

WILLMAR CITY COUNCIL PROCEEDINGS
MUNICIPAL UTILITIES AUDITORIUM
WILLMAR, MINNESOTA

August 7, 2023
6:30 p.m.

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

Also present were City Administrator Leslie Valiant, City Operations Director Kyle Box, Police Chief Jim Felt, Finance Director Tom Odens, 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.

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 Thompson reviewed the consent agenda.

- A. City Council Minutes of July 17, 2023
- B. City Council Work Session Minutes of July 10, 2023
- C. Planning Commission Minutes from June 21st
- D. Planning Commission "Draft" Minutes from July 19th
- E. Willmar Charter Commission "Draft" Minutes of July 27, 2023
- F. Willmar Municipal Utilities Commission Minutes of July 24, 2023
- G. Accounts Payable Report, 07-13-23 Thru 08-02-23
- H. Pennock Lions Club Lawful Gambling Application
- I. Knights of Columbus Lawful Gambling Application
- J. Consideration of Sale of THC Product License- SuperValu Inc. dba Cub Food #1607
- K. Resolution No. 2023-130 Declaring Support for the Completion of Glacial Lakes Trail**

Information:

- L. Kandiyohi County "Thank You"

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

There was no one present to speak during the Open Forum.

At 6:33 p.m. Mayor Pro Tempore Ask opened the public hearing for the proposed amendments to the city code regulating THC products. Operations Director Box presented details of the proposed amendments.

There being no one present to speak for or against the proposed amendments, Mayor Pro Tempore Ask closed the public hearing at 6:34 p.m. and opened it up for discussion from the Council.

Following discussion, Council Member Shuldes offered a motion to adopt, assign a number, and publish **Ordinance No. 1506 An Ordinance Amending Willmar Municipal Code, Chapter 8, Licenses, Permits and Business Regulations.** Council Member Davis seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Council Member Nelsen left the meeting at 6:35 p.m.

Due to the length and cost of publishing the entire ordinance, Council Member Shuldes offered a motion to publish by summary **Ordinance No. 1506 An Ordinance Amending Willmar Municipal Code, Chapter 8, Licenses, Permits and Business Regulations.** Council Member Davis seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

At 6:38 p.m. Mayor Pro Tempore Ask opened the public hearing for an ordinance regulating massage therapy businesses and massage therapists in the City of Willmar. Police Chief Felt presented pertinent details of the proposed ordinance.

There being no one present to speak for or against the proposed ordinance, Mayor Pro Tempore Ask closed the public hearing at 6:40 p.m. and opened it up for discussion from the Council.

Following discussion, Council Member Asmus offered a motion to adopt, assign a number, and publish **Ordinance No. 1507 An Ordinance Regulating Massage Therapy Businesses and Massage Therapists in the City of Willmar.** Council Member O'Brien 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 **Ordinance No. 1507 An Ordinance Regulating Massage Therapy Businesses and Massage Therapists in the City of Willmar.** Council Member Fagerlie seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

At 6:41 p.m. Mayor Pro Tempore Ask opened the public hearing to vacate public easements on Preserve on 24th First Addition plat. Planning and Development Services Director Walker presented pertinent details of the proposed easement vacation.

There being no one present to speak for or against the proposed vacation, Mayor Pro Tempore Ask closed the public hearing at 6:42 p.m. and opened it up for discussion from the Council.

Following discussion, Council Member Davis offered a motion to approve staff's request, with minor changes to clarify easements and legal descriptions as recommended by City Attorney Scott, and introduced **Resolution No. 2023-131 Vacating Drainage, Utility and Other Easements.** Council Member Shuldes seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Council Member Nelsen returned to the meeting.

Kandiyohi County Public Drainage Manager Loren Engelby gave a presentation on the Grass Lake Project to the Mayor and Council. This was received for information purposes only.

Planning and Development Services Director Walker presented a request to approve the MB Rail Addition-Major Subdivision with two contingencies to the plat. These contingencies would be park dedication, and adjustments proposed by MnDOT to the south property line.

Following discussion, Council Member Shuldes offered a motion to approve staff's request with the contingencies noted. Council Member Butterfield seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Planning and Development Services Director Walker presented a request to approve the updated memorandum of understanding (MOU) between the City of Willmar and the Minnesota Army National Guard. It was noted the prior MOU referenced 40 acres. Circumstances have changed for the Guard, and they would like the entire 80 acres for their project. This MOU is not binding but is the first step in a lengthy process.

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

Contracted City Engineer Jared Voge presented a request to approve the airport apron expansion project change order.

Following discussion, Council Member Asmus offered a motion to approve staff's request and introduced **Resolution No. 2023-132 Authorization Accepting Change Order No. 1072823 for Airport Apron Expansion**. Council Member Davis seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

City Operations Director Box presented a request to approve amending the 2023 fee schedule to reflect the new license fees associated with the adoption of the Massage Therapy Ordinance.

Following discussion, Council Member Asmus offered a motion to approve staff's request and introduced **Resolution No. 2023-133 Amending Established Fees for Services, Permits, and Licenses and Establishes Rental Rates for City Equipment**. Council Member Davis seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

City Clerk Thompson presented a request to introduce an ordinance for codification of the City's Municipal Code and set a public hearing for August 21, 2023. It was noted this is a routine practice recommended by the League of Minnesota Cities to be done every ten years. The process was initiated two years ago and adopting the ordinance is the final step in completing the process.

Council Member Fagerlie offered a motion to **introduce an Ordinance Adopting and Enacting a New Code for the City of Willmar, Minnesota; Providing for the Repeal of Certain Ordinances Not Included Therein; Providing a Penalty for the Violation Thereof; Providing for the Manner of Amending Such Code; and Providing When Such Code and This Ordinance Shall Become Effective** and set a public hearing for August 21, 2023. Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

City Clerk Thompson presented a request to introduce an ordinance amending city code for minor updates and set a public hearing for August 21, 2023. It was noted during the codification process, minor changes to various sections of the code were brought to staff's attention and are being addressed in this ordinance.

Council Member Shuldes offered a motion to **introduce an Ordinance Amending City Code to Update to City Clerk Position, Remove Transportation of Firewood Requirement, and Change Department Terms from Leisure Services to Parks and Recreation**, and set public hearing for August 21, 2023. Council Member Fagerlie seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Due to the length and cost of publishing the entire ordinance, Council Member Fagerlie offered a motion to publish by summary **an Ordinance Amending City Code to Update to City Clerk Position, Remove Transportation of Firewood Requirement, and Change Department Terms from Leisure Services to Parks and Recreation**. Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

City Operations Director Box presented a request to introduce an interim ordinance temporarily prohibiting the operation of cannabis businesses until January 1, 2025, and set a public hearing for August 21, 2023.

Following discussion, Council Member Butterfield offered a motion to **introduce an Interim Ordinance Temporarily Prohibiting the Operation of Cannabis Businesses in the City of Willmar Until January 1, 2025, and Establishing a Study Period Pursuant to Minnesota Statutes Section 342.13(e)** and set a public hearing for August 21, 2023. Council Member Shuldes seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Due to the length and cost of publishing the entire ordinance, Council Member Asmus offered a motion to publish by summary **an Interim Ordinance Temporarily Prohibiting the Operation of Cannabis Businesses in the City of Willmar Until January 1, 2025, and Establishing a Study Period Pursuant to Minnesota Statutes Section 342.13(e)**. Council Member Fagerlie seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

City Operations Director Box presented a request to introduce an ordinance prohibiting the use of cannabis and certain hemp products in public places and set a public hearing for August 21, 2023.

Following discussion, Council Member Nelsen offered a motion to **introduce an Ordinance Amending Willmar Municipal Code, Chapter 10, Offenses and Miscellaneous Provisions and Willmar Municipal Code, Chapter 11, Regulations for Use of Parks**, and set a public hearing for August 21, 2023. Council Member Fagerlie seconded the motion, which carried on a roll call vote of Ayes 8, 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 Willmar Municipal Code, Chapter 10, Offenses and Miscellaneous Provisions and Willmar Municipal Code, Chapter 11, Regulations for Use of Parks**. Council Member Fagerlie seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Mayor Pro Tempore Ask offered the following comments: tonight is Public Works Director Manzer's last Council meeting, and thanked him for his many years of dedicated service to the City.

Public Works Director Manzer expressed his thanks and gratitude to the Mayor and Council for the opportunity to work for the City for so many years.

Council Member Fagerlie offered the following comments: "Thank you" to the Rotary Club for the great Rockin' Robbins concerts again this year, and also to the Public Works Department and Police Department for their involvement in these concerts.

Council Members Fagerlie, Nelsen, Davis, Asmus, Shuldes, and O'Brien offered the following comments: all thanked Public Works Director Manzer for this dedication and years of service to the City; also acknowledging his "can do" attitude.

At 7:41 p.m. upon motion by Council Member Fagerlie and seconded by Council Member Asmus, the Council entered into closed session pursuant to Statute 13D.05, Subd. 3(c).

At 8:44 p.m. Council returned to open session.

Council Member Fagerlie offered a motion to adjourn the meeting, with Council Member Nelsen seconding the motion, which carried. The meeting adjourned at 8:44 p.m.

/s/ Douglas E. Reese
MAYOR

Attest:

/s/ Judy R. Thompson
SECRETARY TO THE COUNCIL

RESOLUTION NO. 2023-130

**RESOLUTION DECLARING SUPPORT FOR
COMPLETION OF GLACIAL LAKES TRAIL**

Motion By: Fagerlie

Second By: Asmus

WHEREAS, the State of Minnesota features varied geographical features and supports an active population; and

WHEREAS, various trails have been constructed throughout the State of Minnesota to allow residents and visitors to walk, bike, or otherwise utilize the trails to experience Minnesota's scenic environment, exercise, and spend time with their families; and

WHEREAS, the ROCORI Trail Construction Board and the State of Minnesota, Department of Natural Resources (DNR) have developed the Glacial Lakes State Trail, which current stretches between the City of Willmar to west of Paynesville and from the City of Roscoe to the City of Rockville; and

WHEREAS, the Glacial Lakes State Trail is undeveloped between the City of Paynesville and the City of Roscoe such that the City of Paynesville essentially serves as the eastern terminus of the Glacial Lakes State Trail and the City of Roscoe serves as the western terminus of the Glacial Lakes State Trail; and

WHEREAS, development of the Glacial Lakes State Trail between Paynesville and Roscoe would allow residents and tourists greater access to communities along the Glacial Lakes Trail and connect all of the cities served by this trail through non-automotive means; and

WHEREAS, the undeveloped trail between the cities of Paynesville and Roscoe is situated upon a former Burlington Northern Railroad grade and it is believed the trail could be paved with minimal additional soil preparation, which was always the intended goal.

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

The City of Willmar supports the development of the Glacial Lakes Trail between the City of Paynesville and the City of Roscoe and asks the Minnesota Department of Natural Resources to devote funding towards the development of this section of trail in order to encourage use of the trail by residents of the State of Minnesota and tourists visiting the area and to allow an additional connection between the Koronis Recreational Trail and the Glacial Lakes State Trail.

ADOPTED BY City Council of Willmar, Minnesota, this 7th day of August 2023.

/s/ Douglas E. Reese
Douglas E. Reese, Mayor

ATTEST:

/s/ Judy R. Thompson
Judy R. Thompson, City Clerk

RESOLUTION NO. 2023-131

VACATING DRAINAGE, UTILITY AND OTHER EASEMENTS

Motion By: Davis

Second By: Shuldes

WHEREAS, on July 10, 2023, the City received a petition by Duinck Development, Inc. ("Petitioner") for the vacation of certain drainage, utility and other easements more particularly described below, pursuant to the requirements of Subdivision 4.A of the Willmar City Charter; and

WHEREAS, Petitioner is the sole fee owner of the following described real property situated in the City of Willmar, Kandiyohi County, Minnesota, to wit:

Lots 2, 3, 4, and 5, Block 2, The Water View Business Park, Kandiyohi County, Minnesota (the "Property"); and

WHEREAS, Petitioner seeks in its petition the vacation of drainage, utility and other easements situated in the City of Willmar, Kandiyohi County, Minnesota more particularly described as:

All drainage, utility and other easements lying on, over, under and across Lots 2, 3, 4 and 5, Block 2, The Water View Business Park, Kandiyohi County, Minnesota, previously dedicated, conveyed or granted on the recorded plat of The Water View Business Park, except that part lying within the northerly 6 feet of said Lots 2, 3, 4 and 5, Block 2, and that part lying within the easterly 6 feet of said Lot 5, Block 2

(the "Easements"); and

WHEREAS, a public hearing on the proposed vacation of the Easements was ordered by Willmar City Council on July 17, 2023, and thereafter conducted by the Willmar City Council on August 7, 2023, pursuant to Subdivision 6 of Section 9.01 of the Willmar City Charter; and

WHEREAS, the City Council of Willmar finds that it is in the best interest of the City of Willmar to vacate said Easements, subject to the terms and conditions of vacation set forth herein.

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

1. The above-described drainage, utility and other Easements situated in the City of Willmar, Kandiyohi County, Minnesota are hereby vacated, subject to the condition set forth in Paragraph 2 below.
2. The vacation of the Easements pursuant to Paragraph 1 shall be conditioned on the Petitioner (or Petitioner's successor in interest with respect to the Property) first recording a City-approved replat of the Property with new drainage, utility and other easements satisfactory to the City Engineer and Willmar Municipal Utilities shown and dedicated to the City thereon.
3. Nothing herein shall be construed as the City Council approving the vacation of any portion of the public rights-of-way identified as 24th Avenue SE or 5th Street SE the Water View Business Park plat.
4. A certified copy of this Resolution shall be provided to the Petitioner on or after the 18th day of August, 2023, provided no appeals of this Resolution are first filed with the City Clerk pursuant to Subdivision 7 of Section 9.01 of the Willmar City Charter, and thereafter filed with the Kandiyohi County Recorder upon the satisfaction of all conditions set forth herein.

Dated this 7th day of August 7, 2023.

/s/ Douglas E. Reese
MAYOR

Attest:

/s/ Judy R. Thompson
CITY CLERK

RESOLUTION NO. 2023-132

AUTHORIZATION ACCEPTING CHANGE ORDER NO. 1072823 FOR AIRPORT APRON EXPANSION

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, approves DBH_AIP_16_22 Change Order No. 1 072823 for the relocation of the Jet A Fuel System electrical panel, drainage improvements, and excavation below subgrade to remove frost susceptible material. Willmar's share of the \$53,830.25 change order is \$3,694.82.

Dated this 7th day of August 2023.

/s/ Douglas E. Reese
MAYOR

Attest:

/s/ Judy R. Thompson
CITY CLERK

RESOLUTION NO. 2023-133

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

Motion By: Asmus Second By: Davis

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 were duly adopted for the year 2023 on December 19, 2022, revised on May 1, 2023, and the same hereby ordered kept on file in the office of the City Clerk.

Dated this 7th day of August 2023

/s/ Douglas E. Reese
MAYOR

Attest:

/s/ Judy R. Thompson
CITY CLERK