

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

April 16, 2018
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, Police Chief Jim Felt, Finance Director Steve Okins, Planning and Development Services Director Bruce Peterson, Public Works Director Sean Christensen, Fire Chief Frank Hanson, City Clerk Judy Thompson and City Attorney Robert Scott.

Proposed additions to the agenda included: Mayor Calvin added a Resolution Declaring Surplus Equipment and Authorizing Sale at Public Auction; a Resolution to Participate in Minnesota Main Street Program; a Resolution concurring with Willmar Municipal Utilities Membership and Agreement with MRES; Approval of Community Education and Recreation Director position; and action to hold the advertising for Adult Enrichment/Community Center Supervisor position. Planning and Development Services Director Bruce Peterson added an Ordinance to Rezone Property.

Council Member Fagerlie moved to approve the agenda, as amended. Council Member Christianson seconded the motion which carried.

City Attorney Robert Scott stated the City has conducted an annual public auction for surplus city equipment and/or unclaimed property that comes into the City's possession as a routine practice for many years. In consultation with the City Administrator and City Clerk, it was determined that the list of equipment or other items to be sold and template sale agreements in which the City would be protected from liability resulting from use of any such equipment or items following its sale should be approved by the City Council. This item was brought forward from the Work Session held earlier this evening. Council Member Plowman introduced **Resolution No. 18-37 A Resolution by the Mayor and City Council of the City of Willmar, Minnesota Declaring Surplus Supplies, Materials, and Equipment and Authorizing the Sale Thereof**. Council Member Alvarado seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

City Planner Sarah Anderson presented a request from Preservation Alliance of Minnesota to enter into an agreement with the City to continue being a part of the Minnesota Main Street Program in 2018. It was noted the City has been a part of the Minnesota Main Street Program for years. This item was brought forward from the Work Session held earlier this evening. Council Member Fagerlie introduced **Resolution No. 18-38 Authorization to Execute Agreement with Preservation Alliance of Minnesota for Participation in the Minnesota Main Street Program**. Council Member Plowman seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Municipal Utilities General Manager John Harren presented a request to approve a Resolution to Concur with WMU's Resolution #18 Approving the Membership and Power Sales Agreement with MRES (Missouri River Energy Services). This item was brought forward from the Work Session held earlier this evening. Council Member Fagerlie introduced **Resolution No. 18-39 Authorizing Membership in Missouri Basin Municipal Power Agency**. Council Member Mueske 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 from Legacy Group Development, LLC to rezone land from R-3 (Low Density Multi-Family Residential) to GB (General Business). It was noted the Planning Commission approved the request on April 9, 2018. Following discussion, Council

Member Fagerlie introduced an **Ordinance Amending Municipal Ordinance No. 1060, the Willmar Zoning Ordinance**, and set a public hearing for May 7, 2018 at 7:01 p.m. Council Member Asmus seconded the motion which carried.

City Administrator Ike Holland presented a request for approval of the position for Director of Community Education and Recreation. Council Member Nelsen offered a motion to notify the school district to release the hold that Council had placed on filling the position of Director of Community Education and Recreation. Council Member Mueske seconded the motion which carried.

Mayor Calvin requested a motion on filling the position of Adult Enrichment/Community Center Supervisor. Council Member Fagerlie offered a motion to place a hold on approving the job description and filling the position of Adult Enrichment/Community Center Supervisor. Council Member Christianson seconded the motion which carried.

City Clerk Judy Thompson reviewed the consent agenda.

- A. City Council Meeting Minutes of April 2, 2018
- B. Willmar Municipal Utilities Board Minutes of April 9, 2018
- C. Planning Commission Minutes of April 4, 2018
- D. Planning Commission Special Meeting Minutes of April 9, 2018
- E. State Temporary Liquor Permit –Willmar Lakes Rotary Club
- F. Board of Zoning Appeals Minutes of April 9, 2018
- G. Police Department Statistics for March, 2018
- H. Fire Department Statistics for March, 2018
- I. Monthly Building Report for March, 2018
- J. Accounts Payable through April 11, 2018

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

Carol Laumer, Willmar, addressed the Council during the Open Forum and stated she had recently attended the 2018 MMUA Legislative rally, on behalf of the Willmar Municipal Utilities Commission, and highlighted some of the key messages and talking points from the rally.

