

WILLMAR CITY COUNCIL PROCEEDINGS
COUNCIL CHAMBERS
WILLMAR MUNICIPAL UTILITIES BUILDING
WILLMAR, MINNESOTA

November 6, 2017
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 Audrey Nelsen, Ron Christianson, Kathy Schwantes, Fernando Alvarado, Julie Asmus, Shawn Mueske, Andrew Plowman and Rick Fagerlie. Present 9, Absent 0.

Also present were City Administrator Ike Holland, Planning and Development Services Director Bruce Peterson, Police Chief Jim Felt, Community Education and Recreation Director Steve Brisendine, Public Works Director Sean Christensen, Human Resource Director Bridget Buckingham, City Clerk Judy Thompson and City Attorney Robert Scott.

Proposed additions or deletions to the agenda included: City Administrator Ike Holland added a proposal for a second K-9 Unit within the Willmar Police Department. This item was on the Work Session agenda held prior to this meeting, but due to time constraints it was not addressed. It was noted this item is time sensitive and action was required at this time.

Council Member Fagerlie moved to approve the amended agenda as presented. Council Member Nelsen seconded the motion which carried.

City Clerk Judy Thompson reviewed the consent agenda.

- A. City Council Minutes of October 16, 2017
- B. Willmar Municipal Utilities Minutes of October 23, 2017
- C. Rice Memorial Hospital Board Minutes of October 25, 2017
- D. Council Labor Relations Committee Minutes of October 26, 2017
- E. Rice Memorial Hospital Board Minutes of October 30, 2017
- F. Appointment of Earline Schulstad to the Police Commission
- G. Planning Commission Minutes of October 18, 2017
- H. ~~Resolution Deferring Special Assessments for Senior Citizens, Disabled, or Active Military~~
- I. ~~Resolution Approving Change Order No. 1 for East Airport Taxilane Rehabilitation Project~~
- J. ~~Resolution Approving Purchase of a Parallelogram Lift for the Public Works Garage~~
- K. Application for Exempt Permit - Pheasants Forever Kandiyohi County #2
- L. Willmar Lakes Area CVB Board Minutes of September 19, 2017
- M. Human Rights Commission Minutes of September 19, 2017
- N. Airport Commission Minutes of October 25, 2017
- O. Willmar CER Joint Powers Board Minutes of October 27, 2017
- P. Accounts Payable Report through October 31, 2017

Council Member Fagerlie offered a motion to approve the Consent Agenda. Council Member Mueske asked that Items H, I and J be removed for discussion. Council Member Nelsen seconded the motion to approve the consent agenda, with the removal of Items H, I and J, which carried on a roll call vote of Ayes 8, Noes 0.

City Clerk Judy Thompson stated pursuant to Willmar Municipal Code, Chapter 5, Article V, Special Assessments, and the City Comprehensive Assessment Policy which offers the option to defer special assessments to senior citizens, disabled, or active military deferrals meeting certain income guidelines, this year's project, the 2017 Street and Other Improvements, received one qualifying application in which \$4,600.00 would be deferred. Following discussion, Council Member Mueske introduced **Resolution No. 17-124 Deferring Special Assessments**. Council Member Christianson seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Planning and Development Services Director Bruce Peterson presented a request to approve a change order received for the Airport East Taxilanes Rehabilitation Project in the amount of \$7,782.00. Mr. Peterson also noted the \$7,782.00 will be covered by grants from MnDOT and the FAA with a split of 90% Federal, 5% State, and 5% local funds. Mr. Peterson noted in order to deal with some surface drainage along the southeast quadrant of the project, an inlet and six (6) feet PVC pipe drain was added in the northwest intersection of Taxilanes C and F shoulder and grading the area to drain into the inlet. Following discussion, Council Member Mueske introduced **Resolution No. 17-125 Authorizing Change Order #1 For Airport East Taxilane Reclamation Project in the Amount of \$7,782.00**. Council Member Christianson seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Public Works Director Sean Christensen presented a request for the purchase of a parallelogram lift for the Public Works Maintenance Facility in the amount of \$119,551.78. It was noted the 2017 Capital Outlay Program includes \$130,000 for the purchase of a lift. Following discussion, Council Member Mueske introduced **Resolution No. 17-126 Approving the Purchase of a Parallelogram Lift for the Public Works Garage in the Amount of \$119,551.78**. Council Member Plowman seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

