

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

September 5, 2017  
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Marv Calvin. Members present on a roll call were Mayor Marv Calvin, Council Members Audrey Nelsen, Ron Christianson, Kathy Schwantes, Fernando Alvarado, Julie Asmus, Shawn Mueske, Andrew Plowman, and Rick Fagerlie. Present 9, Absent 0.

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

Proposed additions and deletions to the agenda included: Mayor Calvin requested the following additions: Rice Hospital Memorandum of Understanding (MOU), City Auditorium Environmental Assessment, Robbins Island Regional Park Entrance Beautification Project, and Civic Center Sound System. Council Member Nelson offered a motion to approve the agenda, as amended. Council Member Fagerlie seconded the motion which carried.

City Clerk Judy Thompson reviewed the consent agenda.

- A. City Council Minutes of August 21, 2017
- B. Rice Memorial Hospital Board Minutes of August 16, 2017
- C. Planning Commission Minutes of August 23, 2017
- D. Willmar Municipal Utilities Board Minutes of August 28, 2017
- E. Application of Gambling Exempt Permit—Knights of Columbus Council 2764, Raffle
- F. ~~Resolution Executing Grant Agreement with MNDOT Aeronautics~~
- G. Reappointment and Appointment Recommendations for the Housing and Redevelopment Authority Boards – Reappointment of Javier Valenzuela and Mary Sundin; Appointment of Denis Anderson to City’s HRA Board; and recommendation of Denis Anderson to serve as City’s Representative to the Kandiyohi County HRA Board
- H. Willmar Community Center Board Minutes of July 12, 2017
- I. WCER Joint Powers Board Minutes of August 25, 2017
- J. Accounts Payable Report through August 30, 2017

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

Planning and Development Services Director Bruce Peterson stated the proposed grant agreement resolution was approved on June 19, 2017, but MnDOT wouldn’t accept the resolution as it didn’t list the grant number. Staff has drafted a resolution including the requested grant number and is recommending Council’s approval of the new resolution. The grant includes the taxilane project, engineering, and the credit card reader for the Jet-A pump that was actually installed last year and now will be able to be reimbursed by 95%. Following discussion, Council Member Plowman introduced **Resolution No. 17-98 Authorizing Execution of Minnesota Department of Transportation Grant Agreement for Taxilane Rehab Project and Card Reader for Fuel System**. Council Member Fagerlie seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

At 7:14 p.m. Mayor Calvin opened the public hearing on an ordinance to amend the rural service district ordinance. City Attorney Robert Scott stated the proposed ordinance amendment is to change the tax percentage rate received by these properties and remove several parcels from the district.

There being no one to speak for or against the proposed amendment, Mayor Calvin closed the hearing at 7:16 p.m. and opened it up for discussion by the Council. Council Member Nelsen offered a motion to approve the amendment, adopt, assign a number, and order final publication of **Ordinance No. 1403 An Ordinance of the City of Willmar, Minnesota Amending Willmar Ordinance No. 463, as Amended by Ordinance No. 483 and Ordinance No. 1397, Establishing Urban and Rural Service Districts in the City of Willmar**. Council Member Christianson seconded the motion which carried on a roll call vote of Ayes 8, Noes 0.

At 7:17 p.m. Mayor Calvin opened the public hearing for the consideration of Oslo Meadows Special Assessments. City Clerk Judy Thompson presented information relating to the reassessment of special assessments against one lot legally described as Lot 1, Block 3, Oslo Meadows that recently sold at a tax forfeiture sale. The amount pending against the parcel is the difference between the assessments that were unpaid when it became tax forfeited and the amount the lot was sold for at a tax forfeiture sale. The amount to be reassessed for said parcel is \$2,129.14.