Darlene Schroeder, outside Willmar, addressed the Council during the Open Forum and appeared before the Council as the Chair of the Willmar Community Center Advisory Committee and highlighted some of the guiding principles adopted by the Board. Ms. Schroeder also encouraged the Council to have discussion in regard to the position of Adult Enrichment/Community Center Supervisor and offered her support for the position.

At 7:24 p.m. Mayor Calvin opened the public hearing for an ordinance for General Obligation Water Revenue Note, Series 2018 in the amount of \$1,620,000. Finance Director Steve Okins and Springsted Representative Kathy Aho presented details of said ordinance and recommended Council approve the proposed ordinance.

There being no one to speak for or against said ordinance, Mayor Calvin closed the public hearing at 7:28 p.m. and opened it up for discussion by the Council. Following discussion, Council Member Nelsen offered a motion to adopt, assign a number and order final publication of **Ordinance No. 1415 An Ordinance Authorizing the Issuance of a General Obligation Sewer Revenue Note, Series 2018 and Levying Taxes for the Payment Thereof**. Council Member Plowman seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

At 7:29 p.m. Mayor Calvin opened the public hearing for an ordinance for issuance of \$2,780,000 General Obligation Bonds, Series 2018A. Springsted Representative Kathy Aho presented details of said ordinance and recommended Council approve the proposed ordinance.

There being no one to speak for or against said ordinance, Mayor Calvin closed the public hearing at 7:32 p.m. and opened it up for discussion by the Council. Following discussion, Council Member Nelsen offered a motion to adopt, assign a number and order final publication of **Ordinance No. 1416 An Ordinance Authorizing the Issuance of \$2,780,000 General Obligation Bonds, Series 2018A and Levying Taxes to Secure Payment Therefor**. Council Member Plowman seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0. Council Member Christianson abstained from voting.

Resolution No. 18-40 A Resolution Providing for the Competitive Negotiated Sale of \$2,780,000 General Obligation Bonds, Series 2018A was introduced by Council Member Nelsen. Council Member Fagerlie seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0. Council Member Christianson abstained from voting.

At 7:36 p.m. Mayor Calvin opened the public hearing for an ordinance authorizing the issuance of \$2,975,000 General Obligation Improvement Bonds, Series 2018B. Springsted Representative Kathy Aho presented details of said ordinance and recommended Council approve the proposed ordinance.

There being no one to speak for or against said ordinance, Mayor Calvin closed the public hearing at 7:38 p.m. and opened it up for discussion by the Council. Following discussion, Council Member Christianson offered a motion to adopt, assign a number and order final publication of **Ordinance No. 1417 An Ordinance Authorizing the Issuance of \$2,975,000 General Obligation Improvement Bonds, Series 2018B and Levying Taxes to Secure Payment Therefor**. Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Resolution No. 18-41 A Resolution Providing for the Competitive Negotiated Sale of \$2,975,000 General Obligation Improvement Bonds, Series 2018B was introduced by Council Member Christianson. Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

At 7:39 p.m. Mayor Calvin opened the public hearing for the issuance of tax abatement bonds to finance Civic Center improvements. Springsted Representative Kathy Aho presented details of said resolution and recommended Council's approval.

There being no one to speak for or against said resolution, Mayor Calvin closed the public hearing at 7:41 p.m. and opened it up for discussion by the Council. Following discussion, Council Member Nelsen introduced **Resolution No. 18-42 A Resolution Approving Property Tax Abatements**. Council Member Fagerlie seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0. Council Member Christianson abstained from voting.

At 7:46 p.m. Mayor Calvin opened the public hearing for an ordinance authorizing the sale of real property to Habitat for Humanity of West Central Minnesota. Planning and Development Services Director Bruce Peterson stated the City has been approached by Habitat for Humanity of West Central Minnesota regarding property the City owns at 1408 14th Avenue Southeast. This is property the City received as a gift years ago and has never been developed for housing. Habitat for Humanity is proposing to construct a single family home on the property. Mr. Peterson recommended Council approve the proposed ordinance.

