

WILLMAR CITY COUNCIL PROCEEDINGS
BOARD ROOM
HEALTH AND HUMAN SERVICES BUILDING
WILLMAR, MINNESOTA
& BY ELECTRONIC MEANS (GOTO MEETING)

December 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, Finance Director Steve Okins, Police Chief Jim Felt, Fire Chief Frank Hanson, Planning and Development Services Director Dave Ramstad, Public Works Director Sean Christensen, Human Resource Director Samantha Beckman, Park and Recreation Director Rob Baumgarn, City Planner Sarah Swedburg, City Clerk Judy Thompson, and City Attorney Robert Scott.

Mayor Calvin added recognition of outgoing Council Members to the agenda.

Council Member Fagerlie moved to approve the agenda, as amended. Council Member Asmus 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 December 7, 2020
- B. Willmar Municipal Utilities Commission Minutes of December 14, 2020
- C. Planning Commission Minutes of December 2, 2020
- D. Reappointment as Members of:
 - Police Commission – Dennis Anfinson and Earline Schulstad
 - Planning Commission – Stephanie Carlson
 - Rice Hospital Board – Shane Johnson
 - Human Rights Commission – Lilbon Clark IV, John Salgado Maldonado and Richard Engan
 - Municipal Utilities Commission – Nathan Weber
 - Zoning Appeals Board – Christopher Frank
 - Economic Development Commission Operations Board – Kelly TerWisscha
 - Cable Advisory Committee – Linda Mathiasen
 - Park and Recreation Board – James Anderson
 - Charter Commission – Suzanne Napgezok, Luke Geiger and John Soderholm (Chief District Judge appoints)
- E. Accounts Payable Report for December 3 through December 16, 2020
- F. Charter Commission Minutes of November 19, 2020
- G. Willmar Area Convention and Visitors Bureau Minutes of November 17, 2020
- H. Human Rights Commission Minutes of November 17, 2020
- I. Invest in Willmar Board Minutes of November 18, 2020

Council Member Nelsen 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.

Mayor Calvin acknowledged and thanked the outgoing Council Members for their service to the community. Council Member Mueske served on the Council since November 2015; Council Member Alvarado served on the Council since January 2017; and Council Member Schwantes served on the Council since January 2017.

Each of the outgoing Council Members thanked the voters, Mayor, and fellow Council Members for the opportunity and experience to serve on the Council and various committees.

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

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

Item No. 2 Staff brought forth, for information, the snow removal practices of paths at Robbins Island. This item was for information only.

Item No. 3 It was the recommendation of the Committee to direct staff to begin the purchase process in 2020 of two International dump trucks scheduled for replacement in 2021. The trucks are proposed to be purchased from North Central International of St. Cloud per State Contract No. 12463. One unit will replace a 2008 International dump truck and the other will replace a 2005 John Deere loader. The current state contract expires December 31, 2020 and build times have been delayed due to Covid-19. Moving the purchase timeline up will allow the new trucks ordered and outfitted for use in fall 2021. The Committee requested the item be brought to the Finance Committee for discussion and further approval.

Following discussion, Council Member Plowman offered a motion to approve purchase of dump trucks and forward to Finance Committee for further approval. Council Member Nelsen seconded the motion.

Following further discussion, Council Member Plowman offered an amendment to the motion to add beginning the purchase process in 2020. Council Member Nelsen seconded the motion which then carried, on a roll call vote of Ayes 8, Noes 0.

Item No 4 It was the recommendation of the Committee to adopt a resolution accepting the Americans with Disabilities Act Self-Evaluation and Transition Plan from Bolton and Menk, Inc. The plan performs a self-evaluation of ADA deficiencies into three level categories and provides a plan to bring them into compliance. Level 1 were those near government facilities, libraries, hospitals, public housing, senior living facilities and schools. Level 2 areas included central business districts, supermarkets, places of worship, major employment sites and housing complexes. Level 3 included single family residential and industrial areas. The cost estimates to bring the facilities into compliance is \$10.4 million and an approximate \$347,300 would need allocation annually to complete all repairs in 30 years.

Following discussion, Council Member Plowman introduced **Resolution No. 2020-168 Adopting the Americans with Disabilities Act Self-Evaluation and Transition Plan for the City of Willmar**. Council Member Alvarado seconded the motion which carried, on a roll call vote of Ayes 8, Noes 0.

Item No. 5 It was the recommendation of the Committee to adopt a resolution receiving the Improvement Report for the 2021 Street Improvements and order the Improvement Hearing for January 19, 2021 at 7:01 p.m. In accordance with Chapter 429 of Minnesota State Statute, formal acceptance of the report is required as well as a hearing scheduled for the improvements. The hearing explains the improvements and allows for public comments on assessable projects. Funding sources of the improvements include monies from Willmar Municipal Utilities, assessments, and state aid.

Council Member Plowman offered a motion to set a public hearing for January 19, 2021 at 7:01 p.m. and introduced **Resolution No. 2020-169 Receiving Preliminary Report and Calling Public Hearing on Year 2021 Improvement Projects**. Council Member Alvarado seconded the motion which carried, on a roll call vote of Ayes 8, Noes 0.

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

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

Item No. 1 Staff reviewed the Capital Outlay and Capital Improvement Expenditures with the Committee. The process of the vehicle replacement schedule was discussed and it was noted the Vehicle

Replacement Policy and the Five-Year Capital Improvement Program Policy will be reviewed at a future Finance Meeting. Revenues and Expenditures of the General Fund and Waste Treatment Fund were also discussed. This item was for information only.

Item No. 2 The Public Works Department has requested to begin the purchase process before the end of calendar year 2020 for two dump trucks due to significant ordering delays. The truck chassis are proposed to be purchased from North Central International of St. Cloud per Minnesota State Contract No. 12463. One new unit will replace the 2008 International dump truck scheduled for replacement and the other will replace a 2005 John Deere loader. An additional 2008 International dump truck will also be traded on the purchase which was replaced by a 2020 International truck purchased last March and currently being built. The change from a loader to truck unit allows the department more sanding and hauling capabilities. The timeline on ordering the new truck and outfitting it with the snow removal equipment will have it ready for use in the fall of 2021. The current State contract expires December 31, 2020, and build times have been delayed due to Covid-19. Once the new trucks are finished and delivered, the 2008 units will then be sold as well as the 2005 unit. These purchases were budgeted for purchase in 2021 in the amount of \$220,000 each for a total of \$440,000. The Council has the option of using Public Improvement Revolving (PIR) funds which are designated to cover major purchases in the interim until funding can be found. It is proposed PIR funds be used at this time to purchase these two trucks in 2020 until 2021 funds can be expended January 1st.

