

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

November 6, 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, Thomas Butterfield, Julie Asmus, and Rick Fagerlie. Present 8, Absent 1. Council Member O'Brien was excused from the meeting.

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

There were no additions or deletions to the agenda.

Council Member Ask moved to approve the agenda, as presented. Council Member Davis seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

City Clerk Thompson reviewed the consent agenda.

- A. City Council Minutes of October 16, 2023
- B. City Council Special Meeting Minutes of October 23, 2023
- C. Planning Commission "Draft" Minutes of November 1, 2023
- D. Willmar Municipal Utilities Minutes of October 23, 2023
- E. WMU Financial Reports for August 2023
- F. **Resolution No. 2023-172 Certification of Unpaid Utility Charges as a Lien**
- G. Accounts Payable Report, 10-12-23 Thru 10-31-23
- H. **Resolution No. 2023-173 Certifying Deferred Special Assessments for Senior Citizens, Disabled, or Active Military**
- I. Approve Planning Commission appointments

Information:

CVB Board Minutes of August 15, 2023

Council Member Ask offered a motion to approve the consent agenda. Council Member Shuldes seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Nancy Stredde, 410 20th Street NW, addressed the Mayor and Council with concerns over the assessment policy and process currently in place, the fact her driveway hasn't been filled in yet from the street project, and deferment policy.

At 6:39 p.m. Mayor Reese opened the public hearing for the ordinance to approve Willmar Municipal Utilities 2024 water rates. Willmar Municipal Utilities representative Janell Johnson presented the pertinent information.

Chris Peterson, 419 12th Street NW, presented his concerns with the proposed rate increase and what this money is being used for.

City Clerk Thompson read a letter from Samuel Herzog, owner of multi-family housing in Willmar, regarding his concern over the proposed rate increase and the effect it has on his tenants, and the billing process for multi-family housing versus other properties.

City Clerk Thompson read a text from Joe Ridler, 1912 20th Avenue SW, regarding his opposition to the proposed rate increases.

City Clerk Thompson read an email from Ron Christianson, 1912 Richland Avenue SW, regarding his opposition to the proposed rate increases.

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

Following discussion, Council Member Asmus offered a motion to adopt, assign a number, and publish **Ordinance No. 1517 An Ordinance Amending Water Rates Charged by the Municipal Utilities Commission of the City of Willmar, A Public Utility, to be Effective for Billings Sent On and After January 1, 2024.** Council Member Davis seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

At 7:21 p.m. Mayor Reese opened the public hearing for an ordinance to approve Willmar Municipal Utilities 2024 electric rates. Willmar Municipal Utilities representative Janell Johnson presented the pertinent information.

There being no one present to speak for or against the proposed ordinance, Mayor Reese closed the public hearing at 7:22 p.m. and opened it up for discussion from the Council.

Following discussion, Council Member Ask offered a motion to adopt, assign a number, and publish **Ordinance No. 1518 An Ordinance Amending Electric Rates Charged by the Municipal Utilities Commission of the City of Willmar, A Public Utility, to be Effective for Billings Sent On and After January 1, 2024.** Council Member Shuldes seconded the motion, which carried on a roll call vote of Ayes 6, Noes 1. Council Member Butterfield voted “no”.

Economic Development Commission Executive Director Aaron Backman presented a request to approve a land sale to Duinick Concrete, LLC and provided the pertinent information regarding the sale.

Following discussion, Council Member Davis offered a motion to **introduce an ordinance authorizing the sale of real property to Duinick Concrete, LLC.**, and set the public hearing for November 20, 2023. Council Member Ask seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Due to the length and cost of publishing the entire ordinance, **an ordinance authorizing the sale of real property to Duinick Concrete, LLC.**, Council Member Ask offered a motion to publish by summary. Council Member Asmus seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Contracted City Engineer Jared Voge presented a request to approve the pursuit of local road improvement program (LRIP) funding for the Business 71 improvements project.

Following discussion, Council Member Nelsen offered a motion approving staff’s request and introduced **Resolution No. 2023-174 Authorizing the Pursuit of Local Road Improvement Program Funding for the Business 71 Improvements Project.** Council Member Shuldes seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Contracted City Engineer Jared Voge presented a request to award the municipal airport drain tile installation project to Brouwer Construction, LLC of Raymond, MN. The drainage improvements in this project include site grading, installation of drain tile, and drainage improvements to mitigate the concerns in the hangar and taxi lane area on the southeast building area of the airfield.

Following discussion, Council Member Ask offered a motion to approve staff’s request and introduced **Resolution No. 2023-175 Awarding the Willmar Municipal Airport Drain Tile Installation Project to Brouwer Construction, LLC in the Amount of \$85,647.81.** Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

City Clerk Thompson presented a request to approve the Foxhole Brewhouse Inc. On-Sale Intoxicating and Brew Pub Off-Sale Liquor Licenses through the fiscal year ending April 25, 2024, and the Sunday Liquor License through the fiscal year ending December 31, 2023, for the location of 905 Business Highway 71 North.

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

City Clerk Thompson presented a request to approve the Intuition Brewing LLC On-Sale Taproom and Brewer Off-Sale Liquor Licenses through the fiscal year ending April 25, 2024, and the Sunday Liquor Licenses through the fiscal year ending December 31, 2023, for the location of 313 4th Street SW, Suite 1.

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 7, Noes 0.

City Clerk Thompson presented a request to approve the Willmar Indoor Golf & Cages LLC On-Sale Wine and On-Sale Intoxicating 3.2 Liquor Licenses through the fiscal year ending April 25, 2024, for the location at Uptown Willmar Mall, 1605 1st Street South.

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

City Clerk Thompson acknowledged the donations received by the City for the third quarter 2023.

Council Member Fagerlie offered a motion to introduce **Resolution No. 2023-176 Acknowledgement of Donations**. Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Mayor Reese presented a summary of conclusions of the evaluation of the performance of City Administrator Valiant pursuant to Minnesota Statute 13D.05, subd.3. This matter was received for information only.

Council Member Butterfield offered the following comments: he conducted a town hall meeting on the proposed budget recently and would like to propose a town hall meeting be held next year with all council members present.

Council Member Nelsen offered a motion to adjourn the meeting, with Council Member Fagerlie seconding the motion, which carried. The meeting adjourned at 7:55 p.m.

/s/ Douglas E. Reese
MAYOR

Attest:

/s/ Judy R. Thompson
SECRETARY TO THE COUNCIL

RESOLUTION NO. 2023-172

**RESOLUTION APPROVING UNPAID UTILITY CHARGES BE CERTIFIED
AGAINST THE REAL PROPERTY**

Motion By: Ask Second By: Shuldes

WHEREAS, Section 16-127 of the Willmar City Code states that such unpaid utility bills represent a lien on the real property receiving utility services; and

WHEREAS, the Willmar Municipal Utilities Commission has offered the owner the right to request an appearance before the Commission to make objections to payment; and

WHEREAS, the Willmar Municipal Utilities Commission has adopted Resolution No. 34 on October 9, 2023, requesting the Willmar City Clerk to certify the unpaid utility charges as a lien on the real property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that the amount of the unpaid utility charges totaling \$7,423.96 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 2024 and collected by the County Treasurer, and paid to the City Clerk along with other taxes; and

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

1. Parcel No. 95-006-7210
Located at 516 12th Street SW \$869.60
Described as Section 15, Township 119, Range 35, Lot 5, Block 111
FIRST ADDITION TO THE CITY OF WILLMAR
2. Parcel No. 95-090-1490
Located at 1017 7th Street SW \$442.63
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
3. Parcel No. 95-220-1390
Located at 421 Julii Street SE \$446.82
Described as Section 14, Township 119, Range 35, Lot 9, Block 10
FERRING'S ADDITION TO THE CITY OF WILLMAR
4. Parcel No. 95-320-0410
Located at 500 13th Street SW \$902.36
Described as Section 15, Township 119, Range 35, Lot 1, Block 4
HIGHLAND PLACE IN THE CITY OF WILLMAR
5. Parcel No. 95-480-0060
Located at 500 13th Avenue SW \$903.47
Described as Section 22, Township 119, Range 35, Block 1
LEARY'S ADDITION TO WILLMAR
Lots 6 & 7
6. Parcel No. 95-540-0010
Located at 804 Olaf Avenue NW \$504.76
Described as
ERIK NILSONS ADDITION TO THE VILLAGE OF WILLMAR
West 71 Feet of Lot 1, Block 1 of Nelsons Addition & West 71 Feet of South 3 Feet of Lot 2, Block 3, Thorpe & Lien's Addition
7. Parcel No. 95-740-1330
Located at 416 Trott Avenue SE \$1,189.43
Described as Section 14, Township 119, Range 35, Block 9
SPICER'S ADDITION TO WILLMAR
West 50 Feet of East 100 Feet of Lots 1 & 2 & of North 40 Feet of Lot 3

- | | | |
|----|---|------------|
| 8. | Parcel No. 95-750-0370
Located at 1320 6 th Street SW
Described as Section 22, Township 119, Range 35
<i>Subdivision North Half of Northeast Quarter North 60 feet of East 200 feet of Lot 19</i> | \$653.75 |
| 9. | Parcel No. 95-922-7380
Located at 1308 10 th Street SW
Described as Section 22, Township 119, Range 35
<i>South 90 Feet of North 716 Feet of West 98.75 Feet of East 775.5 Feet of Northeast Quarter of Northwest Quarter</i> | \$1,511.14 |

Dated this 6th day of November 2023.

/s/ Douglas E. Reese
MAYOR

Attest:

/s/ Judy R. Thompson
CITY CLERK

RESOLUTION NO. 2023-173

A RESOLUTION CERTIFYING DEFERRED SPECIAL ASSESSMENTS

Motion By: Ask Second By: Shuldes

WHEREAS, the City Council of the City of Willmar, Minnesota, did order the reconstruction of certain streets during the year 2023 (Project 2301); and

WHEREAS, Minnesota Statutes, Sections 435.193 to 435.195 allows local governments certifying special assessments against municipal properties to defer the payment of that assessment for any homestead property owned by a person 65 years of age or older, retired by virtue of a permanent and total disability; and active military

WHEREAS, certain property owner(s) have made application to the City for delayed payment of tax on special assessments and have met the criteria contained in Minnesota Statutes 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 for the years of 2024 through 2039 with interest at the annual rate of five and six seven two hundredths (5.672%) percent.

BE IT FURTHER RESOLVED that the option to defer payments will terminate and all deferred payments and interest become payable if a) the owner dies and the surviving spouse is not eligible; b) the property or a portion of the property is sold, transferred or subdivided; c) the property loses its homestead status; or d) the City determines that to require immediate or partial payment would not create a hardship.

Evelyn Koch
605 Irene Avenue SE
Willmar

95-660-0340	\$9,480.00
Section 14, Township 119, Range 35, Lot 14, Block 2	
PERKINS' FIRST ADDITION TO THE CITY OF WILLMAR	

Shirley Fostervold
912 Irene Avenue SE

95-665-0140 \$12,120.00
Section 14, Township 119, Range 35, Lot 4, Block 2

Willmar

PERKINS FIFTH ADDITION

Quentin Springer
1108 Irene Avenue SE
Willmar

95-665-0210 \$10,800.00
Section 14, Township 119, Range 35, Lot 11, Block 2
PERKINS FIFTH ADDITION

Karen Klinghagen
604 Irene Avenue SE
Willmar

95-662-0110 \$9,700.00
Section 14, Township 119, Range 35, Lot 11, Block 1
PERKINS' SECOND ADDITION TO THE CITY OF WILLMAR

Dated this 6th day of November, 2023

Attest:

/s/ Douglas E. Reese
MAYOR

/s/ Judy R. Thompson
CITY CLERK

RESOLUTION NO. 2023-174

A RESOLUTION AUTHORIZING THE PURSUIT OF LOCAL ROAD IMPROVEMENT PROGRAM FUNDING FOR THE BUSINESS 71 IMPROVEMENTS PROJECT

Motion By: Nelsen Seconded By: Shuldes

Whereas the Minnesota Department of Transportation (MnDOT) has funds allocated through the legislature for roads of regional significance;

Whereas the Local Road Improvement Program (LRIP) administered by the Minnesota Department of Transportation makes available up to \$1,500,000 to apply towards projects on local roads that are regionally significant, result in safety improvements, address transportation deficiencies, and contribute to economic development;

Whereas LRIP funds are eligible for use on construction costs while the applicant will be responsible for financing design and engineering costs;

Whereas Business 71 is a principal arterial that carries 9,000 vehicles and 364 trucks through central Willmar;

Whereas Business 71's pavement is in unacceptable condition and has reached the point where reconstruction is needed;

Whereas the Business 71 and Civic Center Drive intersection does not meet ADA accessibility guidelines;

Whereas the Business 71 Improvements Project will improve mobility for all roadway users, bring the area into ADA compliance, and improve the state of repair of transportation infrastructure;

Whereas the City of Willmar, as the applicant is prepared to execute the grant agreement and ensure the proposed project meets all project milestones and deadlines;

Now, Therefore Be It Resolved, the Willmar City Council hereby approves the City of Willmar's pursuit of LRIP funds for the Business 71 Improvements Project;

Therefore, Be It Further Resolved, the City of Willmar is committed to the development and construction of the proposed project in a timeframe that supports grant agreement requirements;

Dated this 6th day of November, 2023.

/s/ Douglas E. Reese
Mayor

Attest:

/s/ Judy R. Thompson
City Clerk

RESOLUTION NO. 2023-175

A RESOLUTION AWARDING THE WILLMAR MUNICIPAL AIRPORT DRAINTILE INSTALLATION PROJECT TO BROUWER CONSTRUCTION, LLC IN THE AMOUNT OF \$85,647.81.

Motion By: Ask 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 Brouwer Construction, LLC of Raymond, MN for the Willmar Municipal Airport Draintile Installation Project 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 \$85,647.81.

Dated this 6th day of November, 2023

/s/ Douglas E. Reese
Mayor

Attest:

/s/ Judy R. Thompson
City Clerk

RESOLUTION NO. 2023-176

ACKNOWLEDGEMENT OF DONATIONS

Motion By: Fagerlie Second By: Nelsen

WHEREAS, the City of Willmar has received donations which have been acknowledged by the City Administrator expressing the community’s appreciation for the period of July 1, 2023, through September 31, 2023.

Amount	From	For/Purpose
\$200.00	Tersa Holwerda	Willmar Community Center
\$295.00	American Legion Gambling Account	Willmar Police Explorers
\$500.00	Kandiyohi Power Charitable Trust	Willmar Community Center
\$500.00	Ryane Clark	Willmar Police Explorers
\$1,500.00	Willmar Take Down Club	City of Willmar
\$1,530.56	WBFBA Tournament Account	City of Willmar

NOW, THEREFORE, BE IT RESOLVED by the City Council of Willmar, Minnesota that the city formally accept the donations as listed below:

Dated This 6th day of November 2023.

/s/ Douglas E. Reese

MAYOR

ATTEST:

/s/ Judy R. Thompson

CITY CLERK