

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

August 21, 2023  
6:30 p.m.

The regular meeting of the Willmar City Council was called to order by Mayor Douglas E. Reese. Members present on a roll call were Mayor Douglas E. Reese, Council Members Justin Ask, Audrey Nelsen, Vicki Davis, Carl Shuldes, Michael O'Brien, Thomas Butterfield, Julie Asmus, and Rick Fagerlie. Present 9, Absent 0.

Also present were City Administrator Leslie Valiant, City Operations Director Kyle Box, Police Chief Jim Felt, Finance Director Tom Odens, Public Works Director Justin DeLeeuw, Planning and Development Services Director Justice Walker, Community Growth Director Pablo Obregon, City Clerk Judy Thompson and City Attorney Robert Scott.

Mayor Reese stated the media had announced, in error, the city hall/community center discussion would be on the agenda this evening. This item is not listed on the agenda.

Additions/deletions to the agenda included: Council Member Ask asked that a brief discussion be held later this evening regarding the J. C. Penney site for city hall/community center.

Council Member Fagerlie moved to approve the agenda, as amended. 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 August 7, 2023
- B. Work Session Summary of August 14, 2023
- C. Willmar Municipal Utilities Commission Minutes, July 10, 2023
- D. CVB Minutes of June 20, 2023
- E. Board of Zoning Appeals Minutes of May 18th, 2023
- F. Board of Zoning Appeals Minutes of August 17th, 2023
- G. Planning Commission Minutes August 2nd
- H. Planning Commission Minutes August 16th
- I. Accounts Payable Report, 08/03/23 Thru 08/16/23
- J. **Resolution No. 2023-134 Project No. 2101-B Revised Final**
- K. **Resolution No. 2023-135 To Seek Membership in the AARP Network of Age-Friendly Communities**
- L. Consideration of a State 1 Day to 4 Day Temporary On-Sale Liquor License Permit - VFW 1639
- M. Church of St. Mary Lawful Gambling Application
- N. Legislative Updates to policy titled "Drug, Alcohol and Cannabis Testing Policy for Non-Commercial Drivers"

Information:

- O. Building Report July 2023
- P. Finance Report through 7/31/2023
- Q. July/August Department Director's Reports

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

Jay Lawton, Willmar, addressed the Mayor and Council during the Open Forum regarding his approval of the J.C. Penney site for the city hall/community center.

At 6:37 p.m. Mayor Reese opened the public hearing for an ordinance adopting the codification of the Municipal Code for the City of Willmar. City Clerk Thompson presented details of the proposed ordinance.

There being no one present to speak for or against the proposed ordinance, Mayor Reese closed the public hearing at 6:38 p.m. and opened it up for discussion from the Council.

Council Member Shuldes offered a motion to adopt, assign a number, and publish **Ordinance No. 1508 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.** Council Member Davis seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

At 6:39 p.m. Mayor Reese opened the public hearing for an ordinance amending City code for minor updates. City Clerk Thompson presented the details of the proposed ordinance.

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

Council Member Asmus offered a motion to adopt, assign a number, and publish **Ordinance No. 1509 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 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 Ask offered a motion to publish by summary **Ordinance No. 1509 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.

At 6:47 p.m. Mayor Reese opened the public hearing for an interim ordinance temporarily prohibiting the operation of cannabis businesses until January 1, 2025. City Operations Director Box presented the details of the proposed ordinance.

There being no one present to speak for or against the proposed ordinance, Mayor Reese closed the public hearing at 6:50 p.m. and opened it up for discussion from the Council.

Following discussion, Council Member O'Brien offered a motion to adopt, assign a number, and publish **Ordinance No. 1510 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.

Due to the length and cost of publishing the entire ordinance, Council Member Asmus offered a motion to publish by summary **Ordinance No. 1510 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.

At 6:52 p.m. Mayor Reese opened the public hearing for an ordinance prohibiting the use of cannabis and certain hemp products in public places. City Operations Director Box presented the details of the proposed ordinance.

There being no one present to speak for or against the proposed ordinance, Mayor Reese closed the public hearing at 6:53 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. 1511 Amending Willmar Municipal Code, Chapter 10, Offenses and Miscellaneous Provisions and Willmar Municipal Code, Chapter 11, Regulations for Use of Parks**. 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 Nelsen offered a motion to publish by summary **Ordinance No. 1511 Amending Willmar Municipal Code, Chapter 10, Offenses and Miscellaneous Provisions and Willmar Municipal Code, Chapter 11, Regulations for Use of Parks**. Council Member Davis seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

David Eurle, partner at Westberg & Eischens, presented the 2022 audit of the City of Willmar. He stated there were no significant findings in the audit and the City is overall in good standing.

Baker Tilly representative Doug Green presented a request to award the sale of \$8,370,000 General Obligation Improvement Bonds Series 2023A, fixing their form and specifications directing their execution and delivery; and providing for their payment. He noted the highest bidder was Piper Sandler & Company and the City of Willmar has an AA3 credit rating.

Following discussion, Council Member Asmus offered a motion to approve the request and introduced **Resolution No. 2023-136 A Resolution Awarding the Sale of \$8,370,000 General Obligation Improvement Bonds, Series 2023A Fixing Their Form and Specifications; Directing Their Execution and Delivery; and Providing for Their Payment**. Council Member Ask seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Charter Commission Chairman Richard Engan presented a request to set a public hearing for September 18, 2023, and introduce an ordinance amending City of Willmar Charter, Section 4.02 The Planning Commission.

Council Member Ask offered a motion to **introduce an ordinance amending the Charter of the City of Willmar** and set a public hearing for September 18, 2023. Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

City Clerk Thompson stated a recent liquor compliance check performed by the Police Department resulted in one (1) violation of an on-sale liquor license. It was noted this is the first violation by Spurs Corporation dba Spurs Grill & Bar. Spurs Grill & Bar owner Willie Gonzalez appeared before the Mayor and Council to explain measures being taken to eliminate future violations.

City Administrator Valiant presented a request to approve a resolution for support for state capital improvement projects. It was noted the City would be submitting requests for two projects: 1) Community Center for \$10 million, and 2) 2024-2025 Infrastructure Improvement Projects for \$20 million. Final budget requests need to be submitted to Minnesota Management and Budget by October 13, 2023, for the 2024 State capital budget preparations.