It was the recommendation of the Committee to approve a resolution to direct staff to begin the purchase process of two International Dump Trucks and to appropriate \$440,000 from Public Improvement Revolving funds for this purchase which is to be repaid after January 1, 2021, from the 2021 Budget.

Resolution No. 2020-170 Directing Staff to Begin the Purchase of Two International Dump Trucks and Appropriate Funds was introduced by Council Member Nelsen. Council Member Asmus seconded the motion which carried, on a roll call vote of Ayes 8, Noes 0.

Item No. 3 Staff explained the past practice of not charging City Projects for Permit Fees other than the State Surcharge Fees. It is staff's recommendation all City Permit Fees be waived for all City Local Option Sales Tax Projects and any associated Legal Fees be charged to the General Operating Fund under the Legal Department. To date, \$14,500 has been incurred in legal fees for the Local Option Sales Tax Projects. It has been confirmed with Bond Counsel payment of these costs are eligible and they could be delayed or recorded as an internal loan to the Local Option Sales Tax Projects to be repaid at a later date or written off depending on the status of excess sales tax funds at the end of the life of the Local Option Sales Tax Program. It was noted this would also pertain to the City portion of the building permit fees. The State building permit surcharges will continue to be charged to the Local Option Sales Tax Projects.

After considerable discussion, it was the consensus of the Committee this item be tabled until specific wording of the motion can be determined to avoid future issues with interpretation.

This item was for information only.

Item No. 4 Finance Director Okins noted it is a busy time of year for the Finance Department with nothing new to report. This item was for information only.

Item No. 5 Future Finance Committee meetings will include discussion on Federal Path Local Financing and possible Carris Health Debt Refinancing. This item was for information only.

The Finance Committee Report of December 10, 2020, was approved and ordered placed on file in the City Clerk's Office upon motion by Council Member Nelsen. Council Member Asmus seconded the motion which carried, on a roll call vote of Ayes 8, Noes 0.

The Community Development Committee Report for December 14, 2020 was presented to the Mayor and Council by Council Member Fagerlie. There were four items for consideration.

Item No. 1 City Attorney Scott presented an overview of the Tax Abatement Agreement between the City and Rockstep, LLC (Rockstep). Mr. Scott then presented a request made by the County for the City to terminate its Agreement between the City and Rockstep. The County and School Board will also be pursuing

termination as part of the County's settlement with Rockstep. The original Tax Abatement Agreement was approved by the City of Willmar in 2016, to which all three taxing jurisdictions participated. A ten year abatement term was approved by the City in return for Rockstep's completion of about \$5 million dollars of improvements on the Uptown Mall property (formerly known as the Kandi Mall). There have been ongoing legal challenges regarding the tax valuation of the Uptown Mall for a number of years and, to-date, Rockstep has not received any abatement refunds from the City. Attorney Scott is seeking information and clarifications from the County, and was hopeful to have more information by the December 21st Council Meeting. This item was for information only.

Item No. 2 Staff presented an overview and history of the partnership with Blue Cross Blue Shield (BCBS) Healthy Together Willmar. Staff was approached by Wendy Foley, from BCBS, as they are ending their five-year partnership in Willmar. BCBS liked Willmar's Artists on Main Street work and found the program aligned well with their values as an organization. As a parting gift to the City, BCBS has partnered with Willmar Main Street for the creation of two public art pieces (a mural and a sculpture) that visualize the City's Welcoming Resolution. A total of six applications were received. Staff presented Willmar Main Street's recommendation for the two artists to enter into agreements for the creation and installation of these public art pieces. BCBS donated \$27,000 for this project: \$15,000 for the sculpture artist, \$10,000 for the mural artist, and \$2,000 for administrative/program costs. -Staff sought two recommendations from the Committee for the City to adopt resolutions authorizing the Mayor and City Administrator to enter into contracts with Lili Lennox and James Church for the Mural & Sculpture, respectively.

It was the recommendation of the Committee to adopt a resolution authorizing the Mayor and City Administrator to enter into the "Welcoming Resolution Mural Artist Service Contract" with Lili Lennox.

It was also the recommendation of the Committee to recommend adoption of a resolution authorizing the Mayor and City Administrator to enter into the "Welcoming Resolution Sculpture Artist Service Contract" with James Church.

Resolution No. 2020-171 Artist Service Contract for Welcoming Resolution Mural was introduced by Council Member Fagerlie. Council Member Mueske seconded the motion which carried, on a roll call vote of Ayes 8, Noes 0.

Resolution No. 2020-172 Artist Service Contract for Welcoming Resolution Sculpture was introduced by Council Member Fagerlie. Council Member Schwantes seconded the motion which carried, on a roll call vote of Ayes 8, Noes 0.

Mayor Calvin thanked Blue Cross Blue Shield for their contribution and partnership.

Item No. 3 There were no future agenda items. This item was for information only.

Item No. 4 Staff presented updates on the Willmar Comp Plan package and proposed future formation of a Comp Plan Task Force. Progress is being made and staff is hoping after the first of the year they will be able to request the task force be formed.

Staff also mentioned the City Planner will be coordinating with the HRA and the Main Street Board to administer the new Renaissance Zone Storefront Incentive, which will be active after the first of the year, and funded by grants administered by the HRA.

Staff reported fact sheets are being developed for the Planning Commission which will describe buildings within the Renaissance Zone that staff believe are historically significant to Willmar, so the Planning Commission may establish an eligibility list for the new voluntary Heritage Designation Program. Once the eligibility list is adopted, staff will send those property owners a letter and information on the benefits of the program and how the owner(s) may voluntarily register their property in the Heritage Program. It was also mentioned in 2022, staff hope to present a proposal to expand the storefront incentive to the Heritage Program.