There being no one to speak for or against said ordinance, Mayor Calvin closed the public hearing at 7:48 p.m. and opened it up for discussion by the Council. Following discussion, Council Member Christianson offered a motion to adopt, assign a number and order final publication of **Ordinance No. 1414 An Ordinance Authorizing the Sale of Real Property to Habitat for Humanity of West Central Minnesota**, and authorize City Attorney Robert Scott to draft a quit claim deed transferring said property. Council Member Plowman seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Convention and Visitor's Bureau Executive Director Beth Fischer and Governor's Fishing Opener Event Co-Chairperson Brad Hanson gave a presentation on the upcoming Governor's Fishing Opener to be held in Kandiyohi County May 10 – 13, 2018, and urged anyone interested in volunteering for any of the events to contact her at the Convention and Visitor's Bureau.

Planning and Development Services Director Bruce Peterson stated the City received a request for the tax increment financing district in 201. A tax increment financing plan was drafted and approved by the Council later in 2017 for Legacy Group Development, LLC. A development agreement has been drafted by the City Attorney that details the tax increment financing program and the obligations and responsibilities of both parties. The development agreement calls for the City to pay an amount, not to exceed \$199,755.00 over a period of 15 years. The amount that the developer is to be reimbursed is contingent upon the value of the project ultimately constructed by the developer. There is no public financing being involved in the construction of the project. All costs are borne by the developer. The final step in this process is the execution of the development agreement for the project. Mr. Peterson noted the Board of Zoning Appeals recently granted a variance for parking on 1st Street consistent with past actions for other commercial development.

Resolution No. 18-43 Tax Increment Development Agreement for Legacy Group Development, LLC was introduced by Council Member Fagerlie. Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 7, Noes 1. Council Member Christianson voted “no”.

Public Works Director Sean Christensen presented a request to award the contracts for the 2018 Crack Seal and Seal Coat Projects.

Resolution No. 18-44 A Resolution Awarding Project No. 1806 to Jet Black in the Amount of \$30,250.00 was introduced by Council Member Christianson. Council Member Mueske seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Resolution No. 18-45 A Resolution Awarding Project No. 1808 to Allied Blacktop Company in the Amount of \$39,404.00 was introduced by Council Member Christianson. Council Member Fagerlie seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Finance Director Steve Okins stated the City has received three donations during the first quarter of 2018 and requested Council formally approve said donations. **Resolution No. 18-46 Acknowledgement of Donation** 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 Robert Scott presented a letter of intent (LOI) with Glacial Ridge Curling Club (GRC) for construction and lease of a new curling facility on Civic Center property. If the City is agreeable to the terms of the LOI, Mr. Scott will draft a formal build-to-suit lease agreement consistent with the LOI. It was noted once constructed, the City will lease the facility to GRC to operate annually during the curling season for a period of 25 years (with three potential five-year renewal terms) for nominal consideration (rent). The City's obligation to commence design and construction of the facility would be contingent on GRC satisfying its fundraising obligations.

Following discussion, Council Member Nelsen offered a motion to approve the consideration of proposed letter of intent (LOI) as presented. Council Member Asmus seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Police Chief Felt present a request for authorization to purchase four police vehicles utilizing funds requested in the 2018 CIP. **Resolution No. 18-47 A Resolution Awarding the Purchase of Police Interceptor Vehicles in the Total Amount of \$168,000.00** was introduced by Council Member Christianson. Council Member Mueske seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

City Administrator Ike Holland offered the following comments: the closed executive session was pulled from the agenda this evening due to a discussion he had with the City's labor attorney, and rescheduled for a future date; a joint meeting with the Municipal Utilities Commission is in the process of being scheduled; there will be a special work session for the Council on Monday, April 30th at 5:00 p.m.; he asked Council to forward any dates they would not be available in the next few weeks so the above-mentioned meetings could be scheduled accordingly.

Mayor Calvin offered the following comments and announcements: Board of Zoning Appeals is in need of a couple members and urged anyone interested to contact himself, Planning and Development Services Director Bruce Peterson, or Administrative Assistant Janell Sommers; Robbins Island Task Force will meet on April 17th at 10:00 a.m. at the Willmar Area Community Foundation to receive the synopsis of the public input session.

Council Member Schwantes extended a welcome to the Friends of Robbins Island to come to the cleanup scheduled for May 2nd from 5:00 p.m. – 8:00 p.m. to clean up Robbins Island and Destination Playground.

