

WILLMAR CITY COUNCIL PROCEEDINGS
BY ELECTRONIC MEANS (GOTO MEETING)

April 20, 2020
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Marv Calvin. Members present on a roll call were Mayor Marv Calvin, Council Members Rick Fagerlie, Shawn Mueske, Kathy Schwantes, Vicki Davis, Fernando Alvarado, Julie Asmus, Andrew Plowman, and Audrey Nelsen. Present 9, Absent 0.

Also present were City Administrator Brian Gramentz, Police Chief Jim Felt, Fire Chief Frank Hanson, Finance Director Steve Okins, Public Works Director Sean Christensen, Planning and Development Services Director Dave Ramstad, Park and Recreation Director Rob Baumgarn, City Clerk Judy Thompson, and City Attorney Robert Scott.

There were no additions or deletions to the agenda.

Council Member Fagerlie moved to approve the agenda, as presented. Council Member Asmus seconded the motion which carried, on a roll call vote of Ayes 8, Noes 0.

City Clerk Judy Thompson reviewed the consent agenda.

- A. City Council Minutes of March 16, 2020
- B. City Council Minutes of March 26, 2020
- C. Willmar Municipal Utilities Board Minutes of March 23, 2020
- D. Willmar Municipal Utilities Board Minutes of April 13, 2020
- E. Carris Health-Rice Hospital Board Minutes of March 11, 2020
- ~~F. Planning Commission Minutes of April 15, 2020~~
- G. Application for Appointment to the Board of Zoning Appeals – Joshua Monson
- H. Accounts Payable Report for March 12 through April 14, 2020
- I. Building Report for the Month of March, 2020
- J. Invest in Willmar Board Minutes of March 4, 2020

Council Member Fagerlie offered a motion to approve the Consent Agenda. Council Member Nelsen asked that Item F. be removed for discussion. Council Member Mueske seconded the motion to approve the consent agenda, with the removal of Item F., which carried on a roll call vote of Ayes 8, Noes 0.

Council Member Nelsen asked if the lots located in Pleasant View were listed in the community and available to the public for sale.

Planning and Development Director Dave Ramstad stated the lots have been for sale for the past 20 years.

Following clarification, Council Member Nelsen offered a motion to approve Item F. Council Member Mueske seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Mayor Calvin asked that Item No. 1 of the Public Works/Safety Committee Report of April 15, 2020 be addressed at this time due to members of the public being present at the meeting.

Council Member Plowman informed the Council that the Committee's recommendation was to adopt a resolution approving plans and specifications and authorize advertisement for bids by Bolton and Menk, Inc. for the Invest in Willmar Robbins Island Project and forward to Finance Committee for funding options to be presented at the following Council meeting. The project includes the reconstruction of the roads, parking lots and water main at Robbins Island. \$3,000,000 is allocated from local option sales tax for the project, which is estimated at \$2,975,625, but will not be available until 2021 at the earliest. The Committee is requesting the Finance Committee review the project for other funding sources until the tax funds become accessible.

Following a lengthy discussion, Council Member Plowman offered a motion to approve the Committee's recommendation and introduced **Resolution No. 2020-053 Approving Plans and Specifications and Authorize Advertisement for Bids for the Invest in Willmar Robbins Island Project.** Council Member Nelsen seconded the motion.

Following further discussion, Council Member Mueske offered a friendly amendment to have the financing options discussed as a full Council at a future Finance Committee meeting. Council Member Schwantes seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

The original motion then carried on a roll call vote of Ayes 8, Noes 0.

The Finance Committee Report for April 9, 2020 was presented to the Mayor and Council by Council Member Nelsen. There were eight items for consideration.

Item No. 1 Staff presented details of the current statutory tort liability limits to the extent of the coverage purchased from the League of Minnesota Cities Insurance Trust. A decision must be made annually whether to waive the limits. If the City does not waive the statutory tort limits, an individual claimant would be able to recover no more than \$500,000 on any claim to which the statutory tort limits apply. The total which all claimants would be able to recover in a single occurrence to which the statutory tort limits apply would be limited to \$1,500,000. If the City waives the statutory tort limits and purchases excess liability coverage, a single claimant could potentially recover an amount up to the limit of the coverage purchased. The total which all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would also be limited to the amount of coverage purchased, regardless of the number of claimants. Staff was recommending not to waive the statutory tort limits at this time.

It was the recommendation of the Committee to introduce a resolution stating the City will not waive the statutory tort limits established at \$500,000 per claimant, \$1,500,000 per occurrence.