At 7:22 p.m. Mayor Calvin opened the public hearing to consider Amending City Charter Section 7.05 – the Recall Section. City Attorney Robert Scott stated this amendment is recommended by the Charter Commission and would amend the Charter if passed. Attorney Scott noted this is the one process by which there is the potential to amend the Charter without there being an election of the voters of the City. If the Commission recommends an ordinance to the City Council, and the Council votes unanimously to pass the Charter Amendment Ordinance, the Ordinance will take effect subject to a 90-day waiting period through which the public could petition for a reverse referendum on the Ordinance. If no petition, the Ordinance would take effect 90 days after the Council votes. After this public hearing, the Council must hold a vote on the Ordinance within one month, or could vote tonight, but the option to wait one month is available under Statute.

Charter Commission Chair Kevin Halliday stated there is two significant changes being recommended: 1) the time period where the City Attorney would react to a recall committee's 250-word statement regarding who they are going to attempt to recall, which elected official, and why. Current Ordinance has that activity of the City Attorney after the recall committee spends up to its 90 days to solicit all the signatures required at that time. The Commission believes that once a recall measure is put forward to the City Clerk and the recall members and circulators are certified by the City Clerk as legitimate, the presentation of the certificate goes directly to the City Attorney. The City Attorney would have the same time frame which is in law now, which is 14 days to make a decision on the legality of the statements in the petition. The Commission believes this would speed up the process by simply stopping any petition that doesn't meet the proper threshold and move the matter to a faster conclusion if need be. 2) the possibility that circulators of the petition could start before everything was certified by the City Clerk that they were qualified voters in the City. In order to combat that, there is language in the proposed amendment that the City Clerk's signature and date will be on the front and back of the original petition. All copies of the petition would come forth at the end of the required 90-day period and the City Clerk can verify that that's a proper petition that was submitted to the citizens that wanted to sign it after everything had been properly certified and the City Attorney had ruled. So with those two items, and the help of the City Attorney, the Commission ended up having a three page amending ordinance. The Commission's recommendation is, subsequent to taking testimony at the hearing, the Council approve the amendment unanimously both for the benefit of our citizens and for the benefit of the elected officials who may be involved.

There being no one to speak for or against the proposed amendment, Mayor Calvin closed the public hearing at 7:27 p.m. and opened it up for discussion by the Council.

Council Member Fagerlie offered a motion to approve the proposed Amendment. Council Member Christianson seconded the motion, which failed on a roll call vote of Ayes 3, Noes 5. Council Members Nelsen, Schwantes, Alvarado, Asmus, and Mueske voted "no."

At 7:45 p.m. Mayor Calvin opened the public hearing to consider an Ordinance Amending Chapter 17, Surface Water Management and Repealing Ordinance No. 1227, Stormwater Management. City Attorney Robert Scott noted the proposed Amendment will repeal the City's existing Stormwater Management Ordinance No. 1227 to be replaced with a new Stormwater Management Ordinance contained in Chapter 17 of the City's Code. The original Stormwater Management Ordinance No. 1227 was put into place in accordance with the MS4 (Municipal Separate Storm Sewer System) designation in 2005. This permit gives publicly-owned stormwater infrastructure approval to discharge stormwater to lakes, streams, rivers and wetlands in Minnesota. As the MS4 permit is renewed, more stringent rules are put in place by the Minnesota Pollution Control Agency (MPCA) with added requirements and definitions, as well as updates to the MPCA's General Construction Activities Stormwater permit, portions of which are incorporated into the MS4 permit. By repealing the City's existing Stormwater Management Ordinance (Ordinance No. 1227) and replacing it with updated regulations to be included within Chapter 17 of the City Code, the City will regain compliance with its MS4 permit and satisfies its obligations under a stipulation it entered into with MPCA earlier this year. The ordinance change need to be made prior to November 15th in order to meet the terms of the stipulation. MPCA reviewed the ordinance as introduced at the October 16, 2017 meeting, and identified two minor amendments necessary to Section 17-9 and Section 17-16. City Attorney Robert Scott recommended two actions by the Council: 1) approval of the Amended Ordinance with the changes recommended by MPCA, and 2) approval of publication of the Ordinance by summary.

There being no one to speak for or against the proposed amendment, Mayor Calvin closed the hearing at 7:49 p.m. and opened it up for discussion by the Council.

Council Member Christianson offered a motion to approve the two proposed amendments to the Ordinance amendment. Council Member Mueske seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Council Member Christianson offered a motion to adopt, assign a number and order final publication of **Ordinance No. 1406 An Ordinance Amending Chapter 17, Surface Water Management and Repealing Ordinance No. 1227, Stormwater Management Ordinance**. Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Council Member Nelsen offered a motion to approve publication of **Ordinance 1406** by summary due to the length and cost of publishing entire Ordinance. Council Member Alvarado seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Marilee Dorn, a retired City employee, spoke to the Council during the Open Forum to address the Employee Health Care Plans being proposed on the agenda later this evening. Ms. Dorn spoke in opposition of the proposed plans.

Michele McCleary, 533 Washburn Avenue, Belgrade, a nurse at Rice Hospital, addressed the Council and spoke in regard to some ongoing concerns with the proposed Carris Health transaction. On behalf of the nurses, Ms. McCleary stated they are grateful for another upcoming public hearing to address these issues.

Blake Graves, 501 Litchfield Avenue, addressed the Council in regard to the TIF District proposal on the agenda later this evening. As the developer of the proposed project, he noted he will be available to address any concerns regarding this project at the time of discussion.

James Thoms, 1001 14th Ave SE, a nurse at Rice Hospital, addressed the Council and spoke in regard to some ongoing concerns with the proposed Carris Health transaction.

Executive Director of Kandiyohi County HRA Jill Bengtson presented a request for Council's approval to submit an application for the City for a grant from Cities of Small Cities Development Program funding in the amount of \$1,214,145.00. Ms. Bengtson stated the funds would be used as follows: \$253,837 to rehab 13 commercial buildings in the downtown area; \$286,000 to rehab 13 homes in a targeted area on the North side of Willmar; \$600,000 to rehab 56-unit Hanson Apartments at 401-413 Lakeland Drive SE; and \$74,308 for HRA Administration costs. Ms. Bengtson also stated the City would be the applicant and grantee if awarded the

funds, and the HRA would administer the funds on the City's behalf. This item was brought forward from the Council Work Session held earlier this evening to meet an upcoming application deadline of November 9, 2017.

Following discussion, Council Member Fagerlie offered a motion to approve the HRA submitting the application for grant request in the amount of \$1,214,145.00. Council Member Nelsen seconded the motion which carried.

City Attorney Robert Scott was recommending the Council approve the **introduction of Ordinance Authorizing the Issuance of \$1,100,000 General Obligation Improvement Bonds, Series 2017A and the Levying of Taxes to Secure Payment Therefore**, and set a public hearing for November 20, 2017 at 7:02 p.m. to take testimony on the ordinance. Council Member Christianson offered a motion to approve City Attorney Scott's recommendation. Council Member Alvarado seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Council Member Christianson introduced **Resolution No. 17-127 Calling for Public Hearing on an Ordinance Authorizing the Issuance of \$1,100,000 General Obligation Improvement Bonds, Series 2017A and Levying Taxes for the Payment Thereof**. Council Member Fagerlie seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

City Attorney Robert Scott was recommending the Council set a public hearing for November 20, 2017 at 7:01 p.m. to consider the proposed Operating Lease Agreement with Carris Health, LLC (Carris) and CentraCare Health Systems (CCH) and convert the City's Hospital Bonds to Qualified 501(C)(3) Bonds. Council Member Christianson offered a motion to approve City Attorney Scott's recommendation. Council Member Nelsen seconded the motion which carried.

City Administrator Ike Holland informed the Council that the alternate plan for 2018 Employee Health Insurance that was being considered is no longer an option due to a State Statute requirement brought to his attention by City Attorney Robert Scott. City Administrator Holland stated the current employee health care plan would remain in effect for 2018, and therefore no action is required by Council.

Planning and Development Services Director Bruce Peterson presented a request by Kwik Trip, Inc. for a vacation of a utility easement on property described as: the Westerly 5 feet of Lot 2, Block 1, First Minnesota Addition. Mr. Peterson was requesting council's approval to adopt a resolution setting a public hearing for November 20, 2017 at 7:03 p.m.

Following discussion, **Resolution No. 17-128 Setting a Public Hearing to Consider a Petition to Vacate a Utility Easement (First Minnesota Addition)** was introduced by Council Member Christianson. Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Planning and Development Services Director Bruce Peterson presented a request for Council's approval of a one-lot plat which combines three parcels into one clean lot for development of a c-store/gas station/car wash on 1st Street South as submitted by Kwik Trip, Inc. Mr. Peterson is requesting Council approve both the preliminary and final plat at this time. Council Member Christianson offered a motion to approve staff's recommendation. Council Member Nelsen seconded the motion which carried.

Planning and Development Services Director Bruce Peterson presented a request for Council's approval of a preliminary plat for Midwest Storage Addition. Mr. Peterson stated the developer proposes subdividing the two existing parcels into three parcels for a commercial planned unit development with private drive on Highway 12 East. Mr. Peterson stated to ensure perpetual access to all three parcels, Outlot A will be a private drive with articles and declarations spelling out ownership, access, and maintenance issues. It was noted that the Planning Commission has approved the preliminary plat. Council Member Christianson offered a motion to approve staff's recommendation. Council Member Nelsen seconded the motion which carried.

Council Member Mueske presented the conclusions of a performance review, by Council, for City Administrator Ike Holland. It was noted that City Administrator is meeting or exceeding expectations in all aspects of his duties. Council Member Mueske was asking Council to approve the satisfactory recommendation

and authorize three (3%) percent salary increase for City Administrator Holland. City Attorney Robert Scott noted the effective date for the salary increase would be as of today, upon a favorable motion. Mayor Calvin thanked Mr. Holland for his leadership thus far, and looks forward to working with him in the future. Council Member Mueske offered a motion to approve the recommendation and authorize a three (3%) percent salary increase for City Administrator Holland. Council Member Alvarado seconded the motion which carried.

Council Member Schwantes offered a motion to remove from the table a request for the creation of a new tax increment financing (TIF) district for the Legacy on First Project. Council Member Nelsen seconded the motion which carried.

Planning and Development Services Director Bruce Peterson stated this item was tabled at the October 16th Council meeting and he followed up on Council's concerns regarding this project: 1) the term of the district and potential return to the developer; 2) site access and layout of the drive-thru lanes, and 3) other minor concerns that he will address. Mr. Peterson stated he has since spoken to the developer, developer's attorney and finance professionals and the message he received was that the project finances were thin and there was no room to adjust the term of the district. Staff reviewed the finances and concur. For this project to be successful even in its barest form requires the minimum 15-year tax increment financing plan that was given preliminary approval by the Council in May 2017. The site plans were reviewed again along with the access and drive-thru and staff remains convinced that this site will function efficiently and safely. Staff feels this is an exciting project for a site that is heavily encumbered by unavoidable redevelopment costs and TIF is the only logical way to develop a way out of that situation. There was also some discussion about the TIF assistance being a business subsidy, there was some confusion on that matter. Further research has yielded the opinion that under Minnesota statutes this particular project is not a business subsidy because the cost to acquire and prepare the site exceeds 70% of the assessor's estimated market value and that is a direct exception from the business subsidy requirements in Minnesota statute. Staff was again recommending approval of the TIF District for the Legacy on First Project for a term of 15 years.

Legacy on First developer, Blake Graves addressed the Council with efforts he has done to use some of the other sites available within the City for his proposed project, and gave a background on his company and the desire to move to 1st Street. He stated none of the properties met the criteria needed for his project.

Following a lengthy discussion, Council Member Plowman called the question. **Resolution No. 17-129 Approving the Tax Increment Plan and the Use of Tax Increment Financing** was introduced by Council Member Plowman. Council Member Mueske seconded the motion, which carried on a roll call vote of Ayes 7, Noes 1. Council Member Christianson voted "no."

Police Chief Jim Felt presented a request for purchase and implementation of a second K9 unit within the Willmar Police Department. Chief Felt stated the dog would be purchased with funds from the Willmar Police Department drug forfeiture fund so there would be no impact on the city or the Willmar Police Department budget. Council Member Christianson offered a motion to approve staff's recommendation. Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

City Administrator Ike Holland announced there is a tentative Labor Meeting to be held at 7:00 p.m. on November 27th and urged Council to keep that date open.

Mayor Calvin announced there will be a Special Council Meeting on Tuesday, November 14th at 7:00 p.m. at the Health and Human Services Building to discuss the proposed Rice Memorial Hospital operating lease and affiliation agreement.

Council Member Nelsen asked Public Works Director for a brief update on the 2017 street projects.

Council Member Christianson urged everyone to attend the military memorabilia display at the City Auditorium on Saturday, November 11th.

Council Member Alvarado mentioned he had the opportunity to attend a Mankato council meeting and shared some of the things they do within their community.

Council Member Fagerlie mentioned the Lakeland School will be opening soon and urged everyone to pay attention as they drive on Lakeland Drive Northeast and watch for students in the cross walk.

Council Member Nelsen offered a motion to adjourn the meeting with Council Member Mueske seconding the motion, which carried. The meeting adjourned at 9:28 p.m.

MAYOR

Attest:

SECRETARY TO THE COUNCIL

RESOLUTION NO. 17-124

DEFERRING SPECIAL ASSESSMENTS

Motion By: Mueske Second By: Christianson

WHEREAS, the City Council of the City of Willmar, Minnesota, did order the reconstruction of certain streets during the year 2017 (Project 1701); 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 2018 through 2027 with interest at the annual rate of four and zero hundredths (4.00%) 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.

Floyd Perleberg
501 Lakeland Drive SE
Willmar, MN 56201

95-913-1210 \$4,600.00
Section 13, Township 119, Range 35
THAT PART OF THE S 440' OF N 880' OF W
990' OF SW1/4 OF NW1/4 DESC AS FOL: BEG AT
NW COR OF THE ABOVE TRACT, TH E 300', TH
S 115', TH W 300', TH N 115' TO BEG.

Dated this 6th day of November, 2017.

Attest:

s/s Marv Calvin
MAYOR

s/s Judy Thompson
CITY CLERK

RESOLUTION NO. 17-125

**RESOLUTION AUTHORIZING CHANGE ORDER #1
FOR AIRPORT EAST TAXILANE RECLAMATION PROJECT**

Motion By: Mueske Second By: Christianson

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 No. FAA AIP No. 3-27-0115-11-17 SP # A3401-68 between the City of Willmar and Swenson and Sons Inc. in the amount of \$7,782.00 for the Airport East Taxilane Reclamation Project.

Dated this 6th day of November, 2017

s/s Marv Calvin
MAYOR

Attest:

s/s Judy Thompson
CITY CLERK

RESOLUTION NO. 17-126

**A RESOLUTION APPROVING THE PURCHASE OF A PARALLELOGRAM LIFT FOR THE PUBLIC WORKS
GARAGE IN THE AMOUNT OF \$119,551.78.**

Motion By: Mueske Second By: Plowman

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, the purchase of a Parallelogram lift is accepted through the National Joint Powers Association purchasing cooperative Contract No. 061015-MRL, and be it further resolved the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an agreement with Mohawk Resources, LTD. for the terms and consideration of the contract in the amount of \$119,551.78.

Dated this 6th day of November, 2017

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk

RESOLUTION NO. 17-127

**RESOLUTION CALLING FOR PUBLIC HEARING ON AN
ORDINANCE AUTHORIZING THE ISSUANCE
OF \$1,100,000 GENERAL OBLIGATION IMPROVEMENT
BONDS, SERIES 2017A AND LEVYING TAXES FOR
THE PAYMENT THEREOF**

Motion By: Christianson Second By: Fagerlie

WHEREAS:

A. The City of Willmar has heretofore undertaken to construct certain improvements pursuant to Minnesota Statutes, Chapter 429, as more fully described in the proposed Ordinance set forth below.

B. Said improvements have heretofore been duly incorporated into the City’s capital Program in accordance with the City Charter.

C. It is necessary and desirable that the City of Willmar issue its general obligation improvement bonds in the principal amount of \$1,100,000 to finance various improvement projects in the City.

D. Section 2.12 of the City Charter requires that acts of the City Council which authorize the borrowing of money and levying of taxes shall be by ordinance.

E. Councilmember Christianson introduced an Ordinance entitled “An Ordinance Authorizing the Issuance of \$1,100,000 General Obligation Improvement Bonds, Series 2017A”.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, as follows:

1. The City Clerk is authorized and directed to distribute a copy of said Ordinance to each Council Member, to the Mayor, and to the City Attorney, and to file a reasonable number of copies of the Ordinance in the office of the City Clerk and the following other public places:

- A. County Auditor’s Office
- B. _____
- C. _____

2. This Council shall meet at the time and place specified in the form of notice hereinafter contained for the purpose of conducting a public hearing on the Ordinance and considering the Ordinance for adoption.

3. The City Clerk is hereby authorized and directed to cause notice of the time, place and purpose of said public hearing to be published in the local official newspaper of the City not less than seven days in advance of the date of hearing as required by the City Charter, which notice shall be substantially the following form:

NOTICE OF PUBLIC HEARING
ON THE ADOPTION OF AN ORDINANCE

NOTICE IS HEREBY GIVEN by the City Council of the City of Willmar, Minnesota, that the City Council will conduct a public hearing on and consider adoption of the Ordinance described below at the Municipal Utilities Building in the City of Willmar, Minnesota, at 7:02 o'clock p.m. on the 20th day of November, 2017 said proposed Ordinance is as follows:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$1,100,000 GENERAL
OBLIGATION IMPROVEMENT BONDS, SERIES 2017A AND THE LEVYING OF TAXES
TO SECURE PAYMENT THEREFOR.

The City of Willmar hereby ordains:

1. In accordance with Minnesota Statutes, Chapter 429, the City of Willmar has heretofore determined to construct the following improvements:

<u>Project</u>	<u>Total Cost</u>	<u>Amount to be Financed</u>	<u>Amount to be Assessed</u>
2017 Improvement Project	\$2,410,237	\$1,100,000	\$693,808

2. In order to finance said improvements it is necessary to issue General Obligation Improvement Bonds of the City in the amount of \$1,100,000.

3. For the purposes of complying with Minnesota Statutes, Section 475.61, there will be levied a direct ad valorem tax upon all taxable property in the municipality in such amounts as are required by law to secure payment of said Bonds.

4. This Ordinance is adopted in order to authorize the borrowing of money and the issuance of general obligation bonds and the levying of taxes therefor as provided in Section 2.12 of the City Charter. Further details shall be set forth by resolution.

Such persons as desire to be heard with reference to the proposed Ordinance will be heard at this hearing.

By Order of the City Council

/s/ Judy Thompson
City Clerk

4. Upon sale of said bonds, the City Clerk shall compute the levy made by said Ordinance No. ____ commencing in or about the year 2018 and ending in or about the year 2027 upon all taxable property in the City, which tax shall be spread upon the tax rolls and collected with and as part of other general property taxes in said City in such an amount as is necessary to comply with Minnesota Statutes, Section 475.61, subd. 1. Said tax levy shall be irrevocable so long as any of said bonds are outstanding and unpaid, provided that the City reserves the right and power to reduce the levies in the manner and to the extent permitted by Minnesota Statutes, Section 475.61, subd. 3.

5. No bonds shall be issued and no tax levy shall be effective in accordance with this resolution until (a) after the Ordinance has been duly adopted and published in accordance with the City Charter, and (b) the applicable 15 day period has elapsed with respect to said Ordinance and all appropriate bond resolutions during which period no Certificate of Intent is filed in accordance with Section 7.04(j) of the City Charter.

The motion for the adoption of the foregoing resolution was duly seconded by member Fagerlie and upon a vote being taken thereon, the following voted in favor thereof: Council Members Audrey Nelsen, Ron Christianson, Kathy Schwantes, Fernando Alvarado, Julie Asmus, Shawn Mueske, Andrew Plowman and Rick Fagerlie.

and the following voted against the same: None

Whereupon said resolution was declared duly passed and adopted on November 6, 2017.

s/s Marv Calvin

Mayor

Attest:

s/s Judy Thompson

City Clerk

**RESOLUTION NO. 17-128
RESOLUTION SETTING A PUBLIC HEARING TO CONSIDER A
PETITION TO VACATE A UTILITY EASEMENT (FIRST MINNESOTA ADDITION)**

BE IT RESOLVED by the City Council of the City of Willmar that the Council conduct a public hearing at 7:03 p.m. on Monday, November 20, 2017, in the Council Chambers at the Municipal Utilities Commission Building, 700 Litchfield Ave. SW, Willmar, MN.

BE IT FURTHER RESOLVED that the purpose of the hearing will be to consider a utility easement vacation initiated by City of Willmar described as follows:

The westerly 5' of Lot 2, Block 1, First Minnesota Addition

BE IT FURTHER RESOLVED that any person having an interest in said matter is invited to appear in person or be represented by counsel to be heard on this matter.

Dated this 6th day of November, 2017.

s/s Marv Calvin

MAYOR

Attest:

s/s Judy Thompson

CITY CLERK

RESOLUTION NO. 17-129

APPROVING THE TAX INCREMENT PLAN AND THE USE OF TAX INCREMENT FINANCING

Motion By: Plowman

Second By: Mueske

WHEREAS, the City Council of the City of Willmar (hereinafter the Municipality) pursuant to Minnesota Statutes, Chapter 472A (now Chapter 469), in 1981 adopted a Development Program for Municipal Development District Number II, encompassing the area which is more particularly described on Addendum A attached hereto and made a part hereof (which area is hereinafter called the Development District), and

WHEREAS, it is desirable and in the public interest that the Municipality undertake and carry out a tax increment financing plan for the Legacy on First redevelopment district pursuant to Minnesota Statutes, Sections 469.174-179, encompassing the area which is more particularly described on Addendum A attached hereto and made a part hereof (which area is herein called Tax Increment District, Redevelopment District, or District), and

WHEREAS, the City Council has reviewed the plan for the Legacy on First Tax Increment District of the Development District, dated September 2017 (herein called the Plan, and attached hereto as Addendum B), and which sets forth a tax increment financing plan for the Redevelopment District, and

WHEREAS, the Plan sets forth the Municipality's estimate of the fiscal and economic impacts of the tax increment financing on the tax capacities of all taxing jurisdictions in which the Redevelopment District is located, and the Municipality's estimate of the fiscal and economic implications of the District, and

WHEREAS, the Board of Commissioners of Kandiyohi County, Minnesota has been notified on the public hearing for the review of the Plan, and

WHEREAS, the School Board of Independent School District No. 347 has been notified of the public hearing for the review of the Plan, and

WHEREAS, the Commissioner representing the area included in the District has been notified of the public hearing for the review of the plan, and

WHEREAS, the City Council has received and considered the comments of the Board of Commissioners of Kandiyohi County, the School Board of the Willmar School District, and the Commissioner representing the area included in the District, relative to the contents of the Plan, and

WHEREAS, the City Council on October 16, 2017, after having published a notice of public hearing in the official newspaper of the Municipality, conducted a public hearing on the Plan and received public comments on the same.

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

FINDINGS:

1. That the proposed tax increment financing district is a redevelopment district and meets the criteria of 469.174 Subd. 10, Paragraph A.
2. That the proposed development, in the opinion of the Municipality, would not be expected to occur solely through private investment within the reasonably foreseeable future and therefore the use of tax increment financing is deemed necessary.
3. That the increased market value of the site that could reasonably be expected to occur without the use of tax increment financing would be less than the increase in the market value

estimated to result from the proposed development after subtracting the present value of the projected tax increments for the maximum duration of the district permitted by the plan.

4. That the tax increment financing plan would afford maximum opportunity, consistent with the sound needs of the Municipality as a whole, for the development of the District by private enterprise.
5. That it is hereby found and determined that the tax increment financing plan conforms to the general plan for the development of the Municipality as a whole.
6. That the reason and supporting facts for findings as set forth in the plan are by this reference confirmed and adopted.
7. That no persons or businesses will be displaced or relocated as a result of the approval of, and execution of, the tax increment financing plan set forth in the Plan.

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

1. The Tax Increment Financing Plan for the Legacy on First Tax Increment District of Municipal Development District No II attached hereto as Addendum B is hereby approved, contingent on the City Council's final approval of a Development and Business Subsidy Agreement (s) as required and/or authorized by Minnesota Statutes, Section 116.994, subdivision 3 and Minnesota Statutes, Section 469.174 through 469.1794.
2. The City Clerk is hereby directed to file a copy of the resolution and a copy of the Plan with the Department of Employment and Economic Development, the Office of the State Auditor, and the Department of Revenue.
3. The City Clerk is hereby authorized and directed to request the Auditor of Kandiyohi County to certify the original tax capacity of the District established by this resolution.
4. The Municipality hereby states its intention to use all of the captured tax capacity for purposes of tax increment financing as per the conditions set forth in the Plan.

Adopted by the Willmar City Council this 6th day of November, 2017.

s/s Marv Calvin

MAYOR

Attest:

s/s Judy Thompson

CITY CLERK