There being no one to speak for or against the special assessments for Oslo Meadows, Mayor Calvin closed the public hearing at 7:18 p.m. and opened it up for discussion by the Council. **Resolution No. 17-99 Certifying Oslo Meadows Special Assessments** was introduced by Council Member Fagerlie. Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

At 7:19 p.m. Mayor Calvin opened the public hearing for Special Assessments for Unpaid Weed/Grass Mowing. There being no one to speak for or against the certification of special assessment fees for unpaid weed and grass mowing, Mayor Calvin closed the hearing at 7:20 p.m. and opened it up for discussion by the Council. **Resolution No. 17-100 Certifying Unpaid Weed/Grass Special Assessments** was introduced by Council Member Nelsen. Council Member Fagerlie seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

At 7:21 p.m. Mayor Calvin opened the public hearing for Unpaid Nuisances in General Removal Charges. There being no one to speak for or against the certification of special assessment fees for unpaid nuisances in general, Mayor Calvin closed the hearing at 7:22 p.m. and opened it up for discussion by the Council. **Resolution No. 17-101 Certifying Nuisances in General Special Assessments** was introduced by Council Member Fagerlie. Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Johanna Reuer, 1215 Quincy Avenue Southwest, addressed the Council during the Open Forum. Ms. Reuer stated that the nurses are not against the proposal, but would desire to be involved in the discussions as they feel the nurses' perspective would be beneficial during discussions with Rice Hospital and CentraCare on the proposed lease agreement.

Dave Baker presented information to the Council regarding an update on the Destination Playground Project at Robbins Island. Mr. Baker presented information regarding the proposed plaza design which is the last project proposed for the Destination Playground area and includes two patios and some landscaping projects to be completed by Stacy's Nursery and Monson Landscaping. The project is proposed to be completed in September 2017.

Following discussion, Council Member Mueske introduced **Resolution No. 17-102 Approving Destination Playground Plaza Design**. Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

City Attorney Robert Scott presented a resolution accepting a donation from Willmar Area Community Foundation Friends of Robbins Island Park Fund in the amount of \$75,000 to support the construction of the Destination Playground. Mr. Scott stated this is the sixth donation to be received. Following discussion, **Resolution No. 103 Accepting Donation from Willmar Area Community Foundation for Robbins Island Destination Playground Project** was introduced by Council Member Nelsen. Council Member Alvarado seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Planning and Development Services Director Bruce Peterson stated approximately seven and a half (7 ½) years ago the City participated in a project with MinnWest Technology Campus that resulted in the creation of the Mid Central Research and Outreach Center (MCROC). To obtain the grant for the project, it was necessary that the building receiving the work on the campus be under public ownership or control. At that time, the City entered

into a lease for the premises with MinnWest Technology Campus Management. The original transaction was predicated on the City's willingness to accept the property for ownership in the future and to receive it as a gift from the Technology Campus. Following project and grant close out, and discussions between the City and Campus owners, MinnWest Technology Campus management is ready and willing to gift the building to the City. The City will have no responsibility for maintenance or management. Those obligations will defer back to MinnWest Technology Campus Management as per the anticipated action by the Council relative to adopting the pertinent resolutions. The building will be leased to the University of Minnesota.

Following discussion, **Resolution No. 17-104 Approving a Termination of Lease Agreement with Respect to Real Property on MinnWest Technology Campus** was introduced by Council Member Christianson. Council Member Plowman seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0. Council Member Schwantes abstained from voting due to a conflict of interest.

**Resolution No. 17-105 Accepting the Grant of Real Property in Willmar, Minnesota** was introduced by Council Member Christianson. Council Member Asmus seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0. Council Member Schwantes abstained from voting due to a conflict of interest.

**Resolution No. 17-106 Approving a Lease and Management Agreement with Respect to Real Property on MinnWest Technology Campus** was introduced by Council Member Asmus. Council Member Nelsen seconded the motion. Council Member Fagerlie inquired if the City would be liable for any insurance issues. Planning and Development Services Director Bruce Peterson stated the intent of the Agreement is the City would be held harmless in all issues. Council Member Mueske stated under section 19.3 (b) of the proposed agreement, it states Minnesota State Colleges and Universities – St. Cloud State University. Council Member Mueske was inquiring if that could be amended to include all MnSCU institutions. Staff was directed to check on these two issues prior to signing of the agreement. City Administrator Ike Holland stated the resolution could pass, as approved, with the conditions staff will inquire about the two issues and see that they are added to the agreement, if agreed upon by the respective parties of the agreement. The motion then carried on a roll call vote of Ayes 7, Noes 0. Council Member Schwantes abstained from voting due to a conflict of interest.

