER CHARGES**

46\* Prof. Serv. \$399,925  
 48 Admin OH (Transfer)  
**TOTAL \$399,925**  
**GRAND TOTAL \$3,197,960**

**Wastewater Funding Breakdown**

2019 Eagle Lake Imp. Balance \$118,000  
 2020 Design Alloc. 7, 8, E Hwy 12 LS \$293,176  
 2021 Hwy 12 Repl. Allocation \$700,000  
 2022 Eagle Lake No. 7 \$800,000  
 2022 Eagle Lake No. 8 \$630,000  
PFA Designated System Repl. \$431,100  
 Total \$2,972,276

**RESOLUTION NO. 2022-064**

**A RESOLUTION ACCEPTING CONTRACT AMENDMENT NO. 1 WITH BOLTON AND MENK, INC. FOR THE TH 12 LIFT STATION ELIMINATION PROJECT.**

Motion By: Plowman Second By: Ask

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 the TH 12 Lift Station Elimination Project between the City of Willmar and Bolton and Menk, Inc. of Willmar, Minnesota by Contract Amendment No. 1 in the increased amount of \$266,400.

Dated this 18th day of April, 2022

/s/ Marv Calvin  
 Mayor

Attest:

/s/ Judy Thompson  
 City Clerk

**RESOLUTION NO. 2022-065**

**A RESOLUTION ACCEPTING PROJECT NO. 2001-B AND AUTHORIZING FINAL PAYMENT.**

Motion By: Asmus Second By: Plowman

IMPROVEMENT: Project No. 2001-B- 6<sup>th</sup> Street & 23<sup>rd</sup> Avenue NE Reconstruction

CONTRACTOR: Riley Bros. Construction, Inc.  
DATE OF CONTRACT: May 18, 2020  
BEGIN WORK: June 15, 2020  
COMPLETE WORK: February 1, 2022  
APPROVE, ENGINEERING DEPT: April 1, 2022

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

1. The said City of Willmar Project No. 2001-B be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$431,281.25
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$431,281.25
CHANGE ORDER NO. 1:	\$5,500.00
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$413,115.35
Less Previous Payments	\$392,459.58
<b>FINAL PAYMENT DUE CONTRACTOR:</b>	<b>\$20,655.77</b>

Dated this 18th day of April, 2022

/s/ Marv Calvin  
Mayor

Attest:

/s/ Judy Thompson  
City Clerk

**RESOLUTION NO. 2022-066**

**A RESOLUTION REAPPROPRIATING FUNDS FROM THE BLUE LINE ARENA INSULATION PROJECT TO THE CIVIC CENTER ROOF PROJECT AND APPROVAL OF CHANGE ORDER NO. 16 FOR THE EVENTS AND RECREATION CENTER IN THE AMOUNT OF \$360,587.00**

Motion By: Asmus Second By: O'Brien

BE IT RESOLVED by the City Council of the City of Willmar, to re-appropriate \$254,311.50 from the Blue Line Arena insulation project to the Civic Center roof project.

Decrease: Blue Line Arena Insulation project \$254,311.50

Increase: Civic Center roof project \$254,311.50

BE IT FURTHER RESOLVED by the City Council of the City of Willmar to adopt the resolution authorizing Change Order No. 16 for the Events and Recreation Center- Civic Center Roof Improvements in the amount of \$360,587.00.

Dated this 18<sup>th</sup> day of April, 2022

/s/ Marv Calvin  
Mayor

Attest:

/s/ Judy Thompson  
City Clerk

**RESOLUTION NO. 2022-067**

**A RESOLUTION APPROVING INVEST IN WILLMAR EVENTS AND RECREATION CENTER SOUND SYSTEM AGREEMENT WITH MID STATE AUDIO**

Motion By: Plowman Second By: Asmus

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 approve the agreement with Mid State Audio for the Events and Recreation Center sound system for the amount of \$38,017.17

Dated this 18<sup>th</sup> day of April, 2022

/s/ Marv Calvin  
Mayor

Attest:

/s/ Judy Thompson  
City Clerk

**RESOLUTION NO. 2022-068**

**A RESOLUTION APPROVING THE CONTRACT WITH AMERICAN FENCE COMPANY  
IN THE AMOUNT OF \$108,800.00 AND ADOPT THE PROJECT BUDGET  
IN THE AMOUNT OF \$119,680.00**

Motion By: Asmus

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 approve the contract with American Fence Company in the amount of \$108,800.00 and approve the project budget in the amount of \$119,680.00.