Resolution No. 2020-054 Approving Statutory Municipal Liability Coverage Limits was introduced by Council Member Nelsen. Council Member Asmus seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Item No. 2 Staff explained that the property located at 908 and 910 15th Street Southwest has been used for residential purposes and is zoned R-2 (One-and Two-Family Residential). The Paffrath Phlatz Minor Subdivision was reviewed and approved on February 19, 2020, by the Planning Commission and on March 2, 2020, by the City Council. This subdivision triggered the need for a reapportionment as there are existing special assessments on the original parcel for the 15th Street Southwest street project completed in 2019. The existing special assessments of \$3,989.25 will be split between the two parcels being created, \$1,994.62 and \$1,994.63 respectively, and will continue to be paid in yearly increments.

It was the recommendation of the Committee to introduce a resolution to reapportion the special assessments for the Paffrath Phlatz Minor Subdivision as requested.

Resolution No. 2020-055 Reapportionment of Special Assessments was introduced by Council Member Nelsen. Council Member Plowman seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Item No. 3 Staff explained that the Willmar Main Street (WMS) Program became a part of the City in 2018. At that time, Planner Sarah Svedberg was tasked with the coordination of the program. As the WMS Program has continued to grow, the WMS Board has found it appropriate to use a portion of the budget to contract with Ten17 Media to help with WMS website updates, social media content creation and posts. The Ten17 Media team has the ability to more efficiently and effectively complete this work on a professional level, and it takes this responsibility off of the Planner so that other projects can be prioritized. This expense was

anticipated and included in the approved Willmar Main Street Budget by both the WMS Board and the City Council. The scope of work agreed upon will cost Willmar Main Street \$1,250 per month.

It was the recommendation of the Committee to introduce a resolution Authorizing the Mayor and City Administrator to enter into the Ten17 Media Agreement.

Resolution No. 2020-056 Authorization to Execute "Ten17 Media Agreement" was introduced by Council Member Nelsen. Council Member Plowman seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Item No. 4 Staff reviewed the investments for the 1st quarter of 2020, noting that called investments have ramped up due to the recent economic changes resulting from the Covid-19 Pandemic. Strategy has been to put the funds from these called investments in money markets, not only to keep things as liquid as possible but also because money market rates have temporarily been better than specific-term investments. It is anticipated that this may change. Another strategy has been to purchase new investments for terms no longer than 12 to 24 months as forecasts are projecting rates may increase after about a year. This item was for information only.

Item No. 5 Staff reviewed the status of the revenues and expenditures in both the General Fund and the Waste Treatment Fund as of March 31, 2020. It was noted Property Tax Collections are 36% of General Operating Revenues. There is uncertainty in intergovernmental revenue, particularly local government aid, given the anticipated downturn of revenues by the State. Service charges will be short because of Rec Programs being cancelled. Fines and Forfeits will be short due to traffic and impounding of vehicles being down. Interest will probably be greatly reduced as interest rates are down drastically. Other Financing Sources/MUC Transfers In should be status quo at this juncture but this may be revisited because of the state of the economy. Under Expenditures, Personal Services constitute 72% of the General Fund operating costs. Transfer Out, which include capital projects as well as the payment subsidy for the airport, total \$1.7 million. There are a number of projects that have not been started yet, of those there are the two major projects of \$315,000 Swansson Field Lights and \$485,000 Auditorium. This item was for information only.

Item No. 6 Staff reviewed the status of the local option sales tax receipts to-date. This new tax was effective October 1, 2019. There are concerns that amounts collected to-date have been down dramatically and that given the current economic downturn, those numbers may be smaller yet. This reduction in anticipated revenues should be considered when going forward with contracting and bonding for the various local option sales tax projects. Staff noted there was an ordinance change to address state reciprocity rules and to allow the state to collect the City's vehicle excise tax. Staff will continue to research with the State how this reciprocity may cause a delay in collection of sales taxes that should be received from other states. It was noted that the initial revenues are down partially due to vendors getting their systems up and running with the new sales tax rates. Historically, information shows this issue does correct itself over time – either by vendors correcting their returns or when they are audited by the State. The County noted they also had this issue when they first started their sales tax program, but they saw corrections in this as well. Using the current monthly amounts received, it was projected there should be enough cash received within about a year for all the design phase plans and specs, which would not include the bidding stage.

Councilmember Nelsen stated that at the Invest in Willmar meeting it was hoped to pay for the Robbins Island Project with cash. In light of these projections, that may not be the case. Consequently, we will need to finance the Robbins Island Project instead. There have been and continue to be ongoing discussions between staff and Baker Tilly regarding the sales tax revenue projections versus the cost projections for the designated local option sales tax projects. Staff will report to the Council on these discussions as they occur. It was noted the impact of the shelter-in-place order, specifically the state-authorized delay for vendors to remit sales tax until May 20th, as it pertains to the local option sales tax revenues will not be recognized until July at the earliest. This item was for information only.

