

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

June 5, 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, Thomas Butterfield, Julie Asmus, and Rick Fagerlie. Present 8, Absent 1. Council Member O'Brien was excused from the meeting.

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, Community Growth Director Pablo Obregon, City Clerk Judy Thompson and City Attorney Robert Scott.

Additions/deletions to the agenda included: Council Member Nelsen asked that an update on the various street improvement projects be added to the agenda.

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

Council Member Butterfield inquired about a discussion of stop signs, reducing speed limits on various streets, and ARPA funds be placed on a future agenda.

City Clerk Thompson reviewed the consent agenda.

- A. City Council Minutes of May 15, 2023
- B. Planning Commission Minutes May 3, 2023
- C. CVB Minutes of April 18, 2023
- D. Police Commission Minutes of May 12, 2023
- E. Municipal Utilities Commission Minutes of May 22, 2023
- F. Parks and Recreation Minutes of April 19, 2023
- G. Accounts Payable Report, 05-10-23 Thru 05-30-23
- H. Consideration of State 1 Day to 4 Day Temporary On-Sale Liquor License Permit-Foxhole Brewhouse Inc.
- I. **Resolution No. 2023-089 Accept State of Minnesota Airport Maintenance and Operation Grant**
- J. MOU -LELS contract Corrections
- K. **Resolution No. 2023-090 Cardinal Arena Zamboni Roof Repair**
- L. **Resolution No. 2023-091 Approve Public Works Sand Pro Purchase; Resolution No. 2023-092 Re-Appropriating Funds for Sand Pro Purchase**
- M. **Resolution No. 2023-093 2023 Pavement Marking Project**
- N. **Resolution No. 2023-094 Fitness Park Installation Agreement - Dynamic Resources Inc.**
- O. **Resolution No. 2023-095 Approving a Labor Agreement Between the City of Willmar and the ASFCME Public Works Unit.**

Council Member Ask offered a motion to approve the consent agenda. Council Member Nelsen asked that Item O. be removed for discussion. Council Member Davis seconded the motion to approve the consent agenda, with the removal of Item O., which carried on a roll call vote of Ayes 7, Noes 0.

Council Member Nelsen asked for summary of the changes in the contract. City Administrator Valiant reviewed the changes with the Mayor and Council.

Following summary, Council Member Nelsen offered a motion to approve Item O. Council Member Davis seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Patrick Thibault, Willmar, addressed the Mayor and Council during the Open Forum and spoke regarding fireworks throughout the City, effects on people with PTSD, pets, and people needing to get up for work early, and his desire to have notices to citizens placed on social media, etc. notifying residents of upcoming events displaying fireworks.

At 6:45 p.m. Mayor Reese opened the public hearing for the proposed sale of Industrial Park land to MB Rail Subsidiary. Planning and Development Services Director Walker, Economic Development Commission (EDC) Executive Director Aaron Backman, and representatives from MB Rail presented various details of the proposed sale.

Mike Anderson, State Representative, inquired if this item was let out for public bid.

EDC Executive Director Aaron Backman stated the process used and recommended a private company (MB Rail) own and manage this rail park.

David Peterson asked about the secondary track to service the businesses.

EDC Executive Director Backman stated his recommendation is to have a private company service and manage this which would be more cost effective in the long run.

There being no others to speak for or against the proposed sale, Mayor Reese closed the public hearing at 7:04 p.m. and opened it up for discussion from the Council.

Following discussion, Council Member Davis offered a motion to adopt, assign a number, and publish **Ordinance No. 1498 Authorizing the Sale of Real Property to MB Rail Subsidiary**. Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Due to the length and cost of publishing the entire ordinance, Council Member Ask offered a motion to publish by summary **Ordinance No. 1498 Authorizing the Sale of Real Property to MB Rail Subsidiary**. Council Member Asmus seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Council Member Asmus offered a motion to approve the purchase agreement with MB Rail. Council Member Davis seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

City Administrator Valiant introduced the new Central Community Transit (CCT) Executive Director Amy Nieland to the Mayor and Council.

Mayor Reese and Council welcomed Ms. Nieland to her new position.

MNDOT representative Phillip DeSchepper presented the Highway 12 plan to the Mayor and Council. It was noted this is a lengthy process and construction would potentially not begin until 2030.

Council had several questions/concerns that were shared with Mr. DeSchepper and MNDOT will do more research and report back to Council at a later date. One of the main concerns was the proposed removal of the stoplight at 10th Street Southwest.

City Administrator Valiant presented a request to re-schedule the regular scheduled June 19, 2023, Council meeting to Tuesday, June 20, 2023, due to recent legislative approval of designating Juneteenth an official state holiday effective June 19, 2023. Ms. Valiant noted the meeting will be held at the Willmar Municipal Utilities Auditorium.

Council Member Fagerlie offered a motion to approve staff's request. Council Member Butterfield seconded the motion, which carried unanimously.

City Administrator Valiant presented a request to discuss rescheduling the July 3, 2023, Council meeting.

Following discussion, Council Member Nelsen offered a motion to keep the meeting scheduled for July 3, 2023, and have it start at 5:30 p.m. rather than 6:30 p.m. Council Member Davis seconded the motion, which carried unanimously.

Council Member Ask asked if the June 12, 2023, Council Work Session would be broadcast live so citizens could observe the meeting. City Administrator Valiant stated the work session will be held at the Municipal Utilities Auditorium therefore, it would be broadcast live.

Information Systems Coordinator Jonah Johnson presented a request to approve the one-time purchase of network/server equipment from Tech Check using ARPA funds.

Resolution No. 2023-096 Authorizing Execution of a Contract with Tech Check was introduced by Council Member Fagerlie. Council Member Davis seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Information Systems Coordinator Jonah Johnson presented a request to approve the one-time purchase of network/server equipment from B & H Photo, Video, Pro Audio using ARPA funds.

Resolution No. 2023-097 Authorizing Execution of a Contract with B & H Photo, Video, Pro Audio was introduced by Council Member Fagerlie. Council Member Ask seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Information Systems Coordinator Jonah Johnson presented a request to approve the one-time purchase of phone system equipment from West Central Technology using ARPA funds.

Resolution No. 2023-098 Authorizing Execution of a Contract with West Central Technology was introduced by Council Member Ask. Council Member Asmus seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Public Works Director Manzer and contracted City Engineer Jared Voge gave updates on the various street projects: 2nd Street SE – sanitary sewer repair to be done this week and final wear course will be done next week; 2023 Projects – going well; Block 22 & Sunrise Path Project – moving forward; 23rd Street SE Project – started today; updates on all projects will be available on the City's website; staff has been working on repairing potholes; lawn mowing of lots.

Contracted City Engineer Jared Voge presented a request to approve Change Order No. 1 to Project No. 2304 - Block 22 and Sunrise Path Improvements to include the Sunrise Parking Lot Project with Joe Riley Construction in the amount of \$27,362.40.

Following discussion, **Resolution No. 2023-099 Accepting Change Order No. 1 for Project No. 2304** was introduced by Council Member Fagerlie. Council Member Asmus seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Contracted City Engineer Jared Voge presented a request to adopt the amended budget for Project No. 2304 in the amount of \$479,395.

Resolution No. 2023-100 Project No. 2304 As-Bid Budget Amended Total Cost \$479,395 was introduced by Council Member Fagerlie. 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 approve Change Order No. 1 for the Epitepix IBDPI Sanitary Sewer and Watermain Project in the amount of \$126,274.38.

Resolution No. 2023-101 Accepting Change Order No. 1 for the Epitepix IBDPI Sanitary Sewer and Watermain Project was introduced by Council Member Fagerlie. Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Public Works Director Manzer presented a request to enter into an agreement with Bolton and Menk, Inc. for the Trott Avenue Regional Stormwater Pond Professional Services in the amount of \$87,830.

Following discussion, **Resolution No. 2023-102 Awarding Engineering Professional Services: Trott Avenue Regional Stormwater Pond to Bolton and Menk, Inc. in the Amount of \$87,830** was introduced by Council Member Fagerlie. Council Member Asmus seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

EDC Executive Director Aaron Backman presented a request to enter into a professional services agreement with Bolton & Menk, Inc. for design and construction services of the TH 40 Turn Lane Improvements Project in the amount of \$208,895.

Following discussion, **Resolution No. 2023-103 Accept Bolton & Menk Professional Services – TH 40 Turn Lane Improvements** was introduced by Council Member Asmus. Council Member Davis seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Planning and Development Services Director Walker presented a request to introduce an ordinance to sell property owned by Willmar Municipal Utilities to Chaw's Asian Market and set public hearing for June 20, 2023. It was noted this item will be presented to the Planning Commission for approval on June 7, 2023.

Following discussion, Council Member Asmus offered a motion to **introduce an Ordinance Authorizing the Sale of Real Property to Chaw's Asian Market, LLC**, and set a public hearing for June 20, 2023, at 6:30 p.m. or as soon thereafter as possible, pending Planning Commission approval. Council Member Davis seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Planning and Development Services Director Walker presented a request to introduce an ordinance to establish a General Business 2 (GB2) District in the City and requested setting the public hearing for June 20, 2023. It was noted Planning Commission has approved the amendment to the Zoning Ordinance.

Following a lengthy discussion, Council Member Davis offered a motion to **introduce an Ordinance Amending No. 1060 Known as the Willmar Zoning Ordinance by Amending Section 6 to Create Section 6.R.**, and set a public hearing for June 20, 2023, at 6:30 p.m. or as soon thereafter as possible. Council Member Butterfield seconded the motion, which carried on a roll call vote of Ayes 6, Noes 1. Council Member Nelsen voted "no".

Due to the length and cost of publishing the entire ordinance, Council Member Davis offered a motion to publish by summary an **Ordinance Amending No. 1060 Known as the Willmar Zoning Ordinance by Amending Section 6 to Create Section 6.R.** Council Member Asmus seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Planning and Development Services Director Walker presented a request to introduce an ordinance amending Section 4 of the Willmar Zoning Ordinance relating to parking and loading. It was requested to set a public hearing for June 20, 2023. It was noted Planning Commission has approved said request.

Following discussion, Council Member Asmus offered a motion to **introduce an Ordinance Amending No. 1060, Known as the Willmar Zoning Ordinance by Amending Section 4 Relating to Parking and Loading**, and set a public hearing for June 20, 2023, at 6:30 p.m. or as soon thereafter as possible. Council Member Davis seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Due to the length and cost of publishing the entire ordinance, Council Member Asmus offered a motion to publish by summary an **Ordinance Amending No. 1060 Known as the Willmar Zoning Ordinance by Amending Section 4 Relating to Parking and Loading**. Council Member Davis seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Council Member Fagerlie offered the following comments: Baseball Boosters will be hosting a youth baseball tournament this weekend for ages 9–14. There will be 64 teams participating.

Council Member Nelsen offered a motion to adjourn the meeting, with Council Member Fagerlie seconding the motion, which carried. The meeting adjourned at 8:37 p.m.

/s/ Douglas E. Reese
MAYOR

Attest:

/s/ Judy R. Thompson
SECRETARY TO THE COUNCIL

RESOLUTION NO. 2023-089

A RESOLUTION AUTHORIZATION TO EXECUTE MINNESOTA DEPARTMENT OF TRANSPORTION AIRPORT MAINTENANCE AND OPERATION GRANT CONTRACT

Motion By: Ask Second By: Davis

BE IT RESOLVED by the **City of Willmar** as follows:

1. That the state of Minnesota Contract Number **1053342**, "Airport Maintenance and Operation Grant Contract," at the **Willmar Municipal Airport** is accepted.
2. That the Mayor and the City Administrator are authorized to execute this Contract and any amendments on behalf of the **City of Willmar**.

Dated this 5th day of June, 2023

/s/ Douglas E. Reese
Mayor

Attest:

/s/ Judy R. Thompson
City Clerk

RESOLUTION NO. 2023-090

RESOLUTION APPROVING THE QUOTE FROM WEST CENTRAL ROOFING IN THE AMOUNT OF \$11,679.15 TO REPAIR THE CARDINAL ARENA ZAMBONI ROOF

Motion By: Ask Second By: Davis

BE IT RESOLVED by the City Council of the City of Willmar to approve the quote from West Central Roofing in the amount of \$11,679.15 to repair the Cardinal Zamboni roof.

Dated this 5th day of June 2023

/s/ Douglas E. Reese
MAYOR

Attest:

/s/ Judy R. Thompson
CITY CLERK

RESOLUTION NO. 2023-091

A RESOLUTION APPROVING THE PURCHASE OF A TORO SAND PRO 6040 FIELD GROOMER IN THE AMOUNT OF \$43,190.21.

Motion By: Ask Second By: Davis

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, the purchase of a Toro Sand Pro 6040 Field Groomer is accepted from MTI Distributing through Minnesota State Contract No. 224320, and be it further resolved 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 \$43,190.21.

Dated this 5th day of June, 2023

/s/ Douglas E. Reese
Mayor

Attest:

/s/ Judy R. Thompson
City Clerk

RESOLUTION NO. 2023-092

REAPPROPRIATING FUNDS FROM PUBLIC WORKS KUBOTA MOWERS TO THE PUBLIC WORKS GOLF CART PURCHASE FOR THE AMOUNT OF \$3,190.21.

Motion By: Ask Second By: Davis

BE IT RESOLVED by the City Council of the City of Willmar, to re-appropriate \$3,190.21 from the Public Works Kubota Mowers purchase to the Public Works Toro Sand Pro purchase.

BE IT RESOLVED by the City Council of the City of Willmar to approve the agreement with Dynamic Resources Inc. in the amount of \$32,500 for the installation of the fitness court equipment, mural vinyl wrap, and tile floor.

Dated this 5th day of June 2023

/s/ Douglas E. Reese
MAYOR

Attest:

/s/ Judy R. Thompson
CITY CLERK

RESOLUTION NO. 2023-095

**APPROVING A LABOR AGREEMENT BETWEEN THE CITY OF WILLMAR
AND AFSCME PUBLIC WORKS UNIT**

Motion By: Nelsen Second By: Davis

WHEREAS, AFSCME PUBLIC WORKS Unit is the exclusive representative for certain City of Willmar employees;

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

WHEREAS, the City of Willmar and AFSCME PUBLIC WORKS 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 AFSCME PUBLIC WORKS 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 5th day of June 2023

Approved:

/s/ Douglas E. Reese
Mayor

Attested:

/s/ Judy R. Thompson
City Clerk

RESOLUTION NO. 2023-096

**RESOLUTION AUTHORIZING EXECUTION
OF A CONTRACT WITH TECH CHECK**

Motion By: Fagerlie Second By: Davis

BE IT RESOLVED by the City Council of the City of Willmar that the quote from Tech Check for network/server equipment in the amount of \$85,218.69 is accepted.

BE IT FURTHER RESOLVED THAT the City Council of the City of Willmar authorize the use of American Rescue Plan Act (ARPA) funds for this one-time purchase for long-lasting improvements to city infrastructure.

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

Dated this 5th day of June, 2023

/s/ Douglas E. Reese
MAYOR

Attest:

/s/ Judy R. Thompson
CITY CLERK

RESOLUTION NO. 2023-097

**RESOLUTION AUTHORIZING EXECUTION OF
A CONTRACT WITH B&H PHOTO, VIDEO, PRO AUDIO**

Motion By: Fagerlie Second By: Ask

BE IT RESOLVED by the City Council of the City of Willmar that the quote from B&H Photo, Video, Pro Audio for network/server equipment in the amount of \$9,565.57 is accepted.

BE IT FURTHER RESOLVED THAT the City Council of the City of Willmar authorize the use of American Rescue Plan Act (ARPA) funds for this one-time purchase for long-lasting improvements to city infrastructure.

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

Dated this 5th day of June, 2023

/s/ Douglas E. Reese
MAYOR

Attest:

/s/ Judy R. Thompson
CITY CLERK

RESOLUTION NO. 2023-098

**RESOLUTION AUTHORIZING EXECUTION OF
A CONTRACT WITH WEST CENTRAL TECHNOLOGY**

Motion By: Ask Second By: Asmus

BE IT RESOLVED by the City Council of the City of Willmar that the quote from West Central Technology for phone system equipment in the amount of \$16,764.02 is accepted.

BE IT FURTHER RESOLVED THAT the City Council of the City of Willmar authorize the use of American Rescue Plan Act (ARPA) funds for this one-time purchase for long-lasting improvements to city infrastructure.

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

Dated this 5th day of June, 2023

/s/ Douglas E. Reese
MAYOR

Attest:

/s/ Judy R. Thompson
CITY CLERK

RESOLUTION NO. 2023-099

A RESOLUTION ACCEPTING CHANGE ORDER NO. 1 FOR PROJECT NO 2304.

Motion By: Fagerlie 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 modify the contract for Project No. 2304 between the City of Willmar and Joe Riley Construction by Change Order No. 1 in the increased amount of \$27,362.40.

Dated this 5th day of June, 2023

/s/ Douglas E. Reese
Mayor

Attest:

/s/ Judy R. Thompson
City Clerk

RESOLUTION NO. 2023-100
PROJECT NO. 2304 AS-BID BUDGET AMENDED
TOTAL COST \$479,395

*Budget Amounts are Essential

Motion By: Fagerlie 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 **\$479,395**
MSA \$0
MUC \$0
WTP \$0
LOST \$0

TOTAL \$479,395

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
TOTAL \$0.00

FINANCING

GENERAL **\$479,395**
LOST \$0
MSA \$0
WTP \$0
MUC \$0

TOTAL \$479,395

GRAND TOTAL \$479,395

Dated this 5th day of June, 2023

OTHER SERVICES

33* Travel-Conf.-Schools
34 Mtce. of Equipment
35 Mtce. of Structures
36* Mtce. of Other Impr. \$350,950
37 Subsistence of Persons
38 Cleaning & Waste Removal
39* Other Services \$17,550
TOTAL \$368,500

/s/ Douglas E. Reese
Mayor

Attest:

/s/ Judy R. Thompson
City Clerk

OTHER CHARGES

46* Prof. Serv. \$108,395
49 Other Charges \$2,500
TOTAL \$110,895
GRAND TOTAL \$479,395

RESOLUTION NO. 2023-101

**A RESOLUTION ACCEPTING CHANGE ORDER NO. 1 FOR THE EPITOPIX IBDPI
SANITARY SEWER AND WATERMAIN PROJECT.**

Motion By: Fagerlie

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 of the City of Willmar are hereby authorized to modify the contract for the Epitopix IBDPI Sanitary Sewer and Watermain Project between the City of Willmar and Landwehr Construction by Change Order No. 1 in the increased amount of \$126,274.38.

Dated this 5th day of June, 2023

/s/ Douglas E. Reese
Mayor

Attest:

/s/ Judy R. Thompson
City Clerk

RESOLUTION NO. 2023-102

**A RESOLUTION AWARDING ENGINEERING PROFESSIONAL SERVICES: TROTT AVENUE REGIONAL
STORMWATER POND TO BOLTON AND MENK, INC. IN THE AMOUNT OF \$87,830.**

Motion By: Fagerlie

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 Bolton and Menk, Inc. of Willmar, MN for the professional services of the Trott Avenue Regional Stormwater Pond 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 \$87,830.

Dated this 5th day of June, 2023

/s/ Douglas E. Reese
Mayor

Attest:

/s/ Judy R. Thompson
City Clerk

RESOLUTION NO. 2023-103

ACCEPT BOLTON & MENK PROFESSIONAL SERVICES – TH 40 TURN LANE IMPROVEMENTS

Motion By: Asmus

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 bid of Bolton & Menk, Inc of Willmar, MN for the professional services of the design and construction of the TH 40 Turn Lane Improvements Projects be 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 \$208,895.

Dated this 5th day of June, 2023.

/s/ Douglas E. Reese
MAYOR

ATTEST:

/s/ Judy R. Thompson
CITY CLERK