Dated this 18<sup>th</sup> day of April, 2022

/s/ Marv Calvin  
Mayor

Attest:

/s/ Judy Thompson  
City Clerk

**RESOLUTION NO. 2022-069**

**ACKNOWLEDGEMENT OF DONATIONS**

Motion By: Nelsen

Second By: Davis

WHEREAS, the City of Willmar has received donations which have been acknowledged by the City Administrator expressing the community's appreciation for the time period of January 1 through March 31, 2022.

\$1,000.00	Carrie Van Epps – Aging Wisely Program at the Willmar Area Community Center
100.00	Bruce Taylor – Checkmate Chess Club at the Willmar Area Community Center
1,000.00	Willmar Fire Fighters Association – Willmar Fire Department
200.00	Reta James – Body Armor for Willmar Police Department
3,500.00	100 Yard Club – Portable Score Board

NOW, THEREFORE, BE IT RESOLVED by the City Council of Willmar, Minnesota that the City formally accept the donations as listed below:

Dated this 18th day of April, 2022

/s/ Marv Calvin  
MAYOR

Attest:

/s/ Judy Thompson  
CITY CLERK

**CITY OF WILLMAR  
RESOLUTION NO. 2022-070**

**A RESOLUTION TO ELECT THE STANDARD ALLOWANCE AVAILABLE UNDER THE REVENUE LOSS  
PROVISION OF THE CORONAVIRUS LOCAL FISCAL RECOVERY FUND  
ESTABLISHED UNDER THE AMERICAN RESCUE PLAN ACT**

Motion By: Davis

Second By: Ask

**WHEREAS**, Congress adopted the American Rescue Plan Act in March 2021 (“ARPA”) which included \$65 billion in recovery funds for cities across the country.

**WHEREAS**, ARPA funds are intended to provide support to state, local, and tribal governments in responding to the impact of COVID-19 and in their efforts to contain COVID-19 in their communities, residents, and businesses.

**WHEREAS**, The Fiscal Recovery Funds provides for \$19.53 billion in payments to be made to States and territories which will distribute the funds to nonentitlement units of local government (NEUs).

**WHEREAS**, The ARPA requires that States and territories allocate funding to NEUs in an amount that bears the same proportion as the population of the NEU bears to the total population of all NEUs in the State or territory.

**WHEREAS**, \$2,171,328.78 has been allocated to the City of Willmar (“City”) pursuant to the ARPA.

**WHEREAS**, The Coronavirus State and Local Fiscal Recovery Funds ensures that governments have the resources needed to fight the pandemic and support families and businesses struggling with its public health and economic impacts, maintain vital public services, even amid declines in revenue, and build a strong, resilient, and equitable recovery by making investments that support long-term growth and opportunity.

**WHEREAS**, In May 2021, the US Department of Treasury (“Treasury”) published the Interim Final Rule describing eligible and ineligible uses of funds as well as other program provisions, sought feedback from the public on these program rules, and began to distribute funds.

**WHEREAS**, on January 6, 2022, Treasury issued the final rule. The final rule delivers broader flexibility and greater simplicity in the program, responsive to feedback in the comment process.

**WHEREAS**, the final rule offers a standard allowance for revenue loss of up to \$10 million, allowing recipients to select between a standard amount of revenue loss or complete a full revenue loss calculation.

**WHEREAS**, recipients that select the standard allowance may use that amount, in many cases their full award, for government services, with streamlined reporting requirements.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WILLMAR, MINNESOTA, THE CITY ELECTS THE STANDARD ALLOWANCE AVAILABLE UNDER THE REVENUE LOSS PROVISION OF THE AMERICAN RESCUE PLAN ACE IN THE AMOUNT OF \$2,171,328.78 TO BE USED FOR THE GENERAL PROVISION OF GOVERNMENT SERVICES.**

Adopted by the City Council of Willmar, Minnesota this 18th day of April, 2022.

/s/ Marv Calvin  
Mayor

Attested:

/s/ Judy Thompson  
Cty Clerk