Staff also mentioned new software for the City Planner was included in the 2021 budget which would greatly enhance the Planner's capabilities with 3D modeling and HUB website for public interface with the department and its various initiatives.

Staff reported data continues to be entered into the new LOGIS Rental Licensing Software purchased earlier this year, and it is about two-thirds completed. The software will automate the Rental Licensing Program, minimize the use of paper, and increase efficiencies in record keeping.

This item was for information only.

The Community Development Committee Report of December 14, 2020, was approved and ordered placed on file in the City Clerk's Office upon motion by Council Member Fagerlie. Council Member Mueske seconded the motion which carried, on a roll call vote of Ayes 7, Noes 0. Council Member Nelsen was not present at time of the vote.

The Labor Relations Committee Report for December 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 City of Willmar's Personnel Policy with a few standard updates for next year including League suggestions and also some confusing language being clarified. There is also a proposed new Criminal Background Check Policy, vacation time donation option, and an alignment of sick leave cash out amounts. It was the recommendation of the Committee to approve the updated 2021 Personnel Policy as presented.

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

Item No. 2 Staff reported fifteen percent (15%) of city staff have contracted COVID over the last nine months and twelve percent (12%) contracted it in the last five weeks. This item was for information only.

Item No. 3 Staff also brought up the possibility of posting the Assistant Finance Director position to accept applicants since it has now been approved in the 2021 budget, which the committee was favorable to.

Following discussion, Council Member Mueske offered a motion to approve posting the Assistant Finance Director position. Council Member Schwantes seconded the motion.

Following further discussion, Council Member Mueske offered a friendly amendment to include the position be filled in the first quarter of 2021. Council Member Schwantes seconded the motion which then carried, on a roll call vote of Ayes 8, Noes 0.

Item No. 4 The Committee asked if the search process had begun for the next City Administrator. It was the recommendation of the Committee to begin the search process as soon as possible through an external consultant for the next City Administrator.

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

The Labor Relations Committee Report of December 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 the On-Sale and Club On-Sale 2021 Sunday Liquor License Renewals pending police department approval. Ms. Thompson indicated there were eight On-Sale and two Club On-Sale establishments seeking renewal.

Council Member Mueske 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.

Bakertilly representative Doug Green presented a request to recommend approval of a resolution authorizing the sale of General Obligation Sales Tax Bonds, Series 2021A on January 19, 2021 in the amount of \$5,000,000. Mr. Green presented details of said recommendation.

Following discussion, Council Member Nelsen introduced **Resolution No. 2020-173 Providing for the Competitive Negotiated Sale of \$5,000,000 General Obligation Sales Tax Revenue Bonds, Series 2021A** on January 19, 2021. Council Member Mueske 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. 3 to Master Cooperation Agreement of the Willmar Wye Project. It was noted the City is not conveying or receiving property as part of the closing, but as a signing party we have to authorize the amendment.

Resolution No. 2020-174 Approving an Amendment to Master Cooperation Agreement with Kandiyohi County, the State of Minnesota, and BNSFF Railway Company for the Willmar Wye Project was introduced by Council Member Plowman. Council Member Asmus seconded the motion which carried, on a roll call vote of Ayes 8, Noes 0.

City Attorney Scott presented details of a request for approval to terminate the tax abatement/business subsidy agreement with Rockstep for the Uptown Mall (formerly known as Kandi Mall).

Following discussion, **Resolution No. 2020-175 Approving Termination of Tax Abatement and Business Subsidy Agreement with Rockstep Willmar LLC** was introduced by Council Member Fagerlie. Council Member Mueske seconded the motion which carried, on a roll call vote of Ayes 8, Noes 0.

City Administrator Gramentz presented a request to consider the closed status of city facilities due to Executive Order 20-103. It was the recommendation of staff to keep the Civic Center, Community Center, and Auditorium closed until January 4, 2021 per Executive Order 20-103.

Following a lengthy discussion, Council Member Alvarado offered a motion to approve staff's recommendation. Council Member Nelsen seconded the motion which carried, on a roll call vote of Ayes 6, Noes 2. Council Members Fagerlie and Plowman voted "no".

Council Member Fagerlie offered the following comments: thanked Council Members Mueske, Schwantes, and Alvarado for their service on the Council and he enjoyed working with each of them.

Council Member Mueske offered the following comments: appreciated working with everyone; Happy Holidays and Merry Christmas; be careful – we will turn the corner on COVID.

Council Member Schwantes offered the following comments: it has been a pleasure and honor to serve on the Council; Merry Christmas; may 2021 be a calm, healthy year.

Council Member Davis offered the following comments: echoed Council Member Fagerlie's comments; has learned a lot from outgoing Council members; during this Christmas season she has enjoyed people "paying it forward", and purchasing gift cards to support our local businesses; keep up the good work.

Council Member Alvarado offered the following comments: "thank you" to the Mayor and fellow Council members; has enjoyed the opportunity and working with everyone; tried to do what's best for City and hopes new members will have the same interest; it is all about the City and community and making Willmar a regional city and a better city; wish community Happy Holidays; be safe; enjoy the lights; check on your neighbors; thank you to the City of Willmar for the opportunity to serve.

Council Member Asmus offered the following comments: it has been an honor and a pleasure to work with the out-going Council members – you will be missed; feels City is unfortunate to lose their skills; thank you for your service.

Council Member Plowman offered the following comments: "thank you" to each of the individual outgoing Council members; he has learned a lot from each one of them; Merry Christmas; buy local; welcomed new Council members.

Council Member Nelsen offered the following comments: received email from League of MN Cities offering a training for new Council members and urged them to participate; thank you to outgoing members – you will be missed; wishes them well in the future; Merry Christmas and a Happy New Year.

Mayor Calvin offered the following comments: Merry Christmas and a Happy New Year; looking forward to the new year.

The upcoming Committee meetings will be as follows: Public Works/Safety Committee – no meeting scheduled; Finance Committee – no meeting scheduled; Community Development Committee – no meeting scheduled; and Labor Relations Committee – no meeting scheduled.