Council Member Alvarado stated there is a Somalian nation event scheduled for April 21st from 5:30 p.m. – 8:30 p.m. at the Willmar Conference Center.

Council Member Asmus gave a “shout out” to the Public Works Department for the great job and long hours they put in removing snow this past weekend.

Council Member Mueske stated the citizenship ceremony held April 10th at the Barn Theatre was well attended and was a very moving ceremony, and hopefully Willmar will be chosen to host the event again in the future.

Council Member Fagerlie thanked staff for including the mission statement and community values in the packet.

Council Member Nelsen thanked Convention and Visitor’s Bureau Executive Director Beth Fischer and Governor’s Fishing Opener Event Co-Chairperson Brad Hanson for their presentation on the Governor’s Fishing Opener earlier this evening and for all the hard work that has been put into hosting this event in our area.

Council Member Fagerlie offered a motion to adjourn the meeting with Council Member Christianson seconding the motion, which carried. The meeting adjourned at 8:36 p.m.

MAYOR

Attest:

SECRETARY TO THE COUNCIL

RESOLUTION NO. 18-37

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

Motion By: Plowman

Second By: Alvarado

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

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

WHEREAS, the City wishes to hold a public auction on May 11, 2018 (“Public Auction”) at which the surplus supplies, materials, and equipment may be sold; and

WHEREAS, the City wishes to approve as to form a template agreement, which any person who purchases any City-owned surplus supplies, materials, or equipment at any future public auction must sign, agreeing to waive the City of any liability associated with any surplus supplies, materials, or equipment purchased at the public auction.

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

1. The City Council finds and declares that all surplus supplies, materials, and equipment listed in Exhibit A is City-owned surplus supplies, materials, and equipment and is authorized to be sold at the Public Auction.
2. The City Council approves as to form the template agreements waiving the City of any liability associated with its sale of any surplus supplies, materials, or equipment, as specified in Exhibits B and C, which are attached and incorporated herein, and authorizes the execution of the same following the sale of any such surplus equipment or other items.

Adopted by the City Council of the City of Willmar on April 16, 2018.

Approved:

s/s Marv Calvin

Mayor

Attested:

s/s Judy Thompson

City Clerk

RESOLUTION NO. 18-38

**AUTHORIZATION TO EXECUTE AGREEMENT WITH PRESERVATION ALLIANCE OF MINNESOTA.
FOR PARTICIPATION IN THE MINNESOTA MAIN STREET PROGRAM**

Motion By: Fagerlie

Second By: Plowman

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 agreement between the City of Willmar and Preservation Alliance of Minnesota to continue the Minnesota Main Street Program in Willmar.

Dated this 16th day of April, 2018.

s/s Marv Calvin

MAYOR

Attest:

s/s Judy Thompson
CITY CLERK

RESOLUTION NO. 18-39

**AUTHORIZING MEMBERSHIP IN MISSOURI BASIN
MUNICIPAL POWER AGENCY**

Motion By: Fagerlie

Second By: Mueske

A Resolution of the City Council of the City of Willmar, Minnesota Concurring in Resolution No. 18 of the Willmar Municipal Utilities Commission Authorizing Membership in Missouri Basin Municipal Power Agency d/b/a Missouri River Energy Services ("MRES"), Accepting the Provisions of the Membership Agreement and Bylaws of MRES, Appointing a Representative to MRES, and Approving the Power Sale Agreement (S-1).

WHEREAS, the Willmar Municipal Utilities Commission ("Commission") has determined that it is in the best interests of the City of Willmar and the electric ratepayers who are customers of the Commission to establish a long-term comprehensive power supply arrangement.

WHEREAS, the Commission has further determined to enter into negotiations with Missouri Basin Municipal Power Agency d/b/a Missouri River Energy Services ("MRES") and Western Minnesota Municipal Power Agency ("Western Minnesota"); to become a member of MRES; and to enter a long-term power supply agreement entitled the Willmar - Missouri Basin Municipal Power Agency Power Sale Agreement (S-1) (the "S-1 Agreement").

