

WILLMAR CITY COUNCIL PROCEEDINGS
BY ELECTRONIC MEANS (GOTO MEETING)

September 21, 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, Vicki Davis, Fernando Alvarado, Julie Asmus, Andrew Plowman, and Audrey Nelsen. Present 9, Absent 0.

Also present were City Administrator Brian Gramentz, Police Chief Jim Felt, Public Works Director Sean Christensen, Finance Director Steve Okins, Planning and Development Services Director Dave Ramstad, Human Resource Director Samantha Beckman, City Clerk Judy Thompson, and City Attorney Robert Scott.

Additions to the agenda were: Mayor Calvin added Mayor's Comment to the agenda.

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

City Clerk Judy Thompson reviewed the consent agenda.

- A. City Council Minutes of September 8, 2020
- B. Willmar Municipal Utilities Board Minutes of September 14, 2020
- C. Rice Hospital Board Minutes of September 2, 2020
- D. Accounts Payable Report for September 3 through September 16, 2020
- E. Human Rights Commission Minutes of August 18, 2020
- F. Willmar Area Lakes CVB Board Minutes of August 18, 2020
- G. Invest in Willmar Board Minutes of August 12, 2020

Council Member Plowman offered a motion to approve the Consent Agenda. Council Member Schwantes seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

At 7:03 p.m. Mayor Calvin opened the public hearing for unpaid weed/grass mowing removal charges. City Clerk Thompson presented details of said charges and recommended Council approve certifying to the County Auditor for collection in 2021.

There being no one to speak for or against said charges, Mayor Calvin closed the public hearing at 7:04 p.m. and opened it up for discussion by the Council. Following discussion, Council Member Schwantes introduced **Resolution No. 2020-113 Certifying Unpaid Weed/Grass Special Assessments**. Council Member Alvarado seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

At 7:05 p.m. Mayor Calvin opened the public hearing for unpaid nuisances in general removal charges. City Clerk Thompson presented details of said charges and recommended Council approve certifying to the County Auditor for collection in 2021.

There being no one to speak for or against said charges, Mayor Calvin closed the public hearing at 7:07 p.m. and opened it up for discussion by the Council. Following discussion, Council Member Mueske introduced **Resolution No. 2020-114 Certifying Nuisances in General Special Assessments**. Council Member Davis seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

At 7:10 p.m. Mayor Calvin opened the public hearing for unpaid snow or ice removal charges. City Clerk Thompson presented details of said charges and recommended Council approve certifying to the County Auditor for collection in 2021.

There being no one to speak for or against said charges, Mayor Calvin closed the public hearing at 7:11 p.m. and opened it up for discussion by the Council. Following discussion, Council Member Asmus introduced

Resolution No. 2020-115 Certifying Unpaid Snow or Ice Special Assessments. Council Member Alvarado seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Mayor Calvin presented the Mayor's 2021 Proposed Budget for 2021 to the Council. It was noted the proposed budget represents a three (3%) percent increase. The preliminary levy sets the highest tax amount the City can collect in 2021. The 2021 budget will be discussed and worked on through December, when the final budget and tax levy is set by the City Council.

Following discussion, **Resolution No. 2020-116 Setting Preliminary Levy for 2021** was introduced by Council Member Nelsen. Council Member Fagerlie seconded the motion which carried, on a roll call vote of Ayes 8, Noes 0.

The Public Works Committee Report for September 9, 2020 was presented to the Mayor and Council by Council Member Plowman. There were eleven items for consideration.

Item No. 1 Staff brought forth, for information, the public safety statistics for the month of August. This item was for information only.

Item No. 2 It was the recommendation of the Committee to direct the City Attorney to research tow licensing ordinances and make recommendations for future Public Works/Public Safety Committee consideration. Staff was contacted by two main towing companies in Willmar requesting the City consider a tow licensing system. A City license would help their operations by allowing them to apply with the State for a system to expedite license plate lookups for vehicles. Currently they must wait several months for the needed information.

Following discussion, Council Member Plowman offered a motion to approve the recommendation of the Committee. Council Member Nelsen seconded the motion which carried, on a roll call vote of Ayes 8, Noes 0.

Item No. 3 No action was taken by the Committee on the City's tree trimming policy/procedures. Discussion included the process Public Works takes for trimming boulevard trees and possible notification to residents of the trees being trimmed in their area. Staff will gather input from other communities and present policy changes at a future meeting. This item was for information only.

Item No. 4 No action was taken by the Committee on the Auditorium gun range environmental services. The range requires professional lead cleaning to reduce lead dust to a safe level as set by HUD standards and to replace the 16 HEPA filters in the HVAC system. The range area, observation room, classroom, basement hallways, stairwells and restrooms require decontamination. HUD standards of lead have recently changed, requiring the cleaning to be under 10 parts per million versus the previous 40 parts per million. The Auditorium operating budget includes \$25,000 for the range cleaning. The Public Works Committee is requesting discussion by the full Council as it pertains to the direction of the gun range. This item was for information only.

Item No. 5 It was the recommendation of the Committee to accept Project No. 1903-B Civic Center Drive NE Overlay and authorize final payment to Duinck, Inc. in the amount of \$28,847.51. The project included the overlay of Civic Center Drive from Highway 71 to County Road 9 NE. All quantities have been reviewed by staff and the recommendation is to authorize final payment to the contractor.

Resolution No. 2020-117 Accepting Project No. 1903-B Civic Center Drive NE Overlay was introduced by Council Member Plowman. Council Member Asmus seconded the motion which carried, on a roll call vote of Ayes 8, Noes 0.

Item No. 6 It was the recommendation of the Committee to adopt a resolution authorizing Change Order No. 1 in the amount of \$18,193 for Project No. 2001-A 9th Street SE Reconstruction. The change order was due to elevation corrections between two manholes in the amount of \$6,285 and replacing 56 feet

of cracked arch pipe during the installation of a manhole in the amount of \$11,908. The project's contingencies will cover the additional cost.

Resolution No. 2020-118 Accepting Change Order No. 1 for Project No. 2001-A was introduced by Council Member Plowman. Council Member Alvarado seconded the motion which carried, on a roll call vote of Ayes 8, Noes 0.

Item No. 7 It was the recommendation of the Committee to adopt a resolution authorizing Change Order No. 1 in the amount of \$5,500 for Project No. 2001-B 6th Street/23rd Avenue NE Reconstruction. The change order was due to elevation adjustments made to storm pipe in order to avoid conflicts with sanitary services and removal of several manholes and catch basin sections in the amount of \$5,500. The project's contingencies will cover the additional cost.

Resolution No. 2020-119 Accepting Change Order No. 1 for Project No. 2001-B was introduced by Council Member Plowman. Council Member Asmus seconded the motion which carried, on a roll call vote of Ayes 8, Noes 0.

Item No. 8 It was the recommendation of the Committee to award Project No. 1904 Federal Path to Duininck, Inc. in the amount of \$541,991.50 contingent on MnDOT concurrence and authorize signatures on the contract.

Resolution No. 2020-120 Awarding Project No. 1904 to Duininck, Inc. in the Amount of \$541,991.50 was introduced by Council Member Plowman. Council Member Nelsen seconded the motion which carried, on a roll call vote of Ayes 8, Noes 0.

It was also the recommendation of the Committee to adopt a resolution approving the amended as-bid budget for Project No. 1904 Federal Path in the amount of \$754,417. Council previously approved the low bidder on this project contingent on MnDOT approval, including concurrence by the Office of Civil Rights. They look for "Good Faith Efforts" as it pertains to contracts with Disadvantaged Business Enterprises. It was determined the previous low bidder did not demonstrate "Good Faith Efforts" as it pertains to this goal for the project.

Resolution No. 2020-121 As-Bid Project No. 1904 Budget Estimated Total Cost \$754,417 was introduced by Council Member Plowman. Council Member Alvarado seconded the motion which carried, on a roll call vote of Ayes 8, Noes 0.

Item No. 9 It was the recommendation of the Committee to adopt a resolution authorizing re-appropriation of \$15,911.01 for the replacement of curb and gutter at the new Kwik Trip location. With the construction of the new Kwik Trip in downtown Willmar, the developer requested a negotiated share of costs with the City for replacement of 451 linear feet of curb and gutter, truncated domes, and handicap ramps on the four corners of the block. The block was previously unoccupied for 15 years and required improvements for the new construction. The total cost of the project is \$28,273.54 and the City's portion is \$17,136.77; with \$1,225.76 to be paid from Public Works operating budget and \$15,911.01 to be re-appropriated from unspent CIP funds for the improvements.

Resolution No. 2020-122 Re-Appropriate Funds for the Kwik Trip Curb and Gutter Replacement was introduced by Council Member Plowman. Council Member Alvarado seconded the motion.

Following discussion, Council Member Plowman offered an amendment to approve re-appropriation from unspent CIP funds in the amount of \$15,911.01, and approve appropriation to participate in cost of project in the amount of \$17,136.77.

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

Item No. 10 It was the recommendation of the Committee to adopt a resolution approving the Permanent Utility Easement with Willmar Municipal Utilities. With the decommissioning of the district heat program, the Willmar Municipal Utilities office is upgrading their heating source to natural gas with CenterPoint Energy. An easement in the amount of \$1.00 is required by CenterPoint before installing the gas line because the lot owner is listed as City of Willmar c/o Willmar Municipal Utilities.

Resolution No. 2020-123 Authorizing the Execution of a Permanent Utility Easement was introduced by Council Member Plowman. Council Member Asmus seconded the motion which carried, on a roll call vote of Ayes 8, Noes 0.

Item No. 11 It was the recommendation of the Committee to adopt a resolution approving the preliminary budget for the watermain extension of Epitepix in the amount of \$988,125.

Resolution No. 2020-124 Preliminary Epitepix Watermain Budget Estimated Total Cost \$988,125 was introduced by Council Member Plowman. Council Member Alvarado seconded the motion which carried, on a roll call vote of Ayes 8, Noes 0.

It was also the recommendation of the Committee to adopt a resolution approving the preliminary budget for the sanitary sewer extension of Epitepix in the amount of \$1,596,250. Epitepix has requested the extension of the City's municipal utilities to serve their property located in Willmar Township. With the service of City water and sewer, it will allow significant expansion of their veterinary vaccine production facility on 45th Street. The City was awarded a grant by the Innovative Business Development Public Infrastructure (IBDPI) of \$1,300,000 for the extension of the sanitary sewer. The remainder of the project for each service will be paid from bonding and potential participation by Epitepix.

Resolution No. 2020-125 Preliminary Epitepix Sanitary Sewer Budget Estimated Total Cost \$1,596,250 was introduced by Council Member Plowman. Council Member Asmus seconded the motion which carried, on a roll call vote of Ayes 8, Noes 0.

The Public Works Committee Report of September 9, 2020, was approved and ordered placed on file in the City Clerk's Office upon motion by Council Member Plowman. Council Member Asmus seconded the motion which carried, on a roll call vote of Ayes 8, Noes 0.

The Finance Committee Report for September 10, 2020 was presented to the Mayor and Council by Council Member Nelsen. There were eight items for consideration.

Item No. 1 Staff explained on May 4, 2020, the City Council adopted the Renaissance Zone which is a new zoning overlay district encompassing the Central Business District (CBD) and adjacent areas. The new district is a five-year pilot program intended to encourage economic development. This district will offer greater flexibility relative to zoning requirements otherwise imposed by the underlying zoning districts and is regulated by Section 12 of the Zoning Ordinance. On August 3, 2020, the City Council adopted the additional incentive to provide \$5,000 and \$10,000 matching loans for storefront improvements in the Renaissance Zone. These loans will be forgiven twenty (20%) percent each year of their five-year term after funds are disbursed. There are ongoing discussions with MN DEED to verify whether or not Downtown Community Block Grant funds could be used for this program instead. There is a balance of \$68,000 that is not out on loans currently in the Downtown Block Grant Fund which would help cover the \$50,000 funding for the Renaissance Zone program. It is being requested this item be tabled until a future Finance Committee meeting once DEED has made a determination of allowed usage of the Downtown Block Grant Fund dollars. It was noted there may be options in the City's 2020 general operating budget to provide adequate funds to cover this Renaissance Zone business incentive should the Downtown Block Grant Fund option fall through. This item was for information only.

Item No. 2 Staff explained Game Time annually offers a grant in the Fall for which users may submit an application. It is being requested an application for this grant be submitted on behalf of the City of

Willmar. There is \$150,000 budgeted in the 2020 capital improvement plan which would allow the City to receive a 100% match in grant funds. With these funds, the City would be able to install two new playgrounds using the amount allocated in the capital improvement plan and the grant contributions. Hilltop Park playground equipment is designated to be replaced and Sperry Park playground equipment is also designated to be replaced only if the road and parking lot project is approved. If the road and parking lot project is not approved, the alternate park would be Rainbow Park. It was noted the Park and Recreation Board is developing a five-year park equipment replacement plan to assure the City is reaching all areas of the City equally.

It was the recommendation of the Committee to approve the application for the Game Time Grant and, if awarded, use the 2020 capital improvement dollars to purchase two sets of playground equipment.

Resolution No. 2020-126 Approving the Application for the Game Time Grant and if Awarded, Use the 2020 Capital Improvement Dollars to Purchase Two Sets of Playground Equipment was introduced by Council Member Nelsen. Council Member Fagerlie seconded the motion which carried, on a roll call vote of Ayes 8, Noes 0.

Item No. 3 A request was received to table this matter until a date and time next week to enable the Full Council to meet along with the Finance Committee for discussion and possible approval of the Preliminary Tax Levy. A poll will be conducted of all council members to determine when this meeting could occur. This item was for information only.

Item No. 4 Economic Development Commission (EDC) Director Aaron Backman reported to the Committee their annual audit has recently been completed and there are no issues reported. Mr. Backman then presented the proposed 2021 EDC Budget noting it is not increasing from the 2020 Budget. The proposed county tax levy remains at \$534,000 with total revenues projected at \$605,383. Total expenditures are projected at \$604,800.

It was the recommendation of the Committee to approve the 2021 EDC Proposed Budget as presented.

Council Member Nelsen offered a motion to approve the recommendation of the Committee. Council Member Asmus seconded the motion which carried, on a roll call vote of Ayes 8, Noes 0.

Item No. 5 Finance Director Okins provided the Committee with an update on total sales tax collections covering the month's to-date through June. He also noted the initial amount received for the month of July is \$201,000 which is up from prior months. Staff will continue to provide updates to the Committee as information is received. This item was for information only.

Item No. 6 Finance Director Okins reported no new information has been received regarding financial impacts to the City. It was noted the Governor has called a special session again, but it is unknown if a bonding bill or possible un-allotment to local governments may be addressed. This item was for information only.

Item No. 7 Staff has been working with the Mayor and City Administrator in compiling the 2021 proposed budget. Staff has been working on the CARES Act Reporting and has been working with Human Resources to compile and reconcile information on the Emergency Paid Sick Leave, etc., that is also to be included in the report. The City's Auditors, Westberg & Eischens, has scheduled a meeting with the Finance Director and City Administrator to discuss the 2019 audit which will be presented to the Finance Committee at its next regularly scheduled meeting.

Staff noted that in past years, a preliminary tax levy was required to be submitted to the County by the end of September and that amount could be decreased but not increased by December 31st. At a recent legislative meeting an amendment was passed, due to the recent economic conditions, authorizing cities to increase the tax levy by January 13th should the legislature approve an un-allotment of Local Government Aid. This item was for information only.

Item No. 8 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 September 10, 2020, was approved and ordered placed on file in the City Clerk's Office upon motion by Council Member Nelsen. Council Member Fagerlie seconded the motion which carried, on a roll call vote of Ayes 8, Noes 0.

The Labor Relations Committee Report for September 14, 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 an Assistant City Administrator for approval. An Assistant City Administrator would ensure a consistent continuation of operations in the City Administrator's absence or retirement. It was the recommendation of the Committee to approve the job description.

Mayor Calvin noted a correction to the title on page three of three of the job description was needed to read "Assistant City Administrator", rather than "City Administrator."

Item No. 2 Staff presented the job concept for a Community Outreach Coordinator that would be a part-time, non-benefit eligible position in the 2021 budget. The key function of this position is to offer open, clear communication between our diverse communities and City staff. A job description and duties can be drafted at a later date if there is interest in offering this position. This item was for information only.

Item No 3 Staff informed the committee that initial meetings with each union are being scheduled for end of September and early October. Council will receive an update on those initial meetings at the end of the Council meeting on October 19th. This item was for information only.

Council Member Mueske suggested a closed session to discuss negotiation strategy be held at the end of the October 19th Council meeting and asked that this be placed on the agenda for that meeting.

Item No. 4 No additional items. This item was for information only.

The Labor Relations Committee Report of September 14, 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 8, Noes 0.

City Clerk Thompson presented a request to approve an Off-Sale Intoxicating Liquor License for Everest Liquors LLC dba Westside Liquor. It was noted Everest Liquors LLC recently purchased the store from Bhavi LLC.

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

City Clerk Thompson presented a request to approve a resolution declaring surplus equipment and authorizing sale at public auction. It was noted the City plans to sell the surplus equipment at a public auction scheduled for Wednesday, October 7th.

Resolution No. 2020-127 Declaring Surplus Supplies, Materials, and Equipment and Authorizing the Sale Thereof was introduced by Council Member Asmus. Council Member Davis seconded the motion which carried, on a roll call vote of Ayes 8, Noes 0.

Public Works Director Christensen presented a request to approve Amendment No. 2 to Master Cooperation Agreement and Ingress/Egress Easement for the Willmar Wye project. It was noted the amendment to the master cooperation agreement is needed to update the timing of the second closing for land committed to the project. The second closing date has been updated to September 30th or a later date as agreed

upon by the various entities involved in the project. The amendment also includes an updated timetable to the agreement reflecting the change in date for the second closing. The access easement is required from the City for this project on land currently owned by the City. It will grant a 66-foot ingress/egress to the County for the project.

Resolution No. 2020-128 Approving an Amendment to Master Cooperation Agreement with Kandiyohi County, the State of Minnesota, and BNSF Railway Company for the Willmar Wye Project was introduced by Council Member Plowman. Council Member Alvarado seconded the motion which carried on a roll call vote of Ayes 8, Noes 0.

Resolution No. 2020-129 Authorizing the Execution of an Easement for the Willmar Wye Project was introduced by Council Member Plowman. Council Member Alvarado seconded the motion which carried, on a roll call vote of Ayes 8, Noes 0.

Mayor Calvin opened a discussion of returning to in-person Council meetings, and spoke in favor of doing so.

City Attorney Scott reviewed the guidelines set forth in the Governor’s Executive Order currently in place.

Following a lengthy discussion, Council Member Plowman offered a motion to return to in-person Council meetings effective October 5th, and direct staff to comply with all recommended safety measures as well as implementing other potential options of digital/hybrid meeting to be incorporated. Council Member Mueske seconded the motion which carried, on a roll call vote of Ayes 8, Noes 0.

Mayor Calvin opened another discussion of re-opening the City Offices to the public. This item died for lack of discussion.

Mayor Calvin offered the following comments: he has received many complaints regarding the 1st Street construction project and the safety issues regarding signage and lack of access to the various businesses.

Council Member Plowman offered the following comments: good weather forecast for this week and we should see significant progress on construction projects; also expressed his concerns with access and safety measures with the 1st Street project.

Council Member Mueske offered the following comments: concerns received regarding access issues from residents and businesses regarding the 9th Street SE project.

Council Member Alvarado offered the following comments: reminded everyone of the agriculture “rush hour”; Robbins Island work is commencing.

The upcoming Committee meetings will be as follows: Public Works/Safety Committee – Wednesday, September 23rd at 5:00 p.m.; Finance Committee – Thursday, September 24th at 5:00 p.m.; Community Development Committee – Monday, September 28th at 5:15 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 Davis seconding the motion which carried. The meeting adjourned at 9:30 p.m.

s/s Marv Calvin
MAYOR

Attest:

s/s Judy Thompson
SECRETARY TO THE COUNCIL

RESOLUTION NO. 2020-113

A RESOLUTION CERTIFYING UNPAID WEED/GRASS SPECIAL ASSESSMENTS

Motion By: Schwantes Second By: Alvarado

WHEREAS, Chapter 9, Article III of the Willmar Municipal Code states that such unpaid weed or grass mowing costs represent a lien of the real property receiving mowing services; and

WHEREAS, the City Council of the City of Willmar has offered the owner his right to request an appearance before the Council to make objections to payment;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that the amount of the unpaid weed / grass mowing charges totaling \$2,366.06 be certified to the County Auditor to be extended on the tax rolls of such real property in the same manner as other taxes for collecting in 2021 and collected by the County Treasurer, and paid to the City Clerk along with other taxes; and

BE IT FURTHER RESOLVED that the unpaid weed or grass charges be certified against the real property as follows:

1. Parcel No. 95-090-1490 \$523.64
Located at 1017 7th Street SW; and
Described as Section 15, Township 119, Range 35,
BOOTH'S ADDITION TO WILLMAR
BLOCK K LOT 10 EXCEPT NORTH 5 FEET; NORTHERLY HALF OF
LOT 9
2. Parcel No. 95-222-1220 \$743.26
Located at 704 Minnesota Avenue SE; and
Described as Block 7
FERRINGS 2ND ADDITION
WESTERLY 50 FEET, OF EASTERLY 100 FEET OF LOTS 1, 2 & 3
3. Parcel No. 95-911-0560 \$261.82
Located at 1101 Lakeland Drive NE; and
Described as Section 11, Township 119, Range 35
PART OF LOT 3: WEST 150 FEET OF EAST 183 FEET OF NORTH 90 FEET
OF GOVERNMENT LOT 3 & SOUTH 10 FEET OF WEST 150 FEET OF EAST
183 FEET OF GOVERNMENT LOT 2
4. Parcel No. 95-470-0010 \$550.19
Located at 700 4th Street SE; and
Described as Section 14, Township 119, Range 35
LARSON'S ADDITION TO THE CITY OF WILLMAR
LOT 1 & NORTH 10 FEET OF LOT 2 & (95-740-2310, SPICER'S ADDITION TO WILLMAR,
BLOCK 15)

5. Parcel No. 95-820-0410 \$287.15

Located at 629 7th Street NW; and
Described as Section 10, Township 119, Range 35, Block 3
THORPE & LIEN'S ADDITION TO THE CITY OF WILLMAR
EAST 85 FEET OF NORTHERLY 113 FEET OF LOT 1

Dated this 21st day of September, 2020

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk

RESOLUTION NO. 2020-114

A RESOLUTION CERTIFYING NUISANCES IN GENERAL SPECIAL ASSESSMENTS

Motion By: Mueske Second By: Davis

WHEREAS, Chapter 9, Article I of the Willmar Municipal Code concerning the removal of a hazardous building by the City. The cost of such removal or remedial measures shall be assessed by action of the City Council against the property, under such terms and conditions as the City Council may require; and

WHEREAS, the City Council of the City of Willmar has offered the owner his right to request an appearance before the Council to make objections to payment;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that the amount of the unpaid nuisance charges totaling \$13,628.06 be certified to the County Auditor to be extended on the tax rolls of such real property in the same manner as other taxes for collecting in 2021 and collected by the County Treasurer, and paid to the City Clerk along with other taxes; and

BE IT FURTHER RESOLVED that the unpaid nuisance charges be certified against the real property as follows:

1. Parcel No. 95-003-0210 \$13,628.06

Located at 312 9th Street NW; and
Described as Block 2
WILLMAR, TOWN OF (ORIGINAL)
LOTS 9 & 10

Dated this 21st day of September, 2020

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk

RESOLUTION NO. 2020-115

A RESOLUTION CERTIFYING UNPAID SNOW OR ICE SPECIAL ASSESSMENTS

Motion By: Asmus Second By: Alvarado

WHEREAS, Chapter 13, Article III of the Willmar Municipal Code states that such unpaid snow or ice removal costs represent a lien of the real property receiving snow or ice removal services; and

WHEREAS, THE City Council of the City of Willmar has offered the owner his right to request an appearance before the Council to make objections to payment;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that the amount of the unpaid snow / ice removal charges totaling \$397.20 be certified to the County Auditor to be extended on the tax rolls of such real property in the same manner as other taxes for collecting in 2021 and collected by the County Treasurer, and paid to the City Clerk along with other taxes; and

BE IT FURTHER RESOLVED that the unpaid snow or ice removal charges be certified against the real property as follows:

- 1. Parcel No. 95-003-4170 \$112.20
 Located at 322 10th Street SW; and
 Described as Section 15, Township 119, Range 35, Block 37
 WILLMAR, TOWN OF (ORIGINAL)
 LOT 7 & SOUTH HALF OF LOT 6
- 2. Parcel No. 95-143-0450 \$141.00
 Located at 1017 19th Avenue SE; and
 Described as Section 23, Township 119, Range 35, Lot 5, Block 3
 DANA HEIGHTS THIRD ADDITION
- 3. Parcel No. 95-003-0440 \$144.00
 Located at 1002 Gorton Avenue NW; and
 Described as Section 15, Township 119, Range 35, Block 4
 WILLMAR, TOWN OF (ORIGINAL)
 EAST 68 FEET OF LOTS 5 & 6

Dated this 21st day of September, 2020

s/s Marv Calvin
MAYOR

Attest:

s/s Judy Thompson
CITY CLERK

RESOLUTION NO. 2020-116

SETTING PRELIMINARY LEVY FOR 2021

Motion By: Nelsen Second By: Fagerlie

BE IT RESOLVED that the Mayor of the City of Willmar submitted a preliminary levy request of \$6,085,290;

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 2021 upon the taxable property in said City of Willmar for the following purposes:

General Fund \$6,085,290;

BE IT RESOLVED that there is a sufficient sum of money in the Debt Service Funds of the City to pay principal and interest in 2021 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 2021 proposed budget on December 7, 2020.

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

Dated this 21st day of September, 2020.

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk

RESOLUTION NO. 2020-117

A RESOLUTION ACCEPTING PROJECT NO. 1903-B AND AUTHORIZING FINAL PAYMENT.

Motion By: Plowman Second By: Asmus

IMPROVEMENT: Project No. 1903-B – Civic Center Drive NE Overlay

CONTRACTOR:	Duininck, Inc.
DATE OF CONTRACT:	June 17, 2019
BEGIN WORK:	September 23, 2019
COMPLETE WORK:	October 17, 2019
APPROVE, ENGINEERING DEPT:	July 15, 2020

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

1. The said City of Willmar Project No. 1903-B be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$544,110.55
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$544,110.55
CHANGE ORDER NO. 1:	\$33,819.12
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$577,880.70
Less Previous Payments	\$549,033.18
FINAL PAYMENT DUE CONTRACTOR:	\$28,847.51

Dated this 21st day of September, 2020

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk

RESOLUTION NO. 2020-118

A RESOLUTION ACCEPTING CHANGE ORDER NO. 1 FOR PROJECT NO. 2001-A.

Motion By: Plowman Second By: Alvarado

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the Mayor and City Administrator of the City of Willmar are hereby authorized to modify the contract for Project No. 2001-A between the City of Willmar and Duinick, Inc. of Prinsburg, Minnesota by Change Order No. 1 in the increased amount of \$18,193.

Dated this 21st day of September, 2020

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk

RESOLUTION NO. 2020-119

A RESOLUTION ACCEPTING CHANGE ORDER NO. 1 FOR PROJECT NO. 2001-B.

Motion By: Plowman Second By: Asmus

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the Mayor and City Administrator of the City of Willmar are hereby authorized to modify the contract for Project No. 2001-B between the City of Willmar and Riley Bros. Construction, Inc. of Morris, Minnesota by Change Order No. 1 in the increased amount of \$5,500.

Dated this 21st day of September, 2020

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk

RESOLUTION NO. 2020-120

A RESOLUTION AWARDING PROJECT NO. 1904 TO DUININCK, INC. IN THE AMOUNT OF \$541,991.50.

Motion By: Plowman Second By: Nelsen

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the bid of Duininck, Inc. of Prinsburg, MN for Project No. 1904 is accepted, and be it further resolved that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an agreement with the bidder for the terms and consideration of the contract in the amount of \$541,991.50.

Dated this 21st day of September, 2020

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk

RESOLUTION NO. 2020-121
PROJECT NO. 1904 AS-BID BUDGET
ESTIMATED TOTAL COST \$754,417

*Budget Amounts are Essential

Motion By: Plowman

Second By: Alvarado

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/Levy \$544,417
 MSA \$0
 MUC \$0
 Fed Aid \$210,000

TOTAL **\$754,417**

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

Bonds \$544,417
 MSA \$0
 MUC \$0
 WTP \$0
 Fed Aid \$210,000

TOTAL **\$754,417**

GRAND TOTAL **\$754,417**

Dated this 21st day of September, 2020

OTHER SERVICES

33* Travel-Conf.-Schools
 34 Mtce. of Equipment
 35 Mtce. of Structures
 36* Mtce. of Other Impr. \$541,992
 37 Subsistence of Persons
 38 Cleaning & Waste Removal
 39* Other Services \$54,199
TOTAL **\$596,191**

s/s Marv Calvin
 Mayor

Attest:

s/s Judy Thompson
 City Clerk

OTHER CHARGES

46* Prof. Serv. \$158,226
 47 Advertising \$0
TOTAL **\$158,226**
GRAND TOTAL **\$754,417**

RESOLUTION NO. 2020-122

A RESOLUTION TO REAPPROPRIATE FUNDS FOR THE KWIK TRIP CURB AND GUTTER REPLACEMENT

Motion By: Plowman Second By: Alvarado

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to amend the Operating Budgets as follows:

Decrease:	2020 Unspent funds	
	Infield Groomer	\$666.01
	Signal Pole Painting	\$13,975.00
	A/C for Mechanic Shop	\$1,020.00
	Outdoor Hockey Boards	\$250.00
Increase:	2020 Public Works Operating Budget	\$15,911.01
	0336 Maintenance of Other Improvements	

Dated this 21st day of September, 2020

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk

RESOLUTION NO. 2020-123

A RESOLUTION AUTHORIZING THE EXECUTION OF A PERMANENT UTILITY EASEMENT.

Motion By: Plowman Second By: Asmus

WHEREAS, a utility easement has been prepared for the installation of a gas service at Willmar Municipal Utilities, located at 700 SW Litchfield Avenue, Willmar, Minnesota, 56201; and

WHEREAS, an agreement has been prepared for the terms and conditions of the easement with compensation to the City in the amount of \$1.00;

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the Mayor and City Administrator are hereby authorized to sign said easement on behalf of the City.

Dated this 21st day of September, 2020

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk

RESOLUTION NO. 2020-124
EPITOPIX WATERMAIN PRELIMINARY BUDGET
ESTIMATED TOTAL COST \$988,125

*Budget Amounts are Essential

Motion By: Plowman

Second By: Alvarado

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/Levy	\$988,125
MSA	\$0
MUC	\$0
GRANT	\$0

TOTAL \$988,125

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

Bonds	\$988,125
MSA	\$0
MUC	\$0
WTP	\$0
GRANT	\$0

TOTAL \$988,125

GRAND TOTAL \$988,125

Dated this 21st day of September, 2020

OTHER SERVICES

33* Travel-Conf.-Schools	
34 Mtce. of Equipment	
35 Mtce. of Structures	
36* Mtce. of Other Impr.	\$790,500
37 Subsistence of Persons	
38 Cleaning & Waste Removal	
39* Other Services	\$79,050
TOTAL	\$869,550

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk

OTHER CHARGES

46* Prof. Serv.	\$118,575
47 Advertising	\$0
TOTAL	\$118,575
GRAND TOTAL	\$988,125

RESOLUTION NO. 2020-125
EPITOPIX SANITARY SEWER PRELIMINARY BUDGET
ESTIMATED TOTAL COST \$1,596,250

*Budget Amounts are Essential

Motion By: Plowman

Second By: Asmus

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/Levy	\$296,250
MSA	\$0
MUC	\$0
GRANT	\$1,300,000

TOTAL **\$1,596,250**

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

Bonds	\$296,250
MSA	\$0
MUC	\$0
WTP	\$0
GRANT	\$1,300,000

TOTAL **\$1,596,250**

GRAND TOTAL **\$1,596,250**

Dated this 21st day of September, 2020

OTHER SERVICES

33* Travel-Conf.-Schools	
34 Mtce. of Equipment	
35 Mtce. of Structures	
36* Mtce. of Other Impr.	\$1,277,000
37 Subsistence of Persons	
38 Cleaning & Waste Removal	
39* Other Services	\$127,700
TOTAL	\$1,404,700

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk

OTHER CHARGES

46* Prof. Serv.	\$191,550
47 Advertising	\$0
TOTAL	\$191,550
GRAND TOTAL	\$1,596,250

RESOLUTION NO. 2020-126

RESOLUTION APPROVING THE APPLICATION FOR THE GAME TIME GRANT AND IF AWARDED, USE THE 2020 CAPITAL IMPROVEMENT DOLLARS TO PURCHASE TWO SETS OF PLAYGROUND EQUIPMENT

Motion By: Nelsen Second By: Fagerlie

BE IT RESOLVED by the City Council of the City of Willmar to approve the application for the Game Time grant and if awarded, use the 2020 capital improvement dollars to purchase two sets of playground equipment.

Dated this 21st day of September, 2020

s/s Marv Calvin
MAYOR

Attest:

s/s Judy Thompson
CITY CLERK

RESOLUTION NO. 2020-127

A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLMAR, MINNESOTA DECLARING SURPLUS SUPPLIES, MATERIALS, AND EQUIPMENT AND AUTHORIZING THE SALE THEREOF

Motion By: Asmus Second By: Davis

WHEREAS, the City of Willmar (“City”) is permitted to sell City-owned surplus supplies, materials, and equipment pursuant to Minnesota Statutes Section 471.345, subdivision 17; and

WHEREAS, the City has determined that it owns a surplus of supplies, materials, and equipment, as specified in Exhibit A, which is attached and incorporated herein; and

WHEREAS, the City wishes to hold a public auction on October 7, 2020 (“Public Auction”) at which the surplus supplies, materials, and equipment may be sold.

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

1. The City Council finds and declares that all surplus supplies, materials, and equipment listed in Exhibit A is City-owned surplus supplies, materials, and equipment and is authorized to be sold at the Public Auction.

Adopted by the City Council of the City of Willmar on September 21, 2020.

Approved:

s/s Marv Calvin
Mayor

Attested:

s/s Judy Thompson
City Clerk

RESOLUTION NO. 2020-128

A RESOLUTION APPROVING AN AMENDMENT TO MASTER COOPERATION AGREEMENT WITH KANDIYOHI COUNTY, THE STATE OF MINNESOTA, AND BNSF RAILWAY COMPANY FOR THE WILLMAR WYE PROJECT

Motion By: Plowman Second By: Alvarado

WHEREAS, The City of Willmar (“City”), Kandiyohi County (“County”), State of Minnesota through its Department of Transportation (“MnDOT”), and BNSF Railway Company (“BNSF”) (collectively “Parties”) entered into the **Willmar Wye Project Master Cooperation Agreement Between State of Minnesota, Kandiyohi County, City of Willmar, and BNSF Railway Company**, MnDOT Contract No. 1032954 (“**Original Agreement**”), for the construction of a direct rail connection between two existing BNSF main track subdivisions, construction of a rail spur to the City of Willmar’s industrial park, and modification of surrounding roadways (the “**Project**”).

WHEREAS, the Original Agreement includes a “Timeline”, attached therein as Exhibit F and defined as the Project Completion Timetable.

WHEREAS, the Parties have further entered into a Transfer Agreement by and between MnDOT, the County and BNSF, a Transfer Agreement by and between the County and BNSF, and a Purchase and Sale Agreement by and between the City and BNSF (collectively, the “**Property Agreements**”).

WHEREAS, the Timeline sets forth the date of the first of three closings for the transfer of real property between the Parties pursuant to the Property Agreements, and the start of roadway construction.

WHEREAS, the Parties desire to change the date of the first closing and start of roadway construction as set forth in the Timeline and to make other modifications as set forth herein.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the Amendment 2 to Master Cooperation Agreement appended hereto is hereby approved in order to change the date of the second closing to September 30, 2020 or such later date as may be agreed to by BNSF, MnDOT and Kandiyohi County, and be it further resolved that the Mayor and City Administrator are hereby authorized to execute such amendment on behalf of the City.

Dated this 21st day of September, 2020

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk

RESOLUTION NO. 2020-129

A RESOLUTION AUTHORIZING THE EXECUTION OF AN EASEMENT FOR THE WILLMAR WYE PROJECT.

Motion By: Plowman

Second By: Alvarado

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the draft access easement in favor of Kandiyohi County over City-owned Parcel No. 33-020-0040, is hereby approved, and be it further resolved that the Mayor and City Administrator are hereby authorized to execute the easement agreement with Kandiyohi County in substantially the form of the draft agreement appended hereto.

Dated this 21st day of September, 2020

s/s Marv Calvin

Mayor

Attest:

s/s Judy Thompson

City Clerk