Mayor Calvin stated the next agenda item is to discuss labor negotiations strategy. This portion of the meeting will be closed for labor negotiations strategy pursuant to Minnesota Statutes, Section 13D.03, subdivision 1(b).

The Council entered into closed session at 9:42 p.m.

The meeting was reopened at 11:02 p.m. by Mayor Calvin.

Council Member Mueske offered a motion to adjourn the meeting with Council Member Schwantes seconding the motion which carried. The meeting adjourned at 11:02 p.m.

s/s Marv Calvin
MAYOR

Attest:

s/s Judy Thompson
SECRETARY TO THE COUNCIL

RESOLUTION NO. 2020-168

A RESOLUTION ADOPTING THE AMERICANS WITH DISABILITIES ACT SELF-EVALUATION AND TRANSITION PLAN FOR THE CITY OF WILLMAR.

Motion By: Plowman Second By: Alvarado

WHEREAS, the Americans with Disabilities Act (ADA) was enacted in 1990 to prevent discrimination of individuals with disabilities relating to employment and access to public programs, services, and facilities; and

WHEREAS, the ADA requires cities with more than fifty employees to develop and adopt a Transition Plan which reports the findings of a self-evaluation process, describes a plan and schedule for the removal of accessibility barriers, and defines a procedure for the public to submit grievances; and

WHEREAS, the City of Willmar, under directive from the Federal Highway Administration (FHWA) and the Minnesota Department of Transportation (MnDOT) has developed an ADA Transition Plan; and

WHEREAS, the City is committed to constructing pedestrian facilities designed in accordance with ADA Design Standards and Procedures and the Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Rights-of-Way developed by the MnDOT; and

WHEREAS, a self-evaluation of current services, policies, and practices, and the effects thereof, to identify and document barriers to ADA accessibility and needed modifications has been completed; and

WHEREAS, the City has completed an ADA Self-Evaluation and Transition Plan; and

WHEREAS, the City provided an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the self-evaluation process and development of the ADA Self-Evaluation and Transition Plan by submitting comments.

NOW THEREFORE BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF WILLMAR MINNESOTA as follows:

1. The City of Willmar hereby adopts the ADA Self-Evaluation and Transition Plan.
2. The City will pursue the removal of barriers; including mainline sidewalk issues, pedestrian ramps, sidewalk remediation, and crosswalk remediation identified in the self-evaluation during reconstructions and as part of the annual budgeting process.

Dated this 21st day of December, 2020

s/s Marv Calvin

Mayor

Attest:

s/s Judy Thompson

City Clerk

RESOLUTION NO. 2020-169

**RECEIVING PRELIMINARY REPORT AND
CALLING PUBLIC HEARING ON
YEAR 2021 IMPROVEMENT PROJECTS**

Motion By: Plowman

Second By: Alvarado

WHEREAS:

1. The City Council deems it necessary and expedient that the City of Willmar, Minnesota, construct certain improvements to-wit: grading, gravel base, bituminous paving, curb and gutter, sidewalk, sanitary sewer, and water main in the City as described in and in accordance with the preliminary plans and report prepared by the City Engineer.

2. The Council has been advised by the City Engineer that said Year 2021 Improvement Projects contained in the Preliminary Report are feasible and should best be made as proposed, and the City Engineer's report to this effect has heretofore been received by the Council, and filed with the Clerk; and

3. The statute provides that no such improvements shall be made until the Council shall have held a public hearing on such improvements following mailed notice and two publications thereof in the official newspaper stating time and place of the hearing, the general nature of the improvement, the estimated costs thereof and the area proposed to be assessed, in accordance with the law;

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

1. A public hearing will be held at the time and place set forth in the Notice of Hearing hereto attached to consider said proposed improvements.
2. The nature of the improvements, the estimated cost of each major portion thereof, and the areas proposed to be assessed therefore are described in the form of Notice of Hearing hereto attached.
3. The notice of said public hearing shall be in substantially the form contained in the notice hereto attached.
4. The Clerk is hereby authorized and directed to cause notice of said hearing to be given two publications in the official newspaper. Said publications shall be one week apart, and at least three days shall elapse between the last publication and the hearing. Not less than ten days before the hearing the Clerk shall mail notice of the hearing to the owner of each parcel of land within the area proposed to be assessed as described in the notice. For the purpose of giving such mailed notice, owners shall be those shown to be such on the records of the County Auditor or, if the tax statements in the County are mailed by the County Treasurer, on the records of the County Treasurer. As to properties not listed on the records of the County Auditor or the County Treasurer, the Clerk shall ascertain such ownership by any practicable means and give mailed notice to such owners.

Dated this 21st day of December, 2020

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk

**NOTICE OF PUBLIC HEARING ON IMPROVEMENT
CITY OF WILLMAR, MINNESOTA**

Notice is hereby given that the City Council of Willmar will meet via video teleconference, at 7:01 p.m. on Tuesday, January 19th, 2021, to consider the construction of the following improvements. The Mayor of the City has determined, due to the emergency declared under Minn. Stat. Chapter 12 by the Governor of Minnesota and the COVID-19 pandemic, that it may not be practical or prudent for the Council to meet in-person or pursuant to Minnesota States, Section 13D.02. Members of the public who wish to participate during the public hearing can call 320-335-7135 (the area code must be dialed). A GoToMeeting link and additional information or any changes regarding public participation in this meeting will be posted on our website at www.willmarmn.gov. Public comment can be submitted to the City Clerk via email at info@willmarmn.gov. Any comments and materials submitted by 4:00 p.m. on the meeting day will be provided to the Council for their review.

The construction includes one or more of the following items: grading, aggregate base, bituminous paving, concrete curb & gutter, sidewalk, edge drain, storm sewer, sanitary sewer, watermain, and service lines.

Reconstruction:

- 2nd Street SE – Becker Avenue to Olena Avenue

Pavement Rehabilitation:

- Eagle Ridge Drive East – 37th Avenue NE to 8th Street NE

Overlay:

- 1st Street S: Willmar Avenue to 19th Avenue

- Lakeland Drive/19th Avenue SE – 1st Street to Willmar Avenue SE

The total estimated cost of assessable improvements is \$5,955,687.50

Project costs will be assessed pursuant to Minnesota Statutes, sections 429.011 to 429.111. The area proposed to be assessed for such improvements is every lot, piece or parcel of land within the City of Willmar benefited by said improvements whether abutting thereon or not, based on benefits received and without regard to cash valuation.

A reasonable estimate of the impact of assessments will be available at the hearing. The Council proposes to proceed under the authority granted by Chapter 429 M.S.A.

Such persons desiring to be heard with reference to the proposed improvements will be heard at this meeting. Written or oral objections will be considered.

If you have any questions regarding these improvements, please contact the City Engineer's Office at (320) 235-4202.

Dated this 29th day of December, 2020

BY ORDER OF THE CITY COUNCIL

By: /s/ Judy Thompson
City Clerk

Below is a listing of this year's improvement project with a brief description of the proposed improvements. The improvements can be discussed in more detail at the Improvement Hearing which is scheduled for 7:01 p.m., January 19, 2021, via video teleconference on GoToMeeting. Members of the public who wish to participate during the public hearing can call 320-335-7135 (the area code must be dialed). A GoToMeeting link and additional information or any changes regarding public participation in this meeting will be posted on our website at www.willmarmn.gov. Public comment can be submitted to the City Clerk via email at info@willmarmn.gov. Any comments and materials submitted by 4:00 p.m. on the meeting day will be provided to the Council for their review.

Reconstruction

Original Construction

2nd Street SE- Becker Avenue to Olena Avenue

1974/1978

Remove bituminous, remove & replace curb and gutter, replace watermain, replace sanitary sewer, storm sewer improvements, remove & replace sidewalk as needed, ADA improvements, grading, gravel base, bituminous paving and turf establishment.

Pavement Rehabilitation

Original Construction

Eagle Ridge Drive E- 37th Avenue to 8th Street

1993

Remove bituminous, remove & replace curb and gutter, storm sewer improvements, grading, gravel base, bituminous paving and turf establishment.

Overlay

Original Construction

1st Street S: Willmar Avenue to 19th Avenue

1976

Mill bituminous, correct damaged areas, remove and replace curb and gutter as needed, ADA improvements, pave new bituminous.

Lakeland Drive/19th Avenue SE: 1st Street to Willmar Avenue

1977/1981

Mill bituminous, correct damaged areas, pave new bituminous.

RESOLUTION NO. 2020-170

A RESOLUTION DIRECTING STAFF TO BEGIN THE PURCHASE OF TWO INTERNATIONAL DUMP TRUCKS AND APPROPRIATE FUNDS.

Motion By: Nelsen Second By: Asmus

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that staff is authorized to begin the purchase process of two International Dump Trucks, and be it further resolved that staff is authorized to appropriate \$440,000 from Public Improvement Revolving funds for this purchase which is to be repaid after January 1, 2021, by the 2021 Budget.

Dated this 21st day of December, 2020

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk

RESOLUTION NO. 2020-171

ARTIST SERVICE CONTRACT FOR WELCOMING RESOLUTION MURAL

Motion By: Fagerlie Second By: Mueske

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 be authorized to enter into an Artist Service Contract between the City of Willmar and Lili Lennox.

Dated this 21st day of December, 2020.

s/s Marv Calvin
MAYOR

Attest:

s/s Brian Gramentz
CITY ADMINISTRATOR

RESOLUTION NO. 2020-172

ARTIST SERVICE CONTRACT FOR WELCOMING RESOLUTION SCULPTURE

Motion By: Fagerlie Second By: Schwantes

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 be authorized to enter into an Artist Service Contract between the City of Willmar and James Church.

Dated this 21st day of December, 2020.

s/s Marv Calvin

MAYOR

Attest:

s/s Brian Gramentz
CITY ADMINISTRATOR

RESOLUTION NO. 2020-173

**RESOLUTION PROVIDING FOR THE COMPETITIVE NEGOTIATED
SALE OF \$5,000,000
GENERAL OBLIGATION SALES TAX REVENUE BONDS,
SERIES 2021A**

Motion By: Nelsen

Second By: Mueske

A. WHEREAS, the City Council of the City of Willmar, Minnesota, has heretofore determined that it is necessary and expedient to issue its \$5,000,000 General Obligation Sales Tax Revenue Bonds, Series 2021A (the "Bonds") to finance a portion of various improvements to Robbins Island Regional Park and Swansson Field Regional Park in the City; and

B. WHEREAS, the City has retained Baker Tilly Municipal Advisors, LLC ("Baker Tilly MA"), as its independent municipal advisor and is therefore authorized to sell these obligations by a competitive negotiated sale in accordance with Minnesota Statutes, Section 475.60, Subdivision 2(9); and

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

1. Authorization; Findings. The City Council hereby authorizes Baker Tilly MA to solicit bids for the competitive negotiated sale of the Bonds.

2. Meeting; Bid Opening. This City Council shall meet at the time and place specified in the Terms of Proposal attached hereto as **Exhibit A** for the purpose of considering sealed bids for, and awarding the sale of, the Bonds. The Clerk, or designee, shall open bids at the time and place specified in such Terms of Proposal.

3. Terms of Proposal. The terms and conditions of the Bonds and the negotiation thereof are fully set forth in the "Terms of Proposal" attached hereto as **Exhibit A** and hereby approved and made a part hereof.

4. Official Statement. In connection with said competitive negotiated sale, the Clerk and other officers or employees of the City are hereby authorized to cooperate with Baker Tilly MA and participate in the preparation of an official statement for the Bonds, and to execute and deliver it on behalf of the City upon its completion.