Item No. 7 Staff raised concerns about proceeding with various capital projects given the economic downturn resulting from the Covid-19 pandemic, particularly because sales tax revenue is down and

the delay in receiving property taxes. Doug Green of Baker Tilly addressed the Committee regarding the recent volatility of the bond market. He said the City is in good shape to get financing, if needed, and that \$25 – \$30 million bonds are not a problem. Councilmember Nelsen stated the local option sales tax bonding will have the local option sales tax revenue pledged to make those bond payments and is concerned how that will affect the bonding for those projects. Mr. Green said that should not be a problem since they will be backed by general obligation bonds. Subsequently, if the sales tax revenues are not what was anticipated to cover the debt service, property tax revenue can be utilized to offset the difference. Finance Director Okins stated the ability to sell/borrow the funds comes in to play as well as the ability to make the payments. Questions were raised as to whether the impact of the Covid-19 pandemic may also affect funding for the 2020 Street Projects. Staff stated the Capital Improvement Program had initially been approved for approximately \$2 million for assessable type work and \$1 million for work involving State Aid Funds for 2020. However, proposals have been presented to the Council of around \$6 million that would require bonding for the additional \$1.7 million. Staff explained to the Committee decisions need to be made whether or not to proceed with projects requiring special assessments for property owners, given the economic downturn we are experiencing. This item was for information only.

Item No. 8 Future Finance Committee meetings will include City Council Information Requests Submitted, Carris Health/Rice Memorial Communication Requirements, Willmar Municipal Utilities 2019 Audit, and 2020 Improvement Projects. This item was for information only.

The Finance Committee Report of April 9, 2020, was approved and ordered placed on file in the City Clerk's Office upon motion by Council Member Nelsen. Council Member Asmus seconded the motion which carried, on a roll call vote of Ayes 8, Noes 0.

The Community Development Committee Report for April 13, 2020 was presented to the Mayor and Council by Council Member Fagerlie. There were four items for consideration.

Item No. 1 Staff presented the Renaissance District Ordinance which will establish the Renaissance Zone as a zoning overlay encompassing the Central Business (CB) district and adjacent areas. Staff explained additional incentives will be adopted in phases. The ordinance will create the overlay district in the zoning ordinance, and establish free building permits, free sewer access charges, free water access changes and free sign permits within the Renaissance Zone. Staff also mentioned the Renaissance Zone offers timely incentives for small businesses impacted by the Coronavirus. Linda Mathiasen presented V2040 Housing Task Force's letter of support for the Renaissance Zone and offered assistance to promote the Renaissance Zone. The Planning Commission review and acceptance on April 15th is forwarded to the City Council on April 20th for May 4th public hearing. This item was for information only.

Item No. 2 Staff explained the police department currently enforces parking time limitations Monday through Saturday, from the hours of 9:00 a.m. to 5:00 p.m. Enforcement is also currently being performed on all holidays, except those holidays during which retail businesses are closed. Staff recommendation was the police department only enforce parking time limitations on Monday through Friday, from the hours of 9:00 a.m. to 5:00 p.m. and parking enforcement not occur on any holidays or weekends. The reduction in revenues from non-enforcement of parking restrictions on weekends and holidays would be negligible. Councilmember Davis voiced her support of this Ordinance because she doesn't feel it's very welcoming or inviting to the public to come downtown and receive a ticket. Councilmember Mueske asked if there was any quantifiable evidence that this would be something to encourage people to patronize downtown on these time frames. Staff expressed belief that parking restrictions hinder people from attending events, and that parking free from the threat of a ticket would eliminate a reason to come downtown. Councilmember Mueske raised the question of how this might change in the future once the Renaissance Zone develops. City Attorney Scott stated the ordinance can be changed at any time. Committee Chair Fagerlie agreed.

It was the recommendation of the Committee to approve introducing the ordinance relaxing parking enforcement in the Renaissance Zone and set a public hearing for May 4, 2020.

Council Member Fagerlie offered a motion to **introduce an Ordinance Amending Chapter 15, Traffic and Vehicles Article III, Stopping, Standing and Parking Generally, Division 3, Business District, Section 15-90 Same-Days and Hours of Enforcement** and set a public hearing for May 4, 2020 at 7:01 p.m. Council Member Mueske seconded the motion which carried.

Item No. 3 The subject property is Lot 1, Block 1, Pleasant View Fourth Addition to the City of Willmar, according to the official plat on file in the Office of the County Recorder for Kandiyohi County, Minnesota. Staff explained this lot was part of a larger group of parcels acquired by the City of Willmar for delinquent taxes in 1986. The City has remained the owner of the vacant lot for the past 23 years. The parcel is being sold for \$19,000, plus the buyer is responsible for paying the \$1,000 special assessment, for a total cost of \$20,000. Total cost for this residential lot is approximately \$1.06 per square foot, which is in line with the \$1.25 per square foot currently charged for commercial Industrial Park lots. Staff said the purchaser intends to move an existing house to the lot from 1010 1st Street South, and that it will be a tri-plex. Committee Chair Fagerlie asked what type of house, and whether it was compatible with the neighborhood. Councilmember Mueske also mentioned he received an email asking if the house will be conforming. Staff explained the Planning Commission will need to approve the rezoning change from R-2 to R-4 and, if approved, then it will come before the City Council before any permits are issued. If it isn't approved by the Planning Commission, the purchaser will have the option to back out of the sale.

It was the recommendation of the Committee to adopt a resolution to accept and approve the land purchase agreement with Sherron Thein and set a public hearing for May 4th to introduce the Ordinance authorizing said land sale.

Resolution No. 2020-057 Adopting the Land Purchase Agreement with Sherron Thein was introduced by Council Member Fagerlie. Council Member Mueske seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Council Member Fagerlie offered a motion to **introduce an Ordinance Authorizing the Sale of Real Property to Sherron Thein** and set a public hearing for May 4, 2020 at 7:02 p.m. Council Member Mueske seconded the motion which carried, on a roll call vote of Ayes 8, Noes 0.

Item No. 4 Per discussions regarding COVID-19 emergency measures last week, it was decided by the City Administrator that the City of Willmar should exempt temporary signs from sign ordinance requirements during local emergency. The negligible reduction from sign revenues is outweighed by gains from helping businesses during the COVID-19 crisis. City Administrator Gramentz presented reasoning for this Emergency Ordinance. Councilmember Mueske inquired about the possibility of having a color sign scheme that is uniform and easily recognizable by citizens in terms of a certain colored sign would mean one thing vs another colored sign meaning something different. City Administrator Gramentz stated the City's goal is to relax the Sign Ordinance requirements, but not to determine color of signage. Staff presented what signs will be covered under the Emergency Ordinance. Committee Chair Fagerlie inquired about the length of time after the crisis is over and how long businesses have to remove their signs. The City Attorney explained the expiration would be the date the City Council rescinds the Local Emergency Declaration, or 61 days, whichever occurs first. Under the Charter, no Emergency Ordinance can last longer than 60 days, unless the Council were to extend or adopt another Emergency Ordinance.

It was the recommendation of the Committee to adopt the Emergency Ordinance Exempting Temporary Signs from Sign Ordinance Requirements during the Local Emergency.

Council Member Fagerlie offered a motion to adopt, assign a number and order final publication of **Ordinance No. 1447 An Emergency Ordinance Temporarily Exempting Certain Signs from the Permit and Fee Requirements of Section 5.D.2. of the City of Willmar Zoning Ordinance.** Council Member Mueske seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

The Community Development Committee Report of April 13, 2020, was approved and ordered placed on file in the City Clerk's Office upon motion by Council Member Fagerlie. Council Member Mueske seconded the motion which carried, on a roll call vote of Ayes 8, Noes 0.

The Public Works/Safety Committee Report for April 15, 2020 was presented to the Mayor and Council by Council Member Plowman. There were ten items for consideration.

Item No. 1 It was the recommendation of the Committee to adopt a resolution approving plans and specifications and authorizing advertisement for bids by Bolton and Menk, Inc. for the Invest in Willmar Robbins Island Project and forwarding it to the Finance Committee for funding options to be presented at the following Council Meeting. The project includes the reconstruction of the roads, parking lots and water main at Robbins Island. \$3,000,000 is allocated from Local Option Sales Tax for the project, which is estimated at \$2,975,625, but will not be available until 2021 at the earliest. The Committee is requesting the Finance Committee review the project for other funding sources until the tax funds become accessible.

This item was addressed earlier in the Council meeting this evening.

Item No. 2 It was the recommendation of the Committee to adopt a resolution approving plans and specifications and authorizing advertisement for bids by Bolton and Menk, Inc. for Project No. 1704/1904 Lakeland/TH 12 Federal Path. The project includes a pedestrian pathway along Lakeland Drive SE from Olena Avenue to TH 12 and then along TH 12 from Lakeland Drive to 23rd Street SE. \$210,000 in federal funds are allocated to the project, which is estimated at \$530,401, with the City's obligation at \$320,401 and is included in the 2020 Street and Other Improvements CIP budget. The City must begin spending the federal funds by September 2020.

Resolution No. 2020-058 Approving Plans and Specifications and Authorize Advertisement for Bids for Project No. 1704/1904 was introduced by Council Member Plowman. Council Member Asmus seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Item No. 3 It was the recommendation of the Committee to adopt a resolution approving plans and specifications and authorizing advertisement for bids by Bolton and Menk, Inc. for Project No. 1902-B. The project is a phase of the overall larger "regional" project of the Eastside Drainage Improvements to aid in the alleviation of occasional storm water flooding for residents in the area. It includes installing additional storm drains for outfall capacity and redirects existing catch basins into a new outfall to reduce storm flow into private facilities. Phase I construction of the project was completed by Crow River Construction in the amount of \$52,321, Phase II is estimated at \$222,500. Engineering for the project is \$110,060, contingencies and fees is \$32,482; for a total project amount of \$417,363.

Resolution No. 2020-059 Approving Plans and Specifications and Authorize Advertisement for Bids for Project No. 2902-B was introduced by Council Member Plowman. Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Item No. 4 Staff brought forth, for information, the Police and Fire statistics for the month of March. This item was for information only.

Item No. 5 It was the recommendation of the Committee to adopt a resolution entering into an agreement with the Humane Society of Meeker and Kandiyohi Counties for 2020 and 2021. The agreement is for the care and if necessary, the euthanasia and cremation when medically necessary, of impounded animals. The cost for 2020 is \$38,000 and \$42,680 for 2021.

Resolution No. 2020-060 Approving the Humane Society Agreement for 2020 and 2021 was introduced by Council Member Plowman. Council Member Asmus seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Item No. 6 It was the recommendation of the Committee to authorize the purchase of three patrol vehicles through Atwater Ford. The 2020 Capital Improvement Program includes \$150,000 for the purchase for the base price of the three vehicles at \$101,933.97 with needed accessories, modifications and installation costs added at a later date.

Resolution No. 2020-061 Approving the Purchase of Three Patrol Vehicles from Atwater Ford was introduced by Council Member Plowman. Council Member Asmus seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Item No. 7 It was the recommendation of the Committee to adopt a resolution entering into an agreement with Bullet Proof Mechanical Service, Inc. for the Public Works garage mechanics shop heating and air conditioning project in the amount of \$22,975. The 2020 Capital Improvement Program includes \$60,000 for the replacement of heating units throughout the facility and addition of air conditioning in the mechanics shop. Staff chose to replace the heating units and add air conditioning in the mechanics shop and replace the remainder of the heaters at a later date.

Resolution No. 2020-062 Awarding the Public Works Garage Heating and Air Conditioning Replacement in the Amount of \$22,975 was introduced by Council Member Plowman. Council Member Alvarado seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Item No. 8 It was the recommendation of the Committee to adopt a resolution approving the cooperative agreements with the State of Minnesota Department of Natural Resources for the boat ramp at Willmar Lake and the fishing pier at Foot Lake. The boat ramp requires repairs to the planks and will be completed with DNR and City staff. The new fishing pier is provided by the DNR and will be installed near the Four Season Shelter. The existing pier was removed from Rau Park and will be rebuilt by staff and put back next year.

Resolution No. 2020-063 Accepting the Cooperative Agreements with the State of Minnesota for the Boat Ramp at Willmar Lake and Fishing Pier at Foot Lake was introduced by Council Member Plowman. Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Item No. 9 It was the recommendation of the Committee to adopt a resolution approving the cooperative agreement with Kandiyohi County for the County Road 5 Improvements Project. The County has improvements scheduled for County Road 5 from 7th Avenue to County Road 24 which include adding turn lanes for traffic safety. An anticipated influx of traffic is predicted with the construction of the Unique Apartment Complex, which includes a total of 288 units.

Resolution No. 2020-064 Authorizing Entering into Cooperative Construction Agreements between the City and Kandiyohi County for CSAH 5 Turn Lanes was introduced by Council Member Plowman. Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Item No. 10 Staff brought forth at the Committee meeting, for information, the 2020 Street Improvement Projects are out for bid and scheduled to be opened via electronic bidding on April 20th. When the bid amounts are known, costs for the improvements must be declared and the preparation of an assessment roll ordered in accordance with the requirements of Chapter 429 of the Minnesota State Statutes at the April 20th Council meeting to call for the Assessment Hearing. It was noted the following action will be required at the April 20th Council meeting for the following: Adopt a resolution declaring costs to be assessed, ordering preparation of the assessment roll and calling for the hearing on assessments on May 18th, 2020 at 7:01 p.m. for Project Nos. 2001-A, 2001-B and 2003-A for the 2020 Street and Other Improvements.

Resolution No. 2020-065 Declaring Costs to be Assessed, Ordering Preparation of the Assessment Roll and Calling Hearing on Assessments for Project Nos. 2001-A, 2001-B, and 2003-A, 2020 Street and Other Improvements was introduced by Council Member Plowman. Council Member Asmus seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

The Public Works/Safety Committee Report of April 15, 2020, was approved and ordered placed on file in the City Clerk's Office upon motion by Council Member Plowman. Council Member Asmus seconded the motion which carried, on a roll call vote of Ayes 8, Noes 0.

Planning and Development Services Director Dave Ramstad presented a request to establish a new zoning district, referred by the ordinance as the Renaissance District, which is a new zoning overlay encompassing the Central Business (CB) District and adjacent areas. This district will offer greater flexibility relative to zoning requirements otherwise imposed by the underlying zoning districts and will be regulated by Section 12 of the Zoning Ordinance. This ordinance establishes the district and parking and fee waiver development incentives. A subsequent ordinance containing the substantive zoning regulations is under development and will be presented for consideration later this year. The new district is a five-year pilot program intended to encourage economic development. Dr. Ramstad noted this item was discussed under Item No. 1 in the Community Development Committee minutes of April 13, 2020, which was presented earlier this evening.

Council Member Fagerlie offered a motion to **introduce an ordinance Amending Willmar Ordinance No. 2060, Known as the Willmar Zoning Ordinance by Establishing a New Renaissance Zone Overlay District** and set a public hearing for May 4, 2020 at 7:03 p.m. Council Member Mueske seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Planning and Development Services Director Dave Ramstad presented a request to rezone property legally described as Lots 1-3, Block 1, Pleasant View Fourth Addition from R-2 One and Two-Family Residential to R-4 Medium-Density Multi-Family Residential. Dr. Ramstad noted the City acquired a number of parcels in the 1980's due to tax forfeiture, and at that time, it was decided that the entire area should be zoned R-2. Today, there is a notable interest in vacant low- and medium-density multi-family property, but availability of this type of land is limited. Due to the larger size of these three properties, staff is recommending rezoning these properties to R-4, so they can accommodate a residential structure with two-five dwelling units each. The Planning Commission approved the rezoning on April 15, 2020.

Council Member Alvarado offered a motion to **introduce an ordinance Amending Municipal Ordinance No. 1060, the Willmar Zoning Ordinance** and set a public hearing for May 4, 2020 at 7:04 p.m. Council Member Fagerlie seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Public Works Director Sean Christensen presented a request to approve entering into a lease agreement with MNYou, Inc. for the use of a portion of right-of-way immediately adjacent to and west of Lot 1, Block 1, Lee-Don plat for a community garden. Mr. Christensen noted a group approached staff about developing a community garden on a City lot. This garden would be open to anyone and would allow them to plant produce which would be free to take. Staff located right-of-way along 15th Street SE with hydrant access for water to use rather than a buildable lot and would provide topsoil to level out the surface. City Attorney Robert Scott has drafted a lease agreement detailing the use of the area for the garden to be signed by MNYou representatives.

Resolution No. 2020-066 Authorizing the Execution of the License Agreement to Use Public Right-of-Way with MNYou, Inc. was introduced by Council Member Plowman. Council Member Asmus seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Council Member Asmus offered a motion to adjourn the meeting with Council Member Mueske seconding the motion which carried. The meeting adjourned at 9:02 p.m.

 s/s Marv Calvin
MAYOR

Attest:

s/s Judy Thompson
SECRETARY TO THE COUNCIL

RESOLUTION NO. 2020-053

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZE ADVERTISEMENT FOR BIDS FOR THE INVEST IN WILLMAR ROBBINS ISLAND PROJECT

Motion By: Plowman

Second By: Nelsen

WHEREAS the City Engineer of the City of Willmar and Bolton & Menk, Inc. have presented to the City Council plans and specifications for the Invest in Willmar Robbins Island project 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.

Dated this 20th day of April, 2020.

s/s Marv Calvin

Mayor

Attest:

s/s Judy Thompson
City Clerk

RESOLUTION NO. 2020-054

A RESOLUTION APPROVING STATUTORY MUNICIPAL LIABILITY COVERAGE LIMITS

Motion By: Nelsen

Second By: Asmus

WHEREAS, cities obtaining liability coverage from the League of Minnesota Cities Insurance Trust must decide whether or not to waive the statutory tort liability limits to the extent of coverage purchased; and

WHEREAS, the City Council has reviewed the various options for monetary limits on municipal tort liability; and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the City does not waive the monetary limits on municipal tort liability established by Minnesota Statutes 466.04.

Dated this 20th day of April, 2020.

s/s Marv Calvin
MAYOR

Attest:

s/s Judy Thompson
CITY CLERK

RESOLUTION NO. 2020-055

REAPPORTIONMENT OF SPECIAL ASSESSMENTS

Motion By: Nelsen Second By: Plowman

WHEREAS, a request for reapportionment of special assessments has been filed with the City of Willmar, said request being signed by all the parties having an interest in the following-described property:

The North 98 ½ feet of the East 151 feet 3 inches of Lot 7, Block 1, Barnstad's Second Addition to the City of Willmar

Parcel No. 95-042-0230

to wit: 409, LLC of Spicer, MN

WHEREAS, the above have waived notice of hearing on said reapportionment; and

WHEREAS, The City Council of the City of Willmar is in agreement that the special assessments totaling \$3,989.25 placed against the above-described parcel be hereby reapportioned as herein described:

<u>Parcel No.</u>	<u>Legal Description</u>	<u>Amount</u>
95-607-0010	Lot 1, Block 1, Paffrath Phlatz	\$1,994.62
95-607-0020	Lot 2, Block 1, Paffrath Phlatz	\$1,994.63

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Willmar, pursuant to the request of the above that the special assessments on the above-described property be and they hereby are reapportioned as provided in the request of the above named, and

BE IT FURTHER RESOLVED that the reapportionment be recorded in the records of the City of Willmar and the Kandiyohi County Auditor effective for taxes and assessments due and payable on tax statements issued in the year 2021 and thereafter.

Dated this 20th day of April, 2020.

s/s Marv Calvin
MAYOR

ATTEST:

s/s Judy Thompson
CITY CLERK

RESOLUTION NO. 2020-056

AUTHORIZATION TO EXECUTE "TEN17 MEDIA AGREEMENT"

Motion By: Nelsen 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 Mayor and City Administrator be authorized to execute the "Ten17 Media Agreement" with Ten17 Media for website and social media work related to Willmar Main Street.

Dated this 20th day of April, 2020.

s/s Marv Calvin
MAYOR

ATTEST:

s/s Judy Thompson
CITY CLERK

RESOLUTION NO. 2020-057

A RESOLUTION ADOPTING THE LAND PURCHASE AGREEMENT WITH SHERRON THEIN

Motion By: Fagerlie Second By: Mueske

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota that the land purchase agreement with Sherron Thein 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 20th day of April, 2020

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk

RESOLUTION NO. 2020-058

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZE ADVERTISEMENT FOR BIDS FOR PROJECT NO. 1704/1904.

Motion By: Plowman

Second By: Asmus

WHEREAS the City Engineer of the City of Willmar and Bolton & Menk, Inc. have presented to the City Council plans and specifications for Project No. 1704/1904 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.

Dated this 20th day of April, 2020.

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk

RESOLUTION NO. 2020-059

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZE ADVERTISEMENT FOR BIDS FOR PROJECT NO. 1902-B.

Motion By: Plowman

Second By: Nelsen

WHEREAS the City Engineer of the City of Willmar and Bolton & Menk, Inc. have presented to the City Council plans and specifications for Project No. 1902-B 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.

Dated this 20th day of April, 2020.

s/s Marv Calvin

Mayor

Attest:

s/s Judy Thompson

City Clerk

RESOLUTION NO. 2020-060

A RESOLUTION APPROVING THE HUMANE SOCIETY AGREEMENT FOR 2020 AND 2021.

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 terms with The Humane Society of Kandiyohi and Meeker Counties 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 Society for the terms and consideration of the contract in the amount of \$38,800 for 2020 and \$42,680 for 2021.

Dated this 20th day of April, 2020

s/s Marv Calvin

Mayor

Attest:

s/s Judy Thompson

City Clerk

RESOLUTION NO. 2020-061

A RESOLUTION APPROVING THE PURCHASE OF THREE PATROL VEHICLES FROM ATWATER FORD.

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 purchase of three Ford Interceptor utility vehicles 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.

Dated this 20th day of April, 2020.

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk

RESOLUTION NO. 2020-062

**A RESOLUTION AWARDING THE PUBLIC WORKS GARAGE HEATING AND AIR CONDITIONING
REPLACEMENT
IN THE AMOUNT OF \$22,975.**

Motion By: Plowman

Second By: Alvarado

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the bid of Bullet Proof Mechanical Service Inc. of Willmar, MN for the mechanic shop heating and air conditioning project 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 \$22,975.

Dated this 20th day of April, 2020

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk

RESOLUTION NO. 2020-063

A RESOLUTION ACCEPTING THE COOPERATIVE AGREEMENTS WITH THE STATE OF MINNESOTA FOR THE BOAT RAMP AT WILLMAR LAKE AND FISHING PIER AT FOOT LAKE.

Motion By: Plowman

Second By: Nelsen

WHEREAS, the Commissioner of Natural Resources has the authority, duty, and responsibility under Minnesota Statutes Section 97A.141 to provide public water access on lakes and rivers, where access is inadequate; and

WHEREAS, the State and the City are authorized under Minnesota Statutes Section 471.59, to enter into agreements to jointly or cooperatively exercise common power; and

WHEREAS, the State and the City have determined that a fishing pier site on Foot Lake and construction or repair of the Public Water Access to Willmar Lake is of high priority under the state public water access program; and

WHEREAS, the City owns land described as: Robbin’s Island Park at Sec. 11, T119, R35; Public Water Access at Sec. 11, T119N, R35W, Kandiyohi County, which is attached and incorporated into these agreements as **Exhibit A**; and

WHEREAS, the State and the City desire to cooperate in the installation and maintenance of the 84’ Fishing Pier on Foot Lake; and the City is willing to be the lead agency in the design and construction of the Public Water Access, hereinafter referred to as the “Facilities”; and

WHEREAS, the City is requesting the State to participate in the construction of the Facilities; and

WHEREAS, a resolution or copy of the City Council meeting minutes authorizing the City to enter into this agreement is attached and incorporated into these agreements as **Exhibit B**; and

NOW, THEREFORE, in consideration of the mutual benefit to be derived by the public bodies hereto and for the benefit of the public, the parties agree, and

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, and the Minnesota Department of Natural Resources are hereby authorized to enter into and have caused the Agreements to be duly executed intending to be bound thereby.

Dated this 20th day of April, 2020

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk

RESOLUTION NO. 2020-064

**A RESOLUTION AUTHORIZING ENTERING INTO COOPERATIVE CONSTRUCTION AGREEMENTS
BETWEEN THE CITY AND KANDIYOHI COUNTY FOR CSAH 5 TURN LANES.**

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 Mayor and City Administrator be authorized to enter into Cooperative Construction Agreements between the City of Willmar and Kandiyohi County for the CSAH 5 Turn Lanes Project.

Dated this 20th day of April, 2020

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk

RESOLUTION NO. 2020-065

**DECLARING COSTS TO BE ASSESSED, ORDERING PREPARATION OF THE ASSESSMENT ROLL AND
CALLING HEARING ON ASSESSMENTS FOR PROJECT NOS. 2001-A, 2001-B, AND 2003-A
2020 STREET AND OTHER IMPROVEMENTS.**

Motion By: Plowman

Second By: Asmus

WHEREAS, contracts have been let for the construction of Street and Other Improvements of 2020 in the City, to-wit: City Project Nos. 2001-A, 2001-B, and 2003-A and;

WHEREAS, the total cost of said Street and Other Improvements of 2020 is \$2,933,850.72.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, as follows:

1. The City Council hereby determines that the City shall pay \$2,193,973.77 of said cost, exclusive of the amount it may pay as a property owner, and the sum of \$739,876.95 shall be assessed against benefited property owners based upon benefits received without regard to cash valuation.
2. The Clerk, with the assistance of the City Engineer, shall forthwith calculate the proper amount to be specially assessed for such improvement against every assessable lot, piece or parcel of land without regard to cash valuation as provided by law, and she shall file a copy of such assessment in her office for public inspection.
3. The Clerk shall, upon the completion of such assessment, notify the City Council thereof.
4. The Clerk shall publish notice that this City Council will meet to consider the proposed assessments on May 18, 2020, at 7:01 p.m. in the Board Room, Kandiyohi County Health & Human Services Building, 2200 23rd Street NE, Willmar, Minnesota.

5. Said notice shall also be mailed to the owners of each parcel of property described in the assessment roll.

6. Such notice shall be in substantially the following form:
(on file in Engineer's office)

7. Said notice shall be published by the City Clerk in the official newspaper at least two weeks prior to the hearing and mailed by said Clerk to the owners of each parcel described in the assessment roll.

Dated this 20th day of April, 2020

s/s Marv Calvin

MAYOR

ATTEST:

s/s Judy Thompson

CITY CLERK

RESOLUTION NO. 2020-066

**A RESOLUTION AUTHORIZING THE EXECUTION OF THE LICENSE AGREEMENT TO USE
PUBLIC RIGHT-OF-WAY WITH MNYOU, INC.**

Motion By: Plowman

Second By: Asmus

It is resolved by the City of Willmar as follows:

1. That the License Agreement to use Public Right-Of-Way

"MNYou, Inc. Community Garden" located immediately adjacent to and west of Lot 1, Block 1, Lee-Don plat in the City of Willmar is accepted.

2. That the Mayor and City Administrator are authorized to execute this agreement and any amendments on behalf of the City of Willmar.

Dated this 20th day of April, 2020

s/s Marv Calvin

Mayor

Attest:

s/s Judy Thompson

City Clerk