

WILLMAR CITY COUNCIL PROCEEDINGS
BY ELECTRONIC MEANS (GOTO MEETING)

September 8, 2020
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Marv Calvin. Members present on a roll call were Mayor Marv Calvin, Council Members Rick Fagerlie, Shawn Mueske, Kathy Schwantes, Fernando Alvarado, Julie Asmus, Andrew Plowman, and Audrey Nelsen. Present 8, Absent 1. Council Member Vicki Davis was excused from the meeting.

Also present were City Administrator Brian Gramentz, Police Chief Jim Felt, Public Works Director Sean Christensen, Park and Recreation Director Rob Baumgarn, Fire Chief Frank Hanson, 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 7, Noes 0.

City Clerk Judy Thompson reviewed the consent agenda.

- A. City Council Minutes of August 17, 2020
- B. Willmar Municipal Utilities Board Minutes of August 24, 2020
- C. Planning Commission Minutes of August 19, 2020
- D. Application for Exempt Permit – West Central Ducks Unlimited
- E. Application for Exempt Permit – Glacial Ridge Curling
- F. Application for Exempt Permit – Knights of Columbus
- G. Application for Planning Commission – Stephanie Carlson
- H. Accounts Payable Report for August 13 – September 2, 2020
- I. Building Report for the Month of August, 2020
- J. Human Rights Commission Minutes of February 25, 2020
- K. Willmar Lakes Area CVB Board Minutes of July 21, 2020

Council Member Fagerlie offered a motion to approve the Consent Agenda. Council Member Schwantes seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

The Finance Committee Report for August 20, 2020 was presented to the Mayor and Council by Council Member Nelsen. There were seven items for consideration.

Item No. 1 Staff explained pursuant to Willmar Municipal Code, Chapter 9, Article III, concerning the cutting of weeds or grass, when such work needs to be performed by the City or its agent due to noncompliance, the costs thereof can be certified as a special assessment against the property concerned. There are five parcels where noncompliance occurred. It was the recommendation of the Committee that Council set a public hearing for September 21, 2020, at 7:01 p.m. to consider objections to the proposed assessment for the mowing costs incurred on the below-listed properties:

95-090-1490	Myrna Diaz	1017 7th Street SW	\$523.64
95-222-1220	Chad Lawrence	704 Minnesota Avenue SE	\$743.26
95-911-0560	Stephanie L. Nichols	1101 Lakeland Drive NE	\$261.82
95-470-0010	David A. & Janet K. Parker	700 4th Street SE	\$550.19
95-820-0410	Gregory Rush	629 7th Street NW	\$287.15

Council Member Nelsen offered a motion to set a public hearing for September 21, 2020 at 7:01 p.m. to consider objections to the proposed assessment for the mowing costs incurred on the above-listed properties. Council Member Fagerlie seconded the motion which carried, on a roll call vote of Ayes 7, Noes 0.

Item No. 2 Pursuant to Willmar Municipal Code, Chapter 9, Article I, concerning the removal of a hazardous building and the securing of a property, when such work needs to be performed by the City or its agent due to noncompliance, the costs thereof can be certified as a special assessment against the property concerned. There is one parcel where noncompliance occurred. It was the recommendation of the Committee that Council set a public hearing for September 21, 2020, at 7:02 p.m. to consider objections to the proposed assessment for the demolition and removal cost incurred on the below-listed property:

95-003-0210	Paul Hanson	312 9 th Street NW	\$13,628.06
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Council Member Nelsen offered a motion to set a public hearing for September 21, 2020 at 7:02 p.m. to consider objections to the proposed assessment for the demolition and removal cost incurred for the building demolition and removal charges against the above-listed property. Council Member Asmus seconded the motion which carried, on a roll call vote of Ayes 7, Noes 0.

Item No. 3 Pursuant to Willmar Municipal Code, Chapter 13, Article III, concerning the removal of snow or ice, when such work needs to be performed by the City or its agent due to noncompliance, the costs thereof can be certified as a special assessment against the property concerned. There are three parcels where noncompliance occurred. It was the recommendation of the Committee that Council set a public hearing for September 21, 2020, at 7:03 p.m. to consider objections to the proposed assessment for the removal cost incurred on the below-listed properties:

95-003-4170	Todd Carlson	322 10 th Street SW	\$112.20
95-143-0450	Jacqueline Hanson	1017 19 th Avenue SE	\$141.00
95-003-0440	Servando Torres	1002 Gorton Avenue NW	\$144.00

Council Member Nelsen offered a motion to set a public hearing for September 21, 2020 at 7:03 p.m. to consider objections to the proposed assessment for Unpaid Snow or Ice Removal Charges. Council Member Asmus seconded the motion which carried, on a roll call vote of Ayes 7, Noes 0.

Item No. 4 Staff explained to the Committee the clarification received from the City Attorney regarding the ten percent deviation allowed by statute. Statute states “... (b) Notwithstanding the limits listed in paragraph (a) the city may by ordinance reallocate up to ten percent of the funds designated for one or more projects listed in that paragraph to other projects listed in that paragraph...” Subsequently, up to ten percent can be deducted from one or more of the projects approved under the statute for Willmar’s Local Option Sales Tax and added to one or more of the other projects approved under the statute for Willmar’s Local Option Sales Tax. Since an ordinance is required to institute any deviation, the process includes issuing the publication, setting a public hearing, and introducing the ordinance.

It was noted ten percent contingency fees and fifteen percent architectural fees were included in the projected costs. However, since there is a construction manager in place, the contingency fees may be a cost projection that could be reduced.

Finance Director Okins provided the Committee with an update on the anticipated collections for the first 15 months which is projected to be \$2.5 million and is based on an average of \$168,000 per month. With this \$2.5 million, we would be able to cover all soft costs except for the Senior Center/City Hall project. We would also be able to cover \$274,000 in construction engineering costs which would be primarily for the Swansson Field project, construction manager costs for the recreation fields and event center on a prorated basis, and the storm water project for about \$500,000 for this year. The remaining balance of \$500,000 could then be applied to hard costs, which would probably be most beneficial to use for the existing road work contract under the Robbins Island Project.

Financing options include bonds which could be issued either before the end of the year or next year, as needed. Additionally, the City could obtain construction loans for any of the projects at any time, based on conversations with the local lending institutions. Subsequently, permanent bonding could be issued at a later date, thereby paying off the construction loan.

Staff also provided and discussed several scenarios which projected various possibilities using cash versus bonding over the life of the local sales tax program.

This item was for information only.

Item No. 5 Finance Director Okins reported no formal information has been received from the State to-date; however, indications are to approach local government aid projections and property tax projections cautiously since circumstances remain unknown. Staff has been working on preparing different scenarios for 2021 budget projections. The next financial forecast by the State of Minnesota is not scheduled until November. This item was for information only.

Item No. 6 Chair Nelsen requested this item be included in the Finance Agenda to update the committee with current department activities. Finance Director noted there are currently four staff members in the Finance Department with three coming into the office to work during the COVID shutdown and one mostly working remotely, only coming in to the office once per week or so. The Audit and Financial Statements are being finalized with a second extension for submission authorized by the State for September 15, 2020, due to COVID and the availability of the auditors. Staff has completed the first draft of the 2021 budget and will be meeting with the Mayor in the near future to finalize his proposal. It was noted the Council needs to certify its tax levy at its September 21st meeting as the certification is required to be submitted to the County Auditor by September 30th. Staff has also been tracking new programs including the Local Option Sales Tax and CARES Funding. A new position approved in the 2020 budget is being worked on with the administrator and is scheduled to be reviewed for approval at the next Labor Relations Committee meeting. We are anxiously awaiting this new position to assist with the additional workload. It was also noted investment activity has increased substantially this year and the new timekeeping software with Kronos is continuing to be worked on as well. This item was for information only.

Item No. 7 Future Finance Committee meetings will include discussion on filing fees, Federal Path Local Financing, Sales Tax Project Financing, and possible Carris Health Debt Refinancing. This item was for information only.

The Finance Committee Report of August 20, 2020, was approved and ordered placed on file in the City Clerk's Office upon motion by Council Member Nelsen. Council Member Asmus seconded the motion which carried, on a roll call vote of Ayes 7, Noes 0.

The Labor Relations Committee Report for August 24, 2020 was presented to the Mayor and Council by Council Member Mueske. There were four items for consideration.

Item No. 1 Staff presented the job description for a part-time, non-benefit eligible Main Street Coordinator to run Willmar's Main Street Program in 2021. In order to maintain our status as a Designated Main Street Community, a city of Willmar's size would normally be required to hire a full-time staff position but we have been granted a temporary exception to this requirement. The duties have been split among current staff and departments for the few years and is now requiring more staff hours to maintain and continue growth than what split hours can adequately handle. It was the recommendation of the Committee to approve the job descriptions pending budgetary approval.

Council Member Mueske offered a motion to approve the recommendation of the Committee. Council Member Schwantes seconded the motion which carried, on a roll call vote of Ayes 7, Noes 0.

Item No. 2 Staff presented a proposed Memorandum of Understanding (MOU) between the City and the General Unit that will allow for employees to work flexible schedules (if mutually agreed to by Supervisor and Employee) without incurring overtime. The current contract requires overtime to be paid after eight hours in a day. If adopted, this MOU will allow employees to work four-10 hour days, summer hours, etc. at no additional cost to the employer. The Employee and Supervisor will work together on allowing flexible

schedules so that proper staffing levels are maintained during work hours. The committee requested additional information regarding overtime cost savings be provided. This item was for information only.

Item No. 3 Currently all employee Health Savings Accounts (HSA) are non-interest bearing accounts that have no monthly fee called FreeSaver accounts. The FreeSaver account was discontinued as of January 1, 2019, however the City of Willmar's accounts were grandfathered in and allowed to remain free at that time. The FreeSaver account will be discontinued completely in time (date has not yet been set) and the City has the opportunity now to take advantage of the SWWC Coop's pricing deal with our HSA Administrator as a former member of the Coop. The committee did not wish to make a change at this time and all accounts will remain in FreeSaver until we are required to convert them. This item was for information only.

Item No. 4 Staff presented the job description for an Assistant Finance Director for approval. Funds were approved in the 2020 budget for a new position within the Finance Department, but creation of the job description and posting was delayed due to COVID-19. With the Assistant Director supervising the Accounting Clerk positions, those duties should be removed from the Accounting Coordinator job description as well. It was the recommendation of the Committee to approve the job descriptions.

Council Member Mueske offered a motion to approve the recommendation of the Committee. Council Member Schwantes seconded the motion which carried, on a roll call vote of Ayes 7, Noes 0.

The Labor Relations Committee Report of August 24, 2020, was approved and ordered placed on file in the City Clerk's Office upon motion by Council Member Mueske. Council Member Schwantes seconded the motion which carried, on a roll call vote of Ayes 7, Noes 0.

City Clerk Thompson presented a request to approve the State Application and Permit for a 1-Day to 4-Day Temporary On-Sale Liquor License for the Foxhole Brewhouse Inc. dba Foxhole Brewhouse. The applicants have plans to sell alcohol during Foxtoberfest to be held on October 3, 2020.

Council Member Fagerlie offered a motion to approve staff's recommendation. Council Member Mueske seconded the motion which carried, on a roll call vote of Ayes 7, Noes 0.

City Administrator Gramentz presented requests to authorize Invest in Willmar projects to re-engage the architects and construction manager and set financing plans for cash reserves and permanent financing of approved local option sales tax projects.

Following discussion, Council Member Asmus offered a motion approving the use of permanent bond financing in the amount of \$5 million (\$3 million for Robbins Island and \$2 million for Swansson Field) for the Local Option Sales Tax Projects approved in 2020. Council Member Alvarado seconded the motion.

Following a lengthy discussion, Council Member Asmus offered a friendly amendment to the motion removing the \$3 Million for Robbins Island and \$2 Million for Swansson Field, and instead allocating \$2 Million for Robbins Island; \$2 Million for Swansson Field; and \$1 Million Unallocated, Council Member Alvarado seconded the friendly amendment.

Resolution No. 2020-109 Approving the Use of Permanent Bond Financing in the Amount of \$5 Million for the Local Option Sales Tax Projects Approved in 2020 was then approved on a roll call vote of Ayes 7, Noes 0.

Resolution No. 2020-110 Authorizing the Temporary Use of Cash on Hand to Cover the Approved Soft Costs for the Recreation Fields Project and the Event/Recreation Center Project and Upon Completion of Design, Plans and Specifications and Acceptance of the Low Bid, Permanent Bond Financing Will Be Sought to Cover all Project Soft and Construction Costs on an Annual Basis was introduced by Council Member Mueske.. Council Member Asmus seconded the motion which carried, on a roll call vote of Ayes 7, Noes 0.

Resolution No. 2020-111 Authorizing the Re-Engagement of Widseth Architects and Marcus Construction to Complete the Design, Preparation of Plans, Specifications and Bid Documents for the Recreation Fields Project was introduced by Council Member Plowman. Council Member Asmus seconded the motion which carried, on a roll call vote of Ayes 7, Noes 0.

Resolution No. 2020-112 Authorizing the Re-Engagement of LSE Architects and Marcus Construction to Complete the Design, Preparation of Plans, Specifications and Bid Documents for the Event/Recreation Center Project was introduced by Council Member Plowman. Council Member Asmus seconded the motion which carried, on a roll call vote of Ayes 6, Noes 1. Council Member Fagerlie voted “no.”

Council Member Fagerlie offered the following comments: there is a 13-year old and 14-year old baseball game tonight at Baker Field.

Council Member Mueske offered the following comments: our youth are under a lot of stress getting back to school; looking forward to getting back together in person with the Council.

Council Member Alvarado offered the following comments: young people are back to school so be careful driving; keep leaves off streets and out of drains; thank our firefighters and EMT’s as we remember them on 9/11.

Council Member Asmus offered the following comments: “Shout Out” to our municipal utility workers during storm activity; “Shout Out” to Park and Recreation Department – pickle ball court is jam packed and is a great amenity to our community; Community Center has many activities happening in the parking lot; we will get through this time.

Council Member Plowman offered the following comments: “Nod” to Public Works/Safety for staying on top of storm damage in a timely manner; “Nod” to Willmar School District as they handle the many hurdles they are dealing with – their efforts are much appreciated; hope to enter 2021 in a better fashion.

Council Member Nelsen offered the following comments: Coalition of Greater Minnesota Cities (CGMC) Board is meeting this week and will be holding their Fall conference in Willmar – still deciding on the format; technology needs to be up-to-date before we get back to in person meetings; attended Ron Andreen Day event and thanked Council Member Fagerlie for representing the City.

Mayor Calvin offered the following comments: he is concerned we are still meeting remotely – we need to get back together.

Council Member Fagerlie offered a motion to meet in person for the next Council meeting. The motion died for lack of a second.

Council Member Mueske would like a discussion of meeting in person as an agenda item for the next Council meeting.

The upcoming Committee meetings will be as follows: Public Works/Safety Committee – Wednesday, September 9th at 5:00 p.m.; Finance Committee – Thursday, September 10th at 5:00 p.m.; Community Development Committee – Monday, September 28th at 5:00 p.m.; and Labor Relations Committee – no meeting scheduled at this time.

Council Member Mueske offered a motion to adjourn the meeting with Council Member Asmus seconding the motion which carried. The meeting adjourned at 8:09 p.m.

s/s Marv Calvin
MAYOR

Attest:

s/s Judy Thompson
SECRETARY TO THE COUNCIL

RESOLUTION NO. 2020-109

RESOLUTION APPROVING THE USE OF PERMANENT BOND FINANCING IN THE AMOUNT OF \$5 MILLION FOR THE LOCAL OPTION SALES TAX PROJECTS APPROVED IN 2020.

Motion By: Asmus Second By: Alvarado

BE IT RESOLVED by the City Council of the City of Willmar to approve the permanent bond financing in the amount of \$5 Million for the Local Option Sales Tax Projects approved in 2020.

Dated this 8th day of September, 2020

s/s Marv Calvin
MAYOR

Attest:

s/s Judy Thompson
CITY CLERK

RESOLUTION NO. 2020-110

RESOLUTION AUTHORIZING THE TEMPORARY USE OF CASH ON HAND TO COVER THE APPROVED SOFT COSTS FOR THE RECREATION FIELDS PROJECT AND THE EVENT/RECREATION CENTER PROJECT. AND UPON COMPLETION OF DESIGN, PLANS AND SPECIFICATIONS AND ACCEPTANCE OF THE LOW BID, PERMANENT BOND FINANCING WILL BE SOUGHT TO COVER ALL PROJECT SOFT AND CONSTRUCTION COSTS ON AN ANNUAL BASIS.

Motion By: Mueske Second By: Asmus

BE IT RESOLVED by the City Council of the City of Willmar to approve the temporary use of cash on hand to cover the approved soft costs for the Recreation Fields project and Event/Recreation Center project, and upon completion of design, Plans and Specifications, and acceptance of the low bid, permanent bond financing will be sought to cover all project soft and construction costs on an annual basis.

Dated this 8th day of September, 2020

s/s Marv Calvin
MAYOR

Attest:

s/s Judy Thompson
CITY CLERK

RESOLUTION NO. 2020-111

RESOLUTION AUTHORIZING THE RE-ENGAGEMENT OF WIDSETH ARCHITECTS AND MARCUS CONSTRUCTION TO COMPLETE THE DESIGN, PREPARATION OF PLANS, SPECIFICATIONS AND BID DOCUMENTS FOR THE RECREATION FIELDS.

Motion By: Plowman Second By: Asmus

BE IT RESOLVED by the City Council of the City of Willmar to approve the re-engagement of Widseth Architects and Marcus Construction to complete the design, Preparation of Plans, Specifications and Bid documents for the Recreation Fields.

Dated this 8th day of September, 2020

s/s Marv Calvin
MAYOR

Attest:

s/s Judy Thompson
CITY CLERK

RESOLUTION NO. 2020-112

RESOLUTION AUTHORIZING THE RE-ENGAGEMENT OF LSE ARCHITECTS AND MARCUS CONSTRUCTION TO COMPLETE THE DESIGN PREPARATION OF PLANS, SPECIFICATIONS AND BID DOCUMENTS FOR THE EVENT/RECREATION CENTER.

Motion By: Plowman Second By: Asmus

BE IT RESOLVED by the City Council of the City of Willmar to approve the re-engagement of LSE Architects and Marcus Construction to complete the design preparation of plans, specifications and bid documents for the Event/Recreation Center.

Dated this 8th day of September, 2020

s/s Marv Calvin
MAYOR

Attest:

s/s Judy Thompson
CITY CLERK