WHEREAS, the Commission is authorized by City Charter and Minnesota law to, *inter alia*, operate, manage, own, and control electric and other utility systems and to enter contracts and arrangements as to generating sources and the sale, purchase, exchange, transmission, and acquisition of electric power and standby arrangements, subject to the Charter provision permitting the City Council to overrule an action of the Commission under certain circumstances.

WHEREAS, the S-1 Agreement requires Willmar to maintain rates for power and energy sufficient to meet its obligations to MRES.

WHEREAS, under the City Charter, the Commission recommends to the City Council the rates to be charged for electricity and any other utility services sold by the Commission, and the City Council adopts the rates for utility services by ordinance.

WHEREAS, the Commission has submitted to the City Council its Resolution 18, dated April 9, 2018 (the "Commission Resolution"), which, among other things, approves and authorizes the City of Willmar to become a member of MRES, to agree to the provisions of the Membership Agreement and the Bylaws of MRES, to appoint a Representative and an Alternate Representative to MRES, and the S-1 Agreement.

WHEREAS, the City Council has reviewed the Commission Resolution and has made such inquiries of the Commission as deemed necessary and appropriate on the subject and relies upon the expertise and judgment of the Commission with respect to the City's long-term arrangements for the supply of power and energy.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Willmar that the City Council does hereby concur in the Commission Resolution, including, but not limited to, the City of Willmar becoming a member of MRES, agreeing to the provisions of the Membership Agreement and the Bylaws of MRES, appointing a Representative and an Alternate Representative to MRES, and approving the S-1 Agreement.

IT IS FURTHER RESOLVED that the City Council fully supports the Commission in its long-term comprehensive power supply arrangement and authorizes the Commission to execute and perform the Membership Agreement and S-1 Agreement on behalf of the City of Willmar, and to take such actions as it reasonably deems necessary or appropriate to effectuate this arrangement.

IT IS FURTHER RESOLVED that the Mayor and any officer of the Council is hereby authorized to take such actions as are necessary or appropriate to effectuate the terms of this concurring resolution.

Dated this 16th day of April, 2018

s/s Marv Calvin
MAYOR

Attest:

s/s Judy Thompson
CITY CLERK

RESOLUTION NO. 18-40

**RESOLUTION PROVIDING FOR THE COMPETITIVE NEGOTIATED
SALE OF \$2,780,000
GENERAL OBLIGATION BONDS,
SERIES 2018A**

Motion By: Nelsen Second By: Fagerlie

A. WHEREAS, the City Council of the City of Willmar, Minnesota, has heretofore determined that it is necessary and expedient to issue its \$2,780,000 General Obligation Bonds, Series 2018A (the "Bonds") to finance improvements to the City's Civic Center, including the replacement of an R-22 refrigerant system; and

B. WHEREAS, the City has retained Springsted Incorporated, in Saint Paul, Minnesota ("Springsted"), as its independent financial 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 Springsted 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 her 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 Springsted 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.

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

and the following voted against the same: None. Council Member Ron Christianson abstained from voting.

Whereupon said resolution was declared duly passed and adopted on this 16th day of April, 2018.

s/s Marv Calvin

Mayor

Attest:

s/s Judy Thompson

City Clerk

EXHIBIT A

**THE CITY HAS AUTHORIZED SPRINGSTED INCORPORATED TO NEGOTIATE THIS ISSUE ON ITS BEHALF.
PROPOSALS WILL BE RECEIVED ON THE FOLLOWING BASIS:**

TERMS OF PROPOSAL

\$2,780,000*

CITY OF WILLMAR, MINNESOTA

GENERAL OBLIGATION BONDS, SERIES 2018A

(BOOK ENTRY ONLY)

Proposals for the above-referenced obligations (the "Series 2018A Bonds") will be received by City of Willmar, Minnesota (the "City") on Monday, April 16, 2018 (the "Sale Date") until 10:00 A.M., Central Time at the offices of Springsted Incorporated ("Springsted"), 380 Jackson Street, Suite 300, Saint Paul, Minnesota, 55101, after which time proposals will be opened and tabulated. Consideration for award of the Series 2018A 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

Springsted will assume no liability for the inability of a bidder to reach Springsted prior to the time of sale specified above. All bidders are advised that each proposal shall be deemed to constitute a contract between the bidder and the City to purchase the Series 2018A Bonds regardless of the manner in which the proposal is submitted.

(a) ***Sealed Bidding.*** Proposals may be submitted in a sealed envelope or by fax (651) 223-3046 to Springsted. Signed proposals, without final price or coupons, may be submitted to Springsted prior to the time of sale. The bidder shall be responsible for submitting to Springsted the final proposal price and coupons, by telephone (651) 223-3000 or fax (651) 223-3046 for inclusion in the submitted proposal.

OR

(b) ***Electronic Bidding.*** Notice is hereby given that electronic proposals will 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 Series 2018A Bonds, and PARITY® is not an agent of the City.

* *Preliminary; subject to change.*

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 SERIES 2018A BONDS

The Series 2018A 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, 2019. Interest will be computed on the basis of a 360-day year of twelve 30-day months.

The Series 2018A Bonds will mature February 1 in the years and amounts* as follows:

2020	\$110,000
2021	\$115,000
2022	\$115,000
2023	\$120,000
2024	\$125,000
2025	\$125,000
2026	\$130,000
2027	\$135,000
2028	\$140,000
2029	\$145,000
2030	\$150,000
2031	\$155,000
2032	\$155,000
2033	\$160,000
2034	\$170,000
2035	\$175,000
2036	\$180,000
2037	\$185,000
2038	\$190,000

* *The City reserves the right, after proposals are opened and prior to award, to increase or reduce the principal amount of the Series 2018A 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 Series 2018A 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 Series 2018A 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 Series 2018A Bonds will be issued by means of a book entry system with no physical distribution of Series 2018A Bonds made to the public. The Series 2018A Bonds will be issued in fully registered form and one Series 2018A Bond, representing the aggregate principal amount of the Series 2018A 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 Series 2018A Bonds. Individual purchases of the Series 2018A 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 Series 2018A 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 Series 2018A Bonds, will be required to deposit the Series 2018A 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, 2026, and on any day thereafter, to redeem Series 2018A Bonds due on or after February 1, 2027. 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 Series 2018A 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 Series 2018A 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 available tax abatement revenue for repayment of a portion of the Series 2018A Bonds. The proceeds of the Series 2018A Bonds will be used to finance improvements to the City's Civic Center, including the replacement of an R-22 refrigerant system.

BIDDING PARAMETERS

Proposals shall be for not less than \$2,780,000 (Par) plus accrued interest, if any, on the total principal amount of the Series 2018A 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 Series 2018A Bonds is adjourned, recessed, or continued to another date without award of the Series 2018A 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. Series 2018A Bonds of the same maturity shall bear a single rate from the date of the Series 2018A 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 Series 2018A 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 Series 2018A 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. 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 Springsted.

The City intends that the sale of the Series 2018A 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 Series 2018A Bonds; and
- (iv) the City anticipates awarding the sale of the Series 2018A 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 Series 2018A 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 Series 2018A Bonds, to include provisions requiring compliance with the provisions of the Code and the Regulation regarding the initial sale of the Series 2018A 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 Series 2018A 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 Series 2018A Bonds, the Purchaser shall advise the City and Springsted if a "substantial amount" (as defined in the Regulation) of any maturity of the Series 2018A 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 such substantial amount 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 Springsted the prices at which a substantial amount of such maturities are sold to the public; provided such determination shall be made and the City and Springsted 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 Series 2018A Bonds or until all of the Series 2018A 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 to the City in the amount of \$27,800 (the "Deposit") no later than 1:00 P.M., Central Time on the Sale Date. The Deposit may be delivered as described herein in the form of either (i) a certified or cashier's check payable to the City; or (ii) a wire transfer. The Purchaser shall be solely responsible for the timely delivery of its Deposit whether by check or wire transfer. Neither the City nor Springsted 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.

Certified or Cashier's Check. A Deposit made by certified or cashier's check will be considered timely delivered to the City if it is made payable to the City and delivered to Springsted Incorporated, 380 Jackson Street, Suite 300, Saint Paul, Minnesota 55101 by the time specified above.

Wire Transfer. A Deposit made by wire 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 Springsted 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 Series 2018A 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 Series 2018A 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 Series 2018A Bonds. If the Series 2018A 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 Series 2018A Bonds shall not constitute cause for failure or refusal by the successful bidder to accept delivery of the Series 2018A Bonds.