Whereupon said resolution was declared duly passed and adopted on this 21st day of December, 2020.

s/s Marv Calvin

MAYOR

ATTEST:

s/s Judy Thompson

CITY CLERK

EXHIBIT A

THE CITY HAS AUTHORIZED BAKER TILLY MUNICIPAL ADVISORS, LLC TO NEGOTIATE THIS ISSUE ON ITS BEHALF. PROPOSALS WILL BE RECEIVED ON THE FOLLOWING BASIS:

TERMS OF PROPOSAL

\$5,000,000*

CITY OF WILLMAR, MINNESOTA

GENERAL OBLIGATION SALES TAX REVENUE BONDS, SERIES 2021A

(BOOK ENTRY ONLY)

Proposals for the above-referenced obligations (the "Bonds") will be received by the City of Willmar, Minnesota (the "City") on Tuesday, January 19, 2021 (the "Sale Date") until 10:00 A.M., Central Time (the "Sale Time") at the offices of Baker Tilly Municipal Advisors, LLC ("Baker Tilly MA"), 380 Jackson Street, Suite 300, Saint Paul, Minnesota, 55101, after which time proposals will be opened and tabulated. Consideration for award of the Bonds will be by the City Council at its meeting commencing at 7:00 P.M., Central Time, of the same day.

SUBMISSION OF PROPOSALS

Baker Tilly MA will assume no liability for the inability of a bidder or its proposal to reach Baker Tilly MA prior to the Sale Time, and neither the City nor Baker Tilly MA shall be responsible for any failure, misdirection or error in the means of transmission selected by any bidder. All bidders are advised that each proposal shall be deemed to constitute a contract between the bidder and the City to purchase the Bonds regardless of the manner in which the proposal is submitted.

(a) **Sealed Bidding.** Completed, signed proposals may be submitted to Baker Tilly MA by email to bondservice@bakertilly.com or by fax (651) 223-3046, and must be received prior to the Sale Time.

OR

(b) **Electronic Bidding.** Proposals may also be received via PARITY®. For purposes of the electronic bidding process, the time as maintained by PARITY® shall constitute the official time with respect to all proposals submitted to PARITY®. *Each bidder shall be solely responsible for making necessary arrangements to access PARITY® for purposes of submitting its electronic proposal in a timely manner and in compliance with the requirements of the Terms of Proposal.* Neither the City, its agents, nor PARITY® shall have any duty or obligation to undertake registration to bid for any prospective bidder or to provide or ensure electronic access to any qualified prospective bidder, and neither the City, its agents, nor PARITY® shall be responsible for a bidder's failure to register to bid or for any failure in the proper operation of, or have any liability for any delays or interruptions of or any damages caused by the services of PARITY®. The City is using the services of PARITY® solely as a communication mechanism to conduct the electronic bidding for the Bonds, and PARITY® is not an agent of the City.

If any provisions of this Terms of Proposal conflict with information provided by PARITY®, this Terms of Proposal shall control. Further information about PARITY®, including any fee charged, may be obtained from:

PARITY®, 1359 Broadway, 2nd Floor, New York, New York 10018
Customer Support: (212) 849-5000

DETAILS OF THE BONDS

The Bonds will be dated as of the date of delivery and will bear interest payable on February 1 and August 1 of each year, commencing February 1, 2022. Interest will be computed on the basis of a 360-day year of twelve 30-day months.

The Bonds will mature February 1 in the years and amounts* as follows:

2022	\$400,000
2023	\$400,000
2024	\$400,000
2025	\$405,000
2026	\$410,000
2027	\$410,000
2028	\$415,000
2029	\$420,000
2030	\$425,000
2031	\$430,000
2032	\$440,000
2033	\$445,000

* *The City reserves the right, after proposals are opened and prior to award, to increase or reduce the principal amount of the Bonds or the amount of any maturity or maturities in multiples of \$5,000. In the event the amount of any maturity is modified, the aggregate purchase price will be adjusted to result in the same gross spread per \$1,000 of Bonds as that of the original proposal. Gross spread for this purpose is the differential between the price paid to the City for the new issue and the prices at which the proposal indicates the securities will be initially offered to the investing public.*

Proposals for the Bonds may contain a maturity schedule providing for a combination of serial bonds and term bonds. All term bonds shall be subject to mandatory sinking fund redemption at a price of par plus accrued interest to the date of redemption scheduled to conform to the maturity schedule set forth above. In order to designate term bonds, the proposal must specify "Years of Term Maturities" in the spaces provided on the proposal form.

BOOK ENTRY SYSTEM

The Bonds will be issued by means of a book entry system with no physical distribution of Bonds made to the public. The Bonds will be issued in fully registered form and one Bond, representing the aggregate principal amount of the Bonds maturing in each year, will be registered in the name of Cede & Co. as nominee of The Depository Trust Company ("DTC"), New York, New York, which will act as securities depository for the Bonds. Individual purchases of the Bonds may be made in the principal amount of \$5,000 or any multiple thereof of a single maturity through book entries made on the books and records of DTC and its participants. Principal and interest are payable by the registrar to DTC or its nominee as registered owner of the Bonds. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC; transfer of principal and interest payments to beneficial owners by participants will be the responsibility of such participants and other nominees of beneficial owners. The lowest bidder (the "Purchaser"), as a condition of delivery of the Bonds, will be required to deposit the Bonds with DTC.

REGISTRAR

The City will name the registrar which shall be subject to applicable regulations of the Securities and Exchange Commission. The City will pay for the services of the registrar.

OPTIONAL REDEMPTION

The City may elect on February 1, 2029, and on any day thereafter, to redeem Bonds due on or after February 1, 2030. Redemption may be in whole or in part and if in part at the option of the City and in such manner as the City shall determine. If less than all Bonds of a maturity are called for redemption, the City will notify DTC of the particular amount of such maturity to be redeemed. DTC will determine by lot the amount of each participant's interest in such maturity to be redeemed and each participant will then select by lot the beneficial ownership interests in such maturity to be redeemed. All redemptions shall be at a price of par plus accrued interest.

SECURITY AND PURPOSE

The Bonds will be general obligations of the City for which the City will pledge its full faith and credit and power to levy direct general ad valorem taxes. In addition, the City will pledge sales and use tax revenues for repayment of the Bonds. The proceeds of the Bonds will be used to (i) finance a portion of various improvements to Robbins Island Regional Park and Swansson Field Regional Park; and (ii) pay costs associated with the issuance of the Bonds.

NOT BANK QUALIFIED TAX-EXEMPT OBLIGATIONS

The City will not designate the Bonds as qualified tax-exempt obligations for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

BIDDING PARAMETERS

Proposals shall be for not less than \$4,950,000 plus accrued interest, if any, on the total principal amount of the Bonds. No proposal can be withdrawn or amended after the time set for receiving proposals on the Sale Date unless the meeting of the City scheduled for award of the Bonds is adjourned, recessed, or continued to another date without award of the Bonds having been made. Rates shall be in integral multiples of 1/100 or 1/8 of 1%. The initial price to the public for each maturity as stated on the proposal must be 98.0% or greater. Bonds of the same maturity shall bear a single rate from the date of the Bonds to the date of maturity. No conditional proposals will be accepted.

ESTABLISHMENT OF ISSUE PRICE

In order to provide the City with information necessary for compliance with Section 148 of the Internal Revenue Code of 1986, as amended, and the Treasury Regulations promulgated thereunder (collectively, the "Code"), the Purchaser will be required to assist the City in establishing the issue price of the Bonds and shall complete, execute, and deliver to the City prior to the closing date, a written certification in a form acceptable to the Purchaser, the City, and Bond Counsel (the "Issue Price Certificate") containing the following for each maturity of the Bonds (and, if different interest rates apply within a maturity, to each separate CUSIP number within that maturity): (i) the interest rate; (ii) the reasonably expected initial offering price to the "public" (as said term is defined in Treasury Regulation Section 1.148-1(f) (the "Regulation")) or the sale price; and (iii) pricing wires or equivalent communications supporting such offering or sale price. [However, such Issue Price Certificate may indicate that the Purchaser has purchased the Bonds for its own account in a capacity other than as an underwriter or wholesaler, and currently has no intent to reoffer the Bonds for sale to the public.] Any action to be taken or documentation to be received by the City pursuant hereto may be taken or received on behalf of the City by Baker Tilly MA.

The City intends that the sale of the Bonds pursuant to this Terms of Proposal shall constitute a "competitive sale" as defined in the Regulation based on the following:

- (i) the City shall cause this Terms of Proposal to be disseminated to potential bidders in a manner that is reasonably designed to reach potential bidders;
- (ii) all bidders shall have an equal opportunity to submit a bid;
- (iii) the City reasonably expects that it will receive bids from at least three bidders that have established industry reputations for underwriting municipal bonds such as the Bonds; and
- (iv) the City anticipates awarding the sale of the Bonds to the bidder who provides a proposal with the lowest true interest cost, as set forth in this Terms of Proposal (See "AWARD" herein).

Any bid submitted pursuant to this Terms of Proposal shall be considered a firm offer for the purchase of the Bonds, as specified in the proposal. The Purchaser shall constitute an "underwriter" as said term is defined in the Regulation. By submitting its proposal, the Purchaser confirms that it shall require any agreement among underwriters, a selling group agreement, or other agreement to which it is a party relating to the initial sale of the Bonds, to include provisions requiring compliance with the provisions of the Code and the Regulation regarding the initial sale of the Bonds.

If all of the requirements of a "competitive sale" are not satisfied, the City shall advise the Purchaser of such fact prior to the time of award of the sale of the Bonds to the Purchaser. **In such event, any proposal submitted will not be subject to cancellation or withdrawal.** Within twenty-four (24) hours of the notice of award of the sale of the Bonds, the Purchaser shall advise the City and Baker Tilly MA if 10% of any maturity of the Bonds (and, if different interest rates apply within a maturity, to each separate CUSIP number within that maturity) has been sold to the public and the price at which it was sold. The City will treat such sale price as the "issue price" for such maturity, applied on a maturity-by-maturity basis. The City will not require the Purchaser to comply with that portion of the Regulation commonly described as the "hold-the-offering-price" requirement for the remaining maturities, but the Purchaser may elect such option. If the Purchaser exercises

such option, the City will apply the initial offering price to the public provided in the proposal as the issue price for such maturities. If the Purchaser does not exercise that option, it shall thereafter promptly provide the City and Baker Tilly MA the prices at which 10% of such maturities are sold to the public; provided such determination shall be made and the City and Baker Tilly MA notified of such prices whether or not the closing date has occurred, until the 10% test has been satisfied as to each maturity of the Bonds or until all of the Bonds of a maturity have been sold.

GOOD FAITH DEPOSIT

To have its proposal considered for award, the Purchaser is required to submit a good faith deposit via wire transfer to the City in the amount of \$50,000 (the "Deposit") no later than 1:00 P.M., Central Time on the Sale Date. The Purchaser shall be solely responsible for the timely delivery of its Deposit, and neither the City nor Baker Tilly MA have any liability for delays in the receipt of the Deposit. If the Deposit is not received by the specified time, the City may, at its sole discretion, reject the proposal of the lowest bidder, direct the second lowest bidder to submit a Deposit, and thereafter award the sale to such bidder.

A Deposit will be considered timely delivered to the City upon submission of a federal wire reference number by the specified time. Wire transfer instructions will be available from Baker Tilly MA following the receipt and tabulation of proposals. The successful bidder must send an e-mail including the following information: (i) the federal reference number and time released; (ii) the amount of the wire transfer; and (iii) the issue to which it applies.

Once an award has been made, the Deposit received from the Purchaser will be retained by the City and no interest will accrue to the Purchaser. The amount of the Deposit will be deducted at settlement from the purchase price. In the event the Purchaser fails to comply with the accepted proposal, said amount will be retained by the City.

AWARD

The Bonds will be awarded on the basis of the lowest interest rate to be determined on a true interest cost (TIC) basis calculated on the proposal prior to any adjustment made by the City. The City's computation of the interest rate of each proposal, in accordance with customary practice, will be controlling.

The City will reserve the right to: (i) waive non-substantive informalities of any proposal or of matters relating to the receipt of proposals and award of the Bonds, (ii) reject all proposals without cause, and (iii) reject any proposal that the City determines to have failed to comply with the terms herein.

BOND INSURANCE AT PURCHASER'S OPTION

The City has **not** applied for or pre-approved a commitment for any policy of municipal bond insurance with respect to the Bonds. If the Bonds qualify for municipal bond insurance and a bidder desires to purchase a policy, such indication, the maturities to be insured, and the name of the desired insurer must be set forth on the bidder's proposal. The City specifically reserves the right to reject any bid specifying municipal bond insurance, even though such bid may result in the lowest TIC to the City. All costs associated with the issuance and administration of such policy and associated ratings and expenses (other than any independent rating requested by the City) shall be paid by the successful bidder. Failure of the municipal bond insurer to issue the policy after the award of the Bonds shall not constitute cause for failure or refusal by the successful bidder to accept delivery of the Bonds.

CUSIP NUMBERS

If the Bonds qualify for the assignment of CUSIP numbers such numbers will be printed on the Bonds; however, neither the failure to print such numbers on any Bond nor any error with respect thereto will constitute cause for failure or refusal by the Purchaser to accept delivery of the Bonds. Baker Tilly MA will apply for CUSIP

numbers pursuant to Rule G-34 implemented by the Municipal Securities Rulemaking Board. The CUSIP Service Bureau charge for the assignment of CUSIP identification numbers shall be paid by the Purchaser.

SETTLEMENT

On or about February 17, 2021, the Bonds will be delivered without cost to the Purchaser through DTC in New York, New York. Delivery will be subject to receipt by the Purchaser of an approving legal opinion of Kennedy & Graven, Chartered of Minneapolis, Minnesota, and of customary closing papers, including a no-litigation certificate. On the date of settlement, payment for the Bonds shall be made in federal, or equivalent, funds that shall be received at the offices of the City or its designee not later than 12:00 Noon, Central Time. Unless compliance with the terms of payment for the Bonds has been made impossible by action of the City, or its agents, the Purchaser shall be liable to the City for any loss suffered by the City by reason of the Purchaser's non-compliance with said terms for payment.

CONTINUING DISCLOSURE

In accordance with SEC Rule 15c2-12(b)(5), the City will undertake, pursuant to the resolution awarding sale of the Bonds, to provide annual reports and notices of certain events. A description of this undertaking is set forth in the Official Statement. The Purchaser's obligation to purchase the Bonds will be conditioned upon receiving evidence of this undertaking at or prior to delivery of the Bonds.

OFFICIAL STATEMENT

The City has authorized the preparation of a Preliminary Official Statement containing pertinent information relative to the Bonds, and said Preliminary Official Statement has been deemed final by the City as of the date thereof within the meaning of Rule 15c2-12 of the Securities and Exchange Commission. For an electronic copy of the Preliminary Official Statement or for any additional information prior to sale, any prospective purchaser is referred to the Municipal Advisor to the City, Baker Tilly Municipal Advisors, LLC, by telephone (651) 223-3000, or by email bondservice@bakertilly.com. The Preliminary Official Statement will also be made available at <https://connect.bakertilly.com/bond-sales-calendar>.

A Final Official Statement (as that term is defined in Rule 15c2-12) will be prepared, specifying the maturity dates, principal amounts, and interest rates of the Bonds, together with any other information required by law. By awarding the Bonds to the Purchaser, the City agrees that, no more than seven business days after the date of such award, it shall provide to the Purchaser an electronic copy of the Final Official Statement. The City designates the Purchaser as its agent for purposes of distributing the Final Official Statement to each syndicate member, if applicable. The Purchaser agrees that if its proposal is accepted by the City, (i) it shall accept designation and (ii) it shall enter into a contractual relationship with its syndicate members for purposes of assuring the receipt of the Final Official Statement by each such syndicate member.

Dated December 21, 2020

BY ORDER OF THE CITY COUNCIL

/s/ Brian Gramentz
City Administrator

RESOLUTION NO. 2020-174

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: Nelsen

Second By: Mueske

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 3 to Master Cooperation Agreement appended hereto is hereby approved in order to change the date of the second closing to 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 December, 2020

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk

RESOLUTION NO. 2020-175

RESOLUTION APPROVING TERMINATION OF TAX ABATEMENT AND BUSINESS SUBSIDY AGREEMENT WITH ROCKSTEP WILLMAR LLC

Motion By: Fagerlie Second By: Mueske

WHEREAS, The City of Willmar ("City") is a party to that certain Tax Abatement and Business Subsidy Agreement between the City and RockStep Willmar LLC ("RockStep"), dated December 1, 2016 (the "Abatement Agreement"), which specified the terms and conditions under which the City approved the abatement of certain real property taxes on three parcels of property owned by RockStep in the City as described in the Abatement Agreement (the "subject properties") for a ten-year abatement term for tax payable years 2017 through 2026;

WHEREAS, Kandiyohi County (the "County") and Independent School District No. 347 both entered into separate Abatement Agreements with RockStep which specified the terms and conditions under which those jurisdictions similarly approved the abatement of certain real property taxes on the subject properties over the same ten-year term as in the City's Abatement Agreement;

WHEREAS, RockStep thereafter initiated actions against the County in Minnesota Tax Court contesting the tax valuation of the subject properties established by the County for tax payable years 2018 and 2019 (the “tax appeals”);

WHEREAS, RockStep has not to date submitted evidence of compliance with the requirements of the Abatement Agreement that would entitle it to receive any abatement reimbursements from the City during any year of the ten-year abatement term, and none of the local taxing jurisdictions have made any such reimbursement payments to RockStep under their respective abatement agreements with RockStep;

WHEREAS, the County has informed the City that it has agreed in principle with RockStep to terms on which the County and RockStep intend to settle and fully resolve the tax appeals, which terms include all local taxing jurisdictions terminating their abatement agreements with RockStep without making any reimbursement payments to RockStep; and

WHEREAS, pursuant to and in order to facilitate such settlement of the tax appeals between the County and RockStep, the County has requested that the City agree to terminate its Abatement Agreement with RockStep.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the City Council approves the termination of the above-referenced Abatement Agreement with RockStep, conditioned on the County first confirming to the City Administrator that it has reached a final settlement with RockStep that fully resolves the tax appeals consistent with this resolution.

BE IT FUTHER RESOLVED that the Mayor and City Administrator are authorized to execute any and all such documents as are necessary to effectuate the termination of the above-referenced Abatement Agreement consistent with this resolution, subject to the approval of the City Administrator and City Attorney.

Dated this 21st day of December, 2020.

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk