

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

September 18, 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, Fire Chief Frank Hanson, City Clerk Judy Thompson and City Attorney Robert Scott.

There were no additions or deletions to the agenda.

Council Member Ask moved to approve the agenda, as presented. Council Member Fagerlie 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 September 5, 2023
- B. City Council Work Session Summary of September 11, 2023
- C. Planning Commission Minutes August 16th
- D. Planning Commission Minutes September 6th
- E. Willmar Municipal Utilities Commission - September 11, 2023
- F. Accounts Payable Report 08-31-23 Thru 09-13-23
- G. **Resolution No. 2023-146 Willmar Auditorium Proposal**
- H. **Resolution No. 2023-147 Accept final payment application for seal and fog surfacing Project No. 2308.**
- I. **Resolution No. 2023-148 Accept final pay application for east side drainage improvements Project No. 1902-B.**
- J. **Resolution No. 2023-149 Asphalt Pavement Maintenance Services Bid Award**
- K. **Resolution No. 2023-150 Accept \$20,000 Willmar Community Foundation Grant for Equitable Communications Project.**
- L. Willmar Curling Club Lawful Gambling Application
- M. Tempel Minor Subdivision

Information:

- N. Director Reports
- O. Building Report August 2023
- P. Finance Report through 8/31/2023

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

George Hulstrand, Jr. addressed the Mayor and Council during the Open Forum in regard to his support of exploring the options of maintaining the City Auditorium as a functional building.

At 6:39 p.m. Mayor Reese opened the public hearing for the ordinance amending the City Charter, Section 4.02. Charter Commission Chairman Richard Engan presented the details of the proposed amendment.

There being no one present to speak for or against the proposed amendment, Mayor Reese closed the public hearing at 6:41 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. 1514 An Ordinance Amending the Charter of the City of Willmar**. Council Member Davis seconded the motion, which carried on a roll call vote of Ayes 9, Noes 0. Mayor Reese also voted on this item.

City Operations Director Box presented a request to approve the reimbursement for agricultural rent to Justin Boike for Tract 2 and Tract 6. This is being requested as a result of land within these tracts being sold to MB Rail, and those acres not being planted. Mr. Boike is requesting reimbursement of rent, fertilizer, and soil sampling costs.

Following discussion, Council Member Ask offered a motion to approve full reimbursement of the costs incurred and introduced **Resolution No. 2023-151 Authorizing Reimbursement for Agricultural Land Lease**. Council Member Butterfield seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

City Attorney Scott presented a request for consideration and approval of a Memorandum of Understanding (MOU) between the City of Willmar and Suite Liv'n . Mr. Scott presented the pertinent details of the MOU.

Following a lengthy discussion, Council Member Nelsen offered a motion to approve the MOU. Council Member Fagerlie seconded the motion, which failed on a roll call vote of Ayes 3, Noes 5. Council Members Ask, Shuldes, Asmus, Butterfield, and O'Brien voted "no".

Economic Development Commission (EDC) Executive Director Aaron Backman presented the EDC's 2024 proposed budget to the Mayor and Council.

Following the presentation, Council Member Asmus offered a motion to accept the proposed budget as presented. Council Member Davis seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Mayor Reese presented his proposed budget for 2024 and requested Council set a preliminary levy for 2024. He noted once the preliminary levy is approved, it can be lowered but not increased. Mayor Reese proposed a fifteen (15%) percent increase. Being proposed is an increase in the Operating Budget of \$1,254,353 over the 2023 amount; increase in the Street Debt of \$100,998; and increase in City Hall Debt of \$30,245. The current tax rate of 53.033 would be increased to the proposed 56.942 for taxes payable in 2024 for the city property tax portion only.

City Finance Director Odens presented the details of the increases and noted the budget will be discussed at future work sessions in October and November with final recommendations being established.

Following discussion, Council Member Asmus offered a motion to set the preliminary levy for 2024 as presented, with the understanding Council will try to make reductions, set the Truth In Taxation Hearing for December 4, 2023, at 6:30 p.m. and introduced **Resolution No. 2023-152 Setting the Preliminary Levy for 2024**. Council Member Davis seconded the motion, which carried on a roll call vote of Ayes 7, Noes 1. Council Member Butterfield voted "no".

Finance Director Odens presented a request to authorize final payment to Marcus Construction for the Events and Recreation Center Project. It was noted the project was funded through local option sales tax dollars.

Following discussion, Council Member Shuldes introduced **Resolution No. 2023-153 Approving the Final Payment to Marcus Construction for the Invest in Willmar, Events and Recreation Center Project**. Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Contracted Engineer Jared Voge presented a request to order the preparation of the assessment roll and call for the assessment hearing for the 2023 Street and Other Improvements to be scheduled for October 16, 2023.

Following discussion, Council Member Davis offered a motion to set the public hearing for October 16, 2023, and introduced **Resolution No. 2023-154 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 Butterfield seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Contracted Engineer Jared Voge presented a request to award the Trott Avenue Stormwater Improvements Project to Swenson and Sons Construction, contingent upon the execution of a permanent easement by Farm-Rite Equipment of Willmar. He also requested the approval of the As-Bid Budget for this project.

Following discussion, Council Member Asmus offered a motion to approve staff's request and introduced **Resolution No. 2023-155 Awarding the Trott Avenue Stormwater Improvements Project to Swenson and Sons Construction in the Amount of \$173,791.** Council Member Ask seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Resolution No. 2023-156 Trott Avenue Stormwater Improvements As-Bid Budget Total Cost \$270,311 was introduced by Council Member Asmus. Council Member Ask seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

City Clerk Thompson presented a request to approve agricultural land exemption of special assessments for property owners who have made application for said exemption.

Resolution No. 2023-157 Approving Certification of Agricultural Use for Temporary Exemption/Subsequent Deferment of Special Assessments was introduced by Council Member Fagerlie. Council Member Nelson seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

City Clerk Thompson presented a request to set a public hearing for October 2, 2023, for unpaid fire alarm system charges.

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

City Clerk Thompson presented a request to set a public hearing for October 2, 2023, for unpaid snow or ice removal charges.

Council Member O'Brien offered a motion to approve staff's request. Council Member Ask seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

City Clerk Thompson presented a request to set a public hearing for October 2, 2023, for unpaid weed/grass mowing removal charges.

Council Member Asmus offered a motion to approve staff's request. Council Member Shuldes seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Planning and Development Services Director Walker provided an update on the Open Access Fiber Network to Council. This matter was received for information purposes only.

Planning and Development Services Director Walker presented a request to approve a joint orderly annexation agreement for two properties located along 15th Street SW.

Following discussion, Council Member Fagerlie offered a motion to approve staff's request and introduced **Resolution No. 2023-158 A Resolution That the City of Willmar Will Annex Parcels 33-280-0010 and 33-280-0020 Via A Joint Orderly Annexation Agreement.** Council Member Davis seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Planning and Development Services Director Walker presented a request for discussion regarding shipping containers in the City. It was noted shipping containers have become a cheap alternative to traditional methods of storing and construction and his office has been receiving several inquiries regarding this issue.

Following a lengthy discussion, Council Member Ask offered a motion to direct staff to work with the Planning Commission to draft an ordinance on shipping containers and direct staff on how to address current containers around the City. Council Member Asmus seconded the motion, which carried unanimously.

Planning and Development Services Director Walker presented a request to introduce an ordinance for rezoning land in the General Business 2 (GB-2) District and set a public hearing for October 16, 2023. The GB-2 District was created recently, but no land was rezoned within the district. This is the final step in the rezone process.

Following discussion, Council Member Asmus offered a motion to **introduce an Ordinance Amending the Willmar Zoning Ordinance** and set a public hearing for October 16, 2023. Council Member Ask 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 the Willmar Zoning Ordinance**. Council Member Fagerlie 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 introduce an ordinance for rezoning land in the General Business 3 (GB-3) District and set a public hearing for October 16, 2023. The GB-3 District was created recently, but no land was rezoned within the district. This is the final step in the rezoning process.

Following discussion, Council Member Fagerlie offered a motion to **introduce an Ordinance Amending the Willmar Zoning Ordinance** and set a public hearing for October 16, 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 Ask offered a motion to publish by summary **an Ordinance Amending the Willmar Zoning Ordinance**. Council Member Asmus seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Council Member Ask offered the following comments: "Thank you" to Director Walker for all the work he has accomplished in his time with the City and wished him well in his future employment.

Council Member Davis offered the following comments: we should be very proud of our Community CERT Team. They will be holding another class for those interested in being on the team on Saturday, October 21 & Saturday, October 28 from 8:00 a.m. to 4:00 p.m. Applications can be found on the City's website www.willmarmn.gov/departments/police_department/community/CERT.

Council Member Asmus offered the following comments: assuming by the toilet paper in her neighborhood that it is Homecoming Week. She would like kids to enjoy and have fun and urged parents to talk to their kids about driving safely during this time.

At 9:25 p.m. Mayor Reese recessed the meeting.

At 9:33 p.m. Mayor Reese reconvened the meeting.

At 9:34 p.m. upon motion by Council Member Fagerlie and seconded by Council Member Ask, the Council entered into closed session pursuant to Statute 13D.05, Subd. 3(c).

At 10:26 p.m. Council returned to open session.

At 10:28 p.m. upon motion by Council Member Ask and seconded by Council Member Asmus, the Council entered into closed session pursuant to Statute 13D.05, Subd. 3(c).

At 10:39 p.m. Council returned to open session.

Council Member Ask offered a motion to reschedule the closed session under Statute 13D.05 Subd. 3(a) to a future meeting. Council Member O'Brien seconded the motion, which carried unanimously.

Council Member Ask offered a motion to adjourn the meeting, with Council Member Fagerlie seconding the motion, which carried. The meeting adjourned at 10:42 p.m.

/s/ Douglas E. Reese
MAYOR

Attest:

/s/ Judy R. Thompson
SECRETARY TO THE COUNCIL

RESOLUTION NO. 2023-146

**A RESOLUTION TO ACCEPT PROFESSIONAL SERVICES FROM
BKV GROUP CITY AUDITORIUM REUSE PROPOSAL**

Motion By: Ask Second By: O'Brien

Whereas a proposal has been made by the firm of BKV Group at a total cost of \$9,750 and a not to exceed reimbursable cost of \$1,200 for the purpose of studying the Willmar Auditorium for reuse as a city hall.

Now therefore be it resolved by the City Council of the City of Willmar that said proposal be accepted and that the Mayor and City Administrator be authorized to execute an agreement on behalf of the City for the same.

Dated this 18th day of September, 2023

/s/ Douglas E. Reese
Mayor

Attest:

/s/ Judy R. Thompson
City Clerk

RESOLUTION NO. 2023-147

A RESOLUTION ACCEPTING PROJECT NO. 2308 AND AUTHORIZING FINAL PAYMENT.

Motion By: Ask Second By: O'Brien

IMPROVEMENT: Project No. 2308: Seal Coat and Fog Seal

CONTRACTOR: ASTECH Corp.
DATE OF CONTRACT: April 17, 2023

BEGIN WORK: June 1, 2023
COMPLETE WORK: July 21, 2023
APPROVE, ENGINEERING DEPT: August 31, 2023

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

1. The said City of Willmar Project No. 2308 be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$388,804.50
CHANGE ORDER NO. 1	(\$7,611.10)
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$381,193.40
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$381,193.40
Less Previous Payments	\$362,133.73
FINAL PAYMENT DUE CONTRACTOR:	\$19,059.67

Dated this 18th day of September, 2023

/s/ Douglas E. Reese
Mayor

Attest:

/s/ Judy R. Thompson
City Clerk

RESOLUTION NO. 2023-148

A RESOLUTION ACCEPTING PROJECT NO. 1902-B AND AUTHORIZING FINAL PAYMENT.

Motion By: Ask Second By: O'Brien

IMPROVEMENT: Project No. 1902-B: East Side Drainage Improvements

CONTRACTOR: Riley Bros. Construction, Inc.

DATE OF CONTRACT: August 3, 2020
BEGIN WORK: September 15, 2020
COMPLETE WORK: July 1, 2023
APPROVE, ENGINEERING DEPT: August 22, 2023

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

1. The said City of Willmar Project No. 1902-B be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$212,350.80
CHANGE ORDER NO. 1	(\$17,712.22)
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$194,638.58
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$194,638.58
Less Previous Payments	\$182,617.80
FINAL PAYMENT DUE CONTRACTOR:	\$12,020.78

Dated this 18th day of September, 2023

/s/ Douglas E. Reese
Mayor

Attest:

/s/ Judy R. Thompson
City Clerk

RESOLUTION NO. 2023-149

**A RESOLUTION AWARDING THE PAVEMENT MAINTENANCE SERVICES PROJECT TO BARGEN, INC.
IN THE AMOUNT OF \$87,480.**

Motion By: _____ Second By: _____

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the quote from Bargaen, Inc. for Pavement Maintenance Services is accepted, and be it further

resolved that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an agreement with the quoter for the terms and consideration of the contract in the amount of \$87,480.

Dated this 18th day of September, 2023

/s/ Douglas E. Reese
Mayor

Attest:

/s/ Judy R. Thompson
City Clerk

RESOLUTION NO. 2023-150

A RESOLUTION THAT THE CITY OF WILLMAR WILL ACCEPT FUNDS FOR THE EQUITABLE COMMUNICATION PROJECT FOR THE PLANNING & DEVELOPMENT DEPARTMENT.

Motion By: Ask Second By: O'Brien

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 accept funds for Equitable Communications Project grant for the Planning & Development Department should it be awarded, and be it further resolved that the Mayor and City Administrator of the City of Willmar are hereby authorized to execute a version thereof.

Dated this 18th day of September, 2023

/s/ Douglas E. Reese
MAYOR

ATTEST;

/s/ Judy R. Thompson
CITY CLERK

RESOLUTION NO. 2023-151

RESOLUTION AUTHORIZING REIMBURSEMENT FOR AGRICULTURAL LAND LEASE

Motion By: Ask Second By: Butterfield

BE IT RESOLVED by the City Council of the City of Willmar to reimburse Justin Boike for portions of Tract 2 and Tract 6 of Agricultural Land Leases in the amount of \$67,021.15 is accepted.

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

Dated this 18th day of September 2023

/s/ Douglas E. Reese
MAYOR

Attest:

/s/ Judy R. Thompson
CITY CLERK

RESOLUTION NO. 2023-152

A RESOLUTION SETTING THE PRELIMINARY LEVY FOR 2024.

Motion By: Asmus Second By: Davis

WHEREAS, that the Mayor of the City of Willmar submitted a preliminary levy request of \$10,574,586; and

BE IT RESOLVED, by the City Council of the City of Willmar, Kandiyohi County, Minnesota, that the following sums of money be preliminarily levied for the current year collectable in 2023 upon the taxable property in said City of Willmar for the following purposes:

General Fund	\$9,218,914
Street Improvements	\$800,672
City Hall Debt Service	\$555,000
Total Preliminary Levy	\$10,574,586

BE IT RESOLVED that there is sufficient sum of money in the Debt Service Funds of the City to pay principal and interest in 2024 on all outstanding bond issues, and the deferred annual tax levies previously certified to the County Auditor are hereby canceled;

BE IT FURTHER RESOLVED that a public hearing shall be scheduled for the 2024 proposed budget on December 4, 2023 on or after 6:30pm.

The City Clerk is hereby instructed to transmit a certified copy of this Resolution to the County Auditor of Kandiyohi County, Minnesota.

Dated this 18th day of September, 2023

/s/ Douglas E. Reese
Mayor

Attest:

/s/ Judy R. Thompson
City Clerk

RESOLUTION NO. 2023-153

RESOLUTION APPROVING THE FINAL PAYMENT TO MARCUS CONSTRUCTION FOR THE INVEST IN WILLMAR, EVENTS AND RECREATION CENTER PROJECT

Motion By: Shuldes

Second By: Nelsen

BE IT RESOLVED by the City Council of the City of Willmar to approve the final payment to Marcus Construction, in the amount of \$128,325.52 for the Invest in Willmar, Events and Recreation Center Project.

Dated this 18th day of September 2023

/s/ Douglas E. Reese
MAYOR

ATTEST:

/s/ Judy R. Thompson
CITY CLERK

RESOLUTION NO. 2023-154

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: Davis

Second By: Butterfield

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 \$11,024,120 of said cost, exclusive of the amount it may pay as a property owner, and the sum of \$3,258,260 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 October 16, 2023, at 6:32 p.m. in the Board Room, Kandiyohi County Health & Human Services Building, 2200 23rd 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 18th day of September, 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 23rd Street NE, Willmar, Minnesota, on the 16th day of October, 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 \$11,024,120 (not as a benefited property owner) and \$3,258,260 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 19th day of September, 2023

BY ORDER OF THE CITY COUNCIL

/s/ Judy Thompson
City Clerk

RESOLUTION NO. 2023-155

A RESOLUTION AWARDING THE TROTT AVENUE STORMWATER IMPROVEMENTS PROJECT TO SWENSON AND SONS CONSTRUCTION IN THE AMOUNT OF \$173,791.

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 bid of Swenson and Sons Construction of New London, MN for the Trott Avenue Stormwater Improvements Project is accepted contingent upon the execution of a permanent easement by Farm-Rite Equipment of Willmar, and be it further resolved that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an agreement with the bidder for the terms and consideration of the contract in the amount of \$173,791.

Dated this 18th day of September, 2023

/s/ Douglas E. Reese
Mayor

Attest:

/s/ Judy R. Thompson
City Clerk

RESOLUTION NO. 2023-156
TROTT AVENUE STORMWATER IMPROVEMENTS AS-BID BUDGET
TOTAL COST \$270,311
*Budget Amounts are Essential

Motion By: Asmus

Second By: Ask

Code

PERSONNEL SERVICES

10* Salaries Reg. Employees
11* Overtime Reg. Employees
12* Salaries Temp. Employees
13* Employer Pension Contr.
14* Employer Ins. Contr.
TOTAL **\$0.00**

RECEIVABLES

Assessments Prop Owners \$0
Community Investment \$0
MSA \$0
MUC \$0
WTP \$0
LOST \$270,311
TOTAL **\$270,311**

SUPPLIES

20* Office Supplies
21* Small Tools
22* Motor Fuels & Lubricants
23* Postage
24 Mtce. of Equipment
25 Mtce. of Structures
26 Mtce. of Other Improvements
27 Subsistence of Persons
28 Cleaning & Waste Removal
29* General Supplies
TOTAL **\$0.00**

FINANCING

GENERAL \$0
LOST \$270,311
MSA \$0
WTP \$0
MUC \$0
TOTAL **\$270,311**

GRAND TOTAL **\$270,311**

Dated this 18th day of September, 2023

OTHER SERVICES

33* Travel-Conf.-Schools
34 Mtce. of Equipment
35 Mtce. of Structures
36* Mtce. of Other Impr. \$173,791
37 Subsistence of Persons
38 Cleaning & Waste Removal

/s/ Douglas E. Reese
Mayor

Attest:

39* Other Services \$8,690
TOTAL \$182,481 /s/ Judy R. Thompson
City Clerk

OTHER CHARGES

46* Prof. Serv. \$87,830
49 Other Charges \$0
TOTAL \$87,830
GRAND TOTAL \$270,311

RESOLUTION NO. 2023-156
TROTT AVENUE STORMWATER IMPROVEMENTS AS-BID BUDGET
TOTAL COST \$270,311

*Budget Amounts are Essential

Motion By: Asmus Second By: Ask

Code

PERSONNEL SERVICES

10* Salaries Reg. Employees
11* Overtime Reg. Employees
12* Salaries Temp. Employees
13* Employer Pension Contr.
14* Employer Ins. Contr.
TOTAL \$0.00

RECEIVABLES

Assessments Prop Owners \$0
Community Investment \$0
MSA \$0
MUC \$0
WTP \$0
LOST \$270,311

TOTAL \$270,311

SUPPLIES

20* Office Supplies
21* Small Tools
22* Motor Fuels & Lubricants
23* Postage
24 Mtce. of Equipment
25 Mtce. of Structures
26 Mtce. of Other Improvements
27 Subsistence of Persons
28 Cleaning & Waste Removal
29* General Supplies
TOTAL \$0.00

FINANCING

GENERAL \$0
LOST \$270,311
MSA \$0
WTP \$0
MUC \$0

TOTAL \$270,311

GRAND TOTAL \$270,311

Dated this 18th day of September, 2023

OTHER SERVICES

33* Travel-Conf.-Schools
34 Mtce. of Equipment
35 Mtce. of Structures
36* Mtce. of Other Impr. \$173,791
37 Subsistence of Persons
38 Cleaning & Waste Removal
39* Other Services \$8,690
TOTAL \$182,481

/s/ Douglas E. Reese
Mayor

Attest:

/s/ Judy R. Thompson
City Clerk

OTHER CHARGES

46* Prof. Serv.	\$87,830
49 Other Charges	\$0
TOTAL	\$87,830
GRAND TOTAL	\$270,311

RESOLUTION NO. 2023-157

**RESOLUTION APPROVING CERTIFICATION OF AGRICULTURAL
USE FOR TEMPORARY EXEMPTION/SUBSEQUENT DEFERMENT OF
SPECIAL ASSESSMENTS**

Motion By: Fagerlie Second By: Nelsen

WHEREAS, the City Council of the City of Willmar, Minnesota, did order the installation of certain street and other improvements made under Projects No. 0501 and 8606.

WHEREAS, Section W of the City of Willmar Comprehensive Assessment Policy allows the City to temporarily exempt from assessments certain lands currently used for agriculture purposes; and

WHEREAS, certain property owners have made application to the City for delayed payment of taxes on special assessments and have met the criteria contained in the Comprehensive Assessment Policy for said deferment;

NOW, THEREFORE, BE IT RESOLVED by the Willmar City Council that special assessments as hereinafter designated be certified to the County and deferred until such property is developed or upon approval of the final plat, and that interest that accrues on the outstanding deferred assessment amounts during the period of deferment shall not be collected until the period of deferment expires.

BE IT FURTHER RESOLVED that upon development or plat approval that tapping fee shall be based on the project year bid price per front foot or unit, or on the current year costs at the time of connection/platting, whichever is greater:

- | | | | |
|----|---|-----------------------------|-------------|
| 1. | James & Jennifer Larson
3352 1 st Street N
Willmar, MN | 95-903-0010
Project 0501 | \$93,012.00 |
|----|---|-----------------------------|-------------|

Section 3, Township 119, Range 35

Southeast Quarter of Southwest Quarter and Southwest Quarter of Southwest Quarter except the Southerly 350 feet of the Westerly 233 feet of Southwest Quarter of Southwest Quarter and except parts platted as Northwood Estates and Northwood Estates Second Addition; and also except that permanent utility easement described as follows: That part of the Southwest Quarter of the Southwest Quarter described as follows: Commencing at Southwest Corner of said Southwest Quarter of the Southwest Quarter, Thence East 844.61 feet, Thence North 108.96 feet to North right-of-way line of North Shore Way, said point being point of beginning of tract herein described, Thence Northwesterly 50 feet, Thence Northeasterly 100 feet, Thence Southeasterly 50 feet to North right-of-way line of North Shore Way, Thence Southwesterly 100 feet to point of beginning. (64.13 acres)

- | | | | |
|----|---|---------------------------------------|-------------|
| 2. | J & C Enterprises of Central MN
c/o Stephen Jennings
PO Box 639
Richmond, MN | Hidden Valley Estates
Project 8606 | \$17,869.51 |
|----|---|---------------------------------------|-------------|

95-308-0010 Sect-08 TWP -119 Rang-35 Lot-001 Blk-001

95-308-0020 Sect-08 TWP -119 Rang-35 Lot-002 Blk-001
95-308-0030 Sect-08 TWP -119 Rang-35 Lot-003 Blk-001
95-308-0040 Sect-08 TWP -119 Rang-35 Lot-004 Blk-001
95-308-0050 Sect-08 TWP -119 Rang-35 Lot-005 Blk-001
95-308-0060 Sect-08 TWP -119 Rang-35 Lot-006 Blk-001
95-308-0070 Sect-08 TWP -119 Rang-35 Lot-007 Blk-001
95-308-0080 Sect-08 TWP -119 Rang-35 Lot-008 Blk-001
95-308-0090 Sect-08 TWP -119 Rang-35 Lot-009 Blk-001
95-308-0100 Sect-08 TWP -119 Rang-35 Lot-010 Blk-001
95-308-0110 Sect-08 TWP -119 Rang-35 Lot-011 Blk-001
95-308-0120 Sect-08 TWP -119 Rang-35 Lot-012 Blk-001
95-308-0130 Sect-08 TWP -119 Rang-35 Lot-013 Blk-001
95-308-0140 Sect-08 TWP -119 Rang-35 Lot-014 Blk-001
95-308-0150 Sect-08 TWP -119 Rang-35 Lot-015 Blk-001
95-308-0160 Sect-08 TWP -119 Rang-35 Lot-016 Blk-001
95-308-0170 Sect-08 TWP -119 Rang-35 Lot-017 Blk-001
95-308-0200 Sect-08 TWP -119 Rang-35 Lot-001 Blk-002
95-308-0210 Sect-08 TWP -119 Rang-35 Lot-002 Blk-002
95-308-0220 Sect-08 TWP -119 Rang-35 Lot-003 Blk-002
95-308-0230 Sect-08 TWP -119 Rang-35 Lot-004 Blk-002
95-308-0300 Sect-08 TWP -119 Rang-35 Lot-001 Blk-003
95-308-0310 Sect-08 TWP -119 Rang-35 Lot-002 Blk-003
95-308-0320 Sect-08 TWP -119 Rang-35 Lot-003 Blk-003
95-308-0330 Sect-08 TWP -119 Rang-35 Lot-004 Blk-003
95-308-0340 Sect-08 TWP -119 Rang-35 Lot-005 Blk-003
95-308-0350 Sect-08 TWP -119 Rang-35 Lot-006 Blk-003
95-308-0360 Sect-08 TWP -119 Rang-35 Lot-007 Blk-003
95-308-0370 Sect-08 TWP -119 Rang-35 Lot-008 Blk-003
95-308-0380 Sect-08 TWP -119 Rang-35 Lot-009 Blk-003
95-308-0390 Sect-08 TWP -119 Rang-35 Lot-010 Blk-003
95-308-0400 Sect-08 TWP -119 Rang-35 Lot-001 Blk-004
95-308-0410 Sect-08 TWP -119 Rang-35 Lot-002 Blk-004
95-308-0420 Sect-08 TWP -119 Rang-35 Lot-003 Blk-004
95-308-0430 Sect-08 TWP -119 Rang-35 Lot-004 Blk-004
95-308-0500 Sect-08 TWP -119 Rang-35 Lot-001 Blk-005
95-308-0510 Sect-08 TWP -119 Rang-35 Lot-002 Blk-005
95-308-0520 Sect-08 TWP -119 Rang-35 Lot-003 Blk-005
95-308-0530 Sect-08 TWP -119 Rang-35 Lot-004 Blk-005
95-308-0540 Sect-08 TWP -119 Rang-35 Lot-005 Blk-005
95-308-0550 Sect-08 TWP -119 Rang-35 Lot-006 Blk-005

Dated this 18th day of September 2023.

/s/ Douglas E. Reese
Mayor

Attest:

/s/ Judy R. Thompson
City Clerk

RESOLUTION NO. 2023-158

**A RESOLUTION THAT THE CITY OF WILLMAR WILL ANNEX PARCELS 33-280-0010 & 33-280-0020 VIA
A JOINT ORDERLY ANNEXATION AGREEMENT.**

Motion By: Fagerlie

Second By: Davis

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the City of Willmar will annex parcels 33-280-0010 & 33-280-0020 via a joint orderly annexation agreement, and be it further resolved that the Mayor and City Administrator of the City of Willmar are hereby authorized to execute a version thereof.

Dated this 18th day of September, 2023

/s/ Douglas E. Reese
MAYOR

Attest:

/s/ Judy R. Thompson
CITY CLERK