CUSIP NUMBERS

If the Series 2018A Bonds qualify for assignment of CUSIP numbers such numbers will be printed on the Series 2018A Bonds, but neither the failure to print such numbers on any Series 2018A Bond nor any error with respect thereto will constitute cause for failure or refusal by the Purchaser to accept delivery of the Series 2018A Bonds. The CUSIP Service Bureau charge for the assignment of CUSIP identification numbers shall be paid by the Purchaser.

SETTLEMENT

On or about June 13, 2018, the Series 2018A 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 Series 2018A 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 Series 2018A 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 Series 2018A 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 Series 2018A Bonds will be conditioned upon receiving evidence of this undertaking at or prior to delivery of the Series 2018A Bonds.

OFFICIAL STATEMENT

The City has authorized the preparation of a Preliminary Official Statement containing pertinent information relative to the Series 2018A 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 copies 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, Springsted Incorporated, 380 Jackson Street, Suite 300, Saint Paul, Minnesota 55101, telephone (651) 223-3000.

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 Series 2018A Bonds, together with any other information required by law. By awarding the Series 2018A Bonds to the Purchaser, the City agrees that, no more than seven business days after the date of such award, it shall provide without cost to the Purchaser up to 25 copies of the Final Official Statement. The City designates the Purchaser as its agent for purposes of distributing copies of 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 April 16, 2018

BY ORDER OF THE CITY COUNCIL

/s/ Ike Holland
City Administrator

RESOLUTION NO. 18-42

RESOLUTION APPROVING PROPERTY TAX ABATEMENTS

Motion By: Nelsen Second By: Fagerlie

BE IT RESOLVED by the City Council (the "Council") of the City of Willmar, Minnesota (the "City"), as follows:

1. Recitals.

(a) The City proposes to (i) undertake certain public improvements to the City's civic center with tax abatement bonds authorized by the Minnesota Statutes, Sections 469.1812 through 469.1815 (the "Act") and (ii) authorize a property tax abatement with respect to various parcels of land that benefit from the City's Civic Center. The City proposes to use property tax abatement pursuant to the Act to finance the Project. The proposed term of the abatement will be for up to 15 years in an estimated not to exceed \$140,000. The abatement will apply to the City's share of the property taxes (the "Abatement") derived from the property described by property identification numbers on the attached **Exhibit A** (the "Property").

(b) On the date hereof, the Council held a public hearing on the question of the Abatement, and said hearing was preceded by published notice thereof in accordance with the Abatement Law.

2. Findings for the Abatement. The City Council hereby makes the following findings:

(a) The Council expects the benefits to the City of the Abatement to at least equal the costs to the City thereof. The basis for this finding is that, among other things, the abatement will allow the City to achieve cost savings because the interest rates on the proposed abatement bonds to be issued will be lower than the interest rates the City is currently paying on the Prior Bonds.

(b) Granting the Abatement is in the public interest because it will help finance the acquisition and construction of public facilities in the City, preserve tax base, help finance public infrastructure and help provide access to services for residents of the City.

(c) The Property is not located in a tax increment financing district.

(d) In any year, the total amount of property taxes abated by the City by this and other resolutions, if any, does not exceed the greater of 10% of the net tax capacity of the City or \$200,000.

3. Terms of Abatement. The Abatement is hereby approved. The terms of the Abatement are as follows:

(a) The Abatement shall be for a maximum of 15 years and shall apply to the taxes payable in the years 2019 through 2033, inclusive.

(b) The City will abate the City's share of the property tax amount which the City receives from the Property, in an amount not to exceed \$140,000.

(c) The maximum amount of Abatement authorized under this resolution is \$140,000. The maximum principal amount of bonds to be secured by Abatement under this resolution will not exceed the estimated sum of Abatement from the Property for the term authorized under this resolution.

(d) The Abatement shall be subject to all the terms and limitations of the Abatement Law.

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

and the following voted against the same: None. Council Member Ron Christianson abstained from voting.

Whereupon said resolution was declared duly passed and adopted on this 16th day of April, 2018.

s/s Marv Calvin_____

Mayor

Attest:

s/s Judy Thompson_____

City Clerk

Exhibit A
Parcel ID Numbers for the "Property"

95-902-0050	95-137-0122	95-465-0050	95-466-0030	95-443-0210	95-560-0200
95-137-0010	95-137-0130	95-465-0060	95-466-0040	95-443-0200	95-560-0190
95-137-0020	95-464-0010	95-465-0070	95-466-0050	95-443-0350	95-560-0180
95-137-0030	95-464-0020	95-465-0080	95-466-0060	95-443-0340	95-560-0170
95-137-0050	95-464-0030	95-465-0090	95-466-0070	95-443-0330	95-833-1290
95-137-0060	95-464-0040	95-465-0095	95-467-0310	95-443-0320	95-560-0150
95-137-0070	95-464-0050	95-465-0100	95-467-0320	95-443-0300	95-560-0140
95-137-0090	95-464-0060	95-465-0110	95-467-0330	95-443-0470	95-560-0130
95-137-0100	95-465-0010	95-465-0120	95-467-0340	95-443-0460	95-560-0120
95-137-0110	95-465-0020	95-465-0130	95-798-0010	95-443-0450	95-560-0110
95-137-0120	95-465-0030	95-466-0010	95-443-0230	95-443-0440	95-560-0100
95-137-0124	95-465-0040	95-466-0020	95-443-0220	95-443-0500	95-560-0090
					95-560-0080

RESOLUTION NO. 18-43

TAX INCREMENT DEVELOPMENT AGREEMENT FOR LEGACY GROUP DEVELOPMENT, LLC

Motion By: Fagerlie Second By: Nelsen

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the Mayor and City Administrator be authorized to enter into a Tax Increment Development Agreement between the City of Willmar and Legacy Group Development, LLC.

Dated this 16th day of April, 2018.

s/s Marv Calvin
MAYOR

Attest:

s/s Judy Thompson
CITY CLERK

RESOLUTION NO. 18-44

A RESOLUTION AWARDING PROJECT NO. 1806 TO JET BLACK IN THE AMOUNT OF \$30,250.00.

Motion By: Christianson 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 bid of Jet Black of Kandiyohi, MN for Project No. 1806 is accepted, and be it further resolved that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an agreement with the bidder for the terms and consideration of the contract in the amount of \$30,250.00.

Dated this 16th day of April, 2018

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk

RESOLUTION NO. 18-45

A RESOLUTION AWARDING PROJECT NO. 1808 TO ALLIED BLACKTOP COMPANY IN THE AMOUNT OF \$39,404.00.

Motion By: Christianson Second By: Fagerlie

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the bid of Allied Blacktop Company of Maple Grove, MN for Project No. 1808 is accepted, and be it further resolved that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an agreement with the bidder for the terms and consideration of the contract in the amount of \$39,404.00.

Dated this 16th day of April, 2018

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk

RESOLUTION NO. 18-46

ACKNOWLEDGEMENT OF DONATION

Motion By: Plowman

Second By: Asmus

WHEREAS, the City of Willmar has received donations which have been acknowledged by the City Administrator expressing the community's appreciation for the time period of January 1, 2018 – March 31, 2018.

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

- \$100.00 – Dennis Schaeffbauer and Ann Hendershott toward purchase of K9 body armor
- \$100.00 – Unitarian Universalist Church designated toward the Human Rights Commission

Dated this 16th day of April, 2018

s/s Marv Calvin
MAYOR

Attest:

s/s Judy Thompson
CITY CLERK

RESOLUTION NO. 18-47

**A RESOLUTION AWARDING THE PURCHASE
POLICE INTERCEPTOR VEHICLES**

Motion By: Christianson

Second By: Mueske

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, the bid from Atwater Ford for four 2018 Ford Police Interceptor Utility Vehicles totalling \$168,000.00 (\$42,000.00 each) is accepted, and the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into agreements with the bidders for the terms and consideration of the contracts.

BE IT FURTHER RESOLVED that the replacement of four police vehicles from Atwater Ford will be as needed and at times in 2018 determined to be in the department's best interest by the Police Chief, and corresponding purchases of emergency equipment and vehicle up-fitting and old vehicle decommissioning in the total amounts of [insert total price] per vehicle, is approved.

Dated this 16th day of April, 2018

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk