

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

May 1, 2023
6:30 p.m.

The regular meeting of the Willmar City Council was called to order by Mayor Douglas Reese. Members present on a roll call were Mayor Douglas Reese, Council Members Justin Ask, Audrey Nelsen, Vicki Davis, Carl Shuldes, Michael O'Brien, Thomas Butterfield, Julie Asmus, and Rick Fagerlie. Present 8, Absent 0.

Also present were City Administrator Leslie Valiant, City Operations Director Kyle Box, Police Chief Jim Felt, Interim Finance Director Bill Fenske, Public Works Director Gary Manzer, Planning and Development Services Director Justice Walker, Human Resource Director LuAnn Sietsema, Community Growth Director Pablo Obregon, 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 Nelsen seconded the motion, which carried unanimously.

City Clerk Thompson reviewed the consent agenda.

- A. City Council Minutes of April 17, 2023
- B. CVB Minutes of March 21, 2023
- C. Parks and Recreation Minutes - March 15, 2023
- D. Municipal Utilities Commission Minutes - April 24, 2023
- E. Planning Commission Meeting Minutes - April 12, 2023
- F. Accounts Payable Report, 04-12-23 Thru 04-25-23
- G. Consideration of a State 1 Day to 4 Day Temporary On-Sale Liquor License Permit - VFW 1639
- H. Approve Updates to the Data Practice Procedures Document

Information:

- I. Advocates for Health

Council Member Ask offered a motion to approve the consent agenda. Council Member Fagerlie seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Jason Butler, outside Willmar, addressed the Mayor and Council during the Open Forum regarding an issue with the fence installed under the First Street bridge.

Justin Chapin, Willmar, addressed the Mayor and Council during the Open Forum regarding his support in locating the City Hall/Community Center at the J.C. Penney site.

Rotary Club Member Bob Mathiason and City Attorney Robert Scott presented details of an agreement with the Rotary Club of Willmar for the amphitheater license and donation acceptance. Being proposed is a permanent amphitheater to be located at Robbins Island.

Following discussion, **Resolution No. 2023-079 Robbins Island Amphitheater License and Donation Acceptance Agreement** was introduced by Council Member Nelsen. Council Member Asmus seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

City Administrator Valiant presented a request to approve an art design for the mural designed by Sonja Madsen, which is proposed to be located at the Sperry Park fitness court.

Following discussion, **Resolution No. 2023-080 Approving Sonja Madsen's Art Design for the Mural for the Fitness Court at Sperry Park** was introduced by Council Member Asmus. Council Member Ask 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 Robbins Island Parking and Watermain Phase I Improvements Project and authorize final payment to Duininck, Inc. in the amount of \$89,619.82.

Resolution No. 2023-081 Accepting Robbins Island Phase I Project and Authorizing Final Payment was introduced by Council Member Asmus. 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 approve the Robbins Island Shelter Phase II Improvements Project and authorize final payment to TerWisscha Construction, Inc. in the amount of \$5,585.54.

Resolution No. 2023-082 Accepting Robbins Island Phase II Project and Authorizing Final Payment was introduced by Council Member Asmus. Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Public Works Director Manzer presented a request to approve the deposit or surety bond requirements for excavation and/or right-of-way permits and approve amending the Fee Schedule for 2023.

Following discussion, Council Member Davis offered a motion to approve the deposit or surety bond requirements for excavation and/or right-of-way permits. Council Member Nelsen seconded the motion, which carried unanimously.

Resolution No. 2023-083 Establishes Fees for Services, Permits, and Licenses and Establishes Rental Rates for City Equipment was introduced by Council Member Fagerlie. Council Member Butterfield seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

City Operations Director Box presented a request for approval to release a request for proposals for lead dust remediation and asbestos removal and repair for the City auditorium. It was noted the building's lead levels were tested over the winter months by Midwest Environmental Consulting LLC and indicated higher than acceptable lead levels in most areas of the building.

Following discussion, Council Member Asmus offered a motion to approve staff's request. Council Member Shuldes seconded the motion, which carried unanimously.

Planning and Development Services Director Walker presented a request to introduce an ordinance to rezone several properties from R-4 (Medium Density Multi-Family Residential) to GB (General Business) and set a public hearing for May 15, 2023.

Following discussion, Council Member Fagerlie offered a motion to **introduce an Ordinance to Rezone Property from R4 (Medium Density Multi-Family Residential) to GB (General Business)**, and set a public hearing for May 15, 2023, at 6:30 p.m. Council Member Asmus seconded the motion, which carried unanimously.

Planning and Development Services Director Walker presented a request to consider Gilmore Bell for disclosure counsel for Hometown Fiber Open Access Fiber Project. It was noted Gilmore Bell will be paid out of the bonding proceeds.

Following discussion, Council Member O'Brien offered a motion to approve staff's request. Council Member Shuldes seconded the motion, which carried unanimously.

Mayor Reese offered the following comments: The Mayor's Prayer Breakfast will be held on Thursday, May 4, 2023, at 6:40 a.m. at the Willmar Conference Center; welcomed Interim Finance Director Bill Fenske to the City of Willmar.

Council Member Shuldes offered the following comments: During the month of May, we celebrate Asian American Pacific Islander Heritage; Willmar is home to around 550 Asian residents according to the 2020 U.S. Census. We welcome our Karen population to our community.

Council Member Asmus offered the following comments: "Shout out" to Community Center Manager Britta Diem for the successful Father/Daughter dance recently held at the Community Center.

At 7:30 p.m. upon motion by Council Member Fagerlie and seconded by Council Member Asmus, the Council entered into closed session pursuant to Statute 13D.03, Subd. 1, clause (b) Labor Negotiations.

At 7:59 p.m. Council returned to open session.

Resolution No. 2023-084 Approving a Labor Agreement Between the City of Willmar and LELS Unit was introduced by Council Member Ask. Council Member Butterfield seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Council Member Ask offered a motion to adjourn the meeting, with Council Member Nelsen seconding the motion, which carried. The meeting adjourned at 8:01 p.m.

/s/ Douglas E. Reese
MAYOR

Attest:

/s/ Judy R. Thompson
SECRETARY TO THE COUNCIL

RESOLUTION NO. 2023-079

ROBBINS ISLAND AMPITHEATER LICENSE AND DONATION ACCEPTANCE AGREEMENT

Motion By: Nelsen Second By: Asmus

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, enter into the Robbins Island Amphitheater License and Donation Acceptance Agreement with the Willmar Rotary Club.

BE IT FURTHER RESOLVED that the Mayor and City Administrator of the City of Willmar are authorized to sign agreements.

Dated this 1st day of May, 2023

/s/ Douglas E. Reese
Mayor

Attest:

/s/ Judy R. Thompson
City Clerk

RESOLUTION NO. 2023-080

RESOLUTION APPROVING SONJA MADSEN'S ART DESIGN FOR THE MURAL FOR THE FITNESS COURT AT SPERRY PARK

Motion By: Asmus Second By: Ask

BE IT RESOLVED by the City Council of the City of Willmar to approve Sonja Madsen's art design for the mural for the fitness court at Sperry Park.

Dated this 1st day of May 2023

/s/ Douglas E. Reese
Mayor

Attest:

/s/ Judy R. Thompson
CITY CLERK

RESOLUTION NO. 2023-081

A RESOLUTION ACCEPTING ROBBINS ISLAND PHASE I PROJECT AND AUTHORIZING FINAL PAYMENT.

Motion By: Asmus Second By: Nelsen

IMPROVEMENT: Robbins Island Phase I Project

CONTRACTOR:	Duininck, Inc.
DATE OF CONTRACT:	July 20, 2020
BEGIN WORK:	August 1, 2020
COMPLETE WORK:	September 15, 2022
APPROVE, ENGINEERING DEPT:	September 29, 2022

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

1. The said City of Willmar Robbins Island Phase I Project be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$1,179,553.45
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$1,179,553.45
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$1,081,767.93
Less Previous Payments	\$992,148.11
FINAL PAYMENT DUE CONTRACTOR:	\$89,619.82

Dated this 1st day of May, 2023

/s/ Douglas E. Reese
Mayor

Attest:

/s/ Judy R. Thompson
City Clerk

RESOLUTION NO. 2023-082

A RESOLUTION ACCEPTING ROBBINS ISLAND PHASE II PROJECT AND AUTHORIZING FINAL PAYMENT.

Motion By: Asmus Second By: Nelsen

IMPROVEMENT: Robbins Island Phase II Project

CONTRACTOR:	TerWisscha Construction, Inc.
DATE OF CONTRACT:	May 17, 2021
BEGIN WORK:	June 15, 2021
COMPLETE WORK:	September 15, 2022
APPROVE, ENGINEERING DEPT:	September 29, 2022

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

1. The said City of Willmar Robbins Island Phase II Project be herewith approved and accepted by the City of Willmar.

2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$1,067,445.00
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$1,067,445.00
CHANGE ORDER NO. 1	\$31,083.49
CHANGE ORDER NO. 2	\$6,638.50

CHANGE ORDER NO. 3	\$9,955.00
CHANGE ORDER NO. 4	\$1,986.60
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$1,117,108.59
Less Previous Payments	\$1,111,523.05
FINAL PAYMENT DUE CONTRACTOR:	\$5,585.54

Dated this 1st day of May, 2023

/s/ Douglas E. Reese
Mayor

Attest:

/s/ Judy R. Thompson
City Clerk

RESOLUTION NO. 2023-083

**ESTABLISHES FEES FOR SERVICES, PERMITS, AND LICENSES
AND ESTABLISHES RENTAL RATES FOR CITY EQUIPMENT**

Motion By: Fagerlie Second By: Butterfield

WHEREAS, the City Council of the City of Willmar duly establishes fees for service, sets fees for permits and licenses, and establishes rental rates for City equipment.

NOW, THEREFORE, BE IT RESOLVED that the listed fees are amended for the year 2023, and the same hereby ordered kept on file in the office of the City Clerk.

Dated this 1st day of May 2023

/s/ Douglas E. Reese
MAYOR

Attest:

/s/ Judy R. Thompson
CITY CLERK

RESOLUTION NO. 2023-084

**APPROVING A LABOR AGREEMENT BETWEEN THE CITY OF WILLMAR
AND LELS UNIT**

Motion By: Ask Second By: Butterfield

WHEREAS, LELS Unit is the exclusive representative for certain City of Willmar employees;

WHEREAS, the current labor agreement between the City and LELS Unit expired on December 31, 2022;

WHEREAS, the City of Willmar and LELS Unit met and negotiated over the terms of the new labor agreement between the parties;

WHEREAS, the parties reached a tentative agreement on the terms of the new labor agreement; and

WHEREAS, the Public Employment Relations Act requires that the City of Willmar execute a labor agreement and implement it in the form of a resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WILLMAR, MINNESOTA, AS FOLLOWS:

1. The Labor Agreement and Memorandums of Understanding between the City of Willmar and the LELS Unit for January 1, 2023, through December 31, 2025, are approved.
2. The Mayor and Administrator shall execute the agreement.
3. The City of Willmar shall implement the agreement.

Dated the 1st day of May 2023

Approved:

/s/ Douglas E. Reese
Mayor

Attested:

/s/ Judy R. Thompson
City Clerk