Following discussion, Council Member Ask offered a motion to approve staff's request and introduced **Resolution No. 2023-137 Supporting State Capital Bonding Requests**. Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Finance Director Odens presented the investment report through June 30, 2023, to the Mayor and Council. This item was received for information purposes only.

Contracted City Engineer Jared Voge presented a request to approve plans and specifications and authorize advertisement for bids on Project No. 2305 – Trott Avenue Regional Stormwater Improvements. It was noted the project is to be paid from Local Option Sales Tax (LOST) funds.

Following discussion, Council Member Fagerlie introduced **Resolution No. 2023-138 Approving Final Plans and Specifications and Authorizing Publication of the Advertisement for Bids for Project No. 2305**. 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 order preparation of the assessment roll and call for the assessment hearing for Project Nos. 2301-A, 2301-C, and 2303 for the 2023 Street and Other Improvements, and set the assessment hearing for September 18, 2023.

Following discussion, Council Member Fagerlie offered a motion to introduce **Resolution No. 2023-139 Declaring Costs to be Assessed, Ordering Preparation of the Assessment Roll and Calling Hearing on Assessments for City Project Nos. 2301-A, 2301-C, and 2303 - 2023 Street and Other Improvements**. Council Member Shuldes 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 proposed amendments to the purchase agreement with Justin Paffrath for purchase of city-owned property.

Following a lengthy discussion, Council Member Ask offered a motion to approve the proposed amendments to the purchase agreement with the removal of Outlot A(wetland). Council Member Shuldes seconded the motion.

Following further discussion, Council Member Butterfield offered a friendly amendment that Mr. Paffrath accepts Outlot A (the wetland). Council Member O'Brien seconded the motion.

Following yet further discussion, Council Member Asmus called the vote.

Council Member Butterfield then removed his friendly amendment. Council Member O'Brien removed his second.

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

Planning and Development Services Director Walker presented a request to set a public hearing for September 5, 2023, for 2nd Avenue SE easement vacation. The property owner has plans to re-plat two parcels and desires to vacate the current easements and re-dedicate easements on the east side of 20th Street SE.

Following discussion, Council Member Asmus offered a motion to introduce **Resolution No. 2023-140 A Resolution That the City of Willmar Will Set the Public Hearing Date for 2nd Avenue SE Easement Vacation**. Council Member Ask 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 set a public hearing for September 5, 2023, for an ordinance amending the Willmar Zoning Ordinance, Section 6.I General Business District.

Following discussion, Council Member Asmus offered a motion to **introduce an Ordinance Amending No. 1060 Known as the Willmar Zoning Ordinance by Amending Section 6 Relating to Zoning Districts and District Regulations**, and set a public hearing for September 5, 2023. Council Member Davis 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 Ask offered a motion to publish by summary **an Ordinance Amending No. 1060 Known as the Willmar Zoning Ordinance by Amending Section 6 Relating to Zoning Districts and District Regulations**. Council Member Asmus 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 set a public hearing for September 5, 2023, for an ordinance to create a new General Business 3 District. This is being recommended as part of the effort to generate general business districts that align more with their current uses and trajectories as a district. The General Business 3 District is more industrial and provides a district for larger scale uses along the highway corridors throughout town.

Following discussion, Council Member Asmus offered a motion to **introduce an Ordinance Amending No. 1060 Known as the Willmar Zoning Ordinance by Amending Section 6 Relating to Zoning Districts and District Regulations**, and set a public hearing for September 5, 2023. Council Member Butterfield 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 Ask offered a motion to publish by summary **an Ordinance Amending No. 1060 Known as the Willmar Zoning Ordinance by Amending Section 6 Relating to Zoning Districts and District Regulations**. Council Member Asmus seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Council Member Ask opened the discussion regarding the J. C. Penney site for the new city hall/community center.

Council Member Asmus offered a motion to approve the city hall and community center be built at the J.C. Penney building at the Uptown Mall and that the Council use the Willmar Ten Investors' proposal presented at the May 15, 2023, Council meeting and utilize TerWisscha Construction's design concept. Council Member Ask seconded the motion.

Council Member Asmus thanked the Willmar Ten Investors Group for their vision and proposal.

Following discussion, Council Member Asmus withdrew her motion. Council Member Ask withdrew his second.

Council Member Asmus then offered a motion to approve the community center and city hall being built at the J.C. Penney building at the Uptown Mall. Council Member Ask seconded the motion, which failed on a roll call vote of Ayes 3, Noes 5. Council Members Davis, Shuldes, Nelsen, Butterfield, and O'Brien voted "no".

Council Member Fagerlie asked when the Council would be presented with the proposal for Block 50 and other sites. City Administrator Valiant is planning this information to be presented on September 18, 2023. City Administrator Valiant also hopes to have information on the City auditorium available from BKV on September 5, 2023. Planning and Development Services Director Walker is hopeful to have an update on the Armory by beginning of 2024.

Council Member Ask offered a motion to adjourn the meeting, with Council Member Shuldes seconding the motion, which carried. The meeting adjourned at 8:43 p.m.

/s/ Douglas E. Reese  
MAYOR

Attest:

/s/ Judy R. Thompson  
SECRETARY TO THE COUNCIL

**RESOLUTION NO. 2023-134**

**A RESOLUTION ACCEPTING PROJECT NO. 2101-B AND AUTHORIZING FINAL PAYMENT.**

Motion By: Ask

Second By: Nelsen

IMPROVEMENT: Project No. 2101-B: Eagle Ridge Dr E Reconstruction

CONTRACTOR: Duinick, Inc.  
DATE OF CONTRACT: May 3, 2021  
BEGIN WORK: June 1, 2021  
COMPLETE WORK: June 14, 2023  
APPROVE, ENGINEERING DEPT: June 21, 2023

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

1. The said City of Willmar Eagle Ridge Dr E Project be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$1,087,587.90
CHANGE ORDER NO. 1	\$57,842.90
CHANGE ORDER NO. 2	(\$12,323.07)
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$1,133,107.73
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$1,133,107.73
Less Previous Payments	\$1,104,287.26
<b>FINAL PAYMENT DUE CONTRACTOR:</b>	<b>\$28,820.47</b>

Dated this 21st day of August, 2023

/s/ Douglas E. Reese  
Mayor

Attest:

/s/ Judy R. Thompson  
City Clerk



**RESOLUTION NO. 2023-135**

**TO SEEK MEMBERSHIP IN THE AARP NETWORK OF AGE-FRIENDLY COMMUNITIES**

Motion By: Ask Second By: Nelsen

**WHEREAS**, the health and safety of residents of all ages is of highest concern to the citizens of Willmar; and

**WHEREAS**, as the U.S population ages and people stay healthy and active longer, communities must adapt; and

**WHEREAS**, planning processes including community revitalization and economic development plans should include the needs of all people regardless of age, income, physical ability, race, and other factors of older adults; and

**WHEREAS**, community decisions on land-use, housing, and transportation should be consistent with comprehensive plans that have been developed with public input; and

**WHEREAS**, members of the AARP Network of Age-Friendly Communities become part of a global network of communities that are committed to giving their older residents the opportunity to live rewarding, productive and safe lives; and

**WHEREAS**, membership in the Network of Age-Friendly Communities include access to financial assistance and technical enterprise; and

**NOW, THEREFORE, BE IT RESOLVED** that in order to ensure Willmar is a well-designed, livable community that promotes health and sustained economic growth for residents of all ages, the City of Willmar supports the planning process and requests participation in the Network of Age-Friendly Communities.

Adopted this the 21st day of August, 2023.

/s/ Douglas E. Reese

MAYOR

ATTEST:

/s/ Judy R. Thompson

CITY CLERK

**RESOLUTION NO. 2023-136**

**A RESOLUTION AWARDED THE SALE OF  
\$8,370,000 GENERAL OBLIGATION  
IMPROVEMENT BONDS, SERIES 2023A  
FIXING THEIR FORM AND SPECIFICATIONS;  
DIRECTING THEIR EXECUTION AND DELIVERY;  
AND PROVIDING FOR THEIR PAYMENT**

Motion By: Asmus Second By: Ask

BE IT RESOLVED By the City Council of the City of Willmar, Kandiyohi County, Minnesota (the “City”) as follows:

Section 1. Background.

1.01 The City is authorized by Minnesota Statutes, Chapters 429 and Minnesota Statutes, Chapter 475, as amended (collectively, the “Act”) to provide financing for various public improvement projects in the City, including without limitation street and related public improvement projects included in the 2023 Improvement Projects (the “Improvements”).

1.02 The City is authorized by Minnesota Statutes, Section 475.60, subdivision 2(9) to negotiate the sale of the Bonds, it being determined that the City has retained an independent municipal advisor in connection with such sale. The actions of the City staff and the City’s municipal advisor in negotiating the sale of the Bonds are ratified and confirmed in all aspects.

Section 2. Sale of Bonds.

2.01 Authorization. It is hereby determined that it is necessary to provide financing for the Improvements and to finance those improvements through the issuance of the City’s \$8,370,000 General Obligation Improvement Bonds, Series 2023A (the “Bonds”).

2.02. Award to the Purchaser and Interest Rates. The proposal of Piper Sandler & Co., Minneapolis, Minnesota (the “Purchaser”) to purchase the Bonds of the City described in the Terms of Proposal thereof is hereby found and determined to be a reasonable offer and is hereby accepted, the proposal being to purchase the Bonds at a price of \$8,906,945.14 (par amount of \$8,370,000, plus a premium of \$611,953.65, less an underwriter’s discount of \$75,008.51), for Bonds bearing interest as follows:

<u>Year of Maturity</u>	<u>Interest Rate</u>	<u>Year of Maturity</u>	<u>Interest Rate</u>
2025	5.00%	2033	5.00%
2026	5.00	2034	5.00
2027	5.00	2035	5.00
2028	5.00	2036	4.00
2029	5.00	2037	4.00
2030	5.00	2038	4.00
2031	5.00	2039	4.00
2032	5.00		

2.03. Purchase Contract. Any amount paid by the Purchaser over the minimum purchase price shall be credited to the Debt Service Fund hereinafter created, or deposited in the Construction Fund hereinafter created, as determined by the City Finance Director upon consultation with the City’s municipal advisor. The City Finance Director is directed to retain the good faith check of the Purchaser, pending completion of the sale of the Bonds. The Mayor and City Administrator are authorized to execute a contract with the Purchaser on behalf of the City, if requested by the Purchaser.

2.04. Terms and Principal Amounts of Bonds. The City will forthwith issue and sell the Bonds pursuant to the Act, in the total principal amount of \$8,370,000, originally dated the date of delivery, in fully registered form and in the denominations of \$5,000 each or any integral multiple thereof, numbered No. R-1 and upward, bearing interest as above set forth, and maturing serially on February 1 in the years and amounts as follows:



<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
2025	\$255,000	2033	\$585,000
2026	415,000	2034	615,000
2027	435,000	2035	645,000
2028	460,000	2036	680,000
2029	480,000	2037	705,000
2030	505,000	2038	735,000
2031	530,000	2039	765,000
2032	560,000		

As may be requested by the Purchaser, one or more term Bonds may be issued having mandatory sinking fund redemption and final maturity amounts conforming to the foregoing principal repayment schedule, and corresponding additions may be made to the provisions of the applicable Bond(s).

2.05. Optional Redemption. The City may elect on February 1, 2032, and on any day thereafter to prepay Bonds maturing on or after February 1, 2033. Redemption may be in whole or in part and if in part, at the option of the City and in such manner as the City will determine. If less than all Bonds of a maturity are called for redemption, the City will notify DTC (as defined in Section 7 hereof) of the particular amount of such maturity to be prepaid. DTC will determine by lot the amount of each participant’s interest in such maturity to be redeemed and each participant will then select by lot the beneficial ownership interests in such maturity to be redeemed. Prepayments will be at a price of par plus accrued interest.

Section 3. Registration and Payment.

3.01. Registered Form. The Bonds will be issued only in fully registered form. The interest thereon and, upon surrender of each Bond, the principal amount thereof is payable by check or draft issued by the Registrar described herein.

3.02. Dates; Interest Payment Dates. Each Bond will be dated as of the last interest payment date preceding the date of authentication to which interest on the Bond has been paid or made available for payment, unless (i) the date of authentication is an interest payment date to which interest has been paid or made available for payment, in which case the Bond will be dated as of the date of authentication, or (ii) the date of authentication is prior to the first interest payment date, in which case the Bond will be dated as of the date of original issue. The interest on the Bonds is payable on February 1 and August 1 of each year, commencing August 1, 2024, to the registered owners thereof of record as of the close of business on the 15<sup>th</sup> day of the immediately preceding month, whether or not that day is a business day.

3.03. Registration. The City will appoint, and will maintain, a bond registrar, transfer agent, authenticating agent and paying agent (the “Registrar”). The effect of registration and the rights and duties of the City and the Registrar with respect thereto are as follows:

(a) Register. The Registrar will keep at its principal corporate trust office a bond register in which the Registrar provides for the registration of ownership of Bonds and the registration of transfers and exchanges of Bonds entitled to be registered, transferred or exchanged.

(b) Transfer of Bonds. Upon surrender for transfer of any Bond duly endorsed by the registered owner thereof or accompanied by a written instrument of transfer, in form satisfactory to the Registrar, duly executed by the registered owner thereof or by an attorney duly authorized by the registered owner in writing, the Registrar will authenticate and deliver, in the name of the designated transferee or transferees, one or more new Bonds of a like aggregate principal amount and maturity, as requested by the transferor. The Registrar may, however, close the books for registration of any transfer after the 15<sup>th</sup> day of the month preceding each interest payment date and until that interest payment date.

(c) Exchange of Bonds. When any Bonds are surrendered by the registered owner for exchange the Registrar will authenticate and deliver one or more new Bonds of a like aggregate

principal amount and maturity as requested by the registered owner or the owner's attorney in writing.

(d) Cancellation. All Bonds surrendered upon any transfer or exchange will be promptly cancelled by the Registrar and thereafter disposed of as directed by the City.

(e) Improper or Unauthorized Transfer. When a Bond is presented to the Registrar for transfer, the Registrar may refuse to transfer the Bond until the Registrar is satisfied that the endorsement on the Bond or separate instrument of transfer is valid and genuine and that the requested transfer is legally authorized. The Registrar will incur no liability for the refusal, in good faith, to make transfers which it, in its judgment, deems improper or unauthorized.

(f) Persons Deemed Owners. The City and the Registrar may treat the person in whose name a Bond is at any time registered, as of the applicable record date, in the bond register as the absolute owner of such Bond, whether the Bond is overdue or not, for the purpose of receiving payment of, or on account of, the principal of and interest on the Bond and for all other purposes, and payments so made to a registered owner or upon the owner's order will be valid and effectual to satisfy and discharge the liability upon the Bond to the extent of the sum or sums so paid.

(g) Taxes, Fees and Charges. The Registrar may impose a charge upon the owner thereof for a transfer or exchange of Bonds, sufficient to reimburse the Registrar for any tax, fee or other governmental charge required to be paid with respect to the transfer or exchange.

(h) Mutilated, Lost, Stolen or Destroyed Bonds. If a Bond becomes mutilated or is destroyed, stolen or lost, the Registrar will deliver a new Bond of like amount, number, maturity date and tenor in exchange and substitution for and upon cancellation of the mutilated Bond or in lieu of and in substitution for any Bond destroyed, stolen or lost, upon the payment of the reasonable expenses and charges of the Registrar in connection therewith; and, in the case of a Bond destroyed, stolen or lost, upon filing with the Registrar of evidence satisfactory to the Registrar that the Bond was destroyed, stolen or lost, and of the ownership thereof, and upon furnishing to the Registrar an appropriate bond or indemnity in form, substance and amount satisfactory to the Registrar and as provided by law, in which both the City and the Registrar must be named as obligees. Bonds so surrendered to the Registrar will be cancelled by the Registrar and evidence of such cancellation must be given to the City. If the mutilated, destroyed, stolen or lost Bond has already matured or been called for redemption in accordance with its terms it is not necessary to issue a new Bond prior to payment.

(i) Redemption. In the event any of the Bonds are called for redemption, written notice thereof identifying the Bonds to be redeemed will be given by the Registrar by mailing a copy of the redemption notice by first class mail (postage prepaid) at least 30 days prior to the redemption date to the registered owner of each Bond to be redeemed at the address shown on the registration books kept by the Registrar and by publishing the notice if required by law. Failure to give notice by publication or by mail to any registered owner, or any defect therein, will not affect the validity of the proceedings for the redemption of Bonds. Bonds so called for redemption will cease to bear interest after the specified redemption date, provided that the funds for the redemption are on deposit with the place of payment at that time.

3.04. Appointment of Initial Registrar. The City appoints U.S. Bank Trust Company, National Association, St. Paul, Minnesota, as the initial Registrar. The Mayor and the City Administrator are authorized to execute and deliver, on behalf of the City, a contract with the Registrar. Upon merger or consolidation of the Registrar with another corporation, if the resulting corporation is a bank or trust company authorized by law to conduct such business, the resulting corporation is authorized to act as successor Registrar. The City agrees to pay the reasonable and customary charges of the Registrar for the services performed. The City reserves the right to remove the Registrar upon 30 days' notice and upon the appointment of a successor Registrar, in which event the predecessor Registrar must deliver all cash and Bonds in its possession to the successor Registrar and deliver the bond register to the successor Registrar. On or before each principal or interest due date, without further order of this Council, the City Finance Director must transmit to the Registrar money sufficient for the payment of all principal and interest then due.

3.05. Execution, Authentication and Delivery. The Bonds will be prepared under the direction of the City Finance Director and executed on behalf of the City by the signatures of the Mayor and the City Administrator, provided that all signatures may be printed, engraved or lithographed facsimiles of the originals. If an officer whose signature or a facsimile of whose signature appears on the Bonds ceases to be such officer before the delivery of any Bond, that signature or facsimile will nevertheless be valid and sufficient for all purposes, the same as if the officer had remained in office until delivery. Notwithstanding such execution, a Bond will not be valid or obligatory for any purpose or entitled to any security or benefit under this Resolution unless and until a certificate of authentication on the Bond has been duly executed by the manual signature of an authorized representative of the Registrar. Certificates of authentication on different Bonds need not be signed by the same representative. The executed certificate of authentication on a Bond is conclusive evidence that it has been authenticated and delivered under this Resolution. When the Bonds have been so prepared, executed and authenticated, the City Administrator will deliver the same to the Purchaser thereof upon payment of the purchase price in accordance with the contract of sale heretofore made and executed, and the Purchaser is not obligated to see to the application of the purchase price.

3.06. Form of Bonds. The Bonds will be printed or typewritten in substantially the form set forth in **Exhibit B** attached hereto.

3.07. Approving Legal Opinion. The City Administrator is authorized and directed to obtain a copy of the proposed approving legal opinion of Kennedy & Graven, Chartered, Minneapolis, Minnesota, which will be complete except as to dating thereof and to cause the opinion to be printed on or accompany each Bond.

Section 4. Funds and Accounts; Security; Payment.

4.01. (a) Debt Service Fund. For the convenience and proper administration of the moneys to be borrowed and repaid on the Bonds and to provide adequate and specific security for the Purchaser and holders from time to time of the Bonds, there is hereby created a special fund to be designated the General Obligation Improvement Bonds, Series 2023A Debt Service Fund (the "Debt Service Fund"). The Debt Service Fund shall be administered and maintained by the Finance Director as a bookkeeping account separate and apart from all other funds maintained in the official financial records of the City. Amounts in the Debt Service Fund are irrevocably pledged to the Bonds. To the Debt Service Fund hereby created, there is hereby pledged and irrevocably appropriated and there will be credited: (A) the proceeds of ad valorem property taxes herein or hereafter levied (the "Taxes"), and, subject to 4.02, the special assessments levied against the property specially benefited by the Improvements (the "Assessments"); (B) capitalized interest financed from Bond proceeds, if any; (C) the amount over the minimum purchase price paid by the Purchaser, to the extent designated for deposit in the Debt Service Fund in accordance with Section 2.03 hereof; and (D) all investment earnings on funds in the Debt Service Fund; and (E) any and all other moneys which are properly available and are appropriated by the City Council to the Debt Service Fund. The Debt Service Fund will be maintained in the manner herein specified until all of the Bonds and the interest thereon have been fully paid. The Finance Director will report to the City Council any current or anticipated deficiency in the Debt Service Fund in the amount necessary to pay the principal of and interest on the Bonds when due. If a payment of principal or interest on the Bonds becomes due when there is not sufficient money in the Debt Service Fund to pay the same, the City Finance Director is directed to pay such principal or interest from other funds of the City, and such fund will be reimbursed for those advances out of the proceeds of Assessments and Taxes when collected.

(b) Construction Fund. The City hereby creates the General Obligation Improvement Bonds, Series 2023A Construction Fund (the "Construction Fund") to be administered and maintained by the Finance Director as a bookkeeping account separate and apart from all other funds maintained in the official financial records of the City. The proceeds of the Bonds, less the appropriations made in Section 4.01(a), together with the Assessments collected during the construction of the Improvements and any other funds appropriated for the Improvements will be deposited in a separate construction fund (the "Construction Fund") to be used solely to defray expenses of the Improvements and the payment of principal and interest on the Bonds prior to the completion and payment of all costs of the Improvements. Any balance remaining in the Construction Fund after completion of the Improvements and payment of the costs thereof, may be used to pay the cost in whole or in part of any other improvement instituted under the Act under the direction of the City Council or may be used as provided in Minnesota Statutes, section 475.65. Thereafter, the Construction Fund is to be closed and any remaining balances

therein and subsequent collections of Assessments for the Improvements and any Taxes are to be deposited in the Debt Service Fund.

4.02. Covenants. The City hereby covenants with the holders from time to time of the Bonds as follows:

(a) It is hereby determined that the Improvements will directly and indirectly benefit abutting property and other identified property, and that at least 20% of the costs of the Improvements to the City will be paid by Assessments. The City has caused or will cause the Assessments levied or to be levied against the property specially benefited by the Improvements to be promptly levied so that the first installment will be collectible not later than 2024 and will take all steps necessary to assure prompt collection, and the levy of the Assessments is hereby authorized. The City Council will cause to be taken with due diligence all further actions that are required for the construction of each Improvement financed wholly or partly from the proceeds of the Bonds, and will take all further actions necessary for the final and valid levy of the Assessments and the appropriation of any other funds needed to pay the Bonds and interest thereon when due.

(b) In the event of any current or anticipated deficiency in Assessments and Taxes, the City Council will levy additional ad valorem taxes in the amount of the current or anticipated deficiency.

(c) The City will keep complete and accurate books and records showing: receipts and disbursements in connection with the Improvements, Assessments and Taxes levied therefor and other funds appropriated for their payment, collections thereof and disbursements therefrom, monies on hand and, the balance of unpaid Assessments.

(d) The City will cause its books and records to be audited at least annually and will furnish copies of such audit reports to any interested person upon request.

4.03. Pledge of Taxes. For the purpose of paying the principal of and interest on the Bonds, there is levied a direct annual irrevocable ad valorem tax upon all of the taxable property in the City, which will be spread upon the tax rolls and collected with and as part of other general taxes of the City. The taxes will be credited to the Debt Service Fund above provided and will be in the years (being each year of collection) and amounts as set forth in **Exhibit C**. The tax levies will be irrevocable so long as any of the Bonds are outstanding and unpaid, provided that the City reserves the right to reduce the levies in the manner and to the extent permitted by Section 475.61, subdivision 3 of the Act, and the County Auditor will thereupon reduce the levy collectible during such year by the amount so certified.

4.04. Certification to County Auditor as to Debt Service Fund Amount. It is hereby determined that the estimated collections of Assessments and the foregoing Taxes will produce at least 5% in excess of the amount needed to meet when due the principal and interest payments on the Bonds.

4.05 County Auditor Certificate as to Registration. If no Certificate of Intent is filed in accordance with Section 7.04(j) of the City Charter within 15 days after adoption of this resolution, the Administrator is hereby directed to file a certified copy of this resolution with the County Auditor of Kandiyohi County, Minnesota, together with such other information as he or she shall require, and to obtain the County Auditor's certificate that the Bonds have been entered in the County Auditor's Bond Register, and the tax levy has been made as required by Section 475.63 of the Act.

4.06. General Obligation Pledge. For the prompt and full payment of the principal of and interest on the Bonds, as the same respectively become due, the full faith, credit and taxing powers of the City will be and are hereby irrevocably pledged. If the balance in the Debt Service Fund is ever insufficient to pay all principal and interest then due on the Bonds and any other bonds payable therefrom, the deficiency will be promptly paid out of monies in the general fund of the City which are available for such purpose, and such general fund may be reimbursed with or without interest from the Debt Service Fund when a sufficient balance is available therein.

Section 5. Authentication of Transcript.

5.01. City Proceedings and Records. The officers of the City are authorized and hereby directed to prepare and furnish to the Purchaser and to the attorneys approving the Bonds, certified copies of proceedings and records of the City relating to the Bonds and to the financial condition and affairs of the City, and such other certificates, affidavits and transcripts as may be required to show the facts within their knowledge or as shown by the books and records in their custody and under their control, relating to the validity and marketability of the Bonds and such instruments, including any heretofore furnished, may be deemed representations of the City as to the facts stated therein.

5.02. Certification as to Official Statement. The Mayor, City Administrator and Finance Director or any of them are authorized and directed to certify that they have examined the Official Statement prepared and circulated in connection with the issuance and sale of the Bonds and that to the best of their knowledge and belief the Official Statement is, as of the date thereof, a complete and accurate representation of the facts and representations made therein as of the date of the Official Statement as it relates to the City.

5.03. Other Certificates. The Mayor, City Finance Director and City Administrator, or any of them, are hereby authorized and directed to furnish to the Purchaser at the closing such certificates as are required as a condition of sale. Unless litigation shall have been commenced and be pending questioning the Bonds or the organization of the City or incumbency of its officers, at the closing the Mayor and the City Administrator, or any of them, shall also execute and deliver to the Purchaser a suitable certificate as to absence of material litigation, and the City Administrator shall also execute and deliver a certificate as to payment for and delivery of the Bonds.

5.04. Electronic Signatures. The electronic signature of the Mayor, City Finance Director and/or the City Administrator, or any of them, to this resolution and to any certificate authorized to be executed hereunder shall be as valid as an original signature of such party and shall be effective to bind the City thereto. For purposes hereof, (i) "electronic signature" means (a) a manually signed original signature that is then transmitted by electronic means or (b) a signature obtained through DocuSign or Adobe or a similarly digitally auditable signature gathering process; and (ii) "transmitted by electronic means" means sent in the form of a facsimile or sent via the internet as a portable document format ("pdf") or other replicating image attached to an electronic mail or internet message.

Section 6. Tax Covenants.

6.01 Tax-Exempt Bonds. The City covenants and agrees with the holders from time to time of the Bonds that it will not take or permit to be taken by any of its officers, employees, or agents any action which would cause the interest on the Bonds to become subject to taxation under the Internal Revenue Code of 1986, as amended (the "Code"), and the Treasury Regulations promulgated thereunder, in effect at the time of such actions, and that it will take or cause its officers, employees or agents to take, all affirmative action within its power that may be necessary to ensure that such interest will not become subject to taxation under the Code and applicable Treasury Regulations, as presently existing or as hereafter amended and made applicable to the Bonds. The City will comply with all requirements necessary under the Code to establish and maintain the exclusion from gross income of the interest on the Bonds under Section 103 of the Code, including without limitation requirements relating to temporary periods for investments, and limitations on amounts invested at a yield greater than the yield on the Bonds.

6.02. Rebate. The City shall comply with requirements necessary under the Code to establish and maintain the exclusion from gross income of the interest on the Bonds under Section 103 of the Code, including without limitation (1) requirements relating to temporary periods for investments, (2) limitations on amounts invested at a yield greater than the yield on the Bonds, and (3) the rebate of excess investment earnings to the United States unless the Bonds qualify for an exception to the rebate requirement under the Code and related Treasury Regulations.

6.03. Not Private Activity Bonds. The City further covenants not to use the proceeds of the Bonds or the Improvements financed by the Bonds, or to cause or permit them or any of them to be used, in such a

manner as to cause the Bonds to be “private activity bonds” within the meaning of Sections 103 and 141 through 150 of the Code.

6.04. Qualified Tax-Exempt Obligations. In order to qualify the Bonds as “qualified tax-exempt obligations” within the meaning of Section 265(b)(3) of the Code, the City makes the following factual statements and representations:

- (a) the Bonds are not “private activity bonds” as defined in Section 141 of the Code;
- (b) the City hereby designates the Bonds as “qualified tax-exempt obligations” for purposes of Section 265(b)(3) of the Code;
- (c) the reasonably anticipated amount of tax-exempt obligations (other than any private activity bonds that are not qualified 501(c)(3) bonds which will be issued by the City (and all subordinate entities of the City) during calendar year 2023 will not exceed \$10,000,000; and
- (d) not more than \$10,000,000 of obligations issued by the City during calendar year 2023 have been designated for purposes of Section 265(b)(3) of the Code.

6.05. Procedural Requirements. The City will use its best efforts to comply with any federal procedural requirements which may apply in order to effectuate the designations made by this section.

#### Section 7. Book-Entry System; Limited Obligation of City.

7.01. DTC. The Bonds will be initially issued in the form of a separate single typewritten or printed fully registered Bond for each of the maturities set forth in Section 2.04 hereof. Upon initial issuance, the ownership of each Bond will be registered in the registration books kept by the Registrar in the name of Cede & Co., as nominee for The Depository Trust Company, New York, New York, and its successors and assigns (DTC). Except as provided in this section, all of the outstanding Bonds will be registered in the registration books kept by the Registrar in the name of Cede & Co., as nominee of DTC.

7.02. Participants. With respect to Bonds registered in the registration books kept by the Registrar in the name of Cede & Co., as nominee of DTC, the City, the Registrar and the Paying Agent will have no responsibility or obligation to any broker dealers, banks and other financial institutions from time to time for which DTC holds Bonds as securities depository (the “Participants”) or to any other person on behalf of which a Participant holds an interest in the Bonds, including but not limited to any responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any Participant with respect to any ownership interest in the Bonds, (ii) the delivery to any Participant or any other person (other than a registered owner of Bonds, as shown by the registration books kept by the Registrar,) of any notice with respect to the Bonds, including any notice of redemption, or (iii) the payment to any Participant or any other person, other than a registered owner of Bonds, of any amount with respect to principal of, premium, if any, or interest on the Bonds. The City, the Registrar and the Paying Agent may treat and consider the person in whose name each Bond is registered in the registration books kept by the Registrar as the holder and absolute owner of such Bond for the purpose of payment of principal, premium and interest with respect to such Bond, for the purpose of registering transfers with respect to such Bond, and for all other purposes. The Paying Agent will pay all principal of, premium, if any, and interest on the Bonds only to or on the order of the respective registered owners, as shown in the registration books kept by the Registrar, and all such payments will be valid and effectual to fully satisfy and discharge the City’s obligations with respect to payment of principal of, premium, if any, or interest on the Bonds to the extent of the sum or sums so paid. No person other than a registered owner of Bonds, as shown in the registration books kept by the Registrar, will receive a certificated Bond evidencing the obligation of this resolution. Upon delivery by DTC to the City Finance Director of a written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., the words “Cede & Co.,” will refer to such new nominee of DTC; and upon receipt of such a notice, the City Administrator will promptly deliver a copy of the same to the Registrar and Paying Agent.

7.03. Representation Letter. The City has heretofore executed and delivered to DTC a Blanket Issuer Letter of Representations (the “Representation Letter”) which will govern payment of principal of, premium, if

any, and interest on the Bonds and notices with respect to the Bonds. Any Paying Agent or Registrar subsequently appointed by the City with respect to the Bonds will agree to take all action necessary for all representations of the City in the Representation Letter with respect to the Registrar and Paying Agent, respectively, to be complied with at all times.

7.04. Transfers Outside Book-Entry System. In the event the City, by resolution of the City Council, determines that it is in the best interests of the persons having beneficial interests in the Bonds that they be able to obtain Bond certificates, the City will notify DTC, whereupon DTC will notify the Participants, of the availability through DTC of Bond certificates. In such event the City will issue, transfer and exchange Bond certificates as requested by DTC and any other registered owners in accordance with the provisions of this Resolution. DTC may determine to discontinue providing its services with respect to the Bonds at any time by giving notice to the City and discharging its responsibilities with respect thereto under applicable law. In such event, if no successor securities depository is appointed, the City will issue and the Registrar will authenticate Bond certificates in accordance with this resolution and the provisions hereof will apply to the transfer, exchange and method of payment thereof.

7.05. Payments to Cede & Co. Notwithstanding any other provision of this Resolution to the contrary, so long as a Bond is registered in the name of Cede & Co., as nominee of DTC, payments with respect to principal of, premium, if any, and interest on the Bond and notices with respect to the Bond will be made and given, respectively in the manner provided in DTC's Operational Arrangements, as set forth in the Representation Letter.

#### Section 8. Continuing Disclosure.

8.01. Execution of Continuing Disclosure Certificate. "Continuing Disclosure Certificate" means that certain Continuing Disclosure Certificate executed by the Mayor and City Administrator and dated the date of issuance and delivery of the Bonds, as originally executed and as it may be amended from time to time in accordance with the terms thereof.

8.02. City Compliance with Provisions of Continuing Disclosure Certificate. The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate. Notwithstanding any other provision of this Resolution, failure of the City to comply with the Continuing Disclosure Certificate is not an event of default with respect to the Bonds; however, any Bondholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this section.

Section 9. Defeasance. When the Bonds (and all accrued interest thereon have been discharged as provided in this section, all pledges, covenants and other rights granted by this resolution to the holders of the Bonds will cease, except that the pledge of the full faith and credit of the City for the prompt and full payment of the principal of and interest on the Bonds will remain in full force and effect. The City may discharge the Bonds which are due on any date by depositing with the Registrar on or before that date a sum sufficient for the payment thereof in full or by depositing irrevocably in escrow, with a suitable institution qualified by law as an escrow agent for this purpose, cash or securities which are backed by the full faith and credit of the United States of America, or any other security authorized under Minnesota law for such purpose, bearing interest payable at such times and at such rates and maturing on such dates and in such amounts as shall be required and sufficient, subject to sale and/or reinvestment in like securities, to pay said obligation(s), which may include any interest payment on such Bond and/or principal amount due thereon at a stated maturity (or if irrevocable provision shall have been made for permitted prior redemption of such principal amount, at such earlier redemption date). If any Bond should not be paid when due, it may nevertheless be discharged by depositing with the Registrar a sum sufficient for the payment thereof in full with interest accrued to the date of such deposit.

Passed and adopted this 21st day of August, 2023.

/s/ Douglas E. Reese  
Mayor

Attest:

/s/ Leslie Valiant  
City Administrator

**RESOLUTION NO. 2023-137**

**RESOLUTION SUPPORTING STATE CAPITAL BONDING REQUESTS**

Motion By: Ask      Second By: Nelsen

Whereas, the City of Willmar participates in Minnesota Management and Budget's (MMB) biennial process for reviewing state capital investment requests submitted from state agencies and local units of government; and

Whereas, submitting preliminary project information is a vital component of the state capital investment process and provides needed background to the Governor and Legislators in determining state capital investments; and

Whereas, the City of Willmar will seek state funding in 2024 for capital improvements for publicly owned assets; and

Whereas, Minnesota Management and Budget requests final capital budget requests by October 13, 2023, for the 2024 State capital budget preparations; and

Whereas, City of Willmar staff has consulted with the mayor and council and consulted with intergovernmental partners to determine appropriate projects for this process; and

Whereas, this resolution reflects the priorities recommended to be submitted to MMB for consideration in the 2024 state capital investment process;

Now, Therefore, be it Resolved by The City Council of The City of Willmar:

That the City supports the following bonding projects for the 2024 legislative session.

Be it Further Resolved that the following capital investment projects are submitted to the Minnesota Management and Budget Office and that the projects are prioritized as follows:

1. Community Center, \$10 million
2. 2024 -2025 Infrastructure Improvement Projects, \$20 million

Dated this 21st day of August 2023

/s/ Douglas E. Reese  
MAYOR

Attest:

/s/ Judy R. Thompson  
CITY CLERK



**RESOLUTION NO. 2023-138**

**A RESOLUTION APPROVING FINAL PLANS AND SPECIFICATIONS AND AUTHORIZING PUBLICATION OF THE ADVERTISEMENT FOR BIDS FOR PROJECT NO 2305.**

Motion By: Fagerlie Second By: Ask

WHEREAS the City Engineer of the City of Willmar has presented to the City Council plans and specifications for Project No. 2305 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. Bid packages will be publicly opened and read at the City Office Building, 333 Southwest Sixth Street, Willmar, Minnesota.

Dated this 21<sup>st</sup> day of August, 2023

/s/ Douglas E. Reese  
Mayor

Attest:

/s/ Judy R. Thompson  
City Clerk

**RESOLUTION NO. 2023-139**

**DECLARING COSTS TO BE ASSESSED, ORDERING PREPARATION OF THE ASSESSMENT ROLL AND CALLING HEARING ON ASSESSMENTS FOR CITY PROJECT NOS. 2301-A, 2301-C, AND 2303 2023 STREET AND OTHER IMPROVEMENTS.**

Motion By: Fagerlie Second By: Shuldes

WHEREAS, estimated costs have been calculated for the construction of Street and Other Improvements of 2023 in the City, to-wit: City Project Nos. 2301-A, 2301-C, and 2303, and;

WHEREAS, the total estimated cost of said Street and Other Improvements of 2023 is \$14,282,380.

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 \$11,313,110 of said cost, exclusive of the amount it may pay as a property owner, and the sum of \$2,969,270 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 September 18, 2023, at 6:32 p.m. in the Board Room, Kandiyohi County Health & Human Services Building, 2200 23<sup>rd</sup> Street NE, Willmar, Minnesota. All persons owning property affected by such improvement will be given an opportunity to be heard with reference to such assessment.

5. Such notice shall be in substantially the following form:  
(on file in City Hall)

6. 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 21st day of August, 2023

/s/ Douglas E. Reese

MAYOR

ATTEST:

/s/ Judy R. Thompson

CITY CLERK

**NOTICE OF HEARING ON ASSESSMENTS FOR  
PROJECT NOS. 2301-A, 2301-C, AND 2303  
2023 STREET AND OTHER IMPROVEMENTS**

NOTICE IS HEREBY GIVEN that the City Council of the City of Willmar, Minnesota, will meet in the Chambers of the Board Room, Kandiyohi County Health and Human Services Building, 2200 23<sup>rd</sup> Street NE, Willmar, Minnesota, on the 18th day of September, 2023, at 6:32 p.m. to consider objections to the proposed assessments for Project Nos. 2301-A, 2301-C, and 2303 of the 2023 Street and Other Improvements heretofore ordered by the City Council.

The proposed assessment roll is on file with the Clerk and open to public inspection.

The area proposed to be assessed consists of every lot, piece or parcel of land benefited by said improvement, which has been ordered made, and is as follows:

Parcel No.  
Legal Description

Name  
Street  
City, State and Zip

The total estimated cost of the assessable improvements are \$14,282,380; the City's share of the Project is \$11,313,110 (not as a benefited property owner) and \$2,969,270 which will be specially assessed against private property of which \$\_\_\_\_\_ is proposed to be assessed against private property supposedly owned by yourself and described above. The estimated rate of interest to be accrued if the assessment is not prepaid within the required time period is 5.672 percent.

Written or oral objections will be considered at the hearing.

An owner of property to be assessed may appeal the assessment to the district court of Kandiyohi County pursuant to Minnesota Statutes, Section 429.081, by serving notice of the appeal upon the Mayor or Clerk of the City within 30 days after the adoption of the assessment and filing such notice with the district court within 10 days after service upon the Mayor or Clerk. No appeal may be taken as to the amount of any assessment adopted by the City Council unless a written objection signed by the affected property owner is filed with the Clerk prior to the assessment hearing or presented to the presiding officer at the hearing in the manner prescribed by Minnesota Statutes, Section 429.061.

Once special assessment rolls have been approved, property owners have the option of either paying the total amount of their assessment within a prescribed prepayment period without interest or of paying it in fifteen annual installments with interest added. If the property owner pays the entire amount of the assessment within the prescribed prepayment period ending October 31, 2023, he/she shall pay the amount shown in this notice. Payments made between November 1 and November 15, 2023 will be in the amount shown plus daily interest for each day from the date of bond sale in 2023, until the day payment is received. For property owners electing not to pay the full amount by November 15, 2023, the assessment plus interest will be added to your property taxes over a fifteen-year period. The first year's interest will be calculated on the full principal amount from the date of the bond sale through December 31, 2024.

In all subsequent installment years, the property owner must pay the principal installment plus twelve (12) months of interest, which would have accrued to December 31 of the year for which the payment was certified for collection.

Under provisions of Minnesota Statutes, Section 435.193 to 435.195, the City may, at its discretion, defer the payment of assessments for any homestead property owned by a person 65 years of age or older or retired by virtue of a permanent and total disability for whom it would be a hardship to make the payments. This deferment must be applied for prior to October 31 of any year in which the property owner qualifies for deferment. The deferred assessment plus applicable interest becomes due upon the death of owner, sale of property, loss of homestead status, or when hardship can no longer be claimed. Applications are available at the City Clerk's office at 333 SW 6th Street.

Adoption by the City Council of the proposed assessment may be taken at the hearing.

If the assessment amount, interest rate, and terms of payments are adopted consistent with this notice, said notice shall constitute your final notice of assessment.

Dated this 23rd day of August, 2023

BY ORDER OF THE CITY COUNCIL

\_\_\_\_\_/s/ Judy Thompson\_\_\_\_\_  
City Clerk

**RESOLUTION NO. 2023-140**

**A RESOLUTION THAT THE CITY OF WILLMAR WILL SET THE PUBLIC HEARING DATE  
FOR 2<sup>ND</sup> AVE SE EASEMENT VACATION.**

Motion By: Asmus

Second By: Ask

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the City of Willmar will set the public hearing date for 2nd Ave SE easement vacation for September 5<sup>th</sup>, 2023.

Dated this 21st day of August, 2023

/s/ Douglas E. Reese  
MAYOR

Attest:

/s/ Judy R. Thompson  
CITY CLERK