Planning and Development Services Director Bruce Peterson presented information regarding a request by Kwik Trip, LaCrosse, Wisconsin for a text amendment of the Zoning Ordinance to allow fuel sales in the Central Business District (CBD). The Planning Commission approved the request. Mr. Peterson was recommending the Council approve the **introduction of Ordinance Amending 1060 Known as the Willmar Zoning Ordinance, by Amending Section 6.J. Relating to Fuel Sales in the Central Business District**, and set a public hearing for September 18, 2017 at 7:01 p.m. Council Member Christianson offered a motion to approve staff's recommendation. Council Member Nelsen seconded the motion which carried.

Public Works Director Sean Christensen presented information in regard to the City Auditorium Environmental Services Proposal. This item was brought forward from the Work Session held earlier in the evening. Mr. Christensen stated a Dura Blocs system was installed in the range in 2014 and 2015. The blocks are recommended for replacement every three years based on the current volume of shooting. After consulting with Green Bay Lead Services regarding the current condition of the de-acceleration wall, concerns of ricochets are eminent. The way the blocks are bulging is concerning, as they have reached their maximum capacity and there is no more rubber material available to encapsulate the bullets. The backs of the blocks also pose the risk of blowing out completely due to the concentration of bullets they currently hold. With the current usage of the range, it requires professional lead cleaning to reduce lead dust to a safe level. Quotes for the decontamination were received in the amount of \$24,780. An environmental consultant would also need to be contracted to provide lead clearance sampling following the cleaning to allow the range to be re-opened under Minnesota Department of Health standards. The Auditorium currently has \$14,000 requested in the operating budget for annual cleaning services. An additional \$10,780 would be needed for the cleaning services and \$25,485 for replacement of the ballistic blocks.

Following discussion, Council Member Schwantes offered a motion directing staff to determine the true cost associated with the operations of the gun range portion of the auditorium; develop a fee structure that would be similar to what other enterprises such as the Dorothy Olson Aquatic Center and Civic Center have in place; approach the gun club to confirm they are in support of a new fee structure; and lastly, if the shooting range is deemed unsafe for shooting purposes, the range be closed for shooting purposes until it would be determined to

be safe by an outside consulting firm. Council Member Plowman seconded the motion. Council Member Mueske offered a friendly amendment to explore other viable options besides the current block system for ballistic collections. Council Member Schwantes accepted the friendly amendment.

Following a lengthy discussion, Council Member Plowman offered a motion to call the question. Council Member Schwantes seconded the motion, which carried on a roll call vote of Ayes 6, Noes 2. Council Member Asmus and Mueske voted “no.”

The original motion, as amended, then passed on a roll call vote of Ayes 8, Noes 0.

Council Member Christianson offered a motion to direct staff to find the funds to fix the gun range. The motion died for the lack of a second.

Community Education and Recreation Director Steve Brisendine stated that staff has been working with the Willmar Rotary Club and vendors on creating a new look as you enter Robbins Island Regional Park. This project will involve new landscaping, signage and flag poles/flags. It was noted, the Willmar Rotary Club would like to spend a portion of their profits from “Rockin Robbins” to fund this project. The Willmar Rotary Club will donate all funds necessary to complete the work. City Public Works staff will assist with some of the demo in conjunction with Stacy’s Nursery. Mr. Brisendine was recommending approval of staff completing the Robbins Island Regional Park Beautification Project in conjunction with the Willmar Rotary Club and local vendors. This item was brought forward from the Work Session held earlier this evening. Council Member Christianson offered a motion to approve staff’s recommendation, with the final design of the sign being brought back to Council for approval. Council Member Mueske seconded the motion which carried.

Public Works Director Sean Christensen presented a request to purchase a new sound system for the Cardinal Arena of the Civic Center in the amount of \$45,320.00. Mr. Christensen stated the current sound system is 25 years old and the speakers are no longer adequate for the arena with many “dead spots” where the sound doesn’t reach, as well as issues of the sound cutting out. He also stated money is budgeted in the 2018 budget, and the Warhawks have offered to fund the costs for the work to be completed in 2017 before the start of the hockey season, with the City reimbursing them once the 2018 funds are available. This item was brought forward from the Work Session held earlier this evening. Council Member Christianson offered a motion to approve staff’s recommendation. Council Member Asmus seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

City Attorney Robert Scott presented details of an engagement letter with Kutak Rock LLP specifying the scope and terms of its representation of the City regarding the affiliation between the City and CentraCare, and was recommending the Council formally acknowledge and accept the terms of the engagement letter. Mayor Calvin inquired as to how the lead discussions between the law firm, City Council, and administrative staff will be conducted. Mr. Scott stated at this time, he is not aware of any basis for a closed session, so everything will take place transparently during an open meeting. **Resolution No. 17-107 Approving Scope of Representation for Special Healthcare Transactions Legal Council** was introduced by Council Member Schwantes. Council Member Mueske seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

City Attorney Robert Scott presented a Memorandum of Understanding (MOU) for Reimbursement of Attorneys’ Fees from Rice Memorial Hospital Board. Mr. Scott stated the parties are negotiating definitive agreements for the affiliation, and the City has now retained its own special outside legal counsel with respect to the transaction. Under the MOU, Rice Hospital will reimburse the City for any legal fees it incurs in connection with the transaction, and would be budget neutral. Mr. Scott was recommending the Council approve the MOU and authorize the Mayor and City Administrator to sign it for the City. **Resolution No. 17-108 Approving Memorandum of Understanding with Rice Memorial Hospital for Reimbursement of Attorneys’ Fees** was introduced by Council Member Mueske. Council Member Asmus seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

City Administrator Ike Holland offered the following comments/announcements: The Mayor’s 2018 Proposed Budget will be presented at a Special Meeting of the Council on Tuesday, September 12<sup>th</sup> at 5:00 p.m., in the Council Chambers at the Willmar Municipal Utilities Building. A joint meeting with Rice Hospital will be Wednesday, September 13<sup>th</sup> at 5:00 p.m. at the Willmar Conference Center.

Mayor Calvin offered the following comments/announcements: Mayor is interested in setting up a task force for Robbins Island Master Plan and a formal request will be placed on the September 18<sup>th</sup> Council agenda; citizen concerns about quiet zone rules in Willmar; the Mayor's proposed budget books are available for each Council Member to take with them tonight; Celebrate Coffee-Celebrate Art will be held September 16<sup>th</sup>; a list of vacancies on various boards and commissions was provided tonight to the Council for their review; the League of Minnesota Cities contacted Mayor Calvin and stated they are interested in doing a story on Willmar regarding the transition from the rough road we experienced in the past to a smoother road.

Council Member Fagerlie requested to be excused from the September 18, 2017 Council meetings.

Council Member Schwantes stated the flooding took place three weeks ago, and would like to designate funds to hire a summer intern in civil service to teach people simple fixes that might be done, such as gutters and landscaping to prevent some of the flooding issues on their property. She would also like to use funds from the reserve account to improve quality of life in Willmar.

Council Member Alvarado stated school is back in session and urged everyone to support and encourage the students, and be careful driving in school zones; praised the recent article in the newspaper regarding debris in streets.

Council Member Asmus reminded everyone that Saturday, September 9<sup>th</sup> is "Going Green" event at the Taunton Stadium and Recycling Center, and urged everyone to clean out their garages and their property and keep our community sharp and clean.

Council Member Nelsen offered a motion to adjourn the meeting with Council Member Asmus seconding the motion, which carried. The meeting adjourned at 9:22 p.m.

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MAYOR

Attest:

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CITY CLERK

**RESOLUTION NO. 17-98**

**RESOLUTION AUTHORIZING EXECUTION OF  
MINNESOTA DEPARTMENT OF TRANSPORTATION  
GRANT AGREEMENT FOR TAXILANE REHAB PROJECT AND  
CARD READER FOR FUEL SYSTEM**

Motion By: Plowman

Second By: Fagerlie

BE IT RESOLVED by the City Council of the City of Willmar as follows:

1. That the Minnesota Department of Transportation grant agreement MNDOT Agreement No. 1029206, State Project No. A3401-67 "Grant Agreement for Taxilane Rehabilitation; Card Reader for Fuel System" for the Willmar Municipal Airport is accepted.
2. That the Mayor and City Administrator are authorized to execute this agreement and any amendments on behalf of the City of Willmar.

Dated this 5th day of September, 2017

s/s Marv Calvin  
MAYOR

Attest:

s/s Judy Thompson  
CITY CLERK

**RESOLUTION NO. 17-99**

**A RESOLUTION CERTIFYING OSLO MEADOWS SPECIAL ASSESSMENTS**

Motion By: Fagerlie Second By: Nelsen

WHEREAS, the following property located within the City of Willmar was offered for sale by the County Auditor at tax forfeiture sale:

Parcel 95-604-0200; Lot 1, Block 3, Oslo Meadows

WHEREAS, the above property was subject to reassessment of \$2,129.14 special assessments if sold;  
and

WHEREAS, the above property was sold to Ryan J. and Liv V. Fuchs in July 2017;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, that the \$2,129.14 special assessments against the above property be placed on the tax roll for collection over a five (5) year period with an interest rate of five and one-half (5.50) percent, and that the County Auditor be notified to extend this assessment on the tax roll payable in 2018 and thereafter.

Dated this 5<sup>th</sup> day of September 2017.

s/s Marv Calvin  
Mayor

Attest:

s/s Judy Thompson  
City Clerk

**RESOLUTION NO. 17-100**

**A RESOLUTION CERTIFYING UNPAID WEED/GRASS SPECIAL ASSESSMENTS**

Motion By: Nelsen Second By: Fagerlie

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that the amount of the unpaid weed / grass mowing charges totaling \$1,013.37 be certified to the County Auditor to be extended on the tax rolls of such real property in the same manner as other taxes for collecting in 2018 and collected by the County Treasurer, and paid to the City Clerk along with other taxes; and

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

1. Parcel No. 95-090-1440 \$177.07

Located at 1014 6<sup>th</sup> Street SW; and  
Described as Section 15, Township 119, Range 35  
BOOTH'S ADDITION TO WILLMAR  
BLOCK K LOT 4 & N 1/2 OF LOT 5

2. Parcel No. 95-003-0760 \$137.70

Located at 810 Campbell Avenue NW; and  
Described as Section 15, Township 119, Range 35, Block 7  
WILLMAR, TOWN OF (ORIGINAL)  
LOTS 5 & 6

3. Parcel No. 95-130-0110 \$113.57

Located at 116 Minnesota Avenue SE; and  
Described as Section 14, Township 119, Range 35, Block 2  
CARLSON'S ADDITION TO THE CITY OF WILLMAR  
WEST 75 FT. OF LOT 1

4. Parcel No. 95-250-0900 \$585.03

Located at 936 3<sup>rd</sup> Street SE; and  
Described as Section 14, Township 119, Range 35, Lot 10, Block 5  
GLARUM'S ADDITION TO WILLMAR

Dated this 5<sup>th</sup> day of September, 2017

s/s Marv Calvin  
Mayor

Attest:

s/s Judy Thompson  
City Clerk

**RESOLUTION NO. 17-101**

**A RESOLUTION CERTIFYING NUISANCES IN GENERAL SPECIAL ASSESSMENTS**

Motion By: Fagerlie Second By: Nelsen

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that the amount of the unpaid nuisance charges totaling \$12,161.38 be certified to the County Auditor to be extended on the tax rolls of such real property in the same manner as other taxes for collecting in 2018 and collected by the County Treasurer, and paid to the City Clerk along with other taxes; and

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

1. Parcel No. 95-003-0760 \$12,161.38

Located at 810 Campbell Avenue NW; and  
Described as Block 7  
CITY OF WILLMAR  
LOTS 5 & 6

Dated this 5<sup>th</sup> day of September, 2017

s/s Marv Calvin  
Mayor

Attest:

s/s Judy Thompson  
City Clerk

**RESOLUTION NO. 17-102**

**A RESOLUTION AUTHORIZING APPROVAL FOR THE PLAZA PROJECT WITHIN THE DESTINATION PLAYGROUND.**

Motion By: Mueske Second By: Nelsen

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that approval is given of the Destination Playground within the City owned Robbins Island Park of the plaza project to be completed this fall in coordination with Public Works staff and will be funded from non-profit funds.

Dated this 5th day of September, 2017

s/s Marv Calvin  
Mayor

Attest:

s/s Judy Thompson  
City Clerk



**CITY OF WILLMAR  
RESOLUTION NO. 17-103**

**A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLMAR, MINNESOTA ACCEPTING  
DONATION FROM WILLMAR AREA COMMUNITY FOUNDATION FOR ROBBINS ISLAND DESTINATION  
PLAYGROUND PROJECT**

Motion By: Nelsen

Second By: Alvarado

**WHEREAS**, the City of Willmar (“City”) owns Robbins Island Park and Recreation Area, a 55-acre parcel of real property owned, maintained and operated for public recreational use by the City located on Business Highway 71 North in the City of Willmar, Minnesota (Kandiyohi County Parcel I.D. No. 95-911-0920) (“Robbins Island”); and

**WHEREAS**, CommunityGiving, a Minnesota nonprofit corporation, doing business as the Willmar Area Community Foundation (“WACF”), is administering the Friends of Robbins Island Park Fund, a fund comprised solely of private donations solicited by community volunteers dedicated to facilitating the construction of a Destination Playground on approximately 19,000 square feet at Robbins Island, as depicted on the site plan attached to Willmar City Council Resolution No. 17-07, dated February 6, 2017 as Exhibit A (the “playground project”); and

**WHEREAS**, WACF proposes to donate funds from its Friends of Robbins Island Park Fund to cover 100 percent of the City’s cost to purchase all equipment, materials, supplies and services necessary to construct the playground project, and made an initial donation totaling \$200,000.00 for such purposes, which donation was duly accepted by the Willmar City Council by Resolution No. 17-07, dated February 6, 2017, a second donation of \$99,000 and in-kind materials, equipment and supplies by Resolution No. 17-24 dated March 20, 2017, a third donation of \$99,000 by Resolution 17-52 dated May 15, 2017, a fourth donation of \$75,000 by Resolution 17-78 dated July 3, 2017, and a fifth donation of \$30,000 and additional in-kind services, materials and supplies dated July 17, 2017; and

**WHEREAS**, WACF now wishes to donate an additional \$75,000 from its Friends of Robbins Island Park Fund to the City for the same purposes; and

**WHEREAS**, Minnesota Statutes, Section 465.03 provides that the City may accept such donations for the benefit of its citizens in accordance with the terms prescribed by the donor, and that acceptance of such grant is subject to a resolution of the City Council adopted by a two-thirds majority of its members, expressing the terms of the grant in full; and

**WHEREAS**, the City remains supportive of the playground project and WACF’s proposal to donate the funds and in-kind services and materials required to construct the playground project to the City and is agreeable to the conditions placed upon the donation as stated herein.

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

1. The City hereby accepts the donation from WACF totaling \$75,000 in support of the playground project, subject to the conditions applicable to WACF’s first donation as stated in Willmar City Council Resolution No. 17-07, dated February 6, 2017, which conditions are incorporated herein by reference.
2. The City Council hereby expresses its and the community’s appreciation to WACF, the private firms donating in-kind services, materials and supplies as listed on the attached Exhibit A, and all contributors to the Friends of Robbins Island Park Fund for such donation.

Adopted by the City Council of the City of Willmar on September 5, 2017.

Approved:

s/s Marv Calvin

Mayor

Attested:

s/s Judy Thompson

City Clerk

**RESOLUTION NO. 17-104**

**A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLMAR, MINNESOTA APPROVING  
A TERMINATION OF LEASE AGREEMENT WITH RESPECT TO REAL PROPERTY ON MINNWEST  
TECHNOLOGY CAMPUS**

Motion By: Christianson      Second By: Plowman

WHEREAS, The City entered into a lease dated March 30, 2010, with MinnWest Technology Campus Management Company, LLC, a Minnesota limited liability company (“**MinnWest**”), pursuant to which the City leased the Building located at 1802 18<sup>th</sup> Street NE on the MinnWest Technology Campus and Business Community (“MinnWest Campus”) in the City, legally described as:

Common Interest Community Number 40, A Planned Community, MinnWest Technology Campus, Unit 32, according to the plat on file and of record in the office of the County Recorder of Kandiyohi County, Minnesota.

(the “Property”); and

WHEREAS, the City subleased the Property to the Regents of the University of Minnesota (“University”), a Minnesota constitutional corporation, pursuant to a Sublease Agreement dated March 30, 2011; and

WHEREAS, the City, MinnWest and the University have agreed that the purposes for which the Property is used could best be effectuated by the City taking ownership of the Property, directly leasing the same to the University, and retaining MinnWest to manage the Property; and

WHEREAS, in order to effectuate the parties plans for the Property as described above, it is first necessary for the City and MinnWest to terminate the existing lease agreement with respect to the Property.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL THAT the City Council hereby approves the Termination of Lease Agreement attached hereto as Exhibit A and authorizes the Mayor and City Administrator to execute the same on the City’s behalf and, if necessary, record such executed document with the Kandiyohi County Recorder’s Office.

PASSED by the City Council of the City of Willmar on this 5<sup>th</sup> day of September , 2017.

ATTEST:

s/s Judy Thompson  
Judy Thompson, City Clerk

s/s Marv Calvin  
Marvin Calvin, Mayor

**RESOLUTION NO. 17-105**

**A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLMAR, MINNESOTA, ACCEPTING  
THE GRANT OF REAL PROPERTY IN WILLMAR, MINNESOTA**

Motion By: Christianson                      Second By: Asmus

WHEREAS, MinnWest Technology Campus Management Company, LLC, a Minnesota limited liability company, ("Grantor"), holds fee title to certain real property located in the City of Willmar, Kandiyohi County, Minnesota, legally described as:

Common Interest Community Number 40, A Planned Community, MinnWest Technology Campus, Unit 32, according to the plat on file and of record in the office of the County Recorder of Kandiyohi County, Minnesota.

(the "Property"); and

WHEREAS, Grantor has stated its intent to quitclaim the Property to the City of Willmar, Minnesota (the "City") for \$1.00 and other good and valuable consideration; and

WHEREAS, A draft Quitclaim Deed has been prepared and is attached hereto as Exhibit A; and

WHEREAS, Minnesota Statutes, Section 465.03 provides that the City may accept a grant of real property and maintain the same for the benefit of its citizens in accordance with the terms prescribed by the Grantor, and that acceptance of such grant is subject to a resolution of the City Council adopted by a two-thirds majority of its members, expressing the terms of the grant in full; and

WHEREAS, Section 4.02 of the City's Home Rule Charter states that no real estate or buildings shall be acquired by the City until the same shall have been submitted to and approved by the City's Planning Commission; and

WHEREAS, The City's Planning Commission reviewed the proposed donation of the Property to the City and approved of the same at its meeting on September 24, 2014.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL THAT:

The City Council hereby: (1) accepts the grant/acquisition of the Property by the Grantor to the City; (2) approves as to form the attached Quitclaim Deed, Exhibit A attached hereto; and (3) authorizes and directs the City Clerk to (a) seek execution of the deed substantially in the form hereby approved and allowing any necessary minor or technical changes, (b) execute such other documentation as is necessary to accomplish the acquisition of the Property by the City of Willmar, and (c) record such executed deed and such other documentation with the Kandiyohi County Recorder's Office and pay such related fees.

PASSED by the City Council of the City of Willmar on this 5<sup>th</sup> day of September, 2017.

ATTEST

s/s Judy Thompson  
Judy Thompson, City Clerk

s/s Marv Calvin  
Marv Calvin, Mayor

**RESOLUTION NO. 17-106**

**A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLMAR, MINNESOTA APPROVING  
A LEASE AND MANAGEMENT AGREEMENT WITH RESPECT TO REAL PROPERTY ON MINNWEST  
TECHNOLOGY CAMPUS**

Motion By: Asmus

Second By: Nelsen

WHEREAS, The City entered into a lease dated March 30, 2010, with MinnWest Technology Campus Management Company, LLC, a Minnesota limited liability company ("**MinnWest**"), pursuant to which the City leased the Building located at 1802 18<sup>th</sup> Street NE on the MinnWest Technology Campus and Business Community ("MinnWest Campus") in the City, legally described as:

Common Interest Community Number 40, A Planned Community, MinnWest Technology Campus, Unit 32, according to the plat on file and of record in the office of the County Recorder of Kandiyohi County, Minnesota.

(the "Property"); and

WHEREAS, the City executed a General Obligation Bond Financed Declaration, dated May 2, 2011, filed April 10, 2012 and recorded with the Kandiyohi County Recorder as Document No. 599793 (the Declaration"), with respect to the Property in which the City indicated it had a leasehold interest in the Property; and

WHEREAS, the City subleased the Property to the Regents of the University of Minnesota ("University"), a Minnesota constitutional corporation, pursuant to a Sublease Agreement dated March 30, 2011; and

WHEREAS, the City, MinnWest and the University have agreed that the purposes for which the Property is used could best be effectuated by the City taking ownership of the Property, directly leasing the same to the University, and retaining MinnWest to manage the Property; and

WHEREAS, The City's Planning Commission considered the proposed donation of the Property to the City and the parties' plans for the Property as described above and approved of the same at its meeting on September 24, 2014; and

WHEREAS, By resolution of even date herewith, the City Council approved the termination of its lease agreement with MinnWest pursuant to which the City leased the Property from MinnWest; and

WHEREAS, By resolution of even date herewith, the City Council accepted the donation of the Property from MinnWest; and

WHEREAS, the City, MinnWest and the University have each reviewed a draft lease agreement between the City and the University, a copy of which is attached hereto as Exhibit A, and a management contract between the City and MinnWest, a copy of which is attached hereto as Exhibit B, and now wish to proceed to approve, execute and implement such agreements; and

WHEREAS, upon accepting the conveyance of the Property from MinnWest, the City will be required to amend its above-referenced General Obligation Bond Financed Declaration to accurately reflect its interest in the Property.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL THAT:

1. The City Council hereby approves the lease agreement with the University attached hereto as Exhibit A, and authorizes the Mayor and City Administrator to execute the same on the City's behalf.
2. The City Council hereby approves the management agreement with MinnWest attached hereto as Exhibit B, and authorizes the Mayor and City Administrator to execute the same on the City's behalf.
3. The City Council hereby approves the Amendment to General Obligation Bond Financed Declaration attached hereto as Exhibit C, and authorizes the Mayor and City Administrator to execute the same on the City's behalf.
4. The City Council hereby authorizes the Mayor and City Administrator to execute such other documentation as is necessary to accomplish the parties' plans for the Property as stated herein and to record any such executed documents with the Kandiyohi County Recorder's Office.

PASSED by the City Council of the City of Willmar on this 5th day of September, 2017.

ATTEST:

s/s Judy Thompson  
Judy Thompson, City Clerk

s/s Marv Calvin  
Marv Calvin, Mayor

**RESOLUTION NO. 17-107**

**RESOLUTION APPROVING SCOPE OF REPRESENTATION FOR SPECIAL  
HEALTHCARE TRANSACTIONS LEGAL COUNSEL**

Motion By: Schwantes

Second By: Mueske

BE IT RESOLVED by the City Council of the City of Willmar that the engagement letter from Kutak Rock LLP (attached hereto) specifying the scope and terms of its representation of the City of Willmar in connection with the proposed affiliation between Rice Memorial Hospital, CentraCare Health, and Affiliated Community Medical Center, including the interests in Willmar Medical Services, is hereby accepted.

The Mayor and/or City Administrator are authorized to acknowledge acceptance of the letter on the City's behalf.

Dated this 5<sup>th</sup> day of September, 2017.

s/s Marv Calvin  
MAYOR

Attest:

s/s Judy Thompson  
CITY CLERK

**RESOLUTION NO. 17-108**

**RESOLUTION APPROVING MEMORANDUM OF  
UNDERSTANDING WITH RICE MEMORIAL HOSPITAL  
FOR REIMBURSEMENT OF ATTORNEYS' FEES**

Motion By: Mueske

Second By: Asmus

BE IT RESOLVED by the City Council of the City of Willmar that the memorandum of understanding with Rice Memorial Hospital (attached hereto) providing for Rice Memorial Hospital's reimbursement of attorneys' fees incurred by the City of Willmar in connection with the proposed affiliation between Rice Memorial Hospital, CentraCare Health, and Affiliated Community Medical Center, including the interests in Willmar Medical Services, is hereby approved.

The Mayor and City Administrator are authorized to execute the memorandum on the City's behalf.

Dated this 5<sup>th</sup> day of September, 2017.

s/s Marv Calvin  
MAYOR

Attest:

s/s Judy Thompson  
CITY CLERK

